Blasting Company Should’ve Reported Discharge of Flyrock



During a highway blasting operation, flyrock damaged a house and car. The blasting company reported the incident to the MOT and MOL but not the MOE. It was charged with failing to report the discharge of a contaminant that caused or was likely to cause an adverse effect. The trial court dismissed the charge, ruling that the reporting requirement only applied to “environmental events.” But the appeals court ruled that, under the Ontario *EPA*, flyrock fits the definition of “contaminant” and “adverse effect” includes property damage. And the Court of Appeal agreed. There were no policy reason for limiting the coverage of the *EPA* to situations in which serious adverse effects to people, animals and property can be considered only if the environment is also harmed by the same event. Here, the discharge of flyrock into the air during a blasting operation was a sufficient trigger for scrutiny under the *EPA* [*Ontario (Minister of the Environment) v. Castonguay Blasting Ltd.*, [2012] O.J. No. 1161, March 16, 2012].