

## How to respond to the changing faces of Environmental Due Diligence

Demonstrating and documenting environmental due diligence lies at the heart of establishing your organization's environmental standard of care.

It is a fundamental tenet of all Environmental Management Standards and systems.

It is a necessary pre-requisite for most commercial transactions: asset sales, mergers, acquisitions and the sale and leasing of land.

Proof of environmental due diligence can provide directors, officers, and managers with a first line of defence against environmental charges and can save thousands of dollars in penalties and fines.

Environmental due diligence is dynamic - constantly being re-interpreted, both in the courts and through evolving industry standards.

The bar is constantly being raised.

This important new course is designed to give registrants practical and proactive strategies to:

- ✓ demonstrate and document your organization's environmental due diligence
- ✓ reinforce due diligence through the adoption of management standards and best practices
- ✓ demonstrate your organization's proactive approach to environmental care
- ✓ anticipate and respond proactively to changes in environmental due diligence caused by climate change and demands for heightened corporate responsibility.

*Join an experienced faculty as they help identify the key elements you need to establish environmental due diligence now and in the future!*

*Featured speakers include: (listing in alphabetical order)*

- Sean Capstick, Principal, Golder Associates
- Robert Cash, Manager, Environmental/Canada, ADM
- Rosalind Cooper, Partner, Fasken Martineau Dumoulin LLP
- Wesley Gee, Senior Sustainability Consultant, Stantec
- Dan Kirby, Partner, Oslers LLP
- Lou Locatelli, Principal, Church & Trought Inc.
- Marc McAree, Partner, Willms & Shier Environmental Lawyers LLP
- P. Douglas Petrie, Wilms & Shier Environmental Lawyers, LLP
- Donna Shier, Partner, Willms & Shier Environmental Lawyers LLP
- Randy Sinukoff, Senior Associate, Stantec
- John Willms, Partner, Willms & Shier Environmental Lawyers LLP

Register for this course online and find out more about Envirogate's companion environmental compliance courses at: [www.envirogate.ca](http://www.envirogate.ca)

8:15 a.m.  
8:50 a.m.

Registration and Continental Breakfast  
Introductions & Course Logistics

New for Fall!

### What is environmental due diligence?

- What is environmental due diligence and why it is important to organizations and individuals
- The many faces of environmental due diligence

### Dynamic due diligence: The changing face of environmental due diligence in the courts

- Environmental due diligence as a dynamic concept
- Review of important cases and lessons they illustrate
- Is following a Certificate of Approval proof of due diligence?
- Is meeting a numerical standard proof of due diligence?

### Ensuring accuracy, consistency and appropriateness of regulatory filings

- Annual reporting, NPRI, Certificate of Approval filings and applications
- Spills prevention planning, documentation and event reporting
- Legal requirements of regulated/non-regulated industries

### Do's & don'ts in the wording of documents and reports

- Diligence in writing internal and commissioning external audit reports
- Language and phrases which it is wise to avoid
- Guidelines for using and instructing external consultants

### Proactive protections for document access & release

- Strategies for managing access to data; confidentiality and privilege
- Legal powers of MOE investigators to obtain information
- How to respond to requests for company documents
- Cautions re: email and electronic communications and data storage

12:15 - 1:15 p.m.

LUNCH

### Environmental due diligence in commercial transactions

- Land, Assets, Shares
- Similarities & differences when it comes to environmental due diligence
- What constitutes environmental due diligence for Purchaser?
- What constitutes environmental due diligence for Vendor?

### Environmental due diligence: A consultant's perspective

- Identifying environmental issues and assessing the risks
- The reality of environmental regulations
- Hiring an environmental consultant

### Beyond GHG reporting: Adaptation & climate change

- Beyond GHG reporting obligations: Diligent adaptation to climate change
- Assessing your organization's vulnerability and liability
- Lender and Insurer disclosures related to climate change
- EA guidelines; climate change science and infrastructure planning

### The role of the EMS in establishing due diligence

- Evaluating environmental risks
- Drivers for implementing an Environmental Management System (EMS)
- ISO 14001 structure; elements of ISO 14001 that address due diligence
- Building an EMS for due diligence
- Integrating environmental and other management systems

### Due Diligence: Best Management Practices

- Who decides what constitutes a Best Management Practice (BMP)?
- Examples of BMPs (e.g. MOE's guideline for chemical storage, etc.)
- How to incorporate BMPs into your practices and procedures
- Materiality Impact Assessment Tool – Prioritise and Implement

### Future trends: Due diligence & sustainability

- Focusing on Sustainability to Reduce Risk and Improve Competitiveness
- Recent trends and changing practices driving improved performance
- Life cycle assessment: Taking a 'full cost' approach to managing risk
- Sustainability due diligence: Engaging stakeholders & identifying priorities
- ISO, GRI and CDP: will growing expectations in risk disclosure spur greater sustainability investment?

For more details on the topics featured in this program, visit [www.envirogate.ca](http://www.envirogate.ca)