

FOR RELEASE, DECEMBER 6th 1974
2:30 p.m.

The Canadian Environmental Law Association received the \$10,000.00 White Owl Conservation Award in Montreal today. The Group Award and Trophy, in recognition of outstanding achievement, was presented by Madame J. Sauvé, Federal Minister of the Environment, to the Canadian Environmental Law Association as the organization "deemed to have contributed most (in 1974 towards the preservation of our environment."

CELA was presented this award for its efforts and achievements over the year, highlighted by both their book Environment On Trial: A Citizen's Guide to Ontario Environmental Law, and its work in Environmental Impact Assessment research and law reform.

Environment on Trial has made clear the maze of laws surrounding the planning and administration of the environment to many Ontario citizens and is written in layman's language. Walter Pitman of the Toronto Star said: "....If every concerned Ontario citizen could get his hands on this book, we would really get somewhere in our struggle for clean air and water and an unadulterated wilderness.."

The environmental law reform work, primarily the work of the Environmental Impact Assessment law reform team at CELA, working in Ontario, has written several publications encouraging legislation that will maximize citizen participation. The Environmental Impact Assessment Team produced a Brief "Submissions Concerning The Ministry of Environment 'Green Paper' On Environmental Assessment" which has been supported by many municipalities, nature and conservation authorities, private citizens and corporations supporting the work of the Team.

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To demonstrate that governments sincerely committed to the process of bringing environmental decisions out of the back rooms and into the fresh air can produce effective and practical legislation on this subject, CELA's researchers and lawyers prepared their own draft legislation. This bill, which may become a model for legislation in Ontario and other Canadian Provinces, has received praise from environmentalists, lawyers and law professors across Canada.

CELA's lawyers have been active in litigation to protect the Elora Gorge, one of Canada's most scenic areas. They have also assisted ratepayers' groups by appearing on their behalf before the Environmental Hearing Board and before the Ontario Municipal Board.

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The Law Society of Upper Canada

Gazette

Reviews and Notices

Environment on Trial

By David Estrin

and John Swaigen, Editors, James Woodford and Mary Anne Carswell Associate Editor, Foreword by J. A. Kennedy, Q.C.
[Canadian Environmental Association and the Canadian Environmental Law Research Foundation, distributed by New Press, 553 Richmond Street West, Toronto, Ontario M5B 1V6, X.X. and 409 pp 1974—soft cover \$2.95.]

This book is designed to give the citizen an insight into his environmental rights and how he can assert them, legally and politically in order to protect his rights to a clean and attractive environment. The book describes our present environmental laws and how they may be used and points the way to alternatives. The long term goal of the publishers is to obtain the enactment of an environmental bill of rights for Ontario which would ensure the maximum citizen participation in the achievement of a quality environment. After discussing the environmental problems that we face today and their causes there is an explanation of the common legal remedies that are available.

This is essentially a book for the concerned layman. However, every lawyer who has any professional interest in environmental law will find this to be a very valuable book. There is much information found in this book that is very difficult to find elsewhere. There is for example, an extensive and particularly useful bibliography covering all aspects of environmental law under both general and legal titles. It is a timely and well written and easy to understand book. It is a very good example of the type of book that the Federal Law Reform Commission has long advocated in which law is explained in an understandable fashion to the layman.



WALTER PITMAN

A guide to real environmental success

Finally a handbook has been produced for every Ontario citizen who worries about the deterioration of the province's environment.

Environment on Trial, edited by David Estrin and John Swaigen along with James Woodford and Mary Anne Carswell, and published by the Canadian Environmental Law Association and Law Research Foundation, is not just another harrowing description of the horrors of pollution. Nor is it a violent attack on the provincial government and its agencies for their sins of omission and commission.

Rather it is a closely reasoned guide for every citizen who wants to know exactly what his rights are, where responsibility lies for protecting those rights, and precisely how a citizen or group of citizens can ensure that both the public and private sectors are carrying out their responsibilities under existing law.

