

2023 Annual Report

EQUITY. JUSTICE. HEALTH.



Canadian
Environmental Law
Association
EQUITY. JUSTICE. HEALTH.



Canadian
Environmental Law
Foundation





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Canadian Environmental Law Association

Canadian Environmental Law Association / l'Association canadienne du droit de l'environnement (CELA/ACDE) is a public interest law clinic dedicated to environmental equity, justice, and health. Founded in 1970, CELA is one of the oldest advocates for environmental protection in the country. With funding from Legal Aid Ontario, CELA provides free legal services relating to environmental justice in Ontario, including representing qualifying low-income, vulnerable or disadvantaged communities in litigation. CELA also works on environmental legal education and reform initiatives.

CELA exists to ensure that under-represented and underserved communities have access to environmental justice through the courts and tribunals. As long as communities face barriers to accessing environmental justice, there will be a need for CELA's work.



Canadian Environmental Law Foundation

Our charitable arm, the Canadian Environmental Law Foundation / La Fondation Canadienne du Droit de l'Environnement (Foundation/Fondation), was founded in 1993 to support CELA's research and education work on environmental law and justice issues.

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. The Foundation also supports ongoing education and outreach efforts to promote public participation in environmental decision-making. An important education initiative of the Foundation is support for CELA's articling student program, training the next generation of environmental advocates.

The Canadian Environmental Law Foundation/La Fondation Canadienne du Droit de l'Environnement is a registered Canadian charity, no. 889832390RR0001

Message from the Executive Director



In our 2023 Annual Report, you'll read stories that profile CELA's work on extreme heat, air pollution, legacy contamination, and public participation in environmental decision-making. These stories represent just a few of the many ways CELA's is dedicated to ensuring communities are healthy and thriving.

Underlying all of the stories in this report is the importance of environmental justice for communities who disproportionately bear the negative impacts of climate change, pollution and other threats. Described as vulnerable communities by the legal clinic system, the voices of these communities and individuals are usually left out of environmental policy and decision-making processes. Through a project funded by Environment and Climate Change Canada, CELA conducted a series of focus groups with people residing in the Great Lakes basin who are disproportionately impacted by toxic substances. A key lesson from this project was the need to change how these communities are described and viewed - rather than use the terms "marginalized" or "vulnerable", the terms "underserved and underrepresented" were applied to people who require special consideration in the decision-making process. You'll see both terms used in this year's annual report and CELA's future communication materials.

We are always so appreciative of the dedication shown by CELA's volunteer board of directors. We are pleased to welcome new board members Tom Borg and Lijing Black. As you read the report, watch for special profiles on departing directors Luke Wintjes and Grace Patterson.

Joining us this year are three talented and passionate staff: Kesi Disha as CELA's Legal Assistant and Information Coordinator and, to support the Healthy Great Lakes program, Laura Tanguay as Water Policy Coordinator, and Rachel Arsenault in the newly created role of Indigenous Engagement Advisor.

We were very sad to say goodbye to Krystal-Anne Roussel and Julia Hambleton as they left the CELA team. Krystal-Anne, formerly an articling student with CELA, was Counsel and Water Policy Coordinator. She left for an exciting opportunity to work in animal law at the University of Toronto. Julia was CELA's Legal Assistant and Information Coordinator for 2.5 years, and her passion and enthusiasm will be greatly missed!

CELA's work continues to expand and evolve as the intersections of multiple disproportionate burdens impact our client communities. We invite you to stay with us on the journey as we strive with our clients, colleagues and collaborators to work toward a world that is safe, healthy and equitable for all.

Sincerely,
Theresa McClenaghan
Executive Director and Counsel





Improving The Air We Breathe

Air pollution is a major source of harm to human health and the environment. It's also a serious environmental injustice because industrial facilities are often located near low-income communities. As a result, members of these communities are being disproportionately impacted by toxic emissions from these facilities.

CELA calls on the provincial government to set and enforce strong standards for local air quality that equally protect everyone in Ontario from being exposed to air pollution. This past year, CELA has been working with a number of communities in Ontario on their specific air quality issues.

Aamjiwnaang First Nation

Aamjiwnaang First Nation has been dealing with decades-long critical air quality issues due to a large number of industries surrounding their community which emit high levels of toxic contaminants.

The legal clinics serving Aamjiwnaang First Nation invited CELA to co-host a webinar series discussing the air quality issues in their community, including the health impacts of emissions,

the regulatory framework that governs air quality in Ontario, what information is available to the public, and the importance of reporting environmental concerns.

Hamilton

CELA, in collaboration with Environment Hamilton, sent a letter to Ontario's Premier to express concerns about air quality.



Many Hamiltonians living in neighbourhoods most impacted by air pollution are fearful about the short-term and long-term human and environmental health effects of the air they breathe. They are looking for more from those with the power to change the city's air quality for the better: more accessible information on the links between air quality and health outcomes, more restrictions on industrial polluters especially those with exemptions on carcinogenic emissions, more reparations and reinvestment in communities that have faced historical negligence due to under-regulated air pollution."

- Kerry Le Clair, Hamilton Ward 3 Community Climate Action Coordinator

Specifically, cancer-causing pollutants were detected in a recent study that found that Hamilton's concentrations of benzo(a)pyrene exceed Ontario's provincial air standards. Air quality monitors observed exceedances of this substance not only near industrial facilities where it is emitted but throughout the City. In particular, there are concerns about whether low-income communities in Hamilton are being disproportionately impacted by air pollution.

CELA has opposed applications by industrial facilities to the Ontario Ministry of Environment, Conservation and Parks (MECP) to meet less stringent air emissions standards through the use of "site-specific standards" and technical standards, including:

- Ontario Power Generation's application for a site-specific air standard at their Lennox Generating Station near Bath;
- Glencore Canada Corporation's application for a site-specific air standard at the Kidd Concentrator Site near Timmins; and,
- MECP's proposal for a technical standard for the carbon black sector, that would exempt two facilities near Sarnia and Hamilton.

Moving forward, CELA will continue to call for a systematic review of the efficacy of site-specific standards and technical standards by the MECP to ensure that the most vulnerable communities are being protected.

