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**Official Report
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(Hansard)**

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des débats
(Hansard)**

G-18

**Standing Committee on
General Government**

Better for People,
Smarter for Business Act, 2019

1st Session
42nd Parliament

Thursday 21 November 2019

**Comité permanent des
affaires gouvernementales**

Loi de 2019 pour mieux servir
la population et faciliter
les affaires

1^{re} session
42^e législature

Jeudi 21 novembre 2019

Chair: Goldie Ghamari
Clerk: Jocelyn McCauley

Présidente : Goldie Ghamari
Greffière : Jocelyn McCauley

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CONTENTS

Thursday 21 November 2019

Better for People, Smarter for Business Act, 2019, Bill 132, Mr. Sarkaria / Loi de 2019 pour mieux servir la population et faciliter les affaires, projet de loi 132, M. Sarkaria.....	G-423
Urban League of London	G-423
Ms. Shawna Lewkowitz	
Nature London	G-428
Ms. Margo Does	
Dr. Gordon Neish	
London Environmental Network.....	G-432
Ms. Skylar Franke	
Thames River Anglers Association.....	G-437
Mr. Robert Huber	
Wellington Water Watchers	G-441
Mr. Robert Case	
Retail Council of Canada	G-446
Mr. Sebastian Prins	
Oxford Coalition for Social Justice	G-451
Mr. Bryan Smith	
Mr. Michael Farlowe	
Grand River Environmental Network	G-456
Mr. Greg Michalenko	
Citizens for Safe Ground Water.....	G-460
Mr. Rory Farnan	

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Thursday 21 November 2019

Jeudi 21 novembre 2019

The committee met at 0900 in the Delta London Armouries Hotel, London.

**BETTER FOR PEOPLE,
SMARTER FOR BUSINESS ACT, 2019
LOI DE 2019 POUR MIEUX SERVIR
LA POPULATION ET FACILITER
LES AFFAIRES**

Consideration of the following bill:

Bill 132, An Act to reduce burdens on people and businesses by enacting, amending and repealing various Acts and revoking various Regulations / Projet de loi 132, Loi visant à alléger le fardeau administratif qui pèse sur la population et les entreprises en édictant, modifiant ou abrogeant diverses lois et en abrogeant divers règlements.

The Chair (Ms. Goldie Ghamari): Good morning, everyone. The Standing Committee on General Government will now come to order. We're here today for public hearings on Bill 132, An Act to reduce burdens on people and businesses by enacting, amending and repealing various Acts and revoking various Regulations.

URBAN LEAGUE OF LONDON

The Chair (Ms. Goldie Ghamari): I will now call upon our first presenter, the Urban League of London, to please come forward. Pursuant to the order of the House dated November 7, 2019, you will have up to 10 minutes for your presentation, followed by 20 minutes for questioning, with eight minutes allotted to the government, 10 minutes allotted to the official opposition and two minutes allotted to the Green Party independent member.

Please state your name for Hansard, and you may begin.

Ms. Shawna Lewkowitz: Shawna Lewkowitz. Thank you for having me. I am Shawna Lewkowitz, a director with the Urban League of London. The Urban League of London is a charitable organization that has been in operation for 50 years. We are an umbrella group of members made up of neighbourhood associations, local community groups and residents interested in civic matters. We support events and provide information and capacity building for groups to meaningfully engage in our city, and we are an entirely volunteer-run organization.

The Urban League of London believes that engaged and informed residents are the building blocks of a vital, successful and sustainable city, and that strong and

connected communities are critical to bringing citizens together. Our role is to facilitate this process.

As a director of the board, I'm here to speak to you about our concerns with Bill 132, particularly the closing of the Local Planning Appeal Support Centre. The centre has been in operation for a very short time, having been implemented in 2017, and we believe that its purpose and potential has only just begun to be realized. Residents and groups participating in the planning decisions of their communities is vitally important. Communities are built to serve the needs of people in various capacities: as residents, workers, recreational users, transportation users, business owners and more.

Government makes decisions that are meant to best serve people in the multitude of ways they engage with their communities. Therefore, it is important that we encourage the participation of the public in the decisions made that impact them. In addition, good planning leads to orderly change and the efficient provision of services that best serve the needs of the many.

Planning decisions can be contentious, particularly given the complex and sometimes competing needs of developers, municipalities, residents, community groups and business owners. A process to equitably appeal these decisions is important to ensure that the needs of everyone are met and that we get the best planning decision outcomes.

Unfortunately, given this complex nature of the planning decisions, navigating the appeals process is challenging and often out of reach for many residents or community groups. Many groups can only engage in the planning process once, so they lack the familiarity necessary to easily navigate the process, while developers and municipalities are well versed in the process, giving them an advantage in the appeals process.

The Local Planning Appeal Support Centre was set up to address this gap and provide the public with support on a wide range of types of applications and appeals under the Planning Act. The centre helped individuals and groups navigate the process, prepare documents and, at times, provide legal advice, therefore ensuring the best outcomes for everyone.

With the elimination of the Local Planning Appeal Support Centre, many groups will be forced to hire expensive lawyers, which will prevent some from participating, given they lack the necessary funds. It will deter others from participating in the process in the first place, knowing that if a decision goes to an appeal, they

lack the expertise and knowledge to navigate the process on their own. This will inevitably favour decisions that prioritize developer interests over public interests.

There are many reasons that municipal and developer decisions may be in conflict with community groups and/or resident needs. Having a process that enables that conflict to be resolved as easily and quickly as possible benefits everyone, and this is where the Local Planning Appeal Support Centre comes in. This centre supported groups and individuals navigating the complex process.

We understand that part of the intent of Bill 132 is to reduce red tape and make it easier for decisions and planning to move ahead. Removing this centre does not accomplish this. What it does do is deter certain groups from participating in the process and make it harder for them once they do. This can lead to a longer appeals process and more animosity between municipalities, developers and residents, overall slowing things down and creating greater potential for future conflicts and more appeals.

We urge you to reconsider the elimination of the Local Planning Appeal Support Centre. Keeping it in place ensures that not only will the best planning decisions be made but that all groups are able to have a say in what those are.

We would also like to briefly speak to the change in financial penalties to polluters under Bill 132. As an organization that has several environmental organizations as members and that has the sustainability and health of our communities at the forefront of what we do, we have strong concerns about these changes. The proposed changes make it easier and cheaper for industry to pollute in our communities. By capping financial penalties for environmental violations to a maximum of \$200,000 per contravention and eliminating daily fines for illegally dumping sewage in our water, using toxic pesticides and polluting the air, there is a greater likelihood that industries will pollute and be less deterred from changing their behaviour. These changes mean that once an industry is fined for their contravention, there is no incentive for them to change their behaviour. They simply pay the fine and keep doing what they are doing.

The long-term costs to municipalities, people and our environment are potentially devastating. The government needs to hold industries accountable and provide incentives for them to not only avoid polluting in the first place but to change their behaviour once they do so. We strongly urge you to reconsider these changes and keep the current per day fines.

One of our members, Antler River Rally, would also like to speak to the changes. For over seven years, Antler River Rally has been working to improve water quality for Deshkan Ziibi, the Thames River. They have pulled hundreds of tonnes of garbage out of the Antler River and worked with hundreds of citizens and community partners to improve river habitat and water quality. They believe that direct action, citizen engagement and education have a powerful role to play in ensuring access to clean water and environmental justice for all.

They are doing their part to help our embattled river and are calling for support upstream from the provincial government in the form of legislation and policies that will make environmental pollution unthinkable, not just the price of doing business. They are advocating for a legislation and policy that will restore our natural heritage, not aid in its destruction. ARR believes that Ontario rivers, streams, habitats and environmentally important areas are not ours to plunder but ours to protect for future generations. They are opposed to Bill 132 and they encourage the government to go back to the drawing board and create legislation that is environmentally responsible and just. ARR believes, as we do, that a healthy environment is not the enemy of economic stability and growth, but rather a healthy environment is the pre-condition for sustainable growth, public health and well-being.

In closing, the Urban League of London has strong concerns over Bill 132. We need greater accountability on the environment and an accessible way for the public to engage in planning appeals. We urge you to reconsider the bill and instead draft legislation that maintains current pollution violation fines and also reopens the Local Planning Appeal Support Centre. Thank you for giving us the time to comment on these changes.

The Chair (Ms. Goldie Ghamari): Thank you very much. I will now turn to the official opposition for this round of questions. MPP Fife.

Ms. Catherine Fife: Thank you very much, Shawna, for coming in this morning and speaking to Bill 132. Your comments with regard to repealing schedule 3, which is the Local Planning Appeal Support Centre—that was originally established because citizens in the province of Ontario were struggling to navigate the appeals process and they were essentially fighting for their own communities. What do you think it says about a government that removes supports for citizens, really, fighting development and developers who are compromising the health and well-being of their communities?

Ms. Shawna Lewkowitz: Yes. As I said, the Urban League has been in operation for over 50 years. We've supported community groups for decades around these types of issues, and it has always been a challenge for community groups and residents to go up against developers and municipalities when decisions are being made. By taking away the centre, it sends a message to residents that the government is more supportive of developers and those who have the means and the money to be able to pay to navigate what is, we all know, an extremely complex process. Planning decisions are not simple, which is why they often go to appeal. There are many different interests that need to be met, and we need to make sure that the government is supporting all of those interests.

0910

Ms. Catherine Fife: I hope that your message, that by repealing the LPAT—that that runs counter to the goals of reducing red tape. You see this as actually layering up on more administrative and slowing down the whole process.

Ms. Shawna Lewkowitz: Yes, it's absolutely slowing down the process, because citizens and groups are not

aware of how to navigate that process. It's going to take them longer to do so. There's a likelihood that there will be more animosity between these groups and a lack of understanding. I think one of the advantages of having the centre was providing a means for understanding and a way to resolve these issues in a better way.

The Chair (Ms. Goldie Ghamari): MPP Arthur.

Mr. Ian Arthur: Thank you so much for coming in.

I want to follow up on those questions. In Kingston, there was an appeal that was put through by a citizens' group, and it ended up costing upwards of \$100,000 to do it. The decision was in favour of the community group, but now that this government has indicated that we're going back to the good old days of developers, the development company is going to be appealing that, and the costs would be another \$100,000. How many organizations out there do you think could actually bear the brunt of those costs?

Ms. Shawna Lewkowitz: None that I know of—no neighbourhood groups. There are potentially non-profits or interest groups that could, but definitely not the kind of groups that we support, which are very resident-focused. They don't have the money or the wherewithal to do that.

Mr. Ian Arthur: In terms of an overarching comment on development, can you speak to some positive developments that have happened in London? This isn't an anti-development issue; this is giving citizens a voice in the development process.

Ms. Shawna Lewkowitz: Yes. Anything that can provide more information to resident groups and help them navigate and understand the planning process reduces animosity. Part of our role, as the Urban League, is to help navigate those relationships with developers—and they can be positive; it doesn't have to be something that's in conflict. But we need ways to be able to nurture those relationships and make sure that they are positive.

Mr. Ian Arthur: The changes to the tribunal were in place for approximately a year. They were a late decision by the Liberals, mostly due to public pressure, not an actual want to do this. Do you think enough time has gone by that we've actually seen if these are an effective way of dealing with red tape and dealing with these issues?

Ms. Shawna Lewkowitz: I don't think so. I'm not sure that all groups were aware that the centre existed, so that might have been one of the issues in terms of uptake.

Also, planning decisions: For a community group, it may come up once or twice in the life cycle of that group. It's not something that happens on an ongoing basis. So a year or two in order to assess the impact is not enough time, because groups are not going to be doing this on an ongoing basis. It's zoning decisions that they want to challenge maybe once every decade or something.

Mr. Ian Arthur: Who do you think stands to benefit from this decision?

Ms. Shawna Lewkowitz: I think developers stand to benefit from this decision.

Ms. Catherine Fife: How much time do we have?

The Chair (Ms. Goldie Ghamari): You have five more minutes. MPP Fife.

Ms. Catherine Fife: Shawna, the Urban League has been following the pattern of legislation that this government has brought forward. In the grand scheme of things, when you see a government that is capping penalties on pollution and removing supports for citizens to advocate for their own communities, do you think that this is actually good for business? I know that you follow how environmental policy and economic policy intersect. How do we look, as a province, in the grand scheme of things? There's a worrying trend here with regard to how legislation is crafted in Ontario.

Ms. Shawna Lewkowitz: In a time of climate crisis, when environmental issues need to be at the top of the agenda, I think decisions like this send a message that the government isn't serious about protecting the environment and ensuring that polluters are held accountable for their behaviour. I also think that the removal, as I said, of the support centre and even the pollution fines sets up this relationship that just increases animosity instead of understanding and working together, which is what we need more of.

Ms. Catherine Fife: I note also that the city of London is debating the climate crisis motion today. I think it's very timely for us to be here in the city of London.

The relationship between municipalities and the province is also changing very drastically. Bill 132 also contains some overriding clauses, if you will, with regard to aggregate decisions that are going to be made.

Does this signal to you that this is the way to move forward in the midst of what most scientists and informed people feel is a climate crisis?

Ms. Shawna Lewkowitz: I think it's unfortunate and not a great signal for the government to be overruling municipal decisions, particularly related to the environment.

But across the board, municipalities are very, very close to understanding the issues on the ground that impact their communities. They understand the landscape and they understand the environment in which they operate, in a way that the province just can't. Those decisions should stay within municipalities.

Mr. Ian Arthur: Chair?

The Chair (Ms. Goldie Ghamari): MPP Arthur.

Mr. Ian Arthur: Thank you, Chair, for looking up.

Along those same lines, one of the things that the city of London is doing is reviewing all city projects, including new roads and buildings, through the lens of a climate emergency action plan. I know that you can't actually speak to the city and represent that. But it's not just about citizens, is it? This has huge potential to put the municipality in conflict with developers and the province, which is taking a clear side on this.

Ms. Shawna Lewkowitz: Yes, it is across the board. As I said, in a time when we need to be working together towards environmental goals, anything that pits us against one another is not the direction that we should be heading in.

Mr. Ian Arthur: Okay. That's it.

The Chair (Ms. Goldie Ghamari): MPP Stevens.

Mrs. Jennifer (Jennie) Stevens: Just one quick question—

The Chair (Ms. Goldie Ghamari): You have one minute left.

Mrs. Jennifer (Jennie) Stevens: Oh, thank you.

Just one quick question: How much consultation did your group get from the government that you could put into this ahead of time, for the changes—

Ms. Shawna Lewkowitz: None that I'm aware of.

Mrs. Jennifer (Jennie) Stevens: None that you're aware of. Okay. Can you quickly explain to me what changes this will do to your group, for the community?

Ms. Shawna Lewkowitz: For our membership, the neighbourhood associations and community groups, what we've heard from them is that they're less likely to challenge a planning decision, knowing that it likely will go to an appeal, and they're just not going to have the means to participate in that process. They're less likely to participate in decisions that are going to impact their communities, which will alter how those communities work for residents and groups.

Mrs. Jennifer (Jennie) Stevens: Great. Thanks.

The Chair (Ms. Goldie Ghamari): We will now turn to the independent Green Party member. You have two minutes.

Mr. Mike Schreiner: Shawna, thank you for being here today. It's great to be in London, and it's great to have an organization that represents citizens' voices.

I've heard from a lot of citizens' groups with some deep concerns, particularly around schedule 3. I've heard citizens say that already, the timelines are constrained in terms of citizen participation in a lot of these appeals decisions.

There are concerns around money: Do you have deep enough pockets, particularly to go up against developers? It's their job to do these things; it's not your job to do it.

And then, with the government's previous changes to the LPAT regime, bringing back, really, the old OMB rules, it seems like citizens are at a real disadvantage.

So, removing the centre—what impact do you think it's going to be for citizens to have a voice in planning decisions, given all of the other changes that have happened?

Ms. Shawna Lewkowitz: I think it will reduce the ability to have a voice. It will reduce their ability, as I said, to participate in the process in the first place. We know that citizens engage when they feel meaningful—

The Chair (Ms. Goldie Ghamari): You have one minute left.

Ms. Shawna Lewkowitz: —that their participation is meaningful and is going to make a difference. If decisions are being made in ways that they can't participate in or challenge, they're going to be less likely to step up and want to be involved.

We get better communities, we get better cities, we get better towns, when residents participate in the decisions that are impacting them.

Mr. Mike Schreiner: Do you think it will make planning less democratic, to restrict citizen access?

Ms. Shawna Lewkowitz: Absolutely. Citizen access is key to remaining democratic. I think that, in the interests of developers and cities and everybody included, it serves everybody better when we have resident voices at the table.

Mr. Mike Schreiner: Great. Thank you. I appreciate your time.

0920

The Chair (Ms. Goldie Ghamari): Before we turn to the government side—MPP Schreiner, would you like me to give you a one-minute warning? I feel like it would interrupt the flow—

Mr. Mike Schreiner: I don't need it. Yes, it would interrupt the flow. Thank you.

0920

The Chair (Ms. Goldie Ghamari): Okay. So I won't do that.

We'll turn to the government. You have eight minutes. MPP Smith.

Mr. Dave Smith: Shawna, thank you very much for coming in.

I want to touch on something that you said. You said that it was “an extremely complex process” when you were going through the appeal process. One of the things that we found is that, under the old OMB—to the Liberals' credit, they recognized that the process wasn't working very well and decided to make a change to it. They saw that there were significant time delays. It was a little over a year for someone to go through an OMB appeal process, so they developed the LPAT, which in turn has changed it to almost 20 months now that it is taking.

I agree with you 100%: It is an extremely complex process. The legislation that we put forward will be changing this entire process. We're trying to simplify it. We're trying to make it less complex, not only for developers but for the average person, so that the average person can understand it and can navigate that process a lot better than they can right now. We do absolutely recognize that it is too complex. You need to have a PhD in something in order to figure out how to go through it, and then you need to hire lawyers to navigate through that system as well. It is very, very tough for people to go through that.

I think one of the strengths of a government is to examine what has been done in the past and take the best practices of it, examine what the current process is, find the best practices that there are in that, and then merge the two together to come to a new process. That's what we're doing on the local appeal side.

The LPAT, the Local Planning Appeal Tribunal, is being dissolved. If it's dissolved, then the local appeal support centre has no purpose, because it is there to help people through the LPAT process, which would no longer exist. Does it make sense then, to you, to have an appeal centre that wouldn't serve anyone because there is no process for them to serve?

Ms. Shawna Lewkowitz: I think it's more a matter of the whole process and the fact that it doesn't matter how much the government simplifies the process; for residents and community groups, they are not going to easily—

Mr. Dave Smith: So it makes sense to have a Local Planning Appeal Support Centre for something that doesn't exist? It makes sense for the government to fund that centre if that centre isn't there to help people through any process because that process no longer exists?

Ms. Shawna Lewkowitz: It makes sense to have a centre to help them navigate whatever process is in place.

Mr. Dave Smith: Then your concern is not necessarily with the Local Planning Appeal Support Centre; your concern is that we won't be providing people with help to navigate through the process.

Ms. Shawna Lewkowitz: Yes.

Mr. Dave Smith: So it would be an incorrect statement to say that the Local Planning Appeal Support Centre should continue to exist—because that would be a waste of government money if it isn't supporting anything that actually exists.

Ms. Shawna Lewkowitz: There should be supports in place to help navigate citizens through.

Mr. Dave Smith: There are going to be supports in the system so that we are helping people, but—

Ms. Shawna Lewkowitz: And there should be a centre—

Mr. Dave Smith: Again, is it fair to say that we should have a Local Planning Appeal Support Centre to support people in something that no longer exists? Is that a good use of government money?

Ms. Shawna Lewkowitz: It is a good use of government money to have—

Mr. Dave Smith: It's a good use of government money to have a centre that doesn't support anything that exists? Again, I'm—

The Chair (Ms. Goldie Ghamari): Excuse me. I'm sorry for the interruption.

I would remind members not to speak over the witnesses for the purposes of Hansard, in terms of recording. Please allow the witness to respond before you continue with your questioning. Thank you.

Mr. Dave Smith: So we should pay for a centre that does nothing.

Ms. Shawna Lewkowitz: No, we should pay for a centre that does something—

Mr. Dave Smith: But you—

Ms. Shawna Lewkowitz: —that helps residents and community groups navigate a process that is very difficult and complex for them to understand, and that will remain complex and difficult for them to understand.

Mr. Dave Smith: Agreed; we should. We are no longer going to have that process. We are trying to simplify the process because, in your words, it was an extremely complex process—

Ms. Catherine Fife: Point of order.

The Chair (Ms. Goldie Ghamari): MPP Fife.

Ms. Catherine Fife: It is not parliamentary to actually debate with a delegate. The delegate should be given a chance to answer the question. This is not a debate with members. She's a citizen. She has come here. She is answering the question. It's not a debate.

The Chair (Ms. Goldie Ghamari): Thank you, MPP Fife. I will remind all members to please allow the witnesses to finish speaking before continuing with the line of questioning, to ensure that the questions are moving forward and they're not repeating the same thing over and over again.

Thank you. MPP Smith.

Mr. Dave Smith: One last point, then: We have 448 municipalities, give or take a couple, and we have approximately 30 service boards. That's almost 500. In 2018, we had about 550 requests, so it's roughly one request from each municipality to the Local Planning Appeal Support Centre. If there is only one request, is it a service that is being used significantly?

Ms. Shawna Lewkowitz: I think that part of it is awareness that the centre exists. With more time in operation, more community groups would be aware that it exists and would be more likely to use it. As I said, community groups are less likely to launch a challenge if they don't feel like they can navigate the process. If they know supports are in place, they're more likely to do it. It hasn't been in operation long enough for community groups to really understand that it exists to support them. We'd see more uptake over coming years as community groups got more familiar with the new process and what was in place.

Mr. Dave Smith: So to go back to my question, is one request per municipality each year a legitimate amount?

Ms. Shawna Lewkowitz: I'm not sure what the actual numbers are.

Mr. Dave Smith: I just said there were 550 last year. There are about 500 municipalities, when you count the service boards in northern Ontario. It's roughly 1.1 per year. Is that an effective use of government money for one request per year?

Ms. Shawna Lewkowitz: As I said, I think we would see an increase over the coming years as more groups—

Mr. Dave Smith: The question was, is 1.1 an effective use of government money?

Ms. Shawna Lewkowitz: I think that's a question for the government to answer.

Mr. Dave Smith: Thank you.

The Chair (Ms. Goldie Ghamari): Thank you, MPP Smith. MPP Khanjin.

Ms. Andrea Khanjin: I wanted to thank you for coming to the committee today. I also wanted to commend you on putting your name forward. I understand that you ran for the New Democratic Party federally. It's not always easy to put your name on a ballot, so thank you. As I am sitting in those shoes now, I commend you for doing that as we need more people pursuing politics, who are interested in that realm.

One of the things that you had mentioned in your opening remarks was the importance of water: water cleanup, education and rallying communities together. I myself have come up with some efforts too, with my private member's bill on a province-wide day of action so that we can get more young people educated on the importance of keeping their communities clean—

The Chair (Ms. Goldie Ghamari): You have one minute left.

Ms. Andrea Khanjin: I just wanted to ask you, in terms of more environmental protections, when it comes to protecting our waterways and outflows of sewers, do you think there should be stricter monitoring and penalties on that, for sewer overflow?

Ms. Shawna Lewkowitz: I would say yes. It's not my area of expertise. As I said, we are a citizen group of organizations that make up different areas. Some of those are environmental groups. Antler River Rally is one of them, and their focus is particularly around waterways and whatnot. But based on what you've said thus far, quite possibly yes.

Ms. Andrea Khanjin: I'm glad you said yes, because part of our administrative monetary penalty amendments in the bill are to do just that, which is to make sure that we do monitor overflows of sewage. That's part of our increased monetary measure changes in the bill.

The Chair (Ms. Goldie Ghamari): Thank you, but that is time. This concludes our presentation.

Thank you very much for coming forward. It has been very informative today.

Ms. Shawna Lewkowitz: Thank you for having me.

