

# **Compendium**

**for**

*Improving Environmental Regulation: An Environment  
Canada Perspectives Paper*

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**Working Paper**  
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## Introduction

Environment Canada's efforts to improve its policies and regulations will require reviewing and building on our past efforts and successes. This compendium highlights key regulatory stories that contribute to this effort. It also provides examples that expand upon and support the discussion in a companion document, the Environment Canada Perspectives Paper on Smart Regulation. Leveraging the knowledge gained from these experiences will be critical for improving our regulatory decisions, both now and in the future.

The focus of the compendium is four-fold:

- to provide information on the innovative market based instruments that have been used and the ones being developed;
- to detail the steps made and being made to maximise harmonisation between jurisdictions and achieve convergence;
- to demonstrate gains in administrative efficiency; and
- to delineate some current and future smart regulation candidates.

Overall, the compendium illustrates that Environment Canada is already on the path to Smart Regulation and with continued vigilance, will stay the course.

This compendium is organised in three main sections – Regulatory Instruments; Regulatory Process and Development; and In Progress, Future Smart Regulations.

## A. Regulatory Instruments

### Economic Instruments – Key Experiences

#### Phase-out of Lead from Gasoline Using the Tax System to Accelerate Environmental Action

<b>Title of Regulatory Initiative</b>  Phase-out of Lead from Gasoline
<b>Description and Objectives of Initiative</b>  In September 1988, the Ministers of Health and Environment announced that lead would be effectively eliminated from motor fuel effective December 1, 1990. The ban had been set for December, 1992, however growing evidence on the detrimental effects of lead on child brain development led the government to act earlier. The Federal Government implemented a tax differential of 1 cent/litre in April 1989 to “discourage the use of leaded fuel”.
<b>Sector(s) Affected</b>  Oil & Gas Refiners, Consumer Health – particularly children, Transportation
<b>Involvement of/Impact on Other Jurisdictions or Federal OGDs</b>  Some provinces also implemented taxes on leaded fuel to encourage earlier use of unleaded gasoline by consumers. Ontario increased the tax by 3 cents/L. As a result of the tax increase, the imminent federal ban and retrofits of the pumps by the marketers, leaded gasoline demand in Ontario dropped from 25-33% to 10-12% a year later, and to 1-3% by 1990.
<b>Key Stakeholders</b>  See Sectors Affected
<b>Assessment of the Initiative</b>  The tax was implemented as a complement to regulation and both resulted in the elimination of leaded gasoline. The tax was instrumental in motivating industry and consumers to switch quickly.

**Methyl Bromide Tradable Permits Scheme  
Smoothing the Transition and Reducing Costs**

<b>Title of Regulatory Initiative</b>
Methyl Bromide Tradable Permits Scheme
<b>Description and Objectives of Initiative</b>
<p>In January 1995, Environment Canada introduced a small “cap and trade” scheme to phase out the consumption of Methyl Bromide, a fumigant and powerful ozone-depleting substance scheduled for complete phase out by 2005. Starting in 1998, allowances have acquired a value on the market.</p> <p>On a yearly basis, EC allocates transferable allowances to 100 users, based on historical use. The regulated entity receives a free share of the total consumption allowances, which it can use or sell. The overall cap is ratcheted downwards yearly. Permits are not bankable and there is no government price tracking system for these permits. Some 50 trades have taken place, mostly between companies operating in different sectors.</p>
<b>Sector(s) Affected</b>
Pesticide producers and users, farmers, importers and exporters of Methyl Bromide
<b>Involvement of/Impact on Other Jurisdictions or Federal OGDs</b>
Canadian Food Inspection Agency, Pest Management Control Agency
<b>Key Stakeholders</b>
Pest Control, Farmers, Flour Mills and others using Methyl Bromide fumigants
<b>Assessment of the Initiative</b>
<p>This has been a successful experience. While the price of Methyl Bromide has increased over the years, the transfer of allowances has enabled a smoother, less costly transition. Moreover, the combined pressure of limited quantities of methyl bromide, higher prices, and the value of the allowances, has encouraged users to look for alternatives and reduce usage. This system has introduced a low-cost alternative to more traditional abatement tools, and has encouraged users to look for alternatives to Methyl Bromide.</p>

**Tax Incentives for Ethanol-Blended Fuel  
Using Taxes to Level the Economic Playing Field**

<p><b>Title of Regulatory Initiative</b></p> <p>Tax Incentives for Ethanol-Blended Fuel</p>
<p><b>Description and Objectives of Initiative</b></p> <p>Since 1992, the ethanol portion of gasoline blended with ethanol has been exempt from the federal excise tax (\$0.10/L of gasoline). The federal excise tax exemption instrument was used to develop the commercial fuel ethanol industry and to encourage consumer purchases of ethanol blended fuels. The reduction in the federal excise tax was designed so that retailers could sell the ethanol-blended fuel at competitive prices while still satisfying the green fuel objective.</p>
<p><b>Sector(s) Affected</b></p> <p>Agriculture, Ethanol Producers, Oil &amp; Gas Marketers</p>
<p><b>Involvement of/Impact on Other Jurisdictions or Federal OGDs</b></p> <p>Provinces – most provinces matched with tax exemptions of their own, NRCan, AAFC</p>
<p><b>Key Stakeholders</b></p> <p>Ethanol Producers, Farmers, Consumers, refiners, Oil &amp; Gas Industry, Retailers, ENGOS</p>
<p><b>Assessment of the Initiative</b></p> <p>This policy is working as intended. The instrument has helped to maintain competitive retail prices while increasing the market share of ethanol-blended gasoline to over 200 Million Litres of ethanol sold annually (around 1% of the Canadian gasoline market.) The program also encourages the provinces to revise their tax policies on the motor fuel tax. Currently, ethanol plants operate in Saskatchewan, Manitoba, Alberta, Quebec, and Ontario. The long-range goal is for the ethanol market to be self-sustaining. The excise tax break will not be required indefinitely: it is a temporary measure used to encourage the development of this infant industry.</p>

**Solvent Degreasing Regulations  
Reducing Toxics with an Economic Instrument**

**Title of Regulatory Initiative**

Solvent Degreasing Regulations

**Description and Purpose of Initiative**

The purpose of the regulations is to reduce consumption of trichloroethylene (TCE) and tetrachloroethylene (PERC) in solvent degreasing operations. These reductions will be attained through issuing consumption units to companies. The regulations will mandate a three-year freeze based on historical consumption, followed by a 65% reduction in use. It will provide an indirect incentive for companies to recover and recycle used solvents, and will allow flexibility for companies to apply a pollution prevention approach by switching to alternative less harmful cleaning solvents and technologies.

