

SN61

CIELAP Newsletter

25th
Year

CANADIAN INSTITUTE FOR ENVIRONMENTAL LAW & POLICY

Spring 1995

Environment, Labour Groups Call on Prime Minister to Ensure Protection of Canadians' Environment

Over 70 environmental, labour, conservation and public health groups from across Canada signed on to an open letter, released on February 21, to Prime Minister Chrétien. The letter, organized by CIELAP, criticized the "dismantling of the federal government's essential functions in the protection of the health and environment of present and future generations of Canadians." It cited three specific federal initiatives:

- **"The Environmental Harmonization Initiative of the Canadian Council of Ministers of the Environment (CCME).** Through this initiative, the federal government appears to be prepared to abandon many of its essential responsibilities for the protection of Canada's environment to the provinces. The provinces have neither the constitutional authority, the human and technical resources, nor in some cases, the will, to take on this mandate;
- **The introduction of Bill C-62, *The Regulatory Efficiency Act.*** This Bill would allow businesses to be exempted from federal regulations by negotiating private "agreements" with Ministers. The Bill could apply to all federal legislation and regulations. Regulations in areas essential to the protection of Canadians' health and environment such as food, drugs and medical products, biotechnology, mining, forestry, aquaculture and automobiles have been targeted for early action;
- **The Environment Canada and Department of Fisheries and Oceans program reviews.** Major reductions in the mandates and capacity of these agencies to provide for the protection of Canadians' environment, health and natural resources are under consideration."

Greening 'Green' Industry Strategies



Strategic directions for the Ontario government's environmental industry strategy are detailed in a recently completed CIELAP study. See page 6.

Reader Response Form and Publications

List Update We'd like to hear from you about our newsletter and we'd like to notify you about our most recent publications.



See insert page.

The letter called on the Prime Minister to honour the Liberal Party's *Red Book* commitment to strengthen the role of the federal government in the protection of Canadians' health and environment, by:

- "withholding the federal government's ratification of the

CCME harmonization agreement until the completion of public hearings on the environmental responsibilities of the federal government by the House of (See "Protection Call to PM" on page 2. List of Signatories to the letter, also on page 2; Updates on page 5.)

CIELAP Set to Unveil The Citizen's Guide to Biotechnology

According to Michael Crichton, the author of *Jurassic Park*: "Biotechnology promises the greatest revolution in human history. By the end of the decade, it will have outdistanced atomic power and computers in its effect on our daily lives..."

It is precisely for this reason - the enormity of the potential consequences of biotechnology for the biosphere - that CIELAP created *The Citizen's Guide to Biotechnology*. After a very fruitful year of research and a great deal of effort from many researchers, contributors, and editors, the final product is now available. *The Citizen's Guide* is a thought-provoking exploration of the issues and concerns about biotechnology and provides a starting point for discussion (see page 4 for a review of issues and topics covered by the *Citizen's Guide*)

What's Inside:

- ▶ *Climate Change & Berlin*
- ▶ *Harmonization Exposé*
- ▶ *International Projects*
- ▶ *Definitely not the Sports*

We went to Berlin, but we never went to the wall.

News Item: *The conference of parties met in Berlin (March 28 -April 7) to table their national action plans on climate change...no binding agreements were reached at the conference, more talks planned...the action plan that Canada tabled falls far short of achieving the stabilization or reduction of its greenhouse gas emissions.*

It is discouraging to think that so many nations are still fiddling, while the coal continues to burn. Canada can be counted amongst the fiddlers. The federal government hobbled together little more than a voluntary challenge for its action plan. It was the product of a process seemingly designed to fail. Stabilization, if not the reduction of greenhouse gas emissions is something that all jurisdictions must continue to pursue.

