



**PLEASE HOLD.
SOMEONE WILL BE WITH YOU.**

A report on diminished monitoring
and enforcement capacity in
the Ministry of Water, Land and Air Protection



SAVING YOU THE COUNT: COVER LEGEND – Reading from left to right and top to bottom, there are 320 human icons on this report’s front cover. Each represents a public servant who lost his or her job with British Columbia’s Ministry of Water, Land and Air Protection over the past three years. Colour changes signify job losses in a new job category. The large mass of 128 purple icons on the bottom half of the page, for example, corresponds to the 128 Scientific Technical Officers whose jobs were lost. For a complete breakdown of job losses by category see page eight of this report.

National Library of Canada Cataloguing in Publication

Please hold. Someone will be with you : a report on diminished monitoring and enforcement capacity in the Ministry of Water, Land and Air Protection.

Includes bibliographical references.
ISBN 0-919365-25-6

1. British Columbia. Ministry of Water, Land and Air Protection.
2. Environmental monitoring—Government policy—British Columbia.
3. Environmental policy—British Columbia. 4. Environmental law—British Columbia. I. West Coast Environmental Law Association

KEB421.P53 2004 354.3'28'09711 C2004-901679-2
KF3775.ZA4P53 2004

© 2004 West Coast Environmental Law
1001-207 West Hastings Street
Vancouver, BC V6B 1H7

phone 604-684-7378 1-800-330-WCEL
fax 604-684-1312

info@wcel.org www.wcel.org



Executive Summary

In three years, the current British Columbia government has cut nearly 30 per cent of public service jobs at the Ministry of Water, Land and Air Protection. The bulk of those job losses – 320 positions in all – involved members of the BC Government and Service Employees' Union and the Professional Employees Association.

This report identifies what jobs have been eliminated and which areas of the province have been hit the hardest. It also shows how a reduction in environment staff begun by the previous provincial administration, has accelerated dramatically in recent years. The result is that B.C. now lags far behind its neighbours to the east, in staffing key areas of environmental stewardship and protection.

Conservation Officers are the public's ears and eyes on the ground, upholding more than 20 pieces of provincial and federal environmental legislation. Today, there are only 115 COs in all of B.C. In Alberta, a province with one million fewer residents and a land base two thirds that of B.C., the comparable figure is almost double that at 221 full-time employees. Saskatchewan, a province with less than one quarter of B.C.'s population, has 56 per cent more staff devoted to enforcing environmental protection.

More often than not B.C.'s COs now have no staff support, meaning any investigations they do must be done pretty much on their own and with little if any budget to sustain time away from their offices.

An even direr situation exists with respect to staffing levels at provincial parks. Once again, comparisons with other jurisdictions are instructive. In some of the largest and oldest provincial parks in B.C., full-time government staff levels are now down to single individuals. Strathcona Park on Vancouver Island will have one full-time government employee this year and three seasonal staff. At Alberta's Kananaskis Country, a park complex of similar size to Strathcona, the provincial government employs 75 full-time people and a seasonal staff of more than 19. At Mount Robson Provincial Park in northern B.C., full-time provincial government staff will be down to 1.8 this year. Seasonal staff will total 3. At two national parks in B.C. – Mount Revelstoke and Glacier – the land base is half of what it is at Mount Robson. To adequately conserve those two adjacent parks and protect visitor health and safety, the Canadian government employs 37 full-time staff and a seasonal staff of 39.



Through direct interviews with former and current staff in the Ministry, this report documents a steady decrease in monitoring and enforcement capacity involving a broad spectrum of activities that can harm human health and the environment. Direct, on-the-ground scrutiny of industrial and municipal polluters continues a steady decline, and former staff members say that the days of surprise spot inspections are all but over, meaning polluters face little chance of being caught. A new era of deregulation is also upon us, one in which various industries will have much more power to determine how they meet various environmental laws. But former Ministry staff say it will be difficult if not impossible to monitor those industries given current staffing and budget levels.



PLEASE HOLD. SOMEONE WILL BE WITH YOU.

A report on diminished monitoring and enforcement capacity in
the Ministry of Water, Land and Air Protection

Introduction

Over the past three years a series of staff and budget cuts have dramatically undermined the ability of public servants to monitor and enforce British Columbia's environmental laws.

The cuts began shortly after the provincial government reduced personal taxes by \$1.5 billion annually in its first days in office. In order to make up for a sizeable revenue shortfall, the government initiated a series of funding cuts to numerous ministries.

This report looks at how successive cuts have affected one government ministry tasked with protecting B.C.'s vast and diverse landscape, namely, the Ministry of Water, Land and Air Protection.

It is important to remember that the cuts detailed here are in addition to sizeable funding withdrawals to MWLAP's predecessor, the Ministry of Environment, Lands and Parks. The previous provincial government made deep cuts of its own, while at the same time increasing the workload of environment officials through the enactment of new forestry, environmental assessment and park laws. However, the depth of the more recent cuts goes well beyond what was seen previously.

Effective monitoring and enforcement results in far more than just the protection of fuzzy critters and trees. It safeguards public health. For example, when polluters know that their discharges will be rigorously scrutinized to ensure compliance with environmental regulations they are more likely to clean up their act. This has the desired effect of protecting sensitive waterways and the creatures that depend on them, while also addressing the short-term and long-term health concerns of water consumers. This is an important consideration in a province where more than 80 per cent of residents rely on surface water sources for their drinking water.¹



Similarly, when a bear searching for food on the outskirts of town is identified early by a properly funded and staffed local provincial government office, environment officials can plan for the capture and relocating of the bear far from human settlement. This has the potential not only to save the bear from being shot, but also to prevent it from becoming habituated to garbage and thereby a potential threat to human safety.

Shortly, we will look in detail at the breadth of cutbacks to WLAP staff and what the implications of those cuts are. But before doing that, let's briefly summarize the cuts to date. Between 2002 and 2004, 320 WLAP employees represented by the BC Government and Service Employees' Union (BCGEU) and the Professional Employees Association (PEA) have either lost their jobs or are scheduled to lose their jobs. The bulk of the job losses – 294 – involved BCGEU members. There is no money to replace any of the BCGEU or PEA positions eliminated. The job losses are either the result of individual employees receiving layoff notices, people taking early retirement packages, or staff opting to leave voluntarily.²

These job losses indicate that the government is well underway to completing targeted reductions in Ministry staff and budget. In the Ministry's 2002/2003 – 2004/2005 Service Plan, total operating expenditures are projected to fall by 40.7 per cent while the number of staff will decline more than 400 full-time positions.³ These cuts are across the board and include enforcement personnel.

What the numbers don't tell you is where those cuts occurred and what their implications are. To tease that out, this report uses data on individual employees who left the Ministry in the past three years. This information was supplied to the West Coast Environmental Law Association by the BCGEU, and originates within the provincial government.

We have analyzed the job losses by category and geographic area. This allows us to say how many Conservation Officers, clerical staff, biologists, technicians and others lost their jobs over the past three years.

Each job has its unique and important characteristics. And, significantly, many of them link up. In other words, a Conservation Officer conducting a pollution violation may need to call on the help of biologists in the same ministry in order to properly assess damage to fisheries habitat or water quality. In building a timely and effective case for a pollution charge violation, that same officer will have to rely on administrative or clerical staff.

When the number of employees in certain job categories are severely reduced we can say with confidence that the ability of the provincial government to perform certain duties has been impaired.



This report goes beyond a sheer recounting of numbers, however. Because what we are most interested in are the perspectives of people who served in the Ministry for long periods of time and who have insight into how things have changed. Five important themes emerge from interviews with former staff who spoke to West Coast.

