

# The Regulatory Craft in Nova Scotia Conference

## November 20 & 21, 2007

### Schedule

#### Monday, November 19, 2007

Time	Speaker	Presentation / Location
8:30am-4:30pm	Professor Malcolm Sparrow, John F. Kennedy School of Government, Harvard University	<i>Government-wide workshop by invitation only</i> Commonwealth B

#### Tuesday, November 20, 2007

Time	Speaker	Presentation / Location
8:00-9:00 am	Registration Continental Breakfast	Atlantic Ballroom
9:00-9:10am	Honourable Jamie Muir, Chair, Treasury and Policy Board	<i>Welcoming Remarks / Conference Opener</i> Atlantic Ballroom
9:10-9:20 am	Bob Fowler, Deputy Minister to the Premier	<i>Opening Remarks</i> Atlantic Ballroom
9:20-9:30 am	Nancy Vanstone, Acting Deputy Minister, Environment and Labour	<i>Introductions</i> Atlantic Ballroom
9:30-10:30 am	Professor Malcolm Sparrow, John F. Kennedy School of Government, Harvard University	<i>Keynote Address: "Unravelling Risk"</i> Atlantic Ballroom
10:30-10:45 am	Chris Daly, Director, Competitiveness and Compliance Initiative, Environment and Labour	<i>Conference Overview</i> Atlantic Ballroom
10:45-11:00 am	Break with Refreshments	Atlantic Ballroom
11:00-11:45 am	<b>Theme: Choose and Design Quality Regulations</b>	
	Mary Moreland, Senior Policy Advisor, Office of Consumer and Public Involvement, Health Canada; Dr. Mavis Jones, Dalhousie University	<i>Integrating Patient and Consumer Voices in Evidence-based Regulatory Decisions about Risks and Benefits</i> Harbour Suite A
	Marion Maloney, Policy Advisor, England and Wales Environment Agency	<i>Creating Good Regulation across the European Union</i> Atlantic Ballroom
	Darren MacDonald, Ergonomist, WCB of NS Peter Goyert, Senior Ergonomist WorkSafeBC	<i>Tackling a Regulatory Challenge - Ergonomics</i> Lunenburg Room

11:45-1:00 pm	Lunch (provided)	Atlantic Ballroom
1:00-1:45 pm	<b>Theme: Make it Easier to Comply with Regulations</b>	
	Nancy MacLellan, Executive Director, SNSMR; Leanne Hachey, Vice-President, Atlantic CFIB; Lisa Muton, Manager Canada/NS Business Service Centre, Industry Canada	<i>Collaboration to Better Serve Business Clients</i> Lunenburg Room
	Michael Stahl, Director, Office of Compliance, US EPA	<i>Using Compliance Assistance at the U.S. Environmental Protection Agency</i> Harbour Suite A
	Michael Presley, Executive Director, Treasury Board of Canada, Secretariat	<i>Applying the Federal Cabinet Directive on Streamlining Regulation</i> Atlantic Ballroom
1:45 - 2:00 pm	Break with Refreshments	Atlantic Ballroom
2:00-2:45 pm	<b>Theme: Increase Compliance with Regulations</b>	
	John Stager, Assistant Deputy Minister, Ontario II&E Business Transformation	<i>Modernizing Regulatory Compliance - The Ontario Experience</i> Atlantic Ballroom
	Hal Knox, Manager Corporate Compliance Group, Alberta EUB	<i>Alberta Energy and Utility Board's (EUB) Compliance Assurance Initiative</i> Lunenburg Room
	Gwenda Laughland, Director, Ministry of Environment	<i>Leading the World in Sustainable Environmental Management - Bar None: BC's Compliance Management Framework</i> Harbour Suite A
2:45-3:00 pm	Break with Refreshments	Atlantic Ballroom
3:00-3:45 pm	Michael Stahl, Director, Office of Compliance, US EPA	<i>Doing What's Important: A Problem- Solving Approach to Setting Priorities</i> Atlantic Ballroom
3:45-4:00 pm	Chris Daly, Director, Competitiveness and Compliance Initiative, Environment and Labour	<i>Wrap-up</i> Atlantic Ballroom
5:30 pm start	Professor Malcolm Sparrow, John F. Kennedy School of Government, Harvard University	<i>The Nature of Harms: The Search for Regulatory Effectiveness</i> Dalhousie University, Weldon Law Building, Room 104 [ <a href="#">Map</a> : <a href="#">PDF</a> ]

## Wednesday, November 21, 2007

Time	Speaker	Presentation
8:00-8:30 am	Continental Breakfast	Atlantic Ballroom
8:30-8:40 am	Chris Daly, Director, Competitiveness and Compliance	<i>Introductions</i> Atlantic Ballroom

