

The *Canadian Environmental Protection Act (CEPA 1999)* and Government Operations and Federal and Aboriginal Land

What is Part 9 of CEPA 1999, and who is included?

Part 9 of CEPA 1999 is the section of the Act that applies to Government of Canada operations. It includes federal departments, agencies, Crown corporations, and boards. Also included are all federal works and undertakings, aboriginal land, and parties who occupy and/or use federal land - commonly referred to as the "Federal House".

Do other parts of CEPA 1999 apply to the Federal House?

Members of the Federal House are subject to all of CEPA as it generally applies to every Canadian. This means that regulations for toxic substances, fuels, ocean disposal and other matters apply equally to the Federal House. Compliance is similarly monitored, and CEPA violations within the Federal House can be prosecuted in the same manner as any other violations.

Why is there a special part for government operations, and federal land and aboriginal land?

Members of the Federal House are subject to CEPA. However, under Canada's Constitution, provincial environmental laws do not generally apply to the federal government. This means that federal operations and land, including aboriginal land, are, for the most part, not subject to provincial regulations or permit systems covering emissions, effluents, environmental emergencies, waste handling, and other environmental matters.

Part 9 of CEPA 1999 fills this gap. It provides that federal facilities and land, and aboriginal land, can be covered by the same type of environmental regulations as entities regulated by the provinces and territories.

Part 9 also provides the authority for making environmental regulations or guidelines that can be applied exclusively to the Federal House. This will move the Federal House towards the goal of "ensuring that its operations and activities on federal and aboriginal land are carried out in a manner that is consistent with the principles of pollution prevention and the protection of the environment and human health". (CEPA 1999: Preamble)

What is included in Part 9?

Part 9 allows the Governor in Council (federal Cabinet) broad powers to issue regulations, specifically for the Federal House, that cover:

- any environmental matter,
- environmental management systems,
- control or prevention of pollution,
- substances or activities involving any substance. This includes manufacture, processing, release to the environment and disposal.

Part 9 also requires the Minister to issue objectives, codes of practice, and guidelines that will apply specifically to the Federal House.

Who is being consulted?

In the administration of CEPA 1999, the Government offers to consult with affected and interested parties in the making of decisions that affect the environment. The Minister, under Part 9, must offer to consult with any territorial government that may be affected by a proposed regulation, guideline, code of practice, or objective. The Minister is also required to consult with the members of the National Advisory Committee (NAC) that represent aboriginal governments which may be affected by a proposed regulation. As well, the Minister may consult with affected departments, boards, agencies, federal works and undertakings, persons on/using aboriginal or federal land and Crown corporations, or with other interested parties.

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

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