

October 4, 2010

The Honourable Rick Bartolucci
Minister of Municipal Affairs and Housing
777 Bay Street
2nd Floor
Toronto, ON
M5G 2E5

Dear Minister:

The Ontario Chamber of Commerce (OCC) is a federation of 160 local chambers of commerce and boards of trade in the Province of Ontario, representing 60,000 businesses of all sizes, in all economic sectors and from every area of the province. The OCC's mandate is to advocate strong policies on issues that affect its membership throughout Ontario's business community.

The Ontario Municipal Act permits Municipal governments to enact bylaws to protect the public interest in areas believed to potentially cause risks to the overall health, both physical and economic, of their communities, in areas clearly defined as Provincial jurisdictions.

Recently, an Ontario municipality enacted bylaws to control the use of pesticides within their own borders and to regulate, at a local level, Fine Particulate Matter (FPM) emissions from business and industry. This has resulted in a patchwork of inconsistent regulations between the municipal and provincial levels of government which will affect business investment in the province.

The responsibility for regulating air quality, including FPM emissions, places an onerous burden on the limited resources of the 444 municipalities in the province. Municipalities need adequate resources to undertake complex research and implement processes to produce effective and enforceable air quality regulations. FPM emissions cannot be contained at source. They cross international boundaries, regardless of their source of origin, whether industrial, commercial, residential, institutional or emanating from transports. This makes attempts by individual municipalities to regulate air quality at the local level highly ineffective.

Our business community will certainly suffer from such a balkanized business climate. In a worst-case scenario, businesses will be forced to incur additional costs to comply with the regulatory framework of 444 disparate municipal regulators, in addition to federal and provincial

regulations, detracting from efforts to enhance business productivity and reduce competitiveness. Moreover, such procedures will certainly drive those businesses willing to establish themselves in Ontario towards other jurisdictions with greater regulatory certainty and clarity. The OCC believes that this approach does not meet the spirit and the intent of the government's Open For Business initiatives.

As a voice of business in the province, the OCC feels that it is important for the province to amend its statutes and regulations to reserve exclusively for itself the ability to define public interest in the area of air quality. The OCC recommends that the government take the following actions:

- Develop province-wide standards for the regulations of FPM emissions. This should come from consultations with those directly affected: business community, scientific experts and other key stakeholders.
- Enact appropriate legislation to regulate and enforce these standards. The legislation must be operational and effectively lead to a reduction in FPM emissions only where it is shown to have a detrimental effect on human health.

The OCC respectfully requests a meeting with the Ministries of Environment and Municipal Affairs and Housing in order to have the opportunity to elaborate further on the most effective approach to this issue without adding costs to the business community. We would like to thank you for your time on this important matter.

To arrange a meeting, or if you have any questions or concerns, you may direct your staff to contact Stuart Johnston, Vice President Policy & Government Relations, at 416.482.5222, ext 232, or stuartjohnston@occ.on.ca.

Yours sincerely,



Len Crispino

President and CEO

Cc: Oakville Chamber of Commerce

Mr. Tim Hudak, MPP, Leader of the Progressive Conservative Party of Ontario

Mr. Toby Barrett, MPP, PC Critic, Environment

Ms. Andrea Horwath, MPP, Leader of the New Democrat Party of Ontario

Mr. Peter Tabuns, MPP, NDP Critic, Energy and Environment

OCC membership