

# 2024 Annual Report

**EQUITY. JUSTICE. HEALTH.**



Canadian  
Environmental Law  
Association  
EQUITY. JUSTICE. HEALTH.



Canadian  
Environmental Law  
Foundation



## Canadian Environmental Law Association

The 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 under-served 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 CELA's Executive Director



In our 2024 Annual Report, you'll read stories detailing CELA's work on air pollution, toxic contaminants, hazardous waste management, the impacts of mining in Grassy Narrows First Nation, the importance of municipalities in law reform, and the need for public input in environmental decision-making. These stories are just a few of the many ways CELA is dedicated to ensuring communities are safe and prospering.

Woven through all of the stories are communities who are disproportionately and unfairly exposed to the impacts of toxic chemicals, air pollution, climate change, and other threats - and suffer the negative health outcomes, such as asthma, cancer, and other severe health impacts.

CELA's work would not be possible without the dedication shown by CELA's volunteer board of directors. We are excited to welcome new board members Zoé St Pierre, Graham Rempe, and Alan D. Levy. As you read the report, look out for special profiles on departing board members Kruti Patel, Bruce Davidson, and Lauren Alcorn.

Joining us this year are two talented and passionate staff: Shawn-Patrick Stensil as CELA's Deputy Executive Director and Julie Lopez as our 2024-2025 articling student.

We were very sad to say goodbye to Anastasia Lintner and Lindsay Dixon, as they left the CELA team. Anastasia was an integral part of the CELA team since 2016 and was CELA's first Deputy Executive Director. Lindsay was our 2023-2024 articling student, and her passion for sustainability and accessibility will be greatly missed!

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

Sincerely,

**Theresa McClenaghan**  
*Executive Director and Counsel*





## Municipal Action Needed to Protect Communities from Environmental Threats

Municipal governments play a front-line role in ensuring our right to a healthy environment; they work at the level where people live. They build and operate the drinking water systems we use everyday. Towns, cities and counties design our neighbourhoods, determine whether we can safely walk or cycle to work or school, and whether our communities have equal access to parks and nature. These decisions are deeply felt by all of us, but particularly impact vulnerable communities.

Consider the need to eliminate lead contamination from drinking water. Eighty percent of Ontarians get their water from municipal drinking water systems. The provincial Ministry of Environment, Conservation and Parks rejected an application for review filed by CELA and the Ontario Municipal Water Association to set more stringent standards for lead in drinking water in line with Health Canada's guidance, and has failed to eliminate the presence of lead in drinking water, which is a health hazard.

Although we continue to urge the province to take the steps outlined in the application to better protect the public, municipalities can and should step in. As the owners of our drinking water systems, municipalities can mandate the removal of lead services lines that are the most common source of lead contamination in water. They can also provide funding to offset the cost of that replacement for low-income individuals. CELA's "Get the Lead Out" campaign focuses on both provincial and municipal action to reduce this public health risk to vulnerable people, particularly young children and fetuses.



*"Thanks to the strong participation and collaboration from CELA, we have raised the profile of the lead issue with consumers and the province. We'll continue to jointly advocate for provincial action to develop a coordinated and comprehensive program to eliminate lead from Ontario's drinking water and protect Ontarians from the preventable negative health outcomes associated with lead contamination in drinking water".*

**Ontario Municipal Water Association President  
Justin Pulleyblank**

Municipal action on climate change is also crucial. The impacts of climate change are being disproportionately felt by the most disadvantaged community members. CELA's Inequitable Impacts of Climate Change campaign examines legal reform required to protect our clients from the worst impacts of climate change. This year, CELA produced reports detailing the urgent need for a maximum temperature by-law in Toronto and Ottawa. CELA has also actively participated in the Toronto Heat Safety Coalition efforts to support the passage of a maximum temperature by-law in Toronto.

CELA's services are available and applicable to support members of the public in urging their local and senior governments to take action. We look forward to continuing to support municipalities in using their broad powers to enact by-laws that address environmental concerns, including providing safe drinking water and mitigating climate change impacts. As the government closest to impacted citizens, municipalities can effect significant change.

## Proposed Brownfield Development in Kingston



CELA counsel represented No Clearcuts Kingston, a community group, in a significant five-week hearing at the Ontario Land Tribunal (OLT) in February and March, 2024. The proposed development would be on a contaminated site that previously included a tannery and a lead smelter.

If approved, the proposed development would destroy part of a provincially significant wetland and remove significant woodlands that exist on-site. Our client's expert witnesses provided opinion evidence on potential impacts to groundwater, surface water, natural heritage, ecological receptors, and public health and safety. CELA filed a final written argument with the OLT in April, 2024 and argued that the proposed development did not represent good planning and was not in the public interest. We are awaiting the OLT decision.





## Pollution Exposure Higher in Low-Income Communities

Polluting landfills, pulp and paper mills, and petrochemical facilities... Too often such contaminated sites are located in low-income, racialized or Indigenous communities. And it's those communities who are disproportionately exposed to toxic emissions and suffer negative health outcomes, such as asthma, cancer, and other health impacts, often across generations. That's environmental injustice.

CELA exists to ensure that underserved and underrepresented communities have access to justice - a future free of harmful pollution in their homes and communities, and accountability for past harms.

Aamjiwnaang First Nation is disproportionately impacted by harmful air pollution from surrounding industrial facilities in the so-called "Chemical Valley". This year, the Federal and Provincial governments issued orders against INEOS Styrolution in Sarnia to lower benzene emissions, a dangerous carcinogen. CELA is representing members of the public to support government actions to lower benzene emissions in the community and to raise the issues of importance to members of the public, such as adequate notice provisions.



Photo Credit: TheKurgan/Wikimedia Commons



*"It's a legacy issue, and you know if companies can come into town and leave waste behind and not be held accountable for the clean-up of waste and environmental pollution, we're in big trouble as a country."*

**Lisa Speck, Elliot Lake homeowner**

Ontario's current regulation of air pollution is not adequately protecting the health of local communities. CELA's law reform campaign on air pollution seeks to reform Ontario's site-specific standard and technical standard regimes, which allow industrial facilities to emit pollutants well above provincial limits. This campaign also aims to strengthen Ontario's very limited cumulative effects policy. CELA published fact-sheets to explain how technical standards and site-specific standards are applied to industrial facilities to exempt them from provincial standards and to make recommendations for reform.

