

**Stakeholder Submission:
Review of the Professional Reliance Model**

Evidence for Democracy, January 19 2018

Evidence for Democracy is the leading fact-driven, non-partisan, not-for-profit organization promoting the transparent use of evidence in government decision-making in Canada. Through research, education and issue campaigns, Evidence for Democracy engages and empowers the science community while cultivating public and political demand for evidence-based decision-making.

As part of our mandate to ensure the use of evidence in decision-making, Evidence for Democracy (E4D) is engaging with issues of professional reliance due to the model's impact on science integrity and the use of evidence in the government of British Columbia.

E4D has identified the following concerns with the professional reliance model:

- Threats to science integrity in the government of B.C.:
 - Compromised independence of research due to conflicts of interest.
 - Strained capacity for research and oversight due to reductions in government researchers.
- Lack of enforcement of ethical and professional standards.

Through the transfer of environmental decision-making from the government to independent contractors, policies must be in place to uphold the same measures of accountability that we demand of the government. E4D makes the following recommendations:

1. Increase public service research capacity.
2. Increase transparency and accountability around the use of external professionals.
3. Retain government oversight for the work of external professionals.
4. Protect against conflicts of interest.

Concerns with the Professional Reliance model:

Objective, sound, and robust science, evidence, and data are needed to inform policy. When government decisions are made on the best available evidence, our health, environment, economy, and communities improve. We must ensure the science used to make policy decisions follows the protocols of objectivity, openness, replicability, transparency, and freedom from undue influence. Two key characteristics of science integrity are capacity and independence. Scientists must have the capacity (including funding, resources, and personnel) to perform research that helps solve complex, real-world problems. Scientific independence is essential for the work produced by government scientists to be free from influence of political and industry pressures. Accountability measures throughout the government should ensure that government scientists' findings contribute to decisions that best serve the public health, well-being and the environment. Maintaining a research

ecosystem where scientists are adequately supported and transparent in data collection and analysis is crucial to the integrity of the science produced by a governmental department.

The formation of the professional reliance model involved the outsourcing of research, oversight, and decision-making away from government, shifting these responsibilities to external professionals. The professional reliance model was intended to maintain high quality standards for provincial science integrity. However, the process has had a significant negative impact on science integrity, particularly regarding independence and capacity, creating a crisis of accountability and trust within B.C.'s regulatory and oversight procedures.

Much of this crisis of accountability is due to oversight being assigned to professionals working for the industry they themselves are mandated to regulate. This compromises the independence of assessments and can create a conflict of interest. The use of industry-recruited qualified professionals, regardless of the professionalism of the individual, puts science integrity at risk, often placing qualified professionals in compromising situations. This concern is exacerbated by the lack of consistent record keeping that comes with outsourcing to external professionals. Government employees have a legal obligation to keep and store records and data under the Document Disposal Act, the Freedom of Information and Protection of Privacy Act, and the Operational Records Classification System policies. However, external professionals are not always required to maintain records; these regulations are unique to each professional association. Consistency in record keeping to prevent gaps in data is critical to maintaining scientific integrity and ensuring that the science is transparent and replicable

The accountability crisis is heightened by strained capacity as the transition to the professional reliance model dramatically reduced the number of government scientists, therefore increasing their burden of duties. A report released by E4D in April 2017, titled *Oversight at Risk: The State of Government Science in British Columbia*, outlined the results of a survey conducted to evaluate the state of oversight in B.C., including the influence of the professional reliance model. The full details of the survey can be found in the attached report. Among the findings of this survey was the clearly expressed dissatisfaction with capacity, with 71% of respondents stating that they had witnessed a decrease in the research capacity of their ministry during their tenure with the BC government.

Threats to scientific evidence undermine decision-makers' abilities to make responsible decisions, eroding the ministry's ability to fulfill its mandate and carry out effective and ethical resource management. Scientific independence is inextricably linked with departmental capacity: a ministry which has adequate resources to carry out its mandate is less vulnerable to influence from external contractors, political pressure, and stakeholder interests. This is clearly illustrated by comments from a policy planner with FLNRO during our survey: "The reduction in staff and financial resources has caused us to not be able to conduct the scientific work that would best support changes in policy. Instead policy is most often developed because of political pressure from select interest groups, in particular forest industry stakeholders."

Enforcement is another area in which professional reliance is falling short. While it has been made clear that the responsibility to enforce standards is encompassed in the role of the qualified professional, the model is lacking uniform and concrete measures of enforcement. This irresponsibility has resulted in significant damages already, one example of which is the crisis at the Mt. Polley copper and gold mine. The Auditor General, in his report, implicated overreliance on external qualified professionals, and subsequent lack of oversight. These factors, along with too few annual inspections by both ministries, were identified as safety concerns with the dam. This case demonstrates that it is critical to ensure enforcement in cases of projects that could pose significant risk to communities and the natural environment.

What changes are needed:

In response to the challenges the professional reliance model presents to scientific integrity, Evidence for Democracy makes four recommendations to improve public trust in the model based on strengthening the capacity and independence of researchers:

1. **Increase public service research capacity.** Survey responses from the Ministries of Agriculture, Environment and Forests, Lands and Natural Resource Operations suggest that without more capacity, these ministries and their branches are unable to complete research to achieve their mandates.
2. **Increase transparency and accountability around the use of external professionals.** Create improved policies and processes to ensure that government scientists have clear guidelines for adequately overseeing and analyzing the tasks outsourced to external professionals.
3. **Retain government oversight for the work of external professionals.** Functions like creating policies and programs, monitoring, auditing and ensuring compliance need to be completed on schedule and be adequately monitored and reported on by the government.
4. **Protect against conflicts of interest.** Bolster compliance and enforcement through increased technical training for enforcement officers, clear allocation of roles and responsibilities for government and professionals working in compliance, and allocating adequate staff and financial resources to diligently perform compliance and enforcement duties.

Other observations and recommendations:

The process of resource management decision-making must remain within the mandate of the government of B.C. as it is the fundamental responsibility of this body to protect the lands and communities over which it has jurisdiction. This requires an engaged presence in the process of resource management to ensure accountable decision-making and enforcement of standards to protect the health and safety of the people of B.C. and of the natural environment. The professional reliance model is creating risk and undermining protections for which the government is responsible.

The exclusion of Indigenous voices is another concern of E4D. Outsourcing decision-making to industry-hired professionals frequently eliminates Indigenous voices from the



decision-making process, thereby overlooking a core constitutional requirement of the government to respect the right of First Nations to be consulted in decisions that affect their rights. This misstep also devalues the important role of traditional knowledge which must be included in analyses related to resource management and which is critical to evidence-based decision-making.

This model must be reformed to maintain scientific integrity and to uphold the mandate of the government of B.C. This reform requires clear guidelines and regulations to guide professionals' decision-making and the role of professionals in decision-making processes. Oversight models cannot be outsourced to the point that they render themselves biased and ineffective; the government must re-establish its involvement in oversight practices and reclaim its responsibility to defend the people and natural resources of B.C.