

Summary Status Table in Response to the Report of the Auditor General of Ontario

Chapters 1 & 2, Volume 2 of the 2019 Annual Report of the Office of the Auditor General of Ontario
Ministry of the Environment, Conservation and Parks

Auditor's Recommendation	Ministry's Response (shared with AG Fall 2019)	Completed Undertaking	Outstanding Undertaking (with Timeline)
Chapter 1: An Overview of Environmental Issues in Ontario			
In order to meet its commitment to report publicly on its progress in further developing and implementing the 2018 Made-in-Ontario Environment Plan, we recommend that the Ministry of the Environment, Conservation and Parks: • develop key quantitative and qualitative indicators and related targets; • establish an annual reporting timeline; • report publicly in accordance with this timeline; and • incorporate reporting on environmental expenditures as part of annual reporting.	As outlined in the Made-in-Ontario Environment Plan, the Ministry proposes to report regularly on the progress against its plan and to develop key indicators of progress. The Ministry appreciates the Auditor General's recommendations and will consider these recommendations as it develops its approach to public reporting, monitoring and evaluating progress against the commitments in its plan.	The Minister released a statement on November 28, 2019 for the one-year anniversary of the Made-in-Ontario Environment Plan. The statement included progress made in the first year on commitments in the plan. Additionally, each year the government releases the published plans and annual reports which are intended to help ensure that all provincial programs achieve desired results and outcomes, and that these programs are delivered in an efficient and cost-effective manner. Part 2 of the Ministry's published plans and annual reports for 2019-2020 provides the highlights of results and outcomes of provincial programs delivered by the Ministry of Environment, Conservation and Parks in 2018-2019.	The Ministry will continue to consider the Auditor General's recommendations as it develops its approach to public reporting, monitoring and evaluating progress against the commitments in the plan.

		Key performance indicators exist for various subjects in the plan, such as ambient air quality and ecological health of the Great Lakes and Lake Simcoe. The indicators and their values are included in Part 7 of the Ministry's <u>published plans and annual reports for 2019-2020</u>. The <u>Minister's Annual Report on Drinking Water</u> provides insight on the ministry's water management programs including the source protection program and Lake Simcoe and Great Lakes management programs.	
Chapter 2: Operation of the <i>Environmental Bill of Rights, 1993</i>			
Recommendation #1 So that the Ministry of the Environment, Conservation and Parks' Statement of Environmental Values (Statement) reflects the Ministry's current environmental values and responsibilities, we recommend that the Ministry review its Statement with public consultation through the Environmental Registry and update it to reflect its new responsibilities.	The Ministry agrees that its Statement of Environmental Values (Statement), last updated in 2008, requires an update to reflect current values, priorities and responsibilities. The Ministry has initiated the process to update its Statement, which will be informed by the government's Made-In-Ontario Environment Plan.	The Ministry is undertaking work to draft an updated Statement that reflects its current values, priorities and responsibilities and that is informed by the Made-in-Ontario Environment Plan.	The Ministry will revise the Statement and post a proposal on the Environmental Registry once the public has more capacity to respond following the termination of the emergency declaration.

Recommendation #2 To avoid the need for and cost of Legal proceedings in the future, and to engage the public in the government's environmentally significant decision-making, we recommend that the Ministry of the Environment, Conservation and Parks consistently consult with the public in accordance with the requirements under Part II of the Environmental Bill of Rights, 1993.	The Ministry is aware of and understands its obligations under Part II of the <i>Environmental Bill of Rights, 1993</i> (EBR). While the Divisional Court dismissed the application for Judicial Review commenced by Greenpeace, the Ministry has reviewed the Court's comments about the requirements of the EBR and will continue to ensure that the required public process is undertaken for all proposals that are environmentally significant.	The Ministry provides training and support to staff regarding the specific conditions under which an exception notice can be used rather than posting a proposal for consultation. Exception Notices are rarely used but the ministry has updated the exception notice templates (yellow highlights) for Policies, Acts, and Regulations (PARs) and Instruments in the ERO Resource Center to include further guidance for staff of all ministries to ensure they are only used in accordance with the EBR. ERO Instrument Exception Notice Tem ERO PAR Exception Notice Template.pdf	The Ministry will consider regular training for staff related to EBR compliance and examine any related documents.
Recommendation #3 So that the Ministry of Environment, Conservation and Parks can receive informed feedback on environmentally significant proposals posted on the Environmental Registry, we recommend that the Ministry extend the comment period beyond 30 days for significant and complex proposals to provide enough time to obtain more informed input from the public.	The Ministry acknowledges its obligation to permit informed public consultation and will continue to ensure that it meets the engagement requirements as prescribed by the Environmental Bill of Rights, 1993 (i.e., a minimum 30-day posting). This includes consideration of posting periods beyond 30 days (subject to existing exceptions under the Act) and extending the comment period as appropriate.	EBRO Policy Advisors to continue advising program areas to consider extending comment periods beyond 30 days where proposals are complex and involve a high level of public interest. ERO PAR Proposal Notice Template.pdf ERO Instrument Notice Template.pdf	Advice is ongoing.

