



NEWS

The Newsletter of the Association of the Chemical Profession of Alberta

Winter 2003 ISSUE

General information

The ACPA web address is : www.pchem.ca. Newsletters will be archived at this location in PDF format for easy retrieval.

Announcements

Annual General Meeting

Saturday May 31, 2003
Alastair Ross Technology Centre
3553 - 31 St. N.W.
Calgary, Alberta
Registration: 1:30 pm
Start of meeting: 2:00 pm

Meeting followed by guest speaker (TBA) and a wine and cheese reception.

From the President

Happy New Year! The Professional Chemists Regulation has been in force for one year. It has been an eventful year that has seen the Board working to meet our obligations under the Regulation. This has involved the establishment of Registration, Practice Review and Discipline Committees. We would like to thank all of you

who volunteered your services for any of the committees. Over the next several months there will be more opportunities to be of service to the Association.

On the subject of serving your Association, the Board has struck a Nominations Committee to develop a slate of candidates for election at the Annual General Meeting on May 31 in Calgary. If the committee approaches you, please consider the opportunity to run for a Board Member position carefully. The meeting will be held at the Alistair Ross Building at the University Research Park. This is same facility where we held the 2001 AGM.

ACPA Board representatives have attended two information sessions held by the provincial government on Privacy Legislation and Self-Governing Professional Organizations. These sessions have been held to up-date approximately 23 organizations of the status of the province's plans for the implementation of the Personal Information Protection and Electronic Documents Act (PIPEDA). Federal legislation will become effective sometime in 2004. Provinces have the option of enacting substantially equivalent legislation to the federal act or just letting the

federal legislation cover provincial organizations. The Alberta decision will be known later this spring.

The federal legislation is based upon ten principles for Fair Information Practice and Access to Personal Information. Each of the ten principles has a subset of information that I have not included at this time. The ten principles are as follows:

1. Accountability – An organization is responsible for personal information under its control and shall designate an individual or individuals who are accountable for the organization's compliance with the following principles.
2. Identifying Purposes – The purposes for which personal information is collected shall be identified by the organization at or before the time the information is collected.
3. Consent – The knowledge and consent of the individual are required for the collection, use, or disclosure of personal

- information, except where inappropriate.
4. Limiting collection – The collection of personal information shall be limited to that which is necessary for the purposes identified by the organization. Information shall be collected by fair and lawful means.
 5. Limiting Use, Disclosure and Retention – Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law.
 6. Accuracy – Personal information shall be as accurate, complete and up-to-date as is necessary for the purposes for which it is to be used.
 7. Safeguards – Personal information shall be protected by security safeguards appropriate to the sensitivity of the information.
 8. Openness – An organization shall make readily available to individuals specific information about its policies and practices relating to the management of personal information.
 9. Individual Access – Upon request, an individual shall be informed of the existence, use and disclosure of his or her personal information and shall be given

Lost Members

Elizabeth T. Ancheta
 Peter L. Fredeen
 Laurence E. Wolfe

access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

10. Challenging Compliance – An individual shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals accountable for the organization's compliance.

Associations will have to ensure that their bylaws and information gathering comply with the legislation that is in effect. We are hopeful that the Province will enact its own legislation because it appears from the information sessions that it will be easier to understand than the federal act.

The Professional Association Task Force has met several times over the past few months and we hope to have more detailed information available for the Annual General Meeting at the end of May. This will include reasons why the provincial government should enact the proposed legislation, a strategy on how to influence MLAs and hopefully an outline of how the legislation will work.

The ACPA is participating in Student Career Nights at both the University of Alberta and the University of Calgary this winter. Members are attending to speak about their careers in Paul C. Cheung
 Read T. Seidner
 Michael K. Peters

chemistry and to encourage membership by students in the ACPA. On the topic of membership, I would like to encourage each member to take up the challenge to get another chemist to join the Association.
Each member get a member.

