



# ECO-NEWS

## Canada's Newest Environmental Law Group Taking Shape

by Gary Schneider

Though it has been at least 20 years in the making, Atlantic Canada finally has an environmental law centre that will aid the public in both understanding and acting on laws relating to the environment. The East Coast Environmental Law Association (ECELAW) began in 2007 and will eventually provide similar services as do other provincial environmental law centres in BC, Alberta and Quebec, and the Canadian Environmental Law Association, based out of Toronto.

ECELAW is the only non-profit organization that provides consultation, research, and referral services to the public focusing solely on environmental legal matters. The mandate is to provide legal information to individuals and organizations, in order to ensure that environmental laws are well understood and effectively used. ECELAW also conducts research and offers advice on how to improve environmental laws that affect this region, and delivers these services through collaboration among students, academics, and practitioners. It envisions a future in which everyone contributes to the creation and effective use of local, provincial, federal, and international laws to transform this region into an international leader in environmental protection, quality of life, sustainability, and long-term prosperity.

Mostly, the mandate and vision has been focused on Nova Scotia, offering the following services, which enhance public access to the law and public education:

- Free legal services in the environmental field to those who cannot otherwise afford legal services.
- A virtual environmental law library/database on our website which serves as a resource widely accessible as a single source for education and research.
- Research and advocacy projects aimed at strengthening environmental law.
- Annual workshops focused on specific areas of environmental law of particular interest to community and environmental groups.
- Publishing the "Environmental Law Summary Series". This publication covers one environmental law issue a year in a manner accessible to community and environmental groups and members of the public.
- Educating and training law students interested in developing public interest and community-oriented advocacy skills in the area of environmental regulation and policy by involving them in the work of ECELAW.

In late summer 2009, ECELAW held a series of meetings - including one on Prince Edward Island - about private prosecutions. Doug Chapman, a lawyer now based in BC, shared his decades of experience using private prosecutions to ensure that environmental laws are upheld and enforced. While most of the discussion in PEI was about fish kills and pesticides, other areas of potential interest were also discussed.

The background to this issue is that our federal Fisheries Act prohibits the deposit of toxic or harmful substances into fish-frequented waters or in a place or under any conditions where it may enter fish-frequented waters. So under federal law, it is unlawful to deposit a harmful substance either directly into a fish-bearing stream, or into a place like the top of a bank or a storm drain that leads to a fish-bearing stream. That's the law, though obviously with all our fish kills it is not enforced.

ECELAW is also interested in helping to update provincial environmental assessment regulations. Provincial processes in the region have not been significantly updated for well over two decades. There have been significant developments in the literature and practice of environmental assessments since the provincial environmental assessment processes were established in NS, PEI, and NB. The Atlantic provinces have to date relied heavily on the federal EA process. In recent years, however, the federal government has pulled back from its role in environmental assessments, and there is every indication that this trend will continue and accelerate. Fortunately, there is growing recognition of the importance of EA, not only as a tool to address growing environmental challenges from biodiversity loss to climate change, but a tool to prepare our economies and communities for the future. There are also opportunities for and value in closer harmonization among the environmental assessment processes in the region. Obviously, we are hoping that our provincial government would welcome this assistance.

ECELAW is currently comprised of fourteen board members and three staff (Executive Director and two summer students). The organization has significant legal expertise. Board members include lawyers in private practice, law faculty and students, as well as representatives of other environmental not-for-profits. Please visit their website at <http://www.ecelaw.ca>, or contact Deborah Carver, Executive Director, at [ecelaw@eastlink.ca](mailto:ecelaw@eastlink.ca) for more information.