Achieving even the stabilization of carbon dioxide emissions would be no simple, unremarkable feat. In practical terms, it would involve stabilizing the consumption of a resource (fossil fuel). Humanity has not been capable of stabilizing its consumption of virtually any resource since the dawn of the industrial revolution. The only conditions in which the industrialized world has felt compelled to stabilize or reduce its consumption of a resource have been 1) if the resource is depleted, 2) if a better substitute arises, and 3) if consumption is banned. Bans are considered in only the most extreme situations (hazardous products or endangered species). Finding substitutes and augmenting the supply of a resource have historically prevailed, though increasingly resource depletion is becoming operative (witness the northern cod stocks).

As a consequence of habitually adopting new energy sources rather than limiting consumption, humans in North America and Europe now consume 20 times the fossil fuel (per person) that their ancestors of 200 years ago did. It should be noted with reference to the climate change phenomenon that stabilizing fossil fuel consumption may stabilize the *emissions* of carbon dioxide, but the atmospheric *concentration* of carbon dioxide would still continue to grow. A huge cut in emissions would be required to actually stabilize the concentration of carbon dioxide in the atmosphere.

All jurisdictions in Canada and around the world need to adopt a rigorous program of energy efficiency and conservation. Such a program is morally imperative given that:

- * the emissions from fossil fuel consumption (as well as other human emissions to the atmosphere) are capable of causing dangerous disturbances in the world climatic system.
- * the human population will continue to grow. This growth cannot forever be accommodated by new supply; demand management is required.
- * developed nations consume fossil fuel at per capita rates that are 10 times greater than lesser developed nations.

For environments everywhere, for future generations' well-being, for sustainability, the ultimate goal of stabilizing the atmospheric concentration of greenhouse gases is a goal we must achieve.

**** footnote to Berlin:** *Deputy Prime Minister and Minister for the Environment, Sheila Copps stated that Canada is still firmly committed to the target of stabilization and reaffirmed the Liberal Red Book promise of a 20% reduction by 2005.*

Sensible Options, International Commitments at the Heart of Strategy to Reduce Greenhouse Gas Emissions

Given that Canada and Ontario have made commitments to achieve the goal of greenhouse gas emission stabilization by the year 2000, CIELAP is committed to developing a credible strategy that will help achieve this goal. Canada's most public endorsement of the goal came in 1992 at the United Nations Conference on Environment and Development in Rio de Janeiro; the Province of Ontario has been publicly committed to stabilization since at least 1990. Both governments have also made (see "CO₂ Reduction Strategy Continues" on page 5)

Protection Call to PM

Commons Standing Committee on Environment and Sustainable Development;

- withdrawing Bill C-62, the *Regulatory Efficiency Act*; and
- ensuring that Environment Canada and the Department of Fisheries and Oceans retain their mandates and core capacity to protect Canadians' environment, health and natural resources, including marine and inland fisheries."

See Updates Page 5

Those who signed the letter:

Canadian Institute for Environmental Law and Policy
Canadian Environmental Law Association
Canadian Environmental Defence Fund
Canadian Labour Congress
CAW Canada
Communications, Energy and Paperworkers Union of Canada
Friends of the Earth Canada
Greenpeace Canada
Ocean Voice International
Pollution Probe
Sierra Club of Canada
United Steelworkers of America - National Office (Canada)
Action: Environment
Conservation Council of New Brunswick
East Coast Environmental Law Association
Environmental Coalition of Prince Edward Island
Newfoundland and Labrador Environmental Association
Citizens' Environmental Alliance of Southwestern Ontario
Clean North
Conservation Council of Ontario
The Environmental Forum
Great Lakes United
Northwatch
Toronto Environmental Alliance
Windsor and District Labour Council - Environment Committee
Friends of the Oldman River Society
Pembina Institute for Appropriate Development
Rivers Defense Coalition
Sierra Club of British Columbia
Sierra Legal Defence Fund
West Coast Environmental Law Association
Yukon Conservation Society
BC Wild
Biomedical Incineration/Ban Incineration
Bruce Peninsula Environment Group
Centre for International Studies
Citizens Against Pollution
Citizens For a Quiet Beach
Dummer Environment Watch
The Earth Awareness Society of Edmonton
Ecology North
Edmonton Friends of the North Environmental Society
Environmental Hazards Team for the Great Lakes Sink
Environmental Health Effects
Envirowatch
Furiously Opposed To All Dumping
Grassroots Woodstock
Guideposts for a Sustainable Future
Halton Environmental Land Protectors
Incineration Counteracts the Environment
Kingston Environmental Action Project
Lawns for Kids
Mothers United to Stop Trash
Pesticide Action Group -- Guelph
Preservation of Agricultural Lands
Shore Watch
The Nova Scotia Environment and Development Coalition
Nova Scotia Organic Growers Association
Pippy Park Conservation Society
Saskatchewan Environmental Society
Save the Rouge Valley System
Save Georgia Strait Alliance
Stop Incineration United In Yards Anywhere
Trout Unlimited Canada
The Valhalla Society
Voice of the Earth Society
Washademoak Environmentalists
Waste Not
Wastewise

