



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.

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l'Association pour la santé publique de l'Ontario  
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December 23, 2022

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**ERO 019-2927 Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario**

Thank you for the opportunity to comment on ERO 019-2927 – Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario. As noted in our November 16<sup>th</sup> submission to the Legislative Assembly of Ontario, Standing Committee on Heritage, Infrastructure and Cultural Policy on Bill 23<sup>i</sup>, 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 provincial policy changes, are undertaken in a manner that reduces the risk of inadvertent harms and inequities to the health and climate resiliency of communities.

There is strong cross-sectoral understanding of the vital interconnections between healthy environments and human health. Alongside this understanding is the acknowledgement that all sectors and all levels of government must work collaboratively on actions to achieve healthy, equitable and climate-resilient communities. Many of our OPHA members work at the local public health unit level and are actively engaged with municipalities and other partners to build healthy communities and 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.”***<sup>ii</sup>

**OPHA supports regulating development to protect people and property from natural hazards; however, we are concerned that proposed regulatory changes**

**may weaken the protections.** The clearest, and most evidence-informed way to protect people and property from natural hazards is to restrict development on, or in proximity to, our natural ecosystems that are performing critical functions essential to human health and well-being. These critical functions are also nature-based solutions to help mitigate and adapt to climate change.

**OPHA is extremely concerned that regulatory changes to the Conservation Authorities Act (CAA) will have the negative consequence of decreasing protection of public safety and natural features,** for example the proposed changes that will reduce regulatory restrictions around wetlands, the diminished guidance and oversight in evaluation wetland systems, and the removal of “pollution or the conservation of land” as aspects of natural hazards to be addressed in the CAA. It is challenging to see how these are health protective measures when the province is also proposing to limit studies and assessments on identifying hazards and risks.

**OPHA urges the Government of Ontario to enhance not dilute policies to protect natural heritage, and to protect public health and safety from natural and human-made hazards. For example:**

- **Natural Heritage:** Maintain/enhance strong policy directions to reduce development impacts including restrictions of development that impacts natural ecosystems and not by offsetting or compensating for ecosystem protections in other areas.
- **Natural and human-made hazards** – Maintain/enhance strong policy direction for public health and safety by prohibiting development in hazard areas, not by allowing development in these areas, or by limiting restrictions only to “areas of highest risk”.

With clear evidence that climate-related extreme weather events such as heavy rainfall, flooding and extended periods of extreme heat will continue to increase, it is counter intuitive to remove protections that allow development to occur in these sensitive areas. As noted in our comments on *ERO 019-6160 – Proposed Updates to the Ontario Wetland Evaluation System*, greater consideration of the scientific evidence, including direct and indirect human health impacts, must be incorporated into the decision-making process affecting natural ecosystems including wetlands. Proposed changes would expose provincially significant wetlands and wetland complex lands into consideration for urban boundary expansion and residential development, significantly increasing climate risks, and exacerbating local flooding, erosion issues and biodiversity loss.

**OPHA recommends that the Government of Ontario incorporate the full scope of natural hazards, to include all climate-related health risks of natural hazards beyond flooding, when considering permitting decisions for development.** These include extreme weather events, extreme heat, extreme windstorms, drought and wildfires, and the implications for physical and mental health impacts<sup>iii</sup>.

While “*control of flooding, erosion, dynamic beaches or unstable soil or bedrock*” are definite risks of natural hazards, “*pollution and conservation of land*” are also vital components that need to be considered for health protection. For example, development proposals that remove tree canopy cover will result in increased exposure to heat extremes and air pollutants. With strong evidence that the risks of heat and air pollution related illnesses and death in Ontario are increasing due to climate change, it is extremely important to increase efforts to protect people from these natural hazards. Conservation lands also contribute to public

health and well-being, protect important sources of drinking water and biodiversity, and contribute to climate change adaptation and mitigation.

