

ecojustice

VICTORIES REPORT

2019

The image features three vibrant rainbow trout swimming in clear water. They are positioned behind the large number '2019', which is rendered in a dark teal color. The fish are shown in various orientations, with one in the foreground and two slightly behind it, creating a sense of depth. The background is a soft, out-of-focus blue and green, suggesting an underwater environment.

A PIVOTAL MOMENT



OUR VISION

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

OUR MISSION

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

Dear friend,

Around the world, young people — afraid for their future yet inspired by 16-year-old Greta Thunberg of Sweden —are resolutely raising their voices to demand greater climate ambition from world leaders.

The United Nations IPCC report, released last October, made it crystal clear that swift, urgent action is required to avert disaster. We have just 11 years to act and secure a safe climate for future generations, say the world's leading climate scientists.

As someone who stands with Ecojustice to build the case for a better earth, you are fighting for a safer, healthier environmental future. You are an ally to young people everywhere.

From keeping communities coal-free to setting legal precedents that hold polluters and government to account, you had a powerful impact this year.

Still, big challenges lie ahead. Canada has so far failed to meet every greenhouse gas emissions target it has ever set, lags behind other nations in recognizing your environmental rights, and needs to do more to protect endangered wildlife.

The upcoming federal election is an opportunity for Canadians to give the incoming government a mandate to take meaningful action in all of these areas. And in this publication, we lay out Ecojustice's vision of what that government can — and must — do to safeguard the environment.

The Thunberg-led *Fridays for Future* school strikes demonstrate that great mobilization on behalf of the earth is underway and gaining momentum.

Ecojustice's unique offering to this movement here in Canada is our legal expertise. But the seeds of change lie in our collective power.

So we thank you for standing with us at this pivotal moment in time. And we ask that you continue to do so.

With you as our partner, Ecojustice will take on more bold legal action to protect this living planet for today's young people and future generations.

Onward,



Devon Page

Devon Page
Executive Director



Lori Williams

Lori Williams
Board Chair

Board of Directors

Kate Bayne
Trisha Beaty
Ian Burgess
Deborah Carver
Abigail Dillen
Won J. Kim
Sara Mainville
Madeleine Redfern*
Dr. Anna Reid
David Rosenberg, Q.C.
Will Roush
Leonard Schein
Richard C. Secord
Hugo Seguin
Lori Williams
Kate Zeidler

*Outgoing as of April 2019





CLIMATE

From floods to forest fires and heat waves, the frequency of climate-related events this past year has served as a wakeup call for many of us.

Our visceral experience is underpinned by what the science tells us: We must limit warming to 1.5°C, as required under the Paris Agreement, or risk climate disaster. Globally, this means halving carbon emissions by 2030 and getting to zero emissions by 2050.

The good news is that communities, businesses, and cities around the world are already embracing clean-energy solutions. As an Ecojustice supporter, you are at the forefront of this transformation.

A TRIUMPH FOR HUMAN HEALTH

By empowering ordinary people with legal tools to halt the expansion of dirty coal exports through Vancouver's Lower Mainland, you helped protect the climate and human health.

Ecojustice's lawsuit to stop the expansion of a coal transfer facility on the Fraser River played a key role in the local Port Authority's decision to axe the permit for this controversial project. It marks a big win for local residents — and is a testament to what can be achieved when we work together.

Consider this victory alongside Ecojustice's successful Trans Mountain lawsuit (see page 8) and your impact can be measured in these terms: You have kept more than 21.9 million tonnes of heat-trapping gases from entering the atmosphere each year.

I love that Ecojustice's groundbreaking lawsuits hold corporations and government to account ensuring Canada does its part to fight climate change. That's why I've left a gift to Ecojustice in my will.

— Lynda Griffiths, Vancouver, B.C.
Ecojustice volunteer and supporter since 1993

CANADA'S CLIMATE FUTURE

Thanks to you, Canadians and the Athabasca Chipewyan people had a voice in constitutional challenges that will determine Canada's climate future.

Ecojustice got involved in a high-stakes legal fight to uphold the federal government's ability to swiftly implement measures to cut Canada's carbon emissions. Reducing carbon pollution in Canada is a matter of national concern. Under Ecojustice's watch — and with the law on our side — no province will go unchallenged if it wants to give polluters a free pass and opt out of climate action.

A word from our client:

"It's thanks to Ecojustice that everyday people could challenge the port authority over a coal transfer facility that would put human health and the climate at risk."

