

Presentation to Law Amendments Committee, Nova Scotia Legislature
by
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My name is Mark Butler and I am the Policy Director at the Ecology Action Centre. I will present the first part of our presentation. Marla Macleod, our Food Coordinator and co-author of the 2010 report *Is Nova Scotia Eating Local?* will present our suggested food goals. Jen Graham, our Coastal Coordinator, is also present to address any questions you may have on the coastal goal.

Before I start I would like to recognize the work of the Roundtable and in particular the efforts of the chair, Marty Janowitz in holding a public review at the five year anniversary and bringing forth recommendations to the government.

The Ecology Action Centre has been supportive of the Environmental Goals and Sustainable Prosperity Act since it was introduced in 2007. We liked that it set goals with deadlines. We liked that it tried to integrate environment and economy.

And we liked that the Act had the support of all parties when it was introduced and that it continues to have the support of all parties.

We welcome the introduction of the updated and strengthened EGSPA. With many of the goals already met or about to be met, we knew it was crucial that the government update the Act and add new goals. At the same time, we think the government can and should do more. We are also concerned about the relaxation of some of the goals.

We would like to comment on some of the proposed changes and propose additional goals. We have attempted to present goals that truly integrate the economy and the environment. We draw your attention to our submission to the five year review which includes all of our suggestions on how this Act could be improved and what new goals could be added.

We applaud that the government has added a cleaner energy goal which includes energy efficiency and sustainable transportation. We also welcome the addition of a green economic strategy. And we are happy to see the government commit to implementing the water, wetland, and natural resources strategy.

The Ecology Action Centre and our partners in the Nova Scotia Public Lands Coalition strongly support the amendment to include the words "AT LEAST" to the land protection goal. This amendment clarifies the false notion held by some that the 12% goal is a cap or ceiling for land protection in Nova Scotia. Given the fact that biodiversity in the Atlantic region has been in decline for many decades as evidenced by our growing list of at-risk species and given the fact that the UN Convention on Biological Diversity has recently upped the global conservation target to 17% and that Canada has signed on to that new target - this is an important amendment - and one we whole-heartedly endorse.

We are disappointed to hear that the deadline has been extended for meeting guidelines on drinking water and waste water standards, as laid out in the Green Economy Act. More disappointing however is the lack of commitment from federal and provincial governments to help municipalities meet these guidelines. The municipal infrastructure debt, especially for water and waste water infrastructure is incredibly high in Nova Scotia and municipalities will not be able to meet the standards without help from the provincial and federal government. The municipal infrastructure debt means that we are so far behind in meeting the cost of infrastructure repair that it is now in the hundreds of millions of dollars. We think the timeline for municipal wastewater treatment facilities to meet the primary treatment standard, 4(2)(n), should remain at 2017 and not extended to 2020. The timeline for municipal public drinking water supplies to meet treatment standards, 4(2)(l) should only be extended to 2015, to allow of the 14% of municipalities not currently meeting that standard to comply. Further it is counter-productive to be stalling on meeting these standards when far more stringent standards, set by the Canadian Council of Ministers of the Environment, are to be reached within the next 10 to 20 years.

We are perplexed by goal c relating to the building code. It reads more like a description of a past achievement than a future goal. We also worried that there seems to be a tendency to writing goals in a way which isn't clear and measurable which is one of the strengths of EGSPA.

Although we are not optimistic that government will accept the following proposed amendment we feel it is important to make the recommendation nonetheless and hope that it will receive serious consideration.

EAC recommends the following goal with regards to finfish aquaculture:

- 1. That all finfish aquaculture operations in Nova Scotia, whether on land or in coastal waters, be required to operate biologically-secure, closed containment systems by 2020.**

We support colleagues efforts to advance environmental rights. An easy step would be the addition of an environmental registry making permits and other environmental documents available on the web. The registry is mentioned in the Environment Act and other provinces have such registries. This would be good for business, government and communities and reduce costs for all.

