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Evaluation of the Enforcement Program

Final Report

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Acronyms used in the report

AEB	Audit and Evaluation Branch
BET	Basic Enforcement Training
CBSA	Canada Border Services Agency
CEO	Chief Enforcement Officer
CEPA 1999	<i>Canadian Environmental Protection Act, 1999</i>
CIOB	Chief Information Officer Branch
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CPAD	Compliance Promotion and Analysis Division, also referred to as “Compliance Promotion”
CWA	<i>Canada Wildlife Act</i>
CWS	Canadian Wildlife Service
DFO	Fisheries and Oceans Canada
DM	Deputy Minister
DMS	Departmental Management Services
DOJ	Department of Justice Canada
DPR	<i>Departmental Performance Report</i>
EB	Enforcement Branch
EC	Environment Canada
EED	Environmental Enforcement Directorate
ENGO	environmental non-governmental organization
EO	enforcement officer
ESB	Environmental Stewardship Branch
ESD	Enforcement Services Directorate
EPOD	Environmental Protection Operations Directorate
FA	<i>Fisheries Act</i>
FTE	Full-time equivalent
JFO	Joint Forces Operation
LOU	Letter of Understanding
MBCA 1994	<i>Migratory Birds Convention Act, 1994</i>
MOU	Memorandum of Understanding
NCR	National Capital Region
NEMISIS	National Enforcement Management Information System and Intelligence System
NEP	National Enforcement Plan
NEPIP	National Environmental Protection Intelligence Program

NIP	National Inspection Plan
NPIS	National Pollution Intelligence Section
NWA	national wildlife area
OGD	other government departments
OPG	outcome project group
OPP	outcome project plan
PPSC	Public Prosecution Service of Canada
PSAT	Public Security and Anti-Terrorism
PT	provincial and territorial
QMS	Quality Management System
RCMP	Royal Canadian Mounted Police
SARA	<i>Species at Risk Act</i>
S&T	science and technology
SPPCD	Strategic Policy, Planning and Coordination Directorate
TB	Treasury Board
US EPA	United States Environmental Protection Agency
US FWS	United States Fish and Wildlife Service
WAPPRIITA	<i>Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act</i>
WED	Wildlife Enforcement Directorate

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Prepared by the Evaluation Division, Audit and Evaluation Branch.

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EXECUTIVE SUMMARY

Evaluation Objectives, Scope and Methods

In order to meet the information requirements of senior management at Environment Canada and to fulfill a commitment to Treasury Board, an evaluation of the Enforcement Program was conducted in 2008–2009. This evaluation was part of Environment Canada's Audit and Evaluation Plan for 2007–2008 to 2009–2010 as approved by the Departmental Audit and Evaluation Committee on April 18, 2007. The evaluation addressed four issues¹:

1. **Relevance:** Does the Enforcement Program remain consistent with and contribute to federal government priorities and address actual needs?
2. **Success:** Has the Enforcement Program achieved its intended outcomes?
3. **Cost-effectiveness:** Are the most appropriate, cost-effective and efficient means being used to achieve outcomes?
4. **Design and Delivery:** Is the Enforcement Program designed and delivered in the best possible way?

The evaluation covered the four-year time frame from 2004–2005 to 2007–2008, focusing primarily on the period following the creation of the Enforcement Branch in June 2005 and also addressing significant developments to the Enforcement Program that occurred in 2008–2009. In addition, the evaluation of the Environmental Enforcement Intelligence Program, previously planned for 2007–2008, was integrated into this broader evaluation of the Enforcement Program².

Multiple lines of evidence were used to conduct this evaluation, including key informant interviews, group discussions, case studies, document reviews and analysis of program performance measurement information.

¹ The planning and data collection for the Enforcement Program evaluation was carried out in the 2008–2009 fiscal year, prior to implementation of Treasury Board's new Policy on Evaluation in April 2009 (www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=15024). The current evaluation reflects the issues outlined in Treasury Board's 2001 evaluation policy (<http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=12309>), which was in effect at the time this evaluation was conducted.

² The mandate of the Environmental Enforcement Intelligence Program had been previously expanded to include the Public Safety and Anti-Terrorism (PSAT) agenda, and funding was provided to enhance and improve this program. A decision was taken to evaluate the entire Intelligence Program—rather than just its PSAT component—as part of the evaluation of the Enforcement Program.

Findings and Conclusions

The key findings and conclusions of the evaluation are presented by evaluation issue.

1) Relevance

The evaluation evidence shows that the Enforcement Program is relevant to federal government priorities and addresses a valid need to manage risks to the environment, wildlife and human health through the enforcement of federal legislation and regulations. There is a clear, legislated mandate for the federal government's involvement in the enforcement of environmental laws and the enforcement of these laws is necessary for the achievement of the government's environmental objectives. Furthermore, Canadians support an active role for government in this area.

2) Success

Evidence collected for the evaluation was largely qualitative, based heavily on the views of interviewees supplemented by some documentation and data. Conclusions regarding the achievement of intended Enforcement Program outcomes were based on the best available evidence. However, a lack of documentation and performance information on several outcomes limited the degree to which interviewees' observations on outcomes could be corroborated. Accurate and timely performance data on key measures such as rates of compliance with regulations were not available from the Enforcement Program. This lack of meaningful performance measurement is a serious shortcoming, as it inhibits the Enforcement Program's ability to determine the degree to which it is meeting its objectives, which in turn creates a gap in the information available for decision making.

Based on available information, the Enforcement Program appears to have made considerable progress on most of its outcomes. There is also evidence that, beyond the time frame of the evaluation (2004–2005 to 2007–2008), further efforts to address shortcomings are being undertaken.

The evaluation findings indicate that the Enforcement Program has been most successful in contributing to the achievement of the following outcomes:

- increased rates of success for prosecutions;
- more efficient use of resources; and
- more fair, predictable and consistent enforcement of laws and regulations.

In addition, progress has been made toward the other immediate and intermediate outcomes. A number of memoranda of understanding and agreements with external partners have contributed to improved knowledge of, and engagement in, enforcement issues and strategies among various jurisdictions. These memoranda and agreements have also led to better integrated strategies with other government departments (OGD), partners and stakeholders. Collaborative working relationships have contributed to progress toward better integrated enforcement strategies with these external partners and a more efficient use of resources. There are, however, some regions within the Wildlife Enforcement Directorate where certain provincial and federal partner relationships have weakened and there is an ongoing need to nurture those relationships that are currently strong and work to improve those that are not optimal.

Efforts are being made by the Enforcement Program to ensure that its views are included in regulatory reviews in order to improve the enforceability of regulatory instruments, although this is not always occurring. Evidence indicates that progress has been made toward more strategically targeted enforcement activities, through the use of a consultative annual planning process to identify priorities for enforcement and the use of intelligence to focus efforts on the detection of non-compliance. However, the success of these planning efforts has been limited by perceived weaknesses in the Enforcement Program's coordination with its key internal partners within Environment Canada—the Compliance Promotion and Analysis Division (CPAD), also referred to as Compliance Promotion, environmental protection programs, and the Canadian Wildlife Service of the Environmental Stewardship Branch. This is discussed further below in the Design and Delivery section.

Evaluation findings indicate that, although some progress has been made toward improved awareness of the responsibilities of the Enforcement Program and the benefits of enforcement, there continue to be gaps in understanding of the Enforcement Program within and outside the Department. There is also evidence that progress has been made toward the development of staff knowledge and skills, though there are some gaps, including the lack of a formalized basic training course for Wildlife Enforcement Directorate (WED) officers³ and an overall need for more regulation-specific training and specialized knowledge and skills. As well, through the use of intelligence⁴, progress has been made toward increasing the knowledge available to inform Enforcement Program planning and decision making, but the capacity of the intelligence function varies by region and there is a need to develop a more strategic approach to this function in the Wildlife Enforcement Directorate.

In the view of a majority of Environmental Enforcement interviewees, the Enforcement Program has resulted in increased regulatee compliance with laws and regulations. However, as noted, reliable data on compliance rates were unavailable and Wildlife Enforcement interviewees indicated that it is difficult to determine the level of compliance with wildlife regulations.

3) Cost-effectiveness

The available evidence suggests that the Enforcement Program is delivered in a generally cost-effective and efficient manner. The Enforcement Program operated under resource constraints for most of the evaluation time frame and strategically targeted its activities to focus efforts on the highest-priority areas.

In order to reduce duplication and support cost-effective delivery, the Enforcement Program collaborates with other federal departments as well as agencies and departments in other jurisdictions that have similar objectives and activities. Although a detailed study of the cost-effectiveness of alternative approaches was beyond the scope of this evaluation, no evidence of more cost-effective approaches was

³ While Wildlife Enforcement Directorate (WED) officers did not receive a standardized basic training course during the time frame of this evaluation, WED recently created and launched Standardized Wildlife Enforcement Officer Training (SWEOT) as a prototype in January 2009.

⁴ Intelligence involves ongoing information collection and analysis of emerging non-compliance issues within regulated sectors to support inspections and investigations.

provided by representatives of the Enforcement Program, internal partners or external partners interviewed.

Evidence suggests the Enforcement Program could benefit from some efficiency improvements. In particular, continued improvements to communications and coordination with internal and external partners would contribute to greater efficiency.

4) Design and Delivery

For the most part, the Enforcement Program is being delivered adequately and as intended. As discussed below, however, the Enforcement Program has experienced some challenges with communications, information exchange and coordination with its key internal partners that influence delivery.

Ensuring a clear understanding of the respective roles and responsibilities of the Enforcement Program and its internal partners is critical for regulatory development and review, the establishment of priorities for enforcement, and supporting the achievement of regulatory compliance. Internal partners, however, do not have a complete understanding of precisely where the responsibilities of Compliance Promotion, the environmental protection programs, the Canadian Wildlife Service and the Enforcement Program begin and end in the continuum of activities required to support regulatory compliance. This lack of understanding results in gaps where compliance promotion is not occurring and instances where the Enforcement Branch's viewpoint is not included in the development or amendment of regulations. Findings also point to a lack of understanding within the Enforcement Program regarding the division of responsibilities between National Headquarters and the regions for the major functional areas—inspections, investigations and, in particular, intelligence. A lack of finalized policy documents clarifying the operations of the Enforcement Branch is a contributing factor to this lack of understanding.

Related to the need to ensure a clear understanding of roles and responsibilities, communications and coordination with internal partners are another area for improvement for the Enforcement Program. As noted, the Enforcement Program's strategic targeting of enforcement activities relies in part on an annual consultative planning process to identify priorities for enforcement. The concept of this approach of consulting with key stakeholders to determine priority areas for enforcement is widely supported. However, perceived weaknesses in the Enforcement Program's coordination with key internal partners involved in the planning exercise, coupled with insufficient formal processes for communications and information exchange, have resulted in shortcomings in the implementation of this targeting strategy. Internal partners do not fully understand or feel fully engaged in the process, thereby limiting their level of commitment to the plan and the degree of alignment between their activities and the Enforcement Program's priorities.

With respect to the organization and governance of Enforcement, the creation of a separate Enforcement Branch, with clear lines of authority under the direction of the Chief Enforcement Officer and a centralized reporting structure, is an effective and efficient structure for the Enforcement Program, as is the placement of Wildlife Enforcement and Environmental Enforcement within the same organization. However, the wildlife and environmental enforcement functions continue to operate independently

of each other in many respects, despite being placed organizationally within the same Branch. Although this was not specifically a focus of the evaluation, it became clear through interviews and the document review that there are a number of inconsistencies between these two directorates. Consequently, there may be opportunities to standardize some aspects of operations and reporting and to leverage efficiencies, while still recognizing their uniqueness.

Finally, in interviews for the evaluation, resource shortages were cited by representatives of the Enforcement Branch and internal partners as a factor exerting a negative influence on Enforcement Program delivery and success. This includes resource shortages on the part of both the Enforcement Program and its internal partners, thereby limiting their ability to respond to Enforcement's needs. Additional resources approved in 2007 and 2008, to be allocated over a five-year period, have been provided to the Enforcement Program and are currently being used to address some of these deficiencies.

Recommendations and Management Response

The following recommendations were developed for action by the Ecosystem Sustainability Board (ES Board) and Environmental Protection Board (EP Board) based on evaluation findings and conclusions.

Recommendation 1: It is recommended that a useful performance measurement strategy for the Enforcement Program be developed and implemented. While it is acknowledged that the Enforcement Program has already initiated the development of an improved approach for measuring its results, more work is required to provide meaningful, accurate and accessible data on the delivery of the Enforcement Program's outputs and degree of achievement of its intended outcomes. Although some performance data were available in the Enforcement Program's database, called National Enforcement Management Information System and Intelligence System (NEMISIS), there was insufficient evidence to demonstrate the Enforcement Program's progress towards its intended outcomes. A standardized process for collecting data and reporting on specific, measurable indicators that are linked to outputs and outcomes in the Enforcement Program logic model would be useful to senior management for decision making and would enable the Enforcement Program to tell its performance story.

Management Response

Agree. The Strategic Enforcement Framework (and work now underway to implement the vision it defines), developed by the Enforcement Branch (EB) and approved by the Executive Management Committee (EMC), is designed explicitly to respond to these gaps. The Branch has recognized that clear performance goals and the data and requisite data collection/analysis processes to measure progress against those goals are imperative for enabling strong management of the Enforcement Program, and to more clearly portray to Canadians, senior management, and parliamentarians the results realized by the Enforcement Program. Work is now underway to

- define specific performance indicators to measure results against each immediate outcome of the Strategic Enforcement Framework;

- ensure that our information systems can track the desired data, and that staff are adequately trained to collect data correctly; and
- determine how performance information will be incorporated into EB annual reporting, both for internal and external audiences.

Performance indicators and data collection/management will be in place for all immediate outcomes for the beginning of 2010–2011, with reporting featuring new performance indicators delivered by 2011–2012 (reporting on the 2010–2011 year).

SUMMARY OF COMMITMENTS		
<i>Timeline</i>	<i>Deliverable</i>	<i>Responsible Party</i>
Complete	Develop Strategic Enforcement Framework	Chief Enforcement Officer (CEO)
April 2010	Develop performance indicators for each immediate outcome	CEO
April 2010	Configure information systems and train staff to track data against indicators	CEO
April 2011	Design and deliver internal/external reporting, based on new indicators	Director, Strategic Policy, Planning and Coordination Directorate (SPPCD), Enforcement Branch (EB)

Recommendation 2: It is recommended that roles and responsibilities be clarified and articulated, particularly the respective roles and responsibilities of the Enforcement Program and its key internal partners for the achievement of regulatory compliance and the division of the Enforcement Program’s responsibilities between National Headquarters and the regions. The Enforcement Program requires a clear and coordinated approach when carrying out the enforcement function due to the breadth of its mandate and responsibilities. There is ongoing confusion, however, both within the Enforcement Branch and among its internal partners, on the division of responsibilities for various roles in the achievement of regulatory compliance, including regulatory development, compliance promotion and the establishment of enforcement priorities. There are gaps where compliance promotion is not occurring and a clear compliance plan and enforcement plan do not exist for each regulation. Although compliance and enforcement policies are intended to outline what is expected of those who share a responsibility for protection of the environment, the policies for the habitat protection and pollution prevention provisions of the *Fisheries Act* and for wildlife legislation are very general in terms of who conducts compliance promotion. The policy for the *Canadian Environmental Protection Act, 1999* does not delineate the respective responsibilities of Compliance Promotion and the programs. The evaluation also points to a need for a clearer articulation of the division of responsibilities between National Headquarters and the regions for the functional areas of inspections, investigations and, in particular, intelligence to ensure effective and efficient Enforcement Program delivery. A need was identified for finalized written policy documents to clarify the operations of the Branch. For instance, what are the exact responsibilities and relationships between national managers and regional managers of these three functional areas? Clarification of roles and responsibilities both within and outside the Enforcement Program would improve relationships and the Enforcement Program’s ability to carry out its enforcement activities.

Management Response***With respect to the first component: Working with internal partners***

Agree.

Where the Environmental Enforcement Directorate (EED) is concerned, the Compliance Promotion and Analysis Division (CPAD) and the Enforcement Branch are increasing the scope and depth of their collaboration. Particularly in planning for 2009–2010, CPAD and Enforcement have worked together to streamline the program priorities submission process. Improvements in this respect will continue as we plan for 2010–2011, when CPAD and the Enforcement Branch will develop a fully integrated proposal for compliance promotion and enforcement priorities, and a high-level integrated plan for delivering on those priorities.

In the 2009–2010 fiscal year, work is proceeding jointly on the development of, and plans for implementation of the Interim Compliance Strategy for the Wastewater Sector. The Compliance Analysis and Planning (CAP) program in CPAD is also actively involved in the implementation of the Enforcement Program performance measurement strategy and will be offering online performance measurement reports through its data warehouse technology to the Enforcement Branch.

Where the Wildlife Enforcement Directorate (WED) is concerned, the Directorate's key internal partner is the Canadian Wildlife Service (CWS), which plays a leading role in regulatory development and compliance promotion. WED also plays a role in compliance promotion, and we acknowledge that these interdependencies and shared responsibilities necessitate a better coordinated approach. To that end, the Enforcement Branch and CWS will conclude a formal agreement that clearly articulates the expected roles and responsibilities of each organization with respect to regulatory development, compliance promotion and establishment of priorities for enforcement, including the roles of regional and National Headquarters units within both organizations. Annual processes between the two organizations will also be described. This will be completed by June 2010.

Additionally, CWS and WED will develop a plan that articulates short-term enforcement priorities and a three-year overall compliance promotion plan for wildlife legislation—the *Migratory Birds Convention Act, 1994* (MBCA 1994), the *Species at Risk Act* (SARA), the *Wildlife Animal and Plant Protection Regulation of Interprovincial and International Trade Act* (WAPPRIITA), and the *Canada Wildlife Act* (CWA). This will be completed by June 2010. The subsequent delivery of such a plan will be contingent on effectively determining the respective roles and responsibilities of CWS and WED, as well as the human and financial resources available from both organizations.

With respect to the second component: Clarifying roles and responsibilities within the Enforcement Branch, with a focus on intelligence

Agree.

The Enforcement Branch is now finalizing the Enforcement Operations Manual, which

will spell out roles and responsibilities for all staff, and which will be disseminated throughout the Branch. The regional restructuring undertaken in 2009–2010 is integrating the inspections and investigations functions in all regions, and the national directors are now formalizing within their respective organizations the processes for fully completing this change. Finally, with respect to intelligence, the Enforcement Branch has created the Intelligence Working Group co-chaired by directors from Environmental Enforcement Directorate (EED) and Wildlife Enforcement Directorate (WED) with a mandate to examine intelligence roles and responsibilities, and make recommendations for improving consistency and overall performance in the intelligence function.

Moreover, and particularly in light of the new regional structure and the Intelligence Working Group, the Enforcement Branch will produce a document describing the roles and responsibilities of all organizations within the Branch. This will be completed and communicated to staff by the end of 2009–2010.

SUMMARY OF COMMITMENTS		
<i>Timeline</i>	<i>Deliverable</i>	<i>Responsible Party</i>
March 2010	Integrated compliance promotion/enforcement plan for pollution	Director, (EED) (EB) and Director, Compliance Promotion and Analysis, Environmental Stewardship Branch (ESB)
June 2010	Agreement between CWS and EB regarding roles and responsibilities and annual processes	CEO and DG, Canadian Wildlife Service (CWS), ESB
June 2010	Short-term enforcement priorities and three-year compliance plan	CEO and DG, CWS
March 2010	Enforcement Operations Manual complete and pilot implementation begun	Director, Enforcement Services Directorate (ESD) (EB)
October 2009	Intelligence Working Group recommendations delivered	Working Group co-chairs
March 2010	Approved Intelligence Working Group recommendations implemented	CEO
March 2010	Roles and responsibilities within EB documented and communicated to staff	CEO

Recommendation 3: It is recommended that mechanisms and processes for improving the Enforcement Program’s communications and information sharing with internal and external partners be examined and implemented at both the National Headquarters and regional levels. Because the Enforcement Program’s strategic targeting of enforcement activities relies on a consultative planning process and coordination with partners, effective communications with internal partners are essential for the successful implementation of this targeting approach. Similarly, good communications with external partners are required for the Enforcement Program’s coordination of enforcement operations and strategies with those in other jurisdictions. The development of an overall communications strategy could help to improve information exchange and coordination as well as strengthen relationships with partners. The development and consistent implementation of more formal communications and coordination mechanisms could be focused on meeting the information needs of all parties and improving communication flow.

Management Response

Agree.

In partnership with the Communications Branch, the Enforcement Branch is now finalizing a long-term communications strategy, consistent with, and to deliver on, the new Strategic Enforcement Framework. This strategy will focus particularly on communication/engagement with external partners, with the goals of building capacity through partnerships and raising public awareness of the Enforcement Program. The strategy will be approved and implementation begun in fall 2009. Communications will adopt an ecosystemic approach in portraying the impact of enforcement work on species and habitat conservation.

Moreover, and as noted in the response to recommendation 2 above, the joint EED – CPAD annual priority-setting and planning process planned for 2010–2011, and consequent regular communication/coordination with risk managers within the Department, is a significant vehicle for internal communication and information sharing.

Concerning WED and CWS, as noted in the response to recommendation 2, the two organizations will collaborate to develop both formalized roles and responsibilities and annual planning/communication processes. These annual processes will include national and regional coordination of strategic and operational planning, exchanges of letters regarding priorities and results, and communications commitments. This agreement will be concluded by June 2010.

In addition, the Chief Enforcement Officer’s membership on the ES Board and EP Board provides for important information exchange and decision-making coordination at a strategic level.

SUMMARY OF COMMITMENTS		
<i>Timeline</i>	<i>Deliverable</i>	<i>Responsible Party</i>
Complete	CEO a member of ES Board and EP Board	N/A
Fall 2009	Communications Strategy for enforcement completed and approved; implementation begun	CEO and Communications Branch
June 2010	Agreement between CWS and EB regarding roles and responsibilities and annual processes	CEO and DG, CWS

Recommendation 4: It is recommended that opportunities to reduce imbalances and increase consistency and standardization be explored between the environmental enforcement and wildlife enforcement components of the Enforcement Program, and implemented where appropriate. Although Environmental Enforcement and Wildlife Enforcement have been combined into one Branch, some imbalances and inconsistencies between the groups remain in areas such as reporting (e.g., different formats of planning documents), training (e.g., provision of the standard Basic Enforcement Training (BET) program for new officers for the Environmental Enforcement Directorate but not the Wildlife Enforcement Directorate), human resources (e.g., classification of enforcement officers) and intelligence (e.g., differences in the extent of development of this function). While it is acknowledged that the focus and requirements of these two directorates within the Enforcement Branch are different and may vary by region in some cases, there is the potential for further benefits

to be achieved through greater standardization. This could improve the Enforcement Branch's efficiency, effectiveness and ability to report on results for the overall Enforcement Program.

Management Response

Agree.

With respect to human resources, the Enforcement Branch moved in 2009–2010 to complete the integration of the Branch by means of a nation-wide organizational restructuring initiative designed to harmonize organizational structures across regions and the two operational directorates. Classification and organizational structures are now consistent across the Branch. The Branch is also developing a corporate human resources framework that will define a single human resources management vision across both operational directorates. The framework will be in place by the end of 2009–2010.

With respect to planning and reporting, the performance indicator/reporting project now underway is building performance indicators for both wildlife and environmental enforcement that measure the environmental benefit of enforcement actions in each directorate. As well, the results of the framework are integrated, down to the intermediate outcome level. This will enable a consistent reporting and performance management approach for the entire Enforcement Branch. In addition, priority setting will be integrated between the two directorates for 2010–2011. Indicators will be fully developed by the end of 2009–2010, with data collection beginning the following year to enable reporting against new indicators in 2010–2011.

