

2022



VICTORIES REPORT

OUR MISSION

Ecojustice uses the law to defend nature, combat climate change, and fight for a healthy environment for all

OUR VISION

A thriving environment, safe climate, and healthy communities protected by effective, well-enforced laws throughout Canada



Front cover image: Alex, Beze, Madi, Shaelyn, Shelby, Sophia, and Zoe are being represented by Ecojustice lawyers Danielle and Fraser, in a case arguing that the Ontario government violated their Charter rights to life, liberty, and security of the person when it weakened provincial climate targets.

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Dear friend,

Before we celebrate our wins with you, we wanted to share something that's been helpful to our team as we navigate the choppy waters of 2022. It's the concept of active hope. Some of you may be familiar with the term. Indeed, if you're reading this, you're already a fully-fledged practitioner.

"Active hope," according to authors Joanna Macy and Chris Johnstone, means "*becoming active participants in bringing about what we hope for.*"

In supporting our work through these months of uncertainty, you've certainly done that and more. You're proving — through every petition signed, every action shared, and every gift donated — that active hope works. From everyone at Ecojustice: thank you.

Together, we've secured victories whose impact will ripple far beyond our immediate environment. Because when it comes to climate change, there's no such thing as fixing "our bit" of a global crisis. When we represent youth climate leaders in court, we're setting precedents that lawyers in other countries can use to fortify their cases. It grounds us in a worldwide movement. And in securing the passage of Canada's first national climate accountability law (Bill C-12), we're curbing emissions that heat up the whole planet.

Of course, we're also focused on the people and ecosystems right here. From coast to coast to coast, we've been hard at work defending communities and protecting vulnerable wildlife. In the following pages, you can read how we've joined the fight to regulate plastic pollution; demanded more transparency in government decisions that impact our health; and ensured that the rights of communities are respected by those who would exploit them.

None of this would have been possible without you, so thank you for choosing hope over despair. We promise to never take your support for granted. Together, this is how we'll bring about a safer, healthier world.

With deep gratitude,



Devon Page,
Executive Director



Lori Williams,
Board Chair

CLIMATE



“We’re now two years into the decisive decade. Emissions should be in an unprecedented fall, instead we’re seeing the second biggest rise ever recorded. We’re wasting invaluable time pretending we can solve this crisis without treating it like a crisis. World leaders are still in denial.”

— CLIMATE ACTIVIST GRETA THUNBERG, 2021

HELPED PASS CANADA’S FIRST CLIMATE ACCOUNTABILITY LAW

We’ve never shied away from reminding the federal government that Canada has missed every single one of its climate targets. But last June, we had reason to celebrate climate progress when the *Canadian Net-Zero Emissions Accountability Act* (Bill C-12) finally became law.

For the first time, Canadians have a law to hold our leaders accountable for their climate promises. This landmark victory was a joint effort, coming after years of campaigning from Ecojustice, our partners, and supporters like you.

It took multi-partisan collaboration in Parliament and swift work in the Senate to get a strengthened Bill C-12 passed before the summer recess. Thanks to advocacy from supporters like you and our network of partners, the bill that ultimately passed into law is a vast improvement over the version first tabled in November 2020.

While Bill C-12 still has its shortcomings — there’s no definition of the term “net-zero”, for instance — it gives us a framework to work with. Now, our job is to ensure the law is properly implemented so Canada never misses another climate target again.

FOUGHT FOR YOUTH CLIMATE LEADERS

Thanks to your support, seven young people suing the Government of Ontario for weakening its climate targets will finally get their day in court this fall.

As you know, their historic legal battle — *Mathur et. al. v. Her Majesty in Right of Ontario* — has not been without its twists and turns.

Our clients have prevailed over multiple attempts by the Government of Ontario to block the case from proceeding, clearing a final procedural hurdle in March 2021. When their case is heard this fall, it will be the first time a Canadian court is asked to consider climate change in the context of the Charter of Rights and Freedoms.

Over and over again, having thousands of you in our corner has helped our clients fend off legal attacks. So we're thrilled to share that Sophia, Zoe, Shaelyn, Alex, Shelby, Madi, and Beze will have their day in court this September.

No matter what happens next, bolstered by your support, these young people have already made their mark.

