

**Summary of
Legislative and Regulatory
Authorities and Obligations
Relevant to Environment Canada's
Programs and Responsibilities**

February 1992

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**DEPARTMENTAL EMERGENCIES SECRETARIAT
ENVIRONMENT CANADA
OTTAWA, ONTARIO
K1A 0H3
(613) 941-0797**

THIS DOCUMENT DESCRIBES ACTS AND REGULATIONS THAT ARE RELEVANT TO ENVIRONMENT CANADA'S PROGRAMS AND RESPONSIBILITIES. IT CONTAINS 19 ACTS FOR WHICH THE MINISTER IS EXCLUSIVELY RESPONSIBLE (TWO OF WHICH ARE PROPOSED), 32 ACTS FOR WHICH THE MINISTER IS PARTIALLY RESPONSIBLE AND 101 REGULATIONS WHICH FLOW FROM THESE ACTS.

THE PRINCIPAL DEPARTMENTAL ACTS ARE: CANADA WATER ACT, CANADA WILDLIFE ACT, CANADIAN ENVIRONMENTAL PROTECTION ACT, DEPARTMENT OF THE ENVIRONMENT ACT, MIGRATORY BIRD CONVENTION ACT AND NATIONAL PARKS ACT. ACTS OF OTHER GOVERNMENT DEPARTMENTS OF PARTICULAR IMPORTANCE INCLUDE: CANADA SHIPPING ACT, FISHERIES ACT, TRANSPORTATION OF DANGEROUS GOODS ACT, EMERGENCIES ACT AND EMERGENCY PREPAREDNESS ACT. OTHER ACTS, ALSO INCLUDED IN THIS DOCUMENT, MIGHT BE OF CONCERN WHEN DEALING WITH EMERGENCIES.

IT IS HOPED THAT THIS DOCUMENT WILL PROVIDE ASSISTANCE TO DEPARTMENTAL EMERGENCY AND CRISIS PREPAREDNESS PLANNERS AND MANAGERS IN IDENTIFYING CONTACTS FOR THOSE ITEMS WHICH ARE IMPORTANT TO THEM.

THE DOCUMENT SHOULD BE VIEWED AS A WORKING TOOL AND HAS NO LEGAL BASIS. FOR MORE COMPLETE INFORMATION, MANAGERS ARE ENCOURAGED TO CONSULT THE STATUTES OF CANADA, 1985.

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Summary of
Legislative and Regulatory
Authorities and Obligations

THE MINISTER OF THE ENVIRONMENT IS RESPONSIBLE FOR



Environment
Canada

Environnement
Canada

1. CANADA WATER ACT (1970)

The Canada Water Act provides for federal-provincial management of the quantity and quality of water resources. It recognizes the need for federal-provincial cooperation in solving regional water quality management problems and the desirability of public participation in the development of regional water quality management plans.

The act enables the department to conduct research, implement programs, collect data, establish inventories, and undertake public information programs for water resources, either independently or in cooperation with the provinces.

It also provides for unilateral federal establishment of management agencies for "interjurisdictional waters, and more specifically water quality management issues which have become a matter of urgent national concern".

REGULATIONS:

1. Canadian Drinking Water Quality Guidelines
2. Guidelines for Effluent Quality and Wastewater Treatment at Federal Establishments

CONTACT: Duncan Ellison
Water Planning and Management Branch
Conservation & Protection
(819)997-2071

2. CANADA WILDLIFE ACT (1973)

The Canada Wildlife Act provides for wildlife research, conservation, and interpretation on public lands assigned to the Minister and on lands purchased, acquired, or leased by the Minister. The Minister may enter into an agreement with any province for wildlife research, conservation, and interpretation, including measures to protect any endangered wild animal species. National Wildlife Areas are created pursuant to regulations made under this act.

REGULATION:

1. Wildlife Area Regulations

CONTACT: Yvan Lafleur
Legislation, Regulations & Enforcement
Division
Conservation & Protection
(819)953-4383

3. CANADIAN ENVIRONMENT WEEK ACT (1985)

The Canadian Environment Week Act specifies that a week be designated each year as environment week, which shall include June 5, World Environment Day.

CONTACT: Not required.

4. CANADIAN ENVIRONMENTAL ASSESSMENT ACT (proposed
- 1990, 2nd reading)

The Canadian Environmental Assessment Act, when passed by Parliament, will be administered by an agency replacing the Federal Environmental Assessment Review Office (FEARO), with support from Environment Canada. It will require federal departments, agencies and Crown corporations to conduct environmental assessments for proposed projects where the federal government is the proponent or decision-maker. It will also require environmental assessments when the project is planned for lands administered by the federal government, when the project involves federal funding, or when the project may have an effect on an area of federal jurisdiction.

CONTACT: Bob Boulden
Environmental Assessment Impact Branch
Conservation & Protection
(819)953-1690

5. CANADIAN ENVIRONMENTAL PROTECTION ACT (1988)

The Canadian Environmental Protection Act is designed to provide all people in Canada an equal level of protection from environmental risks associated with toxic substances; fuels; nutrients that deplete water of oxygen that is essential to the water's use by fish, other animals and humans; air pollution from international sources; pollution from federal departments, agencies and works; and, disposal at sea of all manner of substances (ocean dumping).

