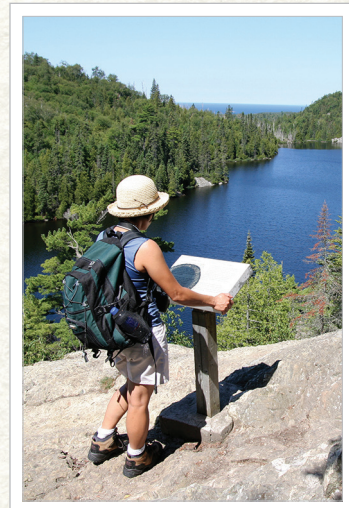
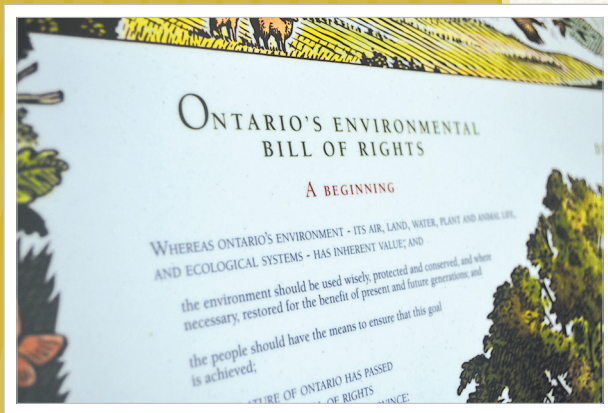




Office of the Auditor General of Ontario

Operation of the *Environmental Bill of Rights*



November 2020

Chapter 2

Ministry Report Cards for 2019/20

1.0 Summary

This chapter includes our Office’s detailed findings on whether government ministries, known as “prescribed ministries” (**Chapter 1, Figure 1**) have complied with the *Environmental Bill of Rights, 1993* (EBR Act), including the use of best practices to meet the purposes of the EBR Act, from April 1, 2019, to March 31, 2020. We have included the criteria we used to evaluate ministries in **Appendix 1** of **Chapter 1**.

Overall Conclusions

Our work identified many instances in which ministries did not fully comply with the requirements of the EBR Act or use best practices in accordance with our review criteria in **Appendix 1** of **Chapter 1** (see **Figure 1** for a summary of ministries’ compliance). Individually, some ministries made improvements in their compliance with certain criteria, but improvements overall were minimal, and ministries’ compliance with many criteria declined in 2019/20. Overall, ministry compliance worsened, as evidenced by a comparison of ministries’ report-card results between 2019/20 and 2018/19.

It is important to keep in mind that not all of our review criteria apply to every prescribed ministry or in every reporting year. For example, some of the requirements under the EBR Act, such as the requirement to respond to applications for review,

do not apply to all ministries (see **Chapter 1, Appendix 5**, for a summary of the requirements that apply to each prescribed ministry). Even if a requirement under the EBR Act applies to a ministry, such as the universal requirement to post notices of environmentally significant proposals for policies and laws on the Environmental Registry, a ministry may not trigger that requirement in a given reporting year (for example, if that ministry did not put forth any environmentally significant proposals for policies or laws). Thus, 16 review criteria applied to the Environment Ministry in 2019/20, while 10 criteria applied to the Natural Resources and Energy and Mines ministries, and just two criteria applied to the Indigenous Affairs, Health, Education and Labour ministries, as well as the Treasury Board.

Our detailed findings about each individual ministry’s compliance with the EBR Act in 2019/20 are found in **Sections 2.0** to **16.0** of this chapter.

Our consolidation of detailed findings across ministries in each of the main areas of compliance is as follows:

Environment Ministry’s New Responsibilities

- **The Environment Ministry did not fully meet our criteria for complying with its new responsibilities for providing educational programs about the EBR Act to the public, and for giving notice of appeals.** On April 1, 2019, the Environment Ministry became responsible for educating the public

Figure 1: Summary of Ministry Report Card Results for the 2019/20 Reporting Year under the *Environmental Bill of Rights, 1993*

Prepared by the Office of the Auditor General of Ontario

Legend: ○ Met criteria ● Partially met criteria ● Did not meet criteria

— The ministry did not execute any responsibilities under this category in this reporting year

n/a The ministry is not prescribed for this category

Prescribed Ministry ¹	Statement of Environmental Values		Use of the Environmental Registry								Applications for Review and Applications for Investigation		
	Up-to-Date	Considered	Notice is Given	Comment Period Extended Based on Act	Proposals for PARs ² are Informative	Proposals for Instruments ³ are Informative	Notice of Decision is Prompt	Decisions for PARs ² are Informative	Decisions for Instruments ³ are Informative	Proposals are Up-to-Date	Ministry Reviews to Extent Warranted	Ministry Investigates to Extent Warranted	Ministry Meets Timelines
Environment	●	●	●	●	●	●	●	○	●	●	○	—	●
Natural Resources	○	○	●	●	●	○	●	○	●	●	—	—	—
Municipal Affairs	○	●	○	○	●	○	●	●	●	●	○	—	○
Energy and Mines	○	○	○	○	○	○	●	●	●	●	—	—	—
Government Services/ TSSA ⁴	●	○	○	○	—	●	○	—	○	○	—	—	—
Transportation	●	○	○	○	○	n/a	○	○	n/a	○	—	n/a	—
Agriculture	○	○	○	○	●	n/a	○	○	n/a	○	—	n/a	—
Tourism	○	○	○	○	○	n/a	●	○	n/a	—	n/a	n/a	n/a
Health	○	—	○	—	—	n/a	—	—	n/a	—	—	n/a	—
Infrastructure	○	●	○	○	○	n/a	●	○	n/a	○	n/a	n/a	n/a
Economic Development	○	○	○	●	●	n/a	●	○	n/a	—	n/a	n/a	n/a
Indigenous Affairs	○	—	○	—	—	n/a	—	—	n/a	—	n/a	n/a	n/a
Education	●	—	○	—	—	n/a	—	—	n/a	—	—	n/a	—
Labour	●	—	○	—	—	n/a	—	—	n/a	—	n/a	n/a	n/a
Treasury Board	○	—	○	—	—	n/a	—	—	n/a	—	n/a	n/a	n/a

Ministry of the Environment, Conservation and Parks — Report Card Results for Additional Requirements under the Act

Use of the Environmental Registry			Education	
Prompt notice of appeals and leave to appeal applications is given	The Environmental Registry platform is maintained effectively	Provides educational programs about the Act to the public	Provides general information about the Act to those who wish to participate in a proposal	
●	○	●	○	

Note: Whether a ministry partially met or did not meet a criterion depends on the volume of non-compliance issues and/or the significance of the non-compliance issue(s) we found.

1. Ministries are presented in descending order based on the total historical volume of their activities under the *Environmental Bill of Rights, 1993*.

2. Policies, acts and regulations.

3. Instruments include permits, licences, approvals, authorizations, directions and orders.

4. Technical Standards and Safety Authority.

about the EBR Act and for posting notices of appeals on the Environmental Registry website. These were both previously the responsibility of the former Environmental Commissioner of Ontario (ECO).

- The Ministry told us that its method for educating the public about the EBR Act was limited to providing information about the EBR Act on the Environmental Registry and on a web page (www.ontario.ca/page/environmental-bill-rights). This web page explains the public's rights under the EBR Act, and provides instructions for exercising those rights and an option for the public to contact the Ministry with queries about the EBR Act. However, the Ministry's approach to public education in 2019/20 relies on members of the public to search for information about the EBR Act, rather than reaching out to make more Ontarians across the province aware of the EBR Act and their important rights under it. The success of the EBR Act depends on members of the public being aware of it and the rights it provides. In the Ministry's first year with this responsibility, public outreach would have provided an important opportunity for the Ministry to correct any misinformation or public misconceptions about the transfer of responsibilities under the EBR Act, and to emphasize that the public's rights and ministries' longstanding obligations under the EBR Act have not changed.
- As of March 31, 2020, the Environment Ministry had not given notice on the Registry of four leave to appeal applications made under the EBR Act in 2019/20, and four direct appeals of approvals and permits subject to the EBR Act made in 2019/20. The EBR Act allows any resident of Ontario to "seek leave to appeal" (i.e., permission to challenge) ministries' decisions on many types of permits and

approvals. Some may also be appealed directly by the permit or approval holder. Appeal and leave to appeal proceedings are heard by tribunals in a public hearing process. Posting notices of appeals on the Registry gives the public time to ask to participate in a hearing. When notice of these appeals and leave to appeal applications is not given promptly or at all, people who are interested may lose the opportunity to participate in the hearing. The Ministry explained that it did not post notices when the Ministry did not receive the appeals and leave applications directly from the appellants and applicants, as required by the EBR Act (although the Ministry was aware of those appeals and leave applications through other means). The Environment Ministry posted all of the missing notices in July 2020, in many cases after the related appeal hearings had already concluded. The Ministry told us that it was working to adjust its communications protocols and procedures to ensure that it prepares notices in a more timely way going forward.

Statements of Environmental Values

- **Five prescribed ministries still do not have up-to-date Statements or current proposals on the Environmental Registry to update their Statements.** The government's November 2018 Made-in-Ontario Environment Plan directed all ministries to update their Statements to reflect Ontario's environment plan, to improve government's ability to consider climate change when making decisions and "make climate change a cross-government priority." A Statement of Environmental Values (Statement) is a document required under the EBR Act that explains how the Ministry will apply the purposes of the EBR Act when making

decisions that might significantly affect the environment. A Statement is meant to guide ministry staff in integrating environmental values with social, economic and scientific considerations each time they make an environmentally significant decision. In our 2019 report on the operation of the EBR Act, we reported that 10 of 15 ministries' Statements had not been updated in the last five years, did not reflect the ministries' current responsibilities and/or did not reflect the government's current priorities, including addressing climate change. We recommended that those ministries consult with Ontarians on their Statements through the Environmental Registry and update their Statements to reflect current responsibilities. Since then, of the ten ministries identified in 2019, the Municipal Affairs and Natural Resources ministries have finalized new Statements, and the Infrastructure, Tourism and Health ministries have posted draft updated Statements for consultation on the Environmental Registry. None of the remaining ministries has posted a proposal on the Registry for an updated Statement, although three ministries (Transportation, Education and Labour) have made some progress towards updating their Statements, including working on draft updated Statements.

- **Three ministries did not provide evidence that they considered their statements for certain environmentally significant decisions relating to land use planning, sewage treatment, and municipal asset (including green infrastructure) management.** The Environment and Infrastructure ministries did not provide evidence that they considered their Statements for some of the environmentally significant decisions for which our Office requested documents detailing their consideration. The Municipal Affairs Ministry did not provide our Office with documentation to confirm that it considered its State-

ment when making any of its decisions that affected the environment in 2019/20. Without this documentation, it is unclear if or how the ministries considered the purposes of the EBR Act when making those decisions, or how the ministries prioritized conflicting values, including environmental values, during their decision-making processes.

Giving Appropriate Notice to the Public of Environmentally Significant Proposals

- **Ontarians not given appropriate notice about three environmentally significant proposals by two ministries.** For three environmentally significant decisions, the Environment Ministry and the Natural Resources Ministry did not consult the public by posting regular proposal notices as required by the EBR Act. Instead, they posted bulletins on the Registry. Bulletins are voluntary notices that are not subject to the requirements of the EBR Act. For example, the Natural Resources Ministry used a bulletin to inform the public about Ontario's Flooding Strategy—an environmentally significant policy—instead of consulting the public by posting a regular proposal notice. When ministries do not comply with the public participation requirements of the EBR Act, the public loses the opportunity to comment on proposals, and the government does not benefit from receiving the public's feedback on the proposal.

Extending the Time to Comment on Proposals on the Environmental Registry

- **Ontarians not given additional time to comment on four significant and complex proposals that warranted additional time.** The Environment, Natural Resources, and Economic Development ministries posted four significant and complex proposals in

2019/20 for which a longer comment period could have enabled more informed consultation. In some of those cases, members of the public either requested more time to comment, or noted that the time provided was not enough given the nature of the proposals. For example, the Natural Resources Ministry posted a proposal for changes to the *Crown Forest Sustainability Act, 1994*, and the Economic Development Ministry posted a proposal for Bill 132, the *Better for People, Smarter for Business Act, 2019*, each for the minimum 30 days required by the EBR Act. Both of those notices proposed sweeping and complex changes to legislation on subjects with high public interest, such as planning and species at risk, and members of the public stated that more time to comment was needed. The EBR Act requires prescribed ministries to provide a minimum of 30 days for the public to comment on environmentally significant proposals, but also requires ministries to consider providing more time “to permit more informed public consultation” on proposals based on how complex they are, the level of public interest, or other factors. To meet the intent of the EBR Act to permit informed public consultation—and to support better government decisions by ensuring ministries receive and consider informed feedback before making a decision—comment periods should be long enough for people who are interested to understand and think about the proposal, and still have time to prepare and submit feedback by the submission deadline.

Providing Informative Proposal Notices on the Environmental Registry

- **Ontarians not given all of the information needed to fully understand and provide informed comments on proposals posted by five ministries.**

- Nineteen (or 28%) of the 67 proposal notices for policies, acts and regulations posted by the Environment, Natural Resources, Municipal Affairs and Economic Development ministries in 2019/20 did not adequately describe the environmental implications of the proposals. For example, a proposal notice posted by the Natural Resources Ministry for changes to the *Crown Forest Sustainability Act, 1994*, which would exempt forest operations under that act from the need to comply with the *Endangered Species Act, 2007*, did not clearly describe the proposal or its environmental effects. Our Office heard from members of the public, including people with significant experience and expertise, who told us that there was not enough information provided about this proposal, and that they had difficulty understanding what changes were planned.
- Thirteen (or 25%) of the 51 proposal notices that we reviewed for permits and approvals posted by the Environment and Government Services ministries did not adequately describe important parts of the proposal. For example, four proposal notices for permits to take water posted by the Environment Ministry did not describe the category of permit being proposed, which would indicate the level of environmental risk associated with the permit. As well, two proposals for environmental compliance approvals for hauled sewage disposal sites did not provide information about key terms of the approval, such as the maximum rate sewage may be spread on land. In these cases, Ontarians were not given enough information to understand and provide informed input on the proposals.

Providing Prompt Notice of Decisions on the Environmental Registry

- **Ontarians not given notice of 42% of the environmentally significant decisions by seven ministries that we reviewed until more than two weeks after the decisions were made.** The EBR Act requires ministries to give notice “as soon as reasonably possible” after they have passed an act, filed a regulation, implemented a policy, or decided to issue or revoke a permit, licence or approval. Several ministries—including the Environment, Natural Resources, Municipal Affairs and Energy and Mines ministries—have adopted a service standard to post decision notices within two weeks of making a decision, which our Office has identified as a best practice in our review criteria. However, in 2019/20, these ministries, plus the Tourism, Infrastructure and Economic Development ministries, collectively took more than two weeks to inform the public of 42% of their decisions that we reviewed. For example, the Infrastructure Ministry took 16 months to post decision notices on the Registry informing the public that a regulation related to municipal asset management planning was filed. Prompt notice is important for transparency and, in some cases, for the public’s right to seek leave to appeal permits and approvals. The timeline to appeal is triggered when a decision notice is posted.

Providing Informative Decision Notices on the Environmental Registry

- **Ontarians not told about the effects of public participation on seven decisions made by three ministries, and were not provided with links to key documents in many decision notices for permits and approvals.**
 - The Environment, Municipal Affairs and Energy and Mines ministries posted seven

decision notices in 2019/20 (for one act, one regulation, and five permits and approvals) that did not describe the effects of public participation on the decisions. For example, in three decision notices for approvals under the *Planning Act*, the Municipal Affairs Ministry provided the number of comments received and stated only that “the comments were carefully considered and analyzed as part of the Ministry’s decision,” but the Ministry did not explain what effect the comments had, if at all, on the decision. One of the core components of public consultation under the EBR Act is the public’s right to be informed about the effect of public participation on a ministry’s final decision about an environmentally significant proposal. At a minimum, a decision notice posted on the Environmental Registry should enable the public to understand the effect of any comments on the final decision, including any changes to the proposal that were made as a result of the public’s comments, or whether the proposal remained unchanged.

- The Environment, Natural Resources and Municipal Affairs ministries did not provide links to the final issued permits and approvals in 55 (73%) of the 75 decision notices for permits and approvals posted by those ministries that we reviewed. In some cases, the notices involved approvals that are subject to third-party leave to appeal rights under the EBR Act. It is therefore important that decision notices include complete details about a decision (which may be easily achieved by including an attachment or a link to the final issued permit or approval), so that Ontarians can understand and exercise their right to challenge the activities that affect the environment in their communities.

Keeping Proposals on the Environmental Registry Up-to-Date

- A total of 112 notices for environmentally significant proposals on the Environmental Registry had not been updated in over two years.** For the Registry to be an accurate and reliable source of information for Ontarians, proposal notices posted there must be kept up to date. However, in some cases ministries abandon proposals, transfer responsibilities to other ministries, or make decisions about proposals without posting a decision notice on the Registry. In other cases, proposals remain under active consideration for years, but ministries do not update the proposal notices to let the public know that the proposal is still being considered. As of March 31, 2020, there were 112 proposal notices that had been on the Registry for two years or more with no update or decision notice—a decrease by 53 (32%) since March 31, 2019. Due to their age, some of those proposals are found only on the Registry’s old website. The Environment Ministry told us that in fall 2020 it was undertaking work to transfer open proposal notices from the old website to the new Environmental Registry. The Natural Resources Ministry and the Environment Ministry continued to be responsible for the majority of the 112 notices (see **Figure 2**). Over one-third of these notices (35%) were originally posted more than 10 years ago. For example, the Environment Ministry posted a proposal in 2007 for a regulation under the *Waste Diversion Act, 2002* and has not updated the notice since.

Meeting Timelines for Applications for Review

- The Environment Ministry had not completed five reviews requested by Ontarians within a reasonable time.** Applications for review are used by the public to ask the government to better protect the environ-

Figure 2: Proposal Notices That Had Been on the Environmental Registry for Over Two Years Without a Decision or Update as of March 31, 2020, by Ministry

Source of data: Environmental Registry

Ministry	# of Notices	% of Ministry's Total Open Proposal Notices
Natural Resources	52*	26
Environment	43	5
Energy and Mines	13	11
Municipal Affairs	3	11
Government Services	1	9
Total	112	

* The Natural Resources Ministry told our Office that 23 of the notices deal with subject matters now under the Environment Ministry's jurisdiction. As of October 31, 2020, 22 of the 23 notices had been transferred to the Environment Ministry and either updated or decided.

ment. When a ministry agrees to undertake a review, the EBR Act requires the ministry to complete the review “within a reasonable time.” For five of its eight applications for review ongoing as of March 31, 2020, the Environment Ministry missed the original deadline it told the applicants it would meet for completing the review (see **Figure 3**). In each case, the Ministry provided a revised deadline, which it again did not meet. We identified this issue in 2019 regarding four of those applications, which remained outstanding as of March 31, 2020. One additional review was not completed by the Ministry’s promised completion date during 2019/20. These ongoing reviews are: of the EBR Act itself (ongoing for over 10 years); of the rules for siting landfills (ongoing for over seven years); two related to pesticide use on golf courses (ongoing for over three years); and for water management to improve climate resiliency (ongoing for over three years). The Environment Ministry completed one of the ongoing reviews related to pesticide use on golf courses in October 2020.

