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ANNOTATED GUIDE TO THE CANADIAN ENVIRONMENTAL PROTECTION ACT Joseph F. Castrilli Release No. 2, March 2026

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

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

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What's New in this Update:

This release features updates to the commentary in Part II. Overview of Key Aspects of CEPA, 1999 and the Regulation of Substances in the Environment.

Highlights:

- **§ CEPA:18—The Domestic Statutory Situation at the Federal Level in Canada**—In September 2025, it was reported that climate attribution studies are making clearer the increasing role of carbon emissions in causing heat waves, floods, droughts, and other extreme weather events. The latest piece of research in this area by climate researchers in Europe and the United States links heat waves directly to major fossil fuel companies and their products. The study looked at major heat waves that happened between 2000 and 2023 and the role of “carbon majors”, such as state-owned companies, and investor-owned private companies. The study drew on previous research detailing the lifetime carbon emissions of these carbon majors, and other studies that show how carbon emissions make heat waves worse. They then connected these two strands to estimate how the emissions of a specific carbon major impacted the severity and likelihood of a particular heat wave. The study found that climate change made the median intensity of heat waves globally between 2010 and 2019 about 1.68 degrees Celsius hotter, and 0.47 degrees Celsius of that was due to just 14 of the largest carbon emitters. The study goes into detail, with data for each of the 180 carbon majors and their specific contribution to each of the 213 heat waves studied.
- **§ CEPA:38.50—Generally**—In September 2025, it was reported that the Environmental Protection Agency of the United States will uphold a major rule despite chemical industry opposition and keep polluters on the hook to clean up PFAS chemicals linked to serious health risks, including some types of cancers, developmental and fertility issues, and other disease risks. The agency must still defend the rule in court from pending and expected industry lawsuits. PFAS have been used for decades in industry and in consumer products like nonstick cookware, food packaging, and cosmetics. They resist extreme temperatures, repel grease and water, and are virtually indestructible in the environment, where they have caused widespread contamination including drinking water supplies, thus earning them

the name “forever chemicals”. In 2024, the Biden administration designated two types of forever chemicals as hazardous substances under the federal Superfund law, which makes polluters responsible for cleaning up land contaminated with chemicals, and thereby shifting those costs away from taxpayers.