

## Index

### **Administrative penalty regime in Ontario**

environmental regulation in Canada

administrative monetary penalties, 157-160

generally, 154-155

prosecutions, 155-157

federal regime: *Environmental Administrative Monetary Penalties Act*, 161-164

generally, 153-154

*R. v. Husky Operations Limited*, 170-171

*R. v. Teck Coal Limited*, 166-170

trends in environmental legislation: increasing fines, 165-166, 172

***Austrian Power Grid & Others v. ACER*, see Integration of EU electricity market: landmark case of *Austrian Power Grid & Others v. ACER***

### **Bill C-49, see also Offshore renewable energy projects in Atlantic Canada**

addressing provincial benefits in federal areas, 105-106

aligning *Accord Acts* and *Impact Assessment Act*, 102-103

assigning liability for abandoned works, activities, projects, 106

changing names of *Accord Acts*, 101

clarifying decision-making and other processes, 104-105

ensuring consistent regulations, 107

expanding mandate of offshore energy regime, 102

### **Bill S-5, key amendments, see also *Canadian Environmental Protection Act, 1999 amendments***

amendments that change nothing, 42

creating problems where none existed, 37-41

generally, 14

problems made worse by amendments, 35-36

problems not addressed in amendments, 29-34

problems partially addressed in amendments, 19-29

right to healthy environment, 15-16

strengthening chemicals management, 16-19

### **Blueberry River First Nation Settlement and *Yahey v. British Columbia***

generally, 145, 151

Implementation Agreement

generally, 147-149

**Blueberry River First Nation Settlement and *Yahey v. British Columbia* —  
*continued***

Implementation Agreement — *continued*

impact of, 149-150

significance, 150-151

infringement on Blueberry's treaty rights by Crown, 145-147

Revenue Sharing Agreement, 148

***Canadian Environmental Protection Act, 1999* amendments**

Bill S-5, key amendments

amendments that change nothing, 42

creating problems where none existed, 37-41

generally, 14

problems made worse by amendments, 35-36

problems not addressed in amendments, 29-34

problems partially addressed in amendments, 19-29

right to healthy environment, 15-16

risk assessment, 16-17

risk management, 17-18

strengthening chemicals management, 16-18

generally, 9-10, 43

toxic substance problem, nature and extent

domestically, 11-14

internationally, 10-11

**Canadian environmental reporting networks**

generally, 111-112

ISSB Global Sustainability Reporting Framework

generally, 121-123

industry-based guidance, 128-129

reporting considerations, 129-131

standards and accompanying guidance, 123-128

OSFI Guidelines B-15

climate-related disclosure obligations, 115-118

climate-related governance obligations, 113-115

climate-related risks, 113

compliance considerations, 118-121

generally, 112-113

**Carbon capture, utilization and storage (CCUS)**

Alberta

carbon storage hubs, 51-53

generally, 46-48

**Carbon capture, utilization and storage (CCUS) — continued**Alberta — *continued*

regulatory regime, 49-51

*Technology Innovation and Emissions Reduction Regulation (TIER)*, 49

## British Columbia

generally, 53-55

recent developments, 54-55

regulatory regime, 53-54

enhanced oil recovery (EOR), 44

federal support, 44-46

*Clean Electricity Regulations*, 47*Clean Fuel Regulations*, 47, 76

generally, 45-46, 65

Newfoundland &amp; Labrador, 62-64

## Ontario

commercial-scale regime, factors for, 91-93

current regime, 89-91

development of regulatory framework, 59-61

economic considerations, 94-96

generally, 59, 85, 96-97

location of large emitters and CCUS suitable geological formations, 85-89

next steps for CCUS development, 61-62

*Paris Agreement*, 1-2, 45-46, 81

## Saskatchewan

generally, 55-59

recent developments, 58-59

regulatory regime, 57-58

***Carbon Competitiveness and Incentive Regulation (Alta.)*, 68, 71-73****Climate change regulation challenge: *Mathur v. Ontario***age discrimination and s. 15 of the *Charter*, 5causality and s. 7 of the *Charter*, 4*Charter* challenge, 2, 4-5

expert evidence, 2-3

generally, 1, 8

greenhouse gas emissions reduction target, 1-2

justiciability, 3

litigation in other countries

Netherlands, 5-6

US, 6-8

societal preservation principle, 4-5

**Contaminated site liability and property taxation: *Seaspan ULC v. North Vancouver (District)***

*Assessment Act*, market value under, 140-141  
generally, 139, 144  
remediation under *Environmental Management Act*, 139-140  
Seaspan site, 141-142  
Seaspan's property tax assessment appeals  
    Court of Appeal decision, 143-144  
    generally, 142-143

