

Canadian Environmental Law Research Foundation

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Dear Colleague:

The Canadian Environmental Law Research Foundation (CELRF) was founded in 1970, as an Ontario Charitable Foundation. I believe CELRF is unique. It is a coalition of scientists, lawyers and concerned citizens who combine their knowledge and skills to develop and recommend improved environmental laws and procedures; to supply constructive criticism of present environmental law; to assist the public with information and direction as to how they may better use government agencies which have been established to safeguard the environment; and to provide the legal community with complete and expert environmental information.

CELRF recently met with and made representations to the Government of Ontario concerning the proposed Environmental Protection Act, a most important piece of legislation. We believe that its efforts resulted in amendments to the legislation which strengthened the Act and were an important contribution to the environmental law of this province.

Through CELRF's action-oriented counterpart, the Environmental Law Association (ELA), legal remedies for the abuse of the environment will be put within the reach of both aggrieved individuals and environmental groups acting in the public interest who otherwise would be unable to take effective action.

It is easy to complain about the pollution of our environment but only through support of effective organizations such as CELRF and ELA can we make a meaningful commitment. I urge you to show the depth of your concern for the protection of our environment both as a lawyer and a communal-minded citizen by making a contribution to CELRF. These contributions are deductible under the Income Tax Act. If you have any questions regarding either CELRF or ELA, I would be pleased to discuss them with you at your convenience.

Yours very truly,



Environmental Law Association

Suite 1916.
101 Richmond Street West,
Toronto 1. Ontario.

June, 1971

Dear Colleague,
The work of the Canadian Environmental Law Research Foundation is principally focused on research and legislative reform. As a consequence of this focus, the Environmental Law Association was formed.

As outlined in the accompanying brochure, one of E.L.A.'s main functions is to refer the public to a panel of lawyers that are interested in environmental law and its development. At this time we are asking if you would be interested in joining such a panel. Membership on the panel does not indicate expertise, only the interest of the panelists in environmental issues.

E.L.A. will provide research assistance in law and in areas of necessary scientific research, to aid panel members in the preparation of cases. In this way, it is felt that the acceptance by a panel member of a case will not unduly burden him.

It must be remembered that E.L.A. will only be involved in those cases where individuals and environmental groups are acting in the public interest and are not able to obtain legal assistance elsewhere.

If you are interested in taking an active part in this new area of the law and wish your name or that of your firm to be placed on the panel, would you please advise us.

Sincerely,



Barry Stuart.

Brief by new citizens' group Globe & Mail, Friday July 16th 1971

Pollution bill seen as restricting rights

By DOUGLAS GLYNN

The Ontario Government's environmental protection bill robs individual citizens of their right to recourse against polluters through the courts and denies public participation in curtailing pollution, a new anti-pollution organization charges in a brief published yesterday.

When the bill was introduced in the Legislature on June 30, Premier William Davis called it an "environmental bill of rights for the people of Ontario."

"It may be called a lot of things with justification, but it is an incredible fantasy to herald this bill as a bill of rights," according to a statement issued last night by the Canadian Environmental Law Research Foundation.

CELRF's condemnation of the bill was backed by the Pollution Probe, which called for a public hearing before the bill is made law.

CELRF describes itself as a non-profit, charitable coalition of scientists, lawyers and citizens dedicated to the protection of environmental quality through the use of existing legal remedies and development of legal reforms.

Among its board of directors are E. A. Goodman, who recently announced his retirement as national director of the Conservative Party; Andrew Brewin, New Democratic MP; Professor James Lorimer of the University of Toronto; and Alderman John Sewell.

The organization's criticisms are contained in one of two preliminary reports prepared by CELRF. The first report, dealing with private rights, will be presented to Energy Minister George Kerr today. A second report, a detailed analysis of the legislation, is to be released on Monday.

In its report on rights, CELRF claims the bill:

- Denies the public the right to participate directly in the decision-making process of the Department of the Environment the bill would create;

- Prevents citizens the right to vital information about pollution and polluters;

- Gives the department uncontested powers of decision that cannot be challenged by individuals or organizations to either the department itself or its appeal board;

- Stops the public from activating the provisions of the bill itself to restrain or alleviate acts of pollution that cause damage to their property or health.

- Removes the right to initiate private actions against the owner-operator of the pollution sources;

- Leaves decisions affecting the quality of the environment outside the realm of citizen participation.

"How are conflicting interests to be resolved? What weight is to be allotted to various factors?" the brief asks.

"These questions are decided within the department, without participation from the persons directly affected," it says.

CELRF notes that the public would have no access to vital information; no means of ascertaining if their interests were adequately being considered or if the interests of the public were being considered at all in setting permissible pollution standards.

The bill would allow a citizen to learn the name of the party holding a pollution approval order, but deny him access to what levels of permissible pollution the order permitted.

Further, CELRF claims, the bill grants appeals only by holders of approval orders, preventing the public from taking action regardless of proof of injury to health or property from pollution.

CELRF attacks the bill for failing to provide any new rights to citizens for private action against polluters. "On the contrary, the cumulative effect of the bill is to deny some and to restrict other pre-existing rights of private action."

And "all powers to plan, regulate, police and prosecute are bestowed on a Government agency . . . assuming that an administrative agency is the best vehicle for pursuing public interest . . . how can they offset the lobby powers of industry . . . ?"