

REPORT NO. 269 of the
ENVIRONMENT, TRANSPORTATION & PUBLIC SAFETY
STANDING COMMITTEE
of its meeting held June 17, 2015

Present:

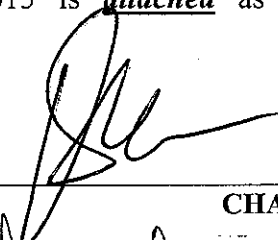
- Councillor P. Borrelli**
- Councillor F. Francis**
- Councillor C. Holt**
- Councillor H. Payne**
- Councillor B. Marra (Chair)**

That the following recommendations of the Environment, Transportation and Public Safety Standing Committee **BE APPROVED:**


Moved by Councillor Francis, seconded by Councillor Holt,
THAT the letter from Windsor-Essex Youth Advising City Councillors (WE-YACC) and Blue Dot Windsor dated May 29, 2015 regarding a healthy environment **BE REFERRED** to the Windsor Essex County Environment Committee.

Carried.

Clerk's Note: The letter from Windsor-Essex Youth Advising City Councillors (WE-YACC) and Blue Dot Windsor dated May 29, 2015 is attached as background information.

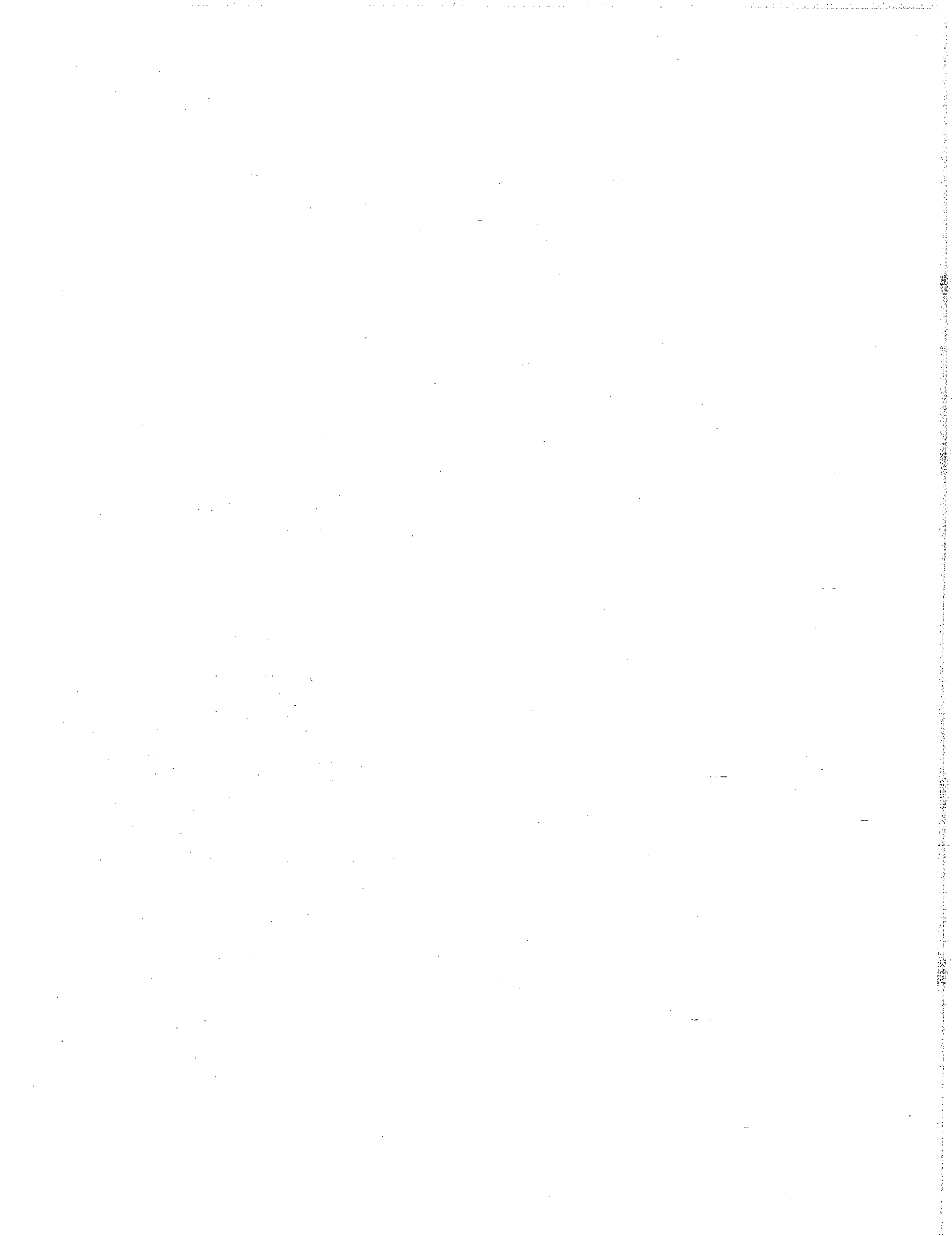


CHAIRPERSON



SUPERVISOR OF COUNCIL SERVICES

NOTIFICATION:	
NAME	CONTACT INFORMATION
Claire Ferris	claireferris@gmail.com





David
Suzuki
Foundation

To: Mayor and Council
350 City Hall Square West
Windsor, Ontario N9A 6S1

May 29, 2015

Dear Mayor and Council:

I write to you today on behalf of Windsor-Essex Youth Advising City Councillors and on behalf of Blue Dot Windsor volunteers and supporters to ask you to join residents of Windsor in support of our right to a healthy environment.

Around the world, more than 110 nations recognize their citizens' right to a healthy environment. But not Canada. The Blue Dot Movement, started by the David Suzuki Foundation, is the simple, yet powerful idea that all Canadians deserve the right to clean air, healthy food, and fresh water. Since October of last year, 74,468 