- A dramatic whittling down of field inspections that was underway during NDP rule accelerates under the Liberals.
- In an effort to reduce demands on remaining staff certain industries will simply no longer be inspected (a fact borne out in the above-mentioned service plan).
- Remaining staff must enforce environmental laws over much larger geographical areas than they did before. This further compromises what were already declining monitoring and enforcement efforts.
- Steep reductions in clerical and support staff mean that many people who once did monitoring and enforcement work now contend with added paperwork, phone calls, and filing. This dramatically undermines their ability to do proactive monitoring and enforcement work. Often, only reactive work is done. For example, instead of a Conservation Officer documenting the illegal activities of polluters, some can only do paperwork and respond to calls about problem animals.
- Finally, a significant number of cuts have occurred in Victoria to offices that once coordinated province-wide initiatives. It now falls to the regions, where significant cuts have also occurred, to pick up the slack.



Just What Has Been Lost and Where?

The job losses at the Ministry of Water, Land and Air Protection have been across the board affecting everything from a small number of senior managerial positions to a large number of field and support staff. The following table presents job losses by category.

JOB CATEGORY	POSITIONS ELIMINATED
Administrative Officers	2
Biologists	17
Clerks	46
Clerk-Stenographers	21
Conservation Officers	22
Communications Officers	4
Engineering Aides	1
Information Systems	2
Laboratory Health Science Officers	1
Licensed Science Officers	26
Office Assistants	15
Park Assistants	21
Planning Officers	10
Resource Officers	3
Scientific Technical Officers	128
Veterinarians	1
TOTAL	320

A large number of the cuts were to jobs involving monitoring and enforcement activities or environmental mitigation. They include the Scientific Technical Officer, Park Assistant, Licensed Science Officer, Conservation Officer and Biologist job categories. These jobs represent just over two-thirds the total. All of these workers depend to some degree on support from other ministry staff such as Administrative Officers, Clerks, Clerk Stenographers and Office Assistants. The above table shows that 84 of these support positions, or 26 per cent of all the jobs eliminated fell into the area of support staff. A common theme to emerge in interviews with former Ministry staff is that the elimination of support positions compromises the ability of monitoring and enforcement staff to conduct effective field investigations because more time is tied up in clerical work.

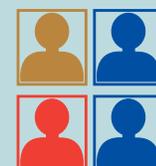


In addition to looking at what jobs were eliminated, it is also instructive to examine where the jobs were lost. The largest job losses occurred in Victoria, followed by Surrey. But significant cuts also took place in various regional government centres such as Nanaimo, Cranbrook, Surrey and Smithers and in smaller communities across the province. In many cases, eliminating staff positions in smaller outlying communities may prove the most problematic. As a result of the most recent cuts, nine more communities in the province have no Ministry staff at all. This means that local residents must rely on public employees in distant communities to respond to any environmental emergencies. The affected communities are Alexis Creek, Clinton, Cowichan, Golden, Houston, Maple Ridge, New Hazelton, Salmon Arm and Ucluelet.

A large number of communities are also down to only one Ministry employee, in many cases a Conservation Officer, whose sole duty is to respond to emergencies and enforce 20 pieces of provincial and federal environmental legislation. Those communities include: Atlin, Chetwynd, Fernie, Grand Forks, Horsefly, Mackenzie, Merritt, Nakusp, Port Alberni, Powell River and Princeton.

The breakdown of job losses by region is as follows:

LOCATION	NUMBER OF POSITIONS CUT
100 Mile House	2
Bella Coola	2
Black Creek	3
Burns Lake	1
Campbell River	2
Chetwynd	1
Chilliwack	6
Clearwater	2
Clinton	1
Cowichan	2
Cranbrook	10
Cultus Lake	1
Dawson Creek	1
Duncan	3
Fernie	1
Fort Nelson	1
Golden	3
Grand Forks	3



LOCATION (Continued)	NUMBER OF POSITIONS CUT
Houston	1
Invermere	2
Kamloops	19
Kelowna	2
Mackenzie	1
Manning Park	3
Maple Ridge	2
Merritt	3
Nakusp	3
Nanaimo	23
Nelson	11
New Hazelton	2
North Vancouver	6
Parksville	6
Penticton	2
Port Alberni	3
Port Hardy	3
Powell River	4
Prince George	8
Princeton	1
Queen Charlotte	2
Quesnel	2
Salmon Arm	2
Sechelt	3
Smithers	9
Squamish	10
Summerland	13
Surrey	44
Terrace	3
Ucluelet	1
Valemount	2
Vancouver	1
Vanderhoof	2
Vernon	3
Victoria	57
Williams Lake	13



The Cuts in Context

Viewed in isolation, the cutbacks to the Ministry of Water, Land and Air Protection may seem dramatic. When recent history is considered, however, they take on added gravity.

Drawing on payroll and budget data from the provincial government it is possible to arrive at figures on just how many people and/or full-time equivalent positions were dropped from the public payroll over the past decade.

Two ministries where substantial cuts occurred were MWLAP's predecessor, the Ministry of Environment, Lands and Parks (MELP), and the Ministry of Forests (MOF). Payroll data shows that between the years 1991 and 1996 employment in both ministries rose considerably. But from 1996 through 2000 employment levels steadily dropped.⁴

The number of regular MOF employees fell nearly 17 per cent from 4,590 to 3,823. In MELP the cuts were deeper, amounting to an even 22 per cent, with the number of regular employees falling steadily from 2,336 in 1996 to 1,823 by 2000.

Under the Liberals, cuts to the ministries have accelerated. MELP was subsequently split into two ministries – MWLAP and the Ministry of Sustainable Resource Management or MSRM.

The cuts to full-time equivalent positions in each of the three ministries are presented in the following table comparing staffing levels at the time of the first Liberal budget to projected staffing levels in the most recent budget for the 2004-2005 fiscal year.

Cuts by Ministry

DATE	MWLAP	MSRM	MOF
July 2001 (1 st Liberal budget)	1,317 FTEs	1,519 FTEs	4,083 FTEs
Feb. 2004 (latest budget)	924 FTEs	754 FTEs	2,942 FTEs
Total Lost	393 FTEs	765 FTEs	1,141 FTEs
Percentage Decline	29.8 %	50.4 %	27.9 %



What will only become apparent in time is how, exactly, these cuts affect monitoring and enforcement capabilities at each of the three ministries. Already evidence is emerging that at the Ministry of Water, Land and Air Protection monitoring and enforcement capacity is diminishing. The following case studies show how. The case studies were based on direct telephone interviews with recently employed and currently employed Ministry staff.

Case Study One

TO SERVE AND PROTECT – IF WE CAN Cuts to the Conservation Officer Service

Few in British Columbia's civil service have the responsibilities that Conservation Officers do. Conservation Officers or COs are our government's eyes and ears on the ground, helping to ensure that a range of provincial and federal laws enacted to better protect our environment, health and safety are met.

If there is such a thing as a front line in monitoring and enforcement efforts, it often begins and ends with these men and women who must uphold environmental laws across British Columbia's 95 million hectares of land and freshwater.

Contrary to popular perception, COs have always done much more than respond to calls from distressed residents worried about bears or cougars wandering down their streets or through their backyards. Important and valued as that work is, it represents but a fraction of the responsibilities that each and every CO has.

In fact, there are more than 20 provincial and federal laws that COs are sworn to uphold. These laws include those relating to the forest, mining and aquaculture industries, laws limiting hazardous waste discharges to air and water, laws to protect fish and fisheries habitat, international agreements on migratory birds, and provincial laws pertaining to water quality and pesticide use. As well, COs are our front-line defence in stemming the tide of illegal trade in exotic species and animal parts.

Add to this a CO's ongoing responsibilities to ensure that hunters do not engage in illegal poaching, that they obtain proper licences *before* they hunt and fish, and that they respect whatever quotas those licences set out, and it quickly becomes apparent just how busy these public servants are.



In 2002 during the first round of Liberal budget cutbacks, the CO Service had sufficient funding to employ 142 full-time officers. By the end of that fiscal year, 22 full-time positions, or 15 per cent of the total, were eliminated. However, there are currently only 115 CO's in the province. Whether or not the five unoccupied positions will eventually be filled or the money used to bolster reduced operating budgets remains to be seen.

