

DOC/2020/00871-03

March 18, 2020

Dear Applicant:

Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act, 2015* [Our File #: MAE/037/2020]

On February 26, 2020, the Department of Municipal Affairs and Environment received your request for access to the following records/information:

“Any and all briefing notes, hot topic updates, information notes, decision notes, question period notes, key messages, etc for the Spring sitting of the legislature by/for the Minister, and/or Deputy Minister and/or Director of Communications.”

I am pleased to inform you that a decision has been made by the Deputy Minister for the Department of Municipal Affairs and Environment to provide access to the requested information. In accordance with your request for a copy of the records, the appropriate copy is enclosed.

Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the *Access to Information and Protection of Privacy Act* (the *Act*). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner.

The address and contact information of the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John's, NL. A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the *Act*.

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please feel free to contact me by telephone at 709-729-7183 or by e-mail at atippmae@gov.nl.ca.

Sincerely,

Desirée Newman

DESIREE NEWMAN
ATIPP Coordinator
Municipal Affairs and Environment

Enclosures

Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.
- (2) A complaint under subsection (1) shall be filed in writing not later than 15 business days
- (a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or
 - (b) after the date the head of the public body is considered to have refused the request under subsection 16(2).
- (3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.
- (4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.
- (5) The commissioner may allow a longer time period for the filing of a complaint under this section.
- (6) A person or third party who has appealed directly to the Trial Division under subsection 52(1) or 53(1) shall not file a complaint with the commissioner.
- (7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.
- (8) A complaint shall not be filed under this section with respect to
- (a) a request that is disregarded under section 21;
 - (b) a decision respecting an extension of time under section 23;
 - (c) a variation of a procedure under section 24; or
 - (d) an estimate of costs or a decision not to waive a cost under section 26.
- (9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner's refusal under subsection 45(2).

KEY MESSAGES
Municipal Affairs and Environment
February 20, 2020

ISSUE: Fire Protection in Unincorporated areas and Local Service Districts

Recent residential fires in areas with no local governance have raised questions regarding the provision of fire protection services in unincorporated areas and local service districts.

QUESTIONS:

What is being done to ensure residents in unincorporated areas can access fire services? Isn't this part of regional government?

KEY MESSAGES:

Fire protection services is one of the benefits of living in communities with a local government structure, or an area with formalized service arrangements. Fire protection is the responsibility of towns and communities across the province.

We are working with Regional Service Boards, municipalities and Local Service Districts to strengthen the level of fire services provided to communities.

We encourage small communities and cabin owners to work together. Collaboration ensures they can deliver an effective, coordinated fire response.

For those areas covered by a Regional Service Board that has been authorized to provide fire protection services, the RSB may charge residents a mandatory fire fee.

This currently applies to an area under the Northern Peninsula Regional Service Board and an area under the Eastern Regional Service Board.

SECONDARY MESSAGES (Regional Approach):

- There are challenges to delivering fire and emergency services within the current system, which is one of the reasons government has been working on potential models for regional government and/or sharing of services.
- The Department has been working on this initiative since it was first announced in 2016. Using the results of an extensive public engagement process, we have developed pilot project options to encourage communities to pursue infrastructure improvements and deliver services collaboratively
- It is important that we still ensure a local voice for all residents.
- Department officials are currently working to determine the final model(s) to be implemented and in which region(s) the pilot(s) will be implemented

Key Messages
Municipal Affairs and Environment
February 20, 2020

ISSUE: Provincial Ban on the Distribution of Retail Plastic Bags

The Provincial Government is enacting a provincial ban on the distribution of retail plastic bags with regulations to come into force on July 1, 2020.

ANTICIPATED QUESTIONS:

Why did you pick July 2020 to put the ban into effect?

What types of exemptions apply?

KEY MESSAGES:

We are protecting the environment and improving the waste management system by banning the use of single use plastic retail bags on July 1, 2020.

We're proud that Newfoundland and Labrador is the second province to implement a ban on the bag. Everyone can make a difference in addressing plastic waste.

The regulations outline which bags are banned from distribution. There are a number of exemptions which were informed by consultations.

We encourage anyone distributing or using these bags to use the time between now and July 1 to start new shopping habits and consider potential alternatives to retail plastic bags.

We are pleased to see that since legislation passed in April, residents, businesses, governments and organizations have been actively decreasing the amount of plastic waste created by these bags and to put alternatives in place.

