

ecobrief: Making the Case for a **Better Earth.**

Nearly two years into a global pandemic, and many of us are feeling fatigued from having our lives permanently changed and the uncertainty of the situation.

We recognize how challenging these past two years have been, and we wish you the best as we navigate what 2022 has in store. We're grateful to be able to count on your support, which continues to be an inspiration to us all at Ecojustice.

Thanks to you, we have remained strong in our promise to defend nature, combat climate change, and fight for a healthy environment through this historic time in Canada. I'm particularly proud to share with you some recent victories we have seen in plastics regulations.

Ecojustice works hard to hold corporations accountable for their greenwashing, which deceives consumers, contributes to landfilling, and degrades the environment. In 2019, lawyers from Ecojustice and the University of Victoria submitted a complaint to the Competition Bureau alleging that, despite the company's marketing claims, Keurig's K-cups were non-recyclable in most of Canada. In January 2022, we started the year with an exciting win when the Canadian Competition Bureau levied a \$3 million fine against Keurig for greenwashing their products.

We are also encouraged to see the federal government moving forward

with draft regulations to ban the manufacture, sale, and import of six single-use plastic products as well.

Although a crucial move forwards, these regulations are far from perfect. We would like to see a wider selection of plastic products banned, a shorter implementation timeline, and no loophole allowing these products to be manufactured and imported for the export market. Still, this is a solid first step, and the six plastics that are listed are ones which are used every day by consumers.

Unsurprisingly, industry is opposing plastics regulation in a lawsuit specifically challenging the government decision to list plastic products as toxic under the *Canadian Environmental Protection Act*. Ecojustice and our clients, Oceana and Environmental Defence, are intervening in support of the federal government's authority to regulate plastic at all stages of its lifecycle, and also advocating for a robust implementation of the government's new regulations.

Your support makes it possible for us to represent our clients free of charge and to achieve major victories and take on precedent-setting cases across the country. In this newsletter, we have shared some of the powerful cases your donations are being put to work on. Thank you for leading the fight for a brighter environmental future.



Devon Page

EXECUTIVE DIRECTOR



INVESTING IN CANADIAN FUTURE

Canada's top ten pension funds hold more than \$1.7 trillion in assets, wielding significant influence in Canadian

markets. Disappointingly, these pension funds continue to use this influence to fund fossil fuel development and extraction projects in Canada and around the world.

Per International Energy Agency, to limit warming to 1.5 degrees Celsius, no new fossil fuel supply can be developed and no new investment in fossil fuels is needed. Financing these projects increases the risk of climate change and threatens beneficiaries' retirement, as these projects will not be a part of a low-carbon future.

Climate change presents two significant risks to pension investments. The first, physical risk, is the risk to investments exposed to changes in the environment, such as real estate. The second, transition risk, is the risk to investments not aligned with a future low carbon economy, for example, investments in fossil fuels.

Pension fund administrators have a fiduciary duty to their beneficiaries to make strong, long-term financial decisions. However, there is no law or framework requiring disclosure of these risks consistently and clearly. This voluntary reporting system leads to a lack of information for beneficiaries about the risks they hold. Even less is known about private pensions.

The United Kingdom and New Zealand have introduced laws making climate risk reporting mandatory. Similarly, some U.S. states have legislation requiring public pension funds to divest from fossil fuels. In September, Canada's second-largest pension fund, Caisse de dépôt et placement du Québec, announced that it would divest all its oil production investments by the end of this year due to climate change risks.

Together with Shift: Action for Pension Wealth & Planet Health and Environmental Defence, we have helped beneficiaries write to the boards and executives of these pension funds demanding more information. Ecojustice wrote the backgrounder explaining how they have a legal obligation to address climate risk. We continue working with beneficiaries of Canada's largest 10 pension funds to address this issue and your support allows us to protect Canadians' financial future.

PROTECTING NOVA SCOTIAN WATERS

The Northumberland strait was described as one of the most egregious cases of environmental racism in the province, if not the country, by former Nova Scotia Premier Iain Rankin. In an ongoing case at Ecojustice, we represent Friends of the Northumberland Strait in their fight against Northern Pulp's pulp and paper mill near Pictou, NS.

For years, Northern Pulp's mill has been dumping treated effluent into Boat Harbour, each day. Then,

this effluent flows into the Northumberland Strait between Nova Scotia and Prince Edward Island. Five years ago, Northern Pulp was mandated to close their existing Effluent Treatment Facility (ETF) as of January 31, 2020. Since then, the facility has been closed while Northern Pulp awaits approval for a new ETF.

This summer, the Minister of Environment designated Northern Pulp's ETF upgrade project for a more stringent, Class 2, Environmental Assessment. Additionally, with our encouragement, Northern Pulp withdrew its application for a planned ETF.



ONTARIO'S TROUBLESOME HIGHWAY

In October 2021 the Ontario government made an environmentally concerning decision to exempt the Ministry of Transportation's Bradford Bypass highway from the requirements of the province's Environmental Assessment Act. The

Minister of Environment, Conservation and Parks' raised alarms about the environmental impact and the precedent this decision would set.

