



Treasury Board of Canada
Secretariat

Secrétariat du Conseil du Trésor
du Canada

Triage Statement

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Triage Statement

As part of the Government of Canada's regulatory policy, the *Cabinet Directive on Streamlining Regulation* (CDSR), regulatory proposals are assessed at an early stage to determine where processes can be streamlined and where resources should be focussed. This serves to make the regulatory system more effective and efficient.

The purpose of the Triage Statement is to assist regulatory organizations and the Regulatory Affairs Sector (RAS) of the Treasury Board of Canada Secretariat in promoting the principle of proportionality—that significantly more time and resources should be spent on high-impact proposals than on low-impact ones. The Triage Statement is a tool that assesses the level of impact of a regulatory proposal in its development stage and assists in aligning it at the outset with the varying requirements of the Regulatory Impact Analysis Statement (RIAS).

The following levels of impact need to be considered in developing the Triage Statement:

- ▶ potential impact 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 Triage Objectives

The objectives of the Triage Statement are to:

- ▶ facilitate early involvement by RAS in the regulatory development process to avoid delays that may occur at later stages in the process when requirements have not been met;
- ▶ assist regulatory organizations in focussing their efforts on regulatory proposals that have medium or high levels of impact;
- ▶ determine the appropriate CDSR requirements for each regulatory submission and the level of analysis required;
- ▶ support the use of the appropriate RIAS templates (low impact versus medium/high impact);
- ▶ assist in determining which proposals should be considered for exemption from pre-publication in Canada Gazette, Part I; and
- ▶ support more consistent regulatory impact analysis across federal regulatory organizations.

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. RAS analysts can then provide early assessment and input before the regulatory organization has initiated consultations or conducted detailed analysis on the regulatory proposal.

The answers to the questions in the Triage Statement should be based on readily available information, not on in-depth analysis. The specific information and level of detail required in a RIAS is not required at the Triage stage. The Triage Statement will determine the submission's CDSR requirements so that the regulatory organization can then initiate consultations, conduct the regulatory analysis, and draft the RIAS appropriately in developing the regulation.

RAS is available to help regulatory organizations complete the Triage Statement and will provide comments on draft Triage Statements.

Levels of Impact

The use of the word *impact* in this document refers to both positive and negative impacts. The description of the level of impact should be as short as possible, with a maximum of one page for each question.

For each of the questions, regulators will assess the expected effects of a regulatory proposal and rank the level of impact by selecting one of the four columns: No or N/A, Low, Medium or High. All numerical and monetary effects (e.g., costs and savings) should be based on gross rather than net values. When there are differing levels of impact within a question (e.g., low impact on some elements of a question and medium impact on others), only the highest impact level in the column should be checked. Impacts should not be averaged out.

No Impact or Not Applicable

The regulatory proposal may have **no** impact or is **not applicable** to the areas covered by the question. In these cases, no description of the level of impact is required.

Low

The regulatory proposal may have a **minimal** level of impact on the areas covered by the question. For example, it may be routine or administrative in nature or generally acknowledged as acceptable to the public and would have negligible impact on such areas as health and safety, the environment, the economy, or government.

Medium

The regulatory proposal may have **some** impact on the areas covered by the question. For example, if it represents considerable change to the status quo, it may affect such areas as health and safety, the environment, the economy, or government.

High

The regulatory proposal may have **significant** impact on areas covered by the question. For example, if it is highly controversial and represents a very significant change to the status quo, it may seriously affect such areas as health and safety, the environment, the economy, or government.

Overall Level of Significance of the Proposal

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

Amending the Triage Statement

The Triage Statement is an initial assessment to determine the potential levels of impact of a regulatory proposal. Consequently, as new information becomes available and additional analysis and consultations are completed, the previously assessed impact levels may change, thereby requiring the Triage Statement to be amended. This can be done when the regulatory proposal is submitted to RAS for inclusion on the Treasury Board agenda, or before as appropriate. However, any changes to the Triage Statement by the sponsoring regulatory organization should be made, however, in discussion with a RAS analyst.

