

ENVIRONMENTAL LAW FORUM 2017

ENVIRONMENTAL HEALTH CLAIMS IN THE CIVIL & REGULATORY CONTEXTS

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1 CONTAMINANT EXPOSURE HEALTH CLAIMS AND EVIDENTIARY ISSUES

When bringing an environmental health claim in Canada, several hurdles must be overcome. These hurdles are divided into three broad categories:

- 1 Issues arising from conflation of science and the law,
- 2 Issues arising from obtaining admissible and conclusive evidence, and
- 3 Issues arising from credibility of the claimant.

2 SCIENCE VERSUS THE LAW

Challenges with bringing environmental health claims may arise where Courts conflate scientific principles with legal principles. Below are examples where Courts conflate scientific principles with legal principles, made findings beyond its expertise and considered (or declined to consider) the applicability of the precautionary principle in law.

- ♦ **Legal and scientific uncertainty is in issue:** As a general rule, Canadian courts have held that scientific or medical certainty is *not* required to prove that a particular environmental event caused or contributed to a Plaintiff's injury in an environmental health claim.¹ The Supreme Court in *BC (Workers' Compensation Appeal Tribunal) v. Fraser Health Authority* stated: "the presence or absence of opinion evidence from an expert positing (or refuting) a causal link is not, therefore, determinative of causation."² Although the Supreme Court is clear here that scientific or medical certainty and legal certainty are *not* interchangeable, when applying legal causation tests Courts regularly conflate the two principles.

Conflating the principles of scientific/medical certainty and legal certainty has the effect of making applicants prove to a standard of near certainty that their health problems were caused by an environmental exposure – a much higher burden than on a balance of probabilities. In *Spieser c. Canada (Procureur général)*,³ the Court appropriately segregated the issue in holding that the assessment of evidence must meet a balance of probabilities standard, scientific or medical knowledge being one of the evidentiary elements.

- ♦ **Courts make findings beyond its expertise:** At times the court takes quite an active role in deciding the validity (or invalidity) of scientific evidence and applies detailed legal standards to the question of a medical condition's existence. Such judicial practices are problematic as they place a judicial fact-finder in the position of making a medical diagnosis, or confirming the

¹ *BC (Workers' Compensation Appeal Tribunal) v. Fraser Health Authority*, 2016 SCC 25 [*Fraser Health Authority*].

² *Ibid* at para 38.

³ *Spieser c. Canada (Procureur général)*, 2012 QCCS 2801 [*Spieser*].

existence of a type of disease or medical theory – decisions that are likely outside of most judges' expertise. Some examples include:

- The Court questions the “scientific validity” of the condition known as “multiple chemical sensitivity.”⁴
- The Court adopts an expert’s criteria for diagnosing multiple chemical sensitivity as a legal test for establishing whether a claimant has multiple chemical sensitivity on a balance of probabilities.⁵
- ♦ **Precautionary Principle is raised:** The “precautionary principle” is sometimes raised as a means to interpret scientific evidence in health claims. For instance, in *Shawinigan Residents Assn. v. British Columbia (Director’s Delegate, Environmental Management Act)*,⁶ the Board held that the permit for a soil treatment and landfill facility reflected the cautious approach required to protect the environment and human health. In finding this, the Board noted that the Board must be “prudent and cautious” when assessing the potential for harm to drinking water resources.

In contrast, the Court held in *Ring v. Canada (Attorney General)*⁷ that asymptomatic claimants – claimants who had not been diagnosed with lymphoma, but feared that they were at a heightened risk of developing lymphoma because of pesticide exposure – had no claim in negligence. Specifically, the Court explained at para 58 that “...the risk of a future disease is not actionable in the absence of a present injury.” This type of analysis does not necessarily demonstrate a particularly “precautionary” approach. Further, in Canada, our Courts have been loathe to order ‘medical monitoring’ in part because health care is publically accessible in Canada. This imposes a chemical exposure issue on government coffers and arguably discourages social responsibility or at least does not incentivize proactive, preventive and protective action to avoid environmental exposures.

3 OBTAINING ADMISSIBLE AND CONCLUSIVE EVIDENCE

What constitutes admissible and conclusive evidence of health impacts? In general, claimants seeking to establish a health claim resulting from an environmental exposure must prove three things: (1) that they were exposed to an environmental factor, that is toxic to them, for a sufficient period of time to cause a health impact; (2) that they experienced a medical outcome relating to that exposure; and (3) that the medical outcome they experienced was caused by the particular exposure for which they seek a legal remedy. Proving these propositions requires evidence; however, admissible and conclusive evidence of health claims relating to environmental exposures is hard to come by. Some

⁴ *Guimond Estate v. Fiberglas Canada Inc.* [1999] NBJ No 11 at para 74 [*Guimond*].