With respect to training, the Branch acknowledges that strengthening training for WED is a priority. In 2009–2010, the Branch is developing corporate training priorities that reflect the needs of both directorates, and will seek to integrate the provision of Basic Enforcement Training to the greatest extent possible, including the development of a common curriculum, where appropriate. In addition, and in order to build greater consistency across the Branch, an enforcement operations manual is currently being developed and will be implemented as a pilot project by the end of 2009–2010. All enforcement officers will be trained in how to use the manual, resulting in the implementation of common practices not only between WED and EED, but also for all regions. The manual will also help protect enforcement officers through common, sound occupational safety and health practices.

With respect to intelligence, as noted above, the Enforcement Branch has created the Intelligence Working Group, co-chaired by directors from EED and WED, with a mandate to examine intelligence roles and responsibilities, and make recommendations for improving consistency and overall performance in the intelligence function. The Working Group will produce a report by October 2009, with implementation of accepted recommendations by the end of 2009–2010.

SUMMARY OF COMMITMENTS		
<i>Timeline</i>	<i>Deliverable</i>	<i>Responsible Party</i>

Complete	Organizational restructuring/classification harmonization	CEO
March 2010	Human resources framework developed and implementation begun	CEO
April 2010	Develop performance indicators for each immediate outcome	CEO
April 2010	Configure information systems and train staff to track data against indicators	CEO
April 2011	Design and deliver internal/external reporting, based on new indicators	Director, SPPCD (EB)
March 2010	Enforcement operations manual complete and pilot implementation begun	Director, ESD (EB)
October 2009	Intelligence Working Group recommendations delivered	Working Group co-chairs
March 2010	Approved Intelligence Working Group recommendations implemented	CEO

1.0 INTRODUCTION

In order to meet the information requirements of senior management at Environment Canada (EC) and to fulfill a Treasury Board (TB) commitment, an evaluation of the Enforcement Program was conducted. This evaluation was part of Environment Canada's Audit and Evaluation Plan for 2007–2008 to 2009–2010, which was approved by the Departmental Audit and Evaluation Committee on April 18, 2007. Environment Canada's Audit and Evaluation Branch (AEB) conducted the evaluation in the 2008–2009 fiscal year.

The objective of the evaluation of the Enforcement Program was to assess issues related to the Program's relevance, design and delivery, success and cost-effectiveness. The evaluation covered the four-year time frame from 2004–2005 to 2007–2008. The evaluation focused particularly on the period following the creation of the Enforcement Branch in June 2005 and also addressed significant developments for the Program that occurred in 2008–2009. In addition, the evaluation of the Environmental Enforcement Intelligence Program, previously planned for 2007–2008, was integrated into this broader evaluation of the Enforcement Program.⁵

This document presents the findings and recommendations of the evaluation of the Enforcement Program and is organized in the following way. Section 2 provides background information on the Enforcement Program. Section 3 presents the purpose and scope of the evaluation and the methods used to conduct the evaluation. Section 4 presents the evaluation's findings. Sections 5 and 6 present, respectively, the conclusions and recommendations.

2.0 BACKGROUND AND CONTEXT

2.1 *Mandate and Objectives*

The Enforcement Branch (EB) is mandated to enforce federal environmental and wildlife legislation in order to prevent, deter and detect non-compliance. Statutory obligations of EB fall under the categories of environmental enforcement (pollution prevention) and wildlife enforcement.

The environmental enforcement component of the Enforcement Program focuses on enforcing federal legislation dealing with risks to the environment and its biodiversity.⁶ The Environmental Enforcement Directorate (EED) is responsible for the administration of the *Canadian Environmental Protection Act, 1999* (CEPA 1999), which enables over

⁵ The mandate of the Environmental Enforcement Intelligence Program was previously expanded to include the Public Safety and Anti-Terrorism (PSAT) agenda, and funding was provided to enhance and improve the program. A decision was taken to evaluate the entire Intelligence Program as part of the evaluation of the Enforcement Program rather than just the PSAT component.

⁶ Environment Canada website: Enforcement (www.ec.gc.ca/ele-ale/default.asp?lang=En&n=10F80F39-0).

45 regulations, and the pollution prevention provisions of the *Fisheries Act* (FA), in addition to six regulations covering large industrial sectors.⁷

The wildlife enforcement component of the Enforcement Program focuses on enforcing federal legislation that protects plant and animal species in Canada, including migratory birds.⁸ The Wildlife Enforcement Directorate (WED) is responsible for the enforcement of four acts: the *Canada Wildlife Act* (CWA), the *Migratory Birds Convention Act, 1994* (MBCA 1994), the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act* (WAPPRIITA), and the *Species at Risk Act* (SARA).⁹

Canada has numerous environmental obligations under a number of international treaties and implements international conventions through its domestic law. In addition, obligations for collaborative enforcement actions and/or the provision/sharing of enforcement expertise are established through federal/provincial agreements and international treaties, protocols and agreements.

2.2 Delivery

There are three core activities that comprise the Enforcement Program: intelligence gathering and analysis; inspections; and investigations. The role of the environmental and wildlife enforcement intelligence function is to provide intelligence support services to all levels of enforcement within Environment Canada. Intelligence involves the ongoing information collection and analysis of emerging non-compliance issues within regulated sectors, to support inspection and investigation activity. An inspection involves verification of compliance with environmental legislation. Inspections can occur at specific sites or can be conducted remotely by verifying documentation. An investigation involves the gathering and analyzing of information relevant to a suspected violation of the environmental or wildlife legislation administered by Environment Canada.

2.3 Governance, Roles and Responsibilities

In June 2005, the Department reorganized its enforcement functions by creating the Enforcement Branch. Dating back to the early 1990s, enforcement had been delivered nation-wide through a matrix management model, whereby regional managers of enforcement reported to regional service executives and ultimately to the Regional Director General, with National Headquarters providing functional direction for policy and program delivery.¹⁰

Under the new structure, both the Environmental Enforcement Program and Wildlife Enforcement Program report to Environment Canada's Chief Enforcement Officer (CEO), with direct line-management authority across the regions. The CEO reports directly to the Deputy Minister. The CEO is responsible for the management, administration and operations of the Enforcement Program. This focused approach ensures that the Deputy Minister has senior management support dedicated to directing enforcement activities so as to contribute to Environment Canada objectives, guide the

⁷ 2008–2009 Planning and Financial Strategies: Enforcement (6B4), April 2008.

⁸ Environment Canada website: Enforcement (www.ec.gc.ca/ele-ale/default.asp?lang=En&n=10F80F39-0).

⁹ Wildlife Enforcement Directorate, National Program Strategic Priorities: Planning Year 2007–2008.

¹⁰ Integrated Business and Human Resources Plan for Fiscal Year 2007–2008, June 2007, p. 3.

proper application of Environment Canada legislation, and minimize legal risks in administering the enforcement function.¹¹

For the time frame of this evaluation (2004–2005 to 2007–2008) the Enforcement Program was linked through the departmental Results Management Structure (RMS) to the Departmental Management Services Board (DMS Board), which was recently renamed the Internal Services Board (IS Board). For this four-year period, Enforcement's governance was located under the fourth of four departmental strategic outcomes: "Integration and enabling services contribute to achieving departmental strategic objective". As of 2008–2009, Enforcement is linked to the Environmental Protection Board (EP Board) and the Ecosystem Sustainability Board (ES Board).

During the time period of the evaluation, the Enforcement Branch comprised three directorates: the Environmental Enforcement Directorate, the Wildlife Enforcement Directorate and the Enforcement Services Directorate. In 2008–2009, a fourth directorate was added to the Enforcement Branch—the Strategic Policy, Planning and Coordination Directorate.

The Environmental Enforcement Directorate (EED) and the Wildlife Enforcement Directorate (WED) are accountable for environmental enforcement operations and wildlife enforcement operations, respectively, across the five Environment Canada administrative regions. The regions are the Atlantic, Quebec, Ontario, Prairie and Northern, and Pacific and Yukon regions. Each Region is managed by two Regional Directors—one for EED and the other for WED.

To carry out its mandate, the Enforcement Branch requires support from the Enforcement Services Directorate (ESD), which coordinates and provides services to the Environmental Enforcement Directorate and the Wildlife Enforcement Directorate. These services include engagement on international and federal/provincial/territorial files; training and learning for enforcement officers (EOs); operational policy development; and regulatory review. The ESD also provides corporate Branch support and strategic services to the CEO, to the National Headquarters' operational directorates, and to the regions. The Strategic Policy, Planning and Coordination Directorate, which was added in 2008–2009, is responsible for supporting the CEO and the Branch in developing and implementing strategic enforcement policy directions, developing and managing Branch business planning and reporting frameworks, and ensuring information flows to effectively support decision making.

2.4 Partners and Stakeholders

Enforcement relies on the co-operation of many partners and stakeholders within and beyond Environment Canada to deliver its results. In addition to having several key internal partners within Environment Canada, partners and stakeholders also include other federal government departments and agencies that share legislative responsibility or assist with investigations or inspections. In addition, Environment Canada's statutes contain provisions that authorize the Minister of the Environment to delegate specific enforcement powers to other governments or to designate qualified officials, including

¹¹ Information on roles and responsibilities of the CEO come from a presentation entitled Draft Proposal for a Chief Enforcement Officer.

employees from other governments (i.e., provincial, territorial or Aboriginal), to enforce its legislation. The Enforcement Program collaborates closely with enforcement counterparts in provincial, territorial (and sometimes municipal) enforcement agencies and wildlife protection agencies. Finally, the Enforcement Program also works with international governments and agencies, and non-governmental organizations on certain environmental issues that extend beyond domestic borders. In some cases, formal agreements or memoranda of understanding (MOUs) have been developed, and in others, the working relationships with these partners are less formal.

Key Environment Canada internal partners include the environmental protection regulatory programs within the Environmental Protection Operations Directorate (EPOD) and the Canadian Wildlife Service (CWS). EED must coordinate closely with the environmental protection regulatory programs, as these organizations maintain the day-to-day focus on these regulations and the associated regulatee community and are responsible for providing technical expertise and support, compliance promotion and referrals of non-compliance issues, among other responsibilities. Likewise, WED must liaise closely with CWS, which is responsible for the overall delivery of the wildlife and habitat programs within Environment Canada, focusing on regulatory and conservation aspects of migratory birds, species at risk, international aspects of wildlife management and trade, and nationally important wildlife habitat. CWS relies heavily on the Science and Technology Branch to conduct research and provide scientific assessments to support these overall objectives. Another vital internal partner is the Compliance Promotion and Analysis Division (CPAD), also referred to as Compliance Promotion. CPAD is a key contributor in the continuum of activities required to support regulatory compliance; it provides leadership, coordination and delivery, and the reporting of compliance promotion activities for environmental protection programs, as well as developing compliance analysis tools and conducting analyses.

2.5 Performance Reporting

NEMISIS (National Enforcement Management Information System and Intelligence System) is an internal computer tracking system used to collect, track and disseminate enforcement information. Occurrences, inspections and investigations are tracked through NEMISIS.¹² Training is provided to enforcement officers in order to help ensure consistency in the inputting of data. Chief Information Officer Branch (CIOB) staff members who work with NEMISIS facilitate data quality procedures on NEMISIS data. NEMISIS data feed into Compliance Analysis and Planning to enable the Department to analyze regulatory compliance data in relation to other regulatory and environmental data.

2.6 Program Logic Model

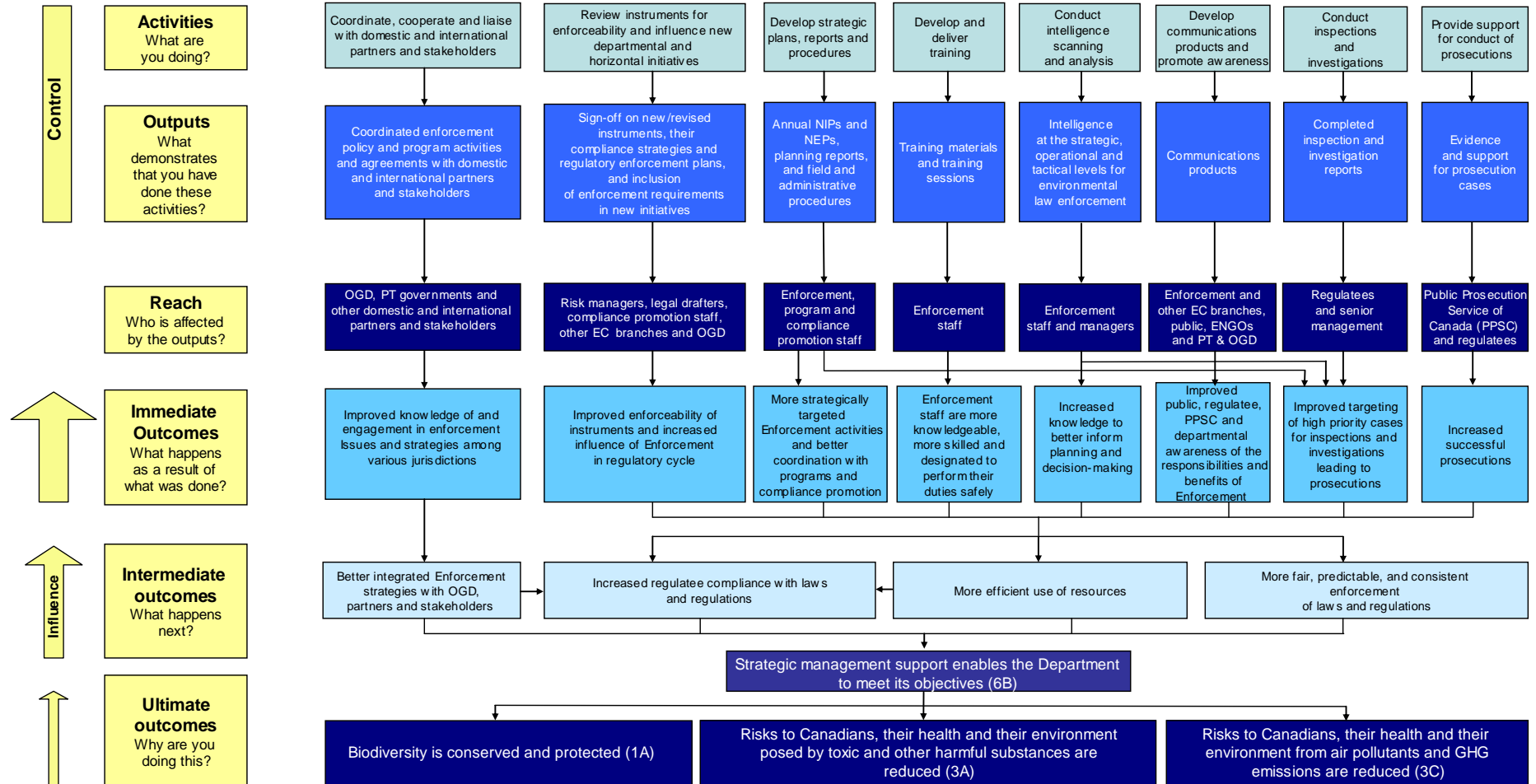
The logic model presented in Figure 1 is a visual representation of the Enforcement Program that identifies the linkages between activities and intended outcomes. This logic model was developed in collaboration with the Enforcement Branch as part of the Evaluation Plan (May 2008) for this evaluation. It presents a chain of results that demonstrates how the activities of the Enforcement Program are intended to lead

¹² Enforcing Canada's Pollution Laws: The Public Interest Must Come First! The Government Response to the Third Report of the Standing Committee on Environment and Sustainable Development, October 1998.

ultimately to the outcomes of conserving and protecting biodiversity and reducing risks to Canadians, their health and their environment from toxic and other harmful substances, air pollutants and greenhouse gas emissions.

Enforcement Program Logic Model

May 30, 2008



2.7 Resources

Table 1 below presents Enforcement Program expenditures for the period from 2002–2003 to 2007–2008. Information on expenditures for the two years prior to the creation of the Enforcement Branch (in June 2005) is included to allow a more thorough examination of the Enforcement Program’s budgetary history. As the table demonstrates, expenditures remained fairly stable over the study period, with very little fluctuation from 2003–2004 levels, though there was a slight decline by approximately 5% for the last two years.

Table 1: Enforcement Program Expenditures, 2002–2003 to 2007–2008 (\$000s)¹³

Fiscal Year	Salaries	O&M	Capital	TOTAL
2002–2003	14,739.9	8,448.0	498.0	23,685.9
2003–2004	17,103.4	9,394.9	3,060.9	29,559.2
2004–2005	19,257.2	10,407.7	2,076.6	29,664.9
2005–2006	20,135.6	10,773.0	1,875.5	32,784.1
2006–2007	18,376.5	8,516.3	800.1	27,692.9
2007–2008	18,948.2	8,142.7	1,337.2	28,428.0

Additional resources were approved for the Enforcement Program in 2007 and 2008. In 2007, an incremental \$67M over five years was approved to fund a 50% increase in the number of enforcement officers (106 new officers). In 2008, an incremental \$65M over five years was approved to increase the effectiveness of enforcement officers, with better forensic laboratory support, training for officers, support for review of regulatory instruments, improved data collection and performance measurement, program planning and reporting. Once fully implemented, these additional resources represent an increase of approximately \$29M per year, essentially providing the budget to allow spending levels to double.

Table 2, below, shows the distribution of enforcement officers, including the planned allocation of the 106 new FTEs.

¹³ Enforcement Branch, 2009. Information on Enforcement’s expenditures for 2008–2009 was not available.

Table 2: Planned Distribution of Enforcement Officers¹⁴

Enforcement Officers	2006–2007			2007–2008			2008–2009		
	EED	WED	TOTAL	EED	WED	TOTAL	EED	WED	TOTAL
Atlantic	21	14	35	23	16	39	25	17	42
Quebec	36	7.5	43.5	43	12.5	55.5	51	16.5	67.5
Ontario	29	12	41	40	19	59	54	26	80
Prairie & Northern	34	13	47	38	16	54	46	18	64
Pacific & Yukon	26	10	36	29	12	41	35	14	49
NHQ	7	6	13	8	7	15	10	9	19
Total	153	62.5	215.5	181	82.5	263.5	221	100.5	321.5
Incremental vs. 2006–2007				28	20	48	68	38	106

3.0 EVALUATION DESIGN

3.1 Purpose and Scope

Environment Canada (EC) committed to Treasury Board (TB) to evaluate the Enforcement Program. This evaluation was part of Environment Canada's Audit and Evaluation Plan for 2007–2008 to 2009–2010 approved by the Departmental Audit and Evaluation Committee on April 18, 2007. The evaluation was conducted in 2008–2009.

The objective of the evaluation of the Enforcement Program was to assess issues related to the Program's relevance, design and delivery, success and cost-effectiveness in order to meet the information requirements of senior management at Environment Canada, as well as those of TB. The evaluation covered the four-year time frame from 2004–2005 to 2007–2008, with a particular focus on the period following the creation of the Enforcement Branch in June 2005, while also addressing significant developments to the Program that occurred in 2008–2009.

In addition, the evaluation of the Environmental Enforcement Intelligence Program, previously planned for 2007–2008, was integrated into this broader evaluation of the Enforcement Program¹⁵.

3.2 Evaluation Approach and Methodology

The evaluation examined four issues¹⁶:

- **Relevance:** Does the Enforcement Program remain consistent with and contribute to

¹⁴ Enforcement Branch, 2009. Information on the actual distribution of the 106 new FTEs was not available.

¹⁵ See footnote 5 regarding the Environmental Enforcement Intelligence Program (Section 1).

¹⁶ The planning and data collection for the Enforcement evaluation were carried out in the 2008–2009 fiscal year, prior to implementation of the Treasury Board's new Policy on Evaluation in April 2009 (<http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=15024>). The current evaluation reflects the issues outlined in Treasury Board's 2001 evaluation policy (<http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=12309>), which was in effect at the time this evaluation was conducted.

- federal government priorities and address actual needs?
- **Success:** Has the Enforcement Program achieved its intended outcomes?
- **Cost-effectiveness/Alternatives:** Are the most appropriate, cost-effective and efficient means being used to achieve outcomes?
- **Design and Delivery:** Is the Enforcement Program designed and delivered in the best possible way?

A total of 17 evaluation questions supporting these four broad issues were addressed in the evaluation. In Section 4 of this report, the findings are presented for each evaluation issue as well as for each associated evaluation question. The evaluation questions along with the associated indicators, data sources and data collection methods are listed in Annex 1.

The evaluation involved multiple lines of evidence as described in Table 3.

Table 3: Methodological Approaches

Methodology	Description
<p>Key Informant Interviews</p>	<p>A total of 52 key informants were interviewed to obtain informed opinions and observations. Interviewees included the following:</p> <p>Environment Canada (n=34)</p> <ul style="list-style-type: none"> • Environment Canada senior management (n=2) • Enforcement Program management (n=15) <ul style="list-style-type: none"> – Senior Enforcement Program management – ESD, EED and WED management – National Headquarters (NHQ) and the regions • Internal Environment Canada partners (n=17) <ul style="list-style-type: none"> – Including CWS, Compliance Promotion and the environmental protection regulatory programs <p>External Partners/Stakeholders (n=18)</p> <ul style="list-style-type: none"> • Other federal government departments/agencies (e.g., Fisheries and Oceans Canada, Canada Border Services Agency), provincial governments, international partners and an industry association from the regulated community. <p>The key informant interviews were conducted in-person or by telephone, and on average ranged from 40 to 90 minutes in duration. Qualitative analysis¹⁷ of the interview findings was conducted. The interview guides are presented under separate cover in a technical appendix.</p>
<p>Group Discussions</p>	<p>A total of five group discussions were held, with a total of 23 participants, as follows:</p>

¹⁷ In summarizing the degree of consensus in key informant interview findings, the following guidelines were used: a few interviewees (less than 25%); a minority of interviewees (25% to 44%); approximately half of interviewees (45% to 55%); a majority of interviewees (56% to 75%); most interviewees (76% to 94%); and almost all interviewees (95% to 99%).

	<ul style="list-style-type: none"> • EED regional management (n=10) • WED regional management (n=9) • Regional Compliance Promotion coordinators (n=4)
Case Studies	<p>Four in-depth case studies were conducted to help understand the Enforcement Program's delivery, factors influencing success, best practices and lessons learned. The case studies are as follows:</p> <p><u>Wildlife Enforcement Cases</u></p> <ul style="list-style-type: none"> • CITES Identification Guides (Convention on International Trade in Endangered Species of Wild Fauna and Flora) • Lac St-Francois National Wildlife Area (NWA) <p><u>Environmental Enforcement Cases</u></p> <ul style="list-style-type: none"> • Investigation of Imported Engines • Transboundary Movement of Hazardous Waste <p>A brief description of each case study is provided in Annex 3. Reports on each case study are presented under separate cover in a technical appendix.</p>
Review of Documentation	A review of Program and related documentation provided some evidence on all of the evaluation questions.
Performance Measurement Information	The Enforcement Branch provided performance information on a limited number of Enforcement Program outputs and outcomes (i.e., inspections, investigations and prosecutions), which was reviewed for the evaluation.

3.3 Limitations of the Evaluation

The evidence for this evaluation relied heavily on qualitative data obtained from key informant interviews, group discussions and case studies. These qualitative methodologies were utilized to obtain views on the evaluation questions from a range of relevant perspectives—including the perspective of the Enforcement Program at National Headquarters and in the regions, key internal partners (the CWS, environmental protection regulatory programs and Compliance Promotion) and key external partners and stakeholders (other federal government departments, provincial governments, international partners and an industry association). Although a qualitative analysis of primary data from the above sources was supplemented with an analysis of secondary data from Program documentation, it was not possible to corroborate respondents' observations on several of the Program's results, due to a lack of credible quantitative data or documentation providing direct evidence of Program outcomes. Much of the available documentation provided evidence of activities and outputs only, and it was beyond the scope of this evaluation to undertake new primary data collection for very specific indicators of outcomes (e.g., the level of knowledge and skills of enforcement officers before and after their training, the level of public and regulatee awareness of the responsibilities of the Enforcement Program and benefits of enforcement).