NATURE LONDON

The Chair (Ms. Goldie Ghamari): I now call upon Nature London: Mr. Gordon Neish and Margaret Does.

Ms. Margo Does: Margo.

The Chair (Ms. Goldie Ghamari): Oh, sorry, Margo Does. I forgot my glasses at home today.

Pursuant to the order of the House, you'll have up to 10 minutes for your presentation followed by 20 minutes for questioning, with eight minutes allotted to the government, 10 minutes allotted to the official opposition and two minutes allotted to the Green Party independent member.

Please state your names for Hansard, and you may begin.

Dr. Gordon Neish: My name is Gordon Neish and I am the current president of Nature London. With me here today are three colleagues: Bernie VanDenBelt, past president; Anita Caveney, our Ontario Nature representative; and Margo Does, a member of our conservation action committee. Ms. Does will be making some remarks following this presentation.

0930

On behalf of Nature London, I thank the Standing Committee on General Government for the opportunity to appear before you to address some concerns about Bill 132. Nature London is a volunteer organization whose origins go back to 1864—155 years ago—and it currently has more than 440 members dedicated to the preservation and enjoyment of nature. Our reason for appearing before this committee today relates to our concerns about conservation and protection of those elements of Ontario's natural heritage which are threatened by human activities,

including habitat destruction, land degradation, proliferation of invasive species, environmental degradation, climate change and others.

Bill 132 is being promoted as better for people and smarter for business, but what does this mean in terms of environmental protection? A good argument can be made that pure water, healthy soil and unpolluted air are good for people and good for business, especially, for example, if your business is agriculture or tourism. Many would also argue that we have a stewardship responsibility with respect to protecting the other creatures that share this space we call Ontario.

So how does Bill 132 address potential environmental concerns? Assessing this presents a considerable challenge. As you know, Bill 132 is an omnibus bill: a proposed law that covers several diverse or unrelated topics. Because of their large size and scope, omnibus bills limit opportunities for debate and scrutiny, and Bill 132 contains revisions of many of Ontario's most important environment statutes, including 12 acts that are of particular importance to environmentalists.

While I imagine that many stakeholders are still trying to get their heads around this proposed legislation, as are we, from various media reports we are aware that there have been concerns raised at the municipal level, by farmers and by Aboriginal communities.

In view of the large number of affected stakeholders and the obvious need for in-depth consultation, debate, and scrutiny, very little time appears to have been allocated to public consultations that are being held for only 11 days, with the deadline for written submissions being the 29th of this month, and the total comment period being just over a month—32 days. As you know, there is an argument to be made that omnibus bills undermine parliamentarians' ability to responsibly and effectively carry out their duties to examine and debate legislation. This is exacerbated if inadequate time is permitted to review and analyze these bills.

We request, therefore, that the government of Ontario allocate additional time for public hearings and the acceptance of written submissions—we would suggest at least an additional month—so that stakeholders can analyze this proposed legislation. This could result in the avoidance of unintended consequences resulting from a possible inadequate understanding of how the various aspects of Bill 132 will interact with one another. It will also permit a more in-depth analysis of whether the proposed repeals and revocations are, in fact, eliminating unnecessary red tape, or are instead undermining and weakening protections for our air, land, water, and habitat and species diversity.

I thank you for your attention. I now turn it over to Ms. Does to comment on some substantive areas of concern.

Ms. Margo Does: Good morning. On page 12 of this government's Made-in-Ontario Environment Plan, it states, "We will take strong enforcement action to protect our lakes, waterways and groundwater from pollution." Therefore, by loosening regulations that are proposed, I fail to see how this government will live up to its promise.

If we look, for instance, at the Pesticides Act, the proposed changes would begin to open the door to undo the hard-fought of the cosmetic use ban of 2009—which, if it's implemented, puts people, especially children, and the whole ecosystem unnecessarily at risk for potential health issues and damage.

One of the largest concerns is the changes to the neonicotinoids regulations. The proposed changes remove the requirement for seed vendors to report sales numbers for treated and untreated seeds and for the government to publicly post seed sales data.

The amendments would also eliminate third-party assessment of pest threats as a requirement for assessing the neonic-treated seeds under the current rules. This does not ensure public confidence in the regulatory system. It's a backwards step and caves into the pesticide industry lobby rather than the needs of the environment and the needs of the already stressed-out pollinators.

If we look at forestry, changes to the Crown Forest Sustainability Act are also cause for concern. The proposed changes could mean that the new permits are not required to promote forest sustainability. And they introduce other ministerial powers, including not having to prioritize forest protection in the permit approval process. Among other things, a significant reduction in oversight is proposed. The forestry licence holder could make changes to their work plan without ministry approval, and ministry approval is no longer needed for these annual work plans. Additionally, several forestry reports will no longer have to be tabled in the Legislature or approved by cabinet, weakening accountability. Again, these changes are a step in the wrong direction, as we need to be strengthening protections and the sustainability of forests as the climate crisis persists.

As far as aggregates are concerned, many of the changes in Bill 132 to the Aggregate Resources Act were included in a September 20 notice on the Environmental Registry of Ontario. However, even before that consultation closed on November 4, the government put changes into proposed legislation on October 28, meaning that the government put the changes on the table before the public commentary was completed. This is highly problematic and a little bit underhanded, I might say. Further, the changes to the ARA represent a move to take municipalities out of the aggregate decision-making and weaken the safeguards in place to protect local groundwater and communities. Shawna has already spoken to this. The OPAL group from Ingersoll comes this afternoon, and they will address this further.

Regarding environmental penalties: I was told yesterday by one of the groups I'm affiliated with that there are amendments from the government that are in the process of being changed as we speak, I think. I think there are some legal groups coming to speak to you, and other groups that have more expertise in this area. That particular item is also very complicated, and so I don't want to comment too much on that, because this is in process, I believe. Apparently, the main concern is the way that penalties for polluters may be appealed.

I will just leave it at that because of time constraints.

The Chair (Ms. Goldie Ghamari): You have just under two minutes left.

Ms. Margo Does: Just to finish: I think that the government needs to listen to independent scientists, because what could be more important than the place where we live? We are in a climate crisis, and even this government has agreed that we are, so we do not understand why slacking environmental regulations is a good thing or necessary.

Also, when I read these things, I don't see any kindness in it to the earth and to its creatures. I don't see any love here at all. It hurts me inside, I must tell you.

The other thing that I want to tell you is that, as civil servants, you are responsible for our health and safety. These should be health and safety issues. We pay the salaries of our civil servants, so please live up to the responsibility and the promise, especially to protect the environment, as I stated in the beginning, in your Made-in-Ontario Environmental Plan.

Please don't lie to us. We are intelligent, aware people, and we don't deserve that.

I also feel that a 10-minute presentation really is not part of a democratic system at all, but thank you for your time.

The Chair (Ms. Goldie Ghamari): Thank you very much. We'll turn now to the Green Party independent member. You'll have two minutes.

Mr. Mike Schreiner: Thank you, Gordon and Margo, for coming in today. I really appreciate it.

I'm proud to say that I represent the municipality that brought in the first cosmetic pesticide ban: Guelph. One of the reasons we brought it in was precisely a health and safety issue: to reduce toxic exposure, particularly to children but to all citizens and pets as well.

0940

Can you speak to what you think the changes in schedule 9 will do to potentially expose more young people especially to toxins?

Ms. Margo Does: The Canadian Association of Physicians for the Environment really lobbied to make the changes before 2009, because in their studies, they had found some potential linkage between childhood leukemia and the pesticides, especially the lead component and so on.

I know that I'm highly allergic to chemicals. Now I see that the word "cemetery" is in there. I won't be able to go and see my loved ones at the cemeteries anymore. Why cemeteries, of all places? The dearly departed really don't give a rat's whiskers about the grass, you know? They're gone. As far as the visitors are concerned—I know in our cemetery here, we have the deer eating the grass. Here, that's a perfect cycle.

I don't know if you want to add anything here.

Mr. Mike Schreiner: Can I just add one more question to that? I know my time is limited.

Ms. Margo Does: Yes.

Mr. Mike Schreiner: Do you feel like our cities have been overrun by weeds since this ban has been put in place?

Ms. Margo Does: No.

Mr. Mike Schreiner: No problems?

Ms. Margo Does: Absolutely not.

Mr. Mike Schreiner: Okay. Thank you. I appreciate your time.

The Chair (Ms. Goldie Ghamari): We'll turn now to the government. Who is beginning? All right, MPP Khanjin, you have the floor.

Ms. Andrea Khanjin: Thank you very much for coming today. I'm glad you read the Made-in-Ontario Environment Plan. As you know, we had to do vast consultations in order to draft the ongoing living document. We're constantly looking for ways to improve it. Obviously, it's just an initial blueprint, but there is certainly more to do. So it's nice to see organizations like yours with 440 members trying to do some advocacy and talking about strengthening environmental protections and laws.

Do you think there is a sense of urgency when it comes to strengthening certain violations in environmental laws?

Ms. Margo Does: Gordon, do you want to?

Dr. Gordon Neish: One of our concerns, I guess, overall is really getting our heads around all of the changes in this act. But having strengthened protections? Yes, that's kind of your responsibility as a government—

Ms. Andrea Khanjin: And there should be a sense of urgency—

The Chair (Ms. Goldie Ghamari): I'd like to remind the member to not speak over the witness, just for the purpose of Hansard. It's difficult to record two people speaking at once. Thank you.

Dr. Gordon Neish: Sorry.

Ms. Andrea Khanjin: Thank you. In light of the sense of urgency in order to strengthen rules for violators—in the Ministry of the Environment, we looked for a vehicle in order to bring a sense of urgency to strengthen the administrative monetary penalties. When we're talking about omnibus legislation—we didn't want to wait to introduce stricter penalties on violations when it comes to the environment. These particular measures that are being put into Bill 132 are obviously for the improvement of the environment and to clamp down on violators.

One thing we discovered—and I wanted to get your thoughts on it—is, is it enough to say that the penalty should only be used in 140 facilities in Ontario? I know currently we can only use the monetary penalties for 140 facilities in Ontario. Do you believe that should be expanded so we can have a bigger vast of penalties?

Dr. Gordon Neish: I don't know. I think we—

Interjection.

Dr. Gordon Neish: Go ahead.

Ms. Margo Does: I just want to ask a question. Is this government not concerned about the algae blooms in the lakes? This is from the runoff from phosphates and maybe biphosphates and so on from the farms. Should we penalize all the farmers for polluting the lakes year upon year? What can we do about that situation? That's not a one-time deal, a spill of some kind. Yet it happens every year. There are dead fish, and other things are affected, obviously.

Ms. Andrea Khanjin: Well, Chair, I'm not normally used to getting questions from the witness, but it is certainly an important one.

One of the things that I wanted to get your opinions on—and when you're talking about algae blooms, certainly those are plans in our Made-in-Ontario Environment Plan, but we're here to talk about Bill 132. My point about 140 facilities that we can only charge on right now, which includes sewage spillage—to your point on algae blooms, because that could be a contaminant—is now, with the new administrative monetary penalties, we have the opportunity as a government to now have 150,000 different entities across the province which can now be covered by penalties. Right now, when you talk about algae blooms and protecting our water, we don't have those abilities to charge for illegal sewage spillage. Under this new bill, we will be able to do it. We're taking a sense of urgency on this by putting it in the bill that we could put it in as soon as possible.

So to your remarks at the beginning: Isn't there a sense of urgency here that we should be expanding it to 150 different entities and clamping down on violations?

Ms. Margo Does: What do you mean with the 150 entities, please?

Ms. Andrea Khanjin: Basically, as a result of the changes, as you know, reading from the bill, the framework would cover approximately 150 different entities across the province. Right now, the penalties would only apply to 140 facilities in Ontario. So we're expanding the scope.

Mr. Dave Smith: It's 150,000.

Ms. Andrea Khanjin: Yes, 150,000. Thank you. My colleague just corrected me.

Dr. Gordon Neish: The concern that came to our attention—and again, because of the way this is being ramrodded through, there's not a lot of time to reflect and look at how all the different pieces interact. That's one of the problems with omnibus bills. What you're promoting for environment may be offset by something else in that bill. Everybody can say, "Well, because there's a sense of urgency, this should be in the omnibus bill, and this should be, and this should be." Pretty soon, no reasonable person can get their head around everything in the bill.

How it was presented to us was that there would be one payment per incident for pollution. It's not very difficult to imagine a situation where, if I'm a polluter and I'm going to have an incident where I dump some stuff into the water, paying a \$200,000 fine might be a bargain relative to not dumping it or having to clean it up. That's the concern you folks are going to have to deal with. A lot of people are saying, "What's this? I could make money by polluting."

Ms. Andrea Khanjin: There will be no economic benefit to the violators. There's no set maximum. In order not to gain an economic benefit, the maximum could be larger. That's certainly part of the bill.

I want to pass it to my colleague because he has some questions for you, as well.

The Chair (Ms. Goldie Ghamari): We'll now turn to MPP Pettapiece.

Mr. Randy Pettapiece: I come from north of here, out Stratford way. Certainly, if you get outside of London, you'll see that it's farm territory. We're so very fortunate that what I consider to be the breadbasket of Ontario is in this part where we're from. I grew up on a farm. Actually, we just moved off a farm about seven or eight years ago. So I've seen a lot of changes in the farming industry over the years, with the use of pesticides especially. We used to do things that you would cringe at now, when we were using chemicals and pesticides—no protective equipment and all this type of thing.

The Chair (Ms. Goldie Ghamari): You have one minute left.

Mr. Randy Pettapiece: What I wanted to say is, we have been doing, or at least I have and certainly the Minister of Agriculture has been doing, quite a few talks about the neonic issue. One of the things we wanted to do is be consistent with the federal government on what they are proposing for this type of thing. So one of the reasons we're looking at this is to be consistent, and we're not right now. We've been talking to beekeepers who would certainly like us to do that, too. Can I get your opinion on that?

Dr. Gordon Neish: I spent 30 years with Agriculture and Agri-Food Canada, so I'm somewhat familiar with the agriculture business. I have not personally done as much in-depth study on the neonics as I would like to, but I think in the case of neonics, there is enough out there—

The Chair (Ms. Goldie Ghamari): That's the time we have for the government side.

We'll now turn to the official opposition, and we'll begin with MPP Arthur.

Mr. Ian Arthur: Thank you very much for your presentation. I completely agree with your point that a 10-minute presentation is not enough time to impact legislation. This is the first bill this government has actually travelled, so this is more input than citizens have had before.

0950

I want to touch on a couple of things. MPP Khanjin referred to the administrative penalty if there was an increased monetary benefit for violating. You implied that it would be factored into the cost of business, and frankly, I agree with you, because while that piece of legislation in there says "referred to in subsection (7) may be increased by an amount equal to the amount of the monetary benefit"—that "may" word is a big problem for me. If it was "shall," I would withdraw a lot of my criticisms of that section. It would be very nice to see the government bring forward an amendment in committee to have that word replaced with "shall," because that would absolutely limit the ability of companies to gain monetary benefit.

A couple of questions on a few things here. I wondered if you could comment on the proposed changes to the Environmental Protection Act and the moving of the regulatory requirements for effluent disposal into ECAs. Do you know anything about that? Can you comment on it?

Dr. Gordon Neish: No.

Ms. Margo Does: No. Not specifically, no.

Mr. Ian Arthur: Okay. That's fine.

Ms. Margo Does: It doesn't sound like a good thing. That's all I can say.

Mr. Ian Arthur: Yes, that's okay. Basically, there are nine sectors that are currently regulated under this act. They're proposing to take the remainder of that act and move it into individual ECAs, so it's on a case-by-case basis.

One of the problems the government has flagged with this is that, formerly, the requirements that could be imposed could only be imposed in addition if they were more stringent than the regulatory requirements, and they cannot eliminate or lessen regulatory requirements. This was listed as a problem for this government. Would you comment on that at all?

Dr. Gordon Neish: No, I can't really comment in detail. We haven't been able to go through all of the changes because of the time constraints.

The Chair (Ms. Goldie Ghamari): MPP Stevens.

Mrs. Jennifer (Jennie) Stevens: Thank you to Gordon and to Ms. Does for coming in. Your presentation was excellent.

I come from St. Catharines. I represent the riding of St. Catharines. We have a community on the north end called Port Weller, and it's a beautiful community. It's right on the edge of Lake Ontario and bordered by our canal. Unfortunately, at the beginning of the year, there was a toxic substance that a company was dumping right on the edge of the canal and the lake bays.

It was concerning to the residents there in St. Catharines. It was very toxic. It was called clinker dust. The government was made aware of it—I made the government aware of this clinker dust and what it would cause to the community.

In your opinion—this is just in your opinion, of course—how do you feel the changes to these penalties for violators within communities—what do you think the changes to the penalties to these companies will be? Does my question make sense?

Dr. Gordon Neish: What we're seeing is the penalties become less onerous. Now, we may be wrong, because we haven't had a chance to read the legislation in detail and look at everything in there—because there are more acts that are a part of this omnibus bill, I haven't even been able to count them all up yet; there are 12 environmental ones alone—but the previous comment there about "shall." We recently worked with Ontario Nature to put in comments on aggregates with respect to the provincial policy statement review, which ties in with this. Again, one of the concerns was, we're having all of these "shalls" being replaced by "shoulds," or as it was referred to, "mays." That gives you a lot of wiggle room. It's not compulsory anymore. It can become, "Maybe we'll do it; maybe we won't," and that's a concern. And also, who pays for the externalities? Eventually, if there's a cleanup that has to be done, the companies aren't paying for the cleanup or aren't taking steps to avoid spilling toxic waste in the first place. The taxpayers are going to end up cleaning that up, and the companies profit from that.

Ms. Margo Does: And also—correct me if I’m wrong—as it stands now, the fine is per day, until they clean it up.

Interjection.

Ms. Margo Does: So, that gives them more incentive to clean up. If that’s taken away, and we have the one lump sum, there is just less incentive to clean up.

Mrs. Jennifer (Jennie) Stevens: Yes, and just to highlight on that, I know that if day-by-day fines were given to this company in St. Catharines for this clinker dust, it would have been cleaned up immediately.

Ms. Margo Does: It would have been cleaned up quickly, yes.

Mrs. Jennifer (Jennie) Stevens: I think if they would have capped it, it would never have been.

Ms. Margo Does: Yes.

Mrs. Jennifer (Jennie) Stevens: Quickly, just one other question: the time that you’ve been given to be consulted. Do you think it was a fair time?

Ms. Margo Does: No.

Mrs. Jennifer (Jennie) Stevens: To the general public?

Ms. Margo Does: No.

Dr. Gordon Neish: No.

Mrs. Jennifer (Jennie) Stevens: Okay, Thank you.

The Chair (Ms. Goldie Ghamari): Turning to MPP Fife?

Ms. Catherine Fife: Thank you, Madam Chair. The government is proposing to permit aggregate extraction in all significant natural features currently protected under the PPS, so provincially significant wetlands, for instance. They’re exempting southwestern Ontario but they’re leaving the rest of the province open. This includes that unevaluated wetlands, which may well be significant, would be open for aggregate extraction. Do you think that this is the direction that we should be going as a province with regard to protecting land in the province of Ontario?

Dr. Gordon Neish: As we mentioned, we recently collaborated with 80 other environmental organizations in commenting on that issue as it came in a provincial policy statement. So, those concerns have been laid out in quite a bit of detail, and we can share that information with you if you haven’t seen it. Basically, no, this is not the right direction to be going.

Ms. Catherine Fife: Do you trust this government to rehabilitate once aggregates are in process? Because that has been a long-standing issue as well, right? Rehabilitation of aggregates: That’s what I’m asking about.

Dr. Gordon Neish: I don’t think it happens.

Ms. Catherine Fife: It doesn’t happen, no.

Secondly, as a group that has advocated for progressive environmental policy—and I want to thank you for your work and for being here today—when you hear that the government is dismantling the LPAT, do you think this intentional? Do you want to speak to the motivation?

Margo, you talked in general terms about this being unkind to remove mechanisms whereby citizens can be active in planning decisions across the province. I really think it’s important for the committee to hear how strongly

groups feel about that mechanism, which really didn’t even have a chance to be successful here.

Ms. Margo Does: I’m also very concerned that the province will override local municipal laws. I thought that we had three different layers of government and so there should be more clarity about autonomy.

Gordon, do you want to add something to that?

The Chair (Ms. Goldie Ghamari): MPP Arthur?

Mr. Ian Arthur: Thank you, Chair. Quickly, we have about 90 seconds left. I want to pick up on what you mentioned, the externalities and the extra costs associated with that dumping.

And I want to talk about—previously, in my mind, the fines were large. They were a deterrent for companies. The benefits would never outweigh the fines. Do you think it’s going to be feasible to actually evaluate what the monetary benefits are, what body is going to do that, how much that is actually going to cost, how we are going to establish that, and how long that process will take before a company is actually forced to pay for what they’ve done, beyond the \$10,000 a day?

Dr. Gordon Neish: I think most companies would make their own internal calculation in terms of, “What is it going to cost us not to do this thing?” versus “What is it going to cost if we just pay the fine and do this thing, and let somebody else worry about it in the future?”

Mr. Ian Arthur: But more specifically, in terms of the costs with the taxpayer dollars and the ability of the government to properly evaluate what the monetary benefit is, do you think that’s even going to be feasible with some of these spills?

Dr. Gordon Neish: No.

Mr. Ian Arthur: Thank you.

Ms. Margo Does: And it will tie up more red tape. I thought that the idea was to eliminate red tape.

The Chair (Ms. Goldie Ghamari): Thank you very much. This is our time. It concludes your presentation. Thank you for your time. You may step down.

LONDON ENVIRONMENTAL NETWORK

The Chair (Ms. Goldie Ghamari): I’d now like to call upon the London Environmental Network: Skylar Franke. Please state your name for Hansard and you may begin. You will have 10 minutes for your presentation.

1000

Ms. Skylar Franke: My name is Skylar Franke. Hello, honourable committee members. Thank you for having me this morning to speak to you about Bill 132, also known as the Better for People, Smarter for Business Act. I am the executive director at the London Environmental Network, and I’ve also worked at ReForest London, for a combined total of five years of experience in the environmental sector in London.

At the London Environmental Network, we believe in cultivating a strong, cohesive and empowered environmental community. We have over 40 different environmental groups that we represent and support through

education, promotions and coordinating a sector-wide voice.

At the network, we also host Green Economy London, which is a business program. We help businesses set and achieve sustainability targets, making reductions in waste, energy, water, and also becoming environmental stewards.

Through this work and these experiences, I've seen first-hand the value of prioritizing and protecting the environment, from a community perspective and a business perspective. I do find it troubling to see environmental protection regulations characterized as red tape, and I would like to change your minds about this characterization.

Specifically, I'm going to be speaking to a couple of items in Bill 132, mostly in regard to the reduction in fines and the switch from daily fines to a per-contravention fine, as well as changes to the EWRB program. There are many other changes that are outlined in Bill 132 that are going to be removing important safeguards, reducing transparency and putting our land and waterways at risk, but I'm not going to be able to cover them in 10 minutes, so I'm hoping some of the other groups will be able to speak to those.

In regard to the changes to the Environmental Protection Act, the Nutrient Management Act, the Ontario Water Resources Act and the Pesticides Act: Those will be negatively impacting our ecosystems and human health, as well as a variety of local businesses and industries that rely on healthy environments. These changes outlined in Bill 132 to how polluters are fined are very short-sighted as they prioritize short-term savings, but we're going to have long-term costs that probably, depending on how much spills, pesticides and pollution are released, will end up being paid by citizens.

The changes in the fining mechanism of this legislation encourage businesses to build into their budgets a one-time contravention fine, as opposed to looking at how much they could potentially lose if they are fined daily. Canada has entered into international covenants and supports the polluter-pay principle, the goal of which is to hold polluters accountable. This principle is the commonly accepted practice that those who produce the pollution should bear the costs of managing it to prevent damage to human health and the environment. For instance, if a factory produces a poisonous substance as a by-product of its activities, it's held responsible entirely for its safe disposal.

