

Index

ABATEMENT OFFICERS

- Functions, **3:1**
- Inspections, reasonable inquiries, **3:28 to 3:33**
- Specific areas, search without warrants, **3:6**

ABSOLUTE POLLUTION EXCLUSION

- See COMPREHENSIVE GENERAL LIABILITY POLICIES

ACCIDENTS

- See also DANGEROUS OCCURRENCES; EMERGENCIES; TRANSPORTATION OF DANGEROUS GOODS
- Remedial and contingency plans, establishment, **4:46**
- Reporting requirements
 - where dangerous goods involved, **8:23 to 8:40**
 - where radioactive goods involved, **8:23 to 8:40**

ACCOUNTANTS

- See also CHARTERED PROFESSIONAL ACCOUNTANTS CANADA (CPA Canada).
- Corporate sustainability reports, **4:74 to 4:76**
- Role in supporting corporate GHG emission management activities, **10:32**

AD HOC WORKING GROUP ON THE DURBAN PLATFORM FOR ENHANCED ACTION (ADP)

- See CONFERENCE OF THE PARTIES

ADMINISTRATIVE MONETARY PENALTY (FEDERAL)

- Generally, **4:11**
- Statistics, 2018-2021, **4:10**

ADMINISTRATIVE PENALTIES

- See also OFFENCES AND PENALTIES
- Alberta, **4:16**
- British Columbia recycling, **7:4**

ADMINISTRATIVE PENALTIES

—Cont'd

- Environmental
 - Alberta, **4:16**
 - federal, **4:10, 4:11**
 - Ontario, **4:13**
 - Quebec, **4:19**
- Federal, monetary, environmental, **4:10, 4:11**
- New Brunswick recycling, **7:6**
- Non-compliance with environmental legislation, **4:38**
- Ontario, **4:13**
- Quebec, **4:19**
- Waste reduction
 - Alberta, **7:3**
 - British Columbia, **7:4**
 - Manitoba, **7:5**
 - New Brunswick, **7:6**
 - Newfoundland and Labrador, **7:7**
 - Nova Scotia, **7:8**
 - Ontario, **7:9**
 - P.E.I., **7:10**
 - Quebec, **7:11**
 - Saskatchewan, **7:12**

ADVERTISING

- See also PACKAGING AND PRINTED MATTER; PRINCIPLES AND GUIDELINES FOR ENVIRONMENTAL LABELLING AND ADVERTISING
- False or misleading representations
 - consumer products, packaging, **7:16**
 - environmentally friendly, **7:25**
 - inorganic, **7:19**
 - inquiries, **7:15**
 - penalty, **7:15**
 - prohibition, scope, **7:15**
- Food, drugs, cosmetics, medical devices, regulation, **7:17**
- Green marketing
 - see GREEN MARKETING
- Labels
 - see LABELLING

ADVERTISING—Cont'd

Trademarks, protection, **7:53**

United States, developments, **7:39 to 7:44**

AGREEMENTS OF PURCHASE AND SALE

See REAL ESTATE TRANSACTIONS

ALBERTA

Alberta Beverage Container Management Board, **7:3**

Alberta Recycling Management Authority (ARMA), **7:3**

Alberta Used Oil Management Association (AUOMA), **7:3**

Climate change
carbon pricing for large industrial emitters, **10:55**

former carbon levy, **10:54**

greenhouse gas emissions reporting requirements, **10:41**

Climate Leadership Plan, **5:32**

carbon pricing program, **5:31 to 5:46**

methane emissions, **5:35**

oilsands carbon emissions, **5:34**

renewable power and phase-out of coal, **5:36**

repealed, **10:54**

Contaminated sites

designation, orders, **1:69**

remediation, liability, **1:75 to 1:77, 1:154**

Corporate officers, environmental restoration, duty, **2:42**

Electronics Recycling Alberta (ERA), **7:3**

Electronics recycling program, **7:3**

Environmental inspections, **3:10**

Environmental investigation units, establishment, **3:1**

Environmental management, enforcement, **4:16**

Extended producer responsibility, **7:3**

Inspectors, information, supply, **3:32, 3:33**

Packaging waste reduction initiatives, **7:3**

Pollution, remedial action, orders, **6:17**

Waste reduction and diversion initiatives, **7:3**

ALBERTA BEVERAGE CONTAINER MANAGEMENT BOARD

Generally, **7:3**

ALBERTA ENVIRONMENT

Tier 1 Soil and Groundwater Remediation Guidelines, **1:74**

Tier 2 Soil and Groundwater Remediation Guidelines, **1:74**

Upstream Oil and Gas Reclamation and Remediation Programs, **1:73**

ALBERTA ENVIRONMENT DIRECTOR

Contaminated sites, powers, **1:69**

ALBERTA RECYCLING MANAGEMENT AUTHORITY (ARMA)

See also ALBERTA

Generally, **7:3**

Used oil program, **7:3**

ALBERTA USED OIL MANAGEMENT ASSOCIATION (AUOMA)

See now ALBERTA RECYCLING MANAGEMENT AUTHORITY (ARMA).

ALTERNATIVE MEASURES AGREEMENT

Fisheries Act, under, **4:10.60**

AMERICAN INTERNATIONAL GROUP, INC

See CHARTIS INSURANCE

AMP

See ADMINISTRATIVE MONETARY PENALTY

ANTI-FREEZE

Extended producer responsibility

British Columbia, **7:4**

ASBESTOS ABATEMENT LIABILITY INSURANCE

Environmental impairment liability, coverage, **6:27**

ASBESTOS INSULATION REMOVAL CONTRACTORS

Insurance, environmental impairment liability, coverage, **6:26**

ASBESTOS MANAGEMENT

Generally, **1:184 to 1:192**

Federal

proposed regulatory ban on asbestos, **1:184 to 1:192**

INDEX

ASBESTOS MANAGEMENT—Cont'd

- Provincial
 - employers, duties of, **1:187**
 - encapsulation and enclosure, **1:189**
 - introduction, **1:185**
 - liability, insurance, **6:26, 6:27**
 - management plans, **1:188**
 - notification requirements, **1:190**
 - owners, duties of, **1:187**
 - pre-work assessments, **1:186**
 - prohibition, penalties, **1:192**
 - removal, **1:191**
 - tenant's liability, asbestos, **1:172**

AUDITS

- See ENVIRONMENTAL AUDITS

AUTOMOBILE INSURANCE

POLICIES

- Pollution, liability, coverage, **6:24, 6:26**

AUTOMOTIVE PURCHASES

- See also AUTOMOTIVE TAXES; TAXATION

British Columbia

- electric vehicle rebates, **5:48**

Ontario

- incentives
 - based on fuel efficiency, **5:24, 5:48**
- electric vehicle rebates, **5:48**

AUTOMOTIVE TAXES

- See also AUTOMOTIVE PURCHASES; TAXATION

Fuel taxes, **5:24**

- British Columbia carbon tax, **5:25**

BANKRUPTCY AND INSOLVENCY ACT

Court cases

- environmental issues, **9:10**
- Provincial and territorial court cases, **9:11**
- Supreme Court of Canada cases, **9:10:20**

Crown status as creditor, **9:7**

- Environmental liability issues
 - see LIABILITY

Introduction, **9:1**

- Liability for environmental clean-up
 - former directors and officers, **2:34**
 - investors, **9:15**

BANKRUPTCY AND INSOLVENCY

ACT—Cont'd

- Priority of claims, comparison with Companies' Creditors Arrangements Act, **9:8 to 9:12**
- limitation, **9:9**
- Super priority charge for governmental clean-up costs, **9:8 to 9:12**

BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL

- Generally, **8:40**

BATTERY RECYCLING PROGRAMS

British Columbia, **7:4**

- lead acid, **7:4**

Call2Recycle Canada, **7:7**

Canadian Battery Association, **7:5 to 7:7**

Lead acid, British Columbia, **7:4**

BCUOMA

- See BRITISH COLUMBIA USED OIL MANAGEMENT ASSOCIATION

BELL CANADA

- Greenhouse gas emissions, **4:61**
- Solid waste reduction, initiatives, **4:61**

BEVERAGE CONTAINERS

- See also RECYCLING

Labelling, recycling

- Alberta, **7:3**
- British Columbia, **7:4**
- New Brunswick, **7:6**
- Newfoundland and Labrador, **7:7**
- Northwest Territories, **7:13**
- Nova Scotia, **7:8**
- Ontario, **7:9**
- Prince Edward Island, **7:10**
- Saskatchewan, **7:12**
- Yukon, **7:13**

BIODEGRADABILITY

- Advertising claims, United States, **7:47**

BIOLOGISTS

- Insurance, environmental impairment liability, coverage, **6:26**

BOOKS AND RECORDS

- See ENVIRONMENTAL INSPECTIONS

BORROWERS

Insurance, environmental impairment liability policies, **6:28**

BRAND OWNER

See DEFINITIONS

BRITISH COLUMBIA

Carbon tax (fuel), **5:25, 10:56**

Corporate officers, environmental restoration, duty, **2:42**

Environmental inspections, **3:11**

Environmental investigation units, establishment, **3:1**

Environmental legislation affecting property transactions, **1:39 to 1:68**

Waste Management Act, **1:39 to 1:67**

Environmental management, enforcement, **4:17**

Extended producer responsibility, **7:4**

Greenhouse gas emissions reporting requirements, **10:42**

Greenhouse gas reduction, **10:38**

Land contamination, notice, **1:68**

Packaging waste reduction initiatives, **7:4**

Pollution, control, orders, **1:39 to 1:67, 6:17**

Remediation, **1:39 to 1:67**

Recovery of remediation costs, **1:67, 1:67.20**

Waste, **7:4**

BRITISH COLUMBIA USED OIL MANAGEMENT ASSOCIATION

Generally, **7:4**

BROWNFIELDS LEGISLATION, ONTARIO

Generally, **1:2 to 1:38, 2:1**

Building permits, restrictions on, **1:12**

Certificates of property use (CPU), **1:12**

and risk assessment, **1:19**

prohibition of issuance of building permits, **1:12**

Environmentally sensitive areas, background contaminant standards, **1:18**

Groundwater

sampling, phase two environmental site assessments, **1:17**

standards, potable and non-potable, **1:18**

Introduction, **1:8**

BROWNFIELDS LEGISLATION, ONTARIO—Cont'd

Liability, limitation on

executors, administrators, trustees, guardians, attorneys, **1:5, 1:13**

generally, **1:24**

modified generic risk assessment, **1:8, 1:17**

Modified Generic Risk Assessment Model, **1:19**

Municipal incentives for brownfields redevelopment, **1:21**

Municipalities and lenders, protection of, **1:20 to 1:22**

Phase one environmental site assessments and risk assessments, **1:17**

See also PHASE ONE

ENVIRONMENTAL SITE ASSESSMENT (ONTARIO)

Phase two environmental site assessments and risk assessments, **1:17**

See also PHASE TWO

ENVIRONMENTAL SITE ASSESSMENT (ONTARIO)

Prohibition on change of industrial, commercial or community uses, **1:12**

Qualified immunity from MOE contaminated property orders, **1:9**

Qualified persons

generally, **1:16**

change in land use investigations, certifying, **1:12**

environmental site assessments, certifying, **1:15**

phase one environmental site assessments and, **1:17**

phase two environmental site assessments and, **1:17**

professional liability insurance requirements, **1:16**

qualifications, **1:16**

qualified immunity where qualified person certified record of site conditions, **1:9**

responsibilities, **1:15**

phase one environmental site assessments, **1:17**

Record of site conditions

See also RECORD OF SITE CONDITIONS

filing with Environmental Site Registry, **1:13**

**BROWNFIELDS LEGISLATION,
ONTARIO—Cont'd**

Risk assessment
generally, **1:19**
alternative procedure, **1:19**
certificate of property use (CPU), **1:19**
limited scope risk assessment, **1:19**
new science, **1:19**
preparation and review, **1:19**
pre-submission form, **1:19**
wider area of abatement, **1:19**
Site condition standards, **1:18**
Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act, **1:8, 1:14 to 1:19**
Soil contamination
see SOIL CONTAMINATION, Ontario
Soil sampling, phase two environmental site assessments, **1:17**
Stratified remediation vs. full-depth remediation, **1:18**

BRUNDTLAND REPORT

Generally, **4:72**

**BUSINESS COUNCIL OF CANADA
(BCC)**

Generally, **4:56**
Business Principles for a Sustainable and Competitive Future, **4:56**
Formerly Business Council on National Issues, **4:56**
Formerly Canadian Council of Chief Executives (CCCE), **4:56**

**BUSINESS COUNCIL ON NATIONAL
ISSUES**

See now BUSINESS COUNCIL OF CANADA (BCC)

BUSINESS PRACTICES

See also ENVIRONMENTAL
MANAGEMENT
Misleading, prohibition, **7:18**

BUSINESS PREMISES

Environmental inspections, searches, **3:5 to 3:25**

BUSINESS TRANSACTIONS

Climate change liability and, **10:31, 10:32**
Environmental risk identification, **4:40**
Human rights impacts, **10:33**

BUSINESS TRANSACTIONS—Cont'd

Investors' liability for environmental clean-up, **9:15, 9:16**

CALIFORNIA

Cap-and-trade system
closed market, **5:41**
harmonization with Quebec, **5:31 to 5:46**
joint auction of emission allowances, **5:40**
Climate change-related litigation, **10:10**

CAMECO CORPORATION

Environmental sustainability initiatives, **4:61**

CANADA SHIPPING ACT

See FEDERAL COMPENSATION PROGRAMS

CANADIAN BANKERS' ASSOCIATION

Environmental liability concerns, **9:1**

CANADIAN BATTERY ASSOCIATION

Generally, **7:5 to 7:7**

**CANADIAN CHARTER OF RIGHTS
AND FREEDOMS**

Due diligence defence, impact on, **4:25**

**CANADIAN CHEMICAL
PRODUCERS' ASSOCIATION**

See now CHEMISTRY INDUSTRY ASSOCIATION OF CANADA (CIAC)

**CANADIAN COUNCIL OF CHIEF
EXECUTIVES (CCCE)**

See now BUSINESS COUNCIL OF CANADA (BCC)
See also CHEMISTRY INDUSTRY ASSOCIATION OF CANADA (CIAC)

**CANADIAN COUNCIL OF MINISTERS
OF THE ENVIRONMENT (CCME)**

Generally, **1:4 to 1:6, 1:70, 1:80, 1:103, 1:106, 2:32, 4:45, 7:2**

**CANADIAN EXPLORATION EXPENSE
(CEE)**

See TAXATION

CANADIAN NATIONAL RAILWAY

Environmental sustainability initiatives, **4:61**

CANADIAN PLASTICS INDUSTRY ASSOCIATION

Generally, **7:46**
See also PLASTICS

CANADIAN RENEWABLE AND CONSERVATION EXPENSES (CRCE)

See also TAXATION
Generally, **5:21**

CANADIAN SECURITIES ADMINISTRATORS

Generally, **4:69**
CSA Staff Notice 51-333 on
Environmental Reporting Guidance,
10:23
test for materiality, **10:23**
Report on Climate Change-Related
Disclosure Project, **4:69**

CANADIAN STANDARDS ASSOCIATION (CSA)

Carbon credit registry, **5:41**
Publications, **1:15, 1:198, 4:44, 4:50, 7:15, 7:23, 7:37, 7:45, 7:46**

CANADIAN TRANSPORT EMERGENCY CENTRE (CANUTEC)

Transportation of dangerous goods, emergencies
activation of emergency response assistance plans, **8:10 to 8:15**
Emergency Response Handbook, **8:10 to 8:15**
emergency telephone number, **8:10 to 8:15**
function, services offered, **8:10 to 8:15**
shipping documents, telephone contact number, **8:7**

CANUTEC

See CANADIAN TRANSPORT EMERGENCY CENTRE

CAP AND TRADE SYSTEM

See also CARBON PRICING; TAXATION, carbon credits
California, harmonization with Quebec, **5:39**
Failure to cover emissions, **5:39**
Ontario
generally, **5:37**

CAP AND TRADE SYSTEM—Cont'd

Ontario—Cont'd
cap and trade system repealed, **10:47**
emission reduction targets, **5:37**
intention to link to Quebec and California systems, **5:37**
non-registered emitters, opt-in, **5:37**
Quebec
generally, **5:38 to 5:46**
applicable industries, **5:38**
auction, **5:38**
California, harmonization with, **5:39**
Compliance Instrument Tracking System Service (CITSS)
registration under, **5:38**
emission allowances, **5:38 to 5:40**
auction, **5:38**
emitters, **5:38**
implementation of, **5:39**
income tax issues, **5:9**
over-the-counter sales, **5:39**
participants, **5:38**
registration, **5:38**
requirements, **5:38**
reserve sales, **5:39**
sales tax, **5:44**
Risks, **5:39**

CAPITAL COST ALLOWANCE

See also TAXATION
Generally, **5:18**

CAPTIVE INSURANCE COMPANIES

Creation, self-insurance, advantages, **6:30**
Defined, **6:30**

CARBON CREDITS

See also CAP AND TRADE SYSTEM; CARBON MARKETS; CARBON PRICING; TAXATION
Generally, **5:31 to 5:46**
Capital projects, arrangements for, **5:41**
Commodities, **5:45**
Defined, **5:31 to 5:46**
Derivative contracts, **5:42**
Options, **5:46**
Sales tax, **5:46**
Tax consequences, **5:45**

CARBON DISCLOSURE PROJECT

Generally, **4:75**

INDEX

CARBON MAJORS

- Generally, **10:3 to 10:14**
- Defined, **10:3 to 10:14**
- Liability risks, **10:3 to 10:14**
- Litigation against, **10:10**
 - human rights violations related to climate change, **10:12**
 - loss or damage arising climate change impacts, **10:10**

CARBON MARKETS

- See also CAP AND TRADE SYSTEM; CARBON PRICING; CLIMATE CHANGE LEGISLATION; TAXATION
- Generally, **5:31 to 5:46**
- Cap and trade regulatory requirements, **5:42**
- Derivative contracts, **5:42**
- Insurance, **5:42**
- Investment, **5:42**
- Risk management, **5:42**
- Tax consequences, **5:45**
- Voluntary markets, **5:41**
 - investment risk, **5:41**

CARBON PRICING

- Generally, **10:38**
- Alberta, **10:54**
 - carbon pricing for large industrial emitters, **10:55**
 - former carbon levy, **10:54**
- British Columbia, **10:56**
 - carbon tax, **10:56**
- Federal legislation, **10:51**
 - Greenhouse Gas Pollution Pricing Act, **10:50 to 10:58**
 - application, **10:52**
 - fuel charges, **10:52**
 - obligations, **10:52**
 - record-keeping, **10:52**
 - registration criteria and requirements, **10:52**
 - industrial greenhouse gas emissions, **10:53**
 - compensation for excess emissions, **10:53**
 - offset credits, **10:53**
 - output-based pricing system, **10:53**

CARBON PRICING—Cont'd

- Federal legislation, **10:51—Cont'd**
 - Pan-Canadian Framework on Clean Growth and Climate Change, **10:38**
- Nova Scotia, **10:57**
 - cap and trade program, **10:57**
- Quebec, **10:58**

CARBON TAX

- British Columbia, **5:25, 10:56**

CARBON VALUE

- Generally, **5:31 to 5:46**

CARRIERS OF DANGEROUS GOODS

- See also SHIPPERS OF DANGEROUS GOODS; TRANSPORTATION OF DANGEROUS GOODS
- Completion of special waste manifest, domestic, when required, **8:39**
- Dangerous occurrence reports, when responsible for, **8:23 to 8:40**
- Emergency measures to reduce risk to public safety, when responsible for, **8:23 to 8:40**
- Emergency response plan, when obligated to prepare and submit plan, **8:10 to 8:15**
- Independent obligation to ensure compliance with legislation, **8:4**
- Legislation, applicability of, federal and provincial, **8:4**
- Liability, **8:4, 8:45**
- Placarding of transport vehicle, responsibility for, **8:8**
- Requirement to stop transportation during reclassification of goods, **8:6**
- Safety requirements for certain classes of commodities, **8:16 to 8:20**
- Spills, joint liability with shipper under Ontario legislation, **8:45**
- Training suggestions for, **8:21, 8:22**

CAVEAT

- Contaminated property, registration on title, **1:2 to 1:38**

CAVEAT EMPTOR

- Current vendors, doctrine, liability, effect, **1:156.50**

CBA

- See CANADIAN BATTERY ASSOCIATION

CCME

See CANADIAN COUNCIL OF
MINISTERS OF THE ENVIRON-
MENT (CCME)

**CERES (FORMERLY COALITION
FOR ENVIRONMENTALLY
RESPONSIBLE ECONOMIES
(CERES))**

Documents and reports

21st Century Corporation: The Ceres
Roadmap for Sustainability, **4:60**

Turning Point, **4:60**

Environmentally responsible economic
activity, promotion, **4:60**

Environmental responsibility

Ceres principles, **4:60**

Valdez Principles, replacement, **4:60**

Roadmap for Sustainability, **4:60**

Sustainability Awards, **4:76**

CERES—ACCA

Sustainability Awards, **4:76**

CERES PRINCIPLES

See Ceres (formerly COALITION FOR
ENVIRONMENTALLY
RESPONSIBLE ECONOMIES
(CERES))

CERTIFICATE OF PROPERTY USE

See BROWNFIELDS LEGISLATION,
ONTARIO

CFCS

See CHLORO-FLUOROCARBONS

**CHARTERED PROFESSIONAL
ACCOUNTANTS CANADA**

Recommendations on climate-related risk
disclosure, **10:23**

Role in corporate greenhouse gas emis-
sion management, **10:32**

State of Play: Study of Climate-Related
Disclosures by Canadian Public
Companies, **10:22, 10:23**

**CHARTER OF RIGHTS AND
FREEDOMS**

See CANADIAN CHARTER OF
RIGHTS AND FREEDOMS

CHARTIS INSURANCE

Insurance, environmental impairment
liability, coverage, **6:27**

**CHEMICAL MANAGEMENT PLAN
(CMP) (ENVIRONMENT
CANADA)**

Generally, **1:184 to 1:192**

**CHEMISTRY INDUSTRY
ASSOCIATION OF CANADA
(CIAC)**

Generally, **4:59**

Codes of Practice, **4:59**

Responsible Care program, terms, **4:59**
Ethics and Principles for Sustainability,
4:59

verification process, **4:59**

CHEMISTS

Insurance, environmental impairment
liability, **6:26**

CHLORO-FLUOROCARBONS

Reduction initiatives, **4:61**

CIAC

See CHEMISTRY INDUSTRY
ASSOCIATION OF CANADA
(CIAC).