Like other branches of the provincial government, the CO Service was also reduced in size during the years of NDP rule; a fact often overlooked in the current preoccupation with present-day cutbacks. From 1995 through 2000, 10 positions from a once 152-strong CO Service were eliminated. Combined, the NDP and Liberal cuts mean that this vitally important public service is three quarters of the size that it was less than a decade ago.

The current government has consistently said that with restructured government services there will be an increased emphasis on monitoring and enforcement. Not necessarily *more* monitoring and enforcement, but more *effective* effort. But how will this be achieved? Consider first that a number of CO Service offices have been closed. Second, many of the support staff that used to assist COs with their investigative work are gone.

On the closure front, a number of communities lost their CO Service offices in the latest round of cutbacks. They are Golden, Salmon Arm, Nakusp, Alexis Creek, Clinton, Valemount, Houston and New Hazelton. In addition to these, many other CO Service offices have only one dedicated full-time officer. These include offices in Atlin, Bella Coola, Sechelt, Princeton, Grand Forks, Mackenzie and Chetwynd.

This means that huge areas of the province simply are not patrolled with anything approaching regularity. For example, in the Cariboo region the closure of the Alexis Creek office means that there are no COs anywhere between the small coastal community of Bella Coola and Williams Lake, the regional government hub some 465 kilometres to the east. Separating the two communities is a long road, heavily traveled by logging trucks. Worse yet, as of this writing the lone CO position in Bella Coola remained vacant with no indication when it would be filled.

Huge areas of the province are not patrolled with anything approaching regularity. In the Cariboo region, the closure of the Alexis Creek office means there are no Conservation Officers anywhere between the small coastal community of Bella Coola and Williams Lake some 465 kilometres to the east.

In Alberta, the number of environmental enforcement personnel is 221, nearly double that of British Columbia.



“For the last three years, all I did was spend time in the office. I didn’t do any fieldwork at all, none, zero. All I did was admin work ... and respond to complaints.” – former Conservation Officer, Barry Klassen

Similarly in Golden, local residents contending with the closure of a CO Service office that once was staffed by two officers and an administrative assistant, must now turn for help to either Invermere, 115 kilometres away or Revelstoke, 145 kilometres distant.

But isolation aside, perhaps the greatest challenge facing individual COs is the lack of dedicated support staff. In the early to mid 1990s every CO Service office in the province had at least some dedicated administrative support staff – not anymore. Today, only 15 of the province’s 44 CO Service offices have such staff. And not all of them are full time. This is placing significant restrictions on the ability of COs to do effective field investigations. The understaffing situation is so dire, in fact, that no member of the public calling a CO Service office today will reach anyone directly. All calls are routed through a 1-800 number and a provincial call centre.

When Walter Cibulka started work in Golden in 1985 as a Conservation Officer, the local CO office had a reputation for being lax and it showed. Hunting and fishing violations were endemic.

To solve the problem, Cibulka began working closely with local police, the rod and gun clubs, and general population. Good and consistent rapport with various groups and a willingness to go out in the bush and confront poachers soon had a marked impact on illegal activities. “All of a sudden, it started to dry up. Everybody was just paranoid to do anything in the bush because the person they saw might be an undercover agent,” Cibulka recalls.

However, as the 1990s drew to a close, both Cibulka and his partner Barry Klassen say their jobs were becoming more difficult – a view shared by many of their counterparts elsewhere in the Service. Always tight on resources, the CO Service tended to rely on in-house staff to do training. Cibulka was the provincial firearms instructor and spent long stretches away from Golden training fellow COs in gun safety.

That often meant Klassen was the lone CO in the region. Beginning in 1998 he began working with undercover agents to unravel the illegal poaching activities of a local guide outfitter. The investigation was ultimately successful, and a \$56,000 fine assessed. But it took its toll, in part because Klassen had no office support.



“For the last three years, all I did was spend time in the office. I didn’t do any fieldwork at all, none, zero,” Klassen recalls. “All I did was admin work on that file and respond to complaints.”

Within months of their office closing, Klassen and Cibulka say there was a sharp increase in illegal activities. “I still get phone calls from people telling me about over limits on fishing, people fishing in closed streams, people shooting undersize deer and leaving them, and night-hunting violations,” Cibulka says. “We hadn’t had complaints like that for years. And now they’re back. And I don’t think it’s a coincidence.”

The loss of a couple of managerial positions and support staff at a large corporate tower in downtown Vancouver may pass unnoticed. But the loss of two COs and one clerk in a branch office tasked with protecting human health and the environment over hundreds of thousands of hectares of land is another matter all together.

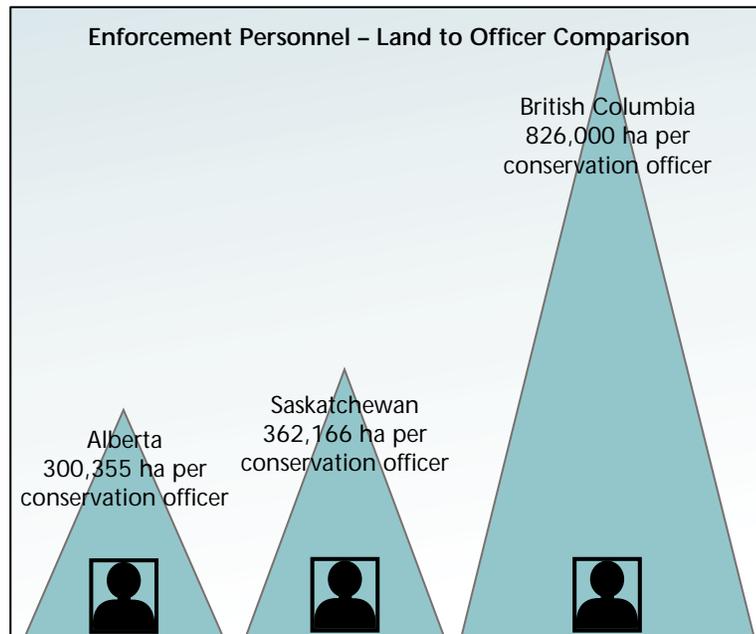
Even with the help they once had, B.C.’s COs were stretched hopelessly thin on the ground. In 1995 when the CO Service had an officer corps of 152, each CO had an average of 625,000 hectares of land and freshwater to patrol. With 115 COs today, that figure is 200,000 hectares higher. To each CO, that increase adds an area equivalent in size to 500 Vancouver Stanley Parks.

To put this into perspective, look at our neighbours. In Alberta, the number of environmental enforcement personnel is 221, nearly double that of B.C. In Saskatchewan, the comparable number is 180. Clearly in other jurisdictions, even ones with a longer history of cuts to government services, there is recognition that environmental laws cannot be enforced without adequate government presence on the ground.



Enforcement Personnel – Land to Officer Comparison

Jurisdiction	Enforcement Staff	Land Area	Area Per Officer
Alberta	221	66.3 million ha	300,335 ha
British Columbia	115	95 million ha	826,000 ha
Saskatchewan	180	65.1 million ha	362,166 ha



Enforcement Personnel – Population Per Officer Comparison

Jurisdiction	Enforcement Staff	Population	Population Per Officer
Alberta	221	3.15 million	14,095
British Columbia	115	4.14 million	36,000
Saskatchewan	180	995,000	5,527

Both provinces to the east of B.C. also have smaller human populations, and in Saskatchewan's case much smaller. Statistics Canada reports that in 2003, British Columbia's population was approximately 4.14 million. In Alberta, the population was almost exactly one million residents lower at 3.15 million. While in Saskatchewan the total number of residents stood slightly below one million at 995,000. So in addition to having more ground to cover, B.C.'s COs must contend with the potential environmental impacts of far more people and the businesses employing them.



