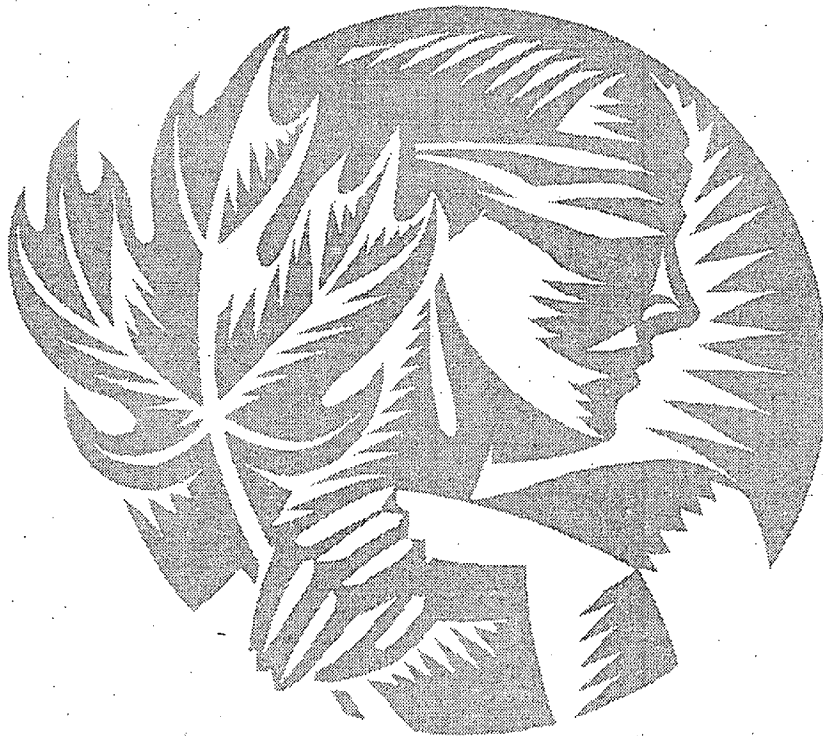

the Canadian Environmental Law
Association

ANNUAL REPORT
2000 – 2001



Executive Director's Message

The Canadian Environmental Law Association celebrated its 30th anniversary in March of 2001 at a reception at the Law Society of Upper Canada. The event reminded us of the contribution CELA has made over the years and continues to do so in the exercise of its mandate. This contribution was made by not only CELA past and present staff, but by a whole array of volunteers, supporters and donors that is the real backbone of any organization. It is my hope that CELA can build on its record and continue to further the public interest in protecting human health and the environment.

A quick review of CELA's activities over the past two years demonstrates that just how active this organization is the exercise of its multiple mandates. As a legal aid clinic, CELA is empowered to provide legal representation to "low income people and disadvantaged communities." This report provides a brief review of some of the cases that CELA has taken on throughout the province. Many of these cases represent a far too typical situation where a person or family is fighting enormous odds to defend their health and property from some pollution source. Others relate to arguing for the proper interpretation, application or implementation of federal or provincial environmental law. Some cases raise profound issues that go beyond black letter law - such as the case where CELA has intervened on behalf of itself and other groups opposing the patenting of a genetically altered mouse. CELA's involvement in both Part I and Part II of the Walkerton Inquiry must be mentioned. CELA represented Concerned Walkerton Citizens in the formal inquiry phase of this matter and attempted to ensure that the Commissioner understood the concerns and aspirations of the local community. In Phase II, CELA assisted through the submission of a number of in-depth submissions, including the need for a provincial Safe Drinking Water Act.

In addition to formal case representation, CELA spends enormous time assisting the public through giving summary legal advice and responding to questions on a wide range of environmental matters.

While case representation and summary advice are important activities of CELA, it may be fair to say that CELA's real contribution over the years has been in its mandate to advocate for better laws and policies to protect the environment and public health. Some of the glowing examples of success in this regard have been the work undertaken to further the protection of children's health. This campaign, while undertaken seminal research, has developed into an intense organizing effort with community, health and other public interest groups and has directly assisted to change laws and policies to be more protective of children. Other examples are campaigns directed to improving the Canadian Environmental Protection Act, provincial and federal environmental assessment regimes and the development of sustainable water policies.

In addition to these activities, CELA has had on-going international program focusing on trade and mining issues. Because of this program, CELA has gained a significant international reputation on these matters.

In the end, CELA has been very busy over the past few years in furtherance of its mandates. This annual report gives a good overview to just how busy CELA has been during this time.

Paul Muldoon

Introduction to CELA

The Canadian Environmental Law Association (CELA) is a non-profit, public interest organization established in 1970 to use existing laws to protect the environment and to advocate environmental law reforms. It is also a free legal advisory clinic for the public, and will act at hearings and in courts on behalf of citizens or citizens' groups who are otherwise unable to afford legal assistance. Funded by Legal Aid Ontario, CELA is one of 72 community legal clinics located across Ontario, 15 of which offer services in specialized areas of the law.

CELA'S OBJECTIVES

- To provide equitable access to justice to those otherwise unable to afford representation for their environmental problems;
- To advocate for comprehensive laws, standards and policies that will protect and enhance environmental quality in Ontario and throughout Canada;
- To increase public participation in environmental decision-making;
- To provide the public with information, research, advice and educational materials to assist them in addressing environmental problems;
- To work with communities, neighbourhoods, individuals and public interest groups to foster long-term sustainable solutions to environmental concerns and resource use;
- To protect ecosystem and public health by preventing degradation from pollution, destruction of natural areas and resource extraction and misuse;
- To work, increasingly with other constituencies, in defending democratic rights and essential services significant to social health and well-being;
- To mitigate the recent erosions of the environmental protection framework from deregulation, budget cuts, harmonization of standards and corporate self-regulation; and
- To use all of these tools to address the increasing impacts of economic globalization on environmental integrity.

BOARD OF DIRECTORS	
PRESIDENT	Judy Simon, environmental consultant
CHAIR	Cathy Spoel, environmental mediator and lecturer
TREASURER	Alan Willis, accountant
MEMBERS	Elizabeth Block, potter/community activist; Elisabeth Brückmann, lawyer; Margaret Casey, environmentalist; Joseph Castrilli, lawyer; Anne Mitchell, environmentalist; Karen Clark, lawyer; Miriam Diamond, assistant professor; John Jackson, environmental consultant; Janet Krulewitz, physician; Kapil Khatter, physician; John Lang, lawyer; Alan Levy, lawyer; Grace Patterson, lawyer; Phillip Sanford, lawyer
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ARTICLING STUDENT:	Karyn Keenan/Andrew Wray
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PROVIDED BY DAVIES	
WARD BECK:	Ilana Mantel
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ENVIRONMENT & TRADE:	Michelle Swenarchuk, Ken Traynor
VOLUNTEER	Isabel Foot

Our Work – Clinic Legal Services

The trend of recent years continued with a high level of activity in direct legal representation. Requests for summary advice and legal representation continued to be high with increased use of CELA's web site and the web sites of CELA's library and PollutionWatch. The enormous breadth and complexity of issues considered during the Walkerton Inquiry dominated the year. As well, several litigation files, including many with precedent-setting implications, were very active.