OPHA is particularly concerned with proposed regulatory changes that would repeal Clause 28.0.1 (6) (a) of the CAA: “...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...”. 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 retain “conservation of land” and “pollution”** as considerations by conservation authorities in exercising permitting powers. Removal of “conservation of land” and “pollution” limits the ability of authorities to mitigate risks of natural hazards and climate change, to protect watersheds and drinking water sources, and to promote healthy communities by providing access to natural open spaces.

**Conservation lands should remain as protected greenspace.** Any land identified that could support housing development, should be in appropriate existing settlement areas and have servicing, access to amenities and be located outside of hazard lands and environmental features. Requiring conservation authorities to review lands that could be sold for housing development has several potential negative impacts, including limiting greenspace in urban areas and increasing flood risks.

**OPHA support the prevention-based approach to managing natural hazards:** *“Directing development away from floodplains and other hazardous areas helps reduce the risk to communities and individuals posed by flooding and other natural hazards and strengthens Ontario’s resiliency to extreme weather events.”*

**OPHA supports the objectives outlined in ERO 019-2927 of directing development away from hazardous areas to:**

- *Increase public health and safety and prevent loss of life*
- *Reduce property and environmental damage and social and economic disruption*
- *Reduce costs to people and governments for emergency operation, evacuation, restoration and protection infrastructure or other measures*

**OPHA is pleased that the Government intends to deliver on commitments in Ontario’s Flood Strategy** and its number one priority in building healthier and safer communities.<sup>iv</sup> The *Independent review of the 2019 flood events in Ontario* report pointed out actions to prevent flood-related emergencies or disasters from occurring includes: *“land use planning and regulatory restrictions to keep development out of the floodplains and other hazardous areas. While we cannot prevent flooding from occurring, keeping people and property out of flood-prone areas helps ensure naturally occurring flood events do not result in local emergencies.”*<sup>v</sup>

**OPHA urges the Government of Ontario to act quickly on all recommendations outlined in Ontario’s Special Advisor on Flooding Report to Government<sup>vi</sup>** including:

- Recommendation #3: With respect to the Provincial Policy Statement (PPS): incorporate “*impacts of a changing climate*” throughout the PPS to bring it to everyone’s attention; reference the *Conservation Authorities Act* requirement for conservation authorities to regulate development activities in hazardous lands.
- Recommendation #4: Update floodplain mapping technical and implementation guidelines recognizing new technology and approaches for flood hazard and flood risk mapping.
- Recommendation # 5: Update technical guides pertaining to floods and natural hazards. This should include undertaking a review of the flood event standards with a view to providing for current science and climate change
- Recommendation # 17: Support municipalities and conservation authorities to ensure the conservation, restoration and creation of natural green infrastructure (i.e. wetlands, forest cover, pervious surfaces) during land use planning to reduce runoff and mitigate the impacts of flooding.
- Recommendation # 29: Work collaboratively to raise awareness among homeowners about the increasing risk of flooding and to disseminate the basement flooding protection information to homeowners.
- Recommendation # 42 - Update the flood forecasting and warning guidelines, providing clarity on roles and responsibilities (conservation authorities, MNRF district offices, municipalities).

**OPHA urges the Government of Ontario to act quickly to update natural hazard technical guidelines**, and, in addition to the flooding and erosion control considerations, consider protections and risks of all-natural climate-hazards e.g. protection of green space, tree canopy to increase resiliency to climate-related health impacts such as extreme heat and air pollution.

**OPHA recognizes the proposal to create one regulation to consolidate the various regulations** across all conservation authorities may help provide a more consistent approach towards regulating natural hazards; however, there should be flexibility to identify local watershed conditions e.g. different regulatory flood standards.

**OPHA urges the Government of Ontario** to strengthen the ability of conservation authorities to protect natural ecosystems from damages that ultimately impact human health, in keeping with its own acknowledgement that Conservation Authorities limit losses associated with flooding in Ontario. 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, to conserve land to maintain vital ecosystem functions, to permit development within regulated areas when appropriate and with appropriate conditions imposed, and to manage natural hazard risk. Conservation authority’s role appears to be minimized through requirements to approve any permit under a Community Infrastructure and Housing Accelerator order.

