

**AN AGREEMENT ON THE EQUIVALENCY OF
FEDERAL AND ALBERTA REGULATIONS
FOR THE CONTROL OF TOXIC SUBSTANCES
IN ALBERTA**

BETWEEN

THE GOVERNMENT OF CANADA (hereinafter referred to as Canada) as represented by the Minister of the Department of Environment

OF THE FIRST PART

AND

THE GOVERNMENT OF ALBERTA (hereinafter referred to as Alberta) as represented by the Minister of Environmental Protection

OF THE SECOND PART

WHEREAS the Canadian Council of Ministers of the Environment have endorsed the **Statement of Interjurisdictional Cooperation on Environmental Matters** to provide an overall framework for effective intergovernmental cooperation on environmental matters;

AND WHEREAS, the Canadian Council of Ministers of the Environment have endorsed the **National Commitment to Pollution Prevention** as a key component of environmental protection and sustainable development;

AND WHEREAS, the presence of toxic substances in the environment is a matter of concern for Canada and Alberta;

AND WHEREAS, Canada and Alberta wish to cooperate fully in protecting the environment from the release of toxic substances;

AND WHEREAS, Canada and Alberta are committed to establish consistent levels of environmental protection and environmental quality for all citizens with respect to toxic substances;

AND WHEREAS, Canada and Alberta have each taken regulatory action to control toxic substances;

AND WHEREAS, Canada and Alberta wish, wherever possible, to avoid duplication of effort in controlling toxic substances;

AND WHEREAS, Section 98 of the *Canadian Environmental Protection Act (CEPA)* authorizes the Minister of the Environment (the Federal Minister) to enter into agreements with a provincial government for the administration of *CEPA*;

AND WHEREAS, Subsection 34(6) of *CEPA* states that where the Federal Minister and the government of a province agree in writing that there are in force by or under the laws of the province, provisions that are equivalent to the provisions of a regulation made under subsection 34(1), and provisions that are similar to sections 108 to 110 of *CEPA*, the Governor in Council on the recommendation of the Federal Minister, may make an order declaring the provisions of the regulation do not apply in the province;

AND WHEREAS, The Governor in Council, by Order-In-Council P.C. 1994-880, dated May 26, 1994, has approved the entry by the Federal Minister on behalf of Canada into this Agreement with Alberta with respect to the administration of *CEPA*;

AND WHEREAS, Section 20 of the *Environmental Protection and Enhancement Act (EPEA)* enables the Minister of Environmental Protection (the Provincial Minister) to enter into agreements with Canada relating to any matter pertaining to the environment;

AND WHEREAS, Section 138 of *CEPA* requires the Federal Minister to report annually to Parliament on the administration and enforcement of *CEPA* and on the administration of subsections 34(5) to 34(9) of *CEPA*;

AND WHEREAS, Section 15 of *EPEA* requires the Provincial Minister to report annually on the state of the environment in Alberta;

NOW THEREFORE, Canada and Alberta do hereby agree as follows:

1.0 DEFINITIONS

"approvals" mean approvals issued under Part 2 of *EPEA*, the Activities Designation Regulation AR 110/93 as amended and the Approvals Procedure Regulation AR 113/93 as amended;

"*CEPA*" means the *Canadian Environmental Protection Act*; R.S.C. 1985 c. 16 (4th supp) as amended;

"*CEPA* regulations" means provisions of the regulations made under the authority of *CEPA* and listed in Annex 1 including amendments to those regulations;

"*EPEA*" means the *Environmental Protection and Enhancement Act* S.A. 1992 c. E-13.3; and the regulations made under the Act.

2.0 EQUIVALENCY

2.1 Provisions that are in force by or under the laws of Alberta, and in particular *EPEA*, are equivalent to the *CEPA* regulations, for the purposes of subsection 34(6) of *CEPA* by reason of the fact that the following criteria have been met:

A. Standards

The standards, measurement or testing methods, which are made pursuant to *EPEA* are equivalent to those which are contained in the *CEPA* regulations.

