

**Cary Coglianese, *Environment Canada's
World Class Regulator Project: An Assessment (2012)***

Author's Note:

The following report was written at the request of Environment Canada and subsequently translated into French by the department as "Projet d'organisme de réglementation de calibre mondial d'Environnement Canada: Évaluation." For several years after I wrote the report, Environment Canada made it fully and freely available online on the department's own website at <http://www.ec.gc.ca/default.asp?lang=En&n=2EA61340> and <http://www2.ec.gc.ca/default.asp?lang=Fr&n=2EA61340>. Using these URLs, it is still possible for anyone to obtain the full report through the Wayback Machine. The Wayback Machine version is in html, however, so I am making it available here in its original pdf format in case doing so makes it more readily accessible to anyone who may find the report's content useful.

**Environment Canada's World Class Regulator Project:
An Assessment**

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Executive Summary

Around the world, governments are taking strides to improve the performance of their regulatory functions. At Environment Canada (EC), this desire to improve regulatory performance led in 2010 to the launch of an extensive internal review called the World Class Regulator (WCR) project. Through the WCR project, EC's managers and employees systematically assessed four of the Department's major regulatory areas against five key criteria to identify both best practices as well as opportunities for improvement. By early 2012, the WCR project successfully generated a series of management priorities and action items for the Department to pursue in the coming year.

EC commissioned this report to provide an external assessment of the WCR project. Based on a review of the documents created during the WCR project, this report evaluates the five criteria selected for the WCR project and how they were used to assess EC's regulatory performance and generate an action plan for future improvement. Emphasizing the importance of internal criteria-based reflection for maintaining regulatory excellence, the report presents the overall conclusion that the WCR project provided a structured and systematic framework for EC personnel to think strategically about the Department's mission and its operations. This report's principal findings can be summarized as follows:

Criteria

- The WCR project used appropriate and well-accepted criteria to evaluate EC regulatory programs and processes. Any truly world class regulator would strive to make sure its policies and processes were evidence-based, effective, efficient, transparent, and adaptable.
- The WCR project could have included distributional fairness as a criterion and it could have defined efficiency in terms of the net benefits of its regulatory programs rather than in terms of cost-effectiveness.

Assessment

- The WCR project's assessment phase followed from the project's initial stock-taking and resulted in a range of reasonable suggestions for improvement of regulatory operations.
- The assessment process involved a diverse group of staff from throughout the Department and provided a systematic and structured means of internal reflection on both best practices as well as opportunities for improvement.

- To varying degrees, the assessment process was more input- than outcome-focused, more binary than scaled in its judgments, and more limited in its ability to generate ready comparisons in regulatory performance over time.

Action Plan

- The WCR project led to the development of a focused action plan based on a distillation of the lessons from the assessment phase. The WCR project's action items address important issues that should be of concern to any world class regulator.
- The WCR action plan's emphasis on continuous improvement aligns well with what it takes both to become and to remain a world class regulator.
- Some of the specific actions in the final action plan, such as improving the treatment of confidential business information, appear to be very good ideas but find less support in the WCR documents than do other actions.

Overall, the WCR project succeeded in providing a vehicle for EC managers and employees to focus attention on important qualities of regulatory excellence and to strive to improve regulatory operations. Its main elements provide a good model for repetition by EC or replication by other departments. Any such future attempts to repeat or replicate the project would benefit from attention to four recommendations that follow from this report's findings:

1. Include distributional fairness as an evaluative criterion
2. Distinguish between cost-effectiveness and efficiency
3. Focus more on problems than processes, on outcomes more than inputs
4. Develop more fine-grained, comparison-friendly metrics of regulatory performance

One of the important lessons to emerge from the WCR project is the need for greater attention to performance measurement and program evaluation throughout the Department. The WCR project is an important start in terms of such improvement measurement and evaluation, as the project has helped to reinforce key performance criteria and maintain an organizational culture dedicated to continuous improvement. The WCR project helpfully directed attention to the most important question about regulation: how well is it working? In so doing it also enhanced awareness of the need for rigorous measurement and evaluation of regulatory outcomes.

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From 2010 to 2012, Environment Canada (EC) conducted an internal self-assessment called the “World Class Regulator” (WCR) project. Through the WCR project, EC has aimed to achieve the following objectives (EC 2012a:5):

- “Strengthen EC’s regulatory processes and outcomes”
- “Institutionalize the goal of becoming a world class regulator”
- “Improve the department’s reputation and credibility as a regulator”
- “Engage the full range of regulatory experts in EC”

The WCR project set out to achieve these objectives by involving Departmental managers and employees in a systematic effort to take stock of the Department’s regulatory processes, assess them against key policy criteria, and develop an action plan for making improvements in the Department’s regulatory processes. To further the WCR project and EC’s pursuit of regulatory improvement, the Department has commissioned this external assessment of the WCR project, seeking in particular an outside review of the project’s “criteria, process, and action plan.” This report contains the findings of the requested external review.

Broadly speaking, EC’s objectives for the WCR project can be captured under the general rubric of promoting “regulatory excellence.” As an early WCR project discussion draft noted, “a world class regulator consistently meets a number of criteria for regulatory excellence across the regulatory chain” (EC 2010). EC subsequently noted that although it already met essential regulatory criteria, “further enhancements are required in certain areas to take our solid foundation of regulatory excellence to World Class Regulator status” (EC 2011a:2). In this way, EC’s leaders and staff have emphasized the importance of “being” (EC 2010; EC 2011b) or “becoming” (Boothe 2011) a world class regulator.

Regulatory excellence, of course, exists along a continuum. Even an already excellent regulator can always search for ways to improve its processes and outcomes, and it is a sign of excellence itself that regulators continuously seek to find ways to improve. Canada’s environmental regulatory system has undoubtedly already achieved excellence and can be considered “world class” in some if not many dimensions. Esty and Porter (2005: 418), for example, created an index of environmental “regulatory stringency, structure, subsidies, and enforcement” and used it to rank 71 countries’ regulatory regimes. Canada ranked 12th in absolute terms, ahead of the United Kingdom, the United States, Australia, and Japan, to pick a few examples of other developed countries. Admittedly, Esty and Porter’s ranking may not definitively capture all the key dimensions of regulatory excellence or makes appropriate comparisons across countries. However, what is important here is that a ranking helps to emphasize that regulatory excellence involves more than just rising above a certain threshold level of performance and resting on one’s laurels. Even the best regulators in the world can always strive to achieve greater levels of excellence. As EC Deputy Minister Paul Boothe

(2011:2) has put it, “the pursuit of becoming a WCR is as much about a journey as a destination.”

This report is part of EC’s journey. It provides an assessment of the WCR project itself, considering the general value of conducting such a broad internal review as well as the strengths and weaknesses of the specific ways that EC carried out this particular internal review. It is not an assessment of the actual level or quality of EC’s regulatory performance. In other words, it does not comprise an effort to “audit” the WCR project by making any independent judgments about the extent to which specific agency practices comport with the WCR criteria for regulatory excellence or by comparing environmental regulatory performance in Canada with that of other countries. This assessment was conducted much as a review of any academic study subjected to peer review would be conducted. Rather than replicating data collection or analysis, this assessment is based on a critical, independent reading of written materials produced during the WCR project.

The materials reviewed included, among other things, internal Department reports on all three phases of the WCR project, reports of the WCR sub-groups, and comments on these various reports submitted by Departmental employees. In addition to the documents initially identified and provided by EC, Departmental managers also responded cooperatively to all requests for additional or supplemental documentation. A complete list of documents reviewed is provided in Annex 1 of this report. Although based primarily on WCR project documents and reports, several telephone conferences with key participants in the WCR process provided general background information at the beginning of the review.

The purpose of this review has been to provide an assessment of the WCR project along the following three specific dimensions:

- Compatibility of the WCR criteria and framework with other, generally accepted standards of regulatory excellence and evaluation methods
- Alignment of the WCR process with general decision making processes
- Internal consistency and support for WCR action plan recommendations, and alignment with regulatory improvement goals

The aim has been to provide EC with the benefit of the perspective of an outside observer, highlighting areas of value and strength in the WCR project and its process – as well as offering comments that might help in improving future efforts at self-assessment by EC or other regulatory organizations.

The report begins in Part 1 with a brief overview of the WCR project, its structure, and what it sought to achieve. Part 2 then focuses on the criteria EC selected to use to gauge the world class status of the regulatory programs and processes that were assessed during the project. Part 3 considers the process EC used to assess its regulatory programs and processes against the selected criteria, while Part 4 examines the resulting action plan that emerged from the WCR

process. Part 5 steps back to assess the overall value of the WCR project, while Part 6 offers recommendations for future efforts to expand or replicate the WCR project.

1. The WCR Project

Around the world, regulators are taking great strides to assess and improve their regulatory systems, sometimes with initiatives falling under the banner of “smart regulation” or “better regulation” (Gunningham & Grabosky 1998; Wiener 2006). In 2007, the United Kingdom’s Food Standards Agency launched a similar initiative to “become a world class regulator” by having agency officials assess the organization’s performance against several criteria (FSA 2007).

In Canada, interest in regulatory excellence has manifested itself in a variety of broad initiatives across the national government, including those conducted under the auspices of the Cabinet Directive on Streamlining Regulation, Red Tape Reduction Commission, Canada-US Regulatory Cooperation Council, and Community of Federal Regulators (EC 2012a:5). EC’s WCR project complements these more general efforts at regulatory improvement by focusing on the performance of the federal government’s environmental regulatory programs and policies.

