TRIAGE STATEMENT GUIDE

The Triage Statement

As part of the Government of Canada's regulatory policy, the *Cabinet Directive on Streamlining Regulation* (CDSR), regulatory proposals will be assessed at an early stage to determine where approval processes can be streamlined and where resources should be focused. The following factors will be considered in developing the Triage Statement:

- *potential impact of the regulation on health and safety, security, the environment, and the social and economic well-being of Canadians;*
- *cost or savings to government, business, or Canadians and the potential impact on the Canadian economy and its international competitiveness;*
- *potential impact on other federal departments or agencies, other governments in Canada, or on Canada's foreign affairs; and*
- *degree of interest, contention, and support among affected parties and Canadians.*

The purpose of the Triage Statement is to meet these requirements and to be aligned with the new Regulatory Impact Analysis Statement (RIAS), which was implemented on April 1, 2008. The Triage Statement will assist regulating organizations and Regulatory Affairs Sector (RAS) in the Treasury Board Secretariat (TBS) in acting in accordance with the principle of proportionality with respect to regulatory submissions - significantly more time and resources should be expended on high impact proposals than on low impact ones. This will make the regulatory system more effective and efficient.

The Triage Objectives

The objectives of the Triage Statement are to:

- Assist regulatory organizations to focus their efforts on those regulatory proposals where it is required through a consistent and transparent risk management process which systematically categorizing regulatory proposals into "Low," "Medium" or "High" impacts.
- Determine the appropriate CDSR requirements for regulatory submissions and the level of analysis.
- Support the use of the appropriate RIAS templates (Low vs. Medium/High).
- Assist in determining which proposals should be considered for exception from pre-publication in *Canada Gazette* Part I.
- Facilitate early involvement by RAS in the regulatory process to avoid delays when requirements are not met at a later stage in the regulatory development process.
- Support more consistent regulatory impact analysis across the Government of Canada.

Completing the Triage Statement

As soon as a regulatory organization has made a decision to amend or introduce a regulation, the Triage Statement must be completed and sent to RAS so that RAS Analysts can provide input before the regulatory organization has initiated the analysis or consultations to draft the RIAS. The answers to the questions in the Triage Statement should be based on readily available information, not in-depth analysis. The level of detail and specific information required in a RIAS is not required at the Triage stage.

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RAS is available to help regulatory organizations complete the Triage Statement and provide comments on draft Triage Statements. Section IV will then determine the submission's CDSR requirements so that the regulatory organization can initiate the regulatory analysis and consultations to draft the RIAS.

Amending the Triage Statement

The Triage Statement is intended as an initial estimate to determine the potential impacts of regulatory proposals. Consequently, as new information becomes available and additional analysis and consultation is completed, the previously assessed impact levels may change, which would require the Triage to be amended. This can be done when the regulatory proposal is submitted to RAS for inclusion on the Treasury Board (TB) agenda or before as appropriate. However, changes to the Triage by the sponsoring regulatory organization should be made in discussion with their RAS Analyst.

RAS Service Standard

Upon receiving the Triage Statement, the RAS Analyst will contact the originating regulatory organization within 10 business days of receipt at RAS with comments, unless a different timeline is mutually agreed to. The goal will be for RAS and the regulatory organization to finalize the Triage Statement within 30 business days.

Security Classification

The originating regulatory organization will need to determine the security classification of the Triage Statement on a case by case basis. This determination should be made based on government-wide information laws and policies, including the *Access to Information Act* and the *Privacy Act*, the *Government Security Policy*, the *Access to Information Policy*, and the *Policy on the Security of Cabinet Documents*.

Where appropriate, the regulatory organizations may share the Triage Statement with stakeholders as part of their consultation process. The Triage Statement may be published on the organization's website, and the RIAS may cite this link.

