



# VISUAL SCIENCE

19<sup>th</sup> January, 2018

## ATTENTION

Hon. George Heyman, Minister of Environment and Climate Change Strategy

Mark Haddock, Lead, Professional Reliance Review

**RE: Stakeholder submission for review of Professional Reliance approach**

Dear George and Mark,

I would like to congratulate this government on initiating a review of the professional reliance approach, and I appreciate the opportunity to provide input as a stakeholder.

I have the equivalent of a masters in marine science, and I work as a visual science communication consultant for universities, governments, and organizations around the world. Over the last few years I have personally participated in the environmental assessments for several different projects, as both a citizen and in my professional capacity, including: Garibaldi at Squamish, Woodfibre LNG, FortisBC's Eagle Mountain to Woodfibre Pipeline project, Pacific Northwest LNG, Prince Rupert Gas Transmission, Prince Rupert LNG, West Coast Connector Gas Transmission Project, and the Burnco gravel mine.

From these experiences I have come to the conclusion that the existing Environmental Assessment process is completely broken, as the science that informs these assessments is bought and paid for by the proponent which has an inherent conflict of interest.

It is in part because of my experience with the professional reliance approach that I find myself in the strange role of being an activist. In 2014 I co-founded an organization called My Sea to Sky in response to concerns about the proposed Woodfibre LNG project. I have documented how the professional reliance approach has failed to protect the communities around Howe Sound through the broken environmental assessment processes we have experienced for Woodfibre LNG, and FortisBC's pipeline and compressor station (both of which have been approved), and the proposed Burnco gravel mine in a separate submission on behalf of My Sea to Sky.

For this submission, I would like to focus on a major flaw that I perceive with this review of professional reliance: you are asking qualified professionals to provide evidence that the model is flawed, a task which puts them in the role of whistleblower. Being asked to participate in this way puts their careers at risk, and several colleagues expressed fear of losing their jobs.

I have no such fear because I had already decided when I became an activist and co-founded My Sea to Sky that I could no longer participate in such a broken process with such little integrity, so I have nothing to lose.

In my personal experience with professional reliance and the Environmental Assessment process, I have witnessed colleagues that were furious that their findings of "Significant Impact" were changed by other qualified professionals at the same company to "No significant impact." I have also been the recipient of several confidences from other colleagues that shared that their conclusions were similarly edited or minimized by their superiors. In some cases these colleagues left the company that did not share their ethics or their integrity.

It is a sad reflection on the current system of professional reliance that qualified professionals are reliant on corporations for their bread and butter. This leads to a system where the results of their analyses are inexorably skewed in favour of the proponent. If the qualified professional produces reports that do not support the wishes of the proponent, then that report is often suppressed, and the qualified professional quickly finds that no other company wishes to contract their services. You don't bite the hand that feeds you.

I have also been the recipient of a confidence from a government employee that received memorandums related to specific projects, essentially instructing them not to "rock the boat." This is of very serious concern, and has also fueled my determination as an activist.

It has been left to the general public and concerned citizens to monitor and evaluate the work that is being done by the proponent's hired consultants. The government is failing to protect the public's interest. This has resulted in a loss of public trust in the integrity of the work conducted by qualified professionals hired by proponents, and a loss of public trust in the integrity of the environmental assessments that rely upon this approach.

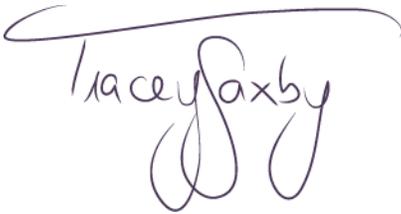
I propose the following recommendations to help restore integrity in the process, and help to rebuild public trust:

- Restore funding to government agencies at the Provincial and Federal level to collect baseline data.
- Restore funding for independent monitoring and enforcement of existing projects.
- Lobby the Federal government to restore the lost protections in the Fisheries Act as soon as possible.
- Invoke the UN's Precautionary Principle for all environmental assessments.
- Incorporate a mechanism to include data from citizen scientists, experts from the general public, and qualified professionals hired by community groups and assess these competing scientific perspectives in a sound, fair, and balanced way to help inform environmental assessments.
- Incorporate a mechanism to peer-review and cross-examine science conducted for the EA process.
- Recognize that science paid for by the proponent has an inherent bias (conflict of interest).
- Government needs to be responsible for selection and oversight of qualified professionals (QP). The cost of hiring the qualified professional would be paid for by the proponent, along with fees to cover the cost of the government agency responsible for hiring the QP. The QP would sign a retainer agreement with the government, not the proponent, and government would have the ability to dismiss poorly performing professionals and/or remove them from the pre-approved list of qualified professionals. Any conflicts of interest need to be disclosed as part of the hiring process, and failure to disclose conflicts of interest would result in the QP being eliminated from future consideration.
- Establish monitoring that is conducted by independent qualified professionals, not professionals that are closely affiliated with the proponent they are meant to monitor.
- Establish whistle-blower protection to protect qualified professionals and prevent SLAPP suits.
- All documents prepared by the qualified professional must belong to the government, not the proponent. The government can then make these documents available to the public under Freedom of Information laws, unlike the current professional reliance model, where key documents that do not support the proponent's project are sometimes suppressed and hidden from the public and the government.
- Recognize that sometimes the adverse environmental impacts of a project simply cannot be mitigated.
- Ensure that BC's laws and any conditions placed on a project are clear, enforceable, and enforced.
- Restructure the BC environmental assessment process so that proponents need to prove that, on balance, the environmental, health, and socio-economic harm their projects create can be justified by demonstrable benefits to the affected communities.
- Establish land and water use legislation for public lands that adequately captures our 21st international commitments to maintaining biodiversity, preventing runaway climate change, and upholding indigenous rights and title as per UNDRIP.
- Implement legislation and/or policy to make it clear that the purpose of all decisions under resource, public health, and environmental statutes is to promote sustainability and public health. Projects must make a net contribution to sustainability and address cumulative impacts, including our contribution to climate change.
- Ensure that projects make a net contribution to ecosystem health.

- Projects need to be evaluated in their entirety, including upstream and downstream impacts, cumulative impacts, and total climate change emissions.
- Projects must prove a net climate benefit.
- Need a rigorous and systematic framework to address cumulative effects.
- Acknowledge the value of ecosystem functions and ecosystem services that will be improved or degraded/lost and determine whether it makes economic sense for a project to proceed.
- Improve socio-economic impact analyses.
- Make it mandatory to include a community benefits analysis that clarifies what the community gets for access to our natural resources compared to pollution or degradation of our natural environment and health.
- Establish a transparent decision-making process that incorporates public support as a metric to determine the final EA decision by the Ministers.
- Respect First Nations rights and title as per UNDRIP.
- Consult with First Nations on a government to government basis providing adequate time and resources for individual First Nations to respond.
- Ensure that BC's laws are clear, enforceable, and enforced.
- Ensure that laws that protect human health and the natural environment set clear, verifiable, and measurable standards and create clear consequences for non-compliance.
- The government must ensure that government agencies charged with oversight and enforcement have resources, training and a culture that enables them to detect and prosecute law breakers. Laws and policies must encourage and protect whistle blowers and citizens who call for enforcement against law breakers.

Thank you for the opportunity to inform this review of the professional reliance model. Please feel free to contact me if you have any questions or need clarification.

Sincerely,

A handwritten signature in dark ink that reads "Tracey Saxby". The signature is written in a cursive style with a long horizontal flourish above the name.

Tracey Saxby, BA/BSc (Hons I)

Partner

Visual Science