



Proposed Amendments to the Environmental Assessment Act: Submission from the Ontario Society of Professional Engineers (OSPE)

Submitted to the Ministry of the Environment, Conservation and Parks | May 20, 2026

Introduction

The Ontario Society of Professional Engineers (OSPE) is the voice of the engineering profession in Ontario. We represent engineers across all disciplines and sectors, including those who design, assess, and deliver the large-scale infrastructure and industrial projects that comprehensive environmental assessments (EAs) are intended to govern.

OSPE welcomes the opportunity to comment on the proposed amendments to the Environmental Assessment Act (EAA) introduced through the Protecting Ontario's Workers and Economic Resilience Act, 2026 (POWER Act), with a public comment period closing May 20, 2026.

Our submission is guided by a core principle: process efficiency and environmental rigour are not mutually exclusive. Ontario's engineers are uniquely positioned to advance both goals, and we urge the government to pursue modernization in a way that strengthens, rather than erodes, the credibility and accountability of the EA process.

Overall Position

OSPE supports the goal of making Ontario's comprehensive EA process more efficient and predictable. Timelines of four to six years for project approval create uncertainty for proponents, delay the delivery of critical infrastructure, and deter investment in the province. Modernization is warranted.

At the same time, OSPE has substantive concerns about two of the three proposed changes. Specifically, removing public consultation on the Ministry Review and eliminating the public's ability to request a referral to the Ontario Land Tribunal (OLT) represent a significant rollback of long-standing participation rights. These changes risk reducing the transparency and accountability of the process in ways that could undermine public confidence and, ultimately, the durability of project approvals.

OSPE recommends that the government pursue a more targeted approach, focusing on procedural streamlining where evidence supports it, while preserving the core accountability mechanisms that give the EA process its credibility.

Comments on the Three Proposed Changes

1. Removal of the Ministry Review Comment Period

The Ministry Review has historically served as an important checkpoint in the comprehensive EA process. It provides the public, Indigenous communities, and stakeholders with an opportunity to review the ministry's independent assessment of whether the EA meets its terms of reference and whether concerns have been adequately addressed.

Critically, it compiles and makes publicly available the technical comments and concerns raised by ministry staff and other government reviewers, including identified errors, omissions, or gaps in the proponent's work. This information enables the public to provide informed, substantive comments to the Minister on the adequacy of the EA.

The government's rationale for removing the Ministry Review comment period is that it rarely generates new feedback beyond what was already submitted. OSPE acknowledges this experience and recognizes that if this is consistently the case, the comment period may have limited incremental value in many projects.

However, OSPE notes a significant inconsistency in the proposal: the Ministry has confirmed that the internal review will continue regardless. If the Ministry Review is being conducted in any case, the marginal time and effort required to publish the results is minimal. The efficiency argument for eliminating the comment period is therefore not proportionate to the transparency cost. The more substantive concern is that removing public access to the Ministry Review transforms what has been an open process into a closed-door one, reducing traceability and accountability without any meaningful gain in speed.

OSPE further cautions that the instances where the Ministry Review generates substantive new feedback may be precisely the most consequential ones, involving projects with significant technical complexity, unresolved Indigenous community concerns, or contested assessments of cumulative effects. Eliminating the mechanism outright forecloses this option even in those high-stakes situations.

OSPE recommends the government consider a risk-based approach: retaining the Ministry Review comment period as a discretionary tool the ministry can deploy where there is a demonstrated need, rather than eliminating it outright. This preserves flexibility without imposing mandatory timelines on every project.

2. Removal of Public Requests for OLT Referral

OSPE has significant concerns about the proposed removal of the public's ability to request that an EA be referred to the Ontario Land Tribunal (OLT) for a hearing. While the government notes that such requests have been rare and that only one has resulted in a hearing since 1976, the low frequency of successful referrals does not support the conclusion that the mechanism causes delay. On the contrary, it suggests that Ministers have already been exercising broad discretion to refuse referral requests for decades. If the public right to request a hearing has rarely, if ever, resulted in an actual hearing in recent years, it cannot credibly be argued that removing it will produce meaningful time savings.

The ability to request an independent hearing is nonetheless a structural accountability check. It signals to proponents that their EA must withstand independent scrutiny, and it provides affected communities and Indigenous nations with a meaningful avenue of recourse if they believe the process has been inadequate. The value of this mechanism lies not only in its use, but in its existence as a check on the adequacy of the proponent's work throughout the assessment process.

The proposed retention of the Minister's authority to refer an application to the OLT on their own initiative does not adequately address this concern. Historical practice demonstrates that ministerial discretion to initiate referrals has been exercised extremely rarely. Replacing an independent public right with sole ministerial gatekeeping authority concentrates accountability in a way that is inconsistent with the transparency objectives of the EAA.

OSPE recommends retaining a public referral right with reformed, clearly defined criteria for when a referral must be granted and when it may be refused. The current grounds for refusal, including that a hearing is unnecessary or would cause undue delay, are vague and have been applied inconsistently. A revised framework with transparent screening criteria would preserve meaningful access while preventing procedural delay in straightforward cases.

3. Removal of Cabinet Concurrence Requirement

OSPE supports the proposed removal of the Cabinet concurrence requirement for the Minister's decision on a comprehensive EA. This change is consistent with standard administrative law principles and appropriately places final decision-making authority with the accountable minister. The proposed retention of discretionary Cabinet referral authority preserves the ability to escalate decisions on matters of significant public interest.

This change is unlikely to reduce environmental protection or public participation in any material way, and the efficiency gains for proponents and the ministry are clear.

Broader Observations

Evidence from practitioners suggests that most delay is attributable to proponent-side factors: incomplete submissions, iterative fieldwork, deficient consultation programs, and extended preparation timelines. The ministry-controlled steps, including the Ministry Review comment period, are governed by prescribed deadlines. OSPE encourages the government to direct its reform efforts at the stages where delay occurs, rather than at the accountability mechanisms that protect the integrity of the process.

In particular, OSPE recommends that the government:

- Engage with engineering professionals and technical experts who work within the EA process when developing further reforms. OSPE and its members represent a key source of practical knowledge about where bottlenecks exist and where they do not.
- Ensure that any time savings achieved through the proposed changes are attributable to efficiencies and not to reduced scrutiny of technically complex projects.
- Maintain and strengthen the requirement for qualified engineers to certify key technical components of EA submissions, as a counterweight to any reduction in process-based accountability.
- Develop clear, publicly available criteria governing the exercise of ministerial discretion under the EAA, including any decision to refuse a referral request or to decline to seek Cabinet concurrence, to ensure transparency and predictability for all parties.
- Monitor outcomes following implementation, including whether the removal of the Ministry Review comment period and OLT referral rights correlates with any increase in project disputes, judicial reviews, or post-approval complications.

Conclusion

Ontario needs an EA process that is both rigorous and efficient. Engineers design and build the infrastructure that these assessments govern, and they have a direct professional and public interest in ensuring that the process produces sound, defensible decisions within reasonable timeframes.

OSPE supports the government's goal of reducing unnecessary delays in the comprehensive EA process. We endorse the removal of the Cabinet concurrence requirement. However, we urge the government to reconsider the removal of the Ministry Review comment period and the public right to request an OLT referral, or at minimum to adopt more targeted reforms that preserve the accountability function of these mechanisms.

OSPE stands ready to contribute technical expertise to the ongoing modernization of Ontario's EA framework and welcomes further dialogue with the ministry on these issues.

Signed,



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