Toxic spills, nutrient overloading and sewage dumping can potentially cost a lot more than a one-time charge of \$200,000 to clean up. That's the maximum fine that has been outlined in some of the changes. Who's going to cover the bill if the environmental violation costs more than \$200,000?

I would also like to add, that according to the data from the environmental penalty annual report on the Ontario government's website, in the London area in 2017, two companies were fined 33 times, and that ran over consecutive days. One of the companies was also fined 10 times in 2016 for pollution that occurred over nine days.

Clearly, we need to be increasing the fine amount and maintaining it at a daily violation fee to curb this type of behaviour. When there's a risk of paying a daily fine, the penalty incentivizes immediate and effective action to mitigate pollution.

Through our work at Green Economy London at the London Environmental Network, we also support businesses with positive corporate sustainability programs, and we encourage and expect the government to hold businesses accountable for non-compliance. Changing the penalty from a daily fine to a one-time fine is not enough to hold businesses accountable, in our opinion. I'm urging your committee to look at these changes in Bill 132 with long-term impacts in mind and with a proportional penalty to the infraction.

The economy relies on having healthy resources and people. By making it easier and cheaper to pollute, the bill allows for more destruction of ecosystems and resources that our economy relies upon, like clean drinking water, the tourism industry, the commercial fishing industry and many other local industries that rely on the government to enforce environmental violations to protect their businesses.

Our local waterways are already suffering from lack of government action and enforcement on the issue of overloading from fertilizer or sewage dumping. Taking a look at Lake Erie's algal blooms and the effect that it has on tourism locally, a report by economists and the federal government released recently determined that algal blooms will cost the Lake Erie economy \$272 million a year over a 30-year period if left alone. The tourism industry is the hardest hit, suffering \$110 million a year in lost revenue. This is only going to get worse if Bill 132 is passed, because the fines are capped at a one-time fee for contravention as opposed to a daily fine, which does not incentivize immediate action for polluters.

In order to combat pollution, climate change and environmental degradation, we need to be using all the tools in our tool box. So as the Environmental Network and Green Economy London, we're trying to incentivize good behaviour, and we're hoping to see effective enforcement of legislation from the government.

Another area I'd like to comment on is the changes to the EWRB benchmarking program. The Energy and Water Reporting and Benchmarking program, O. Reg. 506/18, requires owners of large buildings to report on their energy and water consumption on an annual basis. The program is currently in year two of a three-year roll-out, so buildings over 250,000 square feet reported in 2018, buildings over 100,000 square feet reported in 2019, and buildings over 50,000 square feet are supposed to be reporting in 2020.

The province is proposing an amendment to O. Reg. 506/18 to stop the further roll-out of the program to buildings under 100,000 square feet. The London Environmental Network recommends to the Ministry of Energy, Northern Development and Mines to reconsider this proposed amendment. The amendment will impose additional costs on small to medium-sized businesses in the long

term. In addition, the change will reduce the ability of businesses to reduce greenhouse gas emissions.

Over 10 years of experience with the US Environmental Protection Agency's Energy Star benchmarking program and the Race to Reduce program undertaken by the city of Toronto demonstrate that building owners that measure and benchmark energy and water use save money. A study by the EPA demonstrates that just by benchmarking your building alone, with no deep retrofits, you can achieve energy savings of 2.4% a year, for a cumulative total of 7%. This would yield an annual savings of \$600 to \$1,750 on a \$25,000 electricity and gas bill, and that is far greater than the estimated savings of \$300 per building suggested by the proposed amendment. In Toronto, energy reductions under the Race to Reduce initiative resulted in savings of \$13.7 million over four years, an average savings of \$5 per square foot in office space.

Benchmarking is the first step to further improve energy efficiency in buildings. A study by the Canada Green Building Council highlights that building owners that green their buildings see an average increase of 4% to their property asset value. They see qualitative benefits such as improved tenant engagement, tenant retention, and positive recognition that leads to financial value. Benchmarking energy and water data through portfolio manager tools aligns with the government's made-in-Ontario plan.

The document states that, "Building resilience is about having the right information, tools and resources to adapt and respond to our changing climate. We will access the best science and information to better understand where the province is vulnerable and know which regions and economic sectors are most likely to be impacted."

The proposed amendment to the reporting requirements will affect over 9,000 buildings that are under 100,000 square feet, and that would result in less data for the government to use to make important decisions that would benefit Ontario businesses and reduce greenhouse gas emissions.

I urge the committee to keep the fines at a daily violation rather than a per-contravention violation fee, and actually I'd encourage them to increase the fine amounts instead of capping them at \$200,000. We also encourage the complete roll-out of the EWRB program to buildings under 100,000 square feet for the various benefits that I spoke about earlier.

Thank you very much for your time. I really appreciate you guys coming down to London, and I'm able to answer any questions you have regarding my presentation.

The Chair (Ms. Goldie Ghamari): Thank you very much for your presentation. This round with questioning will begin with the government side. Who would like to begin? All right, MPP Khanjin, you have the floor.

Ms. Andrea Khanjin: Hello. I just wanted to comment on the last things you mentioned before I go into your further comments. That was just about the opportunity for environmental savings and helping our environment when it comes to buildings and the building code. One thing that we put in our Made-in-Ontario Environment Plan was things that we could do with the building code, something

that MPP Schreiner knows very well about. It was very interesting to see that. Our building code in Ontario ensures that any house built after 2017 uses 50% less energy to heat and cool homes than the ones built before 2005, so I'm glad you recognized that as well.

One of the things I wanted to get your opinion and expertise on, from all the work and volunteers you interact with, is—you were talking about water and the importance of protecting water. My riding is Barrie–Innisfil, and we have our jewel, which is Lake Simcoe. One of our challenges is invasive species and phosphorus levels. Before I became elected, I did a lot of work on Lake Simcoe with the Lake Simcoe Clean-up Fund at the federal level, to ensure that we have monies for stewardship programs to clean up the lake. Unfortunately, the re-elected Liberal government had pulled back those funds for the cleanup, so we are now taking local initiatives and working with our conservation authority to help our lake.

One thing that was shocking for me to learn when it came into the Ministry of the Environment was that it does affect my lake. If you violate things like a permit to take water, there are no fees or fines. Do you think that there should be fees or fines for those who violate permits to take water?

1010

Ms. Skylar Franke: I didn't prep anything on that topic, so I can't speak with authority on it. That would probably be my feedback on that.

Ms. Andrea Khanjin: What about, when it comes to protecting water, do you believe that people who, say, are failing to have a certified operator when operating a drinking-water system—do you think they should be fined, because that results in contaminants within the water?

Ms. Skylar Franke: Sorry, I didn't—who should be fined?

Ms. Andrea Khanjin: Someone who fails to have a certified operator when operating a drinking-water system.

Ms. Skylar Franke: That would only be municipalities?

Ms. Andrea Khanjin: Right.

Ms. Skylar Franke: So if municipalities don't have a certified—

Ms. Andrea Khanjin: Yes. They will be fined for it.

Ms. Skylar Franke: Yes, they should probably have a certified drinking operator.

Ms. Andrea Khanjin: Great. Thank you. I appreciate that.

And then, do you think that people should be fined for illegal discharge of sewage into our waterways?

Ms. Skylar Franke: Yes.

Ms. Andrea Khanjin: Okay. Thank you. I'm glad that you agree with those violations, as they were not something that we could fine for before. One of the really important elements of including the administrative monetary penalties within this bill and making it very timely is to ensure that those things now have a violation tied to them.

Before, that wasn't the case, so I'm really glad that you agree with it.

One other thing I wanted to ask you about is—we're talking about different fines and penalties, and so, I think that if someone does do a large spill, the full force of the law should be on them. That way, we can go after them with large fines, full force, perhaps jail time, etc., right?

Ms. Skylar Franke: Yes, and I think that it would be great if it was more than \$200,000 per fine, because that is not always adequate. Having a cap and a maximum is not using the full force of your legislative ability to enforce that.

Ms. Andrea Khanjin: And it's good that you recognize that, because it's something that we recognize, as well, where you should have the full force of the law in order to ask for larger fines. Our amendments here do not change liability. In fact, we're expanding in terms of the aspects that we can fine for: not only the measures and violations—the ones that you agree with—but just in terms of the coverage of the spill, and also the fine.

As you know, in the Ministry of the Environment, we have lots of scientists and hydrologists, and we really rely on these scientists. It's great, but they're not lawyers, and so it's tough for them. If we have our action centre for spills, for instance, they go in, they monitor and they come up with what they think would be the estimate for the fine, and we rely on that data information. But it's tough for them to go in and now, on a legal aspect, say, "We really want \$1 million or \$2 million or \$4 million for this fine." So, we rely on the full force of the law.

What we're trying to do in this bill is really use the full force of the law on those violators so that if they are indeed violating something that is \$1 million or \$2 million, the full force of the law will be there. We will rely on the court in order to use the full force of the law. So, my question to you is: Wouldn't it be better, in terms of protecting the environment, to be able to use the full force of the law to make sure that those who violate it do pay the maximum?

Ms. Skylar Franke: I think it would be better not to cap it at \$200,000, as outlined in the legislation that you've put forward.

Ms. Andrea Khanjin: It's interesting that you say that, because when we drafted the bill and the particular section, which I can refer to here—if you look at the violators and being able to gain economic benefit, we're ensuring in here that they're not having economic benefit, which means that if the fine is larger than \$2,000, there is no economic benefit there. They will be fined the full force of their violation. That hasn't changed.

What we have changed is, before, there was no set maximum for the associated economic component of the penalty. Now we're putting in that associated economic penalty, so if the economics of the spill are larger, there's an ability to do that.

From your point of view, would it not be better to make sure that there is no economic benefit to the violator?

Ms. Skylar Franke: I guess I just didn't see that outlined here very coherently, so it looks like you guys are saying there's a maximum of no more than \$200,000 per

contravention. I don't see a little asterisk at the bottom that then goes, "But if it's over \$200,000, we will further enforce." So I guess I'm just missing that documentation.

Ms. Andrea Khanjin: Further in the bill, if you look at the economic benefit section of the amendment, you will see that we've put in a provision for the "no maximum amount" associated with the economic component of the penalty, so obviously, the full force of the law. But I would like to get your opinion on that as well as we continue to draft the regulations that follow the bill.

As you know, in order for us to be able to make these changes—

The Chair (Ms. Goldie Ghamari): There's one minute left.

Ms. Andrea Khanjin:—certainly there will be more details in regulation. So I'm looking forward to your input on that.

Ms. Skylar Franke: Thank you.

The Chair (Ms. Goldie Ghamari): MPP Smith.

Mr. Dave Smith: Just for clarification, on the energy and water reporting benchmarking, that's not a legislated change; it's a regulatory change. It's based on feedback that we received from a lot of other industries. It was missing a lot of types of buildings, and the changes that we're making allows for them, then, to be part of the program as we move forward. For example, if you had a large industrial building that had a one-bedroom apartment in a part of it, then it wasn't eligible for it. It would be now.

What we think we've done is we've expanded that process, then, so that more building owners have the opportunity to take advantage of it. When you measure what your outputs and your inputs are, you're in a better position than if you're just guessing and modelling on it. That was the purpose behind that regulatory change.

Ms. Skylar Franke: Yes, and I didn't get the chance to mention it, but the change to making it voluntary—I think we've seen that changing legislation to become voluntary actually reduces how much participation rate there is, so—

The Chair (Ms. Goldie Ghamari): And that concludes our time for the government.

We'll now turn to the official opposition. MPP Fife, you may begin.

Ms. Catherine Fife: Skylar, I just want to say to you, I loved your presentation. It's exactly the direction that we need to be discussing and implementing, and the direction we need to be moving in with regard to environmental reform and pairing it with economic impact. I applaud you and the London Environmental Network around cultivating Green Economy London. I think that's great. I know that city council is debating a motion, so you are clearly driving change.

I want to take it back: You focused on the economic impact that pollution has on the overall economy. Of course, you referenced the algae blooms and the impact that that has on tourism. I really do want to drive that message home, because by capping those pollution fines, you're quite right that it will not incentivize stewardship around best practices. Can you just elaborate a little bit

more on the economic impact with regard to the economy and tourism?

Ms. Skylar Franke: Sure, yes. We work a lot with the Canadian Freshwater Alliance, which is a national non-profit that works on freshwater bodies, so rivers and lakes. They've been trying really hard in the last couple of years to increase tourism on our lakes and waters, because we find that when people spend money near the water and also spend time near the water, they prioritize it and they care about it more. A lot of the research I pull is from their data, but they found that Lake Erie has suffered a lot of economic tourism loss. As well, we're starting to see algae blooms in rivers, and that's very unusual, because usually that's running water and it's moving it down the line. But they've also seen the local industries like stand-up paddleboard shops—London has one called LondonSUP, stand-up paddleboard. They are eventually probably going to be closing their shop because not enough people are buying the recreational devices to go on the water, because they're not allowed to go on the water because there are algae blooms. So it's destroying a lot of different businesses that rely on healthy waterways.

Ms. Catherine Fife: You specifically referenced small and medium-sized businesses because they don't have, perhaps, the resiliency to weather some of these changes. That's one of the examples you're citing, the paddleboard shop. Do you have another example for us?

Ms. Skylar Franke: Off the top of my head, I go to Port Stanley, and when the beaches close and you can't go on them, there are lots of restaurants that are negatively impacted. There are parking lots that lose money, so that's municipality-driven. Conservation authorities receive money—so there are different conservation authorities that have locations that you can visit, and you can camp and you can rent canoes to go on the water. They lose another source of revenue that they need access to. So it's not just businesses; it's also government.

Ms. Catherine Fife: Yes, so it has a trickle-out effect, right? I hope that the government hears the "no cap" message.

I think you make a good point around that asterisk around measuring the potential economic benefit that a company may have if they are polluting, and then having the government try to measure that. We know that in the province, oversight and—you can have a great policy, but you actually have to enforce it. We know that there's a huge issue around that.

1020

Finally, you mentioned gathering of data. This is interesting, because data should matter, but you actually have to capture it in order for it to affect policy. Did you want to just extrapolate on that a little bit?

Ms. Skylar Franke: I said that in relation to the EWRB program. We work with businesses, and a lot of the small and medium-sized ones are not legally responsible to understand their environmental impact, but they also don't track how much energy they use, how much water they use or how much waste they create. So we come in with the small and medium-sized ones to help them figure that out,

so that once they have a baseline they can start to track their reductions.

With the EWRB program going to buildings with 50,000 square feet as the next rollout for 2020: We are excited to see that because then it won't be relying on our non-profit to do that; it would be relying on the business to do it themselves, and then they would be able to use that data to make those reductions themselves.

Ms. Catherine Fife: So it builds it into the whole culture.

Finally, the fines that were gathered before—unless Bill 132 passes—when entities are found to have violated—perhaps a spill—and they are charged on a daily basis: That money was gathered and it was redivided to the local conservation authority to address the chronic underfunding of conservation authorities. Now it's going to go into a trust to—and we're not really quite sure where it's going to go. Do you want to comment on that a little bit?

Ms. Skylar Franke: Ideally, it would go to back to the community in which the spill has happened because then they're able to remediate it in their local space.

I looked through the last 10 years of the annual reporting data, and I think we need to keep the daily contravention fee, but I also think we need to increase it, because they did not collect a lot of money, and there is money to be collected and then redistributed to make sure that the people who are polluting pay for their pollution.

The Chair (Ms. Goldie Ghamari): MPP Arthur.

Mr. Ian Arthur: Thank you very much for your presentation.

I want to talk quickly about the expanding of the number of companies versus the lowering of the fines. The parliamentary assistant to the Minister of the Environment seems to be justifying the reduction in fine amount by the amount of new entities that can now be fined. I fail to see a correlation between those two things. Do you?

Ms. Skylar Franke: I don't have the data to answer that question. I would say that the more people who are violating who can be fined is good, but the issue with an omnibus bill is that you can't pick that out and then vote for that while also voting down the costs that they're doing.

Mr. Ian Arthur: Does expanding the number of companies justify lowering the fine total?

Ms. Skylar Franke: No, I don't see a correlation for that.

Mr. Ian Arthur: I want to also talk a little bit about the reliance on the judicial system to enforce this. If the fines are not as big but the government is defending this piece of legislation, saying that they will then move it into the courts and use the courts to levy further fines, how do you see that going? Do you see companies with large budgets for in-house legal teams or large budgets for external legal teams being able to drag that on for years and years and avoid actually paying increases in fines?

Ms. Skylar Franke: I think I've seen that historically happen, so I wouldn't say that this would be a special exemption for that process.

Mr. Ian Arthur: In terms of reducing red tape: Does putting more burden on the judicial system seem like a good avenue for reducing red tape?

Ms. Skylar Franke: Red tape for whom? Is it red tape for the taxpayers? Is it red tape for the judicial system? Is it red tape for businesses? What I tried to outline was that it's not reducing red tape, because at the end of the day, someone else is going to have to pay the bill, and it's going to affect the businesses that rely on clean water and clean environments.

Mr. Ian Arthur: The asterisk that they were referring to was a subsection that says, "The total amount of the administrative penalty referred to in subsection 7 may be increased by an amount equal to the amount of the monetary benefit acquired by or that accrued to the person as a result of the contravention." During the previous presentation, I brought up that the big problem with that is the word "may," instead of "shall" or "will." Again, this is leading up to the government to come up with an enforcement mechanism, to come up with who's going to actually do these inspections and evaluate what that financial benefit was. Also missing from this is any sort of reference to the cost of the cleanup from it. Yes, they are appropriating the money from the benefit gain, but what if the actual cost of the long-term cleanup outweighs what that financial benefit is to the company? Do you want to—

Ms. Skylar Franke: Yes. That's, I think, what I was saying by capping it at \$200,000. There have been spills in Canada that cost more than \$200,000 to clean up, so who is going to pay the rest of the money? I didn't really fully understand that process.

I would also say, just going back to the annual reporting, that I was quite surprised to see that the province is actually able to give a discount to businesses. There is a column that says there's between a 20% to 35% discount on paying their bill. There already are incentives for businesses to pay, and I don't think that we need to be adding more.

The Chair (Ms. Goldie Ghamari): You have one minute left.

Mr. Ian Arthur: In terms of the EWRB requirement for reporting—meaning the building is 100,000 square feet and then 50,000 square feet—I see a correlation there. Expanding the type of buildings that qualify, but lifting the requirement for them to actually report on this? It doesn't matter that there is an expansion; there will be no reason for them to actually take part and provide that data.

Ms. Skylar Franke: Yes, and we've actually seen, even though it's mandatory, there are still some businesses that don't complete it, even if it's mandatory and they are being called by the ministry to complete their Energy Star benchmarking tool. I would like to see it, like I said, roll out to 50,000 square feet and make it mandatory, and enforce it.

Mr. Ian Arthur: Thank you.

The Chair (Ms. Goldie Ghamari): No further questions?

Mr. Ian Arthur: No.

The Chair (Ms. Goldie Ghamari): MPP Stevens?

Mrs. Jennifer (Jennie) Stevens: No.

Interjection.

The Chair (Ms. Goldie Ghamari): Sorry, my apologies.

All right, we will now turn to the independent Green Party member. You have two minutes.

Mr. Mike Schreiner: Thank you, Chair. Thank you, Skylar, for a great presentation. I'm just curious: In your opinion, do you think it's more of a deterrent to companies that spill toxins into our waterways to have the certainty of daily fines—especially if we increase those daily fines—or the uncertainty of maybe recovering that at some point via the legal system? Which, do you think, is a stronger deterrent to those companies?

Ms. Skylar Franke: The first one, the daily fines.

Mr. Mike Schreiner: The daily fines you think are. Do you think maybe one of the reasons that we haven't collected as much money on it is it's such a strong deterrent that it actually prevents companies from dumping toxins into our waterways, because they are afraid of those fines?

Ms. Skylar Franke: I would hope that that's the reason.

Mr. Mike Schreiner: Yes. And just to switch gears really briefly, do you think the government has any chance of meeting its very weak targets in the government's environment plan if we're going to take mandatory requirements for benchmarking energy measurements and turn them into voluntary requirements, given what a big role buildings play in GHG emissions in the province?

Ms. Skylar Franke: I don't think that you can meet targets entertaining anything that's mandatory and making it voluntary.

Mr. Mike Schreiner: Do you think ultimately it would actually be bad for business to disincentivize ways in which they could reduce their energy and water costs?

Ms. Skylar Franke: Yes, and as I outlined, it saves money to benchmark without even doing any retrofit. So it's to the benefit of the business to do the benchmarking.

Mr. Mike Schreiner: Great, Thank you.

The Chair (Ms. Goldie Ghamari): We will now turn to the government.

The Clerk of the Committee (Ms. Jocelyn McCauley): They started.

The Chair (Ms. Goldie Ghamari): Oh, sorry, my apologies. That's right. That concludes your presentation. Thank you so much. You may step down.

Ms. Skylar Franke: Thanks.

THAMES RIVER ANGLERS ASSOCIATION

The Chair (Ms. Goldie Ghamari): I will now ask the Thames River Anglers Association to please step forward. Please state your name for Hansard, and you may begin.

Mr. Robert Huber: Good morning. My name is Robert Huber. I'm the president of the Thames River Anglers Association.

The TRAA has been dedicated to protecting and sustaining a viable multi-species fishery that's within our namesake watershed for over 25 years through education,

environmental advocacy and grassroots projects that help to actually rehabilitate the river and its tributary streams.

The TRAA membership appreciates the opportunity to provide comments to the Standing Committee on General Government regarding Bill 132, An Act to reduce burdens on people and businesses by enacting, amending and repealing various Acts and revoking various Regulations.

Our club has operated a trout hatchery on the Wales family property that's along Komoka Creek since 1986. The facility requires a consistent supply of cold and clean water that enables us, in partnership with the Ministry of Natural Resources and the Upper Thames River Conservation Authority, to raise and release over 50,000 rainbow, brown and brook trout into the tributaries of the Thames River every year.

1030

In 2018 we received notification, through a Middlesex county zoning bylaw amendment, of an application to allow for development of an aggregate pit directly adjacent to the headwater that supplies water to the hatchery. It is well recognized and studied that aggregate extraction can and often does pose a serious threat to both surface water quality and aquifer quantity. The watershed itself is one of southern Ontario's healthiest and most notable cold water streams.

Our club subsequently filed a formal objection to the project at 9548 and 9584 Glendon Drive, Komoka, Ontario, by Johnston Bros. (Bothwell) Ltd. The proponents of the project have another year to determine how they would respond to any objections received and the oversight of the governing agencies would then determine if the zoning and permits are granted. Our membership patiently and nervously awaits the outcome of that process. We are concerned that the changes proposed in Bill 132 would make it very easy for a single gravel pit to end decades of hard work, the education of our next generation of anglers and sustaining a thriving local sport fishery.

This is really a story about provincial policy and how it affects things on a local level.

The proposed changes to the Aggregate Resources Act through Bill 132 that we would like to address include:

(1) The revisions to the application process and removal of municipal zoning bylaw requirements for aggregate operations that would like to excavate below the water table pose a direct threat to the surface water and aquifers that are not only vital to our hatchery but of significant ecological and eco-tourism value to our sport fisheries throughout the province.

(2) The streamlining of compliance reporting and allowing operators to file their own changes to site plans for unspecified activities removes a necessary layer of oversight to protect the environment while involved in resource extraction.

(3) Allowing unspecified low-risk activities without an Aggregate Resources Act licence if regulatory conditions are being followed lacks the clarity of accountability to make certain operators are maintaining compliance with those laws.

Currently very few, if any, aggregate operations are restored to a natural state when extraction is complete. If a company would like to profit from our land, it's not unreasonable to expect them to make a consistent effort to restore it to the best of their ability rather than fencing it off and moving to the next site. If these types of regulations are viewed as impediments to growing the economy, it begs a serious question about whether the province of Ontario will work for the people to protect the environment or is simply catering to corporations and developers that carry greater influence and are only concerned with profit by any means necessary.