⁵ *Nichols v Koch Oil Co.*, [1998] BCJ No 1944 at para 114 [*Nichols*].

⁶ *Shawinigan Residents Assn. v. British Columbia (Director’s Delegate, Environmental Management Act)* [2015] BCWLD 3010.

⁷ *Ring v. Canada (Attorney General)*, 2010 NLCA 20.

of the challenges associated with obtaining persuasive evidence to prosecute a health claim are outlined below.

- ♦ **Courts often misapprehend the process of inferring causation from evidence:** In *BC (Workers' Compensation Appeal Tribunal) v. Fraser Health Authority*,⁸ the Supreme Court explained that while there must be positive evidence linking the workers' injury to the environmental exposure, "causation can be inferred – even in the face of inconclusive or contrary expert evidence – from other evidence, including merely circumstantial evidence."⁹ In *Regroupement des citoyens du quartier St-Georges inc. c. Alcoa Canada ltée*,¹⁰ the Court inferred causation and acknowledged the likelihood that diseases exist or have existed among residents near an aluminum plant, and that the health risks appear to be real.
- ♦ **Unclear whether expert evidence is required:** The case law about whether and when expert evidence is needed to establish a health claim is conflicting. Courts have held that expert evidence is necessary because "What causes a medical condition is a scientific matter and outside the experience and knowledge of a judge or jury."¹¹ However, in *Hilinski c. Robert*,¹² the Court accepted "home-made evidence" about noise, whereby the Plaintiff measured noise with a sound level meter and made audiotapes of the noises.
- ♦ **Battle of the experts:** In many cases, causation turns on which set of experts the Court chooses to believe – the Plaintiff's experts or the Defendant's experts. The expert that is not necessarily "correct" but rather more objective, persuasive and convincing is often the one that wins the Court's favour. For instance, in *Palmer v Stora Kopparbergs Bergslags AB*,¹³ the Court accepted evidence of certain experts over others, and noted that the Plaintiff's scientific witnesses seemed to be less objective than the Defendant's witnesses, who did not display any partisanship. In *Delage c. Plantons A et P inc.*, the Court discounted the Plaintiff's expert evidence from a chemist, due to a lack of scientific sampling rigour and lack of corroborative evidence concerning testing accuracy.¹⁴
- ♦ **Subjective evidence raised is often the most prevalent (and least believed) evidence:** Subjective evidence – a claimant's own experience of feeling unwell – is generally always available in a health claim. However, subjective evidence is at risk of being disbelieved by the Court. For instance, in *Moseley v. Director, Ministry of the Environment*,¹⁵ the Tribunal discounted the subject evidence brought forward by an Aboriginal youth, who testified about the

⁸ *Fraser Health Authority*, supra note 1 at para 33.

⁹ *Fraser Health Authority*, supra note 1 at para 38.

¹⁰ *Regroupement des citoyens du quartier St-Georges inc. c. Alcoa Canada ltée*, 2007 QCCS 2691.

¹¹ *Pettipas v. Bell Aliant Regional Communications Inc.*, 2015 NSSC 58 at para 58.

¹² *Hilinski c. Robert*, 2016 QCCS 574.

¹³ *Palmer v Stora Kopparbergs Bergslags AB*, (1983) 60 NSR (2d) 271.

¹⁴ *Delage c. Plantons A et P inc.*, 2013 QCCS 2269 [*Delage*].

¹⁵ *Moseley v. Director, Ministry of the Environment*, [2014] OERTD No. 23.

subjective impacts that wind turbines were having on her. In doing so, the Tribunal noted that the Appellant did not provide any evidence that countered the expert evidence on health impacts.

In *Nichols v Koch Oil Co*, a woman claimed that she developed multiple chemical sensitivity after exposure to hydrocarbons that had been dumped on her driveway. The Court found that "... whether [Nichols'] problems are more psychologically based than medically based, particularly if there is essentially no medical basis for her condition [medical chemical sensitivity], does have a bearing on the issue of causation."¹⁶ The Court went on to consider only the objective evidence of the Plaintiff's symptoms, not her own subjective evidence, because it felt her problems were "more psychological" and thus her subjective evidence was less reliable.

