



Through the Environmental Emergency (E2) Regulations, the Government of Canada is requiring the preparation and implementation of environmental emergency plans to manage toxic and other hazardous substances.

Environmental Emergency Regulations under Part 8 of CEPA 1999

Key requirements of the E2 Regulations:

- Submit a **Notice of Identification of Substance and Place** within 90 days
- Prepare an E2 plan and submit a **Notice of Preparation** within 6 months
- Implement and test an E2 plan and submit a **Notice of Implementation** within 1 year
- Keep a copy of the plan at the place for which it was prepared
- Test your E2 plan annually and keep records for a minimum of five years
- Notify and report environmental emergencies involving regulated substances

What are the E2 Regulations?

The E2 Regulations were published in the *Canada Gazette Part II* on September 10, 2003 and are now available at the Government of Canada's Canada Gazette Website at <http://canadagazette.gc.ca>

Under the E2 Regulations, anyone storing or using a listed substance above the specified thresholds, or who has a container with a capacity for that substance in excess of the specified quantity, will have to notify Environment Canada of the place where the substance is held, along with the maximum expected quantity and the size of the largest container for that substance. If both the above criteria are exceeded, the regulatee is required to prepare and implement an environmental emergency plan and notify Environment Canada accordingly.

What are the Timelines?

In order to allow the regulated community to fully understand and adequately comply with the requirements of the E2 Regulations, there is a built-in 90-day delay from the date of publication in *Canada Gazette Part II* to the coming into force of the E2 Regulations. The E2 Regulations will therefore come into force on December 9, 2003. This timeframe will allow regulatees to properly inform and train their staff.

What is an E2 Plan?

An E2 plan documents ways to prevent, prepare for, respond to and recover from environmental emergencies caused by toxic or other hazardous substances. The complexity of the E2 plan may vary depending on the circumstances. For more information on how to prepare and implement an E2 plan, refer to the *Implementation Guidelines for Part 8 of the Canadian Environmental Protection Act, 1999 – Environmental Emergency Plans* now available on Environment Canada's CEPA Environmental Registry at www.ec.gc.ca/CEPARegistry

What are the E2 Regulated Substances?

The E2 Regulations will initially cover 174 substances that, if released to the environment as a result of an environmental emergency, act of terrorism or vandalism, may harm human health or environmental quality. These substances are listed in Schedule 1 of the E2 Regulations and can be found at www.ec.gc.ca/ee-ue/

Are existing plans acceptable?

The E2 Regulations recognize that existing environmental emergency plans, whether developed voluntarily or required under other statutes or regulations (federal, provincial or territorial) will be acceptable as long as they meet the requirements of the E2 Regulations. In the event that an existing plan does not meet all the requirements, the plan will need to be amended or modified accordingly.

Will the information be accessible to the public?

Once reviewed, the notices will be posted on the CEPA Registry, where they will be available for public review. However, in concert with the Canadian Security Intelligence Service, steps will be taken to manage information in a way that does not place Canadians at risk through access to such information by potential criminal or terrorist elements, while ensuring availability to first responders to the extent legally permissible.

Facilities that are subject to the E2 Regulations are encouraged to work with local emergency response personnel and community groups in preparing their E2 plans.

Who is obligated to report an environmental emergency?

Anyone who causes or contributes to an environmental emergency involving any E2 regulated substance is required to, as soon as possible, notify a person designated under the E2 Regulations. Further information on the verbal and written reporting requirements is outlined in the *Implementation Guidelines for Part 8 of the Canadian Environmental Protection Act, 1999 – Environmental Emergency Plans* now available on Environment Canada's CEPA Environmental Registry at www.ec.gc.ca/CEPARegistry

Want to know more?

Here are some good sources of information on the E2 Regulations under CEPA 1999:

- *Canada Gazette Part II* publication: <http://canadagazette.gc.ca>
- CEPA Registry www.ec.gc.ca/CEPARegistry
- Environmental Emergencies Branch website: www.ec.gc.ca/ee-ue/
- E2 Regulations on-line notification system www.cepae2.ec.gc.ca

Further Information

For further information, please contact:

Environment Canada
Environmental Emergencies Program
Email: CEPAE2@ec.gc.ca

