November 17, 2026

SUBMITTED VIA ONLINE FORM

To Whom It May Concern,

RE: Proposed amendments to the Environmental Bill of Rights, 1993 and related amendments to the Environmental Protection Act (ERO # 026-1109)

Please accept the following submission on behalf of AEL Advocacy in response to the proposed amendments to the *Environmental Bill of Rights, 1993* ("EBR") as set out in Schedule 8 of Bill 140, the *Building Ontario Faster Act, 2026*[1] (ERO # 026-1109).

AEL Advocacy strongly opposes the proposed repeal of longstanding environmental safeguards and public participation rights under the EBR. The amendments would weaken protections for animals and the environment, limit public participation in decisions affecting local communities, and eliminate important avenues for seeking government action and accountability when environmental laws and protections are inadequate.

For more than 30 years, the EBR has enabled Ontarians to participate in environmental decision-making, request government reviews and investigations, and challenge certain environmentally significant approvals before an independent tribunal. These rights are essential to public-interest organizations like AEL Advocacy and the individuals and communities we support. They allow us to identify environmental concerns, contribute legal and policy expertise, and help those affected by environmental harm seek meaningful government action.

The proposed amendments would substantially erode these rights by:

- **Restricting public participation:** Removing opportunities to be informed about and comment on certain environmentally significant legislation, regulations, policies, and decisions through the Environmental Registry of Ontario ("ERO").

[1] https://www.ola.org/en/legislative-business/bills/parliament-44/session-1/bill-140

- **Eliminating Applications for Review and Investigation:** Removing the public's ability to request reviews of environmental laws, policies, and instruments, or investigations into suspected violations of environmental laws.
- **Removing third-party appeal rights:** Eliminating opportunities for residents, Indigenous communities, and advocacy organizations to challenge certain environmentally significant approvals before an independent tribunal.
- **Eliminating the right to sue for harm to public resources:** Removing an important legal avenue through which Ontarians can seek remedies for environmental harm.
- **Removing Statements of Environmental Values:** Eliminating requirements for prescribed ministries to consider established environmental principles when making environmentally significant decisions.

These changes would have serious consequences for animals, the environment, and the communities AEL Advocacy supports. Environmentally significant laws, policies, and approvals can have far-reaching impacts on animal life, wildlife habitat, biodiversity, and human health. The EBR provides practical tools for identifying these risks, bringing them to the government's attention, and challenging decisions or regulatory failures that may cause harm. These tools are particularly important for marginalized communities and people living near sources of pollution, who may have first-hand knowledge of environmental harms but face significant barriers to securing government action or pursuing costly legal remedies. Their removal would leave affected communities with fewer ways to protect their health and local environments, while also limiting AEL Advocacy's ability to support them, provide legal and policy expertise, and advocate for stronger protections for animals and the environment.

AEL Advocacy urges the Government of Ontario to withdraw the proposed amendments to the EBR and preserve the public participation, review, investigation, and appeal rights that are essential to environmental protection, animal protection, and public accountability.

RECOMMENDATION NO. 1: Withdraw the proposed amendments to the EBR under Bill 140 and preserve the public's existing environmental rights and protections.

A. About AEL Advocacy

AEL Advocacy is an intersectional animal and environmental law charity dedicated to advancing justice for animals, people, and the planet.[2] Our lawyers understand the

[2] https://www.aeladvocacy.ca/

important interconnection between human, animal, and environmental well-being, and we leverage our legal and political expertise to support individuals, communities, and organizations working to protect animals and the environments where they live.

B. Our Comments

Schedule 8 of Bill 140 proposes to repeal or substantially weaken many of the EBR's central environmental protections and public participation rights. People and communities affected by environmentally significant decisions, as well as organizations working to protect animals and the environment, must be able to learn about proposed decisions before they are made, raise concerns about their potential impacts, and seek accountability when environmental laws and protections are inadequate.

1. Restricting Public Participation in Environmental Decision-Making

Bill 140 proposes to significantly restrict the requirement to post environmentally significant legislative, regulatory, and policy proposals on the Environmental Registry of Ontario ("ERO"), instead directing certain proposals to the Ontario Regulatory Registry ("ORR").

The ORR is not an adequate substitute for the ERO. The EBR provides statutory participation rights, including requirements for public notice, consideration of comments, and explanations of how public input influenced final decisions. The ORR does not provide equivalent environmental participation protections or minimum consultation timelines.

