



CANADIAN ENVIRONMENTAL LAW ASSOCIATION

ANNUAL ACTIVITIES REPORT

1979 - 1980

NOVEMBER 1979-NOVEMBER 1980
CANADIAN ENVIRONMENTAL LAW ASSOCIATION
PRESIDENT'S REPORT

TO: THE BOARD OF DIRECTORS AND MEMBERS OF CELA

CELA celebrated its tenth anniversary in May 1980. As a public interest group in the environmental field, specializing in legal assistance to individuals or groups, legislative reform and community education, its goals have not changed since its inception. With a full-time staff of nine and a large and active Board of Directors, a high level of service to environmental protection has been maintained.

During the November 1979-November 1980 period several changes have occurred. This report will briefly describe the following ones:

- 1) A draft of the Objects and Bylaws of the Association
- 2) The further definition of our relationship to the Ontario Legal Aid Plan
- 3) New offices and staff reorganization
- 4) A revised structure and composition for the Board of Directors
- 5) A new process for responsiveness to issues.

This report also includes an indication of concerns requiring further attention.

Other annual reports have been prepared by Grace Patterson, Clinic Director; Joe Castrilli, Research Director; Sarah Miller, Office Manager; and John Goodwin, Treasurer.

1. A Draft of the Objects and Bylaws of the Association

The need to define the objects and bylaws was confirmed and assistance with drafting was provided by staff and Board members. To date, these have not been reviewed in final form. Despite this, the draft has served to clarify the scope and intent of the Association.

2. The Ontario Legal Aid Plan

As the Treasurer's and auditor's reports indicate, the Attorney General of the Province of Ontario, via the Ontario Legal Aid Plan, Clinic Funding Committee, provides most of the funding for CELA. This is the third year for such an arrangement. CELA is considered by the Clinic Funding Committee as an established clinic offering specialized legal aid services, i.e. pertaining only to environmental matters.

During the past year the allocation of funds and a range of policy concerns have received considerable attention and review by staff members.

Initial responses have been forwarded to the Funding Committee for the following policy papers:

- a) Appeals, references, conditions, priorities and procedures.
- b) Funding: criteria, conditions, priorities, and procedures.
- c) Complaints.
- d) Training and Education Programs.
- e) Costs.
- f) Reporting by Clinics.
- g) Applications under s.148(1),(k),(l), and(m).

No official reaction, discussion or reformulation of these policies has occurred to date.

At this time, which coincides with the assembly of estimates for the Attorney General's office, the specific issue of formula funding has resurfaced. While the specifics are still being evaluated, CELA's position is that staff salary funding adequately reflect staff composition, experience and responsibility.

3) New Offices and Staff Reorganization

In February, CELA's offices were moved from 1 Spadina Crescent, a University of Toronto building, to 8 York Street, a provincial government building. This move brought a significant improvement in working conditions, enabling the majority of staff to have their own offices. Sarah Miller, the Office Manager, expended considerable effort to facilitate the move, working in conjunction with the staff of the Clinic Funding Committee, who bore much of the relocation cost, and the provincial authorities, in particular the Attorney General, who acted as our landlord and sponsor for the space. We appreciate all parties, past and present, who offered assistance and housing to the Association.

The major staff change during the year was the departure of John Swaigen as Co-director of the Clinic to work full-time on law reform, community education and legal journalism, and later, to accept a position with the Ministry of the Environment's Legal Department. John was a considerable contributor to CELA during the last ten years and we wish him well in his new endeavor.

4) A Revised Structure and Composition for the Board of Directors

At last year's Annual Meeting, a motion was passed requiring Directors to attend monthly meetings of the Board or by exception to contribute frequently otherwise. This reflected the high expectations made of Board members. More recently, with the complexity of the legal cases undertaken by staff, the need for available environmental expertise in areas other than law was expe-

rienced. In response, two changes were accepted at the September 1980 Board of Directors meeting:

- a) an Advisory Board was established composed of individuals with highly valued advice although less frequent involvement in regular ongoing concerns; and
- b) several new Board members of diversified environmental backgrounds have been welcomed.