The Minister has the authority to control the introduction into Canada of new substances and to test both new and existing substances in Canadian commerce; control all aspects of the life cycle of toxic substances from their development to their release into the environment as emissions at various phases of their life cycle, and their ultimate disposal as waste, including sources of air pollution where a violation of an international agreement would result; regulate fuels and components of fuels, emissions and effluents, as well as waste handling and disposal practices of federal undertakings, including the making of regulations to protect the environment; create guidelines and codes for environmentally sound practices as well as signing agreements with provincial governments regarding the administration of the act; control nutrients in water conditioners or cleaning products which can interfere with the use of waters by humans, animals, fish or plants and to issue permits to control dumping at sea.

CEPA also permits the development of regulations for the control of transboundary movements of hazardous wastes and their disposal in order that Canada can ratify the Basil Convention on the same subject.

Health and Welfare Canada works in partnership with Environment Canada in the assessment of potentially toxic substances and the development of regulations to control toxic substances.

REGULATIONS:

1. Asbestos Mines and Mills Release Regulations
2. Chlor-Alkali Mercury Release Regulations
3. Chlorofluorocarbon Regulations
4. Fuels Information Regulation No. 1
5. Gasoline Regulations
6. Mirex Regulations
7. Ocean Dumping Regulations
8. Ozone-Depleting Substances Regulations No. 1
9. Ozone-Depleting Substances Regulations No. 2
(halons)
10. Ozone-Depleting Substances Regulations No. 3
(non-essential users)
11. Export of PCB Waste
12. Phosphorus Concentration Regulations
13. Polybrominated Biphenyls Regulations
14. Polychlorinated Triphenyls Regulations
15. Vinyl Chloride Release Regulations
16. PCB Treatment and Destruction Regulations
17. Interim Order on PCB Waste Storage
18. Contaminated Fuels Regulations
19. Chlorobiphenyl Regulations
20. Release of Lead from Secondary Lead Smelters
Regulations

CONTACT: W.J. Findlay
Regulatory Affairs and Program Integration
Branch
Conservation & Protection
(819)997-3207

6. DEPARTMENT OF THE ENVIRONMENT ACT (1970)

The Department of the Environment Act establishes the Minister's responsibilities for all matters relating to the preservation and enhancement of the quality of the natural environment, including water, air and soil; renewable resources, migratory birds and other non-domestic flora and fauna; water; meteorology; the enforcement of rules and regulations arising from the advice of the International Joint Commission relating to boundary waters and questions arising between the United States and Canada that relate to the preservation and enhancement of environmental quality; national parks, national historic sites and heritage canals; the coordination of the policies and programs of the Government of Canada respecting the preservation and enhancement of the quality of the natural environment.

REGULATION:

1. Environmental Assessment and Review Process
Guidelines Order

CONTACT: Not required.

7. GAME EXPORT ACT (1941)

The Game Export Act creates a federal offence for removing dead game from a province or territory, or exporting it from Canada without the required provincial or territorial permit. By creating a federal offence for the violation of a provincial or territorial law, violators can be prosecuted anywhere in Canada whether or not they are in the province where the contravention occurred.

The act will be repealed upon proclamation of the Wild Animal and Plant Protection Act (see number 19).

CONTACT: Yvan Lafleur
Legislation, Regulations & Enforcement
Division
Conservation & Protection
(819)953-4383

8. HERITAGE RAILWAY STATIONS PROTECTION ACT (1988)

The Heritage Railway Stations Protection Act provides for the designation of railway stations as heritage railway stations and is intended to encourage the preservation of stations so designated for the benefit of future generations.

According to the act, no railway company may, in any way, alter or dispose of a designated heritage railway station owned by it or under its control without the authorization of the Governor in Council. A railway company planning such action must give public notice of its intention thereby providing an opportunity to concerned citizens and groups to comment on the proposal.

A heritage railway station is one that is designated as such by the Minister of the Environment, on the recommendation of the Historic Sites and Monuments Board of Canada.

In order to be eligible for designation as a heritage railway station, a railway station must be owned or controlled by a railway company to which the Railway Act applies.

REGULATION:

1. Heritage Railway Stations Regulations

CONTACT: George Ingram or Rosemarie Bray
National Historic Sites Directorate
Canadian Parks Service
(819)994-3224 or (819)997-4045

9. HISTORIC SITES AND MONUMENTS ACT (1953)

The Historic Sites and Monuments Act makes provision for the Minister of the Environment to commemorate historic sites of national historic importance. Commemoration of national historic sites may be by means of a commemorative plaque or other distinctive marker. The Minister may also enter into cost-sharing or cooperative agreements for the care and preservation of national historic sites. Historic museums may be established.

National historic sites may be acquired by purchase, lease or otherwise by the Department. The act also provides for the administration, preservation and maintenance of national historic sites established pursuant to this act.

Provision is made for the establishment of the Historic Sites and Monuments Board of Canada to advise the Minister of the Environment in carrying out his powers under the act.

