SUMMARY REPORT
of the

Vancouver Public Workshop
on the

Draft *Government Directive on Regulating*

Held November 30, 2005

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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 Vancouver Workshop (November 30, 2005)

3.1. Attendance at the Vancouver Workshop

In total, 30 individuals attended the Vancouver workshop. These individuals were affiliated with, industry and business, the natural resource sectors (e.g., farming, food producing and processing interests), government agencies, aboriginal organizations, research institutes and public advocacy groups, including but not limited to environmental non-government organizations, public health, and labour groups. A couple of individuals attended as interested citizens with no affiliation to an organization or stakeholder sector. For a complete list of participants, see Appendix 1.

3.2. Modification of the Vancouver Workshop agenda

The participants at the Vancouver workshop decided to modify the agenda in response to a few options presented to the group by the workshop facilitator. Instead of breaking into smaller groups, the workshop stayed in plenary throughout the day. As well, the order in which the three themes were addressed was modified to deal with the "Commitment to Canadians" before the other two themes.

3.3. Structure and content of this Workshop report

Section 4 of this report provides a summary of what was heard at the Vancouver Workshop held on November 30, 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 or broader 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 (e.g., environmental organizations, or industry groups) 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 PCO website 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 PCO website preferably by December 23, 2005. All posting on the PCO 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 Vancouver Workshop

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

Participants asked questions and made comments regarding the workshop process and the Smart Regulation initiative, including:

- How will the election affect the entire Smart Regulation initiative and is this process ultimately the property of the House of Commons?
- Once the Directive is approved, there should be a more user-friendly, or "Coles notes", version so that the public can understand and interact with the document more easily.
- How will participants know that their comments have been posted on the website?
- What is PCO's deadline for publishing the final Directive?

Participants raised the following points of clarification regarding the draft Directive:

- How are risk and risk management defined? Is the approach intended to address both health risks and risks to business, thereby protecting both citizens and the corporation?
- Which aspects of the Krever Commission's recommendations are reflected in the approach taken by the draft Directive?
- How have other government departments, the provinces, and the territories been consulted in the development the draft Directive?
- Have MPs been consulted?

4.2. General comments relating to the draft Directive

There was broad support for certain aspects of the draft Directive including the application of a life-cycle approach to regulating, and emphasis on cooperation and consultation with Aboriginal peoples, and provincial and territorial governments.

In addition to stating their support for these aspects of the document, some participants expressed support for the draft Directive overall.

- One of these participants stated that the draft Directive was an improvement over the current policy and demonstrated greater balance between various policy considerations. However, this support was also

qualified with some concern about the adequacy of resources, accountability mechanisms, and timelines to achieve the requirements and goals of the draft Directive.

- With respect to accountability, two participants expressed doubts about PCO's ability to oversee the implementation and application of the Directive. One participant was concerned that inappropriate and high-cost regulations, such as the gun registry process, might still be approved.

- Several participants did not support the general direction of the draft Directive because they felt it placed too much emphasis on economic and trade considerations and favours non-regulatory instruments. These participants stated that protection of human health and the environment is paramount and that the draft Directive must reflect this to be acceptable.

- A few participants felt that the draft Directive's emphasis on risk management and cost-benefit analysis represented a shift away from the Precautionary Principle. Problems with drug approval regulations were cited as an example of how prioritizing economic considerations and not applying the Precautionary Principle can lead to negative health impacts.

- Two participants expressed concerns about the conventional assessment of risks, benefits, and costs:
  - It generally does not protect environmental quality for future generations;
  - A clear "frame of reference" must be established to avoid highly-subjective assessments.

- A few participants felt the draft Directive presented a negative image of regulation through its emphasis on regulatory burden and by favouring voluntary instruments. One participant suggested that a broader range of instruments, such as bans and disclosure requirements, should also be presented as options in the draft Directive.

- A few participants suggested that there needs to be more parliamentary oversight in the development and implementation of regulations. They felt that regulation can be too discretionary and that bureaucrats can develop vested interest in regulations. One participant suggested that regulations should also be published in more accessible language ("Coles notes" version) so as to increase public ownership and involvement and avoid "control by bureaucrats".

