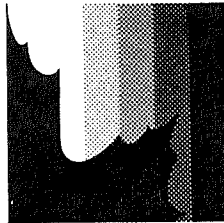


THE CANADIAN ENVIRONMENTAL LAW RESEARCH FOUNDATION

and the

CANADIAN ENVIRONMENTAL LAW ASSOCIATION



PROGRAMME OUTLINE

for the two year period

OCTOBER 1, 1976 to SEPTEMBER 30, 1978

September 15th, 1976

For additional information

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FOREWORD

In October, 1976, The Canadian Environmental Law Research Foundation and related Association commenced their seventh year.

Thanks to the generous support of many corporations and individuals, we have had a productive six years.

Some of the more recent milestones in CELA's existence are:

- 1976 CELA commenced work on a research programme concerned with environmental health hazards.
- 1975 CELA was applauded in newspaper editorials and by the public for its role in obtaining environmental impact assessment legislation in Ontario. Counsel to the Ontario Ministry of the Environment has credited CELA's public campaign as being instrumental in producing a superior Act to that which was initially proposed as Bill 14 by the Ontario government.
- 1975 CELA released its second major publication, Environmental Management and Public Participation, ed. P.S. Elder. The book is an analysis of major environmental legislation in all provinces of Canada. The book has been well received and again is the first of its kind in the country.
- 1974 CELA received the \$10,000 White Owl Conservation Award and was cited as Canada's foremost environmental group.
- 1973 CELA commissioned the writing of Environment on Trial, A Citizen's Guide to Ontario Environmental Law, Estrin & Swaigen. The book was the first Canadian book to provide a comprehensive outline for lay people on how to deal with environmental problems.

ENVIRONMENTAL HEALTH HAZARDS

DOES THE LAW PROTECT US?

A 3 phase research project that focuses on 5 contaminants and their potential health hazard; the government agencies regulating their use; and examines the question of legal reform in these areas.

Time: Phase I - 3 mos.
(completed)

Phase II - 7 mos. \$48,000

Phase III - 6 mos. \$50,000 (est.)

Funding Objective \$98,000

(8) make recommendations and undertake a program of public education to achieve necessary changes in regulatory mechanisms insofar as project results show that these are necessary, to prevent or lessen future exposure by the general and working public to environmental health hazards;

II. INTRODUCTION

Dangers to health posed by environmental contaminants are being discovered at an alarming rate. Almost every day, the media contains at least one story of a new substance in the air, in the water, in food or in the workplace which is adversely affecting the health of a segment of the population. There may be room for debate as to the extent of the hazard in any particular case, but it is becoming increasingly clear that the health of Canadians is adversely affected by a technology which has been poorly controlled, or whose impact has been poorly anticipated.

In the past few years, we have become familiar with the names of potential health-harming substances and have become aware that the law does not appear to provide adequate compensatory mechanisms for the damages suffered by the victims of such substances. Lead, mercury and radio-active materials are a few substances to which life-shortening diseases have been traced. The costs of helping people who become ill, as a result of exposure to contaminants are very high. Medical, rehabilitation and retraining costs often must be borne by government because the perpetrator of the harm cannot be identified. Serious business losses occur when a plant is shut down for an unplanned pollution abatement operation or when a whole industry such as fishing in Ontario's Lake St. Clair is ordered out of business by government edict.

Many would say that the purpose of environmental law must be to protect people from hazards to health and property. But, for the most part, environmental laws only work after damage has occurred. They do not prevent harm, they merely try to compensate those who are adversely affected. The Canadian Environmental Law Research Foundation

substitute for Amaranth. However, the Canadian Government will not allow Red Dye #40 to be used in Canada because, in the view of such officials, it has not yet been proven safe.

MERCURY

Indians of the Whitedog and Grassy Narrows Reserves in northwestern Ontario were told by Federal and Ontario Governments not to eat fish from the English River system, because mercury discharged from a local pulp and paper plant had contaminated the fish. Even before the government orders, some people showed symptoms of mercury poisoning. The fish not only provide the bulk of the Indian's diet, but for many the fish catch from the river system provided the sole means of livelihood. At present, the Indians are receiving fish from other waters which are stored in freezers provided by the Ontario Government. Temporarily, alternative employment has been found for some but such assistance is not expected to last more than a year. Tourist camp operators in these areas have also had their businesses ruined as a result of the contaminated fish, while commercial fishermen in both Ontario & Manitoba have had these sources of livelihood destroyed through discharged mercury from both pulp & paper & mercury manufacturing plants.

