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**Official Report
of Debates
(Hansard)**

G-19

**Journal
des débats
(Hansard)**

G-19

**Standing Committee on
General Government**

Better for People,
Smarter for Business Act, 2019

1st Session
42nd Parliament

Friday 22 November 2019

**Comité permanent des
affaires gouvernementales**

Loi de 2019 pour mieux servir
la population et faciliter
les affaires

1^{re} session
42^e législature

Vendredi 22 novembre 2019

Chair: Goldie Ghamari
Clerk: Jocelyn McCauley

Présidente : Goldie Ghamari
Greffière : Jocelyn McCauley

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Friday 22 November 2019

Vendredi 22 novembre 2019

The committee met at 0900 in the Holiday Inn Peterborough-Waterfront, Peterborough.

**BETTER FOR PEOPLE,
SMARTER FOR BUSINESS ACT, 2019
LOI DE 2019 POUR MIEUX SERVIR
LA POPULATION ET FACILITER
LES AFFAIRES**

Consideration of the following bill:

Bill 132, An Act to reduce burdens on people and businesses by enacting, amending and repealing various Acts and revoking various Regulations / *Projet de loi 132, Loi visant à alléger le fardeau administratif qui pèse sur la population et les entreprises en édictant, modifiant ou abrogeant diverses lois et en abrogeant divers règlements.*

The Chair (Ms. Goldie Ghamari): Good morning, everyone. The Standing Committee on General Government will now come to order. We are here today for public hearings on Bill 132, An Act to reduce burdens on people and businesses by enacting, amending and repealing various Acts and revoking various Regulations.

CITIZENS AGAINST MELROSE QUARRY

The Chair (Ms. Goldie Ghamari): I will now call upon Citizens Against Melrose Quarry to please come forward. Pursuant to the order of the House dated November 7, 2019, you will have up to 10 minutes for your presentation, followed by 20 minutes for questioning, with eight minutes allotted to the government, 10 minutes allotted to the official opposition and two minutes allotted to the Green Party independent member. Please state your name for Hansard, and you may begin.

Ms. Sue Munro: Good morning. My name is Susan Munro. Thank you for providing this opportunity to speak to you today. I am addressing schedule 16, which includes the bill's proposed amendments to the Aggregate Resources Act.

I am the chair of Citizens Against Melrose Quarry, CAMQ. We are a community not-for-profit organization in Tyendinaga township, Hastings county, represented by Mr. Daryl Kramp. I do not come to you as a lawyer or as a professional bearing credentials to review aggregate operations. I am an RN. CAMQ members come from all walks of life.

We were formed in the spring of 2013 by citizens who felt their long-standing concerns about the proposed Melrose quarry were not being heard. Opposition began in 2004, when residents first objected to the plan being brought forth for official plan amendment to add a second quarry adjacent to the existing Long's quarry.

In December 2010, prior to the approval of the OPA, the proponent submitted an application for an ARA class A, category 2 licence, below the water table. In early 2011, residents responded with formal opposition to the then-MNR. Nine years later, this application is now coming under review at LPAT: MM180027. I believe you all got the handout, did you? Okay, thank you.

Fifteen years, and residents' fears have not been addressed.

Our group promotes responsible, equitable and sustainable resource use. Tyendinaga is primarily zoned agricultural and rural residential. Our community, like many others in Ontario, relies on groundwater to meet domestic, commercial and agricultural needs, as we have no municipal water supply. This is a community that falls outside the scope of protections by the Clean Water Act and the Safe Drinking Water Act.

The aquifer in the area around the quarry is classified as highly vulnerable. To date, there has been no study to review the cumulative impact. Since 2004, there have been multiple new home builds. There is also a recreation centre and a public school in the vicinity that rely on well water. Our nearest municipal water supply, should an untoward event happen, is 20 kilometres away in Belleville.

On March 2, 2017, Danielle Emon and I, on behalf of CAMQ, made a submission on Bill 39, Aggregate Resources and Mining Modernization Act. Our presentation is still available on the standing committee transcripts. Our requests were simple, and we were thrilled when the committee was able to act on one of them: that section 12(1)(e) be amended to specify that there shall be regard to any possible effects on ground and surface water, including "drinking water" sources. This was a change from "municipal water."

Some 18% of Ontario's total population relies on private wells, with their water being excluded, as noted, from source protection plans. We are painfully aware that much of the responsibility for well maintenance falls to owners. Government-initiated actions such as aggregate extraction below the water table pose increased risk to these well owners, and stewardship must lie beyond the

control of the individual property owner and in the hands of government and the proponent. Contingency planning for what to do when something happens is not precautionary.

Other points we addressed in 2017 are still relevant. We need to improve openness and transparency within our ministry, and better cross-communication. All legislation supporting sustainable use of water needs to be structured to protect rural water supply as well as municipal.

The MNR must consider other ministries' requirements and non-compliance records when evaluating aggregate licences for approval. When assessing cumulative impacts on groundwater, please consider large-volume water-taking and residential needs, coupled with research on climate change.

We ask that for an ARA application, you consider that the aquifer can continue to tolerate a broad range of uses, with limited abilities to recharge, and we want to know how pumping billions of litres of water affects highly vulnerable, weak-recharge environments. We ask that ARA licences be time limited.

I also want to address the funding. We know that there is an ability to go to LPAT should we not agree with a decision; however, that costs mega dollars for a community and is cost-prohibitive. We are suggesting that when the MNR refers an application to LPAT, that it be funded. Our suggestion is that you collect one cent per tonne from the aggregate industry to fund that ability for citizens to have their voices heard.

CAMQ made a submission this month to the ER notice regarding proposed changes to the ARA. We note the intent of the new act to strengthen rural water by a more robust application process. We suggest that you do this by tying the permit to take water and the licence together. This would time-limit the ARA and would consider impacts to aggregate extraction both within and below the water table. We also noted the intent to streamline compliance reporting; again, we believe these two should be tied.

Why does CAMQ believe the aggregate licence should be time limited and tied to the permit to take water? Here is our example, and we know this type of situation is happening all across Ontario. We doubt, however, that this scenario was discussed at your summit last spring.

In 2005, Long's Quarry was denied a permit to take water by the then MOE. The operator continued to pump water for six years before the Ministry of Natural Resources found out. Apparently, there was no communication between the two ministries. When they were discovered, around the time the application for the adjacent Melrose was submitted, the MOE ordered that the non-compliance be investigated.

The proponent had not kept records, meaning that there was no proof that more than 50,000 litres of water had been pumped from the aquifer. There was no penalty. However, to bring the operator into compliance, the ministry issued a permit for more than one million litres a day. To me, that's quite a change, from not needing 50,000 to bringing them into compliance with one million litres

per day. That was followed by a one-year permit to take water.

That became the subject of an ERT—Environmental Review Tribunal—hearing in 2015, launched by CAMQ with the support of the Canadian Environmental Law Association. It was paid for by cookie baking, community funds and private donations. As a result of the 2015 recommendations, the subsequent permit to take water provided language for low water conditions, i.e. drought. In the very first year, the proponent violated those terms. We addressed it; the ministry discussed it with him. After a second violation, an investigation was launched by the MECP. To date, we have not heard of a penalty. This is unacceptable.

There are several other non-compliances with this operator, both with the MECP and the MNR. We learned that information is kept in a silo effect. Cross-communication between these two ministries is essential, and having a time-limited ARA licence tied to the permit to take water is straightforward, cuts red tape and affords ordinary citizens protection.

Finally, climate change provides yet another reason for the permit to take water and the ARA licence to be tied. A new licence for aggregate may allow for continued extraction and billions of litres of water pumped annually for upwards of 100 years. Is it reasonable to predict the future health of a vulnerable aquifer for generations to come based on today's conditions? We believe there should be a moratorium on all new licences until you, our government, get a better handle on this situation.

0910

Other agencies will come before you and address Bill 132, schedule 16, in a much more eloquent way. However, on behalf of this rural community in eastern Ontario, I respectfully have two requests:

—that the ARA licences be time limited and tied to the permit to take water; and

—that annual compliance reporting be combined with the aggregate licence and the permit to take water for improved communication between the Ministry of Natural Resources and the MECP.

Again, thank you for allowing me to address you today on behalf of Citizens Against Melrose Quarry.

The Chair (Ms. Goldie Ghamari): Thank you very much for your presentation.

This round of questions will begin with the official opposition. MPP Fife.

Ms. Catherine Fife: Ms. Munro, I have to say, you were pretty eloquent in your presentation. The paper that you presented is well researched. You have excellent references that support all of your claims.

We heard yesterday from other groups who are at the beginning of their journey, so it's pretty discouraging to hear that you've been working so long. I'm sure that it has been a test of your resources and your patience, and you quite rightly point out that it should not come to that. But Bill 132 and the proposed changes by the PC government will not solve the problem. Do you agree with that?

Ms. Sue Munro: I'm coming before you as totally non-partisan, because in our group, with CAMQ, I have

members who come from every political party, and I want to depoliticize this. I agree that, as the act stands, it does not address the concerns of rural citizens.

Ms. Catherine Fife: That's all I want to say. I don't want to get into the partisanship. But if we're looking to solve the problem, which is what this committee is tasked with, and to try to change this bill and make it actionable and responsive to the very issues that you've raised, there are a few things that have to change that are in the schedules.

You've pointed out that your efforts have been funded by bake sales and fundraising. The government is repealing the Local Planning Appeal Support Centre, which was brought in in 2017 to help groups like yours because there was a great sense of frustration, under the former government, that groups needed support to navigate all of these appeal processes, and not every group can lawyer up. They're repealing this, which we don't support because we think there's a power imbalance that I'm sure you've come up against over and over again.

The other—

Ms. Sue Munro: May I just speak to that briefly?

Ms. Catherine Fife: Yes, of course.

Ms. Sue Munro: I came before the standing committee, as I noted, in 2017, with the then Liberal government. My concern at that time was that that office might be a start to help navigate but that doesn't answer the problem. When you go before an LPAT, you need \$100,000 in your pocket. How are you going to get that? Yes, it's nice to have that office to help navigate—and I agree it maybe shouldn't be taken away—but that isn't enough, and I argued that before. What we need is for the aggregate resource industry to pony up. We would not be going to an LPAT had they been able to resolve the differences with the community. We would not be in this position had they not put us there. So rather than getting into the “individual person up against” and getting into all the biases, I firmly believe that one cent per tonne goes into a contingency thing—I would ask that this government start right away with maybe \$1 million, or pick a figure, to put in a contingency fund to start, so that when your ministry, as a government, refers this to an LPAT, we're not left behind the eight ball.

Ms. Catherine Fife: But you wouldn't even need to get to that point if the government followed through on one of your recommendations to have ARA licences be time limited. What do you think the aggregate community would think about that, Ms. Munro?

Ms. Sue Munro: I think the aggregate community will have a problem with that, because it's realistic and it needs to happen.

I've given you a good example of how things fall through the cracks. This is going into 2020. The acts go back to the 1970s—in 50 years, with climate change—a lot of things have happened. It's time for the tail to stop wagging the dog and look at what's happening with the citizens.

Ms. Catherine Fife: Yes. But just to go back to my point: Bill 132, though, would not address that power

imbalance between aggregate companies and citizen groups.

Yesterday, on the Hallman pit, a group that's just starting this process, they made the point of saying that they're not anti-aggregate; they're pro-water. I think that was a very powerful statement, because you have communities that are genuinely concerned—in rural communities where they have private wells but also aquifers—that the risk is not worth compromising the water table, and Bill 132 would still allow aggregate companies to go underneath the water table.

I'm going to pass it on to my colleague here. Thank you very much for your time, Ms. Munro.

The Chair (Ms. Goldie Ghamari): MPP Arthur.

Mr. Ian Arthur: Good morning. Thank you so much for coming into the committee this morning and making the trip up from Tyendinaga. I'm from Kingston so I drive through your community every week.

You touched a little bit on the siloing that has happened between MNR and the Ministry of the Environment, Conservation and Parks. Can you also touch on the interactions—you mentioned your local MPP was Daryl Kramp. You've travelled all the way up to Peterborough, which isn't too far, but is a bit of a trip to come before this committee, and this is the first bill that we've had an opportunity to actually travel and hear from citizens across Ontario. Would you describe a little bit your interactions with your own MPP and if you feel that there are adequate avenues in place for these concerns to be addressed?

Ms. Sue Munro: Well, I'll be honest. I haven't talked to Daryl Kramp. But way back, since this has been going on for so long, I did talk to Todd Smith and in those days—I don't want to belabour this committee because this has to do with the aggregate.

But you have to know that the official plan for this was put on the table—the public meeting was May 2004. People objected. Hastings county sent it through to the Minister of Municipal Affairs and Housing without any supporting documents. That fall, the ministry wrote Hastings county back and said, “It's beyond the 48-day process. We suggest you repeal this motion”—I have the emails to support all that—they did not.

So seven and a half years later—now remember, this is before Internet and all that—in comes the proponent with the consultant reports; we're now talking 2009, which they still are currently outdated, but that's what we're dealing with.