Related to the above limitation, very little performance information was available for the four-year time frame of this evaluation. The Enforcement Branch was able to provide performance information for only a limited number of Enforcement Program outputs (i.e., inspections, investigations and evidence/support for prosecution cases) and outcomes (i.e., investigations leading to prosecutions and successful prosecutions). NEMISIS, the Program's information system, does not currently have reliable performance data on other outputs and outcomes in the logic model.

In addition, a lack of financial information on planned/budgeted annual expenditures for each year prevented a comparison with the information provided on actual annual expenditures, thereby limiting the analysis of the adequacy of Program resources.¹⁸

Finally, it was not possible to draw conclusions on the incremental impacts of the Enforcement Program on the key outcome of regulatory compliance or to distinguish the Program's contribution to compliance from that of the CWS/regulatory programs or the Department's compliance promotion function. This limitation was due primarily to a lack of accurate data on compliance rates with major regulations during the evaluation time frame.

4.0 FINDINGS

In this section, the findings of the evaluation are presented by evaluation issue (relevance, success, cost-effectiveness, design and delivery) and by the related evaluation questions. An abbreviated version of the key indicators for each evaluation question is presented with the evaluation question. A full listing of all evaluation questions and indicators can be found in Annex 1. The findings at the overall issue level are presented first, followed by the findings for each evaluation question.

A rating is also provided for each evaluation question. The ratings are based on a judgment of whether the findings indicate that

- the intended outcome or goal has been achieved or met – labelled as **Achieved**;
- considerable progress has been made to meet the intended outcome or goal, but attention is still needed – labelled as **Some Progress, Attention Needed**; or
- little progress has been made to meet the intended outcome and attention is needed on a priority basis – labelled as **Little Progress, Priority for Attention**.

The N/A symbol identifies questions for which a rating is not applicable.

In some instances, the symbol “~” may appear before the rating. The addition of this symbol means that, although there is compelling subjective evidence that the Enforcement Program is doing well or has made progress with respect to a given evaluation question, a complete assessment cannot be done due to lack of performance data.

¹⁸ According to representatives of the Enforcement Program, organizational restructuring and changes in the Department's financial tracking system made it difficult to keep accurate financial information for the years covered by this evaluation. For some years, departmental budget adjustments and internal allocation decisions made by the CEO created difficulties for tracking the distribution of funding across the Enforcement Program.

A summary of the ratings for each of the evaluation questions is presented in Annex 4.

4.1 Relevance

<p>Evaluation Issue: Relevance <i>Does the Program remain consistent with and contribute to federal government priorities and address actual needs?</i></p>
<p>Overall findings: Yes, available evidence shows that the Enforcement Program is aligned with federal government priorities and, through the enforcement of federal legislation and regulations, addresses the need to manage risks to the environment, wildlife and human health.</p>

Evaluation Issue: Relevance	Indicator(s)	Rating
1. Is there a legitimate and necessary role for government in this program area?	<ul style="list-style-type: none"> ▪ Clear mandate aligned with public good ▪ Link of Program’s mandate with Environment Canada’s jurisdiction ▪ Consistency of Program’s mandate/objectives with current government priorities 	Achieved

Numerous sources underline the importance of the federal government’s involvement in environmental and wildlife enforcement.

- According to documents reviewed, there is a clear, legislated mandate for federal government involvement in the enforcement of environmental and wildlife laws. Furthermore, the enforcement of these laws is necessary for the achievement of the government’s environmental objectives.¹⁹
- The 2007 and 2008 federal budgets and the 2008 Throne Speech provide evidence that the Enforcement Program is aligned with the priorities of the government. A total of \$43 million was pledged in the two budgets to directly support the Enforcement Program with the hiring of 106 additional enforcement officers and funding for better laboratory support, training, data collection, analysis and operational procedures to increase their effectiveness. The 2008 Throne Speech supports the mandate of the Enforcement Program, as it flagged then upcoming measures for tougher environmental enforcement to protect Canada’s water and land.

¹⁹ Compliance and Enforcement Policy for the *Canadian Environmental Protection Act, 1999* (CEPA, 1999) March 2001; Compliance and Enforcement Policy for the Habitat Protection and Pollution Prevention Provisions of the *Fisheries Act*, November 2001; Compliance and Enforcement Policy for Wildlife Legislation (no date given).

- The mandate of the Enforcement Program continues to be well aligned with Environment Canada’s focus, as the Department’s *Report on Plans and Priorities (RPP) 2007–2008* specifies that it “is the responsibility of Environment Canada’s enforcement program to enforce the laws administered by the Department” and that “Canadians have a right to expect the government to not only regulate where necessary, but also to ensure that those regulations are adhered to once put in place”.²⁰
- Furthermore, “delivering results on environmental enforcement” is listed among the top eight departmental priorities in Environment Canada’s RPP 2008–2009.

Evaluation Issue: Relevance	Indicator(s)	Rating
2. Is the Enforcement Program rationale based on actual societal/ environmental needs? Does the Program serve the public interest?	<ul style="list-style-type: none"> • Need for the Program • Degree to which the Program serves the public interest • Gaps would exist in coverage without the Program 	Achieved

Documentation clearly demonstrates that the Enforcement Program rationale is based on actual societal and environmental needs, as it enables the management of risks to the environment, wildlife and human health through the enforcement of federal acts. Furthermore, Canadians support an active role for government in enforcing environmental laws.

- The Enforcement Program is mandated to enforce six environmental and wildlife protection acts and over 46 regulations that enable the management of risks to the environment, wildlife and human health (CEPA 1999, FA, CWA, MBCA 1994, WAPPRIITA and SARA).
- In addition to these acts and regulations, there are numerous intergovernmental agreements and memoranda of understanding (MOUs) with both domestic and international partners that acknowledge Environment Canada’s role in compliance and enforcement activities. These agreements help to clarify the division of enforcement roles and responsibilities between Environment Canada and its partners and ensure efficiency in areas of joint delivery.
- A public opinion survey conducted in 2007 found that a majority of Canadians support an active role for government in enforcing environmental laws, with 20% of respondents indicating that the government is doing the right amount in this regard and an additional 76% who believe the government is not going far enough.²¹

²⁰ Environment Canada. Report on Plans and Priorities 2007–2008. p. 89–90.

²¹ Ipsos-Reid, Environment Canada Corporate Communications Survey, 2007.

Evaluation Issue: Relevance	Indicator(s)	Rating
3. Does the Enforcement Program theory (i.e., objectives, logical linkage of activities and outputs to intended outcomes, instruments used) realistically address the societal needs identified?	<ul style="list-style-type: none"> • Soundness of logical linkages between activities, outputs and intended outcomes 	Achieved

Documentation demonstrates the need for an Enforcement Program that enforces regulations in order to address societal needs to protect wildlife, the environment and the health of Canadians. The activities and outputs of the Program, as outlined in the Program’s logic model, realistically contribute to meeting these needs.

- The Program’s theory is depicted in the logic model developed as part of the Evaluation Plan²². The logic model was approved by the Evaluation Committee for purposes of this evaluation as an accurate depiction of the Program. The model logically and realistically links the Program’s activities and outputs to its intended outcomes.
- The acts administered by Environment Canada provide its enforcement officers with a range of tools for taking measures appropriate to the nature of the violation and the degree of harm to the environment. Depending on which act has been violated, these tools may include warnings, tickets, directions/directives, seizure, ministerial orders, prohibition orders (involving new substances), recall orders, detention orders (for ships), environmental protection compliance orders, and the laying of charges. The use of these tools realistically addresses the following societal needs:
 - biodiversity is conserved and protected;
 - risks to Canadians, their health and their environment posed by toxic and other harmful substances are reduced; and
 - risks to Canadians, their health and their environment from air pollutants and greenhouse gas emissions are reduced.

These needs represent the ultimate outcomes for the Enforcement Program, as identified in the Program logic model, and are also intermediate outcomes in Environment Canada’s 2007–2008 Results Management Structure.
- Furthermore, a research paper presented at the 5th Annual Conference on Environmental Compliance and Enforcement presents three case studies that demonstrate that relying on voluntary compliance or peer inspection programs will not produce the desired results in achieving compliance among regulatees. Rather, this research found that conducting compliance promotion combined with the progressive use of stronger enforcement tools was much more successful in leading to compliance with federal environmental legislation. The paper also references a review of 19 different regulatory groups. The review found that those industrial sectors that relied solely on self-monitoring or voluntary compliance had a compliance rating of 60% versus the 94% average compliance rating for those industries that were subject to federal regulations combined with a consistent

²² Enforcement Program Logic Model, May 30, 2008 (see also Section 2.6 of this report). This logic model is currently being refined by the Enforcement Branch.

inspection program. These results further support the need for enforcement of environmental and wildlife laws and regulations.²³

- This is also consistent with public opinion research on the subject. When asked to consider which of the following three approaches would be the most effective in reducing environmental pollution from industry, a plurality of Canadians (44%) chose strict laws and heavy fines to punish polluters. Only 15% thought the best way to get industries to reduce their environmental impact is to rely on public reporting of pollution levels.²⁴

4.2 Success

Evaluation Issue: Success <i>Has the Enforcement Program achieved its intended outcomes?</i>
<p>Overall findings: The Enforcement Program has made considerable progress toward its key immediate and intermediate outcomes without any major unintended outcomes. Findings are based largely on qualitative evidence, with some supporting documentation and data where applicable, due to a lack of comprehensive performance information.</p> <p>Evidence collected as part of the evaluation suggests that some of the immediate and intermediate outcomes of the Program have been achieved. These outcomes include</p> <ul style="list-style-type: none"> • increased rates of success for prosecutions; • more efficient use of resources; and • more fair, predictable and consistent enforcement of laws and regulations. <p>In addition, evidence suggests that considerable progress has been made toward the other immediate and intermediate outcomes. A number of MOUs and agreements with external partners and the Program's acknowledgement of the importance of relationships with its external partners, for example, have contributed to progress toward improved knowledge of and engagement in enforcement issues and strategies among various jurisdictions and toward better integrated strategies with other government departments, partners and stakeholders. Collaborative working relationships have also contributed to progress toward better integrated enforcement strategies with these external partners and a more efficient use of resources. There are, however, some regions within WED where certain provincial and federal partner relationships have weakened and there is an ongoing need to nurture those relationships that are currently strong and work to improve those that are not optimal.</p> <p>Efforts are being made by the Program to ensure its views are included in regulatory reviews in order to improve the enforceability of regulatory instruments, although this is not always occurring. Evidence indicates that progress has been made toward more strategically targeted enforcement activities, through the use of a consultative</p>

²³ Enforcement Versus Voluntary Compliance: An Examination of the Strategic Enforcement Initiatives Implemented by the Pacific and Yukon Regional Office of Environment Canada 1983 to 1998. Research Paper presented at the 5th Annual Conference on Environmental Compliance and Enforcement, Peter K. Krahn, P. Eng., Environment Canada, Pacific and Yukon Region, March 9, 1998.

²⁴ Focus Canada, 2007-1.

annual planning process to identify priorities for enforcement and the use of intelligence to focus efforts on the detection of non-compliance. However, perceived weaknesses in the Program's coordination with key internal partners—Compliance Promotion, CWS and environmental protection programs—have been limiting the success of these efforts.

Regarding Enforcement staff being **more knowledgeable, more skilled and designated to perform their duties safely**, evidence indicates that enforcement officers are provided with a solid base of basic skills training. However, there is an overall need for more training in specific regulations and specialized skills and WED would benefit from a formal program similar to the Basic Enforcement Training (BET) taken by EED enforcement officers. Some progress has been made toward having **increased knowledge to better inform planning and decision making** through the use of intelligence. At the same time, inconsistencies across regions have been identified, along with a need to develop a more strategic approach to the intelligence function in WED. Findings suggest that the use of strategic planning and intelligence has contributed to progress toward **improved targeting of high-priority cases for inspections**.

Although some efforts have been made to increase awareness, there continue to be gaps in understanding of the Enforcement Program within and outside the Department. More could be done to achieve **improved public, regulatee, Public Prosecution Service of Canada (PPSC) and departmental awareness of the responsibilities of the Enforcement Program and benefits of enforcement**. In the view of a majority of EED interviewees, the Enforcement Program has resulted in **increased regulatee compliance with laws and regulations**; however, reliable data on compliance rates were unavailable and WED interviewees indicated that it is difficult to know the level of compliance with wildlife regulations.

Finally, resource constraints on Enforcement's key internal partners (i.e., Compliance Promotion, environmental protection programs and CWS) were viewed as a negative external factor, while an increased interest in environmental and wildlife enforcement was identified as a positive external factor influencing the success of the Program. Looking forward, expected increases in the number of new regulations to enforce are anticipated to pose challenges to the Program's capacity in the future.

Evaluation Issue: Success	Indicator(s)	Rating
4. To what extent have the intended <u>immediate</u> outcomes been achieved as a result of the Enforcement Program? a) improved knowledge of and engagement in enforcement issues and strategies among various jurisdictions	<ul style="list-style-type: none"> Views and documentation on degree of achievement of each outcome, as specified in the logic model 	~ Some Progress/ Attention Needed ²⁵

Supported by memoranda of understanding and agreements, the Enforcement Program collaborates with many other enforcement agencies and departments to deliver its mandate, thereby demonstrating progress toward the achievement of improved knowledge of and engagement in enforcement issues and strategies among various jurisdictions. While much of the available evidence suggests that many of these relationships are strong, the findings also indicated that, within some regions of WED, a few have weakened. Program management and documentation note that efforts are being undertaken to maintain the strong relationships and to rebuild those that have declined.

- Delivery of the Enforcement Branch’s mandate relies heavily on the engagement of other departments and agencies across various jurisdictions. Many MOUs and intergovernmental agreements pertaining to environmental enforcement and to wildlife enforcement exist between Environment Canada and other government departments and agencies to help define these working relationships.²⁶
- Program documents indicate that Program management places importance on engagement and collaboration with other jurisdictions. Planning documents and work plans for EED and WED regularly cite the critical role these partners play in the achievement of the Program’s objectives and include plans to continue to nurture these relationships.²⁷
- Most Program interviewees felt that progress has been made toward the achievement of this outcome. A majority of external partner interviewees also expressed the view that progress has been made, citing the existence of MOUs and agreements that the Program has with other federal departments or provincial governments and its participation in international meetings or conventions.
- The quality of WED partnerships appears to vary to some extent by region. On the one hand, WED’s Quebec Region and Atlantic Region indicated that their partner relationships with the provinces and other federal colleagues had suffered over the past few years. In contrast, representatives of WED’s Prairie and Northern Region

²⁵ Although there is compelling subjective evidence that the Program has made progress with respect to this evaluation question, a complete assessment cannot be done due to lack of performance data.

²⁶ Environmental Agreements Chart, May 2006; Wildlife Agreements Chart, May 2006; Environmental Protection Enforcement Agreements (date unclear).

²⁷ For example, the Wildlife Enforcement Division, Strategic Direction and Action Plan, March 31, 2007, and the EED Northern District Action Plan 2007–2008, April 2007.

and Pacific and Yukon Region reported that their relationships with the provinces and territories had remained strong, as had relationships with the Canada Border Services Agency (CBSA) and United States Fish and Wildlife Service (USFWS) (resulting in a number of joint investigations and referrals in 2007–2008). The Prairie and Northern Region noted, however, that their partnership with the RCMP has waned despite officers' attempts to coordinate activities, and they expressed a need to work more on improving that relationship.²⁸

- With respect to the Enforcement Program's success at engaging partners at the international level, respondents expressed mixed views, with some identifying this as a particular area of success and others singling this out as an area that has declined in recent years. It was noted that collaboration at the working level has declined since the creation of the Enforcement Branch, as NHQ has primarily had this contact in recent times rather than the regions. Some EED and WED regional management interviewees expressed a desire for more collaboration with their international counterparts at the working level or, at a minimum, more feedback on the results of discussions at international fora, which are typically attended by senior management from NHQ. CWS interviewees indicated that the Enforcement Program has worked well on the international front, particularly with the United States and Mexico on migratory bird issues, but felt that the Enforcement Program's engagement of provincial and territorial governments has been a weakness, as these jurisdictions act more or less independently from one another.

Evaluation Issue: Success	Indicator(s)	Rating
4. To what extent have the intended <u>immediate</u> outcomes been achieved? b) improved enforceability of instruments and increased influence of Enforcement in regulatory cycle	<ul style="list-style-type: none"> • Views and documentation on degree of achievement of each outcome, as specified in the logic model 	~ Some Progress/ Attention Needed ²⁹

Although Enforcement is making efforts to ensure its viewpoint is included in the development or updating of new and existing regulations, there is an ongoing need to ensure that Enforcement's feedback is provided and addressed in order to contribute to improved enforceability of regulations.

- The Enforcement Program is actively involved in contributing to the development or updating of new and existing regulations. For example, ESD leads on the scrutiny of legal instruments for enforceability, working with subject matter experts within EED to ensure the operational viability of an instrument is addressed. Additionally, EED and ESD participate in several regulatory working groups for new and existing regulations and instruments aimed at ensuring regulations are effective.³⁰
- Another example of the Program's influence to improve the enforceability of regulatory instruments was WED management's participation in the development of

²⁸ WED Summary Work Plan, Prairie and Northern Region, 2007–2008, p. 5.

²⁹ Although there is compelling subjective evidence that the Program has made progress with respect to this evaluation question, a complete assessment cannot be done due to lack of performance data.

³⁰ EED Working Groups and Committees – August 2007.

a business case in support of Bill C-15, which amended the MBCA 1994 and CEPA 1999 to better address the issue of chronic oil pollution in the marine environment. The Bill, which was proclaimed in June of 2005, resulted in the approvals to hire additional MBCA 1994 officers in the Atlantic Region and the Pacific and Yukon Region.³¹

- An EED planning document³² identifies three operational objectives aimed at improving Enforcement's achievement of this outcome. The objectives are to continue to i) contribute in the review of proposed new and amended regulations to ensure that they are operationally enforceable and that the expected enforcement methodology is reasonable, efficient and effective; ii) provide feedback on the practical attempts to apply, in the field, the regulations; and iii) assess the training and resource requirements to enforce/apply the new/updated regulations. As context to these objectives, the document states that the focus at that time in reviewing regulations was to ensure their legal enforceability; there has been a lack of dedicated review for operational enforceability (e.g., to determine whether the required sampling method is too onerous); and there has been no formal feedback loop to regulatory drafters/programs regarding lost prosecutions due to flaws in regulations.
- Although there are mixed views among Program representatives and internal Environment Canada partners regarding the extent of achievement of this outcome, findings suggest that some progress has been made but that there is room for improvement by better addressing enforceability challenges in regulations as currently written and ensuring that the Enforcement Program is actively involved in regulatory development. There was a perception among some Enforcement Program interviewees that regulatory feedback provided by Enforcement is not always addressed. Some internal partner interviewees noted that there is a lack of input and participation by experienced Enforcement staff during the development and refinement of regulations.
- Findings from case studies support the view that incorporating Enforcement Program feedback could improve the enforceability of regulations. Here are a few findings:
 - The Investigation of Imported Engines case study illustrates the Enforcement Program's efforts at improving the enforceability of regulatory instruments. While inspecting a shipment of tractors, Enforcement Program staff became aware of the difficulty of enforcing the *Off-Road Compression-Ignition Engine Emission Regulations* (ORCIEER) based on the wording of the regulations. Amendments have since been suggested for the regulations by Enforcement to make them easier to enforce.
 - The Transboundary Movement of Hazardous Waste case study illustrates some enforceability challenges in a situation where this outcome was not achieved. Respondents for this case study noted that the wording and requirements of the regulation limit its enforceability and that, in their view, this has limited the number of prosecutions under this regulation.

³¹ Wildlife Enforcement Division – Atlantic, 2005 Summary Report, p. 3.

³² Environmental Enforcement Operational Planning Framework, Draft, May 9, 2007, p. 6.

- National program management also identified a shortage of regulatory analysts within ESD to provide regulatory review from the perspective of enforceability.

Evaluation Issue: Success	Indicator(s)	Rating
4. To what extent have the intended immediate outcomes been achieved? c) more strategically targeted Enforcement activities and better coordination with programs and compliance promotion	<ul style="list-style-type: none"> Views and documentation on degree of achievement of each outcome, as specified in the logic model 	Some Progress/ Attention Needed

The annual process to consult with partners/stakeholders in the preparation of a National Inspection Plan (NIP) is evidence of progression toward the achievement of this outcome. However, challenges with communications and coordination between the Enforcement Program and its key internal partners (Compliance Promotion, CWS and environmental protection programs), as well as a lack of performance information, result in shortcomings in the implementation of the targeting strategy and indicate that more attention is needed in this area.

- The preparation of annual national inspection plans³³ (NIPs) by both EED and WED illustrates progress toward the achievement of this immediate outcome. The NIPs identify national and regional priority regulations for inspection in an attempt to balance national consistency with regional relevance. These plans are consolidations of priorities for inspection resulting from an analysis of data and the views of Enforcement and other program staff across the Department. A consultation process takes place every year whereby the Enforcement Branch seeks input from programs before deciding on priorities. Program documentation indicates that the process for selection of priorities continues to evolve and improve.³⁴ A review of the 2007–2008 NIPs for both EED and WED reveals that the two directorates choose very different approaches for the identification of priorities. EED identifies regulations or groups of regulations as its identified national priorities, whereas WED’s priorities are a combination of species, activities and history.
- A majority of EED national management interviewees reported that this outcome had been achieved, citing the development of the National Inspection Plan and the use of intelligence. However, overall, only a minority of Environment Canada interviewees (representing both the Enforcement Program and internal partners) held this view. Many of the Environment Canada interviewees who felt this outcome had not been achieved acknowledged the annual priority-setting/planning process,

³³ Beginning in 2008–2009, the Environmental Enforcement Directorate (EED) renamed its National Inspection Plan as the National Enforcement Plan (NEP), reflecting the addition of priorities and planning for investigation and intelligence.

³⁴ Environmental Enforcement Directorate, National Inspection Plan 2007–2008. As of 2008–2009, EED and Compliance Promotion have collaborated to streamline the Enforcement Program’s priorities submission process. The approach was further improved for the 2009–2010 fiscal year by holding senior-management-level meetings early in the process to coordinate program priorities.

but perceived that this process has been hindered by a number of communication and coordination challenges as well as a lack of performance data.³⁵

- EED regional management interviewees expressed concern over the receipt of different messages on priorities from National Headquarters versus the regions within the Environmental Protection Operations Directorate (EPOD).³⁶ In addition, some EED regional management interviewees argued that strategic targeting of enforcement activities requires a better understanding of compliance than is available with current performance data.
- In WED, generally both national and regional management interviewees felt that this outcome had not been achieved. The view was that WED needs to engage and coordinate better with CWS in the development of the National Inspection Plan (NIP) and to improve strategic targeting and performance measurement. Some WED interviewees also noted that, while the intention to target inspections is positive, the NIP is based on pollution initiatives (relevant to EED) and the fit for wildlife is not as clear. It was recognized by both WED and CWS interviewees, however, that the Enforcement Program is making progress toward improved strategic targeting of activities and coordination, although compliance promotion for wildlife regulations remains an area needing further work.
- Of those who were able to respond, internal partner interviewees expressed mixed views on the achievement of this outcome and identified a need for improved communications and coordination between themselves and the Enforcement Program generally, and in the development of the NIP more specifically. It was also noted that the Enforcement Program often has a different understanding of priorities than other departmental personnel. Both Compliance Promotion and Enforcement Program interviewees suggested a need to improve integrated planning between Compliance Promotion and Enforcement in order to improve targeting, compliance strategies and program delivery. Compliance Promotion interviewees indicated that the process is not truly a joint process.

³⁵ Communication and coordination challenges are discussed in detail in the findings for EQ13 and EQ14 and information on challenges related to performance data is provided in the findings for EQ12 (see Section 4.4).

³⁶ The mining sector was cited by interviewees as an example where mixed messages were received by the Enforcement Program.

