

# CERCN

## Canadian Environmental Regulation and Compliance News

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Vol. 33 No. 1

January 2022

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### Canadian Environmental Regulation & Compliance News

© 2022 Templegate Information Services Inc.

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Published by Templegate Information Services Inc.,  
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## Regulatory alert - Federal initiatives

### GAZETTE NOTICES

#### January 5, 2022, Canada Gazette Part I

#### Canada publishes VOC concentration limits for over 130 products

New Volatile Organic Compound Concentration Limits for Certain Products Regulations (SOR/2021-268) will establish limits for approximately 130 product categories and subcategories.

The products will include personal care products; automotive and household maintenance products; sealants and caulks; adhesives; adhesive removers; and other miscellaneous products.

Between 2024 and 2033, the Regulations are expected to result in 250 kilotonnes of VOC emission reductions.

The Regulations, introduced under the Canadian Environmental Protection Act, 1999 (CEPA), will come into force on January 1 of the year following the calendar year of the first anniversary of the day on which they are registered.

VOCs are released from a diverse range of products including paints, varnishes, cosmetics, as well as cleaning, disinfecting and degreasing products.

In 2003, VOCs were added to the List of Toxic Substances (Schedule 1) under the Canadian Environmental Protection Act, 1999 due to their role as precursors in the formation of ground-level ozone and particulate matter, two main components of smog. Access the Gazette Notice at:

<https://gazette.gc.ca/rp-pr/p2/2022/2022-01-05/html/sor-dors268-eng.html>

#### December 25, 2021, Canada Gazette Part I

#### New Single-Use Plastics Prohibition Regulations

Proposed new Single-Use Plastics Prohibition Regulations under the Canadian Environmental Protection Act (CEPA) will prohibit the manufacture, import, and sale of six categories of single-use plastics (i.e. checkout bags, cutlery, foodservice ware made from, or containing, problematic plastics, ring carriers, stir sticks, and straws). The prohibitions on manufacture and import of all six single-use items would come into force one year after registration of the proposed Regulations.

Because checkout bags, cutlery, and straws have reusable substitutes, the proposed Regulations will identify performance standards to differentiate between single-use and reusable items for these three product categories. The proposed Regulations would also provide exemptions to accommodate people with disabilities. These exemptions are linked to the conditions upon which straws are sold. Therefore, the prohibitions on sale of straws would come into force one year after the proposed Regulations are registered.

The prohibition on sale for all other single-use items would come into force two years after the proposed Regulations are registered.

Manufacture and import for the purposes of export would not be subject to the proposed prohibition.

**Background:** In October 2020, the Government published a discussion paper entitled *A proposed integrated management approach to plastic products to prevent waste and pollution*. The paper outlined a suite of measures to: establish performance standards; stimulate demand for recycled plastics; and ensure end-of-life responsibility, so that companies that manufacture or import plastic products or sell items with plastic packaging are responsible for collecting and recycling them.

An Order adding plastic manufactured items to Schedule 1 of CEPA enables the ministers to propose risk management measures that could target the sources of plastic pollution and change behaviour at key stages in the life cycle of plastic products, such as product design, manufacture, use, disposal, and value recovery.

Access the Gazette Notice at: <https://gazette.gc.ca/rp-pr/p1/2021/2021-12-25/html/reg2-eng.html>

## Regulatory alert - Federal initiatives

### CANADA GAZETTE NOTICES (continued from front page)

January 5, 2022, Canada Gazette Part I

#### **Order Amending the Order Prohibiting Certain Activities in Arctic Offshore Waters: SOR/2021-272**

This Order is a one-year extension of the Order that was made on July 30, 2019, and which was set to expire on December 31, 2021. It continues to prohibit any person or oil and gas licence holder from beginning or continuing any work or activity in Canada's Arctic waters and preserves the rights of active oil and gas licence holders. The Order freezes 11 active exploration licences in the Arctic offshore, preventing the licence holders from carrying out work and preserving the terms of their licences. The Order is intended as an interim measure to allow Canada to consider the climate and marine-based assessment reports that were jointly developed with Northern partners to inform next steps on the moratorium. The Order will expire on December 31, 2022.

Access the Gazette Notice at: <https://gazette.gc.ca/rp-pr/p2/2022/2022-01-05/html/sor-dors272-eng.html>

December 25, 2021, Canada Gazette Part I

#### **New OHS regulations take effect in Newfoundland-Labrador and Nova Scotia offshore areas**

New Occupational Health and Safety regulations, now in effect, address the unique hazards of offshore petroleum workplaces in the Canada–Newfoundland and Labrador and Canada–Nova Scotia offshore areas.

The main themes and requirements of these regulations are outlined as follows.

- **OHS management systems and programs.** The Accord Acts require that an OHS management system be implemented for each workplace by the operator and employer having control over the workplace.
- **Passengers in transit.** The regulations set out new requirements under the Accord Acts for the two main methods of transportation offshore: by helicopter and vessel.
- **Employee well-being.** The regulations require employers to establish measures to address substance abuse, the effects of working remotely on mental health and the management of mental illness. In addition, OHS programs must set out measures for managing impairment as a result of fatigue, stress, injury, illness, other physical or psychological condition, alcohol or drugs.
- **Training.** The regulations set requirements for training in offshore survival, legislative awareness, and hydrogen gas, and require employers to provide orientation training related to other workplace hazards.
- **Reporting and investigating.** The regulations prescribe the manner and form of reporting to the operator, and to the Board, instances of occupational diseases, accidents, incidents or other hazardous occurrences.
- **Emergency preparedness.** Emergency “grab bags” in sleeping quarters, with a smoke hood, gloves and light source, are to be made a requirement for all workplaces.
- **Inspections.** Inspections are to be carried out in accordance with the most stringent of: (a) a manufacturer's instructions; or (b) a standard, where the regulations incorporate by reference a standard addressing inspection.
- **Conformance with standards incorporated by reference.** The regulations incorporate by reference applicable standards for specific activities and equipment, machines, and devices, including mobile equipment, emergency equipment, PPE, material handling equipment, electrical tools, air quality, compressed gas cylinders, scaffolding, rope access, and guarding of machinery.
- **Work permitting system.** These regulations establish requirements for the issuance of work permits for certain types of high-risk tasks and establish the elements that a work permit must address.
- **Hazardous substances.** The regulations align with the classification and hazard communication requirements in the Globally Harmonized System for the Classification and Labelling of Chemicals (GHS).
- **Control of hazardous energy.** The regulations introduce additional requirements for the control of hazardous energy.
- **Diving.** The new diving provisions prescribe requirements for the dive team and other personnel competencies, emergency drills and exercises, means of communication, and breathing mixtures.

Transitional OHS regulations that were established in 2014 were automatically repealed on December 31, 2021 when the permanent regulations took effect.

Access the regulations at: <https://gazette.gc.ca/rp-pr/p2/2021/2021-12-22/html/sor-dors247-eng.html>

and in Gazette Notice: <https://gazette.gc.ca/rp-pr/p2/2021/2021-12-22/html/sor-dors248-eng.html>

#### **Government issues guidance on temperature aspects of drinking water risk management**

The government has published a new document summarizing how temperature is discussed in the *Guidelines for Canadian Drinking Water Quality*. The document states that all water utilities should implement a risk management approach requiring a system assessment that: characterizes the water source; describes treatment barriers; highlights the conditions that can result in contamination; and identifies control measures.

Access the Gazette Notice at: <https://gazette.gc.ca/rp-pr/p1/2021/2021-12-25/html/notice-avis-eng.html#na3>

## Regulatory alert - Federal initiatives

### CANADA GAZETTE NOTICES (continued from front page)

January 1, 2022, Canada Gazette Part I

#### **Order declares that Metal and Diamond Mining Effluent Regulations do not apply to certain NWT mines**

A proposed 'equivalency agreement' and associated Order seeks to increase local regulatory oversight of the metal and diamond mining sector in the Northwest Territories (NWT) while reducing duplication.

Under subsection 4.2(1) of the Fisheries Act, the Governor in Council (GiC), would stand down federal Metal and Diamond Mining Effluent Regulations (MDMER), as well as subsection 36(3) of the Fisheries Act, for those mines that are currently subject to both federal (MDMER) and territorial requirements. The MDMER will continue to apply to mines found in federal areas within the Mackenzie Valley of the NWT.

Access the Gazette Notice on the GiC Order at:

<https://gazette.gc.ca/rp-pr/p1/2022/2022-01-01/html/reg1-eng.html>

Access related Gazette Notice re the Equivalency Agreement at:

<https://gazette.gc.ca/rp-pr/p1/2022/2022-01-01/html/notice-avis-eng.html#ne2>

December 18, 2021, Canada Gazette Part I

#### **Notice with respect to reporting of greenhouse gases (GHGs) for 2021**

This notice, issued in accordance with section 46 of the Canadian Environmental Protection Act, 1999 (the Act) and published annually in the Canada Gazette, outlines reporting requirements for the largest emitting Canadian facilities.

Pursuant to subsection 46(1) of the Act, with respect to emissions of those greenhouse gases (GHGs) identified in Schedule 1 to this notice, any person who operates a facility described in Schedule 3 during the 2021 calendar year, and who possesses or who may reasonably be expected to have access to information described in Schedules 4 through 18, shall provide the Minister of the Environment with this information no later than **June 1, 2022**.

Such information is requested for the purpose of conducting research, creating an inventory of data, formulating objectives and codes of practice, and issuing guidelines.

#### **Expansion of the program in recent years**

The notice requiring the reporting of 2017 GHG information represented Phase 1 of the expansion of the program in recent years. In this phase, the reporting threshold was lowered to require all facilities emitting 10,000 tonnes or more of GHGs (in CO<sub>2</sub> eq. units) to report.

Specific industry sectors were also required to report additional information, using prescribed methods. These sectors were cement, lime, aluminium, iron and steel producers, as well as facilities involved in CO<sub>2</sub> capture, transport, injection and storage activities.

The notice requiring the reporting of 2018 GHG information, published in January 2019, continued the expansion through Phase 2 by requiring more industry sectors to report additional information.

These sectors comprised: ammonia producers, base metal producers, electric power generation, ethanol producers, hydrogen producers, mining operations (except oil and gas), nitric acid producers, petroleum refineries, and pulp and paper producers.

#### **The current notice**

The current notice maintains the requirements of the two initial phases of the expansion.

The 2021 notice does not contain any major changes. It builds on the 2020 notice which includes expanded data and methodological requirements and contains only minor changes from the previous year's notice (corrections and clarifications).

Compliance with the Act is mandatory and enforced in accordance with the Compliance and Enforcement Policy for the Canadian Environmental Protection Act, 1999.

