



STEAMSHIP MUTUAL

Comprehensive Cover. Exceptional Service.



Canada - Amendments to Environmental Legislation in Force

January 2011

Substantial portions of the federal Environmental Enforcement Act (EEA) have come into force, effective 10 December, 2010 This is the former Bill C-16, now S.C. 2009, chap. 14. The EEA amends a slew of environmental statutes by way of increasing fine levels and their sanction regimes generally, including provisions relating to compliance orders and investigation, and the creation of a new administrative penalty regime. Among the amended statutes are the Canadian Environmental Protection Act (CEPA) and the Migratory Birds Convention Act (MBCA). In force as at 10 December are amendments dealing with analysts, immunity of government agents and analysts, investigators' rights of passage, compliance orders, liability for costs of seizure and confiscation, limitation periods for summary conviction proceedings, sentencing principles and (for some of the statutes) sanction regimes. The Environmental Violations Administrative Monetary Penalties Act (EVAMPA) is also in force as at 10 December.

Other amendments, including sanction regimes under CEPA and MBCA, still await the necessary regulations as well as the administrative mechanism under EVAMPA. The precise target timeframe for bringing the remaining amendments into force is not known at this point, but can be expected to be in the relatively near future.

With thanks to Brisset Bishop, Montreal, for supplying this information together with the table below which provides a general outline of the amendments which have come into force.

Update - February 2011

While no formal announcement has been made by Environment Canada, it is understood that the remaining EEA amendments will come into force in two stages. Regulations necessary for the EEA's CEPA-related (Canadian Environmental Protection Act) amendments are targeted for completion by the early Fall of 2011. Regulations required for the amended sanction regimes under wildlife-related legislation covered by the EEA, as well as those required for the administrative penalty regime under EVAMPA (Environmental Violations Administrative Monetary Penalties Act) are targeted for completion by the Summer of 2012. In both cases, proposed regulations will be pre-published in the Canada Gazette for comment.

(Update also from Brisset Bishop.)