Chapter 14 The Process of Part 1 of the Inquiry

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14.1 Introduction

This section of the report offers an outline of the process of Part 1 of the Walkerton Inquiry and the principles that guided the development of the process.[1] The process of Part 2 of the Inquiry[2] will be described in the Part 2 report, which will follow at a later date.

In designing the process, my counsel and I considered several recent decisions of the Supreme Court of Canada, which provided guidance on a number of issues that arise in the conduct of public inquiries.[3] We also benefited from the experiences of past inquiries, from law reform commission reports, and from academic articles.[4] To some extent, the process for Part 1 evolved as the Inquiry proceeded. As circumstances changed and new issues arose, we adapted the process in an effort to ensure that the Inquiry was thorough, timely, and fair to

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[1] A commissioner of an inquiry has the authority to determine the procedure of the inquiry under the *Public Inquiries Act*, R.S.O. 1990, c. P-41, s. 3. According to Cory J.: "[T]he nature and the purpose of public inquiries requires courts to give a generous interpretation to a commissioner's powers to control their own proceedings under the Nova Scotia Act"; see *Phillips* v. *Nova Scotia (Commission of Inquiry into the Westray Mine Tragedy)*, [1995] 2 S.C.R. 97 at para. 175, which dealt with the application of the Nova Scotia *Public Inquiries Act*, R.S.N.S. 1989, c. 372, s. 5.

[2] The terms "the Inquiry" and "the Commission" are used interchangeably throughout this report.

[3] See *Canada (Attorney General)* v. *Canada (Commission of Inquiry on the Blood System in Canada – Krever Commission)*, [1997] 3 S.C.R. 440; *Phillips* v. *Nova Scotia (Commission of Inquiry into the Westray Mine Disaster)*, *supra*, note 1; and *Starr* v. *Houlden*, [1990] 1 S.C.R. 1366.

[4] We were assisted, in particular, by the reports of the Commission of Inquiry on the Blood System in Canada (1997), the Commission of Inquiry into Certain Events at the Prison for Women in Kingston (1996), the Commission on Proceedings Involving Guy Paul Morin (1998), the Westray Mine Public Inquiry (1997), the Commission of Inquiry into Certain Deaths at the Hospital for Sick Children and Related Matters (1984), the Niagara Regional Police Force Inquiry (1993), and the Commission of Inquiry into the Air Ontario Crash at Dryden, Ontario (1989).

We were also assisted by three reports on public inquiries: Law Reform Commission of Canada, Working Paper 17, *Administrative Law: Commissions of Inquiry* (1977); Ontario Law Reform Commission, *Report on Public Inquiries* (1992); and Alberta Law Reform Institute, Report 62, *Proposals for the Reform of the Public Inquiries Act* (1992).

We also found useful several academic works on public inquiries, including A. Paul Pross, Innis Christie, and John A. Yogis, eds., *Commissions of Inquiry*, *Dalhousie Law Journal*, vol. 12 (1990), 151; R.J. Anthony and A.R. Lucas, *A Handbook on the Conduct of Public Inquiries in Canada* (Toronto: Butterworths, 1985); Nicholas d'Ombrain, "Public inquiries in Canada," *Canadian Public Administration,* vol. 40, no. 1 (1997), p. 86; Marlys Edwardh and Jill Copeland, "A delicate balance: The rights of the criminal accused in the context of public inquiries," paper prepared for the Conference at Osgoode Hall Law School in Honour of Justice Peter de Carteret Cory, October 27, 1999; and Julian N. Falconer and Richard Macklin, "Current issues on standing," paper prepared for the Law Society of Upper Canada – Department of Continuing Education.

the interests of the many individuals, groups, and institutions that might be affected by the proceedings.

14.1.1 Purpose

In the *Westray* case in the Supreme Court of Canada, Mr. Justice Cory wrote that public inquiries "are often convened, in the wake of public shock, horror, disillusionment, or scepticism, in order to uncover 'the truth.'"[5] The search for the truth is a difficult undertaking in circumstances of human tragedy and suffering. The role of an inquiry in such circumstances is to find out what happened, what went wrong, and what can be done to avoid a similar tragedy in the future.