The WCR project began with a challenge that former Minister of Environment Jim Prentice issued in the summer of 2010 “to take the department’s strong track record of regulatory performance to the next level – to that of a world class regulator” (Boothe 2011:2). Beginning in the fall of 2010, the department created a five-page discussion draft (with 12 pages of annex materials) that discussed what being a world class regulator means and that identified possible opportunities for EC to make improvements (EC 2010). The discussion draft was made available in electronic form through the Department and comments were solicited. More than 2,200 EC officials viewed the discussion draft, and the Department received nearly 100 comments on it (EC 2011c). These comments generally supported the view that “a world class regulator evaluates the full suite of [policy] instruments...and selects the most appropriate instrument – or complementary mix of instruments – to achieve its objectives” (EC 2011c). These early comments also suggested a need for EC to adopt a more “formal process for the systematic and ongoing review of existing regulations” and the importance of “long-term resources and capacity” to perform regulatory functions successfully.

By early 2011, EC had determined that it would seek to assess various aspects of its regulatory system against the following five characteristics:

- Evidence-based
- Effective
- Efficient
- Transparent
- Adaptable

These characteristics defined the five policy criteria that EC would use to assess its regulatory programs and processes.

The Department also announced that the WCR project would proceed in three stages. Phase 1 would take stock of the Department's existing regulatory activities and processes. Phase 2 would be used to assess processes and activities against the five criteria. Phase 3 would involve the development of an action plan specifying steps to take for making improvements. (Each of the next three Parts of this report will, respectively, discuss in more detail each Phase.)

The WCR project was administered by an overall Working Group comprising Directors or Director Generals from a variety of EC branches and offices, with this group further subdivided into four sub-groups, each focused on one of the four categories of environmental regulation on which the WCR project focused:

- Chemical Management Plan Risk Management Measures
- Vehicle Emissions Regulations
- *Migratory Bird Convention Act* Regulations
- Environmental Emergency Regulations

In addition to those officials who indirectly provided input to and support for the members of these sub-groups (as well as all those who provided comments on WCR reports made electronically available throughout the department), the WCR project directly involved a total of 28-32 individuals within the Department: 8 members of the working group, plus 12-16 members of sub-groups plus 5 representatives from "horizontal input" offices and 3 from the Secretariat.

By design, EC's WCR project was an internal self-assessment initiative. In order to review the project on its own terms, it is important to be clear about what the project was – as well as what it was *not* – intended to be. The WCR project was an effort to engage EC leadership, and the Department as a whole, in a process of reflecting, assessing, and orienting the organization and its programs more firmly around the selected criteria. Despite its name, it was not a process to compare EC with other countries' environmental regulatory departments. It also was neither a comprehensive review of the entire Department (focused as it was on four programs), nor a formal program evaluation that sought to measure environmental outcomes and trace them back causally to Departmental processes and activities. Acknowledging what the WCR project was *not* is not meant to imply that the project was in any way deficient because it failed to provide a comprehensive review or a program evaluation; rather, it is simply to clarify the project's design in order to assess it on its own terms.

The WCR project was also not designed to be a management tool that would be supported with incentives. In other words, no specific budgetary or compensation decisions have been tied to the assessment conducted as part of WCR – something that Metzenbaum (2006) would approve, both because the application of such incentives can be difficult to apply for complicated governmental tasks and also because they can sometimes crowd out more important internal motivations. In short, the WCR project was very much a self-reflective, planning exercise. As one WCR project document stated, "*thinking* 'World Class' is key to *being* World Class" (EC 2012a:10).

2. The WCR Criteria

What it means to be a world class regulator is different than what it means to be a world class chef or a world class manufacturer. The chef makes delicious meals and the manufacturer builds useful products. They may also make their meals or products affordable or subject to certain market constraints, but overall the test of excellence will depend on the quality of the dish or product created. People may well disagree about whether any specific chef or manufacturer is truly world class, but they will disagree much less about what it means to be “world class” in such a context.

When it comes to regulating, what constitutes “world class” is both more complicated and more contested. The chef or the manufacturer produces a tangible product that can be directly observed and tested, whereas regulation seeks to change the behavior of others and to solve vexing problems – and it seeks to do so in ways that satisfy a range of often competing values, like freedom, efficiency, equality, and so forth (Coglianese 2012). Regulatory quality, then, is more than just a quality of the product (e.g., of a rule or an enforcement action), but rather it is a quality of an interaction between government and society. The difficulty in characterizing regulatory excellence along a single dimension applies for many types of governmental functions and entities, not just regulatory ones. As Moore (1997:10) has observed, in the realm of governmental programs, “we have nothing analogous to the private sector’s history of profitability to measure past performance; nor can we use a stock price or similar mechanism to gauge expected value in the future.”

Assessing regulatory quality or performance therefore requires more than just examining a single “bottom line,” but rather necessitates an evaluation of governmental organizations, and their activities and outcomes, against multiple criteria. The purpose of regulation, after all, is to improve specific conditions in the world “by changing individual or organizational behavior in ways that generate positive impacts in terms of solving societal and economic problems” (Coglianese 2012). Evaluating regulatory performance calls for an inquiry into how rules (and other governmental instruments) and their implementation actually lead to positive and negative changes in conditions of the world.

In a similar vein, Sparrow (2000:9) boils down the regulator’s task to what he characterizes as a “beguilingly simple” concept: “pick important problems and fix them.” But even he recognizes that this simple test is “a bugaboo to implement.” What counts as “fixed,” for example, will at times be highly contested. Is the problem “fixed” if improvement in the underlying problem occurs but “for reasons totally unrelated to regulation” or “even if the regulation failed miserably in terms of inducing desired behavioral changes” (Coglianese 2012)? Is the problem “fixed” if improvements come at the cost of creating other problems or necessitating the imposition of excessive costs?

It should be obvious that regulation serves multiple, and at times competing, values. It seeks to deliver benefits but also minimize costs; to advance equity; and to be practical and manageable to implement. Implementing and enforcing regulation also calls for treating both the beneficiaries and cost-bearers of the regulation with respect and fairness. Gunningham and

Grabosky (1998:25-26) go so far as to state that “there is almost no limit to the number and range of individual characteristics that could be legitimately used to assess regulatory performance.” It is for this reason that, when it comes to regulatory agencies, “a reflective institution must make a place for attention to conflicting values and purposes” (Schön 1983:338).

a. The Number of WCR Criteria

For these reasons, the WCR project quite appropriately used multiple criteria to assess EC’s regulatory programs rather than rely on a single metric. Deploying multiple criteria not only captures the multiple values underlying the delivery of governmental programs, including regulatory ones, but it also helps to minimize the risk that the Department and its managers could settle on focusing on just one or two selected criterion even if doing so comes at the expense of other important criteria (Kaplan & Norton 1992).

On the other hand, just as using too few criteria can be problematic, using too many can also make assessment cumbersome at best. “If everything is a priority, nothing is,” a group of experienced public managers in the United States once noted (Harvard Kennedy School 2001:12). Furthermore, as Gunningham and Grabosky (1998:26) have observed, “using a large number of variables [for assessing regulatory performance] would make it impractical to account for all the various interactions and permutations that would arise.” Gunningham and Grabosky therefore chose to focus on just four criteria in their book on “smart” environmental regulation. Similarly, Coglianese (2012:16) has highlighted “four broad criteria [that] are commonly used when prospectively analyzing the choice between different regulatory options ... [and that] can also be used to evaluate regulations after the fact.” Still more generally, a Harvard Kennedy School project on performance management has advised public managers “to limit themselves to no more than five strategic goals” (Harvard Kennedy School 2001:12).

By selecting five criteria, the WCR project selected a number that fits into a well-accepted range for the number of focal points in a self-assessment.

b. The Set of WCR Criteria Selected

The five criteria deployed in the WCR project are also ones commonly found in public policy analysis and deliberation. The WCR project began with a consideration of the seven criteria proposed by the UK’s Food Standards Agency for its World Class Regulator initiative (FSA 2007):

1. Delivering outcomes
2. Practical and timely interventions
3. Consistent, risk-based, proportionate, and transparent decision-making
4. Using the market and applying effective incentives and sanctions
5. Continuous learning
6. Delivering value for money
7. Changing the landscape

EC received supportive feedback on the FSA’s criteria in comments submitted by employees on the EC Discussion Draft. Following a period for internal comments on the Discussion Draft, WCR project leaders reformulated the FSA’s set of seven criteria and settled on five criteria that the Department deemed “essential to being a world class regulator: making evidence-based decisions, and being effective, efficient, transparent, and adaptable” (EC 2011a:2).

Determining whether the WCR project selected the “correct” criteria depends on the purpose of the assessment using the selected criteria. The ultimate test of any criteria will be its relevance and importance to the decision maker or other consumer of the assessment. As Bardach (2011:32) has noted, criteria “are evaluative standards used to judge the goodness of ... policy outcomes.” As such, the appropriate criteria to use are those that reflect the user’s “judgment” about whether particular outcomes are “thought desirable or not” (Bardach 2011:32).

Many regulatory experts – not to mention members of the public – will likely find the EC’s five WCR criteria to be highly desirable ones. Policies and programs that are evidence-based, effective, efficient, transparent, and adaptable will certainly be judged to be good policies and programs. Annex 1 provides examples of common criteria used in other settings, guidelines, and analyses. The criteria used in the WCR project share obvious commonalities with the examples in Annex 1. Clearly, the WCR project deployed a set of reasonable and widely accepted policy criteria.

c. Criteria Not Selected

As there may be “almost no limit” to the possible criteria that can be used in assessing environmental regulation (Gunningham & Grabosky 1998:25), the WCR project by necessity left out a number of other criteria that could be used to assess an environmental regulatory system. The comments received from EC officials on the WCR discussion draft put forward at least the following several alternative or additional criteria for consideration (EC 2011c):

- Stringency
- Results-oriented
- Timeliness
- Canadian-context specific
- Low-administrative burden
- Fairness

For almost all of these suggested alternatives, the Working Group’s decisions about how to handle them were easily justifiable. As explained in Annex 2, these additional criteria suggested by commentators were either already incorporated into the set of criteria or sub-criteria the Working Group selected, or they were simply not as important as the selected criteria. For example, “results-oriented” is already captured by “effectiveness,” and “stringency” is not on its own intrinsically valuable but rather only important to the extent it makes a regulation more “effective” or “efficient.”

