

September 6, 2019

Mr. Charles Harnick, Chair of the Board
David Field, CEO and President
Legal Aid Ontario
Atrium on Bay
40 Dundas Street West, Suite 200
Toronto, ON M5G 2H1

Delivered via E-mail

Dear Mr. Harnick and Mr. Field:

Re: Legal Aid Services Act Modernization Consultation – Submission from the Canadian Environmental Law Association

INTRODUCTION

The Canadian Environmental Law Association (CELA) writes to provide further written submissions in respect of the current consultation on the modernization of the Legal Aid Services Act and legal aid services. We were pleased to participate in a number of your in-person and webinar-based consultations in August in this respect, including participation by our President Renee Griffin, and several of our Board members along with our Executive Director. These written comments are supplemental to those meetings. We have also participated in developing the joint submission sent to you today by the Specialty and Ethno-Racial Clinics and will not repeat those submissions here. We also include a list of articles (links) that were written at the request of some of the province's legal publications this summer by CELA staff, and a recent blog for your consideration, along with media regarding the Legal Aid budget cuts to CELA. We also attach a power point presentation which was provided to your Vice-President, Clinic Law Services and her staff by CELA earlier this summer, for your information.

We include these materials because, in your deliberations with respect to the project of modernizing legal aid services, we believe it is important to consider the effectiveness and value of the current services offered by community legal clinics in Ontario. This submission and related attachments describe the clinic law services related to environmental law.

NEED FOR PROVINCIAL ENVIRONMENTAL LEGAL AID SERVICES

Ontario's legal aid specialty and ethno-racial and linguistic clinics are deeply rooted in our communities, and in communities of interest in addition to our province-wide geographical mandates. Our expertise is deep and extensive, and there is major efficiency and effectiveness in the way we assess our communities' legal needs and respond to them. We aim to demonstrate this in our description of CELA's work in this submission, and its relationship to the legal needs of vulnerable Ontarians.

CELA has a long and well-respected history of assisting low-income/vulnerable persons & groups throughout Ontario. CELA was founded in 1970 & has been funded as a legal aid clinic since 1978. Over that lengthy timeframe, we have represented or defended the interests of countless clients in every region

Canadian Environmental Law Association

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of the province. We wish to use this opportunity to emphasize the importance of provincial environmental legal aid services in the province of Ontario.

As you know, our work includes group cases, First Nations' clients, individuals and families, and consists of representation in hearings, test cases, interventions, and some civil proceedings if no other legal services are available to meritorious applicants. As you also know, our work also includes public legal education and analysis and advancement of needed law reform in environmental law. It is supportive not only of the priorities identified by our board of directors, but also of priorities identified by your board of directors for Legal Aid Ontario as a whole, including the Aboriginal Justice Strategy which provides for "Improving relationships and increase LAO's understanding of the legal needs and unique circumstances of Aboriginal populations in Ontario and how to address them." Many Ontario First Nations and their members reach out to CELA for assistance with environmental law issues for which they have no other recourse or assistance. CELA cases, and environmental justice, is what poverty law for indigenous people looks like away from the urban centres. That is because indigenous communities are more likely to live in remote regions, are disproportionately impacted by pollution and their impacts, and depend more directly and heavily on the environment than other Ontarians.

Similarly for rural communities, CELA very often represents rural community groups or individuals because that is where development and infrastructure is placed, with the risk that those communities are being inequitably burdened with the health and environmental impacts of those decisions while other non-impacted communities benefit from the projects without adverse impact.

For eligible persons within our client communities, CELA is the only real option for these clients to engage in (or challenge) statutory decisions that affect them or their local environmental quality. The issuance of legal aid certificates to the private bar for environmental proceedings was stopped decades ago, and Ontario's intervenor funding legislation was terminated over 20 years ago. CELA remains the only environmental law service for non-affluent communities, and we submit that it must continue to play an integral role within the modernized clinic system.

To repeat a point we made in our joint specialty clinic submission today, we ensure that low income individuals and equity-seeking communities have access to justice, and have a voice in our specialized areas of law. We are able to facilitate participation by our respective communities in decisions that affect them and assist communities who are often silenced, and continue to face systemic exclusion and discrimination, to speak up themselves. Our clinics further collectively represent the issues identified by the World Health Organization as the Social Determinants of Health (Poverty, Housing, Environment, Education, Employment, etc.), and our work helps address power imbalances.

CELA'S BOARD PRIORITIES

CELA's Board of Directors' current two priorities for our services are:

1. Access to Environmental Justice - CELA places high priority on cases and law reform work aimed at ensuring access to environmental justice; and
2. Pollution Prevention and Public Health and Safety - CELA places high priority on cases and law reform work aimed at ensuring safe, healthy and livable communities.

We have prioritized environmental health impacts on vulnerable, disadvantaged, low income and marginalized communities both in our case selection and in our law reform priorities ever since the adoption of the Legal Aid Services Act in 1998. This was largely due to the definition of clinic law, and correspondence with former Minister of the Environment and former Attorney General (Mr. Harnick's successor) Norm Sterling at that time. In that correspondence our work under LASA was reconfirmed

stating that “...the definition of clinic law in the Bill is inclusive and not exhaustive. Further the terms “disadvantaged communities”, “human rights” and “health”, all of which can have significant environmental dimensions, are included in the definition.”

This, together with our own seminal work on environmental health and environmental standard setting, and our Board’s assessment of priority client needs, has resulted in our in-depth focus on environmental health and environmental equity issues. For example, our work on environmental law includes indoor environmental health dealing with issues such as lead paint and children’s health, asbestos exposure to families and workers, radon hazards (primarily from natural sources) and environmental toxicants in the outdoor environment affecting communities’ air and drinking water, to give a few examples.

This focus also drives our case selection decisions. We select cases among the many who apply to us, based on consideration of a number of factors some of which include eligibility, importance of the issue to the clients or the community, lack of any other feasible representation, and impact on health and equity (A more comprehensive outline of our case selection approach is included in the power-point slides attached). For example, we do not take on cases where the primary concern of the group is property values, not only due to eligibility issues, but also because this is not our priority and the private bar is available to help these individuals and groups. Paying attention to other available environmental law services is something we constantly do, in order to provide proper referrals for individuals and groups we cannot assist. At the same time, we must stress that we are the only environmental law legal aid clinic for the entire province, and our work is conducted in every corner of the province.

TEST CASE SUPPORT

We also wish to address the issue of test case selection and support. One of the questions you posed during the consultation process in August was that of Legal Aid Ontario’s role in test cases. We agree with the answers that were provided during those meetings, namely that the community clinics and specialty clinics are best placed to select test cases within our application processes, and to prioritize which ones to take on. This is based on our deep understanding of the workings of environmental law, the many decision makers and tribunals involved, and how communities are being impacted.

However, CELA has enormously appreciated the support of the Legal Aid Ontario test case committee in two significant cases which illustrate the important role of Legal Aid Ontario in providing exceptional additional support through its own test case program in certain circumstances. In the first example, during the Walkerton Inquiry, where CELA represented the citizens of Walkerton, counsel for the Commission did not originally appreciate the importance of the “karst” fractured limestone geology in the causation sequences of that tragedy. Accordingly they were reluctant to commission an expert report from a karst geologist. With the support of the test case committee for those expert disbursements, CELA retained and led that aspect of the hydrogeology case at the Inquiry, and in the end, this was found to be a major factor in the causation report. CELA did not want to ask the Walkerton citizens to fundraise for that expert report in those circumstances, and it exceeded the amount that our case litigation fund could absorb.

More recently, in representing the Grassy Narrows First Nation on a judicial review regarding proposed clear-cutting of forest in their waster-shed (which would release even more mercury to the watershed), the test case committee was instrumental in allowing for the obtaining of expert evidence on mercury-disease processes affecting the community, pathways, and translation of that evidence from Japanese to English (This was required because the main medical and academic experts on mercury and health impacts are in Japan due to that country’s unfortunate experience with these issues, and these experts have visited the Grassy Narrows community over the decades to follow their health impacts). Again, CELA did not think it appropriate to ask this community to fund-raise for these experts, and they were beyond our litigation fund’s ability to absorb.

We should explain here that we do not obtain disbursement funding from LAO in our annual application; instead we have built up a revolving fund over the years arising from favourable cost awards – of course with express agreement with LAO each time - generally for half of those costs. In most cases the client group takes years to fundraise and repay the costs of the experts we need for their cases.

