



Environmental Health & Safety Audit Protocol Ontario, Canada 2020

release notes

STP ComplianceEHS (STP) announces the release of its recently updated EHS audit protocol for Ontario, Canada. This audit protocol, which covers relevant provincial and national EHS requirements, was previously updated in April 2019. The regulatory date for the current release is June 2020. The table below shows the extent of regulatory changes that have occurred since the previous update.

Number of Legislative Instruments and their Status
(since April 2019)

Protocol Section	No Change	New	Amended	Repealed
General Environmental	7	3	5	4
Air Emissions	16	6	5	3
Solid and Hazardous Waste	20	0	6	0
Water Resources	16	1	4	0
Above and Below Ground Tank Management	3	0	2	0
Community Noise	0	0	1	0
PCBs	4	0	2	0
Asbestos	2	1	5	0
General Health and Safety	4	0	5	0
Equipment, Machine and Electrical Safety	5	0	1	0
Material Handling and General In-Plant Safety	3	0	3	0
Fire Safety	2	0	5	0
Transport of Dangerous Goods	4	0	3	0
Industrial Hygiene	4	0	6	0
Chemical Management	22	0	19	0
Construction Work Site Safety	3	0	6	0

release notes

please review

highlights of selected new legislation

- **Impact Assessment Act (IAA) [S.C. 2019, c. 28, s.1] came into effect** on August 28, 2019. The Act and its regulations establish a new process for conducting impact assessments of designated projects proposed to be conducted within federal lands or supported with federal funding. Designated projects and physical activities required to undergo an impact assessment are defined in the *Physical Activities Regulations (SOR/2019-285)*, which also came into effect on August 28, 2019. The assessment considers potential environmental, health, social and economic impacts of proposed projects, including benefits, with specific consideration of effects upon Indigenous people. The process requires that the newly formed Impact Assessment Agency of Canada provide frequent notice of its assessment activities and obtain input from potentially impacted parties. The IAA repealed and replaced the *Canadian Environmental Assessment Act, 2012 (CEAA) [S.C. 2012, c. 19, s. 52]*.
- **Physical Activities Regulations [SOR/2019-285] came into force** on August 28, 2019. These Regulations establish a list of designated projects and physical activities that will or may require an impact assessment under the *IAA, 2019, c. 28, s. 1*.
- **Compliance requirements of the Ground Source Heat Pumps, O. Reg. 98/12, 2012 were added** during this update. This Regulation provides instructions for obtaining an Environmental Compliance Approval for the construction, altering, replacing, or extending of vertical closed loop geothermal systems that extend more than 5 metres below the ground surface.
- **Notice with Respect to the Reporting of Greenhouse Gases (GHGs) for 2019, covering calendar year 2019 was added** to this update. This Notice informs facilities of the government's intention to collect data on greenhouse gas emissions for the purpose of conducting research, creating a national inventory, formulating objectives and codes of practice, issuing guidelines or assessing or reporting on the state of the environment.
- **Output-Based Pricing System Regulations [SOR/2019-266] were promulgated** in 2019. These Regulations implement the greenhouse gas regulatory trading system for large industrial operations established under the *Greenhouse Gas Pollution Pricing Act*. The Regulations include methods: to be used by a covered facility, as defined under Part 2 of the Act to quantify the GHGs from a covered facility and the production from each specified industrial activity at the covered facility; to determine the covered facility's GHG emissions limit based on the facility's production from each specified industrial activity and the applicable output-based standard; and that set forth the manner in which compensation is to be provided by the covered facility for excess emissions and how surplus credits are issued. The Regulations replace the *Notice Establishing Criteria Respecting Facilities and Persons and Publishing Measures of October 19, 2018 [SOR/2018-213], 2018* and the *Greenhouse Gas Emissions Information Production Order, October 19, 2018, [SOR/2018-214]*, both of which were previously used to implement the Output-Based Pricing System (OBPS) and were repealed by the *Order Repealing Certain Legislative Instruments [SOR/2019-268], June 28, 2019*.