The regulations, based on stakeholder recommendations, prescribe:

- the control of the quantities of TCE and PERC consumed in solvent degreasing operations;
- a three-year freeze at a selected baseline based on historical consumption; and,
- a 65% reduction in use after the three-year consumption freeze.

**Assessment of the Initiative**

These Regulations have been written to allow the addition of other solvents, degreasing processes, thresholds, dates, percentage reductions to the schedules at a future date if necessary. It also allows trading of consumption units as well as on-site recycling.

Other alternatives were considered – such as performance-based regulations, technology-based controls and voluntary measures – but a market-based approach (consumption units and trading) was the preferred option.

It has been difficult to anticipate every possible situation that could arise since solvent degreasing is an integral part of such a variety of manufacturing processes, large and small. It was also a challenge to design and explain the concept of consumption units based on historical consumption levels and trading concept works.

**Other Comments**

The Regulations are expected to be published in Canada Gazette Part II in Summer 2003.

**Ecological Gifts Program  
Using the Tax System to Protect Habitat**

**Title of Non-Regulatory Initiative**

Ecological Gifts Program

**Description and Objectives of Initiative**

The Ecological Gifts Program was established by Environment Canada in 1995 as a means to directly engage Canadians in conserving Canada's environmental heritage. The Program's objective is to secure and protect ecologically sensitive lands across Canada through the provision of special income-tax benefits to landowners who donate land or interest in land that is deemed to be ecologically sensitive.

Between 1995 and 1999, the Program operated on a modest scale with an annual funding level of \$25,000. In 2000, the Federal Budget announced significant revisions to the Program and allocated \$10.3 million, over the four-year period 2000-2004, to implement the proposed revisions.

This program deals with the donation of lands and conservation easements or covenants owned by private citizens or corporations. Recipient agencies may be municipalities, Crown agencies, and any one of about 125 non-government environmental charities. Donors of land receive a tax receipt for the value of each gift, resulting in lower federal and provincial income taxes. In 1995, donors of ecologically sensitive lands were first exempted from net income limits on tax assistance for donations.

Under the new provisions of Budget 2000, all ecological gifts will now benefit from a 50% reduction of the normal portion of capital gains that are subject to tax. This will mean that only one third of any deemed capital gain associated with a donation will be taxable.

**Sector(s) Affected**

Natural Heritage - Wildlife Habitats - Species at risk, Woodlot owners

**Involvement of/Impact on Other Jurisdictions or Federal OGDs**

The EGP is implementing provisions of the Income Tax Act of Canada.

NRCan (Forests)



## **Key Stakeholders**

The EGP is administered by EC in cooperation with dozens of partners, including other federal departments, provincial and municipal governments, and environmental non-governmental organizations.

- Some provincial departments and ENGOs certify in the name of the Minister of the Environment a property as ecologically sensitive.
- Landowners make donation of land or partial interest in land.
- Federal, provincial and municipal governments, and environmental non-governmental organizations receive and manage the donation.

A Canadian representative Appraisers Review Panel recommends to the Minister of the Environment the fair market value of each donation.

An interdepartmental working group (CCRA, Finance, PWGSC, PCO and EC) share federal needs and concerns and give advice to the EGP National Secretariat.

## **Assessment of the Initiative**

The instrument has been very successful. Established under the Income Tax Act of Canada in 1995, this program has fostered around 220 donations, covering almost 30,000 hectares valued in excess of \$33 million. This program results in the protection of habitats critically important to wildlife. Donors have identified that the habitats of species at risk are present on about one third of these gifted lands.

Habitat protection is key to wildlife acts such CWA, MBCA or SARA. Landowners play a vital role in habitat conservation. The EGP contributes by providing a cost effective alternative to legal intervention; it is likely that (1) a strong legal approach would actually create strong disincentives for landowner participation in conservation under EGP, and (2) would cost the federal government considerably more to achieve conservation objectives. EGP balances legal and regulatory tools by providing economic incentives for taking a voluntary approach.

## Information Based Instruments – Key Experiences

### National Pollutant Release Inventory Using Information to Engage the Public

<b>Title of Regulatory Initiative</b>
National Pollutant Release Inventory (NPRI)
<b>Description and Objectives of Initiative</b>
<p>Environment Canada’s National Pollutant Release Inventory (NPRI) is a legislated, nation-wide, publicly accessible inventory of pollutants released to the environment. It provides Canadians with information on pollutant releases from facilities located in their communities and the quantities sent to other facilities for disposal, treatment or recycling.</p> <p>Data reported to the NPRI are collecting under the authority of subsection 46(1) of CEPA 1999. Owners or operators of facilities that meet the prescribed criteria, criteria for one or more of the NPRI-listed substances, are required to report to the NPRI. This includes facilities in all sectors, not just industrial facilities, although certain types of activities are not required to report (e.g. research and development).</p> <p>Data are collected and published on an annual basis in a number of formats.</p>
<b>Assessment of the Initiative</b>
<p>A stakeholder committee provided recommendations to Environment Canada on the initial design of the program and on ongoing changes. Broader public and stakeholder consultation has always been an integral part of the program as well. Environmental groups have cited NPRI’s consultation process as an excellent model for stakeholder engagement.</p> <p>The NPRI is also an example of federal-provincial cooperation and government-industry partnership. It is used to provide one-window pollutant inventory reporting for other levels of government, other EC programs and for some voluntary programs such as Environment Canada’s Environmental Performance Agreements and the Canadian Chemical Producers Association pollutant reporting for its Responsible Care program.</p>

**Pollution Prevention (P2) Plans  
Encouraging Better Environmental Management**

**Title of Regulatory Initiative**

Pollution prevention (P2) planning provisions under Part 4 of CEPA 1999.

**Description and Purpose of Initiative**

CEPA 99 identifies the use of P2 Plans as a possible management instrument for toxic substances. One example of pollution prevention planning under CEPA 1999 is the current development of a P2 notice for Municipal Wastewater Effluents (MWWE). The notice intends to address the risk associated with Ammonia dissolved in water, Inorganic Chloramines and Chlorinated Wastewater Effluents, all found to be toxic under CEPA. Pollution prevention planning and the development of P2 plans is, in this case, a first step as part of a long-term risk management strategy for these substances. The preparation and implementation of a plan will shift the initial focus from pollution control to pollution prevention activities that municipalities may be able to take (ex: installation of chlorine-free disinfection methods), and will also encourage source-control of the substances. Depending on the results obtained versus the risk management objectives initially set in the notice, other measures or instruments may or may not be necessary.

