

Intervenor, Volume 53, No. 1  
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# INTERVENOR

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

## Advancing Environmental Justice in Canada

Environmental justice matters because environmental harms are not shared equally. Across Canada, Indigenous, racialized, and low-income communities are more likely to live near pollution, face greater climate risks, and experience worse health outcomes as a result.

That's why the passage of the *National Strategy Respecting Environmental Racism and Environmental Justice Act* in 2024 is such a significant milestone. The Act requires the federal government to examine links between race, socio-economic status, and environmental risk, and to develop a national strategy to assess, prevent, and address environmental racism.

CELA joined environmental, health and community organizations in a [joint statement](#) urging the federal government to deliver a credible strategy. One that centers impacted communities, applies an equity lens across decision-making, strengthens data collection, aligns with Indigenous rights, supports the right to a healthy environment, and is backed by real resources.

As governments fast track major projects and weaken oversight, advancing environmental justice is essential. It's about protecting our health, communities and environment, and ensuring nation-building doesn't come at the expense of the most impacted communities.

## Casework

**Radioactive Mine Waste:** CELA will be appearing at the Federal Court of Appeal on February 23, 2026 to argue that the Canadian Nuclear Safety Commission has jurisdiction over uranium mine waste rock that has been moved off of licensed uranium mining sites in the Elliot Lake area and used as fill on residential properties. Uranium mine waste can cause indoor radon levels to rise and can expose residents to radiation above regulatory limits. Residents have called the presence of radioactive waste at their homes “an egregious failure of Canada’s nuclear regulatory system”. [Read more](#) about this case on our website.

**High-Level Risk:** The Nuclear Waste Management Organization (NWMO) is proposing to store high-level radioactive waste in the Revell Lake area near Ignace, Ontario, within the territory of the Wabigoon Lake Ojibway Nation. If approved, this would be the first ever Deep Geological Repository (DGR) in Canada and is designed as a multi-generational project with construction and placement of nuclear fuel waste for 160 years, and intended to be kept apart from any living things for hundreds of thousands of years. Safety concerns include groundwater contamination, structural instability, impacts on local Indigenous lands, and significant risks from transporting high-level radioactive waste through communities along transport routes.

The NWMO recently submitted the [Initial Project Description](#) (IPD) for the DGR, which marks the beginning of its Impact Assessment process. On behalf of our client We the Nuclear Free North, CELA is reviewing the IPD and will be providing submissions to the Impact Assessment Agency of Canada before the February 4, 2026 deadline for public comment.

**Proposal to Build New Nuclear Station at Wesleyville:** Ontario has three major active nuclear power plant stations, including Bruce Power, Darlington, and Pickering. In 2024, Ontario Power Generation (OPG) announced its intention to build a new nuclear facility in Wesleyville, Ontario. Environmental concerns related to this project include potential radioactive contamination, thermal pollution of Lake Ontario, long-term storage of high-level radioactive waste, and impacts on Williams Treaty Indigenous lands.

OPG recently submitted the [Initial Project Description](#) for the project. This is the first step in the federal Impact Assessment which will be led by the Impact Assessment Agency of Canada and the Canadian Nuclear Safety Commission. CELA will be commenting on behalf of our client, Durham Nuclear Awareness. Comments are due by February 11, 2026.

# Law Reform

**Action on Extreme Heat:** Following sustained advocacy by the Toronto Heat Safety coalition, including CELA, the City of Toronto has taken important steps to protect tenants from extreme heat. Council has directed staff to bring forward a proposed maximum temperature by-law for all rental units, expected in May 2026. This would recognize extreme heat as a serious health and safety issue - just like extreme cold. The city is also proposing a significant expansion of its free air conditioner program for low-income residents in the 2026 budget. Together, these measures signal growing recognition that in-home cooling is a life-saving public health intervention and a critical part of climate change adaptation.

The **City of Hamilton** has launched a survey for tenants and landlords on a proposed maximum heat by-law - it's open until **February 3rd**. It's vital that the City hear from as many tenants who have experienced extreme heat in their homes as possible!

