



ENVIRONMENTAL EMERGENCY REGULATIONS, 2019

Major Changes

As of August 24, 2019, the *Environmental Emergency Regulations, 2019* replaced the existing *Environmental Emergency Regulations*. These Regulations bring changes that reinforce good environmental emergency management to better protect Canadians and the environment.

What are the major changes under the Regulations?

1. New Environmental Emergency Reporting System

- All regulatees will need to register through Environment and Climate Change Canada's Single Window reporting system – regulatees already registered under the previous reporting portal must reregister.

2. Modified Schedule 1 List of Substances

- 33 new substances have been added
- Two substances have been amended
- One substance was removed
- Schedule 1 is organized into two parts: Part 1 – non-solutions and Part 2 – solutions (solute and water)
- A new hazard category, Pool Fire, has been added

3. New Clearer Definitions

- Container system
- Facility
- Maximum capacity
- Full-scale simulation exercise
- Simulation exercise
- Responsible Person

4. Regulations Exclusions

- Any substance that is regulated under the *Transportation of Dangerous Goods Act, 1992* or *Canada Shipping Act, 2001* (including during loading and unloading)
- A substance that is used to fuel a heating appliance or to generate power at a facility is excluded only if the quantity is below the threshold as specified in column 4 of Part 1 of Schedule 1
- Substances in a pipeline, where the pipeline is located entirely within a province or territory and on a property with no fixed onshore installations other than pipelines, compressors stations or pump stations
- Any substance that is in a pipeline that is regulated under the National Energy Board's (NEB) *Onshore Pipeline Regulations* or in a processing plant that is regulated by the NEB's *Processing Plant Regulations*

5. Additions to the Environmental Emergency Plan (E2 Plan) Requirements

- Facilities using or storing regulated substances are required to communicate with members of the public who may be affected by an environmental emergency. This includes communicating before an incident (to create awareness of the potential effects to human health and the environment), providing notification of an emergency, as well as giving updates during and after an emergency.

- Identification of and preparedness for the facility's worst-case scenarios and an alternative to the worst-case scenarios:
 - **Worst-case scenarios** would be the release of the greatest reasonable quantity of a regulated substance from one container system or stockpile.
 - **Alternative to the worst-case scenarios** would be an incident that is more likely to occur than a worst-case scenario. They are determined by the facility using a risk-based approach. For the purposes of practicing an E2 Plan or notifying the public, the facility should choose an alternative scenario that has the farthest impacts past the facility's boundary.

6. Reporting Requirements

- New reporting requirements for:
 - full-scale simulation exercises of an E2 Plan;
 - changes to information in existing notices;
 - the transfer of ownership of a facility; and
 - facility closure.
- Reporting Schedules have been renumbered and may correspond to different notices.
- Timelines for submission of notices have been revised.

7. Annual and Full-scale Simulation Exercises

- The E2 Plan must be tested at least once per calendar year. This means that the facility must work through the steps of showing how it would respond during an incident. This activity is to be based on an incident with one of the Schedule 1 substances from each of the hazard categories (listed in column 5 of Schedule 1) at the facility. Each year a new substance from each hazard category (combustible, explosion hazard, pool fire hazard, oxidizer that may explode, inhalation hazard, and/or aquatically toxic) must be exercised until scenarios identified in the E2 Plan for each of the substances in a hazard category have been rotated through a simulated response. The first simulation must be completed no longer than one year after the E2 Plan is in place.
- A full-scale simulation exercise must be conducted at least once every five years, using any one of the Schedule 1 substances on-site that exceed the thresholds set out in Schedule 1. The facility may exercise either a worst-case or an alternative scenario that was identified in the E2 Plan. The first full-scale exercise is due five years after the E2 Plan is implemented.

8. Record Keeping

- Any records of the simulation exercise and updates to the E2 Plan must be kept at the facility for a period of no less than seven years from the day they are prepared.

FOR MORE INFORMATION, PLEASE VISIT [CANADA.CA/ENVIRONMENTAL-EMERGENCY-REGULATIONS](https://www.canada.ca/environmental-emergency-regulations), OR CONTACT YOUR REGIONAL REPRESENTATIVE:

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HOW DO I COMPLY WITH THE ENVIRONMENTAL EMERGENCY REGULATIONS, 2019?

Schedule 1 Facilities that have a substance or mixture, listed in Schedule 1, and meet the concentration, total quantity and/or container capacity thresholds may have to:

Schedule 2

Submit a Notice of Identification within
90 days of meeting reporting requirements

Schedule 4

Demonstrate their E2 Plan Implementation within
12 months of meeting reporting requirements

Schedule 3

Create an E2 Plan within **6 months**
of meeting reporting requirements

Schedule 5

Complete a Full Scale Exercise within
5 years of submitting Schedule 4

To meet the reporting requirements online visit: <https://ec.ss.ec.gc.ca>

New Regulations: August 24, 2019

Disclosure: this material has been prepared for convenience of reference and accessibility and does not have an official character. It is of a general nature only. For all purposes of interpreting and applying the Regulations, users must consult the official version of the Environmental Emergency Regulations, 2019 and seek their own legal advice as appropriate.

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