#### **Related management resources**

Information required to be reported as outlined in this notice will continue to be collected via the ECCC Single Window (SW) system. Step-by-step instructions on how to navigate the SW system are available on the program website at:

<https://www.canada.ca/en/environment-climate-change/services/climate-change/greenhouse-gas-emissions/facility-reporting/reporting/instructions.html>

The following links provide guidance for reporting to the Greenhouse Gas Reporting Program:

- Reporting greenhouse gas emissions data: technical guidance 2020 (update expected in early 2022):

<https://www.canada.ca/en/environment-climate-change/services/climate-change/greenhouse-gas-emissions/facility-reporting/reporting/technical-guidance-2020.html>

- Canada's Greenhouse Gas Quantification Requirements (update coming in January 2022):

<https://www.canada.ca/en/environment-climate-change/services/climate-change/greenhouse-gas-emissions/facility-reporting/reporting/quantification-requirements.html>

For more details, access the Gazette Notice at:

<https://gazette.gc.ca/rp-pr/p1/2021/2021-12-18/html/sup2-eng.html>

## Regulatory alert - Federal initiatives

## CANADA GAZETTE NOTICES (continued from front page)

December 18, 2021, Canada Gazette Part I

**Proposed Guidelines for Canadian Recreational Water Quality - Managing Risks in Recreational Waters**

The Guidelines for Canadian Recreational Water Quality comprise multiple guideline technical documents that consider the various factors that could interfere with the safety of recreational waters from a human health perspective. They provide guideline values for specific parameters used to monitor water quality hazards, and recommend science-based monitoring and risk management strategies.

The proposed technical document for these guidelines is available for public comment from December 17, 2021, to **February 15, 2022**, on the Health-Related Consultations website. Comments can be submitted by email to: [water-eau@hc-sc.gc.ca](mailto:water-eau@hc-sc.gc.ca).

Access the Gazette Notice at: <https://gazette.gc.ca/rp-pr/p1/2021/2021-12-18/html/notice-avis-eng.html#na1>

December 18, 2021, Canada Gazette Part I

**Amendments made to three vehicle and engine emission regulations to maintain alignment with technical changes made by the US EPA**

Proposed amendments, published on December 18, 2021, would make necessary modifications to three of the vehicle and engine emission regulations made under the Canadian Environmental Protection Act, 1999 (CEPA) to maintain alignment with the corresponding technical amendments made by the United States Environmental Protection Agency (US EPA).

The proposed amendments would affect companies that manufacture or import new vehicles and engines for sale in Canada. The changes can be summarized as follows:

- **Heavy-duty Vehicle and Engine Greenhouse Gas Emission Regulations.** Among other things, the proposed amendments would modify the definitions of “heavy heavy-duty vehicle” and “medium heavy-duty vehicle” to ensure that electric or hybrid vocational vehicles are grouped with their correct class of vehicle under the regulations for the 2021 and subsequent model years.

In addition, to allow flexibility for Canadian companies using the CO<sub>2</sub> emission credit system, the amendments would make the necessary modifications to allow companies to have fleets that are of the same engine “sub-families” as in the United States.

The US EPA has clarified that hydrogen fuel cell vehicles can also be assumed to have an emission of zero grams of CO<sub>2</sub> per short ton-mile, much like electric vehicles. As such, the proposed amendments would add the definition of “fuel cell vehicle,” modify the definition of “electric vehicle” and make corresponding changes to the relevant provisions for vocational vehicles and tractors to ensure that the change made to hydrogen fuel cell vehicles is reflected in the Canadian regulations.

- **On-Road Vehicle and Engine Emission Regulations.** The proposed amendments make minor modifications to the On-Road Vehicle and Engine Emission Regulations to ensure consistency with the modifications proposed above to the Heavy-duty Vehicle and Engine Greenhouse Gas Emission Regulations.
- **Marine Spark-Ignition Engine, Vessel and Off-road Recreational Vehicle Emission Regulations.** The proposed amendments would update a reference to the CFR that was renumbered in the US regulatory text related to replacement engine labelling.
- **Off-road Compression-Ignition (Mobile and Stationary) and Large Spark-Ignition Engine Emission Regulations.** The amendments update requirements covering definitions, labelling, and maintenance.

For more details, access the Gazette Notice at: <https://gazette.gc.ca/rp-pr/p1/2021/2021-12-18/html/reg5-eng.html>

December 14, 2021, Canada Gazette Part III

**Full texts of recent environment-related Acts of Parliament published**

The Department of Justice has published verbatim versions of the following most recent environment-related Acts, together with late-breaking amendments, schedules and integrated “search” functions. All have been described in previous issues of *CERCN*.

- **An Act to amend the Offshore Health and Safety Act** (S.C. 2021, c. 10). Assented to 2021-06-03. Access Act at: [https://laws.justice.gc.ca/eng/AnnualStatutes/2021\\_10/FullText.html](https://laws.justice.gc.ca/eng/AnnualStatutes/2021_10/FullText.html)
- **United Nations Declaration on the Rights of Indigenous Peoples Act** (S.C. 2021, c. 14). 2021-06-21. Access Act at: [https://laws.justice.gc.ca/eng/AnnualStatutes/2021\\_14/FullText.html](https://laws.justice.gc.ca/eng/AnnualStatutes/2021_14/FullText.html)
- **Canadian Net-Zero Emissions Accountability Act** (S.C. 2021, c. 22). 2021-06-21. Access Act at: [https://laws.justice.gc.ca/eng/AnnualStatutes/2021\\_22/FullText.html](https://laws.justice.gc.ca/eng/AnnualStatutes/2021_22/FullText.html)

## Regulatory alert - Federal initiatives

### CANADA GAZETTE NOTICES (continued from front page)

December 11, 2021, Canada Gazette Part I

#### Regulations Amending the Transportation of Dangerous Goods Regulations (Part 6 — Training)

The proposed amendments would: incorporate by reference a new training standard - *CAN/CGSB-192.3-2020, "Transportation of dangerous goods training, assessment and competency"*; and specify that, to be considered competent to handle, offer for transport or transport dangerous goods, a person must receive both general awareness and function-specific training and assessment. The assessment would be documented in a "certificate of competency" which would replace the current "certificate of training".

**Compliance timeline:** Following the coming into force of the amendment, there will be a transitional period of 12 months before employers are required to follow the new requirements. All certificates of training issued under current regulatory requirements would continue to be valid until their expiry date.

**Comment deadline: February 9, 2022.**

Access the Gazette Notice at: <https://gazette.gc.ca/rp-pr/p1/2021/2021-12-11/html/reg2-eng.html>

#### Publication notice re: Canada's 2030 emissions reduction plan

On December 11, 2021, the government published notice that the Minister of Environment and Climate Change will establish Canada's 2030 emissions reduction plan no later than **March 29, 2022**.

Early consultations prioritize the following new commitments:

- mandating the sale of zero-emission vehicles so that 100% of new light-duty vehicles (cars, pick-up trucks, etc.) sold in Canada are zero-emission by 2035 and at least by 50% by 2030;
- developing emissions standards for heavy-duty vehicles that will require that 100% of selected categories of medium- and heavy-duty vehicles be zero-emission by 2040;
- capping emissions from the oil and gas sector at current levels and requiring that they decline at the pace and scale needed to get to net zero by 2050;
- reducing oil and gas methane emissions by at least 75% below 2012 levels by 2030 through an approach that includes regulating methane landfill emissions and reducing agricultural methane emissions; and
- transitioning to a net-zero emitting electricity grid by 2035.

Those who are interested in making a submission specific to the 2030 emissions reduction plan can do so online at the Environment and Climate Change Canada website at:

<https://www.canada.ca/en/services/environment/weather/climatechange/climate-plan/climate-plan-overview.html>

Submissions will be accepted until **January 14, 2022**.

Access the Gazette Notice at: <https://gazette.gc.ca/rp-pr/p1/2021/2021-12-11/html/notice-avis-eng.html#na3>

#### Related announcements and discussion papers:

##### Canada publishes progress report towards 2025 methane emissions reduction target and launches consultations on 2030 target

On **December 21, 2021**, the Minister of Environment and Climate Change, the Honourable Steven Guilbeault, released a report confirming that Canada is on track to meet the goal of reducing methane emissions from the oil and gas sector by 40 - 45 percent by 2025. The release also notes that "in early 2022", Environment and Climate Change Canada will publish a discussion paper and consult the provinces and territories, Indigenous peoples, industry, and civil society on designing regulations to achieve at least a 75 percent reduction in methane emissions from the oil and gas sector by 2030. Access release at:

<https://www.canada.ca/en/environment-climate-change/news/2021/12/canada-publishes-progress-report-towards-2025-methane-emissions-reduction-target-and-launches-consultations-on-2030-target.html>

Access Review of Canada's Methane Regulations for the Upstream Oil and Gas Sector at:

<https://www.canada.ca/en/environment-climate-change/services/canadian-environmental-protection-act-registry/review-methane-regulations-upstream-oil-gas-sector.html>

##### Government consulting on commitment to require all new cars to be zero emission by 2035

On December 17, 2021, the Minister of Environment and Climate Change, the Honourable Steven Guilbeault, released a discussion document to support consultations on accelerating Canada's adoption of zero-emission light-duty vehicles in order to reach its target of 100 percent zero-emission medium- and heavy-duty vehicle sales, where feasible, by 2040.

Access Achieving a Zero-Emission Future for Light-Duty Vehicles at:

<https://www.canada.ca/en/environment-climate-change/services/canadian-environmental-protection-act-registry/zero-emission-future-light-duty-vehicles.html>

Access Discussion paper on Heavy-duty vehicles in Canada: Transitioning to a zero-emission future:

<https://www.canada.ca/en/environment-climate-change/services/canadian-environmental-protection-act-registry/heavy-duty-vehicle-engines-zero-emission-future-discussion-paper.html>

December 4, 2021, Canada Gazette Part I

#### Consultation on proposed amendments to the Pest Control Products Regulations (Ultraviolet Radiation-emitting Devices and Ozone-generating Devices).

**Reminder:** On **December 4, 2021**, the government published in the Canada Gazette Part 1, Notice of its intent to launch consultations on proposed amendments to the Pest Control Products Regulations. The consultation deadline is **January 17, 2022**. Access details in the Gazette Notice at:

<https://gazette.gc.ca/rp-pr/p1/2021/2021-12-04/html/notice-avis-eng.html#na2>

## Regulatory alert - Federal initiatives

## ANNOUNCEMENTS

**Trudeau directs Ministers to mandate climate-related financial disclosures**

In mandate letters sent recently to Canada's ministers of finance and the environment, Prime Minister Justin Trudeau directed Finance Minister Chrystia Freeland and Environment Minister Steven Guilbeault to:

**“[W]ork with provinces and territories to move toward mandatory climate-related financial disclosures based on the Task Force on Climate-related Financial Disclosures [TCFD] framework and require federally regulated institutions, including financial institutions, pension funds and government agencies, to issue climate-related financial disclosures and net-zero plans”.**

The TCFD is a non-governmental organization chaired by Michael Bloomberg that issues recommendations on how companies can disclose their organizational efforts to prepare for climate-related risks and opportunities.

