

# Update from the Environmental Commissioner of Ontario

Auditing Association of Canada 2017 Conference

Dianne Saxe

May 8, 2017, Toronto



# Overview

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1. What's my role?
2. 2016 ECO reports
3. *EBR*: Sharpening the tools

# 1: What's my role?

# Two main tasks

- Watchdog on:
  - Greenhouse gas emissions in Ontario (climate change)
  - Energy conservation
  - Environmental protection
- Guardian of the *Environmental Bill of Rights*
- No direct equivalent in other provinces



# Legislative Officer

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- Impartial, non-partisan
- Reports to the Legislature through the Speaker
- Unanimous appointment
- Five-year term, renewable
- 25 staff

# Not government

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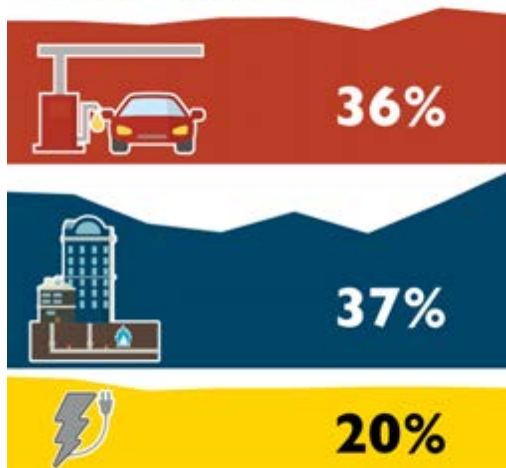
- My tools:
  - Flashlight
  - Can opener
  - Megaphone
- Watchdog, not police dog
  
- We can't fix:
  - *“What are you going to do about...?”*
  - *“Save the \_\_\_\_, stop the \_\_\_\_!”*
  - *“I need help right now with\_\_\_\_\_”*

# 2. 2016 ECO reports

# (7) Really Good Reports in 2016

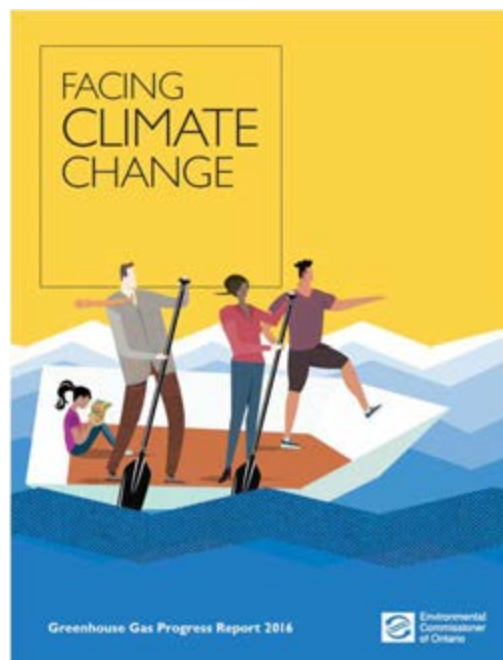
## ENERGY CONSERVATION

**Conservation: Let's Get Serious**  
Annual Energy Conservation Progress Report – 2015/2016



Environmental  
Commissioner  
of Ontario

## CLIMATE



Environmental  
Commissioner  
of Ontario

## ENVIRONMENT



Environmental  
Commissioner  
of Ontario



# More reports



## Developing the 2017 Long-Term Energy Plan

December 2016

A Special Report to the  
Legislative Assembly of Ontario



# Find Them Here

The screenshot shows the homepage of the Environmental Commissioner of Ontario (ECO). At the top left is the ECO logo with the tagline "Your Environment, Your Rights" and contact information: "1-800-591-6464 | 416-325-3377" and "ec.commissioner@eco.on.ca". To the right are links for "FRANÇAIS" and "CONTACT US", social media icons for Facebook, Twitter, YouTube, and Instagram, and a search bar. A blue navigation bar contains the following menu items: HOME, ABOUT US, YOUR RIGHTS, OUR REPORTS, GOVERNMENT PERFORMANCE, and LEARN MORE. A large red arrow points down to the "OUR REPORTS" menu item. Below the navigation bar is a landscape photograph. The main content area is divided into two columns. The left column is titled "YOUR RIGHTS" and includes the text: "Under the *Environmental Bill of Rights*, Ontarians have a right to know about — and have a say in — government decisions that affect the environment." Below this are three interactive boxes: "WANT TO HAVE A SAY IN GOVERNMENT DECISIONS?" with a "COMMENT ON REGISTRY PROPOSALS" button; "HAVE AN IDEA TO IMPROVE ENVIRONMENTAL PROTECTION?" with an "ASK FOR A REVIEW" button; and "THINK SOMEONE IS BREAKING THE LAW?" with an "ASK FOR AN INVESTIGATION" button. The right column is titled "CLIMATE, ENERGY, ENVIRONMENT" and includes the text: "We report on compliance with the *Environmental Bill of Rights*, and Ontario's progress on climate change, energy conservation, and other environmental issues." Below this are three interactive boxes: "WANT TO READ OUR REPORTS?" with a "VIEW REPORTS" button; "INTERESTED IN A SPECIFIC ENVIRONMENTAL TOPIC?" with a "VIEW THE TOPICS" button (highlighted by a red arrow); and "HAVE AN ENVIRONMENTAL PROBLEM NOW?" with a "CLICK HERE TO INQUIRE" button. At the bottom of the page is a "WHO WE ARE" section with a brief description of the ECO's role and a "LEARN MORE ABOUT THE COMMISSIONER" button.

