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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:

- Commentary has been updated in § CEPA:17 The International Situation, § CEPA:18 The Domestic Statutory Situation at the Federal Level in Canada, and § CEPA:19 The Domestic Regulatory Situation at the Federal Level in Canada.

### Highlights:

- **OVERVIEW OF KEY ASPECTS OF CEPA, 1999 AND THE REGULATION OF SUBSTANCES IN THE ENVIRONMENT — REGULATED TOXIC SUBSTANCES — GREENHOUSE GASES — THE INTERNATIONAL SITUATION** — Greenhouse gas emissions from heavy industry, such as cement, steel, or chemical factories, have been harder to curb than emissions from power plants and cars and are now on pace to become by far the world's largest source of planet-warming pollution. Moreover, iron, steel, cement, chemical, and oil and gas industries, remain the hardest sectors to clean up. Without cleaner alternatives, these sectors are projected to become the world's biggest climate change problem. Cement manufacturing alone is expected to produce twice as many emissions for the rest of the century as all of the world's cars combined, according to a November 2023 UN-sponsored report. Emissions from the burning of fossil fuels are dangerously heating the planet. The fossil fuel industry has sought to frame the problem as one of emissions, arguing that if greenhouse gases like carbon dioxide and methane could be contained or removed from the atmosphere, the world could continue to burn oil, gas, and coal. Others say that it is technically impossible at the moment and fossil fuels must be replaced with solar, wind, and other renewable energy.
- **OVERVIEW OF KEY ASPECTS OF CEPA, 1999 AND THE REGULATION OF SUBSTANCES IN THE ENVIRONMENT — REGULATED TOXIC SUBSTANCES — GREENHOUSE GASES — THE DOMESTIC STATUTORY SITUATION AT THE FEDERAL LEVEL IN CANADA** — In December 2023, a private member's bill that would have enshrined recognition of a right to a healthy environment in most federal environmental legislation was defeated in Parliament. In addition to recognizing a right to a healthy environment in most federal environmental laws, Bill C-219 would have enhanced the ability to enforce the right. This reform alone made the bill a distinct improvement over the existing remedy provisions of the CEPA, 1999 that have not been used once over the last two decades due to a variety of

procedural obstacles in the legislation. Bill C-219 encountered stiff opposition in the House of Commons, including concerns about: (1) federal powers overstepping into provincial jurisdiction; and (2) too much authority being granted to the courts to decide environmental policy and the scope of environmental rights.

**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**

— Despite ambitious climate commitments, Canada is expected to miss its goal of cutting carbon emissions by at least 40 percent below 2005 levels by 2030, in part because of emissions from the oil and gas sector. Oil and gas production accounts for more than 25 percent of Canada's total greenhouse gas emissions, which have grown significantly since 2005. While emissions from natural gas and conventional oil production have fallen over that period, oil sands emissions have increased 142 percent. The federal environment minister has indicated that without substantial cuts to oil and gas industry emissions, Canada cannot reach its national 2030 climate target to reduce emissions by 40 to 45 percent below 2005 levels. In December 2023, it was reported that the oil and gas industry will have to cut greenhouse gas emissions by more than one-third within seven years or buy offset credits under a new federal policy.

## **ProView Developments**

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