

# COMPLIANCE MANAGEMENT FRAMEWORK

## The Ministry of Environment's Approach to Ensuring Compliance



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Ministry of  
Environment



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## DEFINITIONS

*The following definitions have been used for the purposes of this document:*

**Ambient monitoring** – measures the changing status of a component of the environment over time.

**Authorizations** – rights or privileges granted by Ministry staff as authorized under legislation or regulations (e.g., licences, permits and approvals).

**Best management practices** – a set of actions and/or treatment processes designed to achieve an effective environmental outcome.

**Code of practice** – a regulation issued by the minister. It is a legally binding and enforceable set of rules that must be followed by the regulated party. The code tells the party what is expected of them and the level of environmental protection they are expected to provide. Violation of the code can lead to enforcement action.

**Compliance** – conformity with regulatory requirements established by government to protect the environment, human health and safety.

**Compliance monitoring** – measures performance against some regulatory requirement to establish a compliance record.

**Compliance promotion** – is any activity that increases awareness, educates, motivates, or changes behaviour, and encourages voluntary compliance with a regulatory requirement.

**Compliance verification** – refers to the monitoring, inspection and audit activities that the Ministry employs to determine if parties are meeting regulatory requirements.

**Effectiveness monitoring** – measures environmental condition in the context of a program, policy, plan or activity to gauge progress toward its desired environmental outcome or effect.

**Enforcement** – one response in the array of tools that may be used to achieve compliance; it includes advisories, warnings, directives, administrative sanctions, tickets and formal charges.

**Guidelines** – non-binding tools used either to assist parties in complying with a regulatory requirement or, where not tied to a regulatory requirement, to achieve specific objectives. Note: while guidelines themselves are not legally binding, they may provide the benchmarks against which non-compliance is assessed. Where guidelines have been incorporated into a legal document, they do become a legally binding obligation, i.e. enforceable.

**Non-compliance** – failure by a regulated party to meet regulatory requirements.

**Partner** – an organization or individual with whom we work cooperatively to achieve common goals. Partners range from arms-length agencies such as the Habitat Conservation Trust Fund or the BC Freshwater Fisheries Society, to small community groups to whom the ministry offers funding or technical advice or support.

**Qualified professional** – a person who is deemed qualified to fulfill legislative requirements as prescribed through various ministry statutes.

**Regulated party** – a person or business subject to regulatory requirements.

**Regulatory requirement** – obligation, demand or prohibition placed by legislation or regulation on an individual, entity or activity. This includes authorizations, permits or other requirements derived from a legislative or regulatory authority.

**Results-based legislation** – legislation that specifies the legal standards that regulated parties must meet instead of the process they must follow to achieve those outcomes.

**Standard** – a specific quantitative or qualitative legally enforceable requirement.

**Stakeholder** – individual, non-governmental organization or other group (generally more specific than the general public) who has an interest in a particular aspect of the work of the ministry.

**Stewardship** – the concept of the careful and responsible management of resources and amenities for the benefit of present and future generations.

**Shared stewardship** – the notion that environmental sustainability depends on the collective knowledge, commitment and actions of individuals, organizations, communities and all levels of government as a whole. This includes all clients, industries, partners and stakeholders.

**Voluntary compliance** – the situation whereby regulated parties comply with regulatory requirements of their own accord; the Ministry does not have to compel them to do so through enforcement actions.



## INTRODUCTION

The mandate of the Ministry of Environment is to protect human health and safety, and maintain and restore the diversity of native species, ecosystems and habitats. Through partnerships across government, and with First Nations, the private sector and communities, the Ministry works to enhance the protection and stewardship of water, land and air resources, advance sustainable use of environmental resources, and provide exceptional outdoor park and wildlife services and opportunities.

In order to fulfill this mandate, the Ministry establishes and administers a suite of regulatory requirements; it also relies on regulatory requirements established by other government agencies. Ensuring compliance with these requirements is an important factor in the Ministry's ability to deliver on its mandated responsibilities and is an integral component in successfully delivering key initiatives such as the Clean Air, Water and Parks Action Plans.

### Environmental sustainability

The ability of the Ministry to deliver on government's goal to lead the world in sustainable environmental management requires effective linkages between compliance, shared stewardship and environmental monitoring (effectiveness and ambient). For example, instilling a sense of shared stewardship assists in increasing voluntary compliance rates and in motivating the public to report non-compliance. As the Ministry continues to adopt a results-based approach to environmental management, environmental monitoring becomes increasingly important in signaling areas that may warrant increased compliance management, i.e., environmental monitoring data provides essential information to help determine compliance priorities. (See Appendix A for an illustration of this interrelationship.)

### Environmental governance

The Ministry's reliance on regulatory requirements established by other government agencies and the recent shifts to results-based management have resulted in considerably more variation in the type of regulatory management regimes in which the Ministry engages. For instance, sharing responsibility with other agencies to achieve compliance requires more consultation (e.g., industry participation in developing Codes of Practice), more shared decision-making (e.g., use of Qualified Environmental Professionals) and more shared management (e.g., recreational associations assisting in compliance promotion and verification activities). Continuing to leverage its resources by sharing responsibility for ensuring compliance will serve the Ministry well in leading, informing, involving and supporting British Columbians to achieve the best environmental stewardship and sustainability.

## Purpose of this document

The purpose of this document is to outline the Ministry of Environment's approach to ensuring compliance. The document describes:

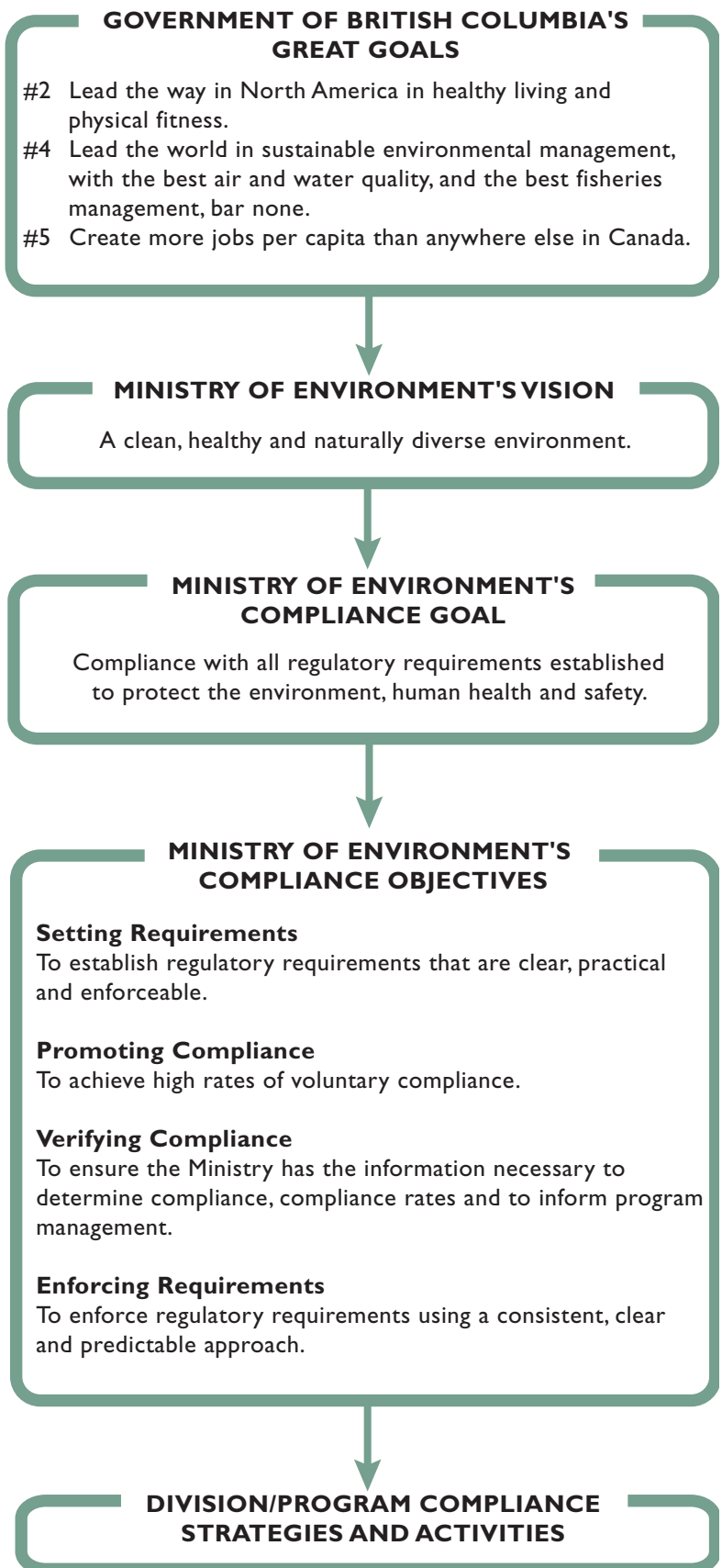
- The strategic context in which the Ministry conducts its compliance activities, including the principles, goals and objectives that guide compliance-related work;
- The Ministry's approach to ensuring the effective delivery, management and reporting of compliance activities; and
- The respective roles and responsibilities of Ministry staff.

The Compliance Management Framework describes the Ministry's vision for compliance. Specific direction on implementing initiatives and strategies that support the framework components will be provided to Ministry staff in subsequent documents, as required.



## THE STRATEGIC CONTEXT

Ensuring compliance is necessary for the realization of the Ministry's vision and, in turn, the government's Great Goals. The linkages between each of these strategic components are illustrated here.



## THE COMPLIANCE MANAGEMENT FRAMEWORK

The Compliance Management Framework sets out the Ministry's comprehensive approach to achieving the compliance goal and objectives outlined on the preceding page. The framework emphasizes:

- a balanced approach, with the use of a variety of tools to increase compliance;
- the use of compliance data, coupled with environmental monitoring data, as the basis for allocating resources to the most significant problems;
- the coordination and planning of compliance efforts to ensure the most efficient and effective use of resources; and
- the effective communication of compliance results to internal and external audiences.

In addition to achieving the compliance goal, it is anticipated that the Compliance Management Framework, when fully implemented, will result in:

### **Increased efficiency**

- Resources allocated to the most significant, highest-priority areas.
- Coordinated delivery of compliance activities.

### **Increased effectiveness**

- Awareness and understanding by regulated parties of the requirements that apply to them.
- Compliance rates that meet Ministry expectations.

### **Clarity about roles and responsibilities**

- Understanding by staff of their role in ensuring compliance.

### **Improved accountability and public profile**

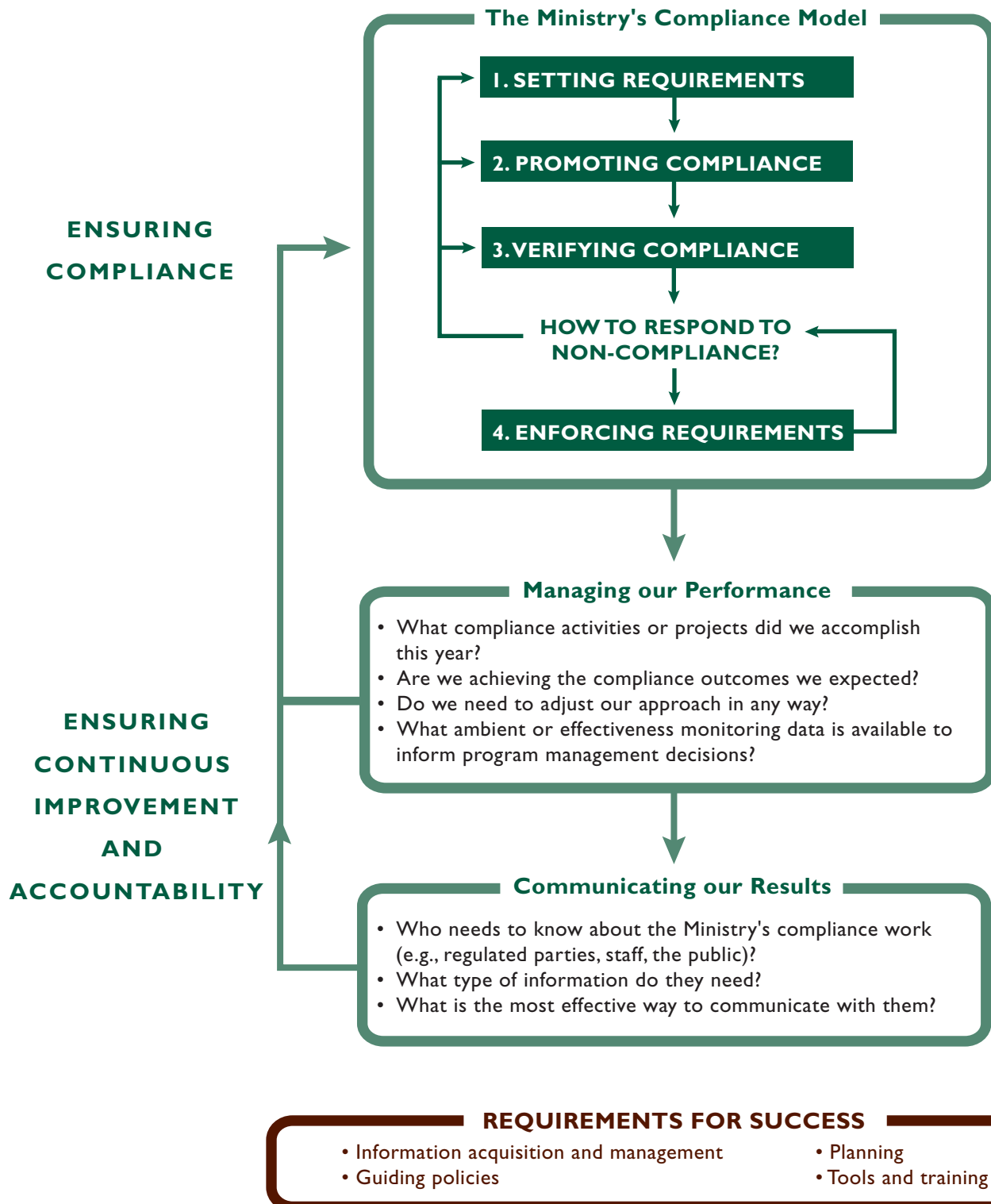
- Public/partner/stakeholder awareness of and confidence in the Ministry's compliance activities.
- Industry confidence in the Ministry's maintenance of a "level playing field".