CITSS

Generally

see COMPLIANCE INSTRUMENT
TRACKING SYSTEM SERVICE
(CITSS)

CIVIL ACTIONS

See also VENDORS

Against greenhouse gas emitters,
potential, **10:13**

British Columbia

Limitation periods, **1:67, 1:67.50**

Recovery of remediation and
consultants costs, **1:67.20**

Environmental legislation

statutory cause of action

Ontario, **1:154, 1:160 to 1:163,**
10:13

case law, **1:163**

restoring the natural environment,
1:161

right to compensation, **1:162**

Limitation period for environmental
action

Alberta, **1:78, 1:155**

British Columbia, **1:67.50**

generally, **1:155**

INDEX

CIVIL ACTIONS—Cont'd

- Limitation period for environmental action—Cont'd
 - Ontario, **1:155**
- Negligence, **1:160 to 1:163, 4:38**
 - case law, Ontario, **1:163**
 - directors and officers, liability for, **2:39**
- Nuisance, **1:160 to 1:163, 4:38**
 - case law, Ontario, **1:163**
 - contamination discovered before closing, **1:156.60**
 - directors and officers, liability for, **2:39**
 - former owners, not liable to current owners for contamination, **1:156.20**
- Property contamination
 - limitation period for environmental action
 - Alberta, **1:78, 1:155**
 - British Columbia, **1:67.50**
 - generally, **1:155**
 - Ontario, **1:155**
 - Quebec, **1:129**
 - Saskatchewan, **1:136**
 - Yukon, **1:146**
- Trespass, **4:38**

CIVIL LIABILITY

- See also ADMINISTRATIVE PENALTIES; CIVIL ACTIONS
- Corporate officers, environmental remediation orders, non-compliance, **2:38**
- Directors and officers, liability for, **2:41**
- Environmental legislation, nuisance, trespass, negligence, **4:38**
- Fisheries Act, under, **4:10.10**
- Government clean-up orders, **4:8 to 4:20**
- Insurers
 - automobile use causing environmental harm, **6:24**
 - bodily injuries, property damage, claims, **6:19**
- Offsite migration of contamination, **1:148 to 1:163**
- Potential liability as person responsible for compensation for climate-related harm, **10:13**
- Statutory cause of action
 - liability of directors and officers under, **2:38, 2:41**

CIVIL LIABILITY—Cont'd

- Statutory cause of action—Cont'd
 - Ontario, **1:161**
 - case law, **1:163**

CLEAN-UP

- See also NATURAL ENVIRONMENT, restoration, remedial measures
- Costs
 - see COSTS
- Orders
 - see PROPERTY CONTAMINATION, clean-up orders
- Real estate transactions, provisions, **1:213**

CLIMATE ACTION TRACKER

- Canada's ranking, **10:36**

CLIMATE CHANGE

- See also CARBON PRICING; CLIMATE CHANGE RISKS; CLIMATE CHANGE DISCLOSURE; CLIMATE CHANGE LEGISLATION; CLIMATE CHANGE LITIGATION; CLIMATE RISK DISCLOSURE; SUSTAINABLE DEVELOPMENT
- Considerations for directors, officers and other fiduciaries, **10:24 to 10:29**
- Defined, **10:1**
- Financial disclosure, climate-related, **10:3 to 10:14**
- Generally, **10:1**
- Greenhouse gas emissions regulatory reporting, **10:39 to 10:49**
- Legislation, **10:34 to 10:59**
- Litigation based on corporate management and disclosure obligations, **10:24 to 10:28**
- Risks faced by business enterprises, re, **10:2 to 10:23**
 - financial risks, **10:3 to 10:14**
 - litigation, **10:9 to 10:13**
 - reputational risks, **10:9 to 10:13**
- Securities filings, environmental matters, **4:54, 4:69, 10:23**
- Strategic approaches by business, **10:30 to 10:33**
 - directors, officers, fiduciaries, considerations for, **10:24 to 10:29**
- Warming trends, Canada, **10:2 to 10:23**

CLIMATE CHANGE LEGISLATION

- Generally, **10:34 to 10:59**
- Background, international treaties and agreements, **10:35**
- British Columbia
 - greenhouse gas reduction, **10:37**
- Canada, **10:37**
 - greenhouse gas emissions reporting requirements, **10:39 to 10:49**
 - Greenhouse Gas Reporting Program, **10:37**

CLIMATE CHANGE LITIGATION

- Generally, **10:34 to 10:59**
- Background, international, **10:35**
- Disclosure obligations, based on, **10:29**
 - securities law, Canada, under, **10:29**
- Environment-related human rights impacts, **10:11**
 - international principles applicable to claims, **10:11**
 - judicial and tribunal decisions invoking responsibilities on government and business, **10:12**
 - potential statutory liability, **10:13**
- Financial risks, **10:3 to 10:14**
- physical risks, **10:4 to 10:8**
 - energy sector, **10:6**
 - electricity generation, **10:6**
 - oil and gas sector, **10:6**
 - manufacturing sector, **10:5**
 - direct and indirect impacts, **10:5**
 - water supply, **10:5**
 - mining sector, **10:5**
 - permafrost degradation, extreme weather, **10:5**
- Liability risks, **10:3 to 10:14**
 - litigation, **10:9 to 10:13**
 - carbon majors, **10:3 to 10:14**
 - transition to low-carbon economy, **10:3 to 10:14**
 - risks and opportunities, **10:3 to 10:14**

CLIMATE CHANGE POLICIES

- See also CARBON MARKETS
- Coal, phasing-out
 - Alberta, **5:47, 5:48**
 - Ontario, **5:47, 5:48**
- Federal
 - cleantech, **5:28**

CLIMATE CHANGE POLICIES

—Cont'd

- Federal—Cont'd
 - electric vehicles and alternative fuel transportation infrastructure, **5:29**
 - Low-Carbon Economy Fund, establishment of, **5:27**
 - pan-Canadian Framework on Clean Growth and Climate Change, **5:26 to 5:30, 10:38**
- Provincial
 - Alberta
 - Climate Leadership Plan, **5:31 to 5:46**
 - See also ALBERTA repealed, **10:54**
 - Nova Scotia
 - cap and trade system, **10:57**
 - Ontario
 - cap and trade system, **5:37**
 - Climate Change Mitigation and Low-carbon Economy Act, 2016, **5:37**
 - Quebec
 - cap and trade system, **5:38 to 5:46**
- United Nations Framework Convention on Climate Change (UNFCCC), **5:26 to 5:30**

CLIMATE CHANGE RISK DISCLOSURE

- See also CLIMATE RISK DISCLOSURE

CLIMATE CHANGE RISKS FOR BUSINESSES

- Generally, **10:2 to 10:23**
- Directors, officers, fiduciaries, considerations for, **10:24 to 10:29**
- Financial risks, **10:3 to 10:14**
 - liability risks, **10:9 to 10:13**
 - litigation and reputational risks, **10:9 to 10:13**
 - climate litigation against climate majors, **10:10**
 - Canada, **10:10**
 - international, **10:10**
 - physical risks, **10:4 to 10:8**
 - energy sector, **10:6**
 - electricity generation, **10:6**
 - oil and gas sector, **10:6**
 - manufacturing sector, **10:5**
 - direct and indirect impacts, **10:5**

**CLIMATE CHANGE RISKS FOR
BUSINESSES—Cont'd**

Financial risks, **10:3 to 10:14**—Cont'd
 physical risks, **10:4 to 10:8**—Cont'd
 manufacturing sector, **10:5**—Cont'd
 water supply, **10:5**
 mining sector, **10:5**
 permafrost degradation, extreme
 weather, **10:5**
 physical risks resulting from climate
 change, **10:4 to 10:8**
 energy sector, **10:6**
 manufacturing sector, **10:7**
 mining sector, **10:5**
 transition risks, **10:14, 10:17**
 transition to low-carbon economy,
 10:38
 defined, **10:14**
 rejection of intensive GHG-emitting
 projects, judicial decisions,
 10:14
 risks, opportunities, **10:38**
 stranded assets, **10:14**
 defined, **10:14**
 Liability risks, **10:3 to 10:14**
 litigation, **10:9 to 10:13**
 carbon majors, **10:3 to 10:14**
 transition to low-carbon economy, **10:3**
 to 10:14
 risks and opportunities, **10:3 to**
 10:14

CLIMATE RISK DISCLOSURE

Generally, **10:15 to 10:23**
 Legislation, **10:19 to 10:21**
 Canada, **10:23**
 securities disclosure obligations,
 material risks, **10:23**
 test for materiality, **10:23**
 European Union, **10:21**
 France, **10:20**
 Litigation risk arising from poor
 disclosure, **10:15 to 10:23**
 Provincial securities legislation and,
 10:23
 no requirements in provincial securities
 legislation, **10:23**
 obligation may fall under securities law
 requirement to disclose material
 environmental information, **10:23**

**CLIMATE RISK DISCLOSURE
—Cont'd**

Task Force on Climate-related Financial
 Disclosures, **10:16 to 10:18**
 See also TASK FORCE ON
 CLIMATE-RELATED
 FINANCIAL DISCLOSURES

COAL ENERGY GENERATION

See CLIMATE CHANGE POLICIES

**COALITION FOR
ENVIRONMENTALLY
RESPONSIBLE ECONOMIES
(CERES)**

See Ceres

CODES OF PRACTICE

Corporations, establishment
 approval, **4:34**
 Bell Canada, solid waste reduction,
 4:61
 Cameco Corporation, emissions, reduc-
 tion, **4:61**
 considerations, generally, **4:32**
 draft policies, employees, issues, **4:34**
 issues, **4:32**
 Kodak Canada Inc., emissions, reduc-
 tion, **4:61**
 legal effect, **4:33**
 3M Canada Corporation, pollution,
 reduction, **4:61**
 Ontario Power Generation, material
 and waste management, **4:61**
 Xerox Canada, solid waste recycling,
 4:61

COGENERATION SYSTEMS

Generally, **5:20**

COLLEGES

Environmental performance check-ups,
 scope, **3:1**

COMBUSTIBLE MATERIAL

See also TRANSPORTATION OF
 DANGEROUS GOODS, flammables
 Municipal fire officials, removal, powers,
 1:38

**COMMERCIAL REAL ESTATE
TRANSACTIONS**

See REAL ESTATE TRANSACTIONS

**COMPANIES' CREDITORS
ARRANGEMENT ACT**

- Court cases, **9:10**
 - Provincial and territorial court decisions, **9:11**
 - Supreme Court of Canada cases, **9:10:20**
- Limitation, **9:9**
- Ontario, **9:12**
 - directors' liability, **9:12**
- Priority of claims different from Bankruptcy and Insolvency Act, **9:8 to 9:12**

COMPENSATION

- See **CIVIL ACTIONS; COMPENSATION PROGRAMS; CIVIL LIABILITY; NATURAL ENVIRONMENT; SPILLS BILL (ONTARIO)**

COMPENSATION PROGRAMS

- See **FEDERAL COMPENSATION PROGRAMS; NUCLEAR INCIDENT COMPENSATION; PROVINCIAL COMPENSATION PROGRAMS**

COMPLIANCE

- See **ENVIRONMENTAL LAWS; LEGISLATION**

**COMPLIANCE INSTRUMENT
TRACKING SYSTEM SERVICE
(CITSS)**

- See **QUEBEC, cap and trade system**

COMPOSTABLE MATERIALS

- Generally, **7:31**
- Advertising claims, **7:50**
- Definition, claims, **7:31**

**COMPREHENSIVE GENERAL
LIABILITY POLICIES**

- See also **AUTOMOBILE INSURANCE POLICIES; ENVIRONMENTAL IMPAIRMENT LIABILITY POLICIES; LIMITED POLLUTION LIABILITY POLICIES**
- Absolute pollution exclusion, **6:21**
- Background, **6:2 to 6:19**
- Civil actions, insurers, duty to defend, clauses
 - environmental exclusion, reliance, effect, **6:19**

**COMPREHENSIVE GENERAL
LIABILITY POLICIES—Cont'd**

- Civil actions, insurers, duty to defend, clauses—Cont'd
 - pleadings rule, application, **6:19**
 - pollution exclusion, interpretation, **6:19**
- Connotative contextual approach, **6:21**
- Costs, clean-up, pollution abatement, pre-1986 policies
 - coverage, damage, expenses, determination, **6:18**
 - damages, interpretation, **6:8 to 6:19**
 - damages related to property injury, **6:18**
 - Canada Shipping Act, 2001, **6:11**
 - Fisheries Act, **6:13**
 - Marine Liability Act, **6:11**
 - Transportation of Dangerous Goods Act, 1992, **6:12**
- federal preventive or remedial orders, **6:11**
- Ontario, Spills Bill, remedial action, duties, **6:14**
- pollution exclusion clauses, effect, **6:19**
- recovery, judgments for insured, **6:18**
- statutory clean-up provisions, generally, **6:10 to 6:17**
- United States, recovery, exclusion from damages, **6:9**
- United States, Superfund, remedial measures, payment, **6:9**
- Coverage since 1986, changes
 - see **LIMITED POLLUTION LIABILITY POLICIES**
- Environmental and general liability exposures program, **6:27**
- Environmental impairment liability insurance
 - see **ENVIRONMENTAL IMPAIRMENT LIABILITY POLICIES**
- Environmental liability exclusion endorsement
 - background, conflicts, **6:3 to 6:7**
 - post-1986 policies, sudden and accidental, exclusion, **6:7**
 - pre-1986 policies, words sudden and accidental, conflicts, **6:4 to 6:7**
 - standard form language, introduction, **6:2 to 6:19**
 - sudden and accidental, American interpretation, **6:5, 6:6**

INDEX

COMPREHENSIVE GENERAL LIABILITY POLICIES—Cont'd

- Environmental liability exclusion endorsement—Cont'd
 - sudden and accidental, Canadian interpretation, issue, **6:7**
 - unexpected or unintentional discharges, effect, **6:2 to 6:19**
- Insurance Bureau of Canada, standard form, use, **6:2 to 6:19**
- Pollution liability exclusion clause, **6:2 to 6:19**
 - case law, **6:19**
- Pollution liability extension, **6:22, 6:23**
- Sudden and accidental discharges, former coverage
 - anti-coverage cases, **6:6**
 - interpretation of wording, conflicts, **6:4 to 6:7**
 - pre-1976 environmental liability exclusion clause, **6:3**
 - pro-coverage cases, **6:5**
 - trends, **6:7**

CONFERENCE OF THE PARTIES (COP)

- See also UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC)
- Generally, **10:35**
- Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP), **10:35**
- Background, **10:35**
- COP3, **10:35**
- COP17, **10:35**
- COP21, **5:26 to 5:30, 10:35**
- COP24, **10:15 to 10:23**

CONSUMER AND CORPORATE AFFAIRS

- See PROGRAM OF ADVISORY OPINIONS

CONSUMER PRODUCTS

- Packaging and labelling, regulation, **7:16, 7:17**

CONTAMINATED SITES

- Entry, inspection, powers
 - see ENVIRONMENTAL INSPECTIONS
- See also PROPERTY CONTAMINATION; SPILLS

CONTAMINATED SITES—Cont'd

- Record of site conditions
 - see BROWNFIELDS LEGISLATION, ONTARIO

CONTAMINATED SOIL

- See PROPERTY CONTAMINATION; RADIOACTIVE SOIL CONTAMINATION; SOIL CONTAMINATION

CONTEMPT OF COURT

- Officers, directors, prohibition orders, non-compliance, **2:23**

CONTRACT OF PURCHASE AND SALE

- Marketable title, contamination, effect, **1:156**

CONTRACTORS

- Insurance, environmental impairment liability, **6:27**
- Liability for negligent misrepresentation regarding environmental conditions, **1:159**

COP

- See CONFERENCE OF THE PARTIES

CORPORATE DIRECTORS AND OFFICERS

- See DIRECTORS AND OFFICERS

CORPORATE ENVIRONMENTAL MANAGEMENT

- Generally
 - see ENVIRONMENTAL MANAGEMENT
- Strategies to reduce risk
 - see ENVIRONMENTAL MANAGEMENT

CORPORATE SOCIAL RESPONSIBILITY (CSR)

- Generally, **4:74, 4:77**
- Canada
 - corporate attitudes on, **4:6**
 - Foreign Affairs, Trade and Development Canada, **4:74**
 - Industry Canada support, **4:74**
 - SME Sustainability Roadmap, **4:74**
- Global Reporting Initiative (GRI), **4:74**
- Global sustainability reporting system, **4:74**

CORPORATE SOCIAL

RESPONSIBILITY (CSR)—Cont'd

- International Finance and Corporation Performance Standards and Environmental and Social Sustainability, **4:74**
- ISO Environmental Management Standards, **4:74**
- KPMG International Survey of Corporate Responsibility Reporting 2011, **4:74**
- OECD Guidelines for Multinational Enterprises, **4:74**
- Reporting systems, **4:74**
- Sustainability reports, **4:74**
 - Global Reporting Initiative (GRI), **4:74**
 - reporting trends, **4:74, 4:75**
- Voluntary Principles on Security and Human Rights, **4:74**

CORRECTIVE ACTION PLAN

- Saskatchewan, environmentally impacted sites, remediation, **1:134**

CORROSIVE SUBSTANCES

- Transportation of
 - see TRANSPORTATION OF DANGEROUS GOODS, corrosive substances

COSMETICS

- Advertising, packaging, labelling, regulation, **7:17**
- Defined, **7:17**

COSTS

- Alberta, contaminated sites, remediation, **1:77**
- Clean-up
 - defined, **6:23**
 - insurance generally
 - see COMPREHENSIVE GENERAL LIABILITY POLICIES
 - limited pollution liability insurance, **6:1, 6:2 to 6:19, 6:23**
 - ships, oil spills
 - see FEDERAL COMPENSATION PROGRAMS
- Environmental compliance, incentives
 - see TAXATION
- Health hazards, elimination, orders, **1:34**
- Legislative guidelines, requirements, **5:47, 5:48**

COSTS—Cont'd

- Receivers, appointment, waste, removal, **1:181**
- Taxation, write-offs
 - see TAXATION

COURTS

- Environmental management, enforcement, attitudes, **4:21**
- Public welfare offences, attitudes, **8:2, 8:42**

COVENANTS

- Real estate transactions, scope, **1:212**

CPA CANADA

- See CHARTERED PROFESSIONAL ACCOUNTANTS CANADA

CRIMINAL INVESTIGATIONS

- Premises, inspection without warrants, restrictions, **3:5, 3:39**
- Right to remain silent, **3:41**

CSA

- See CANADIAN STANDARDS ASSOCIATION (CSA)

DAMAGE

- See ENVIRONMENTAL DAMAGE

DAMAGES

- Economic loss, purchasers, recovery, **1:156.50**
- Environmental contamination, restoration costs, Ontario, **1:160 to 1:163**
- Punitive, awarded, **1:163**

DANGEROUS GOODS

- See also TRANSPORTATION OF DANGEROUS GOODS
- Canadian manufacturers of, when required to register with Director General, **8:23 to 8:40**
- Classification under Transportation of Dangerous Goods Regulations, **8:5 to 8:40**
 - hazard classifications, **8:6**
 - labelling and placarding requirements dependent on, **8:8**
 - product identification number, **8:6, 8:7**
 - safety measures dependent on, **8:7**
- Emission or escape, liability, **6:12, 8:9, 8:45**
 - remedial or preventive measures, **6:12**

INDEX

DANGEROUS GOODS—Cont'd

- Guide for Reporting Dangerous Goods Incidents, **APP 8A**
- Importers of, when required to register with Director General, **8:23 to 8:40**
- Transportation of, legislation, **2:6 to 2:17, 8:1 to 8:4, 8:41 to 8:43**
- Transportation of Dangerous Goods Act, 1992, applying only to goods specified in regulations, **8:5 to 8:40**

DANGEROUS GOODS ADVISORY NOTICE: GUIDELINES FOR TRAINING CRITERIA

- Generally, **8:21, 8:22**

DANGEROUS OCCURRENCES

- See also TRANSPORTATION OF DANGEROUS GOODS
- Determination of, **8:23 to 8:40**
- Emergency measures required to reduce or eliminate risk to public safety, **8:23 to 8:40**
- Guide for Reporting Dangerous Goods Incidents, **APP 8A**
- Offence for failure to report or to take appropriate emergency measures, **8:23 to 8:40**
- Reporting requirements, **8:23 to 8:40**
 - dangerous goods incidents, **APP 8A, 8:23 to 8:40**
 - 30-day, **8:23 to 8:40**
 - immediate, **8:23 to 8:40**
 - loss, theft or misplacing of dangerous goods, **8:16 to 8:20, 8:23 to 8:40**
 - responsibility for, **8:23 to 8:40**

DEATH

- Accidents involving release of dangerous goods, report, **8:23 to 8:40**
- Nuclear incidents, claims, limitation period, **6:44**

DECOMMISSIONING AND CLEAN-UP

- Property remediation orders, determination, **1:5**

DEFENCES

- See also OFFENCES AND PENALTIES; SENTENCING
- Caveat emptor, **1:156.50**
- Corporate officers, directors, due diligence, **2:18 to 2:22, 4:25, 8:42**

DEFENCES—Cont'd

- Due diligence, provision for, Transportation of Dangerous Goods Act, 1992, **8:42**
 - sentencing, **4:28**
- Environmental liability, due diligence, **4:23 to 4:27**
- Insurance, pollution exclusion clauses, **6:19**
- Reasonable measures, R. v. Sault Ste. Marie (City) standard, **8:42**

DEFINITIONS

- Adverse effect, **1:69**
- Blue Box waste, Ontario, **7:9**
- Brand owner
 - New Brunswick, **7:6**
 - Newfoundland and Labrador, **7:7**
 - Nova Scotia, **7:8**
 - P.E.I., **7:10**
 - Saskatchewan, **7:12**
- Brownfields, **1:8**
- Captive Insurance company, **6:30**
- Carbon majors, **10:3 to 10:14**
- Certification mark, **7:53**
- Clean-up costs, **6:23**
- Compostable materials, **7:31**
- Contaminant, **2:18**
- Contaminated site, **1:69**
 - British Columbia, **1:46**
- Cosmetic, **7:17**
- Current vendor, **1:154**
- Damage, **6:44**
- Dangerous goods, **8:5 to 8:40**
- Dangerous occurrence, **8:23 to 8:40**
 - Guide for Reporting Dangerous Goods Incidents, **APP 8A**
- Degradable materials, **7:32**
- Devices, **7:17**
- Discharge, **2:18**
- Distributor
 - New Brunswick, **7:6**
 - Newfoundland and Labrador, **7:7**
 - Northwest Territories, **7:13**
 - P.E.I., **7:10**
 - Yukon, **7:13**
- Enterprise, Quebec, **6:23, 7:11**
- Environmental damage, **6:23**
- First seller, Saskatchewan, **7:12**
- Health hazard, **1:35**
- Import, **8:10**

DEFINITIONS—Cont'd

Injury, **6:44**
 Manufacturer, NWT, **7:13**
 Material or red flag event, **4:48**
 Nuisance, **1:156.20**
 Officer, **2:20**
 Organization, **8:10, 8:41**
 Owner, **1:36**
 Person responsible for the contaminated site, **1:69**
 Pollutants, **6:23**
 Pollution incident, **6:23**
 Producer, British Columbia, **7:4**
 Property damage, **6:23**
 Receiver, **9:5**
 Release, **8:23 to 8:40**
 Remote vendor, **1:154**
 Steward, Manitoba, **7:5**
 Steward of designated material, Manitoba, **7:5**
 Substance, **1:69**
 Supplier
 New Brunswick, **7:6**
 Newfoundland and Labrador, **7:7**
 Trademark, **7:53**
 Unlawful interference, not defined in
 Transportation of Dangerous Goods
 Act, 1992, **8:20**
 Waste, **1:3, 8:40**
 Waters, **2:18**

DEGRADABILITY

Standards, claims, **7:32**

**DEPRECIATION OF CAPITAL
PROPERTY**

See TAXATION

DESCRIPTIONS

False or misleading, prohibition, **7:18**

DESIGNED FOR DISASSEMBLY

Generally, **7:33**

DEVELOPERS

Property contamination, liability, **1:1**

DIRECTORS AND OFFICERS

See also ENVIRONMENTAL
 MANAGEMENT; LIABILITY
 Compliance, respect for law, challenges,
4:67
 Contaminated property, liability, **1:1**

DIRECTORS AND OFFICERS—Cont'd

Due diligence
 inherently dangerous business, case
 law, **2:21**
 recommendations, details, **4:63, 4:64,**
 8:42, 8:45
 See also CANADIAN CHARTER
 OF RIGHTS AND
 FREEDOMS
 Environmental duty, Ontario
 interpretation, **2:21**
 municipal officials, imposition, **2:20**
 persons included, **2:20**
 R. v. Bata Industries Ltd., guidelines,
 2:21, 4:27
 standard of care, determination, **2:21**
 statutory provisions, scope, **2:18**
 Environmental liability
 See also DIRECTORS AND
 OFFICERS, liability under
 transportation of dangerous goods
 legislation; ENVIRONMENTAL
 MANAGEMENT, strategies to
 reduce risk
 active or passive involvement, interpre-
 tation, **2:6 to 2:17**
 at common law, **2:39**
 background, **2:2**
 care, management or control, orders,
 effect, **2:31 to 2:36**
 case law, scope, **2:4**
 Companies' Creditors Arrangement Act
 proceedings, **9:12**
 contaminated water, discharge, **2:4**
 contempt of court, **2:23**
 convictions, imprisonment, **2:4**
 due diligence
 demonstration, effect, **4:24 to 4:27**
 inherently dangerous business, **2:21**
 false or misleading representations, **2:4**
 fines or imprisonment, **2:3 to 2:5**
 indemnity, circumstances
 under CCAA proceedings, **9:12**
 liquid industrial waste, discharge, **4:27**
 municipal officials, **2:20**
 natural environment, risks, exposure,
 2:18
 offences, authorization or acquies-
 cence, **2:6 to 2:17**