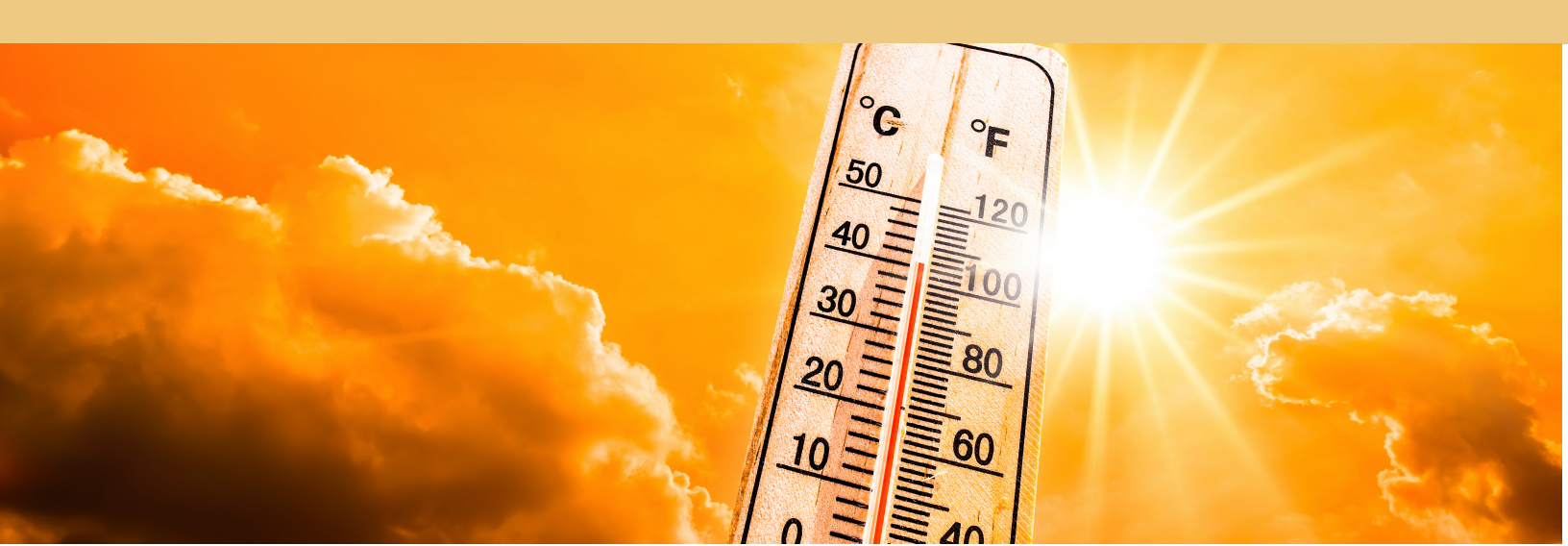
Controversial Asphalt Plant in Napanee



Keep Napanee Great, a non-profit residents advocacy group, has been represented by CELA in two matters, (1) a re-zoning appeal at the Ontario Land Tribunal (OLT) with respect to a proposed permanent hot mix asphalt plant and concrete batching plant in Napanee, and (2) a leave to appeal application pursuant to the *Environmental Bill of Rights* (EBR) to challenge the Ministry's decision to grant the proponent an Environmental Compliance Approval for air and noise for the proponent's quarry and proposed hot mix asphalt plant.

The OLT unfortunately denied our client's request for leave to appeal under the EBR, and allowed the proponent's rezoning appeal under the Planning Act. CELA will continue to assist our client to address potential concerns about local air pollution for people living near the site, which is located in an Urban Settlement Area in Napanee.





Extreme Heat and the Right to Cooling

The summer of 2023 saw heart-breaking and devastating impacts caused by the climate crisis on low-income, vulnerable or disadvantaged communities across the country. One of the more noticeable and dangerous impacts of climate change is extreme heat.

Like many climate change impacts, extreme heat deeply impacts the most vulnerable. Particularly affected by extreme heat are the elderly, people with chronic diseases, disabilities or mobility issues, and young children. Due to the severity of the health impacts of extreme heat, it's a public health emergency and immediate legal change is necessary. This is why CELA and allied organizations have been advocating for Ontario municipalities to adopt maximum heat by-laws in rental apartments.

This year we continued our Climate Change Impacts and Vulnerable Communities initiative and developed a report focused on the City of Hamilton that recommends and provides draft language for a maximum heat municipal by-law. The by-law would require landlords to maintain a maximum temperature of 26°C in rental units.

In May 2023, the City of Hamilton's Public Health Committee unanimously passed a motion to refer the implementation of an Adequate Temperature By-law to the 2024 budget. During the Committee meeting, more than a dozen people made presentations, including representatives from Hamilton ACORN, Hamilton Community Legal Clinic, CELA and Low-Income Energy Network.



The heat in my apartment affects my health. When I get overheated I get migraines. Sometimes, it feels like I'm in an oven. It affects my sleep. I have problems sleeping at night because it's too hot. I could have access to AC but I can't afford the hydro bill. Cost is the major barrier for me. This summer's going to be hot, next summer is going to be even hotter because of climate change."

- Liz Scott, Hamilton ACORN member, from Beat the Heat, Hamilton ACORN Report, 2022

In a significant step forward, the unanimous motion indicated that City staff would investigate and prepare a report on how to implement a maximum heat by-law for renters in Hamilton. The report would be prepared by the end of 2023 and, if approved during the Council's budget vote, the by-law would be in force for the summer of 2024. We are looking forward to continuing to work with Hamilton City Council, Hamilton ACORN, Low-Income Energy Network, and the Hamilton Community Legal Clinic on the implementation of a maximum heat by-law.



LIEN Annual Conference 2023 - Turning Up the Heat on the Right to Cooling

This year's Low-Income Energy Network (LIEN) annual conference focused on advocating for the right to cooling amid rising temperatures. Presentations included:

- municipal advocacy and maximum heat by-laws
- case studies of tenant protections and successful advocacy in other jurisdictions
- the case for active cooling: heat pumps vs air conditioners
- opportunities for immediate action at the municipal, provincial, and federal levels

The half-day virtual session featured experts from CELA, Efficiency Canada, Canadian Climate Institute, Canadian Health Association for Sustainability and Equity, Hamilton ACORN, Hamilton Community Legal Clinic, Providence Centre, and more. LIEN is a joint program of Advocacy Centre for Tenants Ontario and CELA.