Selected Cases

Adams Mine Intervention Coalition

(AMIC) – CELA has acted as counsel for this environmental coalition since 1998. AMIC opposed the proposed establishment of a 20 million tonne landfill in an old iron mine near Kirkland Lake. A scoped hearing was held before the Environmental Assessment Board in the spring of 1998 on the proposed leachate collection system. In June 1998, the Board gave conditional approval to the proposal and CELA's client brought a judicial review application to quash the Board's decision. The judicial review application was dismissed by the Divisional Court in 1999, and leave to appeal was denied by the Ontario Court of Appeal. CELA's client continued to monitor the implementation of the Board's decision. In a surprising turn of events, Toronto City Council decided against using the Adams Mine site in late 2000. Coincident with these events, opponents to the landfill set up railway blockades and investigated First Nations' interest in the matter (as well as other potential areas of federal jurisdiction). CELA continued to monitor this situation during 2001 including advising the client on their continued appearances before Toronto Council and on their submissions in support of application of the federal environmental assessment law to this proposal.

Berendsen v. Her Majesty the Queen in right of Ontario - CELA is counsel for a dairy farmer near Teviotdale, Ontario. Waste asphalt from a provincial highway project was buried in the 1960s on the farm property, and contaminants from the asphalt have leached into the shallow groundwater and the farmer's well water. Among other things, the plaintiffs allege that these contaminants have caused significant problems with cattle health and milk production,

forcing the farmer to abandon the property and re-locate his family and dairy operations to another farm. The plaintiff's action was dismissed on limitation grounds upon a motion for summary judgment brought by the defendant. This decision was upheld by the Ontario Court of Appeal in March 1999. In 2000, however, CELA's clients were successful in obtaining leave to appeal to the Supreme Court of Canada. The appeal by CELA's clients was heard in April 2001, and on September 27, 2001, the appeal was granted with costs by the Supreme Court of Canada, which unanimously rejected the Crown's limitation arguments. The case will now be listed for trial in the near future. The Supreme Court decision is at: www.lexum.umontreal.ca/csc-scc/en/rec/html/berends.en.html

Canadian Environmental Law Association and World Wildlife Fund Notice of Objection under the Canadian Environmental Protection Act - In April of 2001, on its own behalf and with World Wildlife Fund, CELA filed a Notice of Objection under the *Canadian Environmental Protection Act* (CEPA). At issue was a proposal to deem as equivalent to CEPA, the *Pest Control Products Act* and the *Pest Control Products Regulations*. CELA and World Wildlife Fund objected to the proposal on numerous grounds and underscored the need to review the over 30 year old *Pest Control Products Act*. The objections were not accepted and in August of 2001, CEPA Schedules 2 and 4 were amended to add the *Pest Control Products Act* and its Regulations. No further action was taken on this file.

Canadian Environmental Law Association v. Minister of the Environment

- In 1998 the Canadian Council of Ministers of the Environment (CCME) concluded the "Canada-Wide Accord on Environmental Harmonization." This agreement devolves significant federal environmental roles and responsibilities to the provinces. In March of 1998, CELA brought a judicial review application challenging the legality of the agreement on two grounds: first, that the Respondent did not have the legal authority to conclude the agreement under the *Department of the Environment Act*; and second, that, in any event, the Respondent fettered her discretion in exercising her statutory duties. The matter was heard on January 12 and 13, 1999. A decision was rendered in the case and CELA was unsuccessful in obtaining the relief sought. However, the judge made important findings concerning the shortcomings of the Harmonization Accord (see 30 CELR (NS) 59). The federal government has responded to some of these concerns in subsequent activities. CELA appealed the decision to the Federal Court of Appeal. The Court heard the matter in June of 2000 and declined to reverse the trial judgement with the result that the Environmental Accord and its Sub-Agreements signed by the federal Minister of Environment and most provinces were not struck down or altered as CELA had requested. In 2001, CELA attended to the assessment of costs that had been awarded against CELA. Negotiations to resolve the outstanding costs award are pending.

CELA - Re President and Fellows of Harvard College v. Commissioner of Patents

- In mid-1998, the Federal Court ruled against Harvard College in refusing to grant a patent for its genetically-altered mouse or any other mammals bred to carry the same gene. Later in the year, Harvard College appealed the Federal Court ruling. In late 1998 CELA sought leave from the Federal Court of Appeal to intervene in the appeal of the decision. In 1999, CELA was granted intervention status in this precedent-setting appeal concerning the patenting of life forms. The Court stated that leave was granted to CELA specifically to enable CELA to present the public interest implications of this kind of patenting. The case

was argued in December of 1999 and in a decision issued in August of 2000, the Federal Court of Appeal overturned the decisions of the Federal Court Trial Division and the Commissioner of Patents. As an intervener, CELA could not appeal the case. However, after several weeks of efforts, CELA and many others successfully urged the federal government to seek leave to appeal the decision to the Supreme Court of Canada. This case has huge ramifications for life form patenting. In 2001, the Court granted the federal government leave to appeal. Thereafter, CELA, on its own behalf, and on behalf of Greenpeace and the Canadian Council of Churches successfully sought leave to intervene before the Supreme Court of Canada. Intervention applications were successfully obtained by other major public interest interveners as well. In late 2001, the federal government filed its factum. The factum of the respondent, Harvard College, is expected in early 2002. CELA's factum will be then prepared. The Supreme Court is likely to hear this case in 2002.

Coalition on the Niagara Escarpment (CONE)

- CELA represents this client on two matters. In *CONE v. Posovad*, CELA is representing CONE in a judicial review application against David Hutcheon, Hearing Officer with the Niagara Escarpment Commission. In April of 2000, a hearing was held to determine whether the Posovads should be entitled to a development permit to sever a one acre portion of their property. The Posovad property is located within the Niagara Escarpment Plan Area and is subject to the *Niagara Escarpment Planning and Development Act* (NEPDA), as well as to the Niagara Escarpment Plan (NEP). The NEPDA only permits new lots to be created provided there has been no more than one previous severance. The Posovad property had been the subject of two previous severances. The Hearing Officer, however, approved the application for a development permit, thereby permitting the creation of a third lot. CELA has filed a judicial review application of the Hearing Officer's decision on grounds that he erred in law by concluding that the NEPDA provides discretion to approve a development permit which overrides the requirements of the NEP. The

judicial review application will determine whether the NEP should be interpreted as a set of guidelines or a rulebook in regards to protecting the Niagara Escarpment. In 2001, CELA filed its factum on this case and perfected the application. The judicial review is expected to be heard in March or April of 2002.

In *CONE v. Hughes*, CONE appealed a unanimous decision by the Niagara Escarpment Commission to grant a development permit to Mr. Hughes, a property owner on the Niagara Escarpment. A neighbour of Mr. Hughes also filed an appeal. At issue in this matter is whether the NEC decision contravened the new lot policies of the Niagara Escarpment Plan. CONE is concerned about the precedential impact of the decision. A hearing was held in early January of 2002. CONE called two expert witnesses including a former director of the Niagara Escarpment Commission. A decision is expected in 2002.

Concerned Walkerton Citizens –

Walkerton Inquiry – CELA represented Concerned Walkerton Citizens (CWC) at the Walkerton Inquiry. CWC is a local public interest group comprised mostly of Walkerton residents seeking both answers and prevention of a similar situation in any other community. Chaired by Mr. Justice Dennis O'Connor, the Inquiry began in October of 2000 and was divided into two phases. CELA's clients obtained standing for both phases and in fact was one of the few parties to do so. Phase 1A was completed in early 2001 and sought evidence of the physical causes of the May, 2000 events in Walkerton that left seven people dead and over 2000 ill. Part 1B of the Inquiry addressed the causes, if any, of government policy on the events in Walkerton. The Commission heard from over 100 witnesses. Coincident with Part 1B and into the Part 2 exercise of seeking detailed input on solutions to the problems identified and their future prevention, the Walkerton Inquiry specifically commissioned over 30 research papers. The Inquiry received another 100 submissions from those with standing in the Inquiry and nearly 60 public submissions. Part 2 also included public meetings, held in communities across the Province. The Inquiry Commissioner is expected to report on Part 1 in

January of 2002. For Part 2, the Commissioner is expected to submit his report in February or March, with public release by April or May of 2002.

