



EXPLAINING THE CODES OF PRACTICE PROCESS



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We develop codes of practice in collaboration with industry to achieve specific environmental or human health objectives.

As codes of practice are voluntary instruments, they are more likely to achieve their objectives when the participants are motivated to implement the recommended best practices and have a good compliance history with other risk management instruments.

The development phase

During the development of a code of practice, we focus our activities on three main areas.

Knowing the target audience

Knowing the target audience helps ensure the code of practice is relevant and applicable to all potential participants. We collect information on:

- the size and geographical distribution of the facilities within the industry sector
- whether they are represented by industry associations
- whether they are subject to similar initiatives from other departments or levels of government
- their history of compliance with other risk management instruments, and their history of environmental performance
- whether there are potential barriers preventing them from adopting the recommended actions within the code of practice

Gathering best practices

Gathering the best practices begins with understanding the operational activities taking place in the targeted industry sector and identifying where concerns for the environment or human health arise (for example, emissions of particulate matter into the air from grinding raw materials during a manufacturing process). We then look for specific corrective actions that, once implemented, will effectively alleviate those concerns.

The facilities within the targeted sector have first-hand operational knowledge and therefore are an important source of best practices. We also gather best practices from other industry sectors, industry associations, non-governmental organizations or other government bodies in Canada and abroad. If necessary, we modify existing best practices and adapt them to current technologies and the Canadian context. The selected best practices should be detailed and relevant so the target audience understands them and is able to implement them.

Consulting stakeholders

We conduct consultations throughout the development of the code of practice. In the early stages of development, consultations can provide useful information on the potential participants, help develop the best practices, and establish realistic objectives and expectations. Later on, they provide

opportunities for feedback on the design of the instrument and activities planned for the implementation phase (such as data collection, verification and performance reporting).

Consultation methods commonly used during the development of a code of practice include:

- webinars and teleconferences
- invitations to stakeholders to provide written comments on draft versions
- publication in the *Canada Gazette* (as required in the *Canadian Environmental Protection Act* [CEPA])

We consider the characteristics of the potential participants as well as interested stakeholders when determining consultation methods. A combination of methods is often necessary for meaningful consultations.

The implementation phase

Once we finalize the code of practice, we publish it in the *Canada Gazette*, Part I, and [online](#), and the implementation phase begins. All risk management instruments benefit from implementation activities, especially voluntary instruments like codes of practice.

Promoting compliance

Compliance promotion begins at publication and continues throughout the life cycle of the code of practice. That way, new industry facilities are made aware of the code of practice and existing participants continue to follow it. Compliance promotion activities include:

- sending copies of the code of practice directly to the target audience
- making the code of practice available online and permitting its use on websites of relevant associations and other stakeholders
- working with associations, suppliers, and others within the target community to communicate information on the code of practice
- promoting the code of practice at conferences and workshops
- providing an e-mail address and phone number where participants can send their questions
- sending reminders to participants in advance of reporting deadlines and other key milestones

Data collection

We collect performance data to measure the effectiveness of participants at meeting the objectives of the code of practice. Quantitative performance data may include quantities or concentrations of substances released, used or measured in the environment. Qualitative performance data may consist of describing how participants have implemented the recommended best practices. We may collect data directly from participants from annual reports, from other government data sources or from the public domain.

To facilitate and encourage reporting by participants, we use different approaches such as:

- providing sample forms within the code of practice itself

- providing detailed methods for measuring or calculating emissions or releases
- allowing submission of reports by e-mail to ec.cop-cdp.ec@canada.ca.

Anyone submitting information with respect to the code of practice may request, in writing, that we consider all or parts of the information as confidential. We may grant confidentiality if the information meets the criteria specified in section 317 of CEPA, and with reference to section 20 of the *Access to Information Act*. We will evaluate each request and inform the submitter of our decision in writing.

Verification

Verification is the process by which we verify the accuracy of the data reported, including methodology used to gather and analyze the data.

We use a number of different methods to verify the results, including:

- desktop review
- site visits
- audit or sampling by a third party
- comparison to other data sources (such as the National Pollutant Release Inventory or data from other jurisdictions)

Performance measurement

Performance measurement consists of analyzing the performance data (see Data collection section above) against specific targets to determine if the participants implementing the code of practice are on track to achieve its objectives. Performance measurement takes place on a regular basis throughout the implementation phase. This allows us to adjust implementation activities if the targets are not met.

Ultimately, performance measurement will help us determine whether there is a need to maintain the code of practice as is, amend it or replace it with an enforceable risk management instrument such as regulations.

Performance reporting

We summarize performance results and share them [online](#) as a means to increase transparency and encourage continuous improvement.