Navigating Recent Environmental Law Changes in Canada: Implications for OHS/EHS Managers



In recent years, Canada has witnessed significant shifts in environmental legislation aimed at enhancing environmental protection and promoting sustainable development. These changes have profound implications for Occupational Health and Safety (OHS) and Environmental Health and Safety (EHS) managers, who must navigate the evolving regulatory landscape to ensure compliance and safeguard their organizations.

Key Legislative Developments

Amendments to the Canadian Environmental Protection Act (CEPA), 1999

In June 2023, Bill S-5 introduced pivotal amendments to CEPA, marking the first substantial update since its inception. Notably, the act now recognizes every individual's right to a healthy environment, underscoring the government's commitment to environmental health. Additionally, the amendments grant authorities enhanced power to gather information on substances released from specific industrial processes, such as hydraulic fracturing and tailings ponds. A significant inclusion is the establishment of a 'watch list' for substances that, while not

currently classified as toxic, may pose future risks. These changes necessitate that OHS/EHS managers stay vigilant about substances used within their operations and proactively assess potential environmental and health impacts.

Regulations on Volatile Organic Compounds (VOCs)

In February 2024, proposed regulations aimed at reducing the release of VOCs from storage tanks were introduced. Targeting facilities such as petroleum refineries and bulk plants, these regulations mandate stringent record-keeping and reporting requirements. For OHS/EHS managers in the petroleum sector, this means implementing rigorous monitoring systems and ensuring that storage practices align with the new standards to mitigate environmental and health risks associated with VOC emissions.

Anti-Greenwashing Legislative Amendments

Amendments to Canada's Competition Act have tightened regulations around environmental claims made by companies. Organizations are now required to substantiate any environmental assertions, ensuring transparency and accuracy. This development emphasizes the importance for OHS/EHS managers to collaborate closely with marketing and communications teams to verify that all environmental claims are backed by credible data, thereby avoiding potential legal repercussions and maintaining organizational integrity.

Implications for OHS/EHS Managers

Enhanced Compliance Obligations

The evolving regulatory framework imposes additional compliance responsibilities on organizations. OHS/EHS managers must conduct comprehensive reviews of current practices,

update internal policies, and ensure that all operations adhere to the latest environmental standards. This may involve investing in new technologies, revising operational procedures, and providing ongoing training to staff to maintain compliance.

Proactive Risk Management

With the introduction of the ‘watch list’ under CEPA amendments, there is a heightened emphasis on identifying and managing substances that could pose future risks. OHS/EHS managers should implement robust risk assessment protocols, regularly monitor the substances used within their operations, and stay informed about emerging scientific findings related to environmental and health hazards.

Interdepartmental Collaboration

The crackdown on unsubstantiated environmental claims necessitates closer collaboration between OHS/EHS managers and other departments, particularly marketing and legal teams. Ensuring that all public communications accurately reflect the organization’s environmental practices and achievements is crucial to maintain credibility and avoid legal challenges.

Continuous Education and Training

Given the dynamic nature of environmental legislation, continuous education is vital. OHS/EHS managers should engage in regular training sessions, attend industry seminars, and participate in professional networks to stay abreast of legislative changes and best practices. This proactive approach not only ensures compliance but also positions the organization as a leader in environmental stewardship.

Conclusion

The recent changes in Canada’s environmental laws reflect a broader commitment to sustainability and public health. For OHS/EHS managers, these developments present both challenges and opportunities. By understanding the nuances of the new regulations, proactively managing risks, fostering interdepartmental collaboration, and committing to continuous education, OHS/EHS professionals can effectively navigate this evolving landscape, ensuring their organizations remain compliant, competitive, and responsible stewards of the environment.