

# Environmental – 2023 Year in Review



## FEDERAL

### LAWS & ANNOUNCEMENTS

**Dec 20:** The national ban on manufacture and import of single-use plastics officially took effect covering checkout bags, cutlery, foodservice ware, stir sticks and straws. The ban on ring carriers is scheduled to take effect in June 2023.

**Jan 13:** Comments closed on [proposed amendments](#) that would require companies to further reduce emissions of volatile organic compounds (VOCs) from architectural coatings and also tighten current exemptions from VOCs regulations.

**Feb 28:** New Treasury [contracting standards](#) require major government suppliers to disclose their greenhouse gas emissions and set reduction targets to do business with the federal government. The new rules take effect on April 1 and apply to federal procurements of over \$25 million. They also impose additional greenhouse gas requirements for certain federal government construction projects.

**Apr 21:** That's the deadline to participate in Environment and Climate Change Canada [email consultations](#) on proposed changes to e-waste rules contained in the *Cross-Border Movement of Hazardous Waste and Hazardous Recyclable Material Regulations*.

**Jun 15:** Newly tabled federal legislation ([Bill C-50](#)) would establish a national framework to ensure a steady flow of sustainable jobs green jobs in the future while advancing Canada's net-zero carbon emissions goals.

**Jul 1:** High inflation and pleas from the provinces weren't enough to dissuade the government from following through with its plans to implement the new federal carbon tax raising the prices for gas, diesel, and home heating fuels on Canada Day.

**Aug 10:** Newly proposed *Clean Energy Regulations* set strict emissions standards designed to cut over 340 megatonnes of greenhouse gas pollution between 2024 and 2050 and enable Canada to achieve a net-zero electricity grid by 2035. Unlike current regulations which are technology-specific, the [new draft regulations](#) apply generally to all forms of technology.

**Sep 27:** The federal government released a [new strategy](#) for promoting the wider development and use of carbon management technologies. Along with hydrogen and sustainable biotechnology, carbon management technologies will play a key role in enabling Canada to achieve its goal of net-zero carbon emissions by 2050.

**Oct 4:** Newly tabled (and soon to be enacted) [Bill 358](#) amends the *Excise Tax Act* to eliminate the goods and services tax (GST) for carbon pollution pricing.

## ALBERTA

### LAWS & ANNOUNCEMENTS

**Apr 6:** Alberta says the province's oil and gas sector is on track to meet its target of reducing methane emissions by 45% from 2014 levels by 2025. According to a new government [report](#), the sector has already decreased emissions by about 44% between 2014 and 2021.

**Aug 1:** From now through Sept. 26, Alberta will be accepting

[applications](#) for Technology Innovation and Emissions Reduction (TIER) funding for hydrogen projects under 2 streams: i. \$20 million for early-stage innovation projects from the Alberta Innovates Hydrogen Centre of Excellence; and ii. \$25 million for later-stage technologies under Emissions Reduction Alberta.

**Sep 26:** That's the deadline to submit [applications](#) for Technology Innovation and Emissions Reduction (TIER) funding for hydrogen projects under 2 streams: i. \$20 million for early-stage innovation projects from the Alberta Innovates Hydrogen Centre of Excellence; and ii. \$25 million for later-stage technologies under Emissions Reduction Alberta.

## BRITISH COLUMBIA

### LAWS & ANNOUNCEMENTS

**Jan 1:** BC expanded the list of recyclable items that can be deposited in a blue box to include, among other things, plastic plates, bowls, cup, cutlery, straws, food storage containers, hangers that come with clothing, as well as aluminum foil and metal storage tins.

**Apr 1:** Under the newly effective Greenhouse Carbon Tax Relief Grant, greenhouses may receive an 80% carbon tax reduction on the propane or natural gas sales at the point-of-sale rather than having to recoup those expenses through the relief grant program. To be eligible for the reduction, commercial producers must use more than 90% of the greenhouse for growing vegetables, ornamental flowers or plants, forest seedlings or nursery plants (cannabis is not eligible), providing: i. they sold more than \$20,000 in eligible plants in 2022 and expect the same revenues in the next year; and ii. they will use natural gas or propane to heat their greenhouses or to produce carbon dioxide.

