

What We Heard

Results of 2011 Public Consultation on Nova Scotia Environment Act

Background

The *Environment Act* is one of the primary laws that guide our efforts to protect the environment and human health in Nova Scotia. Passed in 1995, the *Environment Act* is required to undergo a review every five years to determine how well it is working and what changes are needed to make it work better. The last review was completed in 2006.

The 2011 review started in January. As part of the review, we undertook an internal evaluation of the Act. We learned that while the majority of the Act works well, there are some changes that will help us improve how we deliver programs and services.

An advisory committee was established to provide input on the proposed changes. The advisory committee was comprised of representatives from key stakeholder organizations who brought their expertise and experience to the review process. Along with the feedback gathered during the public consultation, the input from the advisory committee will be a key consideration for any proposed changes to the *Environment Act*.

The proposed changes to the Act are intended to help us better protect the environment and human health while ensuring that our resources are put to the best use. We plan to do this by:

- Matching resource use to the level of risk to the environment and human health;
- Using resources more efficiently and effectively;
- Strengthening protection for the environment and human health; and
- Correcting errors and inconsistencies.

In the summer of 2011, we released a summary of proposed changes for public consultation. We have summarized the feedback we received in this document.

Summary of Your Comments

In total, NS Environment received 60 comments via e-mail or in writing. Submissions were received from industry, environmental groups, municipalities/municipal facilities, aboriginal groups and the general public. We have summarized the topics that were commented on, from most frequently mentioned to least mentioned.

TOPIC	% of respondents who commented
Administrative penalties	67%
Enhance the duty to report spills or releases	45%
Clarify the provisions relating to the appeal of order	43%
Revise the definition of "adverse effect"	42%
Streamline the process for issuing emergency orders	40%
Require reviews of the <i>Environment Act</i> every 10 years	40%
More flexible approach to regulation	38%
Update the authority to cancel or suspend approval	38%
Update the timelines for processing approval application	33%
Update the authority to amend approvals issued before 1995	32%
Provide greater flexibility to draw on the expertise of independent experts and advisers	32%
Increase the flexibility of approvals	23%
Revise the definition of the term "substance"	23%
Clarify NSE's authority to seek enforcement measure	23%
Clarify inspectors' power to issue directives to require compliance	20%
Create an offence for failing to comply with Protected Water Areas regs	18%
Enforcement of new regulatory processes	18%
Update the authority to enact a new set of contaminated sites regs	17%
Reduce the potential for redundancy in the collection of air emissions data	17%
Effectively monitor compliance with new regulatory processes	15%
Clarify the language around "standards", etc.	15%
Replace the term "Minister" with "Administrator"	3%

Overall, there was support for the review and proposed changes. The groups asked that further consultation take place once regulation and policy tools are developed to support the *Environment Act* amendments.

Respondents felt that more discussion is needed regarding administrative penalties. That is why we are not moving forward in this area at this time.

Private sector respondents (i.e., industry, consultants, etc.) supported streamlining our processes while maintaining predictable timelines and decision points. They support using resources more efficiently and effectively and greater flexibility, as long as it doesn't result in additional costs for industry. They also suggested changes to the 'duty to report', timelines, and the authority to cancel or suspend approvals, or amend approvals issued prior to 1995.

Environmental groups wanted more explanation of lower-risk activities and asked for examples of what types of activity would be considered for new tools. Many principles were supported, but with the request that we provide more detail about how these principles will be implemented or applied. They supported changes providing greater protection to the environment (i.e., emergency orders, duty to report, etc.) and increased enforcement abilities, and let us know that they want the Act to remain strong and effective.

Overall, the municipalities/municipal facilities supported the changes proposed. They supported streamlining paperwork and improving inspection and enforcement capabilities, but wanted to ensure that any changes don't result in more responsibilities for municipalities.

Feedback from the general public and other groups included interest in reviewing future tools, input on definitions, interest in the advisory committee and whether the proposed changes will benefit the department, how emergency orders should be handled, and support for the duty to report.

Many extensive submissions were received containing information that may not directly inform change to the proposed amendments to the Act, but will be useful for the development of the policy tools and regulations. Some of this information was included in comments and/or papers submitted by groups such as the Native Council of Nova Scotia, Friends of Jeddore, Invasive Species Alliance of Nova Scotia, The Green Growth Group, Ecology Action Centre, East Coast Environmental Law, and the Sierra Club Canada – Atlantic Chapter.