

Environmental Policy in Ontario: ‘Greening’ the Province from the ‘Dynasty’ to Wynne

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INTRODUCTION

The literature on environmental policy-making at the provincial level in Canada is relatively sparse, having only really emerged in relation to forest policy in British Columbia.² This is despite the increasingly dominant role played by provincial governments in environmental and energy policy formulation and implementation over the past twenty years. The combination of the Liberal Chretien government’s surrender of the federal leadership role in the setting of national environmental standards and the environmental assessment of major projects through the 1998 harmonization accord³, and the Conservative Harper government’s hostility to climate change and other environmental issues, has meant that the centre of energy and environmental policy leadership and innovation has shifted to the sub-national level.⁴ Ontario has been at the centre of this phenomenon.

Historically Ontario has tended to be a leader among Canada’s provinces in environmental policy. The province was the site of Canada’s first comprehensive environmental protection statute, the *Environmental Protection Act*, adopted in 1971 and its first environmental assessment statute, enacted in 1975.⁵ The province also played a central role in the near universal implementation of municipal sewage treatment on the Canadian side of the Great Lakes in the 1970s and 1980s; led initiatives, along with Quebec, on acid rain control in the 1980s; and was among the key actors on regulatory requirements for the cleanup of water pollution from the pulp and paper sector in the 1990s. Ontario is home to Canada’s only comprehensive Environmental Bill of Rights, adopted in 1994.⁶ The past decade has seen the province provide the model for

the protection of drinking water safety in Canada and the implementation of a phase-out of coal-fired electricity. The coal phase-out is by far the most significant action by any Canadian government to date to reduce greenhouse gas (GHG) emissions. The 2009 *Green Energy and Green Economy Act* (GEGEA) arguably represented the most serious attempt seen so far by a provincial government in Canada to integrate economic and environmental strategy.

At the same time, the province was the site of the May 2000 Walkerton disaster, the worst drinking water contamination episode in modern Canadian history, and a number of other major environmental disasters, including the 1990 Hagersville tire fire⁷ and the 1997 Plastimet polyvinyl chloride fire in Hamilton.⁸ Ontario also gave rise to Mike Harris's neoliberal 'Common Sense Revolution' that has provided the model for much of the Harper federal government's regressive approach to environmental matters.⁹ The GEGEA notwithstanding, Ontario's electricity system remains an archetypical "hard" path system with a significantly increased reliance on nuclear energy over the past decade. The province's position of sub-national policy leadership on climate change has now been largely abandoned, while in northern Ontario a near free-for-all of mining development is being accompanied by the weakening of the province's institutional capacity around natural resources management.

The following chapter seeks to explore the reasons for these contradictions, where Ontario has historically been a leader in environmental policy among the Canadian provinces, but also a centre of regressive movement as well. The chapter builds on the author's earlier work on Ontario environmental policy and politics,¹⁰ assessing the later stages of the McGuinty government's approach to environmental, energy and natural resources policy and the implications of the January 2012 report of the Commission on the Reform of Ontario's Public

Services (a.k.a. the Drummond Report).¹¹ Finally the chapter reflects on the approach taken by the Wynne government.

ANALYTICAL APPROACH

In attempting to understand the drivers of the province's environmental policy behaviour through the modern (i.e. the post-Second World War and particularly post- 1970) period, the author found it helpful to employ a modified version of the institutional-ideological policy model used by Bruce Doern and Glenn Toner in their landmark 1982 study on the National Energy Program.¹² The approach is based on an analytical framework of four basic categories of variables: the institutional context within which policy is being made; the underlying normative assumptions about both the role of the state in general and the specific policy issues in question; the physical and economic conditions defining the context in which policy debates occur; and the roles of non-state actors and forces, such as interest groups, public opinion and the media.¹³

In institutional terms the combination of cabinet parliamentary systems of government and the strong jurisdictional position of provinces on natural resources, energy, environmental and land-use matters¹⁴ implies a very high level of policy autonomy on the part of the provincial government in these areas. In practice the federal government emerges largely as a weak factor in the Ontario environmental policy story. Its role has been limited to some occasional regulatory nudging along with providing financing and subsidies, particularly for reducing municipal and industrial pollution of the Great Lakes, acid rain control, and improving air quality in southern Ontario. More recently, Stephen Harper's federal government emerged as an important driver of pre-emptive action on the part of the province with respect to climate change policy. The Conservative government's initial moves, before its effective abandonment of attempts at

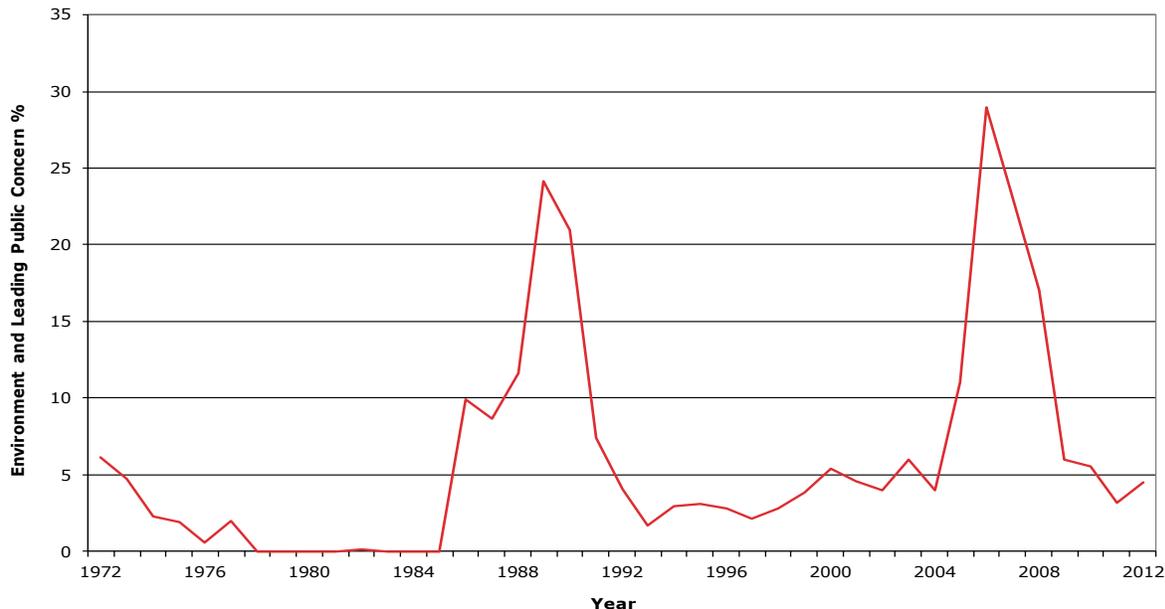
substantive action to reduce Canada's greenhouse gas emissions, suggested a federal approach that would significantly burden Ontario's manufacturing sector relative to the oil and gas sector in Western Canada.¹⁵

