

Environmental Goals and Sustainable Prosperity Act

CHAPTER 7 OF THE ACTS OF 2007

as amended by

2012, c. 42



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**An Act Respecting Environmental Goals
and Sustainable Prosperity**

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Short title

1 This Act may be cited as the *Environmental Goals and Sustainable Prosperity Act*. 2007, c. 7, s. 1.

Interpretation

2 In this Act,

(a) “emission target” means an emission target set out in this Act or established by the regulations;

(b) “greenhouse gas” means any of the following gases:

- (i) carbon dioxide,
- (ii) methane,
- (iii) nitrous oxide,
- (iv) hydrofluorocarbons,
- (v) perfluorocarbons, and
- (vi) sulphur hexafluoride;

(c) “legally protected” means dedicated, in a legally recognized manner, primarily to the protection of biodiversity and natural processes, and includes

- (i) designated, established or protected under an enactment, including the *Wilderness Areas Protection Act*, the *Special Places Protection Act*, the *Provincial Parks Act*, the *Canada Wildlife Act* and the *Canada National Parks Act*,
- (ii) subject to a conservation easement under the *Conservation Easements Act*, and
- (iii) held by a non-governmental charitable land trust;
- (d) “Minister” means the Minister of Environment;
- (e) “net loss of wetlands” means net loss of wetland area and function, including habitat;
- (f) “Round Table” means the Round Table established pursuant to the *Environment Act*;
- (g) “sustainability” means meeting current human needs without undermining the capacity of the environment to provide for those needs over the long term;
- (h) “sustainable prosperity” means seizing today’s opportunities without compromising tomorrow, while working together for a strong, competitive economy, a healthy environment and vibrant, thriving communities. 2007, c. 7, s. 2; 2012, c. 42, s. 2.

Foundation and principles of Act

3 (1) This Act builds on the foundation that the Province has achieved as a world leader in

- (a) recycling programs and in managing waste to protect the environment; and
- (b) leading-edge innovation in environmentally sustainable technologies.

(2) This Act is based on the following principles:

- (a) the health of the economy, the health of the environment and the health of the people of the Province are interconnected;
- (b) environmentally sustainable economic development that recognizes the economic value of the Province’s environmental assets is essential to the long-term prosperity of the Province;
- (c) the environment and the economy of the Province are a shared responsibility of all levels of government, the private sector and all people of the Province;
- (ca) to achieve objectives that span both environmental and economic aims, government departments need to collaborate across the Province using a whole systems approach;

(d) the environment and economy must be managed for the benefit of present and future generations, which is in keeping with the Mi'kmaq concept of *Netukulimk*, defined by the Mi'kmaq as the use of the natural bounty provided by the Creator for the self-support and well-being of the individual and the community by achieving adequate standards of community nutrition and economic well-being without jeopardizing the integrity, diversity or productivity of our environment;

(e) innovative solutions are necessary to mutually reinforce the environment and the economy;

(f) a long-term approach to planning and decision-making is necessary to harmonize the Province's goals of economic prosperity and environmental sustainability;

(g) the management of goals for sustainable prosperity, such as emission reduction, energy efficiency programs, climate change adaptation and increasing the amount of legally protected land will preserve and improve the Province's environment and economy for future generations. 2007, c. 7, s. 3; 2012, c. 42, s. 3.

Long-term objectives of Province

4 (1) The long-term environmental and economic objective of the Province is to achieve sustainable prosperity and to this end to

(a) establish clear goals that foster an integrated approach to environmental sustainability and economic well-being; and

(b) work towards continuous improvement in measures of social, environmental and economic indicators of prosperity.

