

February 28, 2019

Hon. Rod Phillips
Minister of Environment, Conservation and Parks
Ferguson Block 11th Flr, 77 Wellesley St W,
Toronto, ON M7A 2T5

c/o Public Input Coordinator
Species Conservation Policy Branch
300 Water Street
Floor 5N
Peterborough ON K9J 3C7

Dear Hon. Minister Phillips,

Thank you for the opportunity to comment on the 10th Year Review of Ontario's Endangered Species Act and the discussion paper produced by your ministry. Such periodic reviews are important for ensuring that legislation is achieving its intended goals.

As you know, biodiversity in Ontario and around the globe is under a level of pressure not felt for millions of years. In fact, scientists have concluded that due to the dual threats of habitat loss and climate change, we likely find ourselves in a sixth mass extinction. According to the latest studies, wildlife populations around the world have declined by 60% in just over 40 years.

Ontario is not immune from this crisis. Our province has 237 species at risk and the situation is growing worse. Now is the time to be strengthening protections for wildlife, not weakening them.

When Ontario created its Endangered Species Act in 2007, it was heralded as a gold standard for protecting species at risk. But just six years later, the Liberal government turned its back on the very legislation it had created, introducing loopholes and reducing oversight, which essentially allowed for the rubber-stamping of environmental harm.

As you know, this opened the floodgates to exemptions for forestry, hydro, mining and commercial development projects that chipped away at precious habitat. The Environmental Commissioner found the Liberals to be 'undermining the survival' of species at risk.

I urge you to repair these fatal flaws, end the exemptions, and restore the integrity of the Endangered Species Act. However, your government's pretext for this 10th-year review and the content of the discussion paper raises fears that you are planning to go in the opposite direction and further erode the ESA.

I hope in your review that you will remember the original purpose of the ESA:

- 1. To identify species at risk based on the best available scientific information, including information obtained from community knowledge and aboriginal traditional knowledge.*
- 2. To protect species that are at risk and their habitats, and to promote the recovery of species that are at risk.*
- 3. To promote stewardship activities to assist in the protection and recovery of species that are at risk. 2007, c. 6, s. 1.*

Strangely, your discussion paper seems to misrepresent the ESA, suggesting the legislation is meant to serve private sector interests as much as protects species at risk. But sustainable development means working within ecological limits, not pretending that these limits do not exist. The changes that you have floated would grease the wheels for further species loss.

In particular, I want to express strong concern that you are proposing to weaken the science-based listing process and introduce ministerial discretion into decisions about habitat protection. I strongly caution against opening the door to what could be politically motivated decisions that put ideology over evidence.

Furthermore, businesses should not be able to offset their damage by paying into a fund. Once a species is gone, it is gone forever, and no amount of compensation will change that.

I have summarized my recommendations for improving the ESA below:

- Remove the 2013 exemptions for the forestry, hydro, aggregates, and mining industries that allow them to harm species at risk and destroy their habitat;
- Amend section 57 (1)1 of the ESA so that exemptions will only be allowed if they do not jeopardize the survival and recovery of endangered and threatened species;
- Restore an 'overall benefit' approach to species protection consistent with the 2007 Act before the Liberal government replaced this with a 'minimize harm' approach;
- Maintain the independent and expert-based system for listing species by the Committee on the Status of Species at Risk in Ontario (COSSARO);
- Increase user fees to achieve full cost recovery for implementation of the Endangered Species Act;
- Maintain mandatory habitat protection with no ministerial discretion and ensure that protection and recovery approaches are driven by science, not political interests;
- Close the door to options that would allow businesses to simply offset their harm to biodiversity by paying into a conservation fund or other actions unrelated to their activities.

I appreciate that the government is looking for ways to balance job creation with environmental protections. I want to remind you that business investment is increasingly flowing to places with a high quality of life, places where people can enjoy nature, as companies compete for talent.

Undermining protections for natural spaces and wildlife degrades our quality of life and the natural beauty that makes Ontario such a great place to live, work and invest.

Minister, thank you for your work to protect Ontario's environment and fulfill your responsibilities as Ontario's Minister of Environment, Conservation and Parks. I sincerely hope you take action to conserve Ontario's endangered species.

Sincerely,



Mike Schreiner
Leader
Green Party of Ontario