



CANADIAN ENVIRONMENTAL LAW ASSOCIATION  
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT

January 19, 1999

Nan Shuttleworth  
The Salamander Foundation  
50 Park Road  
Toronto, Ontario  
M4W 2N5

Dear Nan,

**Re: Proposals from CELA**

Thank you for meeting with us in December to discuss the work of the Canadian Environmental Law Association (CELA) and the potential for the development of special project proposals to the Salamander Foundation. We are sorry it has taken us this long to get back to you. Enclosed is the dual proposal we discussed. It includes a project on water we are calling **Ontario at a Watershed**, and a project development proposal, **Toxics Watch**, to advance the public's knowledge of pollutant releases of facilities in their neighbourhoods.

The Canadian Environmental Law Association has worked to represent and encourage public access to environmental justice since 1970. Since 1978, we have received operational funding to support our environmental legal clinic from the Ontario Legal Aid Plan. In addition to this support, CELA has received numerous grants to support special projects in law reform, advocacy and legal education. Over the past several years these grants have included:

- Laidlaw Foundation support for work on the adequacy of health and environmental protection regimes to protect children's health from toxic exposures;
- Law Foundation of Ontario support for improved outreach and public access to the extensive collection of our Resource Library for the Environment and the Law;
- C.S. Mott Foundation support for our international program on environment and trade;
- EJLB Foundation support for collaborative responses between medical and environmental communities in initiatives to reduce toxic use in Canada;
- Joyce Foundation support for a project linking food contamination with the need to reform the *Canadian Environmental Protection Act (CEPA)*;

- Environment Canada for coordination of a campaign on behalf of the Toxics Caucus of the Canadian Environment Network on the reform of CEPA;
- Health Canada support for a series of efforts focusing on cancer prevention in Ontario;
- Three Guineas Foundation to support a conference on the emerging issue of the patenting of life forms in Canada;
- Canadian International Development Agency to support partnership work between Canadian and Latin American Engos on common mining issues; and,
- Walter and Duncan Gordon Foundation to support a mining workshop.

We hope these proposals fulfil your expectations of the work we discussed. Thank you for your kind consideration and your refreshing perspectives on philanthropy.

Yours truly,  
Canadian Environmental Law Association



Paul Muldoon  
Executive Director



Sarah Miller  
Coordinator

## Ontario at a Watershed Project Outline

### The Issue

The regulation, management of and responsibility for Ontario's water resources is in tremendous flux as we enter the next millennium. Political ideologies, market forces and global water demands are reshaping our century old public water and wastewater utilities. The continual growth in the demand for both surface and ground water from all sectors of society is fast becoming unsustainable. Indeed, Ontario, with one fifth of the world's fresh water, is at a watershed which could set the future irrevocably for generations to come. Deepening commoditization, trade and market control of water could lead to significant depletion of our water resources. These economic impacts could be compounded by forces of climate change and continuing pollution of water bodies. Experience has demonstrated that water shortages lead to increased conflict between competing users of water bodies and between water rich and poor regions. Issues as fundamental as public health and safety, food security and biodiversity are inexorably linked to water availability.

### CELA's Role

The Canadian Environmental Law Association (CELA) has taken a leadership role in Provincial and Great Lakes water quantity and quality issues for almost three decades. Recently, sweeping regulatory changes, down loading, privatization, export, and water diversion proposals have proliferated. This has placed a serious strain on CELA resources. The rapid degree of change has left the public confused and wondering what tools are left to them to protect their precious water resources. CELA has already put considerable efforts into a water sustainability campaign. These include:

- several publications on the impacts of trade agreements on Canadian water,
- a public forum on the impacts of water privatization in Britain on public health, the disadvantaged and water pollution;
- numerous submissions to the Ontario Government on all of their regulatory and policy changes to water management and protection regimes;
- coordination of the publication of *the Fate of the Great Lakes; Sustaining or Draining the Sweetwater Seas?*, with Great Lakes United;
- founding of Save Ontario Water a coalition of public health, environmental groups, and unions concerned with keeping Provincial water resources in the public domain;
- intervention as a party in the Environmental Appeal Board case on the NOVA Group appeal of the withdrawal of their permit to export water by tanker from Lake Superior for sale in Asia (this action was withdrawn at the last minute by NOVA); and
- formation with the Canadian Union of Public Employees National Office and the Council of Canadians, a common front called **Water Watch**, which will be holding a national people's summit on water in the fall, and a global summit in the year 2000.

