



Ontario
Home Builders' Association

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Sharifa Wyndham-Nguyen
Client Services and Permissions Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5

**Re: Proposed Project List for comprehensive EAs under the Environmental Assessment Act (EAA)
ERO Registry Number: 019-2377**

Modernizing Ontario's Environmental Assessment Process

OHBA is supportive of the *Made-in-Ontario Environment Plan* and the *Housing Supply Action Plan*. A key component of both these plans is to modernize the environmental assessment program and streamline environmental approvals. We have been actively engaged with the MECP's modernization efforts and submitted recommendations that support *Modernizing Ontario's Environmental Assessment Process* (ERO 013-5101) in May 2019. OHBA also submitted recommendations responding to the "proposed changes to environmental approvals for municipal sewage collection works" (Consolidated Linear Infrastructure – ERO 019-1080) as well as recommendations to modernize the environmental assessment program by working with proponents of Class Environmental Assessments (ERO 019-1712). OHBA also passed a resolution (Modernization of Approvals) at our AMM in September 2019.

As part of OHBA's June 2020 submission to Ontario's Economic Jobs and Recovery Committee, OHBA recommended that the MECP fast track the implementation of the *Made in Ontario Environment Plan* including Environmental Assessments. It is important to recognize that as we reopen the economy to recover from the detrimental affects of COVID-19, we will need to continue building critical infrastructure and delivering housing supply, jobs and economic activity to Ontarians. Following the 2007-2008 economic recession, the residential construction sector in played a key role in helping our province rebound economically by delivering new housing and renovations, spurring economic activity and creating jobs across Ontario. Our sector is ready and able to help Ontario rebound from the economic disruption caused by COVID19, as we did back in 2008.

OHBA is strongly supportive of the COVID-19 *Economic Recovery Act, 2020* (Bill 197) which included amendments to the EAA, enabling regulations to set out the list of projects that would be subject to the Act. The provincial government should prioritize streamlining of approvals for core infrastructure that supports new housing supply and job creation for post pandemic recovery. OHBA is generally supportive of the MECP approach that the Project List to focus environmental assessment requirements and environmental oversight for comprehensive (high risk) and streamlined (medium risk) environmental assessments will enable transformational change to modernize the environmental assessment program. OHBA is however concerned by potential uncertainty arising from project lists that could potentially consolidate MCEA Schedules B and C and thus potentially require private sector proponents to duplicate some regulatory oversight that is already subject to the *Planning Act* for certain projects.

Proposal Summary

OHBA is generally supportive of the MECP vision for a project list that focuses on potential environmental impact. MECP is now consulting on a proposed list (the comprehensive EA Project List) which will identify the projects that will be subject to the new Part II.3 of the *Environmental Assessment Act* (comprehensive environmental assessment) through a regulation. In the coming months, a second list of proposed projects that will be subject to the Streamlined Environmental Assessment provisions of the amended EAA (Part II.4) will be developed. OHBA looks forward to additional consultation with MECP.

OHBA comments on ERO 019-2377

There are opportunities for the province to further streamline Ontario's EA process to ensure that Ontario is open for business while balancing environmental protections. OHBA is supportive of the *Made-in-Ontario Environment Plan* commitment to: "modernize Ontario's environmental assessment process, which dates back to the 1970s, to address duplication, streamline processes, improve service standards to reduce delays, and better recognize other planning processes." OHBA notes that the current process takes too long, is costly, unpredictable and often involves multiple government authorities.

OHBA supports focusing environmental assessment requirements and environmental oversight on high (comprehensive) and medium impact (streamlined) projects. This approach will allow MECP to eliminate unnecessary burden on low-impact projects and duplicative requirements, while ensuring the ministry focuses on projects that may pose a greater impact to the environment. OHBA notes, the ministry currently has more than 100 exemptions and Declaration Orders regulations in place. Once the Project Lists (comprehensive and streamlined) are in place, many of these exempting regulations will no longer be required because an environmental assessment will not be required for projects that are not on the Project Lists.

OHBA believes the current ERO 019-2377 proposal achieves the objectives outlined in our recommendations responding to the May 2019 Discussion paper: *Modernizing Ontario's Environmental Assessment Program*. As noted in the ERO posting, the ministry worked with holders of class environmental assessments to propose sensible, practical changes that would ensure strong environmental oversight while eliminating duplication and reducing delays. The ministry then consulted on proposed amendments to those class environmental assessments and proposed exempting regulations for specific projects and activities this summer.

OHBA submitted recommendations responding to the Class Environmental Assessment consultation on August 21, 2020 with specific recommendations to improve the Municipal Class EA process. OHBA supported schedule shifting to reduce the regulatory burden on lower risk activity and to eliminate duplicative processes with the *Planning Act*. OHBA is unclear how the current 019-2377 proposal would impact municipal infrastructure projects being constructed by the private sector (e.g. roads and bridges in a new subdivision). OHBA notes that Private Class EA's have the potential of consuming valuable resources from review staff at municipalities and other review agencies (e.g. Conservation Authorities, MECP etc.). It is OHBA's position that the extension of Class EA's to a broader range of projects may be counter to provincial streamlining objectives.

It is unclear from the current 019-2377 proposal if municipal infrastructure will continue to be separated into "B" and "C" schedules (and if not listed if the lower risk projects would be exempt). OHBA recommends that for municipal infrastructure, that the MECP continue to separate projects using a risk based approach and utilize the new "B" and "C" schedules that were consulted on (ERO 019-1712) from the Municipal Engineers Association (MEA) along with adopting the OHBA August 21, 2020 recommendations for further clarity and improvement. A risk based approach to municipal infrastructure approvals is appropriate moving forward to ensure environmental protection and a streamlined process.

Conclusion

On behalf of our 4,000 member companies organized into a network of 27 local home builders' associations across Ontario, OHBA appreciates the opportunity to provide the provincial government with our feedback and recommendations for modernization of environmental assessments. OHBA looks forward to continuing to work with the MECP to reduce the administrative burden, impacting the timely construction of basic infrastructure.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Collins-Williams". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael Collins-Williams, MCIP, RPP
Senior Director, Planning & Policy
Ontario Home Builders' Association

c. Hon. Jeff Yurek, Minister of the Environment Conservation and Parks