



The mission of OPHA is to provide leadership on issues affecting the public's health and to strengthen the impact of people who are active in public and community health throughout Ontario.

Ontario Public Health Association
l'Association pour la santé publique de l'Ontario
Established/Établi 1949

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- Alliance for Healthier Communities (AHC)
 - Association of Public Health Epidemiologists in Ontario (APHEO)
 - Association of Supervisors of Public Health Inspectors of Ontario (ASPHIO)
 - Canadian Institute of Public Health Inspectors - Ontario Branch (CIPHI-O)
 - Community Health Nurses' Initiatives Group (RNAO)
 - Health Promotion Ontario (HPO)
 - Ontario Association of Public Health Dentistry (OAPHD)
 - Ontario Association of Public Health Nursing Leaders (OAPHNL)
 - Ontario Dietitians in Public Health (ODPH)

Charitable Registration
Number 11924 8771 RR0001

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MNRF - PD - Resources Planning and Development Policy Branch
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RE: ERO 019-6141 – Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0

Thank you for the opportunity to comment on proposed changes to the Conservation Authorities Act as outlined in ERO 019-6141 and as related to Bill 23, the proposed More Homes Built Faster Act.

As noted in our November 16th submission to the Legislative Assembly of Ontario, Standing Committee on Heritage, Infrastructure and Cultural Policy on Bill 23, the Ontario Public Health Association (OPHA) fully supports the need for Ontario to find more affordable housing opportunities for its residents and create healthy, equitable and climate-resilient communities. At the same time, it is vital that these processes, including legislative changes, are undertaken in a manner that reduces the risk of inadvertent harms and inequities to the health and climate resiliency of communities.

Public health agencies have long recognized the connections between healthy environments and population health, and thus the importance of healthy public policy across all sectors to strengthen health protection and equity. This includes policies related to housing, the built and natural environment, land-use planning, climate-resiliency including mitigation and adaptation, and ecosystem protection. Many of our OPHA members work at the local public health unit level and are actively engaged with municipal partners and conservation authorities to achieve the Ontario Public Health Standards goals which include: *“To reduce exposure to health hazards and promote the development of healthy built and natural environments that support health and mitigate existing and emerging risks, including the impacts of a changing climate.”*¹

OPHA supports action to create more rental and ownership types of housing that prioritizes affordable, healthy and environmentally sustainable housing. Actions such as intensification, higher density and transit-oriented development can be health and equity promoting, without compromising other vital attributes required for healthy and equitable communities including: ecosystem services provided by

conservation lands and other natural environments; access to greenspace; access to affordable, sustainable and active transportation; and healthy, energy-efficient housing units.

OPHA urges the Government of Ontario to pursue affordable, safe and climate-resilient housing opportunities through the Conservation Authorities Act that:

1. Strengthen, rather than weaken, the ability of conservation authorities to protect natural ecosystems from damages that ultimately impact human health, including the social, environmental and economic impacts of flooding and other pollution and climate impacts associated with unprotected natural environments.
2. Retain the ability under clause 28 and other sections of the Conservation Authorities Act for conservation authorities to include conditions on development projects to mitigate the impacts of pollution and to conserve land to maintain vital ecosystem functions.

Conservation authorities have critical functions and expertise on natural environments and ecosystem functions, they protect environmentally sensitive areas for the public's interest, and they have an important role in source water protection in communities. As noted in the Government of Ontario's flooding strategy: *"Municipalities and conservation authorities are central to the success of local flood management, having distinct delegated roles from the province along with legislated and regulatory responsibilities to ensure new development is directed away from natural hazards."*ⁱⁱ Reducing the scope and oversight of the conservation authorities may impact health hazards, including risks associated with flooding and impacts of pollution on Ontario's critical water resources.

Protecting and preserving environmentally sensitive areas is critical to both human health and environmental health. Threats to environmentally sensitive areas could deplete forest cover which would negatively impact air quality, contribute to climate change and directly impact human health. OPHA recommends that conservation authorities continue to review and comment on development applications and land use planning policies to avoid compromising protections for environmentally sensitive areas and negatively impacting natural heritage systems.