In addition we now ask all Directors to accept the newly drafted objects of the Association and commitment for a one-year term.

5) A New Process for Responsiveness to Issues

In conjunction with the broadened base of environmental expertise on the Board, CELA will be inviting concerned parties to make presentations on significant environmental issues to monthly Board meetings. This exchange should assist CELA in setting priorities and offering the level of assistance deemed appropriate.

The above summarizes some of the highlights of the past year. The annual reports of the others should be consulted for either fuller detail or a more complete review of CELA's 1980 activities.

My final comments are twofold. I have sincerely appreciated the opportunity of working on CELA's behalf during the past year and thank all staff and Board members. Secondly, the future work for CELA will be difficult but crucial. Government officials, academics and activists are no longer the only ones concerned with protecting the environment. The major environmental issues of 1980 (acid rain, Three Mile Island and toxic waste) have brought home to each individual the need to protect the life support systems we depend upon. The legal process is an important way for priorities and remedies to be identified. May we all do our fair share.

Alanna Quinn
President

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

DIRECTOR'S REPORT

Substantial efforts have been put into both law reform and case work in the year since our last annual meeting.

My report will consist of a short synopsis of those cases which we feel are both important and current. It does not include the information requests we receive on an ongoing, daily basis, nor other cases which have not received substantial attention in the time period for which this report is prepared.

The Legislation and Law Reform Committee will be submitting a separate report on its activities throughout the year, although most lobbying and brief-writing efforts have been carried out by staff members.

The staff and directors of CELA have determined that a concerted initiative will be taking place in the areas of hazardous and toxic wastes and pesticides law in the next year or two. We are attempting to do more casework in these areas and to direct law reform activities toward the concerns arising out of the cases. This effort will be combined with initiatives from the Canadian Environmental Law Research Foundation in the areas of research and writing. The project proposal as it now stands is available as part of our Activities Report.

Although speeches, radio and television interviews, and other public appearances are not listed here, all members of the professional staff have spoken on CELA's behalf in these various forums. We hope to increase our effectiveness in the future by increasing our efforts at community education. This would involve coordinating more public activities such as the panel discussion on the health effects of low-level radiation, as well as preparing new materials on environmental law and on CELA's own activities and objectives.

The following is a brief report on the casework activities of the Clinic.

1) Keating Channel

-CELA represents a citizens' group called SCOW (Stop Contaminating Our Waterfront) in their attempt to ensure that an environmental assessment of the dredge and fill program in the Keating Channel will take place. To date, CELA has prepared numerous briefs on the issue, appeared at City Hall Executive Committee meetings, and corresponded and met with officials and politicians at the federal, provincial and municipal levels. A major meeting was held with both the Minister of Environment and the Minister of Natural Resources and their officials. Representations were also made to the Environmental Assessment Steering Committee. An assessment as to

the need for the dredging will probably take place this winter.

2) Maple

-After several years of fighting the Maple landfill proposal before the Environmental Assessment Board and the Environmental Appeal Board on behalf of MAD (Maple Against Dumping) which ended in early 1980, CELA is now involved in follow-up work relating to the approval. We have commented on the Ministry of Environment and the applicants' interpretation of the Appeal Board's conditions, as well as partially re-drafting the proposed certificate of approval. We will continue to receive monitoring reports and perform a watch-dog role on behalf of our clients.

3) IBT

-This case involves the continued registration and use in Canada of approximately 100 pesticides under federal and provincial law that are based, in whole or in part, on fraudulent or questionable testing performed by Industrial Biotech Laboratories (IBT), an Illinois-based commercial pesticide testing lab. The position of the federal government has been to permit the continued use of these products, regardless of the type of scientific information that is lacking with respect to safety, while government re-testing proceeds. Such re-testing will take years to complete before any remedial regulatory action may occur. We have provided our client with advice on the feasibility of legal action and law reform options that may be open against the government ministries responsible for continued registration and use of these suspect products. We have also appeared before the Ontario Pesticides Advisory Committee with another environmental group to present a brief and testimony on the interim actions available to the province under The Pesticides Act.

