

Ombudsman Act Investigation Report
Case 2018-0338

September 2020
(with May 2022 update)

Manitoba  Ombudsman

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Manitoba Ombudsman

REPORT UNDER THE OMBUDSMAN ACT CASE 2018-0338 MANITOBA SUSTAINABLE DEVELOPMENT

THE COMPLAINT

Our office received a complaint regarding soil test results showing elevated levels of lead and other toxic metals in the Dufresne neighbourhood of the south St. Boniface area in Winnipeg. These test results were received by Manitoba Sustainable Development in the spring of 2018. The complainant stated that Manitoba Sustainable Development was aware of the soil test results several weeks before it shared them with St. Boniface residents and the public. He was also concerned that the minister of sustainable development collaborated with the premier and his office to coordinate the release of the results in order to minimize the impact the results could have on the St. Boniface by-election that was held on July 17, 2018.

The complainant believes that the government has an obligation to notify the public of potential environmental risks as soon as possible so that people can take steps to protect their health. He requested that our office determine if urgent public health notices should be made available to the public within at least 72 hours. He also requested we determine if the government's delay in releasing the results in this case negatively contributed to the health of any person.

The complainant was also in contact with the South St. Boniface Residents' Association (SSBRA), which provided its concerns to our office during our investigation. The SSBRA stated that the delay in releasing the results in the spring of 2018 was particularly concerning as this was the time of year when residents were planting their gardens and children in the area would be playing in gardens and yards.

BACKGROUND INFORMATION

Manitoba Ombudsman: Role, Function and Jurisdiction

Under the Ombudsman Act, we investigate complaints about administrative actions and decisions made by any department or agency of the Manitoba government or a municipal government. Once policy direction has been set, it is the carrying out of that direction by the public service that could be considered a matter of administration.

A matter of administration can include any practice, procedure, actions or decision that government makes as it implements or administers its laws and policies. We assess whether administrative processes and procedures are followed according to applicable legislation, regulation, and/or existing policies. Accordingly, in this case, we reviewed whether the decision-making process to release the St. Boniface soil test results was consistent with applicable policy and legislation.

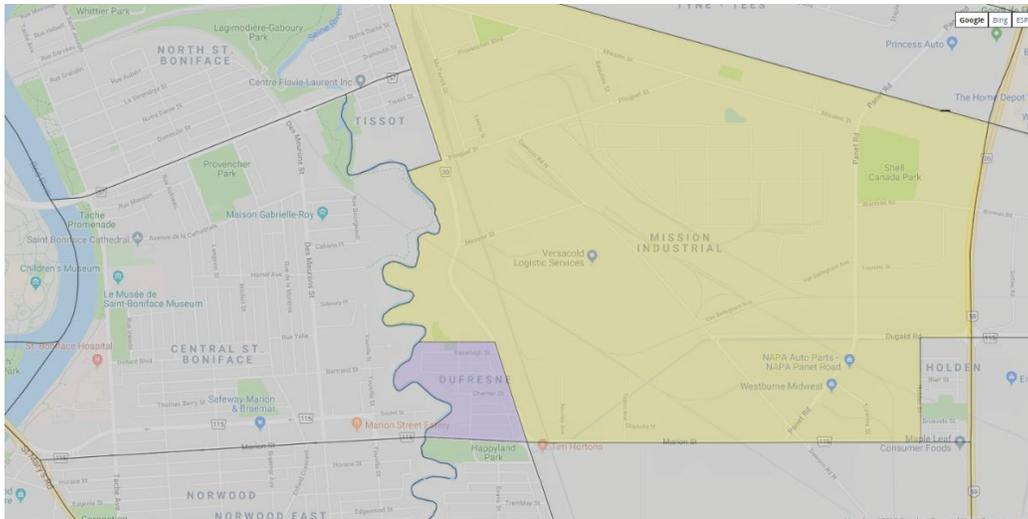
Manitoba Sustainable Development

It is necessary to note that at the time of our investigation of this matter, the respondent government department was titled Manitoba Sustainable Development. Since that time, the department has been renamed as Manitoba Conservation and Climate. Given that Manitoba Sustainable Development was the department's name at the time of this complaint, we have referred to it by that title throughout this report (and often refer to it simply as "the department").