This Chapter contains 41 recommendations, with 48 action items, to address our findings.

Figure 3: Applications for Review Submitted to the Environment Ministry that Were Ongoing as of March 31, 2020

Prepared by the Office of the Auditor General of Ontario

Topic of the Application for Review	Date Received by the Ministry	Status
Review of the <i>Environmental Bill of Rights, 1993</i>	Jan 18, 2010	Did not meet completion date. Anticipated completion date changed multiple times, most recently changed to 2018.
Review of the <i>Environmental Protection Act</i> and the Siting of Landfills	Jul 15, 2013	Did not meet completion date. Anticipated completion date changed from October 2017 to December 2018 to December 2020.
Review of the Lake Simcoe Protection Plan	Jul 15, 2016	Originally anticipated to begin review in spring 2019 as part of scheduled review of the Lake Simcoe Protection Plan with an anticipated completion date of October 1, 2020 to align with expiration of the bottled water moratorium and completion of the Ministry's water quantity management review; revised to begin review in fall 2020 with an anticipated completion date of June 2021.
Review of Water Management to Improve Climate Resiliency	Sep 8, 2016	Did not meet completion date. Anticipated completion date was originally January 2019, but has changed three times: to January 2020, then October 1, 2020 and then to April 1, 2021 to align with the most recent expiration date for the bottled water moratorium and completion of the Ministry's water quantity management review.
Review of the Monitoring of Pesticide Use on Golf Courses	May 4, 2017	Did not meet completion date. Anticipated completion date was originally June 30, 2018, changed to August 2019, changed to early 2020, then changed to spring/summer 2020.
Review of Deadlines for Annual Pesticide Reports from Golf Courses	May 4, 2017	Did not meet completion date. Anticipated completion date was originally June 30, 2018, changed to August 2019, changed to early 2020, then changed to spring/summer 2020. (Notice of completion sent October 21, 2020.)
Review of a Waste Disposal Site Approval in the United Counties of Leeds and Grenville	Sep 12, 2017	Anticipated completion date of May 31, 2019, changed to May 2020. (Notice of completion sent June 3, 2020.)
Review of a Waste Disposal Site Approval in the United Counties of Leeds and Grenville	Dec 7, 2017	Anticipated completion date of May 31, 2019, changed to May 2020. (Notice of completion sent June 3, 2020.)

2.0 Ministry of the Environment, Conservation and Parks

2.1 Overview

The Ministry of the Environment, Conservation and Parks is responsible for administering the EBR Act. The environment is central to its mandate, and the Ministry uses the Environmental Registry on a daily basis. The Ministry is responsible for 16 laws that are subject to the EBR Act, such as the *Environmental Protection Act*, the *Ontario Water Resources Act*, and the *Environmental Assessment Act*. The Ministry was responsible for two applications for review concluded in 2019/20 (See **Chapter 1, Appendix 3**). See **Section 2.2** for the Ministry's report card on compliance with the EBR Act, and **Sections 2.3 to 2.14** for our detailed findings about the Ministry's compliance.

2.2 Report Card on the Environment Ministry's Compliance with the EBR Act, 2019/20

This report card (**Figure 4**) summarizes our findings with respect to the Environment Ministry's compliance with the *Environmental Bill of Rights, 1993* and best practices in the 2019/20 reporting year.

2.3 Statement of Environmental Values Needs Updating

The Environment Ministry's Statement was last updated in 2008, and does not reflect the Ministry's current responsibilities or values. A proposal for an updated Statement that the Ministry posted in 2017, but never finalized, does not reflect new responsibilities assigned to the Ministry in June 2018, including the conservation of species at risk and the management of protected areas. Further,

the government's November 2018 Made-in-Ontario Environment Plan directed all ministries to update their Statements to reflect Ontario's environmental plan to improve the government's ability to consider climate change when making decisions and "make climate change a cross-government priority."

In 2019, we reported that the Environment Ministry did not have an up-to-date Statement, and recommended that the Ministry review and update its Statement. As of October 31, 2020, the Environment Ministry had not posted a proposal to update its Statement on the Environmental Registry. The Ministry told us that it is drafting an updated Statement and that it would post a proposal on the Registry for public consultation following the termination of the emergency declaration related to the COVID-19 pandemic. However, the Ministry did not provide any documentation to demonstrate its progress.

RECOMMENDATION 1







So that the Ministry of the Environment, Conservation and Parks' Statement of Environmental Values (Statement) reflects the Ministry's current environmental values and responsibilities, we recommend that the Ministry review its Statement with public consultation through the Environmental Registry and update it to reflect its new responsibilities.

MINISTRY RESPONSE

The Ministry agrees that its Statement of Environmental Values (Statement), last updated in 2008, requires an update to reflect current values, priorities and responsibilities. The Ministry has initiated the process to update its Statement, which will be informed by the government's Made-In-Ontario Environment Plan, and anticipates posting a revised statement for consultation by the end of 2020.

Figure 4: Ministry of the Environment, Conservation and Parks Compliance Report Card

Legend: ○ Met criteria ● Partially met criteria ● Did not meet criteria			
Criterion	2019/20 Results	OAGO Comments	2018/19 Results
1. Statement of Environmental Values (Statement)			
a. Statement is up-to-date	●	Section 2.3 —The Ministry has not updated its Statement since 2008, despite subsequent changes to its responsibilities. The Statement also does not yet reflect new Ministry and government priorities, such as addressing climate change.	●
b. Statement is considered when making decisions	●	Section 2.4 —The Ministry did not provide documentation to demonstrate that it considered its Statement when making two decisions that were the subject of exception notices.	○
2. Use of the Environmental Registry (Registry)			
a. Appropriate notice of proposals is given	●	Section 2.5 —The Ministry posted a bulletin on the Registry, instead of consulting the public, to inform the public that it had implemented an interim approach under the Ministry's Compliance Policy for responding to low risk nuisance complaints and incidents while the Ministry assesses opportunities to modernize compliance practices.	●
b. Time to comment is extended based on the factors in the Act	●	Section 2.6 —The Ministry provided the statutory minimum 30 days for the public to comment on two proposals for major changes to significant environmental protection legislation: the <i>Endangered Species Act, 2007</i> and the <i>Environmental Assessment Act</i> . The Ministry could have received more informed feedback if the public had more time to comment on these proposals.	●
c. Proposal notices for policies, acts and regulations are informative	●	Section 2.7 —The Ministry posted 32 proposal notices for policies, acts and regulations on the Registry, seven of which did not provide information a reader would need to fully understand the environmental implications of the proposal (22%). One of those notices proposed major changes to an important environmental law – the <i>Endangered Species Act, 2007</i> – and another proposed to exempt commercial timber harvest in Ontario's Crown Forests from the <i>Environmental Assessment Act</i> .	○
d. Proposal notices for permits, approvals and orders are informative	●	Section 2.8 —The Ministry posted 981 proposal notices for permits and approvals on the Registry, and we reviewed a sample of 25 notices. Six of those 25 (24%) did not include information that a reader would need to fully understand what was being proposed. For example, four proposals for permits to take water did not state the category of permit being proposed, which would indicate the level of environmental risk associated with the proposed water taking.	●
e. Prompt notice of decisions is given	●	Section 2.9 —The Ministry posted 55 decision notices for policies, acts and regulations, 1,844 decision notices for permits and approvals and three exception notices on the Registry. The Ministry posted 27 (49%) of the 55 decision notices for policies, acts and regulations, 11 (44%) of the 25 decision notices for permits and approvals that we reviewed and all three exception notices more than two weeks after the decision was made. In total, 41 (49%) of 83 decision notices we reviewed were posted more than two weeks after the decisions were made.	●
f. Decision notices for policies, acts and regulations are informative	○	The Ministry met this criterion.	○
g. Decision notices for permits, approvals and orders are informative	●	Section 2.10 —The Ministry posted 863 decision notices for permits and approvals on the Registry, and we reviewed a sample of 25 notices. Two of the 25, both for issued permits to take water, did not describe the effects of public participation on the final decision; and nine of the 25 (36%) did not include links to the issued permit or approval.	○
h. Proposal notices are up-to-date	●	Section 2.11 —As of March 31, 2020, the Ministry had 43 proposal notices that had been on the Registry for over two years without a decision or update.	●
i. Prompt notice of appeals and leave to appeal applications is given	●	Section 2.12 —As of March 31, 2020, the Ministry had not posted notices for four appeals and four leave to appeal applications made in 2019/20. The Ministry posted notices for all of these appeals and leave to appeal applications in July 2020.	n/a
j. The Environmental Registry platform is maintained effectively	○	No issues came to our attention.	n/a

Criterion	2019/20 Results	OAGO Comments	2018/19 Results
3. Applications for Review and Applications for Investigation			
a. Ministry reviews all matters to the extent necessary		The Ministry concluded two applications for review in 2019/20 and the Ministry met this criterion for those applications (see following table).	
c. Ministry meets all timelines		Section 2.13 —As of March 31, 2020, five of the Ministry's eight open applications for review were not completed by the date anticipated by the Ministry, and one has been ongoing for over ten years.	
4. Education			
b. Provides educational programs about the Act to the public		Section 2.14 —The Ministry told us that it did not have a plan for providing educational programs about the EBR Act, and did not have any specific funds budgeted for educational programs in 2019/20. The Ministry stated that its method for educating the public about the EBR Act includes a public website that includes information about the EBR Act and the public's rights under it, and a link to the Environmental Registry. This approach to providing educational programs is unlikely to make more Ontarians across the province aware of the EBR Act and their rights under it.	n/a
c. Provides general information about the Act to those who wish to participate		No issues came to our attention.	n/a

Concluded Applications for Review and Investigation by the Environment Ministry in 2019/20

Applications for Review	Undertaken or Denied	Ministry Reviews All Matters to the Extent Necessary	Ministry Meets All Timelines
Review of the Need for Water Quality Protection for Muskrat Lake	Undertaken		
Review of the <i>Clean Water Act</i> , 2006	Denied		

Note: Whether a ministry partially met or did not meet a criterion depends on the volume of non-compliance issues and/or the significance of the non-compliance issue(s) we found.

2.4 Ministry Did Not Provide Evidence that it Considered its Statement of Environmental Values When Making Two Environmentally Significant Decisions

Where applicable, the Environment Ministry provided documentation to demonstrate that it had considered its Statement when making decisions related to its 55 decision notices about policies, acts and regulations posted in 2019/20, and related to the sample of twenty-five decisions about permits and approvals that we reviewed. However, the Ministry did not demonstrate consideration of its Statement for two decisions that were posted as exception notices: one for an environmental compliance approval for sewage, and one for an order to keep sewage works in repair.

Under the EBR Act, ministries must consider their Statements when they make a decision that might significantly affect the environment, including decisions that are posted to the Environmental Registry as exception notices. When a ministry does not consider its Statement as part of the decision-making process—or cannot demonstrate that it did so through documentation of its consideration—there is less transparency for the public about how the ministry prioritized conflicting values, including environmental values, during the decision-making process. This is especially true when the decision was made without prior public notice and consultation, as is the case for decisions posted as exception notices.

RECOMMENDATION 2

To be transparent and accountable to Ontarians about its decision-making by adhering to the *Environmental Bill of Rights, 1993* requirements to consider its Statement of Environmental Values whenever making a decision that might significantly affect the environment, we recommend that the Ministry of the Environment, Conservation and Parks consider its Statement at the time that it makes a decision that might significantly affect the environment, and document that consideration concurrently with the decision-making.

MINISTRY RESPONSE

The Ministry acknowledges this recommendation. The Ministry strives to ensure that due consideration is given to the principles of environmental protection as outlined in our current Statement of Environmental Values when we make decisions that might significantly affect the environment. The Ministry also considers specific guiding principles directly related to the scope of the proposed project and our regulatory responsibilities under the *Environmental Protection Act* and *Ontario Water Resources Act*, requirements, and best management practices.

2.5 Ministry Did Not Give Appropriate Notice to Ontarians of its Decision to Implement Interim Changes to its Compliance Policy

In 2019/20, the Environment Ministry posted a bulletin on the Registry to inform the public that the Ministry was undertaking a review of how the ministry responds to complaints and reported incidents related to compliance with the *Environmental Protection Act*. Bulletins are voluntary notices that do not provide an opportunity for public consultation and are not subject to the requirements of the EBR Act. The Ministry explained that it was not required

to follow the usual public participation requirements of the EBR Act because the Ministry was not proposing any change to policy at that time.

However, the Ministry stated in the notice that “starting from the date of this posting, [the Ministry] will be implementing an interim compliance approach which will further focus compliance resources on higher-risk occurrences as defined in the ministry’s Compliance Policy” and that “the ministry classifies lower risk incidents as those of an administrative nature or causing only localized nuisance impacts.” The Ministry told us it did not post a regular proposal for consultation because “the nature of the proposed interim compliance approach related to incidents that do not have the potential to significantly impact the environment,” and that it would consult on forthcoming draft policies through the Registry.

Regardless of whether the Ministry plans to consult on forthcoming draft policies that result from their current update exercise, the interim compliance approach constitutes direction to Ministry staff about which nuisance complaints to address and how—which is a policy decision. Even localized nuisance impacts that cause a loss of enjoyment of property, such as dust, noise and odour pollution, can be environmentally significant. By posting this decision as a bulletin, the public did not have the opportunity to provide feedback on the interim compliance approach.

This is the second year in a row where we found that the Ministry did not properly consult the public. In 2019, we reported about a decision that the Ministry made to end Ontario’s cap and trade program by passing a regulation without first consulting the public, relying instead on the exception provisions of the EBR Act, which the Ontario Divisional Court later concluded did not apply. We recommended then that the Ministry consistently consult with the public on environmentally significant proposals according to the requirements of the EBR Act, and we make a similar recommendation this year.

RECOMMENDATION 3

To engage the public in the government's environmentally significant decision-making, we recommend that the Ministry of the Environment, Conservation and Parks consistently consult with the public according to the requirements of Part II of the *Environmental Bill of Rights, 1993*.

MINISTRY RESPONSE

The Ministry acknowledges this recommendation. Public consultation and engagement are important to informed decision-making. We respect our obligations to provide a means for Ontarians to participate in ministry decision-making and we will consult with the public as required under the EBR Act.

2.6 Ontarians Would Have Benefitted From Additional Public Consultation Time to Provide More Informed Feedback on Two Significant Proposals

For all 32 proposal notices for policies, acts or regulations that the Environment Ministry posted on the Environmental Registry in 2019/20, the Ministry provided between 30 and 61 days for public comment, meeting—and in some cases exceeding—the minimum of 30 days for public comment required by the EBR Act. For example, the Ministry provided 61 days for the public to comment on a proposal for a new Canada-Ontario Agreement on Great Lakes Water Quality and Ecosystem Health, and 60 days to comment on a proposal to exempt commercial forestry from the *Environmental Assessment Act*.

However, in two cases—proposals to make changes to the *Endangered Species Act, 2007* and to Ontario's environmental assessment framework—the public could have benefitted from more time to comment, given the complexity and significance of the proposals.

For every proposal posted on the Registry, the EBR Act requires ministries to consider, based on factors set out in the EBR Act, providing additional time beyond 30 days “to permit more informed public consultation on the proposal.” A longer comment period may be warranted for proposals that are complex or of high public interest. Generally, to meet the spirit of the EBR Act to permit informed public consultation—and to support more informed government decisions by ensuring ministries receive and consider all feedback (which can include valuable information and perspectives)—the comment period should be long enough to enable interested members of the public to:

- become aware of the proposal;
- fully review and evaluate the content of the proposal and any supporting materials, which can be lengthy and technical (including, in some cases, obtaining the supporting materials from the ministry); and
- prepare and submit feedback on the proposal by the submission deadline.

We identified the same issue in 2019, when we found that more time for public comment would have been beneficial for two proposals posted by the Ministry. We recommended that the Ministry extend the comment period beyond 30 days for significant and complex proposals. In 2019/20, the Ministry updated its template for proposal notices for policies, acts and regulations to direct staff to “consider extending the comment period beyond 30 days. For example, a proposal that is complex may attract a high level of public interest and may require more time for the public to make informed comments.” The Ministry also told our Office that the Ministry would continue to advise program areas to consider extending comment periods beyond 30 days where proposals are complex and involve a high level of public interest.

The two proposals posted in 2019/20 which could have benefitted from more time are described as follows.

2.6.1 Changes to Ontario's *Endangered Species Act, 2007*

In April 2019, the Environment Ministry posted proposed changes to the *Endangered Species Act, 2007* for the minimum 30 days for public comment. The proposal set out major and consequential changes to the *Endangered Species Act, 2007*, including new categories of permits and approvals, new ministerial powers to determine when habitat of species at risk will be regulated, new regulatory exemptions, and a regulatory charge that would allow proponents to carry out otherwise prohibited activities under certain circumstances.

The changes proposed to the *Endangered Species Act, 2007* were sweeping and complex, and there is generally a high level of public interest in this act. Over 45,000 comments were submitted on this proposal. A proposal notice for a discussion paper posted in January 2019 that preceded the proposed amendments received over 14,000 comments. The proposed amendments were implemented through the *More Homes, More Choice Act, 2019*, which also implemented changes to the *Planning Act* and the *Environmental Assessment Act*. All of the proposals for these changes were posted during the same time period. The subject matter in the proposals for the changes to the *Planning Act* and *Environmental Assessment Act*, including appeal rights for plans of subdivision, and new project exemptions from the *Environmental Assessment Act* (discussed below), would likely interest many of the same people as the proposal for changes to the *Endangered Species Act, 2007*.

A link to the bill that included the actual text of the proposed changes was not added to the proposal notice for the changes to the *Endangered Species Act, 2007* until 15 days into the 30-day comment period.

The Ministry did not provide documentation to demonstrate that it considered extending the time provided to the public to comment on the proposal through the Environmental Registry. The Ministry told us that it “had the benefit of two

[Environmental Registry] postings to gather input and perspectives from the public, Indigenous communities and stakeholders on ways to improve the effectiveness of the [*Endangered Species Act, 2007*],” referring to the discussion paper proposal posted in January 2019. The Ministry also told us that it “consulted extensively outside of the posting on the Registry” during the consultation period, including two online public information sessions (one of which took place before the text of the bill was made available) and in-person meetings with key stakeholders.

Despite the Ministry’s outreach efforts, given the complexity of the proposal, the high level of public interest in the proposal, and the fact that the wording of the draft amendments was not available until halfway through the 30-day comment period, Ontarians would have benefitted from more time to understand and provide informed feedback on the proposal.

