

**Canadian
Environmental
Law
Research
Foundation**

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Introduction To The Canadian Environmental
Law Research Foundation

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**INTRODUCTION TO
THE CANADIAN ENVIRONMENTAL
LAW RESEARCH FOUNDATION**

1984



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BACKGROUND INFORMATION

THE CANADIAN ENVIRONMENTAL LAW RESEARCH FOUNDATION

The Canadian Environmental Law Research Foundation is a registered charitable organization, founded in 1970. The Foundation shares office space and works in close partnership with its sister organization, the Canadian Environmental Law Association.

The primary focus of the Foundation's research activities is the threat posed by toxic chemicals in our society. The Foundation carries out research in the environmental law and policy areas related to this and other issues and disseminates the products of that research by means of its publishing and conference programs.

The Foundation's best known publication is Environment on Trial (C.E.L.R., 1978), a comprehensive guide to Ontario environmental law. Others include Poisons in Public (Lorimer, 1980), Acid Rain: The North American Forecast (Anansi, 1980), Environmental Rights in Canada (Butterworths, 1981), and, most recently, Canadian Occupational Health and Safety Law Handbook (CCH, 1983). The Foundation is also publisher of the Canadian Environmental Law Reports, the only environmental law reporter in Canada.

In April, 1984, the Foundation published jointly with the Pollution Probe Foundation Breaking the Barriers which is a study of select action which might be taken by governments at all levels to facilitate increased recycling and reduction of industrial waste.

The Foundation is currently working jointly with the Environmental Law Institute of Washington D.C., on a study of legal reforms required in Canada and

the United States to better control the long range transport of toxics and oxidants. The Foundation is also engaged in a study of legal mechanisms for controlling toxic chemical contamination in Ontario and is presently in the opening stages of a major study of cross-border intervention, both with respect to court actions and participation in administrative hearings, in transboundary pollution cases.

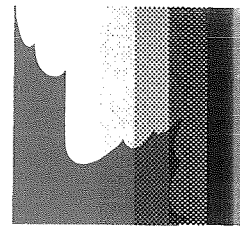
The Foundation has recently initiated a short study of the implications for environmental protection of entrenchment of property rights in the Canadian Charter. Work has now commenced on a study of the environmental assessment process in Ontario. The Foundation is also engaged in a major study of legal reforms required to facilitate citizen intervention across the Canada - U.S. border in transboundary pollution cases.

Other projects still in the planning stages include production of a regular radio series on environmental issues, to be done jointly with the Federation of Ontario Naturalists, and the publication of a revised and updated version of Environment on Trial.

Each year the Foundation plays host to a major conference on a particular aspect of environmental regulation in Canada. The subject of the 1983 conference was "Hazardous Substances and the Right to Know". This was a one-day discussion of the tension between growing pressures between access to information with respect to the chemical composition of hazardous substances and the desire on the part of industry to maintain the confidentiality of proprietary information. Two such conferences will be held in 1984. In September the Foundation will present a discussion of the regulation of biotechnology and in November will host a conference on the environmental implications of Canadian aid to overseas development projects.

In March, 1984, the Foundation held a one-day seminar titled Uncertain Science in Law and Regulation. This provided an opportunity for discussion amongst scientists lawyers and policy-makers of the problems inherent in using complex and uncertain scientific information respecting toxic substances in the regulatory and legal processes.

CURRENT ACTIVITIES



CURRENT ACTIVITIES REPORT

SPRING 1984

RESEARCH PROGRAM

TOXIC AND OXIDANT TRANSBOUNDARY AIR POLLUTION

This study of legal reforms required in Canada and the United States to control toxic and oxidant transboundary air pollution, which is being done jointly with the Environmental Law Institute of Washington, D.C., is now well underway.

Based on research done to date, a submission was made on March 7, 1984, to the Acid Rain Sub-committee on the threat which oxidant air pollution resulting from nitrogen oxide vehicle emissions poses to agriculture and human health in Canada. It is expected that the project will be completed and the study findings presented to the Canadian and American governments before the end of the year.