- One participant stated that a "one size fits all" approach to consultation may not be appropriate. While broad consultation may be suitable for regulations concerning environmental protection and public health, more focused consultations may be more appropriate for regulations affecting

specific groups of people, such as health and safety and labour code regulations.

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)

- A few participants expressed general support for the Commitment to Canadians. They felt that the commitments reflected the range of considerations and interests that need to be considered.

- However, many participants, mostly from the public advocacy sector, felt uncomfortable with the idea of competing benefits implied in this section. They requested that the primary importance of human health and safety and environment be explicit in this section. For this reason, the expression "greatest overall benefit" in the opening sentence was not fully supported. These participants were especially critical of the third commitment (lines 54 to 56, or lines 56 to 58 in the French version) and suggested several specific revisions to the other commitments, as follows:
  - A few participants suggested that support for the Precautionary Principle be explicit in the list of commitments and suggested the following statement:
    - "[The Government of Canada is committed to] adopting the precautionary principle as the basis for a broad, transparent, and independent assessment of risk to protect public health and the environment from hazards, especially for those least able to protect themselves – children and future generations."
  - Another participant cautioned against including a commitment to the Precautionary Principle because of its various interpretations. However, a supporter of including the Precautionary Principle pointed out that there is a definition available that various parts of the federal government have adopted.
  - One participant asked whether all the commitments would apply to the development of all types of regulations. It was suggested that universally applicable commitments be identified as such and that the other commitments be identified as "where applicable".

- Participants made the following comments and suggestions for each of the bulleted statements (new text is indicated in italics):
  - First Commitment (lines 47 to 49, or lines 48 to 50 in the French version):
    - Two participants asked how the impacts of Canadian regulations on people outside of Canada are reflected in this statement.
    - One participant suggested the following revision for this statement: "Serve and advance the public interest as expressed by Parliament

in legislation in such areas as health, safety and security, and the well being of Canadians, *as well as maintaining and replenishing the natural environment* ~~the quality of the environment, and the economic and social well-being of Canadians~~;

- Second Commitment (lines 51 to 52, or lines 52 to 54 in the French version):
  - One participant suggested the following addition: “Instill trust and confidence at home and abroad in federal regulation, *the protection of the global commons*, Canadian products and services, and Canadian markets and government institutions;”
- Third Commitment (lines 54 to 56, or lines 56 to 58 in the French version):
  - A few participants suggested the removal of the third commitment (regarding a fair and competitive market economy) as they felt it placed too much weight on the economy within the list of commitments.
  - However, two participants felt that the third commitment was appropriate and consistent with a regulatory approach that recognizes the interdependence of business, social, and economic factors.
  - One participant suggested that the commitment could be modified by adding “*that results in a true accounting of economic, environmental, and social costs*” to the end.
- Fourth Commitment (lines 58 to 59, or lines 60 to 62 in the French version):
  - One participant expressed support for this commitment, but felt that unfortunately regulations are often not based on evidence but on public perception.
  - One participant suggested that this commitment be amended to provide for updating or changing regulations when there is a significant change in the available knowledge or science.
  - One participant was not satisfied with this commitment, as it does not include a requirement for rigorous scientific assessment or that the necessary knowledge be available.
- Fifth Commitment (lines 62 to 62, or lines 64 to 65 in the French version):
  - One participant suggested that support for the tripartite (labour, government, business) system where applicable should be incorporated into this commitment. Otherwise the overuse of broad-based consultation could result in very little consensus and poor results.