Hastings county sent it through to the ministry in those days and they started the process, but they never had a second public meeting. Those people who went there were well recorded, that they were there and they were interested. Not one of those people was notified that this was back on the table.

The official plan was passed without any citizens knowing that it happened. The next thing we knew was when this aggregate—we said, “Well, how did that happen?” Seven and a half years is a long time for somebody to follow whether something's going to go through, and I don't know why it wasn't revoked, but this is where I go with silos all the way along, not in one place.

Right now, we're before an LPAT, and I don't want to get into the details of that because it hasn't come forward yet, but one of the things that the proponent's lawyer wants taken off the table is compliance. He doesn't want us to talk about compliance. Well, you've heard about this—anyway; sorry. I don't know if that answers you or not.

Mr. Ian Arthur: Yes. Sorry. They don't want compliance to be part of the discussion?

Ms. Sue Munro: No, on our issues list, one of the things they wanted off the list was compliance. We are arguing it. I don't want to get into that specific case. I want to speak for rural Ontario, and this is the kind of stuff that we're going through. And I'm going back to your comment about aggregate being important. Well, you know what? Skunks are important, too. Skunks are very important, but when they show up at the garden party and don't behave, you don't want them there, right?

Mr. Ian Arthur: Thank you, Sue. Jennie, do you have anything?

Mrs. Jennifer (Jennie) Stevens: Absolutely nothing, but thank you for coming today.

The Chair (Ms. Goldie Ghamari): You have one minute left. No further questions?

Mr. Ian Arthur: No further questions for now.

The Chair (Ms. Goldie Ghamari): Thank you.

We'll now turn to the independent Green Party member, you have two minutes.

0920

Mr. Mike Schreiner: Thank you, Ms. Munro, for coming in. I've met with so many citizens' groups going through what you're going through, and I know how hard it is.

Regardless of the particulars around the removal of the Local Planning Appeal Support Centre for citizens, would you agree that some sort of support centre and, even more importantly, a fund for that centre to assist citizens' groups, is essential to democracy and also to your ability to speak out your concerns?

Ms. Sue Munro: I did contact that centre. However, we were before it, because I'm going back—I predate that. We have had the advantage of the Canadian Environmental Law Association. I don't know whether any of you here know how high that bar is to actually get their involvement.

Mr. Mike Schreiner: Very high.

Ms. Sue Munro: It's very, very high, and it has to be a very vulnerable aquifer. Nonetheless, we're still fighting and baking cookies and having yard sales.

The short answer to your question is, anything is a help, but it's not enough.

Mr. Mike Schreiner: I agree. Also, one of the concerns is that this bill takes away municipalities' ability around land use planning and aggregates, and water protection and aggregates. The government at times has said that rural communities don't have the resources at the municipal level to do that. Would you agree with that statement?

Ms. Sue Munro: I think there has to be municipal input into what goes on in your own municipal community, but I also believe that there needs to be provincial oversight.

Mr. Mike Schreiner: So we need both.

Ms. Sue Munro: You need both.

Mr. Mike Schreiner: Great. Thank you.

The Chair (Ms. Goldie Ghamari): We'll now turn to the government. We'll begin with MPP Harris.

Mr. Mike Harris: Thank you, Ms. Munro. It's nice to meet you. I know we had a couple of minutes to quickly chat before committee resumed this morning.

Obviously, with your specific application being before the LPAT right now, I don't want to get into too much about that.

Ms. Sue Munro: No, I can't.

Mr. Mike Harris: I can't either, as the parliamentary assistant to the Minister of Natural Resources and Forestry.

But there are a couple of things that you brought up that I wanted to address. One of those things was that siloing effect. This is one thing that myself—and I've got the parliamentary assistant to the Minister of the Environment sitting right beside me today—we're really trying hard to break down some of the barriers that have been put up over the last 15 years within these ministries.

Our ministry works very closely, and our minister works also very closely, with the Minister of the Environment, Conservation and Parks. Rest assured that there is communication going on, and that we're trying to rebuild those bridges and break down those silos, so that there is better communication.

I think that's one of the things that our government is really trying to do when we talk about red tape. Obviously, what this bill is all about is being able to streamline some of those things where you don't need to have redundant duplications between ministries; where you don't have to try to force that communication and you're able to just have that openly and freely; and where, instead of having to deal with two, three or four different ministries, and you're getting that broken telephone game going on, we're able to do that within one ministry or two, and be able to have those streamlining effects.

So, rest assured, that is happening, and it is something that we take very seriously.

Again, I don't want to get into too many specifics about your specific issue, obviously, with the Melrose quarry. But there are a couple of things within this bill that we're really trying to actually strengthen: what's happening when it comes to environmental assessments, when it comes to vertical zoning and when it comes to applications below the water table.

You obviously come from an area where you don't have a lot of municipal oversight. It definitely is important that we have the province involved in what is happening with vertical zoning, because there is a disparity across the province. You have areas—I said this yesterday—that do aggregate very well; you have some areas that, unfortunately, don't.

Municipal input is still part of the environmental assessment process. You now have a mechanism to be an official objector under these regulations. Whether you're a citizen and/or the municipality, you'll now have a mechanism to take this to the LPAT, where you wouldn't

have had that before. I know it can be expensive to do that, to be an official objector to an application. That was not a mechanism beforehand. It would have to be launched by, usually, the company, the aggregate operator. If their application wasn't successful, they would then take it to the LPAT. So you'll now—

Ms. Sue Munro: Excuse me. I'm going to stop you there.

Mr. Mike Harris: Sure.

Ms. Sue Munro: I've been dealing with this for quite some time, and I went back through, prior to this government, and asked how to get this brought forward. Citizens could bring this forward, and I was a registered objector back in 2011. So I won't argue with you, but I'd ask you to maybe research that.

Mr. Mike Harris: With the vertical zoning piece I'm talking about—

Ms. Sue Munro: Oh, the vertical zoning piece, okay. Pardon me. I thought you were talking about the LPAT application.

Mr. Mike Harris: No, I mean the vertical zoning.

There's one thing that I am interested in hearing a bit more about. When you're talking about this contingency fund, tell me a bit more about how you would like to see something like that set up. This is why we are here. We are here to look at making possible amendments.

Ms. Sue Munro: And I appreciate all of you coming. So there are two things. The two ministries are together. I believe the aggregate licence in those need to be tied together so that when you go to get a permit to take water, you're going to review the licence at the same time. Time-limit both of them and get them together.

To speak to it, there are a couple of different ways that I would suggest that you could look at the LPAT intervenor funding. We all know that no government wants to open up another budget line. Right? None of you want to open up another budget line. So why are not the ones that are creating the issue paying a cent per tonne? I don't have a plan, but I'd love to sit down with government agencies if you decided to do this, and I'd work right along with you to say, "Here's one cent per tonne. You're going to put it into this contingency fund."

Then when I get this, as I did from the Minister of Natural Resources, to say—we did not appeal Tyendinaga's decision, because the OPA had already been done behind our back, and Tyendinaga was merely following what Hastings county had done. You know, take your head on a brick wall and stop slamming it—so we said okay. The next thing we get is we're taking it—the issues have not been resolved. The Ministry of Natural Resources, in March 2018, referred this to—it was the OMB in those days; it got switched, as we know. I was an original objector. I can go and speak to it, and I will.

I also worked with a community group to have CELA get participant status, which is great because now we have a lawyer. I don't have \$100,000 to fight an aggregate industry. I don't have it.

Mr. Mike Harris: Do you think that could be something that could be rolled into the municipality levy?

I'm just talking about the collection of the fees, just to sort of streamline things and make things easier.

Ms. Sue Munro: I think it's quite honestly better delivered by the province. I think that that's a provincial thing, because municipalities—and I'm not going into detail with it—particularly in rural ones, you're going to have patchwork all across the province. You're going to have this municipality that believes this—we need that provincial oversight by you people, who say—

Mr. Mike Harris: And again that goes back to my earlier comment about some municipalities do things really well and some, unfortunately, don't.

Ms. Sue Munro: Some don't. So my recommendation—I would be happy to sit with you—is to charge them one cent per tonne. Put it into whatever kind of fund; you choose the name. And I'd even go so far as to say, okay, if you want community groups to be serious, because you don't want frivolous stuff—right?

Mr. Mike Harris: Sure.

Ms. Sue Munro: If it's been referred by the ministry to it—I don't know, maybe 75% funded? I don't mind baking \$25,000 worth of cookies, and yard sales; I don't mind soliciting the community—

The Chair (Ms. Goldie Ghamari): You have one minute left.

Mr. Mike Harris: It's funny that you brought that up because my wife just baked some cookies for a thing that's happening at our son's school, and they sold out like that.

Anyway, that's it for us. Thank you very much. I appreciate you being here.

The Chair (Ms. Goldie Ghamari): Thank you. Further questions? No. All right.

Thank you very much for your presentation and your time. You may step down.

ONTARIO WATERPOWER ASSOCIATION

The Chair (Ms. Goldie Ghamari): I'd now like to call upon Ontario Waterpower Association: Mr. Paul Norris.

Mr. Paul Norris: Good morning.

The Chair (Ms. Goldie Ghamari): Good morning. Please state your name—

Interjections.

The Chair (Ms. Goldie Ghamari): I would ask all members to keep their conversations to a whisper. If I can hear you then everyone can hear you, and it's distracting. Thank you.

Mr. Norris, please state your name for Hansard and you may begin. You have 10 minutes for your presentation.

Mr. Paul Norris: Good morning, and thanks for the opportunity to speak with you today. Welcome to the Electric City. My name is Paul Norris, President of the Ontario Waterpower Association.

The OWA is a not-for-profit member-based organization promoting the sustainable development and management of water-power resources in Ontario. Our membership of more than 150 includes generators, engineering firms, environmental consultants, legal, project-financing and insurance firms, suppliers, First Nations

communities and other organizations, all sharing the common interest of advancing water power in Ontario.

0930

I will be speaking today specifically to schedule 9 of the proposed Better for People, Smarter for Business Act. I have included in your package a copy of this deputation, as well as supporting background material.

Ontario is home to 224 water power facilities, more than 30 of which have been providing reliable, affordable electricity for over a century. Until 1951, water power provided all of the province's electricity. Today, at 9,000 megawatts—25% of installed capacity—it remains the backbone of our sustainable system.

More importantly, made-in-Ontario water power punches above its weight. That 25% of capacity contributes 30% of our total energy and 24% of peak demand requirements, while only constituting 17% of total generation costs. It is, in fact, the only form of power generation in Ontario where relative costs are less than each of the relative values. Our industry is expected to invest an estimated \$1.2 billion in these assets over the next five years.

As is the case here in Peterborough, water power is embedded in the very identity of communities across the province. Last year, our association conducted opinion polling to test the public's view of the water power industry, and what we found, quite frankly, was astonishing. A net 90% of Ontarians polled supported water power—across all regions in the province, across all demographics and across all political affiliations. Additionally, we found that the more people understood about water power, the more they supported it.

Building on those findings, this year, we launched the inaugural Waterpower Day on June 20—Sir Adam Beck's birthday—which now has the support of more than a dozen municipalities across Ontario, including the cities of Peterborough, Quinte West, Kawartha Lakes, Kingston and Niagara Falls, and organizations such as the Federation of Northern Ontario Municipalities.

So I'm particularly pleased that the government has added its support for Ontario's foundational electricity industry through its inclusion of a targeted and practical burden reduction initiative for water power in Bill 132.

I'd like to begin by acknowledging and recognizing the leadership of MPP Jill Dunlop, who, in a private member's bill earlier this year, brought forward an initial proposal to eliminate the long-standing overlap and duplication between the Ontario Water Resources Act and the Lakes and Rivers Improvement Act. The proposal enabled through schedule 9 of Bill 132, and supported by schedule 16, builds on the framework proposed under the previous bill, and significantly advances regulatory certainty for the industry.

As described in the excerpt from schedule 9 that I have included in your packages, the intent of this burden reduction initiative is to streamline processes by moving towards a one-window approvals system for water power facilities through the Ministry of Natural Resources and Forestry. This will be achieved by amending the Ontario Water Resources Act to remove the need for water power

facilities to obtain a permit to take water. Water power facilities will continue to be regulated under the Lakes and Rivers Improvement Act, which is administered by the Ministry of Natural Resources and Forestry, and by the class environmental assessment process.

The proposed changes would remove the current duplication and overlap between the Ministry of the Environment, Conservation and Parks and the Ministry of Natural Resources and Forestry, and would provide cost savings for facilities while maintaining environmental protections.

As you will see from the copy of our press release, also included in your package, the OWA strongly supports this measure. In my view, this elimination of overlap and duplication will both boost investor confidence and ensure that investment is made in projects rather than in the regulatory process.

It's important to recognize that there is no loss of government oversight in this proposal. Rather, it ensures that the industry is regulated once, addressing what had become a pancaking of requirements, driven largely by unintended consequences of unrelated policy initiatives over a period of years.