Urban Soil Contamination

In a written submission to our office, Manitoba Sustainable Development advised us that metals in urban soil, particularly lead, is an issue found throughout the industrialized world. The department explained that while lead occurs naturally in soil, the widespread use of leaded paint before the mid-1970s and use of leaded gasoline before the mid-1980s, as well as contamination from various industrial sources, has caused much higher lead concentrations in urban soil.

The area at issue in this case is the Dufresne neighbourhood of St. Boniface, which is directly adjacent to the Mission Industrial area (see map below). According to Manitoba Sustainable Development, the Mission Industrial area has housed industrial businesses since the early 1900s. The department's written submission advises that this history, combined with lead deposition from significant local and commercial and non-commercial vehicle traffic, has resulted in a legacy of soil contamination in the area.



Canadian Council of Ministers of the Environment Guidelines for Soil Contamination

During our investigation, Manitoba Sustainable Development explained that the guidelines used to analyze the metal levels in the St. Boniface soil samples are the Canadian Council of Ministers of the Environment (CCME) guidelines for soil contamination. The department advised that these guidelines are developed in the context of each different substance tested for and are based on a comprehensive review of the physical and chemical characteristics of each substance, the background levels of those substances in Canadian soils, toxicity, and the environmental fate and behaviour of each substance.

In its written submission to our office, Manitoba Sustainable Development explained that the CCME guidelines are used by Health Canada and Environment Canada. The department stated that the guidelines are only to be used as a screening tool and that exceeding those guidelines does not necessarily indicate an immediate or even a long-term health risk. Rather, an exceedance can mean that additional site-specific investigation may be warranted to determine the risk to human health.

The Election Financing Act

One matter at issue in this case was the “media blackout” provisions found at section 92 of the Election Financing Act. This section provides certain restrictions on government advertising and publications during an election or by-election period. These restrictions are intended to prevent the current government in power from using the resources at its disposal for partisan purposes during an election period. Section 92 reads:

92 Restrictions on Government Advertising

(1) – Restrictions for general elections and by-elections

During the following periods, a government department or Crown agency must not advertise or publish any information about its programs or activities:

- (a) in the last 90 days before election day and on election day, in the case of a fixed date election,
- (b) in the election period, in the case of a by-election or a general election that is not a fixed date election.

(2) – Exceptions

Subsection (1) does not apply to an advertisement or a publication

- (a) that is required by law,
- (b) that is required at the time
 - (i) to solicit proposals or tenders for contracts or applications for employment with a government department or Crown agency, or
 - (ii) because it relates to important matters of public health or safety,
- (c) that, in the case of a Crown agency, is in continuation of earlier advertisements or publications and is required at that time for ongoing programs of the agency, or
- (d) that, during the election period of a by-election,
 - (i) is in continuation of earlier publications or advertisements and is required for ongoing programs of a government department, or
 - (ii) deals with a matter before the Assembly during the election period of a by-election, such as the throne speech, the budget, the introduction or passage of a bill or an order or resolution of the Assembly.

SCOPE OF INVESTIGATION

Our investigation of this matter included the following:

- Review of written submission of the complainant
- Interview with the complainant
- Review of documentary evidence provided by the complainant
- Review of written submission of Manitoba Sustainable Development
- Interviews with Manitoba Sustainable Development staff
- Review of documentary evidence provided by Manitoba Sustainable Development
- Interviews with Manitoba Health, Seniors and Active Living staff
- Interview with a staff member of the office of the clerk of the executive council
- Review of documentary evidence provided by the office of the clerk of the executive council

Note about Collusion and Political Decision-Making

As stated in our summary of the complaint in this matter, the complainant is concerned that the minister of sustainable development collaborated with the premier and his office to coordinate the release of the St. Boniface soil test results in order to minimize the impact the results could have on the St. Boniface by-election on July 17, 2018.

