

ENVIRONMENTAL FINES IN CANADA

1990 - 2009

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INTRODUCTION

This report identifies national trends in imposing environmental fines for non-compliance with environmental laws and regulations. The scope of this report is limited to fines levied against corporations, businesses and municipalities. We did not count fines levied against individuals.

Through our enquiries, we have succeeded in finding evidence of only \$ 26-million dollars worth of environmental fines levied against polluters by both provincial and federal levels of government, since 1991. Of that, \$ 14-million were collected in Ontario. Because of the scarcity of information, there is little to no evidence that the quantity or size of the fines has trended upwards.

For each provincial profile, we have included our raw data, along with appropriate links to reference material.

In our research, which relied on data available on government websites, contacting ministry officials and submitting access to information requests to four provinces (QC, PEI, Nova Scotia and Saskatchewan), we attempted to look at data going back 20 years. Only one province, New Brunswick, provided data dating back to 1991. In Quebec we managed to collect data going back to 2004. Available data for P.E.I. goes back to 2005. Ontario and British Columbia each provided data for only the last four years. Saskatchewan provided information from 2000 onwards. Alberta and Manitoba provided information for only the last two years. Nova Scotia, and Newfoundland & Labrador provided no detailed evidence, despite our repeated requests. See individual provincial pages for more detail. To complete our data sets, we are currently submitting access to information requests. This report will be updated in 2011 to reflect any new data acquired.

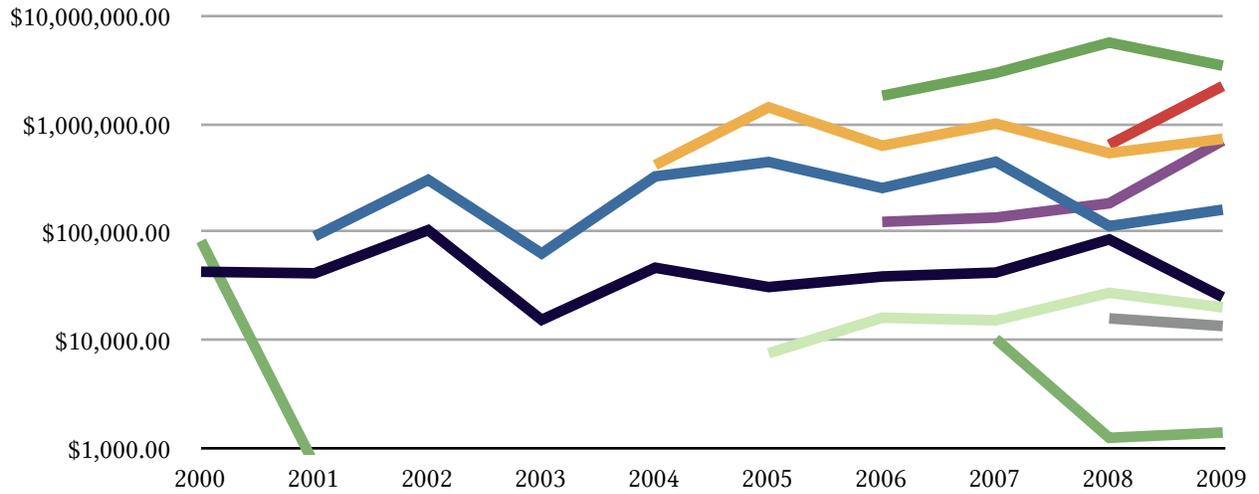
Nova Scotia, Newfoundland & Labrador, and Saskatchewan explained their low fines by arguing for a policy where government works with industry to rectify situations, and only use fines as a last resort. Even so, the size of their fines in comparison to other provinces is remarkably small.

The chart below graphs all the environmental fines on a logarithmic scale (meaning the scale increases by a power of 10). This data is not comprehensive and we look forward to your questions and comments. We continue, through access to information requests submitted to various ministries, to gather more data on environmental fines and enforcement in Canada.

To see all of the raw data collected, please visit the [spreadsheet located here](#).

- Federal
- Ontario
- Quebec
- Alberta
- BC
- Manitoba
- New Brunswick
- Saskatchewan
- P.E.I.

