



**Policy Framework of the Administrative Monetary Penalty
Regime at Environment and Climate Change Canada
to Implement the *Environmental Violations Administrative
Monetary Penalties Act***

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1.0 OVERVIEW

The *Environmental Violations Administrative Monetary Penalties Act* (EVAMPA) came into force on December 10, 2010. The purpose of EVAMPA is to establish, as a supplement to existing enforcement measures, a fair and efficient administrative monetary penalty (AMP) regime for the enforcement of specified “Environmental Acts” and associated regulations. EVAMPA lays out the framework for an AMP regime that applies to designated violations under Environmental Acts and regulations; however, in order to implement the AMP regime, the development of both regulations and policies is necessary.

The *Environmental Violations Administrative Monetary Penalties Regulations* (hereinafter, the AMPs Regulations) were pre-published in Part I of the *Canada Gazette* on April 9, 2016, for a 60-day public comment period and came into force on June 2, 2017. The AMPs Regulations apply to six acts under the mandate of Environment and Climate Change Canada:

- *Antarctic Environmental Protection Act*
- *Canada Wildlife Act*
- *Canadian Environmental Protection Act, 1999* (CEPA), Parts 7 and 9
- *International River Improvements Act*
- *Migratory Birds Convention Act, 1994*
- *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act*

The AMPs Regulations prescribe key details of the AMP regime, such as the provisions that may be enforced by means of an AMP. They also set out the method used to calculate the amount of an AMP. For more information on the AMPs Regulations, please consult the following: <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2017-109/>.

2.0 GOALS OF THE POLICY FRAMEWORK DOCUMENT

This Policy Framework document was initially published online in conjunction with the pre-publication in Part I of the *Canada Gazette* (CG) of the AMPs Regulations. This final version is published in conjunction with the CGII publication of the AMPs Regulations. The goal of this document is to outline the basic policy framework of the AMP regime at Environment and Climate Change Canada (hereinafter referred to as ECCC), to respond to comments and questions on the implementation and administration of AMPs received during ECCC’s 2011 public consultation on AMPs, and to provide clarifications stemming from questions from the public during the 60-day CGI comment period.

For greater clarity throughout this document:

- The term AMP is used to refer both to the monetary penalty itself, and to the legal document used to issue the penalty, the “Notice of Violation.” Similarly, the term “issuing an Administrative Monetary Penalty” (or “issuing an AMP”) is used synonymously with the term “issuing a Notice of Violation (NOV).”
- “Other person, ship or vessel” includes corporations, government departments, indigenous government and Bands/Band Councils.
- For the purposes of this document, “persons” also means individuals and vice versa.

- For the purposes of this document, “violation” also means contravention and vice versa.
- Please refer to section 2 of EVAMPA for the definition of “Environmental Act.”¹

3.0 COMPLIANCE AND ENFORCEMENT OF AMPS

According to ECCC’s existing Compliance and Enforcement Policies,² enforcement officers (hereinafter, officers) will apply legislation administered by ECCC in a manner that is fair, predictable and consistent, using rules, sanctions and processes securely founded in law. Enforcement of AMPs will be founded upon the same principles. Officers will continue to administer ECCC’s legislation with an emphasis on prevention of damage to the environment, conservation and protection of natural resources. If officers have reasonable grounds to believe that that a violation took place, they will choose the most appropriate enforcement measure required to secure compliance.

The addition of AMPs will provide a new enforcement measure that ECCC officers may use to respond to alleged violations.

3.1 What is an Administrative Monetary Penalty?

An AMP is a financial disincentive to non-compliance and may be issued by the regulator, without court proceedings, for the violation of designated legislative requirements. An AMP may be issued, in the form of a Notice of Violation, to a person, ship or vessel if an officer believes on reasonable grounds, that the person, ship or vessel has committed a contravention of a specified provision of an Environmental Act or its related regulations.

