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ANNOTATED GUIDE TO THE CANADIAN ENVIRONMENTAL PROTECTION ACT

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

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

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What's New in this Update:

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:17. The International Situation—**In August 2026, it was reported that in a split decision, ten judges on the United States Court of Appeals for the District of Columbia upheld an earlier injunction that said the federal Environmental Protection Agency could not terminate $20 billion in climate grants, and that the grant recipients should have access to the funds as the case proceeds. If the agency does not appeal the decision within a week, the judgment will effectively reinstate much of the Greenhouse Gas Reduction Fund, an initiative of the Biden administration that supports low-cost loans and investments for renewable energy projects across the United States. The agency is reviewing the judgment and could appeal to the Supreme Court of the United States and ask that the funds remain frozen in the interim. In February 2025, the head of the agency attempted to claw back $20 billion in climate grant funding that the Biden administration had awarded to several non-profit groups. Investigations by the agency's inspector general, the U.S. Justice Department, and the F.B.I. the government could not substantiate claims that the funds were being misused. In April 2025, a United States District Court judge issued a preliminary injunction preventing the agency from canceling the grants and allowing the groups to access the funds during the litigation. The agency appealed that decision, and the program had been in limbo since.
- § **CEPA:19. The Domestic Regulatory Situation at the Federal Level in Canada—**In August 2026, it was reported that Canada's announcement earlier this that it would allow a token number of Chinese-made electric vehicles into the country now appears to be the opening gambit in a deeper engagement with China on clean energy. While the Prime Minister has gone to great lengths to placate Canada's fossil fuel industry, like promising a new pipeline to the coast of British Columbia, some experts suggest a new relationship with China could provide an efficient way to get back on track with the clean energy transition that much of the rest of the world is already undertaking. Observers note that China

is a global clean energy superpower that is responsible for 80 percent of the world's solar panels, 60 percent of wind turbines, and 75 percent of electric vehicles and their batteries. China went from exporting 28,000 electric vehicles in June 2019 to exporting 316,000 in June 2026. But in 2024, Canada imposed 100 percent tariffs on Chinese electric vehicles, largely at the request of the United States.