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**Official Report
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(Hansard)**

Wednesday 20 November 2013

**Journal
des débats
(Hansard)**

Mercredi 20 novembre 2013

**Standing Committee on
Regulations and Private Bills**

**Comité permanent des
règlements et des projets
de loi d'intérêt privé**

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LEGISLATIVE ASSEMBLY OF ONTARIO

**STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLS**

Wednesday 20 November 2013

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**COMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
D'INTÉRÊT PRIVÉ**

Mercredi 20 novembre 2013

The committee met at 0900 in committee room 1.

SUBCOMMITTEE REPORT

The Chair (Mr. Peter Tabuns): The Standing Committee on Regulations and Private Bills will now come to order. We are here for public hearings on Bill 6, An Act to protect and restore the Great Lakes-St. Lawrence River Basin. Members of the committee, please note that written submissions received are on your desks.

Our first item of business is the subcommittee report, dated November 18, 2013. Mrs. McKenna, would you read that?

Mrs. Jane McKenna: Your subcommittee on committee business met on Monday, November 18, 2013, to consider the method of proceeding on Bill 6, An Act to protect and restore the Great Lakes-St. Lawrence River Basin, and recommends the following:

(1) That the committee meet in Toronto to conduct public hearings on Wednesday, November 20, 2013.

(2) That the Clerk of the Committee post information regarding the hearings on the Ontario parliamentary channel and the Legislative Assembly website.

(3) That witnesses be scheduled on a first-come, first-served basis.

(4) That witnesses be offered up to five minutes for their presentation and any remaining time be used for questions from committee members on a rotational basis.

(5) That the deadline for written submissions be Friday, November 22, 2013, at 4 p.m.

(6) That the deadline for filing amendments to the bill with the Clerk of the Committee be Monday, November 25, 2013, at 12 noon.

(7) That the committee meet for clause-by-clause consideration of the bill on Wednesday, November 27, 2013.

(8) That the Clerk of the Committee, in consultation with the Chair, be authorized prior to the adoption of the report of the subcommittee to commence making any preliminary arrangements to facilitate the committee's proceedings.

The Chair (Mr. Peter Tabuns): Thank you. Any discussion?

All those in favour? Opposed? I declare the motion carried.

GREAT LAKES PROTECTION ACT, 2013

LOI DE 2013 SUR LA PROTECTION
DES GRANDS LACS

Consideration of the following bill:

Bill 6, An Act to protect and restore the Great Lakes-St. Lawrence River Basin / Projet de loi 6, Loi visant la protection et le rétablissement du bassin des Grands Lacs et du fleuve Saint-Laurent.

ECOJUSTICE

The Chair (Mr. Peter Tabuns): Presenters: Many of you have rearranged things to make it here this morning. I want to do everything I can to ensure that everyone gets in for their five minutes. You will be given a warning at the one-minute point, and at five minutes, I'll be moving on to the next person.

I'll be calling first, from Ecojustice, Anastasia Lintner, staff lawyer. You have up to five minutes for your presentation, and if you would state your name for Hansard.

Ms. Anastasia Lintner: Thank you, Mr. Chair. Members of the standing committee, I'm Anastasia Lintner, staff lawyer and economist for Ecojustice. I appreciate the opportunity to speak to Bill 6, the proposed Great Lakes Protection Act.

Existing legal tools and past successes to improve water quality—and here I am thinking specifically about efforts to address eutrophication in Lake Erie in the 1980s—have not been sustained. Three of Ontario's four Great Lakes are in decline.

The solutions are not going to be simply tightening standards for end-of-pipe water quality. Adaptive solutions to complex problems, such as the cumulative stresses that are increasing the frequency and intensity of algal blooms not only in Lake Erie but also in waters throughout the Great Lake-St. Lawrence River watershed, are urgently needed. That is why Ecojustice supports Bill 6 and the new tools that will fill gaps in existing law and policy that it will enable.

As has been stated, I'm Anastasia Lintner. Ecojustice is a non-profit charitable organization of passionate individuals committed to protecting the health of our environment for our fellow Canadians. Ecojustice has been working with Environmental Defence, the Canadian

Environmental Law Association and Ducks Unlimited Canada to informally steer the Great Lakes Protection Act Alliance. You should now have before you a copy of submissions authored by our four organizations. There isn't time to go through the entire submission. I trust that you will consider it carefully in your deliberations.

I will, however, bring your attention to our recommendations at the top of page 6. At the top of page 6, we're addressing one of the tools in the proposed bill around targets. We believe that the use of this new tool cannot be left to the discretion of the Minister of the Environment. For urgent threats to our fresh waters that are being faced now, and for which existing legal and policy tools are no longer adequate, targets must be established. We propose mandatory targets to be established in a specified time frame and that there be at least one target for each of the detailed purposes outlined in section 1(2).

If you'll note, what my very general overview of what those five purposes includes is human and ecological health, protection and restoration of coastal areas, protection and restoration of biodiversity, advancing science to address the new complexities that we're facing, and environmentally sustainable economic opportunities.

With that, I'll reiterate our support for Bill 6 and will take any questions for my remaining time.

The Chair (Mr. Peter Tabuns): Okay. Do we have any questions? First to the opposition.

Mr. Michael Harris: Sure. Thank you for coming in this morning. You talked about the existing tools that the government potentially isn't using. I don't know if you want to mention some of those tools that they have, actually, at their disposal yet fail to use.

Ms. Anastasia Lintner: We have sent a letter to the Ministry of the Environment around a number of things that we think could be done better, particularly around the water-taking program. If the committee is interested, I can forward that letter.

There are a number of tools that could be used—for example, phasing in all of the water charges that are enabled by existing legislation—and that would give us a financial basis on which to ensure we are using all the tools effectively, as well as bringing in regulations for intra-basin transfers to fulfil an obligation that we have internationally.

Mr. Michael Harris: Throughout Bill 6, do you see any specific tools that are actually within Bill 6, as it is now, that the government could be using? I don't know if you want to draw on any specifics on Bill 6.

Ms. Anastasia Lintner: Well—

The Chair (Mr. Peter Tabuns): One minute left.

Ms. Anastasia Lintner: Thank you. Here's what I am concerned about: The existing tools, to the extent that we can use them fully, will not address some of our more complex problems. This bill would enable tools that may not exist everywhere in the basin, particularly some tools that the conservation authorities might have which won't be covering the whole basin. From that perspective, it's enabling legislation. The tools I would assume our

government would choose would be the best one for each situation.

The Chair (Mr. Peter Tabuns): Thank you very much.

ENVIRONMENTAL DEFENCE

The Chair (Mr. Peter Tabuns): Our next presenter is Environmental Defence, and Nancy Goucher. You have five minutes, and if you'd just state your name for the purposes of Hansard.

Ms. Nancy Goucher: Okay, thanks. Thanks for having us here. My name is Nancy Goucher, and I'm the water program manager at Environmental Defence.

Environmental Defence is an environmental action organization. We try to inspire change in businesses and governments to promote healthier, greener, more prosperous lives for people. Environmental Defence is also part of the Great Lakes Protection Act Alliance, which Ana just introduced, so we're a co-author of the written submission that she has submitted.

The Great Lakes Protection Act is a big part of my job, as it's a big part of our campaign regarding safeguarding the Great Lakes. I've been talking with people about this act for the last few months and getting a good sense of where people stand on this.

Before I get into my three takeaway messages, I just wanted to highlight that there is one slight error or oversight in our submission. We mentioned that there were two First Nations-related amendments that we recommended. It's actually just one.

While we're on that topic, I just want to mention that we endorse any sort of First Nations recommendations related to adding to the purpose of the act around advancing science. So we suggest advancing science and promoting traditional ecological knowledge. I can get you guys the wording of that at a subsequent date.

My three takeaway messages are that there is broad support for provincial action on the Great Lakes. On Friday, we're going to hand in a revised submission with a whole list of endorsements of organizations, and you're going to see that there's a wide variety of groups who are supporting our submission, from small local groups like the York Region Environmental Alliance, and environmental groups like the Canadian Association of Physicians for the Environment.

0910

There are also a number of municipalities who are supporting the Great Lakes Protection Act. Formal municipal motions have been passed in Toronto, Hamilton, the agricultural community of Norfolk and the Georgian Bay communities of Blue Mountains and Owen Sound. I think what this indicates is that there's a range of support for the act moving forward, and that people understand that some provincial regulations are needed to build on the grassroots movement.