The growing body of judicial interpretation of the implications of the recognition of "Aboriginal and Treaty Rights" in the 1982 *Constitution Act* has emerged as an increasingly important change to the institutional landscape for environment and natural resources management in Canada. The establishment, over the past decade, of a "duty to consult" on the part of the federal and/or provincial Crown where the rights, interests or claims of title of aboriginal people may be affected¹⁶ is particularly significant in this regard. Its consequences for Ontario remain far from fully understood or resolved, but a detailed exploration of these questions is beyond the scope of this chapter.

The changing structure of Ontario's economy since the mid-1970s, particularly the decline of manufacturing and resource extraction and processing relative to service and knowledge based activities, has significantly altered the focus of environmental policy debates. Until the mid-1990s industrial air and water pollution and waste management issues around the Great Lakes dominated. Since then, questions related to urban sprawl and transportation have moved to the fore, particularly in the region now known as the Greater Golden Horseshoe (GGH)¹⁷ which, along with the Ottawa region, has emerged as the centre of growth in terms of population and the service and knowledge based sectors.¹⁸ With respect to energy, the structural changes in Ontario's economy have produced a succession of crises in electricity policy as long-standing assumptions about continued growth in electricity demand, flowing from an expanding industrial sector, have collapsed.

Although the institutional framework and economic circumstances within which successive Ontario governments have operated provide key contextual elements to the story, they do not fully explain the behaviour of different governments on environmental issues. Rather, the key drivers in terms of understanding government behaviour in Ontario regarding the environment lie within the other two categories of variables. The first relates to societal factors and forces - specifically, the public salience of environmental issues as apparent in public opinion polling and the level of media and legislative opposition attention given to environmental issues. It has been long recognized that governments increase their levels of activity in the environmental field when public concern is high, and that policy activity is likely to stall or even reverse when concern is low.¹⁹ It is also generally recognized, as shown in **Figure 1**, that levels of public concern for environmental issues are cyclical, and are characterized by relatively short periods of high concern, and longer periods of relatively low concern. In Ontario there have been three major periods of high concern: from the late-1960s to mid-1970s; from the mid-1980s to the early-1990s; and from 2004-2008, with each peak being terminated by a major economic downturn.

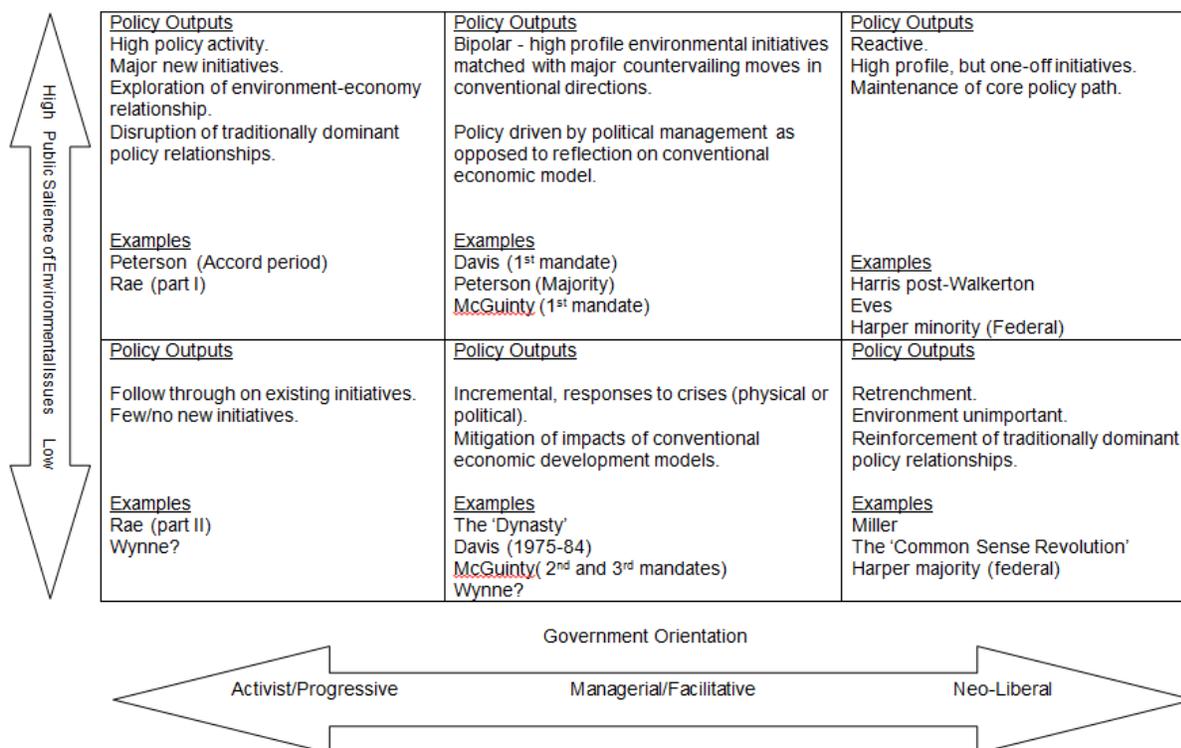
Figure 1: Level of Public Concern for the Environment in Ontario 1972-2012²⁰