CONTACT: George Ingram or Rosemarie Bray
National Historic Sites Directorate
Canadian Parks Service
(819)994-3224 or (819)997-4045

10. INTERNATIONAL RIVER IMPROVEMENTS ACT (1970)

The International River Improvements Act prohibits developments that increase, decrease or alter the natural flow of water in an international river or that affect its actual or potential use outside Canada. The Minister must report to Parliament annually. Regulations empower the Minister of the Environment to exempt particular projects from the operation of the act.

REGULATION:

1. International River Improvements Regulations

CONTACT: Duncan Ellison
Water Planning and Management Branch
Conservation & Protection
(819)997-2071

11. LAKE OF THE WOODS CONTROL BOARD ACT (1921)

The Lake of the Woods Control Board Act created the Lake of the Woods Control Board (LWCB) and defined the duties and mandate of that Board.

The LWCB is a Canadian board consisting of four members, each with an alternate, who represent Canada (one member), Ontario (two members) and Manitoba (one member). Appointments are made by Orders-in-Council of the appropriate government and each appointee is required to be a professional engineer.

The Board is responsible for the regulation of water levels in Lake of the Woods and Lac Seul and flows in the Winnipeg and English Rivers downstream of these lakes to their junction. In addition, when the level of Lac Seul exceeds certain specified levels, the Board controls the diversion of water from Lake St. Joseph (Albany System) into Lac Seul.

Similar Lake of the Woods Control Board acts exist in the statutes of Ontario (1922, 1958) and Manitoba (1958). The acts are in turn based on a Canada-United States of America Treaty (Convention and Protocol, 1925), necessary since Lake of the Woods is an international boundary water.

CONTACT: Dale Kimmett
Water Resources Branch
Conservation & Protection
(819)997-1508

12. LAC SEUL CONSERVATION ACT (1928)

The Lac Seul Conservation Act authorized the construction of a dam to create the Lac Seul Reservoir and defined the cost sharing arrangements to fund the construction and operation of these works. All costs were ultimately to be borne by Ontario and Manitoba in the interests of power generation, but Canada was involved as an intermediary for Manitoba since control of that province's natural resources was vested in the federal government at that time.

A concurrent act exists in the statutes of Ontario. These acts are now essentially obsolete and are currently in the process of being replaced by a multipartite agreement. Both acts will be repealed when the new agreement is finalized.

CONTACT: Dale Kimmett
Water Resources Branch
Conservation & Protection
(819)997-1508

13. MIGRATORY BIRD CONVENTION ACT (1917)

The Migratory Bird Conventions Act implements a 1916 treaty with the U.S.A. in which the two countries agree to adopt a uniform system to protect migratory birds from indiscriminate slaughter, and to preserve those species that are either useful or harmless to man.

Regulations under the act control, for example, hunting and possession of migratory game birds; sale, purchase, or shipment of migratory birds, their nests or eggs; scientific collection, aviculture, and taxidermy; activities designed to reduce the damage migratory birds cause to crops or other property and the danger they pose to aircraft. Also, migratory bird sanctuaries are created pursuant to regulations made under this act.

REGULATIONS:

1. Migratory Birds Regulations
2. Migratory Bird Sanctuary Regulations

CONTACT: Yvan Lafleur
Legislation, Regulations & Enforcement
Division
Conservation & Protection
(819)953-4383

14. MINGAN ARCHIPELAGO NATIONAL PARK ACT (1984)

The Mingan Archipelago National Park Act established a national park reserve on the Mingan Archipelago, Quebec, and allowed for the application of the National Parks Act on the reserve.

CONTACT: Gerry Doré or Sharon Budd
National Parks Directorate
Canadian Parks Service
(819)994-2690

15. NATIONAL BATTLEFIELDS AT QUEBEC ACT (1914)

The National Battlefields at Quebec Act was passed by Parliament in 1908 for the purpose of acquiring and preserving historic battlefields, in Quebec, and of restoring them as far as possible by their principle features so as to make them a Canadian National Park.

The act establishes the National Battlefields Commission and sets out the sources and duties of that Commission with regard to the administration of the National Battlefields at Quebec (Plains of Abraham).

REGULATION:

1. National Battlefields Park By-Law

CONTACT: Michel Lellier
National Battlefields Commission
(418)648-3506

16. NATIONAL PARKS ACT (1930)

The National Parks Act is designed to protect, for all time, representative natural areas of Canadian significance in a system of national parks, and to manage them so as to encourage public understanding, appreciation and enjoyment. Enforcement responsibilities apply to National Parks and to those National Historic Sites set aside as National Historic Parks under Part II of this act. These responsibilities include maintenance of the public peace as well as conservation or protection of natural and cultural resources. The act also provides authority to establish and manage national marine parks, pending enactment of a National Marine Parks Act.

The scope of enforcement responsibilities includes: the protection of flora, soil, waters, fossils, natural features, air quality and cultural, historical and archaeological resources; the protection of fauna including the taking of specimens for scientific or propagation purposes; the management and regulation of fishing and the protection of fish including the prevention and remedying of any obstruction or pollution of waterways; traditional renewable resource use activities on a subsistence basis by entitled aboriginal people on a very limited, sunset basis, by persons affected by new park establishment; the use, transport and storage of pesticides and other toxic substances; the control of domestic animals; the public safety and control of firearms; and, the control of aircraft access.