In March the ACPA will be engaging the services of ManageWise, Inc. ManageWise, is a company that specializes in meeting the needs of associations. They will provide administrative support to the Association and the Board. This will mean that our mailing address will change to Edmonton and we will have a telephone number that is answered by a real person during business hours. ManageWise will enable us to improve the timeliness of notifications for courses and seminars that may be of interest to our members. They will do mail-outs, complete government reports and will take over many of the routine tasks that take up Board members' time. More information on the changes will be forthcoming in the next few months.

**Don White
 President**

Personals

The following list is a list of members who seem to have gone missing and new members who have recently joined the Association. If you are one of the missing or know one who is could you please forward updated information regarding address and e-mail to [Trent Parks@URSCorp.com](mailto:Trent_Parks@URSCorp.com).

New Members

Paul J. Cormier
 Jonathon K.T. Dueck

Robert G. Rosinski
Andrew Swoboda
Eugene S. Dakin
Ibrahim (Abe) Saad
Aminmohamed K. Hirji
Landon R. Leinweber
Joanne L. Gainsforth
Joe K. Cartwright
Reza Poostini
James A. LeBlanc
An-Ming Wu
Duane K. Brownlee

Ethics Corner

This article is the third in a series that we are re-printing with permission from EM magazine published by the Air & Waste Management Association. This article is from the May 2002 issue. One of the issues of importance to professionals regardless of our discipline is that of ethics. We hope that this series will help to clarify ethical issues that we may face in our careers through the discussion of practical examples.

HOW TO HANDLE AND AVOID CONFLICTS OF INTEREST

We are confronted with ethical dilemmas on rare occasions in our work as environmental professionals. As a result, we are often ill prepared to handle them when they do arise. Using example case studies, this column aims to help prepare you to respond ethically to real-life situations that can occur in your daily work. This month's dilemma concerns conflicts of interest. Conflicts of interest typically involve a situation where someone is affected (either beneficially or adversely) by an action that he or she renders, which, in turn, prohibits

that person from acting objectively. Conflicts of interest can arise whether you work in consulting, industry, or government. You must be sensitive to them and be able to deal with them appropriately.

As discussed in my January 2002 column (see "Doing the Right Thing," p 14), Josephson's "Six Pillars of Character" are excellent guidelines for ethical conduct. Further guidance in dealing with specific dilemmas is provided in A&WMA's Code of Ethics (see 2002 Resource Book and Membership Directory, p RB-16). Let's consider this month's dilemma and see which items in A&WMA's code apply.

DILEMMA

You are the vice president and partner of ACE Environmental Consulting Inc. One of your clients, Plating-Is-Us (PIU), receives a Phase II Environmental Site Assessment (ESA) from your company reporting the presence of soil contamination involving toxic metals in three places on its 10-acre property. The report indicates that groundwater is threatened and recommends that the condition be reported to the appropriate authorities and remediation be initiated to prevent the contamination from reaching the aquifer. The report also contains a proposal to implement the remediation. PIU does not respond to your company's proposal and in following up it is learned that PIU has neither reported the contamination nor begun remediation. When your project manager reminds her PIU contact of the company's

obligation to report the problem, she is told not to worry it is being handled, and that PIU will notify ACE when it decides to perform the remediation. She is also reminded that the purchase order for the Phase II assessment contains a clause restricting the disclosure of any findings. The issue comes into focus six months later, when another client, Cookies-R-Us (CRU), solicits your firm to conduct a Phase I ESA on a five-acre property that is adjacent to the PIU plant. CRU is interested in buying this property to build a new bakery. Do you submit a proposal or politely reject it due to a conflict of interest? What is the correct approach and how should it be handled?

To the best of ACE's knowledge, the reported contamination could pose a threat to the water in the aquifer. But, without further investigation, it is not certain that this would adversely affect public health. The investigation to determine potential effects of the contamination would be expensive and could result in public disclosure of the situation. Both clients have given ACE their business in the past and can be expected to extend their patronage if ACE continues to gain their confidence. As a senior partner, you naturally wish to handle the situation to maintain both client relationships, but within the boundaries of ethics. But can you? Better yet, should you?

