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Hon. Jim Bradley
Ministry of the Environment
11th Floor, Ferguson Block
77 Wellesley Street West
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November 6, 2013

Dear Minister,

I have now asked you repeatedly in the House if your government will pay back the \$19-million surplus collected through Drive Clean. But each time you have evaded my questions.

As you know, the Supreme Court of Canada ruled in 1998 that profits made off of revenue-neutral programs can be deemed an illegal tax and repayable. So I am surprised that you have not indicated any willingness on behalf of the government to immediately cease making profits off of Drive Clean and to pay back the millions of dollars that were unlawfully collected through the program.

I am sure you know that it was never the mandate of Drive Clean to make money. This temporary program was set up with the very specific purpose of reducing vehicle emissions that contribute to smog until advances in emission-control technologies and fuel standards caught up. Well, that has happened.

From the program's inception in 1999 to 2010, the percentage of vehicles that failed the previous tailpipe-emissions test had dropped from 16% to 5%. So, from that point on, it was quite clear that cleaner cars and fuels had rendered the program redundant. That is why the Ontario PC Caucus and PC Leader Tim Hudak began calling on your government, more than two and a half years ago, to scrap Drive Clean.

Unfortunately, you did the opposite earlier this year. You introduced a new computerized emissions test in January 2013 that has proven to be less reliable and more prone to error. Now the failure rate of the program is on the rise, not because of emissions-related problems, but because of faulty technology. As a result, your government is raking in even more money, and Drive Clean is projected to hit a \$50-million surplus by 2018.

But there is time to change course. You can do the right thing for Ontarians by working with Finance Minister Charles Sousa to include three specific commitments in the fall economic statement: (1) immediately reduce Drive Clean fees to stop what has become an illegal tax; (2) pledge to pay back the \$19 million unlawfully taken from Ontario drivers; and (3) present a credible plan to begin working with our Party to phase out the Drive Clean program. I hope you will make the right decision.

Sincerely,

Michael Harris, MPP
Kitchener-Conestoga