SUMMARY REPORT
of the

Toronto Public Workshop
on the

Draft Government Directive on Regulating

Held November 18, 2005

Prepared by:

Hajo Versteeg, B.A., LL.B., M. Jur.
Environmental Law and Policy Advisor
5365 Hilltop Dr
Manotick, Ont, Canada K4M 1G4
☎ (613) 692-4837
✉ hajo@sympatico.ca

And:

Stratos Inc.
1404-1 Nicholas Street
Ottawa, Ontario
K1N 7B7
www.stratos-sts.com

1. Background and Context: The Draft Government Directive on Regulating and the Public Workshops

As part of the Government of Canada's Smart Regulation Initiative, the Privy Council Office (PCO) has been tasked with developing a proposed *Government Directive on Regulating* to strengthen the current federal process for designing, implementing, evaluating and reviewing regulations. Once approved by the government, the *Government Directive on Regulating* will replace the current Government of Canada Regulatory Policy. It will apply to all federal departments and agencies responsible for regulating.

The PCO has committed to working with a broad cross-section of Canadians interested in developing the draft *Government Directive on Regulating* (the draft Directive). To this end, an independent consultant was hired to work with interested parties including environmental, health, consumer, industry, business and labour groups, and Aboriginal organizations to prepare a Consultation and Engagement Strategy. The Strategy recommended several mechanisms for Canadians to express their views on the draft Directive. The PCO adopted all of the recommendations including the sponsoring of eight public workshops across Canada to solicit input on the draft Directive.

The **purpose of the public workshops** was to:

- provide participants with an opportunity to present their views and to hear the views of others on the draft Directive; and,
- work with others in a multi-stakeholder setting to develop practical advice to government on improving the draft Directive.

Workshops were held as follows:

- Moncton, November 14, 2005
- Montreal, November 16, 2005
- Toronto, November 18, 2005
- Winnipeg, November 21, 2005
- Saskatoon, November 23, 2005
- Calgary, November 25, 2005
- Yellowknife, November 28, 2005
- Vancouver, November 30, 2005

The public workshops were one of several initiatives aimed at soliciting stakeholder input into the draft Directive. The other initiatives include an invitation to make submissions (written or electronic) on the draft Directive, by December 23, 2005. Extensive information is posted on the following website: (www.regulation.gc.ca and follow the Smart Regulation Initiative link). Information on this site includes the draft Directive, information on the Smart Regulation

Initiative, the Consultation and Engagement Strategy for developing the draft Directive, the current Government of Canada Regulatory Policy, the agenda and the PCO slide show presentation used at the Public Workshops, and opportunities to comment on the draft Directive. PCO will continue to routinely contact its comprehensive email list of interested parties to notify them of updates that are posted on the website.

Over 900 organizations, associations, networks, groups and individuals with an interest in the draft Directive were directly contacted by the PCO about the public engagement opportunities and were given specific information on how to get involved. In addition, the Canadian Environmental Network was contracted by the PCO to notify individuals and organizations associated with their Network about the public workshops and to ensure that a core group of individuals (five to eight per workshop) affiliated with environmental, consumer, public health and labour groups were in attendance at all of the workshops except Yellowknife. Separate interactions were held between the PCO and five aboriginal organizations aimed at encouraging attendance, particularly at the Yellowknife workshop. In total, approximately 250 individuals attended the eight workshops. These individuals were affiliated with a broad cross-section of interests including: all levels of government, aboriginal groups, industry, business, the natural resource sectors (e.g., farming, fisheries and forestry), environmental non-government organizations, labour, public health and consumer groups and individual members of the Canadian public.

2. Structure of the Public Workshops

Consultants were engaged to assist in the design and to facilitate the workshops. In addition, the consultants were responsible for preparing separate venue Summary Reports highlighting the key issues, options and messages that were heard during each workshop, as well as a final Report summarizing what was heard across the country.

3. The Toronto Workshop (November 18, 2005)

3.1. Attendance at the Toronto Workshop

In total, 49 individuals attended the Toronto workshop. These individuals were affiliated with research institutes, industry and business, the natural resource sectors (e.g., farming, food producing and processing interests), government agencies, aboriginal organizations and public advocacy groups, including but not limited to environmental non-government organizations, public health, labour and consumer groups. For a complete list of participants, see Appendix 1.