**OPHA urges the Government of Ontario to enhance policies both for the protection of natural heritage from development pressures, and for the protection of public health and safety from natural and human-made hazards. Strong environmental protection policies integrated with other provincial policies can achieve both.** Without these protections, there is risk that development could be allowed in areas where it would not normally be permitted and/ or not subject to appropriate conditions, impacting the health and safety of the public.

Consideration of the natural environment in planning decisions must ensure that protections for natural heritage systems are paramount, and not superseded by other planning considerations. **OPHA urges the Province of Ontario to prioritize protection of human health and the natural environment** by ensuring, as outlined in the Places to Grow Act, 2005<sup>vii</sup>, that where there is a conflict between policies *“with respect to a matter relating to the natural environment or human health, the direction that provides more protection to the natural environment or human health prevails.”* (Places to Grow Act, 2005, S.O. 2005, c. 13. s. 14 (4)).

**Healthy natural ecosystems are essential to human health.** Natural ecosystem services include regulating air and water pollution, flood protection, erosion control, carbon sequestration, provision of nutritious food and clean water, surface temperature regulation, and several cultural, recreational, physical and mental health benefits.<sup>viii</sup> There is mounting evidence of the health and equity benefits of access to nature, including parkland for all populations, and in particular, children and youth and people living with inequities. Frequent access to nearby green space is important, especially for children, and nearby green space may provide added benefit in low-income neighbourhoods.<sup>ix</sup> Protecting and preserving environmentally sensitive areas is critical to both human health and environmental health. In addition to the flood and erosion implications, threats to environmentally sensitive areas could deplete forest cover which would negatively impact air quality, contribute to climate change and directly impact human health. 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.

In closing, OPHA would like to draw attention to the historic commitment made by the signing of the Kunming-Montreal Global Biodiversity Framework on December 19<sup>th</sup>, 2022, where countries around the world have recognized the damage inflicted by development, habitat loss, pollution and climate change to our natural ecosystems on which we depend, and have committed to environmental protection.

**OPHA urges the Government of Ontario to join global leaders and demonstrate it’s commitment to environmental protection by examining all goals and targets in the Global Biodiversity Agreement and considering how they can be achieved through integrated provincial policy tools.** These are a few examples from the Kunming-Montreal Global Biodiversity Framework<sup>x</sup>:

- *“This agreement means people around the world can hope for real progress to halt biodiversity loss and protect and restore our lands and seas in a way that safeguards our planet and respects the rights of indigenous peoples and local communities.”*
- *“Biodiversity is interconnected, intertwined, and indivisible with human life on Earth. Our societies and our economies depend on healthy and functioning ecosystems. There is no sustainable development without biodiversity. There can be no stable climate without biodiversity.”*
- **Goal A: The integrity, connectivity and resilience of all ecosystems are maintained, enhanced, or restored, substantially increasing the area of natural ecosystems by 2050**
- **Goal B: Biodiversity is sustainably used and managed and nature’s contributions to people, including ecosystem functions and services, are valued, maintained and enhanced, with those currently in decline being restored, supporting the achievement of sustainable development, for the benefit of present and future generations by 2050**

- *Target 1: Ensure that all areas are under **participatory integrated biodiversity inclusive spatial planning** and/or effective management processes addressing land and sea use change, to bring the loss of areas of high biodiversity importance, including ecosystems of high ecological integrity, close to zero by 2030, while respecting the rights of indigenous peoples and local communities*
- *Target 11: **Restore, maintain and enhance nature’s contributions to people**, including ecosystem functions and services, such as regulation of air, water, and climate, soil health, pollination and reduction of disease risk, as well as protection from natural hazards and disasters, through nature-based solutions and ecosystem- based approaches for the benefit of all people and nature*
- *Target 12: Significantly increase the area and quality and connectivity of, access to, and benefits from **green and blue spaces in urban and densely populated areas** sustainably, by mainstreaming the conservation and sustainable use of biodiversity, and **ensure biodiversity-inclusive urban planning**, enhancing native biodiversity, ecological connectivity and integrity, and **improving human health and well-being and connection to nature** and contributing to **inclusive and sustainable urbanization** and the provision of ecosystem functions and services*
- *Target 14: Ensure the **full integration of biodiversity and its multiple values into policies, regulations, planning and development processes**, poverty eradication strategies, strategic environmental assessments, environmental impact assessments and, as appropriate, national accounting, within and across all levels of government and across all sectors, in particular those with significant impacts on biodiversity, progressively aligning all relevant public and private activities, fiscal and financial flows with the goals and targets of this framework<sup>xi</sup>*