Canadians have signed and 53 municipal governments have passed declarations showing support for their residents' right to a healthy environment. As municipalities pass these declarations, they are then calling upon provinces to make changes to environmental bills of rights. Once seven out of 10 of provinces are on board, the final push is to see the Charter of Rights and Freedoms amended to include our right to a healthy environment.

Windsor is making strides. The creation of the Environmental Master Plan has been a great tool for shaping our environmental future. The dedication of our current council to the development of healthy transit options, including actively adding bike lanes to roadways, is encouraging. The environmental considerations for large infrastructure projects such as the Lou Romano Water Reclamation Plant and the Rt. Hon. Herb Gray Parkway are excellent examples of what our local government and stakeholders are able to accomplish. However, as Windsor continues to work on environmental initiatives, we also want to ensure that we are working toward an even brighter future-- a future where we don't have "cancer clusters", where we don't have to fight to preserve our parklands, where we and future generations can swim safely in our lakes and rivers.

We hope you will join us on our path toward amending the Charter of Rights and Freedoms by passing a declaration for Windsor in support of our right to a healthy environment.

As we say around here, "The river and the land sustain us." The core values of our city are based within access to clean air, healthy food, and fresh water. Let's work together to show the rest of Canada the heart of Windsor is a healthy environment and that this truly is a great place to live.