Allow me to provide some context. At the commercialization of the Ontario electricity sector in 2001, the government of the day had fundamental decisions to make with respect to the breakup of Ontario Hydro, one of which was how to regulate the operation of water power facilities in a deregulated system. The government specifically chose to amend the Lakes and Rivers Improvement Act to achieve this objective. All existing, new, or upgraded water power facilities were ordered to develop and comply with an operating plan through the provisions of the LRIA.

While these provisions could have been applied to any dam, or any structure—conservation authority dams, for example—since their introduction, successive governments have only ever used them to regulate provincial river systems on which there are water power facilities.

Fast-forward to the mid-2000s: The province had to respond to a policy concern primarily associated with groundwater extraction and chose to amend regulation under the Ontario Water Resources Act to significantly expand the Permit to Take Water Program and its scope of application, capturing some water power facilities as a consequence. While this may have been appropriate for water-takings not already regulated, such as groundwater extraction, it resulted in an unnecessary duplication of the application of the LRIA to water power facilities, which don't actually take water at all.

The proposal under Bill 132 specific to water power will address this duplication while ensuring water power facilities remain strongly regulated.

I'd like to speak briefly as well to a component of schedule 16, the complementary regulatory proposal being brought forward by the Ministry of Natural Resources and Forestry to implement a one-window approach for water power. In addition to expanding the matters over which the minister may make governing regulations, the proposal, wisely in my view, contemplates the ability to adopt by reference a code, formula, standard, protocol, procedure or guideline.

The OWA has commissioned and published more than 40 environmental best-management practices with the involvement and support of government agencies on subjects ranging from construction to water quality to species at risk. I've brought copies of those with me if people are interested. In addition, as the proponent of the class environmental assessment for water power, we have incorporated as resource materials dozens of other guidance documents. In short, we take our environmental responsibilities seriously. Enabling the ministry to adopt, by reference, under regulation leading best practices necessarily reduces the burden on government.

In closing, I'd like to thank Minister Sarkaria and his colleagues, and hopefully all of you, for bringing this initiative forward. For those of you who have been at previous parliamentary committees at which I've presented burden reduction proposals, or at any of our recent Queen's Park days, you'll know that we welcome this measure.

Thanks. I'd be pleased to take questions.

The Chair (Ms. Goldie Ghamari): Thank you very much for your presentation.

We'll now turn to the independent Green Party member. You have two minutes.

Mr. Mike Schreiner: Thank you, Chair. Thanks, Paul, for being here today. Good to see you.

Mr. Paul Norris: Good morning. Good to see you.

Mr. Mike Schreiner: There will be organizations—they have reached out to me—that have expressed concern, particularly around species habitat and fish habitat and water power. Could you maybe elaborate on some of the ways in which the industry is addressing those concerns?

Mr. Paul Norris: Absolutely. We are the proponent of the class environmental assessment for water power, and that's the process through which any new development goes in Ontario.

On the fisheries side, as you know, with the recent results of the federal election, we don't expect there to be any changes to the Fisheries Act, which was recently amended. I've actually met recently with DFO, Ontario and Arctic region, to talk about the rollout of those policies. Those are incorporated into our class environmental assessments, so going through that process, you must consider fish and fish habitat.

With respect to species at risk, you may know that I sit on the Species at Risk Program Advisory Committee, and I have for eight or nine years, but in our own industry we have published a series of three best-management practices for species that intersect hydroelectric facilities: the American eel, lake sturgeon and channel darter. Those are kind of the signature species. Again, that's incorporated directly into the class environmental assessment process for hydro.

Mr. Mike Schreiner: What role do you think water power has in supplying low-cost electricity in Ontario, and could it play a bigger role?

Mr. Paul Norris: Absolutely. As I said, we have 9,000 megawatts of installed capacity. It is the lower-cost form of electricity generation in the province, absolutely.

In terms of expansion opportunities, we have 2,000 unpowered dams in the province of Ontario, owned largely by the taxpayer—so either MNR, conservation authorities or local municipalities. A number of those have potential to be retrofitted for structure. In northern Ontario, we have a number of successful partnerships led by proponents in First Nations.

The Chair (Ms. Goldie Ghamari): Thank you very much. That's all the time that you have. We'll now turn to the government, starting with MPP Smith.

Mr. Dave Smith: Thanks for coming in, Paul. I greatly appreciate this.

Mr. Paul Norris: Good morning.

Mr. Dave Smith: I'm happy I was able to introduce you to MPP Dunlop back in the spring.

There are a couple of things that I'd like to touch on from your presentation. Right now, you have to go through a permit-to-take-water process. How much water does the power plant actually take?

Mr. Paul Norris: We don't take any.

Mr. Dave Smith: It seems kind of odd that you're required, then, to go through a permit to take water when you're not actually taking any water.

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Mr. Paul Norris: Yes, it has been my observation for some time.

Mr. Dave Smith: What's the average lifespan of one of those power plants?

Mr. Paul Norris: We have, as I say, 30 hydroelectric facilities in this province. Some of them, including right here in Peterborough, have been producing electricity for more than 100 years. These things last virtually forever.

Mr. Dave Smith: And the environmental impact of them is, it's safe to say, relatively small?

Mr. Paul Norris: I would say it's relatively small. The regulatory process is robust and we take it very seriously.

Mr. Dave Smith: The current process right now: You have to go through the Ministry of the Environment, Conservation and Parks, and you have to go through the Ministry of Natural Resources and Forestry, and you're filling out more than one application for it. Is there ever a time delay because one ministry takes a lot longer than the other to actually do—

Mr. Paul Norris: I can give you a really good case example, just to point out the process. In Parry Sound, Ontario, there's a hydro facility that was built in 1919. It's still a running hydro facility. They went to upgrade it in 2015, and because they applied to upgrade it, they triggered a requirement for a permit to take water. They applied for the permit to take water in 2015 and they got it in 2018, delaying the project \$80,000 to \$100,000 in the process, and \$20,000 in annual monitoring. And that facility is already regulated by the Ministry of Natural Resources and Forestry through the Lakes and Rivers Improvement Act.

Mr. Dave Smith: It has been operating for almost 100 years. They went to upgrade the generator in there—not remove the dam and replace the dam. It was just a

generator upgrade, a relatively minor process. And we took four years to do it because—

Mr. Paul Norris: Because that's how long it took to do it.

Mr. Dave Smith: It seems a little excessive to me.

There's a consultation process—and there's a little bit of confusion in the community about this; I'm hoping you can clarify it for me—before we build a new power plant. There's an Indigenous component to that consultation. Does this regulatory change change any of that—

Mr. Paul Norris: No.

Mr. Dave Smith: So although there have been some fears expressed that we're trying to push things through quickly and change the consultation, your interpretation of this is that all of that consultation must occur beforehand, before the application goes in, and all we're doing is changing the process from the time you put your application in and beyond—

Mr. Paul Norris: Absolutely. What you're doing is you're creating one process where there used to be two.

Mr. Dave Smith: So there's nothing that we're doing prior to that that says that someone doesn't get their say.

Mr. Paul Norris: Absolutely not. I would think it would be more expeditious for those who are interested in a project to be involved in one process.

Mr. Dave Smith: There's a little bit of a misconception, as well, about turbines. Wind turbines operate about 30% of the time. How often does a water turbine generate electricity?

Mr. Paul Norris: My rule of thumb is, it's one water to two wind to five solar, so you get 65%, 55% out of a hydro facility, depending on how it's operated.

The other reality, of course, is that hydro is operated both as baseload generation and as peak load generation. You can turn it on and off. Your alternative for not running hydro is to burn fossil fuels.

Mr. Dave Smith: So making the process easier for hydroelectric is by far a better process.

Mr. Paul Norris: Absolutely.

Mr. Dave Smith: No further questions from me.

The Chair (Ms. Goldie Ghamari): Any further questions? No?

We'll now turn to the official opposition, beginning with MPP Fife. You may begin.

Ms. Catherine Fife: Thank you very much for coming in and for presenting your viewpoint on Bill 132. We've met many times over the last seven years.

Your industry should not have to take out a permit to take water if you're not taking water. That's a common sense principle on the face of it.

Mr. Paul Norris: I would agree.

Ms. Catherine Fife: However, schedule 9 and schedule 16 of this bill are not in alignment with just removing red tape. Schedule 16 in particular, the Aggregate Resources Act, which you reference in your report—we've known for many years, and I think you were here, Paul, for the previous delegation, that aggregate extraction can cause a number of serious environmental and nuisance impacts in the short and the long term, and they are rarely rehabilitated, as pits go.

Schedule 16 also weakens or removes some important safeguards that currently exist in law. For example, schedule 16 proposes to make municipal bylaws inoperative if they restrict the depth of the aggregate extraction in order to protect groundwater. This schedule 16 also proposes to expand the ability of aggregate companies to self-file their own changes to site plans without ministerial approval. That's not reducing red tape. That is undermining a regulatory process that is put in place—

Mr. Mike Harris: Minor changes.

Ms. Catherine Fife: Do you have something to say to me?

Mr. Mike Harris: Go ahead.

The Chair (Ms. Goldie Ghamari): Sorry to interrupt, but I would ask all members to make their comments through the Chair. I would also like to remind all members to respect each other's time and to not make any comments, and to keep conversations to a whisper. Thank you.

Ms. Catherine Fife: I have to genuinely say I was surprised to see your support of schedule 16, because in our view it isn't just reducing red tape; it's undermining regulatory processes that are put in place to protect groundwater, Paul.

Mr. Paul Norris: I understand and respect the views on schedule 16. Schedule 16 includes amendments to a number of pieces of legislation under the Ministry of Natural Resources and Forestry. I'm only speaking to the Lakes and Rivers Improvement Act. I have no view on changes to the Aggregate Resources Act or any other piece of legislation, including that schedule.

The way that the schedules are listed, they're listed by ministry. I'm speaking specifically to the proposed amendment under the Lakes and Rivers Improvement Act, which actually expands the minister's authority with respect to our industry and includes, as I say—in my view prudently—the ability to adopt leading science.

Ms. Catherine Fife: It's just unfortunate, don't you think, that in an omnibus piece of legislation like this, you have proponents—New Democrats support water power. It's clean, it's efficient and it needs serious investment in the province of Ontario, but it's buried in this particular schedule 16, which makes this bill completely unsupportable by us. I wanted you to understand our position.

Mr. Paul Norris: I hear you.

Ms. Catherine Fife: Okay. Thank you very much for being here, Paul.

Mr. Paul Norris: Thank you.

The Chair (Ms. Goldie Ghamari): Any further questions? No? Seeing none, I would like to thank you for your time and your presentation today. You may step down.

Mr. Paul Norris: Thank you.

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

The Chair (Ms. Goldie Ghamari): Now I'd like to call upon the Canadian Environmental Law Association, Mr. Richard Lindgren. Thank you for joining us this morning.

Please state your name for Hansard, and then you may begin. You will have 10 minutes for your presentation.

Mr. Richard Lindgren: I'm Richard Lindgren. I'm a staff lawyer at the Canadian Environmental Law Association, or CELA. We certainly welcome this opportunity to speak to Bill 132.

As you know, Madam Chair, CELA is a public interest law group based in Toronto. For almost 50 years, we have provided legal services to low-income individuals and vulnerable communities all across Ontario. In the courts and before tribunals, our clients have used or relied upon many of the environmental laws that Bill 132 proposes to amend.

In particular, Bill 132 proposes to change 14 different environmental laws. However, only a 30-day public comment period has been provided under the Environmental Bill of Rights for all of these significant legislative changes. CELA submits that this fast-track approach is both unacceptable and unwarranted, and that it is inappropriate to bury the proposed changes in a 100-page omnibus bill containing 17 different schedules.

Given the short notice for these committee hearings, CELA has not been able to complete a detailed written brief on all of the amendments contained in Bill 132. However, CELA undertakes to provide this committee with our written submissions prior to the November 29 deadline next week.

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In the meantime, I'll focus my comments today on our top three concerns about schedule 9 and schedule 16 of Bill 132. Please note that we have other concerns about these and additional schedules, but given the limited time available today, I will briefly discuss just our three top-level concerns about Bill 132.

Let me turn first to the administrative monetary penalties, or AMPs, as we like to call them. In principle, CELA supports the use of AMPs as an alternative to prosecution in appropriate cases. As you know, AMPs have existed in the Environmental Protection Act and the Ontario Water Resources Act for a number of years. They have proven to be a useful compliance mechanism for holding polluters accountable without necessarily going to court.

Schedule 9 of Bill 132 proposes to amend and expand the AMP regime to three other environmental laws. While this sounds like a good idea in theory, CELA is concerned that the wording of the proposed amendments will, in fact, be counterproductive and may undermine the effectiveness of AMPs on a go-forward basis.

For example, under schedule 9, the availability of AMPs under the three other new statutes depends entirely on the issuance of regulations that have not yet been promulgated, and there is no clear deadline in Bill 132 as to when or if those regulations will be made. And even if those regulations are quickly developed, schedule 9 proposes to roll back AMPs from a per-diem penalty to a per-contravention penalty. That's a significant change from current AMP provisions, which state that AMPs can be imposed for every day that the offence occurs or

continues. In our view, the current per-diem approach should be retained because it can result in higher penalties for multi-day offences, which will have a greater deterrent effect on polluters.