- ♦ **Lack of temporal correlation between exposure and symptoms obstructs causal connection:** In *Nichols v Koch Oil Co*, a woman's symptoms of multiple chemical sensitivity took roughly two months to develop after her initial exposure to hydrocarbons dumped on her driveway. The Court was influenced by the fact that there was no evidence that the Plaintiff had experienced an adverse reaction to the hydrocarbons at the time of exposure, and found for the Defendant.

In another example, a firefighter successfully proved that exposure over time to chemicals while working as a firefighter caused him to suffer from early onset Parkinson's disease. The Tribunal in *New Brunswick, Workers' Compensation Appeals Tribunal, 20168065 (Re)*,¹⁷ accepted the firefighter's evidence given the length of time (32 years) in which he had been exposed during the course of his employment and despite the slow development of symptoms of Parkinson's disease.

- ♦ **Insufficient evidence:** In *Annapolis Valley Regional School Board and NSTU (Re)*, the Court held that the Plaintiff's experience of smelling ozone at her workplace was insufficient to conclude that it was present in levels that could have caused her injury. The Court found that: "...there is no evidence before me that any odour alone can cause injury, although, of course, the substances whose presence are normally indicated by odours may do so. Furthermore, odours may elicit conditioned responses to chemicals they are assumed to indicate, even if the chemicals are not in fact present, or are not present in sufficient quality to cause any injury."¹⁸ The Court did not cite any evidence for the proposition that odours raise conditioned responses to chemicals, which could cause a claimant to believe he or she experiences toxic exposure when he or she was in fact safe.

This issue is further illustrated in *Alliance to Protect Prince Edward County v. Director, Ministry of the Environment*.¹⁹ The Ontario Environmental Review Tribunal found that the testimony of certain witnesses was insufficient to prove causation. Their subjective reporting of symptoms was found to be unreliable and was unsupported by scientific measurements, and because health care professionals did not rule out other causes.

¹⁶ *Nichols*, *supra* note 5 at para 72.

¹⁷ *New Brunswick, Workers' Compensation Appeals Tribunal, 20168065 (Re)*, 2016 CanLII 70712.

¹⁸ *Annapolis Valley Regional School Board and NSTU (Re)*, 2001 CarswellNS 666 at para 149 [*Annapolis*].

¹⁹ *Alliance to Protect Prince Edward County v. Director, Ministry of the Environment*, [2013] OERTD No. 40.

- ♦ **Judicial Opinion and Bias:** A judge’s personal perspective may shine through in preferring one set of expert evidence over another. For example, in *MacIntyre v. Cape Breton District Health Authority*,²⁰ the trial judge found the Defendant’s medical evidence to be correct, and the Plaintiff’s medical evidence to be incorrect. The Court’s analysis suggests that its beliefs about the inefficacy of alternative medicine may have played a role in this determination (some of the Plaintiff’s experts were alternative medicine practitioners). The Court went so far as to say that the alternative medical therapies might be causing or contributing to the Plaintiff’s health problems. It is clear that a Court’s subjective beliefs about particular medicines or schools of medical thought may play an important role in the weight accorded to medical evidence.

4 CREDIBILITY OF THE CLAIMANT

Evidentiary problems can arise where the Court or judge hearing a health claim disbelieves the claimant. Below is a selection of instances where the Court expressed disbelief towards a Plaintiff’s claim of medical conditions caused by an environmental exposure.

- ♦ **Consider the psychological or emotional state of claimant:** The Court may search for any other possible factor that could have caused the Plaintiff’s symptoms other than the environmental exposure. The “other possible factors” that the Court discovers are frequently psychological or emotional in nature.

In *Guimond Estate v. Fiberglas Canada Inc.*, the Plaintiff complained about health problems from exposure to chemicals found in fibreglass. The Court held that “...I am not satisfied that there were not some psychological aspects to the expression of Mr. Guimond’s subjective symptoms.”²¹

In *Stucke v. Richard McDonald & Associates Ltd.*, the Court held that: “If an inference of causation could be drawn from the fact that Ms. Stucke’s respiratory problems started at the time of the renovations, such an inference has been overcome by the evidence of Ms. Stucke’s emotional condition at the time of her respiratory incidents, together with the expert and medical evidence that her condition probably has a psychological cause.”²² The Court considered that her symptoms were due to “emotional upset.”²³

- ♦ **Minimize or exaggerate symptoms to make a claimant seem less credible:** In *MacDonald v. Sunlife Assurance Co. of Canada*, the Court adopted the expert’s opinion that the Plaintiff’s symptoms of chronic fatigue and multiple chemical sensitivity were a result of high stress levels.²⁴ In contrast, in *Nichols v Koch Oil Co*, the Court concluded that a woman who claimed

²⁰ *MacIntyre v. Cape Breton District Health Authority*, 2009 NSSC 202.

