



**CANADIAN  
ENVIRONMENTAL  
LAW ASSOCIATION**

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**ANNUAL REPORT  
2006**

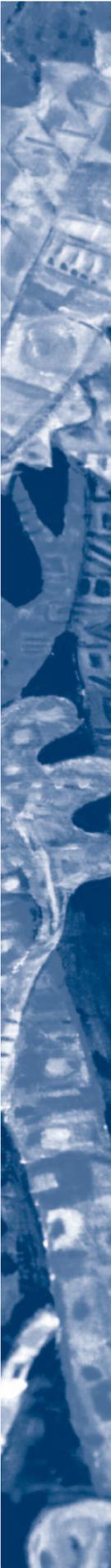
# CELA's Objectives:

- 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.



*Photo, art and design credits: All images in this report were created from photographs taken by Gaye Jackson of artwork by Barbara Klunder. Design and layout was done by Newbury Ng.*



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# The Year in Review: Message from the Executive Director

It has been a year of many changes at CELA. We said goodbye to our Executive Director, Paul Muldoon who moved on to become Vice-Chair of Ontario's Environmental Review Tribunal. At the same time, another CELA Counsel, Theresa McClenaghan, took a position as Senior Policy Advisor to Ontario's Environment Minister. Thankfully, the environmental community has not lost Paul and Theresa's expertise but at CELA we miss them a great deal. We wish them well and thank them for their invaluable contributions to CELA. Michelle Swenarchuk, CELA Counsel and Director of International Programmes, stepped in as Executive Director. However, soon after Michelle was diagnosed with a serious illness and is currently on leave. We anxiously await her recovery. With grace and generosity, CELA staff and Board members have worked hard in a collective response to the challenges created by these many changes.

This annual report provides a brief overview of activities at CELA during 2006 alongside our audited financial statements. Full details about all of CELA's diverse activities 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 in the public interest. 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 conduct law reform and public legal education campaigns to further our objectives.

## Legal Representation

Litigation activities in 2006 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. This year we closed one file that had been part of CELA's work since the early 1990s. As we write this report, another matter is before the Ontario Court of Justice, after many years of litigation efforts on the clients' behalf.

One important success story this year was the decision by the Ministry of the Environment to strongly recommend against approving the proposed mega-expansion of the Richmond Landfill Site near Napanee. This complex file is typical of CELA's work. Direct representation of local citizens is just the beginning. It is supported by forging connections with strategic allies, in this case, the Mohawks of the Bay of Quinte and the local municipality. The various stages of litigation on the file have advanced the direct interests of the clients (and their allies) but also influenced precedent-setting decisions. The success of this case serves the interests of CELA's clients as well as upholding the integrity of Ontario's Environmental Assessment process.

CELA also continues to represent clients before administrative tribunals in Ontario on a broad

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range of environmental issues. 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 2006. 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**

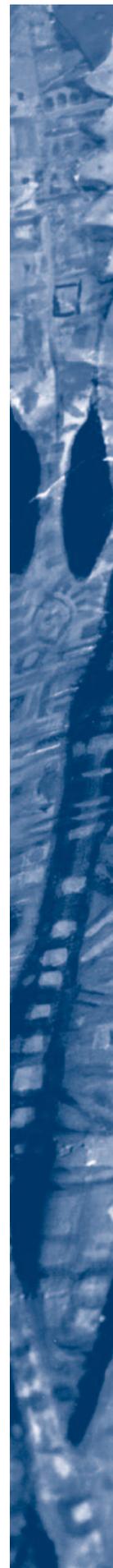
Highlights from CELA's activities are difficult to choose since 2006 was a typically busy year. Our work in promoting access to justice and the protection of citizen environmental rights arose across all strategic priorities. To note just four examples, we brought an access to justice lens to our work in response to the federal government's so-called "Smart Regulation" initiative, Environment Ontario's proposals for environmental assessment reform, and during our participation in an advisory group concerning the Great Lakes Annex as well as when calling for adequate environmental assessment and public hearings into new nuclear waste facilities.