Miscellaneous Amendments Regulations (MARs)

Miscellaneous amendments are routine corrections that are Triaged as No Impact (non-substantive changes) and may also include changes requested by the Standing Joint Committee for the Scrutiny of Regulations. These routine corrections are restricted to:

- minor errors in format, syntax, spelling, punctuation;
- typographical errors, archaisms, anomalies, numbering errors;
- inconsistencies between the English and French versions;
- minor, non-substantive unclear passages;
- obsolete regulations - that is, regulations that are outdated but still legally enforceable; and
- spent regulations that have no further application or effect.

Ensure RAS approval before proceeding with miscellaneous amendments regulations. For miscellaneous amendments regulations:

- A drafting model is available from Regulations Section-Justice.

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- Complete the Low RIAS template.
- The minister or agency head does not have to sign the RIAS.
- No communication plan is required.
- No prepublication is necessary (except where required by statute).

Levels of Impact

For each of the questions, regulators will evaluate the expected effects of a proposal and mark the result in one of the four columns (No/Na, Low, Medium or High). When there are differing levels of impact within a question (e.g. low impact on some elements of a question and a medium impact on others), check only the highest impact level in the column and not the net impact. The use of the word "impact" in this document refers to both positive and negative impacts. The description of the impacts should be as short as possible.

No Impact/Not Applicable:
The proposal may have *no* impact or is *not applicable* to the areas covered by the question. In these cases, no description of the impacts is required.

Low:
The proposal may have *minimal* impacts on the areas covered by the question (e.g. routine or administrative in nature, generally acknowledged as acceptable to the public, and would have negligible impacts on public health and safety, the environment, business, government, etc.).

Medium:
The proposal may have *some* impacts on the areas covered by the question (e.g., represents a substantive change to the status quo, could impact public health and safety, the environment, business, government, etc.).

High:
The proposal may have *significant* impacts on areas covered by the question (e.g., is highly controversial, would represent a very significant change to the status quo, heavily impact public health and safety, the environment, business, government, etc.)

Overall Significance Level of the Proposal

The overall level of significance should be the highest level triggered by any of the questions in the Triage Statement.

Emergency Situations

When there is an immediate and serious risk to the health and safety of Canadians, their security, the economy or the environment, this may require an expedited process so the government can respond in a timely way. In emergency situations, after contacting RAS, it may be determined that the Triage Statement is not required.

Step-By-Step Triaging Process

Step 1 As soon as a regulatory organization has made a decision to amend or introduce a regulation, a Triage Statement should be completed and a draft sent to RAS for their review before it is signed. Upon receiving the Triage Statement, RAS Analysts will

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contact the originating regulatory organization with any comments within 10 business days.

Step 2 The Triage Statement should then be signed by the regulator (contact person (s) or director) and sent to RAS so that RAS Analysts can provide input into the development of the regulatory proposal before the regulatory organization has initiated the analysis and consultations. Regulatory authorities shall re-submit the Triage Statement to their RAS Analyst if the level of impact(s) changed from their initial assessment. This can be done when the regulatory proposal is submitted to RAS for inclusion on the TB agenda or before as appropriate.

Step 3 The requirements for the regulatory submission are determined based on the Triage Statement (see Table 1).

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Table 1. Submission Requirements.

TRIAGE STATEMENT		REQUIREMENTS
A. If the answer is Low to all Q1-10		**Complete the Low Impact RIAS template** Consideration of recommendation for exemption from Pre-Publication in *Canada Gazette* Part I