LEAD

In 1973, a number of children in Toronto were found to have high lead levels in their blood. A series of investigations indicated that secondary lead smelters were contributing to the high blood lead levels of persons living adjacent to these industries. The companies insisted that their responsibility, if any, for these elevated blood lead levels be clearly demonstrated before they would undertake any clean-up or abatement of lead contamination. The Ontario Environmental Hearing Board, after a year of discussion and deliberation, concluded that there had been no serious harm to the health of residents in the vicinity of the smelters. Yet, in the interim period, the Ontario Ministry of the Environment lowered the amount of lead legally emitted into the air, but not to a level that other agencies, such as the City of Toronto Local Board of Health, recommended. Establishment of effective standards for airborne lead as well as for lead absorbed by the body in both lead industry employees and the general public has been subject to ongoing disagreement. Safe levels in soil and vegetation have remained undetermined.

PHASE II

TIME 7 months BUDGET:

Staff

Director of Research, (233 hr. for 7 months; 8 hr./week)	\$7,000.00
Legal Researcher	5,600.00
Legal Researcher	5,600.00
Environmental Researcher	5,600.00
Secretary	5,600.00

Expenses

Consultant's fees (2 hr./week @\$75.00/hour)	4,900.00
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UIC	
CIPP	1,000.00

<u>Administration</u>	4,600.00
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Telephone	950.00
Xerox(16,000 sheets @5¢/sheet)	800.00
Postage	200.00
Supplies	650.00
Publications(books,reports,etc.)	1,200.00
Printing	1,000.00

Travelling

- 2 trips to Ottawa	
Plane fare(return)	114.00
Accommodation, food@\$46.00/day	436.00
- 1 trip to Fredericton and Halifax	
Plane fare Toronto to Fredericton (return)	384.00
Plane fare from Fredericton to Halifax (return)	92.00
Accommodation, food \$6.00/day for 7 days	574.00
- 1 trip to Grassy Narrows and/or Kenora	
Transportation	158.00
Accommodation, food \$46.00/day	436.00
- buses, subways, etc.	222.00
Contingency travel	<u>1,000.00</u>

\$48,116.00

REVISION AND 2nd EDITION OF
ENVIRONMENT ON TRIAL
5000 copies sold - 1st edition
CELRF's best selling book needs
updating and revision.

Time: 6 mos.

Funding objective: \$34,570.00

moded and ineffectual anti-noise by-law with a new one which has proved very effective in dozens of cases over the year and a half it has been in force. Most importantly, the Ontario Ministry of the Environment has drafted a model municipal by-law and enacted enabling legislation to assist municipalities to implement it.

In the field of waste disposal, the Environmental Hearing Board, which hears applications for approval of landfill sites and other waste disposal sites and waste management systems, has changed its name, and its procedures have evolved. Perhaps more importantly, there have been major government pronouncements, and some action, although little law, in regard to recycling and reduction of waste, particularly non-returnable cans and bottles.

Legislation has been passed to provide better controls over snowmobiles, widely recognized as an environmental hazard and a user of non-renewable resources and energy.

Provincial parks, which in 1972 and 1973 when most of EOT was written, were widely exposed to commercial development or substantial development for recreational activities and which were subject to no clearly articulated and authoritative guidelines for their use, have received greater study and protections. A proposed new classification system for parks has been drawn up by the Division of Parks and will soon emerge as a government policy. A number of citizens' groups have been created to advise the government on policy regarding provincial parks, including a Provincial Parks Council made up of members from the Conservation Council of Ontario, the National and Provincial Parks Association among others, an Algonquin Forestry Authority, and Advisory Committees for each of the major provincial parks. Master plans have been drawn up to "zone" the uses of many parks, and these have been subjected to public hearings before approval of the Ministry of Natural Resources.

The government of Ontario has approved or is in the process of approving positive new legislation. At the federal level, an Ocean Dumping Act to control the dumping of dangerous pollutants into the seas, and an Environmental Contaminants Act to control the introduction of new chemical and other contaminants through manufacturing or importation have been passed.

