



CRI

Centre for Regulatory Innovation

Regulators' Capacity Fund

Environment and
Climate Change
Canada (ECCC)

September 1, 2021-
March 31, 2022

\$ 60, 000

Regulatory Standardization and Rules as Code Research Project

Through consultations conducted as part of the Targeted Regulatory Review process, ECCC heard from stakeholders that regulations are not “created equal” and that some of them can make compliance with their requirements difficult and burdensome.

ECCC does not have a harmonized approach to designing regulatory requirements. This sometimes leads to increased administrative burden for regulatees, duplication in regulatory requirements, and makes internal regulatory administration less efficient.

This project was intended to lead to the identification of best practices and methodologies to develop a standardized approach to amending and designing future regulations and associated report templates.

The proposal wanted to use a Canadian university-based expert to conduct the following: conduct a textual analysis and comparative study of regulatory requirements in ECCC's regulations under Canadian Environmental Protection Act, Fisheries Act and Greenhouse Gas Pollution Pricing Act, create a taxonomy and definitions of regulatory requirement terms for the development of new and amended regulatory requirements, develop criteria to determine which regulations may be suitable for “rules as code” as well as ways to incorporate rules as code principles in the drafting of ECCC regulations.

- Following approval, a contract proposal to award a professor was finalized and submitted to the ECCC procurement board for review in December 2021.
- As the board responded with comments and requested changes only in January 2022, ECCC decided to postpone the project as contract request had to be redone to identify a new resource.
- The contract was a determining factor in the ability to begin project work as it is the cornerstone of the project and represents the bulk of the project work (i.e., hiring a university professor from a list of six compiled to conduct the work).

Lessons Learned:

- It is crucial to ensure that the required resources are identified based on clear criteria and that their willingness to contract with ECCC has been established. Not many professors came forward and show interest in the project.
- Even though ECCC was putting in an exception for the professor identified due his previous experience in the public service, the unexpected challenge to the contract identified by the board and related contracting delays did not allow the project to be completed.
- Other than contracting risks, pressure from internal resources and turnover should be considered in project planning.

ECCC intends to continue to work on this project past the funding date.