CELA devoted extensive clinic resources to this file. As well, considerable time was spent assisting the clients in fundraising efforts to pay for experts to help with the case. Private foundation funding and a legal aid test case group certificate were also secured.

In August of 2001, CELA presented its final argument on behalf of CWC. The argument, which was over 200 pages in length, argued that the Walkerton tragedy was the result of a convergence of factors with both direct and indirect causes. The direct causes relate to a series of actions or inactions by local operators and authorities, combined with geology, weather, farm operations and other factors. The indirect causes relate to the original siting and approval of the well, the inadequacy, the lack of integration and the under capacity of laws, regulations and policies, practices and institutions relating to the protection of drinking water in the province, and the confusion of roles and responsibilities of those involved in the drinking water system. The full text and summary of CELA's final argument for Part 1A and B as well as numerous related documents are linked to the Water index on CELA's web site at www.cela.ca/water/water.htm. In addition to CWC's argument, the Commission heard some eight days of argument from other Parties in the Inquiry.

One of the specific contributions by CWC, facilitated by CELA, was the additional testing of groundwater flows. CWC retained a hydrogeologist to undertake the testing and also tracer tests to better understand the transport times and pathways of contaminants to drinking water sources. This work was recognized in the final report of the Walkerton Inquiry.

On behalf of itself and CWC, CELA actively participated in Part II expert meetings and public hearings. CELA and CWC submitted two key research papers during this part of the Inquiry. The first, titled *Tragedy on Tap: Why Ontario Needs a Safe Drinking Water Act*, makes a

comprehensive argument as to why a new statute is needed to protect drinking water. This initiative would include a legislative guarantee of safe drinking water to the people of Ontario as well as a host of other protections. In the second paper, which is titled *Water Services in Ontario: For the Public, By the Public*, CELA, CWC along with the Ontario Public Service Employees Union (OPSEU) and CUPE argue for the need to ensure that water work operations are not privatized but remain under the ownership and operation of government. These and other papers prepared during the Inquiry are on CELA's web site. For more information on CELA's involvement in drafting study papers for the Commission, see section 4.3.1 and 4.3.3.

Davis et al. v. Canada Gypsum Company

– Since 1998 CELA has represented clients on the Six Nations Reserve affected by water taking activities associated with a gypsum mining and processing company based immediately adjacent to the First Nation. The mining operations were taking place in the subsurface below CELA's clients' properties. Well water volumes, local stream flow, and local water table levels have been seriously affected. CELA assisted the clients with respect to water taking permit renewal negotiations. The clients have also commenced civil litigation against various defendants with CELA as co-counsel with a member of the private bar. In 2001 the civil litigation against the gypsum company commenced. The company brought the Six Nations Band Council into the litigation by way of Third Party Claim. This case is likely to proceed to examinations for discovery in 2002.

Friends of Red Hill Valley - CELA represented Friends of Red Hill Valley, a Hamilton-based citizen's group, in a Federal Court Trial Division challenge brought by the Region of Hamilton Wentworth. The Region's challenge is against the application of the *Canadian Environmental Assessment Act* to a major expressway intended to run through the Red Hill Valley in Hamilton. The Region brought a wide ranging judicial review application which, if successful, would have major repercussions for federal environmental assessment in Canada. Their application was based on both statutory interpretation and constitutional grounds. CELA represented

Friends and successfully obtained intervener status in the application. The Region's judicial review application was heard for five days by the Federal Court in the late fall of 2000. The intervention on behalf of Friends of Red Hill Valley supported the proper application of the federal environmental legislation to projects of this type, and the terms of the referral to the environmental assessment panel. The decision was released in early 2001 in favour of the Region. The federal government appealed the decision to the Federal Court of Appeal. CELA successfully obtained intervention status on behalf of its clients and made arguments in November of 2001. The Court immediately released its decision supporting the Trial judges decision. The time period for application for leave to appeal to the Supreme Court of Canada is pending and CELA is working on urging the federal government to appeal this case further. If the federal government appeal is successful, CELA will seek leave to appeal to intervene before the Supreme Court on behalf of Friends of Red Hill Valley.

Edward Lang et al. v. Goodyear Canada Inc and George Crowe et al. - CELA

continued to serve as counsel for the plaintiffs who reside in Belleville, Ontario. In the early 1970s drums containing toxic waste were buried near the plaintiffs' property. Over the years the drums started leaking and discharging hazardous waste causing ground water contamination. The plaintiffs relied on well water and used the water for drinking and bathing purposes until advised not to do so by the Ministry of Environment. In 1994, CELA commenced a lawsuit on behalf of the plaintiffs for trespass, nuisance and negligence. In mid-July of 1997, CELA brought a motion seeking production of a Crown Brief which consisted of approximately 5000 pages of documents relating to *Criminal Code* charges against the defendant, Goodyear Canada Inc. (see *Lang v. Crowe* (1997) 10 C.P.C. (4th) 377 (Ont. Ct. Gen. Div)). The defendants then brought a motion in the Ontario Court (General Division) to quash the plaintiffs' motion. Cross-examinations were done on affidavits filed by both CELA's clients, as well as Goodyear Canada Inc. with respect to the motion to quash. The motion was dismissed by the Court and CELA clients were awarded costs.

Further motions regarding production were heard in September 1998. The decision on the motions was released on January 26, 1999 granting in favor of CELA's clients' position. Goodyear appealed the decision. The Superior Court of Justice (Divisional Court) heard the appeal on February 16, 2000 and the Court ordered Goodyear to produce the Crown brief and to pay \$5000 in costs to the plaintiffs. In 2001 CELA continued further steps to conclude litigation in this matter.

Henning Stokholm - CELA represents Mr. Henning Stokholm in an application before the Ontario Labour Relations Board under the whistle blower provisions in the *Environmental Protection Act*. Mr. Stokholm was a Class 2 operator with the Regional Municipality of York (RMOY) and had worked for the RMOY for over two decades. During his years of service, he raised concerns regarding safety issues to RMOY. He also made a complaint to the Ontario Ministry of Labour (MOL) resulting in an order against RMOY. Mr. Stokholm was subject to various disciplinary actions following his complaint to MOL and in response, he filed a number of grievances against RMOY. In March 1998, the Ministry of Environment (MoE) investigated RMOY for discharge of sewage into the East Don River. Mr. Stokholm gave a statement to an MoE investigator which outlined a number of environmental and safety problems at RMOY's pumping station. Shortly after MoE's Crown Counsel disclosed the statement to RMOY, the applicant was fired. The Ontario Labour Relations Board (OLRB) commenced its hearing on this case in November of 2000. After hearing two days of evidence, the case was scheduled to continue in 2001. Approximately 8 days of hearing occurred at various points during 2001. CELA filed written submissions on behalf of Mr. Stokholm and made oral submissions to the OLRB in September of 2001. CELA is awaiting the Board's decision. This action seeks to take advantage of the whistle blower provisions of the *Environmental Protection Act* that protect persons from reprisal when reporting environmental problems related to their employer.

Toronto Environmental Alliance (TEA) and ten other clients - CELA successfully

obtained intervention status for TEA and ten other clients, mainly local grass roots groups concerned with local cosmetic use of pesticides, in an application to the Supreme Court of Canada (*Chemlawn v. Town of Hudson*) dealing with a municipal by-law providing for control on the use of pesticides on private property. The by-law was passed by the municipality of Hudson, Quebec. The matter was heard by the Supreme Court in December of 2000. CELA argued on its own behalf and on its clients behalf in support of the ability of a municipality to pass such a by-law, both on statutory interpretation grounds and on constitutional grounds. The court ruled in June of 2001 in favour of Hudson. This decision will have significant ramifications in Ontario, and in fact, across the country, because the municipal legislation under which the by-law was passed is very similar in its provisions to that under which municipalities in Ontario would act.