TRIAGE STATEMENT		REQUIREMENTS
B. If the answer is Medium or High to one of Q1-Q10		**Complete the Medium-High RIAS template** Consult prior to Publication in *Canada Gazette* Part I
C. If the answer to one or more is Low to Q1-Q6		Estimate *benefits and costs* (e.g., cost-benefit analysis, risk assessments and environmental assessment) *Qualitative analysis of costs and benefits by stakeholder.*
D. If the answer to one or more is Medium to Q1-Q6		Estimate *benefits and costs* (e.g., cost-benefit analysis, risk assessments and environmental assessment) *1. Quantitative costs by stakeholder* *2. Quantitative Benefits by stakeholder when data is available (i.e. literature review, departmental records, benefits transfer, consultation, expert advice, etc.)* *3. Qualitative analysis of non measurable costs and benefits by stakeholder*
E. If the answer to one or more is High to Q1-Q6		Estimate *benefits and costs* (e.g., cost-benefit analysis, risk assessments and environmental assessment) *1.Quantitative costs by stakeholder* *2.Quantitative benefits by stakeholder* *3.Qualitative analysis of non measurable costs and benefits by stakeholder* Complete the "*Performance measurement and evaluation section*" of the RIAS template and a *Performance Measurement and Evaluation Plan*
F. If the answer is Medium or High to Q8		Report on any cooperation and coordination efforts undertaken, including between federal departments, with other governments in Canada, and internationally.
G. If the answer is Medium or High to Q9		Report on any efforts to ensure Canada's international obligations have been respected in such areas as human rights, health, safety, security, international trade, and the environment.
H. If the answer to one or more is Medium or High to Q1-Q6		Complete the "*Implementation, enforcement and service standards*" section of the RIAS template.

TRIAGE STATEMENT

SECTION I: OVERVIEW

(Maximum 2 pages)

Date received by RAS:
(10 day RAS service standard)

Title of the Regulatory Proposal:

Sponsoring Regulatory Organization(s):

Statutory Authority:

Approximate date of submission of regulatory proposal to RAS:

Issue

Describe the issue(s) and demonstrate why government intervention is needed.

Objectives

State the objectives for government intervention in concrete terms and its broader policy context.

Description

A preliminary description of the regulatory action(s) under consideration.

SECTION II: EXPECTED IMPACTS

(Maximum 1 page per question)

1) Public Health and Safety

If a regulatory proposal is expected to have *no* impact on health or safety or is *not applicable*, it receives a No/NA rating. If a regulatory proposal is expected to have *minimal* impacts, it receives a low rating; if it is expected to have *some* impacts (e.g., reduce delays or the need for medical attention or hospitalization) it receives a medium rating; and if it is expected to have *significant* impacts (e.g. mortality), it receives a high rating.	**No/NA** ☐	**Low** ☐	**Medium** ☐	**High** ☐
Describe the expected impacts only when the impacts are Low, Medium or High:				

2) Environmental Impacts

If a regulatory proposal is expected to have *no* impact on the environment or is *not applicable*, it receives a No/NA rating. If a regulatory proposal is expected to have *minimal* impacts, it receives a low rating; if it is expected to have *some* impacts, it receives a medium rating; and if it is expected to have *significant* impacts (e.g., damaging or protecting a sensitive ecosystem from irreversible harm or damage), it receives a high rating. A *Strategic Environmental Assessment* could provide the basis for the rating, see Cabinet Directive on Environmental Assessments: http://www.acee-ceaa.gc.ca/016/directive_e.htm.	**No/NA** ☐	**Low** ☐	**Medium** ☐	**High** ☐
Describe the expected impacts only when the impacts are Low, Medium or High:				

3) Social Impacts

If a regulatory proposal is expected to have *no* social impacts or implications (e.g., changes to people's way of life, culture, community, political systems, well-being, personal and property rights, fears and aspirations or raises ethical concerns) or is *not applicable*, it receives a No/NA rating. If a regulatory proposal is expected to have *minimal* impacts it receives a low rating; if it is expected to have *some* impacts, it receives a medium rating; if it is expected to have *significant* impacts, it receives a high rating. Special consideration should be given to vulnerable social and economic groups (e.g., Aboriginal, official language minorities, lower income Canadians, gender, children, the elderly, cultural groups and recent immigrants).	**No/NA** ☐	**Low** ☐	**Medium** ☐	**High** ☐
Describe the expected impacts only when the impacts are Low, Medium or High:				