Impacts of Legacy Contamination on Communities

It is well-documented that under-resourced communities experience significantly higher impacts from the historic siting of hazardous or heavily polluting facilities. These types of facilities create health impacts through improperly managed waste, contaminated lands and waters, and other sources of pollution. Health impacts can continue, even long after the facility has closed. This is referred to as legacy contamination, and it too often disproportionately burdens vulnerable communities.

Communities like Elliot Lake in Northern Ontario are impacted by legacy pollution. Several families are demanding action by the Canadian Nuclear Safety Commission (CNSC) and mining company BHP to clean up radioactive uranium mine waste found on their properties.

The City of Elliot Lake in Northern Ontario was once a global 'uranium capital' with a booming uranium mining industry. The mines operated from the 1950s to late 1990s. Radioactive mine waste rock was moved off mine sites and used as fill on housing lots and in construction materials, like concrete, in Elliot Lake.

Subsequently, the City of Elliot Lake marketed the town as a low-cost destination for seniors to live in their retirement years.

Recent expert testing conducted at the residents' homes confirmed that they are being exposed to radiation well above CNSC's allowable limits. The residents are calling the continued presence of radioactive waste - which has been there for over 50 years - at their homes "an egregious failure of Canada's nuclear regulatory system".



Anything else that we have felt has gone wrong with the house, we have fixed. We can't do this one. We don't have the licensing to move the material. We don't have access or licensing to store the radioactive materials. So we're helpless. And I'm not good at being helpless."

- Jennifer Carling, Elliot Lake resident

CELA and Blaise Law served the federal government with an application for judicial review of the CNSC's recent decision that denied the families' request that the CNSC issue an order against the mining company responsible for the uranium mine waste. The order would require the mining company to remove uranium mine waste from the properties of residents of Elliot Lake and place the waste at a licenced waste facility.

Elliot Lake is just one example of a community unfairly burdened by legacy contamination; CELA is actively working on many other such cases, including in collaboration with partner community groups. CELA is able to work with many communities and hire external counsel and experts to assist with nuclear licensing matters through the CNSC's participant funding program.

Asubpeeschoseewagong First Nation (Grassy Narrows)

A decades-long example of legacy contamination is Grassy Narrows First Nation in northwestern Ontario. The community has experienced the direct and cumulative effects of many industrial and resource extraction activities that have adversely affected the health of people in their community, degraded the environment, and impacted their treaty rights and way of life.

CELA initiated Charter-based litigation several years ago on behalf of Grassy Narrows to challenge a forest management plan that allowed clearcutting in their territory, which could release mercury into local waterways. The litigation resulted in the government modifying the plan to eliminate reliance on clear-cutting in the territory for the duration of the 10-year period of the plan. Recently the government has extended the prohibition a further 10 years to 2034.

More recently, the Ontario government issued nine permits that allow mining exploration activities to occur within Grassy Narrows territory, but did not notify, consult with, or obtain the consent of Grassy Narrows before issuing the permits. Accordingly, Grassy Narrows instructed lawyers at CELA and Cavalluzzo LLP to seek judicial review of these permits. Among other things, the judicial review application asks the court to quash or set aside the permits on the grounds that they contravene constitutional, administrative, and Grassy Narrows law. The matter remains in litigation at this writing.



Photo credit: Toronto Sun



Building Healthy, Thriving Communities

Recently we've seen dramatic changes in environmental assessment, land use planning, pollution prevention, and protections for water and air - all of which impact the health of communities.

CELA has articulated repeatedly in our submissions to government that the health and well-being of Ontario depend on planning for climate-safe, healthy, and resilient communities, as well as robust community engagement. There is an ongoing need to strengthen and improve public involvement in Ontario's environmental and land use planning processes and to make these processes more robust, credible, and transparent.

The provincial environmental assessment program has traditionally included various participatory processes for gathering information and making decisions about environmentally significant undertakings (e.g., landfills, highways, municipal projects, etc.). However, recent provincial changes have reduced the number and nature of undertakings subject to environmental assessment requirements and have undermined or abolished important public participation rights under the *Environmental Assessment Act*.

As discussed in the updates section of this report, the federal government is also in the process of drafting amendments to its *Impact Assessment Act*, following a recent Supreme Court decision. In our view, environmental and impact assessment is not "red tape" but is instead an important and effective tool for anticipating and preventing harm to environmental and human health.



Based on our decades-long experience representing clients in environmental assessment matters throughout the province, CELA concludes that the regressive changes made by the provincial government will further diminish the scope, application, and credibility of Ontario's environmental assessment program, and they are inconsistent with environmental justice principles and the public interest purpose of the Act."

- Richard Lindgren, CELA Counsel

In 2023, CELA tracked the various changes the provincial government has made to land use planning legislation, including urban boundaries, further use of Minister's Zoning Orders, and changes to the Greenbelt.

CELA has long called for Greenbelt boundaries to be expanded, and that once land is added to the Greenbelt, the default planning rule be that it must remain designated as Greenbelt with all of the relevant land use restrictions. CELA welcomed the decision to return land to the Greenbelt in 2023 that had been removed in 2022, and encouraged the government to work to rebuild public participation and trust in the land use planning process.

As CELA wrote to the Premier and the Minister of Municipal Affairs and Housing recently, in light of findings of the Auditor General of Ontario, it is our opinion that public trust in Ontario's land use planning process has been badly eroded.

A top priority of the government of Ontario must be to restore trust and confidence in the land use planning process. Members of the public must be assured that they can trust the enacted laws and the codified processes; that there is a level playing field for input; and that decisions will be rational and supported with sound reasons.

It is well-recognized that meaningful public participation is a key component of sound environmental decision-making. There is an ongoing need to strengthen and improve public involvement in Ontario's environmental and land use planning processes and to make these processes more robust, credible, and transparent.