Finally, in cases where an AMP is issued, schedule 9 will make it easier for polluters to appeal the penalty by removing the reverse onus that exists in the current AMP regime. At the present time, this onus currently places the burden on polluters to prove, on appeal, that the alleged facts did not occur. Unfortunately, schedule 9 proposes to remove that onus. In our view, this is a major step backwards and should not be enacted.

For these and other reasons, CELA cannot support the proposed AMP reforms contained in Bill 132. In our view, the reforms require serious rethinking and complete redrafting before they move forward.

Next, I'd like to address the proposed changes to the Pesticides Act. As you know, the Pesticides Act is Ontario's primary law for prohibiting or regulating the use of pest control products. These products are specifically intended to kill living organisms, which is precisely why these pesticide applications must be strictly controlled under the act.

However, CELA is concerned that schedule 9 proposes to amend the Pesticides Act in a manner that may result in the expanded use of cosmetic pesticides for non-essential or non-agricultural purposes. That is because schedule 9 proposes to move the list of permitted pesticides from a clear regulatory framework to an entirely discretionary bureaucratic list.

We are also concerned that schedule 9 proposes to abolish the Ontario Pesticides Advisory Committee, which has provided non-partisan expert advice to the environment minister since the 1970s.

Therefore, CELA recommends that these and other proposed amendments to the Pesticides Act should not be adopted.

Finally, let me turn to the changes to the Aggregate Resources Act.

On behalf of our clients, CELA has been involved in countless pit and quarry cases all over Ontario for many, many years. You heard earlier this morning from one of my clients, Ms. Munro, on behalf of the Citizens Against Melrose Quarry.

As you've heard already, it's pretty clear that aggregate extraction can and does result in serious environmental nuisance impacts, particularly if the sites are not rehabilitated, which unfortunately is all too frequent here in Ontario.

Schedule 16 of Bill 132 contains various amendments to the Aggregate Resources Act that, in our view, weaken or remove some important safeguards that currently exist in law. For example, as you heard moments ago, schedule 16 proposes to make municipal bylaws "inoperative" if they restrict the depth of aggregate extraction in order to protect groundwater. In addition, schedule 16 also proposes to expand the ability of aggregate companies themselves to self-file their own changes to site plans without ministerial approval. In our view, these and other

aggregate reforms are undesirable and unnecessary and should not be undertaken in their present form.

In closing, Madam Chair, CELA concludes that schedules 9 and 16 are highly problematic and should not be enacted. However, given the committee's compressed time frame for reviewing and reporting Bill 132 back to the Legislature, the complete rewriting of schedules 9 and 16 does not appear to be a realistic option for the committee—although, in my view, that's precisely what is required in order to make them acceptable.

From a public-interest perspective, CELA submits that it is far more important to get environmental legislation right rather than rush things in order to get some questionable amendments put into law to meet an arbitrary deadline. In these circumstances, CELA recommends that schedule 9 and schedule 16 of Bill 132 should be withdrawn at the earliest possible opportunity.

Subject to any questions, Madam Chair, those are our submissions.

The Chair (Ms. Goldie Ghamari): Thank you very much for your presentation. Just a reminder to everyone that the deadline for written submissions is 5 p.m. on Friday, November 29, 2019.

We will now turn to the government. Who would like to begin? MPP Khanjin, you have the floor.

Ms. Andrea Khanjin: Thank you for coming. I look forward to getting the rest of your submission on the deadline of November 29, as you pointed out in your comments.

I was reading your submission here, and I wanted to thank you for your support of the AMPs—making sure that it's not going to be overburdening our municipal courts so that they can focus on things like prosecuting those who drive by stopped school buses when children could be crossing. Certainly, this is something where we're taking a burden off some of those situations by adding an additional administrative penalty so that there can be more enforcement and we can expand the amount of violations. As you may know, we are limited in terms of our catchment area for violations to 140 facilities. Now we're expanding it to 150,000 different entities.

I just want to get your input in terms of when it comes to different violations and using AMPs as a resource. We were talking to, say, the Toronto conservation authority when we were doing the announcement on AMPs, specifically, with Minister Jeff Yurek, and they were happy to see the fact that it's similar to another environment fund. It will allow them to take the bad players, the violators who choose to spill, and bring the full force of the law on them, to be able to collect a higher fee for the violation and be able to use that towards other conservation projects and environmental programs around the province.

I wanted to ask you, in terms of the fee, if someone is willingly choosing to spill—you're a lawyer—so they have the mens rea, and they know that there's an economic benefit, because there's only a set fine. Say, for spilling, you're paying 150 bucks—let's just ballpark there—but because you chose to spill and you aren't following the

other rules, you now gain an economic benefit for not following the rules. Now the fee becomes more than \$150. So shouldn't they be charged not just for the spilling effect but also for any economic benefit they would have gained over their competitors for not following the rules?

Mr. Richard Lindgren: Thank you for the question. There's a lot rolled in there. I'll start backwards and work my way forwards.

I guess I would start out by pointing out that if there is a prosecution under the Environmental Protection Act, for example, that results in a conviction, the court is already now empowered to impose not only a fine but also to impose an additional penalty that strips away any profits that were made from the commission of the offence. That already exists in the law.

I think, as I understand Bill 132, they want to take that provision and put it into the AMPs regime, which is fine. That's good. That has been a missing element from the AMPs regime for a long time, so that is a good step forward.

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Although, I've had the occasion to read all of the second reading debate on this bill, and there's lots of focus on the penalties and the maximums that could be imposed under this legislation. I read that very carefully because, in my experience, it's very rare for a maximum AMP to be imposed. Usually the AMPs are on the lower end of the scale, so I don't think we should pretend or delude ourselves into thinking that the Ministry of the Environment, for example, will be ready to issue \$100,000 or \$200,000 AMPs each and every time. I fully expect that even if they're imposed, the AMPs will tend to be on the low end of the spectrum.

The other thing to remember, of course, is that the issuance of an AMP is entirely discretionary. It's not mandatory. It's always up to the discretion of the individual ministry director or officer to decide whether or to what extent an AMP would be appropriate.

I guess the track record has been pretty good so far, but with the new constraints on the availability and the appeal of AMPs, I'm not sure that track record is going to continue.

I guess I'd finish by saying that we recognize that AMPs are an important tool in the tool box, but I think there are certain provisions in Bill 132 that will affect their availability and their utility over time.

Ms. Andrea Khanjin: And so a key cause, obviously, of the sense of urgency to put this in the bill is the fact that under the previous monetary system, without using AMPs, there was an even more limited fine. Under this amendment, we're now taking the economic benefit that the violator could have made from the spillage and adding that to the penalty, so in fact it is a higher fine.

When individuals are talking about decreasing or the per diem fine, you'd actually be charging the person more. In fact, if the regulator deems there are more violations that have happened, then you could obviously escalate that. The point here is that the maximum penalty amount, if it's higher than the economic—say we're charging them

\$2,000 for the spillage, but now they've also achieved a higher economic benefit for not following the rules, they would also be on the hook for that fee.

As you know, as a lawmaker a lot of the stuff—the key part of this legislation we put in there is to obviously start drafting the regulations because it's so urgent. In terms of violators, we don't have, right now, the ability to charge violators for illegal discharge of sewage into waterways. We don't have the ability to charge violators if they violate the terms of reference for permits to take water, if they fail to have a certified operator on operating drinking water, and we don't have the ability to charge violators for selling pesticides without a permit.

By expanding the AMPs, not only are we increasing the amount of things we can charge them for, but now we're taking account that they've achieved an economic benefit. In fact, if the legislation talks about that specific thing, obviously when we come to regulations, I'd really like your feedback because we will be consulting—like any bill, when we're drafting regulations, we're going to be consulting on the regulatory part of the bill, but we can't put regulations in the bill directly, right? This is just the legislative part of it, and then if you have suggestions on regulations, I'm happy to hear those as well.

Mr. Richard Lindgren: Thank you. I'm fully aware how regulations are passed. I've been part of that myself in my practice.

I guess I would respond to your observations by again repeating what I said earlier. AMPs make theoretical sense and they'll generate the benefits that you've described, but only if they're issued, and there's no guarantee that they will be issued or in what kinds of cases.

The other thing that I heard you say was that the AMP quantum or amount of fine will be bolstered by profit-stripping. Again, I'll wait and see on that one. I pointed out earlier that the courts have already had that profit-stripping ability when they convict somebody under the—

The Chair (Ms. Goldie Ghamari): You have one minute.

Mr. Richard Lindgren: —Environmental Protection Act or the Ontario Water Resources Act. It's rarely done. It's really hard to actually quantify what profit, if any, was attributable to the commission of an offence, so courts have been really reluctant to do that. They've been unable to do that. I'd be surprised if a director himself or herself would be able to sift through the records and figure out exactly what profit may have accrued as a result of the commission of an offence. That's the kind of thing that's probably going to result in an appeal to the Environmental Review Tribunal, and as I had mentioned earlier, Bill 132 changes make it actually easier for polluters to appeal and get off the hook, so to speak.

So I'm not entirely convinced that the AMP changes that are being proposed are necessarily the best ones. I think we can do better, and you can definitely be assured that you'll be hearing from us on the regulations if and when they're promulgated.

Ms. Andrea Khanjin: But do you agree on expanding the amount of violations that are being charged for?

Mr. Richard Lindgren: Well, only if the AMPs are going to be effective—

The Chair (Ms. Goldie Ghamari): My apologies. This concludes the time for the government.

We're going to now turn to the official opposition, beginning with MPP Arthur. You have 10 minutes.

Mr. Ian Arthur: Thank you so much. I actually want to pick up on that exact point. The government seems determined to draw a correlation between the number of entities who qualify for penalties and the effectiveness or the amount of the penalty levied and, somehow, that you can justify the reduction in the amount of penalty by simply adding more companies who qualify. Would you agree that there is any legitimate correlation between that?

Mr. Richard Lindgren: No, I don't. Again, AMPs are only effective if they're issued. There's no guarantee that they're going to be issued, how often, when or to what extent. I hate to use the phrase, "I'm not buying the Kool-Aid," but I'm not buying that Kool-Aid. There is a need for AMPs. I'm not convinced that simply making them available to more entities, more sources of pollution, will benefit Ontarians if we also have, at the same time, all the constraints that Bill 132 wants to put on the issuance or use of these AMPs.

Mr. Ian Arthur: Perfect, thank you.

I also want to talk about this supposed monetary benefit clause, that "the total amount of the administrative penalty referred to ... may be increased by an amount equal to the amount of the monetary benefit...." My big problem with that is the word "may." I think that you actually did touch on that, if it was worded as "shall." I think you made very, very valid points about the enforceability of that clause. Would you talk a little bit about the potential cost burden on the court system, on the judiciary, in putting this on the courts, rather than in the form of a fine—a significant fine on these companies—which is what it would have been before?

Mr. Richard Lindgren: The issuance of an AMP is subject to appeal to the Environmental Review Tribunal, ultimately, which is not the courts, but, of course, there is an opportunity to appeal a tribunal decision to the court. So if a polluter or an alleged polluter gets dinged with an AMP that includes a provision saying, "In addition to this fine, you also have to pay this additional monetary amount that we think you made or realized as a result of the commission of the offence," that's the kind of AMP that is tailor-made for an appeal to the tribunal and probably to Divisional Court. So I'm not sure you're really saving any time by putting in these extra constraints.

As you pointed out, Mr. Arthur, all of this hinges on the word "may." The AMP may be issued, it may include this, and it may do that. I don't see any long-term certainty or predictability with that. I think we'll just have to see what the new track record looks like under the revised AMP regime, if it goes through.

Mr. Ian Arthur: Are you aware of any single examples of companies which have spilled and where we have had inadequate assessment of monetary benefit from that spill?

Mr. Richard Lindgren: Not to my knowledge.

Mr. Ian Arthur: I want to move on and talk a little bit about the Aggregate Resources Act. Again, this government seems to very much want to test the limits of the idea of municipalities as entities of the province, and we saw that with the changes to Toronto city council. Would you expand a little bit on schedule 16 and how it proposes to make municipal bylaws inoperative, and what that does about undermining local democracy in Ontario?

Mr. Richard Lindgren: Well, I understand that the committee was in London yesterday and no doubt heard from concerned folks and/or municipal representatives in that area of the province, because that area of the province is almost wholly dependent on groundwater for drinking water supply purposes. That's why the municipalities should be able to use their extensive Planning Act powers to safeguard the quality and quantity of groundwater for the purposes of drinking-water supply. Unfortunately, schedule 16 of Bill 132 purports to take that power away. The word "inoperative" is the word that's used in the legislation. If the municipality has the audacity to enact or enforce a law that is designed to protect groundwater from the impacts of below-water-table extraction, this bill would make that inoperative or basically be of no force or effect.

