

January 9, 2018

Honourable George Heyman
Ministry of Environment and
Climate Change Strategy
citizenengagement@gov.bc.ca

Dear Minister,

RE: PROFESSIONAL RELIANCE REVIEW

The Contaminated Sites Approved Professional Society (CSAP) welcomes the opportunity to provide comments on the Professional Reliance Review being conducted by the Ministry of Environment and Climate Change Strategy (ENV).

CSAP is an independent organization that credentials professionals to review environmental certification applications (submissions) made under the *Environmental Management Act* and Contaminated Sites Regulation and more specifically, ENV's Protocol 6. The purpose of the society beyond the review of submissions includes cooperating and consulting with other professional and scientific bodies, stakeholders, local and provincial governments.

Survey Questions & CSAP responses

A1. Please tell us what you think is working well with the current professional reliance model in BC, and what is not.

With respect to CSAP, the current Professional Reliance model is working well. We are reviewing technical reports and making recommendations to the ENV which is enabling them to focus on high priority issues and to respond to stakeholders in a timely manner. The system put in place by ENV and CSAP in 2008 has progressed and matured to the point that there are appropriate checks and balances in place to provide a high degree of quality assurance for the work conducted by our Approved Professionals on behalf of ENV. The system includes audits (referred to as performance assessments) to ensure quality of work, as well as on-going professional development and communication to keep members up-to-date and informed of regulatory changes and technical developments as they happen.

The external review system whereby the ENV engaged qualified professionals to complete reviews leading to final ENV decision making was a successful precursor to the Protocol 6 process and the Approved Professional system. CSAP has a proven track record, having processed 1,190 submissions since 2008, with the Protocol 6 Approved Professional model in their work with the ENV Land Remediation Section

A2. What changes, if any, are needed to maintain or improve public trust in the professional reliance model?

The biggest change needed in BC is effective oversight of the areas where professional reliance is being utilized. To achieve this, each area where professional reliance is relied



upon should be evaluated to determine if the current model for oversight is effective and appropriate. Where there are established codes of practice and limited potential for contentious issues, the system should require minimal oversight. Where the issues are more complex or contentious, the qualified professional should complete all the studies and paperwork for the approvals with final sign off by ENV staff. In areas where issues may be complicated and/or contentious, stakeholders should be engaged prior to decision making as a measure to improve public trust.

Finally, ENV needs to have the personnel and resources to fulfill their role in the professional reliance model.

A3. Do you have any other observations or recommendations you would like to make about this review?

This is a review where one size does not fit all professional practices. While the majority of the work can be done by a qualified professional, there is still a need for senior ENV staff involvement when approvals are complicated or contentious.

With the varying level of Professional Reliance, there also needs to be varying levels of oversight to maintain the public trust. Traditionally, oversight has been provided by ENV staff. Future models may include broadening the use of qualified or approved professionals to oversee tasks currently reserved for ENV staff. Oversight requires funding whether delivered by ENV or Qualified Professionals and a comprehensive review of the fee structure in the resource management sector is warranted to ensure adequate funding is available.

Although Professional Reliance has the ability to streamline many services, we believe it still requires a public private partnership to be effective in most cases.

Finally, an important point is while a qualified professional can provide a professional opinion to their client, they cannot be held responsible for how that opinion is interpreted and used outside a legislative framework. That responsibility lies with their client.

In closing, properly funded legislative oversight is not only important to our overarching goal of protecting human health and the environment, but provides the kind of consistency and procedural certainty that the business sector and public need to make decisions.

Best regards,



Peter Reid
President



Catherine Schachtel
Executive Director