We would like to see a coastal goal. Nova Scotia has 13,000 km of coastline. Our coast, Nova Scotia's most significant asset, supports our rural and urban economies, provides benefits like flood protection and wildlife habitat and defines our culture and heritage. Seventy percent of Nova Scotians live in coastal communities. Given its importance, it's unbelievable that EGSPA does not contain a single goal related to the coast.

Our failure to manage and protect the coast is starting to get expensive. Between 1999- and 2011, the cost of disaster relief programs in Nova Scotia has been over 100 million. The province has had to pay almost \$40 million of those costs as the Federal Disaster Relief funds only cover part of the total damage. The final tally of the recent flooding from dyke overtopping in Truro is yet to come in, but we already know, we can't afford these kind of damage every year. Recent reports from the Insurance Bureau of Canada, and the National Round Table on Environment and Economy point out that these costs will continue to soar as sea levels rise by between 70 and 140 cm over the next 50 years.

We would like to see Nova Scotia protect the coast and those who live there by adding a goal to create a Coastal Zone Act. This basic idea behind this Act is that while there is land in NS that is suitable for every possible coastal use, not all coastal land is suitable for all uses. We want to manage coastal development and redirect it to appropriate locations where it will enhance the rural economy, and not be a liability for our provincial coffers.

We propose the following coastal goal:

- 2. By 2015, the province shall put in place a Coastal Zone Act that protects coastal property owners, coastal ecosystems, and maintains and restores the economic and ecological importance of Nova Scotia's coast.**

Agriculture is integral to our rural economies, our social fabric and our resilience. In recent years, we have seen an incredible increase in awareness of and support for local food systems. There is a strong desire from the public to know where our food is coming from and to ensure the long term sustainability of our farming communities. In 2010, the Ecology Action Centre and the Nova Scotia Federation of Agriculture released, "Is Nova Scotia Eating Local?", a report on the social, economic and environmental benefits of a more locally-based food system. Our submission today is rooted in our findings from this study

We would like to propose the following friendly amendments to subsection 4 (2) of the Environmental Goals and Sustainable Prosperity Act.

3a: Support and encourage local food with the goal of 20% of Nova Scotians' food spending to be from local farms by 2020

- In 2010, the Ecology Action Centre and the Nova Scotia Federation of Agriculture released "Is Nova Scotia Eating Local?", a report on the social, economic and environmental benefits of a locally-based food system. In this report, we examined the proportion of the food dollar that went back to local farms and found that in 1997, 17% of the food dollar returned to our local farmers. By 2008, this had declined to 13%.
- If farmers receive a larger percentage of the food dollar – through better farm gate prices, value-added products, and/or better market access – it would help to improve farm viability and encourage new entrants.
- Because just 15 years ago, 17% of the food dollar returned to local farmers, we know that it is possible to achieve, and potentially exceed, such an amount again.

3b: Increase and consistently measure institutional local food procurement

- Subsection 4 (2) (q) states the existing goal of the creation of a sustainable procurement policy.
- Many institutions are working to increase their local food procurement, which should be encouraged and commended. However, measurement varies by institution and often includes goods processed in Nova Scotia, but not made with local products, e.g. bread baked locally, using wheat from the Prairies.
- An institutional local food goal should be set for each category of food, such as fruit and vegetables, meat, fish, dairy, processed foods, with targets set for each category.

4: Support and encourage local food production with the goal of increasing the number of farms by 5% by 2020

- According to a recent report from Statistics Canada¹, Nova Scotia is the only province to report an increase in farmers, with a modest 2.9% increase in farms between 2006 and 2011.

- This is a positive trend, which should be encouraged, and thus we propose this goal of a 5% increase by 2020, based on the number of registered farms. In pursuing this goal, attention must be paid to both the size of farms and the types of livestock and crops produced, in order to ensure a diversity of farming operations in the province.

5: Protect farmland through conservation easements

- The new Community Easements Act holds great potential for protecting agricultural land for agriculture. Currently two farms in Nova Scotia, totalling 300 acres, are protected under working land conservation easements, held by the Ecology Action Centre. The success of farmland conservation easements can be seen in New England, where over 750,000 acres of farmland have been protectedⁱⁱ. A preliminary goal of protecting 5000 acres of farmland in Nova Scotia by 2020 would raise awareness about the importance of farmland conservation and ensure that this land remains food producing land in perpetuity.