4) PCBs

-In 1979, CELA questioned the jurisdiction of the Ontario Government's Commission of Inquiry into the burning of PCBs at St. Lawrence Cement in Mississauga. CELA considered that the Commission lacked the jurisdiction to proceed with the Inquiry because we believed that the proposal to burn PCBs was one that had to be considered under the provisions of The Environmental Assessment Act, 1975. A case dealing with this point was stated by the Commission for the opinion of the Ontario Divisional Court, which held in September 1979 that the Commission had in fact jurisdiction to proceed. CELA was successful in obtaining leave to appeal to the Court of Appeal in January, 1980. The appeal itself has not yet been heard but is expected to take place in the near future. We are extremely fortunate to have Ian Scott and Doug Edward acting as Counsel for us on a pro bono basis.

5) CRAW

-CELA has recently been retained by Citizens Rebelling Against Waste (CRAW) in their fight against a proposed solidification plant in Harwich Township. The main proponent is Browning-Ferris Industries. We expect that there will be an environmental assessment on this site in 1981 and CELA is meanwhile asking the Ministry of the Environment to provide funding for the citizen objectors since they (the Ministry) have promised the proponents \$100,000. if they are unsuccessful.

6) Oshawa Second Marsh

-Substantial preparatory work for a scheduled Ontario Municipal Board hearing relating to the land use on property to the east of the Marsh was done this summer. The hearing was adjourned sine die, so we are continuing with preparation and follow-up on environmental studies. Meanwhile, the representations have been made to the Great Lakes Seaway Task Force, the Central Lake Ontario Conservation Authority and various other agencies.

7) Bella-Rebecca

-An OMB hearing on this proposed 345 unit condominium development on Solitaire Lake has been scheduled for January 5, 1981. The subdivision plan, zoning bylaw and Official Plan amendment will be dealt with simultaneously during a 3-week hearing.

8) Hydro Block

-In July 1980 CELA represented at an OMB hearing tenants and neighbours of a City of Toronto non-profit housing corporation development known as the Hydro Block Development. The tenants and neighbours were concerned about a proposal which would have allowed the owner of a restaurant in the development to establish an outdoor patio cafe. The Board accepted CELA's arguments that the cafe should not be allowed. The restaurant owner has now appealed the decision to Cabinet.

9) Port Hope

-CELA has been acting in an advisory capacity to the Port Hope Environmental Group in relation to many matters, including the failure of either the federal government or Eldorado to remove numerous radioactive waste storage dumps located within the Town of Port Hope, and a decision by Eldorado (which has been supported by the federal government) to proceed with a massive expansion to the existing nuclear refinery without submitting the proposal to the Federal Environmental Assessment and Review Office for assessment.

10) #50-80

-We act for a farming couple near Guelph in a claim against the Ministry of Transportation and Communications for interference with groundwater flow and destruction of cedar trees. We are presently negotiating with MTC but if negotiations are unsuccessful we will represent our clients at a tribunal hearing.

11) Peters

-We continue to act for a group of dairy farmers near Campbellford, Ontario. An amendment to the Campbellford-Seymour Official Plan is proposed to allow a landfill site in the area. Our clients intend to oppose this amendment at the OMB. A certificate of approval has already been issued by the MOE.

12) One Spadina Crescent

-CELA represents itself and a number of landscape architecture students who are concerned about the chemical waste and radioactive waste storage areas at One Spadina Crescent, a University of Toronto building. Meetings have been held with university officials and students. The university is now proposing a separate storage area for the radioactive wastes.

13) CONE

-CELA is a member of the Coalition on the Niagara Escarpment and has participated to a limited extent in hearings now being held on the proposed Niagara Escarpment Plan. In October, we presented planning evidence in support of the Plan.

14) Oriskany

-The Ontario Government is permitting a pit and quarry operation in a biologically and geologically unique area near Cayuga, Ont., southwest of Toronto. The pit and quarry operation is taking place in an area containing the only appreciable example in Canada of Oriskany, a sedimentary rock formation laid down about 380 million years ago. The formation contains the only fossilized evidence of the kind of life which existed at that time. As well, the area contains an unusual type of oak-hickory forest with 22 species of rare plants. The Ontario Provincial Parks Council has urged that the area should not be lost and Parks Canada has suggested that it become a national landmark. However, the Ministry of Natural Resources has refused to take any steps to preserve the area. The Ontario Ombudsman has been asked to investigate.