I think that's a backwards step. It's also contrary to what we're asking municipalities to do under the Planning Act. In fact, the provincial policy statement issued under the Planning Act expressly directs municipalities to use their planning powers to protect groundwater for the benefit of all inhabitants. This particular provision seems to be at odds with that overarching provincial interest.

Mr. Ian Arthur: Thank you.

Ms. Catherine Fife: How much time, Madam Chair?

The Chair (Ms. Goldie Ghamari): You have five minutes and 30 seconds.

Ms. Catherine Fife: Thank you very much, Richard, for being here. I already quoted you in the previous comments—

Mr. Richard Lindgren: That sounded familiar.

1010

Ms. Catherine Fife: I know, yes. It's well written. But I did want to pull back a layer on your commentary on the ARA around aggregate companies being empowered to self-file their own changes to site plans without ministerial approval. Can you give us an overview of what that looks like?

Mr. Richard Lindgren: Sure. Right now, under the Aggregate Resources Act, cabinet is empowered to pass regulations that allow companies to file what are known as minor amendments to site plans. Site plans are a very important legal instrument under the Aggregate Resources Act, and basically govern the design, location and operation of pits and quarries across this province.

Bill 132 proposes to take the word "minor" out of that regulation-making authority, which would open the door up to regulations that would allow proponents to self-file their own major amendments to site plans without any meaningful public input, and, more importantly, without ministerial approval. I can't think of any other instance

where we issue environmentally significant licences and permits and then allow companies themselves to change them without ministerial approval. So that's a step backwards.

Ms. Catherine Fife: What's the motivation for this, or how do you perceive—we've been asking ourselves who this government was listening to as they crafted this piece of legislation, Who do you think they're listening to with this change?

Mr. Richard Lindgren: I don't think it's too much of a stretch to suggest that that kind of change is intended solely to benefit aggregate companies. I think this came up during second reading debate as well. I tend to be a bit bemused by the titles of legislation these days. This one is supposed to be "better for the people." It may be better for aggregate producers. It's not necessarily better for the people that I represent, like Ms. Munro.

Ms. Catherine Fife: Yes, and we have other names for this piece of legislation as well, but I won't go into them right now.

On the Pesticides Act, you've commented that schedule 9 is going to abolish the Ontario Pesticides Advisory Committee, which has been giving evidence and research and advice to ministries since the 1970s. What does this say to you, as someone who has been watching environmental policy be crafted for the last 40 years?

Mr. Richard Lindgren: I think, for the most part, over the years, there has been an overwhelming consensus that it's good to have multi-stakeholder advisory committees providing informed, expert input into the ministry, particularly on issues where the ministry may have limited or non-existent advice or expertise. So it's good to have the Ontario Pesticides Advisory Committee around, and doing a good job reviewing the current state of the science and providing good, informed advice to the minister so that better, more credible, more sound decisions end up being made as to which pesticides should or should not be allowed to be used in Ontario, and if so, under what terms and conditions.

I think it's a very short-sighted, if not regressive, move to eliminate a well-established, well-regarded panel that provides technical and scientific advice to the minister on very, very important issues like neonics or cosmetic pesticides.

Ms. Catherine Fife: Thank you. Just one final comment before I send it over to Mr. Arthur: We've already publicly stated that we can't support this legislation, but at the very least, pulling schedules 9 and 16 completely from the bill is in the best interests of environmental policy in Ontario?

Mr. Richard Lindgren: I would agree with that.

Ms. Catherine Fife: Thank you.

The Chair (Ms. Goldie Ghamari): MPP Arthur.

Mr. Ian Arthur: Thank you very much. Just tying together two of the themes that Ms. Fife was speaking to, why are we lifting the ban on cosmetic pesticides? Who benefits from that? What is the rationale behind that?

Mr. Richard Lindgren: Yes. I would clarify: They're not lifting the ban per se; they're just changing how

cosmetic pesticide use will be regulated in the future. Right now, there's a very stringent prohibition in the Pesticides Act itself, supplemented by regulation.

The Chair (Ms. Goldie Ghamari): One minute.

Mr. Richard Lindgren: The idea, as I understand it, in Bill 132 is to get rid of those existing provisions and then leave it to a ministry director to decide on a case-by-case basis which cosmetic pesticides should be allowed. The test is whether or not the director has evidence to believe that it's unlikely that the active ingredient in those pesticides will cause adverse harm. That really requires the director to look into a crystal ball and predict the future. I would say to you that if the director has that ability, he or she should be buying lottery tickets, not trying to regulate pesticides.

Mr. Ian Arthur: Thank you.

Interjection.

The Chair (Ms. Goldie Ghamari): There are 10 seconds.

Mrs. Jennifer (Jennie) Stevens: Thank you for coming.

The Chair (Ms. Goldie Ghamari): Thank you very much. We'll now turn to the independent Green Party member. You have two minutes.

Mr. Mike Schreiner: Thank you, Richard. You're not off the hook yet. I have two minutes—two quick questions.

Mr. Richard Lindgren: Sure.

Mr. Mike Schreiner: What do you think is a stronger deterrent to companies when they have toxic spills into our waterways: daily penalties—will that speed up the clean-up?—or provisions that allow government to take them to court? Which do you think is the stronger deterrent?

Mr. Richard Lindgren: It really depends on the circumstance of the offence; sorry to be wishy-washy about it. The most egregious offence is when there has been a deliberate ongoing discharge of a contaminant into a waterway. That's the kind of conduct that should probably trigger a prosecution to the full extent of the law where higher penalties could be imposed by the court. The court has restoration powers. The court could even send the individual defendant to jail for a fixed amount of time. Those are the worst-case penalties reserved for the worst-case offences.

Short of that, I think there is a role for AMPs, but they should not be limited to a per-contravention offence, as Bill 132 proposes. I think we should retain the current ability to impose an administrative monetary penalty for every day that an offence continues, whether it's a week, a month or a year. That's the kind of quantum, the kind of fine amount that's going to get the attention of corporate polluters and hopefully change corporate behaviour.

Mr. Mike Schreiner: I probably have 30 seconds. Rural municipalities that have bylaws to protect their groundwater—do you think they have the ability to do that? The government has said that that really should be a provincial jurisdiction, and that's why we should make them inoperative.

Mr. Richard Lindgren: Well, I think that's a fallacy. I've worked with a number of rural municipalities, as well as the inhabitants of those municipalities. If municipalities don't have the in-house capability to do certain things, they have no hesitation to go out and find outside expertise, whether it's a hydrogeologist or someone else—a planner to help them do what needs to be done. I think we shouldn't be stripping away the ability of rural municipalities or urban municipalities for that purpose.

The Chair (Ms. Goldie Ghamari): Thank you very much. That's all the time we have.

Mr. Richard Lindgren: Thank you.

The Chair (Ms. Goldie Ghamari): Thank you for your presentation and for coming here today. You may step down.

FEDERATION OF ONTARIO PUBLIC LIBRARIES

The Chair (Ms. Goldie Ghamari): I would now like to call upon the Federation of Ontario Public Libraries, Mr. Stephen Abram.

Mr. Stephen Abram: Good morning.

The Chair (Ms. Goldie Ghamari): Good morning. Please state your name for Hansard, and then you may begin. You will have 10 minutes for your presentation.

Mr. Stephen Abram: Hi. I'm Stephen Abram. I'm the executive director of the Federation of Ontario Public Libraries. I've given you copies of my remarks, but I'll do them orally. I appreciate the opportunity to speak to the members of the committee today in my role of supporting and enhancing Ontario's 246 public library systems, plus our 47 First Nations public libraries, in communities throughout the province.

Public libraries are Ontario's farthest-reaching, most cost-effective public resource and community hubs and, together, help millions of Ontarians independently train, learn and reach their potential wherever they live in the province. Despite some people's thoughts, we've grown 83% over the last 10 years, and we're just blowing the skin off the ball.

Working alongside our partners in the Ontario Library Association, we're committed to ensuring that Ontario's public libraries are always modernizing and contributing to the social, educational, cultural and economic success of our communities.

We know that every \$1 invested in a library delivers over \$5 in economic return and over \$20 in social return on investment, from studies that the government and independent university academics have done.

I'm here today to provide our input on two proposed changes to the Public Libraries Act included in Bill 132 which will impact the governance and operations of local library boards across Ontario.

Legislatively mandated public library boards are the independent, community-led and locally constituted governance bodies that oversee every one of Ontario's public libraries. Comprised of both public members and municipal representatives, they are essential to ensuring

that public libraries are community-led, responsive to evolving local needs and effectively governed.

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I'd like to start by sharing our strongest endorsement of the first of these changes, which, if passed, will give permanent residents the same opportunity as Canadian citizens to serve as public library board members. That aligns us with other legislation and it allows us to hopefully increase diversity. It gives a larger, more diverse pool of prospective board members and will help them welcome new voices, be more inclusive and better respond to the evolving needs of our communities.

However, my priority today is to discuss with you our concern with the second of the proposed changes and provide a proposed alternative that better reflects the needs of public library boards. Bill 132 proposes to reduce the minimum number of meetings a public library board is required to hold each year to four, from the currently legislated minimum of 10. While many in our sector believe that reducing the mandatory minimum number of meetings from the current level is reasonable, there is an overwhelming concern that a minimum of four meetings is too few and will create significant impediments to effective public library governance.

Public library board members are unpaid and serve in a volunteer capacity. This, combined with the competing time pressures faced by municipal councillors serving on library boards, informs the ability of many boards to operate effectively and in a timely manner. Overwhelming agendas will make meetings too big at four. Right now, they tend to average about two hours, and if we went to quarterly, it would be five- or six-hour meetings for volunteers, which is excessive. The meetings will take place too infrequently for library boards to keep up with important and time-sensitive operational decisions.

We recognize that what is proposed is a minimum, and that public library boards may meet more frequently than this on a regular basis, as well as convene special and emergency meetings, and we are confident that some will continue to do so. However, it is vital to the sustainability of all public libraries that the minimum number of meetings is set at a level that ensures that every public library board conducts its business in a timely way that reinforces competent and accountable governance.

In recognition of the government's intent to reduce the number of mandatory meetings, and to inform our feedback to this committee, FOPL worked with the Ontario Library Boards' Association to survey our members and gather their perspective on what the appropriate new minimum number of mandatory meetings should be. We had over 350 respondents, representing the full spectrum of Ontario's public libraries and boards, both in size and geography.

Some respondents were concerned that any reduction in the minimum number of meetings would create challenges for their board. Many respondents—a supermajority—indicated that a reduction in the mandatory minimum was doable, with a minimum of seven to eight meetings being by far the most preferred option. I've shared with you the

actual survey, which we accomplished in a week, which I think is pretty good. It shows the passion they felt about this.

Therefore, based on the advice of our members, we strongly recommend that the proposed change to subsection 16(1) of the Public Libraries Act in Bill 132 be amended to set a new minimum of either seven or eight meetings annually. We believe that this strikes the right balance between the provincial government's intent to provide boards with greater flexibility—it gives them Christmas off, the December meeting—and what is required to ensure that robust governance is maintained across all public library boards in Ontario.

I thank you. I'm happy to answer any questions you might have.

The Chair (Ms. Goldie Ghamari): Thank you very much for your presentation. We'll now turn to the official opposition, beginning with MPP Arthur.

Mr. Ian Arthur: Thank you very much for your presentation. I think this is probably the simplest ask that we are going to hear on this bill.

Mr. Stephen Abram: We tried. We gave you the data.

Mr. Ian Arthur: Would I be correct in assuming that the 10 meetings a year would be no meetings in July and August to account for people—

Mr. Stephen Abram: That's the normal practice, if they're building a building or have a major thing happen.

Mr. Ian Arthur: Yes. And then seven or eight, if you do the math over 10 months, would be approximately every six weeks or every 6.7 weeks or something like that.

Mr. Stephen Abram: Yes.

Mr. Ian Arthur: It would be about the same. I don't really have any questions. I think that's pretty straightforward and I'll pass it over to my colleague.

The Chair (Ms. Goldie Ghamari): MPP Stevens?

Mrs. Jennifer (Jennie) Stevens: Thank you for coming today. I have sat on the St. Catharines library board—

Mr. Stephen Abram: Good library.

Mrs. Jennifer (Jennie) Stevens:—in the past and I know the great work the library boards do at a municipal level, from doing budgets to figuring out how we're going to pay for computers, new books and new catalogues. But it does concern me that you have to be here today and ask for this, and ask for seven to eight meetings.

It's rewarding to know that in one week, you surveyed your members and gathered that much information, when I find that this government has pushed a lot of bills through and said that they have consulted people, but obviously haven't given them the time.

But in saying that, I am 100% sure that we will ask for this amendment. I think that it should stay as status quo, in my personal opinion, because I know that the library board meetings tend to become very intense and very long. If we do try to time-consume them, then you and your boards across this province will be sitting at great length.

I commend you, on what your job as a volunteer board is, and your municipal counterparts.

Mr. Stephen Abram: Thank you.

The Chair (Ms. Goldie Ghamari): Any further questions? Seeing none, I'll turn now to the independent Green Party member. You have two minutes.

Mr. Mike Schreiner: Thanks for being here today. I appreciate it. And thanks for the great work that libraries do, and that volunteer library board members do.