A diagram of the framework is provided on the following page.

# COMPLIANCE MANAGEMENT FRAMEWORK

## COMPLIANCE PRINCIPLES

- Establish priorities
- Encourage shared stewardship
- Be accountable and transparent
- Use the best available information
- Choose the most appropriate approach
- Coordinate compliance activities
- Foster a culture of continuous improvement



## Compliance principles

Compliance principles are an overarching component of the Compliance Management Framework. The seven principles below reflect core Ministry values that were fundamental in guiding the design of the framework. These principles should also be used by staff to guide the implementation of compliance-related activities.

### **Establish priorities**

The primary consideration in establishing compliance priorities should be risk (i.e., actual or potential impact to the environment, human health or safety, and the likelihood of occurrence). While risk is the primary factor, the Ministry recognizes that a varying degree of presence in all aspects of its regulated responsibilities is essential to achieving its compliance goal.

### **Use the best available information**

In addition to using information on individual and sector compliance rates, the best available environmental monitoring data (effectiveness and ambient) will be used to assist in determining Ministry compliance priorities, in keeping with the principle stated above.

### **Encourage shared stewardship**

The protection of the environment, human health and safety is a responsibility that is shared with other agencies, levels of government, business/industry, organizations, stakeholders and the public. While the Ministry needs to ensure that parties comply with regulatory requirements, it also encourages and supports parties to go beyond these requirements to achieve better environmental stewardship.

### **Choose the most appropriate approach**

Once a regulatory requirement has been set, there is a range of promotional approaches and enforcement responses that can be used to ensure compliance. In any situation, the approach or response chosen should be the most appropriate to achieve compliance, taking into consideration the risk to the environment, human health or safety, as well as the cost to government and/or the regulated party. While the ministry strives to achieve voluntary compliance, prosecution is an essential compliance tool to be applied vigorously when necessary.

### **Be accountable and transparent**

Ministry clients, stakeholders and the general public need to be confident that the Ministry is conducting its business in a way that supports our stated Service Plan goals. This requires regular, timely and fair reporting of the results of our compliance activities, as well as meaningful engagement with stakeholders and partners in the delivery of our compliance mandate.

**Coordinate compliance activities**

A single business or individual may be subject to requirements from more than one program area in the Ministry, as well as other government agencies. Whenever possible, compliance activities should be conducted in a coordinated and consistent manner to reduce the impact on the regulated parties.

**Foster a culture of continuous improvement**

A commitment to continuous improvement is required to maintain the most efficient and effective management of compliance. This includes ongoing analysis of lessons learned and, when necessary, the enhancement of compliance approaches.

## **Compliance model**

The Ministry's compliance model provides a variety of options for achieving compliance and emphasizes the need for staff to use the best available information to assess each case on its own merits and choose the most appropriate response for the situation. The model involves:

1. Setting regulatory requirements that are clear, practical and enforceable;
2. Promoting requirements in ways that encourage individuals and businesses to voluntarily comply;
3. Verifying (through monitoring, inspections and audits) that individuals and businesses are meeting their regulatory requirements; and
4. Where these requirements are not being met, adjusting the program management approach or, where appropriate, compelling compliance through enforcement.

These four components of the compliance model are described in greater detail below.



## OUR VISION

- Regulatory requirements will be set in a manner that:
  - best achieves the desired environmental outcomes;
  - can be readily understood and complied with by the regulated parties; and
  - balances the social and economic costs associated with compliance.
- For every requirement, the Ministry will have a clear strategy for achieving compliance.

## Examples of Requirement-Setting Activities

- Establish acts or regulations, or conduct regulatory reviews
- Consult with industry associations or other advisory groups on requirements
- Prepare authorizations (e.g., permits, licences)

## 1. Setting requirements

Regulatory requirements are the statutes, regulations and authorizations established by government to protect the environment, human health and safety from unacceptable impacts.

From a compliance perspective, the way in which the Ministry sets a regulatory requirement is as important as what the requirement entails. The Ministry has found that when setting requirements, it is important to consider:

- **Stakeholder involvement:** Requirements that are set in consultation with the regulated parties generally have higher levels of voluntary compliance.
- **Impact on the regulated party:** Requirements that are set with a view to minimizing the administrative and financial burdens on regulated parties make it easier for those parties to comply (including harmonizing requirements with other regulators).
- **Type of requirement:** In recent years, there has been a trend towards the use of results-based legislation to achieve a sustainable environment. This type of legislation specifies the legal standards (qualitative or quantitative) that regulated parties must meet, instead of the process they must follow to achieve those outcomes. For many situations, a results-based approach allows the regulated party flexibility in achieving the desired environmental outcome and may provide opportunities for innovation, increased efficiencies, and results that exceed performance targets.

