

Tolko Industries Ltd.

Submission to Professional Reliance Review

Tolko Industries Ltd. is a privately held Canadian forest products company based in Vernon, British Columbia with manufacturing operations in British Columbia, Alberta, and Saskatchewan. Additional information can be found on www.tolko.com

Tolko employs an estimated 2400 people directly and indirectly in British Columbia. Our workforce includes qualified professionals such as Registered Professional Foresters and Technicians, Engineers, Chartered Accountants, Human Resource Professionals, Archeologists, Biologists, Geoscientists, Lawyers and Health Care Professionals, to name a few.

Relying on qualified professionals and the advice they provide is critical to the success of our business. Professional reliance is particularly important in British Columbia, which is a highly-regulated jurisdiction for resource development.

Professional Reliance Review and Tolko's Position

Our comments are focused largely on Forest Professionals, but apply to other qualified professionals as well.

The BC government's Professional Reliance Review website states the review is assessing three areas;

1. "Whether professional associations that oversee qualified professionals employ best practices to protect the public interest"

Tolko Position:

Tolko supports an assessment of the professional association's utilization of best practices to protect the public interest. This position ensures that qualified professionals continue to follow the regulations and laws in British Columbia.

2. "Whether government oversight of professional associations is adequate"

Tolko Position:

Tolko supports adequate government oversight of professional associations. We suggest that clear, consistent government oversight of all British Columbia's professional

associations be established. This could include periodic reporting of professional association member's compliance with legislation and regulations.

A challenge to the implementation of this scheme will be that if you rely upon government employees to provide government oversight of an association where the government employees are members of that association you will have an inherent conflict. Having government oversight of an association with government members is somewhat akin to the fox and the chicken coop. An alternative is to have an unqualified party or non-professional provide oversight of a qualified professional association which is again, somewhat problematic.

As an aside, the size of the potential conflict within the forestry discipline is huge as government forest professionals make up 32% of the Association of British Columbia Forest Professionals membership and in some situations, these could be the people who would be providing oversight of themselves.

One possible way to do this without incurring conflict is to conduct a five-year review of member compliance with laws and regulations in their scope of practice and include government professionals in the group of those being reviewed. The report could be segregated for those interested in professional reliance by employment category. In addition to providing the public with data, this approach would also raise confidence in the process and assure the public that government professionals were acting impartially and in accordance with the intent of laws and regulations.

"Since 2013, the Environmental Appeal Board, Forest Practices Board, Office of the Auditor General, the Office of the Ombudsperson and other organizations have investigated how well the PR model performs the requirement to provide independent, objective advice to government regulators. These investigations highlight the need for adequate oversight of QPs." (Qualified Professional Review Terms of Reference).

Tolko agrees with the need for "adequate oversight of QPs" and believes today's Professional Reliance model provides that oversight.

3. Conditions governing the involvement of qualified professionals in government's resource management decisions and the appropriate level of government oversight to assure the public interests are protected."

Tolko Position:

Tolko supports the continued use of the Professional Reliance Model in resource decisions that ensure the public interests are protected.

Qualified professionals, including those employed by Tolko, follow the laws and submit plans and permits in compliance with the laws and regulations of British Columbia and Canada. Even so, there are often concerns raised about professionally prepared and

endorsed plans and permits that are perfectly legal by every test. Tolko believes these concerns may be misplaced

We believe the actual quarrel is largely with the laws and is not a professional reliance quarrel.

Qualified professionals, have minimal involvement in “government’s resource management decisions”. The professional reliance model is to “follow laws and regulations and submit legal plans and permits”.

To the degree that there is professional judgement, it is about where and when legal resource development and extraction occurs in accordance with laws and regulations.

Government, through the creation and enforcement of laws and regulations, and through the establishment of Annual Allowable Cuts, determines where, what, how and how much resource development occurs.

Our experience at Tolko is that there is a robust oversight system in place to ensure public interests are protected. This includes Compliance and Enforcement by government, the Independent Forest Practices Board investigation and audit program, and the Association of British Columbia Forest Professionals professional standards, in the case of the forestry Professional Reliance Model.

Tolko recommends expanding the Professional Reliance Model to areas that until this point in time have potentially fallen between the cracks, such as ranching and trapping. Although ranchers and trappers may not be members of professional associations, the principle of a robust oversight system to ensure public interests applies.

Any changes to the Professional Reliance Model and Government’s oversight, also needs to include space and a role for indigenous participation.

Conclusion

“Many different sorts of people care about conserving the world’s species. Many of them influence conservation, too, and most are not biologists. The practice of conservation depends crucially on policy makers, politicians, economists and engineers. Moreover, an army of concerned volunteers press on the body politic, giving of their time and substance.

This makes the practice of conservation quite unusual. I know of no other branch of biological science that so involves laypeople in its front lines. You would not ask a pharmaceutical house to employ non- biologists in its research and development. You would not go to patients to run the clinical tests that evaluate new drugs.” (Michael L. Rosenzweig Win-Win Ecology, Oxford, 2003)

There are examples to draw from across the medical field which is a life and death discipline, that is also dependent on the Professional Reliance Model. In many jurisdictions, there are “end of life” laws and regulations. These legal practices are subject to even more intense opinion and objection than resource development and logging. There is no ongoing review of that model even though there is comparable controversy. Professionals practice in accordance with laws.

If society and the government continue to rely upon the jobs, taxes, wealth, and benefits derived from resource development (logging), there will be public and interest group criticism. Any oversight or approval model adopted by British Columbia will continue to suffer that criticism and could inadvertently both harm industry and reduce the benefits government and society enjoy.

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