¹ In EVAMPA, “Environmental Act” means the *Antarctic Environmental Protection Act*, the *Canada National Marine Conservation Areas Act*, the *Canada National Parks Act*, the *Canada Water Act*, the *Canada Wildlife Act*, the *Canadian Environmental Assessment Act, 2012*, the *Canadian Environmental Protection Act, 1999*, the *International River Improvements Act*, the *Migratory Birds Convention Act, 1994*, the *Rouge National Urban Park Act*; the *Saguenay-St. Lawrence Marine Park Act* or the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act*.

² Compliance and Enforcement Policy for the *Canadian Environmental Protection Act, 1999* – March 2001 and Compliance and Enforcement Policy for Wildlife Legislation.

3.2 Enforcement measures and AMPs

Whenever an alleged violation of ECCC's legislation is discovered, ECCC's Compliance and Enforcement Policies dictate that officers will apply the following factors when deciding what enforcement measure to take:

- **Nature of the alleged violation** – This includes consideration of the seriousness of the harm or potential harm, the intent of the alleged violator, whether this is a repeated occurrence, and whether there are attempts to conceal information or otherwise subvert the objectives and requirements of the legislation.
- **Effectiveness in achieving the desired result with the violator** – The desired result is compliance with the legislation, within the shortest possible time and with no further occurrence of violation. Factors to be considered include the violator's history of compliance with the legislation, willingness to cooperate with officers, evidence of corrective action already taken, and the existence of enforcement measures under other statutes by other federal authorities or by provincial, territorial or indigenous governments as a result of the same activity.
- **Consistency in enforcement** – Officers intend to achieve consistency in their responses to alleged violations. Accordingly, officers will consider how similar situations were handled when deciding what enforcement measure to take.

Although situations may differ in relation to alleged violations of ECCC's legislation, one of the most important factors in deciding on an enforcement measure is the effectiveness of the measure in securing compliance as quickly as possible, with no recurrence of the violation.

The choice of enforcement measure, whether AMPs or any other measure, will be determined by the officer according to the principles set out above and in ECCC's Compliance and Enforcement Policies. The range of existing enforcement measures can be found in the **Compliance and Enforcement Policies on the ECCC website**, however, here is a brief re-cap of Written Warnings and Compliance Orders:

Written Warnings

Officers may use warnings:

- when they believe that a violation of the act is continuing or has occurred; and
- when the degree of harm or potential harm to the environment, human life or health appears to be minimal.

Officers can issue warnings verbally or in writing. Verbal warnings may be followed by a written warning.

When deciding whether to use warnings or more severe enforcement measure, officers may also consider:

- whether the individual, company or government agency has a good history of compliance;
- whether the individual, company or government agency has made reasonable efforts to remedy or mitigate the consequences of the alleged offence or prevent further violations.

When an officer uses a warning, it brings an alleged violation to the attention of an alleged violator, in order to promote any necessary action by that person. Warnings do not have the legal force of an order.

Furthermore, they are not a finding of guilt or civil liability. Warnings, and the circumstances to which they refer, form part of the records of ECCC.

Compliance Orders³

It is possible to issue compliance orders to deal with certain violations under certain Environmental Acts. Compliance Orders are a means to secure compliance, without use of the court system.

For example, CEPA authorizes officers to issue a Compliance Order to:

- prevent a violation from occurring;
- stop or correct one that is occurring or continuing over a period of time; or
- correct an omission where conduct is required, and that conduct is not occurring.

Examples of instances where an officer may use a Compliance Order are:

- previously, the officer issued the violator a warning or ticket for the particular offence, but the violator did not return to compliance;
- required conduct is not being carried out; or
- an individual, company or government agency that was required to prepare and implement an environmental emergency plan failed to do so.

The Compliance Order will direct the alleged violator to take the measures required to return to compliance. The order imposes no financial penalty.

3.3 AMPs in Conjunction with Other Enforcement Measures

The choice by an officer to issue a Notice of Violation will be part of the officer's analysis as per the criteria set out in the Compliance and Enforcement Policies, but certain enforcement measures (e.g.: Written Warnings, Compliance Orders, etc.) can be taken in conjunction with AMPs, depending on the circumstances of the violation.

