



INTERVENOR

*Dedicated to environmental equity, justice,
health for over 50 years*

Summer Student Profiles

This summer, CELA welcomed three passionate and hardworking law students eager to delve into the environmental and social justice community. They worked on a number of projects, bringing new perspectives and enormous value to the team. We wish them the best of luck as they continue on their professional journeys!



Emily Seal is entering her second year of law school at Western University. Emily dedicated her summer to law reform initiatives, focusing on the impact of Per- and Polyfluoroalkyl Substances (PFAS) on human health and the environment. Her contributions included reviewing the federal government's assessment of PFAS, creating a comparative chart of PFAS regulations on drinking water guidelines across various jurisdictions, preparing Freedom of Information (FOI) requests to the federal government, and

reviewing the rationale for designating chemicals as toxic under the *Canadian Environmental Protection Act*, Schedule One. Additionally, Emily conducted research to determine perspectives of various stakeholders on Right to a Healthy Environment for an upcoming Ontario Land Tribunal Hearing.



Maya Hribar is entering her second year of law school at University of Toronto Faculty of Law. Maya dedicated her summer to legal research and assistance with an expert report in support of ongoing litigation, law reform initiatives and public legal education campaigns. For example, she focused on air pollution research in support of CELA's air quality reform campaign, with soon to be published fact sheets on site-specific standards and technical standards. She published a blog on extreme

heat advocating for all party support of Bill 198 and drafted a case study and and conducted research for an upcoming book chapter on environmental justice.



Jigme Tsering is entering her second year of law school at Bora Laskin Faculty of Law. Jigme spent her summer researching extreme heat, its impacts on low-income renters and other marginalized groups like seasonal agricultural workers, in order to further CELA's advocacy for a maximum heat bylaw in residential units. She familiarized herself with sections 123 and 126 of the *Residential Tenancies Act* (the "RTA"), green retrofits and their financing structures, Landlord Tenant Board Proceedings, as well as various

municipal bylaws on active cooling units in rental apartments. Her contributions included creating a legal memo on sections 123 and 126 of the RTA, identifying financing options for green retrofitting residential units, a blog on CELA's extreme heat advocacy, and the impacts of extreme heat on migrant agricultural workers.

Remembering John Swaigen

CELA was saddened to learn of the passing of John Swaigen this month. John was one of CELA's earliest lawyers, and continued to an illustrious career as an adjudicator and counsel in the public interest.

Among many other things, he co-authored the seminal and influential text, *Environment on Trial*. John also provided welcome guidance and leadership to legal aid clinics like CELA on quality assurance in the 1990s.

In the first ever CELA scrapbook that was published earlier this year are many clippings that featured John as General Counsel of CELA in the 1970s. A classic is a clipping with a photo of John holding as a prop a copy of the book "Ecology versus Politics in Canada" under a headline that stated "Environment act is called toothless."

John's passing is a big loss for the environmental law community. John was a good friend and a valued colleague of many CELA staff and board members - here are some messages we've received about him...

- Recollections of working with him on the old environmental appeal board when John was chair, "What a great person to learn a new role from, to work with and to spend hours chatting with while going to hearings".
- Remembering working with John at the former Canadian Institute for Environmental Law and Policy as he worked to complete his book on Leaking Underground Storage Tanks.
- "An important pioneer in understanding and promoting the use of the law to support citizen action to protect the environment."
- "A giant in the environmental law field who will be greatly missed. Always enjoyed talking & working with him over the decades."

- "A passionate and exemplary environmental leader, mentor, author, polemicist and all around wonderful person."

In reflecting on their relationships with John, the words "mentor", "hero", and "wise" came up again and again. His accomplishments were foundational to the efforts to seek environmental protection and his reputation loomed large. The Board and Staff of CELA are very sorry for his loss, both to his family and friends and to the larger community. John will be missed.

Case Updates

Community Suffers Health Impacts from Benzene Emissions

CELA is representing two community members from Aamjiwnaang First Nation at the Ontario Land Tribunal (OLT) this fall.

This spring, the Ontario Ministry of Environment, Conservation and Parks issued several orders against INEOS Styrolution in Sarnia to lower benzene emission levels from the facility. Benzene is a known carcinogen, and even short-term exposure can have health impacts. Aamjiwnaang First Nation is located beside a number of industrial facilities and the community has long been raising concerns about air pollution in their community.



Image courtesy of @Dave McIntosh via Canva.com

Law Reform Updates

Opportunity to Comment on Federal *Impact Assessment Act*

In June 2024, Parliament enacted numerous changes to the *Impact Assessment Act* (IAA) in response to the 2023 ruling by the Supreme Court of Canada that most of the IAA is unconstitutional.

The federal government has since shifted its attention to reviewing and revising the Physical Activities Regulations, which designate the types of major projects that trigger impact assessments under the IAA. **Public comments on the [regulatory proposals](#) are due by September 27, 2024.**

CELA is working with other groups to prepare detailed submissions to ensure that the revised regulations include all project types that may cause significant adverse effects within federal jurisdiction. The full collection of CELA's previous publications on the IAA regime can be [found here](#).

