

## **SUBJECT: Environmental Code**

## **SUBMITTED BY: Environment Committee**

### **BACKGROUND**

Saskatchewan's model for environmental management has been primarily based on a legislative framework with approval requirements, prohibitions and prescriptive regulations. A better model exists, based on existing methodology for creating standards (i.e., the National Building Code), guidance on environmental management similar to ISO 14001, and legislative regimes like the Income Tax Act. Core to this model are consistent universal standards, self-management, self-assessment and reporting, improved information for environmental management and compliance, supported through an approach of continual improvement and discerning enforcement.

In 2008, the Ministry of Environment initiated consultations on a "Results-Based-Regulatory" model and evaluated new regulatory models. In 2009 it tabled, and later passed, but has yet to proclaim, new/revised bills for environmental management. The revised legislation awaits the approval of the "Environmental Code" to support its implementation.

During 2009-2012, efforts focussed upon the development of the first sets of the Environmental Code for use under the new legislation. Through a multi-stakeholder process, the Ministry has prepared the first version of a new Environmental Code containing clear and concise legal requirements that will govern the management and protection of the environment in Saskatchewan. The code allows proponents to propose their own solutions thus encouraging innovation and continuous improvements. Most importantly, it would allow a much more efficient process for the approval of activities that have environmental aspects.

### **ISSUE**

Work is expected to continue on the further development of needed additional chapters of the Code. As this approach is implemented, it will provide enhanced environmental management and regulation, and achieve increased protection of the environment at lower costs to the government, the regulated community and the provincial economy. It was originally anticipated that the Code and the related changed legislation would be proclaimed in 2012. Regrettably, however, the implementation has been delayed, and remains not done.

The new results-based approach to legislation using the Code is a shift from prescribing how to do something, to setting out the results that must be achieved and leaving room for proposing alternative methods of achieving them. This allows flexibility for innovation, and for regular improvements that keep up with changing technology and environmental priorities

The core requirements and outcomes mandated in the Code will provide incentives for system owners and operators to improve their environmental management. Further, the development of the first edition of the Code has resulted from the involvement and contributions of over 200 experts from inside and outside the province. Many letters have been sent from stakeholders to the provincial government, requesting that the Code be implemented. The Chamber has continuously supported the development and implementation of the Code.

It is important that we not lose the benefits of the Code that has been developed. If there remain disputes about some portions of the Code, then those portions should be returned to the Code Development Committee for resolution in the future, while the remainder of the developed Code should be put in place now.

**RECOMMENDED**

- 1) That the Government of Saskatchewan proceed as quickly as possible to enact the developed Saskatchewan Environmental Code that has been agreed upon.
- 2) That the Government of Saskatchewan continue in the further development of needed additional chapters of the Code, and refer any developed Code that has not been agreed upon to the Code Development Committee for resolution in the future.
- 3) That Saskatchewan Chamber of Commerce members strive to adopt the Code in their own businesses.