(2) To achieve the long-term objectives set forth in subsection (1), the Province's environmental and economic goals in the areas of cleaner energy, climate change adaptation, healthy air and water, leadership in sustainable practices, protection of biodiversity and sustainable management of natural assets are to ensure that

(a) the Province adopts and implements a framework to support a transition to cleaner sources and sustainable uses of energy to produce greater economic, social and environmental benefits for Nova Scotians by supporting and enabling

(i) energy efficiency and conservation to assist in energy affordability and competitiveness through increased productivity,

(ii) sustainable transportation options,

(iii) increased renewable energy,

(iv) enhanced use of natural gas to displace oil and coal, and

- (v) enhanced innovation through globally competitive energy research and development;
- (b) of the total electricity needs of the Province,
 - (i) 18.5 per cent is obtained from renewable energy sources by 2013,
 - (ii) 25 per cent is obtained from renewable energy sources by 2015, and
 - (iii) 40 per cent is obtained from renewable energy sources by 2020;
- (c) an updated energy efficiency rating system for new and existing homes is available in the *Nova Scotia Building Code Regulations* made under the *Building Code Act*;
- (d) all new residential dwelling units constructed in the Province after January 1, 2011 are required to meet energy conservation measures adopted in the *Nova Scotia Building Code Regulations* made under the *Building Code Act*;
- (e) the Province continues to work with other levels of government on national emissions standards for greenhouse gases and air pollutants from new motor vehicles, such as the standards adopted by the State of California;
- (f) greenhouse gas emissions are, by 2020, at least 10 per cent below the levels that were emitted in 1990, as outlined in the *New England Governors/Eastern Canadian Premiers Climate Change Action Plan 2001*;
- (g) emissions of nitrogen oxides are reduced by
 - (i) 20 per cent by 2009,
 - (ii) 28 per cent by 2015, and
 - (iii) 44 per cent by 2020,relative to emissions in 2000;
- (h) sulphur dioxide emissions are reduced by
 - (i) 50 per cent by 2010,
 - (ii) 58 per cent by 2015, and
 - (iii) 75 per cent by 2020,relative to the 1995–2005 emission allocation;
- (i) mercury emissions are reduced to no more than
 - (i) 110 kilograms by 2010,
 - (ii) 100 kilograms by 2011,
 - (iii) 85 kilograms by 2013,

- (iv) 65 kilograms by 2014, and
- (v) 35 kilograms by 2020;
- (j) the Province meets and maintains the *Canada-wide Standards for Particulate Matter (PM) and Ozone* established by the Canadian Council of Ministers of the Environment for airborne fine-particulate matter by 2010;
- (k) the Province meets and maintains the *Canada-wide Standards for Particulate Matter (PM) and Ozone* established by the Canadian Council of Ministers of the Environment for ground-level ozone by 2010;
- (l) municipal public drinking-water supplies meet the Province's 2012 treatment standards by 2020;
- (m) a comprehensive water-resource management strategy is developed by 2010 and implemented accordingly;
- (n) wastewater treatment facility discharges undergo at least primary treatment by 2020;
- (o) the solid-waste disposal rate is no greater than 300 kilograms per person per year by 2015 through measures that include the development of new programs and product stewardship regulations;
- (p) septage treatment facilities are operated in accordance with the *Guidelines for the Handling, Treatment and Disposal of Septage* as of 2011;
- (q) a sustainable procurement policy for the Province is developed and adopted by 2009 and implemented accordingly, including by integrating sustainable procurement criteria into Provincial government purchasing and promoting adoption of this approach to the greater public sector in the Province;
- (r) a government facility is constructed as a demonstration facility in accordance with leading energy efficient design standards by 2015 and used to foster sustainable building practices;
- (s) the Province develops a strategy by 2014 to advance the growth of the green economy, and implements the strategy accordingly;
- (t) local food consumption is supported and encouraged, with the goal of 20 per cent of the money spent on food by Nova Scotians being spent on locally produced food by 2020;
- (u) local food production is supported and encouraged, with the goal of increasing the number of local farms by 5 per cent by 2020;
- (v) at least 12 per cent of the total land mass of the Province is legally protected by 2015;

(w) regulatory tools that use the framework within the *Environment Act* to stimulate redevelopment of contaminated land and contribute to economic development while protecting the environment are brought into effect by 2013 and implemented accordingly;

(x) a policy of preventing net loss of wetlands is established by 2009 and implemented accordingly; and

(y) the Province adopts a natural resources strategy by 2010, focusing on the areas of biodiversity, forestry, geological resources and parks, and implements the strategy accordingly.

