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A Battle for the Integrity of the Ontario Environmental Protection Legal System Looms

Toronto, ON, May 5th, 2021. Lawyers for Earthroots and their allies will present themselves before Ontario's Divisional Court from May 17-20 asking the justices to hold the provincial government accountable for ignoring its responsibilities under the Environmental Bill of Rights.

Gord Miller, Environmental Commissioner of Ontario from 2000 to 2015 and current Chair of Earthroots says, "The Environmental Bill of Rights (EBR) is the keystone piece of legislation which has held the entire provincial system of environmental protection legislation together since 1994. The government must respect that law or our natural heritage will be eroded and lost."

In recent years, the Ford government has been eroding and restructuring protections in environmental legislation piece by piece. They got away with eliminating provisions set out in the class environmental assessment for forestry and they dropped the requirement for forestry operations to comply with the Endangered Species Act.

Then they got even bolder and proceeded to pass Bill 197 which implemented a grab bag of changes to the Environmental Assessment Act and the Planning Act. However, while doing so, the government made a serious blunder. Bill 197 was not posted on the EBR registry. As such, the public was not notified in advance of what was proposed and they were unable to submit comments and have those comments properly considered in the final decision.

A posting on the EBR registry may sound like a minor procedure but it is required by law for good reason. Earthroots and others have used the registry mechanism for over 25 years to alert the public of controversial government proposals, promote public participation in the consultation process and, where necessary, organize activism to change or challenge bad proposals that threaten environmental protection. Without the EBR registry, governments could (and would) quietly slip radical and detrimental changes to conservation rules through the legislature.

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Earthroots has been joined by the Canadian Environmental Law Association, the Federation of Ontario Naturalists, a concerned indigenous person, Michel Koostachin and an Ontario youth, Cooper Price in a suit against the Ontario government seeking to minimize the impacts of Bill 197 on public participation in environmental planning in Ontario.