



# INTERVENOR

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

## Navigating Environmental Injustice Together

Reading the news can be overwhelming these days. It's a hard time to be an environmental justice advocate - it's exhausting to learn about continued and worsening injustices, and to figure out how to help.

At CELA, one thing we're doing to cope is to keep our attention focused on why we're here - **to advance environmental justice alongside you.**

Over the past 55 years, we've witnessed and responded to environmental tragedies while keeping our focus on **providing access to justice to everyone in Ontario.** Whether it's contaminated drinking water, nuclear accidents, environmental deregulation, smog days or increasingly erratic weather from climate change.... Each of these has reaffirmed the need for CELA and its mission.

As a reminder, **there are a lot of ways CELA can help you or your community.** We provide free legal services relating to environmental justice in Ontario, including representing low-income and under-resourced communities in the courts and before tribunals. We also provide free legal information to the public and engage in legal education and law reform efforts.

You may want to reach out to us if you

- need an environmental lawyer in Ontario
- want to understand environmental rights and rules in Ontario
- are working to strengthen environmental law in Ontario

**If you're feeling overwhelmed by the environmental justice challenges, know that CELA is here to support you and work together towards a healthier, more just future for everyone.**

## More Water Taking Proposed near Grassy Narrows First Nation Territory

Grassy Narrows First Nation, represented by CELA and Cavalluzzo LLP, continue to respond to proposals for water-taking permits upstream of their community.

Earlier this month, we filed a reply to the Ontario Land Tribunal (OLT) regarding responses issued by the mine proponent and the Ministry of Environment Conservation and Parks (MECP). The responses relate to our application for leave (permission) to appeal the water-taking permit that the MECP issued to the proponent back in December 2024 for construction activities associated with the advance exploration for a mine project.

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, it is our position that the Ministry decision to issue the permit appears to be unreasonable and could cause significant environmental harm.

A decision by the OLT on the leave application is expected in early March.

In addition, the proponent has now requested an additional permit from MECP to take significant more water - up to over 2 million liters per day, every day, for five years - relating to underground dewatering in connection with the advance exploration program. This application is posted on the [Environmental Registry of Ontario](#) with a deadline of February 22. We have filed preliminary comments on behalf of Grassy Narrows on this proposal as well.



Photo of home in Elliot Lake from book "The Power and The Promise: The Elliot Lake Story" by Catherine Dixon. Original caption reads "A modular home being swung onto a foundation as par to the infilling of vacant lots.

## Appealing Disappointing Elliot Lake Decision

Families in Elliot Lake continue to call for action by the federal government to investigate and clean up radioactive uranium waste found on their properties.

The residents of Elliot Lake have called the presence of radioactive waste at their homes “an egregious failure of Canada’s nuclear regulatory system” - expert testing conducted at the residents’ homes indicate they are being exposed to radiation well above allowable limits.

In 2023, the Canadian Nuclear Safety Commission (CNSC) denied the families' initial request that they use their authority to order the mining company to remove the uranium mining waste. CELA and Blaise Law brought an application for judicial review of that decision and an oral hearing took place last summer. The application was ultimately denied due to the Court's interpretation of section 10 of the *General Nuclear Safety and Control Regulations*.

CELA, on behalf of a local resident, has filed a notice of appeal of this most recent decision with the Federal Court of Appeal. Read more about the [case here](#).

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## Unprecedented 30-year Term Requested by OPG for Darlington Nuclear

The CNSC is holding a two-part hearing to consider an application from Ontario Power Generation (OPG) to renew the license for the existing nuclear reactors at the Darlington Nuclear Generating Station. Note that this hearing is for the existing reactors, and is separate from the proposals to build new nuclear at Darlington.

OPG has requested an unprecedented 30-year term - renewals used to be issued for 2-5 year terms, and unfortunately more recently have been issued for up to 10. CELA encourages members of the public to participate and resist this unacceptable request by industry. We are concerned that it reduces opportunity for public participation, involvement and transparency in nuclear oversight.

The proposal materials are available for download on [CNSC's website](#). The hearing will take place on March 26 and June 24–26, 2025 and will be [webcast live](#). Anyone wishing to comment should register as an intervenor by May 8th; more information is available in the [notice of public hearing](#).