Thank you for seriously considering our proposed amendments. We would be pleased to answer any questions you may have.

ⁱ <http://www.statcan.gc.ca/pub/95-640-x/2012002/prov/12-eng.htm>

ⁱⁱ Farmland Preservation Report: <http://www.farmlandpreservationreport.com/>



EGSPA: We can be the Cleanest and Greenest

16 December, 2011

Staff and Volunteers, Ecology Action Centre

1.0 Introduction

The Ecology Action Centre enters into this first review of the Environmental Goals and Sustainable Prosperity Act with the hope that there will be thoughtful and productive discussion between all of us about how we can protect and restore the ecological integrity of our province and enjoy a decent standard of living that is within our means. EGSPA has some lofty language in it, such as 4(1)(a)¹, which elicits scepticism. Yet we are ideally positioned, because of our natural resources and geography, to have one of the cleanest and most sustainable environments and economies in the world if we invest in EGSPA and companion measures.

We have provided some opening thoughts about this unique piece of legislation and its implementation over the last five years. With the view that the Act must be regularly reviewed and updated in order to remain relevant we have offered some recommendations including new goals.

2.0 EGSPA Then and Now

The Foundation is Sound

The Environmental Goals and Sustainable Prosperity Act was constructed on the premise that the “health of the economy, the health of the environment and the health of the people of the Province are interconnected” and that this relationship would only become more obvious in coming decades. This premise remains sound.

The global debt crisis has resulted in a tough business and economic climate, but the underlying reasons for businesses and economies to become more sustainable remain unchanged.

Success

There are 21 environmental goals in EGSPA. In the 2011 Progress Report the Government of Nova Scotia reported that it had implemented 10 goals and made significant progress on others. Ecology Action Centre has applauded the government on meeting goals and challenged them on goals delayed or not met of which there are several. Overall, we consider that EGSPA has advanced sustainability in Nova Scotia and can continue to do so if it emerges from this review reinvigorated and strengthened.

¹ 4(1)(a) demonstrate international leadership by having one of the cleanest and most sustainable environments in the world by the year 2020: and



What's Next?

EGSPA hasn't been and won't be the only vehicle for moving sustainability forward. The Nova Scotia Government has introduced environmental goals and sustainability measures outside of EGSPA, such as the Clean Technology Fund.

EGSPA was passed with all party support and we trust that it will continue to receive a high level of support from all parties and Nova Scotians. We see a reinvigorated Act as a great vehicle for the Nova Scotia Government to move forward both its environmental and economic agenda, in particular jobsHere.

The Business Case

There is both an ethical and business case for governments to encourage a transition to a more sustainable economy. The benefits to the environment and human health are well known and do not need to be repeated in this brief. The business case is worth reiterating:

- investment in energy efficiency and renewable energy will continue to increase; between 2010-2035 2/3 of incremental energy demand will be met with renewables and natural gas²
- the environmental goods and service sector is expected to experience average annual growth of between 4.7% and 7.7% over the next 10 years³
- consumer demand for green brands continues to grow⁴
- the demand for eco-certified forest, seafood and agricultural products continues to grow; an opportunity for rural Nova Scotia at a time when demand for high volume, low value products is weakening⁵

As Percy Paris, Minister of Economic and Rural Development and Tourism stated at the launch of Innovacorp's Cleantech competition : "Clean technology is one of the world's fastest growing industries. Knowledge-based companies like those in the clean technology sectors create good jobs and are vital to Nova Scotia's future prosperity". Well said.

Review is Timely

After five years the Act does need to be reviewed, discussed and strengthened.

The Act has been criticized for being light on economic goals. We agree. However, we agree not because we think EGSPA should be a balancing act; every environmental goal balanced by an economic goal. This approach misses the reason or rationale for EGSPA which is that a healthy economy arises from and is sustained by a healthy environment.