Water use other than hydroelectrical in national parks is regulated under this act. The Governor in Council is empowered to make regulations akin to municipal bylaws to regulate water and sewage services and the abatement of nuisances. Provisions for protection of fish, including pollution regulations, may also be made. The regulations include a general water pollution prohibition as well as specific provisions respecting the deposit of garbage and other substances in park waters.

REGULATIONS:

1. Designating the Minister of the Environment as Minister for Purposes of the Act
2. National Parks Domestic Animals Regulations
3. Jasper Townsite Zoning Regulations
4. National Parks Building Regulations
5. National Parks Lease and Licence of Occupation Regulations
6. National Parks Timber Regulations
7. National Parks Highway Traffic Regulations
8. National Parks Camping Regulations
9. Camping Fees (Proposed National Parks) Regulations, 1990, FAA
10. National Parks Cottages Regulations
11. National Parks Cemetery Regulations
12. National Parks Water and Sewer Regulations
13. National Parks Signs Regulations
14. National Parks Wildlife Regulations
15. National Parks General Regulations
16. National Parks Forest Telephone Regulations
17. Town, Visitor Centre and Resort Subdivision Designation Regulations
18. National Parks Garbage Regulations
19. National Parks Grazing Regulations
20. National Parks Fishing Regulations
21. National Parks Businesses Regulations
22. National Parks Fire Protection Regulations
23. Town of Jasper Streetwork Taxes Regulations
24. Wood Buffalo National Park Game Regulations
25. Forestry Timber Regulations (Forestry Development and Research Act)
26. Gros Morne Forestry Timber Regulations (Forestry Development and Research Act)
27. National Historic Parks Admission Fees Regulations
28. National Historic Parks Order
29. National Historic Parks General Regulations
30. National Historic Parks Wildlife and Domestic Animals Regulations
31. Proclamation Setting Aside Certain Lands as Reserves for National Parks of Canada - Kouchibouguac - La Mauricie

32. Proclamation Setting Aside Lands or Reserves
for National Parks of Canada

CONTACT: Gerry Doré or Sharon Budd
National Parks Directorate
Canadian Parks Service
(819)994-2690

or

George Ingram or Rosemarie Bray
National Historic Sites Directorate
Canadian Parks Service
(819)994-3224 or (819)997-4045

17. NATIONAL WILDLIFE WEEK ACT

The National Wildlife Week Act specifies that a week be designated each year as national wildlife week, which shall include April 10, anniversary of the birthday of the late Jack Miner.

CONTACT: Yvan Lafleur
Legislation, Regulations & Enforcement
Division
Conservation & Protection
(819)953-4383

18. WEATHER MODIFICATION INFORMATION ACT (1974)

The Weather Modification Information Act requires that any person proposing to engage in weather modification activities in Canada inform the Atmospheric Environment Service in advance, provide full details on those activities and submit reports to the administrator of the act.

REGULATION:

1. Weather Modification Information Regulations

CONTACT: Richard Poersch
Atmospheric Research Directorate
Atmospheric Environment Service
(416)739-4619

19. WILD ANIMAL AND PLANT PROTECTION ACT

(Bill C-42 received first reading on November 7, 1991)

The Wild Animal and Plant Protection Act, proposed in Canada's Green Plan, will control international trade and interprovincial transport in wild animals and plants, their parts and products in order to better conserve Canadian and foreign species, and to protect Canadian ecosystems from the introduction of harmful wild species. The act will be administered in cooperation with other federal departments (Agriculture Canada, Fisheries and Oceans Canada, Customs and Excise, and the RCMP) and provincial/territorial wildlife agencies. Upon proclamation the Game Export Act will be repealed and the CITES regulations under the Export and Import Permits Act revoked. Regulations to be developed.

CONTACT: Robert S. McLean
Migratory Birds and Wildlife Conservation
Branch
Conservation & Protection
(819)953-8850

or

Yvan Lafleur
Legislation, Regulations & Enforcement
Division
Conservation & Protection
(819)953-4383

Summary of
Legislative and Regulatory
Authorities and Obligations

IN SOME INSTANCES, THE MINISTER ALSO HAS RESPONSIBILITY FOR THE ADMINISTRATION OF CERTAIN SECTIONS OF LEGISLATION ASSIGNED TO OTHER DEPARTMENTS. IN OTHER INSTANCES, THE MINISTER'S ROLE IS TO PROVIDE SPECIFIC ADVICE AND INFORMATION AND/OR BE PART OF A CONSULTATIVE PROCESS.



1. RESOURCES AND TECHNICAL SURVEYS ACT

The Resources and Technical Surveys Act authorizes the collection and publication of full statistics of the mineral production and of the mining and metallurgical industries of Canada. The act is administered by Energy, Mines and Resources, Fisheries and Oceans Canada and Environment Canada.

CONTACT: L. Buffa
Mining, Mineral and Metallurgical
Processes Division
Conservation & Protection
(819)953-1103



2. AGRICULTURAL AND RURAL DEVELOPMENT ACT

The Agricultural and Rural Development Act, administered by Industry, Science and Technology, provides for the rehabilitation and development of rural areas in Canada. Section 3(b)(i) specifies that federal-provincial agreements can be entered into with respect to the development and conservation of water supplies for agricultural and rural purposes.