The second point that I want to make is that this bill needs to allow grassroots groups to advance Great Lakes protections in their own community. There's a ground-

swell of interest. People care about this issue. The success of the act is going to depend on whether or not the groups will have the ability to actually implement it. We know that it's the government's intent to make this a grassroots-based bill; we just want to see it explicitly stated in the bill.

That brings me to my third point, which is our recommendations regarding public involvement. These are outlined on page 12 of our submission, so you can see the exact wording there. But basically we're asking for clarification around where and how the public can engage on this bill. We want to see that in two ways. One is through new sections that allow people to request GFIs, targets and performance measures. I know that the bill currently enables this, but we want to see this explicitly stated so that the public also knows that they can engage.

Second, before GFIs and targets are approved, we want the minister to seek public input. This is really the nitty-gritty of the bill. This is where it's going to come to play, so we think it's really important to get public buy-in at that point.

The Chair (Mr. Peter Tabuns): You have a minute left.

Ms. Nancy Goucher: Okay. I'll just end it there. Any questions?

The Chair (Mr. Peter Tabuns): Okay. The third party: Mr. Schein, do you have any questions?

Mr. Jonah Schein: Thanks for coming in and for the good work that you've done to put together your presentation. We have a strong strategy in place, but I want you to comment, if you would, on the difference between the strategy document and the legislation and if the legislation will actually realize the strategy that we have.

Ms. Nancy Goucher: In our submission, we also do talk about the connection between the strategy and the act. We feel that the strategy has done a lot to outline the goals, priorities and how we can move forward. The act is a really important piece of that because it starts to legislate action and ensure that we're going to be able to continue working on the Great Lakes even if priorities in government change—that the act gives us a bit more guarantee that this remains a focus for the government. These problems that we're facing in the Great Lakes are not going to be solved overnight; they're going to take a long-term—

The Chair (Mr. Peter Tabuns): Ms. Goucher, thank you. Thank you very much.

ONTARIO HEADWATERS INSTITUTE

The Chair (Mr. Peter Tabuns): Our next speaker: Ontario Headwaters Institute. Mr. McCammon, as you know, you have five minutes. I'll warn you at one minute. Thank you for making it here today.

Mr. Andrew McCammon: Thank you very much, Mr. Chair. My name is Andrew McCammon. I'm with the Ontario Headwaters Institute. Headwaters are where all the streams start and are important to all receiving

bodies of water, including the Great Lakes, because they host the bulk of the biodiversity and all of the biota, nutrients and phosphates which generally go downstream and are the basis of the food chain. So even though you might not think headwaters are important to the Great Lakes, please understand that we think that they are.

We consider this draft bill a white paper that should be withdrawn. I have four points.

First of all, if you read the first sentence of the preamble, it is strictly inaccurate. We do not live in the largest freshwater ecosystem on the planet. It's shocking that a government could make a statement like "the largest bookstore in the world." Any simple search of geographical information will show you that we are the 34th-largest ecosystem in the world, and the fourth in Canada. We're not even the largest in Canada. To lead with that kind of a misstatement is branding which is inappropriate.

Secondly, the detail in the bill is very disturbing. The Headwaters Institute signed one of the submissions from the Great Lakes Protection Act Alliance. I stopped counting amendments at 136. I think that requesting 136 amendments is extraordinarily faint praise for a document. We think they should all be accepted, which is why we signed it, or none; we don't want to play games prioritizing our top 10. The bill is inadequate and should be redrafted.

Thirdly, the real issue is that the bill does nothing to address the great need to shift Ontario to integrated watershed management. It is another complex band-aid addressing a priority that we agree—and we've supported the IJC and the Great Lakes for many, many years. But this bill does nothing to address the problems from the fact that we have a 20-year-old document on watershed management in this province that has never been updated while the ministry has refused to shift to IWM and offer a constructive framework to implement that at conservation authorities.

There are huge gaps in the PPS performance measures for anything of aquatic interest in Ontario—I'll leave it at that. Sorry, that's an obtuse point; I apologize. And issues with policy and implementation gaps with the Conservation Authorities Act—I could go on and on about those problems.

Finally, I look at this bill, and I think it's going to take 10 years to figure out how to implement it. Who's going to do what? The one-window approach is not working in MMAH with respect to the provincial policy statement, and the tutelage of MOE, I suspect, will not work with respect to protection of the Great Lakes. It will take 10 years to sort out who's on first, who's doing what and where the budgets are, while we are pillaging MNR and reducing our capability to actually do monitoring. Meanwhile, groundwater, headwaters, IWM and everything else that's meaningful in this province will be sacrificed to the huge effort that will be required to fix this bill. I urge you to withdraw it and ask for a proper approach to the Great Lakes that embraces integrated watershed management.

The Chair (Mr. Peter Tabuns): Thank you, Mr. McCammon. The government: Mr. McNeely.

Mr. Phil McNeely: Thank you, Mr. McCammon, for coming in. I just have a few questions. We don't have much time, so I'll just go to the targets that are a big part of this. Do you feel that setting measurable targets and tracking performance to achieving targets is important?

Mr. Andrew McCammon: Yes, sir, extremely important.

Mr. Phil McNeely: Is it well covered in this legislation?

Mr. Andrew McCammon: I don't believe there's any indication of implementation measures. Performance measures were promised for the PPS review that started in 2010 and is ongoing, and there are no performance measures. We're going into the 2015 review of the Greenbelt Act. I've asked the ministry for a status report on performance measures. It has not been forthcoming. Putting performance measures in a bill has nothing to do with budget estimates and resources to do it. The big problem I see is that MOE does not have the capacity, while we are cutting back MNR significantly. It's absolutely silly. Is MOE going to rehire the people that MNR is going to fire? There's no plan here. It is greenwashing to talk about performance measures without having the system in place to do them.

Mr. Phil McNeely: I still have a minute?

The Chair (Mr. Peter Tabuns): Yes.

Mr. Phil McNeely: How could the province have structured the Great Lakes Guardians' Council to involve the Great Lakes partners to identify priority actions for the protection of the Great Lakes?

Mr. Andrew McCammon: I think that's a whole other five minutes—

The Chair (Mr. Peter Tabuns): And unfortunately, you have five seconds.

Mr. Andrew McCammon: I think that some of my colleagues in the Great Lakes Protection Act Alliance, whom I admire tremendously, have made significant suggestions with respect to the guardians' council and the strategy. We signed on to that document. We approve of those suggestions. The problem is those details are being lost.

The Chair (Mr. Peter Tabuns): Thank you very much.

Mr. Andrew McCammon: Thank you all very much.

CONSERVATION ONTARIO

The Chair (Mr. Peter Tabuns): Our next presenter is Conservation Ontario. You have five minutes to present. If there's any time left over, questions will be asked. I'll give you a one-minute signal. Please give your name for Hansard.

Ms. Kim Gavine: Good morning, respected members. My name is Kim Gavine, general manager with Conservation Ontario. Thank you very much for this opportunity this morning. Conservation Ontario strongly supports the purpose of the proposed Great Lakes Protection Act to

protect and restore the ecological health of the Great Lakes-St. Lawrence River basin and to create opportunities for individuals and communities to become involved in its protection.

0920

Conservation authorities, as public bodies under the act, are pleased to see that it builds off and enhances existing tools, programs and models. The following comments focus on four key issues that are intended to strengthen the Great Lakes Protection Act.

(1) Integrated watershed management approach: Integrated watershed management enables a suite of interconnected issues to be addressed collectively and efficiently. The proposed Great Lakes Protection Act enables this type of integrated approach. However, to ensure that the act is implemented in a truly integrated manner, it must be coordinated with other provincial legislation and it must facilitate collaboration.

It is recommended that a clause be added under part VI to ensure that the development of geographically focused initiatives is well coordinated with complementary provisions in other provincial legislation.

In addition, it is suggested that subsection 32(2) be amended to include a requirement for the sharing of data necessary to deliver on geographically focused initiatives, and that part IV, target setting, include a similar requirement.

(2) The Great Lakes Guardians' Council: Part II of the act establishes a Great Lakes Guardians' Council. The council has the potential to provide a transparent and accountable decision-making framework, but is currently loosely defined in the act, with members varying from meeting to meeting.