	Initiative, Environment and Labour	Atlantic Ballroom
8:40-9:40 am	Doug McKenzie-Mohr Ph.D., McKenzie-Mohr & Associates	<i>Keynote Address : How Community-based Social Marketing can be utilized to foster lasting changes in behaviour</i> Atlantic Ballroom
9:40-9:50 am	Break with Refreshments	Atlantic Ballroom
9:50-10:35 am	<b>Theme: Continuously Improve our Regulatory Programs</b>	
	Steve Montague, Performance Management Network	<i>Planning and Measuring Progress in Problem Solving, Harm Reduction + Risk Control: A Needs-Results Hierarchy</i> Atlantic Ballroom
	Robert Cormier, Director, Public Safety and Fire Marshal, NSEL	<i>Education: the Golden Road to Risk Management Solutions</i> Harbour Suite A
	Adam Zimmerman, Competition Law Officer, Canadian Competition Bureau of Canada	<i>Enabling Competition and Informed Consumer Choice through a Targeted Enforcement Approach to Markets ("T.E.A.M.")</i> Harbour Suite B
10:35-10:50 am	Break with Refreshments	Atlantic Ballroom
10:50-12:00pm	Panel Discussion: Brad Smith, Vice-President, Greater Halifax Partnership Mark Butler, Policy Director, Ecology Action Centre William Lahey, Professor, Dalhousie University Law School Paul Taylor, Deputy Minister, Nova Scotia Economic Development	<i>Why is it important for government to improve its laws and how it regulates?</i> Atlantic Ballroom
12:00-12:15 pm	Presentation of the Malcolm Sparrow Award	Atlantic Ballroom
12:15-12:30pm	Honourable Mark Parent, Minister, Nova Scotia Environment and Labour	<i>Wrap Up and Future of Regulatory Practice in Nova Scotia</i> Atlantic Ballroom
1:30-4:45 pm	Doug McKenzie-Mohr Ph.D., McKenzie-Mohr & Associates	<i>Workshop: Fostering Sustainable Behaviour: Community-based Social Marketing</i> Atlantic Ballroom

## Presentation Descriptions

### Malcolm Sparrow - Keynote Address - “Unravelling Risk“

Malcolm Sparrow argues that control or mitigation of risks, problems, and other 'bad' things involves distinctive patterns of thought and action, which turn out to be broadly applicable across a range of government and regulatory endeavors. Professor Sparrow will demonstrate that an explicit focus on the

'bads' (i.e. on specific risk components), rather than on the countervailing goods (safety, prosperity, environmental stewardship, etc.) can provide rich opportunities for surgically efficient and effective interventions - an emerging operational approach which he terms 'the sabotage of harms.'

His talk will explore the institutional arrangements and decision frameworks necessary to support this emerging operational model.

## **Doug McKenzie-Mohr – Keynote Address - "How Community-based Social Marketing can be utilized to foster lasting changes in behaviour"**

Whether the focus of your efforts is occupational health and safety, promoting healthy behavior on the part of Nova Scotians, or protecting the environment, changing behaviour in these and many other regulated areas is critical. This keynote presentation will introduce community-based social marketing and illustrate how it can be utilized to foster lasting changes in behaviour.

## **Mary Moreland - "Integrating Patient and Consumer Voices in Evidence-based Regulatory Decisions about Risks and Benefits"**

The Health Products and Food Branch (HPFB) is developing more open and transparent regulatory approaches that integrate public input as a source of important evidence in its assessment of the risks and benefits of health products - resulting in strengthened regulatory decisions. HPFB developed its Review of Regulated Products: Policy on Public Input to formalize the use of public input in this context. The Policy's emphasis on the contribution of a broad range of perspectives and evidence to the risk-benefit assessment carried out by the regulators represents an important step forward in the modernization of the regulatory system, and the Branch's efforts to ensure its practices are closely aligned with, among other frameworks, Health Canada's Decision-Making Framework (DMF).

## **Marion Maloney - "Creating Good Regulation across the European Union"**

Marion Maloney will address the work the Environment Agency of England and Wales is doing nationally and in the European Union on better regulation. It will cover the important role of the EU in developing environmental legislation and how the agency is working with other environment agencies across Europe to promote better ways of working.