Exploring Awareness of Toxic Substances

There are communities and individuals living in the Great Lakes basin who disproportionately bear the negative impacts associated with toxic pollution. Their voices are usually left out of environmental policy and processes designed to address the impacts of pollution.

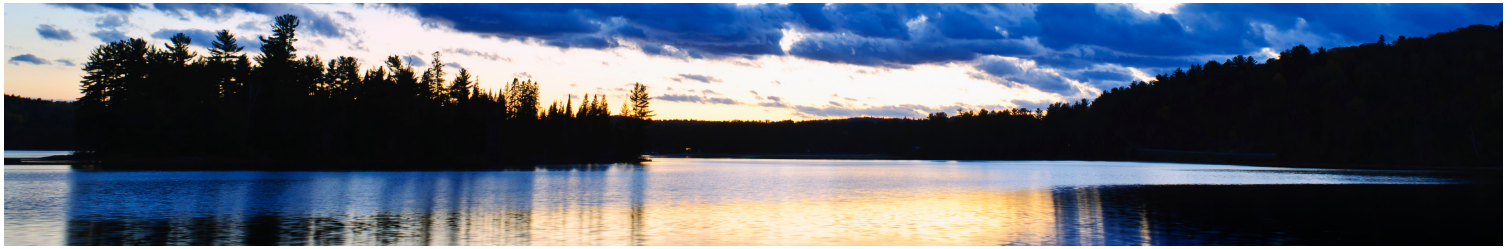
Environment and Climate Change Canada funded CELA and Toxics Free Great Lakes Binational Network to explore approaches that work to reach underserved and underrepresented individuals and community members in the Great Lakes region, about toxic substances and their impacts to health and the ecosystem.

The primary finding from the project is the substantial value of listening to and learning from people in their communities. This lesson shaped the recommendations in the resulting report, which is available on CELA's website. Moving forward, it is critical to pursue future actions in full partnership right from the beginning stages with individuals in these communities.



Photo credit: Tracy Tucker





Water News

Healthy Great Lakes

The Healthy Great Lakes program has long been a key part of CELA's policy implementation and education work. With funding from the Charles Stewart Mott Foundation, the Healthy Great Lakes program first launched in December 2016 and works to enhance the capacity of organizations engaged in freshwater policy implementation in Ontario. This past year, CELA has begun co-creating a solutions bundle with Indigenous partners to help Indigenous and environmental NGO communities build meaningful relationships and participate in water-related decision-making in the Great Lakes region.

CELA is deeply grateful for the Charles Stewart Mott Foundation's continuing support in this important work. The Mott Foundation aims to inspire and empower individuals to work with their communities in ways that will help them achieve more than they could ever accomplish alone. CELA is honoured to be one of their long-time grantees.



We've learned so much over the years about the need for collective action on collective problems like restoring and protecting the Great Lakes. About how making progress demands that we work together. Therefore, it's critically important that CELA's leadership reflects that sense of collective - and it does!"

- Chris McLaughlin, Executive Director, Bay Area Restoration Council

Engaging on Water

In partnership with Environmental Defence, CELA hosts two regular water policy meetings.

Water Conversations are in-depth workshops that provide water champions a chance to share their expertise, learn from others, and determine the best path forward for actions needed to ensure healthy waters.

Hosted monthly, Water Drop(In) sessions scan the water policy landscape in Ontario, discuss current law and policy reform, and identify opportunities to provide comments or submissions.





Fe de Leon Appointed to Great Lakes Water Quality Board

CELA was very excited this year to congratulate Fe de Leon on her appointment to the International Joint Commission's Great Lakes Water Quality Board! Senior researcher and paralegal with CELA, Fe brings deep expertise and passion to this appointment and will continue to enhance connections through this important international advisory body.

Federal Water Updates

The past year has seen progress at the federal level on a number of water policy initiatives.

- This past March, CELA was pleased to see investment in water as a key tenet of the 2023 federal budget. CELA supports the federal investment in advancing science and knowledge on freshwater, and the distribution of those funds to a range of high-priority watersheds across the country, including the Great Lakes.
- The House of Commons Standing Committee on Environment and Sustainable Development continued their study on freshwater. The House of Commons ordered the Committee to undertake a comprehensive study of federal policies and legislation relating to freshwater in 2021, and the study continued this year. CELA provided supplemental comments and was invited to present to the Committee, building on our original brief submitted in 2021.
- After long-standing CELA advocacy alongside our partners in the ENGO community, the Canada Water Agency has been created within Environment and Climate Change Canada, and it is anticipated that legislation establishing it as an independent agency will soon be introduced by the federal government. Part of the Agency's mandate is leading the development of a new freshwater strategy, as well as an updated *Canada Water Act*. CELA has advocated for the inclusion of a strong role for Indigenous peoples, as well as a reflection of the perils of climate change among other things in the new Act; both of which are completely absent in the current 50-year-old version.
- Progress toward an improved legal framework for addressing drinking water and wastewater challenges is ongoing and a new version of the Safe Drinking Water for First Nations Act has been introduced in the House of Commons. CELA continues to advocate for proper resourcing, as well as a strong and flexible legal framework for First Nations to use in providing safe water to their communities. We have developed source water protection toolkits for First Nations in the past and we will be reviewing the Bill to ensure that any new legislation will contain a robust multi-barrier framework for drinking water protection in those communities.