CELA undertook a mapping project this year to provide information to impacted communities on their exposure to air pollution. We mapped the location of polluting facilities across Ontario and identified some Indigenous and low-income communities with high toxic air releases. The maps show how these communities are disproportionately and unfairly exposed to pollution; they lay out the geography of environmental injustice in Ontario.

CELA's mapping of pollution in Ontario is also part of a broader needs assessment we've undertaken to ensure our services - litigation, law reform, and public legal education - are aligned with the needs of underserved and underrepresented individuals and communities across Ontario. It has reaffirmed what we already knew from experience and academic studies - pollution exposure is often correlated with the community's economic standing, Indigeneity or racialization.

The connection between under-resourced and underrepresented communities and the environmental health risks of hazardous sites is clear. And because these communities often lack social, financial or political power, their concerns are not always heard or governments are slow to respond. CELA supported the passage of the first federal legislation acknowledging and seeking to explicitly address environmental racism in Canada and will continue to help communities gain access to the information they need to advocate for environmental justice in their communities.

## **Families in Elliot Lake Demand Action**

CELA represented community members living in Elliot Lake in a high-profile two-day hearing of an application for judicial review in Federal Court against the regulator of the nuclear lifecycle, the Canadian Nuclear Safety Commission (CNSC).

The litigation garnered significant media attention and public interest, particularly in Northern Ontario. CELA's clients live in homes contaminated by uranium mine waste. Many of the clients moved to Elliot Lake in their retirement and had no knowledge of contamination at their properties. The uranium mine waste causes exposure to doses of radiation above the Canadian Nuclear Safety Commission's own limits. CELA counsel argued that the CNSC has jurisdiction over the uranium mine waste as part of their authority to protect the public from the health impacts of the nuclear fuel cycle.





Photo credit: Allan Lissner and freegrassy.net

## The Legal Fight Against Environmental Injustice in Grassy Narrows

Over many decades, the Grassy Narrows First Nation (“Grassy Narrows”) in northwestern Ontario has experienced the direct and cumulative effects of industrial activity and resource extraction which have adversely affected human health, degraded the environment, and impacted Grassy Narrows members’ way of life and their inherent, treaty, and Aboriginal rights. These environmental injustices include:

- the historic discharge of mercury from an upstream mill into the river system that flows through the Grassy Narrows territory
- the current discharge of sulphate from the same mill that facilitates the formation of highly mobile methylmercury within the river
- the hydro-electric dam projects that altered river flows within Grassy Narrows territory
- the clearcutting of forests within Grassy Narrows territory
- the issuance of mining-related claims and approvals within Grassy Narrows territory.

In previous years, CELA was retained by Grassy Narrows to bring legal proceedings to address proposed logging and mining exploration activities and their significant environmental and health impacts upon the community. These efforts were highly successful and helped lead to out-of-court resolutions that banned all industrial logging on Grassy Narrows’ area until 2034 and removed nine mining exploration permits.



*“We will protect our land and we just want to reiterate that any activity that’s in Grassy Narrows territory, we should be consulted, we should sit down together, and we should be informed about the activities that are about to take place and that will take place if anything should go forward. These practices have to change. It’s damaging our land. We want our land to remain intact because of our cultural practices, our way of life.”*

**Grassy Narrows Chief Rudy Turtle, July 2024**

In 2024, CELA continued to represent Grassy Narrows on several environmental fronts. In July, for example, CELA and co-counsel started a legal challenge against the “free entry” system for mining exploration under Ontario’s *Mining Act*. This system has allowed some 10,000 mining claims to be registered in Grassy Narrows territory without notice, consultation, or consent.

Accordingly, the litigation seeks a declaration that the free entry system contravenes Grassy Narrows’ treaty and Aboriginal rights that are recognized and affirmed by section 35 of the *Constitution Act, 1982*.

At the same time, CELA and co-counsel are representing Grassy Narrows in different administrative proceedings involving a new gold mine that is proposed within the territory of Grassy Narrows. For example, the project is subject to the impact assessment process under the Impact Assessment Act, and CELA has filed numerous detailed submissions to federal officials on behalf of Grassy Narrows.

The Grassy Narrows community is downstream of the proposed mine and our client is concerned that the narrowly framed assessment process will not adequately identify, evaluate, mitigate, or prevent the potential impacts of the mining project (if approved) upon water quality, fish and wildlife, and treaty and Aboriginal rights.

Similarly, CELA continues to meet with and make submissions to the Ontario government in relation to provincial approvals (e.g., water-taking permit, environmental compliance approval for wastewater discharge, mine closure plan, etc.) which are required for advanced exploration activity at the proposed mine site. This advanced exploration program (if approved) will produce 1 million tonnes of waste rock and 400,000 tonnes of overburden, and Grassy Narrows is concerned that the stockpiled waste rock will release various toxic substances into the environment, including mercury, arsenic, cadmium, and substances which stimulate methylmercury production in water bodies.



Photo credit: Joshua Best and freegrassy.net





## Neighbours of a Nuclear Plant

Ontario's power grid has become increasingly reliant on nuclear energy. Currently, Ontario is home to three active nuclear stations – two of them located within 30km of each other in Durham region: the Pickering and Darlington generating stations. With over 696,000 Durham residents living near these two stations, it is crucial that every person is fully informed about what to do in the case of an accident at one of the plants. CELA represents residents of Durham Region in the several CNSC hearings dealing with Darlington and Pickering.

Both plants are also undergoing changes. The Darlington nuclear generator units are currently under refurbishment, and the Canadian Nuclear Safety Commission (CNSC) recently decided that a 15-year-old environmental assessment can apply to a proposal for new Small Modular Reactors, despite the fact that this technology has never been used in Canada. The CNSC has scheduled a hearing on whether to issue a licence to construct the new reactors.

In Pickering, CELA advocated at the CNSC hearing against a proposal by Ontario Power Generation to extend its licence (again) to operate some of the units beyond their original operating life span. However, in the view of CELA and our clients, there are too many issues associated with an aging plant, high population, and lack of completed safety studies for the CNSC to approve refurbishment and continued operation.



