

Background to:

A Bill of Rights to Protect Children's Health from Environmental Hazards

*"If the Bill of Rights contains no guarantee that a citizen shall be secure against lethal poisons... it is surely only because our forefathers, despite their considerable wisdom and foresight, could conceive of no such problem"*ⁱ - Rachel Carson

This backgrounder provides an outline of the work of the New Brunswick Children's Environmental Health Collaborative's Team Policy on a Bill of Rights that would ensure children have the right to healthy environments in our province.

Purpose

To achieve legislative protection for children through the development and promotion of *A Bill of Rights to Protect Children's Health from Environmental Hazards* that would:

- recognize the particular vulnerabilities of children,
- protect children's health from environmental hazards, and
- promote healthy indoor and outdoor environments that support children's health and development.

This purpose will be achieved through two pieces of legislation: a 'Substantive Bill' that places an obligation on the government to protect children's health from environmental harm, and a 'Procedural Bill' that will provide a governance structure to ensure this obligation is respected.

Rationale

Because:

- significant health impacts result from prenatal and/or childhood exposure to environmental hazards (defined as hazards that impair, damage, or in any way change the environment to threaten human health)ⁱⁱ,
- the health impact of exposure to pollutants costs the health care system and society billions of dollars each yearⁱⁱⁱ,
- children are *far* more vulnerable than adults to harm from environmental hazards^{iv},
- children's exposure to environmental hazards occurs in both indoor and outdoor environments, and may occur via air, water, soil, food and common consumer products^v,
- the impacts of climate change are now recognized as a significant hazard to children's health^{vi},
- current environmental governance instruments only rarely consider children specifically^{vii}, and
- preventative strategies can protect children against environmental threats^{viii}.

Legal and historical context

The development of this Bill is based on important legal precedents, as well as the words and actions of notable human rights champions. At the international level, the *Universal Declaration of Human Rights* stated in 1948 that: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family..."^{ix} In 1989, the *U.N. Convention on the Rights of the Child* outlined similar rights in relation to the child and mentioned the dangers of environmental pollution. Closer to home, Article 100 of *A Canada Fit for Children*^x, Canada's Plan of Action following the UN Special session on children in May 2002, addresses the role of children's natural and built environments for health, including the air they breathe, the water they drink, the food they eat, the products they use and the settings in which they live, learn and play.

Despite this, Canada currently has no constitutional environmental protections. As explained recently by David Suzuki, “[w]orldwide, 110 countries enjoy constitutional rights to a healthy environment, and 181 of 193 UN member countries support recognition of such a right. Canada and the U.S. are among the exceptions.”^{xi} Advancing a Bill such as the one proposed here would be an important step in the right direction for protecting the health of all Canadians.

Groups Involved

The proposed Bill was drafted with the collaboration and support of many key organizations, non-governmental organizations and individuals, including the Office of the Child and Youth Advocate of New Brunswick, Ecojustice Canada, the Learning Disabilities Association of New Brunswick, the New Brunswick Lung Association, the Conservation Council of New Brunswick, and the East Coast Environmental Law Association, with the New Brunswick Environmental Network as secretariat. The Centre for Child Honouring (founded by Raffi Cavoukian) has provided resources for the advancement of this project, and Mr. Cavoukian has personally committed his time to help promote the Bill. Other key supporters include the Canadian researchers Donald Spady and Colin Soskolne, Canadian paediatrician Robin Walker, and American paediatrician and champion of children’s environmental health, Philip Landrigan.

Milestones

- **2008:** Team Policy formed in order to improve policy and legislation related to children’s environmental health in New Brunswick, as part of the *Strategy for Action* of the CEH Collaborative.
- **May 2013:** Team Policy resolves to pursue an initiative to bring to enactment a Bill of Rights that would protect children’s environmental health.
- **Summer 2013:** First draft of the Bill of Rights produced by Team Policy in consultation with the Office of the Child and Youth Advocate and Ecojustice.
- **November 2013:** First public reading of the draft Bill at the CEH Collaborative Meeting.
- **Fall and winter 2013:** Recruitment of additional partners and sponsors, and feedback on draft Bill collected – *In progress*.
- **June 2014:** Public launch of the Bill of Rights; engagement of public support and input.
- **October 2014:** Bill of Rights reaches the appropriate government agencies to prepare for enactment into law.