The second key variable relates to the government of the day's normative assumptions about the role of the state. In Ontario's case, these assumptions can be broadly organized into three categories. *Managerial* and *facilitative* governments tend to focus on measures that they perceive as being necessary to facilitate economic growth and development (understood in conventional terms of industrialization, resource extraction and processing and urbanization), but do not seek to expand the role of the state beyond these roles unless politically or practically necessary. The *managerial/facilitative* governance model was exemplified by the Progressive Conservative 'dynasty' and, to a considerable degree, during the McGuinty period as well. Alternatively, *activist/progressive* governments envision a more directive role for the state in shaping the province's economy and society. Such an approach was evident during the Peterson minority period and first half of the Rae government. Finally *neo-liberal* governments seek to minimize state interference with the market, as epitomized by the Harris 'revolution.'²¹

The combination of public salience of environmental issues and the normative orientation of the government of the day provides the strongest predictor of a government's likely behaviour towards environmental issues. As shown in **Figure 2**, all six potential combinations of public concern and government orientation have been seen in the post-war era in Ontario. At one end of the spectrum the combination of low public salience and a neo-liberal government produced the major environmental policy retrenchments of the 'Common Sense Revolution.' At the other end, the combination of high levels of public attention and relatively activist governments resulted in periods of high policy activity and innovation, exemplified by the Liberal Peterson minority period and the first half of the NDP Rae government.

Figure 2: Ontario Environmental Policy Matrix: Government Orientation and Public Salience of Environmental Issues²²



In Ontario the dominant combination has been one of relatively low public salience of environmental issues and facilitative and managerially oriented governments. The result has tended to be patterns of incremental policy progress, with an emphasis on achieving a ‘balance’ between progressive and conventional themes. Such an approach became particularly pronounced under McGuinty. In electricity policy, for example, the 2009 *Green Energy and Green Economy Act*, with its focus on the development of renewable energy resources like wind and solar, paralleled a quiet but steady increase in the province’s reliance on nuclear power,²³ a technology associated with very significant environmental, health and economic risks,²⁴ and the pursuit of both nuclear new build and refurbishments of existing nuclear facilities. Similarly, the creation of the GGH Greenbelt and major reforms to the land-use planning process adopted in 2005 and 2006 were carefully designed to not disrupt low-density sprawling developments that were already planned, and to leave considerable scope for such developments into the future.²⁵

THE MCGUINTY LEGACY

The arrival of the first McGuinty government, which came to office following the October 2003 election, marked a distinct break with the environmental policy directions of the Harris ‘common sense revolution.’ The ‘revolution’ had been characterized by a retrenchment unprecedented in the modern history of the province with respect to environmental and natural resources law and public policy, and the budgets of environmental and natural resources agencies.²⁶ In addition, a wide range of environmental responsibilities were downloaded to municipal governments, with little opportunity for preparation and minimal provincial financial support. A good deal of the succeeding Progressive Conservative government’s efforts, led by former Harris finance minister Ernie Eves, were spent dealing with the consequences of these decisions. This was especially

true in the electricity sector²⁷, and in drinking water protection in the aftermath of the May 2000 Walkerton drinking water disaster, in which seven people died and nearly three thousand became seriously ill.²⁸

The new Liberal government came to office in part based on a platform that proposed a major re-engagement by the province on environmental issues. There was a particular focus on land-use and infrastructure planning in southern Ontario and implementing recommendations from the inquiry that followed the Walkerton disaster. Concerns over the health impacts of air pollution from coal-fired electricity plants led to a commitment to phase-out these facilities by 2007. There were also promises to strengthen environmental law enforcement and the regulatory controls on the management of hazardous wastes.²⁹

In practice the McGuinty government's first mandate would be marked by a reversal of the deregulatory directions of the Progressive Conservatives, and major initiatives in all of these areas, although always in context of the 'balance' noted above. The phase-out of coal-fired electricity would, for example, be deferred, and while the government did reengage around energy efficiency and renewable energy, it also made it clear that nuclear energy would remain the centrepiece of the province's electricity system.³⁰ The Liberal approach was electorally successful, as they retained a majority through the 2007 provincial election during a period of relatively high public concern over environmental issues. However, actual progress on environmental sustainability was more doubtful, given the one-step forward, one-step backwards character of the results of the strategy of 'balance'. Rather, the gains and losses tended to cancel each other out, with the result that the actual shifts from the status quo were less than they might initially appear.