Given the tragic consequences of the water contamination in Walkerton, the importance of the "fact-finding" role was paramount. The public was shocked by what had happened, and it was widely reported that many people had lost confidence in the safety of Ontario's drinking water. They questioned the role of public officials and the government in failing to prevent such a tragedy. In a very real sense, the Walkerton Inquiry was born out of a public sense of anger and doubt. This was especially true for the residents of Walkerton, who were the people most directly affected by the outbreak.

14.1.2 A Broad Mandate

Because of the circumstances in which the Inquiry was called, its mandate was broad. The overarching purpose of the Inquiry was to make recommendations to ensure the safety of Ontario's drinking water in the future. To do this, I was directed to carry out three tasks, two of which were directly connected to the events in Walkerton. The third was, in effect, a catch-all that allowed me to consider any other matters I considered necessary to carry out the mandate. The relevant portion of the mandate reads:

> The commission shall inquire into the following matters:

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[5] *Phillips* v. *Nova Scotia* (*Commission of Inquiry into the Westray Mine Tragedy*), [1995] 2 S.C.R. 97 at para. 62.

(a) the circumstances which caused hundreds of people in the Walkerton area to become ill, and several of them to die in May and June 2000, at or around the same time as *Escherichia coli* bacteria were found to be present in the town's water supply;

(b) the cause of these events including the effect, if any, of government policies, procedures and practices; and

(c) any other relevant matters that the commission considers necessary to ensure the safety of Ontario's drinking water,

in order to make such findings and recommendations as the commission considers advisable to ensure the safety of the water supply system in Ontario.[6]

14.1.3 The Division of the Mandate

Although each of the three prongs of the mandate was directed at making recommendations, the first two were Walkerton-related. They directed me to investigate and determine what had happened in Walkerton and why, and to make recommendations based on those findings. The third prong was much broader: what happened in Walkerton has provided some but by no means all of the answers to the question of what needs to be done to ensure the safety of our water.

Moreover, because the Walkerton part of the mandate involved a great deal of fact-finding, it was appropriate to adopt an adjudicative, evidentiary type of process. The broader, non-Walkerton part required a policy-based examination of issues, practices, and experiences in other jurisdictions. The different nature of the two exercises required two different procedural models.

Given the dual roles of the Inquiry, one of my first decisions was to divide the Inquiry into two parts: Part 1 and Part 2. I proceeded with both parts simultaneously, providing each with a different process. Part 1 was conducted by way of evidentiary hearings in Walkerton and was further divided into two subparts, reflecting the first two heads in the mandate. Part 1A addressed the

[6] Order in Council 1170/2000, s. 2; see Appendix A.

circumstances of the cause of the contamination, and Part 1B addressed the effect, if any, of government policies, procedures, and practices.[7]

Part 2 of the Inquiry deals with policy issues related to safe drinking water, as reflected in the third head of the mandate. It involves a broad review of relevant issues, including public health, source water protection, and technological and management issues associated with the delivery of safe drinking water. I will deliver a separate report for Part 2 at a later date.

The primary purpose of Part 1 is to make findings regarding the historical cause of the tragedy in Walkerton and to make recommendations based on those findings. The primary purpose of Part 2 is to make recommendations regarding the broader issue of Ontario's drinking water system.

14.2 Principles

Four principles should guide the conduct of a public inquiry: thoroughness, expedition, openness to the public, and fairness. The process of the Walkerton Inquiry was designed with these principles in mind.

14.2.1 Thoroughness

Given the purpose of an inquiry, "[i]t is crucial," as Mr. Justice Cory has said, "that an inquiry both be and appear to be independent and impartial in order to satisfy the public desire to learn the truth."[8] An inquiry must be thorough to realize this duty of independence and impartiality. It must examine all of the relevant issues with care and exactitude so as to leave no doubt that all questions raised by its mandate were answered and explored.