15) #20-79

-We are representing a family near London, Ontario who have problems with a nearby landfill site. CELA lawyers will be making representation to the Ministry of the Environment before the next provisional certificate of approval is to be granted to the site operators in January 1981.

16) Upper Ottawa Street

-CELA is advising the Upper Ottawa Street Association which has expressed serious concerns about the operation and existence of the Upper Ottawa Street sanitary landfill site in Hamilton. CELA is attempting to aid the group in gathering evidence and developing strategy.

17) #26-80

-CELA represented citizens opposing the spraying of 2,4-D in the City of Toronto's parks. Briefs and representations were made to various city committees on the adverse health effects of 2,4-D.

18) #25-79

-CELA represents a number of citizens trying to control emissions of cadmium and lead from a smelter in the Ottawa Valley.

19) #59-80

-We have recently made representations to the Ministry of Natural Resources regarding the exposure to 2,4-D of a 16 year old while he was employed on a Ministry of Natural Resources Experience '79 program.

20) #49-80

-CELA has been asked to advise persons living near a scrapyard in east end Toronto. Elevated levels of lead have been found in soil in the vicinity of the plant concerned.



Grace Patterson
Director, Legal Clinic

MANAGER'S REPORT

1980 - CELA'S TENTH ANNIVERSARY

This past year has been one of expansion for CELA. The most significant expansion was our move from One Spadina Crescent to 8 York Street. For its first ten years CELA had office space generously donated by the University of Toronto.

Several factors conspired to make it necessary for us to look for new space. Overcrowding was beginning to have an effect on our working capacity. Our discomfort was increased by our alarm at the use of One Spadina Crescent as a storage site for all the low-level radioactive waste of the University and several teaching hospitals in Toronto. These wastes are stored beside cannisters of hazardous and toxic wastes in a garage in the back of the building. This garage failed to meet Ontario building codes for radiation storage.

In December 1979 CELA staff also noticed strange smells emanating from a radioisotope lab on the second floor of the building. Various people experienced headaches, nausea, respiratory and sinus problems. After some investigation we found that a fume hood was malfunctioning and fumes from toxic organic cleaning solvents were reaching us. We could not in good conscience remain at One Spadina and further jeopardize our staff's health.

After moving out in February we have pursued our concerns together with students in the school of landscape architecture and have convinced the governing council of the University to relocate the radioactive waste storage site immediately. Plans to move the hazardous wastes are underway.

Thanks to the sponsorship of the Ministry of the Attorney General we were able to obtain our present space at 8 York Street, free of charge. The Ministry of Government Services painted and altered the space to our specifications with some help from the Ontario Legal Aid Plan. The space is vast, airy and filled with light. We are grateful for it.

After a past history of "roughing it", the staff suffered from residual guilt for a time. Should a public interest group be so comfortable? The wide open spaces and increased distances and privacy caused another minor crisis: it was no longer possible to overhear every phone conversation in the office. The long-standing policy of invasion of privacy was sacrificed and regular staff 'access to information' meetings were substituted around our new board room table, made from an old bowling alley. Eventually staff adapted and grew to fill their new space.

Discussions arose out of those staff meetings about the role CELA should take in the nineteen eighties. A major concern to the staff was CELA's lack of visibility. A program was set up to inform the public of their rights to protect the environment. This will be done by a brochure for distribution in public places. Our internal staff will be restructured to allow one person to work part-time on a public education program. Our library will be developed as an environmental resource centre to be open to the public. New

shelving has been constructed to house our library which now occupies its own room.

All of CELA's staff is enthusiastic about broadening our base and reaching a wider range of the public. This unanimity is a significant milestone. CELA really has come of age when all staff work as a cohesive support unit. A lot of time has been expended in this organization's first ten years to arrive at this point.

The public debate at this year's annual meeting is one important way we are attempting to implement our public mandate. The health effects of low-level radioactive waste is a concern that has to date received very few public forums for discussion. This year considerable effort was made to reach a wider audience for this event. We have received a grant of \$1,050.00 from Environment Canada to cover our publicity expenses.