- Another participant felt that this statement needed to be more descriptive and include a commitment ”to provide clear public disclosure”
- Two participants stated that this statement should include a commitment to disclosing the rationale for regulation and offering opportunities for redress.

o Sixth Commitment (lines 64 to 66, or lines 67 to 70 in the French version):

- One participant suggested that this commitment include a requirement to keeping the costs of regulatory development and implementation down.
- Two participants suggested that this commitment be modified so that ‘tangible results’ refer specifically to health and safety benefits. Similarly, one participant felt that effectiveness should be based entirely on benefits to public health and the environment, and suggested that the remaining wording be changed to remove the impression that the onus is on government to show that the regulation is necessary.
- A few participants suggested making an addition as follows: “Promote effectiveness by *ensuring that regulations are necessary and sufficient so as to achieve legislative objectives and* by ascertaining…”
- Two participants suggested that this commitment be clearer regarding costs and benefits in terms of who will incur them and when.

o Seventh Commitment (lines 68 to 70, or lines 72 to 75 in the French version):

- One participant suggested a final bulleted statement that expressed the government’s accountability for this Directive.

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

I Context (lines 74 to 97, or lines 83 to 111)

- Some participants repeated their desire for more legislative oversight of the regulatory process and suggested that lines 92 to 95 (lines 103 to 108 in the French version) include a requirement that evaluations of regulatory effectiveness go back to the appropriate parliamentary committee for review.

II Scope of Application (lines 99 to 134, or lines 113 to 153 in the French version)

- Several participants, primarily from the public advocacy sectors, offered the following specific comments and suggested revisions concerning the Scope of Application section:
  - Add “civil society” between “Canadians” and “affected parties” in line 109 (line 124 to 125 in the French version).
  - There is a need for standards, that apply to all departments, to support the consultation requirement in line 109 (line 124 to 125 in the French version). Specifically, standards on conflict of interest need to be defined as well as associated declarations and exclusions from specific decision-making and advisory bodies. It was also suggested that there be a clear distinction between consultations with the potentially regulated industry and with the public.
  - The requirements for early-stage assessment of a regulatory proposal are good but they are not currently being met. It was suggested that these requirements be modified and strengthened to protect this process from undue corporate influence/agency capture and to ensure adequate regulatory oversight.
  - Add to line 124 (line 143 in the French version) the following: “the magnitude, *duration, extent, and likelihood* of the risks …”
  - The requirement to assess “the degree of interest and contention among Canadians” in line 129 (line 148 in the French version) is a dangerous one given how strongly public opinion is affected by mass media. It was suggested that this requirement be downplayed.
  - The bullet in lines 126 to 126 (lines 144 to 145 in the French version) should include the requirement to assess the potential impact of not regulating and of using a non-regulatory instrument.
  - What would PCO’s role be if the public asks the government of Canada to regulate a particular activity?

A. Consulting Canadians (lines 138 to 175, or lines 157 to 200 in the French version)

- A few participants emphasized that potentially affected groups need the capacity (funds and other means) to effectively participate in consultations and suggested that a requirement to this effect be included in the bulleted list on lines 159 to 165 (lines179 to 188 in the French version).

- Several participants stressed the importance of consultations at the earliest stages of regulatory analysis. One of these participants asked for confirmation that there was indeed a consultation step that preceded publishing in the *Canada Gazette.*

- Another participant stated the consultation requirements in the draft Directive needed to be supported by minimum standards for consultation, given the variety of approaches used by government departments today.

- One participant requested clarification on whether the scope of consultation included "low-level" documents that may accompany a regulation, such as guidelines or specifications. It was suggested that in some instances, inclusion of such documents may be appropriate.

- One participant stated that previous comments regarding conflict of interest declarations and the distinctions between consultation with affected industries and those with affected publics also be incorporated into this section.

- Individuals also suggested the following specific revisions to the draft Directive (additions are shown in italics):
  - Broaden the scope of processes to which Canadians and affected parties can contribute by adding the following to the end of the second bullet on line 154 (lines 182 to 183 in the French version): "*remedial approaches, implementation and compliance plans.*"
  - Modify line 168 (line 191 in the French version) as follows: "… publish regulatory proposals *and synopses of the proposals* in *Canada Gazettte*".
  - Modify line 144 (line 163 in the French version) as follows: "… providing *appropriate* opportunities …"
  - Modify lines 173 to 175 (lines 197 to 200 in the French version) as follows: "pre-publish *in the Canada Gazette* proposals …"
  - Add the following bulleted statement following line 158 (line178 in the French version): "declare the assumptions and values on which the regulatory analysis are based"
  - One participant felt that lines 173 to 175 (lines 197 to 200 in the French version) favoured trade obligations and suggested that this bias be addressed by adding the following to line 173 (line 197 in the French version): "… trade*, human rights and other* obligations *under national charters* …" This participant also suggested that where conflicts between regulatory proposals and existing trade obligations arise, the proposal should be referred back to a parliamentary committee.

