



INTERVENOR

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

Celebrating and Supporting Communities - CELA's 2024 Annual Report

This month we're excited to share our 2024 Annual Report - it's filled with stories detailing CELA's work on air pollution, the impacts of mining in Grassy Narrows First Nation, the importance of municipalities in law reform, and the need for public input in environmental decision-making. The report is available on our website in [English](#) and [French](#).

These stories are just a few of the many ways CELA is dedicated to ensuring communities are safe and prospering.

Woven through all of the stories are communities who are disproportionately and unfairly exposed to the impacts of toxic chemicals, air pollution, climate change, and other threats - and suffer the negative health outcomes, such as asthma, cancer, and other severe health impacts.

As we enter 2025, we turn our minds to what's ahead. In the coming year, CELA will continue its work to advance environmental equity, justice and health through casework, systemic law reform, and public legal education.

We invite you to come along with us as we work with our clients, colleagues and collaborators to strive toward a world that is safe, healthy and equitable for all.

Case Updates



Image of Pickering Nuclear Generating Station courtesy of CELA photo collection

The Case of the Missing Safety Systems - Darlington License to Construct Hearing

Last week the Canadian Nuclear Safety Commission (CNSC) wrapped up a five-day hearing on a proposed license to allow Ontario Power Generation to construct new nuclear at Darlington.

The proposed new facility is a "small, modular reactor" design that has been licensed in the U.S. but never built. Many concerns were raised at the hearing about the incomplete design of the reactor, including missing safety systems and a lack of redundancy in shutdown mechanisms. Intervenors at the hearing were particularly concerned about the hurried nature of the process, and the desire to delegate decision-making responsibility to CNSC staff that should rest with the Commissioners. Read more in a [recent blog post](#) by CELA Executive Director Theresa McClenaghan.

Related, CELA made a [submission](#) to the CNSC regarding their Regulatory Oversight Report (ROR) for Canadian Nuclear Power Generating sites for 2023. CELA raised a number of concerns about ongoing issues with safety systems, emergency planning and fire preparedness at the plants, including non-functioning sirens in Durham Region.



Image courtesy of Allan Lisner and freegrassy.net

Case Update: Grassy Narrows First Nation

On behalf of Grassy Narrows First Nation, CELA and Cavalluzzo LLP recently applied to the [Ontario Land Tribunal](#) under the *Environmental Bill of Rights* (EBR) for leave (permission) to appeal a [water-taking permit](#) issued by the Ministry of the Environment, Conservation and Parks in relation to a proposed gold mine upstream of the Grassy Narrows community.

The permit allows the proponent to withdraw over 1 million litres/day of groundwater and surface water, and authorizes the discharge of the water after limited on-site treatment. Given the potential adverse impacts of the water-takings and discharges to water quality, aquatic ecosystems, fisheries, and Grassy Narrows' treaty, Aboriginal and inherent rights, the EBR leave application alleges that the Ministry decision to issue the permit appears to be unreasonable and could cause significant environmental harm. We are awaiting the Tribunal's decision.

Law Reform Updates

Federal Prorogation Impact on Safe Drinking Water for First Nations Act

In the wake of the prorogation of Parliament, the status of [Bill C-61: First Nations Clean Water Act](#) is now uncertain.

It has "died on the table" and will need to be reintroduced anew when parliament returns. On occasion, bills can be reinstated by motion at the start of

a new session at the same stage they had reached at the end of the previous session - for Bill C-61, that would be the report stage in the House of Commons, awaiting third reading.

In the event of an early election, all business of the House is terminated and a new bill would need to be reintroduced by the next government.



CELA Counsel Jacqueline Wilson presents at the Toronto City Council Budget Committee Meeting, January 21, 2025.

Protecting Tenants from Extreme Heat

Alongside the Toronto Heat Safety Coalition, CELA continues to [call for municipal maximum heat bylaws](#) to protect tenants. A staff report calling for a bylaw that would set maximum indoor temperatures in all rental units at 26 degrees Celsius was passed in Toronto in December 2024, and CELA is looking forward to working with the City to ensure swift implementation. Toronto's city budget for summer 2025 includes a new funding stream for free air conditioning for low-income tenants, a provision that CELA [supports](#).

CELA also sent a [joint submission](#), alongside environmental groups, tenant rights advocacy groups, and the Hamilton Community Legal Clinic to Hamilton's Budget Committee to advocate for an expansion of temporary free air conditioning programs for low-income tenants.

Ontario's Plan to Tackle the Energy Transition

In October 2024, the Minister of Energy and Electrification released the government's energy vision document, Ontario's Affordable Energy Future: The Pressing Case for More Power, which highlights priorities to achieve the vision of an affordable, reliable, and clean energy economy. The Ministry also announced its intention to create Ontario's first integrated energy resource

plan, set to be developed and released this year.

Additionally, the Ontario government introduced and passed *Bill 214, the Affordable Energy Act, 2024*.

The Ministry also conducted several significant public consultations on the following topics and policy areas that the Low-Income Energy Network (LIEN), CELA, and the Advocacy Centre for Tenants Ontario (ACTO) submitted comments on:

- The province's first [integrated energy plan](#),
- The proposed 2025–2036 [Electricity Energy Efficiency Framework](#), and
- [Energy efficiency programming](#) to promote beneficial electrification.

In our joint submissions, CELA and LIEN made numerous recommendations including rate subsidies for income-eligible natural gas customers, fuel switching (moving away from wood, oil and propane), equitable access to enhanced efficiency programs, and the creation of a single delivery window for electricity and natural gas residential programs.

Ontario's Hydrogen Strategy Must Focus on Renewable Hydrogen

The Ministry of Energy and Electrification recently sought feedback on the renewal of Ontario's Low-Carbon Hydrogen Strategy.