RAS Service Standard

A RAS analyst will send comments to the originating regulatory organization within 10 business days of receipt of a Triage Statement unless a different timeline is mutually agreed upon. The goal for RAS and the regulatory organization is 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 *Policy on Access to Information*, and the *Policy on the Security of Cabinet Confidences*.

Should security requirements permit, regulatory organizations are encouraged to share the Triage Statement with stakeholders as part of their consultation process. The Triage Statement could also be published on the organization's website, allowing the RIAS to refer to this web link.

Emergency Situations

When there is an immediate and serious risk to the health and safety of Canadians, their security, the economy, or the environment, expedited processes are required to allow the government to respond in a timely manner. It may be determined, in consultation with RAS, that a Triage Statement is not required for certain regulatory proposals arising out of emergency situations.

Miscellaneous Amendments Regulations

Miscellaneous amendment regulations (MARs) are used to correct errors, omissions, and inconsistencies in regulations in an expeditious way. The process can be used at any time.

The MARs process is faster and less costly than other regulatory approval processes and has the following advantages:

- ▶ it uses a low-impact RIAS, which is a simplified RIAS;
- ▶ no communication plan is required; and
- ▶ it is expected that there will be a recommendation for exemption from pre-publication in Part I of the Canada Gazette (except where required by statute).

Regulatory organizations must ensure that they obtain the agreement of the RAS before sending the draft on the drafting instructions to the relevant regulatory section of the Department of Justice Canada. To maximize efficiency, MARs should be submitted in an omnibus package.

When a regulation-making authority intends to amend several instruments at the same time and some of the instruments are statutory instruments (SI) and others are Statutory Orders and Regulations (SOR), two separate instruments are required: one to amend the SIs and the other to amend the SORs.

Criteria

1. MARs can be used to implement corrections that have been triaged as having no impact.

These corrections are restricted to the following:

- ▶ errors in format, syntax, spelling, and punctuation;
- ▶ typographical errors, archaisms, anomalies, and numbering errors;
- ▶ inconsistencies between the English and French versions, as long as these inconsistencies are non-substantive;

-
- ▶ obsolete regulations (i.e., regulations that are outdated but still legally enforceable); and
 - ▶ spent regulations (i.e., regulations that have no further application or effect).
2. MARs can also be used to implement regulatory amendments requested by the Standing Joint Committee for the Scrutiny of Regulations that have been triaged as having no impact or a low impact. In the event that a change requested by the Standing Joint Committee for the Scrutiny of Regulations is triaged as having a medium or high impact because, for example, it affects Canadians in a significant manner and some form of consultation may be needed, departments are to consult with TBS' Regulatory Affairs Sector (TBS–RAS) to assess whether the MARs process is appropriate.

Process

Ensure receipt of TBS–RAS' concurrence before proceeding with MARs. Unless otherwise indicated (e.g., statutory requirements), the following requirements apply to MARs:

- ▶ complete the Low-impact RIAS template;
- ▶ the minister or agency head does not have to sign the RIAS;
- ▶ no communication plan is required;
- ▶ no pre-publication is necessary; and
- ▶ MARs require the words “Miscellaneous Program” to appear at the end of the title.

Step-By-Step Summary of the Triage Statement 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 copy sent to RAS for review before it is signed. Upon receiving the Triage Statement, RAS analysts will contact the originating regulatory organization with any comments within 10 business days.

Step 2

Once finalized and agreed upon, the Triage Statement should then be signed by the regulator (director) and sent to the RAS analyst for approval (signature) before the regulatory organization has initiated the analysis and consultations. Regulatory authorities shall resubmit the Triage Statement to their RAS analyst if the level of impact changes from their initial assessment. This can be done when the regulatory proposal is submitted to RAS for inclusion on the Treasury Board (Part B) agenda or before, as appropriate. However, RAS should be notified about this change in writing by email as soon as the regulator becomes aware of this change.

Step 3

The CDSR requirements are then determined for the regulatory proposal, including when it is a MAR, based on Section IV of the Triage Statement.