Thank you for considering our concerns and recommendations with respect to ERO 019-2927 – Proposed Updates to the Regulation of Development for the Protection of People and Property from Natural Hazards in Ontario. We 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,



John Atkinson  
Executive Director  
Ontario Public Health Association

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<sup>i</sup> Ontario Public Health Association. November 16, 2022. Submission to the Legislative Assembly of Ontario, Standing Committee on Heritage, Infrastructure and Cultural Policy. RE: Bill 23, More Homes Built Faster Act, 2022. [https://opha.on.ca/wp-content/uploads/2022/11/Ontario-Public-Health-Assn-submission-to-the-Standing-Committee-on-Heritage-Infrastructure-and-Cultural-Policy\\_Bill-23\\_Nov\\_2022.pdf?ext=pdf](https://opha.on.ca/wp-content/uploads/2022/11/Ontario-Public-Health-Assn-submission-to-the-Standing-Committee-on-Heritage-Infrastructure-and-Cultural-Policy_Bill-23_Nov_2022.pdf?ext=pdf)

<sup>ii</sup> 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](https://www.health.gov.on.ca/en/pro/programs/publichealth/oph_standards/docs/protocols_guidelines/Ontario_Public_Health_Standards_2021.pdf)

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- <sup>iii</sup> Berry, P., & Schnitter, R. (Eds.). (2022). *Health of Canadians in a Changing Climate: Advancing our Knowledge for Action*. Ottawa, ON: Government of Canada. <https://changingclimate.ca/health-in-a-changing-climate/>
- <sup>iv</sup> <https://www.ontario.ca/page/protecting-people-property-ontarios-flooding-strategy#section-4>
- <sup>v</sup> <https://files.ontario.ca/mnrf-english-ontario-special-advisor-on-flooding-report-2019-11-25.pdf>
- <sup>vi</sup> <https://www.ontario.ca/document/independent-review-2019-flood-events-ontario>
- <sup>vii</sup> Places to Grow Act, 2005, S.O. 2005, c. 13 <https://www.ontario.ca/laws/statute/05p13>
- <sup>viii</sup> EcoHealth Ontario resources. <https://www.ecohealthontario.ca/resources>
- <sup>ix</sup> EcoHealth Ontario Resources: Green City: Why Nature Matters to Health <https://www.ecohealthontario.ca/resources>
- <sup>x</sup> Statement by UN Development Programme Administrator Achim Steiner on the outcome of COP15. December 19, 2022 [https://www.undp.org/press-releases/statement-un-development-programme-administrator-achim-steiner-outcome-cop15?gclid=Cj0KCQiA14WdBhD8ARIsANao07i9ZFbdfFz8EQDnjLyAdaKdd87lrKxIL741NBj\\_oMbj7-b08GemXvAaAI3YEALw\\_wcB](https://www.undp.org/press-releases/statement-un-development-programme-administrator-achim-steiner-outcome-cop15?gclid=Cj0KCQiA14WdBhD8ARIsANao07i9ZFbdfFz8EQDnjLyAdaKdd87lrKxIL741NBj_oMbj7-b08GemXvAaAI3YEALw_wcB)
- <sup>xi</sup> Convention on Biological Diversity. December 19, 2022 <https://prod.drupal.www.infra.cbd.int/sites/default/files/2022-12/221219-CBD-PressRelease-COP15-Final.pdf>
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### **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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