

Subject EBR

Number 1 Date 6/4/92

AN ENVIRONMENTAL BILL OF RIGHTS FOR ONTARIO

ONTARIO MINISTRY OF THE ENVIRONMENT
JUNE 1992

Tricom
Overhead Presentation Systems
(416) 292-3500 Fax (416) 292-3583

Subject EBR

Number 2 Date 6/4/92

TASK FORCE CONSENSUS (BUSINESS, GOVERNMENT, ENVIRONMENTAL GROUPS)

- GOVERNMENT AND PUBLIC ARE PARTNERS IN ENVIRONMENTAL PROTECTION, BUT GOVERNMENT HAS PRIME RESPONSIBILITY
- "TRANSPARENT", PARTICIPATIVE PROCESS FOR SIGNIFICANT ENVIRONMENTAL DECISIONS
- FORMALIZED RIGHT TO REQUEST REVIEW AND INVESTIGATION
- ENHANCED ACCESS TO COURTS WHERE GOVERNMENT FAILS TO PROTECT PUBLIC RESOURCES
- EXPANDED PROTECTION FOR WHISTLEBLOWERS
- APPOINTMENT OF ENVIRONMENTAL COMMISSIONER TO OVERSEE IMPLEMENTATION, UNDERTAKE PROACTIVE EDUCATIVE ROLE, AND PROVIDE BIENNIAL REPORT
- EBR TO WORK IN CONJUNCTION WITH COMPLEMENTARY REFORMS: CLASS PROCEEDING ACT; INTERVENOR FUNDING ACT

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PUBLIC PARTICIPATION

APPENDIX X

MOE → MNR → MNDM → OMAF → OTHERS (AS DECIDED BY CABINET)

(PHASE IN/TRANSITION)

► EACH MINISTRY DEVELOPS STATEMENT OF ENVIRONMENTAL VALUES

1. POLICIES/GUIDELINES - ON REGISTRY AT MINISTER'S DISCRETION.

2. REGULATIONS - REGULATORY IMPACT STATEMENT IS DISCRETIONARY.

3. INSTRUMENTS - EACH MINISTRY CLASSIFIES INSTRUMENTS ACCORDING TO APPROPRIATE LEVEL OF PUBLIC PARTICIPATION.

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PROPOSED INSTRUMENTS PLACED ON REGISTRY
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I	II	III	IV
Minimum - Notice - Comment - Written Reasons	Enhanced - Notice - Comment - Written Reasons	NEGOTIATED INSTRUMENT/ DISCRETIONARY HEARINGS	Full hearing (as per existing legislation)

Decision:

APPEAL TO TRIBUNAL

Decision:

APPEAL TO COURT

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ENHANCED ACCESS TO COURTS

PROCESS:

- FORMAL REQUEST SUBMITTED BY TWO ADULT ONTARIO RESIDENTS
- WHERE GOVERNMENT FAILS TO ACT, RESIDENT MAY SUE PERSON CAUSING HARM THROUGH NON-COMPLIANCE WITH PROVINCIAL STATUTE, REGULATION OR INSTRUMENT
- ATTORNEY GENERAL MUST BE INVOLVED
- REMEDIES INCLUDE INJUNCTION, RESTORATION PLAN. NO DAMAGES.

ADDITIONAL ACCESS FOR "NUISANCE":

- PERSONS SUFFERING LOSS DUE TO PUBLIC NUISANCE OF ENVIRONMENTAL NATURE MAY SUE PERSON CAUSING NUISANCE
- RULES INHIBITING ACTIONS IN PUBLIC NUISANCE TO BE REMOVED

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Number 5 Date 6/4/92

EXPANDED PROTECTION FOR WHISTLEBLOWERS

- PROTECTION AGAINST HARASSMENT, DISMISSAL
FOR WORKERS WHO REPORT EMPLOYERS WHO
DEGRADE THE ENVIRONMENT

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INTEGRATION / IMPLEMENTATION

- PHASED-IN IMPLEMENTATION ESSENTIAL
- MANY IMPLEMENTATION ISSUES TO BE ADDRESSED DURING PUBLIC CONSULTATION PERIOD
- EVERY EFFORT TO CONDUCT THOROUGH PUBLIC CONSULTATION, INCLUDING SPECIAL INTERESTS

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RECOMMENDATIONS

1. RELEASE TASK FORCE REPORT AND DRAFT BILL FOR A 90-DAY PUBLIC CONSULTATION PERIOD.
2. FOLLOWING THE PUBLIC CONSULTATION PERIOD, THE MINISTRY WILL DEVELOP AN ENVIRONMENTAL BILL OF RIGHTS FOR CABINET APPROVAL.
3. LEGISLATION TO BE DEVELOPED IN CONSULTATION WITH THE TASK FORCE AND AN INTER-MINISTERIAL EBR COMMITTEE.
4. WHEN PRESENTED TO CABINET, THE LEGISLATION TO BE ACCOMPANIED BY DETAILS OF FINANCIAL/RESOURCE AND ECONOMIC IMPLICATIONS AND AN IMPLEMENTATION PLAN.

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