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17 April 2023

The Honourable George Pirie, Minister of Mines
99 Wellesley Street W, B-312
Toronto, ON
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By email: Minister.Mines@ontario.ca

Mines and Minerals Division
933 Ramsey Lake Road
Willet Green Miller Ctr, 2nd Floor
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By email: MiningActAmendments@ontario.ca

Re: **Bill 71**
ERO-019-6715 - Proposed Building More Mines Act, 2023
ERO-019-6749 – Consequential administrative amendments under the Mining Act
ERO-019-6750 – Proposed regulatory amendments to closure plan and rehabilitation requirements for advanced exploration and mine production

Dear Sirs:

The Ontario Rivers Alliance (ORA) is a not-for-profit grassroots organization with a mission to protect, conserve and restore riverine ecosystems across the province. The ORA advocates for effective policy and legislation to ensure that development affecting Ontario rivers is environmentally and socially sustainable.

ORA is strongly opposed to Bill 71, the *Building More Mines Act 2023*, which proposes several legislative amendments to the *Mining Act* that would significantly weaken the already inadequate existing environmental protections and mine closure and rehabilitation requirements. The proposed amendments are vague, sweeping and poorly explained, which makes it difficult to properly assess the full ramifications of their effects on stakeholders, communities and taxpayers.

A very disturbing reality has been revealed, that this government is clearly moving away from evidence-based decision-making that is grounded in science and, instead, is moving fully into a total lack of regard for environmental and stakeholder protections, and Indigenous treaty rights. This government is going too far in its efforts to cut red tape and deregulate environmental protections in Ontario.

The Ontario government proposes measures to fast-track mining projects and provide more power and less responsibility to the mining industry as follows:

Reduce Administrative Burden:

This Bill proposes to "*reduce administrative burden*" on the industry to "*demonstrate responsiveness to feedback received from industry*".

The government carries a larger responsibility to ensure mine development does not unnecessarily place our air, land and water at risk of contamination, or place any unnecessary burden or safety risks on the public, taxpayers and Indigenous communities.

Bill 71 is a gift to the mining industry on the backs of taxpayers and communities! It means even more power and less responsibility and accountability for the Mining companies. ORA strongly recommends the withdrawal of Bill 71 and all proposed amendments to the Mining Act.

Weaken Closure and Rehabilitation Plans:

The Bill proposes to make changes to closure plans, recovery permits, and statutory decision-making authorities, that are meant to fast-track the project and would:

- Eliminate the technical review of mine closure plans by government officials, and instead allow the mining companies' own staff to endorse them as certified "*qualified persons*".

  This creates a clear conflict of interest and removes oversite by a qualified government or certified independent party. This alone could place local stakeholders and the environment at major risk of a catastrophic failure of toxic tailings ponds or other hazardous means.

  Accommodating corporations by lowering expectations and requirements is irresponsible as it places stakeholders at risk when it allows unqualified persons to make decisions that could result in detrimental impacts on communities, the environment and taxpayers.

  There are numerous examples worldwide of mining disasters spilling heavy metals and toxic sediments into communities, rivers and sensitive habitats. Mount Polley is a good example of a disastrous mine failure that could and should have been avoided.

  The government's "*flexibility*" towards self-interested proponents, and the weakening of legislatively sound science-based decision-making are totally unacceptable.

- Allows the Minister to issue an order, on request from a proponent, to allow the deferral of part of a mine's closure plan.

  The mine closure plan was put in place to avoid situations where important closure and rehabilitation measures were impossible to implement because of the way the mine was built and operated. Stakeholders must have assurances that mines are being developed with an environmentally sound plan for future closure and that it does not place communities at risk.

  Improper or incomplete mine closure measures could negatively affect groundwater, surface water, air quality, soil, fish, and wildlife, and carry serious implications for health and safety. It could also leave taxpayers with clean-up costs, and communities with health and safety risks, while the corporation walks away with the profits.

One just has to think of Grassy Narrows First Nation, where the failure of government and environmentally sound corporate actions led to the community's poisoning through mercury contamination.

