

# COMPLIANCE MANAGEMENT FRAMEWORK

Natural Resource Agencies' Approach to Ensuring Compliance

2020



# CONTENTS

<b>INTRODUCTION</b> .....	<b>3</b>
<b>STRATEGIC CONTEXT FOR NATURAL RESOURCE AGENCIES</b> .....	<b>6</b>
<b>THE COMPLIANCE MANAGEMENT FRAMEWORK</b> .....	<b>7</b>
<b>THE COMPLIANCE MANAGEMENT FRAMEWORK</b> .....	<b>8</b>
<b>Compliance Principles</b> .....	<b>9</b>
<b>Compliance Model</b> .....	<b>10</b>
<b>1. Setting Requirements</b> .....	<b>11</b>
<b>2. Promoting Compliance</b> .....	<b>12</b>
<b>3. Verifying Compliance</b> .....	<b>13</b>
<b>4. Enforcing Requirements</b> .....	<b>16</b>
<b>Performance Management</b> .....	<b>17</b>
<b>Communicating Our Results</b> .....	<b>18</b>
<b>Requirements For Success</b> .....	<b>19</b>
<b>APPENDIX A</b> .....	<b>20</b>

---

On behalf of the Assistant Deputy Ministers' Committee on Natural Resources: Compliance & Enforcement:



**Jim Standen**

*Assistant Deputy Minister*

BC Parks and Conservation Officer Service Division, Ministry of Environment and Climate Change Strategy  
Chair of the Assistant Deputy Ministers' Committee on Natural Resources: Compliance and Enforcement

## INTRODUCTION

### Examples of Partnerships

- Natural resource agency staff routinely coordinate inspections with Indigenous peoples and undertake investigations with Fisheries and Oceans Canada and Environment and Climate Change Canada.
- Related to the protection of human health and public safety specifically, natural resource agency staff also work alongside inspectors from Worksafe BC and Health Authorities, as well as RCMP and local government bylaw officers.
- Officers from all of these agencies provide one another with information about activities that they observe during the conduct of their respective duties and vice versa.

Provincial natural resource agencies administer a broad suite of regulatory requirements aimed at protecting, managing and conserving our water, land, air and living resources. They ensure the protection of the province's environment, natural resources and public safety, through the effective and efficient enforcement of B.C.'s laws and regulations.

Ensuring compliance with these regulatory requirements is a critical role played by the natural resource agencies. Consequently, the range of compliance and enforcement activities undertaken across the sector to achieve this is wide ranging and diverse.

### Natural Resource Agencies

- Agricultural Land Commission
- Environmental Assessment Office
- Ministry of Agriculture
- Ministry of Energy, Mines and Petroleum Resources
- Ministry of Environment and Climate Change Strategy
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development
- Oil and Gas Commission

### Partners

Natural resource agencies, as a whole, have a variety of other provincial, municipal, federal and Indigenous partners who have complementary regulatory roles and responsibilities. Natural resource agency staff recognize the important role that Indigenous peoples have been playing since time immemorial as stewards of the land. Natural resource agencies work and collaborate with Indigenous partners with the spirit and intent of the United Nations Declaration on the Rights of Indigenous Peoples, with recognition that further work is required to determine a new relationship between the Province and Indigenous peoples in regard to compliance and enforcement, and reconciliation. Agencies are continuing to develop relationships with Indigenous partners with the aim of building a new path forward and ensuring that Indigenous perspectives are incorporated into compliance and enforcement priorities.

Close coordination and collaboration with partners is often required and frequently results in the conduct of joint inspections and investigations. Partnerships play an important role in compliance and enforcement: having community members with intimate knowledge of the land, having access to Indigenous science, and collaborating with subject matter experts strengthens the provincial compliance regime.