The Urgent Need for a Maximum Temperature By-Law in Ottawa

Tenants' rights and environmental justice advocates are [calling on Ottawa city council](#) to pass a maximum temperature by-law to protect tenants from the health risks of extreme heat.

Building on CELA's ongoing work to address the inequitable impacts of climate change on vulnerable communities, we recently released a [new report](#) calling on the City of Ottawa to adopt and implement a maximum temperature by-law to cool all rental units to a maximum of 26°C. The report includes a draft by-law. Similar reports have been written for the cities of Toronto and Hamilton, where advocacy efforts urging municipal action are underway.

CELA Recommends Caution on Commercial-Scale Carbon Storage Projects

CELA recently provided comments in response to a provincial proposal for a regulatory framework for commercial-scale geologic carbon storage projects in Ontario. The proposal is aimed at supporting a hydrogen economy and reducing industrial emissions by considering carbon storage.

CELA recommends that additional commercial-scale carbon storage projects and consideration of newer carbon storage technologies proceed slowly if at all. There are many risks related to carbon storage technologies; risks to the environment and to human and ecosystem health. Should the Ontario government decide to proceed further, CELA recommends that a detailed regulatory framework be drafted for public input. CELA's full submission can be [found here](#).

Inside CELA

Welcome Shawn-Patrick!

CELA is thrilled to welcome Shawn-Patrick Stensil in the role of Deputy Executive Director. Shawn-Patrick comes to CELA with over 25 years of professional experience as an environmental advocate, policy analyst, and leader within non-profit organizations in Canada.

However, his environmental activism began as a child when he witnessed the impacts of chemical exposure on his mother from the factory she worked at.



Having seen his mum's personal fight to protect and advocate for herself, Shawn-Patrick has a deep respect for CELA's mission to seek justice for those harmed by pollution, in particular low-income and disadvantaged communities. [Read more about Shawn-Patrick here.](#)

Welcome Julie!



CELA is delighted to welcome Julie Lopez as CELA's [articling student](#) for 2024-2025.

Julie recently completed the French Common Law Program at the University of Ottawa Faculty of Law. While in law school, Julie worked at the University of Ottawa Community Legal Clinic, at the Equality Law Clinic and at Ecovision Law, and was a member of the Environmental Law Student Association and Social Justice Society.

From the Foundation

August Feature

This month's feature from the [Canadian Environmental Law Archive](#) is a 1982 report by CELA to Environment Canada about CELA's involvement as an impartial adviser in a US case dealing with a Hooker Electrochemical Company-owned hazardous landfill called Hyde Park. It states "the failure to manage and dispose of hazardous wastes has led to the creation of 'ticking time bombs' throughout North America. Perhaps the most lethal of these hazardous waste are the [...] Love Canal, "S" Area, 102nd Street, and the Hyde Park landfill."

Webinars & Resources

NGO Vacancy on Canada's National Pollutant Release Inventory Working Group

There is currently a vacancy for an NGO representative on Canada's National Pollutant Release Inventory (NPRI) working group. Since 1992/93, the NPRI has been Canada's repository of information on the release of environmental contaminants to air, land, and water; as well as off- and on-site transfer,

disposal, and recycling.

A [multi-stakeholder working group](#) - composed of industry, Indigenous organizations, and NGO's - steers the NPRI's process on and progress under the auspices of Environment and Climate Change Canada.

If you're part of a Canadian environmental, labour, or health-based NGO, are knowledgeable about environmental contaminants and pollution, and are interested in community right-to-know, please consider applying. **Applications for this part-time, volunteer position can be submitted to deleonf@cela.ca until Thursday, September 5, 2024.**

