



January 19, 2018

Review Panel, Professional Reliance Review
via email

Re: Professional Reliance in Natural Resources

I have worked as an environmental consultant for 28 years, most recently through my company Clear Coast Consulting, Inc. During that time, I conducted environmental assessments and developed water treatment systems on behalf of industry, government, First Nations and NGOs. Occasionally, I offered my services *pro bono* to NGOs. I have been able to service clients with diverse interests because I have maintained an impeccable reputation for impartiality and high quality technical and scientific advice.

I have much to say about this subject, reflecting long experience in the field. I will only touch upon a few subjects, briefly. I want to argue for the need to move away from the professional reliance model and to restore the function of disinterested arbitrator to the public service.

First, I know very few people who are truly unbiased in their practice. It takes enormous self-awareness and fortitude to develop complete detachment from the needs or demands of a client or interest that our practice serves, or even from one's own viewpoint. This is one important reason why it is necessary to have one's work reviewed.

Second, I know no one that has never made a mistake in their work. Again, this is one key reason why our work, as professionals, must always be reviewed. Even so, even after extensive review, we can still overlook critical information and arrive at disasters like the Mount Polley dam breach. Nobody ever wished for this to happen, but a combination of circumstances caused this disaster to take place.

Third, I have personally seen how the public expects government to act as a personal mediator and arbitrator on behalf of the public interest. I was involved in the assessment of contamination of a property subject to redevelopment in my own town and petitioned our Town Council to take an active role in evaluating the risks presented by this contamination to our town folks. Their position, directly stated to me, is that this is the responsibility of the Ministry of Environment and that they rely on the expertise of their staff to exercise their professional judgement in safeguarding the interest of our town. It was clearly understood that the professional consultant working on behalf of the property owner would not look after the town's interest, as this was not their responsibility. Arguably, it was understood that looking after the interests of its client *and*

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the town's interest would put them in a position of conflict of interest. In that case, they will always serve the interest of their master, whoever has commissioned their services and pays for them.

Fourth, I have experienced directly the biases of the professional working in the above case and found that none of my interventions would affect these prejudices. There was no mechanism available to address their shortcomings, no process to petition an arbiter that could evaluate the nature of my complaint, assess its merits and order any necessary correction. This is a fundamental flaw of the professional reliance model: when something goes wrong, there is virtually nothing that can be done to correct what is wrong. Unfortunately, as we have seen in the case of Mount Polley, this can lead to disastrous consequences.

For these reasons, I urge you to abandon the current model of professional reliance and restore to the government its role as arbitrator for the public good.

Respectfully,

Clear Coast Consulting, Inc.

A handwritten signature in black ink, appearing to read "André Sobolewski".

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