

Enforcing Canada's Pollution Laws: The Public Interest Must Come First!

**The Government Response
to the Third Report of the
Standing Committee
on Environment and Sustainable
Development**

**Tabled in the House of Commons by
The Honourable Christine Stewart
Minister of the Environment**

October 1998



A Message from the Minister



Thriving ecosystems, human health and a sound prosperous economy are inextricably linked. The Government of Canada has set a broad range of laws, regulations, voluntary programs and other instruments to achieve its environmental protection, human health and economic goals. Environment Canada, in partnership with the Departments of Fisheries and Oceans and of Health, among others, is responsible for administering many of those tools.

The Standing Committee's Report and Recommendations deal with the enforcement of the *Canadian Environmental Protection Act*, and pollution prevention provisions of the *Fisheries Act*. The Government Response addresses the Committee's Recommendations and I am very pleased to be able to provide information on the measures under way to strengthen the enforcement of Canada's pollution prevention laws.

Canadians expect compliance with the pollution prevention laws enacted by the Government to protect their environment and health. I am committed to seeing these laws effectively and efficiently enforced. Compliance with regulations is essential to achieving my priorities of clean air, clean water, nature and reducing the impacts of climate change.

Building and improving our capacity to enforce environmental protection laws, however, is a long-term commitment. In March 1998, therefore, I asked my officials to begin an internal process to review the enforcement function, to strengthen the role it plays within the current regulatory framework, and position it for the implementation of the renewed *Canadian Environmental Protection Act*. The key element in the review was a National Enforcement Workshop, held in June 1998, that brought together participants from across the enforcement community, Environment Canada staff and managers. This Workshop resulted in the development of an Enforcement Action Plan. The Action Plan addresses most of the recommendations of the May 1998 Standing Committee Report. References to the actions underway or planned are made in specific responses throughout this Government Response.

Many of the projects developed as part of the review have already begun. Still others are expected to start in the near future. Over the coming year, Environment Canada's enforcement program will undergo a number of changes. As a result of the review, my officials will be working: to improve the program's intelligence capacity, decision-making processes and accountabilities; to examine the allocation and application of resources; and to improve reporting so that Canadians can become more involved in the protection of their environment and their health. My goal is to ensure that Canada has a truly effective and efficient environmental enforcement program.

The Standing Committee in its Report, and witnesses from environmental groups during the hearings, expressed concern about the resources currently committed to enforcing Canada's pollution prevention laws. The Government shares those concerns and recognizes that officials involved in environmental enforcement from across Government require adequate resources to deliver an effective and credible enforcement program. Consequently, during the Federal Program Review, Environment Canada's resources for enforcement remained stable. I am committed to ensuring that this function receives appropriate resources. My officials, through the internal review process are working to identify needs and ensure the best use of existing resources.

As a result of the ongoing work of Environment Canada's dedicated enforcement team, and that of our enforcement partners, Canada's pollution prevention laws will continue to protect the environment and human health.

A handwritten signature in black ink that reads "Christine Stewart".

The Honourable Christine Stewart, P.C., M.P.
Minister of the Environment

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Introduction

The goal of the Federal Government's pollution prevention laws is to protect the environment and human health. The individuals, industries, businesses and others affected by legislation are referred to as the regulated communities, or regulatees. The Federal Government is responsible for a range of compliance activities: promoting compliance at one end of the spectrum, and enforcing compliance at the other.

Promoting compliance involves staff and programs from across Government and includes: involving regulated communities in the development of new regulations, continuing dialogue to build awareness of regulatory requirements and identify potential problems, and technology sharing.

Enforcing compliance typically involves inspections, investigations, issuing warning letters or laying charges.

Regulatees can be placed along a continuum. There are the majority of regulatees who are usually in compliance. At one end of this group are the performance leaders, those who have moved well beyond compliance. At the other end is the small number frequently out of compliance.

Enforcement priorities are based on the need: to protect the environment and human health, to focus on areas of suspected non-compliance, and to support new legislative and regulatory initiatives.

The existing enforcement program has led to improved environmental quality and compliance. The Pulp and Paper Effluent Regulations under the *Fisheries Act*, and the Pulp and Paper Mill Effluent Chlorinated Dioxins and Furans Regulations under the *Canadian Environmental Protection Act* are good examples. There has been such improved compliance that the Canadian pulp and paper industry has reduced dioxins and furans (major pollutant indicators) to non-measurable levels in effluents. Inspection and enforcement work contributed greatly to these changes in performance. Improvements have also been achieved with the Petroleum Refinery Effluent Regulations and the Metal Mining Liquid Effluent Regulations.

The Federal Government is committed to ensuring continued improvement in the development and delivery of its programs. An expanding regulated community, and recognition of the need to increase work with the international community, have made improving performance even more important.



Recommendations

Recommendation No. 1

The Committee recommends that the Minister of the Environment provide the Committee with complete and itemized information, covering the last five years, on the amounts budgeted and actually expended for inspections, investigations and prosecutions related to the enforcement of *Canadian Environmental Protection Act* and the pollution prevention provisions of the *Fisheries Act*, at headquarters and in the regions, broken down according to the nature of the expenditures (salaries, operations and maintenance and capital), but excluding funds used for non-enforcement activities, such as compliance promotion. The Committee also recommends that the Minister provide the Committee with detailed information on all additional (non A-base) sources of funding used for the enforcement of these laws, with an indication of whether such funding is still being provided or whether it has been discontinued.

Government Response to Recommendation No. 1

In response to the Standing Committee's request, Environment Canada has provided a detailed, five-year breakdown of budgets and expenditures for the enforcement of the *Canadian Environmental Protection Act*, and the pollution prevention provisions of the *Fisheries Act*. An analysis of regional and headquarters operations was also completed. The information is included in Appendix A of this Response.

There is only one instance where the end of project funding has led to enforcement program reductions. There was a reduction in enforcement resources allocated to Pacific and Yukon Region for the current fiscal year due to the sunseting of the Fraser River Action Plan. The Fraser River Action Plan was a five-year initiative, funded under the Green Plan, with an enforcement component that was intended to target heavy

pollution sources in British Columbia. The program succeeded in achieving significant pollutant reductions in the targeted sectors and sunsetted in March 1998, as planned.



Recommendation No. 2

The Committee recommends that the Minister of the Environment ensure that comprehensive records are kept on enforcement budgets and expenditures, that record-keeping standards be developed in this regard and that such standards be consistently applied both at headquarters and in the regions.

Government Response to Recommendation No. 2

Environment Canada maintains records on budgets and expenditures in accordance with the requirements of the *Financial Administration Act* and Treasury Board guidelines and directives.