For more details about the changes to the *Endangered Species Act, 2007*, see **Chapter 1, Section 9.0**, of this report.

2.6.2 Amending Ontario's Environmental Assessment Program

In April 2019, the Environment Ministry posted proposed changes to the *Environmental Assessment Act* for the minimum 30 days for public comment. The proposal included major changes to the environmental assessment framework in Ontario, such as exempting many projects from the *Environmental Assessment Act* altogether and downgrading other project types to require lower levels of assessment.

The proposed amendments were complex and far-reaching. The amendments were implemented through the *More Homes, More Choice Act, 2019*. They were posted during the same time period, and for the same length of time, as proposals to amend the *Planning Act* and the *Endangered Species Act, 2007*, which were also implemented through the *More Homes, More Choice Act, 2019*.

The Ministry did not provide documentation to demonstrate that it considered extending the time provided to the public to comment on the proposal through the Environmental Registry. The Ministry told us that it conducted engagement and consultation “regarding improvements to the streamlined [Environmental Assessment] process” prior to and during the comment period, and that it did not receive any requests for extensions to the comment period. However, municipalities requested more time to comment on all aspects of the proposed *More Homes, More Choice Act, 2019* in the comments they submitted through the Environmental Registry on the various proposals.

RECOMMENDATION 4

So that the Ministry of the Environment, Conservation and Parks can receive informed feedback on environmentally significant proposals posted on the Environmental Registry, we recommend that the Ministry extend the comment period beyond 30 days for significant and complex proposals to provide enough time to obtain more informed input from the public.

MINISTRY RESPONSE

The Ministry agrees with this recommendation and acknowledges its obligation to facilitate informed public consultation under the EBR Act. This includes consideration of posting periods beyond 30 days and extending the comment period where warranted.

2.7 Ministry Did Not Provide Ontarians with Clear or Complete Descriptions of the Environmental Implications of Over One-Fifth of Proposed Changes to Policies, Acts and Regulations

Seven (22%) of the 32 proposal notices for policies, acts and regulations that the Environment Ministry posted on the Environmental Registry did

not adequately describe the environmental implications of the proposal. For example, a proposal to amend the *Endangered Species Act, 2007* did not describe the potentially significant impacts on at-risk species of:

- enabling temporary suspension of protections for newly listed species;
- making the development of a habitat regulation discretionary rather than mandatory;
- delaying a government response statement;
- requiring consideration of a species’ risk level inside and outside Ontario when classifying the species, and classifying the species to reflect the lower of the two levels of risk;
- enabling proponents to pay a fee rather than complete beneficial actions to carry out otherwise prohibited activities;
- removing the requirement for the Minister to consult with an independent expert before issuing a permit for activities that could harm species at risk; and
- enabling the Minister to prescribe activities by regulation that would not need authorization under the *Endangered Species Act, 2007* subject to certain conditions.

For more details about the changes to the *Endangered Species Act, 2007*, see **Chapter 1, Section 9.0**, of this report.

The Ministry also posted a proposal notice for regulatory changes that would exempt commercial forestry on Crown land from the *Environmental Assessment Act* that did not explain the potentially irreversible and wide-reaching environmental impacts of the proposal. At the time of the proposal, *Environmental Assessment Act* Declaration Order MNR-75 directed that forest management manuals for forestry operations on Crown land require that forest management plans consider species at risk and their habitat. With the implementation of this proposal, the Declaration Order no longer applies. Further, the Natural Resources Ministry posted a proposal to exempt commercial forestry on Crown land from the *Endangered Species Act, 2007*. If commercial forestry on Crown land becomes exempt

from the *Endangered Species Act, 2007*, there will be no specific requirement in any Ontario law to consider species at risk in commercial forestry operations on Crown land. (For more details about these proposals and others that affect forest management, see **Chapter 1, Section 8.0**, of this report.)

In the absence of such details, readers did not have all the facts needed about the environmental implications of these proposals (whether positive or negative) to be fully informed and provide constructive input for the Ministry to consider.

RECOMMENDATION 5

So that Ontarians can better understand proposals and provide informed comments on environmentally significant Ministry proposals, we recommend that the Ministry of the Environment, Conservation and Parks describe the environmental implications of each proposal posted on the Environmental Registry.

MINISTRY RESPONSE

The Ministry is committed to ensuring the contents of its notices for proposals for acts, regulations and policies enable Ontarians to understand what is being proposed. We strive to strike a balance of providing an accurate, detailed description of the proposal with the goal of communicating in an easy-to-understand, plain-language manner. Moving forward, the Ministry will look to highlight the environmentally significant aspects of all of our proposals for acts, regulations and policies so that Ontarians can provide informed comments.

2.8 Ontarians Were Not Provided with Clear Descriptions of Almost One-Quarter of Proposals for Permits and Approvals

Of the sample of 25 proposal notices for permits and approvals posted by the Environment Ministry that we reviewed, six (24%) did not adequately

describe the proposal, and four of those six notices did not adequately describe the environmental implications of the proposal. Specifically, four proposal notices for permits to take water did not describe the level of environmental risk associated with the permit, and two proposals for environmental compliance approvals did not provide terms of the approval such as approved volumes of waste or maximum spreading rates for septage.

Without these details, the public may not have had all of the information necessary to understand and provide informed input on the proposal.

We identified the same issue in 2019, when we found that the Ministry did not provide all of the information required to fully understand the environmental implications of the proposals in 72% of the notices for permits and approvals that we reviewed. We recommended that the Ministry describe the environmental implications of each proposed permit or approval in the proposal notice. In 2019/20, the Ministry updated its template for proposal notices for permits and approvals to require a detailed explanation of the proposal, which can include the environmental impacts and risks of the proposal. The Ministry also told our Office that it “will work with staff to develop content for instrument notices that addresses environmental implications and risks.”

RECOMMENDATION 6

So that Ontarians can better understand proposals and provide informed comments on environmentally significant ministry proposals for permits and approvals posted on the Environmental Registry, we recommend that the Ministry of the Environment, Conservation and Parks describe the details and environmental implications of each proposed permit and approval in the proposal notice.

MINISTRY RESPONSE

The Ministry is committed to ensuring the description of the details and environmental

implications in instrument proposal notices enable Ontarians to understand what is being proposed. The Ministry will update guidance for proponents and work with applicants to expand descriptions.

2.9 Over Two Weeks Taken to Give Ontarians Notice for Almost Half of the Decisions We Reviewed

In 2019/20, the Environment Ministry posted 41 (49%) of the 83 decision notices that we reviewed over two weeks after making the decisions. The Ministry took over two weeks to give notice of 27 (49%) of the 55 decisions on policies, acts and regulations that it posted on the Registry, and of those 27, all but one were posted over four weeks after making the decisions. The Ministry took over two weeks to give notice of eleven (44%) of the 25 decision notices for permits and approvals that we reviewed, with nine (81%) of those 11 posted over four weeks after decisions were made. The Ministry also posted three exception notices to give notice of decisions made without consulting the public more than two weeks after making those decisions.

The EBR Act requires ministries to post each decision notice and exception notice on the Registry “as soon as reasonably possible” after the decision is made. The purpose of this requirement is so that the public receives timely notice of decisions and the effect of public consultation, and so that the public may exercise its right to seek leave to appeal decisions for permits and approvals within a reasonable time frame after they are issued. Timely notice is important for transparency and to provide accountability for the outcome of a proposal. In particular, delays in posting decision notices for permits and approvals allow individuals or companies to operate, sometimes for significant periods of time with potential impacts on the environment from their activities, before members of the public are made aware of or can seek leave to appeal the issued approval.

Nineteen of the 27 decision notices for policies, acts and regulations that were posted more than two weeks after the decisions were made were posted to close notices for outdated proposals that the Ministry was no longer considering. Each of these notices included a disclaimer: “In an ongoing effort to modernize the Environmental Registry and keep it current, we have identified this as a posting that is no longer pertinent or active.”

The Ministry took over seven weeks to post a decision notice to inform the public that it had filed a regulation related to approval requirements for the construction of sewage works. For three other decision notices, the time taken to post stretched to several months, and for another four, over a year. The Ministry told us that transferring some notices to the new Environmental Registry resulted in delays in posting decision notices. The Ministry said that in other cases, delays were caused by human error or oversight. The Ministry told us that for four particular notices, approval processes took longer because of the transition of the notices from the Natural Resources Ministry to the Environment Ministry as part of the restructuring of ministry portfolios after the 2018 election.

We identified the same issue in 2019 when we found that the Ministry took over two weeks to give notice of 52% of its decisions for permits and approvals. We recommended that the Ministry establish and follow a service standard to post decision notices within two weeks.

In February 2020, the Ministry prepared a draft update to one of its standard operating procedures to specify that “a decision notice should be posted within two weeks of a decision being implemented.” The Ministry also told us that internal processes have been put in place to generate reminders to staff to submit decision notices as soon as possible after decisions are made.

RECOMMENDATION 7

To give Ontarians prompt notice of its environmentally significant decisions, we recommend

that the Ministry of the Environment, Conservation and Parks post all decision notices on the Environmental Registry as soon as reasonably possible after making a decision, which should be within two weeks of making the decision, as stated in its own service standard.

MINISTRY RESPONSE

The Ministry agrees with this recommendation. The Ministry has updated its Environmental Registry training resources for staff, communicating its best practice for posting decision notices on the Environmental Registry within two weeks of a decision being made, unless extenuating circumstances prevent it from doing so.

2.10 Ontarians Not Told How Public Feedback was Considered in Two Decision Notices for Permits and Approvals Reviewed, or Given Links to Final Permits or Approvals in Over One-Third of Decision Notices Sampled

We reviewed 25 notices about the Environment Ministry's decisions to issue permits and approvals and found that:

- Two did not describe the effects of public participation on the Ministry's decision. Both of the notices related to permits to take water, and although both proposals received a public comment, the decision notices were silent on the effect of public participation on the decision.
- Nine (36%) of the decision notices did not include links to the final permit or approval being issued. These notices involved permits to take water and environmental compliance approvals for sewage works, both of which the public has the right to challenge using the third party leave to appeal rights under the EBR Act. It is therefore important that

such decision notices on the Environmental Registry include complete details about the decision that was made, which may be most easily achieved by including a link to the final issued licence, so that Ontarians can understand and exercise their right to challenge the activities that could affect the environment in their communities.

RECOMMENDATION 8

To help people understand the Ministry of the Environment, Conservation and Parks' decisions about permits and approvals, and the effect of public comments on those decisions, we recommend that the Ministry:

- clearly describe the effect, if any, of public participation on the Ministry's decision-making on the proposal, including whether participation led to any changes to the proposal; and
- provide links to the final issued approval.

MINISTRY RESPONSE

The Ministry agrees with this recommendation. The Ministry always strives to include, in the decision notice, an adequate description of how public comments were considered in the Ministry's review of a proposal for a permit or environmental compliance approval, as well as a copy of the final issued approval (if applicable). Copies of some issued permits and environmental compliance approvals are also available on the Ministry's public Access Environment website once the decision has been issued.

2.11 Ontarians Not Provided with Decisions or Updates for Forty-Three Proposal Notices on the Environmental Registry for Over Two Years

As of March 31, 2020, the Environment Ministry had 43 proposal notices on the Environmental

Registry (on either the new or old website) posted more than two years earlier without being closed with a decision notice or updated. Of these notices, 20 were posted more than 10 years earlier. They included two 1998 proposals for the adoption of Canadian water quality guidelines for limiting cadmium and arsenic as provincial water quality objectives, and a 2002 proposal related to the phase-out of land application of untreated septage.

When proposal notices stay on the Registry for such long periods without a decision, the public has no way of knowing whether the Ministry is still actively considering them or has abandoned them, and if they have been abandoned, why.

The Ministry told us that seventeen of the 20 proposals that had been on the Registry for more than 10 years were no longer being considered and that the Ministry was “considering the appropriate time for closing off these stale notices and the current COVID-19 related declared emergency has caused some delays in this process.” The other three proposals were related to historical recycling initiatives. The Ministry told us that it expects to finalize a recycling-related regulation by the end of this year, at which point the outdated notices will be closed.

In our 2019 report on the operation of the EBR Act, we reported that the Ministry had 44 proposals that had been on the Registry for over two years without a decision or update, and recommended that the Ministry bring and keep all of its proposal notices up to date.

In early 2020, the Ministry provided us with a draft updated internal guidance document that sets out the Ministry’s standard operating procedure for staff to address such outdated notices and to prevent notices on the Environmental Registry from becoming outdated. The Ministry also told us that internal processes have been put in place to generate monthly reports identifying notices on the Registry that need to be updated.

However, as of March 31, 2020 the Ministry continued to have a similar number of notices on

the Registry that required updates or decisions as it had a year earlier.

As of October 31, 2020, the Ministry had updated 29 of the 43 proposal notices that were outdated as of March 31, 2020 (the end of our reporting year).

RECOMMENDATION 9

So that Ontarians get timely and reliable information about the Ministry of the Environment, Conservation and Parks’ decisions about the environment, we recommend that the Ministry follow its internal procedure to bring and keep all of its proposal notices up to date, including posting decision notices for proposals that have been decided or that are otherwise no longer under consideration by the Ministry.

MINISTRY RESPONSE

The Ministry agrees with this recommendation. The Ministry is committed to providing timely information regarding decision notices. The Ministry has a process in place to regularly identify proposal notices that remain open (i.e., without a decision) on the Environmental Registry and post decision notices on where decisions have been made on proposals. The Ministry recently remedied most of the open proposal notices that had been left without a decision notice or update for over two years as of March 31, 2020.

2.12 Ontarians Not Given Prompt Notice of All Appeals and Leave to Appeal Applications under the EBR Act

On April 1, 2019, the Environment Ministry became responsible for giving notice on the Environmental Registry of all leave to appeal applications made under the EBR Act, as well as all direct appeals of decisions about permits and approvals that require public consultation under the EBR Act.

The requirement for the Environment Ministry to post notices of leave to appeal applications and appeals on the Registry ensures the public receives timely notice of appeals. Members of the public have a right to ask to participate in an appeal hearing. If notice of a leave to appeal application or appeal is not given, or is not given promptly, and the tribunal decides to proceed with a hearing without the notice being posted, interested members of the public may not learn of the appeal in time or at all, and may lose the opportunity to participate in the hearing.

In 2019/20, the Ministry posted one notice about a leave to appeal application related to an approval for air emissions at a metal recycling facility, and one notice about an appeal of a Director's Order about a graphite mine. The Ministry advised that it received one other application for leave to appeal that was withdrawn before the Ministry received the information required for a leave to appeal notice, and the Ministry did not post a notice for that leave to appeal application.

However, it came to our Office's attention that four additional leave to appeal applications were made under the EBR Act in 2019/20, and four additional direct appeals of approvals and permits subject to the EBR Act were made in 2019/20.

The Ministry told our Office that the appellants and applicants of those appeals and leave applications did not notify the Ministry of their appeals or leave to appeal applications according to the procedure set out in the EBR Act (which requires notice to be given directly to the Minister, as well as to the Ministry official who made the decision). Consequently, notices for those appeals and leave to appeal applications were not posted on the Registry, even though Ministry officials had been notified about all of them through other means. The Ministry stated that it would post notices for those appeals and leave to appeal applications as soon as possible, and that it was "working internally and with the various tribunals to adjust communications protocols and procedures, to make certain the Environmental Bill of Rights Office is aware of

such cases. This will help ensure we can follow up as needed to prepare notices in a more timely way going forward."

Subsequently, in July 2020, the Ministry posted notices for all of the outstanding appeals and leave to appeal applications. However, by that time, all but one of the leave to appeal applications had already been decided.

RECOMMENDATION 10

To ensure that Ontarians are informed about appeals and leave to appeal applications related to environmentally significant permits and approvals that are subject to the requirements of the *Environmental Bill of Rights, 1993* (EBR Act), we recommend that the Ministry of the Environment, Conservation and Parks promptly post appeal notices on the Environmental Registry for all appeals and leave to appeal applications received by the Ministry.

MINISTRY RESPONSE

The Ministry agrees with this recommendation. The Ministry promptly posted all such notices received from appellants and applicants, as required by the EBR Act. In some cases, the Tribunal decides to consider an appeal or leave to appeal where an appellant or applicant has not provided notice to the Ministry, and therefore public notice has not been given. In these cases, the Ministry now has a process in place to post notice of the appeal or leave to appeal once notified by the Tribunal.

2.13 Five of Eight Applications for Review Filed by Ontarians Not Completed by the Date Promised—One Has Been Ongoing for Over 10 Years

As of March 31, 2020, the Environment Ministry had eight ongoing reviews that it had agreed to undertake in previous years. The Ministry had

not met its own deadlines for completing five of them (see **Figure 3**), including one application that was submitted over 10 years earlier. In each case, the Ministry missed the original deadline and revised deadlines it had provided the applicants. Our Office identified four of those five reviews in 2018/19 as not completed by the Ministry's own deadlines, and those reviews remained ongoing as of March 31, 2020 (the Ministry provided its decision to the applicants on one of those reviews in October 2020). The fifth review was not completed by the Ministry's promised completion date during 2019/20.

Applications for review are used by the public to ask a ministry to better protect the environment. When a ministry agrees to undertake a review, the EBR Act requires the ministry to complete the review "within a reasonable time." The EBR Act does not specify what a reasonable length of time to complete a review might be, as it varies from case to case, based on how complex it is and other factors, such as a need to gather scientific or technical evidence before completing the review. Ministries have typically completed a review of a discrete or site-specific environmental issue, such as a review of a company's permit, on average, within six months. Complex or broad topics, such as a review of a province-wide policy, have been reviewed, on average, within three years.

In our 2019 report, we recommended that the Ministry provide a new, reasonable completion date to each applicant and to complete each review by that time. Subsequently, the Ministry provided our Office with updated anticipated completion dates for three of the four incomplete reviews that we found had not been completed within a reasonable time in 2018/19, but the Ministry had not communicated its updated deadlines to the applicants. In June 2020, the Ministry sent a letter with its updated, anticipated completion date to the applicants of one review.

RECOMMENDATION 11

To adhere to the requirements of the *Environmental Bill of Rights, 1993* to complete reviews within a reasonable time, and to give applicants a timely resolution to their applications, we recommend that the Ministry of the Environment, Conservation and Parks provide reasonable completion dates to each applicant and complete each review by such time.

MINISTRY RESPONSE

The Ministry agrees with this recommendation. The Ministry is making every attempt to complete these reviews in a timely fashion; three reviews have been closed off since March 31, 2020, and the Ministry continues to work to conclude the remainder. Updates will be provided to the applicants as appropriate.

2.14 Ministry Did Not Provide Educational Programs to Ontarians About Environmental Rights in the EBR Act

On April 1, 2019, the Environment Ministry became responsible for:

- assisting ministries in providing educational programs about the EBR Act, if requested;
- providing educational programs about the EBR Act to the public; and
- providing general information about the EBR Act to members of the public who wish to participate in decision-making about a proposal as provided in the EBR Act.