B. Identifying and Assessing Public Policy Issues (lines 177 to 211, or lines 202 to 241 in the French version)

- The term "international partners" in the bullet on lines 199 to 200 (lines 228 to 230 in the French version) was perceived by one participant as implying an economic relationship. It was suggested that "international

bodies" be used instead to indicate that the statement refers to review of scientific analyses and assessment.

- Two participants were concerned that the emphasis on "best available knowledge" (lines 179 to 182, or lines 204 to 208 in the French version) and scientific evidence (lines 203 to 204, or lines 233 to 234 in the French version) would discourage regulation making in areas with knowledge gaps or uncertainty. One of the participants suggested that lines 196 to 204 (lines 224 to 234 in the French version) include a requirement that departments generate research to address knowledge gaps as appropriate.

- It was requested by one participant that the discussion in lines 184 to 193 (lines 210 to 221 in the French version) provide a distinction between risks to health and the environment and business risk such as costs and reputation.

- One participant stated the "intended results" referred to in line 211 (line 241 in the French version) must tie in with the overall goal of protecting human health and the environment, as stressed by many participants during the discussion of the *Commitment to Canadians*.

- Individuals also suggested the following specific revisions to the draft Directive (additions are shown in italics):
  - Add to end of the bullet in lines 196 to 198 (lines224 to 227 in the French version) "*and the urgency of the issue*".
  - The bulleted statements on lines 196 to 204 (lines 224 to 234 in the French version) should also include a requirement similar to the one described in lines 290 to 292 (322 to 324 in the French version).
  - Modify the bullet in lines 203 to 204 (lines 233 to 234 in the French version) as follows: "… empirical evidence, *gaps in existing knowledge* , and public perceptions …"
  - Modify line 192 (line 220) as follows: "Understanding the dynamics of risk*, including the cumulative aspects of risk,* helps decision makers". It was also emphasized that cumulative risk needed to be "measurable, concrete, and enforceable".

C. Selecting, Designing and Assessing Regulatory Responses (lines 213 to 368, or lines 243 to 411 in the French version)

- Several participants stated that this section placed too much emphasis on trade considerations, especially lines 285 to 305 (lines 319 to 343 in the French version), which some participants wanted to have removed. One participant pointed out that this section (lines 285 to 305, or lines 319 to

343 in the French version) appears to have been taken out of context and contains unusually detailed descriptions of requirements, such as those concerning “like-products”, that are highly controversial. It was also noted that this section barely references non-trade focused international agreements, such as the Convention on Biological Diversity.

- Concerning the bullet in lines 303 to 305 (lines341 to 343 in the French version), which describes the acceptance by Canada of international standards, two participants expressed concern about the lowering of Canadian standards through harmonization. However, another participant noted that Canada will not develop its own standards on everything and that it is already using foreign standards such as ANSI. This participant stated that many foreign standards, such as DIN and Swedish standards, are higher than Canadian standards. It was suggested that wording be included in the draft Directive to clarify that Canada will not adopt lower standards.

- A few participants perceived a bias in favour of voluntary instruments, such as in lines 241 to 242 (lines 271 to 273 in the French version). Two participants suggested that references to voluntary instruments be removed. One of these participants pointed out that lines 217 to 220 (lines 247 to 250 in the French version), which advocate using a mix of instruments, is not consistent with the later statement on line 241 and 242 (lines 271 to 273 in the French version), which clearly favours the use of voluntary instruments. It was suggested that the draft Directive consistently advocate the use of the best combination of regulatory and non-regulatory instruments. However, another participant was strongly in favour of presenting voluntary instruments as an option.