Triage Statement Form

Section I: Overview

(Maximum 2 pages)

Security classification

Date received by RAS:

(RAS Service Standard: 10 business days)

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

Describe the preliminary regulatory action(s) under consideration.

Section II: Expected Levels of Impact

(Maximum 1 page for each question)

To rate the level of impact, check either No or N/A (no or not applicable), Low, Medium, or High.

1) Health and Safety

<p>If a regulatory proposal is expected to have no impact on human, animal, or plant health or safety, or is not applicable, it receives a No or N/A rating. If a regulatory proposal is expected to have minimal impact, it receives a Low rating; if it is expected to have some impact, such as reducing the delay or the need for medical attention or hospitalization, it receives a Medium rating; and if it is expected to have a significant impact, such as mortality, it receives a High rating.</p>	<p>No or N/A</p> <input type="checkbox"/>	<p>Low</p> <input type="checkbox"/>	<p>Medium</p> <input type="checkbox"/>	<p>High</p> <input type="checkbox"/>
<p><i>If the rating is Low, Medium, or High, describe the expected level of impact:</i></p>				

2) Environment

<p>If a regulatory proposal is expected to have no impact on the environment, or is not applicable, it receives a No or N/A rating. If a regulatory proposal is expected to have minimal impact, it receives a Low rating; if it is expected to have some impact, it receives a Medium rating; and if it is expected to have a significant impact, such as damaging a sensitive ecosystem or protecting it from irreversible harm or damage, it receives a High rating. A preliminary review based on <i>The Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals</i> will assist in providing a basis for the rating.</p>	<p>No or N/A</p> <input type="checkbox"/>	<p>Low</p> <input type="checkbox"/>	<p>Medium</p> <input type="checkbox"/>	<p>High</p> <input type="checkbox"/>
<p><i>If the rating is Low, Medium, or High, describe the expected level of impact:</i></p>				

3) Society and Culture

<p>If a regulatory proposal is expected to have no social impact or implications for people’s way of life, culture, community, political systems, well-being, personal and property rights, fears and aspirations, or ethical concerns, or is not applicable, it receives a No or N/A rating. If a regulatory proposal is expected to have minimal impact, it receives a Low rating; if it is expected to have some impact, it receives a Medium rating; if it is expected to have a significant impact, it receives a High rating. Special consideration should be given to vulnerable social and economic groups, such as Aboriginal peoples, official-language minorities, lower income Canadians, recent immigrants, and groups affected on the basis of age, gender, race, or culture.</p>	<p>No or N/A</p> <p><input type="checkbox"/></p>	<p>Low</p> <p><input type="checkbox"/></p>	<p>Medium</p> <p><input type="checkbox"/></p>	<p>High</p> <p><input type="checkbox"/></p>
<p><i>If the rating is Low, Medium, or High, describe the expected level of impact:</i></p>				

4) Public Security

<p>If a regulatory proposal is expected to have no impact on public security or no implications for national safety and security, transportation and travel safety, criminal activity or policing, emergencies and disasters, family and home safety, financial safety, Internet safety, product or consumer protection, recreational safety, bullying, school safety, and workplace safety, or is not applicable, it receives a No or N/A rating. If a regulatory proposal is expected to have minimal impact, it receives a Low rating; if it is expected to have some impact, it receives a Medium rating; and if it is expected to have a significant impact, it receives a High rating.</p>	<p>No or N/A</p> <p><input type="checkbox"/></p>	<p>Low</p> <p><input type="checkbox"/></p>	<p>Medium</p> <p><input type="checkbox"/></p>	<p>High</p> <p><input type="checkbox"/></p>
<p><i>If the rating is Low, Medium, or High, describe the expected level of impact:</i></p>				

5) Economy

<p>If a regulatory proposal is expected to have no economic impact or implications for business (including administrative burden and duplication), consumers, competition, jobs, and trade (international and interprovincial), or is not applicable, it receives a No or N/A rating. If a regulatory proposal is expected to have minimal economic impact, it receives a Low rating; if it is expected to have some impact, it receives a Medium rating; and if it is expected to have a significant impact, it receives a High rating.</p>	<p>No or N/A</p> <p><input type="checkbox"/></p>	<p>Low</p> <p><input type="checkbox"/></p>	<p>Medium</p> <p><input type="checkbox"/></p>	<p>High</p> <p><input type="checkbox"/></p>
<p><i>If the rating is Low, Medium, or High, describe the expected level of impact:</i></p>				

