

CANADA-WIDE ENVIRONMENTAL STANDARDS SUB-AGREEMENT

1. OBJECTIVES

- 1.1 Consistent with the *Canada-wide Accord on Environmental Harmonization*, the objectives of this Sub-Agreement are:
- 1.1.1 To provide for the continual development, improvement, and attainment of priority Canada-wide Environmental Standards for environmental quality and human health across Canada, consistent with the vision and principles of the Accord.
- 1.1.2 To provide for a cooperative, co-ordinated federal, provincial and territorial approach for:
- identifying Canada-wide environmental priorities;
 - developing Canada-wide Environmental Standards for the identified priorities;
 - agreeing on the actions required and obligations of governments for attaining the agreed-upon Canada-wide Environmental Standards;
 - effective, efficient and harmonized implementation; and
 - accountability to Canadians for meeting obligations and attaining agreed-upon Canada-wide Environmental Standards.

2. SCOPE

- 2.1 For the purposes of this Sub-Agreement, Canada-wide Environmental Standards encompass qualitative or quantitative standards, guidelines, objectives and criteria for protecting the environment and human health.
- 2.2 The primary focus of this Sub-Agreement is on Canada-wide priority ambient environmental standards for the quality of air, water, soil, biota, other media, and for other components of ecosystems as well as ecosystems themselves.
- 2.3 Where governments agree, Canada-wide Environmental Standards may also, where appropriate, and/or in support of the objectives of this Sub-Agreement include:
- discharge specifications on the quantity and/or quality of a release of a specific type/source of pollution;

- product and/or waste specifications on the limits of a substance and/or the environmental performance for a commercial product.

2.4 This Sub-Agreement covers Canada-wide Environmental Standards for priorities as agreed to by governments. It permits governments to develop and implement standards which are not Canada-wide priorities under this Sub-Agreement.

3. **PRINCIPLES**

3.1 In addition to principles identified in the Canada-wide Accord on Environmental Harmonization, the following underpin the development and attainment of Canada-wide Environmental Standards:

- 3.1.1 **Pollution Prevention:** Pollution prevention is the preferred approach to environmental protection. Governments will place emphasis on a pollution prevention approach when implementing standards under this Sub-Agreement.
- 3.1.2 **Science-based:** Canada-wide Environmental Standards developed under this Sub-Agreement will be based on sound science.
- 3.1.3 **Precautionary Principle:** Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty shall not be used as a reason for postponing the development and implementation of standards.
- 3.1.4 **Equity:** Governments are committed to achieving a consistent level of environmental quality across Canada.
- 3.1.5 **Results-oriented:** The Canada-wide Environmental Standards will be expressed in terms of the desired environmental result/outcome. Timelines will be established for their attainment. Other performance measures and indicators will be established where applicable to provide additional benchmarks for monitoring and reporting on the attainment of agreed-upon Canada-wide Environmental Standards.
- 3.1.6 **Flexibility:** While recognizing the principle of equity and the merits of Canada-wide consistency of environmental standards, this Sub-Agreement recognizes the need for local, regional, provincial and territorial flexibility in the measures taken to attain the standards. Decisions on the most appropriate and effective measures to attain the standards will be at the discretion of the responsible governments.

- 3.1.7 **Sustainable Development Context:** Measures to attain agreed-upon Canada-wide Environmental Standards will be determined in a sustainable development context, recognizing environmental and socio-economic considerations.
- 3.1.8 **Public and Stakeholder Participation:** The public and stakeholders will have a meaningful opportunity to provide input on priorities and the development and implementation of Canada-wide Environmental Standards as described in this Sub-Agreement.

4. ACCOUNTABILITY

For the purposes of this Sub-Agreement, governments agree:

- 4.1 to participate in the prioritization, development and recommendation of Canada-wide priority standards to Ministers;
- 4.2 to ensure that standards are met through the application of their respective environmental management programs. In choosing how to ensure that agreed standards are met, governments have the flexibility to adapt their management regimes to the priorities and unique situations within their borders;
- 4.3 to report to the public on plans for the attainment of the Canada-wide Environmental Standards based on the established timelines and other performance criteria, and on progress in attaining them;
- 4.4 that when a government has accepted obligations and is discharging a role under this Sub-Agreement, the other order of government shall not act in that role for the period of time as determined in the relevant agreement. Legislative authorities are not altered through this Sub-Agreement;
- 4.5 that in instances where a government is unable to fulfil its obligations under this Sub-Agreement, the concerned governments shall develop an alternative plan to ensure that no gaps are created within the environmental management regime.
- 4.6 In developing an alternative plan, the concerned governments will jointly identify issues to be addressed, collaborative mechanisms, and a plan of action, including timeframe for implementation of the plan. As a general guideline, these alternative plans will be completed within six (6) months.

5. **DEVELOPMENT OF STANDARDS**

5.1 **Identification of Priorities**

- 5.1.1 Ministers of the Environment, through the CCME, will establish priorities for the development of Canada-wide Environmental Standards and the timeframe for their development and implementation.
- 5.1.2 In support of consideration by Ministers, governments will identify existing and emerging issues of Canada-wide significance with potential impacts on the environment and human health.
- 5.1.3 As the first step for any proposed Canada-wide Environmental Standard, governments agree to consult each other and to cooperatively determine an appropriate course of action. As a general guideline, the appropriate course of action will be agreed to within six (6) months.