Like the official opposition, I think this is probably the least controversial and maybe easiest amendment to make.

I wanted to just give you a bit of an opportunity—it's great that we're going to expand, so that permanent residents can be on the board. But how tough is it being on a library board when funding for libraries has been frozen for so many years? Does that make your job tougher?

Mr. Stephen Abram: We have to walk a fine line. The majority of our money comes from municipalities, so we're slightly stressed by the stresses that are on municipalities right now, with the changes.

We're happy that we've been able, without counting inflation, to sustain library funding, because the municipalities know our impact on the quality of life in our communities. We work very hard to make sure that we serve our communities well. I always say that librarians can rub two dimes together and get a quarter.

Actually, just to suck up to you—

Mr. Mike Schreiner: That's not necessary, but—

Mr. Stephen Abram: I posted an article on my blog yesterday on which is greener: e-books or print books. Do you know what's greener? Library books. Just borrow them.

Mr. Mike Schreiner: Thanks for sharing. I appreciate your good work.

That's all. I don't need more time, Chair.

The Chair (Ms. Goldie Ghamari): We'll now turn to the government, starting with MPP Smith.

Mr. Dave Smith: I don't think anyone is going to ever suggest that libraries aren't important. One of the challenges that we face as MPPs is that we have to try to find a balance across the entire province.

I'm the parliamentary assistant to northern development, mines and energy, and I get the good fortune of dealing with a lot of northern communities. One of my colleagues, Mr. Harris, grew up in northern Ontario as well. Whenever you're doing something like this, you want to make sure that you're not being Toronto-centric or southern-Ontario-centric.

MPP Arthur pointed out that people would take July and August off, and that's why it would be 10. But we also have to be cognizant of the fact that some of our northern communities, where we do have libraries that do fabulous work, also have issues with travel in the winter because of snow. I think that when we look at four as a minimum, what we're doing in that case is recognizing that four probably is lower than what we should have. But, taking into account that sometimes aspects of Ontario—there are snowstorms that come up where we have to cancel or move, and you don't want to find yourself in a position where you have set a library board up to fail because in November, December, January, February and sometimes into March, a snowstorm may occur, and then they find

themselves in the position where in May and June they can meet, and in September and October they can meet, but through no fault of their own, they've had to defer meetings because of weather.

Do you have any input on that?

Mr. Stephen Abram: I get a lot of feedback from my northern libraries caucus, and I work closely with Ontario Library Service—North. It's not just north that gets it. In the south we get ice storms, which are a horror.

Libraries are very, very modern nowadays. It does not need to be in person. There is free teleconference stuff.

We support province-wide e-learning. We have 5,000 courses to train our northern librarians who cannot travel to the south for our in-person workshops. Board meetings can be held without having to leave the comfort of your home, whether it's a teleconference, a video conference or whatever. So I think that can be easily addressed.

1030

This government has committed to investing—and I sit on the ORION advisory council. We've just finished the broadband pipeline up Yonge Street, and we've got 21 libraries on a new advanced broadband pilot to ensure that we deal with our First Nation and northern communities, where they do not have decent—the fundamental human right, I believe, of stuff. So the library is the place they go.

So I think that can be addressed quite easily, while at the same time making sure that our governance systems are set up to get the community feedback we need. In northern libraries, since that's your example, that's essential, because they are different. I've been to many libraries all over the north and First Nations libraries up there, and they're critical to their communities. Right across our entire province, 25% of people don't have the Internet at home or at work, and in the north it's worse. We need to ensure that our boards are taking advantage of what our agencies and we provide as we improve the connectivity.

While I totally think in-person meetings are important and the social aspects of meeting people and knowing them are vital, the odd online meeting is fine.

The Chair (Ms. Goldie Ghamari): MPP Skelly.

Ms. Donna Skelly: Thank you, Mr. Abram, for your presentation.

I just want to expand a bit on my colleague's query regarding the minimum number of meetings that you may or may not choose to host. It's not a requirement that it only be four; they can have more. Would you not say it's up to the board, knowing their own issues, geography, time constraints, and perhaps challenges attracting board members, to be able to determine the number that they choose to host per year?

Mr. Stephen Abram: While I agree with that—that it is just a minimum, and that's fine—I think there is an opportunity here to provide guidance on the amount of community input we want and, as a community-led board, set a minimum number of meetings that ensures that they're engaged effectively. We know where some of the animus is to reduce the number of meetings. But even in our survey, where we separated municipal councillors and

CEOs from our volunteer board members, there was a slight pooling in those who have more stressful lives. They're not full volunteers; they're municipal councillors, and they have to sit on so many committees.

Ms. Donna Skelly: But would they not be more qualified to determine the number of meetings? This is a democracy. They should be able to do something as simple as choose how many meetings they have a year. Is that not something that you have faith in these boards to determine on their own—rather than coming, as a government, with this heavy-handed approach and determining how many meetings they must have? This is simply a minimum. They can have 10, 12 meetings a year, if they so choose.

Mr. Stephen Abram: That's true. However, we don't think that's an appropriate standard for the government to encourage.

Ms. Donna Skelly: It's not a standard; it's a minimum requirement. They may have as many as they choose.

Mr. Stephen Abram: There are people on boards who want to keep it too small. We have a couple of situations in Ontario where the boards aren't appointing their community members and the municipal councillors are taking over that board—

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Stephen Abram: —reducing the nature of community leadership in order to advance it. So they're reducing the number of meetings purely based on knee-capping the library.

Ms. Donna Skelly: Mr. Abram, I know my colleague wants to speak, so I'm going to surrender the rest of the time.

Ms. Andrea Khanjin: Hi. I just wanted to comment on—I came to Canada from the Soviet Union with my grandparents, so a lot of the ways I learned how to speak English were in a library, and I understand the importance of it. I'm glad you're helping us inform government policies. We've been working together quite closely, which is why this is just a minimum. We want to continuously work with you to reduce the burdens on libraries, but also, obviously, accommodate the needs necessary to make public libraries very successful. I wouldn't be here today without the support of a public library. In fact, my grandfather is on the doors in one of our libraries today.

I wanted to commend you for all of the work you have done. A lot of the policy that we have introduced today is because we were listening to what—

The Chair (Ms. Goldie Ghamari): I'm sorry to interrupt. That's time. We're going to now conclude this round. Thank you very much for your time. You may step down.

Mr. Stephen Abram: Thank you.

MR. GEORGE OLENICK

The Chair (Ms. Goldie Ghamari): We'll now call upon George Olenick. Mr. Olenick, please state your name for Hansard, and then you may begin. I believe that we have a video presentation. Just to confirm, the video presentation is included within the 10 minutes that you have been allotted.

Mr. George Olenick: Okay. Oh, yes, that's working fine. Thank you very much. My name is George Olenick. I'm from Brampton; I'm a resident there. I'm representing myself. I appreciate you putting some time aside for me.

I'm here today to talk about several concerns I have related to schedules 9 and 16 related to the protection of our biosphere: living space vital to all of our survival and the survival of countless millions of other species. I'm thinking that perhaps there should be a chair here on the committee to represent these countless millions of other species.

The irony, I think, is the fact that we need them more than they need us. I wonder if the committee is familiar with this statement: If humans disappeared tomorrow, the environment, the biosphere, would flourish, but if insects disappeared tomorrow, we would be gone as a species in probably less than 50 years.

My first concern is that the title of the bill, which has been briefly mentioned before—I feel that it's a type of reality bubble, almost, that it talks about. There are people and businesses in Ontario, but an act to reduce the burdens on people and businesses—I think it's sort of an oxymoron, an oxymoron being loosely defined as a group of words that just don't go together. It's possible to serve two masters, businesses and the people, but you can't really serve both equally. I think as representatives, you need to put people and the environment that we depend on to sustain life first.

When I hear some clauses in this bill, for instance, that loosen the criteria for low-risk pesticides, another clause that removes the requirement for seed vendors to report sales numbers for treated and untreated seeds, and another that eliminates the need for third-party assessment of pest threats as a requirement for accessing neonic-treated seeds under the current rules—in other words, I think this would lead to increased sales and increased pesticide use, courtesy of this omnibus bill, which I think is being rushed far too fast. It's a result, I know, of years of lobbying by certain industry groups.

This will be great for business, but is it good for the people of Ontario and our natural world? Is it good for the future generations of people that will come after us, not just the people here now but the ones in the future? Is it good for the rest of the citizens outside our borders? We have to concern ourselves with them because a lot of these chemicals and fertilizers run off and they go into the environment.

Another clause, one that was mentioned previously, to outlaw the use of municipal zoning bylaws to prevent aggregate operations from digging below the water table—I think this is outrageous. Again, is this how you serve the people?

I would ask that you go back to the drawing board and put the people and the environment first. The first tool I would ask you to use is something called the precautionary principle, something that was used in the Montreal Protocol, which Brian Mulroney mentioned the other night at the Pollution Probe Gala: the idea that sometimes you have to act before there's a scientific consensus on something.

1040

To illustrate this, I just want to show you two minutes of a short film I made this summer. I'm going to put it on right now.

Audio-visual presentation.

Mr. George Olenick: The basic point here is that these acrylics and polyesters are getting into our environment. This has only come on the scene basically since 2011. Some people are saying that we need more study. But when we know that there are acrylics and polyesters made of deadly chemicals that, when they break down, they can become endocrine disruptors in ourselves and other species, then I think we need action on something like this. I would ask you to consider this, in light of when it talks in the bill about neonics that are known neurotoxins. Studies in the lab have shown that among other adverse side effects, exposure to these chemicals does interfere with a bee's basic ability to do their buzzing, which I learned last night—basically, when they go up to a flower, they can buzz to actually shake a flower like a pepper shaker and get the pollen out. This is something in the bill that, I think, really needs to be addressed.

I'd ask you to go back to the drawing board, so to speak, and don't work with the red tape but put some yellow tape around this legislation, and look at it again. In fact, if you look in history with the addition of lead to gasoline in the 1920s—we knew for 50 years that it was harming people, but we relied on industry to provide the evidence that it was okay.

I think, as a society, we need to start putting the onus on industry to prove that these substances are indeed safe. I think we need to redefine how we look at these deadly chemicals and really have a new approach.

Anyway, thank you for your time. If you have any questions, please.

The Chair (Ms. Goldie Ghamari): Thank you very much. We will now turn to the independent Green Party member. You have two minutes.

Mr. Mike Schreiner: Thanks, George, for coming all the way from Brampton to address the committee. I don't think I can promote any one company, but I'm happy to talk to you about a company based in Kitchener-Waterloo that has developed technology to get polyesters and things filtered in our washing machines. There are a lot of clean-tech-type innovations like that happening, and I'm happy to share some of that information with you.

I want to ask you a quick question; I only have two minutes. You talked about aggregates and you also talked about companies. One of the changes proposed in this bill would actually allow aggregate companies to self-file their own changes to their site plans, which could have huge effects on local communities, citizens' groups that are fighting these applications, as well as groundwater. Do you think companies should be able to self-file and essentially self-regulate in this way?

Mr. George Olenick: I think it's a little like asking the fox to look after the henhouse. Let's get one thing clear: A company's first responsibility is to their shareholders, not to the citizens of Ontario. We have a government so that

we can have people who say, "Put the people first." You can't rely on companies to do this.

Go back in history to seat belts. The only reason we put three-point seat belts in is because Volvo offered them free of charge with no patent fee to the Big Three. They had to be dragged kicking and screaming. I once heard an engineer from GM say, "My son is 21 years old. He's strong enough to withstand the force of a crash." We all know that's complete BS. I'm sorry, but when you have 10 Gs on you, you're going to go through the windshield. I was in an accident once where I was hit from behind, and the police officer told me that if I hadn't had my three-point seat belt, I would have been through the windshield and my body would have been on the other side.

This is what companies are about. They are doing some PR, saying they'll be sustainable, and they have their different—I work for a fairly big corporation, and they—

The Chair (Ms. Goldie Ghamari): Thank you very much. That's all the time that you have. My apologies for interrupting.

We'll now turn to the government, beginning with MPP Pettapiece. You have eight minutes.

Mr. Randy Pettapiece: Thank you for coming in this morning. I was very interested in some of the points you made.

I come from the farming sector. I grew up on a farm. We actually just moved off our farm a few years ago. I can tell you, from when I was first exposed to chemicals back in the 1950s and 1960s—I grew up in Essex county, and we had orchards down there. We've come a long way, is what I'm saying. Things we used to do years ago would be totally unacceptable now. I want to applaud the farming industry for pressuring companies to make the practices and the chemicals that we use in the farming industry safer, and also the ways that we use them, and also the ways that they ask us to handle the pesticides.

I just wanted to address the neonics business with you. You brought that up. We're the only province in Canada with a second tier of applications and approvals for pesticides right now, and for pesticides approved by the federal government. So we're not changing anything on the neonics issue. Health Canada's Pest Management Regulatory Agency, the PMRA, is resourced and equipped to review and register pesticides for all of Canada. It's something that all other provinces have recognized. We're just removing a body there and doing what the other provinces in this country do. That's just to address your issue on neonics. We're not changing anything on the use of neonics in the province.