The P2 Plan Notice for acrylonitrile is directed at synthetic rubber manufacturers who use and release acrylonitrile to the environment. Only one company is expected to be targeted by this notice. The risk management objective of this initiative is to reduce releases of acrylonitrile from this source to the lowest achievable levels by the application of best available techniques economically achievable by December 31, 2005. This would bring the emission controls in line with the U.S. standards.

This instrument is considered the best choice taking into account the scope of the issue, and that only one company accounts for the majority of the emissions and focus has been placed on reducing those emissions. In addition, it allows a flexible approach to achieve the Risk Management objective as stated above. As well, the company has taken prior voluntary action to reduce emissions and is amenable to further action.

**Assessment of the Initiative**

Since its beginning, the Pollution prevention (P2) planning program has been used to manage the risk associated with various substances. As noted above, the first ever Final Notice was published in the *Canada Gazette, Part 1* on May 17, 2003. It requires the preparation and implementation of pollution prevention plans for Acrylonitrile, a substance found to be toxic under CEPA. Another Final

Notice for Dichloromethane is schedule for publication in June 2003. Environment Canada also intends to publish Proposed Notices for Municipal Wastewater Effluents and Textile Mills Effluents/Nonylphenol in June 2003. P2 notices are also underway for Nonylphenol in products and wood preservers. Finally, this instrument is also being considered to manage the risk associated with Ethylene Oxide and for the releases from Cu and Zn smelters/refineries. It is expected that as the program grows and experience is gained with this instrument, P2 planning will be used extensively, where it is the most appropriate instrument.

## Other Instruments — Key Experiences

### Metal Mining Effluent Regulations Adaptable Regulations with Clear Objectives

#### Title of Regulatory Initiative

Metal Mining Effluent Regulations

#### Description and Purpose of Initiative

##### The New Regulations

These new regulations under the *Fisheries Act* replaced the *Metal Mining Liquid Effluent Regulations* (MMLER), in place since 1977 and repealed the *Alice Arm Tailings Deposit Regulations*, which were promulgated in 1979.

The new Regulations apply to all operating metal mines in Canada (approximately 100), while the MMLER only applied to about one third of Canada's metal mines - those that began operation after 1977, and those which do not use cyanide in the milling process.

The Regulations strengthen the requirements of the MMLER by:

- adding limits for cyanide to the original MMLER limits for arsenic, copper, lead, zinc, nickel and radium 226;
- including an upper limit on pH;
- lowering the limit for total suspended solids (TSS);
- requiring that mines conduct Environmental Effects Monitoring (EEM) programs; and
- requiring the production of effluent that is non-acutely lethal to rainbow trout.

##### Environmental Effects Monitoring

The metal mining Environmental Effects Monitoring program builds on the experience of the Environmental Effects Monitoring program developed and implemented under the 1992 Pulp and Paper Effluent Regulations.

The program will help evaluate the effectiveness of current and future pollution prevention and control technologies, practices and programs within the mining sector.

The objective of EEM is to evaluate effects of effluent on aquatic environment, specifically fish, fish habitat and the use of fisheries resources. Results will be used to determine if better protection of fish, fish habitat and fisheries on a site-specific basis is required.

### **EEM Program is Flexible and Site-specific**

Each mine owner or operator is required to develop, conduct, and report the findings of a site-specific Environmental Effects Monitoring program that monitors key components of the aquatic ecosystem.

Program allows use of historic data and data from programs required by other regulatory agencies.

Program is tiered: the design of monitoring for a site is determined, in part, by results of previous monitoring.

If effects are identified, then subsequent EEM studies will be more intensive, to determine magnitude, extent and cause of effects.

If there are no effects, then frequency of some monitoring activities may be reduced.

Once an effect has been identified and magnitude, extent and possible causes known, follow up actions will be determined on a site-specific basis.

### **Assessment of the Initiative**

There are a number of aspects of the MMER which make these Regulations an example of progressive, or smart, legislation:

The EEM program is flexible, and site-specific, so that monitoring can be tailored to the unique conditions of each mine site.

The results of EEM program will provide a “feedback loop” to assess the effectiveness of the Regulations.

The MMER rewards good performance:

- Regulations permit a reduction in frequency of testing for deleterious substances under specified conditions; and
- The frequency of acute lethality testing may be reduced under specified conditions. But, if a sample is acutely lethal, frequency of testing must be increased.

MMER also include provisions for recognized closed mines, including a requirement, which never ends, that the owners or operators of recognized closed mines notify Environment Canada any time that the ownership of a recognized closed mine is transferred.

- This requirement will ensure that the ownership of all recognized closed mines is known. This will help to avoid future problems with orphaned sites of unknown ownership.

**Other Comments**

The MMER, particularly the EEM requirements of the MMER, have been recognized by the Mining Association of Canada as an example of progressive, SMART legislation.

## The 1992 Federal Pulp and Paper Mill Effluent Control Framework Monitoring Effects to Assess and Improve Regulations

### Title of Regulatory Initiative

The 1992 Federal Pulp and Paper Mill Effluent Control Framework

### Description and Purpose of Initiative

The 1992 Federal Pulp and Paper Mill Effluent Control Framework was a package of regulations under the *Canadian Environmental Protection Act* and the *Fisheries Act* to eliminate the environmental effects of pulp and paper mill effluent.

In the 1980's there was concern over the negative environmental effects of pulp and paper mill effluent. The 1971 Pulp and Paper Effluent Regulations under the *Fisheries Act* did not set limits for dioxins and furans - very toxic components of the effluent of mills that used chlorine to bleach their paper.

In 1991, dioxins and furans were declared toxic under CEPA. The Minister of the Environment asked the National Water Research Institute to launch research studies to identify what substances in the effluent was causing the problem, how to eliminate them, and what the short and long term environmental effects would be.

In 1992, the Pulp and Paper Mill Effluent Chlorinated Dioxins and Furans Regulations were implemented. These regulations required the reduction of dioxins and furans below measurable levels.

Also put in place were the Pulp and Paper Defoamer and Wood Chip Regulations to deal with precursors that could lead to the formation of dioxins and furans in effluent of mills using chlorine bleaching. These regulations also required very low allowable concentration of dioxins and furans.

Direction was provided to pulp and paper mills on acceptable performance. The limits were based on performance by mills having sound pollution prevention and control practices in place. Regulatees could choose themselves what technologies to apply.

The regulations also required mills to perform Environmental Effects Monitoring (EEM). The Environmental Effects Monitoring program provides scientific data to continually evaluate the effectiveness of the regulations, and to provide a basis to remedy any deficiencies at individual sites.



## **Assessment of the Initiative**

All mills have been subject to the limits in the package for over 5 years.

Positive results are shown with declines of 99% for chlorinated dioxins and furans; 94% for biochemical oxygen demand, and 70% for total suspended solids.

