

The new *Canadian Environmental Protection Act*

The new CEPA and Environmental Matters Related to Emergencies (Part 8, Sections 193-205)

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/cepa

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

March 2000

What is an environmental emergency?

An environmental emergency is an uncontrolled, unplanned or accidental release of a substance into the environment; or the reasonable likelihood of such a release that may affect the environment, human life or health, or the environment on which human health depends.

What is the purpose of this new part?

Part 8 gives the Minister and the Governor in Council (federal Cabinet), the authority to make regulations and to take non-regulatory measures to prevent, prepare for, respond to and recover from environmental emergencies. It also establishes a regime that makes the person who owns or controls the substance liable for restoring the damaged environment and for the costs and expenses incurred in responding to an environmental emergency.

What are the main features of Part 8?

Part 8 provides a "safety net" for the comprehensive management of environmental emergencies. Where no other federal or provincial regulations exist which adequately address the prevention of, preparedness for, response to or recovery from an environmental emergency, Part 8 can fill these gaps to protect the environment and human health.

The Minister has the authority to conduct research and issue guidelines and codes of

practice respecting environmental emergencies. Research could include studies on the causes of environmental emergencies and remedial measures for dealing with them. The Minister may also establish a national system for the notification and reporting of environmental emergencies.

Part 8 provides the Minister with the authority to require the preparation and implementation of environmental emergency plans for substances currently on the List of Toxic Substances (Schedule 1 of CEPA 1999) or substances that have been assessed as toxic and will be added to the List.

Under Part 8, the Governor in Council may, on the recommendation of the Minister, make regulations respecting various matters related to environmental emergencies.

Part 8 also allows for the creation of a civil liability regime to provide for the recovery of costs and expenses incurred for remedial measures taken to prevent environmental damage and to restore any part of the environment damaged by or during the emergency.

Are there other provisions in CEPA 1999 related to environmental emergencies?

CEPA 1999 contains several provisions related to environmental emergencies. Part 7 (Controlling Pollution and Managing Wastes) authorizes the Governor in Council to make

regulations for the purpose of preventing, controlling or correcting sources of international air and water pollution. Part 9 (Government Operations and Federal and Aboriginal Land) authorizes the Governor in Council to make regulations respecting environmental emergencies in federal government operations. Part 10 (Enforcement) authorizes a judge to require anyone in violation of CEPA to prepare and implement an environmental emergency plan.