DIRECTORS AND OFFICERS—Cont'd

Environmental liability—Cont'd
 offences, sentences, purpose,
 considerations, **2:4, 2:24 to 2:27, 4:21**
 Ontario, **4:26**
 pending appeal of MOE remedial
 order, **2:34**
 remedial orders against director,
 CCAA proceedings, **9:12**
 owners, as, determination, **2:31 to 2:36**
 pesticides, use, adverse effects, **2:18**
 potential liability as person responsible
 for compensation for climate-re-
 lated harm, **10:13**
 principals or parties, as, **2:4**
 prohibition orders, non-compliance,
 effect, **2:23**
 prosecutions as parties to offences, **2:3**
 to 2:5
 punitive damages, **2:40**
 reduction, environmental issues, aware-
 ness, **4:62 to 4:65**
 remediation orders, non-compliance,
 2:38
 scope, **2:1, 8:44, 8:45**
 statutory civil liability, Ontario
 director and officer liability, **2:41**
 judicial interpretation, **1:163**
 statutory obligations, non-compliance,
 4:27
 tribunal decisions, **4:29**
 United States, case law, **2:5**
 Failure to disclose climate risk arising
 from obligation to disclose material
 information under securities law,
 10:24 to 10:28
 Fiduciary duty, breach of, **10:26**
 duty to act in best interests of the
 corporation, climate change, **10:26**
 failure to consider risks of climate
 change, **10:24 to 10:28**
 litigation arising from, **10:25**
 Insurance policies, coverage, **6:29**
 environmental impairment liability,
 6:26
 limited pollution liability, **6:23**
 pollution exclusion clause, case law,
 6:19
 Liability
 see DIRECTORS AND OFFICERS,
 environmental liability

DIRECTORS AND OFFICERS—Cont'd

Liability under transportation of danger-
 ous goods legislation, **8:41**
 See also DIRECTORS AND
 OFFICERS, environmental
 liability
 due diligence, standard of care, **8:42**
 offences, authorization and acquies-
 cence, **8:41**
 Officer
 defined, Ontario, **2:20**
 liability, reduction, recommendations,
 4:64
 Property clean-up orders, compliance,
 1:32
 Restoration orders, natural environment,
 Alberta, British Columbia, Quebec,
 2:42
 Restoration orders, natural environment,
 Ontario
 compliance, exemption, conditions,
 2:31 to 2:36
 control test, **2:37**
 Mac's Convenience Stores Inc. v.
 Ontario, control test, **2:37**
 Ministry of the Environment, orders,
 validity, **2:31 to 2:36**
 non-compliance, liability, **2:38**
 owners of property, determination, **2:31**
 to 2:36
 P & L Tire Recycling Inc. v. Director
 (Ministry of the Environment),
 owners, determination, **2:31 to**
 2:36
 remedial orders, control test, **2:37**
 remedial or preventive orders, issuance,
 2:30
 Restoration orders, natural environment,
 transportation of dangerous goods,
 8:44, 8:45
 Statutory duty (Ontario) to prevent dis-
 charge of contaminant that may
 cause adverse effect, **10:26**
 Strategies to minimize liability, **10:30 to**
 10:33
 Transportation of Dangerous Goods Act,
 1992, provisions
 independent obligation of officers and
 directors, **8:41**
 non-compliance, **8:41**
 offences, authorization, assent, acquies-
 cence, participation, **8:41**

DISCLOSURE

See CLIMATE CHANGE RISKS;
ENVIRONMENTAL MANAGE-
MENT, corporate securities filings

DIVISIONAL COURT (ONTARIO)

Property clean-up orders, appeals, **1:28**

DOCUMENTS

Environmental inspections, seizure
see ENVIRONMENTAL INSPEC-
TIONS; ENVIRONMENTAL
INVESTIGATIONS

Inspections under Transportation of
Dangerous Goods Act, 1992, **8:43**

**DOW JONES SUSTAINABILITY
INDICES**

Generally, **4:75**

DRUGS

Advertising, packaging, labelling, regula-
tion, **7:17**

DRY CLEANERS

See LANDLORDS; PROPERTY
CONTAMINATION

DUE DILIGENCE

See also ENVIRONMENTAL
MANAGEMENT, standard of care
Sentencing considerations, **4:21, 4:28**
Standard required, environmental liability,
4:22 to 4:29
Transportation of Dangerous Goods Act,
under, **8:42**

DUTY OF CARE

Contaminated property
landlords, liability for activities of ten-
ant, **1:179**
real estate agents, scope, **1:167**
solicitors, purchase transactions, **1:169**
vendors, **1:156**
misrepresentation, effect, **1:158**
Directors, officers, environmental liability
see DIRECTORS AND OFFICERS
Due diligence
see ENVIRONMENTAL MANAGE-
MENT, standard of care

DWELLINGS

Environmental inspections, restrictions
see ENVIRONMENTAL INSPEC-
TIONS

ECO-COPS

See INVESTIGATIONS AND
ENFORCEMENT BRANCH
(ONTARIO MOE)

ECONOMIC INSTRUMENTS

Emergence, initiatives, scope, **4:71**

EDUCATION

See also TRAINING PROGRAMS
Environmental management programs,
employees, **4:49**

EHC

See ENVIRONMENTAL HANDLING
CHARGES

ELECTRICITY INDUSTRY

Capital cost allowance, **5:18, 5:20**
climate change-related risk, **10:6**
restrictions, **5:18**
Electrical generating systems and Cana-
dian renewable and conservation
expenses, **5:21**
Electricity cooperation, **5:28**
Flow-through share financing, **5:22**

ELECTRIC VEHICLES

Alternative fuel transportation
infrastructure, **5:29**
Investment, **5:26 to 5:30**
Purchase of, rebates for
British Columbia, **5:48**
Ontario, **5:48**

ELECTRONIC PRODUCTS

RECYCLING ASSOCIATION

See also ELECTRONICS RECYCLING
PROGRAMS; RECYCLING
Generally, **7:3 to 7:13**

ELECTRONICS

Green advertising claims, United States,
7:49

**ELECTRONICS RECYCLING
ALBERTA (ERA)**

See ALBERTA

**ELECTRONICS RECYCLING
PROGRAMS**

See also RECYCLING
Alberta, **7:3**
British Columbia, **7:4**
Manitoba, **7:5**

ELECTRONICS RECYCLING PROGRAMS—Cont'd

New Brunswick, **7:6**
 Newfoundland and Labrador, **7:7**
 Northwest Territories, **7:13**
 Nova Scotia, **7:8**
 Nunavut, **7:13**
 Ontario, **7:9**
 Prince Edward Island, **7:10**
 Quebec, **7:11**
 Saskatchewan, **7:12**
 Yukon, **7:13**

ELLIOTT SPECIAL RISKS LP

Environmental impairment liability insurance coverage, **6:26**

EMERGENCIES

Remedial and contingency plans, establishment, **4:39, 4:46**
 Standard operating procedures, terms, **4:47**
 Transportation of Dangerous Goods Act, 1992, under
 See also EMERGENCY RESPONSE ASSISTANCE PLAN (ERAP)
 emergency exception permit, **8:38**
 emergency response assistance plan, **8:10 to 8:15**
 powers of inspectors to intervene to prevent accidental release of dangerous goods, **8:43**

EMERGENCY RESPONSE ASSISTANCE PLAN (ERAP)

Generally, **8:10 to 8:15**
 Applications and approvals of, **8:10**
 interim approval, specified period, **8:11**
 refusal or revocation, **8:11**
 reporting requirements, **8:12**
 ERAP implementation reports, **8:14, 8:36**
 ERAP incident reports, **8:13, 8:35**
 request for Minister's review where plan refused or revoked, **8:11**
 requirements, **8:11**
 review process, **8:11**
 training and exercises, **8:11**
 Transport Canada guides, **8:11**
 Approval of, required before importing, offering for transport, handling or

EMERGENCY RESPONSE ASSISTANCE PLAN (ERAP)

—Cont'd
 transporting specified authorized user of, **8:10**

Classification of goods, significance of, **8:6**

Dangerous goods, **8:10**

Emergency response contractor, **8:10, 8:11**

ERAP reference number, **8:10**

ERAP required by person handling or transporting dangerous goods where no person importing or offering for transport the goods, **8:10**

ERAP telephone number, **8:10**

Implementation of approved ERAP
 by person directed or authorized by Minister of Transport, **8:10, 8:11**
 to tier 1 or tier 2, **8:10**

Overview, **8:10**

Potential incident analysis, **8:10**

Required under Transportation of Dangerous Goods Act, 1992, **8:10 to 8:15**

Responsibilities of plan holder, **8:10**

Shipping document requirements, **8:10, 8:11**

 ERAP reference number, **8:10**

 ERAP telephone number, **8:10**

Where required, **8:10**

EMISSION ALLOWANCES

See also CAP AND TRADE SYSTEM
 Generally, **5:31 to 5:46**
 Income tax treatment, **5:43**
 Sales tax treatment, **5:44**

EMPLOYEES

Due diligence, recommendations, details, **4:65**

Environmental management
 education and Information, **4:49**
 emergencies, remedial action, training, **4:46**

 material events, responses, training, **4:48**

Injuries, limited pollution liability policies, exclusion, **6:2 to 6:19**

Transportation of dangerous goods, training required, **8:21, 8:22**

ENERGY CONSERVATION

- Canadian Council of Chief Executives, recommendations, **4:56**
- CERES Principles, **4:60**
- Equipment, accelerated capital cost allowance, **5:19**
- Sustainable Prosperity, policies, **4:58**
- Systems qualifying for capital cost allowance, **5:20**
- Tax incentives, **5:20**

ENFORCEMENT

- See OFFENCES AND PENALTIES

ENGINEERS

- Insurance, environmental impairment liability, coverage, **6:26, 6:27**

ENVIRONMENT AND CLIMATE CHANGE CANADA

- Environmental law enforcement, statistics, **APP 4A, 4:10**
- Hazardous Waste Management Division, **8:40**
- Interpretation of Basel Convention and OECD decision, **8:40**
- Publications
 - Administrative Notice Form, **8:40**
 - Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations User's Guide, **8:40**
 - Guide to Classification, **8:40**
 - Movement Document Instruction and Sample Form, **8:40**

ENVIRONMENT AND PLASTICS INDUSTRY COUNCIL (EPIC)

- See also PLASTICS

ENVIRONMENT CANADA

- See ENVIRONMENT AND CLIMATE CHANGE CANADA

ENVIRONMENTAL ADVERTISING

- See ADVERTISING

ENVIRONMENTAL APPEAL BOARD (ONTARIO)

- See ENVIRONMENTAL REVIEW TRIBUNAL (ONTARIO)

ENVIRONMENTAL ASSESSMENT BOARD (ONTARIO)

- See ENVIRONMENTAL REVIEW TRIBUNAL (ONTARIO)

ENVIRONMENTAL AUDITS

- Access to environmental information, **4:69**
- Basic procedures, **APP 4A, 4:50**
- Canadian Standards Association guidelines, **1:198**
- Certification, standards, **4:69**
- Environmental protection programs, trends, **4:69**
- Management systems, strategies, benefits, **4:50**
- Real estate transactions, **1:194, 1:198 to 1:209**
- See also REAL ESTATE TRANSACTIONS
- Transportation of dangerous goods compliance assessment, **8:45**

ENVIRONMENTAL BY-LAWS

- Environmental management programs, compliance, **4:36**
- Environmental recycling programs, under, **7:3 to 7:13**

ENVIRONMENTAL CLAIMS: A GUIDE FOR INDUSTRY AND ADVERTISERS

- Generally, **7:23 to 7:37**
- Claims, representations, restrictions, **7:15 to 7:37**
 - general, **7:25**
 - environmentally friendly, **7:25**
 - specific requirements, **7:26**
- Compostable materials, **7:31**
- Degradability standards, **7:32**
- Development, **7:23**
- Principles, establishment, **7:24**
- Recyclable materials, designation, symbol, **7:34**
- Recycled content in materials, designation, symbol, **7:35**

ENVIRONMENTAL CODES OF PRACTICE

- See CODES OF PRACTICE

ENVIRONMENTAL COMPENSATION PROGRAMS

- See FEDERAL COMPENSATION PROGRAMS; NUCLEAR INCIDENT COMPENSATION; PROVINCIAL COMPENSATION PROGRAMS

INDEX

ENVIRONMENTAL CONFERENCES

Corporations, institutions, laws, knowledge, sources, **4:31**

ENVIRONMENTAL CONSULTANTS

Corporations, institutions, laws, knowledge, sources, **4:31**

Insurance, professional errors and omissions coverage, **6:26, 6:27**

Liability, real estate transactions, **1:183**

ENVIRONMENTAL CONTAMINATION

Bankruptcy and insolvency issues
see **BANKRUPTCY AND**

INSOLVENCY ACT; LIABILITY

Generally

see **PROPERTY CONTAMINATION;**
SOIL CONTAMINATION;
SPILLS, insurance. See
COMPREHENSIVE GENERAL
LIABILITY POLICIES;
ENVIRONMENTAL IMPAIR-
MENT LIABILITY POLICIES;
LIABILITY

ENVIRONMENTAL COSTS

See **COSTS**

ENVIRONMENTAL DAMAGE

Defined, **6:23**

Insurance coverage

automobile policies, **6:24**

environmental impairment liability
policies, **6:25 to 6:29**

generally

see **COMPREHENSIVE GENERAL**
LIABILITY POLICIES

limited pollution liability policies, **6:1**
to 6:19

ENVIRONMENTAL DISCLOSURE

Acceptance, encouragement, **4:69**

Canadian Securities Administrators
(CSA) Staff Notice 51-333 on
Environmental Reporting Guidance,
10:23

Climate change risk, **10:15 to 10:23**

Climate risk disclosure

no requirements in provincial securities
legislation, **10:23**

obligation may fall under securities law
requirement to disclose material
environmental information, **10:23**

ENVIRONMENTAL DISCLOSURE

—**Cont'd**

Task Force on Climate-related Financial
Disclosures, recommendations on,
10:16 to 10:18

ENVIRONMENTAL EXPENSES

See **TAXATION**

ENVIRONMENTAL HANDLING CHARGES

Alberta, **7:3**

British Columbia, **7:4**

Saskatchewan, **7:12**

ENVIRONMENTAL IMPAIRMENT LIABILITY POLICIES

Generally, **6:25 to 6:29**

American International Group, coverage,
6:27

Asbestos insulation removal contractors,
6:26

Automobile pollution, coverage, **6:24,**
6:26

Availability, **6:25 to 6:29**

Chartis Insurance, **6:27**

Comprehensive general liability

see **COMPREHENSIVE GENERAL**
LIABILITY POLICIES

Contractors, pollution liability coverage,
6:27

Elliott Special Risks Ltd., wholesalers,
coverage, **6:26**

Environmental consultants, professional
errors and omissions, **6:26, 6:27**

Features, **6:26, 6:27**

Gradual pollution and sudden events, **6:26**

Hospital pollution liability coverage, **6:27**

Lenders and landlords, coverage

extensions, options, **6:28**

pre-existing, undetected or new
contamination, **6:28**

trust property or foreclosures, **6:28**

Limited pollution

see **LIMITED POLLUTION**
LIABILITY POLICIES

Pollution event liability, features, **6:26**

Umbrella insurance, auto, sudden pollu-
tion, **6:26**

Underground storage tanks coverage,
6:27

ENVIRONMENTAL INSPECTIONS

See also INSPECTORS

Abatement officers, places other than premises, powers, **3:7**

Administrative or regulatory purposes, **3:5**

Agreements with Ministries of Environment re, general, **9:16**

Authorization, **3:5**

Corporate Action Plan for Environmental Inspections and Investigations (Appendix A), **APP 3A, 3:29**

Dwellings, consent, requirement, **3:7, 3:27**

Entry, search, reasonable times, **3:5, 3:27**

Federal provisions re, **3:9**

Inspectors

Alberta

information, supply, duty, **3:32, 3:33**
provisions re, **3:10**

British Columbia, provisions re, **3:11**

documents, production without warrants, **3:34**

excavations without warrants, **3:34**

federal provisions re, **3:9**

inspections, time, **3:27**

judicial inspection orders, issuance, conditions, **3:35**

legal counsel, inquiries, presence, **3:29, 3:33**

Manitoba, provisions re, **3:12**

New Brunswick, provisions re, **3:13**

Newfoundland and Labrador, provisions re, **3:14**

Northwest Territories, provisions re, **3:15**

Nova Scotia, provisions re, **3:16**

Nunavut, provisions re, **3:17**

Ontario

obstruction, offence, **3:31**

provincial officer's power to require responses to inquiries, **3:18, 3:31**

provisions re, **3:18, 3:19**

questions, responses, duty, **3:31, 3:33**

spills, **3:19**

police forces, assistance, **3:35**

powers without search warrants, **3:34**

Prince Edward Island, provisions re, **3:20**

ENVIRONMENTAL INSPECTIONS

—Cont'd

Inspectors—Cont'd

Quebec, provisions re, **3:21**

reasonable inquiries, determination, **3:28 to 3:33**

samples, tests, powers, **3:34**

Saskatchewan, provisions re, **3:22**

seizure without warrants, **3:34**

spills, pollutants, powers, **3:8**

Yukon

provisions re, **3:11**

spills, **3:25**

Investigations, distinction, **3:2**

Legal counsel, attendance, entitlement, **3:29**

Legislation, authorization, **3:4**

Motor vehicles

see MOTOR VEHICLES

Overview, **3:5**

Property, entry, search, conditions, **3:4**

Reasonable search and seizure, interpretation, **3:5**

Regulated premises or facilities

businesses, entry, examination, time, **3:5, 3:6**

entry, information for criminal offences, **3:5**

warrantless searches, **3:5**

Right to remain silent, determination, **3:30**

Search warrants, requirement, **3:4, 3:5**

Charter breaches, **3:5**

Spills of pollutants, procedure, **3:8**

Unlicensed premises or equipment, entry, search, **3:6, 3:7**

ENVIRONMENTAL INSURANCE

See COMPREHENSIVE GENERAL LIABILITY POLICIES;
ENVIRONMENTAL IMPAIRMENT LIABILITY POLICIES;
LIMITED POLLUTION LIABILITY POLICIES

ENVIRONMENTAL INVESTIGATIONS

Criminal investigations, search warrants, requirement, **3:39**

Inspections, distinction, **3:2, 3:38 to 3:41**

Investigators

Hunter v. Southam, principles, **3:39**

questions, responses, requirement, **3:40**

ENVIRONMENTAL INVESTIGATIONS

—Cont'd

- Investigators—Cont'd
 - questions, right to remain silent, **3:41**
 - search warrants, requirement, **3:39**
 - warrantless searches, conditions, **3:39**
- Legal counsel, attendance, entitlement, **3:40**
- Methods, **3:38 to 3:41**
- Protection, right to remain silent, **3:41**
- Provinces, units, establishment, **3:1**
- Searches
 - Charter s. 8 rights, case law, **3:39**
 - computers on business premises, **3:39**
- Self-incriminating evidence, protection, **3:41**
- Warrantless searches, conditions, **3:39**

ENVIRONMENTAL LABELLING

- See LABELLING; PRINCIPLES AND GUIDELINES FOR ENVIRONMENTAL LABELLING AND ADVERTISING

ENVIRONMENTAL LAWS

- See also LEGISLATION; CLIMATE CHANGE LEGISLATION
- Compliance
 - costs, income tax deductions, determination, **5:13 to 5:17**
 - environmental management programs, inclusion, **4:36**
- Enforcement
 - See also ENVIRONMENTAL MANAGEMENT
 - Alberta, policies, **4:17**
 - British Columbia, prosecutions, names, release, **4:16**
 - federal, Environment Canada, statistics, **4:10**
 - Ontario, Ministry of the Environment, statistics, **4:12**
 - Quebec, statistics, **4:18**
 - scope, generally, **4:19**
 - Jurisdiction under, **8:2, 8:3**
- Knowledge, corporations, institutions
 - acquisition, sources, **4:31**
 - regulatory surveillance programs, **4:51**
- Overlapping jurisdictions and legislation, **8:2, 8:3, 8:40**

ENVIRONMENTAL LIABILITY

- See LIABILITY

ENVIRONMENTAL MANAGEMENT

- See also CLIMATE CHANGE RISKS; CODES OF PRACTICE; DIRECTORS AND OFFICERS; CORPORATE SOCIAL RESPONSIBILITY (CSR)
- Audit requirements, trends, **4:69**
- Awareness of environmental issues, scope, **4:62 to 4:65**
- Background, **4:3**
- Business and industry, **4:56**
 - climate change issues, **10:1**
- Business Council on National Issues, principles, **4:56**
- Business transactions
 - risk identification, allocation, **4:40**
- Canadian Chemical Producers' Association, Responsible Care program, **4:59**
- CERES principles, Valdez
 - Principles, replacement, **4:60**
- Climate change
 - assessment of risks, **10:8**
 - risks associated with, **10:1**
- Compliance and respect for law, **4:36, 4:67, 8:44, 8:45**
- Coordination groups, functions, **4:35**
- Corporate management attitudes
 - Canada, **4:6**
 - Europe, **4:5**
 - policies and practices, **4:61**
 - scope, **4:4, 4:7**
 - United States, Pilko survey, findings, **4:5**
- Corporate securities filings,
 - environmental risks, liabilities, **4:54**
- Courts, decisions, attitudes, **4:21, 4:22 to 4:29**
- Development, scope, **4:2, 4:3**
- Directors and officers
 - see ENVIRONMENTAL MANAGEMENT, standard of care, due diligence
- Disclosure of information
 - climate risk disclosure, **10:19 to 10:21**
 - trends, **4:69**
- Economic or financial incentives, emergence, **4:71**

ENVIRONMENTAL MANAGEMENT

—Cont'd

- Government enforcement, prosecutions
 - Alberta, **4:17**
 - British Columbia, **4:16**
 - federal, **4:10**
 - Ontario, **4:12**
 - Quebec, **4:18**
 - scope, **4:19**
 - United States, **4:9**
- Government policies, compliance, determination, **4:36**
- Human rights impacts arising from climate change
 - business obligations to prevent, **10:33**
 - remedies, **10:33**
- Information, access, developments, **4:69**
- Issues, **4:1**
- Judicial attitudes, **4:21, 4:22 to 4:29**
- Laws, compliance
 - determination, difficulties, **4:36, 8:44, 8:45**
 - necessity, **4:67**
 - non-compliance, consequences, **4:38, 8:44, 8:45**
 - promotion, advisability, **4:37**
- Laws, knowledge, sources, generally, **4:31**
- Management commitment and support, **4:68**
- National Round Table on the Environment and Economy, objectives, **4:57**
- Office of environmental affairs, functions, **4:35**
- Programs
 - developmental stages, **4:3**
 - management commitment and support, requirement, **4:68**
 - pollution prevention, **4:70**
 - survival, commitment, **4:4**
- Public environmental disclosure, **4:69**
- Responsibility for environmental matters, **4:35, 8:44, 8:45**
- Risk management, objectives, **6:52, 8:44, 8:45**
 - climate change risks, strategies, **10:31**
 - role of certified professional accountants, **10:32**
- Standard of care, due diligence
 - Canadian Charter of Rights and Freedoms, effect, **4:25**

