



## Commentary

# Racism, traditional food access, and industrial development across Ontario: Perspectives from the fields of environmental law and environmental studies

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## Abstract

Racism and industrial development across lands and waters in the province of Ontario have played a significant role in decreased access to traditional food for Indigenous peoples. Traditional food access is important for health reasons, as well as cultural and spiritual wellness, and its loss has dire consequences for both people and the environment. In this commentary, we bring together our practices and experiences as settler Canadians in the fields of environmental law and environmental studies to share three short case studies exploring the linkages among traditional food access, racism, and industrial development. Specifically, we discuss how the aerial spraying of forests, mining

exploration, and contaminants in fish are impacting traditional food access, and analyze how industry and monetary gains are drivers in these scenarios. For each of these case studies, we provide examples of research and advocacy from our respective fields carried out with Indigenous communities. We conclude by offering our insights for addressing systemic racism in food systems, focusing on a need for policy to prioritize Indigenous sovereignty and rights and opportunities for collaboration spanning different areas of practice and Western and Indigenous knowledge systems.

**Keywords:** Environmental racism; traditional foods; food sovereignty; Indigenous rights; food security; reconciliation

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## Résumé

Le racisme et le développement industriel sur les terres et dans les eaux de l'Ontario ont joué un rôle considérable dans la diminution de l'accès à la nourriture traditionnelle pour les peuples autochtones. Or, cet accès est important pour des raisons de santé de même que pour le bien-être culturel et spirituel; cette perte a des conséquences désastreuses pour les personnes et pour l'environnement. Dans ce texte, nous réunissons nos expériences et nos pratiques en tant que personnes canadiennes allochtones dans les champs du droit de l'environnement et des études environnementales pour partager trois courtes études de cas qui explorent les liens entre l'accès à la nourriture traditionnelle, le racisme et le développement industriel. Plus précisément, nous discutons les répercussions de la pulvérisation aérienne des forêts, de l'exploration

minière et de la contamination des poissons sur l'accès à la nourriture traditionnelle, et nous analysons comment l'industrie et l'appât du gain sont en cause dans ces scénarios. Pour chacune de ces études de cas, nous fournissons des exemples de recherche et d'argumentation menées avec des communautés autochtones dans nos champs respectifs. Nous concluons avec nos suggestions sur la manière de s'attaquer au racisme systémique dans les systèmes alimentaires, en se concentrant sur la nécessité d'instaurer des politiques qui mettent de l'avant la souveraineté et les droits des Autochtones, en plus de susciter la collaboration entre différents domaines de pratique et entre les systèmes de savoir occidentaux et autochtones.

## Introduction

Racism is woven into systemic injustices in food systems. This is especially clear in the context of settler colonialism and ongoing food injustice among Indigenous peoples in Canada. The authors of this commentary are settler Canadians engaged in community-based research, outreach, and legal advocacy with Indigenous communities within our respective fields of environmental studies and environmental law. Jane Cooper is a law student at the University of Toronto, working towards a career in environmental justice and law, and a trained bioethicist. Kristen Lowitt is a faculty member in the School of Environmental Studies at Queen's University whose research focusses on sustainable food systems and natural resource governance. Kerrie Blaise is an environmental lawyer practicing in Northern Ontario and a former staff lawyer

with the Canadian Environmental Law Association (CELA), a non-profit legal aid clinic.

In this commentary we bring together our interdisciplinary practices and experiences, alongside guest contributions from Dr. Sue Bell Chiblow and Michel Koostachin, to share three short case studies examining the linkages among traditional food access, racism, and industrial development across the lands and waters in the province of Ontario. Specifically, we discuss how aerial spraying of forests, mining exploration, and contaminants in fish are impacting traditional food access, and we analyze how industry and monetary gains are drivers in these scenarios. For each of these case studies, we provide examples of research and advocacy from our respective fields carried out in partnership with Indigenous communities. We conclude

by presenting our insights for scholars and practitioners working at the interface of racism, industry, and settler colonialism in food systems, focusing on the importance of policy for prioritizing Indigenous sovereignty and rights and opportunities for collaboration spanning different areas of practice and Indigenous and Western knowledge systems.

We understand environmental racism by drawing on the work of Robert Bullard (1994), who defines this as “any policy, practice or directive that differentially affects or disadvantages (whether intended or unintended) individuals, groups, or communities based on race or color” (p.1037). Environmental racism is a type of systemic racism that explicitly recognizes how racialized and minority groups bear the burden of environmental degradation (MacDonald, 2020).

