

THE CHALLENGE

There is still time to purchase your ticket and join us on the three masted schooner The Challenge, on Lake Ontario on Thursday June 24. Check out our web site for the information, or call Kumarie Khadoo at the office for tickets. The phone number is: (416) 923-3529

CIELAP's 99/00 PLANS

CIELAP staff and board met on Saturday May 15 to approve our 99/00 plan (July 1 1999 to June 30 2000). CIELAP's vision into the new millennium is "a world in which basic human rights include the provision of a safe and healthy environment, achieved through the respect for, and preservation of nature's integrity and diversity". Our mission remains to provide leadership in the research and development of environmental law and policy that promotes the public interest and the principles of sustainability. Our strategic goal to to promote an effective and accountable environmental legal and policy framework.

During 99/00, to help us meet this goal, CIELAP will work to ensure the public and the politicians realize the importance to their health, their children's health and for the sake of future generations, that we take environmental issues seriously. Our work over the next year will focus on four program areas: Production, Consumption and Waste; Biological Systems; Energy and Climate Change; and Environmental Accountability. Information about our program will be available soon on our web page.

GL2000

CIELAP is participating in this initiative of Environment Canada's to develop a vision with communities around the Great Lakes and a program to clean up the Great Lakes. CIELAP hopes that this vision and program will include a new, strong, Canada-Ontario Agreement, which will enable us to meet our commitments in the Great Lakes Water Quality Agreement.

CIELAP continues to participate in this ongoing debate on issues around biotechnology. Our focus over the past few months has been on genetically modified food products and the need for labelling of such products. We have been told that the decision whether or not consumers wish to purchase such foods will be made in the market place, therefore, it is a fundamental right to know issue, so that we can make our purchasing decisions in the market place. CIELAP participated in a process organized by Action Reseau Consommateur of Montreal on how to ensure that information is provided to consumers so that their interests are protected as this industry evolves. The report is to be submitted by Action Reseau Consommateur to the Office of Consumer Affairs, Industry Canada, later this month.

COSTA RICA

CIELAP staff will be visiting our partner organization, Fundacion Ambio, in Costa Rica this summer. Fundacion Ambio is hosting two workshops - one on organic agriculture and the second on food products of modern biotechnology. CIELAP has prepared two background papers, an overview of the regulatory framework in Canada on each issue, and will be participating in the workshops.

CEPA

May and June have not been good months for Canada's environment in Ottawa. The last week of May saw the tabling of the Annual Report of the Commissioner for the Environment and Sustainable Development, concluding that Canadians' health and environment was being placed at risk by the ineffectual efforts of the federal government to deal with toxic substances. The Commissioner's report confirmed the findings of the House of Commons Standing Committee on the Environment and Sustainable Development four years ago, of dangerously slow progress on assessing the potential toxicity of the 23,000 chemicals in Canadian commerce, and virtually no action on those substances that are found to be toxic.

The following week witnessed the extraordinary situation of three Liberal members of the Commons Environment committee, two of them highly respected former Ministers of the Environment, voting against what is supposed to be the federal government's flagship environmental initiative, legislation to reform the Canadian Environmental Protection Act (CEPA). CEPA, which was first passed in 1988, is the federal government's most important piece of environmental legislation, dealing with everything from toxic chemicals, products of biotechnology, and the international movement of hazardous wastes, to environmental protection in the operations of the federal government.

The Environment Committee's 1995 review of the Act, lead by two of the Liberal members who ultimately voted against the government's Bill, Committe Chair Charles Caccia, and then Parliamentary Secretary to the Minister of the Environment Clifford Lincoln, had recommended a complete overhaul of the legislation. Bill C-32 certainly makes major revisions to CEPA, but not in the manner intended by the Committee members who completed the review.

The government claims that its CEPA reform Bill C-32, is the "most progressive environmental legislation in the world." Careful reading of the Bill reveals a different story, one of a statute designed to provide the illusion of action, while in reality establishing a series of almost insurmountable hurdles to the Ministers of the Environment and Health actually taking action to protect the health and environment of Canadians.

The Bill, for example, requires consultation with the provinces before the Minister of the Environment can take any substantive action, even the establishment of non-binding guidelines or codes of practice. Any steps that actually require action are now subject to requirements for cabinet approval, where as the Environmental Commissioner made clear, the Ministers of Industry and Natural Resources hold a veto on behalf of their industrial 'clients.'