Environmental Fines in Canada



SUMMARY OF FINDINGS

	Total Fines	Years of Fines	GDP (2008) (billions)	# Businesses Fined	Fines/Year	Fines/Year/GDP
FED	\$2,228,765	10	N/A		\$222,877	N/A
BC	\$1,149,220	5	164	174	\$229,844	\$1,401
AB	\$3,034,395	3	185	138	\$1,011,465	\$5,467
SK	\$98,150	10	41	51	\$9,815	\$239
MB	\$29,475	3	42	38	\$9,825	\$234
ON	\$14,733,100	5	532	455	\$2,946,620	\$5,539
QC	\$5,032,000	7	269	234	\$718,857	\$2,672
NS	No Data		29	28	No Data	No Data
NB	\$748,564	21	23	24	\$35,646	\$1,550
NFLD	No Data		19	14	No Data	No Data
PEI	\$100,780	5	4	4	\$20,156	\$5,039

FEDERAL

According to available data, the Federal government has levied 99 environmental fines since 2001, totaling over \$ 4 million dollars with a median fine of \$ 10,000. Since 2001, there has been no measurable upward trend in the number of fines or in the total amount fined by the Federal government.

As part of the Federal Government's new Environmental Enforcement Strategy, 43 new enforcement officers have completed their enforcement training and are to be deployed across Canada. The enforcement personnel conducts inspections and investigates potential offences under a number of laws and regulations including the Canadian Environmental Protection Act, 1999, and the pollution provisions of the Fisheries Act.

The Federal government has raised minimum fines for environmental compliance issues to \$5 000 for individuals and \$ 50,000 for large corporations and maximum fines to as high as \$6 million. It has also instituted a registry for Canadians who want to see the environmental records of businesses.

These initiatives may lead to increased fines in the future.

From the NimonikApp.ca Archives

[*New environmental enforcement officers hired \(30 Jul 2009\)*](#)

Watch our [*video explanation here.*](#)

The training of enforcement officers is related to Ottawa's push to strengthen respect of existing environmental legislation. This year the Federal Government adopted the Environmental Enforcement Act, which received Royal Assent in June 2009 . For more details, see previous bulletin.

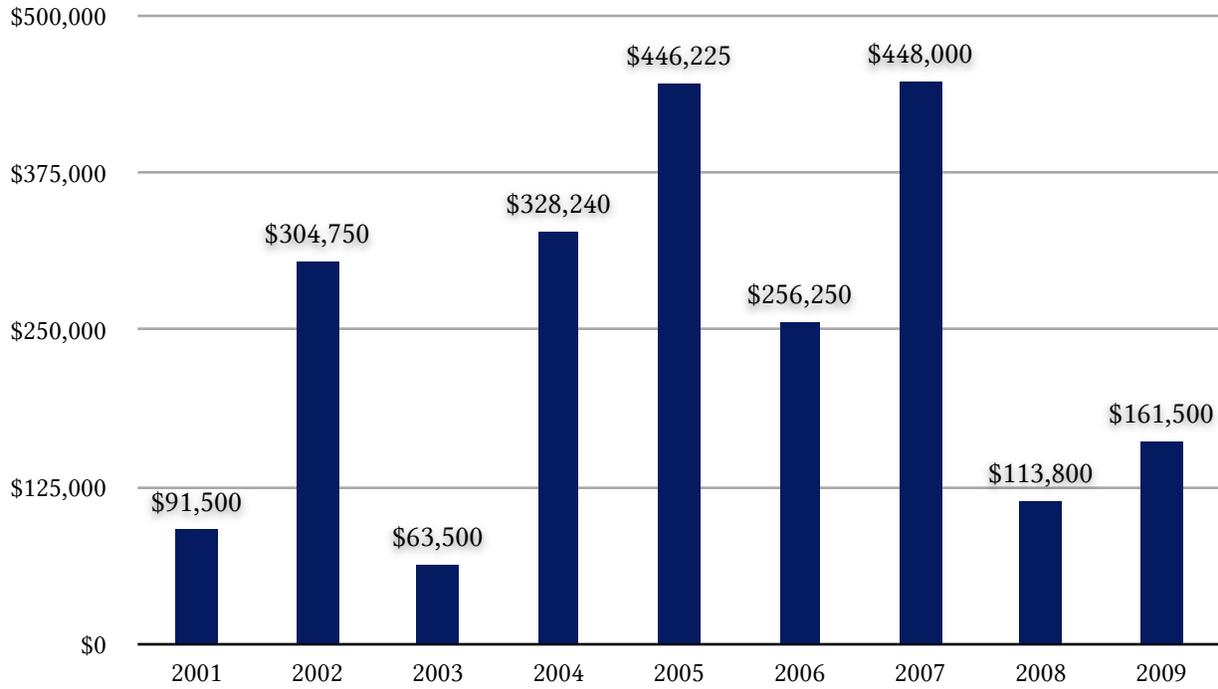
[*Tougher fines under proposed Environmental Enforcement Act \(4 Mar 2009\)*](#)

The Environmental Enforcement Act would amend nine existing acts that are administered by Environment Canada and the Parks Canada Agency. The enforcement act introduces stiffer fines and new sentencing powers and considerations.