6) Costs and Savings of the Regulatory Proposal

<p>Estimate the level of gross costs or savings to government, industry, consumers, and Canadians as a result of the regulatory proposal in CAN dollars. Estimate costs or savings either in terms of present value (PV) based on a minimum 10-year forecast and an 8% discount rate, or expressed annually. For guidance see the <i>Canadian Cost-Benefit Analysis Guide: Regulatory Proposals</i>. Note: government costs do not include the cost of developing the regulatory proposal.</p>	<p>No or N/A</p> <p>\$0</p> <p><input type="checkbox"/></p>	<p>Low</p> <p>\$0–\$10 million PV</p> <p>or</p> <p>\$0–\$1 million annual</p> <p><input type="checkbox"/></p>	<p>Medium</p> <p>\$10–\$100 million PV</p> <p>or</p> <p>\$1M–\$10 million annual</p> <p><input type="checkbox"/></p>	<p>High</p> <p>≥\$100 million PV</p> <p>or</p> <p>≥\$10 million annual</p> <p><input type="checkbox"/></p>
<p><i>If the level of impact is Low, Medium, or High, describe the expected level of costs and savings (include amounts if available):</i></p>				

7) Public Interest, Stakeholder Support, and Potential Controversy

<p>If a proposal is not controversial and is universally supported by all stakeholder groups, or this is not applicable, it receives a No or N/A rating. If a regulatory proposal is expected to cause minimal controversy but 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, is opposed by most stakeholders, or faces large opposition, it receives a High rating.</p>	<p>No or N/A</p> <p><input type="checkbox"/></p>	<p>Low</p> <p><input type="checkbox"/></p>	<p>Medium</p> <p><input type="checkbox"/></p>	<p>High</p> <p><input type="checkbox"/></p>
<p><i>If the level of impact is Low, Medium, or High, describe the nature or source of the controversy, the main stakeholders, and their anticipated position:</i></p>				

8) Regulatory Coordination and Cooperation

<p>If a regulatory proposal is expected to have no impact on regulatory coordination or cooperation, including that between federal departments, with other governments in Canada, and internationally, or is not applicable, it receives a No or N/A rating. If a regulatory proposal is expected to have minimal impact on regulatory coordination or cooperation, it receives a Low rating; if it is expected to have some impact, it receives a Medium rating; and if it is expected to have a significant impact, it receives a High rating, for example, whenever specific Canadian requirements are proposed.</p>	<p>No or N/A</p> <p><input type="checkbox"/></p>	<p>Low</p> <p><input type="checkbox"/></p>	<p>Medium</p> <p><input type="checkbox"/></p>	<p>High</p> <p><input type="checkbox"/></p>
<p><i>If the rating is Low, Medium, or High, describe the expected level of impact:</i></p>				

9) International Trade Agreements or Obligations

<p>If a regulatory proposal is expected to have no impact on international trade agreements or obligations, or is not applicable, it receives a No or N/A rating. If a regulatory proposal is expected to have minimal impact on international trade agreements or obligations, it receives a Low rating; if it is expected to have some impact, it receives a Medium rating; and if it is expected to have a significant impact, it receives a High rating.</p>	<p>No or N/A</p> <p><input type="checkbox"/></p>	<p>Low</p> <p><input type="checkbox"/></p>	<p>Medium</p> <p><input type="checkbox"/></p>	<p>High</p> <p><input type="checkbox"/></p>
<p><i>If the rating is Low, Medium, or High, describe the expected level of impact:</i></p>				

10) Legal, Policy or Government Priority, Miscellaneous Amendment Regulations (MARs), or other Impact