The defining event of the second McGuinty government, and in many ways the watershed for the McGuinty era, was the fall 2008 economic downturn. The recession severely affected the province's manufacturing sector, which had already been in a relative long-term decline. The province lost 250,000 jobs between fall 2008 and spring 2009, found itself facing a potential deficit in the \$20 billion range,³¹ and then classified, for the first time, as a 'have-not' province for the purposes of the federal equalization program.³²

Consistent with its overall approach, the government's initial response was to move in two apparently contradictory directions. On the one hand, following the lead of the incoming Obama administration in the United States, the government began to explore the potential to make positive linkages between environmental and economic policy, particularly with respect to the development of renewable energy sources like wind and solar. The centrepiece of this dimension of the government's response, the 2009 *Green Energy and Green Economy Act* (GEGEA), provided for the establishment of a Feed-in-Tariff (FIT) program similar to those adopted in Denmark, Germany and Spain. Under such programs renewable energy developers are paid a fixed rate for any electricity they generate, and are guaranteed access to the electricity grid for their output.

FIT programs are intended to promote the rapid deployment of renewable energy sources. In Ontario's case this was seen as important not only in terms of helping to facilitate the phase-out of coal-fired electricity, but also to jump-start the development of renewable energy technology manufacturing and services industries, similar to those which had emerged in Germany and Denmark as a result of their FIT programs. The emergence of such industries was seen as a potential replacement for the traditional manufacturing activities that were in decline.³³ Local content requirements were established for projects participating in the FIT program to help

support these goals, and a major agreement was signed with the Korean manufacturing giant Samsung at the beginning of 2010 as a means of securing rapid and large scale investments in renewable energy technology manufacturing capability.³⁴

The Peterson and, particularly, Rae governments had discussed the potential for integrating environmental and economic strategies. The work of the Ontario Round Table on the Environment and Economy, a multi-stakeholder body established in 1989 under Peterson to explore the integration of environmental and economic policy before its disbandment early in the first Harris government, had been especially noteworthy in this regard.³⁵ However, little progress had been made in putting such concepts into practice. In this context, the GEGEA, which the government stated would provide the foundation for the investment of \$29 billion in renewable energy development over the following twenty years,³⁶ represented by far the most serious effort by any Ontario government in integrating the goals of environmental sustainability and economic prosperity.

The second dimension of the McGuinty government's response to the economic situation took a very different direction. Its foundation was an 'Open for Business' initiative, led by the Ministry of Economic Development and Trade. Although driven more by desperation to resuscitate the province's failing manufacturing economy than ideological commitment, the initiative revived many of the themes of the 'regulatory reform' aspects of the Harris 'revolution.' As part of the initiative, an Ontario Regulatory Policy was adopted in April 2010. The policy reintroduced the cost-benefit tests of the Harris era Regulatory Impact and Competitiveness Test. A 'review' of all legislation, regulations and policy documents for opportunities to "update, simplify, consolidate or revoke"³⁷ was initiated at the same time.

The Ministry of the Environment, for its part, began to pursue proposals for the ‘reform’ of its approvals process following exactly the same model that had been proposed during the Harris years prior to the Walkerton disaster. Under this model the ministry would no longer actively review most applications for environmental approvals. Rather, proponents would simply assert their compliance with the required practices and procedures by “registering” with the ministry before proceeding with their proposed activities. Among other things, the process, which began to be implemented in the fall of 2011, eliminated the rights of members of the public, established fifteen years earlier through the *Environmental Bill of Rights*, to notice of and the opportunity to comment on proposed approvals before they were granted, and of the chance to appeal approvals to the Environmental Review Tribunal.³⁸ Similar ‘reforms’, also expanding on themes first articulated during the ‘common sense revolution,’ began to be pursued by the Ministry of Natural Resources at the same time.³⁹

The contradictions between the directions of the GEGEA, with its “ecological modernist”⁴⁰ vision of advanced green services and technologies as the foundation of the economy, and the ‘race to the bottom’ character of the ‘Open for Business’ strategy, highlighted the government’s increasing uncertainty about its economic vision. A report from the University of Toronto’s Martin Prosperity Institute recommending that the province’s future economic strategy focus on creative and knowledge based sectors rather than manufacturing and resource extraction was given a high profile welcome by the government.⁴¹ At the same time, a Northern Ontario Growth Plan⁴² and successive budgets pronounced mineral development, particularly the proposed ‘Ring of Fire’ chromite mining project in the province’s fragile and largely undisturbed northern boreal forest region, as the foundation of northern Ontario’s economic future.⁴³

THE FINAL MCGUINITY MANDATE

The run-up to the October 2011 provincial election was defined by a strong and long-standing lead in the polls for Tim Hudak's Progressive Conservatives. The PC lead was driven in part by unhappiness in rural Ontario over wind energy developments flowing from the GEGEA⁴⁴ and the source water protection requirements flowing from the implementation of the Walkerton Inquiry's recommendations. However, a host of wider issues, including the introduction of the harmonized sales tax, were also at work. In the end the government survived the election, emerging one seat short of a majority. The government's surprising success was seen to be the combined product of a very solid campaign on the part of the Liberals and a series of errors and misfortunes on the part of the PC camp. Hudak's threats to repeal the GEGEA, along with the misfortunes of City of Toronto mayor Rob Ford's administration, propelled younger, progressive and urban voters looking to block a PC victory away from the NDP and Greens and towards the Liberals. The Green vote in particular collapsed dramatically relative to the 2007 election.⁴⁵ Having unexpectedly won a "major minority" McGuinty's government seemed at something of a loss to know what to do with it. Considerable stock was placed in the ability of the forthcoming report of the Commission on the Reform of Ontario's Public Services, chaired by former TD Bank Chief Economist Don Drummond, to provide the required direction for a third mandate. The commission's report, delivered in January 2012, responded in part by noting that its efforts had been hampered by the government's own lack of any long-term vision for the province's economy and society.⁴⁶ With respect to the environment, energy and natural resources, the report introduced little new analysis or thought. Rather it largely confirmed the government's existing directions, particularly with respect to the 'reform' of the environmental approvals

process and the adoption of an Integrated Power System Plan based on the directions laid out in the government's December 2010 Long-Term Energy Plan.⁴⁷