Trudeau's directive follows shortly on the heels of Canadian Securities Administrators' (CSA) proposed instrument to require TCFD-aligned disclosures from publicly-traded Canadian companies. Access CSA's proposed instrument at: <https://www.greeneconomylaw.com/blog/climate-disclosure-rules-proposed-for-canadian-investments>

**Fifth federal offset protocol under GHG Offset System to launch this winter**

On December 14, 2021, Environment and Climate Change Canada (ECCC) announced that it will be initiating the fifth protocol under its proposed Federal Greenhouse Gas (GHG) Offset System. The protocol - for Livestock Feed Management - joins four others covering emissions reduction in: refrigeration systems; landfill methane recovery; forest management; and soil organic carbon. Additional information on this process can be found at: <https://www.canada.ca/en/environment-climate-change/services/climate-change/pricing-pollution-how-it-will-work/output-based-pricing-system/federal-greenhouse-gas-offset-system.html>

**Canada allocates \$14.7 million to fight invasive species in Alberta and BC mountain parks**

On December 4, 2021, the Honourable Steven Guilbeault, Minister of Environment and Climate Change, announced that \$14.7 million is being made available over the next five years to prevent and manage invasive species in Banff, Jasper, Kootenay, Waterton Lakes and Yoho national parks. Access the release at:

<https://www.canada.ca/en/parks-canada/news/2021/12/government-of-canada-invests-147m-in-conservation-projects-in-five-mountain-national-parks-to-prevent-and-manage-aquatic-invasive-species.html>

## CONSULTATIONS

**Species at Risk consultations - December 2021**

2021-12-29 **Implementation Report: Multi-species Action Plan for Georgian Bay Islands National Park of Canada (2016 to 2021)**

2021-12-29 **Implementation Report: Multi-species Action Plan for Grasslands National Park of Canada (2016 to 2021)**

2021-12-29 **Implementation Report: Multi-species Action Plan for Gros Morne National Park of Canada (2016 to 2021)**

2021-12-29 **Implementation Report: Multi-species Action Plan for Prince Edward Island National Park of Canada (2016 to 2021)**

2021-12-29 **Implementation Report: Multi-species Action Plan for Thousand Islands National Park of Canada (2016 to 2021)**

2021-12-16 **Recovery Strategy for the Roell's Brotherella Moss (*Brotherella roellii*) in Canada [Proposed]**

2021-12-09 **Management Plan for the Vivid Dancer (*Argia vivida*) in Canada [Proposed]**

2021-12-09 **Recovery Strategy for the Crumpled Tarpaper Lichen (*Collema coniophilum*) in Canada [Proposed]**

2021-12-08 **Emergency Order for the Protection of the Western Chorus Frog Great Lakes / St. Lawrence**

2021-12-03 **COSEWIC List of wildlife species assessed (including October 2021)**

*For details and links relative to the above consultations, access the Species At Risk website at:*

<https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/publications-news.html>

**Impact Assessment Agency of Canada consultations - December 2021**

2021-12-15 **Roberts Bank Terminal 2 Project** — Public Comments Invited on Additional Information and Potential Conditions

2021-12-07 **Marathon Palladium Project** — Notice of Public Hearing for the Marathon Palladium Project - Releases

2021-12-07 **Marathon Palladium Project** — Notice of Public Hearing for the Marathon Palladium Project - Notices

2021-12-03 **Regional Assessment in the Ring of Fire Area** — Public Comment Period & Information Sessions

*For details and links relative to ongoing IAA assessments and news releases, visit:*

<https://www.canada.ca/en/impact-assessment-agency/news/media-room.html>

**CSA consulting on a proposed national instrument “51-107 – Disclosure of Climate Related Matters”**

**Reminder:** On **October 22, 2021**, Canadian Securities Administrators (CSA) released their proposed *National Instrument 51-107 Disclosure of Climate Related Matters*. Comment deadline: **January 17, 2022:**

[https://www.osc.ca/sites/default/files/2021-10/csa\\_20211018\\_51-107\\_disclosure-update.pdf](https://www.osc.ca/sites/default/files/2021-10/csa_20211018_51-107_disclosure-update.pdf)

## Regulatory alert - Federal initiatives

## CHEMICAL COMPLIANCE

## Instruments

**The Toxic Substances List** (Schedule 1) contains substances that meet at least one of the criteria for 'toxicity' set out in section 64 of CEPA 1999.

**Significant New Activity (SNAc)**

provisions trigger an obligation for a person to provide the Government with information about a substance when proposing to use, import or manufacture the substance for a significant new activity. The government then assesses the substance for potential risks and, if risks are identified, may impose management measures.

**The Domestic Substances List (DSL)**

is an inventory of substances in the Canadian marketplace. Substances that are not on the DSL are considered new to Canada and are subject to notification and assessment requirements before they can be manufactured or imported.

**The Non-Domestic Substance List (NDSL)**

is a list of substances believed to be in international commerce. The substances on this list still require notification, but the trigger limits are higher and the amount of information to submit is less than if the substance is not on the NDSL.

**Ministerial Condition**

When a substance is suspected to be toxic conditions may be imposed to mitigate any risk to human health or the environment.

**What is the CAS Registry?**

The CAS Registry<sup>SM</sup> is a collection of disclosed chemical substance information, containing more than 130 million substances. Each CAS Registry Number<sup>®</sup> (CAS RN<sup>®</sup>) is a unique numeric identifier designating only one substance.

## Canada Gazette Notices and screening assessments

January 5, 2022, Canada Gazette Part I

**13 substances added to the Domestic Substances List**

The Minister of the Environment and the Minister of Health (the ministers) assessed information on 13 substances (nine chemicals and polymers, and four living organisms) new to Canada and determined that they meet the criteria for addition to the Domestic Substances List (DSL), as set out in the Canadian Environmental Protection Act, 1999 (CEPA).

Therefore the Minister of the Environment is adding the substances to the DSL by means of the following Orders:

- Order 2021-66-10-01 adds one chemical to the DSL;
- Order 2021-87-10-01 adds eight substances (chemicals and polymers) to the DSL: (five substances identified by their CAS Registry Numbers are added to Part 1 of the DSL; and three substances identified by their masked names and their Confidential Accession Numbers [CANs]).
- Order 2021-112-10-01 adds four living organisms to the Domestic Substances List: (two substances identified by their specific substance names are added to Part 5 of the DSL; and two substances identified by their masked names and their CANs).

Chemicals or polymers must be added to the DSL if they were manufactured in, or imported into, Canada by any person (individual or corporation) between January 1, 1984, and December 31, 1986, in a quantity greater than or equal to 100 kilograms in any one calendar year or if, during this period, they were in Canadian commerce or used for domestic manufacturing purposes.

Access the 13 Orders in the Gazette at:

<https://gazette.gc.ca/rp-pr/p2/2022/2022-01-05/html/index-eng.html>

December 11, 2021, Canada Gazette Part I

**Waiver of information requirements for living organisms**

Waivers under the Canadian Environmental Protection Act (CEPA) 1999, with respect to information requirements for living organisms have been granted to the following companies: AstraZeneca Canada Inc.; CRISPR Therapeutics AG; Spark Therapeutics, Inc.; and Ultragenyx Pharmaceutical, Inc. Access the Gazette Notice at: <https://gazette.gc.ca/rp-pr/p1/2021/2021-12-11/html/notice-avis-eng.html#na1>

**Waiver of information requirements for substances**

Waivers with respect to information requirements related to various substances have been granted to the following companies: Brenntag Canada Inc.; H.B. Fuller Canada; Michelin North America (Canada) Inc.; Nouryon Functional Chemicals LLC; Otsuka Canada Pharmaceutical Inc.; Ricoh Canada Inc.; and Water Specialists Technologies, LLC. Access the Gazette Notice at:

<https://gazette.gc.ca/rp-pr/p1/2021/2021-12-11/html/notice-avis-eng.html#na2>

December 4, 2021, Canada Gazette Part I

**Publication after screening assessment of 22 substances of the Acids and Bases Group**

Following screening assessment on 22 substances referred to collectively under the Chemicals Management Plan as the Acids and Bases Group, the Ministers of Health and Environment have concluded that 21 substances in the Group do not meet the criteria for toxicity outlined in section 64 of the Canadian Environmental Protection Act, 1999, and that no further action is merited at this time. The Ministers also propose to take no further action on the remaining substance, hydroxylammonium chloride, at this time. Access the Gazette Notice at:

<https://gazette.gc.ca/rp-pr/p1/2021/2021-12-04/html/notice-avis-eng.html#na1>

November 13, 2021, Canada Gazette Part I

**Government seeking information from manufacturers with respect to substances containing Bisphenol A**

**Reminder:** The Minister of the Environment has given notice that the government requires industry to provide information to help assess whether 188 substances, including bisphenol A (BPA) and BPA structural analogues or functional alternatives, are toxic or are capable of becoming toxic. Responses to this notice shall be submitted to the Minister of the Environment, no later than **March 16, 2022**. For more details, access the Gazette Notice at:

<https://gazette.gc.ca/rp-pr/p1/2021/2021-11-13/html/notice-avis-eng.html#na2>

## Regulatory alert - Provincial initiatives

### ONTARIO LEGISLATURE

The second session of the 42nd Parliament opened on **October 4, 2021**.

- **Bill 13, Red Tape Reduction Bill, the Supporting People and Business Act.** Royal Assent: **December 2, 2021**. Among other things, Bill 13 amendments would give the government greater control over the type of environmental assessment a project requires. In addition, some critics suggest that the government's proposal to allow tire producers to conduct internal audits, instead of third-party ones, of how many tires they supply in Ontario might encourage under-reporting and therefore serve to undermine Ontario's Resource Recovery and Circular Economy Act. Access Bill 13 at: [https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2021/2021-10/b013\\_e.pdf](https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2021/2021-10/b013_e.pdf)

### ONTARIO GAZETTE NOTICES

December 31, 2021, The Ontario Gazette

#### **O. Reg. 850/21: Mine Development and Closure under Part VII of the Mining Act**

A revised section (57[2] of Schedule 1 stipulates that: The sampling program shall be conducted by a person who is qualified in Ontario as a professional geoscientist, professional agrologist or professional engineer in accordance with a report prepared by William A. Price on behalf of the Mine Environment Neutral Drainage (MEND) program, entitled "Prediction Manual for Drainage Chemistry from Sulphidic Geologic Materials", MEND Report 1.20.1, dated December, 2009. The Regulation took effect on **January 1, 2022**. Access at: <https://www.ontario.ca/laws/regulation/r21850>

#### **New amendments filed under the province's Environmental Assessment Act**

The following - mainly minor - amendments were made under the province's Environmental Assessment Act:

- O. Reg. 852/21: Amendments to the Class Environmental Assessment for Minor Transmission Facilities of Hydro One. The amendments to the Hydro One Class Environmental Assessment are set out in Schedule 1 to this Regulation at: <https://www.ontario.ca/laws/regulation/r21852>
- O. Reg. 853/21: Ontario Line Project: <https://www.ontario.ca/laws/regulation/r21853>
- O. Reg. 854/21: Transit Projects and Metrolinx Undertakings: <https://www.ontario.ca/laws/regulation/r21854>
- O. Reg. 855/21: Request for Order to Comply with Part II: <https://www.ontario.ca/laws/regulation/r21855>

December 24, 2021, The Ontario Gazette

#### **O. Reg. 824/21: Alternative Low-carbon Fuels - made under the Environmental Protection Act**

The Ministry is amending O. Reg. 79/15: Alternative Low-Carbon Fuels (O. Reg. 79/15 or the Regulation) under the Environmental Protection Act (EPA) to simplify the approvals process for manufacturers of cement, lime, iron and steel, to substitute the use of coal and petroleum coke with fuels derived from materials that would otherwise be disposed of in landfills.