Positive environmental improvements are being observed under the EEM program. For example declines in dioxin discharges have led to lower levels in fish, and nearly half of the shellfish harvesting areas previously closed to commercial and recreational harvesting have been re-opened. Nearly all of the fin-fish consumption advisories have been lifted.

As well, EEM has demonstrated that the improved controls have resulted in smaller areas of the benthic community near mills being affected by the effluent.

EEM, along with focused research, have documented continued effects on fish populations around some pulp and paper mills. These observations provide the foundation for further work to delineate the ecological significance of the effects and to understand why they are occurring and what might be done to reduce or eliminate them.

Environment Canada is committed to work with the pulp and paper industry, Environmental Non-Government Organizations, and others to continually improve Canada's management of pulp and paper mill effluent.

In summary, the regulatory package has resulted in demonstrable improvements to fish and fish habitat. The EEM program provides an ongoing evaluation of the regulations and the measures included, as well as vital scientific information to address any gaps seen at individual sites.

## **Habitat Stewardship Program Economic Incentives for a Voluntary Approach**

### **Title of Regulatory Initiative**

Habitat Stewardship Program: Supports the federal-provincial-territorial Accord for the Protection of Species at Risk and provisions of the *Species at Risk Act (SARA)*.

### **Description and Objectives of Initiative**

The Accord specifically calls for stewardship as a strategy for recovery of species at risk; the preamble and s.10 of the SARA call for a stewardship action plan, and s.11 of SARA allows stewardship agreements to be established to meet provisions of the Act. S.13 of SARA allows funding to be provided to support the development of s.11 agreements. These provisions of SARA allow stewardship to broadly support implementation of the Act, and specifically refer to stewardship agreements in SARA's prohibition sections as a potential means to avoid the need to apply the Act's habitat prohibitions on non-federal lands.

The Habitat Stewardship Program for Species at Risk (HSP) is a funding program that supports the Accord and SARA implementation (s.10, s.11, s.13). By supporting a stewardship approach, the program helps Canadians take initiative to protect species at risk and their habitats. The program fosters land and resource use practices that maintain habitat that is necessary for the survival and recovery of identified species at risk by enhancing existing conservation activities and encouraging new ones.

Protecting habitat and contributing to the recovery of species at risk are the main goals of the Habitat Stewardship Program. The program focuses on results in three key areas:

1. securing or protecting important habitat to protect species at risk and support their recovery;
2. mitigating threats to species at risk caused by human activities; and supporting the implementation of other priority activities in recovery strategies or action plans, where these are in place or under development.

The Habitat Stewardship Program generates its results by funding projects in collaboration with partners and communities of interest. According to the original Treasury Board submission, eligible participants in the Program include:

- 1 private landowners\*,
- 2 land and resource users (individuals\* or companies);
- 3 not-for-profit organizations such as charitable and volunteer organizations, professional associations and non-governmental organizations;

- 4 Aboriginal organizations, associations, and wildlife management boards;
- 5 educational institutions;
- 6 local organizations such as community associations and groups, seniors' and youth groups, and service clubs;
- 7 private individuals\* and companies that lease Crown lands or have lease agreements or permits for resource use and exploitation; and
- 8 provincial, municipal and local governments.

In addition to the above objectives, the program aims to achieve 2:1 leveraging on funds that it invests, so that for every \$1 provided by HSP, \$2 are raised by project recipients.

**Sector(s) Affected**

Natural heritage - wildlife habitats - species at risk; agricultural sector; forestry sector (including pulp and paper); municipalities (urban development); energy (oil and gas, electricity), mining; conservation groups and environment non-government organizations

**Involvement of/Impact on Other Jurisdictions or Federal OGDs**

Other federal agencies directly involved in the program include: Fisheries and Oceans Canada, Canadian Heritage (Parks Canada Agency); provincial agencies are involved in program governance through Regional Implementation Boards; other provincial agencies also involved through the species at risk program as a whole.

**Key Stakeholders**

ENGOs and resource industries; all eligible recipients

**Assessment of the Initiative**

The regulatory issue is habitat protection and mitigating threats to species at risk. More broadly, the issue is recovery; although there is no direct legal mandate for this, it is implied in the *Species at Risk Act*. A mix of instruments was considered (legal, financial, voluntary). It is likely that (1) a strong legal approach would actually create strong disincentives for landowner and resource user participation in conservation for Species At Risk, and (2) would cost the federal government considerably more to achieve conservation objectives. HSP balances legal and regulatory tools by modest economic incentives for taking a voluntary approach. The Accord for the Protection of Species at Risk and the Species at Risk Act both acknowledge this.

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\* Note – While these recipients are eligible under the original Treasury Board submission, financial authorities do not allow for signing of contribution agreements with individuals.

**Canada-Wide Standards  
Inter-jurisdictional Cooperation on the Environment**

**Title of Regulatory Initiative**

Canada-Wide Standards agreements under the Canadian Council of Ministers of the Environment (CCME).

**Description and Objectives of Initiative**

The Canada-wide Environmental Standards Sub-Agreement under the CCME's Harmonization Agreement is a framework for federal, provincial, and territorial Environment Ministers to work together to address key environmental and health issues that would benefit from common environmental standards across the country. Ministers establish priorities for standards, and jurisdictions work together to develop the appropriate type of standard for the contaminant or issue. Canada-wide Standards (CWS) generally contain:

- a numeric limit (e.g., ambient, discharge, or product standard)
- a timetable for attainment, and
- a framework for monitoring progress and reporting to the public.

CCME identifies a champion jurisdiction to lead the development of the CWS through a Development Committee chaired by a representative of the champion jurisdiction. Provinces and territories participate in the Development Committee on a voluntary basis. CWS represent policy commitments by jurisdictions and as such CWS agreements are signed by CCME Ministers. For the federal Environment Minister, CWS agreements fall under CEPA Part 9 that deals with administrative agreements. While CWS agreements set the outcome and timeframe, they allow individual jurisdictions to use the instrument that is most appropriate to achieve the target.

Ministers have endorsed Canada-wide Standards for: fine particulate matter; ground-level ozone; benzene; mercury from incineration and base metal smelting; dioxins and furans for waste incinerators, pulp and paper boilers burning salt-laden wood, iron sintering and steel manufacturing; petroleum hydrocarbons in soil; and mercury in lamps and dental amalgam waste. Additional CWSs are being developed for dioxin and furan emissions from conical waste burners and mercury emissions from electric power generation.

**Sector(s) Affected**

Affected sectors vary depending on the particular substance covered by the CWS.