**Mining at What Cost?** Ontario's push to fast-track mining in response to U.S. tariffs risks weakening environmental protections and limiting public oversight. Using gold mining in northwestern Ontario as an example, this blog shows how lenient sulphate standards and proposed permit exemptions could increase methylmercury contamination in water, harm the health of First Nations' communities, and undermine environmental justice.

**Strengthening Climate Resilience:** CELA supports the proposed Ontario Climate Change Adaptation and Resilience Act, which was introduced in November 2025. This private member's bill would strengthen Ontario's response to climate impacts such as extreme heat, flooding, and air pollution. It recognizes that low-income communities are disproportionately affected and sets out a framework for coordinated and well-funded climate adaptation involving a provincial action plan, dedicated funding, knowledge-sharing, and cross-government coordination.

**Seeking Transparency from AMD:** ArcelorMittal Dofasco (AMD) has applied for a renewal of its Environmental Compliance Approval. The ERO posting related to their application does not provide sufficient information to allow the public to meaningfully comment. CELA has sent a letter to the Ministry of Environment, Conservation and Parks which asks for additional documents, including emissions data, abatement plans, and a copy of the proposed ECA, to be released. We've also calling for an extended comment period once this information is made public.

**Lower Emissions, Better Health:** Algoma Steel's recent shift toward greener production could cut greenhouse gas emissions by about 70% by replacing blast furnace steelmaking with electric arc furnace technology. These improvements may bring significant public health benefits as local air quality improves with lower emissions.

**TransformTO Net Zero Strategy:** CELA, the Advocacy Centre for Tenants Ontario, and the Low-Income Energy Network have urged Toronto's Infrastructure and Environment Committee to pass a by-law establishing mandatory building emissions performance standards. The submission argues that the City has clear legal authority to act, and that reducing building emissions is essential to meeting climate targets and protecting public health.

## Inside CELA

CELA is delighted to share that **Ramani Nadarajah** has been chosen as the 2025 recipient of the Tom Marshall Award of Excellence. This award was established to recognize, honour, and celebrate the outstanding achievements of lawyers practicing in Ontario in the public sector sphere. Congratulations Ramani on this well-deserved honour!

## Resources

**Nuclear Waste Webinar Series:** Northwatch is hosting its fourteenth annual webinar series about nuclear waste in Canada. Taking place every Thursday in February, the series will focus on the generation, transportation and proposed burial of highly radioactive nuclear fuel waste. CELA Executive Director Theresa McClenaghan will be speaking at the February 12th [webinar](#) discussing nuclear expansion plans in Canada. For details and registration information, visit [KnowNuclearWaste.ca](#) or [Northwatch.org](#).

**What's in Your Backyard?:** Canada's National Pollutant Release Inventory (NPRI) tracks annual releases and transfers of over 400 pollutants in Canada. Communities can access the pollution data for their community on the [NPRI website](#). NGO members of the NPRI Consultative Work Group, established by the federal government, provide opportunities to discuss the scope of the NPRI, the reporting mechanisms and areas for improvement. The newest issue of their newsletter, What's in Your Backyard?, is [now available](#) in French and English.

**Public Legal Education:** CELA Counsel Ramani Nadarajah is speaking at the Ontario Bar Association conference on February 5th, and also at McGill Law School about environmental justice issues on February 18th.

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**Do you have an environmental law issue you need help with? Know someone else who does? Learn more about [how CELA can help](#).**

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## Support Our Work

The [Canadian Environmental Law Foundation](#) raises funds to support environmental research, education, and access-to-justice initiatives.

In addition, the Foundation works to preserve and make accessible the history of environmental law in Canada so that future generations can learn from the past. This includes our digital and physical library and archival holdings.

Your [gift today](#) will help mentor the next generation of environmental lawyers and sustain the research and education needed to ensure environmental law continues to evolve.

Support Our Work

# From the Foundation

**January Feature:** This month's feature from the Canadian Environmental Law Archive is a 1992 report by Paul Muldoon, who was a research associate with the Canadian Institute for Environmental Law and Policy and counsel with Pollution Probe at the time. Titled "*An Overview to the Development of Environmental Law in Canada*", it highlights the rapid evolution of environmental law in the previous 25 years, and describes that development by examining its different phases.

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