



INTERVENOR

*Dedicated to environmental equity, justice,
health for over 50 years*

Citizen's Pollution Diary

CELA staff are well aware of the wisdom that communities have about their environments. We never cease to be amazed by the insights and detailed knowledge of local community members about how their environment works and what has changed when there is a pollution problem.

We're focusing this month's issue of the Intervenor on the value of public participation in environmental decision-making and highlighting what members of the public can do when faced with a pollution problem in their community.

One of the issues CELA clients face when there is pollution in their neighbourhood is gathering evidence. There are huge cost barriers to hiring experts. This can often be a barrier to moving forward with a legitimate environmental claim. A lack of expert evidence is often used as an excuse by government and industry not to tackle pollution problems facing our communities.

One way to try to gather evidence about a pollution problem is for citizens to systematically record their observations about the pollution and their experience. We have therefore created a [Citizens Pollution Diary - Template](#) to give members of the public a starting point if they wish to start methodically recording pollution problems in their community.

There is no magic to this template and any community member should feel free to adapt it to their circumstances. The goal is to write down details about what you are observing and experiencing in a systematic way - the who, what, where, when, and how of the pollution incident - and to take pictures. Be organized. Keep track of when you complain about pollution in your community and to whom. We would also encourage community members using the template to share it with their neighbours and ask them to record their observations.

We hope it is useful!



Photo from CELA Collections

Action Alert

Bill 185 Seeks to Strip the Public of Long-standing Appeal Rights

Continuing this month's newsletter theme on the value of public consultation, we're once again spotlighting the province's latest attempt to remove public appeal rights.

Bill 185, Cutting Red Tape to Build More Homes Act, 2024, seeks to remove the public's ability to appeal the adoption of Official Plans and Zoning By-Laws. A strong land use planning regime helps to protect critical resources like water and agricultural lands, and relies on robust community engagement to be properly informed about local circumstances and prevent costly mistakes.

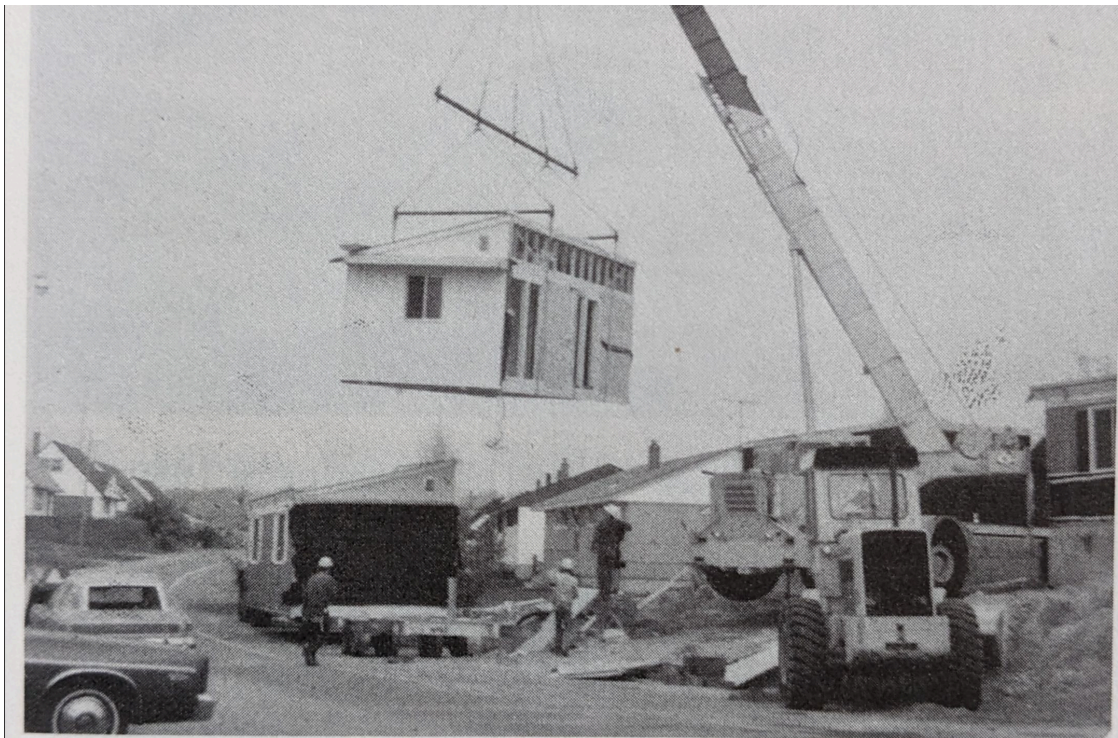
CELA recommends significant amendments to the proposed Bill; our submission can be [found here](#). While the comment period on the Environmental Registry has closed, you can still contact your MPP and tell them that [Bill 185](#), [Schedule 12](#) should not remove the long-standing right of the public to appeal the adoption or amendment of Official Plans and Zoning By-Laws to the Ontario Land Tribunal.

