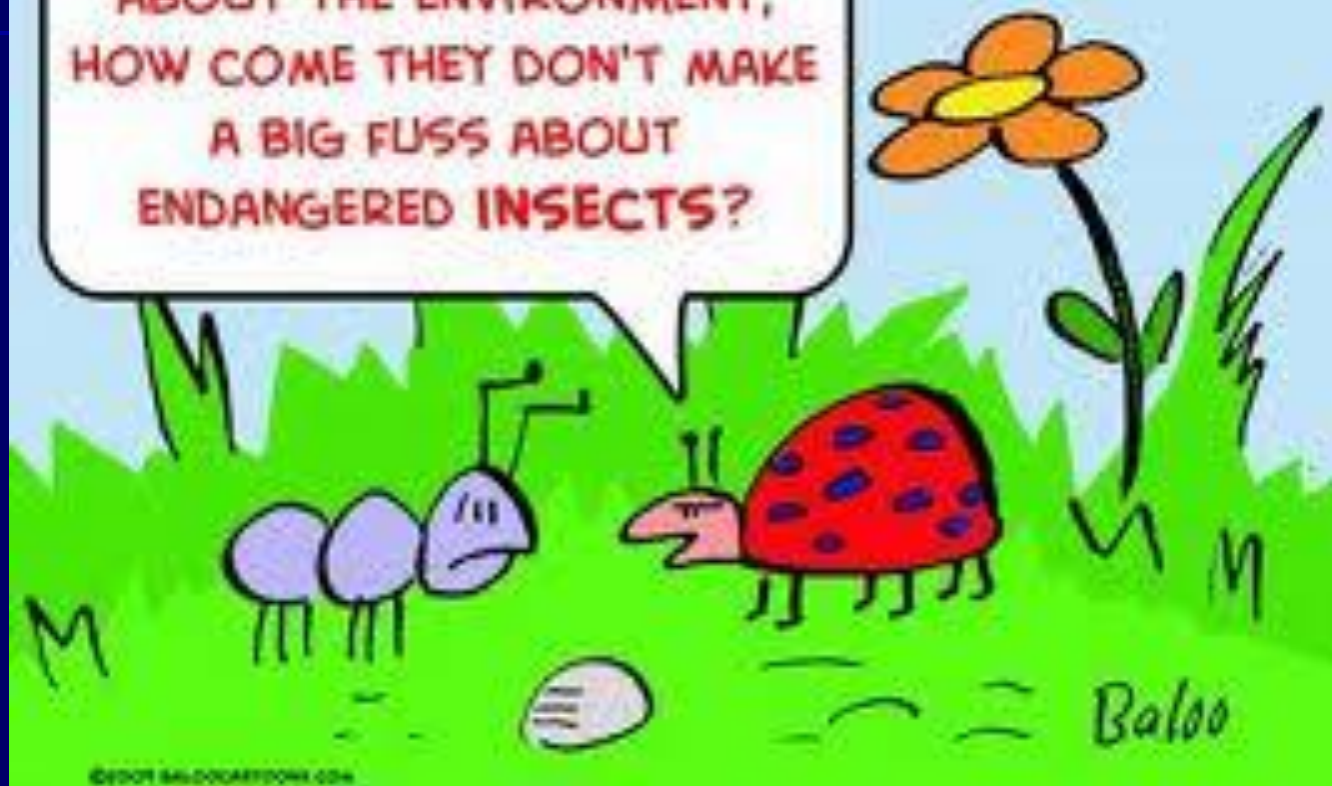


# Environmental Law

Canadian Context



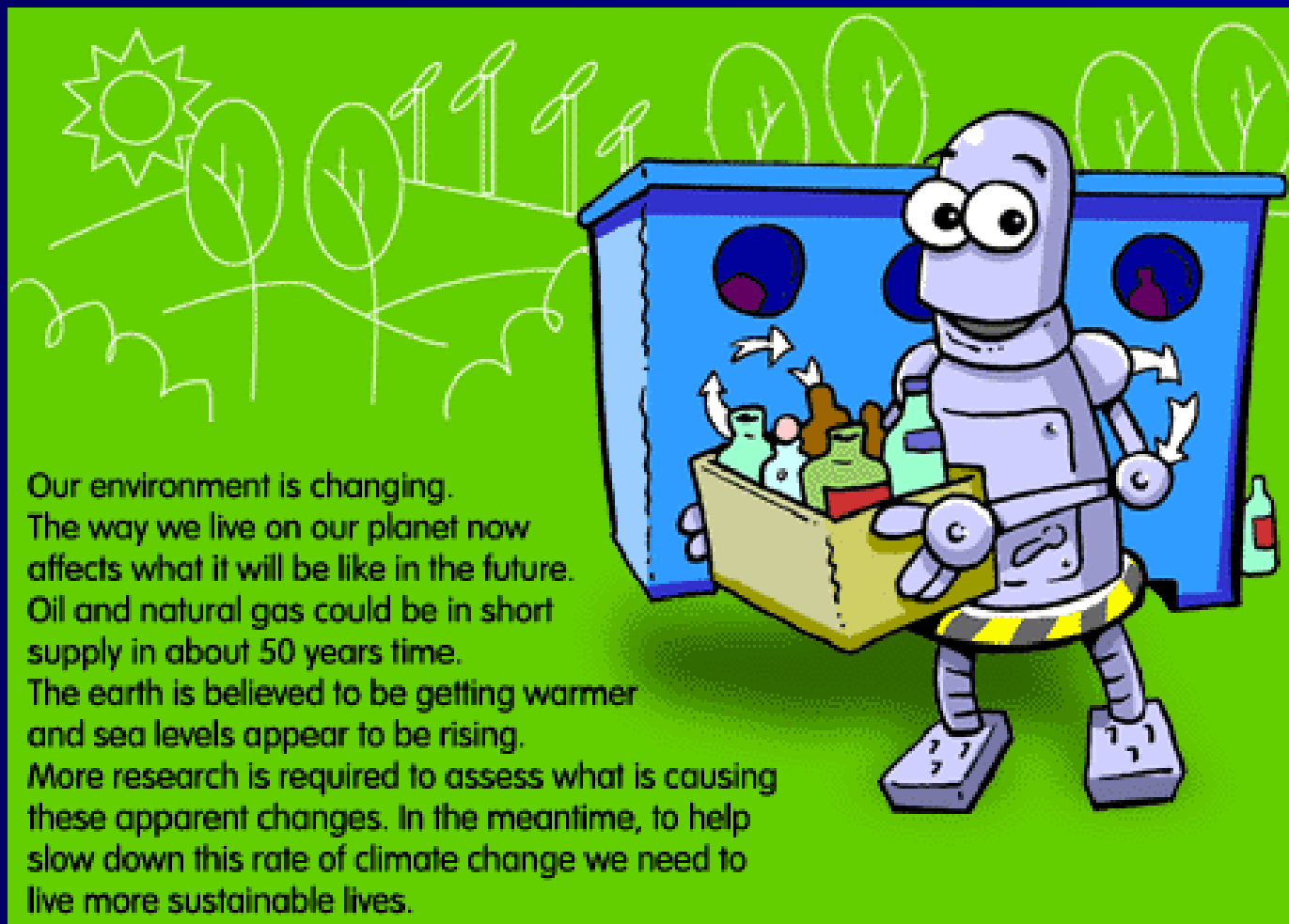
IF EVERYBODY'S SO CRAZY  
ABOUT THE ENVIRONMENT,  
HOW COME THEY DON'T MAKE  
A BIG FUSS ABOUT  
ENDANGERED INSECTS?



# Factors influencing Environmental Law

- The increasing **public awareness** of the benefits of a clean environment.
- An increased understanding of the consequences of pollution, disease, inability to sustain.
- Increase in **population**, particularly urban which coincides with the rising standard of living and greater consumption of resources.

