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# CIELAP Newsletter

CIELAP Newsletter  
Summer 1995  
PERIODICALS:

25th  
Year

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CANADIAN INSTITUTE FOR ENVIRONMENTAL LAW & POLICY

Summer 1995

## CIELAP Prepares to Celebrate 25 years of Environmental Law and Policy Research

*In 1970, an organization was founded to advance environmental law and public policy research and education in Canada. This initiative spawned a quarter century of thoughtful and creative research on subjects such as resource conservation, waste management, air, land and water issues, regulatory reform and many other important environmental subjects. This article details how the founding of this organization led to the creation of the Canadian Institute for Environmental Law and Policy.*

In November 1970, a coalition of scientists, lawyers and citizens united to form an organization known as the Canadian Environmental Law Research Foundation (CELRF). The organization's primary objectives were: to promote interest in and the study of the protection of the environment; to sponsor environmental education activities; to undertake or sponsor legal and scientific research relating to the protection of the environment; and to assist the pursuit of a pollution-free environment. CELRF was initially constructed as a charitable foundation through which these activities

- ◇ see page 11 for the continuation of the Institute's Chronology.
- ◇ see page 2 for a description of CIELAP's 25th Anniversary Event scheduled for Thursday, September 14th, 1995

### In this Issue:

**This could be your last newsletter !**  
Please note that the CIELAP Newsletter has instituted a **FEE SCHEDULE**  
Details regarding subscription fees on page 7.

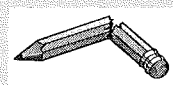
**Reader Response Survey:** Thanks go out to those who responded to our communications survey page in our last newsletter. Details about the items that concern you are on page 4.

**Sustainable Agriculture** is the topic of a new CIELAP Report which provides an assessment of critical needs in this field. More on page 4.

**Bill C-62 Regulatory Efficiency Act Update:** Will proposed amendments to the Treasury Board's proposed *Regulatory Efficiency Act* address substantial concerns? See page 9.

**rBGH Moratorium Update:** see page 9.

**Voluntary Agreements:** Are these instruments the way forward in terms of achieving environmental objectives? See page 10.



Standing Committee Report comments p. 3

## Harmonization Redux?

**Weakening of the Canadian Environmental Assessment Act as part of Council's plan found to be unacceptable. Groups continue to alert the Feds to the dangers of abandoning jurisdiction.**

The Canadian Council of Ministers of the Environment's (CCME) harmonization initiative was brought to an abrupt halt at the Council's meeting on May 15-16 at Haines Junction in the Yukon Territory. During the meeting, federal environment minister Sheila Copps told her provincial colleagues that she would not agree to weaken the *Canadian Environmental Assessment Act* as part of the harmonization project. The discussion of harmonization ended at that point, and there was no agreement among the ministers to release the draft harmonization agreement and schedules for public comment as originally planned. Officially this step is now to be considered at the October 1995 CCME meeting.

However, it is increasingly clear that the federal minister's objections go beyond the environmental assessment schedule, and relate to the direction of the entire harmonization project. Its direction has been towards the devolution of federal authority and (see *Redux*, Page 12)



## CIELAP's 25<sup>th</sup> Anniversary Event

On September 14<sup>th</sup> 1995, CIELAP will celebrate 25 years of environmental law and policy research and education at the Royal Ontario Museum. The evening will include a dinner by Jamie Kennedy, a silent auction and a summarization of CIELAP's strategic role towards ensuring environmental protection and an element of justice in society. Funds raised during the evening will go to our Costa Rican partner Fundacion Ambio for their environmental legal aid clinic.

Clifford Lincoln, Member of Parliament and Parliamentary Secretary to the Deputy Prime Minister and Minister of the Environment will be the keynote speaker. CIELAP has also invited representatives from its partner organizations Fundacion Ambio in Costa Rica, FUNDEA in Mexico and the Environmental Law Institute in the United States. We hope you will join us and help make this celebration a success.

Tickets for this event are \$125.00 each and can be purchased from the CIELAP office. Please call (416) 923-3529 and ask for Patricia or Cyrus. You will receive a tax creditable receipt for \$65.00 (\$125.00 less the cost of the dinner). You are also able to book a table and invite your work colleagues or friends, 10 seats per table for \$1000.00. We look forward to meeting you on Thursday September 14 1995.

