

Mr. Commissioner,

My name is Mike Ladouceur. I am the President of OPSEU local 429, headquartered in Kingston. This composite local represents staff from Environment and OCWA, amongst others. Most of my members are Provincial Officers conducting inspections, investigations, or scientific studies relating to environmental protection, water resources in particular. I am a member of the OPSEU Research Team and a co-author of several of OPSEU's papers and submissions. I was a member of the OPSEU delegations to the Public Hearings and meetings conducted at the Ryerson University campus.

My office is still located at the former site of the Ministry of the Environment's water testing laboratory. I have worked in that office since 1980. Many of my members worked there. That lab was closed and sold to a private interest. We have seen the reductions in the Ministry's ability to deliver its' mandate as a result of that lab closure and other cutbacks the Ministry has suffered.

The current staff participated in the meetings and consultations that OPSEU conducted to produce it's various papers submitted to the Inquiry. I am not here to represent OPSEU's "Big Picture" issues. Those matters have already been well documented.

I hope to express some "local colour" to the Commission. I am here giving voice to some of the concerns and opinions expressed by my MOE members.

- The value lost to Ontario with the closure of the Kingston Regional Laboratory
- The need for whistleblower protection for civil servants
- The Ministry of the Environment is the still the best candidate for the lead responsibility for drinking water protection.
- Resourcing issues as seen by front-line staff
- The recruitment and retention crisis in the MOE
- Head office / Field office problems
- Summary and questions you may wish to pose.

The Laboratory

Our lab was much more than an efficient analytical facility. It was the heart of the Regional office and a focal point for field staff. The Ministry of the Environment is a science-based operation. The field officers in Abatement and Enforcement are not principally scientists or technicians. They are dependent on the scientific and technical input from the Technical Support Section. The loss of the laboratory was a blow to Technical Support and the Ministry in many ways.

That laboratory was a central repository of many years of analytical data from all across Eastern Ontario. That laboratory was staffed with microbiologists, chemical and microbiological technologists and technicians. The lab staff actually visited the various water treatment facilities in the Region from time to time. The lab staff had an almost intuitive feel for the entire Region, and their experience could quickly recognize issues, trends, and identify false alarms. The instant "down the hall" availability to expert analytical advice was a tremendous advantage to field officers. Access to field scientists, field technicians, and inspectors was also valuable to the lab since they could evaluate additional information and sharpen their recommendations and opinions.

Medical Officers of Health, Public Health Inspectors, Municipalities, and operators of water treatment systems also lost access to advice and interpretation services that were previously freely given by the

laboratory. Now such interpretation must be purchased. Private laboratories and consulting firms are in the business of selling their services and expertise. Our staff acted as if this advice had already been paid for and they were happy to share it. It has been commonly mentioned that when a civil servant goes over to private enterprise, the first thing that they have to learn is not to “give away everything that they know”. The liability issues of private versus public services give the public servant a little more comfort in discussing their “gut feeling” on a scientific issue. Public servants can operate without the same fear of liability that a private operator faces, because our duty is essentially to protect the public welfare, as opposed to generating profit and avoiding liability for their owners and shareholders.

Our lab provided exceptional value. I saw regular work stop many, many, times, while someone from the lab would be making notifications regarding adverse water quality results. If someone couldn't be reached on the phone, they walked down the hall. The lab wouldn't stop until the right people had been notified.

Science is always developing, and the lab was the “hands on college” for staff. Every time an abatement officer from another district office came to the Regional office a visit to the lab was an absolute certainty. The Lab staff had ready access to District Abatement staff and field scientists and technicians. They exchanged observations and advice about ongoing matters. New information was disseminated. The inspectors and investigators lost easy access to expert microbiologists and this certainly reduced this Ministry's effectiveness, particularly in the absence of ongoing training. Field staff became farther removed from the facts about testing and the interpretation of the results.

Finally, the Kingston lab did research-quality work. The staff actually developed a novel low-cost technique to positively identify the presence of E-Coli in water. The patent on that method is held jointly by the Ontario Government and Queen's University at Kingston. Staff from other specialities collaborated on developing computer systems for the graphical analysis of microbiological data. We developed modifications to water testing equipment based on science used in other media. It was recognized how immediately important drinking water was, and staff from other technical specialities would often work on water related issues. This “cross pollination” of ideas and technologies is hard to evaluate in the sense of just dollars.

Those experts and that “team” are no longer readily available to the citizens of Ontario.

Whistle blowing

Staff fear of reprisals has been a major obstacle in participation in this Inquiry. I have been personally assured by as high up as my Assistant Deputy Minister that my involvement is welcome and appropriate, but fear still grips the hearts of the front-line staff. While conducting the research process on behalf of OPSEU I was routinely asked if I was worried about losing my job over it. Many jokes were made. The most disturbing and poignant item was a co-worker who wasn't joking. He shook my hand, congratulated me for helping to organize OPSEU's efforts in this Commission and said, “ It's been nice knowing you.”