Our office's role is to review matters of administration. Decisions of a political nature are outside of our jurisdiction. We recognize that there are situations where the political and administrative realms may overlap or be perceived to overlap, but we do not investigate ministerial decisions. Rather, we investigate the administrative actions of civil servants in carrying out policy direction.

In this investigation, our goal was to determine whether the decision-making process to release the soil test results was consistent with the applicable policy and legislation. We were able to establish a timeline and analyze the evidence by reviewing the relevant documentation and by interviewing the civil servants involved. After reviewing this evidence, we were satisfied that we did not need to consult the minister of sustainable development or other members of the legislative assembly in order to address the administrative issues in this matter.

Given the above, we did not investigate the issue of political collusion or the actions of the minister of sustainable development. We have therefore not made any findings or recommendations on this issue in this report.

TIMELINE OF EVENTS

As the timing of the release of the soil test results is the central issue in this investigation, we have presented the chronology of the events in this matter as a timeline below. Much of the information contained within the timeline was gathered from extensive email evidence provided from Manitoba Sustainable Development.

2016	Manitoba Sustainable Development met with representatives of the South St. Boniface Residents' Association (SSBRA) in 2016. The SSBRA had concerns about industrial activity in their area and the possibility of elevated levels of toxic metals in the soil in south St. Boniface. The SSBRA requested that the province carry out soil testing in the area.
Summer 2017	In the summer of 2017, the University of Manitoba assisted St. Boniface residents with soil sampling in the Dufresne neighbourhood.

In August 2017, a University of Manitoba professor issued preliminary results for eight of the samples taken and voiced concerns about elevated toxic metal levels and the safety of the soil for gardening.

**October
2017**

The University of Manitoba and Manitoba Sustainable Development held a press conference about the initial eight sample sites on October 16, 2017. Manitoba Sustainable Development explained that the samples did not exceed the Canadian Council of Ministers of the Environment guidelines for soil contamination. The department advised, however, that it is impossible to have zero risk in these situations and that residents could mitigate risk by washing their hands and vegetables, using raised garden beds, and putting new soil into gardens on a regular basis.

At this press conference, Manitoba Sustainable Development further indicated that it would pay for the analysis of some of the untested samples taken by the University of Manitoba in the Dufresne area in August 2017.

**March
2018**

From October 2017 to January 2018, Manitoba Sustainable Development staff met with a University of Manitoba soil scientist to determine which samples would be submitted for analysis. In March 2018, the University of Manitoba submitted 150 samples to ALS Laboratory Services for analysis.

**April 18,
2018**

Manitoba Sustainable Development received the soil sample results from ALS Laboratory Services on April 18, 2018. The department began analyzing the data, although some information (such as the location of where each sample was taken from) was missing as it was still in the possession of the University of Manitoba.

**May
2018**

On May 8, 2018, the department's director of environmental compliance and enforcement advised the acting assistant deputy minister of the environmental stewardship branch that the department had received the soil test results and was analyzing them. He stated that some samples showed metal exceedances (mostly of lead) and recommended a briefing be held with the minister of sustainable development as well as the city councillor for St. Boniface. He also recommended that a communication strategy be developed for the locations with garden soil metal exceedances.

The acting assistant deputy minister sent a request to the deputy minister of sustainable development asking for a briefing with the minister on May 17, 2018. That request was in turn provided by the deputy minister to the minister's office on May 29, 2018.

Manitoba Health, Seniors and Active Living advised us that they received the information about the soil test results by May 14, 2018. By May 22, 2018, public health staff were assisting with creating messaging for letters to be provided to affected residents.