How to get involved

Team Policy is currently working on the promotion of the Bill of Rights, to encourage government departments, political parties and the public to champion for it to become law. It is also approaching potential new collaborators and funders to carry the work forward.

If you have any ideas and/or energy to devote, please let us know!

Possible ways to contribute:

- Become an official supporter.
- Assist with outreach within your organization and networks.
- Become a member of Team Policy.
- Provide input on the draft.
- Like us on Facebook!

More information on the Children's Environmental Health collaborative effort is available at:
<http://nben.ca/index.php/en/groups-in-action/working-together/new-brunswick-children-s-environmental-health-collaborative>

Contact us at the NBEN: (506) 855-4144

ⁱ Carson, R. 1962. *Silent Spring*. Boston: Houghton Mifflin Company, 12-13.

ⁱⁱ Team Policy of the Children's Environmental Health Collaborative. 2013. *A Bill of Rights to Support Children's Health Through Healthier Environments: Draft of the Substantive Legislation*.

ⁱⁱⁱ Canadian Medical Association. 2008. *No Breathing Room: National Illness Costs of Air Pollution*. Accessed June 7, 2016 at: http://www.healthyenvironmentforkids.ca/sites/healthyenvironmentforkids.ca/files/No_Breathing_Room.pdf

^{iv} Canadian Partnership for Children's Health and the Environment. 2005. *Child Health and the Environment – A Primer*, 19-23. Accessed February 10th, 2014 at:
<http://www.healthyenvironmentforkids.ca/sites/healthyenvironmentforkids.ca/files/cpche-resources/Primer.pdf>

^v Collaborative project of Best Start: Ontario's Maternal, Newborn and Early Child Development Resource Centre and the Canadian Partnership for Children's Health and the Environment. 2006. *Playing It Safe: Service Provider Strategies to Reduce Environmental Risks to Preconception, Prenatal and Child Health*. Accessed January 30th, 2014 at:
http://www.healthyenvironmentforkids.ca/sites/healthyenvironmentforkids.ca/files/enviro_strategies.pdf

^{vi} U.S. Environmental Protection Agency. 2013. *America's Children and the Environment*, 105-108. Accessed February 7, 2013 at: http://www.epa.gov/ace/pdfs/ACE3_2013.pdf

^{vii} Spady, D., Ries, N., Ladd, B. D., Buka, I., Orsonio-Vargas, A.R., and Soskolne, C. L. 2008. *Environmental Law Review. Governance Instruments that Protect Children's Environmental Health: Is enough being done?* Vol.10, 200-217.

^{viii} University of Toronto. G8 Information Centre. 1997. *1997 Declaration of the Environment Leaders of the Eight on Children's Environmental Health*. Accessed December 13, 2012 at:
<http://www.g7.utoronto.ca/environment/1997miami/children.html>

^{ix} United Nations General Assembly. 1948. *The Universal Declaration of Human Rights*. Accessed February 19, 2013 at:
<http://www.un.org/en/documents/udhr/index.shtml>

^x Government of Canada. 2004. *A Canada Fit for Children: Canada's follow-up to the United Nations General Assembly Special Session on Children*, 54-55. Accessed December 13, 2012 at:
http://www.canadiancrc.com/PDFs/Canadas_Plan_Action_April2004-EN.pdf

^{xi} Suzuki, D. 2013. *Science Matters. We can make Canada's reality match its image*. December 5th, 2013. Accessed February 7th, 2014 at: <http://www.davidsuzuki.org/blogs/science-matters/2013/12/we-can-make-canadas-reality-match-its-image/>