Apart from a possible legal requirement to report this contamination, ACE has a primary obligation to protect public health. To be conservative, it

must be assumed that a contaminated aquifer would constitute a health hazard for drinking water. Furthermore, this condition could make the adjacent property unsuitable for the siting of a bakery. ACE has a responsibility to see that the appropriate agency is notified and that a remedial investigation is initiated as soon as possible. ACE may have been derelict in allowing the matter to go on for so long without appropriate action. However, this obligation must be weighed against the obligation to maintain client confidentiality. The objective is to find a way to resolve the situation with due concern to the "Six Pillars of Character": Trustworthiness, Responsibility, Respect, Caring, Justice, and Fairness.

This dilemma concerns the issue of conflict of interest, but is also a reprise of the dilemma discussed in my January column, which concerned a consultant's responsibility to report a condition that would adversely affect public health. There are three items in A&WMA's code that apply in this situation: Item 11, which states, "Avoid conflicts of interest and disclose those known that cannot be avoided"; Item 10, which states, "Keep information on the business affairs or technical processes of an employer or client in confidence while employed and later, as required by contract or applicable laws, until such information is properly released, provided such confidentiality conforms with legal requirements and other parts of the code"; and Item 4, which charges us to "hold paramount

the health, safety, and welfare of the public, speaking out against abuses of the public interest that I may encounter in my professional activities as deemed appropriate per professional standards and existing laws and regulations." The primary responsibility of environmental professionals is to protect public health. This, in my mind, overrides all other considerations.

THE BEST COURSE OF ACTION

The first step is to convene a meeting of your firm's management. The Phase II ESA data must be reviewed thoroughly to ensure that they are sound. Next, the staff member with the best relationship with PIU should be designated to approach the company regarding the situation. While CRU's interest in the adjacent property is immaterial with regard to the necessity for environmental reporting and cleanup, it would not be inappropriate to mention this to PIU as a motivating factor.

PIU's failure to report the condition could be due to many things, including fear of prosecution, lack of remediation funds, or even being in the middle of a settlement with the agency that is not open to public knowledge. PIU may argue that the contamination was not a deliberate attempt to avoid the expense of disposal, and that the problem was in fact discovered due to the company's due diligence. ACE may be able to help substantiate this argument. A great deal of care and respect must be exercised in broaching the problem with PIU. If PIU's managers are unaware of the

benefits of self-reporting, advise them to consult an environmental attorney.

Hopefully, PIU will agree with your assessment and the matter will become public knowledge. However, if PIU does not agree, then, after giving the company due warning, you must use appropriate legal means to report the finding. Your attorney must submit a notice of intentions to PIU and work through the procedure. The issue of breach of contract regarding the purchase order also must be addressed. It is possible PIU could become vindictive. In most cases, after due consideration, the client will respond appropriately. But, if this does not happen, your company should realize that this is not a client with whom it wishes to associate and should be prepared to handle the notification.

Addressing the initial question of whether to submit a proposal to CRU, ACE is in the position of having knowledge that competing firms will not have with regard to the desirability of the adjacent property. In "holding paramount the health, safety, and welfare of the public," ACE has a responsibility to ensure that CRU is made aware of the situation. Until ACE's negotiations with PIU are complete, however, it would be a conflict of interest to submit a proposal to CRU. Declining to bid at this time, without revealing the reason, would be appropriate. Once the situation is resolved (i.e., once the contamination has been reported), your company has an obligation to make CRU aware of the situation.

Clearly, CRU will be curious about your declining to bid. Suggest to the client that there may be some factors about the neighborhood that would not be favorable to its proposed operation, but that you are not at liberty to reveal them. This should cover your ethical responsibility until the other matter is settled. Tread lightly and use legal advice to mitigate the ramifications with PIU. It would be unethical for ACE to allow CRU to purchase the land without knowledge of the contamination and pending remediation. If you have established a level of trust with CRU from past dealings, then your suggestion will serve a useful purpose.