The Committee's review highlighted very specific areas for reporting that have not been required by management in the past. Consequently, the Department will now include in the management reporting framework:

- 1) the elements of the enforcement effort for which costs should be separately tracked,
- 2) explicit definitions for what those costs include, and
- 3) a national compilation of that information on a regular basis.

These changes will improve the process of compiling financial information on compliance promotion and enforcement activities. This ongoing assessment of management reporting

requirements will be funded from existing resources.



Recommendation No. 3

The Committee recommends that the Auditor General of Canada carry out an audit of the effectiveness of Environment Canada's enforcement program, structures and practices, including the policies and mechanisms related to the determination of enforcement priorities.

Government Response to Recommendation No. 3

The Office of the Auditor General of Canada has directly provided a response to the Chair of the Committee.



Recommendation No. 4

The Committee recommends that the Minister of the Environment provide the Committee with a copy of any report prepared under the review process initiated by the Department in relation to its enforcement program, as well as any action plan developed thereunder.

Government Response to Recommendation No. 4

Environment Canada began an internal review to strengthen the enforcement program in March 1998. The key element in the review was a National Enforcement Workshop, held in June 1998, that brought together enforcement staff and managers. This Workshop resulted in the development of an Enforcement Action Plan. The Action Plan addresses most of the recommendations of the May 1998 Standing Committee Report. References to the actions

underway or planned are made in specific responses throughout this Government Response. We will keep the Committee informed on the progress of this enforcement review through regular reports.



Recommendation No. 5

The Committee recommends that the Minister of the Environment, in cooperation with the Minister of Fisheries and Oceans, develop and publish a comprehensive Enforcement and Compliance Policy in relation to the pollution prevention provisions of the *Fisheries Act* within six months of the tabling of this Report in Parliament.

Government Response to Recommendation No. 5

Environment Canada, and the Department of Fisheries and Oceans respectively, are responsible for administering the pollution prevention, and habitat protection provisions of the *Fisheries Act*. The two departments have been working together to develop a comprehensive Enforcement and Compliance Policy for these provisions of the Act. Environment Canada has been working particularly on those sections of the Policy that relate to the sections and regulations under the *Fisheries Act* for which it is accountable (Sections 36 - 42). The completed Policy will be in place by the end of 1998 and will be funded from existing resources.



Recommendation No. 6

The Committee recommends that the Minister of the Environment update and publish a revised *Canadian Environmental Protection Act* Enforcement and Compliance Policy within six months of Royal Assent being given to Bill C-32, the proposed new *Canadian Environmental Protection Act, 1998*.

Government Response to Recommendation No. 6

The *Canadian Environmental Protection Act* Enforcement and Compliance Policy will be updated and revised within six months of the passage of Bill C-32. The Policy will acknowledge and make linkages to other Environment Canada policies, where appropriate. The completion of that Policy will be an important tool, because Bill C-32 contains a number of new provisions to assist in achieving improved compliance.

For example, the authority of enforcement personnel to enter and inspect is broadened through clearer definitions of terms. Analysts would no longer be limited to working solely within a laboratory setting, but would be able to accompany inspectors, enter premises, take samples, conduct tests and measurements, and have access to information relevant to the administration of the *Canadian Environmental Protection Act*.

In addition, the new Act includes Environmental Protection Alternative Measures (EPAMs). These are designed to move offenders more quickly to compliance and better environmental practices, avoiding lengthy prosecutions. Charges are laid, but offenders work with Crown prosecutors (representing the Attorney General of Canada) on specific measures that must be taken to ensure compliance. If the measures are implemented, the charges are stayed. Alternative measures could be used for those violations identified as being acceptable for such an approach, and used with offenders that, in the view of the Attorney General and the Minister, meet criteria specified in the proposed new *Canadian Environmental Protection Act*.

Inspectors and investigators would also be able to issue environmental protection compliance orders (EPCOs). These are similar to «cease and desist,» or «stop» orders found elsewhere in Canadian law. Implementation of these and other strengthened provisions will be assessed within the context of current resources and in terms of what is operationally possible.

Guidance on the use of enforcement tools and the criteria that will govern their use will be in the revised Enforcement and Compliance Policy. This information will be an important tool for analysts, inspectors, investigators, and those subject to the Act. The Policy will also indicate those instances in which enforcement personnel might recommend use of ministerial authorities.

The Bill, if passed, would also provide courts with sentencing guidelines for violations. Judges would be assisted in setting penalties relevant to the offence, emphasizing the need to protect the environment and prevent pollution.

Bill C-32 would also expand the use of court orders. Courts can direct convicted offenders:

- 1) to prepare and implement pollution prevention and/or environmental emergency plans,
- 2) to put in place environmental management systems,
- 3) to carry out environmental effects monitoring,
- 4) or to provide funds for scholarships in environmental studies or for the work of environmental, health or other groups in the community where the offence occurred.

The updated Enforcement and Compliance Policy will also give guidance to inspectors and investigators on the circumstances for recommending a sentence and/or court order to the Attorney General or the Crown prosecutor involved in a particular case. That guidance would be based on the sentencing criteria in Bill C-32.

The revised *Canadian Environmental Protection Act* Enforcement and Compliance Policy will be prepared within existing resources. The full implementation of the new tools proposed in Bill C-32, which would provide analysts, investigators and inspectors with more efficient options for enforcing the law, may require some additional resources initially (for training and development), but on an ongoing basis should be cost neutral.



Recommendation No. 7

The Committee recommends that:

- a) the Minister of the Environment undertake a comprehensive review of the regulations passed under the *Canadian Environmental Protection Act* and section 36 of the *Fisheries Act* to ensure that they are adequate, up-to-date and enforceable,
- b) the Minister of the Environment rewrite all regulations found to be deficient to ensure their enforceability,
- c) the Minister of the Environment actively include and involve the enforcement personnel in reviewing the existing regulations and in developing new ones to ensure that they are enforceable.



Government Response to Recommendation No. 7

The amendment of regulations is an ongoing process. Departments propose amendments as experience is gained through implementation. Environment Canada prepares a plan of its regulatory initiatives as part of its Annual Report on Plans and Priorities, consisting of proposals for new regulations and amendments to existing ones. For example, the Pulp and Paper Effluent Regulations and the Metal Mining Liquid Effluent Regulations are in the process of being amended to reflect requirements for overall improved effectiveness.

As part of a 1992 government-wide initiative, Environment Canada reviewed its regulations using a number of criteria including: regulatory effectiveness and efficiency, potential to hinder Canadian competitiveness, imposition of needless costs on consumers, environmental

sustainability, potential alternatives to regulation, and federal/provincial harmonization. That review identified opportunities for streamlining, simplifying and consolidating a number of existing regulations and, amendments were made. A comprehensive review of regulations to determine that they are adequate and up-to-date is not needed at the present time.

