

Enforcement at Ontario's MOE



The Government of Ontario has stringent and tough environmental laws, enacted in the interest of protecting the environment and the health of the people of Ontario. However, these standards must be enforced to be effective, since pollution activities are always a concern. For this reason, the government has strengthened existing enforcement activities and created the Sector Compliance Branch, formerly known as Environmental SWAT Team.

The Sector Compliance Branch is a fully operational unit that complements the enforcement work of the district offices in ensuring companies and individuals comply with Ontario's environmental laws. It is an important part of our plan to continuously improve the quality of life for all people of Ontario.

VISION

The Sector Compliance Branch's vision is to make an outstanding contribution to environmental compliance in Ontario.

MISSION

The branch's mission is to ensure compliance with Ontario's environmental laws and foster a level playing field for businesses through tough, effective and fair enforcement.

PROGRAM

In order to achieve our vision and mission, the Sector Compliance Branch uses innovative business practices, state-of-the-art technologies and strategic partnerships to maximize our enforcement capabilities. The program includes the following approaches:

- Using a risk assessment framework, the branch selects sectors to inspect based on factors such as, the sectors' histories of non-compliance and the potential for major human health and/or environmental impacts.
- Working in partnership with the ministry's district offices, which provide important background information, the Sector Compliance Branch inspectors then conduct province-wide inspection sweeps of these sectors to ensure they are in compliance with Ontario's environmental legislation. The inspectors have a range of options to consider when making a decision on how to address a specific violation or environmental situation. Options may include outreach/education, Provincial Officer orders, tickets, or they may refer cases for further investigation. They also follow up to ensure the companies have taken appropriate corrective action.
- While conducting inspections, the team uses leading-edge practices and technologies such as GIS and mobile computing systems to gather information about inspections and about existing and emerging environmental trends within the sectors. The Sector Compliance Branch then communicates the inspection results with the public and sector associations to promote proactive compliance activities. The branch also provides diagnostic information about the sectors to other areas of the ministry for additional follow up.

Conducting Inspections

The inspectors in the Sector Inspections Unit of the Sector Compliance Branch normally arrive unannounced at inspection sites and conduct surprise inspections. Depending on the complexity of the sector, the inspectors may spend anywhere from hours to days inspecting a company. During inspections, the inspectors survey the site, meet with employers, and take samples of materials for testing. The inspectors also document their findings and provide copies of the inspection reports to the owners/operators of the facilities.

The Vehicle Emissions Enforcement Unit (VEEU) is a mobile on-road enforcement unit within the Sector Compliance Branch. The inspectors in this unit enforce the standards for vehicle emissions pursuant to the Environmental Protection Act through inspections of light and heavy duty vehicles.

Enforcing and Ensuring Compliance

After the inspection is complete, the inspectors have a variety of enforcement powers in order to ensure the company/individual takes corrective action. Their authority includes issuing Provincial Officer Orders, writing tickets and/or issuing court summons under the Provincial Offences Act. Tickets carry a maximum fine of \$500.

Cases that require further investigation are referred to the ministry's Investigations and Enforcement Branch. Further investigation could result in laying charges. A company convicted of its first major offence could be fined up to \$6 million per day. Individuals could be fined \$4 million per day and face jail terms of 5 years less a day.

The Sector Compliance Branch then conducts compliance follow ups to ensure that the individuals/companies have taken corrective action.

PEOPLE

The Sector Compliance Branch is made up of management, program analysts, inspectors, investigators, legal staff, and support staff.

- The inspectors make up nearly 50 per cent of the group and are divided into four units. The three Sector Inspection Units inspect different sectors, and the Vehicle Emissions Enforcement Unit focuses on compliance with vehicle emissions standards.
- Program analysts provide support to the inspectors through risk based sector selection. Reporting on results of the inspections is also a key function of this role.
- In co-operation with the ministry's Investigations and Enforcement Branch, the investigators are assigned to cases that require further review. If necessary, prosecutors from Legal Branch represent these cases in the courts.

BENEFITS

Having a strong enforcement presence in Ontario means higher environmental protection. The benefits are numerous:

- Healthier ecosystem with cleaner air, water and land for all people of Ontario
- Fairness to those companies who comply with Ontario's environmental laws
- Better understanding of good environmental practices within the sectors. For example, in the septic waste hauling sector, this means a better understanding of how to protect ground and surface water from contamination
- Increased knowledge about problem sectors and new ways to resolve environmental issues in these sectors
- More information gathered to help the ministry develop future policies and regulations
- Increased awareness of vehicle emissions standards
- Improved data on sectors with potential environmental issues which allows the ministry to monitor companies and their compliance rates more closely
- Opportunities for internal and external partnerships and outreach activities

