



THE ENFORCEMENT OF CEPA 1999

CEPA enforcement officers will enforce the Act with an emphasis on preventing harm to the environment.

A DUTY TO ENFORCE THE LAW: Canadians expect their government to provide laws and regulations in order to protect them and their society, and these laws must be effectively enforced. The Parliament of Canada has ensured that the *Canadian Environmental Protection Act, 1999* (CEPA 1999) will be enforced by including in s. 2 of the Act a specific obligation to enforce the statute “in a fair, predictable and consistent manner.”

THE ROLE OF ENFORCEMENT UNDER CEPA 1999: When regulations are developed under CEPA 1999, stakeholders provide input and comment at various stages. Compliance is easier when those being regulated understand the purpose of regulations and have input into their creation. Environment Canada promotes compliance through fact sheets, manuals, guidelines, and technical assistance.

Enforcement by CEPA enforcement officers targets requirements to comply with the Act and its accompanying regulations. The goal is to achieve the highest level of environmental quality for all Canadians, a goal stated in the preamble of CEPA 1999. Usually, the first stage of enforcement is inspection by site visit or by review of submitted reports as a means of verifying compliance with the Act and its regulations. In cases of non-compliance, enforcement officers will investigate. If a violation is confirmed, action will be taken using one or more of the enforcement tools available under CEPA 1999.

PRINCIPLES OF CEPA ENFORCEMENT: Environment Canada’s Compliance and Enforcement Policy for CEPA 1999 sets out how enforcement of the Act will be carried out. Enforcement will respect the following principles:

- Compliance with CEPA 1999 and its regulations is mandatory.
- CEPA enforcement officers will apply the Act in a manner that is fair, predictable, and consistent.
- CEPA enforcement officers will use rules, sanctions, and processes securely founded in law.
- CEPA enforcement officers will enforce the Act with an emphasis on preventing harm to the environment.
- CEPA enforcement officers will examine every suspected violation of which they have knowledge and will take action consistent with the Compliance and Enforcement Policy.
- CEPA enforcement officers will encourage any person or organization to report CEPA violations to them.

POWERS OF ENFORCEMENT OFFICERS: Enforcement officers have all the powers of a peace officer for the purposes of enforcing the Act. They also have powers similar to those contained in many other federal statutes to verify compliance and to gather evidence of offences. These include the right to:

- enter premises;
- open containers and examine contents;
- take samples;
- conduct tests and measurements and obtain access to information (including data stored on computers);
- obtain inspection warrants, where entry to a premise has been refused or where premises are locked, unoccupied, or abandoned;
- stop and detain for inspection any means of transport, including a truck, train, ship, airplane, or car;

Compliance with CEPA 1999 is mandatory: The obligations and requirements set out in environmental laws and regulations have to be met or exceeded at all times.

- obtain a search warrant;
- search and seize items where the delay necessary to obtain a search warrant could result in danger to the environment or to human life or health or the loss or destruction of evidence; and
- issue warnings, tickets, orders of various types, etc.

POWERS OF CEPA ANALYSTS: CEPA analysts can be chemists, biologists, engineers, forensic accountants, or laboratory personnel. They are entitled to accompany enforcement officers, and they have the power to enter premises, open containers, take samples, conduct tests and measurements, and gain access to information. In other words, they have access to inspection powers, but they may not use enforcement tools such as warnings, tickets, or orders.

ENFORCEMENT TOOLS: The following enforcement tools are available under CEPA 1999:

- warnings to indicate the existence of a violation, so that the alleged offender can take notice and return to compliance;
- directions that enforcement officers may issue to deal with or to prevent illegal releases of regulated substances;
- tickets, under the *Contraventions Act*, for offences where there is minimal threat to the environment or to human life or health;
- environmental protection compliance orders (EPCOs) to put an immediate stop to illegal activity, to prevent a violation from occurring, or to require corrective action to be taken;
- orders to prevent manufacture, import, etc. of a substance that is new to Canada if the substance has not yet been assessed by the Minister of Environment;
- orders to recall substances or products from the marketplace where there is a contravention of CEPA 1999, with those orders enabling reimbursement or replacement of the product;
- injunction;
- prosecution;
- environmental protection alternative measures (EPAMs), which are agreements negotiated by the Crown prosecutor with the accused and require compliance with specified conditions. EPAM agreements are registered with the court as public documents and published on the CEPA Environmental Registry.

THE FUTURE OF ENFORCEMENT: The CEPA 1999 Compliance and Enforcement Policy will guide application of the Act by enforcement officers. The achievement of CEPA 1999 goals of protection of the environment and human health through pollution prevention is dependent in large part on effective enforcement of the Act and its regulations.

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

ENVIRONMENT CANADA 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

IN PERSON OR BY PHONE AT ONE OF THE FOLLOWING OFFICES OF ENFORCEMENT:

National Capital Region office in Gatineau	(819) 953-1523
Atlantic Region office in Dartmouth	(902) 426-1925
Quebec Region office in Montreal	(514) 283-0181
Ontario Region office in Toronto	(416) 739-5897
Prairie and Northern Region office in Edmonton	(780) 951-8861
Pacific and Yukon Region office in Vancouver	(640) 666-0002

Photo: cover (background) – G. Mitchell, PYR; inside (background) – L. Blais, QcR;
January 2003