Among other things, the definition of "ALCF application" in subsection 1 (1) of Ontario Regulation 79/15 is amended by striking out "the combustion of alternative low-carbon fuel" and substituting "the combustion of one or more alternative low-carbon fuels". Other revised sections deal with: required consultations for a "non-demonstration project"; and applications to amend an Environmental Compliance Approval in respect of the combustion of one or more alternative low-carbon fuels at an alternative low-carbon fuel site.

The Regulation took effect on **January 1, 2022**: <https://www.ontario.ca/laws/regulation/r21824>

Access related ERO Notice at: <https://ero.ontario.ca/notice/019-3544>

#### **New regulations filed under the Endangered Species Act**

On **December 10, 2021**, the government updated its original proposal to include regulations to enable payment of charges to the Species at Risk Conservation Fund and regulatory amendments for conditional exemptions for some activities to further streamline Endangered Species Act, 2007 authorizations. The option for proponents to pay charges to the Species at Risk Conservation Fund will be available starting on **April 29, 2022**. The following species-related regulations were made under the province's Endangered Species Act, 2007:

- O. Reg. 829/21: Species Conservation Charges: <https://www.ontario.ca/laws/regulation/r21829>
- O. Reg. 830/21: Exemptions - Barn Swallow, Bobolink, Eastern Meadowlark and Butternut: <https://www.ontario.ca/laws/regulation/r21830>
- O. Reg. 831/21: General - A new section prescribes 'stewardship activities' that are intended to assist in the protection of listed species: <https://www.ontario.ca/laws/regulation/r21831>
- O. Reg. 832/21: Habitat. This regulation, now in effect, defines habitats of various endangered species: <https://www.ontario.ca/laws/regulation/r21832>

## Regulatory alert - Provincial initiatives

## ONTARIO GAZETTE NOTICES (continued)

December 24, 2021, The Ontario Gazette

**O. Reg. 837/21: General - made under the Professional Engineers Act**

Among other things, a revised section (s.53) prescribes rules governing the sealing, signing and dating of engineering documents. The regulation comes into force on **July 1, 2022**. Access at:

<https://www.ontario.ca/laws/regulation/r21837>

December 18, 2021, The Ontario Gazette

**New safe drinking water regulations**

The following regulations are made under the province's Safe Drinking Water Act, 2002. Among other things, the regulatory changes ensure the ministry and owners and operators of wastewater facilities have the staff they need to continue operations in an emergency by extending operator licences and allowing certain qualified but non-licensed staff to temporarily maintain system operations:

- O. Reg. 819/21: Certification of Drinking Water Systems Operators and Water Quality Analysts: <https://www.ontario.ca/laws/regulation/r21819>
- O. Reg. 820/21: Drinking Water Systems: <https://www.ontario.ca/laws/regulation/r21820>
- O. Reg. 821/21: Drinking Water Testing Services: <https://www.ontario.ca/laws/regulation/r21821>

The following regulation is made under the Ontario Water Resources Act:

- O. Reg. 818/21: Licensing of Sewage Works Operators: <https://www.ontario.ca/laws/regulation/r21818>

December 18, 2021, The Ontario Gazette

**New Planning Act regulations now in effect**

The following regulations, made under the province's Planning Act, are now in force:

- O. Reg. 805/21: Delegation of Authority to Minister to Give Consents: <https://www.ontario.ca/laws/regulation/r21805>
- O. Reg. 806/21: Approval Authority - Plans of Subdivision: <https://www.ontario.ca/laws/regulation/r21805>
- O. Reg. 807/21: Consent Granting Authority: <https://www.ontario.ca/laws/regulation/r21807>
- O. Reg. 808/21: Exemption from Approval (Official Plan Amendments) - Municipality of Shuniah <https://www.ontario.ca/laws/regulation/r21808>
- O. Reg. 822/21: Zoning Order - City of Guelph: <https://www.ontario.ca/laws/regulation/r21822>

December 11, 2021, The Ontario Gazette

**New Planning Act Regulations take effect January 1, 2022**

The following regulations under the province's Planning Act took effect on **January 1, 2022**, the same date as the proclamation of Schedule 24 of Bill 276, the Supporting Recovery and Competitiveness Act, 2021:

- O. Reg. 786/21 – amending Ontario Regulation 197/96 “Consent Applications”: <https://www.ontario.ca/laws/regulation/r21786>
- O. Reg. 787/21 – revoking Ontario Regulation 144/95 “Criteria – Validation of Title”: <https://www.ontario.ca/laws/regulation/r21787>
- O. Reg. 785/21 – revoking Ontario Regulation 150/95 “Criteria – Power of Sale”: <https://www.ontario.ca/laws/regulation/r21785>

For background, see ERO Notice at: <https://ero.ontario.ca/notice/019-3958>

December 11, 2021, The Ontario Gazette

**O. Reg. 798/21 under the Pesticides Act stipulates minimum levels of required insurance**

Among other things, every operator shall maintain the following insurance coverage in respect of each extermination business it operates:

- employers' liability coverage in the amount of at least \$1,000,000;
- commercial general liability coverage in the amount of at least \$2,000,000;
- Pollution liability coverage in the amount of, i) at least \$1,000,000 for all claims in respect of the same occurrence, or ii) if the extermination business carried on by an operator involves no exterminations other than exterminations performed by aerial application, at least \$150,000 for all claims under the insurance in respect of the same occurrence of off-target pesticide deposition.

Access the regulation at: <https://www.ontario.ca/laws/regulation/r21798>

## Regulatory alert - Provincial initiatives

## ONTARIO ENVIRONMENTAL REGISTRY NOTICES

**• Streamlining environmental permissions for microbreweries and nanobreweries through self-registration and exemptions**

ERO # 019-4062; posted by the Ministry of the Environment, Conservation and Parks on **Dec. 15, 2021**; Comment deadline: **Jan. 29, 2022**

The ministry is proposing to help remove unnecessary technical reporting requirements by implementing an Environmental Activities and Sector Registry (EASR) regulation specific to microbreweries. The ministry is also proposing to exempt nanobreweries from self-registration requirements as the level of beer production is low and expected to comply with ministry emission limits. A Best Management Practices (BMP) document would support nanobreweries in making decisions on operational practices and equipment that will reduce or prevent potential nuisance odour and noise impacts on the surrounding community. Access the ERO posting at: <https://ero.ontario.ca/notice/019-4062>

**• Amendments to simplify Gasoline Volatility reporting requirements**

ERO # 019-4704; posted by the Ministry of the Environment, Conservation and Parks on **Dec. 24, 2021**; Comment deadline: **Feb. 7, 2022**

Ontario is proposing changes that would simplify the Gasoline Volatility regulation while aligning these with federal requirements. Under the proposal, among other things, facilities would continue to test gasoline volatility levels for each of the four periods required under the regulation. However, instead of submitting four separate reports to the ministry, regulated facilities would be required to prepare only one report for the four reporting periods by September 30th each year. Access the ERO Notice at:

<https://ero.ontario.ca/notice/019-4704>

**• Ministry moving to a project list approach under the Environmental Assessment Act**

ERO # 019-4219; posted by the Ministry of the Environment, Conservation and Parks on **Nov. 26, 2021**; Comment deadline: **Jan. 25, 2022**

**Reminder:** Amendments to the Environmental Assessment Act (EAA or the Act) made through the COVID-19 Economic Recovery Act, 2020 on July 21, 2020, facilitate the move to a “project list approach”. This approach will provide the Ministry with the authority to designate projects as subject to either a comprehensive environmental assessment or a streamlined environmental assessment.

The current proposal relates to the designation of projects that will be subject to the new comprehensive EA (Part II.3 of the Act). Under the proposal, most project types that currently require a comprehensive EA will continue to need one. In addition, a comprehensive EA will be required for projects such as: new highways of 75 km or more; new railway lines (passenger or freight) of 50 km or more; certain waterfront projects in the Great Lakes-St. Lawrence River System; landfills; hazardous or liquid industrial waste facilities; and electricity projects.

For transit projects, the government is proposing to generally maintain the types of projects set out in O. Reg. 231/08 (Transit Projects and Metrolinx Undertakings). However, a few changes are proposed to allow some projects to follow a streamlined process.

Access the ERO Notice and related files at: <https://ero.ontario.ca/notice/019-4219>

Access related discussion paper (updated December 2, 2021) at: <https://ero.ontario.ca/notice/013-5101>

**• Proposed Project List for comprehensive environmental assessments under the EAA**

ERO # 019-2377; posted by the Ministry of the Environment, Conservation and Parks on **September 11, 2020**; Updated on: **December 2, 2022**

This notice has been updated to provide the status of consultation on the proposed comprehensive environmental assessment (EA) project list and the ministry’s next steps regarding this proposal (see above). Access ERO Notice at: <https://ero.ontario.ca/notice/019-2377>

**• Updates to Noise Methods for Assessing Road and Rail traffic**

ERO # 019-3239; posted by the Ministry of Transport on **December 1, 2021**; Comment deadline: **January 15, 2022**

The government is replacing the Noise Pollution Control Publication 206 (NPC-206) guideline with the Noise Pollution Control Publication 306 (NPC-306) in order to provide updated guidance on methods for determining the impacts of noise due to road and rail projects. Access ERO Notice at:

<https://ero.ontario.ca/notice/019-3239>

**• Amendments to the Director’s Technical Rules made under the Clean Water Act, 2006**

ERO # 019-2219; decision posted by the Ministry of the Environment, Conservation and Parks on **December 10, 2021**.