Perhaps the most notable absence in the WCR’s list of criteria is explicit consideration to “fairness.” Admittedly, what “fairness” means or requires is not self-evident. To the extent that

“fairness” is taken to mean *procedural* fairness, then the WCR criteria of “transparency” and “evidence-based” already capture important aspects of this criterion. After all, an open decision made on the basis of reason is a hallmark of procedural justice. On the other hand, to the extent fairness means instead that a regulation does not trample on essential human rights or fundamental liberties, the WCR criteria do not encompass that meaning. However, the Canadian federal regulatory process does already include various safeguards designed to ensure fairness in this sense. For example, the Department of Justice reviews proposed regulations for compliance with the Canadian Charter of Rights and Freedoms, and the Parliamentary Standing Joint Committee for the Scrutiny of Regulations does much the same after the adoption of regulations.

Yet in the realm of regulation and public policy, “fairness” is even more commonly meant in a different sense altogether. It more typically refers to the equitable distribution of the costs and benefits of a regulation (Okun 1975; Adler 2012), an aspect of regulatory performance distinct from any of the five criteria used in the WCR project. Noting that fairness as equity is one of four “commonly used” regulatory criteria, Coglianese (2012:16) explains that “taking into account that different [regulatory programs and] options will affect different groups of people differently, that some will bear more costs while others will reap more benefits, the equity criterion considers which option would yield the fairest distribution of impacts.” Accordingly, it is not surprising that the EC’s Instrument Choice Framework includes “distributional impact” as a criterion distinct from effectiveness and efficiency (EC 2009) and that the OECD (2005:3) calls attention to the “distribution of effects across society.”

The absence of any such similar language in the WCR criteria or subcriteria is noticeable. It is true, of course, that the criterion of fairness (or equity or equality) can be difficult to define, operationalize, and measure consistently. As Bardach (2011:36) notes, “there are, of course, a great many different, and often opposed, ideas about what these terms do, or should, mean.” Perhaps for that reason including fairness as a sixth criterion in the WCR assessment would not have yielded much new insight about EC’s programs and processes, as it would have been impossible to apply fairness with any reasonable degree of precision. On the other hand, some of the other criteria used in the WCR project are themselves difficult to pin down with great precision; there is no common metric for measuring “transparency” or “adaptability,” for example. More importantly, to the extent that the WCR project was an internal exercise intended to promote “thinking” like a world class regulator, it would not have been inappropriate for the Working Group to have included distributional fairness as a sixth criterion.

d. Definitions of WCR Criteria and Subcriteria

The five criteria that EC did select for the WCR project were helpfully defined by the Working Group during the first two phases of the WCR project. The Working Group took steps to describe and elaborate its five criteria by adding definitions and sub-criteria, giving greater clarity and precision to what are otherwise very general characteristics of regulation. Such additional clarity assisted the self-assessment process by guiding other officials to try to reflect in a focused, consistent, and collaborative manner.

Although most of the definitions and subcriteria provided by the Working Group were clear and informative to a reader of the various WCR documents, in a few cases they were not as

clear as they could have been. Annex 3 provides some specific examples of issues where the definitions and subcriteria used in the WCR project might have been clearer or presented in a manner that could have been a still more useful guide to public managers involved in the WCR project. In some cases, the subcriteria, while clear, introduced values distinct from the five main criteria, undercutting to some degree the conclusion presented above in Part 2(a) of this report about the focused number of criteria used. As was clear from the templates used in Phase 2, where different sub-criteria were treated separately, the inclusion of sub-criteria actually expanded the true set of distinct criteria. This is not necessarily itself a problem, especially as the WCR team, very appropriately, treated the sub-criteria separately in the assessment phase. If different criteria or subcriteria are not correlated with each other, they should be treated as distinct from each other.

The WCR project's definition of "efficiency" represented perhaps the most significant opportunity for improving criteria definition. In the Phase 2 Report, efficiency was defined as "achiev[ing] the desired environmental objectives at the lowest cost possible" (EC 2011b:6). The definition is certainly clear – and it is a marked improvement over the oblique definition used in the FSA's earlier world class regulator initiative: namely, "finding the best way to get things done" (FSA 2007). However, in its definition of "efficiency," the WCR team made a very common mistake of conflating "efficiency" with what economists and regulatory analysts call "cost-effectiveness." "Efficiency" is actually what arises when a regulatory instrument is "likely to result in benefits that outweigh costs" (EC 2009; *see also* EC 2011d).

An important difference exists between cost-effectiveness and efficiency. As explained in Coglianesi (2012:16), the two concepts are technically understood as follows:

Cost-effectiveness: For a given level of behavioral change or of reduction in the problem, how much will each regulatory option cost? An alternative way of asking about cost-effectiveness is: What is the cost per unit for each option? For example, when a policy is assessed in terms of its cost-per-life-saved, cost-effectiveness is the evaluative criterion.

Net Benefits/Efficiency: When both the positive and negative impacts of policy choices can be monetized, it is possible to compare them by calculating net benefits, that is, subtracting costs from benefits. Cost-benefit analysis can answer the question: Which option will yield the highest net benefits? The option with the greatest net benefits will be the one that is most *efficient*.

When these two concepts are defined and distinguished as economists do, it should be clear that not all cost-effective policies will be efficient. That is, some policies may fully satisfy the definition of "efficiency" used in the WCR project by offering the lowest cost means of achieving an environmental outcome – but that environmental outcome may nevertheless still fail to deliver benefits that outweigh or otherwise justify even those minimized costs.

Costs, after all, could well arise in terms of the environmental or public health side effects of a regulation (Graham & Wiener 1995). Consider a purely hypothetical example of two automobile fuel economy regulations. They each achieved a 10% increase in fuel economy and

each imposed the same financial costs of compliance on auto manufacturers. But one regulation resulted in a loss of 200 statistical lives annually from the smaller, lighter car design that the regulation induced, while the other resulted in a loss of 150 statistical lives annually for the same reason. The second hypothetical regulation is definitely more cost-effective than the first one. But should a world class regulator keep it knowing that it leads to an annual sacrifice of 150 lives? A world class regulator would do so only if the value to society from achieving the environmental objective (10% increase in fuel economy) could be judged more important than the loss of lives.

Although this is just a hypothetical example, it illustrates the divergent outcomes between cost-effectiveness and efficiency that lurk in principle beneath every regulation. Even if the net benefits of regulation cannot always be reliably estimated, keeping the difference between these two criteria – cost-effectiveness and efficiency – in mind can be helpful when striving to assess regulatory performance and striving to improve it.

e. Summary: Appropriateness of WCR Criteria

The five main criteria used in the WCR project were appropriate for the task at hand. They are commonly accepted, important criteria that any world class regulator would strive to meet, and hence they were important criteria for the WCR project participants to consider. The WCR project team generally defined the criteria clearly and made reasonable decisions in how to treat additional criteria suggested in comments by other EC employees. The exclusion of a criterion for distributional fairness and the decision to define efficiency in terms of cost-effectiveness represent two opportunities for improving the WCR criteria.

3. The WCR Assessment Process

Selecting criteria is only the start of an evaluation; those criteria must then be put to use in determining how well a program or process measures up against those criteria. The first two phases of the WCR project deployed the WCR criteria to assess EC programs and processes, using those criteria to orient management attention toward how well the programs and processes measure up.

Phase 1 of the WCR was used to “tak[e] stock of Environment Canada’s regulatory activity and processes” (EC 2011e:1). It aimed to identify areas of regulatory activity that could be assessed against the WCR criteria. The aim was not to assess every aspect of EC’s operations, but to select a varied set of activities that included “different types of instruments, sectors, and complexity of issues addressed” (EC 2011e:1). The areas also needed to be ones with “enough available data,” “a manageable number of different types of regulations,” and the capability to yield “lessons learned” and opportunities for improvement (EC 2011e:1).

As noted in Part 1 of this report, the Working Group selected four areas (or “categories”) of regulatory activity, albeit with the first of these areas further divided into two subparts:

- Chemical Management Plans Risk Management Measures
 - Existing substances
 - New substances
- Vehicle Emissions Regulations
- *Migratory Bird Convention Act* Regulations
- Environmental Emergency Regulations

These four main areas did successfully encompass a varied range of regulatory approaches and tasks handled by different regulatory directorates within EC. Two of these areas involved regulation of environmental hazards from products (chemicals and automobiles); one focused on environmental hazards from industrial processes (accidental releases of hazardous substances); and one focused on protection of natural resources from hunting and environmental contamination (migratory birds). Across the four areas, the regulations ranged from standards for product testing, product performance, organizational planning, and individual behavior. Although it may not be possible for any four regulatory areas to be truly representative of the entire Department, the four areas selected by the Working Group probably provided as diverse a sample of programs as any four areas could provide.

For each of the four areas, the Working Group then established a sub-group to “map out” the regulatory process that EC followed within each domain. Members of the sub-groups were drawn from the offices responsible for carrying out the regulations. Specifically, each sub-group was asked to focus on the following five different stages of the regulatory process:

1. Decision to act
2. Instrument selection
3. Instrument design and development
4. Implementation of instrument
5. Quality assessment and control

For each stage, sub-groups were asked to answer a series of factual – not evaluative – questions about the “key decisions” made at each stage, and the relevant factors that informed those decisions. The questions focused on the following five factors:

1. Key decisions and outcomes
 - *What decisions are “typically made”?*
2. Internal engagement
 - *What other federal government officials are involved (from EC as well as other federal departments)?*
3. Stakeholder engagement
 - *What nongovernmental groups or individuals are involved?*
4. Support provided
 - *What resources are available to help decision makers make their decisions?*
5. Other relevant information

By engaging in this structured exercise of answering standard questions about each stage of the regulatory process, managers were led to document what activities EC undertook in each of the four regulatory areas included in the WCR project. It is obviously necessary to understand what exactly a regulatory agency is doing in order to assess meaningfully that agency's activities against a set of criteria. Phase 1 provided the foundation for the assessment that took place in Phase 2.

