



ENVIRONMENTAL EMERGENCY REGULATIONS, 2019

Use of Existing Environmental Emergency Plans

The *Environmental Emergency Regulations, 2019* require a company to have an environmental emergency plan (E2 Plan) to demonstrate that it is prepared to react in the event of an accidental release of a regulated hazardous substance. Regulatees may use an existing plan if it meets the requirements of subsection 4(2) of the Regulations.

What is the purpose of an E2 Plan?

An Environmental Emergency Plan, commonly referred to as an E2 Plan, helps facilities to better prevent, prepare for, respond to and recover from an environmental emergency. The plan is used, in part, to develop response procedures that deal with unexpected releases of the regulated substances, establish specific training requirements, and conduct exercises to test the plan to make sure the environment and human life and health are protected.

Do the Regulations require a new E2 plan if there is an existing one?

An existing emergency plan can be used as long as the plan includes all requirements set out in subsection 4(2) of the *Environmental Emergency Regulations, 2019*. As per subsection 4(3), any missing information can be added to the existing plan so it meets the requirements of an E2 Plan. For example, if the public communication and notification requirements specified in subsection 4(2)(k) are missing from an existing plan, it would need to be included to satisfy this requirement.

Examples of plans that can be modified to meet requirements under the Regulations:

- E2 Plan developed under the *Environmental Emergency Regulations* (2011 regulations in force until August 23, 2019)
- An emergency plan prepared under the federal *Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations*
- An emergency response plan prepared under the federal *Metal Mining Effluent Regulations*
- An emergency response plan prepared under the federal *Pulp and Paper Effluent Regulations*
- An emergency response activation plan prepared under the federal *Transportation of Dangerous Goods Regulations*
- A security plan prepared under the federal *Explosives Regulations*
- A fire protection and emergency procedures plan prepared under the federal *PCB Regulations*
- An emergency response plan prepared as per the Canadian Standards Association “Emergency Preparedness and Response” standard (CSA-Z731-03)
- An emergency response plan prepared as per the Canadian Standards Association “Process Safety Management” standard (CSA-Z767-17)
- An emergency response plan prepared as per the Canadian Standards Association “Emergency preparedness and response for petroleum and natural gas industry systems” Standard (CSA Z246.2-18)
- An emergency response plan prepared as per the Canadian Standards Association “Emergency and continuity management program” Standard (CSA Z1600-17)
- A plan for the Alberta Energy Regulator - Directive 71: *Emergency Preparedness and Response Requirements for the Petroleum Industry*
- A plan for the Ontario Regulation 224/07 - *Spill Prevention and Contingency Plan Regulations* - of the Ontario Ministry of the Environment, Conservation and Parks
- A risk and safety management plan prepared for the Ontario Technical Standards and Safety Authority

- A fire safety plan
- An emergency plan prepared as per the International Organization of Standardization (ISO) 14001 standard on Environmental Management Systems

How can an existing plan meet the requirements of the Regulations?

- Performing a gap analysis, comparing the existing plan with the requirements of the *Environmental Emergency Regulations, 2019* (as per subsection 4(2)), will help identify any elements that need to be addressed. Then the missing information can be added to the existing plan so that it meets the requirements under the Regulations.
- Creating an index or table of contents identifying where the various requirements of the E2 Plan can be found in the existing plan, will make them easily identifiable during an inspection.

What is the deadline to amend an existing plan to meet the Regulations' requirements?

The timelines for preparing an E2 Plan are the same, whether a regulatee is using an existing plan or creating a new one. Therefore, the deadline is six months from the day the quantities on-site and the maximum capacity of the largest container meet the reporting thresholds for the substance that is stored.

What notices related to Emergency Plan development need to be submitted to ECCC?

- The Notice Regarding Preparation of an Environmental Emergency Plan (Schedule 3) must be submitted within six months of the day on which an E2 Plan is required.
- The Notice Regarding Bringing into Effect of an Environmental Emergency Plan (Schedule 4) must be submitted within 12 months of the day on which an E2 Plan is required.

Can an exercise that is conducted to meet the requirements of another regulation, be used for the purpose of satisfying the Regulations' Simulation Exercise requirements?

An exercise completed in the context of another regulation may be used to meet the simulation exercise requirements of the *Environmental Emergency Regulations, 2019*, when the exercise:

- involves one substance per hazard category, located at the facility as listed in Schedule 1,
- is based on an emergency scenario likely to occur at the facility as identified in the E2 Plan,
- involves the container system or facility piping where the Schedule 1 substance is located, and
- involves individuals who have been identified in the E2 Plan as having a role in an emergency response at the facility.

The exercise program must also meet the simulation exercise requirements of sections 7, 8 and 9 of the *Environmental Emergency Regulations, 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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