Environment Canada will undertake with its federal enforcement partners to review regulations for enforceability. However, the redrafting and approval process for regulatory amendments may require allocation of additional resources. The magnitude of that requirement will be determined during the preparation of the assessment of resource requirements begun as part of the review of enforcement. Any amendments will be reflected in the Departments' Annual Report on Plans and Priorities.

The initiative to review Environment Canada's enforcement program that began in March 1998, identified a specific need to involve enforcement staff early on during the development and amendment of regulations. Environment Canada intends to strengthen this dimension of the regulatory process by ensuring that the enforcement community has a significant role. By engaging enforcement officials early in the process, regulatory development can take into consideration their extensive and practical field of knowledge. Environment Canada has put in place a joint sign-off for approval of regulations by program and enforcement management.

Progress has already been made to ensure that consultation on regulatory issues occurs between program and enforcement staff, in both regions and at headquarters. Development and monitoring has begun of enforcement strategies for selected regulations, such as the New Substances Notification Regulations. Enforcement and program staff will continue to work to ensure that all new and amended regulations are enforceable before becoming law.



Recommendation No. 8

The Committee recommends that:

- a) the Minister of the Environment develop and implement a comprehensive plan of action to ensure that the regulated parties are informed of all of their legal obligations under the federal environmental laws and regulations, and that such laws and regulations continue to apply and must be observed, notwithstanding the terms of any permit issued to them by a governmental authority,
- b) the Minister of the Environment negotiate agreements with the provincial, territorial, Aboriginal, and municipal governments, requiring that they incorporate, in the permits that they issue, an express notification that all federal environmental laws and regulations continue to apply and that compliance with such laws and regulations remains mandatory, notwithstanding any of the terms in the permit.

Government Response to Recommendation No. 8(a)

Although it is the responsibility of the regulated community to be aware of its legal obligations, Environment Canada puts in place compliance promotion plans to increase awareness of environmental protection laws and regulations. These include: consultations with stakeholders when laws and regulations are being developed; information sessions before and after implementation of laws and regulations; and mailings of compliance promotion literature to industry associations, industry publications such as trade magazines, and corporations affected by new or amended laws and regulations.

Enforcement staff also contribute to compliance promotion efforts during inspections by: providing members of the regulated community with copies of relevant laws and regulations;

explaining legal requirements of laws and regulations; and outlining the principles of enforcement as laid out in the *Canadian Environmental Protection Act* Enforcement and Compliance Policy.

In addition, the Federal Government's environmental laws and regulations are available to anyone (including the regulated community and the public) through the *Green Lane*, Environment Canada's web site at www.ec.gc.ca.

The regulated community also receives information through a variety of communications activities appropriate to the issue, as well as direct mail campaigns when laws and regulations are enacted.

Environment Canada recognizes that in some cases there may be a further need to clearly outline to the regulated community that, notwithstanding the issuing of permits by one governmental authority, (provincial, territorial, or federal) the federal laws and regulations continue to apply. When Environment Canada has reason to believe (through inspections or investigations) that a regulatee may misunderstand their federal regulatory obligations, Environment Canada may inform them of the federal requirements.

Government Response to Recommendation No. 8(b)

The Federal Government can improve the awareness of the regulated community without negotiating specific agreements with other orders of government requiring that they incorporate in the permits that they issue an express notification that all federal environmental laws and regulations continue to apply and that compliance with such laws and regulations remains mandatory, notwithstanding any of the terms in the permit. During discussions with the provinces and territories on bilateral enforcement implementation agreements, Environment Canada will seek provisions requiring their permits to notify permittees of ongoing federal obligations.

Recommendation No. 9

The Committee recommends that the Minister of the Environment take the necessary steps to have selected *Canadian Environmental Protection Act* offences designated for the purposes of the ticketing provisions under the *Contraventions Act*.

Government Response to Recommendation No. 9

The list of ticketable offences under the *Canadian Environmental Protection Act* will be submitted to the Department of Justice in the Fall of 1998. The Department of Justice has been asked to add these offences to the *Contraventions Act* Regulations. The legal authority to issue tickets for the *Canadian Environmental Protection Act* through regulations under the *Contraventions Act* is expected to be in effect before the end of 1999. Although the establishment of a ticketing regime will require some resources initially to implement, costs will likely be minimal and can be addressed within existing resources.

Ticketing will be used for offences that are administrative, such as filing a report late. More serious offences will continue to be dealt with through *Criminal Code* prosecution procedures. Examples of such offences are releases of toxic substances in contravention of prescribed limits, or the disposal of substances into the ocean without a permit.

Should Parliament approve Bill C-32, some offences that would ordinarily be prosecuted may also be dealt with through the Environmental Protection Alternative Measures Program (EPAMs) as outlined in the response to Recommendation 6.

Recommendation No. 10

The Committee recommends that the new *Canadian Environmental Protection Act*

legislation (Bill C-32) be amended to enable inspectors and investigators to be designated as, and given the full powers, of a peace officer.

Government Response to Recommendation No. 10

Inspectors and investigators working under the *Canadian Environmental Protection Act* are public officers. They are therefore able to exercise the powers available to such officers under Canada's *Criminal Code*.

Individuals designated as peace officers have powers under Canada's *Criminal Code* that are in addition to those of public officers. Two powers which are available only to peace officers, and which inspectors and investigators need to carry out their work under CEPA, are the authority to obtain a general warrant and the power of arrest without warrant. A general warrant is used to authorize legitimate law enforcement investigatory activities such as conducting a perimeter search of a residence or other property. The power of arrest can be used to secure evidence or preserve it from destruction, and prevent the continuation or repetition of an offence.

In view of the enforcement needs of Environment Canada, the Department is pursuing the designation of investigators and/or inspectors as peace officers under the new *Canadian Environmental Protection Act*. The application of peace officers powers would be specific to the provisions of the new CEPA only. Bill C-32 would require amendment to provide the Minister with enabling authority to designate investigators and/or inspectors as peace officers. The enabling authority would be consistent with that found in Federal Wildlife Legislation for Environment Canada wildlife enforcement officers.

The Department recognizes that additional training requirements would be associated with the peace officer designation. Environment Canada is prepared to ensure that all designated staff are provided the skills to perform their duties in a safe and professional manner. An ongoing dedication of existing training resources to peace officer

orientation and skills maintenance would have to take place and would require resources. The issue will be addressed within existing resources.



Recommendation No. 11

The Committee recommends that the *Canadian Environmental Protection Act* inspectors and investigators not be authorized to carry firearms.

Government Response to Recommendation No. 11

Environment Canada will not, as a matter of policy, issue or authorize the use of firearms for *Canadian Environmental Protection Act* investigators and/or inspectors. In studying the need for peace officer powers for these officers, Environment Canada has determined that they do not require firearms to fulfill their responsibilities and duties.



