



Changes to Environmental Emergency Regulations

Recently, Environment and Climate Change Canada (ECCC) released changes to the Environmental Emergency Regulations, published in the [Canada Gazette Part II, Vol. 153, No. 5](#). The changes to the regulations will come into force on August 24, 2019.

As a courtesy, Emergency Response Assistance Canada (ERAC) would like to inform you of the published changes.

If you have additional questions, please contact Don Merriam, Emergency Response Planning Manager, 514-714-1075 or don.merriam@erac.org, or visit erac.org.

New Regulations	Change to Regulations	Action Required by Responsible Person
Substances List		
<p>Additions: The final Regulations introduce 33 additional substances to the consolidated Schedule 1 – see Table 1 below. Overall, these modifications to Schedule 1 increase the number of substances listed in the final Regulations to 249.</p>	<p>Did not include these additional 33 substances.</p>	<p>Review the list of additional substances and ensure your E2 plan addresses any that pertain to your business.</p>
<p>Exclusions:</p> <p>2(a) a substance that is identified in column 5 of Part 1 of Schedule 1 as combustible or likely to explode and</p> <ul style="list-style-type: none"> (i) is in a mixture that has a flashpoint greater than 23 °C and a boiling point greater than 35 °C, or (ii) is a component of natural gas in its gaseous form; <p>2(c), a substance that is used to fuel a heating appliance or to generate power at the facility where it is located and is present in a quantity that is less than the quantity set out in column 4 of Part 1 of Schedule 1 for that substance;</p>	<p>They have replaced “or” with “both” and removed “equal to” for both flash point and boiling point.</p> <p>E.g., fuel oil. Not previously excluded.</p>	<p>Review the list of excluded substances and ensure your E2 plan addresses any that pertain to your business.</p>



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Environmental Emergency Plan		
<p>4 (2) The environmental emergency plan must include the following:</p>	<p>Changed “consider the following factors” to “must include.” Results in more detailed planning and mapping.</p> <p>Clarified the maximum expected impact zone or Emergency Planning Zone (EPZ).</p>	<p>Incorporate the mandatory factors in to your E2 plan.</p> <p>Note: ERAC already applies this philosophy to E2 plans we develop.</p>
<p>4 (2)(d), (e), and (f): (d) an identification of any environmental emergency that could reasonably be expected to occur at the facility and that would likely cause harm to the environment or constitute a danger to human life or health, including the environmental emergency referred to in paragraph (e) and, if applicable, the environmental emergency that is more likely to occur than the environmental emergency referred to in paragraph (e) and that would have the longest impact distance outside the boundary of the facility; (e) an identification of the harm to the environment or danger to human life or health that would likely result from an environmental emergency involving the release of</p> <ul style="list-style-type: none"> (i) the maximum quantity of the substance that could be contained in the container system that has the largest maximum capacity, if a quantity of the substance is in a container system, and (ii) the maximum expected quantity of the substance that will not be in a container system, if a quantity of the substance is not in a container system; 	<p>Expanded on “identification of harm. Removed “would likely result” and replaced it with “reasonably be expected to occur.”</p> <p>Included planning with local authorities, acting jointly to communicate with members of the public. Not previously part of regulations.</p>	<p>Address the new definition of identification of the harm, and planning with local authorities, in your E2 plan.</p>



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<p>(f) an identification of the harm to the environment or danger to human life or health that would likely result from the environmental emergency identified under paragraph (d), if any, that is more likely to occur than the environmental emergency referred to in paragraph (e) and would have the longest impact distance outside the boundary of the facility;</p>		
<p>4 (2)(l), (m), (n), and (o): (l) a description of the measures that will be taken by a responsible person or by a responsible person and local authorities, acting jointly, to, in the event that an environmental emergency involving the release of a substance occurs, communicate with the members of the public who may be adversely affected to provide them, during and after its occurrence, with information and guidance concerning the actions that could be taken by them to reduce the potential harm to the environment and danger to human life or health, including an explanation of how those actions may help to reduce the harm or danger; (m) the position title of the person who will communicate with the members of the public referred to in paragraphs (k) and (l); (n) a description of the consultations that a responsible person had with local authorities, if any, with respect to the measures referred to in paragraph (k) and (l); and (o) a plan of the facility showing the location of any substances in relation to the physical features of the facility.</p>	<p>In large urban areas this will require meeting with the Authority Having Jurisdiction and identifying their process for “sheltering-in-place” or “evacuations.”</p> <p>In smaller hamlets this will require someone to gather contact data for, resident, public gathering places and businesses.</p>	<p>Adopt processes to address these new requirements.</p>
<p>10: A responsible person must review and, if necessary, update the environmental emergency plan at least once a year to ensure that it continues to meet the requirements of subsection 4(2) and keep a record of the date of the review.</p>	<p>Keep a record of the date the plan was reviewed, annually at minimum. Not previously part of regulations.</p>	<p>Create a process for regular review of E2 plans.</p>



