

May 1, 2025

DELIVERED VIA EMAIL

SpecialEconomicZones@Ontario.ca

To Whom It May Concern,

RE: Special Economic Zones Act, 2025 (ERO #025-0391)

Please accept the following submission on behalf of AEL Advocacy in response to the proposed *Special Economic Zones Act, 2025* (the “Act”), as set out in Schedule 9 of Bill 5, *Protect Ontario by Unleashing our Economy Act, 2025* (ERO #025-0391).¹

We write to express our strong opposition to the proposed Act, especially in the broader context of Bill 5. The Bill includes sweeping rollbacks to species protection under Schedule 2 and a full repeal of the *Endangered Species Act, 2007* (“ESA”) through Schedule 10. Taken together, these measures represent an unprecedented dismantling of Ontario’s environmental laws at a time when strengthened protections are urgently needed. AEL Advocacy has submitted separate comments opposing Schedules 2 and 10 under ERO #025-0380.

A. About AEL Advocacy

Animal Environmental Legal Advocacy (“AEL Advocacy”) is a public interest law practice and not-for-profit organization based in Ontario. Our lawyers understand the important interconnection between humans, animals, and the environment. We leverage our legal and political expertise to support individuals, communities, and organizations working to protect animals and the environments where they live.

¹ <https://ero.ontario.ca/notice/025-0391>

B. AEL Advocacy's Comments on the Proposal

Schedule 9 would allow the creation of Special Economic Zones ("SEZs") where "trusted proponents" of "vetted projects" could be exempted from a wide range of legal obligations, including environmental legislation, municipal by-laws, and planning rules. This sweeping authority would remove essential safeguards for species, ecosystems, and public participation. In practice, it opens the door to unchecked development, including intensive livestock operations ("ILOs"), wetland destruction, and industrial pollution—without meaningful public oversight or legal recourse.

Undermining Environmental Oversight and Public Participation

The ERO posting states that exemptions would only be granted to "reliable proponents meeting high standards for operation, safety, and the environment". However, the Act provides no clear definitions or enforcement mechanisms for these supposed standards. Instead, it grants the Lieutenant Governor in Council the power to make regulations prescribing the criteria for identifying a "trusted proponent."

This vague and discretionary framework opens the door to sweeping exemptions for powerful industrial actors—without transparency, public input, or clear accountability. Projects such as highways, industrial complexes, mega-warehouses, factory farms, and resource extraction operations could all bypass critical environmental assessments and legal protections, so long as they are designated as "vetted projects" undertaken by "trusted proponents."

The establishment of SEZs under these conditions would effectively silence the voices of local communities, environmental organizations, and Indigenous Peoples in decisions that profoundly affect animals, watersheds, ecosystems, and public health. It represents a serious regression in Ontario's environmental governance and a betrayal of public trust.

Overriding Municipal Authority and Local Governments

Sections 5 and 6 of the Act would allow the provincial government to override municipal by-laws and instruments, stripping local governments of their ability to protect wildlife, regulate land use, enforce environmental protections, and respond to community concerns. This represents a direct attack on local democracy and planning autonomy.

Municipal governments are often best positioned to assess local environmental risks, preserve key habitats and green spaces, and engage residents in land use decisions. Removing their authority undermines Ontario's planning framework and erodes public accountability.

Irreversible Harm to Wildlife and Critical Habitats

The Act would allow projects to be built in any designated zone, without regard for ecological sensitivity. This means projects could be located in critical habitats of at-risk species, leading to irreversible loss of wildlife, biodiversity, and vital ecosystem services.

With fast-tracked approvals under this framework and the removal of key protections in Schedules 2 and 10, the Act effectively suspends endangered species protections within SEZ boundaries.

Increased Risk of Harm to Animals through Industrial Development

The creation of SEZs would accelerate unregulated industrial development in ways that significantly increase risks to animals and ecosystems, including:

- Intensive animal agriculture operations, which are significant sources of pollution, greenhouse gas emissions, and animal suffering;
- Transportation infrastructure, such as roads and railways, which fragment habitats, increase wildlife mortality from vehicle collisions, and pose public safety risks;
- Cumulative impacts of clustered developments, which may go unassessed due to the lack of environmental review requirements.

The failure to assess cumulative and indirect effects under this framework poses serious consequences for animal protection, ecological integrity, and public health.

Erosion of Democratic and Legal Safeguards

Ontario's environmental and planning laws are not "red tape." They are foundational democratic safeguards that protect the public interest, prevent environmental harm, and uphold the rule of law.

The Act would grant the government extraordinary discretion to exempt "vetted projects" from legal obligations based on vague and politically determined criteria.

This creates a two-tiered legal system, privileging projects favoured by the government while excluding others from the protections of law and process.

Section 7 of the Act further grants sweeping legal immunity to government officials and trusted proponents, shielding them from virtually all civil actions, damages, or remedies—even in cases of negligence or bad faith. Although judicial review or constitutional challenge is technically permitted, all other legal remedies—including injunctive relief and equitable remedies—are explicitly barred. This represents a dangerous erosion of legal accountability.

C. Inadequate Consultation and Failure to Uphold First Nation Rights

Finally, we are deeply concerned by the province's failure to uphold its constitutional duty to consult Indigenous Peoples. The mere posting of Schedule 9 on the Environmental Registry of Ontario does not constitute meaningful consultation under section 35 of the *Constitution*.

RECOMMENDATION: AEL Advocacy urges the Ministry to **immediately withdraw Schedule 9** of Bill 5.

D. Conclusion

AEL Advocacy strongly urges the Ministry to immediately withdraw Schedule 9 of Bill 5. Enacting the *Special Economic Zones Act, 2025* would cause serious and irreversible harm to Ontario's wildlife and the environments where they live.

Thank you for the opportunity to comment. We would welcome further engagement with the Ministry on these important issues.

Sincerely,

ANIMAL ENVIRONMENTAL LEGAL ADVOCACY



Kira Berkeley
Co-Director & Counsel