

BC Government Review of “Professional Reliance” policy

Submission from Kathleen Ruff*

January 19, 2018

Corporations have a legal duty to take decisions and adopt policies that serve the financial interests of the corporation.

Governments have a legal and ethical duty to take decisions and adopt policies that serve the public interest. Governments thus have a responsibility to ensure that government decision-making and policy-setting are conducted without fear or favour on the basis of independent evidence through a process that is transparent, democratic, ethical and accountable and that serves the public interest.

The policy of “Professional Reliance” that was adopted by the previous BC government serves and enhances the vested interests, political influence and economic power of corporations. It violates the duty of the government to ensure that decisions are taken and policies adopted, free from influence of special, private interests and based on independent evidence through a process that is transparent, democratic, ethical and accountable.

Term “Professional Reliance” is deceptive

I strongly object to the term “Professional Reliance” because it is deceptive, misleading, manipulative and dishonest as to what the policy actually does. The key point of the policy is that it abandons the government's ability and responsibility to regulate in the public interest and it covers up and is complicit with conflict of interest, which is at the heart of this policy.

Conflict of interest

Government policy must be based on evidence. The evidence is overwhelming and indisputable that powerful industries – whether it be the tobacco industry, the asbestos industry, the fossil fuel industry, the lead industry, the Big Pharma industry, the toxic chemicals industry, the sugar industry, etc. - have, through the use of professionals with financial ties to the industry in question and the use of paid lobbyists, succeeded over and over again in corrupting public policy with regard to health, the environment, effective regulation, transparency and other critical areas of government responsibility.

Governments have an ethical and democratic duty, when there is an enormous imbalance of economic and political power and influence, to be vigilant to ensure that its decision-making processes are not improperly influenced by this enormous imbalance.

Instead of showing vigilance, however, the previous BC government did the opposite. Through the adoption of the deceptively entitled “Professional Reliance” model, it handed over decision-making power to powerful, vested interests and professionals with financial ties to those vested interests.

Paying for the work of professionals

Industry-paid professionals, who to date have been carrying out work under the wrongly entitled “Professional Reliance” model, should be replaced by independent, reputable professionals who do not

have a conflict of interest. In an article published in the journal *New Solutions*, my co-author and I made the following recommendation: "... there is diminishing public funding for scientists working to defend public health. It would be a better system if, when industries wish to fund research into health effects of toxic substances, they were required to provide the funds to reputable public agencies so as to enable the research to be carried out in an independent manner, free of conflict of interest." ¹

Why I believe the issue of conflict of interest is of critical importance

I have worked intensively for the past decade in challenging the way public policy in Canada and elsewhere has been undermined by professional scientists, academics and experts with financial ties to vested corporate interests and the resulting enormous harm that has been caused to public and environmental health and the resulting huge economic costs that governments have had to pay.

I have written numerous articles published in scientific journals on this issue, which I would be happy to share. I was given the award of National Public Health Hero by the Canadian Public Health Association and made an honorary member of the Collegium Ramazzini (which defends science in the public interest) for my work in exposing and challenging the subversion of public policy by powerful vested interests. I say this simply because I believe that the importance of this issue has not been properly recognized. Billions of dollars are spent on research and other activities by scientists and professionals, but very little has been done to address the issue of conflict of interest. Yet over and over again we see the enormous harm to human and environmental health that has been caused, not by lack of knowledge, but by the subversion of public policy through conflict of interest.

It is my opinion that climate change, destruction of the environment and pollution are not the most important issues of our time. I believe that the protection of the integrity of scientific evidence and ensuring that policy-making is made on the basis of such evidence, no matter how inconvenient to vested interests, is the key issue of our time, since, if we fail to ensure this, we as a province, as a country and as a world, have little chance of making responsible, effective decisions that serve the well-being of people and the planet.

The review of the Professional Reliance Model used in B.C. that you have been entrusted to carry out is therefore of utmost importance. I urge you to clearly and fearlessly address the issue of conflict of interest and recommend that the deceptively named "Professional Reliance" model be replaced by an independent, reputable system that is free of conflict of interest and that is dedicated solely to upholding independent evidence and to protecting the public interest.

1 Ruff, K, Mirabelli D. *Conflict Of Interest, Tailored Science, And Responsibility Of Scientific Institutions And Journals*. *New Solutions*. <http://journals.sagepub.com/doi/pdf/10.2190/NS.EOV>

*Kathleen Ruff, former Director, BC Human Rights Commission; former Director, Canadian Court Challenges Program; Founder & Director, RightOnCanada.ca; Director, [Rideau Institute](http://RideauInstitute.com); Honorary Fellow, [Collegium Ramazzini](http://CollegiumRamazzini.org); Expert Adviser to Chair and Executive Committee of the [International Joint Policy Committee of the Societies of Epidemiology](http://InternationalJointPolicyCommittee.org).