

# ***The Canadian Environmental Protection Act, 1999*, and Environmental Matters Related to Emergencies**

## **What is an environmental emergency?**

An environmental emergency is an uncontrolled, unplanned, or accidental release (or the reasonable likelihood of such a release) of a substance into the environment that could affect the environment or human health.

## **How does the *Canadian Environmental Protection Act, 1999*, relate to environmental emergencies?**

Part 8 (sections 193-205) of the *Canadian Environmental Protection Act, 1999* (CEPA 1999), gives the Minister of the Environment and the Governor in Council (federal Cabinet) the authority to make regulations and take non-regulatory measures to prevent, prepare for, respond to, and recover from environmental emergencies. It also establishes a regime that makes the person who owns or controls the substance involved liable for restoring the damaged environment and for the costs and expenses incurred in responding to an environmental emergency.

## **What are the main features of Part 8 of CEPA 1999?**

Part 8 provides a safety net for the comprehensive management of environmental emergencies. Where no other federal or provincial regulations exist that adequately address the prevention of, preparedness for, response to, or recovery from an environmental emergency, Part 8 can fill these gaps in order to protect the environment and human health.

The Minister has the authority to conduct research and issue guidelines and codes of practice respecting environmental emergencies. Research could include studies on the causes of environmental emergencies and remedial measures for dealing with them. The Minister may also establish a national system for the notification and reporting of environmental emergencies.

Part 8 provides the Minister with the authority to require the preparation and implementation of environmental emergency plans for substances currently listed in Schedule 1 of CEPA 1999 or assessed substances that have been recommended for addition to Schedule 1. Environmental emergency regulations have been developed under section 200 of the Act.

Under Part 8, the Governor in Council may, on the recommendation of the Minister, make regulations respecting various matters related to environmental emergencies.

Part 8 also allows for the creation of a civil liability regime to provide for the recovery of costs and expenses incurred for remedial measures taken to prevent environmental damage and to restore any part of the environment damaged by or during the emergency.

## **Are there other provisions in CEPA 1999 related to environmental emergencies?**

CEPA 1999 contains several other provisions related to environmental emergencies. Part 7 (Controlling Pollution and Managing Wastes) authorizes the Governor in Council to make regulations for the purpose of preventing, controlling, or correcting sources of international air and water pollution. Part 9 (Government Operations and Federal and Aboriginal Land ) authorizes the Governor in Council to make regulations respecting environmental emergencies in federal government operations. Part 10 (Enforcement) authorizes a judge to require anyone in violation of CEPA to prepare and implement an environmental emergency plan.

## **Further information**

For further information, please contact Environment Canada's Environmental Emergencies Program by e-mail at [CEPAE2@ec.gc.ca](mailto:CEPAE2@ec.gc.ca).

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

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