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Simulation Exercises		
<p>7 (1): A responsible person must conduct simulation exercises in relation to each environmental emergency plan that is prepared under subsection 4(1) as follows:</p> <p>(a) each year, beginning on the day on which the plan is brought into effect, a simulation exercise in respect of one substance from each of the hazard categories referred to in column 5 of Parts 1 and 2 of Schedule 1, using an environmental emergency identified under paragraph 4(2)(d) as the emergency being simulated; and</p> <p>(b) every five years, beginning on the day on which the plan is brought into effect, a full-scale simulation exercise in respect of any one substance, using an environmental emergency referred to in paragraph 4(2)(e) or (f) as the emergency being simulated.</p>	<p>Annual environmental emergency plan exercises must be conducted based on hazard category.</p> <p>Full-scale environmental emergency plan exercises must be conducted once every five years for at least one substance.</p>	<p>Plan exercises according to frequency and specifications.</p>
<p>8: After each simulation exercise is conducted in relation to the environmental emergency plan, a responsible person must prepare a record that contains the date, a summary and the results of the simulation exercise and any modifications to be made to the plan as a result of the simulation exercise.</p>	<p>Schedule 5 details what to include in the annual exercise requirements.</p>	<p>Schedule 8 details new expanded requirements required for this report during each exercise.</p>



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Change in Circumstances		
<p>15(1): If a notice has been submitted under subsection 3(1) in respect of a substance located at a facility, a responsible person must submit a notice to the Minister if</p> <p>(a) the total quantity of the substance located at the facility is, for a period of one year, less than the quantity set out in column 4 of Part 1 or 2 of Schedule 1 for that substance; or</p> <p>(b) a quantity of the substance is, for a period of one year, no longer found in a container system at the facility that has a maximum capacity that is equal to or greater than the quantity set out in column 4 of Part 1 or 2 of Schedule 1 for that substance.</p>	<p>3(4)(b) any increase of 10% or more in the maximum expected quantity of a substance reported under paragraph 3(d) of Schedule 2.</p>	<p>Submit the notice in case of change in quantity or capacity.</p>
<p>15(2): The notice must contain the information referred to in Schedule 6 and be submitted no later than 60 days after the end of the period referred to in paragraph (1)(a) or (b), as the case may be.</p>	<p>3(4) The person must resubmit the notice referred to in subsection (1) within 60 days after the occurrence of any of the following changes:</p> <p>(a) any change to the information provided to the Minister under section 1 or 2 of Schedule 2; or 3(4)(b) above</p>	<p>Submit Schedule 6 within the referenced time period.</p>
<p>17: If there is a transfer of the ownership of a facility where a substance is located, a responsible person must, if a notice has been submitted under subsection 3(1) in respect of the substance, submit a notice containing the information referred to in Schedule 7 to the Minister on or before the date of the transfer.</p>	<p>Was not previously required as part of regulations.</p>	<p>Submit Schedule 7 on or before transfer date.</p>



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Record Keeping		
<p>21(1): Any records prepared in accordance with sections 8 and 10 must be kept at the facility referred to in subsection 4(1).</p>	<p>6(3) The person must keep with the plan, a record of the results from the annual updates and tests for a period of not less than five years beginning on the day the record is made.</p>	<p>Keep referenced records at the facility</p>
<p>21(2): The records referred to in subsection (1) must be kept for a period of not less than seven years beginning on the day on which they are prepared.</p>	<p>Period used to be five (5) years.</p>	<p>Update records management processes to reflect seven years.</p>

Table 1: Substances being added to Schedule 1

Item	Chemical Abstracts Service (CAS) Registry Number	Name of Substance
1	79-06-1	2-Propenamide
2	80-05-7	Phenol, 4,4'-(1-methylethylidene)bis-
3	100-44-7	Benzene, (chloromethyl)-
4	110-49-6	Ethanol, 2-methoxy-, acetate
5	110-54-3	Hexane
6	111-15-9	Ethanol, 2-ethoxy-, acetate
7	120-80-9	1,2-Benzenediol
8	123-31-9	1,4-Benzenediol
9	123-91-1	1,4-Dioxane
10	126-73-8	Phosphoric acid, tributyl ester
11	732-26-3	Phenol 2,4,6-tris(1,1-dimethylethyl)-
12	1314-62-1	Vanadium pentoxide
13	1336-21-6	Ammonium hydroxide



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14	7646-79-9	Cobalt chloride
15	8002-05-9	Petroleum crude oil
16	17540-75-9	Phenol, 2,6-bis(1,1-dimethylethyl)-4-(1-methylpropyl)-
17	41556-26-7	Decanedioic acid, bis(1,2,2,6,6-pentamethyl-4-piperidinyl) ester
18	64741-47-5	Natural gas condensates, petroleum
19	64741-48-6	Natural gas, petroleum, raw liquid mix
20	64741-86-2	Distillates, petroleum, sweetened middle
21	64741-87-3	Naphtha, petroleum, sweetened
22	64742-80-9	Distillates, petroleum, hydrodesulphurized middle
23	68334-30-5	Fuels, diesel
24	68476-30-2	Fuel oil, No. 2
25	68476-31-3	Fuel oil, No. 4
26	68476-33-5	Fuel oil, residual
27	68476-34-6	Fuels, diesel, No. 2
28	68527-27-5	Naphtha, petroleum, full-range alkylate, butane-containing
29	68553-00-4	<i>Fuel oil, No. 6</i>
30	68919-39-1	<i>Natural gas condensates</i>
31	72102-55-7	<i>Methylum, [4-(dimethylamino)phenyl]bis[4-(ethylamino)-3-methylphenyl]-, acetate</i>
32	101316-57-8	<i>Distillates, petroleum, hydrodesulfurized full-range middle</i>
33	128683-25-0	<i>Crude oil, oil sand</i>