The importance of meaningful public participation is demonstrated by the approximately 29,200 submissions received through the ERO in response to the government's proposal to remove approximately 7,400 acres from the Greenbelt.[3] The government ultimately reversed its decision and restored the lands, acknowledging the feedback received from the public, Indigenous communities, municipalities, and other stakeholders.

The ERO is also an important tool for organizations like AEL Advocacy to identify and raise concerns about proposed government decisions that may affect animals and the environment. AEL Advocacy regularly monitors the ERO and submits comments on a wide range of proposals, including changes affecting species at risk, hunting,

[3] https://ero.ontario.ca/notice/019-6216

and trapping, as well as Environmental Compliance Approval applications for meat processing facilities and other polluting industries.[4]

For organizations working with limited resources, the ERO provides an accessible means of identifying emerging issues, assessing potential impacts, and contributing legal and policy expertise to government decision-making. It also creates an opportunity to raise concerns about animal impacts that might otherwise receive little consideration. Similarly, individuals and communities rely on timely access to information to understand proposed decisions, contribute local knowledge, and advocate for protections for their health, environments, and the animals and ecosystems around them.

Restricting ERO posting requirements would make it harder for advocates and affected communities to identify threats and influence decisions before they are finalized. It would particularly disadvantage organizations and individuals who rely on public notice to identify proposals requiring attention, and reduce opportunities to prevent environmental harm before it occurs.

RECOMMENDATION NO. 2: Maintain the EBR's notice and comment requirements for all environmentally significant legislative, regulatory, and policy proposals.

2. Eliminating Statements of Environmental Values

Under the EBR, prescribed ministries must develop and consider Statements of Environmental Values ("SEVs") when making environmentally significant decisions. These statements require consideration of important environmental principles, including the protection and conservation of animal life, cumulative impacts, ecosystem-based approaches, precautionary and science-based decision-making, the interests of present and future generations, and the polluter-pays principle.

These principles are particularly important when assessing activities with widespread or cumulative consequences, including industrial animal agriculture, pollution, habitat destruction, and natural resource development. For example, assessing intensive livestock operations requires consideration not only of individual sources of pollution, but also their cumulative effects on waterways, wildlife, surrounding ecosystems, and nearby communities. These impacts can affect both

[4] See for example: https://www.aeladvocacy.ca/_files/ugd/c883e8_fef6875e550d4b7baa1e7e281e634d82.pdf; https://www.aeladvocacy.ca/_files/ugd/c883e8_fc249dbae90a4c378e4b7afa9a91b675.pdf; https://www.aeladvocacy.ca/_files/ugd/c883e8_1e267987a3c8406d82a7d30cfdd9a397.pdf; https://www.aeladvocacy.ca/_files/ugd/c883e8_772d299e0f0f4098869591a1613da20b.pdf; https://bdfa0f0e-3031-4c2d-818a-dff3753cdae7.filesusr.com/ugd/d886e5_30f986495dc64bc5a0d69a9bfeb7bb60.pdf.

farmed animals and wildlife, including through contaminated water, degraded habitat, and deteriorating environmental conditions.

SEVs also provide an important framework for considering environmental impacts that may not be immediately apparent or adequately captured by a narrow assessment of an individual project. Removing the requirement to consider them would weaken an important safeguard and make it easier for impacts on animal life, ecosystem health, and future generations to be overlooked or subordinated to other government priorities.

RECOMMENDATION NO. 3: Retain the requirement for prescribed ministries to develop and consider Statements of Environmental Values when making environmentally significant decisions.

3. Eliminating Applications for Review and Investigation

Applications for Review allow members of the public to request that the government reconsider existing environmental laws, policies, and instruments. Applications for Investigation provide a formal avenue to request government investigation of suspected violations of environmental laws. These mechanisms allow individuals, communities, and public-interest organizations to raise systemic concerns and seek government action where environmental protections or enforcement are inadequate.

In 2025, AEL Advocacy, together with World Animal Protection Canada, submitted an Application for Review requesting that the government review the *Nutrient Management Act, 2002* and the *Environmental Protection Act*.[5] Our application identified significant gaps in the regulation of industrial animal agriculture, including broad agricultural exemptions, inadequate oversight and enforcement, and insufficient protections against nutrient runoff, manure pollution, and harmful air emissions. We sought stronger pollution controls, improved enforcement, and broader reforms to address the environmental consequences of intensive livestock operations.