I stand before you today—or sit, I guess—because, as a citizen of Ontario, I have a legal right to participate in the planning process when changes are proposed in communities where pit and quarry licences and permits are filed. It is a requirement that our questions and comments are respected and addressed in a satisfactory manner. The proposed changes in the bill make this extremely difficult when the jurisdictional bodies are less involved at a local level and the project proponents are left to self-govern even when planned land use changes are potentially of detriment to the natural environment.

Our organization understands that there is an ongoing need for aggregate resources to supply infrastructure projects and development. Through more recycling of previously used aggregates and assessing reserves at existing aggregate operations for improvements, the goals of this act could be accomplished without detriment to the environment and our sport fishery, which are both notable cultural and economic contributors to the people of Ontario.

Thank you again.

The Acting Chair (Mr. Randy Pettapiece): Thank you. I'll turn to the official opposition. Ms. Fife?

Ms. Catherine Fife: Thank you, Robert, for coming. I think you've posed some really key questions that are underpinning this piece of legislation. You've made very clear and concise points around your concerns with regard to how Bill 132 will impact the environment. I want to ask you: Who do you think this government is listening to?

Mr. Robert Huber: We're trying our best to be a part of that process.

Ms. Catherine Fife: Sure.

Mr. Robert Huber: As public and volunteer organizations, environmental organizations, you have to stay very tuned in to what's going on with the EBR and things like that. We had to learn the Aggregate Resources Act last year just to be able to be involved in that process, and then to find out that it's changing or could be changing—you realize very quickly that if you don't speak up and you don't say something, you can't criticize the outcome of the process.

Ms. Catherine Fife: That's a fair point, but don't you think you have to be involved in the process to be able to criticize it?

Mr. Robert Huber: That's what we're afraid of: that we may not be able to be involved in the process much in

the future. We try really hard to advocate and be involved, and that's getting more and more difficult.

Ms. Catherine Fife: Yes. I applaud the fact that your anglers association—I didn't really know where you were going to go in this presentation. I'm really encouraged that you're—I mean, obviously you're motivated to keep the resources that you have at your disposal clean, because it's in the best interest not only of your members but of the overall community.

I think my takeaway from your presentation will be that some laws exist for a reason, and that's what we hear from the government, that these are regulatory burdens that drag on the economy, but there's a cost to not actually being responsible about the economy.

Do you have any thoughts on the loss of the planning appeals support agency that was only in place for approximately a year, which would have helped citizens' groups and organizations like yours navigate through the appeals process?

Mr. Robert Huber: It hasn't been really easy even to navigate that, to be honest.

Ms. Catherine Fife: Yes.

Mr. Robert Huber: We've had to rely a lot on a network of other organizations like the London Environmental Network, the Ontario Rivers Alliance, the Freshwater Alliance. There's a really tight community to try to understand and navigate through those processes when they go in your favour and when you are also not happy with how something turns out.

Ms. Catherine Fife: Yes. I guess the upside is that all of these environmental groups are forming stronger bonds because they have to.

Mr. Robert Huber: We don't have a choice.

Ms. Catherine Fife: You don't have a choice, yes.

Specifically around aggregates: I represent the riding of Waterloo and this is a huge issue in our riding, especially with regional levels of government because the thought that the provincial government could override those local democracies is obviously disconcerting, I would say, and the government is proposing to permit aggregate extraction in all significant natural features currently protected under the PPS which are provincially significant wetlands. They're making some exceptions around southern Ontario, but you have to have an evaluation of a wetland in order for it to be considered out of bounds, so unevaluated wetlands, which may well be significant, would be open to aggregates as well.

I know that here in the London area the local council is going to be debating the climate crisis in a reaction to climate change. You would normally rely on the local council to be in your corner in this. How do you feel about the province and the provincial government potentially overriding your local advocates at municipal council?

Mr. Robert Huber: Well, I think we, as taxpayers, expect that the municipality that we're paying taxes to has a say in that process and that we can work with them with our elected councillors and with our local MPPs and try to do something about it if we have a problem with how it's

planned and if you're willing to go and put that effort into it. So I am deeply concerned.

I feel like here in the city we have some projects and initiatives under way. In Byron, they're going to be trying to revitalize an entire gravel pit area, like an aggregate-zoned area that went through a lot of work. It's something that will happen in the city, but unless it's somebody who's directly in that area, most people won't stop and get involved in the process. So we're looking at the rural areas around the city of London. I didn't expect that I'd see other people from Komoka or the countryside here with any problems to do with this because gravel pits usually pop up in the most unlikely places. Sometimes you can put them in the wrong place and it can do a lot of damage.

Ms. Catherine Fife: Absolutely, and with communities, for instance, like Waterloo region, we rely on an aquifer, and once that aquifer is compromised, then the economy, the value of your house, the value of your jobs, the value of your business, they doesn't really matter without water, right?

On the aggregate act, the other problematic piece that we have seen—and this also came from Ontario Nature's response—is that the act does not acknowledge the fact that legal requirements to rehabilitate sites are often poorly enforced and routinely ignored. Is that your experience as well?

Mr. Robert Huber: I would agree, both in being an angler and actually oftentimes coming across these gravel pits years after they've been left and abandoned.

Ms. Catherine Fife: Thank you. Well, I want to let you know that we support local municipalities to have a say. We think that they are obviously locally elected and locally accountable, and I think that's an important mechanism that we have to ensure that our democracy stays strong and that local voices are respected.

I just want to thank you for coming in today.

Mr. Robert Huber: Thank you.

The Chair (Ms. Goldie Ghamari): MPP Arthur.

Mr. Ian Arthur: Could you just expand on that last comment you made—gravel pits you've come across long after they've been abandoned and about how evident they still were or what steps were taken to transition them back into the environment, if any, to your knowledge?

1040

Mr. Robert Huber: I've fished in southern Ontario for the better part of 35 years. I don't think I've ever come across a gravel pit where it appeared that the operator had made any sort of effort to try to restore that actual operation back to some naturalized state.

Mr. Ian Arthur: Thirty-five years of fishing and you haven't seen one that—

Mr. Robert Huber: Normally, you come across these things, and they're fenced up. You're not supposed to go there because there are "no trespassing" signs. You take a look at it and you're like, "I can't tell if somebody is still working on it or if they've abandoned it," and you move along. You realize that there is no accountability and there is no enforcement to make sure that those things are happening, whatsoever.

Mr. Ian Arthur: Thank you so much for your presentation.

The Chair (Ms. Goldie Ghamari): No further questions? Okay, thank you very much.

We'll turn now to the Green Party independent member. You have two minutes.

Mr. Mike Schreiner: Thank you, Robert, for being here. As a fellow angler, I've often thought anglers need to speak up more often about protecting water, because it's essential to our sport.

One of the most important responsibilities municipalities have is land use planning, and another critical responsibility municipalities have is providing clean drinking water for the residents. To essentially have those powers undermined by the changes in Bill 132—what do you think it does? What message is it sending municipalities around their abilities to land-use-plan and provide clean drinking water for their residents?

Mr. Robert Huber: I think they should be genuinely concerned themselves in terms of their role in protecting their citizens' drinking water and being able to plan around what happens within their communities. As a resident, I think it's even more concerning that it doesn't feel like there's a lot that we can do to influence or change that process once a project proponent has decided to acquire some land and make that change. You're fighting against a machine that doesn't have brakes.

Mr. Mike Schreiner: Ontario has very weak aggregate laws. Oftentimes, it's the municipalities who are the ones protecting citizens and being able to speak out because they're more engaged in these more often. Do you think it's going to weaken your voice to have the municipal voice weakened in this case?

Mr. Robert Huber: We have to support them. It's important not just to criticize when government is doing something wrong; it's important to support them when they make good decisions as well. When you work with local councils and you try to be an advocate for environmental protection, you realize very quickly how challenging a job it is for most people to do part-time, on top of some other career that they have. I don't think they want to have their citizens lose hope that government is doing the right things right now and—

The Chair (Ms. Goldie Ghamari): Thank you very much. That concludes your time.

We'll now turn to the government. We'll begin with MPP Smith.

Mr. Dave Smith: Thank you very much. Through you, Chair: I'm in Peterborough-Kawartha, and I represent seven different municipalities in there. It's a beautiful area. We've got a lot of Canadian Shield in the northern part of it, and I have a lot of aggregate pits in my area. You said that you represent the Thames Valley anglers association?

Mr. Robert Huber: Right.

Mr. Dave Smith: Is it safe for me to assume that Thames Valley is the municipality that you're from?

Mr. Robert Huber: Yes, right here in London. The Thames River runs through London, and we support the

different watersheds and the tributaries throughout the London area.

Mr. Dave Smith: And your municipality has a bylaw that restricts or tries to manage extraction below the water table?

Mr. Robert Huber: Right now, to my understanding, yes. Correct. There's a line you cross when you get below the water table.

Mr. Dave Smith: I think we would both agree that managing it that way is something that is beneficial to the environment.

Mr. Robert Huber: Yes, of course, because water is a pretty valuable resource and we have a lot of freshwater in Canada. We maybe take it a little bit for granted how much freshwater we actually have here. More and more, we're starting to realize the value of that freshwater. It's important to companies that would like to extract that freshwater and put it in bottles and sell it back to us. It's important to our fisheries. It has economic value there. I guess it's starting to question how valuable is the gravel and the other extract, the aggregates that we're pulling out of the ground, in comparison.

Mr. Dave Smith: Sure. The reason I brought that up is I am agreeing with you that it's a good idea to make sure that we're looking at the extraction below the water table. We need to be doing that across the entire province.

The reason I brought up that I'm in Peterborough-Kawartha is that one of my municipalities, North Kawartha, has a municipal bylaw for it, and directly beside it, Trent Lakes does not. We recognize that this is a miss. At the provincial level, we don't have the ability to go to the municipality and say, "Thou shalt do this because we want you to do it" unless we put some legislation in.

This is one of those cases where we see that across the province it's a bit of a patchwork and we need to make sure that we're doing what is appropriate, then, for the entire province.

Creating that second provincial permit so that any aggregate company that wants to go below the water table to extract any material—we think that's a very good idea, that you should be doing that to make sure that they're not doing it in a way that it is detrimental to the environment. We have some excellent bylaws that are out there with certain municipalities, but then we also have some municipalities where it's a miss. In order for us to suggest to the municipality that they do something, we have to pass provincial legislation.

If what we're looking at is the best practices that are being done by some municipalities and where there's a miss in other municipalities, wouldn't you then say that it's a good idea that the province say that you have to do it across the entire province, and we're going to create a second permit—because there is nothing right now that exists for it, and it is a patchwork—wouldn't you say that that then is probably a better process?

Mr. Robert Huber: There's some benefit to having a standard or provincial threshold or policy that says that this is how we're going to address that. If a municipality has a more aggressive policy on it, would they have to

scale that back? And if one has perhaps a weaker policy with how they address it—

Mr. Dave Smith: Or no policy.

Mr. Robert Huber: —or no policy, would they be expected to come up to that provincial level? I think it really depends, again, on a local or regional level how it's going directly impact the projects that are in your area.

Mr. Dave Smith: What we're suggesting is that we implement something across the entire province, that we make sure that any extraction that is below the water table has a level. Municipalities can always add bylaws that make it more restrictive, but we're suggesting that you have to follow this process across the entire province. By doing it that way, we're actually protecting the environment more.

I don't want to eat up all of the time, so I'll move quickly on to another part. One of the things that you had mentioned was that in the 35 years that you've been an angler you have never seen an aggregate pit or a gravel pit that has been turned back into the environment the way it was. We absolutely recognize that this is one of the challenges that we have in the province as well. When you file for a licence to do this, you file a site plan with your projections on how you're going to mitigate those risks when you close the pit. There really wasn't anything in the process previously that said that the pit will be closed at X date or at X amount of aggregate that's removed from it. So the aggregate companies were not actually closing any of those pits. They still remain "active," but they're only active on paper. We're trying to clarify the extraction permit process so that we avoid that.

We absolutely recognize that you're right, that some of the aggregate companies took advantage of that loophole, so to speak. We're trying to tighten it and clarify that process so that when they get to the point where the pit is very close to being at the end of its natural life, they are in a position where they're going to do the rehabilitation. We don't have a mechanism right now to do it, so this process change is one that we see as clarifying the process and making it stronger for the environment.

Mr. Robert Huber: Correct. I agree that there are loopholes in that policy and it lacks the teeth to enforce it in its current state. It's not necessarily something that we are taking issue with; it was something that we were identifying as being of concern that is not being done well right now, and there's room for improvement.

Mr. Dave Smith: Then would you agree with me that making a change to the permit process that does make the aggregate company recognize that they have to do something with the pit when they're done with it is a better process than the way it was before?

Mr. Robert Huber: I would agree that it's better. I'm skeptically optimistic as to whether or not it will happen.

Mr. Dave Smith: Okay, thank you. That's all the questions I have.

The Chair (Ms. Goldie Ghamari): MPP Khanjin? You have just one minute and 20 seconds left.

Ms. Andrea Khanjin: Great. I wanted to congratulate you on the 50,000 rainbow, brown and brook trout contribution. I have Lake Simcoe in my riding and do some ice

fishing there, and if we don't have a cold-water fishery we have no ice fishing, so I understand the importance, which brought me to the importance of protecting our water, spillage, and permits to take water. I wanted to ask you what your thoughts are on extending the moratorium on permits to take water, as our government has done, and, in addition to extending the moratorium, making sure that violators who violate the terms of a permit to take water, or those who spill sewage into the water, which affects our fisheries—whether or not they should be fined and the full force of the law should be put on those individuals.

1050

Mr. Robert Huber: Very briefly: I didn't prepare comments on those specifically, but I am aware of those changes and have filed comments in the past regarding the moratorium on the permits to take water. Where we release brook trout is oftentimes a cold water stream that is aquifer-fed, so it usually has to be less than five degrees. It has to be extremely clean water. Those are the same sites that companies like Nestlé and other bottling companies would love to be able to secure permits for, to be able to bottle that water. It is so challenging just to earn landowner trust even to do what we're doing, because people—

The Chair (Ms. Goldie Ghamari): Thank you very much. That concludes our time. Thank you for your presentation. It was very informative. You may step down.

Mr. Robert Huber: Thank you.

WELLINGTON WATER WATCHERS

The Chair (Ms. Goldie Ghamari): I'd now like to call upon Wellington Water Watchers to please come forward: Mr. Robert Case. Thank you for joining us today, Mr. Case. Please state your name for Hansard, and you may begin. You will have 10 minutes.

Mr. Robert Case: Thanks. Robert Case, from the Wellington Water Watchers.

For those of who you don't know, Wellington Water Watchers is a non-partisan, non-profit organization based in Wellington county. What we try to do is basically to engage residents of Wellington county and the broader province in activities to protect source water for all of us and for our future.

My role there is as a volunteer on the board of directors. I'm accompanied by my colleague Sue McSherry, from Guelph/Eramosa township, also a volunteer.

I think we're going to pick up on themes that you've already heard in your hearings throughout today: two areas of concern regarding Bill 132. One is the cap on penalties for polluters that currently are contained in the Safe Drinking Water Act, the Ontario Water Resources Act, the Environmental Protection Act and a few other acts. We do have concerns about that.

We know that, in just looking at places like Elmira, where the groundwater was poisoned by chemical contamination—I might say that Grassy Narrows is another example of how these types of pollution have devastating consequences that are extremely expensive to manage and nearly impossible to fix. They have serious implications

for the health of Ontarians, serious cost implications for municipalities and for provincial governments and also have serious implications, we think, for efforts to attract investment to the affected areas.

How pollution penalties can be treated as red tape that needs to be eliminated in the pursuit of growth and prosperity, let alone to make things better for people, is really beyond me. Current penalties are important as an economic deterrent from polluting in the first place so that they also create an economic incentive for dealing with the problem immediately and thoroughly. I don't think that this particular part of Bill 132 will be seen as progress towards prosperity but rather as a sellout to the most polluting industries interested in Ontario. That's the first point.

The second part is around the further deregulation of the aggregate industry—that's what it looks like. Specifically, I think, something that I've heard you talking about already: the prohibition being proposed on the ability of municipalities to set vertical limits on extraction through bylaw changes, as well as the opening up of natural heritage features to extraction. We're worried about those things as well.

The Wellington Water Watchers are best known for our advocacy around the water bottling industry. People may know us from that. I would say that some congratulations and respect are due to the Minister of the Environment, Conservation and Parks for extending the moratorium to properly look at these permits to take water, so we appreciate that.

But one of the first actions that the Wellington Water Watchers actually took was in conjunction with the city of Guelph around what we know in our area as the Dolime Quarry. This is a quarry that has been excavated for almost 150 years, going down below the water tables, through an easy permit that they got. The quarry, according to the city of Guelph, puts approximately 25% of Guelph's drinking water at risk. There have been communications from the mayor's office from as early as 2002 alerting the Ministry of Natural Resources to concerns about this risk. But the Ministry of Natural Resources has not been able to intervene in any way under the Aggregate Resources Act, even after repeated expressions of concern and even after it was found that a fissure has been created in the aquitard, allowing contaminants from the surface to seep into the groundwater. These are the types of risks that we're looking at in opening up the aggregate industry even further. That was started in 2002. The aquitard breach was found in 2008, and it's only this year that a deal has been reached that will enable the city of Guelph to even begin to figure out how to manage this problem, let alone fix it. These are the significant risks to groundwater that we are concerned about.

In 2011, Wellington Water Watchers joined others in that famous fight to keep that giant mega-quarry in Melancthon from becoming realized. To me, what was astounding about that particular campaign was not just that it engaged something like 40,000 Ontarians in a very active pursuit of protection of water, but also the way that

it joined city dwellers together with farmers, rural communities and farm associations to push this back, over concerns over the impact to rural lifestyles and economies, agricultural production and drinking water security.

At Wellington Water Watchers, as our profile grows, we're getting more and more calls from people in communities, mostly small rural communities all around our region, who are concerned about a proliferation of new permit applications for aggregates in their communities. They're coming to us looking for help. They're getting organized. They have concerns about aggregate extraction below the water table. They have concerns about all kinds of things related to aggregates in their neighbourhoods.

I've distributed a couple of letters from communities who have been in contact with us. I thought I could just quickly read a couple of excerpts from letters that we've received from other folks around Ontario.

The first one is from Tim and Doreen Lett, from the Simcoe North riding, Washago. Let me just read a bit of that. What Tim and Doreen say is:

"Since 2012, when Fowler Construction re-started operations at the Fleming quarry, my family and I have experienced a number of issues that have left us regretting the decision to invest our money in Floral Park. Specifically:

"—Property values: Since 2012 we have seen consistent reductions in the value of our property as assessed by Ramara township for property tax purposes." They attribute that to the quarry.

"—Blasting and noise.... We are also constantly assaulted by the noise emanating from the regular grinding and crushing operations, which take place daily." There have been many, many communities approaching us with these same concerns.

"—Silica dust: Large plumes of dust are regularly seen emanating from the ... quarry and the gravel trucks that service the site.... Given the fact that the grinding and crushing of granite performed at aggregate quarries is known to produce silica dust, a type 1 carcinogen, we are extremely worried about the long-term potential health impact on our family.

"—Traffic/gravel trucks: I have personally witnessed dozens of traffic infractions by the gravel trucks that constantly service the Fleming quarry site.... We believe it is only a matter of time before a serious accident occurs."

On the second page, if I can read at some length here—just to make sure it's the words of Tim and Doreen Lett specifically. They say, "The Fleming quarry has had a seriously negative impact on our family life. It was our hope when we purchased our property that we would peacefully co-exist with the surrounding environment and enjoy a quiet, relaxed and rewarding lifestyle with our children. Since 2012 our experience at the cottage has been anything but that. Consistently bombarded by noise from the quarry operations and concerns over our long-term health, the bucolic life that we originally imagined has been shattered.

"The Fleming quarry"—and this is not that different from a lot of quarry applications—"is situated immediately adjacent to an environmentally sensitive wetlands,

which is home to more than 10 endangered and threatened species of wildlife. The wetlands and underlying bedrock also act as an aquifer which supplies Floral Park and much of the surrounding area with its drinking water.” These are common concerns that, at least, we are hearing about.

1100

“It is incomprehensible to my wife and me that the province of Ontario is considering easing the standards which govern the approval and operation of aggregate quarries. We’re not anti-quarry or anti-aggregate. We understand that the province of Ontario needs to ensure there’s a steady supply of aggregate across the province in order to support road and residential/commercial construction.

“But in our current age where we are, and should be, hypersensitive to the protection of the environment and the impact that environmental destruction has on human health, the province of Ontario”—

The Chair (Ms. Goldie Ghamari): You have one minute left.

Mr. Robert Case: Thank you—”should not be seeking to ease the regulatory hurdles which govern the approval of aggregate operations.”

Maybe I can switch, then, to the second letter, from Ronald Fry and Joan Mizzi-Fry, also from Simcoe North. They point out the same thing: “Aggregate extraction has long been identified as one of the most contentious land-uses, creating concerns about ... fly rock, dust, noise, increased truck traffic, lowered property values” etc. They go on to justify and substantiate their concerns.

I will conclude with a comment at the very end of their letter—and I think Wellington Water Watchers supports this assertion—that says: “We are just one of the many communities wanting what’s best for future generations. If Bill 132 goes through as proposed, that future is questionable at best.”

The Chair (Ms. Goldie Ghamari): Thank you very much. We’ll now turn to the independent Green Party member, who will have two minutes.

Mr. Mike Schreiner: Thanks, Rob, for coming in. Thanks, actually, for reminding us of the Melancthon mega-quarry battle. I remember when the Boston hedge fund invested in the Highland Corp. and they targeted Ontario for the largest open pit mine in Canada. The reason they did it was because Ontario had the weakest aggregate protections of any jurisdiction in North America. They pulled out not because of any changes the government implemented, but because citizens spoke out—40,000 citizens. So, to weaken aggregate protections even more in Bill 132—what kind of message does that send?

Mr. Robert Case: I think the message that people are responding to is that we need to get organized to push this back. Municipal governments don’t have the jurisdiction to protect water and agricultural properties and rural lifestyles the way that people imagine they would. The provincial government seems to be retreating from even any minor modicum of protection for the same.

I think people are startled, in fact, with the direction that Bill 132 takes aggregate industry regulation. It seems like

the wrong direction. This is what I’m hearing from people in communities, anyway.

Mr. Mike Schreiner: I know that the city of Guelph has had to spend tons of money on legal fees around the Dolime quarry, which is a direct threat to the city’s water supply. Unfortunately, the quarry is next to the city but outside of the city, so none of these municipal issues affect them.

Do you feel that weakening water protections is not only a direct threat to water, but even just the finances of cities, who have to spend money on these court challenges to try to protect their water supply?

Mr. Robert Case: I do think that is true. Water supply ultimately is a requirement for population growth, a requirement for our well-being, and a requirement for prosperity. It’s a requirement for value-added industries. I think we—

The Chair (Ms. Goldie Ghamari): Thank you very much. That concludes your time.

We’ll now turn to the government side, and you will have eight minutes. You may begin. We’ll begin with MPP Harris.

Mr. Mike Harris: It’s great to have you here today. Obviously, I’m glad that you brought up Elmira, because that’s where my constituency office is. I’m not sure if you knew that or not.

We’re all obviously very well aware, and my colleague across the table, as well, MPP Fife, being from Waterloo, is of course well aware, of some of the tragic circumstances, we’ll say, that happened in Elmira 20 or 30 years ago.

But I think that goes to say what the underpinning or underlying bits of this actually are.

Back then, we didn’t have a lot of stringent regulations. It was almost a little bit more of a free-for-all than it certainly is now. I know that my colleague MPP Khanjin will allude to some of this a little bit later. But we really are trying to strengthen regulations. We’re not particularly relaxing them.

I think that when you talk about especially keeping things very standard across the board—we have some municipalities that do aggregate operation very well. We have some that, unfortunately, don’t. I think one of the key pieces of this is making things very standard across the board, and putting some of these things back into the hands of the government to help make some of those decisions and shepherd it along.

If this bill is passed, we’ll be strengthening the process for having to go below the water table. I know that that’s one of the biggest concerns. Obviously, you mentioned that, with a couple of the quarries that you spoke about and some of the concerns that some of the residents gave to you to bring to us today.