The Liberals' 2011 election platform had been very thin on new commitments related to the environment, energy or natural resources. Its principal environmental element had been a vague proposal to expand the GGH Greenbelt, an option recycled from the party's 2007 document. To the extent that there was an environmental agenda for the third term, it focused on a proposed *Great Lakes Protection Act* that was notable only for its lack of meaningful content.⁴⁸ A *Local Food Act* was also proposed, although it was similarly short of substance.⁴⁹ Despite assurances of an ongoing commitment to green energy in the government's post-election Speech from the Throne, the GEGEA FIT program was subject to a moratorium on new applications immediately following the election while the program underwent a scheduled review. The review was completed in March 2012. It concluded that the program should continue, and potentially be expanded, subject to reductions in the rates paid for some types of FIT projects and a strengthening of the mechanisms to favour projects that were initiated or supported at the community level.⁵⁰ However, the moratorium on new applications remained in place until December 2012. Even then it was only opened for a short (two month) window for up to 200MW of new "small" (<500Kw) projects. Among other things, the more than year-long moratorium on new projects had a strong negative effect on the emerging renewable energy sector whose development was one of the central purposes of the legislation.⁵¹

The government's wavering on its flagship green energy commitment was driven by a number of factors. There were continuing internal tensions over the actual direction of the government's electricity strategy. The green energy strategy had been accompanied by repeated assurances that nuclear power would remain the centrepiece of the system. These assurances

continued even after the government's efforts to solicit bids for two new build reactors produced a \$26 billion price tag, more than three times the original estimates.⁵² Efforts to refurbish the province's existing nuclear reactors had produced multi-billion dollar cost-overruns and multi-year delays,⁵³ while the federal government's June 2011 sale of Atomic Energy of Canada (AECL) eliminated the possibility that the federal government would underwrite the risks of cost-overruns and delays on future nuclear projects. The government's reaction to the March 2011 Fukushima nuclear disaster in Japan was simply to provide assurances of the safety of Ontario's reactor fleet.⁵⁴

As a consequence of both the 2008 downturn and deeper structural changes taking place in the province's economy, electricity demand turned out to be declining rather than growing, as the government had predicted.⁵⁵ As a result, the ongoing commitment to nuclear meant that there was less space in the electricity system for other sources of supply, particularly new renewable energy sources. Concerns over the alleged costs of the green energy strategy⁵⁶ had already prompted the province to introduce an "Ontario Clean Energy Benefit," effectively reducing residential electricity bills by ten per cent, at an estimated cost in excess of \$1 billion per year.⁵⁷ In addition, the green energy strategy had produced some unexpected and surprisingly well-organized local opposition to wind energy projects around the province.⁵⁸ Although the GEGEA streamlined the approval process for renewable energy projects in part to circumvent this opposition, the government ultimately adopted a series of relatively restrictive rules on siting of wind turbines requiring, among other things, setbacks of over 500 metres from residential buildings. This was followed in February 2011 by an outright moratorium on offshore wind projects, an option which had been authorized by the province three years earlier, and for which there were incentives built into the structure of the FIT program.⁵⁹ There have been strong

accusations that the decision was driven by concerns over local opposition to off-shore wind projects in Liberal-held ridings in the run-up to the 2011 election.⁶⁰

A proposed gas-fired electricity plant in Oakville had been cancelled in October 2010 in the face of strong local opposition in the Liberal-held riding.⁶¹ Then, in the midst of the 2011 election campaign a decision was made to relocate a similar proposed plant in another Liberal-held riding in Mississauga.⁶² It would emerge in the aftermath of the election that the cancellation of the plants, for which contracts had been signed between the province's power authority and the proponents, would approach \$600 million.⁶³ The legislative opposition's pursuit of the issue, in the context of the minority legislature produced by the October 2011 election, would be central to Premier Dalton McGuinty's October 2012 decision to prorogue the legislature and announce his intention to resign.⁶⁴

THE WYNNE GOVERNMENT

The McGuinty government began its mandate grounded in a rejection of the environmental dimensions of the 'Common Sense Revolution,' particularly the failure to deal with air quality issues in southern Ontario and the Walkerton disaster. The new government arrived with a relatively ambitious environmental agenda and undertook a series of major initiatives, especially during its first term in office. The 2005/06 land-use planning reforms and the phase-out of coal-fired electricity stand out as particularly important achievements in this context.

In contrast, by the end of the McGuinty era, the Liberal government seemed to have virtually no environmental agenda at all. Its high profile commitments to green energy were wavering and any serious commitment to action on climate change abandoned. Despite the return

of the Peterson era architect of the transformation of the Ministry of the Environment into a major policy actor, Jim Bradley, to the environment portfolio, the ministry's activities focused on the 'open for business' 'reform' of environmental approvals and regulations. At the same time, a single-minded focus on clearing all possible obstacles to the 'Ring of Fire' mineral development in Northeastern Ontario defined the government's approach to matters in the North.

The February 2013 Liberal leadership convention to select McGuinty's successor came down to a contest between former education, transportation and municipal affairs minister Kathleen Wynne and former economic development minister Sandra Pupatello. Wynne was seen to represent the progressive side of the Ontario Liberal Party, while Pupatello, the architect of the 'open for business' strategy, reflected its more conservative, business oriented dimensions. Wynne would ultimately emerge as the winner of the Liberal Party leadership and premiership. Although Wynne's victory was generally welcomed in environmental circles over Pupatello's, the initial direction of the new premier's government on environmental matters was uncertain. Wynne's leadership platform had included a number of specific environmental components, although many carried over commitments and ideas from the McGuinty era. These included completing the coal-phase-out by the end of 2014, continuing investments in public transit, and reintroducing the *Local Food* and *Great Lakes Protection Acts*. There were also references to improving the efficiency of water and waste-water infrastructure, and enhancing energy conservation and recycling rates.⁶⁵

At the same time, reflecting the controversies over wind energy development, both Wynne's leadership platform⁶⁶ and initial February 2013 Speech from the Throne emphasized increased municipal autonomy and local control over the siting of 'green' energy infrastructure.

