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MOE staff recommends five ways to strengthen ministry

MOE staff give their ideas to strengthen what is currently a demoralized and under-resourced Ministry in a powerful new report that OPSEU has submitted to the Walkerton Inquiry.

The report, *Renewing the Ministry of the Environment*, describes a ministry severely stripped of resources, moving from crisis to crisis, and where the emphasis is on ‘counting what we do, not doing what counts’.

The report is the result of six union-organized workshops held across the province in February and March where ministry staff shared their vision of how the Ministry should operate.

Ministry staff repeatedly observed that no agency, body or ministry other than the MOE is better able to lead and take responsibility for the protection of Ontario’s water resources now and in the future. They identified as one of the ministry’s key strengths its dedicated, experienced and knowledgeable staff.

Staff want to build on the ministry’s strengths and fix its weaknesses with these five recommendations:

- Hire enough staff to do the job.
- Enhance the expertise of those already working there.
- Give staff the practical and legislative tools to do the job.
- Be proactive and use ministry staff expertise in policy and planning.
- Put money into a solid infrastructure for Ontario’s drinking water.

The 42-page report (plus appendices) quotes MOE staff extensively and anonymously. Many thanks to the hard-working MOE project team who directed the project and to all MOE staff who contributed to the report, either through the workshops, surveys or interviews with the report’s writers.

The report is available at: <http://www.opseu.org/walkerton/RenewMOErept.pdf> and <http://www.walkertoninquiry.com/part2info/partieswithstanding/index.html> For a summary of its highlights, go to: <http://www.opseu.org/news/Press2001/may142001.htm>

Inquiry highlights

The Inquiry has been hearing testimony in the last four weeks on the issue of whether government policies contributed to the tragedy in Walkerton. OPSEU lawyers have been at the hearings, cross-examining all witnesses. The following are some key points that have been raised at the Inquiry. Dates and page numbers refer to the date the witness testified and the page number of the Inquiry transcript:

On morale after the cuts

Jim Merritt, former ADM, Operations Division, MOE, April 12, p. 110-111

“Well the morale, I think, could be characterized as low. ...The staff who remained with the Ministry had a lot of concerns for the colleagues that were now leaving. There was a lot of uncertainty about the process they were going through...So a number of staff didn't know whether they had in fact survived with the Ministry or whether they would be next. I think there was a fair degree of uncertainty of how they were going to deliver work in programs with fewer people around the office.”

On staff expertise

Richard Dicerni, former Deputy Minister of the Environment, May 14, p. 78-79, 148.

“...people had made this [working at the Ministry of Environment and Energy] a full long-term career, dare I say, vocation.”

“...I was very impressed and perhaps that's because I'm not an engineer, perhaps it's because I am not a scientist, and I'm not a biologist. But I respected my colleagues a great deal and was quite impressed by how they went about their jobs....”

On management's view of the cuts

July 21, 1995 memo from Sheila Willis, ADM of Operations Division to Richard Dicerni, DM, raised during Robert Shaw's testimony, April 23, p. 50, 54:

“The changes we are suggesting are not without environmental risk and legal exposure”.

“The constraints as envisioned in the option packages will seriously and significantly impair our ability to meet our statutory obligations”.

On the cuts to Operations Division

Robert Shaw, Regional Director, Central Region, MOE, April 23, p. 170

“The cutbacks certainly had diminished the capability of the Division [Operations Division], in terms of proactive work...The reason that occurred was reactive work normally takes precedence over proactive work and therefore because we can't reduce reactive work...the time available for preplanned work gets eroded away. This has been a problem we have experienced for years and ...the reduction in staffing in district office[s] has heightened that difficulty.”

On the cuts to the labs and privatization of routine water testing

Goff Jenkins, Drinking Water Scientist, MOE, May 10, 2001, p. 298-299

“It severely hampered the ability of the remaining professionals [in the Ministry] to do their job”.

Jenkins was asked whether the layoffs and the privatization significantly compromised the MOE's ability to protect the public interest in safe drinking water:

“In my opinion, it definitely compromised, whether or not significantly I don't know, but yes, in my opinion it did compromise the Ministry's abilities.”

On the loss of scientific expertise

Nancy Johnson, former Investigators officer, Sudbury, MOE, April 24, p.179

“I worked down the hall from a man who led the research for acid rain...[that] reclaimed the lakes of Sudbury that were previously dead...He was at the ministry, I think, for 25 years and he received a layoff notice.”