In other situations, prescriptive requirements may still be the most appropriate due to the size, scope, and complexity of the regulated activity or sector.



## OUR VISION

- When implementing a new regulatory requirement, promotion will always be the first activity undertaken to ensure that all regulated parties are aware of and understand the requirement with which they are expected to comply.
- In ensuring ongoing compliance, the most appropriate compliance promotion activities and tools will be used to achieve the highest possible rates of voluntary compliance. These activities may include public education, compliance assistance, and recognition, deterrence and incentive activities.

## Examples of Compliance Promotion Activities

- Develop guidelines or best management practices (e.g., streamside crossing guidelines)
- Prepare public information and education materials (e.g., Hunting Synopsis)
- Outreach (e.g., public meetings, field contacts, workshops)
- Launch a media campaign (newsprint and television)
- Develop a social marketing strategy to target changes of a specific behaviour
- Provide compliance assistance and technical advice

## 2. Promoting compliance

Compliance promotion is any activity that increases awareness, educates, motivates, or changes behaviour, and encourages voluntary compliance with a regulatory requirement. Promotion may be conducted as a stand-alone activity or it may occur in conjunction with compliance verification activities. It may also entail the promotion of a regulatory requirement for which another agency has accountability (e.g., Ministry of Forests and Range), but for which the Ministry has a responsibility under its mandate.

Compliance promotion is a key strategy in achieving voluntary compliance because to voluntarily comply with a regulatory requirement, parties must first be:

- aware of the requirement;
- able to understand the requirement and the consequences of non-compliance;
- willing to comply with the requirement, which is dependent on two elements:
  - a. the risk of being held accountable for the non-compliance (i.e., being caught) is sufficiently high;
  - b. the financial consequence of non-compliance exceeds the cost to comply, (e.g., it is more costly to pay the fine); and
- able to comply with the requirement (e.g., it is technically or financially possible).

A 2005 survey by the Canadian Federation of Independent Business underscores the importance of promotion activities in achieving compliance. In answer to the question "What would help businesses better comply with regulations?", 58% of respondents suggested clearly communicating/making business owners aware of new regulations, and 46% suggested providing examples of compliance.

Given the significance of promotion in achieving compliance with regulatory requirements, divisions may develop specific or detailed strategies to guide staff in this area. For example, the Environmental Stewardship Division has produced *Fostering Stewardship Behaviour: An Outreach Strategy for the Environmental Stewardship Division*. One of the activities promoted in this document is community-based social marketing which is an approach to influencing the behaviour of individuals or groups that goes beyond traditional communication approaches. Community-based social marketing identifies the specific barriers that inhibit people from engaging in behaviours, as well as the benefits associated with specific behaviours, and then designs an effective strategy to address them.





## OUR VISION

- Verification activities will be based on a planned schedule which considers risk (actual or potential impact to the environment, human health or safety, and the likelihood of occurrence), as well as the need to maintain an appropriate level of contact with regulated parties.

## Responding to Non-compliance

If compliance verification reveals non-compliance with a regulatory requirement, staff assess the situation and determine an appropriate response, taking into consideration the facts specific to the situation as well as the need for general deterrence. Potential responses may include:

- continued monitoring of the non-compliant party (verification);
- conducting activities to encourage compliance (promotion);
- amending the existing requirement (setting requirements); and
- compelling compliance (enforcement).

## 3. Verifying compliance

Compliance verification refers to the monitoring<sup>1</sup>, inspection and audit activities that the Ministry employs to determine if parties are meeting regulatory requirements. Compliance information may be obtained from Ministry verification activities (e.g., inspection or audit), or from external parties (e.g., self-reported information from regulated parties or reports of offenders from the public). As with compliance promotion activities, Ministry staff may partner in verifying other agencies' requirements where those requirements support the Ministry's mandate.

Verification activities reveal whether an individual, business or sector is in compliance with the requirements that apply to them. Many factors dictate the frequency and nature of verification activities. Factors may include risk (likelihood, history and impact), resources and community interests. Past experience has demonstrated that the continuous loop from setting requirements, promoting compliance and verifying compliance seldom requires enforcement when staff are well-trained and routinely in touch with regulated parties and the public.

The information gathered from verification activities assists staff in determining the most appropriate response to individual or sectoral incidents of non-compliance and in building compliance histories of the regulated parties. When combined and analyzed as an aggregate, the data collected from verification activities provides information about compliance rates for a sector, user group or geographic area. This information is essential in informing program planning and management (see Managing our Performance).

<sup>1</sup>In this situation monitoring refers to **compliance monitoring**, whereby performance is measured against some regulatory requirement to establish a compliance record. The Ministry also engages in other types of monitoring which help inform compliance management decisions. **Effectiveness monitoring** measures environmental condition in the context of a program, policy, plan or activity to gauge progress toward its desired environmental outcome or effect. Note the distinction between compliance and effectiveness. Compliance monitoring addresses whether people are complying with environmental standards (e.g., is a forest licensee retaining a riparian buffer as required?) whereas effectiveness monitoring attempts to uncover whether those standards are having an effect in the environment (e.g., does the buffer retain the ecological character of the riparian area?). **Ambient** (or **trend**) monitoring measures the changing status of a component of the environment over time.





## OUR VISION

- Consistent and predictable responses to non-compliance.
- Enforcement responses will be appropriate for the alleged violation and for achieving an ongoing deterrence effect that benefits the overall compliance rate.
- Prosecution is an essential compliance tool that will be applied vigorously when necessary, but reserved for those situations where alternative compliance efforts are unable to achieve the desired result or it has been otherwise determined that a prosecution response is appropriate.

[As guided by the *Compliance and Enforcement Policy and Procedure*.]

## Examples of Enforcement Activities

- Program staff issue a warning to a non-compliant party
- Statutory decision maker issues an administrative sanction, restricting or canceling a party's authorization to conduct commercial activities
- Conservation Officer, with the technical assistance of a biologist, conducts investigation to recommend charges for impact to a riparian area.

## 4. Enforcing requirements

Enforcement is one response in the array of tools that may be used to achieve compliance with regulatory requirements. Enforcement includes administrative responses (advisories, warnings, directives, administrative sanctions) and prosecution responses (tickets and court prosecutions). Some Ministry staff (e.g., Conservation Officers) are authorized to enforce other agencies' requirements where those requirements support the Ministry's mandate.