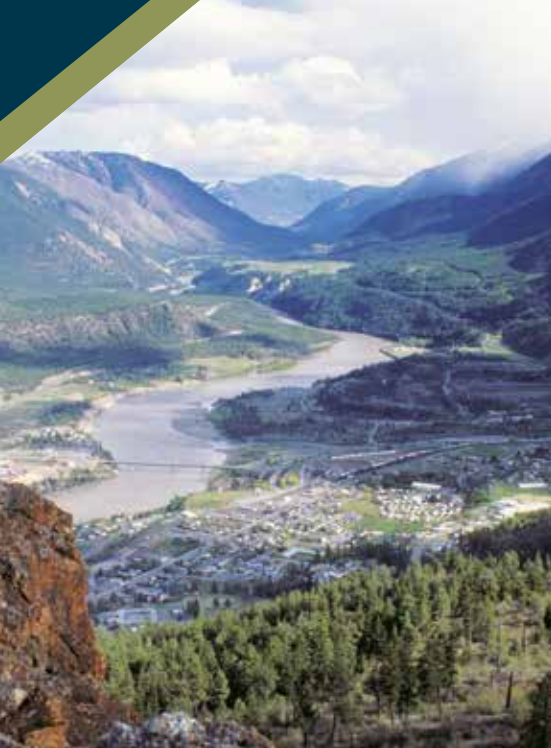


## Compliance and Enforcement in the Natural Resource Agencies

Within each of the natural resource agencies, there are a number of specific organizational units that are responsible for compliance and enforcement. The summary below is not exhaustive, but does highlight those units that have a large role in inspecting or investigating, as well as taking some form of compliance and enforcement action.

BC Government Natural Resource Agencies Compliance and Enforcement Organizational Units	
<b>Ministry of Agriculture</b>	Food Safety & Inspection Branch
	Agricultural Land Commission
<b>Ministry of Energy, Mines and Petroleum Resources</b>	Mineral Titles Branch
	Major Mines Office; Regional Operations Branch
	Health and Safety Branch; Compliance Audits and Enforcement Branch
<b>Ministry of Environment and Climate Strategy</b>	Regional Operations Branch
	Clean Growth Branch
	Conservation Officer Service
	BC Parks Regional Operations Branch
<b>Ministry of Forests, Lands, Natural Resources and Rural Development</b>	Compliance & Enforcement Branch
	Fish & Wildlife Branch
	Water Management Branch
	Wildfire Branch
<b>The Environmental Assessment Office</b>	Compliance & Enforcement Branch
<b>Oil and Gas Commission</b>	Compliance & Enforcement Operations

While each of these units is distinct, they all share a common culture of compliance and enforcement which requires a unique skillset and approach to public service. Moreover, many compliance issues are complex and solutions often lie across multiple units, regions, divisions or agencies, requiring coordinated planning processes and approaches to problem-solving. Accordingly, natural resource agency staff coordinate and collaborate efforts with the goal of achieving high rates of compliance.



## Purpose of this document

This document describes:

- The strategic context in which the natural resource agencies conduct compliance activities, including the compliance goal and objectives that guide compliance and enforcement related work;
- The approach that natural resource agencies take to ensure effective delivery, management and reporting of compliance and enforcement activities;
- An overview of the respective roles and responsibilities of natural resource agency compliance and enforcement staff; and
- An overview of the regulatory responsibilities held by natural resource agencies.

This document provides an overview of how the natural resource agencies collectively ensure compliance with both provincial and federal legislation. Many provincial agencies have delegated authorities under federal legislation.

# STRATEGIC CONTEXT FOR NATURAL RESOURCE AGENCIES

## Compliance Goal

Compliance with all regulatory requirements established to protect the environment, human health, public safety and our natural resources.

## Compliance Objectives

### Setting Requirements

Establish regulatory requirements that are clear, practical and enforceable.

### Promoting Compliance

Achieve high rates of voluntary compliance using effective education and communication strategies.

### Verifying Compliance

Ensure agencies have the information necessary to determine compliance, compliance rates and to inform program management.

### Enforcing Requirements

Enforce regulatory requirements using a consistent, clear and predictable approach.