3.2. Modification of the Toronto Workshop agenda

At the request of participants, the Toronto workshop agenda was modified to allow a discussion of the Commitment to Canadians before the other two themes. Several participants, primarily from the public interest sector had requested that the workshop proceed in plenary for the entire workshop. However, due to the large number of participants, the facilitator decided that the workshop would begin with small group discussions on each of the identified themes, followed by reporting out in plenary of the small group discussions.

3.3. Structure and content of this Workshop Report

Section 4 of this Report provides a summary of what was heard at the Toronto Workshop held on November 18, 2005. Generally this section follows the structure of the revised workshop agenda along the three main themes corresponding to specific sections in the draft Directive: 1) Commitment to Canadians; 2) Regulatory Analysis; and, 3) Implementation. In many instances, participants provided very useful comments that related to the workshop process, to the regulatory policy/process in general, to the draft Directive as a whole, and to the Smart Regulation Initiative itself. While the draft Directive was the primary focus of the workshops, the more general issues raised by participants have also been captured in Section 4.

This Report strives to ensure that all of the issues that were heard in each of the sessions are presented fairly. However, “the details” that often accompanied a specific view, and examples used to illustrate these views are not presented in this Summary Report. As noted at each workshop, the views detailed in this Report are not attributed to any particular individual. In some cases this Report does attribute a particular perspective to a specific stakeholder interest where this is appropriate and helpful. Readers who participated in the workshops are cautioned that the issues they raised are not reported verbatim in this Summary Report. However, workshop participants should be able to recognize the general intent and thrust of the comments/advice that they raised in the sessions. Participants were informed that the Summary Reports for each workshop would be posted on the website www.regulation.gc.ca within three to four weeks of each session. Individuals who feel that comments they expressed at the workshop were not fairly captured in this Summary Report, or who want to add additional comments were strongly encouraged by PCO personnel and the facilitator to post their views on the website, preferably by December 23, 2005. All posting on the website are available for public viewing.

The facilitator stressed that the purpose of the sessions was to solicit the views of participants, and not necessarily to strive towards consensus with respect to any particular view. As a result, a particular perspective on the draft Directive that was proposed by one individual at one session is as legitimate and as important in helping the PCO prepare the Directive as a perspective that was shared by many participants across sectors in all sessions.

4. Summary of what was heard at the Toronto Workshop

4.1. General comments relating to the Workshop process and the Smart Regulation Initiative

- Several participants, primarily from the public advocacy sector, stressed that not enough had been done to inform the public of these consultations. One participant reported running into a local Member of Parliament who had not been aware of the workshop. It was suggested that PCO did not have a mandate to consult the public (that is the role of Parliament) and that the process therefore undermined democracy.

- A participant asked “for the record” whether media were present in the room. One person from media was in the room. However, he was participating as a stakeholder and not as a reporter.

- Many participants, primarily from the public advocacy sector, expressed a distrust of the objectives of the Smart Regulation Initiative, and that the economic objectives of the Smart Regulation Initiative had no place in federal health and safety programs. Several participants, quoting the Krever Commission, suggested that the government has forgotten that it regulates in the interests of public health and safety and not in the interest of regulated industries. It was pointed out that industry should never be the paid client of the regulator, and the regulator must never be the promoter of industry’s products and technologies. One participant noted that the Smart Regulation Initiative had found its way into other areas of policy such as the *Canadian Environmental Protection Act* and suggested that the public should have been consulted for its views on something as far-reaching as the Smart Regulation Initiative. “Failure to put health and safety objectives ahead of economic interests renders the regulatory process untrustworthy.”

- One individual quoted from *Improving Occupational Safety Regulatory Amendment Process and Alternate Regulatory Instruments* Labour Program, Government of Canada, which says that “the primary goal of preventing occupational diseases and injuries will not and must not be compromised by the introduction of Smart Regulations and other instruments.”

- Several participants felt that the regulatory system would be improved by holding individuals within the civil service fully accountable for their decisions (and removing any immunities).

