

**NOTES FOR A STATEMENT TO  
THE STANDING COMMITTEE ON GENERAL GOVERNMENT  
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**ON CONSIDERATION OF  
THE PROPOSED GREEN ENERGY AND GREEN ECONOMY ACT, 2009  
OTTAWA, 2009-04-16**

Friends of the Earth congratulates the Ontario Government for its vision in bringing forward the proposed Green Energy and Green Economy Act. Indeed, the current economic crisis and the pressing need to act urgently to reduce greenhouse gases can only be addressed by an initiative as powerful as this Act can be. We provide some comments today in the spirit of strengthening some aspects of the Act:

- to deliver on the leadership and certainty Minister Smitherman has emphasized in his comments of April 8, 2009
- to ensure accountability to the citizens of Ontario, and
- to create a conservation and renewable energy culture.

**RE: LEADERSHIP AND CERTAINTY**

**Friends of the Earth supports the proposed amendments to Bill 150 put forward by the Green Energy Act Alliance(GEAA) with a particular emphasis on:**

- their proposal #1 to “Ensure ongoing priority for conservation and renewables in planning, regulation, procurement and operation” and a call for “A more explicit statement of, and requirement to reinforce, the government’s priorities for planning, development and operation of the energy infrastructure of Ontario.”
- GEAA’s recommendation #2 to designate the feed-in Tarrifs (FITs) as the primary procurement mechanism for renewables and their call for refinements to the characteristics of FITs and Directives in that regard.

**Friends of the Earth observes that energy conservation and demand management do not necessarily deliver on renewable energy technologies**

The proposed Act calls for energy conservation and demand management plans (Part II Section 5) and, may by regulation, require a public agency to achieve prescribed targets and meet prescribed energy and environmental standards, including standards for energy conservation and demand management. It also specifies a Duty to consider energy conservation, etc. When acquiring goods and services and When making capital investments. Recalling the earlier leadership role played by the Province of Ontario in green procurement to reduce waste, promote recycling, etc., FOE wishes to point out that the Province operates one of Canada’s largest real estate portfolios including more than 81,000 acres of vacant land and 6000 buildings comprising more than 48 million square feet of space (80% of this portfolio is owned; 20%leased). The Ontario Realty Corporation (ORC), in managing this portfolio, provides services related to real estate,

property and project management to most ministries and agencies of the Government of Ontario. ORC has developed a Sustainability Plan wherein they “evaluate and where applicable promote the development, evaluation and use of low or zero carbon energy sources such as geothermal, wind, solar, and water/hydro energy sources”.

**FOE strongly recommends that the Province of Ontario commit ORC to a procurement target for adoption of renewable energy technologies for its holdings and operations.** This would be in addition to the application of minimum standards (LEED Silver) for any new facilities. Such a procurement target would send a strong signal of leadership but also certainty to Ontario-based manufacturers and labour. In particular, FOE recommends an addition to Part II, S9(2) and (3) concerning Directives wherein “application of renewable energy technology” is added to the spirit and intent of the provisions for reporting and minimum standards for facilities – new and otherwise.

## **RE: ACCOUNTABILITY**

**FOE supports the provinces plan to upload responsibility to the province for creating strong and uniform standards to address various aspects of approvals for renewable energy projects. At the same time, FOE is concerned to find a balance, a middle ground, to ensure public engagement and accountability for such projects.**

The extension of appeal rights regarding renewable energy approvals goes some way to addressing our concern. (Proposed s.142.1 of the EPA – Any resident on Ontario can request a hearing by the Environmental Review Tribunal regarding a decision of the Director in relation to a renewable energy approval. The only grounds needed for requesting the hearing are that engaging in the renewable energy project as approved will cause serious and irreversible harm to plant life, animal life, human health or safety or the natural environment.)

However, the Ministry of Energy and Infrastructure, which will be responsible for the bulk of the Green Energy Act is not currently a “prescribed Ministry” under the Environmental Bill of Rights (EBR). This means that Part II of the EBR, which sets out minimum levels of public participation that should be met before Government makes decisions on certain kinds of environmentally significant proposals, does not apply at all. Formal public comment periods required under the EBR will not apply and there will be no requirement to post notices on the environmental registry.

This is a curious and inconsistent oversight given the role the GEA proposes to confer on the Environmental Commissioner for Ontario by amending the Environmental Bill of Rights to require important reports and therefore accountability on the Province’s progress in promoting energy conservation and progress in reducing greenhouse gases.

**FOE recommends that the Ministry of Energy and Infrastructure be designated as a “prescribed Ministry” under the Environmental Bill of Rights.**

Further, we observe that a Renewable Energy Facilitator and Office will be housed within the Ministry. While we welcome the establishment of this office and position, in some respects, this is a departure from past experience as per the role of the former Chief Conservation Officer and his annual report.

In as much as the Environmental Commissioner is an independent and well established role in providing accountability by protecting the environmental rights of Ontario citizens, **FOE recommends the addition of one further report to the two called for under Schedule F of the proposed Act. The third report should be an annual report on the role and performance of the Renewable Energy Facilitator and his/her office.**

### **RE: CREATING A CONSERVATION AND RENEWABLE ENERGY CULTURE**

Friends of the Earth emphasizes the need to protect vulnerable citizens by addressing the matter of energy affordability but also by ensuring, no matter what age or income, all citizens of Ontario can participate in energy conservation behaviour and the adoption of renewable energy technologies. At a minimum, citizens should be exposed to renewable energy technologies and visible conservation efforts (devices and behaviour) in their public spaces. (Think every grade school, every place of worship, every Legion Hall.)

**We recommend the Province address energy affordability for Ontario's vulnerable citizens, low income and fixed income, by adopting conditions laid out by the GEAA and their consumer protection initiatives.**

**Further, we suggest:**

- that the Province integrate incentives for energy conservation and adoption of renewable technologies into its Aging at Home Strategy and support for Ontario seniors to continue to live independently. Rising energy costs are a factor to address in "Aging at Home" along with home and health services.**
- Conservation plan requirements be extended to include adoption of renewable energy technologies for the broader public sector including municipalities, universities, colleges, schools and hospitals.**
- that the Province of Ontario issue an Ontario Savings Bond for Green Energy with tax credits for its uptake by seniors and low income/fixed income citizens.**

Home Energy Audits – FOE is very supportive of this provision and suggests standards be developed for the audits which should include recognition of regular maintenance of relevant equipment such as furnaces, air conditioning units, hot water tanks etc. – a low cost but important step in energy conservation often overlooked.

In closing, we thank the Committee for this opportunity to put forward our concerns and recommendations for the proposed Green Energy Act. We look forward to participating in subsequent opportunities as the Act is promulgated and regulations developed.