Evaluation Issue: Success	Indicator(s)	Rating
4. To what extent have the intended <u>immediate</u> outcomes been achieved? d) Enforcement Program staff is more knowledgeable, more skilled and designated to perform their duties safely	<ul style="list-style-type: none"> Views and documentation on degree of achievement of each outcome, as specified in the logic model 	~ Some Progress/ Attention Needed ³⁷

While the majority of Program interviewees feel that this outcome has been achieved to some extent in terms of ensuring that enforcement officers have a good foundation of skills, gaps exist in areas such as providing formalized basic training for WED enforcement officers and addressing needs for more regulation-specific training and specialized knowledge and skills.

- ESD delivers the Basic Enforcement Training (BET) for new environmental enforcement officers. The course is continually improved and has developed from a seven-week course to a nine-week course that is currently provided through Algonquin College³⁸. WED does not have a similar formalized training program. However, Enforcement Branch representatives explained that WED often recruits experienced officers from other agencies, so their training requirements differ from those of EED, which is more likely to hire new recruits without previous law enforcement experience. In both EED and WED, personal learning plans are developed for all enforcement officers and training is tracked through the use of these plans. Enforcement officers require current legislative training, as well as mandatory training/certification and recertification for various occupational safety and health requirements, and other specific skill learning (e.g., tactical surveillance; total driving control; search and seizure; x-ray identification).
- The majority view among Enforcement Program interviewees is that this outcome has been achieved to some extent in terms of providing a good foundation of skills. Interviewees primarily cited the Basic Enforcement Training (BET) for EED and training provided by experienced enforcement officers for WED as support towards achieving this outcome. However, there was no performance information available on the level of knowledge/skills of staff who had received training to corroborate these perceptions.
- Findings from the CITES Identification Guides case study support the finding that progress has been made in improving staff knowledge and skills through means other than formal training. Most interviewees in this case study felt that the CITES guides contributed to this outcome as they provide enforcement officers with the knowledge and skills to identify species on sight and increase safety as they make enforcement officers aware of species' attributes before handling them.
- Room for improvement in this area was also noted by interviewees. For example, although there was recognition of the work done by experienced WED officers to

³⁷ Although there is compelling subjective evidence that the Program has made progress with respect to this evaluation question, a complete assessment cannot be done due to lack of performance data.

³⁸ For the Basic Enforcement Training (BET) course, Algonquin College has provided the components on peace officer law enforcement while senior environmental enforcement officers have delivered the enforcement components, which represent more than half of the course.

train their junior colleagues, WED interviewees felt they would benefit from a formal training program similar to BET to provide a consistent foundation of basic skills for all enforcement officers across the country.³⁹ Furthermore, most Environment Canada interviewees who responded to this question identified a need for more training in the enforcement of specific regulations and more specialized training in such areas as specialized skills for new regulations and advanced investigative skills. The importance of regulation-specific training is noted in WED planning documents,⁴⁰ which indicate that enforcement officers need to have current legislative training. While there is room for specialization, it is increasingly the case that officers must be adequately conversant in all four wildlife acts in order to provide a first response.

- A lack of resources in the Enforcement Services Directorate and in the programs for developing training materials was cited by representatives of environmental protection programs, ESD, and national and regional management of WED as a barrier to providing this additional training.⁴¹

Evaluation Issue: Success	Indicator(s)	Rating
4. To what extent have the intended <u>immediate</u> outcomes been achieved? e) increased knowledge to better inform planning and decision making	<ul style="list-style-type: none"> • Views and documentation on degree of achievement of each outcome, as specified in the logic model 	~ Some Progress/ Attention Needed ⁴²

Through the use of intelligence, some progress has been made toward the outcome of increasing knowledge to better inform planning and decision making; however, attention is also needed as there are inconsistencies across regions and an identified need to develop a more strategic approach to the intelligence function in WED.

- The majority view of interviewees within the Program is that this outcome has been achieved to some extent due to the intelligence function. Increased capacity of the Environmental Enforcement Intelligence Program from Public Safety and Anti-Terrorism (PSAT) funding was also noted.
 - EED interviewees generally expressed the view that progress toward the achievement of this outcome had been made; however, they reported that intelligence function capacity and operation varies by region. Respondents also noted that the intelligence function does not yet have the same level of recognition as inspections and investigations.

³⁹ While Wildlife Enforcement officers did not receive a standardized basic training course during the time frame of this evaluation, the Wildlife Enforcement Directorate recently created and launched Standardized Wildlife Enforcement Officer Training (SWEOT) as a prototype in January 2009.

⁴⁰ Wildlife Enforcement Division, Strategic Direction and Action Plan, March 31, 2007, p.6.

⁴¹ Training has been identified as an area of focus for the incremental funding announced in 2008.

⁴² Although there is compelling subjective evidence that the Program has made progress with respect to this evaluation question, a complete assessment cannot be done due to lack of performance data.

- WED interviewees generally felt more needed to be done in this area and that there was room for improvement. WED interviewees also indicated a need for more strategic intelligence. Technically speaking, intelligence is supposed to feed into and guide the inspections, investigations and management priority-setting functions, but this is not happening. WED planning documentation notes the fragmentation and inconsistencies in the intelligence function across the country and the need to rebuild and develop a national intelligence plan.
- Some internal partner interviewees commented on this outcome from their perspective, indicating a need for more feedback from Enforcement on the results of enforcement actions to improve their own planning and decision making. It was suggested by an interviewee that it would be beneficial to have a discussion between the Enforcement Branch, Compliance Promotion and the environmental protection programs on the purpose and potential uses of the intelligence function.

Evaluation Issue: Success	Indicator(s)	Rating
4. To what extent have the intended <u>immediate</u> outcomes been achieved? f) improved public, regulatee, Public Prosecution Service of Canada (PPSC) and departmental awareness of the responsibilities and benefits of enforcement	<ul style="list-style-type: none"> ● Views and documentation on degree of achievement of each outcome, as specified in the logic model 	~ Some Progress/ Attention Needed ⁴³

While the available evidence suggests that some progress has been made toward improved awareness of the responsibilities of the Enforcement Program and the benefits of enforcement within the Department, some internal partners lacked a clear understanding of Enforcement’s role and more could be done to raise awareness among the public and regulatees through increased information sharing about the Enforcement Program’s activities and successes.⁴⁴

- **Departmental awareness:**
 - Program interviewees generally indicated that this outcome has been achieved to a small extent, but felt there is room for improvement.⁴⁵ Departmental reorganization and the creation of a separate Enforcement Branch were perceived to have brought more visibility to the enforcement function within the Department.
 - As discussed in EQ13b (see Section 4.4), internal partners identified several areas where they lacked a clear understanding of the Enforcement Program’s

⁴³ Although there is compelling subjective evidence that the Program has made progress with respect to this evaluation question, a complete assessment cannot be done due to lack of performance data.

⁴⁴ As discussed in Section 3.3, evidence for this evaluation relied heavily on qualitative data. It was beyond the scope of the evaluation to collect primary data for specific indicators related to awareness (e.g., overall departmental awareness, PPSC awareness and public awareness). Findings for this immediate outcome are therefore largely based on views and perceptions expressed in interviews, group discussions and case studies.

⁴⁵ While the impact on awareness has not been measured, improvements to the Enforcement Program’s website starting in 2008–2009, as well as an increase in Enforcement-Branch-related articles in the Department’s News@EC Bulletin, may be having a positive impact on the Branch’s visibility within the Department.

role, including the division of responsibilities for compliance promotion, among others.

- **PPSC awareness:**
 - The majority of Program interviewees believe that PPSC awareness has been achieved to some extent through interactions with prosecutors; however, this may vary by region. During the WED interviews, the view was also expressed that the use of victim impact statements has gone a long way to helping prosecutors and the courts understand the role of the Enforcement Program and recognize the impact of violators on species or the environment.

- **Public and regulatee awareness:**
 - The majority of Enforcement Program and internal partner interviewees who could comment on this outcome perceived that there has not been adequate progress in this area. Interviewees noted some challenges in raising public and regulatee awareness, largely focusing on activities and outputs related to this outcome. An example of a challenge noted was a lack of press releases published on the Enforcement Program’s successes. Some examples of WED-related news releases were found as part of the document review. These news releases draw attention to the fact that Environment Canada enforces wildlife regulations and also educate the public regarding specific acts that have been violated.⁴⁶

 - A majority of respondents in the Lac St-François NWA case study felt that the investigation had resulted in improved public and regulatee awareness of the responsibilities of the Enforcement Program. It was noted that involved parties were more aware of the Enforcement Program and that the public became more aware due to the case being heavily publicized.

Evaluation Issue: Success	Indicator(s)	Rating
4. To what extent have the intended <u>immediate</u> outcomes been achieved? g) improved targeting of high-priority cases for inspections and investigations leading to prosecutions	<ul style="list-style-type: none"> • Views and documentation on degree of achievement of each outcome, as specified in the logic model 	Some Progress/ Attention Needed

Interviewees suggest that strategic planning and the use of intelligence, as well as collaboration with external partners, have resulted in progress toward improved targeting of high-priority cases for inspections. Program data indicate that some inspections and investigations do lead to prosecutions.

- The majority of Program interviewees who responded indicated that progress had been made toward improved targeting of high-priority cases. This progress was noted to be due primarily to strategic planning and the use of intelligence to focus on detecting non-compliance. WED interviewees generally felt there had been less

⁴⁶ For example, news releases that provided information regarding the *Migratory Birds Convention Act, 1994* and the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRITA)* were reviewed.

progress on this outcome than EED interviewees; however, they explained (as noted for EQ4e) that WED-related strategic intelligence is less developed and not equally available in all regions.

- Document review and case study findings provide examples of effective targeting of priorities through such means as the use of intelligence and collaboration with external partners (although this does not always lead to prosecutions). Here are some examples:
 - Convictions were brought against two individuals after an 18-month-long investigation involving federal wildlife officers in Nova Scotia, Ontario, Quebec, and British Columbia, in collaboration with American officers from Florida⁴⁷.
 - In both the Transboundary Movement of Hazardous Wastes case study and the Investigation of Imported Engines case study, enforcement officers worked with the Canada Border Services Agency to target shipments that were in possible violation of environmental regulations, holding them at the border until inspections were conducted.

- According to Program data, for the period from 2004–2005 to 2007–2008, a total of 237 cases proceeded to court, and 371 tickets were issued based on investigations and inspections (see Table 4). These represented a total of 1,047 counts⁴⁸ over the four-year period. The annual volume of counts declined considerably in 2006–2007 and 2007–2008, dropping by about one third from the levels in the previous two years. No explanation for the data trends was available from the Program.

Table 4: Court Prosecutions and Tickets from Investigations and Inspections⁴⁹

Fiscal Year	Investigations		Inspections	Counts				
				Counts from Investigations			Counts from Inspections (Tickets)	Total Counts (Inv. & Insp.)
	Court Prosecutions	Tickets	Tickets	Court Counts	Ticket Counts	Total Inv. Counts		
2007–2008	51	17	53	120	20	140	54	194
2006–2007	54	51	31	130	48	178	34	212
2005–2006	66	71	57	171	90	261	63	324
2004–2005	66	59	32	224	58	282	35	317
Total	237	198	173	645	216	861	186	1,047

Note on column headings: Investigations: “Court prosecutions” indicate the number of investigation cases that went to prosecution, whereas “Tickets” indicate the number of investigation cases for which a ticket was issued. Inspections: “Tickets” represent the number of times a ticket was used to address a regulation infraction (which is approximately equivalent to the number of tickets but, for example, if in one inspection case one ticket is used to address an infraction on two regulations this would be counted as two tickets). Counts: “Counts from Investigations” are equivalent to the number of counts, whereas “Counts from Inspections” indicate the number of violated sections addressed through a ticket or prosecution. This number of inspection counts may be lower than the actual number of counts because it does not reflect multiple counts under the same section.

⁴⁷ Environment Canada News Release, Two People Convicted and Fined for Their Role in a Major International Endangered Species Smuggling Ring, November 8, 2007.

⁴⁸ A count represents each separate charge or allegation of guilt in a criminal action or each separate cause of action in a complaint.

⁴⁹ Data provided by the Enforcement Program on June 15, 2009. Values indicate the number of sections of an act or regulation for which that response was given by an officer.

Evaluation Issue: Success	Indicator(s)	Rating
4. To what extent have the intended <u>immediate</u> outcomes been achieved? h) increased successful prosecutions	<ul style="list-style-type: none"> Views and documentation on the degree of achievement of each outcome 	Achieved

Program data show an increase in the rate of successful convictions from 2004–2005 to 2007–2008 and provide evidence toward achievement of this outcome.

- According to data provided by the Program, over the period from 2004–2005 to 2007–2008, 60% of counts⁵⁰ for tickets or court prosecutions resulted in a conviction (convictions were achieved on 631 of the 1047 counts from investigations and inspections). In terms of the breakdown for court prosecutions versus tickets, approximately half (49%) of the counts from court prosecutions resulted in a conviction, whereas 78% of ticket counts resulted in conviction over the four-year period. As noted in Table 5, the rate of successful convictions generally shows an increase compared to conviction levels in 2004–2005, with total convictions per count increasing from 46% in 2004–2005 to 70% and 67% for 2006–2007 and 2007–2008 respectively.⁵¹

Table 5: Proportion of Counts from Inspections and Investigations Resulting in Successful Convictions⁵²

ALL ACTS	Ticket Convictions/ Ticket Counts %	Court Convictions/Court Prosecution Counts %	Total Convictions/ Counts %
2007–2008	82	58	67
2006–2007	94	55	70
2005–2006	69	58	64
2004–2005	76	33	46
Total	78	49	60

- Unfortunately, conviction data at the level of cases as opposed to counts were not available from the Program. As noted, the figures shown in Table 5 above represent the percentage of counts resulting in a conviction. Individual tickets and court prosecutions may include more than one count. On average, 2.7 counts are included per court prosecution and 1.1 counts are included per ticket. The legal process could proceed in a manner whereby there is a successful conviction on some, but not all counts associated with a case or ticket.

⁵⁰ A “count” represents each separate charge or allegation of guilt in a criminal action or each separate cause of action in a complaint.

⁵¹ Data on conviction rates for 2008–2009 do not present a meaningful picture of final conviction rates as many cases are still ongoing and final conviction rates are not yet reflected in the numbers. Court processes usually take a year to a year and a half for simple charges (tickets, summary prosecutions) and two to four years for more serious charges (indictments).

⁵² Data provided by Enforcement Program on June 15, 2009. Convictions are the number of counts for which a conviction was obtained.

- While it is reasonable to expect that the Enforcement Program would have some influence over prosecutions, assessing the incremental impact of the Program on this outcome poses challenges because it has been noted that prosecutions are not entirely under the control of the Enforcement Program.
 - A few Program representatives noted that prosecutions are largely beyond the control of Enforcement and questioned if “increased” successful prosecutions is an appropriate intended outcome for the Enforcement Program.
 - This is supported by documents. For example, the Compliance and Enforcement Policy for the *Canadian Environmental Protection Act, 1999* (CEPA, 1999) notes that “while enforcement officers may lay charges for offences under the Act, the ultimate decision on whether to proceed with prosecution of the charges rests with the Attorney General”⁵³. The Compliance and Enforcement Policy for the Habitat Protection and Pollution Prevention Provisions of the *Fisheries Act* also notes that approval of prosecutions resides with the Attorney General⁵⁴.

Evaluation Issue: Success	Indicator(s)	Rating
4. To what extent have the intended <u>intermediate</u> outcomes been achieved? i) better integrated Enforcement strategies with other government departments, partners and stakeholders	<ul style="list-style-type: none"> • Views and documentation on degree of achievement of each outcome, as specified in the logic model 	Some Progress/ Attention Needed

Environment Canada interviewees (with the exception of WED) and federal and provincial partners indicate that enforcement strategies are better integrated with other government departments, partners and stakeholders as a result of the Enforcement Program. Case studies provide supporting evidence by presenting examples where this has occurred. Some WED interviewees, however, expressed uncertainty as to whether this outcome has been achieved, with WED documentation flagging concerns regarding WED’s ability to participate with partners “in a meaningful way” and identifying the need for a new partnership strategy.

- Most Environment Canada interviewees who were able to comment on this outcome felt that the outcome has been achieved to at least some extent through the formal agreements established with other federal departments/agencies, provincial governments and international partners. This is supported by Enforcement Program documentation that describes shared responsibilities and integrated strategies to carry out the enforcement function across organizations.
- Program documents also identify involvement by the Enforcement Branch in numerous interdepartmental committees and international organizations aimed at improving integration. This involvement appears to have been beneficial as federal

⁵³ Compliance and Enforcement Policy for the *Canadian Environmental Protection Act, 1999* (CEPA, 1999), March 2001, p. 12.

⁵⁴ Compliance and Enforcement Policy for the Habitat Protection and Pollution Prevention Provisions of the *Fisheries Act*, November 2001.

and provincial partners report feeling that progress has been made on this outcome as a result of direct contact or communication from the Enforcement Branch.

- A majority of WED interviewees, however, were uncertain as to whether there had been progress towards better integrated enforcement strategies, with a few reporting that the outcome was not achieved. One respondent noted that WED does not work directly with the provinces to determine mutual priorities and felt this would be a positive step. While also acknowledging many examples of positive interaction with its partners, WED documentation flags that the directorate has “not had the staff levels to actually participate in a meaningful way with provincial and other federal colleagues.” The document identifies the need for a new partnership strategy that is “based on current realities” and addresses the “significant changes to wildlife laws and the federal and provincial program capabilities in the past few years”.⁵⁵
- Interviewees also reported that these relationships extend beyond establishing MOUs and agreements. For example, WED interviewees explained that the regions often rely on the long-standing personal relationships of enforcement officers in the field with external partners in order to collaborate effectively on enforcement activities.
- Case study findings provide further support that progress has been made toward the achievement of this outcome. Here are examples:
 - The Transboundary Movement of Hazardous Waste case study indicated that CBSA informs the Enforcement Branch of suspicious shipments, identifies when containers it is tracking arrive, and holds containers for Enforcement Program inspectors. The Enforcement Branch meets quarterly with CBSA to review files, discuss operational issues and identify opportunities to improve practices.
 - The Investigation of Imported Engines case study noted that, as a result of a briefing provided a week previously by the Enforcement Program, CBSA contacted one of the Program’s intelligence officers to alert him to the arrival of a shipment of tractors that may not have been in compliance with the *Off-Road Compression-Ignition Engine Emission Regulations (ORCIEER)*.

Evaluation Issue: Success	Indicator(s)	Rating
4. To what extent have the intended <u>intermediate</u> outcomes been achieved? j) increased regulatee compliance with laws and regulations	<ul style="list-style-type: none"> • Views and documentation on degree of achievement of each outcome, as specified in the logic model 	~Some Progress/ Attention Needed ⁵⁶

In the view of a majority of EED interviewees, the Enforcement Program has resulted in increased regulatee compliance with laws and regulations, while interviewees representing WED and internal partners generally indicated that it is difficult to know the level of regulatory compliance. Performance data on

⁵⁵ 2007–2008 Summary Work Plan: Wildlife Enforcement Division – Headquarters, p. 10.

⁵⁶ Although there is compelling subjective evidence that the Program has made progress with respect to this evaluation question, particularly relating to compliance with regulations enforced by the Environmental Enforcement Directorate, a complete assessment cannot be done due to lack of performance data.

compliance rates to confirm these views were not available for this evaluation, due to a number of factors related to the Program’s data collection.

- Within EED, the majority of interviewees who could respond perceived that this outcome has been achieved for those regulations or sectors where the Program has systematically carried out enforcement activities.
- Program data to corroborate this view were not available during the period of the evaluation. A number of factors affected the ability of the Program to provide meaningful compliance rates:
 - The computation of precise compliance rates for particular regulations is typically not possible because the size of the regulated population is often not known.
 - Samples for inspection are strategically not randomly selected.
 - NEMISIS is not currently designed to capture complete compliance information (i.e., this database captures suspected and real incidences of non-compliance, but does not necessarily capture conformity except in cases of compliant inspections).

Furthermore, even if data on compliance rates were available, it would be difficult to assess the incremental contribution of the Enforcement Program to regulatory compliance because other factors (e.g., the efforts of programs and Compliance Promotion) also influence this intermediate outcome.
- Most Wildlife Enforcement interviewees were not able to respond to the question. Some interviewees indicated that it is very difficult to measure compliance with wildlife regulations because the extent of illegal trafficking or poaching is not known. In addition, WED’s regulated communities consist largely of small businesses trading in endangered species and hunters, groups that are difficult to identify and to inspect fully and assess for compliance. A majority of internal partners also did not know whether compliance rates had increased.

Evaluation Issue: Success	Indicator(s)	Rating
4. To what extent have the intended <u>intermediate</u> outcomes been achieved? k) more efficient use of resources	<ul style="list-style-type: none"> • Views and documentation on degree of achievement of each outcome, as specified in the logic model 	~Achieved ⁵⁷

While efficiency is not formally measured by the Enforcement Program, the Program’s use of strategic targeting to focus on detecting non-compliance and its collaboration with other partners to promote complementarity and avoid duplication indicate that this outcome has been achieved.

- No performance measures are captured that specifically address this outcome. However, due in part to operating within an environment of limited resources for most of the evaluation time frame, the Program has essentially been forced to seek ways to operate while making a more efficient use of resources.

⁵⁷ Although there is compelling subjective evidence that the Program is doing well with respect to this evaluation question, a complete assessment cannot be done due to lack of performance data.

- As noted by a majority of Program interviewees, a key contributing factor to a more efficient use of resources is the Program’s strategic targeting, which utilizes intelligence gathering and analysis to focus Enforcement’s efforts on detecting non-compliance with high-priority regulations.
- In addition, the Enforcement Program collaborates regularly with a number of enforcement agencies in other jurisdictions and with other federal departments and agencies, which further contributes to improved efficiencies. These relationships are defined within the environmental and wildlife acts, and supported by a number of agreements that serve to define roles and responsibilities and contribute to efficiency. For example, Environment Canada and the province of British Columbia share responsibilities for the enforcement of WAPPRIITA to avoid conflicting regulatory programs and a duplication of effort and to make administrative programs efficient. This agreement clearly identifies who should be the enforcement lead in various circumstances but acknowledges that both parties will perform the first response function regardless of the designated enforcement lead.

Evaluation Issue: Success	Indicator(s)	Rating
4. To what extent have the intended <u>intermediate</u> outcomes been achieved? l) more fair, predictable and consistent enforcement of laws and regulations	<ul style="list-style-type: none"> • Views and documentation on degree of achievement of each outcome, as specified in the logic model 	~Achieved ⁵⁸

Available evidence suggests that the Enforcement Program has contributed to more fair, predictable and consistent enforcement of laws and regulations.

- The majority of Environment Canada interviewees able to respond indicate that this outcome has been achieved as a result of factors such as
 - the centralized Branch reporting structure, which helps to ensure consistency across regions;
 - the annual planning process, which develops national priorities, while still supporting regional differences;
 - new policies and staff training which provide enforcement officers across the country with a standard operating base;
 - due diligence in the enforcement of laws and regulations; and
 - WED’s efforts to correct discrepancies in the size of fines issued across regions.

Evaluation Issue: Success	Indicator(s)	Rating
5. Have there been any unintended outcomes, either positive or negative, that can be attributed to the Enforcement Program? If so, were any actions taken as a result?	<ul style="list-style-type: none"> • Presence/absence of unintended outcomes • Where appropriate, lessons learned from unintended outcomes 	N/A

⁵⁸ Although there is compelling subjective evidence that the Program is doing well with respect to this evaluation question, a complete assessment cannot be done due to lack of performance data.

No major unintended negative or positive outcomes appear to have resulted from the Program.

- No major unintended outcomes attributed to the Enforcement Program, either positive or negative, were identified by key informants or in the document review.

