



Environment

DLA Piper's Environmental Law practice has significant involvement with business issues related to corporate social responsibility as local, national and international stakeholders demand environmental stewardship from the individuals and organizations they do business with.

To successfully meet these demands, companies and corporations must integrate environmental management into their business strategy and policies. This requires a preventative approach to environmental compliance and liability issues, as well as an understanding of the evolving regulatory landscape. Our group's experience supports this approach.

We have a strong presence in all areas of environmental law, including environmental litigation, defence of environmental prosecutions, real estate and lender transactions with a particular emphasis on brownfields redevelopment, compliance issues, environmental approvals and assessments, due diligence for mergers and acquisitions, waste management and disposal, recycling, waste diversion and recovery, and transportation of dangerous goods.

Our client base includes companies in the natural resources sector, energy and waste management sectors, utilities, provincial energy boards, various levels of government, and quasi-governmental agencies and other organizations.

Our comprehensive expertise includes:

- Providing regulatory compliance advice to environmentally sensitive industries
- Advising the boards of directors and senior officers of environmentally sensitive industries
- Designing and participating in environmental management systems, environmental audits and other due diligence tools
- Advising on risk-allocation mechanisms, such as insurance, indemnifications or warranty provisions in the context of mergers and acquisitions
- Restructuring a property sale or purchase so as to minimize environmental liabilities
- Advising on the applicability of insurance coverage for environmental liabilities
- Acting as counsel in the review of various projects under environmental assessment legislation
- Negotiations with regulatory officials to define permit requirements
- Conducting appeals under environmental legislation and seeking judicial review before the courts
- Acting as counsel for plaintiffs and defendants engaged in civil litigation and private arbitrations
- Defending clients charged with environmental offences under provincial and federal legislation
- Advising governmental and quasi-governmental entities on policy and legislative developments

СООТВЕТСТВУЮЩИЕ УСЛУГИ

- Projects, Energy and Infrastructure
- Litigation, Arbitration and Investigations

Emerging Issues

Staying informed of legislation and regulations helps our clients remain compliant and thriving

- Pending environmental legislation will increase the demands and scrutiny on businesses that impact the environment
- Canada's international obligations under various environmental treaties and its commitments under the NAFTA Environmental Cooperation Agreement are forcing businesses to take a rigorous approach to environmental planning and remediation
- Waste management, waste disposal and recycling are pressing concerns today, and our firm has more experience than any other Canadian firm dealing with these issues
- Emissions trading, whether provincially, nationally or internationally, will have increasing significance for companies operating in Canada, as will the potential to be involved in green energy initiatives.

EXPERIENCE

- Completion of a complex sale of a parcel of green land subdivided from a brownfield site
- Completion of the purchase of an \$80 million parcel of prime development land in the City of Edmonton
- Completion of the purchase of an \$87 million parcel of prime development land in the City of Calgary
- Represented Fiera Axium Infrastructure in purchase of GE Energy interests in Toba Montrose and Dokie 1 Facilities
- Acted for the shareholders of Thompsons Limited in connection with the sale of Thompsons Limited to The Andersons, Inc. and The Lansing Trade Group, LLC.
- Acted for the Nanaimo Port Authority in connection with the new \$22 million cruise ship facility and terminal in the Port of Nanaimo.

ПУБЛИКАЦИИ И МЕРОПРИЯТИЯ

Публикации

The ABCs of ESG

15 AUG 2019

A growing number of investors rely on Environmental, Social and Governance factors when determining the sustainability and ethical impact of potential investments. This article discusses factors ESG investors consider when determining whether they ultimately want to invest in a given business.

Sour grapes: New Ontario Court of Appeal decision limits judicial discretion to reduce mandatory minimum fines

29 JAN 2019

The Ontario Court of Appeal has significantly narrowed the discretion of lower courts to depart from the mandatory minimum fines imposed by a range of environmental and other public welfare legislation.

Bill 51 proposes important revisions to environmental assessment process for projects in BC

7 DEC 2018

On November 5, 2018, the BC government introduced Bill 51, the 2018 *Environmental Assessment Act*, which is intended to replace the current *Environmental Assessment Act*, SBC 2002, c. 43. Bill 51 implements a new early engagement phase with increased public consultation as well as a stricter test for projects to meet to be exempted from the environmental assessment process.