RANG THE DEATH KNELL FOR COAL

The world's dirtiest fuel is on its last legs as Canada brings in new regulations for coal. Thermal coal is a fossil fuel, and the greenhouse gas emissions from burning it are the single-biggest contributor to climate change.

In response to pressure from Ecojustice, our partners, and supporters like you, the federal government made an announcement signaling the end of Canadian thermal coal mining. Now, companies that want to expand or build new mines will have to prove the project has more benefits than harm. A near-impossible task given the climate emergency.

The environment minister has also ordered all new metallurgical coal mines to undergo federal impact assessments. Unlike thermal coal, which fuels power plants, metallurgical coal is part of steelmaking. If we're to cut our carbon emissions, both types of coal need to stay in the ground.

Your backing continues to empower us in our battle against coal. After all, active hope is a practice — it's something we *do*, not something we *have*. So together, we'll continue urging our leaders to take the next necessary step: Stop the export of (mostly American) thermal coal from Canadian ports.

HEALTHY COMMUNITIES

STOOD UP FOR THE RIGHTS OF ONTARIANS

When the Ontario government passed Bill 197 (*COVID-19 Economic Recovery Act*), it used the cover of economic recovery to tear up environmental protections and bar Ontarians from having a say on major projects.

But Ontarians have a legally-protected right, one that the Ontario government ignored, to be consulted on changes that will impact the environment.

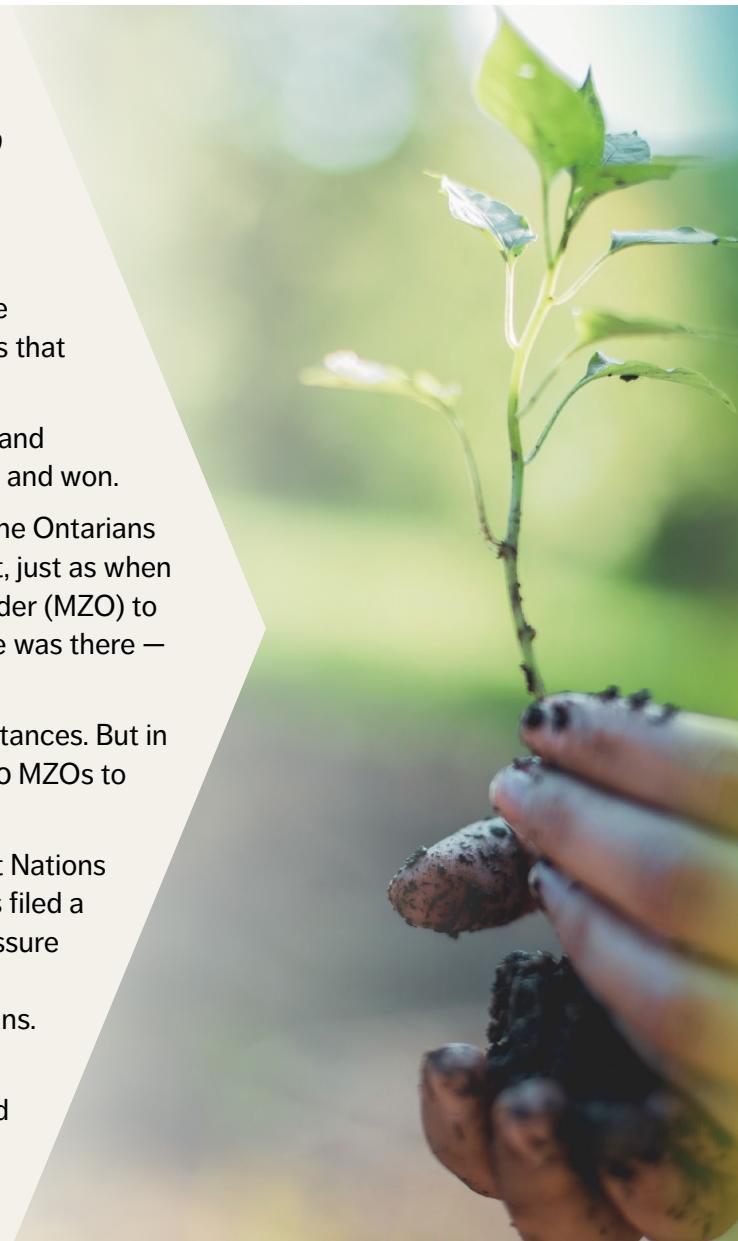
That's why Ecojustice, on behalf of Greenpeace Canada and Wilderness Committee, sued the Ontario government — and won.

