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Item No. 7.1
Environment & Sustainability Standing Committee
October 1, 2015

TO: Chair and Members of Environment & Sustainability Standing Committee

SUBMITTED BY: ORIGINAL SIGNED

Bob Bjerke, Chief Planner and Director, Planning & Development

DATE: September 18, 2015

SUBJECT: Blue Dot Campaign

SUPPLEMENTARY INFORMATION REPORT

ORIGIN

Environment & Sustainability Standing Committee, February 5, 2015, 8.3.1 Blue Dot Campaign
Environment & Sustainability Standing Committee, May 14, 2015, 9.1.3 Blue Dot Campaign

LEGISLATIVE AUTHORITY

Environmental legislation is primarily a federal and provincial government authority.

BACKGROUND

At the May 14, 2015 meeting of the Environment & Sustainability Standing Committee, the Committee referred the matter for a supplementary staff report. The Committee requested that staff consider the amended draft declarations that other municipalities have adopted and provide information on some of the financial implications.

DISCUSSION

Committee Question: Amended Draft Declarations

Accompanying the presentation and request at the February 5, 2015 Committee meeting, a draft declaration was provided to the municipality (Attachment A).

Other municipalities in Canada that have endorsed the Blue Dot Campaign have modified the declaration primarily by striking the commitment to consult with residents or removing the letter to the federal and provincial government. The City of Port Coquitlam declaration (Attachment B) includes the first six points from the draft declaration under consideration with some edits. The Yellowknife declaration (Attachment C) only includes the first four points from the draft declaration.

With those removals, the remaining content closely supports the approved policy direction of Regional Plan. The Vision and Principles, approved by Regional Council, in the Regional Plan are:

Vision

HRM's vision for the future is to enhance our quality of life by fostering the growth of healthy and vibrant communities, a strong and diverse economy, and sustainable environment.

Guiding Principle

This Plan will seek to address the needs and views of all sectors of HRM, recognizing the diversity of its citizens, community and geography.

Principles

This Plan:

- *Provides a framework which leads to predictable, fair, cost-effective and timely decision-making;*
- *Supports development patterns that promote a vigorous regional economy;*
- *Preserves and promotes sustainability of cultural, historical and natural assets;*
- *Supports the Regional Centre as the focus for economic, cultural and residential activities;*
- *Manages development to make the most effective use of land, energy, infrastructure, public services and facilities, and foster healthy lifestyles;*
- *Ensures opportunities for the protection of open space, wilderness, natural beauty and sensitive environmental areas; and*
- *Develops integrated transportation systems in conjunction with the above principles.*

The fundamental difference between the Regional Plan policy direction and the requested declaration of environmental rights is the focus on creating new environmental "rights". This nuance implies more legal implications and the creation of increased environmental litigation.

Human rights laws, such as the Nova Scotian *Human Rights Act* or the *Canadian Charter of Rights and Freedoms*, trump other laws and sometimes allow courts to actually strike down legislation or actions of the Municipality as contrary to them. An environmental bill of rights would mean that the actions of the Municipality would need to be reviewed against the rights granted in the environmental bill of rights just as current actions of the Municipality are reviewed against existing human rights, such as the right to freedom of expression.

Committee Question: Financial Implications

In order to provide appropriate advice on the financial implications of either the current proposed legislation or a comparable Environmental Bill of Rights staff would require financial resources to contract an assessment by legal and environmental professionals. The outcome of new environmental legislation may alter development rights, policy, and processes creating costs to the municipality and residents and business. The outcome may result in improved environmental outcomes providing value for those costs.

The effort to properly assess that impact against the current regulatory and policy framework is substantive. It is unclear to staff whether an Environmental Bill of Rights (such as in place in Ontario) would improve environmental outcomes in Nova Scotia when assessing the Environment Act and Environmental Goals and Sustainable Prosperity Act. Brief review comparing the legislation and policy in the two provinces does not indicate a clear superior path to environmental outcomes. It should be noted that the Environmental Goals and Sustainable Prosperity Act has effectively delivered renewable energy targets, air quality targets, ecosystem protection, solid waste management maturity, water quality objectives, and an improved contaminated sites framework.