Proposed changes would be as follows: To enable commitment, accountability and continuity in the decisions made by the Great Lakes Guardians' Council, Conservation Ontario recommends that part II of the act be amended to include a defined group of core members, with terms of reference and procedures allowing for additional members as needed. Due to their unique perspective as watershed managers and their role as public bodies, representatives of conservation authorities should be included as core members.

(3) Funding: To ensure the implementation of activities under the Great Lakes Protection Act is successful, a clear and efficient plan for funding these activities is required. It is suggested that amendments be made so that a proposal for an initiative (part V, section 11), an initiative (part VI, section 19) and target setting (part IV), should each include a statement of the funding required, along with partner contributions. These activities could hold significant financial and human resource implications for the public bodies involved, and funding could be a major constraint to success.

(4) Responsibilities of public bodies: Source protection authorities and source protection committees are identified as public bodies with responsibilities under parts IV, V and VI of the act. However, source protection authorities and committees are not incorporated under the

Clean Water Act or any other legislation. This means these organizations will be unable to undertake these responsibilities.

Proposed changes: Accordingly, Conservation Ontario strongly recommends that source protection authorities and committees be deleted from the definition of public bodies under part I, subsection 3(1).

The Chair (Mr. Peter Tabuns): You have one minute left.

Ms. Kim Gavine: Thank you. Conservation Ontario wishes to thank the standing committee for the opportunity to submit comments on the proposed Great Lakes Protection Act. The conservation authorities look forward to assisting the province in achieving Great Lakes protection through providing support and advice and serving as operational science-based delivery agents.

Thank you very much.

The Chair (Mr. Peter Tabuns): Thank you. A brief question from the opposition.

Mr. Michael Harris: Thank you for presenting today. A question for you: Would the Great Lakes Guardians' Council just complicate the work that conservation authorities are currently doing already?

Ms. Kim Gavine: Sorry?

Mr. Michael Harris: Would the guardians' council within Bill 6 just complicate the work that the conservation authorities are currently doing now?

Ms. Kim Gavine: No, I don't think it would complicate the work. I think that there's an opportunity for it being complementary of one another. The conservation authorities have partnerships with many different sectors, be it other not-for-profit organizations, municipalities being a key partner, and other groups doing work. They work well together already, and I think there's a big opportunity for continuing that.

The Chair (Mr. Peter Tabuns): Thank you very much for your presentation.

Ms. Kim Gavine: Thank you.

GREAT LAKES AND ST. LAWRENCE CITIES INITIATIVE

The Chair (Mr. Peter Tabuns): Our next presenter is the Great Lakes and St. Lawrence Cities Initiative. As you've heard, you have five minutes. If you'd give us your name for Hansard.

Ms. Nicola Crawhall: Good morning, Mr. Chair and members of the standing committee. My name is Nicola Crawhall and I'm the deputy director of the Great Lakes and St. Lawrence Cities Initiative, a coalition of 110 Canadian and American mayors representing over 16 million people across the basin.

The cities initiative is supportive of Bill 6, the Great Lakes Protection Act. It's vital that complex problems on the Great Lakes that are not easily addressed through command-and-control regulation are addressed through collaborative action, and the legislated process outlined in Bill 6 would serve as an important means to enable this collaboration.

In establishing this legislative framework, the province has introduced authority that would ultimately allow the minister to approve geographically focused initiatives that could require significant financial and operational commitments from municipalities. The amendments that I will propose to you today would serve to make transparent these costs and responsibilities, and would ensure that municipal councils that are identified have an opportunity to comment on their ability to meet these new costs and responsibilities.

To ensure transparency, we propose an amendment under part VI, section 15, requiring the public body responsible for developing an initiative to include a comprehensive assessment of costs to implement and enforce the initiative, and to identify which parties will incur these costs and responsibilities. Secondly, under section 9, part V, which requires that the minister release a summary of the scope of a GFI before a proposal is developed, an amendment is needed that requires that the government undertake a preliminary assessment of costs there as well.

Armed with this information, municipalities will then be able to provide informed comment on the initiative when it is close to being finalized. It's important that this step be formalized, as it is in the Clean Water Act. To do so, an amendment is needed under part VI that requires that the minister seek a resolution of each municipal council in the geographic area that indicates its comments or concerns with the proposed GFI before the minister approves the initiative.

More than simply being consulted as the GFI is under development, this step will allow a municipal council to provide comment that will shape the final decision of the minister. This type of clause is included in the Clean Water Act, and has been valuable in soliciting informed municipal comment on source protection plans developed under the act.

I have a number of other proposed amendments in this submission that we'll submit to you in writing, but I think I'll end there and just ask if members of the committee have any questions.

The Chair (Mr. Peter Tabuns): Thank you very much. The third party: Mr. Schein.

Mr. Jonah Schein: Thanks for coming in. We've already heard from a couple of people here today about the lack of resources available to actually fulfill our objectives. From a municipalities perspective—clearly you don't have the information in front of you at this point—what would you say is the capacity of the municipalities you represent and work with to actually contribute to a plan at this point?

Ms. Nicola Crawhall: The intent of this legislation is to create a bottom-up, collaborative process. So if we have faith in the process that the municipalities and the government and all the other people who will be impacted by the plan will come together and say, "Here is what we can provide. Here is what we can contribute"—that is why this cost analysis and the identification of those who will be responsible for implementing the plan

is so important—that is the point at which we can assess who can provide what and who can bring what to the table.

Mr. Jonah Schein: Do you think the existing process that's being outlined is workable? We heard somebody else say that it might take 10 years for things to fall into place.

The Chair (Mr. Peter Tabuns): One minute left.

Ms. Nicola Crawhall: You'll see in the comments we submit on Friday that we do suggest there be a time limit, when the plan arrives on the minister's desk, and that he or she be given nine months to make a decision. I think that will keep it tighter than 10 years, for sure.

Mr. Jonah Schein: Thank you very much.

The Chair (Mr. Peter Tabuns): Thank you. The government: a brief question.

Mr. Phil McNeely: Your organization has championed the need for—just a second here; I moved ahead—increased efforts to protect the Great Lakes. Do you think the proposed legislation, on the whole, is a positive step in protecting the Great Lakes?

Ms. Nicola Crawhall: I do. As I mentioned in my introductory comments, the command-and-control regulatory approach can focus on point sources like sewage treatment plants and industry, but what we're finding now is that the Great Lakes are affected by what are called non-point sources. That means you need collaborative action right on the ground, and this is what this process that's established under Bill 6 would establish in Ontario.

The Chair (Mr. Peter Tabuns): Thank you, Ms. Crawhall.

Ms. Nicola Crawhall: Thank you, Mr. Chair.

REGISTERED NURSES' ASSOCIATION OF ONTARIO

The Chair (Mr. Peter Tabuns): Registered Nurses' Association of Ontario. Mr. Jarvi, if you'd have a seat. Welcome. As you know, you have five minutes, with a one-minute notice.

0930

Mr. Kim Jarvi: Good morning. My name is Kim Jarvi. I'm the senior economist with the Registered Nurses' Association. With me today is Reena Ahluwalia, who is representing the Ontario Nurses for the Environment Interest Group. It's an interest group of RNAO.

RNAO is the professional association representing RNs in all settings and roles across Ontario. We thank the standing committee for giving us the opportunity to present our views on Bill 6, the Great Lakes Protection Act.

RNAO welcomes the introduction of Bill 6, and we welcome any measures to strengthen environmental protection under the bill. As an aside, I will thank the Headwaters deputation for injecting a sense of urgency into the proceedings here. RNs do understand the strong link between environment and health as part of RNAO's

mandate to advocate for healthier communities via healthier environments.

You have before you our submission. Given the shortness of my time, I'm going to jump straight to an abbreviated version of our recommendations.

First, we agree with the purposes of the bill, which are in part to protect human health and well-being through the protection and restoration of the ecological health of the Great Lakes-St. Lawrence River basin. One essential step to do that is to significantly reduce pollution. It's imperative to explicitly put pollution reduction into the act, supported by necessary regulatory tools, as suggested in the regulations to section 1(2)1 and schedule 1 in our submission.

Second, targets are necessary to realize pollution reduction, and they must be associated with timelines, as per our submission's amendments to section 8(1). To effect significant change, targets must be ambitious.