Tyendinaga Residents and Richmond Landfill - In mid-1999, CELA was retained by a residents' group which opposes the proposed mega-expansion of the Richmond Landfill near Napanee. CELA intervened in the *Environmental Assessment Act* process on the group's behalf, and made submissions on the Terms of Reference which were approved under the EA Act by the Minister of Environment in September 1999. In 2000, CELA commenced a judicial review application in respect of the Minister's approval decision. A similar judicial review application was brought by the Mohawks of the Bay of Quinte, a First Nations community located near the proposed landfill expansion. In 2001, CELA's client brought a motion consolidating its judicial review application with the application brought by the Mohawks of the Bay of Quinte so that both applications will be heard and determined concurrently by the court. In mid-2001, the Ministry of the Environment filed responding affidavits. In December, 2001, CELA counsel undertook five cross examinations on the Ministry affidavits. The proponent filed its affidavits in late 2001. In 2002, CELA will cross examine upon the proponent's affidavits, and cross examination of CELA's clients is scheduled for March. A hearing on this matter is anticipated in 2002.

Water Protection Coalition of South Grey (WPCSG) - CELA represented the Water

Protection Coalition of South Grey (WPCSG) in a leave application under the *Environmental Bill of Rights, 1993*. WPCSG was formed in December 1998 to raise local residents' concerns over a bottling company's request to take 76 million litres of spring water per year from a shallow surface aquifer at the headwaters of the Rocky Saugeen River. CELA filed an application for leave on behalf of WPCSG raising a number of issues, including: the failure of the Director to consider an ecosystem approach in his decision to issue the permit; violation of a neighbour's riparian rights by the virtual elimination of the flow of a stream into her wetland; conflicting expert opinions regarding potential impacts on the wetland; and concerns

over the development of severe drought conditions subsequent to the completion of the proponent's hydrogeological study. In a very surprising decision, the Environmental Appeal Board found the Director's decision to issue the permit reasonable having regard for the relevant law and government policies and denied the application for leave. WPCSG is considering other options including legal remedies to address its concerns. The case highlights the on-going concerns regarding increased water-taking in the Province as well as the need to reform the permit process to ensure the application of an ecosystem approach to water taking permits. In 2000 and 2001, CELA continued to provide summary advice to WPCSG in relation to this matter.

Major Cella Campaigns – Law Reform

CELA's law reform activities in 2001 included the preparation of 14 publications and diverse correspondence concerning matters of environmental law and policy at the provincial, federal and international levels. These publications and letters were directed at provincial, federal or international agencies or elected officials with whom CELA is routinely engaged. The year was dominated by the production of detailed submissions directly to, or related to the work of, the Walkerton Inquiry. However, the nature of CELA's publications was similar to previous years in that staff continued to write about a wide range of statutes, regulations and policies, particularly in the area of municipal and planning law. CELA's publications fall within the three categories outlined below and in some cases within overlapping categories such as both federal and international law, and both provincial and federal jurisdiction. As has been the case in past, these publications often complemented, or were integral to, CELA's casework and the clinic's outreach and educational activities.

A selection of CELA's major law reform and public education campaigns are profiled below:

Health and Environment: Toxic

Substances - CELA has a long history in reviewing and attempting to improve the *Canadian Environmental Protection Act* (CEPA). CEPA is the cornerstone of the federal environmental agenda and covers such issues as citizen rights, toxic substances and biotechnology. A legislative review of the 1988 law began in 1995 with consultations and public hearings that culminated in the proclamation of a new law in the spring of 2000.

Since 1994, CELA has been closely involved in the many stages of consultation on the revised law in its effort as chair of the Toxics Caucus of the Canadian Environmental Network, a network

of groups from across Canada interested in this issue. During 1999, CELA monitored the legislative process as the bill progressed through the House of Commons Standing Committee on Environment and Sustainable Development and then during Senate hearings.

This work was the impetus behind CELA's ongoing collaboration with professional health care groups concerned about environmental health issues including the Ontario College of Family Physicians (Environmental Health Committee) and the Canadian Association of Physicians for the Environment (CAPE). A primary focus of this work was on pesticides regulation by the federal government.

Complimentary to this work, a staff member participated on the federal Pest Management Advisory Committee, a multistakeholder committee constituted to advise the federal Minister of Health and the Pest Management Regulatory Agency on regulatory issues related to pesticides and pest management.

Since the revised CEPA was proclaimed, CELA has shifted focus to implementation issues. To this end, CELA continues its participation in the Canadian Environmental Network Toxics Caucus. As chair of the Caucus, CELA has organized meetings for Caucus members to discuss matters relating to management of toxic substances at the federal level. In December, 2001, CELA organized such a meeting to discuss Environment Canada's proposals for further CEPA implementation. For example, one issue on the agenda dealt with the requirement under CEPA to screen 23,000 substances already in commercial use but not yet evaluated for toxicity under CEPA. A Technical Advisory Group was formed to develop a methodology for this screening process. This Group, which included NGOs, has now completed its mandate and CELA is now involved in assisting to design the next steps in the screening. Other issues discussed at the meeting pertain to Canadian strategies to implement obligations under the 2001 Stockholm Convention on Persistent Organic Pollutants (POPs) and proposals for new "voluntary" compliance programs. Further, CELA is taking the lead in developing a proposal to have a more formal consultation process with Environment Canada to develop a national toxics strategy. At this point, many environmental and community groups are of the view that they are being asked in a piecemeal fashion to consult on programs and initiatives. CELA is promoting a more robust approach to deal with the systemic challenges facing Canadians from toxic substances.

CELA, together with other members of the Toxics Caucus, will be invited to various consultations by Environment Canada in 2002 that will require the attention and response by members of the Toxics Caucus. These will include ongoing or renewed consultations focusing on specific toxic chemicals such as, for the former, the Canada-Wide Standard Setting

Process on Dioxins and Furans, and for the latter, standards for the Thermal Generating Sector. Finally, the Toxics Caucus and most certainly CELA, will monitor the results of the scientific assessment for toxicity for the 25 substances listed under the Priority Substances List II (PSL II). It is anticipated that the assessment of PSL II substances, begun in 1995, will likely be completed in 2002.

Global Treaty on Persistent Organic Pollutants - Building upon CELA's expertise on toxics issues, staff have been involved in both organizing community involvement and providing substantive input to the development of the Global Treaty on Persistent Organic Pollutants (POPs Treaty). Begun in 1998, negotiations among over one hundred countries have advanced towards an international treaty. In 1999, and again in the spring of 2000, CELA participated on the Canadian delegation to international meetings of negotiations for the proposed treaty. In particular, CELA was an official delegate on the Canadian negotiating team at the Fourth Negotiating Session in Bonn, Germany in March of 2000. CELA also took the lead in preparing position papers and facilitating environmental non-governmental organization (ENGO) participation in consultations in preparation for the negotiations. Although CELA staff could not attend the final negotiating session in December of 2000, where final ratification of the Treaty occurred, CELA staff prepared the ENGO position paper for the meeting. In May of 2001, in Stockholm, Sweden, over 115 countries from around the world, including Canada, signed the Stockholm Convention on Persistent Organic Pollutants (POPs). Canada was also the first country to ratify the Convention thus confirming a commitment to implementation. CELA will continue to work with the environmental community across Canada to monitor Canadian implementation efforts and, through the International POPs Elimination Network, to participate in discussions focused on implementation plans worldwide.