Recommendation No. 12

The Committee recommends that the Minister of the Environment establish without delay a professional intelligence gathering and analysis capacity within the Department, using adequate resources.

Government Response to Recommendation No. 12

The Government recognizes that an effective and credible intelligence capacity can greatly improve the success of both national and international pollution and wildlife enforcement activities. Intelligence analysis helps prioritize enforcement projects based on the risk of illegal activities. Such analysis will improve the targeting of enforcement efforts and allocation of resources.

Partnership is critical to the success of an intelligence program. Environment Canada works closely with the RCMP, Fisheries and Oceans Canada, Revenue Canada (Customs), the Criminal Intelligence Service of Canada, INTERPOL, provincial and territorial enforcement agencies, the United States Environmental Protection Agency, the Fish and Wildlife Service, and the United States Customs. Strengthening the intelligence capacity will complement other ongoing initiatives, such as:

- 1) the development of mechanisms to better share information, coordinate and cooperate with provincial and territorial inspection programs,
- 2) the Department's application for Investigative Body Status (further detail is provided in the response to Recommendation 14), and
- 3) Environment Canada's newly developed computer tracking system (The National Enforcement Management Information System and Intelligence System - NEMISIS).

NEMISIS, the internal computer tracking system, is a highly effective means of disseminating enforcement information among enforcement staff, and is protected electronically from intrusion by outsiders, including potential violators, to ensure the security of the data it contains. All occurrences, inspections and investigations will be tracked through NEMISIS.

Further, in recognition of the impact of international environmental crime, federal environmental enforcement priorities have for several years included the smuggling of hazardous wastes and ozone-depleting substances. A strengthened intelligence capacity would greatly improve the contribution the enforcement program currently makes to the control of such crimes.

For this reason, two headquarters intelligence officer positions, one for pollution and one for wildlife, have been created to design and develop an intelligence program. Environment Canada will consider the quantity, type and phasing-in of any additional resource needs as

part of the overall departmental assessment of current and projected resources.



Recommendation No. 13

The Committee recommends that the Minister of the Environment, in negotiating partnerships with other departments or agencies such as Canada Customs and the RCMP, ensure as a matter of priority that adequate resources and mechanisms are put in place to enable the parties to effectively discharge their obligations and responsibilities.

Government Response to Recommendation No. 13

A successful enforcement program requires the support and cooperation of a range of partners, that includes other federal departments and agencies. During negotiations of Memoranda of Understanding or partnership agreements on the delivery of the enforcement function, Environment Canada, Revenue Canada (Customs) and the RCMP will include, as a requirement, the means to discharge obligations.

Environment Canada currently has Memoranda of Understanding with Revenue Canada (Customs) and the RCMP. Discussions under these Memoranda deal with such issues as procedures for inspections and investigations that involve both agencies, how information and intelligence are to be shared and used (e.g. for targeting priority subjects or individuals), and joint training initiatives.

Discussions are under way that may lead to updated Memoranda with the RCMP. Environment Canada will consider resource implications in meeting the requirements of these Memoranda, and other partnership commitments, as part of its overall assessment of resources.



Recommendation No. 14

The Committee recommends that:

- a) the Minister of the Environment revise the Department's current structure to establish an independent centralized enforcement agency, with regional branches, that would report directly to the Minister of the Environment,
- b) in setting up an independent centralized enforcement agency, the Minister of the Environment ensure that enforcement decisions are not made by officials having managerial functions and responsibilities in areas other than enforcement,
- c) the Minister of the Environment take the necessary steps to ensure that the independent enforcement agency acquires the status of an investigative body and that it be designated as such for the purposes of the *Access to Information Act*.

Government Response to Recommendation No. 14(a)

There are no plans to establish an independent centralized enforcement agency at the present time. The review of the enforcement function has highlighted a number of opportunities to strengthen the program, such as a refined decision-making process. It is important to examine the impact of the current projects on the program, before considering any changes to the structure.

For the longer term, a number of possible internal organizational models were proposed at the enforcement workshop and could be evaluated based on criteria that recognize that the program structure must effectively and credibly deliver the enforcement mandate consistently across Canada. Any changes will be internal; the mandate will not be changed. A decision to change the current model should not incur any additional costs.

Government Response to Recommendation No. 14(b)

Environment Canada is updating and revising the enforcement decision-making process. The revised process will ensure, among other things, that accountable enforcement staff and managers will have the appropriate level of authority, accountability and responsibility for the various types and levels of enforcement decisions required. A document outlining a revised system will be completed by late 1998.

Government Response to Recommendation No. 14(c)

The Office of Enforcement is preparing an application to the Department of Justice requesting designation as an investigative body under the *Access to Information Act* and *Privacy Act*. Receiving investigative body status will not require any additional investment of resources.

Obtaining investigative body status would:

- 1) allow for full protection of information gathered on individuals in certain circumstances, enhance the ability of the enforcement program to engage in investigative and intelligence gathering activities, particularly those involving crimes of an international and transboundary nature,
- 2) assure other enforcement agencies that shared information is secure, so that enforcement officers or future investigations will not be jeopardized, and
- 3) enable intelligence officers and analysts to determine trends and patterns of illegal activities.

Recommendation No. 15

The Committee recommends that the Minister of the Environment provide the enforcement personnel with comprehensive training programs on a continuing basis to assist them in carrying out their duties.

Government Response to Recommendation No. 15

Environment Canada Policy requires that all enforcement personnel receive comprehensive training on a continuing basis to assist them in carrying out their duties. The Department recognizes that training is important at every level, from field officers to management.

Training provides knowledge and promotes the competency and qualifications necessary to be designated as an inspector and then enforce the *Canadian Environmental Protection Act* and pollution prevention provisions of the *Fisheries Act*, and their respective regulations. The National Training Program is made up of a wide range of courses developed and delivered through the collaborative efforts of headquarters and regional staff. An annual training schedule is prepared, and all courses are described in a National Training Catalogue. Course participants include pollution inspectors, investigators and analysts. Subjects range from general skills (e.g. sampling, forensic accounting, interviewing) to very regulation-specific responsibilities (e.g. hazardous wastes and ozone-depleting substances). Environment Canada works with other organizations and agencies such as Revenue Canada (Customs), the RCMP, and provincial and territorial jurisdictions to coordinate and cooperate on the development and delivery of various training initiatives.

Recommendation No. 16

The Committee recommends that the Minister of the Environment, in negotiating environmental agreements with the provincial, territorial and Aboriginal governments:

- a) ensure that it retains full authority and accountability, as well as the appropriate means and resources to enforce the *Canadian Environmental Protection Act* and the pollution prevention provisions of the *Fisheries Act*;
- b) ensure that efficient and transparent mechanisms for monitoring, reviewing, reporting and resolving disputes are included in the agreements so that the parties are compelled to fulfill their commitments and obligations.