## Natural Resource Agency Strategies and Activities

Each agency, through its related compliance programs, carries out activities in accordance with its specific regulatory mandate and priorities.

Coordinated planning occurs wherever feasible to ensure that efforts are aligned whenever practical.

# THE COMPLIANCE MANAGEMENT FRAMEWORK

## Regulated Party Defined

- The term 'regulated party' refers to any person or business subject to regulatory requirements, whether it is through legislation, regulations or an authorization or permit.

The Compliance Management Framework describes the comprehensive approach followed by natural resource agencies to achieve the compliance goal and objectives.

The framework emphasizes:

- A balanced approach, delivered in a manner that is fair, consistent, lawful and timely using a variety of tools to maximize compliance;
- The use of compliance and enforcement data, coupled with ambient or effectiveness monitoring data, as the basis for assessing risk and allocating resources to the most significant problems;
- The coordination and planning of compliance efforts to ensure the most efficient and effective use of resources, including continuous improvement; and
- Public transparency and effective communication of compliance results.

The Compliance Management Framework also reflects the agencies' collective work to:

### **Increase efficiency**

- Allocate resources to the most significant, highest-priority areas.
- Coordinate delivery of compliance activities.

### **Increase effectiveness**

- Promote awareness and understanding by regulated parties of the requirements that apply to them.
- Encourage high rates of compliance.
- Build a culture of continuous improvement.

### **Promote clarity about roles and responsibilities**

- Staff are clear and confident in how their roles support the achievement of high rates of compliance.

### **Improve accountability**

- Ensure the public, Indigenous peoples, partners and stakeholders participate in, are aware of and are confident in the natural resource compliance activities.
- Maintain a predictable regulatory environment that builds the confidence of regulated parties.

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

# THE COMPLIANCE MANAGEMENT FRAMEWORK

**Compliance Principles**

- Establish priorities based on risk
- Encourage shared stewardship
- Be accountable and transparent
- Foster a culture of continuous improvement

**Compliance Model for Natural Resource Agencies**

Ensuring Compliance

Ensuring Continuous Improvement and Accountability

**Performance Management**

- What compliance activities or projects were accomplished this year?
- Are we achieving the expected compliance outcomes?
- Do we need to adjust our approach in any way?
- What data is available to inform program management decisions?

**Communicating Our Results**

- Who needs to know about our compliance and enforcement work (e.g., regulated parties, Indigenous peoples, the public, staff)?
- What type of information do they need?
- What is the most effective and appropriate way to communicate?

**Requirements for Success**

- Timely and accurate information
- Planning and coordination
- Guiding policies
- Tools and training





## **Compliance Principles**

Compliance principles are an overarching component of the Compliance Management Framework. The principles reflect core values fundamental to the design of the Framework. These principles are used by staff to guide the implementation of compliance-related activities within their respective agency.

### **Establish priorities based on risk**

The primary consideration in establishing compliance priorities is risk (i.e., actual or potential impact to the environment, human health, safety or Crown resources and revenue, and the likelihood of occurrence). In addition, natural resource agencies recognize that a general presence on the land base and at regulated sites is also essential for achieving the compliance goal.

### **Encourage shared stewardship**

The protection of the environment, human health, and public and worker safety is a responsibility that is shared with other agencies, levels of government, Indigenous peoples, business/industry, organizations, stakeholders and the public. While natural resource agencies need to ensure that parties comply with regulatory requirements, they also work in partnership with regulated parties to advance environmental sustainability where possible.

### **Be accountable and transparent**

Regulated parties, Indigenous peoples, stakeholders and the general public need to be confident that government is upholding its regulatory responsibilities in a consistent, fair and predictable manner. This requires regular and timely reporting on compliance and enforcement activities, as well as meaningful engagement with partners and stakeholders in the delivery of compliance responsibilities.

### **Foster a culture of continuous improvement**

A commitment to continuous improvement is required to ensure the most efficient and effective management of compliance on an ongoing basis. This includes ongoing analysis of lessons learned, soliciting and incorporating feedback from partners, Indigenous peoples and the public, and when necessary, the enhancement of compliance approaches.