(3) The Governor in Council may make regulations

(a) establishing interim emission targets for the Province;

(b) establishing goals and interim goals for different sectors of the economy of the Province for the purpose of meeting the goals for sustainable prosperity for the Province referred to in subsection (2);

(c) establishing additional goals from time to time;

(d) imposing environmental levies on disposable products for the purpose of funding programs or stewardship agreements to address their environmental impacts.

(4) The exercise by the Governor in Council of the authority contained in subsection (3) is regulations within the meaning of the *Regulations Act*. 2007, c. 7, s. 4; 2012, c. 42, s. 4.

Sectoral agreements

5 For the purpose of meeting the environmental and economic goals set out in Section 4 or other goals or targets, the Governor in Council may enter into agreements with representatives of different sectors of the economy of the Province respecting

(a) the establishment of objectives for sectors of the economy of the Province and for operations and undertakings within such sectors for the purpose of meeting emission targets;

(b) the establishment of minimum energy efficiency levels for operations and undertakings within sectors of the economy of the Province;

(c) schedules for achieving emission targets;

(d) the baselines to be used in conjunction with the establishment of an emission target for a sector of the economy of the Province;

(e) reporting requirements, including the methods and manner of reporting, to determine progress toward meeting emission targets;

- (f) the methods and procedures for conducting sampling, analyses, tests, measurements, verification and monitoring of emissions, energy efficiency and energy conservation;
- (g) reforms of and improvements to sectoral infrastructure;
- (h) the creation of private or joint public and private funding pools to undertake or finance emission reduction projects;
- (i) the implementation of technological changes;
- (j) co-operation on technology development, demonstration and deployment;
- (k) options for meeting emission targets;
- (l) enforcement of compliance with the terms of the agreements, including the imposition of financial and non-financial penalties;
- (m) any other matters related to environmental and economic goals or sustainable prosperity the Governor in Council considers to be appropriate. 2007, c. 7, s. 5.

Review and annual reports

6 (1) The Minister, in consultation with the Minister of Aboriginal Affairs, the Minister of Agriculture, the Minister of Economic and Rural Development and Tourism, the Minister of Energy, the Minister of Finance, the Minister of Fisheries and Aquaculture, the Minister of Labour and Advanced Education, the Minister of Natural Resources, the Minister of Service Nova Scotia and Municipal Relations and the Minister of Transportation and Infrastructure Renewal, as appropriate in relation to their respective mandates, shall review the goals set out in this Act and the regulations and activities of all Provincial government departments that relate to sustainability and shall report annually to the House of Assembly on the progress made toward achieving those goals, on the adequacy of the goals and on anything that the Minister, or any of the ministers who are consulted, considers should be brought to the attention of the House in relation to the long-term objective of sustainable prosperity.

(2) The Minister shall request the Round Table to carry out a comprehensive public review of this Act and the regulations every five years after this Act comes into force, and request the Round Table to submit to the Minister, within nine months of initiating the review, a report with recommendations for amendments and improvements in the implementation of this Act.

(3) The annual report referred to in subsection (1) shall be tabled in the House of Assembly if the House is then sitting or, if the House is not then sitting, filed with the Clerk of the House.

(4) In preparing the annual report referred to in subsection (1), the Minister shall seek advice from the Round Table. 2007, c. 7, s. 6; 2012, c. 42, s. 5.

Programs and measures

7 (1) The Governor in Council may establish or participate in programs and other measures to carry out the purpose of this Act, including

(a) programs and measures for the purpose of reducing greenhouse gas emissions;

(b) programs and measures related to adaptation to the effects of climate change;

(c) programs and measures related to energy conservation and energy efficiency;

(d) programs and measures to develop alternative energy and renewable energy sources;

(da) programs and measures to encourage movement towards more sustainable practices in the sphere of product stewardship;

(e) programs of public and community education and capacity-building; and

(f) any other programs and measures related to sustainable prosperity the Governor in Council considers to be appropriate.