At the time of writing, [Bill 185](#) had been ordered for Third Reading.

Case Updates

Radioactive Mine Waste at Elliot Lake

In the ongoing case in Elliot Lake, families are urging the federal government and mining company BHP to investigate and order a clean up of the radioactive wastes found on their properties. The Federal Court has scheduled a hearing date for July 3 and 4. More information on this case can be [found here](#).



A modular home being swung onto a foundation as part of the infilling of vacant lots.

Photo from The Power and the Promise: The Elliot Lake Story, by Catharine Dixon.

Proposed Extension of the Pickering Nuclear Generating Station

CELA, alongside Durham Nuclear Awareness and Slovenian Home Association, submitted a written report to the Canadian Nuclear Safety Commission (CNSC) regarding the Ontario Power Generation's application to extend the operations of the Pickering Nuclear Generating Station. CELA's report concluded that it would be contrary to the responsibility of the CNSC to protect the environment and human health if it were to allow the Pickering units in question to operate beyond 2024. The report is [available here](#).

Law Reform Updates

Get the Lead Out of Drinking Water: CELA Calls for Provincial Action

Ontario's lead in drinking water standard remains too high to protect public health. Lead is a serious public health concern, especially for children and older adults. Despite Health Canada's expert recommendation that the lead in

drinking water standard be lowered to 5 ug/L five years ago, Ontario's standard remains twice that level, at 10 ug/L.

CELA and the Ontario Municipal Water Association (OMWA) [call on the provincial government](#) to reduce the amount of lead allowed in our drinking water. CELA and OMWA recently filed a [request for review](#) under the *Environmental Bill of Rights*, along with recommendations for mandatory municipal plans to map lead service lines and remove them by 2030. As we went to press, we have learned that the request was denied and we are in the process of reviewing the Ministry's response.

Addressing Benzene and VOC Levels

In last month's newsletter, we shared our [response](#) to the federal government's proposed new regulations to reduce the release of Volatile Organic Compounds (VOCs), such as the carcinogen benzene, from liquid petroleum storage and loading facilities. Storage facilities in the petroleum sector are a major source of air emissions of toxic air pollutants, and have significant health impacts for communities in proximity to these facilities.

Earlier this month, CELA issued a [press release](#) expressing our support of a federal order issued by Environment and Climate Change Canada under section 94 of the *Canadian Environmental Protection Act*. The interim order was issued to petrochemical facilities located in Sarnia, Ontario, that meet certain criteria, and was in response to significant danger to human health from VOC exposure originating from the facilities. The order is expected to lower ambient levels of benzene in and around Aamjiwnaang First Nation. The Government of Canada [approved the interim order](#) earlier this week, formally extending it for up to two years, which will ensure petrochemical facilities in the Sarnia area continue to limit releases of cancer-causing benzene emissions.

More information on air quality issues in Ontario, including links to a webinar CELA provided for Aamjiwnaang First Nation, can be [found here](#).



Image courtesy of @fotoguy22 via canva.com

Proposed New Provincial Planning Statement

CELA recently made recommendations to strengthen the new proposed Provincial Planning Statement, 2024 (“PPS 2024”). CELA is opposed to the revocation of A Place to Grow: Growth Plan for the Greater Golden Horseshoe. Its goal and policy approach should be maintained to better protect against sprawl development in the populous Greater Golden Horseshoe region. The proposed amendments to the provincial policy statement will also worsen the climate crisis and encourage sprawl development. The full submission can be [found here](#).

