



August 6, 2021

Robyn Kurtes,
Director, Environmental Policy Branch
Ontario Ministry of Environment, Conservation and Parks
Foster Bldg 10th Floor
40 St Clair Ave W
Toronto, ON M4V 1M2

RE: Response to Extension of Comment Period to August 6, 2021 for ERO #019-2785, #019-2768, and #019-2972

Dear Director,

We are writing on behalf of the thousands of companies represented by our respective industry associations to thank you for your letter of July 16 that positively responded to our request to extend the submission period for the above-noted ERO postings. As we noted in our June 25 joint letter, the potential impact of the proposed measures on the industries and companies we represent was of sufficient severity to merit a longer response period and direct engagement between our association members and the Province.

Our organizations have submitted detailed individual responses to the ERO postings prior to the original deadline and some may provide additional comments to their original responses prior to the new deadline of August 6. In this letter, we will respond more directly to the overall challenges that the new measures pose and suggest a path forward through which we can practically and jointly address them.

Unintended consequences may hinder broader provincial objectives

Given the serious challenges that currently face our Province's economy and environment, we recognize the need for new environmental policy measures. We believe the approach outlined in the ERO postings on land use compatibility guidelines, odour control guidelines, and compliance policy - when considered together - may cause a number of unintended consequences that will actively counter the broader economic, social and environmental objectives set by the Province.

Complaint-based approaches must be balanced in favour of science and certainty: We note that in the proposed policies (particularly those related to odour control), the mechanisms for public complaint may

supplant traditional science-based criteria. While our companies rely on transparent and positive engagement with the communities in which they operate, they are also troubled by a small but growing trend that seeks to make the development, expansion or even operation of their facilities more difficult *even when they are operated well within the regulatory guidelines and the conditions of their provincial compliance certificates*. Public complaints need to be balanced with objective science lest perception trump the very real need for critical infrastructure. Our organizations and the companies we represent are firmly science-based and we would strongly advise that measures that amplify the already troubling trend of NIMBY-ism in Ontario communities be reconsidered.

Important environmental objectives are at risk: Ontario has outlined a series of ambitious measures to achieve environmental objectives. Whether it is reducing our overall greenhouse gas (GHG) footprint, reducing commute times, or increasing the rate of diversion from landfills, meeting such environmental objectives is key to the health, sustainability and prosperity of our province. Our member companies are committed partners in these measures and provide many of the solutions necessary to achieve them.

Yet if we make it more difficult for our companies to operate, this will imperil the ability of the province to achieve its overall environmental goals. Community opposition to resource handling facilities, for example, will reduce our overall ability to divert reusable commodities from landfills. Opposition to siting new infrastructure (such as aggregate quarries or organics facilities) will lead to more distant locations being used, which in turn will lead to increased highway congestion, longer commute times and increased emission of GHGs. We believe that the Province needs to better understand the interconnections between its environmental policies and the other, equally important, economic and social objectives it has set in other areas.

Adding additional “Red Tape” is contrary to provincial commitments: The Province has made a very direct commitment to reduce the amount of regulatory burden placed upon businesses. Yet these new measures, if not properly thought through, will add new burdens that are counterproductive to Ontario’s growth and environmental objectives.

Discouraging direct investment: As some of our organizations have noted in previous submissions, Ontario will require billions of dollars of private investment in facilities such as aggregate quarries, water and wastewater treatment plants, asphalt plants, resource separation and handling facilities, organics processing facilities, digesters, landfills, energy-from-waste, biofuel facilities and other important infrastructure that supports the necessary growth of our province. Yet the investment required to build this next generation of infrastructure will be difficult to attract in an uncertain and unnecessarily restrictive policy environment. Measures related to these facilities need to be clear, transparent and fine-tuned to remove as much uncertainty as possible.

Addressing these issues, practically and efficiently

Given the challenges we have outlined, **we would request that the Ministry strike a small working group**, jointly chaired by provincial and industry representatives, that brings together representatives from other impacted ministries (as appropriate) with representatives from industry and that this working

group be tasked to discuss specific issues and areas of concern, develop practical and workable solutions, and then report back to the Ministry before October 30, 2021. Our organizations are willing to offer senior industry representatives and experts to ensure that the outcome of these discussions is based on the principles of sound science, sound policy and a sound environment. We would also recommend we explore what key organizations should be added to the discussion (e.g. Ontario Federation of Agriculture, Ontario Chamber of Commerce) to ensure we have the most representative group possible of those who will be impacted by the measures and who can positively contribute to moving things forward.

To summarize, our associations and our members are concerned the policy measures outlined in the ERO postings may have unintended but serious consequences for our members and for the broader social, environmental and economic objectives set by the Province. Accordingly, we are ready and willing to work with you to identify issues and develop practical, actionable solutions.

Thank you for the opportunity to share these concerns with you and for considering this request. Please do not hesitate to contact any of the undersigned should you have any questions.

Yours truly,



Alex Gill
Executive Director, ONEIA



Mike Chopowick
CEO, Ontario Waste Management Association



Bryan Hocking
CEO, Ontario Road Builders' Association



Norman Cheesman
Executive Director, Ontario Stone, Sand & Gravel Association



Michele Grenier
Executive Director, Ontario Water Works Association



Jennifer Green
Executive Director, Canadian Biogas Association

c.c. The Hon. Doug Ford, Premier of Ontario
The Hon. David Piccini, Ontario Minister of Environment, Conservation and Parks
The Hon. Victor Fedeli, Ontario Minister of Economic Development, Job Creation and Trade
The Hon. Steve Clark, Ontario Minister of Municipal Affairs and Housing
The Hon. Lisa M. Thompson, Ontario Minister of Agriculture, Food and Rural Affairs

Giles Gherson, Deputy Minister, Economic Development, Job Creation and Trade