Prior to April 1, 2019, the former Environmental Commissioner of Ontario (ECO) was responsible for these functions.

The Ministry told our Office that its method for educating the public about the EBR Act in 2019/20 included a public web page (www.ontario.ca/page/environmental-bill-rights) that included information about the EBR Act, the public's rights under it,

and a link to the Environmental Registry. The Ministry noted that the web page provides an option for the public to contact the Ministry with questions about the EBR Act, and that members of the public can contact the Ministry about the EBR Act through a toll-free number through Service Ontario. The Ministry also pointed to the Environmental Registry of Ontario, which the Ministry operates, as providing “extensive resources for the public on the [EBR Act] and how to exercise their rights.”

The Ministry did not have a specific plan for providing educational programs about the EBR Act separate from providing general information about the EBR Act on its web page, nor did it have any specific funds budgeted for educational programs in 2019/20.

The former ECO not only maintained a website and guidance documents to assist the public in exercising their rights under the EBR Act, but also actively connected with Ontarians through speaking engagements, in-person classes, webinars and social media. The ECO also employed a public outreach and education officer to provide information about the EBR Act to the public.

The Ministry later told us that it “routinely promotes information about [Environmental Registry of Ontario] postings to relevant stakeholders, Indigenous communities and members of the public [in] order to raise awareness and encourage participation, as appropriate” using “a combination of methods, such as direct correspondence, social media and/or press releases.” However, outreach about specific proposals, while useful for stakeholders, does not fulfill the Ministry’s obligation to provide educational programs about the EBR Act itself.

The success of the EBR Act in protecting and supporting a healthy environment depends on members of the public being aware of the EBR Act and the rights that it provides. The Ministry’s approach to public education in 2019/20 relies on members of the public to search out information, rather than reaching out to Ontarians across the province about the EBR Act and their rights under it. In the Ministry’s first year of its responsibility

for educating the public about the EBR Act, public outreach about the EBR Act would have provided an important opportunity for the Ministry to correct any misinformation or public misconceptions about the transfer of responsibilities under the EBR Act, and to emphasize that the public’s rights and ministries’ longstanding obligations under the EBR Act have not changed.

RECOMMENDATION 12

To ensure that Ontarians are aware of their environmental rights and how to exercise them, and to meet the education requirements of the *Environmental Bill of Rights, 1993* (EBR Act), we recommend that the Ministry of the Environment, Conservation and Parks develop and implement a plan for providing educational programs about the EBR Act to a broad range of Ontarians.

MINISTRY RESPONSE

The Ministry is committed to enhancing its education to Ontarians about the EBR Act and how to exercise their rights.

3.0 Ministry of Natural Resources and Forestry

3.1 Overview

The Ministry of Natural Resources and Forestry regularly uses the Environmental Registry, as it is the lead provincial body for managing Ontario’s Crown lands, forests, fish and wildlife. The Ministry is responsible for 10 laws that are subject to the EBR Act, including the *Fish and Wildlife Conservation Act, 1997*, the *Crown Forest Sustainability Act, 1994*, and the *Invasive Species Act, 2015*. See **Section 3.2** for the Ministry’s report card on compliance with the EBR Act, and **Sections 3.3 to 3.8** for our detailed findings about the Ministry’s compliance.

3.2 Report Card on the Natural Resources Ministry's Compliance with the EBR Act, 2019/20

Ministry's compliance with the *Environmental Bill of Rights, 1993* and best practices in the 2019/20 reporting year.

This report card (Figure 5) summarizes our findings with respect to the Natural Resources

Figure 5: Ministry of Natural Resources and Forestry Compliance Report Card

Legend: ○ Met criteria ● Partially met criteria ● Did not meet criteria			
Criterion	2019/20 Results	OAGO Comments	2018/19 Results
1. Statement of Environmental Values (Statement)			
a. Statement is up-to-date	○	The Ministry finalized a new Statement in October 2020, and it now reflects the Ministry's current responsibilities and new Ministry and government priorities, such as addressing climate change.	●
b. Statement is considered when making decisions	○	The Ministry provided documentation that it considered its Statement (or an acceptable rationale for not documenting consideration) for all decision notices for policies, acts and regulations; and for all but one permit and approval for which it was requested, which meets criteria.	○
2. Use of the Environmental Registry (Registry)			
a. Appropriate notice of proposals is given	●	Section 3.3 —The Ministry posted two bulletins on the Registry for environmentally significant policies instead of consulting the public using regular policy proposals as required by the Act: a proposal to change cage aquaculture licence expiry terms from 5 years to 20 years, and a provincial strategy to reduce flood risks and prepare for flooding events.	○
b. Time to comment is extended based on the factors in the Act	●	Section 3.4 —The Ministry posted a proposal to change the <i>Crown Forest Sustainability Act, 1994</i> that could have province-wide effects on how species-at-risk and their habitats are managed for the statutory minimum of 30 days. The Ministry could have received more informed feedback if the public had more time to comment on this proposal.	○
c. Proposal notices for policies, acts and regulations are informative	●	Section 3.5 —Nine out of 22 (41%) proposal notices for policies, acts and regulations posted by the Ministry did not provide information a reader would need to fully understand the environmental implications of the proposal. These included proposals to alter hunting rules for black bear, for a new regulation under the <i>Conservation Authorities Act</i> , and for major changes to the <i>Crown Forest Sustainability Act, 1994</i> . Eight out of 22 proposals did not include links to all relevant supporting documents.	●
d. Proposal notices for permits, approvals and orders are informative	○	The Ministry posted 42 proposal notices for permits and approvals this year, and we reviewed a sample of 25 notices, which met this criterion.	○
e. Prompt notice of decisions is given	●	Section 3.6 —The Ministry posted 16 decision notices for policies, acts and regulations, 59 decision notices for permits and approvals and one exception notice on the Registry. The Ministry posted 5 (31%) of the 16 decision notices for policies, acts and regulations more than two weeks after the decision was made, and posted 17 (68%) of the 25 decision notices for permits and approvals that we reviewed more than two weeks after the decision was made. In total, 22 (52%) out of 42 notices we reviewed were posted more than two weeks after the decisions were made.	●
f. Decision notices for policies, acts and regulations are informative	○	The Ministry met this criterion.	○
g. Decision notices for permits, approvals and orders are informative	●	Section 3.7 —The Ministry posted 59 decision notices on the Registry for permits and approvals, and we reviewed a sample of 25. None of the decision notices for issued permits and approvals included links to the issued documents.	●
h. Proposal notices are up-to-date	●	Section 3.8 —As of March 31, 2020, the Ministry had 52 proposal notices that had been on the Registry for over two years without a decision or update.	●

Note: Whether a ministry partially met or did not meet a criterion depends on the volume of non-compliance issues and/or the significance of the non-compliance issue(s) we found.

3.3 Ministry Did Not Give Ontarians Appropriate Notice of Two Decisions

In 2019/20, the Natural Resources Ministry did not consult the public about two environmentally significant decisions as required under the public participation requirements of the EBR Act. Instead, the Ministry posted bulletins for those decisions, which are voluntary notices used when the public consultation requirements of the EBR Act do not apply, and do not provide an opportunity for public consultation.

The Ministry used a bulletin to inform the public that it was implementing changes to Ontario's approach to cage aquaculture, including changing licence expiry terms from five years to 20 years. Cage aquaculture can have detrimental ecosystem effects on waterbodies, including pollution from waste produced by fish and uneaten feed, and the corresponding potential for algal blooms, oxygen depletion, and degradation of invertebrate habitat near cage operations.

Licensing under the *Fish and Wildlife Conservation Act, 1997* to conduct cage aquaculture addresses these risks with conditions on operations. Quadrupling the number of years a licence is valid introduces more risk to the environment from adverse effects. Our Office heard from a concerned citizens' organization that wanted an opportunity to submit comments on these changes. The bulletin did not explain why the Ministry believed that it was not required to consult the public on this policy change.

The Ministry told us that it would be consulting on the Registry on proposals to issue individual aquaculture licences (which is required under the EBR Act) as it has done in the past, and that it may also consult with the public and stakeholders as part of the Class Environmental Assessment process on disposition of Crown lands for aquaculture operations. The Ministry stated that since these consultations would be site-specific and would include the disclosure of details specific to each proposed

licence and location, the public would be better able to engage with and comment on the proposed licences and operations.

However, under the EBR Act, the Ministry is required to consult on all environmentally significant policy changes, such as changes to the overall terms of licences and approvals for aquaculture operations, as well as proposed licences for aquaculture.

The second bulletin informed the public that the Ministry was releasing Ontario's Flooding Strategy, which outlines commitments and actions the government will undertake to reduce flood risk and prepare for flooding events. The Ministry explained in the notice that consultation was not required under the EBR Act because several ministries will consult on the actions individually over the next several years "as required." However, the strategy itself is an environmentally significant policy. It is a statement of direction that commits ministries to actions to mitigate and prevent flooding—actions that could have significant impacts on the environment, including updating floodplain mapping and approaches for flood preparedness, and maintaining wetlands and surfaces that water can infiltrate. The public had the right under the EBR Act to be consulted on the selection of actions and commitments contained in this strategy, regardless of potential future consultation on the implementation of those actions.

The Ministry did not provide our Office with any further explanation for not posting the strategy for public consultation. Ministry documentation questioned whether the strategy is a policy within the meaning of the EBR Act.

RECOMMENDATION 13

To ensure that Ontarians can take part, and the government has the benefit of Ontarians' insights and opinions about the government's environmentally significant decision-making, we recommend that the Ministry of Natural Resources and Forestry consistently consult with the

public according to the requirements under Part II of the *Environmental Bill of Rights, 1993*.

MINISTRY RESPONSE

The Ministry agrees with this recommendation. The Ministry is committed to meeting its obligations under Part II of the EBR Act.

The Ministry will ensure that required public consultation is undertaken for all proposals that are environmentally significant.

Where the Ministry determines that a proposal notice is not required, a bulletin notice may be used to share information with the public.

3.4 Ontarians Not Given Enough Time to Provide More Informed Feedback on One Significant Proposal

For all 22 proposal notices for policies, acts or regulations that the Natural Resources Ministry posted on the Environmental Registry in 2019/20, the Ministry provided between 30 and 60 days for public comment, meeting the minimum of 30 days for public comment required by the EBR Act. While it met the minimum requirements, in one case—a proposal for changes to the *Crown Forest Sustainability Act, 1994* posted in December 2019—the public could have benefitted from having more time to comment, given the complexity of the proposal.

The proposed changes to the *Crown Forest Sustainability Act, 1994* could have far reaching, irrevocable and province-wide effects on species at risk by exempting commercial forestry on Crown land from the *Endangered Species Act, 2007*. In letters to the Ministry, three organizations stated that the comment period was too short to enable informed feedback on the complex and far-reaching implications of the proposed changes. Public interest in the effects of commercial forestry on species at risk in Ontario is high. A discussion paper posted on the Registry in 2019 on the 10-year review of the *Endangered Species Act, 2007* that included discus-

sion of the interaction between that legislation and the *Crown Forest Sustainability Act, 1994* received over 14,000 comments.

The proposal notice did not clearly explain the implications of exempting forestry operations under the *Crown Forest Sustainability Act, 1994* from the *Endangered Species Act, 2007*, or provide enough time for commenters to investigate and understand these implications themselves and provide informed comment.

The Ministry told us that it considered not posting this proposal to the Registry at all because the proposed changes to the *Crown Forest Sustainability Act, 1994* were slated for inclusion in a larger government bill, and the Ministry could base the decision to not post the proposal separately on the EBR Act's exception provisions for proposals that form part of budget proposals or for which consultation was provided through other processes. In the end, the Ministry made the decision to post this proposal separately.

The Ministry also told us it considered posting the proposal for 60 days, but decided on 30 days so that the consultation could close before the current *Endangered Species Act, 2007* exemption for forestry operations expired on July 1, 2020. (The expiry date has since been extended.)

For more details about the proposed changes to the *Crown Forest Sustainability Act, 1994*, see **Chapter 1, Section 8.0**, of this report.

RECOMMENDATION 14

So that the Ministry of Natural Resources and Forestry can receive informed feedback on environmentally significant proposals posted on the Environmental Registry, we recommend that the Ministry extend the comment period beyond 30 days for significant and complex proposals to provide enough time to obtain more informed input from the public.

MINISTRY RESPONSE

The Ministry agrees with this recommendation, and that comment periods should be extended for proposals that are significant and complex. The Ministry acknowledges the importance of the Environmental Registry to receive informed feedback from the public. The Ministry will meet the posting requirements of the EBR Act, including consideration of comment periods that are longer than 30 days.

The Ministry typically posts proposals for policies, acts and regulations for more than 30 days.

3.5 Ministry Did Not Provide Ontarians with Clear or Complete Descriptions of Environmental Implications of Nine Proposals for Policies, Acts and Regulations, and Did Not Provide Links to Relevant Supporting Documents in Eight Proposals

Nine (41%) of the 22 proposal notices for policies, acts and regulations that the Natural Resources Ministry posted on the Environmental Registry did not adequately describe the environmental implications of the proposal. Seven of those nine (and eight out of the total of 22 proposal notices) did not include links to all relevant supporting documents.

For example, a proposal to institute a permanent spring bear hunt throughout much of Ontario and reduce bear hunting in the Bruce Peninsula did not include a description of any potential environmental effects of the proposal outside the Bruce Peninsula region. The Ministry stated in the notice that it expected the proposal to have a positive impact on bears in the Bruce Peninsula, but did not explain how the proposal could impact bear populations and ecosystems in any other part of Ontario. Commenters, including 40 organizations, noted the proposal did not include the Ministry's findings from a 2014 pilot spring bear hunt that informed

the decision to institute a permanent spring bear hunt. The public needed this information to make informed comments on the proposal.

Another proposal for a new regulation under the *Conservation Authorities Act* that would “update definitions for key regulatory terms” including “wetland,” “watercourse,” and “pollution,” and also define “interference” and “conservation of land” also did not adequately describe the environmental implications of the proposal. These new and revised definitions, depending on what they include, could change where and how development is approved, and where and how discharges into the environment are regulated near wetlands and watercourses. However, the notice did not discuss proposed definitions of these terms, nor did it link to a draft version of the new regulation. The Ministry also proposed to exempt “low-risk development activities” from requiring permits under the *Conservation Authorities Act*, and “reduce regulatory restrictions between 30 m and 120 m of a wetland.” However, the Ministry did not define “low-risk” or explain its proposal to reduce restrictions near wetlands. Without such details, readers of these proposals did not have all the facts needed to be fully informed and provide constructive input for the Ministry to consider.

Further, a proposal notice for changes to the *Crown Forest Sustainability Act, 1994* contained neither a clear description of the proposal nor its environmental effects (for more details about the proposed changes, see **Chapter 1, Section 8.0**, of this report).

The Ministry stated that it was proposing to “no longer require duplicative authorizations or a regulatory exemption under the [*Endangered Species Act, 2007*] for forest operations conducted in Crown forests according to an approved forest management plan under the [*Crown Forest Sustainability Act, 1994*].” In plain language, if the proposal is implemented, forest operations under the *Crown Forest Sustainability Act, 1994*, which consist of commercial forestry on Crown land, would be exempt from the need to comply with the *Endangered Species Act*,

2007. This may not have been clear to readers who did not have strong knowledge of the legislation and regulations that govern commercial forestry on Crown land. The technical language obscured meaning, and the Ministry did not mention species at risk or the *Endangered Species Act, 2007* in the proposal notice title or the proposal summary. Our Office heard from several members of the public, including those with significant experience and expertise, who told us that there was not enough information included with the proposal, and that they had difficulty understanding or interpreting what changes were planned.

The notice did not contain adequate information on anticipated environmental impacts from this proposal to enable the public to make informed comments. In the notice the Ministry stated that a new “approach” would “continue to provide protection for species at risk and their habitat,” but gave no details as to how this would be achieved, other than to note that the “existing forest management framework requires consultation on species at risk-related considerations over a long-term planning horizon,” and that “these consultation requirements related to operations that could affect species at risk would continue under the proposed new approach.” These statements provided no useful detail for people who wanted to know how species at risk would be protected if the proposal was implemented. In addition, the proposal notice did not mention or link to a separate proposal posted by the Environment Ministry in 2019/20 to exempt commercial forestry on Crown land from the *Environmental Assessment Act*. This separate proposal would change the “existing forest management framework” referenced in the proposal for changing the *Crown Forest Sustainability Act, 1994*. If the Environment and Natural Resources ministries implement both of these proposals, there will be no specific requirement in any Ontario statute to consider species at risk in commercial forestry on Crown land—a key detail that was not communicated in either of the notices.

Without these types of details in the proposal notices, readers did not have all of the facts needed to be fully informed and provide constructive input.

We raised this issue in our 2019 report, when the Ministry did not clearly describe the environmental implications of three proposal notices posted on the Environmental Registry. We recommended then that the Ministry describe the environmental implications of each proposal posted on the Registry. In 2019/20 the Ministry updated internal guidance to require Ministry staff to describe potential environmental implications of proposals for policies, acts and regulations in proposal notices.

RECOMMENDATION 15

So that Ontarians can better understand proposals and provide informed comments on environmentally significant Ministry of Natural Resources and Forestry proposals, we recommend that the Ministry:

- describe the environmental implications of each proposal posted on the Environmental Registry; and
- provide links to all key supporting information.

MINISTRY RESPONSE

The Ministry agrees with this recommendation, and that it is important to provide appropriate information in its notices to allow the public to fully understand the environmental implications of proposals. The Ministry is committed to full compliance with its legal obligations under the EBR Act.

The Ministry’s internal guidance and training provide direction to staff on the appropriate content expected in Registry notices. This includes the best practice of describing the environmental effects in each notice where possible.

3.6 Over Two Weeks Taken to Give Ontarians Notice of Half of the Decisions That We Reviewed

We reviewed all 16 decision notices for policies, acts and regulations, one exception notice, and a sample of 25 decision notices for permits and approvals that the Natural Resources Ministry posted in 2019/20. The Ministry took over two weeks to give notice of 52% of its decisions. The Ministry posted five (31%) decision notices for policies, acts and regulations more than two weeks after the decisions were made. Of those five, three were posted more than four weeks after the decisions were made. The Ministry also posted 17 (68%) decision notices for permits and approvals more than two weeks after the decisions were made, 10 (59%) of which were posted more than four weeks after the decisions were made, including approvals for changes to aggregate licences that were not posted for more than two years. The Ministry took over two years to notify the public about a decision on proposed amendments to the Niagara Escarpment Plan, and over a year to notify the public about another decision to approve a fisheries management plan.

When we asked the Ministry to explain these delays, the Ministry stated that it is “committed to fulfilling our obligations under the *Environmental Bill of Rights*,” and “posts decision notices as soon as possible.”