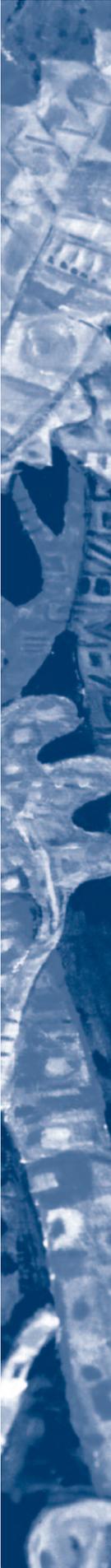
In the year's most egregious example of lack of due process for a controversial undertaking, CELA conducted legal analyses and used tools from the Environmental Bill of Rights to repeatedly protest the Ontario government's refusal to conduct a full and fair environmental assessment of proposals for new nuclear power generation. In another example of the value of CELA's legal analyses about protecting public interest environmental rights, Ontario's Environmental Commissioner, in his annual report for 2005-06, cited CELA's comments in support of environmental penalties and the importance of prosecutions in promoting regulatory compliance.

### **Water Sustainability**

CELA continues to advance the work of implementing the full suite of recommendations from the Walkerton Inquiry. During 2005, CELA advocated for improvements to small drinking water systems. As noted by Ontario's Environmental Commissioner, in his Annual Report for 2005-06, the Province has not adequately addressed the recommendations of the Advisory Council on Drinking Water Quality and Testing Standards, noting in addition that the province has not adequately nor accurately address public concerns, including those advanced by CELA.

To advance the agenda of drinking water source protection, throughout 2006 CELA continued to work with environmental and community groups from across the province helping to forge alliances and cooperative work. CELA helped to advance citizens' perspectives with policy makers and provided detailed legal analysis and critical review of the province's new *Clean Water Act*. The Act was passed in October, following public hearings by the legislature. Soon after, CELA co-hosted the launch of the province-wide "Water Guardians Network", to focus on ensuring the implementation of source protection.





The public review of this new law during 2006 accompanies ongoing efforts by the province to forge regulations under three other Walkerton-related statutes: the *Safe Drinking Water Act*, the *Nutrient Management Act* and the *Sustainable Water and Sewage Systems Act*. As with all statutes, the important details will be spelled out in regulations. Work during this year will continue into 2007 as CELA stays closely engaged in ensuring that the drinking water safety promised in Ontario's new laws truly occurs.

Similarly extensive community mobilization and development of progressive reform positions occurred in response to consultations on the Great Lakes Water Quality Agreement and the Great Lakes Annex. We are working with partners around the basin to ensure that an updated GLWQA remains focused on water quality within a strengthened regime of government accountability for implementing the agreement.

CELA staff continues to work on two Advisory Panels to the Ontario Ministry of Natural Resources and to the Council of Great Lakes Governors on the implementation of the Great Lakes — St. Lawrence River Basin Sustainable Water Resources Agreement to prevent overuse and diversion of Great Lakes waters.

### **Pollution and Health**

CELA is also vigorously advancing the cause of Great Lakes protection within the Parliamentary review of the *Canadian Environmental Protection Act* (CEPA). The CEPA review focuses our attention on priorities for reforming the federal regulation of toxic substances. Several streams of CELA's law reform activity converge in this review and 2006 has been a year of integration across program areas. Through CELA's PollutionWatch partnership with Environmental Defence, CELA is actively engaged in the CEPA review. We are assisting other groups and individuals to participate. We are channelling into our work on the CEPA review many years of research and expertise from related program areas: our work in response to the implementation of CEPA; our work on pesticides; the Great Lakes; children's environmental health; and our international program, including the Stockholm Convention on Persistent Organic Pollutants.

In particular, CELA continued to be very active during 2006 in addressing toxic substance regulation within two major consultations: the review of the Great Lakes Water Quality Agreement and the federal government's efforts to categorize 23,000 substances in commercial use with respect to toxicity and exposure. CELA continued to exercise leadership on behalf of the NGO community within these consultations advocating for a precautionary approach to the assessment and management of toxic substances.

CELA maintains an extensive children's health research program addressing the growing base of scientific information about exposure to, and potential health effects of, toxic substances. For several years, this research focus has been mainly directed towards knowledge transfer, via publications and public speaking, to build awareness among health, environmental and child care service providers and the public about toxic exposures and the means to reduce or avoid them. CELA aligns this outreach work with achieving broader policy objectives to enable reduction and/or prevention of toxic environmental exposures. This alignment has been particularly successful in the reform of federal pesticide law, with the reformed law finally promulgated in June of this year, and in the continued passage of municipal pesticide bylaws across the country, now standing at over 120 bylaws with more on the way.

This year the international program will complete research, funded by the European Union, to investigate key health and environmental issues within the context of regulatory cooperation between Canada and the EU. Recommendations from this work concerning extended producer responsibility and a review of regulatory responses to biotechnology and toxic substances will

inform and enhance CELA's work on the CEPA review, among other objectives.

