



Association of Professional Biology
Celebrating 40 Years at Serving Biology Professionals!



March 4, 2019

Honourable George Heyman
Minister of Environment and Climate Change Strategy
Parliament Buildings
Victoria, British Columbia V8V 1X4

Re: **Response to Regulations Intentions Paper Consequent to the Proposed Professional Governance Act**

Dear Minister Heyman:

The **Association of Professional Biology (APB)** is celebrating 40 years of advocacy for science in natural resource management and appreciates this latest opportunity to engage the Province on ways to encourage, assist, inform, and engage biologists as we seek to further the APB vision and our mission. A key part of the APB mission is to communicate and advocate on issues and values that are important to practitioners of biology. The APB also endeavors to foster a public understanding of the impacts and effects caused by industrial activities on natural resources in support of biologists wanting to report on the scientific evidence concerning these issues. The APB is here to support our members in achieving our mission by organizing workshops, formulating policy response letters, and by engaging in other forms of outreach, communications, and advocacy addressed to the important issues of our time in service.

From 1979 to 2004 under the *Societies Act*, the APB was the original place where biologists obtained the title of Registered Professional Biologist (RPBio) based on credentials that had been set by the APB. In 2004, after 25 years of APB advocacy for clear regulation for biology professionals, the governance and public interest part of the profession was transferred to the College of Applied Biology under the *College of Applied Biology Act*. Today, with over a quarter of all registered biology professionals who voluntarily maintain a membership with the APB, we herein provide initial feedback and repeat our standing offer with the Province to meet further and ensure this current opportunity to improve professionalism in natural resource management is, in itself, as professional as possible¹.

¹The APB provided survey results and comments on Professional Reliance in BC in January 2018: https://professionalbiology.com/common/Uploaded%20files/APB%20website%20files/APB-Professional-Reliance-Review-Submission-January-2018_website.pdf



The APB has prepared the following feedback letter regarding the Province's Intentions Paper and how we believe the proposals by the Province will affect the College of Applied Biology governance of biology professionals into the future. The College will continue to govern registration of biology professionals under revised regulations while the APB will continue to advocate for science in practice, for professionals, and biology practitioners more generally. However, we are hopeful that the ultimate implementation of the Intentions Paper in regulation also flows an epistemic premise to ensure that the professions involved can continue to innovate and evolve with science.

Right to Practice

The APB recognizes that an important part of professional biology in British Columbia (BC) is how registered professionals are governed. ***Being granted the right to practice by the Professional Governance Act is important progress for biologists in BC.*** The APB feels strongly, and has advocated for decades, that all biological professionals regardless of employers be governed to the same standard. This includes the requirement to:

- be a registered professional to complete specific job functions,
- regulate firms and government ministries, and
- have competent oversight in registered professional assignments, including assignments within government ministries, to be free of conflict.

The APB also recognizes the importance of Public Interest in the work that we do as professional or practicing biologists. Public Trust is likely to be achieved if registered professionals are held accountable to a world-class standard of practice guidelines and ethics. Professionals are more likely to achieve success under a model that provides a strong network of support, including the type of services that an independent body like the APB can offer. Consider inserting an ombudsman type of role to assist in determining some of these inter-jurisdiction and inter-profession parameters.

There needs to be a reasonable timeframe that allows for the effective transition of unregistered individuals that have been practicing biology to be grand-parented into the College of Applied Biology. Criteria for grand-parenting should be rigorous enough to ensure that professional standards are maintained within the practice. The College of Applied Biology presently has 3 tiers of professional designations that should allow individuals to continue to practice biology as well as maintain a high standard of practice in BC during and after the transition period.



In addition, overlapping designations of different jurisdictions (provinces) and scopes of the other four professions associated with this review must also be carefully considered. For jurisdictions outside BC that govern similar professions, BC must guide the professions to continue pursuing the highest-common denominator in professional standards of accreditation and discipline. For overlaps in professional scopes across the five associations, we recommend overlaps are clearly defined along with exclusive areas of practice to avoid any confusion within the professions or among the public.

