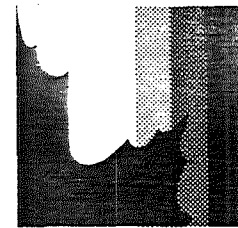


Canadian Environmental Law Research Foundation

La Fondation canadienne de recherche du droit de l'environnement



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THE ETHOS OF ENVIRONMENTAL PROTECTION

A true ethos of environmental protection inevitably presents a fundamental challenge to the most deeply held values and assumptions of the industrial age. Rather than seeking technological 'solutions' to environmental 'problems' it calls for a radical shift in perspective which will allow a reconciliation between the highest aims of our civilization and the beauty, complexity and mystery of nature.

A submission presented by
the Canadian Environmental Law
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symposium on regulatory reform,
Ministry of the Environment,
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The Ethos of Environmental Protection
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At the outset, we in the Canadian Environmental Law Research Foundation would like to congratulate the Minister and staff of the Ministry of the Environment upon their initiative in convening this two-day symposium on the reform of environmental regulation in Ontario. Bringing together as it does a representative cross-section of all those involved with environmental protection in this province, it provides a unique opportunity for discussion and dialogue.

Since the Ministry of the Environment was created in 1971, significant progress has been made in the protection of the Ontario environment. However, much remains to be done. We very much hope, for that reason, that this symposium will not only provide a forum for stimulating and instructive discussion and debate, but will, more importantly, act as a catalyst for the implementation of regulatory reforms which will be of direct benefit to both the natural environment and citizens of Ontario. Discussion without action is of little value.

Over the years, the Canadian Environmental Law Research Foundation has published a large number of studies, articles and books on various aspects of environmental law reform. These are readily available and, indeed, are likely to be well known to a large number of those attending this symposium. For this reason, and because our sister organization, the Canadian Environmental Law Association, has submitted to you a very capable background paper advocating a number of measures for reform, it is not our intent to present specifics in this submission. Instead, we intend to present our thoughts both on political action which the Ministry might take and the context of the basic value-system within which such action must take place.

It seems clear to us that the political commitment to environmental protection, on the part of both the Ontario government and the citizens it represents, does not in any way match the urgency of the task at hand. We believe that the current contamination and degradation of the environment - graphically symbolized by such things as dying lakes and cancerous, tumour-ridden fish - is one of the most fundamental problems facing industrialized society today. But the fact of the matter is that the need for adequate environmental protection, although consistently scoring high in public opinion polls, appears at the very bottom of the political agenda in this province and the rest of the country. The scant attention paid to environmental issues during the recently concluded federal election bears witness to this fact.

We believe that the Ministry of the Environment is well situated to play a pivotal role in giving environmental protection, as a public policy issue, the higher political profile which it so urgently requires. Before advancing suggestions in that vein, however, we would like to briefly turn attention to the connection between day-to-day politics and the basic values and assumptions held in Ontario in 1984.

It is precisely these values and assumptions which set the parameters for political debate and action. To give but one example - throughout the greater part of human history everyone knew that the earth was flat. It was only when that basic perception began to change, several hundred years before the voyage of Columbus, that the European discovery of the new world became a possibility. Similarly, we cannot institute a true ethos of environmental protection until we question and change our most basic values and assumptions. We would like to briefly refer to three of them here:

(1) anthropocentrism - almost all discussion of environmental protection is framed solely in terms of benefits to humanity, without reference to other species or the remainder of the natural world. We speak of environmental "management" and "control", ignoring the harmony which must exist between ourselves and the remainder of the integrated universe in which we live. We refuse to grant other species the same moral right to exist and evolve that we claim for ourselves. Ultimately, this completely human-centered perspective leads to such absurdities as the genetic engineering of fish to make them more resistant to acid rain. We pollute with our right hand and tinker with our left, thinking only of ourselves.

(2) materialism and consumerism - it would seem that jobs and economic growth have become the highest goals to which we can aspire. We no longer build cathedrals. Instead, we build bank towers, in which we worship material wealth. The conservation of resources, protection of other species, the natural world and, indeed, human health cannot be allowed to stand in the way of increased production of consumer goods.

Ironically, we fail to achieve even the self-limiting objectives of that materialist perspective. So much of what we produce, from fast food to disposable architecture, typifies shoddiness instead of excellence. Furthermore, our dedication to the pursuit of consumer goods is not making us happy - by all social indices, such as drug and alcohol addiction, divorce rate, psychological breakdown and suicide, human misery in recent years has increased in direct proportion to increases in our wealth.

(3) myopia - our economic and political institutions are fashioned in such a way

that the decision-makers in both the public and private sectors are unable to adequately take into the account the long-term consequences of their actions. This limited time-horizon means that we are constantly seeking to solve problems after they have occurred, instead of planning and anticipating their repercussions before hand. We exhibit no concern for the state of the world which will be inherited by those yet unborn.

We cannot pretend to provided solutions to the types of problems identified here, nor do we expect that such ingrained values and perceptions of reality will be changed over night. We do suggest, however, that any meaningful discussion of environmental protection must include reference to these underlying values.

In terms of immediate political realities, we would suggest two areas in which the Ministry might usefully take action. The first is to place greater emphasises upon the type of networking action demonstrated by the convening of this symposium. The number and degree of environmental threats is changing rapidly and with that change comes a corresponding alteration in the web of alliances and networks which can influence the public policy debate. For example, as acid rain threatens the tourist or forest industries, new actors are inevitably drawn into the process. Similarly public and occupational health concerns are rapidly becoming predominant and as they do new alliances for environmental protection are made possible.

As the one government ministry with a clear and unfettered mandate in this area, the Ministry of the Environment can play an invaluable role simply by promoting communication among diverse groups which share a concern with environmental protection,

regardless of their differing political perspectives in other areas. Secondly, we would suggest that the Ministry work to develop new arguments for environmental protection in light of the new realities - or perceived realities - of the latter part of the twentieth century. Like it or not, today, jobs and the economy dominate the political agenda. We earlier suggested the need to question those priorities but we would also suggest that there is a need, in the world of day-to-day politics, to demonstrate convincingly that environmental protection compliments and does not conflict with those priorities. Research is needed to demonstrate the ways in which environmental protection can produce jobs and not eliminate them. By the same token, the case must clearly be made that sustained economic growth is dependent upon environmental quality and can only rest upon a renewable resource base.

Finally, we would like to suggest that the Ministry and those attending this symposium keep clearly in mind the ultimate goal of regulatory action to protect the environment. We should not be working simply to amend existing laws or to increase penalties as a means of achieving partial and grudging compliance on the part of polluters. Instead, we should be working toward the internalization of the value of environmental protection by all decision-makers in the public and private sectors.

Child labour laws provide an apt analogy. At one time it was necessary to pass laws to prevent children from being brutally exploited in sweat shops and factories.

However, a fundamental shift in values has occurred over the past one hundred years and such an action would no longer be considered by anyone in a position of authority today. Child labour legislation is still on the books but it is the moral imperative which today decides the course of action. We look forward to the day when the moral imperative of environmental protection is given the same automatic acceptance by all sectors of society.

We in the Canadian Environmental Law Research Foundation would like to thank you for giving us this opportunity to present our views to this symposium.