# Growing public awareness influences the development of environmental law.



Our environment is changing. The way we live on our planet now affects what it will be like in the future. Oil and natural gas could be in short supply in about 50 years time. The earth is believed to be getting warmer and sea levels appear to be rising. More research is required to assess what is causing these apparent changes. In the meantime, to help slow down this rate of climate change we need to live more sustainable lives.

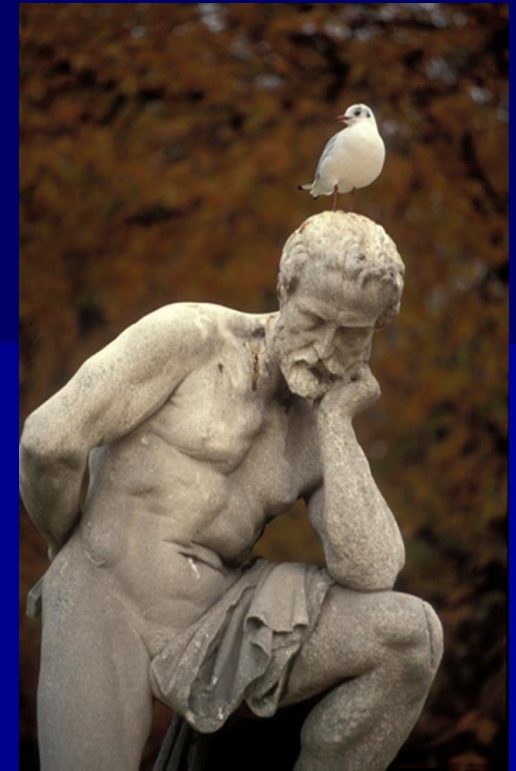
# The increasing population has had a negative effect on the environment.

