

Environmental Harmonization: Towards a ONE Project – ONE Assessment Approach

Development projects in Ontario are subject to environmental assessment legislation under both the Canadian Environmental Assessment Act and the Ontario Environmental Assessment Act. Historically, the lack of coordination, duplication of requirements and absence of timelines upon which a business may rely has been burdensome, particularly in light of the need for market responsiveness and the opportunity cost of unforeseen delays in project implementation. Applicants have experienced difficulty navigating the regulations and often feel there are no clear guidelines provided and no consultation process to clarify the issues.

In June 2004, the government created an advisory panel, comprising experts from academia, industry, the legal profession and municipalities to provide recommendations on improving the EA process, with a focus on three sectors – energy, waste and transit/transportation. While the province has established “Streamlined Environmental Assessments” for three sectors, more is required to move the province towards a streamlined, “one project, one assessment” approach to environmental assessments across all sectors.

The federal government’s “Smart Regulation: Report on Actions and Plans” (March 2005) identified environmental assessment consolidation as a priority. The report found, through consultation with industry, that although the environmental assessment was viewed as highly important, the process was found to be slow, lacking in clarity and occasionally of uncertain benefit to the environment.

In October 2007, a Federal Cabinet Directive established the Major Projects Management Office (MPMO), a Natural Resources Canada streamlining initiative for major natural resource projects only, through collaboration with federal departments and agencies. The initiative includes the development of a project agreement between pertinent federal departments, committing to timelines with the intent to improve the effectiveness and efficiency of the regulatory system for major resource projects. Beyond this federal initiative (which applies only to “major resource projects”, there has been little movement to improve the coordination between federal and provincial assessment agencies.

The Timmins Chamber of Commerce recognizes the importance of environmental protection and commends the Government of Ontario’s Proposed Growth Plan for Northern Ontario (October 2009) for including a planned action item to “ensure environmental approvals are harmonized with federal requirements”. Harmonizing the provincial environmental assessment and federal environmental assessment processes will result in a stronger, more efficient regulatory environment that will build competitiveness and attract investment for Ontario. The provincial government must follow through on this planned action, and must furthermore make it a priority. We believe that specific steps must be taken and timelines applied to ensure a standardized “one project, one assessment” approach becomes a reality for all Ontario businesses.

RECOMMENDATIONS:

The Timmins Chamber of Commerce urges the Government of Ontario to:

1. Work with the federal government to implement a framework supporting a “one project – one assessment” approach to environmental assessments;
2. Establish a mechanism or process for better communication and co-operation between Federal and Provincial government agencies to eliminate duplication of EA requirements and create greater efficiency in dealing with issues that arise in the EA process.
3. Amend legislation and regulation in provincial jurisdictions to permit a unified process, led by the province, with technical participation by federal regulators in areas of federal jurisdiction and interest by 2010;
4. Ensure that 80% of all harmonized reviews meet the timelines as set out by the province.