²¹ *Guimond*, *supra* note 4 at para 86.

²² *Stucke v. Richard McDonald & Associates Ltd.*, 2006 ABQB 239 at para 153 [*Stucke*].

²³ *Ibid* at para 152.

²⁴ *MacDonald v. Sunlife Assurance Co. of Canada* [2003] PEIJ No 78 at para 29.

she was suffering from multiple chemical sensitivity, which involved depression and panic attack symptoms, was more likely suffering from a personality disorder.²⁵

In addition, in *Spieser c. Canada (Procureur général)*,²⁶ the Court noted that the fear of having been exposed to trichlorethylene may be exacerbated by the fact that certain witnesses have already been diagnosed with cancer. The Court seems to imply that the symptoms that the plaintiff and witnesses claim to experience are exaggerated.

- ◆ **Consider any other possible explanation for a health problem other than environmental exposure:** In *Nichols v Koch Oil Co*, the Court considered that there were credible and likely explanations for the Plaintiff family’s symptoms (multiple chemical sensitivity symptoms) other than hydrocarbon exposure: (1) Plaintiffs spend time around “polluting machines” (cars, motor boats, snowmobiles) and many smoke cigarettes, (2) Plaintiffs live with allergen producing animals (parakeets), (3) there was a flu epidemic at the time that produced a high incidence of pneumonia, and (4) the most strongly affected Plaintiff was obese.²⁷

Similarly, in *Stucke v. Richard McDonald & Associates Ltd.*, 2006 ABQB 239, the Court considered that the Plaintiff’s asthmatic bronchitis symptoms, which she believed to be caused by office renovations, were more likely caused by: (1) stress from her daughter’s surgery,²⁸ (2) office tensions, and (3) the fact that she felt unappreciated at work.²⁹

In *Manitoba, Workers Compensation Board Appeal Commission, Public Decision No. 99/2013*,³⁰ the Workers Compensation Board Appeal Commission found that an employee’s symptoms were not caused by any hazard in the workplace, despite the employee’s complaints about poor indoor air quality at the workplace. In denying the employee’s claim, the Workers Compensation Board Appeal Commission noted that the employee continued to smoke cigarettes throughout the period of her employment and her symptoms. In doing so, the Commission implied that smoking was a contributing cause to her symptoms.

- ◆ **Consider the Plaintiff’s credibility or that of the experts:** In *Stucke v. Richard McDonald & Associates Ltd.*, the Court inferred that the Plaintiff’s reports of her own symptoms were exaggerated because she had not reported them as being that severe to her employers at the time.³¹ Similarly, in *Delage c. Plantons A et P inc.*,³² the Court accepted the evidence of the Plaintiffs as credible, noting that there was corroborating evidence and that the credibility of their testimony was not seriously diminished on cross-examination.

²⁵ *Nichols*, *supra* note 5 at para 122.

²⁶ *Spieser*, *supra* note 3.

²⁷ *Nichols*, *supra* note 5 at para 148.

²⁸ *Stucke*, *supra* note 22 at para 42.

²⁹ *Ibid* at para 45.

³⁰ *Manitoba, Workers Compensation Board Appeal Commission, Public Decision No. 99/2013*

³¹ *Stucke*, *supra* note 22 at para 49.

³² *Delage*, *supra* note 14.

In *Annapolis Valley Regional School Board and NSTU (Re)*,³³ the Court considered an expert's credibility and stated that "I found him to be a very credible witness, not given to exaggeration, as I think the Grievor is at least with respect to the facts relating to the causes of her ill health. The documents in evidence written by the Grievor to the Board and to her fellow teachers contain ample demonstration of this tendency [to exaggerate]."³⁴

³³ *Annapolis*, *supra* note 18.

³⁴ *Ibid* at para 21.