In northern Ontario the emphasis in both the leadership platform⁶⁷ and Speech from the Throne was on the continued prioritization of the ‘Ring of Fire’ mining development.

Investments transportation infrastructure, particularly public transit, in the GTA and Hamilton emerged as a major theme during the new premier’s initial period in office. Premier Wynne gave a positive and high profile welcome to a series of potential capital financing measures proposed by Metrolinx, including increases in the HST, regional fuel taxes and parking levies,⁶⁸ noting that “the reality is we need more money than we’ve got in the provincial treasury in order to build transit.”⁶⁹ The emphasis on the need for additional revenues drew support from the business community,⁷⁰ and seemed to position the Wynne government away from the provincial PCs, NDP, Toronto Mayor Rob Ford⁷¹ and the federal Conservative government,⁷² all of whom opposed the call for additional revenue measures. Initial polling analyses suggested the public could be accepting of additional charges if the revenues were committed to transit expansion,⁷³ potentially setting the question up as the defining issue for a provincial election campaign.⁷⁴ However, by the fall of 2013 the government seemed to be in retreat on the transit funding issue, passing the question to an expert panel.⁷⁵

In addition, long-anticipated legislation to curb the increasing incidence of ‘Strategic Lawsuits Against Public Participation (SLAPPs)’ in the province⁷⁶ was introduced, but not adopted, just before the legislature rose in June 2013.⁷⁷ Legislation to implement extensive changes to the funding structure for municipal recycling programs was introduced at the same time.⁷⁸

Less progressive directions began to emerge around energy, particularly electricity. The Oakville and Mississauga natural gas-fired power plant cancellation issue continued to dog the new government.⁷⁹ A major retreat from the McGuinty government’s high-profile green energy

initiatives began to materialize in the late spring of 2013. In May the termination of the FIT program for large projects (>500kw) in favour of competitive bidding processes was announced. At the same time there was a commitment of the remaining 900MW of grid capacity space available until 2018 for renewable energy projects to the smaller renewable energy projects. However, even such projects were now to be subject to requirements for municipal “participation,” a difficult hurdle for smaller developers to meet given the potential transaction costs involved. There were no indications of any commitments to additional renewable energy supplies beyond 2018.⁸⁰

Major decisions remained to be made over the construction of new nuclear facilities and the refurbishment of existing facilities, options that entail levels of economic risk dwarfing those associated with the gas plant cancellations. Initial comments from Wynne’s energy minister, Bob Chiarelli, suggested that the government would maintain its commitment to a system that was at least fifty per cent nuclear.⁸¹ Later, reflecting the reality of falling electricity demand, and the province’s previous track record of massive cost overruns and delays with nuclear construction and refurbishment projects,⁸² the minister indicated that it was reconsidering the proposed new build nuclear project at Darlington.⁸³ However the province continued to press ahead with a proposed multi-billion dollar⁸⁴ refurbishment of the existing Darlington plant and a “life-extension” of the Pickering B plant.

THE 2014 ELECTION AND THE WYNNE MAJORITY

The June 2014 election resulted in an unexpected majority government for Premier Wynne’s Liberals.⁸⁵ Despite a focus on energy and electricity issues in the run-up to the election, environmental questions were not perceived as having a major impact on the outcome.

Indeed, with the exception of the Greens, who presented a range of new ideas in their platform around energy, climate change, transit, the protection of prime farmland and governance issues,⁸⁶ the major party platforms were notable for their silence on the environment.⁸⁷ The Liberals were the only one of the other three other major parties to say anything at all about climate change, and even they simply reiterated their existing commitment to their 2020 targets for reducing GHG emissions. There was an almost across-the-board silence on basic environmental issues like air and water quality, waste management, the protection of biological diversity, parks and protected areas, and endangered species. The only exception again was the Liberals, who referenced a strategy to protect bees and other pollinators from pesticides and financial incentives for controlling farm run-off and improving sewage and stormwater management.

The Liberals were similarly the only party to make reference to supporting “smarter” growth and expanding the Greenbelt, while the NDP are notable for their failure to say anything on issues related to urban development, other than transit, altogether. Even more surprising was the silence of the NDP on the on the nuclear question, and their implicit rejection of further significant efforts at renewable energy development, offering nothing more than a proposal for a “revolving loan fund” for household-level solar installations.

In the end, the NDP’s very thin environmental platform, and more general “pocketbook populist” approach to the election, in combination with the PC’s emphasis on “reducing regulatory burdens” and cutting government expenditures, may have played a significant role in election outcome. Specifically, it may have pushed younger, urban progressive voters in the direction of Liberals, as the least unattractive option in an unappealing field, contributing to their

dominance of urban ridings in the GGH. Gains in these ridings provided the foundation for the Liberal's election victory.⁸⁸

The Wynne government's post election energy and environmental agenda has been defined by three issues. The pre-election pull-back from further significant renewable energy development has continued, as has the government's commitment to the refurbishment of the Darlington and Bruce nuclear facilities. This has been despite considerable evidence that hydro-electricity imports from Quebec could offer a cost-effective alternative, particularly in light of Quebec's substantial electricity surpluses and weakening US markets for electricity exports.⁸⁹