The Ministry has updated the Director’s Technical Rules for assessing vulnerability and risks under the Clean Water Act, 2006. Access Notice at: <https://ero.ontario.ca/notice/019-2219>

## Regulatory alert - Provincial initiatives

### ONTARIO COMPLIANCE REMINDERS

#### **New Greenhouse Gas Emissions Performance Standards now in effect**

Regulatory amendments, filed on October 22, 2021, under the province's Environmental Protection Act, support a transition from the federal output-based pricing system (OBPS) to Ontario's emissions performance standards (EPS) program. The new obligations and greenhouse gas (GHG) emissions performance standards took effect on **January 1, 2022**.

Access the regulation at: <https://www.ontario.ca/laws/regulation/r21729>

Access related ERO Notice at: <https://ero.ontario.ca/notice/019-3719>

#### **Testing, tracking and registration now required under Excess Soil Regulation**

Ontario's Resource Productivity and Recovery Authority's (RPRA's) Excess Soil Registry launched on December 1, 2021. The testing, tracking and filing obligations under the Excess Soil Regulation came into effect on **January 1, 2022**, and require the construction and soil management industry to use the Excess Soil Registry to file notices about how they reuse and dispose of Excess Soil in Ontario. For more information, visit: <https://rp.ra.ca/2022/01/testing-tracking-and-registration-of-excess-soil-is-now-required-under-excess-soil-regulation/>

Access the Excess Soil Registry at: [rp.ra.ca/excess-soil-registry/](http://rp.ra.ca/excess-soil-registry/)

#### **Stewardship Ontario consulting on simplified steward fee-setting methodology for Blue Box Program transition period**

A reminder that Stewardship Ontario (SO) is consulting on a proposal to simplify the steward fee-setting methodology for the Blue Box Program transition period. SO is accepting feedback until **January 13, 2022**. The proposed simplified methodology would eliminate the need for stewards to report supply-to-market data to SO starting next year through the remaining years of the current Blue Box Program. If there is broad steward support, SO will submit the proposal to RPRA to consult on and consider approval. Learn more at:

<https://rp.ra.ca/2021/12/stewardship-ontario-consulting-on-simplified-steward-fee-setting-methodology-for-blue-box-program-transition-period/>

**Proposed amendments to producer responsibility regulations for tires, batteries and electronics**  
**Reminder:** The government is proposing to amend three producer responsibility regulations covering the tire, battery and electrical and electronic equipment industries. Proposed regulations are as follows:

- Batteries:

[https://prod-environmental-registry.s3.amazonaws.com/2021-11/Regulation%20%28Batteries%29\\_Consultation%20Draft.pdf](https://prod-environmental-registry.s3.amazonaws.com/2021-11/Regulation%20%28Batteries%29_Consultation%20Draft.pdf)

- Electronics:

[https://prod-environmental-registry.s3.amazonaws.com/2021-11/Regulation%20%28Electrical%20and%20Electronic%20Equipment%29\\_Consultation%20Draft.pdf](https://prod-environmental-registry.s3.amazonaws.com/2021-11/Regulation%20%28Electrical%20and%20Electronic%20Equipment%29_Consultation%20Draft.pdf)

- Tires: [https://prod-environmental-registry.s3.amazonaws.com/2021-11/Regulation%20%28Tires%29\\_Consultation%20Draft.pdf](https://prod-environmental-registry.s3.amazonaws.com/2021-11/Regulation%20%28Tires%29_Consultation%20Draft.pdf)

Comment deadline: **January 10, 2021**.

Access the related ERO Notice at: <https://ero.ontario.ca/notice/019-4656>

#### **Hazardous and Special Products Producers required to submit a report on their collection services by January 31**

Producers and producer responsibility organizations (PROs) of category A (oil filters and non-refillable pressurized containers), category B (oil containers, antifreeze, pesticides, refillable pressurized containers, solvents, paints and coatings) and category C (mercury-containing barometers, thermometers and thermostats) are required to submit a 2022 Interim Report to the Resource Productivity and Recovery Authority (RPRA) by **January 31, 2022**.

Learn about what information must be submitted in the 2022 Interim Report at:

<https://rp.ra.ca/2021/12/hsp-producers-are-required-to-submit-a-report-on-their-collection-services-and-events-by-january-31-2022/>

Access more information on 2021 Registry Fees for Blue Box and Hazardous and Special Products at:

[https://rp.ra.ca/wp-content/uploads/2021-Registry-Fees-for-Blue-Box-and-HSP\\_Fee-Schedule\\_August-24-2021.pdf](https://rp.ra.ca/wp-content/uploads/2021-Registry-Fees-for-Blue-Box-and-HSP_Fee-Schedule_August-24-2021.pdf)

#### **Toxics Reduction Act revoked**

On **December 31, 2021**, the Ontario government repealed the Toxics Reduction Act and revoked the associated regulations to reduce duplication with federal reporting requirements.

## Regulatory alert - Provincial initiatives

### ALBERTA LEGISLATURE

The Legislative Assembly reconvened on October 25, 2021. Environment and climate change Bills are as follows:

- **Bill 82, Mineral Resource Development Act.** Royal Assent: **December 2, 2021**. Among other things, the Bill aims to “provide for the responsible management of wells, facilities, well sites, facility sites, mines, mine sites, external mine discard dumps and processing plants throughout their life cycles”:  
[https://docs.assembly.ab.ca/LADDAR\\_files/docs/hansards/han/legislature\\_30/session\\_2/20211125\\_1330\\_01\\_han.pdf#page=19](https://docs.assembly.ab.ca/LADDAR_files/docs/hansards/han/legislature_30/session_2/20211125_1330_01_han.pdf#page=19)
- **Bill 83, Environmental Protection and Enhancement Amendment Act, 2021.** Royal Assent: **December 2, 2021**. The Bill sets the foundation for Alberta’s government to implement an extended producer responsibility (EPR) framework in 2022:  
[https://docs.assembly.ab.ca/LADDAR\\_files/docs/hansards/han/legislature\\_30/session\\_2/20211125\\_0900\\_01\\_han.pdf#page=17](https://docs.assembly.ab.ca/LADDAR_files/docs/hansards/han/legislature_30/session_2/20211125_0900_01_han.pdf#page=17)
- **Bill 86, Electricity Statutes Amendment Act, 2021.** Passed Second Reading: **November 24, 2021**. The amendments allow the integration of energy storage into the interconnected electricity system: Access at:  
<https://www.assembly.ab.ca/assembly-business/bills/bill?billinfoid=11946&from=billshttps://www.assembly.ab.ca/assembly-business/bills/bill?billinfoid=11946&from=bills>
- **Bill 79, Trails Act.** Royal Assent: **December 2, 2021**. Access Bill 79 at:  
[https://docs.assembly.ab.ca/LADDAR\\_files/docs/hansards/han/legislature\\_30/session\\_2/20211207\\_1330\\_01\\_han.pdf#page=29](https://docs.assembly.ab.ca/LADDAR_files/docs/hansards/han/legislature_30/session_2/20211207_1330_01_han.pdf#page=29)
- **Bill 77, Municipal Government (Restoring Tax Accountability) Amendment Act, 2021.** Royal Assent: **December 2, 2021**. Among other things, the Bill will help municipalities recoup approximately \$245 million in unpaid oil and gas property taxes:  
[https://docs.assembly.ab.ca/LADDAR\\_files/docs/hansards/han/legislature\\_30/session\\_2/20211201\\_0900\\_01\\_han.pdf#page=5](https://docs.assembly.ab.ca/LADDAR_files/docs/hansards/han/legislature_30/session_2/20211201_0900_01_han.pdf#page=5)

### ALBERTA GAZETTE NOTICES

December 31, 2021, Alberta Gazette

**Code of Practice for Hydrovac Facilities.** The Code - made under the Environmental Protection and Enhancement Act and the Waste Control Regulation (192/96, as amended) - allows hydrovac facilities to accept, treat and reuse hydrovac liquids or solids that meet defined quality standards.

The Code defines “hydrovac” as “an excavation process to create an opening in the ground surface and through the subsurface wherein pressurized water (liquid) is used to loosen surface or subsurface material, which is then vacuumed and removed from the excavation opening that is created. The Code applies to: (a) a hydrovac facility that accepts and treats not more than 50,000 tonnes of hydrovac waste per year, or (b) a hydrovac facility that accepts not more than 50,000 tonnes or less of hydrovac waste per year for reuse. Access the Code at:

<https://open.alberta.ca/dataset/c1787ed5-bc33-4130-a528-e6ac3c3de636/resource/129eb14a-ed37-4e5b-a71a-a158fec6e6d4/download/aep-code-of-practice-for-hydrovac-facilities.pdf>

Access the Gazette Notice at: [https://www.qp.alberta.ca/documents/gazette/2021/pdf/24\\_Dec31\\_Part1.pdf](https://www.qp.alberta.ca/documents/gazette/2021/pdf/24_Dec31_Part1.pdf)

December 15, 2021, Alberta Gazette

**Alberta Regulation 207/2021 - Emissions Trading Expiry Date extended.** Section 59 of the Emissions Trading Regulation (AR 33/2006) is amended by striking out “November 30, 2021” and substituting “November 30, 2030”. Access the Gazette Notice at:

[https://www.qp.alberta.ca/documents/gazette/2021/pdf/23\\_Dec15\\_Part2.pdf](https://www.qp.alberta.ca/documents/gazette/2021/pdf/23_Dec15_Part2.pdf)

**Alberta Regulation 209/2021 - Oil and Gas Conservation Act - Conservation rules amended.**

Section 1 of the Oil and Gas Conservation Rules (AR 151/71) is amended (a) in definition 5.12 by striking out “and Licence Transfer Process”; (b) by adding the following after definition 5.8:

“5.9. “Directive 088” means Directive 088: Licensee Life-Cycle Management”. Access the Gazette Notice [p.1101] at: [https://www.qp.alberta.ca/documents/gazette/2021/pdf/23\\_Dec15\\_Part2.pdf](https://www.qp.alberta.ca/documents/gazette/2021/pdf/23_Dec15_Part2.pdf)

Also, on page 1101, a similar amendment is made to the Pipeline Rules (AR 91/2005) Regulation.

**Enhanced Hydrocarbon Recovery Royalty Regulation (AR 210/2016) amended.** Among other things, the Regulation sets out conditions for a secondary or tertiary enhanced hydrocarbon recovery scheme.