Proposed New Minister's Permit and Review Powers

The Ontario Ministry of Natural Resources and Forestry recently proposed a regulation regarding the Minister's new permit and review powers under the *Conservation Authorities Act*. CELA recommends that the government not proceed with this proposed regulation; the full submission can be [found here](#).

CELA Responds to Proposed Framework for Water Monitoring Framework for Pesticides

Health Canada initiated a two year pilot project for a National Water Monitoring Project for Pesticides in 2022. A water monitoring program for pesticides was to be a key element of the transformation agenda for the Pest Management Regulatory Agency. CELA provides its preliminary response to the consultation document, “Proposed Framework for Water Monitoring Programs in Canada” released in March 2024. The submission can be [found here](#).

Events, Webinars & Resources

Calling for a Maximum Heat By-Law for Toronto

CELA, along with allied organizations ACORN, Toronto Environmental Alliance, CREW Resilience, Low-income Energy Network and Advocacy Centre for Tenants Ontario, is calling for a maximum temperature by-law in the City of Toronto. Extreme heat caused by climate change is a public health crisis and it unfairly and disproportionately impacts tenants.

That’s why on **Tuesday, June 4th, 10:00am ET at Toronto City Hall**, CELA and other allies will launch a joint statement with a list of demands that calls on the City to protect tenants from extreme heat by passing a maximum temperature by-law that, among many other measures, includes:

- An adequate temperature by-law that ensures all units in the city are kept at a temperature not greater than 26° C
- An emergency program to distribute free heat pumps or air conditioners to income-eligible tenants
- Free transit on extreme heat days

Tenants and allies will be speaking about their experiences with extreme heat, and we would love if you could join us in support!

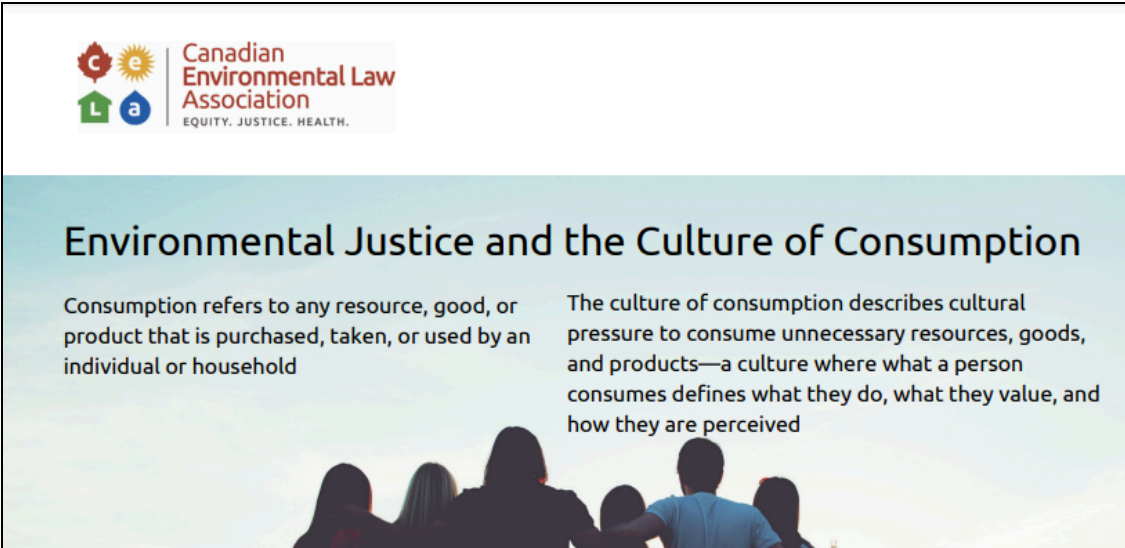
If you have any questions, do not hesitate to reach out to [Jacqueline Wilson!](#)

Federal Government Proposes Changes to the Impact Assessment Act

In a [new blog post](#), CELA lawyer Richard Lindgren provides an overview of the background and content of the federal government's recently proposed amendments to the Impact Assessment Act. These amendments are intended to respond to the 2023 ruling by the Supreme Court of Canada that most of the Act is unconstitutional because it impermissibly intrudes into matters of provincial jurisdiction. It is anticipated that these amendments may be enacted this summer after the completion of Parliamentary debate.

