



## SUMMARY OF CASE LAW ON WASTE PRODUCER LIABILITY

### CANADA

We do not have specific waste producer liability cases in Canada at this point. But the law is complicated and varies from province to province.

Traditionally Canada generally allowed the transfer of liability to a licensed vendor. See [Willims & Shier, Environmental Law in Canada](#) (overview). Of course, there is room for considerable controversy if the vendor does not handle the waste within his license conditions. We have not found Canadian cases, but in Denmark a similar law was interpreted to retain liability in some circumstances ([In re Horn Belysning 1993](#)). In that case, the licensed hauler dumped the wastes at an unauthorized location in the countryside.

Provincial legislation is much more controlling than in the United States on waste issues. So, for example, the British Columbia rules on contaminated land make waste generators strictly and retroactively liable for contamination remediation stemming from their waste. See [BC Government Fact Sheet on contaminated land](#). Division Three, [Section 45 of the British Columbia Environmental Management Act provides:](#)

*“Persons responsible for remediation of contaminated sites: (1)... the following persons are responsible for remediation of a contaminated site:(a)a current owner or operator of the site; (b)a previous owner or operator of the site; (c)a person who (i)produced a substance, and (ii)by contract, agreement or otherwise caused the substance to be disposed of, handled or treated in a manner that, in whole or in part, caused the site to become a contaminated site...”*

The trend is for more aggressive regulation and liability schemes, as evidenced in the BC law. Canadian law on waste producer obligations is therefore complicated and should be carefully reviewed by manufacturers before assuming that it can be safely ignored.

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