Third, our submission adds supporting amendments calling for the adoption of environmental decision-making principles, as articulated in Ontario's Great Lakes Strategy; it's a companion document. It also calls for a strengthening of accountability and maximizing access to consultation. RNAO believes that transparency, accountability and an informed, engaged public are important protectors of environmental health.

In the above amendments, we adopt, or we support, language from the Bill 6 submission of the Great Lakes Protection Act Alliance. The first two deputationists are co-signatories, or members, of that alliance. We support the GLPAA package of recommendations; it's an extensive one. They are consistent with the spirit and intent of the bill. We urge you to consider them carefully.

In conclusion, by the bill's own reckoning, the Great Lakes are in decline. Ontario needs to become a bigger part of the solution. The bill can truly be a Great Lakes Protection Act if it can function as a pollution reduction tool.

We thank you very much for the opportunity to present our recommendations on Bill 6, and we stand ready to answer any questions.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Jarvi. Questions, to the government: Ms. Cansfield.

Mrs. Donna H. Cansfield: Thank you very much for coming in and participating in this forum. It's interesting: When we look back, typically we've only had environmental groups, and it's refreshing to know that there are others who take this as seriously as we do and that it isn't just about one part; it's a responsibility for all of us to get engaged in this issue. My question to you, as we move forward—

The Chair (Mr. Peter Tabuns): One minute.

Mrs. Donna H. Cansfield:—how do you actually see the province asking you to participate in the different processes in this bill?

Mr. Kim Jarvi: We do have recommendations here that we echo on the public consultations. In our submission, we also speak to movement in other areas. We're engaging with the Ministry of the Environment on

the matter of toxics reduction. Right now, the process is somewhat stalled. We see this bill as being a way to advance toxics reduction, but the Toxics Reduction Act is another tool that has the potential to have a major effect. We would really like to see that bill completed, all the sections in the bill completed, and then some supporting action as well.

Mrs. Donna H. Cansfield: Thank you.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Jarvi.

Mr. Kim Jarvi: Thank you very much for the question.

DUCKS UNLIMITED CANADA

The Chair (Mr. Peter Tabuns): We go to our next presenter, Ducks Unlimited. As you've heard, you have five minutes to present. I'll give you a warning at the one-minute mark. If you'd introduce yourselves for Hansard.

Mr. Owen Steele: Mr. Chair and members of the committee, good morning. My name is Owen Steele, and I'm the head of conservation programs for Ducks Unlimited Canada here in Ontario. With me today I'm joined by Kevin Rich, who is a member of our policy team with Ducks Unlimited Canada.

In this brief presentation, I'd like to walk you through some of the history and work that Ducks Unlimited Canada has done in the Great Lakes. I'd also like to share comments with you on how you can strengthen the Great Lakes Protection Act, and, thirdly, share with you our rationale for the recommended amendments that we'll put forth.

We're extremely proud to be here. This year, we're celebrating our 75th anniversary. Our mission is to conserve, restore and manage wetlands and associated habitats for the benefits that they provide to waterfowl, other wildlife and to people. Thanks to our efforts and the efforts of our 30,000 supporters and partners, we've been able to conserve 953,000 acres—almost a million acres of habitat under our stewardship—protecting it for the people of Ontario.

We're very proud of our work here in the Great Lakes basin and on the US and Canadian sides through the groundwork and the policy initiatives, including key roles with the Eastern Habitat Joint Venture, which is part of an international plan by government and non-government partners to conserve habitat for North America's waterfowl, and also with the Great Lakes Protection Act Alliance, of which we are a proud participant.

As a trusted government partner, we also recently signed a 15-year MOU with the Ontario Ministry of Natural Resources to advance the conservation of Ontario's wetlands. Ducks Unlimited Canada enthusiastically supports the passage of the Great Lakes Protection Act. Not precluding deliberation of this committee, we believe that the legislation can be strengthened. How? By amending the act so that it includes a commitment to the establishment of a target to conserve Great Lakes wetlands.

Targets are commonplace in regulations or in other planning documents, and we recommend that the legislation reflect this need. An opportunity like Bill 6 comes along seldom, certainly seldom in my career, and perhaps just once in one's lifetime. Committee members, you have the opportunity, after the hearing closes today, to recommend changes. I urge you to recommend an amendment that states that a wetland conservation target or targets be established within 24 months of the day the bill comes into effect. In our opinion, this amendment could fit logically in section 8 of the bill, which deals with targets.

Why do we need wetland conservation targets? We think the evidence is clear: Policies currently set forth to protect wetlands are not doing their job. Further delays in putting wetland targets in place will only cause further wetland losses and degradation. Target-setting in the bill specifically for wetlands will certainly protect the ecological integrity of the Great Lakes and will also provide government and society a clear focus and goals to strive for and markers to help us evaluate progress—successes—that can be made through our joint efforts.

The Chair (Mr. Peter Tabuns): You have a minute left.

Mr. Owen Steele: They also will ensure greater transparency and accountability.

Thank you for the opportunity to present to committee today and for your efforts in ensuring that Ontario's Great Lakes and their wetlands are protected and restored for future generations to come.

The Chair (Mr. Peter Tabuns): Thank you. Questions from the official opposition: Mr. Harris?

Mr. Michael Harris: Yes. Thanks for coming in today. We, of course, agree that we should protect our wetlands, but how would you propose balancing wetland protection with property owners' rights?

Mr. Owen Steele: Right. That's a good question. We realize that we have lost 72% of our historic wetlands, and we continue to lose wetlands annually: 3,500 hectares per year. But some of those wetland losses are unavoidable, and in that regard we call for a no-net-loss approach, which includes a compensation component to deal with some of those unavoidable losses that you are referring to.

Mr. Michael Harris: All right. Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much.

WELLINGTON WATER WATCHERS

The Chair (Mr. Peter Tabuns): Our next presenter will be Wellington Water Watchers, who are on teleconference: Mike Nagy. We're set to go on that?

Mr. Mike Nagy: Yes. Hi, it's Mike Nagy, chair of the Wellington Water Watchers. Thank you very much for the opportunity to speak today. Can everyone hear me okay?

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The Chair (Mr. Peter Tabuns): We can hear you clearly, Mike. Just to let you know, you have five

minutes, and I'll give you a warning at the one-minute mark.

Mr. Mike Nagy: Thank you. My comments will be relatively brief.

Just quickly, about us, we're a community-based organization and an official not-for-profit based out of Guelph and Wellington. We're a very effective small group which believes that not just the status quo of water protection is required, but enhancement and improvement of water quality is vital. We've done many projects, and our focus is primarily on the Grand River watershed, which obviously drains into Lake Erie, and all the tributaries and ecosystems associated with that.

We've also signed onto the alliance letter with the Canadian Environmental Law Association, Ducks Unlimited, Ecojustice and Environmental Defence, which you'll be receiving soon, so I'm not going to duplicate the comments that are in there. However, we just want to emphasize several aspects with regard to the bill, which we're in general support of. I reiterate my colleague's comments from Ducks Unlimited: This is a very rare opportunity, and we really urge you to endorse this.

We believe that meaningful and legitimate stakeholder engagement is required—this is very important as we are a grassroots, community-based organization—because stakeholders in their geographic area really know what's going on more than a ministry or more than other areas, in some cases, and public engagement needs to be empowered in a meaningful way. When they're doing volunteer hours and working on items, this needs to be taken into account. This opportunity for designated public bodies is very exciting to us. Whereas the Wellington Water Watchers has always taken a very professional approach to water protection, perhaps that's a mechanism that would be open to us: to be an empowered body to take on initiative. We think that having community-based initiatives is very important.

We very much believe in the watershed ecosystem approach of the bill. This is something that we've been asking for for a long time, because the Great Lakes are not an isolated, static body of water. Obviously, the quality that they have is totally reliant upon the quality of the ecosystems which are feeding them.

Primarily, however, we want to make sure that the decision-making principles are actually legislated into the bill and enshrined so that they are reflected right in the bill itself as sort of obligatory, because the main focus of our group also has always been the precautionary principle. If it had been applied in many of the projects that we've worked on, a lot of time, government money and everybody else's time could have been saved. The precautionary principle is something that's become a bit of a window-dressing item throughout society now, so we'd love to see those principles actually enshrined into the bill.

That's basically what I have to say. We believe that this bill brings forward a lot of new tools and approaches that can address water quality and specific issues. We want the good work that has been done through the strategies development to be reflected in the bill as well.

Thanks so much. Those are my comments.