Government Response to Recommendation No. 16

The Federal Government has maintained full authority and accountability in its existing environmental agreements, as well as its ability to enforce the *Canadian Environmental Protection Act* and the pollution prevention provisions of the *Fisheries Act*. This full authority and accountability will be in any new environmental agreements negotiated with the provincial, territorial and Aboriginal governments.

Under the *Canadian Environmental Protection Act*, the federal Minister of the Environment reports annually to Parliament. Existing administrative agreements under the *Canadian Environmental Protection Act* and the *Department of Fisheries and Oceans Act* (pertaining to the *Fisheries Act*) contain statutory reporting obligations.

Achieving greater accountability is one of the objectives of harmonization under the Canada-Wide Accord on Environmental Harmonization. The Accord was signed in January 1998 by Environment Ministers from across Canada, with the exception of Quebec. The vision of the

Harmonization Accord is governments working in partnership to achieve the highest level of environmental quality for all Canadians. The Accord itself provides a framework for cooperation. It is implemented through a series of multilateral sub-agreements that focus on specific areas of responsibility. Sub-Agreements on Inspections, Environmental Assessment and Canada-Wide Environmental Standards were signed in January 1998. The development of four additional Sub-Agreements on Enforcement, Environmental Emergencies, Monitoring and Reporting, and Research and Development is currently underway. Implementation mechanisms will vary across Sub-Agreements. In the case of the Environmental Assessment and Inspections Sub-Agreements, bilateral implementation agreements will be negotiated between the Federal Government and individual jurisdictions. The approach will tend to be more multilateral under the Standards Sub-Agreement. Under all of these agreements, each level of government retains its authority and accountability.

Principle 5 of the Accord states that “openness, transparency, accountability and the effective participation of stakeholders and the public in environmental decision-making is necessary for an environmental management regime”. The Accord also commits governments to regular public reporting to demonstrate that obligations have been met in the implementation of its sub-agreements.

The three existing Sub-Agreements (Inspections, Standards, Environmental Assessment), contain accountability provisions. These include commitments related to transparency and timely public reporting, and a requirement to review for effectiveness all sub-agreements within two years of coming into force. Similar provisions will be sought in the Sub-Agreement on Enforcement.

All existing bilateral agreements between the Federal Government and provincial and territorial governments ensure that, in cases where disputes arise and are not resolved, the Federal Government can take whatever action is necessary

and appropriate under its legislation and Policy. This ability will be retained under new environmental agreements with provincial, territorial and Aboriginal governments.

Any new bilateral agreements negotiated will ensure the Federal Government meets its obligations through monitoring, reviewing, reporting and dispute resolution.



Recommendation No. 17

The Committee recommends that:

- a) the Auditor General of Canada carry out with all due dispatch the environmental audit that he has agreed to conduct in relation to the effectiveness of the bilateral environmental agreements between the federal and provincial/territorial governments, and
- b) the Minister of the Environment delay the signing of the proposed Sub-Agreement on Enforcement under the Canadian Council Ministers of the Environment harmonization initiative until the Auditor General's Report has been tabled in Parliament.

Government Response to Recommendation No. 17(a)

The Office of the Auditor General of Canada has provided a response to the Chair of the Committee directly.

Government Response to Recommendation No. 17(b)

The Enforcement Sub-Agreement under the Canada Wide-Accord on Environmental Harmonization, which is expected to be concluded in 1999, will provide a framework for future bilateral enforcement implementation agreements between the federal and provincial governments.

The Auditor General's Report on current bilateral agreements is expected before the discussions of bilateral enforcement agreements with the provinces and territories. The lessons learned throughout the Audit will be taken into account during those discussions.

Environment Canada and the Department of Fisheries and Oceans are providing assistance to the Office of the Auditor General with the audit of bilateral environmental agreements between the Federal and Provincial governments. The Audit has two objectives: to determine whether the Federal Government is meeting its own obligations relating to the agreements; and to determine if the agreements are effective and accountable for administering environmental rules.

In meeting obligations under the *Canadian Environmental Protection Act* and the *Fisheries Act*, the Federal Government wants to ensure that existing bilateral environmental agreements are effective, and provide a public accounting of how obligations are met.

Since inspection activities are an integral part of an overall compliance program, the Sub-Agreement on Enforcement will take into account the existing Sub-Agreement on Inspections. This will ensure consistency and compatibility between the two agreements and their subsequent implementation agreements.



Recommendation No. 18

The Committee recommends that:

- a) the Minister of the Environment be responsible for publishing all enforcement data relating to the laws and regulations that Environment Canada is mandated by law or agreement to enforce, such as data respecting the enforcement of the *Canadian Environmental Protection Act*, the pollution prevention provisions of

- the *Fisheries Act* and the provisions of the *Manganese-based Fuel Additives Act*;
- b) the Minister of the Environment be required to publish and table before Parliament a detailed annual report on the enforcement actions taken in the previous year in relation to all laws and regulations that Environment Canada is mandated by law or agreement to enforce, identifying the type of action taken, inspections, warnings, prosecutions, etc.), the party in relation to whom the action was taken, the date and place where the action was taken, the status of the case and its outcome, where applicable,
 - c) the Minister of the Environment also be required (i) to publish detailed information on all cases of suspected violations reported to Environment Canada officials, in relation to which no enforcement action had been taken at the time the cases were closed; and (ii) to set out the reasons why no action was taken in these cases,
 - d) the Government of Canada introduce the necessary amendments to the relevant legislation, such as the *Fisheries Act* and the *Manganese-based Fuel Additives Act*, transferring the enforcement reporting responsibility to the Minister of the Environment.

Government Response to Recommendation No. 18

There is value in ensuring access to information on enforcement activities. For this reason, the Federal Government publishes yearly statistical summaries of its environmental enforcement activities.

Environment Canada currently responds to requests for data and information on specific enforcement activities and makes a variety of enforcement-related information with respect to the enforcement of *Canadian Environmental Protection Act* and the pollution prevention

provisions of the *Fisheries Act* available on Environment Canada's *Green Lane*. The *Canadian Environmental Protection Act* Annual Report to Parliament also contains data on the types of actions taken including inspections, warnings and prosecutions.

The publication of detailed information (such as the party in relation to whom the action was taken, the date and place where the action was taken, the status of the case and its outcome) on all types of enforcement actions is a complex and sensitive issue. The Department currently publishes detailed information on successful prosecutions only. Over the next year, Environment Canada will carry out an analysis of the feasibility, legality and costs of making available through annual reports and the *Green Lane* information on actions other than successful prosecutions. The implementation of some of these measures may require additional resources.

The provision of enforcement information by Environment Canada is subject to common law and statutory restrictions, and subject to the need to keep some information confidential so that future investigations are not jeopardized.

