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# VICTORY OVER TRANS MOUNTAIN

In a resounding victory, the Federal Court of Appeal struck down the federal government's approval of the Trans Mountain pipeline project – effectively slamming the door shut on a project that, as it turns out, was never approved legally in the first place. This hard-fought victory took over six years and countless efforts on the part of First Nations, our clients and lawyers, and supporters like you.



The court's recent Trans Mountain decision was many things. A win for endangered Southern Resident killer whales. A victory for Indigenous rights. An opportunity for Canada to embrace an accelerated transition away from fossil fuel dependency toward a clean energy economy.

It was also a stark warning to the government: don't expect to ignore the law and get away with it.

Thanks to your critical support, we fought the project – and won – on the argument that Cabinet should not have approved the expansion on the basis of a flawed National Energy Board (NEB) review that left out the impacts of marine shipping on Southern Resident killer whales.

As a result of this win, the government has been forced to order the NEB to go back and launch a new review of the marine shipping impacts of this pipeline expansion. This new assessment is the direct result of our hard-fought victory, a victory that was only possible with the help of Ecojustice supporters like you.

But the fight isn't over. The government's announcement raised serious red flags: a hasty timeline, and no discussion on how to actually mitigate the threats the expansion poses to the Southern Resident killer whales.

We know from the uncontroverted evidence our clients presented during the NEB's original review of the Trans Mountain project that this pipeline expansion has a greater than 50 per cent chance of dooming these endangered orcas to extinction.

Ecojustice remains committed to protecting endangered Southern Resident killer whales from future threats, such as increased tanker traffic from the Trans Mountain project. Together with our partners – and our loyal supporters like you – we're turning to the courts once more as we fight to protect this endangered population from existing threats to its survival and recovery.

*{read more on fighting for orca protections on page 3}*

# LETTER FROM THE EXECUTIVE DIRECTOR

From problematic pipelines to persistent pesticides, Ecojustice is hard at work this fall using the power of the law to protect the environment, the climate and our communities. All thanks to your support.

In the 28 years since Ecojustice first opened its doors, our legal team – backed by you and thousands of Canadians from coast to coast to coast – has gone to court countless times to defend nature, combat climate change and fight for healthy communities. And won.

**The most recent victory over the Trans Mountain expansion pipeline shows exactly what we can achieve together when we use the power of the law and science to protect nature – and I personally want to thank you.**

As an environmental law charity that is 100% donor-funded, Ecojustice could not have tackled a massive, complex case like this without the unwavering support of people like you. And we continue to see your support in action this fall.

In September, we were in court helping Alexandra Morton fight to save wild Pacific salmon. Your kind messages of support inspired our legal team as they squared-off against government and corporate lawyers in a heated battle over the health of wild salmon.

While we wait for the court to deliver its decision on this case your legal team is also hard at work:

- Fighting for emergency protections for Southern Resident killer whales
- Protecting pollinators from a harmful class of pesticides, preparing for this case to be heard in the coming weeks
- Taking the Province of Ontario to court for unlawfully cancelling the cap and trade program by not consulting the public
- Pushing for a strong climate plan in British Columbia and heading back to Parliament Hill to advocate for stronger federal laws
- Exploring legal strategies that would ensure Canada meets its climate obligations

Lastly, in recognition of the urgent need for more law resources to protect the environment in Atlantic Canada, your strategic support helped us open a new office in Halifax. Expect to hear more on an upcoming hearing to protect the Gulf of St. Lawrence from risky offshore oil drilling.

As you can see, our fall docket is jam-packed. As always, your support ensures that the Ecojustice team can put our best foot forward when it comes time for us to step into the courtroom. **Thank you.**

*Devon Page*

EXECUTIVE DIRECTOR



# WE'RE TAKING PREMIER FORD TO COURT

We're suing the Ford government for breaking the law when it cancelled Ontario's cap and trade program. The Ford government's first order of business when it stepped into office was to illegally tear down Ontario's legislative regime for combating climate change.

But in its haste to dismantle the province's climate legislation and gut a program designed to reduce greenhouse gas pollution, the Ford government has so far failed to fulfill its responsibilities under the *Environmental Bill of Rights* (EBR). You see, this signature legislation requires the government to consult the public on changes to environmental regulations and laws so that Ontarians have an opportunity to weigh in on decisions that affect them.

That's why our team, including the uOttawa-Ecojustice Environmental Law Clinic, has partnered with Greenpeace Canada, to bring the Premier to heel. We're suing to remind Premier

Ford that winning an election does not give his government carte blanche to ignore the legal rights of Ontarians.

The government took notice. Mere hours after we launched our case, it began a public consultation process on some of the legislation at issue, but it never consulted on a regulation that dismantled the old system. That means the Ford government must still answer in court for violating Ontario's rights under the EBR.

We are closely monitoring how the proposed legislation moves forward. Together with your support, we will not let the Ford government's attempts to shirk responsibility for climate action and ignore the rights of Ontarians go unchallenged.



## *Fighting for emergency protections for Southern Resident killer whales*

From helping us score a huge victory against the Trans Mountain expansion to sending hundreds of messages to the Minister of Fisheries and Oceans and Minister of Environment and Climate Change this past spring, you've shown remarkable willingness to take action to defend the Southern Resident killer whales. You inspire us to keep fighting!

In September, we launched a lawsuit on behalf of David Suzuki Foundation, Georgia Strait Alliance, Natural Resources Defense Council, Raincoast Conservation Foundation and World Wildlife Fund Canada to compel the ministers to recommend that Cabinet issue an emergency order to protect Southern Resident killer whales.

An emergency order would protect the Southern Resident killer whales from critical threats to their immediate and long-term survival, in particular addressing critical shortages of Chinook salmon and acoustic and physical disturbance from vessels. With only 74 whales remaining, more delays from the ministers could push the Southern Residents further toward extinction.

Together with you and our clients, we are committed to doing everything we can to prevent this from happening — including taking the ministers to court.

# BRENT NICHOLS



Recently becoming a father for the second time, Brent Nichols has a renewed sense of the importance of protecting Canada's environment – and what's at stake.

With his elder daughter choosing a career in conservation and his young one expected to see the turn of the next century, protecting his family's health and leaving the environment in better shape than we found it is a core principle and way of life for Brent.

For more than a decade, Brent has volunteered and donated to environmental organizations.

Through his family's '1% For The Planet' pledge, Brent is motivated by Ecojustice's continuing track record of results and tangible impacts using the courts and legal system to protect the environment.

In particular, Brent supports Ecojustice's efforts towards eliminating toxic pesticides that pose health risks to Canadians, pollinators and a wide range of aquatic and other species. Currently, there are pesticide products widely distributed in Canada some of which have been banned in European countries. Brent believes that no pesticide should be approved for use in Canada unless it undergoes a rigorous review and meets standards for protection of human health and the environment.

Whether fighting to protect nature or working towards healthy communities, Brent is confident that supporting Ecojustice today sets a strong precedence for environmental protection for the future – a future his daughters can be proud of.

*As a finance and banking professional, Brent understands the benefits of supporting Ecojustice through gifts of securities. To learn more, visit [www.ecojustice.ca/securities](http://www.ecojustice.ca/securities) or for a confidential call, contact John Keller by email [jkeller@ecojustice.ca](mailto:jkeller@ecojustice.ca) or call **1.800.926.7744 ext 241**.*



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