Case Study Two

TAKING AWAY THE ELEMENT OF SURPRISE **Cuts to Scientific Technical Officers**

Of the 320 job losses in the Ministry of Water, Land and Air Protection documented in this report, the largest number of cuts were to Scientific Technical Officers.

Forty percent of the job losses documented in this report occurred in this job classification that includes people responsible for overseeing regulations pertaining to toxic and hazardous wastes among other things.

Disputes over forest and fisheries management tend to dominate media accounts of environmental issues in the province. What often fails to be reported is just how much hazardous material is produced in the province. Who handles that material? Where is it sent? What rules pertain to its treatment and discharges? How rigorously are companies and individuals that produce, transport, treat and discharge hazardous wastes inspected to ensure that they comply with laws and do not put public health and safety at risk?

In putting this report together, West Coast spoke to a number of people with long-time experience as STOs who are now no longer with the Ministry. Those interviewed spoke of a sharp decrease in surprise field inspections. The decrease began under the NDP and accelerated under the Liberals. The impact of this full-scale retreat from inspections is not yet fully understood and will likely not be for some time thanks to the replacement of the province's *Waste Management Act* with the *Environmental Management Act*, likely to be proclaimed in the spring of 2004.

As described in information posted on the Internet by the provincial government, the soon to be defunct *Waste Management Act* required that all industries, trades and businesses discharging waste into the water or air be authorized to do so by the provincial government. Each authorization or permit allowing the discharges set out a series of conditions that had to be met. The conditions included:

- limits on how much material could be discharged,
- limits on individual contaminants within waste streams, and
- specifications on how the waste was to be moved and/or treated.



The permits were not only a reminder to the holder about what his or her legal obligations were, but an indispensable tool to provincial regulators tasked with ensuring that the *Waste Management Act's* regulations were followed.

The new act will dramatically reduce the number of waste discharge permits, and hence the number of inspections. The idea appears to be to concentrate regulatory activities on those industries considered to be among the most high-risk. As noted by the provincial government on a web site devoted to changes to the management and enforcement of waste regulations in B.C.:

“The *Waste Management Act* requires all discharges from industries, trades or businesses to have an authorization to discharge waste to the environment. The new *Environmental Management Act* allows the ministry to focus on high-risk and medium-risk activities by limiting those activities that require a permit or other authorization to those prescribed by regulation. This regulation is called the Waste Discharge Regulation.”⁵

Under the Waste Discharge Regulation only designated high risk industries – e.g. pulp mills, rendering plants, oil refineries — are permitted, and “medium risk” industries – e.g. mushroom farms, foundries, sawmills are regulated by “Codes of Practice” rather than permits. Other industries – e.g. gravel pits – are subject only to general prohibitions on causing pollution.

“We had people that were tied up in labour-intensive and paper-intensive permitting [of low-risk industries],” Murray said in June 2002 by way of explaining the rationale behind the proposed changes. “Those people were then not available for what we think is essential, which is setting standards so that those facilities know what they are expected to comply with and then [government] people focus on compliance and enforcement.”⁶

It is not clear whether or not this approach will actually reduce paper work. First, the work of drafting and getting Ministerial approval of Codes of Practice that apply uniformly to different facilities throughout the province is daunting and highly bureaucratic. Drafting a single Code of Practice requires civil servants to develop an in-depth knowledge of the entire industry being regulated and the environmental risks that industry poses. It requires extensive consultation with the industry, and consultation with crown prosecutors and enforcement officers to ensure the draft regulation is enforceable. Codes of Practice can sometimes take years of dedicated team work to develop. Second, once the Codes are in place, industry can request variances in the requirements of the Codes. This creates a need to process and approve industry requests that is, in many ways, analogous to permitting.



Putting aside concerns about whether this new approach may actually add to staff workloads, ongoing questions remain about whether adequate numbers of people are in place to do the increased monitoring and enforcement work. According to people working for Murray's ministry, there has been a general decrease in inspections both of low-risk and high-risk industries for quite some time.

Adding to concerns are figures contained in recent provincial budgets. Those figures show that the ministry's overall budget declined from \$215.9 million to \$148.1 million, between the current government's first budget in 2001 and the most recent provincial budget unveiled in February 2004. The 2004 budget also notes that funding for programs devoted to maintaining clean, healthy and safe water, land and air supplies through monitoring and enforcement of environmental laws, will decline from \$23.3 million to \$15.7 million this fiscal year – a drop of 32.8 per cent.

Al Spidel worked in various capacities for the B.C. government for 34 years prior to taking early retirement in 2002. He says during his time as an STO he saw a significant whittling down in monitoring and enforcement activities.

In 1989, following work as a technician with the Water Resources Branch, Spidel took a job with the Waste Management Branch in Surrey. As an inspector, he was trained to go into the field and inspect industrial sites for compliance with the Waste Management Act. He looked at pulp and paper mills, industrial landfills, food processing plants and fish production plants among other things.

“We filled out inspection forms and informed permit holders that some work was needed in order to bring them into compliance,” Spidel recalls. “They basically signed the form and then we sent in a follow-up letter.” Spidel says that over the course of two years at the Surrey office he was responsible for overseeing monitoring and enforcement efforts pertaining to some 80 individual permits. His immediate supervisor oversaw a staff of five technicians (technicians subsequently became STOs), and a portfolio of 400 or so permits.

Spidel added that most of the 80 permits he was responsible for were out of compliance when he took the job. “I would say we maybe had 15 per cent that were in compliance, and a lot of inspections had not been done in some time. Obviously, there was a need for the new people, myself included.”



“There is not, or very seldom is there, an officer appearing at the site. Basically you schedule your visit, you make known when you’re coming.” – Al Spidel, former Scientific Technical Officer, Ministry of Water, Land and Air Protection

Spidel took on similar work after leaving Surrey for a posting in Nanaimo, except in his new job he worked in the municipal section of the Waste Management Branch. This meant that instead of keeping an eye on industrial polluters he inspected municipal landfills and sewage treatment facilities. Whether the work was municipal or industrial in focus, however, Spidel says that by the beginning of the 1990s the appetite for monitoring and enforcement work was waning in Victoria.

“To give you an example, at the height of it all . . . a high profile operation such as a pulp mill had at least four unannounced checks a year. The four-check was a minimum. If you found non-compliance, an additional inspection was usually required. The four was a minimum. That was your target.

You showed up at the door, said ‘Here I am. I’ve got to look around.’ Basically what happens now is that the compliance is in the hands of the discharger. The regulation is there and they’re required to meet it. But there is not, or very seldom is there, an officer (STO) appearing at the site. Basically you schedule your visit, you make known when you’re coming.”

And the fall in inspections continues.

Until taking early retirement in 2002, Timothy Forty headed the municipal section of the Waste Management Branch in the Southern Interior region. A metallurgical engineer by training, Forty originally worked for mining giant INCO, prior to joining the B.C. civil service in 1975.

Forty was a Licensed Science Officer and in charge of a number of STOs in his position which involved working with municipalities to help them develop their liquid waste management or sewage treatment plans.

During his time in the Okanagan (1980 onwards), Forty helped 20 municipalities develop such plans. “We worked with municipalities and consultants to pick the best options, and once we had that, we proceeded to implement the plan. The plan laid out all the problems that you were fixing. It prioritized the problems. And it put money where it was most needed.”

Then the next order of business was monitoring the municipalities to ensure that they complied with the law.

According to Forty, the monitoring and enforcement work involved data being submitted by the municipalities to the Waste Management Branch. “Then the Branch audited it and supplemented the audits with its own



sampling and field inspections. What we did was we had a list of dischargers (about 300 or so in the Okanagan region) and we sent staff (STOs) out on a regular basis to collect samples and to basically inspect the facilities.”