CELA [submitted comments](#) supporting the potential of renewable hydrogen to play a critical role in some of the more hard-to-abate sectors, but urging the government to focus on renewable energy, not fossil fuel derived hydrogen.

Only renewable hydrogen is truly emissions-free, and as such, renewable hydrogen aligns with the deep decarbonization required to tackle climate change. A focus on enabling renewable hydrogen is the only way to have an emission-free hydrogen strategy that aligns with the profound transformation required to move Canada's energy system from one largely based on fossil fuels to renewable energy systems.

Implementation of Canadian Environmental Protection Act

After amendments to the *Canadian Environmental Protection Act, 1999* (CEPA) passed in 2023, the federal government has a number of obligations to strengthen CEPA and implement key provisions by June 2025.

Right to a Healthy Environment

CELA [made recommendations](#) in response to a federal consultation on the right to a healthy environment draft implementation framework under CEPA. The draft framework sets out how Environment and Climate Change Canada and Health Canada propose to fulfill the federal government's duty to protect the right to a healthy environment in administering CEPA.

Prioritizing Substances for Assessment and Management

In response to a federal consultation on the proposed plan of priorities for assessment of chemicals under CEPA, CELA submitted a [number of recommendations](#). The Proposed Plan of Priorities:

- outlines chemicals listed for assessment,
- details management of those chemicals that meet the criteria for toxic under section 64 of CEPA, and
- outlines approaches to promote the development and incorporation of alternative methods and strategies to replace, reduce or refine vertebrate animal testing.

The Plan of Priorities should be finalized by June 2025.

Watch List Approach to Chemicals Management

CELA, with Citizens' Network on Waste Management (CNWM), [submitted comments](#) in response to the proposed watch list approach under CEPA, which allows the Minister to add chemicals to the watch list under certain conditions. CELA and CNWN made a number of recommendations, including additional detail and clarity on the conditions for adding chemicals. The Watch List Approach will be released in June 2025.

Inside CELA

Call for Board Members

CELA is seeking applications or nominations for individuals to join its Board of Directors.

The Board oversees governance, strategic priorities, and resource allocation and is committed to diversity and inclusivity. As a legal aid clinic, CELA works toward protecting public health and the environment by seeking justice for those harmed by pollution or poor decision-making, and by changing policies to prevent pollution-related problems in the first place. CELA is looking for skilled applicants and members that can represent the communities they serve.

Learn more about the call [here](#).

Welcome Julie!

CELA is excited to welcome Julie Mutis in the role of Community Outreach Worker, working in the Healthy Great Lakes program. Julie grew up on the shores of Lake Huron and developed an interest in protecting waterways at an early age.

While completing her Bachelor of Journalism at Toronto Metropolitan University, she contributed to the Toronto Star's Tainted Water series, which shed light on drinking water quality issues across



Canada.

In 2020, Julie worked as a Communication and Campaign Intern at CELA before moving on to complete her Master of Health Promotion at the Dalla Lana School of Public Health. Since graduating, she has worked as a Policy Analyst with the Public Health Agency of Canada's Family and Gender-Based Violence Prevention Unit, and also spent time as a Research Assistant at the Women's College Hospital Research Institute. Read more about Julie [here](#).

From the Foundation

January Feature

This month's [feature from the Canadian Environmental Law Foundation](#) is an April 1999 report written for the Environmental Agenda for Ontario Project by Mark Winfield (then director of research at the Canadian Institute for Environmental Law and Policy) and Paul Muldoon (then Executive Director of CELA).

The report, titled "Democracy and Environmental Accountability in Ontario" pointed to a dismantling of mechanisms for ensuring the legal and political accountability of the provincial government for the decisions it makes about Ontario's environment and natural resources, and made a series of recommendations to restore public participation and government responsibility.

Remembering Mary Vise

CELA was sad to learn of the passing of Mary Vise in December. Mary was the founding Librarian of the Resource Library for the Environment and the Law (now the Canadian Environmental Law Foundation), and continued on to be active in supporting anti-apartheid struggles, Latin-American solidarity work, anti-racism, Indigenous solidarity, and environmental justice movements.



Mary was a cherished friend and valued colleague of many CELA staff and board members. Here are some messages we've received about her:

"Mary was very special – kind-hearted, compassionate and had a wealth of knowledge. All students and staff seeking help with resources were lucky to have Mary provide guidance and support in their search for information."

"I really enjoyed working with Mary during her time at CELA. She was always smiling, friendly, supportive, and dedicated to environmental and social justice."

Our board and staff are very sorry to both her family and friends and to the

Webinars & Resources



Image courtesy of Waterfront Toronto

Blog: Revitalizing the Don River

In this [reflective piece](#), guest author and former CELA articling student Elisabeth Brückmann recounts her involvement in the decades-long effort to revitalize Toronto's Don River from a symbol of urban decay to a thriving community resource. Brückmann details her experiences with the Task Force to Bring Back the Don, stressing the importance of community efforts and government collaboration in driving change toward environmental restoration.

Protection of Substantive Environmental Rights

CELA recently acquired a copy of the "Special Lectures 2017, Canada at 150: The Charter and the Constitution, from the Law Society of Ontario". CELA Executive Director Theresa McClenaghan authored a chapter titled "Prematurity, Precaution, and the Charter: Protection of Substantive Environmental Rights in Canada."

As part of a panel discussing whether Canada should have an explicit Right to a healthy environment in the constitution, the chapter discusses section 35 of the Constitution and compares the treatment of claims for protection of Indigenous and Treaty rights cases to environmental claims of breach of security or equality under the Charter. The book is available for [purchase online](#).

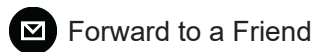
Looking for a Publication?

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



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