*"I don't feel I am properly prepared to respond to a nuclear accident, the only step I know in case of an emergency is to take an iodine pill (which I learnt in elementary school). Since then, I have never been taught a plan or discussed it with anyone, which now that I think about it is so bad because I'm 15 minutes away from the nuclear plant."*

**Rheanne Johnson, Pickering resident**

## Emergency Preparedness

According to a poll conducted in 2018, 54% of Durham residents were unaware of any emergency response plans in case of a nuclear accident — a clear indication of the need for stronger awareness and outreach efforts. Earlier this year, CELA co-hosted a webinar for Durham residents about nuclear power, emergency response plans, and the importance of engaging in the decision-making processes around nuclear power in their communities.

Currently, the Durham Nuclear Emergency Response Plan (DNERP) outlines primary evacuation plans for a 10 km radius from a station, and pre-distribution of potassium iodine (KI) pills for 10 km; (up to 50 km radius on request). Shelter in place and evacuations are highlighted as potential key procedures in the event of an emergency for residents living within 10 km of stations. Ingestion control and some other contingency planning extends to 50 km from a station in Durham region.

The CNSC has begun a review of the requirements for nuclear emergency preparedness in Canada and CELA will help the public submit comments, including on preparedness for a severe emergency.

## Impacts of Nuclear Waste

Nuclear waste from Canada's reactors is highly hazardous. The toxic materials used in the production of nuclear energy remain highly radioactive for tens of thousands of years, which poses a threat to agricultural land, fishing waters, freshwater sources and humans. When it comes to long-term management of nuclear waste, Canada currently has no sufficient plan. CELA continues to help the public respond to the proposals by industry and the government on nuclear waste.



## Healthy Environments for Learning Day

CELA is a founding member of the Canadian Partnership for Children's Health and Environment (CPCHE), an affiliation of groups with overlapping missions to improve children's environmental health in Canada. Working with CPCHE partners, CELA is a leading force in advancing children's environmental health protection in Canada.

Healthy Environments for Learning Day (HELD) is a key initiative of CPCHE that takes place each April and aims to raise awareness of and encourage action to prevent environmental health risks to children in early learning and school environments. This year's campaign focused on indoor air quality in Canada's schools and child care settings. Indoor air quality plays a critical role in shaping children's respiratory health, immune function, and cognitive development. The campaign addressed the importance of source control, ventilation and filtration, with learnings from COVID-19, climate change related issues such as wildfire smoke and extreme heat, as well as other air pollutants such as vehicle diesel exhaust and toxic chemicals.





## Addressing PFAS in Freshwater

“Per- & Polyfluoroalkyl substances” (PFAS) are one of the most persistent and toxic groups of chemicals ever created. Used in many industrial applications and products, PFAS have been detected around the globe, and will take hundreds, if not thousands, of years to degrade from the soil and water where they accumulate.

The health impacts of PFAS include decreased fertility or high blood pressure in pregnant women, low birth weight and accelerated puberty in children, increased risk of some cancers, reduced immune system response, and increased cholesterol levels and/or risk of obesity.

### Community Right-to-Know

For the general public, the main sources of exposure to PFAS comes from drinking water and food. However, in Canada we have no information about the number of Canadians impacted by PFAS-contaminated drinking water despite the fact that Health Canada’s biomonitoring surveys found the presence of PFAS in the blood and urine of over 99% of Canadians tested. Canadians deserve to be informed about where PFAS is found and to participate in decision-making processes to address PFAS.

Gathering data on sources of PFAS is one way to support communities' right to know. CELA is advocating for requirements to report PFAS on the National Pollutant Release Inventory (NPRI). The NPRI is an inventory mandated by the Canadian Environmental Protection Act (CEPA) that requires certain facilities to report on specified pollutants that they release into the environment.



*"We're really fortunate to have this abundant supply of cold, clear water, and I think that knowing that it's got this very persistent contaminant in it ... potentially interferes with all our relationships with that water. That's a tragedy that can't be measured."*

**Brennain Lloyd, Northwatch**

### **CELA's work on PFAS Regulation**

CELA has been calling for regulatory measures on specific PFAS since 2004. Notably, in May of 2023, Environment and Climate Change Canada (ECCC) and Health Canada released its draft state of PFAS report. CELA, along with 30 environmental and health NGOs, submitted comments and recommendations in response to that initial report, advocating to address the full class of PFAS (with up to 15000 substances), address the full life cycle of PFAS from production to end of life disposal and management, seek full disclosure and transparency on where PFAS is found and released, and seek regulatory measures for prevention and elimination. Many PFAS already have safe alternatives.

CELA seeks better protection for all Canadians from PFAS in drinking water, advocates for regulatory measures that eliminate and prohibit PFAS, and advances community right-to-know by supporting reporting and disclosure of PFAS from all facilities and sectors.