One way of increasing CELA's effectiveness, we felt, was to concentrate our varied functions in one area of environmental concern. It was resolved to concentrate on the problems arising from toxic and hazardous waste. This project is detailed in a special section of this annual report. We will be doing a forum on this subject with the St. Lawrence Centre in February, 1981.

Another change that will be recognized by all of our membership who receive the CELA Newsletter is its new readability, attributable to the editorship of Laura Paull. This is the first time that the newsletter has had a "lay person" (i.e. non-lawyer) as an editor. Laura, one of our support staff, is a free-lance writer. She has infused the newsletter with a variety of wide ranging feature articles, interviews and reviews.

After years of operating in the red, CELA has managed to live within our budget, which is made up of a sustaining grant from the Ontario Legal Aid Plan and a supplementary grant from Metro Toronto in 1980.

All of these changes made this year contribute to making the outlook for 1980-81 an exciting and productive year, unencumbered by the growth pains and struggle for survival that have been so much a part of our past.

Sarah Miller
Office Manager

TREASURER'S REPORT

Auditors for the Ontario Legal Aid Plan have carried out a partial audit of CELA's books to March 31, 1980. However, the CELA year end is June 30, 1980. We are presently negotiating with the Ontario Legal Aid Plan to have their audit of our books extended by three months to cover our year end.

Hopefully, we will have financial statements by late December. If you would like a copy please inform us.

John Goodwin
Treasurer

1980
THIRD ANNUAL REPORT
CELA COMMITTEE ON LEGISLATION
AND
LAW REFORM

TO: THE BOARD OF DIRECTORS AND MEMBERS OF CELA

INTRODUCTION

As much of the Legislation and Law Reform Committee's work since the last Annual Meeting was outlined in the August Occasional Progress Report (No.2 - attached), which has been sent to all members, this Annual Report will only address the activities of the committee since the August report's release.

FALL 1980 ACTIVITIES: COMPLETED AND ONGOING

Since August 1980, the committee has completed submissions in the following areas:

- regulatory and jurisdictional matters respecting uranium mining and milling operations. (This was a brief and testimony before the Ontario Select Committee on Hydro Affairs);
- federal and provincial laws pertaining to control of dredge and fill operations and protection of wetlands, (This was a brief jointly filed with the Second Marsh Defence Association to the Great Lakes Seaway Task Force. The brief was well received and covered particularly in the Oshawa press because of the submissions's case study on the Oshawa Second Marsh-Harbour Commission controversy); and
- fraudulent pesticide testing and federal and provincial control efforts. (This was a brief jointly filed with Pollution Probe to the Ontario Pesticides Advisory Committee

on the IBT Affair. This was the first time in the ten year history of the OPAC that environmental groups had appeared before it).

Ongoing committee reviews include:

- review of proposed Ontario regulations on toxic substances in the workplace environment; and
- submissions to the Weiler Inquiry on how the Ontario Workmen's Compensation Board addresses toxic substance issues.

PUBLIC INTEREST IN COMMITTEE'S WORK

The general public continues to be interested in the committee's work. Requests for committee briefs or the help of the committee on a particular matter are frequent throughout the year. The committee continues to encourage material from outside Ontario.

COMMITTEE INTERFACE WITH THE CELA TOXICS LAW PROJECT

The committee will also have a significant role to play in CELA's developing Toxics Law Project. Model legislation on pesticides, toxic substances and hazardous wastes promises to be an important component of the project, and the committee's evolving expertise in these areas will be invaluable to the project.

All of which is respectfully submitted.

A handwritten signature in cursive script, reading "J.F. Castrilli".

J.F. Castrilli
Committee Chairman

CELA COMMITTEE ON LEGISLATION AND LAW REFORM

Dear Member:

The CELA Committee on Legislation and Law Reform was established in June 1978 to improve CELA's ability to respond to selected government legislative and policy initiatives. A progress report on the committee's activities was mailed to all CELA members in July 1979. The purpose of this letter is to bring CELA members up to date on committee reviews in progress or completed. These are summarized in Tables 1 and 2 respectively.