CONTACT: No one specifically. Inland Waters Directorate, Conservation & Protection, would direct inquiries.

3. ARCTIC WATERS POLLUTION PREVENTION ACT

The Arctic Waters Pollution Prevention Act, administered by Transport Canada (shipping) and Indian Affairs and Northern Development Canada (non-shipping), prohibits any person or ship, unless authorized by regulations, to deposit or permit the deposit of waste in arctic waters or on any place on land under conditions where waste may enter the arctic waters. Environment Canada assists in the enforcement activities by covering off IANDC's concerns relating to disposal of wastes at sea in Arctic waters.

Arctic waters are defined to include waters within the area enclosed by 60° North latitude, 141° longitude, and a line one hundred nautical miles seaward from the nearest Canadian land. Off Greenland, a line equidistant from the Canadian islands and the Greenland coast is substituted for the 100 mile limit.

REGULATIONS:

1. Arctic Shipping Pollution Prevention Regulations
2. Arctic Waters Experimental Pollution Regulations, 1978
3. Arctic Waters Pollution Prevention Regulations
4. Governor in Council Authority Designation Order

CONTACT: No one specifically. Laura Johnston -
Conservation & Protection, Yellowknife -
can advise.
(403)873-3456

4. ATOMIC ENERGY CONTROL ACT

The Atomic Energy Control Act, administered by the Atomic Energy Control Board, provides the control and regulation for the development, application and use of atomic energy and enables Canada to participate effectively in measures of international control of atomic energy. By virtue of a memorandum of understanding, Environment Canada provides advice to the Atomic Energy Control Board, as required.

REGULATIONS:

1. Transport Packaging of Radioactive Materials Regulations
2. Uranium and Thorium Mining Regulations

CONTACT: Dave Pascoe
Environmental Protection Directorate
Conservation & Protection (Ontario Region)
(416)973-1071

5. CANADA-NEWFOUNDLAND-ATLANTIC ACCORD
IMPLEMENTATION ACT (1987)

The Canada-Newfoundland-Atlantic Accord Implementation Act, administered by Energy, Mines and Resources, implements an agreement between the Government of Canada and the Government of the Province on offshore petroleum resource management and revenue sharing. By virtue of a memorandum of understanding, Environment Canada provides advice on environmental issues with respect to offshore petroleum resource management.

REGULATIONS:

1. Canada-Newfoundland Oil and Gas Spills and Debris Liability Regulations
2. Newfoundland Offshore Area Oil and Gas Operations Regulations

CONTACT: Hugh Hall
Environmental Protection Directorate
Conservation & Protection (Atlantic
Region)
(902)426-8303

6. CANADA-NOVA SCOTIA OFFSHORE PETROLEUM RESOURCES
ACCORD IMPLEMENTATION ACT (1989)

The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act, administered by Energy, Mines and Resources, implements an agreement between the Government of Canada and the Government of Nova Scotia on offshore petroleum resource management and revenue sharing. By virtue of a memorandum of understanding, Environment Canada provides advice on environmental issues with respect to offshore petroleum resource management.

CONTACT: Hugh Hall
Environmental Protection Directorate
Conservation & Protection (Atlantic
Region)
(902)426-8303

7. CANADA SHIPPING ACT (1952)

The Canada Shipping Act (Part XV), administered by Transport Canada, provides for the Governor in Council to make regulations with respect to prohibiting the discharge from ships of pollutants and prescribing substances and classes of substances that are pollutants.

REGULATIONS:

1. Air Pollution Regulations
2. Fisherman's Notice of Claim for Loss of Income
3. Garbage Pollution Prevention Regulations
4. Great Lakes Sewage Pollution Prevention Regulations
5. Maritime Pollution Claims Fund Regulations
6. Oil Pollution Prevention Regulations
7. Pollutant Substances Regulations

CONTACT: Maureen Moffatt
Environmental Emergencies Branch
Conservation & Protection
(819)997-3352

8. CUSTOMS ACT (1986)

The Customs Act, administered by Revenue Canada, relates to the importation of goods that may be carried outside Canada or, where they do not conflict with the laws of another country, inside that other country. The responsible department is Revenue Canada. Environment Canada identifies wildlife and plant species to assist National Revenue (Customs) in the enforcement of the act.

CONTACT: Yvan Lafleur
Legislation, Regulations & Enforcement
Division
Conservation & Protection
(819)953-4383

9. DEPARTMENT OF TRANSPORT ACT

The Department of Transport Act (Historic Canals), administered by Transport Canada, is designed to protect every canal and lock that belongs to Canada, to manage their maintenance and repair and to collect tolls on public canals.

Under the authority of the act, the Minister of the Environment is responsible for the operation and management of the Historic Canals. Various services are provided to the users of these waterways in accordance with the Historic Canals Regulations made pursuant to the act.

The Government of Canada transferred the responsibility for a number of operating canals in the 1970s from the Minister of Transport to the Minister responsible for the Canadian Parks Service. These canals are managed to provide through navigation as well as for the protection and presentation of their cultural and natural resources.