Event: Grassy Narrows River Run 2024

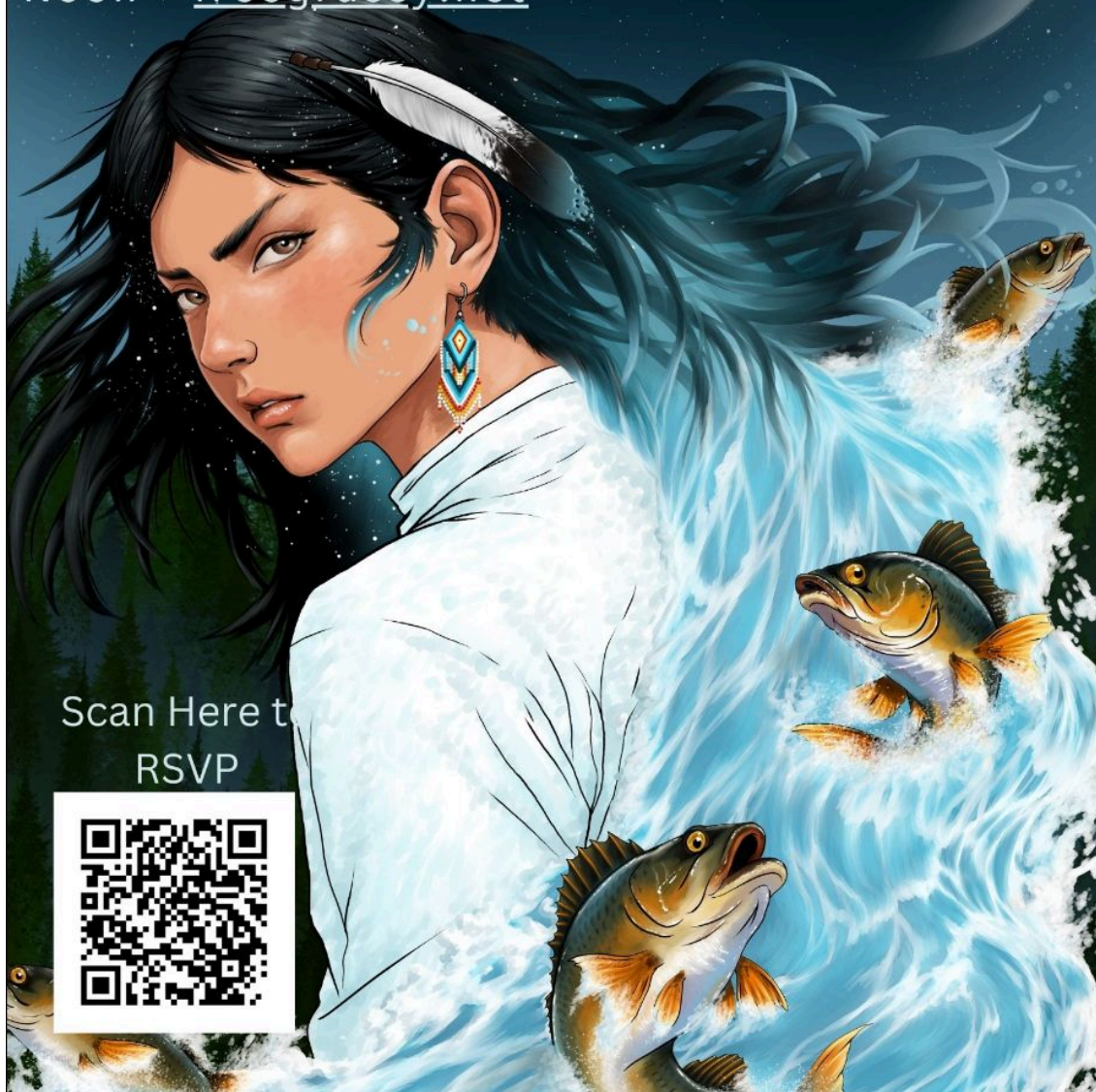
Over many decades, the Grassy Narrows First Nation in northwestern Ontario has experienced the devastating impacts of an ongoing mercury crisis, tainted water, floods, and clearcutting of their forests - all caused by industrial and resource extraction activities.

CELA has worked to support Grassy Narrows First Nation through legal representation to combat the environmental injustice that has plagued this community for far too long.

On Wednesday, September 18th, you can join a family-friendly march for mercury justice and freedom for Grassy Narrows First Nation. [Register for the event here.](#)

GRASSY NARROWS RIVER RUN RALLY

Wed. September 18 2024
Grange Park, Toronto
Noon - freegrassy.net



Scan Here to
RSVP



Exhibition: Canada and the Atom Bomb

From hubris and ignorance to tragic calamity, lessons learned and not learned, hope, and ongoing warning.

CELA Executive Director Theresa McClenaghan visited the exhibit *Canada and the Atom Bomb* during its presentation at Toronto City Hall this month; the [exhibit continues virtually](#) through Toronto Metropolitan University.

The exhibit is an incredibly important testament to the role Canada played in the events leading to the tragedies at Hiroshima and Nagasaki in 1945. Too many Canadians - in fact most of us - have no idea that Canada played a central part in developing atomic weapons. The exhibit's powerful images show decision makers and people impacted by those decisions across the country; and the resulting horror of atomic weapons use. Images of contemporary politicians affirming Toronto as a nuclear free zone jarringly contrast with the

smiling confidence of the leaders of Canada, the UK and the US who set the Manhattan project in motion in the 1940s. Those who suffered the consequences speak to us through the powerful images and warn us of continuing folly in the present, if we fail to take responsibility and stand up for an end to atomic weapons.

Looking for a Publication?

CELA's charitable arm, the Canadian Environmental Law Foundation, maintains digital and physical collections that document the history of environmental protection across the country.

The Foundation recently launched a new website for the [Canadian Environmental Law Archives](#), allowing you to browse and search all of CELA's publications and historical records, as well as those of government agencies, watchdog authorities, nonprofit organizations, lawyers, and many of the country's most influential environmental advocates. In addition to the Archives, all of CELA's publications are listed in reverse chronological order on our [website here](#).

CELA also knows how fragile gains are and how easily they can be lost. One of the driving forces behind the creation of the Foundation and the Archive was a desire to protect and document the history of environmental law and environmental decision-making.

Support Our Work



Intervenor, Volume 49, No. 3
August 2024

[View this email in your browser](#)

Want to change how you receive these emails?
You can [update your preferences](#) or [unsubscribe from this list](#)