**Involvement of/Impact on Other Jurisdictions or Federal OGDs**

The development and implementation of CWS is a joint federal-provincial-territorial initiative. CWS agreements are based on the “best situated to act” principle. They also allow for other jurisdictions to take action if a jurisdiction is unable or unwilling to take action. Interested federal departments are involved in federal work related to the CWSs.

**Key Stakeholders**

A range of stakeholders has been involved in the CWS process. Key stakeholders vary according to the CWS.

**Assessment of the Initiative**

CWS agreements are a successful example of cooperation between the two levels of government. Because implementation is the responsibility of individual jurisdictions, it respects jurisdictional authority, and allows for more flexibility to account for regional differences. CWS have led to provincial actions (regulations, permits and licensing, phase out policies) that have resulted in the significant achievement of environmental results without specific federal actions. For example, Ontario amended its Certificate of Approvals for municipal solid waste incinerators to refer to the CWS targets and put in place a regulation to phase out existing hospital incinerators by December 2003. Several CWSs have begun or are about to begin their first review phase (PM and Ozone; dioxins and furans; PHCs).

**The North American Waterfowl Management Plan  
Effective Conservation Using a Non-Regulatory Instrument**

**Title of Non-Regulatory Initiative**

The North American Waterfowl Management Plan (NAWMP) was signed in 1986 between the US and Canada. Mexico signed on in 1994.

**Description and Objectives of Initiative**

The NAWMP (Plan) is aimed at restoring and sustaining waterfowl populations in North America to 1970s levels by securing, enhancing and managing key wetland and associated habitat across the continent. It supports federal legislative mandate and responsibilities under the Migratory Bird Convention Act

**Sector(s) Affected**

The Plan waterfowl priority habitats overlap with areas of significant agricultural, forest and mining activity, in particular the western Prairie Pothole area, the northern Boreal Forest, British Columbia and Atlantic Canada, as well as areas of coastal, rural and urban activity and development across the continent. For this reason, the Plan partners have recognised from the beginning the need to plan and implement at the landscape-level and through regional multi-sector partnerships involving the full range of stakeholders on the landscapes, including landowners.

**Involvement of/Impact on Other Jurisdictions or Federal OGDs**

Internationally, the Plan is implemented and funded through regionally based habitat and species Joint Ventures involving federal, State, provincial/territorial and regional government agencies, non-government organisations, the private sector and landowners.

In Canada, over 50 provincial and territorial departments or agencies and more than 20 regional and local governments are involved in Plan implementation. Federal government departments or agencies include Environment Canada, Fisheries & Oceans Canada, Agriculture and Agri-Food Canada, Indian and Northern Affairs Canada, Heritage Canada (Parks Canada) and Natural Resources Canada.

**Key Stakeholders (NGOs)**

Canadian NGO Plan partners include:

1. Almost 100 corporations, including, Alberta-Pacific Forest Industries, Brunswick Mining & Smelting, Monsanto Canada, Weyerhaeuser and Pan Canadian Petroleum Limited.

2. Several educational institutions, including the University of Alberta and Simon Fraser University,
3. More than 70 not-for profit organizations such as Ducks Unlimited Canada, Delta Waterfowl Foundation, Fondation de la faune du Québec, Nature Conservancy of Canada, Nature Trust of B.C., Wildlife Habitat Canada, Canadian Nature Federation, and Canadian Cattlemen Association.

#### **Assessment of the Initiative**

The Plan is an example of an effective way to achieve significant conservation objectives without the use and application of legislative instruments. For example, Canadian and US NAWMP partners have, over the last 17 years, contributed over \$837 M to secure and enhance 1.8M hectares of waterfowl and associated habitat in Canada (53% of goal) while incurring only 29% of the expected cost. This represents a 5:1 level of partner contribution for every federal dollar spent on NAWMP programs in Canada since 1986.

## B. Regulatory Development and Process

### Convergence – Key Experience

#### Vehicle Emissions and Fuel Harmonization Between Canada and the US

<b>Title of Regulatory Initiative</b>
Vehicle Emissions and Fuel – Harmonization Between Canada and the US
<b>Description and Objectives of Initiative</b>
<p>Harmonization in the area of vehicle emissions occurred as a result of policy decision taken in the 1970's to align with U.S. standards. In both Canada and the U.S. steps were taken domestically to reduce emissions from vehicles in order to reduce air pollution. The organization of the automotive industry was a factor facilitating harmonization. Since the creation of the <i>Auto Pact</i> in 1965, manufacturing of vehicles in North American was conducted on an integrated basis. Requirements for the composition of fuels are linked to vehicle engine technology with respect to fuels, the Canadian government ins following a policy of alignment to progressive nations include the United States.</p> <p>In Canada and the U.S., the federal government has the authority to regulate new vehicles emission standards and the composition of fuels. U.S. standards for emissions have been made progressively more stringent since the 1970's due to domestic environmental pressures. Canada has by and large followed the U.S. and adopted its standards for vehicle emissions with modifications. Seen as the least cost approach to regulation in the North American market, harmonization for standards in this area has received support from the business community. Since harmonization has resulted in more stringent standards for Canada in was also supported by ENGOS.</p> <p>On fuels, the U.S. led on requirements for lead free gasoline while Canada moved first on significant reductions in sulphur in gasoline. Thus improvements in standards with respect to the composition of fuels moved forward more or less in similar time frames in both countries.</p> <p>Improvements in standards for fuels were resisted by the business community in Canada on a number of occasions.</p>
<b>Sector(s) Affected</b>
Transportation, Oil and Gas Refining, Vehicle manufacturing, Health, and Environment.



**Involvement of/Impact on Other Jurisdictions or Federal OGDs**

Transport Canada used to administer vehicle emission standards until CEPA, 1999, when it came under the control of Environment Canada.

**Assessment of the Initiative**

In this case, harmonization resulted in Canada having stronger environmental protection. Due to the US' EPA, Canada does not have to do battle with the vehicle manufacturing industry and policy makers in Canada benefit from the vast resources involved in establishing appropriate standards in the US. However, some ENGOs have criticized Canada for not following the even more stringent California programs of regulation.

## Administrative Efficiency – Key Experiences

### Amendments to the New Substances Notification Regulations (NSNR) A Commitment to Engaging Stakeholders

#### Title of Regulatory Initiative

Amendments to the New Substances Notification Regulations (NSNR) and New Substances Program.

#### Description and Purpose of Initiative

The NSNR under Part 5 of CEPA 1999 are an integral part of the federal government's pollution prevention strategy. As part of the "cradle to grave" management approach for toxic substances laid out in the Act, the NSNR were created to ensure that no new substance is imported or manufactured in Canada prior to an assessment whether it is "toxic" to the environment and human health, and any appropriate or required risk management measures have been taken. A "new substance" refers to a substance that is not on the Domestic Substances List (DSL).