INDEPENDENCE AND ACCOUNTABILITY

We also wish to address the issue of independence in the provision of legal aid services. We have addressed this in our joint submission with our sister specialty and ethno-linguistic legal aid clinics. In this CELA-specific submission, we wish to provide some concrete examples of the high importance of the independence of our Boards of Directors in the selection of our cases and priority setting for CELA. We have been able to be staunchly independent and non-partisan in our work for fifty years and we pride ourselves on this. We provide response and advice to governments and to MPPs as specialty clinics with deep knowledge of environmental law, and without fear of repercussions. It is essential for us to be able to provide analysis and advice that is based on our professional judgment and experience, and is not coloured or influenced by any partisan political considerations.

A prime example of the importance of this non-partisan approach arose following the Walkerton Inquiry when the government led by Premier Harris, followed by Premier Eves, asked CELA to join a number of advisory committees on agriculture and on water, along with other stakeholders to develop the province's source water protection program (which constituted one-third of the detailed recommendations of the Commission). Upon the next change in government, we found it necessary, along with some of our ENGO partners such as Ducks Unlimited, Ontario Nature, and others, to present compelling arguments to the incoming government led by Premier McGuinty, that the reports and advice that had been developed under his predecessors' leadership were not partisan documents, and needed to be implemented in order to safeguard Ontarian's drinking water (We should add that today there remain issues that we are still working on to try to gain source water protection for First Nations and small communities in Ontario, but explaining that is for another day if you are interested in more information on this topic).

The importance of an independent voice with deep and respected expertise on environmental law has been recognized by the provincial governments over the decades with CELA staff repeatedly asked to sit on advisory committees (as is often the case with other specialty clinics within their area of expertise). For example, CELA has been appointed as a member of advisory bodies established by the Ontario government on topics such as the Environmental Bill of Rights, Class Actions, Environmental Review Tribunal Rules; Source Water Protection; water takings; pesticides; air approvals; Ontario Energy Board priorities; chemicals management; and low income energy issues. If CELA was perceived as advancing positions, or choosing cases and issues from a partisan perspective, this would seriously undermine our credibility. We both provide encouraging responses and advice in support of government proposals for positive improvements to environmental law that would better protect our clients and the public at large, but also must be free to advance positions that are not necessarily in line with any current government direction or priority.

Another example of the need for independence is the current litigation in which we have intervened to offer submissions to the Courts of Appeal in Ontario and Saskatchewan, on the constitutional foundation of the federal carbon pricing law. Climate affects low income and vulnerable communities more than others because they have fewer resources to purchase mitigation; their housing is less resilient and often located in situations more likely to be impacted by changing and adverse climate issues including heat, storms, flooding; seniors' medications may make them more prone to impact from heat related issues and low income seniors may not have proper ventilation and cooling during heat events; and children are less able to respond to extreme temperatures due to body size and immature temperature regulation.

Furthermore, poverty exacerbates environmental health impacts. CELA and its Board determined that it is important for the Courts to have a range of arguments about potential grounds or authority for environmental jurisdiction over climate change before them since the precedence of this case will be of enormous import to environmental law generally in Canada. In addition, the question of how the Court characterizes environmental jurisdiction also affects what the provinces can do on the environment and it was CELA's view that constitutional grounds for federal action that leave the maximum possible room for provincial action as well, should be advanced (and were not being advanced by the federal government).

In our decisions on environmental interventions and in our cases, we argue for interpretations that allow all jurisdictions to act, and have argued other cases that allow for this. Environmental problems, especially climate change, require everyone to be using all of the tools in their toolboxes, and our client communities especially need the courts to recognize this.

The constitutional basis for environmental law jurisdiction, both federal and provincial, (and indigenous for that matter) is a fundamental issue on which CELA has intervened from time to time over the decades. CELA has been an intervenor and/or represented groups of intervenors in many of the most foundational Canadian constitutional law cases dealing with the environment. This includes federal, provincial, territorial, indigenous and municipal responsibility and authority.

We have intervened in the Supreme Court of Canada cases (and the lower courts leading to them) in cases dealing with federal jurisdiction (such as *Hydro Quebec*), provincial and municipal jurisdiction (*Spraytech*), and provincial jurisdiction (*Canadian Pacific*, and *Castonguay*). Environment doesn't belong to one government or another under our constitutional framework; rather it is a responsibility of all levels of governments under various "heads" of jurisdiction.

It would be highly inappropriate to ever base CELA's decisions as to which cases to take, on political factors rather than on the environmental law implications of the cases, (along with our other case selection factors as set by our Board).

In terms of independence and accountability we note the extremely important role of our Board in establishing our priorities, and in our case, in deciding which cases to accept, as part of our board-staff legal priorities committee; all of these decisions subsequently go to the full Board of Directors for review and approval. We also note that our Board of Directors includes past CELA clients, in accordance with both best practice and LAO guidance, to ensure that our decisions on priority setting and allocation of resources are grounded in the lived reality of low income and vulnerable communities. We also generally make our work very public and available to decision makers, members of the general public, academic communities, and other members of civil society, and the public nature of our work brings a very high amount of accountability in itself. We are also accountable to all of our funders, especially Legal Aid Ontario, which is by far our largest funder, and to the courts and tribunals we appear before, and to the Law Society as legal professionals. We have welcomed LAO's quality assurance programs in the past; in fact more than once CELA has volunteered to be an early participant in LAO's clinic quality assurance projects.

Our staff are widely recognized as experts on a national scale in our areas of work, and we also put an emphasis on training and mentoring other young public law and administrative law professionals as they enter upon their careers.

ENVIRONMENTAL LAW IN CONNECTION WITH LOW INCOME AND VULNERABLE COMMUNITIES

CELA also advises that there are extraordinary implications from the application of environmental law and its remedies to low income and vulnerable communities. Adverse environmental impacts are worse, usually much worse, for communities who are not well off or are adversely situated for a variety of reasons. Low-income persons and disadvantaged communities often bear a disproportionate burden of the adverse health and environmental impacts from contaminants that are discharged into air, land and water.

For example, research studies have found that people in poorer neighbourhoods were exposed to higher concentrations of airborne pollutants than those in more affluent areas. In addition, chronic exposure to multiple sources of toxic substances have been linked to poorer health outcomes within affected communities. Poverty and environmental degradation or adverse environmental impacts have multiple impacts on vulnerable communities as demonstrated by an extensive empirical and academic literature such as “Child Poverty and Environmental Justice” by Hornberg and Pauli, *Int.J.Hyg.Environ.Health* (2007) 571-580.

Climate change impacts low income, remote, northern, young, senior, and vulnerable communities the most. This is because they occupy housing that is less resilient to climate impacts; more prone to extremes of weather; located in areas more likely to be struck by adverse climate events; and they cannot purchase alternative mitigation measures such as better foundations, air conditioning, insulation, or higher priced properties located in more protected areas. Low-income and vulnerable communities are least responsible for climate change, yet most impacted. The UN special rapporteur on extreme poverty and human rights reported in June 2019 that climate change is likely to undermine not only basic rights to life, water, food, and housing for hundreds of millions of people, but also democracy and the rule of law. CELA has worked on specific issues of low income and climate policy for example in advocating for an Ontario-wide energy poverty strategy through our joint leadership of the Low Income Energy Network, and in advocating for specific low income measures in climate policy provincially and federally. Similarly, the waterborne mercury pollution at Grassy Narrows First Nation, and the cumulative air pollution at Aamjiwnaag First Nation near Sarnia’s “Chemical Valley,” are just two of the many well-documented instances where indigenous communities in Canada have been exposed to environmental contamination for prolonged periods of time.

Environmental justice is usually described as the principle that environmental benefits and burdens should be equitably distributed among all persons, rather than allowing the majority of adverse impacts to be unfairly imposed upon poor people, visible minorities, or marginalized communities.

However, significant barriers to environmental justice still exist throughout Ontario, and Canada more broadly. These arise from the lack of a substantive public right to a clean and healthful environment; the broad discretion granted to governmental officials under environmental legislation, especially in relation to investigation and enforcement; the practical difficulty for members of the public to engage governmental policy-making, standard-setting and permit-issuing processes; and the cost, complexity and time-consuming nature of environmental litigation, as well as standing requirements and adverse cost risks in the courts.

