

# CIELAP Newsletter

CANADIAN INSTITUTE FOR ENVIRONMENTAL LAW & POLICY

## Comprehensive Review of Canadian Biodiversity Law and Policy Finalized

With contributions from six environmental and native law centres across Canada, this report represents the most comprehensive discussion of Canadian biodiversity law and policy currently available.

The Canadian Institute for Environmental Law and Policy has just released the most current and comprehensive report on biodiversity law and policy ever assembled in Canada, entitled *Biodiversity Law and Policy in Canada: Review and Recommendations*. Funded by the International Development Research Centre and Environment Canada, the Report is the product of eighteen months of research by CIELAP and eight other environmental and native law centres from across Canada (see table below).

The increasing importance of the diversity of life on our planet at genetic, species and ecosystem scales was the essential basis for conducting this research. As a starting point, Canada's international law obligations for biodiversity are summarized, with a focus on commitments in the Convention on Biological Diversity and its domestic implementation through the Canadian Biodiversity Strategy. The report offers an Aboriginal legal and *Story continues on page 6, see "Biodiversity Review Complete"*

## Ministry of Environment and Energy Releases Regulatory "Reform" Proposals

One of the cornerstones of the Ontario Provincial Government's mandate - the scaling back of regulatory requirements in the Province - is about to be completed.

On July 31 the Ontario Ministry of Environment and Energy released its proposed reforms to regulations under the *Environmental Protection Act*, *Ontario Water Resources Act*, *Pesticides Act*, and other statutes administered by the Ministry. The document, entitled "Responsive Environmental Protection", is to form part of the Ministry's submission to the province's "Red Tape Commission."

The Ministry initially provided a 45 day public comment period on the proposals. This was subsequently extended by 30 days to October 15, in response to concerns from a wide range

of stakeholders that the original timeframe was totally inadequate to respond to proposals for changes to virtually every regulation administered by the Ministry.

The government has claimed that the proposed changes constitute "housekeeping" and do not involve *see "MoEE" pg 5.*

## Ontario CO<sub>2</sub> Collaborative releases results of three years of Careful Consideration

Opinions in from collaborative, action now needed by Government

After three years of workshops, discussions, consultations and debate the Ontario CO<sub>2</sub> Collaborative has released its final report, *A CO<sub>2</sub> Strategy for Ontario: A Discussion Paper*. The Collaborative's report outlines a strategy which could simultaneously reduce Ontario's CO<sub>2</sub> (carbon dioxide) emissions by 20% and reduce the energy costs of Ontario's residential, commercial and industrial consumers. CO<sub>2</sub> is the principal greenhouse gas that scientists believe will cause global warming and climate change.

According to Anne Mitchell, Executive Director of CIELAP, "The Collaborative's *Strategy* shows that we can protect the environment and save money." The Collaborative's *Strategy* was produced by CIELAP with the assistance of a 37 person multi-stakeholder (e.g., business, labour, consumer and environmental groups) Advisory Committee and the Energy Research Group at Simon Fraser University.

According to the Collaborative's analyses, Ontario can reduce its CO<sub>2</sub> emissions by 20% by 2005 and reduce its energy costs by aggressively pursuing energy efficiency. See "*Ontario CO<sub>2</sub> Collaborative*" page 4

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***In this Issue:***

**Access to Genetic Resources:** Who, and on what basis should someone have access to genes and products of genetics? Should anyone be able to patent discoveries in this domain? See page 2.

**CIELAP's Annual General Meeting:** The efforts and direction of the Institute were open for scrutiny by the public. See page 8.

**Citizens concerned about Biotechnology** have partially caught the ear of federal regulators. See *Microorganisms* on page 2.

**International Negotiations can be Illuminating**, the Institute's Dr. Winfield explains in an article from Denmark. Page 4

## Dearth of Conservation measures for Genetic Resources uncovered in legal, policy survey from across Canada

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**Institute in the process of finalizing report after one year survey of Canadian legislation**

Early last year, CIELAP entered into an agreement with eight other environmental law centres in South and Central America and the United States to prepare a report describing the legal mechanisms in Canada to control access to genetic resources. The purpose of the report was to establish the ground work for a larger proposal for a Pan-American intellectual property rights regime regarding genetic resources. The report entitled "Legal and Policy Mechanisms Concerning Genetic Resources in Canada" will be available from CIELAP before the year's end.