### CIELAP's Draft Citizen's Guide Provides Substance to Biodiversity Convention

CIELAP has just completed the draft of the Citizen's Guide to Biodiversity Protection in Canada. This project has been funded to this stage by the International Development Research Centre (IDRC) and is being coordinated for CIELAP by Ian Attridge, Research Associate. This project has been a collaborative effort with environmental law centres across Canada. The centres involved are the West Coast Environmental Law Association (WCELA); Environmental Law Centre, Edmonton; Native Law Centre, Saskatoon; Centre Quebecois du Droit de l'Environnement, Montreal; East Coast Environmental Law Association (ECLA); and the Canadian Environmental Law Association (CELA). CIELAP is now seeking funds to hold a workshop to review the draft, refine its conclusions and recommendations and then to publish the report as a Citizen's Guide.

### On the Issue of a Change in Government in Ontario

CIELAP, being centered in Toronto, is profoundly aware of the outcome of the recent election in Ontario. Given that Ontario has one of the most advanced environmental regulatory frameworks in the nation and that during the election the Conservative Party made a number of references to streamlining and even eliminating regulations, policies and processes, CIELAP does have a number of concerns to express. Firstly, however, we will extend an olive branch to the new administration.

The new Environment Minister is the Honourable Brenda Elliot, MPP (Guelph). We welcome Ms. Elliot to her new post and extend the offer to provide the same principled research and well-constructed solutions to her ministry as we have been to previous administrations since 1970.

Now some concerns. The Institute would like to express concerns over intentions

expressed by the Conservatives (or actions taken), such as the following:

- repeal regulations which phase out the use of chlorine in the pulp and paper industry;
- repeal Bill 143, scrap the Interim Waste Authority and allow municipalities to manage their own waste;
- ensure an environmental assessment process for waste management that sets tough standards and explores all available technologies (this will involve repealing the incineration ban);
- repeal Bill 163 and create new legislation in cooperation with municipalities to ensure that a new streamlined planning system is created;
- restore the Managed Forest Tax Rebate and "reduce the often conflicting regulatory burden on forestry and business";
- reform the current policy on wetlands "to balance the fundamental rights of property owners with wetlands policy".

*(The policy statements listed above were derived from Ontario Progressive Conservative Party Election Materials)*

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## EDITORIAL:

### Standing Committee Charts new Environmental Course for Federal Government: Green Light Given

On June 20th the House of Commons Standing Committee on Environment and Sustainable Development released its long-awaited report reviewing the *Canadian Environmental Protection Act*. The Committee's 357-page report contains 141 recommendations which, if implemented, would redefine the role of the federal government in the protection of Canada's environment.

The report is the most comprehensive, and potentially the most important, federal environmental policy document seen in many years. The implementation of the Committee's recommendations would provide much needed direction to federal environmental policy in general and Environment Canada in particular. Over the past few years the federal environment department has been increasingly adrift. It has acquired a well-deserved reputation for being a "do-nothing" agency, unwilling to take strong action against industrial polluters, while turning to the promotion of "voluntary" actions by industry as a substitute for a federal environmental policy and regulatory framework.

At the same time, Environment Canada has seemed prepared to turn most of its environmental protection activities and its responsibilities to provide leadership on national and international issues over to the provinces through the Canadian Council of Ministers of the Environment's environmental "harmonization" initiative. These trends have been reinforced by the implementation of the program review arising from February's 30% reduction in the department's budget. This has focused on cutting the delivery of services to Canadians, while retaining Ottawa-based "policy" functions. In the result, even supporters of a strong federal environmental role had begun to question publicly the value of the department's continued existence.

It is in this context that the Standing Committee has delivered a much needed vision of a redefined federal environmental mandate. The Committee clearly affirms the need for a strong federal role in the protection of Canada's environment, particularly through the establishment of national standards with respect to such things as toxic substances, biotechnology, pesticides, and substances and activities that pose transboundary threats to the environment. This is clearly a very different view from that which underlies the CCME's "harmonization" project.

