

***The Canadian Environmental Protection Act, 1999* and Government Operations and Federal and Aboriginal Land**

What is Part 9 of the *Canadian Environmental Protection Act, 1999*?

Part 9 of the *Canadian Environmental Protection Act, 1999* (CEPA 1999) pertains to Government operations and federal and Aboriginal land. It applies to:

- federal departments, agencies, Crown corporations and boards;
- all federal works and undertakings;
- Aboriginal land; and
- parties who occupy or use federal land.

These are often referred to collectively 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 1999, 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 1999 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 and Aboriginal lands?

Under Canada's Constitution, provincial environmental laws do not generally apply to the Federal House. 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 through enabling regulatory authorities that ensure federal facilities and federal and Aboriginal lands can be covered by the same types of environmental regulations as entities regulated by the Provinces and Territories.

It also provides the authority for making environmental regulations or guidelines that can be applied exclusively to the Federal House. As noted in the preamble to CEPA 1999, this will help move the Federal House toward 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."

What is included in Part 9?

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

- any environmental matter;
- environmental management systems;
- the control or prevention of pollution;
- substances or activities involving any substances (including manufacture, processing, release to the environment and disposal).

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

Who is being consulted?

In administering CEPA 1999, the Government offers to consult with affected and interested parties in making decisions that affect the environment. Under Part 9 of the Act, the Minister of the Environment 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 who represent Aboriginal governments that may be affected by a proposed regulation. As well, the Minister may consult with affected departments, boards, agencies, federal works and undertakings, persons on or using Aboriginal or federal land, Crown corporations and other interested parties.

Further information

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