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Changement climatique Canada

Environment and
Climate Change Canada

Canada



Inspections and Compliance: The Federal Perspective

Canadian Institute of Resources Law
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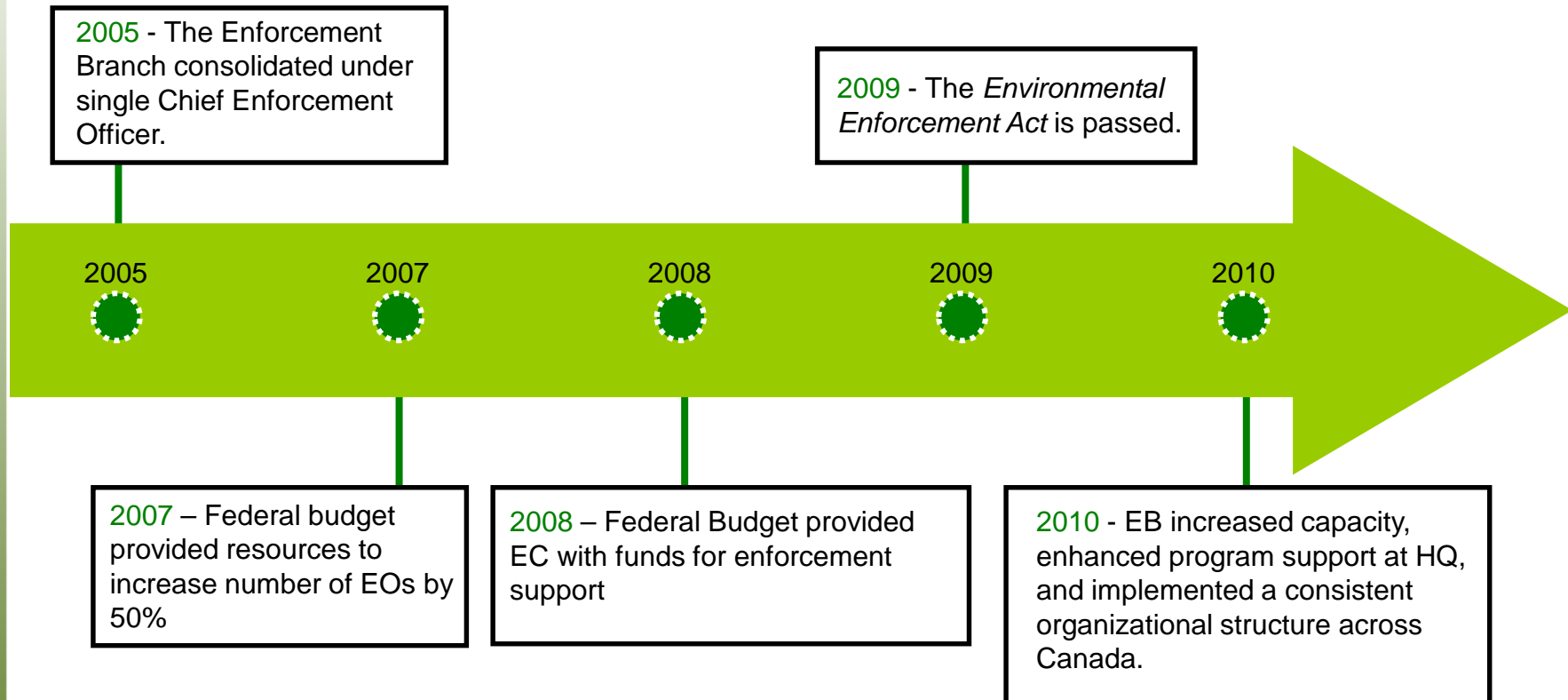
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Overview

- ECCC's Enforcement Branch
- Inspection Planning
- A day in the life of an enforcement officer
- Responses to Alleged Violations



The Evolution of Federal Environmental Enforcement



ECCC's Enforcement Branch

- Enforcement Branch (EB) counts 400 staff, including ~260 badged enforcement officers across every province and territory
 - Officers have the powers and protections of peace officers for the purpose of enforcing Environment and Climate Change Canada's laws and regulations
- Snapshot of enforcement activities in 2014/15:
 - Total inspections: 15,695
 - Total investigations: 1,054
 - Total enforcement actions: 6,802
 - Total active prosecutions: 117



Current Enforcement Office Locations



ECCC's Enforcement Responsibilities

- Acts and their Regulations
 - *Canadian Environmental Protection Act, 1999*
 - *Fisheries Act Pollution Prevention Provisions (ss. 36(3) to (6))*
 - *Canada Wildlife Act*
 - *Migratory Birds Convention Act, 1994*
 - *Wild Animal and Plant Protection and Regulation of Interprovincial and International Trade Act (WAPPRIITA)*
 - *Species at Risk Act*
 - *Antarctic Environmental Protection Act*
- Other Compliance Instruments
 - Pollution Prevention Notices
 - Significant New Activity (SNAc) Notices
 - Ministerial Conditions
 - Codes of Practice/Guidelines
 - Performance agreements



Our Partners

- Federal Partners (e.g. DFO, HC, CBSA, RCMP, Parks Canada, NCC, DND)
- Provincial & Territorial Counterparts
- US EPA
- US Fish & Wildlife Service
- The Commission for Environmental Cooperation's Enforcement Working Group (EWG)
- INTERPOL's Environmental Security Sub-Directorate