³ In CEPA, an order is called an "Environmental Protection Compliance Order". In the Wildlife related Acts, an order is called a "Compliance Order". In this document, the term "Compliance Order" is used.

The following questions and answers illustrate how AMPs may be used in conjunction with other enforcement measures.

Can an AMP and a Written Warning be issued for the same violation on a given day?

An officer won't, for the same violation on a given day, issue both a Notice of Violation and a Written Warning. Officers will use the factors set out in section 3.2 of this document and those set out in the Compliance and Enforcement Policies to determine which enforcement measure is best suited to secure compliance.

Can AMPs be issued in conjunction with other enforcement measures for continuing violations that take place on separate days?

Yes. Section 12 of EVAMPA states that a violation that is committed or continued on more than one day constitutes a separate violation for each day on which it is committed or continued.

For example, a situation that prompted the issuance of a Written Warning on day 1 might prompt the issuance of a Notice of Violation on day 2 if compliance has not been secured. Other situations might prompt the issuance of a separate Notice of Violation on both day 1 and day 2.

An AMP and prosecution could also be used for a continuing violation, as each day of a continuing offence or violation constitutes a separate offence or violation. The laying of charges might be the more appropriate enforcement measure at a later date, if compliance has not been secured, following the previous issuance of a Notice of Violation.

Will a Written Warning always be issued before the issuance of an AMP?

No. The decision on whether to issue a Written Warning or a Notice of Violation for a violation will depend on the circumstances of the violation. These measures are both non-punitive measures to promote compliance with Environmental Acts. To this end, officers will use the factors set out in the Compliance and Enforcement Policies to determine which enforcement measure is best suited to secure compliance.

Can an AMP and a Compliance Order be issued for the same violation?

An officer can issue a Notice of Violation in addition to a Compliance Order, if the circumstances of the violation warrant it. Depending on the circumstances, an AMP and a Compliance Order could be used for the same violation on the same day to secure compliance with the provision in question or to correct an act or omission.

For example, an officer conducts an inspection in response to a complaint from a member of the public concerning the deposit of waste material in a national wildlife area. If the officer has reasonable grounds to believe that there is a deposit of waste material that alters or degrades the quality of the environment, the officer can issue a verbal Compliance Order to direct an alleged violator to take measures required to return to compliance and could also issue an AMP for the same violation to deter re-occurrence of a violation.

However, an AMP will not be issued at the same time as a Compliance Order issued to **prevent** a violation from occurring.

Can an AMP be issued and a prosecution pursued for the same violation?

No. If an officer issues an AMP for a violation, the officer cannot proceed with charges towards a prosecution for the same violation.

However, if an officer recommends the laying of charges and prosecution of a person, ship or vessel, but the Public Prosecution Service of Canada decides that a prosecution is not warranted in the circumstances, then the officer may issue a Notice of Violation for the violation.

Can a seizure take place at the same time as the issuance of an AMP?

When carrying out an inspection or search, an officer has authority to seize and detain things for various purposes including as evidence if the officer has reasonable grounds to believe an act or regulations have been violated. A thing may also be seized as evidence by an officer acting under a warrant. EVAMPA does not contain authorities to seize anything as evidence.

Things will not be kept by the Crown for use as evidence to prove a violation under EVAMPA.

What happens in cases where there is overlap with provincial regulations and the province is also investigating?

In situations where there is overlap with certain of our federal wildlife acts or regulations and provincial acts or regulations, in terms of both organizations regulating the same type of activity, liaison between the two regulatory bodies may occur. Officers will decide on the enforcement measure which will have the best probability of securing compliance. Some provincial officers are designated to enforce certain federal wildlife acts and regulations, and are similarly guided by the principle of securing compliance.

3.4 Designated Officers for AMPs

Generally, ECCC officers are designated to verify compliance with ECCC's legislation, thereby authorizing them to examine/review every suspected violation of which they have knowledge. The Minister of the Environment and Climate Change will also designate officers with the power to issue AMPs.

