



**C A N A D I A N  
ENVIRONMENTAL  
LAW ASSOCIATION**

**ANNUAL REPORT  
2007**



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# CELA's Objectives:

- To provide equitable access to justice to those otherwise unable to afford representation for their environmental problems.
- To advocate for comprehensive laws, standards and policies that will protect and enhance public health and environmental quality in Ontario and throughout Canada.
- To increase public participation in environmental decision-making.
- To work with the public and public interest groups to foster long-term sustainable solutions to environmental concerns and resource use.
- To prevent harm to human and ecosystem health through application of precautionary measures.

In accomplishing all of these objectives, primary recognition is given to CELA's mandate to assist low-income people and disadvantaged communities.



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# The Year in Review: Message from the Executive Director

It has been another year of many changes at CELA. We said a temporary goodbye to our Acting Executive Director, Ramani Nadarajah, and hello to her new son Alan in August. We also bade farewell to several staff. Ken Traynor, Esther Vise, Passant Elalfy, Marlene Cashin, Charlene Rogers and Judah Harrison, our 2006-07 articling student, all moved on after making valuable contributions to CELA. Additionally our founding Board Member and long serving Chairman Alan Levy said goodbye as did valued Board Member Dr. Janet Krulewitz. Change remained a constant among our legal staff, with turnover in assorted contract positions. Despite these challenging circumstances, CELA staff and research associates continued to provide excellent client representation, summary advice to many individuals and organizations, and exemplary work on environmental law reform issues in the public interest.

This annual report provides a brief overview of activities at CELA during 2007 alongside our audited financial statements. Full details about all of CELA's diverse activities, including all publications, are regularly posted to our website at [www.cela.ca](http://www.cela.ca)

## Meeting our Core Mandate

CELA continues to play a very important role in providing legal services to our clients and in promoting health and environmental values. Our core mandate derives from our principal role as a community legal aid clinic. Funded in part by Legal Aid Ontario, CELA is engaged in efforts to help low income people and disadvantaged communities with environmental problems. We represent groups and individuals in the courts and before tribunals, and we conduct law reform and public legal education campaigns to further our objectives to further our public interest objectives.

## Legal Representation

Litigation activities in 2007 were typical of most years with CELA counsel engaged in a diverse range of procedural and substantive issues in different legal contexts. Longevity is another typical aspect of client files at CELA. The complexity of issues and proceedings in environmental law matters can mean that some files remain active for five to ten years or even longer.

One very active file this year has included a series of procedural steps towards a long-awaited hearing into Lafarge Canada's controversial proposal to burn tires, plastics and other waste in a 34-year old cement kiln near Kingston, Ontario. Residents and environmental groups represented by CELA, Ecojustice (formerly Sierra Legal) and lawyers in the private bar, sought leave to appeal two approvals issued by the Ministry of Environment that would have allowed the controversial incineration proposal. In a landmark decision in April 2007, the Environmental Review Tribunal granted CELA's clients leave to appeal the approvals, and preliminary hearings are now underway. However, the proponent has recently served an application for judicial review of the Tribunal's leave decision.

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In another high-profile case, CELA represented an environmental group opposed to the proposed construction of a large waste incinerator in Halton Region. In 2007, Halton Council decided against pursuing the proposal.

CELA also continues to represent clients before administrative tribunals in Ontario and at the federal level on a broad range of environmental issues. Appearances during 2007 included the Environmental Review Tribunal and the Canadian Nuclear Safety Commission, among others. Alongside diverse litigation activities, CELA's legal and research staff, particularly our articling student, continue to provide summary advice and brief services to many hundreds of individuals from across Canada and even beyond our borders.

## Strategic Priorities

Annual strategic planning continued during 2007. We confirmed and refined strategic priorities for law reform and public legal education. The "core programs" and "topical collections" areas on our website [www.cela.ca](http://www.cela.ca) are structured to mirror these priorities. Additionally, the Resource Library for the Environment and the Law [www.ecolawinfo.org](http://www.ecolawinfo.org) continues to build its collections and improve accessibility to resources that focus on, as well as augment, CELA's research priorities. In collaboration with the Resource Library, CELA has established a partnership with the Library at Wilfrid Laurier University which houses historic archives of both CELA and the Resource Library (<http://trellis3.tug-libraries.on.ca>).

### *Access to Justice and Protecting Environmental Rights*

CELA's work in promoting access to justice and the protection of citizen environmental rights arose across all strategic priorities. For example, we brought an access to justice lens to our ongoing work in advancing a community right-to-know bylaw in Toronto and in support of a provincial private members bill, both having to do with increasing public disclosure of information about toxic substances. We are poised for the coming year to continue this work at the provincial level with the drafting of a model bill to achieve a Toxics Use Reduction law in Ontario similar to one of the most progressive laws of this kind in Massachusetts.

