



January 15, 2018

Wilderness Committee Submission to Professional Reliance Review

As one of British Columbia's oldest environmental justice organizations, the Wilderness Committee welcomes this government's review of the province's professional reliance system. Our organization views professional reliance as a failed system that must be replaced by fulsome and independent government oversight of all industrial activity.

The built-in bias of professional reliance is an insurmountable obstacle in ensuring the public interest is protected.

In short, the protection of both B.C.'s ecosystems and the public interest is the responsibility of the government of B.C. – not of various professional associations and their members.

Problems with professional reliance

The problems with the professional reliance system are plentiful and well-documented. The offloading of responsibility for the oversight and monitoring decisions of a project or activity to professionals hired by the proponent of said project or activity is an inherently flawed system, one under which the protection of ecosystems and public assets simply cannot be guaranteed.

This isn't a reflection on the competence or the morals of individual professionals but on the impropriety of any system in which decisions regarding the health and quality of what can be considered "the commons" is made by any entity other than the government.

Further to this, most of B.C. is unceded Indigenous territory, and the reliance on professionals outside of government in decision-making and monitoring on the land (and water) can be seen as incompatible with the nation-to-nation approach needed to ensure the protection of Indigenous rights.

The flaws of the professional reliance system will be well-known to those conducting this review, but what the Wilderness Committee finds most concerning is the proven inability of the system to identify and address clear conflicts of interest and the inability of government staff to intervene in conflicts between resource users.

An example of the former can be seen in the case of the controversial Shawnigan Lake contaminated soil facility, [where an engineering firm was reviewing a project it was also negotiating an ownership stake in](#) and neither the relevant professional association or the provincial government found this to be a problem.

The latter was described in a 2015 Forest Practices Board [report](#), which found that forest district managers were unable to intervene in logging activity that threatened the public interest.

As an organization that frequently raises issues of public concern on behalf of our supporters, the Wilderness Committee is often in contact with government agencies responsible for industry oversight, such as forest district offices. More often than not, we're told to bring our concerns to the proponent (usually logging companies whose corporate charters mandate them to act in the best interests of their shareholders, not the public) and/or higher levels of government such as a Minister or Deputy Minister. The former approach almost never results in any response, and the latter approach results in responses only months after the activity in question is completed.

Because companies will always be mandated maximize profits, the built-in conflict of interest within professional reliance will always be there, and the conflicting dual mandate (ensuring environmental well-being and protecting the public interest AND maximizing profits for the proponent) will remain unworkable and untenable.

This isn't something that can be addressed with minor adjustments or changes, and so the Wilderness Committee does not see the professional reliance system as salvageable moving forward.

Public trust: an irreplaceable finite resource

In addition to risking ecological integrity and human health and safety, professional reliance also serves to erode and eliminate another attribute vital to the success and effectiveness of any government or agency: public trust.

The Wilderness Committee is a charitable organization mandated to speak up for ecosystems and wild species. Our main avenue in this work is the education and mobilization of the public in the areas we operate and therefore, thorough understanding of public sentiment and values is fundamental to our success. Our staff spend thousands of hours listening to the questions and concerns of citizens with regards to environmental review and monitoring.

We can say confidently that there is widespread public mistrust of both corporations and the B.C. government when it comes to resource extraction and heavy industrial activities in B.C. There is also a pervasive general sentiment that industry and government work too closely together – with the former exerting excessive influence on the latter – and that the interests of Indigenous Nations and the public are secondary or tertiary priorities.

A reasonable amount of public trust is prerequisite of any stable, functional government. The loss of trust caused by the professional reliance system could have knock-on effects that could impact the effectiveness and credibility of other aspects of government, across ministries and departments. This is obviously outside the scope of this review, but it is not insignificant.

Even if it were possible to close the loopholes within the professional reliance system that could allow for bias, the government would still need to convince the public that environmental protection was a top priority and that the ‘fox guarding the henhouse’ model was nothing to be concerned about.

The Wilderness Committee does not believe either of these undertakings are possible, and so eliminating professional reliance and shifting to independent government review (with accredited and qualified professionals hired by the government) is the only path forward to maintain public trust.

Recommendations

The Wilderness Committee recommends that the provincial government undertake the following actions to ensure that B.C.’s ecological integrity and public interest are protected in all environmental review and monitoring:

- legislate that any qualified professionals undertaking a review, permitting, oversight, monitoring or compliance of industrial projects must be employed by the government;
- grant government agencies such as forest district offices the authority to intervene at any stage during an industrial activity to protect the public interest;
- legislate greater involvement of Indigenous Nations in environmental review, permitting, oversight, monitoring and compliance processes, in accordance with UN Declaration on the Rights of Indigenous Peoples (UNDRIP) principles;
- restore and increase government staff capacity and expertise in environmental review, permitting, oversight, monitoring and compliance departments and make all decisions made by professionals during a review available to the public;
- prioritize an open and transparent process that sets clear objectives for environmental values to be safeguarded during industrial projects immediately and empower government officials to enforce these values.

The overhaul of environmental review and monitoring programs should be part of a larger effort to legislate improvements to the way B.C. manages the environment and meets its commitments on industry rights, biodiversity preservation and Indigenous rights. Implementing these changes would serve as a small step towards the 21st century land and water management that British Columbians deserve.