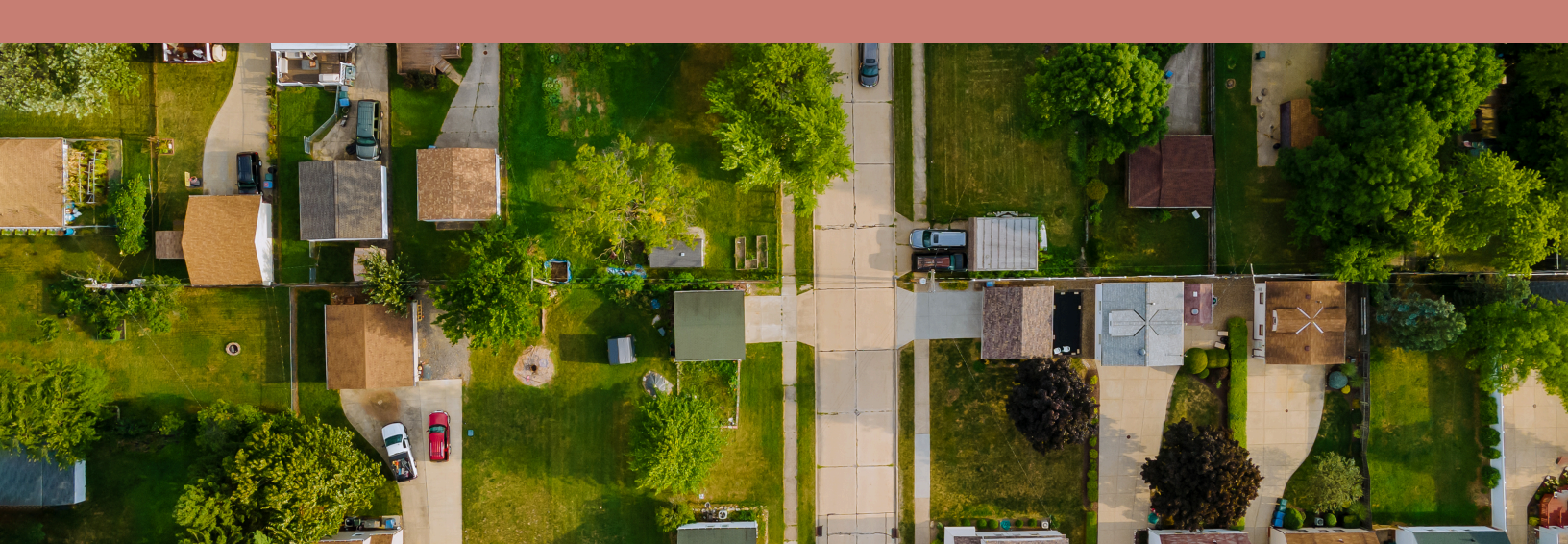


## **Forever Chemicals in North Bay**

A decades-long example of a PFAS hotspot is North Bay, Ontario. From the 1970s to the mid-1990s the Department of National Defence (DND) conducted training exercises at North Bay's Jack Garland Airport with firefighting foams containing PFAS. These foams seeped into the soil and Lee's Creek, a waterway connected to Trout Lake, North Bay's primary source of drinking water. Many North Bay residents are now learning about the extent of the PFAS in their community but lack opportunities to engage with government departments and health units about remediation plans.

This March, CELA spoke at a town hall in North Bay where residents, environmental and legal aid groups gathered to discuss the city's PFAS problem to raise awareness about the issue. The City of North Bay is scheduled to begin remediation to address the PFAS contamination at Jack Garland Airport in 2024 with the DND drilling to assess the extent of PFAS in groundwater. However, these remediation efforts do not address the PFAS that has already entered local waterways, and seeped into Trout Lake, over several decades.





## Undoing Public Participation Rights

Environmental justice calls for equitable involvement in the creation and application of environmental laws, regulations and policies - those impacted by decisions should be meaningfully involved in making them.

Community members have unique, first-hand knowledge of the impacts that environmental decisions will have on their homes and their health, and their input can prevent destructive and costly mistakes.



*"The statutory scheme set out in the Act encourages public participation in the decision-making process surrounding land use planning matters in the Province through a public hearing process. The Tribunal endeavours to facilitate public involvement in line with its Rules and emphasizes that costs should not be employed to discourage participation."*

**Ontario Land Tribunal (April 22, 2024, Case No. OLT-22-003833)**

There has been a damaging trend in recent years to remove the public's ability to meaningfully engage in environmental decision-making. Earlier this year, Ontario Bill 185 amended the *Planning Act* to eliminate the public's ability to appeal local land use decisions to the OLT, such as the adoption or amendments of Official Plans and Zoning By-Laws by local municipal councils. CELA strongly opposed these proposed amendments in submissions to the Ministry of Municipal Affairs and Housing, both in Bill 185 and in earlier bills which proposed but did not adopt these amendments. Without this long-standing 'safety valve' mechanism for challenging or reversing poor municipal planning decisions, the public voice in key decisions that affect their local environment, and access to justice, have been seriously diminished.

Many significant appeals to the OLT and its predecessor tribunals in CELA's history would not have been available without public appeal rights, for example when CELA successfully represented:

- Mr. Oliver was successful in an appeal of a City of London Official Plan amendment relating to protections for agricultural lands and the Natural Heritage System, along with issues relating to compact urban form, transportation, servicing and the financing of new development. Mr. Oliver called expert evidence at the Ontario Municipal Board.
- The Stop Richmond Dump Expansion: The Citizens Committee in the County of Hastings were successful in opposing an Official Plan amendment on Waste Disposal Assessment Area policies. The Citizens group was concerned about local environmental impacts from a landfill.
- Friends Addressing Concerns Together in McNab/Braeside, a group of community members living near a quarry, in a Tribunal appeal in the County of Renfrew. The community members testified about the serious noise and odour impacts of a portable asphalt plant operating close to their homes and called complex expert evidence. They successfully advocated against the installation of a permanent asphalt plant at that location.
- The Trout Lake Campers' Association was successful on an appeal of a Lakehead Rural Planning Board decision on a zoning by-law amendment relating to a proposed quarry. The community members have lived and camped in the area since 1929. The Tribunal adopted their interpretation of a broader jurisdiction for the Lakehead Rural Planning Board to consider the environmental impacts of the proposed aggregate pit.

CELA also defended public participation rights in recent litigation at the OLT. CELA represented Keep Napanee Great (KNG) in a land use planning matter in Napanee regarding a proposed hot mix asphalt plant and concrete batching plant. CELA successfully defended a motion for costs against KNG by highlighting the serious access to justice impacts of costs claims against local community groups. The Tribunal reiterated that it encourages public participation and is mindful of the “chilling effect” of costs awards.

Public participation enhances the credibility and soundness of decisions, and ensures equity by soliciting input from people who are interested in, or impacted by, the decision. For communities that lack social, financial or political power, opportunities for public input must be obligatory and enforceable to ensure planning decisions do not compound environmental injustice.



# In The Community

CELA staff attended a number of events and conferences throughout Ontario, both in-person and virtually. Following are some highlights from this past year.

**International Agricultural Worker Health Fair** - CELA conducted outreach efforts to temporary foreign agricultural workers in Norfolk County in June, 2024. CELA had a booth at a local fair for workers and provided information to hundreds of workers on exposures to extreme heat in their bunkhouses and workplaces.


**Commission on Environmental Cooperation** - CELA participated at the Commission on Environmental Cooperation (CEC) 31st Council Session titled Strengthening Environmental Justice through Community Empowerment in June, 2024. Hosted in Wilmington, North Carolina, the conference brought together delegates from Canada, the United States and Mexico to talk about environmental justice. CELA participated in a panel discussion with CEC Council to provide advice to council members on how to promote environmental justice and engage the community in efforts to address environmental injustices across North America.

**Ontario Project for Interclinic Community Organizing** - In August, 2024, CELA and the Low-Income Energy Network (LIEN) presented to legal aid clinic organizers on maximum heat by-laws and energy justice. CELA and LIEN presented a template presentation for activists to use to make deputations at municipalities across the province.