In our Great Lakes work, as a result of a long history of involvement in public consultation exercises, the Ministry of Natural Resources asked CELA to conduct an evaluation of the Ontario Advisory Panel Process for the Great Lakes Charter Annex Agreements. In a report, entitled *Rethinking Public Consultation from the Inside Out: "A Risk Worth Taking,"* CELA provided a detailed review and recommendations for best practices in ensuring excellence in public consultation, a key ingredient in achieving solutions to most environmental problems. This report was then featured in a workshop held for the Ontario Public Service.

CELA continues to work with colleagues in other organizations that specialize in environmental law to bring an important public interest perspective. For example, with colleagues at Ecojustice, CELA commented on draft regulations on environmental penalties. We raised concerns about the need to maintain strong deterrents for corporations to prevent pollution and to maintain for the province, a clear and forceful ability to mount prosecutions, if necessary.

### *Water Sustainability*

CELA continues to advance the work of implementing the full suite of recommendations from the Walkerton Inquiry. After achieving many of these recommendations in years past, 2007 was a





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year full of advancing the agenda of drinking water source protection. With the formation of the Water Guardians Network, CELA was instrumental in providing advice and helping to coordinate cooperative activities among environmental and community groups from across the province, including securing funding to assist the Ontario Environment Network with efforts to place citizen and environmental group participants on local source protection committees.

In addition to assisting with organizing and networking among these groups, CELA continued to advance a public interest perspective with policy makers by providing substantive legal analyses and critical review of regulations under the province's new *Clean Water Act*. CELA also monitored and responded to changes to Ontario's water wells regulation, and has recently been appointed to a stakeholders' panel to develop "best practices" manuals for well-related activities such as construction, disinfection, and decommissioning.

Working alongside longstanding coalitions and partnerships with community and environmental groups around the Great Lakes basin, CELA continued extensive work during 2007 to respond to consultations on the *Great Lakes Water Quality Agreement*, the *Canada-Ontario Agreement Respecting the Great Lakes Ecosystem Basin*, and the *Great Lakes – St. Lawrence River Basin Sustainable Water Resources Agreement*. These consultations addressed issues regarding water quality, particularly regarding emission of toxic substances to the basin, and water quantity, with respect to issues of overuse and diversion of Great Lakes waters. CELA responded to multiple consultation efforts in these areas and also worked proactively with basin partners to develop a *Great Lakes Blueprint: A Canadian Vision for Protecting and Restoring the Great Lakes and St. Lawrence River Ecosystem*.

### *Pollution and Health*

Through CELA's PollutionWatch partnership with Environmental Defence and with partners working on children's environmental health, CELA continued to actively engage in the Parliamentary review of the *Canadian Environmental Protection Act (CEPA)* and related initiatives during 2007. CELA has been instrumental in bringing to this review the need to improve regulation of toxic substances in consumer products. The added controversy of millions of lead-contaminated toys during the summer of 2007 reinforced the need to address this problem. Alongside the CEPA review, a federal commitment exists to reform the out-of-date *Hazardous Products Act (HPA)*, a move CELA called for seven years ago in the context of reviewing the adequacy of standard-setting and children's health.

Input to the CEPA review, and a forthcoming review of the HPA, provides a focal point for directing many years of research and expertise from related program areas including our extensive work in response to the ongoing implementation of CEPA, ranging from the risk assessment and risk management of specific substances, to the many decision points and implications of the Chemicals Management Plan announced in December of 2006. Other program areas that are strategically relevant to CEPA and HPA reform efforts include our work on pesticides, both at the federal and municipal levels and our work on the Great Lakes, children's environmental health, environmental links to cancer, and the Stockholm Convention on Persistent Organic Pollutants.

Working with the Canadian Partnership for Children's Health and Environment and Best Start, during 2007 CELA continued a multi-year effort of providing training workshops for service providers in public health, early learning and child care and others who work in prenatal or child health. CELA continued to align this and other outreach work on toxic substances with achieving broader policy objectives to enable reduction and/or prevention of toxic environmental exposures. For example, this alignment continues to assist with the passage of municipal pesticide bylaws across the country, now standing at over 135 bylaws with more on the way.

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CELA's focus on the environmental contribution to cancer continues with the Toronto Cancer Prevention Coalition's community right-to-know efforts noted above and through involvement in provincial and national advisory committees, with Cancer Care Ontario and the Canadian Strategy for Cancer Control. Additionally CELA and the Canadian Association of Physicians for the Environment worked on a project with a group of stakeholders in the South Riverdale Community Health Centre focused on evaluating breast cancer risks.