# Not just reports

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We've been busy

- Touring the province
- Speaking with stakeholders
  - Learning and listening

# Ontario is SO diverse: ECO tours

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- Windsor
- Ottawa
- Agriculture
- Lake Huron
- Carolinian Canada
- Pikangikum
- Toronto Financial District...

# Much more outreach


- Better website, social media
- More accessible reports
  - Executive summaries
- Consultation, Collaboration, Relationships
- Marketing, Communications
  - Webinars  
([youtube.com/EcoComms](https://youtube.com/EcoComms))



# Getting the climate message out

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- Influential audiences
  - Ministers' Table on Climate Change
  - Senior civil service
  - Agencies, boards and commissions
  - Financial regulators
  - Pension funds, insurers
  - CAs, RPWCO
  - Concerned citizens, ENGOs...

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- A close-up photograph of a silver microphone on a stand, positioned in the foreground. The background is a blurred crowd of people and warm, bokeh-style lights, suggesting a public event or conference. A blue rectangular box is overlaid on the left side of the image, containing a bulleted list of statistics.
- Dozens of climate presentations
  - Hundreds of viewers
  - Thousands of readers

# 3. *EBR*: Sharpening the Tools



# Guardian of the *EBR*

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- *Environmental Bill of Rights, 1993 (EBR)*
- Environment is too important:
  - Not just up to government
  - Not just up to the Ministry of the Environment and Climate Change
- Procedural tools for public participation in significant government decisions by 17 ministries

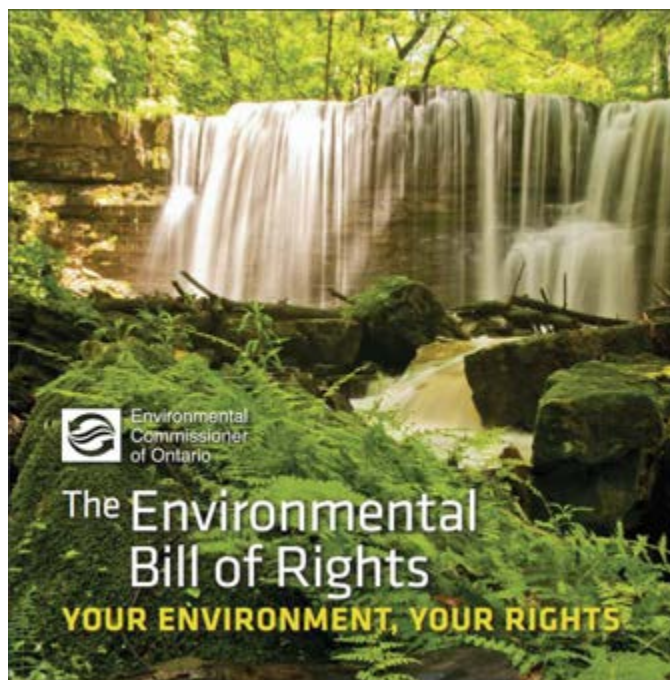
# Key *EBR* tools

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- Right to notice, to information and to comment
- Right to have comments considered
- Right to know final decision
- Limited right to appeal
- Right to request:
  - Review of law or policy
  - Investigation of non-compliance

# Making the *EBR* more effective

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# Sharpening the Tools

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- Prescribing ministries and statutes
- Registry software
- *EBR* review
- Blue Dot campaign – substantive environmental rights

# Public Access

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## Registry Alerts



The banner is divided into two horizontal sections. The top section has a blue background and contains a white circular logo on the left with three curved arrows forming a circle, and the text "Environmental Registry Alerts" in white on the right. The bottom section has a green background and contains the text "GET REGISTRY NOTICES THAT INTEREST YOU" in white, centered. Below this text is a white rounded rectangular button with the text "SIGN UP" in black, centered.