— Paula Williams, Communities and Coal

Climate change constitutes a national emergency that threatens our health, safety, and quality of life. Your ongoing support means that Ecojustice can continue to defend nationally-coordinated efforts to address that emergency.

THE NEED FOR CLIMATE LEGISLATION

The gravity of the climate crisis can understandably leave us feeling overwhelmed. Our antidote to despair is action. As Ecojustice's partner, you are pushing for bold climate action here in Canada, where we have missed every climate target we've ever set.

Getting Canada on track to meet its Paris Agreement targets requires three key components: Strong, enforceable climate laws; binding emissions reduction targets; and accountability for implementing a plan to achieve those targets.

Recent polling indicates that climate change is a priority issue for the majority of Canadian voters. That means any party serious about forming government must have a credible climate platform that reflects the degree of urgency and resolve this humanitarian challenge demands.

Should the incoming government fail to rise to that challenge, Ecojustice stands ready to use the power of the law to defend your right to a safe climate.

ALAN ANDREWS,
Climate program director





HEALTHY COMMUNITIES

Your support is making a difference in Ecojustice's work to reduce our exposure to toxic substances, hold polluters to account, and advance the right to a healthy and ecologically-balanced environment.

Plastic pollution is a global crisis. In Canada, plastic is already showing up in our drinking water, the air we breathe and our food chain. That's why Ecojustice petitioned the federal government to use its regulatory powers to address the threat plastic pollution poses to the environment and your health — and why we're committed to using every legal tool to

address this widespread problem.

Game-changing litigation is what Ecojustice does best — and it's only possible because people like you are committed to building the case for a better earth.

VICTORY AT THE SUPREME COURT

Thanks to you, polluters must put the environment before their creditors.

Ecojustice's successful intervention at the Supreme Court of Canada set a national precedent that says polluters must pay to clean

up their messes — in this case, bankruptcy trustees must pay to properly decommission their oil wells and clean up the natural environment before any of Redwater Energy Corporation's creditors get paid.

A win for the environment, Alberta taxpayers, and community members, this landmark ruling forces energy companies to be more environmentally responsible. But there is more work to be done.

Broad systemic problems have led to more than 89,000 inactive wells in Alberta. With your support, Ecojustice will continue to fight for legal solutions to protect landowners, clean up those wells, and defend the environment.

DEFENDING ONTARIANS' ENVIRONMENTAL RIGHTS

Your support is giving Ontarians a voice in court to uphold their environmental rights.

Ecojustice sued Premier Doug Ford's government for violating the Environmental Bill of Rights, a flagship law unique to Ontario, when it failed to consult the public on a regulation that dismantled the province's cap and trade program for combatting climate change. Our legal challenge is a stern reminder to Premier Ford that winning an election does not mean he is above the law.

Your continued support will ensure that Ecojustice can build on its long history of standing up for the rights of Ontarians to know about, participate in, and challenge environmental decision-making that affect people and our planet.

A word from our client:

"Watching the Ecojustice team in court to uphold Ontarians' environmental rights reminded me why it's critical to support these legal experts."

— *Keith Stewart, Greenpeace*

ENVIRONMENTAL RIGHTS IN FEDERAL LAW

More than 150 countries recognize their citizens' right to a healthy environment. Canada is not among them. As an Ecojustice supporter, you are helping change that reality.

In recent years, Ecojustice has advanced the case for the legal recognition of your right to a healthy environment. And with your continued support, we will advocate for this right to be recognized in federal law.

Canadians will vote this October to determine our next government — one we hope makes history by enshrining your right to a healthy environment in the Canadian Environmental Protection Act, the federal law that regulates pollution and toxic substances.

Thank you for standing with Ecojustice to secure clean air, water, and a healthy environment for all.

DR. ELAINE MACDONALD,
Healthy Communities program director



NATURE

Nature sustains us. The air you and I breathe, the water we drink, and the food we eat all depend on the intricate web of life.

But that web is unraveling. Plant and animal species are disappearing in Canada at a terrifyingly rapid rate — and it's largely due to human-caused habitat loss or degradation. A disrupted climate compounds this already-dire situation.

That makes Ecojustice's work more important than ever. By supporting Ecojustice, you ensure government and industry are held to account and do their part to protect nature and Canada's wildlife.

A BIG WIN FOR WILD SALMON

Thanks to you, help is on the way for British Columbia's declining wild salmon populations.

This year, a successful Ecojustice lawsuit set a strong precedent that says the federal government cannot ignore wild salmon health. In particular, the court struck down the Minister of Fisheries and Oceans' illegal policy of not

A word from our client:

"I'm grateful to Ecojustice for helping me go to court to protect wild salmon from a harmful virus found in fish farms. These brilliant lawyers are winning legal precedents that help preserve B.C.'s coastal ecosystems."

