



# CIELAP Newsletter

Autumn 1993

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## CANADIAN INSTITUTE FOR ENVIRONMENTAL LAW & POLICY

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### **Busy Six Months, Past and Ahead** by Anne Mitchell

The Board of Directors and staff of CIELAP decided at a recent strategic planning session that we would like to keep in touch with the friends of CIELAP on a more regular basis. This is our attempt. We would be interested in your comments. Is it a good idea for CIELAP to produce a newsletter? What would you like to see in it? Would you be prepared to write something for it? Let us know what you think. We know there are a lot of people out there who have been involved in the work of CIELAP, or its predecessor, the Canadian Environmental Law Research Foundation (CELRF). We would like to hear from you again.

A lot has happened at CIELAP over the past six months:

- CIELAP held a Waste Management Conference in January and seminar on product stewardship in April

- CIELAP delivered the Third Edition of Environment on Trial to the publisher for printing
- CIELAP participated in Phase II of the First North American Conference on Environmental Law in Berkeley Springs, West Virginia
- A delegation from Fundación Ambio of Costa Rica visited CIELAP
- CIELAP has been participating in a multistakeholder process on biotechnology regulation
- CIELAP made formal presentations to parliamentary committees on NAFTA; on Bill 7 and on Land Use Planning
- CIELAP's mission statement was reviewed and key result areas were identified at a joint board and staff strategic planning session.

We expect the summer months and the remainder of 1993 to be just as busy or even busier:

- CIELAP will be organizing the Canadian participation in Phase III of the First North American Conference on Environmental Law to be held in Ottawa this fall
- CIELAP will work toward a partnership and working relationship with Fundación Ambio in Costa Rica
- CIELAP will participate in Costa Rican waste management and biodiversity conferences
- CIELAP will launch Environment on Trial this fall
- CIELAP will begin planning for an Environmental Bill of Rights Conference in the Spring of 1994

See The Six Months Ahead on page 2

### **Solid Waste, Solid Issues**

by Mark Winfield

Solid waste diversion has emerged as a major field of work for the Institute over the past year. On January 23 the Institute hosted a conference entitled "Looking Back and Looking Ahead: Municipal Solid Waste Management Policy in Ontario from the 1983 Blueprint to 50% Diversion in 2000". Nearly 100 individuals, from a variety of sectors attended the event. An extensive background paper was developed by CIELAP staff and research associates for the participants. The former Minister of the Environment, the Hon. Ruth Grier provided the opening address. Panels of speakers, including representatives of the province, the federal government, municipalities, producers, organized labour, the waste management services industry, and the environmental community addressed the questions of approvals for diversion facilities, the development of markets for secondary materials, and financial and operational roles and responsibilities.

See Solid Waste on page 3.



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## The Six Months Ahead

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- CIELAP will publish a Pollution Prevention Bibliography for the Pollution Prevention Centre in Sarnia.
  - CIELAP will publish a handbook for small and medium size businesses called "Key to Compliance"
  - Work will continue on waste management issues and product stewardship models
  - Planning will proceed for a conference on Economic Instruments and Pollution Prevention in January 1994
  - Work is continuing in the area of biotechnology regulations (see story below)
  - CIELAP will continue its work on environment and economy issues
- If you would like further information about CIELAP's research projects, please contact us.

### Biotechnology: An Emerging Field in Need of a Regulatory Structure

by Burkhard Mausberg

Biotechnology is generally defined as using living organisms in the production of goods and services. Such a definition includes the making of beer and yogurt which are made with the help of microorganisms. Genetic engineering is part of biotechnology and it includes techniques to insert genes from one species, such as a micro-organism, into another, such as a plant.

With these techniques, life-forms can be engineered to produce specific products, or to include certain characteristics which are considered "desirable." Since the new life-form reproduces itself, the production of goods and services becomes quite cheap. All you have to do is provide favourable conditions for the new life-form to grow and multiply. But with genetic engineering, one can also produce self-replicating pollution and CIELAP has expressed concerns about bio-engineering for over a decade now. The Institute continues to be involved in law reform for this important technology. The current forum for CIELAP's activity is the development of a biotechnology regulation under the Canadian Environmental Protection Act (CEPA).

CIELAP staff have participated in biotechnology product regulation development under CEPA since the inception of the Act, and have also participated in consultations around the proposed regulations since 1990. More recently, two CIELAP staff members, Mark Winfield and Burkhard Mausberg, have participated in consultations, in December of 1992 and July of 1993. In both consultations, the Institute stressed the importance of a preventative policy and regulatory framework for biotechnology applications. Such a framework, however, is still missing. In addition, Mausberg and Winfield prepared a formal submission to the federal government outlining the Institute's concerns with the proposed regulations and the larger policy framework. CIELAP staff will continue to participate in the consultation which is expected to last until next year.