Principal Activities

- Intelligence
 - Providing accurate, timely and decision quality intelligence to senior leaders and decision makers at the national level, and operational and tactical intelligence to managers and enforcement officers at the regional level to best direct resources to target the most high-risk offenders
- Inspections
 - Verifying compliance with the Acts and the regulations
- Investigations
 - Gathering evidence to support or refute a suspected violation



Planned vs. Reactive Inspections

- Planned inspections result from the risk-based enforcement planning process, which establishes national and regional priorities and projects
- Reactive inspections include:
 - Responses to complaints
 - Incidents such as pipeline breaks, train derailments, and other spills into or near water frequented by fish or migratory bird habitat
 - Other deposits self-reported by industry as required by various acts and regulations
 - Referrals from partners or from within EC
 - Imports of regulated products or substances



Planning Inspections

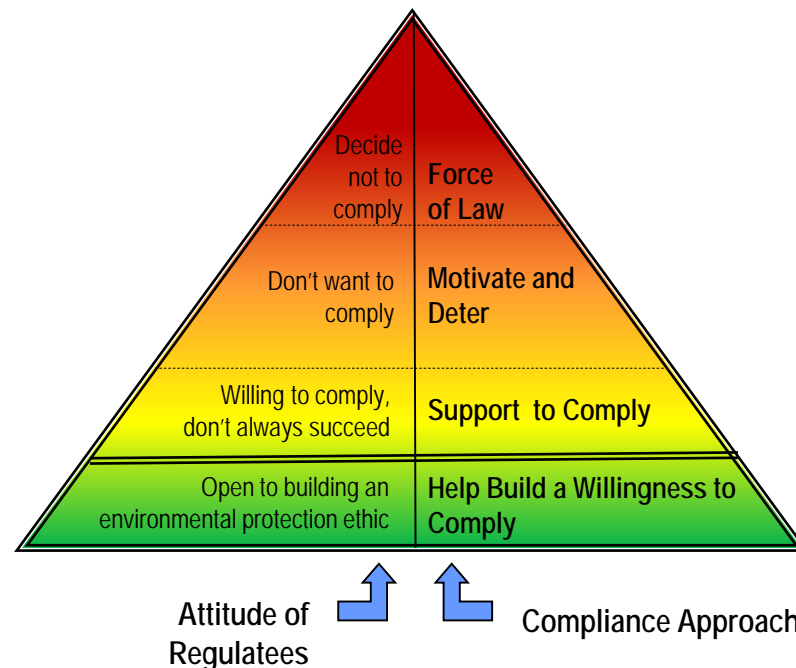
What drives our inspection planning?

Understand the problem

Use intelligence to identify the worse offenders and the most effective points of intervention

Tailor interventions to address the problem

Measure results and continuously improve



A day in the life of an enforcement officer



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Off-site inspections



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On-site inspections



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Responses to Alleged Violations

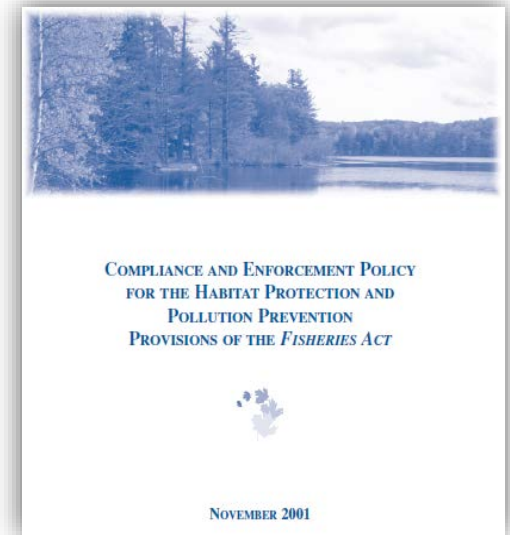
Actions	Acts
Warnings	All Acts
Tickets (some provinces)	CEPA 1999, CWA, MBCA 1994, WAPPRIITA
Directions	CEPA 1999, FA, WAPPRIITA
Seizures	All Acts
Ministerial Orders	CEPA 1999, FA, SARA
Prohibition orders involving new substances	CEPA 1999
Recall orders for toxic substances or animate products of biotechnology	CEPA 1999
Detention orders for ships	AEPA, CEPA 1999, MBCA 1994
Compliance Order	AEPA, CWA, CEPA 1999, MBCA 1994, CWA
Injunctions	AEPA, CEPA 1999, FA
Laying of Charges	All Acts
Removal Notices	WAPPRIITA



Compliance and Enforcement Policies

ECCC's enforcement officers are guided by compliance and enforcement policies, which are public documents that establish an overall framework for compliance and enforcement of the acts under ECCC's mandate:

- *Compliance and Enforcement Policy for the Canadian Environmental Protection Act, 1999*
- *Compliance and Enforcement Policy for the Habitat Protection and Pollution Prevention Provisions of the Fisheries Act*
- *Compliance and Enforcement Policy for Wildlife Legislation*



Compliance and Enforcement Policies

Officers consider the following policy criteria when choosing the appropriate response:

- **The nature of the alleged violation**
- **The effectiveness of the measure in achieving the desired result**
- **Consistency in enforcement**



Questions?

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