CONNECTIONS TO AFFECTED COMMUNITIES AND RELATED NETWORKS

CELA has had a longstanding approach of leading, forming, and participating in networks and partnerships in order to more deeply understand and efficiently advance the work for our client communities. For example, CELA co-founded CPCHE (the Canadian Partnership for Children’s Health and the Environment) which arose from the seminal children’s health standard setting study in 2000

funded by the Laidlaw Foundation. This work led to adoption of stricter environmental standards in a range of contexts meant to be more protective of children, such as federal pesticides legislation. CELA also co-founded and continues to co-lead the Low Income Energy Network (LIEN) with ACTO (and originally ISAC and others). This is an example of additional support from LAO very effectively leveraging massive improvement of conditions for our client communities (and all other low-income Ontarians) since our LIEN Coordinator is now supported by additional core LAO funding. Our work through LIEN was instrumental in creating and ensuring implementation of an energy poverty strategy in Ontario over fifteen years, including 4 pillars: low-income retrofit programs, consumer rules (i.e. no winter disconnections), on-bill rate supports, and emergency assistance. The relatively new Ontario Electricity Support program which would not exist without our advocacy through LIEN has provided \$350 million in support to Ontario families in its first three years and supports 239,000 households per month. Another example is our leadership of Asbestos Free Canada – in which we led the development of an asbestos strategy for Canada; and in ongoing work with environmental, health and workers advocates, have now seen the adoption of a federal ban on most uses of asbestos. This is a major success since asbestos exposure in the workplace has been a major cause of a very devastating form of lung cancer and has been characterized as an “epidemic” by health professionals; these devastating injuries will now decrease in frequency.

INTEGRATION OF CELA WORK WITH OTHER COMMUNITY LEGAL CLINICS

Similarly, CELA engages in collaborative casework, training and referrals with other general and specialty clinics across a broad range of issues which intersect for our client communities. Not only does this coordinated approach create efficiencies, but it also allows CELA to provide its specialized expertise to assist legal aid clients across the province. For example, CELA has provided a leadership role in our collaborative joint RentSafe project work, dealing with indoor environmental health, and among other issues, dealing with housing-related health risks including mould, lead, pesticides, and radon. The need for this project arose from the pronounced ongoing inequalities in quality and safety of housing that persists in low income and marginalized populations. Examples of results from this work include public legal education and train the trainer training podcasts for mould, and fact sheets for bed bugs and pesticides for clinics and service providers. This work has been highly integrated with other legal aid clinics and other service providers, and is filling a gap that all service providers (including food banks and public health units) highlighted as an urgent need.

CELA has long served communities all across the province, including individuals, families, citizen’s groups and First Nations either individually or collectively. Based on a review conducted with geography interns from the U of T a few years ago, CELA mapped our services over the prior decade, and then investigated which communities were being served the most. Accordingly we have been pursuing a regional focus “overlay” of our services across the province. In a pilot project launched during 2018, CELA expanded its client services into Northern Ontario in collaboration with Northern communities, residents, and non-profits to work on existing and emerging issues related to water, land, environmental and human health. Now permanent, CELA's Northern services counsel continues to connect with remote communities throughout the Northeast and Northwest. Of the 55,000 lawyers licensed to practice in Ontario, only 1000 are based in the North. The disproportionate impact of a lack of access to justice in the North underscores the critical need for accessible legal aid services in critically under-served regions. CELA is grateful for the support of other community legal clinics who have provided access to office and meeting space, from Thunder Bay to Sault Ste. Marie to Timmins. With the ability to more closely collaborate with our community clinic colleagues, we have been assisting on files of mutual concern - such as the contamination of a mobile home park where dozens of low-income residents were forced to relocate due to repeated raw sewage spills and landlord inaction; and providing training to our colleagues on issues including energy poverty and indoor environmental pollutants.

We have also assigned primary responsibility to the rest of the CELA caseworkers for regions of the province according to where they are already located; this is just getting underway but includes the Southwest; Eastern; Central North; and GTHA with combinations of staff in each region in addition to current responsibilities.

SUPPORT FOR CELA'S SERVICES

We wish to reiterate the strong support that has been conveyed by communities who benefit from CELA's services. These messages from our clients, communities we assist, partners, and legal professionals could be summarized as follows:

- CELA protects public health and the environment;
- CELA is the last resort for low-income and vulnerable communities dealing with public health and environmental issues;
- CELA is a trusted advisor; and
- CELA gives communities a voice.

We include samples of some of these messages in Appendix B to this letter.

CONCLUSION

In conclusion, we urge you to consider and ensure in your current review of the Legal Aid Services Act and modernization review, that the most fundamental of human needs, that of a safe environment (clean air, clean drinking water, and safe living environments), is an essential aspect of the legal aid clinic system in Ontario and necessary in order to ensure access to environmental justice for all communities, and not just the wealthy. Providing these and other specialty clinic services through specialized clinics with deep expertise in our respective areas of law is very effective, and provides long term reliable and high quality legal results for our client communities.

Yours very truly,
CANADIAN ENVIRONMENTAL LAW ASSOCIATION



Theresa McClenaghan
Executive Director & Counsel

Appendix A

Media in response to budget cuts to CELA

<https://www.cbc.ca/listen/live-radio/1-45-ontario-today/clip/15729610-cuts-to-legal-aid-ontario> (Theresa McClenaghan, ED of CELA at 34:20)

<https://niagaraatlarge.com/2019/07/30/help-stop-ford-governments-cuts-to-canadian-environmental-law-association/>

<http://www.heartfm.ca/news/local-news/cuts-to-legal-aid-prompts-a-day-of-action/>

<https://www.timminstoday.com/local-news/local-group-lobbying-against-legal-aid-clinic-funding-cuts-1615152>

<https://www.brantfordexpositor.ca/news/local-news/legal-aid-funding-cut-prompts-environmental-concerns>

<https://www.woodstocksentinelreview.com/news/local-news/local-anti-landfill-organization-sounds-alarm-on-legal-aid-cuts>

<https://www.timminstoday.com/local-news/local-group-lobbying-against-legal-aid-clinic-funding-cuts-1615152>

<https://www.manitoulin.ca/local-residents-support-manitoulin-legal-aid-in-action-day-protest/>

<https://www.nugget.ca/news/local-news/local-anti-landfill-organization-sounds-alarm-on-legal-aid-cuts/wcm/69d43ad1-c52c-4ab4-9f49-1098d78d8fd8>

Staff Articles and Blogs Relating to CELA Services

<https://www.thelawyersdaily.ca/articles/14522/lawyers-on-access-to-justice-day-of-action>

<https://www.thelawyersdaily.ca/articles/11416/access-to-environmental-justice-in-canada-the-road-ahead>

<https://www.cela.ca/blog/2019-05-24/reflecting-connection-between-law-reform-and-litigation>

Appendix B

Compendium of Some of the CELA Testimonials from Clients, Environmental Organizations and Environmental Lawyers in Response to Legal Aid Ontario Budget Cuts 2019

July 30, 2019

I am writing to ask you to reverse the budget cuts to the Canadian Environmental Law Association (CELA), the only legal aid clinic in Ontario focusing on protecting our environment and public health.

CELA has been advocating for low-income and vulnerable communities across Ontario for 50 years. Communities who lack power or a voice are disproportionately exposed to higher levels of pollution. Low-income people receive poor protection from adverse environmental impacts under our law. CELA provides vital services through representation of individuals and community groups in courts and tribunals, summary advice, public legal education and law reform. Without CELA, communities across the province will suffer worse environmental and health outcomes, and will not be able to access legal help.

I have worked with CELA ... on a few environmental issues as they related to First Nations in regards to the Class EA for Forest Management on Crown Lands in Ontario. In addition we share CELA's contact information as a means to assist individual to build their capacity within the environmental framework such as the CEAA, EAA, Species at Risk and other federal associated environmental regulations.

Without CELA, many First Nations including ours would lose the opportunity to have legal advice provided to our community to determine the next level of response. Presently, First Nations do not have the financial resources to address specific concerns in a legal sense. Additionally, First Nations are developing their own (including MFN) environmental management plans and laws and the Canadian Environmental Law Association is a valuable resource to provide information, materials and in some cases legal representation.

Therefore we are asking that budget cuts be reversed immediately to CELA as a means of acting in good faith and maintaining the fiduciary obligations when it comes to First Nations in Ontario.