## Compliance Model

The compliance model followed by natural resource agencies 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.

The model involves:

1. Setting regulatory requirements that are clear, practical, measurable and enforceable;
2. Promoting requirements to ensure they are widely known by the regulated community and the public, and 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 and, where appropriate, compelling compliance through enforcement.

These four components of the compliance model are described in detail in the following section.

## OUR VISION

Regulatory requirements are set in a manner that:

- Best achieves desired outcomes;
- Can be readily understood and complied with by regulated parties; and
- Considers the social and economic costs and feasibility associated with 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, codes and authorizations established by government to protect the environment, human health, worker and public safety, and Crown resources and revenue from unacceptable impacts. From a compliance perspective, the way in which government sets a regulatory requirement is as important as what the requirement entails. When setting requirements, it is important to consider:

**Varying perspectives:** Requirements that are set in consultation with partner agencies, Indigenous peoples and the public generally build confidence in the agency's approach.

**Impact on regulated parties:** Requirements that are set in consultation with regulated parties generally have higher levels of voluntary compliance. These requirements can also be set with a view to minimizing administrative and financial burdens on regulated parties, making it easier for parties to comply (including harmonizing requirements with other regulators).

**Types of requirements:** In recent years, there has been a trend towards the use of results-based legislation. 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 outcomes. For many situations, a results-based approach allows the regulated party flexibility in how they achieve the desired outcome and may provide opportunities for innovation, increased efficiencies, and results that exceed performance targets. In other situations, prescriptive requirements may still be most appropriate due to potentially irreparable or costly impacts, and the size, scope and complexity of the regulated activity or sector.

The key factor, however, is that each requirement is 'enforceable'. This requires the regulator to be clear on who must do what, by when and to what standard. Enforceable requirements use consistent and unambiguous language, use defined terms and specify what is required.

## OUR VISION

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

### Examples of Compliance Promoting Activities and Tools

- Guidelines or best management practices (e.g., Streamside Crossing Guidelines and Mining and Smelting Waste Guidelines).
- Public information and education materials (e.g., Hunting Synopsis, Options for Wood Waste Use & Disposal Under Provincial Legislation).
- Outreach and education (e.g., public meetings, field contacts, industry workshops, media, social media).
- Specific compliance assistance, including tailored guidance materials and detailed technical papers (e.g., for the mining industry).

## 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 from another agency (e.g., Ministry of Health), but for which a natural resource agency has a complementary 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)
- Able to comply with the requirement (e.g., it is technically or financially possible). A 2018 report by the Canadian Federation of Independent Business underscores the importance of promotion activities in achieving compliance. Among its top recommendations for regulatory reform is for government to “ensure adequate communication of existing and proposed regulation,” and emphasizes the need for plain-language communication. Given the interrelationship between natural resource regulatory requirements, compliance promotion often requires a multi-agency approach to be effective.

## OUR VISION

- Verification activities may be scheduled or conducted with little to no advance warning, depending on consideration of risk (actual or potential impact to the environment, human health, safety or Crown resources and revenue, 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. Staff also assess the need to inform or collaborate with any other government or non-government partners.

## 3. Verifying Compliance

Compliance verification refers to the monitoring<sup>1</sup>, inspection and audit activities that natural resource agencies employ to determine if parties are meeting regulatory requirements. Compliance information may be obtained from 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, staff often conduct joint inspections. This is particularly common for inspections involving the mining, oil and gas, and agriculture sectors. Inspectors also act as other agencies' 'eyes and ears', observing, recording and reporting to each other on potential non-compliances. 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 requires less 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, as it continues to add to the 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 to inform program planning and management (see Managing our Performance).