The proposed act would fine individuals who commit serious offences between \$5,000 and \$1 million, while fines for corporations would be between \$25,000 and \$6 million. Also, the money collected from the fines that are imposed by courts are to go to the Environmental Damages Fund which provides funding to local environmental improvement initiatives.

Total Fines	Median	Years of Data	GDP (2008 in Millions)
\$ 2 228 765	\$ 2 250	10	N/A

Annual Federal Fines for Environmental Infractions since 2001



ONTARIO

In the past year the Ontario government has aggressively legislated to shift to a green economy by adopting the Green Energy Act, and introducing changes to modernize the Mining Act.

The province has also reformed its environmental approvals process. Under the new permitting system in Ontario, smaller standard operations can automatically obtain permits, while heavier industry must undergo a more rigorous process before acquiring a permit.

And while Ontario has hardly been aggressive in pursuing companies that don't comply with environmental regulations, there is some evidence that it is tightening enforcement against polluters.

According to available data for calendar years 2006 -2009, environmental fines levied against corporations, businesses and municipalities reached \$ 1.47-million in Ontario. The median fine was \$10,000. Total annual fines increased from \$1.8 million in 2006 to \$3.4 million in 2009.

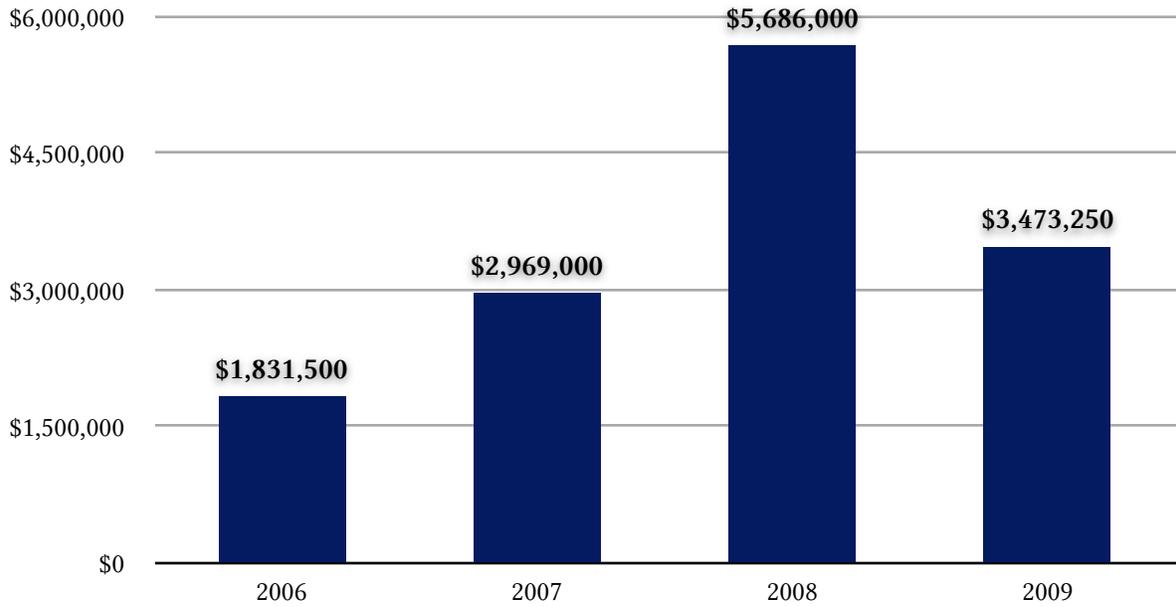
Supplementary information

[Dianne Saxe on increased penalties in the province of Ontario.](#)

[Ontario Environmental Penalty Summary 2009](#)

Total Fines	Median	Years of Data	GDP (2008 in Billions)
\$ 14 733 100	\$ 10 000	5	\$532

Annual Fines for Environmental Infractions in Ontario



Quebec

There is similar evidence that Quebec, though hardly aggressive, has tightened enforcement against polluters. Since 2004 Quebec has levied over \$ 5-million dollars in fines for environmental infractions.