The Chair (Mr. Peter Tabuns): Thanks, Mr. Nagy. Questions to the third party. Mr. Schein, do you have any questions?

Mr. Jonah Schein: Thanks, Mike. Thanks for your presentation. I appreciate your enthusiasm for this. I'd like to hear more from you about how you think meaningful participation can happen while facilitating an empowered public to actually take action on some of these things. Can you expand on some of your thoughts there?

The Chair (Mr. Peter Tabuns): One minute left.

Mr. Mike Nagy: Often, public engagement is discouraged, because people do participate, and then they find out that through legislative processes, a lot of the work is wiped clean. I think there have got to be some mechanisms so that when people do participate, there is some level of assurance that their input is actually being listened to and there's feedback that is given back in writing or what have you so that it actually shows that participation is happening.

It really comes down to who controls the communication to the grassroots or community organizations and the regulating bodies. I think that needs to be very transparent. A transparent communication mechanism will go a long way to help ensure a more robust public engagement.

The Chair (Mr. Peter Tabuns): Mr. Nagy, thank you very much.

Mr. Mike Nagy: Thank you.

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

The Chair (Mr. Peter Tabuns): Our next presenter: Canadian Environmental Law Association. Good morning.

Ms. Theresa McClenaghan: Good morning. Thank you, Mr. Chairman. My name is Theresa McClenaghan, executive director and counsel with the Canadian Environmental Law Association.

The Canadian Environmental Law Association is an Ontario legal aid specialty clinic responsible for working on environmental issues, province-wide and beyond. In addition to our mandate to represent clients, we also have a mandate to work on law reform issues.

We're pleased to be here in support of Bill 6. It is a bill that provides important new tools and opportunities for the protection of the Great Lakes, which is an essential objective for all of us.

We're also a member, as you know, of the Great Lakes Protection Act Alliance, and I understand you've been provided with the latest version of our submission this morning. I will focus with respect to some suggestions concerning toxics and human health in my brief remarks.

In a recent analysis, CELA and other organizations found that over 32 million kilograms of toxic chemicals and 722 million kilograms of criteria air contaminants were released to the Great Lakes through air on the

Canadian side of the border, and 54 million kilograms of chemicals to water in the basin from direct discharges. These are just the national pollutant release inventory facilities and don't include the additional chemicals from runoff over land. So the issue is critical and urgent.

Over 10 million Ontario residents rely on the Great Lakes directly for their drinking water—over 70% of our population.

On page 7 of the Great Lakes Protection Act Alliance submission that you were provided earlier this morning are the specific recommendations with respect to toxic substances. We're recommending a modification to the purpose of the legislation, and this is the only piece I'll read in. We would reword subsection 1 of clause 1(2) as:

"1. To protect human health, well-being, and ecological integrity through the protection and restoration of the Great Lakes-St. Lawrence River basin, including the reduction and elimination of harmful pollutants."

We also have some suggestions for the schedule at the end of the bill to more explicitly ensure that the tools provided under geographically focused initiatives in the bill may clearly be permitted to address contaminants.

In our view, it is Ontarians' expectation that the Great Lakes Protection Act would strengthen protection of the Great Lakes against harmful pollution, and these amendments would make it more clear and certain that this is one of the intended functions of this act, and that these issues are intended to be addressed through the new tools.

I'll stop there and leave some time for questions.

The Chair (Mr. Peter Tabuns): Okay. Questions go to the government. Ms. Damerla?

Ms. Dipika Damerla: Chair, how much time do I have?

The Chair (Mr. Peter Tabuns): You have about a minute and a half.

Ms. Dipika Damerla: Thank you so much, Ms. McClenaghan, for coming here, and thank you for your support and some of your recommendations. Just very quickly, given that you support the overall purpose, do you think that in general, not specifically, the act does what we are setting out to do and what you would like to see it do?

Ms. Theresa McClenaghan: Absolutely. If we passed the act as is today, we would still have a range of important new tools, new approaches and mechanisms that I have high confidence would lead to real improvements in the Great Lakes' water quality. The suggestions we are making are things that would make it more certain and more clear and advance those tools. But we do support the act.

Ms. Dipika Damerla: Thank you so much.

The Chair (Mr. Peter Tabuns): Thank you very much.

LAKE ONTARIO WATERKEEPER

The Chair (Mr. Peter Tabuns): Our next presenter is Lake Ontario Waterkeeper. Good day, Mr. Mattson.

Mr. Mark Mattson: Good day, Mr. Chairman and members of the committee. My name is Mark Mattson. I've been an environmental lawyer here in Ontario for the last 20 years, and I'm president and waterkeeper for Lake Ontario Waterkeeper, a charity working to protect and restore a swimmable, drinkable, fishable Lake Ontario.

Lake Ontario Waterkeeper's programs bring together law, science, culture and digital media in order to connect and empower people to restore polluted places, protect human health and promote thriving natural spaces.

I'm here really just to reiterate the three reasons we support Bill 6, in addition to our more fulsome recommendations we made earlier in the process: (1) the Great Lakes need all the help they can get; (2) the act empowers Ontario to do more for the Great Lakes; and (3) the act creates an opportunity for Ontario to show leadership on Great Lakes issues. Let me explain.

First, the Great Lakes need all the help they can get. At Waterkeeper, we measure the health of a watershed by asking four questions: Is the water clean enough to touch? Is the water clean enough to drink? Are the fish clean enough to eat? Are there healthy and thriving fish and wildlife populations? That's our "swim, drink, fish" formula.

For the past five years, our organization has been collecting the information that answers these questions, and the results are not good. We created the Waterkeeper Swim Guide to track beach closures. In 2011, there were 6,189 beach advisories on Great Lakes beaches. This year, we counted 3,024 beach advisories on Lake Ontario alone. All that recreational water pollution takes a serious environmental, cultural and economic toll.

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One of the biggest threats to the Great Lakes is sewage and stormwater pollution, and that's one issue we hope the province will address promptly once this legislation is passed. Municipalities won't resolve these infrastructure problems on their own. It is one of two areas where provincial leadership could lead to swift and dramatic improvement in Great Lakes water quality.

Last year, we created the Waterkeeper Drink Guide. This is a collaboration with researchers at the Water Chronicles that tracks drinking water advisories across Canada. Most people associate drinking water problems with isolated communities. They certainly don't think it's a Great Lakes issue, but that's not the case. This year, for example, seven different communities in the Lake Ontario watershed couldn't safely drink their own water from their homes. That pollution that contaminates their wells is often the same pollution that contaminates our creeks and rivers and the lake itself.

On the Great Lakes, fish harvests are expected to decline another 25% over the next 25 years. Lake Ontario's fisheries collapsed in the last century from overfishing and industrialization. Up to 70% of our coastal wetlands have been filled in.

These issues are particularly important in light of the federal government's recent decision to scale back on fish and fish habitat protection. That is under the

Fisheries Act, which now allows for exemptions for the provinces, the CNSC and the National Energy Board, and of course only protects waters where there are significant aboriginal, recreational or commercial fisheries, which would certainly make Ontario more vulnerable than ever.

We're hoping that a renewed commitment to the Great Lakes will filter through to Ontario's energy facilities. Energy takes an enormous toll on fish and fish habitat.

Empowering Ontario: This act certainly does. It's basically an enabling law. It empowers Ontario to do more to ensure the Great Lakes become swimmable, drinkable and fishable again. We hope it will influence decision-makers across all aspects of government, just as the Great Lakes influence every part of our daily lives.

Finally, this is a leadership opportunity. The legislation gives Ontario an opportunity to show leadership.

The Chair (Mr. Peter Tabuns): One minute left.

Mr. Mark Mattson: This province has jurisdiction over more Great Lakes shoreline than any other government. As Ontario goes, so goes the future of the entire Great Lakes watershed. If the Great Lakes are to be healthy, then this province must show leadership.

I'll save my conclusion and just say, finally, that water is not a partisan issue. Every person of every political stripe requires water to survive.

Thanks for the opportunity to speak today.

The Chair (Mr. Peter Tabuns): Thank you. The opposition gets a brief question.

Mr. Michael Harris: Sure. Thanks. You know what? Between the US and Canada, we already have the International Joint Commission, the Great Lakes Water Quality Board and Great Lakes Executive Committee, and the management committee of the COA agreement, of course, all of which work to implement the priorities outlined in the US-Canada Great Lakes Water Quality Agreement.