In Canada, environmental racism is inseparable from settler colonialism and capitalism which have dispossessed Indigenous peoples from their lands and

waters. These injustices are especially apparent in food systems today, with Indigenous peoples much more likely than white Canadians to be food insecure (Tarasuk & Mitchell, 2020). The root causes of these inequities remain unaddressed and include the forceful uprooting of First Nations from their lands and onto reserves. In many instances, insufficient access to traditional, culturally appropriate, and nutritious foods persists. Our short case studies that follow illustrate the linkages among racism, industrial development, and traditional food access across Ontario today, and specifically highlight how the colonial origins of extractivism in the sectors of forestry, mining, and fisheries continue to impede traditional food access, and how communities are taking action.

## A pattern of discrimination: Three short case studies

### Aerial spraying of forests – written with Dr. Susan Bell Chiblow

Every summer, vast expanses of boreal and conifer forests in Northern Ontario are sprayed by an aerosol defoliant known as glyphosate. Glyphosate is valued in the forestry sector because it substantially reduces understory vegetation and stunts the regrowth of deciduous trees in recently harvested areas. This allows more lucrative, timber-valued conifer species to dominate. This practice comes at a cost to both humans and the land: glyphosate is classified as a Group 2a carcinogen (a substance that likely causes cancer in humans) by the World Health Organization (2015). The removal of understory vegetation reduces the

availability of traditional food sources for First Nations, due to the reduction of both edible plant species and the ungulates (such as deer and moose) that rely on them.

Glyphosate spraying remains an annual occurrence in Northern Ontario despite longstanding calls for a moratorium on the practice from Indigenous groups and First Nations. In 2014, the Traditional Ecological Knowledge (TEK) Elders were the first to declare such a moratorium, outlining their dependence “socially, economically and culturally” on the health of the forests and glyphosate’s interference with their Treaty rights to hunt, fish, and gather (TEK Elders, 2014).

Susan Chiblow is an Anishinaabe Kwe from Garden River First Nation who volunteers with the TEK Elders of the Robinson Huron Treaty territory. She has made clear that, “as Elder Ray Owl of the TEK Elders said to me, if it [glyphosate] hurts one blade of grass, it can’t be used.” As she explains, herbicides easily find their way into water sources, affecting species in the area. When the population of one species begins to decline, there is a domino effect in the community, and the risks to the cultural values and practices of First Nations—from language and ceremony to food and medicine—are immeasurable. Despite demonstrations and correspondence with governments to find alternatives to herbicides, the government response remains “all smoke and mirrors,” Chiblow says.

The leadership of the TEK Elders is discussed in Kerrie and Jane’s work with CELA in the recently released report, [Making the Links: A Toolkit for Environmental Protection, Health and Equity](#) (CELA, 2022). Among the issues profiled in the report is the matter of provincial forest management practices and how these continue to undercut conservation, wherein timber profits trump Indigenous rights and land protection. CELA also held a [strategic briefing](#) for lawyers and activists who want to assist with efforts to end glyphosate spraying (CELA, 2019, Jan 31).

### The “Ring of Fire” - written with Michel Koostachin

Another example comes from the Hudson and James Bay Lowlands, homelands for the Omushkego First Nations and the world’s second largest intact peatland. Thousands of approved and pending claims for mining exploration exist in this region, with the aim of developing mines in an area dubbed the “Ring of Fire.” Together, these claims represent a high likelihood of cumulative environmental, cultural, and social impacts to the land, water and to Indigenous peoples. This

region in Treaty 9 has been maintained for millennia by Indigenous people now living in thirty-five communities. The values and futures of these First Nations and their community members are tied to the land through food networks, medicine, cultural, social, and sacred practices, and responsibilities. These communities both sustain and depend on the area’s extensive ecological systems, including intact river systems, abundant fish and wildlife, and globally significant wetland and forest systems.

The Indigenous-led advocacy group [Friends of the Attawapiskat River](#) (“the Friends”), is a grassroots group formed in response to concerns regarding the proposed Ring of Fire developments. Specifically, the communities living downstream of the region do not have an adequate level of access to information, and their concerns are not being meaningfully considered in the consultation processes.

As Friends member Michel Koostachin [explains](#), a history of government apathy toward community concerns is a barrier to their participation in environmental consultations: “People don’t want to be bothered by what is coming ahead because they are tired of being lied to and they are tired by the lack of transparency” (Mutis, 2020). As another member shared in a [public comment](#) as part of a federal Impact Assessment process, the region is “where community members go to harvest food and trees to make shelter, and follow the wildlife, as it migrates and travels along the water” (Friends of the Attawapiskat River, 2020, Jan 28). Community members acknowledge the irreparable changes that mining would bring to the ability of First Nation members to practice traditional food harvesting.

Reconciliation demands the courage to reform environmental laws—such as the *Impact Assessment Act*—which are prefaced on the Crown legal traditions that are yet to recognize Indigenous jurisdiction for

decision-making. Timelines under the *Act* are also proponent led, meaning Indigenous nations and the public do not have an ability to ‘start’ or ‘stop’ statutory timelines for the various stages within the Impact Assessment process.