Sincerely,

Claire Ferris

Blue Dot Windsor Organizer; WE-YACC Youth Advisor; Windsor Resident, Ward 4

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David
Suzuki
Foundation



briefing note

Subject: The Right to Live in a Healthy Environment

ISSUE:

The inextricable link between environmental and human health is now widely recognized. Nine out of 10 Canadians are concerned about the impact of environmental degradation on their health and the health of their children¹ - and with good reason. The World Health Organization estimates environmental contamination, including polluted air and water, causes as many as 36,000 premature deaths annually in Canada.² Preventable environmental hazards contribute up to 1.5 million days in hospital annually due to cardiovascular disease, respiratory illness, cancer, and birth defects alone.³ The environment has a tremendous influence on our health and well-being.⁴

Municipal governments make decisions that affect transportation, housing density, waste disposal and other issues related to the quality of the environment. Local governments also have the power to pass bylaws to protect residents from environmental harm. A municipal declaration recognizing the right to a healthy environment would show support for residents' rights to clean air, water and safe food, signal municipal leadership in building a healthy, sustainable community and draw attention to the Canadian Constitution's silence on environmental issues.

RECOMMENDATIONS:

The David Suzuki Foundation and partners recommend that the municipality:

1. Officially recognize the Right to a Healthy Environment, through a municipal declaration or equivalent measure;
2. Respect, protect and fulfill the right to a healthy environment within municipal boundaries; and
3. Encourage provincial and federal action to protect the right to a healthy environment for all Canadians.

BACKGROUND:

Over the past 50 years, the right to a healthy environment has gained recognition faster than any other human right. More than 110 governments around the world, including several cities, have already recognized their citizens' right to live in a healthy environment through bylaws, declarations, legislation, charters and constitutional provisions. In the United States, over 150 local governments have passed ordinances that recognize citizens' right to a healthy environment and protect them from a range of harmful practices.⁵ The rights protected by these legal instruments include breathing clean air, drinking clean water, consuming safe food, accessing nature and knowing about pollutants and contaminants released into the local environment. Evidence shows that most countries with environmental rights and responsibilities in their constitutions:

- Enjoy stronger and better enforced environmental laws;
- Demonstrate enhanced government and corporate accountability;
- Have smaller per capita ecological footprints;
- Rank higher on environmental performance in over a dozen key areas;

- Are more likely to have ratified international environmental agreements; and
- Have been more successful in reducing greenhouse gas emissions.⁶

Today, Canada's Charter of Rights and Freedoms presently does not explicitly protect or even address environmental rights, leaving Canada among a minority of countries that do not yet recognize the right to a healthy environment. Just as the Charter guarantees us freedom of expression and protects us from discrimination, environmental rights would ensure that our laws and policies protect the basic elements of our survival, such as clean air, safe water and unpolluted land.

While five provinces and territories have some modest form of environmental rights legislation, even in these jurisdictions (Quebec, Ontario, the Yukon, Northwest Territories, and Nunavut) the laws have significant weaknesses that undermine their effectiveness and need to be substantially strengthened.

Municipal governments can help move toward developing an overarching environmental legal framework in Canada. Yellowknife became the sixth city in Canada to pass an environmental rights declaration in December 2014, following other municipalities like Montreal and Vancouver.

CONCLUSION:

Most of us understand that the environment is a key factor in sustaining healthy communities. Environmental rights support many issues Canadians care about – healthy food, land use and development, water and air quality, climate change, habitat and biodiversity protection, parks creation, children's access to nature, social justice and more. Yet Canada lacks important legal protection for environmental rights. All levels of government must take action to address this oversight. Municipal adoption of a declaration respecting all residents' right to a healthy environment will set an important precedent and can inspire action at other levels of government, ultimately resulting in better environmental performance and a healthier population in Canada.⁷

CONTACT:

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DRAFT December 2014

¹ McAllister, A. 2010a. A Backyard Field Guide to Canadians. Vancouver: McAllister Opinion Research; Hoggan and Associates. 2009. Sustainability Research Initiative. Vancouver: James Hoggan and Associates.

² World Health Organization. 2008. National Estimates of Environmental Burden of Disease – Canada. Geneva: World Health Organization.

³ Boyd, D. R. and S. Genuis. 2008. "The Environmental Burden of Disease in Canada: Respiratory Disease, Cardiovascular Disease, Cancer, and Congenital Affliction." Environmental Research 106: 240-49.