**Environmental Justice and Racism Symposium** - CELA presented on a panel discussion at Canada's first ever Environmental Justice and Racism Symposium held in September, 2024 in Ottawa to discuss how to use the Federal legal and policy framework to address environmental injustices and advance the principles of environmental justice.

**Canada Home Energy Justice Conference** - CELA and LIEN presented to Federal and Provincial government officials and advocacy organizations at the Canada Home Energy Justice conference in Ottawa in October, 2024. CELA and LIEN presented ways to better protect our clients from energy poverty, advocated for a human-rights based approach to addressing energy poverty, and presented an activist's toolkit for advocacy on maximum temperature by-laws in rental units.

## Engagement Activities in 2024



Media Releases  
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Blog Posts  
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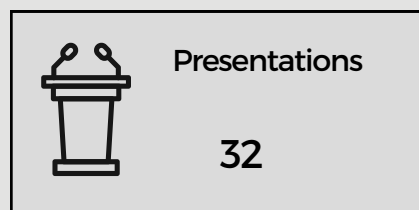
Newsletters  
10

## Guest Lectures and Presentations:

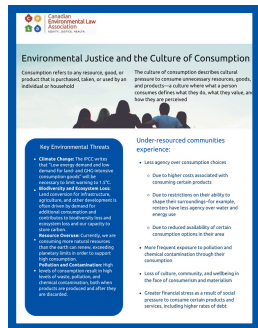
CELA staff are often invited to deliver guest lectures and presentations on topics relating to environmental justice; following are some highlights from this past year.

- Rick Lindgren
  - Delivered a guest lecture at Carleton University on Ecological Crime and Access to Justice on March 25, 2024.
  - Gave a presentation to the Law Society of Ontario's Eight Minute Environmental Lawyer Program, 2024 on the *Impact Assessment Act* amendments.
- Theresa McClenaghan
  - Presented at the University of Windsor Environmental Justice Event in January.
  - Participated in a national webinar on radioactive waste policy in February.
  - Delivered a lecture to Lakehead University law students in March titled How Environmental Law Works to Help Your Community.
  - Presented to Osgoode Graduate Law Students in March on Alternative Factors in Rate Regulation.
  - Participated in an Earth Day Presentation for Lenczner Slaght in April, discussing clinic law practice, legal aid, and environmental justice.
  - Presented at We the Free Nuclear North webinar in April on public participation in nuclear waste siting.
  - Delivered an information session on Environmental Control Orders, regulatory action and benzene, and public participation rights at the Aamjwnaang First Nation Community Centre near Sarnia.
  - Gave a convocation address on environmental justice, access to safe water, and working for environmental rights to the Toronto Metropolitan University Lincoln Alexander School of Law and Ted Rogers School of Management in June.
  - Presented to the South Bruce community regarding participation rights and decision-making processes in the Nuclear Waste Management Organization siting process in October.
  - Participated in the Impact Assessment Agency Nuclear Law Panel at the Canadian Nuclear Law Organization Nuclear Law School in October.

## Engagement Activities in 2024

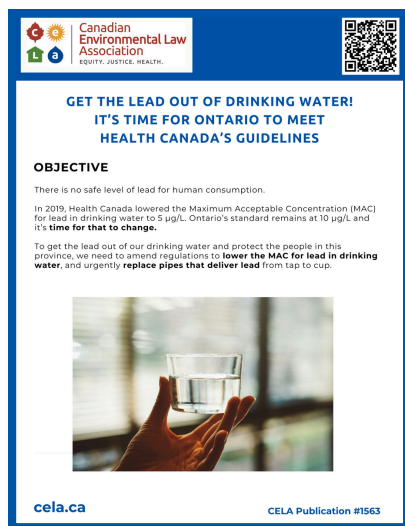


# Fact Sheets and Toolkits



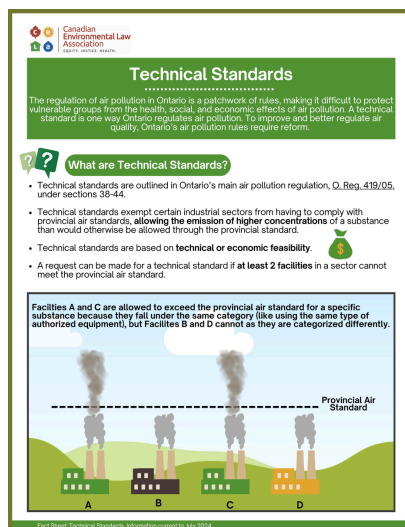
## Environmental Justice and Culture of Consumption

CELA released a fourth fact sheet in its series discussing environmental justice, pertaining to the culture of consumption. 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.



## Get the Lead Out of Drinking Water!

CELA's Healthy Great Lakes program released a new fact sheet outlining the importance of removing lead contamination from our drinking water, including recommendations for law reform. This fact sheet is available in English and French.



## Air Quality Standards

CELA is pleased to present two fact sheets providing an overview of air regulation in Ontario. One discusses technical standards and the other looks at site-specific standards.



# Theresa McClenaghan Receives Prestigious Recognition

CELA is pleased to congratulate Theresa McClenaghan, CELA Executive Director, on the receipt of an honorary doctorate in laws from Toronto Metropolitan University (TMU) this past spring. TMU awards honorary degrees to those who have made extraordinary contributions to:

- Academia and/or society in Canada or internationally, particularly in fields of interest to the university;
- The development of Toronto Metropolitan University;
- The betterment of culture, society or the local community.

Among other things, the degree recognizes Theresa's work as co-counsel for the grassroots group Concerned Walkerton Citizens during the public inquiry into the contaminated water supply in Walkerton, Ontario. It also highlights her later work as a senior water policy advisor to the province's environment minister, overseeing the passage of the *Clean Water Act* and the implementation of the Inquiry's remaining recommendations, as well as her subsequent and ongoing work as CELA counsel in improving Ontario's drinking water and environmental protection rules.



Photo credit: Harry Choi



# Message from the Deputy Executive Director



**Canadian  
Environmental Law  
Foundation**

Dear friends,

It is with much gratitude that I share with you the 2024 report of the Canadian Environmental Law Foundation (the Foundation).

I joined the Canadian Environmental Law Association (CELA) team this year, but I have long been aware of both the Foundation and CELA's important contribution to advancing environmental justice in Ontario and Canada. I am excited to join the team and work with donors like you to strengthen our impact.

I have worked in the environmental movement for over two decades and what I believe makes the Foundation so necessary is its understanding that we can only advance environmental justice by keeping an eye to both our past and our future.