² IEA World Energy Outlook, 2011

³ Eco-Canada

⁴ <http://www.cohnwolfe.com/en/ideas-insights/white-papers/green-brands-survey-2011>

⁵ http://www.fsc.org/news.html?&no_cache=1&tx_ttnews%5Btt_news%5D=1616&cHash=921b9343c



We agree because to some extent the Act fails to follow its own credo: environmental and economic goals are not adequately integrated and mutually supportive. We would like to see the number of economic goals increased and better integrated with the environmental goals. We have attempted to do this with the new goals we are proposing. The main economic goal of 'improving the province's economic performance to a level that is equal to or above the Canadian average by the year 2020' is straightforward but is not integrated with the 21 environmental goals or any environmental goal. Similarly, the economic language of the environmental goals should be strengthened and more explicitly articulated.

Definition of Green Economy or Job

In measuring the economic benefits of EGSPA an industry-wide definition of green jobs would be helpful. There is no widely accepted definition which makes measurement difficult⁶. Eco-Canada is currently conducting a national survey to come up with a definition for a green job or economy.

Limits

In 1972 the Club of Rome published the Limits to Growth. While they were wrong about the dates, they were right about limits. On a finite planet there are limits to growth, at least a growth that comes with an ever-expanding ecological footprint. Recent economic events suggest that the rate of growth for industrialized economies may be slowing. In Nova Scotia we know there are limits to our growth or at least limits to the amount of fish we can catch or trees we can cut down. In the future we may find that growth is more about quality than quantity.

3.0 Recommendations

3.1 New Goals

We have suggested nine new goals that are primarily in the areas of energy, natural resources and water. We look forward to hearing about what other goals are being proposed, particularly those which integrate the economy and the environment.

Aquaculture

Increase development of the closed containment finfish aquaculture sector to at least 50% of provincial finfish farming production by 2015.

Nova Scotia is defined by our coasts, yet there is no coastal or marine goal in EGSPA. Until recently, the aquaculture industry in Nova Scotia has largely consisted of sustainable shellfish farming and small-scale land-based closed containment finfish production. The expansion of industrial open net pen finfish farming poses a significant threat to Nova Scotia's coastal ecosystems, leads to increased community conflicts, and puts at risk the existing key provincial economic activities of fisheries and tourism. To be on the leading edge in a rapidly changing and increasingly competitive global seafood market requires innovation, adaptation, and a willingness to take actions that can differentiate a region from its

⁶ http://csis.org/files/publication/100217_GreenJobs.pdf



competitors. Increasing investment and development of closed containment aquaculture offers the advantages of raising fish in a controlled environment with optimal growth rates and continuous production capabilities, the highest production per unit area and per unit worker of any aquaculture system, and the provision for clean harbours and bays through environmentally safe waste management treatment.

Coastal Act

Introduce a Coastal Act by 2015 that covers all activities taking place in the coastal zone, and which includes targets for coastal land conservation, and consistent province-wide coastal development standards.

A Coastal Act is an investment in protecting Nova Scotia's coastal ecosystems, coastal communities and maritime economy. The annual cost of repairing damaged coastal infrastructure, such as roads, harbours and wharves, and houses is rising due to climate change impacts. The most cost effective option to reduce storm and flood damage is to put in place consistent regulations about where you can build and what kinds of activities are suitable in the coastal zone. The ongoing provincial coastal strategy is a step in the right direction, but without clear regulations and accountability it will fail to achieve any real gains in stopping the death by a thousand cuts that is causing rampant ecosystem loss and degradation and higher risks of erosion and flood damage in the coastal zone. Legislation is necessary to ensure accountability and enforcement, and to create a provincial lead for coastal matters.

Water Act

Establish a Water Act by 2015.

