

Ministry of the Environment,
Conservation and Parks

Environmental Assessment
Modernization Branch

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Ministère de l'Environnement, de
la Protection de la nature et des Parcs

Direction de la modernisation des processus
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February 22, 2024

Greetings,

I am writing to you today on behalf of the Ministry of the Environment, Conservation and Parks about recent decisions to move Ontario's environmental assessment (EA) program to a project list approach as part of the government's ongoing work to modernize environmental assessment processes.

Comprehensive Environmental Assessment Projects regulation and other regulations:

Over the past several years, we have consulted extensively on the government's proposal to move to a project list approach. Beginning in April 2019, the ministry consulted on a [discussion paper](#), which outlined a modern vision for the EA program.

Then in July 2020, through the [COVID-19 Economic Recovery Act, 2020](#), the *Environmental Assessment Act* (EAA) was amended to provide the authority to make regulations to support EA modernization, including identifying projects that would be subject to EA requirements in a regulation. The move to a project list approach is a shift from the current framework, where projects are mainly subject to the EAA based on who is undertaking the project, rather than the projects potential impacts.

In fall 2020, the ministry consulted on a plain language [project list proposal](#), which identified the projects the ministry was proposing be subject to the EAA. In fall 2021 and spring 2023, the ministry then consulted on draft regulations, including a draft of the proposed [Comprehensive Environmental Assessment \(EA\) Projects Regulation](#) (Part II.3 Projects – Designations and Exemptions regulation) (2021) and a plain language update to that proposal (2023). The proposals also identified that the ministry would be updating relevant guidance and making certain related amendments to the Class EAs.

After considering the input received on the regulatory proposals and the discussion paper, a number of regulations have now been made and related actions taken to move Ontario to a project list approach. These changes came into effect on February 22, 2024 i.e., on the day that the revised provisions of the EAA providing the authority to make these regulations came into force.

The project types that are now subject to EA requirements in Ontario are those projects that are designated in the Comprehensive EA Projects regulation (i.e., significant waste projects, significant electricity generation facilities and large waterfront projects) and those project types to which a class environmental assessment (Class EA) applies. The

Comprehensive EA Projects regulation also designates projects that are exempt from the comprehensive EA requirements conditional on following a streamlined EA process (i.e. waste, electricity and transit and rail projects). There is no impact to projects that followed an individual EA and were approved. All projects which have started an individual EA application (i.e., a proposed Terms of Reference has been submitted to the Ministry) will continue in the comprehensive EA process.

We also wanted to note that these changes do not affect the continued authority under the Act to designate other projects or classes of projects as ones subject to a comprehensive EA or to enter into agreements with proponents to have the Act apply to projects that are not designated in the Comprehensive EA Projects regulation or otherwise.

Details of the decisions and changes made to move Ontario's EA program to a project list approach (the regulations, other instruments and related material) are on the Environmental Registry of Ontario at: <https://ero.ontario.ca/notice/019-4219>.

Complementary amendments to class environmental assessments:

To align Class EAs with the amendments to the EAA and the new and amending regulations made under the Act, including the Comprehensive EA Projects regulation, complementary amendments have been made to seven class EAs. Information on the amendments can be found on the Environmental Registry at: <https://ero.ontario.ca/notice/019-8081>.

Updates to guidance:

Similarly, we have updated the Guides to the EA requirements for waste and electricity projects and the guidance for transit and rail projects to align these with the Comprehensive EA Projects regulation and revised provisions of the EAA. These updated documents can be found on the Environmental Registry at: <https://ero.ontario.ca/notice/019-4219>.

Extension of expiry dates for certain approvals:

In November 2021, the ministry began consultation on a proposal to extend the statutory expiry date for EAA approvals by 10 years for certain projects.

A decision has now been made to extend the expiry date by 10 years for eight of those projects. The extensions will allow the projects to proceed instead of requiring a new environmental assessment to be completed. To ensure the protection of the environment, cultural heritage resources and source water, and to be responsive to comments received, including from Indigenous communities, the Minister made the extensions of the expiry date subject to conditions for seven of the eight projects. More information on the decision can be found on the Environmental Registry at: <https://ero.ontario.ca/notice/019-4428>.

The ministry carefully considered the nature and context of each of the projects. This included input from the proponents, the outcome of consultation undertaken in relation

to the proposal to extend, including consultation with Indigenous communities, and the purpose of the Act.

We are committed to keeping you updated and working with you to build a strong EA program for Ontario. We value your perspectives on the EA program and look forward to your further participation.

Please do not hesitate to contact my team at: EAModernization.MECP@ontario.ca, or me directly at: Annamaria.Cross@ontario.ca, if you have any comments or questions.

Sincerely,

A handwritten signature in black ink that reads "A. Cross". The signature is written in a cursive, flowing style.

Annamaria Cross
Director, Environmental Assessment Modernization
Ministry of the Environment, Conservation and Parks