Intervenor, Volume 51, No. 3 May 2025

View this email in your browser



Bill 5 Would Harm Environmental Safeguards and Create "Law-Free" Zones

At the time of writing, Bill 5 had passed second reading and was being considered by the Standing Committee on the Interior.

Last month, we told you about <u>Bill 5</u>, also known as the Protect Ontario by Unleashing Our Economy Act, 2025. Now that we've completed a <u>thorough analysis</u> of the full package of legislation, we're even more concerned.

In short, Bill 5 poses significant threats to Ontario's environment and the rule of law.

This proposed legislation would exempt key projects like the Dresden landfill and Eagle's Nest Mine from *Environmental Assessment Act* reviews, weaken oversight of mining activities, and even repeal the *Endangered Species Act*.

Perhaps most concerning, it introduces "special economic zones" where ALL provincial laws and municipal by-laws could be suspended - including those protecting the environment and ensuring public participation.

In these zones, "trusted proponents" would be allowed to bypass essential statutory protections and cause serious environmental and human-health harms.

Bill 5 threatens Indigenous rights by potentially fast-tracking extraction in remote areas like the Ring of Fire without proper assessment or consultation.

This legislation perpetuates a false narrative that pits jobs against the environment, ignoring the fact that strong environmental laws are crucial for long-term, sustainable economic prosperity.

CELA - and many other organizations from a diversity of sectors - have voiced

strong opposition to Bill 5. While the government is now responding to criticism by proposing superficial amendments to the purposes, these do not address the fundamental concerns.

Bill 5 must be withdrawn in its entirety.

<u>Contact your MPP today</u> and tell them you want the provincial government to withdraw Bill 5.

Case Updates

Case Update - Grassy Narrows Appeal of Water-Taking Permit

In a recent <u>decision</u>, the Ontario Land Tribunal granted CELA's client Grassy Narrows First Nation leave (permission) under the Environmental Bill of Rights to appeal a <u>water-taking permit</u> that Ontario's Environment Ministry issued in relation to an advanced exploration program for a <u>proposed gold mine</u> southeast of Red Lake.

On the basis of expert evidence filed by Grassy Narrows outlining potential water quality impacts (e.g., formation of methylmercury in surface water), the Tribunal found that it appeared that the Ministry's issuance of the permit was unreasonable and could result in significant environmental harm.

After Grassy Narrows filed its Notice of Appeal, the proponent requested the revocation of the permit and the Tribunal issued a consent order that revoked the permit in its entirety.

Case Update - Elliot Lake and Radioactive Mine Waste

On May 20th, CELA filed legal arguments with the Federal Court of Appeal challenging the lack of federal regulatory oversight over radioactive waste on residential properties in Elliot Lake. Uranium mine waste rock was used as fill on CELA's client's property and has posed health risks to residents of the home for decades.

CELA is seeking a declaration from the Court that the Canadian Nuclear Safety Commission has jurisdiction over the uranium mine waste rock, which to date, it has denied.

Law Reform Updates

Updates on Non-Municipal Drinking Water Protection

CELA and 27 water protection and environmental organizations sent a letter to the Ontario government demanding transparency and accountability for its response to concerns about the safety of non-municipal drinking water. Ontario's Auditor General raised concerns about this issue in a recent report and made 17 recommendations for how the government can better protect the nearly 20% of Ontarians who rely on water from non-municipal systems.

While we await a response, CELA continues to advocate for vigilance over water quality. We spoke to the media about the 25th anniversary of Walkerton, and raised this issue as an example of how there is still important work to be done to ensure the lessons of Walkerton are not forgotten.

The Ontario government also faced a <u>question about how they will respond</u> to the Auditor General's report during question period, putting additional pressure on them to act.

For more information about non-municipal drinking water systems, see this <u>summary of the Auditor General's Report</u>.

Call for Action to Protect Children from Extreme Heat in Schools and Child Care Settings

The Canadian Partnership for Children's Health (CPCHE), of which CELA is a founding member, recently <u>sent a letter</u> to Prime Minister Mark Carney congratulating him on his election. The letter encouraged the Government of Canada to act decisively to fully realize the right to a healthy environment and intergenerational equity by addressing the climate crisis and the need for safe and healthy learning settings for all children.