The findings, to-date, of the research in Canada are that there are no legal or policy mechanisms in place pertaining to genetic resources, except for Agriculture Canada's policy regarding genetic material in its genebanks, which provides for open access to genetic material to any *bona fide* researcher or breeder anywhere in the world.

The results of the research did raise some questions about the future of regulating genetic resources in order to comply with the Convention on Biological Diversity, which Canada signed in 1992. For example, while Canada provides open access to genetic material in its gene banks, a large proportion of those materials did not originate here. Technically, these materials are not "caught" by the Biodiversity Convention because they were in the collection prior to the Convention coming into force. This may give rise to conflict in the event that Canada provides free access to genetic resources that the country of origin wants to control. The question of who owns the genetic resources in Canadian genebanks has not been conclusively answered. Clearly, work still needs to be done in this area, in Canada, and in the countries of origin of genetic resources.

Another question arose regarding the genetic resources that are not held in genebanks: "wild" genetic resources in protected areas. Several dozen provincial government authorities from across the country were interviewed to ascertain whether there were any policies regarding controlling access to *in situ* genetic resources. Almost uniformly -- aside from permitting requirements for non-commercial scientific research -- the response was that there are no controls regarding "wild" genetic resources.

The research also showed that, according to the myriad Forestry, Fisheries, Wildlife and other Acts in Canada, the regulated "resources" in undeveloped areas are anything but "genetic." Forests are largely recognized for their future value as pulp products or lumber; fisheries as food; wild animals as game; and wetlands and farmers' fields as areas that could be developed. There is, in other words, no perceived economic value in Canadian genetic resources in the wild.

The CIELAP report will put forward the tentative proposal that, were genetic resources recognized as potentially valuable, then there might be stronger arguments to preserve Canada's dwindling areas of wild genetic diversity. The proposal is tentative because the recognition of economic value in living things does not necessarily lead to their conservation.

The partner reports are presently being reviewed and compared

by the Environmental Law Centre in Peru. Later this year the partners will consider the issues arising from the comparison of regimes and evaluate the potential for proceeding with the project.

*CIELAP would like to thank the International Development Research Centre for their support to this project.*

## Institute Welcomes Biotechnology Regulations for Microorganisms

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**The exemptions granted for products of agricultural biotechnology, however, serve to disappoint**

On August 20, 1996, CIELAP responded to a draft regulation requiring environmental and human health assessments of biotechnology products such as genetically engineered microorganisms. The draft regulation was announced by the federal government and would fall under the Canadian Environmental Protection Act (CEPA). Its coverage will include the use of genetically engineered organisms in bioremediation, sewage treatment, mining and chemical or drug manufacturing. A notable gap in the draft regulation's reach is in the area of agricultural products of biotechnology. Serious questions have been raised regarding whether the agricultural statutes, under which Agriculture and Agri-food Canada proposes to regulate agri-biotech products, provide adequate authority for the conduct of environmental and human health evaluations of such products. The draft regulation is slated for public *(continued on page 3)*

## CIELAP Executive Director Attends Meeting of the Commission for Environmental Cooperation

CIELAP's Executive Director, Anne Mitchell, attended the third regular session of the Council of the Commission for Environmental Cooperation (CEC) on August 1-2 in Toronto. The CEC was established to address the environmental ramifications of increased trade activities from agreements such as NAFTA. The Council includes the Hon. Sergio Marchi, Canada's Minister of the Environment and his U.S. and Mexican counterparts. Ms. Mitchell spoke to those present on issues of public participation and equity involving the CEC *(see editorial on page 3)*. She will continue to work with the CEC as one of a six person national advisory committee that reports to Minister Marchi on the work of the Commission.

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 Editor: Greg Jenish Associate Editor: Michael Marks Regular Contributors: Anne Mitchell, Mark Winfield, Greg Jenish, Cyrus Mavalwala, Jan Rabantek Guest Contributors: Jack Gibbons, Karen Clark, Tammy Branch, Ian Attridge.

CIELAP provides leadership in the development of environmental law and policy which promotes the public interest and the principles of sustainability, including the protection of the health and well-being of present and future generations and the natural environment.