But when we look at a more stringent application process—a new application process—it will be almost a double application. You will have to put your original quarry or aggregate operation permit forward. Obviously, the local municipality will still have to make sure that all the zoning is up to code. If they don’t want to zone it, then

the application stalls out right there, it would have to go to the LPAT and there would be an independent tribunal that would get to decide whether or not that application would go forward.

If you're talking about prime agricultural land, if you're talking about areas of significant heritage, that's up to the local municipality still—and that won't change—to be able to decide whether that fits in with the current land use plans. Obviously, in Waterloo region, we have the countryside line, which is pretty unique. So, it still is up to those local municipalities to be able to do that zoning.

But the secondary part of that is that—and this is what the new piece will be—if you are going to be going below the water table, you will have to file a separate application, which will be assessed completely differently than your original application. There will be more environmental assessments that will take part with the Ministry of Natural Resources and Forestry and with the Ministry of the Environment, and it will be much more rigorous than what we have in place now.

I do want you to rest assured that we're certainly not out there trying to relax things so that everybody can just sign off on an aggregate licence and it's going to go ahead. There are still going to be stringent application processes in place and obviously, all of the environmental assessments will still be in place. We'll be continuing to do our due diligence; municipalities will continue to do their due diligence. They will also have an opportunity, just as well as yourself, if you're a resident of the area, to officially object to an application and bring it to the LPAT and have that third party verify all of the documentation, all of the hydrology reports and anything that comes in from the conservation authority. They will still have the opportunity to do all of those things.

I'm going to go ahead now and cede my time to my colleague.

The Chair (Ms. Goldie Ghamari): MPP Khanjin.

Ms. Andrea Khanjin: How much time do I have?

The Chair (Ms. Goldie Ghamari): You have just under four minutes.

Ms. Andrea Khanjin: Oh, wonderful. Thank you.

Thank you for your appearing. As I mentioned, my future in-laws, actually, live in Erin, Ontario, so in Wellington county.

When I first became an MPP, MPP Ted Arnott, who is now the Speaker, had raised some of the issues surrounding permits to take water and the situations happening with the aquifers. So, certainly, he was well versed on that, from his advocacy.

I thank you for commending our government for extending the moratorium on permits to take water under the leadership of our environment minister, Jeff Yurek.

I just wanted to follow what my colleague was saying in terms of how any time we talk about the environment—the ministry that I work in is very science-heavy, very facts-heavy. So, when it comes to things, whether it's any permitting or whatnot, I would want to think that we have all of the facts in our favour, or all of our facts on the table, to protect people. The bill that we're talking about today

is called "Better for People." That's the first part of the bill, and then the rest of the bill. How do we make some rules or regulations better for the people?

I wanted to ask you if, when you're talking about making rules better for the people and people have to live within the environment—and they want a better environment—should we not rely on the full facts of science and scientific information?

Mr. Robert Case: Yes, I think science is important. I think it's important to realize also that science has some limitations. For example, you brought up the permits to take water for bottling. Nestlé will always say that they have science behind what they do. It's true that they do have some limited evidence regarding the impacts of their water-taking, but you can never really know what the long-term impacts are. Sometimes science becomes a way of limiting discussion, particularly when it doesn't also include broader principles, like a precautionary principle.

1110

I would say that we at Wellington Water Watchers think that water should stay in the ground and should be protected unless there is a demonstrable social, economic or public value associated with using it, not just evidence that shows that the flows in a particular aquifer have not been damaged yet. That's not good enough, because once we find out that damage has occurred, like in Elmira—there was no science indicating that there was contamination in the water until the whole groundwater system was contaminated. That was 30 years ago. It has not been rehabilitated; it's not even close yet. So I think science can be a double-edged sword—

The Chair (Ms. Goldie Ghamari): You have one minute left.

Mr. Robert Case: I think the point is to gather evidence, for sure, but in public policy-making, I think we need to deliberate informed by that evidence, but we can't defer to the evidence, which is always limited, to make decisions for us.

Ms. Andrea Khanjin: Yes, so one of the provisions in this bill, which is also for the people to make sure we have all the—some municipalities often don't have all the resources, all the scientists there, so a part of the bill is to make sure that we are using the provincial level of scientists and information when it comes to permitting when it comes to aggregates. Right now, a lot of municipalities are saying they don't have the expertise. Travel around the province and they're saying, "We can't run our permitting system. We don't have the expertise around the scientists."

By adding an extra layer of permitting for aggregates, we are now relying on the scientists within the provincial government in order to make those decisions for permitting, as opposed to municipalities that might be strapped for the scientific expertise. I just wanted to get your comment on whether or not that should be the approach as opposed to relying on municipalities that might not have the expertise when it comes to giving permits for aggregates.

The Chair (Ms. Goldie Ghamari): Unfortunately your time is up, MPP Khanjin.

I will now turn to the official opposition, beginning with MPP Fife.

Ms. Catherine Fife: Rob, I think you're going to get a chance to answer that question because I'm going to go there.

First, I want to say as well that I was really pleased that the government held to the moratorium on water-taking. I think that it requires more review, and we would like to see that review because there is a report.

Obviously, in your neck of the woods, when a municipality bids on a well and then Nestlé outbids them, that's very problematic. I'm going to get that point across, as are my colleagues, but we need to make sure that water is a public trust. And we need to see what the review is, because that will determine how hard we have to fight, right? Maybe we don't have to fight. I can be an optimist sometimes.

My colleague across the way was referencing the Aggregate Resources Act and the changes. As you know, the Citizens for Safe Ground Water in Wilmot are already fighting the proposal of the Jackson Harvest Farms Hallman pit. This is over 200 acres of prime farmland. They're worried about the 750,000 tonnes of aggregate that will move through those roads. They're worried about the economic and the environmental impacts, and of course the quality of water.

My colleague said that, "Well, it would go to the LPAT." LPAT has been repealed. It has not been in effect since the summer of 2019. How do you feel about removing that resource for citizens? It didn't even get a chance, really, to see if it could be successful. As one of the key activists in the province of Ontario for water quality, what does that say to you?

Mr. Robert Case: It says to me that this particular model of economic development, driven by under-regulated industry, takes precedent over the needs of the people and municipalities, and even longer-term prosperity, I would say.

I don't think the question of how I see it is the most relevant question. I think the more relevant question is: How do people in Wilmot, at Shantz Station in Woolwich township, in Elmira, out in Guelph-Wellington and Rockwood see it? And I can tell you that people are frustrated that their ability to protect their source water and their lifestyles and the way they want to live is being overruled by, let's call it the OMB, or has that possibility, that they don't have the power to control development in a way that actually does honour long-term, sustainable prosperity. So I think this is where the frustration is coming from, and I don't think people should be too concerned about the Wellington Water Watchers. I think people should be concerned about the dozens and dozens, in growing numbers, of rural communities that are getting organized and learning about how this law works and in what direction Bill 132 actually seems to be taking the aggregate industry.

Ms. Catherine Fife: Just to build on MPP Khanjin's question that you didn't get a chance to answer: It's interesting, this tension between the provincial government and

municipalities—because those citizens, if they're not part of a larger group, are looking to their locally elected representatives to defend their air quality, their roads, their water quality.

What does it say to you when the provincial government is saying, "You don't have the resources to do your job properly, so we're going to take over that responsibility"?

Mr. Robert Case: I could seek some clarity on that particular question of the vertical jurisdiction that people in municipalities and grassroots people are saying is being taken away from municipalities—that ability to fix the problem through zoning. People believe that that's being taken away in Bill 132. If that's not true, I stand corrected, but that's something that people are seeing as a means of putting the second part, "good for business," far ahead of the "good for people" part in this particular omnibus bill. I think it is a source of frustration. If it's a miscommunication or misunderstanding, you've got a long way to go to justify this particular bill to the people I know all around Ontario.

The Chair (Ms. Goldie Ghamari): MPP Arthur.

Mr. Ian Arthur: Thank you very much for your presentation.

I want to pick up on something that MPP Khanjin was saying and that you responded to: the science-and-fact-heavy Ministry of the Environment, Conservation and Parks. I'm struck that in their own plan, the Made-in-Ontario Environment Plan, they're relying on 15% of their future emissions reductions to come from innovation, as in yet-to-be-discovered technologies. In my mind, I would call that science fiction. While that can inform future things—anyone who has watched Star Trek can know that—it doesn't really sound like it's based on science.

You started to respond to that question on science being able to be used in different ways. Certainly, we do want to rely on experts in the field, but the repercussions of some of these aggregate resource extraction things can last generations.

To your knowledge, how many studies in terms of those long-term, science-based results are out there and were relied on by this government in developing this legislation?

Mr. Robert Case: That's a very good question. I would ask this government that question, because I honestly don't know.

I would say that sometimes, what happens with the science—again, the area I know a little bit better is permits to take water for bottling. What is called "science" is a very narrow range of evidence. The permits to take are assessed by looking at water-taking and the water flows and that sort of thing, but nowhere does it come into question—the question of the fossil fuels used to produce the plastics and the plastic garbage, the interference between the for-profit interests and the municipal access to water. Those questions don't come into it.

Groundwater recharge: I read recently that it takes within 50 years—only 6% of the water extracted actually makes it back into the groundwater. That level of science

is ignored in what is used in decision-making, being called science.

So I think we have to be careful with the question of science, because science isn't like there is a truth that's accepted by everybody at all times; there's evidence gathered in different ways and different layers of evidence that need to be attended to.

I'm not really answering your question at all, but I'm trying to convey the limits of science. We live in a democratic system, and we use science as part of the deliberation and decision-making. Sound decision-making really needs to take in a broad range of factors.

Mr. Ian Arthur: Thank you. I appreciate that very much. That's very much what I was trying to get that.

I'll pass it over to my colleague.

The Chair (Ms. Goldie Ghamari): MPP Stevens.

Mrs. Jennifer (Jennie) Stevens: Mr. Case, thank you for coming today.

You mentioned that the spirit of the Nestlé campaign was mainly centred around ensuring that more decision-making is put into the local hands and diverse hands. Do the Wellington Water Watchers see Bill 132, specifically looking at schedule 16, where it's removing the municipality's ability to make zoning requirements that prohibit an aggregate mine from being established in areas—do you see that part of the bill as a positive direction?

Mr. Robert Case: No. I am somewhat comforted by MPP Harris's comments that there are going to be all kinds of new protections. I didn't read that in Bill 132, so I don't know if we're going to adopt this law and then hope for the best. I don't find that comforting at all. I think it's the wrong direction.

1120

I think that municipalities need to have some control over, and some direct say in, how development happens within their jurisdictions and their local environments. I think that's what the people of Ontario actually want and expect.

So, I think that's a very dangerous part—without seeing the other part, where the province steps up and actually adds more layers of regulation. I think it really is both a policy problem and a political problem that's going to rear its ugly head in the way the Melancthon quarry fight did.

The Chair (Ms. Goldie Ghamari): Thank you. MPP Arthur.

Mr. Ian Arthur: Just very quickly, because we are running out of time: Few things bring a rural community together like a new aggregate resource pit.

The Chair (Ms. Goldie Ghamari): And this is your one-minute warning.

Mr. Ian Arthur: CELA, the Canadian Environmental Law Association, in their submission, said, "From our public interest perspective, these changes do not constitute sound environmental or land use planning policy, and they virtually guarantee the continuation—if not intensification—of intractable land use disputes over new or expanded aggregate operations."

This bill is put forward by the government as a way of reducing red tape. Do you see the extended disputes in line with a reduction of red tape in Ontario?

Mr. Robert Case: Sorry, do I see the—

Mr. Ian Arthur: The possibility of extended disputes between community groups who are fighting these expanded operations being in line with reducing red tape in Ontario.

Mr. Robert Case: In line with reducing red tape?

Mr. Ian Arthur: Yes. Or does it run counter to it?

Mr. Robert Case: I think those disputes that are emerging are in response to a lack of thoughtful regulation, and it has moved towards reducing regulation further.

I guess you'll hear from the folks in Wilmot later on today, and they can say it for themselves. But what I see around the aggregates is that communities all over rural Ontario are starting to get very, very nervous. Bill 132 is not really helping that at all. They want more protection.

The Chair (Ms. Goldie Ghamari): Thank you very much, Mr. Case. This concludes our time. Thank you for coming here and joining us today, and for your very helpful presentation. You may step down.

Mr. Robert Case: Thank you. Thanks, everybody.

RETAIL COUNCIL OF CANADA

The Chair (Ms. Goldie Ghamari): I would now like to call upon the Retail Council of Canada. Mr. Sebastian Prins, please come forward. Thank you for joining us today. Please state your name for Hansard, and then you may begin. You'll have 10 minutes.

Mr. Sebastian Prins: Sebastian Prins, with the Retail Council of Canada. I'm our director of government relations for the province of Ontario.

Good morning, standing committee. Thanks for taking the time to have the Retail Council of Canada out. I understand that today, so far, you've heard a lot on environmental portions of Bill 132. We'll be speaking a bit to that, but we're mainly going to be focusing on some other things related to the burden reduction portions, and how we perceive this as reducing costs for consumers and enabling the retailers to pass along some of those savings.

I just wanted to start out briefly—you all have a slide deck in front of you. We always try and just share who the Retail Council of Canada is and who we represent.

We are a national organization. We represent large brands in all categories and segments, from bookstores and music shops to clothing retailers and grocers. About 65% of retail sales in Canada are represented by us. It's larger in some subsectors. For grocery, in particular, we represent about 95% in the province of Ontario.

On slide 3, we've got a little fact sheet for folks. We always like to highlight that we are the second-largest employer in the province—11.2% of everyone who is employed in Ontario works with or for a retailer. That puts us as second overall, if you include all of the divisions, not just private sector, next to health.

For today, on Bill 132, there are three pieces that we want to take some time to address today. In the package

submitted, there were a number of changes to menu labelling, changes to long combination vehicles, and changes to the Hazardous Waste Information Network. We're going to walk through those and explain how those help us save costs, which we can then pass along to consumers.

Starting out with menu labelling—menu labelling was something that was passed in 2015 and was originally conceived for fast-food restaurants and restaurants. Any store with over 20 locations was captured and caught in by that regulation. It also applied to grocery stores and convenience stores.

We're already very heavily regulated federally. I'm sure you're all familiar with the little nutrition facts table that you'll see on most products you buy. It's something that we have a number of hard-fought exemptions for at the federal level, and that was something that was never taken into account properly in the original passing of the menu labelling act, and that's something that this is cleaning up and helping us out a fair bit with.

Our grocers, based on current rule sets—the rule sets are enforced very differently by jurisdictions, by various public health unit inspectors. We've found that inconsistencies would have led to, in the past year, boards and signage costs representing about \$25.6 million for the sector. To put that in a bit of a local context, that's about \$40,000 per grocery store. That's a lot of money that this bill is helping us shift and avoid passing along to consumers.

One other thing it does is it provides a lot of clarity around that problematic conflict point. Whenever there is a claim made—"low fat" or "no fat" are kind of the traditional ones you always see—that triggers a nutrition facts table. If you make a claim about nutrition, you've got to put a nutrition facts table on that. Calorie counts count as nutrition information, so our federal exemptions were very quickly getting eaten up whenever we put a calorie count on an item in a grocery store. This broadens that, and now we have provisions in there for produce, which we never had. We've been fighting over apples for a while. We're very happy to see that there will be no calorie counts on apples and that that won't lead to nutrition facts tables on apples.

The next item we wanted to point out is long-combination vehicles. There are two things I'll highlight here. Long-combination vehicles are those trucks on the highway where you see they've got the two trailers attached. Those are extremely efficient ways for us to get goods to market. They use 30% less fuel than sending two trucks. That probably makes a lot of sense. If you've got two trucks going down the highway, obviously attaching them together saves on fuel. That reduction in fuel is extremely good for the environment—GHG reductions. It's good for retailers and customers because it's a lot less gas being consumed.

The other bit that we'll point out is that, time and time again, the safety record of long-combination vehicles is better than single-trailer trucks. That's because they've got much more strict requirements on braking systems, and

they've got a lot more tires on the road, which helps them stop faster. The requirements in Ontario on who can drive those vehicles are very strict as well. Only the very best truck drivers get to drive those long-combination vehicle trucks. Studies from Ontario and all throughout Canada and North America have demonstrated that long-combination vehicles have lower accident rates than single trucks.

The last bit that we wanted to speak to and that we'll spend the rest of the time on is the hazardous waste information network. Just to explain what that is—we use "hazardous waste" a lot when describing different pieces of the recycling files. In this case, "hazardous waste" refers to oils that their—Costco and Walmart are members of ours—auto shops would need to dispose of, which has to be taken away by a specialized hauler and properly dealt with, as well as any time one of our members is building new real estate sites, it has to be an HWIN-licensed site and dirt that is dug up from those construction zones has to be taken away by a hauler.

For our members, this is a cost we pass along to consumers. Obviously, seeing that reduced is a good thing. Our analysis of an HWIN system transfer to the delegated administrative authority, RPR, the protection and resource recovery group that oversees our tire system currently and will eventually oversee blue box and everything else—we see that as a good thing. That saves a lot of money. This is a new digital system that we don't currently have an equivalent for. It's going to be replacing about 450,000 pieces of paper that our retailers annually send to government. Retailers look forward to not sending that much paper to government and not having that much paper processed by government. This is a huge savings. We predict that this will see the fee decreased by about \$5.30, so we go down from \$30 a tonne to \$24.70 a tonne, which we see as a win and something we can pass along to consumers.

There are a few suggestions—constructive advice, I'll say—on some of these changes in Bill 132. In particular, there's a new cost defrayment clause that our members are concerned about. In transferring this, the Ministry of the Environment is holding onto the compliance and enforcement functions. RPR is building a database; compliance and enforcement is staying with the ministry. We're concerned because the cost defrayment clause that's currently in the system would allow the minister's office to not only transfer over things like compliance costs but would also allow for policy development work, which is a much broader exemption than we would normally like to see.

1130

We wanted to highlight and point out that free-ridership is a problem whenever you do resource recovery and that bad actors in the system—whenever you add more costs into the total system, you amplify the difference in price. Because all of the prices for recycling are passed through to consumers, RPR is essentially a direct cost-recovery organization on consumers. When we see growing e-business from the States, it is very tricky to capture who

is shipping what over the border—things that add to total costs, and can amplify that free-ridership problem by making price differentials look larger, on the good actors in Canada like our members who are recycling and paying into that system.

We also want to point out that we believe that there are potential Eurig-compliance issues with this method of cost defrayment. According to us, transferring costs along for policy implementation and policy development work is something that there has been a lot of legal precedent—

The Chair (Ms. Goldie Ghamari): You have one minute.

Mr. Sebastian Prins: Okay. I'll talk quicker. So I'll jump onto the last two really quick here.

Scope expansion: There is a new clause here that would see the government have the ability, through minister direction letters, to delegate new programs over to RPPA. To us, that doesn't give business enough time to react. It doesn't give the Legislature enough time to reflect. Large-scale changes, like what we recycle and how we recycle it, should be governed through the legislative process, according to us, and not through minister direction letters. We understand that HWIN is transferring over, and we agree with that; we just think that that should be enshrined in legislation instead of as a minister's direction letter and a purview created to allow for more of that.

Very quickly, I'll mention that the clauses have been opened up on data security and data protection. Currently, there is no requirement for RPPA to protect any of our commercially sensitive data. There is a clause that very clearly—

The Chair (Ms. Goldie Ghamari): Thank you very much. This concludes your time.

We'll now turn to the government, beginning with MPP Skelly. You may begin.

Ms. Donna Skelly: Thank you, Mr. Prins, for your presentation.

I'm the parliamentary assistant for economic development, job creation and trade, so you're speaking my language when you talk about streamlining the regulatory burden that we see in this province. In fact, we've said this many times: The province of Ontario is, unfortunately, stuck with about 280,000 pieces of red tape when it comes to doing business. We recognize that that means a waste of dollars and valuable time when it comes to our business sector, including the retail industry. That is one of the reasons we have brought Bill 132 forward. We called it the Better for People, Smarter for Business Act, and we really do believe that tackling burdensome, duplicative red tape will help the business sector and the retail industry.

It's interesting: In the city of Hamilton that I represent and where I live, most people would assume that the steel industry is responsible for the highest non-residential tax contribution to the city of Hamilton and the highest number of youth employment, but the reality is that it's the local mall that pays more in taxes and hires more youth than our steel sector. I think it's a credit to the work that your industry does. But we also have to recognize that, despite the fact that we've seen unprecedented growth in

the province since we were elected in June 2018, your industry is under serious pressure through the shift from brick-and-mortar shopping to e-shopping, as you've just mentioned.

I would like you perhaps to speak to the value of tackling these pieces of legislation, this red tape that strangles business.

Mr. Sebastian Prins: Yes, I'm happy to. This is, in my opinion, one of the most important mandates that this government has taken on. I know the \$400-million objective of cutting burden and red tape that your government has set is one that we wholeheartedly support. We've done our internal math at times, and we actually think you're over that already. We think you guys are low-balling some of the numbers. I know we've felt very supported by your government. There have been duplicative tags, which your government has helped to streamline and remove, that carried redundant information federally and provincially. That has saved tens of millions of dollars in streaming and logistics issues that have been averted. We used to have to separately stream production for clothing specifically for Ontario because they had an extra tag that had to be sewn in. That wasn't something we saw in most of the other jurisdictions in Canada, and some of the other jurisdictions that used to have it followed your leadership and have now removed it as well.

So, yes, we wholeheartedly believe in the burden reduction file and the cutting-red-tape initiatives that folks have been putting forward. I think there's another set of great examples in here. A case in point: a menu labelling file that avoids over \$20 million of printed signage that really isn't clarifying or helping the consumer buy products differently or better. A lot of the choices built into the menu labelling act were around consumers understanding nutrition information at burger joints and fast-food restaurants. This has really helped us save money and not pass things along to consumers.

Ms. Donna Skelly: I wouldn't mind even just expanding a little on that. When I first understood what was happening—if you were in a grocery store purchasing a banana next to where you bought your coffee and sandwich, the banana actually had to have a separate label.

Mr. Sebastian Prins: It depends. If you picture a Starbucks, the bananas at a Starbucks have a calorie count posted in front of them. But what that Starbucks doesn't have are federal grocery rules around them. When that same banana is on a whole bushel of bananas in a grocery store—public health unit inspectors were coming into grocery, picking up the banana and saying, "This is immediately consumable. Under the current regulation, you need a calorie count on this." Our folks pushed back and said that if we put a calorie count on that, then a federal inspector could walk in here and say, "There is nutrition information. You need a nutrition facts table on that."

We've been pushing back on that for—you do not see calorie counts on produce, even though we don't have an exemption, until this bill came into play, because we've been pushing back hard, along with other farming associations, saying, "That's ridiculous. A third of our apple will

be covered by a nutrition facts table if we go down this route.”

Ms. Donna Skelly: This is just one example of many, and I know my colleague MPP Pettapiece wants to speak to this as well. But just one example of an incredible number of overreaching, duplicative barriers to economic growth for the retail industry and other industries—the business sector—in Ontario.

Maybe I'll pass it over to MPP Pettapiece.

Mr. Randy Pettapiece: Thank you—

The Chair (Ms. Goldie Ghamari): MPP Pettapiece.

Mr. Randy Pettapiece: Sorry.

Thank you for coming in today. Something that I'm interested in—I think it was 38 years and I just got rid of it about three years ago: I had my trucking licence. I just drove part-time. I come from an agricultural community. Most of my trucking was done with agriculture in mind, hauling livestock or commodities, like wheat and corn and fertilizers in the spring. I drove—when I say “trains,” do you know what I'm talking about? Trains are combination vehicles; that's what we used to call them. If you were a trucker, you would call it a train.

Mr. Sebastian Prins: A train, okay.

Mr. Randy Pettapiece: When I see the picture here, that's what that is. It's a train.

Ms. Donna Skelly: Not the kind of train I'm used to.

Mr. Randy Pettapiece: I know that, but truckers have their own language sometimes, which is foreign to people who aren't involved in the business.