In 2019, we found that the Ministry had taken over two weeks to give notice of 60% of the decisions on permits and approvals that we reviewed. We recommended that the Ministry post all decision notices on the Environmental Registry as soon as reasonably possible after making a decision, which should be within two weeks of the decision, as stated in the Ministry’s own service standard. Since then, the Ministry has updated its internal guidance to provide additional direction to staff on appropriate timing for posting decision notices, including identifying the two-week standard as a best practice.

RECOMMENDATION 16

To give Ontarians prompt notice of its environmentally significant decisions, we recommend that the Ministry of Natural Resources and Forestry post all decision notices on the Environmental Registry as soon as reasonably possible after making a decision, which should be within two weeks of making a decision as stated in its own service standard.

MINISTRY RESPONSE

The Ministry agrees with this recommendation. The Ministry is committed to posting decision notices as soon as reasonably possible.

The Ministry’s internal guidance (e.g., templates and best practices bulletin) and training provides direction to staff on the appropriate timing for Registry decision notices. This includes the best practice of posting within two weeks of the decision being made.

3.7 Ontarians Not Provided with Links to Final Permits or Licences in Decision Notices Reviewed

Of the 25 decision notices for permits and licences posted by the Natural Resources Ministry that we reviewed, one notice was for a Niagara Escarpment Plan Amendment application that was closed without a decision. Of the remaining 24 notices, all for licences under the *Aggregate Resources Act* relating to gravel pits and quarries, none included links to the final issued permits. The public has the right to challenge these licences if they are concerned about operations harming the environment. It is important that decision notices on the Environmental Registry include links to the final issued licences so that Ontarians can understand and exercise their right to challenge these activities in their communities.

We identified the same issue in our 2019 report, when the Ministry did not provide links to final permits and approvals in any of the deci-

sion notices that we reviewed. We recommended that the Ministry provide links to the final issued approval for all decision notices. The Ministry told us that is working to implement an information portal pilot project for aggregates during the summer of 2020 with an expectation that the portal will give the public online access to approved *Aggregate Resources Act* licences in 2021/22. The Ministry stated that, in the interim, the public can request copies of licences from the district contact person identified in the notices.

RECOMMENDATION 17

To give members of the public enough information about decisions on licences, permits and approvals, we recommend that the Ministry of Natural Resources and Forestry provide links to the final issued approval for all decision notices.

MINISTRY RESPONSE

The Ministry agrees with this recommendation. The Ministry has been working over the last year to develop the Natural Resources Information Portal (NRIP) to modernize service delivery, help reduce burden on industry, create internal efficiencies and enable the public to view approvals on a variety of Ministry instruments.

To date, NRIP has replaced legacy tools (Forest Information Portal (FIPortal) and Electronic Forest Management Plans (eFMP)) to support the forest industry while enabling the posting of information for public viewing such as approved forest management plans, and consultation efforts.

Through 2021/22 the Ministry will continue its efforts to enable public access to aggregate licence and permit approvals as well. In the interim, Ministry decision notices will continue to identify a district contact person that can provide copies of the licence upon request by the public.

3.8 Ontarians Not Provided with Decisions or Updates for 52 Proposal Notices on the Environmental Registry for Over Two Years

The Natural Resources Ministry had 52 proposal notices on the Environmental Registry posted more than two years earlier without either being closed with a decision notice or updated within the last two years. This represents 26% of the Ministry's total proposal notices remaining open on the Environmental Registry at the end of the reporting year. Eighteen of those notices were originally posted more than 10 years earlier. (Due to their age, some of the 18 proposals are found only on the Registry's old website, and may not be transferred to the new Registry until they are updated or a decision notice is posted.) They include a proposal to establish a new conservation reserve and add to existing protected areas, originally proposed in 2004 and last updated in 2006, and several notices on park management planning, originally posted from 2002-2004, that had not been updated within the last two years. The Ministry told us that these two notices, plus 21 other outdated proposal notices for policy, acts, regulations and permits and approvals that deal with subject matter now under the jurisdiction of the Environment Ministry (such as park plans), are the Environment Ministry's responsibility. The Ministry has been engaged with the Environment Ministry in a process to transfer these notices to the Environment Ministry since 2018. As of October 31, 2020, 22 of the 23 notices have been transferred and either updated or decided.

The Ministry's internal procedures state that the Ministry should provide a brief update to advise the public of the status of proposals still under consideration after two years.

We identified this issue in our 2019 report on the operation of the EBR Act, and we recommended that the Ministry bring and keep all of its proposal notices up to date, including posting decision notices for proposals that have been decided or that are no longer under consideration by the Ministry.

As of March 31, 2020, the Ministry had reduced, by over 40%, the number of its proposals on the Registry that were posted more than two years earlier and had not been either closed with a decision notice or updated within the last two years. The Ministry told us that it sends a list of outdated notices to its branches requesting that they post an update or a decision notice, and that the Ministry has templates for closing off notices that are no longer active to streamline the process. However, the Ministry continued to have more outdated proposals on the Registry than any other Ministry.

We asked the Ministry why it still had outdated proposals on the Registry without updates or decisions. The Ministry told us that “the timing of posting has been impacted by available resources and competing ministry priorities, with ministry efforts currently focused on providing critical services through the [COVID-19] pandemic and to support recovery post-pandemic.” The pandemic closed government offices two weeks before the end of this reporting year.

As of October 31, 2020, the Ministry had updated 26 of its 52 proposals notices that were outdated as of March 31, 2020.

RECOMMENDATION 18

So that Ontarians get timely and reliable information about the decisions of the Ministry of Natural Resources and Forestry about the environment, we recommend that the Ministry follow its internal procedures to bring and keep all of its proposal notices up to date, including posting decision notices for proposals that have been decided or that are otherwise no longer under consideration by the Ministry.

MINISTRY RESPONSE

The Ministry agrees with this recommendation. The Ministry will ensure that all outdated Registry proposal notices are brought up to date. The Ministry has remedied the majority of the proposals that were outdated as of March 31, 2020,

including the notices that the Ministry of the Environment, Conservation and Parks is now responsible for.

The Ministry will continue to monitor proposal notices on the Environmental Registry and address outdated notices by posting decision notices or status updates.

4.0 Ministry of Municipal Affairs and Housing

4.1 Overview

The Ministry of Municipal Affairs and Housing regularly uses the Environmental Registry, as it oversees land use planning decisions that determine the balance between socio-economic interests such as new housing developments and infrastructure projects, and the preservation of the natural environment. The Ministry is responsible for five laws that are subject to the EBR Act, including the *Planning Act*, the *Building Code Act, 1992*, and the *Places to Grow Act, 2005*. The Ministry was responsible for one application for review concluded in 2019/20 (see **Chapter 1, Appendix 3**). See **Section 4.2** for the Ministry’s report card on compliance with the EBR Act, and **Sections 4.3 to 4.8** for our detailed findings about the Ministry’s compliance.

4.2 Report Card on the Municipal Affairs Ministry’s Compliance with the EBR Act, 2019/20

This report card (**Figure 6**) summarizes our findings with respect to the Municipal Affairs Ministry’s compliance with the *Environmental Bill of Rights, 1993* and best practices in the 2019/20 reporting year.

Figure 6: Ministry of Municipal Affairs and Housing Compliance Report Card

Legend: ○ Met criteria ● Partially met criteria ● Did not meet criteria			
Criterion	2019/20 Results	OAGO Comments	2018/19 Results
1. Statement of Environmental Values (Statement)			
a. Statement is up-to-date	○	The Ministry finalized a new Statement in February 2020, and it now reflects the Ministry's current responsibilities and new Ministry and government priorities, such as addressing climate change.	●
b. Statement is considered when making decisions	●	Section 4.3 —The Ministry did not provide documentation to demonstrate that it considered its Statement when making any of the environmentally significant decisions that it posted on the Environmental Registry. The Ministry told us that, because it had not finalized a new Statement since the former Ministry of Municipal Affairs and former Ministry of Housing were joined, “it was not considered feasible to document [Statement of Environmental Values] considerations based on the previous draft [Statements].”	○
2. Use of the Environmental Registry (Registry)			
a. Appropriate notice of proposals is given	○	No issues came to our attention about environmentally significant proposals that were not posted on the Registry.	○
b. Time to comment is extended based on the factors in the Act	○	The Ministry met this criterion.	○
c. Proposal notices for policies, acts and regulations are informative	●	Section 4.4 —Two out of 12 proposal notices (17%) posted by the Ministry this year, including proposed major changes to the <i>Planning Act</i> , did not provide information a reader would need to fully understand the environmental implications of the proposals.	●
d. Proposal notices for permits, approvals and orders are informative	○	The Ministry met this criterion.	●
e. Prompt notice of decisions is given	●	Section 4.5 —The Ministry posted four (27%) of the 15 decision notices for policies, acts and regulations, and both (100%) exception notices that it posted in 2019/20 more than two weeks after the decisions were made. The Ministry posted three (12%) of the 25 decision notices for permits and approvals that we reviewed more than two weeks after the decisions were made. In total, 9 (21%) of the 42 decision notices we reviewed were posted more than two weeks after the decisions were made.	●
f. Decision notices for policies, acts and regulations are informative	●	Section 4.6 —The Ministry posted 15 decision notices on the Registry for policies, acts and regulations. One decision notice related to proposed changes to the Building Code did not adequately describe the decision that was made or describe the effects of public participation on the decision.	○
g. Decision notices for permits, approvals and orders are informative	●	Section 4.7 —The Ministry posted 77 decision notices for permits and approvals, and we reviewed a sample of 25 notices. Three notices that we reviewed did not describe the effects of public participation on decision-making. Twenty-two notices (88%) did not provide links to the final approvals issued under the <i>Planning Act</i> .	●
h. Proposal notices are up-to-date	●	Section 4.8 —As of March 31, 2020, the Ministry had three proposal notices that had been on the Registry for over two years without a decision or update, representing 11% of the Ministry's open proposals on the Registry.	○
3. Applications for Review and Applications for Investigation			
a. Ministry reviews all matters to the extent necessary	○	The Ministry concluded one application for review in 2019/20 (see following table), and the Ministry met this criterion for this application.	●
c. Ministry meets all timelines	○	The Ministry met this criterion. The Ministry met all legislated timelines for the one application for review concluded, and did not have any ongoing applications for review as of March 31, 2020.	○

Concluded Applications for Review by the Municipal Affairs Ministry in 2019/20

Applications for Review	Undertaken or Denied	Ministry Reviews All Matters to the Extent Necessary	Ministry Meets All Timelines
Review of Provincial Land Use Planning and Natural Heritage Policies	Denied	○	○

Note: Whether a ministry partially met or did not meet a criterion depends on the volume of non-compliance issues and/or the significance of the non-compliance issue(s) we found.

4.3 Ministry Did Not Provide Evidence That It Considered Its Statement of Environmental Values for Any Decisions Made

The Municipal Affairs Ministry did not provide our Office with any documentation to confirm that it considered its Statement when making decisions that affect the environment in 2019/20.

The Ministry explained that, because it had not finalized a new Statement since the former Ministry of Municipal Affairs and former Ministry of Housing were joined to form one ministry in 2018, “it was not considered feasible to document [Statement] considerations based on the previous separated ministries draft [Statements],” which were never finalized.

However, the Ministry documented how it considered its Statement for its environmentally significant decisions in 2018/19, when the Ministry’s circumstances were no different than in 2019/20. The previously separated ministries, and then the newly formed Municipal Affairs Ministry, considered the previous Ministry of Municipal Affairs and Housing’s Statement. This Statement was last updated in 2008 and remained on the Environmental Registry during the time that the previous Ministry of Municipal Affairs and Housing was separated and then re-formed. The current Municipal Affairs Ministry could reasonably have been expected to continue the practice of considering that 2008 Statement until it had finalized an updated Statement.

The Ministry posted a draft updated Statement in November 2019, and finalized the new Statement in February 2020. Nevertheless, the Ministry did not provide documentation to demonstrate that it had considered its new Statement for any environmentally significant decisions made between the time that it finalized its new Statement and the end of the reporting year on March 31, 2020.

RECOMMENDATION 19

To be transparent and accountable to Ontarians about its decision-making by adhering to the requirements of the *Environmental Bill of Rights, 1993* to consider its Statement of Environmental Values whenever it makes a decision that might have a significant effect on the environment, we recommend that the Ministry of Municipal Affairs and Housing consider its updated Statement of Environmental Values at the time it makes an environmentally significant decision, and document that consideration concurrently with the decision-making.

MINISTRY RESPONSE

The Ministry agrees with this recommendation. In February 2020, the Ministry updated its Statement of Environmental Values and moving forward considerations of its Statement will be addressed.

4.4 The Ministry Did Not Provide Ontarians With Clear Descriptions of the Environmental Implications of Two Proposals

Two (17%) of the 12 proposal notices for policies, acts and regulations that the Municipal Affairs Ministry posted on the Environmental Registry in 2019/20 did not clearly describe the environmental implications of the proposal. The Ministry’s proposal for amendments to the *Planning Act* in Bill 108, the proposed *More Homes, More Choice Act, 2019*, did not explain the potential environmental implications of the proposed amendments. These included changes that could limit a municipality’s ability to procure parkland from developers. Similarly, a proposal for changes to a Strategic Settlement Employment Area under A Place to Grow, Ontario’s long-term growth plan for the Greater Golden Horseshoe, did not explain the potential environmental impacts of changing land

use designations, or describe the natural features and current designation of the land that would be affected. One commenter stated that “it is impossible for anyone to make informed input based on the extremely cursory proposal description.”

In the absence of relevant details, readers of these proposals did not have all the facts needed to be fully informed and provide constructive input for the Ministry to consider.

We identified a similar issue in our 2019 report, when the Ministry did not describe the environmental implications of six proposals for policies, acts and regulations, or for half of its proposals for approvals under the *Planning Act*. We recommended that the Ministry describe the environmental implications of each proposed planning approval in the proposal notice, and explain how the proposal may address those potential risks to the environment. At the time of our 2019/20 review, the Ministry had not taken steps to address this recommendation.

RECOMMENDATION 20

So that Ontarians can better understand and provide informed comments on environmentally significant proposals, we recommend that the Ministry of Municipal Affairs and Housing describe the environmental implications of each proposal posted on the Environmental Registry.

MINISTRY RESPONSE

The Ministry agrees with this recommendation. We will look for ways to enhance descriptions of the environmental implications for each proposal posted on the Environmental Registry.

4.5 Over Two Weeks Taken to Give Ontarians Notice of One-Fifth of the Decisions That We Reviewed

We reviewed 17 decision notices for policies, acts, regulations and exceptions, and a sample of 25 decision notices for permits and approvals that the

Municipal Affairs Ministry posted in 2019/20. In total, nine (21%) of 42 decision notices we reviewed were posted more than two weeks after the decisions were made, with eight of those posted more than four weeks after the decisions were made.

The Ministry took more than four weeks to give notice of four (27%) of the 15 decision notices for policies, acts and regulations, including a decision notice for a regulation under the *Building Code Act, 1992* that was filed more than two years earlier. The Ministry posted two exception notices for identifying provincially significant employment zones, both of which were posted more than two weeks after the decisions were made.

Three (12%) of the 25 decision notices for permits and approvals that we reviewed were posted more than two weeks after the decision was made, including a notice to advise that a 2010 proposal to amend a municipality’s official plan was never decided.

We identified the same issue in our 2019 report, when the Ministry posted 71% of its decision notices for policies, acts and regulations and 44% of its decision notices for permits and approvals more than two weeks after making the decisions.

RECOMMENDATION 21

To give the public prompt notice of its environmentally significant decisions, we recommend that the Ministry of Municipal Affairs and Housing post all decision notices on the Environmental Registry as soon as reasonably possible after making a decision, which should be within two weeks of making a decision as stated in its own service standard.

MINISTRY RESPONSE

The Ministry agrees with this recommendation. We will continue to improve our timeliness in posting all decision notices.

4.6 Ontarians Not Told How Public Feedback was Considered by the Ministry in Making a Decision to Amend the Building Code

After completing public consultation, the Municipal Affairs Ministry posted a decision notice on the Environmental Registry that did not describe the effects of public participation on the Ministry's decision. The decision notice for amendments to the Building Code noted that seven comments were submitted on the proposal, and stated: "All comments were taken into consideration by the Ministry staff, the impacts of the proposed changes were considered throughout the review of the existing requirements in the Building Code."

A simple statement that the public's comments were considered does not meet the requirements of the EBR Act to explain the effect of public participation on the Ministry's decision-making. In addition, the comments submitted through the Registry addressed proposed changes to the Building Code aimed at improving energy efficiency and mitigating the effects of climate change, but the decision notice does not address those proposed changes. This left the public with an incomplete picture of how or whether aspects of the original proposal were decided on or implemented.

RECOMMENDATION 22

To help people understand the Ministry of Municipal Affairs and Housing's environmentally significant decisions and the effect of public comments on those decisions, we recommend that the Ministry clearly describe the effect, if any, of public participation on the Ministry's decision-making on the proposal, including whether participation led to any changes to the proposal.

MINISTRY RESPONSE

The Ministry agrees with this recommendation. We will look into providing additional details as applicable on how public consultation affected the decision-making on proposals.

4.7 Ontarians Not Told How Ministry Considered Public Feedback in Three Decision Notices for Permits and Approvals, or Given Links to Final Permits or Approvals in Most Decision Notices Reviewed

Of the 25 decision notices for permits and approvals posted by the Municipal Affairs Ministry that we reviewed, three (12%) did not describe the effects of public participation on the Ministry's decision. All three related to approval of a municipality's official plan or amendments to an official plan. Comments were submitted on all three proposals, including 310 comments submitted on a proposal to amend the City of Toronto's official plan. In each case, the Ministry noted the number of comments submitted, and stated "The comments were carefully considered and analyzed as part of the Minister's decision." Like the decision notice for Building Code amendments described in **Section 4.6**, this simple statement that the public's comments were considered did not satisfy the requirements of the EBR Act to describe the effects of public participation on the Ministry's decision-making.

Further, 22 (88%) of the 25 decision notices that we reviewed, mostly approvals for consent or official plans under the *Planning Act*, did not include links to the final approval documents, which may have impeded the ability of concerned citizens to understand what decision had been made.

We identified the same issue in our 2019 report, when none of the Ministry's decision notices for permits and approvals that we reviewed provided links to the final documents. We recommended that the Ministry provide links to the final approvals in decision notices. At the time of our 2019/20 review, the Ministry had not taken steps to address this recommendation.

RECOMMENDATION 23

To help people understand the Ministry of Municipal Affairs and Housing's decisions about

permits and approvals, and the effect of public comments on those decisions, we recommend that the Ministry:

- clearly describe the effect, if any, of public participation on the Ministry's decision-making on the proposal, including whether participation led to any changes to the proposal; and
- provide links to the final issued approval.

MINISTRY RESPONSE

The Ministry agrees with this recommendation.

We will look into providing additional details as applicable on how public consultation affected the decision-making on proposals.

We are working on implementing methods for improving the information provided in instrument decision notices to more clearly describe how public input related to the environment, when received, impacted the Ministry's decision.