- June 7, 2018** The minister's office received a summary of the soil sample results from Manitoba Sustainable Development on June 7, 2018. According to the department, these results constituted raw data that required further analysis before being used to brief the minister.
- June 19, 2018** The province announced that a provincial by-election would be held in St. Boniface on July 17, 2018. Accordingly, a media "blackout" began in accordance with the Election Financing Act.
- June 20, 2018** On the request of the minister's office, Manitoba Sustainable Development provided an advisory note on this matter. The minister's office first received the advisory note about the soil testing results on June 20, 2018.
- June 21, 2018** The minister of sustainable development was briefed about the soil test results by Manitoba Sustainable Development staff on June 21, 2018. The minister directed that the information be released at a press conference as soon as possible after the St. Boniface by-election media blackout ended. The minister also requested that letters about the soil test results be sent directly to affected residents.
- July 12, 2018** On July 12, 2018, permission was sought from the clerk of the executive council's office to issue the soil test results to the public during the by-election period. A committee tasked with reviewing such requests obtained a legal opinion on whether the Election Financing Act permitted the release of the results and ultimately denied the request to issue the news release.
- July 13, 2018** Letters about the soil test results were hand-delivered to affected residents on July 13, 2018. The letters informed each resident whether the soil sample taken from their garden or property exceeded the CCME guidelines for human health for lead. Only residents who had soil samples taken from their property received letters.
- July 17, 2018** The St. Boniface by-election was held on July 17, 2018. Media outlets, having learned about the soil test results, began reporting about the heavy metal soil exceedances in St. Boniface on the date of the by-election.
- July 18, 2018** The province issued a news release and held a press conference about the soil results on July 18, 2018.

ANALYSIS AND FINDINGS

Involvement of Manitoba Health, Seniors and Active Living

As noted in the timeline above, Manitoba Sustainable Development received the results of the soil testing from ALS Laboratory Services on April 18, 2018. As part of the process of analyzing the results, the department consulted with public health staff in Manitoba Health, Seniors and Active Living (MHSAL) to discuss what health risks may be posed by the metal content of the soil.

A doctor from MHSAL who was involved in this matter advised us that MHSAL received information about the soil test results by May 14, 2018. Email evidence showed that by May 22, 2018, MHSAL was assisting in the health-related messaging to be conveyed to affected St. Boniface residents.

Among the doctors involved in this matter was the acting chief provincial public health officer at the time. All three of the primary doctors who consulted with Manitoba Sustainable Development on this matter have master's degrees in community health sciences, and two of the doctors are specialists in public health and preventative medicine.

The public health doctors involved in this matter advised Manitoba Sustainable Development that they felt residents should be notified of the soil test results in a timely manner given that it was the time of year when people plan their gardens. The department therefore consulted with public health staff while preparing messaging for when the soil test results would be made public, including the July 13, 2018, letters provided to the residents whose soil had been tested.

Although the public health doctors felt that residents should be informed of the test results in a timely manner, they were not of the opinion that the results qualified as an emergency to public health under the Public Health Act. We spoke with one of the public health doctors who gave this opinion. She explained that soil contamination of this nature is low risk, in contrast to a critical emergency that poses a high risk to the population. In the view of the public health doctors, even the highest soil exceedance in the soil test results from St. Boniface presented a low risk.

Request for Ministerial Briefing

We also reviewed the time that passed between Manitoba Sustainable Development receiving the soil test results on April 18, 2018 and the briefing of the minister of sustainable development on June 21, 2018.

The department's director of environmental compliance and enforcement advised us that he felt the minister needed to be briefed on the soil test results before the department shared them with residents. On May 8, 2018, he advised the acting assistant deputy minister of the environmental stewardship branch that the department had received the soil test results and was analyzing them. He stated that some samples showed metal exceedances (mostly of lead) and recommended a briefing be held with the minister of sustainable development as well as the city councillor for St. Boniface. He also recommended that a communication strategy be developed for the locations with garden soil metal exceedances. This was different from the minister's original plan to wait and release the results in a report in fall 2018, which had been previously announced publicly.

The acting assistant deputy minister sent a request to the deputy minister of sustainable development asking for a briefing with the minister on May 17, 2018. That request was in turn provided by the deputy minister to the minister's office on May 29, 2018.

The minister's office received a summary of the soil sample results from Manitoba Sustainable Development on June 7, 2018. According to the department, these results constituted raw data that required further analysis before being used to brief the minister.