Publishing detailed information on suspected violations reported to Environment Canada is not appropriate because of the presumption of innocence and the right to a fair trial under the Canadian Charter of Rights and Freedoms. The Department will consider in the above-mentioned analysis, the publication of a list of categories of occurrences and statistics on the type of actions taken for each.

The Department of Fisheries and Oceans publishes an annual statistical summary of convictions for offences under the *Fisheries Act*. With regard to the pollution prevention provisions of the *Fisheries Act* the Department of Fisheries and Oceans makes an annual request to Environment Canada for this information. In addition, Environment Canada, as with the *Canadian Environmental Protection Act*, provides statistical information on *Fisheries Act* enforcement activities on request and via the *Green Lane*.

It is the responsibility of each Minister to report to Parliament on the Acts for which he or she is accountable. Reporting responsibilities for Environment Canada and the Department of Fisheries and Oceans will not be amended.



Recommendation No. 19

The Committee recommends that the Minister of the Environment put in place appropriate structures, mechanisms and funding to facilitate the collaboration of all interested parties concerned with the environment, such as organized labour, Aboriginal peoples, environmental groups, management and members of the public, to encourage and facilitate their communicating to the appropriate environmental authorities any knowledge or information on cases of potential or confirmed non-compliance with environmental laws and regulations.

Government Response to Recommendation No. 19

Environment Canada already facilitates the involvement of Canadians in the enforcement and compliance process. Environment Canada provides information on the *Green Lane* and on request, regarding environmental protection laws and regulations. Further, under the existing *Canadian Environmental Protection Act*, the Minister publishes annually a national inventory of releases and transfer of wastes for 176 substances. The National Pollutant Release Inventory (NPRI) maintains data reported by facilities employing more than 10 full-time employees, and those that manufacture, process or use more than 10 tonnes of substances on the NPRI list. This reporting to Environment Canada is mandatory. Although publication of NPRI is currently at the Minister's discretion, it has been published and made available to interested Canadians since 1995. Since NPRI publication began, polluters have reduced releases and waste transfers.

The Federal Government is committed to securing greater public participation, and is working to provide Canadians with easier access to information on the environment. As proposed, Bill C-32, the renewed *Canadian Environmental Protection Act*, will strengthen existing measures to involve Canadians and provides new opportunities for public participation.

Under the renewed *Canadian Environmental Protection Act*, the Minister would be obliged to create an "Environmental Registry" for notices, guidelines, proposed regulations, permits for ocean disposal and export, import or transit of hazardous wastes, and reports published by the Minister. The Minister will determine the Registry's form, design, maintenance and means of access.

In keeping with the goal of a more informed public, Bill C-32 would also give the Minister the authority to gather information and publish it in the form of inventories. Further, under the renewed *Canadian Environmental Protection Act*, the Minister would be obliged to compile and publish NPRI, ensuring the public has information about polluters in their communities.

The Bill C-32 includes whistleblower protection, so that anyone who voluntarily reports a violation of the Act can ask that their identity remain confidential. There is a further provision making it an offence for anyone to disclose the identity of an individual who has requested identity protection, unless that individual gives written permission for disclosure.

Any person can also request that the Minister of the Environment investigate an alleged offense. If a group or individual is unsatisfied with the Minister's investigation, the renewed *Canadian Environmental Protection Act* provides Canadians with the right to sue the violator. In such a case, the court may order a remedy if it first determines that the Minister's conduct was unreasonable in the circumstances, and that significant harm was caused to the environment as a result.

The implementation of some of these proposed measures may require additional resources. Requirements will be identified in the comprehensive assessment of enforcement resource needs.



Recommendation No. 20

The Committee recommends that the Government of Canada enact comprehensive whistleblower protection in all applicable federal environmental legislation.

Government Response to Recommendation No. 20

Bill C-32 makes broad provisions for protecting the confidentiality of those who report *Canadian Environmental Protection Act* violations. The current Act only provides this protection for “releases of toxic substances to the environment”.

Changes have also been made so that federal employees, including those of Crown Corporations, can report a violation without fear of dismissal, harassment or disciplinary action. Dismissal, harassment or disciplinary action against those employees that make such reports would be an offence under the proposed new CEPA.

However, the issue of whether there is merit in amending existing environmental laws to incorporate such provisions is a matter to be considered by responsible Ministers on a case-by-case basis. This occurs through the normal process of legislative review.



Recommendation No. 21

The Committee recommends that the Attorney General of Canada, in cooperation with the Minister of the Environment, develop and publish a detailed policy statement on private prosecutions involving federal environmental offences. Specifically, this policy statement should define the role of the private complainant when the prosecution is taken over by the Crown and the reasons why it would be in the public interest to suspend the proceedings or otherwise settle the case out of court.

Government Response to Recommendation No. 21

The Attorney General of Canada has a Policy that is publicly available regarding private prosecutions. In applying the Policy, the Attorney General’s Federal Prosecutions Service acknowledges the proper role of private complainants in the enforcement of criminal law.

The Policy also acknowledges the authority of the Attorney General of Canada to intervene in privately instituted prosecutions with a view to either continuing the prosecution or staying the proceedings. This decision is made in accordance with the Policy of the Attorney General, entitled *The Decision to Prosecute* (a publicly available document). This Policy in turn requires an assessment of the evidence to determine if there is a reasonable prospect of conviction. If so, then an assessment is made of whether it is in the public interest to prosecute.

The Policy is currently under review by the Attorney General. There has been a change in the Canada *Criminal Code* on the authority of the Attorney General of Canada to intervene in private prosecutions. The review is also based on the experience gained from administering this Policy over the past five years. The change in the law is set out in Section 579.1 of the Canada *Criminal Code*, which allows the Attorney General of Canada to enter a stay of proceedings for private

prosecutions in certain circumstances. Environment Canada will be consulted as part of the review process, and will implement the Policy when it is approved.



Recommendation No. 22

The Committee recommends that the Minister of the Environment direct Environment Canada to include the full economic benefits of regulatory action in all cost/benefit analysis made in relation to the development and implementation of regulatory solutions to environmental problems.

Government Response to Recommendation No. 22

Federal regulatory policy states that “the use of the government’s regulatory powers should result in the greatest net benefit to Canadians”.

Environment Canada undertakes socio-economic analysis in support of all regulatory proposals to assess the costs and benefits from social, economic and environmental perspectives.

Results of socio-economic analysis are summarized in Regulatory Impact Analysis Statements (RIASs) and are published with proposed regulations in the *Canada Gazette*. The extent of the analysis depends on the nature and complexity of the proposed regulation, as well as the availability of data. Estimates are made of the cost impacts on the regulated community and on Government.