EDITORIAL:

The Federal Role in the Protection of Canadians' Environment

In a series of initiatives over the past few months, including the CCME harmonization exercise, the introduction of Bill C-62 *The Regulatory Efficiency Act* and the Program Review process, the federal government has indicated its willingness to abandon most of its responsibilities for the protection of Canadians' environment. Although Environment Canada has considerable resources at its disposal (even in the aftermath of the February 27 budget), there appears to be no vision of how those resources should be used, and what the role of the federal government should be. Similar observations have been made in such diverse fields as health care, social policy and international development.

We believe that governments must play a greater role in Canadian society than simply being the promoters of economic interests and the facilitators of short-term economic growth. Governments have a fundamental role in the protection of public goods, such as the health, safety and environment of their citizens, and in providing a measure of social justice in society. The federal government must provide national leadership and ensure that Canadians are guaranteed minimum acceptable levels of protection in these areas as a benefit and condition of Canadian citizenship.

With respect to the environment, there is a strong constitutional basis and practical rationale for the federal government playing a major role in its protection. In particular, there are four fundamental functions which the federal government must fulfil:

Providing Leadership on National and International Environmental Issues

The federal government must continue to play a leadership role in environmental issues that are national or international in scope. The provinces have no jurisdictional capacity to deal with issues of this nature. This includes questions: which are global in scale such as climate change, ozone depletion, and biodiversity protection; which have impacts beyond a single province, such as toxic environmental contaminants; or which are transboundary or international in nature, such as transboundary air and water pollution, the transboundary movement of wastes, and the management of transboundary wildlife populations.

Environmental Protection in Areas of Federal Jurisdiction

This includes ensuring environmental protection in relation to federal works, undertakings and lands, and in the operations and activities of federal departments, boards, agencies and Crown Corporations. It also encompasses environmental protection responsibilities arising from the enumerated federal heads of power in the *Constitution Act*, such as criminal law in relation to the protection of public health, navigable waterways, and sea coasts and inland fisheries.

Environmental Protection in Areas of National Concern and Provincial Incapacity

There are some environmental protection functions, which are national in scope and which the provinces acting individually, or even collectively, are not capable of fulfilling. The legitimacy of federal legislative action in such cases of national concern and "provincial incapacity," through Parliament's power to legislate for the peace, order and good government of Canada was judicially recognized by the Supreme Court of Canada in its *R. v. Crown Zellerbach* decision. Subjects which fall into this category include the environmental and health impact assessment of substances new to Canada, and the regulation of substances found to be "toxic" for the purposes of the *Canadian Environmental Protection Act*.

Ensuring a Minimum Level of Environmental Protection for all Canadians

The fourth essential environmental role of the federal government is to ensure a minimum level of environmental protection to all Canadians. This function has two dimensions. The first is to provide assistance to those provincial governments which lack the resources to ensure a minimum level of protection of their residents' environment. Secondly, the existence and active enforcement of federal environmental standards are critical to ensuring that "pollution havens" do not develop among the provinces. "Pollution havens," which are intended to attract investment, can prompt a "race to the bottom," among competing jurisdictions. Federal standards ensure that there is a floor below which no jurisdiction is permitted to sink.