Moving from the international realm to the grassroots, a key focus of CELA's work on cancer prevention this year has been to seek a community right-to-know bylaw for the City of Toronto. Through continued pressure from CELA and our partners in the Toronto Cancer Prevention Coalition, a right-to-know bylaw for Toronto can, if obtained, continue the City's progressive work towards elimination of ten key carcinogens known to be of concern from both occupational and environmental exposures in Toronto. CELA's focus on the environmental contribution to cancer also occurs through involvement in provincial and national advisory committees, with Cancer Care Ontario and the Canadian Strategy for Cancer Control, respectively. Detailed research began this year in collaboration with health partners through a grant from the Canadian Breast Cancer Foundation.

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

Last but not least, CELA continued to monitor and respond to proposed changes or implementation activities related to law and policy governing environmental planning decisions. CELA made submissions to 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 2006. Our strategic planning goals establish work plans for more work in these areas to build on existing work and expertise and continue the process of integrating our work across existing program areas. Exciting new projects have begun or are pending and we look forward to 2007 with enthusiasm.



**Ramani Nadarajah, Acting Executive Director  
November, 2006**



# Audited Financial Statements – 2005-2006

## Statement of Financial Position as at March 31, 2006

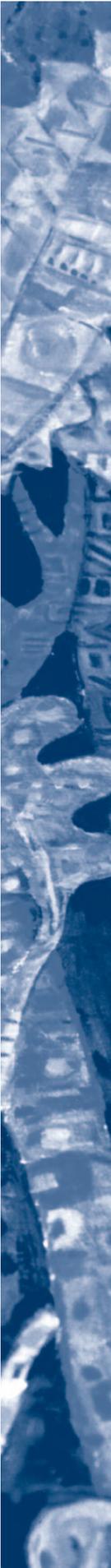
			<u>March 31</u>	
	Legal Aid Ontario	Other Funds	Total	Total
<b>ASSETS</b>				
Current				
Cash and short-term investments	\$ 78,584	\$ 205,997	\$ 284,581	\$ 269,125
Grants and accounts receivable	45,174	56,382	101,556	71,244
Inter-fund receivable (payable)	2,554	(2,554)	-	-
Prepaid expenses	13,799	2,414	16,213	16,920
	<u>140,111</u>	<u>262,239</u>	<u>402,350</u>	<u>357,289</u>
Capital assets	<u>67,887</u>	<u>2,816</u>	<u>70,703</u>	<u>116,806</u>
	<u>\$ 207,998</u>	<u>\$ 265,055</u>	<u>\$ 473,053</u>	<u>\$ 474,095</u>
<b>LIABILITIES</b>				
Current				
Accounts payable and accrued liabilities	\$68,170	\$28,168	\$96,338	\$80,981
Deferred revenue	-	131,676	131,676	103,998
	<u>68,170</u>	<u>159,844</u>	<u>228,014</u>	<u>184,979</u>
<b>NET ASSETS</b>	<u>139,828</u>	<u>105,211</u>	<u>245,039</u>	<u>289,116</u>
	<u>\$ 207,998</u>	<u>\$ 265,055</u>	<u>\$ 473,053</u>	<u>\$ 474,095</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 by Chaplin & Co Chartered Accountants, and are available on request.

## Statement of Operations and Net Assets for the year ended March 31, 2006

			<u>2006</u>	<u>2005</u>
	Legal Aid Ontario	Other Funds	Total	Total
<b>REVENUE</b>				
Legal Aid Ontario	\$ 912,811	-	\$ 912,811	\$ 901,896
Legal Aid indirect payments	111,472	-	111,472	79,461
Grants	-	488,544	488,544	468,944
Honouraria	-	5,812	5,812	2,298
Interest	737	3,399	4,136	3,159
Recoveries and other	48,261	28,883	77,144	50,845
	<u>\$ 1,073,281</u>	<u>\$ 526,638</u>	<u>\$ 1,599,919</u>	<u>\$ 1,506,603</u>
<b>EXPENSES</b>				
Amortization	75,392	1,405	76,797	18,153
Communications	20,382	8,715	29,097	23,720
Contract services	-	225,134	225,134	242,819
Equipment	7,671	-	7,671	8,451
Indirect payments	84,999	-	84,999	79,461
Legal disbursements	38,484	-	38,484	65,818
Library purchases	10,804	-	10,804	11,234
Occupancy	115,086	4,296	119,382	117,621
Office and General	24,496	15,649	40,145	36,562
Professional dues	6,036	-	6,036	4,474
Professional fees	5,435	11,469	16,904	8,193
Salaries and benefits	732,616	206,036	938,652	858,196
Travel	2,532	47,359	49,891	26,240
	<u>\$ 1,123,933</u>	<u>\$ 520,063</u>	<u>\$ 1,643,996</u>	<u>\$ 1,500,942</u>
Excess of revenue over expenses (expenses over revenue) for the year	(50,652)	6,575	(44,077)	5,661
Net assets, beginning of year	<u>190,480</u>	<u>98,636</u>	<u>289,116</u>	<u>283,455</u>
Net assets, end of year	<u>\$ 139,828</u>	<u>\$ 105,211</u>	<u>\$ 245,039</u>	<u>\$ 289,116</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 & 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:**