<sup>1</sup> *In this situation monitoring refers to **compliance monitoring**, whereby performance is measured against a regulatory requirement to establish a compliance record. Compliance monitoring addresses whether people are complying with regulatory requirements (e.g., is a forest licensee retaining a riparian buffer as required?) whereas **effectiveness monitoring** measures progress towards a desired outcome or effect (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 (e.g., is the overall health of the stream improving?).*



## Compliance and Enforcement Roles

Natural resource agency staff have responsibility or authority under a large number of statutes, including the accompanying regulations, codes and authorizations (see Appendix A).

Typical compliance and enforcement roles used by natural resource agencies include:

**Inspectors:** Inspectors are designated under legislation. Inspectors undertake a wide variety of activities including reviewing monitoring data and reports, sampling discharges, entering facilities or private land and examining industrial works. Inspectors are also responsible for recommending enforcement action to address non-compliance.

One of the main roles of the inspector is to verify compliance. When an inspection results in a finding of non-compliance, the inspector will confer with the appropriate policy and procedure to determine the appropriate response.

While the majority of time spent by inspectors is on compliance verification duties, inspectors also play an important role in permit administration, as well as compliance promotion. To this end, inspectors will conduct educational workshops, liaise with industry associations and field a variety of inquiries from regulated parties and the public.

**Investigators:** If a non-compliance poses an actual impact or potential risk to the environment, human health or public safety, or it is unlikely that the regulated party will comply, an inspector may refer the file for investigation.

Investigators are specially trained to gather evidence, execute search warrants and take statements. In some cases, investigators can issue violation tickets, as well as build a case for possible prosecution.

**Statutory Decision Maker:** Many statutes authorize government staff to make decisions. These staff are called 'Statutory Decision Makers'. These decision makers respond to requests which permit, restrict, refuse or intervene in the undertaking of a wide variety of economic activities, including requiring that certain activities be undertaken. In many cases, these decision makers are also authorized to impose financial penalties for non-compliance.



## Compliance and Enforcement Tools

*Natural resource agencies have a variety of compliance and enforcement tools at their disposal. While the tools each agency has, and the ways in which those tools can be used, is unique and dependent on governing legislation, there is a lot of commonality.*

*Some tools are administrative and can be issued by staff such as warnings and advisories or by Statutory Decision Makers such as orders and administrative penalties. Other tools may only be issued by a designated government official subject to an investigation, such as violation tickets and recommendation of charges to Crown Counsel that may result in a court prosecution.*

Typical compliance and enforcement tools used by natural resource agencies include:

**Notice of Compliance:** issued by an inspector when all parameters of an inspection are found in compliance.

**Advisory:** issued by an inspector to advise of the potential for non-compliance, or to advise a non-compliant party that they are not in compliance and pointing out what must be done to achieve compliance.

**Warning:** warns of a possible escalated enforcement response if non-compliance continues. Warnings are also used by some agencies to create a compliance record when non-compliance occurs and is immediately remedied.

**Order:** issued by designated ministry officials to address non-compliance and/or manage environmental, health or safety risks. Orders may create new requirements to undertake specific, time bound actions or cease specific actions. Non-compliance with an order is an offence and may be prosecuted accordingly. Alternatively, non-compliance with an order may be dealt with by imposing an administrative penalty.

**Administrative Penalty:** a financial penalty that can be imposed by designated ministry officials on regulated parties for failing to comply with a particular provision of a statute, regulation, an order or the terms of an authorization. These penalties can be administered with less onerous procedural and legal requirements than those required for court prosecution.

**Community Environmental Justice Forum:** a dispute resolution process that uses the principles of restorative justice to address non-compliance. The forum, conducted by a certified government facilitator, is designed to ensure offender accountability, repair the harm caused by the offence and restore compliance.

**Violation Ticket:** issued by designated government staff, provides a means of dealing effectively and quickly with minor offences.

**Court Prosecution:** a legal proceeding recommended by designated officers and initiated by Crown Counsel to hold accountable a party alleged to have committed an offence.



## OUR VISION

- Consistent, fair and predictable responses to non-compliance.
- Enforcement responses will be appropriate for the alleged violation and will encourage ongoing deterrence.

