

## Environmental justice a priority

By Nate Smelle

Ontario's environmental commissioner, Dianne Saxe recently presented her annual report on the state of environmental justice in the province, "Good choices, bad choices: Environmental rights and environmental protection in Ontario." Focusing on water and air quality, species-at-risk, toxic algae and environmental justice for Indigenous communities, the report addresses both the successes and failures over the past year. Though the report does highlight a few success stories, it identifies far more failures.

If one thing is made clear from the report, it is that "governments and industries have been turning a blind eye to contamination that adversely affects the health, ecology and economies of Indigenous communities." Pointing out that 34 First Nations communities have been under a drinking water advisory for more than a year, and that 17 of these communities have been under an advisory for over a decade, Saxe says the government needs to make access to safe drinking water for First Nations communities a high priority. The lack of safe drinking water is not the only threat water pollution poses for Indigenous communities. For nearly 60 years, mercury contamination "mainly from a pulp and paper mill that closed its operation there 30 years ago" has poisoned the Wabigoon-English River ecosystem and stripped the people of Wabaseemoong and Grassy Narrows of important facets of their cultural practices, livelihoods and health.

Poor co-ordination between federal departments and the high-cost of doing things in remote communities are a significant part of the problem. With the loss of the ice roads due to climate change, these costs are growing higher in the north. Furthermore, because the federal government will only provide 80 per cent of the capital cost for a water treatment plant, Saxe says many First Nations communities cannot afford to implement the solutions needed.

"You have to recognize that some places have a few thousand people, but there are some with just a few handfuls of people. When you add to that with the continuing effects of residential schools, and the destruction of commercial fisheries "either through overfishing or through pollution" how are they to come up with either the personal or financial resources to pay for their 20 per cent?"

Poison water is not the only form of pollution terrorizing First Nations in Ontario. Air pollution is also a continuing threat for Indigenous communities. The members of the Aamjiwnaang First Nation know the severity of this deadly threat all too well. With approximately 40 per cent of Canada's chemical industry located around Aamjiwnaang, it is known as one of the "most polluted places in Ontario." Describing the situation in Aamjiwnaang as "a legacy of land use planning decisions that would never be allowed today", the report indicates that the primary source of air pollution in this community are six large petrochemical and petroleum refineries. On some streets there are homes on one side of the street and refineries on the other. One facility is located less than a kilometre from the local daycare centre.

"How many places in Ontario do they need to have a siren in front of a kindergarten in case the air the air becomes too dangerous to breathe, and a wind sock to know what direction they need to run in?"

Acknowledging that the Ministry of Environment and Climate Change has recently made some progress by clarifying some of its regulatory standards, enhancing its monitoring, laying charges for some spills and developing a stronger relationship with the community, Saxe says the residents of Aamjiwnaang continue to be exposed to highly toxic air pollution. She is calling on the province to make environmental justice part of its reconciliation with Indigenous peoples.

The commissioner's report also reveals how the Ministry of Natural Resources and Forestry (MNRF) is failing to protect species-at-risk. For example, in the case of the Algonquin wolf, although it is illegal to kill a threatened species in Ontario the MNRF has still decided to strip the species of its protection throughout much of its habitat. Considering the 250 mature Algonquin wolves remaining in the wild face numerous threats "hunting, trapping and loss of habitat" she says the species has a slim chance of surviving if it does not have full protection. Unfortunately, the Algonquin wolf is not the only species-at-risk with such a dire diagnosis.

"The MNRF admits that 28 species-at-risk in their area of undertaking are not adequately protected by the rules that the ministry is enforcing. They admit that, and yet they are doing nothing to improve those rules?"

Of the 3,000 applications the MNRF has received, Saxe says they have yet to turn down single applicant requesting to kill, harm or damage a species-at-risk. Although there are measures in place to protect species-at-risk and biodiversity, she says they are only effective if they are implemented and enforced properly. One of the challenges with the MNRF is that they claim to need to balance resources against wildlife, however, she says when it comes down to it that balance is never in favour of the interests of the wildlife. Saxe is keeping a keen eye on the accumulative effects of this unbalance.

"I'm pushing the ministry to change their balance. If they have a regulatory system, they need to have the ability to say no. And, they

need to make it clear to the staff that they have the right to say no. They also need to make it clear to the regulated community that they will be checked on it and there will be consequences. The probability of being caught is what drives people to comply.?

While some individuals do act as good stewards, Saxe says there needs to be environmental regulations that are enforced, because the numbers of species-at-risk continue to decline. Just because the parliament building contains wood that could be harvested for pulp and paper, does not mean it's a good idea to dismantle the parliament buildings, she says.

?There are areas of high-value biodiversity that should not be cut down. Not everything, not every part of every forest should be cut down. We need to protect some parts in order to protect the species that we share the province with. That's the job of the MNRF. They've been given that job by the legislature, and they haven't been doing it properly.?