Recent years have seen the provincial government sideline Ontarians in a bid to push through an anti-environment agenda. Yet, just as when the Ontario government misused a Ministerial Zoning Order (MZO) to try and pave over the Duffins Creek Wetlands, Ecojustice was there — thanks to you.

In the past, MZOs were reserved for exceptional circumstances. But in 2020 alone, the Ontario government issued more than 30 MZOs to fast-track routine development applications.

Against a backdrop which saw the Williams Treaties First Nations mobilize and bold community actions, Ecojustice lawyers filed a lawsuit to protect the vital wetlands. The cumulative pressure of these actions was enough to force the government to revoke the MZO and for the developer to abandon its plans.

Victories like these give us hope. It shows that when different groups work towards a unified goal, we can hold those in power to account.



FORCED DE BEERS TO PLEAD GUILTY TO MERCURY POLLUTION REPORTING FAILURES

It took eight years, but finally it's over. Last July, De Beers Canada Inc. pleaded guilty to failing to report mercury pollution at its Victor Diamond Mine. This win sets a precedent for all mining activities in Ontario, letting polluters know they're not above the law.

Lengthy legal struggles such as this one would not be possible without the continued support of people like you. We also rely on the hard work and diligence of other organizations. In this matter, Ecojustice brought a private prosecution based on evidence collected by Trevor Hesselink of Wildlands League.

As part of the resolution Ecojustice lawyers helped secure, De Beers agreed to make all past and future mercury monitoring reports public, pay a nominal fine of \$100, and donate \$50,000 to charity.

CHALLENGED CANADA'S APPROVAL OF HARMFUL PESTICIDES

You're helping us safeguard the health of people in Canada, as we fight against dangerous substances such as glyphosate and chlorpyrifos.

The latter pesticide, which is linked to brain damage in children, is being allowed to stay in use through December 2023. We think that's unacceptable. So, we launched a lawsuit to fight for greater transparency, consistency, and accountability in how the Pest Management Regulatory Agency (PMRA) makes decisions regarding harmful chemicals.

As for the herbicide glyphosate — which was classified by an agency of the World Health Organization as "probably carcinogenic to humans" — we want it banned, just like it is in other countries.

On that front, we scored another major legal win earlier this year when the Federal Court of Appeal ordered the PMRA to reconsider an objection to its approval of glyphosate. In doing so, the Court upheld Canadians' right to participate in decision-making about risky pesticides that impact their health and that of the environment.

We're not stopping there, but this was a crucial first step.

"If you have come here to help me you are wasting your time, but if you have come because your liberation is bound up with mine, then let us work together."

— ABORIGINAL ACTIVIST LILLA WATSON, 1970

N A T U R E

“If our leaders don’t lead then we have to. If all our leaders ask is that we are quietly complicit with destruction, we say we are a better species than that. All over Turtle Island people are rising up to reclaim their roles as caregivers for the Earth, to be more than consumers, to be givers.”

— WRITER AND SCIENTIST DR. ROBIN WALL KIMMERER, 2015

HELD CORPORATIONS TO ACCOUNT FOR PLASTIC POLLUTION

We kicked off the year with a huge win when Keurig Canada was ordered to pay a \$3 million penalty for misleading consumers about the recyclability of its plastic K-Cup pods.

This victory followed a 2019 submission by Ecojustice and the University of Victoria Environmental Law Clinic to the Competition Bureau. In addition to the fine, Keurig will make a \$800,000 donation to an environmental charity and pay \$85,000 in Competition Bureau expenses for the case.

We’re also wading into the fight against plastic pollution.

NOVA Chemicals, Dow, and Imperial Oil are leading a coalition challenging the federal government’s decision to list plastic manufactured items as toxic under the *Canadian Environmental Protection Act* (CEPA). Backed by supporters like you, Ecojustice lawyers will be representing Oceana Canada and Environmental Defence as intervenors in the lawsuit.

DEFENDED WILD SALMON

From British Columbia to Newfoundland and Labrador, you’ve helped us defend vulnerable wild fish.

