

Thank you for providing Public Health Sudbury & Districts with an opportunity to provide input and comments on Bill 132, Better for People, Smarter for Business Act, 2019. Public Health Sudbury & Districts would appreciate that the following comments be taken into consideration related to proposed amendments to the following pieces of legislation:

**Ministry of Natural Resources and Forestry**  
**Proposed amendments to the Aggregate Resources Act**

<p>1. In considering whether a license for a pit or quarry under the Act should be issued or refused, the Minister or Local Planning Appeal Tribunal cannot have regard to road degradation that may result from proposed truck traffic to and from the site.</p>	<p>Many quarries are in rural areas. Rural roads may not be engineered for the extensive use of heavy vehicles which an aggregate operation will cause. The increased deterioration of the roads will cause increased airborne particulate matter which can be an increased health risk. Additionally, the roads may not be physically designed for the increased number of heavy vehicles thereby increasing the risk of injuries by those using the roads. Therefore, Public Health Sudbury &amp; Districts recommends that roads continue to be a consideration for the Minister or Planning Appeal Tribunal.</p>
<p>2. New provisions provide for the following specified provisions in zoning by-laws to be inoperative:</p> <ul style="list-style-type: none"> <li>i. restrictions on the depth of extraction in specified circumstances, and</li> <li>ii. prohibitions against a site being used for the making, establishment or operation of pits and quarries where the surface rights are the property of the Crown.</li> </ul>	<p>Restrictions on the depth of extraction in specified circumstances may be in place for specific reasons. These could include issues as common as protection of the ground water table to the containment of gasses within a rock strata. Ignoring the reasons for the restrictions may result in increased risk to the population in the vicinity of the aggregate operation. Therefore, Public Health Sudbury &amp; Districts recommends that the reasoning behind the zoning bylaws be considered on any decision regarding the permitting of an aggregate operation.</p>
<p>4. New provisions are included to address the process for dealing with the following circumstances in which changes to a license or permit are desired:</p> <ul style="list-style-type: none"> <li>i. where a licensee wishes to lower the depth of extraction from above the water table to below the water table, and</li> <li>ii. where a licensee or permittee wishes to expand the boundaries of the area subject to a license or permit into an adjacent road allowance.</li> </ul>	<p>The Environmental Registry of Ontario file 019-0556 states “strengthen protection of water resources by creating a more robust application process for existing operators that want to expand to extract aggregate within the water table, allowing for increased public engagement on applications that may impact water resources. This would allow municipalities and others to officially object to an application and provide the opportunity to have their concerns heard by the Local Planning Appeal Tribunal.” Public Health Sudbury &amp; Districts strongly recommends that all pertinent agencies and stakeholders</p>

	<p>be consulted as part of the approval process to ensure that there are no environmental or public health risks associated with the proposal to change a license or permit should the proposed amendment proceed.</p> <p>Public Health Sudbury &amp; Districts supports increased protection of water resources, and more specific details regarding the proposed changes are needed to determine whether the proposal will actually better protect the local water supply and the population utilizing it.</p>
<p>Aggregate Resources Act, R.S.O. 1990, c. A.8</p>	
<p>Definitions</p> <p>“aggregate” means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other prescribed material; (“agrégats”)</p> <p><b>Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “aggregate” in subsection 1 (1) of the Act is amended by striking out “granite, rock or other prescribed material” and substituting “granite or other material”. (See: 2017, c. 6, Sched. 1, s. 1 (1))</b></p> <p>“rock” does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, talc, wollastonite and other prescribed material; (“roches”)</p> <p><b>Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “rock” in subsection 1 (1) of the Act is repealed. (See: 2017, c. 6, Sched. 1, s. 1 (5))</b></p>	<p>Recommend that Section 7.1 of the regulation be expanded to include all the sections removed from the definition of aggregate and restrictions in the definition of rock.</p>
<p><b>10</b> An applicant for a licence must furnish information satisfactory to the Minister describing the zoning by-laws applicable to the site and adjacent lands. R.S.O. 1990, c. A.8, s. 10.</p> <p><b>Note: On a day to be named by proclamation of the Lieutenant Governor, section 10 of the Act is repealed. (See: 2017, c. 6, Sched. 1, s. 9)</b></p>	<p>Public Health Sudbury &amp; Districts recommends that local zoning restrictions continue to be considered for the placement of an aggregate operation as there are increased risks from these operations in terms of air quality (PM10, PM 2.5), noise issues, and increased traffic. Local zoning may indicate plans for high risk population usage such as schools and Long-Term Care</p>

	and Retirement Homes which are needed by the local municipality.
<p>Section 13.2</p> <p><b>Minor amendments</b></p> <p><b>(2.3) Despite subsection (2.2), a licensee may make such minor amendments to the site plan as may be prescribed without the approval of the Minister if the amendments are prepared and submitted to the Minister in accordance with the regulations, along with any prescribed fee. 2017, c. 6, Sched. 1, s. 13 (1).</b></p>	<p>A definition of what is considered a minor amendment should be included so all parties are aware exactly what minor amendments do not require approvals. Amendments which may affect public health, such as those affecting water or air quality, should not be considered under proposed section (2.3)</p>

### **Ministry of Energy, Northern Development and Mines**

Proposal to require the government to acknowledge mine closure plan amendments within 45 days (*The Mining Act, 1990*):

- Mine closure plans are large documents. A 45 day requirement may not allow for proper review and places increased liability on the Government of Ontario. Improper mine closures and abandonments present health risks. Long Lake Gold Mine exemplifies one of the repercussions of an inadequate mine closure plan. Public Health Sudbury & Districts recommends careful consultation with Ministry staff to ensure that reasonable timelines are allowed for comprehensive review and response, including receipt of comments from partner agencies and stakeholders.