OPHA is particularly concerned with Schedule 2 of Bill 23 that proposes to repeal Clause 28.0.1 (6) (a) of the Conservation Authorities Act *"...an authority may attach conditions to the permission, including conditions to mitigate, (a) any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or pollution or the conservation of land;"* and substitute it with *"... (a) any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock..."*. While OPHA supports the addition of *"unstable soils and bedrock"* to matters considered in permits, it does not support the removal of the *"pollution or the conservation of land"* components. It is critical that pollution and conservation of land continue to be considered and assessed in the permitting decision process. This is essential to ensure land use compatibility to sensitive land uses within the land use development process to protect human and environmental health. Removing the ability of conservation authorities, who have expertise in this area, to mitigate the impacts of pollution from development proposals, has major negative environmental health and public health consequences.

OPHA urges the Government of Ontario to strengthen, rather than weaken, the ability of conservation authorities to protect natural ecosystems from damages that ultimately impact human health, including the social, environmental and economic impacts of flooding and other pollution and climate impacts associated with unprotected natural environments. This includes retaining the ability, under clause 28 and other sections

of the Conservation Authorities Act, for conservation authorities to include conditions on development projects to mitigate the impacts of pollution and to conserve land to maintain vital ecosystem functions.

OPHA is concerned with the proposed changes to the conservation authorities' land inventory mandate for that would require them to identify lands that they own or control that could support housing development. This step can seriously impede efforts to preserve natural heritage and features. These changes resulting in the loss of conservation authority owned or controlled lands may increase health risks associated with climate change including flooding. There is risk that development could be allowed in areas where it would not normally be permitted and/ or not subject to appropriate conditions. If development occurs in these amended permitted areas, it could impact the health and safety of the public. Additionally, these lands provide access to greenspace and recreational opportunities for the public. Access to greenspace play an important role to address chronic diseases such cardiovascular disease and diabetes, improves mental health, and helps reduce environmental exposures which impact health, such as extreme heat and air pollution. This may also lead to health inequities, especially for people most vulnerable who have limited access to parkland and with the least resources to adapt.

OPHA urges the Government of Ontario to reconsider the proposal to consider conservation lands for housing developments. Conservation lands are a vital part of Ontario's natural heritage system, providing multiple health, social, environmental and economic benefits.

OPHA appreciates efforts to encourage the supply of affordable housing; however, this must not be at the expense of the protection of environmentally sensitive lands and other natural ecosystems that conservation authority experts deem unacceptable for development due to environmental impacts, public health and safety, climate-resiliency, or pollution prevention. Maintaining conservation authorities' essential role in these areas will help Government of Ontario meet their commitment to strengthen the province's resilience to the impacts of climate change and keep communities healthy and safe.ⁱⁱⁱ

Thank you for considering our concerns and recommendations with respect to proposed changes to the Conservation Authorities Act as outlined in ERO 019-6141. We would welcome the opportunity to meet with the government to discuss the proposed changes and solutions that address concerns related to this proposed legislative change.

Sincerely



Executive Director
Ontario Public Health Association

ⁱ Page 34, Ontario Public Health Standards, 2021

https://www.health.gov.on.ca/en/pro/programs/publichealth/oph_standards/docs/protocols_guidelines/Ontario_Public_Health_Standards_2021.pdf

ⁱ <https://www.ontario.ca/page/protecting-people-property-ontarios-flooding-strategy>

ⁱ <https://news.ontario.ca/en/release/57998/ontario-launches-first-ever-climate-change-impact-assessment>

More about the Ontario Public Health Association

OPHA has established a strong record of success as the voice of public health in Ontario. We are a member-based, not-for-profit association that has been advancing the public health agenda since 1949. OPHA provides leadership on issues affecting the public's health and strengthens the impact of those who are active in public and community health throughout Ontario. OPHA does this through a variety of means including advocacy, capacity building, research and knowledge exchange. Our membership represents many disciplines from across multiple sectors.

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