New spill reporting regulations take effect in British Columbia

19 NOV 2018

On October 30, 2018, additional reporting obligations pursuant to the British Columbia Spill Reporting Regulations took effect, obligating businesses operating in British Columbia to submit two further types of reports as part of their response to a spill. The New Regulations, made under the *Environmental Management Act 2003*, were promulgated in October 2017; however, not all of the reporting requirements contemplated by the regulations took effect at that time.

Federal Prohibition on asbestos regulations — New restrictions on the importation, sale, and use of asbestos-containing products soon to take effect

9 NOV 2018

On October 17, 2018 Environment and Climate Change Canada, together with Health Canada, published the *Prohibition of Asbestos and Products Containing Asbestos Regulations* (the “New Regulations”). These regulations prohibit the import, sale, and use of all forms of asbestos, as well as the manufacture, import, sale, and use of products containing asbestos filaments.

The Alberta Remediation Certificate Regulation — Renamed and revamped

16 AUG 2018

On June 1, 2018, the Government of Alberta filed the Remediation Certificate Amendment Regulation, which will make significant changes to the reporting of environmental releases and their remediation in Alberta. Upon coming into force on January 1, 2019, it will modify the existing Remediation Certificate Regulation, which will be renamed the Remediation Regulation.

2018 Federal Budget – Tax support for clean energy

1 MAR 2018

Canada’s Finance Minister Bill Morneau delivered the government’s 2018 federal budget on February 27, 2018. As part of the budget’s tax proposals, the government is extending an existing tax incentive measure to encourage investment in clean energy equipment for an additional five years.

Federal Government angling to restore protections for fish with proposed legislation

21 FEB 2018

On February 6, 2018, the Federal Government introduced Bill C-68 which would restore protections to fish and their habitat removed by the 2012 amendments to the *Fisheries Act*. The proposed amendments are also intended to provide better certainty for the industry, safeguard the long-term sustainability of marine resources, and ensure that the *Fisheries Act* provides strong and meaningful protection for fish and their habitat.

Bill C-69 represents an overhaul of the Federal environmental assessment process

16 FEB 2018

When the new Liberal government took power in 2015, one of its promises was to revamp the system of environmental assessment of major projects within Federal jurisdiction in Canada. Following on that promise, the Minister of Environment and Climate Change, Catherine McKenna, introduced Bill C-69 in the House of Commons on February 8th, 2018. Bill C-69 will radically restructure the way in which major projects, including major energy projects, are reviewed in Canada.

HOBOCTИ

DLA Piper (Canada) LLP recommended in the 2020 edition of the *Legal 500 Canada*

14 NOV 2019

DLA Piper (Canada) LLP has been recommended across a broad range of practice areas in the latest edition of the *Legal 500 Canada*.

DLA Piper (Canada) LLP recognized by *Chambers Canada 2020*

20 Sep 2019

DLA Piper (Canada) LLP is pleased to be recognized as an industry leader in the 2020 edition of *Chambers Canada*.

DLA Piper (Canada) LLP ranked in 2019 *Canadian Legal Lexpert Directory*

3 MAY 2019

DLA Piper (Canada) LLP is pleased to announce that thirty-eight of the firm's lawyers have been recognized as leading practitioners in the 2019 edition of the *Canadian Legal Lexpert Directory*.

DLA Piper (Canada) LLP recognized in 2019 *Legal 500 Canada guide*

7 DEC 2018

DLA Piper (Canada) LLP is pleased to announce that 42 firm lawyers across 17 practice areas have been recommended in the latest edition of the *Legal 500 Canada*.

DLA Piper Canada recognized by *Chambers Canada 2019*

27 SEP 2018

DLA Piper (Canada) LLP is pleased to be recognized as an industry leader in the 2019 edition of *Chambers Canada*. With 34 lawyers recognized across 20 practices areas, this is DLA Piper Canada's strongest showing to date.

DLA Piper (Canada) LLP has strongest showing to date in 2018 *Canadian Legal Lexpert Directory*

2 MAY 2018

DLA Piper (Canada) LLP is pleased to announce that forty-three of the firm's lawyers have been recognized as leading practitioners in the 2018 edition of the *Canadian Legal Lexpert Directory*. The firm was also featured as a leader in eleven different practice areas.

DLA Piper (Canada) LLP expands rankings in *Legal 500 Canada*

1 DEC 2017

DLA Piper (Canada) LLP is pleased to have achieved its best showing to date in *Legal 500 Canada*, with 11 lawyers gaining new rankings in the newly released 2018 edition.