REGULATION:

1. Historic Canals Regulations

CONTACT: George Ingram or Rosemarie Bray
National Historic Sites Directorate
Canadian Parks Service
(819)994-3224 or (819)997-4045

10. ENERGY SUPPLIES EMERGENCY ACT

The Energy Supplies Emergency Act, administered by the National Energy Board of Energy, Mines and Resources, establishes the Energy Supplies Allocation Board and empowers it to take various steps to conserve and allocate supplies of petroleum products in conditions of severe market dislocation. For this purpose, the Board may make regulations authorizing it to issue permits to relax all federal and possibly provincial laws which regulate or prohibit the emission of sulphur compounds into the atmosphere. Before issuing permits to relax air standards, the Board must consult the Ministers of Environment Canada and Health and Welfare Canada and must give notice and hold public hearings.

CONTACT: Pierre Pineault
Industrial Programs Branch
Conservation & Protection
(819)953-1121

11. FISHERIES ACT (1970)

The Fisheries Act, administered by Fisheries and Oceans Canada, is designed to ensure acceptable water quality levels necessary to maintain the health of fish and to preserve fish, fish habitat and human use of fish. By way of a Memorandum of Understanding, Environment Canada administers sections 36 to 42 of the act which address pollution control provisions.

REGULATIONS:

1. Chlor-Alkali Mercury Liquid Effluent Regulations
2. Meat and Poultry Products Plant Liquid Effluent Regulations
3. Metal Mining Liquid Effluent Regulations
4. Petroleum Refinery Effluent Regulations
5. Potato Processing Plant Liquid Effluent Regulations
6. Pulp and Paper Effluent Regulations
7. Alice Arm Tailings Deposit Regulations

CONTACT: W.J. Findlay
Regulatory Affairs and Program Integration
Branch
Conservation & Protection
(819)997-3207

12. HAZARDOUS PRODUCTS ACT

The Hazardous Products Act, administered by Consumer and Corporate Affairs Canada, prohibits the advertising, sale and importation of hazardous products. The act provides for the Governor in Council to make orders and regulations to authorize the advertising, sale or importation of any restricted product and prescribe the circumstances and conditions under which the restricted product may be advertised, sold or imported.

CONTACT: Not required. Environmental Protection Directorate, Conservation & Protection, would direct enquiries.

13. HEALTH OF ANIMALS ACT (1990)

The Health of Animals Act, administered by Agriculture Canada, controls and prevents the introduction to Canada, spread within Canada and export from Canada, of diseases that may affect animals or that may be transmitted by animals to persons. Environment Canada's role is to provide technical advice concerning diseases and parasites of significance to wild animals and to inform Agriculture Canada when a violation has occurred.

CONTACT: Yvan Lafleur
Legislation, Regulations & Enforcement
Division
Conservation & Protection
(819)953-4383

14. INTERNATIONAL BOUNDARY WATERS TREATY ACT (1909)

The International Boundary Waters Treaty Act, administered by External Affairs Canada, implements the 1909 Empire Treaty between Great Britain (on behalf of Canada) and the United States. Canadians injured by polluting activity originating in the U.S. may bring remedial action in the appropriate U.S. court. The International Joint Commission, established under the Treaty, is empowered to report on any issues referred to it by the parties. Environment Canada provides advice on matters relating to boundary water resources planning and management, especially those concerning protection and conservation of the environment.

CONTACT: Duncan Ellison
Water Planning and Management Branch
Conservation & Protection
(819)997-2071



15. MOTOR VEHICLE SAFETY ACT

The Motor Vehicle Safety Act, administered by Transport Canada, provides for the use of national safety marks in relation to motor vehicles and safety standards for certain motor vehicles imported into or exported from Canada or sent or conveyed from one province to another. The act provides for the Governor in Council to make orders and regulations to prescribe classes of motor vehicles to which the national safety marks may be applied and safety standards for motor vehicles of a specific class to which those vehicles and their components must comply as a condition of the use of the national safety marks in relation to those vehicles. Environment Canada provides compliance audit testing under the Emissions Standards for New Vehicles.

REGULATION:

1. Motor Vehicle Safety Regulations

CONTACT: Fred Hendren
River Road Environmental Technology Centre
Conservation & Protection
(613)998-9590

16. NATIONAL ENERGY BOARD ACT

The National Energy Board Act, administered by Energy, Mines and Resources, considers applications for licences to export or import petroleum, natural gas or electricity, and for certificates of public convenience and necessity to construct pipelines or international powerlines. Licences or certificates may be made subject to terms or conditions designed to protect and preserve the quality of air and water resources in the construction, operation and abandonment of pipelines and international powerlines. The Board could deny a permit or certificate on the grounds of the likelihood of significant air or water quality damage.

The Regulations and the National Energy Board Rules of Practice and Procedure require applicants for certificates to submit an assessment of the probable environmental impact of the facility, including a description of the existing environment and a statement of the measures proposed to mitigate the impact.

The Gas Pipeline Regulations set out design criteria and conservation and pollution control requirements that must be followed by pipeline companies.

REGULATIONS:

1. Gas Pipeline Regulations
2. National Energy Board Part VI Regulations
3. National Energy Board Rules of Practice and Procedure

CONTACT: Pierre Pineault
Industrial Programs Branch
Conservation & Protection
(819)953-1121

17. NATIONAL HOUSING ACT

The National Housing Act, administered by Public Works Canada, provides for forgivable loans that are available to municipalities for the construction of sewage treatment or trunk sewer facilities.

