

Requirement to Provide Information

Division 2.1 of the *Environmental Management Act* (EMA) enables a director to order information from regulated persons, as well as non-regulated persons under certain circumstances. The [Spill Preparedness, Response and Recovery Regulation](#) (SPRRR) also allows the ministry to obtain information from regulated persons about preparedness records.

This Fact Sheet explains those circumstances when different types of information can be requested.

Obtaining information from a regulated person

Section 91.11(5) provides the director with the ability to order from regulated persons a copy of their spill contingency plan and information about their operations, substances in their possession and their capacity to respond to a spill.

The SPRRR sets out requirements for regulated persons to maintain records related to spill contingency plan development, drills and exercises, and training of responders. Regulated persons must make these records available to the ministry if they are requested. Information about the records that must be kept can be found in the Spill Contingency Planning Fact Sheet.

Determining if a person is a regulated person

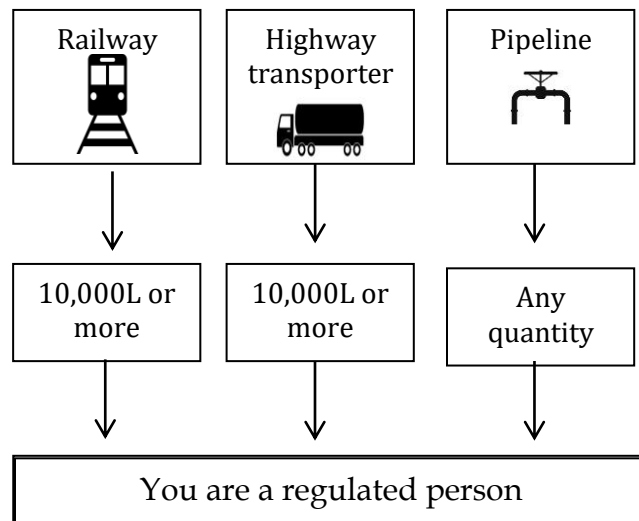
Section 91.71(2) enables the director to order information from a person who operates an industry, trade, or business and has possession, charge, and control of a substance prescribed for the purposes of

Overview of a Regulated Person

A regulated person is a person who has possession, charge, or control of liquid petroleum products, as listed in the SPRRR, in the following defined quantities:

1. Any quantity being transported by pipeline
2. 10,000 litres or more transported by railway
3. 10,000 litres or more being transported by highway transporter (truck)

Do you transport a regulated substance as per Table 1?



the definition of regulated person. The information the director can request under section 91.71(2) is limited to details regarding the quantities of prescribed substances of which the person has, or intends to have, possession, charge, or control.

This provision was included to assist the ministry in determining if a person is a regulated person. If as a result of reviewing information it is determined that the person has substances in quantities that makes them a regulated person, they may be further ordered to provide additional information under Section 91.11(5) of EMA and the SPRRR (as described under the previous heading).

Requesting information about non-regulated substances

Section 91.71(1) provides the director with the ability to order information about non-regulated substances if there is reasonable ground to believe that if spilled, the substance will cause harm to the environment, human health, or infrastructure. A person operating an industry, trade, or business that has possession, charge or control of a non-regulated substance may be ordered to provide:

- information respecting the substance and its properties;
- information respecting the potential adverse effects that would be caused to the environment, human health or infrastructure were the substance spilled;
- information respecting the quantities of the substance of which the person has, or intends to have, possession, charge or control; and
- prescribed information.

How to provide information

If the director determines there is an information need, an order will be sent to the person from whom the information is required. The order will set out what information is needed, the time it is required by and the way it must be submitted.

Fines and Penalties

It is the responsibility of regulated persons, responsible persons and the owners of substances or things to understand and comply with *EMA* and its associated regulations.

This document is solely for the convenience of the reader and is intended to assist in understanding the legislation and regulations, not replace them. It does not contain and should not be construed as legal advice. Current legislation and regulations should be consulted for complete information.

Failure to be in compliance can result in convictions of fines and imprisonment, as outlined in *EMA* and its associated regulations.

Additional Fact Sheets

Fact Sheets on other relevant topics are published by the Environmental Emergency Program and available at:

www.gov.bc.ca/spillresponse

The complete list of available Fact Sheets:

- 01 Regulated Person
- 02 Responsible Person
- 03 Spill Reporting
- 04 Lessons-Learned Report
- 05 Cost Recovery
- 06 Requirement to Provide Information
- 07 Spill Contingency Planning
- 08 Testing Spill Contingency Plans
- 09 Recovery Plan

**For more information, contact
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