



**PESTICIDE INDUSTRY REGULATORY COUNCIL (PIRC)
IPM-Environmental Health Care Council of Ontario**

Administered by

Ontario Integrated Pest Management Association (OIPMA)

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NOTICE

Highlighted 'excerpts' from our organizations EBR appeal submission, in regards to Registry Number PA05E0016. These submitted changes if adopted will strengthen the Ministry of the Environment (MOE) Statement of Environmental Values (SEV) under the Environmental Bill of Rights (EBR) in accordance with this Act's envisioned purposes serves the public good.

September 6, 2005

Dear Ms. Blanchford,

Subject: Recommended Revisions to the Ministry of the Environment (MOE) Statement of Environmental Values (SEV), pursuant to EBR Registry Number PA05E0016.

The Pesticide Industry Regulatory Council (PIRC), representing Ontario's independent professional pest management applicators and operators, (numbering about 10,000), thanks the Ministry for this opportunity to provide advisory input. As you are undoubtedly aware, the PIRC and its affiliated organizations came about as a result of Ontarians speaking out to safeguard public health and protect the environment from harm under the Environmental Bill of Rights (EBR). Quoting Gord Miller, *"the power of the EBR comes not from the Environmental Commissioner, but from the people of Ontario, using their rights under the EBR to ensure that government decisions reflect their environment values."*

The spirit of the EBR is and was intended to vastly improve Ministries transparency, openness, and dialogue at the earliest stages through streamlined industry representative consultation to the SDB, followed by proposed regulatory changes posted on the Environmental Registry (ER) for final public consultation. Ministry SDB officials confirmed this fact to me. Our members upon review of the MOE SEV notably recognized, **first**, the lack of a numerical and alphabet numbering system; and **secondly**, that the updated SEV failed to reflect the importance of stakeholder advisory input at the earliest stages.

In light thereof, we have **firstly** recommended a numbering system; and **secondly**, six revisions that the Ministry consider in the public interest. The highlighted six revisions are outlined on page 1 of the attached Draft SEV using the numbering system, followed by a copy of a Draft SEV document that incorporates these revisions for your review. PIRC is thankful for this EBR opportunity for comment.

Best Regards,

Gary VanderHeide
PIRC / IPM-EHC Council - Chairperson
OIPMA Executive Director





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Except for our recommended and shown numerical and alphabet numbering system changes,
'Revisions' are highlighted in bold 16pt italics print.

The numerical and alphabet numbering system disclosed on the following pages are designed to assist us in our industry EBR educational programs and the public to more efficiently reference specific MOE SEV guidelines. **Below are the highlighted important clarification revisions being sought for the following SEV sections:**

(i) **Section 2:** "Ministry Vision" that involves these clarification relevant words ***'in consultation with affected stakeholders'***

(on page 4)

(ii) **Section 3:** "Application of the SEV", at Subsection (X) that involves these clarification relevant words, ***'and with affected stakeholders in the earliest stages'*** and the word ***'will'***.

(on page 5)

(iii) **Section 3:** "Application of the SEV", at Subsection (b) that involves these clarification relevant words, ***'in cooperation with the affected industry's governing bodies'***

(on page 5)

(iv) **Section 3:** "Application of the SEV", at Subsection (c) that involves these clarification relevant words, ***'in consultation with the affected industry's governing bodies'***

(on page 5)

(v) **Section 4:** "Integration With Other Considerations" that involves these significantly important clarification relevant words, ***'that meets the demanding standards of the scientific community'***.

(on page 6)

(vi) **Section 6:** "Consultation: A clarification relevant sentence that reads, ***'When making decisions that might significantly affect the environment, the ministry will provide opportunities for early industry involvement representation whose interests may be affected by such decisions so that the interests of their stakeholders can be appropriately considered.'***

(on page 6)

The PIRC submits that these clarification relevant revisions will result in a more comprehensible Ministry of the Environment SEV for users and will contribute to ensuring the safe and judicious use of pesticides that protects human health and the environment from potential harm.