Evaluation Issue: Success	Indicator(s)	Rating
6. Are there any external factors outside of the Enforcement Program which influence (positively or negatively) the success of the Program?	<ul style="list-style-type: none"> • External factors influencing the Program • Working relationships between the Program and internal and external partners, and their impact • Coordination of the Program's priority-setting processes with key internal partners and how this influences Program success • Degree to which human resources challenges influence Program success 	N/A

An increased interest in environmental and wildlife enforcement was identified as a positive external influence on the success of the Enforcement Program, while the limited resources in environmental protection programs and CWS to support enforcement initiatives were viewed as a negative influence on the success of the Program. Looking forward, expected increases in the number of new regulations are anticipated to challenge the Enforcement Program's capacity in the future. In addition, many interviewees identified human resources challenges within the Enforcement Branch as an internal factor exerting a negative influence on the Program.

- Interviewees identified positive external factors that have raised the visibility and importance of enforcement activities. For example, interest from the United States in enforcement operations, greater threats to more species, and international pollution and wildlife challenges (e.g., illegal wildlife trafficking involving organized crime, the focus on climate change) have been a positive influence as they have reinforced the importance of the Program's mandate.
- External factors that currently have or may in the future have a negative influence on the success of the Enforcement Program were also identified. For example, looking forward, interviewees both internal and external to the Program reported that the expected increase in the number of new regulatory instruments being developed (e.g., under the Chemicals Management Plan) will challenge the Program's capacity in the future.
- The adequacy of resources within environmental protection programs and CWS to support the enforcement function was also identified as a negative external factor influencing the Enforcement Program. EED interviewees indicated that enforcement officers sometimes lack the expertise on regulations required to proceed on a

case—knowledge that is supposed to be provided through training offered by internal partners. Likewise, WED interviewees identified gaps in the delivery of compliance promotion by CWS as a particular challenge. This was echoed in interviews with internal partners, who acknowledged that their ability to support enforcement activities is often constrained by their program’s own limited resources, which they understand may have negative implications for the Enforcement Program.

- Some factors internal to the Program are also perceived to have affected its success. For example, human resources challenges were cited by interviewees as having negatively influenced the Program, as they require management time and divert attention from the core work of the Enforcement Program. These include
 - grievances related to inconsistent job classifications across regions;
 - delays in reclassification of wildlife enforcement officers, and recruitment and retention challenges; and
 - the perceived low level and low pay for environmental enforcement officers, which reportedly make the recruitment and retention of qualified officers with the necessary science degrees difficult.

4.3 Cost-Effectiveness

Evaluation Issue: Cost-Effectiveness/Alternatives

Are the most appropriate, cost-effective and efficient means being used to achieve outcomes?

Overall findings:

The available evidence suggests that the Enforcement Program is delivered in a generally cost-effective and efficient manner. The Program has operated under resource constraints for most of the evaluation time frame and strategically targets its activities to focus efforts on the highest-priority areas.

In order to reduce duplication and support cost-effective delivery, the Enforcement Program collaborates with other federal departments as well as agencies and departments in other jurisdictions that have similar objectives and activities. Although a detailed study of the cost-effectiveness of alternative approaches was not conducted for this evaluation, no evidence of more cost-effective approaches was provided by representatives of the Enforcement Program, internal partners or external partners interviewed.

Evidence suggests the Program could still benefit from some efficiency improvements. In particular, continued improvements to communications and coordination with internal and external partners may contribute to greater efficiency.

Evaluation Issue: Cost-Effectiveness	Indicator(s)	Rating
7. Are there alternative ways of achieving the objectives of the Enforcement Program?	<ul style="list-style-type: none"> Degree to which alternative delivery models could improve cost-effectiveness 	~Achieved ⁵⁹

No evidence was found of a more cost-effective alternative approach to achieve the objectives of the Enforcement Program.

- No alternative approaches were identified that were demonstrated to be more cost-effective than Environment Canada's Enforcement Program.

Evaluation Issue: Cost-Effectiveness	Indicator(s)	Rating
8. Are there other programs that are involved in the same activities or that share similar objectives? If yes, how is duplication avoided and complementarity achieved? Are there any gaps?	<ul style="list-style-type: none"> Views on duplication and complementarity with comparable programs Views on presence/absence of gaps 	Achieved

While several programs exist across multiple jurisdictions that share similar objectives and activities with Environment Canada's Enforcement Program, the use of MOUs and agreements, policies, and formal and informal communications with these partners ensures that enforcement activities are delivered by the agencies in the best position to carry out the activity in their jurisdiction, and serves to reduce duplication.

- The Enforcement Program is involved in comparable activities and shares similar objectives with a number of other organizations. These include other federal departments and agencies (e.g., Department of Fisheries and Oceans (DFO), Health Canada, Transport Canada, Canada Border Services Agency, Royal Canadian Mounted Police, among others), as well as across jurisdictions, with provincial and territorial environmental and wildlife protection agencies, and provincial and municipal police departments. The Program also shares responsibilities with international governments and agencies, on issues such as the smuggling of endangered species and the transport of banned or hazardous materials.
- For two key pieces of legislation, (the *Fisheries Act* and CEPA 1999), responsibility for implementing the legislation is shared with another federal government department (DFO and Health Canada, respectively). Furthermore, Environment Canada's statutes contain enforcement provisions authorizing the Minister of the Environment to designate qualified officials (including employees of provincial, territorial or Aboriginal governments) to enforce Environment Canada's laws. Environment Canada's wildlife statutes also provide the authority to delegate specific

⁵⁹ Although there is compelling subjective evidence that the Program is doing well with respect to this evaluation question, a complete assessment cannot be done due to a lack of data on the cost-effectiveness of the Enforcement Program as compared to that for alternative programs/delivery models.

enforcement powers to another federal or provincial minister (although CEPA 1999 does not).

- In addition to MOUs and agreements that clarify responsibilities with partners and address opportunities for efficiencies in areas of joint delivery, compliance and enforcement policy documents have been prepared for CEPA 1999 and the habitat protection and pollution prevention provisions of the *Fisheries Act*. In the policy documents, it is noted that the policy spells out “what is expected” of everyone sharing a responsibility for protection of the environment (in the case of the policy for CEPA 1999) and everyone sharing a responsibility for protection of fish and fish habitat (in the case of the Policy for the Habitat Protection and Pollution Prevention Provisions of the *Fisheries Act*), including governments, organized labour, industry and individuals.”⁶⁰
- Formal and informal communications with these partners are also critical to ensure collaboration and avoid duplication or gaps in coverage. The importance of this communication is recognized by interviewees and acknowledged in planning documents. The degree to which existing communications are effective is addressed under EQ14 in Section 4.4.
- Joint Forces Operations (JFOs) with provincial partners and shared technology with partners (e.g., shared computer system with the Quebec government, CBSA’s single window initiative) were also identified as measures to facilitate complementarity.
- Identified gaps appear to be caused by resource shortages, as opposed to a flaw in program design. Program management has highlighted a shortage of resources for reviewing regulations and developing integrated compliance promotion plans and regulatory enforcement plans for regulations, to ensure a coordinated approach to achieving compliance. Other gaps identified by interviewees were also related to resources and included the following:
 - Migratory bird hunting and black market trade of endangered species under WAPRIITA – WED regional management and CWS both identified insufficient compliance promotion and enforcement in this area, and provincial wildlife enforcement partners also stated that Environment Canada does not have the resources to enforce the *Migratory Birds Convention Act, 1994* without provincial assistance.
 - Section 36(3) of the *Fisheries Act* – Compliance Promotion identified a lack of regulatory program oversight due to resource shortages.

Evaluation Issue: Cost-Effectiveness	Indicator(s)	Rating
9. How could the efficiency of the Enforcement Program be improved?	<ul style="list-style-type: none"> • Proportion of total Program budget required for administrative activities versus Program delivery 	~Achieved ⁶¹

⁶⁰ Compliance and Enforcement Policy for the *Canadian Environmental Protection Act, 1999* (CEPA, 1999), March 2001, p. 3; Compliance and Enforcement Policy for the Habitat Protection and Pollution Prevention Provisions of the *Fisheries Act*, November 2001.

⁶¹ Although there is compelling subjective evidence that the Program is doing well with respect to this evaluation question, a complete assessment cannot be done due to lack of performance data.

	<ul style="list-style-type: none"> • Suggestions for improving Program efficiency 	
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While no evidence was found of a serious need to increase the Enforcement Program’s efficiency, continuing to improve coordination and integration with both internal and external partners may contribute to improvements in this area.

- As of June 2007, the Enforcement Program had 213 enforcement officers in the regions and NHQ, and 74 FTEs responsible for Program management and administration, representing approximately 74% of FTEs in field operations and 26% of FTEs dedicated to management and administrative activities.^{62, 63} In contrast, as a rough comparison, the Enforcement Branch at the Department of Fisheries and Oceans (DFO) has a higher proportion of FTEs in field operations (81% at DFO versus 74% at EC) and a lower proportion in management and administrative activities (19% at DFO versus 26% at EC).⁶⁴ However, these figures should be interpreted with caution as a direct comparison of the two enforcement programs cannot be made due to differences between them (e.g., DFO’s program does not have line reporting and reportedly requires less complex legislative oversight than Environment Canada’s program). Moreover, this simplified comparison considers only field enforcement officers versus staff in management/administration and is not based on a thorough work-breakdown analysis, which would take into account FTEs that may spend a portion of their time on each of the two types of activities, as this level of analysis was beyond the scope of this evaluation.
- As noted previously (see EQ8), the Enforcement Program relies heavily on its relationships with external partners. Again, while these relationships are generally a recognized strength contributing to an efficiently run program, regional and National Headquarters work plans for both EED and WED acknowledged that these relationships require ongoing effort and more could be done to further leverage efficiencies, including collaborating on training.⁶⁵ In addition, a few interviewees identified the need to continue to improve communications with and cross-designate external partners (e.g., provinces) to empower them to investigate complaints related to federal legislation in remote areas, although this would of course be dependent on whether these partners have sufficient resources to take on these responsibilities.
- Additionally, approximately half of Environment Canada interviewees who felt qualified to respond suggested that improvements in coordination and integration with internal partners would contribute to improved efficiency. Two areas in particular were noted for improvement:

⁶² Integrated Business and Human Resources Plan for the 2007–2008 fiscal year, June 2007, p. 5–6

⁶³ Examples of management and administrative activities include enforcement officer training, development of standard operating policies and procedures, communication coordination, planning, organizational health and safety, and horizontal policy coordination.

⁶⁴ Department of Fisheries and Oceans, Enforcement Branch, June 26, 2009. DFO’s Enforcement Branch has a total of 744 FTEs, 600 of whom are fisheries officers in the field. An additional 50 FTEs are designated as fishery officers, but perform desk jobs.

⁶⁵ EED Northern District Action Plan 2007–08, April 2007, p. 1.; WED 2007–2008 Summary Work Plan, Prairie and Northern Region, March 2007, p. 5.; WED 2007–2008 Summary Work Plan, Headquarters, p. 10.

- coordination with Compliance Promotion, environmental protection programs and CWS on the annual planning/priority-setting process, where interviewees felt efficiency would be improved if internal partners were more engaged in the process and better aligned with the identified priorities; and
- coordination and integration to deliver a more integrated approach to the compliance promotion function.

Evaluation Issue: Cost-Effectiveness	Indicator(s)	Rating
10. Has the Enforcement Program provided value for the federal dollars spent?	<ul style="list-style-type: none"> • Views on the degree to which the Program has provided good value for the federal dollars invested 	~Achieved ⁶⁶

The majority of Program representatives and internal partners interviewed believe the Enforcement Program has provided good value for the federal investment as a result of coordinating with partners, developing strategic priorities, conducting intelligence and targeting non-compliance.

- A majority of internal partners who responded to the question felt that the Enforcement Program has provided good value for federal dollars received, but suggested that there is a need for more human resources for the Enforcement Program as well as increased resources for the programs in order to address enforcement requirements associated with increases in the volume of regulations.
- Most interviewees representing both WED and EED national management were also of the view that the Program has provided good value for money, stating that the Program manages to accomplish a great deal and fulfill its mandate with limited resources. One interviewee reported that Environment Canada’s Enforcement Program is regarded as a model by a provincial government enforcement agency, and that other agencies are impressed because the Program produces intelligence and covers so many regulations across such a large country with comparatively few staff. A provincial wildlife partner also noted that the Enforcement Program enforces the same legislation and undertakes the same activities as his organization, but recognized that Environment Canada operates with “a limited pool of officers.”
- Coordinating with partners, developing strategic priorities, conducting intelligence and targeting non-compliance were the key activities considered to contribute to cost-effective program delivery. A majority of EED national management interviewees noted that the Program’s “new” emphasis on detecting non-compliance provides improved value for Canadians and allows enterprises in compliance with regulations to operate without interruption. In its 2007–2008 Strategic Direction and Action Plan, WED also indicated that establishing national priorities is essential to “focus its limited human and financial resources.”⁶⁷

⁶⁶ Although there is compelling subjective evidence that the Program is doing well with respect to this evaluation question, a complete assessment cannot be done due to lack of performance data.

⁶⁷ Wildlife Enforcement Division, Strategic Direction and Action Plan, March 31, 2007, p. 2.

4.4 Design and Delivery

Evaluation Issue: Design and Delivery

Is the Enforcement Program designed and delivered in the best possible way?

Overall findings:

Although the Program is being delivered adequately and generally as intended, there are perceived to be a number of areas in need of improvement, including the following:

- Performance measurement: Although basic information is collected, it is inadequate for performance measurement and reporting. It is recognized that the Program is currently taking steps to address this weakness.
- Clarification of roles and responsibilities: There are two key areas where there is a lack of clarity regarding roles and responsibilities:
 - where the responsibilities of Compliance Promotion, environmental protection programs, the CWS and the Enforcement Program begin and end in the continuum of activities required to support regulatory compliance; and
 - the division of responsibilities within the Enforcement Program between the regions and National Headquarters, particularly regarding the intelligence function.
- Communications, information exchange and coordination between Enforcement and its key internal partners: Compliance Promotion, environmental protection programs and CWS.

Evaluation Issue: Design and Delivery	Indicator(s)	Rating
11. Does the Enforcement Program identify clear deliverables and expected results? Is the Program delivered as designed?	<ul style="list-style-type: none"> • Demonstration of clearly defined deliverables and expected results • Degree to which the Program is implemented as designed 	~ Some Progress/ Attention Needed ⁶⁸

The Enforcement Program has made some progress in identifying clear deliverables and expected results and, for the most part, the Program is being delivered as designed. There are areas where delivery is not optimal, however, primarily due to challenges with coordination and integration with key internal partners. Internal partners also expressed a need for greater information sharing and collaboration.

⁶⁸ Although there is compelling subjective evidence that the Program has made progress with respect to this evaluation question, a complete assessment cannot be done due to lack of performance data.

- National inspection plans⁶⁹ (NIPs) are prepared annually for both EED and WED. They are critical documents, as they contain a consolidation of the national and regional inspection priorities and are intended to guide the compliance verification priorities and activities for the coming year. They also include expected results as they identify the number of planned annual on-site and off-site inspections, by region. National inspection plan reports are also prepared that compare completed inspections against those planned.
- Furthermore, both EED and WED prepare work plans for NHQ and all regions, building on the NEP/NIP and identifying more specific deliverables and anticipated results. For example, they may address plans regarding coordinated enforcement policy and program activities with partners, sign-off on new/revised instruments, training sessions, intelligence efforts and communications products. The plans acknowledge national priorities while recognizing regional differences.
- Key deliverables (outputs) and expected results (outcomes) were identified in the Program logic model that was developed with representatives from the Program as part of the Evaluation Plan. Some evidence demonstrating the production of outputs was found in Enforcement Program documentation; however, the Program was only able to provide formal performance information for two output areas—completed inspection and investigation reports (i.e., closed inspections and investigations) and evidence and support for prosecution cases.
 - There were a total of 50,136 closed inspections (including both on- and off-site) and 2,782 closed investigations for the four years from 2004–2005 to 2007–2008.
 - Briefs were prepared for a total of 237 investigations, resulting in 645 counts that proceeded to court.
- Among Program interviewees, the majority view is that the Program is delivered as designed; however, areas where delivery is not optimal were identified. Program interviewees attribute delivery shortfalls to challenges in coordination with key internal partners and resource constraints during the evaluation time frame. The major activities in need of improvement identified by interviewees include
 - ensuring that there is better alignment between the priorities of key internal partners (e.g., Compliance Promotion, CWS, regional management of environmental protection programs) and Enforcement's priorities and strategies;
 - reviewing instruments for enforceability and influencing new initiatives; and
 - developing communications products and promoting awareness of Enforcement (e.g., Program's successes).
- In addition, in interviews with internal partners, the perception that the Program does **not** identify clear deliverables and expected results and the view that there is a need for greater information sharing and collaboration were expressed.
- With respect to delivery of the Environmental Enforcement Intelligence Program, EED representatives who could comment indicated that the Public Safety and Anti-Terrorism (PSAT) funding has been used as intended to enhance the Program's

⁶⁹ Beginning in 2008–2009, EED changed the name of its National Inspection Plan to the National Enforcement Plan (NEP), reflecting the addition of priorities and planning for investigations and intelligence.

intelligence capacity and to pursue the intended outcomes of the intelligence function. This is confirmed by PSAT performance reports provided by the Program.

Evaluation Issue: Design and Delivery	Indicator(s)	Rating
12. Are performance data collected against Enforcement Program activities and outcomes? If so, is the collected information used to inform senior management/decision makers?	<ul style="list-style-type: none"> • Presence/absence of performance data system with reliable and timely data • Decisions based on performance information • Views on accuracy and usefulness of existing information and any gaps 	Little Progress/ Priority for Attention

Although basic information is collected by the Program (e.g., number of planned and completed inspections by priority regulation, number of counts resulting in prosecution), it is inadequate for performance monitoring and reporting.

- From the time of the Enforcement Branch’s establishment, there has been a stated acknowledgement of the desire to measure performance outcomes:
 The regime would be risk-based and assessed regularly to ensure that laws and regulatory instruments are achieving the desired program or policy outcome, and that the rate of compliance is continually improved.⁷⁰
- Despite this recognition, a majority of Program interviewees indicated that there is a definite lack of good performance data and existing information is of only limited use to senior management. Interviewees noted that performance information is rarely requested by senior management for decision making.
- One of the key data sources for the Enforcement Program is the National Enforcement Management Information System and Intelligence System (NEMISIS). NEMISIS is a database that was initially created to support the legislated compliance activities for all enforcement- and intelligence-related activities for the six environmental protection and wildlife acts overseen by Environment Canada. It includes a number of modules that support the recording, tracking and reporting of occurrences, inspections, investigations, persons, organizations and enforcement officers. The NEMISIS database can also be queried to produce ad hoc reports, including statistical reports on enforcement activities.
- The purpose of the database is expanding from supporting enforcement officers’ operational efficiency to supporting performance reporting; however, it has not proved to be a reliable source for performance information, primarily for the following reasons:
 - despite the provision of staff training on how to use NEMISIS,⁷¹ data are not always accurate and reliable due to inconsistent data entry by officers; and

⁷⁰ Outcome Project Plan Template, Environmental Protection Enforcement Program (3A3h), September 19, 2005, p.16.

⁷¹ Welcome to the Training for NEMISIS, Release 4.5 (officer training deck); NEMISIS Release 4.5 Workbook and Training Exercises, January 2005.

- NEMISIS cannot provide data on true compliance rates (i.e., the percentage of the regulated population that is in compliance with a particular regulation), as described in EQ4j.
- As evidence to support the present evaluation, the Program was only able to provide formal performance data for two outputs from the logic model (i.e., completed inspection and investigation reports and evidence and support for prosecution cases) and two of the 12 outcomes (i.e., investigations leading to prosecutions and increased successful prosecutions).
- The Program has primarily been reactive to data requests, providing analysis “off the corner of the desk” when asked. Several Program representatives held the perception that compliance rates have improved over time as a result of the Enforcement Program’s efforts, but performance data on compliance rates for high-priority regulations were not available for this evaluation. There appears to be a general sense of frustration among many Program representatives because they believe the Enforcement Program has been cost-effective and quite successful at achieving its intended outcomes, yet this cannot be clearly demonstrated due to a lack of good performance data.
- The Program is currently engaged in improving its performance measurement. A project to improve the measurement of Enforcement’s results was announced by the CEO in October 2008. The Compliance Analysis and Planning (CAP) program is participating in this project, providing advice on how to improve the data quality and reliability of NEMISIS and on the development of performance indicators.

Evaluation Issue: Design and Delivery	Indicator(s)	Rating
13. (a) Who is accountable for the Enforcement Program? Are the roles and responsibilities of the Enforcement Branch clearly defined and implemented as specified?	<ul style="list-style-type: none"> ● Defined and known Program management structure, roles and responsibilities ● Degree to which roles and responsibilities are implemented as specified 	Some Progress/ Attention Needed

Documentation exists that defines accountability and outlines roles and responsibilities for the Enforcement Program. Program management felt that roles and responsibilities are for the most part clearly defined and implemented as specified but internal partners did not share this view. Two areas where both Enforcement and its internal partners highlighted a lack of clarity were the division of responsibility for compliance promotion and the division of responsibilities between National Headquarters and the regions, particularly for the intelligence function.

- The Chief Enforcement Officer (CEO) is accountable for the management, administration and operation of the Enforcement Program, and reports directly to the Deputy Minister (DM). This direct accountability was an important factor in the design of the Enforcement Program, providing a focused approach to ensure the DM will have senior management support dedicated to directing enforcement activities.

- Documentation exists that contributes to clarifying Program roles and responsibilities, including corporate documents such as the Results Management Structure, Management Accountability Framework and *Report on Plans and Priorities*. In addition, within the Branch, EED's Internal Decision-making Process (IDMP) 2007 defines who has accountability, as well as who should be consulted, informed, etc., for key routine enforcement activities. Other key documents include the three compliance and enforcement policies involving i) the *Canadian Environmental Protection Act, 1999*; ii) the habitat protection and pollution prevention provisions of the *Fisheries Act*; and iii) wildlife legislation.
- While the majority of Program interviewees indicated that roles and responsibilities are generally clearly articulated, this view is not shared by the internal partners interviewed, the majority of whom were either uncertain or felt roles and responsibilities were not clearly articulated. Two areas were highlighted by both Enforcement Program management and internal partners as areas of particular confusion or ambiguity: i) the precise division of the responsibilities among Compliance Promotion, the environmental protection programs and the CWS, and the Enforcement Program in the continuum of activities that support regulatory compliance; and ii) the division of responsibilities between NHQ and the regions for the Enforcement Program's three core functions of inspections, investigations and, in particular, intelligence. These two areas are discussed below.
 - The first area of perceived ambiguity pertains to where the responsibilities of Compliance Promotion, the environmental protection programs and CWS, and the Enforcement Program begin and end in the continuum of activities required to support regulatory compliance. This issue was identified by approximately half of Environment Canada interviewees (both Enforcement Program representatives and internal partners). Although compliance and enforcement policies do address this to some degree, the policy for the habitat protection and pollution prevention provisions of the *Fisheries Act* is very general in terms of who conducts compliance promotion: "Accordingly, the departments will undertake public education and communication measures,"⁷² as is the policy for wildlife legislation, which states, "EC undertakes activities to educate, inform, consult with and involve the public..."⁷³ The policy for CEPA 1999 is much more specific on this issue, clearly stating that the role of enforcement officers in compliance promotion should be "...limited to providing copies of CEPA 1999, its regulations and this policy"⁷⁴; however, it does not delineate the respective responsibilities of Compliance Promotion and the programs.
 - Whether the cause is a lack of clarity in the definition of roles, or a lack of resources, there are identified gaps where compliance promotion is not occurring.⁷⁵ As well, the Enforcement Program will sometimes conduct compliance promotion if environmental protection programs or Compliance Promotion are unable to adequately educate regulatees about a regulation.

⁷² Compliance and Enforcement Policy for the Habitat Protection and Pollution Prevention Provisions of the *Fisheries Act*, p. 12.

