

CHAPTER 12
ENVIRONMENT

Article 12.1: Definitions

1. For the purposes of this Chapter:

Committee means the Committee on the Environment established by Article 12.16;

environmental laws means any statute or regulation of a Party or provisions thereof, including legally binding instruments thereunder, the primary purpose of which is the protection of the environment, or the prevention of a danger to human life or health, through:

- (a) the prevention, abatement or control of the release, discharge or emission of pollutants or environmental contaminants;
- (b) the management of chemicals and waste and the dissemination of information related thereto; or
- (c) the conservation and protection of wild flora or wild fauna, including endangered species, their habitat and specially protected natural areas;

but does not include any statute or regulation, or any provision thereof, directly related to worker health and safety, and does not include any statute or regulation, or any provision thereof, of which the primary purpose is managing the commercial harvest or exploitation, or subsistence or aboriginal harvesting, of natural resources;

province means a province of Canada, and includes Yukon, the Northwest Territories and Nunavut; and

Review Panel means a panel established pursuant to 12.21.9.

2. For the purposes of this Chapter, a Party has not failed to “**effectively enforce its environmental laws**” in a particular case if the action or inaction in question by an agency or official of that Party:

- (a) reflects a reasonable exercise of their discretion in respect of investigatory, prosecutorial, regulatory or compliance matters; or
- (b) results from a *bona fide* decision to allocate resources to enforcement in respect of other environmental matters determined to have a higher priority.