Proposal to amends the Mine Rehabilitation Code under the Mining Act to comply with the Canadian Dam Safety Guidelines (O. Reg. 240/00, including the Mine Rehabilitation Code came into force in June 2000)

- Public Health Sudbury & Districts is supportive of stricter requirements for the planning and upkeep of tailing ponds.

Proposal to empower people to take greater control of their energy usage:

- Comparing energy usage with neighbours and similar dwellings is not an effective way to conserve energy. This promotes complacency in energy consumption levels if similar dwellings are consuming similar or higher amounts of energy. Public Health Sudbury & Districts recommends that the province promote evidence-based interventions to encourage lower energy consumption.

### **Ministry of the Environment, Conservation and Parks**

Proposal to increases accountability, help level the playing field and save time and money by introducing administrative penalties as an enforcement tool for environmental violations (*Environmental Protection Act, Ontario Water Resources Act, Safe Drinking Water Act, Pesticides Act, Nutrient Management Act*):

- Administrative penalties for environmental violations amounting to less than the cost of preventative measures or remediation threatens compliance and accountability. Public Health Sudbury & Districts recommends that administrative financial penalties be equal to or greater than the cost of remediation or prevention.
- Though beyond the scope of this consultation, recommend that a requirement be included that the local Medical Officer of Health be notified when environmental issues may adversely impact public health. We suggest that language mirror language currently within section 12 of the Health Protection and Promotion Act.

Proposal to amend the Pesticides Act to speed up access to new pesticide products (*Pesticides Act/O.Reg 63/09*):

- Public Health Sudbury & Districts supports the restriction of access to use of neonicotinoid pesticide products to trained professionals and the maintenance of the cosmetic pesticide ban.

Proposal to remove outdated acetone reporting requirements [*Revoke O. Reg. 127/01 (Airborne Contaminants Discharge Monitoring and Reporting, Amend O.Reg. 455/09 (General Regulation) under the Toxics Reduction Act, 2009, Consequential amendments will need to be considered to address references to O. Reg. 127/01 in the following regulations: O. Reg. 397/01; O. Reg. 194/05*)]:

- Public Health Sudbury & Districts recognizes that the Government of Canada conducted a screening assessment concluding that acetone does not meet any of the environmental protection and human health criteria set out in section 64 of the *Canadian Environmental Protection Act, 1999*. Public Health Sudbury & Districts also recognizes that:
  - Reg. 419/05 ensures that facilities do not release harmful concentrations of acetone, and that;
  - *The Canadian Environmental Protection Act, 1999*, gives the Federal Government jurisdiction to act on toxic substances.

As emissions are regulated under the above noted pieces of legislation, Public Health Sudbury & Districts does not have an objection to the proposed amendment.

Proposal to remove outdated regulations and duplicative federal requirements for dry cleaners [*O. Reg. 323/94 (Dry Cleaners)*]

- While the Government of Canada has regulations in place for dry cleaners, Federal regulatory capacity may prove difficult to address the volume of Canada-wide concerns and complaints. Despite potential administrative efficiencies in deferring to Federal regulation, Public Health Sudbury & Districts recommends that the Ministry of Environment, Conservation and Parks continue to enforce requirements for dry cleaners to maintain current regulatory capacity.

Proposal to streamline permitting approvals for combined heat and power systems that use wood biomass fuels (*Environmental Protection Act*)

- Although waste wood is an abundant resource in Northern Ontario, wood fuel is considered less clean an energy resource than natural gas and oil (including diesel).

This is illustrated by Quebec's wood stove ban in various areas due to poor air quality. To promote wood fuel or timber by-products as an environmentally-conscious option, Public Health Sudbury & Districts recommends that pollution control devices be in place to ensure emission levels are in line with cleaner energy alternatives.

### **Ministry of Labour, Training and Skills Development**

Proposal to eliminate duplicative Federal notification requirement for introducing new chemicals [Occupational Health and Safety Act (OHSA)]

- The Ministry of Labour, Training and Skills Development regulates and inspects workplaces in Ontario. Without knowledge of the chemicals in use at a facility, the Ministry cannot adequately assess whether proper health and safety measures are in place to protect workers. Public Health Sudbury & Districts recommends that the Ministry continue to be notified of new chemicals.

If you have any questions, please contact Burgess Hawkins, Manager, Environmental Health Division at 705.522.9200, ext. 218 or by e-mail at [hawkinsb@phsd.ca](mailto:hawkinsb@phsd.ca)