The federal government must provide a clear articulation of what it understands its environmental roles and responsibilities to be before the CCME harmonization initiative and program review implementation process proceed further. A strong federal role in the protection of Canadians' environment is essential for the well-being of present and future generations of Canadians.

The Citizen's Guide to Biotechnology

CIELAP'S primer puts the technological approach to the "The way life ought to be" under the microscope.

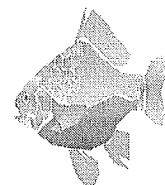
continued from page 1
cussion and debate. The *Guide* notes that scientists are speeding ahead with biotechnology and our governments are spending enormous amounts of tax dollars on this industry. Yet, while they race forward, many fundamental issues have not been discussed or debated by Canadians and remain unresolved. Issues such as:

- * Is it right to manipulate the blueprint of life of either humans or other species?
- * In making genetic alterations in humans, how do we decide what is in need of improvement? Who decides what is normal?
- * Who owns genetic information? For what purposes? Is ownership of genetic information - of reproduction and life itself - right? What are the implications of this kind of ownership?
- * Is it right to use animals as bioreactors to produce drugs or chemicals? Or to alter the genetic makeup of animals to produce in them certain qualities we desire?
- * Do we want, or need, genetically engineered food?
- * What will be the effect of an uncontrolled, or even a controlled release of genetically altered organisms into the environment?

How these issues arise, in various biotechnology applications, are detailed in the *Guide*. Some examples follow:

Fish Harvesting and Biotechnology

Did you know that genetic engineers have developed fish that grow faster? Coho Salmon have been genetically

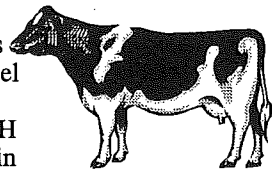


engineered to grow ten times faster than the normal rate in their first year. That is, the fish do not grow any bigger than they would otherwise, they simply reach their full size more quickly. The development of fish that mature more quickly is increasingly being viewed as a misplaced application of biotechnology. These fish will need to be isolated in fish farms, away from natural populations. Such herding of fish can be problematic in terms of disease propagation. It is unlikely that a natural habitat could support these fish (in the event of an uncontrolled release) because they consume biomass at an accelerated rate. The food supplies which the fish rely upon could simply become depleted from overconsumption causing catastrophic effects on an aquatic ecosystem.

Biotechnology and Milk Production

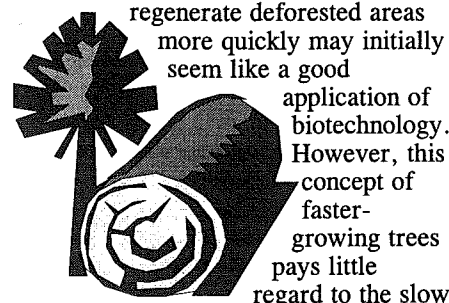
Bovine growth hormone (BGH) can be used to control several functions in cows, including milk production. Scientists can now produce BGH in large quantities through genetic engineering. The genetically engineered hormone, recombinant BGH, or rBGH, is injected into cows and increases their milk production by anywhere from 10 to 25%. Although the use of rBGH may at first appear to be beneficial, this application of genetic engineering could lead to many problems.

Monsanto's product label warns that use of rBGH will result in significant increases in mastitis, an inflammation of the cow's mammary glands, reduced immune defenses, and could lead to decreased fertility. In order to withstand the illnesses resulting from rBGH, the rBGH-treated cows must be treated with antibiotics which will then enter the cows' milk. Since, by Canadian law, milk carrying antibiotics may not enter the milk pool, farmers may have to throw away a lot of their cows' milk. If dairy farmers in Canada were to use rBGH, the country's milk production could increase by up to 20 percent. This would flood an already well-supplied market and almost certainly result in dairy farm closures.



