

Torys on Environmental, Health and Safety

EH&S 2012-9
November 2, 2012

Ontario

Producers to manage pharmaceuticals and sharps returned by consumers

On October 1, 2012, *Collection of Pharmaceuticals and Sharps – Responsibilities of Producers* regulation (O. Reg. 298/12) came into force. Made under the *Environmental Protection Act*, this regulation will essentially require certain producers of pharmaceuticals and sharps to put in place systems that collect and manage their products after purchase (e.g., unused or expired pharmaceuticals or used sharps). More specifically, such producers' obligations will include

- providing for collection locations for consumers to bring the producer's products; and
- disposing of those products.

Depending on the circumstances, a producer may be the manufacturer of the product, the owner or licensee of the brand under which the product is sold to consumers in Ontario, the importer of the product into Ontario or the first person who sells the product in Ontario. Most of the obligations under this regulation come into force on January 1, 2013.

The Post-Consumer Pharmaceutical Stewardship Association (which represents health products industries) has indicated that it will develop return programs for pharmaceuticals and sharps, which may assist producers in complying with these obligations.

For more information, please see [Ontario Regulation 298/12](#) and [notification re return programs](#).

Ministry of Natural Resources proposes policy framework to modernize approvals

The Ministry of Natural Resources (MNR) recently released a discussion paper titled "Modernization of Approvals" regarding a proposed policy framework to modernize and streamline the MNR's issuance of permits, authorizations and licences. The MNR is releasing this discussion paper to seek public input on the framework, which, once determined, will guide changes to specific permits, authorizations and licences. The MNR expects to start consulting on potential policy and regulatory changes for specific approvals "in the coming months."

The MNR will accept submissions on the framework until November 13, 2012. For further information or the electronic submission form, please see the [Environmental Registry](#).

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We invite you to share this bulletin with colleagues and others who may be interested.

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Ministry of Labour enhances the enforcement of the *Employment Standards Act, 2000*

On September 17, 2012, the Ministry of Labour (MOL) announced that it will be “enhancing” its enforcement of the *Employment Standards Act, 2000* (ESA) in order to ensure fairness in the workplace. According to the MOL, the enhanced enforcement will include more proactive inspections by the MOL. In addition to encouraging compliance with the ESA, the MOL has indicated that these inspections will aim to educate employers and employees about their rights and responsibilities under the ESA.

For more information, please see the [MOL news release](#).

Ministry of Labour releases notice regarding hazards of photovoltaic systems

On October 12, 2012, the MOL released a notice regarding potential worker health and safety hazards that may arise in the course of the construction, installation, operation and maintenance of solar energy equipment and systems. The notice summarizes a number of relevant requirements under the *Occupational Health and Safety Act* that may be applicable to employers involved in such activities. The notice also offers a number of general safety considerations that employers and workers should consider before working on a photovoltaic system.

For more information, please see the [MOL alert](#).

Alberta

Environment and Sustainable Resource Development releases new clean air strategy

On October 10, 2012, Alberta’s Ministry of Environment and Sustainable Resource Development released a new clean air strategy and action plan for the province. *Clearing the Air: Alberta’s Renewed Clean Air Strategy, 2012* is a roadmap that the Alberta government, its partners and the public will follow over the next 10 years and that focuses on four main areas: (i) governance; (ii) regional planning; (iii) pollution prevention and control; and (iv) knowledge and information sharing. The action plan outlines the short-, medium- and long-term actions that the province will take to implement the strategy. The purpose of the strategy and action plan is to enhance Alberta’s existing air quality management system and to contribute to the achievement of the multiple goals, including (i) managing air quality to protect the health of Albertans; (ii) maintaining, protecting and sustaining healthy ecosystems; and (iii) ensuring that air-quality management supports Alberta’s economic sustainability.

For more information, please see Alberta’s [Environment and Sustainable Resource Development website](#).

Canada

Omnibus budget implementation bill amends federal environmental legislation

On October 18, 2012, the federal government introduced to Parliament its new omnibus budget implementation bill, Bill C-45. If passed, it will affect a number of federal statutes including the *Navigable Waters Protection Act*, the *Fisheries Act* and the *Canadian Environmental Assessment Act, 2012*. Bill C-45 intends to change the *Navigable Waters Protection Act*’s name to the *Navigation Protection Act* and narrow the number of lakes and rivers to which it would apply. The bill also amends some of the recent changes to the *Fisheries Act*, including an amendment to the definition of the term “Aboriginal fishery.” The bill addresses a few technical aspects of the *Canadian Environmental*

Assessment Act, 2012, including the amendment of a transitional provision to make the new requirements under this Act apply to certain designated projects that would have required an environmental assessment under the former Act. Bill C-45 has received second reading and has been referred to committee review.

The National Round Table on the Environment and the Economy releases final report in its Climate Prosperity series

The National Round Table on the Environment and the Economy (NRT), an independent policy advisory agency that has advised the federal government on sustainable development solutions, has released its sixth and final report in its Climate Prosperity series, *Framing the Future: Embracing the Low-Carbon Economy*. According to the NRT, the report is intended to raise awareness of the implications of, and the opportunities for Canada in, a world where limits are placed on the emission of greenhouse gases. The report recommends how Canada should position itself with respect to low-carbon goods and services markets in order to prosper through the “global transition to a low-carbon economy.” In the report, the NRT quantifies the potential opportunities in the low-carbon market, assesses and characterizes the risks to Canada in a global transition to a low-carbon economy and puts forward a low-carbon growth framework as a resource for government, the private sector and Canadian citizens. The framework recommends that government work with the private sector to stimulate innovation, mobilize investment, increase access to global markets for low-carbon goods and services, and foster talent and skills development.

For further information, please see the [NRT website](#).

Environment Canada releases a greenhouse gas reporting notice for 2012

Environment Canada recently released its notice under the *Canadian Environmental Protection Act, 1999* regarding the reporting of greenhouse gases (GHGs) for 2012. All persons who operate a facility that emits 50,000 tonnes of carbon dioxide equivalent or more of the enumerated GHGs (which include carbon dioxide, methane, nitrous oxide, and a variety of hydrofluorocarbons and perfluorocarbons) are subject to mandatory reporting requirements as set out in the notice. The required information must be provided to the Minister of the Environment through Environment Canada’s Single Window system no later than June 1, 2013.

For more information, please see the [Canada Gazette](#).

About Torys

Torys LLP is a highly respected international business law firm with a reputation for quality, creativity and teamwork. Our enviable record of experience combined with the insight and imagination we bring to our work has made us our clients’ choice for their large and complex transactions and major disputes on both sides of the Canada-U.S. border and internationally. Torys operates from offices in Toronto, New York and Calgary.

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