The Bill also weakens the existing Act in a number of other important ways. C-32 provides a mechanism for the cabinet to waive, at its discretion, the rule in the current CEPA that all new substances, including products of biotechnology, such as genetically engineered plants, animals, foods and drugs, be assessed for their potential impacts on human health and the environment before they are introduced into Canada.

Bill C-32 was so profoundly flawed that the members of the Commons Standing Committee on the Environment, charged with completing a clause by clause review of the proposed legislation, presented more than 560 amendments to attempt to deal with its weaknesses. Despite the efforts of the government, which sometimes resorting to such procedural tricks as 'stacking' the committee with Liberal members with no knowledge of the legislation to try to win key votes, an ad hoc coalition of Liberal, New Democratic, Progressive Conservative and even Bloc Québécois members to came together pass more than 150 amendments to the Bill in an attempt to address some of its more glaring flaws. Many of these amendments were drawn from a joint brief presented to the Standing Committee by CIELAP and CELA in October 1998.

The government's report stage amendments reversed a number of these key changes, particularly in relation to toxic substances and biotechnology products. In one case, the government actually weakened an amendment which it had proposed in committee, expanding the Minister of the Environment's power to require that Canadian companies that cause international air or water pollution develop plans to prevent it.

Bill C-32 has now passed second reading in the Senate and is scheduled for a review by the Senate Committee on Environment, Natural Resources and Energy. The Senate Committee is expected to hear witnesses on the Bill in July and September.

CSR IV

Work is continuing on the four year edition of CIELAP's Ontario's Environment and the 'Common Sense Revolution' and Ontario's environment report series. The Fourth report, to be published in July, will provide a comprehensive overview of the changes to environmental laws, policies and institutions in Ontario over the past four years, and their implications for the health, safety and environment of Ontarians. Work on the fifth year report will begin in January.

'RED TAPE COMMISSION' FREEDOM OF INFORMATION REQUESTS

CIELAP continues to keep a careful eye on the activities of the Ontario government's 'Red Tape Commission.' The Institute's freedom of information requests about the Commission reveal attempts by the Commission's chair, Frank Sheehan, to interfere in a prosecution by the Ministry of the Environment. The Institute appealed the Cabinet Office and Ministry of the Environment's decisions to deny it access to all of the records related to the activities of the 'Red Tape Commission.' in January 1999. The Information and Privacy Commissioner decided that the records related to the Commission were subject to the Information and Privacy Act's exemptions for cabinet documents. However, the Commissioner's decision included the following paragraphs about the role and activities of the Commission:

"... the RTC performs and integral role in the Cabinet decision-making process in the area of regulatory review and reform. Cabinet has chosen to rely on the views and opinions of the RTC in considering reforms, and has established a process which requires various Ministers and Ministries to involve the RTC in certain matters prior to submitting them to Cabinet. Although the RTC is not a Committee of Cabinet, in discharging its mandate it would frequently deal with matters that are subsequently placed before cabinet or one of its Committees for deliberation."

CIELAP ATTENDS OECD WORKSHOP ON WASTE MINIMIZATION AND EXTENDED PRODUCER RESPONSIBILITY

CIELAP Research Director Mark Winfield presented a paper on Mining and Waste Reduction at a May workshop hosted by the OECD in Paris, France. The workshop was focussed on the development of the concept of 'extended producer responsibility' (EPR) which is being widely adopted in Europe. Under the EPR principle, producers of products are required to take responsibility for the post-consumer management. In Western Europe, the idea has been applied to everything from packaging to consumer electronics to cars. The workshop also included presentations on public education programs being offered by Finnish environmental groups on the ecological 'rucksack' associated with common products and activities.

ENVIRONMENTAL WATCH DOGS CORROBORATE CIELAP'S FINDINGS

Spring time is a very environmental time. Things become green again. People become cognizant of their surroundings, again, like for instance, the federal government's Commissioner of Environmental and Sustainable Development and his counterpart at the Ontario provincial level, the Environmental Commissioner of Ontario. They both released reports in May and April respectively. [Here's some of their findings with respect to our environment.](#)