Phase 2 involved the same four sub-groups. These sub-groups were asked to use what they had learned in Phase 1 to assess each stage of their regulatory process against the WCR criteria. To aid in that process, sub-groups were asked to complete assessment templates that would "facilitate the identification of best practices, lessons learned and areas for improvement" (EC 2012b:1). For each of the five stages in the regulatory process, the sub-groups were expected to use the information from Phase 1 to assess their area "against the World Class Regulator criteria" (EC 2012b:1). Not every stage was assessed using every subcriterion, but the sub-groups were methodical in approaching each stage and thinking through the extent to which the criteria and subcriteria were met.

Perhaps because the Phase 2 templates were used primarily to structure discussion and stimulate self-reflection (rather than, say, to provide documentation for an external reviewer), the responses they contain do not always provide much detail. Of those sections of the templates that were completed, many contained just brief summaries or even conclusory statements. As a concrete example – picked purely on an ad hoc basis – consider the template entries made by each sub-group in assessing whether the "decision process accounts for economic, social, and environmental impacts of regulating" (the second subcriterion under the evidence-based criterion). Across all the sub-groups, a total of twenty-five cells on the template could have been completed for this subcriterion (that is, five stages of the regulatory process multiplied by five sub-group templates – because the Chemical Management Plans sub-group separately assessed management of new and existing substances). Of these twenty-five template cells for this subcriterion, thirteen were left blank and two were filled with "not applicable." Of the remaining ten entries, the responses ranged from 8 to 162 words, with a median of 20 words.

As this example suggests, the Phase 2 assessment templates entries could be quite brief. They did not typically include actual measures or data analysis. Of course, some of the information reported during the Phase 1 stock-taking exercise provided supporting details for assessments made during Phase 2. Members of sub-groups could sensibly conclude they did not need to copy onto their Phase 2 templates information already provided during Phase 1. Yet it remains that the information provided by the sub-groups varied considerably. Some template entries were clearly responsive while others were missing or would simply indicate the criterion did not apply. Still others were entirely perfunctory. In principle, of course, there is nothing wrong with any of this, as there is no reason that every criterion or subcriterion will apply equally to all stages of the regulatory process. Furthermore, even when not completed in any detailed manner, the templates still offered a way to stimulate dialogue and internal reflection. Yet, as discussed further below, the variable nature of the responses provided by the sub-groups limited the evaluative utility that either an external reviewer or a Departmental leader could derive from them.

a. Strengths of the WCR Assessment Process

Overall, the WCR Working Group concluded from the Phase 2 assessment “that Environment Canada is demonstrating aspects of regulatory excellence in all facets of regulating” (EC 2011b:3). The Group also extracted from Phase 2 a series of “best practices” and “gaps and challenges” applicable across all four areas. The Working Group concluded that, “while EC meets every WCR criterion to a certain extent,” the Department currently is strongest in terms of the evidence-based and transparency criteria (EC 2011b:3).

The Working Group concluded that the Department may have the greatest need for increased attention to adaptability, noting that, among other things, “greater emphasis could be placed on ex post evaluations of the cost-benefit analysis undertaken in support of regulatory initiatives” (EC 2011b:4). The WCR team “found that, in general, measuring whether regulatory instruments are successful in achieving the desired environmental outcome is an area that could be strengthened and be more systematic (with the exception of high impact regulations)” (EC 2011b:20). It further noted that “the Department does not have a systematic process for reviewing all regulatory instruments” (EC 2011b:38).

The Phase 2 report provides numerous nuggets of best practices and suggestions for ways to strengthen environmental regulation still further. Without replicating the process or conducting a separate inquiry into EC’s regulatory programs, it is not possible to confirm the judgments reflected in the Phase 2 report. However, it is possible to confirm that the WCR project was conducted in a highly methodical manner, with conscientious efforts to focus managers’ attention in a consistent manner on the criteria and on how they apply to each stage of the regulatory process. The judgments and suggestions reflected in the Phase 2 report are generally consistent with and supported by the kinds of comments included on the various templates. Furthermore, as the project is focused on EC “becoming a world class regulator,” the findings from Phase 2 are broadly consistent with the kinds of best practices and opportunities for improvement that environmental regulators in other developed countries experience.

In particular, the emphasis that the Phase 2 report places on the need for greater systematic ex post reviews of regulation is one that is widely recognized by others as an important need for improvement by all regulators. Malyshev (2006: 297) has observed that “ex post policy review and evaluation ... is generally under-emphasized by OECD governments.” Coglianesse (2012:1) has noted that “across many developed economies, governments have taken great strides to introduce practices of rigorous regulatory impact analysis before regulations are adopted – but by comparison they have paid much less attention to careful empirical measurement of the impacts of regulation after they are adopted....Throughout the world, there is growing recognition that government officials can benefit from greater attention to the systematic ex post evaluation of the impact of regulation on a broad set of criteria.”

Overall, the WCR project’s assessment phase followed from its stock-taking phase and generated a range of suggestions for improvement that could be incorporated into Phase 3’s action plan. The project approached assessment by involving managers and staff from throughout the Department, making the Phase 1 and Phase 2 reports available for employees

throughout the Department to review and offer comment. The kind of staff engagement the Working Group undertook not only provided the Group with greater information and perspectives on the Department's performance, but it also provided a basis for communicating with staff throughout the Department about the importance of self-reflection and continuous improvement; that is, it reinforced the value of making all aspects of the Department's operations more evidence-based, effective, efficient, transparent, and adaptable.

b. Limitations of the WCR Assessment Process

The WCR project went from conception to execution within a remarkably short amount of time, aiming as it did toward "practical recommendations for issues to address in the coming year" (EC 2011b:2). As a swiftly executed, short-term project, it should hardly be surprising to suggest that the EC's assessment process could have accomplished more or even in some respects could have been designed differently. Were EC to seek over the long term to institutionalize the WCR project, however, it may be useful to consider some of the limitations of the short-term version of the project.

i. More input- than outcome-focused

The stock-taking exercise that constituted Phase 1 did not take stock of actual conditions in the world, such as by seeking to identify either persistent environmental problems or new public health risks. Instead, the Working Group focused attention first on the processes and activities that the Department was already conducting – inputs on a causal chain that hopefully leads to improved outcomes.

Although some of the WCR criteria can apply to processes (e.g., transparency), important criteria such as effectiveness and efficiency clearly apply only to outcomes. As Bardach (2011:32) explains, "evaluative criteria are *not* used to judge the [activity] alternatives, or at least not directly. They are to be applied to the ... outcomes." Processes can only be said to be effective, for example, if they effectively generate desirable outcomes. Even transparency is desirable for its ability to improve outcomes, whether they be improved decisions or enhanced public legitimacy (Coglianese et al. 2009; Coglianese 2012).

Sometimes the documents produced in the WCR assessment process seemed to conflate outcomes with processes or activities (that is, with inputs). For example, in summarizing some of the best practices for achieving effectiveness, the Phase 2 report stated: "Some contributors explained how unintended consequences [*outcome*] were minimized. For example, National working groups were established...to minimize unintended consequences [*input*]." Perhaps someone did study the consequences of the regulations, intended or unintended, but nothing indicates that the WCR team investigated actual consequences; rather, at least as the Phase 2 report is drafted, it appears that since there were working groups set up to minimize unintended consequences it was assumed that they would actually reduce unintended consequences. Perhaps they do – but one cannot know if the inputs are truly "best" practices without considering their impacts on actual outcomes.

No doubt a focus on processes and inputs was not unreasonable to expect for a project oriented around a quest for status as a world class regulator. If the aim of a project is to assess a *regulator*, one naturally can expect assessors to focus on what that regulator *does*. However, what a regulator *does* only matters if those inputs actually generate improved outcomes. A longer-term WCR project would be stronger if it were oriented less on what EC *does* and more on what the Department actually *achieves* (Coglianese 2012).

ii. Binary versus Scaled Assessment

Although the Working Group undoubtedly recognized that the WCR criteria were matters of degree, as drafted many of the criteria appeared as if they could be met in a binary fashion: for example, a process either was effective or not, rather than being *more or less* effective. When it came time to deploy the criteria in the assessment process, the results were also sometimes presented in a binary fashion.

For example, one team completed the template for evidence-based sub-criterion number two – “decision process accounts for economic, social, and environmental impacts of regulating” – by simply stating that “socio-economic information is considered and cost-benefit analysis is conducted and may influence the design of the instrument.” It is no doubt laudatory that EC regulators consider socio-economic information and conduct cost-benefit analysis, but how *good* is that information and analysis? How *seriously* do the regulators consider it? These are the really important questions, but they are not easily answered by the materials produced through the WCR assessment process. Outside of the WCR project, some researchers like Hahn and Dudley (2007) have developed metrics for coding the quality of governmental cost-benefit analysis which could have provided a model for how to create a scaled assessment of the quality of such analysis – not just a binary determination that analysis “is conducted.”

To pick another example, the Phase 2 report states that the creation of vehicle emissions regulations “relies on scientific evidence” and that “emissions regulators involve stakeholders through the decision-making process.” Again, no doubt this is laudatory, but what is missing from that report is an assessment about the quality or the quantity of the scientific evidence relied upon or the degree or quality of so-called stakeholder involvement. Admittedly the stock-taking templates from Phase 1 do provide some detailed accounts of different types of scientific evidence relied upon, and they sometimes detail various ways that outside groups were involved in the regulatory process. Yet as helpful and fine-grained as this descriptive information may be, the Phase 1 materials do not purport to *evaluate* the processes they describe. A recitation of various studies consulted does not indicate anything about whether those studies were well-designed or reliable. Similarly, no matter how extensive the public involvement in a particular regulatory process may appear in the abstract, it still remains to consider whether that involvement was merely adequate or quite exceptional, balanced or merely one-sided, and so forth – all examples of evaluative judgments that will no doubt vary depending on the perceived need for public participation, the number of underlying affected individuals and organizations, and other factors.