### Our Proposal

In order to insure our continued participation in efforts listed above, we require additional resources. A crucial piece of this on-going work is the need to address common concerns we

hear from citizens all over Ontario. CELA hopes to respond to these concerns with an analysis of the changes in the management and use of our water systems. We would like to hire a researcher/writer to investigate several trends we find developing in Ontario. We believe that this work will go a long way towards offering cash-strapped municipalities alternatives to handing over their water systems to multinational corporations. A key outcome of this work would be a practical guide that would offer tangible, local, sustainable solutions to the public. It would promote retention of public control over water, and detail practical ways to finance water systems, while moving to a conservation ethic. Some of the issues we would address are:

- Water conservation is a hard sell. Many of the groups we work with are concerned about job loss in water and wastewater sectors. We are confident that there are creative ways to achieve broad water use reduction while making our water systems self-sufficient and affordable. These reforms should result in job creation. We would like to detail practical ways this could be achieved;
- Globally, we are seeing decisions being made to divert ground water and surface waters from agricultural rural areas to supply the growing needs of cities. New water pipelines are being proposed in the area surrounding Toronto, in York Region, in Peel Region and in Alliston. There are many long term consequences to these actions which need more detailed research;
- Our staff are receiving many calls from concerned citizens about large water taking operations in their areas for sale in distant places. Ontario has never denied a water taking permit to these companies despite the fact that increasing numbers of neighbours are bearing the risk of depleted ground water sources. We are proposing to investigate how water-taking could be better regulated and include the groups who are being impacted in this work;
- As the result of the NOVA Group application and other large scale water export proposals, the Canadian government has been consulting with the provinces on water export legislation. Ontario and several other provinces are preparing legislation which would benefit greatly from public input. We would propose to take a leadership role in educational campaigns on these proposals;
- As well, the federal government has announced they will be conducting a review of their freshwater policies soon. We would like to facilitate public response to this initiative;
- A NAFTA Chapter 11 challenge has been launched by a US company for Canadian water. We propose to use our work on environmental and trade to oppose this precedent setting challenge; and,
- A commitment has been made by the federal government to a special Canada/US reference on water export by the International Joint Commission. We would like to work with our extensive network of Great Lakes contacts to advocate for sustainable outcomes from this reference.

These opportunities are limited and make it necessary that CELA has the ability to react in a timely way to these watershed changes. We hope you will agree that water sustainability is within our reach and will be able to support this work. A brief budget for this project follows. Should you have any further questions about this proposal, please contact Sarah Miller.

**Project Outline:  
Toxics Watch:**

**Citizen Empowerment through the National Pollutant Release Inventory (NPRI)**

**Problem Statement**

Low income and disadvantaged communities are disproportionately affected by pollution and other environmental stresses. Although this proposition has been closely examined and verified in the United States, there is relatively less focus on this issue in Canada. The work of organizations such as the Canadian Environmental Law Association, which has a specific mandate to work with low income and disadvantaged communities, support the proposition that there is a need for more attention to this relationship between environmental stresses and socio-economic conditions.

One of the challenges, however, is to determine how to explore this link between environment and low income communities. The Canadian Environmental Law Association intends to address this need by furthering exploration of this relationship. The Association intends to use new applications of existing tools to achieve this goal. One of the most promising and practical tools to achieve this goal is the National Pollutant Release Inventory (NPRI).

