

Public Participation in the *Canadian Environmental Protection Act, 1999*

What opportunities exist for public participation in CEPA 1999 activities?

The *Canadian Environmental Protection Act, 1999* (CEPA 1999) carries provisions that strengthen the Government of Canada's commitment to encourage and support public participation in environmental decision-making. One Part of the Act specifically addresses opportunities for public participation, including:

- the obligation to create the Environmental Registry;
- the right to request that the Minister investigate an alleged violation of the Act;
- the right of an individual to bring a civil suit against an alleged violator of CEPA 1999, if there has been significant harm to the environment;
- the protection of the identity of persons who report alleged violations; and
- the creation of a violation if an employer fires, disciplines, suspends or otherwise disadvantages an employee who reported an alleged violation, refused to carry out conduct that would have violated CEPA 1999, or carried out or stated his or her intention to carry out an action required by the Act or its regulations.

CEPA 1999 also gives members of the public the opportunity to participate in many decisions about substances, including:

- the right to request the addition of a substance to the Priority Substances List, so that it can be evaluated on a priority basis to determine whether it is toxic under section 64 of the Act;
- the right to file a notice of objection and request a board of review; and
- the right to provide comments on various initiatives, including proposed pollution-prevention planning notices, regulations, and administrative and equivalency agreements with provinces, territories, and Aboriginal governments.

What is the Environmental Registry?

The Environmental Registry, required under section 12 of CEPA 1999, is a key instrument for fulfilling the Government's commitment to encourage public participation in decision-making by providing timely and comprehensive access to public documents relating to the administration of the Act.

Launched on Environment Canada's Web site (www.ec.gc.ca/ceparegistry) with the proclamation of CEPA 1999 on March 31, 2000, the Registry is an integrated source of current information on CEPA 1999-related instruments, including proposed and existing policies, guidelines, codes of practice, orders, agreements, permits, regulations and

notices. It also enables the public to monitor the progress of these instruments from the proposal stage to their final publication in the [*Canada Gazette*](#).

The Registry is in keeping with Environment Canada's commitment to openness with the public. It gives Canadians the opportunity to learn more about how the federal government administers CEPA 1999 and invites industries, individuals, interest groups and others to participate in the public consultations and decision-making processes that take place under the Act.

Since its launch, the Registry's reliability and user-friendliness, as well as its content and structure, continue to evolve. The Registry continues to expand to better serve Canadians and now encompasses thousands of documents related to the Act. It has become a primary source of environmental information, both nationally and internationally, and promotes greater public participation in areas of departmental priority. It will continue to serve as a useful tool for raising public awareness and engaging Canadians in environmental protection.

What provisions protect whistle blowers?

CEPA 1999 includes provisions to protect individuals who voluntarily report possible offences under the Act. In addition to allowing a person who reports an alleged infraction to request confidentiality, the Act states that it is an offence for an employer to discipline, harass or dismiss an employee who, in good faith, reports an alleged offence under the Act, refuses to conduct activities that would be illegal under the Act, or declares his or her intention to comply with the Act.

What provisions allow for the investigation of an offence?

Section 17 of CEPA 1999 allows any resident of Canada who is at least 18 years of age to request that the Minister of the Environment investigate a suspected violation under the Act. The Minister is compelled to carry out that investigation and to report on its progress to the person who reported the alleged infraction.

What if the citizen is not satisfied with the Minister's response?

Should the Minister fail either to conduct an investigation or to respond reasonably to the request, and if there has been significant harm to the environment, the individual who reported the offence may proceed with a civil law suit called an "environmental protection action". In such a case, the individual can launch action, under the right-to-sue provisions of the Act, against the suspected offender. An individual who launches an environmental protection action may ask the court to:

- declare how the law governs the matter;
- require the defendant to stop the action that caused the offence or take steps to prevent a continuation of an offence;
- order the parties to negotiate a plan to correct or reduce the harm to the environment; and
- grant appropriate relief (such as costs incurred in bringing the suit forward) but not damages.

If the court is not satisfied with the first attempt to develop a plan to correct or reduce the harm, it may order the parties to negotiate another plan or may appoint someone to draft a plan.

Further information

Internet:

www.ec.gc.ca/ceparegistry

Public consultations currently in progress can be found at www.ec.gc.ca/CEPARegistry/participation/.

CEPA Registry:

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