## Examples of Enforcement Actions

- Administrative enforcement actions include advisories, warnings, orders, administrative penalties and administrative sanctions.
- Prosecutorial enforcement actions include violation tickets and court prosecutions.
- Some agencies use restorative justice as an alternative to prosecution.

## 4. Enforcing Requirements

While each natural resource agency has its own policies to guide the selection of appropriate responses to non-compliance, they all take into consideration the actual or potential impact on human health, safety, the environment or Crown resources and revenue, as well as the likelihood of achieving compliance with the alleged violator.

Generally speaking, enforcement actions are necessary to:

- Respond to non-compliance;
- Ensure a level playing field, i.e., ensure that no party benefits from not complying;
- Create a deterrence effect; and
- Instill integrity in the regulatory regime.

In responding to specific instances of regulatory non-compliance, the following factors guide an appropriate response:

- Any related history of non-compliance;
- Willingness to cooperate with officials;
- Evidence of corrective action already taken; and
- Existence of enforcement actions taken under other provincial or federal statutes.

While each fact pattern will be different in relation to non-compliance, the most important factor in determining an appropriate response is the effectiveness of the tool in achieving compliance as quickly as possible with no recurrence.





## Performance Management

In order to make informed decisions about how to establish priorities and allocate resources, natural resource agencies review individual cases of compliance inspections, as well as overall compliance rates as part of ongoing performance management. Tracking and analyzing compliance information is necessary to determine whether program adjustments need to be made.

Information from the following is essential:

### Performance measures

Performance measures are collected on an ongoing basis to measure operational results. They range from specific program outputs (e.g., number of permits issued, number of inspections or investigations conducted) to broader outcomes.

### Program evaluation

Program evaluations answer specific questions about the performance of a program or a suite of regulatory requirements. Evaluations are routinely conducted and are frequently used to determine program effectiveness.

### 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.

Performance information serves three important functions:

1. It informs decisions at the program level, helping staff to assess present and future risks, set operational priorities, and continuously improve compliance activities.
2. It enables program managers to monitor overall compliance results and to identify any enhancements that may be required to the regulatory approach.
3. It ensures that each agency remains accountable for its compliance activities, and facilitates reporting of compliance results to the government, stakeholders and the public.

## DID YOU KNOW?

Natural resource agencies are moving toward a one window approach for reporting on compliance and enforcement activities: Natural Resource Compliance and Enforcement Database (NRCED).

### Public Reporting Spotlight

The [BC Mine Information site](#) profiles major mines across the province and makes mine-related information from the Environmental Assessment Office, the Ministry of Energy, Mines and Petroleum Resources, and the Ministry of Environment and Climate Change Strategy available online, in one place.

## Communicating Our Results

Many people are interested in learning the results of natural resource compliance and enforcement activities. These include the government, regulated parties, Indigenous peoples, partners, stakeholders and the general public. Communicating results means advising these parties of compliance activities and outcomes in a way and at a level of detail that is appropriate for the audience in question. The purpose of external compliance reporting is two fold:

1. Advance government's commitment to openness and transparency; and
2. Provide incentive to compliant individuals and businesses, and deterrence to non-compliant ones through the means of public accountability.

It is also important for natural resource agencies to share compliance results internally. The purpose of internal compliance reporting is to increase learning among staff through the sharing of methodologies and experiences. Ongoing reviews 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.

### Examples of Natural Resource Agency C&E Reporting

[BC Mines Information site](#) Profiles major mines from across the province and makes mine-related information available in one place.

- [EPIC](#) Information on Environmental Assessment Projects, including compliance and enforcement information.
- [Environmental Compliance Reporting](#) Administrative penalties, annual reports and audits conducted under the Environmental Management Act.
- [OGC Compliance & Enforcement](#) Records of enforcement actions taken by the Oil and Gas Commission (OGC).
- [NR C&E Twitter](#) Up-to-date information on Environmental compliance in B.C. including changes, enforcement and education.