CONTACT: Not required. Environmental Protection Directorate, Conservation & Protection, would direct enquiries.

18. NAVIGABLE WATERS PROTECTION ACT

The Navigable Waters Protection Act, administered by Transport Canada, provides that no work shall be built or placed in, upon, over, under, through or across navigable waters unless the work and site plans have received prior approval. Environment Canada reviews applications for licences for any works that may impede navigation, in order to assess the environmental impact of these works.

CONTACT: Not required. Inland Waters Directorate, Conservation & Protection, would direct enquiries.



19. NORTHERN INLAND WATERS ACT

The Northern Inland Waters Act, administered by Indian Affairs and Northern Development Canada, establishes that the property in and the right to the use and flow of all waters are vested in the Crown. Use or diversion within water management areas is prohibited except as authorized by the regulations or by a licence issued by the Yukon or Northwest Territories Water boards established under the act. Water use is broadly defined to include diversion or obstruction of waters. Use of water for domestic purposes or for emergency fire fighting or flood control is exempted.

REGULATION:

1. Northern Inland Waters Regulations

CONTACT: Not required. Inland Waters Directorate, Conservation and Protection, would direct enquiries.

20. NUCLEAR LIABILITY ACT (1947)

The Nuclear Liability Act, administered by the Atomic Energy Control Board, stipulates the civil liability for damage for nuclear incidents. The act provides for the Governor in Council to establish a Nuclear Damage Claims Commission to deal with claims for compensation arising out of nuclear incident. Environment Canada provides advice on sample modelling and environmental damage assessment, as required.

CONTACT: Dave Pascoe
Environmental Protection Directorate
Conservation & Protection (Ontario Region)
(416)973-1071



21. OIL AND GAS PRODUCTION AND CONSERVATION ACT

The Oil and Gas Production and Conservation Act, administered by Energy, Mines and Resources, applies to the exploration and drilling for and the production, conservation, processing and transportation of oil and gas in the Yukon and Northwest Territories, the Sable Island or to submarine areas not within a province, adjacent to the coast of Canada.

REGULATION:

1. Oil and Gas Spills and Debris Liability Regulations

CONTACT: Not required. Environmental Protection Directorate, Conservation & Protection, would direct enquiries.

22. PEST CONTROL PRODUCTS ACT

The Pest Control Products Act, administered by Agriculture Canada, establishes a system for yearly registration of pesticide products. Export of pesticide products from Canada and movement of products between provinces is prohibited unless the manufacturing establishment is licensed and complies with prescribed conditions. There is also a general prohibition against manufacture, storage, display, distribution or use of pest control products under unsafe conditions. Environment Canada performs evaluations of pesticides to determine their impact on the environment.

REGULATIONS:

1. Pest Control Products Regulations
2. Guidelines for Registering Pesticides and other Control Products under the Pest Control Products Act in Canada

CONTACT: Charalyn Kriz
Commercial Chemicals Branch
Conservation & Protection
(819)953-1687

23. PESTICIDE RESIDUE COMPENSATION ACT

The Pesticide Residue Compensation Act, administered by Agriculture Canada, provides for compensation to farmers whose agricultural products are contaminated by pesticide residue. The act authorizes the Governor in Council to make regulations for the payment of compensation to a farmer in respect of a loss by reason of pesticide residue in or on an agricultural product providing that an inspection conducted by Health and Welfare Canada disclosed the presence of pesticide residue in that product. Environment Canada performs evaluations of pesticides to determine their impact on the environment.

REGULATION:

1. Pesticide Residue Compensation Regulations

CONTACT: Charalyn Kriz
Commercial Chemicals Branch
Conservation & Protection
(819)953-1687

24. TERRITORIAL LANDS ACT

The Territorial Lands Act, administered by Indian Affairs and Northern Development Canada, empowers the Governor in Council to make orders setting aside and appropriating territorial lands for various purposes, and generally to make regulations for the protection, control and use of territorial lands.

The Territorial Land Use Regulations designate land management zones and establish a permit system for the regulation of surface activities on territorial lands. Part I sets out requirements respecting various types of uses and operations, including excavations, water crossings, and line clearing, designed to protect streams and land surface. Part II establishes land management zones and provides that except in the case of an emergency that threatens life or property, no person shall conduct a land use operation in a land management zone without an authorizing land use permit.

REGULATION:

1. Territorial Land Use Regulations

CONTACT: No one specifically. Laura Johnston -
Conservation & Protection, Yellowknife -
can advise.
(403)873-3456

25. TRANSPORTATION OF DANGEROUS GOODS ACT

The Transportation of Dangerous Goods Act, administered by Transport Canada, applies to all handling, offering for transport and transporting of dangerous goods including hazardous wastes, by any means of transport, whether or not for hire or reward and whether or not the goods originate from or are destined for any place or places in Canada. The act does not apply to any handling, offering for transport or transporting of oil or gas by pipeline that is governed by the National Energy Board Act or the Oil and Gas Production and Conservation Act or by the law of a province. The act also does not apply to the transporting of dangerous goods in bulk in vessels within the meaning of the Canada Shipping Act.