Over the past fifty years, the wins to bend our laws towards environmental justice have been hard-fought. However, the Foundation recognizes how fragile the gains we've made are and how easily they can be lost. With your support, the Foundation ensures future generations can learn from both our successes and mistakes.

In fact, this was one of the reasons the Foundation was created: to protect and document the history of environmental law, advocacy, and environmental decision-making. The Foundation runs and continually updates the Canadian Environmental Law Archives, an online and offline archive that allows anyone from politicians, to regulatory agencies, to environmental advocates and those harmed by pollution to learn from the historical records CELA has accumulated over the past fifty years. This is a one-of-a-kind resource that your support ensures will be passed onto future generations.

And while the Foundation's archives ensure the history of environmental law is preserved, you also create space for law students to learn the history, skills and values to become the environmental lawyers of tomorrow. In particular, your support empowers the Foundation to continue one of Canada's oldest public interest articling programs, giving the next generation of lawyers an opportunity to be mentored by CELA's experienced legal team.



Every summer - thanks to your support - we welcome a new articling student and see one move to the next step in their career. This year we welcomed Julie Lopez and said goodbye to Lindsay Dixon, but we never really say goodbye to our students. The impact of the articling program continues after students leave – they move into new roles as lawyers, government officials, academics and advocates and from these positions advocate for environmental justice. Although intangible, your support of the articling program has long-term impact on our capacity to strengthen environmental law in Canada.

In short, your generous support of the Foundation continues to build the capacity and skills of not only CELA, but the broader environmental law community in Ontario and Canada. I look forward to working with you to strengthen our impact in 2025.

With thanks,

**Shawn-Patrick Stensil**

*Deputy Executive Director*

## **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 to Robert Huff, our website and annual report designer, and to the team at Entremission that continue to support the 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 (Chair)
- Kesi Disha (Secretary, non voting)
- John Jackson
- Michael Lucifora (Treasurer)
- Theresa McClenaghan (President)
- Kruti Patel (retired in 2024)
- Tracy Tucker (Vice President)



# Canadian Environmental Law Foundation's Highlights of 2024

## Canadian Environmental Law Association Through Time

This year we created our first-ever scrapbook, documenting CELA's unwavering commitment to safeguarding communities and our planet. The newspaper clippings from the 70's and 80's highlight legal victories and losses, and also demonstrate the perseverance and dedication to environmental issues that echo in the present day.

With your help, we sold 37 copies in this first print! We shipped 25 hard copies across the province, with the farthest one going to Ottawa. A dozen of you stopped by the CELA office to pick up your book in person. Proceeds from the sale of the books went to the Canadian Environmental Law Foundation.

## Canadian Environmental Law Archive

The new Archive website and database were launched in late 2023, 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. Interest in the Archive continues to grow, with over 2,000 unique visits so far this year. Thousands of documents are viewed and downloaded every month, and many visitors come back to the site time and time again to look for new content.

## Thank you Anastasia!

We are very sad to say good-bye to Anastasia this year – while also wishing her well on her retirement! Anastasia has been with CELA since 2016 – first growing the Healthy Great Lakes program, and later as the inaugural Deputy Executive Director.

CELA has been so lucky to have Anastasia as part of the team for the last eight years – her passion, knowledge, dedication and wisdom have been a huge part of CELA's growth and have made an enormous contribution to the water policy and environmental justice landscape in Ontario.



She will be missed not only by CELA's staff and board, but by the many water champions and environmental justice advocates with whom she has worked over the years. We know our paths will continue to cross, and we wish her all the best in this next chapter.



# Audited Financial Statements – Canadian Environmental Law Foundation

## Balance Sheet

	2024	March 31 2023
<b>Assets</b>		
Current		
Cash	\$ 323,102	\$ 346,531
Accounts receivable	4,000	-
Public Service Bodies rebate recoverable	783	574
Prepaid expenses	1,840	1,606
	<u>\$ 329,725</u>	<u>\$ 348,711</u>
<b>Liabilities</b>		
Current		
Accounts payable and accrued liabilities	\$ 1,840	\$ 2,327
Due to Canadian Environmental Law Association	10,653	11,641
	<u>12,493</u>	<u>13,968</u>
<b>Net assets</b>	317,232	334,743
	<u>\$ 329,725</u>	<u>\$ 348,711</u>

## Statement of Operations and Net Assets

	Year ended March 31 2024	2023
<b>Revenue</b>		
Donations	\$ 59,986	\$ 161,460
Grants	32,782	21,200
Interest	382	338
	<u>93,150</u>	<u>182,998</u>
<b>Expenses</b>		
Education programme	55,000	69,500
Fundraising	-	7,744
Insurance	5,514	5,289
Library programme	4,720	3,292
Office and general	1,073	1,899
Project costs	31,182	19,400
Professional fees	13,172	2,118
	<u>110,661</u>	<u>109,242</u>
Excess of revenue over expenses for the year	(17,511)	73,756
Net assets, beginning of year	334,743	260,987
Net assets, end of year	<u>\$ 317,232</u>	<u>\$ 334,743</u>



# Audited Financial Statements – Canadian Environmental Law Association

## Balance Sheet

	Clinic Fund	Litigation Fund	Other Fund	March 31	
				2024	2023
<b>Assets</b>					
<b>Current</b>					
Cash	\$ 11,385	\$ 210,843	\$ 541,170	\$ 763,398	\$ 744,506
Accounts receivable	455	21,582	50,050	72,087	86,188
Public Service Bodies rebate recoverable	10,494	-	3,628	14,122	13,324
Due from Clinic	-	-	4,080	4,080	36,134
Due from Canadian Environmental Law Foundation (note 6)	6,653	-	4,000	10,653	11,641
Prepaid expenses	18,489	-	243	18,732	18,458
	<u>47,476</u>	<u>232,425</u>	<u>603,171</u>	<u>883,072</u>	<u>910,251</u>
Investment in Co-operative of Speciality Community Legal Clinics of Ontario Inc. (note 2)	500	-	-	500	500
Capital assets (note 3)	12,124	-	-	12,124	18,186
	<u>\$ 60,100</u>	<u>\$ 232,425</u>	<u>\$ 603,171</u>	<u>\$ 895,696</u>	<u>\$ 928,937</u>
<b>Liabilities</b>					
<b>Current</b>					
Accounts payable and accrued liabilities	\$ 53,428	\$ -	\$ 16,423	\$ 69,851	\$ 69,822
Deferred revenue (note 4)	-	-	176,205	176,205	166,470
Due to Clinic and Other	3,937	143	-	4,080	36,134
	<u>57,365</u>	<u>143</u>	<u>192,628</u>	<u>250,136</u>	<u>272,426</u>
Deferred Legal Aid Ontario indirect capital contributions	12,124	-	-	12,124	18,186
	<u>69,489</u>	<u>143</u>	<u>192,628</u>	<u>262,260</u>	<u>290,612</u>
<b>Net assets (deficit)</b>	(9,389)	232,282	410,543	633,436	638,325
	<u>\$ 60,100</u>	<u>\$ 232,425</u>	<u>\$ 603,171</u>	<u>\$ 895,696</u>	<u>\$ 928,937</u>

