



Operation of the *Environmental Bill of Rights, 1993*

Chapter 2: Ministry Report Cards

2019/20 Review

Why We Did This Audit

- Chapter 2 presents our findings regarding 15 Ontario government ministries' (prescribed ministries) compliance with the *Environmental Bill of Rights, 1993* (EBR Act), including best practices to give effect to the environmental protection purposes of the EBR Act.
- Our findings for the April 1, 2019 to March 31, 2020 time period are summarized in report cards for each ministry that identify areas of non-compliance with the EBR Act and best practices.

Why It Matters

- Ministry report cards enable our Office to compare ministries' compliance with the EBR Act, including best practices, from year to year and across ministries.
- The results form the basis for recommendations that, if implemented, can lead to greater transparency and accountability and more meaningful public participation in environmentally significant decisions.

What We Found

- Prescribed ministries had many instances of non-compliance with the EBR Act, including best practices to give effect to the purposes of the EBR Act, and overall compliance worsened in 2019/20.
- Five ministries had still not updated their Statements of Environmental Values to reflect their current mandates and government priorities such as climate change.
- Ontarians were not given appropriate notice of three environmentally significant proposals, or adequate time to comment on four complex and significant proposals.
- Ministries did not give all of the information needed for Ontarians to fully understand and provide meaningful comments on many proposals posted on the Environmental Registry, including information about the environmental implications about the proposals.
- Ministries did not give all of the information needed for Ontarians to fully understand many decisions posted on the Environmental Registry, or describe the effect of public participation on some decisions.
- Ministries did not keep many proposal notices on the Environmental Registry up to date, or notify the public of many decisions in a timely manner.
- The Ministry of the Environment, Conservation and Parks (Environment Ministry) had not concluded five reviews of environmental matters requested by Ontarians within a reasonable time.
- The Environment Ministry did not fully comply with its new responsibilities to provide educational programs about the EBR Act to the public and give notice of appeals.

Conclusions

- The prescribed ministries' instances of non-compliance with their responsibilities under the EBR Act, including best practices to give effect to the purposes of the EBR Act, prevented the effective operation of the EBR Act in 2019/20.
- The two ministries with the highest level of activity under the EBR Act, the Environment Ministry and the Ministry of Natural Resources and Forestry, had low compliance—not meeting or only partially meeting 75% and 60% of criteria, respectively—and their level of compliance declined from 2018/19 to 2019/20.