Forests and Biotechnology

Scientists are developing fast-growing trees to be grown on clear-cut areas. These trees will regenerate the area quickly, presumably in preparation for the next clear-cut. The ability to



regenerate deforested areas more quickly may initially seem like a good application of biotechnology. However, this concept of faster-growing trees pays little regard to the slow and intricate process of soil formation. Faster growing trees could very well extract nutrients from a soil at a far greater rate than they can be replenished. In short order the soil could be left depleted and sterile.

While this application may seem to solve some of the problems associated with logging, it fails to address the underlying cause of all these problems: unsustainable forest management practices. If forests were logged in a sustainable manner, instead of being clear-cut, problems with declining forest populations and related environmental degradation would be greatly reduced. By using faster-growing trees, some problems may be solved in the short-term but the destructive practice of clear-cutting, which the use of these trees encourage, will continue to create problems in the long-term.

Other topics Explored

To further the debate over biotechnology the *Citizen's Guide* attempts to explain some critical aspects of the technology and tackle some of the fundamental issues alive today, including: ① The differences between traditional biotechnology and genetic engineering. ② What Canada has done in the genetic engineering field. ③ The National Biotechnology Strategy - what is it? ④ Concerns about genetic engineering: moral dilemmas and economic issues ⑤ Who makes decisions about genetic engineering? ⑥ The regulation of genetic engineering and its products. ⑦ Which level of government has control? ⑧ Environmental concerns:

The CITIZEN'S GUIDE to Biotechnology



A Project of the Canadian Institute for Environmental Law & Policy

Fax / Mail this page to CIELAP (416) 923-5949 to receive an order form. Orders will be filled as soon as the Guide rolls off the printing press. Phone for more info (416) 923-3529.

CIELAP'S COMMUNICATION SURVEY

Your answers to the following questions are of great interest to CIELAP. The response from this survey will help CIELAP to: 1) determine which issues are considered most pressing to readers; 2) distribute the newsletter in a more cost effective and efficient manner; and 3) reduce resource use by updating our mailing list and avoiding duplication.

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 Organization: _____
 Address: _____
 Phone: _____ Fax: _____ E-mail: _____

- ① Do you want to continue receiving our quarterly newsletter?
 Yes
 No
- ② In order to reduce both the consumption of paper and our mailing costs, would you access an electronic copy of our newsletter if it was made accessible from the NirvWeb or Internet networks.
 Yes
 No
- ③ Would you like to see additional topic areas or issues covered in our newsletter?
 Yes (if yes, please elaborate below)
 No
-
-
-
- ④ In order of preference, with #1 being the most important, what are the three most pressing environmental issues in the upcoming years.
 1) _____
 2) _____
 3) _____
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- ⑥ Questions or comments:

Thank you. Please return this short questionnaire by mail or fax to CIELAP at:
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Canadian Institute for Environmental Law and Policy

PUBLICATIONS LIST UPDATE

(MARCH, 1995)

BOOKS

Environment on Trial: A Guide to Ontario Environmental Law and Policy -- Third Edition
 1993 -- \$44.00

EOT is an invaluable resource for those active in the environmental field. Chapters include specific environmental media, environmental planning processes, resource preservation and protection, citizen rights, common law and an overview of an environmental bill of rights. 900 pages.

The Key to Compliance: How to avoid Environmental Liability, Exercise Due Diligence and Keep out of Jail.
 1993 -- \$28.00

This book will assist small businesses in understanding the regulatory regime and the regulators and to practice pollution prevention through the establishment of a proper environmental management system. 68 pages.

Proceedings of the First North American Conference on Environmental Law: Phase II
 June '93 -- \$30.00

The Conference was co-sponsored by CIELAP, Fundacion Ambiental of Mexico and the Environmental Law Institute of Washington D.C. The theme of the phase II is Towards Effective Mechanisms for Public Participation. Eighteen papers are presented covering public participation processes in Canada, the United States and Mexico. 240 pages.