International POPs Elimination Network (IPEN) Secretariat - In 2001, CELA was invited to "host" the International POPs Elimination Network (IPEN). Established in

1998, IPEN is a network of public interest organizations from around the globe working towards the elimination of persistent organic pollutants, or POPs. IPEN was instrumental in coordinating the public interest NGOs from around the world during the multi-year effort culminating in the successful signing in May, 2001 of the Stockholm Convention on Persistent Organic Pollutants. IPEN now assists with the coordination of activities and promotion of initiatives to further the treaty's implementation including educational and outreach efforts on the hazards of POPs, the promotion of safe alternatives, and continued participation in policy reform efforts to see the Convention implemented. IPEN is fully funded through foundation grants. CELA can expect significant advantages by hosting IPEN such as access to expertise and technical information in the field and access to organizations throughout the world (including those in developing countries) that have had experiences with toxic pollution.

Children's Health Project - In 1998, CELA embarked on an ambitious project in partnership with the Ontario College of Family Physicians' Environmental Health Committee. Funded by the Laidlaw Foundation and overlapping with numerous areas of CELA's legal aid mandate, the Children's Health Project was divided, during 2000, into two phases. Phase One culminated in the publication in May of 2000, of a comprehensive research report addressing the adequacy of environmental standard-setting in protecting children's health.

The study continued to receive considerable attention during 2001. As part of Phase Two of the project, also funded by the Laidlaw Foundation, the study was made available on CELA's web site and the authors deliberately included extensive on-line references so that the work could provide a research foundation for others working in this field. Web site statistics reveal that the report is frequently downloaded by site visitors.

The completion of Phase Two has continued during 2001 with extensive public speaking and the development of both popular and academic writing to summarize various sub-sections and/or key findings of the report generated

during Phase One. As well, the expertise developed during Phase One will be applied to continued staff involvement in the Pest Management Advisory Council and towards a campaign to reform the federal *Pest Control Products Act*.

Another project during 2001 funded in part by the Laidlaw Foundation and, to a separate organization, by the Trillium Foundation, has included efforts towards creation of the Canadian Children's Environmental Health Partnership. The partnership now includes over ten regional and national organizations working on children's environmental health and has developed a governance model, a survey of technical capabilities for groups to work together effectively on-line, an inventory of activities among groups and a plan for future collaborative work.

PollutionWatch Project - Since 1999, CELA has partnered with the Canadian Environmental Defence Fund (now Environmental Defence Canada), the Canadian Institute for Environmental Law and Policy and Environmental Defense (ED - formerly the Environmental Defense Fund) in Washington, D.C. to create the "PollutionWatch" web site. Modeled after the site developed by Environmental Defence in the U.S., [www.scorecard.org], PollutionWatch uses National Pollutant Release Inventory (NPRI) data to allow site visitors to locate toxic hotspots in Ontario. The Canadian partners contracted with ED to assist in the design and maintenance of PollutionWatch. The web site will provide a tool for the public and/or citizens groups working to reduce toxic pollution in their communities.

The web site was publicly released in April of 2001 with approximately 800,000 visits in the first week. The PollutionWatch web site, like the U.S. Scorecard, allows users to access health effects information as well as identify polluting facilities located in a community. In addition, PollutionWatch provides opportunities to write letters to facilities and government departments to raise concerns about toxic pollution.

The three partner organizations have followed up the public launch with an outreach campaign

that will continue in the new year to include working with target communities to effectively utilize the various features of the PollutionWatch site. One of the focal points for CELA in 2002 will be to use the PollutionWatch web site and enhance that data with census data. The anticipation of this endeavour is to provide some empirical understanding of the relationship of pollution and its impact on low income people. In addition, CELA will be preparing new outreach materials to assist various sectors of society (CELA's focus will be on low income groups) to access the site information and provide guidance on Canadian laws regarding toxic pollution.

CELA's Work on Water

The Walkerton Inquiry - 2001 was CELA's year of total immersion in water advocacy due to the Walkerton Inquiry into one Ontario community's drinking water tragedy. The Inquiry provided an unprecedented opportunity to reform Ontario laws protecting water. CELA counsel not only represented the Concerned Walkerton Citizens in parts 1A and 1B examining causes of the tragedy, but also participated extensively in Part 2 of the Inquiry examining a range of remedies that should be put in place to prevent future contamination of drinking water in Ontario. CELA's client Concerned Walkerton Citizens, was one of the few groups to be granted standing in both phases of the Inquiry. CELA made submissions early in the Inquiry in response to the preliminary list of water issues to be examined. As a result of this intervention, Justice O'Connor invited CELA to do two additional studies and to oversee the writing of a third study for Part 2 of the Inquiry. CELA formed working groups made up of CELA staff and Board members expert in water, outside contractors and project partners to undertake this work.

The first paper, *Tragedy on Tap: Why Ontario Needs a Safe Drinking Water Act* was completed in May 2001. The second series of papers *Water Services in Ontario - For the Public, by the Public*, included three companion papers on the experience of public/private contracts in Hamilton, the privatization of water

in the United Kingdom and issues surrounding municipal financing of water. These papers were done in collaboration with the labor unions representing workers in water and wastewater plants, CUPE and OPSEU. CELA supervised a third paper authored by the Pembina Institute, *A Study on Alternative Service Delivery for the Regulation of Drinking Water*. The papers were completed in June and July of 2001.

In addition to the planning, administration and research undertaken for these papers, the authors were asked to attend Inquiry expert meetings on topics covered in the papers as well as town hall meetings presided over by Justice O'Connor. Several CELA staff attended several of these meetings as well. The meetings took place over the spring, summer and fall of 2001 and were concurrent with the final argument and hearings of Part I of the Inquiry.

In addition to the direct involvement in the Walkerton Inquiry, CELA was called on to speak to the media, groups and conferences about the Inquiry both on behalf of CELA's clients and on law reform issues. The background research undertaken for the Inquiry has expanded CELA's library to encompass water protection issues worldwide. Combined with the Inquiry transcripts and witness statements, and evidence, this new collection has had to be moved to its own room at CELA. The document management aspects of the Walkerton Inquiry were challenging. Over the course of the Inquiry, the clinic received over 100,000 documents on CD ROM from the Inquiry. CELA staff relied on four outside volunteers to assist with these tasks and all staff worked considerable overtime.

CELA Model Water Bill - In May of 2001, CELA completed a three year project on water sustainability in Ontario. The study addressed the threat of diminished water supplies due to increasing contamination of water sources, climate change and drought, overuse and over allocation. CELA has long promoted water sustainability and conservation to protect provincial water resources for future needs. In May of 2001 CELA released a *Model Water Bill, an Act to Conserve Ontario Waters*. This Bill offers reforms in watershed management and anticipates the need for mapping and studies of

the renewability of Ontario's groundwater supplies. The Bill would establish a water fund to carry out this long overdue research by charging a fee for water-taking permits. CELA staff and Board have met with diverse interested parties to promote this law reform effort. As well, the Model Bill was submitted to the Walkerton Inquiry. CELA staff promoted the Bill at numerous conferences, public meetings and in discussion with Conservation Authorities and the Lands and Waters division of the Ministry of Natural Resources. CELA's *Safe Drinking Water Act* proposals combined with this Bill consolidates a comprehensive reform package to replace Ontario's current patchwork of water protection regimes.