- Urban sprawl – uncontrolled and poorly planned.
- Dependency on cars.
- Depletion of forests, farmland, natural resources.
- Higher standard of living causes environmental degradation (big houses/cars=higher energy costs, pollution).



**Pause for a moment.  
Think about the  
concerns you have  
for the environment.**

Maybe you included: car pollution,  
toxins in water supply, species at risk,  
resource depletion, technological  
waste...



# Purpose of Environmental Law

Traditionally environmental laws have fallen into two categories:

- After the Fact – Reactive Model - The law reacts to a problem to force compliance and prosecute offenders.
- Before the Fact – Proactive Model - The law sets guidelines, standards and conducts assessments to avoid or prevent environmental issues.

# QUESTIONS TO ASK???



- What environmental laws do we have?
- How effective are our laws? Are we achieving sustainability?
- If law cannot prevent or fix environmental harm, how do we address these problems?
- Which courts deal with environmental issues?
- What role do individuals play? Governments? Corporations?
- How do we balance environmental protection and economic interests?
- How do we develop international agreements to address cross border issues?



Economy

Environment

# Role of Governments -

**Neither level of government has complete control over environmental protection; it is a shared responsibility.**

## FEDERAL

"The Constitution gives the federal government power to pass laws relating to fisheries, shipping, interprovincial trade and commerce, and criminal law. The federal residuary power to pass general legislation for the Peace, Order, and Good Government of Canada also justifies environmental legislation.

Federal legislation enacted under these powers includes the Canadian Environmental Protection Act, the Canadian Environmental Assessment Act, the Pest Control Products Act, the Canada Shipping Act, the Arctic Waters Pollution Prevention Act, the Fisheries Act and the Transportation of Dangerous Goods Act."

Source: Hughes, E.L. & Franson, R.T.. R. The Canadian Encyclopedia. (2012). Environmental law.

Retrieved September 17, 2016 From

<http://www.thecanadianencyclopedia.ca/en/article/environmental-law/>.



# *Canadian Environmental Protection Act, 1999*

- This is the main law in Canada regarding the environment.
- Law was amended in 1999 to improve the following areas: prevention of pollution, control of toxic substances, control of waste management, protection of environment and human health.
- Key principles evident are sustainability and pollution prevention.

# Definitions



- POLLUTION PREVENTION:  
“The use of processes, practices, materials, products, substances or energy that avoid or minimize the creation of pollutants and waste and reduce the overall risk to the environment or human health.”

# Defintions cont...

- **SUSTAINABLE DEVELOPMENT:**  
“Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”



# Before we continue...what does it mean to be sustainable?

- [My Videos\Sustainability explained through animation.mp4](#)

**The legislation includes an environmental registry through which policies, documents, court actions are made public.**

**The legislation also gives citizens the right to sue if an action has resulted in significant environmental harm.**



## Precautionary Principle

Full scientific proof does not have to be established before action is taken. The threat of harm or damage may be sufficient.

## Polluter Pays Principle

Users and producers of toxic substances are to be held responsible for the costs associated with the regulation of these substances, such as clean up of waste site.

# Provincial Responsibilities

- “Provincial powers cover all matters of a local nature and property and civil rights within the province. The provinces also have primary jurisdiction over agriculture, forestry, mining and hydroelectric development. These powers give the provinces ample authority to pass most kinds of environmental laws. Provincial governments also ‘own’ most natural resources. Provincial provisions for exploitation of these resources may include measures intended to protect the environment. All provinces have now passed legislation on water pollution and air pollution. Provincial legislation also includes most wildlife conservation and management regulations, and the creation of ecological reserves and wilderness areas.”

Hughes, E.L. & Franson, R.T.. R. The Canadian Encyclopedia. (2012).  
Environmental law.

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# Food for thought



Clearly Canada has laws to protect the environment.

Do the laws that exist effectively protect the environment and ensure sustainable development for the future?

What else do you need to know to draw a conclusion?