- It was suggested that Canada lacks a standard by which health is measured. Some legislation has not been updated since initially enacted more than 100 years ago.

- There was a strong desire among participants from the public advocacy groups to attribute comments to either individuals or organizations in the workshop reports. They felt doing so would make the process more transparent.

4.2. General comments relating to the draft Directive

- Many participants, primarily from the industry, business and natural resource sectors, expressed strong support for the approach of the draft Directive. From their perspective, risk assessment / risk management and cost-benefit analysis were important tools which, when used with environmental and social impact analyses, would produce better regulations. They pointed out the potential benefits of the requirement in the draft Directive that federal, provincial and territorial regulators cooperate and consult with each other when designing and assessing regulatory responses to manage public policy issues.

- Many participants, primarily from the public advocacy sector, questioned the objectives of the draft Directive, which they viewed as "incompatible with federal health and safety programs" and a move toward deregulation and reduced protection for the environment, health and safety of Canadians. They felt, for example, that the use of terms such as "evidence," "best available science," "risk assessment," "economic impact assessment," "voluntary" measures and "cost benefit analysis" could and would be used to weaken or eliminate the use of precaution in decision making. In their view, the draft Directive's emphasis of economy over protection was reflected in the sections of the draft Directive that require regulatory initiatives to comply with international trade obligations. It was suggested that "health and safety must have primacy over economics; there is no such thing as 'balancing' the two". Several participants noted that the words "precaution" and "sustainable development" were missing from the text of the draft Directive. One person asked why the biggest issues of the day, including climate change were not the cornerstone of the draft Directive. A clear message from these participants was that the Precautionary Principle must be made the cornerstone of the draft Directive and of all regulatory activity in Canada.

- It was suggested that, although the draft Directive describes how departments and agencies go about the business of regulating, it nevertheless introduces a number of biases into the process that favour industry. For example, references to instrument choice, minimizing unnecessary burdens and ensuring that benefits outweigh costs thwart the good intentions of regulations for protecting health and safety.

- One participant noted that the draft Directive referred throughout to Canadians, although most Canadians were unaware of its existence.

- One individual said that the draft Directive assumes that policy makers know what they are doing which, in his opinion, was clearly not the case.

- Several participants felt that the draft Directive has an inherent bias against regulating which is revealed by its reference to analyzing the impact of regulations. This betrays an implicit assumption that the regulatory system is inherently burdensome, inefficient, and therefore bad. The assumption is that regulation must be dispensed with.

- A suggestion was made that the draft Directive includes a flow chart or other tools to help people understand the process and the different points along the way where they can become involved. It was felt that people do not get involved because the generally don't understand the processes.

- The suggestion was made that all reports generated during the life cycle of regulations be made readily available to the Canadian public.

- The suggestion was made by several participants that the draft Directive should apply to the existing body of regulations, not just new ones.

- Several participants suggested that, given the importance of coordination and cooperation to the development of efficient and consistent regulations, the draft Directive needs some form of interdepartmental communications strategy.

- It was suggested that the draft Direction incorporate a dispute or conflict resolution mechanism.

- Several participants felt that the approach being proposed was reactive rather than proactive (e.g., the Directive speaks about "mitigating" problems rather than preventing them). Several participants identified the need for stronger action-oriented language throughout the Directive; to use words such as "must", "shall" and "will" instead of "should," "may" and "expected to". Several participants suggested that the draft Directive must explicitly require all departments and agencies to comply with its requirements.

- The PCO needs to have its role strengthened to provide continuity of approach and to allow it to facilitate regulatory reform and promote continuous improvement.

- It was suggested that the draft Directive was too long and should be shortened.

4.3. Specific comments related to the "Commitment to Canadians" section in the draft Directive (line 39-71 in English version/ lines 39-75 in French version)

- Generally, participants primarily from the industry, business and natural resource sectors were comfortable with the statement of commitment to Canadians, although they provided detailed comments for improving them (see below). They particularly liked the reference to basing decisions on evidence and best available knowledge and science. However, several felt that it was unclear who would have a role in determining what constituted "best" knowledge or evidence, and suggested that the process for deciding be made more open ("it should not be left to the departments to decide"). Some wondered how "certain" evidence had to be to warrant regulatory action.

