



# INTERVENOR

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

## Access to Environmental Justice

Next week, on September 30th, the CELA office will be closed in recognition of the National Day for Truth and Reconciliation. CELA staff will be reflecting on our [commitment](#) to, and ongoing journey towards, Reconciliation.

In October, CELA staff - alongside other clinics and legal practitioners - will participate in the Law Society of Ontario's annual [Access to Justice week](#) that seeks to develop meaningful, public-centred solutions that advance systemic change in the justice system.

These two occasions are deeply relevant to CELA's mandate to promote access to environmental justice.

Access to justice calls for a reform of the processes of the justice system to create more equitable outcomes for all. Environmental justice calls for equitable involvement by all people in the creation and application of environmental laws, regulations, and policies.

Indigenous peoples, racialized groups, low-income earners, women, children, the elderly, and people with disabilities, as well as the people who live at the intersection of these groups, are among the most vulnerable when it comes to access to justice. Their experience of injustice increases the likelihood that they will continue to be left behind by Canada's legal system.

There is a link between race, socioeconomic status, and environmental risk, as well as a link between hazardous sites and negative health outcomes in communities where racialized, black, and Indigenous people live. Often, projects with high levels of contamination, such as polluting landfills, pulp and paper mills, and petrochemical facilities, are disproportionately located in low-income communities and are linked to health problems such as asthma, cancer, and birth defects. Because these same communities often lack social, financial or political power, their concerns are not always heard, and governments are slower to respond.

**In short, access to environmental justice calls for providing all persons with a meaningful opportunity to participate in all aspects of governmental decision-making that may affect their health or environment.**

Read the original blog by Sawyer Fobert [here](#).



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## Case Updates

### Federal Disclosure Obligations on Radioactive Contamination

In 2023, CELA submitted a petition on behalf of a petitioner pursuant to the *Auditor General Act* to seek information about federal government disclosure practices regarding radioactive nuclear contamination on public and private properties in Port Hope, Ontario. The petitioner sought a formal commitment that the federal government would proactively disclose information about radioactive contamination so that the public can access important information affecting their health.

Despite the federal government's admission that there is historic nuclear waste in Port Hope, their [response makes the inaccurate claim](#) that all nuclear waste is safely managed at Canadian Nuclear Safety Commission licensed facilities. The federal government continues to provide no proactive disclosure of information regarding the radioactive contamination of private or public properties to members of the public, instead requiring the public to request information from Canadian Nuclear Laboratories for public properties and to make *Access to Information Act* requests for information about private properties. More information on this petition can be found on CELA's [website here](#).

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## Law Reform Updates

### Housing Must Protect Workers from Extreme Heat

With the ongoing climate crisis, extreme heat is getting worse. High temperatures are a serious health risk that disproportionately affects people

with disabilities, seniors, children, socially-isolated individuals and lower-income people — the populations that are the least responsible for the devastating effects of climate change. Extreme heat can lead to heat-related illnesses and exacerbate existing health conditions, making it crucial to have protective measures in place to ensure safe and livable conditions for all residents.

Migrant agricultural workers face major health risks from exposure to extreme heat conditions, both in their workplaces and accommodations. To protect workers from the health impacts of extreme heat, CELA [recommends that Employment and Social Development Canada](#) introduce a maximum indoor temperature standard of 26°C or a humidex of 30°C in employer-provided housing.



*Image courtesy of ©shaunl via Canva.com*

## **Insufficient Information about Changes to Algoma Steel Facility**

Algoma Steel Inc. is proposing to transition to an electric arc furnace for its Sault Ste. Marie facility. The current Environmental Registry Posting provides no detail on what is being proposed as an amendment to Algoma Steel's Environmental Compliance Approval (ECA) for air and noise and has provided no supporting documentation or details.

There has been no disclosure of supporting documents for the amendments to the ECA, no disclosure of detail on what emissions are expected during or after the transition period or as a result of construction activities, how the proposal relates to outstanding applications by Algoma Steel for site specific standards for air emissions, or any detail about what is proposed to be amended in the ECA.

CELA submitted a [formal objection](#) to the lack of detail, and urgently requested a new posting with supporting documentation and details about the proposal, along with a new deadline for public comment.

## **Class of PFAS Considered Toxic Under the Canadian Environmental Protection Act**

One of the most persistent and toxic groups of chemicals used in many consumer products, plastics and industrial processes are PFAS - also known as 'forever chemicals.' As PFAS has been linked to several types of cancer, developmental delays in children, reproductive issues, and a weakened immune system, these chemicals are a serious health concern for all Canadians.

In May of 2023, Environment and Climate Change Canada (ECCC) and Health Canada released its draft State of Per- and Polyfluoroalkyl Substances (PFAS) Report. CELA, along with 30 environmental and health non-government organizations, submitted comments and recommendations in response to that initial report.

In July of this year, ECCC and Health Canada released an updated version of the report. Public interest organizations, including CELA, continue to respond to the government departments' proposed findings that the class of PFAS meet the criteria as toxic under the *Canadian Environmental Protection Act* and proposals to minimize or eliminate sources of exposure to Canadians and the environment. The most recent submission can be [found here](#).



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## From the Foundation

### October Feature

A key component of access to justice is transparency of information from governments and agencies.

CELA worked on early efforts that among other things eventually led to adoption of freedom of information legislation. At the time of [this brief](#) from the Archive, CELA staff were describing some of the types of information that were not available to the public. This brief drove home the point by including examples from the sublime to the silly. It also showed how reluctant government departments of the day were to share information, often for specious reasons.

We often still have struggles for full transparency in environmental decision making today, but at least we have robust freedom of information statutes applicable to municipal, provincial and federal governments. The presence of independent commissioners to oversee these statutes is also key, along with appeal rights for the public.

Let me tell you about some of the information we cannot get from the government, even though it has been collected with our tax dollars.

We cannot get

1. Government correspondence with car manufacturers about secret warranties.
2. Meat plant inspection reports.
3. Supermarket inspection reports. (although in New Jersey, these are posted at the door of the supermarket)
4. Reports of the bacterial content in milkshakes in the North West Territories.
5. Safety tests on life jackets.
6. Results of pesticide residue tests.
7. Test results on paint, carpeting and rugs.
8. Car safety reports.
9. Nursing home evaluation reports.
10. A list of insecticides containing vinyl chloride.

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## Webinars & Resources

### Truth and Reconciliation Week 2024 and National Day for Truth and Reconciliation

*September 23 - 27 and September 30, 2024*

While Truth and Reconciliation Week (September 23-27) is focused largely on students and teachers, the programming also features a series of Lunch and Learn webinars that explore the myths of colonial history in Canada. There are also extensive virtual and hybrid offerings for teachers and students in grades 1-12. More details are available on the [National Truth and Reconciliation Centre \(NTRC\) website](#).

The NTRC, CBC/Radio-Canada and the Algonquin Nation are hosting a 90-minute multilingual commemorative gathering, entitled **Remembering the Children: National Day for Truth and Reconciliation**. The event will take place in person at Parliament Hill in Ottawa at 3pm EDT on September 30, and will also be live broadcast on APTN and partnering Canadian broadcasters. More information can be found [here](#).

### Access to Justice Week

*October 28 - November 1, 2024*

Hosted by the Action Group on Access to Justice (TAG), this week brings together a range of justice sector stakeholders to develop meaningful, public-

centred solutions that advance system change in the justice system. This years theme is "Redefining Access to Justice Week" includes a host of virtual programming options. More details can be found on the [TAG website](#).

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## 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 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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