In addition, the Committee's report outlines a new regime for the evaluation of toxic substances. This includes provisions for

the "sunsetting" of substances which are persistent, bioaccumulative and toxic, a "fast track" process for the regulation of substances already banned or regulated by a province or in other OECD jurisdictions. The establishment of a merit threshold which must be met for the use of new substances which are found to be toxic and are to be permitted. The creation of pollution prevention planning requirements for all substances found to be toxic for the purposes of CEPA is recommended as well. The Committee also proposes a fundamental restructuring of Environment Canada's environmental law enforcement efforts, based on the model of the Ontario Ministry of Environment and Energy, and the addition of provisions for private prosecutions and "citizen suits" to permit citizens to enforce federal environmental laws when Environment Canada fails to do so.

Furthermore, the report proposes the development of a new biotechnology part for CEPA which would provide baseline evaluative criteria and processes for *all* biotechnology products - effectively a new biotechnology law for Canada. The report also makes extensive recommendations related to: the control of ocean dumping; coastal zone management; the regulation of fuels and automobile emissions; contaminated sites; environmental protection in federal government operations; environmental protection in the Arctic and on First Nations lands; the implementation of the Basel convention ban on the export of hazardous waste to non-OECD countries; the implementation of the Liberal Red Book commitments to curb Canada's greenhouse gas emissions; public participation in environmental decision-making; the development, approval and implementation of federal-provincial administrative and equivalency agreements; and a myriad of other dimensions of federal environmental policy.

In effect, the Standing Committee has provided a new federal environmental legislative and policy agenda. The onus is now on Environment Minister Sheila Copps, and the Prime Minister to adopt and implement the Committee's vision. Minister Copps has taken a major first step in this direction already, by rejecting the draft CCME harmonization agreement at the Haines Junction meeting of the Council on May 15th of this year. On June 20th she committed the government to a response to the Committee's recommendations within 75 days. She has the opportunity to deliver a comprehensive federal environmental policy white paper which will define the federal environmental agenda for the remainder of the government's term, and potentially into the next century, in a manner which ensures the well-being of present and future generations of Canadians. We look forward to the results.

The Standing Committee report: *It's About Our Health! Towards Pollution Prevention* is available from the:

Committee Clerk  
Committees Directorate  
House of Commons  
Ottawa, K1A 0A6  
(613) 996-1483

## What You told us about the Environment and our Newsletter

CIELAP conducted a communication survey of its readership in the last issue of our newsletter. Here are some of the results and comments you expressed:

Surveys arrived from across Canada as well as from international destinations. We thank all those who took the time to respond.

Some of the issues that are considered to be pressing issues in the upcoming years, according to our readership:

- Incineration and waste management.
- Habitat protection / land-use conflicts.
- The anti-environment movement.
- Forest denudation / biomass loss.
- Climate change.
- Population growth / sustainability.
- Food issues / biotechnology.
- The administrative cost of dealing with environmental regulations.
- Energy and the environment.
- Sustainable development.
- Remediation of soil and water.
- Harmonization of environmental regulations / deregulation.

Regarding electronic communications, readers may not be as enthusiastic about e-mail as we were led to believe - - our survey told us that only one in five readers would access the newsletter via an electronic network. This may in part relate to the format of documents on-line. We will however attempt to make this service available in the future.

A number of respondents commended the Institute for the effort put into the newsletter. It is reassuring to know that people appreciate its content and format. We will attempt to maintain these features of the newsletter in the future and in doing so, hopefully, maintain your readership.

We would direct readers who would like to maintain delivery of the newsletter to the form on page 7. For those readers who made a financial contribution to the newsletter, via the survey, please ignore the subscription notice.

## Environmentally Sustainable Agriculture in Canada: An Overview and Assessment of Critical Needs

*The following is a summary of CIELAP's recent report on the topic of sustainable agriculture.*

Over the past 50 years major increases in both the quantity and quality of food produced by the Canadian agricultural sector have been apparent. However, a number of serious problems related to the industrial model of agricultural production have been identified in Canada. These observations are presented in a report on environmentally sustainable agriculture recently released by CIELAP. Conventional agricultural practices are dependent on the intensive use of external inputs such as pesticides, synthetic fertilizers and machinery, to maintain productivity. Furthermore, industrial agricultural practices are associated with high environmental costs, and rely on a narrowing genetic base of plant and animal varieties. At the same time, the economic viability of the traditional family farm is seriously threatened, as is the existence of the rural communities which rely upon such farms. Taken as a whole, the environmental sustainability of modern conventional agricultural practices is open to serious question.

