

# **ENVIRONMENTAL EMERGENCY PLANNING REQUIREMENTS FOR INDUSTRIAL FACILITIES IN CANADA**

## **REGULATIONS UNDER SECTION 200 OF CEPA, 1999**

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# Legislative Changes

New authorities under Part 8 of CEPA,  
1999 for addressing Environmental  
Emergencies (E2)



# Features of CEPA Part 8

- Section 196 Guidelines and Codes of Practice
- Section 199 Environmental Emergency (E2) Plans
- Section 200 Regulations
- Section 201 Duty to notify and report
- Section 204 National Reporting and Notification
- Section 205 Environmental Damages Assessment and Restoration



# What Part 8 Addresses

- “environmental emergency” - uncontrolled, unplanned or accidental release of a substance
- For application, emergency must have an immediate or long-term effect on the environment, pose a danger to the environment on which human life depends or constitute a danger to human life or health



# Initial Focus

- Analysis of CEPA Toxics under S199 began in 2000
- S199 Implementation Guidelines published in Canada Gazette in February 2001
- Data Gathering on 65 CEPA toxics initiated
- Risk Evaluation Framework developed



# Post September 11th

- Threat assessments indicated that industrial facilities managing hazardous materials pose significant risk
- Enhanced safety and security demanded by Canadians
- Risk broader than just CEPA toxics
- S200 - Regulation-making authority for CEPA toxics and other hazardous substances



# Section 200 Regulation

- Addresses emergencies prevention, preparedness, response and recovery
- Benefits to be realized regardless of cause - i.e. accidental, vandalism or terrorism
- Provincial consultations through CEPA NAC
- Multi-stakeholder consultations with some 40 groups held on December 18, 2001
- General support expressed for the initiative
- Consensus on using CRAIM list and thresholds



# Section 200 Regulation

- Any person who uses or stores one or more of the 174 substances at or above the specified quantities must notify the Minister
- 3 notices :
  - Within **90 days** - Location & Quantities
  - Within **6 months** - Prepare E2 Plan
  - Within **1 year** - Test & Implement the Plan
- S.201 requires notification and reporting in the event of an environmental emergency for any substance listed in s.200 regulation





# Section 200 Regulation

- Published in Canada Gazette 1 on August 10, 2002
- Received some 90 plus external comments or questions that must be responded to
- Compilation of comments/responses to be available on the web
- Publication in Canada Gazette 2 likely in February, 2003



# E2 Implementation Guidelines

- Section 199 E2 Planning Implementation Guidelines are being updated with focus on S200 and S199 by exception
- A second draft will be sent to an external focus group shortly.
- Wider review by multi-stakeholders in November 2002
- Publication scheduled for end of December 2002



# Other Key Components

- E2 Rationale Report for Substances
- Revised E2 Data Gathering Guidelines
- Revised E2 Risk Evaluation Framework
- E2 CEPA Toxics Assessment Summaries
- Compliance Promotion and Enforcement Strategy



# Compliance Promotion Strategy

- Designed to ensure that regulatees understand what's required
  - Delineates roles and responsibilities of Environmental Emergencies staff to achieve optimal compliance
  - Tools to include fact sheets, information sessions, letters, presentations, web site
  - ComPro Strategy to be made public, along with certain Enforcement “ground rules”
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# Compliance Promotion

- Canadian Association of Fire Chiefs acquired MIACC'S Partnerships Toward Safer Communities Initiative
- Coordinated emergency planning in communities with public involvement complements objectives of S200 regulation
- Environment Canada supports this initiative to help advance our goal of emergencies PPRR



# E2 Web Notification Database

- Provision being made for electronic filing of required Notices with EC
- Environment Canada's HQ and Regions involved
- Completion scheduled for the end of December 2002
- Notifications will be managed regionally
- The database will be managed at HQ
- Requests for information will be addressed by appropriate parties either regionally or by HQ



# Next Steps

- Revise E2 Planning Guidelines (S. 199 & 200)
- Prepare Compliance Promotion & Enforcement Strategy
- Establish and implement process for reviewing/listing other potential substances of concern (i.e. CEPA toxics, pesticides, etc.)
- Work with U.S. and Mexico to pursue consistent North American approach



# For Further Information

- [www.ec.gc.ca/Registry](http://www.ec.gc.ca/Registry)
- [www.ec.gc.ca/ee\\_ue](http://www.ec.gc.ca/ee_ue)
- [john.shrives@ec.gc.ca](mailto:john.shrives@ec.gc.ca)





# QUESTIONS

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