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## EDITORIAL:

### Log Jams in Courts, not in Rivers?

The Government of Ontario has amply demonstrated over the past year that it views much of Ontario's environmental protection framework as little more than an obstacle to economic growth. Others clearly do not share this view. Many individuals, companies and organizations are questioning the wisdom of dismantling, or proposing to dismantle, some policies which were developed through multi-party, negotiated processes and which have barely been in place long enough to have had an effect. Some interests are irate enough over the rashness with which the Ontario government is proceeding that they are vowing to take the government to court. Witness Sierra Legal Defense Fund's challenge of the Province's opening up of the Temagami Region to mining and logging. And the environment is not the only sphere in which court action has been initiated either, co-op and not-for-profit housing organizations are also proceeding with breach of contract litigation against the government of Ontario.

All of these court actions lead to the question, why is the government preferring policy development through such a combative style involving courts and barricades rather than through multi-party, negotiated, consult-the-people style processes? Typically, some interests will dislike some of the rules that flow from such processes but they are the most effective way to ensure that a greater portion of society benefits from a specific action rather than a select few. If such is the design of equitable solutions, then one can scarcely conceive of constructing them without a balanced, multi-party, public process.

♦ ♦ ♦

### The Questions that Still require Answers about North American Trade Arrangements

At a recent meeting of the Council of the Commission for Environmental Cooperation (CEC) on August 1 and 2 in Toronto, the questions left unanswered from North America's decade-long foray into freer trade seemed all the more urgently in need of an answer.

Ms. Mitchell as noted elsewhere in this newsletter spoke to those present on a variety of issues and these issues should continue to be discussed *both within and outside* the auspices of the CEC, or in other words in society at large. These issues include:

- \* public participation and how to involve the public in the work of the CEC;
- \* questions about who is benefiting in our societies by way of North American free trade agreements;
- \* the opinion that trade at all costs and even increased total wealth are not worth the environmental degradation and reduced well-being of the citizens of all three nations; and
- \* that it is the task of civil society from all three countries to work together to ensure that any increase in wealth contributes to economic justice and environmental sustainability in all of our countries.

CIELAP's Executive Director is one of a six person national advisory committee that reports to Minister Marchi on the work of the Commission and will continue to do so in the future. The Institute will be participating with the view of increasing the public's involvement in the work of the CEC, advancing measures that ensure that free trade does not cause increased environmental degradation and ensuring that benefits are more equally shared.

## Institute Critical of Proposed Changes to *Environmental Assessment Act*

On August 7, 1996, CIELAP presented a brief to the committee overseeing Bill 76, *The Environmental Assessment Consultation and Improvement Act*. The committee responsible is the Standing Committee on Social Development. The Bill, as is, would virtually re-draft the *Environmental Assessment Act* (EAA). The EAA was enacted in 1975 to assess the environmental consequences of high impact projects such as nuclear power plants and airports, and eventually incinerators and landfills.

The proposed amendments to the Act would grant the Minister of Environment and Energy far more discretion over the application of the Act, the content of environmental assessments, and the conduct of public hearings before the Environmental Assessment Board. One of the Act's key elements, the requirement to consider alternatives to the undertaking, could become subject to Ministerial discretion. That is, the Minister could solely decide that a proponent of a landfill need or need not consider the 3Rs as an alternative to the landfill.

Finally, the Bill makes no provision for participant or intervenor funding for *bona fide* public interest intervenors in the environmental assessment process. Without such funding, and with the expiry of the *Intervenor Funding Project Act* in April it will be virtually impossible for citizens or community groups to participate meaningfully in the assessment process. *A copy of CIELAP's Brief on Bill 57 is available. See page 7 for ordering info.*

**Biotechnology Regulations Cont'd** consultation. Members of the public can obtain copies of the draft regulation, comment on, or obtain more information about this initiative through the: Biotechnology Strategies and Coordination Office of Agriculture and Agri-food Canada Tel 1(613)952-8000 / Fax 1(613)941-9421 or write to the office above at 530 Carling Drive, Ottawa Ontario, K1A 0C5 or the Commercial Chemical Evaluations Branch of Environment Canada, 10 Wellington St, Hull, Quebec K1A 0H3.

## Ontario CO2 Collaborative Report (cont'd)

fuel switching to natural gas and renewable energy, and the increased use of public transit. In particular, a dramatic reduction in the output of Ontario Hydro's coal-fired generation stations is required to achieve significant cost-effective reductions in Ontario's CO<sub>2</sub> emissions.

The *Discussion Paper* outlines strategic options with respect to: i) large industrial emitters; ii) electricity generators; iii) the promotion of energy conservation by electric and gas utilities; iv) raising energy efficiency standards; v) an amendment to the *Rent Control Act*; vi) cleaner cars; vii) public transit; and viii) freight transport. It is the Collaborative's hope that its report will foster an informed public debate about appropriate CO<sub>2</sub> targets for Ontario and the best means to achieve Ontario's targets.