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[7] Part 1A preceded Part 1B. Part 1A began on October 16, 2000, and was completed on March 1, 2001. Part 1B began on March 6, 2001, and was completed on July 30. Closing submissions for both were heard from August 15 to 27, 2001.

[8] *Phillips* v. *Nova Scotia (Commission of Inquiry into the Westray Mine Tragedy), supra,* note 1, at para. 175.

14.2.2 Expedition

To remain relevant, an inquiry should be expeditious. Some inquiries have been criticized for becoming bogged down in procedural wrangling and for taking so much time that they drift into irrelevance. Expedition in the conduct of an inquiry makes it more likely that members of the public will be engaged by the process and feel confident that their questions and concerns are being addressed. Moreover, an expeditious inquiry usually costs less. In the Walkerton Inquiry, we set timelines at the beginning, and, with few exceptions, they were met. This is a testament to the commitment and hard work of all those involved, including the parties, most of whom made a substantial contribution.

14.2.3 Openness to the Public

An inquiry should be public in the fullest sense. This means that the public must have access to the inquiry so that the story that is told can be heard. Further, to maintain public confidence, the process of an inquiry must be open to public scrutiny. On this issue, I echo the reflections of Justice S.G.M. Grange, commissioner of the Inquiry into Certain Deaths at the Hospital for Sick Children, who said:

> I remember once thinking egotistically that all the evidence, all the antics, had only one aim: to convince the commissioner who, after all, eventually wrote the report. But I soon discovered my error. They are not just inquiries; they are *public* inquiries … I realized that there was another purpose to the inquiry just as important as one man's solution to the mystery and that was to inform the public. Merely presenting the evidence in public, evidence which had hitherto been given only in private, served that purpose. The public has a special interest, a right to know and a right to form its opinion as it goes along.[9]

An inquiry must also respond to the concerns of the public, especially to those individuals most affected by its *raison d'être* – in this case, the people of Walkerton. Mr. Justice Cory expressed this role as follows:

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[9] S.G.M. Grange, "How should lawyers and the legal profession adapt?" in A. Paul Pross, Innis Christie, and John A. Yogis, eds., *Commissions of Inquiry*, *Dalhousie Law Journal*, vol. 12 (1990), 151 at pp. 154–55 (emphasis in original).

> Open hearings function as a means of restoring the public confidence in the affected industry and in the regulations pertaining to it and their enforcement. As well, it can serve as a type of healing therapy for a community shocked and angered by a tragedy. It can channel the natural desire to assign blame and exact retribution into a constructive exercise providing recommendations for reform and improvement.[10]

14.2.4 Fairness

The principles reviewed above all stem from the public's interest in an inquiry. It is important to remember, however, that inquiries can have a serious impact on those implicated in the process. Thus, an inquiry must balance the interests of the public in finding out what happened with the rights of those involved to be treated fairly. As the Ontario Law Reform Commission has commented, the public benefits of an inquiry must be weighed against the costs of "interfering with the privacy, reputation, and legal interests of individuals."[11]

14.3 A Description of the Process

14.3.1 Relations with the Community

Many inquiries originate in human tragedy and suffering. The residents of Walkerton – some of whom lost loved ones, others who suffered lasting physical harm, and all of whom experienced the shock and tragedy that overcame their community – clearly had a profound interest in the conduct of the proceedings. It was very important to communicate, to the greatest extent possible, with those most affected. Within a month of my appointment, Inquiry staff met with the representatives of local groups in Walkerton to discuss local views and concerns. Within two months, we held community meetings over the course of four days in Walkerton to hear directly from those

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[10] *Phillips* v. *Nova Scotia (Commission of Inquiry into the Westray Mine Tragedy), supra,* note 1, at para. 117.

[11] Ontario Law Reform Commission, *supra,* note 4, at p. 19. In particular, I derived guidance from the Supreme Court of Canada's decision in *Phillips v. Nova Scotia (Commission of Inquiry into the Westray Mine Tragedy)*, *supra*, note 1.

who wished to tell their story about the ongoing impact of the tragedy on their lives.[12] This was the Inquiry's first public event.[13]

Thereafter, all of the hearings in Part 1 were held in Walkerton. I think this was important. Walkerton was the place where the tragedy occurred, and the people living there were the most directly affected. My sense was that it was their wish, overwhelmingly, that the Part 1 hearings be held in their community.