CIELAP's report notes that Canadian governments have been slow to respond to the question of the environmental sustainability in agricultural production, particularly in comparison to their counterparts in the United States and Western Europe and that the experience of the United States and other jurisdictions in agricultural policy suggests that reform will arise in Canada as a result of pressures from groups outside of the traditional agricultural policy community. The report concludes that organic farmers have three important roles in this context. First, they are successful practitioners of methods of agricultural production which are highly consistent with the principles of environmentally sustainable development. Secondly, organic farmers are members of the nominal constituency of agriculture departments. Finally, the organic sector is a major source of innovation for resource conserving techniques which are being adopted with increasing frequency in mainstream agriculture through integrated pest management and other sustainable agriculture programs.

Unfortunately, in the context of limited government interest and support, and modest internal resources, the development of the organic/sustainable agriculture movement in Canada appears to have reached a plateau CIELAP concludes. Significant growth in both the number of organic practitioners, and in the policy advocacy capacity of those who seek major reforms to Canadian agricultural policy in favour of environmental sustainability will require an infusion of new resources.

On a more positive note, the report concludes that evidence exists of significant latent consumer demand for organically produced food. However, organic food remains largely invisible in the mainstream food system, indicating a need for improved market access, visibility and consumer education. At the same time, a strengthening of the communications, educational and resource infrastructure among organic growers, sustainable agricultural organizations, other non-governmental organizations with an interest in sustainable agriculture, is also necessary if significant reforms in Canadian agricultural policy are to be realized. In addition, CIELAP concludes that increased research activities in the area of organic production techniques, and analyses of the impact of recent developments in international trade law, domestic agricultural policies, and agricultural technologies on sustainable agriculture in Canada, are required as well.

*Environmentally Sustainable Agriculture in Canada: An Overview and Assessment of Critical Needs* is now available from the Institute, see Page 8 for ordering.

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Edited by John Swaigen, LL.B., LL.M.

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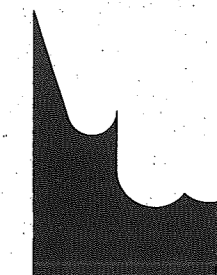
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## RECENT PUBLICATIONS FROM CIELAP

### The Citizen's Guide to Biotechnology

This 73-page Guide is a thought provoking exploration of the concerns about biotechnology. In easily understood language it untangles proteins, genes and chromosomes and explains why they are important and how industry is using biotechnology to create products. Emerging applications are explored, as well as the environmental, ethical and social concerns arising from this technology. 73 pages. 1995 -- \$19.99 (\$14.99 for students or 2 or more copies)

### Achieving the Holy Grail? A Legal and Political Analysis of Ontario's Environmental Bill of Rights.

This paper provides a detailed analysis of the development and implications of the EBR including: i) an overview of the origins of the EBR concept and the development of the Ontario Bill; ii) an analysis of the legal and policy implications of the key elements of the Bill; iii) an assessment of the multi-stakeholder process employed in the development of the Bill; and iv) a commentary on the implications of the Ontario Bill for environmental law reform in other Canadian jurisdictions. 80 pages. 1995 -- \$25.00

(To order publications, check off boxes above or fill out the table provided below. CIELAP Publications (marked with \*) from pages 5 and 6 can be ordered below as well).

### Environmentally Sustainable Agriculture In Canada: An Overview and Assessment of Critical Needs.

This 80-page report or resource guide details the problems of Canadian conventional industrial agricultural practices, outlines developments of sustainable agriculture (SA) in Canada as well as the United States and Europe and critically assesses the requirements for SA in Canada. Specific topics include: i) trends and problems in Canadian agriculture; ii) potential responses to using SA; iii) public policy developments in SA; iv) the SA movement in Canada; and v) critical needs in the development of SA in Canada. 1995 -- \$25.00

### Putting the Environment in Environmental Industry Strategies: The Role of Environmental Industries in Restructuring for Sustainability.