[Natural Resource Compliance and Enforcement Database](#)



## Requirements For Success

### Guiding Policies

Natural resource agencies develop policies to provide guidance and clarity for staff with respect to compliance and enforcement activities and requirements. In addition to assisting with operational delivery, guiding policies also ensure that compliance activities are delivered in a consistent, fair and transparent manner which is key to the success of the compliance model.

### Tools and Training

Ensuring compliance requires staff to have the appropriate tools and training. Comprehensive, ongoing training is required to ensure that staff have the skills, abilities and knowledge to effectively implement compliance and enforcement activities. Some examples of common training topics include administrative law, exercise of powers and authorities, inspection techniques, sampling, evidence gathering and handling, and preparing reports to Crown Counsel or delegated Statutory Decision Makers. Individual agencies also undertake specialized training in relation to their mandate and regulatory responsibilities.

### Timely and Accurate Information

In order to make informed decisions, natural resource agencies need compliance related 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 managers who make strategic program management decisions on the basis of identified patterns and trends.

### Planning and Coordination

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 resources are employed in the most efficient and effective manner. Given that compliance issues can be complex and the solutions often lie across multiple pieces of legislation, multiple regions, divisions or with other partners, planning processes are integrated and coordinated wherever practical.

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

### **The United Nations Declaration on Rights of Indigenous Peoples**

In 2007, the United Nations General Assembly adopted the [United Nations Declaration on the Rights of Indigenous Peoples \(UN declaration\)](#). It includes 46 articles covering all facets of human rights of Indigenous peoples such as culture, identity, religion, language, health, education and community.

On July 18, 2017, Premier John Horgan tasked all government ministers with fully adopting and implementing UN declaration, and the calls to action of the Truth and Reconciliation Commission (TRC).

### **The 10 Principles**

[The Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples \(principles\)](#) are modeled on principles introduced by the federal government in 2017. The Province's principles provide high-level guidance on how provincial representatives engage with Indigenous peoples.

### **Key Pieces of Legislation**

[The Agricultural Land Commission Act \(the ALC Act\)](#), designates the Agricultural Land Reserve and is the high-level statute that sets out principles and broad rules for the Commission: to preserve agricultural land, to encourage farming on agricultural land in collaboration with other communities of interest, and to encourage local governments, First Nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

The ALC Act takes precedence over, but does not replace other legislation and bylaws that may apply to the land. Local and regional governments, as well as other provincial agencies, are expected to plan in accordance with the provincial legislation of preserving agricultural land.

[The Environmental Assessment Act](#) provides a mechanism for reviewing proposed major projects in B.C., including major mining projects, to assess their potential impacts. The Environmental Assessment Office manages the assessment of proposed major projects as required by the Environmental Assessment Act. Potential adverse effects associated with major projects are managed through conditions attached to the Environmental Assessment Certificate issued for those projects.

[The Environmental Management Act \(EMA\)](#) regulates industrial and municipal waste discharge, pollution, hazardous waste and contaminated site remediation. EMA provides the authority for introducing wastes into the environment, while protecting public health and the environment. EMA enables the use of permits, regulations and codes of practice to authorize discharges to the environment and enforcement options, such as administrative penalties, orders and fines to encourage compliance. Guidelines and objectives for air and water quality are developed under EMA.



[The Fish and Seafood Act](#) regulates food safety, including the collection of important related economic data. The Fish and Seafood Act regulates activities within the seafood industry including requiring that first receivers of commercially- caught fish from a commercial fisher obtain a Fish Receiver Licence, requiring fish, seafood, and aquatic plant processors obtain a Seafood Processor Licence, and requiring commercial fishers selling catch to the general public directly from their harvest vessel, or to restaurants or retail stores obtain a Fisher Vendor Licence.

[The Forest Act](#) applies primarily to Crown land and is largely not applicable to private land; however, some provisions may apply. The Forest Act establishes the requirement of timber marking and scaling for Crown and private land timber. The Timber Marking and Transportation Regulation further clarifies the responsibility for accurate completion, retention and submission of transportation documents.

