



Association of the Chemical Profession of British Columbia

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January 2018

To: British Columbia Ministry of Environment and Climate Change Strategy – Professional Reliance Review

Re: Response to Stakeholder Survey on Professional Reliance

Thank you for the opportunity to participate in the review of the professional reliance model in British Columbia. The Association of the Chemical Profession of British Columbia (ACPBC) welcomes this review and looks forward to active participation in this consultation process.

As background, the ACPBC is a professional association, entering its twelfth year of registration under the Societies Act of British Columbia. In 2010, the ACPBC was granted the exclusive right to the title “Professional Chemist” in the province with the abbreviation P.Chem. That recognition is made under Section 10 of the prior Society Act, and entails establishing that the public interest, and specifically the protection of human health and the environment, would be served by such a designation. The ACPBC right to title continues under the new BC Societies Act.

Chemists play a vital role in developing and administering environmental regulations in British Columbia including those in waste management and environmental protection. As practitioners, many chemists work in implementing best practices in these regulations. Indeed, the ACPBC is now a parent organization of the Contaminated Sites Approved Professional Society (CSAP). This step required approval of the Ministry of Environment & Climate Change Strategy (BC ENV) for the CSAP bylaw change to be consistent with protocols of the Contaminated Sites Regulation (CSR). Other Professional Chemists are recognized as Qualified Professionals (QP) under several BC ENV regulations. A QP is defined in the Procedures of the CSR as a person who:

- (a) is registered in British Columbia with his or her appropriate professional association, acts under that professional association's code of ethics, and is subject to disciplinary action by that professional association, and
- (b) through suitable education, experience, accreditation and knowledge may be reasonably relied on to provide advice within his or her area of expertise.

As the professional association overseeing Professional Chemists in British Columbia, the ACPBC is responsible for enforcing codes of ethics, professional standards and disciplinary processes

for its members. Within the ACPBC, we maintain a Code of Ethics, Disciplinary Procedures and detailed Membership Criteria, all of which are essential elements of all regulated occupations in British Columbia.

Unlike many of the other organizations detailed in the Terms of Reference for the Professional Reliance Review (e.g. the College of Applied Biology or the Engineers and Geoscientists BC (EGBC)) the ACPBC is not currently mandated under an Act to monitor and oversee the practice of Chemistry in British Columbia. As such, there are potential individuals practicing chemistry related to environmental monitoring in British Columbia that may not have either appropriate expertise or background in the field of Chemistry. It is noteworthy that a Professional Chemist is recognized as a regulated occupation in Alberta (The ACPA is one of only six professional organizations whose members are permitted to sign off on environmental reports or sites for closure in Alberta). In Quebec, chemists belonging to the Ordre des chimistes du Quebec are recognized by licensure under a Professional Chemists Act (chapter C-15). Also noteworthy is the inclusion of the ACPBC into the Federation of Canada's Professional Chemists.

As a professional association overseeing qualified professionals in British Columbia, the ACPBC is clearly a stakeholder in the Professional Reliance Review, and as such the ACPBC has prepared this submission.

As described in the Terms of Reference, the use of professional reliance within British Columbia's resource sector is a long-standing practice, where activities are overseen by professionals in the private sector and are monitored by self-governing professional organizations responsible for enforcing codes of ethics, professional standards and disciplinary processes.

Current Professional Reliance Model:

The current professional reliance model in BC effectively leverages the existing core of professional expertise in the private sector, which significantly reduces the strain on the public sector. Given the breadth and extent of the contaminated sites, resource development and waste management activities in the province, it is not possible for the provincial government to monitor day-to-day activities in all industries. Instead, the regulator's business should be to establish regulatory requirements with broad guidelines for their observance and to maintain an oversight role. Some observations of the current model are:

1. Given the expertise of the parent organizations such as EGBC and the ACPBC, retaining auditing, training, oversight and disciplinary responsibilities within the parent organizations seems logical and efficient.
2. Self-identification has not worked very well to identify a QP. A systematic and rigorous third-party evaluation of qualifications when a QP self-identifies does not yet exist, and,

as a consequence, there have been instances where there may be a gap in education or expertise in an area that relies on a QP for monitoring and regulatory compliance.

