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## **Environmental groups sue Ontario government over decision to gut species at risk legislation**

*New regulation permits industry to ignore Act's main purposes*

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TORONTO—Environmental groups are suing the Ontario government for its decision to exempt major threats to species at risk from the province's *Endangered Species Act* (ESA).

Ecojustice lawyers, acting on behalf of Ontario Nature and Wildlands League, have filed a lawsuit in Divisional Court alleging that the Ontario government acted unlawfully by making a regulation that undermines the ESA.

Ontario Regulation 176/13, which came into force under the ESA on July 1, 2013, is a tremendous blow to species protection. The new regulatory changes harm species by allowing major industries — including forestry, energy transmission, housing, oil and gas pipelines, mineral exploration and mine development, transit, wastewater management companies — to avoid strict standards intended to protect at-risk species and their habitats.

“With this regulation, the Ontario government has failed to deliver on its promise to defend endangered species and undermined the role of the legislature by amending the Act through regulation,” said Anastasia Lintner, staff lawyer for Ecojustice. “The best way to safeguard at-risk species is to enforce the ESA as intended.”

The lawsuit is based on two main grounds:

1. The regulatory exemptions undermine the ESA's very purposes, which are “to protect species that are at risk and their habitats, and to promote the recovery of species at risk.”
2. The Minister of Natural Resources, David Oraziotti, failed to consider the impacts of the regulations on each of the 155 species listed under the Act as either endangered or threatened before recommending that the regulations be made by Cabinet.

“The government has abandoned Ontario's most imperilled wildlife, reneging on its promise to give these species the protection they desperately need,” said Caroline Schultz, executive director at Ontario Nature. “Our once gold-standard law has been tarnished beyond recognition.”

Sections 9 and 10 of the ESA prohibit harm to species at risk and their habitat without Ministry approval or specific exemption. This new regulation circumvents the approval process and allows large industrial sectors to act without Ministry oversight and to focus on mitigating harm instead of protecting at-risk species.

“This is an act of desperation, changing the law so that it protects industry instead of at-risk animals and plants,” said Anna Baggio, Director Conservation Planning for Wildlands League. “I thought we had moved past the old Joni Mitchell song. We can’t support a government that would pave paradise to put up a parking lot,” Baggio added.

Some of Ontario’s 155 at-risk species threatened by the regulation include the American Eel, Blanding’s Turtle, Lakeside Daisy, Eastern Hog-nosed Snake, Acadian Flycatcher and the iconic Woodland Caribou.

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*Ecojustice is Canada’s legal champion for a healthy environment. We set precedents and strengthen the law, to protect the environment both today and for all time (see [ecojustice.ca](http://ecojustice.ca)).*

*Wildlands League is a leading conservation organization in Ontario. We protect wilderness through the establishment of protected areas and through the promotion of natural resource use that is sustainable for nature, communities, and the economy (see [wildlandsleague.org](http://wildlandsleague.org)).*

*Ontario Nature protects wild species and wild spaces through conservation, education and public engagement. Ontario Nature is a charitable organization representing more than 30,000 members and supporters and 140 member groups across Ontario (see [ontarionature.org](http://ontarionature.org)).*

**Additional materials:**

[Species Backgrounder: Endangered Species Act Litigation](#)

[Notice of Application to Divisional Court for Judicial Review](#)

[Photos of several at-risk species mentioned in the media release](#)