⁷³ Compliance and Enforcement Policy for Wildlife Legislation.

⁷⁴ Compliance and Enforcement Policy for the *Canadian Environmental Protection Act, 1999* (CEPA, 1999), March 2001, p.13.

⁷⁵ Lac St-Francois NWA case study; Investigation of Imported Engines case study.

Furthermore, there is a gap (possibly due to resource constraints) in that a clear compliance plan and enforcement plan do not exist for each regulation. The consequence is that the approach for compliance promotion is not as clearly articulated and strategic as it could be. Finally, interviewees noted that the structure of Compliance Promotion does not allow it to work on files jointly with the Enforcement Program, adding a further impediment to a coordinated strategy for achieving compliance.

- Of note, working with Compliance Promotion, EED is in the process of mapping all regulations and tracking the status on the preparation of a compliance strategy and an enforcement plan to ensure available resources are targeted toward the highest-priority regulations,⁷⁶ and CWS is in the process of developing a national compliance promotion framework, with assistance from WED.
- The second area identified as lacking clarity by interviewees from both Enforcement and internal partners was the division of responsibilities between NHQ and the regions for functional areas of the Program (intelligence, inspections and investigations), but particularly for the intelligence function. It was noted that there have been occasions where it was unclear whether regional managers should take direction primarily from the National Director or from their Regional Director. It was also noted that a document clearly specifying roles and responsibilities for the intelligence function was in progress but not yet completed at the time interviews were conducted. Furthermore, WED regional management reported that the Program has lacked a document clearly specifying WED National Headquarters roles and responsibilities for the intelligence, inspection and investigation functions; however a draft document⁷⁷ outlining these responsibilities was developed in 2008–2009.
- The majority of Environment Canada interviewees perceived that the Program’s roles and responsibilities are for the most part being implemented as specified, with the exception of challenges in the areas noted above.

Evaluation Issue: Design and Delivery	Indicator(s)	Rating
13. (b) Are the Branch’s roles and responsibilities clearly understood by key internal and external partners and stakeholders?	<ul style="list-style-type: none"> ● Degree to which partners and stakeholders feel they understand the Branch’s roles and responsibilities 	Little Progress/ Priority for Attention

External (federal and provincial) partners believe they have a good understanding of the roles and responsibilities of Environment Canada’s Enforcement Program. However, Enforcement feels that both its internal and external partners lack a full appreciation of the Enforcement Program’s responsibilities. Internal partners

⁷⁶ Environmental Enforcement Directorate – Regulations Process and Approval Flowchart, Draft, June 2008.

⁷⁷ Wildlife Enforcement Directorate – HQ, List of Tasks - Responsibilities, Draft, July 23, 2008.

identified several areas where they lacked clarity, including responsibilities for compliance promotion, among others.

- Although a majority of federal and provincial partners interviewed believe they have a good understanding of the Program’s objectives, roles and responsibilities, the majority view among Environment Canada interviewees is that the Enforcement Program’s roles and responsibilities are not fully understood by all partners. Enforcement Program managers do, however, perceive that understanding is stronger among internal and external partners with whom EED and WED have regular interaction.
- Enforcement Program managers feel their internal partners may not fully appreciate all aspects of the Program’s work, including the importance of interacting with Enforcement to help secure compliance, and understanding that the Program has a broader focus than merely pursuing prosecutions—namely, to utilize the most effective tools to enforce regulations and ultimately protect the environment.
- Enforcement Program managers also feel their external partners may not fully understand their respective responsibilities in the joint handling of cases, partially because some agreements are not clear enough.
- Internal partners also identified areas that they do not fully understand, including
 - who is ultimately accountable for achieving the results of regulations: the CEO or the Assistant Deputy Minister of the Environmental Stewardship Branch;
 - how the Enforcement Program arrives at its priorities; and
 - what information the Enforcement Program can and cannot share with partners and why.

Evaluation Issue: Design and Delivery	Indicator(s)	Rating
14. How effective are the Enforcement Program’s internal and external communications? Are any improvements needed?	<ul style="list-style-type: none"> • Satisfaction with the quality and completeness of communications between the Program and partners • Views on the feedback mechanisms between the Program and internal partners for strategic planning and coordination • Suggestions for improvement 	Little Progress/ Priority for Attention

There is some evidence of positive examples of Program communications, such as participation in working groups and informal communications; however, several challenges and gaps related to communications were identified, particularly regarding communications with internal partners. A need to implement more formal communication mechanisms was highlighted by Program, internal partner and external partner/stakeholder interviewees.

Communications and information exchange with internal partners:

- In preparation for development of the NIP/NEP, the Enforcement Program holds an annual consultation process with its internal partners, seeking their input and views on the establishment of priorities. As noted previously, this process continues to evolve annually. The Quality Management System (QMS) also facilitates information exchange, as it specifies that Enforcement must be consulted as part of regulatory development. Additionally, Enforcement participates in working groups and, more generally, in meetings and committees. Examples of working groups in which Enforcement has been involved are noted in internal Program documentation.
- EED National Management interviewees felt the consultation process and participation in working groups, meetings and committees were examples of effective communication mechanisms, although overall most of these interviewees felt that communication processes are only somewhat effective and there is room for improvement. Both EED national and regional management acknowledged that Enforcement cannot always provide programs with the information they need, due to capacity constraints. In addition, EED regional management indicated that its feedback on regulations being developed is not always taken into account by programs. An additional challenge noted by EED national management was that the CEO was not a member of the EP Board and ES Board (for the time frame of the evaluation), and this was perceived as limiting communications and information exchange at the senior management level.
- Informal communications also occur and interviewees from both the Enforcement Program and partners noted the existence of many strong interpersonal relationships, particularly at the regional level. Both EED regional management and WED interviewees noted that information exchange with internal partners relies heavily on informal communications, and there was an overall acknowledgement of a need for more regular, formalized interactions. EED felt that its communications with Compliance Promotion and the programs at the regional level, which are mostly informal, have been generally effective, while WED interviewees noted that, although formal mechanisms for information exchange vary from region to region, existing mechanisms have generally been inadequate. EED regional management interviewees also cited a need for more formalized, structured (and generally improved) communications between Enforcement and i) the Environmental Emergencies Program and ii) Compliance Promotion. A need to improve communications between EPOD and EED was also noted in internal Program documentation.
- Most internal partner interviewees indicated that communication mechanisms with Enforcement are ineffective and generally indicated that they do not receive adequate information from Enforcement, noting in particular a lack of feedback on the results of enforcement actions. There was a frequently noted perception among internal partners that the Enforcement Branch is protective of its information and reluctant to share results. Internal partners also noted that the coordination with Compliance Promotion for strategic planning and priority setting is not effective and they do not feel adequately engaged with Enforcement in the setting of priorities. Other examples of challenges noted included that capacity constraints can play a role in limiting the extent of communication between Compliance Promotion and Enforcement and that some informal communications/networks had been lost when the Enforcement Branch was created.

Communications and information exchange with external partners/stakeholders:

- Program interviewees generally indicated that communications and information exchange with external partners/stakeholders are at least somewhat effective.
 - Examples of areas in which it was felt that communication has been effective were provided by EED interviewees and included communications between federal and provincial partners through Joint Forces Operations (JFOs), informal communications between enforcement officers and their counterparts in other organizations, the single-window approach agreement with the Quebec provincial government, and communication occurring between NHQ and international partners. Some challenges noted by interviewees included a need for resources/capacity to be able to communicate fully with all external partners and the lack of a forum where the Enforcement Program can share lessons with other enforcement professionals.
 - WED national management interviewees had mixed views regarding the effectiveness of communications with external partners. Communication was reported to be stronger in the field than at NHQ, as field officers in the regions are in touch frequently with external partners and work jointly on projects. It was noted that, in the regions, existing mechanisms for information exchange are adequate for the operations side but not for the strategy side (e.g., there is a lack of mechanisms for discussion with provincial partners regarding what to target together). A lack of existing mechanisms to link with external partners at NHQ was also indicated.
 - WED regional management interviewees observed that external communications are informal and the effectiveness of these communications can vary depending on the individuals involved. It was suggested that additional MOUs with external partners are needed that allow the exchange of information, in conjunction with training to educate officers on what information can be exchanged.
- Many external partner interviewees indicated that communications with the Enforcement Program have been good, with most of the communication occurring informally and relying on strong personal relationships. Some interviewees expressed the desire to formalize some communications.
 - More formalized communication at the local or regional level, and increased communication of information about the Program were examples of suggestions provided by federal partner interviewees.
 - Development of additional MOUs and national information-sharing systems (e.g., a national registry of permit suspensions) were examples of suggestions made by provincial partner interviewees.
- Case study findings also highlight examples of good communications with an external partner.
 - The Transboundary Movement of Hazardous Waste case study, for example, describes a positive environment for the generation and sharing of information relating to hazardous waste and hazardous recyclable materials. Enforcement officers work closely with Compliance Promotion and the programs as well as with the Program's external partner CBSA. A national working group for

- hazardous waste⁷⁸ develops work plans and discusses issues and emerging trends from a national perspective.
- Good communications with an external partner were also noted in the Investigation of Imported Engines and the CITES Identification Guides case studies.
- The lack of finalized Program strategy documents in a standard format may impede Enforcement’s communications with partners. The document review identified a range of different strategy documents that could be used to communicate Enforcement’s direction both within the Program and, as appropriate, with key internal or external partners. The review found, however, no evidence of a governance process for finalization and distribution of documents and it was frequently difficult to determine whether a document had been finalized, as many were labelled “Version 2”, “Draft”, or were presented in track changes mode. Moreover, there was little consistency between EED and WED in the existence or structure of these documents.

Evaluation Issue: Design and Delivery	Indicator(s)	Rating
15. What are the best practices and lessons learned from the Enforcement Program?	<ul style="list-style-type: none"> ● Identified lessons learned and best practices, strengths and weaknesses 	N/A

This evaluation identifies several best practices and lessons learned from the Enforcement Program.

- Several strengths and best practices of the Enforcement Program have been identified in this evaluation.
 - Program representatives feel that the Enforcement Branch’s adoption of a line reporting structure with the CEO at the head and answering directly to the Deputy Minister has provided clearer channels of accountability and national consistency in enforcement activities.
 - Expertise, breadth of knowledge and professionalism of staff were viewed as strengths of the Enforcement Program. Program interviewees at all levels noted the dedication and motivation of regional officers, who often put in long hours and sometimes put their lives on the line to enforce wildlife legislation.
 - The concept of conducting an annual planning/priority-setting process that engages partners through consultation was noted as a strength and was identified as “the right thing to do”; however, perceived shortcomings with the coordination and information exchange for this process resulted in the strategic planning exercise being noted more frequently as a weakness or lesson learned (see below).
 - The strong working relationships with federal and provincial partners in the delivery of enforcement were viewed by Program interviewees as a strength that increases the Program’s efficiency and effectiveness (see EQ4a, EQ8).
 - Training for new recruits and providing training for internal partners were seen as best practices by some Program interviewees. In particular, the Basic

⁷⁸ The national working group for hazardous waste includes Enforcement and Compliance Promotion representation from each region as well as National Headquarters.

- Enforcement Training (BET) program was viewed as providing a solid foundation for new officers within EED. Also, CWS interviewees noted that WED has good training modules on the definitions of laws and regulations that it has shared, and it has also conducted training sessions at times for CWS.
- Participation of the Enforcement Program in a variety of regulatory working groups (e.g., Chemicals, Fuels, and Hazardous Waste) provides opportunities for the Program to reinforce the message that Enforcement needs to be consulted as part of regulatory development.
 - On the other hand, some challenges, limitations and areas for Program improvement have also been identified.
 - Program interviewees, as well as internal partners, reported that the lack of useful performance measurement and reporting is an impediment to the Program, both in terms of supporting decision making and in measuring the Program's success.
 - As previously noted, interviewees indicated that there are ongoing challenges with the Program's information exchange and coordination with partners, including a need for improved coordination for Enforcement's priority-setting process, both between NHQ and the regions and with internal partners.
 - The participation of the CEO on Environment Canada's boards was viewed as imperative for establishing two-way communications between Enforcement and the rest of the Department, as well as for keeping Enforcement informed of other activities within the Department.
 - There is a need to better communicate the Program's successes in order to raise awareness of the Enforcement Branch's mandate and serve as a form of compliance promotion by making regulatees and the public more aware of regulations and the consequences of non-compliance.
 - There is a lack of clarity/understanding of Enforcement's role in the continuum of activities required to support and achieve regulatory compliance. Senior management interviewees suggested that there is a disconnect between Enforcement's perception of its role and that of the other partners involved in this continuum of activities to achieve compliance (i.e., environmental protection programs/CWS and Compliance Promotion).
 - Interviews with Program representatives indicate that housing compliance promotion within CWS has not been a successful approach to date and some feel this function should be carried out within Wildlife Enforcement. Enforcement requires an aggressive awareness plan to promote compliance within the regulated community but, in the view of Program interviewees, there has been insufficient compliance promotion by CWS. A loss of resources over the last two to three years for compliance promotion and confusion over where responsibilities lie are perceived to have impeded enforcement activities. CWS interviewees explained that their lack of capacity affects how quickly they can respond to Enforcement's requests.
 - A shortage of regulation-specific training and specialized skills training for staff has also been identified (see EQ4d).
 - Staffing resource shortfalls are viewed as a challenge overall. For example, EED interviewees noted that recruiting and retaining qualified staff and managers is sometimes difficult because pay-scales for provincial enforcement officers tend to be higher. Other human resources challenges for the Branch vary by region.

Evaluation Issue: Design and Delivery	Indicator(s)	Rating
16. How effective is the governance of the Enforcement Branch? Are any improvements needed?	<ul style="list-style-type: none"> • Effectiveness of governance before versus after creation of the Branch • Degree to which regions receive the information and direction they need from NHQ • Suggestions for improving the governance of the Branch 	Some Progress/ Attention Needed

The creation of a separate Enforcement Branch with clear lines of authority under the direction of the Chief Enforcement Officer and a centralized reporting structure is generally viewed as an effective and efficient structure for the Enforcement Branch, as is the placement of WED and EED within the same organization. Areas for improvement are primarily related to a need to address the Branch’s resource challenges, improve its coordination and collaboration with internal partners, and ensure that Enforcement’s governance and roles and responsibilities are fully understood.

- A majority of Program interviewees agree that the governance of the Program is now more effective and has a number of benefits compared to the time frame prior to the creation of the Enforcement Branch in June 2005.
 - Clear lines of authority in the line reporting structure, leading from Program staff to regional directors to the national directors and then the CEO who reports directly to the Deputy Minister, have improved efficiency and effectiveness. If a sensitive issue arises that requires a timely response, this line reporting structure allows the National Director to advise the CEO, who can in turn advise the Deputy Minister very quickly.
 - As well, this new governance structure allows for a more efficient, streamlined decision-making process that remains internal to the Enforcement Branch.
 - The centralized reporting structure whereby regional directors report to a national director has improved national consistency in actions and priorities for the Enforcement Branch. The CEO, with the national directors, establishes the Program’s national priorities. Previously, the regions set their own priorities but now they follow those set out under the direction of their national directors and report regularly to National Headquarters (while still allowing flexibility for regional differences, through the addition of some region-specific priorities).
 - Separation of the Enforcement Branch from the environmental protection programs and the CWS provides an arms-length perspective for the objective enforcement of regulations, avoiding the potential for conflict of interest.
- Some areas for improvement to address perceived weaknesses with governance were noted by interviewees. Examples of suggestions from interviewees include
 - ensuring that there is some built-in regional flexibility for Program delivery, given the diverse characteristics of regions;
 - considering merging Compliance Promotion with Enforcement to improve collaboration between the two groups;

- addressing a need for finalized, written policy documents to clarify the operations of the Branch (e.g., to clarify the responsibilities and relationship between national managers and the regional managers of Intelligence, Inspections and Investigations); and
- addressing the perceived need for more information to be sent down the chain of command (in addition to information that is already being sent up the chain).
- Examples of benefits to having Environmental Enforcement and Wildlife Enforcement in the same organization noted by Program interviewees include
 - synergies achieved in enforcement activities (e.g., WED and EED working together on regulations on migratory birds and their ecosystems, and sharing lessons learned at regional and national meetings);
 - synergies in management (e.g., joint financial planning and operations to maximize efficiencies); and
 - potential for greater synergies/efficiencies in the future (e.g., co-location and/or cross-designation of officers where this makes sense).
- Some challenges related to having Environmental Enforcement and Wildlife Enforcement in the same organization were also identified by Program interviewees:
 - There have been different HR classification codes for EED and WED.
 - Given that WED and EED are enforcing different legislation and regulations, it is not necessarily appropriate that they be organized in exactly the same way.
- Some Environment Canada interviewees felt the placement of Enforcement under the Departmental Management Services Board (DMS Board) within Environment Canada’s Results Management Structure for the time frame under evaluation was appropriate (if not ideal) because it kept Enforcement separate from environmental protection programs/CWS and allowed the CEO to report directly to the Deputy Minister rather than to Assistant Deputy Ministers. Other Environment Canada interviewees, however, argued that this was inappropriate because Enforcement is different from other management services under the DMS Board. Enforcement and the CEO were excluded from discussions of environmental protection and wildlife/habitat protection at the EP Board and ES Board, and Enforcement’s operational alignment with the EP Board and ES Board needed to be strengthened.

Evaluation Issue: Design and Delivery	Indicator(s)	Rating
17. Does the Enforcement Program have adequate capacity in terms of financial and human resources to achieve its intended outcomes and objectives?	<ul style="list-style-type: none"> • Extent to which the Program’s resources are appropriate in consideration of its responsibilities and identified priorities 	Some Progress/Attention Needed

Evaluation findings indicate that the Enforcement Program did not have adequate capacity during the four-year time frame of the evaluation to meet its responsibilities fully. However, additional resources approved in 2007 and 2008, to be allocated over five years, are currently being used by the Program to address some of its capacity challenges.

- Environment Canada's Enforcement Program operated with approximately 215 enforcement officers for the period from its creation until 2007. According to program documents, the departmental resource allocation exercise reduced the salary allocation of the Enforcement Branch by \$2M to \$18.6M in 2006–2007, resulting in significant challenges in program delivery. This was subsequently increased to \$19.56M in 2007–2008 but this increase in salary dollars was sufficient to cover only the existing Program staff at the time. Additional resources were approved in mid-2007 to increase the number of officers by 50%, to 321.5, as first announced in the 2007 Budget. This is supported by Program documents that describe the allocation of \$67M in funding for the five years from 2007–2008 to 2011–2012. The implementation plan involves the hiring of a total of 106 new enforcement officers over 2007–2008 and 2008–2009: 68 officers (64%) for the Environmental Enforcement Program and 38 officers (36%) for the Wildlife Enforcement Program. These resources, however, do not address the increased enforcement required to meet the needs of specific programs or regulations such as the Chemicals Management Plan, the Clean Air Regulatory Agenda, or accelerated species recovery plans under the *Species at Risk Act* for Environment Canada.
- As noted in the Program's Integrated Business and Human Resources Plan for the 2007–2008 fiscal year, a 1999 internal analysis recommended an increase to 357 enforcement officers to effectively deliver Environment Canada's mandate. The analysis also noted that, at that time, there were 20 regulations under CEPA. There are now well over 40 regulations under CEPA 1999 alone, and the regulatory burden on the Enforcement Program continues to expand. The Plan also makes a " cursory comparison " with other enforcement agencies, noting that the Province of Ontario, which was criticized by the provincial Environment Commissioner for lack of capacity to enforce, has approximately 694 enforcement officers and the Department of Fisheries and Oceans has over 600 fishery officers dedicated to enforcement.⁷⁹
- Interviewees from within the Enforcement Program and internal partners perceived that there has been a shortage of inspectors and intelligence staff in the regions. Interviewees felt that the additional resources received to hire 106 new enforcement officers starting in 2007–2008 will help to strengthen the Enforcement function for the Department.
- Although interviewees from WED regional management were glad to be receiving new resources, they felt that the 38 new officers that WED will receive would "barely scratch the surface" in terms of addressing the number of officers required to provide adequate coverage in a country the size of Canada. Further to this, a 2008 WED planning document identifies how the 38 new resources will be put to use for greatest impact, but identifies an "optimal investment strategy" that requires an additional 80 WED enforcement officers (118 new officers in total) and 36 additional administrative, policy or technical area specialists. The document referenced a number of gaps in delivery:
 - WED is understaffed for inspections in relation to MBCA 1994, SARA and WAPPRITA;

⁷⁹ Integrated Business and Human Resources Plan for FY2007–2008, June 2007, p. 5–6.

- WED lacks capacity for investigations and, therefore, the Department is unable to respond to requests for assistance from partner agencies;
- intelligence efforts across the country are inconsistent;
- there is a need for ongoing, nationally consistent training, including training partner agencies in WED legislation;
- there is a need for clear policies, procedures, guidelines and manuals for inspectors and investigators and for the negotiation of effective partnerships;
- there is a need for compliance promotion to make the regulated community aware of the consequences of non-compliance;
- liaison with partners has declined;
- more research is needed;
- there is no Enforcement Program representation at negotiations for Aboriginal participation in wildlife management and enforcement;
- targeted communications for different audiences are needed;
- coordination and joint operations are needed to curb illegal international trade; and
- program development, including consistent business planning and reporting, is needed.⁸⁰

The majority of these gaps are consistent with areas of weakness identified in this evaluation.

- On a related point, interviewees noted that Compliance Promotion and the programs lack the capacity to fully meet Enforcement's needs. Enforcement Program interviewees indicated that Enforcement needs more support from internal partners in undertaking compliance promotion as well as providing expertise and training in specific regulations. In addition, resources will be stretched again with the anticipated introduction of new regulations. Internal partners corroborated this view, also reporting that they lacked the capacity to fully support Enforcement's needs.

5.0 CONCLUSIONS

The evaluation evidence shows that the Enforcement Program is relevant to federal government priorities and addresses a valid need to manage risks to the environment, wildlife and human health through the enforcement of federal legislation and regulations. There is a clear, legislated mandate for the federal government's involvement in the enforcement of environmental laws and the enforcement of these laws is necessary for the achievement of the federal government's environmental objectives. Furthermore, Canadians support an active role for government in this area.

Based on the available evidence, the Enforcement Program appears to have made considerable progress on most of its outcomes. There is also evidence that, beyond the time frame of the evaluation (2004–2005 to 2007–2008), further efforts to address shortcomings are being undertaken.

The evaluation findings indicate that the Enforcement Program has been most successful in contributing to the achievement of the following outcomes:

⁸⁰ Wildlife Enforcement Division, 2008 National Business Plan and Investment Strategy, V2, May 2008, p. 42–55.

- increased rates of success for prosecutions;
- more efficient use of resources; and
- more fair, predictable and consistent enforcement of laws and regulations.

Regarding other key intended outcomes of the Program, evidence indicates that, although some progress has been made toward improved awareness of the responsibilities of the Enforcement Program and the benefits of enforcement, there continue to be gaps in understanding of the Enforcement Program within and outside the Department. There is also evidence that progress has been made toward the development of staff knowledge and skills, though there are some gaps, including the lack of a formalized basic training course for Wildlife Enforcement Directorate officers and an overall need for more regulation-specific training and specialized knowledge and skills. As well, through the use of intelligence, progress has been made toward increasing the knowledge available to inform Enforcement Program planning and decision making. However, the capacity of the intelligence function varies by region and there is a need to develop a more strategic approach to this function in the Wildlife Enforcement Directorate.

Evidence collected for the evaluation was largely qualitative, based heavily on the views of interviewees supplemented by some documentation and data. Conclusions regarding the achievement of intended Enforcement Program outcomes were made based on available information; however, a lack of documentation and performance information on several outcomes limited the degree to which interviewees' observations on outcomes could be corroborated. Accurate and timely performance data on key measures such as rates of compliance with regulations were not available from the Enforcement Program. This lack of meaningful performance measurement is a serious shortcoming, as it inhibits the Enforcement Program's ability to understand the degree to which it is meeting its objectives which, in turn, creates a gap in the information available for decision making.