Provisions that are amended pursuant to *EPEA*, including approvals which are issued, amended or renewed under the authority of *EPEA*, will not contain standards, measurements and testing methods which are less stringent than the corresponding standards, measurements or testing methods contained in the *CEPA* regulations.

B. Citizens' Request for Investigations

Sections 186 and 187 of *EPEA* provide a mechanism similar to that provided in Sections 108 to 110 of *CEPA* whereby an alleged offence will be investigated on the application of citizens, and the report shall be made by the Director of the Alberta Department of Environmental Protection to the applicants outlining the progress of the investigation and the action, if any, that is or will be taken.

C. Sanctions and Enforcement Programs

The penalty provisions and enforcement provisions of *EPEA* are equivalent to the penalty provisions and enforcement measures provided in *CEPA*.

The enforcement policy, as outlined in "The Role of Enforcement in Protecting Alberta's Environment", of the Alberta Department of Environmental Protection in respect of the *EPEA* is equivalent to the *CEPA* Enforcement and Compliance Policy in that it is a public document containing a clear commitment on the part of Alberta to apply and enforce *EPEA* and to do so in a fair, timely and consistent manner.

3.0 INFORMATION SHARING

- 3.1 The Federal Minister and the Provincial Minister will share information respecting the administration of this Agreement in order to meet each Minister's respective reporting obligations to Parliament or to the Legislative Assembly as the case may be.
- 3.2 Information which will be shared by and made accessible between the Parties on an as required basis for the purpose of section 3.1 includes but is not limited to
- a) inventories of activities subject to an approval;
 - b) approvals, including amendments and renewals of approvals;
 - c) annual inspection reports and compliance data summaries of Canada and Alberta;
 - d) ambient air and water quality data or interpretive reports created by the Alberta Department of Environmental Protection; and
 - e) annual statistics on enforcement actions of Canada and Alberta.
- 3.3 For the administration of this Agreement, Alberta will provide to Canada
- (a) copies of the approvals that are issued, amended, or renewed under *EPEA* that contain standards relevant to provisions in the *CEPA* regulations; and
 - (b) copies of the amendments made to the *EPEA* that are relevant to the *CEPA* regulations.
- 3.4 For the administration of this Agreement, Canada will provide to Alberta amendments made to the *CEPA* regulations.

4.0 ENTRY INTO FORCE, AMENDMENT, TERMINATION

- 4.1 This Agreement, including Annex I, comes into force when the Governor in Council makes an order in accordance with subsection 34(6) of *CEPA* that the provisions of the *CEPA* regulations do not apply in Alberta.
- 4.2 This Agreement and Annex may be amended at any time by written agreement of both Parties subject to the approval of the Governor in Council.

4.3 Either Party may terminate this Agreement and Annex upon giving six (6) months written notice to the other Party.

4.4 The Annex constitutes an integral part of this Agreement.

IN WITNESS WHEREOF, this Agreement is made this 1 day of June, 1994 between the Government of Canada, as represented by Minister of the Environment and the Government of Alberta, as represented by the Minister of Environmental Protection.

IN THE PRESENCE OF:

GOVERNMENT OF ALBERTA

David G. [Signature]
Witness

[Signature]
Minister of Environmental Protection

Approved pursuant to the Alberta Department of Federal and Intergovernmental Affairs Act

NA Zaver
Witness

[Signature]
Minister of Federal and Intergovernmental Affairs

GOVERNMENT OF CANADA

[Signature]
Witness

[Signature]
Minister of the Environment and Deputy Prime Minister

Annex 1

List of Provisions of CEPA Regulations

Pulp and Paper Mill Effluent Chlorinated Dioxins and Furans Regulations SOR/92-267 (All Sections).

Pulp and Paper Mill Defoamer and Wood Chips Regulations SOR/92-268 (ss.4(1), 6(2), 6(3) (b), 7 and 9 only).

Secondary Lead Smelter Release Regulations SOR/91-155 (All Sections).

Vinyl Chloride Release Regulations SOR/92-631 (All Sections).