The sampling work eventually dropped off, however. And it now appears that any sampling or inspection work will be a rare event in the Okanagan region. As of March 2004, there will only be two ministry employees left in the region with a focus on municipal sewage issues.

“At one time,” Forty recalls, “we had one section head, two Licensed Science Officers (one a solid waste engineer, the other liquid waste), and below them we had three techs or STOs.”

Together the unit was responsible for “hundreds of spot inspections in a year, and in the early days those would all involve grab samples [of sewage effluent to make sure it complied with environmental laws].”

Another long-serving LSO who had several STOs working under him offered some similar observations. Unlike Forty, however, he worked with industrial polluters. He asked to remain anonymous.

This LSO worked with major polluters such as pulp companies, helping them develop their waste discharge permit applications. The applications were the first step in obtaining permits that set out what could legally be discharged into the environment and served as a guide for what was to be tested for.

Over the 30 years he worked for the public service, the former LSO said there was a clear reduction in the number of inspections to determine whether or not permit holders were complying with the terms and conditions set out in their waste discharge permits. However, he’s not convinced that the decline was necessarily a bad thing.

“There are less people to do the traditional surveillance work,” the retired LSO says. “But that doesn’t mean the world’s going to hell in a hand basket. Most of the dischargers are pretty responsible. But some aren’t. So the challenge is to focus on them. Under the *Waste Management Act*, a whole lot of things required permits. But under the revised act – the *Environmental Management Act* – certain things won’t be permitted. They won’t require a permit.”

Those enterprises no longer required to obtain permits will be guided by a code of practice, the LSO continued, but they may not be subject to inspections. “They will not be under the authority of a permit, so it’s less onerous on the Ministry to both issue and monitor the permits. If there’s fewer permits, there’s fewer requirements for monitoring.”



The former LSO says that at the time he left the Ministry, there were something like 675 industrial and municipal waste permits to monitor and enforce just on Vancouver Island. “I suspect the number of permits will fall dramatically when the new bill is passed,” he added.

Regardless of the new system’s impact on monitoring of polluters, it is clear that Ministry staff will have one less tool to use when they find polluters out of compliance. Starting in 1990 the Province began publishing list of polluters who were breaking the law by not complying with environmental protection standards set out in permits and regulations. When Social Credit Minister of Environment, John Reynolds, announced the Non-Compliance List in 1990, he described it as “a clear indication of our government’s intention to deal forthrightly and decisively with pollution concerns”.

“Most dischargers know that the government doesn’t come around anymore. And if there’s not someone keeping the playing field level, then there’s no protection.” – Al Spidel, former Scientific Technical Officer, Ministry of Water, Land and Air Protection

But the current government cancelled the list shortly after taking office, citing inconsistencies in how different regions treated non-compliance. According to one senior environmental protection official, the list was an effective enforcement tool because companies hated to be placed on it. Tellingly, compliance reports are available for polluters across the border in Alberta, and Washington, as

well as in Ontario and for polluters regulated by the Greater Vancouver Regional District.

Setting aside concerns about the loss of enforcement tools, the big question for a lot of former Ministry staff is what the future holds for monitoring and enforcement work.

Will the polluters required to hold permits under the new act be regularly inspected? Or will the trends of the past hold true, and less and less emphasis be placed on inspecting anybody?

For former employees like Spidel, there is no doubt that when polluters knew they were subject to surprise inspections they tended to try to comply with the law.

If government officials know that the number of field inspections is declining, you can bet that the industries they monitor do as well. “Most dischargers know that the government doesn’t come around anymore,” Spidel says. “And if there’s not someone keeping the playing field level, then there’s no protection.”



Case Study Three

PROTECTED AREAS – BUT WHO’S DOING THE PROTECTING?

Cuts to Parks Personnel

Over the course of the past decade British Columbia’s network of provincial parks or protected areas has grown dramatically, and continues to expand as two land-use planning processes wind their way to completion on the Central and North coasts.

The parks are a major draw to residents and visitors to B.C. alike and are among the many features highlighted in tourism promotional materials developed and marketed by the provincial government. For example, on the government’s Super, Natural British Columbia web site visitors can learn about all manner of tourism opportunities including park visits.

“How to Get to Paradise,” reads one typical entry. “Paradise Meadows, that is. These beautiful alpine meadows with boardwalk trails are part of Strathcona Provincial Park and are easily accessible from Mount Washington Alpine Resort. To get a spectacular view of Golden Hinde, the Island’s highest mountain and the Strait of Georgia, just take a summer chairlift to the top of Mt. Washington.”⁷

Such promotion is understandable. A recent provincial government report, *Economic Benefits of British Columbia’s Provincial Parks*, notes several significant social and economic plusses to the province flowing from its world-renown park system including:

- total expenditures related to park visits of \$533 million in 1999,
- a return of \$10 on each dollar invested by the provincial government in its protected areas system,
- economic activities associated with parks that translate into 9,100 direct and indirect person-years of employment every year,
- a \$521 million annual contribution to the provincial Gross Domestic Product, and
- some \$219 million in tax revenues for the provincial and federal governments.⁸

Given the obvious economic importance of its parks system, the B.C. government’s continued gutting of the Parks Service raises interesting questions. Many provincial parks are renown for their wild character and large



size. They draw local residents as well as visitors from afar precisely because they are unspoiled by development. As one long-time provincial government employee working for one of the larger parks in the province, wryly observed: “Don’t build it and they will come.”

Under British Columbia’s *Park Act* many parks are classified as Class A Parks. This means they were created “and are dedicated to the preservation of their natural environments for the inspiration, use and enjoyment of the public.”⁹ This poses very unique and special challenges to those men and women tasked with conserving parklands for today’s and future generations.

Almost all of Strathcona Provincial Park, for example, is a Class A park. The park is the oldest in the province and among the largest. Created in 1911, it encompasses more than 250,000 hectares of land and freshwater on central Vancouver Island. Renown for its mountainous terrain, the park is an alpine hiking paradise and is visited each year by more than 200,000 campers and wilderness enthusiasts. According to the Ministry of Water, Land and Air Protection, the park:

“ . . . has a large deer population and a significant number of Roosevelt elk while wolves and cougars, though present, are seldom seen. Birds of Strathcona include the chestnut-backed chickadee, red-breasted nuthatch, winter wren and kinglet, as well as the gray jay, Stellar’s jay and band-tailed pigeon. The parks also supports numerous blue grouse, ruffed grouse and a limited number of unique Vancouver Island white-tailed ptarmigan.”¹⁰

Patrolling a park of this size is an obvious challenge not only because of its size, but its rugged topography and lack of backcountry roads. Among the primary duties of park personnel are to ensure that the core purposes or values of parks are maintained. At any one time, a public servant working for the provincial parks system will have to uphold rules and regulations pertaining not just to the *Park Act*, but a host of other Acts and regulations, including the *Wildlife Act* and *Forest Act*.

Ensuring that the rules and regulations laid out in those acts are adhered to is a tall order, requiring time in the field. Yet there is much to suggest that this is not happening.

Fearing government reprisal, existing parks personnel interviewed for this report did not wish to speak on the record, however they said it was bordering on the impossible to patrol parks or to ensure compliance with relevant environmental laws.

When snowmobiling or poaching activities threaten endangered wildlife in a park, there is little way to find the culprits, let alone lay charges. When logging strays over a park boundary, there is little chance it will be detected. When someone illegally dumps hazardous wastes in a park, it’s unlikely they will be caught. And so on.



“When it comes down to monitoring and enforcement the logistics of getting out to each park and within each park is mind boggling in terms of the time required, let alone what you do once you get there,” said one Parks employee. “And it’s kind of hit and miss that somebody’s doing something when you get out there. Trying to do enforcement in the winter, for example with illegal snowmobile activity, would require helicopter time, for which we have very little money. And if you take the other route and say we’re not going to use machinery, like say helicopters, the obvious replacement would be people to go out there. And we have no people.”