Enforcement is necessary to compel compliance when voluntary compliance cannot be achieved. By requiring parties to address non-compliance, enforcement responses can be effective in:

- Creating a level playing field, i.e., ensuring that no party benefits from not complying;
- Creating a deterrence effect for other potential violators; and
- Increasing awareness of the importance of environmental protection.

The *Compliance and Enforcement Policy and Procedure* guides the selection of appropriate responses to non-compliance, taking into consideration the escalating environmental, human health and public safety impact, and the likelihood of achieving compliance with the alleged violator.

# Managing our performance

## OUR VISION

- Performance measurement information will serve as the basis for the continuous improvement of the Ministry's compliance management approach.
- The Ministry will have the necessary information on individual compliance and overall compliance rates to make informed decisions about how to establish priorities and allocate resources.
- When establishing priorities, staff will have the environmental monitoring (effectiveness and ambient) data necessary to inform compliance management decisions.



Managing performance involves tracking and analyzing compliance information in order to identify achievements and to determine whether adjustments need to be made to program activities and/or the Ministry's overall approach to compliance. In short, it answers the questions: "What does success look like?" and "Have we been successful?" and "Where do we need to adjust our efforts?"

Assessing the Ministry's compliance function involves using three types of performance data:

### Performance measures

Performance measures are collected on an ongoing basis to measure operational results. They may range from specific program outputs (e.g., number of public meetings held, permits issued, or inspections or investigations conducted) to broader outcomes (e.g., compliance rates in a particular sector).

### Program evaluation

Program evaluations answer specific questions about the performance of a program or organization. Evaluations are conducted on an ad-hoc basis and are frequently used to determine program effectiveness in relation to a specified outcome.

### Effectiveness or ambient monitoring

The information gathered through ambient and effectiveness monitoring activities may reveal compliance-related concerns that should be considered by program managers when making decisions about compliance priorities and/or potential adjustments to their compliance management approach.

This performance information serves three important functions:

1. It informs decisions at the program level, helping program managers to assess present and future risks, set operational priorities, and continuously improve compliance activities.
2. It enables the program managers, Compliance Policy and Planning Branch and Ministry executive to monitor overall compliance results, and to identify any enhancements that may be required to the Ministry's approach to compliance management; and
3. It ensures that the Ministry remains accountable for its compliance activities, by facilitating the reporting of compliance results to the government, environmental stakeholders and the public.

## Communicating our results

### OUR VISION

- Reporting of the Ministry's compliance activities and results will occur in a consistent, timely and regular manner.
- The Ministry will use its compliance information:
  - to provide a continuous learning mechanism for staff;
  - to provide incentive and deterrence to the individuals and businesses subject to regulatory requirements; and
  - as a means of ensuring accountability to its stakeholders and the public.
- Information collected through a verification activity will always be shared with the regulated party.



Many people are interested in learning the results of the Ministry's compliance activities. These include the government, the Minister, Ministry executive, regulated parties, partners, stakeholders and the general public. Communicating results means advising these parties of our compliance activities and outcomes in a method and at a level of detail that is appropriate for the audience in question. The purpose of external compliance reporting is twofold:

1. to improve compliance rates by providing incentive to compliant individuals and businesses, and deterrence to non-compliant ones; and
2. to meet the Ministry's obligations for accountability and transparency.

It is also important for the Ministry to share compliance results internally. The purpose of internal compliance reporting is to increase learning among Ministry staff, through the sharing of methodologies and experiences. Ongoing review of these lessons learned can help to inform program management decisions (and enhance overall effectiveness and efficiency of compliance activities), by pointing out the need to redirect resources, re-examine regulatory requirements, or amend policies and procedures.

One way the Ministry can address these varied communications needs is by publishing reports. Other ways by which staff can accomplish these objectives include relating verification findings directly to the audited parties, and sharing their experiences with their colleagues in other locations or program areas.

## Requirements for success

The successful implementation and functioning of the Compliance Management Framework requires a foundation of supporting activities and processes. These include:

**Information Acquisition and Management** – In order to make informed decisions that further its ability to ensure compliance, the Ministry needs information that is relevant, up-to-date and readily accessible. This information must be usable by staff to guide day-to-day operations, and by Ministry management and executive who make strategic management decisions on the basis of identified patterns and trends.

**Planning** – Compliance planning involves setting priorities through a risk-based analysis of compliance information. This can occur at any level (e.g., regional, divisional, sectoral) and can span various lengths of time (e.g., annual or multi-year). Planning is critical in ensuring that the Ministry's compliance resources are employed in the most efficient and effective manner. Given that compliance issues can be complex and the solutions often lie across multiple regions, divisions or with other ministries, planning processes need to facilitate inter- and intra-program collaboration.

**Guiding Policies** – From time-to-time, the Ministry needs to develop policies to provide guidance and/or clarity for staff with respect to certain compliance activities and requirements. In addition to assisting staff in performing their work at an operational level, guiding policies also ensure that compliance activities are delivered in a consistent manner which is key to the success of the compliance model. An example of such policy is the Compliance and Enforcement Policy and Procedure.

In addition to Ministry policies, there is other government direction that impacts compliance management. For example, the direction on matters such as the legal duty to consult First Nations when Crown decisions and regulatory activities have a potential to adversely affect aboriginal or treaty rights. The provincial New Relationship initiative includes a commitment by government to work collaboratively with First Nations in the development of policy and legislation involving consultation and accommodation of aboriginal interests. The Ministry is continually working to improve its policies to support staff in meeting their responsibilities in this area.

**Tools and Training** – Ensuring compliance requires Ministry staff to have the appropriate tools and training. Comprehensive, ongoing training is required to ensure staff have the skills, abilities and knowledge to effectively implement compliance activities. Some examples of training topics include administrative law, effective communications, inspection techniques, evidence gathering and handling, preparing reports to Crown Counsel, and training on this framework. A range of tools, such as project charter/ plan templates, standardized report forms, and summaries of other agencies' compliance management cases and trends, are also required.

## ROLES AND RESPONSIBILITIES IN ENSURING COMPLIANCE

Ministry staff have responsibility or authority under more than 30 statutes, including the accompanying regulations and authorizations (see Appendix B). The type and extent of staff involvement in compliance activities varies with each position and its job responsibilities, and with annual work priorities. Different regional priorities and pressures may also influence the amount of time spent on compliance activities by the various regions within a division.

An overview of each division, along with some examples of staff involvement in compliance activities are provided in the tables below. These tables provide a high-level overview of the type of compliance work done within the Ministry; they are not an exhaustive list of compliance roles and responsibilities for each division. A description of the role of the Provincial Compliance Committee and the Ministry's Partners and Stakeholders has also been included.

