

June 24, 2026

Environment and Climate Change Canada (ECCC)

Transmission by email: DGAL-EB-Consultations@ec.gc.ca

Re: Response to proposed updates to Schedule I.3 and Schedule III.01, Part I and II of the Contraventions Regulations

The Canadian Environmental Law Association (CELA) is submitting the following comments and recommendations in response to the proposed updates to Schedule I.3 and Schedule III.01, Part I and II of the *Contraventions Regulations* posted for public consultation on May 12, 2026. CELA's comments will focus on the proposed updates relevant to *the Canadian Environmental Protection Act (CEPA)*.

CELA is a legal aid clinic dedicated to environmental equity, justice, and health. Founded in 1970, CELA is one of the oldest non-governmental environmental organizations in the country. CELA represents low-income and disadvantaged clients on a broad range of public interest environmental matters in the courts and before administrative tribunals. CELA also undertakes public legal education and law reform initiatives. One of CELA's priority area of focus includes monitoring and responding to proposals regarding the effective implementation of *CEPA*.

Proposed Amendments to the Contraventions Regulations (CEPA) – Summary and Recommendations

Summary of Proposal

Environment and Climate Change Canada (ECCC) is consulting on proposed updates to Schedule I.3 of the *Contraventions Regulations* under the *Canadian Environmental Protection Act, 1999 (CEPA)*.

The purpose of the proposed updates is to expand the range of *CEPA* offences that may be enforced through Canada's federal ticketing system rather than through the ordinary summary conviction process. According to ECCC, ticketing provides a quicker and more efficient enforcement mechanism and reduce the burden on the court system.

The proposal would add numerous *CEPA* provisions and several newer regulations to the ticketing regime. Most of the proposed contraventions relate to administrative obligations,

including failures to submit required information, maintain records, provide notifications, retain documentation, or comply with reporting requirements. The proposal would also update several existing regulations and remove regulations that have been repealed.

No changes are proposed to the current fine amount for *CEPA* contraventions. The proposed ticket amount would remain \$1,000 for all designated *CEPA* offences.

Preliminary Observations

The proposal appears intended to improve enforcement efficiency by providing enforcement officers with an additional compliance tool for relatively straightforward administrative violations. The expansion of ticketing authority may assist regulators in responding more quickly to non-compliance and may encourage greater adherence to reporting and record-keeping obligations.

However, the continued use of a flat \$1,000 penalty raises concerns regarding deterrence and proportionality.

Many of the regulated entities subject to *CEPA* requirements are medium-sized or large corporations operating in sectors with substantial revenues. For such entities, a \$1,000 ticket may represent a negligible financial consequence and may not provide a meaningful incentive to comply with reporting, record-keeping, notification, or information-gathering requirements. This concern is particularly significant because regulatory reporting and information-submission requirements are often essential to effective environmental oversight and enforcement.

The proposal does not appear to provide any rationale for maintaining the current fine amount, nor does it assess whether the existing amount will achieve specific and general deterrence by regulated entities. Furthermore, given inflation, changing economic conditions, and the increasing scale of many regulated industries, the appropriateness of the current fine should be reviewed.

In addition, a uniform penalty may fail to distinguish between different levels of non-compliance. Some reporting failures may be minor administrative oversights, while others may undermine the government's ability to monitor toxic substances, emissions, pollution prevention measures, or compliance with environmental regulations. Therefore, ECCC should consider adopting a tiered ticketing structure that reflects the seriousness of the violation, the nature of the regulated activity, and the size of the regulated entity.

CELA is concerned that the proposed \$1,000 ticket amount is disproportionately low when compared to the penalty framework already established under *CEPA* for similar reporting, record-keeping, notification, and information-related offences. Under section 272.1 of *CEPA*, an individual convicted of a first offence on summary conviction may be subject to a fine of up to

\$25,000, increasing to \$50,000 for a second or subsequent offence. Where proceedings are commenced by indictment, the maximum penalties increase to \$100,000 for a first offence and \$200,000 for a second or subsequent offence. For corporations and other non-individual persons, the disparity is even greater. A first offence prosecuted by summary conviction may result in a fine of up to \$250,000, increasing to \$500,000 for a second or subsequent offence. Where prosecuted by indictment, the maximum penalties rise to \$500,000 for a first offence and \$1,000,000 for a second or subsequent offence.

Against this legislative backdrop, a ticket amount of \$1,000 represents only a small fraction of the penalties that Parliament has deemed appropriate for non-compliance with CEPA's reporting and information-gathering requirements. While CELA recognizes that the Contraventions Regulations are intended to provide enforcement officers with a more efficient compliance tool for less serious offences, the proposed ticket amount may be insufficient to achieve meaningful deterrence, particularly for larger regulated entities. This concern is especially relevant in relation to Canada's National Pollutant Release Inventory reporting obligations, where timely and accurate reporting is fundamental to environmental oversight, regulatory accountability, and public access to pollution data in Canada.

The proposed updates to Schedule I.3 of the Contravention Regulations pertaining to *CEPA* may be an opportunity to address non-compliance with the mandatory requirements under National Pollutants Release Inventory (NPRI). The reporting requirements under NPRI provides valuable information about pollutants released by large facilities into the natural environment. However, the absence of data available to the public on the enforcement of the NPRI requirements may weaken the quality of the pollution data that is collected under the inventory. It will also erode public confidence in the data. In this regard, the proposed fine of \$1000 may not provide sufficient deterrence for non-compliance with the reporting requirements under *CEPA*.

Preliminary Recommendations

1. ECCC should review whether the proposed \$1,000 fine under the Contravention Regulations provides an effective deterrent for regulated entities subject to *CEPA*.
2. Consideration should be given to increasing fine amounts for designated *CEPA* contraventions, particularly where the offence involves failures to provide information, maintain records, or submit reports that are necessary for environmental oversight and regulatory compliance. The proposal to update Schedule 1.3 should also be accompanied by ongoing monitoring and review to determine whether ticketing is achieving compliance objectives and whether penalty amounts remain appropriate over time.
3. ECCC should consider adopting a tiered ticketing structure that reflects the seriousness of the violation, the nature of the regulated activity, and the size of the regulated entity.

4. The Regulatory Impact Analysis should provide additional justification for maintaining the current fine amount and assess whether the proposed penalties adequately promote compliance.
5. CELA supports issuing fines for non-compliance with the mandatory reporting requirements under NPRI. However, the ECC However, ECCC should review whether the proposed fine is appropriate.
6. The ECCC should publicly report the number of tickets issued (under the specific legislation) and the details on the contravention on an annual basis. The *CEPA* annual report currently provides some details on the tickets issued but additional details should be provided.

Preliminary Conclusion

CELA supports the efforts to improve enforcement efficiency and expanding available compliance tools under CEPA. However, CELA has concerns that the proposed penalty structure appears insufficiently robust to ensure specific and general deterrence for regulated entities CELA recommends increasing the proposed penalty and adopting a more graduated approach that better reflects the seriousness environmental violations.

Thank you for the opportunity to submit our comments and recommendations to the proposed updates to the Contravention Regulations.

Yours truly,

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