Great Lakes Work - Since 1985, CELA has been involved in international Great Lakes water use issues. In partnership with the international coalition, Great Lakes United, CELA has campaigned to improve water protection measures to prevent bulk water export and diversions and regional over-use of water. The 1997 study, *The Fate of the Great Lakes: Sustaining or Draining the Sweetwater Seas?* predicted many of the problems that governments are struggling to resolve today. Real progress on these issues occurred in 2001. CELA submissions in previous year to the Department of Foreign Affairs and Trade and our intervention in the NOVA Group water export proposal initiated events that led to the passage in December of 2001 of amendments strengthening *The Boundary Waters Treaty Act*.

As well, CELA has worked for years with other Great Lakes groups to strengthen the Great Lakes Charter. CELA was invited to be part of an advisory committee to the Great Lakes Commission that is framing an Annex to that Charter. Annex 2001 will result in strengthened State and Provincial programs to protect ecosystem integrity as a deterrent to withdrawals from the Great Lakes. This work is expected to be complete in 2003. Staff have attended three two days meetings as part of this work.

Toronto Waterwatch - In November 2001 the City of Toronto passed a proposal to study divesting the City water and wastewater services

to an outside agency. Based on a foundation laid by earlier work with CUPE and the Council of Canadians, CELA worked with Toronto Waterwatch to intervene to change the terms of the City of Toronto study to include the option of retaining an enhanced status quo - to retain these services in the public domain. The group is launching a public outreach and education campaign in early 2002 to demonstrate that the safest, wisest, most sustainable and affordable option is to keep these services public. Studies which CELA generated for the Walkerton Inquiry, iterating how municipalities can implement life cycle costing for infrastructure replacement and financing, will be key to this effort.

CELA's International Programme

Globalization and the Environment: Trade and Investment Research - CELA's International Program is conducting research and analysis of new Free Trade Area of the Americas (FTAA) and World Trade Organization (WTO) trade and investment liberalization proposals independently and as a key contributor to the collaborative Canadian NGO Trade and Investment Research Project.

During 2001, CELA actively monitored developments, in both the WTO and the FTAA governments. CELA invested a significant amount of time as the co-chair of the Trade and Investment Research Project (TIRP) and both as contributors to the research and in engaging the Canadian government on the GATS (General Agreement on Trade in Services) negotiations.

CELA has continued to be very actively involved in the implementation of the Biosafety Protocol, having written and spoken extensively on the outcome, and continues to be involved in pressuring for the ratification of the protocol by Canada and other governments.

As part of CELA's work in Common Frontiers and the Hemispheric Social Alliance (HSA), CELA played a leading role in organizing the People's Summit in Quebec City in April.

Significant specific areas of research in this year have included: the Biosafety Protocol; NAFTA

Chapter 11 cases and tribunal decisions; impacts of current WTO services negotiations on domestic regulations and on municipal services; the relationship of the patenting of living organisms to the TRIPs review at the WTO; current negotiations between Canada and the US on the Softwood Lumber Agreement; the impact of life form patents on human health, the environment and public-funded scientific research; and the impacts of trade law on Canadian cultural policy.

Providing Advice on Trade Policy - The counsel for the International Programme was involved throughout 2001 in educating Canadian government policymakers, as openings permitted, about the environmental implications of specific elements of pending or emerging trade policy proposals. She continues to advise the federal government as a member of Advisory Committees on the Biosafety Protocol and on NAFTA Chapter 11. CELA also contributed ongoing advice and consultation on: the Services negotiations, including regular meetings with Canadian negotiators; public consultation on the GATS and the FTAA; the potential GATS impacts on domestic regulations; life form patents; biotechnology policy; the Summit of the Americas, and proposals for the Doha Ministerial Meeting of the WTO.

CELA participated in strategic meetings relating to international environmental and trade law including: meetings with the Minister of Trade; numerous meetings with officials of the Ministry of International Trade; and meetings with the North-South Institute in Ottawa and with the UN Development Programme.

CELA also provided other environmental NGOs with legal analyses of particular trade and environment issues of concern to them. The subjects of legal analyses and advice provided to NGOs in 2001 included: trade and labour policy; the Biosafety Protocol and its relationship to the international human rights agenda; trade language in the Persistent Organic Pollutants treaty; decisions in international investment cases under NAFTA Chapter 11; various issues relating to ongoing Services negotiations at the WTO; water trade issues; and the FTAA and the

WTO GATS negotiations and trade law impacts on cultural policy.

CELA also provided advice to students of Osgoode Hall Law School on international law advocacy.

Coalitions and Outreach - CELA continued to play a leading role in national and international NGO coalitions concerned with trade policy including Common Frontiers and the Hemispheric Social Alliance.

As noted above, CELA has made a major commitment of resources and intellectual effort to the Trade and Investment Project. CELA contributes to a variety of list-serves on trade issues, chairs the steering committee of Common Frontiers and through CF is active in the Hemispheric Social Alliance.

CELA has steadily increased media contacts and publicity relating to all the subjects listed above and also participates in numerous other forums for public education including NGO and academic meetings and workshops, government executive training sessions, electronic list-serves and forums.

Evaluating NGO Effectiveness - CELA began in 2000 a project to evaluate the effectiveness of various trade and investment policy reform strategies. Work began by collecting materials and monitoring strategic thinking and documentation from numerous Canadian and international NGOs. CELA produced a paper for publication entitled "Protecting the Environment from Trade Agreements" in which recommendations for strategy are made.

Mineral Development - CELA continued its work during 2000 on the mining sector, emphasizing efforts that build international NGO coalitions able to hold governments and transnational mining firms accountable for the environmental and social impacts of mineral development decisions. CELA's International Program Researcher continues to sit on the Board and be active in MiningWatch Canada (MWC). With our Peruvian partners, Cooperacion, CELA worked in 2001 for: improved non-governmental and community

capacity to intervene in mine development decisions to promote environmental protection during mineral development; better mine design and improved mine development decisions; and better monitoring of the impacts of mineral development projects.

The above efforts were the focus of two workshops held in November in Peru. CELA's International Program hosted the workshops with partners from the Environmental Mining Council of B.C. and CooperAcción (based in Lima). The first workshop involved community members from Espinar impacted by a copper mine operated by mining giant BHP. The second workshop, in Lima, involved members of

the National Coordinator of Communities Affected by Mining (CONACAMI). Community representatives from across Peru participated, including community leaders from Tambogrande. CELA has been involved in work concerning Canadian company Manhattan Mineral's proposed heap-leach gold mine in that town.

Both workshops focused on strategies used by Canadian First Nations when confronted by commercial mining development. In particular, discussion focussed on impact benefit agreements and independent monitoring agencies.

Moving on in 2002 - 2003

In its 33rd year CELA once again will be moving on due to urban renewal. Our offices on College Street a "main street" in Toronto's official plan will be making way for "intensification" in the form of a new condo development. In our history we have had a pattern of moving to neglected neighborhoods that under go a renaissance ...Queen Street, the waterfront and now College. This time we are breaking the pattern and moving to one of Toronto's most established venerable neighborhoods lower Spadina Avenue, shared by the dot com-ers, china town, galleries, and the garment district where we will set up shop in the historic Fashion Building at 130 Spadina. Is this portent of things to come? Will the environment again become fashionable and ascend above its current niche as a "special interest". We are taking this as an opportunity for a makeover for CELA and planning for the challenges coming in the first decade of the twentieth century.

Huge beams have sheltered us in our offices on College Street, a reminder of the last of Ontario's old growth forests hewn in Victorian times. We too have played our role as hewers of wood as the piles of boxes have continued to grow to impossible heights over the years. Can CELA remake itself to be a paperless workplace or to be less paper intensive at least? Can we place our faith and files in the hands of a deregulated hydro with trust there are not brownouts in our future? Time will tell. This summer we will be going through our archives and weeding out our library to send the most historical parts of our collections to off site storage. This will give us the opportunity to think about all we have accomplished and the enormity of all that we have yet to face.