Summary

Regardless of any wording changes to the draft declaration, a Regional Council motion supporting the Blue Dot Campaign would be used to imply that Halifax supports a new Provincial Environmental Bill of Rights and amending the Canadian Charter of Rights and Freedoms. The Blue Dot Plan, viewed at: <http://bluedot.ca/#the-plan/>, lays this out clearly. The Blue Dot Campaign lists the municipalities that have provided a declaration without qualifying what the declarations do and do not say. The declarations for each municipality are not provided on the campaign's website. Staff has confirmed that all municipal declarations will be used to advance the objectives of the Blue Dot Campaign.

Halifax has environmentally progressive policy in place. Nova Scotia has environmentally progressive legislation. It is not clear that changing the legislative landscape supports the municipal vision: *to enhance our quality of life by fostering the growth of healthy and vibrant communities, a strong and diverse economy, and sustainable environment.*

RECOMMENDATION

Staff's original recommendation that the Environment & Sustainability Standing Committee not forward a recommendation to Regional Council to consider a declaration of support for an Environmental Bill of Rights stands.

ALTERNATIVES

The Committee could recommend that Regional Council make a full declaration on the right to a healthy environment; or

The Committee could recommend that Regional Council make a partial declaration on the right to a healthy environment.

FINANCIAL IMPLICATIONS

There are no financial implications to the staff recommendation. Financial implications from an Environmental Bill of Rights are not understood.

COMMUNITY ENGAGEMENT

There is no Community Engagement proposed with this report.

ATTACHMENTS

Attachment A: Draft Declaration provided by the Blue Dot Campaign

Attachment B: City of Port Coquitlam Amended Municipal Declaration, The Right To A Healthy Environment

Attachment C: City of Yellowknife Municipal Declaration, The Right To A Healthy Environment

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Shannon Miedema, Acting Manager, Energy & Environment, 902.490.3665

 ORIGINAL SIGNED

ATTACHMENT A – Draft Declaration provided by the Blue Dot Campaign

Whereas the HALIFAX MUNICIPALITY understands that people are part of the environment, and that a healthy environment is inextricably linked to the well-being of our community; The HALIFAX MUNICIPALITY finds and declares that:

1. All people have the right to live in a healthy environment, including:
 - The right to breathe clean air
 - The right to drink clean water.
 - The right to consume safe food.
 - The right to access nature
 - The right to know about pollutants and contaminants released into the local environment.
 - The right to participate in decision-making that will affect the environment
2. The HALIFAX MUNICIPALITY has the responsibility, within its jurisdiction, to respect, protect, fulfill and promote these rights.
3. The HALIFAX MUNICIPALITY shall apply the precautionary principle: where threats of serious or irreversible damage to human health or the environment exist, the HALIFAX MUNICIPALITY shall take cost effective measures to prevent the degradation of the environment and protect the health of its citizens. Lack of full scientific certainty shall not be viewed as sufficient reason for the HALIFAX MUNICIPALITY to postpone such measures
4. The HALIFAX MUNICIPALITY shall apply full cost accounting: when evaluating reasonably foreseeable costs of proposed actions and alternatives, the HALIFAX MUNICIPALITY will consider costs to human health and the environment.
5. By 2015, the HALIFAX MUNICIPALITY shall specify objectives, targets and timelines and actions the HALIFAX MUNICIPALITY will take, within its jurisdiction, to fulfill residents' right to a healthy environment, including priority actions to:
 - a) Ensure equitable distribution of environmental benefits and burdens within the municipality, preventing the development of pollution "hot spots";
 - b) Ensure infrastructure and development projects protect the environment, including air quality;
 - c) Address climate change by reducing greenhouse gas emissions and implementing adaptation measures;
 - d) Responsibly increase density;
 - e) Prioritize walking, cycling and public transit as preferred modes of transportation;
 - f) Ensure adequate infrastructure for the provision of safe and accessible drinking water;
 - g) Promote the availability of safe foods;
 - h) Reduce solid waste and promote recycling and composting;
 - i) Establish and maintain accessible green spaces in all residential neighbourhoods.

6. The HALIFAX MUNICIPALITY shall send a letter to the provincial government and to the federal government calling for the development of provincial and federal legislation that recognizes that all people have the right to live in a healthy environment.

