

January 17, 2018

Honourable George Heyman  
Minister of Environment and Climate Change Strategy  
Parliament Buildings  
Victoria, British Columbia V8V 1X4

Dear Minister:

**Re: The Government of British Columbia's Review of Professional Reliance in Resource Management – Stakeholder Submission On Behalf of Northern Health**

Thank you for the opportunity to contribute to your review of the current professional reliance model applied to resource management. Please find comments and recommendations contained herein on behalf of Northern Health in concordance with our commitment, statutory and ethical obligation to build and strengthen the health of the people we serve.

Northern Health is unique in that we are responsible for a vast, natural resource rich area with a land area spanning (approximately) two thirds of the province of BC. Throughout this region, many industries have taken advantage of the abundant natural resource development opportunities that exist (including forestry, mining, hydroelectric and oil and gas development). Under our mandate of protecting and promoting the health of our populations, Northern Health recognized a need to strategically respond to the health and health service impacts of the extensive resource development occurring (and proposed) in our region. Accordingly, the Office of Health and Resource Development was formed to provide regional leadership and strategic direction in the area of assessing and addressing the impacts of industrial resource development on health. Since its formation in 2014, the Office of Health and Resource Development has participated in most of the Environmental Assessment (EA) processes in our region. We have also supported Environmental Management Act permitting and compliance efforts. The comments presented herein reflect these experiences.

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

1. Health and social impact assessments are currently being conducted within EAs which follows the professional reliance model, yet there are currently no professional bodies to regulate and mandate the roles of social and health impact assessors. As a result, they are often (although not always) completed by underqualified individuals or those with expertise in different areas of practice (e.g. environmental scientists or economists), leading to mistakes and inaccurate assumptions and conclusions. Additionally, there is no oversight body for these professionals to which malpractice or concerns can be directed or through which disciplinary action may originate.

2. Qualified professionals (QPs) are often subject to significant pressures to reduce costs and adopt less rigorous practice standards or risk losing contracts to competitors. The current system does not incentivize or support professionals to adopt leading practices, technologies and/or standards. Instead this model appears to be “setting the bar” at levels that place less value on quality and more on budgets, costs and what the client (industry) is willing to pay for. We have observed quality being set, not by the professionals working on the projects, but by the clients/company perspectives on quality versus costs which illustrates the large influence that companies/clients can have on the quality of assessments and outcomes.
3. Current provincial regulations, policy and guidance are such that many resource development decisions are being placed in the hands of QPs who often need to use professional judgements to make appropriate decisions. While it is important to leave some space to rely on professional judgement, the current over-reliance on QPs to manage our natural resources can create a tension for professionals between “doing the right thing” and “feeding their families”. It has been our experience that the current system relies too heavily on the discretionary judgement of individual professionals without sufficient checks, balances, standards and guidelines to prevent conflicts of interest and uphold the public interest. As such, it is our observation that the current QP reliance model applied within EAs and permitting can lead to biases and questionable recommendations and conclusions. Most often, these are in favour of industry proponents and can put the health and safety of the public at risk. Additional policies, guidance and regulations are needed to support these professionals in making appropriate decisions that are in the best interest of the environment and the public, as opposed to the employers for which they work.

In a submission to the Independent Engineering Investigation and Review Panel, the Professional Employees Association of BC identified a number of issues with the current professional reliance model that contributed to the Mount Polley Mine disaster.<sup>1</sup> Please refer to [Health impact assessment of the 2014 Mount Polley Mine tailings dam breach](#) for detailed information on the significant impacts of the Mount Polley Mine tailings dam breach on the health and well-being of local communities.

4. It has been our observation that there is currently insufficient government expertise, staffing and resources to adequately support and provide checks and balances to private sector professionals. A lack of government oversight and capacity for independent peer review is compromising the robustness, and consistency of resource management processes. We have observed considerable variability and deficiencies in the competency and practice standards of professionals conducting human health risk assessment and health and social assessments within EAs and other environmental management processes. Professional associations may not be as well positioned to provide oversight and uphold public values, given that they themselves are susceptible to conflicts of interest (e.g. they collect fees from members, do not want members to be seen in a negative light, are stronger with higher membership numbers, etc.), and may not have the resources or appropriate processes to adequately and promptly manage misconduct or discipline issues. Further, in applying the precautionary principle and ensuring that the safety and health of the public is protected, regulatory systems should proactively require a peer review by government employees during planning and approval processes rather than relying on the reactive disciplinary processes of professional associations after misconduct by professionals has occurred.