4.8 Ontarians Not Provided with Decisions or Updates for Three Proposal Notices on the Environmental Registry for Over Two Years

As of March 31, 2020, the Municipal Affairs Ministry had three proposal notices on the Environmental Registry that were posted more than two years earlier, without being closed with a decision notice or updated in the last two years. This represents 11% of all the Ministry's proposal notices that remained open on the Environmental Registry at the end of the reporting year. One of the notices, a proposed regulation about municipal zoning, dated back to 2006. The other two, posted in 2017, were for a proposal to expand the Greenbelt to protect water resources, and for a new regulation under the *Planning Act* for adding additional residential units to development projects. The Ministry posted decision notices on October 23, 2020 for the proposals for

the *Planning Act* regulation and the municipal zoning regulation. The Ministry gave no explanation for the delay in providing these decision notices.

RECOMMENDATION 24

So that Ontarians get timely and reliable information about the Ministry of Municipal Affairs and Housing's decisions about the environment, we recommend that the Ministry bring and keep all of its proposal notices up to date, including posting decision notices for proposals that have been decided or that are otherwise no longer under consideration by the Ministry.

MINISTRY RESPONSE

The Ministry agrees with this recommendation. The Ministry is moving forward to resolve outdated notices. We will continue to improve our timeliness in posting all decision notices.

5.0 Ministry of Energy, Northern Development and Mines

5.1 Overview

The Ministry of Energy, Northern Development and Mines regularly uses the Environmental Registry in its role in regulating energy supply, mines and mineral development. The Ministry is responsible for two laws that are subject to the EBR Act: the *Mining Act* and the *Ontario Energy Board Act, 1998*. See **Section 5.2** for the Ministry's report card on compliance with the EBR Act, and **Sections 5.3 to 5.6** for our detailed findings about the Ministry's compliance.
























5.2 Report Card Report Card on the Energy and Mines Ministry's Compliance with the EBR Act, 2019/20

This report card (Figure 7) summarizes our findings with respect to the Energy and Mines Ministry's compliance with the *Environmental Bill of Rights, 1993* and best practices in the 2019/20 reporting year.

5.3 Ministry Took Over Two Weeks to Give Ontarians Notice of Some Decision Notices Reviewed

We reviewed all seven decision notices for policies, acts and regulations, the single exception notice, and a sample of 25 decision notices for permits and approvals that the Energy and Mines Ministry posted in 2019/20. In total, nine (27%) of 33 decision notices we reviewed were posted more than

Figure 7: Ministry of Energy, Northern Development and Mines Compliance Report Card

Legend:  Met criteria  Partially met criteria  Did not meet criteria			
Criterion	2019/20 Results	OAGO Comments	2018/19 Results
1. Statement of Environmental Values (Statement)			
a. Statement is up-to-date		The Ministry finalized a new Statement in December 2019, and it now reflects the Ministry's current responsibilities and new Ministry and government priorities, such as addressing climate change.	
b. Statement is considered when making decisions		The Ministry met this criterion. The Ministry provided documentation that it considered its Statement for all decision notices for which it was requested.	
2. Use of the Environmental Registry (Registry)			
a. Appropriate notice of proposals is given		No issues came to our attention about environmentally significant proposals that were not posted on the Registry.	
b. Time to comment is extended based on the factors in the Act		The Ministry met this criterion.	
c. Proposal notices for policies, acts and regulations are informative		The Ministry posted five proposal notices for policies, acts and regulations, which met this criterion.	
d. Proposal notices for permits, approvals and orders are informative		The Ministry posted 308 proposals for permits and approvals, and we reviewed a sample of 25 notices, which met this criterion.	
e. Prompt notice of decisions is given		Section 5.3 —The Ministry posted seven decision notices for policies, acts and regulations and 321 decision notices for permits and approvals on the Registry. The Ministry posted six (86%) of the seven decision notices for policies, acts and regulations more than two weeks after the decision was made, and posted three (12%) of the 25 decision notices for permits and approvals that we reviewed more than two weeks after the decision was made. The Ministry posted one exception notice promptly. In total, nine (27%) of 33 notices we reviewed were posted more than two weeks after the decisions were made.	
f. Decision notices for policies, acts and regulations are informative		Section 5.4 —The Ministry posted one decision notice, for a proposed Natural Gas Expansion Support Program, that did not describe the effect of public participation on the decision.	
g. Decision notices for permits, approvals and orders are informative		Section 5.5 —The Ministry did not attach the final permits to 24 instrument decision notices that we reviewed. The Ministry also did not describe the effect of public participation in one decision notice.	
h. Proposal notices are up-to-date		Section 5.6 —As of March 31, 2020, the Ministry had 13 proposal notices that had been on the Registry for over two years without a decision or update, representing 11% of the Ministry's open proposal notices.	

Note: Whether a ministry partially met or did not meet a criterion depends on the volume of non-compliance issues and/or the significance of the non-compliance issue(s) we found.

two weeks after the decisions were made. The Ministry took over two weeks to give notice of six (86%) decision notices for policies, acts and regulations and of three (12%) of the 25 decision notices for permits and approvals, all permits under the *Mining Act*.

For example, it took four months to post a decision notice to inform the public that it would not proceed with a regulatory proposal for province-wide implementation of Green Button, a data standard for providing accessible information on energy and water use in households, businesses and governments.

We made the same finding in 2019, when the Ministry took over two weeks to give notice of all seven (100%) of its decisions for regulations, as well as 23 (92%) of the 25 decisions for permits and approvals that we reviewed. In 2019, we recommended that the Ministry post decision notices as soon as reasonably possible after making a decision, which should be within two weeks. Since then, the Ministry has developed new guidance materials for staff and established new quality assurance practices.

The Ministry cited several reasons for delaying posting decision notices in 2019/20, including backlogs in approval processes, administrative errors, the Ministry's decision to wait until the subject legislation came into force (rather than posting a decision notice as soon as reasonably possible after the legislation received third reading, as required by the EBR Act), and co-ordinating posting decision notices with posting the Ministry's revised Statement of Environmental Values.

RECOMMENDATION 25

To give Ontarians prompt notice of its environmentally significant decisions, we recommend that the Ministry of Energy, Northern Development and Mines post all decision notices on the Environmental Registry as soon as reasonably possible after making a decision, which should be within two weeks of making a decision, as stated in its own service standard.

MINISTRY RESPONSE

The Ministry agrees with the recommendation to post all decision notices on the Environmental Registry as soon as reasonably possible after making a decision. Since the 2018/19 Auditor General's report, the Ministry has been working to ensure that we post decision notices more promptly. The Ministry will uphold its service standard, and improve upon its processes where possible, to ensure it responds to this recommendation and continues its improvement in this area.

5.4 Ministry did Not Describe the Effects of Public Participation on Decision to Create a Natural Gas Expansion Support Program

In 2019/20, the Energy and Mines Ministry posted a decision notice for the *Access to Natural Gas Act, 2018*, which amended the *Ontario Energy Board Act, 1998* to create a new Natural Gas Expansion Support Program. In the decision notice, the Ministry stated that "all comments received were given full consideration," but did not describe the effects of the public's comments on the final decision. The Ministry also stated that the comments "generally supported the changes proposed." There were 21 comments submitted on the proposal and we reviewed the 15 that are available through the Registry. We found that nine of those 15 comments did not support the proposal.

RECOMMENDATION 26

To help people understand the Ministry of Energy, Northern Development and Mines' environmentally significant decisions, we recommend that the Ministry clearly describe the effect, if any, of public participation on the Ministry's decision-making on the proposal, including whether participation led to any changes to the proposal.

MINISTRY RESPONSE

The Ministry appreciates the Auditor General's recommendation. The Ministry acknowledges the importance of describing public participation, which can contribute to transparency in decision-making. The Ministry understands the benefit to the public of being able to see how public feedback has influenced a proposal before a decision is made. The Ministry will endeavour to find ways to accurately convey public comments while succinctly summarizing what are often disparate views in its decision notices.

5.5 Ontarians Not Told How Ministry Considered Public Feedback on a Mineral Exploration Permit and Ministry did not Provide Final Documents for Any Decision Notices for Permits We Reviewed

We reviewed 25 notices about the Energy and Mines Ministry's decisions to issue permits and approvals (all mineral exploration permits under the *Mining Act*) and found that of the 25 decision notices, one reported that the application for an early exploration permit was withdrawn. None of the remaining 24 notices included links to the final approvals. This may have impeded the public's ability to fully understand the details of the decision. We identified the same issue in our 2019 report on the operation of the EBR Act. Since then, the Ministry has developed a new template for decision notices for permits and approvals that instructs staff to attach a copy of the final permit in decision notices. However, this guidance was not provided to Ministry staff or implemented until April 2020.

Of the 25 decision notices, one notice stated that no comments were received even though it showed elsewhere that one comment was received through the Registry. The notice did not describe the effect of that comment on the Ministry's decision. When asked, the Ministry confirmed that one

comment had been submitted but told us that it was not available to be viewed because of an error during the posting of the notice. The Ministry also stated that the comment (which was related to impacts of the proposal on caribou, a species at risk) was in fact considered during the decision-making process, but had no impact on the final decision. The Ministry has since updated the notice to correctly state that one comment was received and include a link to the comment.

RECOMMENDATION 27

To give Ontarians enough information about decisions on permits and approvals, we recommend that the Ministry of Energy, Northern Development and Mines, for all decision notices:

- clearly describe the effect, if any, of public participation on the Ministry's decision-making on the proposal, including whether participation led to any changes to the proposal; and
- provide links to the final issued approval.

MINISTRY RESPONSE

The Ministry agrees with the recommendation. As noted in the report, in April 2020, the Ministry developed and implemented a new template for decision notices for permits and approvals. In May 2020, training was provided to staff on the use of this new process document. This template instructs staff to attach a copy of the final approval document in the decision notices and to clearly note the effect of public participation had on the final decision. The Ministry has started to attach copies of issued permits to decision notices, and will continue to ensure the implementation of our template into our processes to ensure our adoption of this recommendation.

5.6 Ontarians Not Provided with Decisions or Updates for Thirteen Proposal Notices on the Environmental Registry for Over Two Years

As of March 31, 2020, the Energy and Mines Ministry had 13 proposal notices on the Environmental Registry that had been posted more than two years earlier, and had not been either closed with a decision notice or updated in the last two years. Ten of the proposal notices were for approvals of activities under the *Mining Act*, dating as far back as 2015. One of these notices was originally posted more than 10 years ago—a regulation proposal related to net electricity metering eligibility and billing. The Ministry told us that it concluded its consideration of this proposal in 2005 when the Net Metering Regulation (O. Reg. 541/05) was first approved and filed. The Net Metering Regulation has been in force since that time. The Ministry posted a new proposal in October 2020 to make changes to the regulation that would allow for the demonstration of community net metering projects. The Ministry told us that in order to “avoid the potential for stakeholder confusion” it will post a decision notice explaining the outcome of the 2005 proposal at the same time that it posts a decision notice for the current proposal.

We identified this issue in our 2019 report on the operation of the EBR Act, and recommended that the Ministry bring and keep all of its proposal notices up to date. In early 2020, the Ministry updated its internal procedures to ensure that proposals do not become outdated.

As of March 31, 2020, the Ministry had reduced by 50% the number of its proposals on the Registry that had been posted more than two years earlier, and had not been either closed with a decision notice or updated within the last two years. However, 11% of the Ministry’s proposal notices on the Registry continued to require either updates or decisions.

As of October 31, 2020, the Ministry had posted updates for seven of its 13 outdated proposal notices that were outdated as of March 31, 2020.

RECOMMENDATION 28

So that Ontarians get timely and reliable information about the Ministry of Energy, Northern Development and Mines’ decisions about the environment, we recommend that the Ministry follow its internal procedures, and bring and keep all of its proposal notices up to date, including posting decision notices for proposals that have been decided or that are otherwise no longer under consideration by the Ministry.

MINISTRY RESPONSE

The Ministry agrees with this recommendation and will continue to improve upon its procedures to ensure decisions are posted to the Registry in a timely manner.

6.0 Ministry of Government and Consumer Services—Technical Standards and Safety Authority

6.1 Overview

The Ministry of Government and Consumer Services has delegated responsibility for carrying out some of its obligations under the EBR Act to the Technical Standards and Safety Authority. This body is a not-for-profit administrative authority responsible for administering regulations under the *Technical Standards and Safety Act, 2000*, on behalf of the Ministry. The Ministry, including the Technical Standards and Safety Authority, regularly uses the Environmental Registry as part of its role in regulating technology, products and infrastructure that can create risks for public safety and the environment. See **Section 6.2** for the Ministry’s report card on compliance with the EBR Act, and **Sections 6.3** and **6.4** for our detailed findings about the Ministry’s compliance.

Figure 8: Ministry of Government and Consumer Services – Technical Standards and Safety Authority Compliance Report Card

Legend: ○ Met criteria ● Partially met criteria ● Did not meet criteria			
Criterion	2019/20 Results	OAGO Comments	2018/19 Results
1. Statement of Environmental Values (Statement)			
a. Statement is up-to-date	●	Section 6.3 —The Ministry has not updated its Statement since 2009, despite subsequent changes to its responsibilities in 2014, including the addition of consumer services. The Statement also does not yet reflect new government priorities, such as addressing climate change. Since our 2019 report, the Ministry indicated to our Office that it was in the process of updating its Statement, but the Ministry has not prepared a draft updated Statement.	●
b. Statement is considered when making decisions	○	The Ministry met this criterion. The Technical Standards and Safety Authority provided documentation that it considered its Statement for the decision notices for permits and approvals for which it was requested.	○
2. Use of the Environmental Registry (Registry)			
a. Appropriate notice of proposals is given	○	No issues came to our attention about environmentally significant proposals that were not posted on the Registry.	○
b. Time to comment is extended based on the factors in the Act	○	The Ministry met this criterion.	○
d. Proposal notices for permits, approvals and orders are informative	●	Section 6.4 —Out of the 26 proposal notices the Technical Standards and Safety Authority posted this year (all for variances from the Liquid Fuels Handling Code), seven (27%) did not provide information a reader would need to fully understand what was being proposed, including which requirements of the Liquid Fuels Handling Code it proposed to allow to not be followed.	●
e. Prompt notice of decisions is given	○	The Ministry met this criterion. The Technical Standards and Safety Authority posted 19 decision notices for variances from the Liquid Fuels Handling Code, and all but two were posted within two weeks of issuing the variances.	○
g. Decision notices for permits, approvals and orders are informative	○	The Ministry met this criterion.	○
h. Proposal notices are up-to-date	○	The Ministry met this criterion. As of March 31, 2020, the Ministry had a single proposal notice that had been on the Registry for over two years without a decision or update.	○

Note: Whether a ministry partially met or did not meet a criterion depends on the volume of non-compliance issues and/or the significance of the non-compliance issue(s) we found.

6.2 Report Card on the Government Services Ministry's Compliance with the EBR Act, 2019/20

This report card (**Figure 8**) summarizes our findings with respect to the Government Services Ministry's compliance with the *Environmental Bill of Rights, 1993* and best practices in the 2019/20 reporting year.

6.3 Statement of Environmental Values Needs Updating

The Government Services Ministry's Statement was last updated in 2009, and the Ministry's responsibilities have changed since that time, including the addition of consumer services. Further, the government's November 2018 Made-in-Ontario Environment Plan directed all ministries to update their Statements to reflect Ontario's environmental plan, to improve government's ability to consider climate change when making decisions and "make climate change a cross-government priority."

In our 2019 report, we reported that the Government Services Ministry did not have an up-to-date Statement, and recommended that the Ministry review and update its Statement. However, the Ministry did not post a proposal to update its Statement on the Environmental Registry in 2019/20. The Ministry provided our Office with a work plan and timetable for updating its Statement, to be finalized in 2020/21. However, the Ministry told our Office that it subsequently put its efforts on hold while the Ministry prioritized responding to the COVID-19 pandemic.

RECOMMENDATION 29

So that the Ministry of Government and Consumer Services' Statement of Environmental Values (Statement) reflects its current environmental values and responsibilities, we recommend that the Ministry follow its work plan and schedule for reviewing its Statement with public consultation through the Environmental Registry and updating it to reflect the Ministry's new responsibilities.

MINISTRY RESPONSE

The Ministry agrees with this recommendation and is currently in the process of updating our Statement of Environmental Values to reflect our new responsibilities and current environmental values and responsibilities.

6.4 Ministry Did Not Provide Clear Descriptions to Ontarians About Proposals for One-Quarter of Exemptions from the Liquid Fuels Handling Code that We Reviewed

In seven (27%) of the 26 proposal notices that we evaluated, the Government Services Ministry proposed to allow exemptions from the Liquid Fuels Handling Code without explaining which requirements would not be followed, or why. This lack

of clear information made it more difficult for the public to provide informed comment.

In 2019, we reported that 76% of proposal notices for exemptions did not explain which requirements would not be followed, or why, and recommended that the Ministry provide clear and easy-to-read descriptions of what is being proposed in the notices it posts on the Environmental Registry. In October 2019, the Technical Standards and Safety Authority—which posts notices about fuel handling, including exemptions, on the Environmental Registry on behalf of the Ministry—finalized and implemented new internal guidance that reminds staff to consider whether the Code and clauses that will not be followed are clearly referenced in the notice.

RECOMMENDATION 30

So that Ontarians can better understand proposals and provide informed comments on the Ministry of Government and Consumer Services—Technical Standards and Safety Authority's environmentally significant proposals for approvals posted on the Environmental Registry, we recommend that the Ministry ensure that staff are made aware of the Ministry's Clear Language Guidelines & Checklist, so that the Ministry provides clear descriptions of what is being proposed in the notices it posts on the Environmental Registry.

MINISTRY RESPONSE

The Technical Standards and Safety Authority (TSSA) agrees with this recommendation. The TSSA adopted a Clear Language Guidelines & Checklist for EBR Compliance along with a review process in response to the 2018-19 OAGO report on the EBR Act. The internal guidance has been in effect since November 2019. The new process will be used for all Environmental Registry postings.

7.0 Ministry of Transportation

7.1 Overview

The Ministry of Transportation occasionally uses the Environmental Registry, but many transportation projects are subject to the *Environmental Assessment Act*, which has its own consultation processes, making these projects exempt from the consultation requirements of the EBR Act. The Ministry is not responsible for any laws that are subject to the EBR Act's requirements. See **Section 7.2** for the Ministry's report card on compliance with the EBR Act, and **Section 7.3** for our detailed findings about the Ministry's compliance.

7.2 Report Card on the Transportation Ministry's Compliance with the EBR Act, 2019/20

This report card (**Figure 9**) summarizes our findings with respect to the Transportation Ministry's compliance with the *Environmental Bill of Rights, 1993* and best practices in the 2019/20 reporting year.

