



# AMO's Response to Expanding Administrative Penalties for Environmental Contraventions (ERO posting 019-4108)

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Submission to the Ministry of the Environment, Conservation and Parks

March 11, 2022



On behalf of the Association of Municipalities of Ontario (AMO), we are pleased to provide AMO's perspectives regarding the regulatory proposal to expand administrative penalties for environmental contraventions (ERO #019-4108).

We recognize the important role that compliance and enforcement has in ensuring healthy and safe communities. Further, we appreciate that any monies collected vis-a-vis administrative penalties for the expanded list of Acts (e.g. *Environmental Protection Act*, *Nutrient Management Act*, *Ontario Water Resources Act*, *Pesticides Act*, and the *Safe Drinking Water Act*) will go to the Ontario Community Environment Fund.

While the proposal will give greater certainty around infractions for all parties of involved, AMO is concerned that providing front-line provincial staff with additional tools to enforce Ontario's environmental laws will only be successful if more staff and resources are dedicated to their increased role in enforcement and compliance.

Further study is also needed to determine whether assigning administrative penalties to municipal governments that are found to be non-compliant is reasonable for municipalities that lack adequate funding for capital and operating costs, despite their best efforts to comply with these environmental laws.

While this proposal puts forward a risk-based approach by front-line provincial staff, clarity is also needed on the compliance direction on how lower-risk offences are dealt with by the province. AMO is concerned that the lack of provincial staff could create an unintended consequence whereby "lower-risk" offences, or ones the province cannot respond to in a timely manner, are handed down to municipal by-law officers to enforce. Municipal governments do not have resources to process this potential additional work and would argue that undertaking a risk-based approach to compliance for provincial legislation is best done at the provincial level.

Thank you for the opportunity to provide comments. We appreciate your consideration of this matter.