

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

February 01, 2021

Julie Belley Perron, Rick Coburn, Gabrielle K. Kramer, Matti Lemmens, and Dionysios Rossi¹

Introduction ²

On January 30, 2020, the World Health Organization ("WHO") declared 2019-nCoV infection ("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.

[Download the full article here \(December 2020\)](#)

(PDF, 1 MB)

This article appears in the December 2020 issue of, "Key Developments in Environmental Law, 2020". Reprinted with permission from Thomson Reuters.

By

[Julie Belley Perron, F.F. \(Rick\) Coburn, Gabrielle K. Kramer, Matti Lemmens, Dionysios Rossi, Julie-Anne Pariseau, Barbora Grochalova, Marlana McMurtry](#)

Expertise

[Environmental](#)

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

blg.com

BLG Offices

Calgary

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa

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

T 514.954.2555
F 514.879.9015

Toronto

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

T 416.367.6000
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing unsubscribe@blg.com or manage your subscription preferences at blg.com/MyPreferences. If you feel you have received this message in error please contact communications@blg.com. BLG's privacy policy for publications may be found at blg.com/en/privacy.

© 2023 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.