



ANDY MANAHAN: WHY REFORMING ENVIRONMENTAL ASSESSMENTS IS A GOOD MOVE FOR ONTARIO

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A guest op-ed by **Andy Manahan, the Executive Director of the Residential and Civil Construction Alliance of Ontario.**

Public policy can be complex at times, but reforming Ontario's environmental assessment system has proven to be an especially daunting task.

When a Toronto Star editorial recently exclaimed "[Environmental Assessment: Another step backward](#)," I felt a strong need to respond as nothing could be further from the truth. The modernization being advanced by the government focuses on improvements which seek to reduce inefficiencies, including duplication with other statutory processes under planning legislation.

Most of the examples provided by the Ministry of Environment, Conservation and Parks (MECP) in [its discussion paper](#) pertain to standard local projects that fall under the Municipal Class EA process. MCEAs apply to the design, construction, operation, maintenance and rehabilitation of a broad range of municipal works such as bridges, roads, water and wastewater systems, flood control measures and recreational paths. Many projects are undertaken to enhance safety. Consultant studies, along with public meetings, often take two years or more to complete before construction can even begin.

As an infrastructure advocate, the Residential and Civil Construction Alliance of Ontario (RCCAO) commissioned research in 2010 that found it took about 19 months to go through the Class EA process. An updated report in 2014 revealed that it was taking longer – almost 27 months on average for the same class of local projects. Part of this was attributed to scope creep where more requirements were being added to the process.

Due to the frustration of promised efficiencies that were never acted upon by a slew of environment ministers over the course of 10 years, RCCAO and the Municipal Engineers Association submitted a joint application for review in early 2017. Then last year, the Ontario Good Roads Association initiated a campaign which resulted in 123 municipal councils across the province passing resolutions in support of Class EA reform.

While there has been a cabinet shuffle, we expect that new Environment Minister **Jeff Yurek** will continue the momentum for change instituted by predecessor **Rod Phillips**. We also expect that there will be a return to a legitimate risk-based system that was implemented over 30 years ago to streamline approvals and rationalize appeal processes.

Additional costs and delay are possible if Section 16 of the Environmental Assessment Act is triggered, which permits a member of the public to request that the project be bumped up to a full EA under the Part II Order regime. Even if this is a local matter such as a bike path, or the bump-up is designed to halt a project for frivolous reasons, all work to approve an infrastructure project comes to a halt until a decision is made by the minister. This takes more time and effort, often borne by small municipalities with tight budgets.

Auditor General **Bonnie Lysyk**'s 2016 value-for-money report found that the minister typically received between 15 and 40 of these bump-up requests per year but that it would take the minister between 265 and 347 days to respond (the ministry's target response time was set at 66 days).

Lysyk further reported that of 116 projects reviewed by the minister, only three were decided upon within the 66-day target. To add insult, the auditor commented on a sample of bump-up requests, finding that in all but one of 116 requests, the ministry director's initial decision on whether to accept or reject a bump-up request "generally resulted in grammatical wording changes or merely restated existing commitments in the assessments." To underscore how antiquated the process is, the file goes up the ladder from the director to the associate deputy minister, then the deputy minister before reaching the minister's office.

RCCAO is in the process of releasing a new report which provides further evidence for modernization based on a set of case studies of Ontario projects that have experienced delays. In one case, emergency repairs were undertaken in 2012 by the Town of Erin to the heritage Hillsburgh Dam and Bridge to mitigate potential downstream property damage if the earthen outlet pipe failed to hold the pond water. Following engineering studies, the Town announced its preferred alternative in December 2016 to rehabilitate the dam and reconstruct the bridge at a capital cost of about \$2.5 million. This notice of study completion was posted 27 months after official study commencement.

An interest group based in the Northern Ontario town of Whitefish objected to the project by submitting a Part II Order request in February 2017. Almost a year later, the minister's office denied the request (January 2018), but imposed conditions to undertake further consultations with the Ministry of Natural Resources and the Credit Valley Conservation Authority regarding contingency plans for extreme weather events. This additional work took another six months.

Municipal Affairs and Housing Minister **Steve Clark** understands the importance of MCEA modernization and championed the More Homes, More Choice Act, passed earlier this month. Schedule 6 of this legislation contains amendments relevant to the Class EA process. While not all sections are in force, one amendment would delegate authority to the director (of the EA branch) to screen Part II Orders and refuse the request if it did not comply with applicable criteria.

RCCAO and the municipal sector support modernization of Ontario's EA program. It is time to eliminate the tremendous overlap and duplication with processes under the Planning Act. Further, with Ontario experiencing more severe weather events such as flooding, a cumbersome and lengthy Class EA process makes it more difficult and expensive to build much needed resilient infrastructure. Process improvements are desperately needed for the timely delivery of municipal projects and we are committed to working with Minister Yurek and MECP staff to implement such improvements to the MCEA system.

To view RCCAO's response to the recent discussion paper, [click here](#).