

- In 2016, a dry cleaning company was fined \$36,000 for improper storage and disposal of tetrachloroethylene.

DIRECTORS IN THE HOT SEAT

Companies are not the only target for Environment and Climate Change Canada prosecutions. Directors and officers also attract liability under the new legislative framework. For example:

- In 2013, the director of a dry cleaning company was personally fined \$10,000 for his corporation's improper storage and containment of tetrachloroethylene.
- In 2015, the director of a dry cleaning company was personally fined \$15,000 for his corporation's improper storage of tetrachloroethylene and absence of tetrachloroethylene-resistant drain plugs.

JAIL SENTENCE

Fines are not the only penalties being sought by Environment and Climate Change Canada.

In February 2016, for the first time ever, the owner of a dry cleaning facility received a four-month conditional jail sentence after pleading guilty to contraventions of the Tetrachloroethylene Regulations. Dry cleaning businesses operated by the owner had been subject to two previous convictions under CEPA. Environment and Climate Change Canada investigations over the course of 14 months found improper storage and handling of tetrachloroethylene and tetrachloroethylene waste. In deciding that a jail sentence was appropriate, the Court focused on the owner's repeated non-compliance despite being made aware of the regulations

and the dangers of mishandling tetrachloroethylene.

Other dry cleaning companies, and their directors and officers, have also been charged but have negotiated out of court settlements where the charges were not pursued in exchange for negotiated terms. Negotiated terms included attendance at education seminars on dry cleaning operations, posting public notices of non-compliance and proper handling practices, and payment to the Environmental Damages Fund.

CONCLUSION

Environment and Climate Change Canada is actively prosecuting dry cleaners for contraventions of CEPA and is seeking the increased penalties prescribed by the EEA for convictions. A strong message is being sent by the Court – regulatory compliance must be taken seriously. If not, penalties can deprive you not only of your business profits, but potentially your freedom.

All dry cleaners should take the time to protect themselves and their operations by refreshing their memories about the requirements for their operations under CEPA, the Tetrachloroethylene Regulations, provincial laws and municipal bylaws, and ensuring all aspects of the dry cleaning facilities and operations are in compliance.

BIO INFO

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