The Advisory Committee's "Message to Ontario's Minister of Environment and Energy" and the report's executive summary can be viewed or downloaded by visiting CIELAP's home page at <http://www.web.net/cielap>. The report can be purchased from CIELAP for \$29.99. See page 7 for ordering details.

*The Collaborative's research was funded by: the Ontario Ministry of Environment and Energy; The Toronto Atmospheric Fund; Ontario Hydro; Environment Canada; the Ontario Natural Gas Association and the George Cedric Metcalf Charitable Foundation.*

## International Negotiations: Mechanism for Marvels or Masterpiece of Machination?

CIELAP Research Director Mark Winfield was a member of the Canadian Delegation to the Biosafety Protocol Meeting in Denmark in July and filed these observations.

In late July CIELAP Research Director Mark Winfield attended the meeting of the Ad Hoc Working Group on Biosafety Protocol under the Convention on Biological Diversity (CBD) in Aarhus, Denmark as the NGO member of the Canadian delegation. The working group was established at the November 1995 Conference of the Parties to the Convention to develop a protocol under the Convention in the field of safe transfer, handling and use of living modified organisms (LMOs), specifically focussing on transboundary movement.

The potential elements for a protocol had been discussed by a working group which met in Madrid in July 1995. The Madrid Working Group had reached consensus that a protocol should address the following areas:

- \* all activities related to LMOs resulting from modern biotechnology that may have adverse effect on the conservation and sustainable use of biodiversity, including research and development, handling, transfer, use, and disposal;
- \* transboundary movement of LMOs including unintended movement;
- \* the release of LMOs resulting from modern biotechnology in centres of origin and genetic diversity;
- \* mechanisms for risk assessment and risk management;
- \* procedures for advanced informed agreement (i.e. notification

and approval from receiving states before LMOs can be imported);

- \* facilitation of exchange of information from all publicly available sources; and
- \* capacity building.

The inclusion of provisions related to socio-economic impacts, liability, compensation and financial issues was supported by many delegations, but did not enjoy consensus at Madrid.

The Aarhus meeting was attended by delegations from a large number of countries. NGOs in attendance included the U.S. Biotech Working Group, Edmonds Institute, Third World Network and Greenpeace International. There was strong representation from the Biotechnology Industry Organization (BIO) and the Natural Law Party. The issues around which major controversies arose at Aarhus included:

- \* Scope of the Protocol. The U.S., Australia and BIO pushed for a protocol which would only require advanced informed agreement (AIA) for LMOs on a "black list" of organisms known to cause harm to human health or harm to biological diversity, or which are banned or severely restricted in their country of origin. The EU supported a "white list" system where AIA would not be required for organisms known to be "safe." G-77 countries and NGOs supported an AIA mechanism which would apply to all LMOs. The Canadian delegation was silent on this issue. Brazil and Argentina argued for the exclusion of transboundary movements for research and development purposes from the scope of the protocol.
  - \* Inclusion of Socio-Economic Impacts. Many developing countries argued for a protocol which would permit countries to refuse entry of organisms on the basis of their potential social, economic or cultural impacts. NGOs from the North and South were also very strong on this point. The inclusion of socio-economic impacts was opposed by Australia, Switzerland, Japan, and the European Union. The U.S. was also opposed but let its OECD "partners" carry the argument for it. Canada expressed its objection to the inclusion of socio-economic issues as well, although this was qualified by a statement of willingness to consider other delegations' views on the meaning and significance of including such elements in the protocol.
  - \* Liability and Compensation. The inclusion of provisions related to liability and compensation was supported by G-77 countries and NGOs. It was opposed by a number of OECD countries, led, behind the scenes, by the U.S.
  - \* Capacity Building. There was general consensus that the issue of capacity building had to be addressed. However, BIO and some OECD delegations made strong linkages between biosafety capacity building and capacity building for biotechnology in general (i.e. the marketing of biotechnology products). This approach was strongly rejected by a number of G-77 countries, particularly from Africa.
- Governments are to have until January 1, 1997 to make submissions to the Secretariat on elements and concepts to be included in a future protocol on biosafety. The Secretariat is to compile and distribute these submissions by early March 1997. Negotiation of the text of a protocol will begin at the next

working group meeting in May 1997 and continue at a third meeting in October 1997.