## Statement of Operations and Net Assets

	Clinic Fund	Litigation Fund	Other Fund	Year ended March 31	
				2024	2023
<b>Revenue</b>					
Legal Aid Ontario (note 9)	\$ 1,404,915	\$ -	\$ -	\$ 1,404,915	\$ 1,377,368
Grants (note 4)	55,000	-	321,802	376,802	364,477
Interest and other income	140	9,274	25,209	34,623	51,641
Royalties	-	-	22,719	22,719	25,310
Legal Aid Ontario indirect payments (note 5)	74,916	-	-	74,916	72,921
	<u>\$ 1,534,971</u>	<u>\$ 9,274</u>	<u>\$ 369,730</u>	<u>\$ 1,913,975</u>	<u>\$ 1,891,717</u>
<b>Expenses</b>					
Bad debts	-	5,101	-	5,101	-
Client disbursement clearing and un-billed write-offs	-	18,995	-	18,995	-
Communications, printing and distribution (note 6)	10,744	-	7,550	18,294	18,581
Contracted services	12,717	-	193,267	205,984	228,555
Equipment (note 6)	11,213	-	-	11,213	13,981
Indirect payments (note 5)	74,916	-	-	74,916	72,921
Library purchases (note 6)	-	-	-	-	584
Occupancy (note 6)	134,109	-	-	134,109	107,088
Office and general (note 6)	14,182	12	8,614	22,808	24,281
Professional development	2,086	-	-	2,086	4,309
Professional dues	10,789	-	-	10,789	14,738
Professional fees	7,383	-	550	7,933	8,350
Salaries and benefits (note 9)	1,258,863	-	135,957	1,394,820	1,340,063
Travel (net of recovery)	4,693	-	7,123	11,816	15,266
	<u>1,541,695</u>	<u>24,108</u>	<u>353,061</u>	<u>1,918,864</u>	<u>1,848,717</u>
Excess of revenue over expenses (expenses over revenue) before under-noted items	(6,724)	(14,834)	(16,669)	(4,889)	43,000
Amortization of capital assets	(6,062)	-	-	(6,062)	-
Amortization of deferred Legal Aid Ontario indirect capital contributions	6,062	-	-	6,062	-
	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Excess of revenue over expenses (expenses over revenue) for the year	(6,724)	(14,834)	16,669	(4,889)	43,000
Net assets, (deficit) beginning of year	(2,665)	247,116	393,874	638,325	595,325
Net assets (deficit), end of year	<u>\$ (9,389)</u>	<u>\$ 232,282</u>	<u>\$ 410,543</u>	<u>\$ 633,436</u>	<u>\$ 638,325</u>



# Thank You to Departing CELA Board Members!

**Lauren Alcorn** was a director on CELA’s board for 16 years. Lauren brought a deep background in the water sector to CELA’s work. As a proponent of Indigenous rights, gender equality and inclusion, Lauren’s advocacy and passion were very valuable to the CELA board. Lauren has worked in leadership at a not for profit organization herself, so brought considerable expertise to the areas of governance and not for profit services.

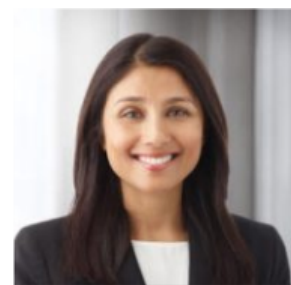


She participated in many of our board committees and working groups over the years, providing deep insight and practical advice. These included the Reconciliation, Equity, Diversity and Inclusion committee, the Nomination Committee, and a working group responsible for creating a standardized Executive Director review process. Lauren volunteered whenever work needed to be done.

**Bruce Davidson** joined the CELA board in 2004, after the Walkerton Inquiry. Bruce was an organizer and spokesperson for the Concerned Walkerton Citizens. Bruce was extremely insightful in understanding how CELA can help communities undergoing a crisis amid adverse environmental impacts. He was also a colleague over the years in outreach and education, helping to ensure other communities would not face the adversity that his did during and after the drinking water tragedy in his town. Bruce was a regular participant at the Legal and Priorities Committee, and we appreciated his guidance on service priorities.



**Kruti Patel** left the board this year after two years of service. As a director on the boards of both CELA and the Canadian Environmental Law Foundation, Kruti brought a passion for the intersection of health, the environment and social justice stemming from years of personal experience and interest. Kruti participated in CELA’s Reconciliation, Equity, Diversity and Inclusion committee and provided welcome and wise input to a number of board projects.



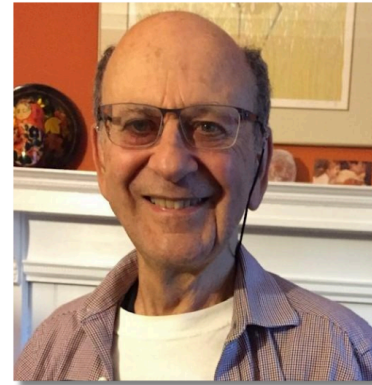
CELA’s board and staff will miss Kruti, Lauren and Bruce on a professional and personal level. We sincerely thank them for their contributions

# Remembering John Swaigen

CELA was saddened to learn of the passing of John Swaigen in August. John was one of CELA's earliest lawyers, and continued on to an illustrious career as an adjudicator and counsel dedicated to safeguarding the public interest.

Among many other things, he co-authored the seminal and influential text, *Environment on Trial*. John also provided welcome guidance and leadership to legal aid clinics like CELA on quality assurance in the 1990s.