## **Darren MacDonald & Peter Goyert - "Tackling a Regulatory Challenge - Ergonomics"**

**Nova Scotia's participatory ergonomics approach to injury prevention versus the regulatory framework in British Columbia**

There is often more than one way to approach a problem, as is the case with the protection of workers from musculoskeletal injuries (MSI). Since 1998 British Columbia has had regulations in place that are intended to influence the design of work and the workplace to maximize the protection of workers from the adverse health effects of MSI. The first portion of the presentation will provide an overview of the development of the standard, the requirement itself, and the implementation strategy. It will describe some of the tools developed by WorkSafeBC to assist stakeholders in the application of the regulation. Some of the successes and challenges will be outlined.

Nova Scotia has taken a different approach to MSI prevention. The province is piloting participatory ergonomics programs in Nova Scotia workplaces as a means of MSI prevention. Participatory ergonomics programs seek to maximize the involvement of the workers in this process based on the simple fact that a worker is an expert on his or her job. The participatory approach to ergonomics relies on actively involving workers in implementing ergonomic knowledge, procedures and changes with the intention of improving working conditions, safety, productivity, quality, morale and/or comfort. This presentation will provide a brief overview of participatory ergonomics, the process used to carry out the interventions, as well as, share some of the common tools needed to run a successful participatory ergonomics intervention.

## **Nancy MacLellan, Leanne Hachey, Lisa Muton - "Collaboration to Better Serve Business Clients"**

This joint presentation will open with a profile of Access Nova Scotia, introducing their operating model, integrated service delivery focus, and highlighting some key initiatives that improve service to business clients. Leanne Hachey from Canadian Federation of Independent Business will identify the impacts of red tape and their affect on customer service to the business community. Lisa Muton, Canada/NS Business Service Centre, will discuss the collaboration between Industry Canada and other service providers in syndication of information for the benefit of shared clients.

## **Michael Stahl - "Using Compliance Assistance at the U.S. Environmental Protection Agency"**

This workshop will discuss the development and use of compliance assistance as one of a set of tools used by EPA to maximize compliance with environmental statutes and regulations. The session will cover development of various mechanisms and forms of assistance, measuring the results of assistance, and integrating assistance with other tools to address specific environmental risks and noncompliance patterns.

## **Michael Presley - "Applying the Federal Cabinet Directive on Streamlining Regulation "**

On April 1, 2007, the Government of Canada's new Cabinet Directive on Streamlining Regulation came into force. This Cabinet Directive replaces the 1999 Federal Regulatory Policy and applies to all federal departments and agencies involved in the federal regulatory process. This presentation will provide an overview of the life-cycle approach to regulation contained in the Cabinet Directive and how it will help to ensure that Canadians benefit from new regulations that offer high levels of protection while also being easier to comply with, are aligned with key trading partners, and are supported by timely and transparent approval processes.

## **John Stager - "Modernizing Regulatory Compliance - The Ontario Experience"**

Ontario has undertaken a series of regulatory compliance modernization initiatives led by the Inspections, Investigations and Enforcement (II&E) Secretariat, aimed at both improving horizontal capabilities across the 13 Ontario regulatory ministries and improving levels of engagement with the business community. John Stager, the Assistant Deputy Minister of II&E Business Transformation, will highlight some of these key initiatives, including passage of the Regulatory Modernization Act in June/07, implementation of on-line, cross-government compliance information centres, consolidation of operational foundations training and other important examples.

## **Hal W. Knox - "Alberta Energy and Utility Board's (EUB) Compliance Assurance Initiative"**

The Alberta Energy and Utility Board issued *Directive 019 – EUB Compliance Assurance – Enforcement* in January 2006. Directive 019 is the foundation deliverable of its multi-year Compliance Assurance Initiative (CAI). Other CAI elements include Risk Assessment; Surveillance and Audits, Performance Reporting, Communications and Education; Clear Processes and Regulations. The presentation provides an overview of CAI. The EUB Compliance Vision is presented. Alberta context information leading to the development of the administrative based model set out in Directive 019 is provided. Key Directive 019 elements are described including related experience and results. Ongoing CAI and other regulatory system activities as well as future opportunities are reviewed.

## **Gwenda Laughland - "Leading the World in Sustainable Environmental Management - Bar None: BC's Compliance Management Framework"**

One of the key goals of the Government of British Columbia is to lead the world in sustainable environmental management. The Compliance Management Framework outlines the Ministry of Environment's approach to ensuring compliance with regulatory requirements established to protect the environment and human health. It describes the strategic context in which the ministry conducts its compliance activities, the operational compliance model and roles and responsibilities of ministry staff.

