



CANADIAN INSTITUTE FOR
ENVIRONMENTAL LAW AND POLICY

L'INSTITUT CANADIEN DU
DROIT ET DE LA POLITIQUE
DE L'ENVIRONNEMENT

Advancing the Environmental Agenda



ANNUAL REPORT 2002 - 2003



Governance for Sustainability

Sustainable Policy Solutions

Public and Community Engagement

Youth Leadership

A MESSAGE FROM THE CHAIR AND EXECUTIVE DIRECTOR

Dear Friends of CIELAP

2002/03 has been a difficult year for CIELAP. Revenues are down, primarily because of the reduction in funding from foundations caused by losses in the value of their endowments. CIELAP has had to downsize its staff. But we have stuck to our new strategic plan – focusing our work squarely on the sustainable development debate. Those of you who attended our AGM in November 2002 helped us determine our priorities for the year: Governance for Sustainability; Sustainable Policy Solutions in the areas of energy; water; biotechnology; and hazardous waste. As well, you supported the need to engage the public more in our work and to continue to mentor and provide opportunities to young people. As you will see from this Annual Report, we have moved forward on all fronts over the past year. Where we have lacked dollars and staff we have made up with interns and volunteers. CIELAP could not function without the support it gets from interns and volunteers, and we extend our heartfelt thanks to all of them.

The year began with CIELAP attending the World Summit on Sustainable Development. It ended with us planning our 33rd anniversary celebration. We organized a cocktail reception at the King Edward Hotel in Toronto with Gilbert Parent, Canada's Ambassador for the Environment as our keynote speaker. We also planned to present our 1st Award for Advancing the Environmental Agenda to the Prime Minister for leading Canada to the ratification of Kyoto. Our 33rd anniversary event was held on Monday September 29 2003, 300 people helped us celebrate, the Prime Minister accepted his Award, and we actually raised money!

We are working hard to stabilize our funding so that CIELAP can focus on its core mandate – to provide leadership in the research and development of environmental law and policy that promotes the public interest and sustainability.

We look to you, our friends, to help us in the coming year.

Thank you.

David Powell
President

Anne Mitchell
Executive Director

CIELAP'S MISSION AND VISION

Founded in 1970, CIELAP is an independent, not-for-profit research and education organization whose mission is to provide leadership in the research and development of environmental law and policy that promotes the public interest and sustainability.

Our vision is a world in which basic human rights include a safe and healthy environment, achieved through respect for, and preservation of, nature's integrity and diversity.

Goals:

- i) To promote an effective and accountable environmental legal and policy framework
- ii) To enhance and promote environmental action on the public and political agenda

During the past year we have published a number of discussion papers and reports, organized a number of workshops and completed a number of projects which help us meet our goals.

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Since/Depuis 1970

August 30, 2002 – Spent a fascinating hour or so at a science seminar. The presenter was a South African woman scientist. Her opening comments ring so true – the world stands at a crossroads – we are searching for new ways to achieve sustainable development. We need a fundamental shift – a new paradigm of decision making. She continued – the concept of human life is being routinized and poverty and homelessness are seen as a natural part of development. We are facing a crisis of values – and we are in an ethical vacuum. Anyway forward needs to include resources for peacebuilding and human security.

The above comes from one of the almost daily e-mails Anne Mitchell, the executive director of the Canadian Institute for Environmental Law and Policy, (CIELAP) sent from the World Summit on Sustainable Development in Johannesburg, South Africa. Anne was one of the thousands of representatives from non-government organizations who attended the summit from August 26 to September 14, 2002 to help ensure that future development was environmentally, socially and economically sustainable.

The conference was a highlight in a year that saw CIELAP put its strategic plan into action while giving new meaning to the phrase “operating on a shoestring”. (For more information on CIELAP’s finances, please see the financial statement for fiscal year 2002-2003. It is included as a separate item in this report.) CIELAP’s three-year strategic plan, which the organization adopted in early 2002, places sustainable development front and centre and identifies four program areas on which to focus:

- Governance for Sustainability Program,
- Sustainable Policy Solutions Program,
- Public and Community Engagement Program, and
- Youth Leadership Program.

None of these areas functions as a silo that is complete unto itself. Each contributes to the other program areas as well as to the whole. Together, they increase the base of knowledge needed to develop the policy and legal frameworks for development to be socially, environmentally and economically sustainable.

GOVERNANCE FOR SUSTAINABILITY PROGRAM

Before Anne left for Johannesburg, CIELAP released a report called *Sustainability Impact Assessment of the Earth Summit @10: A Canadian Perspective* to the government delegations and non-government organizations attending the World Summit on Sustainable Development. Using the Sustainability Impact Assessment, a tool devised to measure the environmental effects of trade policies, the report’s author Christine Elwell examined the draft outline of the world summit’s plan of action – and found it wanting.