This dilemma has many innuendos worthy of discussion. For example, was it ethical for ACE to accept a contract that included a confidentiality clause if it felt that a condition affecting public health must be handled appropriately to protect public health? If it is the policy for a consultant to ensure that any spills or contamination are reported, shouldn't that be stated upfront? Would such a statement included in the consultant's standard contract have a negative effect on business? These questions make stimulating subjects for an ethics workshop. I suggest you use this dilemma as a platform for periodic workshops to discuss this and other problems that arise in the workplace.

READER COMMENTS WELCOME

I welcome your comments and suggestions for future columns. I have already received some

thought-provoking responses to my first two columns. Interestingly, of the Six Pillars of Character, the two that appear to have received the least attention in the responses I have gotten so far are "Caring and Respect." By and large, the readers advocate "doing the right thing," but take a more legalistic approach to solving the dilemmas than an ethical one. For example, one reader charged, "The dilemma posed in the [January] article has nothing to do with ethics! The environmental manager's legal responsibility is to report it to the agency. His responsibility as an employee is to get the company lawyers involved immediately! By electing to intentionally discharge untreated wastewater the manufacturing manager appears to have intentionally violated the Clean Water Act and is likely personally subject to criminal sanctions. By doing so she has exposed the company, the environmental manager, the general manager, and the top management of the company to potential criminal liability. Firing may be the most favorable outcome she faces. If this ends well, the company pays a fine, has to take preventive action under a consent decree, and only the manufacturing manager is convicted."

True, but people often have personal and family obligations that need to be considered in achieving the right thing with the least damage to the stakeholders. What if the manufacturing manager is a single mom? What if she consulted a lawyer and he told

her that the agency could never prove who released the discharge? It is sometimes easier to take a hard view when "real" issues are not on the line. Working out a solution that protects the public and results in the least damage with the most positive outcome is what the Six Pillars are all about.

For the past 15 years, A&WMA's Ethics Committee has offered support to members in the form of providing material for ethics training. This includes an ethics manual (developed nearly 10 years ago), which contains instructions for conducting ethics workshops and provides practical ethical dilemmas for discussion, and A&WMA's Code of Ethics, which was recently adopted as a section of the Association's bylaws. This column is an evolution of these activities. Also, each year at the Annual Conference, the Committee conducts an ethics workshop, which is open to all attendees.

About the Author

Hal Taback, P.E., DEE, QEP, is chairman of the Air & Waste Management Association's Ethics Committee and an A&WMA Fellow. He is the president of Hal Taback Co. Environmental Consultants. He can be contacted via e-mail at taback@ix.netcom.com. The author acknowledges the expert assistance of Carol Lyons, co-chair of the Ethics Committee and principal of consulting firm Bridges Unlimited, Denver, CO. in preparing this column.

From the Editors

All contributions from members to the newsletter will be welcome. Please send them to Robert Swingle at Maxxam Analytics 2021-41 Avenue N. E., Calgary, Alberta T2E 6P2 or fax them to 403-2919468. If you prefer electronic mail, address them to the internet at bswingle@cal.maxxam.ca. It would be nice if you could send any lengthy material on disk in PC format using Microsoft Word.

ACPA

APPLICATION FOR MEMBERSHIP

ASSOCIATION OF THE CHEMICAL PROFESSION OF ALBERTA
P.O. Box 22320 Banker's Hall Calgary, Alberta T2P 4J1

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|-------------------|-------------|---------------------|----------------|
| Dr./Mr./Ms. | SURNAME | GIVEN NAME/INITIALS | ACPA Number |
| Residence Address | | Employment Address | |
| City/Province | Postal Code | City/Province | Postal Code |
| Home Phone | Work Phone | FAX | E-Mail Address |

POST-SECONDARY EDUCATION: Attach extra sheet if necessary.