Environmental Justice and the Culture of Consumption

CELA has recently published a new fact sheet in our series on environmental justice. Building on the previous resources focused on the built environment, food security, and climate change, this latest fact sheet looks at the culture of consumption and its impacts on under-resources communities. The fact sheets are [available here](#).



Canadian Environmental Law Association
EQUITY. JUSTICE. HEALTH.

Environmental Justice and the Culture of Consumption

Consumption refers to any resource, good, or product that is purchased, taken, or used by an individual or household

The culture of consumption describes cultural pressure to consume unnecessary resources, goods, and products—a culture where what a person consumes defines what they do, what they value, and how they are perceived

Inside CELA

Enormous Thanks to Anastasia!

We are very sad to say good-bye to Anastasia this month - 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 you all the best in this next chapter.



WE'LL MISS YOU
ANASTASIA!

Theresa McClenaghan Receives Prestigious Recognition

CELA is pleased to congratulate Theresa McClenaghan, CELA Executive Director, on the announcement that she will receive an honorary LL.D from Lincoln Alexander School of Law and Toronto Metropolitan University (TMU) this spring.

The degree recognizes her work on environmental protection and advancing environmental law including 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.

More information about the honorary doctorate and Theresa's accomplishments can be [found here](#). A link to the [ceremony live stream](#) will be available that day; should you wish to view the ceremony at a later date you may do so at TMU's YouTube channel.

Welcome Summer Students!

CELA supports the growth and development of students eager to join the environmental and social justice community. This summer, we welcome three passionate and dedicated students.

Maya Hribar

I recently finished my first year at the University of Toronto Faculty of Law. I completed an Honours Bachelor of Arts in Criminology, Law & Society, exploring additional topics such as environmental science, sustainable tourism, and the sociology of pollution and public health (i.e., environmental racism).

I have done research on the treatment of Rights of Nature internationally and have learned outside of school about the Jane Goodall Act (Bill S-241), factory

farming, and pet custody in Canada. I hope to further refine my knowledge of environmental law, animal law, and the potential for advancing environmental justice in corporate law through the ESG practice. My interests include mug collecting and watching psychological thrillers.



Jigme Tsering

I'll be starting 2L in September at the Bora Laskin Faculty of Law up in Thunder Bay. I'm interested in how environmental law intersects with human rights and keen on learning more about how these priorities manifest for us as a society.



I got interested in environmental law when I published an article on the commodification of water. I learned more about how major hydro projects can drastically change the biodiversity of an environment with the potential to have drastic downstream effects for all beings relying on that water source. This experience propagated my current interest in environmental law and how it intersects with human rights.

A little about me is that I'm a Tibetan-Canadian, I was born in South India and grew up mostly in the GTA. I grew up doing competitive gymnastics and I've been coaching it since I was in highschool, I like to say that my first career was coaching gymnastics. Some of the athletes that I coached early on are now trying out for Team Canada!

Emily Elizabeth Seal

I completed my undergrad at Western University in International relations. I have returned to Western, where I recently completed my first year at Western Law.