Will ECCC designate senior-level officials to issue AMPs?

No. ECCC intends to designate only officers with the ability to issue AMPs in accordance with EVAMPA and the AMPs Regulations.

Will First Nations' representatives be designated to issue AMPs on First Nations Reserve Lands?

No. At this time, ECCC intends to designate only its officers with the ability to issue AMPs in accordance with EVAMPA and the AMPs Regulations.

4.0 DETERMINING THE AMOUNT OF THE PENALTY

The legislative requirements found in EVAMPA and the AMPs Regulations set out how the amount of the penalty is determined.

The AMPs Regulations include schedules listing each provision of the Environmental Acts and associated regulations that are designated as a violation and that may be enforced by means of an AMP if contravened. The schedules also specify how each violation has been classified (Type A, B or C) as well as listing the penalty amounts.

The method of determining the amount of an AMP is outlined in Schedule 4 of the AMPs Regulations. The baseline penalty amount is pre-determined, based on the category of violator and whether the violation is classified as a Type A, B or C violation. The AMPs Regulations also set out three aggravating factors: history of non-compliance; environmental harm; and economic gain. If any of these aggravating factors apply to the violation, a set amount is added to the baseline amount, which increases the overall penalty amount.

$$\text{Baseline + Aggravating Factors (if applicable) = Penalty Amount}$$

Table 1 below sets out the method of determining the penalty amount - Schedule 4, AMPs Regulations.

Table 1: Penalty Amounts Set Out in Schedule 4 of the Environmental Violations Administrative Monetary Penalties Regulations							
	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Item	Violator	Violation Type	Baseline Amount (\$)	History of Non-compliance Amount (\$)	Environmental Harm Amount (\$)	Economic Gain Amount (\$)	Economic Gain Amount – Authorizations Only (\$)
1.	Individual	(a) A	200	600	300	200	50
		(b) B	400	1 200	600	400	100
		(c) C	1 000	3 000	0	1 000	250
2.	Other person or ship or vessel	(a) A	1 000	3 000	1 500	1 000	250
		(b) B	2 000	6 000	3 000	2 000	500
		(c) C	5 000	15 000	0	5 000	1 250

4.1 Who Is Subject to an AMP?

EVAMPA specifies that the following types of violator are subject to AMPs:

- Individual
- Other person, ship or vessel

Any incorporated entity, such as a corporation or a university, is considered to be an “other person” for the purposes of EVAMPA and the AMPs Regulations.

Sections 8 and 9 of EVAMPA provide further details regarding who is considered liable for the commission of violations. Directors, officers, agents and mandataries of corporations; owners, operators, masters or chief engineers of ships or vessels; and pilots of aircraft can be found liable to an AMP in certain circumstances, even if they themselves did not commit the violation.

Are directors and officers liable for AMPs?

Yes. Under section 8 of EVAMPA, any director, officer, agent or mandatary of a corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the violation is party to the violation and is liable to an AMP.

Directors and officers of corporations owning or operating a ship or vessel that commits a violation may be subject to an AMP if they have directed or influenced the corporation's policies or activities in respect of conduct that is the subject matter of the violation.

Will government departments be subject to AMPs, and if so, what type of violator are they?

Yes. Government departments have a responsibility to comply with environmental legislation and may be issued a Notice of Violation. Government departments fall in the category of "other person, ship or vessel".

Will Indigenous governments, Bands and Band Councils be subject to AMPs?

According to section 7 of EVAMPA, an AMP can be issued to every person, ship or vessel that fails to comply with a designated provision. Generally, a Notice of Violation would be issued to an individual; however, each situation is different and will be examined separately.

4.2 The Violation Types

Section 3 of the AMPs Regulations designates violations as Type A, B or C violations, where:

- **Type A** are violations that represent less serious compliance issues and would typically be administrative in nature, such as failing to respect a reporting requirement or failing to keep records as required by regulations;
- **Type B** are violations that represent more serious compliance issues and that create a risk of harm to the environment or constitute an obstruction of authority.