— Alexandra Morton, independent biologist

testing farm fish — tens of millions of which are caged in open-net pens off the B.C. coast — for piscine orthoreovirus, a highly-contagious virus harmful to wild salmon.

Your continued support means Ecojustice can monitor the federal government to ensure it fulfills the court's orders to produce a new, science-based policy that accounts for wild salmon health.

Healthy wild salmon are, after all, central to one of the most important energy exchanges in nature. They feed eagles, bears, and so much more — including the endangered orcas you help defend.

VICTORY FOR ENDANGERED ORCAS

Because of your steadfast support, the 74 remaining Southern Resident killer whales who make their home in B.C.'s coastal waters have a fighting chance at survival.

Our legal victory over the Trans Mountain pipeline set a landmark precedent. The Court confirmed that the federal government cannot legally approve an industrial project based on a flawed environmental assessment — in this case, an assessment that ignored the impacts of marine shipping on endangered orcas.

For nearly a decade, the Ecojustice community has played an instrumental role in supporting litigation to force the federal government to uphold its legal obligations to protect endangered orcas. Now, the fight continues. With Cabinet likely to re-approve the Trans Mountain pipeline, the Ecojustice team — in partnership with you — is preparing to use the full force of the law to respond.



A CLEAR PATH FORWARD

The *Species at Risk Act*, one of Canada's key federal laws, provides a sound framework for protecting Canada's precious wildlife. And, while we wish that we didn't have to, taking the government to court is one of the most effective ways to ensure government actually implements and upholds its own law.

As another federal election cycle gets underway, we call on all parties to remember that Canadians expect our government to implement the *Species at Risk Act* to its fullest extent and protect Canada's biological wealth for our children and future generations.

Together, we are using the law to defend nature and safeguard the water, land and skies wildlife need to survive. In doing so, we also protect

"Thank you Ecojustice for your dedication to protecting wild salmon, which in turn helps ensure the survival of endangered orcas. I'm so grateful you're on the case."

— Brenda Bell, Williamswood, N.S.

Ecojustice supporter and monthly donor since 2006

our health and the economies and cultures that depend on our natural systems.

Thank you for partnering with Ecojustice to keep the web of life intact.

MARGOT VENTON,
Nature program director



FINANCIALS

REVENUE

| |
|--|
| Donations |
| Grants |
| Bequests |
| Contribution from University of Ottawa |
| Investment Income |
| Cost award and recoveries and other |

EXPENSES

| |
|--|
| Amortization of property and equipment |
| Contracts |
| Facilities and Office |
| Fundraising |
| Human resources |
| Litigation program and support |
| Public education |
| Salaries and compensation |
| Science and research |
| Travel |