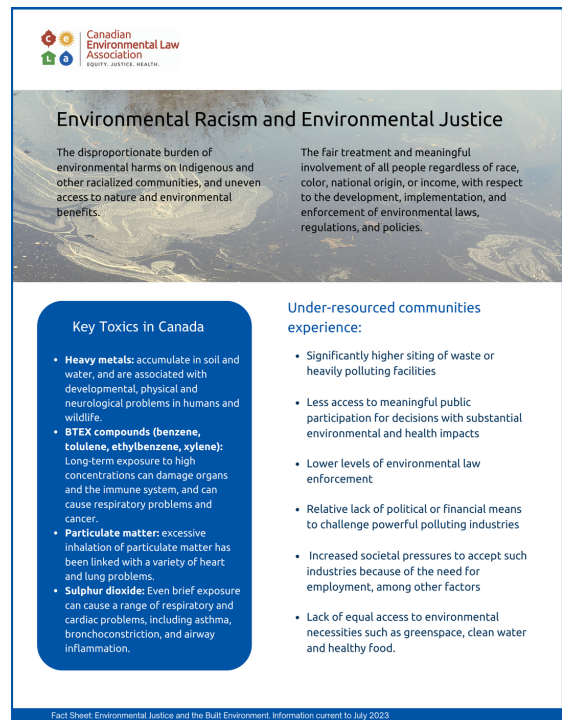
Public Legal Education

“Making the Links” Toolkits


CELA released two new “Making the Links” toolkits, for Southwestern and Southeastern Ontario. CELA originated the “Making the Links” project in 2007, to do intensive work in communities with legacy contamination, high levels of contemporary pollution, and disproportionate impacts from environmental harms and other social injustices. The most recent toolkits are created to pair critically urgent environmental issues with legal mechanisms for change and public advocacy. They highlight issues that impact particular communities and give guidance on how to participate in various environmental decision-making processes.

Environmental Justice Fact Sheets


CELA developed a series of fact sheets discussing environmental justice, as it pertains to the built environment, food security, and climate change. Environmental justice requires the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. These fact sheets were developed to provide clear, factual information and guidance as to the inequities of environmental pollution. They provide reliable statistics and information sources, leading references to top legal and international precedents, and give specific examples of the impacts discussed in each case.




ENGAGEMENT ACTIVITIES IN 2023

 **Webinars**
15

 **Blog Posts**
23

 **Publications**
35

 **Media Releases**
11

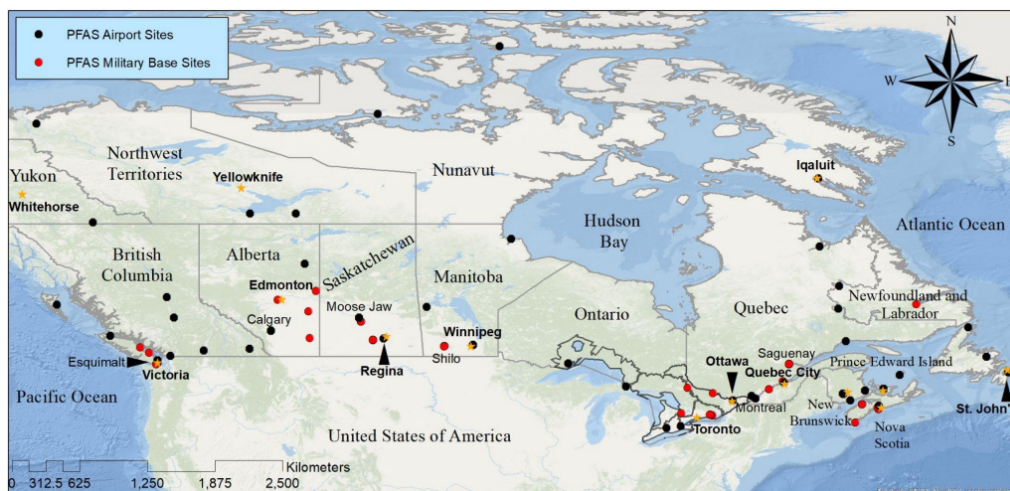
 **Action Alerts**
4

 **Newsletters**
12

PFAS Contamination Sites

A new map developed by CELA shows Canadian military and airport sites that are known or suspected to be contaminated with per- and polyfluoroalkyl substances (PFAS). The data for the map was obtained in response to a petition filed by CELA, Citizens' Network for Waste Management, Clean Production, Health and Environment and Justice Support, and NorthWatch in 2021, asking the government about their responses to PFAS in water, products, and waste.

The map is part of CELA's ongoing push for transparency and increased public awareness about PFAS in Canada including the location of communities most at risk from these chemicals due to ongoing use of PFAS or legacy contamination.



Pathway Out of Energy Poverty in Northern Ontario

In March 2023, the Low-Income Energy Network (LIEN) and CELA published Pathway Out of Energy Poverty in Northern Ontario, a report assessing energy affordability programs available to low-income people.

The report concludes that there are significant gaps in protection for low-income people struggling to pay their utility bills. LIEN and CELA are using this report in our advocacy for improvement of energy programs in Northern Ontario, such as responding to the multiple fuels used by various communities, as well as to the disproportionate expenses in rural and northern communities. It is also invaluable in providing guidance to our sister legal clinics and other front-line agencies in helping clients access the current energy affordability programs.

WEBINAR ATTENDANCE

There was significant interest in CELA's webinar on provincial proposals to expand permit-by rule

519

Registrants



395

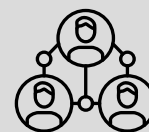
Views

NEW AUDIENCES

CELA's webinars attracted new individuals and organizations this year.

25

Avg # of organizations



489

New people



Selected Updates on Ongoing Files

Supreme Court Ruling on the Impact Assessment Act

In 2023, CELA intervened in an important appeal in the Supreme Court of Canada (SCC) regarding the constitutionality of the Impact Assessment Act (IAA), which sets out a federal environmental assessment process that applies to major projects that may affect defined areas of federal jurisdiction.

In a 5:2 split decision released in October, the SCC opined that most of the IAA is unconstitutional. Writing for the majority, Chief Justice Wagner held that sections 81-91 of the IAA – which create an assessment process for projects funded or undertaken by federal authorities on federal lands or outside Canada – are constitutionally valid.

However, the majority opinion also concluded that the IAA and regulations which entrench the “designated projects” regime are beyond federal jurisdiction: “Parliament has plainly overstepped its constitutional competence in enacting this designated projects scheme”.

The SCC’s ruling is an advisory opinion, not a judgment that strikes down most of the IAA. At present, the IAA remains intact, but the opinion provides general direction to Parliament on the need to amend the IAA to bring it into conformity with the constitutional division of powers.

Progress Towards Environmental Justice

The past year has seen progress at the federal level on environmental justice on a number of fronts.

The federal government introduced legislation that would require the development of an anti-racism strategy. First introduced in the House of Commons, Bill C-226 would require the development of a national strategy to assess, prevent, and address environmental racism and to advance environmental justice. CELA continues to support this Bill as it is considered by the Senate.