- Many participants, primarily from the public advocacy sector, stressed that the statement of commitments must affirm that the primary purpose of regulations and government is to protect and preserve health, safety and environment and that this has primacy over the pursuit of economic objectives. These participants proposed making the Precautionary Principle and sustainable development the cornerstones of the draft Directive. Many felt that all references to managing risks and balancing protection with economic costs and benefits must be removed. A number of specific changes were suggested:
  - Incorporate the first commitment (lines 47 to 49, or lines 48 to 50 in the French version) into the first paragraph (preamble) of the commitments and reword it so that it provides an overarching statement that lists requirements (not just things that are nice to have). Among these requirements should be a commitment to protect the most vulnerable populations.
  - "Economy" should be removed from the first commitment (lines 47 to 49, or lines 48 to 50 in the French version), because listing it alongside health, safety and environment suggests that they are equally important and that some sort of balance is being sought.
  - Add "sustainable" to the third commitment (lines 54 to 56, or lines 56 to 58 in the French version).
  - Add the words "prevention" and "protection," which are missing from the text of the commitment.
  - The commitments should identify health and safety objectives that will be monitored and reported to Parliament annually.

- The issue of accountability was raised by many participants from both the private sector and public advocacy groups. Several business participants noted that the current regulatory policy was applied inconsistently across departments and agencies. It was suggested that a statement be added to explicitly require all departments and agencies to abide by the commitments. It was felt that the commitments should identify who is

accountable for ensuring compliance with the directive, and that the public have some role to play in monitoring compliance. One participant suggested that the draft Directive commit to stricter penalties that are severe enough to act as a deterrent to those who might break regulations. A specific suggestion was made to add "accountability" to the fifth and sixth commitments (lines 61 to 62 and lines 64 to 66; lines 64 to 65 and lines 67 to 70 in the French version).

- Many participants, primarily from the industry, business and natural resource sectors, felt that there needed to be an explicit commitment to exploring other measures before resorting to regulations (before they start looking at the "mix of instruments" … "regulation, if necessary, but not necessarily regulation." In this regard, it was suggested that non-regulatory tools for achieving policy objectives should be named in the commitments (e.g., guidelines and standards), including a reference to the "triage" concept.

- The importance of transparency in all aspects of the regulatory process was highlighted by many participants, a number of whom suggested that the commitment to transparency (lines 61 to 62; lines 64 to 65 in the French version) needed strengthening. For some participants, the RIAS did not provide a sufficient level of transparency. A suggestion was made that public involvement in the regulatory process begin at a much earlier stage.

- The suggestion was made by several participants that the draft Directive needed to commit to developing science in Canada. A proposal was made to add "scientific advancement" to the third commitment (lines 54 to 56; lines 56 to 58 in the French version).

- Many participants, from both the public advocacy groups and businesses (but for different reasons), felt that the objectives of the draft Directive need to be made clearer. The proposal was made by a business participant that the section includes a clear statement of "Policy Objectives".

- Some participants felt that definitions were needed for some of the terms used. For example, it was noted by one participant that depending on how "effective" is defined, one could either support or object to making more "effective" regulations (lines 64 to 66; lines 67 to 70 in the French version). Other terms that were identified as needing definitions included: "costs" (do these refer to monetary costs or do they include the difficult-to-measure costs to health and the environment?), "fair" (for whom?) and "public interest" (are there any exclusions?). Other participants felt that ambiguity in the language was desirable because it provided the flexibility needed to apply the Directive to regulatory activities in all sectors.