- Individuals made the following specific comments regarding this section:
  - The statement on lines 232 and 233 (lines 262 to 263 in the French version) is highly inappropriate as it suggests designing regulations to accommodate the regulated party.
  - There should also be cooperation with certain large municipalities such as the Greater Vancouver Regional District (GVRD). It was suggested that the section *Cooperating with the Provincial and Territorial Governments* be modified accordingly.
  - Designing regulations to meet trade obligations should not give preferential treatment to foreign companies.
  - The use of international standards and conformity assessment procedures (lines 290 to 293, or lines 325 to 328 in the French version) is good in theory, but may not work well in Canada due to potential for conflict between international standards and provincial and territorial approaches.

  - The introductory statement on lines 311 to 314 (lines 349 to 352 in the French version) should also include direction on improving the well being of Canadians and the environment as it currently appears too focused on minimizing regulatory burden.
  - Compliance with trade considerations, as expressed in lines 276 to 277 (lines 310 to 311 in the French version), should be balance with a consideration for global scientific conclusions. It was suggested that wording to express this be added.

- Individuals also suggested the following specific revisions to this section of the draft Directive (additions are shown in italics):
  - Add the following to the end of line 342 (line 382 in the French version): "… Aboriginal organizations *and governments*."
  - Modify lines 227 to 229 (lines 257 to 259 in the French version) as follows: "… response represents the necessary *and sufficient* level …"

D. Analyzing Impacts and Ensuring Benefits Justify Costs (lines 370 to 467, or lines 413 to 526 in the French version)

- As with the previous section, a few participants perceived a bias against regulation in Section D due to the emphasis on cost benefit analysis and on the negative aspects of regulation. However, one of these participants also praised this section by stating that it clearly presents a "triple bottom-line" approach to analyzing impacts. This participant also suggested that some of the text on trade considerations from previous sections could be placed in this section where it would appear more balanced.

- It was suggested that the draft Directive include a requirement that departments and agencies develop a response plan to address the policy issue and submit it to PCO for review.

- Individuals made the following specific comments regarding this section:
  - The statement regarding greatest benefit for least cost (lines 381-382, or lines 424 to 425 in the French version) seems illogical.
  - The term "preliminary scan" on line 408 (line 456 in the French version) gives the impression of a minimal check.
  - Add "human health and social inputs" in title on line 384 (line 427 in the French version).
  - More clarity is required on the necessity of consultation at this stage and as an overarching requirement.

E. Planning for Implementation and Compliance (lines 469 to 505, or lines 528 to 564 in the French version) and F. Measuring, Evaluating and Reviewing Regulation (lines 507 to 546, lines 566 to 610 in the French version)

- A few participants expressed concern that departments and agencies will not have adequate resources to enforce compliance. One of these participants stated that if regulations cannot be enforced, they should not exist. Lack of enforcement favours those who break the rules and is unfair to honest businesses. Other participants referred to the U.S. system of citizen enforcement of regulation. It was suggested this be added to the Canadian regulatory system.

- Individuals also made the following comments and suggestions regarding the section:
  - One participant expressed general support for this section.
  - It was suggested that the order of the compliance and implementation sections be reversed.
  - A definition of “affected parties” (line 474, line 533 in the French version) is required.
  - The statement on lines 475 to 477 (lines 524 to 536 in the French version) needs to be expressed differently to avoid confusion.

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)

- Participants expressed general support for this section. One of these participants emphasized that the benefits of performance monitoring can not be achieved with voluntary measures and reiterated the need to remove the bias in favour of voluntary measures from other parts of the draft Directive.

- Individuals also made the following specific comments and suggestions regarding the section:
  - Include timeline expectations for the evaluation process in line 534 (line 595 in the French version).
  - It was suggested that other forms of media can be recommended for the public disclosure requirement in line 558 (line 622 in the French version).
  - A requirement for measurable performance indicators should be included in the section on lines 548 to 563 (lines 614 to 629 in the French version).

- Delete lines 544-546 (lines 608 to 610 in the French version).
- In lines 528 to 532 (lines589 to 593 in the French version), replace “affected” with “interested”.