Obviously it can be very difficult to assess some of the WCR criteria along a finely marked scale with any degree of confidence. But even crude metrics, such as traffic lights,

might have focused managers' attention still more deeply about what matters most: not merely that certain actions *are* performed, but instead *how well* they are performed. If it had sought to assess the relative strengths in a much more systematic way, the WCR project might have been able to communicate still more clearly which of its programs and activities need the most improvement. As it stands, it is not easy to look across all the programs and processes the WCR participants reviewed and be able to make judgments about which areas are doing better than others.

iii. Lacking ready means of longitudinal comparability

Greater attention both to outcomes and to assessing each criterion along a scale (rather than just in terms of binary compliance) would have not only enhanced the meaning and value of the assessment to EC's leaders today, but it would also have extended the long-term value of the WCR project. The WCR project's assessment strategy appears to have worked well in terms of guiding managers' reflection in the year 2011 about an action plan to implement in 2012. But unfortunately, it does not provide a readily useable basis for assessing progress over the longer term. If the WCR project were to be replicated in five or ten years, perhaps with some new managers involved, the project leaders at that time will not have a strong or ready basis for determining how much progress has been made.

4. The WCR Action Plan

The WCR assessment process generated promising ideas for ways to advance Canada's system of environmental protection. The Working Group distilled and selected among the various opportunities for improvement identified in Phase 2 in order to develop a WCR Action Plan during Phase 3 of the WCR project. The Phase 3 Report and the Action Plan identified six major priorities for regulatory improvement – and within each priority the Working Group identified specific actions for completion in the near term (FY 2012-13). The six priorities represent reasonable outgrowths from the Phase 2 process, and each represents an important area for any regulator, not just world class regulators, to strive to improve.

- “Enhance data collection and information gathering.”

Regulators can only make decisions on the basis of what they know. Clearly, “information is the lifeblood of regulatory policy” (Coglianese et al. 2004). Efforts to collect more and better data will obviously advance the WCR's “evidence-based” criterion, but if regulators can marshal better information they are also likely to make more effective and efficient decisions as well as be able to adapt policies more sensibly.

- “Improve instrument selection”

Regulation is all about changing behavior, and selecting the right instrument to affect behavior is what the best regulators do, whether the instrument is a regulation, subsidy, tax, voluntary program, or another kind of behavioral lever (Richards 2000). Improving the selection

of instruments must always be a priority when striving for regulatory excellence; better instruments will lead to more effective and efficient outcomes.

- “Increase transparency and strengthen communication of decisions”

Transparency advances the democratic legitimacy of regulatory agencies but it also can facilitate more informed participation by members of the public in the regulatory process. Regulators can learn from the information contributed by industry, nonprofit organizations, advocacy groups, and individual citizens. By making the regulatory process more transparent, groups and individuals outside of the government may be encouraged to participate both more frequently and more thoughtfully (Coglianese et al. 2009).

- “Enhance performance measurement activities”

It has been noted that “decision makers often lack carefully collected evidence about what policies have accomplished in the past in order to inform deliberations about what new policies might accomplish in the future” (Coglianese & Bennear 2005:246). Valid, systematic empirical knowledge of how regulatory actions affect environmental outcomes provides the essential foundation for making informed policy decisions. This priority area could easily appear first in any list of regulatory priorities.

- “Streamline and minimize regulatory amendments”

This is the most difficult Action Plan priority to gauge, at least as currently worded. The underlying concern is certainly a legitimate one, if “the lengthy process for making amendments to regulations can be [administratively] inefficient, particularly for minor amendments” (EC 2011f:8). Departmental resources, including staff time, are scarce. Time devoted to processing even trivial amendments is time not spent on more important actions. Yet, if amendments are indeed needed to make a regulation more effective or efficient, then time making amendments will generally be well spent. There is nothing inherent in regulatory amendments that should lead the Department to want to *minimize* them as a categorical matter; after all, the best way to *minimize* amendments would be never to amend at all. As such, the way this priority is currently worded appears to be in some tension with the adaptability criterion, which would suggest that regulations should be adapted, if necessary by amendment, as frequently as needed in response to new knowledge or changing conditions.

Of course, all other things being equal it would be ideal if regulations could be drafted so as to accommodate new knowledge or changing conditions without requiring any amendment at all. But that is not always possible, and all other things are not always equal. A better way to characterize the Department’s priority about amendments would have been that EC should seek to “*optimize* the regulatory amendment process.” In other words, the Department should be willing to invest even considerable time and effort to amend regulations when doing so would deliver similarly considerable payoffs in terms of improved regulations. That is not to deny that the Department would be well served in trying to find better ways of making amendments at lower administrative cost, especially when the payoffs from certain amendments would not be so considerable. Nor is it to deny that the Department should try to use more flexible regulatory

approaches that do not require frequent amending, at least to the extent that such approaches will not reduce net benefits or cause other problems. However, it is to say that the aim should be to streamline and minimize only those amendments that are best streamlined and minimized. The Department should be open to taking a long time working on amendments, or to making a larger number of amendments, whenever doing so would yield corresponding benefits. Changing the wording of this priority from “streamlining and minimizing” to “optimizing” would probably still comport with the intent of the Working Group, but without implying that the amendment process should somehow be foresworn altogether or unduly truncated.

- “Maintain departmental efforts towards becoming a WCR”

Continuous improvement is an obvious hallmark of any governmental agency’s status as a world class regulator. Maintaining Departmental efforts to improve regulatory performance is not only a prerequisite to *becoming* a world class regulator but also to *remaining* a world class regulator. Thus, this sixth and final priority in the WCR Action Plan is undoubtedly integral to the WCR project’s continued impact on the Department well into the future.

That said, it should be noted that following the preparation of the draft version of this external assessment report, the Working Group completed a final project report which substituted for the Action Plan’s sixth priority a new one of “implementing federal government regulatory reform efforts” (EC 2012c). In doing so, the Department has clearly signaled that it will treat seriously other government-wide recommendations for regulatory reforms, such as those emanating from the Red Tape Reduction Commission. However, because this new sixth priority was added at the end of this external assessment of the WCR project, as well as because the recommendations under this new sixth priority derive from outside the WCR project, they are not discussed further in this assessment report.

The Working Group did not add any further priority areas beyond the six that have been just described; however, the Group did include in its report a section on maintaining efforts to become or remain a world class regulator. That section, on the Department’s “Continual Improvement Strategy,” states that “the goal of becoming a WCR is a long-term one which requires a continual improvement strategy that will ensure that the objective of operating as a world class regulator remains a priority in the years to come” (EC 2012c). As outlined in the WCR project’s final report, the Department’s continual improvement strategy will include efforts at both internal and external communication, as well as additional efforts at both validating the WCR process as well as incorporating annual planning and performance measurement. For the same reason that the previous version of the sixth priority was important, the specific steps the Working Group has outlined as part of the Department’s Continual Improvement Strategy will themselves constitute appropriate action items for the Department to give priority to over the course of coming years.

* * *

As should be apparent, the Working Group has overall selected important priorities that befit the status of a world class regulator. These priorities align with and are likely to improve the Department’s operations, and hopefully outcomes, when judged by the WCR criteria. The

Working Group has also gone further to identify over a dozen specific actions that the Department can take to advance its near-term priorities. These specific actions would be both feasible and positive steps the Department could take during the coming year. If anything, the Working Group may be too modest in predicting how each action connects with the WCR criteria, as some of these actions seem likely to enhance performance in terms of more criteria than the Working Group has identified. For example, improving the quality of the data on public health benefits (Action 1) can assist in more than just improving *evidence-based* and *effective* decisions, as the Working Group has identified. It can also help in making more *efficient* decisions, as benefit valuation is a vital input into the economic analysis needed to estimate the net benefits of regulation. Action 1 could also enhance *adaptability*, as more reliable benefit values would provide more accurate ex post assessments of regulations, leading to better performance measurement and program evaluation. In similar ways, other actions would enhance additional criteria beyond those individually identified by the Working Group in its Action Plan.

Some of the specific actions also appear to be very good ideas even if not necessarily ones that grew out of dominant concerns reflected in the Phase 2 assessment report or supporting templates. For example, under the transparency priority the Action Plan calls for creating “operational approaches to ensure consistency regarding the transparency of information and management of Confidential Business Information on new and existing substances under CEPA.” This may well be an important and feasible step that the Department should take to advance the transparency criterion, and perhaps it is not altogether unrelated to other concerns expressed in the WCR process, but it is not an action item that grows out of any express concerns contained in the Phase 2 report, nor did it stand out as any major concern in a reading of the templates. Indeed, a subsequent keyword search in all the Phase 2 templates for either “confidential” or “CBI” did not turn up any references to concerns about the treatment of confidential business information. Perhaps if a similar search were made of other specific action items included in the Action Plan some of them would also not find nearly as much support in the Phase 2 materials as others.

This raises a larger challenge in assessing the Action Plan. As much as the priorities seem appropriate and the suggested ideas for actions seem reasonable, it is not possible to determine that the Action Plan includes the most important priorities or the best actions that the Department could take in the coming year. This is in part because this assessment of the WCR project is based solely on the documents produced during project rather than an independent audit of the Department. However, it is also partly owing to the limitations of the assessment phase, as discussed above in Part 3 of this report. Phase 2’s emphasis on assessing inputs more than outputs, and its lack of gradated or scaled judgments about how well existing practices align with the criteria, make it impossible to determine if the Phase 3 Action Plan has addressed the most pressing needs for improvement.

5. The Value of the WCR Project

In any organization, routine patterns of operation can help provide consistency and lower decision making costs. However, routines also can sometimes reinforce an unhealthy stasis that

keeps the organization from adapting to changing circumstances or from finding better ways to solve existing problems. Leaders who seek to build high-performance organizations need to find ways to stave off unproductive stasis and encourage optimal levels of innovation and adaptation. Organizations can only innovate and improve the delivery of their mission if their leaders are aware of what their organizations are already doing well and what they could be doing better. Knowledge of existing organizational performance, then, is an essential prerequisite for any informed efforts to pursue or further organizational excellence.