Note: The minimum qualification for membership in ACPA is a B.Sc. in Chemistry that is equivalent to that offered by Alberta Universities.

| Dates From - To | Institution | Location | Nature of Course | Degree Obtained |
|-----------------|-------------|----------|------------------|-----------------|
| | | | | |
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CHEMISTRY CAREER EXPERIENCE: Attach extra sheet if needed.

| Dates From - To | Employer | Position | Major Responsibility |
|-----------------|----------|----------|----------------------|
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DECLARATION OF APPLICANT:

| | |
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| I hereby certify that the foregoing statements are correct. I will provide verification for my education and career experience if and as required. | |
| Date | Signature |

DECLARATION OF REFERENCE:

| | |
|---|-----------|
| I hereby certify that the applicant is known to me, and recommend acceptance of this application. | |
| Name (Please print) | Signature |

APPLICATION FEE:

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| Submit \$50.00, payable to the Association of the Chemical Profession of Alberta. Please enclose the non-refundable processing fee along with this application. Send to: The Registrar, ACPA, P.O. Box 22320 Banker's Hall, Calgary, AB, T2P 4J1. |
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ASSOCIATION OF THE CHEMICAL PROFESSION OF ALBERTA (ACPA)

Historical

The necessity and desirability of establishing a legal status for chemical professionals has become apparent to many Alberta Chemists over the past few years. A recent survey of those practicing chemistry in Alberta demonstrated overwhelming support for the formation of a Professional Association. Both Ontario and Quebec have Professional Associations for chemists in their provinces. Recently biologists in Alberta have been accorded legal status as professionals.

While the nature of federal legislation precludes a national organization operating under a Dominion Charter from possessing legal recognition in provincial matters, the Province can endow upon an organization such attributes. For this reason, the ACPA was established as an Incorporated Society under the Societies Act in the Province of Alberta. This was the first step toward Professional registration. On December 19, 2001 the ACPA was registered by Order-In-Council under the Professional and Occupational Associations Registrations Act (POARA).

Why Join the ACPA?

The ACPA, as it is currently structured, is the genesis for the true Professional Association for chemistry practitioners in the Province of Alberta. Members will receive a membership card, certificate and stamp.

As a member of the ACPA, you will be helping to formalize the professionalism of chemists in Alberta. The support of Alberta chemists is necessary to demonstrate to the Province that the Association speaks for chemists and chemistry in the province. As a group, we can inform the public about chemistry, contribute to legislative and other governmental regulatory activities that affect scientific development in a way that would be difficult through individual effort.

This brochure is intended to provide information about the goals and activities of the ACPA and to invite you to join the Association.

The Professional Association

Professional Registration under the Professional and Occupational Associations Registrations Act provides a legal definition of chemistry and those practicing chemistry in Alberta. The main objectives of the Association, currently and for the future, are to promote and increase the knowledge, skills and proficiency of the members in all things relating to chemistry.

The ACPA is a legal instrument to help protect the public from malpractice in chemistry and to protect the profession from encroachment on its rights and purposes by unqualified personnel. It is endowed with the power to act to coordinate its aims and purposes, and to act in provincial matters on behalf of those it represents. The Association members may use the designation P. Chem. (Professional Chemist), or its equivalent, to identify their affiliation and professionalism.

Who Can Join?

Under the Order-In-Council establishing the Association of the Chemical Profession of Alberta, any person acceptable to the membership can join the Association. The requirements would normally be expected to be the minimum of a Bachelors degree in Chemistry with related work experience. Student memberships also exist.

2002 ACPA Board of Directors

| Name | Position | Affiliation |
|-------------------|-----------------|---|
| Don White | President | Technical Manager Clean Harbors |
| Mary Mayes | Secretary | Project Chemist Matrix Solutions Inc |
| Trent Parks | Treasurer | URS Corporation |
| Kevin Dunn | Past-President | Corporate EMS Manager Agrium |
| Jim Hyne | Director | Professor Emeritus, U. of Calgary, Consultant |
| Frank Bachelor | Director | FWB Chemical Consulting |
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| Ken Schmidt | Director | DK3 Scientific |
| Robert Taylor | Director | Halliburton |
| Brent Cook | Public Member | |
| Tim Blackmore | Director | Enbridge Pipelines Inc. |