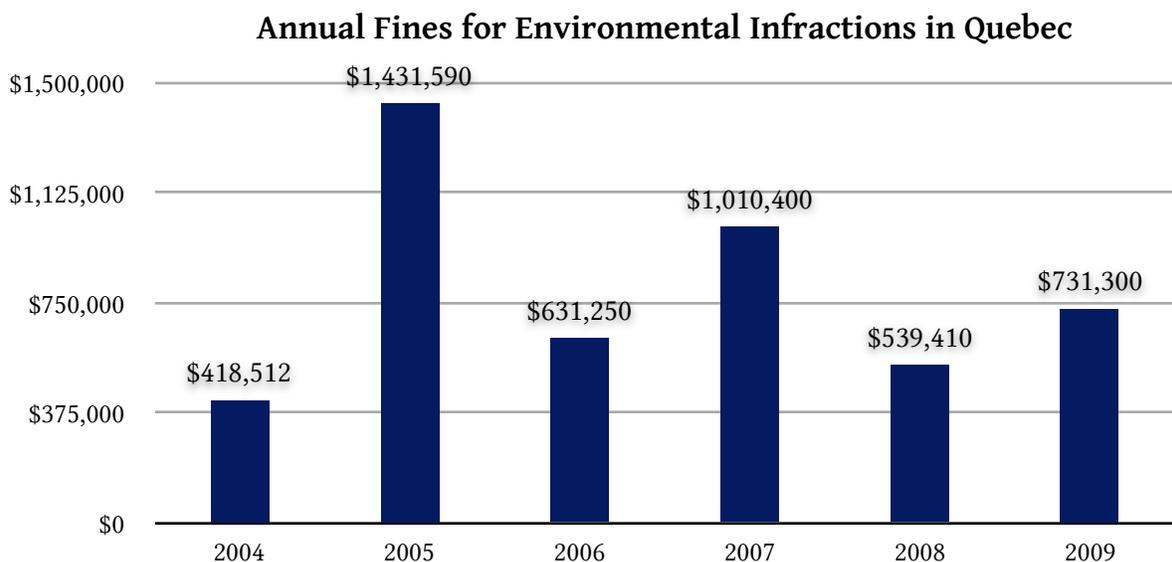
The Quebec government has tabled Bill 89 with a view to sharply increase fines for offenders under the Environmental Quality Act and its regulations. The bill instructs judges to consider aggravating factors in sentencing. The new rules are being billed as an effort to give much sharper teeth to the existing law. In addition to the heavier fines for penal offenses, the amendments provide for administrative sanctions, which inspectors can deliver on-site for flagrant violations.

There are also plans to increase minimum and maximum fines in Quebec. Relevant articles can be found below:

[Cyber Presse - La police du tabac plus payante que la verte](#)

[Cyber Presse - Police verte peu de poissons dans le filet de l'environnement](#)

Total Fines	Median	Years of Data	GDP (2008 in Billions)
\$5 032 000	\$2000	7	\$269