The government's tepid approach to the potential to expand its electricity relationship with Quebec has been particularly surprising given the emergence of the action on climate change, as the major environmental theme of the Wynne majority government. The government has collaborated closely with Quebec Liberal premier Chouillard to emphasize the need for a transition to a "low-carbon economy" through the Council of the Federation.⁹⁰ In February 2015 the province released a discussion paper indicating its intention to put a price on carbon, potentially in conjunction with Quebec's existing cap and trade system for greenhouse gas emissions.⁹¹

Finally, with respect to the need for major investments in public transit, the government decided to not to proceed with the "new revenue tools," widely discussed during the initial phase of the Wynne government. Instead the government's April 2015 budget announced its intention to sell a portion of Hydro One Networks, one the provincially owned successor companies to Ontario Hydro, and to use the proceeds to capitalize transit investments. Hydro One owns and manages

the province's high voltage transmission grid, and also provides electricity distribution services in rural areas.

The decision was subject to considerable criticism as a revenue and financing strategy. The existing public ownership structure provides a very steady and reliable revenue stream to the province, which could be used to support borrowing for transit investments. Policy concerns have also been raised given the natural monopoly inherent in the transmission and rural distribution infrastructure, central role of that infrastructure in the evolution of the electricity system towards a 'smart' grid, its importance in the integration of renewable energy sources into the electricity grid, and Hydro One's role in the delivery of residential, commercial and industrial energy efficiency programming in areas not served by municipal local distribution companies.⁹²

More broadly, Ontario continues to face a range of biophysical, economic, and policy challenges related to the environment, energy and natural resource management which have yet to be addressed by the renewed Wynne government. The 2005/06 reforms to the land-use planning process did appear to be having positive effects on the promotion of more compact, mixed-use and transit serviceable urban development patterns inside the GGH Greenbelt. However, the situation beyond the Greenbelt is much less promising, and the patterns of low-density, automobile dependent development on high value agricultural and natural heritage lands have continued, if not accelerated. In some cases, such as southern Simcoe County, this has happened with the effective approval of the province.⁹³

The prominence of classical industrial pollution issues has declined in Ontario as the province has transitioned from a manufacturing based economy to one more grounded in service and knowledge-based activities. However, long-standing problems with the regulation of industrial air pollution remain, particularly the management of the cumulative effects of multiple

sources in areas of intense industrial activity, as highlighted by the situation of the Aamjiwnaang First Nation in Sarnia's 'Chemical Valley'.⁹⁴ These problems are likely to be reinforced under the direction of the province's 'open for business' reforms to the environmental approvals process.⁹⁵

In northern Ontario, the 2010 *Far North Act* failed to provide a meaningful planning framework for the accommodation of aboriginal, environmental and mining interests in the northern boreal region.⁹⁶ At the same time, the province's capacity to deal with resulting conflicts is in decline, especially in terms of the loss of field and scientific capacity at the Ministry of Natural Resources. Regulations adopted under the province's 2007 *Endangered Species Act* at the end of May 2013 provided effective exemptions from the act's requirements for a range of industries and projects, including forestry, Ring of Fire mine projects, transmission lines, wind power, mineral exploration, drainage works, hydro electric generating facilities, subdivisions, condominiums, pipelines, waste management projects, transit, and gravel pits and quarries.⁹⁷

The Wynne government had shown some more activist inclinations than its predecessor, particularly around climate change. At the same time however, it engaged a major retrenchment on the McGuinty government's commitments on 'green' energy and continued to move ahead with the industry-oriented 'reform' of regulatory requirements and approvals processes at the Ministries of the Environment and Natural Resources. A more coherent and progressive agenda is still needed to address the environmental challenges facing the province, particularly those related to energy and climate change, development in the boreal north, industrial pollution and urban growth in the Greater Golden Horseshoe. It remains an open question how and when such

an agenda, capable of more fully advancing the sustainability of Ontario's environment, economy and society, will emerge.

[A]DISCUSSION QUESTIONS

¹ The author thanks Master of Environmental Studies student Sarah Goldstein for her assistance with the preparation of this chapter.

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³ M. Winfield, “Environmental Policy and Federalism,” in *Canadian Federalism: Performance, Effectiveness and Legitimacy*, eds. H. Bakvis and G. Skogstad (Toronto: Oxford University Press, 2002), 124-137.

⁴ See, for example, D. VanNijnatten, “The North American Context: Canadian Environmental Policy and the Continental Push,” in *Canadian Environmental Policy and Politics* 3rd Ed., eds., D.L. VanNijnatten and R. Boardman (Toronto: Oxford University Press, 2009), 92-108; M. Winfield and D. Macdonald, “Federalism and Canadian Climate Change Policy” in *Canadian Federalism: Performance, Effectiveness and Legitimacy* 3rd Ed., eds. H. Bakvis and G. Skogstad, (Toronto: Oxford University Press, 2012), 241-260.

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⁷ See J.R. Mawhinney, *The Hagersville Tire Fire February 12 to 28, 1990* (Ottawa: National Research Council, Institute for Research in Construction, May 1990).

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⁹ For an overview of the Harper government's approach to environmental matters see M. Winfield, "The Environment, 'Responsible Resource Development' and Evidence Based Policy-Making in Canada" Working Paper, Sustainable Energy Initiative, Faculty of Environmental Studies, York University. <http://sei.info.yorku.ca/files/2012/12/TheEnvironment.pdf>.

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¹³ For a detailed discussion of this approach see Winfield, *Blue-Green Province*, 3-9.

¹⁴ J. Benidickon, *Environmental Law* 3rd Ed. (Toronto: Irwin Law, 2009), 30-51.