Also in the summer, Anne was re-appointed to the Canadian Biotechnology Advisory Committee, where she has become notable for registering her dissent on its reports, most recently a report on patenting and a report on agricultural products.

In the late fall, the Supreme Court of Canada ruled that under Canadian law, Harvard University could not patent the genetically engineered mouse that the university’s scientists had developed to use for cancer research. The Supreme Court held that the “onco-mouse” did not fit the definition of invention under Canada’s patent act. CIELAP, the Canadian Environmental Law Association, other environmental groups and the Canadian Council of Churches were intervenors in the case.

In the winter of 2003, CIELAP prepared the Preparatory Document for CEN and other ENGOs highlighting major regulatory and scientific developments that were relevant in formulating environmental strategies for EC consultations on ammonia, inorganic chloramines and chlorinated wastewater effluents. As the consultations made clear, the instrument of choice proposed by EC is to require P2

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A YEAR IN REVIEW

planning, over a seven to nine year period, as a first step. The final report compiled the main issues raised in the consultations and attempted to summarize regional impacts regarding municipal wastewater and the proposed P2 instrument. Generally speaking CEN member groups were pleased that some progress under CEPA is being made but the weakness of the instrument and the long time horizon for its implementation proved to be particularly frustrating for most participants, in most regions. On June 7, 2003, EC published, in the *Canada Gazette*, a Proposed Notice requiring the preparation and implementation of pollution prevention plans for ammonia dissolved in water, inorganic chloramines and chlorinated wastewater effluents.

In February 2003 CIELAP participated in the Environment Canada's National Consultation on the Environmental Performance of Base Metals Smelting Sector and made its comments on the Draft Environmental Code of Practices for Base Metals Smelters and Refineries.

In the spring of 2003 the Canadian Environmental Network on International Organic Agriculture organized the workshop to teach local organizations how to work through the Canadian International Development Agency. As an organization with a long term experience in this field, CIELAP was pleased to advise and comment on the issues raised in this workshop.

SUSTAINABLE POLICY SOLUTIONS PROGRAM

In the fall of 2002, CIELAP released two of its three reports on water. The first report, called *City of Toronto's Plans for a Water Board Poses Significant Trade Risks*, examined what could happen under the North American Free Trade Agreement and the proposed General Agreement on Trade if the city changed the governing structure of its water services.

The second report was called *Province of Ontario's Plans to Transfer Local Water Systems and Services to the Private Sector: A Breach of Public Trust?* It looked at whether or not the province's jurisdiction over water and water works was a public trust either under the Canadian constitution or the Environmental Bill of Rights. The report was prompted by the suggestion in two recent provincial acts that the government could transfer ownership of local water systems to private companies.

A third report called *Drinking Water Standards in Ontario: Are they tough?* is going to be released in September 2003. It will explore what water resource and water quality standards ought to be incorporated into the *Safe Drinking Water Act*.

In addition, CIELAP released a report on green power at the annual Green Power Trade Show in the fall of 2002. The report, *Responding to Perverse Subsidies and Other Market Inequities*, explored the policy and legal strategies needed to advance the sustainable development of energy, especially green power. The report also outlined the steps required to protect the public interest in an open electricity market.

In the spring of 2003, CIELAP released *Ontario: Open for Toxics* the second of its series report on hazardous waste. The report examines the regulatory framework governing hazardous waste and listed who generated toxic waste, where it went and how it was disposed of in and outside of Ontario. It also seeks to update the analysis and chart the trends between 1998 and 2000, based upon the most current Ministry of Environment data. The report includes charts that illustrate which companies generate or receive hazardous waste, the types and volumes of hazardous waste imported and produced and the communities which are the destination of waste.

Also in the spring of 2003 CIELAP presented the paper "*Lake Ontario water quality: is it affected by contaminant transfer by soil erosion and sediment transport from construction sites?*" at the Sediment Control Workshop organized by the Toronto and Region Conservation Authority (TRCA). The paper pertained to chemicals used in the construction industry and possible contamination of water bodies through

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erosion of contaminated soils and sedimentation. As most of the chemicals used in the construction industry have potential health hazards and a few of them are known carcinogens, it was suggested that governments and the industry jointly take up studies to quantify the amount of contaminant load from the construction industry, monitor soil erosion maintenance, monitor surface water quality near major construction projects, and evaluate the potential of ground water pollution due to impoundment facilities.

As a part of Sustainable Policy Solutions program CIELAP was actively involved in the binational Blue Group discussions. The establishment of the Blue Group reinforces the strength and commitment of NGOs on Great Lakes matters. This group draws its strength from its past successes and hopes to influence the decision making process to ensure that “Great Lakes basin is a healthy natural environment for wildlife and people with all beaches open for swimming, all fish safe to eat, and the lakes themselves protected as a safe source of drinking water” (Blue Group Campaign for Great Lakes Restoration). This group of the Great Lakes NGOs with limited resources and lack of government support, continue to demonstrate their strength even during these very difficult political times.