Access Notice [p.1128] at: [https://www.qp.alberta.ca/documents/gazette/2021/pdf/23\\_Dec15\\_Part2.pdf](https://www.qp.alberta.ca/documents/gazette/2021/pdf/23_Dec15_Part2.pdf)

November 30, 2021, Alberta Gazette

**Alberta Regulation 201/2021 - Responsible Energy Development Act - General Regulation amended.** For the purposes of section 29 of the Act, “facility” means a facility as defined in the Oil and Gas Conservation Act except that it includes (a) a processing plant as defined in the Oil Sands Conservation Act, and (b) a pipeline as defined in the Pipeline Act that is licensed by the Regulator and over which the Regulator has jurisdiction. Access the Gazette Notice at:

[https://www.qp.alberta.ca/documents/gazette/2021/pdf/22\\_Nov30\\_Part2.pdf](https://www.qp.alberta.ca/documents/gazette/2021/pdf/22_Nov30_Part2.pdf)

## Regulatory alert - Provincial initiatives

## ALBERTA ANNOUNCEMENTS

**Geothermal Resource Development Act (GRDA) proclaimed**

On **December 8, 2021**, the Government of Alberta proclaimed the Geothermal Resource Development Act (GRDA). The Act establishes the Alberta Energy Regulator (AER) as the primary regulator for deep geothermal energy developments in the province. AER is currently working on implementing the application process with the release of the rules, directives, and guiding documents. The agency plans to publish the final requirements in spring 2022. For more information about geothermal resource development, including application submission, licences, and transfers, email: [geothermal@aer.ca](mailto:geothermal@aer.ca).

**AER finalizes new requirements to manage oil and gas liability**

**Reminder:** On **December 1, 2021**, the Alberta Energy Regulator (AER) announced that it had finalized new requirements to manage oil and gas liability. The AER's new *Directive 088: Licensee Life-Cycle Management* - now in effect - introduces new requirements to better identify if companies have the means to clean up throughout the life of their projects.

Access Directive 088 at: <https://www.aer.ca/regulating-development/rules-and-directives/directives/directive-088>

Access related manual 023 - Licensee Life-Cycle Management (December 2021) at:

<https://static.aer.ca/prd/documents/manuals/Manual023.pdf>

## ALBERTA MANAGEMENT RESOURCES

- **Activities Designation Regulation.** Updated on **December 16, 2021**. The regulation identifies activities affecting the environment for which approval, registration, or notifications are required. Access at: [https://www.qp.alberta.ca/570.cfm?frm\\_isbn=9780779827787&search\\_by=link](https://www.qp.alberta.ca/570.cfm?frm_isbn=9780779827787&search_by=link)
- **Oil Sands Monitoring Program letter of agreement and operational framework.** Updated on **December 15, 2021**. The Letter's intent is to endorse the Operational Framework Agreement and to confirm the commitments made to govern the Oil Sands Monitoring Program. Access at: <https://open.alberta.ca/dataset/6db4cece-f936-40d6-bd9d-d8e5f2a60d3a/resource/1742d86f-e992-4af4-953f-032c0340a321/download/osm-ofa-signed-loa-2018-added-signatories-2021.pdf>
- **Aboriginal Consultation Office (ACO): December bulletin.** Updated on **December 15, 2021**. The bulletin provides updates on the work of the Aboriginal Consultation Office. The December issue reports that the Alberta Energy Regulator's (AER) OneStop system can now accept consultation applications through the ACO Digital Service, available online at <https://aco.alberta.ca>. Access December 2021 bulletin at: <https://open.alberta.ca/dataset/629655b1-b09e-4efa-894c-08201dfbf0b6/resource/4761f76b-8708-4f4c-a07a-21a3a58d9e47/download/ir-aco-bulletin-2021-12.pdf>
- **Waste Control Regulation.** Updated on **December 15, 2021**. The regulation includes responsibilities and duties of generators, carriers and receivers for the transportation of hazardous waste. The regulation also enables the Alberta User Guide for Waste Managers, which includes reference tables and testing methods to characterize and classify waste. The regulation also lists specific storage requirements for hazardous waste and hazardous recyclables and enables five codes of practice. In addition, the regulation sets out financial security obligations for waste management facilities. Access at: [https://www.qp.alberta.ca/1266.cfm?page=1996\\_192.cfm&leg\\_type=Regs&isbnIn=9780779828197](https://www.qp.alberta.ca/1266.cfm?page=1996_192.cfm&leg_type=Regs&isbnIn=9780779828197)
- **Standard for completing greenhouse gas compliance and forecasting reports. Version 3.2** Updated on **December 14, 2021**. An overview of greenhouse gas compliance reporting and forecasting requirements for regulated facilities under the Technology Innovation and Emissions Reduction Regulation (TIER) and formerly the Carbon Competitiveness Incentive Regulation. Access at: <https://open.alberta.ca/dataset/ee75669d-32f5-4b37-b378-56dc428a98ac/resource/f9797b0-e02b-489a-98be-85819995fad7/download/aep-tier-standard-greenhouse-gas-compliance-forecasting-report-version-3-2-2021-12.pdf>
- **Alberta greenhouse gas quantification methodologies. Version 2.** Updated on **December 14, 2021**. Quantification methodologies for emissions, production and other reported data are prescribed for facilities subject to the TIER Regulation and the Specified Gas Reporting Regulation (SGRR). Access at: <https://open.alberta.ca/dataset/5d79b86b-7811-413f-88d8-acd36cb9d6d2/resource/bf059e7e-29ba-4a78-8bee-6e97871faada/download/aep-alberta-greenhouse-gas-quantification-methodologies-version-2-2-2021-12.pdf>
- **Mercury Emissions from Coal-fired Power Plants Regulation.** Updated on **December 10, 2021**. The regulation requires approval holders for activities involving construction, operation and reclamation in relation to a coal-fired power plant to implement programs to control mercury emissions. Access at: [https://www.qp.alberta.ca/1266.cfm?page=2006\\_034.cfm&leg\\_type=Regs&isbnIn=9780779827770](https://www.qp.alberta.ca/1266.cfm?page=2006_034.cfm&leg_type=Regs&isbnIn=9780779827770)

## Regulatory alert - Provincial initiatives

### BRITISH COLUMBIA LEGISLATURE

*The Legislative Assembly adjourned sitting on November 25, 2021.*

- **Bill 23, Forests Statutes Amendment Act, 2021.** Royal Assent: **November 25, 2021.** The legislation amends information related to forest roads and permits and provides definitions for “forest landscape area” and “forest operations plan”. The Bill, with explanatory notes, is available at:  
<https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/42nd-parliament/2nd-session/bills/progress-of-bills>
- **Bill 24, Environmental Management Amendment Act, 2021.** Royal Assent: **November 25, 2021.** Among other things, Section 22 (2) is amended to prohibit or restrict the use, distribution, offer for sale or sale of packaging, product containers or single-use products or any material used in packaging, product containers or single-use products. Access at:  
<https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/42nd-parliament/2nd-session/bills/progress-of-bills>  
**Related policy:** Access the Extended Producer Responsibility (EPR) Five-Year Action Plan at:  
[https://www2.gov.bc.ca/assets/gov/environment/waste-management/recycling/recycle/extended\\_producer\\_five\\_year\\_action\\_plan.pdf](https://www2.gov.bc.ca/assets/gov/environment/waste-management/recycling/recycle/extended_producer_five_year_action_plan.pdf)  
Access the CleanBC Plastics Action Plan at: <https://cleanbc.gov.bc.ca/plastics/>  
Access related BC Recycling Regulation amendments and initiatives at:  
<https://www2.gov.bc.ca/gov/content/environment/waste-management/recycling/extended-producer-responsibility/recycling-regulation>
- **Bill 21, the Miscellaneous Statutes Amendment Act (No. 2), 2021.** Royal Assent: **November 25, 2021.** Among other things, amendments to the **Oil and Gas Activities Act (OGAA)** will provide the Oil and Gas Commission with enabling powers to exempt oil and gas development permit holders from requirements of the Dormancy and Shutdown Regulation (DSR). The DSR requires permit holders to clean up oil and gas well sites within prescribed time periods. Access Bill 21 at:  
<https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/42nd-parliament/2nd-session/bills/progress-of-bills>
- **Bill 17, Protected Areas of British Columbia Amendment Act, 2021.** Royal Assent: **November 25, 2021.** The Bill revises the description, names and boundaries of a number of provincial parks. Summary information is in the news release at: <https://news.gov.bc.ca/releases/2021ENV0054-001907>. Access Bill 17 at: <https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/42nd-parliament/2nd-session/bills/progress-of-bills>

### BRITISH COLUMBIA ANNOUNCEMENTS

#### **More First Nation communities to advance clean-energy projects**

On December 17, 2021, BC's Ministry of Energy, Mines and Low Carbon Innovation announced that ten First Nations throughout the province will receive funding to develop alternative energy projects and advance energy efficiency in their communities through the British Columbia Indigenous Clean Energy Initiative (BCICEI). The energy projects range in size and scope - from assisting the Penelakut Tribe to install a solar photovoltaic system at the community school to equipping the Northern Haida Gwaii Hospital and Health Centre with a biomass system to supply hot water heating. Read more at:  
<https://news.gov.bc.ca/releases/2021EMLI0078-002407>

#### **Further funding available for more innovative clean buildings**

On December 15, 2021, BC's Ministry of Energy, Mines and Low Carbon Innovation announced that organizations developing low-carbon building solutions can now apply for a third round of CleanBC Building Innovation Fund (CBBIF) support. Read more at:  
<https://news.gov.bc.ca/ministries/energy-mines-and-low-carbon-innovation>

#### **More support for cleaner public-sector fleets with CleanBC**

On December 15, 2021, BC's Ministry of Energy, Mines and Low Carbon Innovation announced that the Province is adding \$1 million to the CleanBC Go Electric Fleets program for increased supports. Through the program, public-sector organizations, such as health authorities and universities, can access rebates for the purchase and installation of level 2 charging stations for fleets involving one or more EVs. Eligible public-sector organizations can access a rebate of up to \$4,000 per station. Read more at:  
<https://news.gov.bc.ca/releases/2021EMLI0078-002383>

#### **Increased funding for organic waste projects**

On December 3, 2021, BC's Ministry of Environment and Climate Change Strategy announced new funds or expanded organic waste-processing facilities and organic collection programs under the CleanBC Organic Infrastructure and Collection Program. 23 projects, including six organics infrastructure projects and 17 collection programs will receive almost \$12.48 million from the Province. Additional projects are expected to come on board in the coming months. Read more at: <https://news.gov.bc.ca/releases/2021ENV0071-002313>

## Regulatory alert - Provincial initiatives

### MANITOBA LEGISLATURE

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*The Legislative Assembly adjourned sitting on November 25, 2021. On **November 23, 2021**, Manitoba opened the fourth session of the 42nd legislature with a speech from the throne in which Premier Heather Stefanson unveiled a new "Path to Progressing Together" agenda. Priorities include: creating a greener Manitoba with an energy policy framework to explore innovative technologies and modernizing and expanding the City of Winnipeg's waste-water treatment system.*

### MANITOBA ANNOUNCEMENTS

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#### **Manitoba Conservation Officer Service enforcement update**

On **December 31, 2021**, Manitoba Agriculture and Resource Development advised that conservation officers are continuing enforcement to protect Manitoba's natural resources, including compliance checks for fisheries, addressing illegal and unsafe hunting, and enhancing the presence of officers in the field. Read more at: <https://news.gov.mb.ca/news/index.html?item=53101&posted=2021-12-31>

#### **Province consulting on provincial park improvement priorities**

On **December 30, 2021**, the province initiated consultations to guide support from the Provincial Parks Endowment Fund aimed at improving the quality and sustainability of provincial parks. The province plans to host annual meetings beginning in January with park stakeholder groups to seek their input. All public engagement results will help guide park modernization and improvement activities, while user satisfaction over time will be monitored via an annual survey. The public engagement questionnaire on provincial park improvement priorities is available at: <https://engagemb.ca/>.

