

ERO 025-1363 Submission on Proposed Regulatory Exemptions for Mineral Exploration Activities Feb 3/2026 timeline

Overview: What this proposal does

Ontario is proposing to exempt certain early and advanced mineral exploration activities from environmental approvals under the Environmental Protection Act and the Ontario Water Resources Act, including permits related to water taking, sewage works, and air and noise emissions. Oversight would shift primarily to Mining Act instruments, provincial standards, and self-registration systems, with compliance addressed largely through after-the-fact enforcement.

There is broad recognition that Ontario's mining approval processes require modernization. Fragmented and sequential permitting across ministries can increase timelines, cost, and uncertainty for proponents, communities, and First Nations. Addressing these inefficiencies is necessary.

The stated objective is to reduce duplication, accelerate mineral development, particularly critical minerals, and improve Ontario's competitiveness. Ontario already has mechanisms intended to support a "one project, one process" approach, including lead-ministry coordination and concurrent inter-ministerial review for major projects. More consistent use and resourcing of these existing tools offers a clear pathway to faster approvals without removing environmental or relational safeguards.

Key concerns

Carbon sinks and emissions risk

Ontario's forests, wetlands, peatlands, and headwater systems are among the province's most effective and irreplaceable carbon sinks. Scientific evidence shows that even early-stage mineral exploration, line cutting, drilling, blasting, access roads, water pumping, and diesel-powered equipment, can fragment ecosystems, release stored carbon, and increase greenhouse gas emissions.

Removing upfront environmental permissions reduces the province's ability to prevent irreversible disturbance to carbon-rich landscapes, assess cumulative emissions from multiple sites, and align mineral development with climate objectives. Once degraded, carbon sinks cannot be quickly or fully restored, making prevention far more effective than remediation.

Fresh water systems and cumulative effects

The proposal would allow certain water takings and discharges to proceed without permits, relying on eligibility criteria and proponent self-monitoring. Hydrological science demonstrates that cumulative withdrawals, sediment disturbance, and turbidity increases, particularly in headwaters, can impair downstream water quality, aquatic habitat, and flood resilience.

When viewed alongside recent changes that have reduced watershed-level oversight and narrowed opportunities for comprehensive environmental review, the risk of undetected cumulative impacts is increased.

First Nations rights, consultation, and legal risk

Environmental permissions often function as formal triggers for Indigenous engagement and cumulative-effects assessment. Exempting early and advanced exploration activities from key approvals increases the risk that land disturbance, water use, and emissions may occur before Indigenous rights, treaty obligations, and traditional land uses are meaningfully considered.

This risk is heightened by recent legislative and policy changes that centralize decision-making and limit early public and Indigenous participation, increasing legal risk for the Crown and uncertainty for proponents.

Inconsistent monitoring and enforcement

The Ontario Auditor General (2025) found that ministries do not consistently document or apply environmental protections, and in many cases, evidence that environmental considerations were factored into decisions was missing. This highlights systemic weaknesses in environmental governance and reinforces the risk of exemptions for early exploration activities.

This proposal does not exist in isolation. When considered alongside recent changes to environmental assessment, watershed governance, and development-streamlining frameworks, it contributes to a broader shift toward exemptions, self-registration, and after-the-fact enforcement.

Recommendations: Faster approvals without environmental or relational cost

1. Fully implement the existing “one project, one process” framework, including lead ministry coordination and concurrent inter-ministerial review.
2. Front-load Indigenous consultation and cumulative-effects analysis to avoid late-stage redesign, conflict, and delay.
3. Establish predictable timelines for environmental approvals rather than removing them entirely.
4. Use regional environmental baselines to reduce repetitive site-specific analysis while maintaining scientific rigor.
5. Retain enforceable carbon, water, species at risk, and land safeguards, particularly in sensitive and headwater landscapes.

6. Maintain transparent reporting and monitoring to strengthen public trust and enforcement efficiency.

Past experience demonstrates that maintaining strong environmental standards and meaningful partnerships with Indigenous communities supports the long-term success and sustainability of mineral development projects. Effective consultation and robust environmental oversight help reduce conflicts and ensure that projects proceed with social licence and regulatory compliance. Streamlining that prioritizes coordination and prevention will deliver faster approvals, stronger public confidence, and more durable economic outcomes.

Sources

Ontario Auditor General — Operation of the Environmental Bill of Rights, 1993 (2025 Annual Report)

Office of the Auditor General of Ontario — audit of how Ontario implements the Environmental Bill of Rights, including findings on inconsistent application of environmental considerations and failures in meaningful public consultation.

https://www.auditor.on.ca/en/content/annualreports/audits/en2024/AR-PA_EBR_en24.html

Policy Options — *What 50 years of buried data tell us about Canada's mining oversight*

Study of mining impact assessments across Canada identifying fragmented oversight, inconsistent data, and challenges coordinating environmental oversight—highlighting broader Canadian context supporting arguments about gaps in impact assessment.

<https://policyoptions.irpp.org/2025/11/mining-impact-assessment/>

Transparency International Canada — *The Ontario Government Needs More Transparency and Accountability in Environmental Assessments*

Analysis of how gaps in environmental assessment transparency and accountability in Ontario (and Canada) can undermine public confidence and hide cumulative impacts, including specific issues with Ontario's EA system.

<https://transparencycanada.ca/news/the-ontario-government-needs-more-transparency-and-accountability-in-environmental-assessments-not-less>

ERO Public Comment on Mining Regulation — Indigenous and Cumulative Effects Concerns

Public comment on Ontario Environmental Registry indicating concerns that current EA frameworks lack cumulative effects assessment and adequate Indigenous protections in mining regulatory processes.

<https://ero.ontario.ca/comment/83898>

Ontario's Critical Minerals Strategy 2022–2027 — government policy on Indigenous collaboration and benefits sharing

<https://www.ontario.ca/page/ontarios-critical-minerals-strategy-2022-2027-unlocking-potential-drive-economic-recovery-prosperity>