This study provides background and strategic focus for Canadian governments' environmental industry strategies. Complementing our *Environmental Technology Support Program in Canada* survey, this study provides guidance by analyzing policies and programs supporting programs such as waste reduction and pollution prevention in both Canada and the United States. Topic areas include the role and key factors of the environmental industry sector in overcoming barriers to restructuring for sustainability, recent trends and developments and practical recommendations. 75 pages. 1995 -- \$25.00

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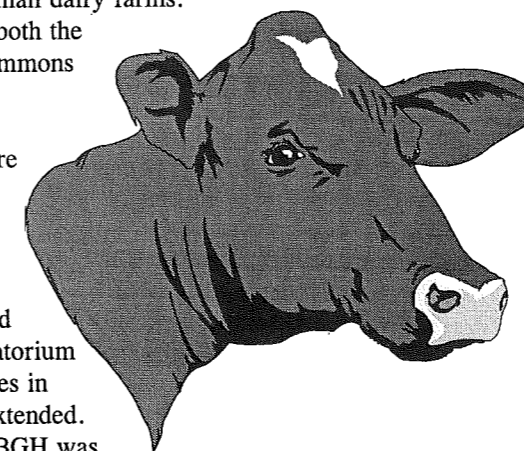
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## rBGH Moratorium Ends July 1

### CIELAP Joins Calls for Extension of Moratorium, New Biotechnology Legislation

The voluntary moratorium on the sale of recombinant bovine growth hormone (rBGH) or recombinant bovine somatotropin (rbST) in Canada obtained by the Government of Canada from Monsanto and Eli-Lilly Canada is scheduled to end July 1. The moratorium was in response to an April 1994 recommendation of the House of Commons Standing Committee on Agriculture and Agri-Food. rBGH is the first agricultural biotechnology product to be commercialized. The synthetic hormone, which increases milk production in cows by up to 25%, has been surrounded by controversy. It has been associated with animal and human health concerns, and has been predicted to have a major negative effect on the viability of small dairy farms. In mid-June both the House of Commons Standing Committees on Agriculture and Agri-Food, and on Health recommended that the moratorium on rBGH sales in Canada be extended. The use of rBGH was approved in the United States in the spring of 1994. However, it is currently banned within the European Union until the year 2000, and it is also subject to bans in Australia and New Zealand.



In the meantime, a federal government-sponsored task force on rBGH, established in August 1994 in response to a recommendation of the House of Commons Agriculture Committee, delivered its report in May. It concluded that even a modest negative consumer reaction against the introduction of rBGH milk in Canada (>a 3% reduction in milk consumption) would wipe out any economic gains from the synthetic hormone's use. In a May 1995 public opinion poll conducted by Angus Reid, 29% of those surveyed that they would be unlikely to buy milk pooled with milk from rBGH treated cows.

The end of the voluntary moratorium on July 1 does not mean that rBGH will be automatically approved for use in Canada. Health Canada still has to issue a "Notice of Compliance" for the hormone under the *Food and Drug Act*. Health Canada officials have indicated to the media that it will be several more months at least before such a Notice is issued.

Consumers', farm, animal welfare, environmental, public health, womens' and other organizations are continuing to pressure the government to extend the moratorium on rBGH. For its part, CIELAP has written to the Prime Minister supporting the recommendations of the House of Commons Health and Agriculture Committees, and stating that the rBGH controversy reinforces the need for new Canadian legislation to deal with the products of biotechnology.

## The Bill C-62 Circle

### Treasury Board Proposes Amendments to Proposed Regulatory Efficiency Act

In December 1994 Treasury Board President Art Eggleton introduced Bill C-62 the *Regulatory Efficiency Act*.

The Bill would permit any business or individual to be exempted from the requirements of any federal regulation by entering into a "compliance agreement" with the agency responsible for the administration of the regulation. The Bill would also permit the delegation of administrative responsibility for any federal regulation to "any person." The strongest pressures to enact the Bill are reported to be from pesticide and pharmaceutical industries.

Following its introduction, the Bill was strongly criticized by environmental, labour, consumers', and public health organizations and many members of the government caucus as a threat to Canadians' environment, health and safety. Furthermore, in February 1995 the secretariat to the Standing Joint Committee of the Senate and House of Commons for the Scrutiny of Regulations released a report on the Bill, describing it as "inconsistent with the principle of the rule of law," and stating that it would undermine the principle of ministerial responsibility.

