

The Canadian Environmental Protection Act, 1999 and Disposal at Sea

What is disposal at sea?

Each year in Canada, two to three million tonnes of material are disposed of at sea. Most of this is dredged material that must be moved to keep shipping channels and harbours clear for navigation and commerce. Only the substances listed in the *Canadian Environmental Protection Act, 1999* (CEPA 1999) may be considered for disposal at sea. Discharges from land or from normal ship operations (such as bilge water) are not considered disposal at sea but are subject to other controls.

How is disposal at sea controlled?

All disposal at sea is controlled federally by a system of permits issued under CEPA 1999. Permits are granted on a case-by-case basis after a detailed application and assessment process. This system has been in place since 1975 and was included in CEPA 1988. Administered by Environment Canada's Disposal at Sea Program, the permit system allows Canada to meet international obligations under the London Convention of 1972 and the 1996 Protocol to the Convention.

Permits typically govern timing, handling, storing, loading, placement at the disposal site, and monitoring requirements. The permit assessment phase involves public notice, an application that provides detailed data, a scientific review, and the payment of fees.

Each application is evaluated separately. Disposal at sea is permitted only for non-hazardous substances listed under CEPA 1999 and where it is the environmentally preferable and practical alternative. Permits are not granted if practical opportunities are available to recycle or reuse the material.

Under CEPA 1999, disposal at sea may be considered only for the following substances:

- dredged material;
- fish waste and other organic matter resulting from industrial fish processing operations;
- ships, aircraft, platforms, or other structures from which all material that can create floating debris or other marine pollution has been removed to the maximum extent possible;
- inert, inorganic geological matter;
- uncontaminated organic matter of natural origin; and
- bulky substances that are primarily composed of iron, steel, concrete, or other similar material that does not have a significant adverse effect, other than physical, on the sea or seabed.

In CEPA 1999 there are certain features of note:

- a minimum waiting period of 30 days from a permit's publication in the [*Canada Gazette*](#) before disposal operations may begin, to allow anyone with a concern to file a notice of objection;
- a prohibition on disposal at sea except for the small list of substances in Schedule 5 of the Act (as listed above);
- a formal assessment framework (Schedule 6) for permit applications based on the precautionary principle;
- application of the user pay principle;
- a prohibition on exporting any substance for disposal at sea; and
- a legal obligation for Environment Canada to monitor disposal sites

What happens after a permit is issued?

After a permit is issued, Environment Canada conducts periodic inspections during disposal operations to ensure compliance with permit conditions. When disposal operations are complete, monitoring studies are conducted at selected sites to verify that permit decisions were correct and adequately protective of the marine environment. Monitoring is conducted by the Disposal at Sea Program, and the results are considered in future permit assessments.

How is the public informed?

Public concern and potential conflicts with other legitimate uses of the sea are an important part of any permit application assessment. Applicants seeking a permit for disposal at sea must publish a notice in a local newspaper, and anyone with concerns may contact Environment Canada during the application assessment. Also, under CEPA 1999, anyone may file a notice of objection within 30 days of the publication of a permit in the [*Canada Gazette*](#).

All permit and monitoring activities are part of the public record and are summarized each year in annual reports. Details of individual permits are also available on the Internet through the CEPA Registry at www.ec.gc.ca/CEPARegistry.

The Disposal at Sea provisions of CEPA 1999 were amended in 2005, to provide an additional tool to address illegal discharges from ships. Key changes to the provisions included applying the Act to ships as well as to persons, being able to define "normal operations" of ships, and coordinating with the *Canada Shipping Act* to avoid duplication. These amendments should not affect the Disposal at Sea Program's permit system.

Further information

Internet:

Additional information on CEPA 1999 is available on Environment Canada's Web site at:
www.ec.gc.ca/ceparegistry.

More information on Environment Canada's Disposal at Sea Program can be found at
http://www.ec.gc.ca/seadisposal/main/index_e.htm.

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