- The following specific changes to the commitments were identified by participants:

  - Add the word “credible” to the list of adjectives in the fifth commitment (lines 61 to 62; lines 64 to 65 in the French version).
  - Add a commitment to communications in the fifth commitment (lines 61 to 62; lines 64 to 65 in the French version).
  - Remove the word “more” from the fifth commitment (lines 61 to 62; lines 64 to 65 in the French version), so that the commitment reads: “Create accessible, understandable and responsive regulation….”
  - Add the idea of continuous improvement to the sixth commitment (lines 64 to 66; lines 67 to 70 in the French version). This would include a commitment to evaluation.
  - Add a requirement for cross-departmental cost analysis to the language of the sixth commitment (lines 64 to 66; lines 67 to 70 in the French version) to help break down the “silos” that exist.
  - Add a commitment to a life cycle approach to regulating. Although this is referenced elsewhere in the draft Directive, it needs to be strengthened as a commitment.
  - Replace the words “businesses” and “Canadians” with “external and internal stakeholders” to reflect that it is more than just Canadians that have an interest in regulations.
  - Strengthen the language in the seventh commitment (lines 68 to 70; lines 72 to 75 in the French version) by replacing “facilitate” with “ensure” so that it reads: “Ensure timeliness, efficiency and policy coherence…”

- Participants from all sectors expressed a desire to see specific timelines added to the commitment.

- It was suggested that the government needed to think about how it was going to measure implementation of the commitments.

4.4 Specific comments related to “Regulatory Analysis” in the draft Directive (lines 72-506 in English version/ lines 81-565 in French version)

- Concerns about the prominence given to economic considerations relative to environment and health issues (see above) were raised by participants from public advocacy groups in relation to this section of the draft Directive. For some, the section needed to be rewritten to remove references to “risk assessment” and “cost benefit analysis” and to incorporate the Precautionary Principle “as the basis for a broad, transparent and independent assessment of risk in order to protect the public from hazards, especially children and future generations.” Some participants flagged for the record that “cost benefit analysis is contested

territory" and its problems are legion. One participant suggested that cost-benefit analysis should be reworded to include total costs and benefits (beyond monetary to include environmental, social etc. values).

- In general, participants from the industry, business and natural resource sectors supported the approach of this section of the draft Directive. They specifically mentioned risk management, triage, cost-benefit analysis, evidence-based decision making, compliance with international obligations, the integration of social, economic and environmental impact studies into regulatory analysis and designing regulations from the perspective of those who must comply as desirable features of the approach and requested that the sections dealing with these aspects of the approach remain in the Directive.

- A number of participants highlighted the value of measuring and monitoring the extent to which regulation attains its intended policy objectives (lines 511 to 515; lines 570 to 575 in the French version) and its importance for involving stakeholders in the regulatory assessments. The right performance indicators must be chosen carefully.

- Participants from the public advocacy groups felt that there was an excessive emphasis in the draft Directive on fulfilling international obligations (lines 259 to 305; lines 291 to 343 in the French version), particularly those with a trade component. One participant suggested rewriting the section to convey the idea that the needs of Canadians supersede those of the country's international trade commitments and to outline conditions for getting out of these commitments when they are not in the interest of Canadians.

- The following specific changes to the this section were identified by participants:
  - Replace "contention" with "impact" on line 129 (line 148 in the French version).
  - The section entitled *Consulting Canadians* (lines 138 to 175, or lines 157 to 200 in the French version) must provide greater details on how comments from Canadians are received and how they are considered in the development of regulations, citing the Ontario Environmental Bill of Rights as a precedent. Many participants, primarily from the public advocacy sectors favoured public access to all comments received during the Canada Gazette process
  - Change "participate" to "actively engage" in line 145 (line 164 in the French version).
  - Add a bullet to the list on lines 153 to 156 (lines 172 to 176 of the French version) that holds departments and agencies responsible for ensuring that all relevant stakeholders have had an opportunity for involvement.