I've seen this used in other provinces. Mostly in Quebec is when I first noticed it. I guess this is the fourth type of train on the road. There are three other ones, and they're smaller. They're the ones that I used to drive, but there are three different kinds of train systems. A lot of them have a lot of tires on it, and braking systems.

The Chair (Ms. Goldie Ghamari): One minute.

Mr. Randy Pettapiece: I guess what I'd like to know: Is there a speed limit on this size of train?

Mr. Sebastian Prins: There is, yes. They're not able to go over 90 kilometres per hour.

Mr. Randy Pettapiece: How much?

Mr. Sebastian Prins: Ninety.

Mr. Randy Pettapiece: So they're at 90—because other trucks can go faster. Okay.

Mr. Sebastian Prins: And they're just for highways, so you don't see them on rural roads—maybe on some rural roads but you don't see them on municipal and regional roads.

1140

Mr. Randy Pettapiece: Yes.

Mr. Sebastian Prins: The other interesting bit in here is, because they're not allowed on certain roads, the assembly and disassembly locations are so important to this and by including and scoping in the Parry Sound lay-by, that is also a very big use for us because previously there was no good opportunity in some locations to assemble and disassemble a long combination vehicle or a train. You were just unable to use them, which even though you

were able to by law, it didn't matter because there was no practical way—

The Chair (Ms. Goldie Ghamari): Thank you. That concludes your time.

I'll now turn to the official opposition. You have 10 minutes. MPP Fife, you may begin.

Ms. Catherine Fife: Thank you for coming in today. Obviously this is an omnibus piece of legislation and so even when there are good pieces that we could be supportive of, like streamlining some measures to help small and medium-sized businesses and large businesses, it's difficult for us because the environmental components really undermine the entire goal that we should all have as elected folks to make sure that the environment and the economy are not at odds, but it is a good opportunity for us to learn.

So I'm just going to ask you, and this was really interesting for me—that LCVs have a better highway safety record than single-trailer trucks. Is that data available someplace where I can find it? Because this was totally surprising for me to read.

Mr. Sebastian Prins: Yes, and it is to most folks. The Ontario government has some bits on its website. There are Alberta documents that I've used most prominently to brief up. They've done some very large studies and made those public, and then there's a lot of information from different states. Ontario has run tests, and I have some data on that—

Ms. Catherine Fife: I'll give you my card afterwards, and then I can share it with my colleagues.

Mr. Sebastian Prins: Surely, yes.

Ms. Catherine Fife: Thank you very much, Sebastian, for coming in today.

The Chair (Ms. Goldie Ghamari): MPP Stevens?

Mrs. Jennifer (Jennie) Stevens: Thank you, Sebastian. Just touching on what MPP Fife was indicating, my husband is a long-distance truck driver and does have his AZ licence, but going with the governing long combination vehicles, you state that there's a time-of-day rule governing—I'm just looking at some of the notes that I've taken here. The time change would be allowing them to travel on holidays. Is that correct?

Mr. Sebastian Prins: There are a number of different provisions that have been loosened. Some holidays, I believe, yes. The most prevalent one for us has been the physical time.

Mrs. Jennifer (Jennie) Stevens: The 10-hour days?

Mr. Sebastian Prins: They've shifted when—not how long an individual can drive; the time of day that it operates. There are restrictions on some roads, that you can only do it from 7 a.m. to 7 p.m. and things like that, and those are being eased and broadened to allow—not for individual drivers to drive longer, but for these to operate during different times of the day.

Mrs. Jennifer (Jennie) Stevens: So evenings and well into the wee hours of the night?

Mr. Sebastian Prins: Again, only on highways, but yes, well into the—

Mrs. Jennifer (Jennie) Stevens: That's fine.

Mr. Sebastian Prins: It would be, and on most roads they are still able to go into the wee hours of the night, so to speak, but these can only operate on highways.

Mrs. Jennifer (Jennie) Stevens: Right. Just a quick question that maybe you can answer for me—you're saying the savings are for the consumer, so that they can drive all hours of the night. I guess I just want to ask—the policies in the Highway Traffic Act were put there for drivers to only operate certain hours of the day. How do you feel that this is going to save the consumer money by being able to drive during the evening and also what burdens would it put on the safety of nighttime drivers, like evening drivers?

Mr. Sebastian Prins: I'll say a couple of things there. First off, every time you've got one of these on the road, it's essentially taking two single-trailer trucks off the road. Whenever we're pointing to that gas savings, that 30% gasoline savings, that's because the equivalent—Cambridge is the location for Loblaw's distribution centre. If I'm sending my trucks out of Cambridge, now I'm sending one instead of two. In terms of safety, not only is the individual's safety record better, but it's amplified by the fact that, yes, you're removing another truck. So, in that sense, we see both of those as very positive points, and then the savings of that fuel would be what is passed along to consumers. That's essentially the price-point savings that they're going to see at the end of the day.

Mrs. Jennifer (Jennie) Stevens: Okay. Thank you.

The Acting Chair (Mr. Mike Harris): MPP Arthur.

Mr. Ian Arthur: Thank you for your presentation. I was also very surprised. A 30% fuel savings is quite significant in terms of that, and with the amount of truck traffic. I drive from Kingston to Toronto every week, twice a week. That's a huge amount.

I want to pick up on something that you talked about in terms of the US retailers that are selling into Canada. I support full producer responsibility in terms of recycling, and seeing that shift take place. But you did flag an issue of being unable to identify what was coming over the border and what's in some of these packages. Rather than not pursuing that at all, do you see an avenue to level that playing field between Canadian companies and US companies?

Mr. Sebastian Prins: First, I'll say that it shouldn't be just viewed on US—Walmart is an example—

Mr. Ian Arthur: Or the EU, or whatever.

Mr. Sebastian Prins: I just mean to say that, yes, products coming in—actually, the hardest ones are without Ontario or Canadian locations, because you can pursue a company if it's in Canada, and you can't if it's not. The hardest part of the free-ridership problem is stuff coming in from international jurisdictions when there's no physical presence here. A lot of different companies and producers are lighter than you think in terms of their Canadian operations. There are paint or propane manufacturers that you might not even consider are not actually based in Canada; everything is shipped over the border.

For us, this is hugely important. That's going to only grow as an issue over time, especially in a world where we're having a different set of environmental regulations than the rest of the world. Obviously, that gets baked into our prices, and we pass those on to customers. If you're ordering from an e-retailer that is not based here and not held to those same sets of standards, the price is going to be lower. So the price-conscious consumer—yes, that's an issue for us.

Next week, we're starting the blue box negotiation sessions. This government, I guess, has moved blue box wholly over to a producer-responsibility system. Retailers are 55% of the blue box system, so we are essentially going to be paying 55% of the total cost now, as opposed to—we used to pay 55% of half the cost.

Those discussions with municipalities are starting next week. You can be sure that our main goal, by taking ownership over the system, is to try and reduce free-ridership from e-retailers and other folks who aren't traditionally captured. We've been hosting biweekly meetings with our membership to try to brainstorm and discuss solutions to that problem. We've been looking at best practices in other jurisdictions. That's a huge problem, and it's a huge problem internationally as well.

Mr. Ian Arthur: That's fascinating. I'll give you my card after, because I'm very curious about staying part of that conversation. We support Canadian retailers, but I can see the problems in how you actually do that—yes, exactly what you said. Thank you very much.

No further questions, Chair.

The Chair (Ms. Goldie Ghamari): No further questions? Okay. Thank you very much.

We'll now turn to the independent Green Party member. You have two minutes. You may begin.

Mr. Mike Schreiner: Thanks, Sebastian, for coming in, and thanks for the information on haulage. My dad ran a trucking business for many years, so I'm very aware of those issues. But I want to focus on some other ones.

Just expanding on what MPP Arthur was saying—my time is very limited; I only have two minutes. Would it be possible for you to submit possible suggestions for amendments to address this free-rider issue? I do think one of the most important things that's happening now, and that's getting a lot of attention, is shifting the cost of waste and recycling off the municipal taxpayers onto businesses, through extended producer responsibility. But we obviously want to make sure that we get it right. So if you could provide some written submissions to the committee on that, I think that would be really important.

But what I'd like, in my limited time, to ask you to expand on a little bit is why you think it's important to have that in legislation and not through a ministerial directive.

Mr. Sebastian Prins: This is imagined as one program of many by the Ministry of the Environment. They have had leading indications to us that they're looking to transfer more things over to RPRA, which we see as good. It helps reduce the cost of RPRA's IT systems. They

allocate and divide it up—they've got a base system cost that they divide up by component—so it will reduce costs.

The only shtick for us is that we see it as too quick a timeline. A minister's direction letter doesn't give us the same planning and negotiation time as we've had on every other environmental system that's moved over. We have another five years on blue box; a minister's direction letter can be instantaneous. So by keeping it in legislation, by keeping it through bodies like this, it lets us identify, negotiate, talk about and have public discussion and discord around when those programs transfer.

Mr. Mike Schreiner: Okay. Thank you. I appreciate that. Thanks, Chair.

The Chair (Ms. Goldie Ghamari): Thank you, Mr. Prins, for your time and your presentation today. You may step down.

This concludes our morning session. We are now going to recess, and we will resume at 1 p.m. Thank you, everyone.

The committee recessed from 1150 to 1300.

The Chair (Ms. Goldie Ghamari): Good afternoon, everyone. The Standing Committee on General Government will now come to order. We're going to resume public hearings on Bill 132, An Act to reduce burdens on people and businesses by enacting, amending and repealing various Acts and revoking various Regulations.

OXFORD COALITION FOR SOCIAL JUSTICE

The Chair (Ms. Goldie Ghamari): I will now call upon Bryan Smith from the Oxford Coalition for Social Justice to please come forward. Pursuant to the order of the House dated November 7, 2019, you will have up to 10 minutes for your presentation, followed by 20 minutes for questioning, with eight minutes allotted to the government, 10 minutes allotted to the official opposition and two minutes allotted to the Green Party independent member.

Please state your names for Hansard, and you may begin.

Mr. Bryan Smith: My name is Bryan Smith.

Mr. Michael Farlowe: My name is Mike Farlowe.

Mr. Bryan Smith: The Oxford Coalition for Social Justice thanks this committee for the opportunity to speak to you today about Bill 132. As our name indicates, we are a group of people in Oxford county concerned with a broad range of environmental, health and social justice issues. I included a link to our webpage so you can have additional readings on the scope of our activities.

We recognize that Bill 132 also has scope and we'll comment on some of these as follows: We'll talk about incentives and disincentives for environmentally responsible and irresponsible practices in manufacturing and forestry; about pollinators and pesticides; about sand, stone, rock and gravel; noise, noxious emissions; water, wetlands and wildlife; and then, in the last section about waste, resource recovery and the circular economy; as well

as commenting on some of the difficulties posed by the overlap of this bill, the ARA and PPS.

Arguably, all of the sections upon which we will comment here relate to the environment and belong to that mandate, but they could equally well be said to belong to the Ministry of Natural Resources, because no products are manufactured without resources, or to the Ministry of Health, because anything taken out of the environment or added to the environment has impact on human health. This is why I'm glad to be speaking to the legislative committee on general government, where you embrace all aspects of life in Ontario.

Reading about purchases of industrial properties in Oxford county recently, I noticed transactions in the tens of millions of dollars. With budgets of that size, I'm not sure that current penalties for pollution are enough of a deterrent. But where penalties in legislation such as the Environmental Protection Act, the Ontario Water Resources Act or the Safe Drinking Water Act currently have daily maximum fines, the amendments proposed would cap the fines as "per contravention" rather than as daily maximums. For example, currently in the Ontario Water Resources Act the maximum fine for a contravention is \$100,000 a day. The amendments proposed would make the maximum fine \$200,000 per contravention, rather than a daily fine, meaning that after day two of a chemical spill into the water or air, there would be no further means to encourage compliance.

In the Nutrient Management Act, under the Ministry of Agriculture and Rural Affairs, the daily fine currently sets the maximum at \$10,000. The amendments cap the total fine per contravention at \$10,000. This would have serious implications for nutrient pollution, its contribution to harmful blue-green algae blooms in freshwater and for potable drinking water for communities that, unlike Oxford, draw from rivers or lakes or where river and aquifer waters interpenetrate.

This reminds me of a principle in Denmark's law about driver fines that resulted in a multimillionaire being fined a hundred and three thousand dollars and change—for him—for speeding because the government figured that anything less, based on his wealth, would not be a deterrent. Current and proposed fines are pocket change to many of the corporations who perpetrate them.

"When a person complains"—I'm quoting—"that a contaminant is causing or has caused injury or damage to livestock or to crops, trees or other vegetation which may result in economic loss to the person," or that it may be harmful to cumulative human and environmental health, it needs to be treated with high seriousness and full diligence. I am aware of people in Oxford county—and in the supplementary document, I have some images to show you—who would tell you that it's not currently the response of the Ministry of the Environment, Conservation and Parks to those kinds of events. I hope this is addressed in the revised legislation and in practice.

Similarly, in a municipality which has set a goal, and surpassed it, of planting 10,000 trees, partly in response to emerald ash borer, partly in response to tree cutting, partly

based on the knowledge that trees contribute to soil retention and fertility, and partly due to a keen awareness that trees cool the land around them, it is astonishing that the forestry laws for planting are being weakened. The proposed changes to forest management under the Crown Forest Sustainability Act will mean that new permits are not required to promote forest sustainability and will not be subject to forest renewal requirements. If the proposed changes pass, the Minister of Natural resources will not be able to improve Ontario's resiliency and economy by encouraging private enterprises to employ countless youth in tree planting. It's a net loss to forests, to the environment, to youth wages and therefore the short- and long-term economic health of the province.

Similarly, the proposed amendments also represent a reduction in oversight as the forestry licence holder can make changes to their work plans without ministerial approval, which is a disincentive. Ministerial approval is needed for those annual work plans; otherwise, lax compliance or noncompliance could result.

In setting standards, targets and measurement are the key. A lack of data is fatal to success. Accountability and oversight are also reduced in the proposed changes, as several reports will no longer be tabled in the Legislature or approved by cabinet. This represents a lack of transparency.

So some recommendations:

(1) Increase the daily fines under the Ministries of the Environment and Agriculture in order to create incentives to properly manage chemicals and nutrients rather than enter into discussions with polluters, lawyers and the public about what constitutes a "contravention."

(2) Empower the ministry and conservation authority staff to assist in education and prevention, as well as in inspection and enforcement.

(3) Harmonize all aspects of this with the principle of "producer responsibility" when schedule 9 is redrafted.

(4) Set standards, and measure and enforce expanded tree cover in Ontario on crown and private lands where cutting occurs.

On the subject of pollinators and pesticides: You would think that as a portion of my comments, I would focus on the Ministry of Agriculture, Food and Rural Affairs, not just because we associate the need for pollination with the production of one third of our food with pollinators, and the use of pesticides with agriculture, but because I come from the prime food lands of Oxford county. The facts are, however, that Bill 132 seems to allow for a return to the use of cosmetic pesticides. If you recall the history of their banning, and I'm old enough, municipality after municipality called for this before the province adopted a general ban on use on private and public lawns. Cosmetic pesticides are all about looks, and since the bans, the ideal look has moved significantly toward less poisonous parks and private green spaces towards naturalized and native species. This is a good thing since the diversity helps support plant and animal life while the reduction in poisons and runoff in soils should result in less negative impacts on human and environmental health. Cosmetic

pesticides are still used on golf courses—those vast expanses of green desert—that are waning all over the continent. Ontario is lagging the USA by about a decade in the decline of golf courses, as are the boomers and businessmen who used to spend their pensions or expense accounts there killing time or cutting deals.

Neonicotinoids, or neonics, as they are commonly called, are powerful poisons that strike at the nervous systems of insects, bees and other pollinators, according to over 800 peer-reviewed scientific studies. You don't get any more clear evidence than that. Further, studies in bio-accumulation show that birds, especially insectivores, are showing the same kind of nerve damage that has been found in bees. I'd suggest it won't be long before that appears in humans, if it hasn't already.

The only reason we cannot establish causation is that it is unethical and illegal for any scientist, or for me, to spray half of the room with neonicotinoids while spraying the other half—a control group—with something harmless, like maybe drinking water. That means that in the words of David Suzuki, we're engaged in an uncontrolled experiment on the whole human population—

The Chair (Ms. Goldie Ghamari): You have about three minutes left.

Mr. Bryan Smith: How many minutes?

The Chair (Ms. Goldie Ghamari): Three minutes.

Mr. Bryan Smith: Three minutes?

The Chair (Ms. Goldie Ghamari): I'll give you a one-minute mark, as well.

Mr. Bryan Smith: Okay, thank you—if we allow the continued use of neonics and other harmful pesticides on lawns, gardens, golf courses and food.

I have some recommendations—I'm turning the page:

(1) Expand the bans on cosmetic uses of pesticides to golf courses and other green spaces where they are currently permitted.

(2) Provide incentives for research on the reduction of pests and invasive species that do not contribute to permanent harm to environmental and human health.

(3) Fund research into the effects of pesticides in air, water and soil, and on species such as humans.

(4) Do not repeal the Bees Act.

I'll talk briefly about the rock, noise, wildlife and water sections by reading the recommendations at the end of it. I am on page 4 of that section. My recommendations there would be:

(1) Delete schedule 16 from Bill 132, for both the aggregate and forestry sections.

(2) Halt all issuing of new licences and/or expansions until the completion of a study by MNRF staff on the actual quantities remaining in the 100 to 200 years' worth under current licence, according to the Jensen report to the MNRF. That could result in some financial savings, efficiencies in government and for the industry.

(3) Move the focus of the MNRF from the issuance and expansion of licences to the study of the supply-and-need equation, and enforce current and enhanced standards of operation for effective rehabilitation, among other things.

1310

(4) Instigate a cross-ministerial review of the impact of reprocessed aggregate materials on the duration of supply, review the codes for road building which exceed the tonnage of aggregate in contiguous jurisdictions.

(5) Complete a review of regulations advised by the panels under the Blueprint for Change and enact them.

(6) Add a road repair factor to the benefit of rural communities—

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Bryan Smith:—for the tonnage leaving its pits.

My final set of recommendations is after the circular economy act, and there are 10 of them. It seems that they got longer as my page count increased.

I would highlight number 3, to prevent organic wastes from being burned or buried.

I would also highlight item 5, to enact resource recovery, producer responsibility and waste reduction in such a way as these programs are better for people and smarter for business.

Finally, and very locally, to stop Walker's planned dump in the upper reaches of the Thames.

With that, I say, thank you very much. Merci infiniment.

The Chair (Ms. Goldie Ghamari): Thank you very much. This round of questions will begin with the official opposition. MPP Stevens.

Mrs. Jennifer (Jennie) Stevens: Thank you, Chair.

Is it on? Sorry. That's how I used to have to turn on my mike when I was a city councillor. You always had to push that button.

Speaking of being a city councillor—I was city councillor for 17 years in the city of St. Catharines. You mentioned forestry weakening. Several years ago, our city, St. Catharines, put millions of dollars into replanting trees after the ash borer attacked our trees. As well, we had a devastating ice storm down there in the Niagara region, which could probably be blamed on climate change.

But anyway, looking at this section of Bill 32, the forestry weakening that you touched on, and giving the ministry basically the last say towards rebuilding the forestry, do you feel that forestry will weaken? I'd like to hear that, in your opinion, and if you can elaborate a little bit more on the ash borer and what this means and what this bill will do.

Mr. Bryan Smith: I share your pain in terms of the events that you described. They happened in our area too, as they did broadly across southwestern Ontario, and their causes are multiple.

The emerald ash borer, I'll refer to. Specifically, I know that there are occasions where trees have resisted that, and there's some work for research there to restore that population of ash trees and to understand why some trees resisted and others didn't.

There's also an opportunity here for us to replant forests with other native species. That would do a number of things: It would restore the forest for their health effects on people, for the oxygen that they contribute to the climate, for the effects that they have in terms of cooling

water in them and cooling the air around them, and also because it will make them more resilient to other changes. Because if we restore Carolinian forests in the area that you live in and I live in, if temperatures continue to rise, they will nonetheless adapt to those things, and secondly, because when you have a more diverse population of trees, there's more likelihood that the insects will bypass the whole forest.

So I am concerned that we would weaken something when, in fact, we know that we need to strengthen forests and we need to strengthen their and our resiliency.

If I can just talk on the health side a little bit, about forests, for a moment: I haven't done a lot of research on this, but I've talked to a number of people who use forests as a valve for when they're under incredible stress and pressure. I know there was some research that relates to what's called "nature deficiency," or, as the Europeans would call it, "nature bathing." People get prescribed a walk in the forest, and that's very healthy for their mental health. Given that we are now identifying about 25% of the population with mental health challenges, anything that we can do that has physical and psychological healthful impacts is wonderful.

Mrs. Jennifer (Jennie) Stevens: Great. I understand the connection between the pesticides and dangers they pose to the bees. I'm a new grandparent, and my grandson—a beautiful baby boy, one year old—and I'm an owner of probably the oldest outdoor cat in my neighbourhood. Weakening the Pesticides Act always brings concerns to the public.

Like I said, I was a city councillor. I remember when our municipality brought the Pesticides Act forward. The public was outraged, but then they understood. However, when we weakened the Pesticides Act—like I said, it always brings up concerns for the public and the safety of vulnerable people and pets. In your opinion, could this pose a threat?

Mr. Bryan Smith: I'm not a doctor, so I'll speak as a layperson on this. I'm aware that when children are playing outside—and you talked about a grandchild—they're frequently closer to the earth than I am, and they roll around on it. If there are cosmetic pesticides in play areas, playgrounds and parks, kids are going to come into frequent contact with them. We also know that where we sit in the food chain, we do bioaccumulate those things, so they're also going to get the effect of those pesticides that are coming through food as well, or that perhaps are airborne.

If I may do an anecdote: It was the day that the pesticide sprayers, before these were banned, were doing my neighbour's yard, and as their wand reached about the 10-foot peak in the air, it was wafting on my children playing in the yard. So, like you, I came to their defence and I asked the person doing that to stop.

I would be very concerned if we were going to add more proven poisons into the environment that we live in, especially when you have people with weakened immune systems, and when you have children who we hope will have long and healthful lives, and we don't want to dose them up with poisons early in it.

Mrs. Jennifer (Jennie) Stevens: So, weakening this bill will pose a threat. Thank you.

The Chair (Ms. Goldie Ghamari): MPP Arthur.

Mr. Ian Arthur: I want to pick up a little bit on the use of cosmetic pesticides. The city of Kingston, actually, just passed a motion to use a naturalized look, to use wildflowers—basically, wildflower planting—on roadsides, for a couple of reasons. One that I was actually stuck by was the huge cost savings with planting flowers instead of trying to mow these ditches constantly, and the edges of parks and various spaces like that. There were significant cost savings for the municipality in terms of gasoline purchases, upkeep on vehicles, and the wages associated with the folks who had to do that. You need significantly less.

But also there are private residential concerns, and you did touch on this a little bit, as people purchase new properties and aren't sure of what has previously been used. More and more folks are beginning to have front-yard gardens as well as backyard gardens, attempting to use their naturalized space in a better way. I know you said you weren't a doctor, but if you were buying a new property, would you be concerned about what previously had gone on those lawns?

Mr. Bryan Smith: Yes, and I do know some organic gardeners who sell their produce, and I know that there's a time span necessary before you can say that someplace is then safe to grow organic food in.

I would be concerned, if I bought a place that had a patch of lawn that had been treated with pesticides or that I didn't know whether it had been or not, whether I might want to plant something in there that would be a food crop for me. I would be concerned about ingesting those poisons.

The research on neonicotinoids suggests that they persist in the environment for three to five years, where they were tested in Arizona. The reason why they persist only for three to five years is because they're sensitive to sunlight. I'm aware that Arizona gets more days of sunlight than we do, and much more strong sunlight than we do. The estimates I've looked at suggest that those things persist in the environment for a good 10 years. So I'd be concerned, then, if I bought a new property, about what I could use that yard area for, and what its impact would be, over the medium term.