# Government Performance

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## *EBR* Report Cards

- Outdated notices
- Overdue applications for review, investigation
  - Better transparency for applicants, public
- Notice quality
- Recommendation follow-ups



**EBR PERFORMANCE CHECKUP**  
RESPECT FOR ONTARIO ENVIRONMENTAL RIGHTS  
2015/2016






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A Special Report to the  
Legislative Assembly of Ontario

 Environmental  
Commissioner  
of Ontario

1075 Bay Street, Suite 605  
Toronto, Ontario M5S 2B1



# MOECC 2015/2016

CATEGORY	RESULT	ECO COMMENTS
Quality of Notices Posted on the Environmental Registry		The MOECC generally posts high quality notices. However, the ministry frequently fails to include links to key supporting documents, including draft or final approval documents, in instrument notices (e.g., permits to take water). Enabling the public to access supporting documents by clicking on a link is far superior to (and more efficient than) requiring the public to email the ministry to request a copy.
Timeliness of Decision Notices and Avoiding Outdated Proposals		The MOECC posted fewer than half of its assessed decision notices within two weeks of a decision being made. Although the MOECC remedied more than 800 of the 1,300+ outdated instrument proposal notices that the ECO identified in 2014/2015, the ministry only remedied 8 out of 94 outdated policy, act and regulation notices. As of April 1, 2016, the MOECC had 686 outdated notices on the Registry.
Handling of Applications for Review and Investigation		The MOECC concluded seven applications in 2015/2016; it denied two applications for review, undertook three reviews, and undertook two investigations. The ministry handled each of those applications very well. However, the MOECC has six long overdue applications – one dating back to 2009 – which it has yet to conclude.
Considering Statements of Environmental Values		The MOECC usually responds to the ECO's requests for SEV consideration documents reasonably promptly. However, for some notice types the MOECC takes the position that SEV consideration is not required, or that the consideration need not be specifically documented. The ECO disagrees, and in those cases considered the MOECC to have failed to consider its SEV.
Co-operation with ECO Requests		MOECC staff were extremely helpful to the ECO this year. MOECC staff regularly met with the Commissioner on a variety of issues, and provided briefings on source water protection and the proposed cap and trade program. The MOECC's EBR co-ordinator is very helpful at facilitating the ECO's requests for meetings and information.

**LEGEND**

Quality of performance:

-  Meets or exceeds expectations
-  Needs improvement
-  Unacceptable

Relative EBR workload:

-  High
-  Medium
-  Low

# MOECC by the numbers, 2015/2016

	MOECC	All Ministries
<b>Proposal and Decision Notices for Policies, Acts and Regulations Posted</b>	50	210
<b>Approximate Number of Instrument Proposal and Decision Notices Posted</b>	Over 3,010	Over 3,530
<b>Total Proposal and Decision Notices (all types) Reviewed by the ECO</b>	96	401
<b>Outdated Proposal Notices as of April 1, 2016</b>	686	839
<b>SEV Consideration Documents Requested by the ECO</b>	124	194
<b>Applications Concluded</b>	7	13



# Improving *EBR* compliance

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ministries should prioritize four key areas in 2016/2017



1. Content of instrument notices posted on the Environmental Registry;
2. Posting decision notices promptly;
3. Avoiding outdated proposals; and
4. Avoiding overdue applications for review.

# Ministries' attention and competence

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- Personal meetings
- Deputy commitment letters
- Ministry staff capacity building

# Ministry Comments (MOECC)

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## **Quality of Notices Posted on the Environmental Registry**

The MOECC is committed to improving public access to information and modernizing the Registry to meet changes in societal expectations and technological innovations. The ministry plans to improve user friendliness, transparency and effectiveness of the Registry to enhance public participation in environmental decision making.

## **Timeliness of Decision Notices and Avoiding Outdated Proposals**

The MOECC agrees that timely posting of decision notices is important and is implementing a new process to ensure that happens. A project is also underway to modernize the Environmental Registry which will assist in avoiding outdated notices.

## **Handling of Applications for Review and Investigation**

The MOECC recognizes the need for timely responses to Applications for Review and Investigation. The ministry is providing updates to applicants this spring and, beginning in June 2016, will publish quarterly status reports on the Environmental Registry to keep the public informed.

## **Considering Statements of Environmental Values**

The MOECC recognizes the importance of applying and documenting Statement of Environmental Values (SEV) considerations and will provide documents in a timely manner as requested.

# Where do we go from here?

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- 2016/2017 *EBR* Report Cards
  - To be released in late 2017
  - Part of our annual Environmental Protection report
- Registry software update
- Formal response to *EBR* update application

# Questions?

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Download our reports : [eco.on.ca](http://eco.on.ca)

Contact us: [commissioner@eco.on.ca](mailto:commissioner@eco.on.ca)

Environmental  
Commissioner  
of Ontario



Commissaire à  
l'environnement  
de l'Ontario

Stay informed:

[eco.on.ca/about-us/get-eco-updates](http://eco.on.ca/about-us/get-eco-updates)