[The Forest & Range Practices Act \(FRPA\)](#) outlines how all forest and range practices and resource-based activities are to be conducted on Crown land in B.C., while ensuring protection of everything in and on them, such as plants, animals and ecosystems.

All forest and range licensees' activities are governed by FRPA and its regulations during all stages of planning, road building, logging, reforestation and/or grazing.

[The Geothermal Resources Act](#) governs development and use of geothermal resources 80°C and above. Low-medium temperature uses are not governed by the Act.

[The Great Bear Rainforest \(Forest Management\) Act](#) supports a strict new ecosystem-based management regime created through unprecedented collaboration for the globally unique region along B.C.'s north and central coast.

[The Greenhouse Gas Industrial Reporting and Control Act \(GGIRCA\)](#) sets out the requirements for industrial facilities to report and control their greenhouse gas emissions. GGIRCA enables the setting of performance standards or greenhouse gas emissions limits for industrial facilities and provides compliance pathways for regulated operations (e.g., purchasing offset units or funded units for emissions above a specified limit). GGIRCA provides authority for the Greenhouse Gas Emission Control Regulation which outlines how offset units and credits are issued, transferred and retired through B.C.'s Carbon Registry. GGIRCA also enables the Greenhouse Gas Emission Administrative Penalties and Appeals Regulation which establishes when, for how much, and under what conditions administrative penalties, including monetary penalties, may be levied for non-compliance with GGIRCA.

[The Heritage Conservation Act](#) intends to encourage and facilitate the protection and conservation of heritage property in B.C., provides heritage designation provincially.



[The Integrated Pest Management Act](#) and Regulation are the primary regulatory tools governing the sale and use of pesticides in the province. Integrated Pest Management is a decision making process for managing pests in an effective, economical and environmentally sound way. An Integrated Pest Management approach can be used for crops and livestock pest management, and in the home garden.

[The Land Act](#) is the primary article of legislation that is used by the government to convey land to the public for community, industrial and business use. The Land Act allows the granting of land, and the issuance of Crown land tenure in the form of leases, licences, permits and rights-of-way.

[The Mineral Tenure Act](#) is the primary statute that authorizes the registration of mineral and placer titles within B.C., and provides the policy framework for Mineral Titles administration.

[The Mines Act](#) and the accompanying Health, Safety and Reclamation Code for Mines in British Columbia (the Code) protects workers, the public and the environment through provisions for minimizing the health, safety and environmental risks related to mining activities. Proposed mining and exploration activities require authorization under the Mines Act. Proposed major mines (e.g., metal and coal), major expansions/upgrades to existing mines, and some large-scale exploration/development projects require approval under the Mines Act as per part 10 of the Code.

[The Oil and Gas Activities Act](#) regulates oil and gas and related activities in British Columbia, including wells, facilities, oil refineries, natural gas processing plants, pipelines and oil and gas roads, through permits, authorizations, orders and regulations.

[The Park Act](#) provides for the establishment, classification and management of parks, conservancies and recreation areas. Under the authority of the Park Act, there are three classes of parks: Class A, B and C. Class A parks and conservancies are established by inclusion in the schedules to the [Protected Areas of British Columbia Act](#) or by order in council under the Act. Class B and C parks and recreation areas are established by order in council under the Park Act.

[The Water Sustainability Act \(WSA\)](#) intends to ensure that a sustainable supply of fresh, clean water meets the needs of B.C. residents today and in the future. The WSA is the principal law for managing the diversion and use of water resources. The WSA provides important tools for protecting, managing and using water efficiently throughout the province.

[The Wildfire Act](#) and Wildfire Regulation define the legal responsibilities and obligations to which everyone in British Columbia is subject. When the BC Wildfire Service places bans or restrictions in an area, the Wildfire Act and Regulation makes them enforceable.

# COMPLIANCE MANAGEMENT FRAMEWORK

---

Natural Resource Agencies' Approach to Ensuring Compliance

2020

