

Brief for ENVI Committee re Bill C-12:
Standing Committee on Environment & Sustainable Development

How Canada can Learn from/Build on
the UK Committee on Climate Change and UK Climate Change Act 2008

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May 17, 2021

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How can Canada draw on the insights of the UK Climate Change Act 2008 and the Committee on Climate Change by strengthening Bill C-12 to achieve climate leadership on a world level? By highlighting the strengths of the UK Climate Change Act 2008 and the Committee on Climate Change, and then using these insights to re-design Bill C-12, Canada has an opportunity to move into the foreground of effective climate leadership on the world stage. This brief for the ENVI Committee will provide some strategic assistance and helpful resources to the ENVI Committee to re-design and strengthen Bill C-12 for this goal by drawing on the best practices of key landmark climate legislation.

Through the Climate Change Act (CCA) 2008, 1) the UK has created a policy framework for the long-term objective of reducing GHG emissions, committing the UK to a sequence of legally binding five-year carbon budgets, which function as a clear reference point by which the ongoing emissions reduction efforts may be compared, measured, monitored, and tracked. The carbon budgets

a) contribute to the effective monitoring, reporting, and verification (MRV) of the climate change mitigation policy implementation for the country, providing a balance between policy intensity ("Policy intensity is an index that weights policy instruments according to measures such as whether the instrument has measurable targets, designated budgets, clear objectives and timelines; its integration with larger policy initiatives; and monitoring") (Goertz et al, 2016) and policy density (sheer number of policies).

b) But the carbon budgets also provide certainty and stability for business sector/investors and the community-at-large, as well as subnational governments (states/provinces, cities) regarding climate governance and regulation, providing stability for collaboration and economic investment and innovation.

In order to facilitate this short- and mid-term certainty, c) the legislation stipulates that the five-year carbon budgets must be established and made public a minimum of 12 years in advance of their actual implementation. This legislative requirement not only enables more effective government planning and implementation, but it also enhances investor certainty and confidence and encourages innovation. The UK's five-year carbon budgets of reducing GHG emissions are: 2008-2012: -25% Mt of CO₂ equivalent; 2013-2017: -31%; 2018-2022: -37%; 2023-2027: -51%; 2028-2032: -57%; 2050: -80% (Averchenkova et al. 2018, p. 5).

2) The Climate Change Act 2008 legislation established the Climate Change Committee as an independent agency which has three main tasks:

a) it provides the government with evidence-based advice and information on how the scientific, societal, and economic targets of the carbon budgets may be successfully achieved.

b) it monitors and annually reports to the Parliament and the public on the progress being made (or not being made) towards meeting its targets and carbon budgets, while identifying barriers and obstacles, and offering solutions for meeting the GHG emissions objectives and carbon budgets.

c) it requires discussions of CCC reports and assessments in the Parliament and the public domain. Not only do these features of the UK CCC serve to increase the transparency and accountability of the Government in successfully realising climate change objectives, but they also support and increase the ambition of

government and other sector leaders to achieve their goals, and enhance the effectiveness of their climate mitigation and adaptation strategies.

3) The fourth key building block of the CCA 2008 lies in the fact that its mandate was amended so that the GHG emission targets for the UK would not consist of CO₂ alone, but would include all GHG emissions originally identified in the Kyoto Protocol (1997): CO₂, CH₄, N₂O, HFCs, PFCs, and SF₆ (an opportunity for Canada to consider this option).

4) The climate mitigation objectives apply to all sectors of the UK economy and do not exclude any specific sector. In the UK, the monitored sectors include: a) energy, b) waste, c) transport, d) industry, e) the heating/cooling of buildings, f) agriculture and land-use, and g) fluorinated or F-gases (powerful human-made gases/GHG with a global warming impact up to 23,000 times stronger than CO₂).

This cross-sector integrated approach, combined with the five-year carbon budgets, provides the flexibility for some sectors to rise above the mitigation goals, but only as long as other sectors make GHG reductions above the target to compensate for the excessive emissions in a particular sector or subsector. Since the original setting of sector targets, the UK Government has also extended transport emission targets to include emissions from international transport, such as aviation and shipping.

5) The UK CCC also endorsed certain objectives regarding the amendment of GHG targets and climate mitigation objectives in light of scientific evidence that GHG levels are rapidly increasing. These climate mitigation targets are now being reviewed by the CCC in light of recent scientific evidence of an accelerated rate of climate change and global warming, as well as the recommendations of both UN Intergovernmental Panel on Climate Change (IPCC) scientists and the scientific community as a whole (Robiou du Pont & Meinshausen, 2018) to make 1.5°C rise the maximum limit with an accelerated time line for reducing GHG emissions by 45% relative to 2010 levels by 2030 (IPCC: 2018).

