

Getting to Net Zero - Reflections on EGSPA and EfficiencyOne

William Lahey

President, University of King's College

Associate Professor, Schulich School of Law

Founding Chair, EfficiencyOne [Efficiency Nova Scotia]

EGSPA

- ▶ What is (was) EGSPA?
- ▶ What legislative work did EGSPA do (or try)?
- ▶ What problem did EGSPA, at its core, try to address?
- ▶ How did EGSPA come into existence?
- ▶ What role did EGSPA give to the Roundtable? Why did it give that role to the Roundtable? What other or additional mechanisms could have been considered?

Did EGSPA work?

- ▶ Yes and no.
- ▶ Yes - 85% or more of specific goals “met”, including some really important goals, like wilderness conservation.
- ▶ No - transformational (or fundamental) change has not occurred in governance, economic growth or environmental health, or in the integration of the economy and the natural world.
- ▶ Consider the evidence of *Now or Never - An Urgent Call to Action*, and subsequent approaches to economic development.

Did EGSPA work?

- ▶ Shameless self-promotion:

- ▶ William Lahey and Meinhard Doelle, “Negotiating the Interface of Environmental and Economic Governance: Nova Scotia’s *Environmental Goals and Sustainable Prosperity Act*”, (2012) 35(1) Dal. L.J., 1-29.
- ▶ Meinhard Doelle and William Lahey, “Putting the Train of Environmental Protection on Track: Nova Scotia’s Experiment Using Law to Strengthen Environmental Law”, in Paul Martin & Amanda Kennedy, eds, *Implementing Environmental Law* (Cheltenham, UK: Edward Elgar, 2015), 69-90.

Why?

- ▶ Sustainable prosperity cannot be legislated.
- ▶ EGSPA was fundamentally one-sided ... though this begs the question, given machinery it provided for the other side of the equation.
- ▶ Public interest, and therefore political interest, shifted - or did public interest shift because political interest lagged?

Some reflections

- ▶ The importance and value of goals that are more specific than general concepts and outcomes but more general than specific policy instruments and their outcomes.
- ▶ The role legislation can play should not be ignored.
- ▶ EGSPA's philosophy has been applied:
 - ▶ To electricity policy and in development of tidal energy and by Department of Fisheries and Aquaculture in commissioning Doelle/Lahey, *Low Impact/High Value - A New Regulatory Framework for Aquaculture in Nova Scotia*.
- ▶ It has also been applied in the building of Efficiency Nova Scotia, i.e. EfficiencyOne.

EfficiencyOne

- ▶ What is it? What was it? When and why did it change?
- ▶ How and why did it come to be?
 - ▶ The decision to make efficiency (DSM) a priority.
 - ▶ The decision to create an independent arms-length administrator for DSM, regulated by the UARB.

Key features

- ▶ Independently governed - not an agent of government or arm of NSP.
- ▶ Not-for-profit.
- ▶ Independently regulated, now as Canada's first energy efficiency utility, which operates an energy efficiency "negawatt plant".
- ▶ Savings are thrice validated - this is important! It is what makes Nova Scotia's model unique in Canada.
- ▶ Authorized to administer programs across the energy field.
 - ▶ Centralized, integrated, holistic administration.

Crucial governance decisions

- ▶ High performance.
- ▶ Evidence-based decision making built on leading analytics and systems.
- ▶ Maximization of benefits, particularly to economic growth and development.
- ▶ Distributed delivery model.
- ▶ Collaborative, open, transparent, accountable.
- ▶ Commitment to working with others in the public interest.

Outcomes

- ▶ Energy savings targets consistently met or surpassed on or under budget.
- ▶ Significant avoidance of costs (especially in electricity) and of GHG emissions, vital to Nova Scotia meeting GHG reduction commitments.
- ▶ Energy poverty is ameliorated. Economic productivity is enhanced.
- ▶ Customer satisfaction and employee engagement levels are above 90%.
- ▶ The credibility and dependability (the reality) of meeting energy policy goals through energy efficiency as the lowest cost fuel has been demonstrated and validated.
- ▶ Nova Scotia is a recognized leader that is being studied and copied.

Current Situation and Questions

- ▶ Cost-effectiveness in avoidance of GHG emissions is gaining strength as an additional rationale for energy efficiency.
- ▶ Energy efficiency would be a difference-maker in ensuring effectiveness of either approach to pricing carbon.
- ▶ EfficiencyOne's track record demonstrates the importance of independent governance combined with independent regulatory (not political) oversight.
- ▶ Together, EGSPA and our collective success in energy efficiency show need for political leadership and institutional measures to shield progress from politics.