¹⁵ I. Rice, *Ontario's Low-Carbon Transition: The Role of a Provincial Cap-and-Trade Program*, Masters Research Paper, Faculty of Environmental Studies, York University, 2011.

¹⁶ See D. Newman, *The Duty to Consult: New Relationships with Aboriginal Peoples* (Saskatoon: Purich Publishing, 2009).

¹⁷ Bounded approximately by Kitchener-Waterloo in the west, Peterborough in the East, Barrie to the north and Fort Erie to the south.

¹⁸ M.B. Matthew et al., *The Growth Outlook for the Greater Golden Horseshoe* (Toronto: Hemson Consulting Ltd., January 2005).

¹⁹ See, for example, A. Downs, “Up and Down with Ecology: The Issue Attention Cycle,” *The Public Interest* 28:38 (Summer 1972), 50; K.Harrison, “Retreat from Regulation: Evolution of the Canadian Environmental Regulatory Regime,” in *Changing the Rules: Canadian Regulatory Regimes and Institutions*, eds. G.B. Doern, M. Hill, M. Prince, and R. Schultz (Toronto: University of Toronto Press, 1999), 122-143.

²⁰ Sources: Winfield, *Blue-Green Province*, Appendix 2 and Nanos Research, “Ontario Issue,” 23 August 2012, accessed at <http://www.nanosresearch.com/library/polls/POLONT-2012-08-Issue.pdf>.

²¹ See Winfield, *Blue-Green Province*, pp.6-7.

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²³ As of 2003 nuclear constituted 42 per cent of the province’s electricity output; as of 2012 it constituted 56 per cent of output. See Ministry of Energy, *Ontario’s Long-Term Energy Plan* (Toronto: Queen’s Printer for Ontario, 2010) pg.18, Figure 5 and Independent Electricity System Operator (IESO), “Supply Overview” Retrieved from http://www.ieso.ca/imoweb/media/md_supply.asp, 18 December 2012.

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²⁶ Relative to the NDP's final 1994/95 budget, by 1997/98 the Ministry of the Environment's operating budget had been reduced by 50 per cent (from \$286 million to \$142 million). By the end of March 1998 the Ministry of the Environment's total staff was reduced by 32 per cent (from 2208 to 1494) relative to its situation as of March 31, 1995. The MNR saw equally dramatic reductions, with its complement declining by 30 per cent (from 6639 to 4643) from March 31, 1995 in relation to the same date in 1998.

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³⁰ The Hon. D. Duncan, Minister of Energy, *Directive to OPA re: Integrated Power System Plan*, 13 June, 2006; Government of Ontario, *Ontario's Long-Term Energy Plan* (Toronto: Queen's Printer, 2010).

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³⁷ “Open for Business and the Ministry of the Environment,” Slide presentation to Regulation 419 Stakeholders, Public Health Units, First Nations, Environmental Non-Governmental Organizations,” 11 January 2011

³⁸ R. Nadarajah, M. Carter-Witney and E. Macdonald, *Modernizing Environmental Approvals: EBR Registry No 010-9143* (Toronto: Canadian Environmental Law Association, Canadian Institute for Environmental Law and Policy and Ecojustice.ca, April 2010).

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⁴² Ontario Growth Secretariat, *Growth Plan for Northern Ontario* (Toronto: Ministry of Energy and Infrastructure, 2011).

⁴³ Ministry of Finance, *2010 Ontario Budget* “Chapter I: Ontario's Plan for Prosperity Section A: Jobs and Growth”,

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⁴⁴ Recent analyses of the 2011 election outcome has suggested that the impact of the wind energy issue on the Liberal party's electoral fortunes in rural Ontario has been overstated. See L.C.

Stokes, *The Electoral Implications of Public Policy: Evidence from a Natural Experiment on Renewable Energy Policy in Ontario, Canada Working Paper*. June 2013

http://web.mit.edu/lstokes/www/docs/Stokes_2013_DRAFT_ON_WindTurbines_Lib_Vote_Share_Project.pdf.

⁴⁵ In 2007 the Greens received 355,000 votes (8 per cent of the popular vote). In 2011 they received 127,000 votes (less than 3 per cent of the popular vote).

⁴⁶ Commission on the Reform of Ontario's Public Services *Report*, p 302, Recommendation 11-1.

⁴⁷ Commission on the Reform of Ontario's Public Services, *Report*, Chapters 12 (Infrastructure, Real Estate and Electricity); 13 (Environment and Natural Resources) 16 (Operating and Back-Office Operations) <http://www.fin.gov.on.ca/en/reformcommission/>. See also M. Winfield “The Drummond Report and the Environment, Energy, Natural Resources and Public Safety in Ontario,” February 2012, <http://marksw.blog.yorku.ca/2012/02/15/the-drummond-report-and-its-implications-for-the-environment-energy-policy-natural-resources-management-and-public-safety-in-ontario/>.

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⁵⁰F. Amin, *Ontario’s Feed-in Tariff Program: Two-Year Review Report* (Toronto: Queen’s Printer, 2012). <http://www.energy.gov.on.ca/docs/en/FIT-Review-Report.pdf>. On the debates over the development of wind energy in rural Ontario see Chapter 13 of this volume. See also M. Winfield, P. Mulvihill, and J. Etcheverry, “Strategic Environmental Assessment and Advanced Renewable Energy in Ontario: Moving Forward or Blowing in the Wind?” *Journal of Environmental Assessment, Planning and Management*, 15:2 (June 2013). There are arguments that the negative impacts on wind turbine development on the Liberal’s electoral fortunes have been greatly overstated. See Stokes “The Electoral Implications of Public Policy: Evidence from a Natural Experiment on Renewable Energy Policy in Ontario, Canada”

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