In addition we again invite you to contact us if you are interested in reviewing one or more of the items found in Table 1 and forwarding your comments to this office. We will be monitoring these bills or reports to determine the time available to us to respond before government action, including whether such matters are slated to be scrutinized in a public forum (e.g. standing committee). We will provide copies of bills or reports where possible, or else information as to where they may be obtained.

As in the past we hope that CELA members in other provinces will keep us abreast of matters in their area to which we might contribute. We further hope that in these circumstances you would be willing to take the lead in reviewing and commenting on government initiatives in your area. We look forward to hearing from you.

Yours very truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

Joe Castrilli

J.F. Castrilli

Committee Chairman

TABLE 1

LIST OF CURRENT BILLS OR REPORTS FOR COMMITTEE REVIEW

	BILL OR REPORT	GOVERNMENT STATUS	CELA ACTION
FEDERAL	Access to Information and the Privacy Act. (Bill C-43).	First Reading, July 17, 1980. Slated to go to Standing Committee in the Fall, 1980.	Please send comments to CELA office by September 15, 1980.
	Plant Breeders Rights Act (Bill C-32).	First Reading, May 29, 1980. Slated to go before the Standing Committee on Agriculture in the Fall, 1980.	Please send comments to CELA office by September 15, 1980.
	Parliamentary Task Force on Regulatory Reform.	The Task Force, whose mandate is to examine and report upon government regulations in order to minimize the burdens on the private sector, will be submitting a final report to the House of Commons by December 19, 1980. The deadline for submissions to the Task Force is September 19, 1980. A background discussion paper will be available from the Task Force in August, 1980.	Please send comments to CELA office by September 8, 1980.
PROVINCIAL	Royal Commission on Health and Safety Aspects of Asbestos Use (Ontario).	Established April 1980. Submissions to the Commission are to be solicited during the Fall 1980 to early 1981.	We will keep membership advised of the status of this matter and solicit assistance as appropriate.
	The Aggregates Act, 1979 Bill 127. An Act to amend the Pits and Quarries Control Act, 1971. (Ontario).	First Reading, June 1979. Second Reading, December 1979. Went before the Standing Committee - Resource Development, January, 1980. Clause-by-clause committee review to commence September 1980.	CELA to give clause by clause testimony. For earlier CELA involvements see Table 2.

TABLE 2

LIST OF COMPLETED COMMITTEE SUBMISSIONS ON BILLS OR REPORTS*

	BILL OR REPORT	GOVERNMENT STATUS	CELA ACTION
FEDERAL	Transportation of Dangerous Goods Act. (Bill C-18).	First Reading, April 1980. Third Reading, July 1980.	Brief submitted to the House of Commons Standing Committee on Transportation. July 1980.
	Federal/Provincial Task Force on the Burning of PCBs in Cement Kilns.	Submitted final report to Environment Canada, September 1979.	Submitted Minority Report to the Task Force, October 1979.
	Federal/Provincial Task Force on the Definition of Hazardous Waste.	Submitted final report to Environment Canada, January 1980.	Overview Report on hazardous waste law and policy to be published by Environment Canada and to appear in a forthcoming issue of CELR.
PROVINCIAL	The Environmental Protection Act, 1978, Bill 24, Spill Amendments (Ontario).	Third Reading, December 1979. Now Statutes of Ontario 1979. Chapter 91.	Brief submitted to Standing Committee - Resources Development, August 1979. Attended hearings and gave testimony through December 1979.
	The Aggregates Act, 1979. Bill 127. (Ontario).	See Table 1.	Report on Bill 127 published by Queen's University, Centre for Resource Studies, September 1979. Critique of Bill 127 published in <u>Municipal World Magazine</u> September 1979. Brief and model bill submitted to Standing Committee - Resources Development, February 1980.
	The Planning Act, (Ontario Draft Bill)	Draft Bill published December 1979. Yet to receive First Reading in the Legislature.	Brief submitted to the Ministry of Housing, March 1980.

*Copies of CELA briefs and government bills or reports (if available) may be obtained from us for cost of xeroxing and postage.

