

In the wake of Walkerton, the provincial government is keen to ensure that Ontario is seen to be a leading environmental jurisdiction, and toward that end in the fall of 2000 commissioned a management and organizational review of its Ministry of the Environment (MOE). The report on the outcome of that review states that “fundamental conceptual and philosophical change” is needed, not tinkering with the status quo. The report calls for a significant investment in MOE’s staff and resources over a three- to five-year period to usher in the new era. Among other issues, the review found that governments need to work with regulated communities, environmental organizations and the public in new ways to improve environmental outcomes. It also noted that leading jurisdictions are supplementing traditional methods of environmental protection with a broader range of tools and instruments.

by Dwight Hamilton

MOE recently created the position of associate deputy minister to lead the implementation of its new mandate and appointed Bob Breeze, P.Eng., to the post. *Engineering Dimensions* spoke recently to Breeze about the MOE’s new way of doing business.

ED: *What does the Professional Engineers Act bring to the Ontario government’s “approach based on shared responsibility” with the regulated community?*

Breeze: Traditionally, industry and the public have defined environmental protection almost exclusively as the government’s job. But as our understanding of the complexity of the environmental challenges continues to grow, there is a recognition that governments alone



A new environment at the ministry

can't do it all, nor is that way the most effective. In a model jurisdiction, the approach is one of shared responsibility and partnership through cooperation among stakeholders. They all need to be part of the solution—P.Engs, non-government organizations, the public and the broader scientific community. Professional engineers bring unique skills to the table; a rigorous approach to problem solving and a strong understanding of the technical issues and what it takes to solve them.

ED: *Why does the management review call for a government-wide vision with implementation shared across different departments?*

Breeze: In many jurisdictions, the primary responsibility for the environment has mostly been delegated to one department of government. But leading jurisdictions are seeing that the challenge of effective environmental management is much broader than that. There's a growing awareness that the solutions can only be achieved by marshalling and aligning all of the resources of a government to achieve a common purpose.

ED: *What do you mean by a "place-based" approach to environmental management?*

Breeze: Most jurisdictions are organized to carry out their activities using approaches that do not necessarily make environmental sense. Typically, this means regulating in terms of distinct media, that is separately for air, water and land, with program delivery based on the geography of municipalities or government offices. This approach does not allow you to deal with environmental issues in a manner that crosses these media and deals with the total cumulative impact on people and places. The alternative is called "place-based" environmental management, which recognizes that the natural environment has its own ecological and biophysical boundaries. This approach emphasizes the geographic convergences of land, air and water.

ED: *Can you give some examples of new innovative MOE projects?*

Breeze: We've launched a Co-operative Assistance Pilot Project, which is a series of cooperative agreements, targeted at Ontario's environmental leaders. They are aimed at companies that are willing to launch new approaches to environmental management. Under these agreements, the MOE will offer various incentives (like reduced paperwork and public recognition) to motivate facilities to improve their environmental performance beyond minimum standards. If you want to take a look, an agreement developed with the Auto Parts Manufacturers Association and the Canadian Chemical Producers Association has been placed on the Environmental Bill of Rights Registry for a 90-day public comment period.

The MOE is also undertaking two "compliance assistance" pilot projects: one with the metal finishing sector and one with the auto body refinishing sector. Compliance assistance is a best-practice tool used by jurisdictions that are seeking to improve the level of adherence to their relevant laws and regulations. These pilot projects will help facilities to meet their environmental legal obligations through technical support and plain-language legislation. As well, access to compliance and environmental improvement training and legal and best practice information will be available through a hotline and our website (www.ene.gov.on.ca).

ED: *What role does continuous improvement play?*

Breeze: Continuous improvement across all sources of pollution is a critical component of effective environmental management. As a rule, environmental regulation has been focused on the relatively narrow approach of ensuring compliance with minimum standards—set and targeted primarily at large stationary point-source polluters and managed separately



Bob Breeze, P.Eng.

for air, water and land. But this emphasis misses the significant areas of smaller point and non-point sources.

Building on the success of past approaches, leading jurisdictions are turning toward fostering a culture of continuous improvement. This means that environmental conditions and the performance of the regulated community must continue to improve. It's also essential that this direction be reinforced by a foundation of tough, aggressive enforcement using a full range of tools—including administrative and court-based penalties.

ED: *What will happen to MOE's enforcement role?*

Breeze: Strong and effective inspection, investigation and enforcement are the essential backbones of the ministry's mandate. The best jurisdictions are building on this foundation, however. They are creating a broader set of tools and instruments, both regulatory and non-regulatory, that in the proper combination will allow for goals to be met not only for minimum compliance, but for improvement all the time. The preferred direction that is emerging is more performance-based, rather than rules-based. There's a greater emphasis on the government's role to set outcomes and work with the regulated community to figure out how best to meet them. ❖