On the other hand, when I look at my neighbourhood, I realize that people tend to stay in places for 10 years or less, and then move to a house of a different size as their family grows or shrinks. That element of uncertainty that you alluded to, I think, is one that would be a constant concern for people.

Mr. Ian Arthur: I'm switching gears a little bit here to aggregates, and you talked a little bit about that. One of the stated goals of this bill is to expand access to aggregate resources, which we certainly do use a lot of in Ontario. Our infrastructural requirements are tremendous; we're a growing province. But what we have seen is basically a complete stop to aggregate recycling and the reuse of aggregates in Ontario. As far as I can read, nothing in this

bill addresses that deficit. Do you have anything to add to that, or to say on that topic?

Mr. Bryan Smith: I have a few things to say about that. Firstly, the circular economy act, to me, makes a great deal of sense—that once you've expended all of the energies necessary to extract something, you get all of the multiple uses out of it that you could. That would apply to aggregates as well.

I'm aware that there are some complexities to the recycling of aggregate. So, if you were to take down this building, for instance—

The Chair (Ms. Goldie Ghamari): You have one minute left.

Mr. Bryan Smith: —and think that you could grind it up and reuse this material, if there were gypsum in it, it would make it a deficient material for road building, because it soaks in moisture and in the winter it would crack. So we need to deconstruct rather than demolish, but we definitely need to do the recycling of that.

1320

I think we need to look very seriously at what our standards are for road building, because we use more aggregate than adjoining American states or Quebec does, so maybe our needs are exaggerated, and we need to have a really good look at the 100-to-200-year supply that we currently have under licence.

Mr. Ian Arthur: No further questions, Chair.

The Chair (Ms. Goldie Ghamari): Thank you.

We'll now turn to the independent Green Party member, and you have two minutes. You may begin.

Mr. Mike Schreiner: Thank you, Chair. I really appreciate that.

Bryan, thank you for your presentation and for being here today. I was just looking through the document you handed out. There are a lot of pictures in there that show significant road degradation from haulage. I'm just concerned—that's a huge expense for municipalities. The fact that Bill 132 adds a provision that would take road degradation that may result from increased truck traffic due to aggregate operations out of consideration for granting a licence: I'm just wondering how concerning that is for your municipality from a cost standpoint, let alone some of the health and safety standpoints you've identified in your presentation.

Mr. Bryan Smith: The municipality I live in did a full rebuild of a road a year ago that's ready for another full rebuild, from the bottom all the way up to level it out. It was torn to pieces. It was a county road, so just short of the standards for highways.

Truck travel is actually, because of the aggregate industry, already above what you should put on a county road, but there's no alternative route. It's one of those few routes that goes north-south through Oxford county and allows people to access the 401 and Stratford to the north. It's used by people in addition to trucks—all the tourists who come and drop their money at the Stratford Festival.

That road is also extremely dangerous in other ways. I have a small car, and I'm somewhat worried about the truck traffic on it, but I'm also aware that were I to do

this—I swear I don't do this—I could take my hands off the steering wheel and my car would still stay on track because the ruts are that deep. They're deep enough that some cars have to run on the two humps, like you would think on a gravel road.

The destruction is very quick, very immediate and very expensive. As I'm aware, it costs in the millions to construct a kilometre of road, and we're talking about a multiple of kilometres. That's a huge burden for a small, rural municipality to bear, and I would hope that the people who are extracting, in a sense, money out of the ground would—

The Chair (Ms. Goldie Ghamari): Thank you very much. That's all the time you have.

We'll now turn to the government, beginning with MPP Khanjin.

Ms. Andrea Khanjin: Thank you for coming today and for all the comprehensive information you put together.

I noted that in your document you talk about particular particle matters, obviously, and you link the mental health and health and environment and health. It was good to see other individuals talking about it. We've come up with a few initiatives, as you've probably seen with Healthy Parks Healthy People, something that my colleague David Smith has been involved in as well, and the ability to talk about how the environment and our parks system can be a player in health care as well. It's something I've had a conversation on with our Associate Minister of Mental Health, Minister Tibollo. It's certainly on his radar as well to be able to utilize those types of things and use all the tools in our toolbox, right?

Obviously I'm not only advocating for the air, but there was the GreenPAC that I attended—my colleague Ian Arthur was there as well. During that breakfast meeting, we had an interesting topic come up similar to your particular particle matters issue. One of the speakers was from the nuclear industry, and he was saying that as a result of nuclear coming on board and the decommissioning of the coal plants, it helped with a lot of the asthma that was occurring. He had met a mother whose child was suffering with a lot of asthma outbreaks because of the smog days. Now we're in a position here in Ontario where we are very lucky not to have as many smog days. But we can't stop there; we have to do more.

That brings me to actions. Another thing that we talked about at this breakfast was: It's one thing to say a lot of words but governments have to take action. You mentioned bees. This summer, I was lucky to be with the Minister of Agriculture, Ernie Hardeman, and with the Minister of the Environment to announce around \$500,000 to help beekeepers make improvements to better manage their practices so we can increase and help our pollinators. I have a few pollinators in my riding, so I was glad to see in your comments that you'd be supportive of our initiatives to help the beekeepers. But in the same breath you had mentioned things like pesticides. So I wanted to, on the topic of pesticides, ask you if there should be violations and penalties for those who, when it comes to pesticides, sell pesticides without a permit. Should there

be penalties or fines for those who sell pesticides without a permit?

Mr. Bryan Smith: I think you answered your own question there. Thank you for your comments, as well. But if a permit is required for the sale of pesticides, that would mean that those pesticides are to be used only in specific, permitted ways by people with the training to do that properly.

I talked a little bit earlier about spraying pesticides on this side of the room—sorry—and spraying water on this side of the room—also sorry—but more appropriately for you. I would think yes, there need to be some strong incentives for people to do things that are safe. As you suggest, there also need to be disincentives to do things that are unsafe. So if somebody is pumping pesticides into the environment where we're concerned about bee populations or human populations or any other animal populations, then we need to be able to do something to make sure that doesn't happen.

In the same way, as you mentioned earlier, the 2.5-microgram particles in the air that are really well illustrated in the document that I've shared with you, in those images. We know they're harmful. We think, therefore, there should be strong incentives for the reduction of those in the air and disincentives when people pass the levels at which we know they're safe. The problem with the level at which we know they're safe is that Dr. Ray Copps, who works for Public Health Ontario and the University of Toronto, has constantly said that that limit needs to come down, and he's not prepared to say there is a safe number, because that implies some liability on his part.

Ms. Andrea Khanjin: Right. In our administrative penalties part of the legislation that we're talking about today, we are increasing the penalties for those who sell pesticides without a permit. So I'm glad you agree with that particular element of the bill, in the sense that, before this bill, that wasn't the case. We couldn't do that. There were no strict penalties under the monetary penalties legislation. So we're putting those fines in place.

If they're so severe, what the amendments to the monetary penalties do is, if they're very severe, you can charge up to \$1 million to \$2 million or \$3 million—or billion—wherever the violation would be. If it's very aggressive, then, obviously, the fines and the penalties have to be associated with it. So I'm happy to hear that you do agree that there should be more administered penalties on those things.

But I did want to be able to talk about some of the other things that you had mentioned, and pass it on to my colleague, Mike Harris, as well, who has some quick questions for you.

The Chair (Ms. Goldie Ghamari): MPP Harris.

Mr. Mike Harris: Very well spoken, very well researched, Bryan and Mike. We've actually, Catherine and I—you said your last name is Farwell, right?

Mr. Michael Farlowe: Correct, yes.

Mr. Mike Harris: We actually have quite a prominent radio host named Mike Farwell in Waterloo region, as well. So, yes, it's kind of funny.

Mr. Michael Farlowe: I think I have his credit card.

Mr. Mike Harris: Yes, right? That's on the record. Don't say that.

There are a couple of things that I just wanted to clear up that have been bantered back and forth by my colleagues over the last little while, and just get your take on things. When we talk about what we're looking to do within the forestry industry with this bill, my colleague from St. Catharines was making mention of her time as a municipal councillor and things that were happening within her city. This doesn't supersede that. Those things are also managed by municipalities. They're also managed by conservation authorities that are locally governed.

What we're talking about in this bill is crown force. These are often going to be up in northwest Ontario. And the whole idea with this is to be able to help promote and stimulate jobs in areas where you might not be able to have other industries. So, for example, obviously the forestry industry has taken a big hit over the last 15 to 20 years. There are many reasons why: different economic conditions, pressures from outside countries being able to develop things more quickly and more cheaply than what we do here. But when we look at industry, especially in northern Ontario, mining is a huge industry. To be able to have what we hope are sustainable mines where you're able to extract some of those resources to be used for many things, obviously—

The Chair (Ms. Goldie Ghamari): You have one minute left.

1330

Mr. Mike Harris: —from jewellery to cellphones. These provisions in here are to be able to help more quickly build infrastructure like roads, access to good jobs. So I know we have very limited time left, but would you say that access to good jobs is something that we should be looking at here in the province?

Mr. Bryan Smith: Certainly, I agree with there being good jobs, and certainly, I agree with people having jobs that are sustainable. If I talk about northern references—I'll mention that I have family who are miners in northern Ontario—my response would be specifically to the forestry. I recognize that forest planting is one of the things that sustains those jobs over decades, not just in the youth that I mentioned who get to do the replanting frequently, but in terms of there being another forest ready for harvesting at some future date.

I think it's extremely important that we sustain that kind of effort, not just in urban areas, not just in southern Ontario, but in northern Ontario as well.

Mr. Mike Harris: And of course the forestry industry plants about 60 million trees a year as well, right? We are still having that sustainable forestry industry taking place.

Mr. Bryan Smith: My tree-planting cousins thank them.

The Chair (Ms. Goldie Ghamari): Thank you very much. That's all the time that we have. Thank you for your presentation and for coming here today. You may step down.

Mr. Bryan Smith: Thank you all very much. Merci beaucoup. À la prochaine.

GRAND RIVER ENVIRONMENTAL NETWORK

The Chair (Ms. Goldie Ghamari): I'd like to now call upon the Grand River Environmental Network. Mr. Greg Michalenko.

Mr. Greg Michalenko: That's one of the 303 pronunciations I accept.

Laughter.

The Chair (Ms. Goldie Ghamari): I have the same issue with my last name too.

Mr. Mike Schreiner: Welcome to my world.

Mr. Dave Smith: Surprisingly, I do as well.

The Chair (Ms. Goldie Ghamari): Really?

Mr. Dave Smith: It's amazing.

Interjections.

The Chair (Ms. Goldie Ghamari): You will have 10 minutes for your presentation. Please state your name for Hansard, and you may begin.

Mr. Greg Michalenko: My name is Greg Michalenko. I represent the Grand River Environmental Network.

I'll limit our concerns today to two things. One is the proposal to prohibit municipalities from governing how deep excavations can be in the aggregate industry. Secondly, the proposal that when the provision of long-range rehabilitation plans—that there would be permission to grub out gravel from beneath quality natural areas. Both of these, we think, are fairly dangerous.

The regional municipality is 600,000 people. It's the fourth-fastest-growing area of Canada. It is almost totally dependent on groundwater for its drinking water supply. Over the last 40 years, the region has slowly put in many measures to conserve the water and to limit consumption, and it has worked very well. There is good trust from the public, and good response to everything from prohibitions to incentives and so forth. The result has been that per capita water consumption has decreased by 50%, and industry has done well too.

The outcome of that is that it had been long planned to build a pipeline for water all the way to Lake Erie, at a cost of \$1.5 billion, and we don't have to do that now. That's because we have done so well, not in expenditures but in investments, to bring that about.

However, the regional municipality of Waterloo is also the centre of the largest assortment of gravel pits in the province. That conflicts with the need to keep our groundwater in good supply and to prevent it from being contaminated.

The 2017 report of the Environmental Commissioner of Ontario provides a very good overview of the successes and the problems in aggregate excavation. It talks about problems of cumulative effects, of rehabilitation being so poor, of poor provisions for public consultation amongst the various stakeholders, and difficulties with compliance enforcement and promoting rehabilitation.

The region has done extensive studies, and they've found that one problem is that a large share of the region's mineral aggregate areas overlap with some of the region's

best groundwater aquifers and recharge areas. The challenge facing the region and area municipalities would be to address the growing demand for aggregates while preventing and minimizing the potential impacts of aggregate operations.

The great concern is the removal of protective overburden. The region tries to prevent extraction from going beneath 1.5 metres, and the ability to do that would be gone under these new provisions.

There was a marvellous, extensive PhD thesis, *The Opportunities and Challenges of Aggregate Site Rehabilitation in Southern Ontario*, by Caitlin Port, done in 2013. She found some serious problems. One concern was inadequate knowledge. "This concern is understudied and the cumulative effects on groundwater flows from the extraction of aggregate below the water table are unknown."

Secondly, she finds that there is a real need to coordinate the activities of various stakeholders, whether they are residents or the concerned public or the companies or the government and so forth. "It is necessary to involve all stakeholders involved to ensure accountability, transparency, and the accurate interpretation and dissemination of results."

She says that we have to use the precautionary principle because there are so many unknowns.

The region is very, very concerned about the possibility that there could be multiple punctures of the overburden and that the water supply would be contaminated. This is viewed as a public health threat. And we should point out that if something like that were to occur, it would probably cost \$2 billion to have to build that pipeline to Lake Erie after all.

The second matter I want to talk about is the proposed revision to enable permission for aggregate extraction in provincially significant natural areas. The same thesis by Caitlin Port has a lot of quantitative data about rehabilitation. It's a mess. The region has, in its studies, shown that only 20% of pits have been rehabilitated. Caitlin Port found that of those, only 10% had on-site erosion control, 70% did not specify the species to be used for revegetation, only 25% proposed to use native species, and that things were vaguely explained.

She says, "This lack of clarity can be expected to have a negative effect on the resulting quality of rehabilitation occurring in the field. Because rehabilitation plans lack direction and performance indicators, there is no criteria available to hold aggregate producers accountable for achieving successful rehabilitation." So if they can't do that, if it is so bad there's no way that you can rely on this new provision to actually come up with the desired results, that should not even be contemplated.

I'd like to conclude with two short quotations. One is from the Environmental Commissioner, again, in the 2010—

The Chair (Ms. Goldie Ghamari): You have three minutes left.

Mr. Greg Michalenko: Three minutes left? I'll get in.

"There is no question that source protection planning is complicated, inconvenient and expensive. However, this should not be allowed to eclipse the sheer importance of the program: of not only ensuring a safe drinking water supply but, just as important, of instilling public confidence in it. The suffering that happened in Walkerton in 2000 should be a constant reminder that the benefits to human health and the environment that come from protecting the province's aquatic resources are priceless."

The second quotation I just discovered recently. We must be very careful about decisions that could jeopardize long-term safety nets for human health and ecological integrity. British nature author Robert Macfarlane, in his recently published book *Underland: A Deep Time Journey*, provides a simple precept that should guide us, and it's a very simple thing: "Are we being good ancestors?" Much of this, I think, is defeating that possibility.

1340

I would just like to end by saying that the trust in this government has been completely destroyed amongst the environmental community. The chief scientist is eliminated. The cap-and-trade agreement is gone. The Environmental Commissioner is eliminated. The Ministry of the Environment and Climate Change no longer is involved with climate change. A secret meeting on March 29 with the big gravel barons and interests closed any public participation. It has been very troublesome. The LPAT has gone back to the inferior version of the OMB.

The Chair (Ms. Goldie Ghamari): You have one minute left.

Mr. Greg Michalenko: Okay. Last, Ken Seiling, who was just a consummate professional administrator and head of the regional municipality of Waterloo, agreed, along with one other person, to do an investigation of regional government. Many of us participated in the hearings of that. A report was produced, but it has been kept completely secret. There is no way anyone can see what good advice has come out of it, and Mr. Seiling himself, in an interview with CBC Radio, said, "I'm disappointed in that. I had good things to say. I think some of that would be useful."

Anyway, I am so manifestly disappointed in this government. I have to admit it. That's the end.

The Chair (Ms. Goldie Ghamari): Thank you very much for your presentation.

We'll now begin with the Green Party independent member. You have two minutes.

Mr. Mike Schreiner: Thank you, Greg, for being here today. I appreciate you bringing up the extraordinary costs associated with having to bring in water infrastructure if we don't protect the quality and quantity of our water. Being from Guelph, I certainly feel that: the largest city that relies solely on groundwater for our water, part of the Grand River watershed. So I'm curious if you think that the changes in Bill 132 put the municipalities' financial risk at stake, given the fact that we're removing their water-taking provisions within the Aggregate Resources Act.

Mr. Greg Michalenko: I'm not sure I understood—

Mr. Mike Schreiner: I'm just worried about the cost. Are you concerned about the fiscal cost to municipalities if we don't adequately protect our water?

Mr. Greg Michalenko: Oh, yes. It could be tremendous, and would be enduring.

Mr. Mike Schreiner: I'm curious: You talked about the protective overburden. Can you explain that a little? I think it's important to have that in the record, how critical that is to maintaining aquifer protection.

Mr. Greg Michalenko: It acts as a filter. There are still questions to be asked and more research to be done, but the general consensus is that it helps, particularly where there is an accumulation of various pits. That is the situation in Waterloo region. There are a number of pits together.

A research study was commissioned by the region—a competent, professional consulting firm—and they found that, yes, there are risks and there is a very high chance there would be problems.

Mr. Mike Schreiner: Do you think we're doing enough right now to protect our water resources?

Mr. Greg Michalenko: No.

Mr. Mike Schreiner: And so you would like to actually see the ARA strengthened to protect water resources rather than weakened.

Mr. Greg Michalenko: Yes.

The Chair (Ms. Goldie Ghamari): My apologies. Your time is up.

Mr. Mike Schreiner: Thank you, Chair. I appreciate that.

The Chair (Ms. Goldie Ghamari): We're now going to turn to the government. MPP Smith, you may begin.

Mr. Dave Smith: Thank you. Through you, Chair: Greg, I think I wrote your last name down phonetically. Michalenko?

Mr. Greg Michalenko: That's right.

Mr. Dave Smith: You're from the municipality of Waterloo. Is that correct?

Mr. Greg Michalenko: Yes.

Mr. Dave Smith: One of the things that you talked about was the costs to municipalities for things. I represent Peterborough-Kawartha. I have seven municipalities in it. Waterloo has about 115,000 people. Your municipality is, I would say, one of the larger municipalities.

I represent Trent Lakes, which has 5,400; North Kawartha, which has 2,550, depending on whether or not fishing season is going on; Havelock-Belmont-Methuen, at 4,500; and Douro-Dummer at about 6,500 people. We don't have the ability in each of those small municipalities to have a lot of the resources—access to scientists and access to experts—so we need to be able to rely on the province then to provide some of those things.

Some of the changes that this is doing allow us, then, at these small municipalities to gain access to it and to have better rules or regulations as a result.

I'm going to touch on one in particular. One of the municipalities has a permit process to extract aggregate below the water table, and one of the municipalities does

not. The municipality that does not only has about 2,500 people, so they don't have the ability to get that kind of science.

The changes that we're proposing here, I believe, are going to level the playing field so that the municipalities that have that ability, that have already come up with some of the best practices—we can then have that across the entire province, so that we don't have those misses.

In my area, aggregates could become a very big thing, because it's predominantly Canadian Shield. When we're looking to bring rock out, if you're in the Canadian Shield and it's exposed, it's very easy to get it.

I'd like to think that this is one of those things that's actually going to improve it.

I recognize that most people, when they come to talk to us, are talking about their own area, and their area of expertise. One of the challenges that we have as MPPs is, we have to take all of that local information and extrapolate it across the province. I think that some of the things we're doing here are very good for that.

My last point is that the member opposite, Mr. Schreiner, introduced the Paris Galt Moraine Conservation Act. I'd like to point out that he received support from all of the parties. We as Progressive-Conservatives recognize that we have to make sure we're looking after the aquifers as well.

Thank you. That's all I have.

The Chair (Ms. Goldie Ghamari): Thank you. All right. MPP Harris.

Mr. Mike Harris: It's nice to meet you, Greg. I'm also a proud Waterloo region resident.

There's one thing that MPP Schreiner touched on, and I'd like to just go a little bit further on that. We were talking about making stronger rules and regulations around protecting drinking water.

When we look at below-water-table extraction right now, there is no mechanism for a municipality or for someone like yourself to be able to object to that. So I'd like to get your thoughts on whether you would like to see something like what we're doing here, with the ability to have municipalities or a third party in the process—a local resident—be able to officially object, and be able to bring this to the LPAT to have an official hearing, where it would be a yea or a nay—again, not from the ministry, not from the municipality, but from an objective third party evaluating this.

Do you think that's something that is beneficial, going forward, to be able to strengthen these regulations?

Mr. Greg Michalenko: Part of the problem is that the LPAT—I was involved in the public consultations and discussions to reform the OMB and make it more amenable to producing the kinds of decisions that I think you would like to see happen. That has been severely weakened, though. We've gone back to the old thing.

Mr. Mike Harris: Thank you.

The Chair (Ms. Goldie Ghamari): Any further questions? All right. MPP Khanjin.

Ms. Andrea Khanjin: First off, Chairperson, I wanted to get one thing on record, to lighten the mood here a little bit.

We're not televised here—it's only in Hansard—but I wanted to get your incredible floral shirt on the record. I've been admiring it since you were sitting in the audience. So I wanted to get that on, since it's not televised.

On another note, you had mentioned your interest and passion for climate change. Recently we launched the first-ever climate change impact assessment, which would help some of the things you're advocating for. Our province is so diverse, and every area has a different climate change impact or a climate change issue that we could help solve, but we don't have enough information about each aspect of our province. What are your thoughts on the impacts that an Ontario-first climate change assessment strategy would have? It's something that we are borrowing from the United Kingdom. It worked well for them. But what are your thoughts on being able to go across the province in order to do a deep dive into the impacts of climate change across the province?

1350

Mr. Greg Michalenko: Of course, it's a critical problem. It could be a catastrophe facing us, and so we should be talking about it. We need to have a method that is meaningful.

I remember when Lynne Woolstencroft became the mayor of Waterloo—she also ran for the Conservative Party for the federal Parliament—she convened a two-day-long workshop on environmental problems, and people just dove into it and contributed to it. It would be a wonderful thing if the government honestly and without any of its own prejudices and biases against taking meaningful action on climate change, which is what we've seen up to now—

The Chair (Ms. Goldie Ghamari): You have one minute left.

Mr. Greg Michalenko: If we just went at it honestly and with commitment to be good ancestors, lots of wonderful stuff could come out of that.

Ms. Andrea Khanjin: Thank you. Thank you, Chair. I just wanted to get that on the record.

The Chair (Ms. Goldie Ghamari): Thank you.

Mr. Greg Michalenko: And the shirt came from Simons in Mississauga. It was bought by my wife.

Laughter.

Ms. Andrea Khanjin: Thank you.

The Chair (Ms. Goldie Ghamari): That's great. We'll now turn to the official opposition, beginning with MPP Fife.

Ms. Catherine Fife: Welcome, Greg. Thank you for coming to London. Greg is my neighbour; he lives on my street. He's always this fashionable.

Greg, I want to thank you for really bringing your heart to this debate and this discussion. I understand that you have a deep sense of disappointment and concern, and I want to applaud your involvement at the local level because that is where the region of Waterloo has really taken some true leadership around conservation and around preventing pollution.

When you point out that municipalities must have the right to restrict the depth of aggregate extraction—we've learned from previous cases, like the polluting of the Greenbrook well, for instance, in Waterloo, right? We understand the importance of our aquifer because there have been mistakes in the past.

I'm sure you are aware, though, that one of the tests of this legislation will be the Jackson Harvest Farms proposed Hallman pit that's going to be out in Wilmot township, where 200 acres of prime farmland are proposed to be turned into an aggregate pit, with 750,000 tonnes of aggregate moving across our community in the next few years. I guess I want to ask you, because you've lived through so many ups and downs from an environmental perspective: Do you think that this government understands that the Citizens for Safe Ground Water are going to rally to protect that resource? Because this could be the defining moment for this piece of legislation and for this government.

