



## **Written Submission on Ontario Government Consultations to Produce a List of Projects to be Subject to Comprehensive Environmental Assessment (EA)**

November 6, 2020

### **Overview**

The Toronto Region Board of Trade (“the Board”) is pleased to submit this response to the Ontario Government’s consultations to improve the province’s environmental assessment process, particularly with respect to the creation of a list of projects that will be subject to comprehensive environmental assessment.

The Board has been active in working with partners to advance recovery from the pandemic through the Reimagining Recovery Framework. As part of this process, the need for significant investment to improve the province’s infrastructure has been identified as a critical need in order to maintain economic competitiveness and to create jobs. As much of the Toronto Region’s infrastructure is struggling to meet the needs of this growing community, it is essential to deliver these investments as rapidly as possible, while ensuring that there are not harmful effects to the environment.

The Board supports the initiative to reform the EA process, and notes the need to provide greater harmonization with the Federal approach and to streamline the process for projects that will not have a significant environmental impact.

The remainder of the Board’s recommendations are detailed below.

### **About the Toronto Region Board of Trade**

- The Board advocates on behalf of the business community for policy change to drive the growth and competitiveness of the Toronto Region. The Board is actively working with organizations of all sizes to support the safe re-opening of the economy, which includes enabling a business environment that allows innovators to provide solutions that benefit society and public safety.
- Infrastructure is a key area of policy interest for the Board, and the Board is working actively on helping to find ways to deliver infrastructure more rapidly and economically, with due attention paid to potential environmental harms.

## **Recommendations**

The key objective of the Board and of its members in pursuing this reform to the environmental assessment system is to create a process that is clear, consistent, and predictable. Every effort should also be made to harmonize federal and provincial requirements. Organizations developing critical infrastructure in Ontario must be able to undertake a project with a full understanding of the requirements that they will need to meet and of the timelines for review.

As a result, there need to be clear timelines for all environmental assessment and related procedures. Review periods should be specifically defined, including timelines for addressing bump-up requests to the minister.

New projects should unquestionably meet all of the conditions needed to ensure that they do not have an unduly negative impact on the environment, but the process of determining those conditions should not need to take many years to reach a conclusion. It is therefore essential to eliminate duplication wherever possible. For example, it should be possible to consolidate some types of hearings that are performed as part of the environmental assessment process and part of other related processes. If a project triggers both a federal and provincial process, only a single assessment should be required.

While the list of proposed projects to be subject to comprehensive assessment is broadly well-chosen, it is essential to ensure that the criteria for inclusion are well-considered. Recognizing that some type of quantifiable metric is best suited to determining inclusion, the length, for example, of a highway, rail line, or hydro corridor is not necessarily the most appropriate criterion for determining potential environmental impact.

A longer project that does not touch on environmentally significant geographical areas may not require such detailed assessment, while a shorter project that directly affect a provincially significant natural area may require more detailed assessment. Consideration of additional criteria for inclusion and exclusion from the comprehensive process may be able to make the list better tailored to genuine environmental needs without unduly burdening project proponents.

While the proposal noted that rail and highway projects within existing rights-of-way would be subject to a streamlined process, this consideration should be clarified to facilitate construction in shared rights-of-way. For example, a hydro corridor in an existing highway right-of-way need not face the same evaluation as a corridor on an entirely greenfield right-of-way.

A key consideration is the need for consistency and proportionality. In order to streamline the regulatory burden on project proponents while maintaining critical environmental standards, it is important to harmonize wherever possible with federal requirements. For example, the current proposal subjects electricity transmission corridors to comprehensive assessment when they are greater than 50 km in length, while the federal requirement applies only to projects above 75 km in length. The proposal only subjects a new expressway to comprehensive assessment when it is over 75km in length, though its impact on the ground is likely considerably greater than a transmission corridor passing overhead. Harmonizing these requirements would maintain environmental standards while eliminating undue burden on project proponents.

## **Conclusion**

This environmental assessment reform process is an important component of reducing the regulatory burden facing businesses and other developers of critical infrastructure, while ensuring that the environment remains fully protected. We encourage the government to continue this process of reform, and to focus consistently on a need for clarity and predictability in terms of requirements.

Once again, the Board appreciates the opportunity to share its views on this important topic and would be pleased to discuss these ideas in greater detail. If you wish to follow up for more clarity or to request a meeting, please email Jonathan English, Director of Policy for Transportation and Infrastructure, at [jenglish@bot.com](mailto:jenglish@bot.com).