The EC's WCR project has provided public managers in the Department a valuable opportunity to reflect on what the Department is doing well and what it could be doing better. For this reason, the WCR project's emphasis on self-reflection provides a foundation for driving improvement throughout an organization. The Hon. Peter Kent, Minister of the Environment, has stated that "at Environment Canada, it's about organizational culture. It's a pervasive mindset...a relentless focus on excellence...an aggregation of continuous improvements...a determination and discipline to re-think and re-tool entrenched practices and procedures" (Kent 2012). The WCR project exemplifies exactly the kind of systematic and widespread effort at self-assessment that one expects to find in an organization with a strong culture of continuous improvement. An organization cannot continuously improve without active effort to monitor and motivate, to drive performance forward time and again (Behn 2006).

The WCR project is a type of performance management initiative. Performance management, widely lauded within the field of public administration, seeks first and foremost "to recognize good performance and to identify areas for improvement" (Kopczynski & Lombardo 1999:133). Systematic reviews like the WCR project assist public managers by helping them to learn about the ways their organizations are functioning, and then to inform decisions about actions that could be taken to try to improve the organization's performance. To maximize the usefulness of any effort to improve a government agency's performance, "the agency's leadership needs to think seriously not only about *what* it should measure, but also about *how* it might deploy any such measurements" in an overall effort to improve performance (Behn 2003: 593).

Governmental leaders also need "to understand the workings of their causal chain...They have to understand how their inputs are combined by their organizational processes – how the operations and behaviors that go on inside their organizational black box produce their outputs. They have to understand how their outputs interact with societal processes to produce outcomes" (Behn 2006:10). Initiatives like the WCR project facilitate managerial attention and self-reflection on precisely these important issues. The WCR project's structured division of distinct parts of the regulatory process, combined with its articulation of a core set of relevant policy criteria, provided EC managers with a framework for looking afresh at the Department's operations with further improvement in mind.

EC and the federal government more generally have institutionalized opportunities for review and reflection. The overarching governmental system of checks and balances provides reflective, oversight opportunities, whether by the courts, the Treasury Board, or the legislative Standing Joint Committee for the Scrutiny of Regulations. Various regulatory-specific, reflection-promoting policies and institutions outside the Department exist, including the Cabinet

Directive on Streamlining Regulation, the Treasury Board Evaluation Policy, the Office of the Auditor General, and the Commissioner of the Environment and Sustainable Development. Internally, the Department has, among other offices and units, a Legislative and Regulatory Affairs Directorate, an Audit and Evaluation Branch, and a Strategic Policy Branch / Economic Analysis Directorate. Each of these entities, and the interaction between them and the agency, provide opportunities for learning and improvement.

The recently concluded Red Tape Reduction Commission also sought to provide further ideas for improving regulation across the federal government, with the stated hope of generating a “significant culture change” in regulatory agencies (Red Tape Reduction Commission 2012: 43). Perhaps it is some indication of EC’s existing climate of continuous improvement, of which the WCR project is an example, that the Red Tape Reduction Commission offered only one recommendation specific to EC, whereas it issued 22 recommendations for Health Canada, 12 for the Transport Canada, and 12 for the Canada Revenue Agency.

EC’s WCR project, as discussed in Part 2, has directed attention to the costs and administrative burdens of EC regulations – but it has also done more. It has provided a broad framework for EC managers to think strategically about a range of best practices and opportunities for improvement along several key dimensions that would concern any world class environmental regulator.

One of the important lessons to emerge from the WCR process centers on the need for greater attention to regulatory performance measurement and program evaluation. The WCR project documents are replete with indications of the need for better performance measurement and program evaluation. Three of the priority areas in the WCR action plan, for example, directly address the need for improved data collection, performance measurement, and progress reporting. Perhaps one of the most fundamental and lasting impacts from the WCR project will come about from its recognition of the need for improved evaluation of regulation. If the Department makes significant strides on this aspect of its Action Plan, it would not only clearly seal its status as a world class regulator but actually could become the leader internationally as regulators around the world have woefully under-delivered on outcome measurement and program evaluation.

The WCR project has helpfully generated reflection on the most important question in terms of achieving and maintaining excellence in any organization: How well are we doing? In attempting to answer that crucial question, EC managers may have discovered even more clearly than before the lack of a sufficient quantity and quality of data and research on regulatory performance. The WCR project’s recommendations to acquire better data and expand program evaluation research is not only important in its own right, but making progress on performance measurement and evaluation can also help inform decision making about the other priority areas identified in the WCR action plan. For example, how can EC improve its instrument selection? In order to improve the selection and design of instruments for *future* regulations, it is essential to know more about whether and how different instruments have worked in the *past*. Yet for too long policy analysis about instrument choice has depended much more on theory than on solid empirical research. Expanding ex post evaluation research would expand “critical information for prospective analysis of new policy initiatives” (Coglianese and Bennear 2005). So that

regulatory officials around the world can learn better how to regulate, the OECD has recently recommended that countries “conduct systematic programme reviews of the stock of significant regulations against clearly defined policy goals . . . to ensure that regulations remain up to date, cost-justified, cost-effective and consistent” (OECD 2012).

6. Recommendations

Whether it is through informal self-reflection or formal program evaluation, government officials achieve excellence in no small part by seeking to make continuous improvements in their regulatory operations. The most important recommendation for the future, therefore, is for the Department to continue to strive for improvement, and the WCR project can provide a vehicle for deciding how to do so.

The WCR project has already delivered important value to the Department and its managers, but if EC were to conduct a WCR project again or try to expand or replicate it, the question should be asked: What opportunities might there be for improving the project? Before answering this question with four specific recommendations for improvement, two general observations can be offered as a guide for future self-reflection within the Department about regulatory excellence.

First, in moving forward with any effort to promote regulatory excellence, the Department’s leadership should consider explicitly how it defines success for the Department. Success can be defined in at least four very broad, general ways for any individual or organization, from the most to the least challenging way:

- Achieving ambitious goals
- Working better than reasonable alternatives
- Doing better than nothing
- Not causing any harm

Clearly excellent organizations should do more than simply not cause harm, but sometimes doing better than nothing is a worthy and excellent achievement. What is most important to see is that each of these conceptions of success focuses on *outcomes*. Are the Department’s actions leading to *outcomes* that make the world a better place? Are they superior to outcomes that regulators in other countries achieve? Success depends not just on doing, and doing well, but on achieving outcomes that make a difference.

Second, regulatory excellence can be defined at many levels for a regulatory agency. The WCR project has focused primarily on discerning excellence at the programmatic level, that is, within the activities of the four regulatory areas featured as part of the WCR project. A programmatic approach to excellence is certainly sensible and, as is evident with the WCR project, this approach has been a clearly helpful as an exercise in self-reflection. Yet it is not the only level of analysis for EC’s leaders to consider. Regulatory excellence can (and should) be aspired toward at every level of the organization: the individual worker, the individual regulation, the stage of the regulatory process, the regulatory program, and the regulatory

problem (whether focused, like toxic water pollutants, or general, like overall environmental quality and public health). The kind of performance measurement so helpfully called for in the WCR Action plan can be applied at any of these levels, and going forward EC may wish to make special care to ensure that it is analyzing its performance at all of these levels, or at least at the same levels across different areas or over time.

Of course, these are just two general observations intended to stimulate further reflection should the WCR project be continued or extended. More concretely, the following four specific recommendations can help guide improvements in future EC self-assessments like the WCR project. As will be evident, these recommendations simply summarize four areas of improvement that have already been highlighted in this report. They are presented in the order in which they appeared above, not necessarily in order of priority.

A. Include Distributional Fairness as a WCR Criterion.

Distributional fairness or equity is a common consideration in policy analysis and program evaluation, because all policies have winners and losers. Giving more attention to equality would strengthen the international credibility of the WCR initiative.

B. Distinguish Between Cost-Effectiveness and Efficiency

As noted, efficiency concerns – in terms of the net benefits of regulation – are fundamental ones in improving the overall social value produced by environmental regulation. Cost-effectiveness will remain an important metric when benefits cannot be valued, but it need not be treated as the sole way of accounting for the costs of regulation.

C. Focus more on problems than process, on outcomes than inputs.

Fundamentally, being a world class regulator should mean achieving world class environmental results. Measuring outcomes, and then deploying evaluation techniques to determine the extent to which EC actions cause improvements in those outcomes, would better advance the objectives of the WCR project.

D. Develop More Fine-Grained Metrics of Regulatory Performance

In the future, EC managers should try to go beyond binary assessments. Rather than simply looking for *the use of* benefit-cost analysis, for example, the Department could instead try to develop measures of *the quality or rigor of* benefit-cost analyses conducted. More fine-grained metrics across all the criteria will better help managers focus attention on the areas in greatest need as well as track progress over time.

Conclusion

Environment Canada has, in a short amount of time, conducted a detailed and productive review of its major operations across four diverse regulatory areas. The Departmental review

conducted through the World Class Regulator project has identified important criteria for EC managers to keep in mind as they work to improve the Department's operations. Using these criteria, participants in the WCR project examined closely each of the stages in EC's regulatory process, identifying strengths as well as opportunities for improvement. By involving a large number of key managers and communicating progress throughout the Department, the WCR project reinforced an organizational culture committed to achieving regulatory excellence and making continuous improvement. The resulting Action Plan identified important priorities for improvement and concrete steps to address those priorities. The project directed the Department to ask the most important question – how well are we doing? – and resulted in even greater awareness of the importance of expanding rigorous measurement and evaluation of regulatory outcomes.