3. No effective process has been utilized to monitor deficient QP submissions. The government typically fails to notify parent organizations when a QP's quality of work is deficient.
4. The process by which QPs are included in government's resource management decisions – with appropriate oversight – should be transparent and free from conflicts of interest. This is needed to protect both the environment and the interest of the general public.

Changes, if any:

The current professional reliance model in BC has a number of flaws. ACPBC recommends the following:

- 1) Because only selected professions are covered under their own Acts, it is possible for specialist work to be conducted by individuals who have not been vetted to demonstrate expertise in the various fields of practice. As an example, under the current regulatory regime, the quantitative results from analytical laboratories do not need to be reviewed and certified as being valid by a Professional Chemist (who has demonstrated competence in the field). As there are multiple complexities with sample handling, material compatibility, instrumental calibration and results certification, it is crucial that these analytical results – which may well impact decisions affecting human and environmental health – be appropriately reviewed and certified by a qualified and experienced person.
- 2) While maintaining disciplinary and professional oversight with the various professional organizations is a practical necessity, the current disciplinary activities of the various organizations can be described as opaque. The ACPBC suggests that the various Acts be revised to include the requirement that a representative nominated by the government be included as part of each professional organization's Disciplinary Committee. We also suggest that a lay-member be included in every Disciplinary Panel to ensure that the voice of the public is represented on these panels, and to prevent the impression that these panels are being used to protect the professional organizations rather than protecting the public. Similarly, the various Acts should be amended to ensure that disciplinary investigations are made public to improve transparency and establish public confidence in the conclusions of these committees.

- 3) Government needs a formal audit and education process to effectively administer the QP process for every area that a QP is authorized under provincial acts. This will strengthen the quality of QP work so that it can be relied upon by the public.
- 4) Increased transparency is needed with respect to membership, qualifications, education, ongoing training and certification for professional associations. These data should be freely available to the public, and there should be a method by which members of the public can report concerns directly to the professional association.

Observations and recommendations:

As a signatory of the 19th Amendment to the Agreement on Internal Trade, British Columbia enacted the Labour Mobility Act of 2009 to clarify the rights and obligations of regulated occupations in the province. Provisions of the Act are consistent with the New Western Provincial Trade Agreement (NWPTA) of 2010, which further specifies some 300 occupations including many professions that are regulated in one or more of Alberta, Saskatchewan, and British Columbia. The occupation of Professional Chemist is only recognized in Alberta, and not in either British Columbia or Saskatchewan.

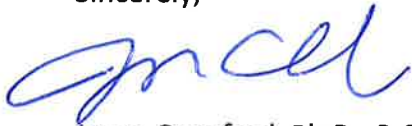
The majority of the regulated occupations in British Columbia are referred to in statute. Professional Chemists are not established under legislation, other than the provisions of the Societies Act and its requirements. The key elements of Code of Ethics, Disciplinary Procedures and strict membership requirements of the ACPBC, as laid out in constitution and bylaws, are exactly analogous to those of other professional associations established under statute. As such, the ACPBC feels that it is well placed to act as the Regulatory Authority for the Professional Chemists in BC, and that adding Professional Chemist as a Regulated Occupation under the NWPTA would assist the mobility of chemists in the western provinces. In this context, establishing the Professional Chemist as a regulated occupation would bring it into alignment with other professions also currently recognized through BC ENV, and in other provinces.

Summary:

The ACPBC maintains the organizational structure, processes and oversight to effectively manage Professional Chemists as QPs as a regulated or licensed occupation. As the Professional Reliance model is being reviewed right now, there is a precedent for both cases in Canada, and we feel the time is now for chemists to be recognized in British Columbia for the critical work they do to ensure protection of human health and the environment.

We hope that the ACPBC will continue to be given the opportunity to be consulted or included in any future Professional Reliance review processes, as we believe that we can offer expertise and practical solutions that will benefit our environment and its inhabitants.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Crawford', is positioned above the printed name.

Jason Crawford, Ph.D., P.Chem.

Chair, Professional Affairs Committee

Association of the Chemical Profession of British Columbia (ACPBC)