### ***Oceans & Marine Fisheries Division***

The Oceans & Marine Fisheries Division (OMFD) has a mandate to ensure a stronger provincial role in the management of ocean resources, marine fisheries and seafood industry development. It achieves this by leading the development of provincial marine interests and objectives; creating collaborative provincial-federal resource management strategies; and developing shared governance frameworks.

#### **Examples of Staff Involvement in Compliance Activities**

OMFD does not have any direct compliance and enforcement responsibilities; however, it has an interest in ensuring that federal and provincial officials address compliance issues that could potentially impact oceans, marine fisheries and seafood industry development in British Columbia. For example:

- OMFD staff participate on various committees that allow for collaborative decision-making or influence management with respect to oceans and marine fisheries issues.
- OMFD monitors fisheries management activities (e.g., the sockeye harvest on the Fraser River) to ensure that federal fisheries officers properly ensure compliance.

OMFD also assists the Ministry of Agriculture and Lands in ensuring compliance with the *Fisheries Act* (BC), and the Fish Inspection Regulation (BC) by collecting data from each licensed aquaculture facility, fish processor, buyer and broker in the province, as required under the terms and conditions of those licences.

#### **Primary Legislation (includes regulations made under these statutes)**

OMFD does not administer any legislation. Rather, the Division is responsible for ensuring that provincial interests and objectives are considered when the federal government delivers policy and programs under two key federal statutes (and the regulations made under those statutes):

1. *Fisheries Act* (Canada), and
2. *Oceans Act*.



## **Environmental Stewardship Division**

### **Primary Legislation (includes all regulations made under these statutes)**

- *Park Act*
- *Protected Areas of British Columbia Act*
- *Wildlife Act*

### **ESD has some direct administrative and enforcement responsibilities under the following three statutes:**

- *Forest and Range Practices Act*
- *Fish Protection Act*
- *Water Act*

### **ESD is also delegated authority for freshwater fisheries management under the:**

- *Fisheries Act (Canada)*

The Environmental Stewardship Division (ESD) has a mandate to establish standards for the use and protection of species and habitats; to collect and manage scientific information; to provide sustainable outdoor opportunities in parks and protected areas, hunting, fishing, and wildlife viewing; and to promote the effective management of fish, wildlife, ecosystems and park resources.

## **Examples of Staff Involvement in Compliance Activities**

### **Setting requirements**

- Ecosystem Biologists/Senior Technical Officers/Managers develop: acts/regulations (e.g., Oil and Gas Regulatory Improvement Initiative), guidelines (e.g., Tourism and Wildlife Guidelines), objectives and measures (e.g., Ungulate Winter Ranges).
- Parks & Protected Areas program staff develop and maintain park use permit, recreation management, conservation and planning policy and procedures.
- Fish Biologists and Wildlife Biologists review acts and regulations, prepare authorizations for Regional Managers' signatures and determine allocations for Angling Guides and Guide Outfitters.

### **Promoting compliance**

- Hydrologists participate in watershed stewardship groups and outreach programs.
- Park Rangers provide a continual visible presence within the parks.
- Senior Fish and Wildlife Regulation Officers coordinate publication of regulations synopsis

### **Verifying compliance**

- Hydrologists inspect existing developments for compliance with water quality/quantity objectives and review pre-development reports for major projects.
- Ecosystem Biologists/Officers conduct monitoring and inspections associated with compliance projects (e.g., stream crossing structures) and review impact assessment reports and pre-development reports for mining companies.
- Protected Area Section Heads and Area Supervisors inspect front-country campgrounds and review permit holders' operations for compliance with permit conditions.
- Permit officers review conditions and reporting requirements of permits, and initiate investigations from time to time, referring them to COs if problems appear.

### **Enforcing requirements**

- Biologists (e.g., Ecosystem, Fish, Wildlife) provide scientific advice to back-up field inspections by COs and serve as expert witnesses during prosecution, when necessary.

- Park Rangers, Area Supervisors and Protected Area Section Heads enforce provisions of the *Park Act*, (e.g., trespass issues, illegal use of ATVs, hunting regulations, dogs and liquor in parks).
- Permit Officers cancel permits and refer cases to COs.
- Regional Managers and Assistant Director (Fish & Wildlife Branch) impose administrative sanctions under the authority of the *Wildlife Act* against commercial and individual licence holders.

## Environmental Protection Division

The Environmental Protection Division (EPD) has a mandate to protect human health and environmental quality by: regulating discharges to the air, land and water; promoting environmental stewardship with partners; responding to high-risk environmental emergencies; reducing and removing toxins and waste that contaminate the land, air and water; regulating the application of pesticides; and monitoring and reporting on environmental quality.

### Examples of Staff Involvement in Compliance Activities

#### Setting requirements

- Environmental Management Analysts manage the process for establishing and/or amending requirements (e.g., run workshops, consult with experts/interested parties, make presentations to industry).
- Environmental Quality Specialists, Biologists and Meteorologists provide science expertise to support the development and review of regulatory requirements.
- Environmental Protection Officers write permits/authorizations and support development/review of regulatory requirements.
- Meteorologists set advisories and burn bans.

#### Promoting compliance

- Environmental Protection Officers review permits, conduct follow-up meetings with clients following inspections (e.g., to discuss what could be done better/differently to achieve compliance).
- Pesticide Technicians meet with clients to assist in developing plans; conduct follow-up meetings with clients following inspections (e.g., to discuss what could be done better/differently to achieve compliance).
- Environmental Emergency Response Officers conduct spill response exercises; meet with spill response companies; conduct industry and community outreach (e.g., meet with municipalities to raise awareness of how they need to be prepared for spill response).

#### Primary Legislation (includes all regulations made under these statutes)

- *Environmental Management Act*
- *Integrated Pest Management Act*

- Environmental Quality Specialists work with industry associations and municipalities on airshed and product stewardship issues relating to compliance.
- Meteorologists conduct airshed planning (e.g., discuss how to improve compliance).

#### **Verifying compliance**

- Environmental Protection Officers and Pesticide Technicians inspect and audit regulated parties; review monitoring data provided by regulated parties.
- Environmental Emergency Response Officers report per the Spill Reporting Regulation.