In response, the Treasury Board Secretariat (TBS) has circulated proposed amendments to the Bill. Although these contain limited improvements, such as removing some of the secrecy provisions, and eliminating the possibility of the approval of plans developed without following the Bill's procedures, other elements of TBS's proposals make the Bill worse. These include the removal of compliance monitoring requirements in relation to compliance plans and a shortening of public notice periods. In addition, the most serious problems with the Bill remain unaddressed. Among other things, TBS now proposes that parliamentary committees be permitted to review compliance plans within set time periods - in effect asking MPs to confer legitimacy on the unequal application of the law implicit in the compliance plan scheme.

The Bill was to have been referred to the House of Commons Standing Committee on Government Operations before second reading. However, this was not done before the House rose for the summer on June 23. The Bill's fate will now be determined when the House resumes sitting in the fall.

## Analysis: Voluntary Agreements

### Can Environmental Objectives be Achieved More Willingly and at Less Cost by Avoiding Regulations?

by Karen Clark

Have you ever noticed that when you want someone to do something, the quickest way to get them to do it is to get them to think it's their own idea?

There is something of an "I'll-do-it-but-only-because-I-thought-of-it-first" air to the recent interest some industrial sectors are showing in voluntary pollution reduction projects. Of course, there is a great deal more. These projects are called voluntary, but in fact arise from a much more complex set of imperatives than just that the automotive sector (for example) thought it might be a good idea to stop polluting so much. Just as voluntary is a somewhat inaccurate term to describe the projects, so too are some of the other terms used by government and industry to give their version of the factors that have led to the recent fad of voluntary pollution prevention agreements (VPPAs).

It is important to sift through the verbiage proliferating around the fad of VPPAs because, even as this is being written, Canadian governments -- particularly the federal government -- are pressing forward an agenda of voluntarism. The agenda is fundamentally flawed, largely because government seems to believe its own imprecise rhetoric about the virtue of voluntary programs.

One of the government-identified imperatives that supposedly drives voluntary action is the alleged failing of regulation. Most often government, and occasionally industry, makes the claim that voluntary initiatives are more efficient and more effective than regulations. If pressed for evidence to support this claim, most government representatives will admit -- if they are honest -- that they don't have any evidence. They may cite some impressive-sounding numbers (either targeted or achieved emission reductions) and say these numbers could never have been achieved with regulations. Of course, as no one has made the attempt to achieve these reductions by way of regulation, the claim is somewhat gratuitous.

In fact, there is no evidence to support the superiority of voluntarism over regulation. Those who claim that voluntarism has arisen because of the fictional failings of the regulatory regime have got their causal logic backwards. Voluntarism did not arise because regulations were not working. Rather, the greater body of evidence indicates that voluntary actions on the part of industry have arisen because regulations were threatening to work too well. Faced with the increasing threat of greater regulatory control, and greater director liability under environmental protection laws, the biggest heavily-polluting sectors (automotive, chemical) staged a pre-emptive strike and appropriated environmental protection from government. The chemical industry concocted the Responsible Care Program; the big three automotive manufacturers jumped on the 'enviro-bandwagon' and now publish handsome pamphlets with whales and dolphins on the covers.

This is not to say that voluntary initiatives achieve nothing. The Canadian Automotive Manufacturing Pollution Prevention

Project has just released its third Progress Report. This is a short sampling of the reductions cited in the report:

- by eliminating solvent-based adhesives on interior passenger door panels, the Chrysler Canada Windsor plant eliminated 16 tonnes/year of toluene and 90 tonnes/year of volatile organic compounds from its production processes;
- the Ford Markham plant's lead reduction program resulted in a 67% reduction (in gross generation from 1992 to 1994) in lead releases, and a total reduction of 13,150 kg/year of gross generated;
- the use of chlorinated solvents at the Chrysler Pillette Road truck assembly plant was totally phased out, resulting in the elimination of 95 tonnes/year of methylene chloride from production processes.