Benefits are more difficult to quantify, so they are summarized both quantitatively and qualitatively. Environment Canada has invested considerable time and resources enhancing the valuation of benefits, and will continue to do so within available budgets.



Recommendation No. 23

The Committee recommends that the Minister of the Environment seek, and that the Government of Canada grant more resources to ensure the proper enforcement of the environmental legislation.

Government Response to Recommendation No. 23

The issue of enforcement capacity and the resources devoted to the Department’s enforcement program have been the subject of intensive internal and external review.

Environment Canada as part of the enforcement review process has initiated a comprehensive assessment to determine the level and allocation of funding required to ensure the appropriate ongoing enforcement of pollution laws. The first step in this assessment is a detailed analysis of the potential benefits associated with various levels of effort. Consideration of any additional resources for enforcement would only take place after completion of the assessment. The Government will ensure an appropriate level of resources is allocated to the enforcement program.



Recommendation No. 24

The Committee recommends that the Minister of the Environment conduct an in-depth study to determine whether methyl mercury released into the aquatic environment as a result of the creation of reservoirs should be regulated under the *Canadian Environmental Protection Act*.

Government Response to Recommendation No. 24

The proposed construction of a reservoir will be subject to an environmental assessment under the *Canadian Environmental Assessment Act* if the Federal Government exercises a duty, power or function in relation to the project. The impacts of the release of methyl mercury generated by this project would be addressed in the assessment. The Federal Government could also provide advice on methyl mercury production under provincial assessment processes.

Environment Canada, in cooperation with other federal and provincial agencies has carried out studies to determine the mechanisms which result in the release of methyl mercury in reservoirs. As well there is ongoing work by governments and private sector studying the mobilization of mercury from impoundments, the degree of contamination and the risk to sensitive wildlife.

Health Canada currently conducts evaluations of residue data provided by federal, provincial, and territorial departments and reservoir operators and offers opinions on whether consumption of fish from established reservoirs poses a risk to human health. On the basis of such opinions, the responsible federal, provincial and territorial departments take actions to reduce exposure and protect human health.

The science around this issue is complex and incomplete in certain areas. As new scientific evidence becomes available, the Governments will be in a better position to decide on a course of action.



**No. of Inspectors (PY– FTE) in EP (Non-wildlife)
Enforcement Program**

Excluding Compliance Promotion

	1993-1994	1994-1995	1995-1996	1996-1997	1997-1998	1998-1999
Atlantic budgeted operative	5.40 5.40	5.81 5.41	5.26 5.26	4.87 4.87	4.65 4.65	4.69
Quebec budgeted operative	8.00 8.20	6.20 6.30	7.70 5.90	7.70 5.30	7.20 5.60	8.00
Ontario budgeted operative	7.00 7.00	7.00 7.00	7.00 7.00	8.00 7.50	8.00 8.00	8.00
Prairie & Northern budgeted operative	3.73 3.73	3.48 3.48	3.60 3.60	3.10 3.10	2.91 2.91	3.40
Pacific & Yukon budgeted operative	9.00 8.00	9.00 8.34	9.00 8.15	8.50 7.57	8.50 8.03	8.50
Office of Enforcement budgeted operative	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00
Total budgeted operative	33.13 32.33	31.49 30.53	32.56 29.91	32.17 28.34	31.26 29.19	32.59

***No. of Investigators (PY– FTE) in EP (Non-wildlife)
Enforcement Program***

Excluding Compliance Promotion

	1993-1994	1994-1995	1995-1996	1996-1997	1997-1998	1998-1999
Atlantic						
budgeted	3.50	3.50	3.50	4.50	4.50	4.50
operative	3.50	3.12	2.60	4.15	4.50	
Quebec						
budgeted	2.10	2.20	2.00	2.00	3.30	3.00
operative	2.00	2.20	2.10	1.40	2.30	
Ontario						
budgeted	4.00	4.00	4.00	4.00	5.00	5.00
operative	4.00	4.00	4.00	3.10	3.90	
Prairie & Northern						
budgeted	5.00	4.50	4.71	4.00	4.13	4.79
operative	5.00	4.50	4.71	4.00	4.13	
Pacific & Yukon						
budgeted	3.00	3.00	3.50	3.50	3.50	3.00
operative	3.00	3.00	2.20	3.00	3.00	
Office of Enforcement						
budgeted	0.00	0.00	0.00	0.00	0.00	0.00
operative	0.00	0.00	0.00	0.00	0.00	
Total						
budgeted	17.60	17.20	17.71	18.00	20.43	20.29
operative	17.50	16.82	15.61	15.65	17.83	

***No. of Chiefs / Managers (PY- FTE) in EP (Non-wildlife)
Enforcement Program***

Excluding Compliance Promotion

	1993-1994	1994-1995	1995-1996	1996-1997	1997-1998	1998-1999
Atlantic budgeted operative	2.50 2.50	2.50 2.50	2.50 2.50	1.00 1.00	1.50 1.50	1.50
Quebec budgeted operative	2.40 2.40	2.50 2.50	1.60 1.40	2.30 2.20	1.70 1.70	1.70
Ontario budgeted operative	3.00 3.00	3.00 3.00	3.00 3.00	3.00 3.00	3.00 3.00	3.00
Prairie & Northern budgeted operative	4.50 4.50	4.50 4.50	4.50 4.50	4.50 4.50	4.50 4.50	4.50
Pacific & Yukon budgeted operative	3.00 3.00	3.00 3.00	3.00 3.00	3.00 2.80	3.00 3.00	3.00
Office of Enforcement budgeted operative	4.00 3.00	4.00 3.00	5.00 5.00	6.00 6.00	6.00 6.00	6.00
Total budgeted operative	19.40 18.40	19.50 18.50	19.60 19.40	19.80 19.50	19.70 19.70	19.70

**Total (PY- FTE) in EP (Non-wildlife)
Enforcement Program**

Excluding Compliance Promotion

	1993-1994	1994-1995	1995-1996	1996-1997	1997-1998	1998-1999
Atlantic budgeted operative	11.40 11.40	11.81 11.03	11.26 10.36	10.37 10.02	10.65 10.65	10.69
Quebec budgeted operative	12.50 12.60	10.90 11.00	11.30 9.40	12.00 8.90	12.20 9.60	12.70
Ontario budgeted operative	14.00 14.00	14.00 14.00	14.00 14.00	15.00 13.60	16.00 14.90	16.00
Prairie & Northern budgeted operative	13.23 13.23	12.48 12.48	12.81 12.81	11.60 11.60	11.54 11.54	12.69
Pacific & Yukon budgeted operative	15.00 14.00	15.00 14.34	15.50 13.35	15.00 13.37	15.00 14.03	14.50
Office of Enforcement budgeted operative	4.00 3.00	4.00 3.00	5.00 5.00	6.00 6.00	6.00 6.00	6.00
Total budgeted operative	70.13 68.23	68.19 65.85	69.87 64.92	69.97 63.49	71.39 66.72	72.58