Ensuring a clear understanding of the respective roles and responsibilities of Enforcement and its internal partners is critical for regulatory development and review, the establishment of priorities for enforcement, and supporting the achievement of regulatory compliance. Internal partners, however, do not have a complete understanding of precisely where the responsibilities of Compliance Promotion, environmental protection programs, the Canadian Wildlife Service and the Enforcement Program begin and end in the continuum of activities required to support regulatory compliance. This lack of understanding results in gaps where compliance promotion is not occurring and instances where Enforcement's viewpoint is not included in the development or amendment of regulations. Findings also point to a lack of understanding within the Enforcement Program regarding the division of responsibilities between National Headquarters and the regions for the major functional areas—inspections, investigations and, in particular, intelligence. A lack of finalized policy documents clarifying the operations of the Enforcement Branch is a contributing factor to this lack of understanding.

Related to the need to ensure a clear understanding of roles and responsibilities, communications and coordination with internal partners are another area for improvement for the Enforcement Program. As noted, the Enforcement Program's strategic targeting of enforcement activities relies in part on an annual consultative

planning process to identify priorities for enforcement. The concept of this approach of consulting with key stakeholders to determine priority areas for enforcement is widely supported. Despite this, perceived weaknesses in the Enforcement Program's coordination with key internal partners involved in the planning exercise, coupled with insufficient formal processes for communications and information exchange, have resulted in shortcomings in the implementation of this targeting strategy. Internal partners do not fully understand or feel fully engaged in the process, thereby limiting their level of commitment to the plan and the degree of alignment between their activities and Enforcement's priorities.

The Enforcement Program also collaborates with a wide range of external partners to deliver its mandate, reduce duplication and support cost-effective Program delivery. This evaluation found that the strength of individual relationships in the regions augments existing formal agreements and mechanisms to maintain the quality of communication and coordination between the Program and its external partners. This helps to ensure a clear understanding of when and how these external partners should interact with Enforcement. It is critical, however, for the Enforcement Program to maintain those existing relationships that are already very strong and to work to improve those that are not optimal.

For the most part, the Enforcement Program is being delivered adequately and as intended. The creation of a separate Enforcement Branch, with clear lines of authority under the direction of the Chief Enforcement Officer and a centralized reporting structure, is an effective and efficient structure for the Program, as is the placement of Wildlife Enforcement and Environmental Enforcement within the same organization. However, the wildlife enforcement function and the environmental enforcement function continue to operate independently of each other in many respects, despite being placed organizationally within the same Branch. Although this was not specifically a focus of the evaluation, it became clear through interviews and the document review that there are a number of inconsistencies between these two directorates and there may be opportunities to standardize some aspects of operations and reporting and leverage efficiencies, while still recognizing their uniqueness.

Finally, in interviews for the evaluation, resource shortages were frequently cited by representatives of the Enforcement Branch and internal partners as a factor exerting a negative influence on Program delivery and success. This includes resource shortages on the part of both the Enforcement Program and its internal partners, thereby limiting their ability to respond to Enforcement's needs. Additional resources approved in 2007 and 2008, to be allocated over a five-year period, have been provided to the Enforcement Program and are currently being used to address some of these deficiencies.

6.0 RECOMMENDATIONS

The following recommendations were developed for action by the Ecosystem Sustainability Board (ES Board) and Environmental Protection Board (EP Board), based on evaluation findings and conclusions.

Recommendation 1: It is recommended that a useful performance measurement strategy for the Enforcement Program be developed and implemented. While it is

acknowledged that the Enforcement Program has already initiated the development of an improved approach for measuring its results, more work is required to provide meaningful, accurate and accessible data on the delivery of the Enforcement Program's outputs and degree of achievement of its intended outcomes. Although some performance data were available in Enforcement's NEMISIS database, there was insufficient evidence to demonstrate the Enforcement Program's progress towards its intended outcomes. A standardized process for collecting data and reporting on specific, measurable indicators that are linked to outputs and outcomes in the Enforcement Program logic model would be useful to senior management for decision making and would enable the Enforcement Program to tell its performance story.

Recommendation 2: It is recommended that roles and responsibilities be clarified and articulated, particularly the respective roles and responsibilities of the Enforcement Program and its key internal partners for the achievement of regulatory compliance and the division of the Enforcement Program's responsibilities between National Headquarters and the regions. The Enforcement Program requires a clear and coordinated approach when carrying out the enforcement function due to the breadth of its mandate and responsibilities. There is ongoing confusion, however, both within Enforcement and among its internal partners, on the division of responsibilities for various roles in the achievement of regulatory compliance, including regulatory development, compliance promotion and the establishment of priorities for enforcement. There are gaps where compliance promotion is not occurring and a clear compliance plan and enforcement plan do not exist for each regulation. Although compliance and enforcement policies are intended to outline what is expected of those who share a responsibility for protection of the environment, the policies for the *Fisheries Act* and for wildlife legislation are very general in terms of who conducts compliance promotion. The policy for the *Canadian Environmental Protection Act, 1999* does not delineate the respective responsibilities of Compliance Promotion and the programs. The evaluation also points to a need for a clearer articulation of the division of responsibilities between National Headquarters and the regions for the functional areas of inspections, investigations and, in particular, intelligence to ensure effective and efficient Enforcement Program delivery. A need was identified for finalized written policy documents to clarify the operations of the Branch, for instance, the exact responsibilities and relationships between national managers and regional managers of these three functional areas. Clarification of roles and responsibilities both within and outside the Enforcement Program, therefore, would improve relationships and the Enforcement Program's ability to carry out its enforcement activities.

Recommendation 3: It is recommended that mechanisms and processes for improving the Enforcement Program's communications and information sharing with internal and external partners be examined and implemented at both the National Headquarters and regional levels. Because the Enforcement Program's strategic targeting of enforcement activities relies on a consultative planning process and coordination with partners, effective communications with internal partners are essential for the successful implementation of this targeting approach. Similarly, good communications with external partners are required for the Enforcement Program's coordination of enforcement operations and strategies with those in other jurisdictions. The development of an overall communications strategy could help to improve information exchange and coordination, as well as strengthen relationships with partners. The development and consistent implementation of more formal

communications and coordination mechanisms could be focused on meeting the information needs of all parties and improving communication flow.

Recommendation 4: It is recommended that opportunities to reduce imbalances and increase consistency and standardization be explored between the environmental enforcement and wildlife enforcement components of the Enforcement Program, and implemented where appropriate. Although Environmental Enforcement and Wildlife Enforcement have been combined into one Branch, some imbalances and inconsistencies between the groups remain in areas such as reporting (e.g., different formats of planning documents), training (e.g., provision of the standard Basic Enforcement Training (BET) program for new officers for the Environmental Enforcement Directorate but not the Wildlife Enforcement Directorate), human resources (e.g., classification of enforcement officers) and intelligence (e.g., differences in the extent of development of this function). While it is acknowledged that the focus and requirements of these two directorates within the Enforcement Branch are different and may vary by region in some cases, there is the potential for further benefits to be achieved through greater standardization. This could improve the Branch’s efficiency, effectiveness and ability to report on results for the overall Enforcement Program.

7.0 MANAGEMENT RESPONSE

Management Response – Recommendation 1

Agree.

The Strategic Enforcement Framework (and work now underway to implement the vision it defines), developed by the Enforcement Branch and approved by the Executive Management Committee (EMC), is designed explicitly to respond to these gaps. The Branch has recognized that clear performance goals and the data and requisite data collection/analysis processes to measure progress against those goals are imperative for enabling strong management of the Enforcement Program, and to more clearly portray to Canadians, senior management and parliamentarians the results realized by the Enforcement Program. Work is now underway to

- define specific performance indicators to measure results against each immediate outcome of the Strategic Enforcement Framework;
- ensure that our information systems can track the desired data, and that staff are adequately trained to collect data correctly; and
- determine how performance information will be incorporated into EB annual reporting, both for internal and external audiences.

Performance indicators and data collection/management will be in place for all immediate outcomes for the beginning of 2010–2011, with reporting featuring new performance indicators delivered by 2011–2012 (reporting on the 2010–2011 year).

SUMMARY OF COMMITMENTS		
<i>Timeline</i>	<i>Deliverable</i>	<i>Responsible Party</i>
Complete	Develop Strategic Enforcement Framework	CEO
April 2010	Develop performance indicators for each immediate	CEO

	outcome	
April 2010	Configure information systems and train staff to track data against indicators	CEO
April 2011	Design and deliver internal/external reporting, based on new indicators	Director, SPPCD (EB)

Management Response – Recommendation 2

With respect to the first component: working with internal partners

Agree.

Where EED is concerned, the Compliance Promotion and Analysis Division (CPAD), also referred to as Compliance Promotion, and the Enforcement Branch are increasing the scope and depth of their collaboration. Particularly in planning for 2009–2010, CPAD and Enforcement have worked together to streamline the program priorities submission process. Improvements in this respect will continue as we plan for 2010–2011, where CPAD and Enforcement will develop a fully integrated proposal for compliance promotion and enforcement priorities, and a high-level integrated plan for delivering on those priorities.

In the 2009–2010 fiscal year, work is proceeding jointly on the development of, and plans for implementation of the Interim Compliance Strategy for the Wastewater Sector. The Compliance Analysis and Planning (CAP) program in CPAD is also actively involved in the implementation of the Enforcement Program performance measurement strategy and will be offering online performance measurement reports through its data warehouse technology to the Enforcement Branch.

Where WED is concerned, the Directorate’s key internal partner is the Canadian Wildlife Service (CWS), which plays a leading role in regulatory development and compliance promotion. WED also plays a role in compliance promotion, and we acknowledge that these interdependencies and shared responsibilities necessitate a better-coordinated approach. To that end, the Enforcement Branch and CWS will conclude a formal agreement that clearly articulates the expected roles and responsibilities of each organization with respect to regulatory development, compliance promotion, and the establishment of priorities for enforcement, including the roles of regional and National Headquarters units within both organizations. Annual processes between the two organizations will also be described. This will be completed by June 2010.

Additionally, CWS and WED will develop a plan that articulates short-term enforcement priorities and a three-year overall compliance promotion plan for wildlife legislation – *Migratory Birds Convention Act, 1994, Species at Risk Act, Wildlife Animal and Plant Protection Regulation of Interprovincial and International Trade Act, and the Canada Wildlife Act*. This will be completed by June 2010. The subsequent delivery of such a plan will be contingent on effectively determining the respective roles and responsibilities of CWS and WED, as well as the human and financial resources available from both organizations.

With respect to the second component: clarifying roles and responsibilities within the Enforcement Branch, with a focus on intelligence

Agree.

The Enforcement Branch is now finalizing the Enforcement Operations Manual, which will spell out roles and responsibilities for all staff, and which will be disseminated throughout the Branch. The regional restructuring undertaken in 2009–2010 is integrating the inspections and investigations functions in all regions, and the National Directors are now formalizing within their respective organizations the processes for fully completing this change. Finally, with respect to intelligence, the Enforcement Branch has created the Intelligence Working Group, co-chaired by directors from EED and WED with a mandate to examine intelligence roles and responsibilities, and make recommendations for improving consistency and overall performance in the intelligence function.

Moreover, and particularly in light of the new regional structure and the Intelligence Working Group, the Enforcement Branch will produce a document describing the roles and responsibilities of all organizations within the Branch. This will be completed and communicated to staff by the end of 2009–2010.

SUMMARY OF COMMITMENTS		
<i>Timeline</i>	<i>Deliverable</i>	<i>Responsible Party</i>
March 2010	Integrated compliance promotion / enforcement plan for pollution	Director, EED (EB) and Director, Compliance Promotion and Analysis (ESB)
June 2010	Agreement between CWS and EB regarding roles and responsibilities and annual processes	CEO and DG, CWS
June 2010	Short-term enforcement priorities and three-year compliance plan	CEO and DG, CWS
March 2010	Enforcement Operations Manual complete and pilot implementation begun	Director, ESD (EB)
October 2009	Intelligence Working Group recommendations delivered	Working Group co-chairs
March 2010	Approved by the Intelligence Working Group and recommendations implemented	CEO
March 2010	Roles and responsibilities within EB documented and communicated to staff	CEO

Management Response – Recommendation 3

Agree.

In partnership with the Communications Branch, the Enforcement Branch is now finalizing a long-term communications strategy, consistent with, and to deliver on, the new Strategic Enforcement Framework. This strategy will focus particularly on communication/engagement with external partners, with the goals of building capacity through partnerships and raising public awareness of the enforcement program. The strategy will be approved and implementation begun in fall 2009. Communications will adopt an ecosystemic approach in portraying the impact of enforcement work on species and habitat conservation.

Moreover, and as noted in the response to recommendation 2 above, the joint EED –

CPAD annual priority-setting and planning process planned for 2010–2011, and consequent regular communication/coordination with risk managers within the Department, is a significant vehicle for internal communication and information sharing.

Concerning WED and CWS, as noted in the response to recommendation 2, the two organizations will collaborate to develop both formalized roles and responsibilities and annual planning/communication processes. These annual processes will include national and regional co-ordination of strategic and operational planning, exchanges of letters regarding priorities and results, and communications commitments. This agreement will be concluded by June 2010.

In addition, the Chief Enforcement Officer’s membership on the ES Board and EP Board provides for important information exchange and decision-making coordination at a strategic level.

SUMMARY OF COMMITMENTS		
<i>Timeline</i>	<i>Deliverable</i>	<i>Responsible Party</i>
Complete	CEO a member of ES Board and EP Board	N/A
Fall 2009	Communications Strategy for enforcement completed and approved; implementation begun	CEO and Communications Branch
June 2010	Agreement between CWS and EB regarding roles and responsibilities and annual processes	CEO and DG, CWS

Management Response – Recommendation 4

Agree.

With respect to human resources, the Enforcement Branch moved in 2009–2010 to complete the integration of the Branch by means of a nation-wide organizational restructuring initiative designed to harmonize organizational structures across regions and the two operational directorates. Classification and organizational structures are now consistent across the Branch. The Branch is also developing a corporate human resources framework that will define a single human resources management vision across both operational directorates. The framework will be in place by the end of 2009–2010.

With respect to planning and reporting, the performance indicator/reporting project now underway is building performance indicators for both wildlife and environmental enforcement that measure the environmental benefit of enforcement actions in each directorate. As well, the results of the framework are integrated, down to the Intermediate outcome level. This will enable a consistent reporting and performance management approach for the entire Enforcement Branch. In addition, priority setting will be integrated between the two directorates for 2010–2011. Indicators will be fully developed by the end of 2009–2010, with data collection beginning the following year to enable reporting against new indicators in 2010–2011.

With respect to training, the Branch acknowledges that strengthening training for WED is a priority. In 2009–2010 the Branch is developing corporate training priorities that reflect the needs of both directorates, and will seek to integrate the provision of Basic Enforcement Training to the greatest extent possible, including the development of a common curriculum, where appropriate. In addition, and in order to build greater

consistency across the Branch, an enforcement operations manual is currently being developed and will be implemented as a pilot project by the end of 2009–2010. All enforcement officers will be trained in how to use the manual, resulting in the implementation of common practices not only between WED and EED, but also for all regions. The manual will also help protect enforcement officers through common, sound occupational safety and health practices.

With respect to intelligence, as noted above, the Enforcement Branch has created the Intelligence Working Group, co-chaired by directors from EED and WED, with a mandate to examine intelligence roles and responsibilities and to make recommendations for improving consistency and overall performance in the intelligence function. The Working Group will produce a report by October 2009, with implementation of accepted recommendations by the end of 2009–2010.

SUMMARY OF COMMITMENTS		
<i>Timeline</i>	<i>Deliverable</i>	<i>Responsible Party</i>
Complete	Organizational restructuring/classification harmonization	CEO
March 2010	Human resources framework developed and implementation begun	CEO
April 2010	Develop performance indicators for each immediate outcome	CEO
April 2010	Configure information systems and train staff to track data against indicators	CEO
April 2011	Design and deliver internal / external reporting, based on new indicators	Director, SPPCD (EB)
March 2010	Enforcement Operations Manual complete and pilot implementation begun	Director, ESD (EB)
October 2009	Intelligence Working Group recommendations delivered	Working Group co-chairs
March 2010	Approved by the Intelligence Working Group recommendations implemented	CEO

Annex 1 Evaluation Issues and Questions

Relevance			
<i>Does the Enforcement Program remain consistent with and contribute to federal government priorities and address actual needs?</i>			
Question	What Should be Observed	Indicators	Data Sources/Methods
1. Is there a legitimate and necessary role for government in this program area?	<p>Existence of private market failure or need to protect a perceived public good</p> <p>The program is aligned with EC and federal priorities</p>	<ul style="list-style-type: none"> • Demonstration of clear mandate that is aligned with a public good • Demonstration of link of program’s mandate with EC’s jurisdiction • Consistency of program’s mandate/objectives with current priorities of EC and the Government of Canada 	<p>Document Review</p> <ul style="list-style-type: none"> • EC <i>Departmental Performance Report</i> (DPR) • EC <i>Report on Plans and Priorities</i> (RPP) • Legislation/policies on federal mandate for environmental and wildlife enforcement • Throne Speech • Federal Budget <p>Key Informant Interviews</p> <ul style="list-style-type: none"> • Enforcement Program managers and staff • Internal EC partners
2. Is the Enforcement Program rationale based on actual societal/environmental needs? Does the Program serve the public interest?	<p>The program addresses actual needs and serves the public interest</p>	<ul style="list-style-type: none"> • Demonstration of the utility/rationale and need for the program • Degree to which the program serves the public interest • Gaps would exist in coverage without the program 	<p>Document Review</p> <ul style="list-style-type: none"> • OPP/OPG/Board documentation • Corporate Risk Profile • Program documentation and previous reviews • Treasury Board (TB) submissions • Public opinion research findings on perceived needs for

			environmental and wildlife protection and enforcement by the federal government
3. Does the Enforcement Program theory (i.e., objectives, logical linkage of activities and outputs to intended outcomes, instruments used) realistically address the societal needs identified?	The program theory is aligned with societal needs/program outcomes	<ul style="list-style-type: none"> • Soundness of logical linkages between activities, outputs and intended outcomes 	Document Review <ul style="list-style-type: none"> • Logic model • TB submissions
Success			
<i>Has the Enforcement Program achieved its intended outcomes?</i>			
Question	What Should be Observed	Indicators	Data Sources/Methods
4. To what extent have the intended immediate and intermediate outcomes been achieved as a result of the Enforcement Program?	The program shows achievement of (or progress toward) immediate and intermediate outcomes specified in logic model	<ul style="list-style-type: none"> • Views and documentation on degree of achievement of each intended immediate and intermediate outcome, as specified in logic model • Trends in regulatee compliance with high priority regulations (analysis provided by Enforcement Program and Compliance Analysis and Planning) 	Document/Data Review <ul style="list-style-type: none"> • Program documentation on results • Periodic reports on progress • NEMISIS and other activity data Key Informant Interviews <ul style="list-style-type: none"> • Enforcement Program managers and staff • Internal EC partners • External partners (e.g., OGD, PT governments, international partners) Case Studies
5. Have there been any unintended outcomes, either positive or negative, that can be	Unintended outcomes are present that can be attributed to the	<ul style="list-style-type: none"> • Presence/absence of unintended outcomes • Where appropriate, documented 	Document Review <ul style="list-style-type: none"> • Program meeting minutes • Program correspondence

<p>attributed to the Enforcement Program? If so, were any actions taken as a result of these outcomes?</p>	<p>program</p> <p>Where appropriate, actions to address unintended impacts were taken</p>	<p>management actions and/or lessons learned from unintended outcomes</p>	<p>Key Informant Interviews</p> <ul style="list-style-type: none"> • Enforcement Program managers and staff • Internal EC partners • External partners (e.g., OGD, PT governments) <p>Case Studies</p>
<p>6. Are there any external factors outside of the Enforcement Program which influence (positively or negatively) the success of the Program?</p>	<p>Achievement of program outcomes is influenced by external factors outside the Program</p>	<ul style="list-style-type: none"> • Identified situations and the degree to which external factors influenced the Program • Views on the quality of the working relationships between the program and internal and external partners, and how this influences the success of the Program • Views on the degree of coordination of the priority-setting processes of the program with those of key internal partners (e.g., compliance promotion, Canadian Wildlife Service (CWS), environmental protection regulatory programs), and how this influences the success of the Program • Views on the degree to which human resources challenges in the Enforcement Branch influence the success of the Program 	<p>Document Review</p> <ul style="list-style-type: none"> • Program correspondence • Program meeting minutes • Program planning documents <p>Key Informant Interviews</p> <ul style="list-style-type: none"> • Enforcement Program managers and staff • Internal EC partners • External partners (e.g., OGD, PT governments) <p>Case Studies</p>

Cost-Effectiveness/Alternatives			
<i>Are the most appropriate, cost-effective and efficient means being used to achieve outcomes?</i>			
Question	What Should be Observed	Indicators	Data Sources/Methods
7. Are there alternative ways of achieving the objectives of the Enforcement Program?	Alternative delivery methods have been analyzed	<ul style="list-style-type: none"> • Demonstration of analysis of various delivery options/opportunities • Lessons learned from alternative approaches in terms of cost-effectiveness • Views on the degree to which alternative delivery models could improve the Program's cost-effectiveness 	<p>Document Review</p> <ul style="list-style-type: none"> • Program/Branch design reports • Previous program reviews <p>Key Informant Interviews</p> <ul style="list-style-type: none"> • Enforcement Program managers and staff • Internal EC partners • External partners (e.g., OGD, PT governments)
8. Are there other programs that are involved in the same activities or that share similar objectives? If yes, how is duplication avoided and complementarity achieved? Are there any gaps?	<p>Program complements and does not duplicate other comparable programs</p> <p>There are no major gaps in activities in this program area</p>	<ul style="list-style-type: none"> • Views on duplication and complementarity with comparable programs • Views on presence/absence of gaps 	<p>Document Review</p> <ul style="list-style-type: none"> • TB submissions <p>Key Informant Interviews</p> <ul style="list-style-type: none"> • Enforcement Program managers and staff • Internal EC partners • External partners (e.g., OGD, PT governments)
9. How could the efficiency of the Enforcement Program be improved?	Program shows opportunity for efficiency improvements	<ul style="list-style-type: none"> • Analysis of costs for Program delivery (i.e., production of outputs) • Proportion of total Program budget required for purely administrative activities as compared to proportion for Program delivery (administrative overhead) • Suggestions for improving the 	<p>Document Review</p> <ul style="list-style-type: none"> • Program design documentation • Previous program reviews • Costing details (e.g. salaries, operating costs, administrative overhead)

		efficiency of the Program	Key Informant Interviews <ul style="list-style-type: none"> Enforcement Program managers and staff Internal EC partners External stakeholders (industry associations)
10. Has the Enforcement Program provided value for the federal dollars spent?	<p>The program demonstrates value for the federal dollars invested (i.e., cost-effectiveness)</p> <p>Allocation of resources is based on highest importance and resourced according to priorities</p>	<ul style="list-style-type: none"> Degree to which selection process for areas of importance is applied Views on the degree to which the Program has provided good value for the federal dollars invested 	Document Review <ul style="list-style-type: none"> Program financial information National Inspection Plan (NIP) National Enforcement Plan (NEP) Key Informant Interviews <ul style="list-style-type: none"> Enforcement Program managers and staff Internal EC partners
Design and Delivery			
<i>Is the Enforcement Program designed and delivered in the best possible way?</i>			
Question	What Should be Observed	Indicators	Data Sources/Methods
11. Does the Enforcement Program identify clear deliverables and expected results? Is the Program delivered as designed?	<p>Expected results and deliverables are clearly identified</p> <p>Program delivery is consistent with and follows defined approach</p>	<ul style="list-style-type: none"> Demonstration that the Program has clearly defined deliverables and expected results Degree to which the Program is implemented as designed, i.e., outputs are produced and delivered to target audiences, as specified in the program logic model (analysis provided by Enforcement Program) Views on the strengths, weaknesses and needed 	Document/Data Review <ul style="list-style-type: none"> OPP/OPG/Board documentation Program plans (e.g., NIP, NEP) and work plans Program logic model TB submissions NEMISIS data Key Informant Interviews <ul style="list-style-type: none"> Enforcement Program managers and staff

		improvements to the delivery of the Program	<ul style="list-style-type: none"> Internal EC partners External partners (e.g., OGD, PT governments) <p>Case Studies</p>
12. Are performance data collected against Enforcement Program activities and outcomes? If so, is the collected information used to inform senior management/decision makers?	Performance data are collected against program outputs and outcomes and are used to inform decision making	<ul style="list-style-type: none"> Presence/absence of populated performance data system with reliable and timely data Decisions based on performance information Views on accuracy and usefulness of existing program performance information and gaps in information 	<p>Document /Data Review</p> <ul style="list-style-type: none"> Program planning documents and decision documents Performance data/system (NEMISIS) and documentation <p>Key Informant Interviews</p> <ul style="list-style-type: none"> Enforcement Program managers
13. (a) Who is accountable for the Enforcement Program? Are the roles and responsibilities of the Enforcement Branch clearly defined and implemented as specified? (b) Are the Branch's roles and responsibilities clearly understood by key internal and external partners and stakeholders?	Roles, responsibilities and accountability are clear and duly implemented	<ul style="list-style-type: none"> Defined and known program management structure, roles and responsibilities Degree to which roles and responsibilities are implemented as specified Degree to which partners and stakeholders feel they understand the Branch's roles and responsibilities 	<p>Document Review</p> <ul style="list-style-type: none"> Program documentation and organization chart Minutes of program management meetings EC Results Management Structure <p>Key Informant Interviews</p> <ul style="list-style-type: none"> Enforcement Program managers and staff Internal EC partners External partners (e.g., OGD, PT governments) <p>Case Studies</p>
14. How effective are the Enforcement Program's	Internal and external partners feel they receive	<ul style="list-style-type: none"> Satisfaction with the quality and completeness of formal and 	<p>Document Review</p> <ul style="list-style-type: none"> Program communication