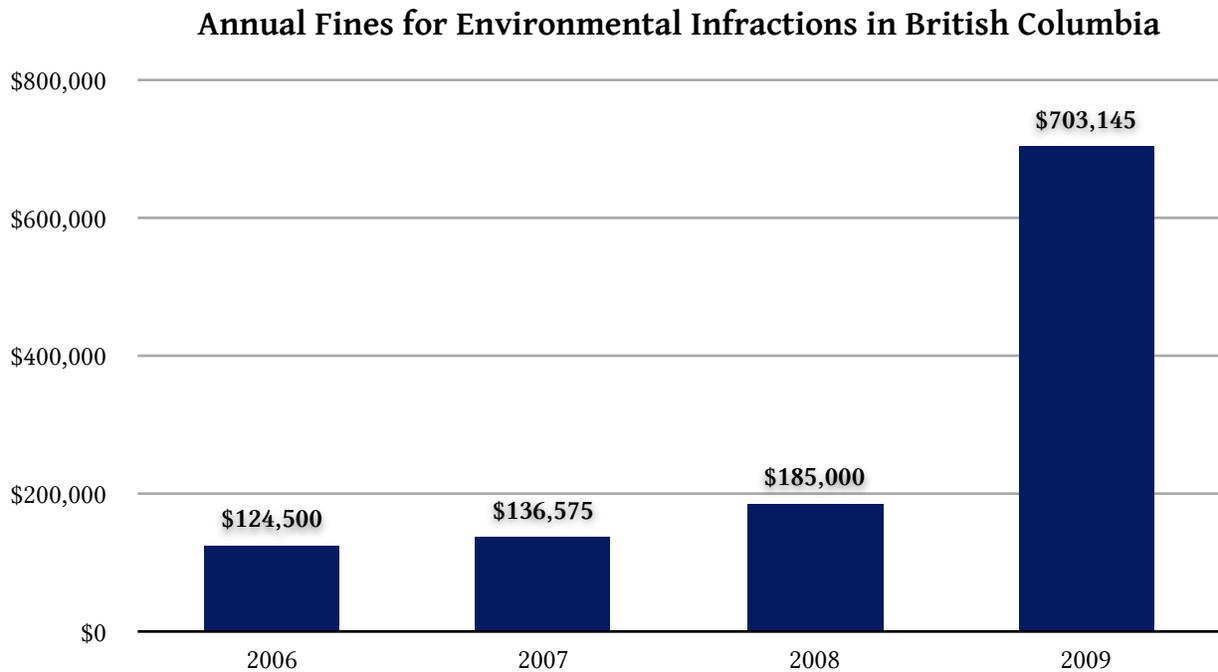


BRITISH COLUMBIA

Though the data provided by British Columbia's provincial government dates back to 2006, the vast majority of environmental fines were related to hunting violations. Industrial fines amounted to just over \$ 1-million over four years with a median fine of \$ 23,000. Partly skewing the overall picture is the inclusion in these figures of two very large fines -- one levied against CN Rail and one against Marsulex in 2009.

There is no apparent trend in fine size or frequency.

Total Fines	Median	Years of Data	GDP (2008 in Billions)
\$1 149 220	\$23 000	5	\$164



SASKATCHEWAN

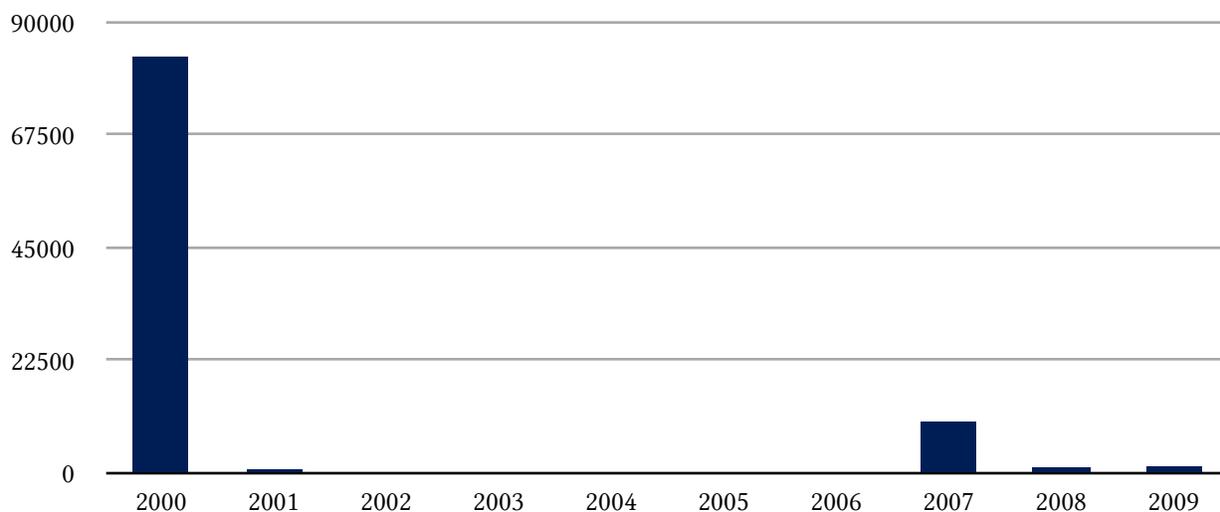
Saskatchewan does not maintain a centralized list of fines, and as such, it is difficult to quantify their enforcement of environmental violations. After filing an access to information request, records for fines between 2000 and 2010 were obtained. Over 200 companies have been found to not respect a law or regulation; however, the vast majority, over 150, were issued warnings. The remained were fined small amounts or had the charges withdrawn.

The majority of the fines relate to storing hazardous materials without a permit and burning of waste at a waste disposal site (fines range between \$3,000-\$9,000) and altering the bed/bank or boundary of a lake/stream/watercourse etc without a permit, these range from \$5,000 to \$40,000.

The largest fine in Saskatchewan involved the discharge of diesel fuel into a lake that resulted in a joint federal/provincial prosecution involving the Hatchet Lake Indian Band. They pleaded guilty to federal and provincial charges and were fined approximately \$40,000, and were also forced to contribute \$10,000 to the Environmental Damages Fund. Remediation costs were nearly \$700,000. This specific incident was not included in the material provided by the province and as such has not been added to our report.