We were in court again last October to make sure the decision to phase out fish farms in the Discovery Islands sticks. To get to this point, Ecojustice had worked with scientists, activists, and First Nations for years to protect wild salmon in British Columbia from the risk of diseases, viruses and parasites from open-net fish farms. And, thanks to the 17,400 of you who backed our call, then-Minister of Fisheries and Oceans Bernadette Jordan got the message and ordered a phase-out.

On the other side of the country, the Newfoundland and Labrador Court of Appeal confirmed that the province’s environmental assessment of the Indian Head Hatchery expansion was unlawful. This means the expansion cannot proceed unless a new assessment is conducted, which is great news for the declining wild Atlantic salmon population.



TOOK A STAND FOR OLD-GROWTH FORESTS

You're helping us challenge misleading sustainability claims in wood products and in doing so, protect irreplaceable old-growth forests.

On behalf of six concerned Canadians, we triggered an investigation into the Canadian Standards Association (CSA). Why? Because what they claim as 'sustainable forestry' is anything but.

When the CSA certifies even old-growth logging as sustainable, it dupes well-intentioned consumers.

In fuelling ourselves with hope, we've found it's so much more than a passive wish for change. It's an active process, one that involves identifying the problem and then taking steps towards solving it.

So with your support, and our partners Stand.earth and Ancient Forest Alliance, we filed the complaint this July. The federal Competition Bureau is now moving forward with the investigation.

YEAR IN REVIEW



Defended wild salmon in British Columbia and Newfoundland and Labrador



Celebrated designation of the Tent Mountain coal mine project for a federal assessment



Joined the fight to defend the federal government's efforts to regulate plastic pollution



Brought about Keurig Canada's \$3 million fine for greenwashing its single-use K-Cup pods



Protected vital Ontario wetlands from being paved over



Forced De Beers to plead guilty to mercury pollution reporting failures



Exposed flaws in B.C.'s accounting for its protected and conserved areas



Struck a blow against free entry mining on behalf of the Mitchikanibikok Inik First Nation



Prepared seven youth climate leaders for their day in court this September



Cheered the end of thermal coal mining in Canada



Helped pass the *Canadian Net-Zero Emissions Accountability Act* which holds Canada to account for achieving its emissions reduction targets



Welcomed news that all metallurgical coal mines will undergo federal impact assessments



Celebrated a court order requiring Health Canada to reassess an objection to its approval of dangerous pesticide glyphosate



The youth-led climate lawsuit, *Mathur et al. v. Her Majesty in Right of Ontario*, is already a Canadian first, having survived all attempts to derail it.



Stood strong against Premier Kenney's inquiry into "anti-Alberta" activities, winning in the court of public opinion



Triggered an investigation into the Canadian Standards Association's misleading "sustainable forestry" certification

F I N A N C I A L S

STATEMENT OF OPERATIONS

Fiscal year ended October 31, 2021

	2021	2020
REVENUE		
Donations	5,328,520	5,008,364
Grants	1,854,024	2,089,656
Bequests	823,850	737,675
Contribution from University of Ottawa	100,000	100,000
Cost award and recoveries and other	87,884	623,793
Investment income	55,789	261,931
	\$ 8,250,067	\$ 8,821,419
EXPENSES		
Salaries and compensation	5,486,484	5,071,298
Facilities and office	1,215,136	1,211,100
Contracts	446,460	372,396
Fundraising	391,321	382,553
Public education	315,918	274,701
Litigation and program support	237,351	179,271
Amortization of property and equipment	169,150	157,395
Human resources	67,878	56,341
Science and research	25,114	31,357
Travel	9,519	69,325
	\$ 8,364,331	\$ 7,805,737
(Deficiency) excess of revenue over expenses	(114,264)	1,015,682
NET ASSETS AT BEGINNING OF YEAR	\$ 5,800,912	\$ 4,785,230
NET ASSETS AT END OF YEAR	\$ 5,686,648	\$ 5,800,912

Ecojustice maintains internally restricted funds to safeguard the Society's ability to continue as a going concern and to ensure the completion of current cases. Our full audited financial statements are available on our website at ecojustice.ca.

Thank you for building the case for a better earth with Ecojustice.



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