My question to you would be—this involves many other governments. Wouldn't creating a board, the guardians' council, only focused on Ontario, just kind of complicate things?

Mr. Mark Mattson: No, not at all. With the eight states, the two federal governments and then Ontario and Quebec, someone needs to step up and show leadership, and it's time Ontario did that, because we're the biggest player on the Great Lakes. So this is certainly a sign that we're showing leadership and we can lead on the Great Lakes and protect the Great Lakes for all of us. If we don't do it, it's going to be a lot more difficult to see how they're going to do it with all the various jurisdictions on the other side of the lakes.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Mattson.

Mr. Mark Mattson: Thank you.

ONTARIO FEDERATION
OF ANGLERS AND HUNTERS

The Chair (Mr. Peter Tabuns): Our next presenter: the Ontario Federation of Anglers and Hunters. Good

day, sir. As you've heard, you have five minutes. If you would give us your name for Hansard.

Mr. Terry Quinney: Good morning. My name is Terry Quinney. I'm the provincial manager of fish and wildlife services for the Ontario Federation of Anglers and Hunters.

Firstly, may I confirm that the committee members have a copy of my presentation?

Okay. My presentation to you this morning is in two parts. In part 1, I wish to demonstrate to you the strong commitments to the restoration of the Great Lakes made by the Ontario Federation of Anglers and Hunters. In part 2, I wish to illustrate how the OFAH will support the Ontario government's efforts to achieve demonstrable further progress in restoring our Great Lakes.

For 20 years, the province of Ontario has partnered with the Ontario Federation of Anglers and Hunters to deliver the Invading Species Awareness Program, successfully educating the public on ways to prevent the introduction and spread of harmful invasive species.

The OFAH was a charter member of the Ontario Biodiversity Council, and we continue to assist the council in implementing their important strategy action items.

We have representation on several binational organizations and committees important to Great Lakes restoration, including the Great Lakes Fishery Commission, the Great Lakes Water Quality Agreement annex subcommittees, the Great Lakes Commission, and the Great Lakes and St. Lawrence Cities Initiative advisory committee on Restoring the Natural Divide—that is, to prevent Asian carp invasion of the Great Lakes at the Chicago area waterways.

With the Ontario government, Ontario Power Generation, and about 50 additional partners, the Ontario Federation of Anglers and Hunters is successfully restoring an important heritage species, the Atlantic salmon, to Lake Ontario and its tributaries.

The OFAH and its community-based conservation clubs participate in Ontario's Great Lakes Guardian Community Fund program, Community Hatchery program, Ontario Ministry of Natural Resources Fisheries Management Zone advisory councils, the stewardship and habitat conservation program of the Ministry of Natural Resources, and the federal government's Recreational Fisheries Conservation Partnerships Program.

Our goal for the Great Lakes is to see all of the potential benefits from a restored and healthy Great Lakes realized for the people of Ontario and for Ontario society. We're pledging our support to Ontario to use the new Great Lakes Protection Act to achieve the goal I just stated. The utility of this new enabling legislation is potentially highly significant, socially, economically and ecologically.

I've attached a map for you. That map was provided to me by the Ontario Ministry of the Environment. I have attached it because it shows us the geographical scope, the spatial scale, of this new Great Lakes Protection Act, that it encompasses a huge portion of the province—a

reminder that Great Lakes issues are provincially significant issues.

We estimate that about two million people go fishing in Ontario: young, mature, resident, non-resident, city folk and country folk. Their passion for fishing means significant economic returns to Ontario at provincial, regional, and local levels.

The Great Lakes Fishery Commission uses \$7 billion—

The Chair (Mr. Peter Tabuns): You have one minute left.

Mr. Terry Quinney: —as the annual value of the Great Lakes recreational fisheries. For Ontario, the Canadian Sportfishing Industry Association estimates Ontario's recreational fisheries to be worth \$3.5 billion annually.

In our view, top priorities from the act and its associated Great Lakes strategy include enhancement of our recreational fisheries across the Great Lakes basin, integrating the importance of the tributaries to our fisheries, and the desirability of integrated watershed-level management plans that also incorporate fisheries values as top priorities.

We acknowledge the necessity for a lead government ministry for any legislation—in this instance, the Ontario Ministry of the Environment. However, the nature of the work to be accomplished by the Great Lakes Protection Act and associated Great Lakes strategy is such that Ontario would be well served by having the Ministry of Natural Resources co-lead implementation of the act and strategy.

In conclusion, the OFAH looks forward to working with the government of Ontario and all others to support healthy Great Lakes, Great Lakes that continue to be drinkable, swimmable, and fishable—

The Chair (Mr. Peter Tabuns): Thank you, Dr. Quinney.

Mr. Terry Quinney: You're welcome.

ONTARIO FEDERATION OF AGRICULTURE

The Chair (Mr. Peter Tabuns): Our next presenter, then, is the Ontario Federation of Agriculture. As you've heard, you have five minutes. If you'd give your names for Hansard.

Mr. Mark Wales: Good morning. My name is Mark Wales, and I'm the president of the Ontario Federation of Agriculture. I have with me David Armitage, my director of regulatory reform. Good morning, and thank you for the opportunity to discuss Bill 6.

Members of the committee, the OFA has been actively involved in the government of Ontario's Open for Business initiative. Throughout this process we have developed a more appreciative eye for good legislation and regulation. We believe strongly that legislation and regulation must serve a need that is not presently or adequately served. It must fill gaps.

Justice O'Connor, in his report on the Walkerton inquiry, A Strategy for Safe Drinking Water, made obser-

vations of relevance for Bill 6. For example, he recommended the development of a comprehensive policy that serves as the beginning rather than the end of the policy-making process. In this regard, a policy is of more value than legislation because of the ability for a policy or strategy to evolve over time.

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The OFA sees merit in much of what is proposed in Ontario's Great Lakes Strategy, 2012. It may be the policy Justice O'Connor envisioned. We point out that the strategy was prepared without any legislative framework, and that a major goal of Ontario's Great Lakes Strategy, being the establishment of a Great Lakes guardian council, does not require a legislative framework either.

We strongly believe that the goals outlined in Ontario's Great Lakes Strategy can be met using existing legislative tools. The development of more legislation simply creates a recipe for overlap, confusion and conflict. This is completely contrary to all principles of Open for Business. To be clear, Ontario does not need Bill 6 at this time. Existing legislative tools, such as are outlined in our submission, are sufficient to meet the goals of Ontario's Great Lakes Strategy.

OFA believes that municipalities should be the agents that propose initiatives to protect and restore the ecological health of the basin. They are free to issue RFPs to other public bodies as needed. We noted with great concern in the legislation that there is potential for municipalities to have to play second fiddle to some other unelected public body, in that initiatives undertaken by other public bodies could require municipalities to have to amend official plans. This is a clear example of the overlap and conflict that Bill 6 brings. There are many others.

The main thrust of the bill appears to be to enable initiatives aimed at the protection and restoration of the Great Lakes-St. Lawrence River basin. These initiatives should be subject to the Ontario regulatory policy of 2010. This will ensure that:

- initiatives are responding to a clearly identified need;
- initiatives are developed and implemented in a transparent manner;
- initiatives are designed to not restrict local business activity;
- initiatives are based on assessed risk, cost and benefits, and minimize impacts on a fair, competitive and innovative market;
- duplication of other initiatives or regulations is minimized;
- initiatives are results-based;
- initiatives are timely, reviewed on a routine basis and abandoned once the need giving rise to their adoption no longer exists; and
- initiative details are easily accessible and easily understood by the public and by business.

Ladies and gentlemen, we invite you to read our submission in full to better appreciate our concerns with

the proposed Great Lakes Protection Act. As mentioned, we truly believe in the Open for Business process and strongly suggest that if you do also, then the onus is on you to demonstrate the need for Bill 6 first.

The Chair (Mr. Peter Tabuns): Thank you. We have one minute left. Third party? Mr. Schein?

Mr. Jonah Schein: Thanks for coming in. Thanks for making your presentation. Clearly we have a problem in this province in terms of protecting our Great Lakes. You're suggesting that we have legislation in place that should be able to address this problem through the EPA, the Ontario Water Resources Act, the Pesticides Act and the Clean Water Act.