LEGAL MECHANISMS FOR CONTROL OF TOXICS IN ONTARIO

This study, done under contract for the Great Lakes Institute of the University of Windsor, is a detailed examination of legal actions, including public and private prosecutions and the issuance of control orders, which have been taken in Ontario during the past decade to control toxic contamination. An interim report has now been completed and the final report will be available no later than September 1.

INDUSTRIAL WASTE REDUCTION AND RECYCLING

Done jointly with Pollution Probe, this is an examination of select actions which can be taken by all levels of government in Canada to facilitate increased reduction and recycling of industrial waste. The study will be available no later than April 30.

CITIZEN INTERVENTION ACROSS THE CANADA - UNITED STATES BORDER

Work has now commenced on this study of legal reforms which would be required in Canada and the United States to allow citizens of either country greater access to the courts and administrative tribunals of the other country in cases of transboundary pollution. A handbook for environmental organizations, setting out existing avenues for cross-border interventions, will be published as part of the project. It is expected that the project will be completed early in 1985.

PROPERTY RIGHTS AND THE CHARTER

Work is proceeding on preparation of a brief which will set forth some potential implications which entrenchment of property rights in the Charter might have for environmental protection in Canada. The brief will be provided directly to members of the House of Commons and Ontario Legislature and to other elected officials in Canada.

ENVIRONMENTAL ASSESSMENT IN ONTARIO

This is a study of experience gained to date with environmental assessment in Ontario and changes which might be made to the legislation and its administration in order that the process might be more widely used, particularly with respect to private sector development, as a tool for environmental protection. It is expected that the study will be completed by late fall, 1984.

AN ENVIRONMENTAL BILL OF RIGHTS

Mr. Charles Caccia, federal Minister of the Environment, has often stated his belief that Canada should adopt an environmental bill of rights. This project will provide the Minister with a preliminary analysis of all items which might be included in such a bill.

CONFERENCE PROGRAM

UNCERTAIN SCIENCE IN THE REGULATORY AND LEGAL PROCESSES

On March 16, 1984, a group of scientists, lawyers and policy-makers attended a one-day seminar discussion of the problems which uncertain knowledge with respect to toxic chemicals and their health effects pose for governments and the courts. Discussion centred on the different professional perspectives brought to bear by scientists and lawyers and the ways in which scientific evidence can best be used in the courtroom and the policy-making process.

GENETIC ENGINEERING AND THE ENVIRONMENT - IS LEGISLATION REQUIRED?

A number of the applications of biotechnology in Canada, such as agriculture, pulp and paper, mining and pollution control, carry with them potential environmental implications. A one-day conference will be held in June to discuss the need for regulation of such activity and, if regulation is required, the legislative form which it should take.

ROUNDTABLE DISCUSSION OF PESTICIDES LAW AND POLICY

The third in the series of Roundtable Discussions hosted by the Canadian Environmental Law Research Foundation, this two day Roundtable will provide an opportunity for detailed discussion of all aspects of pesticides regulation. Representatives of all sectors concerned with the issue, including industry, government and the environmental movement, will be invited to attend.

ENVIRONMENTAL IMPLICATIONS OF CANADIAN AID

This conference, to be held in November 1984 will provide an opportunity for discussion of the need for consideration of the environmental consequences of third-world development projects carried out with Canadian financial assistance.

IN PLANNING

RADIO SERIES

The Research Foundation, working with the Federation of Ontario Naturalists, is exploring the possibility of establishing a weekly radio series which would provide informed commentary on current environmental issues.

ENVIRONMENT ON TRIAL UPDATE

Environment on Trial, a comprehensive guide to environmental law in Ontario was first published in 1974 and a revised edition was published in 1978. Plans are now proceeding for a third revised edition, to be issued in 1985.

For more information on any of the activities listed above please contact either Doug Macdonald, Executive Director, or Marcia Valiante, Director of Research at 366-9717.

CURRICULA VITAE

DOUGLAS CHARLES MACDONALD

Born: June 23, 1947
Office: 366-9717
Home: 465-1231

100 Bain Ave.,
#8 The Lindens,
Toronto, Ontario

WORK EXPERIENCE

Oct. 1982 - present:	Executive Director Canadian Environmental Law Research Foundation
Sept. 1980 - Oct. 1982:	Special Assistant to Mayor Lastman Mayor of the City of North York
Oct. 1978 - Oct. 1980:	Secretary The Agora Foundation
July 1976 - July 1977:	Executive Assistant to Mayor Lastman
May 1974 - June 1976:	Research Assistant to Mayor Lastman

EDUCATION

M.A., Canadian History, University of Toronto

Completed first year of Phd. program, Canadian History, U. of T.