Recommendation #4 So that the Ministry of the Environment, Conservation and Parks can receive informed feedback and so that the public can comment on environmentally significant ministry proposals for permits and approvals posted on the Environmental Registry, we recommend that the Ministry describe the environmental implications of each proposed permit or approval in the proposal notice, and explain how the proposal may address those potential risks to the environment.	The Ministry agrees that it is important to provide appropriate information in its notices to allow the public to fully understand the environmental implications of proposed instruments. The Ministry will provide further training and guidance on the content to be included in notices, including the environmental implications and how the proposal may address risks.	Updates were made to MECP proposal notice templates for policies, acts and regulations and instruments in the ERO Resource Center to include further guidance to staff to support the provision of complete information for any significant and complex proposals to obtain more informed input from the public. ERO Instrument Notice Template.pdf	The Ministry will encourage staff to develop content to include in policy, acts and regulation proposal notices and will work with staff to develop content for instrument notices that addresses environmental implications and risks.
Recommendation #5 To give the public prompt notice of its environmentally significant decisions, we recommend that the Ministry of the Environment, Conservation and Parks: • Establish a service standard to post decision notices within two weeks of making a decision; and • Post all decision notices on the Environmental Registry as soon as reasonably possible, which should reasonably be within two weeks of making a decision.	The Ministry is committed to posting all decision notices on the Environmental Registry as soon as reasonably possible. The Ministry will update Environmental Registry training resources to include consideration for posting decision notices on the Environmental Registry within two weeks of a decision being made.	The ministry is developing an internal process to proactively identify MECP notices where a decision has not been posted and remind staff to post a decision.	The Ministry will continue to remind staff at the proposal stage to post decision notices on the Environmental Registry within two weeks of a decision being made or as soon as reasonably possible, and will remind staff on a periodic basis to post decision notices.

Recommendation #6 So that the Environmental Registry is a reliable source of information about the Ministry of the Environment, Conservation and Parks' decisions about the environment, we recommend that the ministry bring and keep all of its proposal notices up to date, including posting decision notices for proposals that have been decided or that are otherwise no longer under consideration by the Ministry.	The Ministry recognizes the importance of communicating decisions on proposals and is committed to providing timely information. As part of the modernization of the Environmental Registry, and in order to keep the Registry up to date, the Ministry is currently reviewing out-of-date proposal notices and plans to post decisions or updates for as many of the remaining notices as possible.	Decisions were posted on the ERO for 17 outdated notices that were no longer under consideration by the Ministry. The Ministry has prepared a draft revised Standard Operating Procedure (SOP) for dealing with outdated notices by developing a tracking system to proactively flag notices before they become outdated. The draft SOP was shared with OAGO in March 2020 as part of the 2019-20 Compliance Audit. Draft SOP Stale Notices-Feb27.docx	The Ministry is continuing to follow the SOP stale notices document to remind program areas with notices that are more than one year old to post a decision if it has been made or to post an update to ensure the notice does not go stale. The Ministry will consider the draft revised SOP with a view to responding to the Auditor General's recommendation. The last quarterly update on outdated notices was done in late February/early March 2020. During that time the Ministry managed to resolve close to 40% of the outstanding notices. The remainder of the outdated notices continue to be addressed.
Recommendation #7 To reduce concentrations of, and harm from, air pollution from industrial sources, particularly in areas with high concentrations of pollutants, we recommend that the Ministry of the Environment, Conservation and Parks: • review its standards for nitrogen dioxide (NO₂); • based on the results of its review, update its standard for NO₂;	The NO₂ standard has been prioritized for review. With respect to PM_{2.5}, the Ministry continues to track science related to PM_{2.5} in air and will take into account the information gathered during the upcoming federal review process for fine particulate matter. The Ministry has a comprehensive approach for managing industrial and	The Ministry continues to assess the need for an updated NO₂ standard. The ministry continues to: • Regulate nitrogen oxides (NO_x), suspended particulate matter, and precursors of fine particulates (PM_{2.5}) emitted to air from industrial sources. • Track new scientific information on these air contaminants, to support periodic review and update of air standards.	The Ministry will continue to assess the need for an updated NO₂ standard and to track science related to PM_{2.5} in air.