ENVIRONMENTAL MANAGEMENT

—Cont'd

- Standard of care, due diligence—Cont'd
 - courts, attitudes, **4:21, 8:2, 8:42**
 - criteria, **4:23**
 - demonstration, duty, **4:24, 8:42**
 - determination, **4:23**
 - directors and officers
 - liability, **2:18 to 2:22**
 - recommendations, **4:63, 4:64, 8:45**
 - specific duties, **4:27, 8:42**
 - employee education and information, **4:49, 8:21, 8:22, 8:42**
 - employees, recommendations, details, **4:65, 8:45**
 - establishment, requirement, **4:25, 4:26, 8:42**
 - higher levels of care, special conditions, **4:23**
 - liability, standard, establishment, **4:22, 4:23**
 - occupational health and safety, **4:24**
 - prompt action upon notice, requirement, **4:23**
 - proof on balance of probabilities, **4:25, 4:26**
 - reasonable care, determination, **4:23, 8:42**
 - R. v. Bata Industries Ltd., interpretation, **4:27**
 - R. v. Sault Ste. Marie (City), establishment, **4:22, 4:23, 4:25, 8:42**
 - sentencing considerations, **4:28**
 - specific duty, imposition, **4:27**
 - Transportation of Dangerous Goods Act, 1992, under, **8:42**
 - trustees in bankruptcy, **9:6 to 9:15**
- Statutes, regulations, by-laws, compliance, **4:36, 8:42**
- Strategies to reduce risk
 - accidents, remedial and contingency plans, **4:46, 8:45**
 - business transactions, risks, identification, **4:40**
 - climate change-related, **10:30 to 10:33**
 - dangerous goods, **8:45**
 - directors, due diligence recommendations, **4:63**
 - employees, education and information, **4:49, 4:65, 8:45**

ENVIRONMENTAL MANAGEMENT

—Cont'd

- Strategies to reduce risk—Cont'd
 - employees, training for emergencies, **4:46, 8:45**
 - employers, asbestos management, duties of, **1:187**
 - environmental audits, benefits, **4:50, 8:45**
 - environmental impact analysis, **4:39**
 - handling of dangerous goods, risk management, **8:45**
 - laws, knowledge, information, sources, **4:31, 4:51**
 - legislation, policies, compliance, **4:36**
 - legislation, policies, guidelines, knowledge, **4:31**
 - material events, responses, training, **4:48**
 - mining, inactive properties, assessment, **4:39**
 - officers, due diligence recommendations, **4:64**
 - policies, implementation, legal effects, **4:33, 4:34**
 - policies or codes of practice, establishment, **4:32**
 - pollution prevention programs, implementation, **4:43**
 - reduction of use of hazardous materials, **8:45**
 - See also WASTE; WASTE REDUCTION INITIATIVES
 - regulatory surveillance programs, **4:51**
 - responsibility for environmental matters, **4:35**
 - risk assessment programs, development, **4:39**
 - risk management goals, relevance, **6:52**
 - standard operating procedures, development, **4:47**
 - Task Force on Climate-related Financial Disclosures, recommendations on, **10:16 to 10:18**
 - training programs, **8:45**
 - transportation of dangerous goods, risk management, **8:45**
 - waste management risk assessment, **4:39**
- Sustainable development, **4:72**
- United States, attitudes
 - corporate, **4:5**

ENVIRONMENTAL MANAGEMENT

—Cont'd

- United States, attitudes—Cont'd
 - judiciary, **4:21**
 - Waste reduction and management, corporate practices, **4:61**
- ## ENVIRONMENTAL OFFENCES
- Directors and officers
 - see DIRECTORS AND OFFICERS, environmental liability
 - Generally
 - see OFFENCES AND PENALTIES
- ## ENVIRONMENTAL PACKAGING
- See PACKAGING AND PRINTED MATTER
- ## ENVIRONMENTAL POLICY
- See CODES OF PRACTICE
- ## ENVIRONMENTAL PRINCIPLES
- See also SUSTAINABLE DEVELOPMENT; UNITED NATIONS
 - Business Council on National Issues, **4:56**
 - Canadian Chemical Producers' Association, **4:59**
 - Coalition for Environmentally Responsible Economies (CERES), **4:60**
 - National Round Table on the Environment and Economy, **4:57**
- ## ENVIRONMENTAL PROTECTION AGENCY (U.S.)
- Enforcement and compliance, **4:9**
 - Supplemental Environmental Project (SEP), **4:9**
- ## ENVIRONMENTAL PROTECTION ALTERNATIVE MEASURE (FEDERAL)
- Generally, **4:10.50**
 - Statistics, 2018-2021, **4:10**
- ## ENVIRONMENTAL PROTECTION COMPLIANCE ORDER (FEDERAL)
- Statistics, 2018-2021, **4:10**
- ## ENVIRONMENTAL PROTECTION PROGRAMS
- Audit requirements, **4:69**
 - Compliance, respect for law, **4:67**

ENVIRONMENTAL PROTECTION PROGRAMS—Cont'd

Management commitment and support, **4:68**
 Pollution prevention, **4:70**
 Public disclosure, **4:69**

ENVIRONMENTAL PROTECTION TRIBUNAL OF CANADA

Formerly Environmental Protection Review Canada, **4:11**
 Generally, **4:11**

ENVIRONMENTAL REGULATIONS

Environmental management programs, compliance, scope, **4:35**

ENVIRONMENTAL REPORTING

See also CLIMATE RISK DISCLOSURE
 Generally, **4:69**
 Climate change and, **4:69**
 Greenhouse gas legislation provisions, **4:69**
 National Pollutant Release Inventory (NPRI), **4:69**
 Public access to information, **4:69**
 Sustainable development
 shareholder resolution requesting report, **4:73**

ENVIRONMENTAL REPORTING SERVICES

Corporations, institutions, laws, knowledge, sources, **4:31**

ENVIRONMENTAL RESPONSIBILITY

See also CLIMATE CHANGE RISKS; ENVIRONMENTAL MANAGEMENT; SUSTAINABLE DEVELOPMENT
 Audit requirements, **4:69**
 Courts, decisions, attitudes, **4:21**
 Directors and officers, generally
 see DIRECTORS AND OFFICERS
 Economic, financial incentives, **4:71**
 Environmental coordination groups, appointment, functions, **4:35**
 Legislation, compliance, respect, **4:67**
 Pollution prevention, **4:70, 4:71**

ENVIRONMENTAL RESTORATION

See DIRECTORS AND OFFICERS; NATURAL ENVIRONMENT

ENVIRONMENTAL REVIEW TRIBUNAL (ONTARIO) (FORMERLY THE ENVIRONMENTAL APPEAL BOARD)

See now ONTARIO LAND TRIBUNAL
 Amalgamated into Ontario Land Tribunal as of June 1, 2021, **1:27, 1:28**

Appeals under, prior to June 1, 2021, **1:27, 1:28, 2:36**
 corporate directors, officers, hearings
 environmental restoration orders, **2:2**
 remedial or preventive orders, validity, **2:31 to 2:36**

Former Rules of Practice and Practice Directions of the Environmental Review Tribunal, **2:35**

Ontario Land Tribunal Rules, **1:27**

Ontario Land Tribunal Rules of Practice and Procedure, **1:27, 1:28**

property clean-up orders
 appeals from, prior to June 1, 2021, **1:28 to 1:31**

costs, payment, determination, **1:25 to 1:27**

exemptions from, criteria, **1:29 to 1:31**

hearings, procedure, **1:28**

retrospectivity, **1:4 to 1:6, 1:28**

rulings, liability of investors, **9:15**

stays pending appeal by corporate directors and officers, prior to June 1, 2021, **2:35**

factors considered by Tribunal, prior to June 1, 2021, **2:35**

Tribunal decisions regarding, prior to June 1, 2021, **2:36**

ENVIRONMENTAL RISK ASSESSMENT

See also BROWNFIELDS LEGISLATION, ONTARIO

Checklist, real estate transactions, purchasers, use, **APP 1A, 1:196**

Programs

see ENVIRONMENTAL MANAGEMENT, strategies to reduce risk

Securities filings, disclosure, **4:54**

ENVIRONMENTAL SITE ASSESSMENTS

See BROWNFIELDS LEGISLATION, ONTARIO; PHASE ONE

INDEX

ENVIRONMENTAL SITE

ASSESSMENTS—Cont'd

ENVIRONMENTAL SITE ASSESSMENT (ONTARIO); PHASE TWO
ENVIRONMENTAL SITE ASSESSMENT (ONTARIO)

ENVIRONMENTAL SITE LIABILITY INSURANCE

Generally, **6:28**

ENVIRONMENTAL SITE REGISTRY (ONTARIO)

See RECORD OF SITE CONDITIONS

ENVIRONMENTAL TAX ISSUES

See TAXATION

ENVIRONMENTAL TRADEMARKS

See TRADEMARKS

ENVIRONMENTAL UMBRELLA INSURANCE

Excess liability coverage, scope, **6:26**

ENVIRONMENTALLY FRIENDLY PRODUCTS

See also GREEN MARKETING
Advertising, United States, **7:47**
Claims, restrictions, **7:22**

EPAM

See ENVIRONMENTAL PROTECTION ALTERNATIVE MEASURE

EPCO

See ENVIRONMENTAL PROTECTION COMPLIANCE ORDER

EQUATOR PRINCIPLES

Generally, **4:75**

EQUIPMENT

Environmental inspections, **3:5**
Management strategies, maintenance programs, **4:45**

ERAP

See EMERGENCY RESPONSE ASSISTANCE PLAN (ERAP)

EUROPE

Climate risk disclosure, **10:21**
Environmental management corporate attitudes, **4:5**

E-WASTE

See WASTE, electronic and electrical equipment

EXPENSES

Taxation, future reclamation costs, deduction
see TAXATION

EXPLOSIVE MATERIAL

Municipal fire officials, removal, powers, **1:38**
Transportation of
see TRANSPORTATION OF DANGEROUS GOODS, explosives

EXPORT OF DANGEROUS GOODS

See TRANSPORTATION OF DANGEROUS GOODS,

EXTENDED PRODUCER RESPONSIBILITY

See also RECYCLING
Generally, **7:2 to 7:13**
Defined, **7:2**
Individual producer responsibility programs, Ontario, **7:9**
batteries, **7:9**
electronics, **7:9**
hazardous and special products, **7:9**
paint, **7:9**
Stewardship programs
beverage containers
Alberta, **7:3**
British Columbia, **7:4**
New Brunswick, **7:6**
Newfoundland and Labrador, **7:7**
Nova Scotia, **7:8**
Prince Edward Island, **7:10**
Saskatchewan, **7:12**
Blue Box, **7:9**
electronic and electrical equipment
Alberta, **7:3**
British Columbia, **7:4**
Manitoba, **7:5**
Newfoundland and Labrador, **7:7**
Nova Scotia, **7:8**
Prince Edward Island, **7:10**
Quebec, **7:11**
Saskatchewan, **7:12**

**EXTENDED PRODUCER
RESPONSIBILITY—Cont'd**

- Stewardship programs—Cont'd
 - hazardous waste
 - see HAZARDOUS WASTE
 - paint
 - Alberta, **7:3**
 - British Columbia, **7:4**
 - Manitoba, **7:5**
 - New Brunswick, **7:6**
 - Newfoundland, **7:7**
 - Nova Scotia, **7:8**
 - Prince Edward Island, **7:10**
 - Quebec, **7:11**
 - Saskatchewan, **7:12**
 - used tires
 - Alberta, **7:3**
 - British Columbia, **7:4**
 - Manitoba, **7:5**
 - Newfoundland, **7:7**
 - Nova Scotia, **7:8**

EXXON VALDEZ

- Generally, **4:21, 4:60**

FACILITIES

- Environmental inspections, **3:5**
- Inspections under Transportation of Dangerous Goods Act, 1992, **8:43**

**FEDERAL COMPENSATION
PROGRAMS**

- See also PROVINCIAL COMPENSATION PROGRAMS
- Bunkers Convention (2001), **6:31, 6:32**
 - levies on oil imports, **6:32**
- Supplementary Fund Protocol (2003), **6:31**
- International Convention on Civil Liability for Bunker Oil Pollution Damage, **6:31**
- International Convention on Civil Liability for Oil Pollution Damage, 1992, **6:31**
- International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992, **6:31**
 - claimants, direct action against insurers, rights, **6:31**
 - 2003 Protocol, **6:31**
 - purpose, **6:32**

**FEDERAL COMPENSATION
PROGRAMS—Cont'd**

- International Oil Pollution Compensation Fund, **6:31**
- Marine Liability Act, **6:31**
- Nuclear incidents
 - see NUCLEAR INCIDENT COMPENSATION
- Pesticide residue compensation
 - amount, maximum, **6:46**
 - applications, information, details, **6:47**
 - claims, scope, **6:49**
 - decisions, appeals, **6:48**
 - qualifications, **6:45 to 6:49**
- Ship-source Oil Pollution Fund, **6:31, 6:32**
 - address for claims, **6:39**
 - claimants
 - procedure, **6:33 to 6:43**
 - proper parties, **6:33**
 - claims
 - filing, limitation period, **6:38**
 - information, documentation, **6:40**
 - subrogation, rights, **6:37**
 - costs, preventive measures, clean-up, information, **6:41**
 - fishery claimants, qualifications, **6:42**
 - fund of first resort, **6:36**
 - fund of last resort, **6:35**
 - liability, applicable waters, **6:33, 6:35, 6:36**
 - exclusions, **6:34, 6:35**
 - losses, earnings or revenue, claims, details, **6:40**
 - Maritime Pollution Claims Fund, replacement, **6:31**
 - maximum liability, **6:33**
 - mystery spills, unknown ships, claims, appeals, **6:33**
 - purpose, **6:31**
 - replacement, repair costs, claims, details, **6:39**
 - SOPF administrator, powers, **6:37**

**FEDERAL GUIDING PRINCIPLES
FOR ENVIRONMENTAL
LABELLING AND ADVERTISING**

- See PRINCIPLES AND GUIDELINES FOR ENVIRONMENTAL LABELLING AND ADVERTISING

INDEX

FIDUCIARY DUTY

See DUTY OF CARE; DUE DILIGENCE; DIRECTORS AND OFFICERS; ENVIRONMENTAL MANAGEMENT LIABILITY

FINANCIAL RISK DISCLOSURE

Generally, **10:1, 10:3 to 10:14**

FINANCIAL STABILITY BOARD (FSB)

Generally, **10:1, 10:3 to 10:23**

FINES

Deductibility as business expenses
see TAXATION
Directors, officers, environmental offences
see DIRECTORS AND OFFICERS
Generally
see OFFENCES AND PENALTIES

FIRE COMMISSIONER (ONTARIO)

Orders, buildings, closure, removal of hazards, **1:38**

FIRE HAZARDS

Ontario
removal, orders, costs, **1:38**

FISHING INDUSTRY

Ships, oil spills, claimants, qualifications, **6:42**

FISHING WATERS

Deleterious substances, deposit, remedial measures, liability, **6:11**
Ships, oil spills, compensation programs
see FEDERAL COMPENSATION PROGRAMS

FLAMMABLE MATERIALS

Transportation of
see TRANSPORTATION OF DANGEROUS GOODS, flammables

FLOW-THROUGH SHARES

See also TAXATION
Generally, **5:22**

FOOD

Advertising, packaging, labelling
legislation applicable, **7:19**
regulation, **7:17**

FOREIGN AFFAIRS, TRADE AND DEVELOPMENT CANADA

Global sustainability reporting system, **4:74**

FOURTH NATIONAL CLIMATE ASSESSMENT (U.S)

Generally, **10:2 to 10:23**

FRAMEWORK ON CLEAN GROWTH AND CLIMATE CHANGE

Generally, **5:26 to 5:30**

FRAMEWORK PRINCIPLES ON HUMAN RIGHTS AND THE ENVIRONMENT

Generally, **4:1, 4:72**

FSB

See FINANCIAL STABILITY BOARD (FSB)

FUEL OILS

Nova Scotia, **1:116**
Ontario, storage or use, duties, **1:33**

FUEL OIL SUPPLIER

Case law
exclusion clause in supplier agreement
contrary to public policy, **4:38**
negligence, **4:38**

GARBAGE

Building lots, underlay, removal, liability, **1:156.50**
Generally
see WASTE

GASES

Transportation of
see TRANSPORTATION OF DANGEROUS GOODS, gases

GASOLINE

Extended producer responsibility, British Columbia, **7:4**
Hazardous conditions
liability of previous owners, **1:156**
remedial requirements, **1:33**

GENERAL ELECTRIC CO.

Environmental sustainability initiatives, **4:61**
Greenhouse gas emissions, **4:61**

G20 FINANCIAL STABILITY BOARD (FSB)

See FINANCIAL STABILITY BOARD

GLOBAL CHANGE RESEARCH PROGRAM (U.S.)

Fourth National Climate Assessment (2018), **10:1**

GLOBAL REPORTING INITIATIVE (GRI)

Generally, **4:74, 4:76**

G4 guidelines, **4:76**

GOODS AND SERVICES TAX

Emission allowance
exempt supply, **5:44**

GREENHOUSE GAS EMISSIONS REPORTING REQUIREMENTS

Generally, **10:39 to 10:49**

Alberta, **10:41**

British Columbia, **10:42**

Federal, **10:40**

Greenhouse Gas Reporting Program (GHGRP), **10:39 to 10:49**

reporting requirements under Canadian Environmental Protection Act, 1999, **10:40**

Manitoba, **10:43**

New Brunswick, **10:44**

Newfoundland and Labrador, **10:45**

Nova Scotia, **10:46**

Ontario, **10:47**

Quebec, **10:48**

Saskatchewan, **10:49**

GREENHOUSE GAS-INTENSIVE ACTIVITIES

Risks, litigation, regulations, **10:1, 10:3 to 10:14**

GREENHOUSE GAS REDUCTION

See also CLIMATE CHANGE LEGISLATION; CLIMATE CHANGE POLICIES; CLIMATE CHANGE RISKS; TAXATION

Cap and trade system, **5:31 to 5:46**

See also CAP AND TRADE SYSTEM
Ontario, **5:37**

Quebec, **5:38**

Corporate initiatives, **4:61**

Federal and provincial policies, **5:31 to 5:46**

GREENHOUSE GAS REDUCTION

—Cont'd

Financial implications, **10:1, 10:3 to 10:14**

International treaties and agreements, emission reduction targets under, **10:35 to 10:38**

Kyoto Protocol, **10:35**

Paris Agreement, **10:36**

United Nations Framework Convention on Climate Change, **10:35**

Liability issues for business, strategies, **10:32**

Reporting requirements, **4:69, 10:39 to 10:59**

Alberta, **10:41**

British Columbia, **10:42**

federal

Greenhouse Gas Reporting Program, **10:39 to 10:49**

Pan-Canadian Framework on Clean Growth and Climate Change, **10:38**

international treaties and agreements, emission reduction targets under, **10:35 to 10:38**

Kyoto Protocol, withdrawal from, **10:37**

Paris Agreement, ratification, **10:37**

Manitoba, **10:43**

New Brunswick, **10:44**

Newfoundland and Labrador, **10:45**

Nova Scotia, **10:46**

Ontario, **10:47**

Quebec, **10:48**

Saskatchewan, **10:49**

Transition to low-carbon economy, **10:1**

GREEN MARKETING

Claims

environmentally friendly products, restrictions, **7:22, 7:47**

specificity, requirement, **7:21**

testing methods, standards, **7:21**

Controversial claims, **7:20**

Corporate financial and reputational advantage, **4:74**

Electronics, laptops, **7:49**

Labelling and advertising
provincial legislation, **7:38**
restrictions, **7:14 to 7:52**

GREEN MARKETING—Cont'd

- Labelling and advertising—Cont'd
 - trends, general, **7:45**
 - United States
 - federal, state, municipal, **7:39 to 7:45**
 - Federal Trade Commission Guides, **7:39**
 - litigation and regulatory settlements, **7:44**
 - self-regulation, **7:47**
 - advertising modified or discontinued, **7:49**
 - appeals to NARB, **7:50**
 - claims substantiated, **7:48**

GREEN POLICE

- See INVESTIGATIONS AND ENFORCEMENT BRANCH (ONTARIO MOE)

GREEN PRODUCTS

- Environmental claims, advertising, **7:49**
- Issues, **7:1**

G20 TASK FORCE ON CLIMATE-RELATED FINANCIAL DISCLOSURES

- Generally, **10:1**
- Final Report, **10:1**

GUIDELINES FOR THE DECOMMISSIONING AND CLEANUP OF SITES IN ONTARIO REPLACED BY PARTS XV.1 AND XV.2 OF EPA

- Generally, **1:7**

GUIDING PRINCIPLES FOR ENVIRONMENTAL LABELLING AND ADVERTISING

- See PRINCIPLES AND GUIDELINES FOR ENVIRONMENTAL LABELLING AND ADVERTISING

GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS

- See UNITED NATIONS GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS

HAGERSVILLE TIRE FIRE

- Mortgagees, liability of, **1:181**
- Ontario Claims Board, claimants, assistance, **6:51**

HARMONIZED SALES TAX

- Emission allowance
 - exempt supply, **5:44**

HAZARDOUS WASTE

- Disposal and recycling, documentation, issues, **8:40**
- Export and import of, **8:40**
 - approvals required, **8:40**
 - Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, **8:40**
 - Export and Import of Hazardous Wastes Regulations, **8:40**
 - insurance requirements, **8:40**
- For disposal, **8:39**
 - domestic movement of, manifest requirements, **8:39**
 - international movement of, applicability of regulations, **8:40**
- For recycling
 - Canada-U.S.A. Agreement on the Transboundary Movement of Hazardous Waste, **8:40**
 - domestic movement of, manifest requirements, **8:39**
 - export and import of, **8:40**
 - individual producer responsibility
 - Ontario, **7:9**
 - international movement of, applicability of regulations, **8:40**
 - provincial programs
 - Manitoba, **7:5**
- Movement of, general
 - see TRANSPORTATION OF DANGEROUS GOODS
- Regulation of, overlap of hazardous waste and dangerous goods legislation, prosecutions, **8:3, 8:39, 8:40**

HAZARDOUS WASTE FACILITIES

- See also WASTE
- Transportation to, **8:39, 8:40**

HEALTH HAZARDS

- Elimination or decrease, orders, costs, **1:34**
- Green advertising claims, **7:49, 7:50**
- Occupational health and safety, hazardous materials in the workplace, **8:44, 8:45**

HEALTH HAZARDS—Cont'd

Property contamination
see PROPERTY CONTAMINATION

Removal, inspectors, orders, **1:36**

HEARINGS

Former Environmental Review Tribunal
(Ontario), clean-up orders, **1:28**

Ontario Land Tribunal, **1:28**

HOSPITAL POLLUTION LIABILITY

Insurance, environmental impairment
liability, coverage, **6:27**

HOSPITALS

Environmental performance check-ups,
scope, **3:1**

HUMAN RIGHTS

See also CLIMATE CHANGE RISKS;
SUSTAINABLE DEVELOPMENT;
UNITED NATIONS

Citizen-initiated litigation in domestic
courts to require governments to act
to protect rights, **10:9 to 10:13**

Climate-related impacts and claims, **10:11**
international law principles applicable
to environmentally related human
rights, **10:11**

Court orders for government action to
reduce GHG emissions, Pakistan,
10:12

Obligations by governments and corpora-
tions to protect, **10:11**
judicial and tribunal decisions requiring
government action on
environmental issues affecting
human rights, **10:12**

Violation of, by carbon majors,
complaints, international, **10:12**

HYDROCARBONS

Storage or use, duties, **1:33**

ICE SHELTERS

Environmental inspection without war-
rants, scope, **3:6**

IMPRISONMENT

Directors, officers
contempt of court, **2:23**
environmental offences, generally, **2:24**
to **2:27**
offences under Transportation of
Dangerous Goods Act, 1992, **8:41**

INDEMNITY

Corporate officers and directors, fines,
2:18 to 2:22

Real estate transactions, purchasers,
rights, **1:214**

INDIVIDUAL PRODUCER

**RESPONSIBILITY FRAMEWORK
(IPR) (ONTARIO)**

See EXTENDED PRODUCER
RESPONSIBILITY

INDUSTRIES

Environmental principles

Business Council on National Issues,
4:56

Canadian Chemical Producers' Associa-
tion, **4:59**

Coalition for Environmentally
Responsible Economies (CERES),
4:60

National Round Table on the Environ-
ment and Economy, **4:57**

INDUSTRY CANADA

Generally, **4:74**

SME Sustainability Roadmap, **4:74**

**INDUSTRY FUNDED ORGANIZATION
(IFO)**

Generally, **7:2**

Alberta, **7:3**

British Columbia, fCITE7:4

Multi-Material British Columbia
(MMBC), **7:4**

Recycle BC, **7:4**

Manitoba

Multi-Material Stewardship Manitoba
(MMSM), **7:5**

Ontario, **7:9**

INFECTIOUS SUBSTANCES

Transportation of
see TRANSPORTATION OF
DANGEROUS GOODS, infec-
tious substances

**INITIAL EMERGENCY RESPONSE
GUIDE**

See CANADIAN TRANSPORT EMER-
GENCY CENTRE (CANUTEC)

INJURIES

Insurance coverage
automobiles, use or operation, **6:24**

INDEX

INJURIES—Cont'd

- Insurance coverage—Cont'd
 - generally
 - see COMPREHENSIVE GENERAL LIABILITY POLICIES;
LIMITED POLLUTION LIABILITY POLICIES
- Nuclear incidents, facility operators, duties, **6:44**

INSPECTIONS

- Environmental
 - see ENVIRONMENTAL INSPECTIONS
- Real estate transactions, purchasers, benefits, **1:195, 1:196**
- Under Transportation of Dangerous Goods Act, 1992, **8:43**

INSPECTORS

- Environmental inspections, functions, **3:26 to 3:37**
- Powers under Transportation of Dangerous Goods Act, 1992
 - documents, production without warrants, **8:43**
 - importation, **8:43**
 - intervention in emergencies to prevent release of dangerous goods, **8:43**
 - remedying non-compliance, **8:43**
 - taking samples of dangerous goods, **8:43**
 - without search warrants, **8:41, 8:43**

INSTITUTIONS

- Environmental laws, knowledge, sources, **4:32**
- Environmental management
 - see ENVIRONMENTAL MANAGEMENT
- Inspections, searches, **3:5**

INSURANCE

- See also ENVIRONMENTAL IMPAIRMENT LIABILITY POLICIES
- Automobile policies, pollution, liability, coverage, **6:24**
- Financial security for nuclear installations, as, **6:44**
- Generally
 - see COMPREHENSIVE GENERAL LIABILITY POLICIES;
ENVIRONMENTAL IMPAIRMENT LIABILITY POLICIES;

INSURANCE—Cont'd

- Generally—Cont'd
 - LIMITED POLLUTION LIABILITY POLICIES
- Hazardous waste transportation, **8:40**
- Insurer's duty to defend, **6:19**
- Liability, climate change and securities filings, disclosure, **4:54**
- Overview, challenges, **6:1**
- Risk management, relevance, **6:52**
- Self-insurance, captive insurance companies, creation, advantages, **6:30**
- Sudden and accidental, case law, **6:7**

INSURANCE BUREAU OF CANADA

- Policies, standard form, **6:2 to 6:19**

INSURERS

- Carbon extractors and emitters
 - increased liability, **10:3 to 10:14**
- Climate change risks and, **10:1**
- Weather-related risks, **10:2 to 10:23**

INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE (IPCC)

- Fourth Assessment Report, **10:1**

INTERNATIONAL ATOMIC ENERGY AGENCY

- Convention on Supplementary Compensation for Nuclear Damages, **6:44**

INTERNATIONAL CIVIL AVIATION ORGANIZATION (I.C.A.O.)