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Image courtesy of @BreizhAtao via Canva.com

## New Federal Decisions for Chalk River NSDF

The Federal Court of Canada recently released two decisions relating to the proposed Near Surface Disposal Facility (NSDF) in Chalk River, Ontario.

The decisions relate to a 2016 application by Canadian Nuclear Laboratories (CNL) to amend the license for its Chalk River site to allow an NSDF for low-level radioactive waste. The Canadian Nuclear Safety Commission (CNSC) held hearings and ultimately allowed the project to proceed. CELA provided submissions at numerous points in the hearings; more information on the case can be found [here](#).

In the wake of that decision, Kebaowek First Nation filed a judicial review indicating that standards set under the United Nations Declaration of the Rights of Indigenous Peoples, or UNDRIP, had not been met. In a [decision released](#) last week, the Federal Court agreed in part and directed the CNL and the CNSC to resume consultations with Kebaowek First Nation.

In a separate [decision](#), the Federal Court ruled against the Concerned Citizens of Renfrew County and Area, the Canadian Coalition for Nuclear Responsibility, and Ralliement Contre la Pollution Radioactive in their request for a judicial review of the decision. They argued that there are significant gaps in the Commission's Decision relating to radioactive waste dose limits, waste verification criteria, mitigation measures for species at risk and cumulative environmental effects which render the decision unreasonable, however ultimately the court did not agree.

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## Regulatory Oversight Reports Key to Public Transparency

The Canadian Nuclear Safety Commission (CNSC) held its meeting on the annual Regulatory Oversight Report for nuclear power reactors on February 25, 2025.

With CNSC participant funding, CELA provided a [submission](#) that noted the ongoing concerning trends with availability of fire prevention and emergency

response equipment, including failures of local public address systems. CELA also asked that the Commissioners delve further into the reasons for issues such as human performance issues, unavailability of safety significant equipment, and exceedance of action levels in specific circumstances.

At its hearing in February, the Commissioners asked about the longstanding significant safety issue of "Large Break Loss of Coolant Accidents" which continues to result in a slight derating of power production at Bruce power to 92% of its capacity. The industry and staff representatives advised the commission that this is a complex area of ongoing research that affects the safety case; with future proposals to be brought back to the Commission in the coming years.

These Regulatory Oversight Reports, the opportunity to the public to provide interventions, and public consideration at the Commission are very important for overall public transparency in the realm of nuclear power and handling of radioactive materials. Public notice of Regulatory Oversight Reports and participation opportunities can be found on the [CNSC website](#).

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## Law Reform Updates

### **CELA Supports Addition of Maximum Indoor Temperature to National Building Code**

The climate crisis is causing rising temperatures - extreme heat events are the deadliest weather-related events in Canada. CELA [supports the proposed addition](#) of a maximum indoor temperature of 26 degrees Celsius indoors in new units in the model Building Code and recommends extending that standard to all existing rental units.



## Concerning Precedent-Setting Decision on Sulphates

CELA and the Great Lakes Ecoregion Network (GLEC) [shared their concerns](#) with the co-chairs of the Great Lakes Executive Committee regarding its decision not to nominate sulphates as a "chemical of mutual concern" under the Great Lakes Water Quality Act (GLWQA).

The GLEC decision stated that sulphates do not meet the criteria framework as a candidate chemical. The nomination of sulphates as a candidate was made by an Indigenous community prompted by concerns that sulphates, which interact with mercury, were damaging their rice fields.

The decision by GLEC not to accept sulphates as a candidate chemical of mutual concern was made based on an overly narrow set of criteria used for evaluation that required evidence to show the impact of sulphates across the Great Lakes basin. We are concerned that the current approach taken to review nominations is inadequate and sets a bad precedent for future substances nominated - for instance, the upcoming nomination of radionuclides under Annex 3 (Chemicals of Mutual Concern) under the GLWQA agreement may face the same barriers.