Keith Sayers
Lands and Resources Program Manager
Mississauga First Nation
Blind River, ON P0R1B0

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The TEK Elders appreciates CELA organizing a meeting with Baskut Tuncak, Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes where Elder Ray Owl and youth Jayce Chiblow were able to make a presentation. The TEK Elders appreciate the research CELA has done on glyphosate use. This information has provided the TEK Elders with a range of opportunities which could be used to trigger a review or challenge decisions which permit uses of glyphosate. CELA has been invaluable to the TEK Elders.
-Sue Chiblow, TEK Elders

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July 30, 2019

Good morning, Ernie,

I am writing to you about Legal Aid in the Province of Ontario, in hopes that you will help find funds for all aspects of their programs. My experience with CELA, the Canadian Environmental Law Association, overlaps with yours. Since, however, you were not in attendance at the OMB hearings where Walker challenged the Oxford Official Plan over the Zero Waste portions, I'll briefly note to you how useful CELA was to OPAL, a participant in that process: The advice of CELA's Rick Lindgren and coaching by two articling law students was valuable for us as a community group confronted with (or by) Walker's high-priced Harry Dahm of Gowlings Law firm.

You have stated often that you want to prevent the dump. Your action on that in the Legislature is necessary. In the absence of the long-promised bill, CELA's support of OPAL is necessary so that we can hold off this impending disaster, lay out the legal and scientific grounds for turning down the Environmental Assessment, and assist you as our MPP, as a cabinet minister with a triple stake in protecting water – for Agricultural uses, for Food processing, and as a Rural Affair – in stopping Walker's dump. If that be alongside your newest colleague as Minister of the Environment, Conservation and Parks, Mr. Yurek, that would be fine. In fact, OPAL and CELA would like to help him toward a better understanding.

If you can arrange that he stop the dump that would be wonderful. If you can move on the prevention of damage to Oxford and the rest of rural Ontario, that too would be a good thing. If you can restore and enhance funding through Legal Aid to CELA, they can assist you in moving forward to a sustainable future for Oxford and Ontario.

Sincerely,

Bryan Smith, president
OPAL

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July 30, 2019

To Whom it may concern,

We are a non-profit community group originating from a need to educate and request County of Simcoe to reconsider usage of forests for projects not relating to recreation and ecological purposes. The Friends of Simcoe Forests Inc. is currently requesting the County of Simcoe to abandon a forested site for a waste management mega facility. This project requires a change to county and municipality Official Plans and zoning by-laws.

Our community group cannot possibly compete with the County of Simcoe staff and legal counsel as far as time, finances and resources. How is the common citizen able to challenge government practice and decisions against such an unbalanced possession of power?

Our group was very fortunate to have found ourselves able to access and utilize the Canadian Environmental Law Association. This group has provided us with hope that our voices now are being listened to because we have talented experienced legal representation. The guidance and consultation provided by CELA has required the County of Simcoe to be accountable and provide answers as well as transparency to our group. The existence of CELA is a solid indication that our government is providing average citizens, "David" access to the guidance and expertise to question and challenge the government

powers “Goliath”.

The service of CELA is now more than ever required as we all move into the reality of climate change and pressure to abandon forest, green space and water renewal sources.

Highest Regards

Mary Wagner
President
Friends of Simcoe Forests Inc.

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June 9, 2019

I turned to CELA for help when attempts to resolve a local air pollution problem through communications with the Ministry of the Environment, our councillor and MPP failed to yield any meaningful results. CELA provided me with a comprehensive opinion, drafted a successful application for investigation and crafted the Freedom of Information request that informed the aforementioned application. None of this would have been possible without legal aid funding. I spent many hours drafting letters and recording odour events, but it was CELA's support and legal expertise that afforded redress and better protections for all residents. I am encouraged and thankful for organizations like CELA whose mandate it is to protect the environment and public health.

-Erica Graves

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Thank you and CELA's staff for the great amount of work and time devoted to our case. Finally, thank you for fighting for us, CELA has made an immeasurable difference to our lives. We are free to move forward. CELA's help was instrumental in solving the environmental pollution issues detrimentally impacting my family's health. The expertise and dedication of CELA's staff enabled my family to secure a healthy and safe environment and regain our lives.

-Gill St.-Amour

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July 30, 2019

Dear Mr. Downey,

Your government has made drastic budget cuts to the Canadian Environmental Law Association. I am writing to ask you to reverse these cuts. CELA is the only Legal aid clinic whose only mandate is to protect our environment and public health.

Because low-income communities do not have the resources to fight multi-nationals polluting their environment, our environment, they, we, are disproportionately exposed to higher levels of pollution. This matters. The job of the government is to ensure the health and welfare of all its constituents. If it does not, it is a government that has failed.

CELA has provided vital legal services for many decades. As it was, CELA could never help all the people, all the communities, in need of legal protection and advocacy. But what they did was significant.

They took our case. I was the coordinator of FACT, (Friends Addressing Concerns Together in

McNab/Braeside). This is a group of neighbours who joined together to fight the installation of a permanent asphalt plant in our rural residential neighbourhood.

Quite literally CELA saved our lives. We know from hiring an international atmospheric expert that living down wind of a permanent asphalt plant could have severe health consequences, especially in our children. Our hydrogeologist predicted that it was only a matter of time before our ground water was irreversibly contaminated. We could never have afforded to fight this multinational company on our own.

But CELA took our case. They provided top notch legal services to win an Ontario Municipal Board Hearing in our favour.

Without CELA we were 'dead in the water'.

I am asking you to immediately reverse the cuts to CELA's budget.

Regards,

Norma Moore
Braeside, ON

--

June 5, 2019

CELA was Walkerton's legal voice of experience and expertise in our Community's darkest hour. Their tireless efforts during the Walkerton Inquiry and for the last eighteen years have fostered policies and plans that protect Ontario's drinking water from 'source to tap'. The ill-advised cuts to legal aid proposed by the provincial government will put the province's environmental future at risk. Let us remember that in the 1990's \$40 million dollars was saved by reducing environmental vigilance as compared to the \$200 million and precious lives that the Walkerton crisis cost the people of Ontario. Poorly conceived short termed solutions never foresee the disastrous long term consequences.

Bruce Davidson
Concerned Walkerton Citizens
Current CELA Board Member

--

I am writing to express my concerns regarding the cuts to legal aid in Ontario.

Legal aid funding helps provide access to legal representation for people who might not otherwise be able to afford it.

In my case, I am a member of a community group (Citizens Against Melrose Quarry) opposing the development of an additional quarry in our rural community. Among our worries is the potential effect of the proposed quarry on the local aquifer, our only source of water.

Our group has worked very hard to raise funds within the community but bake sales, raffles, community breakfasts, individual donations and yard sales can only "take you so far". The Canadian Environmental Law Association (CELA) has provided legal representation for our group which we would not have been able to afford on our own.

Legal aid funds have helped make it possible to "level the playing field" and allowed a group of ordinary farm and home owners, the very group of Ontarians you claim to represent, to have their voices heard.

Legal aid in Ontario involves many facets of law including criminal, family and, in my experience, environmental. Cutting funding for this service will have the potential to limit access to legal representation available to citizens of Ontario and take a significant step towards creating a less "just" province.

Grant Emon
Shannonville, Ont.

--

July 30, 2019
Dear Doug Downey,

Recent funding cuts to Legal Aid and specifically the Canadian Environmental Law Association have been difficult for me to understand. Our environment and our most vulnerable need representation. Not everyone has the ability or the resources to speak for themselves.

Porcupine Lake was being used as a sewage lagoon by the City of Timmins. Raw, unfiltered sewage was bypassed onto the shorelines beside our homes and parks affecting the whole community. Sometimes the smell was intolerable. People had just given up!

An investigation by the MECP under the EBR in 2017 confirmed the injustices. CELA was contacted and their help and influence was requested to stop the pollution.

By working together with the City, the Ministries, Industry and the Porcupine Health Unit, we are making progress to stop the sewage bypasses, to protect the health of residents and to restore our lake as the centerpiece of our community. The guidance and support from CELA has been invaluable to our community.

Cuts in funding to CELA could endanger our health, our environment and our future! Please find a way to keep CELA working for all Ontarians.

Respectfully,

Sherrill Richards
Director at Large
Friends of the Porcupine River Watershed
Timmins, ON

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July 30, 2019
Dear Doug,

As a Professor of Sociology of Health and Environment, I am writing to ask you to reverse the budget cuts to the Canadian Environmental Law Association, the only legal aid clinic in Ontario that focuses on protecting our environment and public health.

CELA has been working with for low-income and vulnerable communities across Ontario for 50 years. These communities that lack power or a voice are disproportionately exposed to higher levels of pollution. Low-income people receive poor protection from adverse environmental impacts under our law.