- Add “implementation strategy” to line 155 (line 175 in the French version)
- In line 159 (line 179 in the French version), change “inform Canadians” to “engage Canadians and listen to Canadians,” as this will require departments and agencies to actively seek the participation of Canadians.
- Add the Precautionary Principle to lines 159-160 (or lines 179 to 181 in the French version).
- Increase the standard comment period (30 days) for regulatory proposals published in the *Canada Gazette* (line 168 or line 191 in the French version). A suggestion was made to use the list in lines 124 to 129 (lines 143 to 148 in the French version) to determine how long a regulatory proposal remains in the *Canada Gazette* for comment.
- Delete the reference to managing risk in the section from lines 184 to 193 (lines 210 to 221 in the French version). Some participants felt this section was incomprehensible and should be completely deleted. Some other participants felt this section was very useful and should be retained.
- In lines 203-204, the scientific and empirical evidence and public concern (delete “perception”) are separate issues and should be addressed separately.
- In the section from line 206 to 211 (lines 236 to 241 in the French version), add a statement that says regulators are responsible for checking whether regulations already exist at other levels of government so that duplication and conflict are avoided.
- Some participants advised that the entire paragraph from lines 206 to 211 be deleted (lines 236 to 241 in the French version). Alternatively some participants suggested that the phrase “identify the degree to which these objectives…manage or mitigate risk over time” be deleted.
- Under *Selecting the Appropriate Mix of Government Instruments for Action,* some participants recommended deleting lines 217 – 220 as unhelpful. Some participants also suggested removing the last bullet (lines 232 to 233, or lines 262 to 263 in the French version) because regulations must be designed only with the public interest in mind. Some participants also noted the need to consider unintended adverse consequences and activities, including those at the provincial level.
- Change “…of those who must administer or comply with it” to “…of those who must administer it and for those who must comply with it” in lines 232 to 233 (lines 262 to 263 in the French version).
- Add “or parts thereof” to lines 241 to 242 (lines 271 to 273 in the French version) so that it reads “make use of voluntary consensus-based standards or guides, or parts thereof, when they adequately fulfill intended policy objectives.” Some participants advised that the phrase “voluntary consensus-based” should be delete
- The section entitled *International Obligations* is generally unbalanced with an excessive focus on trade. At the very least, specific reference

must be made to non-trade international agreements, such as Kyoto, CITES and the Basel and Rotterdam Conventions. Some participants recommended the removal of the entire section from lines 285 to 305 (lines 319 to 343 in the French version). The international examples provided are not appropriate or comprehensive.
- Strengthen the language in lines 285 to 305 (lines 319 to 343 in the French version) by outlining the consequences of poor performance. Verification needs to be built into the section.
- Change the language in lines 329-333 (lines 368 to 370 in the French version) so that it is clear that regulation is not the first course of action. This may be a place to recognize the importance of other instruments such as guidelines.
- Add a bullet below line 333 that says that Federal, Provincial and Territorial departments and agencies are expected to comply with agreements on international trade.
- Lines 373 to 375 (lines 415 to 419) should state that stakeholders will be actively involved in cost-benefit analyses.
- Include the word “fair” in the bullet from lines 440 to 441 (lines 494 to 495 in the French version), to guard against the unfair consequences of regulations on different sectors.
- Replace “range of tools” in line 482 to 483 (lines 541 to 542 in the French version) with “a tool or a range of tools,” because there will not always be a range of tools.
- Lines 484 to 485 (lines 543 to 544 in the French version) must also reference the resources required for compliance and enforcement.
- In line 484 (line 543 in the French version), “human and financial resources” should be changed to “resources (such as human and financial)”. There are other types of resources.

4.5 Specific comments related to the “Implementation” section of the draft Directive (lines 507 to end in English version/ lines 566 to end in French version)

Discussions pertaining to this section of the draft Directive were much shorter than the other themes.

- The following specific changes to this section were identified by participants:
  - Timelines need to be defined for the review stage (lines 534 to 546) and for measuring and reporting on performance (lines 509 to 524). There may be an opportunity for prioritizing the list from lines 534 to 546 (line 597 to 610 in the French version). Alberta’s model may be worth looking at.
  - Line 586 needs to be clearer on who does what.
  - Line 589 needs to be rewritten to make the role of PCO clearer.

  - Add *A Framework for Science and Technology Advice: Principles and Guidelines for the Effective Use of Science and Technology Advice in Government Decision Making* to the list of policies and frameworks listed in Section VI (lines 643 to 652, or lines 718 to 728). It is useful for determining whether risk assessments have been done properly.

- Adequate resources must to be committed for compliance and enforcement and implementation of the directive.