#### **Province releases report on consultations to guide autonomous vehicle testing**

On **December 7, 2021**, the government released a new report to help guide the future direction of managing and testing vehicle technology including automated and connected vehicles. Access at: <https://news.gov.mb.ca/news/index.html?item=52817&posted=2021-12-07>

### SASKATCHEWAN LEGISLATURE

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*The Second Session of the Twenty-Ninth Legislature is adjourned and will reconvene on **March 7, 2022**. No new environment or climate change initiatives were recorded in December.*

### SASKATCHEWAN ANNOUNCEMENTS

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#### **\$55 million allocated in third and final phase of Inactive Well Program**

On **December 20, 2021**, the Government of Saskatchewan announced the third and final phase of the Accelerated Site Closure Program (ASCP), with the allocation of an additional \$55 million in funding to eligible companies.

The ASCP supports Saskatchewan-based oil and gas service companies to conduct abandonment (clean-up) and reclamation work of inactive oil and gas well sites and facilities across every oil and gas producing region of the province.

As of November 30, 2021, \$316 million in contracts has been issued to companies to engage Saskatchewan-based service workers in site closure work. More than \$152 million has been paid for work already completed under the program, including 3,100 well abandonments, 830 flowline abandonments, 25 facility decommissions, and more than 5,500 site remediation and reclamation activities. Additionally, as of November 30, 2021, the ASCP has issued \$22.5 million in work packages on reserves, including \$18 million under the First Nations Stewardship Fund. The Indigenous Business Credit Pool has provided roughly \$8.5 million in funding for Indigenous oil and gas service companies. Access release at:

[https://www.saskatchewan.ca/government/news-and-media/2021/december/20/\\$55-million-allocated-in-third-and-final-phase-of-inactive-well-program](https://www.saskatchewan.ca/government/news-and-media/2021/december/20/$55-million-allocated-in-third-and-final-phase-of-inactive-well-program)

## Regulatory alert - Provincial initiatives

### QUEBEC LEGISLATURE

The Legislative Assembly launched a new parliamentary session on **October 19, 2021**.

- **Bill 102, An Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles.** Adopted on **December 1, 2021**. Under clause-by-clause consideration of the Committee on Transportation on **December 9, 2021**.
- **The bill amends the Dam Safety Act**, in particular to introduce into it the general requirement for owners to maintain their dams in working order such that they are unlikely to compromise the safety of persons or property. It adjusts the authorization and approval regime and expands the Minister's power under the regime to make orders.
- **The bill amends the Environment Quality Act** to provide for, among other things,
  - (1) the requirement, in the case of an accidental release of contaminants, to recover, clean or treat the matter contaminated by the release;
  - (2) the requirement to record certain information relating to hazardous materials;
  - (3) clarifications with respect to the power to amend an authorization issued under the Act;
  - (4) adjustments to the environmental impact assessment and review procedure, in particular with respect to the Minister's powers and obligations in the framework of that procedure; and
  - (5) adjustments to the Minister's power to issue orders.With respect to certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles, the bill authorizes the Government, in the Environment Quality Act, to make a regulation limiting or prohibiting the sale or lease of certain classes of motor vehicles and authorizes the Minister to increase the number of zero-emission motor vehicles in Québec.
- **The bill amends the Pesticides Act** to regulate the use of seeds coated with pesticides, to provide powers in order to employ economic instruments and to establish rules for the possession of pesticides.

Access the Bill at: <http://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-102-42-1.html>

### QUEBEC GAZETTE NOTICES

December 8, 2021 Gazette Officielle

*Bill sanctioned:*

- **Bill 97, An Act to amend the Act respecting energy efficiency and energy conservation standards for certain electrical or hydrocarbon-fuelled appliances (2021, c. 28).** Royal Assent: October 6, 2021. This Act amends the scope of the Act respecting energy efficiency and energy conservation standards for certain electrical or hydrocarbon-fuelled appliances. That Act now applies to any new product that consumes energy or affects energy consumption.

The Act amends the Act respecting the Régie de l'énergie, in particular to replace the definition of renewable natural gas by that of gas from renewable sources and to allow the Government to vary, in accordance with certain criteria, the quantities of gas from renewable sources to be distributed by natural gas distributors.

Access the final text of the Act in the Gazette Notice at:

<http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=1&file=105351.pdf>

*Draft regulation:*

- **Compensation for municipal services provided to recover and reclaim residual materials**

Among other things, the draft Regulation makes the operators of transactional websites and vendors subject to the payment of a contribution for containers and packaging resulting from sales of products acquired outside Québec. It also specifies the contributions payable by an establishment supplied or operated as a franchise or a chain, under a banner name, or as part of another similar form of affiliation or group of businesses or establishments.

The draft Regulation introduces a new method for calculating the cost of the services provided by municipalities that are eligible for compensation for the years 2024 and following, and specifies the necessary modifications for the payment of contributions and the annual compensation owed to municipalities.

Lastly, the draft Regulation specifies that the annual compensation owed to municipalities for the "newspaper" class of materials may be paid through a contribution in goods or services up to an amount representing 15% of the annual compensation due for this class of materials. Access the Gazette Notice at:

<http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=1&file=105395.pdf>

## Regulatory alert - Provincial initiatives

## QUEBEC GAZETTE NOTICES (continued)

December 8, 2021 Gazette Officielle

- **Health and safety in forest development work - First-aid Minimum Standards**

Subject to the special rules provided for in this Regulation, first-aid must be provided on work sites in accordance with the prescribed first-aid minimum standards, in accordance with the Act respecting occupational health and safety.

First-aid equipment must be supplied and evacuation protocols established according to the provisions outlined in Schedule 1 of the Regulation (Gazette page 5042). Access the Gazette Notice at:

<http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=1&file=105393.pdf>

December 15, 2021 Gazette Officielle

- **Regulation re: fees payable with respect to the environmental authorization scheme**

The purpose of this Regulation is “to determine the fees payable by an applicant, under the Environment Quality [...] for the issue or amendment of an authorization (approval) relating to projects subject to any of the environmental impact assessment and review procedures and for the issue, amendment or renewal of a ministerial authorization or approval of a rehabilitation plan by the Minister”.

The fees are determined according to the procedure and the class assigned to the project outlined in accordance with Schedule I of the Regulation.

For details and to review Schedule 1, see the Gazette Notice [p.5073] at:

<http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=1&file=105390.pdf>

- **Regulation re: the integration of low-carbon intensity fuel content into gasoline and diesel fuel**

Among other things, (and subject to a number of prescribed exclusions and exemptions), the Regulation requires that a distributor must ensure that the percentage by volume of low-carbon-intensity fuel content integrated into the total volume of the gasoline it distributes or uses in Québec during a calendar year represents a minimum of: (1) 10% from January 1, 2023; (2) 12% from January 1, 2025; (3) 14% from January 1, 2028; and (4) 15% from January 1, 2030.

Credits to promote compliance with the standards may be established by a distributor when the percentage of low carbon-intensity fuel content integrated into either gasoline or diesel fuel exceeds the minimum percentages set out in the standard. One credit corresponds to one litre of low-carbon intensity fuel content. A distributor must file with the Minister a report using the form provided for that purpose, not later than April 30 following the end of the calendar year covered by the report, containing information and documents prescribed under the Regulation.

According to an Order (2021-006) of the Minister of Energy and Natural Resources, dated **December 3, 2021**, the Minister may determine the measurement methods and tools for the application of standards and specifications related to any petroleum product and its components. Access the Gazette Notice [p.5061] at:

<http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=1&file=105402.pdf>

- **Regulation to amend the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere**

Among other things, this Regulation, made under the province’s Environment Quality Act, is amended to replace various values related to: “Landfill gas (methane portion)” and “Biogas (methane portion)”.

Table 17-1, showing *Default greenhouse gas emission factors for Canadian provinces and certain North American markets, in metric tons CO<sub>2</sub> equivalent per megawatt-hour*, has also been revised.

The greenhouse gas emissions report for 2021, must be communicated to the Minister not later than **June 1, 2022** in accordance with section 6.2 of the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere. For more details, see the Gazette Notice [p.5103] at:

<http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=1&file=105402.pdf>

## QUEBEC COMPLIANCE REMINDER

**Fees payable re: the traceability of excavated contaminated soils**

**Reminder:** The second phase of the implementation of the new Regulation respecting the traceability of excavated contaminated soils began on **January 1, 2022**, when regulations started applying (with some exceptions) to the transportation of a quantity of contaminated soils equal to or greater than 1,000 metric tonnes. For more details, access the Gazette Notice at:

<http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=1&file=105296.pdf>

## Regulatory alert - Provincial initiatives - Atlantic provinces

### NOVA SCOTIA

The first session of the 64th general assembly of the Nova Scotia legislature opened on **October 12, 2021**.

- **Bill 57, the Environmental Goals and Climate Change Reduction Act.** Royal Assent: **November 5, 2021**. This government Bill sets 28 new goals, including: phasing out coal-fired electricity generation by 2030; supplying 80 per cent of Nova Scotia's energy via renewable energy by 2030; conserving at least 20 per cent of total land and water mass; modernizing the environmental assessment process to include consideration of cumulative impacts; limiting annual solid waste disposal rates to 300 kilograms per person by 2030; and stipulating that 30 per cent of vehicle sales by 2030 must comprise zero-emission vehicles. Access Act at: <https://nslegislature.ca/legislative-business/bills-statutes/bills/assembly-64-session-1/bill-57>
- **Bill 25, Extended Producer Responsibility and Paper and Packaging Act.** First Reading: **October 19, 2021**. This Private Member's Bill directs the Government to develop and implement an EPR program. Access the Bill at: [https://nslegislature.ca/legc/bills/64th\\_1st/1st\\_read/b025.htm](https://nslegislature.ca/legc/bills/64th_1st/1st_read/b025.htm)

#### Consultations on EPR initiatives scheduled to begin on January 10, 2021

Nova Scotia's Department of Environment and Climate Change has announced that stakeholder consultations on expanding the province's extended producer responsibility (EPR) program to include packaging, single-use plastics and paper, will begin on **January 10, 2021**. Input will be used to help design the new waste management model required by the Environmental Goals and Climate Change Reduction Act. Release: <https://novascotia.ca/news/release/?id=20211210007>

#### MLA claims costs for clean up of abandoned mine sites "a massive Pandora's box"

On **December 7, 2021**, Nova Scotia Auditor General, Kim Adair, released her Financial Report to the House of Assembly. Among other things, the report claims that insufficient site investigations and environmental testing pose a potential risk to human and ecological health, as well as an unknown financial liability. The liability to clean up sites such as Boat Harbour and other abandoned mine sites has grown considerably over the past five years and now exceed \$413 million.