14.3.2 The Rules of Procedure and Practice

With the above principles in mind, the Inquiry developed a set of draft rules, which were published in July 2000. These rules were, to a considerable extent, modelled on the rules of other inquiries and tailored to the circumstances and requirements of this Inquiry. Once parties were granted standing, they were given an opportunity to comment on the rules.[14]

The rules indicated that the Inquiry would be divided into two parts, as described above. Given the evidentiary nature of Part 1, the rules dealt at length with the role of those parties with standing in Part 1. They outlined the basis on which parties would be granted standing, their rights during the hearings, and the rights of witnesses. The rules also outlined the role of Walkerton Commission counsel, the manner in which evidence would be called, and the order of examinations of witnesses.

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[12] The boil water advisory remained in effect during the first two months of the Part 1 hearings. A letter from me to the residents of Walkerton and a list of presenters at the hearings is included in Appendices C(i) and C(ii).

[13] Those who wished to tell their story *in camera*, due to its personal nature, were permitted to do so. Transcripts of those meetings, without name references, were publicly available. (Under the *Public Inquiries Act*, R.S.O. 1990, c. P-41, s. 4(b), a commissioner of an inquiry is empowered to hold hearings in the absence of the public when "intimate financial or personal matters or other matters may be disclosed … that are of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public.")

[14] The rules, in their final form, are included in Appendices D(i) and D(ii). Also, supplementary procedural guidelines provided to the parties are included in Appendices D(iv) and D(v).

14.3.3 Standing

In a public inquiry, those who have a direct stake in the process may be granted standing so that they can participate in the proceedings. In the case of this Inquiry, applicants for standing made written submissions and oral argument at a hearing in Walkerton, and I granted standing to a wide range of individuals and groups.[15] I wanted to ensure that a broad range of interests and perspectives would be represented so that the Inquiry was inclusive and thorough.

There were two bases on which I granted standing in Part 1. The first was the basis required under section 5(1) of the *Public Inquiries Act:*

> A commission shall accord to any person who satisfies it that the person has a substantial and direct interest in the subject-matter of its inquiry an opportunity during the inquiry to give evidence and to call and examine or to cross-examine witnesses personally or by counsel on evidence relevant to the person's interest.[16]

The definition of "substantial and direct interest" under this section is a matter of law, and I do not need to undertake a detailed review of the issues here. Suffice it to say that the definition generally includes anyone whose reputation might be damaged by the findings of the commissioner and who has a greater interest in the proceedings than that of an interested member of the public.[17]

I also granted standing to a number of groups who represented clearly ascertainable interests and perspectives that were essential to my mandate and who I thought should be separately represented before the Inquiry.[18] These groups included a municipal association, agricultural associations, environmental groups, trade unions, and an association of public health inspectors. By involving these groups in the hearings, the Inquiry benefited from a diverse array of views that would not otherwise have been brought forward. In cases in which several applicants for standing appeared to have similar perspectives, they were given a single grant of standing on the understanding they would

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[15] My ruling on standing and funding, a supplementary ruling, and the notice of the hearing on standing are included in Appendices E(i), E(ii), and E(iii).
[16] *Public Inquiries Act*, R.S.O. 1990, c. P-41, s. 5(1).
[17] See *Gosselin* v. *Ontario (Royal Commission of Inquiry into Certain Deaths at the Hospital for Sick Children – Grange Commission)* (1984), Admin. L.R. 250 (Ont. Div. Ct.); and *Re The Ontario Crime Commission, Ex parte Feeley and McDermott* (1962), 34 D.L.R. (2d) 451 (Ont. C.A.).
[18] Rules of Procedure and Practice, Rule 5(b).

form a coalition. I granted standing to a total of 21 groups and individuals in Part 1.[19]

14.3.3.1 *Categories of Standing*

In granting standing to a relatively large number of parties, I knew there was a risk that the hearings could bog down, so I limited the concept of standing as much as possible to the specific interest or perspective of a party. Parties with a legal interest under the *Public Inquiries Act* were able to participate in the hearings and cross-examine witnesses on days when the hearings addressed their specific interest. Parties with a useful perspective were limited to those hearing days on which their perspective would be helpful.