**Jul 7:** BC revised its regulations to make it easier to dispose

of toxic, flammable or corrosive household hazardous wastes like motor oil, residential pesticides, lead-acid car batteries, propane cylinders and oil-based paint.

**Jul 14:** The new [Single-Use and Plastic Waste Prevention Regulation](#) imposing restrictions on the use of shopping bags, disposable food service accessories, oxo-degradable plastics and food service packaging made of polystyrene foam, PVC, PVDC, compostable or biodegradable plastics will take effect in BC on Dec. 20, 2023.

**Oct 5:** BC increased the maximum climate action tax credit to \$447 per year (\$250 increase) for an individual and \$893.50 (\$390 increase) for a family of four. The income eligibility requirements are also going up, meaning that more people will qualify for the credit.

## **CASES**

### **Environmental: BC Plant Fined \$1.1 Million for Fisheries Violation**

A BC hydro plant was fined \$1.1 million after pleading guilty to a federal *Fisheries Act* violation of depositing a deleterious substance into water frequented by fish. Federal enforcement officers discovered violations while investigating the discharge of 3,300 m<sup>3</sup> of contaminated drainage water into the Peace River in September 2018 [*Peace River Hydro Partners, Govt. Press Release*, August 1, 2023].

### **Environmental: Must Lumber Company Pay Government's Wildfire Fighting Costs?**

Section 29 of the BC *Wildfire Regulation* requires persons that start wildfires to repay the province's costs in fighting those fires. The Forest Appeals Commission held that Section 29 didn't apply to the lumber company that caused a very damaging wildfire near Nazko in April 2016. The lower court reversed, and the case went all the way to the Court of Appeal, which ruled that the lumber company had valid grounds

to appeal. The company's point that its debris pile burning were in line with forestry operation practices and shouldn't trigger the careless fires targeted by Section 29 was a valid argument and deserved to be considered on appeal, the top court concluded [[Tolko Industries Inc. v. British Columbia](#), 2023 BCCA 255 (CanLII), June 6, 2024].

### **Environmental: Pipeline Operator Fined \$346,000 for Violating its Environmental Permit**

BC slapped a gas pipeline operator with a \$340,000 administrative penalty for failing to comply with the terms of its environmental assessment certificate, plus another \$6,000 for providing false and misleading in its maintenance inspection records. This is the fourth time the Environmental Assessment Office has fined the operator for not doing enough to control erosion and sediment at its gas pipeline project [*Coastal GasLink Pipeline Ltd. (CGL)*, [Govt. News Release](#), September 21, 2023].

## **MANITOBA**

### **LAWS & ANNOUNCEMENTS**

**Jan 26:** Manitoba launched a new \$200 million Carbon Tax Relief Fund to help residents with net family income of \$175,000 deal with rising food, fuel and other winter-related costs.

**Jan 26:** Manitoba and Ottawa agreed on a 3-year conservation plan to protect the threatened Boreal Caribou species. The federal government will provide \$1 million to fund activities carried out under the agreement.

**Jun 9:** Manitoba launched a task force to explore construction, renovation and demolition waste diversion in an attempt to minimize how much of these materials end up in the province's landfills.

**Aug 25:** Manitoba conservation and patrol officers have laid 46 fisheries charges totaling \$7,518 in fines and \$1,974 in

restitution during the 2023 open water fishing season on Pelican Lake. Eighteen individuals were charged for angling with barbed hooks, 5 for angling without a valid license and 22 for possessing fish that didn't comply with size limits.

## NEW BRUNSWICK

### LAWS & ANNOUNCEMENTS

**Feb 28:** That's the deadline to comment on [proposed changes](#) to *Clean Environment Act* regulations governing the manufacturing, disposal and recycling of beverage containers in New Brunswick.