Gary VanderHeide,

PIRC & IPM-EHC Council of Ontario, Chairperson

PIRC recommended changes incorporated into the MOE proposed SEV are found on Pages 3-7.

1. INTRODUCTION

The Ontario *Environmental Bill of Rights (EBR)* was proclaimed in February 1994. The founding principles of the *EBR* are stated in its Preamble:

- (i) *The people of Ontario recognize the inherent value of the natural environment.*
- (ii) *The people of Ontario have a right to a healthful environment.*
- (iii) *The people of Ontario have as a common goal the protection, conservation and restoration of the natural environment for the benefit of present and future generations.*

While the government has the primary responsibility for achieving this goal, Ontarians should have the means to ensure that it is achieved in an effective, timely, open and fair manner.

The purposes of the Act are:

- (a) To protect, conserve and where reasonable, restore the integrity of the environment;
- (b) To provide sustainability of the environment by the means provided in the Act; and
- (c) To protect the right to a healthful environment by the means provided in the Act.

These purposes include the following:

1. The prevention, reduction and elimination of the use, generation and release of pollutants that are an unreasonable threat to the integrity of the environment.
2. The protection and conservation of biological, ecological and genetic diversity.
3. The protection and conservation of natural resources, including plant life, animal life and ecological systems.
4. The encouragement of the wise management of our natural resources, including plant life, animal life and ecological systems.
5. The identification, protection and conservation of ecologically sensitive areas or processes.

To assist in fulfilling these purposes, the Act provides:

- (a) the means by which Ontarians may participate in the making of environmentally significant decisions by the Government of Ontario;
- (b) increased accountability of the Government of Ontario for its environmental decision-making;
- (c) increased access to the courts by residents of Ontario for the protection of the environment; and
- (d) enhanced protection for employees who take action in respect of environmental harm.

The *EBR* requires a Statement of Environmental Values from all designated ministries. The designated ministries are listed at:

http://www.ene.gov.on.ca/envision/env_reg/ebr/english/SEVs/SEVs.htm

Statements of Environmental Values (SEV) are a means for designated government ministries to record their commitment to the environment and be accountable for ensuring consideration of the environment in their decisions.

A SEV explains:

- (i) how the purposes of the *EBR* will be applied when decisions that might significantly affect the environment are made in the ministry; and
- (ii) how consideration of the purposes of the *EBR* will be integrated with other considerations, including social, economic and scientific considerations, which are part of decision-making in the ministry.

It is each Minister's responsibility to take every reasonable step to ensure that the SEV is considered whenever decisions that might significantly affect the environment are made in the ministry. The ministry will examine the SEV on a periodic basis to ensure the Statements are current.

2. MINISTRY VISION, MANDATE AND BUSINESS

The Ministry of the Environment's **vision** is an Ontario with clean and safe air, land and water that contributes to healthy communities, ecological protection, and sustainable development for present and future generations. The ministry envisions an Ontario where, through the ministry's leadership in environmental management, ***'in consultation with affected stakeholders'***, the quality of the environment is protected and enhanced.

The **mandate** of the Ministry of the Environment is to set the course in restoring, protecting and enhancing the environment to ensure public health, environmental quality and economic vitality .

The **businesses** of the Ministry of the Environment focus in the areas of air, land and water. Key initiatives under the air focus include smog, air toxics reduction and climate change. Key initiatives under the land focus include waste reduction, land restoration and nutrient management. Key initiatives under the water focus include safe drinking water and drinking water source protection. Specific details on the responsibilities of the Ministry of the Environment can be found on the ministry website www.ene.gov.on.ca.

3. APPLICATION OF THE SEV

The Ministry of the Environment is committed to applying the purposes of the *EBR* when decisions that might significantly affect the environment need to be made in the ministry, and as it develops Acts, regulations and policies, by the application of the following principles:

- I. The ministry will adopt an ecosystem approach to environmental protection and resource management. This approach views the ecosystem as composed of air, land, water and living organisms, including humans, and the interactions among them.
- II. The ministry will consider the cumulative effects on the environment; the interdependence of air, land, water and living organisms; and the interrelations among the environment, the economy and society.