How come this isn't working? We need to deal with this, so if the legislation is not working, what is it that we need to make sure that we have so that we meet the goals of this legislation? Because I'm sure you do agree with the goals of the legislation.

Mr. Mark Wales: Clearly the goals of cleaning up the Great Lakes and making sure that they're healthy—we support that, clearly, but there are so many pieces of legislation already there. You listed a few: the Ontario Water Resources Act, the Nutrient Management Act, the Pesticides Act, the Clean Water Act—

Mr. Jonah Schein: Do we have adequate enforcement of existing acts?

Mr. Mark Wales: We feel that there is at this time, yes.

Mr. Jonah Schein: There is adequate enforcement?

Mr. Mark Wales: Yes.

Mr. Jonah Schein: So if the legislation is in place and the enforcement is there, why is it not happening?

The Chair (Mr. Peter Tabuns): Thank you, Mr. Schein, and thank you, Mr. Wales.

Mr. Mark Wales: Thank you.

WORLD WILDLIFE FUND CANADA

The Chair (Mr. Peter Tabuns): The next presentation: World Wildlife Fund Canada. You have five minutes. If you'd introduce yourself for Hansard.

Ms. Elizabeth Hendriks: Good morning, and thank you very much for providing us the opportunity to speak on Bill 6. My name is Elizabeth Hendriks. I'm the acting director for the national freshwater program at WWF Canada.

WWF Canada is a national environmental organization working on a variety of issues. The freshwater program focuses on creating national health assessments and creating a national picture for the health of Canadian waters.

First, I'd like to commend the government of Ontario for putting important effort into legislation that aims to protect and restore a national treasure: the Great Lakes. WWF Canada is supportive of the proposed Great Lakes Protection Act and is keen to see strong implementation for success.

I would like to also take the opportunity to acknowledge the relationship that First Nations and Métis

communities have with the region. I encourage that that perspective is respected and incorporated directly into the decision-making process.

I understand that Bill 6 is an enabling act meant to offer new tools to address the complex risks and threats that we see facing the Great Lakes. With this understanding in mind, target-setting can't be discretionary. Targets should be established within a specific time period such as 24 months to ensure implementation of the act, preferably in a timely manner. The proposed act can require the setting of at least one clear target per stated purpose of the act.

Focusing on wetlands for a bit, they are a key ecological infrastructure for human health and climate change adaptation, and our wetlands are in a crisis. Targets for wetland protection and restoration should be a first step to ensuring implementation in this critical piece. In this vein of Bill 6, enabling an implementation of a clear prioritization and plan for the geographically focused initiatives would be great to see.

The Great Lakes are a vital part of our communities, environment and economy. The complexity of such a system means that one piece of legislation will not provide all the answers, but it is a key piece to the solution and an important step forward towards protecting the region and moving forward.

Thank you for taking this important step and, again, thank you for the time for speaking.

The Chair (Mr. Peter Tabuns): Thank you very much. Questions to the government.

Mr. Monte Kwinter: Yes. Do you see value in having a Great Lakes Guardians' Council as a forum to discuss Great Lakes issues, including freshwater conservation and setting targets related to Great Lakes protection?

Ms. Elizabeth Hendriks: Yes. I think it's important that we have an organization that can coalesce the many organizations and groups that are already working on the issues.

Mr. Monte Kwinter: And if I could just add on: Do you think the proposed legislation before us on the whole is a positive step to protecting the Great Lakes?

Ms. Elizabeth Hendriks: Sorry—that it's enforced? I didn't hear half the question.

Mr. Monte Kwinter: The proposed legislation: Do you think as a whole it's a positive step?

Ms. Elizabeth Hendriks: Oh, definitely, yes. It's a great step. I hope to see it implemented and moving forward.

Mr. Monte Kwinter: Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much.

RESCUE LAKE SIMCOE COALITION

The Chair (Mr. Peter Tabuns): Our next presenter: Rescue Lake Simcoe Coalition. Good morning.

Ms. Claire Malcolmson: Thank you very much. My name is Claire Malcolmson. Good morning, members of

the committee; it's nice to be here today. I am the president of the Rescue Lake Simcoe Coalition, which is a lake-wide citizens' umbrella group which was formed to improve the connection between people—citizens—NGOs and the government in order to protect Lake Simcoe.

The Rescue Lake Simcoe Coalition worked with Ontario Nature and Environmental Defence to advocate for the Lake Simcoe Protection Act, which was passed with all-party support—which we would love to see repeated with this act—in 2008. Since that time, I've been on three different provincial committees working on the implementation of the Lake Simcoe Protection Act and Plan.

I'm talking about this subject today because I think it's important to look at the precedent set by the Lake Simcoe Protection Act. I think I have a unique perspective on that for your consideration. Basically the Lake Simcoe Protection Plan is like a really robust geographically focused initiative. It is probably the most detailed geographically focused initiative one could consider. I think it's important for us to think about what has been achieved and what has been made possible through the Lake Simcoe Protection Plan because it foreshadows what positive things might happen as a result of the implementation of geographically focused initiatives through the Great Lakes Protection Act.

I just want to also note that I support the submission of the Great Lakes Protection Act Alliance.

An important piece of the Lake Simcoe story is that citizens and environmental NGOs started the call for the Lake Simcoe Protection Act. It wasn't a municipality; it wasn't the conservation authority. There was actually a lot of opposition from both of those sets of government, if you will. So I think it is important for the Great Lakes Protection Act to allow citizens' groups and ENGOS to be part of initiating the call for a geographically focused initiative. One of the important objectives of the Great Lakes Protection Act is engaging people and citizens. We all know that there is no way the Great Lakes are going to be healed unless people are involved at every level at which they wish to be involved. So I think allowing that mechanism is an important aspect of making the change that this act envisions.

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Five years after the Lake Simcoe Protection Act was passed, at Lake Simcoe, we can see the shape of some things to come if the Great Lakes Protection Act is passed and if geographically focused initiatives are rolled out quickly, which we would like to see happen. For example—and I think these are important things to consider when you're asking the questions, "Why do we need the Great Lakes Protection Act?" and "Why do we need geographically focused initiatives? What sorts of tools can be used that may not be possible in existing plans and policies?" So, for example, there are—

The Chair (Mr. Peter Tabuns): You have a minute left.

Ms. Claire Malcolmson: —many more low-impact-development experiments. Now environmental assess-

ments are required for water infrastructure before development permits are given, which is a really important order of operations, I believe. Sewage treatment plant standards are better; septic inspection is better.

All that said, it takes a long time to see improvements to water quality. So the Great Lakes Guardians' Council has a very important job of bringing together the work of different ministries so that the work of one ministry doesn't create problems that another ministry needs to clean up.

Any questions?

The Chair (Mr. Peter Tabuns): A very quick one from the official opposition.

Mr. Michael Harris: Yes, sure. We talked a lot about the existing tools and the agreement under the Great Lakes Water Quality Agreement and COA, Ontario's responsibilities. They did promise to follow through on those commitments last spring but have failed to do so. Don't you think Ontario should actually show some leadership through the existing governance framework under the Great Lakes Water Quality Agreement, especially those COA—Canada-Ontario Agreement—initiatives?

Ms. Claire Malcolmson: Yes, absolutely, and one of the ways, if the Great Lakes Protection Act is passed, that Ontario would be able to do that is through geographically focused initiatives, which basically provide a way for incremental policy change. You experiment with a particular tool in a place where there's an appetite for it, and then you find—

The Chair (Mr. Peter Tabuns): Thank you for your presentation.

Ms. Claire Malcolmson: Thank you.

Mr. Michael Harris: We'll follow up later, Claire. Thanks.

The Chair (Mr. Peter Tabuns): Thanks very much.

FEDERATION OF ONTARIO COTTAGERS' ASSOCIATIONS

The Chair (Mr. Peter Tabuns): The next presenter: Federation of Ontario Cottagers' Associations. I gather we have Terry Rees on the line.

Mr. Terry Rees: Hello.

The Chair (Mr. Peter Tabuns): Terry, please go ahead. If you could give your full name, and you have up to five minutes.

Mr. Terry Rees: Very good. Thank you very much. Can you hear me okay?

The Chair (Mr. Peter Tabuns): Yes.

Mr. Terry Rees: Thank you and good morning. Thanks for this opportunity to address the committee on the Great Lakes Protection Act.

My name is Terry Rees. I'm the executive director of the Federation of Ontario Cottagers' Associations, or FOCA for short. FOCA supports Bill 6.