**May 1:** New Brunswick unveiled a new strategic action plan for solid waste management designed to reduce solid waste disposal at landfills by 40,000 tons per year. Key action items include establishing a Provincial Solid Waste Management Advisory Committee, implementing a provincewide organics program and standardizing solid waste reporting requirements.

**Aug 30:** New Brunswick unveiled a [new forestry management strategy](#) that aims to balance immediate economic and employment needs with long-term principles of conservation and sustainability. Forestry provides more than 24,000 full-time jobs while contributing over \$1.5 billion to the province's economy.

## NEWFOUNDLAND & LABRADOR

### LAWS & ANNOUNCEMENTS

**Apr 6:** The government issued a new [Action Plan](#) listing 37 measures it intends to take to improve the management of drinking water management systems across Newfoundland and Labrador.

**May 31:** The federal government pledged to provide up to \$86 million in funding to help convert the oil refinery located in

Come by Chance into a world-class renewable diesel facility that will not only create hundreds of new middle class jobs but also enable the province to achieve its low-carbon goals.

**May 31:** The federal government announced that Canadians living in Newfoundland and the other Atlantic provinces are now officially eligible for pollution pricing rebates.

## NOVA SCOTIA

### LAWS & ANNOUNCEMENTS

**Dec 7:** Nova Scotia published an action plan outlining 68 things it will do to address climate change and reach its 2030 greenhouse gas emission reduction targets. The province has committed to reducing emissions 53% below 2005 levels by 2030 and achieving zero emissions by 2050.

**Feb 28:** Nova Scotia officially adopted the federal Auditor General's recommendations on climate change funding including, among other things, creation of a strategic plan and set of objectives to guide the province's Green Fund mechanism for financing projects to reduce greenhouse gas emissions.

**Mar 31:** Third Reading for [Bill 269](#), which would extend the *Construction Projects Labour Relations Act* requirement that construction contractors and unions enter into collective agreements to prevent work stoppages to large-scale green hydrogen production facilities.

**Apr 12:** Nova Scotia officially adopted [Bill 269](#) extending the *Construction Projects Labour Relations Act* requirement that construction contractors and unions enter into collective agreements to prevent work stoppages to large-scale green hydrogen production facilities.

**Jun 2:** Nova Scotia changed its fuel pricing regulations to ensure compliance with federal measures. On July 1, gas, diesel and home heating costs will increase by about 14 to 17

cents a liter and a new fuel producer carbon tax designed to make gas and diesel fuels cleaner will take effect.

**Jul 14:** The federal government will be sending households in Nova Scotia a direct cash rebate, aka Climate Action Incentive, paid for with the proceeds of the new carbon tax that just took effect in the province. Amounts: \$248 for a family of 4; \$124 for the first adult; \$62 for a second adult; and \$31 for each child.

**Jul 31:** Nova Scotia issued its second annual [climate change progress report](#), covering the period from August 1, 2022, to July 31, 2023.

**Jul 31:** Nova Scotia published its [second annual progress report](#) outlining the steps the province took to achieve its climate change goals in 2022.

## NORTHWEST TERRITORIES

### LAWS & ANNOUNCEMENTS

**Jan 4:** That's the deadline [to comment](#) on [proposed changes](#) to the *Waste Reduction and Recovery Act*, including with regard to extended producer liability, disposal bans and penalties.

**Feb 28:** The federal government announced that it will provide \$1 million to support the Tu Cho Fisher's Cooperative and its Winter Fishery Enhancement and Innovation Project. The funds will be furnished through the Canadian Northern Economic Development Agency (CanNor).

**Mar 30:** The Assembly passed legislation ([Bill 60](#)) to revise the GNWT's carbon tax system with the federal "backstop," or minimum stringency standards. The tax on carbon dioxide equivalent emissions will increase to \$65 per tonne in 2023 and eventually rise to \$170 per tonne by 2030.

**May 5:** The Northwest Territories Species At Risk Committee



(SARC) reassessed Dolphin and Union caribou as an Endangered species, citing low population numbers and risks from climate change. Risks of extinction are significantly higher than they were a decade ago when the previous assessment was made, according to the SARC.