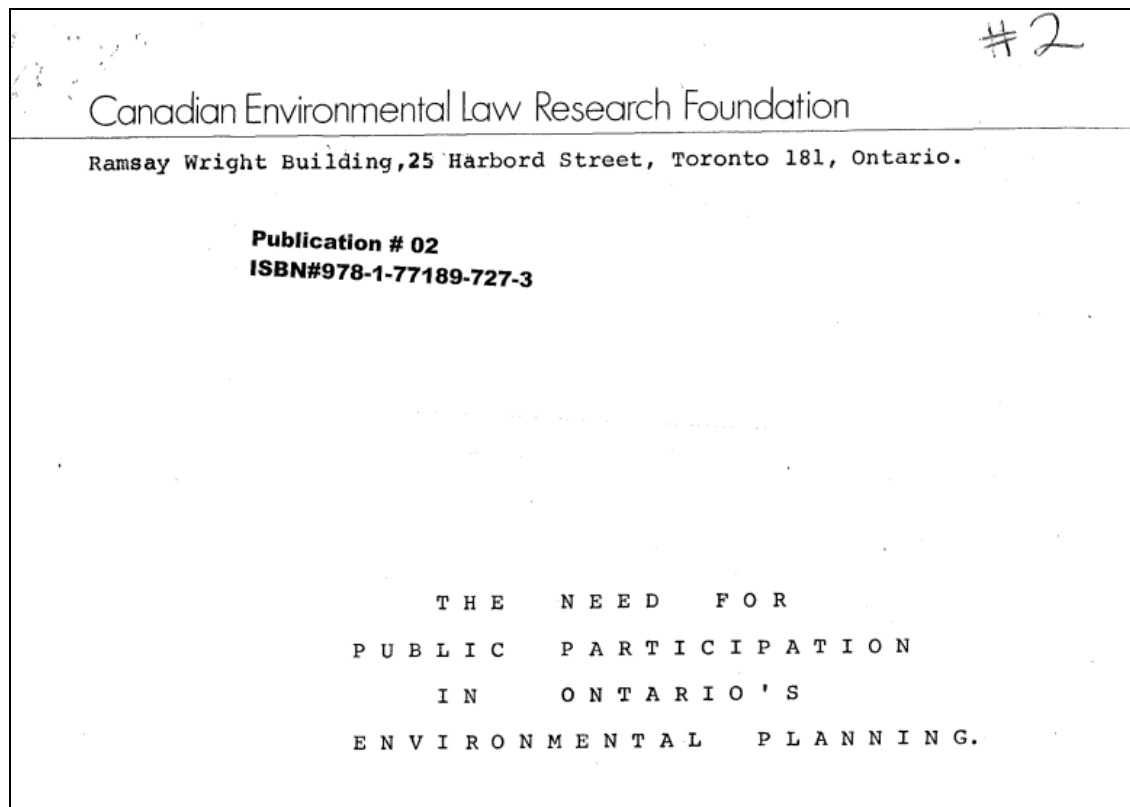
My desire to work in environmental law is largely influenced by my work at the Leadership and Democracy Lab (L&D) at Western University. At the L&D lab, I worked on a project that analyzed the rare earth element industry (REE) in Northern Canada. My work on the project focused on the environmental impacts of REE mining. This work was both challenging and rewarding and led to my current interest in environmental and mining law.

I'm from Toronto but I spend as much time as I can at my cottage in Algonquin Park. In my free time I love reading and long-distance running (I ran my first half marathon in May!)

From the Foundation

May Feature

This month's feature from the [Canadian Environmental Archive](#) is a 1971 brief about the importance of public participation in environmental planning. One of the arguments the brief put forward was “the burgeoning bureaucracies with inordinate expertise are evolving toward an operating stance that protracts the schism between governed and governing. This schism is in itself a serious problem besetting the political order of the twentieth century. Thus any means of involving public participation regardless of whether such involvement is solution productive of specific problems is simply by involvement ameliorating a larger problem; the demise of participatory democracy and consequent rise of bureaucratic insensitivity fostering public discontent.”



Looking for a Publication?

CELA's charitable arm, the Canadian Environmental Law Foundation, maintains digital and physical collections that document the history of environmental protection across the country.

The Foundation recently launched a new website for the [Canadian Environmental Law Archives](#), allowing you to browse and search all of CELA's publications and historical records, as well as those of government agencies, watchdog authorities, nonprofit organizations, lawyers, and many of the country's most influential environmental advocates. In addition to the Archives,

all of CELA's publications are listed in reverse chronological order on our [website here](#).

CELA also knows how fragile gains are and how easily they can be lost. One of the driving forces behind the creation of the CELA Foundation and the Archive was a desire to protect and document the history of environmental law and environmental decision-making.

Support Our Work



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