Total Fines	Median	Years of Data	GDP (2008 in Billions)
\$ 98 150	\$ 1 300	10	\$41

Environmental Fines in Saskatchewan

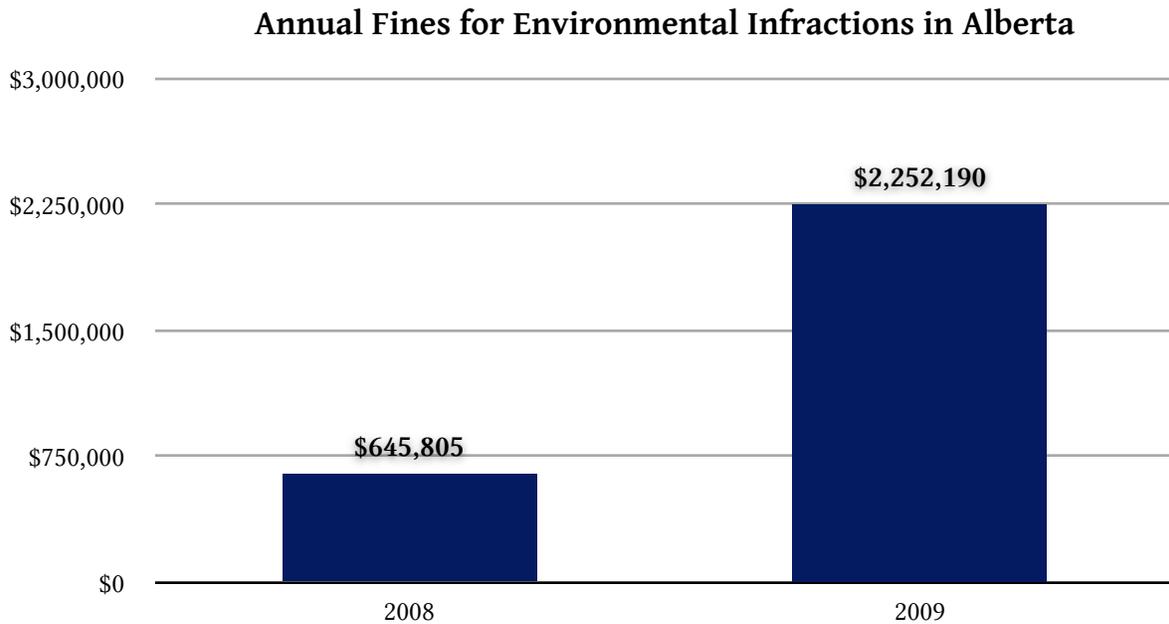


ALBERTA

Alberta Environment offers very limited data on its website. In Q2 2010, Greenpeace calculated that environmental enforcement budgets have decreased by 25% since 2003, dropping to \$ 25-million.¹

Since 2008, Alberta has assessed over \$3-million in fines with a median fine of only 4 000\$. It is worth noting, that based on two years of fines, Alberta has levied the most fines in proportion to its GDP (2008).

Total Fines	Median	Years of Data	GDP (2008 in Billions)
\$ 3 034 395	\$ 4 000	3	\$185



¹http://thegreenpages.ca/portal/ab/2010/06/shrinking_environmental_monito.html

LABRADOR & NEWFOUNDLAND

According to Newfoundland and Labrador's senior environmental engineer, Stephen Dyke, and manager of petroleum storage and management, John Dutton, the province has imposed no fines for environmental infractions over the last 13 years. According to Mr. Dyke, the province has opted instead to work with industry to address environmental infractions. Mr. Dutton added that these have overwhelmingly demonstrated a good level of cooperation.