CELA/CELRF

Toxics Law Project - 1980 - 1982

I RATIONALE

During the past six months, staff of the Canadian Environmental Law Association and the Canadian Environmental Law Research Foundation have focused considerable amount of time on the evaluation of what will constitute the major environmental problems of the 1980's. Our consensus is that the use and disposal of man-made chemicals and their waste products occupy the premier position on any list of environmental problems needing solution during the next ten years.

In order to assist in finding solutions to the chemicals dilemma, CELA and CELRF have developed the following joint project, titled "The Toxics Law Project". What follows is a series of project outlines which when taken together, will, we feel, go a long way toward addressing the problem of the control of chemicals in our society.

II PROJECT: TOXIC LAW CASES

The Canadian Environmental Law Association is currently engaged on a number of cases which involve the regulation, storage, and disposal of a variety of chemicals. Among these cases, a number are seen as representative of major legal dilemmas involved in the treatment of the chemicals problem. Briefly summarized, these cases are as follows:

1. Toxic discharges into the Welland River
2. Impact of a hazardous waste dump in the Hamilton area
3. Alleged fraudulent pesticide testing
4. Dredge and fill of contaminated sediments in Toronto Harbour
5. Cadmium and lead discharges into the air and water
6. Commission of inquiry and Court of Appeal action on the burning of PCB's in a cement kiln in the Mississauga area
7. Several Ontario cases involving poor pesticide usage in spray applications
8. Nuclear waste disposal
9. Siting of a solidification plant in southwestern Ontario
10. Storage of hazardous and radioactive wastes.

Our ongoing work on these cases has shown us that much regulatory and jurisdictional confusion exists surrounding chemical use, storage, and disposal. CELA staff will continue to pursue these and other related cases as they come to the staff's attention. An ongoing case review will be undertaken as far as CELA's normal clinic activities permit, in order to formulate to the fullest extent possible all law reform issues which may arise out of these and other cases.

Apart from active participation in, and review of, cases, we have also formulated two further aspects of our overall toxics project which we feel are essential to a complete review of the regulation of chemicals in Canada.

The first of these, an outline of which follows immediately below, is a series of round table discussions focussing on various aspects of toxics regulation. Second is a series of research projects, which will include the drafting of model statutes, amendments to statutes, and models regulations where necessary, which will arise in part out of the proceedings resulting from the round table discussions and in part from our case law and previous research experience.

III PROJECT: TOXIC LAW ROUND TABLES

During the next fourteen months, we propose to conduct a series of round table discussion, one of which will focus on each of the three areas below:

- Identification, location, tracking, storage, treatment, disposal, and re-use of hazardous wastes;
- Control and usage of pesticides;
- Definition, control, and use of toxic substances.

We plan to have each round table composed of 15-18 participants, divided equally between environmentalists/citizen group leaders, representatives of industry, civil servants, labour, elected officials, and academic experts. The round tables will take place as follows:

(a) Hazardous wastes round table - on or about May 20, 1981

- Topics
1. Definition, identification, and classification of hazardous wastes.
 2. Waste reduction, recovery, and re-use.
 3. Control of abandoned sites.
 4. Siting of new facilities (both storage and disposal) and the role of public hearings.
 5. Compensation and liability.
 6. Discussion of the federal Transportation of Dangerous Goods Act (Will it result in a national waste-tracking capability?), and of provincial way-bill and/or waste tracking regulations (Is there a jurisdictional overlap?).
 7. Constitutional and jurisdictional aspects not covered above.

(b) Pesticides round table - on or about September 20, 1981

- Topics
1. Government registration of new pesticides.
 2. Government reregistration of existing pesticides and review of old registrations.
 3. Role of public in (1) registration, (2) reregistration, (3) suspension, and (4) cancellation of registrations, as well as pesticide regulation-making activity.
 4. The scientific adequacy of tolerant levels for pesticides.
 5. Confidentiality of proprietary information.
 6. Enforcement - federal and provincial.
 7. Role of Parliament, the courts, and industry in pesticide control.
 8. Other constitutional and jurisdictional aspects not covered above.