I just want to point out that farmers are using less chemicals than they used to use years ago. We used to blanket-spray our orchards whether they needed them or not. Now we just put pesticides where they're needed. So we've come a long way from where we were years ago. I think our farming practices have proven that we can be responsible with the use of pesticides and, for that matter, fertilizers. We now have technology that says, "Don't put fertilizer over here, but you need it over here." So we're doing things like that that certainly keep our food safe and provide a great product for our community.

Mr. George Olenick: My concern is that when you remove regulatory bodies and checks and balances, then you're asking for trouble.

Mr. Randy Pettapiece: Well, all the other provinces don't agree with that, and so we're just aligning with the other provinces that use Health Canada. They seem to be doing okay, so that's one of the reasons why we wanted to go to doing what the other provinces are doing to remove that unnecessary red tape.

1050

If the other provinces in this country agree that Health Canada is the one that approves these things and does a good job at it, why wouldn't Ontario? That's what we're saying. Thank you.

Mr. George Olenick: Thank you.

The Chair (Ms. Goldie Ghamari): MPP Skelly.

Ms. Donna Skelly: I wanted to thank you for your presentation.

I know you were talking about fibres and the implications that they can provide in our environment. I'll share with you that I was very proud to have a private member's bill pass this past year regarding the recycling or upcycling of fast fashion.

As you know, fast fashion is one of the largest contributors to our landfill sites. People are going into stores and buying T-shirts and clothing at some of these massive retail outlets. They're buying them at a very cheap price and disposing of them after wearing them for a very short period of time. A huge proportion of those articles of clothing are ending up in our landfill sites, so the private member's bill was to encourage retail outlets and consumers to stop and think before they throw out a piece of clothing and to donate it.

We had a lot of support amongst consumers, but also industry itself. This was prior to my private member's bill, but outlets such as H&M, for example, have recycling boxes within the store at their entrance and by the checkout counters to encourage a lot of young people who are purchasing this fast fashion to donate it.

One of my colleagues—it was Minister Dunlop—wore an article of clothing that day that was—we'll call it an upcycle. There is a young woman entrepreneur in her riding who is taking a lot of this used clothing, repurposing it and selling it again, taking an arm from this outfit and attaching it to a vest. So it's expanding the use and, most importantly, it's keeping these pieces of clothing out of our dumpsters and out of our landfill sites.

I just wanted to share that with you. I think it's something that we need to encourage. We need to continue to spread the word to keep these fibres, keep this clothing and keep this fast fashion out of our landfill sites.

Mr. George Olenick: Thank you very much. I know this isn't part of this, but I'll try to make my short film available to you—there is a filter that I show that really should be in all washing machines, because our current water treatment system is over 100 years old and is not adequate. But anyway, for another time.

Ms. Donna Skelly: Thank you.

The Chair (Ms. Goldie Ghamari): Further questions? All right, we'll now turn to the official opposition, beginning with MPP Fife.

Ms. Catherine Fife: Thank you—may I call you George?

Mr. George Olenick: Sure. Please.

Ms. Catherine Fife: Thanks for making the trip here to share some of your concerns around this piece of legislation. I think your description of putting yellow tape around this red tape bill sums up how we feel about it.

Also, every time we have the opportunity to meet with citizens and hopefully give them an opportunity to weigh in on a piece of legislation, it's also a good time for us to learn. The video is really indicative of emerging issues that Bill 132 is not even capturing. In fact, it's taking us backwards. So I appreciate the fact—

Interjections.

Ms. Catherine Fife: It's okay that they're not listening. They don't.

The company that the Green member mentioned is called PolyGone Technologies. It has identified and it's addressing the very issue that you raised, that there's a way to get those microfibrils out of washing machines. Government should be partnering with innovative companies like that, because that's where the true environmental leadership is happening.

I just wanted to give you an opportunity to address the fact that the environment and the economy don't have to be at odds—they actually can be very supportive of one another—and why a piece of legislation like Bill 132, particularly schedules 9 and 16, undermines the whole direction that we should be going in.

Mr. George Olenick: Thank you.

Ms. Catherine Fife: All right, I think that's it for us, Madam Chair.

The Chair (Ms. Goldie Ghamari): Okay. That's the end of the presentation. Thank you very much for your time. If you would like, you can email the video to our committee Clerk and she would be happy to distribute it to all members for viewing.

Mr. George Olenick: Thank you.

The Chair (Ms. Goldie Ghamari): Thank you. You may step down.

CUPE ONTARIO

The Chair (Ms. Goldie Ghamari): We'll now turn to our last presenters for the day, CUPE Ontario: Teresa Gawman, Paul Sylvestre and Chris Watson. Good afternoon. Please state your names for Hansard and then you may begin. You will have 10 minutes for your presentation.

Mr. Chris Watson: Thank you very much. My name is Chris Watson. I'm a staff person with CUPE. I do government relations work. With me this morning are Paul Sylvestre and Teresa Gawman. I apologize to the committee. Fred Hahn, the president of CUPE Ontario, had planned to be with you this morning, but we had some scheduling challenges, let's say, and so we're filling in.

We're here this morning really just to focus on two parts of Bill 132. It's a complex bill, of course. We'll be speaking to schedule 13, changes to the Public Libraries Act, and schedule 14, changes to the Occupational Health and Safety Act. My colleagues with me here know more about these subjects than I do, so I'm going to stop and turn it over to them. We can begin with Teresa about schedule 13.

Ms. Teresa Gawman: Good morning, everyone. First off, my name is Teresa Gawman, and I'm here to speak to schedule 13, specifically the portion that makes changes to the Public Libraries Act. Just to give you a little bit about me, I'm an accredited librarian with a master's degree in library and information science and am currently working as a community engagement librarian in a public library. I'm also president of CUPE Local 960, representing the 72 workers at the Oshawa Public Libraries. I'm also a member of the CUPE Ontario library workers committee, which represents thousands of library workers across the province.

Schedule 13 of Bill 132 will change the minimum number of times that a public library board meets, reducing it from 10 to four. I think we all know this; we just talked about it with the previous presenter. This change will make it impossible for many boards to properly deal with the varied issues before them.

Library board meetings typically have packages, especially in the larger systems, of up to 150 pages, covering a range of issues, everything from budgets to complex policy decisions to labour management issues. If there's a reduction of six meetings a year, which there's a potential for with setting the minimum at four, we are worried that the important issues will not get debated and will not have public input. Essentially, things will get decided as what are called consent items, which means the management team essentially makes their own decision without input from the board or from the communities that we serve.

Public library boards are an essential component of ensuring all local libraries are community-led, that they are responsive to the evolving local needs, and that they are effectively governed.

Now, will cutting six meetings a year save a lot of money? No. The long and short answer is no. Public members of the board are volunteers; therefore, they're not being paid. Any management that has to attend the meeting—and I know the CEO has to attend every single meeting—are paid on salary. They're getting paid anyway. Whether they go to four meetings or they go to 20 meetings, they are still being paid. It's no different.

We heard a little bit earlier—and I heard that you already have copies of the survey that was done, but I just wanted to reference the survey. They did get quite a few responses, with 369 responses, and 62.6% of respondents had a clear preference, as we heard earlier, for seven or eight being the minimum.

I'd also like to point out that it's not just—I'm here on behalf of CUPE, obviously, but it's actually not just the unionized workers that would like to keep the meetings as they are. Many CEOs also don't want a change at all in the minimum. So in some libraries we're on the same page.

1100

What I'm asking you today is to please understand that the work being done at library board meetings is not red tape; it's work that is essential to ensure the proper functioning of a library.

In closing, we ask the committee to please reconsider this part of the bill and to withdraw this part of schedule 13. If this committee chooses not to do that, then I strongly recommend that instead of losing more than half of the meetings per year, you could just take the minimum down from 10 to seven or eight, just as the survey suggests.

Mr. Chris Watson: Now I'm going to introduce Paul Sylvestre to speak to issues around schedule 14 of the bill.

Mr. Paul Sylvestre: Good morning. My name is Paul Sylvestre. I'm the CUPE national health and safety representative.

The Canadian Union of Public Employees is here to express our concern with the Ontario government's decision to put forth legislation, under schedule 14 of Bill 132, to repeal section 34 of the Occupational Health and Safety Act. If passed, workers in Ontario will be unnecessarily exposed every day to unknown hazards caused by new toxic substances in the workplace. This increased exposure will have negative short- and long-term effects on the health of the people of Ontario. In addition, the financial impact could create an unnecessary cost burden on the province's strained health care system and compensation scheme.

In short, the repeal of section 34 revokes the notification required of manufacturers, suppliers and distributors to let the Ministry of Labour know about a new toxic substance to be supplied to workplaces to Ontario. In addition, it removes the power from the Ministry of Labour to order an assessment to determine whether or not the new toxic substance will endanger workers.

The removal of this knowledge from the inspectorate also flags down to workers and strikes against two principles that were established by the report of the royal commission on health and safety in mines, also known as the Ham commission, which was the framework for the Occupational Health and Safety Act. I quote the report: "Workers have a right in natural justice to know about the risks and consequences of the risks that they undertake" in their work. The Ham commission also concluded for the inspectorate that there be a statutory requirement for each mining company to give the occupational health and safety authority notice of intent to introduce any new reagent or servicing chemical whose toxic characteristics are not known.

The number of chemical products used in North America hovers between 50,000 and 84,000, with hundreds being introduced annually. Legislative requirements like section 34 of the Occupational Health and Safety Act provide an additional means of transparency to ensure that chemical manufacturers and suppliers have done their due diligence to assess the dangers of their products. Through this assessment, safety precautions and protocols are flagged and may be brought to the attention of the Ministry of Labour even before they're ever introduced into an Ontario workplace.

CUPE concedes that two federal regulations made under the Canadian Environmental Protection Act include written notifications to the federal Minister of the Environment. Despite those current notifications, it is our view that the government of Ontario should not rely solely on the federal government to source their information about new toxic substances in the workplace; rather, a simultaneous notification can be achieved. The simultaneous notification would maintain the proactive approach to section 34, instead of relying on a list of toxic substances that is out of the Ministry of Labour's jurisdiction. Other exemptions exist between section 34 of the Occupational Health and Safety Act and those federal regulations.

Between 2008 and 2017, the WSIB allowed about 130,000 occupational disease claims, which accounted for over \$940 million in benefit costs. These figures do not include the number of people in Ontario who have died or have suffered an occupational illness but have not established a claim with WSIB. To reduce liability on employers and the financial burden on the WSIB, CUPE calls for increased regulations, using the precautionary principle, to ensure that, at a minimum, all toxicological and hazardous information about a product is disclosed before it's ever introduced into an Ontario workplace.

We respectfully request that you withdraw Bill 132.

Mr. Chris Watson: I'd just like to add that we don't have a written submission with us today, but it will be provided to the committee before you've completed your work here. If there are questions, we'd be happy to reply.

The Chair (Ms. Goldie Ghamari): Thank you very much for your very informative presentation.

We'll begin with the government side. MPP Smith, you have eight minutes.

Mr. Dave Smith: Just out of curiosity—I know the answer; it's a rhetorical question—what's the C in CUPE?

Mr. Paul Sylvestre: Canadian.

Mr. Chris Watson: Canadian.

Mr. Dave Smith: So what do you do in other provinces, since Ontario is the only one that has this form of legislation? All other provinces—

Mr. Chris Watson: I think we encourage them to follow our example.

Mr. Dave Smith: It's being done in nine other provinces differently than in Ontario, using Health Canada as it—that's why I'm asking. You represent—

Mr. Chris Watson: I think Ontario, thanks to your party, has led Canada on many occasions in occupational health and safety. Ontario was the first province to give workers the right to refuse dangerous work. We have been a bit ahead of the others in the past. I don't think that's a reason to step backwards. If there's a provision which we have in place that serves Ontario well, let's hold on to it.

Mr. Dave Smith: So we receive the report from Health Canada right now, and we're still going to receive the report from Health Canada. We make a lot of the decisions based on what comes from Health Canada. If we're getting the information from Health Canada and that's what we're

making the decision on, it makes an awful lot of sense to me that we follow what Health Canada is suggesting. They are the experts across the country for it.

With respect to the libraries, if I could, for just one moment, I'm going to repeat something that I had said earlier, which was that, whenever we do something, we have to do it with respect to the entire province. Putting in a minimum number is just that: a minimum number. I do recognize that, coming from the Durham area, you're in a much more privileged place than coming from, say, Attawapiskat or any other northern, isolated communities. When we pass legislation as MPPs, we have to take into account all aspects of the entire province.

I think that minimums are a good way of setting just that: a minimum standard. But I also think that it's possible to have recommendations on the number. I would hate to see us in a position where a group has decided that in July and August, they're not going to have meetings because those are nice months and people want to enjoy their summer vacation, and then find themselves in a position where they can't meet the minimum because of weather conditions that are outside of their control.