SECONDARY MESSAGES:

- In April 2019, government amended the Environmental Protection Act and began drafting regulations to ban the distribution of retail plastic bags.
- Consultations on whether and how to implement the ban were held in March 2019, and more than 3,000 submissions informed the drafting of the regulations.
- To address the broader category of packaging, the Provincial Government is continuing to work with the Canadian Council of Ministers of the Environment to establish an Extended Producer Responsibility program for the management of packaging and printed paper as a long-term strategy.

BACKGROUND INFORMATION: See Regulations attached.

Plastic Retail Bag Regulations.

Definitions in the regulations:

2. (a) "plastic retail bag" means a bag made of plastic, including biodegradable plastic or compostable plastic but does not include a reusable retail bag;
- (b) "retailer" means a person who sells or offers to sell goods to the public; and
- (c) "reusable retail bag" means a bag
 - (i) primarily made of cloth or washable fabric, and
 - (ii) designed and manufactured to be capable of at least 100 uses.

Prohibition

3. A retailer shall not sell or provide a plastic retail bag to a person.

Exemptions

4. (1) Section 3 does not apply to a bag used to:
 - (a) package fruit, vegetables, candy, grains, nuts and other loose bulk food items;
 - (b) package meat, poultry or fish, whether pre-packaged or not;
 - (c) wrap flowers or potted plants;
 - (d) protect prepared foods or bakery goods that are not pre-packaged;
 - (e) transport live fish;
 - (f) protect newspapers or printed material left at a person's residence or place of business;
 - (g) protect clothes after professional laundering or dry cleaning; or
 - (h) protect used tires taken off vehicles and placed in a person's vehicle.
- (2) Section 3 does not limit or restrict the sale of bags, including plastic bags, intended for use at a person's home or business, that are sold in packages of multiple bags.

Key Messages
Municipal Affairs and Environment
February 20, 2020

ISSUE: The Hann Report

Government has received the report of the review of the Provincial Solid Waste Management Strategy conducted by Ms. Ann Marie Hann and made it publically available.

ANTICIPATED QUESTIONS:

Why did you call for a review the strategy?

Will government proceed now to implement the report?

KEY MESSAGES:

We are committed to protecting the environment and supporting the delivery of high quality waste management services at a reasonable cost.

We have made the report available online and officials have been reviewing.

The report recommends major changes to the strategy. We will be taking our time to analyze the report, and we will not make any immediate decisions.

Our goal remains to ensure that waste management is delivered strategically and efficiently in the province.

SECONDARY MESSAGES:

- We would like to thank Ms. Hann and her team for their hard work on the review.
- The report does have recommendations to address waste management in Labrador. We have not had a strategy for the Labrador portion of the province, and that is something we all agree is needed and that we will work towards.
- If the regional service boards have comments, they've been requested to provide them in writing and we will consider them in conjunction with our review of the report.
- We welcome feedback on the report and will take all comments into consideration as we analyze the recommendations and review the report in its entirety.

BACKGROUND INFORMATION: See Q&A attached.

The review is the first comprehensive review of the strategy since it was announced in 2002. The implementation of the Provincial Waste Management Strategy is led by a partnership of: provincial departments, the MMSB, regional service boards, committees and municipalities. The review focused on: waste diversion; regional waste management; standards and technology; economic and employment opportunities; public education; governance; and legislation.

Q&A:**Why is government reviewing the strategy?**

The Provincial Waste Management Strategy was released in 2002. With all the changes over the last 18 years in technology and development, the strategy needed to be reviewed to show where we can improve waste management, and for us to ensure that we are both protecting the environment in a sustainable manner and also keep services efficient and cost-effective.

When do you think you'll be finished reviewing the report?

We have no timeline for analyzing the report. It is quite comprehensive and contains more than 50 recommendations. We will not be rushing into making any decisions.

How much money do you expect this new plan to cost?

The report does not provide a dollar figure for implementing changes to the strategy. We will not make any estimates, given we are now doing a full analysis on the report.

When are you going to address issues in Labrador in terms of waste management?

The report does have recommendations to address waste management in Labrador. We have not had a strategy for the Labrador portion of the province, and that is something we all agree is needed and that we will work towards.

Is Ms. Hann going to be coming back to help with implementation of the report?

No, Ms. Hann is finished her work. I'd like to thank her for all her hard work and for delivering the report on time.

What happens now?

It will take our department some time to review the report and to begin making plans to make the waste management strategy more efficient and cost-effective.

What are the early opinions from stakeholders on the report?

I can't comment on what others are thinking about the report. There are many aspects to consider in terms of implementing the recommendations, and changes to the strategy would affect many people and organizations in different ways. I would like to thank everyone – particularly those directly involved in waste management – for contributing to the consultations.

If you received the report on December 31, why are you just releasing it now?