7.3 Statement of Environmental Values Needs Updating

The Transportation Ministry's Statement was last updated in 2008. The government's November 2018 Made-in-Ontario Environment Plan directed all ministries to update their Statements to reflect

Figure 9: Ministry of Transportation Compliance Report Card

Legend: ○ Met criteria ● Partially met criteria ● Did not meet criteria			
Criterion	2019/20 Results	OAGO Comments	2018/19 Results
1. Statement of Environmental Values (Statement)			
a. Statement is up-to-date	●	Section 7.3 —The Ministry's Statement has not been updated since 2008 and it does not yet reflect new government priorities, such as addressing climate change. Since our 2019 report was released, the Ministry has been working on a draft updated Statement, but the Ministry has not posted the draft Statement on the Environmental Registry for public consultation.	●
b. Statement is considered when making decisions	○	The Ministry met this criterion. The Ministry provided documentation that it considered its Statement for one decision notice for which it was requested.	○
2. Use of the Environmental Registry (Registry)			
a. Appropriate notice of proposals is given	○	No issues came to our attention about environmentally significant proposals that were not posted on the Registry.	n/a
b. Time to comment is extended based on the factors in the Act	○	The Ministry met this criterion.	n/a
c. Proposal notices for policies, acts and regulations are informative	○	The Ministry posted one proposal notice for a policy on the Registry, which met this criterion.	n/a
e. Prompt notice of decisions is given	○	The Ministry posted one decision notice for a policy on the Registry, which met this criterion.	○
f. Decision notices for policies, acts and regulations are informative	○	The Ministry posted one decision notice for a policy on the Registry, which met this criterion.	○
h. Proposal notices are up-to-date	○	The Ministry met this criterion. The Ministry had four open proposal notices as of March 31, 2020, all of which were either posted or updated within the last two years.	○

Note: Whether a ministry partially met or did not meet a criterion depends on the volume of non-compliance issues and/or the significance of the non-compliance issue(s) we found.

Ontario's environmental plan, to improve government's ability to consider climate change when making decisions and "make climate change a cross-government priority."

In 2019, we reported that the Transportation Ministry did not have an up-to-date Statement, and recommended that the Ministry review and update its Statement. Since our 2019 report was released, the Ministry has been working on a draft updated Statement, but as of October 31, 2020 it had not posted a proposal to update its Statement on the Environmental Registry.

RECOMMENDATION 31

So that the Ministry of Transportation's Statement of Environmental Values (Statement) reflects its current environmental values and responsibilities, we recommend that the Ministry review its Statement with public consultation through the Environmental Registry and update it to reflect its new priorities.

MINISTRY RESPONSE

The Ministry agrees with this recommendation. The Ministry recognizes the importance of considering the environment when making decisions regarding Acts and policies. The Ministry will continue to work with our partner ministries to update our Statement of Environmental Values to align with current government priorities, with the goal of posting a revised Statement for public consultation on the Environmental Registry by March 31, 2021.

8.0 Ministry of Agriculture, Food and Rural Affairs

8.1 Overview

The Ministry of Agriculture, Food and Rural Affairs uses the Environmental Registry as part of its

role to ensure the sustainability of agriculture in Ontario, including its impacts on the environment. The Ministry is responsible for two laws that are subject to the EBR Act's requirements: the *Nutrient Management Act, 2002* and the *Food Safety and Quality Act, 2001*. See **Section 8.2** for the Ministry's report card on compliance with the EBR Act, and **Sections 8.3** and **8.4** for our detailed findings about the Ministry's compliance.

8.2 Report Card on the Agriculture Ministry's Compliance with the EBR Act, 2019/20




















This report card (**Figure 10**) summarizes our findings with respect to the Agriculture Ministry's compliance with the *Environmental Bill of Rights, 1993* and best practices in the 2019/20 reporting year.

8.3 Ontarians Not Told or Consulted Before Ministry Abandoned Plan to Improve Pollinator Health

Through our work on another audit conducted by our Office this year, it came to our attention that the Agriculture Ministry had cancelled its Pollinator Health Action Plan (Pollinator Plan) prior to this reporting year.

Recognizing that over one-third of our diet comes from insect-pollinated plants, and about 80% of wild, flowering plant species would not exist without pollination, the Ministry released the Pollinator Plan in 2016, outlining actions to address stressors that affect pollinators. The Pollinator Plan identified ministries and organizations accountable for each action with an associated timeline for completion. Those ministries were responsible for implementing their individual actions and reporting to an inter-ministerial steering committee. The Pollinator Plan reaffirmed two previously set targets and established a third aspirational target: to restore, enhance and protect one million acres of pollinator habitat.

Figure 10: Ministry of Agriculture, Food and Rural Affairs Compliance Report Card

Legend:  Met criteria  Partially met criteria  Did not meet criteria			
Criterion	2019/20 Results	OAGO Comments	2018/19 Results
1. Statement of Environmental Values (Statement)			
a. Statement is up-to-date		In 2019, the Ministry updated its Statement, and it now reflects the Ministry's current responsibilities and new Ministry and government priorities, such as addressing climate change.	
b. Statement is considered when making decisions		The Ministry met this criterion. The Ministry provided documentation that it considered its Statement for the one decision notice for which it was requested.	
2. Use of the Environmental Registry (Registry)			
a. Appropriate notice of proposals is given		Section 8.3 —No issues came to our attention about environmentally significant proposals that were not posted on the Registry in 2019/20. However, during the course of this year's review, it came to our attention that the Ministry had, in a previous reporting year, cancelled the <i>Pollinator Health Action Plan</i> —an environmentally significant policy that outlined actions to improve pollinator health—without first consulting Ontarians.	
b. Time to comment is extended based on the factors in the Act		The Ministry met this criterion.	
c. Proposal notices for policies, acts and regulations are informative		Section 8.4 —The Ministry posted two proposal notices—one discussing potential changes to the <i>Drainage Act</i> and one proposing regulatory amendments under the <i>Nutrient Management Act, 2002</i> —and both were missing links to relevant documents that a reader would need to fully understand the proposals.	
e. Prompt notice of decisions is given		The Ministry posted two decision notices on the Registry, which met this criterion.	
f. Decision notices for policies, acts and regulations are informative		The Ministry met this criterion.	
h. Proposal notices are up-to-date		The Ministry met this criterion. The Ministry had four open proposal notices as of March 31, 2020, all of which were either posted or updated within the last two years.	

Note: Whether a ministry partially met or did not meet a criterion depends on the volume of non-compliance issues and/or the significance of the non-compliance issue(s) we found.

Although the Ministry could not provide us with documentation identifying the exact date the Pollinator Plan and its targets were cancelled, nor the rationale, Ministry staff indicated that the Pollinator Plan as an overarching initiative and its targets have been cancelled. The Ministry later told us that “although the banner of the title—Pollinator Health Action Plan—is no longer used, many of the actions and support work under the Pollinator Plan continue.”

Regardless of work on pollinator health that may be being undertaken by various ministries, the Pollinator Plan can no longer be found on the government's website, and the underlying governance structure to support implementation of the Pol-

linator Plan is not active. Further, some elements of the Pollinator Plan—such as the target to restore, enhance and protect one million acres of pollinator habitat, and a survey of bumble bee diversity and abundance in southwestern Ontario—are no longer being undertaken.

It appears that the Ministry made the decision to cancel, or started the process of cancelling, the Pollinator Plan as an overarching initiative in the second half of 2018—before the 2019/20 reporting year—when the web content on the Pollinator Plan was archived as work of the previous government. Documentation that we reviewed shows that the inter-ministerial steering committee, sub-committee, co-ordination team and working groups

associated with the Pollinator Plan stopped meeting in the summer of 2018.

The Ministry did not notify or consult the public on this decision through the Environmental Registry, as required under the EBR Act. As a result, pollinator researchers, both outside and within provincial ministries, as well as the public, were unaware that the Pollinator Plan and its targets had been cancelled.

The EBR Act requires prescribed ministries to give notice to and consult Ontarians not only when they propose to make new policies, but also when they propose to change, revoke or repeal existing policies. The cancellation of the Pollinator Plan—an environmentally significant policy—falls within this class of proposals. Ontarians were entitled to be told and consulted when the Ministry decided that it would no longer take action to improve pollinator health under the framework of the Pollinator Plan, regardless of activities ministries may be undertaking.

While the Ministry's decision did not take place during 2019/20, we are reporting on this finding now to highlight the importance of consulting Ontarians about all environmentally significant proposals, as required by the EBR Act.

RECOMMENDATION 32

To give effect to Ontarians' right to be notified and consulted when the Ministry of Agriculture, Food and Rural Affairs proposes to amend, revoke or repeal an environmentally significant policy, we recommend that the Ministry post a proposal notice for public consultation on the Environmental Registry, as required by the *Environmental Bill of Rights, 1993*.

MINISTRY RESPONSE

The Ministry agrees with this recommendation. The Ministry is committed to meeting its obligations as a prescribed ministry under the EBR Act.

The Ministry will update its EBR Act training materials by July 2021. Updated training materi-

als will include direction that proposal notices for amending, revoking and repealing environmentally significant policies need to be posted on the Environmental Registry of Ontario.

8.4 Proposal Notices Did Not Include Links to Supporting Documents

The Agriculture Ministry posted two proposal notices on the Environmental Registry in 2019/20: one for changes to the *Drainage Act* and one for changes to the general regulation under the *Nutrient Management Act, 2002*. Both notices otherwise met criteria and included copies of some key supporting material, such as a discussion paper on the *Drainage Act* proposal, and a summary document for the regulatory proposal, respectively. However, neither notice included a link to the relevant act, which would have helped members of the public to better access and understand information about the proposals, and provide more informed comments to the Ministry.

RECOMMENDATION 33

To give members of the public enough information about government proposals that might have a significant effect on the environment, we recommend that the Ministry of Agriculture, Food and Rural Affairs provide links to all key supporting information, including links to all relevant acts.

MINISTRY RESPONSE

The Ministry agrees with this recommendation. The Ministry is committed to ensuring the public has appropriate information about government proposals that might be environmentally significant so that they make participate in the government decision-making process.

The Ministry will revise internal processes to ensure all key supporting information, including links to all relevant acts, are included in future proposal notices.

9.0 Ministry of Heritage, Sport, Tourism and Culture Industries

9.1 Overview

In 2019/20, the Ministry of Tourism, Culture and Sport was renamed the Ministry of Heritage, Sport, Tourism and Culture Industries. The Ministry is responsible for the *Ontario Heritage Act*, which is subject to the EBR Act's requirements. However, the Ministry uses the Environmental Registry infrequently as its programs rarely directly affect the environment. See **Section 9.2** for the Ministry's report card on compliance with the EBR Act, and **Section 9.3** for our detailed findings about the Ministry's compliance.












9.2 Report Card on the Tourism Ministry's Compliance with the EBR Act, 2019/20

This report card (**Figure 11**) summarizes our findings with respect to the Tourism Ministry's compliance with the *Environmental Bill of Rights, 1993* and best practices in the 2019/20 reporting year.

9.3 Over Two Weeks Taken to Give Notice to Ontarians of Two Ministry Decisions

The Tourism Ministry took over two weeks to give notice of both decisions that it made in 2019/20. While the Ministry gave notice of its decision not to release a proposed guide to cultural heritage resources in the land use planning process 16 days after the Ministry made that decision, the Ministry did not

Figure 11: Ministry of Heritage, Sport, Tourism and Culture Industries Compliance Report Card

Legend:  Met criteria  Partially met criteria  Did not meet criteria			
Criterion	2019/20 Results	OAGO Comments	2018/19 Results
1. Statement of Environmental Values (Statement)			
a. Statement is up-to-date		The Ministry last updated its Statement in 2008. In September 2020, the Ministry posted a proposal for an updated Statement that reflects changes to the Ministry's structure and mandate, and new government priorities, such as addressing climate change. The proposal is still within the time frame allowed in the EBR Act before being finalized.	
b. Statement is considered		The Ministry met this criterion. The Ministry provided documentation that it considered its Statement for the one decision notice for which it was requested.	n/a
2. Use of the Environmental Registry (Registry)			
a. Appropriate notice of proposals is given		No issues came to our attention about environmentally significant proposals that were not posted on the Registry.	n/a
b. Time to comment is extended based on the factors in the Act		The Ministry met this criterion.	n/a
c. Proposal notices for policies, acts and regulations are informative		The Ministry posted one proposal notice on the Registry for an act, which met this criterion.	n/a
e. Prompt notice of decisions is given		Section 9.3 —The Ministry posted two decision notices on the Registry, one for a policy and one for an act, both of which were posted more than two weeks after the decision was made.	n/a
f. Decision notices for policies, acts and regulations are informative		The Ministry met this criterion.	n/a

Note: Whether a ministry partially met or did not meet a criterion depends on the volume of non-compliance issues and/or the significance of the non-compliance issue(s) we found.

post a notice to inform the public of amendments to the *Ontario Heritage Act* until over two-and-a-half months after amendments were made.

The Ministry told our Office that it delayed posting the decision notice for the *Ontario Heritage Act* amendments because of the June 20, 2019 Cabinet shuffle which resulted in a new Minister, and that the Ministry waited to “allow sufficient time for the new Minister to be briefed.” However, by the time the new Minister was appointed, the amendments to the *Ontario Heritage Act* had already been made by the *More Homes, More Choice Act, 2019*, which received third reading on June 6, 2019. The EBR Act requires ministries to give notice of decisions about acts as soon as reasonably possible after the bill that would implement the act receives third reading, when the bill is voted on for final approval.

RECOMMENDATION 34

To give Ontarians prompt notice of its environmentally significant decisions, we recommend that the Ministry of Heritage, Sport, Tourism and Culture Industries:

- establish a service standard to post decision notices within two weeks from the date that a proposed act is passed, a regulation is filed, or a policy is implemented; and
- post all decision notices on the Environmental Registry as soon as reasonably possible, which should be within two weeks from the date that a proposed act is passed, a regulation is filed, or a policy is implemented.

MINISTRY RESPONSE

The Ministry is committed to posting all decision notices on the Environmental Registry as soon as reasonably possible. The Ministry will establish a service standard to ensure that every effort is made to post decision notices on the Environmental Registry as soon as reasonably possible, and within two weeks when possible, once a decision is made.

10.0 Ministry of Health

10.1 Overview

In 2019/20, the Ministry of Health and Long-Term Care was split into the Ministry of Health and the Ministry of Long-Term Care. For 2019/20, our Office reviewed the new Ministry of Long-Term Care’s compliance with the EBR Act in conjunction with our review of the Ministry of Health, including progress on the development of new, separate Statements of Environmental Values. Our Office will start to issue a separate report card on the new Ministry of Long-Term Care’s compliance with the EBR Act in 2020/21.

The Ministry of Health is responsible for the *Health Protection and Promotion Act*, which is subject to the EBR Act’s requirements. However, the Ministry seldom uses the Environmental Registry as its programs rarely directly affect the environment. See **Section 10.2** for the Ministry’s report card on compliance with the EBR Act.

10.2 Report Card on the Health Ministry’s Compliance with the EBR Act, 2019/20

This report card (**Figure 12**) summarizes our findings with respect to the Health Ministry’s compliance with the *Environmental Bill of Rights, 1993* and best practices in the 2019/20 reporting year.

11.0 Ministry of Infrastructure

11.1 Overview

The Ministry of Infrastructure uses the Environmental Registry infrequently as many projects are carried out by Infrastructure Ontario, which is not subject to the EBR Act. The Ministry is not responsible for any laws that are subject to the EBR Act’s requirements. See **Section 11.2** for the Ministry’s

Figure 12: Ministry of Health Compliance Report Card

Legend: ○ Met criteria ● Partially met criteria ● Did not meet criteria			
Criterion	2019/20 Results	OAGO Comments	2018/19 Results
1. Statement of Environmental Values (Statement)			
a. Statement is up-to-date	○	The Ministry last updated its Statement in 2008. In September 2020, the Ministry posted a proposal for an updated Statement that reflects changes to the Ministry's structure and mandate, and new government priorities, such as addressing climate change. The draft updated Statement also includes a commitment to review the Statement every five years. The proposal is still within the time frame allowed in the EBR Act before being finalized.	●
2. Use of the Environmental Registry (Registry)			
a. Appropriate notice of proposals is given	○	No issues came to our attention about environmentally significant proposals that were not posted on the Registry.	n/a

Note: Whether a ministry partially met or did not meet a criterion depends on the volume of non-compliance issues and/or the significance of the non-compliance issue(s) we found.

report card on compliance with the EBR Act, and **Sections 11.3 and 11.4** for our detailed findings about the Ministry's compliance.

11.2 Report Card on the Infrastructure Ministry's Compliance with the EBR Act, 2019/20

This report card (**Figure 13**) summarizes our findings with respect to the Infrastructure Ministry's compliance with the *Environmental Bill of Rights, 1993* and best practices in the 2019/20 reporting year.

11.3 Ministry Did Not Provide Evidence That It Considered its Statement of Environmental Values When It Made Decisions About Municipal Asset Management Planning

In response to a request for evidence that the Infrastructure Ministry had considered its Statement when it made environmentally significant decisions in 2019/20, the Ministry provided our Office with a document that explained how two decisions that the Ministry made related to municipal asset management planning aligned with the Ministry's

commitments in its Statement. However, the document did not demonstrate that the Ministry had considered its Statement at the time that it made those decisions.

RECOMMENDATION 35

To adhere to the requirements of the *Environmental Bill of Rights, 1993* to consider its Statement of Environmental Values whenever it makes a decision that might significantly affect the environment, and to provide Ontarians with greater transparency and accountability about its decision-making, we recommend that the Ministry of Infrastructure consider its Statement at the time that it makes a decision that might significantly affect the environment, and document that consideration concurrently with the decision-making.

MINISTRY RESPONSE

The Ministry agrees with this recommendation. The Ministry takes its responsibilities under the EBR Act very seriously and appreciates the input and recommendation of the Auditor General.

Going forward, the Ministry will better document our consideration of our Statement of Environmental Values when making a decision that might significantly affect the environment.

Figure 13: Ministry of Infrastructure Compliance Report Card

Legend: ○ Met criteria ● Partially met criteria ● Did not meet criteria			
Criterion	2019/20 Results	OAGO Comments	2018/19 Results
1. Statement of Environmental Values (Statement)			
a. Statement is up-to-date	○	The Ministry last updated its Statement in 2015. In March 2020, the Ministry posted a proposal for an updated Statement that reflects the Ministry's mandate and new government priorities, such as addressing climate change. The draft updated Statement also includes a commitment to review the Statement every five years. The proposal is still within the time frame allowed in the EBR Act before being finalized.	●
b. Statement is considered	●	Section 11.3 —The Ministry posted four decision notices for policies, acts and regulations in 2019/20. The Ministry explained to the OAGO how two of the Ministry's decisions related to municipal asset management planning aligned with the Ministry's commitments in its Statement. However, the document did not demonstrate that the Ministry considered its Statement at the time that it made those decisions.	n/a
2. Use of the Environmental Registry (Registry)			
a. Appropriate notice of proposals is given	○	No issues came to our attention about environmentally significant proposals that were not posted on the Registry.	○
b. Time to comment is extended based on the factors in the Act	○	The Ministry met this criterion.	○
c. Proposal notices for policies, acts and regulations are informative	○	The Ministry posted one proposal notice on the Registry for a policy, which met this criterion.	○
e. Prompt notice of decisions is given	●	Section 11.4 —The Ministry posted four decision notices this year. Three of those notices (75%) were posted more than two weeks after the decision was made.	n/a
f. Decision notices for policies, acts and regulations are informative	○	The Ministry met this criterion.	n/a
h. Proposal notices are up-to-date	○	The Ministry met this criterion. The Ministry had a single open proposal notice as of March 31, 2020, which was posted within the last two years.	●

Note: Whether a ministry partially met or did not meet a criterion depends on the volume of non-compliance issues and/or the significance of the non-compliance issue(s) we found.