By way of background, a little bit about our organization: FOCA and our members have been an integral part of waterfront Ontario for over 50 years. We're an

incorporated not-for-profit, a province-wide association that represents over 500 waterfront property owners' groups with over 50,000 member families. Through and on behalf of these members, FOCA speaks to the priority issues of Ontario's 250,000 waterfront property owners and, more broadly, to good public policy.

Several dozen of our member groups live on the Great Lakes proper, on Lake Superior, Lake Huron, Georgian Bay, Lake Erie and Lake Ontario. Several hundred of our associations—virtually all of the rest—live within the Great Lakes watershed. So we're very much interested in this act and its prompt passage.

Waterfront property owners have a vested and long-term interest in sound and balanced land use planning and are a major economic force in Ontario. Amongst other things, they collectively contribute almost \$800 million annually in property taxes and collectively provide the financial means to construct and maintain municipal infrastructure, local economies and the local administration in and across the Great Lakes watershed. Waterfront property owners own over 15,000 kilometres of ecologically important shore lands and also have, in private ownership, over 50,000 hectares of near-shore habitat. So including the whole watershed in this act is very important to us, because there are people across this province who need to be engaged, and the government's not going to be able to do this alone. Engaging Ontarians across the watershed is going to be important.

More important even than the littoral private ownership stake that I've just described is the long-term and very deep commitment these communities and these individuals feel to their local waterways and, by extension, to the greater Great Lakes watershed. This energy and knowledge and commitment can be supported and a strong public constituency for the Great Lakes can grow if the public is provided the opportunity to input into decisions that impact the health of the Great Lakes. This can be achieved by allowing the public to request new geographically focused initiatives, targets and performance measures as part of the act's implementation.

Implementing the act through an open and transparent process will ensure that we're monitoring the right things and that we're collaborating effectively. Thus, we'll be taking full advantage of the public capacity and knowledge and we can encourage innovative local solutions.

Passing this bill with the critical components in place can ensure that the government fulfills its commitment and can help ensure that the public is involved in doing their part too.

In addition to the considerations related to community involvement, we feel that a strong and effective Great Lakes Protection Act has the potential to create the planning and regulatory tools necessary to better address the complex issues facing the Great Lakes now and in the future. It will address legislative gaps in the current Great Lakes policy. It's going to provide important mechanisms to track and measure progress on improving Great Lakes health and hold the responsible authorities accountable. It will affirm the provincial commitment to

meet targets with the neighbouring Great Lakes states and the St. Lawrence River states and provinces.

The act will help focus public attention and government resources on the urgency of these issues at hand—

The Chair (Mr. Peter Tabuns): You have a minute left.

Mr. Terry Rees: —and will help align priorities and decision-making across provincial ministries.

We suggest that tracking and monitoring of targets and performance measures are a legislative requirement in the act, so it's important that the principles contained in the strategy guide provincial decisions affecting the lakes.

A funding plan for sustainable implementation over time is going to be critical, and only through this ongoing support for citizen-led initiatives will this act do all it can for Ontario.

FOCA is supportive of Bill 6, the proposed Great Lakes Protection Act. We think that the bill introduces important new legal and policy tools that will help safeguard and restore the Great Lakes and the St. Lawrence River basin. As our contention has been in the past, we believe that a healthy Great Lakes ecosystem and economy can only be accomplished by a credible plan with targets and actions to protect and preserve the watersheds that feed them.

Thank you so much for your attention. I'm happy to answer any questions.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Rees, for your presentation. We've gone to the end of your time, and we'll go on to our next presenter.

Mr. Terry Rees: Thank you.

GEORGIAN BAY ASSOCIATION

The Chair (Mr. Peter Tabuns): The Georgian Bay Association: Mr. Duncanson, you have five minutes. If you'd give your full name for Hansard.

Mr. Bob Duncanson: Thank you very much. My name is Bob Duncanson. I'm the executive director of the Georgian Bay Association. I appreciate the opportunity to be before you to speak in support of the Great Lakes Protection Act.

The GBA, the Georgian Bay Association, is an umbrella group for 20 community associations along the eastern and northern shores of Georgian Bay. We've been advocating for our landowner members since 1916.

When I come to meetings like this, I represent 3,200 properties with about 18,000 individuals attached to those properties. We are in regular contact with our members. They provide us feedback on all initiatives that are going on, so the perspectives that I'll share with you today are very much voter perspectives.

I'm sure that you've heard through the day about the economic importance of the Great Lakes—\$4.7 trillion US, as estimated in 2011 by BMO, placing it amongst the top economic regions in the world.

We believe that one of the main engines in that economic success is water. The five Great Lakes combined contain the earth's largest single supply of surface water.

In the Georgian Bay context, from an economic perspective, property owners alone contribute over \$100 million annually to local, provincial and federal economies through taxes paid and goods and services purchased. When you add campers, boaters and fishermen to this mix, you get a number that is significantly bigger. Without water in sufficient quantity and quality, this economic input would be threatened.

I propose to you today that the Great Lakes are indeed under tremendous, unprecedented stress. Water levels in the middle lakes hit an all-time record low in January and are still 14 inches below their long-term average.

Climate change accounts for most of the downward pressure. Experts tell us that we can expect to see in the future what we've seen in the past few years, where we get tremendous downpours, one-in-100-year storms that are happening much more frequently. There's a growing realization that as a society we have to get a lot better at managing our water resources and reacting to frequent storms, not only to protect infrastructure but to hold some of that water in our system to support us and our ecosystems during droughts.

Water quality is a growing concern. You've probably all heard about the return of blue-green algae to Lake Erie. What you may not know is that we've seen regular outbreaks of the same kind of algae in parts of the relatively pristine Georgian Bay. When there is an outbreak of this toxic algae, no one can drink the water or swim in it, or even let their pets near it. Excess phosphorus has been identified as the fuel feeding these outbreaks, but there's further research that's needed to figure out a prevention—something that the Great Lakes Protection Act could help with.

Terrestrial and aquatic invasive species are bringing their own challenges: Phragmites, Eurasian water-milfoil, zebra and quagga mussels, and round gobies, to name a few. There's a perfect storm brewing below the placid surface waters of the Great Lakes, including Georgian Bay. You may have read about the thousands of fish and waterfowl that, each year, have died and washed up on beaches like Wasaga Beach. These animals are dying from botulism that's created when mussels, who contain botulism at the bottom of the lake, die and are eaten, and that botulism is bio-accumulated up the food chain through round gobies, predator fish eating the round gobies and waterfowl eating those fish. Again, the problem has been identified, but there hasn't been a remedy

identified—another task for the Great Lakes Protection Act.

We also worry about the chemicals of emerging concern.

The Chair (Mr. Peter Tabuns): You have a minute left.

Mr. Bob Duncanson: Thanks.

Class IV septic systems, like those used by most cottagers and municipal treatment facilities, haven't been designed to treat or eliminate many chemicals that are in the human waste stream. Chemical compounds from pharmaceuticals and household products pass right through these systems and into our bodies. We don't know what the future holds. Again, we need to study this.

Our hope is that you, as legislators, will support the Great Lakes Protection Act and that this act will enable us as a society to address these stresses on the important Great Lakes.

The Chair (Mr. Peter Tabuns): Thank you. A last and very brief question to the third party.

Mr. Jonah Schein: Thanks. You've painted a bleak picture of the state of—

Mr. Bob Duncanson: It's a challenge.

Mr. Jonah Schein: Yes. Do you think this is about political will? At the end of the day, we've heard a lot of support for the direction of this legislation, but do we have the resources in place to deal with invasive species, for example?

Mr. Bob Duncanson: Political will and coordination between the feds and the province. It was mentioned—CELA, earlier—we've been riding the federal government heavily on getting that dealt with. The block is up at their end.

We have limited resources, collectively. It's all taxpayer resources, at the end of the day. We have to get a lot better at coordinating provincial and federal spending and initiatives and—

The Chair (Mr. Peter Tabuns): Thank you for your presentation, Mr. Duncanson.

I'd like to thank all the presenters today. This concludes our business.

I want to remind members that the deadline to file amendments with the committee Clerk is on Monday, November 25, at 12 noon.

The committee is adjourned until 9 a.m. on Wednesday, November 27, for clause-by-clause consideration of Bill 6.

The committee adjourned at 1023.

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