CELA provides vital services through representation of individuals and community groups in courts and tribunals, summary advice, public legal education and law reform. Without CELA, communities across the province will suffer worse environmental and health outcomes, and will not be able to access legal help.

We have worked with CELA to protect farmland and wetland in Brant County.

Without CELA, we would not have been able to produce expert planning advice or have legal counsel.

Will, I am calling on you to immediately reverse the cuts to CELA's budget.

I appreciate your help with this.

Sincerely,

Dr. Ella Haley
Sustainable Brant
Brantford, ON

--

June 9, 2019

Just a quick message to let you know how much the Hartington Community Association appreciates and values CELA's assistance. Without CELA our organization would not have been able to afford the legal fees associated with hiring independent counsel to appear at the then OMB hearing of our matter, or the continued legal fees to ensure our local municipal governments take all steps necessary to ensure our groundwater is not contaminated by hydrocarbons from a nearby, decommissioned, gas station. CELA offers an invaluable resource to communities like ours, who have legitimate concerns regarding their groundwater and environment. Many of these communities are in small, rural settings where the population is not affluent or sufficient in number to mount a concerted fund raising effort and therefore it is not possible for the residents to afford legal counsel. Simply raising funds for experts can take everything a community has. CELA provides an option for these communities and in a system where lack of legal representation is a clear disadvantage. All residents of Canada should have a chance to obtain legal representation for environmental causes with merit, which CELA provides. It is our hope that CELA receives sufficient funding to continue these efforts in future. Our ability to fight for the very corner stone of life in our community, clean water in sufficient quantity, depends on CELA's assistance to us and we sincerely hope this assistance can continue.

-Hartington Community Association

--

CELA lawyers and staff provided essential information and advice to our citizens' group in Elmira, ON, (APT Environment) when our community and fledging group was faced with the Elmira water crisis in 1989. At that time, Elmira's water supply wells were suddenly closed because of chemical contamination from Uniroyal Chemical Ltd. and the over 10,000 people in Elmira were bewildered, ashamed, angry, and humiliated as media from across Canada descended on the town to get the story. We filled water bottles

from tankers for months, and wondered where we'd get our water in the future, as our aquifer was contaminated beyond use.

During this stressful time and throughout the 1990s, CELA personnel gave our community the advice we needed to understand and exercise our rights to getting information. They also provided us with contacts with experts to help us understand and use that information. We did not have a formal case with them, yet they nevertheless travelled to Elmira regularly to provide support at key meetings when we requested it. The containment and remediation of the Elmira aquifers goes on still, and these efforts will continue for the foreseeable future. I have no doubt that our local citizen involvement has meant and continues to mean a much more effective process and more effective clean-up than would have happened without community engagement. And that engagement would not have been possible without the assistance of CELA.

Susan Bryant
Coordinator, APT Environment
Elmira, ON

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July 30, 2019

Dear Sir,

The "Friends Of the Porcupine River Watershed"(FPRW) is a registered Not-for profit (for public benefit) group, who are all volunteers (no paid staff), and rely on CELA for guidance, information and funding suggestions.

When you decide to cut back 30% on their funding you are also cutting back on the FPRW and other smaller groups doing your environmental work in Ontario communities.

Almost a year ago, CELA made a trip to Timmins, Ontario where the FPRW held a conference to introduce them to the community and political atmosphere of the day.

The mandate of the day was to educate the community about the environmental issues of the Porcupine River Watershed and Porcupine Lake. CELA was supportive and instrumental, making this happen.

During this event, progress was made to form, immediately, a Public Liaison Committee, which now meets monthly and consists of many ministries, the health unit and the City of Timmins departmental management staff, FPRW and CELA.

Injustices have been done to our waterway and there are documented facts to prove this.

Today, Porcupine Lake, while looking beautiful in the middle of our part of this vast city, still has a stench unlike no other (from sewage and bacterial decay) and more work to make improvements is required to bring the waterway back to it's original acceptable state.

CELA has been instrumental in our concerns and lobbying campaigns.

Any cuts to CELA will most definitely be dangerous to the environment, the community's future here in Timmins, and our resident's health and lifestyles.

The FPRW supports CELA's drive on their Day of Action, to reverse Cuts to the Canadian Environmental Law Association and all Legal Aid Clinics.

They are paramount in our continued future work with The Porcupine River Watershed and Porcupine

Lake.

Thank you for your time.

Brenda Torresan,
President of Friends of the Porcupine River Watershed
Timmins, ON

--

I was shocked to learn of Legal Aid Ontario's decision to reduce the amount of CELA's funding this year and next year's even more drastic cuts. It is horrifying that Ontario would demonstrate such little regard for the environment, its protection from continual threats and environmental justice.

Perhaps Legal Aid Ontario does not realize the extent to which our organization, Old Fort William Cottagers' Association, and so many other civil society organizations have come to depend on the Canadian Environmental Law Association over the past years. In July 2016, not long after I had first become aware of Canadian Nuclear Laboratories' plans to construct a gigantic above-ground mound for the disposal of one million cubic metres of radioactive waste one kilometre from the Ottawa River at Chalk River, I read an article by Theresa McClenaghan of CELA about Chalk River Laboratories. From that point forward, I have looked to CELA for both information and for advice. Our association has relied on Theresa and I have turned to Kerrie Blaise countless times for her help and guidance on how to proceed with writing to the CNSC. CELA is so very valuable in helping us lay persons follow the very complicated process of environmental assessments.

I hope that these decisions will be reversed. It would be a very sad day for the environment and its protection if they are not.

-Johanna Echlin

--

Controversy arose quickly when a local contractor applied to rezone a property to operate a gravel pit next to a Lake Residential Area in an unorganized township a half an hour from Thunder Bay. Opposition was due to the pit's proximity to people, seasonal camps, year round residences, the natural environment and an inland water system that flows into Lake Superior. Concerned citizens sited incompatible land uses, environmental impacts and risks to public health and safety. Procedural issues relating to the public engagement process further exasperated objectors in their attempts to be heard and considered within the decision making process.

Despite the numerous deputations and onslaught of written submissions to the local planning board as well as various Ministers, MPPs and the Premier, the board approved the rezoning without any reflection in their decision regarding the social, economic and environmental issues put forward by the public. Instead, the board transferred this responsibility to the licensing stage of the Ministry of Natural Resources and Forests with the rationale they didn't have the expertise nor the funds to acquire them. Under the Aggregate Resources Act at the licensing stage, however, it is the proponent that has the task to address public concerns which leaves the social, economic and environmental issues at the mercy of the business owner whose ultimate responsibility is to their shareholders and the bottom line.

Despite this dilemma, we still had an option to appeal the rezoning decision. As a non-profit organization with limited funds and facing the complexity of an appeal process, we applied and were approved for legal representation by CELA. This approval was timely as the well-established Ontario Municipal Board

(OMB) was in the midst of transitioning to a Tribunal format. CELA not only guided us through the substantive planning issues of the rezoning process, but also through the transitioning period of the OMB and the successful filing of our appeal under the newly formed rules of the Tribunal.

By levelling the playing field and facilitating meaningful participation in the planning process, CELA's environmental and legal expertise has been, and continues to be, a valuable and irreplaceable asset. Planning processes are not easy for the layperson to navigate. Organizations such as CELA's contribute to the democratic process by enabling the public voice to be heard in a meaningful way. We highly endorse CELA's services and expertise for their support, commitment and continuous work for environmental justice.

Karen Peterson
President, Trout Lake Campers' Association
Thunder Bay, Ontario

--

Until recently, I had been the president of the Trout Lake Camper's Association (near Thunder Bay) for the last 4 years. During my tenure, a gravel pit operator applied for his property adjacent to our lake to be re-zoned to Extractive Industrial.

Staff from the CELA were intimately involved in the "struggle" with the local planning board and were instrumental with how we proceeded. Although, the planning board ruled in favour of the re-zoning, CELA is currently guiding us through the appeal process and helping us in every way possible.

We (the Camper's Association) have an extremely limited operating budget and very little funds in reserve. Needless to say, we would not be able to proceed without the pro bono services of the CELA.

Furthermore, I would like to mention the dedication and knowledge of their staff members, as well as underscore the professional and enthusiastic approach of each member that I dealt with.

To conclude, in this world today, it is essential that a group of this nature exist to act on behalf of not only their clients (us in this case) but also for the environment.