- Many participants emphasized the importance of maintaining transparency in the regulatory process. In line with this, the role of stakeholders in holding the government accountable must be strengthened somehow. Participants suggested that the reports and information generated and used in the regulatory process be made available to Canadians, including:
  - The results of the PCO's assessment of the effectiveness of regulations should be made public (line 591);
  - The reports and information generated in lines 567 to 591 (lines 663 to 662 in the French version).
  - Lines 631 to 633 are very important and must be kept in the Directive;
  - Lines 665 to 670 are good, but you need to ensure public engagement;
  - Compliance and verification reports to Parliament should be made public.

- Several participants liked lines 669 to 670 which calls on the PCO to work with departments to develop performance measurement and evaluation strategies.

4.6 Final Roundtable from participants

Before adjourning for the day, the facilitator asked each person in the room to provide any additional suggestions or comments that were not already raised during the workshop. Participants were asked to consider whether the draft Directive was moving in the right direction. The following details comments made during the roundtable discussion that were not explicitly captured elsewhere in this summary.

- The draft Directive has a much more mature approach and is an improvement over the current Policy. However, "the devil may be in the detail".
- The draft Directive needs to be shortened. The current regulatory policy is easier to understand.
- Although it is somewhat lengthy, do not make the draft Directive shorter as important directives may be lost. A suggestion would be to prepare a

shorter summary that is easy to understand, and preserve the longer version.

- The case for changing the current regulatory policy was not made. Without knowing more about the current policy, it is difficult to say whether the draft Directive is a move in the right direction. In future consultations, the government should clearly identify the problems that are being addressed.
- It will be interesting to see whether the comments from today's session are incorporated in the next draft of the Directive.
- The draft Directive is a move in the right direction, but adequate human and financial resources need to be allocated for it to work
- The draft Directive is an improvement, and it has the potential to become even better through the input of today's discussion because of the diversity of view expressed.
- The draft Directive is a good document. Text should not be removed. It may be worth developing an executive summary for those who find it too long.
- The PCO should start planning the "five year review" now.
- There are important questions that need answering: What is the status of the various frameworks that support the draft Directive; what is the status and role of the theme tables, and what will be the public's role in shaping these? When and how will Parliamentarians be engaged on this document? How are the provinces and others being consulted?
- The Directive is moving in the right direction, although some of the wording may have to be changed. The draft Directive is one of the most important pieces of work to come out of the Smart Regulation Initiative. The life cycle perspective (which was absent from the current policy) and the requirement for review of regulations are important aspects of the draft Directive.
- It will be interesting to see how departments respond to the Directive. Departments should be required to report to the public on how they are using the Directive to make better regulations.

5 Next steps and closing remarks

Following the plenary roundtable, PCO personnel detailed next steps in the development of the draft Directive. They encouraged interested parties to provide written comments on the draft Directive by December 23, 2005 (see: www.regulation.gc.ca and follow the Smart Regulation Initiative link). All submissions will be posted to the website and available for public viewing. In this regard, every effort will be made to share the summaries of each workshop (eight in total) prior to December 23. Individuals who feel that the summary for the venue they attended does not fairly capture the views/advice they raised can post his/her views on the website. All submissions received after December 23, 2005 will be posted for public viewing and, wherever possible (given timing considerations), will be taken under advisement by the PCO in developing the

Directive. All individuals who attended any of the workshops and provided an email address at registration, along with all other individuals and organizations on the PCO mailing list (over 900) will be notified of changes and additions to the website, including the posting of each workshop Summary Report.

In Winter 2006, PCO will prepare another draft Directive taking into consideration the comments heard at the workshops plus any additional submissions posted on the website or otherwise received by PCO. This revision will be posted for public comment for approximately two weeks and will be discussed by the Reference Group on Regulating. (The Reference Group is composed of sixteen representatives from a broad cross-section of parties interested in the development of the Directive, including industry and public advocacy groups. The Group has provided advice on the Directive as it has evolved. Detailed information on the Reference Group is available from the website.) The PCO will then prepare the proposed Directive for consideration by the federal cabinet.