Kerrie works with the Friends, who remain active in calling for the upholding of Treaty promises and Indigenous rights, as their legal advisor. In early 2021, the Friends called for a [moratorium](#) on all mineral exploration, proposed road projects, and other developments in the Ring of Fire until human rights to food, clean water, housing, health, and other services are upheld (Friends of the Attawapiskat River, n.d.) and in 2022, launched a [petition](#) demanding project assessments be Indigenous-led (Baiguzhiyeva, 2022, Jan 14). As Koostachin shared, “the resolution of decades of inadequate housing and contaminated drinking water cannot be resolved through the further exploits of our lands and resources absent our full, informed, and equal participation.”

### Contaminants in Great Lakes fisheries

Our final example involves the Great Lakes region spanning from Southern Ontario to the far reaches of Lake Superior. For Indigenous people of this region, fishing has been tied to cultures, livelihoods, and sustenance since time immemorial. However, the Great Lakes are surrounded by high levels of industrial

activity that releases toxic chemicals into the air and water; this includes per- and polyfluoroalkyl substances (PFAS), known as “forever chemicals” due to their persistence in the environment (Murray & Jackson, 2021; Roddy & McNeil, 2021). This has led to limits being imposed on the consumption of some Great Lakes fish species while also resulting in the loss of fishing opportunities. As Gagnon et al. (2018) explained, “contamination intrudes upon and erodes” (p.7) Indigenous fishing practices and Treaty rights to fish.

Kristen is currently working on a [research project](#) with Batchewana First Nation (BFN) on eastern Lake Superior about fisheries and food sovereignty in their territory. While not specific to contaminants, the project seeks to support BFN in upholding their inherent rights and responsibilities to protect the water and fisheries. Based in narrative interviews with fishers, Elders, and Knowledge Keepers, a documentary film is being created as a tool for the community to share their stories and knowledge about the Lake’s fisheries, food systems, and their sustainability. As Chief Dean Sayers of BFN has previously explained, “the Great Lakes are the heart of Turtle Island [North America] and the condition of Turtle Island is dependent on the condition of the Great Lakes. We as Anishinaabe and Ojibway people have a tremendous responsibility to protect that water” (cited in Lowitt et al., 2020, pg.3).

### Conclusion

Our case studies collectively illustrate how industrial development burdens Indigenous communities and their cultures, livelihoods, and food systems, which are dependent upon the health of the fish, forests, and land. Profits from industry continue to take precedence over the legal rights and health of Indigenous people, despite

evidence from both Indigenous knowledge and Western science attesting to the impacts of environmental degradation. Our cases highlight how Indigenous peoples are not only dealing with the inequitable distribution of environmental problems (for example, the impact of aerial spraying on

traditional food sources), but also with the procedural aspects of environmental racism, including a lack of respect for Indigenous sovereignty and the upholding of Treaty rights.

As settler Canadians working in the fields of environmental law and environmental studies, we have responsibilities to support communities in addressing food and environmental inequities, especially when Indigenous communities invite us to work with them, as they have in the cases we have shared here. Drawing on our different backgrounds, we believe there are considerable opportunities for community-based scholarship and legal advocacy to come together to amplify efforts by Indigenous communities in addressing racism and food injustice. For example, while community-based research can help generate an understanding of place-based food system issues and document Indigenous knowledge (as in our fisheries example with Batchewana First Nation), legal outreach and advocacy can help ensure that communities' voices are heard within policy forums, which remain dominated by Crown and private interests (as in our examples on aerial spraying and mining). Together, the fields of environmental law and environmental studies

can also help elevate Indigenous peoples' own systems of governance, jurisdiction, culture, and food. Support for Indigenous law and legal traditions is recognized by the Truth and Reconciliation Commission (TRC) and is specifically reflected in the Calls to Action numbers fifty to fifty-two (Government of Canada, 2019). Furthermore, for the fields of law and academia, which are colonial institutions, the TRC asks that we repudiate the concepts that have been used to justify European sovereignty over Indigenous lands and people, such as the Doctrine of Discovery and terra nullius (Call to Action number forty-seven).

Moving forward, there is a pressing need to question Crown-based assumptions of authority over lands and waters so that we can use integrated knowledge (i.e., Two-Eyed Seeing) and uphold the principles of free, prior, and informed consent of Indigenous nations as instilled and recognized by the [United Nations Declarations on the rights of Indigenous Peoples \(United Nations, 2007\)](#). These actions are imperative to addressing systemic racial injustices in food systems, and they require dedicated support from practitioners in the fields of environmental law and environmental studies.

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**Kristen Lowitt** is a faculty member in the School of Environmental Studies at Queen's University. Her research program is directed towards working with communities to build just and sustainable food systems with a focus on rural and coastal settings.

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