REPORTS

Reforming the Canadian Environmental Protection Act: A Submission to the Standing Committee on Environment and Development
 1994 -- \$25.00

This brief takes the form of a report containing the 49 recommendations to the Committee as well as 5 supporting research papers entitled: 1) The Constitution, Federal-Provincial Relations, Harmonization and CEPA, 2) CEPA and Environmental Law Enforcement, 3) CEPA, Chemical New Substances and Biotechnology, 4) CEPA and Economic Instruments, 5) CEPA and the Federal House in Order. 180 pages.

Who Pays for Blue? Financing Residential Waste Diversion in Ontario
 1993 -- \$15.00

Ontario's Blue Box curbside recycling system was reviewed due to the growing concerns of municipal governments over costs of the system. This report discusses alternative financing for this residential waste diversion program. It concludes that a levy for certain types of products and packaging should be paid by manufacturers or distributors to support waste reduction, reuse and recycling programs. 67 pages.

Consequences of the Bill 220/90 Amendments to the Environmental Protection Act: Defining Responsible Persons and their Liabilities Under Administrative Orders
 1994 -- \$5.00

This report sets out a principled approach to imposing liability based on the goals and objectives of the Ontario *Environmental Protection Act*. Recommendations for policies and legislative amendments when issuing orders are presented and are intended to assist government in achieving the objective of the *EPA*, given the sometimes conflicting obligations to stimulate and manage the economy. 80 pages.

Great Lakes Pollution Prevention Bibliography
 1994 -- \$25.00

The bibliography is a compilation of pollution prevention policies and programs, funding sources, technical and training resources and information sources. Includes references and success stories of pollution prevention approaches that have worked for small and medium sized businesses. 50 pages.

Carbon Dioxide Reduction Options for Ontario: A Discussion Paper
 1994 -- \$10.00

This discussion paper provides 43 options, primarily on a sectoral basis, for stabilizing and reducing CO₂ emissions in Ontario. The sectors for which options are provided include: the transportation sector, utilities, residential and commercial buildings, industry and the appliance and equipment sector. 110 pages.

Continued Over...

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COMING SOON

Achieving the Holy Grail? A Legal and Political Analysis of Ontario's Environmental Bill of Rights.
1995 -- \$25.00

This 80 page paper provides a detailed analysis of the development and implications of the EBR including: i) an overview of the origins of the EBR concept and the development of the Ontario Bill; ii) an analysis of the legal and policy implications of the key elements of the Bill; iii) an assessment of the multi-stakeholder process employed in the development of the Bill; and iv) a commentary on the implications of the Ontario Bill for environmental law reform in other Canadian jurisdictions.

Putting the Environment in Environmental Industry Strategies: The Role of Environmental Industries in Restructuring for Sustainability.
1995 -- \$25.00

Please see the article "Greening 'Green' Industry Strategies on page 6 of this newsletter.

BRIEFS

The Draft Environmental Management Framework Agreement and Schedules: A Commentary and Analysis.
1995-1 -- \$10.00

Comments on Environmental Industry Strategy for Canada: Draft Consultation Paper.
1994-1 -- \$5.00

Comments on a New Approach to Land-Use Planning.
1994-3 -- \$5.00

Brief to The Standing Committee on Environmental and Sustainable Development Regarding the Establishment of a Federal Environmental Commissioner or Auditor-General.
1994-4 -- \$5.00

Who Pays for Blue? Comments on the CIPSI Ontario Stewardship Proposal.
1994-5 -- \$5.00

Comments to Agriculture and Agri-Food Canada Regarding the Environmental Assessment of Genetically Engineered Plants.
1994-6 -- \$5.00

A Preliminary Response to: Enabling Biotechnology: A Strategic Plan for Ontario.
1994-9 -- \$5.00

A Legal and Policy Response to the Draft Canadian Biodiversity Strategy.
1994-10 -- \$5.00

A Response to the Proposed Toxic Substances Management Policy for Canada.
1994-11 -- \$5.00

- ① To order publications, enter the quantity in the box beside each title and return form.
- ② Add shipping & handling only. No PST or GST applies.
- ③ Cheques should be made payable to the *Canadian Institute for Environmental Law and Policy*.