Under a 1986 memorandum of understanding, Environment Canada conducts inspections to determine compliance with the hazardous waste portion of the regulation and is responsible for processing the notices for the export and import of hazardous wastes.

REGULATION:

1. Transportation of Dangerous Goods Regulations

CONTACT: Antoine Dionne
Hazardous Waste Division
Conservation & Protection
(819) 997-3378

26. DEFENCE PRODUCTION ACT

The Defence Production Act, administered by National Defence, authorizes the Minister of Defence to buy or acquire defence supplies and construct defence projects required by the Department of National Defence. The act provides for the Governor in Council to make regulations with respect to employment, including appointment, organization, classification, rates of compensation and terms and conditions of employment. The Minister is also responsible for taking steps to mobilize, conserve and coordinate all economic and industrial facilities in respect of defence supplies and defence projects.

CONTACT: George Pilpe
Departmental Emergencies Secretariat
(613)941-0796

27. EMERGENCIES ACT (1988)

The Emergencies Act, administered by Emergency Preparedness Canada, provides for the Governor in Council to make orders and regulations to specify requirements for planning and preparedness in more detail or to permit the implementation of specific measures in response to emergencies.

Contingent orders and regulations relate to more severe and much less frequent national emergencies, as defined in the Emergencies Act, and stem from a requirement for special measures which cannot be taken under the constraints of the normal legal framework. Those orders and regulations are drafted and approved on a contingent basis, to be brought forward and passed by the Governor in Council only where there is an actual or imminent need for their implementation. Environment Canada is responsible to implement plans to meet the emergencies within the department's area of responsibility.

CONTACT: Sam Baird
Departmental Emergencies Secretariat
(613)941-0791

28. EMERGENCY PREPAREDNESS ACT (1988)

The Emergency Preparedness Act identifies Emergency Preparedness Canada as an independent federal agency. In the context of the legislation, federal departments have to review their responsibilities. Paragraphs 9(a) and (b) requires ministers to define their responsibilities with respect to emergency preparedness. Its substance represents an elaboration of section 7 of the act.

The act provides for the Governor in Council to make orders and regulations to specify requirements for planning and preparedness in more detail or to permit the implementation of specific measures in response to emergencies. Administrative orders and regulations are gazetted as soon as approved. They become part of the administrative and legal framework for emergency planning and preparedness at the federal level and for meeting emergency response requirements which arise on a fairly regular basis. Environment Canada is responsible to implement plans to meet the emergencies within the department's area of responsibility.

CONTACT: Sam Baird
Departmental Emergencies Secretariat
(613)941-0791

29. CRIMINAL CODE

The Criminal Code, administered by the Solicitor General Canada, provides that any person who commits a nuisance and thereby endangers lives, safety or public health, or causes physical injury to any person is guilty of an indictable offence. "Common nuisance" includes any unlawful act or omission which endangers the lives, safety, health, property or comfort of the public or obstructs the public in the exercise or enjoyment of a common right. This provision applies to unlawful discharges of waste into air or water and to unauthorized obstruction of waterways.

It is an offence to deposit any offensive volatile substance likely to alarm, inconvenience or discomfort any person, or to cause damage to property. Another offence potentially relevant to the control of air or water pollution is that of public mischief. Section 745 of the Code provides for recognizance, that may include sureties, to keep the peace for a period of up to twelve months. Potentially, this procedure is a means of forestalling activities likely to result in air or water pollution damage.

CONTACT: Not required.

30. CROP INSURANCE ACT

The Crop Insurance Act, administered by Agriculture Canada, provides for federal contributions and loans to the provinces for crop insurance. Such contributions and loans cannot be made to a province until the Minister of the Environment and the provincial minister responsible for wildlife have concluded an agreement concerning a waterfowl crop damage prevention program for the province.

CONTACT: Steve Wendt
Migratory Birds and Wildlife Conservation
Branch
Conservation & Protection
(819)953-1422

31. EXPORT AND IMPORT PERMITS ACT (1947)

The Export and Import Permits Act, administered by the Secretary of State for External Affairs, controls for various purposes international trade in a multitude of commodities designated in regulation. The Minister of the Environment is responsible for the administration of those regulations pertaining to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

The Convention is an international agreement for the protection of species of wild animals and plants against over exploitation caused by international trade. CITES operates through a permit system that varies according to how endangered a species is. There are 112 countries party to CITES.

REGULATIONS:

1. Export Control List
2. General Export Permit No. EX 14
3. Import Control List
4. General Import Permit No. 17

(These regulations will be revoked upon proclamation of the Wild Animal and Plant Protection Act (see number 19).)

CONTACT: Yvan Lafleur
Legislation, Regulations & Enforcement
Division
Conservation & Protection
(819)953-4383

32. DOMINION WATER POWER ACT

Pursuant to the Dominion Water Power Act, the Minister of the Environment is responsible for water power development or works specific to the canals referred to in the Heritage Canals Regulations and the parks referred to in the National Parks Act that are situated outside the Yukon and the Northwest Territories.

REGULATION:

1. Dominion Water Power Regulations

CONTACT: George Ingram or Rosemarie Bray
National Historic Sites Directorate
Canadian Parks Service
(819)994-3224 or (819)997-4045

or

Mike Porter
National Parks Directorate
Canadian Parks Service
(819)994-2690