

154 Pearl Street
Suite 201
Toronto, ON M5H 3T4

Tel: (416) 367-3313
Fax: (416) 367-2844
E-mail: admin@opha.on.ca
www.opha.on.ca

President
Lisa Demaline
E-mail: president@opha.on.ca

Executive Director
Pegeen Walsh
E-mail: PWalsh@opha.on.ca

Constituent Societies
Association of Ontario
Health Centres (AOHC)

Association of Public Health
Epidemiologists in Ontario (APHEO)

Association of Supervisors of
Public Health Inspectors of Ontario
(ASPHIO)

Canadian Institute of Public Health
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Community Health Nurses'
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Ontario Association of Public
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(ODPH)

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(OSPAPPH)

December 2, 2020

Standing Committee on Finance and Economic Affairs
The Ontario Legislature
99 Wellesley Street West
Room 1405, Whitney Block
Queen's Park
Toronto, ON M7A 1A2

Dear Ms. Douglas,

Re: Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020

On behalf of the members of the Ontario Public Health Association (OPHA), we recommend that the Standing Committee withdraw **Schedule 6 (proposed changes to the Conservation Authorities Act and consequential amendments) in its entirety from Bill 229**. We have outlined our rationale for this recommendation below for the Committee's consideration.

About the Ontario Public Health Association

Created in 1949, the Ontario Public Health Association (OPHA) is a non-partisan, non-profit charitable organization that brings together a broad spectrum of groups and individuals concerned about people's health. OPHA's members come from various backgrounds and sectors - from the various disciplines in public health, health care, academic, non-profit to the private sector. They are united by OPHA's mission of providing leadership on issues affecting the public's health and strengthening the impact of people who are active in public and community health throughout Ontario. Through their involvement in OPHA's workgroups, networks and constituent societies, OPHA members have been leading change on a wide range of issues impacting public health including environmental protection, climate change, air quality, poverty reduction, chronic disease prevention, supporting children and families, food literacy and food security, the built and natural environment, and health equity, among others. It is from this public health perspective that we have reviewed Schedule 6 in Bill 229.

OPHA puts forward this recommendation as we are concerned with the lack of opportunity for meaningful public consultation on changes to the Conservation Authorities Act.

On November 5, 2020, the Ontario government tabled the omnibus budget measures contained in Bill 229 (the proposed Protect, Support and Recover from COVID-19

Act (Budget Measures), 2020) for First Reading in the Ontario Legislature.¹ Schedule 6 of Bill 229 proposes fundamental changes to the *Conservation Authorities Act*² (CAAct) and to the conservation authorities' role in land use planning. An Environmental Registry of Ontario (ERO) bulletin titled Updating the Conservation Authorities Act³ (ERO # 019-2646) was also posted on November 5, 2020, stating that public consultation is not required under Ontario's *Environmental Bill of Rights, 1993*⁴ (EBR) because the proposed amendments form part of a budget.

OPHA is concerned with this approach to policy change due to the lack of opportunity for meaningful public input on changes to the CAAct. By not providing the opportunity for public review and comment via the ERO, which imposes a duty on the appropriate ministries to take every reasonable step to ensure all comments received in relation to a proposal are considered when decisions are made, the government has both denied the public their rights and deprived themselves from hearing from the public regarding their values and interests affected by Schedule 6.

We are asking the provincial government to withdraw Schedule 6 since the proposed changes to the CAAct are not administrative budget-related amendments but rather are significant amendments impacting public policy and for which adequate and specific public consultation has not occurred. These proposed amendments are deserving of the sober second thought provided through specific consultations and then debate in the Legislature.

The work of conservation authorities supports the mandate and objectives of Ontario's public health units, ensuring health protection through healthy natural environments.

Ontario's Conservation Authorities are mandated to undertake watershed-based programs to protect people and property from flooding and other natural hazards, and to conserve natural resources for economic, social and environmental benefits⁵. Their science and watershed-based approach helps inform decision-making about where to put development, how to protect water quality and quantity, as well as how to conserve, restore and rehabilitate important natural systems such as forests, wetlands, soils, escarpments, moraines and lakes. These components of a healthy, functioning ecosystems are vital to human health and well-being, and to building climate resiliency.

The Ontario Public Health Standards⁶ (OPHS) acknowledge that the health of Ontarians is inextricably tied to healthy natural systems. This is articulated in the OPHS' Healthy Environments goal: *"To reduce exposure to health hazards and promote the development of healthy built and natural environments that support health and mitigate existing and emerging risks, including the impacts of a changing climate."* Public Health Units across Ontario are required to collaborate with community partners, and implement public health interventions, to reduce exposure to health hazards and promote healthy built and natural environments.