- Codify the practice of allowing phased Financial Assurance to create a simpler and clearer mechanism for proponents to submit phased Financial Assurance tied to a project's construction of new mining features. These proposed changes would allow proponents to submit financial assurance in incremental amounts (phases) on a schedule tied to the construction of new mine features.

  This again places local stakeholders and the taxpayer at risk of having to carry the burden of incomplete or improper or lack of adequate closure if a company goes under or lacks the financial assurances for proper decommissioning.

  Up-front mine closure funds must be in place before construction begins to cover the costs of clean-up in the event of mine spills and disasters, as well as eventual mine closure. Taxpayers must be safeguarded from any costs of environmental disaster and clean-up.

- It would amend the definition of "rehabilitate" and "protective measures" to give greater flexibility and certainty to industry by allowing rehabilitation measures and post-closure land uses.

  This would allow rehabilitation measures and alternate post-closure land uses that could allow land to be rehabilitated to industrial use standards, rather than a natural habitat. This is not acceptable.

Recovery of Minerals Framework:

"Recovery permits" are used to recover or re-mine minerals or mineral-bearing substances from tailings and mine wastes. Current requirements are to "improve" the land, whereas the new requirement would allow the condition of the land to be "comparable to or better than" it was before the recovery activity.

Re-mining is an opportunity for the proponent to profit and provide a public interest by improving the land and waters in better condition, but this opportunity would be lost if the land is not left in a better condition.

Minister's Statutory Authority:

This Bill would remove the statutory role of the Director of Mine Rehabilitation (who is apparently an expert) and transfer its statutory authorities to the Minister to make decisions regarding mine rehabilitation, to file closure plans or decisions related to early exploration.

This would take the responsibility out of the hands of an expert and place the decision-making into the hands of the Minister who is a politician – not an expert. The process is already very lacking, but this means the Minister can ignore sticky or risky issues, as well as accountability to the environment and stakeholders. This type of decision would be purely political, and not necessarily in the best interests of the whole.

Phased Financial Assurance:

Proposes to include the provision for phased financial assurance under the Mining Act in the regulation that would set the requirements for how phased financial assurance will work. It would allow proponents to submit financial assurance in incremental amounts on a schedule tied to the construction of new mine features.

Closed and abandoned mine sites must be covered by financial assurance as costs can balloon from their original estimates when several years later the work is actually being done. The proposed changes through the Build More Mines Act does nothing to close the gap or end the absurd practices of self-assurance and accepting assets as assurance. Taxpayers must not be left on the hook for any shortfalls in clean-up or perpetual water treatment.

No Anticipated Environmental Impacts:

The proposal goes so far as to propose that "*There are no anticipated environmental impacts as a result of these proposed changes to the Mining Act.*"

This is simply not true, as every aspect of this proposal places the environment and communities at risk of tailings dam failure, unnecessary financial burden, and pollution of our air land and water. It places the burden for clean-up firmly on taxpayers and stakeholders, and there is a total lack of regard for Indigenous treaty rights. The burden on the mining industry is already minimal and insignificant, and yet proponents will walk away with the profits while the taxpayer will ultimately pay the price.

This Ontario Government must place a priority focus on serving and protecting taxpayers, building strong relationships with Indigenous communities and respecting treaty rights! It is taxpayers. stakeholders and Indigenous communities that will pay the environmental and health and safety costs from this government's gutting of environmental and financial burden priorities.

Nothing in this proposal addresses the real cause of delays in permitting, planning and timelines of project approvals, which is the erosion of policy and legislation, and the withdrawal of the ability and capacity of qualified government staff to require proponents to comply with effective environmental requirements in a prompt and cooperative manner that ensures safe and environmentally sustainable projects. It is essential to provide the baseline expert and Indigenous knowledge to allow for effective and efficient responses at all stages of development.

These undemocratic measures are likely to slow down development progress rather than fast-track it, as there will be more resistance and lash-back from stakeholders and Indigenous communities because of the risk it places on their health and safety and will ultimately deter financial institutions from funding these risky projects.

This government is willing to sacrifice the well-being of its constituents for financial gain, at a critical time when we are in need of robust compliance and enforcement policy and legislation.

ORA strongly opposes all proposed amendments and requests that Bill 71 be withdrawn.

Respectfully,

Linda Heron
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