<p>If a regulatory proposal is expected to have no legal, policy, or other impact, or is not applicable, it receives a No or N/A rating. If a regulatory proposal is expected to have minimal legal, policy, or other impact, it receives a Low rating; if it is expected to have some impact, it receives a Medium rating; and if it is expected to have significant impact, it receives a High rating. MARs are usually rated as No or N/A.</p>	<p>No or N/A</p> <p><input type="checkbox"/></p>	<p>Low</p> <p><input type="checkbox"/></p>	<p>Medium</p> <p><input type="checkbox"/></p>	<p>High</p> <p><input type="checkbox"/></p>
<p><i>Indicate if it is a MAR.</i> <input type="checkbox"/></p> <p><i>Indicate if it is an amendment requested by the Standing Joint Committee for the Scrutiny of Regulations.</i> <input type="checkbox"/></p> <p><i>If the rating is Low, Medium, or High, describe the expected level of impact:</i></p>				

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 or N/A <input type="checkbox"/>	Low <input type="checkbox"/>	Medium <input type="checkbox"/>	High <input type="checkbox"/>
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Section IV: Submissions Requirements

Triage Statement		Requirements
Low-Impact RIAS Template		
A. If the answer to all 10 questions is No or N/A or Low	<input type="checkbox"/>	Complete the Low-impact RIAS template Consideration of recommendation for exemption from pre-publication in <i>Canada Gazette</i> , Part I.

Medium/High-Impact RIAS Template		
B. If the answer to one or more of the 10 questions is Medium or High	<input type="checkbox"/>	Complete the Medium/high-impact RIAS template Consult stakeholders before pre-publication in <i>Canada Gazette</i> , Part I.
C. If all the answers to Questions 1 through 6 are No or N/A or Low	<input type="checkbox"/>	Qualitative analysis of costs and benefits for each stakeholder is required.
D. If the answer to one or more of Questions 1 through 6 is Medium and there are no answers that are High	<input type="checkbox"/>	Estimate benefits and costs for each stakeholder through cost-benefit analysis, risk assessments, and strategic environmental assessment: <ol style="list-style-type: none"> 1. Quantitative costs; 2. Quantitative benefits if data is available (such as in literature reviews, departmental records, benefits transfer, consultation, and expert advice); or 3. Qualitative costs or benefits when 1 or 2 above is not possible.

<p>E. If the answer to one or more of questions 1 through 6 is High</p>	<input type="checkbox"/>	<p>Estimate benefits and costs for each stakeholder through cost-benefit analysis, risk assessments and strategic environmental assessment:</p> <ol style="list-style-type: none"> 1. Quantitative costs 2. Quantitative benefits 3. Qualitative costs or benefits when 1 or 2 is not possible <p>Complete the Performance Measurement and Evaluation section of the RIAS template and a Performance Measurement and Evaluation Plan.</p>
<p>F. If the answer to Question 8 is either Medium or High</p>	<input type="checkbox"/>	<p>Report on any cooperation and coordination efforts undertaken, including those between federal departments, with other governments in Canada, and internationally. When specific Canadian requirements are proposed, identify why they are warranted by specific Canadian circumstances and how they result in the greatest overall benefit to Canadians.</p>
<p>G. If the answer to Question 9 is either Medium or High</p>	<input type="checkbox"/>	<p>Report on any efforts to ensure that Canada's international obligations are respected in such areas as human rights, health, safety, security, international trade, and the environment.</p>
<p>H. If the answer to one or more of Questions 1 through 6 is either Medium or High</p>	<input type="checkbox"/>	<p>Complete the Implementation, Enforcement and Service Standards section of the RIAS template.</p>

The regulatory organization should provide a rationale in writing if the regulatory organization wishes to obtain an exemption from RAS on some of the requirements listed above:

RAS should list any additional requirements for this proposal, such as policy cover, program funding, or other information:

In the case of a MAR, RAS approves the use of the MARs process:

Yes No

Departmental signoff (*Director*):

Name and title (print):

Date:

Name and address of departmental contact person(s):

RAS signoff (*analyst*):

Date:

The regulatory organization should send two signed copies of the final Triage Statement to RAS. RAS will then sign the two Triage Statements and return one copy to the regulatory organization.

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