



CANADIAN ENVIRONMENTAL LAW ASSOCIATION  
*L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT*

November 12, 2009

Standing Committee on Energy, Environment and Natural Resources  
c/o Lynn Gordon, Clerk of the Committee  
via email: [gordol@sen.parl.gc.ca](mailto:gordol@sen.parl.gc.ca)

Dear Ms. Gordon,

**Re: Bill S-212 an Act to amend the *Canadian Environmental Protection Act, 1999***

Please find enclosed a joint submission of Ecojustice and the Canadian Environmental Law Association on the above-mentioned matter, prepared for the presentation before the Senate Committee on November 17, 2009.

If you have any questions or comments, please do not hesitate to contact me anytime at (416) 368-7533, ext. 31.

Yours truly,

A handwritten signature in black ink that reads "Marlene Cashin".

Marlene Cashin  
Staff Lawyer  
Ecojustice



**BILL S-212**  
**Ecojustice and Canadian Environmental Law Association Submissions**  
**November 17, 2009**

**Introduction**

These are the joint submissions of Ecojustice Canada (“Ecojustice”) and the Canadian Environmental Law Association (“CELA”) on Bill S-212, An Act to amend the *Canadian Environmental Protection Act, 1999* (“CEPA” or the “Act”).<sup>i</sup>

Ecojustice Canada (formerly Sierra Legal Defence Fund) is an independent, non-profit organization supported by 30,000 Canadians. We have a staff of lawyers and scientists who provide services to citizens and groups working to improve environmental laws. Since forming in 1990, law reform and litigation around the protection of the environment have formed the core of Ecojustice’s work. Pollution prevention has been of great concern to many of Ecojustice’s clients and Ecojustice is actively engaged in trying to improve and strengthen the laws that will secure the health and environment of Canadian communities.

CELA is a public interest law group founded in 1970 for the purpose of using and improving laws to protect public health and the environment. Funded as a legal aid clinic specializing in environmental law, CELA represents individuals and citizens’ groups in the courts and before tribunals on a wide variety of environmental matters, including cases involving pollution prevention. In addition, CELA staff members are involved in various initiatives related to law reform, public education, and community organization.

Ecojustice and CELA support the proposed enactment which would see CEPA amended to:

- remove the requirement that an individual show that an alleged offence under the Act has caused significant harm to the environment in order to proceed with an environmental protection action;
- allow for fine-splitting; and
- permit orders for the recovery of costs in private prosecutions for offences under the Act.

These submissions, while containing some general comments regarding Bill S-212, will primarily respond to concerns raised by the Honourable Hector Daniel Lang during debate on the motion of the Honourable Senator Banks, during the second reading of the bill.<sup>ii</sup>