APPENDIX A – SELECTION OF CONTAMINANT EXPOSURE CASES

Case	Addressing Science Versus the Law			Obtaining Admissible and Conclusive Evidence						Credibility & Disbelieving the Claimant				
	Legal and Scientific Uncertainty In Issue	Court Makes Findings Beyond Its Expertise	Precautionary Principle Raised	Causation Inferred	Unclear Whether Expert Evidence Required	Battle of the Experts	Subjective Evidence Raised	Lack of Temporal Correlation Between Exposure and Symptoms or Treatment	Insufficient Evidence	Judicial Opinion & Bias	Psychological / Emotional State Raised	Court Minimizes / Exaggerates Symptoms	Court Considers All Other Possible Causes	Credibility In Issue
ACTIONS FROM ACROSS CANADA (SAVE QUEBEC)														
Tort Claims														
<i>MacInyre v. Cape Breton District Health Authority</i> , 2009 NSSC 202, 2011 NSCA 3	✓						✓		✓		✓	✓		
<i>Ring v. Canada (Attorney General)</i> , 2010 NLCA 20						✓	✓	✓	✓					
<i>Smith v Inco</i> , 2010 ONSC 3790, 2011 ONCA 628		✓	✓			✓		✓						
<i>Milner v Manufacturers Life Insurance Co</i> , 2005 BCSC 1661						✓					✓	✓	✓	
<i>Petersen v Cromwell Restoration Ltd.</i> , 2008 BCSC 601				✓	✓			✓						
<i>Nichols v Koch Oil Co</i> , [1998] BCJ No 1944	✓	✓				✓	✓	✓		✓		✓		
<i>Stucke v. Richard McDonald & Associates Ltd.</i> , 2006 ABQB 239	✓					✓		✓		✓		✓	✓	
<i>Sant v Jack Andrews Kirbyfield Pharmacy Ltd.</i> [2002] MJ No 30, 2001 MBQB No 30				✓		✓	✓	✓	✓	✓		✓	✓	
<i>Grant v Canada (Attorney General)</i> , 2009 CarswellOnt 7642						✓		✓						✓

Selection of Contaminant Exposure Cases in Civil and Regulatory Law in Canada: Chart Of Evidentiary Issues Associated With Bringing Environmental Health Claims
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Case	Addressing Science Versus the Law			Obtaining Admissible and Conclusive Evidence							Credibility & Disbelieving the Claimant			
	Legal and Scientific Uncertainty In Issue	Court Makes Findings Beyond Its Expertise	Precautionary Principle Raised	Causation Inferred	Unclear Whether Expert Evidence Required	Battle of the Experts	Subjective Evidence Raised	Lack of Temporal Correlation Between Exposure and Symptoms or Treatment	Insufficient Evidence	Judicial Opinion & Bias	Psychological / Emotional State Raised	Court Minimizes / Exaggerates Symptoms	Court Considers All Other Possible Causes	Credibility In Issue
<i>Mackenzie v Ward</i> , 2007 CarswellOnt 3034				✓		✓				✓				
<i>Nesbitt Aggregates Ltd v Smiths Construction Co (Annprior) Ltd</i> , 2000 CarswellOnt 1211	✓					✓		✓						
<i>Somerville v Ashcroft Development</i> [2005] OJ No 3361	✓					✓		✓				✓		
<i>Bryson v Canada (Attorney General)</i> , 2009 NBQB 204	✓					✓	✓							
<i>Guimond Estate v. Fiberglas Canada Inc.</i> [1999] N.B.J. No. 11	✓	✓				✓		✓		✓				
<i>Palmer v Stora Kopparbergs Bergslags AB</i> , 1983 CarswellINS 459	✓	✓	✓			✓		✓						
<i>Annapolis Valley Regional School Board and NSTU, Re</i> , 2001 CarswellINS 666						✓		✓						
Worker's Compensation Claims That Get to the Civil Courts														
<i>BC (Workers' Compensation Appeal Tribunal) v Fraser Health Authority</i> , 2016 SCC 25	✓		✓	✓				✓						
TOTALS FOR ACTIONS FROM ACROSS CANADA (SAVE QUEBEC)	9	4	3	4	1	13	10	4	14	3	5	2	6	4

