Publisher's Note

An Update has Arrived in Your Library for:

Please circulate this notice to anyone in your office who may be interested in this publication. *Distribution List*
☐
☐
☐
☐

ONTARIO ENVIRONMENTAL PROTECTION ACT ANNOTATED

Paula Lombardi

Release No. 4, October 2026

This text clearly explains the intentions and effects of almost every section of the *Environmental Protection Act* (EPA), its regulations, and the *Environmental Bill of Rights, 1993*. Annotations of more than 3,000 reported and unreported cases with expert commentary and analysis are included. This text includes: all regulations made under the *Environmental Protection Act* (EPA) and the *Environmental Bill of Rights, 1993*; the purpose and effect of the EPA and the *Environmental Bill of Rights, 1993* and their place in the overall legislative scheme; the penalty for any infraction; a convenient catalogue of reported and unreported cases from both the courts and administrative tribunals; and a Table of Cases to facilitate research.

Thomson Reuters®

Customer Support
1-416-609-3800 (Toronto & International)
1-800-387-5164 (Toll Free Canada & U.S.)
E-mail CustomerSupport.LegalTaxCanada@TR.com

This publisher's note may be scanned electronically and photocopied for the purpose of circulating copies within your organization.

What's New in this Update:

This release features updates to the case law and commentary in Chapters 1 (OEPA—Introduction; General Provisions), 3 (Part II—General Provisions), 4 (Part II.1—Environmental Compliance Approvals), 8 (Part V—Waste Management), 16 (Part X—Spills), 18 (Part XII—Financial Assurance), 19 (Part XIII—Appeal to Tribunal), 22 (Part XV.1—Records of Site Condition), 25 (Part XVII—Miscellaneous), Appendix J (Miscellaneous), and Appendix N (Environmental Bill of Rights Concordance).

Highlights

Introduction; General Provisions — Federal Jurisdiction — *Canada (Attorney General) v. Responsible Plastic Use Coalition*, 2026 FCA 17 — This Federal Court of Appeal decision concerned the validity of a Governor in Council order made under s. 90(1) of the *Canadian Environmental Protection Act, 1999* listing "plastic manufactured items" (PMI) on Schedule 1 as a toxic substance. The listing followed a federal Science Assessment on plastic pollution and a discussion paper outlining a proposed management approach. Industry respondents and several provincial Attorneys General successfully challenged the Order in the Federal Court, which held that PMI were not a "substance" under CEPA, that the Order was unreasonable and *ultra vires* Parliament's criminal law power, and that the Minister unreasonably refused to establish a board of review. The Court of Appeal unanimously allowed the appeal. Rennie J.A. held that PMI fall within CEPA's definition of "substance" and rejected the Federal Court's narrow interpretive approach.

Section 187 Penalties — Waste Management No Certificate — *R. v. 1916699 Ontario Inc.*, 2025 CarswellOnt 22602 (Ont. C.J.) — The defendants operated a scrap metal and end-of-life vehicle processing facility. Inspections revealed multiple violations, including operating without required approvals, failing to remove fluids prior to shredding, improper handling of shredder waste, and failing to comply with Provincial Officer's Orders. Contaminated stormwater was discharged into the environment, including a nearby wetland. Several defendants pleaded guilty to selected counts, while others were withdrawn. Global Metal Sources Co., Ltd. was fined $20,000, 1929259 Ontario Inc. $8,000, and Wenxing Chu $5,000, all plus victim fine surcharge. The case reflects sustained non-compliance with environmental approvals and regulatory orders.