Not all of the events which point to a need for updating EOT have been positive, however. Since EOT was written, major long-term landfill sites and other environmentally unsound projects have been approved by the Ontario government or are being actively considered, including hydro corridors, highways, a "theme" park or northern Disneyland in Maple, Ontario. Snowmobilers, having run out of free or

BUDGET

REVISION & PUBLICATION

ENVIRONMENT ON TRIAL 2nd EDITION

1 Legal Researcher		
6 mos. @ \$1,000.00 per month		\$6,000.00
1 Editor		
6 mos. @ \$1,000.00 per month		6,000.00
1 Secretary		
3 mos. @ \$800.00		2,400.00

Supervision

John Swaigen, 12 hrs. per month @ \$25.00 for 6 mos.	<u>1,800.00</u>	
		\$16,200.00
Employee benefits @ 10%		1,620.00
Material & supplies		1,000.00
Art work		<u>750.00</u>
		\$19,570.00

Publication costs

5000 copies based on 1975 prices		<u>15,000.00</u>
Total Project cost		<u>\$34,570.00</u>

ENVIRONMENTAL LAW ADVISORY OFFICE

CELA's Law Advisory Office has an impressive record of accomplishments and it has been praised for its day to day operation of giving summary legal advice on environmental matters to citizens.

The Environmental Law Advisory Office provides three basic services to the public:

- A complaints and advisory service which includes giving summary legal advice.
- Free legal assistance to people unable to afford a private lawyer and unable to qualify for legal aid.
- Information to the public about environmental legal rights and responsibilities.
- Publication of the bi-monthly CELN.

1. Complaints and Advisory Service

This service provides legal assistance to groups and individuals with environmental problems. The advice and assistance given ranges from outlining legal steps to be taken to deal with a noisy air conditioner to an interpretation of the Atomic Energy Act with a view to possible litigation. Legal assistance often involves a staff lawyer in negotiations with major industries who may be polluting and with government bodies which are responsible for administering certain environmental statutes. Frequently, CELA's legal assistance often results in a successful solution without going to Court.

In 1975, the Law Advisory Office dealt with 400 requests for advice and assistance.

2. Delivery of Legal Services without Charge to Those In Need

This service covers specific environmental problems of public importance arising out of complaints where negotiations have failed to solve the problem and where, by reason of the subject matter, the problem is not covered by Legal Aid. For an individual or group to receive more than summary legal advice from the Law Advisory Office, it must be incapable of affording a private lawyer and a case must involve a high degree of public interest. The Law Advisory Office imposes both of these requirements on persons asking for legal assistance.

V. PROJECTED BUDGET - Environmental Law Advisory Office 1977-78

Expenditures

Salaries

Executive Director	\$11,000	
Lawyer (1)	11,000	
Lawyer (2)	11,000	
Advice Counsellor	8,600	
Secretary (1)	9,000	
Secretary (2)	9,000	
Bookkeeper	<u>1,500</u>	\$61,100

Special Projects

Legal Researcher	9,000	
Legal Researcher	<u>9,000</u>	18,000

U.I.C.		
C.P.P.		3,000

Audit		1,000
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Office Administration

Telephone	2,500	
Equip. Rental	800	
Supplies	3,400	
Postage	1,500	
Research - editorial	3,000	
Rental U. of T. space	<u>free</u>	11,200

Travel		1,100
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Printing & Publishing

Photocopying	3,000	
Printing notices, etc.	2,500	
Pamphlets & brochures	<u>2,500</u>	8,000

Canadian Environmental Law News

Printing 6 issues @ \$500 per issue	3,000	
Postage 6 issues @ \$100 per issue	600	
Operation & sundries	<u>1,000</u>	<u>4,600</u>

Total Expenditures		\$ <u>108,000</u>
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INFORMATION ON THE CANADIAN ENVIRONMENTAL LAW
RESEARCH FOUNDATION AND THE CANADIAN ENVIRONMENTAL
LAW ASSOCIATION

The Canadian Environmental Law Research Foundation (CELRF)

The Canadian Environmental Law Research Foundation (CELRF) is a non-profit, corporation founded in 1970 by a coalition of lawyers, scientists and environmentalists who believe that the law can be used to protect and enhance our environment. CELRF is convinced that environmental quality can be encouraged through the implementation of existing legal remedies and through the development of legal reforms.