There are twenty-one other case studies included in the report which have themselves been selected from an unspecified number of other success stories. The third progress report is longer than the second (released a year ago), shows more significant reductions of bad-actor chemicals, and indicates that pollution control activities are catching on in the automotive sector.

The question of how voluntary these projects are arises when one notes that virtually all of the reductions reported deal with regulated substances. The most common industry response to this observation is that they are doing more than the regulations require. Voluntary programs exist, therefore, in the margin between what the regulations require, and what is technologically and economically possible. Two observations can be made about this margin for voluntary action. The first is that, without the regulatory baseline, there is nothing to create the margin in which voluntary action occurs. The second is that, but for government reluctance to regulate, the margin could just as effectively (or more effectively) be filled by legislated actions.

The question to ask (and maybe industry and government would ask this as well) is who cares? The projects are achieving results; government and industry are increasingly pleased with their efforts at communication and trust-building. The problem exists not so much now, but in the possibly near future. There is a great deal of pent-up demand right now in terms of industry cleaning up its act. Industry can get a whole lot cleaner before the requirements of even Canada's comparatively flimsy environmental regime are met. This is what is meant when describing VPPAs as a fad. There are goals still to be met now, and they may all be achievable through voluntary action. But what then? Regulation drives voluntarism. If governments abandon regulation in favour of voluntary programs, they rob the horse from the cart. Unless government acknowledges that voluntarism is a mere supplement to regulation, not a substitute for regulation, the achievements of voluntarism will grind to a halt sometime within the next five years. Government and industry will by then be so saturated with trust and years of self-congratulation that they will not notice the lack of further progress being made. What happens after that will be hard to predict.

Karen Clark is a Research Associate with CIELAP who has worked with the Institute on the Canadian Environmental Protection Act Review and Voluntary Agreements Research.

## CIELAP Institutional Chronology Spans Twenty-five Years

(cont'd from page 1) would be conducted. Many of the Foundation's earliest projects (detailed below) were carried out by, or in conjunction with, the Canadian Environmental Law Association (CELA).

The founding Directors and Advisory Committee of the Foundation included: Prof Harry Arthurs, Andrew Brewin, Dr Ralph Brinkhurst, Dr Donald Chant, Edwin Goodman, Ron Haggart, Dr James Lorimer, Arthur Maloney, Walter Pitman, Dr Vivian Rakoff, John Sewell, Dr Colin Woolf, Tony Barrett, David Estrin, Maurice Green, Clayton Hudson, Alan Levy, Harvin Pitch, Peter Middleton, Stanley Stein and Barry Stuart. Some of the pressing issues for research, education and reform at the time of founding have not changed significantly from today, including environmental protective measures, preservation of parkland, disposal of effluents and the protection of wildlife and plantlife. Other issues pursued early on, have fallen off the political agenda today (possibly because of a victory) including the concern over supersonic transport due to atmospheric pollution and the sonic boom.

### Executive Directors of CELRF / CIELAP

Barry Stuart	1971-72 (president)
David Estrin	1972-73
Garfield Mahood	1973-75
Annette Vaughan	1976-77
Anne Lancaster	1977-78
Michael Perley	1978-81
Adele Worland	1981-82
Doug Macdonald	1982-88
Barbara Heidenreich	1988-92
Anne Mitchell	1992- Present

In the 1970s, CELRF made representations to the Ontario government in support of strengthening the proposed Environmental Protection Act. One of CELRF's and CELA's earliest proposals was for an Environmental Bill of Rights which would include environmental impact assessment, class actions, intervenor funding, standing of citizens to sue, access to government information and "whistleblower protection". All of these proposals have now been implemented through the legislation in many Canadian provinces.

Under the Foundation's banner, the first citizen's guide to environmental law in Canada, *Environment on Trial*, was published. This book has served as a model for similar books in other provinces and has now been in print, via 3 editions, for more than 20 years.

From its various offices in Toronto (Queen Street, York Street, and eventually College Street) CELRF produced research and education relating to: the Ontario *Environmental Assessment Act*, toxic chemical reform arising from the Niagara River incidents in the 1970s and early 1980s, the reduction of acid precipitate, hazardous substances and the right to know, and a host of other important issues.

