

The *Canadian Environmental Protection Act (CEPA 1999)* and Hazardous Waste

Each year, millions of tonnes of wastes are generated in Canada as by-products of industrial activities. About six million tonnes of these wastes contain toxic chemicals such as acids, phenols, arsenic, lead, and mercury. Such wastes are considered hazardous to human health or the environment if improperly handled. Until ways can be found to avoid creating hazardous waste, it must be managed in a way that minimizes risks to human health and the environment.

What is hazardous waste?

Hazardous waste includes a wide range of residues from industrial production including used solvents, acids and bases, leftovers from oil refining and the manufacture of chemicals, and metal processing residues. Several common household products including old car batteries and oil-based paints are also hazardous once they are discarded.

The nature and concentration of certain chemicals in many waste products makes them potentially hazardous to human health and the environment. They have characteristics such as flammability, toxicity and corrosivity. They may represent an immediate danger, such as ability to burn skin on contact, or longer-term human health or environmental risks due to accumulation and persistence of toxics in the environment.

Drivers for Change

A number of international and domestic factors are driving changes in the way Canada handles hazardous waste.

Canada has ratified the United Nations Basel Convention for the control of transboundary movements of hazardous waste and their disposal. The Convention requires environmentally sound management of hazardous waste and hazardous recyclable material, and a reduction in exports for final disposal. A liability and compensation protocol was adopted under the Convention in December 1999 to ensure compensation for victims of accidents resulting from transboundary movements and management of hazardous wastes and hazardous recyclable material.

Canada has also implemented the Organisation for Economic Co-operation and Development (OECD) Council Decision on the control of transboundary movements of wastes destined for recycling, and, in addition, has a separate bilateral agreement with the United States to control the trans-boundary movement of hazardous waste, including municipal solid waste.

How CEPA 1999 affects Hazardous Waste

CEPA 1999 builds on the government's authority to enact regulations governing the export and import of hazardous waste (including hazardous recyclable materials) and includes the authority to:

- introduce regulations on the import and export of prescribed non-hazardous waste,
- require exporters of hazardous wastes destined for final disposal to submit reduction plans,
- develop and implement more stringent criteria to assess the environmentally sound management of transboundary wastes, and to refuse permits for import or export if criteria are not met, and
- control the interprovincial movements of hazardous waste and hazardous recyclable materials

The development of criteria for environmentally sound management of hazardous waste and hazardous recyclable material is a requirement under CEPA 1999. Priority is given to establishing such criteria for wastes with substances listed on Schedule 1 of the Act.

The Act also includes separate definitions for recyclable material and waste. The separate definitions give regulators the flexibility to control recyclables differently from waste, if the proposed management is considered environmentally sound.

CEPA 1999 retains provisions that require the Minister to publish notification information (type of waste, company name, and country of origin or destination) for exports, imports and transits of hazardous waste and hazardous recyclable material.

Canadian exporters are required to develop and implement reduction plans for exports of waste destined for final disposal. A priority is placed on wastes containing, comprised of or contaminated with substances considered "toxic" under the Act, which are listed on Schedule 1 of CEPA 1999.

The Minister also has the authority to issue permits for the equivalent level of environmental safety, allowing for variances from the regulations under specific conditions. These will be issued on a case-by-case basis.

Waste Regulations under CEPA 1999

Two regulations have been developed to implement the authorities and conditions set out under CEPA 1999. Amendments also have been made to two existing regulations, the PCB Waste Export Regulations, and the Export and Import of Hazardous Wastes Regulations.

A new regulation will be proposed to control interprovincial/territorial movements of hazardous wastes and hazardous recyclable materials, which is being transferred from TDGA. The proposed regulation would:

- ensure the tracking via the manifest of interprovincial shipments to proper facilities,
- harmonize the domestic definition of hazardous wastes and hazardous recyclable materials across Canada, and
- include a mechanism for issuing permits for the equivalent level of environmental safety.

Another new regulation has been proposed to control the export and import of prescribed non-hazardous wastes destined for final disposal. The proposed regulation would:

- permit Canada to meet its commitments under the Basel Convention and the Canada/US Agreement,
- allow for the implementation of a contemplated prior informed consent and tracking procedure,
- prescribe the non-hazardous wastes to be controlled in the regulation, not the Act,
- include a mechanism for issuing permits for the equivalent level of environmental safety,
- introduce reduction plans for exports destined for final disposal, and
- establish criteria for environmentally sound management.

All regulatory proposals and amendments are subject to public consultation provisions contained in CEPA 1999.

Further information:

Internet:

Additional information on the Canadian Environmental Protection Act, 1999 is available on Environment Canada's Green Lane on the Internet at: www.ec.gc.ca/CEPARRegistry

Inquiry Centre:

351 St. Joseph Boulevard
Hull, Quebec K1A 0H3
Telephone: (819) 997-2800
toll-free 1 800 668-6767
Fax: (819) 953-2225
E-mail: enviroinfo@ec.gc.ca