Excess of revenue over expenses

NET ASSETS AT BEGINNING OF YEAR

NET ASSETS AT END OF YEAR

STATEMENT OF OPERATIONS

Fiscal year ended October 31, 2018

2018

4,851,403
1,674,703
722,455
100,000
7,338
86,126

\$ 7,442,025

145,540
404,463
1,000,651
367,887
61,683
625,089
280,360
4,058,722
7,333
185,553

\$ 7,137,281

304,744

\$ 4,724,003

\$ 5,028,747

2017

4,128,957
1,119,056
821,587
166,500
91,007
77,816

\$ 6,404,923

113,080
297,830
822,348
370,294
65,856
186,467
129,845
3,606,619
2,637
101,005

\$ 5,695,981

708,942

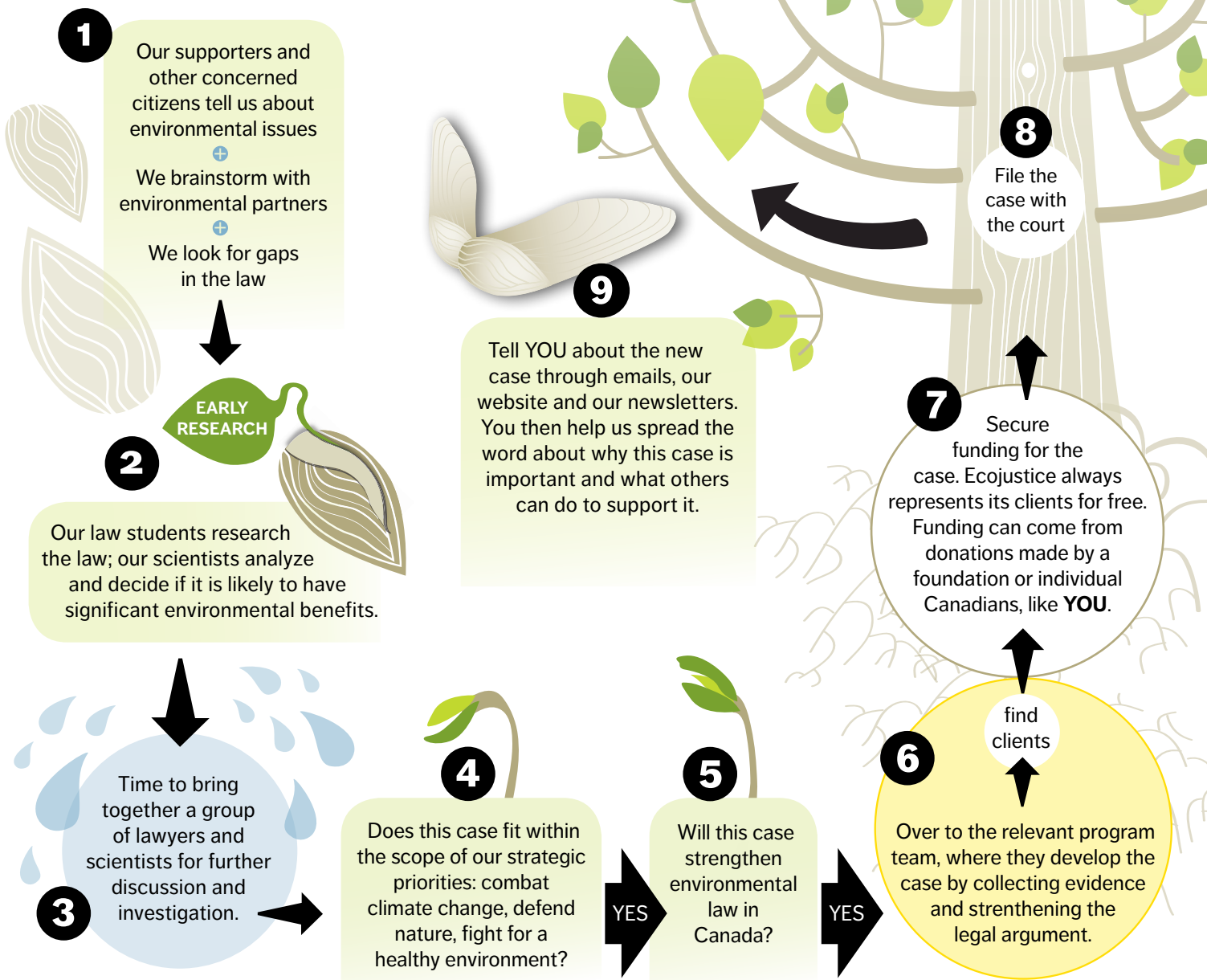
\$ 4,015,061

\$ 4,724,003

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.

HOW WE PICK OUR CASES

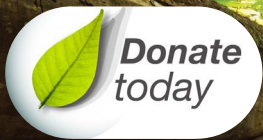
Taking an environmental issue to court is a complex, lengthy and expensive process. But a victory is a concrete and long-lasting win for the environment. We strive for long-term results that set legal precedents and strengthen how laws are enforced to provide a brighter environmental future for all Canadians. Here's how we determine which cases to take to court.



YEAR IN REVIEW

- ▶ Set a national-precedent that says polluters must pay to clean up their messes.
- ▶ Went to court to protect pollinators from bee-killing pesticides.
- ▶ Launched a lawsuit to protect boreal caribou in Alberta.
- ▶ Stopped the expansion of U.S. coal exports through Vancouver's Lower Mainland.
- ▶ Litigated to protect the Gulf of St. Lawrence from risky offshore drilling.
- ▶ Negotiated a settlement with the Ontario government around recovery strategies for at-risk species.
- ▶ Set a legal precedent that says the federal government must account for wild salmon health.
- ▶ Sued Premier Ford's government for violating Ontarians' environmental rights.
- ▶ Won a lawsuit that overturned the federal government's original approval of the Trans Mountain pipeline project.
- ▶ Intervened in constitutional challenges that could determine Canada's climate future.

**THANK YOU FOR BUILDING
THE CASE FOR A BETTER EARTH
WITH ECOJUSTICE!**



ecojustice.ca

Suite 390, 425 Carrall Street, Vancouver BC V6B 6E3

| 1 800 926 7744

| donor@ecojustice.ca

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