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what will be the fate and effect of genetically altered organisms released into the environment? ⑩ Who owns genetic engineering and its products? ⑪ What is a patent and what are the concerns about patenting biogenetic life?

Finally, the *Guide* concludes with a section on where to go for more information and a glossary of terms. Copies of *The Citizen's Guide to Biotechnology* are available from the Canadian Institute for Environmental Law & Policy. Please contact the Institute for more information.

Proposed Environmental Harmonization Agreement will lead to "diminished environmental protection in Canada" CIELAP, CELA Conclude

In a brief presented to the Canadian Council of Ministers of the Environment (CCME) Secretariat, federal Environment Minister Sheila Copps and Ontario Environment and Energy Minister Bud Wildman, CIELAP and the Canadian Environmental Law Association (CELA) state that the draft Environmental Management Framework Agreement (EMFA) released by the CCME in December 1994 would "lead to diminished environmental protection in Canada."

In their brief, CIELAP and CELA conclude that the draft EMFA amounts to a *de facto* constitutional amendment involving a fundamental reallocation of the roles and responsibilities of Canadian governments in the protection of Canadians' environment. In particular, the draft Agreement provides for the transfer of many essential federal environmental functions to the provinces. In addition, in its drive to achieve "consistency" in environmental management in Canada the agreement has the potential to impose constraints on the ability of individual provinces to adopt progressive environmental standards. The brief notes that no analysis of the problems, which the EMFA is intended to address, has been developed to justify such sweeping changes.

CIELAP and CELA go on to state that the draft EMFA fails to address the real emerging problems of environmental protection in Canada. The most important of these is to ensure, in a period of

budgetary restraint, that the functions and services essential to the protection of Canadians' environment are maintained and even strengthened. This can only be achieved through the combined efforts of the federal and provincial governments.

It will be necessary for the federal government to play a more extensive role in some provinces than in others, both to provide assistance in areas where provincial capacity is weak, and to act in cases where provinces fail to carry out critical functions. The second role will be particularly important in the areas of environmental law enforcement and environmental assessment. This implies an approach fundamentally different from the "one size fits all" federal role presented in the draft EMFA.

CIELAP and CELA have asked Ministers Copps and Wildman not to endorse the EMFA at the May meeting of the CCME, and to work towards addressing the real challenges facing the Canadian governments in the protection of the environment in the coming years.

Copies of the CIELAP/CELA brief are available from either organization. It includes a 58 page analysis of the EMFA & Schedules, and 4 Appendices.

Updates : Bill C-62 and Harmonization

The CCME harmonization initiative is continuing. The CCME states that the ministers are to "endorse" an agreement in May and sign it in November.

Bill C-62 has been delayed after 1) the protests from environmental, labour, public health, professional and consumers' groups and 2) the release of a report which said that the Bill violated fundamental principles of the constitution. That report came from the Secretariat to the Joint Committee of the House of Commons and Senate for the Scrutiny of Regulations. However, the Bill is expected to be reintroduced with amendments.

In the February 27 federal budget a 30% reduction in Environment Canada's estimates from its present level of \$737 million to \$503 million in 1997-98, and reduction in staff from 5700 to 4300 was announced. Most of the cuts will be to the Atmospheric Environment Service, however, significant reductions have also been made in the areas of wildlife conservation and hazardous waste

management. For its part, the Department of Fisheries and Oceans appears to be going to abandon its functions related to the management and protection of inland fisheries.

CO₂ Reduction Strategy Continues

(continued from page 2) commitments to go beyond stabilization and achieve reductions in greenhouse gas emissions.