Example 1 of a Type B violation:

A hunter is found hunting a black duck, a species of migratory game bird, outside of open season in violation of subsection 5(4) of the *Migratory Birds Regulations*.

Example 2 of a Type B violation:

A person is found transporting hazardous waste without being named on a valid transit permit. This is a violation of paragraph 22(b) of the *Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations*.

- **Type C** are violations that represent the most serious compliance issues and, by their nature, will always result in harm to the environment.

Note that for Type C violations, the environmental harm aggravating factor will not apply because these violations are inherently harmful to the environment and this factor is already reflected in the baseline AMP amount.

Example of a Type C violation:

A person has released, or allowed or caused the release of, a halocarbon that is contained in a refrigeration system or an air-conditioning system, which is a violation of paragraph 3(a) of the *Federal Halocarbon Regulations, 2003*.

4.3 Aggravating Factors

If any of the following aggravating factors are present in the case of a particular violation, the officer must apply the amount of the factor to the total amount of the AMP.

Aggravating Factor 1 – History of non-compliance

According to subsection 6(2) of the AMPs Regulations, a violator has a history of non-compliance if, in the five years preceding the commission of a violation relating to:

- a) any Division of Part 7 of CEPA or any regulation made under that Division, they were subject to an enforcement action in relation to that Division or any of those regulations;
- b) Part 9 of CEPA or any regulation made under that Part, they were subject to an enforcement action in relation to that Part or any of those regulations; or
- c) any Environmental Act, other than CEPA or a regulation made under one of those Acts, they were subject to an enforcement action in relation to that Act or any of that Act's regulations.

Subsection 6(3) of the AMPs Regulations defines “*enforcement action*” as meaning “the imposition of a ticket, penalty, conviction or injunction or the use of environmental protection alternative measures.”

An officer will apply the aggravating factor of history of non-compliance to increase the penalty amount of the AMP when an individual or other person, ship or vessel has been subject to an enforcement action as identified in the definition of history of non-compliance. The amount added will vary depending on the type of violation and the category of violator, as set out in column 4 of Table 1 above.

Example:

A person exports hazardous waste to another country without the required export permit, issued under section 185 of Division 8, Part 7 of CEPA. The same person has been subject to an enforcement action under Division 8, Part 7 of CEPA for a violation committed within the last five years. In this example, should the officer decide to issue a Notice of Violation for this violation, they will add on the amount set out in column 4 of Table 1 to the baseline amount set out in column 3 of Table 1 above.

Will the aggravating factor of history of non-compliance be applied on a facility-wide or corporation-wide basis?

As a general rule, the AMP regime will apply on a corporation-wide basis. However, in each case, officers will consider the current violation and any previous history of non-compliance by the facility and the corporation, as well as the relationship between the facility and the corporation in order to determine if the corporation's history of non-compliance has to be taken into consideration.

Aggravating Factor 2 – Environmental Harm:

Environmental harm will be found to exist in the event of the observation or measurement of any of the following:

- alteration, disruption or degradation of biodiversity ecosystem or habitat;
- killing, harming, harassing, capturing or taking of wildlife species;
- removing, defacing, damaging or destroying any cultural resource, including an artifact; or
- any adverse effect, such as contamination or degradation and including harm caused by the release of any solid, liquid, gas, odour, heat, sound, vibration or radiation.

If the violation causes harm to the environment, an officer will add on the amount set out in column 5 of Table 1 to the baseline amount set out in column 3 of Table 1, depending on the type of violation and the category of violator.

Example:

Section 125 of CEPA prohibits the disposal of a substance at sea except under the authority of a permit and unless certain conditions are met. Since the disposal of a substance at sea may or may not result in environmental harm, violating any of these provisions is classified as a Type B violation. If harm actually occurs, the amount of the penalty will be increased due to the application of the "environmental harm" aggravating factor.

