

For Immediate Release

June 4, 2009

Majority of provinces fail on provision of environmental rights

Friends of the Earth Canada releases first annual Score Card on Environmental Rights

Ottawa – On the eve of World Environment Day, Friends of the Earth Canada releases its first annual Score Card of Environmental Rights available in law to the people of Canada. In the face of inadequate action by governments to protect our climate, water and other environmental assets, FOE assessed the rights available to individuals in Canada to take action to protect the environment.

Friends of the Earth determined that nine out of 13 political jurisdictions fail to provide adequate environmental rights to individuals residing in that jurisdiction. FOE analyzed environmental rights “on the books” of each province and territory and of the federal government and scored them from “A” for Excellent down to “F” for No Effort. A grade of “C+” was necessary to achieve a passing grade.

Six of the 13 jurisdictions have unacceptable provisions for the most basic of environmental rights – that of information and notification (Alberta, Newfoundland, Northwest Territories, Nova Scotia, PEI and Saskatchewan). Only five jurisdictions received a passing score for their public participation rights (Yukon “B”, Ontario “B”, and British Columbia, Northwest Territories and Quebec all with “C+”) and only two passed on the requirement for Government Response or Feedback (Ontario “B” and Canada “C+”)

“Here’s a prime case where green rhetoric has oversold the reality of environmental rights for the people of Canada. The inadequacy of our environmental rights is shocking,” says Beatrice Olivastri, CEO, Friends of the Earth Canada. “Furthermore, we are dismayed to see the discrepancy between jurisdictions in the environmental rights afforded Canadians. Every individual in Canada should have equal environmental rights to do their part to protect the environment.”

“This cross-Canada snapshot reveals a surprising absence of environmental rights measures that should be the building blocks for democracy,” says the report author Jody Lownds, FOE’s Environmental Justice Campaigner. “We want to work with people and groups across Canada to make sure all individuals in Canada in every province and territory can access equal environmental rights.” In order to do so, Friends of the Earth

has developed a “Straight A” score card to describe what constitutes a full suite of environmental rights.

Friends of the Earth’s First Annual Environmental Rights Score Card assigns final grades:

- three jurisdictions are the worst performers – Alberta, Saskatchewan and Prince Edward Island scored “D” Newfoundland and Labrador hovered slightly above with “D+”
- four jurisdictions scored failing grades of “C” or “C-“ namely British Columbia, Manitoba, New Brunswick and Nova Scotia
- three jurisdictions scored average performances of “C+” Quebec, the Northwest Territories and the federal government.
- The Yukon received the highest score of “B+”.
- Ontario received the second highest score of “B”.

Friends of the Earth cautions that there is probably an implementation gap – even when these environmental rights are on the books, they may not be satisfactorily delivered.

“That’s what seems to be happening now,” says Jody Lownds. “Even when jurisdictions provide in law for environmental rights, the existing rights are not always fully implemented by the governments in charge or perhaps not widely used by citizens.”

As a case in point, there is a seldom used provision under the Canadian Environmental Protection Act, 1999 wherein an individual can request an investigation if they believe there is a violation of that Act or regulations made under that Act. Earlier this week, FOE helped Mr. Allan Williams, a Newfoundland resident, use this provision to request an investigation of alleged violations by the Government of Newfoundland and Labrador for releases of PCBs to the environment in excess of regulated limits.

For further information contact:

Beatrice Olivastri, CEO, (613) 241-0085x26 or (613) 724-8690 cellular
Jody Lownds, Environmental Justice campaigner (250) 814-4117 cellular

Friends of the Earth Canada is a voice for the environment, working nationally and internationally to inspire the renewal of communities and the earth through research, education and advocacy. It is the Canadian member of the 69 country strong Friends of the Earth International (www.foecanada.org).

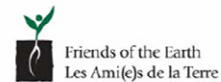
Standing on Guard!