## NEW PUBLICATIONS

**Environmental Technology Support Programs in Canada: A Survey and Evaluation** by Mark Winfield and Hiroko Sawai, May 1993

A review of environmental technology and industry sector support programs offered by the federal government and provincial and territorial governments. \$25.00

**Looking Back and Looking Ahead: Municipal Solid Waste Management in Ontario / From the 1983 Blueprint to 50% Diversion in 2000** Conference Background Paper and Report edited by Mark Winfield, 1993

This package includes: a background paper to a CIELAP conference on waste management held in January 1993; report on the proceedings of the conference; A Nine-Point Action Plan for Municipal Solid Waste Diversion in Ontario; and a selected bibliography on solid waste management. \$35.00

**Presentation to the Standing Committee on General Government on Bill 7: An Act to Amend Certain Acts Related to Municipalities Concerning Waste Management** by the Canadian Institute for Environmental Law and Policy (CIELAP) and the Canadian Environmental Law Association (CELA), July 8, 1993. \$5.00

**A Nine-Point Plan for Solid Waste Diversion in Ontario** (CIELAP) \$5.00

**First North American Conference on Environmental Law Nov 1992**

The proceedings of the First North American Conference on Environmental Law sponsored by CIELAP, Fundación Ambiental of Mexico and the Environmental Law Institute of Washington D.C. \$30.00

### COMING SOON

**Environment on Trial: A Guide to Ontario Environmental Law and Policy**, 3rd edition edited by John Swaigen (Expected date of publication: September 1993)

Some of the areas in which the Institute has conducted research and produced publications include:

- o Solid Waste Management
- o Environmental Liability
- o Pollution Prevention
- o International Projects on Environmental Law
- o Contaminated Sites
- o Energy and Sustainable Development
- o Biotechnology Regulation

A full publications list, information on the Institute's research program and all publications are available from the Institute. Prices stated in our publications list and elsewhere are in Canadian dollars. There is an additional 15% charge for shipping and handling. Payment in advance is preferred, otherwise an invoice will be sent along with the publication (30 days). Publications listed in this advertisement may be ordered directly from the Institute (see order form on back page). If you require any information please call Patricia Merriman at (416) 923-3529.

## Solid Waste, Solid Issues

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As a follow-up to the conference, CIELAP released **A Nine-Point Action Plan for Municipal Solid Waste Diversion in Ontario**. The **Action Plan** challenged the province's claim to have achieved 25% diversion of the 1987 waste stream by the end of 1992. The Institute recommended that:

- 1) the province should maintain its prohibition on the export of waste from the Greater Toronto Area to other regions of the province and act to curtail the export of Ontario waste to the United States;
- 2) municipalities and the province implement full cost-pricing of Institutional/Commercial and Industrial (IC&I) waste disposal;
- 3) municipalities introduce user-pay systems for residential waste collection;
- 4) the province develop a product stewardship system which would pass the costs of curbside recycling back to producers and the users of consumer packaging;
- 5) the province support market development for secondary materials through reviews of resource pricing policies, the enhancement of government purchasing programs, the use of recycled content labelling and considering the introduction of recycled content legislation;
- 6) the province continue and enhance 3Rs technology research and development support;
- 7) the province and municipalities continue and increase support for community based diversion projects, such as community composting;
- 8) the province amend the Municipal Act to provide municipalities with the authority to engage in 3Rs programs; and
- 9) and province promulgate the 3Rs regulations proposed under the Waste Management Act of 1992. The text of the Nine Point-Plan is available from the Institute.

On April 16 the Institute hosted a multi-stakeholder workshop of product stewardship at the offices of the law firm Aird and Berlis. Presentations from the Grocery Products Manufacturers of Canada and the Ontario Waste Reduction Advisory Committee regarding their stewardship system proposals, and from Jack McInnis of the Recycling Development Corporation regarding the German Dual System Deutschland (DSD)

system, lead off the discussion.

As a follow-up to the April 16 workshop, the Institute has begun work, in collaboration with the Canadian Environmental Law Association (CELA), on a proposal for a producer-financing arrangement for the operation of Ontario's Blue Box recycling system. The paper, to be released in August 1993, will include proposals for a backdrop mechanism, and regarding the allocation of financial and operational responsibilities for consumer product and packaging recycling. The work will, in part, be supported by a grant from the Ontario Ministry of the Environment and Energy.

In the meantime, on July 8, 1993, CIELAP and CELA made a joint presentation to the Standing Committee on General Government of the Ontario Legislature regarding Bill 7, the Municipal Statute Law Amendment Act. The bill would establish municipal authority to engage in waste management activities, particularly waste diversion, and enable municipalities to establish fees for the use of any component of a municipally operated waste management system. CIELAP and CELA were supportive of the bill in principle, and made a number of proposals to further strength municipal powers to pursue waste diversion programs.

### Pollution Prevention: Resources Available

by Burkhard Mausberg

In continuing its work on pollution prevention, CIELAP recently began writing a pollution prevention resource handbook. Under contract from the Great Lakes Pollution Prevention Office, the resource handbook is geared towards small- and medium-sized companies. It will provide a range of information which companies

can use to initiate the change to pollution prevention.

The resource handbook will provide an overview of the pollution prevention literature, summarize financial and technical assistance programs, review government pollution prevention programs, summarize pollution prevention success stories, list financial analyses on pollution prevention efforts, and provide a range of additional information.

The idea is to provide some basic research on pollution prevention to smaller firms which generally cannot afford to do so themselves. The final copy will be ready by mid-September and published some time thereafter.

A related publication issued in May of this year by CIELAP will be of interest to those involved in pollution prevention. **Environmental Technology Support Programs in Canada: A Survey and Evaluation** is a review of environmental technology and industry sector support programs offered by the federal government and provincial and territorial governments.

### What Have You Done Since Rio? by Greg Jenish

That was the question that 230 companies, utilities, politicians and of course, Ontario Hydro, were asked in July by way of the **1993 Climate Change Survey**. The survey was devised and supported by the Ontario Global Warming Coalition, while CIELAP administered the project. In particular, the goal of the survey was to assess the level of support for policies and programmes aimed at stabilizing and even reducing greenhouse gas emissions. CIELAP will be processing the responses over the summer, so look for some very interesting results in the fall of '93.