CIELAP's approach will be to develop a strategy that could be implemented primarily within the Province of Ontario. Framing a solution at this level of jurisdiction has both strengths and limitations. On one hand, many of the institutions, organizations, laws and policies that could be affected by such a strategy are organized or governed on a provincial basis (for example, Ontario Hydro, the Ontario *Energy Efficiency Act*, transit agencies). On the other hand, some measures require, or would be more effective with, multigovernmental agreement and implementation (i.e. a carbon charge or industrial emission limits). It is CIELAP's hope that this model will serve well the Ontario and Canadian governments by offering a credible approach to complying with treaty obligations.

To ensure that the strategy is fair and equitable, CIELAP will draw upon two sources of consultation: (1) the series of workshops which CIELAP conducted in the autumn of 1994 and (2) an Advisory Committee composed of representatives from labour, industry, environmental and consumer groups.

The costs and benefits of the strategy will be assessed before its finalization. To assist in this regard, the Institute has retained the services of the Energy Research Group at Simon Fraser University. The final strategy is expected to be available in September of 1995.

To date, CIELAP has received funding or in-kind support for this project from Ontario Hydro, the Ontario Ministry of Environment & Energy, the Ontario Round Table on Environment and Economy, and the law firm Smith, Lyons, Torrance, Stevenson and Mayer. CIELAP would like to thank The George Cedric Metcalf Foundation and Ontario Hydro for their support of the next stage of this project.

CIELAP Celebrates Twenty-Five Years of Research in Environmental Law and Policy

25th
Year

In an era in which organizations can form, grow, merge, be acquired or declare bankruptcy - all in the span of 25 years, its no small feat of endurance to herald that you are a quarter century old. Think back, through all that time, what were you doing in 1970? Attending your first protest of the military industrial-complex? Strumming desperately to be a Joni Mitchell or Gordon Lightfoot? Wearing out your parents or still wearing diapers? Maybe you were at the first Earth Day! A lot really has happened since those heady days - environmental assessment acts, environmental protection acts, clean air and clean water legislation. Some of it has worked, some of it could be improved, but what is really vital is that all the legislative protection constructed for the world environment during this era not be repealed and gutted in a bacchanalia of deregulation and decentralization. If development is insistent upon 'going global' then it is critical that environmental protection precede it, not follow it. Looking ahead, CIELAP will be celebrating the past 25 years of gains with the view of making the next 25 years even better .

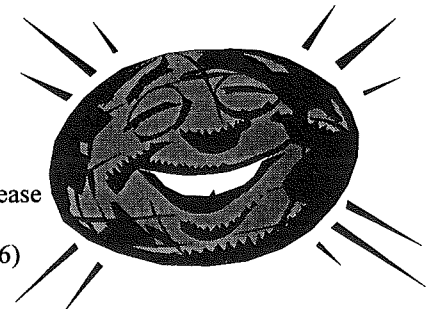
PS - CIELAP's 25th Anniversary Celebration is tentatively scheduled for Thursday, September 14th. Details to follow in upcoming newsletters.

EARTHDAY 25 : *Twenty-five on the Twenty-Second*

CIELAP is not the only one celebrating its 25th anniversary this year. On Saturday April 22, people around the world will be celebrating EARTHDAY's 25th anniversary. As part of the executive committee for the EARTHDAY 25 Coalition, CIELAP has been working in tandem with other organizations and individuals to create exciting activities to carry out throughout the day. A sampling of the events to occur in Toronto on EARTHDAY are:

- * 6:30am - a traditional First Nations' Sunrise Ceremony at Queen's Park;
- * 12:30pm - a Walk for the Earth: A Non-Combustion Parade from Queens Park to Nathan Phillips Square;
- * 1:00-4:30pm - an Eco-Fair at Nathan Phillips Square which will include displays from various environmental and other organizations;
- * 2:00-8:30pm a concert with a message at Nathan Phillips Square.

For more information please call the EARTHDAY 25 Coalition Hotline at (416) 744-5405.



Canadian Institute for Environmental Law and Policy
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