Office of the Superintendent of Professional Governance

The function of the Office of the Superintendent of Professional Governance includes a number of elements as key functions. Most of these align with the APB's understanding of professional governance. One key function outlined in the Intentions paper states the Office of the Superintendent will be ***Administering rosters if requested by NR ministries (ministries would be responsible for establishing any roster, including setting criteria)***. This is a very broad and potentially far-reaching policy statement. If this is pursued, the policy should be narrowly focused on individual NR ministries that would be given the option to state what resource professionals can or cannot practice in their respective professions. The APB believes that this is the domain of the specific self-regulating body governing individual professionals (the College of Applied Biology in the case of the profession that the APB represents).

Regulation of Firms

The APB believes some form of **regulation of firms** could benefit the public trust and improve the transparency of science in decision making if it is properly and precisely implemented to the size of the firm. This support is subject to recognition that there are number of firms that have less than 20 employees or are sole proprietors. Many of our APB members fit into this smaller category. If certification systems are required, either voluntary or regulated, the size of the firm should somehow be reflected in the level of new administrative burden required. An example of this can be found in the SAFECOMPANY Certification system developed by the BC Forest Safety Council scales its expectations based on the size of the firm.

Organizational frameworks, like Professional Management Plans, need to be linked into documentation management systems to ensure that the Province, the professional governing body, the firm/employer, and the professional are all respected in terms of confidentiality and privacy. There is a careful balance between intellectual property of a firm, the professional obligations of an individual, and the Province's goal of ensuring science and innovation



continue to evolve transparently. The professional associations must remain the hub of this balance in order to ensure science remains objective and independent, but a broad range of support must also be afforded to smaller firms to make this a workable approach. Foremost, the APB would like to see a model that gives professionals the ability to execute their work to a standard that is set across the province.

Competency Declarations and Conflict of Interest Declarations

The APB strongly supports that all works within the field of biology be conducted by competent professionals. All Professionals should be held to the same professional standards and systems regardless of employer or assignment. Presently, all five regulating bodies have this requirement embedded, at minimum, in their Code of Ethics and Practice Requirements.

General Competency Declarations (fields of practice) can be filed with the regulating body. In the case of professional biology, field of practice can range from very specific to a very broad areas of practice. Areas of competency should be declared annually with the specific regulating body and be made publicly available. However, the APB also recognizes the complexity that is involved in adjudicating on competency and would like an approach to be adopted that is tied to evidence that competency review and evaluation is being translated into effective practice. The APB is also concerned for its members that may feel burdened for fear of repercussion should they pursue lines of independent study or areas of innovation as is part of biological science. Therefore, we would like to see safeguards put into potential reviews of competency.

Competency statements should be required in all written documentation produced by individual professionals declaring the individual(s) involved in the collection of information are qualified to perform their specific functions and the documentation and reporting was prepared with the standard and of care for the assignment. Competency requirements and statements should be written into employment requirements and contractual obligations. Professionals that sign off on project reports or are assigned as qualified professionals are held to the standard of accountability for that work. Other professionals may sign the documents, taking responsibility for their individual contributions to the project. Requiring specific competency statements be submitted to regulators and regulating bodies will be a massive administrative burden and could be a compliance issue on its own.

Conflict of Interest Declarations should be specific but follow a similar process as a Competency Declaration. Having a Conflict of Interest Declarations written into employment



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requirements should address the potential conflict with the Standard of Conflict for Public Services Employees.

In closing, the APB recognizes the complexity of the issues that practitioners of biology may face under a new professional reliance framework as proposed under the *Professional Governance Act*. As noted in the Professional Reliance Review, the APB recognizes its role as an advocate for advancements in the application, practice, and understanding of biological sciences. We are also here to provide peer-support for our members as we seek assurance from the government and to assist in the process that ensures the integration of objective evidenced-based decision making under the new professional reliance model. This will require an iterative process of independent review, analysis, adjustment, adaptation, and renewal.

We look forward to meeting with your ministry and discussing these important matters further.

Thank you,

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