**Environmental enforcement**, *see Administrative penalty regime in Ontario*

***Greenhouse Gas Pollution Pricing Act***, 67, 79, 95, 161

**Industrial greenhouse gas emissions regulatory regime in Alberta**

carbon capture and storage, growing importance, 80-82  
current large industrial emitters GHG, from Jan. 1, 2023 onward, 75-80  
generally, 67-68, 83  
*Greenhouse Gas Pollution Pricing Act*, 67  
large industrial emitters GHG regime, July 2007-Dec. 2022, 68-75  
    *Carbon Competitiveness and Incentive Regulation*, 68, 71-73  
    *Specified Gas Emitters Regulation*, 68-71  
    *Technology Innovation and Emissions Reduction Regulation*, 73-75

**Integration of EU electricity market: landmark case of *Austrian Power Grid & Others v. ACER***

appeal from ACER decision, 135  
application for annulment by TSOs  
Electricity Balancing Regulation, 133-136  
EU General Court decision, 136-137  
intervention of ACER on set up of European platforms, 135

**ISSB Global Sustainability Reporting Framework**

generally, 121-123  
industry-based guidance, 128-129  
reporting considerations, 129-131  
SASB Standards, 126  
standards and accompanying guidance, 123-128  
Task Force on Climate-Related Financial Disclosures (TCFD)  
    Four Pillars, 123, 124-126, 127-128  
    generally, 112, 121, 122

*Mathur v. Ontario*, see **Climate change regulation challenge: *Mathur v. Ontario***

**Offshore renewable energy projects in Atlantic Canada**

Bill C-49 changes

addressing provincial benefits in federal areas, 105-106

aligning *Accord Acts* and *Impact Assessment Act*, 102-103

assigning liability for abandoned works, activities, projects, 106

changing names of *Accord Acts*, 101

clarifying decision-making and other processes, 104-105

ensuring consistent regulations, 107

expanding mandate of offshore energy regime, 102

generally, 99-100, 107-110

importance of Atlantic Canada, 100-101

**OSFI Guidelines B-15**

climate-related disclosure obligations, 115-118

climate-related governance obligations, 113-115

climate-related risks, 113

compliance considerations, 118-121

generally, 112-113

Task Force on Climate-Related Financial Disclosures (TCFD), 112, 115

*Paris Agreement*, 1-2, 45-46, 81

**Property taxation and contaminated site liability**, see **Contaminated site liability and property taxation: *Seaspan ULC v. North Vancouver (District)***

*R. v. Husky Operations Limited*, 170-171

*R. v. Teck Coal Limited*, 166-170

**Right to be free from industrial chemical harm**, see **Canadian Environmental Protection Act, 1999 amendments**

*Seaspan ULC v. North Vancouver (District)*, see **Contaminated site liability and property taxation: *Seaspan ULC v. North Vancouver (District)***

*Specified Gas Emitters Regulation (Alta.)*, 68-71

**Task Force on Climate-Related Financial Disclosures (TCFD)**

Four Pillars, 123, 124-126, 127-128

**Task Force on Climate-Related Financial Disclosures (TCFD)** —  
*continued*

generally, 112, 121, 122

***Technology Innovation and Emissions Reduction Regulation (Alta.)***, 47, 73-75

***Yahey v. British Columbia and Blueberry River First Nation Settlement***

generally, 145, 151

Implementation Agreement

generally, 147-149

impact of, 149-150

significance, 150-151

infringement on Blueberry's treaty rights by Crown, 147-149

Revenue Sharing Agreement, 150