## Canadian Council of Ministers of the Environment's 'Harmonization Initiative' Continues

The Canadian Council of Ministers of the Environment's (CCME) environmental "harmonization" initiative is underway again. The draft Environmental Management Framework Agreement which had been released following the October 1995 CCME meeting has been widely criticized. CIELAP's detailed analysis of the draft agreement, released in March 1996 concluded that it was a "model for dysfunctional federalism." Furthermore, the new federal Environment Minister Sergio Marchi, had indicated that he wished to proceed through bilateral agreements, rather than a multilateral agreement in this area.

However, in the aftermath of the Quebec referendum, many provinces indicated to federal Intergovernmental Affairs Minister Stephan Dion their desire to proceed with harmonization. As a result, at the May 1996 meeting of the CCME, Mr. Marchi was compelled to agree to undertake a new approach to harmonization, focussing on the development of a National Accord committing them to a series of principles and objectives, and sub-agreements in the areas of inspections, standard setting, and environmental assessment. This direction was reinforced at the June First Ministers Conference at which the Environment Ministers were directed to show "progress" on harmonization in these areas by the November 1996 CCME meeting. A draft national accord on harmonization was released by the CCME on August 23. This was followed by draft sub-agreements on inspections (August 29) and standard setting (September 6).

The fundamental questions raised by CIELAP and others regarding the harmonization initiative, remain unresolved. The CCME remains unable to provide an answer to the question of what problem(s) the initiative is actually intended to solve. Nor is it clear how giving governments like Alberta's and Ontario's, which are rapidly dismantling their own environmental protection systems, a greater voice in national environmental policy-making will improve the protection of Canada's environment. In fact, Ontario is already actively engaged in downwards harmonization in such areas as environmental assessment, and the definition of "subject" (i.e. hazardous) and PCB wastes.

The draft Accord and Sub-agreements released so far contain elements as problematic as anything seen before. None contain sunset clauses, and there is an overwhelming emphasis on the one-window delivery of services. Indeed, the draft inspections agreement contains an explicit bar on delegating jurisdictions (most likely the federal government) from conducting inspections once delegation has been agreed to. Similarly the standards agreement proposes an explicit prohibition on a jurisdiction's use of its legislative authority to set standards where it has been agreed that another level will use its authority to implement the agreed-to standards.

CIELAP has been contracted by the Harmonization Working Group of the Canadian Environmental Network to develop an analysis of the draft Accord and Sub-agreements. This is to

include an examination of the implications of governments agreeing to hold their legal authority to conduct inspections and set standards under "in abeyance" as proposed in the agreement. CIELAP is also examining the implications of the agreement for the accountability of the parties to Parliament, the legislatures, and the public. The Institute's analysis will be completed and released to the public prior to the November CCME meeting in Toronto.

## Bill 57, the *Environmental Approvals Improvements Act* passes Second Reading, and is Heading to Committee.

On June 3, 1996 the Minister of Environment and Energy introduced Bill 57, the *Environmental Approvals Improvements Act*. The Bill includes sweeping provisions which would amend the *Environmental Protection Act* (EPA) and the *Ontario Water Resources Act* (OWRA) to permit the cabinet to exempt any person or activity from the requirements of the Acts, and to impose any requirements or controls on any activity governed by the Acts. In effect, the Bill would permit the *de facto* repeal of the EPA and OWRA and their replacement by whatever the cabinet wishes to put in place. Additionally, the Bill would bar any civil actions by citizens to be compensated for damages resulting from activities which were exempted from environmental approvals through these provisions.

It is expected that the government would use these provisions to permit the implementation of the proposals contained in the "Responsive Environmental Protection" document (see page 1), such as "standardized approvals" and other exemptions from current approval requirements. The Bill also provides for the establishment of fees and charges for approvals, the dissolution of the Ontario Waste Management Corporation and the dissolution of the Environmental Compensation Corporation established under the 1979 "Spills Bill."

The Bill has passed Second Reading since the Legislature resumed after the summer hiatus. CIELAP had written to the Minister of Environment and Energy regarding the Bill, recommending that it be withdrawn or, failing that, be referred to Committee for public hearings following Second Reading.

## MoEE Regulatory Reform Proposals

*cont'd from page 1* the weakening of Ontario's environmental standards. However, a close examination of the Ministry's proposals indicates that this simply is not the case. Rather, the Ministry is proposing to weaken environment protection requirements and standards in a wide range of areas including waste management, pesticides, air and water pollution control, environmental approvals, and public participation in decision-making.