The major theme of the book is that the environment will not be saved by sporadic assaults on individuals or companies whenever some outrageous action against the public health or welfare is discovered and publicized. These are merely periodic explosions on our newspapers' front pages and disappear into history when some other story captures society's attention.

Estrin and his associates say our personal environmental rights must be protected by the same kind of laws and regulations, and policed in the same way, as our rights over private property. Until that happens, they say, no long-term gains can be expected.

Their first major step towards that ideal would be an environmental bill of rights. This document would include a guarantee of public hearings whenever environmental regulations are being formulated. It would force govern-

ments and private individuals undertaking any project likely to affect the environment to submit a statement spelling out exactly what that effect will be. And it would create an environmental ombudsman and remove the danger to the citizen of having to pay costs when suing for public nuisance.

This book could be a source of acute embarrassment to the civil servants who work for various agencies of the Ministry of the Environment, for it provides detailed instructions for any person who wishes to work through each agency to the limit of its power under provincial law.

And it will be harder from now on for any officer to placate irate citizens with vague excuses for lack of effective action. The handbook recites chapter and verse of every piece of legislation and the specific steps which can be taken to alleviate those situations

which are now disturbing ecologically sensitive and aware people.

At present, projects which will pollute can be given "certificates of approval" from the environment ministry through a secret process which will see that anyone adversely affected doesn't even know about the proposed operation. In spite of all the publicity about water pollution and statements of concern by the Ontario government, only 50 prosecutions took place in the first two years after the present act's proclamation. Fines of those convicted averaged only \$465—and some of the offenders were multi-million dollar enterprises.

Environment on Trial signals the end of the "scare" stage of the environmental warning era, during which thousands of books and articles have been published to shock and titillate the reader with colorful scenarios of planetary

destruction. It's a practical guide to the ways the ordinary citizen can find a solution to his particular environmental hell—whether it be an irresponsible neighbor who won't put in an efficient septic tank, a developer determined to overwhelm a neighborhood with high-rise apartments or a government planning to smash a freeway through his community.

If every concerned Ontario citizen could get his hands on this book, we would really get somewhere in our struggle for clean air and water and an unadulterated wilderness—in short, an environment which could support a good life for future generations.

★ *Walter Pitman, former MP and NDP member of the Legislature for Peterborough, is dean of arts and science at Trent University.*

CANADIAN ENVIRONMENTAL LAW ASSOCIATION (CELA)

ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURES

The Canadian Environmental Law Association is actively campaigning for legal reform which would open up the environmental decision-making process to citizen participation. For too long, decisions which affect the environment have been made behind closed doors, with no opportunity for a public airing of the issues.

Environmental law reform is needed at the provincial and federal levels. Progressive legislation has been passed in several U.S. jurisdictions and could easily be adapted for use here. The cornerstone of such legislation would be law that requires:

1. Social and environmental assessment studies as well as cost-benefit analyses before projects are approved.
2. Early notice of a proposed project must reach all those interested and likely to be affected.
3. Public access to all information about proposed projects.
4. An independent, powerful Environmental Review Board as a prerequisite to public confidence in the new procedures.
5. A citizen may require the Board to consider whether a project needs an environmental assessment or (if one has been done) whether it adequately explains expected environmental effects.
6. Public or private funds to be made available to objectors acting in the public interest.
7. The assessment document must contain all responsible contentions of interested or affected persons, outside experts, organizations and governmental agencies on the possible environmental and social impacts of a proposed project.
8. The originator of an undertaking should prepare and pay for its assessment.
9. The Review Board, working with the Ministry of the Environment staff, should assure that all stages of the assessment process follow proper procedures.
10. A firm timetable for implementing legislation in the public and private sectors.

CELA's brief "Principles for Environmental Impact Assessment" may be obtained from the address below at a cost of \$2.00.

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At the present time, the Ontario and federal governments are considering environmental assessment procedures. If you want meaningful environmental law, write your M.P.P. and demand that these procedures be included in any legislation adopted. Send us a copy.