The NSNR specify the information that must be provided to meet notification obligations applying to a wide range of substances, including both chemicals and polymers (in effect since 1994) and products of biotechnology (in effect since 1997).

Any person who plans to import or manufacture a substance subject to notification under the NSNR must provide a notification package containing all information prescribed in the NSNR prior to import or manufacture, as well as the prescribed fee if applicable. The type of information required and the timing of the notification will depend on such factors as the type of substance, the quantity that will be imported or manufactures, whether or not it is listed on the Non-domestic Substances List (NSDL), the intended use of the substance and the circumstances associated with its introduction.

When a notification package is received, a joint assessment process is carried out by Environment Canada and Health Canada to determine potential adverse effects of the substance on the environment and human health. The assessment process, which must be completed within a time limit specified by the NSNR, results in either:

- a determination that the substance is not suspected of being "toxic", or capable of becoming "toxic";
- a suspicion that the substance is "toxic" or capable of becoming "toxic"; or
- a suspicion that a significant new activity (SNAc) may result in the substance becoming toxic if there was adequate information available to assess it.

Substances suspected of being toxic may be controlled by one of the measures laid out in CEPA 1999 including:

- controls on import or manufacture;
- prohibition of import or manufacture; or
- prohibition pending submission and assessment of additional information determined to be required by the Departments.

When it is suspected that a significant new activity (SNAc) in relation to the substance may result in the substance becoming toxic, a SNAc notice may be issued for the substance.

Over 10,000 new substance notifications have been received under the NSNR since 1994. In 2002, 991 notifications were received.

### **Assessment of the Initiative**

When the NSNR (chemicals and polymers portion) were first promulgated in 1994, Environment Canada and Health Canada made a commitment to review them three years after their implementation, to benefit from everyone's (i.e. government and industry) experience with the regulations.

A multistakeholder consultative process was therefore initiated in 1999 to identify, discuss and develop consensus recommendations on ways to improve the NSNR and Program. The consultative process spanned over a two-year period and featured balanced representation from government, industry, and public advocacy groups. Seventy-six (76) consensus recommendations resulted from the consultations, as shown in the document *"Consultations on the CEPA New Substances Notification Regulations and New Substances Program - Final Report of the Multistakeholder Consultations"*.

At the outset of the consultations, early agreement was achieved on the objectives of the consultations, the boundaries of the scope of consultations, procedural rules, and guiding principles to be weighed while making recommendations for change.

The issues to be discussed were organised into five understandable and manageable themes:

- Theme 1: Improving the environmental and human health assessments;
- Theme 2: Regulatory framework;
- Theme 3: transparency of the NSN regulatory process;
- Theme 4: Improving the responsiveness of the New Substances Program internationally; and
- Theme 5: Service Delivery.

Recommendations from the consultations concern revisions to the Regulations and Guidelines, changes in program procedures, increased transparency, further collaboration with industry on various issues, and intensifying international collaboration. Many of the recommendations touch on program policy and procedures, regulatory approach, and resource allocations. Some of the recommendations will be relatively easy to implement, others will be a challenge.

The changes to the NSNR and accompanying Guidelines will result in high standards for the protection of the environment and human health and timely, predictable and transparent program, while ensuring effective and efficient use of Government and Industry resources in a global marketplace.

The Government's response to the 76 consensus recommendations is documented in the report "*Consultations on the CEPA New Substances Notification Regulations and New Substances Program - Environment Canada/Health Canada Response to the Consultation Recommendations*". This document describes key considerations and directions the departments intend to pursue in the implementation of the recommendations.

The departments' overall approach for proceeding with the implementation of the recommendations is based on relative priority, timing, and ease of implementation. Highlights of the recommendations include:

- For industry, the development of smarter regulation by:
  - Simplifying the structure and the language of the regulation
  - Eliminating the "tracking" requirements
  - Increasing volume thresholds for some notifications
  - Providing opportunities for the use of class waivers and exemptions for low regulatory concern polymers and chemicals
  - Reducing testing needed to essential requirements
  - Generally shortening the required assessment periods
  - Simplifying the notification requirements for R&D and site limited substances
  - Providing for annual updates to the Non-Domestic Substances List
  - Improved Guidelines to provide more extensive assistance to notifiers
  - Examining feasibility of secure electronic filing by notifiers; and
  - Promoting international regulatory co-operation and harmonisation efforts.

For the public

- Simpler regulations;
- Periodic review of assessments and methodology (validation);
- Sharing occupational exposure information with provinces and other federal government departments;

- Incorporating endocrine disruption considerations in assessments;
- High exposure NDSL substances subject to increased testing;
- Increasing transparency of program, including making assessment report summaries public.

The EC/HC Response commits both departments to pursue the implementation of the consensus recommendations in the most appropriate fashion, under various timelines. Anticipated payoffs include smarter regulations, a more efficient and transparent program, and improved services to clients.

### **Other Comments**

The NSN program is promoting regulatory co-operation internationally

*Current NSB Program Initiatives include*

- Canada chairs the OECD New Chemicals Task Force addressing the following multilateral issues amongst others:
  - Mutual acceptance of notifications
  - Standardisation of approval packages, exclusions and exemptions
  - The feasibility of a global chemical inventory
- Canada - US Four Corners Agreement
  - Facilitates work sharing and the exchange of assessment data with US EPA
  - Attempting to resolve CBI issues, and improve documentation of American decisions
  - Promote staff exchanges
  - Considering mutual recognition of notifications of low concern polymers
- Canada - Australia Bilateral
  - Regular consultation; Information and work sharing; Co-operative activities
  - Reduced duplication, time and costs for industry; Potential rebate of fees
  - Promotes international harmonisation; Better use of government resources

## **CITES Personal and Household Effects Exemption Reducing Administrative Burden**

### **Title of Regulatory Initiative**

Amendments to the Wild Animal and Plant Trade Regulations made under the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA) (1996) to implement a CITES Personal and Household Effects Exemption

### **Description and Objectives of Initiative**

Canada and over 160 other nations are Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which was adopted in 1975 to address threats to wildlife that may result from trade pressures. CITES involves monitoring and controlling trade in animal and plant species that are, or could become, threatened with extinction as a result of trade.

WAPPRIITA and the *Wild Animal and Plant Trade Regulations* came into effect in 1996 and address the species to be protected by the Act and the permit requirements to authorize international movement of these species.

On January 15, 2000, amendments were made to the *Wild Animal and Plant Trade Regulations* to improve the administration and enforcement of CITES in three areas: permit exemptions, labelling provisions and administrative matters. The objectives were: to streamline processes and eliminate controls that create an inconvenience for the public and increase costs to Government, while providing little conservation benefit for wildlife. The exemptions resulted in the elimination of the need to obtain CITES permits for certain personal and household effects under certain conditions.