(2) A program or measure under subsection (1) may be directed to any or all of industry, consumers and other persons. 2007, c. 7, s. 7; 2012, c. 42, s. 6.

Agreements

8 (1) The Governor in Council may enter into agreements with the Government of Canada or the government of a province of Canada, any agency of the Government of Canada or of the government of a province of Canada or any other person for the purpose of undertaking co-operative, complementary or compatible actions to reduce greenhouse gas emissions or meet other goals for sustainable prosperity set out in this Act and the regulations.

(2) The Governor in Council may not enter into any agreement under subsection (1) unless the Governor in Council is satisfied that the agreement will be consistent with this Act and with the goals for sustainable prosperity for the Province established by this Act and the regulations. 2007, c. 7, s. 8; 2012, c. 42, s. 7.

Regulations

9 (1) The Governor in Council may make regulations

(a) governing the manner in which economic well-being is measured for the purpose of this Act;

(b) establishing minimum energy efficiency levels for operations and undertakings in Nova Scotia;

(c) governing the maximum levels of emissions of greenhouse gases per unit of energy input or output or per unit of material

input or product output for operations and undertakings in the Province;

(d) establishing operating, technological and performance standards for operations and undertakings in the Province for the purpose of reducing or limiting greenhouse gas emissions or for the purpose of increasing energy efficiency or energy conservation;

(e) governing reporting and record-keeping requirements generally for any purpose related to this Act;

(f) governing methods and procedures for conducting sampling, analyses, tests, measurements, verification and monitoring for any purpose related to this Act;

(g) for the purpose of enabling, implementing and carrying out sectoral agreements entered into under Section 5, including regulations respecting the enforcement of rights, obligations and liabilities under a sectoral agreement;

(h) making the terms of a sectoral agreement entered into under Section 5 apply, with necessary modifications, to persons who are not parties to the agreement or otherwise bound by it, and deeming those persons to be bound by the agreement;

(i) governing, in respect of a sector, any matter in respect of which a sectoral agreement may be entered into under Section 5 if there is no sectoral agreement in effect;

(j) respecting the use of economic and financial instruments and market-based approaches directed to any environmental and economic goals or targets;

(k) respecting the manner in which greenhouse gas emission targets are established for the purpose of Section 4;

(l) establishing or providing for the establishment of sectors of the economy of the Province for the purpose of any provision of this Act or the regulations;

(m) governing the charging of fees for the provision of any service, material or program, the performance of any function or the doing of anything under this Act;

(n) defining any word or expression used but not defined in this Act;

(o) respecting any matter that the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) A regulation under clause (1)(h) may, with respect to persons to whom it applies, impose requirements and obligations that are more stringent than those provided for in the sectoral agreement.

(3) Where regulations are made in respect of a sector under clause (1)(i), the regulations may provide that they constitute a sectoral agreement for the purpose of this Act.

(4) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*. 2007, c. 7, s. 9; 2012, c. 42, s. 8.

Incorporation by reference

10 (1) A regulation under this Act may adopt or incorporate by reference, in whole or in part or with modifications, a written standard, rule, regulation, guideline, designation, code or document relating to any matter in respect of which a regulation may be made under this Act.

(2) A standard, rule, regulation, guideline, designation, code or document that is adopted or incorporated by reference under subsection (1) may be adopted or incorporated as it reads on a prescribed day or as it is amended from time to time.

(3) Where a standard, rule, regulation, guideline, designation, code or document is adopted or incorporated by reference under subsection (1), the Minister shall ensure that a copy of the standard, rule, regulation, guideline, designation, code or document is made publicly available. 2007, c. 7, s. 10.

Effective date

11 This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 2007, c. 7, s. 11.

Proclaimed - June 7, 2007
In force - June 7, 2007