CIELAP has focussed its analysis of the Ministry's proposals in the areas of waste management, energy, the regulatory process, and the Ministry's proposals for "going beyond regulation."

The Ministry is proposing a "standardized approval" or "permit by rule" system for a wide range of waste management activities, including the establishment and operation of on-site hazardous waste storage sites and hazardous waste transfer stations, the burning of hazardous wastes as "fuel," the use of biosolids (sewage and sludges)



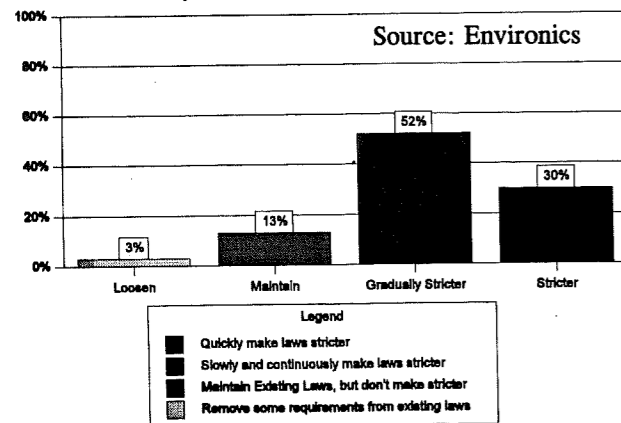
as a soil conditioner and the use of contaminated soils as fill.

Even more seriously, the Ministry is proposing the complete deregulation of activities related to the handling of "recyclable materials," including such hazardous wastes as batteries, photochemical wastes, and metal bearing sludges. This is despite the province's long history of illegal solid and hazardous waste disposal activities operated under the guise of "recycling."

The Ministry also indicates its intention to apply the Red Tape Commission's "More Jobs/Less Paper" test to all proposals for new environmental regulations. This will put Ontario in the unique position among Canada's provinces of requiring a formal cost/benefit test for new environmental regulations demonstrating that their economic benefits exceed their costs.

In addition, "Responsible Environmental Protection" indicates that the encouragement of voluntary action by industry will be the Ministry's primary means of improving environmental protection in Ontario. Indeed, the document even proposes to weaken or eliminate existing regulatory requirements in exchange for voluntary action by industry. CIELAP's response to the Ontario government's proposals will be available from the Institute by mid-October.

**Public Opinion on the Environment**



**Question: While cutting budgets in all areas, how should governments deal with the environment?**

**Biodiversity Review Complete**

continued from page 1---- policy perspective as well as an analysis of biodiversity law and policy at the federal level and in each of Canada's provinces and territories. The jurisdictional discussions

emphasize measures for conserving wild animals and plants, establishing and managing protected areas (eg. parks), and supporting restoration and sustainable use, among other related topics.

While advances are being made in some quarters, the report finds that institutions, and the legal and policy communities, are just beginning to respond

- Biodiversity Project Partners**
- East Coast Environmental Law Centre (Halifax)
  - Centre Québécois du droit de l'environnement (Montréal)
  - Canadian Institute for Environmental Law and Policy (Toronto)
  - Native Law Centre (Saskatoon)
  - West Coast Environmental Law Association (Vancouver)
  - Circumpolar Institute of Environmental Law (Whitehorse)

effectively to the challenge of protecting biodiversity. Numerous limitations and gaps in Canada's conservation mechanisms are identified, particularly for the conservation of plants and wild genetic resources. A series of recommendations are intended to prompt further discussion and direction towards enhancing biodiversity law and policy in each jurisdiction.

The need to coordinate and present detailed discussion of the nation's biodiversity law and policy became apparent when CIELAP spearheaded a joint response from Canadian environmental law centres on the draft *Canadian Biodiversity Strategy* during the summer of 1994. The 1996 report continues to strengthen such coordinated efforts among law centres across the country, and CIELAP's role in biodiversity research. Through compiling and analyzing this broad topic, it is the authors' hope that the report will contribute to the conservation, sustainable use, equitable sharing, as well as the understanding and profile, of biodiversity across the country.

This 500-page study will be of particular interest to those in legal and policy professions, government, resource industries, and academia, as well as citizens and organizations concerned with biodiversity and related environmental issues. For ordering details, please see page 7.