Ranking Environmental Rights in Canada 2009

	Alberta	British Columbia	Canada	Manitoba	New Brunswick	Newfoundland	Northwest Territories/Nunavut	Nova Scotia	Ontario	Prince Edward Island	Quebec	Saskatchewan	Yukon
Information and Notice	C	B+	B+	B	B	D	C	C	A	D	B	C	B+
Public Participation	D	C+	C	C	C	C	C+	C	B	C	C+	C	B
Required Government Response	F	F	C+	C	C	F	F	F	B	F	F	F	C
Rights to Appeal	D	C	C	D	C+	C	F	C	B	F	C+	F	C
Citizen Initiated Investigations	C+	C+	B	D	C	B	C	C+	B	D	D	C+	A
Citizen Initiated Prosecution of Offences	C	C	B	C	C	C	A	C	C	C	C	C	B+
Suing to Protect Environment	C+	F	B	D	F	D	B	C	B	D	B	C	A
Whistleblower Protection	F	C	B	C	D	C+	B	C+	B	F	F	F	B
SLAPP Protection	F	F	F	F	F	F	F	F	D	F	B+	F	F
Independent Environment Auditor or Commissioner	F	C+	C	C	F	F	D	F	A	F	D	F	D
Grade Point Average	1.2	2.0	3.0	1.7	1.6	1.5	2.2	1.6	3.9	0.7	2.5	1.1	3.5
Extra Credit	N/A	N/A	N/A	+5	N/A	N/A	+5	+5	+5	+5	N/A	N/A	+1
Final Grade	D	C	C+	C	C-	D+	C+	C	B	D	C+	D	B+

- A Excellent 6
- B+ Very Good (and some excellent features) 5
- B Good (slightly above average) 4
- C+ Average/OK 3
- C Below Average 2
- D Performed but inadequate/meaningless 1
- F No Effort Visible 0

Disproportionate weighting of Extra Credit measures (points added after GPA average) to recognize and encourage innovation in this area



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REACTIONS

Karen Baltgailis, Executive Director, Yukon Conservation Society (867) 668-5678

“The Yukon getting a B+ is an indication of how bad environmental rights must be in other jurisdictions in Canada. We do have a good Environment Act and our environmental assessment process is transparent. However, environmental assessments rarely recommend strong mitigations or that projects with the potential for serious environmental impacts not proceed. And the rare times that an environmental assessment makes strong recommendations, the Yukon government usually rejects or waters down the recommendation. People here are getting pretty frustrated with having their input to environmental assessments be ignored.”

Normand Landry, member of L'Association québécoise de lutte contre la pollution atmosphérique (AQLPA) (514) 794-7025 cellular

“SLAPP suits (strategic lawsuits against public participation) represent a real threat to the very foundation of deliberative democracy. The adoption of an anti-SLAPP bill in Quebec on June the 3rd opens-up a new area in the province where citizens will enjoy better protection of their rights to freedom of speech and public participation,” says Normand Landry, member of L'Association québécoise de lutte contre la pollution atmosphérique (AQLPA). “Canadians should have equivalent protection from abusive prosecution. It is thus urgent that all jurisdictions in Canada follow the example set yesterday by Quebec's National Assembly.”

David Coon, Executive Director of the Conservation Council of New Brunswick (506) 458-8747 or (506) 461-1023 cellular

Lives and livelihoods continue to be squandered in New Brunswick because environmental rights are trampled for profit and power,” said David Coon, Executive Director of the Conservation Council. “Breathing clean air and eating healthy food are regarded as privileges New Brunswickers can't afford if we want jobs,” said Coon. Four years ago, the Conservation Council launched a campaign for environmental justice with the release of a declaration of fundamental principles on which an Environmental Bill of Rights should be built.

Michel DesNeiges, Supervising Attorney at the New Brunswick Environmental Law Society (NBELS) (506)389-8999

According to Michel DesNeiges, a lawyer with the New Brunswick Environmental Law Society (NBELS), “the New Brunswick results confirm our position that a serious effort must be made to bring in new environmental legislation including an Environmental Bill of Rights for New Brunswickers.” The NBELS will hold a news conference to further

address the results of Friends of the Earth's study and to elaborate on plans for an Environmental Bill of Rights

Tamara Lorincz, Executive Director of the Nova Scotia Environmental Network (NSEN)
(902) 454-6846

“It is shameful that the four Atlantic Canadian provinces have failed the Environmental Rights Scorecard,” says Tamara Lorincz, Executive Director of the Nova Scotia Environmental Network (NSEN). “If the environment is really a priority for these governments, then they will need to move quickly to fix the legal deficiencies.”