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**ANNOTATED GUIDE TO THE CANADIAN
ENVIRONMENTAL PROTECTION ACT**

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This work unravels the complications of the Canadian Environmental Protection Act, offering a practical explanation of how each of the Act's more than 356 sections operate and relate to one another. This information is crucial for those charged with implementing the Act and for those who need to know how it can affect one's clients or business. The only annotated resource on the subject, it includes:

- A section-by-section explanation of the entire *Act*
- An analysis of key reported case law
- A consolidation of the *Act's* six schedules
- Annotations to the List of Toxic Substances
- The text of key regulations, with commentary

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What's New in this Update:

This release features updates to the Introduction as well as updates to the case law and commentary under *CEPA, 1999*. Selected Legal Literature and Words & Phrases sections have also been updated.

Under the *Canadian Environmental Protection Act, 1999*, the following regulations have been updated to reflect recent amendments:

- *Export of Substances on the Export Control List Regulations*, SOR/2013-88
- *Ozone-Depleting Substances and Halocarbon Alternatives Regulations*, SOR/2016-137

Highlights:

- **Introduction — Overview Of Key Aspects Of CEPA, 1999 And The Regulation Of Substances In The Environment — Chemicals Management Plan** — The update on what the CMP regime may look like post 2020 noted that: (1) in 2016 the OECD indicated that while Canada was one of the first countries to systematically start addressing the risks of legacy chemicals, the priority-setting exercise is now almost a decade old and it is essential for Canada to take into consideration new scientific information regarding chemicals and to support the continued development of modernized and harmonized approaches for the assessment and management of chemicals, ensuring a sustainable chemicals management program beyond the 2020 goal; and (2) the post 2020 framework, building on the federal government's 2014 Identification of Risk Assessment Priorities Approach ("IRAP"), should contain robust problem formulation, integrate emerging and new scientific approaches to better understand risks and courses of action, provide opportunities for public engagement, emphasize predicting and forecasting risks, and promote data collection and data sharing on chemical substances from a wide range of domestic and international sources (Government of Canada, *Chemicals Management in Canada: Update on Developing a Prioritization Framework for Post 2020 Chemicals Management for CMP Stakeholder Advisory Council* (Ottawa: Government of Canada, November 26-27, 2018).
- **Introduction — Overview of Key Aspects Of CEPA, 1999 and the Regulation of Substances In The Environment — Regulated Toxic Substances-Greenhouse Gases — The Domestic Regulatory Situation at the Federal Level in Canada** — Recent reports indicate that the Trump administration is proceeding with a two-pronged deregulation

strategy for both stationary and mobile sources of greenhouse gases (See Coral Davenport and Lisa Friedman, “How Trump is Ensuring That Greenhouse Gas Emissions Will Rise”, The New York Times (26 November 2018) (noting that the Trump administration is working to allow more greenhouse gas emissions by weakening Obama-era regulations meant to reduce pollution at its source: the smokestacks of power plants and tailpipes of automobiles).