⁴ Boyd, D. 2012. The Right to a Healthy Environment. Vancouver: UBC Press.

⁵ Community Environmental Legal Defense Fund. Community Rights. <http://www.celdf.org/section.php?id=423>.

⁶ Boyd, D. R. 2013. "The Importance of Constitutional Recognition of the Right to a Healthy Environment" <http://davidsuzuki.org/publications/2013/11/DSF%20White%20Paper%201--2013.pdf>

⁷ Boyd, D. 2012. The Right to a Healthy Environment. Vancouver: UBC Press.

Municipal Declaration
The Right To A Healthy Environment

Whereas the MUNICIPALITY understands that people are part of the environment, and that a healthy environment is inextricably linked to the well-being of our community;

AND WHEREAS, The MUNICIPALITY finds and declares that:

1. All people have the right to live in a healthy environment, including:
 - (a)The right to breathe clean air;
 - (b)The right to drink clean water;
 - (c)The right to consume safe food;
 - (d)The right to access nature;
 - (e)The right to know about pollutants and contaminants released into the local environment; and,
 - (f)The right to participate in decision-making that will affect the environment
2. The MUNICIPALITY has the responsibility, within its jurisdiction, to respect, protect, fulfill and promote these rights;
3. The MUNICIPALITY shall apply the precautionary principle: where threats of serious or irreversible damage to human health or the environment exist, the MUNICIPALITY shall take cost effective measures to prevent the degradation of the environment and protect the health of its citizens. Lack of full scientific certainty shall not be viewed as sufficient reason for the MUNICIPALITY to postpone such measures
4. The MUNICIPALITY shall apply full cost accounting: when evaluating reasonably foreseeable costs of proposed actions and alternatives, the MUNICIPALITY will consider costs to human health and the environment.
5. As part of the development of the 20-year strategic plan for 2035, the MUNICIPALITY shall specify objectives, targets and timelines and actions the MUNICIPALITY will take, within its jurisdiction, to fulfill residents' right to a healthy environment, including priority actions to:
 1. Responsibly increase density;
 2. Prioritize walking, cycling and public transit as preferred modes of transportation;
 3. Ensure adequate infrastructure for the provision of safe and accessible drinking water;
 4. Promote the availability of safe foods;
 5. Reduce solid waste and promote recycling and composting;
 6. Establish and maintain accessible green spaces in all residential neighbourhoods;
 7. In taking these aforementioned steps, continue to protect and restore the biodiversity and ecosystem services of the many unique and varied natural features that define our MUNICIPALITY, from Lake Erie to Lake St. Clair to the Detroit River and the Ojibway Parkland, with new developments as Lou Romano Water Reclamation Plant and Rt. Hon. Herb Gray Parkway at its heart;

THEREFORE BE IT RESOLVED:

(a) That the Mayor, on behalf of City Council, be directed to correspond with the Right Honourable Stephen Harper and the Honourable Kathleen Wynne, Premier of Ontario, calling for a public review of the Ontario Environmental Bill of Rights in order to improve the Act and to include recognition that all people have the right to live in a healthy environment and the development of federal and provincial legislation that recognizes that all people have the right to a healthy environment;

(b) That the City Manager be directed to review and report on the objectives, targets, timelines, and actions, and evaluate progress towards fulfilling this declaration as part of Windsor's next Reports on the State of our Environment as part of Windsor's Environmental Master Plan, developed with extensive input from residents and stakeholders, the five goals of which are to improve our air and water quality; create healthy communities; green Windsor; use resources efficiently; and, promote awareness.

(c) That the Mayor and City council be directed to include this declaration as part of the creation of the 20 year strategic plan for Windsor for 2035; that the values and goals created as part of the Environmental Master Plan be upheld and developed further and that;

(d) That staff be directed to continue to consult with residents as part of the Right to a Healthy Environment process including on-going Environmental Attitudes Surveys every 5 years.