Canada also released the final version of the National Adaptation Strategy which is its blueprint for reducing risks associated with climate change. CELA is pleased to see acknowledgment of environmental justice as a key pillar, and inclusion of some of the recommendations CELA has made in the past.

Through our work with the Green Budget Coalition, CELA called for the establishment of a permanent, high-level Office of Environmental Justice that would, among other initiatives, lead the development of a national strategy on environmental racism and environmental justice, enforce federal environmental laws, and develop collaborative partnerships. Such an office was established within Environment and Climate Change Canada and CELA is pleased to continue working with government and communities to advocate for a robust environmental justice strategy.

Pollution Prevention

The *Canadian Environmental Protection Act, 1999* (CEPA) is the cornerstone of Canada's regulatory system for protecting the environment. CELA has long called for an updating of CEPA, noting the need for greater precaution in regulating toxic substances and, in particular, this law's shortcomings in addressing the most vulnerable Canadians who are disproportionately exposed to environmental contaminants.

The federal government began the process of amending CEPA in 2021 and the amendments set out in Bill S-5 received Royal Assent in June 2023. While several of our recommendations aimed at strengthening the protection of health and the environment were not adopted, CELA is pleased to see the addition of a Right to a Healthy Environment and consideration of vulnerable communities.

Working in Partnership

CELA cannot and does not work alone. We are very grateful to our sister community and specialty legal aid clinics, the numerous organizations and collaborators who we work alongside, and the networks we are involved in, some of which CELA leads or co-leads.

- Advocacy Centre for Tenants Ontario
- Association of Community Legal Clinics of Ontario
- Canadian Association of Physicians for the Environment
- Canadian Coalition for Environmental and Climate Justice
- Canadian Environmental Network - Environmental Assessment Reform Working Group
- Canadian Partnership for Children's Health & Environment
- Chiefs of Ontario
- Citizens' Network on Waste Management
- Climate Action Network
- Community Advocacy & Legal Centre
- Environmental Defence
- Environmental Justice and Sustainability Clinic, Osgoode Hall Law School
- Fish Health Network
- Grassy Narrows First Nation
- Green Budget Coalition
- Green Prosperity
- Health and Environment Justice Support
- International Pollutants Elimination Network
- Keepers of the Water
- Low-Income Energy Network
- Manitoba Eco-Network
- MiningWatch Canada
- Nature Canada
- New Brunswick Lung Association
- Northwatch
- Prevent Cancer Now
- Toxics-Free Great Lakes Binational Network
- Watershed Sentinel Educational Society



Message from the Deputy Executive Director



**Canadian
Environmental Law
Foundation**

Welcome to the Canadian Environmental Law Foundation's section of CELA's Annual Report!

The Canadian Environmental Law Foundation is CELA's charitable arm. In these pages, you will find an update on the work of the Foundation over the past year, as well as our financial statements.

In 2023, we continued to enhance the accessibility of and expand materials for the Canadian Environmental Law Collections. There are more digitized materials that we hope are easier to find and use (you can read more about the newly launched Canadian Environmental Law Archives within this annual report). In 2024, we will continue to enhance our engagement efforts and welcome any feedback from anyone who makes use of the Canadian Environmental Law Collections.

CELA's education and training initiatives provide real-world learning opportunities for students from a variety of disciplines, including one of the country's oldest public-interest articling programs. Articling students and early-career lawyers, in particular, are provided training to navigate the complexities of environmental law while representing public interests. Relying on funds from the Foundation, CELA is able to recruit exceptional articling student candidates. As the articling terms span from summer in one year until the next, in July we said goodbye to Zoé St Pierre (2022-2023 articling student) and welcomed our new articling student for 2023-24, Lindsay Dixon.

Thanks to the generosity of the Foundation's supporters, great strides were made in 2023 and we look forward to building on our successes in 2024!

Sincerely,

Anastasia Lintner

Deputy Executive Director



TBCG Environmental Advocates Contest

In 2023, the Canadian Environmental Law Foundation hosted a Tremaine-Britannia Citizens Group Environmental Advocates Blog Contest. Open to current students or recent graduates of a post-secondary program in Canada, participants were asked to answer the question “What systemic changes are needed to ensure equitable community engagement in environmental decision-making?”.

Three prizes were awarded to the following winning entries:

- Martin Edwini-Bonsu – Empowering Communities: Building a Framework for Equitable Environmental Decision-Making
- Bridget Allen-O’Neil – Enforcing Access to Environmental Decision-Making through Environmental Rights
- Davis Legree – From Consultation to Consent: The Case for Elevating the Standard

You can read the prize-winning blog posts on the Foundation’s website.

Launch of Canadian Environmental Law Archive

2023 saw the launch of a brand new website and database for the Canadian Environmental Law Archive. Featuring curated collections and publications accessible to the public, the Archive is a cornerstone project of the Foundation, which maintains digital and physical collections documenting the history of environmental protection across the country.

By hosting this Archive, the Foundation aims to preserve Canada’s environmental law and policy history for years to come. We are on a mission to ensure that environmental law and policy continue to evolve and that the gains of the last 50+ years are not forgotten.

archive.celafoundation.ca



With Gratitude

The Foundation is very honoured to be supported by our growing base of individual donors and funders, without whom initiatives seeking equity, justice, and health would not be possible, as well as the hard-working volunteers on our board of directors.

We are very grateful for the steady hands of our former fundraiser, Nancy Bennett, who worked with the Foundation from 2019 to her retirement in spring 2023. Thanks also to Robert Huff, our website and annual report designer, and to the team at Entremission that developed the newly launched Canadian Environmental Law Archive. Finally, our books are kept in order by SGFL Accounting Plus Inc and auditor Chaplin & Co LLP.

Foundation Board Members

Jacklyn Campbell (Vice President)
Kesi Disha (Secretary, non voting)
John Jackson

Michael Lucifora (Treasurer)
Theresa McClenaghan (President)
Kruti Patel

Thank You Luke!

