

## SERVICE

# Environmental Disputes and Enforcement

The Osler team provides unsurpassed expertise in environmental regulation, dispute resolution and litigation.



## Related Expertise

- [Climate Change, Carbon Markets and Environmental Finance](#)
- [Corporate and Commercial Disputes](#)
- [Disputes](#)
- [Environmental](#)
- [Regulatory](#)
- [Regulatory, Indigenous and Environmental](#)
- [Risk Management and Crisis Response](#)

Our Environmental Disputes and Enforcement team of experts provides multi-disciplinary, national, and seamlessly coordinated advice and dispute representation to assist clients in navigating complex environmental matters.

The Osler team provides unsurpassed expertise and experience in environmental dispute resolution and litigation, including successfully navigating challenges associated with both new and historic manufacturing, mining, energy and natural resource projects and facilities.

We offer extensive experience in providing regulatory risk management and reporting advice (including relating to contaminated lands, industrial operations and permits/approvals), appeals of environmental orders, inspections by provincial officers and Environment and Climate Change Canada, internal investigations, investigations by environmental regulators, enforcement action, defence of prosecutions when charges are laid, and environmental civil litigation and general dispute resolution. Our team steers clients through the myriad of issues that can arise, fast and furious, when dealing with the complexities of environmental regulations, providing practical, business-focused advice.

Our differentiated expertise includes:

- Assisting clients in responding to regulatory and environmental inspections (both expected and unexpected), investigations, enforcement action, and defending prosecutions where charges are laid.
- Assisting clients in managing environmental emergencies and incidents, and spill reporting.
- Conducting internal investigations, where warranted, including with respect to spill or release incidents, as well as environmental, health and safety compliance, such as “red flag” analyses to detect potential gaps in environmental compliance and permitting.
- Conducting multi-party negotiations, mediations and alternative dispute resolutions to successfully resolve regulatory and civil litigation issues concerning contaminated sites and environmental disputes.
- Conducting negotiations with, and making advocacy submissions to, regulatory bodies, including the Ontario Ministry of the Environment, the Alberta Energy Regulator and

Environment and Climate Change Canada.

- Both prosecuting and defending civil litigation concerning environmental matters, such as contaminated sites, permits/approvals, emissions, environmental incidents, and alleged environmental negligence/misrepresentation, including civil actions, spill compensation claims, appeals and judicial reviews – representing plaintiffs, defendants, applicants/appellants or respondents, alike, before both courts and administrative tribunals.
- Mitigating environmental liabilities by helping clients navigate upfront the complex patchwork of environmental regulations (municipal, provincial and federal).

## Key Mandates:

### Investigations, Enforcement and Defence of Prosecution

Advising and assisting numerous clients across multiple industries (including forestry, mining, automobile, manufacturing, technology, agricultural, energy, construction and transportation) in responding to inspection inquiries by environmental officers, and in handling enforcement investigations and defending prosecutions by provincial Ministries of Environment and various federal regulators, including Health Canada, the Pest Management Regulatory Agency, and Environment and Climate Change Canada. Some key mandates include:

- **Forestry companies** in charges brought under the *Fisheries Act* and the *Pulp and Paper Effluent Regulations* for depositing a deleterious substance
- **Mining companies** in defences of prosecution, including under the *Canadian Environmental Protection Act*, the *Fisheries Act*, the *Ontario Environmental Protection Act*, the *Ontario Water Resources Act*, and the *Ontario Mining Act*, and in providing proactive environmental compliance advice.
- **Automobile and engine importers and manufacturers** in relation to environmental inquiries, inspections, investigations and defence of prosecution commenced by Canadian and provincial environmental regulators regarding vehicle emission regulations.
- **Global companies** in defence of provincial prosecution regarding wastewater spills and alleged permit non-compliance, and in responding to and resolving enforcement inquiries under the federal *Environmental Emergency Regulations*.
- **Energy company and electricity distributor** in successfully resolving, without charges, a provincial Ministry of the Environment investigation into a spill and navigating regulatory inquiries and spill reporting.
- **Transportation services company** in the successful defence of a provincial prosecution relating to alleged permit non-compliance, resulting in the withdrawal of all charges.
- **Agricultural company** in the successful defence of a prosecution, resulting in the withdrawal of charges by the provincial Ministry of the Environment, and in responding to both provincial and federal investigations and inspection inquiries.

## Dispute Resolution and Environmental Litigation

Key recent mandates include:

- **Real estate holding and investment companies** in contaminated sites litigation and negotiations, including successfully resolving 10 years of hard-fought environmental civil litigation through a sale of historically contaminated property.
- **Global chemical company** regarding threatened civil litigation about contaminated former manufacturing facility, involving alleged migration to a neighboring facility and potential waterbodies.
- **Multinational conglomerates and global energy company** in defence of various contaminated sites litigation against plaintiffs seeking millions in alleged remediation costs, diminution in value and other damages (as well as orders for removal of contamination) arising from alleged off-site migration.
- **Water technology / environmental remediation company** in successful defence of multi-party civil litigation where plaintiff sought \$25 million in damages for historical contamination on a former foundry.

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### Key Contacts



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