We (everyone) recognizes the importance of a healthy environment and that big-business operations need to be continuously checked with proper validation. The CELA must be maintained.

Rob Macey
218 Trout Lake Road
Township of Gorham, ON

--

I have had the privilege of being in touch with some of your members for almost a year now. Fe and Ajman (as well as some other staff) have been absolutely wonderful. The guidance and support I received and continue to receive during an extremely complex and serious issue concerning children that were exposed to hazardous material during a school renovation. The health and wellbeing of children and their learning environment continues to be of great importance to myself, parents as well as your staff. This was shown by the tireless dedication and concern expressed by your staff, and I thank you for that. The support and guidance on behalf of these very vulnerable students such as my daughter and her classmates needs to be commended. The environmental issues we face need to be documented, tracked and passed

on. Canadians need to be educated, so that this information can be used to shape protocols, regulations and laws across Canada to help better protect all Canadians. On behalf of my family I would like to wish you continued success for many years to come. The caring and support you bring to Canada and their communities will always be cherished.

From a concerned parent who was listened to and heard
-Toby MacDonald

--

"The Canadian Environmental Law Association has been one of our primary sources of proactive, detailed policy analysis for the things most important to the 250,000 rural residents we represent. As a not for profit with a small staff, having CELA's expertise and supportive research has allowed FOCA to thoughtfully consider and weigh in on important issues from clean water, to natural resources management, to land use planning and more. Our 500+ community groups rely on our role to curate and interpret complex legal issues, looming problems and possible solutions; we would not have been able to provide this, nor source this type of specific legal analysis without CELA."

-Terry Rees, Executive Director, Federation of Ontario Cottagers' Associations (FOCA)

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July 30, 2019

To the Ontario Attorney General, Doug Downey:

Honourable Minister:

I am appalled by your government's decision to slash funding for Ontario legal aid services, especially environmental legal aid clinics, serving Ontario's poorest neighbourhoods.

Air and water pollution hot-spots are often near industrial areas such as Hamilton, Sarnia, and northern Ontario pulp and paper mills. Low-income neighbourhoods nearby are often worst affected. Without expertise in complex environmental law, such neighbourhoods have no chance of better air quality, or cleaner creeks and beaches, or even a fair hearing. But your government's decision will cut 30% of funding for the Canadian Environmental Law Association (CELA), a legal aid clinic that specializes in helping exactly those disadvantaged communities, in every corner of the province.

As you must know, many of Ontario's environmental problems are historical, including chronic cases of mercury and asbestos pollution. The people who still suffer the everyday consequences had no part in causing the problems. Your government has a responsibility to ensure that victims of environmental pollution can have their day in court, with affordable, expert legal representation. The right to legal representation is a core tenet of any modern democracy, and I want to hope that Ontario aspires to be a modern democracy, despite the dictatorial tendencies currently on view at Queen's Park.

CELA is vital to all Ontarians, who benefit from their expert, non-partisan analysis of proposed new environmental laws and policies. With your government's recent scrapping of the independent, non-partisan Environmental Commissioner, the public has no other environmental expertise to turn to. Over the past year, your government has slashed back a host of laws and policies established over decades to protect air, water, species and habitats, and CELA's ability to interpret the legal implications has been a critical service to the public. The general public may not understand all the technical details of these changes. But they do see very clearly that your government does not care about air or water or nature, and has no credible plan for climate action. Ontarians expect much more from their government, and the polls

show you that clearly. It is time for damage control.

I urge you to speak up in Cabinet on this matter, and ensure that these cuts to legal aid - especially environmental legal aid - are promptly reversed.

Yours truly,

Ellen Schwartzel
Toronto

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July 30, 2019

Dear Minister Yurek, Minister Downey and MPP Khanjin,

I am writing to ask you to reverse the budget cuts to the Canadian Environmental Law Association, the only legal aid clinic in Ontario focusing on protecting our environment and public health.

CELA has been advocating for low-income and vulnerable communities across Ontario for 50 years. Communities who lack power or a voice are disproportionately exposed to higher levels of pollution. Low-income people receive poor protection from adverse environmental impacts under our law. CELA provides vital services through representation of individuals and community groups in courts and tribunals, summary advice, public legal education and law reform. Without CELA, communities across the province will suffer worse environmental and health outcomes, and will not be able to access legal help.

Small organizations like the Rescue Lake Simcoe Coalition rely on CELA's analysis of Ontario's environmental and planning legislation. They help all of us focus our energies on local issues and therefore better represent our members and protect Lake Simcoe. At a time when we are facing multiple threats to a safe, clean environment, CELA is an indispensable voice for a sustainable future in Ontario.

Local voices matter, as you naturally understand as MPPs who represent your constituents. We make our communities better, and we would not be able to do so as well as we do without CELA.

Best regards,

Claire Malcolmson
Executive Director
Rescue Lake Simcoe Coalition

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I am a board member for Environment North and for the past two years Kerrie Blaise of CELA has been the person I depend upon for any legal information, advice and answers to inquiries about the nuclear industry specifically the issues concerning the possible disposal of high level nuclear waste in a deep geological repository in Northwestern Ontario. I am greatly relieved to know that CELA is by our side as we try to protect the northern environment and voice our opposition. Kerrie (CELA) keeps us informed about the changes in Bills and Environmental laws and in so doing allows us to participate and gives us a northern voice.

CELA is very important to us and should be funded even more than it is now to be able to continue to

give the legal support and information so needed by the variety of organizations and communities of people that already benefit from their work and for those that will need them in the near future.

-Graham Saunders, Environment North

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The Registered Nurses' Association of Ontario has been privileged to work for decades with the CELA on many environmental issues. CELA is very important because it comprehensively and objectively analyzes all facets of any issue it takes on, bringing much-needed expertise that benefits the broader community. That expertise encompasses both the science and the law. We have always found their work to be 100 percent reliable; they never overreach the evidence. Their capacity to bring so much with limited resources is nothing short of remarkable. But perhaps most important of all is their commitment to fairness and vulnerable populations and environmental equity. They are as much a health organization as an environmental law association, and any measures to support and promote them will greatly advance health equity in Ontario and in Canada.

-Kim Jarvi, RNAO

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CELA has been instrumental in promoting CAREX Canada evidence to law and policy makers within provincial, territorial and federal governments, to encourage evidence-based decision making, and to reduce carcinogenic exposures in communities and workplaces. CAREX Canada has a longstanding working group with CELA, where our combined expertise has built capacity within our organization and has led to large impacts in the area of radon awareness and policy. Most notably, the federal government's Radon Program led by Health Canada approached CELA and CAREX to consult and produce a report about radon law in Canada and abroad. Their focus on vulnerable and at-risk populations makes them a key partner in addressing equity and those who are disproportionately impacted by environmental and occupational carcinogenic exposures. CAREX has worked with CELA on the federal ban on asbestos for many years, which came to fruition in 2018. We now have a shared interest on policy issues around legacy asbestos and waste management. Additionally, CELA has connected CAREX with key stakeholders (IAVGO, OWA) to support workers who are struggling with workers' compensation claims for occupational cancer. There is a need for policy reform in the area of carcinogenic exposures, and CELA is positioned as a key agency that can produce and deliver relevant evidence to support policy change.

-Drs. Cheryl Peters and Anne-Marie Nicol, co-Principal Investigators, CAREX Canada

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The Canadian Association of University Teachers (CAUT) has worked very closely with CELA for the past ten years regarding asbestos and environmental issues. CELA'S 50 years of expertise has proved invaluable, not only in the broader engagement of academics, researchers, labour, health and safety and healthcare provider communities with whom we partner, but also particularly informed and enhanced the work of CAUT for its own membership. I have very closely with CELA on its successful campaign to ban asbestos in Canada. Importantly, CELA's collaborative approach with others has enabled a practical focus on solutions as well as identifying the salient issues. Their work is leading the way on healthy and safe communities for all Canadians, whether at work or in the community, and especially on behalf of vulnerable populations, such as First Nations who are often the most affected by environmental degradation. I look forward to many more years of working with CELA and its contribution to enhancing the health and safety of Canadians and their communities.

-Laura Lozanski

--

Dear Honourable Doug Downey,

I am writing to you on behalf of Environment Hamilton urging you reverse the budget cuts to the Canadian Environmental Law Association – the only legal aid clinic in Ontario that focuses on the protection of human health and the environment.