Case	Addressing Science Versus the Law			Obtaining Admissible and Conclusive Evidence						Credibility & Disbelieving the Claimant				
	Legal and Scientific Uncertainty In Issue	Court Makes Findings Beyond Its Expertise	Precautionary Principle Raised	Causation Inferred	Unclear Whether Expert Evidence Required	Battle of the Experts	Subjective Evidence Raised	Lack of Temporal Correlation Between Exposure and Symptoms or Treatment	Insufficient Evidence	Judicial Opinion & Bias	Psychological / Emotional State Raised	Court Minimizes / Exaggerates Symptoms	Court Considers All Other Possible Causes	Credibility In Issue
ACTIONS FROM QUEBEC														
Tort Claims														
<i>Delage c. Plantons A & P inc.</i> , 2013 QCCS 2269 / <i>Plantons A et P inc. c. Delage</i> , 2015 QCCA 7	✓				✓	✓	✓						✓	✓
<i>Hilinski c. Robert</i> , 2016 QCCS 574					✓	✓	✓						✓	✓
<i>Kennedy c. Colacem Canada inc.</i> , 2015 QCCS 222			✓				✓						✓	✓
<i>Lalande c. Compagnie d'arrimage de Québec Inc.</i> , 2014 QCCS 5035					✓		✓				✓			
<i>Regroupement des citoyens du quartier St-Georges inc. c. Alcoa Canada Inc.</i> , 2007 QCCS 2691			✓	✓		✓						✓		
<i>Spieser c. Canada (Procureur général)</i> , 2012 QCCS 2801	✓					✓	✓	✓				✓		✓

Case	Addressing Science Versus the Law			Obtaining Admissible and Conclusive Evidence						Credibility & Disbelieving the Claimant				
	Legal and Scientific Uncertainty In Issue	Court Makes Findings Beyond Its Expertise	Precautionary Principle Raised	Causation Inferred	Unclear Whether Expert Evidence Required	Battle of the Experts	Subjective Evidence Raised	Lack of Temporal Correlation Between Exposure and Symptoms or Treatment	Insufficient Evidence	Judicial Opinion & Bias	Psychological / Emotional State Raised	Court Minimizes / Exaggerates Symptoms	Court Considers All Other Possible Causes	Credibility In Issue
Regulatory Actions														
<i>Directeur des poursuites criminelles et pénales c. Planchers Mistral inc.</i> , 2009 QCCQ 1307						✓	✓		✓			✓		✓
TOTALS FOR ACTIONS FROM QUEBEC	2	0	2	1	3	5	7	1	3	1	0	1	6	4
REGULATORY ACTIONS (SAVE QUEBEC)														
British Columbia Environmental Appeal Board Decisions														
<i>Shawigan Residents Assn. v. British Columbia (Director's Delegate, Environmental Management Act)</i> [2015] BCWLD 3010			✓			✓			✓					
<i>Toews v. British Columbia (Director, Environmental Management Act)</i> [2016] BCWLD 901	✓		✓			✓	✓		✓			✓		✓
Ontario Environmental Review Tribunal Decisions														
<i>Alliance to Protect Prince Edward County v. Director, Ministry of the Environment</i> , [2013] OERTD No. 40			✓			✓	✓		✓					

Selection of Contaminant Exposure Cases in Civil and Regulatory Law in Canada: Chart Of Evidentiary Issues Associated With Bringing Environmental Health Claims
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Case	Addressing Science Versus the Law			Obtaining Admissible and Conclusive Evidence							Credibility & Disbelieving the Claimant			
	Legal and Scientific Uncertainty In Issue	Court Makes Findings Beyond Its Expertise	Precautionary Principle Raised	Causation Inferred	Unclear Whether Expert Evidence Required	Battle of the Experts	Subjective Evidence Raised	Lack of Temporal Correlation Between Exposure and Symptoms or Treatment	Insufficient Evidence	Judicial Opinion & Bias	Psychological / Emotional State Raised	Court Minimizes / Exaggerates Symptoms	Court Considers All Other Possible Causes	Credibility In Issue
<i>Erickson v. Ontario (Director, Ministry of Environment)</i> , [2011] OERTD No. 29			✓			✓	✓		✓					
<i>Lambton (County) v. Ontario (Director, Ministry of the Environment and Climate Change)</i> , [2015] OERTD No. 10						✓	✓		✓					
<i>Lewis v. Director, Ministry of the Environment</i> , 2014 CarswellOnt 15153						✓			✓					
<i>Moseley v. Director, Ministry of the Environment</i> , [2014] OERTD No. 23						✓	✓		✓					
<i>Wiggins v. Ontario (Environment and Climate Change)</i> , 2016 CarswellOnt 16096						✓	✓		✓					
Workers' Compensation Cases – Across Canada														
<i>British Columbia Workers' Compensation Appeal Tribunal Decision Number A1601570</i> (2016-08-05)				✓		✓	✓							
<i>Alberta 2015-0562 (Re)</i> , 2015 CanLII 56073			✓	✓		✓							✓	✓