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<sup>1</sup> Professional Employees Association. (2014) [Systemic Challenges: The public service, professional reliance and the Mount Polley disaster. Submission to the Mount Polley Independent Expert Engineering Investigation and Review Panel.](#)

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

Based on our experience as health professionals responding to the health impacts of the extensive resource development occurring within Northern BC, we put forward the following recommendations to the Government of British Columbia. It is our belief that the following changes will improve public trust and support sustainable and healthy populations into the future:

1. Establish clear professional qualifications, competencies and/or standards for social and health impact assessors, given that social and health assessments are completed within EAs according to a QP model, to ensure that proponent-led social and health assessments are reliable, based on the best available evidence and leading practices, and trusted by the public. There has been extensive work in Canada and internationally to develop rigorous and evidence-informed practice standards and guidelines for social and health impact assessment that could be applied.
2. Develop additional checks and balances to verify the work of QPs and establish clear standards and guidelines to improve the robustness, equitability and impartiality of resource management processes. We note that in particular, there are inconsistencies in the quality and rigor of social and health impact assessments which would benefit greatly from clearly defined expectations. Checks and balances could include improved government oversight, equivalent government level expertise and capacity, alternate funding models to ensure professionals are not paid for directly by companies, etc. The addition of new checks, balances, standards and guidelines would also have the following benefits: increased predictability, reduced regulatory review timelines, less legal uncertainty, and increased public confidence in the process.
3. Increase staffing, expertise and resources within the public sector to be able to critically review the work of QPs and safeguard the health and safety of the public, in accordance with the precautionary principle and to ensure due diligence on behalf of the government. This should include qualified experts within various levels and agencies of government that are able to consistently and in detail review and provide guidance to private sector professionals. This should include expertise in the areas of human health risk assessments and health and social impact assessments, including knowledge of data collection methodologies that may be outside of the natural sciences (e.g. social sciences and community-based research methodologies) and the capacity to assess the cumulative impacts and substantial social and economic changes associated with resource development activities.
4. Develop additional provincial policies, guidelines and regulations to support and guide QPs to conduct assessments and come to conclusions that are in the best interest of the public and the environment.

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

1. The Environmental Law Centre at the University of Victoria identified a number of criteria that are necessary for the professional reliance model to be effective. We recommend that your review be informed by these criteria:
  - a) Clarity on who is qualified to perform professional reliance functions;
  - b) Clarity on professional functions, responsibilities and objectives;

- c) Role reserved for government;
- d) Formal procedures and clear rules for certification;
- e) [Special attention to] conflicts of interest, self-interest and independence;
- f) Record keeping, disclosure and transparency;
- g) Civil liability, insurance & bonding;
- h) Duty to report non-compliance;
- i) Auditing and reviews of professional work product; and
- j) Monitoring, compliance and enforcement.

While there is a space for QPs in managing our natural resource sector, additional checks and balances need to be in place to ensure the protection of public health and the environment.

2. We recommend that in addition to the natural resource sector, this review consider whether other areas may also benefit from a review of the professional reliance model. One example where a review may be pertinent from Northern Health's experiences is related to the professional reliance model applied to on-site sewerage system regulation. Based on changes to the former Sewerage System Regulation in 2005, sewage disposal systems are now planned, installed and self-monitored by authorized persons (registered onsite wastewater practitioners or professional engineers). Based on our experience with both the current and previous sewerage management processes, we have the following concerns with the current process:
- a) Observations suggest that Registered Onsite Wastewater Practitioners (ROWPs) are more likely to put in expensive and over-engineered systems. Anecdotal evidence suggests this has resulted in more systems being installed illegally without consultation with ROWPs.
  - b) ROWPs, in general, do not submit well-developed applications (Sewerage System Records), plans or as-built drawings.
  - c) There have been instances where engineered systems were designed inappropriately by engineers with no experience or knowledge in sewer management and without any site visits.
  - d) The Health Authority (HA) only acts as the "filing agency" for applications with very little and poorly defined oversight.

We very much appreciate the opportunity to contribute to your review, and thank you for your ongoing work to restore public trust in resource management processes. As you move forward with your efforts, we encourage you to prioritize the health and well-being of all British Columbians, including those most vulnerable to the adverse impacts of natural resource extraction and development.

Yours in health and public service,

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