6) Since the establishment of the structure of the five-year carbon budgets at the beginning of the CCA 2008, it appears that the carbon budgets have effectively increased the accountability and transparency of the actual implementation of climate mitigation, and enhanced the probability of a steady progress towards overall climate mitigation objectives by clarifying that the five-year carbon budgets targets are both technically and economically feasible (Fankhauser et al. 2009, p. 205).

7) The CCC and other researchers continue to examine the potential broader social and economic impacts and ramifications of the UK climate mitigation strategy, concluding at the beginning of the implementation of the climate mitigation strategy that “the UK could meet the proposed carbon budgets at a cost of less than 1 per cent of GDP” (Fankhauser et al. 2009, p. 206).

8) Lastly, the UK has ***achieved the striking goal of significantly reducing its GHG emissions*** while also ***substantially increasing economic wealth and development***, thereby decoupling the growth in GHG emissions and other pollution from economic development. “Measured from 1990, emissions have now fallen by 43%, over a period when the economy grew by over 70%. This is the most substantial emissions reduction in the G7, over a period when economic growth was above the G7 average” (bold added, Committee on Climate Change 2018, p. 14), and is quite a significant accomplishment.

Recommendations to Strengthen Bill C-12 to Enable Canada to Achieve Its GHG Targets

Given the billions of dollars of federal government funding and private investment being mobilized to assist Canada to transition to a zero-carbon economy/society, it is crucial that federal legislation such as Bill C-12 provide the regulations and legislative tools to maximize the most effective utilization of funding and investment for Canada to transition to a zero-carbon society and economy (Mousseau & De Guere, 2021).

Bill C-12 does include some best practices of governance that will particularly enable Canada to shift to a decarbonized economy and society. These elements include:

- a) establishing GHG goals within 5-year cycles from 2030 to 2050, finalizing the targets a minimum of 5 years before the “milestone year”.
- b) developing the necessity of the Environment Minister to provide a strategy and plan to accomplish decarbonization both through climate change mitigation and adaptation a minimum of 5 years before the milestone year;
- c) requiring the Environment Minister to report 2 years in advance of the Milestone Year providing a summary of the progress of the strategy;
- d) initiating a committee whose purpose is to offer pathways and counsel on sector-centred strategies and measures; and
- e) finally, requiring the Commissioner of Environment and Sustainable Development to review and assess the effectiveness of the strategies used by the Canadian government to accomplish the goals (Mousseau & De Guere, 2021).

Recommendations: Building Blocks & Best Practices for Enabling Planning and Accountability for Achieving Effective Climate Mitigation and Adaptation in Canada

However, Bill C-12 omits some key building blocks that would facilitate and implementing planning as well as enhance accountability that would be the constant and recurring frame for assessing the success or failure of implementing certain strategies and completing the objectives of Canadian climate mitigation and adaptation policy.

- 1) Rather than endorsing a 2030 target that is currently proposed in Bill C-12, this proposed legislation should draw on the experience of the UK climate change committee model, starting with a) an earlier **2026 target date**. When this 2026 target is combined with b) **expanding the public establishment of climate goals and targets from 5 to 12 years before the final due date**, Canada would be drawing on the experience arising from current best climate policy practices from countries such as France and the UK. The **12-year time frame** enhances certainty and facilitates private and public sectors to plan strategically well in advance, while also augmenting the possibilities of successful completion, a greater clarity of direction, and diminishing the cost.
- 2) Bill C-12 also needs to move to affirming the model of **independent expert committees** similar to the models used in both the UK and France composed of both experts as well as staff, possessing its own research budget. The expert committee, such as the UK Committee on Climate Change, or the Haut Conseil pour le Climat in France (HCC), is able to assess and evaluate the effectiveness of existing measures, and the probability of success of strategies initiated by the government. The

expert committee develops evidence-based proposals. Based on the models in both France and the UK, the committee also requires **direct access to Parliament, combined with the requirement that the government provide a response to the committee's annual report** in contrast to Bill C-12, where the Minister is required to respond, but without the Parliament's involvement. While the Commissioner for the Environment and Sustainable Development **evaluates progress on achieving targets and goals retrospectively by looking backwards** at indications of progress, the committee (such as the UK CCC or France's HCC) **looks prospectively into the future by drawing on best practices assessing the possibility and likelihood of success for future scenarios**.

- 3) Neither the Canadian Institute for Climate Choices (CICC) nor the Net-Zero Advisory Group are able to provide the **requisite accountability or functional independence** that an **independent** committee of experts (such as the UK CCC or France's HCC) can offer. The Commissioner for the Environment and Sustainable Development could be modified into independent officer of Parliament, to whom the current Net-Zero Advisory Group could report (rather than to the Minister of Environment and Climate Change).

Recommendation: Next Steps in Canada Addressing Climate Change and Decarbonization

Just as the UK will eliminate coal from its grid by 2026 while also continuing to reduce its use of natural gas/methane CH₄, Canada can do the same by emulating the UK in expanding and decarbonating its electricity sources by increasing the amount of wind and solar energy by both a) investing in innovation and b) completing a market re-design that would accelerate the investment in lower cost, zero/low carbon sources such as solar and wind as well as investing in energy efficiency in buildings, in a manner similar to Europe's increase of heat pumps used in heating and increasing building insulation and energy efficiency.