Appendix 1—Participants at the Toronto Workshop, November 18, 2005

(Total number of participants = 49)

- David Adams, Association of International Automobile Manufacturers of Canada, Toronto, Ontario
- Peter Allsop, Atomic Energy of Canada Limited, Mississauga, Ontario
- Glenn H. Archinoff, Atomic Energy of Canada, Mississauga, Ontario
- Hugh Benevides, Canadian Environmental Law Association, Toronto, Ontario
- Tyler Bjornson, Canola Council of Canada, Ottawa, Ontario
- Mauricio Bobadilla, Sobeys Inc, Mississauga, Ontario
- Karen Burke, Canada's Research-Based Pharmaceutical Companies, Dundas, Ontario
- Carl Carter, Canadian Cosmetic, Toiletry & Fragrance Association, Mississauga, Ontario
- Maureen Carter-Whitney, Canadian Institute for Environmental Law and Policy, Toronto, Ontario
- Christina De Toni, Cement Association of Canada, Ottawa, Ontario
- Brian Finch, Canadian Treatment Action Coalition/Best Medicines Coalition, Toronto, Ontario
- Tracey Firth, Canadian Animal Health Institute, Guelph, Ontario
- Peter Forristal, Imperial Oil, Calgary, Alberta
- Michi Furuya Chang, Kraft Canada, Toronto, Ontario
- Dave Good, Smucker Foods of Canada Co., Toronto, Ontario
- Paulette Gougeon, Nestlé Canada, North York, Ontario
- Dennis Graham, Canadian Broadcasting Corporation, Toronto, Ontario
- Heather Holland, Canadian Federation of Agriculture, Ottawa, Ontario
- Bob Ingratta, Monsanto Canada Inc, Ottawa, Ontario
- John Jackson, Great Lakes United, Kitchener, Ontario
- David Johnston, ADM Agri-Industries Company, Halton Hills, Ontario
- Donald Johnston, Canadian Home Builders' Association, Toronto, Ontario
- Leesa Klich, GlaxoSmithKline Consumer Health, Oakville, Ontario

- Louise Knox, Canadian Environmental Assessment Agency, Toronto, Ontario
- Garry Larouche, Public Service Alliance of Canada, Azilda, Ontario
- Anne Ledger Wilkie, Canadian Health Food Association, Markham, Ontario
- Karen Levins, Cantox Health Sciences International, Mississauga, Ontario
- Michael McBane, Canadian Health Coalition, Ottawa, Ontario
- Robert Moklon, Public Service Alliance of Canada (PSAC) Local 00258, Toronto, Ontario
- Rowena Moyes, Canadian Home Builders' Association, Toronto, Ontario
- Paul Muldoon, Canadian Environmental Law Association, Toronto, Ontario
- John Newell, Durham Directive, Pickering, Ontario
- Philip Petsinis, General Motors of Canada, Oshawa, Ontario
- John E. Phillips, Congress of Aboriginal Peoples, Ottawa, Ontario
- Randy Preater, Canadian Seed Growers Association, Ottawa, Ontario
- Bruce Rebel, Canadian Consumer Specialty Products Association, Ottawa, Ontario
- Robert J Redhead, Robert J. Redhead Limited, Burlington, Ontario
- Anne Rochon Ford, Women and Health Protection, Toronto, Ontario
- Blake Smith, Ford of Canada, Oakville, Ontario
- David Sparling, Institute of Agri-Food Policy Innovation, Guelph, Ontario
- Anna Tilman, Storm Coalition
- Josie A. Tolentino, SGS Canada Inc, Mississauga, Ontario
- BoAnne Tran, Pollution Probe, Toronto, Ontario
- Allan Webster, Ontario Power Generation, Pickering, Ontario
- Robert White, Non-Prescription Drug Manufacturers Association of Canada (NDMAC), Ottawa, Ontario
- Kathy Wilson, Dare Foods Limited, Kitchener, Ontario
- Mark Winfield, Pembina Institute, Toronto, Ontario
- Min Wong, Ontario Ministry of Economic Development and Trade, Toronto, Ontario
- Terence H. Young, Drug Safety Canada, Oakville, Ontario

PCO staff in attendance:

- Samir Chhabra, Policy Analyst
- Ken Moore, Senior Policy Analyst
- Daniel Wolfish, Policy Analyst