On the request of the minister's office, Manitoba Sustainable Development provided an advisory note on this matter. The minister's office first received the advisory note about the soil testing results on June 20, 2018.

In reviewing this issue, we noted that it took approximately six weeks from the time the director of environmental compliance and enforcement requested a briefing to the time that the briefing actually took place. We also note, however, that at the time the briefing was initially requested by the director on May 8, 2018, the department had not yet provided the soil test results to public health and therefore did not have the full context of what health risks were posed by the metal exceedances in the soil.

Additionally, the deputy minister of Manitoba Sustainable Development advised us that when department staff requested the briefing, they did not indicate that the briefing was urgent and so it was scheduled with the minister's office as per normal procedure.

Notification of Affected Residents

On July 13, 2018, letters were hand-delivered to residents whose soil was the subject of the test results. The letters were prepared by Manitoba Sustainable Development with input from public health staff and a soil scientist at University of Manitoba. Three letters were prepared and

delivered: one for residents with soil showing no exceedances of the CCME guidelines, one for residents whose lawn soil showed exceedances, and one for residents whose garden soil showed exceedances.

The letters advised that the soil samples were taken in August 2017 and were analyzed to evaluate the heavy metal levels in the soil. The letters focused on lead and advised residents if their property's soil sample contained an exceedance in lead under the CCME guidelines. The letters also advised that lead in soil is primarily a concern if contaminated soil is ingested or if lead-contaminated produce is consumed. The letters encouraged residents to contact Health Links or Manitoba Sustainable Development if they had questions and included website links to public health fact sheets about home gardening and lead exposure.

Manitoba Sustainable Development advised us that residents in the area who did not have soil sampled from their property did not receive letters. The department explained that this was due to limited staff resources and because it was most expedient to focus on delivering letters to the residents who had their soil sampled. The department also noted that the department's press conference after the by-election on July 17, 2018, would help communicate the information to other residents in St. Boniface.

Notification of the Public

As noted in our timeline on page 7, on July 12, 2018, permission was sought from the clerk of the executive council's office to issue the soil results to the public. A staff member in the clerk's office explained to us that a committee had been put together with staff from the clerk's office, Manitoba Justice, and Communications Services Manitoba. This committee was tasked to review these types of requests to determine if they met one of the media blackout exceptions under section 92 of the Election Financing Act.

The committee considered the request relating to the soil test results in the context of section 92(2)(b)(ii) of the Election Financing Act, which permits the publication of information during the election period if it is "required at that time because it relates to important matters of public health or safety." The committee obtained a legal opinion on the matter to assist in its considerations and concluded that the test results were prohibited from publication during the election period under the act. This determination was largely based on public health's opinion that the results did not represent an emergent or urgent public health issue, as well as the fact that Manitoba Sustainable Development intended to provide letters to the residents whose soil was sampled.

As a result, the public was not notified of the soil test results by the government until July 18, 2018 (the day after the St. Boniface by-election) when it held a press conference and issued a news release about the matter. The news release explained that 84 percent of the samples tested fell within the CCME soil guidelines. It further stated that there were 24 properties with exceedances of metals other than lead (zinc, copper, nickel and chromium) but that these metals do not pose a health risk at the levels present in the samples. The news release also indicated that 18 samples exceeded the CCME guidelines for lead, and that there can be some risks associated with eating food grown in soil with high lead content. The release also included links to provincial lead fact sheets about garden and soil contaminants which contained information about managing the risks posed by lead in garden soil.

CONCLUSIONS AND RECOMMENDATION

The evidence we reviewed in our investigation confirmed that Manitoba Sustainable Development received the St. Boniface soil test results two months before they were shared with affected residents on July 13, 2018. The department advised us, however, that the results received on April 18, 2018, contained only preliminary or raw data and further analysis was required to confirm which residents were affected. That data was obtained by May 8, 2018.

Further, the department also needed to provide the analyzed results to public health staff in order to determine what the result's public health implications were, if any. We are satisfied that the department engaged public health doctors in a timely manner as they provided the soil test results to Manitoba Health, Seniors and Active Living by May 14, 2018, approximately one week after receiving the outstanding results data.

