Environmental Law Annual Review

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2017 was full of compelling developments in the area of environmental law. There were several notable developments in the case law on areas such as contaminated sites, aboriginal and treaty rights in relation to industrial development, injunctions, and other subjects. Further legal challenges to the Site C Clean Energy Project were dismissed. The British Columbia Court of Appeal allowed a claim against a mining company to proceed in respect of wrongs that allegedly occurred in a foreign developing country, including alleged breaches of customary international law. The B.C. Supreme Court has clarified the scope of coverage for all risk insurance policies in relation to contaminated sites liability. And there were several notable cases relating to prosecutions of environmental offenses, among other interesting developments.

Environmental legislation and regulations saw several significant changes as part of the provincial and federal governments' efforts to improve environmental protection. Highlights include more stringent provincial spill reporting regulations, as well as more severe penalties and new sentencing guidelines for various federal environmental offences. The federal government also released a discussion paper as part of its plan to overhaul Canada's environmental assessment scheme.

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