Mr. Greg Michalenko: I think we need more time to look at these proposed changes to aggregate. My suggestion would be that it be removed from the omnibus bill and the government then provide a chance for more concerted discussion and to involve all aspects of problems that might be associated with it.

Burying things in omnibus bills isn't a good practice. It usually fails.

Ms. Catherine Fife: It is unfortunate that this is buried in a very big bill, because we've seen the government have to walk back already a number of initiatives because due process and consultation weren't followed.

I also want to say that I agree with you when you mention Ken Seiling's review of regional government, because this plays itself into municipalities losing that autonomy, if you will, around the depth of aggregate extraction. That information should be made public because it was paid for by the taxpayers, it was a review of good governance models, and it's the same principle of the water-taking review that has happened in response to the moratorium. Government and policy should be dictated and determined by evidence and by research, don't you agree?

Mr. Greg Michalenko: Yes.

Ms. Catherine Fife: That's a good answer, Greg.

Mr. Greg Michalenko: Part of our problem is that there are hardly any scientists in the Legislatures or in the national Parliament. We need more.

Ms. Catherine Fife: Yes. But the argument against municipalities having this determination around local decisions is that—the member opposite has said that there are some municipalities that don't have this expertise. But it's a shared knowledge base, right? So I think that's a false choice.

I'm going to put it over to my colleague.

The Chair (Ms. Goldie Ghamari): MPP Arthur.

Mr. Ian Arthur: Thank you so much for your presentation, Greg. It's very much appreciated. And thank you for touching on water, and the water conservation efforts that were made in order to not have to bring the water in from Lake Erie.

We are incredibly lucky with how much water we have in Ontario. I think there's a level of complacency, honestly, that comes with that. We look at other parts of the world that do not have the resources that we have—the water restrictions that are currently in place in Queensland; the cities in South Africa that are desperately close to running out of water. What I find disturbing about that is how close they are to actually running out when people decide to finally take action on that issue. It's not something that any jurisdiction seems to want to do well ahead of time. That's very scary, because you only have to look at California to see somewhere that had vast water resources, but has managed to continuously and systematically deplete them throughout the last period of time, despite having those resources.

I want to touch on one other thing. It's interesting, the switches in the narrative being put forward by the government. In one set of questioning, we had MPP Khanjin saying that there were such vast differences between areas, and we needed to learn about those areas, and that that justified this piece of legislation. In the same one, MPP Smith stated how different municipalities don't have the same resources to be able to make the same decisions or to access the same resources as others.

Wouldn't leaving that, with support, up to the municipality, like you suggested, be a good thing, if they are that vastly different and require such different approaches?

Mr. Greg Michalenko: Yes. I have great trust in municipal governments. Generally, they're very well run. They need to have, in some cases, more scope and more assistance.

One nice thing about the regional government is, it's a nice balance of decisions for overall measures, such as water conservation being in place, as well as a chance, through the four townships and the three cities, for individual, brilliant ideas from residents to be caught and to be worked into things that are beneficial, whether they're laws or institutions and so on. So, it can work both up and down.

I think your concerns are very well expressed, from an area that's quite different from the population of 600,000 of Waterloo region.

Mr. Ian Arthur: But a one-size-fits-all for the province of Ontario wouldn't work.

Mr. Greg Michalenko: No, I don't think so.

Mr. Ian Arthur: Okay. I'm good.

The Chair (Ms. Goldie Ghamari): Further questions? No? All right. Thank you very much for your presentation. You may step down.

CITIZENS FOR SAFE GROUND WATER

The Chair (Ms. Goldie Ghamari): Before we call our final presenter, I just want to thank all members for their co-operation today and for maintaining decorum. We have one more presenter ready to go, and I would ask all members to keep their conversations to a whisper all around the table. If I can hear you, then everyone can hear you, and it's a distraction. So let's respect each other's

time and get through this last presentation. Thank you very much.

I'd now like to call upon Citizens for Safe Ground Water: Mr. Rory Farnan. When you are ready, please state your name for Hansard, and then you may begin. You will have 10 minutes for your presentation.

1400

Mr. Rory Farnan: Great. My name is Rory Farnan and I am the secretary for Citizens for Safe Ground Water.

Good afternoon, honorable members, and thank you for the opportunity to speak with you today, even though I may sound like a bit of a broken record at 2 o'clock in the afternoon.

Also, a special acknowledgement to MPP Harris, who represents my riding of Kitchener-Conestoga at Queen's Park, and Mr. Schreiner and Madam Fife, who represent the neighbouring ridings of Guelph and Waterloo.

Like most of you sitting across from me today, I have spent most of my life living in an urban setting. Issues like roads, sidewalks, urban infrastructure: These were topics that affected me the most. However, four years ago my wife and I moved from suburban Waterloo to rural Wilmot township, and have started our family there. Living in the township has brought a new perspective on challenges that communities face, and although some challenges completely differ from each other, one thing has remained the same: the need to protect our drinking water.

My name is Rory Farnan and, again, I am the secretary for Citizens for Safe Ground Water. I am here today to outline a few of our concerns relating to aggregate policy in Ontario which affect communities big and small. But first, please allow me to take a few moments to explain how I got to be standing—or sitting—in front of you today.

A member of our local Optimist board of directors, I was approached by a woman named Michelle back in April. Michelle was coming back from her daily run. On her run that day, she noticed a woman in the distance sitting on her porch. As Michelle got closer to the home, the woman started running towards her. They chatted about an upcoming gravel pit application for a property located on the same road, and the woman handed her a piece of paper inviting her to a neighbourhood meeting. Michelle asked me if I had any experience with gravel pits and whether I would be interested in attending the meeting. I attended and, as the old saying goes, the rest is history.

They say all politics is local, which couldn't be further from the truth today.

Citizens for Safe Ground Water is probably the truest form of grassroots organization that I have ever been a part of. It started as a small neighbourhood meeting at a local rod and gun club, to being in front of you today commenting on Bill 132.

I would suggest to you that our group is not opposed to aggregate extraction, but is a group that is pro-water. We are a group that sees not only the micro issues of the gravel pit application that is in front of us today in Wilmot but the macro issues that it presents to an entire region in the

long term. We have presented in front of our township and regional councils, supporting their concerns to the proposed changes that your committee is obtaining feedback on today.

First and foremost, our number one concern is our municipal water supply. For an economy to grow and prosper, it is paramount that our water is protected. Without it, communities don't nourish or flourish. The gravel pit application that I referenced earlier, which includes a used asphalt and concrete recycling area, is being proposed within a source water recharge protection area from which municipal wellheads draw water.

The region of Waterloo is heavily reliant on groundwater, water from the Waterloo moraine, drawing underground water via approximately 100 wellheads. Two wellheads that feed from this water recharge area represent close to 7% of the region's integrated water system. As such, it is the recommendation of the Citizens for Safe Ground Water that any aggregate activity be restricted to areas that are outside of a designated source water protection area.

Second, which also relates to water supply, are the cumulative impacts of aggregate extraction on the environment and the affected water tables below. The gravel pit location before Wilmot township will be situated in the immediate area of several existing pits, including Lafarge, Coco Paving, Steed and Evans, Dino Trucking and the township. The risks that are being presented by adding another gravel pit in an area that is already aggregate intense, with the added sensitivity of groundwater recharge, is unknown. It is our understanding that, to date, there have not been any comprehensive studies conducted to understand the impacts of intense aggregate activity within a certain region and what effects it poses on water resources.

With that, it is the recommendation of Citizens for Safe Ground Water that the provincial government, in collaboration with each local municipality, conduct a comprehensive study on the impact of intense micro aggregate production activities on local water resources.

Third is our concern about aggregate rehabilitation. In a recent study conducted by the region of Waterloo, a miniscule 20% of land excavated for aggregate production has undergone rehabilitation. That is just not acceptable, and poses permanent destruction of significant natural features and ecosystems. In the case of the gravel pit application before us in Wilmot, the applicant has suggested that after decades of peeling away protective layers of sand and gravel, which are used as a filtration system before hitting the water table, they will return the property to its previous state of agricultural use. But let's be honest with ourselves: How can we be convinced that (a) it will be rehabilitated as planned, given the statistics in front of us today; and (b) what will be used to fill the pit to restore it back to agriculture, with the necessary ingredients required to filter from contaminants in the future?

The Chair (Ms. Goldie Ghamari): You have three minutes left.

Mr. Rory Farnan: As such, Citizens for Safe Ground Water propose that the provincial government conduct a

comprehensive review of existing aggregate licences to determine what can be done to improve the success rate of rehabilitation, and consider revisiting existing pit agreements that remain dormant from rehabilitation, especially those that are owned by applicants who want to submit future development applications. As North Dumfries Mayor Sue Foxton recently commented to the CBC, aggregate extraction is like chopping a leg off; it doesn't grow back.

Fourth: It is our understanding from the government's position that there is a growing need for aggregate to facilitate the province's growth. One of the things that we have learned in this process is that gravel pit operators can essentially sit on a property once it has been licensed, with no benchmarks in place to dictate the amount of aggregate it must produce to the market versus the amount of aggregate extraction it has been approved for. Across the road from the applicant's proposed gravel pit in Wilmot is an extremely large property—I believe almost 400 acres—that is owned by Lafarge. Most of that property remains untouched, with no current extraction taking place or plans for extraction in the immediate future.

As such, Citizens for Safe Ground Water recommends to the province a full-scale audit of all active gravel pit licences to determine the current running capacity of extraction. Why continue to approve new applications if existing applications are not operating at optimal capacity to meet demand?

The Chair (Ms. Goldie Ghamari): You have one minute left.

Mr. Rory Farnan: This should be considered low-hanging fruit, for the government to make more aggregate available today, versus waiting years for new applications to lift off the ground.

Fifth is related to haulage routes that affect the traffic safety and ongoing road maintenance costs within our municipalities. Large-sized, heavy-scaled trucks are a danger to neighbouring residents, businesses and roadways that neighbour a gravel pit. Again, pointing to the application before us in Wilmot, it is estimated that up to 34 trucks an hour could travel on Witmer Road, which is a small township road that the pit will use to haul aggregate out of and used asphalt and concrete into. It is a narrow road with no shoulders, no guardrails, peaks and valleys, and hidden driveways. It is on a school bus route and is used by runners, cyclists and pedestrians alike.

With that, it is the recommendation of Citizens for Safe Ground Water that municipalities continue to have jurisdiction as it relates to haul route approvals, and that comprehensive road standards are enacted for primary haul routes.

1410

The Chair (Ms. Goldie Ghamari): Thank you very much. That's the time that I have for your presentation.

Mr. Rory Farnan: Okay. I have a sixth, which would only take a minute, if you would—

The Chair (Ms. Goldie Ghamari): You would have to—

Mr. Ian Arthur: We're going to give him a minute of our time.

The Chair (Ms. Goldie Ghamari): Okay. You're giving him how much of the time?

Mr. Ian Arthur: As much as he needs.

The Chair (Ms. Goldie Ghamari): Okay. All right. If you can just give me one moment, please.

Mr. Rory Farnan: I only need one minute for—

The Chair (Ms. Goldie Ghamari): Okay, that's fine. I have to make sure, with the timing. Okay, you may continue.

Mr. Rory Farnan: Yes. Thank you.

Interjection.

Mr. Mike Harris: Rory, we'll cede a minute of our time—

Mr. Rory Farnan: I appreciate it. Thank you. Again, my apologies. It's a very hard thing. Madam Redman only gave me three minutes at the regional meeting, and I barely pulled it off.

Mr. Mike Harris: You get more than she did. Remember that.

Mr. Rory Farnan: The minute I saved for her, if you'd give it to me, I'd thank you.

Interjections.

The Chair (Ms. Goldie Ghamari): Sorry. So you're going to give one minute of your time?

Mr. Mike Harris: We'll give him one minute of our time, yes.

The Chair (Ms. Goldie Ghamari): Okay.

Mr. Rory Farnan: Thank you, honourable member. I appreciate that.

The sixth is the protection of our agricultural lands. The property of the proposed gravel pit sits within the region of Waterloo's protected countryside, and it is designated as prime agricultural, with the municipality's official plan designating the site as agricultural. In 2015, farms in Waterloo region generated \$563.6 million in revenue, which is an increase of \$90.7 million from 2010.

With that in mind, it is the recommendation of the Citizens for Safe Ground Water that the provincial government recognize the strategic designations set forth by local municipalities as they relate to the protections of our agriculture resources and the economy that benefits from it financially.

Each municipality is different, choosing what they feel is important to make them unique from others.

The Chair (Ms. Goldie Ghamari): It has been a minute.

Mr. Rory Farnan: Fair enough.

The Chair (Ms. Goldie Ghamari): If you'd still like to—

Mr. Rory Farnan: No, that's great.

The Chair (Ms. Goldie Ghamari): Okay. MPP Harris.

Mr. Mike Harris: Rory, it's great to see you.

Mr. Rory Farnan: Thanks. It's good to you again, yes.

Mr. Mike Harris: We've obviously had a chance to chat. It was actually a front porch chat, which was kind of fun too.

Mr. Rory Farnan: That's right, yes.

Mr. Mike Harris: We came out to Sam's house.

Mr. Rory Farnan: The same porch.

Mr. Mike Harris: The same porch. There you go. I figured it might be.

There are a few things that you brought up today. Obviously, you're speaking of a very specific application that's currently going forward.

Mr. Rory Farnan: I am, yes.

Mr. Mike Harris: I'm obviously very well aware of that application and a lot of the different nuances to it. It actually just came in—I think it was last week, or about a week and a half ago that we've finally seen what the plan is there.

Mr. Rory Farnan: Correct.

Mr. Mike Harris: I want to just speak a little bit broader, obviously, because I don't think it's fair to the committee to be speaking just about one specific project.

Mr. Rory Farnan: Understood.

Mr. Mike Harris: I think some of the things that we talked about when we were there chatting were looking at better ways to go forward—it's the end of the day—

Mr. Rory Farnan: Yes, I understand. I appreciate what you guys are going through.

Mr. Mike Harris: —and looking at ways that we can reduce burdensome red tape, reduce duplication—I know that was one of the things that we talked about—

Mr. Rory Farnan: Yes.

Mr. Mike Harris: —but while still maintaining fairly stringent environmental regulations.

Mr. Rory Farnan: Sure.

Mr. Mike Harris: One thing that I have brought up a couple of times today, and I want to bring it up again because I know this is something that you're keen on, is that, currently, there is no mechanism for a concerned citizen like yourself to be able to bring an application, such as the one that we have in Shingletown, and be an official objector to that application and bring that to the LPAT. There's no mechanism in place to do that.

With the regulation we're looking at putting forward in this bill, it would give you the opportunity to be able to do that and be an official objector and be able to send that application to be reviewed by a third party, which would include all the hydrology studies, all the geological studies and all of the feedback that would come from the municipality, which again is the one that has to initially zone said property to be able to have aggregate extracted on it.

Mr. Rory Farnan: Sure.

Mr. Mike Harris: There are some new mechanisms we're putting in place to give people, and citizens just like yourself, and the other folks who are part of your organization an opportunity to do that. Are you supportive of a move like that?

Mr. Rory Farnan: Without seeing the fine print of it, yes, I would be supportive of anything that would encourage public engagement, although, again, I would caution that any application that would be put forth that would be sitting on top of a source-water protection area—

Mr. Mike Harris: And of course all of those things would be taken into account through the evaluation process?

Mr. Rory Farnan: Absolutely, yes. I'm struggling with the word "protection" and what the definition of that really means, but yes. I would support any public engagement that would be brought forth.

Mr. Mike Harris: Very good. Thanks.

Mr. Rory Farnan: Thank you. I appreciate your time.

Mr. Mike Harris: That's all for us, Chair.

The Chair (Ms. Goldie Ghamari): Thank you very much.

We'll now turn to the official opposition. You have 10 minutes. MPP Stevens, you may begin.

Mrs. Jennifer (Jennie) Stevens: Thank you for coming on behalf of the Citizens for Safe Ground Water. I think that the first part of your group name, "citizens," is what we should all be looking forward to at a provincial level, as well as not ignoring the municipal level.

Mr. Rory Farnan: Thank you.

Mrs. Jennifer (Jennie) Stevens: You mentioned the municipal official plan and the detection of agricultural lands. Can you elaborate on that? That was basically your last point, and I found that very interesting, that you feel that this bill will actually affect the official plans of your municipality.

Mr. Rory Farnan: Well, quite potentially. The municipality, in an effort to protect rural properties, has made official designations that put, at least in our particular case, this property in a protected countryside area, in a prime agricultural space. Realizing that this area of the region brings a half-billion dollars to the economy, they obviously want to see it protected and nourished.

When you see a 20% increase in revenue over a five-year period and a municipality that is also trying to protect urban sprawl—which is something Waterloo region, I believe, has been a leader in, as well—I think it talks to several key issues. They've decided that it's strategic for them to have this portion of land or this region as agricultural and not subjected to other types of operation like aggregate extraction.

Mrs. Jennifer (Jennie) Stevens: Just one other thing: In St. Catharines we have an aggregate pit that has started. The previous speaker mentioned the right to restrict the depth of aggregate extraction, and right now within the city of St. Catharines we have one. We didn't have that guideline of depth, and the contractor actually hit below and hit the water table, which has now caused almost a natural ponding. Do you feel that that could happen? And if that does happen within your municipality, how would that affect your drinking water or your water table?

Mr. Rory Farnan: Particularly to the application that we're reviewing today, it is my understanding that there's only a metre and a half, I believe, between the lowest excavation point and the water table.

Now, that being said, I'm not a scientist—probably the gentleman with the beautiful shirt that I might ask to borrow for Friday night might better explain—but water tables are not straight. Water tables flow. They flow in different directions. They flow at different heights. That happens in the spring, that happens in the fall, and so to put maybe six or seven feelers out in a 200-acre property

and suggest that an entire property is going to flow based on those six wellheads, whatever this gentleman has put in, or future applicants—I don't believe that that's a true reflection.

We talked about the cumulative effects, too, of what happens when you have a half-dozen pits within a two-block radius of each other. What happens when the sixth one comes into the water table at that point? We don't know. We don't have those studies.

From our perspective, at least in Waterloo region, what happens when things get breached, and they've been breached before—these two wells, in particular, when you look at them, provide approximately 7% of the integrated water system. Seven per cent doesn't sound like a lot for two wellheads; when there's 100 of them, it's pretty significant. You're essentially getting rid of, I think, a valuable portion of what has contributed to the overall drinking water supply and general municipal water supply.

1420
I haven't even touched upon private wells in the area. There was a recent article in the New Hamburg Independent—I'm sure you probably saw that this week, honourable member, but essentially it's two members of the community who use their private well for their business. What happens to private well contamination and to the businesses that are located within that area?

We talk about drinking water for the region. We're a growing region; we rely on water. We, obviously with global warming, will rely on water even more, but even just the people who are in the immediate area, whether it be nurseries or farming, cattle feed—different sectors within that area could be affected through their private wells. That is one thing that the region doesn't spend a lot of time on, because they're obviously focused on the regional wells, not private wells. So we definitely have some concern about private well contamination, as well.

Mrs. Jennifer (Jennie) Stevens: Okay. Thank you.

Mr. Rory Farnan: Thank you.

The Chair (Ms. Goldie Ghamari): MPP Fife?

Ms. Catherine Fife: Just quickly: Thank you, Rory, and I hope that the public meeting that you're going to have on—November 26, is it?

Mr. Rory Farnan: I believe, yes.

Ms. Catherine Fife: I hope it's well attended. I know that I've been receiving phone calls about this. I think it comes down to risk, right? And is it worth it? I know that there's a feeling out there, "This is on a farmer's property. It's his property. It's 200 acres. It's his farm." But at the end of the day, you also have to weigh in public interest and public health, and that decision will have an impact on the entire region.

That is why we didn't want the repeal of the Local Planning Appeal Support Centre Act to be part of this. We think that citizens deserve to have tools and mechanisms by which they can actually be actively involved in planning decisions like this, but also that local municipalities are that direct link with the citizens that they serve. We want to make sure, and we're going to try to change this as this act moves forward, that municipalities don't lose that power.

Mr. Rory Farnan: Yes, that's very important.

Ms. Catherine Fife: It's very important. I just want to wish you well on the 26th.

Mr. Rory Farnan: Thank you.

Ms. Catherine Fife: It's the timing of what's going to happen with the Hallman pit in Wilmot township and the timing of this bill—it's like a perfect storm. It will test whether or not this government truly understands that this is a huge risk for the well-being—and the economy, as you pointed out—for the people of Wilmot.

Mr. Rory Farnan: We've made it quite clear: We're not anti-aggregate extraction. We realize that—where else are you going to get it? You have to get it from the ground. But there are certain areas, like you say, when you want to talk about calculated risk, that should just be a no-brainer. Protected source water recharge areas: You can't produce those once they're contaminated.

Ms. Catherine Fife: I think your quote, that you're not anti-aggregate; you're pro-water—that is the message that you've come to this government with and to this committee with.

Mr. Rory Farnan: Yes. There are lots of places to do aggregate in, so I appreciate it.

The Chair (Ms. Goldie Ghamari): You have one minute left. MPP Arthur.

Mr. Ian Arthur: It's not so much a question as just a thank you for coming here today and sharing your story. Groups like yours continue to play such a vital role. When we look at water resources across Ontario—I asked a question last week about the residents of Tottenham, who have trihalomethanes in their water that's contaminated. We have many, many boil-water advisories, continuing the troubles in Essex county with water. We need groups like yours continuing to advocate for safe water. I get why you don't trust the government to do it well. They haven't so far, on many, many cases.

Mr. Rory Farnan: We're pretty grateful, I think, living in Waterloo region, that we have a pretty progressive municipal government that has put a lot of safeguards in place not only for drinking water but for protected countryside and prime agriculture. It's my understanding that the region of Waterloo has made recommendations to the provincial government in that regard.

The Chair (Ms. Goldie Ghamari): Thank you very much. That's the time that we have for the official opposition.

Last but not least, turning to the leader of the Green Party, the independent Green member: You will have two minutes. You may begin.

Mr. Mike Schreiner: Thank you, Rory, for your presentation. I really appreciate it.

MPP Smith mentioned my private member's bill, which I am happy to say would address many of the concerns you presented today—though I'll apologize to you; it applies to the Paris Galt moraine. But if my colleagues would like to amend it, I'd consider it a friendly amendment to apply it to the Waterloo region moraine. We all can work together on that.

Mr. Rory Farnan: There's no reason why it shouldn't.

Interjection: We're all in it together.

Mr. Mike Schreiner: We're all in this together, Rory.

Mr. Rory Farnan: To be quite frank, sir, the two are neighbours, so don't think for one moment that not protecting one moraine with a neighbouring moraine beside it is not going to have an adverse effect over that. I appreciate what you're doing and would love to see that extended. It sounded like maybe everyone would be in agreement to that today.

Mr. Mike Schreiner: Let's hope so, Rory.

Mr. Rory Farnan: If we get that in Hansard, that would be terrific.

Mr. Mike Schreiner: There's limited time here. In Wilmot township, farming is very important. The municipality's designated land is protected farmland. Are you worried that Bill 132 could supersede the municipality's ability to put those kinds of protections in place?

Mr. Rory Farnan: My understanding, from a lot of things that I've learned over the last couple of months, is that aggregate is either not mentioned or exempt from many aspects of legislation that we have. So, yes, anything that doesn't strengthen or deny extraction within a source water protected area, in my mind, is something that's a missed opportunity.

Mr. Mike Schreiner: Great. That's a good way to close, Rory. Thank you.

The Chair (Ms. Goldie Ghamari): Thank you very much. This concludes our business for today. You may step down.

Mr. Rory Farnan: Thank you for your time.

The Chair (Ms. Goldie Ghamari): A reminder to committee members that, pursuant to the order of the House, dated November 7, 2019, the deadline for written submissions is 5 p.m. on Friday, November 29, 2019.

This committee is adjourned until 9 a.m. on Friday, November 22, 2019, when we will meet for public hearings on Bill 132 in Peterborough. Thank you, everyone.

The committee adjourned at 1428.

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