



Environment Energy & Emissions Trading Brief

Summer 2009

In This Issue

	page
Renewable Energy and the Green Economy: <i>Green Energy and Green Economy Act, 2009</i>	1
The Emerging Canadian Carbon Market: New Fundamentals and Opportunities	3
Year One – A Review of British Columbia’s Carbon Tax.....	4
Green Fuel – A Threat to the Oil Sands?	5
Black Liquor – Green Fuel or Greenwash?.....	6
News	8

In this inaugural issue of *Environment, Energy & Emissions Trading Brief*, Henry Krupa provides a synopsis of Ontario’s Green Energy and Green Economy Act, which will foster renewable energy projects and promote energy conservation in Ontario, among other things. Then, David Thring discusses the Ontario government’s proposed legislation to establish a cap and trade system to reduce greenhouse gas (“GHG”) emissions, and considers the federal government’s discussion papers that propose rules for generating GHG offset credits. Corin Bowman discusses B.C.’s carbon tax, just one aspect of B.C.’s Climate Action Plan. David Young considers the impact of the U.S.’s clean energy initiatives on one of Canada’s major trade exports. Finally, Cyndee Todgham Cherniak and Peter Wells explain the notion of “greenwashing” as it applies to the kraft wood pulping process and its by-product, “black liquor” biofuel.

Renewable Energy and the Green Economy: *Green Energy and Green Economy Act, 2009*



Henry Krupa

Ontario’s *Green Energy and Green Economy Act, 2009* (the “Act”) received Royal Assent on May 14, 2009. The Act’s aim is to foster the growth of renewable energy projects, promote a green economy and energy conservation and to encourage the efficient use of energy. Its scope equals its intended impact on Ontario’s energy sector: both are substantial. To realize its objects, the Act creates the *Green Energy Act, 2009* and amends twenty current laws. Beyond providing a comprehensive legislative framework to encourage renewable energy and green investment, the Act fundamentally alters how Ontario manages energy supply and demand.

To begin, the Act forces a market adjustment that is contingent on the method used to generate energy. The established economic model for considering energy generation (and for that matter transmission and distribution undertakings) valued economic efficiency and cost effectiveness. Under the Act, this measure is set aside in favour of a paradigm employed in some European countries, namely providing guaranteed prices for renewable energy generation through a feed-in tariff program. Renewable energy sources are promoted by ensuring that these sources do not have to compete in terms of economic efficiency and cost effectiveness with other energy generation sources that Ontario has historically relied upon, such as nuclear or carbon-based sources. By following this model the Act moves away from weighing the economic efficiency and cost effectiveness of an energy generation project to a gauge based on the project’s environmental impact, making essentially all renewable energy generation feasible.

Next, the Act requires that transmitters and distributors provide priority access to their systems for renewable energy generation facilities, reversing in part the historic guarantee of non-discriminatory access to transmission and distribution systems. Priority access is limited only by regulations, market rules and licence conditions. However, this preference is taken a step further: the Act also allows the circumstances under which

the transmitter or distributor will bear the costs of the connection to a renewable energy source to be prescribed by regulation. In that event, these costs will be borne by all consumers, rather than by the renewable energy generation facility connecting to the grid.

Finally, consistent with its purposes, the Act places a strong emphasis on facilitating the development of renewable energy generation. Perhaps not unexpectedly for a re-organization of the breadth intended by the Act, this function has been extended to a party whose role has traditionally been that of the economic regulator, the Ontario Energy Board (“OEB”). The OEB now includes in its objects the promotion of renewable energy sources and associated transmission and distribution systems. To further this objective, the OEB can require transmitters and distributors to file plans for the improvement of the transmission or distribution systems to accommodate the connection of renewable energy generation facilities. Similarly, the Ontario Power Authority’s (“OPA”) role as the province’s procurement arm is expanded to include the task of facilitating renewable energy generation and associated transmission and distribution systems, although this function is not inconsistent with its traditional role. The Act also creates a Renewable Energy Facilitation Office under the Ministry of Energy and Infrastructure to help smooth the progress of renewable energy development in the province.

The Act enables the Minister of Energy and Infrastructure to make regulations to support the broader goals of the Act. For example, regulations may be made to assist in removing barriers and promoting opportunities for the use of renewable energy sources and advancing access to transmission and distribution systems. The Act also allows regulations to be made governing the generating capacity, connections to transmission and distribution systems, the start-up dates and the location of renewable energy generation facilities. The latter element is outlined below.