Aggravating Factor 3 – Economic Gain

Economic gain refers to any revenue, profit, or income obtained, or any costs avoided or delayed, whether directly or indirectly, as a result of non-compliance with the environmental legislation specified in the Notice of Violation issued to the violator.

If economic gain is found to exist, an officer will increase the baseline penalty amount set out in column 3 of Table 1 by the amount set out in either column 7 or 6 of Table 1, above, depending on whether the economic gain resulted from the avoided cost of obtaining a required permit, licence, or other authorization, or whether any other economic gain resulted from the violation, such as additional income, profits or other benefits being realized.

Example:

In order to operate a taxidermy business, a person must have a taxidermy permit, under section 29 of the *Migratory Birds Regulations* (MBR). This permit must be purchased at the cost prescribed by Schedule II of the MBR. If the person did not purchase the taxidermy permit and is operating a taxidermy business illegally, then the AMP calculated for the violation would be increased by 25 percent to account for the avoided cost of obtaining the permit.

Will economic gain include potential gain?

No. Economic gain will only include realized gains.

What if the economic gain realized is greater than the amount that can be added to the penalty for a given violation?

Officers will take into account the magnitude of the economic gain when determining the most appropriate enforcement measure to secure compliance. If the officer decides to issue an AMP, the amount added for the economic gain as an aggravating factor is set in Schedule 4 of the AMPs Regulations.

Will the option of negotiating a settlement be available for AMPs?

No. There is no authority to accept a settlement in a case where a Notice of Violation has been issued and the violator would like to settle for a lesser amount. If violators wish to contest the amount of the AMP they have received, they may ask the Chief Review Officer for a review of their AMP.

Are mitigating factors available to decrease the amount of the AMP?

No. There are no mitigating factors to reduce the amount of an AMP.

Maximum Penalties

According to subsection 5(4) of EVAMPA, the maximum penalty for an:

- a) Individual is \$5,000
- b) Other person, ship or vessel is \$25,000

Each day that a violation continues will be considered as a separate violation for which a separate AMP can be issued.

If an officer issues an AMP for a violation, an AMP can be issued for every day that the officer determines a violation took place or is ongoing. For each AMP, this amount cannot surpass the maximum penalty amount set out in EVAMPA.

5.0 AMP ISSUANCE

According to ECCC's Compliance and Enforcement Policies, if an officer is able to substantiate that a violation took place and there is sufficient evidence to proceed, he or she will take measures consistent with the criteria (see section 3.2) and will choose the appropriate enforcement measure among the various measures available.

Officers may issue a Notice of Violation to a person when they have reasonable grounds to believe that the person has committed a violation. A Notice of Violation will be served on the violator as soon as

possible within the two-year limitation period established by EVAMPA. Section 9 of the AMPs Regulations provides additional details on the requirements for service of a Notice of Violation.

Will the Notice of Violation clearly identify the facts of the violation, to assist the alleged violator in understanding why they are receiving it?

Yes. As required by section 10 of EVAMPA, the Notice of Violation will set out the relevant facts of the violation:

- the name of the person, ship or vessel believed to have committed the violation;
- the relevant facts surrounding the violation;
- the amount of the penalty (including identification of the aggravating factors that were applied);
- information explaining the right to request a review and the period within which that right must be exercised;
- information explaining how to pay the penalty; and
- the consequences of not paying (an alleged violator who does not pay the AMP or request a review will be considered to have committed the violation and is liable for the AMP).

Why is there a two-year limitation period for issuing an AMP?

Section 14 of EVAMPA states that no Notice of Violation in respect of a violation may be issued more than two years after the day on which the subject matter of the violation arises. This time period allows an officer to review the facts of the case and determine the appropriate enforcement measure.

Will some form of notice be provided prior to issuing an AMP?

No, a notice is not required prior to issuing an AMP, as it would reduce the efficiency of the AMP regime by limiting the ability to issue an AMP “on the spot.”

Can an AMP be issued “on the spot”?

Yes. Officers may issue AMP “on the spot” where appropriate. The aim is to secure quick compliance and have an efficient AMP regime; AMPs are designed to be simple to determine and calculate, so that issuance of AMPs “on the spot” is feasible.