*CIELAP would like to thank the International Development Research Centre and Environment Canada for their support towards this project.*

**The Resource Library for the Environment and the Law**  
*A resource worthy of support*

The Resource Library for the Environment and the Law (co-sponsored by CIELAP and CELA) is a publicly accessible environmental library used by citizens, students, legal and policy analysts and environmental organizations. What makes this library unique is its mandate to support environmental research, education and public participation in environmental decision-making.

The Library's multidisciplinary collection reflects 25 years of active engagement and experience in environmental issues by its sponsoring organizations. The collection includes information and analyses dealing with environmental law and policy, as well as scientific and technical documentation, and tools useful to citizens involved in action on environmental issues. Topical areas cover the full range of environmental concerns - air and water pollution, conservation, wildlife and endangered species, land use planning, and resource management, with special collections on forestry, the Great Lakes, trade and the environment, and waste management.

Library services include on-request topical bibliographies, a monthly **Library Bulletin** with a topical listing of new acquisitions, and public access Tuesday through Fridays from 1 to 5 pm. We suggest you call ahead at (416)960-2284 and speak to one of our professional librarians to arrange a visit.

The Library is beginning its annual fall donation appeal. We urge you to contribute to this valuable resource, which has only minimal funding and depends on the generosity and support of the concerned environmental community. Donations receive a charitable receipt. Cheques should be made payable to the **Resource Library for the Environment and the Law** and sent to the Resource Library for the Environment and the Law, c/o Canadian Environmental Law Association, 517 College Street, Suite 401, Toronto, ON M6G 4A2.

**PUBLICATIONS AND PRODUCTS FROM CIELAP**

**New and Recent Books, Policy Reports and Briefs:**

- Biodiversity Law and Policy in Canada: Review and Recommendations** Edited by Ian Attridge. This 500-page report synthesizes the contributions of 6 Canadian law centres on the topic of biodiversity and provides the most current and comprehensive review of biodiversity law and policy in Canada. Includes chapters on a regional biodiversity basis as well as aboriginal issues. \$29.99
- A CO<sub>2</sub> Strategy for Ontario: A Discussion Paper** This report outlines a strategy which could simultaneously reduce Ontario's CO<sub>2</sub> emissions by 20% and reduce the energy costs of Ontario's residential, commercial and industrial consumers. 110 pg. \$29.99
- Ontario's Environment and the "Common Sense Revolution": A First Year Report** The sweeping changes brought to Ontario's environmental protection regime by way of the "Common Sense Revolution" are detailed in 90 pages. \$19.99
- Toxic Time Bombs: The Regulation of Canada's Leaking Underground Storage Tanks** by John Swaigen. This publication addresses the serious hazard of leaking underground storage tanks (LUST). Ideal for those dealing with LUSTs or those seeking more fundamental reforms to the way we address public health, safety and environment threats. 199 pages. Soft cover. \$32.00.
- The Citizen's Guide to Biotechnology** A thought provoking exploration of biotechnology. 73 pages. 1995 - \$19.99.
- Environmentally Sustainable Agriculture In Canada: An Overview and Assessment of Critical Needs.** 1995 - \$25.00
- Achieving the Holy Grail? A Legal and Political Analysis of Ontario's Environmental Bill of Rights.** 80 pages. 1995 - \$25.00
- Putting the Environment in Environmental Industry Strategies:.... Restructuring for Sustainability.** 75 pages. 1995 - \$25.00

**BRIEFS**

- Comments Regarding Responsive Environmental Protection : A Consultation Paper** 40 pages, 1996 - \$10.00
- Electricity and Environmental Protection - A brief to the NDP Taskforce on Ontario Hydro.** 7 pages, 1996 - \$10.00
- Brief to Stdg Comm on Bill 76 - The Environmental Assessment Consultation and Improvement Act** - 16 pg - \$10.00
- Response to MoEE Incineration Information Package: Proposed Amendment to Regulation 347, 1995.** 13 pages. \$5 .00.
- It's Still About Our Health! A Submission on the CEPA Review - Renewed CEPA - A Proposal 1996.** 120 + 400 pgs - \$40.00
- Brief to the House of Commons Standing Comm on Natural Resources Reg'g Mining & Canada's Env , 1996.** 18 pages. \$10.00.
- Submission to the Advisory Committee on Competition in Ontario's Electricity System, 1996.** 3 pages. \$5.00.
- The Environmental Management Framework Agreement - A Model for Dysfunctional Federalism? 1996.** 89 pg - \$10.00
- Submission to the Standing Comm on Env & Sust Dev on the 1996-97 Estimates for Environment Canada, 1996.** 20 pg - \$10.00
- Brief to the Standing Committee on General Government on Bill 26, The Savings and Restructuring Act, 1995.** 18 pages. \$5.00.