- **Cleaner Transportation Fuels: Renewable Content Requirements for Gasoline and Diesel Fuels, O. Reg. 663/20 takes effect** on January 1, 2021. The Regulations require that gasoline and diesel fuels, including blended gasoline and diesel fuels, manufactured, used or sold within the province meet the bio-content standards specified in the Technical Guideline: Cleaner Transportation Fuels, as published by the Ministry of the Environment, Conservation and Parks. This Regulation replaces the *Cleaner Transportation Fuels: Renewable Content Requirements for Gasoline and Diesel Fuels, O. Reg. 663/20*. This regulation also revoked the *Greener Gasoline - Bio-based Content Requirements for Gasoline, O. Reg. 535/05*, (formerly titled *Ethanol in Gasoline, O. Reg. 535/05*) and the *Greener Diesel - Bio-based Content Requirements for Diesel, O. Reg. 97/14*. The requirements of these fuel standards regulations have been retained in this update to support compliance reviews during the audit lookback period. They will be removed during a future update.

- **Industry Emissions - Nitrogen Oxides and Sulphur Dioxide, 2005 as amended through 2019 sets** emission limits for nitrogen oxides and sulphur dioxide for eight large industrial sectors in Ontario: electricity, petroleum, cement, glass, pulp and paper, iron and steel, base metal smelting, carbon black.

- **Greenhouse Gas Emissions Performance Standards, 2019 creates** the Emissions Performance Standards Program (EPS) to ensure that industrial polluters are accountable for their greenhouse gas emissions. The Regulation came into effect in July 2019 and requires that covered facilities register to participate in the EPS program, identify account representatives, and submit annual emissions offset and credit allowance reports. In September 2020, the EPS program was approved as an alternative to the Federal Output-Based Pricing System (OBPS) under the *Greenhouse Gas Pollution Pricing Act, S.C. 2018, c. 12, s. 186*.

- **The Navigation Protection Act (E.S.C. 1985, c. N-22) was amended** and renamed the *Canadian Navigable Waters Act*. The amendments expanded the Act to regulate major works and obstructions on all navigable waters, including those not included on the Schedule 1. The amendments also added requirements related to completion of minor works in, on, under, over, or through any navigable water in Canada. The Act creates a new category for “major” works that are likely to substantially interfere with navigation and that will always require approval from Transport Canada, regardless if the navigable waters are listed on Schedule 1. The *Major Work Order [SOR/2019-320]*, 2019 was issued designating those major works likely to substantially interfere with navigation.

- **Code for Medical Surveillance for Designated Substances (2019) applies** to medical examinations in control programs for asbestos under *Designated Substances, O. Reg. 490/09*, and is incorporated into that Regulation.

release notes

please review

- **The *Environmental Emergency Regulations 2019 [SOR/2019-51]* came into force** on August 25, 2019. These Regulations repeal and replace the *Environmental Emergency Regulations, 2003 [SOR/2003-307]*. Industrial facilities that store or use any of 234 listed substances will be required to provide information to Environment Canada about the maximum amount and location of these substances to help emergency response personnel to respond in case of emergency. Facilities subject to the Regulations are also required to develop, implement, and test an emergency plan. For this update, all references to the *Environmental Emergency Regulations, 2003 [SOR/2003-307]* have been removed.



related STP products

- **Environmental, Health & Safety Audit Protocols—Other Jurisdictions.** For jurisdictions worldwide, these protocols are an innovative tool for assessing compliance with environmental, health and safety legislation. Available formats: online and via risk management systems.
- **ISO 14001:2015 Environmental Management Systems: A Complete Implementation Guide.** This guide helps users successfully implement effective and efficient ISO 14001 Environmental Management Systems (EMS) that enable facilities and companies to improve their overall environmental performance. Available format: online only.

For more information or to purchase any STP product, visit www.stpub.com, email info@stpub.com, or call **1.800.251.0381**.



industry insight

For insight into current industry developments, subscribe to the STP blog at <http://blog.stpub.com/>.