The UK's market re-design that centers on measures (e.g. a feed-in tariff, other measures) to increase investment could be emulated in Canada through introducing federal legislation and policy encouraging ordinary Canadian citizens, communities, Indigenous Nations, and businesses to become new empowered share-holders/stakeholders in the renewable energy economy, as communities in Germany, Denmark, Sweden and other countries in Europe are doing.

Recommendations/Building Blocks for Developing Effective Climate Policy for Bill C-12

Assuming that Canada wants to replicate the same success of developing and implementing effective world-class climate legislation and policy that the UK has achieved, Canada can benefit from studying and learning from while also adopting the UK's many insights and successes as they have become a world leader in effective climate policy and legislation, while also successfully meeting their own climate and GHG emission targets while also stimulating economic development, creating jobs, and increasing investment in the UK economy.

Canada has an opportunity to learn from an existing world leader in effective climate leadership, action and legislation (Averchenkova, 2019), and to develop a partnership with the UK (particularly the UK Committee on Climate Change, and the Adaptation Sub-Committee).

Where and how can Canada initiate its learning from the UK in order to strengthen its own climate policy and legislation and enhance Canada's capacity for leadership?

There are 5 key elements of the UK approach to addressing climate change in the UK model built on the Climate Change Act 2008 (see Fankhauser, Averchenkova & Finnegan, 2018) that Canada can emulate in strengthening and modifying Bill C-12 to achieve climate leadership on a world level:

- 1) **Long-term target to 2050** that includes the entire economy and all greenhouse gases (GHGs) which can lay out Canada's contribution to addressing climate change, and highlights the long-term direction for the nation. To its credit, Canada has already adapted a long-term goal for 2050.
- 2) **An independent advisory body consisting of an independent secretariat** that provides analytical and corporate support to the Committee and is made up of around 35 staff members, led by the Chief Executive (Chris Stark), all experts in multiple areas (climate science, technology, engineering, finance & investment, etc.) as well as 2 committees: a) Climate Change Committee and b) an Adaptation Committee. While many other countries on an international level have instituted what the UK has instituted (Averchenkova, A., 2019), the current Advisory group in Canada that was recently appointed is more of a stakeholder group, rather than an independent secretariat with experts and 2 committees of experts with expertise in specific areas of climate policy.
- 3) **Statutory 5-year carbon budgets** as medium-term targets recommended by the UK Committee on Climate Change (CCC) need to be debated and legislated by Parliament. Each carbon budget is implemented 12 years in advance, providing a flexible platform for concrete policy and clarifying a path to energize national momentum in the UK to translate the long-term emissions target into short-term and concrete actions and public policy. The carbon budgets a) act as statutory cap on GHG emissions across the economy while b) also providing the direction and flexibility to ratcheted and progressive emission cuts.
- 4) **Ongoing adaptation planning is also an area of focus for both the UK Secretariat as well as the Adaptation Committee.** The impacts of climate change are increasing, such as
 - a) the threats and impacts of flooding
 - b) decreased rainfall and diminishing water sources needed by people, farmers for food production, and the ecosystem,
 - c) increasing heat that impacts the vulnerable such as the elderly and those with compromised respiratory health conditions,
 - d) the health impact of weather events on the elderly and other become an increasing area of concern, and
 - e) the increasing vectors of illness and disease transmitted by migrating insects out of other zones.The Adaptation Committee works within a 5-year cycle of a comprehensive Climate Change Risk Assessment (CCRA), followed by a National Adaptation Program (NAP).
- 5) **Mandatory monitoring and reporting of progress and accountability**, accompanied by analysis of potential pathways for decarbonization to accelerate progress on reducing the GHG emissions as well as decarbonizing sectors, such as power, heating, transport, agriculture, etc. is crucial for

making progress on achieving climate change and emission goals and transitioning to a sustainable society and renewable energy economy. Accountability and transparency of key government practices is enhanced by mandatory regular reporting both to Parliament and the public.

The UK Climate Change Act 2008 also mandates the Committee on Climate Change to complete an **annual progress report**, detailing how the government is (or is not) on track to meet the carbon budgets. The **Adaptation Committee reports every second year on the progress of adaptation measures and implementation of policy** etc. to address climate adaptation and enhance climate resilience. These reports are debated in Parliament, and are available to the public and media. The government has a statutory responsibility/obligation to respond and complete these obligations.

By learning from the UK CCC, Canada can strengthen and enhance the climate governance, accountability and transparency in Bill C-12 to move forward with effective climate legislation so that Canada draws on the strengths and assets of the UK Climate Change Act and its a strong statutory framework, which mixes “long-term goals with the medium-term requirement to plan and the short-term requirement to act” (Stark, 2019b, [n.p.]).

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