11.4 Ministry Took Over Two Weeks to Give Notice of Three of the Four Decision Notices Posted

The Infrastructure Ministry took more than two weeks to give notice of three of the four decisions that the Ministry posted on the Environmental Registry in 2019/20. The Ministry posted a decision notice in March 2020 related to a proposal for the Ministry's Long-Term Infrastructure Plan, which was finalized in 2017. The Ministry also took 16 months to give notice that a regulation related to municipal asset management planning was filed, and to post a decision notice for a related policy decision.

The Ministry told us that it wanted to post the two decision notices related to municipal asset management planning concurrently given their linkage, but that it also wanted to delay posting the decision notices until after “proposed tools and supports (e.g., training and educational resources) designed to help municipalities comply with the regulation were publicly announced.” This process took several months. The Ministry told us that the 2018 provincial election lengthened the delay further.

The EBR Act requires ministries to post each decision notice on the Registry “as soon as reasonably possible” after the decision is made. Under the EBR Act, a decision on a regulation is considered

to have been made on the date the regulation is filed. The Ministry's plan to produce training and educational resources could have been communicated in decision notices posted within two weeks of the Ministry making the decisions. Timely notice is important for transparency and to provide accountability for the outcome of a proposal. Several ministries have adopted a service standard to post decision notices on the Environmental Registry within two weeks of making a decision, however, the Infrastructure Ministry has not.

RECOMMENDATION 36

To give Ontarians prompt notice of its environmentally significant decisions, we recommend that the Ministry of Infrastructure:

- establish a service standard to post decision notices within two weeks from the date that a proposed act is passed or a policy is implemented; and
- post all decision notices on the Environmental Registry as soon as reasonably possible, which should be within two weeks from the date that a proposed act is passed or a policy is implemented.

MINISTRY RESPONSE

The Ministry agrees with this recommendation. The Ministry of Infrastructure takes its responsibilities under the EBR Act very seriously and appreciates the input and recommendation of the Auditor General.

The Ministry will develop an internal service standard for posting decision notices on the Environmental Registry as soon as reasonably possible from the date that a proposed act is passed or a policy is implemented, which should typically be within two weeks. This will enhance transparency and accountability in our decision-making.

12.0 Ministry of Economic Development, Job Creation and Trade

12.1 Overview

The Ministry of Economic Development, Job Creation and Trade uses the Environmental Registry relatively infrequently as its programs rarely directly affect the environment. The Ministry is not responsible for any laws that are subject to the EBR Act's requirements. In 2019/20, an Associate Minister of Small Business and Red Tape Reduction was created within the Economic Development Ministry to find ways to modernize regulations and reduce red tape, easing regulatory burdens on businesses and promoting job creation. See **Section 12.2** for the Ministry's report card on compliance with the EBR Act, and **Sections 12.3 to 12.5** for our detailed findings about the Ministry's compliance.

12.2 Report Card on the Economic Development Ministry's Compliance with the EBR Act, 2019/20

This report card (**Figure 14**) summarizes our findings with respect to the Economic Development Ministry's compliance with the *Environmental Bill of Rights, 1993* and best practices in the 2019/20 reporting year.

12.3 Ontarians Not Provided Enough Time to Provide Informed Feedback on a Significant Proposal

In 2019/20, the Economic Development Ministry posted one proposal notice for an act, Bill 132, the *Better for People, Smarter for Business Act, 2019*, providing the minimum of 30 days for public comment required by the EBR Act. While the Ministry met

Figure 14: Ministry of Economic Development, Job Creation and Trade Compliance Report Card

Legend: ○ Met criteria ● Partially met criteria ● Did not meet criteria			
Criterion	2019/20 Results	OAGO Comments	2018/19 Results
1. Statement of Environmental Values (Statement)			
a. Statement is up-to-date	○	The Ministry's Statement, which was last updated in 2017 (when the Ministry was the Ministry of Economic Development and Growth) reflects the Ministry's current responsibilities and new government priorities, such as addressing climate change. However, the Statement does not reflect the Ministry's current name.	○
b. Statement is considered	○	The Ministry met this criterion.	○
2. Use of the Environmental Registry (Registry)			
a. Appropriate notice of proposals is given	○	No issues came to our attention about environmentally significant proposals that were not posted on the Registry.	○
b. Time to comment is extended based on the factors in the Act	●	Section 12.3 —The Ministry provided the statutory 30 days to comment on a proposal for Bill 132, the proposed <i>Better for People, Smarter for Business Act, 2019</i> , which contained proposed changes to numerous environmentally significant pieces of legislation. Considering that many commenters would probably be commenting on this proposal as well as a number of other proposals contained in the omnibus bill and posted to the Registry at the same time and for the same amount of time, the Ministry would have received more informed feedback if it had provided more time to comment.	○
c. Proposal notices for policies, acts and regulations are informative	●	Section 12.4 —The Ministry posted one proposal notice for omnibus Bill 132, the proposed <i>Better for People, Smarter for Business Act, 2019</i> . The Ministry did not adequately describe the potential environmental implications of the proposed changes to numerous environmentally significant acts proposed in the bill.	○
e. Prompt notice of decisions is given	●	Section 12.5 —The Ministry posted two decision notices this year, both of which were posted more than two weeks after the decisions were made.	n/a
f. Decision notices for policies, acts and regulations are informative	○	The Ministry met this criterion.	n/a

Note: Whether a ministry partially met or did not meet a criterion depends on the volume of non-compliance issues and/or the significance of the non-compliance issue(s) we found.

the minimum requirements for public consultation, the public could have benefitted from more time to comment, given the complexity of the proposal.

Bill 132 proposed changes to several environmentally significant acts including the *Environmental Protection Act*, the *Pesticides Act*, and the *Aggregate Resources Act*. Nine proposal notices containing details of these proposed changes were posted separately on the Registry by various ministries at the same time as the proposal for Bill 132 itself. Organizations and individuals who wanted to comment on more than one of the nine proposals may not have had enough time to provide meaningful comments. One commenter noted that the 30-day comment period was too short for the public to understand and provide meaningful input on changes to multiple environmental laws.

The Ministry did not provide documentation to demonstrate that it considered extending the time provided to the public to comment on the proposal through the Environmental Registry. The Ministry told us that it held public consultations during the legislative approvals process for the Bill to provide stakeholders with additional opportunities to provide feedback. The Ministry held public consultations on November 21, 22, and 25—within six days of the close of the comment period for the Registry proposal.

These additional venues for consultation did not provide more time for the public to understand the proposal and submit comments through the process provided in the EBR Act.

RECOMMENDATION 37

So that Ontarians can understand and provide more informed input on environmentally significant proposals to the Ministry of Economic Development, Job Creation and Trade, we recommend that the Ministry extend the Environmental Registry comment period beyond 30 days for significant and complex proposals.

MINISTRY RESPONSE

The Ministry agrees with this recommendation. So that Ontarians can understand and provide more informed input on environmentally significant proposals to the Ministry, the Ministry will extend the comment period beyond 30 days for significant and complex proposals.

12.4 Ministry Did Not Provide Ontarians With a Clear Description of the Environmental Implications of Bill 132

The Economic Development Ministry posted a single proposal notice on the Registry in 2019/20, for Bill 132, the *Better for People, Smarter for Business Act, 2019*. The bill included many proposed changes to environmentally significant acts, each with their own potential environmental impacts. The notice directed readers to individual proposal notices posted by the ministries responsible for the environmentally significant changes included in the bill, but did not provide information about what many of those changes were or how they would affect the environment (for example, the notice indicated that three laws administered by the Natural Resources Ministry would be amended, but did not name those laws or how the proposed changes would affect the environment).

While it was appropriate to direct readers to the more detailed individual proposal notices about environmentally significant aspects of the bill, in the absence of even a very brief description in the Ministry's proposal notice of the environmentally significant aspects of the bill, readers did not have

the information needed to determine which proposals they might wish to learn more about and be fully informed to provide constructive input for the Ministry to consider.

RECOMMENDATION 38

So that Ontarians can understand and provide more informed feedback to the Ministry of Economic Development, Job Creation and Trade, we recommend that the Ministry describe the environmental implications of each proposal posted on the Environmental Registry.

MINISTRY RESPONSE

The Ministry agrees with this recommendation. The Ministry will describe the environmental implications of each proposal posted on the Environmental Registry.

12.5 Ministry Took Over Two Weeks to Give Notice to Ontarians of Two Environmentally Significant Decisions

The Economic Development Ministry took over two weeks to give notice of two decisions in 2019/20. Both decisions related to omnibus bills that included many environmentally significant changes to different laws, and received significant public interest. The Ministry posted a decision notice for Bill 66, the *Restoring Ontario's Competitiveness Act, 2018*—a proposal that received over 26,000 comments from the public—324 days, or almost 11 months, after the bill passed. The Ministry also posted a decision notice for Bill 132, the *Better for People, Smarter for Business Act, 2019*, 77 days, or about two and a half months, after the bill passed. The Ministry told us that its approval processes to finalize decision notices for posting on the Environmental Registry took longer than expected because of organizational restructuring including a Cabinet shuffle and staffing changes.

Timely notice is important for transparency and to provide accountability for the outcome of a

proposal. Several ministries have adopted a service standard to post decision notices on the Environmental Registry within two weeks of making a decision. However, the Economic Development Ministry has not.

RECOMMENDATION 39

To give the public prompt notice of its environmentally significant decisions, we recommend that the Ministry of Economic Development, Job Creation and Trade:

- establish a service standard to post decision notices within two weeks from the date that a proposed act is passed or a policy is implemented; and
- post all decision notices on the Environmental Registry as soon as reasonably possible, which should be within two weeks from the date that a proposed act is passed or a policy is implemented.

MINISTRY RESPONSE

The Ministry agrees with this recommendation. To give the public prompt notice of its environmentally significant decisions, the Ministry:

- will follow the Ministry of the Environment, Conservation and Parks' guideline to post a decision notice within two weeks from the date that a proposed act is passed or a policy is implemented; and

- will post all decision notices on the Environmental Registry as soon as reasonably possible, which should be within two weeks from the date that a proposed act is passed or a policy is implemented.

13.0 Ministry of Indigenous Affairs








13.1 Overview

The Ministry of Indigenous Affairs seldom uses the Environmental Registry as its programs rarely directly affect the environment. The Ministry is not responsible for any laws that are subject to the EBR Act's requirements. The Ministry met the criterion for the responsibility that it carried out in 2019/20. See **Section 13.2** for the Ministry's report card on compliance with the EBR Act.

13.2 Report Card on the Indigenous Affairs Ministry's Compliance with the EBR Act, 2019/20

This report card (**Figure 15**) summarizes our findings with respect to the Indigenous Affairs Ministry's compliance with the *Environmental Bill of Rights, 1993* and best practices in the 2019/20 reporting year.

Figure 15: Ministry of Indigenous Affairs Compliance Report Card

Legend:  Met criteria  Partially met criteria  Did not meet criteria			
Criterion	2019/20 Results	OAGO Comments	2018/19 Results
1. Statement of Environmental Values (Statement)			
a. Statement is up-to-date		The Ministry's Statement, which was last updated in 2018 (when the Ministry was the Ministry of Indigenous Relations and Reconciliation), reflects the Ministry's current responsibilities and new government priorities, such as addressing climate change. However, the Statement does not reflect the Ministry's current name.	
2. Use of the Environmental Registry (Registry)			
a. Appropriate notice of proposals is given		No issues came to our attention about environmentally significant proposals that were not posted on the Registry.	

Note: Whether a ministry partially met or did not meet a criterion depends on the volume of non-compliance issues and/or the significance of the non-compliance issue(s) we found.

14.0 Ministry of Education

14.1 Overview

The Ministry of Education seldom uses the Environmental Registry, as curricula are not subject to the EBR Act and its remaining programs rarely directly affect the environment. The Ministry is not responsible for any laws that are subject to the EBR Act's requirements. See **Section 14.2** for the Ministry's report card on compliance with the EBR Act, and **Section 14.3** for our detailed findings about the Ministry's compliance.

14.2 Report Card on the Education Ministry's Compliance with the EBR Act, 2019/20

This report card (**Figure 16**) summarizes our findings with respect to the Education Ministry's compliance with the *Environmental Bill of Rights, 1993* and best practices in the 2019/20 reporting year.

14.3 Statement of Environmental Values Needs Updating

The Education Ministry's Statement was last updated in 2013. Since then, the government's November 2018 Made-in-Ontario Environment Plan

directed all ministries to update their Statements to reflect Ontario's environmental plan, to improve government's ability to consider climate change when making decisions and "make climate change a cross-government priority."

In 2019, we reported that the Ministry did not have an up-to-date Statement, and recommended that the Ministry review and update its Statement. Since our 2019 report was released, the Ministry has been working on a draft updated Statement, but as of October 31, 2020 it had not posted a proposal to update its Statement on the Environmental Registry.








RECOMMENDATION 40

So that the Ministry of Education's Statement of Environmental Values (Statement) reflects its current environmental values and responsibilities, we recommend that the Ministry complete its review of its Statement with public consultation through the Environmental Registry and update it to reflect its new priorities.

MINISTRY RESPONSE

The Ministry agrees with the recommendation to update the Ministry's Statement of Environmental Values. We have begun the process of reviewing the Statement with the goal of finalizing our revised Statement by March 2021. As noted in the Auditor General's report, the

Figure 16: Ministry of Education Compliance Report Card

Legend:  Met criteria  Partially met criteria  Did not meet criteria			
Criterion	2019/20 Results	OAGO Comments	2018/19 Results
1. Statement of Environmental Values (Statement)			
a. Statement is up-to-date		Section 14.3 —The Ministry has not updated its Statement since 2013 and it does not yet reflect new government priorities, such as addressing climate change. Since our 2019 report was released, the Ministry has been working on a draft updated Statement, but the Ministry has not posted the draft Statement on the Environmental Registry for public consultation.	
2. Use of the Environmental Registry (Registry)			
a. Appropriate notice of proposals is given		No issues came to our attention about environmentally significant proposals that were not posted on the Registry.	

Note: Whether a ministry partially met or did not meet a criterion depends on the volume of non-compliance issues and/or the significance of the non-compliance issue(s) we found.

Ministry has drafted a revision of the Statement and will be posting it to the Environmental Registry of Ontario for public consultation.

ance with the *Environmental Bill of Rights, 1993* and best practices in the 2019/20 reporting year.

15.0 Ministry of Labour, Training and Skills Development

15.1 Overview

In 2019/20, the Ministry of Labour became the Ministry of Labour, Training and Skills Development. The Labour Ministry seldom uses the Environmental Registry as its programs rarely directly affect the environment. The Ministry is not responsible for any laws that are subject to the EBR Act's requirements. See **Section 15.2** for the Ministry's report card on compliance with the EBR Act, and **Section 15.3** for our detailed findings about the Ministry's compliance.

15.2 Report Card on the Labour Ministry's Compliance with the EBR Act, 2019/20

This report card (**Figure 17**) summarizes our findings with respect to the Labour Ministry's compli-

15.3 Statement of Environmental Values Needs Updating

The Labour Ministry's Statement was last updated in 2008. In October 2019, the Ministry assumed responsibilities from the former Ministry of Training, Colleges and Universities. Further, the government's November 2018 Made-in-Ontario Environment Plan directed all ministries to update their Statements to reflect Ontario's environmental plan, to improve government's ability to consider climate change when making decisions and "make climate change a cross-government priority."

In 2019, we reported that the Ministry did not have an up-to-date Statement, and recommended that it review and update its Statement. Since our 2019 report was released, the Ministry has been working on a draft updated Statement, but as of October 31, 2020 it had not posted a proposal to update its Statement on the Environmental Registry.

RECOMMENDATION 41

So that the Ministry of Labour, Training and Skills Development's Statement of Environmental Values (Statement) reflects its current

Figure 17: Ministry of Labour, Training and Skills Development Compliance Report Card

Legend: ○ Met criteria ● Partially met criteria ● Did not meet criteria			
Criterion	2019/20 Results	OAGO Comments	2018/19 Results
1. Statement of Environmental Values (Statement)			
a. Statement is up-to-date	●	Section 15.3 —The Ministry has not updated its Statement since 2008 and it does not yet reflect new government priorities, such as addressing climate change. Since our 2019 report was released, the Ministry has been working on a draft updated Statement, but the Ministry has not posted the draft Statement on the Environmental Registry for public consultation.	●
2. Use of the Environmental Registry (Registry)			
a. Appropriate notice of proposals is given	○	No issues came to our attention about environmentally significant proposals that were not posted on the Registry.	n/a

Note: Whether a ministry partially met or did not meet a criterion depends on the volume of non-compliance issues and/or the significance of the non-compliance issue(s) we found.

environmental values and responsibilities, we recommend that the Ministry complete its review of its Statement with public consultation through the Environmental Registry and update it to reflect its new priorities.

MINISTRY RESPONSE

The Ministry agrees with this recommendation.

16.0 Treasury Board Secretariat

16.1 Overview







The Treasury Board Secretariat seldom uses the Environmental Registry as its programs rarely dir-

ectly affect the environment. The Treasury Board is not responsible for any laws that are subject to the EBR Act's requirements. The Treasury Board met the criterion for the responsibility that it carried out in 2019/20. See **Section 16.2** for the Ministry's report card on compliance with the EBR Act.

16.2 Report Card on the Treasury Board's Compliance with the EBR Act, 2019/20

This report card (**Figure 18**) summarizes our findings with respect to the Treasury Board's compliance with the *Environmental Bill of Rights, 1993* and best practices in the 2019/20 reporting year.

Figure 18: Treasury Board Secretariat Compliance Report Card

Legend:  Met criteria  Partially met criteria  Did not meet criteria			
Criterion	2019/20 Results	OAGO Comments	2018/19 Results
1. Statement of Environmental Values (Statement)			
a. Statement is up-to-date		The Ministry last updated its Statement in 2017, and its Statement reflects the Ministry's responsibilities and new government priorities, such as addressing climate change.	
2. Use of the Environmental Registry (Registry)			
a. Appropriate notice of proposals is given		No issues came to our attention about environmentally significant proposals that were not posted on the Registry.	n/a

Note: Whether a ministry partially met or did not meet a criterion depends on the volume of non-compliance issues and/or the significance of the non-compliance issue(s) we found.



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