PUBLIC AND COMMUNITY ENGAGEMENT PROGRAM

In July 2002, CIELAP released the fourth in its series of citizens’ guides. The *Citizens’ Guide to Biotechnology* examined the ethical issues and environmental concerns posed by biotechnology. The guide also explained how citizens could become involved in the public debate. CIELAP promoted the guide at the BioJustice conference and several public meetings on genetically modified food in Toronto.

In the fall, CIELAP participated in the annual Green Power Trade Show in Toronto. Federal Environment Minister David Anderson sent his greetings in which he thanked CIELAP for all it did to ensure the show’s success.

In the early spring of 2003, CIELAP released its pollution hotspot poster map of Canada. Using data from Environment Canada’s 2000 National Pollutant Release Inventory, the poster shows the top releases and transfers of waste by companies, organizations and municipalities in Canada. This year, CIELAP also developed a poster for students in grades six to nine and teachers’ guides for both versions. The posters and teachers’ guides are in French and English.

In the late spring, CIELAP, the Canadian Environmental Law Association and Environmental Defence Canada launched the new version of PollutionWatch. It is still located at www.pollutionwatch.org. By typing in their postal codes, users are able to learn what company or government is releasing what pollutants in the neighbourhood. The data comes from Environment Canada’s National Pollutant Release Inventory.

On a related subject, in July 2002, research associate Corey Diamond took part in a workshop in Mexico City on Mexico’s new Pollutant Release and Transfer Policy. Similarly, Jolanta Rasteniene made presentation in a similar meeting in San Paulo, Brazil in June 2003, on Canadian NGOs experience working with NPRI.

Finally, CIELAP has revamped and redesigned its web site which is still located at www.cielap.org. And added information on ‘footprint’ calculators.

YOUTH LEADERSHIP PROGRAM

This program is designed to provide mentors to young people who, of course, will make the decisions in the future. In 2002 and 2003 ten students from the University of Toronto, Ryerson University, Seneca College and Niagara College worked as interns with CIELAP providing hands on help with research projects, community work and communications planning. They were Louise Simpson, Kirk Moss, Christina Wong, Eileen Basso, Ross Lashanbrook, Satya Mohapatra, Joyce Yang and

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A YEAR IN REVIEW

Maung Tun, Andrea Oppedisano, Tara Nirvani. We also would like to thank our long term volunteers Ingrid Harris, Ravena Barker

In addition, a whole class from a course on sustainability offered at Innis College at the University of Toronto came to CIELAP to research topics related to governance for sustainable development. Their papers, which are posted on CIELAP's web site, cover subjects such as how to engage Canadians in developing policy for biotechnology and how to create meaningful partnerships for sustainable development.

STAFFING

Corey Diamond, a project officer who worked on the NPRI projects including the web site PollutionWatch, left in November 2002. He is now working with Greenest City.

Christine Elwell, CIELAP's senior legal and policy analyst and the author the report for the World Summit on Sustainable Development and the reports on toxic water and water, left in the winter of 2003.

We thank them both for their contribution to the work of CIELAP and wish them well in future endeavors.

Satya Mohapatra and Jolanta Rasteniene came to work for CIELAP through the federal government's program for new immigrants. Both have elected to stay. Satya now volunteers his time and Jolanta is on contract.

Finally, CIELAP could not have carried out the work it did over the past fiscal year without the help of the many volunteers, contractors and research associates. Thank you all for your hard work and dedication.

TREASURER'S REPORT FOR THE YEAR ENDED 30 JUNE, 2003

CIELAP ended the year with working capital of \$39,901, consisting of \$73,229 in current assets and \$33,328 in current liabilities. Cash balances stood at \$45,874 at year-end, down significantly from the previous year-end, as were accounts receivable.

A deficit of \$18,553 for the period resulted in CIELAP's accumulated surplus being reduced to \$28,127. The deficit in the year ended June 2003 exceeded the deficit for the year ended June 2002, which was \$3,812.

Total revenue for 2003 amounted to \$347,748, a drop of \$132,000 from 2002. The current year's revenue amounted to slightly less than half of the budgeted amount. The most significant shortfall occurred in project revenues, particularly as a result of very little funding from governments and severe shortfalls in grants from foundations. The latter have experienced lower revenues than in previous years due to low interest rates and poor stock market returns.

During the 2002/03 fiscal year CIELAP's Costa Rica project was audited by the Canadian International Development Agency, the project's principal funder. At the time that this annual report went to print, there were unresolved issues resulting from this audit that could result in a liability to CIDA. This has not yet been reflected in CIELAP's financial statements.

In response to low revenues, CIELAP did a good job in managing costs in all areas, particularly on consulting and personnel. The principal challenge for CIELAP in 2004 is to secure significant funding with which to implement its strategic plan.

Rob Kerr
Treasurer

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