VOLUNTEER EXPERIENCE

- . three terms a member of the Board of Directors of the Bain Apartments Co-operative, a 260 unit housing co-operative
- . member of the Bain Co-op Refinancing Committee
- . member Board of Directors and Board of Governors, Canadian Coalition on Acid Rain
- . Secretary, Board of Directors, Canadian Environmental Law Association

PUBLICATIONS

- . AGORA, the newsletter of the Agora Foundation: No. 1, Vols. I - IV
- . "Shutdowns"; Perception Magazine, periodical of the Canadian Council on Social Development, Jan./Feb., 1981
(discussion of the impact of plant closures in Ontario)
- . "Where Does the Buck Stop?" Policy Options, periodical of the Institute for Research on Public Policy, Nov./Dec., 1981
(examination of hazardous waste disposal in Ontario)
- . "Out from Under"; Quest Magazine, November, 1982
(proposal for reforming local government in Metropolitan Toronto)
- . Radio program on quality of Toronto drinking water; to be broadcast by CJRT-FM, fall, 1984
- . Managing Editor, Canadian Environmental Law Reports

Curriculum Vitae

MARCIA ANNE VALIANTE

Address: Apartment 101, 665 Roselawn Avenue
Toronto, Ontario M5N 1L1

Telephone: (416) 787-5858

Status: Canadian Landed Immigrant
United States Citizen

EXPERIENCE

October 1983 to date CANADIAN ENVIRONMENTAL LAW RESEARCH FOUNDATION,
Toronto. Director of Research

Primary responsibilities include scientific and legal research and writing for the project entitled "Transboundary Toxic and Oxidant Air Pollution", done jointly with the Environmental Law Institute, Washington, D.C.; supervision of a number of other research initiatives of the Foundation.

August 1982 to August 1983 CANADIAN ENVIRONMENTAL LAW ASSOCIATION,
Toronto. Articling Student. Duties included legal research, preparation of legal memoranda, preparation for and attendance at administrative hearings.

May to August 1981 CANADIAN ENVIRONMENTAL LAW ASSOCIATION,
Toronto. Research Assistant.

January to June 1979 CARR, JORDAN, COYNE & SAVITS, Washington D.C.
Legal Secretary

March to July PATTON, BOGGS & BLOW, Washington, D.C.
Legal Secretary/Assistant

Fall 1976 NEW HAMPSHIRE ASSOCIATION OF CONSERVATION
COMMISSIONS, Concord, New Hampshire. Research
Assistant

1972 to 1977 (summers) AMRAM & HAHN, Washington D.C. Legal Secretary

EDUCATION

September 1979
to June 1982

OSGOODE HALL LAW SCHOOL, Toronto, Ontario.

Degree: LL.B. ('B' Average)

Honours: Kenneth Gibson Morden Memorial Prize

February 1983 to
December 1977

UNIVERSITY OF NEW HAMPSHIRE, Durham,
New Hampshire.

Degrees: B.Sc. (Environmental Conservation)
B.A. (Political Science)

Honours: Magna Cum Laude
Member, National Social Science
Honour Society Member, National
Political Science
Honour Society Dean's List (every
semester)

Activities: Book Review Editor, Juris Quaesitor
(Undergraduate Legal Publication)
New Hampshire Outing Club

PUBLICATIONS

- . Editor, Canadian Environmental Law Reports
 - . "Energy in Canadian-American Relations" and
 - . "Of Oil and Gas: A Primer on the Role of Oil and Gas in Canadian-American Relations"
- both in Journal of Natural Resource Management and Interdisciplinary Studies (University of Manitoba) Vol. III, No. 1 (March, 1978).
- . Brief submitted on behalf of the Canadian Environmental Law Research Foundation and Canadian Environmental Law Association to the Royal Commission on the Economic Union and Development Prospects for Canada
 - . Brief, entitled "Nitrogen Oxides Emissions from Motor Vehicles as a contributor of Oxidant Air Pollution", submitted to the Sub-committee on Acid Rain of the House of Commons Standing Committee on Fisheries and Forestry on behalf of the Canadian Environmental Law Research Foundation.