This illustrates how the EBR enables animal and environmental organizations to seek systemic improvements to laws and regulatory frameworks that affect farmed animals, wildlife, ecosystems, and surrounding communities. Without Applications for Review, AEL Advocacy and other public-interest organizations would lose a formal mechanism to ask the government to address deficiencies in existing environmental

[5] https://www.aeladvocacy.ca/_files/ugd/c883e8_d3ab3095e08246fe9113d8ce3578b0c4.pdf

protections, including regulatory gaps that may allow harmful practices and pollution to continue.

The importance of Applications for Review is also illustrated by the proposed ED-19 landfill in Eastern Ontario. Following an application filed by the Canadian Environmental Law Association ("CELA") on behalf of concerned residents, the Ministry revoked the landfill's environmental approval in 2020.[6] The approval had originally been issued in 1998, despite the project never having been constructed. The proposed development raised concerns about drinking water, public health, and wildlife habitat. This example demonstrates how the review process can help communities challenge outdated approvals that may pose significant environmental risks.

Applications for Investigation similarly provide an important route to accountability. Members of Aamjiwnaang First Nation used this mechanism to raise concerns following chemical flaring at Shell Canada's Sarnia refinery in Chemical Valley. Community members reported adverse health effects, including headaches, nausea, dizziness, and respiratory irritation.[7] Although the Ministry initially declined the application because it was already investigating the incidents, the application provided a formal avenue to raise concerns and submit evidence. Shell was subsequently prosecuted and pleaded guilty in 2015.

In another example, an Application for Investigation filed by CELA on behalf of residents concerned about decades of noise and particulate emissions from a nearby business led to Ministry charges and the company's conviction and fine.[8]

These examples demonstrate that Applications for Review and Investigation are not merely administrative processes. They allow communities and public-interest organizations to bring environmental concerns forward, seek scrutiny of inadequate laws and suspected violations, and pursue meaningful government action. They are particularly important where existing laws or enforcement practices fail to adequately protect animals, ecosystems, and communities. Removing these mechanisms would leave fewer avenues for addressing pollution and other environmental harms, while limiting AEL Advocacy's ability to support communities and advocate for systemic legal and regulatory improvements.

RECOMMENDATION NO. 4: Retain Applications for Review and Applications for Investigation, including the Ministry's corresponding obligations to consider and respond to applications.

[6] See: https://cela.ca/wp-content/uploads/2026/11/1728-CELA-Comments-on-Bill-140-ERO-026-1109-FINAL.pdf
[7] https://ecojustice.ca/news/charge-laid-against-shell-canada-for-refinery-spill-in-chemical-valley/
[8] See: https://cela.ca/wp-content/uploads/2026/11/1728-CELA-Comments-on-Bill-140-ERO-026-1109-FINAL.pdf

4. Removing Third-Party Appeal Rights

The EBR allows eligible members of the public and public-interest organizations to seek leave to appeal certain environmentally significant approvals before an independent tribunal. These rights provide an important safeguard where government approvals may cause serious environmental harm.

For example, Grassy Narrows First Nation recently obtained leave to appeal a water-taking permit associated with a proposed gold mine in Northwestern Ontario.[9] The Ontario Land Tribunal identified potential risks associated with methylmercury production and contaminant releases, finding a threat of serious environmental impacts, and ultimately revoked the permit. This case illustrates the importance of independent review for Indigenous communities seeking to protect their lands, waters, and ecosystems, as well as the wildlife and aquatic species that depend on them.

Third-party appeal rights also allow affected residents and public-interest organizations to present evidence and challenge approval conditions that may not adequately address environmental risks. This is particularly important where an approval could result in pollution, habitat degradation, or other impacts that extend beyond the immediate project site. For animal and environmental advocates, these rights can provide an opportunity to raise concerns about risks to wildlife, aquatic species, and habitats that may not have been adequately considered during the original approval process.

Removing these rights would leave affected residents, communities, and organizations with fewer opportunities to seek independent scrutiny of potentially harmful approvals. It would also eliminate an important avenue through which organizations like AEL Advocacy can support communities seeking to protect animals, wildlife habitat, and the natural environments on which they depend.

RECOMMENDATION NO. 5: Preserve third-party appeal rights under the EBR.

5. Eliminating the Right to Sue for Harm to Public Resources

The proposed repeal of the EBR's right-to-sue provisions would remove an important avenue through which Ontario residents can seek remedies for harm to public environmental resources, including air, water, and public lands.