- III. The ministry will consider the effects of its decisions on current and future generations, consistent with sustainable development principles.
- IV. The ministry will use a precautionary, science-based approach in its decision-making to protect human health and the environment.
- V. The ministry's environmental protection strategy will place priority on preventing pollution and minimizing the creation of pollutants that can adversely affect the environment.
- VI. The ministry will endeavour to have the perpetrator of pollution pay for the cost of clean up and rehabilitation, and to provide compensation to those who have been affected by it, consistent with the polluter pays principle.
- VII. In the event that significant environmental harm is caused, the ministry will work to ensure that the environment is rehabilitated to the extent feasible.
- VIII. Planning and management for environmental protection should strive for continuous improvement and effectiveness through adaptive management.
- IX. The ministry supports and promotes economic incentives that encourage environmental protection and the valuation of natural resources.
- X. The ministry will encourage increased transparency, timelier reporting and enhanced ongoing engagement with the public **'and with affected stakeholders in the earliest stages'**, as part of environmental decision making. Instruments such as certificates of approval, permits, licenses and orders are issued under the authority of ministry Acts and regulations and in accordance with ministry policies. Decisions on proposed Acts, regulations, policies and instruments **will** reflect the above principles.

The ministry works to protect, restore and enhance the natural environment by:

- (a) developing policies, legislation, regulations and standards to protect the environment and human health,
- (b) ensuring that planning, which aims to identify and evaluate environmental benefits and risks, takes place at the earliest stages in the decision-making process **'in cooperation with the affected industry's governing bodies'**;
- (c) undertaking compliance and enforcement actions **'in consultation with the affected industry's governing bodies'** to ensure consistency with environmental laws, and
- (d) environmental monitoring and reporting to track progress over time and inform the public on environmental quality.

In addition, the Ministry of the Environment uses a range of innovative programs and initiatives, including strong partnerships, public engagement, strategic knowledge management, and economic incentives and disincentives to carry out its responsibilities.

4. INTEGRATION WITH OTHER CONSIDERATIONS

The Ministry of the Environment will take into account social, economic and other considerations; these will be integrated with the purposes of the EBR when decisions that might significantly affect the environment need to be made. In making decisions, the ministry will use the best science available ***'that meets the demanding standards of the scientific community'***. It will support scientific research, the development and application of technologies, processes and services, and the development of green industries in Ontario.

5. MONITORING USE OF THE SEV

The Ministry of the Environment will document how the SEV was considered each time a decision is posted on the Environmental Registry. The ministry will ensure that staff involved in decisions that might significantly affect the environment are aware of the ministry's Environmental Bill of Rights obligations. The Ministry of the Environment monitors and assesses changes in the environment. The ministry reviews and reports, both internally and to the Environmental Commissioner's Office, on its progress in implementing the SEV.

6. CONSULTATION

The Ministry of the Environment believes that public consultation is vital to sound environmental decision-making. The ministry will provide opportunities for an open and consultative process when making decisions that might significantly affect the environment. ***'When making decisions that might significantly affect the environment, the ministry will provide opportunities for early industry involvement representation whose interests may be affected by such decisions so that the interests of their stakeholders can be appropriately considered.'***

7. CONSIDERATION OF ABORIGINAL PEOPLES

The Ministry of the Environment recognizes the value that Aboriginal people place on the environment. When making decisions that might significantly affect the environment, the ministry will provide opportunities for involvement of Aboriginal people whose interests may be affected by such decisions so that Aboriginal interests can be appropriately considered.

8. GREENING OF INTERNAL OPERATIONS

The Ministry of the Environment believes in the wise use and conservation of natural resources. The ministry will support Government of Ontario initiatives to conserve energy and water, and to wisely use our air and land resources in order to generate environmental, health and economic benefits for present and future generations. The ministry will encourage the use of the 3Rs - reduction, reuse and recycling - to divert materials from disposal.