• assess the need for a standard for industrial emissions of fine particulate matter (PM2.5); and • if the assessment shows a need, establish a standard for industrial emissions of PM2.5.	commercial sources of air pollutants to protect public health and the environment. Ontario's Local Air Quality Regulation has air standards for over 130 contaminants, including nitrogen oxides, suspended particulate matter, and precursors of fine particulates. These standards are periodically reviewed and updated as new scientific information becomes available.	• Track science related to PM2.5 in air and will take into account the information gathered during an upcoming federal review process for PM2.5. In addition to addressing industrial sources of air emissions for NOx and PM2.5 (supported by air standards), the Ministry is aware that dominant sources of NOx and PM2.5 include transportation and residential sources, respectively: • The Ministry continues to redesign the emissions testing program for heavy-duty vehicles (e.g. commercial transport trucks) and strengthen on-road enforcement of emissions standards for heavy duty vehicles. • The Ministry conducts ambient air monitoring at 39 air quality stations in near real-time in communities across Ontario. These stations measure common air pollutants including ozone, nitrogen dioxide and fine particulate matter, and report this information to the public 24-7. • The Ministry operates a dedicated roadside air monitoring network in collaboration with Environment and Climate Change Canada	
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		and the University of Toronto to better understand the impact of traffic related air pollutants in urbanized environments. This network measures NO2 and PM2.5 in near real time, as well as wide range of other traffic-related air pollutants. The Ministry also continues to assess areas with high concentrations of industrial air emissions, such as in Sarnia through the Sarnia Air Action Plan and the Sarnia Area Environmental Health Project.	
Recommendation #8 To adhere to the requirements of the <i>Environmental Bill of Rights, 1993</i> to complete reviews within a reasonable time, and to give applicants a timely outcome to their applications, we recommend that the Ministry of the Environment, Conservation and Parks provide a new reasonable completion date to each applicant and to complete each review by such time.	The Ministry agrees with the importance of providing applicants with timely decisions on applications for review. Some EBR applications raise complex matters requiring an integrated, multi-faceted response by government. The Ministry is committed to concluding outstanding applications for review as soon as reasonably possible, as per the EBR. The Ministry will provide updates to the applicants as work progresses.	The Ministry endeavors to provide applicants with timely decisions on applications for review and to conclude outstanding applications for review as soon as is reasonably possible, as per the EBR.	The Ministry will continue to remind staff of the need for timely completion of reviews.

Recommendation #9 As part of the Ministry of the Environment, Conservation and Parks' mandate to provide education to the public about the Environmental Bill of Rights, 1993, we recommend that the Ministry post summaries of all completed applications for review and applications for investigation on the Environmental Registry annually.	The Ministry is committed to educating the public about the Environmental Bill of Rights, 1993, including how the Act functions, how the public may exercise its rights and how the ministries handle applications for review and investigation. The Ministry will consider the Auditor General's recommendation and will collaborate with other prescribed ministries to develop a path forward.	The Ministry continues to value the importance of educating the public about the Environmental Bill of Rights and has undertaken the following initiatives since assuming responsibility for providing education to the public and other ministries about the EBR: • Created a plain language, accessible webpage on ontario.ca that provides key information about the EBR to the public, as well as the resources and step-by-step processes for exercising rights under the EBR. The website contains content to direct the public on how to submit applications for review and investigations as well as general information about the EBR; • Created an Environmental Registry Alert Service, which allows any member of the public, once they have created an account, to ask for an alert when a notice is updated (i.e. when a decision is posted); and • The ministry established two email addresses for public enquiries (ebr-ero@ontario.ca and ebrfeedback.moe@ontario.ca) and to date, has responded to 40 public email enquiries about the Environmental Registry.	The Ministry is considering how best to address the recommendation in order to continue to educate the public about the Environmental Bill of Rights.
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