- Technical Instructions for the Safe Transport of Dangerous Goods by Air, **8:38**

INTERNATIONAL MARITIME DANGEROUS GOODS CODE

- Generally, **8:38**

INTERNATIONAL OIL POLLUTION COMPENSATION FUND

- See FEDERAL COMPENSATION PROGRAMS

INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO)

- Certification, corporations, **4:61**
- Environmental management standards, **4:74**

INVESTIGATIONS

Environmental
see ENVIRONMENTAL INVESTIGATIONS

INVESTIGATIONS AND ENFORCEMENT BRANCH (ONTARIO MOE)

Establishment, functions, **3:1**

INVESTMENT TAX CREDITS

Pollution control equipment, qualification, **5:19**

INVESTORS

Agreements with Ministries of Environment to limit liability, **9:16**

Carbon markets, **5:31 to 5:46**

Climate change risks and, **10:1**

Climate risk disclosure and, **10:15 to 10:23**

Contaminated property, liability, **9:15, 9:16**

Financial challenges and opportunities, **10:3 to 10:14**

Former Environmental Review Tribunal (Ontario), rulings on liability, **9:15**

Investor activism, **10:14 to 10:23**

Transition to low-carbon economy, **10:3 to 10:14**

IONIZING RADIATION

Emission, excessive levels, liability, **6:11**

IPCC

See INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE

ISO 14000 ENVIRONMENTAL LABELLING SERIES

Generally, **7:37**

JUDICIAL INSPECTION ORDERS

Environmental inspectors, issuance, conditions, **3:35**

KODAK CANADA INC.

Solid waste reduction, recycling initiatives, **4:61**

KYOTO PROTOCOL

Generally, **10:35**

Adoption of, **10:35**

Background, **10:35**

Canada, withdrawal from, **10:35**

LABELLING

See also ADVERTISING; PACKAGING; PRINCIPLES AND GUIDELINES FOR ENVIRONMENTAL LABELLING AND ADVERTISING

Beverage containers, legislation, **7:3 to 7:13**

Complaints under former Principles and Guidelines, **7:36**

Consumer products, regulation, **7:16**

Dangerous goods
see TRANSPORTATION OF DANGEROUS GOODS, labelling of goods/product

Drugs, cosmetics, medical devices, regulation, **7:17**

Environmental claims, guidelines, **7:24 to 7:30**

False representations, effect, **7:15, 7:20**

Food, **7:17, 7:19**

Green marketing

see GREEN MARKETING

Misleading representations, prohibition, **7:14 to 7:52**

Provincial legislation, **7:38**

Trademarks, protection, **7:53**

United States, guidelines, **7:39 to 7:41**

LANDLORDS

See also TENANTS

Contaminated property, liability
common law, issues, **1:177 to 1:179**
negligence, **1:178, 1:179**
nuisance, **1:178**
strict liability, **1:178**
generally, **1:1**
statutory, clean-up, **1:180**
to third party for activities of tenant, **1:179**

Insurance, environmental impairment liability policies, **6:28**

LEAD-ACID BATTERIES

See BATTERY RECYCLING PROGRAMS

LEASES

Environmental risk assessment, prior consideration, **4:40**

LEGAL COUNSEL

See also SOLICITORS

INDEX

LEGAL COUNSEL—Cont'd

- Environmental inspections, attendance, **3:29, 3:33**
- Environmental investigations, attendance, **3:40**
- Policies, development, consultations, **4:33**
- Regulatory surveillance programs, assistance, **4:51**

LEGISLATION

- See also CLIMATE CHANGE
LEGISLATION;
ENVIRONMENTAL LAWS
- Compliance, determination, difficulties, **4:36, 4:67, 8:44, 8:45**
- Knowledge, understanding, strategies, **4:31**
- Regulatory surveillance programs, benefits, **4:51**

LENDERS

- Climate change risks, obligations and, **10:1**
- Insurance, environmental impairment liability policies, **6:28**
- Liability
 - agreements with Ministries of Environment re contaminated sites, **9:16**
 - potential for liability as person responsible for compensation for climate-related harm, **10:13**
- Secured, environmental liability, **9:16**

LESSEES

- See TENANTS

LIABILITY

- See also CIVIL ACTIONS; CIVIL LIABILITY; ENVIRONMENTAL MANAGEMENT
- Contaminated property
 - agreements with Ministries of Environment, general, **9:16**
 - Alberta, remediation, **1:75, 1:76, 1:154**
 - British Columbia, remediation, **1:39 to 1:67**
 - care, management or control, orders, compliance, **2:31 to 2:36**
 - civil actions, limitation period, **1:155**
 - environmental consultants, **1:183**
 - fuel oil suppliers, case law, **4:38**
 - generally, **1:1**

LIABILITY—Cont'd

- Contaminated property—Cont'd
 - investors, **9:15, 9:16**
 - See also INVESTORS
 - landlords, scope, **1:177 to 1:180**
 - mortgagees
 - exempt from liability under Act (Ontario)
 - case law, **1:4 to 1:6, 1:181, 9:14**
 - waste removal, **1:181**
 - municipalities, negligent misrepresentation, **1:164**
- Ontario
 - See also BROWNFIELDS
LEGISLATION, ONTARIO
 - qualified immunity from MOE remediation orders upon filing of record of site condition, **1:23, 9:16**
 - owners, remedial orders, compliance, **2:30 to 2:36**
 - previous owners
 - see VENDORS, remote vendors
 - public agencies, failure to act or warn, **1:165**
 - real estate agents, **1:1, 1:167, 1:168**
 - receivers, **1:182, 9:2 to 9:5**
 - recovery of remediation costs
 - restoration of corporation and reconstitution of director, case law, **1:66**
 - remedial orders, issuance, proper parties, **2:37**
 - secured lenders, **9:16**
 - solicitors, purchase and sale, negligence, **1:169**
 - sources of civil and statutory, **1:148**
 - tenants
 - see TENANTS
 - trustees in bankruptcy, **9:6 to 9:15**
 - vendors
 - see VENDORS
- Corporate reduction, generally
 - see ENVIRONMENTAL MANAGEMENT,
- Dangerous goods, emission or escape, **6:11, 8:9, 8:23 to 8:40**
 - See also TRANSPORTATION OF DANGEROUS GOODS, discharge, emission or escape of dangerous goods

LIABILITY—Cont'd

Dangerous occurrences, **8:23 to 8:40**

See also DANGEROUS OCCURRENCES

Directors and officers, environmental responsibility

see DIRECTORS AND OFFICERS

Emergencies, standard operating procedures, effect, **4:47, 8:23 to 8:40**

Fishing waters, deleterious substances, deposit, **6:11**

Insurance

automobile policies, coverage, **6:24**

climate change and, securities filings, disclosure, **4:54**

See also INSURERS

generally

see COMPREHENSIVE GENERAL LIABILITY POLICIES;
ENVIRONMENTAL IMPAIRMENT LIABILITY POLICIES;
LIMITED POLLUTION LIABILITY POLICIES

self-insurance, captive insurance companies, creation, **6:30**

transportation of hazardous wastes, **8:40**

Ionizing radiation, emission, **6:11**

Lending and insolvency issues, general, **9:1**

Ontario, qualified immunity from MOE remediation orders upon filing record of site condition, **9:16**

Municipalities, remedial measures, **6:14**

Negotiating with Ministries of Environment, **9:16**

Oil pollution damage, ships, **6:11**

Pollution prevention programs, effect, **4:43**

Securities filings, environmental matters, disclosure, **4:54**

Spills Bill (Ontario), under, **6:14, 8:45**

Standard, courts, establishment, **4:22, 8:42**

Standard of care

see ENVIRONMENTAL MANAGEMENT, standard of care

Transportation of dangerous goods

see TRANSPORTATION OF DANGEROUS GOODS, liability

LICENCES AND PERMITS

Environmental tax, cost, write-offs, restrictions, **5:15**

LIENS

Fire hazards, removal, cost, **1:38**

Objection to title, conveyance, effect, **1:156**

Property clean-up orders, costs, **1:2 to 1:38**

LIFE CYCLE ANALYSIS

Generally, **7:9**

LIMITATION PERIOD

See CIVIL ACTIONS, limitation period of environmental actions;
NEGLIGENCE, contaminated property, liability limitation period;
OFFENCES AND PENALTIES, Transportation of Dangerous Goods Act, 1992, and Regulations, non-compliance, limitation period;
VENDORS, remote (former) vendors, contaminated property, liability

LIMITED POLLUTION LIABILITY POLICIES

Availability, **6:22**

Background, **6:20**

Compensatory damages, clean-up costs, coverage, **6:23**

Coverage, restrictive, **6:25 to 6:29**

Definitions, **6:23**

Directors, officers, shareholders, coverage, **6:23**

Exclusions, **6:20**

LIMITED SCOPE RISK ASSESSMENTS (ONTARIO)

See BROWNFIELDS, LEGISLATION (ONTARIO)

LITIGATION

See CLIMATE CHANGE LITIGATION

LOANS

Environmental risk identification, prior consideration, **4:40**

LOW-CARBON ECONOMY FUND

Generally, **5:26 to 5:30**

INDEX

MAINTENANCE EXPENSES

Environmental cost write-offs
see TAXATION

MANAGEMENT INFORMATION SYSTEMS

Environmental coordination groups,
establishment, scope, **4:35**

MANITOBA

Cap and trade system, intention, to join,
5:31 to 5:46
Climate change considerations under the
Planning Act, **10:59**
Contaminated sites legislation, **1:79 to 1:101**
Environmental inspections, **3:12**
Extended producer responsibility, **7:5**
Greenhouse gas emissions reporting
requirements, **10:43**
Greenhouse gas reduction, **10:40**
Packaging waste reduction initiatives, **7:5**
Waste diversion and reduction initiatives,
7:5

MARINE LIABILITY ACT

See also FEDERAL COMPENSATION
PROGRAMS
Generally, **6:31 to 6:43**

MARKETING

See GREEN MARKETING; GREEN
PRODUCTS

MATERIAL EVENTS

Responses, training, development, **4:48**

3M CORPORATION

Pollution reduction programs, **4:61**

MEDICAL DEVICES

Advertising, packaging, labelling, regula-
tion, **7:17**

MEDICAL OFFICER OF HEALTH

Health hazards, elimination, decrease,
powers, **1:34**

METHANE EMISSIONS

Alberta, **5:35**
Canada
legislation, reduction of, **10:38**

MINING

Climate change impacts and, **10:5**
Corporate sustainability initiatives, **4:61**

MINING RECLAMATION TRUST

See QUALIFYING ENVIRONMENTAL
TRUST

MINISTER OF TRANSPORT (FEDERAL)

Marine shipments of oil, levies, imposi-
tion, **6:31**
Ships, oil spills, claims
fishing claimants, disputes, determina-
tion, **6:42**
procedure, generally, **6:31 to 6:43**

MINISTRY OF LABOUR (ONTARIO)

Health or safety hazards, powers, **1:36**

MINISTRY OF THE ENVIRONMENT AND CLIMATE CHANGE (ONTARIO)

Abatement officials, functions, **3:1**
Compliance Policy, Applying Abatement
and Enforcement Tools, **1:4 to 1:6, 9:15**
Contaminated property, clean-up, powers,
1:2 to 1:38, 1:165
Directors, officers, restoration orders
see DIRECTORS AND OFFICERS,
Guidelines for the Decommissioning and
Cleanup of Sites in Ontario
criteria, **1:2 to 1:38**
Immunity, qualified, to secured creditors
re MOE remediation orders, **9:16**
Inspections
see ENVIRONMENTAL INSPEC-
TIONS
Investigations
see ENVIRONMENTAL INVESTIGA-
TIONS
Investigations and Enforcement Branch,
establishment, **3:1**
Orders, preventive measures, **1:4 to 1:6**
case law, management or control, **1:6**
Orders, property clean-up
appeals, **1:28**
costs, recovery, **1:25 to 1:27**
liability of corporate directors pending
appeal, Ontario, **2:36**
Northern Wood Preservers cases, inter-
pretation, **1:29 to 1:31**
scope, **1:4 to 1:6**
source of contaminant, determination,
1:29 to 1:31
stay pending appeal, **2:36**

**MINISTRY OF THE ENVIRONMENT
AND CLIMATE CHANGE
(ONTARIO)—Cont'd**

Orders, to monitor, record and report,
Ontario
stay pending appeal, **2:36**
Pollutants, spills, directions, **3:7, 6:14**
Waste disposal sites, use, approval, **1:3**

MMBC

See MULTI-MATERIAL BRITISH
COLUMBIA

MMSB

See MULTI-MATERIALS STEWARD-
SHIP BOARD

MMSM

See MULTI-MATERIAL STEWARD-
SHIP MANITOBA

MMSW

See MULTI-MATERIAL STEWARD-
SHIP WESTERN

MOBIUS LOOP

See also RECYCLING
Generally, **7:27, 7:28, 7:34, 7:35, 7:37**

**MODIFIED GENERIC RISK
ASSESSMENT**

See BROWNFIELDS LEGISLATION,
ONTARIO

MONETARY PENALTIES

See ADMINISTRATIVE PENALTIES

MORTGAGEES

Liability, contaminated property
exempt from, case law (Ontario), **1:4 to
1:6**
remediation, **1:50**
waste removal, **1:181, 9:14**

**MOTOR VEHICLE INSURANCE
POLICIES**

Pollution, liability, coverage, **6:24**

MOTOR VEHICLES

See also AUTOMOTIVE PURCHASES;
ELECTRIC VEHICLE
Inspection without warrants, scope, **3:6**
British Columbia, **3:11**
Manitoba, **3:12**
Northwest Territories, **3:15**
Nova Scotia, **3:16**

MOTOR VEHICLES—Cont'd

Inspection without warrants, scope, **3:6**
—Cont'd
Nunavut, **3:17**
Ontario, **3:18**
Quebec, **3:21**

**MULTI-MATERIAL BRITISH
COLUMBIA**

Generally, **7:4**

**MULTI-MATERIALS STEWARDSHIP
BOARD**

Generally, **7:7**

**MULTI-MATERIAL STEWARDSHIP
MANITOBA**

Generally, **7:5**

**MULTI-MATERIAL STEWARDSHIP
WESTERN**

Generally, **7:2**
Saskatchewan, **7:12**

MUNICIPAL BY-LAWS

Compliance, premises, entry, inspection,
powers, **3:5**
Directors, officers, anti-pollution, viola-
tion, effect, **2:23**
Land use, restrictions, **1:37, 1:38**

MUNICIPALITIES

Environmental performance check-ups,
scope, **3:1**
Fire officials, powers, Ontario, **1:38**
Hazardous or special waste, Ontario, **7:9**
Negligent misrepresentation, contami-
nated property, non-disclosure, **1:164**
Officers, environmental duty, reasonable
care, **2:20**
Pollutants, spills, remedial measures,
duties, **6:14**
Waste removal, costs, recovery from land-
owner, **1:38**

NAD

See NATIONAL ADVERTISING DIVI-
SION OF THE COUNCIL OF BET-
TER BUSINESS BUREAUS, INC.
(NAD) (U.S.)

NARB

See NATIONAL ADVERTISING
REVIEW BOARD (U.S.)

**NATIONAL ADVERTISING DIVISION
OF THE COUNCIL OF BETTER
BUSINESS BUREAUS, INC. (NAD)
(U.S.)**

Generally, **7:47**

NAD Case Reports, excerpts, **7:48 to
7:50**

National Advertising Review Board, **7:50**

**NATIONAL ADVERTISING REVIEW
BOARD (U.S.)**

Generally, **7:50**

**NATIONALLY DETERMINED
CONTRIBUTIONS (NDCS)**

See PARIS AGREEMENT

**NATIONAL POLLUTANT RELEASE
INVENTORY (NPRI)**

Generally, **4:69**

**NATIONAL ROUND TABLE ON THE
ENVIRONMENT AND ECONOMY
(NRTEE)**

Discontinued, **4:57**

Objectives for Sustainable Development,
terms, **4:57**

NATURAL

See also GREEN MARKETING

Advertising claims, United States, **7:48,
7:50**

NATURAL ENVIRONMENT

Inspection, powers

see ENVIRONMENTAL INSPEC-
TIONS

Preventive measures, dangerous goods,
6:12

Restoration, remedial measures

See also DIRECTORS AND
OFFICERS; PROPERTY
CONTAMINATION

control, preventive orders, issuance,
2:30

directors, officers, duties, **2:31 to 2:36**
of federal property pursuant to
provincial legislation, **8:3**

Ontario

Spills Bill, restoration under, **1:161**
right to compensation, **1:162**

Ontario Environmental Appeal Board,
hearings

see ONTARIO LAND TRIBUNAL

NATURAL ENVIRONMENT—Cont'd

Restoration, remedial measures—Cont'd

Ontario Environmental Appeal Board,
hearings—Cont'd

generally, **2:31 to 2:36**

provinces, legislation, **2:42**

remedial orders

control test, **2:37**

non-compliance, **2:38**

Ontario, against directors where

orders stayed by CCAA

proceedings, **9:12**

Quebec, **2:42**

remediation requirements at common

law and relationship to provincial

remediation guidelines, **1:166**

Transportation of Dangerous Goods

Act, 1992, provisions, **8:41**

NATURAL RESOURCES

Sustainable use, CERES Principles, **4:60**

NEGLIGENCE

Canada, negligence claim, transnational
tort, **10:12**

Climate change litigation, **10:10**

Contaminated property, liability

limitation period

Alberta, **1:78, 1:155**

Ontario, **1:155**

solicitors, purchase transactions, **1:169**

vendors, **1:155**

Director or officer liability at common
law, **2:39**

Fuel oil suppliers, case law, **4:38**

Legislation, non-compliance, evidence,
4:38

NEGLIGENT MISREPRESENTATION

Contaminated property, liability

contractors, **1:159**

current vendors, non-disclosure, **1:158**

municipalities, inaccurate information,
1:164

public agencies, failure to warn, **1:165**

NEW BRUNSWICK

Clean Environment Act, **1:102**

Contaminated sites remediation, **1:103**

Environmental inspections, **3:13**

Extended producer responsibility, **7:6**

Greenhouse gas emissions reporting
requirements, **10:44**

NEW BRUNSWICK—Cont'd

Waste diversion and reduction initiatives, **7:6**

NEWFOUNDLAND AND LABRADOR

Contaminated sites remediation, **1:104, 1:105**

Environmental inspections, **3:14**

Environmental management, enforcement, **4:18**

Extended producer responsibility, **7:7**

Greenhouse gas emissions reporting requirements, **10:45**

Waste diversion and reduction initiatives, **7:7**

NORTHWEST TERRITORIES

Environmental inspections, **3:15**

Extended producer responsibility, **7:13**

Guideline for Contaminated Site Remediation, **1:106**

NOVA SCOTIA

Cap and trade program, **10:46, 10:57**

Contaminated site remediation, **1:107 to 1:116**

Notification of Contamination Protocol, **1:108**

remedial duties, **1:110 to 1:116**

full property remediation, **1:114**

limited remediation pathway, **1:111**

Environmental inspections, **3:16**

Extended producer responsibility, **7:8**

Greenhouse gas emissions reporting requirements, **10:46**

Waste diversion and reduction initiatives, **7:8**

electronic and electrical equipment, **7:8**

packaging waste reduction initiatives, **7:8**

NUCLEAR ENERGY

Advertising claim, United States, **7:49**

Insurance, **6:44**

**NUCLEAR INCIDENT
COMPENSATION**

Generally, **6:44**

**NUCLEAR LIABILITY AND
COMPENSATION ACT**

Civil liability regime, **6:44**

Nuclear claims tribunal, **6:44**

**NUCLEAR LIABILITY AND
COMPENSATION ACT—Cont'd**

Nuclear facility operators

absolute liability, **6:44**

exception, **6:44**

claims, **6:44**

liability amounts, **6:44**

compensation, injuries, **6:44**

damages, loss, remedial measures, **6:44**

financial security required, **6:44**

harmonization with global liability regime, **6:44**

jurisdiction, **6:44**

Nuclear Liability Act, replaced, **6:44**

NUISANCE

Climate change litigation and, **10:10**

Defined, **1:156**

Director or officer liability, **2:39**

Landlord

common law liability in nuisance,
negligence and strict liability,
1:179

common law liability in nuisance and
strict liability, **1:79**

Vendors and owners, civil liability, **1:156**

Vendors, remote, not liable to current
owner, **1:156**

NUNAVUT

Environmental inspections, **3:17**

Extended producer responsibility, **7:13**

**OCCUPATIONAL HEALTH AND
SAFETY LEGISLATION**

Asbestos management legislation,
guidelines, **1:184 to 1:192**

See also ASBESTOS MANAGEMENT

Occupational Health and Safety Act

orders re health or safety hazards to
workers, Ontario, **1:35**

relationship to transportation of danger-
ous goods legislation, **8:44, 8:45**

Overlap with environmental protection
legislation, Ontario, **2:19**

OFFENCES AND PENALTIES

See also ADMINISTRATIVE PENAL-
TIES; DEFENCES; SENTENCING

Advertising, misleading representations,
7:15

Building Code Act, 1992 (Ontario),
contravention, **1:37**

OFFENCES AND PENALTIES—Cont'd

Business practices, misleading, **7:18**
 Cosmetics, advertising, packaging, labelling, deceptive, **7:17**
 Dangerous goods, transportation of, **8:9, 8:41, 8:44, 8:45**
 See also OFFENCES AND PENALTIES, Transportation of Dangerous Goods Act, 1992, and Regulations, non-compliance
 Directors, officers, environmental offences
 acquiescence or authorization, **2:6 to 2:17**
 contaminants, water, discharge, **2:18, 4:27**
 federal provisions, **2:6 to 2:17**
 pesticides, use, adverse effects, **2:18**
 principals or parties, **2:3 to 2:5**
 provincial provisions, **2:6 to 2:17**
 sentences, considerations, **2:24 to 2:27**
 Drugs, advertising, packaging, labelling, deceptive, **7:17**
 Environmental Enforcement Act, under, **4:10.30, 4:10.80**
 Environmental Protection Act (Canada), under, **4:10.20, 4:10.40**
 Environmental Protection Act (Ontario), under, information, refusal, **3:31**
 Environmental protection alternative measures, **4:10.50**
 Environment-related claims, misleading, **7:21**
 Environmental Violations Administrative Monetary Penalties Act, **4:11**
 Fines, tax deductions, guidelines, **5:17**
 Fisheries Act, under, **4:10.20, 4:10.60**
 Food, advertising, packaging, labelling, deceptive, **7:17**
 Goods, misleading descriptions, **7:18**
 Health Protection and Promotion Act (Ontario), contravention, **1:34**
 Information, inspectors, provincial officers, refusal, **3:31**
 Investigations, search warrants, requirement, **3:5, 3:39**
 Labelling, false representations, **7:15, 7:16**
 Loading, unloading or storing, **8:9**
 Medical devices, advertising, packaging, labelling, deceptive, **7:17**