***Salaries for Foregoing Enforcement Staff in EP (Non-wildlife)
Enforcement Program***

**Excluding Compliance Promotion
(\$,000)**

	1993-1994	1994-1995	1995-1996	1996-1997	1997-1998	1998-1999
Atlantic						
budgeted	556.1	576.5	552.5	514.8	527.3	542.2
expended	556.1	545.4	507.2	498.4	527.3	
Quebec						
budgeted	683.8	579.5	621.0	694.6	618.1	622.3
expended	685.8	583.9	504.3	521.8	506.3	
Ontario						
budgeted	841.0	841.0	841.0	926.6	907.8	975.7
expended	881.2	915.5	967.5	845.5	912.3	
Prairie & Northern						
budgeted	962.5	907.5	948.6	960.2	998.9	1 039.9
expended	911.1	885.3	995.7	932.7	946.1	
Pacific & Yukon						
budgeted	856.2	1 098.9	850.7	1 017.5	1 017.5	881.5
expended	769.0	892.3	740.9	853.4	878.5	
Office of Enforcement						
budgeted	258.4	258.4	333.4	413.1	415.6	415.8
expended	201.8	201.8	333.4	413.1	415.2	
Total						
budgeted	4 158.0	4 261.8	4 147.2	4 526.8	4 485.2	4 477.4
expended	4 005.0	4 024.2	4 049.0	4 064.9	4 185.7	

***Operations and Maintenance in EP (Non-wildlife)
Enforcement Program***

**Excluding Compliance Promotion
(\$,000)**

	1993-1994	1994-1995	1995-1996	1996-1997	1997-1998	1998-1999
Atlantic						
budgeted	168.8	168.8	168.8	168.8	187.8	187.8
expended	149.7	100.7	139.6	132.0	152.0	
Quebec						
budgeted	160.0	585.8	523.8	222.6	717.4	490.0
expended	134.8	516.9	560.7	319.8	756.5	
Ontario						
budgeted	487.0	487.0	487.0	475.0	483.0	482.0
expended	303.5	300.0	321.0	439.2	478.6	
Prairie & Northern						
budgeted			462.7	522.7	509.5	431.7
expended	424.3	375.2	588.3	642.7	716.7	
Pacific & Yukon						
budgeted	360.9	516.7	457.9	470.0	470.0	195.0
expended	343.8	374.1	411.1	323.4	347.5	
Office of Enforcement						
budgeted		987.1	1 120.3	1 302.3	1 215.0	1 336.6
expended	875.9	1 302.1	1 619.0	1 717.9	1 503.9	
Total						
budgeted	1 176.7	2 745.4	3 220.5	3 161.4	3 582.7	3 123.1
expended	2 232.0	2 969.0	3 639.7	3 575.0	3 955.2	

***Capital Expenditures in EP (Non-wildlife)
Enforcement Program***

**Excluding Compliance Promotion
(\$,000)**

	1993-1994	1994-1995	1995-1996	1996-1997	1997-1998	1998-1999
Atlantic						
budgeted	0.0	0.0	0.0	0.0	0.0	0.0
expended	96.5	8.8	0.0	7.7	0.0	
Quebec						
budgeted	30.0	0.0	13.2	13.2	0.0	10.0
expended	35.8	0.0	24.7	0.0	0.0	
Ontario						
budgeted	0.0	0.0	0.0	34.0	6.0	12.0
expended						
Prairie & Northern						
budgeted	50.2	32.0	6.0	28.5	19.4	50.0
expended	50.2	32.0	112.3	28.5	19.4	0.0
Pacific & Yukon						
budgeted	0.0	0.0	0.0	0.0	0.0	0.0
expended	170.3	31.0	46.8	40.0	89.4	
Office of Enforcement						
budgeted		212.4	218.4	118.4	118.4	18.4
expended	10.0	7.8	64.6	49.4	0.0	
Total						
budgeted	80.2	244.4	237.6	194.1	143.8	90.4
expended	362.8	79.6	248.4	125.6	108.8	

Summary of Resources in EP Enforcement Program

Excluding Compliance Promotion

Fiscal year	Full Time Equivalent (FTE)				Expenditures (\$,000)				
	Inspectors	Investigators	Chiefs & Managers	Total	Salaries*	O&M	Capital	Total	
1993-1994	Budgeted**	33.13	17.60	19.40	70.13	4 158.0	1 176.7	80.2	5 414.9
	Utilization	32.33	17.50	18.40	68.23	4 005.0	2 232.0	362.8	6 599.8
1994-1995	Budgeted	31.49	17.20	19.50	68.19	4 261.8	2 745.4	244.4	7 251.6
	Utilization	30.53	16.82	18.50	65.85	4 024.2	2 969.0	79.6	7 072.9
1995-1996	Budgeted	32.56	17.71	19.60	69.87	4 147.2	3 220.5	237.6	7 605.3
	Utilization	29.91	15.61	19.40	64.92	4 049.0	3 639.7	248.4	7 937.1
1996-1997	Budgeted	32.17	18.00	19.80	69.97	4 526.8	3 161.4	194.1	7 882.3
	Utilization	28.34	15.65	19.50	63.49	4 064.9	3 575.0	125.6	7 765.5
1997-1998	Budgeted	31.26	20.43	19.70	71.39	4 485.2	3 582.7	143.8	8 211.7
	Utilization	29.19	17.83	19.70	66.72	4 185.7	3 955.2	108.8	8 249.7
1998-1999	Budgeted	32.59	20.29	19.70	72.58	4 477.4	3 123.1	90.4	7 690.9

Notes

The information provided in these tables has been collected from various sources, including corporate memory.
 The information collected on FTE and Budget cannot be verified since official records no longer exist for this purpose.
 * Salaries included for Investigators, Inspectors, Chiefs and Managers positions only.
 ** Office of Enforcement budget not available for 1993-1994.

Canadian Cataloguing in Publication Data

Canada. Parliament. House of Commons. Standing Committee
on Environment and Sustainable Development

Enforcing Canada's Pollution Laws: The Public Must Come First!:
Third Report

Text in English and French on inverted pages.

Title on added t.p.: L'intérêt public d'abord!

Includes bibliographical references.

ISBN 0-662-63895-6

Cat. No. En21-187/1998

1. Environmental law — Canada.
 2. Pollution — Law and legislation — Canada.
 3. Environmental protection — Law and legislation — Canada.
- I. Title.

KE3575.C32 1998

344.71'046

Additional information can be obtained at Environment Canada's website at:
www.ec.gc.ca or at the Inquiry Centre at 1-800-668-6767.