Nova Scotia needs a Water Act as the provincial Environment Act does not adequately protect our freshwater resources. A Water Act should include transparent and accountable governance arrangements, the ability to impose licensing conditions for water use and discharge, and mechanisms for the effective designation of priority areas where additional management will be required. The cost of not protecting our water is high. Water damage now accounts for \$1.7 billion in insurance claims per year and has surpassed fire as the largest cost to Canada's insurance industry. A Water Act will also help improve water efficiency which results in significant cost savings for individuals and businesses. For example, a reduction in Ontario's water demand of 10% in 10 years using only cost-effective measures would save 121 million cubic metres a year and save \$500 million dollars in avoided infrastructure costs. This province needs to take advantage of the economic opportunity that the water industry provides. The size of the global water industry is estimated at US\$360 billion and is forecasted to rise to US\$1.6 trillion in 10 years. Canada's most experienced funder of water organizations, the nation's leading water research network and Canada's largest bank understand these economic risks and opportunities. The three have recently joined forces to make a clear case for the critical role water plays in Canada's economy.⁷

⁷ To learn more about the Blue Economy Initiative visit <http://www.blue-economy.ca>



Energy Efficiency

Mandate the Utilities and Review Board and Efficiency Nova Scotia to develop plans to target all energy efficiency improvements that are cost-effectively achievable, for all fuel types.

Energy efficiency helps the environment and the economy by cutting pollution and saving money. Efficiency programs help Nova Scotian residents and businesses cut their energy bills. Our entire economy also reaps economic savings by operating efficiency programs instead of building new power plants or spending our income on fossil fuels in our electricity sector or for home-heating. This goal would mandate that Efficiency Nova Scotia and its regulator develop plans that aim to maximize the benefits to the environment and economy by targeting all efficiency improvements that can cost-effectively be achieved.

Land-Use Planning

Increase density and revive town centres in already built-up areas by placing growth boundaries on all communities within Nova Scotia by 2020.

Requiring growth boundaries does not restrict development – it merely directs growth to areas that are most appropriate. This direction conforms with the Provincial Statements of Interest laid out in the Municipal Government Act, which state that Nova Scotia's land and water resources are fundamental to our physical, social and economic well-being.⁸ Reasons for densifying our neighbourhoods include protecting wildlife habitat, maintaining land for eco-servicing, preserving natural resource land, respecting heritage areas and scenic vistas, and providing recreational opportunities. Dense neighbourhoods provide opportunities for residents to be more active and healthy – to walk to the grocery store, to work, and to visit friends and family. Adherence to the growth boundaries for communities will help revitalize town centres and ease the call for transit services in rural communities. Affordable housing strategies must be developed to ensure there is enough reasonably priced land for development.

Protect Farmland

Implement the recommendations of the 2010 report Preservation of Agricultural Land in Nova Scotia by 2014

In their report to the Nova Scotia Government on Preservation of Agricultural Land in Nova Scotia, Williams et al (2010) make a number of excellent recommendations to support the economic and ecological prosperity of agriculture in this province. Each recommendation is accompanied by practical, achievable suggestions for implementation. The EAC particularly supports recommendations 4.1.3, 4.4.1, 4.4.3, and 4.5.1.⁹ Ensuring a viable agricultural sector in Nova Scotia would have significant

⁸ Government of Nova Scotia (1998) Municipal Government Act Schedule B: Statements of Provincial Interest. Retrieved from <http://nslegislature.ca/legc/statutes/muncpgov.htm> on December 13, 2011.

⁹ To read the report go to <http://www.gov.ns.ca/agri/elibrary/NSALRC-rpt.pdf>



economic benefits. Increasing Nova Scotian farmers' share of the food dollar from 13% to 20% would create thousands of jobs in rural Nova Scotia.¹⁰

Local Food Production

Establish a clear partnership between government, consumers and consumer groups, and farmers to work towards a goal of 20% of the food dollar to be spent on local food by 2020 and to measure the progress toward the goal on an annual basis.

While recognizing that government cannot legislate consumer spending habits, it can foster an environment where local food production is profitable and its consumption is encouraged. EGSPA envisions citizens of the province participating in making the environmental goals a reality, and therefore, the government should work with citizens to reach goals that will benefit our economy, our health, and our communities. This commitment and partnership to achieving 20% local food consumption would require government action including increasing support for Select Nova Scotia, establishing a labeling scheme that indicates products produced in the province, and prioritizing local procurement.

Reduce Clearcutting

Reduce the proportion of wood harvested by clearcutting to no more than 50% of all harvests by 2016.