On enforcement

Gord Robertons, Investigations Officer, Sarnia, MOE, April 24, p. 185

“The value of enforcement seemed to be minimized. ...it wasn't that important any more. And we were starting to hear buzz words such as stakeholders and clients, which made me gag because as far as I was concerned...I had defendants, I had victims, and I had witnesses, that's what my job was...”

There was also evidence heard at the Inquiry that there were cuts to enforcement staff, namely junior investigators, contrary to what the Ministry has been saying.

On communications

Julian Wieder, Acting Program Manager, Investigation and Enforcement Branch, MOE, April 24, p. 168-169

“...we used to do press releases for every charge that was laid...After the government changed, it [the press release] would still go to Communications branch, but then [it] would go up to the Minister's office and my understanding is it then went over to the Premier's office for approval. That process...created quite a long delay, and by the time it had received approval, it was no longer in use and therefore not picked up [by] the various media.”

On reports of adverse test results to health units following lab privatization

Internal Ministry of Health memo of July 22, 1997, from Dr. Chuck Le Ber to his ADM, from Dr. Le Ber's testimony, May 8, p. 313

“The concern is that there is no legal requirement in MOEE legislation for reporting of adverse drinking water test results from municipal water treatment plant owners/operators to the local Medical Officer of Health for investigation. In my view, this is a serious oversight.”

Other testimony

Dr. Bern Schnyder, Director of the MOE's Lab Services Branch, testified May 7 that the MOE got out of routine water testing for municipalities far more quickly than had originally been anticipated. Management were required to speed up their implementation from a two to three year period to a matter of months. Municipalities were given two months notice in 1996 to find a private sector laboratory to do their water tests.

Ministry of Health officials testified May 7 and 8 that evidence came to light in 1996 and '97 that private labs weren't providing local health units with notices of adverse drinking water test results. Jim Wilson, the Health Minister at the time, wrote to then Environment Minister Norm Sterling, outlining the MOH's concerns in August 1997. Sterling replied in November 1997 that he was referring the issue to the Drinking Water Co-ordinating Committee, an MOH-MOE committee. The Committee made a recommendation in June 1998 which the MOE did not implement.

There was also testimony last week that the development of the new drinking water regulation was something that had been sputtering along for years at the MOE. Following Walkerton, the regulation was drafted in a few months. All of a sudden, there was the political will to do it.

Throughout the testimony, OPSEU counsel have brought forward issues of concern to MOE staff. We believe our involvement has been crucial in highlighting the negative effect of the cuts on the MOE.

Environment funding falls short

The announcement of a \$25 million increase in funding for the Ministry of the Environment falls short of what is needed.

Ontario Finance Minister Jim Flaherty announced the new money in the provincial budget May 9.

The ministry explains that \$18 of the \$25 million will be used as follows:

- \$6 million for Operation Clean Water
- \$5 million for SWAT (Soil Water Air Team)
- \$4 million for initiatives coming from the Val Gibbons report
- \$3 million for brown fields clean up

The ministry says the remaining \$7 million is for priorities to be announced in the future.

\$25 million is only a quarter of what's needed according to figures released by the Canadian Institute for Environmental Law and Policy. [\[link to CIELAP release\]](#) CIELAP analyzed Environment Minister Elizabeth Witmer's May 2 announcement and estimated \$100 million would be needed to fulfill the commitments she outlined in it.

- OPSEU members advised the union that if the government is serious about drinking water safety it needs to hire 155 new staff to inspect and enforce standards at Ontario's private and municipal water plants. [\[link to OPSEU release of May 8\]](#) The wage bill, including 20 per cent in benefits, would be \$11 million. OPSEU members said 155 new staff is a conservative estimate and doesn't include the additional administrative, management, engineering and lab staff that would be required.

OPSEU President Leah Casselman called Finance Minister Flaherty's statement that his government has increased MOE funding by 51 per cent since 1997 "the height of cynicism".

The truth, she said, is that the government is restoring some of the funding that it cut, but the funding level is still \$43 million less than it was when the Conservatives were elected in 1995.

How to get in touch with us

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Check regularly www.opseu.org/walkerton/index.htm and the Walkerton Inquiry website at www.walkertoninquiry.com.

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