Luke Wintjes joined the CELA and Canadian Environmental Law Foundation boards in 2010. Having joined on the recommendation of Ursula Franklin, a prominent scientist, Luke brought a background in teaching and connecting with youth, library and information science, and a passion for environmental issues.

Luke was a highly engaged board member, particularly with the Foundation board. In addition to attending all board meetings, Luke also regularly participated in planning meetings, special projects, and board-staff social events. CELA's current Chair, Lesley Cameron, shared that Luke was thoughtful about any issue under consideration and added fun and enthusiasm to social events.

Luke's insights on how best to present and communicate information to the public, and youth in particular, were very valuable and enhanced the projects he worked on. The Foundation went through a strategic planning and re-branding process in 2019, and Luke's contributions to that process were critical.

The board and staff of CELA and the Foundation enjoyed and appreciated Luke's dedication and passion for the cause of environmental justice, and are very sad to see him go. We wish him the best of luck in his future endeavors and look forward to staying connected.



Audited Financial Statements – Canadian Environmental Law Foundation

Balance Sheet

	2023	March 31 2022
Assets		
Current		
Cash	\$ 346,531	\$ 259,140
Due from Canadian Environmental Law Association (note 2)	-	12,587
Public Service Bodies rebate recoverable	574	902
Prepaid expenses	1,606	1,507
Prepaid project costs	-	19,400
	<u>\$ 348,711</u>	<u>\$ 293,536</u>
Liabilities		
Current		
Accounts payable and accrued liabilities	\$ 2,327	\$ 11,349
Due to Canadian Environmental Law Association	11,641	-
Deferred revenue (note 3)	-	21,200
	<u>13,968</u>	<u>32,549</u>
Net assets	<u>334,743</u>	<u>260,987</u>
	<u>\$ 348,711</u>	<u>\$ 293,536</u>

Statement of Operations and Net Assets

	Year ended March 31 2023	2022
Revenue		
Donations	\$ 161,460	\$ 155,759
Grants (note 3)	21,200	16,500
Interest	338	91
	<u>182,998</u>	<u>172,350</u>
Expenses		
Education programme (note2)	69,500	72,000
Fundraising	7,744	9,043
Insurance	5,289	3,742
Library programme	3,292	1,808
Office and general	1,899	667
Project costs (note2)	19,400	14,250
Professional fees	2,118	1,779
	<u>109,242</u>	<u>103,289</u>
Excess of revenue over expenses for the year	73,756	69,061
Net assets, beginning of year	260,987	191,926
Net assets, end of year	<u>\$ 334,743</u>	<u>\$ 260,987</u>



Audited Financial Statements – Canadian Environmental Law Association

Balance Sheet

	Clinic Fund	Litigation Fund	Other Fund	March 31 2023	2022
Assets					
Current					
Cash	\$ 39,824	\$ 216,045	\$ 488,637	\$ 744,506	\$ 738,013
Accounts receivable	700	31,071	54,417	86,188	61,568
Public Service Bodies rebate recoverable	8,817	-	4,507	13,324	17,151
Due from Clinic	-	-	36,134	36,134	-
Due from Litigation and Other	-	-	-	-	27,895
Due from Canadian Environmental Law Foundation (note 6)	11,641	-	-	11,641	-
Prepaid expenses	17,670	-	788	18,458	20,140
	<u>78,652</u>	<u>247,116</u>	<u>584,483</u>	<u>910,251</u>	<u>864,767</u>
Investment in Co-operative of Speciality Community Legal Clinics of Ontario Inc. (note 2)	500	-	-	500	500
Capital assets (note 3)	18,186	-	-	18,186	-
	<u>\$ 97,338</u>	<u>\$ 247,116</u>	<u>\$ 584,483</u>	<u>\$ 928,937</u>	<u>\$ 865,267</u>
Liabilities					
Current					
Accounts payable and accrued liabilities	\$ 45,683	\$ -	\$ 24,139	\$ 69,822	\$ 84,082
Deferred revenue (note 4)	-	-	166,470	166,470	145,378
Deferred Legal Aid Ontario indirect Payments (note 5)	18,186	-	-	18,186	-
Due to Canadian Environmental Law Foundation (note 6)	-	-	-	-	12,587
Due to Clinic and Other	36,134	-	-	36,134	27,895
	<u>100,003</u>	<u>-</u>	<u>190,609</u>	<u>290,612</u>	<u>269,942</u>
Net assets (deficit)	(2,665)	247,116	393,874	638,325	595,325
	<u>\$ 97,338</u>	<u>\$ 247,116</u>	<u>\$ 584,483</u>	<u>\$ 928,937</u>	<u>\$ 865,267</u>

Statement of Operations and Net Assets

	Clinic Fund	Litigation Fund	Other Fund	Year ended March 31	
				2023	2022
Revenue					
Legal Aid Ontario (note 9)	\$ 1,377,368	\$ -	\$ -	\$ 1,377,368	\$ 1,361,647
Grants (note 4)	69,500	-	294,977	364,477	395,473
Interest	818	15,552	35,271	51,641	33,395
Royalties	-	-	25,310	25,310	18,000
Legal Aid Ontario indirect payments (note 5)	72,921	-	-	72,921	60,853
	<u>\$ 1,520,607</u>	<u>\$ 15,552</u>	<u>\$ 355,558</u>	<u>\$ 1,891,717</u>	<u>\$ 1,869,368</u>
Expenses					
Bad debts	-	-	-	-	13,311
Communications, printing and distribution (note 6)	7,176	-	11,405	18,581	20,402
Contracted services	16,038	-	212,517	228,555	210,081
Equipment (note 6)	13,981	-	-	13,981	15,095
Indirect payments (note 5)	72,921	-	-	72,921	60,853
Library purchases (note 5)	584	-	-	584	1,152
Occupancy (note 6)	107,088	-	-	107,088	106,060
Office and general (note 6)	17,043	24	7,214	24,281	33,960
Professional development	4,309	-	-	4,309	5,337
Professional dues	14,738	-	-	14,738	13,779
Professional fees	7,800	-	550	8,350	8,350
Salaries and benefits	1,259,886	-	80,177	1,340,063	1,367,885
Travel (net of recovery)	7,137	-	8,129	15,266	7,489
	<u>1,528,701</u>	<u>24</u>	<u>319,992</u>	<u>1,848,717</u>	<u>1,863,754</u>
Excess of revenue over expenses (expenses over revenue) for the year	(8,094)	15,528	35,566	43,000	5,614
Net assets, beginning of year	5,429	231,588	358,308	595,325	589,711
Net assets (deficit), end of year	<u>\$ (2,665)</u>	<u>\$ 247,116</u>	<u>\$ 393,874</u>	<u>\$ 638,325</u>	<u>\$ 595,325</u>

