

Index

CfDs (Contacts for difference)

As a Policy Tool, 73
Canada Growth Fund, 64
Canadian Context, 71
Current Applications, 67
History, 66
International Use, 68, 69
Key Contract Considerations, 69

Darlington New Nuclear Project

Application of the *Impact Assessment Act*, 27
Background, 18
Enriched vs. natural uranium, 21
First Nations' Concerns, 26
Main Parameters outside the Original Plant Parameter Envelop
 Airborne Releases, 24
 Deeper Embedment, 23
 Increased Spent Fuel Cask Weight, 24
 Increased Water Storage Driven by Revised Fire Code Standards, 23
 Multi-Reactor Accidents, 25
 Radioactive Solid Waste, 24
 Species at Risk, 25
Single-loop reactor design, 22

Environmental class actions

Generally, 77
Attribution science, 78
Greenwashing
 Amendments to Competition Act, 83
 Cohen c. Dollarama, 84
 Definition, 77, 83
 Keurig Canada Inc., 83
 Regulatory scrutiny, 83
 Volkswagen AG, 84
Environnement Jeunesse c. Procureur général du Canada, 77
Held v. Montana case, 76
Justiciability
 La Rose v. Canada, 81
 Mathur v. Ontario, 80, 97

Environmental class actions — *continued*

Justiciability

La Rose v. Canada — *continued*

Non-class actions, 80

Sierra Club of British Columbia Foundation v. British Columbia, 80

Paris Agreement, 78

PFAS (perfluoroalkyl and polyfluoroalkyl substances) litigation, 83

Private-law actions

Generally, 81

Milieudefensie et al. v. Royal Dutch Shell plc, 82

Securities and Public-Disclosure Violations, 85

Urgenda Foundation v. The State of the Netherlands, 78, 89**Impact Assessment Act**

Alberta Court of Appeal Reference, 4

Amendments, 9

Designation of Projects, 2

History of the Act, 1

Impact Assessment, 3

Supreme Court of Canada Reference, 5

International Law

Comparison to Canada

Generally, 96

Causality, 97

Justiciability, 97

La Rose v Her Majesty the Queen in Right of Canada, 96, 99*Mathur v Ontario*, 80, 97*Misdzi Yikh v. Canada*, 96, 99

Climate change litigation

Global History, 89

Positive v. negative rights, 97

Procedural hurdles, 93

De Conto v. Italy and 32 other States, 101*Engels v. Germany*, 102

Global Call to Action, 63

Greenpeace Nordic and Others v. Norway, 102

Müllner v. Austria, 101*Norwegian Grandparents' Climate Campaign and Others v. Norway*, 101*Soubeste and 4 other applications v. Austria and 11 other States*, 102*Uricchio v. Italy and 31 other States*, 101*Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*

Causality, 94

International Law — *continued*

Verein KlimaSeniorinnen Schweiz and Others v. Switzerland

Causality — *continued*

History, 90

Reasoning

Process, 92

Substance, 91

Officer and Director Liability for Environmental Offences

R. v. Mossman

Extension of strict liability to liability of individual corporate actors, 108

Facts, 106

Interpretation of “authorize, permit or acquiesce”, 108, 109

Strict liability, 108

R. v. Peterson

Generally, 110

use of “authorize, permit or acquiesce”, 110

R. v. Sault Ste-Marie

Due diligence defence, 105

Strict liability, 105

Secondary liability offences, 108

Obsidian Energy Ltd v Cordy Environmental Inc, 2024 BCCA 226, 2024

CarswellBC 1751, 2024 A.C.W.S. 3161, 2024 BCCA 226 (B.C. C.A.)

Generally, 114

Court of Appeal Decision, 115

Environmental Management Act

Cost provisions, 113, 115

Purpose, 113, 115

Exceptions to the Government-Only Statutory Right to Recover

Remediation Costs, 112

Supreme Court of British Columbia Decision, 116

PFAS (perfluoroalkyl and polyfluoroalkyl substances)

Civil litigation and class proceedings, 47

Contaminated sites, 44

Description, 32

Environmental and Human Health Risks, 32, 33

Federal regulatory framework

Generally, 34

2008 Amendments, 35

2021 Notice, 37

Prohibition Regulations, 36

PFAS (perfluoroalkyl and polyfluoroalkyl substances) — *continued*

Federal regulatory framework

Generally — *continued*

Revised Management Report, 39

Risk Management Scope for PFAS Report, 38

Significant New Activity Notice, 37

Toxic Substances List, 35

Updated Draft Report (July 2024), 38

Virtual Elimination List, 36

Provincial regulatory framework

Alberta, 41

British Columbia, 40
Regulation of PFAS in Food, Cosmetics, and Other
Products, 42

Workplace regulation and liabilities, 46

Québec environmental law developments

Bill 63

Generally, 60

Energy resource management plan, 61

Indigenous communities, 60

Ministerial Powers, 60

No fault civil liability regime, 61

Contaminated soils

Generally, 51

PFAS (perfluoroalkyl and polyfluoroalkyl substances), 52

Royalty rate, 52

Constitutional challenge to the *Impact Assessment Act*, 58

Environmental performance of buildings, 57

GHG cap-and-trade system, 55

Implementation of environmental authorization scheme, 49

Mining and energy

Generally, 59

Bill 63, 60

Exclusive exploration rights, 59

Municipality action, 56

Residual materials

Generally, 55

Expansion of deposit-refund system, 55

Extended producer responsibility regime, 56

Transitional regime for activities in bodies of water, 54

Water extraction

Generally, 53

Royalty rate, 53