

28 November 1973

Margaret Scrivener, MPP,  
St. David,  
Room 124,  
Parliament Buildings,  
Queen's Park,  
Toronto.

Dear Mrs. Scrivener;

I am enclosing, per our recent conversation, a copy of our brief to the Ontario government re environmental impact assessment; a chapter from our forthcoming book, "Environment On Trial", on an environmental "Bill of Rights"; and the Michigan EPA, which has incorporated many of the recommendations suggested by our organization in the past.

After you have had an opportunity to peruse this material I should be glad to answer any questions you may have, or try to get the answers for you if they are not immediately available.

You will note that the Michigan Act provides for class actions as well as personal actions, and does not require the plaintiff to establish injury to his material interests in order to be permitted to bring the action. The Act allows, and indeed requires, a circuit court to determine the validity of standards with reference to pollution levels as set up by agencies through regulations. The Act also creates a type of reverse onus, whereby once a prima facie case has been made by the plaintiff, the burden of disproof is thrown on the defendant.

I will not catalogue further here the aspects of the Michigan Act which could be applied in Ontario, but I think you can see, just from this cursory enumeration, that the Act goes a long way toward redressing a badly imbalanced state of affairs regarding environmental matters.

The book, which we are publishing in January, examines this whole area in great depth, and I think should be required reading for anyone concerned with these problems, particularly someone who must deal with them on a day-to-day basis.

The brief discusses a number of mechanisms surrounding environmental assessment, and the need that the right of public involvement in the process be enshrined in legislation.

I'm sorry I wasn't able to include in this mailing a copy of the B.C. bill, "An Environmental Bill of Rights", but I haven't yet received it. I will pass that on to you as well when it arrives.

Again: if you have any questions, please do not hesitate to contact me.

Yours very truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

Joe Castrilli

JFC/eb  
Encl.