4) Public Security Impacts

If a regulatory proposal is expected to have *no* impacts or implications on public security (e.g., national safety and security, transportation and travel safety, criminal activity/policing, emergencies and disasters, family and home safety, financial safety, internet safety, product/consumer protection, recreational safety, school safety, bullying and workplace safety)or is *not applicable*, it receives a No/NA rating. If a regulatory proposal is expected to have *minimal* impacts, it receives a low rating; if it is expected to have *some* impacts, it receives a medium rating; and if it is expected to have *significant* impacts, it receives a high rating.	**No/NA** ☐	**Low** ☐	**Medium** ☐	**High** ☐
Describe the expected impacts only when the impacts are Low, Medium or High:				

5) Economic Impacts

If a regulatory proposal is expected to have *no* economic impacts or implications (e.g. economy, business including administrative burden and duplication, consumers, competition and internal trade) or is *not applicable*, it receives a No/NA rating. If a regulatory proposal is expected to have *minimal* economic impacts, it receives a low rating; if it is expected to have *some* impacts, it receives a medium rating; and if it is expected to have *significant* impacts, it receives a high rating.	**No/NA** ☐	**Low** ☐	**Medium** ☐	**High** ☐
Describe the expected impacts only when the impacts are Low, Medium or High:				

6) Costs and Savings of the Regulatory Proposal

The estimated level of gross costs or savings to government, industry, consumers, and others as a result of the regulatory proposal, in dollar terms. Estimate costs or savings in either present value (PV) terms based on at least a 10-year forecast and an 8% discount rate, or expressed annually, see Canadian Cost Benefit Analysis Guide: http://www.regulation.gc.ca/documents/gl-ld/analys/analys00-eng.asp.	**No/NA** $0 ☐	**Low** $0-$10M PV OR $0-$1M annual OR ≤ 1% of overall costs/savings under applicable Act or sector ☐	**Medium** $10M-$100M PV OR $1M-$10M annual OR 1% to 3% of overall costs/savings under applicable Act or sector ☐	**High** ≥$100M PV OR ≥$10M annual OR ≥ 3% of overall costs/savings under applicable Act or sector ☐
Describe the expected level of costs and savings (include amounts when available) only when the impacts are Low, Medium or High:				

7) Public Interest, Stakeholder Support & Potential Controversy

If a proposal is *not* controversial and is universally supported by all stakeholder groups or is *not applicable*, it receives a No/NA rating. If a regulatory proposal is expected to cause *minimal* controversy and is generally supported by all key stakeholder groups, including lobby groups, it receives a low rating; if it is expected to cause *some* controversy or is opposed by some key stakeholders, it receives a medium rating; and if it is expected to cause *significant* controversy, opposed by most stakeholders or faces large opposition, it receives a high rating.	**No/NA** ☐	**Low** ☐	**Medium** ☐	**High** ☐
Describe the nature or source of the controversy, who are the main stakeholders and what is their anticipated position only when the impacts are Low, Medium or High:				

8) Impacts on Regulatory Coordination & Cooperation

If a regulatory proposal is expected to have *no* impact on regulatory coordination or cooperation (including between federal departments, with other governments in Canada, and internationally) or is *not applicable*, it receives a No/NA rating. If a regulatory proposal is expected to have *minimal* impacts on regulatory coordination or cooperation, it receives a low rating; if it is expected to have *some* impacts, it receives a medium rating; and if it is expected to have *significant* impacts, it receives a high rating.	**No/NA** ☐	**Low** ☐	**Medium** ☐	**High** ☐
Describe the expected impacts only when the impacts are Low, Medium or High:				