(c) Toxic substances round table - on or about January 20, 1982

- Topics
1. Definition of toxic substances.
 2. Adequacy of the Environmental Contaminants Act in relation to existing and new substances.
 3. Should existing and new toxic substances be registered? (Has registration worked with pesticides?)
 4. Adequacy of the Contaminants Board of Review process (the only hearing process which deals with proposed toxics controls before regulations formally become law) and the role of the public in regulation-making.
 5. Confidentiality and proprietary information (treated differently under the Environmental Contaminants Act than under the Pest Control Products Act).
 6. Role of the courts (judicial review).
 7. Role of Parliament as a toxics watchdog.
 8. Constitutional and jurisdictional aspects not covered above.

The above round tables are designed to provide discussion documents which will identify the varying points of view from varying sectors of Canadian society on the above issues.

Following the round tables, and in some cases parallel with them, three projects will proceed in the research and law reform area. Each project will consist of a report on existing law and regulations (based in part on the proceedings of the round tables), their adequacy and the areas which require reform. Each report will also contain draft amendments or a draft statute in each of the three areas identified above where necessary. The broad outlines of the reports are as follows.

IV PROJECT: RESEARCH AND LAW REFORM

(a) Hazardous wastes

The first report will deal with the area of hazardous waste law, with particular reference to jurisdictional aspects, as well as coverage of subjects identified in the hazardous waste round table above and other sources.

This report will lead to a model National Hazardous Wastes Management Act, and also a model provincial Hazardous Wastes Management Act.

(b) Pesticides

The second report will deal with federal pesticides law with particular reference to registration problems and the question of tolerances, and will also deal with provincial pesticides acts.

The report will lead to suggested amendments to the federal Pest Control Products Act, and to a model provincial Pesticides Act.

(c) Toxic Substances

The third report will treat all existing federal law on the control of toxic substances and will lead to amendments to the Environmental Contaminants Act.

V PROJECT: EDUCATION

This final project involves substantial in-house as well as public work. The aim of this project is to help increase public awareness of the complexity of the control and use of chemicals in our environment, to provide accurate, popularized versions of the main points developed in our round table and research projects, and to ensure that all CELA and CELRF Directors and staff develop considerable expertise in the area. Aspects of this project include the following:

(a) Speakers at CELA Board meetings

(b) Special issues of the CELA Newsletter devoted entirely to one or more of the three areas above (CELA has undertaken this type of work before with special issues on environmental impact assessment and costs).

(c) Scholarly articles in the Canadian Environmental Law Reports, with particular attention to jurisdictional problems.

(d) CELA and CELRF staff and Directors speaking engagements at universities, professional associations, and high schools (contacts are now being developed).

- (e) Film and/or videotape materials for educational use regarding environmental law and issues in the three areas outlined above are to be developed.
- (f) Spinoff publications in newspapers, law reviews, etc. arising out of research and law reform efforts in the three above areas (This has been a standard Part of CELA's and CELRF's work for years. For example, we would expect newspapers and/or magazines to publish excerpts from the reports and perhaps from the amendments and/or model statutes as generated. Parts of the proceedings from the round tables might also be published.).

VI SUMMARY

The above projects are as a whole, we realize, an extremely ambitious undertaking and perhaps the largest one that CELA and CELRF have ever undertaken on a joint basis. Nevertheless, it is only through addressing these three major subject areas that we can hope to comprehensively approach the regulation of chemicals in our society.

Obviously, a considerable amount of funding will be required to successfully complete the various aspects of the projects. Sources to be approached are, among others, Environment Canada and (perhaps) the provincial Environment Ministries regarding the round tables; the various Law Reform Commissions for the law reform and research components; and a variety of private foundations and corporations for both round tables and reports; depending on the particular interests of the foundation or corporation approached. Part II is already funded through the Ontario Legal Aid Programme.

Specific proposals regarding each of the three area's requirements, with details as to timing, budget, staff allocation, etc. will be developed with particular emphasis being placed on the hazardous waste subject, as it is the first project to be undertaken in the series. A detailed research paper has already been prepared by J.F. Castrilli on the state of hazardous waste management law in Canada and Ontario, and will be submitting this paper as background. Other proposals will be developed as soon as possible.

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