OFFENCES AND PENALTIES—Cont'd

Occupational Health and Safety Act (Ontario), under, **1:35**
 Packaging, misleading representations, **7:15, 7:16**
 Public welfare offences, transportation of dangerous goods, **8:2, 8:42**
 Services, misleading descriptions, **7:18**
 Strict liability, establishment, **4:23**
 Technical Standards and Safety Act, 2000 (Ontario), contravention, **1:33**
 Transportation of Dangerous Goods Act, 1992, and Regulations, non-compliance, **8:9, 8:41, 8:45**
 dangerous occurrences, failure to report, **8:23 to 8:40**
 emergencies, failure to reduce risk, **8:23 to 8:40**
 handling or offering for transport, non-compliance with legislation, **8:9, 8:41**
 inspectors' powers to monitor compliance, **8:43**
 limitation period, **8:41**
 loading, unloading or storing in unsafe manner, **8:9**
 means of containment, improper, **8:9**
 officers and directors may be held liable under independent obligation, **8:41**
 overlap of federal and provincial legislation, **8:3**
 placarding, prosecutions, **8:42**
 provincial waste management regulations and, prosecutions, **8:39**
 provision for due diligence defence under Act, prosecutions, **8:42**
 remedial action, compensation, fines, **8:41**
 Waste reduction programs
 British Columbia, **7:4**
 Manitoba, **7:5**
 New Brunswick, **7:6**
 Newfoundland and Labrador, **7:7**
 Northwest Territories, **7:13**
 Nova Scotia, **7:8**
 Ontario, **7:9**
 P.E.I., **7:10**
 Quebec, **7:11**
 Saskatchewan, **7:12**
 Yukon, **7:13**

OFFICE OF ENVIRONMENTAL AFFAIRS

Corporations, establishment, advisability, **4:35**

OIL AND GAS INDUSTRY

Climate change-related risk, **10:6**
liability and litigation risk, **10:9 to 10:13**
human rights issues, **10:11**
regulatory uncertainty, **10:9 to 10:13**
reputational risk, **10:9 to 10:13**
Directors' and officers' statutory duty to prevent corporation from discharge of contaminant, **10:27**
potential liability with respect to GHG emissions, **10:27**

Litigation

Canada

class action lawsuit by municipality against for climate change costs incurred, **10:10**

international, 10:10

United States, 10:10

Role of accountants in supporting corporate GHG emission management activities, **10:32**

Transition to low-carbon economy
financial risk, **10:1, 10:3 to 10:14**
judicial review of approvals for GHG-emitting activities, **10:14**

OIL POLLUTION DAMAGE

Clean-up, property, Ontario, **1:33**
Federal government compensation programs, claims
see **FEDERAL COMPENSATION PROGRAMS**
Ships, discharge, liability, remedial orders, **6:11**

OIL POLLUTION DAMAGE COMPENSATION FUNDS

See **FEDERAL COMPENSATION PROGRAMS**

OIL RECYCLING PROGRAMS

Alberta, **7:3**
British Columbia, **7:4**
Manitoba, **7:5**
New Brunswick, **7:6**
Nova Scotia, **7:8**
Ontario, **7:9**

OIL RECYCLING PROGRAMS

—Cont'd

Prince Edward Island, **7:10**

Quebec, **7:11**

OIL SPILLS

See **OIL POLLUTION DAMAGE**

ONTARIO

See also **BROWNFIELDS LEGISLATION, ONTARIO**

Cap and trade system, **5:31 to 5:46**

See also **CAP AND TRADE SYSTEM**
intention to link to Quebec and California systems, **5:37**

repealed, **10:47**

Climate Change Mitigation and Low-carbon Economy Act, 2016, **5:37**

Contaminated property clean-up orders, authority, **1:33 to 1:38**

qualified immunity from, **1:9**

Contaminated sites, liability, **1:156**

Directors and officers

environmental offences, liability, **2:18 to 2:22**

natural environment, restoration, duty, **2:29 to 2:41**

Electronic and electrical equipment waste, individual producer responsibility, **7:9**

Environmental inspections, **3:18, 3:19**
spills, **3:19**

Environmental legislation affecting property transactions, **1:2 to 1:38**

Environmental offences, prosecutions, **4:12**

Extended producer responsibility, **7:9**

Fire Code, contravention, remedies, **1:38**

Fuel oils or hydrocarbons, regulation, **1:33**

Gasoline handling, regulations, compliance, **1:33**

Greenhouse gas emissions reporting requirements, **10:47**

Health hazards, elimination, decrease, orders, **1:34**

Individual producer responsibility, **7:9**

Insurance, spills, clean-up, pollution abatement

see **COMPREHENSIVE GENERAL LIABILITY POLICIES**

Land, use, regulation, by-laws, **1:36, 1:37**

INDEX

ONTARIO—Cont'd

Packaging waste reduction initiatives, **7:9**
Pollutants, spills, remedial measures,
legislation, **6:14**
Preventive measures, orders, **1:4 to 1:6**
Waste reduction and diversion programs,
7:9

ONTARIO CLAIMS BOARD

Establishment, purpose, **6:51**

ONTARIO ENVIRONMENTAL APPEAL BOARD

See ENVIRONMENTAL REVIEW
TRIBUNAL (ONTARIO)

ONTARIO ENVIRONMENTAL COMPENSATION CORPORATION

See PROVINCIAL COMPENSATION
PROGRAMS

ONTARIO LAND TRIBUNAL

Appeal to, re order to pay Ministry of
Environment remediation costs, **1:80**
Environmental Review Tribunal
amalgamated under, effective June 1,
2021, **1:2, 1:4, 1:27, 1:28, 2:33 to**
2:36
Formation, **1:27, 1:28**
Incorporates Environmental Review
Tribunal, **1:27, 1:28**
Ontario Land Tribunal Rules, **1:27**
Ontario Land Tribunal Rules of Practice
and Procedure, **1:27, 1:28**

ONTARIO POWER GENERATION (OPG)

Environmental sustainability initiatives,
4:61

ONTARIO PROVINCIAL POLICE

Environmental inspectors, assistance,
3:35

ONTARIO SUPERIOR COURT OF JUSTICE

Fire Commissioner, orders, enforcement,
1:38
Health hazards, elimination, orders, pow-
ers, **1:34**

ORGANIC PEROXIDES

Transportation of
see TRANSPORTATION OF
DANGEROUS GOODS, organic
peroxides

ORGANIC PRODUCTS

See also GREEN MARKETING
Generally, **7:19**

OUTPUT-BASED PRICING SYSTEM (OBPS)

See CARBON PRICING

OWNERS

Defined, **1:36**
Gasoline storage tanks, property, orders,
1:33
Health hazards, elimination, orders, **1:34,**
1:35
Remediation of contaminated site, **1:50**
Remote vendors, negligence, damages,
recovery, **1:156**

OXIDIZING SUBSTANCES

Transportation of
see TRANSPORTATION OF
DANGEROUS GOODS, oxidiz-
ing substances

PACKAGING AND PRINTED MATTER

See also ADVERTISING; EXTENDED
PRODUCER RESPONSIBILITY
Advertising claims, United States, **7:48,**
7:49
Consumer products, regulation, **7:16**
Dangerous goods, **8:5 to 8:40**
See also TRANSPORTATION OF
DANGEROUS GOODS
small containers, **8:9**
special requirements, **8:9**
Devices, restrictions, **7:17**
Disposal, problems, **7:2**
Durable, Ontario, **7:9**
False representations, prohibition, **7:15,**
7:16
Food, drugs, cosmetics, medical devices,
regulation, **7:17**
Milk containers, **7:8**
Prepackaged products, representations,
restrictions, **7:16**
Regulatory legislation, **7:3 to 7:13**
Solid waste stream, composition, **7:2**
Waste reduction initiatives
Alberta, **7:3**
British Columbia, **7:4**
Manitoba, **7:5**
New Brunswick, **7:6**
Newfoundland and Labrador, **7:7**

PACKAGING AND PRINTED MATTER

—Cont'd

Waste reduction initiatives—Cont'd

Northwest Territories, **7:13**

Nova Scotia, **7:8**

Nunavut, **7:13**

Ontario, **7:9**

blue box program plan, **7:9**

transition, **7:9**

Prince Edward Island, **7:10**

Quebec, **7:11**

Saskatchewan, **7:12**

Yukon, **7:13**

PAINT RECYCLING PROGRAMS

See also EXTENDED PRODUCER
RESPONSIBILITY; RECYCLING

Alberta, **7:3**

British Columbia, **7:4**

Manitoba, **7:5**

New Brunswick, **7:6**

Newfoundland and Labrador, **7:7**

Nova Scotia, **7:8**

Ontario, **7:9**

Prince Edward Island, **7:10**

Quebec, **7:11**

Saskatchewan, **7:12**

PAN-CANADIAN FRAMEWORK ON CLEAN GROWTH AND CLIMATE CHANGE

See CLIMATE CHANGE POLICIES

Generally, **5:26 to 5:30, 10:38**

PARIS AGREEMENT

Generally, **5:26 to 5:30, 10:14, 10:34 to
10:59**

Adoption, **10:36**

Canadian response, **10:38**

Carbon reduction goals

stranded assets and, **10:14**

Emission reduction targets and, **10:36**

nationally determined contributions
(NDCs), **10:36**

PARIS COP21

Generally, **5:26 to 5:30**

PARTICIPATING INSURANCE PLANS

Alternative insurance arrangements,
access, **6:30**

PCBS

See POLYCHLORINATED BIPHENYLS
(PCBs)

PENALTIES

See OFFENCES AND PENALTIES

Deductibility as business expense

see TAXATION

PENSION PLAN FUND MANAGERS AND TRUSTEES

Fiduciary duty, breach of

failure to consider climate-related risks

in management of pension invest-
ments, **10:1, 10:24 to 10:28**

obligation to disclose relevant informa-
tion to beneficiaries, **10:28**

PERMAFROST DEGRADATION

Extreme weather and, **10:5**

Mining operations, effect on, **10:5**

PESTICIDES

Directors or officers, use, adverse effects,
2:18

Extended producer responsibility, British
Columbia, **7:4**

Locations, provincial officers, inspection,
3:6

Residue compensation programs, applica-
tions, claims, appeals, **6:45 to 6:49**

PETROLEUM CONTAMINATION

Guidelines for remediation at operating
commercial sites (Ontario), **1:7**

Guidelines for soil and water contamina-
tion during removal of underground
storage tanks (Quebec), **1:121 to
1:130**

Risk Based Corrective Actions for Petro-
leum Contaminated Sites
(Saskatchewan), **1:138**

PETROLEUM PRODUCTS

Recycling

see EXTENDED PRODUCER
RESPONSIBILITY;
RECYCLING

PHASE ONE ENVIRONMENTAL SITE ASSESSMENT (ONTARIO)

Generally, **1:17**

Conceptual site model, **1:17**

Enhanced investigation property,
additional requirements, **1:17**

PHASE ONE ENVIRONMENTAL SITE ASSESSMENT (ONTARIO)

—Cont'd

- Interviews, **1:17**
- Objectives, **1:17**
- Overview, **1:15**
- Qualified person, role of, **1:16**
 - review and evaluation of information, **1:17**
- Records review, **1:17**
- Report, **1:17**
 - Record of Site Conditions, Schedule D, Table 1, **1:17**
- Requirements, **1:17**
- Schedule D, **1:15**
- Site reconnaissance, **1:17**
- When required
 - potentially contaminating activity conducted on property, **1:15**

PHASE TWO ENVIRONMENTAL SITE ASSESSMENT (ONTARIO)

- Generally, **1:17**
- Groundwater sampling and analysis, **1:17**
- Objectives, **1:17**
- Overview, **1:15**
- Qualified person, role of, **1:16**
 - review and evaluation of information, **1:17**
- Report, **1:17**
 - Record of Site Conditions, Schedule E, Table 1, **1:17**
- Requirements, **1:17**
- Site investigation
 - planning, **1:17**
 - requirements, **1:17**
- Soil sampling, **1:17**
- When required, **1:17**

PLASTICS

- Advertising claims, United States, **7:48, 7:49**
- Plastic resin identification coding system, **7:27**
- Plastics industry association, **7:46**

POISONS

- Transportation of
 - see TRANSPORTATION OF DANGEROUS GOODS, poisonous substances

POLICE SERVICES

- Environmental inspectors, assistance, **3:35**

POLLUTION

- See also SPILLS; TAXATION
- British Columbia, control, orders, **1:39 to 1:67**
- Jurisdiction of offences not exclusive, **8:3**
- Land, generally
 - see PROPERTY CONTAMINATION
- Ships
 - discharge, liability, remedial orders, **6:11**
 - federal government compensation programs, claims
 - see FEDERAL COMPENSATION PROGRAMS
- Special taxes, imposition, issues, **5:23 to 5:25**

POLLUTION CONTROL EQUIPMENT

- Regular maintenance plans, consideration, **4:45**
- Taxation, accelerated depreciation write-offs, **5:18 to 5:22**

POLLUTION EVENT LIABILITY POLICIES

- Coverage, scope, **6:26**

POLLUTION INCIDENTS

- Defined, **6:23**
- Insurance
 - limited pollution liability coverage, **6:22, 6:23**
 - sudden pollution events, coverage, **6:26**

POLLUTION LIABILITY ASSOCIATION

- Establishment, composition, **6:22**

POLLUTION LIABILITY INSURANCE

- See COMPREHENSIVE GENERAL LIABILITY POLICIES; ENVIRONMENTAL IMPAIRMENT LIABILITY POLICIES; LIMITED POLLUTION LIABILITY POLICIES

POLLUTION PREVENTION PROGRAMS

- Cost, write-offs
 - see TAXATION
- Economic investments, **4:71**

**POLLUTION PREVENTION
PROGRAMS—Cont'd**

Environmental management strategies,
4:43, 4:45

Requirements, regulatory initiatives, pres-
sures, **4:70**

POLLUTION TAXES

See also ENVIRONMENTAL TAXES

**POLYCHLORINATED BIPHENYLS
(PCBS)**

Ontario, as factor in determining stay
pending appeal by corporate director,
2:36

Reduction in use, corporations, **4:61**

Transportation of, special safety require-
ments, **8:16 to 8:20**

Ontario, PCB waste management
regulations, prosecutions under,
8:3, 8:40

PREMISES

Environmental inspections
see ENVIRONMENTAL INSPEC-
TIONS

PRINCE EDWARD ISLAND

Contaminated sites, **1:119**

Environmental inspections, **3:9**

Extended producer responsibility, **7:10**

Greenhouse gas emissions reporting
requirements, **10:42**

Minister's remedial orders, **1:118**

Petroleum hydrocarbon remediation
regulations, **1:120**

Waste diversion and reduction initiatives,
7:10

**PRINCIPLES AND GUIDELINES FOR
ENVIRONMENTAL LABELLING
AND ADVERTISING**

See also ENVIRONMENTAL CLAIMS:
A GUIDE FOR INDUSTRY AND
ADVERTISERS

Actions/settlements, scope, **7:36**

Claims, misleading, complaints, **7:36**

Development of, **7:23**

Forerunner of Environmental Claims: A
Guide for Industry and Advertisers,
7:15

Superseded, **7:23**

PRINTED MATTER

See PACKAGING AND PRINTED MAT-
TER

**PROACTIVE ENVIRONMENTAL
MANAGEMENT**

See CLIMATE CHANGE RISKS;
ENVIRONMENTAL MANAGE-
MENT

PRODUCER RESPONSIBILITY

See EXTENDED PRODUCER
RESPONSIBILITY

**PRODUCER RESPONSIBILITY
ORGANIZATION (PRO)
(ONTARIO)**

See EXTENDED PRODUCER
RESPONSIBILITY.

**PRODUCT CARE ASSOCIATION OF
CANADA (PCA)**

See also PRODUCT CARE
RECYCLING

Programs
lighting products, **7:2**
paint, **7:2**
pesticides, **7:2**

PRODUCT CARE RECYCLING

Newfoundland and Labrador, **7:7**
Nova Scotia, **7:8**

**PRODUCT IDENTIFICATION
NUMBER**

See TRANSPORTATION OF DANGER-
OUS GOODS, product identification
number

PRODUCTS

False or misleading advertising, prohibi-
tion, **7:15**

PRODUCT STEWARDSHIP

See EXTENDED PRODUCER
RESPONSIBILITY

PROGRAM OF ADVISORY OPINIONS

Establishment, purpose, **7:22**
Opinion, environmentally friendly, **7:22**
Opinion, recyclability, degradability, **7:22**

PROPERTY

Damage, insurance
see COMPREHENSIVE GENERAL
LIABILITY POLICIES;

PROPERTY—Cont'd

- Damage, insurance—Cont'd
 - ENVIRONMENTAL IMPAIRMENT LIABILITY POLICIES; LIMITED POLLUTION LIABILITY POLICIES
- Defined, **6:23**
- Use, regulation, by-laws, **1:36, 1:37**

PROPERTY CLEAN-UP ORDERS

- See PROPERTY CONTAMINATION, clean-up orders

PROPERTY CONTAMINATION

- See also REAL ESTATE TRANSACTIONS
- Alberta, sites, designation, orders, **1:69 to 1:78**
- British Columbia
 - notice of contamination, filing, **1:68**
 - prior controllers of pollutants, remedial measures, **1:39 to 1:67**
 - remediation
 - persons not responsible, **1:51**
 - persons responsible, **1:50, 1:51**
- Caveats, registration, **1:2 to 1:38**
- Clean-up orders
 - appeals, scope, **1:28**
 - Building Code Act, 1992 (Ontario), under, **1:37**
 - control orders, issuance, conditions, **1:4 to 1:6**
 - costs, recovery, **1:25 to 1:27**
 - criteria, guidelines, **1:7**
 - exemptions, criteria, **1:29 to 1:31**
 - Fire Protection and Prevention Act, 1997 (Ontario), under, **1:38**
 - Health Protection and Promotion Act (Ontario), under, **1:34**
 - injury to land, life or water, remedial measures, **1:4 to 1:6**
 - issuance, scope, **1:4 to 1:6**
 - Municipal Act, 2001 (Ontario), under, **1:36**
 - Occupational Health and Safety Act (Ontario), under, **1:35**
 - P & L Tire Recycling Inc. v. Director (Ministry of the Environment), criteria, **1:29 to 1:31**
 - spills, restoration of natural environment, **1:4 to 1:6**

PROPERTY CONTAMINATION

—Cont'd

- Clean-up orders—Cont'd
 - Technical Standards and Safety Act, 2000 (Ontario), under, **1:33**
 - waste removal and property restoration, **1:4 to 1:6**
- Decommissioning, recent developments, **1:2 to 1:38**
- Directors, officers, liability
 - see DIRECTORS AND OFFICERS
- Fuel oils or hydrocarbons, regulation, **1:34**
- Gasoline, hazardous conditions, remedy, **1:33**
- Health hazards, elimination, orders, **1:36**
- Insurance
 - automobile policies, coverage, **6:24**
 - generally
 - see COMPREHENSIVE GENERAL LIABILITY POLICIES; LIMITED POLLUTION LIABILITY POLICIES
- Landlords, statutory liability, **1:177 to 1:180**
- Liability
 - See also LIABILITY
 - environmental consultants, **1:183**
 - generally, **1:1**
 - landlords, **1:177 to 1:180**
 - mortgagees
 - Ontario, exempt from, under Act, **1:4 to 1:6**
 - public authorities, negligent misrepresentation, **1:164**
 - real estate agents, duty of care, **1:1, 1:167, 1:168**
 - receivers, **1:182**
 - solicitors, purchase transactions, **1:1, 1:169**
 - sources of civil and statutory liability, **1:148**
 - tenants, **1:172**
 - waste removal, **1:181**
- Manitoba, remediation, liability, **1:79 to 1:101**
- Municipalities, negligent misrepresentation, **1:164, 1:165**
- New Brunswick
 - Clean Environment Act, **1:102**
 - contaminated sites remediation, **1:103**

PROPERTY CONTAMINATION

—Cont'd

- Newfoundland and Labrador
 - contaminated sites remediation, **1:104, 1:105**
- Northwest Territories, guideline for contaminated site remediation, **1:106**
- Nova Scotia, contaminated site remediation, **1:107 to 1:116**
- Nunavut, **1:117**
- Ontario, Ministry of the Environment, preventive measures, orders, **1:4 to 1:6**
 - case law, management or control, **1:6**
- Ontario, Ministry of the Environment, remediation orders, **2:29 to 2:41**
 - brownfields legislation, **1:8 to 1:13**
 - See also BROWNFIELDS
- LEGISLATION, ONTARIO
- Prince Edward Island, contaminated site remediation, **1:118 to 1:120**
- Quebec, decontamination, restoration, **1:121 to 1:130**
- Real estate agents, liability, **1:1, 1:167, 1:168**
- Saskatchewan
 - corrective action plan, **1:134**
 - environmentally impacted site, **1:134**
- Soil contamination
 - existence without escape, **1:4 to 1:6**
 - radiation
 - see RADIOACTIVE SOIL
- Solicitors, purchase transactions, liability, **1:1, 1:169**
- Source of contaminant, determination, **1:4 to 1:6, 1:29 to 1:31**
- Tenants, liability
 - see TENANTS
- Vendors, liability
 - see VENDORS
- Waste removal, mortgagees, liability, **1:181**
- Yukon, contaminated sites, remediation, **1:139 to 1:146**

PROPERTY OWNERS

- Insurance, environmental impairment liability policies, **6:28**

PROSECUTIONS

- Environmental management, enforcement
 - Alberta, **4:16**

PROSECUTIONS—Cont'd

- Environmental management, enforcement
 - Cont'd
 - British Columbia, **4:17**
 - federal, Fisheries Act, under, **4:10:70**
 - federal, statistics, **4:10**
 - Newfoundland and Labrador, **4:18**
 - Ontario, statistics, **4:12**
 - Quebec, statistics, **4:19**
 - United States, **4:9**
- Legislation, non-compliance, **4:38, 8:42**

PROVINCIAL COMPENSATION PROGRAMS

- Ontario
 - Claims Board
 - establishment, purpose, **6:51**
 - Hagersville tire fire, claims, procedure, **6:51**
 - Environmental Compensation Corporation
 - dissolution, effective June 25, 2010, **6:50, 6:51**
 - establishment, purpose, **6:50**
 - statutory compensation, **6:50**