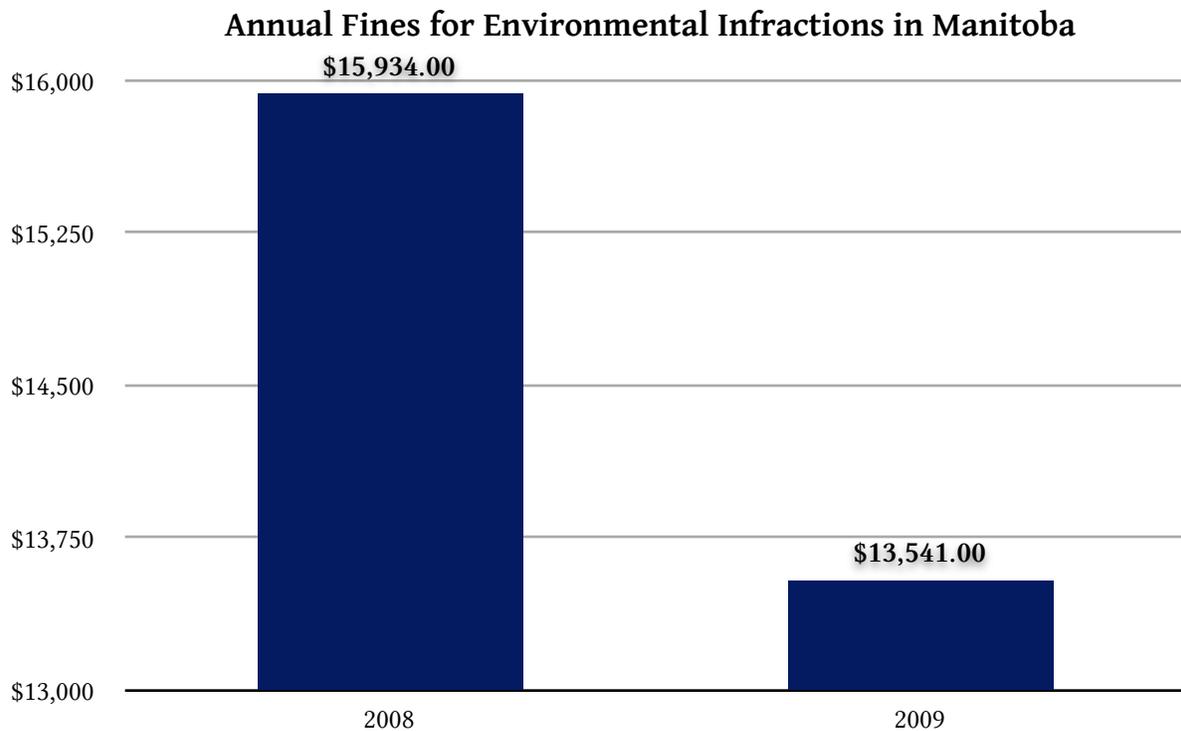
As such, we have no data on environmental fines in the province.

Total Fines	Median	Years of Data	GDP (2008 in Billions)
No Data	No Data	No Data	19

MANITOBA

According to information available on the government’s website, the province has levied 29 475\$ in environmental fines since 2008 with a median fine of \$ 619. There is insufficient information to establish any trends in fine size or frequency, as data is only currently available from 2008 onward.

Total Fines	Median	Years of Data	GDP (2008 in Billions)
\$ 29 475	\$619	3	\$42



NOVA SCOTIA

Nova Scotia has provided a list of all the fines applied in the province, but has not offered the fine amounts. We have filed access to information requests for additional information, which so far have gone unanswered.

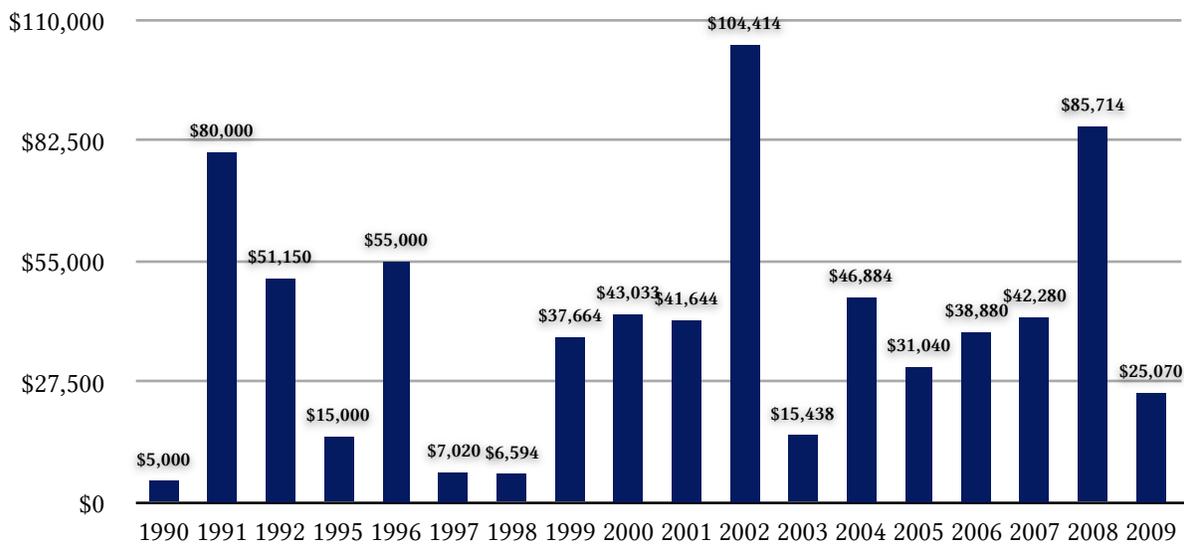
Total Fines	Median	Years of Data	GDP (2008 in Billions)
No Data	No Data	No Data	29

NEW BRUNSWICK

New Brunswick provided the most data of any province offering data going back to 1991. The total fines since 1991 has been over 748,564 \$ with a median fine of 1,200 \$. The fines have been applied in a consistent manner with most arising from prohibited water discharges and failure to comply with permit requirements.