The Act also provides the Minister with broad directive-issuing authority. For instance, the OPA is subject to Ministerial direction on matters relating to the procurement of renewable energy, reductions in electricity demand and conservation and the management of electricity demand, as well as supply pricing factors, the use of a competitive or non-competitive procurement process, aboriginal consult-

ation and reimbursing municipalities for the development of renewable energy generation facilities.

The jurisdiction of the OEB is equally impacted. Ministerial directives can be issued to the OEB regarding licence conditions for transmitters and distributors, contracting with the OPA, the smart grid system and conservation and demand management targets. The Act also deems existing and future transmission and distribution licences to contain conditions related to the expansion or reinforcement of transmission and distribution systems for the development of the smart grid system and, as mentioned earlier, the filing of plans for the improvement of the transmission or distribution system to accommodate connections to renewable energy sources and granting priority connection access to renewable energy sources.

To avoid the delay and uncertainty inherent in satisfying planning and environmental requirements, the Act simplifies the approvals process. The Act exempts renewable energy undertakings from most provincial plans and municipal Official Plans, zoning by-laws, site plan control by-laws, demolition control by-laws and other *Planning Act* requirements. Further, an interest in or right to use land for a period of not more than 50 years granted for the purpose of a renewable energy project is not subject to Subdivision Control and will not require a municipal severance consent. This will facilitate long-term investments and financial

arrangements and power purchase agreements.

A Renewable Energy Approval (“REA”) under the *Environmental Protection Act* (“EPA”) will be required for renewable energy projects that involve specified activities. However, the Act consolidates into one permit application the process of obtaining permits that would otherwise be applied for and issued separately under the EPA and the *Ontario Water Resources Act*.

The province has also recently proposed standardized requirements for renewable energy projects, harking back to the Permit-by-Rule program initiated by the Ministry of the Environment (“MOE”) in the 1990s. On June 9, 2009, the MOE posted a Regulation Proposal Notice on the Environmental Registry of *Environmental Bill of Rights* proposing standardized, mandatory setback requirements for a variety of renewable energy projects from the nearest dwelling or from natural heritage features, unless an environ-

The Act provides the legislative framework to encourage renewable energy and green investment and to manage energy supply and demand in Ontario.

mental impact study demonstrated the ability to mitigate negative impacts. In the case of wind turbines, lower power output units will not require a REA. However, the province has proposed mandatory minimum setback requirements for all wind turbine projects based on a matrix that weighs the number of turbines against sound power levels produced. Larger or noisier wind turbine projects will still require a noise study. A site-specific noise study may justify a reduction in the setback requirements, but the MOE proposes a mandatory minimum setback distance that will not be reduced in any circumstance.

Both the MOE's Regulation Proposal Notice and the Ministry of Natural Resources' Policy Proposal Notice on the Environmental Registry contain commitments to coordinate their approval processes in order to integrate the requirements for the review and approval of renewable energy projects.

An appeal as of right for third parties to the Environmental Review Tribunal under the EPA for a proposal to issue, amend or revoke a REA has replaced the leave to appeal procedures under the *Environmental Bill of Rights, 1993*. However, the Tribunal must render its decision within nine months of the request for a hearing, otherwise the MOE's decision in regards to the REA will be deemed to be confirmed by the Tribunal. The grounds for an appeal are limited to serious harm to human health or serious and irreversible harm to plant or animal life or the natural environment.

The Act repeals the requirement to establish a Conservation Bureau under the OPA and amends the *Environmental Bill of Rights, 1993* to require the Environmental Commissioner to report annually on energy conservation and greenhouse gas ("GHG") emissions. Otherwise, the Act is silent on the issue of GHG emissions trading and credits (the government has tabled Bill 185 "An Act to amend the

Environmental Protection Act with respect to greenhouse gas emissions trading and other economic and financial instruments and market based approaches," which received First Reading on May 27, 2009). The province's support for the Act has been based in part on its promise to phase out coal-fired generating facilities by 2014 and to help meet its emissions targets. Clearly, the Act was drafted to help the province meet these objectives. Therefore, it is possible that those renewable energy generating facilities that benefit from a feed-in tariff agreement with the OPA will be required to surrender all or part of their emissions credits. If so, the province would be following an historic precedent. If this does come to pass, only renewable energy generators who do not sell power through the OPA will be permitted to retain their emissions credits.