Will the information about an AMP be made public?

Every year, ECCC publishes annual reports that contain statistics about the number of enforcement measures taken for its various acts and regulations. Statistics about the number of AMPs will be part of those reports. Under this AMP regime, ECCC does not plan to publish or report information relating to the identity or type of violators who are served with Notices of Violations.

5.1 Oversight of AMPs

In certain situations, oversight will take place before an AMP is issued by an officer.

Examples of situations in which AMPs will be reviewed by the officer's management prior to being issued include:

1. Any matter involving a federal or provincial government or a municipality
2. Any matter involving an Indigenous government, Band, Band council or band official (chief, councillor, etc.)
3. Any AMP to be issued over \$2,500 for individuals and over \$10,000 for other persons, ships or vessels
4. Any matter involving multiple violations, multiple recipients and/or multiple days of continuing violation
5. Any AMP to be issued six months or more after the violation occurred

This approach to oversight will allow AMPs to be issued efficiently while providing fairness and consistency of application in more complex situations.

5.2 The Review Process

A person, ship or vessel that is served with a Notice of Violation may, within 30 days after the day on which the Notice of Violation is served, or within any longer period that the Chief Review Officer allows, make a request to the Chief Review Officer for a review of the penalty or the facts of the alleged violation, or both. The review process is set out in sections 15 to 24 of EVAMPA.

The Chief Review Officer is an adjudicator, appointed by the Minister of Environment and Climate Change (Minister) but independent from ECCC, who conducts reviews requested by an applicant. A request for review by the applicant must be done by corresponding with the Chief Review Officer.

On receiving a request for review of an AMP, the Chief Review Officer shall conduct the review or cause the review to be conducted by a review officer or by a panel of three review officers. The review officer or panel conducting the review may summon any person to give evidence (orally or in writing) and produce any documents and things the review officer or panel considers necessary for the purpose of the review.

The person, ship or vessel who requests the review may appear in person or may be represented by counsel or any other representative.

After giving the person, ship or vessel who requested the review and the Minister reasonable notice orally or in writing of a hearing and allowing a reasonable opportunity in the circumstances for the person, ship or vessel and the Minister to make oral representations, the review officer or panel conducting the review shall determine whether the person, ship or vessel committed a violation. If the review officer or panel determines that the penalty was not determined in accordance with the AMPs Regulations, then the review officer or panel shall correct the amount of the penalty.

The review officer or panel shall render its determination in writing within 30 days after the day on which the review is completed and, without delay, provide the Minister and the person, ship or vessel to whom the determination relates with a copy of the determination and reasons.

If the review officer or panel determines that the person, ship or vessel has committed a violation, the person, ship or vessel is liable for the amount of the penalty as set out in the decision.

A determination made by the review officer or panel under section 21 of EVAMPA is final and binding and is not subject to appeal or to review by any court, except for judicial review under the *Federal Courts Act*.

6.0 RECOVERY OF PENALTIES

Instructions on how to pay the penalty, where to send payment and acceptable payment options are included in the Notice of Violation. Subsection 27(3) of EVAMPA specifies that all penalties received by the Receiver General in payment of an AMP are to be credited to the [Environmental Damages Fund](#). Violators will be contacted by ECCC's Finance Branch for payment of penalties not received within 30 days.

Interest will be charged on overdue accounts from the 31st day of the invoice date, compounded monthly, at the average Bank of Canada rate for the preceding month, plus 3%.

7.0 ADDITIONAL INFORMATION

Should you wish to have more information on the AMP regime, you can consult the following:

- Regulatory Impact Analysis Statement for the AMPs Regulations (found after the regulatory text): <http://www.gazette.gc.ca/rp-pr/p2/2017/2017-06-14/html/sor-dors109-eng.html>
- Website for the Chief Review Officer: http://www.eprc-rpec.gc.ca/eic/site/eprc-rpec.nsf/eng/h_eo00039.html.