The proposed Bradford Bypass highway crosses sensitive biodiverse Holland Marsh wetland as well as Ontario Greenbelt, speciality crop areas, and key wildlife habitat in the Northern Greater Toronto Area. It may contaminate the region's groundwater and could cause irreversible damage to watersheds. The project also designates car-centric land uses and facilitates sprawl into rural areas, further increasing greenhouse gas emissions and road congestion.

On behalf of Rescue Lake Simcoe Coalition and Simcoe County Greenbelt Coalition, our lawyers

requested federal environmental assessments of the Bradford Bypass on February 3, 2021. The letter had support from community residents and environmental groups and petitions with over 18,000 signatures. In May 2021, the federal government announced it will not conduct an Impact Assessment for this project, as the provincial environmental assessment would be sufficient.

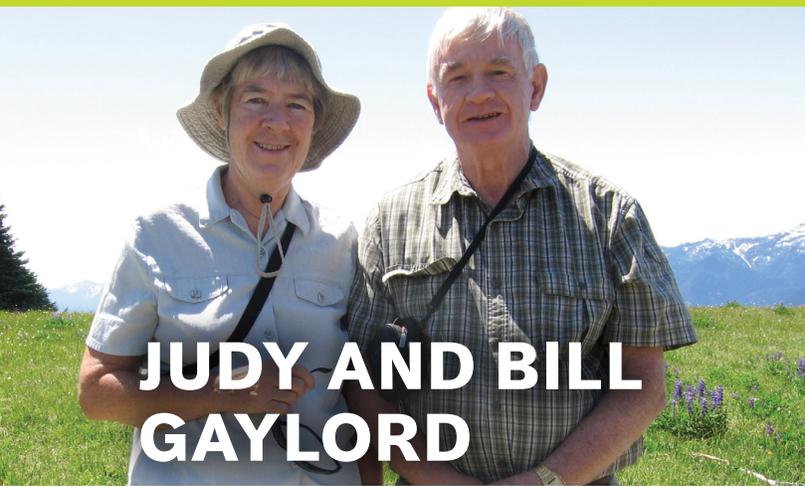
These decisions exempt the Bradford Bypass from meaningful public consultation and thorough assessment, despite the crucial need. Public and municipal councils have requested proper process followed and further environmental study.

Since the October decision, three groups wrote a second Federal Impact Assessment request. Ecojustice maintains support for our clients in fighting for an impact assessment and communicating with the public on the issue. We thank you for standing with us as we fight for proper due diligence and defend nature.

In November 2021, Northern Pulp applied for approval of an ETF once again, claiming significant environmental advancements. While it significantly improves the old mill infrastructure, this proposed ETF will once again discharge industrial effluents directly into Pictou Harbour. Northern Pulp was dishonest to the local community about appalling environmental racism towards Pictou Landing First Nation and severe environmental degradation for 50 years. Their "green" representations are far from credible.

This project could be a major environmental disaster if approved, as it will increase the logging of already degraded forests and create further environmental and human costs in Boat Harbour and the region. Ecojustice is committed to supporting our clients to fight this project throughout the 2–3-year Class 2 Environmental Assessment process, as well as other pieces of litigation. Your continued support allows us to take on these long-term cases and hold businesses accountable.

DONOR PROFILE



JUDY AND BILL GAYLORD

**I've been "political" since I was a teenager!
By around the age of 15 I realized I wanted
to see changes to the system, to create a
more equitable world for everyone.**

Thinking back on it, my first encounter with environmentalism was when I was 21 and the Torrey Canyon oil tanker sunk near Cornwall, England. I was still living in the UK at the time and the blanket media coverage of the fouled coastline and dead and dying seabirds shocked me profoundly. I started to wonder how such a catastrophe had happened and how another one could be prevented.

Naturally, when I moved to Canada's West Coast in the 1970s, I quickly became involved with advocacy efforts against tankers – having seen the disasters they can cause first-hand. Around that time, I had also met my husband Bill and we were both involved in helping American war resisters coming to Canada. We support environmental groups together – although he wasn't an environmentalist when I first met him! He was what I call a "typical American" – he would drive his car just a few blocks down the road! However, I slowly encouraged him to be more eco-friendly, and we rode our bikes to work for most of our lives.

We've been involved with many environmental organizations over the years, including the Unitarian Church of Victoria Environmental Action Team, where a friend first introduced us to Ecojustice's work. After that, we became supporters and our awareness of Ecojustice grew. We appreciate how Ecojustice applies pressure to our governments to protect the environment, and that they have a lot of "wins" to protect areas like wetlands.

When Bill and I sat down to make our Will, we realized that we had some RRSPs that would be heavily taxed by the government – the same government that often creates environmental harm and side-steps its own laws. Instead, we would rather have our assets go to charities that hold those governments accountable! And we realized we could do that with charitable bequests to our favorite organizations.

It was important to us to talk with our son about our legacy plans, and he was very understanding and supportive – especially when he understood our tax planning. Not only does our estate tax planning ensure that less goes to the government, but it also allows more to go back to our son through the charitable tax receipts.

Ecojustice was a top choice to be included in our legacy plans because of their track record of success – it's the most effective organization to get results for the environment. We also have confidence the organization will be around for a long while – using the law to protect the environment is something we will have to do on an ongoing basis. With wildfires getting worse every year, it's clear that the climate emergency is at our doorstep, and we need to take action to protect our planet for future generations.



ENVIRONMENTAL RESPONSIBILITY

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