CELA Calls for Stricter PFAS Controls

CELA <u>recently provided comments</u> and recommendations in response to the federal government's order to list PFAS as a class to Schedule 1, Part 2 of the *Canadian Environmental Protection Act* (CEPA) and its risk management approach document for PFAS, released in March of this year. The federal approach on PFAS as a class excludes fluoropolymers, which are a subclass of PFAS, but rather will address fluoropolymers separately.

CELA recommends listing PFAS as a class under Schedule 1, Part 1 of CEPA,

including fluoropolymers, and setting firm deadlines to prohibit the PFAS as a class. CELA also emphasizes the importance of transparency regarding exemptions permitted for PFAS, Section 71 survey results, and information about people at higher risk, as well as expanding the requirements for reporting on PFAS releases and transfer data from all sources, and strengthening legally enforceable safety standards.

Webinars and Resources

Air Conditioning Support Programs Available This Summer

As the hot weather season approaches, we encourage income eligible people across the province to apply for support to receive free air conditioning units to help keep themselves safe during extreme heat events.

Heat pumps or air conditioners may be available through the Save on Energy -Energy Affordability Program or as a discretionary benefit for recipients of OW, ODSP or Assistance for Children with Severe Disabilities.

In the City of Toronto, air conditioners are also available through the Air Conditioner Assistance Program for Seniors or the Toronto Hardship Fund.

These programs aim to protect individuals from exposure to dangerous heat indoors, which poses a significant health risk. Read more details and application information ion CELA's website.

Worried about the heat this summer? Apply for cooling devices through ODSP/OW



WHAT are the requirements?



Receiving support through any of the following:

- Ontario Works
- Ontario Disability Support Program
- Assistance for Children with Severe Disabilities



Letter of support or prescription from a physician or nurse practitioner:

- Indicate that a cooling device is:
 - required to control the room temperature/humidity as part of the treatment plan AND
 - o necessary for the preservation of the patient's health and safety



Current medical conditions that are recognized*:

- cancer
- chronic heart or chronic lung conditions (i.e. COPD)
- neurological conditions
- HIV
- people on dialysis
- people with chronic mental disorders on medication
- severe asthma

*list not exclusionary and you may still apply for an air conditioner based on your health provider's assessment

WHAT is covered?

 One air conditioning unit or portable fan per family up to a maximum amount, every four years including any associated expenses

HOW to submit a request?

- Funding requests are accepted from June 1 to September 15.
- ODSP form and process is different depending on geographic region, may be through "Special Support Program" or via existing process
- Patient, Case Manager, or
 Social Worker may submit the form applicable to their location with:
 - Letter of support/ prescription
 - Usually covered up to \$400





Ask your provider if you need AC







Upcoming Screenings from Hiroshima Nagasaki Day Coalition

CELA is pleased to sponsor two upcoming documentary screenings. The Hiroshima Nagasaki Day Coalition in Toronto works to bring to the public a variety of educational experiences and ceremonies related to the issue of nuclear weapons, with the goal of draw attention and working together for abolition.

1) "Atomic Reaction" explores Canada's role in creating the first atomic bombs, including uranium mining, refining in Port Hope, and involvement in the

Manhattan Project. It screens at the Toronto Reference Library on June 7 at 2 p.m., followed by a Q&A with producers and Hiroshima survivor Setsuko Thurlow. Admission is free.

2) "Vow From Hiroshima" tells Setsuko Thurlow's story, her experience of the bombing, and her advocacy for abolition, leading to the UN Treaty on the Prohibition of Nuclear Weapons and the Nobel Peace Prize. This documentary will be shown at the Japanese Film Festival on June 24 at 7 p.m. at the Japanese Canadian Community Centre. A Q&A with the producers and Setsuko Thurlow will follow the screening. Tickets are available by calling 416-441-2345.





From the Foundation

May Feature

This month's <u>feature from the Canadian Environmental Law Foundation</u> is a 1991 submission to the House of Commons Standing Committee on Environment discussing the environment and the constitution. Authors Barbara Rutherford (then Counsel at CELA) and Paul Muldoon (then Director of Programs and Counsel at Pollution Probe), wrote "the environment is seen by most Canadians as both a unifying value for Canada and as an integral part of the economy of the country."

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 <u>one-time gift or becoming a monthly donor</u>, you can help ensure access to environmental justice in Ontario.

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 <u>support helps ensure</u> we can all have access to the history of environmental law for generations to come.

Support Our Work











Intervenor, Volume 51, No. 3 May 2025

View this email in your browser

Want to change how you receive these emails? You can <u>update your preferences</u> or <u>unsubscribe from this list</u>