[9] See: https://cela.ca/wp-content/uploads/2026/11/1728-CELA-Comments-on-Bill-140-ERO-026-1109-FINAL.pdf

Although these provisions have been used less frequently than other EBR mechanisms, their limited use does not diminish their importance. They provide an independent avenue to seek judicial intervention where public resources have been harmed. Damage to these resources can have serious consequences for animals, including contaminated waterways, degraded wildlife habitat, and the loss of ecosystems on which animal populations depend. The ability to seek remedies for harm to public resources is therefore also relevant to the protection of animals and their environments.

Rather than eliminating these rights, the government should consider ways to improve their accessibility and effectiveness. The Law Commission of Ontario's 2024 report, *A New Environmental Bill of Rights for Ontario*, recommended retaining and improving the EBR's right-to-sue provisions to facilitate public access to civil remedies for environmental harm.[10]

Eliminating these provisions without providing an alternative would further restrict access to environmental justice and remove an avenue through which individuals, communities, and public-interest organizations can seek remedies when public environmental resources are damaged.

RECOMMENDATION NO. 6: Preserve and improve the existing right-to-sue provisions.

6. Removing the EBR's Environmental Restoration and Access-to-Justice Purposes

The proposed amendments would remove two important purposes of the EBR: restoring the environment where reasonable and increasing Ontario residents' access to the courts to protect the environment.

Schedule 8, s. 1(1) would remove the EBR's stated purpose of "where reasonable, restore the environment."[11] Environmental protection must involve more than preventing future harm. It must also include addressing existing environmental damage and restoring degraded environments wherever possible. Restoration can be essential to recovering damaged habitats, improving water quality, rebuilding ecosystems, and supporting the survival and recovery of affected wildlife populations. Removing this purpose risks diminishing the importance of restoration as an objective of Ontario's environmental framework.

[10] https://www.lco-cdo.org/wp-content/uploads/2025/11/LCO-Environmental-Accountability-Final-Paper.pdf
[11] Bill 140, *Building Ontario Faster Act, 2026*, Schedule 8, s.(1) [Bill 140]; *Environmental Bill of Rights, 1993*, SO 1993, c 28 [EBR], s.2(1)(a).

Schedule 8, s. 1(2) would also remove the EBR's recognition that fulfilling the Act's purposes includes providing for "increased access to the courts by residents of Ontario for the protection of the environment."[12] Access to the courts is a critical component of environmental justice. It provides an avenue for members of the public to seek remedies and accountability when environmental laws are not being followed, government action is inadequate, or other mechanisms for addressing environmental harm are unavailable or ineffective. This access is particularly important for individuals and communities seeking to protect local environments, public resources, wildlife, and the ecosystems on which they depend.

These purposes reinforce the EBR's broader objectives of preventing environmental harm, restoring damaged environments, and providing meaningful avenues for public participation and accountability. Removing them would weaken the underlying objectives of the Act and further undermine Ontario's commitment to environmental restoration and access to environmental justice.

RECOMMENDATION NO. 7: Retain the EBR's stated purposes of restoring the environment where reasonable and increasing Ontario residents' access to the courts for the protection of the environment.

C. Conclusion

Schedule 8 of Bill 140 would significantly weaken Ontario's environmental protection framework by removing important rights that allow the public to participate in decision-making, seek government action, challenge environmentally significant approvals, and pursue accountability for environmental harm.

These rights are practical tools for protecting animals, ecosystems, and communities. They enable individuals and organizations to raise concerns, challenge inadequate protections, and seek action where government oversight falls short. They are also essential to the work of public-interest organizations like AEL Advocacy, which use legal and policy expertise to support communities and advance stronger protections for animals and the environment.

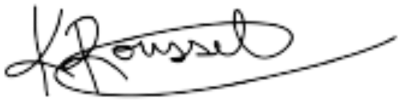
Animal protection, environmental protection, and human well-being are interconnected. Weakening environmental rights also undermines the ability to prevent and address harm to animals and the communities that share their environments. Ontario should be strengthening these protections, not dismantling them.

[12] Bill 140, Sched. 8, s.1(2); EBR, s. 2(3)

AEL Advocacy urges the Government of Ontario to withdraw the proposed amendments to Schedule 8 and preserve the public's existing rights under the EBR.

Sincerely,

ANIMAL ENVIRONMENTAL LEGAL ADVOCACY





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