Gwenda Laughland will provide an overview of the framework, as well as a critical look at its successful implementation, which relied heavily on the problem identification methodology taught by Dr. Malcolm Sparrow. She will share some key lessons learned, as well as some of the innovative approaches and practices that the ministry has employed to continuously improve compliance management. Additionally, participants in this session will be introduced to the ministry's Compliance and Enforcement Policy, which provides a risk-based analysis for assessing and responding to non-compliance.

The British Columbia Ministry of Environment is responsible for water stewardship, fish, wildlife, ecosystem, parks and environmental protection (waste discharge, hazardous waste and contaminated sites, and environmental emergency response).

## **Michael Stahl - "Doing What's Important: A Problem-**

## **Solving Approach to Setting Priorities”**

The U.S. Environmental Protection Agency has used principles and practices from the problem-solving approach to set national compliance and enforcement priorities. The presentation will cover the identification of problems from which priorities are selected, the development of tailored strategies for each priority, and the implementation of the strategies including measurement of effectiveness.

## **Professor Malcom Sparrow - ”The Nature of Harms: The Search for Regulatory Effectiveness“**

This presentation will be delivered in Room 104 of the Weldon Law Building, Dalhousie University. View [presentation poster](#) [PDF], and map of [Dalhousie University Campus](#) [PDF].

## **Steve Montague - ”Planning and Measuring Progress in Problem Solving, Harm Reduction + Risk Control: A Needs-Results Hierarchy“**

The work of M. Sparrow over the years has highlighted the need to apply a problem-solving approach to planning, measurement and reporting in public policy areas subject to regulation. These areas, including public health, security, safety, economic marketplace and environmental protection require a unique type of framework for their performance story. They require a framework in which the results logic for public interventions is based on changing the problematic behaviours of individuals, groups and institutions.

This session introduces a practical approach to describing the problem or set of problems in a given area - then laying out a logical sequence of results and progress indicators designed to address the problem(s), reduce harm and manage risks. Participants will leave this session with insights as to how to develop appropriate measures to plan and report on risk and harm reduction initiatives.

## **Robert Cormier - ”Education: the Golden Road to Risk Management Solutions“**

The greatest roadblock to a safety system that delivers both safety and support for economic issues is ignorance. The equilateral triangle that relates to safety has education at the base, engineering on one side and enforcement the other.

The codes, standards and programs used by the Office of the Fire Marshal, Public Safety Division have undergone a national and international review. The information has revealed a Pandora’s box of conflict between perceived safety and proven safety within the triangle. These issues will be the focal point of the presentation.

Richard M. Nixon: Any change is resisted because bureaucrats have a vested interest in the chaos in which they exist. True or False?

## **Adam Zimmerman - "Enabling Competition and Informed Consumer Choice through a Targeted Enforcement Approach to Markets ('T.E.A.M.')**

The Competition Bureau Canada is an independent law enforcement agency, that contributes to the prosperity of Canadians by protecting and promoting competitive markets and enabling informed consumer choice. The role of the Bureau's Fair Business Practices Branch ("FBPB") is to enable consumers to make informed choices by improving the quality and accuracy of the information available to them in the marketplace. FBPB does this through the administration and enforcement of the Misleading Representations and Deceptive Marketing Practices provisions of the *Competition Act*, and the Regulatory Statutes that it is responsible for.

With regional offices across the country and almost 15,000 complaints received annually by the FBPB alone, the challenge faced by the branch, and all regulators to some degree, is how to effectively focus both resources and efforts on the various issues that appear to pose the greatest risk. Adam Zimmerman will be presenting the Bureau's new T.E.A.M. strategy, which represents the FBPB's response to this continuing challenge.

## **Workshop Descriptions**

### **Malcolm Sparrow November 19, 2007**

Malcolm Sparrow will hold a workshop on Monday, November 19th. The workshop is by invitation only.

Malcolm Sparrow is a Harvard Professor on the topic of Regulatory Practice and is a world class authority in the area of social regulation and risk-control. This will be a great opportunity for hands on learning. Professor Sparrow will take us through assessing regulatory challenges and how to problem solve them. In the full-day workshop, he will delve further into his concept of "Pick Important Problems: Fix Them" and talk about how to operationalize excellence in regulatory practice.

View the [agenda](#) for Professor Sparrow's workshop.

### **Doug McKenzie-Mohr - "Fostering Sustainable Behaviour: Community-based Social Marketing" November 21, 2007**

This half-day workshop provides a comprehensive introduction to community-based social marketing and how it is being applied throughout the world to foster sustainable behaviour. Those who attend the introductory workshop will learn the five steps of community-based social marketing (selecting behaviours, identifying barriers & benefits, developing strategies, conducting a pilot, and broad scale implementation) and be exposed to numerous case studies (primarily from the environmental field) illustrating its use.