Said another: “To see a park ranger out in a park these days, well, it’s kind of like trying to find an endangered species.”

Do such observations overstate the problem?

Not when compared to other jurisdictions.

The following table provides employment figures for two provincial parks in B.C., a provincial park complex in Alberta, a provincial park in Ontario and two national parks within B.C.’s borders. The table immediately following provides employment/park area ratios and employment/park visitor ratios.

“To see a park ranger in a park these days, well, it’s kind of like trying to find an endangered species.” – Parks employee, Ministry of Water, Land and Air Protection

Park & Jurisdiction	Full-Time Staff	Seasonal Staff	Area	Visits Annually
Kananaskis Country (Provincial, Alberta)	75	19.1	260,000* ha	3.7 million
Mount Robson (Provincial, B.C.)	1.8	3	300,000** ha	600,000
Strathcona (Provincial, B.C.)	1	3	250,000 ha	209,078
Manning (Provincial, B.C.)	1	3	91,125*** ha	858,145
Glacier and Mount Revelstoke (National, B.C.)	37	39	160,900 ha	600,000
Killarney (Provincial, Ontario)	3	30	48,000 ha	36,000

* Kananaskis Country consists of a series of parks and special management areas in Alberta. There are a number of provincial parks in the complex that, when joined together, constitute 260,000 hectares of land. The parks include: Peter Lougheed Provincial Park, Bow Valley Provincial Park, Spray Valley Provincial Park, Canmore Nordic Centre Provincial Park, Sheep River Provincial Park, Bow Valley Wildland Park, Elbow-Sheep Wildland Park, Don Getty Wildland Park and Blue Rock Wildland Park. For a breakdown of park employees, please see Appendix A.

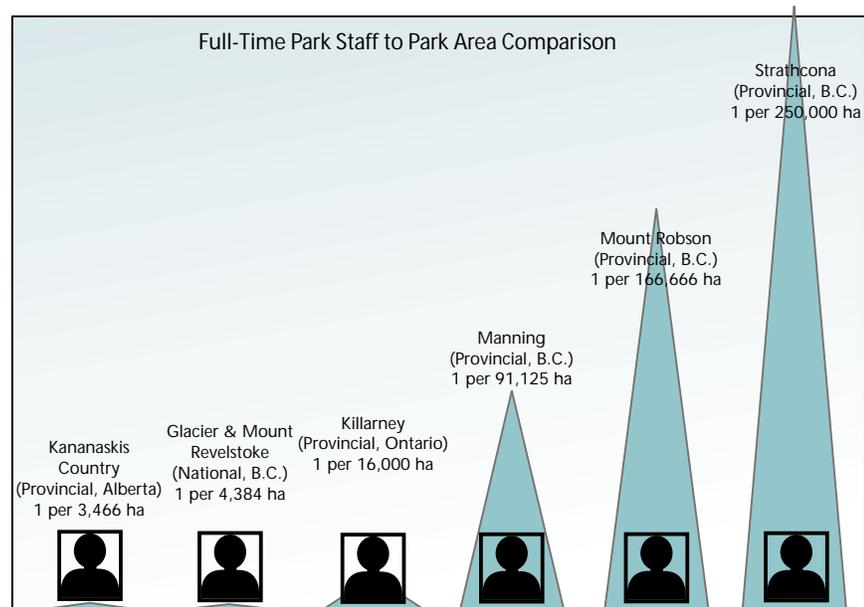
** This figure includes a few large parks under the jurisdiction of parks officials working for BC’s Ministry of Water, Land and Air Protection. The major park is Mount Robson



Provincial Park (224,000 hectares). Two other mid-size provincial parks – West Twin and Hamber – bring the total to 285,000. A handful of small parks push the total to more than 300,000 hectares.

*** The lone full-time Parks Service employee at Manning actually has responsibility for a number of small provincial parks in addition to Manning. This figure includes the 70,000-plus hectares that comprise Manning Provincial Park and a neighbouring recreation area of 20,000 hectares. The remaining lands are spread over four small parks and one ecological reserve.

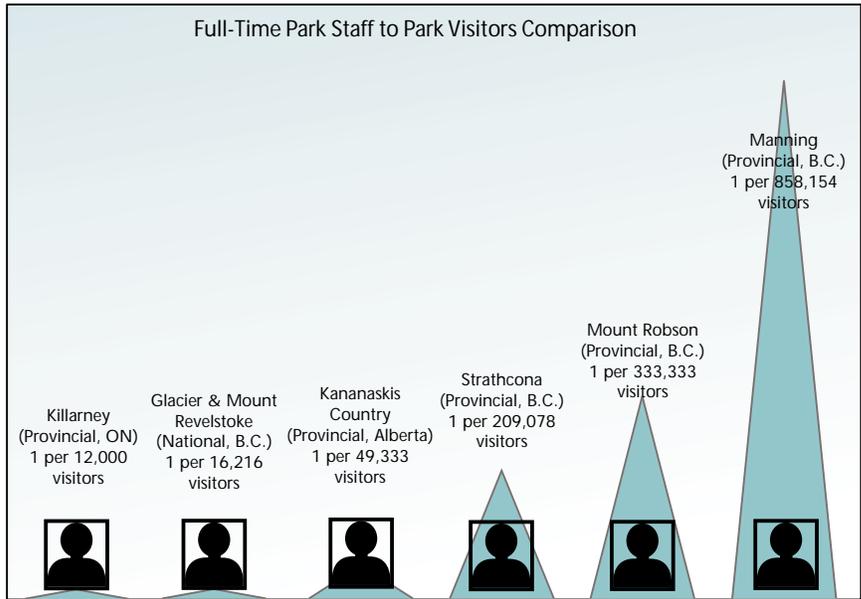
Park	Full-Time Park Staff/Area	Full-Time Park Staff/Visitors
Kananaskis Country (Provincial, Alberta)	1 per 3,466 ha	1 per 49,333 visitors
Mount Robson (Provincial, B.C.)	1 per 166,666 ha	1 per 333,333 visitors
Strathcona (Provincial, B.C.)	1 per 250,000 ha	1 per 209,078 visitors
Manning (Provincial, B.C.)	1 per 91,125 ha	1 per 858,145 visitors
Glacier and Mount Revelstoke (National, B.C.)	1 per 4,384 ha	1 per 16,216 visitors
Killarney (Provincial, Ontario)	1 per 16,000 ha	1 per 12,000 visitors



By this spring, BC's Parks Service will be down to one full-time staff person for Strathcona Provincial Park. Two years ago, that employee had nine seasonal staff at his disposal. Last year he had two. His only full-time assistant on monitoring and enforcement efforts, a senior park ranger, was declared redundant in the most recent round of Liberal cutbacks and will be gone from the Ministry in the next few months.



Ted Kremmer is a former Parks employee now retired and living in Courtenay. He used to work at Strathcona, and took early retirement during the first round of Liberal cuts. At one time, Kremmer says, there were two supervisors and two assistants working full-time at the park and a number of seasonal staff who returned each year for the busy summer period.



“And that wasn’t enough by any means,” says Kremmer. “Enforcement was very poor. We weren’t out there in the public eye. People knew that there was little if any patrolling. There were thefts of various things – wood, natural products, a lot of so-called ‘benign’ harvesting of salal, mosses, cedar boughs, shake blocks, even whole trees. There were even some incursions into the park by logging companies clear-cutting over park boundaries.”

As if that wasn’t enough to be concerned with there was and remains an active mining operation within the park at the upper end of Buttle Lake, a giant reservoir that is the site of the park’s two major camping grounds.

What chance will the park’s sole remaining government employee have to adequately track what goes on anywhere in the park? “Half his day will be spent answering e-mails or filing reports,” Kremmer says. “He won’t be in the field at all. He’ll be working in the office.”