Finally, in early 2007, CELA published a comprehensive report, funded by the European Union, investigating key health and environmental issues including comparative reviews of European and Canadian law concerning toxic substances, biotechnology, extended producer responsibility and management of natural resources.

### *On the Land – Environmental and Land Use Planning*

CELA continued to monitor and respond to proposed changes or implementation activities related to law and policy governing environmental planning decisions. For example, CELA made submissions in response to proposed environmental assessment changes for Ontario's Waste Sector, we responded to the proposed *Endangered Species Act, 2007* as well as to ongoing consultations about brownfields reform. In an example of an area where CELA lawyers serve as both the watchdog and the go-to people on issues requiring specialized expertise, CELA commented on the interim report of the Agency Cluster Facilitator for the Municipal, Environment and Land Planning Tribunals. While not an issue for banner headlines, CELA's comments on this report raised important public interest issues about ensuring that clustering in the name of efficiency does not serve to exclude the public nor eliminate from tribunal panels the kind of specialized expertise that can be essential to understanding and resolving complex environmental problems. In addition, CELA continues to serve as a member of the Environmental Review Tribunal's Client Advisory Committee.

CELA also filed a response to consultations held by the legislative committee reviewing changes to the *Planning Act* in Ontario, and continues to monitor and comment upon proposed administrative changes to *Ontario's Environmental Assessment Act*. CELA will continue to call for full application of both provincial and federal environmental assessment law to proposals related to the nuclear industry and nuclear waste disposal. CELA's work also continues with housing, energy and anti-poverty advocates in the Low Income Energy Network focused on universal accessibility to conservation and affordable energy.

These are but highlights of CELA's work during 2007. Our strategic planning goals establish work plans for more activity by CELA staff and research associates in these areas to build on existing work and expertise and continue the process of integrating our work across existing program areas.



**Richard Lindgren,  
Acting Executive Director  
November, 2007**



# Audited Financial Statements – 2006-2007

## Statement of Financial Position as at March 31, 2007

	Legal Aid Ontario	Other Funds	March 31	
			2007	2006
<b>ASSETS</b>				
Current				
Cash and short-term investments	\$83,378	\$145,736	\$229,114	\$284,581
Grants and accounts receivable	62,344	132,610	194,954	101,556
Inter-fund receivable (payable)	2,547	(2,547)	-	-
Prepaid expenses	14,061	1,189	15,250	16,213
	<u>162,330</u>	<u>276,988</u>	<u>439,318</u>	<u>402,350</u>
Capital assets	25,403	1,411	26,814	70,703
	<u>\$187,733</u>	<u>\$278,399</u>	<u>\$466,132</u>	<u>\$473,053</u>
<b>LIABILITIES</b>				
Current				
Accounts payable and accrued liabilities	\$57,313	\$9,010	\$66,323	\$96,338
Deferred revenue	3,008	38,631	41,639	131,676
	<u>60,321</u>	<u>47,641</u>	<u>107,962</u>	<u>228,014</u>
<b>NET ASSETS</b>	<u>127,412</u>	<u>230,758</u>	<u>358,170</u>	<u>245,039</u>
	<u>\$187,733</u>	<u>\$278,399</u>	<u>\$466,132</u>	<u>\$473,053</u>

Note: The above financial information is a combination of the audited financial statements of the Canadian Environmental Law Association - Legal Aid Ontario and the audited financial statements of the Canadian Environmental Law Association - Other Funds. Audited statements were prepared by Chaplin and Co Chartered Accountants, and are available on request.

## Statement of Operations and Net Assets for the year ended March 31, 2007

			<u>2007</u>	<u>2006</u>
	<b>Legal Aid Ontario</b>	<b>Other Funds</b>	<b>Total</b>	<b>Total</b>
<b>REVENUE</b>				
Legal Aid Ontario	\$942,495	-	\$942,495	\$912,811
Legal Aid indirect payments (note 5)	76,782	-	76,782	111,472
Grants	-	384,993	384,993	488,544
Honouraria	-	7,350	7,350	5,812
Interest	11,555	6,515	18,070	4,136
Recoveries and other	160	27,600	27,760	77,144
	<u>1,030,992</u>	<u>426,458</u>	<u>1,457,450</u>	<u>1,599,919</u>
<b>EXPENSES</b>				
Amortization	42,484	1,405	43,889	76,797
Communications	17,216	1,813	19,029	29,097
Contract services	-	118,130	118,130	225,134
Equipment	7,049	-	7,049	7,671
Indirect payments	76,782	-	76,782	84,999
Legal disbursements	-	-	-	38,484
Library purchases	13,110	-	13,110	10,804
Occupancy	116,345	4,744	121,089	119,382
Office and General	22,442	16,732	39,174	40,145
Professional dues	7,069	-	7,069	6,036
Professional fees	6,338	3,084	9,422	16,904
Salaries and benefits	733,168	124,498	857,666	938,652
Travel	1,405	30,505	31,910	49,891
	<u>1,043,408</u>	<u>300,911</u>	<u>1,344,319</u>	<u>1,643,996</u>
Excess of revenue over expenses (expenses over revenue) for the year	(12,416)	125,547	113,131	(44,077)
Net assets, beginning of year	<u>139,828</u>	<u>105,211</u>	<u>245,039</u>	<u>289,116</u>
Net assets, end of year\$	<u>\$127,412</u>	<u>\$230,758</u>	<u>\$358,170</u>	<u>\$245,039</u>