The Walkerton Report from part 2 will come out setting, we hope, a new course for water protection in the next century. We hold the same hopes for our work in the Great Lakes on international negotiations to entrench protections and conservation in preparation for a more water short world. Our trade and environment work will go on to defend the environment from the whims of the global marketplace and our litigation will continue to create new rights for people to act to protect their health.

In this slow spring, we can look forward to new beginnings as cities and towns build on our work by framing their own by-laws to prohibit cosmetic pesticide use on lawns and gardens.

Here's to new beginnings.

**CANADIAN ENVIRONMENTAL LAW ASSOCIATION
COMBINED BALANCE SHEET
MARCH 31, 2001**

			2001	2000
	<u>LAO FUNDS</u>	<u>OTHER FUNDS</u>	<u>TOTAL</u>	<u>TOTAL</u>
ASSETS				
Current assets				
Cash and short term investments	\$ 106,398	\$ 177,485	\$ 283,883	\$ 183,964
Grants and accounts receivable	7,008	59,286	66,294	157,326
Prepaid expenses	5,533		5,533	4,161
Inter fund receivable (payable)	<u>27,156</u>	<u>(27,156)</u>		
	146,095	209,615	355,710	345,451
Capital assets, net	<u>40,981</u>		<u>40,981</u>	<u>57,341</u>
	<u>\$ 187,076</u>	<u>\$ 209,615</u>	<u>\$ 396,691</u>	<u>\$ 402,792</u>
LIABILITIES AND NET ASSETS				
Current liabilities				
Bank indebtedness	\$	\$	\$	\$ 37,341
Accounts payable and accrued liabilities	<u>89,432</u>	<u>11,545</u>	<u>100,977</u>	<u>6,981</u>
	<u>89,432</u>	<u>11,545</u>	<u>100,977</u>	<u>224,322</u>
Net Assets				
Restricted		155,976	155,976	58,263
Unrestricted	<u>97,644</u>	<u>42,094</u>	<u>139,738</u>	<u>120,207</u>
	<u>97,644</u>	<u>198,070</u>	<u>295,714</u>	<u>178,470</u>
	<u>\$ 187,076</u>	<u>\$ 209,615</u>	<u>\$ 396,691</u>	<u>\$ 402,792</u>

NOTE: This financial information is a combination of the audited financial statements of the Canadian Environmental Law Association - Other Special Project Funds, and the audited financial statements of the clinic funded by Legal Aid Ontario, as at March 31, 1999 and for the year then ended. Readers can obtain copies of these audited financial statements from the Canadian Environmental Law Association on request. This statement was prepared by Chartered Accountants Cowperthwaite Mehta.

COMBINED STATEMENT OF OPERATIONS & NET ASSETS FOR THE YEAR ENDED MARCH 31, 2001

	2001		2000	
	<u>LAO FUNDS</u>	<u>OTHER FUNDS</u>	<u>TOTAL</u>	<u>TOTAL</u>
REVENUE				
The Ontario Legal Aid Plan	\$ 869,590	\$	\$ 869,590	\$ 880,754
Grants		468,867	468,867	357,254
Donations		1,111	1,111	26,437
Subscriptions		6,576	6,576	8,629
Interest	3,256	1,883	5,139	7,255
Honouraria		2,000	2,000	4,167
Recoveries and other	<u>84,607</u>	<u>15,991</u>	<u>100,598</u>	<u>33,225</u>
	<u>957,453</u>	<u>496,426</u>	<u>1,453,879</u>	<u>1,317,721</u>
EXPENSES				
Salaries and Benefits	672,491	96,204	768,695	748,274
Contract services		216,089	216,089	322,021
Office, occupancy and general	82,906	18,919	101,825	113,304
Legal disbursements	88,972		88,972	31,197
Indirect payments	79,473		79,473	63,265
Communications, printing and distribution	16,443	14,164	30,607	41,055
Library purchases	8,269		8,269	10,715
Professional fees		6,650	6,650	3,927
Professional dues	6,464		6,464	5,581
Travel (recovery)	(4,902)	11,333	6,431	13,175
Loss on disposal of capital assets				672
Amortization	<u>23,160</u>		<u>23,160</u>	<u>12,868</u>
	<u>973,276</u>	<u>363,359</u>	<u>1,336,635</u>	<u>1,366,054</u>
EXCESS OF EXPENSES OVER REVENUE FOR THE YEAR	(15,823)	133,067	117,244	(37,471)
Net assets, beginning of year	<u>113,467</u>	<u>65,003</u>	<u>78,470</u>	<u>215,941</u>
NET ASSETS, END OF YEAR	<u>\$ 97,644</u>	<u>\$ 198,070</u>	<u>\$ 295,714</u>	<u>\$ 178,470</u>

NOTE: This financial information is a combination of the audited financial statements of the Canadian Environmental Law Association - Other Special Project Funds, and the audited financial statements of the clinic funded by Legal Aid Ontario, as at March 31, 1999 and for the year then ended. Readers can obtain copies of these audited financial statements from the Canadian Environmental Law Association on request. This statement was prepared by Chartered Accountants Cowperthwaite Mehta.

PUBLIC LEGAL EDUCATION

Newsletter

CELA's quarterly newsletter, *The Intervenor*, reports on the clinic's casework, law reform and public legal education activities. The newsletter was redesigned in 2001 including a new logo and format. It continues to provide readers with regular features such as the "From the Executive Director" opening commentary on current environmental law issues facing CELA or CELA's clients. It also contains the occasional "Environmental Tool-Kit", and regular updates on casework and policy reform efforts, coordinated with the items posted to the CELA Bulletin listserve.

The Intervenor is mailed to CELA members and subscribers and is also accessible on CELA's web site. The *Intervenor* is also accessible to print and broadcast media, all federal MPs and provincial MPPs through CELA's web site. All subscribers (individuals or members) have been invited to register on the CELA Bulletin e-mail listserve to obtain an electronic announcement of new issues available online. The response to this invitation has been significant. Outreach is enhanced by making articles written by staff available to other publications.

Web site

The CELA web site, at www.cela.ca, is a key facet of CELA's communications and public education activity. In the six years since it began, it has become a treasury of information on the many areas of environmental law and policy in which CELA is involved. By 2001, however, it had become apparent that the site had outgrown the original 1995 design. As a result, in October 2001, the CELA web site was redesigned and restructured using web design software in-house, to create an updated and more user-friendly interface. One aspect of the new design was to clearly highlight CELA's major campaign areas -- water, toxics and environmental health, land use, and trade and environment issues -- to help define for our what CELA does. Other additions have been a cases

page to provide updates on CELA casework and important case documents, a redesigned *Intervenor* newsletter, and a site map to help users navigate around the site. While these initial changes are an interim solution, CELA is also planning a long-term Internet strategy to ensure that the site is technologically advanced enough to deal with the volume and increased complexity of information that CELA needs to maintain. The CELA site continues to have an average of 1500 visits per month

Canadian Environmental Law Reports

Three CELA lawyers continue to serve as editors for the *Canadian Environmental Law Reports (New Series)*, published monthly by Carswell.