The Foundation through the Canadian Environmental Law Association provides an Environmental Law Advisory Office, explains the law in language understandable to the lay person, sponsors major legal research projects to assess existing laws and recommends legal reform. The Foundation is supported by grants from corporations, individuals donations and publication sales. The Foundation's registered charitable receipt No. is 0380584-53-13.

The Canadian Environmental Law Association (CELA)

The Canadian Environmental Law Association was founded at the same time as CELRF and implements the programmes and objectives of the foundation. These activities are funded by the Canadian Environmental Law Research Foundation.

Directors

B. Anthony Barrett,
Associate
Peter Middleton & Associates Ltd.,
Toronto, Ontario.

David Estrin,
Barrister & Solicitor,
Toronto, Ontario.

Maurice Green,
Barrister & Solicitor,
Golden, Levinson,
Toronto, Ontario.

Clayton Hudson,
Barrister & Solicitor,
Shibley, Righton and McCutcheon,
Toronto, Ontario.

C. Clifford Lax,
Barrister & Solicitor,
Holden, Murdoch,
Toronto, Ontario.

Alan D. Levy,
Barrister & Solicitor,
Toronto, Ontario.

Annette Vaughan,
Executive Director,
Canadian Environmental Law Research Foundation
Toronto, Ontario.

Peter Middleton,
Peter Middleton & Associates Ltd.,
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Stanley B. Stein,
Barrister & Solicitor,
Weir & Foulds,
Toronto, Ontario.

Mr. Dennis Wood,
Barrister & Solicitor,
McCarthy & McCarthy,
TORONTO, Ontario.

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THE CANADIAN ENVIRONMENTAL LAW
RESEARCH FOUNDATION
AND
THE CANADIAN ENVIRONMENTAL LAW
ASSOCIATION

FINANCIAL STATEMENTS

SEPTEMBER 30, 1975

THE CANADIAN ENVIRONMENTAL LAW RESEARCH FOUNDATION

STATEMENT OF REVENUE AND EXPENDITURES

FOR THE YEAR ENDED SEPTEMBER 30, 1975

(with comparative figures for the year ended September 30, 1974)

	<u>1975</u>	<u>1974</u>
Revenue:		
Municipality of Metropolitan Toronto grant	\$ 10,000	\$ 10,000
Federal government grant		31,200
Publications	2,704	2,929
White Owl Conservation Award	10,000	
Corporate and individual donations	53,798	27,324
Sundry	54	624
	<u>76,556</u>	<u>72,077</u>
Expenditures:		
Salaries and benefits	73,210	74,015
Editorial and research costs	2,667	17,460
Office expense	3,379	3,853
Photocopies, printing and publishing	10,562	6,215
Telephone	2,015	3,316
Travel	1,949	1,313
Postage	1,284	898
General expense	3,432	2,014
	<u>98,498</u>	<u>109,084</u>
Excess of expenditures over revenue for the year	<u>\$(21,942)</u>	<u>\$(37,007)</u>

(See accompanying notes)

THE CANADIAN ENVIRONMENTAL LAW RESEARCH FOUNDATION

AND

THE CANADIAN ENVIRONMENTAL LAW ASSOCIATION

NOTES TO FINANCIAL STATEMENTS

SEPTEMBER 30, 1975

1. The Canadian Environmental Law Research Foundation enters into joint projects with and underwrites many of the expenses of The Canadian Environmental Law Association. The Foundation and the Association jointly provide a citizens' advisory service on environmental problems and sponsor research and public education in environmental law.
2. The Association has made cash advances to the Foundation during the year which accumulated to \$11,312 at September 30, 1975. As the Foundation has underwritten many of the expenses of the Association in the current and prior years, the Association has forgiven \$10,000 of the advance, leaving a balance of \$1,312 outstanding at September 30, 1975.
3. In 1974 the Foundation published "Environment on Trial: A Citizen's Guide to Ontario Environmental Law". At the beginning of the year the Foundation had on hand approximately 1,475 copies of the book; 1,379 copies were distributed during the year, leaving 96 copies on hand at year end. These books have been assigned no value in the statement of financial position.
4. During the year, the Foundation advanced \$2,000 against the publishing costs of Environmental Management, a collection of essays on environmental law in Canada to be published in October 1975. This advance will be charged to the Foundation's expenditures when the publication becomes available for distribution and sale.