RESUMÉ

NAME: Paul Robert M. Muldoon, Hons. B.A., LL.B., M.A. LL.M.

DATE OF BIRTH: May, 1956

MARITAL STATUS: Single

EDUCATION

Bar Admission Course
Law Society of Upper Canada (Ottawa) 1983 - 1984
Called to the Bar of Ontario on April 10, 1984

McGill University (Institute of Comparative Law) 1984
LL.M. (Masters of Law)
Specialization: Environmental and International Law

McMaster University Degree awarded in 1983
M.A. (Political Science)
Thesis: "The International Joint Commission and Point Roberts: A
Venture into a New Area of Concern"

University of Ottawa 1978-1981
LL.B., Faculty of Law
1979 - 1981:
• Member of the University of Ottawa Student Legal Aid Society
• Co-Editor of the Law School newspaper, Caveat
February, 1979:
• Selected to represent the University of Ottawa Faculty of Law in
the Jessup Cup Moot Court Competition in Fredericton, New
Brunswick

Wilfrid Laurier University 1974 - 1978
Honours B.A. (Political Science)
Awards:
• Wilfrid Laurier University "Gold Medal" for Academic Achievement
• Wilfrid Laurier University Proficiency Scholarships 1974-1977

Academic Activities

- 1977-1978 Employed as Research Assistant to aid in the preparation of a number of articles published by or for the Department of Political Science.
Co-founder of Wilfrid Laurier University Political Science Association. This Association had an active membership of 170 students and was responsible for academic and social activities.
- 1976-1978 Appointed as Teaching Assistant for a second-year course.
Member of Senate Executive Committee
Chairman of the Student Caucus
- 1975-1977 Member of Wilfrid Laurier University Senate - Student Representative
- 1974-1978 Member of Political Science Council - Student Representative

Student Government

- 1976-1977 Vice-President of Wilfrid Laurier University Students' Union Incorporated. This is an elected position with responsibilities for management of all office staff and business matters concerning the Corporation as well as all related legal matters.
The Vice-President was the Chairperson of:
- . The Bylaw and Regulations Committee
 - . The Board of Directors
 - . Various Ad Hoc committees
- The Corporation was responsible for all student-sponsored activities and appointments to all university administrative committees.

EMPLOYMENT

- 1983
(Fall Term) Lecturer for course in Environmental Law at McGill University, Montreal, Quebec.
- 1981-1982 Articling Student with law firm of Agro, Zaffiro, Parente, Orzel, Hubar & Baker in Hamilton, Ontario
Duties included:
- . research and drafting memos of law and pleadings
 - . preparation of cases for trial and assisting senior members of the firm during the trial
 - . handling own files in summary conviction offences, family law matters, administrative tribunals and small claims court

- 1981 Research Assistant - Parliament Hill
- Employed on a contractual basis to do research for Members of Parliament in Ottawa. The research was directed to study the social, economic and legal implications of proposed legislation. The committees which I was involved with were:
- . Special Committee on the Disabled and Handicapped
 - . Sub-Committee on the International Year of the Child
 - . Standing Committee on National Resources and Public Works
 - . Standing Committee National Health and Welfare

Summer Positions

- 1980 Employed by the Judicial District of Hamilton-Wentworth, Provincial Court (Criminal Division) in the capacity of relief clerk as well as other various administrative duties.
- 1979 Employed by the Public Relations Department of the Hamilton Harbour Commission
- 1978 Project Manager, "Hamilton Awareness Project"
Hamilton Harbour Commission
- 1977 Project Manager, "Arts '77"
Hamilton and Region Arts Council

REFERENCES

Professor E. Ratushny
Faculty of Law
University of Ottawa
Ottawa, Ontario

Professor I. Vlasic
Faculty of Law
McGill University
Montreal, Quebec

John L. Agro, Q.C.
Agro, Zaffiro, Parente, Orzel,
Hubar & Baker
Barristers & Solicitors
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39th Floor
Hamilton, Ontario

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Confederation Building
Ottawa, Ontario