<p>internal and external communications? Are any improvements needed?</p>	<p>the essential information they need from the Enforcement Program</p> <p>Enforcement Program managers/staff feel they receive the essential information they need from internal and external partners</p>	<p>informal communications between the Program and partners</p> <ul style="list-style-type: none"> Views on the adequacy of feedback mechanisms between the Program and internal EC partners (e.g., Compliance Promotion, CWS, environmental protection regulatory programs) for purposes of strategic planning and coordination of efforts Suggestions for improvements to communications 	<p>products and mechanisms</p> <p>Key Informant Interviews</p> <ul style="list-style-type: none"> Enforcement Program managers and staff Internal EC partners External partners (e.g., OGD, PT governments) <p>Case Studies</p>
<p>15. What are the best practices and lessons learned from the Enforcement Program?</p>	<p>Identified lessons learned and best practices</p> <p>Identified strengths and weaknesses</p>	<ul style="list-style-type: none"> Identified lessons learned and best practices Identified strengths and weaknesses Views on strengths/best practices, weaknesses and lessons learned 	<p>Document Review</p> <ul style="list-style-type: none"> Program documentation and previous reviews <p>Key Informant Interviews</p> <ul style="list-style-type: none"> Enforcement Program managers and staff Internal EC partners External partners (e.g., OGD, PT governments) <p>Case Studies</p>
<p>16. How effective is the governance of the Enforcement Branch? Are any improvements needed?</p>	<p>Governance and consequent activity resulting from governance structure are demonstrated to be effective</p>	<ul style="list-style-type: none"> Analysis of effectiveness of decision making processes Views on the effectiveness of the governance and organization of the Enforcement Program before versus after the creation of the Branch Views on the degree to which regional Branch offices receive the information and direction they need 	<p>Document Review</p> <ul style="list-style-type: none"> Program organization chart Minutes of program management meetings Program correspondence Program planning documents and decision documents <p>Key Informant Interviews</p> <ul style="list-style-type: none"> Enforcement Program

		<p>from National Headquarters to perform their enforcement responsibilities</p> <ul style="list-style-type: none"> • Suggestions for improving the governance of the Branch 	<p>managers and staff</p> <ul style="list-style-type: none"> • Internal EC partners
<p>17. Does the Enforcement Program have adequate capacity in terms of financial and human resources to achieve its intended outcomes and objectives?</p>	<p>Program has adequate financial and human resources to achieve its intended outcomes and objectives</p>	<ul style="list-style-type: none"> • Analysis of financial and human resources (resources allocated and actually received) against capacity requirements to achieve intended outcomes and objectives, overall and by region • Views on the extent to which the program's resources are appropriate in consideration of its responsibilities and identified priorities, overall and by region 	<p>Document/Data Review</p> <ul style="list-style-type: none"> • Program financial information • TB submissions • Program planning documents • Program logic model specifying intended outcomes • Previous reviews/audits of resource and capacity issues <p>Key Informant Interviews</p> <ul style="list-style-type: none"> • Enforcement Program managers and staff <p>Case Studies</p>

Annex 2

List of Background Information and Supporting Documentation

Document Title	Date
Government of Canada Documents	
Throne speeches	2004–2007
Federal budgets (http://www.fin.gc.ca/access/budinfo-eng.asp)	2005–2008
Program Planning, Design and Decision Documents	
Enforcing Canada's Pollution Laws: The Public Interest Must Come First! The Government Response to the Third Report of the Standing Committee on Environment and Sustainable Development	October 1998
Environment Canada Departmental Performance Report (DPR) and Report on Plans and Priorities (RPP)	2007–2008 RPP, 2006–2007 DPR
Outcome Project Plan Template: Environmental Protection Enforcement Program (3A3h)	Sept. 19, 2005
Draft Proposal for a Chief Enforcement Officer	Sept. 9, 2004
WED General Presentation	2006–11–03
2008–2009 Planning and Financial Strategies: Enforcement (6B4)	April 2008
Integrated Business and Human Resources Plan for FY2007–2008	June 2007
WED National Inspections Plan 2007–2008 Presentation to ES Board	June 22, 2007
WED National Inspection Plan	2007–2008
Priority Matrix for NEP	2008–2010
EED National Enforcement Plan 2008–2010 Presentation to EB Board (PowerPoint)	May 29, 2008
EED National Enforcement Plan, draft	2008–2009
EED National Inspection Plan	2007–2008
EED National Inspection Plan Report	2005–2006
EED Internal Decision making Process (IDMP)	Updated Feb. 15, 2007
WED: National Program Strategic Priorities: Planning Year 2007–2008	2007–2008
WED Memo - Priority for 2008–2009 Fiscal Year Planning	February 11, 2008
WED National Business Plan & Investment Strategy	May 2008
WED National Business Plan: An Investment Strategy to Conserve and Protect	October 2006
WED: Strategic Direction & Action Plan	March 31, 2007 May 2008
EED Work Plans NCR & Regions	2008–2009 2007–2008
WED National Work Plan Cover Letter	March 31, 2007
WED Summary Work Plans Headquarters & regions	2008–2009 2007–2008
EED Environmental Enforcement Operational Planning Framework, draft	May 9, 2007
NEMISIS Reporting Schedule – 2007–2008 Final and 2008–2009 Reporting Schedule	March 12, 2008
National Fish Processing 2008 Operational Plan	2008
Plan stratégique 2004–2007 Division d'application de la loi	June 30, 2004

Service canadien de la faune Région du Québec, Ébauche	
Atlantic Region: Wildlife Enforcement Program: Path Forward 2005–2007, Draft - Version Two	August 2005
Atlantic Region: Wildlife Enforcement Division: Operational Plan – 2006– 2007	March 2006
EED Northern District Action Plan 2007–2008	April 2007
2007–2008 Summary Project Sheet - Prairie & Northern	March 2007
Proposed distribution of new enforcement officers (EED & WED)	Date unclear
Enforcement Program Logic Model	May 30, 2008
Meetings, etc.	
EED Directors Face-to-Face Meeting Minutes	May 26–29, 2008 Feb. 12–14, 2008 June 12, 2007 Oct. 10, 2007 October 26–27, 2006
EED: Fed/Prov Manager's Meeting Minutes	June 4, 2008
Atlantic Region EED Meeting Minutes	June 2008
EED Working Groups and Committees	July 2008 August 2007
Wildlife Enforcement Directorate – HQ, List of Tasks – Responsibilities, Draft	July 23, 2008
Organization Charts	
CEO Org Chart	May 23, 2007
EED Headquarters Org Chart 08–09	April 17, 2008
EED Atlantic Region Org Chart 08–09	April 2, 2008
EED Quebec Region Org Chart 08–09	April 2, 2008
EED Ontario Region Org Chart 08–09	April 29, 2008
EED Prairies & Northern Region Org Chart 08–09	June 10, 2008
EED Pacific & Yukon Region Org Chart 08–09	2008–2009
WED Headquarters Org Chart	February 14, 2008
WED Atlantic Region Org Chart	November 26, 2007
WED Quebec Region Org Chart	March 5, 2008
WED Ontario Region Org Chart	Signed July 20, 2007
WED Prairies & Northern Region Org Chart	January 2008
WED Pacific & Yukon Region Org Chart	February 5, 2008
Communications, News Releases and Presentations	
Environment Canada's Enforcement News Release and Media Lines Guidelines	April 2008
Enforcement Website (part of EC website) (www.ec.gc.ca/ele-ale/default.asp?lang=En&n=10F80F39-0) – multiple links	N/A
Link to latest media releases related to EED actions – is a link to media room	N/A
Newsletter – Direction générale de l'application de la loi : Division de l'application de la loi sur la faune – Atlantique	Date unclear
WED: Atlantic Newsletters	Winter 2007 Spring 2007 Summer 2007 Fall 2007
WED: Prairies & Northern Region Newsletters	July/August 2007 Sept./October 2007 Nov./December 2007

	January/February 2008 March 2008 April 2008
PowerPoint presentation – BCWF Region 2 AGM Dec 2004 Canadian Wildlife Service Wildlife Enforcement Division Pacific and Yukon Region Overview of CWS Enforcement in the Pacific and Yukon Region BC Wildlife Federation	December 5, 2004
PowerPoint presentation – BOAS Aug 2007 Birds Oiled at Sea Environment Canada: Enforcement Branch: Wildlife Enforcement Division: Pacific and Yukon Region	August 2007
PowerPoint presentation – CWS Speaker Series 2007 Arrested Development: Overview of Enforcement program and links to CWS and S&T Environment Canada: Enforcement Branch: Wildlife Enforcement Division: Pacific and Yukon Region	September 2007
PowerPoint presentation – Similar Files. Different Methods. Similar Results. Canadian Wildlife Service Wildlife Enforcement Division Pacific and Yukon Region	June 2008
PowerPoint presentation – Highlights Wildlife Enforcement Division Environment Canada Canadian Wildlife Service Pacific and Yukon Region	January 2006
PowerPoint Presentation – CFIA 2007 Environment Canada Canadian Wildlife Service Wildlife Enforcement Division Pacific and Yukon Region	2007
PowerPoint Presentation – CMC 2007 Environment Canada Canadian Wildlife Service Wildlife Enforcement Division Pacific and Yukon Region	2007
PowerPoint Presentation – CMC and Cruise Ship 2008 Environment Canada Canadian Wildlife Service Wildlife Enforcement Division Pacific and Yukon Region	2008
PowerPoint Presentation – VIA CARGO 2008 Environment Canada Canadian Wildlife Service Wildlife Enforcement Division Pacific and Yukon Region	2008
Challenges for Federal Environmental Law Enforcement in Canada – <i>speech</i>	2006
National Environmental Protection Intelligence Program: Environmental Protection Enforcement – <i>presentation</i>	June 2005
The Role and Value of Regulatory Enforcement – <i>speech</i>	2006
Annual Meeting of the North American Working Group on Environmental Enforcement and Compliance Co-operation – <i>presentation</i>	2008

Strategic Targeting and Prioritization of Enforcement Activities: Environment Canada's Perspective and Challenges – <i>presentation</i>	March 2008
Media release: Canadian and U.S Wildlife officers Break-Up Major Endangered Species Smuggling Ring – Record Breaking 27 Metric Tonnes of Meat Confiscated	September 26, 2007
Media release: Canadian and United States Wildlife Officers Dismantle Major Endangered Species Smuggling Operation – Background	March 2009
Media release: Québec, New Brunswick and Environment Canada Wildlife Officers Put a Stop to Large-Scale Poaching Activities in the Gaspé and Northern New Brunswick regions	January 25, 2007
Media release: Thousands of Hoodia Diet Pill Shipments Stopped at the Border by Federal Wildlife Enforcement Officers	August 28, 2006
Media release: Quebec-Based Poaching Ring Dismantled in Alberta	March 2, 2006
Media release: Lévis Resident Sentenced to \$47,456 in Fines for Poaching Activities Involving the Purchase, Selling and Illegal Possession of Black Bear Gall Bladders	March 14, 2005
Environment Canada Investigation into Alleged Illegal Importation of African Elephant Ivory Leads to Charges	April 12, 2007
Two People Convicted and Fined for Their Role in a Major International Endangered Species Smuggling Ring	November 8, 2007
Vancouver Resident Convicted of Illegally Hunting Migratory Birds Out of Season	February 7, 2007
Wing Quon Enterprises Ltd. Charged with Importation, Possession and Sale of Endangered and Threatened Species	August 29, 2006
Agreements/MOUs and Policies	
Environmental Agreements Chart May 2006	May 2006
Wildlife Agreements Chart May252006.xls	May 2006
Environmental Protection Enforcement Agreements	Date unclear
Compliance and Enforcement Policy for CEPA 1999	March 2001
Compliance and Enforcement Policy for the Habitat Protection and Pollution Prevention Provisions of the <i>Fisheries Act</i>	November 2001
Compliance & Enforcement Policy for Wildlife Legislation	Date unclear
Financial/Resources	
Pollution Regional Budgets 2002–2007, 2007	Date unclear
Pollution and Wildlife Enforcement Funding: Summary of Findings Based on Discoverer Reports	August 5, 2005
Budget & Actual Enforcement 06/07 07/08	Date unclear
2007–2008 Planning and Financial Strategies: Enforcement (6B4) – for presentation to DMS Board	June 8, 2007
Follow-up Email related to: 2007–2008 Planning and Financial Strategies: Enforcement (6B4) – for presentation to DMS Board	April 28, 2008
Performance Indicators, Measurement and Tracking	
Enforcement Activities Carried Out Under CEPA	2002–2003 to 2004–2005
Enforcement Activities Carried Out Under Fisheries	2002–2003 to 2004–2005
Example of weekly inspections reports: Week-ending April 17, 2008	April 2008
Example of weekly inspections reports: Week-ending April 25, 2008	April 2008
National Inspection Plan Progress Report – 2007/08	2008–06–04
National Inspection Plan Report: 2005/2006: Environmental Enforcement Directorate	Dated February 6, 2008
WED – Atlantic: 2005 Summary Report	2005 (specific date unclear)
WED Mid-Year Review 2007–2008: Atlantic	August 31, 2007

WED: Report on 2008. Status of Action Items Identified in the 2007–2008 WED Strategic Direction & Action Plan	Date unclear; however is reporting on 2007–2008 document that was produced in Spring 2007
Draft National Data Input Standards for NEMISIS files	Last modified June 20, 2008
EED Ledger of Policies / SOP / Guidance and Guidelines Documents	May 15, 2008
Welcome to the Training for NEMISIS Release 4.5 (Officer training deck – PowerPoint)	
NEMISIS Release 4.5 Workbook and Training Exercises	January 2005
Investigations – Long form information	Date unclear; file last modified July 4, 2008
WED PYR - Weekly Report – Current Investigations	January 25, 2008
Background information on NEMISIS: Deck presented to Auditor General – April 2008	April 2008
Background information on NEMISIS: Reporting Terminology	May 29, 2006
PowerPoint presentation – Wildlife Enforcement Division Pacific and Yukon Region Cross Border Inspections and Investigations	April 2008
PowerPoint presentation – Wildlife Enforcement Division Pacific and Yukon Region Investigations Highlights	April 2008
Summary Table – CITES permits	Date unclear; file last modified June 14, 2006
EED: INECE Presentation on Performance Indicators	Date unclear
Report on the International Network for Environmental Compliance and Enforcement (INECE) – INECE Conference Report	April 15, 2008
Environmental Enforcement Directorate – Regulations Process and Approval Flowchart, Draft	June 2008
Training	
National Pollution Intelligence Program Standard Operating Procedures	2003
WED: Training and Outreach document	Date unclear; file last modified July 4, 2008
Canadian Wildlife Service Division Fact Sheet	September 12, 2003
WED: The Migratory Birds Convention Act and Regulations: Questions and Answers	Date unclear; file last modified Nov. 10, 2006
Summary Table – CITES permits; Info sheet regarding Wild Animal and Plant Trade Regulations CITES Personal & Household Effects Exemption Summary Table	Date of first table unclear; second table dated June 6, 2000
Canadian Wildlife Service – Wildlife Enforcement Division: Pacific and Yukon Region: Waterfowl Hunting – Summary of Regulations	Date unclear; file last modified November 21, 2007
Waterfowl Hunting – Common Violations - Summary	Date unclear; file last modified Oct. 21, 2003

Human Resources	
Statement of Merit Criteria – GT-03	Date unclear
Comparison of Powers of Fishery Guardian, Fishery Officer, Fishery Inspector & Designated EC Fishery Officer	Date unclear
Peace Officer Powers	Date unclear
Evaluations, Audits and Reviews	
Review of Enforcement, Final Report	January 1997
EC's Enforcement Action Plan: Proposed Review Plan, Draft	March 31, 2000
Formative Evaluation of CEPA 1999: Environment Canada	June 1999
Compliance and Enforcement National Program: Component Action Plan 1998–2002	May 27, 1998
PWC CEPA operational review June 2002 Intensive Review Phase Compliance Promotion and Enforcement	June 2002
OAG Petitions (incomplete list) addressed by enforcement from OAG website	Date unclear
Enforcement Versus Voluntary Compliance: An Examination of the Strategic Enforcement Initiatives Implemented by the Pacific and Yukon Regional Office of Environment Canada 1983 to 1998	March 9, 1998
Evaluation Plan for EED Intelligence Program	February 2007
OAG Audit on Fuels – Meeting Minutes: Jan 31, 2008	January 31, 2008
OAG Audit on Fuels – Meeting Minutes: Apr 24, 2008	April 24, 2008
Enforcement Program – 6B4 – Strategic Review – <i>presentation</i>	May 14, 2008
International and Other Documents	
International Network for Environmental Compliance and Enforcement (INECE), by US EPA, in co-operation with Polish and Dutch ministries of the environment	1992
INECE Performance Measurement Guidance for Compliance and Enforcement Practitioners, Second Edition, Draft	April 2008
EAP Task Force Eighth Annual Meeting of the EECCA Regulatory Environmental Programme Implementation Network: Recommendations on Performance Measurement for Environmental Enforcement Authorities of Eastern Europe, Caucasus, and Central Asia (Tbilisi, Georgia), First Draft	June 2006
Ipsos-Reid, Environment Canada Corporate Communications Survey, 2007.	2007
Focus Canada, 2007-1	2007

Annex 3 Overview of Case Studies

Wildlife Enforcement Case Studies
<p>CITES Identification Guides (Convention on International Trade in Endangered Species of Wild Fauna and Flora): Describes the development and publication of several information guides for use by wildlife, customs, and police officers worldwide for identification and information on safe handling of protected species under CITES. CITES is an international agreement between governments to regulate the international trade of endangered wild animals and plants. Canada is one of approximately 175 participating countries in CITES, and a leader in the development of the Identification Guides.</p>
<p>Lac St-François National Wildlife Area (NWA): Describes an investigation lasting several months and including the issuing of four warrants regarding the destruction of approximately 460 trees in the Lac St-François NWA, including seven trees that were protected under SARA. The file was not accepted by the Public Prosecution Service of Canada because the defendant who was responsible for cutting the trees was deemed to have done “due diligence” in terms of informing the CWS prior to taking action. There were also shortcomings on the part of the CWS in terms of permitting and compliance promotion describing what activities are permitted in the NWA.</p>
Environmental Enforcement Case Studies
<p>Investigation of Imported Engines: Describes a case in which CBSA alerted enforcement officers regarding a shipment of five used tractors being imported from China by an equipment company. CBSA co-operated with enforcement officers, as requested, in an effort to identify engines that may not meet the <i>Off-Road Compression-Ignition Engine Emission Regulations</i> (ORCIEER). After approximately two and a half months of investigation, and several follow-up requests for documentation from the importer, no enforcement action was taken and all the tractors were released.</p>
<p>Transboundary Movement of Hazardous Waste: Describes the types of enforcement activities that Environment Canada has engaged in under the <i>Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations</i> (EIHWHRMR), a regulation under CEPA 1999 that regulates the transboundary movement of hazardous materials. The National Hazardous Waste Working Group, which includes representatives from the Enforcement Branch and Compliance Promotion from each region and National Headquarters, develops work plans and discusses issues and emerging trends. Enforcement also works closely with CBSA, which informs the Enforcement Program of suspicious shipments and holds containers as appropriate. To a lesser degree, the Enforcement Branch also works with Transport Canada on this issue. Between 2004 and 2008, the Enforcement Program inspected over 100 shipments.</p>

Annex 4 Summary of Findings

Evaluation Question (EQ)	Achieved	Some Progress/ Attention Needed	Little Progress/ Priority for Attention	Rating Not Applicable
Relevance				
EQ1 Role for government in enforcement	√			
EQ2 Connection with societal and environmental needs	√			
EQ3 Program theory addresses societal needs identified	√			
Success				
EQ4 Achievement of <u>immediate</u> and <u>intermediate</u> outcomes				
a. improved knowledge and engagement among various jurisdictions		~X		
b. improved enforceability of instruments and increased influence in regulatory cycle		~X		
c. more strategically targeted Enforcement Program activities and better coordination with the programs and Compliance Promotion		X		
d. staff is more knowledgeable, more skilled and designated to perform duties safely		~X		
e. increased knowledge to better inform planning and decision making		~X		
f. improved public, regulatee, Public Prosecution Service of Canada (PPSC) and departmental awareness of responsibilities and benefits of enforcement		~X		
g. improved targeting of high-priority cases for inspections and investigations leading to prosecutions		X		
h. increased successful prosecutions	√			
EQ4 Achievement of <u>immediate</u> and <u>intermediate</u> outcomes				
i. better integrated Enforcement strategies with other government departments, partners and stakeholders		X		
j. increased regulatee compliance with laws and regulations		~X		
k. more efficient use of resources	~√			
l. more fair, predictable and consistent enforcement of laws and regulations	~√			
EQ5 Unintended outcomes				√

EQ6 External factors influencing Enforcement Program success				√
Cost-Effectiveness/ Alternatives				
EQ7 Alternatives to achieve objectives	~√			
EQ8 Avoidance of duplication and achievement of complementarity	√			
EQ9 Improving efficiency	~√			
EQ10 Value for dollars spent	~√			
Design and Delivery				
EQ11 Clear deliverables and expected results, and Enforcement Program delivered as designed		~X		
EQ12 Performance data collected and used in decision making			X	
EQ13a Accountability, roles and responsibilities clearly defined and implemented as specified		X		
EQ13b Roles and responsibilities clearly understood by key internal and external partners and stakeholders			X	
EQ14 Effectiveness of internal and external communications			X	
EQ15 Best practices and lessons learned				√
EQ16 Effectiveness of governance		X		
EQ17 Adequacy of resources		X		

Legend: ~ Although there is compelling subjective evidence that the Program has done well or made progress with respect to a given evaluation question, a complete assessment cannot be done due to lack of performance data.