The information provided on pages 20-22 are condensed financial statements, consistent with and derived from the audited financial statements of the Canadian Environmental Law Foundation and Canadian Environmental Law Association as of June 26, 2023. The audited financial statements were prepared by Chaplin & Co LLP, Chartered Accountants in accordance with Canadian generally accepted auditing standards and who expressed an unqualified opinion in their reports dated June 26, 2023. Full audited financial statements are available upon request.



With Gratitude

CELA benefits greatly from the students that are placed with us. Coming from programs sponsored by W.A. Porter Collegiate Institute, Dalhousie University, Lakehead University (Bora Laskin Faculty of Law), Toronto Metropolitan University, University of Toronto, University of Windsor, York University (Osgoode Hall Law School), and Western University, CELA has been honoured to host these fantastic students:

- Rabi Abid
- Jian Yuan Chen
- Jane Fallis Cooper
- Carlan de Leon
- Suvatha Dharumachanthiran
- Sawyer Fobert
- Sahara Mehdi
- Claire Parish
- Matthew Suchan
- Megan Sutherland
- Kristen Theriault
- Kirti Vyas
- Coco Wang
- Mathie Smith

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- Charles Stewart Mott Foundation
- Catherine Donnelly Foundation
- Dragonfly Fund of the Makeway Foundation
- Environment and Climate Change Canada
- Health Canada
- Participant Funding Program and Indigenous and Stakeholder Capacity Fund, Canadian Nuclear Safety Commission

Critical to the work at CELA are dedicated volunteers, subject matter experts, external counsel, and people with lived experience who assist us. We thank them all for sharing their expertise to bolster CELA's work.

- Farrukh Chishtie
- Derek Coronado
- Leif Helmer
- Robert Huff
- John Jackson
- Jamie Kneen
- Judi Krzyzanowski
- Ajman Ladher
- Melanie Langille
- Dr Kristen Lowitt
- Brennain Lloyd
- Tanya Markvart
- Sylvia Plain
- Samantha Ponting
- M. V. Ramana
- Meg Sears
- Angela Shisheesh
- Olga Speranskaya
- Crystal Stamp-Cardinal
- Dave Stevens
- Beverley Thorpe
- Anna Tilman
- Ravon Yates
- Gary Pritchard / 4 Directions Conservation Consulting Services
- Tennile Tavares / ARVA Creative
- Chris Brackley / As The Crow Flies cARTography
- Krystal-Anne Roussel / Barrister & Solicitor
- Kerrie Blaise / Blaise Law PC and Legal Advocates for Nature's Defence
- Lawrence Gunther / Blue Fish Canada
- Roger Chaplin / Chaplin & Co. LLP
- Krystyn Tully / Entremission
- Robert Patrick / Integrated Water Resource Planning
- Sara Libman / Libman Law LLP
- Carl Chu and Jane Fan / SGFL Accounting Plus Inc
- Rizwan Khan / Viridius Lex LLP

CELA extends our thanks to all who have worked with us in the past year:

- Rachel Arsenault
- Joe Castrilli
- Fe de Leon
- Kesi Disha
- Lindsay Dixon
- Julia Hambleton
- Rick Lindgren
- Anastasia Lintner
- Theresa McClenaghan
- Krystal-Anne Roussel
- Zoé St Pierre
- Laura Tanguay
- Tracy Tucker
- April Weppler
- Jacqueline Wilson
- Rob Wright
- Flavia Zaka

Last, and certainly not least, thanks to CELA's volunteer board of directors:

- Lauren Alcorn
- Lijing Black
- Tom Borg
- Lesley Cameron (Chair)
- Jacklyn Campbell
- Bruce Davidson
- Miriam Diamond
- Renee Griffin (President)
- Isobel Heathcote
- John Jackson
- Michael Lucifora
- Theresa McClenaghan (Executive Director)
- Kruti Patel
- Grace Patterson
- Mona Sookram (Treasurer)
- Tracy Tucker (Secretary, non voting)

Thank You Grace!

Grace Patterson joined CELA as Executive Director in the mid-1980s. A highly respected environmental lawyer, Grace brought deep expertise, passion, and insight to CELA. After leaving CELA, Grace became Chair of the (then-called) Environmental Assessment Board. In that role, Grace presided over some very significant hearings – that CELA and others were involved - including hearings on Ontario's first major ambitious plan to expand the nuclear power and electricity planning system, municipal applications for landfill expansions and sewage treatment plans, and an application for a chemical waste management site.

After her time with the Tribunal, Grace became in-house counsel with the City of Toronto, where she worked until her retirement. Around that same time, Grace joined the CELA board, where she remained for over two decades. Having someone who had worked not only in the clinic system but also in the Executive Director role, was invaluable to the CELA board. Her advice was grounded, practical, and very much respected.

CELA's current Executive Director, Theresa McClenaghan shared that she "really valued Grace's counsel, and always appreciated hearing her thoughts on challenges CELA might be navigating". CELA's current Chair, Lesley Cameron, echoed Theresa's perspective and added that she often called Grace for her sage advice.

The board and staff of CELA are deeply grateful for Grace's years of service and dedication to not only CELA but the environmental justice sector. We are very sad to see her leave the CELA board but are glad she will have more time to enjoy a well-deserved retirement.

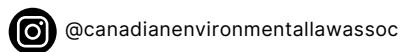
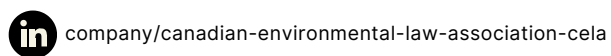
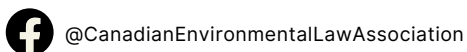
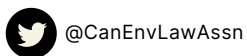


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