CELA has been advocating for low-income and vulnerable communities across Ontario for 50 years. We know far too well here in Hamilton that some of Ontario's most vulnerable communities – communities that lack power or a voice – are disproportionately exposed to higher levels of pollution. Here in Hamilton – a centre of heavy industry in Ontario – we work with a number of neighbourhoods that struggle with impacts like air particulate pollution, exposure to chemical contaminants including cancer-causing substances, and other problems like odor and noise.

We know through experience that CELA provides vital services through the representation of individuals and community groups in courts and tribunals, summary advice, public legal education, and law reform. We have worked with CELA lawyers on several occasions where legal support was required to push for the greater public interest. Each case focused on an issue that impacted the health and well-being of residents in neighbourhoods closest to Hamilton's industrial core, and in each case, the support of CELA was essential to a better outcome for the community and for the environment. Without CELA, we would have lacked legal representation in processes where such representation is essential to ensure good outcomes for the community. Without CELA, communities across the province will suffer worse environmental and health outcomes, and will not be able to access legal help.

We are calling on you to immediately reverse the cuts to CELA's budget!

Yours truly,

Lynda M. Lukasik, PhD
Executive Director
Environment Hamilton

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Pesticide Free Ontario was a province-wide network of community members deeply concerned about the adverse health and environmental impacts of the cosmetic use of pesticides. Collectively we are indebted to CELA for their wise counsel and representation of many of our member groups as intervenors in the Supreme Court of Canada case *Spraytech vs Hudson Quebec*. CELA's guidance and partnership for more than a decade on this issue helped us achieve what we never thought we could - banning both the sale and use of pesticides used for cosmetic purposes in Ontario
-Susan Koswan, Pesticides Free Ontario

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CELA is a constant source of informed, constructive and balanced resources, facilitating the ability of grassroots organizations like WHEN to participate and collaborate on public policy engagement processes. Because of CELA's generous and insightful analyses, reports and submissions, we can meaningfully engage with decision-makers and provide solutions-oriented feedback on a range of environmental health and justice issues. We benefit on an almost daily basis from the expertise of CELA's lawyers and researchers, and we greatly value their unique ability to support individuals and organizations

seeking justice, and to protect communities and ecosystems from pollution and health harms. Thank you for all that you do to keep us and our colleagues engaged in the most pressing environmental issues of our time.

- Cassie Barker, Women's Healthy Environments Network

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CELA provides incredibly valuable services to small community groups like ours. By giving us the opportunity to review and sign on to their recommendations/input on government bills and policies, they offer us a voice where otherwise we would not have one.

-Janet McKay, Local Enhance & Appreciation of Forests

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July 30th, 2019

Dear Attorney General Downey,

Subject: budget cuts to the Canadian Environmental Law Association

I am writing to ask you to reverse the budget cuts to the Canadian Environmental Law Association, the only legal aid clinic in Ontario focusing on protecting our environment and public health.

WWF-Canada has worked with CELA on protecting and safeguarding the Great Lakes, protecting natural heritage and addressing toxics for many years. Without CELA, WWF-Canada would not have been able to ensure equitable access to a healthy environment for wildlife and for the communities that depend on it. With CELA, we have strong protection for people and nature through their efforts in critical legislation such as ensuring drinking water protection and the Great Lakes Protections Act.

CELA has been advocating for low-income and vulnerable communities across Ontario for 50 years. Communities who lack power or a voice are disproportionately exposed to higher levels of pollution. Low-income people receive poor protection from adverse environmental impacts under our law. CELA provides vital services through representation of individuals and community groups in courts and tribunals, summary advice, public legal education and law reform. Without CELA, communities across the province will suffer worse environmental and health outcomes and will not be able to access legal help.

CELA is staffed with some of the most experienced and professional individuals who provide exceptional service and expertise. WWF-Canada is calling on you to immediately reverse the cuts to CELA's budget.

Sincerely,

E-signature_Liz

Elizabeth Hendriks, MES

Vice-President, Freshwater Conservation

WWF-Canada

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July 30, 2019

Hello Mr. Downey,

I am writing to ask you to reverse the budget cuts to the Canadian Environmental Law Association (CELA), the only legal aid clinic in Ontario focusing on protecting our environment and public health. CELA are the go-to source for nonpartisan, clear and accurate analysis of Ontario's Environmental Laws and Policies. They provide accurate and well researched commentary on the implementation of those regulatory frameworks and now in the absence of the Environmental Commissioner of Ontario, they are one of the last organizations capable of doing so.

CELA has been advocating for low-income and vulnerable communities across Ontario for 50 years. Communities who lack power or a voice are disproportionately exposed to higher levels of pollution. Low-income people receive poor protection from adverse environmental impacts under our law. CELA provides vital services through representation of individuals and community groups in courts and tribunals, summary advice, public legal education and law reform. Without CELA, communities across the province will suffer worse environmental and health outcomes, and will not be able to access legal help.

I have contacted CELA with regards to uncontrolled large scale soil dumping in Ontario. As the development of the GTA has progressed and large industrial areas have been excavated there has been a concerted effort to move the soil to large holding areas where brokers are actively marketing the soil and providing very lucrative financial incentives to anyone who is willing to take the soil. Two of the most commonly used justifications for hauling and dumping this potentially contaminated soil is the claim of developing a gun range or aerodrome. In several cases these projects have turned out to simply be a front for pocketing the financial incentive of accepting soil. Some of the other setups include initial reported projects that are often a hoax and the net result is a property owner, which can often be a numbered company, selling the property without disclosure of the untested soil that has been dumped, and leaving the many thousands of cubic metres of potentially contaminated soil for someone else to deal with.

The Ontario Ministry of Environment, Conservation and Parks, (MECP) should be the responsible provincial ministry, however this responsibility has been downloaded onto municipalities. The MECP states that the responsibility for the importation of soil solely belongs to municipalities, however municipalities have been ill prepared to handle the huge influx of soil that is being moved onto rural Ontario properties in their jurisdictions. Many Ontario municipalities do not have effective Fill Bylaws, adequate staffing and are administratively incapable of managing the huge influx of responsibilities associated with large scale soil dumping. Thus Ontario municipalities are unable to provide the needed oversight that large scale soil dumping imposes upon limited municipal resources.

Without CELA, we would not have any recourse to address the ever expanding environmental disaster of uncontrolled large scale soil dumping across rural Ontario.

Community legal clinics also help low-wage workers win back stolen wages from bad bosses, support women fleeing from domestic violence, and provide fair representation for refugees fleeing death or torture. These cuts to legal aid by the current provincial government mean people who are unable to afford a private lawyer will be denied justice in Ontario's courts.

I am calling on you to immediately reverse the cuts to CELA's budget.

Regards,
Michael B. Douglas
Breachin, Ontario

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July 30, 2019
Dear Minister Downey,

I am contacting you today to ask you and your government to reverse the budget cuts to Legal Aid Ontario.

It's probably easy to justify these cuts by thinking that most Ontarians will likely never have to rely on Legal Aid and that those who do rely on it have legal problems because of their own actions.

To that I respond with a saying you are probably familiar with "There go I but for the grace of God."

Legal aid, to me, is like an insurance policy we all pay a very small premium for. We hope we'll never need it but it's nice to know it's there because you just never know when you'll need it.

And like an insurance policy, we will find a way to afford it because not having the insurance policy creates a much, much riskier financial situation.

Please show that you are actual fiscal conservatives and wisely invest in Legal Aid. Because one day someone you care about will need it.

Sincerely,

Franz Hartmann
Toronto, ON

--

Wellington Water Watchers is a grass roots not for profit dedicated to the protection of groundwater and related ecosystems primarily in Guelph and Wellington County. However WWW has been intimately involved with Ontario Provincial Policy issues pertaining to permits to take water and other issues that are affect water quality. CELA has been instrumental in assisting WWW and many other organizations by providing legal assessments of current and proposed policies and WWW has partnered with and signed onto joint submissions to The Province by CELA. CELA has helped legitimize WWW's voice by providing much needed education via workshops, in-person consultation and via conferences designed to help ENGOs become more effective. CELA is a vital and respected resource and WWW is extremely grateful for its existence and generous support.

-Mike Nagy, Wellington Water Watchers

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I'm writing to express our deep dismay at the news that the Canadian Environmental Law Association's (CELA's) tremendous work would be subject to draconian funding cuts. The knock-on costs of environmental protections that will be foregone could amount to much higher costs to society, and to the tax payers for health care and disaster response. With billions of dollars going to help hundreds of thousands of Canadians currently, environmentally-linked costs could dwarf the proposed short-term reduced expenditures to have Canada's premier legal and policy experts working on particular cases, as well as necessary measures to address the climate emergency.