This goal has already been announced as government policy¹¹, however, the commitment could be strengthened if it were adopted as a legislated goal through EGSPA. It is crucial to ensure an ecologically meaningful definition of a clearcut to strengthen the impact this goal will have on the ecological health of the forests of Nova Scotia and the future prosperity of the forest industry. We endorse the definition submitted to government on October 6, 2010 by the Nova Scotia Woodlot Owners and Operators Association, the Federation of Nova Scotia Woodland Owners and EAC.

Silviculture

Fifty percent of the annual silviculture budget will be allocated to the Category 7 Uneven-age, Quality-Improvement Silviculture Program by 2016.

Uneven-aged management helps build a more resilient, ecologically-appropriate forest. A greater emphasis on uneven-aged, quality improvement silviculture will support the government's commitment to reducing clearcutting by providing funding for alternative harvesting methods. Following through on the commitment to reduce clearcutting will help ensure steady employment in green industries for rural Nova Scotians. Quality improvement silviculture can create up to 50% more jobs than clearcutting.

¹⁰In 2010 the Ecology Action Centre and the Nova Scotia Federation of Agriculture released a report on food miles in Nova Scotia- http://nsfa-fane.ca/wp-content/uploads/2011/06/FM-July4-_final_long_report.pdf

¹¹<http://www.gov.ns.ca/news/details.asp?id=20101201001>



3.2 Other Recommendations

Make Mandatory Labeling Mandatory (Again)

When we buy a car, stove or fridge the manufacturer is required to tell us how much energy it uses so we can make comparisons with similar products. When we buy a house, the single biggest purchase most of us will make, there is no requirement for the manufacturer to provide an energy use rating. The goal below made EnerGuide rating of new homes mandatory. Unfortunately, in 2008 the Government made labeling of new homes voluntary once again. We would urge this government to reinstate this goal. By doing so the Government would encourage competition and innovation in the new housing market and Nova Scotians would reap economic savings.

(r) all new residential dwelling units constructed in the Province that are within the scope of Part 9 of the National Building Code of Canada will be required to display an EnerGuide rating by the year 2008;

Include MASH Sector in Procurement

The Sustainable Procurement Policy should extend to the Municipal, Academic, Schools and Hospitals (MASH) sector. The Nova Scotia Government should continue to work with MASH sector to make sure this happens.

Green Jobs Labour Market Strategy

The Nova Scotia Government and Nova Scotian learning institutions have invested in training and education for the green economy. Currently there appears to be no comprehensive or coordinated approach or Green Jobs Labour Market Strategy. A coordinated approach to the Green Jobs Labour market would help to ensure that Nova Scotians are trained for the emerging economy and that we can minimize the number of workers we need to bring in from other provinces.

Study of Economic Impact of EGSPA (and other green economy measures)

There has been debate but no study of the economic costs and benefits of meeting the 21 EGSPA goals (or other green economic measures in Nova Scotia). We would encourage the Government to select several EGSPA goals and evaluate them.

A straight cost-benefit analysis could be done but we would encourage a full cost accounting such that there is a full accounting of all social and environmental costs and benefits. This includes the future costs of ecological destruction and climate change as well as benefits associated with indicators related to, for example, human health, food security and ecological improvements. Nova Scotia's own Genuine Progress Index is a leading organization in the incorporation of these costs and benefits.

In addition to full cost accounting, we might suggest outlining a scenario-based vision of a future economy based on sustainable prosperity, and then back-cast to consider the investments that will be required to move towards this vision. Nova Scotians can contrast this vision with those that fail to move us towards sustainable prosperity. Such an analysis will highlight the risks of lock-in within particularly undesirable economic trajectories.



4.0 Conclusion

The Environmental Goals and Sustainable Prosperity Act is an Act with a lot of potential both of because of what is in the Act and what could be in the Act. Whole sections, ie. section 5, 7 or 8 have received little attention or use. As a result of the review we hope that the government, opposition parties, businesses, citizens, First Nations, municipal governments, community groups, unions and many more will make it their own. We can be one of the cleanest and greenest economies in the world, if we want to.