

5 July 1983

The Honourable Keith Norton
Minister of the Environment
14th Floor, 135 St. Clair Ave. W.
Toronto, Ontario
M4B 1P5

Dear Mr. Norton:

RE: Bill 52 - An Act to Amend the
Environmental Protection Act (EPA)

CELA has reviewed the above-noted Bill and supports the amendments to the EPA being proposed. As you are aware, in November 1981, we wrote to you outlining our concerns with the last set of amendments to the EPA (Bill 143) as well as outlining other amendments we felt were long overdue. We are pleased to see that a number of these recommendations are found in Bill 52.

Specifically, the rectification of the problems resulting from the Anchor Cap decision, the additional powers given to the Director under sections 17 and 113, and the broadening of the scope of sections 13 and 14 are welcome improvements to the legislation.

While, of course, CELA still would like to see the other amendments listed in our November 1981 and subsequent correspondence put in place, there is one matter that we feel should be properly addressed in the current package of amendments. While a number of provisions in Bill 52 deal with the Environmental Appeal Board, the fundamental issue of who has a right to appeal to that Board has not been addressed. We are concerned that the proponent to an Environmental Assessment Board hearing is still the only party that can appeal. It appears that the Ministry has agreed that this inequality in the rights of parties is a legitimate concern and we note that on May 3, 1982, in a speech to the Canadian Bar Association, you stated that you "would like to see the Act amended to provide a better balance between the appeal rights of applicants or operators and the rights of those members of the public who are effected by the pollution source". Yet this was not addressed in Bill 52.

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We are particularly concerned that the present section 121 of the EPA may no longer be consistent with the Canadian Charter of Rights and Freedoms. We would ask what the opinion of the Ministry is in this regard.

Thank you for considering the matters raised in this letter. We look forward to your reply.

Yours truly,
CANADIAN ENVIRONMENTAL LAW ASSOCIATION

Toby Vigod
Counsel

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