9) International Trade Agreements or Obligations

If a regulatory proposal is expected to have *no* impact on international trade agreements or obligations or is *not applicable*; it receives a No/NA rating. If a regulatory proposal is expected to have *minimal* impacts on international trade agreements or obligations, it receives a low rating; if it is expected to have *some* impacts, it receives a medium rating; and if it is expected to have *significant* impacts, it receives a high rating.	**No/NA** ☐	**Low** ☐	**Medium** ☐	**High** ☐
Describe the expected impacts only when the impacts are Low, Medium or High:				

10) Legal, Policy/Government Priority, Miscellaneous or Other Impacts

If a regulatory proposal is expected to have *no* legal, policy or other impacts or is *not applicable*, it receives a No/NA rating. If a regulatory proposal is expected to have *minimal* legal, policy or other impacts, it receives a low rating; if it is expected to have *some* impacts, it receives a medium rating; and if it is expected to have *significant* impacts, it receives a high rating. *Miscellaneous* regulations are usually rated as No/NA.	**No/NA** ☐	**Low** ☐	**Medium** ☐	**High** ☐
Indicate if it is miscellaneous. Describe the expected impacts only when the impacts are Low, Medium or High:				

SECTION III: OVERALL IMPACT

The overall expected level of impact of the regulatory proposal should be the highest level triggered by any of the questions in Section II.	**No/NA**	**Low**	**Medium**	**High**
	☐	☐	☐	☐

SECTION IV: SUBMISSIONS REQUIREMENTS

TRIAGE STATEMENT		**REQUIREMENTS**
A. If the answer is Low to all Q1-10	→	**Complete the Low Impact RIAS template** Consideration of recommendation for exemption from Pre-Publication in *Canada Gazette* Part I

TRIAGE STATEMENT		**REQUIREMENTS**
B. If the answer is Medium or High to one of Q1-Q10	→	**Complete the Medium-High RIAS template** Consult prior to Publication in *Canada Gazette* Part I
C. If the answer to one or more is Low to Q1-Q6	→	Estimate *benefits and costs* (e.g., cost-benefit analysis, risk assessments and environmental assessment) *Qualitative analysis of costs and benefits by stakeholder.*
D. If the answer to one or more is Medium to Q1-Q6	→	Estimate *benefits and costs* (e.g., cost-benefit analysis, risk assessments and environmental assessment) *1. Quantitative costs by stakeholder* *2. Quantitative Benefits by stakeholder when data is available (i.e. literature review, departmental records, benefits transfer, consultation, expert advice, etc.)* *3. Qualitative analysis of non measurable costs and benefits by stakeholder*
E. If the answer to one or more is High to Q1-Q6	→	Estimate *benefits and costs* (e.g., cost-benefit analysis, risk assessments and environmental assessment) *1.Quantitative costs by stakeholder* *2.Quantitative benefits by stakeholder* *3.Qualitative analysis of non measurable costs and benefits by stakeholder* Complete the "*Performance measurement and evaluation section*" of the RIAS template and a *Performance Measurement and Evaluation Plan*
F. If the answer is Medium or High to Q8	→	Report on any cooperation and coordination efforts undertaken, including between federal departments, with other governments in Canada, and internationally.
G. If the answer is Medium	→	Report on any efforts to ensure Canada's international

or High to Q9		obligations have been respected in such areas as human rights, health, safety, security, international trade, and the environment.
H. If the answer to one or more is Medium or High to Q1-Q6	→	Complete the "*Implementation, enforcement and service standards*" section of the RIAS template.

The <u>regulatory organization</u> should provide a rationale in writing if the final regulatory submission deviates from the *requirements* list above.
Any supplementary *requirements* (e.g., addition of a supplementary note, policy cover, cost recovery and etc.) should be listed here by <u>RAS</u>. In the case of miscellaneous, TBS-RAS approves the use of the MARs process: Yes ☐ No ☐

Departmental signoff (*contact person (s), or director*):

Date: _____

Departmental contact person (s) (name and address):

TBS-RAS Analyst signoff:

Date: _____

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