**Jun 21:** From now through August 21, the government will be holding potentially significant [public consultations](#) on whether the Northwest Territories should change its 2030 Energy Strategy and Climate Change Strategic Framework designed to cut greenhouse gas emissions from 2005 levels by 30% by 2030.

**Aug 4:** The GNWT launched [public engagement](#) on proposed changes to the Environmental Guideline for Contaminated Site Remediation. Among other things, the proposal establishes new territorial remediation criteria for groundwater, surface water and sediment quality. Deadline to [comment](#): August 31, 2023.

**Aug 21:** Potentially significant [public consultations](#) closed on whether the Northwest Territories should change its 2030 Energy Strategy and Climate Change Strategic Framework designed to cut greenhouse gas emissions from 2005 levels by 30% by 2030.

## NUNAVUT

### LAWS & ANNOUNCEMENTS

**Feb 24:** The federal government and GN announced that they will jointly invest \$1.9 million to fund the design of two new water treatment plants, one in Grise Fiord and the other Rankin Inlet.

**Sep 5:** The GN paid out the first Nunavut Carbon Credit payment. Each individual resident will receive 4 non-taxable payments of \$77 per year (\$308 in total) to help offset the price of carbon-based fuels. The next payment will occur on

October 5; after that, payments will be made on a quarterly basis.

**Mar 6:** Second Reading for [Bill 69](#), the *Reducing Inefficiencies Act*, which would speed up development projects by allowing the MOE to alter or waive the 30-day waiting period for Class Environmental Assessments on a project-by-project basis without compromising the environment.

**Jun 8:** The Ontario Assembly tabled [Private Member Bill 130](#) to ban fracking, or the use of hydraulic fracturing to explore or capture oil or gas trapped in shale. Barring something totally unforeseen, the bill isn't likely to pass.

**Jun 12:** Ontario has now installed electric vehicle (EV) fast chargers at all 20 ONroute stations along the province's busiest highways, the 400 and 401.

## PRINCE EDWARD ISLAND

### LAWS & ANNOUNCEMENTS

**Mar 1:** Electric vehicles (EVs) purchased at off-Island dealerships are now eligible for the PEI Universal Electric Vehicle Incentive, as are used and converted EVs. Used EVs with a sticker price of up to \$70,000 are now also eligible for rebates, up from \$55,000.

**Apr 26:** PEI launched [online surveying](#) seeking feedback on its plan to generate clean and sustainable energy on the way to achieving its goal of net zero emissions by 2040. Issues on the table include accelerating electrification, shifting to sustainable fuels and building the green energy workforce.

**May 24:** [Bill 12](#), which made it through Second Reading, would increase the maximum fine against a "natural person," i.e., an individual as opposed to a corporation under the *Environmental Protection Act* from \$10,000 to \$50,000.

**Jun 27:** The federal government will invest up to \$48.7 million in Canada Low Carbon Economy Fund funding to support PEI's efforts to cut energy costs and achieve its climate change goals, including: i. \$16.8 million to help low-income households switch from oil to cleaner and more cost-effective heating fuels; and ii. \$31.9 million for greenhouse gas reduction initiatives.

**Aug 24:** Newly effective Renewable Energy Act regulations give the provincial government authority to issue permits for renewable energy developments, provided that the proper environmental impact assessments are undertaken.

## **QUÉBEC**

### **LAWS & ANNOUNCEMENTS**

**Jan 1:** Use of the Traces Québec government system for contaminated soil is now mandatory across the province. The system makes it possible to track movement of contaminated soil for the purposes of preventing and cracking down on illegal spills and soil contamination.

**Mar 7:** Québec plans to quadruple annual fees paid by large companies to offset environmental harms. The base rate would go from \$2.20 to \$9.03 per tonne; the weighting factor for arsenic and cadmium emissions would increase from 200 to 500; annual caps on fees for discharges into water, atmospheric emissions and mine tailings would double to \$2 million.