Jennifer Agnolin, Hugh Benevides, Kathleen Cooper, Fe de Leon, Sharon Fleishman, Judah Harrison, Rick Lindgren, Theresa McClenaghan, Sarah Miller, Paul Muldoon, Ramani Nadarajah, Charlene Rogers, Tracy Tucker, Michelle Swenarchuk, Ken Traynor, Esther Vise.

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

Marlene Cashin, Chaplin and Company Chartered Accountants, Jason Diceman, Passant Elalfy, Jessica Ginsburg, John Jackson, Kapil Khatter, Rich Purdy, Sarah Rang, Lori Rogers, Lorianne Rogers, Scott Sinclair, Tonya Surman, Loren Vanderlinden, Anne Wordsworth.

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

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

## **Volunteers:**

Isobel Foote, Debbie Nolan.

## **Key Partners and Partnerships:**

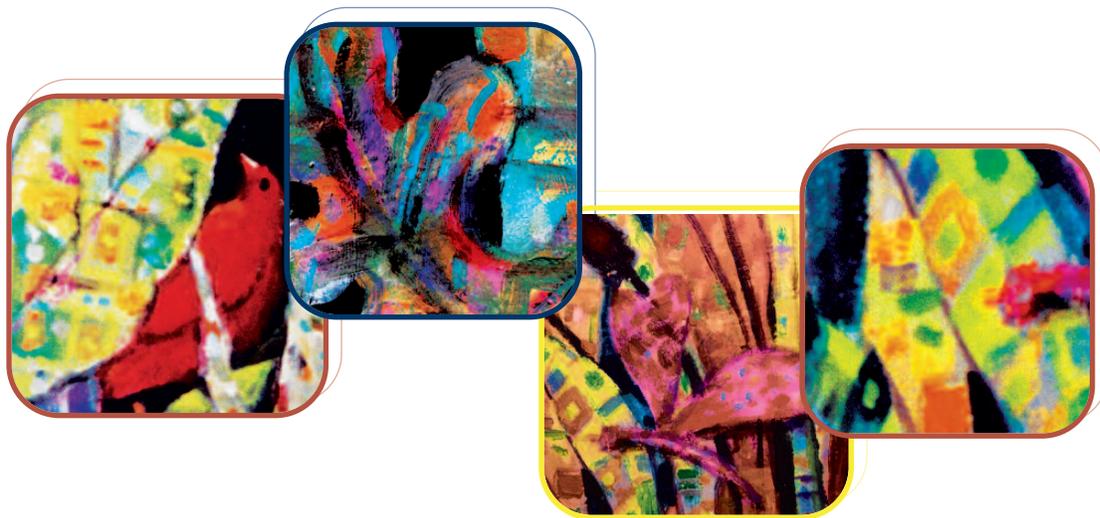
Advocacy Centre for Tenants Ontario, Alliance for the Great Lakes, Campaign for Nuclear Phaseout, Canadian Association of Physicians for the Environment, Canadian Centre for Policy Alternatives, Canadian Environmental Network, Canadian Partnership for Children's Health and Environment, Canadian Institute for Environmental Law and Policy, Centre for Social Innovation, Coalition on the Niagara Escarpment, Common Frontiers, Environmental Defence, Great Lakes United, International POPS Elimination Network, Low Income Energy Network, MiningWatch Canada, Nuclear Waste Watch, Ontario Environment Network, Ontario Greenbelt Alliance, Partnership for Pesticide Bylaws, Pembina Institute for Appropriate Development, Pollution Probe, PollutionWatch, the Biodiversity Project, Toronto Cancer Prevention Coalition, Toronto Environmental Alliance, Toronto Right to Know Coalition, Trade and Investment Research Project and the Water Guardians Network.