Correspondence from Manitoba Sustainable Development showed that the department was in regular contact with public health staff and doctors throughout May and June 2018. The public health doctors did not consider the soil test results as demonstrating a public health emergency. In their view, even the highest soil exceedance in the results presented a low risk.

Additionally, our review of the email evidence provided by Manitoba Sustainable Development showed that public health staff had been engaged in the issue of the St. Boniface soil testing since at least the fall of 2017, when public health created information sheets about home gardening in response to the University of Manitoba's testing of the first batch of soil samples.

There was a six-week period between May 8, 2018, when the department finished its analysis of the soil test results, and when the ministerial briefing occurred on June 21, 2018. However, as

previously stated, at the time of the first request for a briefing by the director of environmental compliance and enforcement on May 8, 2018, the department had not yet provided the soil test results to public health. The department therefore did not yet have the full context of any health risks posed by the metal exceedances in the soil. Additionally, it was noted by the deputy minister that the briefing request provided by the department in mid-May 2018 did not indicate that the briefing was urgent. We therefore do not find this timeframe for a ministerial briefing to have been unreasonable in the circumstances.

Affected residents from St. Boniface received letters advising of the soil test results on July 13, 2018. Given that this personalized correspondence was not a government advertisement or publication, we are satisfied that section 92 of the Election Financing Act did not prevent the release of these letters.

The government did not advise the public about the soil test results until July 18, 2018. The decision to release the information on this date came from the government committee tasked with reviewing requests for government publication during the election period and was based on legal advice as well as public health's opinion about the low risk in this matter.

In conclusion, after careful review of the evidence in this matter, we did not identify any requirement for the government to issue the news release prior to the St. Boniface by-election date. As a result, we cannot conclude that the decision to make the results public on July 18, 2018 (rather than earlier) was inconsistent with any applicable law or policy, including the Election Financing Act.

In his complaint to our office, the complainant requested that we determine if the government's delay in releasing the soil test results negatively contributed to the health of any person. An assessment of that kind was beyond the scope of this investigation and the expertise of our office. We were satisfied, however, that the department took reasonable steps in engaging with public health staff and doctors to assess the risk to health posed by the metal exceedances in the soil samples. Given the public health opinion on the matter about the low health risk at issue, we found the decision-making process regarding the release of the soil test results reasonable.

In April 2019, our office provided our initial draft investigation report to Manitoba Sustainable Development, the office of the clerk of the executive council, as well as to Manitoba Health, Seniors and Active Living. Our initial draft report identified possible recommendations relating to requests made by departments for ministerial briefings, as well as a draft communication protocol that we had been advised was in development between the departments of Sustainable Development and Health, Seniors and Active Living. The department's response, which was

provided to us in April 2019, included additional documentation, information and context. We considered the new information, reviewed our investigation material and restructured the report to add further clarity and details, including a timeline of events.

Review of the Election Financing Act

During the course of our investigation, we learned that in June 2018 the province retained a former Manitoba elections commissioner to study the Election Financing Act and its current rules for government advertising during election periods. The report from this study was completed and published by the government on May 1, 2019, and identifies opportunities to improve and clarify the rules for what information the government can communicate with individuals and the public during election periods.

In its news release announcing the publication of the report on May 1, 2019, the government advised that it has reviewed the report and is in the process of developing options based on its findings and recommendations. As this report and its recommendations are better suited to address the issue of any future reform to the Election Financing Act, we have not made any recommendations relating to this issue.

Sustainable Development-MHSAL Communication Protocol

In his complaint to our office, the complainant requested that our office consider whether there should be a requirement to issue urgent public health notices to the public within 72 hours of the government learning of the risk.

At the outset of our investigation, we noted that it would be inappropriate for our office to recommend a timeline for the reporting of public health notices as the magnitude of risk will always be case-specific and depends on the context of the public health matter at issue. These considerations are more appropriately assessed by public health professionals who have the required expertise and knowledge to determine the urgency of any particular risk to individuals or the public at large. We therefore have not made any recommendation for a particular timeline for the release of public health information.