This news gave me pause, to realise how central CELA has been in many volunteer endeavours. Donations of thousands of hours of volunteer expertise, resulting from CELA staff's abilities to bring

together and support dozens of other groups including experts, means that CELA punches far above expectations based upon funding.

Recently, with Prevent Cancer Now, we have been engaged with CELA's Fe de Leon and numerous other scientists and groups on issues of particular toxic chemicals, and extensively discussed amendments of the Canadian Environmental Protection Act (CEPA). As scientists chafe over lack of rigour in scientific assessments, this is to my knowledge the first time "weight of evidence," has been defined in legal text - potentially a powerful provision. Measures to protect the most vulnerable, from insidious chemicals that interfere with hormone actions at very low exposure levels, are captured in the CELA work.

Fe is tremendous at harnessing the brains and energy of large numbers of experts in numerous groups, and has steered many consultative efforts and sign-on of documents, bringing forward the best observations and recommendations possible among civil society in Canada and sometimes from the U.S.A. as well.

We also work on pesticides. Following on work to limit children's exposures to pesticides with municipal bylaws and Ontario's Cosmetic Pesticide Ban Act, last year I worked with Kathleen Cooper on a project regarding indoor uses of pesticides. We most recently met at a PMRA consultation leading up to review of the Pest Control Products Act (PCPA). I have worked with Kathleen since the early 1990s, initially on land use planning and environmental protection.

My first experiences probably mirror experiences of an enormous cast of people who interact with CELA, going back decades. In '89 through the following couple of years, CELA counsel Rick Lindgren represented the Wetlands Preservation Group of West Carleton (WPG) regarding a golf course on a Class 1 provincially significant wetland, at the Ontario Municipal Board, Environmental Assessment Advisory Committee and in court. Although we lost because of poor Township records (not on the merits), this was one of three cases (along with land use planning in Grey County and protection of the Oak Ridges Moraine and its water resources) that led to the Sewell Commission on land use planning. The three-person Commission (that included a CELA alumnus Toby Vigod) led to some of the most progressive land use planning legislation and policies in North America. In the meantime, other CELA counsel were leaders in an elite group crafting and bringing to fruition Ontario's Environmental Bill of Rights - a process in which I on behalf of the WPG also participated.

The last time I visited the CELA offices I provided a brief health sciences background regarding glyphosate in the Canadian context. Lawyers were visiting from California, and a lively discussion ensued comparing and contrasting California and Canadian law. The lawyers are winning large awards against Bayer, which owns Monsanto, for claimants who used the herbicide glyphosate and developed cancer. The room was packed with experts, lawyers and concerned Canadians, as CELA provided a forum and background for a well-informed discussion - a great public service.

With a decade to vastly decrease pollution in order to blunt climate chaos, we need the knowledge, skills, wisdom and collaborative experience of CELA to guide our best brains and to inform reform, policies and laws, to act nimbly for the necessary actions and follow up.

We wish you every success, and look forward to continuing to collaborate. We have only ever seen the highest standards of work from CELA. Please do not hesitate, if we can be of any assistance. with thanks and kindest regards,

Meg Sears

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CELA has been an invaluable partner for the Ontario Clean Air Alliance in our efforts to transition Ontario to a 100% renewable electricity system. CELA has done excellent research on issues such as weak public safety measures around nuclear plants in Ontario and on Ontario's inadequate nuclear waste system. Their highly informative research and interventions in hearings on nuclear facility licensing have brought to light many shortcomings in our nuclear regulatory system that endanger human health and human life. Few other organizations can match the depth of knowledge that CELA brings to these issues and few others have consistently pursued these issues. CELA's work has led to major improvements in nuclear safety, including wider distribution of KI pills and action on long-overdue emergency planning. They are also an invaluable resource for information on new legislation proposed by government, often providing detailed analysis of new laws and how they will affect environmental protection. CELA always takes a rigorous evidence-based approach to its interventions and analysis, making its submissions highly credible and extremely informative.

-Jack Gibbons, Clean Air Alliance

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July 31, 2019

Dear Honourable Ministers and MPPs,

I have been a Peterborough lawyer in private practice for over 25 years; before that, I was with Legal Services for both the Ministries of Environment and Natural Resources (as they were formerly known). I am writing to you today to express my growing concern about the significant budget cuts to Legal Aid in this province, including 16% to legal aid clinics this year and some 30% expected next year.

Legal aid is a fundamental requirement for access to justice for both individuals and communities. While I do not receive legal aid certificates in my own practice, I do get calls to assist the Peterborough Legal Aid Clinic and staff from time to time and see the value of their service to the most disadvantaged in our community. Indeed, Peterborough is experiencing an affordable housing crisis resulting in a tent city of homeless people in downtown parks. I was pleased to see that Dave Smith, our local MPP for Peterborough-Kawartha, recently attended an emergency meeting with government officials at all levels to commit to taking action for affordable housing. Our legal aid clinic, and those like it across the Greater Toronto Area and beyond, can assist people with housing challenges to keep and defend a roof over their heads. This will help deliver the province's new More Housing, More Choice housing supply plan, and local housing plans such as Peterborough's 10-year Housing and Homelessness Plan. Robust legal aid and law reform for those most vulnerable and at risk of eviction are essential as part of these broader strategies.

Legal aid clinics, including for diverse ethnic and vulnerable populations, plus specialized disciplines such as environmental, Aboriginal and immigration law, also provide vital services to communities. For example, the counsel and staff at the Canadian Environmental Law Association (CELA) have been central to providing expertise, perspective and law reform input in such areas as source water protection and improvements resulting from the Walkerton tragedy. They literally are helping Ontarians shape and protect a healthy environment and saving the lives of numerous citizens from pollution in communities across Ontario. This is cost-effective, since prevention and education are always less financially (and politically) expensive than high-profile clean ups and litigation. Certainly, specialized and strategic legal reforms to help communities and organizations are the most efficient and effective ways of providing legal services to low-income and broader populations.

Earlier this year, your government cut and closed the Local Planning Appeal Support Centre (LPASC), leaving another large gap in legal support services for the citizens of Ontario. This means that there is no longer an independent and dedicated service to help people understand and navigate Ontario's land use

planning and appeals processes through information, legal and planning advice at various stages. This comes at a time when the public needs more support to have their voices heard to shape livable, sustainable, prosperous and vibrant communities in the face of massive changes to the province's land use planning and development system (and new official plans proposed in both the City and County of Peterborough). These provincial changes include Bill 108, upcoming related regulations, the *Growth Plan for the Greater Golden Horseshoe* and, soon, the *Provincial Policy Statement*. Thus, there is even more need for CELA and other legal aid clinics to assist local communities with both understanding these changes and also participating effectively in them to achieve the various provincial interests identified in the provincial *Planning Act*, land use plans and housing strategies. How can you enlist community understanding and support of your initiatives without community-level services, like legal clinics, to inform, improve and apply them?

As you know, this is a time of rising interest and concern about health and environmental issues at all levels. Your new Environmental Plan is an important initiative in this direction. It sets out principles for clear rules and strong enforcement, trust and transparency, and resilient communities and local solutions. CELA has long assisted local communities to achieve these goals and foster both substantive and procedural measures in these directions. Unfortunately, your budget cuts to this clinic (and public health units) will undermine the availability of expertise and creative solutions needed to implement this and other Plan.

CELA's and other clinics' advocacy through long-standing legal processes have assisted in better achieving other diverse government objectives and saving government agency funds by providing a creative, constructive, second look at proposed projects. This is a valuable service with considerable leverage, particularly when your government has promised cost effectiveness. It is also essential to a robust exercise of democracy in our province.

Your cuts to the legal aid system, including specialty clinics, will be seen as a significant step back in achieving provincial objectives, community health, and individual justice and well-being. It will hurt low-income people and the most vulnerable in our communities, add to provincial costs in the near term, and is causing a backlash among civil society, including a growing number in the legal profession.

I thus urge you to work with the Canadian Bar Association, the Association of Community Legal Aid Clinics of Ontario, the local bar and other key players in revitalizing legal aid and clinics through restoring sustainable levels of funding and support. This must include a law education and reform mandate to be effective.

I look forward to learning of your response to my letter and the growing public concern around cuts to legal aid.

With best regards,

Ian C. Attridge
Barrister and Solicitor
Peterborough, Ontario