

RCCAO Comments re Clarifying the authority to change the classes of projects to which a class environmental assessment process applies - ERO Instrument #019-4189

1. INTRODUCTION

The Residential and Civil Construction Alliance of Ontario ('RCCAO') hereby submits its comments and recommendations on the proposals contained in ERO Instrument #019-4189 posted by the Ministry of the Environment, Conservation and Parks ('MECP' or the 'Ministry') regarding the *Environmental Assessment Act* (the "Act"):

2. ABOUT RCCAO

RCCAO is a not-for-profit industry association and a unique alliance of labour and management construction groups that advocates for investment in Ontario infrastructure. Founded in 2005, the RCCAO has commissioned more than 59 independent research reports and 10 videos to help inform decision-makers with a vision of "Constructing Ontario's Future."

As an alliance, RCCAO advances the infrastructure debate in a non-partisan manner on issues such as the Municipal Class Environmental Assessment (MCEA) process which provide recommended courses of action.

3. KEY ISSUES REGARDING THE PROPOSAL

RCCAO notes that the Ministry is proposing amendments to the Act to clarify the authority to make changes to the classes or types of projects of which a Class EA applies, under sections 15.1.4 and 15.4 of the Act. It is also RCCAO's understanding that Schedule 10 of Bill 13, *Supporting People and Businesses Act, 2021*, which received First Reading in the Legislature on October 7, 2021 sets out the amendments to achieve the desired clarification, through the addition of the following subsections 1(5) and 1(6) to the Act:

Same

(5) An amendment to an approved class environmental assessment made under section 15.1.4 or subsection 15.4 (1) may include a change to the definition of the class of undertakings to which the approved class environmental assessment applies, and, in particular, the amendment may include adding or removing a class.

Same

(6) Subsection (5) applies, with necessary modifications, to an amendment to an approval of a class environmental assessment made under section 15.1.4.

A. RCCAO Comments re Proposed subsection 1(5) of the ACT

RCCAO commends the Ministry for putting a clarification for the authority of the regulation making powers of the Lieutenant Governor in Council under subsection 15.1.4 of the Act, and the Minister's powers to amend an approved class environmental assessment under subsection 15.4 of the Act. RCCAO encourages the Ministry to post any proposed changes under either section 15.1.4 or 15.4 through the Environmental Registry of Ontario and through Ontario's Regulatory Registry for

**RCCAO Comments re
Clarifying the authority to change the classes of projects to which a
class environmental assessment process applies - ERO Instrument
#019-4189**

stakeholder comments prior to exercising such powers and/or authority. It is RCCAO's position that if any of the proposed changes are related to the Municipal Class, that the Municipal Engineer's Association and the RCCAO should be recognized as key stakeholders.

B. RCCAO Comments re Proposed subsection 1(6) of the ACT

RCCAO commends the Ministry for putting a clarification for the authority of the regulation making powers of the Lieutenant Governor in Council under subsection 15.1.4 of the Act for an amendment to an approval of a class environmental assessment. RCCAO encourages the Ministry to post any proposed amendments under section 15.1.4 through the Environmental Registry of Ontario and through Ontario's Regulatory Registry for stakeholder comments prior to exercising such powers and/or authority. It is RCCAO's position that if any of the proposed changes are related to the Municipal Class, that the Municipal Engineer's Association and the RCCAO should be recognized as key stakeholders.

4. CONCLUSIONS

Overall, RCCAO is generally supportive of clear legislative language and it appreciates that ERO Instrument #019-4189 represents an opportunity to provide comments to the Ministry before a decision is made.

RCCAO is looking forward to continuing engaging with the Ministry as work on modernizing the environmental assessment process evolves. We are particularly interested in the upcoming proposed comprehensive EA project list regulations that will be subject to the Streamlined Environmental Assessment provisions of the amended Environmental Assessment Act. RCCAO would highlight the importance of a long opportunity to review and comment on the proposed list of projects, given the potential impact on municipal infrastructure and other key projects across the province.

End of Submission