Total Fines	Median	Years of Data	GDP (2008 in Billions)
\$ 748 564	\$ 1 200	21	\$23

Annual Fines for Environmental Infractions in New Brunswick

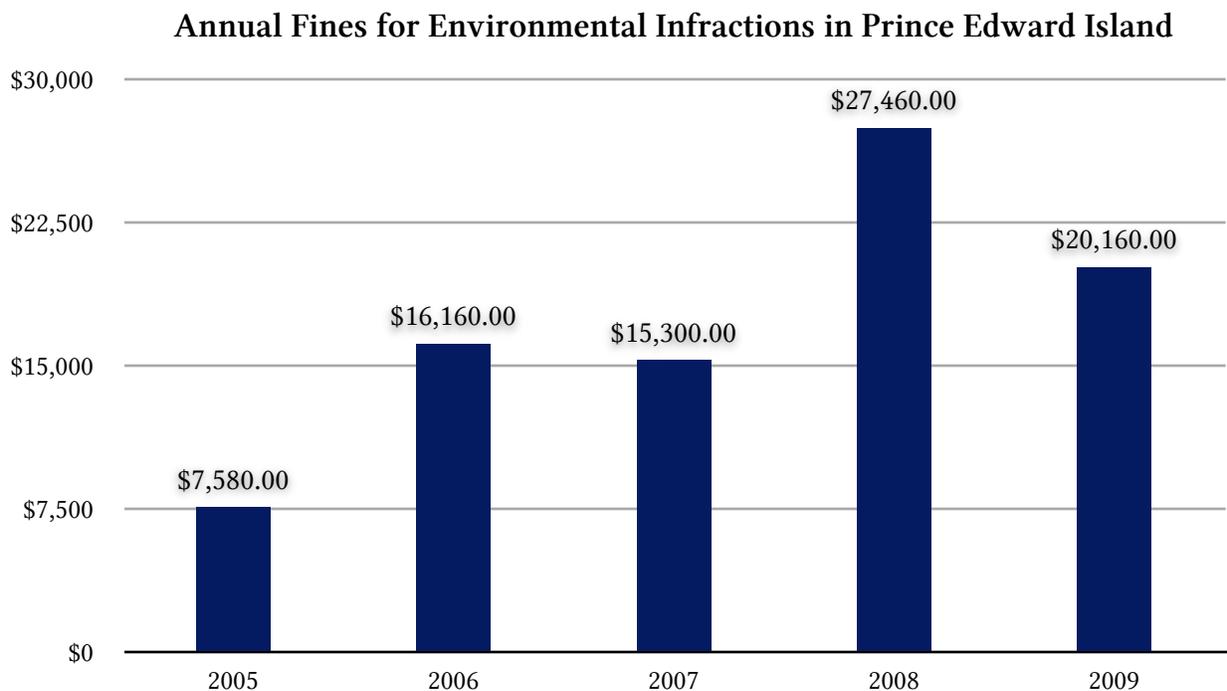


PRINCE EDWARD ISLAND

Prince Edward Island has imposed a number of fines since 2005. These fall into two categories: general fines for waste issues, with a fine amount of 1,000\$ and fines related to the sale, use and licensing of pesticides, with a fine amount of 5,000\$. Proportionally to GDP, P.E.I. has applied the third most amount of fines after Alberta and Ontario.

In Prince Edward Island, the past two years have seen an increase in the amount of fines applied, mostly related to the sale of banned pesticides.

Total Fines	Median	Years of Data	GDP (2008 in Billions)
\$ 100 780	\$ 1 020	6	\$4



CONCLUSION

Our initial review of environmental fines in Canada lacks consistent data across jurisdictions, making it difficult to draw clear conclusions. However, the data collected demonstrates an inconsistent enforcement of environmental laws and regulations across the country. The variability between provinces is remarkable and the general lack of a trend, upwards or downwards, in prosecutions, especially considering the increasing amount of legislation is puzzling.

To improve the quality of the data, Nimonik is submitting access to information requests with the various provinces who have yet to provide strong data. We hope to update our report in 2011 with this data, possibly allowing us to draw deeper conclusions.

Should you have any questions or comments concerning the report, please do not hesitate to contact us.

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