As a final point, energy conservation is a central and recurring theme under the Act. Some provisions dealing with conservation have been mentioned but have not been detailed. This should not be taken to indicate that energy conservation is not an important concern under the Act.

The customary caution with new legislation is that "the devil is in the details," so it is from the yet to come regulations that the full consequences of the Act will be felt. However, the Act documents a change in approach to energy supply and demand that unmistakably heralds Ontario's notion of where the province wants to be in regards to green investment and clean energy. Nonetheless, the province is not rejecting the security of traditional energy sources such as nuclear and gas-fired, although the life expectancy of existing coal-fired generating facilities is clearly limited.

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The Emerging Canadian Carbon Market: New Fundamentals and Opportunities



David E. Thring

Steps have recently been taken by the Ontario government to implement a cap and trade system in Ontario, and by the Canadian federal government to facilitate trading of offset credits for greenhouse gas ("GHG") emissions.

Ontario introduced enabling legislation on May 27, 2009 (Bill 185) to amend the *Environmental Protection Act* (Ontario) to allow the provincial

government to establish a cap and trade system to reduce GHG emissions and encourage technological innovation. The government has made a climate change commitment to reduce GHG emissions by 6% (below 1990 levels) by 2014 and 15% by 2020. The enabling legislation leaves all of the details of the future cap and trade system to be determined by regulation. The legislation anticipates that the Ontario system will be integrated with cap and trade systems under develop-

ment in other jurisdictions, including British Columbia and Quebec. (Those provinces, like Ontario, are members of the Western Climate Initiative.) There may eventually be a North American-wide cap and trade system for trading emission allowances and offset credits. Draft legislation, known as the Waxman-Markey Bill, was introduced in the U.S. Congress on March 31, 2009 and contemplates a U.S. national cap and trade system.

It is expected that, if passed, the Ontario legislation will allow the government to set annual maximum limits (i.e. caps) on the absolute level of GHG emissions permitted by emitters in prescribed industries, perhaps as early as January 1, 2010. Those industries will likely include base metals, cement, chemical, electricity generation, lime, natural gas, petroleum refining, pulp and paper and steel. Allowances which permit emitters the right to emit GHGs may be granted free of charge, or auctioned, or both. Emitters may be able to earn or purchase domestic and international offset credits from projects that demonstrate reduction or elimination of GHG emissions. It is expected that allowances and offsets will be both tradable and bankable.

On June 10, 2009 the federal government released two discussion papers that set out proposed rules and requirements for generating GHG offset credits. As mentioned above, trading of GHG offsets is just one component of a comprehensive cap and trade system. The federal government has not yet endorsed a national cap and trade system; rather it is monitoring developments in the U.S. and will likely unveil other parts of the Canadian federal program only as developments occur in the U.S., so that Canadian industries will not be disadvantaged.

The two discussion papers are quite detailed. They describe an offset system to be administered by the Canadian government under the *Canadian Environmental Protection*

Act, 1999. GHG reductions achieved after January 1, 2011 will be eligible for offset credits if all eligibility criteria are satisfied. To be eligible, domestic projects must meet specified criteria and be registered. Protocols for quantifying a project's reductions in GHG emissions must be approved and must be based on ISO principles. Project proponents will be required to systematically report GHG reductions and ensure that an accredited third-party verification body has provided assurance on the claimed reductions. The offset credits will be tradable and bankable. A tracking system will be established to track the offset credits from issuance to retirement. The offset system will also adopt specific rules for offset credits attributable to biological sink projects (such as reforestation, reduced deforestation and agriculture).

It is early days in the development of a carbon market in Canada. There is already an over-the-counter market for voluntary emission reductions ("VERs") or carbon offsets traded as futures on the Montreal Climate Exchange. Canadian policymakers also have the benefit of learning from the experience in Europe, where the European Union Emissions Trading System ("EU-ETS") has been functioning since 2003. The EU-ETS has been described as a "learning by doing" system, and changes were adopted in December, 2008 to shift the European model from a grant-based system for allocating emission allowances to more of an auction-based system. Like the cap and trade systems under discussion in North America, the objective of the EU-ETS is to establish a price for carbon that influences investment decisions by all emitters, and incentivises abatement and reduction of carbon emissions. In Canada, there is now a lot of activity, but both the fundamentals and the opportunities of the emerging carbon market remain to be determined.

