Environmental obligations and compliance during the COVID-19 pandemic: A Canadian comparison

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Julie Belley Perron, Rick Coburn, Gabrielle K. Kramer, Matti Lemmens, and Dionysios Rossi[1]

Introduction[2]

On January 30, 2020, the World Health Organization ("WHO") declared 2019-nCoVinfection ("COVID-19") a Public Health Emergency of International Concern ("PHEIC"),[3] which meant that it was considered "an extraordinary event which is determined to constitute a public health risk to other States through the international spread of disease and to potentially require a coordinated international response."

Less than two months later, as of March 11, 2020,[4] the WHO characterized COVID-19 as a pandemic. The WHO declared six PHEIC in the last ten years, but the current pandemic is the only one that has heavily impacted so many countries. We have analyzed Canada's response to the pandemic by conducting a comparison of the environmental measures by Alberta, British Columbia, Ontario and Québec (the "Reviewed Provinces") and, to a certain extent, by the federal government of Canada (the "federal government").

Our initial observation is that, up to the time of writing this article, the federal government has relied on each of the provinces to impose their own emergency measures. Even if the federal government has used its powers under the *Quarantine Act*,[5] the *Aeronautics Act*,[6] and other federal legislation, it has not done so under the *Emergencies Act*.[7] The federal government could have used this latest act to ensure consistency in each province's emergency measures. We believe that the decision not to interfere with provincial emergency powers recognizes the importance of respecting the unique character of each province, even in a crisis.

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By

Julie Belley Perron, F.F. (Rick) Coburn, Gabrielle K. Kramer, Matti Lemmens, Dionysios Rossi, Julie-Anne Pariseau, Barbora Grochalova, Marlena McMurtry

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F 403.266.1395

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World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

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Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
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