

Environmental emergency response



Things to know

- Regulation of environmental emergencies, such as spills and releases, can vary considerably from province to province. Federal statutes also contain specific spill reporting and remediation requirements.
- In the event of a spill, most provinces impose obligations to remediate and to report the incident to government officials, although the specifics of such a duty depend on the applicable legislation.
- Municipalities also have their own reporting obligations, particularly relating to spills or discharges to sewer or sanitary systems.
- Multiple regulators may need to be advised of an emergency incident: provincial, federal and municipal, and sometimes multiple provincial ministries (e.g., Ministry of Labour and Ministry of the Environment).
- The reporting duty is generally broad and can apply to any person who released/spilled the substance or caused or permitted the release/spill, or to a person having possession, charge or control of the substance.
- Once reported, the reporting party generally has a statutory duty to provide spill reports, answer questions from the regulator and remediate the spill to restore the natural environment.
- If a spill is not reported, environmental regulators have enforcement powers that can result in prosecution and fines.

USEFUL RESOURCES

- [B.C. spill reporting fact sheet](#)
- [Alberta guide to release reporting](#)
- [Spill reporting in New Brunswick](#)
- [Ontario guide to reporting pollution and spills](#)
- [Québec: Urgence-Environnement, the environmental emergency service](#)
- [Significant spills liability decision – osler.com](#)
- [Environmental emergency regulations Reporting a spill or release](#)

Things to do

- The Supreme Court of Canada has advised “when in doubt, report” an incident as a spill or discharge to the appropriate regulator. If the incident is in the “grey zone,” consider implications of not reporting if the regulator views the incident, after the fact, as a spill.
- Ensure your business has robust spill response procedures and protocols for employees/contractors to follow, including protocols clarifying what constitutes a spill or a reportable discharge, who reports, to whom the report is required to be provided, and have emergency response personnel “on call,” as necessary.
- Carefully consider the content of your spill reports to avoid speculation, opinion or unnecessary commentary. Get an Emergency Health and Safety colleague and/or legal counsel to review spill reports, to the extent possible, before submitting to the regulator.

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