In 1978, under the stewardship of Michael Perley, the Canadian Environmental Law Research Foundation elected a board of directors separate from the Canadian Environmental Law Association. This was the first time that CELRF and CELA functioned as completely distinct and separate organizations. At this time CELA was beginning to receive

funding as a legal aid clinic, while CELRF remained a research and education organization with charitable status.

CELRF's Executive Director in 1986, Doug Macdonald, proposed a new name for the Foundation to emphasize that the organization was now completely independent of CELA. This recasting would help underscore the fact that under the new identity, there would be a growing emphasis on aspects of public policy and economics in addition to the organization's original emphasis of research and education about environmental law. The revitalized organization would build upon the impetus established by the Canadian Environmental Law Research Foundation in the period since it became an autonomous organization. In 1988 CELRF officially became the Canadian Institute for Environmental Law and Policy.

Since the affirmation of this broader mandate, CIELAP has worked earnestly on a wide range of projects, titles and issues including: the Program for Zero Discharge, *The Company Polluted- So Why Did I Get Charged?* and the third edition of *Environment on Trial*, the publication of a text on regulatory offences, conferences on hazardous waste management, North American environmental law and the Ontario Environmental Bill of Rights, Citizen's Guides on the Great Lakes and on Biotechnology, the expansion of the Canadian Environmental Law Reports and the introduction of a quarterly newsletter.

CIELAP has broadened its scope of work in recent years through a growing involvement in international environmental issues. CIELAP has worked on projects in Indonesia, Mexico, Costa Rica, and has done research on water quality issues in conjunction with U.S. environmental groups.

Given this rich legacy, the current administration of CIELAP intends to carry forward with research, education and reforms, building on the base of knowledge amassed by very talented and dedicated predecessors, and help ensure that the next twenty-five years are as productive as the previous.

### CURRENT CIELAP ADMINISTRATION

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Greg Jenish, BES, Project Officer  
Patricia Merriman, BA, Office Administrator



## Harmonization Redux?

(cont'd from page 1) decision-making responsibility in the protection of Canada's environment. Indeed, minister Copps was quoted in the media stating: "The central government opposes what it sees as a loss of national perspective on environmental issues." It appears that despite strong pressures to continue from some provinces, particularly Alberta and Saskatchewan, the initiative is in serious trouble, if not defeated, in anything resembling its present form.

The likelihood of this outcome was reinforced by the release of the report of the House of Commons Standing Committee on Environment and Sustainable Development on June 20th. The Committee's report provides a vision of a greatly strengthened and more active federal role in the protection of Canada's environment, virtually the opposite to what was envisioned through the harmonization project.

For their part, 52 national and regional environmental, conservation and labour organizations including CIELAP sent a letter of support to the federal environment minister on June 15th, congratulating her on the stance which she took at Haines Junction. The letter reads in part:

"The justification and contents of the CCME's harmonization project require fundamental reconsideration. Efforts must be refocused on the identification of existing and emerging gaps in Canada's environmental protection system. As environmental conditions and available resources vary widely from province to province, many of these needs may be better addressed through bilateral federal-provincial agreements, than through a sweeping harmonization agreement."

The letter also recommended that minister Copps suspend


the participation of federal officials in any further discussions regarding harmonization until the government has developed its response to the Standing Committee's CEPA review report. The minister has promised that this will be delivered by the first week of September.

## Welcome, Bienvenue, Bienvenido, and Benvenuti, Volunteers!

CIELAP is pleased to welcome six hard-working volunteers who are contributing both their time and talent to a variety of areas of CIELAP's operations. Teresa Baldari is working to update and maintain the resource centre as well as various other duties. Marion Bayley is undertaking a wide range of writing and administrative tasks. Katie Harris is helping with the Climate Change project with her research and editing skills. Aimi Ly is working in information management as well as performing tasks on our database. Guadalupe Mateos-Marcos is researching information for our southern partners as well as using her fluency in Spanish to increase communications between organizations. Eugene Peters is applying his abilities to the communications field with duties including compiling contact names for companies and media.

From its inception, 25 years ago, CIELAP has been fortunate to rely on hundreds of committed staff and volunteers. CIELAP would like to extend a thank you to all those who have helped along the way and a warm welcome to those that have recently joined us.

Canadian Institute for Environmental Law and Policy  
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- 25th Year -

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