During our investigation, we were advised by Manitoba Health, Seniors and Active Living (MHSAL) that it was in the process of creating a communication protocol with the department of Sustainable Development (now Manitoba Conservation and Climate). We were advised by public health staff that this process began prior to our office's investigation in this matter. MHSAL provided our office with a copy of the draft protocol, which outlines the procedures to assess,

communicate and manage health issues related to environmental testing (including soil testing) by the two departments. The protocol also outlines policy for when and how results are shared with affected individuals and the public for non-urgent environmental health risks. We were advised by MHSAL that the protocol will also contain communication guidelines for cross-departmental emergencies that are of a more urgent nature.

Manitoba Sustainable Development advised us that the protocol will also contain procedures for collaboration between the department and MHSAL when testing for environmental risks. The department stated that once the protocol's development is complete, it will be released and then reviewed regularly to ensure protocols are up to date and understood by officials as required in order to inform public health decision-making in a timely way.

As of November 2019, we were advised by MHSAL that this protocol was still being finalized given the recent department changes within Manitoba Sustainable Development (now the department Conservation and Climate). We therefore made the following recommendation:

Recommendation: We recommend that to ensure future environmental test results are shared with affected individuals in a timely manner, the department of Sustainable Development (now Conservation and Climate) work with the department of Health, Seniors and Active Living to finalize the content of the cross-departmental communications protocol as soon as possible.

Department's Response to Recommendation

Our final report in this investigation was provided to the departments of Manitoba Sustainable Development and MHSAL on January 30, 2020, and a response to the recommendation was received on February 24, 2020. The departments accepted our recommendation regarding the communication protocol and provided us with a final version of the revised communication protocol.

Ombudsman's Comments

Release of this final report was held in abeyance, respecting the necessity of government to focus its efforts on critical services and responding to the pandemic during the declared state of emergency. The release of this report coincides with the phase 4 of the province's "Restoring Safe Services: Manitoba's Pandemic and Economic Roadmap for Recovery."

The departments have advised us that the updated communication protocol received on February 24, 2020, is the final version of the protocol. In reviewing the protocol, we noted that it differs significantly from the draft protocols provided to us during our investigation. We note that the new protocol clarifies the departments' roles and responsibilities to guide collaboration and public communications related to environmental hazards and health. It also makes it clear that Manitoba Health, Seniors and Active Living has the authority under the Public Health Act to notify the public of an urgent health risk associated with the quality of the environment. In the case of this investigation, the use of the Public Health Act would only apply had the soil test results posed a high risk to the public.

We acknowledge that clarity of roles and responsibilities is an important element of public accountability. At issue in this complaint is the timeliness of communication. We recognize that timing will be dependent upon each set of circumstances, such as type of hazard and the assessed level of risk to human health. Policies and processes will be required to ensure the standards of administrative fairness are met in the implementation of this protocol.

MANITOBA OMBUDSMAN

REPORT MONITORING - MAY 2022 UPDATE

Our September 2020 report on provincial government soil testing in St. Boniface noted that policies and processes were required to ensure the standards of administrative fairness were met in the implementation of Manitoba Conservation and Climate's communication protocol regarding testing results, including those requiring involvement by Manitoba Health. We looked forward to receiving any additional procedures or processes that had been created for the communication protocol.

Manitoba Health provided our office with an updated communication protocol which outlines the procedures for how Manitoba Environment, Climate and Parks (formerly Conservation and Climate) and Manitoba Health communicate human health matters arising from new or unanticipated environmental test results. We note that the new protocol includes timelines for releasing test results to the public. The protocol also clarifies the different roles and responsibilities of the two departments and provides helpful guidance to staff. In our view, this is positive administrative improvement that can help enable consistent application of the protocol and promote transparency of the communication process.

We appreciate the departments' efforts to develop a joint protocol that meets the intent of our administrative suggestions.

This concludes our active monitoring of matters arising from this report.