

A Look at Environmental Fines and Penalties Across Canada



All Canadian jurisdictions have environmental laws that permit the imposition of fines and other penalties for violations. In addition, federal environmental laws, most notably the *Fisheries Act*, apply across the country and violators of those laws may also be fined or otherwise penalized. So how often are violators of these various environmental laws penalized and what kinds of fines are imposed for such violations?

Berkley Canada, an insurance company, recently released a report entitled 'Environmental Risk Management White Paper: Fines & Penalties.' The report is intended to provide context on how fines and penalties are being used by Canadian environmental regulators post-2014, when Environment Canada imposed its largest penalty to date, a \$7.5 million fine against Bloom Lake General Partners for violations of the *Fisheries Act* and *Metal Mining Effluent Regulations*.

Some key findings in the report:

- Between 1991 and 2009, the average amount of fines and penalties issued by all federal and provincial regulators in Canada was \$1.4 million per year.
- In 2014 and 2015, Ontario alone issued a total of \$2.9 and \$3.2 million in fines and penalties, respectively.
- 17 large (greater than \$75,000) fines and penalties were issued by all federal and provincial regulators in Canada in 2015, totaling \$3,836,750.
- Based on the number of fines and penalties issued in 2015, Ontario was the most active jurisdiction, followed by Alberta and BC.

Considering just large fines by province for 2015, the report found the following:

- Ontario: \$2,418,750 in fines (focus: air emissions such as dust, smoke and chemicals)
- Alberta: \$745,000 in fines (focus: *Fisheries Act*)
- BC: \$540,000 in fines (focus: *Fisheries Act*)
- Newfoundland: \$100,000 in fines (focus: waste management).

This data suggests that Canadian environmental regulators are making greater use of fines and penalties than at any other time in the past. So EHS professionals should continue to monitor, evaluate and look for ways to improve operations so as to reduce the risk of committing an environmental violation and thus incurring a fine or penalty.

For more on environmental compliance and preventing violations of the environmental laws, such as spills of hazardous substances, see:

- Spills: Take 6 Steps to Create a Spill Prevention Plan
- Spill Response: Answers to 11 Frequently Asked Questions
- Spill Prevention Checklist
- Model Spill Response and Reporting Policy.

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