**Jun 12:** The Statistical Institute of Québec estimates that the province's carbon footprint for 2018 was at least 95 million tonnes of CO<sub>2</sub>, equivalent to 11.3 tonnes per inhabitant. Household expenditures accounted for the largest share at 72%, or 8.1 tonnes per inhabitant. The largest emitter was the manufacturing sector, at 35%.

**Aug 31:** Québec will receive \$15 million from the federal Zero-Emission Trucking Program to establish a Zero-Emission

Trucking Testbed in the Montréal area. The facility will collect performance data to help speed up the reduction of pollution from medium- and heavy-duty on-road transportation.

**Sep 5:** Québec said it plans to publish a draft regulation under the *Mining Act* designed to overhaul the current regulatory system and promote “more harmonious development” in the mining sector. If and when the regulation takes effect, companies will need authorization to use hydraulic powered heavy machinery or engage in other exploration work likely to impact host communities.

## CASES

### **Environmental: Québec Factory Fined \$600,000 for 2 Chemical Spills**

An iron ore plant in Northern Québec notified the federal government of a spill of over 1,300 litres of sodium hydroxide into the sewer system which ultimately discharges into the St. Lawrence River. The plant experienced another spill incident occurred 6 months when a broken pipe spewed 7,000 litres of hydrochloric acid into the storm-drainage system which also empties into the St. Lawrence. The plant was fined \$600,000 after pleading guilty to 2 *Fisheries Act* violations [*Rio Tinto Fer et Titane Inc.*, [Govt. Press Release](#), June 15, 2023].

## SASKATCHEWAN

### **LAWS & ANNOUNCEMENTS**

**Mar 7:** Saskatchewan and Alberta are teaming up in a lawsuit challenging the constitutionality of the federal government’s decision to label single-use plastics “toxic substances” under the *Canadian Environmental Protection Act*. Trial begins today in Federal Court.

**Apr 6:** In response to perceived environmental law encroachments by the federal government, the Assembly passed [Bill 88](#), *The Saskatchewan First Act*, asserting the province’s

sovereignty over non-renewable natural resources exploration, forestry management and conservation and electrical energy generation.

**Jun 27:** Saskatchewan's oil and gas industry cut its greenhouse gas emissions for the third year in a row, the provincial government [reported](#). In 2022, emissions from venting and flaring at upstream oil facilities fell to 3.9 megatonnes of carbon dioxide equivalent, 64% less than the 7.0 megatonnes emitted in 2015.

## **YUKON TERRITORY**

### **LAWS & ANNOUNCEMENTS**

**Jan 10:** Yukon released an official government [policy](#) establishing a stewardship designed to protect the territory's extensive wetlands. Among other things, the policy outlines rules for water and land management, as well as environmental assessment of proposed development projects in wetlands areas.

**Jan 27:** That's the deadline [to comment](#) on Yukon's [proposal](#) to reform its current recycling system by, among other things, establishing the concept of extended producer responsibility making producers that sell and package products responsible for their recycling and disposal.

**Mar 8:** From now through May 8 Yukon will be holding [public consultations](#) on newly proposed regulations governing the use of public roads to access energy, mining, forestry and other resources across the territory.

**May 8:** That's the deadline to participate in [public consultations](#) on newly proposed regulations governing the use of public roads to access energy, mining, forestry and other resources across Yukon.

**May 21:** [Public consultations](#) ended on newly proposed

regulations governing the use of public roads to access energy, mining, forestry and other resources across Yukon.

**Jul 6:** Yukon published a new “What We Heard” [report](#) summarizing the comments and feedback it received during recent public consultations on proposed changes to the *Forest Resources Act* designed to streamline licensing and permitting, improve forestry planning and update forestry maps.

**Aug 8:** Yukon will be receiving \$8.4 million from Canada’s Low Carbon Economy Challenge Fund to support the development of renewable heating systems and other projects geared to climate action and reducing greenhouse gas emissions in the territory.