“Enforcement was very poor. We weren’t out there in the public eye. People knew that there was little if any patrolling.” – Ted Kremmer, former Parks employee



As our provincial parks continue to lose regular and seasonal staff, we can ask *Just who is protecting British Columbia's so-called protected areas?* Especially when further reorganizations lie ahead.

A case in point is the Okanagan Region. Prior to the first Liberal cuts, there were seven area supervisors, each with responsibility for a number of provincial parks. One of those positions was then eliminated and the portfolios of the remaining six supervisors were expanded accordingly.

In 2004, two more supervisors are slated to leave. One is taking voluntary departure, the other early retirement. Only one of those positions will be replaced, bringing the total down to five.

To illustrate what this means, consider Manning Park. The park was established in 1941 and is named after Ernest C. Manning, a former chief forester of the province. It is one of the larger and more accessible parks to the Greater Vancouver area and is bisected by the Crows Nest Highway. In 2000, the park had an area supervisor, two senior park rangers and one full-time office assistant. In 2001, the office assistant was gone. By 2003, both park rangers lost their jobs.

This left one full-time Parks employee and three seasonal staff. In addition to having responsibilities for Manning Park, the skeletal Parks crew also had to look after a number of small but popular car-camping parks to the east, on the other side of the mountain pass. The total land area under their jurisdiction exceeded 91,000 hectares (see preceding charts).

Under an upcoming reorganization, the sole full-time Parks employee will no longer be stationed at Manning Park, but a 2.5-hour car ride away in Penticton. Four additional provincial parks will be added to that person's responsibilities including Cathedral Lakes, an extremely popular destination for alpine and mountain hiking enthusiasts. Cathedral is a 1.5-hour drive from Penticton, and that only gets you to the base of a mountain. From there, it's a half-hour four-wheel-drive up a steep gravel road of switchbacks to a sub-alpine campground at the base of a lake.

The total area of added responsibility is just shy of 60,000 hectares. But no new staff positions will be added, meaning one full-time Parks employee and three seasonal staff will have responsibilities for nine provincial parks, one ecological reserve and one recreation area.

Private sector workers will be in the parks working under contract to the provincial government. But the focus of almost all the contract work now being done in provincial parks is in what is referred to as the "front country" portions of the park, essentially those areas where car-camping and day visits occur.



This leaves the Parks Service with responsibilities for the backcountry – the bulk of the parkland. In Manning Park alone, there are more than 200 kilometres of hiking trails that Parks employees must monitor to ensure they are safe for public use. That responsibility alone will eat up most of the time of two seasonal staff, leaving one full-time Parks employee and one other seasonal worker to deal with all the other issues.

Case Study Four

BYE BYE BIOLOGISTS

Is an end to scrutiny of logging companies in sight?

In his 25 years in British Columbia’s civil service, biologist Dionys de Leeuw saw a dramatic decline in the presence of environment staff where it mattered most – on the ground.

The government biologist, who holds a Masters degree in entomology, has had a lifelong interest in fisheries production in forest streams. He’s also an expert on the impacts that logging and logging roads have on stream life.

Like the Scientific Technical Officers interviewed earlier in this report, de Leeuw is concerned about the dramatic downward trend in fieldwork that occurred in the last decade or more.

While working as a Habitat Protection Biologist out of Terrace, de Leeuw and his colleagues were routinely called on to assess a wide range of development proposals.

These included everything from mining proposals, to sewage fields, to logging roads and bridges. “All of those projects were sent to government to be reviewed by staff,” de Leeuw recalls. “And the vast majority of them had clauses put in saying ‘you’ve got to do this and you’ve got to do that.’ And others had specific recommendations made for that particular project. In other words, if a road was going to be put in a general recommendation would be that you could not sidecast material into the stream. A more specific recommendation would be that the road had to be relocated to protect the fledging habitat of some bird species. And we would go out into the field and check and see if they had done that. And we did that for all kinds of projects.”

De Leeuw says it was not uncommon for him to see 700 or 800 project referrals in a year. Most by far would not require field visits. But a significant



minority of them, 10 per cent or so, required inspections because they could cause serious environmental harm.

But in northwest BC, the process ground to a halt due to lack of resources. “Then staff was reduced, budgets were cut, and not a single one of them were reviewed,” de Leeuw says. “And some of those were industrial projects. By the mid ‘80s to mid ‘90s, that whole process just died. It ceased to exist in terms of staff. And yet the projects continued. There was no cessation of culverts being put in, no cessation of subdivisions, no cessation of pumping stations for water. And as far as I know, none of that stuff was being reviewed by government. Whereas before that was entirely the case. We got a lot of referrals under the *Water Act*, the *Highways Act*, the federal *Fisheries Act* and others.”

Part of the reason for the decline, de Leeuw says, was that by the mid 1990s, a new provincial law came into effect – *The Forest Practices Code of British Columbia Act*. The new law demanded a whole other level of scrutiny of logging company plans and activities. Biologists within the then Ministry of Environment, Lands and Parks, were called on to be part of the team of people doing that work.

“Ministry of Forests never ensured that companies stuck to the planning process, and the information our people got was often next to useless. We’d get referrals of logging plans, but there’d be no contour lines on the plans. We never knew whether streams were going up or down. Road locations were never accurately depicted, so we could never accurately review the forest plans in the development plans. It was horrible.” – Dionys de Leeuw, former biologist, Ministry of Water, Land and Air Protection

Called Forest Ecosystem Specialists or FES’s, these biologists were a rare breed. While employed by MELP, they worked out of Ministry of Forests offices.

As a senior biologist within MELP’s habitat protection branch, de Leeuw says he spent about 70 per cent of his time trying to ensure that Forest Ecosystem Specialists in the Skeena region had the proper resources in order to do the job. The biologists were generally regarded as outsiders by MOF. So de Leeuw had to fight for everything they needed – desks, computers, tables, office space, filing cabinets, you name it.

The *Forest Practices Code* made an impact on forest standards throughout British Columbia, but the promise of Forest Ecosystem Specialists reviewing logging plans was hobnailed from the beginning, especially in the Skeena Region, by lack of resources and institutional conflict between Ministry of Forests and Ministry of Environment. According to de Leeuw, “MOF never ensured that companies stuck to the planning process, and the information our people got was often next to useless. We’d get referrals of



logging plans, but there'd be no contour lines on the plans. We never knew whether streams were going up or down. Road locations were never accurately depicted, so we could never accurately review the forest plans in the development plans. It was horrible.”

Now all of those concerns appear to be a moot point. Two new bills introduced by the Liberals in the spring of 2002, substantially changed the rules governing forest industry activity, and hence the roles of civil servants in the ministries of Water, Land and Air Protection and Forests. Under the *Sustainable Resource Management Statutes Amendment Act* and the *Deregulation Statutes Amendment Act*, both the *Forest Practices Code* and the *Forest Act* have undergone key amendments. A new *Forest and Range Practices Act* to replace the Code is being phased in over the next two years. Under the new regime, government merely sets broad objectives, and how they are achieved on the ground is left pretty much up to the companies themselves. The new changes cut public servants out of key areas including those affecting environmental and human health concerns by:

- removing environmental scrutiny of logging plans,
- removing environmental oversight of biodiversity objectives in forest planning (for example, commenting on a proposed logging plan's impacts on rare or endangered species),
- allowing the Chief Forester of the province (a senior Ministry of Forests employee) to postpone allowable annual cut determinations for up to 10 years (a move that could effectively maintain unsustainable logging rates for a decade),
- eliminating Forest Practices Code requirements for stand management plans following logging (the plans include activities that could boost the value of publicly owned forestlands by thinning and spacing second-growth trees).¹¹

In the new deregulated regime, there will be no role for environmental oversight by FES's. And they won't be there to respond anyway – at least not in Skeena Region.