There are a relatively small number of non-commercial personal and household effects associated with the movements of the tens of thousands of people that enter and leave Canada each day. Therefore, the effort spent trying to monitor and enforce this situation with respect to CITES-regulated species would be better spent on commercial shipments, which present a greater risk of harm to species in trade. Most activities covered by the exemptions and personally owned pet provisions present a low risk to the species involved.

The amendments implemented exemptions from CITES permit requirements for specific types of personal and household effects and personally-owned pets, including tourist souvenirs and black bear and sandhill crane hunting trophies being taken between Canada and the United States by hunters who are residents of Canada and the United States.

**Sector(s) Affected**

The travelling public in general, the tourist industry and the game outfitting industry.

**Involvement of/Impact on Other Jurisdictions or Federal OGDs**

Based on the numbers of CITES export permits issued by the provinces and territories and the Department of Fisheries and Oceans, it was expected that the total number of CITES permits issued would decrease substantially. For hunting trophies alone, some 8 600 black bear and 100 sandhill crane CITES export permits would no longer be needed by United States hunters taking their legally harvested animals back home. This would result in substantial savings in staff time for the provincial and territorial offices that issue these permits. All provinces and territories also require a provincial or territorial export permit for black bears or have mandatory reporting by non-resident hunters, or both. Therefore, implementing the hunting trophy exemption would not result in a loss of information for provincial and territorial black bear management programs.

**Key Stakeholders**

Provincial and territorial wildlife departments, environmental non-government organizations, businesses, tourists and the travelling public in general.

**Assessment of the Initiative**

In ratifying the Convention, Canada agreed to implement the terms of the Convention with respect to the system of permits. The status quo of requiring permits for all international movements of CITES species, including all personal and household effects, placed an unnecessary administrative burden on the public and increased the cost to Government of administering the system, but produced little conservation benefit for traded species. On the other hand, revoking all CITES permit requirements for commercial, as well as personal and household goods, was not an option in view of Canada's international commitments, nor was it justifiable from the conservation perspective of the species involved in international trade. Implementing limited exemptions from permit requirements for personal and household effects was and still is recognized as legitimate by the Convention. A number of jurisdictions, including our major trading partners, the United States and the European Union, had already implemented personal and household effects exemptions. It was and is still the optimal solution.

The amendment has resulted in a 40% reduction in the number of CITES permits issued in Canada at the federal, provincial and territorial levels.

## C. In Progress – Future Smart Regulation

### Conservation of Migratory Birds More Flexible Regulation within an Effective Framework

#### Title of Proposed Regulatory Initiative

Conservation Plans for Migratory Birds.

#### Description and Objectives of Proposed Initiative

Conservation of migratory birds is the responsibility of Environment Canada, under the *Migratory Birds Convention Act, 1994* (MBCA). Harming and destruction of migratory birds and their nests and eggs is prohibited by the *Migratory Birds Regulations* (MBR) of the MBCA. At the present time exceptions are provided through permits for hunting, scientific projects, propagation, damage prevention and human safety. The current framework, however, does not provide permits for particular situations that may cause the take of migratory birds or their nests and eggs as a result of another activity (“incidental take”).

The objective of this initiative, which is currently being considered, would be to develop a framework that would support and enhance conservation efforts linked to legitimate activities on the landscape. These conservation efforts would need to have an overall beneficial impact on long term sustainability of migratory bird populations while the activity could still imply incidental effects on individual birds, eggs or nests. Even with a no-tolerance approach to incidental take, enforcement of the current regulations cannot achieve the protection of migratory bird populations because the current regulations do not address the long term planning that is required to achieve conservation.

This proposed initiative would address industry attempts to comply with the Migratory Birds Regulations and Environment Canada’s recognition that activities like Forestry, Mining, clearing of Transmission lines etc. are legitimate activities that may affect migratory birds (through take and/or habitat destruction). The current approach is not flexible enough to reduce the legal uncertainty for industry, even when they implement careful landscape planning that benefits migratory birds conservation, as well as efforts to minimize and mitigate the direct impacts on migratory birds.

In order to develop conservation plans, there is also potential to take advantage of existing planning processes (provincial) that industry is already subjected to.



**Sector(s) Affected**

A broad range of industrial sectors are potentially affected by this potential initiative. Any industry/activity that can have an impact at the migratory bird population level would be subject to the same considerations. The Forestry sector is particularly interested in the development of this concept; the legal uncertainty with the MBR is a significant problem, considering that certification processes require that industry comply with all existing regulations.

The Canadian Pipeline Environment Committee and the Canadian Association of Petroleum Producers and BC Hydro have also expressed interest in this proposed initiative. Other sectors may also want to use this vehicle to have their stewardship activities recognized.

**Involvement of/Impact on Other Jurisdictions or Federal OGDs**

Natural resources provincial and federal jurisdictions are involved, particularly as the option of including migratory bird guidelines in current provincial planning processes is considered.

**Key Stakeholders**

The key stakeholders are the non-government organizations representing various industry sectors, the conservation community and the provincial and territorial governments. The national office of Environment Canada's Canadian Wildlife Service continues to consult with our American partners on implementation of the Migratory Birds Convention in each country.

**Assessment of the Initiative**

This initiative is being considered in order to address the long term planning that is required to achieve migratory bird conservation.

Two meetings have been co-hosted by the Canadian Wildlife Service and the Forest Products Association of Canada (October 2001 and March 2003) to discuss migratory bird conservation and forest management, particularly focusing on compliance with the Migratory Bird Regulations and long-term conservation of migratory birds. At the last workshop, a mixed group of participants, from government, industry and the environmental community identified a possible framework under which Environment Canada might approve migratory bird conservation plans applicable to the forestry sector. A working group has been formed to further examine this framework. The first meeting of the working group will take place in June 2003.

Benefits of this proposed initiative:

- Address current challenges to migratory bird conservation
- Improve legal certainty for industry
- Provides a clear framework for development of conservation efforts for migratory birds
- Provides opportunities for integration of conservation guidelines with existing provincial planning schemes

**Note:** *EC is still awaiting a legal review researching the risks associated with the development of a scheme under the MBCA and regulations, whereby activities that have the potential to incidentally take migratory birds could be included in conservation plans. The review also aims at clarifying how such a scheme is supported by the Migratory Birds Convention.*

## **Migratory Birds Regulations Avoiding Regulatory Duplication**

### **Title of Proposed Regulatory Initiative**

Avoiding duplication by developing permitting for migratory birds at risk within the Migratory Birds Regulations of the *Migratory Birds Convention Act, 1994* (MBCA).