Commenting on the report, NDP MLA Claudia Chender, called the sites "a massive Pandora's box environmentally but also financially". PC MLA, Trevor Boudreau, noted that it's "really concerning that we don't have the understanding of risks and liabilities." Access the A-G's report at: <https://oag-ns.ca/>

### NEW BRUNSWICK

The Second Session of the Sixtieth Legislature formally opened on **November 2, 2021**.

- **Bill 70, An Act to Amend the Beverage Containers Act.** Passed Third Reading: **December 10, 2021**. Among other things, the Bill clarifies the definitions of "retailer" and of "distributor" in the Act. "No later than February 21, 2022, a distributor shall submit to the Minister a plan for the recycling or refilling of a beverage container for each type of beverage container used for beverages for which it will act as a distributor as of **April 1, 2022**". Access Bill 70 at: <https://www.gnb.ca/legis/bill/FILE/60/1/Bill-70-e.htm>

#### Carbon tax supports key environmental projects in province

A government release notes that more than \$36 million was allocated to dozens of climate-related projects in New Brunswick during 2021. A list of projects is available at:

<https://www2.gnb.ca/content/dam/gnb/Departments/env/pdf/Climate-Climatiques/ccf-approved-projects.pdf>

### NEWFOUNDLAND & LABRADOR

The House of Assembly reconvened for the fall sitting on **October 18, 2021**.

#### C-NLOPB posts 2021 Annual Report

The Annual Report of the C-NLOPB (the Canada-Newfoundland and Labrador Offshore Petroleum Board) highlights its accomplishments and activities for 2020-21. The report is aligned with the C-NLOPB's strategic plan and business plan and includes audited financial statements.

The Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB) is the independent regulatory agency created in 1986 under the Atlantic Accord Implementation Acts (Accord Acts) with a mandate that includes offshore safety, environmental protection, resource management and industrial benefits.

For more information about the activities of the C-NLOPB and offshore Operators, visit [www.cnlopb.ca](http://www.cnlopb.ca), or e-mail: [information@cnlopb.ca](mailto:information@cnlopb.ca).

Access the Annual Report at: <https://www.cnlopb.ca/wp-content/uploads/ar2021e.pdf>

## Environmental due diligence - legal briefing

### RED FLAG REPORTS

#### **Saskatchewan company ordered to pay \$217,000 in unremitted tire recycling fees**

An east-central Saskatchewan tire retailer has been ordered to pay unremitted tire recycling fees of more than \$217,000 to Tire Stewardship of Saskatchewan, the not-for-profit organization responsible for operating the province's scrap tire recycling program.

On August 27, 2021, Silk Tire Inc., which operated retail outlets in Foam Lake and Kelvington, was sentenced in Yorkton Provincial Court after pleading guilty to selling tires without participating in an approved tire recycling program. The court ordered Silk Tire Inc. to pay \$217,669 in unremitted tire recycling fees, as well as \$6,975 in accounting fees associated with the investigation and a \$1,400 fine.

Saskatchewan is required to be a part of the province's Scrap Tire Recycling Program. They must also collect tire recycling fees from consumers at the time of purchase of new tires, or equipment/vehicles with tires. Those fees must be remitted to Tire Stewardship of Saskatchewan.

#### **Cermaq Canada fined \$500,000 for BC diesel spill**

On **November 30, 2021**, a BC fish farming company was fined \$500,000 for a spill that sent more than 500 litres of diesel pouring into the waters near Campbell River.

A provincial court judge handed down the sentence to Cermaq Canada following the company's guilty plea to a charge under the Fisheries Act of unlawfully depositing a deleterious substance into Raleigh Passage.

Crown prosecutors had asked for a \$1.4 million fine for Cermaq, a subsidiary of an international aquaculture firm owned by Mitsubishi. However, Judge Catherine Crockett chose to reduce the fine due to the fact that there had been no proven harm to wildlife and that Cermaq has accepted full responsibility.

"I conclude that the consequences of this incident to Cermaq to date, including the monetary cost and damage to its reputation, go a long way to impress upon Cermaq the need to ensure its systems and training are sufficient to prevent similar offences in the future," she wrote in her reasons for sentence.

The spill began on March 4, 2017, when an employee of the salmon farming operation was transferring fuel from a main storage tank to a smaller tank. According to the sentencing decision, the worker ignored the company's posted instructions about how to complete this transfer and used a rope to hold the fuelling nozzle so the diesel would keep flowing. He then left the area to take care of other duties.

Despite a reminder from his supervisor, the worker didn't shut off the fuel pump that evening, and both of them went to bed while the diesel was still transferring. At some point during the night, the smaller tank overflowed and the fuel began running into the ocean. Estimates for how much diesel overflowed range between 522 and 550 litres. Cermaq spent about \$885,000 on cleanup efforts.

The salmon farming operation where the spill happened has since been decommissioned.

#### **Alberta Enforcement actions [quarterly reports]**

**Reminder:** A list of enforcement actions under Alberta Environment and Parks current legislation was updated on **November 16, 2021**. Access at: <https://open.alberta.ca/publications/1766023>

#### **Recent administrative penalties**

- **A penalty of \$34,000** to One Environmental Inc. of Rocky View County for various violations of its Approval including: failing to maintain a daily inventory of waste stored in the waste storage area; storing excess amounts of industrial and commercial slurries; storing excess amounts of hydrovac solids, and failing to immediately report the contraventions.
- **A penalty of \$10,000** to the Municipality of Jasper related to the release of untreated wastewater and failing to report the release.
- **A penalty of \$11,000** to SUEZ Canada Holdings Inc. of Jasper related to the same matter as above.
- **A penalty of \$5,500** to the City of Calgary for failing to take corrective action as required by conditions of an Approval and failing to report the contravention.

*The Alberta Energy Regulator posted the following:*

- **A penalty of \$6,750** to Cancen Oil Processors Inc. operating in Sturgeon County related to failing to monitor groundwater at the site in spring and fall of 2019, and failing to implement a soil monitoring program in 2019, both as required by the Approval. The penalty also pertains to two violations of the Oil and Gas Conservation Rules: failing to retain all Alberta generated non-oilfield waste documentation at the facility and failing to post a warning symbol.

## Environmental due diligence

## LEGAL BRIEFS

**• Canada forges ahead with single-use plastics ban despite legal challenges**

by Jonathan Cocker and Denisa Mertiri; Borden Ladner Gervais LLP; December 31, 2021

**Abstract:** On December 21, 2021, the Minister of Environment and Climate Change and the Minister of Health announced draft regulations banning certain single-use plastics deemed to be harmful. Among other things, the article summarizes the status of a current industry coalition lawsuit which argues that the federal government is attempting to extend federal regulatory powers to areas within the jurisdiction of the provinces - particularly, waste management. It likewise takes issue with the sufficiency of the Science Assessment, which is a literature review rather than a scientific, risk-based assessment that includes testing of whether plastics are toxic under CEPA. The lawsuit also argues that the definition of "toxic substance" under CEPA is limited to singular items rather than broad, descriptive categories like "plastic manufactured items".

On November 12, 2021, a number of plastics industry organizations as well as public interest environmental groups were granted intervener status in this lawsuit. The federal government has stated that it will not allow the lawsuit to interfere with its regulatory process, just as it did not allow the lawsuit on carbon pricing to affect its implementation of that policy.

Consultations on the proposed regulations close on **March 5, 2022**. Access the full text of this article at: <https://www.blg.com/en/insights/2021/12/canada-forges-ahead-with-single-use-plastics-ban-despite-legal-challenges>

**• Autonomous vehicle laws in Canada: Provincial & Territorial regulatory landscape**

by Marin Leci, Edona Vila and Greg Rafter; Borden Ladner Gervais LLP; December 29, 2021

**Abstract:** Each province and territory is responsible for its own laws and regulations regarding the safe operation of autonomous vehicles. Provincial and territorial responsibilities include creating laws that govern vehicle registration, licensing and insurance. In this article, the authors review how each jurisdiction tackles the development, testing and deployment of these vehicles. Access the full text of this article at:

<https://www.blg.com/en/insights/2021/12/autonomous-vehicle-laws-in-canada-provincial-and-territorial-regulatory-landscape>

**• Inching toward the finish line: Alberta releases request for proposals for carbon capture and storage projects**

by George A. Antonopoulos, Dan Collins and Byron Reynolds (Articling Student); Dentons; 22 December 2021

**Abstract:** Alberta released its Request for Full Project Proposals (RFPP) from Carbon Capture Utilization and Storage (CCUS) project proponents on **December 2, 2021**. With the publication of the detailed RFPP, the next step in the process is for proponents to submit their Full Project Proposals by **February 1, 2022**. While the RFPP document provides some helpful clarification on what the Province expects in detailed submissions, a number of important questions remain unanswered. The article concludes that: "while the RFPP is another step toward strengthening Alberta's commitment to innovation and environmental sustainability, uncertainty in how projects will achieve these goals still remains at the forefront of discussion". Access the full text at: <https://www.dentons.com/en/insights/articles/2021/december/16/inching-toward-the-finish-line>

**• CFA Institute publishes first global ESG disclosure standards**

by Denise D. Bright, Suzana A. Lobo and Oliver Loxley; Bennett Jones LLP; December 22, 2021

**Abstract:** The CFA (Chartered Financial Analysts) Institute has published the first *Global ESG Disclosure Standards for Investment Products* in relation to environmental, social and governance (ESG) issues in investment products. In this article, the authors cover: Guiding principles for investment product ESG disclosures; fundamentals of compliance; requirements of ESG disclosures; and ESG terminology, recommendations and additional guidance.

CFA Institute has announced that it will publish: (i) a handbook on the explanation of the provisions and interpretive guidance; (ii) assurance procedures that will enable independent assurance of ESG Disclosure Statements; and (iii) an optional ESG Disclosure Statement Template that will standardize the format of ESG Disclosure Statements for easier comparison, all to be issued on or before **May 1, 2022**.

Access the full text of this article at:

<https://www.bennettjones.com/Blogs-Section/CFA-Institute-Publishes-First-Global-ESG-Disclosure-Standards>