Note: The above financial information is a combination of the audited financial statements of the Canadian Environmental Law Association - Legal Aid Ontario and the audited financial statements of the Canadian Environmental Law Association - Other Funds. Audited statements were prepared by Chaplin and Co Chartered Accountants, and are available on request.

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# THANK YOU!

*CELA is blessed with wonderful staff, Board members and volunteers. We also deeply appreciate the support and good relationships we enjoy with our clients. We work collaboratively with many groups and individuals. Thank you to:*

## **CELA Core Staff:**

Mary Anderson, Kathleen Cooper, Fe de Leon, Sharon Fleishman, Judah Harrison, Rick Lindgren, Kaitlyn Mitchell, Sarah Miller, Fowzia Mohamoud, Ramani Nadarajah, Charlene Rogers, Michelle Swenarchuk, Esther Vise.

## **Contract Staff and/or Expert Advisors:**

Alan Abelsohn, Hugh Benevides, Marlene Cashin, Joseph Castrilli, Chaplin & Company, Miriam Diamond, Alan Dixon, Passant Elalfy, Jessica Ginsburg, John Jackson, Kapil Khatteer, Rich Purdy, Sarah Rang, Anne Wordsworth, Christopher Waffle, Paul Young.

## **CELA non-staff Board Members:**

Vicki Barron, Elizabeth Block, Margaret Casey, Lesley Cameron, Bruce Davidson, Miriam Diamond, John Jackson, Janet Krulewitz, John Lang, Alan Levy (Chair), Jacinta O'Brien, Grace Patterson, Graham Rempe, Judy Simon (President), Catherina Spoel.

## **Volunteers:**

Isobel Foote, Ka-Wai Leung, Kathy Mahinpou, Debbie Nolan Sidrra Sabzwari.

## **Key Partners and Partnerships:**

Advocacy Centre for Tenants Ontario, Alliance for the Great Lakes, Campaign for Nuclear Phaseout, Canadian Association of Physicians for the Environment, Canadian Centre for Policy Alternatives, Canadian Environmental Network, Canadian Partnership Against Cancer – Primary Prevention Action Group, Canadian Partnership for Children's Health and Environment, Canadian Institute for Environmental Law and Policy, Centre for Social Innovation, Coalition on the Niagara Escarpment, Environmental Defence, Great Lakes Aquatic Habitat Network and Fund, Great Lakes United, International POPS Elimination Network, Low Income Energy Network, Ontario Environment Network, Ontario Greenbelt Alliance, Pembina Institute for Appropriate Development, Pollution Probe, PollutionWatch, the Biodiversity Project, Toronto Cancer Prevention Coalition, Toronto Environmental Alliance, Toronto Right to Know Coalition, the Water Guardians Network and Wilfred Laurier University.

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*And we extend an extra special thanks to our funders who make it all possible. In addition to our core funding support from Legal Aid Ontario, CELA staff and contract staff have worked for many of our partner organizations. We have also obtained generous project grants from several private foundations as well as some government agencies. This additional funding support, beyond that provided by Legal Aid Ontario, dramatically extends CELA's ability to conduct law reform and public legal education in Ontario and across Canada.*

Thanks to the following:

## **Funders:**

Alliance for the Great Lakes, Best Start Resource Centre, Canadian Auto Workers, Canadian Bar Association, Canadian Breast Cancer Foundation – Ontario Region, Canadian Child Care Federation, Canadian Environmental Network, Canadian International Development Agency, Charles Stewart Mott Foundation, City of Toronto, Council of Great Lakes Governors, Environment Canada, Environmental Defence, European Commission, Great Lakes United, Health Canada, Hollyhead Foundation, Human Resources Skills Development Canada, Joyce Foundation, Law Foundation of Ontario, Legal Aid Ontario, North South Institute, Office of the Auditor General, Ontario Ministry of Energy, Ontario Ministry of Environment, Ontario Ministry of Natural Resources, Ontario Trillium Foundation, Salamander Foundation, United Steelworkers, Walter and Duncan Gordon Foundation.



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