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Year One – A Review of British Columbia's Carbon Tax



Corin Bowman

On July 1, 2008 British Columbians saw gas prices rise by 2.34 cents per litre and on July 1, 2009 gas prices increased again by an additional 1.17 cents. This is a result of the carbon tax introduced by the B.C. government in July of 2008 as part of its Climate Action Plan. The Climate Action Plan commits the Province to a 33% reduction of greenhouse gas ("GHG") emissions by 2020. B.C.'s carbon tax has attracted much attention in its first year. It is the first tax of its kind in North America and

was a hot-button issue in the recent provincial election.

The carbon tax applies to the purchase or use of all fossil fuels by individuals and businesses within B.C. As of July 1, 2008, the tax rate was \$10 per tonne of carbon-dioxide (CO₂) equivalent emissions, and it will increase annually by \$5 per tonne until it reaches \$30 in 2012. The amount of GHG emitted when a given quantity of a particular fossil fuel is burned depends on the chemical makeup of the fuel. Tax rates are assigned to fossil fuels based on each fuel's per tonne rate of CO₂ equivalent emissions. For example, as of July 1, 2009 the

tax rate on gasoline was 3.51 cents per litre, the tax rate on jet fuel was 3.92 cents per litre and the tax rate on propane was 2.31 cents per litre.

The carbon tax puts a price on GHG emissions and is designed to use basic market principles to reduce the overall level of emissions. In theory, the tax should send a price signal that will lead to decreased demand for carbon-heavy products and encourage businesses and individuals to make “climate-smart choices” by finding ways to reduce reliance on fossil fuels through new technologies and other means.

The carbon tax was designed to be revenue neutral, meaning all revenue generated by the carbon tax will be returned to taxpayers through tax reductions. The *Carbon Tax Act* requires the government to present an annual plan that includes a forecast that the tax will be revenue neutral in relation to each fiscal year. The plan must also forecast carbon tax revenues and set out the measures that will be implemented to return the revenues generated to taxpayers. For the first

two years, these measures include a personal income tax decrease for the bottom two personal income tax brackets of approximately two percent in 2008 and five percent in 2009, a new low-income climate action tax credit, a one percent reduction in the corporate income tax small business tax rate, and a one percent reduction in the general corporate income tax rate.

The carbon tax is just part of the B.C. government’s Climate Action Plan and will be supplemented by a GHG cap and trade system. The cap and trade system will put a limit on overall emissions while setting up a market based framework that will allow emitters to trade in emissions allowances and offset credits (see “The Emerging Canadian Carbon Market: New Fundamentals and Opportunities” by David Thring on page 3 of this issue).

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Green Fuel – A Threat to the Oil Sands?



David Young

Despite the depressed economic environment, the U.S. federal administration is embracing several clean and renewable energy initiatives. For Canadian oil producers with a view to the American market, the adoption of the *Energy Independence and Security Act of 2007* (“EISA”) and the introduction of the *American Clean Energy and Security Act of 2009* (“ACESA”) are of particular concern. Taken together, these laws will prohibit U.S. federal agencies from purchasing energy with lifecycle greenhouse gas (“GHG”) emissions greater than those of conventional oil, while setting demanding emission allowances for other U.S. importers and refineries. As the emission intensity of crude bitumen, the fuel derived from the Canadian oil sands, can be up to a third higher than that of conventional oil, it may soon become almost impossible for Canadian producers to access the U.S. market.

Impact on Canada’s International Trade

Canada is currently the largest exporter of crude bitumen to the United States, with almost 100 percent of Canadian output shipped to the U.S. market. On average, net oil exports represent about 30% of Canada’s total net exports. Although the full impact of EISA and ACESA remains to be seen, the magnitude of oil exports means that even a small

decrease could result in substantial ramifications for Canada’s trade balance. While alternatives to the U.S. market exist, a majority of the infrastructure expansions currently under development in the oil sands have been designed and priced on the assumption of accessible U.S. markets.

Energy Independence and Security Act of 2007

EISA was signed into law in December 2007 with the stated purpose of moving the United States towards greater energy independence through promoting clean renewable fuels and by improving the energy efficiency of federal agencies. Although the Act targets U.S. domestic policies, it may impact the Canadian energy sector. Of particular concern is Section 526, which prohibits U.S. federal agencies from purchasing “alternative fuels” with lifecycle greenhouse gas emissions greater than those of conventional oil. Drafted with the specific intention of preventing the U.S. Air Force from procuring high-pollutant coal-to-liquid fuels, the scope of Section 526 may have unintentionally ballooned to include the Canadian oil sands. If, as environmental groups have argued, fuel derived from the oil sands constitutes an “alternative fuel,” the Act would effectively eliminate large scale consumers such as the U.S. Army and the Postal Service from the industry’s customer base.