- One participant stated that regulations only have value if they are prescriptive and not performance-based as this represents a move towards deregulation. However, another participant expressed support for performance-based regulations if the performance indicators are tied to the primary objective of the regulation, namely public health and the environment.

- Specific suggestions for revisions included the following:
  - Modify the bullet in lines 559 to 561 (lines 624 to 626 in the French version) as follows: “evaluation, ~~and~~ review, *monitoring, and enforcement* of regulation; and”
  - Modify line 580 (line 648 in the French version) as follows: “implementation *and compliance* of this Directive”.

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.

- Most participants, across the spectrum of interests at the workshop, generally felt that the draft Directive was an improvement on the current Government of Canada Regulatory Policy and a move in the right direction.

- Most participants expressed appreciation for the opportunity to express their views in the workshop and to hear those of others.

- Several participants re-emphasized of the importance of enforcement of both regulations and the Directive.

- Additional comments made during the roundtable that were not explicitly captured elsewhere in this summary are as follows:
  - Many regulations are inconsistent with policy objectives and lack a preventative approach. There is also a lack of planning based on the values of Canadians.
  - Regulatory processes must be timely and the draft Directive should set timelines for the regulatory process.
  - There needs to be consistent messaging throughout the draft Directive.

- There needs to be better public information on this whole process. There is concern that this document is already too far along, with entrenched biases. The outcome of the workshop process will show if this is true.
- Consultation in the regulatory process must be structured and organized, and should support tripartite negotiations, where appropriate.
- Consultation processes should make more extensive use of mass media.
- The draft Directive is a bit of a disappointment because of its focus on trade and economic considerations. Consumers want protection and regulations must do this. Will the draft Directive support this?
- PCO should strive to make the draft Directive less partisan by removing the pro-trade and anti-regulation bias.
- Consultations also need to reach out to English as a second language (ESL) communities.
- The draft Directive is better than the current policy but still needs more balance between environmental, economic, and social considerations.

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 Vancouver Workshop, November 30, 2005

- Rick Aikens, Measurement Canada, Penticton, BC
- Peter Bamford, British Columbia Maritime Employers Association, Vancouver, BC
- Gail Barnaby, Council of Yukon First Nations, Whitehorse, Yukon
- Jim Bird, Univar Canada Ltd., Richmond, BC
- Maria Castro, Beyond Factory Farming Coalition
- John Champion, Government of British Columbia, Victoria, BC
- Allan Combres, National Component, Penticton, BC
- Lawrende Chiu, Grimm's Fine Foods, Richmond, BC
- Berni Claus, Vancouver BC
- Angela Griffiths, Friends of the Earth, Vancouver, BC
- Graham Kissack, Catalyst Paper, Crofton, BC
- Arthur Kube, Senior on Guard for Medicine
- Harold Larson, Natural Noodles, Penticton BC
- Albert Le Monnier, International Longshore and Warehouse Union – Canada, Vancouver, BC
- Brian Lockhart, Canadian Chemical Producers Association, North Vancouver, BC
- Sylvia MacLeay, Council of Senior Citizens' Organization of BC
- Barbara Mintzes, DES Action Canada/Women and Health Protection, Vancouver, BC
- Mary Ann Moffat-Meder, Vancouver, BC
- Sharon Mok, Environment Canada, Vancouver, BC
- Andrew Morgan, Government of British Columbia, Victoria, BC
- Ellen Reynolds, DES Action Canada
- Jack Robertson, Underwriters Laboratories of Canada, Victoria, BC
- Jorgen Rohweder, BC Food Processors Association, Vancouver BC,
- Ann Rowan, David Suzuki Foundation, Vancouver, BC
- Kristina Stevens, Province of British Columbia, Victoria, BC
- Pieter Vanderpol, BC Food Processor Association, Abbotsford, BC
- Duncan Wilson, Vancouver Port Authority, Vancouver, BC

PCO staff in attendance:

- Eileen H. Boyd, Director of Operations
- Samir Chhabra, Policy Analyst
- Daniel Wolfish, Policy Analyst