PROVINCIAL CROWN AGENCIES

- Environmental performance check-ups, scope, **3:1**

PUBLIC AGENCIES

- Contaminated property
 - failure to act or warn, **1:165**
 - liability, generally, **1:1**
 - negligent misrepresentation, non-disclosure, **1:164**
- Environmental performance check-ups, scope, **3:1**
- Real estate transactions, purchasers, records, searches, **1:197**

PUBLIC AUTHORITIES

- Ships, oil spills, claims, procedure, **6:31 to 6:43**

PUBLIC HEALTH INSPECTORS

- Health hazards, property, elimination, orders, **1:35**

PUBLIC INSTITUTIONS

- Environmental performance check-ups, scope, **3:1**
- Environmental protection programs
 - audit requirements, **4:69**

INDEX

PUBLIC INSTITUTIONS—Cont'd

- Environmental protection programs—Cont'd
 - economic instruments, **4:71**
 - management commitment and support, **4:68**
 - public disclosure, requirement, **4:69**
 - sustainable development, challenges, **4:72**
- Laws, compliance and respect, **4:67**

PUBLIC UTILITIES

- Environmental performance check-ups, scope, **3:1**

PUBLIC WELFARE LEGISLATION

- Transportation of dangerous goods legislation, **8:2, 8:42**

PUNITIVE DAMAGES

- See DIRECTORS AND OFFICERS, environmental liability

PURCHASERS

- Commercial real estate
 - see REAL ESTATE TRANSACTIONS
- Property contamination, liability, **1:1**

QUALIFIED PERSONS

- See BROWNFIELDS LEGISLATION, ONTARIO

QUALIFYING ENVIRONMENTAL TRUST

- See also TAXATION
- Generally, **5:9**

QUEBEC

- Cap and trade system, **5:31 to 5:46, 10:58**
 - See also CAP AND TRADE SYSTEM
- Contaminated sites
 - Environment Quality Act provisions, **1:121 to 1:130**
 - characterization studies and rehabilitation plans, **1:128**
 - civil liability, **1:129**
 - industrial or commercial sites
 - cessation of certain activities, **1:125**
 - change in land use, **1:124**
 - notice of potential off-site contamination, **1:126**
 - partial remediation, requirements for risk assessment, **1:127**

QUEBEC—Cont'd

- Contaminated sites—Cont'd
 - Environment Quality Act provisions, **1:121 to 1:130**—Cont'd
 - registry of contaminated lands, **1:130**
 - rehabilitation plans, **1:123**
 - site characterization studies and notice of contamination, **1:122**
- Corporate officers, environmental restoration, duty, **2:42**
- Environmental inspections, **3:21**
- Environmental investigation units, establishment, **3:1**
- Environmental management, government, enforcement, **4:19**
- Extended producer responsibility, **7:11**
- Greenhouse gas emissions reporting requirements, **10:48**
- Petroleum contamination, **1:121 to 1:130**
- Pollutants, remedial measures, orders, **6:17**
- Property, decontamination, restoration, liability, **1:121 to 1:130**
- Waste diversion and reduction initiatives, **7:11**

RADIOACTIVE SOIL CONTAMINATION

- Public agencies, negligent misrepresentation, **1:164**
- Vendors, negligence, **1:156.50**

RADIOACTIVE SUBSTANCES

- Soil contamination
 - see RADIOACTIVE SOIL CONTAMINATION
- Transportation of
 - see TRANSPORTATION OF DANGEROUS GOODS, radioactive substances

REAL ESTATE AGENTS

- See also REAL ESTATE TRANSACTIONS
- Contaminated property, liability
 - duty of care, scope, **1:167**
 - generally, **1:1**
 - negligence, **1:167**
 - United States, developments, **1:168**

REAL ESTATE CONTAMINATION

- See PROPERTY CONTAMINATION; SOIL CONTAMINATION

REAL ESTATE TRANSACTIONS

See also CIVIL ACTIONS; LIABILITY;
PROPERTY CONTAMINATION;
VENDORS

Agreements of purchase and sale
closing, conditions, compliance, **1:216**
covenants, scope, **1:212**
environmental problems, clean-up,
1:213
environmental problems, risk, **1:217**
holdback, instalments, insurance, **1:215**
indemnities, **1:214**
representations, warranties, reliance,
1:211

Audits

benefits, generally, **1:194, 1:198**
Canadian Standards Association
guidelines, **1:198**
financing, considerations, **1:205**
issues, risks, **1:206**
negotiations, vendors, purchasers,
views, **1:202 to 1:204**
phases, details, **1:198**
problems, **1:206, 1:208**
protection, **1:194, 1:198 to 1:209**
risks, allocation, **1:207**

Potential environmental risks, remedia-
tion, **1:193**

Purchasers

documents under information access
legislation, **1:193**
due diligence, exercise, **1:196**
environmental audits, benefits, **1:194,**
1:198 to 1:209
environmental risk assessment
checklist (Appendix A), **1:196**
past and current use, information, sup-
ply, **1:194, 1:196**
property, records, inspection, **1:195**
public agency records, searches
(Appendix B), **1:197**

Sales on as is basis, issues, **1:194**

Vendors

contamination discovered before clos-
ing, **1:156.60**
environmental audits, benefits, **1:194,**
1:198 to 1:209
inspections, prospective purchasers,
limits, **1:195**
post-closure risks, limitation, **1:193**

REAL ESTATE TRANSACTIONS

—Cont'd

Vendors—Cont'd
potential environmental risks, policies,
1:193

RECEIVERS

Contaminated property, liability, **1:182,**
9:2 to 9:5, 9:16
See also LIABILITY
case law, **9:3, 9:4**
provincial laws and, **9:4**
Court-appointed, **9:3, 9:4**
Defined under Bankruptcy and Insolvency
Act, **9:5**
Fuel charges, federal, liability for, **10:52**
Issues, effects of 1997 amendments, **9:2**
Limits on liability, case law, **9:3, 9:4**
Personal liability, **9:4**
Waste, property, removal, mortgagees,
effect, **1:181**

RECLAMATION COSTS

See TAXATION

RECORD OF SITE CONDITIONS

Change of land use
not requiring an RSC, **1:12**
prohibition on change of land use
without filing, **1:12**
Environmental Site Registry, **1:13**
Filing with Environmental Site Registry,
1:13
Risk assessment approach
certificate of property use, **1:12**
Transitional provisions
prepared prior to October 1, 2004, **1:10**
with respect to July 1, 2011 amend-
ments, **1:11**

RECYCLABLE

See RECYCLING

RECYCLING

Advertising claims, United States, **7:48,**
7:49
Beverage containers
see EXTENDED PRODUCER
RESPONSIBILITY
Electronic and electrical equipment
see EXTENDED PRODUCER
RESPONSIBILITY

INDEX

RECYCLING—Cont'd

- Hazardous waste
 - see HAZARDOUS WASTE
- Paint recycling programs
 - see EXTENDED PRODUCER RESPONSIBILITY
- Recyclable
 - designation, **7:34**
 - plastics industry, **7:46**
- Recycled content in materials
 - advertising claims, United States, **7:48, 7:49**
 - designation, **7:35**
- Symbols, use, Mobius Loop, restrictions, **7:27**
- Tire recycling programs
 - see EXTENDED PRODUCER RESPONSIBILITY
- Transportation of hazardous wastes for, **8:39, 8:40**
- United States, labelling, advertising, **7:39 to 7:44**

REED STENHOUSE INSURANCE LIMITED

- Alternative insurance, consultations, **6:30**
- Risk management, comments, **6:52**

REGENERATION (ORGANIZATION)

- Newfoundland and Labrador, **7:7**

REGULATORY SURVEILLANCE PROGRAMS

- Environmental management, establishment, **4:51**
- Self-policing, transportation of dangerous goods legislation, **8:4**

REMEDIATION

- See NATURAL ENVIRONMENT

RENEWABLE ENERGY

- See TAXATION

REPAIR EXPENSES

- Environmental cost write-offs
 - see TAXATION

REPORTING EXCHANGE

- Generally, **4:78**

REPORT OF THE INDEPENDENT EXPERT ON THE ISSUE OF HUMAN RIGHTS OBLIGATIONS RELATING TO THE ENJOYMENT OF A SAFE, CLEAN, HEALTHY AND SUSTAINABLE ENVIRONMENT

- See BRUNDTLAND REPORT.

RESEARCH EXPENSES

- Environmental cost write-offs
 - see TAXATION

RESOURCE PRODUCTIVITY AND RECOVERY AUTHORITY (ONTARIO)

- Programs covered, **7:9**
- Transition of existing waste diversion programs into new producer responsibility regime, **7:9**
- Waste Diversion Ontario, replaced, **7:2**

RESPONSIBLE CARE PROGRAM

- See CHEMISTRY INDUSTRY ASSOCIATION OF CANADA (CIAC)

RISK ASSESSMENT PROGRAMS

- See also BROWNFIELDS LEGISLATION (ONTARIO)
- Climate change-related risks, **10:30 to 10:33**
- Environmental management
 - material events, identification, response, **4:48**
 - proactive strategies, generally, **4:39**
- Greenhouse gas emissions-related risks, **10:32**
- Handling and transportation of dangerous goods, **8:45**

RISK MANAGEMENT

- See CLIMATE CHANGE RISKS; ENVIRONMENTAL MANAGEMENT, strategies to reduce risk; FINANCIAL RISK DISCLOSURE

RUGGIE PRINCIPLES

- See UNITED NATIONS, principles and guidelines, Guiding Principles on Business and Human Rights

SAFETY HAZARDS

- Removal, inspectors, orders, **1:36**

SAFETY MARKS

See also TRANSPORTATION OF DANGEROUS GOODS, safety marks; tab Legislation — federal Transportation of Dangerous Goods Regulation, Part 4

Generally, **8:8**

SARCAN

Generally, **7:12**

SASKATCHEWAN

Contaminated sites

civil liability, **1:136**

Environmental inspections, **3:22**

Extended producer responsibility, **7:12**

Greenhouse gas emissions reporting requirements, development of, **10:49**

Waste diversion and reduction initiatives, **7:12**

SDG COMPASS

Generally, **4:72**

SEARCH AND SEIZURE

See ENVIRONMENTAL INSPECTIONS; INSPECTIONS

SEARCH WARRANTS

Inspections or investigations, **3:4, 3:5, 3:39**

SECURED CREDITORS

See MORTGAGEES

SECURITIES FILINGS

See also ENVIRONMENTAL MANAGEMENT, corporate securities filings

Canadian Securities Administrators (CSA) Staff Notice 51-333 on Environmental Reporting Guidance, **10:23**

Climate risk disclosure

no requirements in provincial securities legislation, **10:23**

obligation may fall under securities law requirement to disclose material environmental information, **10:23**

SELF-INSURANCE

Captive insurance companies, creation, advantages, **6:30**

SENTENCING

Considerations, **4:28**

SENTENCING—Cont'd

Directors, officers, environmental offences, **2:24 to 2:27**

Due diligence and, **4:28**

Environmental protection alternative measures, **4:10:50**

Jail sentences, case law, **4:28**

Judicial attitudes, environmental offences, **4:21**

SERVICES

False or misleading description, prohibition, **7:15, 7:18**

SHAREHOLDERS

Activism re carbon-intensive projects, **10:14**

Climate change disclosure, **10:15 to 10:23**

Insurance, limited pollution liability coverage, **6:23**

Potential for inclusion as person responsible for compensation for climate-related harm, **10:13**

SHIPPERS OF DANGEROUS GOODS

See also CARRIERS OF DANGEROUS GOODS; TRANSPORTATION OF DANGEROUS GOODS, transportation intermediaries

Classification of goods, responsibility for, **8:6**

Dangerous occurrence reports, when shipper liable, **8:37**

Dangerous waste movements, special manifest provisions applying, **8:7**

Emergency measures to reduce risk to public safety, when shipper responsible, **8:23 to 8:40**

Emergency response plan, when obligated to prepare and submit plan, **8:10 to 8:15**

Legislation, applicability of, **8:4**

Liability, **8:4, 8:42, 8:45**

Prosecutions under transportation of dangerous goods legislation, **8:42**

R. v. Travenol Canada Inc., non-compliance, improper documentation, **8:42**

R. v. Travenol Canada Inc., non-compliance, safety marks omitted, **8:42**

INDEX

SHIPPERS OF DANGEROUS GOODS

—Cont'd

Shipper as owner, spills
joint liability with carrier under Ontario
legislation, **8:45**

SHIPS

Oil spills, claims, compensation
see FEDERAL COMPENSATION
PROGRAMS

Pollutants, discharge, remedial orders,
liability, **6:11**

SHIP-SOURCE OIL POLLUTION FUND

See FEDERAL COMPENSATION
PROGRAMS

SHUTDOWN COSTS

See TAXATION

SINGLE-USE RETAIL BAGS

Northwest Territories, **7:13**

SMART PROSPERITY INSTITUTE

Formerly Sustainable Prosperity, **4:58**

SME SUSTAINABILITY ROADMAP

See INDUSTRY CANADA

SOIL, GROUND WATER AND SEDIMENT STANDARDS FOR USE UNDER PART XV.1 OF THE ENVIRONMENTAL PROTECTION ACT

See BROWNFIELDS LEGISLATION,
ONTARIO

SOIL ANALYSTS

Insurance, environmental impairment
liability, **6:26**

SOIL CONTAMINATION

See also BROWNFIELDS LEGISLA-
TION, ONTARIO; PROPERTY
CONTAMINATION; RADIOAC-
TIVE SOIL CONTAMINATION

Ontario

remediation, stratified versus full-
depth, **1:18**

sampling, phase two environmental site
assessments, **1:17**

Soil, Ground Water and Sediment Stan-
dards for Use under Part XV.1 of
the Environmental Protection Act,
1:18

SOIL CONTAMINATION—Cont'd

Ontario—Cont'd
standards, **1:18**

Vendors, remote, nuisance, liability, **1:152**

SOLICITORS

See also LEGAL COUNSEL

Contaminated property, liability
duty of care, scope, **1:169**
generally, **1:1**

purchase transactions, negligence,
effect, **1:169**

SOLID WASTE

See WASTE

SPILLS

See also TRANSPORTATION OF
DANGEROUS GOODS, discharge,
emission or escape of goods

Compensation
see FEDERAL COMPENSATION
PROGRAMS; PROVINCIAL
COMPENSATION PROGRAMS

Inspectors, premises, entry, search,
seizure, **3:7**

Insurance

automobile liability policies, coverage,
6:24

generally

see COMPREHENSIVE GENERAL
LIABILITY POLICIES;
LIMITED POLLUTION
LIABILITY POLICIES

Liability

directors and officers, see DIREC-
TORS AND OFFICERS,
environmental liability

generally

see LIABILITY

insurance

see COMPREHENSIVE GENERAL
LIABILITY POLICIES;
ENVIRONMENTAL IMPAIR-
MENT LIABILITY POLICIES;
LIMITED POLLUTION
LIABILITY POLICIES

Oil, ships

discharge, liability, remedial orders,
6:11

federal government compensation
programs, claims

see FEDERAL COMPENSATION
PROGRAMS

SPILLS—Cont'd

- Orders to restore natural environment, **1:4 to 1:6, 8:44, 8:45**
- Pollutants, Ontario, Ministry of the Environment, procedure, **1:4 to 1:6, 3:7**
- Preventive measures, orders, Ontario, **1:4 to 1:6**
- Remedial and contingency plans, **4:46**
- Remedial orders, Ontario, **1:4 to 1:6**
- Reporting procedures, dangerous goods see DANGEROUS OCCURRENCES
- Reporting procedures, management strategies, **4:45, 8:44, 8:45**

SPILLS BILL (ONTARIO)

- Duty to restore natural environment, **1:161**
- Pollutants, spills, remedial measures, duties under, **1:161, 6:14, 6:50**
- Retroactivity, case law, **1:163**
- Right to compensation under, **1:162**

STANDARD OF CARE

- Courts' attitude toward, **8:2**
- Environmental management, **4:21 to 4:29**
- Transportation of dangerous goods, **8:1, 8:2**

STEEL PLANTS

- Regulatory measures, tax changes, proposals, **5:31 to 5:46**

STEWARDSHIP PROGRAMS

- See also EXTENDED PRODUCER RESPONSIBILITY
- Generally, **7:2**
- Shift to extended producer responsibility programs, **7:2**
- Alberta, **7:2**
- Nova Scotia, **7:2**
- Ontario, **7:2**
- Saskatchewan, **7:2**

STRANDED ASSETS

- See also CLIMATE CHANGE RISKS
- As transition risk, **10:14**
- Defined, **10:14**

STRATOS INC.

- Generally, **4:75**
- Report, Canada, corporate sustainability reporting, **4:75**

STRICT LIABILITY

- Civil liability of vendors and owners/occupiers for contaminated property, **1:156.20**

SUDDEN AND ACCIDENTAL

- See COMPREHENSIVE GENERAL LIABILITY POLICIES

SUPERFUND LEGISLATION (UNITED STATES)

- Generally, **5:1**

SUPPLEMENTAL ENVIRONMENTAL PROJECT (SEP)

- See ENVIRONMENTAL PROTECTION AGENCY (U.S.).

SUSTAINABLE DEVELOPMENT

- Generally, **4:72**
- Canada
 - Federal Sustainable Development Strategy, **4:72**
- Disclosure, public, **4:69**
- Europe
 - corporate attitudes, **4:5**
- Goals, **4:72**
- Guides, **strategies**
 - SDG Compass, **4:72**
- Policies, principles
 - Framework Principles on Human Rights and the Environment, **4:1, 4:69, 4:72**
 - 21st Century Corporation, The: The Ceres Roadmap to Sustainability, **4:72**
- United States
 - corporate attitudes, **4:5**

SUSTAINABLE DEVELOPMENT GOALS

- See SUSTAINABLE DEVELOPMENT; UNITED NATIONS.

SUSTAINABLE PROSPERITY [ORGANIZATION]

- See now SMART PROSPERITY INSTITUTE

SUSTAINABLE REPORTING

- See also CLIMATE CHANGE RISKS; CORPORATE SOCIAL RESPONSIBILITY (CSR); ENVIRONMENTAL REPORTING.
- Generally, **4:73**

SUSTAINABLE REPORTING—Cont'd

Canada, **4:74, 4:75**

Shareholder resolution requesting, **4:73**

TASK FORCE ON

CLIMATE-RELATED FINANCIAL DISCLOSURES (TCFD)

Generally, **10:1, 10:16 to 10:18**

Background, **10:1, 10:16 to 10:18**

Categories of financial disclosure, **10:17**

Final Report: Recommendations of the Task Force on Climate-related Financial Disclosures, **10:1**

Framework not legally binding, **10:19 to 10:21**

governance, **10:17**

metrics and targets, **10:17**

risk management, **10:17**

strategy, **10:17**

Principles for effective disclosure, **10:18**

Recommendations, **10:17**

TAXATION

Accelerated depreciation write-offs, energy conservation, renewable energy, **5:18 to 5:22**

air and water, special allowance, **5:19**

Canadian Exploration Expense, **5:21**

Canadian renewable and conservation expenses, **5:21**

capital cost allowance, **5:18**

energy conservation and renewable energy equipment, capital cost allowance, **5:20**

Automotive taxes

carbon tax, British Columbia, **5:25**

fuel tax, **5:24**

vehicle purchase tax incentive, **5:48**

Canadian renewable and conservation expenses (CRCE), **5:21**

Capital cost allowance, **5:18**

See also TAXATION, pollution control equipment

accelerated, for carbon capture and storage assets, proposed, **5:20**

electricity industry, restrictions, **5:18**

Carbon credits, **5:31 to 5:46**

commodities trading, tax consequences, **5:44, 5:45**

current or capital expense, **5:41**

sales tax treatment of, **5:42**

seller of, tax treatment, **5:43**

TAXATION—Cont'd

Carbon tax

British Columbia, **5:25**

Current period, compliance costs, deductibility

categories, issues, **5:13 to 5:17**

compensatory compliance costs, **5:16**

expenses for production of income, test, **5:17**

finances, expenses, public policy considerations inapplicable, **5:17**

gaining or producing income, test, **5:16, 5:17**

licences or permits, payments to maintain, terms, **5:15**

maintenance, repair or research expenses, **5:14**

ordinary course of business, payments, **5:14**

payments on account of capital, exclusion, **5:14, 5:15**

penalties under environmental control legislation, **5:17**

Energy conservation equipment, **5:19**

qualification for investment tax credits, **5:19**

Environmental taxes, special, issues, **5:23 to 5:25**

automotive fuel taxes, **5:24**

See also TAXATION

automotive taxes

vehicle purchase incentives, **5:48**

Expenses, deductibility

See also TAXATION, current period, compliance costs, deductibility; future reclamation or shutdown costs, deductibility

Canadian exploration expense pool (CEE), **5:21**

Canadian renewable and conservation expense (CRCE), **5:21**

qualifications, **5:21**

wind farm project, **5:21**

Fines, expenses, deductibility, **5:17**

Fines, penalties, **5:17**

Flow-through shares, **5:22**

Future reclamation or shutdown costs, deductibility

conditions, **5:3 to 5:12**

current obligation as expense, **5:4**

TAXATION—Cont'd

- Future reclamation or shutdown costs, deductibility—Cont'd
 - current period, future ascertainable expenses, **5:10**
 - current period profits, association, **5:4**
 - deductibility, **5:3 to 5:12**
 - determination, terms, **5:5**
 - expenses, determination, **5:4**
 - expenses on account of capital, issues, **5:8**
 - income production expenses, status, **5:7**
 - levies, annual, status, **5:4**
 - liabilities as expenses, determination, **5:4**
 - on account of capital, disallowance, **5:7, 5:8**
 - present and certain liability, as, **5:4**
 - profits, determination, principles, **5:5**
 - reserves, status, **5:4**
 - revenues and expenses, matching principle, **5:5**
 - running expenses, restrictions, **5:5**
 - security deposits, status, **5:4**
 - United Kingdom, case law, **5:6**
 - United States, provisions, problems, **5:11, 5:12**
- Government policies
 - carbon credits, **5:26 to 5:46**
- Greenhouse gas emissions
 - reduction, cap and trade system, **5:31 to 5:46**
- Income Tax Act, proposals, generally, **5:1**
- Pollution control equipment, **5:19**
 - qualification for investment tax credit, **5:19**
- Proposals, general concerns, **5:1**
- Provincial policies
 - British Columbia carbon tax, **5:25**
- Renewable energy system, **5:20**
 - capital cost allowance rate, **5:20**
- Undepreciated capital costs, **5:18**
 - See also **TAXATION**, capital cost allowance

TAX AUDITS

- Premises, inspection without warrant, scope, **3:5**

TCFD

- See **TASK FORCE ON CLIMATE-RELATED FINANCIAL**

TCFD—Cont'd

DISCLOSURES (TCFD)

TECHNICAL INSTRUCTIONS FOR THE SAFE TRANSPORT OF DANGEROUS GOODS BY AIR

Generally, **8:38**

TECHNICAL STANDARDS AND SAFETY AUTHORITY (TSSA)

Generally, **1:33**

TENANTS

- See also **LANDLORDS**
- Contaminated property, liability
 - asbestos contamination, **1:172**
 - commercial leases, terms, effect, **1:171 to 1:175**
 - covenants to repair, effect, **1:171, 1:175**
 - duty to repair, wear and tear, construction, **1:172**
 - net leases, remediation costs, **1:174**
 - soil remediation, **1:173**
 - statutory, scope, **1:176**
 - waste, use, determination, **1:170, 1:175**

TESTING LABORATORIES

- Insurance, environmental impairment liability, **6:26**

TEXTILE FACTORIES

- Regulatory measures, tax changes, proposals, **5:31 to 5:46**

TIRE RECYCLING PROGRAMS

- See also **EXTENDED PRODUCER RESPONSIBILITY; RECYCLING**
- Alberta, **7:3**
- British Columbia, **7:4**
- Manitoba, **7:5**
- Newfoundland and Labrador, **7:7**
- Nova Scotia, **7:8**
- Ontario, **7:9**
 - transfer of Used Tire Program to new individual producer responsibility framework, **7:9**
- Yukon, **7:13**