There is no intrigue or secrecy here. When we received the report, we began an initial review, and shared it internally with some directly affected stakeholders such as the MMSB. Then the response to NL Blizzard 2020 waylaid us in making it publically available. We hope that everyone will take time to read it.

**QP Issue Note
Municipal Affairs and Environment
February 20, 2020**

ISSUE: Climate Change Action

Recently, there have been rallies around the world to call on governments at all levels to address climate change. The Provincial Government has released its 5-year action plan and continues to leverage federal funding to carry out the actions under the plan to reduce GHG emissions and mitigate and adapt to the effects of climate change in NL.

ANTICIPATED QUESTIONS:

What are you doing to meet NL's greenhouse gas targets and tackle climate change?

KEY MESSAGES:

We have committed to addressing climate change. We have released a new 5-year Climate Change Action Plan to reduce greenhouse gas emissions; stimulate clean innovation and growth; and build resilience to climate change impacts.

We are working with the Federal Government to create jobs in a green economy and reduce the impacts of climate change and carbon emissions.

The Climate Change Action Plan is guiding our investments in the \$89.4 million federal Low Carbon Economy Leadership Fund and the \$300 million for green infrastructure through the federal Investing in Canada Plan.

This year, we announced 5 programs for energy efficiency and fuel switching. By 2030, these programs are anticipated to deliver 882,000 tonnes of cumulative GHG reductions and 239 direct person years of employment.

SECONDARY MESSAGES (Greenhouse Gas Targets):

- The actions to reduce greenhouse gas (GHG) emissions in the Plan will help the Province advance progress towards 2030 targets. Actions to reduce emissions include: the carbon program, increasing use of electric vehicles, investing in electrifying public and private sector buildings and reducing waste.
- The province is implementing a climate lens that requires all proponents for programs such as the Investing in Canada Plan to articulate and incorporate climate change impacts as a condition of funding, and ensure any new buildings or projects maximize energy efficiency.

BACKGROUND INFORMATION: See attached Q&A

GHG Targets Q&A

1. What has the Provincial Government done to tackle Climate Change?

We have:

- Introduced a Climate Change Action Plan.
- Created laws and performance standards for larger emitters of greenhouse gas emissions on land and offshore.
- Introduced a Made-in-Newfoundland and Labrador carbon program.

In addition, we are:

- Bringing clean energy to public and private sector buildings.
- Increasing access to electric vehicles.
- Helping homeowners become more energy efficient.
- Helping homeowners transition from oil to clean electricity.
- Investing directly in businesses and organizations that support a green economy and clean technology.
- Banning the plastic bag resulting in fewer bags in our oceans.
- Growing more of our own food makes our province less reliant on external markets.
- Greening of government operations.
- Introducing more online government services reduces paper and vehicles travelling to government offices.

2. How does government plan to meet the 2020 and 2030 GHG targets?

The actions to reduce greenhouse gas emissions in the Climate Change Action Plan will help the Province advance progress towards the 2020 and 2030 targets. This includes the implementation of a provincial approach to carbon pricing, as well as a series of complementary measures to reduce emissions, such as the development of a strategy to increase penetration of electric vehicles, investments to electrify public and private sector buildings, enhancing carbon sinks such as forests, reducing waste, and more.

Further measures will be needed through the 2020s, if the Province is to achieve its 2030 reduction target, including technological innovation and deployment.

KEY MESSAGES
Municipal Affairs and Environment
March 2, 2020

ISSUE: Regional Aquatic Centre in Corner Brook

The City of Corner Brook has been working with neighbouring communities in an effort to gain funding to construct a regional aquatic facility to benefit residents of the entire region. Since 2017, the city has discussed the idea of constructing the centre through the redevelopment and possible expansion of the pool area at Sir Wilfred Grenfell College, Memorial University of Newfoundland. In March 2019, council awarded a contract to SNC Lavalin to provide research and critical analysis to assess options available.

QUESTIONS:

What is the status of the application submitted by the City of Corner Brook?
Will the province provide funding for this recreational facility?

KEY MESSAGES:

We are reviewing an application submitted by the City of Corner Brook for funding for a proposed regional aquatic centre.

We are pleased that the city is interested in developing a facility that will benefit residents of the entire region.

This project is eligible under the Investing in Canada Plan - Community, Culture and Recreation stream. The approximate cost of the project is \$24.7 million.

We are waiting for federal government approval on the next round of Investing in Canada Plan projects, which are expected in spring 2020.

SECONDARY MESSAGES:

- We are working with federal and municipal governments to support this development as it will have positive regional and economic benefits.