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## Institute's Annual General Meeting illuminates challenges ahead

Two dozen deeply committed, civic-spirited friends of the Institute attended CIELAP's Annual General Meeting on October 2, 1996 and through their participation demonstrated that citizens are concerned about the openness and balance of many political processes in society today.

President of the Board, Dr. Isobel Heathcote, opened the meeting by informing that "Increasingly, CIELAP's emphasis will be on longer-term projects that will help maintain essential fiscal stability. One of CIELAP's greatest challenges has been the need for solid policy research, such as regulatory reform in Ontario, with a small staff and limited funds. I believe that CIELAP has successfully met this challenge over the past year, mostly because of the hard work and commitment of the staff and executive director."

In her report to the meeting, Ms. Anne Mitchell, CIELAP Executive Director, stated that "We have achieved a number of our stated research and marketing objectives for 1995/96. Several research areas, most notably Energy and Climate Change, The Preservation of Biodiversity and Regulatory Reform resulted in published reports. Our marketing objectives were to raise the profile and influence of CIELAP. We have certainly done that by way of the increased interest in our research and reports from decision-makers and the media. A third important area of activity for CIELAP is fundraising and financial stability. Our objective here was simply to raise the level of funding for CIELAP."

Mr Michael Gressmann, Treasurer of CIELAP, presented the audited financial statements. He noted that CIELAP's financial position had strengthened in the past year

CIELAP's research agenda for the upcoming period was presented by Dr. Mark Winfield, CIELAP's Director of Research, with the help of Research Associates Jack Gibbons, Karen Clark and Ian Attridge. Priority areas will remain: Pollution Prevention, the Preservation of Biodiversity, the Regulation of Biotechnology, Energy and Climate Change and Regulatory Reform. Dr Winfield noted that some of the major challenges to effective policy construction and public participation that arose this year were the federal government's harmonization initiative and a host of actions in Ontario such as Omnibus Bill 26, Bill 76 and Bill 57 (all of these initiatives are described elsewhere in this newsletter, save Bill 26: see *CIELAP Newsletter* Vol 4. No.1). For details of the presentations by CIELAP's Research Associates, see elsewhere in this newsletter: *Ontario CO<sub>2</sub> Collaborative* (page 1) *Genetic Resources* (page 2) and *Biodiversity* (page 1).

The meeting concluded with an open discussion in which the Institute received a great deal of valuable insight regarding its Institutional direction. CIELAP would like to thank all in attendance.

### Consistent funding key to on-going Success

Somewhere between the Beatles' refrain "All you need is Love" and Liza Minelli's chorus in the movie *Cabaret*, "Money, money, money makes the world go 'round, the world go

'round..." lies the financial and strategic position of a non-governmental organization like CIELAP. While it is true that we would like to formulate more solutions to some of today's problems, in a genuine economic analysis, we would require more *capital*. Specifically, *financial capital*. While, other resources are sometimes needed (equipment, advice, volunteers), the constraint which is typically most acute is funding for projects.

There are a number of ways in which you could ease the constraint on the development of new solutions. You could become an Associate Member at \$100 per individual / \$1000 organization (see ad below). Five organizations and fifty individuals could provide the necessary 'seed' money to finance a project at CIELAP in areas such as Pollution Prevention or Biodiversity. You could make a charitable donation above and beyond your Associate Membership or you could become a Monthly Contributor using your Visa Card or post-dated cheques. Still another way to improve both our balance sheet and your library would be purchasing our publications or subscribing to this newsletter if you have not already done so (for publication and newsletter purchase please see the previous page).

#### NOTICE:

#### ASSOCIATE MEMBERS NEEDED!

Do you have what it takes (a sustainable outlook, a commitment to democracy and a little bit of chutzpah)? If you do, then you too could get involved and help change the world for the better. You'll also better your own knowledge by receiving: the *CIELAP Newsletter*, advance notice of CIELAP events, a 10% discount on courses and more. At \$100 for individuals and \$1000 for organizations it's a great deal. If you would like to receive an Associate Membership Package or know someone who should receive one - contact the Institute:

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