

Environmental Defence raises concerns around Bill 5's impact on endangered species, rule of law

Written By CONSTANCE SCRAFIELD

Phil Pothen of Environmental Defence didn't pull any punches when speaking with the Citizen about the Ontario government's newly passed Bill 5.

'Contrary to what was said, this is not a mining bill nor emergency response to Trump,' Pothen began, 'It is an unfettered power grab for or against any person or business; that includes singling a person out to strip away their rights ? any person or business for any provincial law they chose singling our power for stricter laws ? for any or no purpose.'

The 'Special Economic Zones Act' was defined by the CBC with its own cautions, 'One part of Bill 5 would creates a new provincial law called the Special Economic Zones Act. It's arguably the most powerful section of the bill.'

Pothen said, 'It would give cabinet the authority to designate any location in Ontario a special economic zone, where the government can exempt companies or projects from complying with provincial laws or regulations.'

Further from Pothen, 'They don't have to get the approval of parliament to approve. The government can do this even if it is opposed by the majority of MPP's. They can change union rights, minimum wages, basic health and safety rules. Every law in Ontario is open to abuse'.

This power does not extend to MPPs, only the province's premier and cabinet.

The Special Economic Zones Act removes all protection to wildlife species and that is not limited to special mining'

'The government has done a passable job of rushing this through before the public has had any real chance of understanding it,' Pothen commented. 'It's described as a mining bill ? it's not.'

He continued to explain how democracy, even in parliament, is weaker, as a result of Bill 5.

'There is no way for a back bencher or anyone to say no to this and it applies to labour laws ? basic health and safety, rules about water. This is about every law in Ontario, whatever the government decides to do,' said Pothen.

'The Ontario government promised it was running on its platform of protecting Ontario from what is happening in the United States. Instead with Bill 5, the Ford government is as much as possible, in our Canadian system, copying the opposite precise path to power that Trump is, to intimate public; the suppression, to threaten lawyers and civil society going against the bill, just imitating what Trump is trying to do.'

Pothen said Premier Ford is replicating these tactics under the guise of a 'modern bill.'

'We have been blessed to have those checks and balances that stopped others who had tried to undermine democracy before,' said Pothen.

Local activist, Sharon Summerville, who's a member of Headwaters Stops the 413, made a point of attending parliament in response to Bill 5. She witnessed the reading, debate, amendments and passing of the bill over the three days that were allotted by the government.

She told the Citizen, 'The opposition members were fantastic. They did everything they could to stall the bill going through,

motioning for recesses; they did a filibuster and more. They really worked hard to get it stalled until the end of sitting and let it sit over the summer. The government only responded with disrespect and mocking through all the amendments brought forth by the opposition.?

When Sommers attended the annual Ford Fest in Etobicoke last week, protesters had spray painted 'F**** Fascists' somewhere on the site. She told the Citizen there were snipers on the roof of the arena behind the stage and wondered if the gesture had inspired the presence of the gunmen.

Aside from that, Pothen added: 'The fact the government is prepared to do this with anyone. They are prepared to find approval by, who will get approvals first. They have to frighten business owners against it to condone it for better access to approvals for projects when they want it.'

He gave us sharp warnings by saying that if we allow this to become normalized; the less we protest it over the summer, the greater the risk it will be accepted. His advice is people need to 'kick up as much of a ruckus as they can and to do it early on before it's too late.'

Pothen illustrated the immediate future's needs a story from the past but not too long ago. The public barely knew about the Green Belt plans to build houses there before it was passed but 'we challenged their reasons for doing it by showing there was plenty of land to not to build in the Green Belt and we discovered the corruption. We won then and we can again this time,' said Pothen.

Now is the time for the similar power of people protesting and making it personal with regular emails to MPPs, finding good places to stage protests, and informing people about Bill 5. Informing the public on the risks it supports, the misconceptions it publishes in contrast to the facts, and the dismantling of the Endangered Species Act. The bill removes all protection for endangered species and other environmentally valuable laws and acts.

Even if a Conservative MPP opposed the bill, they could be shut down, is the assurance.

The danger is taking the power of the rule of law away from civil servants and giving it to politicians.

'People are appalled because of the bill itself ' but to grow their business they will have to be silent,' Pothen said. 'If we allow this bill to become normalized, the harder it is going to be to displace it; the harder it will be to stop it.'

Pothen said people need to make this summer a living hell for the Ford government and make every MPP understand the public is against it.

'If you voted for it, your job has to end' unless they repeal this law, Pothen noted.

'Challenge them about this overreach, this centralized power grab; making it personal,' he said.

'Confront them quietly and calmly in the grocery stores, on the streets, wherever you see them.'

It is not illegal to confront an MPP in a civil way, as long as you do not make them feel harassed. Pothen made the point that politicians are accountable to their constituents, and their duty as politicians is to answer questions, even outside in public.

For more on what Pothen has to say, read his full statement on Bill 5's threats to the rule of law and endangered species at: environmentaldefence.ca/2025/06/05/bill-5-threatens-rule-of-law-and-endangered-species/