In the first ever CELA scrapbook that was published earlier this year, there are many clippings that featured John as General Counsel of CELA in the 1970s. A classic is a clipping with a photo of John holding a copy of the book "Ecology versus Politics in Canada" as a prop under a headline that stated "Environment act is called toothless."



John's passing is a big loss for the environmental law community. John was a good friend and a valued colleague of many CELA staff and board members – here are some messages we've received about him...

- Recollections of working with him on the old environmental appeal board when John was chair, "What a great person to learn a new role from, to work with and to spend hours chatting with while going to hearings."
- Remembering working with John at the former Canadian Institute for Environmental Law and Policy as he worked to complete his book on Leaking Underground Storage Tanks.
- "An important pioneer in understanding and promoting the use of the law to support citizen action to protect the environment."
- "A giant in the environmental law field who will be greatly missed. Always enjoyed talking and working with him over the decades."
- "A passionate and exemplary environmental leader, mentor, author, polemicist and all around wonderful person."

In reflecting on their relationships with John, the words "mentor", "hero", and "wise" came up again and again. His accomplishments were foundational to the efforts to seek environmental protection and his reputation loomed large. John will be missed.



# Thank you!

## CELA staff

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
- Rick Lindgren
- Anastasia Lintner
- Julie Lopez
- Theresa McClenaghan
- Ramani Nadarajah
- Shawn-Patrick Stensil
- Laura Tanguay
- Tracy Tucker
- April Wepler
- Jacqueline Wilson

## CELA non-staff Board members

We are so grateful for the continued hard work and expertise of CELA's volunteer board of directors:

- Lauren Alcorn (retired in 2024)
- Lijing Black
- Tom Borg
- Lesley Cameron (Chair)
- Jacklyn Campbell
- Bruce Davidson (retired in 2024)
- Miriam Diamond
- Renee Griffin (President)
- Isobel Heathcote
- John Jackson
- Alan Levy
- Michael Lucifora
- Kruti Patel (retired in 2024)
- Graham Rempe
- Mona Sookram (Treasurer)
- Zoé St Pierre

## Funders

CELA is immensely grateful for the financial support we receive from our funders:

- Legal Aid Ontario
- Individual donors to the Canadian Environmental Law Foundation
- Charles Stewart Mott Foundation
- Catherine Donnelly Foundation
- Dragonfly Fund of the Makeway Foundation
- Environment and Climate Change Canada
- Health Canada
- Ontario Energy Board for the Low Income Energy Network (co-managed with ACTO)
- Participant Funding Program and Indigenous and Stakeholder Capacity Fund, Canadian Nuclear Safety Commission

# Volunteers and Advisors

Critical to the work at CELA are dedicated volunteers, subject matter experts, external counsel, and people with lived experience who contribute to CELA's work.

- Farrukh Chishtie
- Derek Coronado
- Robert Huff
- John Jackson
- Judi Krzyzanowski
- Ajman Ladher
- Melanie Langille
- Dr Kristen Lowitt
- Brennain Lloyd
- Samantha Ponting
- M. V. Ramana
- Angela Shisheesh
- Olga Speranskaya
- Crystal Stamp-Cardinal
- Beverley Thorpe
- 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
- 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
- Liam Tucker-Young
- Carlan de Leon

## Students

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 amazing students:

- Emily Seal
- Maya Hribar
- Jigme Tsering
- Elizabeth Kwofie
- Caitlin Costello
- Adam Clasky
- Masahda Lochan-Aristide
- Julia Singer
- Jerram Germain
- Claire Parish
- Megan Abel
- Renee Kolentine
- Ryan Cho



# Working in Partnership

CELA is grateful to collaborate with other community and specialty legal aid clinics, numerous organizations and partners, and the many networks in which we are involved, either as members or leaders.

- Advocacy Centre for the Elderly
- Advocacy Centre for Tenants Ontario
- ARCH Disability Law Centre
- Association of Community Legal Clinics of Ontario
- Association of Communities for Reform Now (ACORN)
- 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
- CREW Resilience
- Durham Nuclear Awareness
- Efficiency Canada
- Environment Hamilton
- Environmental Planning and Assessment Caucus (RCEN)
- Environmental Defence
- Environmental Justice and Sustainability Clinic, Osgoode Hall Law School
- Fish Health Network
- Grassy Narrows First Nation
- Green Budget Coalition
- Green Prosperity
- Hamilton Community Legal Clinic
- Health and Environment Justice Support
- International Pollutants Elimination Network

The **Green Budget Coalition** (GBC), active since 1999, brings together 22 of Canada's leading environmental organizations, collectively with over one million members and supporters, and decades of experience solving Canada's biggest environmental challenges. The GBC released its detailed recommendations for the 2025 federal budget this fall, dedicated to simultaneously making progress on the linked climate and biodiversity crises and improving environmental justice. A significant focus this year was promoting the Office of Environmental Justice as a way to ensure governmental capacity for adequate and ongoing implementation of the federal environmental racism strategy required by Bill 226. CELA has also been a lead on the Canada Greener Homes Affordability Program, to ensure appropriate funding for and design of the program slated to be implemented in 2025.

- Keepers of the Water
- Legal Advocates for Nature's Defence
- Low-Income Energy Network
- Manitoba Eco-Network
- MiningWatch Canada
- Nature Canada
- NB Lung
- New Brunswick Lung Association
- Northwatch
- Occupational Health Clinics for Ontario Workers Inc.
- Prevent Cancer Now
- Prison Law Clinic
- Seniors for Climate Action Now!
- Slovenian Home Association
- Toronto Environmental Alliance
- Toxics-Free Great Lakes Binational Network
- Watershed Sentinel Educational Society
- West Coast Environmental Law



Photo credit: Fe de Leon

**Low-Income Energy Network** (LIEN) is a Legal Aid Ontario-funded network run by Advocacy Centre for Tenants Ontario and CELA. LIEN has been a leading advocate on legal change to address energy poverty in Ontario for decades. This year, LIEN Stakeholder Engagement and Energy Policy Analyst has advocated to government advisory committees and through submissions to the Ontario Energy Board to expand access to heat-pumps and other energy efficiency measures for all low-income tenants, expanding on-bill supports for low-income people relying on natural gas, propane, oil and wood, and on implementing maximum temperature by-laws to protect low-income tenants. LIEN's 2024 annual conference focused on advocacy tools to address extreme heat in rental units.





**Canadian Environmental Law Association**  
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