

U.S. Federal Legislation That Could Affect Carbon Sequestration Projects in the United States

National Environmental Policy Act (NEPA, 1969)
www.nepa.gov/nepa/regqs/nepa/nepaegia.htm

Requires preparation of an environmental impact statement when federal funds are used for a project or when a federal government agency is the developer of, or issues a permit for, a project.

Clean Water Act (CWA, 1977)
www.epa.gov/lawsregs/laws/cwa.html

The objective of this act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. Sets the standard of nondegradation of the beneficial uses of water. An example is the "Total Maximum Daily Load" approach.

Clean Air Act (CAA, 1963, 1970, 1990, 1997)
www.epa.gov/air/caa/

Requires control of 1) particulate matter from industry combustion sources, 2) total reduced sulfur compound emissions, and 3) hazardous air pollutant emissions from production sources. New Source Review (NSR) is a preconstruction permitting program that is operated at federal and state levels.

Safe Drinking Water Act (SDWA, 1974)
www.epa.gov/safewater/sdwa

EPA sets standards for drinking water quality and oversees the states, localities, and water suppliers implementing those standards. The SDWA led to EPA's Underground Injection Control (UIC) Program, setting requirements for different Class Injection Wells.

Endangered Species Act (ESA, 1973)
www.fws.gov/laws/lawsdigest/ESACT.html

Administered by the U.S. Fish and Wildlife Service (USFWS) of the U.S. Department of the Interior and the National Marine Fisheries Service (NMFS) of the U.S. Department of Commerce. The purpose of the ESA is to conserve the ecosystems upon which endangered and threatened species depend and to conserve and recover listed species.

The Migratory Bird Treaty Act (MBTA, 1918)
www.fws.gov/laws/lawsdigest/migtrea.html
and the Bald Eagle Protection Act (BEPA, 1940)
www.fws.gov/le/pdf/BEPA.pdf

Both acts are administered by the USFWS. The first act protects migratory birds from unlawful taking. The second act protects the bald eagle and the golden eagle by prohibiting, except in specified conditions, their taking, possession, and commerce. In January 2001, an Executive Order was issued to further protect migratory birds by requiring federal agencies that take actions having a negative effect on these populations to develop and implement a Memorandum of Understanding (MOU) to promote their conservation (Executive Order, 2001).

Executive Order on Invasive Species (EOIS, 1999)
www.invasivespecies.gov/laws/execorder.shtml

Federal resource agencies are required to develop invasive species management strategies, as well as strategies to restore native species and habitat conditions in invaded ecosystems.

Canadian Federal Legislation That Could Affect Carbon Sequestration Projects in Canada

Canadian Environmental Assessment Act (CEAA, 1992) http://laws.justice.gc.ca/en/C-15.2/	The purpose of the act is to encourage responsible authorities to take actions that promote sustainable development and achieve or maintain a healthy environment and economy.
Canadian Environmental Protection Act (CEPA 1999) http://laws.justice.gc.ca/en/C-15.31/	The primary purpose of this act is to contribute to sustainable development through pollution prevention.
Transportation of Dangerous Goods Act (1992) http://laws.justice.gc.ca/en/T-19.01/	This act applies in relation to all matters within the legislative authority of Parliament, including dangerous goods outside Canada that are carried on a ship or aircraft registered in Canada. This act does not apply in relation to commodities transported by a pipeline governed by the <i>National Energy Board Act</i> or the <i>Oil and Gas Production and Conservation Act</i> or by the law of a province; or dangerous goods confined only by the permanent structure of a ship.
National Energy Board Act (1985) http://laws.justice.gc.ca/en/N-7/	This act establishes the National Energy Board, an independent federal agency that regulates several aspects of Canada's energy industry. Its purpose is to promote safety, environmental protection, and economic efficiency in the Canadian public interest within the mandate set by Parliament in the regulation of pipelines, energy development, and trade.
Fisheries Act (1985) http://laws.justice.gc.ca/en/F-14/	This act applies to fish habitat protection and pollution prevention as well as several other aspects of fishery regulation.
Canada Labour Code (1985) http://laws.justice.gc.ca/en/L-2/	An act to consolidate certain statutes respecting labor, including industrial relations and occupational health and safety.