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## Webinars and Resources

### Water Consortium

The Lands and Resource Department at Anishinabek Nation is hosting the 2025 Water Consortium on March 18-19, 2025 in Little Current, Ontario. This event will focus on traditional water teachings, Government and First Nations World Café, and Personhood of Water Panel. CELA Executive Director Theresa McClenaghan will be presenting. Registration is [available here](#)

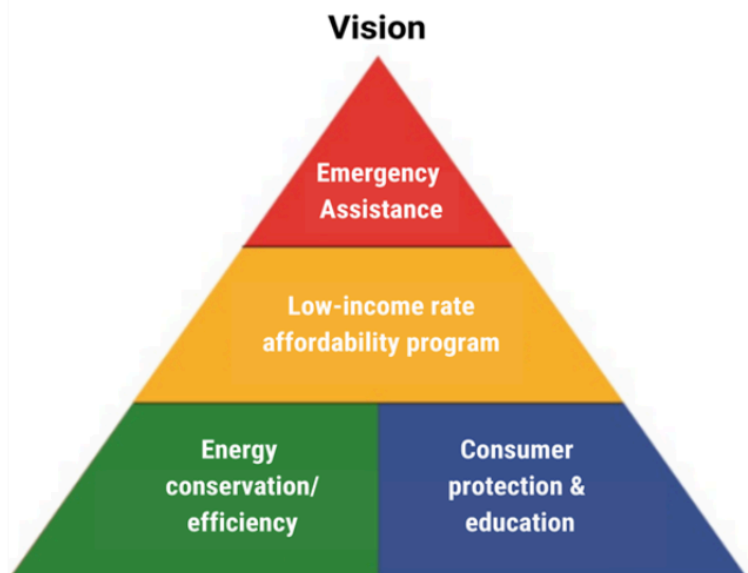
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### Nuclear Waste Online - 2025 Webinar Series

From construction applications for "Small Modular Reactors" at the Darlington Nuclear Generating Station to announcements of plans for new mega-reactors at the Bruce Nuclear Generating Station and potentially Wesleyville, the nuclear industry is trying to expand rapidly and governments are spending heavily.

Nuclear Waste Watch recently hosted its 13th annual webinar series on nuclear issues, including a session on proposed nuclear expansion in Canada featuring CELA Executive Director Theresa McClenaghan. The recordings of all the webinars are [available online](#).

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## Recording Available: LIEN Annual Conference 2024

The 2024 Low-Income Energy Network Conference (LIEN), held on November 21st, focused on advocating for the right to cooling amid rising temperatures.

Topics included the need for energy efficiency policies in rental housing to be developed with an equity lens, a legal opinion on municipal powers around the creation of maximum heat by-laws, and a toolkit for activists on municipal advocacy around extreme heat and rental housing. The conference also included updates on municipal advocacy around maximum heat bylaws from Hamilton, Toronto, Ottawa, and Kingston.

Summary and full-length recordings of the conference are now available on [LIEN's website](#).

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## Guest Lectures

CELA staff are often invited to present guest lectures and presentations on topics relating to environmental justice. Coming up in March, CELA Counsel Richard Lindgren will be participating in a panel discussion at University of Ottawa law school regarding environmental law careers, and will also be providing a guest lecture on ecological crime at the University of Ottawa.

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# From the Foundation

## February Feature

This month's [feature from the Canadian Environmental Law Foundation](#) is an early 1990's report titled "A Healthful Environment: Privilege, Right or Responsibility?". Written by well-respected and former CELA counsel, the late Barbara Rutherford, the report recommends a set of enforceable constitutional rights to adequately protect the environment and the health of Canadians.

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## Support Our Work

Are you interested in supporting CELA's work?

The Canadian Environmental Law Foundation supports CELA's work on environmental law and justice issues.

A tax-creditable donation to the Foundation ensures that CELA can continue to provide research and educational support for environmental law reform, and legal assistance to low-income communities who are adversely – and disproportionately – affected by environmental issues.

By making a one-time gift or becoming a monthly donor, you can help ensure access to environmental justice in Ontario.

## Make a Donation

In addition to supporting CELA, one of the driving forces behind the creation of the Foundation was a desire to protect and document the history of environmental law and environmental decision-making.

A key initiative of the Foundation is the Canadian Environmental Law Collections, an extensive library of online and printed resources that document Canada's environmental law and policy history.

As we have seen in recent months south of the border, valuable information on pollution and environmental law can be destroyed or withheld from the public by unsympathetic governments.

Your support helps ensure we can all have access to the history of environmental law for generations to come.

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