Professional civil servants are committed to the citizens of Ontario but are also held accountable to the many different political parties that come to power. It is often difficult to be heard. Groundwater professionals were instructed not to use the word “Walkerton” in e-mails which could be easily word-searched electronically.

Staff offered many excellent technical suggestions through the research process conducted by OPSEU. However they tell me that it is not OPSEU's role to dictate technical and policy matters to the government. They recognize the political aspects of their involvement in matters such as this Inquiry. This is a difficult position when it collides with the front line. They state that the government does have certain non-transferable obligations to public safety. They mention that there should be Ministry-led initiatives with appropriate opportunity for input from stakeholders. OPSEU members should, through their work and the chain of command, be able to express their best professional opinions and recommendations without reservation. This requires the effective presence of a functioning Ministry of the Environment. However there are breakdowns. From time to time there will be people who feel compelled to say what they know with the public's interests at heart. Currently the media "spin doctors" have the loudest voice that speaks to the citizens of Ontario with the express goal of staying "on message".

The fear of coming forward must be stamped out. We are not asking for "**The Red Phone to CNN**" but at least a legal framework that allows us to satisfy our consciences in extreme or unusual circumstances.

The public has the right to know. We need legal protection if we blow the whistle.

The Ministry is still the best lead

My local agrees that with a proper level of resourcing, the MOE is the best operational body to deliver the spectrum of services needed for the delivery of safe drinking water. If one agency is not made clearly responsible, then nobody is responsible.

Environmental Abatement, Inspections, and Enforcement activities may well be the most complicated types of regulatory activities. The Ministry delivers "**Science for Compliance**". Consider Abatement, Enforcement, and Policy Development as various layers in a sheet of plywood, with their grains running in different directions. Technical Support and Laboratory Services are the glue that holds it together.

The Ministry should remain integrated and lead the process of drinking water protection.

I will now offer a few observations from my members of some issues that need to be resolved at the grassroots level before any major restructuring of the Ministry should be considered.

Resources

Staff, equipment, and laboratory capacity to conduct our core business of environmental measurement, verification, and the collection of evidence has to be properly resourced or we cannot succeed. We need to independently measure the environment's health and verify submissions made to us. We need to discriminate between honest mistakes and malicious actions. That takes money.

My members joke about the fact that the Ministry's SWAT initiative enjoys a completely different level of funding than regular operations receive. I suggest that the "dollars spent per SWAT field officer" is drastically different than "Dollars per field officer in Local 429". We work short-staffed out of a converted warehouse. SWAT enjoys substantial political support, and hence operates on a loftier plane of existence than we do. Our only solace is that SWAT shows how expensive it is to be proactive and focused in the area of compliance. We just dream about that level of support.

Workload considerations are so tight at present that staff routinely receive priority requests with impossible turnaround times. It is common to “drop everything” to meet a delivery requirement. This is a dangerous process. We are continually forced to provide hasty comment and consideration on important issues. At the very least it destroys morale, creates stress, and at it's worst sets the stage for serious errors or omissions. We need the tools to do our jobs, but we also need enough time in which to do them. We stumble from crisis to crisis.

Recruitment and Retention

The Ministry is a science-based organization that is currently having problems filling senior, experienced positions. Entry-level positions are hotly contested, but the more senior roles frequently have few applicants. Three to five years experience in the Ministry aptly qualifies someone for a well-paying intermediate position in the private sector. A career as opposed to just a job as a scientific specialist in the civil service needs to be an attractive prospect or the problem will worsen. Regulatory environmental scientists, technologists, and technicians are not an “**off-the-shelf**” commodity. Many of my members, particularly in Technical Support, are actively pursuing transfers or temporary assignments. We have lost the “**Critical Mass**” of staff, and are at the point where the old phrase “**Anyone can be replaced**” changes to “**Anyone can be replaced in about five years**”.

Head Office / Field Office

Media relations are a source of concern for staff. There is a head office stranglehold on outgoing information which leads to frustration. This aspect probably fuels the concern and calls for whistleblower legislation.

The general feeling is: “**Doesn't Head Office trust us?** “

Summary

Despite these problems, Local 429 still has faith in its' ability to protect the environment and the public. We want to do the job and we take it seriously. We are like an aging hockey team that still has the heart to play. We always seem to be shorthanded. The skates are rusty, we have no bench strength, and the tour bus is broke down. But we have the will and desire to keep going. But this is not a game. The Ministry's performance is serious business. The members of Local 429 of OPSEU want to do their part to ensure that no one should fear to drink the water in the Province of Ontario.

Members of my Local are here tonight, should you wish to direct any questions to us. Thank you Mr. Commissioner.

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/mel

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