#### **Enforcing requirements**

- Regional Managers and Section Heads issue orders to prevent or resolve issues of non-compliance.
- Various staff within the division are authorized to issue advisories and warning letters.
- Environmental Protection Officers, Biologists, Pesticide Technicians and Environmental Emergency Response Officers:
  - assist Conservation Officers in investigations (e.g., provide expertise about the requirement), and
  - participate in court process, if required (e.g., serve as expert witnesses).

## **Water Stewardship Division**

The Water Stewardship Division (WSD) has a mandate to provide leadership in ensuring that the water resources and ecosystems of British Columbia are safe, sustainable and valued by all. This involves protecting and managing water quality and quantity to optimize the benefits and sustainability of the province's water resources for communities, the economy and the environment.

### **Examples of Staff Involvement in Compliance Activities**

#### **Primary Legislation (includes regulations made under these statutes)**

- *Dike Maintenance Act*
- *Drainage, Ditch and Dike Act*
- *Water Act*
- *Water Protection Act*
- *Water Utility Act*

#### **Setting environmental requirements**

- Water Policy Advisors/Officers manage the process for establishing and/or amending requirements.
- Comptroller, Deputy Comptrollers of Water Rights, Regional Water Managers and Assistant Regional Water Managers prepare and issue water licences, approvals, and permits over Crown land under the *Water Act*.
- Waterworks Engineers prepare Certificates of Public Convenience and Necessity.
- Portfolio Administrators issue quick licences under section 12.1 of the *Water Act*.
- Inspector of Dikes develops provincial standards for dike safety and the Inspector of Dikes and the Deputy Inspector of Dikes approve new dikes and changes to existing dikes under the *Dike Maintenance Act*.



### **Promoting compliance**

- Regional allocation, ground water, source water protection and flood hazard staff meet with individual licensees and industry groups, and speak at conferences, public meetings and hearings.
- Director of Regional Operations, Regional Water Managers and Section Heads make presentations to and/or hold discussions with stakeholders and other agencies.
- Dam Safety Officers conduct workshops for dam owners with BCWWA, maintain a website and publish a newsletter.
- Source Water Protection staff participate on drinking water teams established under the authority of the Health Authorities' Drinking Water Protection Officers.

### **Verifying compliance**

- Regional Water Managers approve annual regional compliance plans and investigation requests.
- Section Heads and/or headquarter specialists prepare project charters for compliance projects.
- Ground Water Engineers/Officers/Hydrologists conduct inspections related to Ground Water Regulation.
- Inspector of Dikes and Flood Safety Officers receive and monitor dike inspection reports.
- Water Stewardship Officers undertake compliance inspections on water licences, approvals and orders.
- Dam Safety officers undertake inspections on dams.

### **Enforcing requirements**

- Water Stewardship Officers and Source Water Protection Officers/Hydrologists prepare orders and support COs in their investigation/court cases.
- Comptroller and Deputy Comptrollers of Water Rights, and regional staff who are designated professional engineers issue orders under the *Water Act*.
- Inspector of Dikes issues orders under the *Dike Maintenance Act*.
- Comptroller and Deputy Comptrollers of Water Rights, Regional Water Managers and Assistant Regional Water Managers cancel licences.
- Dam Safety Officers direct dam owners to undertake appropriate response activities following notification of a dam incident and, if required, advise COs to take enforcement action.

## **Conservation Officer Service**

The Conservation Officer Service (COS) is the enforcement program of the Ministry of Environment. It supports all divisions within the Ministry by delivering compliance and enforcement services under both provincial and federal environmental legislation. The Service is also the lead program for managing and responding to wildlife/human conflicts.

### **Primary Legislation (includes regulations made under these statutes)**

The Conservation Officer Service Authority Regulation of the *Environmental Management Act*, prescribes 24 provincial acts (and the regulations associated with those acts) under which members of the COS have authority. Members of the COS also have authority under six federal statutes.

### **Examples of COS Staff Involvement in Compliance Activities**

#### **Setting environmental requirements**

- Conservation Officers participate on headquarters teams to develop/review requirements.
- Chief Conservation Officer and regional managers provide expertise re: the development and/or amendment of regulatory requirements.

#### **Promoting compliance**

- Program staff at headquarters develop province-wide compliance promotion programs and tools (e.g., RAPP program, brochures, website, give-away items, etc.).
- Conservation Officers make presentations to community organizations (e.g., schools, Rod & Gun Clubs, Chamber of Commerce), participate in community events such as family fishing weekend, distribute brochures and other promotional items.

#### **Verifying compliance**

- Conservation Officers and senior investigators conduct inspections (e.g., site/facility visits, field checks, reviewing monitoring data from regulated parties).

#### **Enforcing requirements**

- Conservation Officers and senior investigators:
  - recommend administrative sanctions (e.g., suspensions, restrictions or cancellations of authorizations);
  - investigate suspected non-compliances (e.g., searches, evidence seizures, surveillance, interviewing witnesses); and
  - recommend formal charges, prepare Reports to Crown Counsel and testify in court as necessary.

### **Compliance Policy and Planning Branch**

The Compliance Policy and Planning Branch is responsible for providing ministry-wide leadership and service in support of a strategic approach to compliance management. Specifically, the branch:

- develops the Ministry's approach to compliance management and fosters an understanding of its importance and application;
- provides services and advice to the divisions that support implementation of the Ministry's approach to compliance management; and
- develops internal Branch staff expertise and knowledge in the area of compliance for application throughout the Ministry.

## **Strategic Policy Division**

The Strategic Policy Division provides corporate leadership, coordination, analysis and inter-agency communications services to the Ministry. The division plays an important role in compliance by assisting program areas in developing and setting environmental requirements and by coordinating and leading inter-governmental files (e.g., establishment of Canada-wide standards on toxins such as mercury, dioxins and furans through the Canadian Council of Ministers of the Environment).

## **Provincial Compliance Committee**

The Provincial Compliance Committee is an inter-divisional coordinating committee with representatives from each of the Ministry divisions. The Committee is responsible for:

- facilitating a coordinated, integrated Ministry approach to compliance through communication, collaboration and information sharing among the Ministry's divisions, other ministries, governments and partners; and
- providing advice and guidance to the Compliance Policy and Planning Branch in the administration of its responsibilities.

The Provincial Compliance Committee reports to the Cross Ministry Initiatives Committee.