**The National Pollutant Release Inventory**

The National Pollutant Release Inventory (NPRI) is a national database established in 1993 by Environment Canada. This database includes emission data from all facilities required to report under the regime. Environment Canada releases these data on an annual basis.

Although the NPRI has been a very useful tool in understanding overall emissions in Canada, the database is poorly understood and under-utilized by the Canadian public. There has been a failure to apply trends analysis or interpretation of the data for the benefit of local communities. However, in contrast, the US the experience of their database (the Toxic Release Inventory) has led to empowerment of local communities to seek reduction in discharges in their neighbourhoods. There has been relatively little effort in Canada to use the NPRI to assess whether Canadian vulnerable communities (such as economically disadvantaged areas) are disproportionately affected by industrial releases.

**Proposed Project**

The NPRI can be a very powerful database for the Canadian public. In order to release its potential, this project proposes to develop new educational, outreach and organizing initiatives. The project objectives can be stated as follows:

1. to develop a general strategy for furthering the understanding of the link between low-income and disadvantaged communities and environmental conditions by:
  - collecting and reviewing any literature or studies on the topic in Canada;

- undertaking an informal workshop with leading thinkers in the area; and
  - providing an outline of the discussion as a starting point for the development of a comprehensive strategy.
2. to further Objective No. 1, to explore the use of the National Pollutant Release Inventory to assess the relationship between low-income and disadvantaged communities and environmental issues by:
- using software and other analyses to understand the relationship between emissions and vulnerable communities, for example, by correlating areas of large emissions with socio-economic status of near-by communities;
  - developing written material that Canadians (and particularly these communities) can use to understand, interpret and use the NPRI data. These could include: citizen guides, specific web pages, and linkages to related information;
  - developing communication and distribution strategies for these resource materials to vulnerable communities;
  - developing, in consultation with other non-governmental groups, useful and relevant strategies (such as negotiating with dischargers) that can be used by local communities to reduce or eliminate emissions; and
  - developing working partners in a number of communities in need of the materials produced and assisting them to apply these tools to achieve reductions of local emissions. Efforts will be made to build on the lessons learned from other communities.

It should be mentioned that this project would be undertaken in a collaborative manner with other organizations. In particular, the Canadian Institute for Environmental Law and Policy (CIELAP) is proposing a parallel initiative to improve the NPRI by broadening its scope and taking advantage of sophisticated software and information development pioneered in the US. Through this collaborative effort, there will be the ability to build upon each others efforts and to work in a coordinated manner.

While, this proposal is primarily to further Objective No. 1, it will provide the opportunity to develop other funding partners for Objective No. 2. Other funders are being solicited to support the work of furthering Objective No. 2 of this project. Preliminary interest has been expressed by the Bronfman Foundation.

CELA is particularly well situated to undertake the educational, outreach and organizing components of this project since its mandate under the Ontario Legal Aid Plan is to represent low income individuals and groups that have environmental problems. Moreover, CELA has over 25 years of law reform and community experience in advocating for toxic use reduction in Canada. Please contact Paul Muldoon with any questions you have about this proposal.

## PROPOSED PROJECT BUDGET

### Ontario at a Watershed Project

Researcher/Writer 6 months	\$13,000.00
Travel to meetings for: CELA staff, Research / Writer	10,000.00
Phone, fax, delivery and photocopying	2,500.00
Publication, promotion and distribution of report	<u>2,500.00</u>
<b>Subtotal</b>	<b>\$28,000.00</b>

### Toxic Watch Project

Coordinator of literature review, workshop organization and report	\$6,000.00
Phone, fax, delivery and photocopying	2,000.00
Publication, promotion and distribution of report	<u>2,000.00</u>
<b>Subtotal</b>	<b>\$10,000.00</b>
CELA overhead costs	<u>2,000.00</u>
<b>Total Request</b>	<b>\$40,000.00</b>

Canadian Environmental Law Association  
January 19, 1999