The HALIFAX MUNICIPALITY shall review the objectives, targets, timelines and actions every five (5) years, and evaluate progress towards fulfilling this declaration.

The HALIFAX MUNICIPALITY shall consult with residents as part of this process.

Attachment B

Amended Municipal Declaration The Right To A Healthy Environment

Whereas the City of Port Coquitlam understands that people are part of the environment, and that a healthy environment is inextricably linked to the well-being of our community;

The City of Port Coquitlam finds and declares that:

1. All people have the right to live in a healthy environment, including:

The right to breathe clean air

The right to drink clean water

The right to consume safe food

The right to access nature

The right to know about pollutants and contaminants released into the local environment

The right to participate in decision-making that will affect the environment

2. The City of Port Coquitlam has the responsibility, within its jurisdiction, to respect, protect, fulfill and promote these rights.
3. The City of Port Coquitlam shall **consider** ~~apply~~ the precautionary principle: where threats of serious or irreversible damage to human health or the environment exist, the City of Port Coquitlam shall **evaluate** ~~take~~ cost effective measures to prevent the degradation of the environment and protect the health of its citizens. Lack of full scientific certainty shall not be viewed as sufficient reason for the City of Port Coquitlam to postpone such measures
4. The City of Port Coquitlam shall **assess** ~~apply~~ full cost accounting **methodologies**: when evaluating reasonably foreseeable costs of proposed actions and alternatives, the City of Port Coquitlam will consider costs to human health and the environment.
5. By December 31, 2016, **when creating or updating bylaws, policies, programs or initiatives** the City of Port Coquitlam shall ~~specify objectives, targets and timelines and actions the City of Port Coquitlam will take, within its jurisdiction, to fulfill~~ **consider** residents' right to a healthy environment, including priority actions to:
 - a. Ensure equitable distribution of environmental benefits and burdens within the municipality, preventing the development of pollution "hot spots";
 - b. Ensure infrastructure and development projects protect the environment, including air quality;
 - c. Address climate change by reducing greenhouse gas emissions and implementing adaptation measures;
 - d. Responsibly increase density;

- e. Prioritize walking, cycling and public transit as preferred modes of transportation;
- f. Ensure adequate infrastructure for the provision of safe and accessible drinking water;
- g. Promote the availability of safe foods;
- h. Reduce solid waste and promote recycling and composting;
- i. Establish and maintain accessible green spaces in all residential neighbourhoods.

By December 31, 2016, the City of Port Coquitlam shall ~~consider setting~~ review the objectives, targets, timelines and ~~actions to support this Declaration, including options for public consultation and a formal review process~~ every five (5) years. ~~and evaluate progress towards fulfilling this declaration.~~

~~The City of Port Coquitlam shall consult with residents as part of this process.~~

6. And be it further resolved that the City of Port Coquitlam call on the Province of British Columbia to enact a provincial environmental bill of rights to fulfill the right of every resident to live in a healthy environment by supporting favourable consideration of this matter at the Union of BC Municipalities 2015 Convention.

Attachment C

City of Yellowknife Municipal Declaration The Right To A Healthy Environment

Whereas the City of Yellowknife understands that people are part of the environment, and that a healthy environment is inextricably linked to the well-being of our community;

The City of Yellowknife finds and declares that:

1. All people have the right to live in a healthy environment, including:

The right to breathe clean air

The right to drink clean water

The right to consume safe food

The right to access nature

The right to know about pollutants and contaminants released into the local environment

The right to participate in decision-making that will affect the environment.

2. The City of Yellowknife has the responsibility, within its jurisdiction, to respect, protect, fulfill and promote these rights.
3. The City of Yellowknife shall apply the precautionary principle: where threats of serious or irreversible damage to human health or the environment exist, the City of Yellowknife shall take cost effective measures to prevent the degradation of the environment and protect the health of its citizens. Lack of full scientific certainty shall not be viewed as sufficient reason for the City of Yellowknife to postpone such measures
4. The City of Yellowknife shall apply full cost accounting: when evaluating reasonably foreseeable costs of proposed actions and alternatives, the City of Yellowknife will consider costs to human health and the environment.