TOXIC REAL ESTATE

- See **PROPERTY CONTAMINATION; REAL ESTATE TRANSACTIONS**

TOXIC SUBSTANCES

- Manufacture and import of new substances, regulation, **8:44, 8:45**

INDEX

TOXIC SUBSTANCES—Cont'd

Release, export and import, regulation of, **8:44, 8:45**

Transportation of
see TRANSPORTATION OF
DANGEROUS GOODS, toxic
substances

TRADEMARKS

See also ADVERTISING; LABELLING;
PACKAGING AND PRINTED
MATTER

Actions, word green, use, **7:53**

Certification mark, defined, **7:53**

Defined, **7:53**

Environmental claims associated with,
7:25

Protection, **7:53**

Registered owner, use, rights, **7:53**

TRAINING PROGRAMS

Coordination groups, establishment,
scope, **4:35**

Employees, environmental management
strategies, **4:46, 4:48, 4:49**

Handling and transportation of dangerous
goods, **8:21, 8:22, 8:45**

Material events, identification, response,
4:48

TRANSIT COMMISSIONS

Environmental performance check-ups,
scope, **3:1**

TRANSITION RISKS

Generally, **10:22, 10:23, 10:29**

TRANSITION RISKS/IND-CONT

See also CLIMATE CHANGE RISKS

Defined, **10:14**

TRANSITION TO LOW-CARBON ECONOMY

Generally, **10:3 to 10:14, 10:22, 10:23,
10:29, 10:38**

TRANSPORTATION OF DANGEROUS GOODS

See also DANGEROUS GOODS; HAZ-
ARDOUS WASTE

Accidents, **8:7, 8:9**

See also DANGEROUS OCCUR-
RENCES

dangerous occurrence reports, **8:23 to
8:40**

TRANSPORTATION OF DANGEROUS GOODS—Cont'd

Accidents, **8:7, 8:9**—Cont'd

ERAP reports, **8:12**

explosion or fire, **8:23 to 8:40**

By air, codes, requirements, **8:39**

By rail, safety requirements, **8:9**

By road

placarding and labelling

see TRANSPORTATION OF
DANGEROUS GOODS,
placarding of transport unit, and
labelling

reciprocal recognition of U.S. highway
driver training standards, **8:38**

By water, **8:38**

marine pollutant placard

see tab Legislation — federal
Transportation of Dangerous
Goods Regulation, Part 4

Carriers

see CARRIERS OF DANGEROUS
GOODS

Certificates

emergency, **8:37**

equivalency, **8:37**

temporary, **8:37**

Classification of goods under Regulations,
according to hazard, **8:6**

See tab Legislation — federal
Transportation of Dangerous
Goods Regulation, Part 4

Corrosive substances

classification and safety marks, **8:6**

See tab Legislation — federal
Transportation of Dangerous
Goods Regulation, Part 4

Damage to container

notification, **8:7**

suspected, report required, **8:23 to 8:40**

Dangerous occurrences, **8:23 to 8:40**

See also DANGEROUS OCCUR-
RENCES

Dangerous waste

see HAZARDOUS WASTE;
TRANSPORTATION OF
DANGEROUS GOODS, hazard-
ous waste

Diagnostic specimens, exemption from
regulations, **8:5 to 8:40**

TRANSPORTATION OF DANGEROUS GOODS—Cont'd

- Discharge, emission or escape of goods, **8:9**
 - See also DANGEROUS OCCURRENCES
 - imminent, inspector's powers to intervene, **8:41 to 8:43**
- Documentation
 - see TRANSPORTATION OF DANGEROUS GOODS, shipping documents
- Domestic movement
 - hazardous waste, **8:39**
 - regulation of, federal and provincial legislation, **8:2, 8:3, 8:39**
- Emergency exception permits, application, requirements, **8:38**
- Emergency measures in case of accident, **8:7**
- Emergency response assistance plan, **8:6, 8:7, 8:10 to 8:15**
 - See also EMERGENCY RESPONSE ASSISTANCE PLAN (ERAP)
- Equivalent level of safety permit, application, requirements, **8:37**
- Explosives, **8:6**
 - classification and safety marks
 - see tab Legislation — federal Transportation of Dangerous Goods Regulation, Part 4
 - handling or offering for transport, special requirements, **8:9**
 - loss, theft or misplacing of, immediate report required, **8:23 to 8:40**
- Export and import of dangerous goods
 - emergency response assistance plan, responsibility for, **8:10 to 8:15**
 - hazardous wastes, **8:40**
 - See tab Legislation — federal Transportation of Dangerous Goods Regulation, Part 4
 - importation, inspector's powers re, **8:43**
- Export and Import of Hazardous Wastes Regulations, **8:40**
- Flammables, **8:6**
 - classification and safety marks
 - see tab Legislation — federal Transportation of Dangerous Goods Regulation, Part 4
 - shipping documents required, **8:7**

TRANSPORTATION OF DANGEROUS GOODS—Cont'd

- Gases, **8:6**
 - classification and safety marks
 - see tab Legislation — federal Transportation of Dangerous Goods Regulation, Part 4
- Handling, offering for transport, transporting or importing, **8:4**
 - See also TRANSPORTATION OF DANGEROUS GOODS, transportation intermediaries
- Handling or offering for transport, **8:9**
- Hazardous waste
 - See also HAZARDOUS WASTE
 - domestic movement of, **8:39**
 - export and import of, **8:40**
 - for disposal, **8:39, 8:40**
 - for recycling, **8:39, 8:40**
 - insurance, **8:40**
 - prosecutions involving, **8:39**
 - shipping documents required, **8:7, 8:39**
 - subject to more than one set of regulation, **8:3, 8:39, 8:40**
- Hazard warnings, **8:5 to 8:40**
- Infectious substances
 - classification and safety marks
 - see tab Legislation — federal Transportation of Dangerous Goods Regulation, Part 4
 - loss, theft or misplacing of, immediate report required, **8:23 to 8:40**
 - shipping documents required, **8:7, 8:9**
- Inspections under Transportation of Dangerous Goods Act, 1992, **8:43**
 - See also INSPECTORS
- International Maritime Dangerous Goods Code, **8:38**
- International movement, **8:38**
 - hazardous wastes, **8:40**
 - recognition of non-Canadian codes, **8:38**
 - United States, to and from, **8:38**
- Labelling of goods/product, **8:6, 8:8**
 - See tab Legislation — federal Transportation of Dangerous Goods Regulation, Part 4
 - primary responsibility on consignor for, **8:8**
- Legislation
 - See also TRANSPORTATION OF DANGEROUS GOODS, regulation of; tab

TRANSPORTATION OF DANGEROUS GOODS—Cont'd

Legislation—Cont'd

- general, **8:5 to 8:40**
- non-compliance, inspector's powers to monitor, **8:43**
- Ontario, **8:4, 8:39**
- overlap of federal and provincial jurisdiction, **8:2, 8:3, 8:39, 8:40**
- prosecutions, **8:3, 8:39**
- purpose, regarded as public welfare legislation, **8:2, 8:42**
- scope, **8:1, 8:3, 8:4**

Liability

- carriers, **8:4, 8:8, 8:45**
- environmental, spills in Ontario, **8:45**
- officers and directors, **8:41, 8:45**
- shippers, **8:4, 8:42, 8:45**
- transportation intermediaries, **8:4, 8:45**

Loss, theft or misplacing of certain classes of dangerous goods, **8:23 to 8:40**

Means of transport regulated, **8:5 to 8:40**

Offences and penalties under transportation of dangerous goods legislation, **8:9, 8:41, 8:45**

See also OFFENCES AND PENALTIES

- sentencing considerations
- due diligence, **4:28**

Organic peroxides, **8:6**

- classification and safety marks
- see tab Legislation — federal Transportation of Dangerous Goods Regulation, Part 4

Oxidizing substances, **8:6**

- classification and safety marks
- see tab Legislation — federal Transportation of Dangerous Goods Regulation, Part 4

Packaging, **8:5 to 8:40**

- exemption from regulations and, **8:5 to 8:40**
- means of transport and, **8:9**
- product classification and, **8:6**
- reciprocal recognition of U.S. packaging standards, **8:38**

PCBs, special safety requirements, **8:16 to 8:20**

See also POLYCHLORINATED BIPHENYLS (PCBs)

TRANSPORTATION OF DANGEROUS GOODS—Cont'd

Permits

- emergency exceptions, **8:37**
- equivalent level of safety exception, application, requirements, **8:37**

Placarding of transport unit, **8:6, 8:8**

- See tab Legislation — federal Transportation of Dangerous Goods Regulation, Part 4
- primary responsibility of carrier for, **8:8**

R. v. Motorways (1980) Ltd., prosecution for non-compliance, re, **8:42**

Poisonous substances, see toxic substances

Product identification number, **8:6**

Radioactive substances, **8:6**

- accidents involving, **8:23 to 8:40**
- classification and safety marks
- see tab Legislation — federal Transportation of Dangerous Goods Regulation, Part 4
- loss, theft or misplacing of, **8:23 to 8:40**
- shipping documents required, **8:7**
- special safety requirements, **8:16 to 8:20**

Reclassification if error discovered, responsibility, **8:6**

- carrier, **8:7**
- consignor, **8:7**

Registration by importers in bulk, manufacturers as shippers in bulk, with Director General, **8:23 to 8:40**

Regulation of

See also TRANSPORTATION OF DANGEROUS GOODS, legislation

- reciprocal recognition of international and non-governmental codes, **8:2**

Releases of dangerous goods

see DANGEROUS GOODS

Reporting requirements, APP 8A, **8:5 to 8:40**

- air transportation reports, **8:28 to 8:30**
- dangerous goods accident or incident report, **8:28**
- dangerous goods occurrence report, **8:30**

TRANSPORTATION OF DANGEROUS GOODS—Cont'd

- Reporting requirements, **APP 8A, 8:5 to 8:40—Cont'd**
 - air transportation reports, **8:28 to 8:30—Cont'd**
 - 30-day follow-up report to dangerous goods accident or incident report, **8:29**
 - undeclared or misdeclared dangerous goods report, **8:30**
- ERAP reports, **8:12, 8:34 to 8:36**
 - ERAP implementation report, **8:14, 8:36**
 - ERAP incident report, **8:13, 8:35**
- road, rail and marine reports, **8:25 to 8:27**
 - emergency report, **8:25**
 - release or anticipated release report, **8:26**
 - 30-day follow-up report to release or anticipated release report, **8:27**
- security reports, **8:18, 8:31 to 8:33**
 - loss or theft, **8:19, 8:32**
 - unlawful interference, **8:20, 8:33**
- Safety marks, **8:8**
 - See tab Legislation — federal Transportation of Dangerous Goods Regulation, Part 4
- placarding of transport vehicles and, **8:8**
- product classification and, **8:7**
 - See tab Legislation — federal Transportation of Dangerous Goods Regulation, Part 4
- product labelling and, **8:8**
- prosecutions re, **8:42**
- Safety measures and requirements, **8:7, 8:16 to 8:20**
 - classification of goods and, **8:6**
 - handling or offering for transport, **8:9**
- Security plans and requirements, **8:16 to 8:20**
 - rail security regulations, **8:17**
 - security reports, **8:18, 8:31 to 8:33**
- Shippers
 - see SHIPPERS OF DANGEROUS GOODS; TRANSPORTATION OF DANGEROUS GOODS, shipping documents

TRANSPORTATION OF DANGEROUS GOODS—Cont'd

- Shipping documents, **8:4, 8:6, 8:7**
 - classification of dangerous goods and, **8:6, 8:7**
 - contents, requirements, purpose and significance of, **8:7**
 - infectious substances, poisons, flammables and radioactive materials, hazardous wastes, special provisions for, **8:7**
 - plan summary number, where required, **8:7**
 - responsibility for, **8:4, 8:6, 8:7**
- Shipping name, **8:6, 8:7**
- Technical Instructions for the Safe Transport of Dangerous Goods By Air, **8:38**
- Toxic substances
 - classification and safety marks
 - see tab Legislation — federal Transportation of Dangerous Goods Regulation, Part 4, **8:6**
 - export and import of, regulation, **8:44, 8:45**
 - loss, theft or misplacing of, immediate report required, **8:23 to 8:40**
 - shipping, special documents required, **8:7**
- Training courses, organizations offering, **8:5 to 8:40**
- Training requirements, content of program and guidelines, under Regulations, **8:6, 8:21, 8:22**
- Transportation intermediaries
 - (warehousemen, freight forwarders, customs brokers, etc.), **8:9**
 - dangerous occurrence reports, when responsible for, **8:23 to 8:40**
 - emergency measures to reduce risk, when responsible for, **8:23 to 8:40**
 - independent obligation to ensure compliance with legislation, **8:4**
 - safety requirements under Regulations, **8:9**
- Transportation of Dangerous Goods Act, 1992, provisions, non-compliance prosecution, **8:42**
- Transportation of Dangerous Goods Regulations, **8:5 to 8:40**

TRANSPORT CANADA

See also CANADIAN TRANSPORT
EMERGENCY CENTRE
(CANUTEC)

Transportation of dangerous goods
assessment of emergency response
assistance plans, remedial
measures specialists, **8:10 to 8:15**
equivalent level of safety permits,
permission, **8:38**

publications

Classification and Safety Marks, **8:8**

Dangerous Goods Advisory Notice:
Guidelines for Training Criteria,
8:21, 8:22

TRUSTEES IN BANKRUPTCY

See also ENVIRONMENTAL
MANAGEMENT; LIABILITY

Generally, **9:6 to 9:15**

Fuel charges, federal, liability for, **10:52**

Liability, contaminated property

Crown status as creditor, **9:6 to 9:15**

protection under Bankruptcy and
Insolvency Act, **9:6 to 9:15**

TRUST PROPERTY

Insurance, environmental impairment
liability policies, **6:28**

UNDERGROUND STORAGE TANKS

Gasoline contamination
remediation requirements, Ontario,
1:33

Insurance, environmental impairment
liability, coverage, **6:27**

UNITED KINGDOM

Taxation, future period or reclamation
costs, case law, **5:6**

UNITED NATIONS

2030 Agenda for Sustainable Develop-
ment, **4:1**

Conference on Sustainable Development,
Rio +, **4:72**

Sustainable Development Goals, **4:72**

Principles and guidelines

Framework Principles on Human
Rights and the Environment, **4:1,**
4:72, 10:11

public access to information, **4:69**

UNITED NATIONS—Cont'd

Principles and guidelines—Cont'd

Guiding Principles on Business and
Human Rights, **4:1, 10:11, 10:12**
referenced in Canadian climate
change litigation, **10:12**

Report of the Independent Expert on
the issue of human rights obliga-
tions relating to the enjoyment of a
safe, clean, healthy and sustain-
able environment, **4:66 to 4:78**

UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC)

See also CONFERENCE OF THE PAR-
TIES

Generally, **5:26 to 5:30, 10:35**

Background, **10:35**

Conference of the Parties, **10:35**

Kyoto Protocol, **10:35**

UNITED NATIONS GLOBAL COMPACT

Generally, **4:77**

Corporate participation, **4:61, 4:77**

Principles, **4:77**

UNITED NATIONS GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS

Generally, **10:11**

UNITED STATES

Climate change litigation, **10:29**

Directors, officers, environmental
offences, **2:5**

Environmental management

corporate attitudes, **4:5**

courts, decisions, attitudes, **4:21**

government enforcement, prosecutions,
4:9

Green marketing, labelling, advertising,
7:39 to 7:52

Insurance, comprehensive general liability
policies

clauses, interpretation, **6:4 to 6:7**

Superfund, remedies, clean-up, pollu-
tion abatement, **6:9**

Real estate agents, property contamina-
tion, liability, **1:1, 1:167, 1:168**

Recycling, labelling, advertising, **7:39 to**
7:44

UNITED STATES—Cont'd

Transportation of dangerous goods by road vehicle, **8:38**

VALDEZ PRINCIPLES

See COALITION FOR ENVIRONMENTALLY RESPONSIBLE ECONOMIES (CERES); EXXON VALDEZ

VANCOUVER DECLARATION

Generally, **5:26 to 5:30, 10:38**

VEHICLES

See also ELECTRIC VEHICLES; MOTOR VEHICLES

Environmental inspection without warrants, scope, **3:7**

VENDORS

See also CIVIL ACTIONS; REAL ESTATE TRANSACTIONS

Contaminated property, liability, generally, **1:1**

Current vendors, contaminated property, liability

building lots, garbage underlay, knowledge, **1:156.50**

caveat emptor, determination, **1:156.50**

civil liability, basis to object, **1:156.60**

current vendor, defined, **1:154**

damages for economic loss, **1:156.50**

discovery prior to closing contract, **1:156.50**

fraudulent misrepresentation, **1:156.50**

latent defects, non-disclosure, effect, **1:156.50**

negligent misrepresentation, **1:158**

patent defects, non-disclosure, **1:156.50**

purchasers, inspection, effect, **1:156.50**

radioactive soil contamination, knowledge, **1:156.50**

statutory, scope, **1:160**

warranties, knowledge of defects, effect, **1:157**

Marketable title, delivery, doctrine, **1:156.50**

Remote (former) vendors, contaminated property, liability, **1:155**

civil actions, limitation period, **1:155**

current owners, actions, rights, **1:156**

negligence, **1:156**

nuisance, soil contamination, **1:156.20**

VENDORS—Cont'd

Remote (former) vendors, contaminated property, liability, **1:155**—Cont'd remote vendor, defined, **1:154**

VESSELS

Environmental inspection without warrants, scope, **3:6**

VOLATILE ORGANIC COMPOUNDS

Green advertising claims, paints, **7:49**

WARRANTIES

Property sales, defects, knowledge, effect, **1:157**

WARRANTS

Environmental inspections or investigations, searches, **3:4, 3:5, 3:39**

WASTE

See also HAZARDOUS WASTE

Compliance under various regulations, **8:40**

Defined, **1:3, 8:40**

Directors, officers, chemicals, discharge, liability, **2:18 to 2:22, 4:27**

Discharge, remedial orders

see DIRECTORS AND OFFICERS

Electronic and electrical equipment

see RECYCLING

Federal and provincial regulation, overlap of, **8:2, 8:3, 8:39, 8:40**

Hazardous, transportation of, **8:39, 8:40**

Household and commercial sources, **7:2**

Inspection, powers

see ENVIRONMENTAL INSPECTIONS

Insurance, environmental impairment liability policies, **6:26**

Liquid waste, improper storage, discharge, **2:18 to 2:22, 4:27**

Management areas, risk assessment, considerations, **4:39**

Mortgagees, property, removal, liability, **1:181**

Movement, federal and provincial regulation of, **8:39**

Municipal by-laws, regulation, **1:37, 1:38**

Ontario, Ministry of the Environment, remedial, preventive orders, **2:29 to 2:41**

INDEX

WASTE—Cont'd

- Packaging
 - reduction, initiatives
 - see PACKAGING AND PRINTED MATTER
- Recycling
 - See also RECYCLING; EXTENDED PRODUCER RESPONSIBILITY
- Reduction
 - corporations, **4:61**
 - generally, concerns, **7:1**
- Reduction, generally, concerns, **7:1**
- Reduction of hazardous waste, **8:45**
 - Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, **8:40**
- Removal and restoration of sites, orders, **1:4 to 1:6**
- Statutory obligations, R. v. Bata Industries, **4:27**
- Tenants, property, use, liability, **1:170**
- Waste electronic and electrical equipment (WEEE) initiatives
 - see RECYCLING
- Waste management and recycling, insurance, **6:26**

WASTE DISPOSAL SITES

- Clean-up criteria, guidelines, establishment, **1:7**
- Entry, inspection, powers
 - see ENVIRONMENTAL INSPECTIONS
- Establishment, difficulties, **7:2**
- Land, use, restrictions, time, **1:3**

WASTE DIVERSION INITIATIVES

- See WASTE REDUCTION INITIATIVES

WASTE DIVERSION PROGRAMS

- See also EXTENDED PRODUCER RESPONSIBILITY; RECYCLING
- Generally, **7:1, 7:2**
- Batteries, lead-acid
 - Manitoba, **7:5**
 - Newfoundland and Labrador, **7:7**
 - Nova Scotia, **7:8**
 - Nova Scotia, landfill ban on, **7:8**
- Beverage containers
 - Alberta, **7:3**

WASTE DIVERSION PROGRAMS

—Cont'd

- Beverage containers—Cont'd
 - British Columbia, **7:4**
 - New Brunswick, **7:6**
 - Newfoundland and Labrador, **7:7**
 - Nova Scotia, **7:8**
 - Ontario, **7:9**
 - Prince Edward Island, **7:10**
 - Saskatchewan, **7:12**
- Cell phones
 - Alberta, voluntary program, **7:2**
 - Nova Scotia, **7:8**
 - Ontario, EPR program, **7:2**
- Electronic and electrical equipment
 - Alberta, **7:3**
 - British Columbia, **7:4**
 - Manitoba, **7:5**
 - New Brunswick, **7:6**
 - Newfoundland and Labrador, **7:7**
 - Nova Scotia, **7:8**
 - Ontario, **7:9**
 - Prince Edward Island, **7:10**
 - Quebec, **7:11**
 - Saskatchewan, **7:12**
- Hazardous household waste
 - Alberta, **7:3**
- Nationally, lack of harmonization, **7:2**
- Paint and paint containers
 - Alberta, **7:3**
 - British Columbia, **7:4**
 - Manitoba, **7:5**
 - New Brunswick, **7:6**
 - Newfoundland and Labrador, **7:7**
 - Nova Scotia, **7:8**
 - Ontario, **7:9**
 - Prince Edward Island, **7:10**
 - Quebec, **7:11**
 - Saskatchewan, **7:12**
- Paper and packaging, **7:2**
 - Alberta, **7:3**
 - British Columbia, **7:4**
 - Manitoba, **7:5**
 - Newfoundland and Labrador, **7:7**
 - Nova Scotia, **7:8**
 - Nova Scotia, landfill ban on, **7:8**
 - Ontario, **7:9**
 - Saskatchewan, **7:2**
- Plastic bags
 - Alberta, **7:3**

WASTE DIVERSION PROGRAMS

—Cont'd

Plastic bags—Cont'd

Nova Scotia, **7:8**

Used oil

Alberta, **7:3**

British Columbia, **7:4**

Manitoba, **7:5**

New Brunswick, **7:6**

Newfoundland and Labrador, **7:7**

Nova Scotia, **7:8**

Used tires

British Columbia, **7:4**

Manitoba, **7:5**

New Brunswick, **7:6**

Newfoundland and Labrador, **7:7**

Nova Scotia, **7:8**

Ontario

transfer of Used Tire Program to new
individual producer responsibility
framework, **7:9**

WASTE REDUCTION INITIATIVES

See also **PACKAGING AND PRINTED
MATTER; RECYCLING**

CERES Principles, **4:60**

Corporate policies and practices
see **CODES OF PRACTICE**

WATER

Chemical waste water, discharge, viola-
tion, **2:23**

Contaminated, discharge, officers, direc-
tors, liability, **2:18, 2:37**

Contamination, remedial orders
see **DIRECTORS AND OFFICERS**

Mine tailings, discharge, liability, **2:18 to
2:22**

Provincial officers, locations, inspection,
3:6

WATER CONTAMINATION

See also **PROPERTY CONTAMINA-
TION; SOIL CONTAMINATION;
SPILLS**

Groundwater, Ontario

case law, management or control, **1:6**

WEATHER PATTERNS

See **CLIMATE CHANGE; CLIMATE
CHANGE RISKS**

**WESTERN CLIMATE INITIATIVE
INC. (WCI INC.)**

Generally, **5:40**

WIND FARM PROJECT

Development costs as deductible
expenses, **5:21**

**WINDING UP AND RESTRUCTURING
ACT**

Liability, environmental claims arising
during liquidation, **9:13 to 9:15**

**WORLD BUSINESS COUNCIL FOR
SUSTAINABLE DEVELOPMENT**

Generally, **4:73**

The Reporting Exchange, **4:78**

XEROX CANADA LTD.

Greenhouse gas emissions, **4:61**

Solid waste materials, recycling initia-
tives, **4:61**

YUKON

Contaminated sites

civil liability, **1:146**

remediation, **1:139 to 1:146**

Environmental inspections, **3:23 to 3:25**
spills, **3:25**

Extended producer responsibility, **7:13**