## **Partners and Stakeholders**

As part of the Ministry's environmental governance model, a broad range of individuals and groups are involved in ensuring compliance. This diverse group includes:

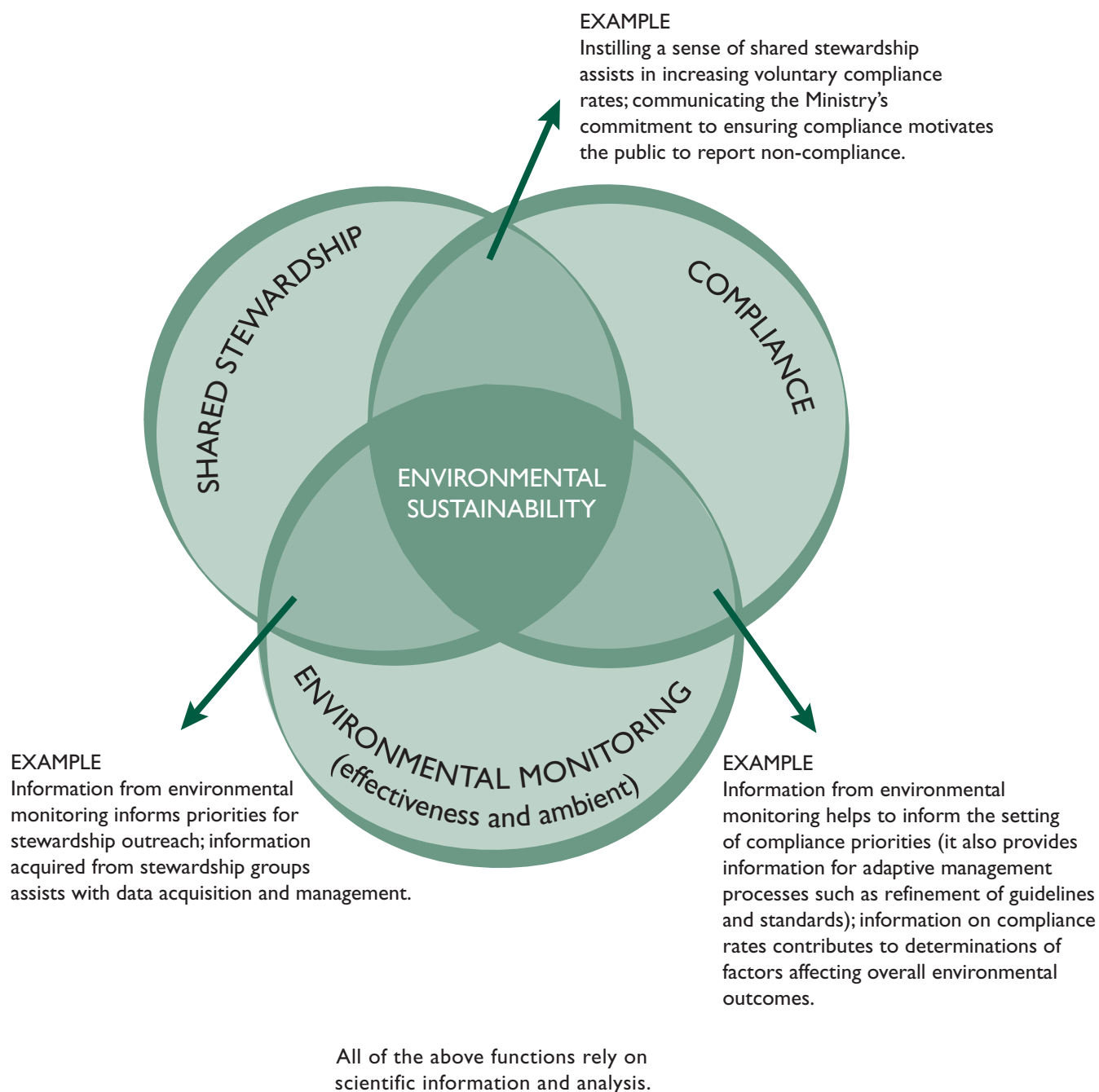
- other federal, provincial and local government agencies with overlapping areas of responsibilities;
- First Nations;
- communities;
- non-governmental organizations;
- industries and business;
- qualified professionals; and
- members of the general public.

The engagement of partners and stakeholders varies across the Ministry; it ranges from consultation to joint deliver of compliance functions. Some stakeholder groups are instrumental in helping the Ministry to clarify set or review regulatory requirements; others develop and deliver promotional materials and undertake public education and training on our behalf; and still others assist the Ministry in verification activities. Local governments are also becoming increasingly active partners by setting and enforcing bylaws that relate to areas such as waste discharge and development in riparian areas. In this respect, partners and stakeholders are fundamental to the Ministry's success in ensuring compliance and it is incumbent upon all Ministry staff to continue to develop these relationships and to establish mechanisms to utilize them appropriately in all aspects of compliance management.



## Appendix A

### Illustration of the Interrelationship Between Compliance, Shared Stewardship and Environmental Monitoring



## Appendix B

### Legislation Administered by the Ministry of Environment

The following legislation is currently administered by the Ministry of Environment:

*Beaver Lodge Lands Trust Renewal Act*  
*College of Applied Biologists Act*  
*Commercial River Rafting Safety Act*  
(only some sections relating to safety inspections and enforcement remain in force)  
*Creston Valley Wildlife Act*  
*Dike Maintenance Act*  
*Drainage, Ditch and Dike Act*  
*Ecological Reserve Act*  
*Environmental Assessment Act*  
*Environmental Management Act*  
*Fish Protection Act*  
*Hunting and Fishing Heritage Act*  
*Industrial Operation Compensation Act*  
*Integrated Pest Management Act*  
*Land Title Act*  
(s. 219 only, insofar as it relates to the Portfolio of the Minister)  
*Ministry of Environment Act* (all except s. 4 (2) (d))  
*Ministry of Lands, Parks and Housing Act*  
(ss. 3 (3), 5 (b), 6, insofar as they relate to the portfolio of the Minister)  
*Okanagan River Boundaries Settlement Act*  
*Park Act*  
*Protected Areas of British Columbia Act*  
*Skagit Environmental Enhancement Act*  
*Sustainable Environment Fund Act*  
*Water Act*  
*Water Protection Act*  
*Water Utility Act*  
*Wildlife Act*

The following legislation is not administered by the Ministry, but it is legislation that the Ministry has an interest in, or shared responsibility for:

*Canadian Environmental Assessment Act*  
*Community Charter*  
*Fisheries Act* (Canada)  
*Forest and Range Practices Act*  
*Land Act*  
*Local Government Act*  
*Mines Act*  
*Species at Risk Act*

Note: this list is a sampling of key legislation; there are also other examples.