### **Description and Objectives of Proposed Initiative**

Conservation of migratory birds is the responsibility of Environment Canada, under the MBCA. The new *Species at Risk Act* (SARA) is also the responsibility of Environment Canada and also provides protection for migratory birds. The Canadian Wildlife Service (CWS), under the *Migratory Birds Regulations* (MBR) administers permits concerning the killing, destruction, collection, capture, and possession of migratory birds. The new SARA legislation has permitting provisions that can also apply to migratory birds. Section 74 of the SARA indicates that a Competent minister may use other Acts to deliver permits concerning species at risk under conditions defined under 74(a) and (b).

CWS is planning to issue the required permits for Migratory Bird species that are at risk using the Migratory Bird Permit current administration. Enhanced requirements for species at risk would be included in the process for migratory bird permit issuance in order to meet the conditions identified in SARA. It must be noted that before the coming into force of SARA, permits were being issued for migratory birds that are at risk, with strict conditions in order not to jeopardize the species' recovery (e.g. banding permits for Piping Plovers).

No regulatory change would be required to implement the issuance of permits for migratory birds at risk under the MBCA (as this is already provided for under SARA 74). However, changes to the MBR would be made in order to clarify conditions for permit issuance, as this new responsibility is undertaken using the MBCA regulatory tool.

This change has long been required as an update to the MBR to conform to the modern design of regulations for fairness and improved coherence. Section 4 would therefore be updated describing general conditions for permits issued under the MBR.

**Sector(s) Affected**

Migratory Birds Permit holders (a few thousand); members of recovery teams and action plans, provincial/territorial jurisdictions, the conservation community, various industrial sectors, the general public.

Proposed changes to the MBR concerning permit conditions have been identified in the national consultation document posted on EC website and distributed annually to more than 700 individuals and organizations interested in migratory game bird conservation.

**Involvement of/Impact on Other Jurisdictions or Federal OGDs**

Other departments that administer Acts under which permits for species at risk can be issued: Fisheries and Oceans and Parks Canada. The 3 departments participated in a workshop about the issuance of SARA permits and all departments agree to use existing Acts and administration. In addition the group is putting together a manual that will support coordination of permit issuance under various Acts.

**Key Stakeholders**

Provincial/territorial jurisdictions, the Conservation Community, Migratory Birds Permit holders

**Assessment of the Initiative**

This initiative is well under way. CWS is getting prepared to issue permits for migratory birds at risk under the MBCA authority.

Publication in Canada Gazette Part 1 of proposed changes to clarify general permit conditions in the Migratory Bird Regulations is planned for January 2004.

## **Adaptive Harvest Management Increasing Flexibility in a Regulatory Instrument**

### **Title of Proposed Regulatory Initiative**

A Proposed Regulatory Tool to Implement Adaptive Harvest Management: The “Red-Yellow-Green” Concept.

### **Description and Objectives of Initiative**

Hunting regulations to manage the sustainable harvest of migratory game birds are the responsibility of Environment Canada, under the *Migratory Birds Convention Act, 1994*. Adaptive Harvest Management (AHM), and other related strategies for managing sustainable harvest, requires that pre-determined harvest regimes be implemented when a specified trigger is reached. However, under the federal Regulatory Policy, the consultations needed to make regulatory changes normally take 6-8 months. This period is too long to implement harvest strategies like AHM, because the triggers are based on surveys in May and June during the breeding season, with the consequent regulatory change to begin only 2 -3 months later in the next hunting season. In this context, we seek a regulatory alternative that will allow faster response time, and so have the benefit of the most recent biological information possible, while continuing to conduct effective consultations with the affected public.

The concept of “red-yellow-green” is derived from a system used to prevent forest fires. The system defines regulatory regimes for each pre-determined forest state. The “red” regime is enforced when the forest is very dry. It is a restrictive regime under which it might be prohibited to have fires anywhere in the forest, or even to camp. The “yellow” regime is moderately restrictive with camping and campfires allowed, but only in campgrounds, while the “green” places no unusual restrictions on camping or campfires. In this system, predetermined triggers (such as specific measures of dryness) direct the change from one regime to another. Users are made aware of the regulatory regime in force by signs posted on access roads.

A similar system is being contemplated for hunting regulations, where the pre-determined harvest frameworks would call for harvest regime changes in response to information characterizing the state of the harvested population. For example, the “green” (or “liberal”) regime, would be triggered when populations are abundant, but “red” conditions would be indicated when populations were of poor status. Under “green” conditions, the daily bag limit might be 6 birds, whereas under the “red” regime, the bag limit might be reduced to 2 birds. The specific triggers by which each harvest regime would be invoked, as well as the regulations that would be in effect under each regime, would be determined through cooperative development of a harvest strategy.

Under this system, the harvest strategy itself would become the regulation. Comprehensive consultations would be conducted to develop the triggers and regulations for each regime. The primary participants would be the Provincial / Territorial governments, non-government conservation organizations, Aboriginal organizations and hunting groups. Once agreed to, the triggers and regulations under the strategy would be reviewed at intervals, but not annually, as is currently the practice.

Each year, hunters would be notified which regime is in force for the coming season via the “Summary” of the hunting regulations that is received annually when purchasing the Migratory Bird Hunting Permit.

**Sector(s) Affected**

About 180,000 Migratory Game Bird hunters.

**Involvement of/Impact on Other Jurisdictions or Federal OGDs**

The Harvest Strategy, which outlines the triggers and regulatory packages in effect under each of 3 or 4 regimes is developed cooperatively through existing regional fora which include Provincial / Territorial governments, non-government conservation organizations, Aboriginal organizations and hunting groups.

**Key Stakeholders**

The key stakeholders are the Provincial / Territorial governments, non-government conservation organizations, Aboriginal organizations, hunting groups and the federal and state agencies in the U.S. The Canadian groups will continue to be involved, as they have been historically, through the regional migratory bird fora. The national office of Environment Canada’s Canadian Wildlife Service will continue to consult with our American partners.

**Assessment of the Initiative**

This initiative is in the initial stages of consultation. It is being proposed in order to improve the system for setting annual hunting regulations. It has been proposed to the regional migratory bird fora through CWS representatives at those groups, as well as through the national consultation documents drafted three times annually, posted on the website, and distributed to more than 700 individuals and organizations interested in migratory game bird conservation.

Benefits of this proposed initiative:

- Regulations are based on the most recent biological information possible, unlike at present
- Continue to conduct effective consultations with the affected public, but

use less of their time.

- Clarity for hunters: which regulations are in place under which circumstances
- No increased costs
- Built-in method for reducing uncertainty about the importance of hunting mortality to waterfowl conservation, through evaluation of competing system models