In a telephone conversation from his home in Terrace, de Leeuw, who took early retirement from the Ministry in the spring of 2002, runs through a list of FES's who used to work in the region. One remains on the Queen Charlotte Islands. A second in Prince Rupert is scheduled to lose her job. Five others – one each in the Dease Lake, Kalum and Kispiox districts, one in Houston and one in Smithers – all left their jobs and have not been replaced. And the eighth and last position remains vacant, after a FES left Burns Lake for a job with more security in Alberta.



The vacant positions speak volumes about where the present government is going as far as monitoring and enforcement of environmental laws pertaining to logging activities is concerned. “In my opinion there is essentially not going to be any environmental monitoring of any kind in the Skeena Region with regards to forest harvesting. It’s going to be left entirely to the Forest Service to do that.”

And don’t expect much help from that quarter either, de Leeuw warns. Four offices in what was once called the Prince Rupert Forest Region have been closed in their entirety, including the regional headquarters in Smithers, district offices in Hazelton and Houston, and a field office in Stewart. Col-

lectively, the four offices had full-time equivalent staff of 170. From an administrative perspective, the region no longer exists. Distant regional headquarters in Prince George and Nanaimo are now left to assume the responsibilities that Smithers once did. As far as the current government seems to be concerned, the northwest quarter of the province doesn’t warrant any special environmental protection.

“In my opinion there is essentially not going to be any environmental monitoring of any kind in the Skeena Region with regards to forest harvesting. It’s going to be left entirely to the Forest Service to do that.” – Dionys de Leeuw, former biologist, Ministry of Water, Land and Air Protection

De Leeuw’s observations take on added weight in light of the latest provincial government budget. The document notes that MOF’s budget for “compliance and enforcement” will be reduced by 15 per cent from \$50.9 million to \$43.2 million.

In addition to the constraints posed by reduced budgets and staffing, MOF personnel must now contend with new regulations that reduce opportunities for oversight of logging industry activities while increasing the hurdles they must clear in the event they wish to take environmental protection measures. Under the new *Government Actions Regulation* government cannot take actions to protect water quality or endangered species from logging unless it first determines that the action is consistent with “maintaining or enhancing an economically valuable supply of commercial timber”. It must also show that the value of a proposed enforcement action, for example protecting water quality in a community watershed, outweighs the negative impacts on competitiveness of past environmental protection actions. In other words, just to begin an enforcement effort a huge number of hoops will have to be jumped through first. Staff time will be eaten up doing paperwork, not out in the field.



Conclusion

British Columbia is Canada's third largest province. Like its counterparts, large and small, it is rapidly urbanizing yet still highly dependent on rural resource-based activities for its economic prosperity. This duality poses significant challenges for the men and women tasked with upholding the province's environmental laws. On the one hand, they must contend with the large amount of toxic and hazardous substances produced by, and moving through, urban centres. On the other, they face significant hurdles to effectively monitor and enforce a wide array of enterprises occurring in the hinterland including logging, mining, oil and natural gas exploration and development, hydroelectric projects, fish-farming and backcountry tourism. Adding to the challenge, many of these activities take place in remote areas in rugged terrain that is extremely hard and expensive to reach.

This report shows that monitoring and enforcement work is being compromised by budget cuts, partial and complete office closures, front-line staff cuts and cuts to administrative and clerical support staff. In some regions staff shortages have interfered with the ability of environmental officials to do their jobs since as early as the mid 1990's. But accelerating cuts have made the situation more dire.

The cuts to the Ministry of Water, Land and Air Protection are being further exacerbated by cuts to other ministries such as the Ministry of Forests, tasked with overseeing an industry with a long track record of environmental degradation.

When people directly involved in monitoring and enforcement such as Conservation Officers, Scientific Technical Officers, Biologists and others lose their jobs and are not replaced, it falls to remaining staff – often in more distant offices – to assume greater responsibilities. As the preceding case studies show, however, it is very likely that those added responsibilities can not be assumed by remaining staff. The time and expense required to travel greater distances is often prohibitive. And as is illustrated elsewhere in this report, those staff are increasingly saddled with doing work once done by clerical and administrative support staff who have lost their jobs in great numbers in the past three years.

The collective effect of progressive cuts under the NDP and later the Liberals is a vastly diminished public sector presence on the ground. Against this backdrop, the government is also well along the pathway of doing away



with almost a third of the regulations in place when it came to power. Rules governing mining activities, pesticide applications, parks and park management, environmental assessments, hazardous waste management, forestry, agricultural land and greenbelt protection and contaminated sites are all being rewritten with many regulations disappearing from the books.

Government leaders say that in a deregulated regime the onus will be on industries to determine how they meet the standards. Meanwhile public servants, freed up from “unnecessary” paperwork, will do the monitoring and enforcement to ensure compliance with environmental laws.

However, there are reasons to doubt this strategy. In the case of the *Forest and Range Practices Act*, new government regulations have increased the red tape facing environmental protection officials – making it far harder for them to do their job.

Changes to government policy have also eliminated an effective enforcement tool – in particular eliminating the non-compliance list.

The Provincial government has most often pointed to the planned shift from regulating polluters by way of individual permits to regulating them by way of Codes of Practice, as an example of how paperwork will be reduced. However, for several years at least, drafting Codes of Practice is likely to prove an onerous task. Once Codes are in place, polluters will still be able to ask government for variances from the requirements set out in the Codes. The work involved in processing these applications for variances may prove almost as time consuming as permits.

Time will tell whether more can be done with less. But if the words of public servants with decades of experience in environmental protection mean anything, we won't have to wait long for the answer. And the answer won't be pretty.



Appendix A

The following table presents a breakdown of full-time and seasonal employment at Kananaskis Country, a provincial park complex in Alberta.

JOB TITLE	FULL-TIME POSITIONS	SEASONAL POSITIONS
Managers	4	0
Biologists/Techs	2	0.8
Visitor Services	9	7.9
Conservation Officers	15	1.9
Planners	1	0
Special Events	1	0
Public Safety (Search)	2	0
Maintenance (Buildings and Trails)	24	6.7
Administration and Finance	10	1
Emergency Services	3	0
Park Lodge (for disabled and seniors)	4	0.9
TOTAL	75 EMPLOYEES	19.1 SEASONAL STAFF

Endnotes

- ¹ Office of the Auditor General of British Columbia. 1999. Protecting Drinking Water Sources.
- ² BC Government and Service Employees' Union. 2003. Unpublished data.
- ³ For more information on the Ministry of Water, Land and Air Protection's Service Plan visit the Ministry's web site at: http://www.gov.bc.ca/prem/popt/service_plans/srv_pln/wlap/.
- ⁴ BC Government and Service Employees' Union. 2003. Unpublished data.
- ⁵ For more information on the B.C. Government's changes to waste management, go to the Environmental Management Branch's web site at: http://wlapwww.gov.bc.ca/epd/waste_mgt_review/. The Branch is part of the Ministry of Water, Land and Air Protection.
- ⁶ Joyce Murray as quoted in "Where Does it all Go? Our System for Tracking Toxic Wastes is Showing Cracks." June 27-July 4, 2002. *The Georgia Straight*.
- ⁷ For more information on Super, Natural British Columbia visit the web site maintained by the B.C. Government at: <http://www.hellobc.com>.
- ⁸ Government of British Columbia. Ministry of Water, Land and Air Protection. 2001. Economic Benefits of British Columbia's Provincial Parks.
- ⁹ For more information on the *Park Act* a full copy of the act is available on-line at: http://www.qp.gov.bc.ca/statreg/stat/P/96344_01.htm.
- ¹⁰ As quoted on the Ministry of Water, Land and Air Protection's BC Parks web site: http://wlapwww.gov.bc.ca/bcparks/explore/parkpgs/strathcn/nat_cul.htm.
- ¹¹ For more information on the effects of forest deregulation see West Coast Environmental Law Association's Deregulation Backgrounder *Changes to the Forest Act and Forest Practices Code (Bills 22 & 35 - 2002)* at: http://www.wcel.org/deregulation/dereg_forest1.pdf.



