Environmental Tools:
Codes of Practice

What are codes of practice?

In Alberta, Codes of Practice set out province-wide, mandatory requirements for an activity or operation. Codes are enforceable, using the same tools available for approvals, since they are adopted as part of a regulation. Codes can set out place-based requirements, and future requirements to ensure continuous improvement, for specific activities or sectors. Codes usually require registration or notice before the activity or operation begins. Under registration, the regulated party applies to the director and, following a review by Alberta Environment, is given a registration number and allowed to proceed with the activity. Under notice, the department does not make a decision. Instead, the regulated party informs the director in writing, that they will be undertaking the activity. The regulated party may only proceed once the director has received adequate notice. In both cases, the regulated party is bound to comply with the requirements of the Code. Public notice is not required for activities or operations under Codes of Practice. The Province does not provide the ability to appeal the activity, or appear before an appeal board, for those who are opposed.

Where are they used?

The department has 16 codes under the *Environmental Protection and Enhancement Act* and four under the *Water Act*. Visit the Queen's Printers website at http://www.qp.gov.ab.ca/display_codes.cfm for a listing of Alberta Environment's current codes.

Codes are commonly developed for activities and operations that:
- Produce relatively minor emissions.
- Have comparatively minimal potential for resource/environmental impact.
- Can achieve environmental protection through the use of well-established, standardized and/or routine practices, processes and procedures.
- Occur often enough to warrant developing a Code of Practice.

Tool performance:

Pros
- Codes maintain the same level of environmental controls (through terms and conditions) as site-specific approvals.
- Codes can be modified at any time to immediately change standards or requirements across Alberta.
- Promote a consistent level of environmental performance because all regulated parties must meet the same requirements.
- Code development, application and review process can focus efforts on expanding knowledge about science and technology.
- Industry-wide best practices can be developed and implemented because there are consistent goals and standards.

- The department has more time to focus on poor performers rather than processing applications of good performers.
- There is no processing time for Alberta Environment for Codes of Practice requiring notice.
- Registrations and notices run for the life of the activity so there are no renewals. This reduces workload and administrative requirements.
- Codes are not currently subject to application fees, resulting in a cost-savings to industry compared to regulatory tool options.

Cons
- There is reduced agency control, consultation and review of proposed activities with applicants, which may diminish the assurance and education process.
- Considerable staff time is spent working with stakeholders to develop and revise codes.
- It is more difficult to write province-wide rules than to tailor rules for a specific site.
- Registrations and notices cannot be appealed to the Environmental Appeals Board, which may be seen as a reduction in public rights.
- Code-regulated activities could be seen as less important than ones subject to approval.

Special considerations:
Code activities must be subject to the same level of regulatory scrutiny and the same penalties as approved activities, to maintain credibility. Transitions from approvals to registrations/notices and Codes of Practice require resources, but are not as resource-intensive as renewals. A Code of Practice is not an information/supporting document, guide, best practices manual or handbook. If guidance information is needed, it must be provided in a separate document.