There is debate in Canada and the U.S. as to whether the availability of a proximate supply of fuel from a stable political

jurisdiction outweighs the associated environmental degradation. It should be noted that while opponents may take some comfort in the reality that the application of the EISA does not reach beyond the federal government to the broader community of importers, the demonstrated recognition and widespread acceptance of the underlying policy concerns appears to be influencing legislation aimed at all consumers.

American Clean Energy and Security Act of 2009

ACESA is a federal bill that mandates emission trading with a number of provisions relevant to Canada's energy sector. It is also known as the Waxman-Markey Bill. The bill's principal target areas include: clean energy, energy efficiency, reducing global warming, pollution and transitioning to a clean energy economy. Although it is not expected to be passed by the House of Representatives and the Senate until at least the fourth quarter of 2009, the core elements of this proposed law are already causing concern in Canada.

Modeled upon California's recently adopted *Low Carbon Fuel Standard*,¹ ACESA's clean energy provisions adopt a two-pronged approach to reducing economy-wide greenhouse gas emissions. Firstly, they require retail electricity suppliers to meet an increasing percentage of their demand through the supply of renewable energy. Secondly, they mandate that energy producers, refineries and other importers reduce the lifecycle emission intensity of their fuels to 2005 levels by 2022 and progressively more thereafter. An immediate and substantial way in which these benchmarks could be met would be by reducing the use of high emission fuel derived from the Canadian oil sands. It should be noted that the bill faces several hurdles before being signed into law, including debate and possible revision by several Congressional committees.

Conclusion

Efforts to shape U.S. clean energy legislation in a manner more favourable to Canadian producers have focused on excluding fuel derived from the oil sands. In addition, it has been argued that the clean energy initiatives may be a violation of foreign trade obligations. This trade threat is founded on NAFTA, which prohibits member states from discriminating among other member states and ensures equality of opportunity to import from, or to export to, all. Canada may argue that the U.S. clean energy legislation unfairly discriminates against Canadian oil producers, if it can establish that crude bitumen is sufficiently similar to conventional oil. However, the geological composition of crude bitumen, coupled with the pronounced differences in its production process relative to conventional oil, may present difficulties. Moreover, even if such an argument can be developed, NAFTA provides member states with an exception related to environmental concerns.

In summary, EISA and ACESA present significant obstacles to the export of Canadian oil to the U.S. market. The significantly elevated lifecycle greenhouse gas emissions of crude bitumen relative to that of conventional oil may render fuel derived from the Canadian oil sands almost impossible to market south of the border. Whether these laws will give rise to successful challenges under existing free trade arrangements such as NAFTA remains to be seen.

¹ Regulations to Implement the Low Carbon Fuel Standard, adopted April 23, 2009 by the California Air Resources Board pursuant to Executive Order S-01-07.

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Black Liquor – Green Fuel or Greenwash?



Cyndee Todgham Cherniak



Peter Wells

Black liquor is not the product of a pot still in rural Tennessee, but a toxic by-product of the kraft wood pulping process. On May 20, 2009 Canada, together with the European Union, Brazil and Chile, wrote

to the United States Congress urging them to repeal a tax credit for the use of black liquor as a biofuel on the basis that the credit is acting as a subsidy on the production of kraft

pulp contrary to World Trade Organization ("WTO") rules.

This is the latest example of a tax credit program presented as an environmental initiative which, on closer examination, proves to have little beneficial effect on the environment but does provide a significant subsidy to a particular sector of the economy. The practice of presenting an activity as environmentally friendly when its primary aim is to secure some economic advantage has come to be known as "greenwashing."