Recognizing the public health benefits, OPHA has been pleased to partner with conservation authorities to promote and protect natural environments. For example, OPHA co-chairs EcoHealth Ontario and OPHA members' collaborate at the local level on initiatives such as priority tree planting, using a health equity lens, to build climate-resilient neighbourhoods. OPHA and its various health and environmental partners recognize that healthy ecosystems are essential for human health and survival. We all depend on clean air to breathe, clean water to drink, healthy food supplies, green spaces for recreation and climate protection, and contact with nature to enrich our lives. There is growing evidence that we gain specific physical and mental health benefits from living in clean, healthy ecosystems and from having access to natural areas and biodiversity.

Conservation authorities have played a crucial role in the first phase of implementation⁷ of the *Clean Water Act, 2006*⁸. Having arms-length agencies, whose jurisdiction is on a watershed-basis, has been key to enabling drinking water source protection. Ontario's Special Advisor on Flooding Report to Government, *An Independent Review of the 2019 Flood Events in Ontario* noted that: "Ontario has a long history of taking actions to keep people and property safe from the impacts of flooding through land use planning policies and mitigative activities. The development of the modern floodplain policy in Ontario, the watershed approach, the conservation authority model, and the flood standards have been extremely effective at reducing flood risks, especially in new greenfield development areas."⁹

While the purpose of the CAAct is to "provide for the organization and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watersheds in Ontario"¹⁰, the proposed amendments will limit the scope and powers of conservation authorities to the point that no meaningful integrated watershed management will be possible. The "watershed approach" and the "conservation authority model" praised by the Special Advisor on Flooding, will be severely hampered. Building climate resilient communities for the future will be impeded, if not impossible.

Allowing the Minister, his staff or a municipal government, to issue permits to allow for the destruction of important wetlands and forests and override protections from flooding, removes the ability of Conservation Authorities to protect these important features in their communities, and makes Ontarians much more vulnerable to the impacts of climate change.

Narrowing the objects and powers of conservation authorities is counter to the watershed approach needed to build climate resilient communities for the future.

The current Provincial Policy Statement (PPS) contains important policies aimed at protecting, improving and restoring water quality and quantity, including:

- "using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;"¹¹
- ensuring "the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems;" and
- recognizing the "linkages between and among natural heritage features and areas, surface water features and ground water features."¹²

The proposed amendments under Schedule 6 will narrow the objects of conservation authorities such that ensuring land use planning decisions are consistent with the PPS and achieving the overall purpose of the CAAct will be significantly impeded.

Removing conservation authorities' status as independent public bodies in land use planning will set integrated watershed management back decades.

Bringing conservation authorities under the "one window" approach to municipal land use planning will limit meaningful integrated watershed management. Under the *Planning Act*, all provincial interests are expressed and defended only through the Ministry of Municipal Affairs and Housing (MMAH). As there is no express mechanism to ensure the interests of other ministry's mandates are reflected in MMAH's implementation of

the *Planning Act*, including (as proposed) the watershed approach of conservation authorities, the desire to build climate resilient communities for the future is unlikely to be fully realized.

Conclusion

OPHA recommends that Schedule 6 (proposed changes to the Conservation Authorities Act and consequential amendments) be withdrawn in its entirety from Bill 229.

Building climate resilience is crucially important for the health and well-being of all Ontarians. For the reasons discussed above, OPHA believes that the proposed changes to the Conservation Authorities Act will not achieve this important task. To the contrary, the amendments as proposed are likely to set back watershed planning and implementation of an ecosystem-based approach by decades. OPHA is very concerned that the proposed amendments will increase flooding and other climate-related health risks, and allow accelerated destruction of wildlife habitat, wetlands, woodlands, and natural spaces on which human health depends.

Thank you for your consideration.

Sincerely,



Pegeen Walsh

OPHA Executive Director

¹ <https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-229>

² <https://www.ontario.ca/laws/statute/90c27>

³ <https://ero.ontario.ca/notice/019-2646>

⁴ <https://www.ontario.ca/laws/statute/93e28>

⁵ <https://www.ontario.ca/laws/statute/90c27>

⁶ http://www.health.gov.on.ca/en/pro/programs/publichealth/oph_standards/docs/protocols_guidelines/Ontario_Public_Health_Standards_2018_en.pdf

⁷ <https://conservationontario.ca/conservation-authorities/source-water-protection>

⁸ <https://www.ontario.ca/laws/statute/06c22>

⁹ <https://www.ontario.ca/document/independent-review-2019-flood-events-ontario>

¹⁰ <https://www.ontario.ca/laws/statute/90c27>

¹¹ <https://www.ontario.ca/page/provincial-policy-statement-2020>

¹² <https://www.ontario.ca/page/provincial-policy-statement-2020>