References

- Adler, Matthew D. (2012) "Beyond Benefit-Cost Analysis: Social Welfare Functions, Fair Distribution, and Policymaking," *RegBlog*, March 19, <http://www.law.upenn.edu/blogs/regblog/2012/03/beyond-cost-benefit-analysis-social-welfare-functions-fair-distribution-and-policymaking.html>
- Bardach, Eugene (2011) *A Practical Guide for Policy Analysis: The Eightfold Path to More Effective Problem Solving*, 4th ed. Washington, D.C.: CQ Press.
- Behn, Robert D. (2003) "Why Measure Performance? Different Purposes Require Different Measures," *Public Administration Review* 63:586-606.
- Behn, Robert D. (2006) "Performance Leadership: 11 Better Practices That Can Ratchet Up Performance," Report for the IBM Center for the Business of Government.
- Boothe, Paul (2011) "Becoming a World Class Regulator." Environment Canada.
- Clinton, William J. (1993) "Executive Order 12866: Regulatory Planning and Review," available at www.archives.gov/federal-register/executive-orders/pdf/12866.pdf
- Coglianesse, Cary (2012) "Evaluating the Performance of Regulation and Regulatory Policy," OECD Paper for the 6th meeting of the Regulatory Policy Committee, 11-12 April, No. GOV/PC/MRP(2012)4.
- Coglianesse, Cary and Lori S. Benneer (2005) "Program Evaluation of Environmental Policies: Toward Evidence-Based Decision Making," in National Research Council, *Social and Behavioral Science Research Priorities for Environmental Decision Making*. Washington, D.C.: National Academies Press.
- Coglianesse, Cary, Evan Mendelson & Heather Kilmartin (2009) "Transparency and Public Participation in the Federal Rulemaking Process," *George Washington University Law Review* 77:924-972.
- Coglianesse, Cary, Richard Zeckhauser & Edward Parson (2004) "Seeking Truth for Power: Informational Strategy and Regulatory Policy Making," *Minnesota Law Review* 89: 277-341.
- Environment Canada (2012a) "Becoming a World Class Regulator: Report of the World Class Regulator Working Group."
- (2012b) "Template for Assessing Regulatory Processes Against the WCR Criteria."
 - (2012c) "Environment Canada as a World Class Regulator," slide presentation, February.

- (2011a) “Working Group Progress Report: Assessment Phase” (Phase 2 Progress Report).
- (2011b) “Becoming a World Class Regulator: Path Forward.”
- (2011c) “Report on ECollab Comments.”
- (2011d) “Regulating in Environment Canada: Background for World Class Regulator Working Groups.” 13 April.
- (2011e) “Working Group Progress Report: Taking Stock Phase.”
- (2011f) “WCR Project Phase 3 Progress Report: Priorities for Improvement”
- (2010) “Environment Canada as a World Class Regulator,” Discussion Draft.
- (2009) “Instrument Choice Framework.”

Esty, Daniel C. and Michael E. Porter (2005) “National Environmental Performance: An Empirical Analysis of Policy Results and Determinants,” *Environment and Development Economics* 10:391-434.

Food Standards Agency (FSA) (2007) *Being a World Class Regulator*. September.

Graham, John D. & Jonathan Baert Wiener (1995) *Risk vs. Risk: Tradeoffs in Protecting Health and the Environment*. Cambridge, MA: Harvard University Press.

Gunningham, Neil & Peter Grabosky (1998) *Smart Regulation: Designing Environmental Policy*. Oxford: Oxford University Press.

Hahn, Robert W. & Patrick M. Dudley (2007) “How Well Does the U.S. Government Do Benefit-Cost Analysis?,” *Review of Environmental Economics and Policy* 1:192-211.

Harvard Kennedy School (2001) “Get Results Through Performance Management: An Open Memorandum to Government Executives,” *available at* http://www.hks.harvard.edu/visions/performance_management/federal_memo.PDF

Kaplan, Robert S. & David P. Norton (1992) “The Balanced Scorecard – Measures that Drive Performance,” *Harvard Business Review* 70:71-91.

Kent, Peter (2012) “Notes for Remarks to the Ontario Energy Association,” Toronto, Ontario, March 23.

Kopczynski, May & Michael Lombardo (1999) “Comparative Performance Measurement: Insights and Lessons Learned from a Consortium Effort,” *Public Administration Review* 59: 121-44.

- Malyshev, Nikolai A. (2006) "Regulatory Policy: OECD Experience and Evidence," *Oxford Review of Economic Policy* 22:274-299.
- Metzenbaum, Shelley H. (2006) "Performance Accountability: The Five Building Blocks and Six Essential Practices," Report for the IBM Center for the Business of Government.
- Moore, Mark (1997) *Creating Public Value: Strategic Management in Government*. Cambridge, MA: Harvard University Press.
- Okun, Arthur M. (1975) *Equality and Efficiency: The Big Tradeoff*, Washington, D.C.: The Brookings Institution Press.
- Organization for Economic Cooperation and Development (OECD) (2012) *Recommendation of the Council on Regulatory Policy and Governance*, available at <http://www.oecd.org/dataoecd/45/55/49990817.pdf>
- (2005) *OECD Guiding Principles for Regulatory Quality and Performance*, available at <http://www.oecd.org/dataoecd/19/51/37318586.pdf>
- Red Tape Reduction Commission (2012) *Recommendations Report: Cutting Red Tape...Freeing Businesses to Grow*. Government of Canada.
- Richards, Kenneth R. (2000) "Framing Environmental Policy Instrument Choice," *Duke Environmental Law & Policy Forum* 10:221-285.
- Schön, Donald A. *The Reflective Practitioner: How Professionals Think in Action*. New York: Basic Books.
- Sparrow, Malcolm K. (2000) *The Regulatory Craft: Controlling Risks, Solving Problems, and Managing Compliance*. Washington, D.C.: The Brookings Institution Press.
- Wiener, Jonathan (2006) "Better Regulation in Europe," *59 Current Legal Problems* 447-518.

Annex 1: Common Sets of Regulatory Criteria

Source	Criteria Used or Recommended
EC (2009), <i>Instrument Choice Framework</i>	<p>“Criterion 1: Environmental Effectiveness Criterion 2: Economic Efficiency Criterion 3: Distributional Impact Criterion 4: Stakeholder Acceptability and Jurisdictional Compatibility Criterion 5: International Obligations”</p>
OECD (2005), <i>Guiding Principles for Regulatory Quality and Performance</i>	<p>“Good regulation should: (i) serve clearly identified policy goals, and be effective in achieving those goals; (ii) have a sound legal and empirical basis; (iii) produce benefits that justify costs, considering the distribution of effects across society and taking economic, environmental and social effects into account; (iv) minimise costs and market distortions; (v) promote innovation through market incentives and goal-based approaches; (vi) be clear, simple, and practical for users; (vii) be consistent with other regulations and policies; and (viii) be compatible as far as possible with competition, trade and investment-facilitating principles at domestic and international levels.”</p>
U.S. Executive Order 12866 Section 1(b)(5-7), <i>The Principles of Regulation</i> (Clinton 1993)	<p>“When an agency determines that a regulation is the best available method of achieving the regulatory objective, it shall design its regulations in the most cost-effective manner to achieve the regulatory objective. In doing so, each agency shall consider incentives for innovation, consistency, predictability, the costs of enforcement and compliance (to the government, regulated entities, and the public), flexibility, distributive impacts, and equity.”</p> <p>“Each agency shall assess both the costs and the benefits of the intended regulation and, recognizing that some costs and benefits are difficult to quantify, propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs.”</p> <p>“Each agency shall base its decisions on the best reasonably obtainable scientific, technical, economic, and other information concerning the need for, and consequences of, the intended regulation.”</p>
Bardach (2011), “Commonly Used Evaluative Criteria”	<p>“Efficiency” “Equality, equity, fairness, justice” “Freedom, community, and other ideas” “Process values”</p>
Gunningham & Grabosky (1998), “Evaluation Criteria: What We Mean by ‘Optimal’”	<p>“[W]e narrowed down the available assessment criteria to four core objectives ...[beginning] with the three which find their way into almost all lists: <i>effectiveness</i> (contributing to improving the environment); <i>efficiency</i> (improving the environment at minimum cost within which we include administrative simplicity); and <i>equity</i> showing fairness in burden-sharing among players to which we add <i>political acceptability</i> (which includes factors such as liberty, transparency, and accountability).”</p>
Coglianesse (2012), “Indicators in Evaluating Regulatory Policy”	<p>“The range of the outcomes regulatory policy seeks to address can be loosely grouped into the following categories.....:</p> <p><i>Administrative</i></p> <ul style="list-style-type: none"> ○ How long does it take to implement regulations ...? ○ How much does it cost government to implement regulations...? ○ Do regulators produce regulations that minimize subsequent disputes or litigation? <p><i>Democratic</i></p> <ul style="list-style-type: none"> ○ How many members of the public participate in regulatory decision making? ○ How meaningful is that participation ...? ○ What is the level of public support for or perceived legitimacy of the regulation? <p><i>Technocratic</i></p> <ul style="list-style-type: none"> ○ How effective is the regulation in solving the problem it was designed to address...? ○ What is the quality of the scientific analysis underlying the regulation? ○ To what extent do regulated entities comply with the regulation? <p><i>Economic</i></p> <ul style="list-style-type: none"> ○ How cost-effective is the regulation? ○ How efficient is the regulation (i.e., what are its net benefits)? ○ What are the impacts of the regulation on the overall economy ...?”

Annex 2: Suggested Additional Criteria

Stringency. Although regulation can certainly be assessed in terms of its stringency, there is nothing inherent about stringency that makes greater stringency better (or worse) than lesser stringency. What matters is achieving an optimal outcome, not necessarily an optimal stringency. Actually, what makes a certain level of stringency optimal will be whether it achieves optimal outcomes. Such optimality will already be captured by the proper application of the criterion of efficiency. Similarly, to the extent that greater stringency leads to greater reductions in environmental problems, then the effectiveness criterion already captures what ultimately matters.