In the kraft pulp process, chemicals are used to digest the

wood fibres into pulp, and extract a chemical called lignin, which is a complex natural polymer of phenylpropane. While efforts have been made to find some industrial use for lignin, for years kraft papermakers have found it most efficient to use the lignin containing black liquor as a fuel to fire a boiler for making process steam and hot water. In this way a toxic by-product was used as a “free” fuel, thus saving the pulp producer the cost of buying oil to fire the boiler. When Congress passed a statute to provide a tax credit for biofuels, it was quickly realized that black liquor was much more valuable as a biofuel. The credit was so generous (estimates of the amount that U.S. pulp producers will receive vary from \$6 billion to as high as \$10 billion) that pulp producers quickly stopped burning their black liquor, instead mixing it with some diesel oil and selling it as biofuel. Of course, the pulp producers still needed to fire their boilers, and have had to purchase fossil fuels to replace the subsidized black liquor that they were selling. The distortion caused by the tax credit has had the effect of making kraft pulp a by-product of the black liquor production process instead of the other way around. Between the extra production of cheap pulp and the general lack of demand due to the current economic turmoil, the impact on Canadian and other pulp producers has been devastating.

Under WTO rules, the tax credit is a prohibited subsidy contrary to the *WTO Agreement on Subsidies and Countervailing Measures* and it is distorting trade. The entitlement to claim tax credits provides U.S. pulp companies with an incentive to (1) over produce and (2) sell the pulp at lower prices because they may recover part of the money in the form of the tax credits. However, Canadian pulp producers cannot sue the U.S. at the WTO. Rather, the Canadian government would pursue the legal remedy with the assistance of Canadian pulp producers as advisors. In addition, Canadian producers of pulp or other by-products of the kraft pulping process, which are experiencing price depression, may be entitled to bring a countervailing duty trade remedy case under Canada’s domestic laws. In order

to be successful, the group filing a trade remedy case must (1) represent a proportion of Canada’s domestic production, (2) demonstrate that the U.S. tax credit is a subsidy and (3) prove that the subsidization has caused, is causing or threatens to cause injury to the Canadian producers.

Whether this subsidy was intended as such, or was merely the unintended consequence of poorly conceived policy doesn’t much matter. The adverse effect on the environment and the markets is the same. The problem is that if the public lose confidence in the good faith and competence of those devising and implementing policy and those taking advantage of massive incentive programs presented as eco-friendly, its

support will evaporate. The public, particularly in the United States, have been asked to support governments as they provide vast amounts of public money to bail out private businesses who bet the farm and lost on the basis that the failure of such firms would harm the public more than the cost of such bail-outs. The public mood is already becoming more hostile, as those who have taken bonuses for the loss of billions have seen.

A properly configured program to encourage truly advantageous environmental goals is worth pursuing. However, before any tax credit or the like is approved, the activity in question should be required to meet the following minimum criteria:

1. The new product or process uses less energy from the start of production (including any agricultural activities) to final consumption than the product or process it replaces. The amount of any credit would be proportional to the energy savings.
2. The new product or process produces fewer emissions from the start of production (including any agricultural activities) to final consumption than the product or process it replaces. The amount of any credit would be proportional to the emission savings. This will be more difficult to implement than credits proportional to energy savings. While energy has a common unit of measure, all emissions are not the same. While we can all agree

The distortion caused by the tax credit has had the effect of making kraft pulp a by-product of the black liquor production process instead of the other way around. Between the extra production of cheap pulp and the general lack of demand due to the current economic turmoil, the impact on Canadian and other pulp producers has been devastating.

that emissions of carbon dioxide (CO₂) are undesirable, a process that reduced such emissions by converting the carbon dioxide to cyanide (CN⁻) would be even less desirable.

As Canada and Ontario move to implement environmental programs, businesses will have to be alert to how such programs will change the rules of the game. For instance, Bill 185 to provide a system of greenhouse gas emissions trading introduced by the Ontario government on May 27, 2009

does not lay out the new rules – it simply provides a framework for making those new rules. While rule changes, such as greenhouse gas trading rules are unsettling, they also create opportunities. Businesses that first identify those opportunities will have a significant advantage over their competitors.

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News

Lang Michener Establishes An Environment, Energy & Emissions Trading Group

Lang Michener has established an Environment, Energy & Emissions Trading Group to assist companies with legal and business issues relating to energy and environment focused projects and matters. The Group will provide advice related to regulatory and compliance issues and the rapidly growing international business opportunities that trading in emission credits is expected to produce.



Henry Krupa

Henry Krupa Joins Lang Michener

We are pleased to announce that Henry Krupa has joined the Commercial Real Estate Group in the Toronto office as counsel. Henry has significant expertise in environmental law, energy and government relations. Before his return to private practice, Henry was the Director of Legal Services for the Ontario Ministries of Environment and Energy, and an Adjunct Professor at the University of Western Ontario.

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