



# ***TECHNICAL BULLETIN FOR CONTAMINATED SITES***

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## **Clarifying Amendments to Protocol 1 – Detailed Risk Assessment**

### **Purpose**

To provide clarification on the intent and implementation of recent amendments to Protocol 1: Detailed Risk Assessment, to consider climate change effects and First Nations' uses and interests, which takes effect on January 15, 2027.

### **What's Changing**

Recent amendments clarify that qualified professionals are expected to use their professional judgement to consider where relevant:

- Potential climate change effects on site contamination and risk control measures
- First Nations' uses and interests, as part of identifying all potential contaminant-pathway-receptor combinations for a site

The core purpose and risk-based framework of Protocol 1 remain unchanged. The updates do not introduce new obligations for consultation or approvals, nor do they alter existing regulatory roles or decision-making authority.

### **Why These Changes Were Made**

These updates reflect evolving environmental and land use considerations and are intended to:

- Improve clarity, consistency and technical completeness of risk assessments
- Ensure risk-based remediation remains protective over time

The amendments are based on:

- A 2022 discussion paper on [Making Contaminated Sites Climate Ready](#)
- What We Heard during engagement with [First Nations](#) and [the public](#).

The updates also build on earlier (2021) protocol updates requiring consideration of uniquely exposed individuals, including Indigenous Peoples and subsistence users.

### **Related Work and Ongoing Initiatives**

In 2024, the ministry decided not to proceed with most elements of the *Making Contaminated Sites Climate Ready* discussion paper and that decision remains in effect. However, several items were identified that could be advanced to support the consideration of climate change without legislative or regulatory amendments or significant policy changes.

Items implemented to date:

- [Considering Climate Change in Remediation](#) (September 2025) webpage - provides guidance for practitioners on identifying climate hazards and completing vulnerability assessments. This guidance can be used to support the Protocol 1 requirement to consider climate change in detailed risk assessments and performance verification plans.
- [Technical Guidance 3: Evaluating Remediation Using a Feasibility Study](#) (December 2025) - provides guidance on completing feasibility studies and includes consideration of site vulnerability to climate change hazards when evaluating long-term effectiveness and permanence of remediation options. It also highlights the importance of public acceptance, including First Nations when a community is impacted.
- [Technical Guidance 22: Use of Monitored Natural Attenuation and Enhanced Attenuation for Groundwater Remediation](#) (April 2026) - discusses the use of these approaches where appropriate and notes their relevance for sites vulnerable to climate change hazards.

Items recently completed or currently in development:

- Amendments to Protocol 1 - addressing First Nations' uses and interests and climate change considerations (effective January 15, 2027)
- Protocol 19 - proposed updates to include First Nations' uses and interests and climate considerations in conceptual site model requirements (public engagement planned for summer 2026)
- Data transparency initiatives - exploring requirements for electronic submission of contaminated sites data to the Environmental Monitoring Data System as part of the Regulatory Effectiveness Project (policy in development; public engagement anticipated fall 2026)

The amendments to Protocol 1 described in this bulletin are one component of this broader set of ongoing improvements.

## **What This Means**

### Climate Change

Updated Protocol 1 ensures qualified professionals consider how changing environmental conditions (such as extreme weather or groundwater changes) could affect:

- contaminant behaviour;
- exposure pathways; or
- long-term effectiveness of remediation.

This is necessary to ensure that risk assessments remain protective over the long term when contamination is left in place. See guidance for [Considering Climate Change in Remediation](#).

### First Nations' Uses and Interests

This amendment builds on existing requirements in Protocol 1 for qualified professionals to consider uniquely exposed individuals by clarifying that potential First Nations' land and resource uses should be considered early in the risk assessment process when developing the problem formulation. This supports more complete and accurate identification of relevant exposure scenarios and reflects alignment with Section 35 of the *Constitution Act*, recognizing that First Nations may interact with land in diverse ways.

In practice, this may mean engagement (not consultation) with potentially affected First Nations to gather information about potential receptors and exposure pathways. See [here](#) for guidance on engaging with First Nations. While these documents are written with consultation in mind, they can be adapted for engagement purposes.

This amendment is strictly related to technical assessment and does not affect determination of rights, title, or jurisdiction, nor is it intended to introduce broader consultation, shared decision-making, or governance concepts into the contaminated sites regime.

### **Implementation**

- The amendments come into effect January 15, 2027.
- The delayed effective date provides time for practitioners and applicants to prepare and align submissions.
- Applications submitted on or after this date must meet the updated requirements.
- The updated requirements will not apply retroactively to previously remediated sites or to sites that have received regulatory decisions prior to the effective date.