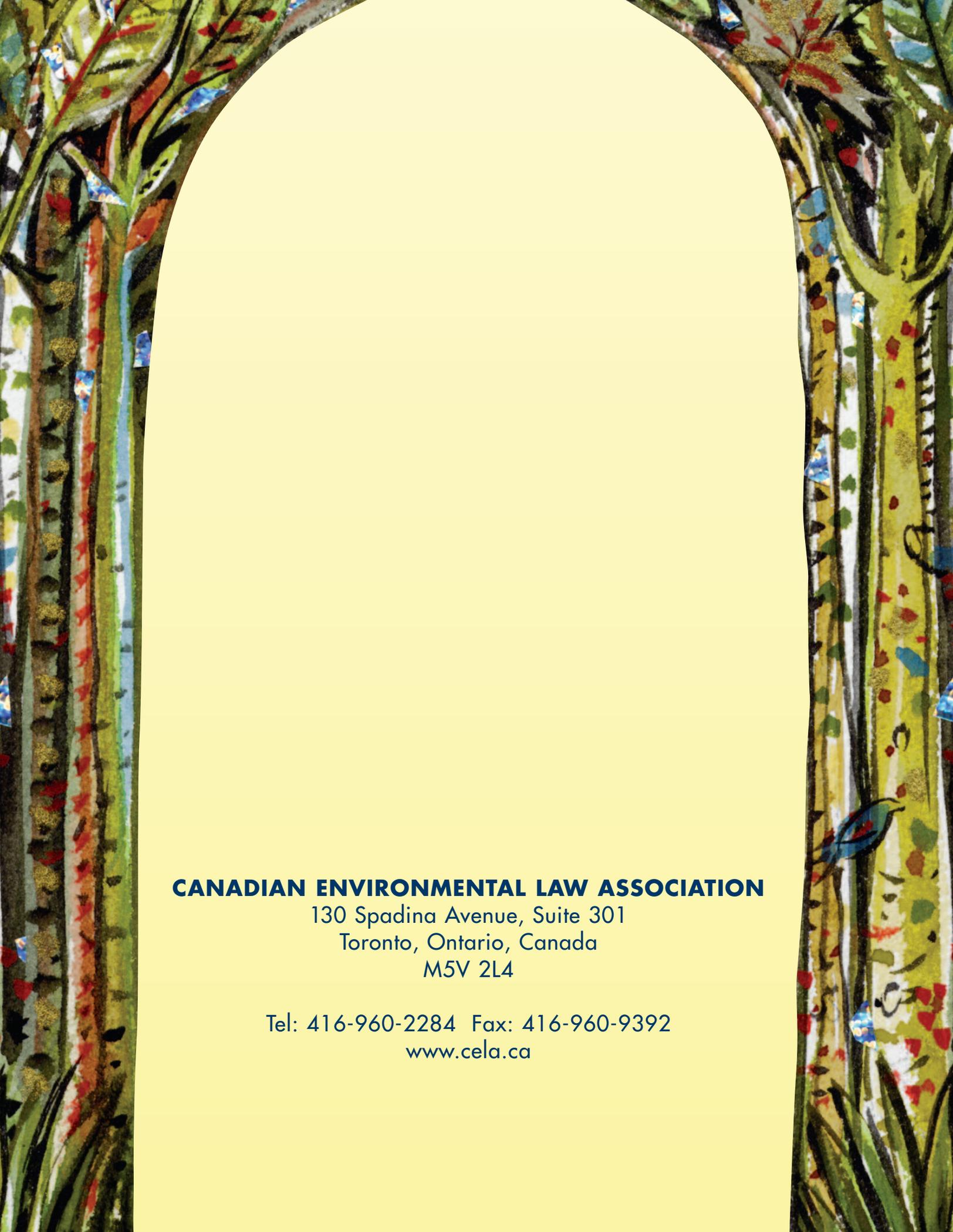
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And we extend an extra special thanks to our funders who make it all possible. In addition to our core funding support from Legal Aid Ontario, CELA staff and contract staff have worked for many of our partner organizations. We have also obtained generous project grants from several private foundations as well as some government agencies. Thanks to the following:

### **Funders:**

Alliance for the Great Lakes, Best Start Resource Centre, Canadian Auto Workers, Canadian Bar Association, Canadian Bar Law for the Future Fund, Canadian Breast Cancer Foundation, 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, Hollyhead Foundation, Human Resources Skills Development Canada, Inuit Tapiriit Kanatami, Joyce Foundation, Law Foundation of Ontario, Legal Aid Ontario, North South Institute, Office of the Auditor General, Ontario Ministry of Energy, Ontario Trillium Foundation, Natural Resources Canada, Three Guineas Foundation, United Steelworkers, Walter and Duncan Gordon Foundation.





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