I know that there was a comment made that we don't always have to meet in person, which I absolutely agree with as well. But again, being the parliamentary assistant to northern development, we have to be cognizant of the fact that sometimes there are areas in the remote part of Ontario where cell service is not possible, so you can't pick up a cellphone and call in to a meeting, and high-speed Internet is not available yet, so we can't have a virtual meeting that way. Typically, if you're in a rural, isolated portion of the province, if it's a snowstorm or an ice storm that is preventing you from travel, in all likelihood the power lines are knocked out and phone service isn't available as well.

I think it's important that we recognize that there is diversity within the province and we can't do something that creates a hardship for the northern part of our province inadvertently. It is possible to put in a minimum number that we say you should have as the minimum, and then also make a recommendation at the same time that, wherever possible, please try to do more. Is that reasonable, when you're looking across the province at very diverse geographic regions?

Ms. Teresa Gawman: We are very diverse, and I would just like to point out that the survey was sent out to all of Ontario, so the survey responses cover all of Ontario, including the north, and they overwhelmingly spoke out—library board members and CEOs spoke out wanting the minimum number to be seven or eight. So I just ask that you listen to these members. They are the ones that know best, and they are saying that a minimum of four—and I get that it's a minimum, but there will always be folks that do the minimum. It is a way of sometimes capping the library by having fewer meetings, because less stuff does get done. So I would just ask, again, that you consider what the people are telling you—the professionals, the people who are on the ground, including myself, working every day in a library—to please just consider upping that four. It's very, very, very low. There are—

Mr. Dave Smith: Again, I'm going to come back to—northern Ontario, geographically, is about the same size as France and England, which is about 180 million people, but northern Ontario has fewer than 800,000, in a province of almost 14 million. When we send out a survey, it is going to be drastically skewed, when we survey the entire province, by the GTA and southern Ontario. Whenever we do something as MPPs, we have to recognize that we're representing all of Ontario, not just southern Ontario.

1110

Yes, absolutely, your survey is going to have a number of people who are responding to it, but the bulk of the library boards are in southern Ontario. In every case, we respond to things based on our own experiences. If our experiences in southern Ontario are significantly different than they are in northern Ontario and the vast majority of the people who are going to be responding to a survey are coming from southern Ontario, then your survey results are going to be skewed to the experience of those in southern Ontario.

Again, I come back to: As MPPs, we have to take a look at the entire province, not just a small portion of the province. I don't think it's a hardship to suggest that we have to incorporate things that take the northern part of this province—a great section of this province, the largest land mass of this province—and their unique differences into consideration so that we can craft legislation that doesn't create an unintended circumstance that hurts them as well. I think it's possible to put a minimum number in and a suggested number in so that we get that balance. I would hate to be in a position where we have a library board that doesn't meet their mandate because of snowstorms and ice storms and so on, and they've had to move meetings as a result of it. I don't think that puts us in a fair situation across the entire province. We have to look at not just what's in the best interests of the GTA and southern Ontario.

Mr. Chris Watson: I think if you wanted to create flexibility to deal with the problems—the weather in the north—I don't think CUPE would have an objection to that.

Mr. Dave Smith: Thank you.

Mr. Randy Pettapiece: Chair?

The Chair (Ms. Goldie Ghamari): Sorry?

Interjection.

Ms. Goldie Ghamari: You have one minute left.

Mr. Randy Pettapiece: That's all I need. Thank you, Chair.

I look at this as a choice thing. We've given you a choice on this. It's not that we're saying, "You must do this or that." We've put the minimum at four. If you want to have eight or 10 meetings, then go at it. We're giving you a choice here. I think if it's important for library boards to have more meetings, they will have them. But again, as my colleague said, Ontario is a huge place. Even where I am in southern Ontario, we don't have access to the Internet like they do in the populated areas; we have places that it isn't there. We're trying to build that up now, but that is an issue.

Library boards have a choice. If they choose to have more meetings than what we set out as a minimum, have at it; good for you.

The Chair (Ms. Goldie Ghamari): And that was right on time. Turning now to the NDP: MPP Fife.

Ms. Catherine Fife: Teresa, do you think by setting the bar so low at four meetings, that will potentially leave library boards just meeting four times a year?

Ms. Teresa Gawman: Yes, 100%. I think that that in some cases is definitely going to happen, and it's going to have a huge effect on how the library can function.

Ms. Catherine Fife: And where do you think this request came from? Did this catch you by surprise, that they had lowered the minimum?

Ms. Teresa Gawman: It caught me by surprise. In all fairness, I am a library worker; I'm not a CEO and I'm not a manager. It caught me by surprise. My understanding is that we're trying to cut red tape with this bill and we're trying to save money, but I don't see the cost savings associated with this. The only money that gets spent on library boards is maybe the food that they eat, the snacks that they have while they're meeting. There are no cost savings here—none.

Ms. Catherine Fife: Yes, cookies and coffee are not too much for volunteers; right? Because, as you point out, they're volunteers.

It's interesting for me to listen to Mr. Smith in particular talk about how we have to have the same—you put a provincial lens, and then he used Attawapiskat as an example. If we had that same lens for equity and for consistency, then Attawapiskat would have clean drinking water and housing and mental health supports and a library.

I think you nailed it when you said that we all have a very different interpretation of what red tape is on regulatory changes that keep people safe, Paul, as you have rightly pointed out, versus dictating or lowering the bar on libraries. For many communities, libraries are the only place that people can still come together and not be charged to go there.

I think that's the lesson from these two days of committee hearings: that the PCs have this impression of what red tape is and what regulation is, and we have—people have to be at the centre of that. It can't just be about cutting and cutting and cutting.

Paul, one point on your part of the delegation, when you identified the concern, so the government—

Interjection.

The Chair (Ms. Goldie Ghamari): I would like to remind all members to keep their comments to a minimum and make them through the Chair. Thank you.

Ms. Catherine Fife: Bill 132 dropped at 1:30 on a Tuesday and I had a briefing on this bill at 1 o'clock the following day. The "duplication" line is heard a lot, and actually it was consistent with Bill 66 and Bill 48 as well. There were parts of that. When the Canada health agency puts out their report, do you have faith, or do you have confidence, that the information around toxic substances

will actually trickle down to the workplace? Do you have any evidence that that may or may not be happening?

Mr. Paul Sylvestre: The part that we're trying to compress is that if the enforcement arm of the Ministry of Labour does not know what's in the workplace, then how is the worker supposed to know? There are current obligations amongst the employers to let the workers know of, under WHMIS, what the toxic characteristics of products are in the workplace. However, from a ministry point of view, the point of section 34 is that it gives the ministry that power to ensure that if they receive information from Health Canada that, in addition—if they receive that notification, they can ensure that the supplier or the manufacturer goes ahead and does a proper assessment to determine whether or not this new toxic substance will endanger workers. There are lines within the federal requirements that talk about its use, and, according to the guidelines, it is supposed to include occupational risks as well.

However, we want to have a proactive approach to ensure that before these things are brought in, it has a proper assessment so that we don't find out what the risks were until it's further down the line. That is the whole point: If we have the proper flow of information that the ministry knows, it will be just doubly sure that the workers will know what they are working with as well.

Ms. Catherine Fife: Yes, and so when the government says, too, "Well, what are the other provinces doing and how are they possibly doing this?", what does that say to you? This is a government that's in charge of the province of Ontario. We should be focused on the province of Ontario. Don't you agree with that?

Mr. Paul Sylvestre: I agree with that, especially with the industry in our province, and the economy as well.

Ms. Catherine Fife: Yes. Okay. Well, thank you very much for coming here today. Who knew that libraries would be so contentious? We've been very focused on schedules 9 and 13, which completely make this bill unsupportable for us, but it has been really good to hear from librarians. It's too bad that it's after the fact. That's the problem with how legislation is currently being crafted in Ontario: The consultation piece is happening after, and then they're having to walk it back, which ironically creates more red tape.

Interjection.

Ms. Catherine Fife: Have you got something to say to me?

The Chair (Ms. Goldie Ghamari): I would remind all members to please make their comments through the Chair.

Ms. Catherine Fife: Thank you very much. Thank you, Chris. Thank you, Teresa.

The Chair (Ms. Goldie Ghamari): MPP Stevens?

Mrs. Jennifer (Jennie) Stevens: Thank you, Madam Chair. Teresa, welcome, and welcome to the other two—Paul and Chris.

I just would like to touch again on the library meetings. It says in the bill that they must meet four times a year,

which is pretty heavy-fisted, but I can't agree with you more about a minimum of seven to eight, a minimum—"must"—of seven to eight. It doesn't matter if we're looking at it from the north or the south. Every community—it doesn't matter if there are 15 people within the riding or within the municipality; they generally have a library and a library board.

I don't think that under the constitution of a library board it says how many board members there have to be, but when you're telling the board how many times they minimally must meet, it's kind of moving the clock backwards because I think that community leaders—and I'm just going to get to my question here—and volunteers who meet on a library board—do you think that if it's put in the bylaws that you must meet four times that a lot of things will be rubber-stamped through library boards?

1120

Ms. Teresa Gawman: That's definitely a concern, especially speaking on behalf of the workers. Libraries are supposed to be community-led; therefore, there's supposed to be opportunity for the public to come and make deputations and speak on behalf of themselves on what they want to see in their library, or have a voice, basically, on all things going on in the library. With the minimum—and some library boards and library employers will want that to be lessened, because it turns off that voice, right?

So, yes, I definitely think it's a way of rubber-stamping and pushing things through without having that public input. We are a public library; therefore, there should be public input.

Mrs. Jennifer (Jennie) Stevens: Exactly. Another thing is, have you heard from the library boards on their concerns? Can you just brief me on what their concerns would be if it is held at four meetings—at least a minimum of four?

Ms. Teresa Gawman: Again, being a worker, I don't speak to a lot of board members, unless it's my own—but even then, not really. But what I'm understanding from the survey and just in talking with colleagues and such who are in touch with their library boards and employers, it's just that they feel like there's potential to not be able to get their business done.

Mrs. Jennifer (Jennie) Stevens: Right. It puts constraints on getting budgets on time or—

Ms. Teresa Gawman: Definitely. For some systems, it will definitely be a struggle to do that. I get that it's a minimum; I do understand that. But as I said, there are other factors at play that will have people doing only the minimum.

I appreciate what you were saying in regard to the north, but I do think that there are no rules on, "You have to meet this month, this month, this month." If you know that there are issues in the winter months, maybe you have some meetings online or whatever, if that's a possibility. You can arrange them so that maybe when you know it's really bad, you can work around that in advance. I don't think there's a hard and steadfast rule that says, "You must meet this month."

The Chair (Ms. Goldie Ghamari): You have about 45 seconds left.

Mrs. Jennifer (Jennie) Stevens: Thank you.

So just summing up, then, with seven months, you can definitely get your meetings done throughout the year?

Ms. Teresa Gawman: Yes, and it doesn't have to be July and August off.

Mrs. Jennifer (Jennie) Stevens: Okay, thank you.

The Chair (Ms. Goldie Ghamari): Thank you. We will now turn to the independent Green Party member.

Before we begin, I would just like to remind all members to please respect the time that the other person has, and conversations should be kept to a whisper. If I can hear your comments, then everyone can, and they are distracting. Thank you.

You may begin.

Mr. Mike Schreiner: Thank you, Chair.

Thank you for being here today. Like my colleagues, I'm surprised: I didn't know there were so many people beating down the doors to cut down on the number of library board meetings.

Because we haven't had a chance to talk about schedule 14 as much as maybe we should, I want to focus my questions there. The fact that we're the only province that has section 34, are there some reasons for that? For example, do we have a better safety record in Ontario vis-à-vis other provinces? Do we have different and unique industries here that are maybe different than other provinces? Could you elaborate a bit more on why you're concerned about removal of this section?

Mr. Paul Sylvestre: I'm not aware of a province-by-province analysis to determine if Ontario introduces new toxic substances compared to the other provinces. But our

main concern is that the less information the enforcement arm of occupational health and safety has about what is actually going to be in our workplaces—without that preventive knowledge, the more concerning it shall be.

Presently, the Ministry of Labour has the power to do an assessment on existing toxic substances in the workplace. However, section 34 really focuses on new. We always need to find out—I mentioned the precautionary principle before, which is that all chemicals should be treated as guilty until proven innocent. That's why there is that important aspect of notification, as well as giving the power to the Ministry of Labour to do an assessment by the actual manufacturers. Or they can choose to have someone with certain expertise or special knowledge to do an assessment to determine whether or not it is a danger to workers. That is the focus: We're looking at this from an occupational health and safety—

The Chair (Ms. Goldie Ghamari): Thank you very much. That concludes our business for the morning. You may step down. Thank you for coming here today, and thank you to all our presenters for joining us today. This concludes our business.

A reminder to committee members that, pursuant to the order of the House dated November 7, 2019, the deadline for written submissions is 5 p.m. on Friday, November 29, 2019.

The committee is adjourned until 9 a.m. on Monday, November 25, 2019, when we will meet for public hearings on Bill 132 in Toronto. Thank you, everyone.

The committee adjourned at 1125.

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