5.2 **Process for development of standards**

- 5.2.1 The most effective and efficient process for the development of standards may vary by agreed-upon priority. Ministers will agree on the process for the development of standards on a case by case basis.
- 5.2.2 The appropriate process for the development of any standard could include a process internal to the Canadian Council of Ministers of the Environment, or could include other agreed-upon fora.
- 5.2.3 Decisions taken in the technical development of Canada-wide Environmental Standards will be based on sound science and the principles of the Accord.

5.3 **Endorsement**

- 5.3.1 Canada-wide Environmental Standards developed under this Sub-Agreement will be submitted to Ministers for their consideration and endorsement.

6. **IMPLEMENTATION**

- 6.1 Where standards are applied to environmental issues which are principally limited to intraprovincial/intraterritorial effects, the specific measures undertaken by each government to meet its obligations will be at the discretion of the responsible government.

- 6.2 Where standards apply to environmental issues which have transboundary or interprovincial/interterritorial effects or where an integrated Canada-wide approach is required, governments will seek agreement on the timeframe and how to attain the standard endorsed by Ministers.
- 6.3 In implementing this Sub-Agreement, governments will maximize opportunities that will allow them to:
- share expertise and capacities;
 - avoid overlap and duplication;
 - use the most effective and efficient measures;
 - promote consistency across the country.
- 6.4 In implementing article 6.2, governments will develop and share workplans that will include:
- a clear articulation of the desired environmental outcome;
 - the indicators, milestones and time frames for attaining the agreed-upon standard;
 - the actions that need to be taken to meet the agreed upon standard;
 - an outline of results-oriented obligations of each government for implementing these actions.
- 6.5 Measures undertaken by designated governments for implementing agreed-upon standards could include, but are not limited to, regulatory standards, codes of practice, guidelines, memoranda of understanding, voluntary initiatives, economic instruments, and pollution prevention planning.
- 6.6 When governments accept and act on obligations for discharging a role, they will do so consistently with accountability provisions set out in section 4 of this Sub-Agreement.
- 6.7 Specific responsibilities of the federal, provincial, and territorial governments, including the development of standards, will vary by standard as agreed to case by case.
- 6.8 In dealing with Canada-wide Environmental Standards under this Sub-Agreement, in general the main functions of the federal government include:
- providing scientific and technical support to the process outlined in this Sub-Agreement;
 - implementing measures at international borders;
 - implementing measures on federal lands;

- representing Canada internationally, advocating the adoption of Canada-wide standards at the international level and promoting actions necessary at the international level to achieve Canada-wide Environmental Standards domestically; and
 - implementing Canada-wide Environmental Standards that require a product/substance approach.
- 6.9 In dealing with Canada-wide Environmental Standards under this Sub-Agreement, in general the main functions of the provincial and territorial governments include:
- providing scientific and technical support to the process outlined in this Sub-Agreement; and
 - implementing measures requiring action from industrial, municipal, and other sectors to attain an agreed-upon Canada-wide Environmental Standard.

7. MANAGEMENT AND ADMINISTRATION

- 7.1 Ministers, through CCME, will review progress, address issues and effectively administer the requirements of this Sub-Agreement.
- 7.2 This Sub-Agreement may be amended from time to time with the consent of the governments.
- 7.3 This Sub-Agreement shall enter into force on the date of execution indicated herein. A government may withdraw from this Sub-Agreement six (6) months after giving notice.
- 7.3.1 Implementation agreements under this Sub-Agreement shall enter into force on the last date of execution indicated therein. A government may withdraw from an implementation agreement six (6) months after giving notice.
- 7.4 The Council of Ministers, in consultation with the public, will review this Sub-Agreement two (2) years after the date of its coming into force to evaluate its effectiveness and determine its future.

8. OTHER

- 8.1 The harmonization of the standards function in the Yukon and the Northwest Territories will be implemented after resource management and related environmental protection responsibilities are devolved to the Territorial governments or through intergovernmental agreements, which include appropriate roles for resource management institutions established pursuant to Aboriginal claims agreements.

Canada-wide Environmental Standards Sub-agreement

Signed by:

British Columbia	Honourable Cathy McGregor
Alberta	Honourable Ty Lund
Saskatchewan	Stuart Kramer for Honourable Lorne Scott
Manitoba	Honourable Jim McCrae
Ontario	Honourable Norm Sterling
Environment Canada	Honourable Christine Stewart
New Brunswick	Honourable Joan Kingston
Nova Scotia	Honourable Wayne Adams
Prince Edward Island	Honourable Kevin J. MacAdam
Newfoundland and Labrador	Honourable Oliver Langdon Honourable Brian Tobin
Yukon	Honourable Eric Fairclough
Northwest Territories	Honourable Stephen Kakfwi
Nunavut	Honourable Peter Kilabuk

Note: Québec has not endorsed the Canada-wide Accord on Environmental Harmonization or the Canada-wide Environmental Standards Sub-agreement.