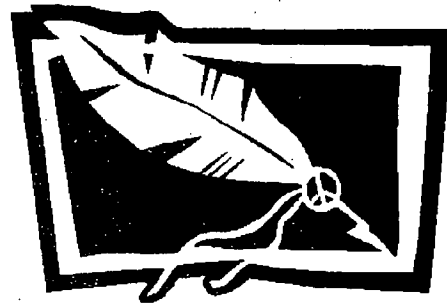
Resource Library for the Environment and the Law

The Resource Library is a key component of CELA's public education environmental law mandate. The cornerstone of the Resource Library is its unique and extensive collection based on over twenty years of participating in CELA's work on environmental law and policy. The collection is interdisciplinary, and includes materials from different sources, from public interest analyses and reports to technical and scientific documents. While Ontario is the primary focus of the collection, the Resource Library also collects selected materials from other Canadian jurisdictions, the United States, and Europe. The catalogued collection includes over 20,000 records dealing with a broad range of environmental issues - pollution of air, land and water, land use, resource conservation, international issues such as trade and genetic engineering, and the economic and political aspects of environmental issues. In addition to this collection the Resource Library has recently begun to take on a new direction in response to changes in information provision from print to

electronic sources, and a result of this, the library's web site, at www.ecolawinfo.org, is playing an increasingly important role in CELA's public education activities. Whether by traditional means or through the Internet, the Resource Library continues to provide a range of public services, including assisting visitors to the library, responding to phone and e-mail information requests, and providing educational resources through the web site.

In addition to its public education role, the Resource Library also plays a key role in providing CELA staff with assistance in their casework, law reform, and community education activities. The Resource Library is an indispensable resource for the many briefs, speeches and responses to requests for information that were part of CELA's work in the past year. In particular, for 2001 the major focus was on extensive research support for CELA's submissions to the Walkerton Inquiry.

The Resource Library has always depended on grants and donations to fund other work such as special projects and web site development. During this period we completed the multi-year Law Foundation and Trillium Foundation library projects, as well as by work on several research projects. These included the Walkerton Inquiry, a project on incineration alternatives for the Canadian Council of Ministers of the Environment, and a project on access to environmental information for the Commission for Environmental Cooperation. Finally, volunteer work continued to be a help to the Resource Library, especially for filing, shelving, and the newspaper clipping service.



Publications

In addition to *The Intervenor*, CELA's newsletter, various additional outside newsletters and "opposite editorial" articles, and information posted to the Web site, briefs and papers published by CELA in 2000-2001 are as follows:

384. Submission by CELA to the Ministries of Agriculture, Food and Rural Affairs and Environment on the Discussion Paper on Intensive Agricultural Operations in Ontario. Elisabeth Brückmann, February 2000

385. The Cartagena Biosafety Protocol: Opportunities and Limitations. M. Swenarchuk, February 2000

386. Comments by Members of the CEN Toxics Caucus on Final Report to INC3: Providing Direction towards INC4 Session. P. Muldoon and F. de Leon for the Canadian Environmental Network Toxics Caucus, March 2000

387. Environmental Standard Setting and Children's Health. A report by the Children's Health Project, a joint effort of the Canadian Environmental Law Association and the Ontario College of Family Physicians Environmental Health Committee. K. Cooper, L. Vanderlinden, T. McClenaghan, K. Keenan, K. Khatter, P. Muldoon, A. Abelson, May 2000

388. Submissions of CELA to the Director, Standards Development Branch of MOE regarding EBR Registry #RA00E0014. R. Lindgren, June 2000

389. Comments to Ray Pichette, MNR re: Proposed Amendments to Statutes Administered in Whole or in Part by the Ministry of Natural Resources EBR Posting AB00E4001. E. Brückmann, June 2000

390. Comments to Doug Galt, Chair, Water Resources Management Committee re: Water Resource Management Committee Development of Long-Term Water Strategic Water Policy Framework for Ontario. T. McClenaghan, S. Miller, June 2000
391. Application for Review Re: Safe Drinking Water Act filed by Canadian Environmental Law Association, Toronto Environmental Alliance and Dr. Adam Winterton. Also includes Supplementary Submission. R. Lindgren, June 2000
392. Comments made to the MOX Comments Officer, Transport Dangerous Goods Directorate, Transport Canada - Re: Parallex Project, Emergency Response Assistance Plan, Mox Fuel Assistance Plan from Moscow to Chalk River, 100-37000-TD-007, Revision 1. T. McClenaghan, September 2000
393. The Cartagena Protocol on Biosafety Canada should sign and ratify the Protocol. M. Swenarchuk, September 2000
394. Towards the Development of a Global Treaty on Persistent Organic Pollutants. Comments by the Canadian Environmental Network Toxics Caucus towards the Intergovernmental Negotiating Committee 5 Session in Johannesburg, South Africa. Prepared by the Canadian Environmental Law Association for the Canadian Environmental Network Toxics Caucus
395. Affecting Environmental Policy in the Great Lakes-St. Lawrence River Basin. A Primer for Community Foundations. J. Jackson and Fe de Leon, September 2000
396. The "New" Toxic Torts: An Environmental Perspective. Prepared for the Canadian Institute's Special National Summit on "Litigating Toxic Torts and other Mass Wrongs" December 4 & 5 2000. R. Lindgren, December 2000
397. General Agreement on Trade in Services: negotiations concerning Domestic Regulations under GATS article VI(4). Submitted to the Department of Foreign Affairs and International Trade and to Industry Canada. M. Swenarchuk, November 2000
398. Submission of the Canadian Environmental Law Association to the Ministry of the Environment regarding proposed guidelines under the Environmental Assessment Act (EBR Registry nos. PA7E0001, PA7E0002, PA01E001). R. Lindgren, March 2001 \$2.50
399. Civilizing Globalization: Trade & Environment, Thirteen Years On. M. Swenarchuk, March 2001
400. Public Consultations on Intensive Agricultural Operations: Mushroom Composting Operations and Anerobic Odours. R. Nadarajah, February 2000
401. Commentary for an Act to Conserve Ontario Waters. J. Castrilli, May 2001
402. Model Bill - An Act to Conserve Ontario Waters. J. Castrilli, May 2001 \$10.00
403. Tragedy on Tap: Why Ontario Needs a Safe Drinking Water Act. Vol. 1 & II. Submission to Part II of the Walkerton Inquiry from Concerned Walkerton Citizens and the Canadian Environmental Law Association. R. Lindgren, L. McShane, G. Patterson, A. Wordsworth, May 2001
404. Proposed Regulation to Establish a Development Permit System that Selected Municipalities can Implement in Pilot Project Areas. T. McClenaghan, June 2001

405. Water services in Ontario - For the Public, by the Public. A submission to Phase II of the Walkerton Inquiry. CELA, CUPE, OPSEU, June 2001
406. Submissions of CELA to the Standing Committee on Environment and Sustainable Development Re: Bill C-5 (Species at Risk Act). K. Keenan, July 2001
407. Submissions by CELA to the Ontario Ministry of Agriculture, Food and Rural Affairs. Re: The Nutrient Management Act, 2001 (Bill 81) EBR Registry No. AC01E0001. R. Lindgren, August 2001
408. The Species at Risk Act: An Overview. R. Lindgren, September 2001
409. Provincial Policy Statement Five Year Review: Response by the Canadian Environmental Law Association to the Request by the Ministry of Municipal Affairs and Housing for Public Comments; EBR no. PF01E0002. T. McClenaghan and K. Cooper. October 12, 2001
410. Walkerton Inquiry Part I & II - Consolidated List of Recommendations on behalf of Concerned Citizens (CWC). CELA Counsel November 2001
411. Bill 111 2001: An Act to Revise the Municipal Act. A comment by CELA regarding the potential impact on the decision of the Supreme Court of Canada on the Decision of the Supreme Court of Canada regarding Municipal Pesticide By-Laws. T. McClenaghan, November 2001
412. Submission of CELA to the Ministry of Municipal Affairs and Housing on the Oak Ridges Moraine Conservation Act, 2001 (Bill 122) EBR Registry No. AF01E0003. R. Lindgren, December, 2001