Results-oriented. This proposed additional criterion is either duplicative of effectiveness or not intrinsically all that important. If “results-oriented” means “gets results,” then this criterion duplicates effectiveness. If it simply means the regulation, program, or process is “oriented” toward getting results (even if no results ever emerge), it is hard to see why such an orientation should be valued independently of the results obtained.

Timeliness. Admittedly, it might seem to be ideal to have the best regulatory decisions made in the blink of an eye. But the reality is that it can take time to make the best regulatory decisions. Furthermore, the virtues of timeliness can be adequately captured by considering the temporal dimension of regulation’s impacts when using the effectiveness criterion (as well the efficiency criterion). If both Policy A and Policy B effectively solve 20% of the problem, but Policy A does so in one year while Policy B takes five years, Policy B is more effective. It should also be noted that the Working Group did include, as one of the subcriteria for the effectiveness criterion, consideration for whether “decisions are timely.”

Canadian-context specific. Much as with stringency, the extent to which this criterion matters will depend on the degree to which being Canadian-context specific affects actual outcomes. If being Canadian-context specific leads to better outcomes, then this criterion is already encompassed by effectiveness and efficiency.

Low administrative burden. This suggested criterion is ambiguous as it is not clear to whom the undesired administrative burden is imposed. If the criterion refers to administrative burdens on regulated entities, this should already be captured in the efficiency criterion, as administrative (and any other) burdens are costs. (The Working Group did include administrative burden in its sub-criteria for efficiency.) On the other hand, if administrative burden refers to the burdens on administrative officials within the government, then it could be considered a distinct criterion. Burdens on government officials are not typically included in the kind of economic analysis called for by an efficiency criterion. However, it would not be unreasonable, or certainly not unprecedented, to assume that governmental burdens are slight compared with the impacts on regulated entities and the public, and that therefore they need not form a major emphasis in a self-assessment of regulatory excellence. In addition, it should be noted that one of the subcriteria for effectiveness asks if “regulatory instruments can be enforced,” which reflects at least one type of concern about the ease with which government can administer a regulation.

Annex 3: Examples of Opportunities to Clarify Criteria

1. Evidence-based: “Precaution.”

The WCR Discussion Draft, *Path Forward* report (EC 2011b), and Phase 2 Progress Report (EC 2011a) each respectively include “precaution” under the evidence-based criterion in the following ways:

- “World class regulators...are appropriately precautionary where evidence is incomplete.”
- “Action is based on ... precaution where evidence is incomplete.”
- “[P]recaution is used where evidence is incomplete.”

Three concerns arise from these passages:

- a. None of the passages makes clear what “precaution” means or who should be precautionary: government or industry? Is precaution “used” when the regulator takes no action under uncertainty – thus potentially harmful activities by private actors are allowed to continue unabated in the absence of evidence of harm? Or is precaution “used” by taking action to proscribe potentially harmful activity in the face of uncertainty, unless or until evidence emerges that the activity is not truly harmful? Typically the latter is what adherents of the “precautionary principle” have in mind, but the language used in the WCR documents does not rule out the former meaning altogether.
- b. Evidence will almost always be “incomplete” in certain ways. Do these passages suggest that regulatory excellence requires precaution in all cases? Rather than just calling for precaution when evidence is incomplete, WCR leaders might have connected the level of precaution with the degree of uncertainty and the nature or severity of the potential harms.
- c. Although the precautionary principle is connected with evidence – by articulating what policy makers should do when they lack it – precaution is really a moral principle rather than an epistemic one, the latter being what the words “evidence-based” imply. Although it is economical to present the precautionary principle under the rubric of the evidence-based criterion, this is an example of a sub-criterion that is sufficiently distinct from the main criterion that it constitutes its own separate criterion.

2. Evidence-based: “practical knowledge of their interests.”

The third sub-criteria for “evidence-based” in Annex 1 of the Phase 2 Progress Report refers to the “practical knowledge” that government regulators can gain by engaging with

regulated industry and other interested parties (EC 2011a). This is an important but often under-recognized virtue of efforts by regulators to engage with those outside government: namely, an ability to gather valuable information that can improve the quality of regulatory decisions (Coglianese et al. 2004). However, the Annex qualifies the “practical knowledge” to be gained with the phrase “of their interests.” Certainly it can be useful for government officials to know more about the interests of the regulated entities and other affected groups. But the practical knowledge to be gained from such engagement can also be about the causal chain leading to the regulatory problem to be solved, options for solving that problem, and the conditions and constraints under which a regulation would be applied and enforced,

3. *Effectiveness: “achieve the desired environmental outcomes.”*

In the Annex to the Phase 2 report, the most common understanding of effectiveness is relegated to the last in the list of sub-criteria. It is surprising that this sub-criterion – the common definition of effectiveness – was not listed first.

4. *Effectiveness: “objectives are clearly defined.”*

It is conceptually possible for objectives to be not clearly defined and yet a regulation has a substantial impact on environmental quality. Clarity is no doubt a virtue, yet this would appear to be another example of a distinct subcriterion.

5. *Effectiveness: “unintended adverse consequences ... are minimized.”*

Why just limit this concern to *unintended* adverse consequences? There may be adverse consequences that are “intended” – at least in the sense that they are known or foreseeable – and presumably it would be desirable if these were minimized too, all things being equal.

6. *Adaptability: “Systematic reviews of regulatory instruments...” and “Performance measurement and evaluation mechanisms are in place.”*

The second and third subcriteria under adaptability are very important criteria for regulatory excellence – but as drafted it is difficult to see them as distinct. If something distinct was intended, greater clarity was needed.

A still more important point can be made about both of these adaptability subcriteria: neither of them speaks to the *quality* or *nature* of the reviews or evaluations that may be in place. What passes as performance evaluation or a review of regulations can range widely. The only valid way to determine if regulations are truly achieving their objectives is to conduct the particular type of evaluation research that enables the evaluator to attribute, causally, any changes in environmental conditions to the regulation (Coglianese & Benneer 2005). Only such an “attributional evaluation can answer the fundamental question of whether and how well regulation is working” (Coglianese 2012).

Annex 4: List of WCR Documents Reviewed

About Environment Canada (<http://www.ec.gc.ca/default.asp?lang=En&n=BD3CE17D-1>)
Aggregated Comments on Phase 2
Analytical Process for Taking Stock of Categories of EC Regulatory Activities: Chemical Management Plan - Existing Substances
Analytical Process for Taking Stock of Categories of EC Regulatory Activities: Chemical Management Plan - New Substances
Analytical Process for Taking Stock of Categories of EC Regulatory Activities: Environmental Emergency Regulations
Analytical Process for Taking Stock of Categories of EC Regulatory Activities: Regulations under the *Migratory Birds Convention Act*
Analytical Process for Taking Stock of Categories of EC Regulatory Activities: Vehicle Emissions Regulations
Becoming a World Class Regulator: Path Forward
Becoming a World Class Regulator: Report of the World Class Regulator Working Group (4/12)
Cabinet Directive on Streamlining Regulation
Chemical Management Plan: Summary of Lessons Learned from Case Studies for WCR Phase 2
Comments on Phase 1 Progress Report
EC as a World Class Regulator: Guidance for Completing the Taking Stock Template
EC Instrument Choice Framework Guidance Document
EC's 2010-2011 Departmental Performance Report
Environment Canada as a World Class Regulator (Slides, 2/12)
Environment Canada as a World Class Regulator, Discussion Draft
Environment Canada Organizational Chart
Overview of Canada's Regulatory Framework (Slides, 4/13/11)
Paul Boothe, Becoming a World Class Regulator
Red Tape Reduction Commission, Recommendations Report: Cutting Red Tape...Freeing Businesses to Grow
Regulating in Environment Canada (Slides, 4/13/11)
Report on Ecollab Comments
Template for Assessing Regulatory Processes Against the WCR Criteria: Chemical Management Plan - Existing Substances
Template for Assessing Regulatory Processes Against the WCR Criteria: Chemical Management Plan - Existing Substances (Economics)
Template for Assessing Regulatory Processes Against the WCR Criteria: Chemical Management Plan - Existing Substances (Enforcement)
Template for Assessing Regulatory Processes Against the WCR Criteria: Chemical Management Plan - New Substances
Template for Assessing Regulatory Processes Against the WCR Criteria: Chemical Management Plan - New Substances (Economics)
Template for Assessing Regulatory Processes Against the WCR Criteria: Chemical Management Plan - New Substances (Enforcement)
Template for Assessing Regulatory Processes Against the WCR Criteria: Corporate
Template for Assessing Regulatory Processes Against the WCR Criteria: Performance Measurement

Template for Assessing Regulatory Processes Against the WCR Criteria: QMS

Template for Assessing Regulatory Processes Against the WCR Criteria: Environmental
Emergency Regulations

Template for Assessing Regulatory Processes Against the WCR Criteria: Environmental
Emergency Regulations (Economics)

Template for Assessing Regulatory Processes Against the WCR Criteria: Environmental
Emergency Regulations (Enforcement)

Template for Assessing Regulatory Processes Against the WCR Criteria: Regulations under the
Migratory Birds Convention Act

Template for Assessing Regulatory Processes Against the WCR Criteria: Regulations under the
Migratory Birds Convention Act (Economics)

Template for Assessing Regulatory Processes Against the WCR Criteria: Regulations under the
Migratory Birds Convention Act (Enforcement)

Template for Assessing Regulatory Processes Against the WCR Criteria: Vehicle Emissions
Regulations

Template for Assessing Regulatory Processes Against the WCR Criteria: Vehicle Emissions
Regulations (Economics)

Template for Assessing Regulatory Processes Against the WCR Criteria: Vehicle Emissions
Regulations (Enforcement)

WCR Project Action Plan

WCR Project Phase 3 Progress Report: Priorities for Improvement

WCR Project Working Group Progress Report: Assessment Phase

WCR Project Working Group Progress Report: Taking Stock Phase