This approach led to three categories of standing. Parties with the widest interests or perspectives were granted *full standing* and were entitled to participate in all of the Part 1 hearings. Those with more narrow interests or perspectives had *limited standing* and were notified in advance of the days on which they were expected to participate, subject always to an opportunity on their part to seek broader participation. Finally, a few parties with focused perspectives were granted *special standing*, which entitled them to receive documents produced by Commission counsel but not to participate in the hearings. This system made necessary a rather complex procedure to track and notify the parties regarding their attendance and funding. In the end, though, I am satisfied that the procedure allowed for greater participation in the process with efficient use of time, while at the same time avoiding unnecessary expense.

14.3.4 Funding

The Order-in-Council laying out the mandate for the Inquiry also provided as follows regarding funding for the parties:

> The commission may make recommendations to the Attorney General regarding funding to parties who have been granted standing, to the extent of the party's interest, where in the commission's

[19] A list of parties is included in Appendix B(i).

> view, the party would not otherwise be able to participate in the inquiry without such funding.[20]

To qualify for a funding recommendation, parties had to demonstrate that they would not be able to participate in the Inquiry without funding. They also had to have a satisfactory proposal that stated how they would use and account for the funds. In recommending funding, I considered these criteria:

- the nature of the party's interest and proposed involvement in the Inquiry
- whether the party had an established record of concern for and a demonstrated commitment to the interest it sought to represent
- whether the party had special experience or expertise with respect to the Commission's mandate
- whether the party could reasonably be included in a group of others of similar interest

Many parties did not apply for funding. For those that did, I recommended full funding in some cases and partial funding in others. Funding was normally recommended for a single counsel, with disbursements, for each qualifying party, for those hearing days that engaged its interest or perspective. I was pleased that the Attorney General accepted all my funding recommendations. A total of 11 parties in Part 1 received either full or partial funding on my recommendation.

Counsel fees and disbursements for those with funding were based on the funding guidelines issued by the Attorney General for outside counsel who provide legal services to the government.[21] Parties awarded funding submitted their accounts for legal fees and expenses to an independent assessor, Mark Orkin, Q.C., who was jointly appointed by the Attorney General and me. Mr. Orkin reviewed and approved accounts for payment by the Attorney General.

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[20] Order in Council 1170/2000, s. 5; see Appendix A.
[21] Funding criteria and guidelines are included in Appendices F(i) and F(ii).

A number of parties requested funding for experts to assist them in their preparation in Part 1. I declined to recommend such funding because the Attorney General's funding guidelines did not include funding for experts for this purpose. In a few cases, the Commission did directly fund experts who were called by its counsel on the suggestion or application of a party, and in one case I recommended funding for an expert who was called as a witness by one of the parties with standing.

14.3.5 The Role of Commission Counsel

Commission counsel play a special role in a public inquiry. Their primary responsibility is to represent the public interest at the inquiry. They have the duty to ensure that all issues bearing on the public interest are brought to the Commissioner's attention. Commission counsel do not represent any particular interest or point of view, and their role is neither adversarial nor partisan.

In the case of Part 1 of the Inquiry, Commission counsel played a vital role by locating, organizing, and calling the evidence; by dealing with counsel for the parties; and by assisting in the administration of the Inquiry.[22] I was very well served by Commission counsel in this Inquiry. They performed their role with great skill and professionalism, and I am very appreciative of their assistance.

14.3.6 The Role of Investigators

Early in the process, Commission counsel contacted the Royal Canadian Mounted Police (RCMP) to ask whether an investigator could be made available to assist the Inquiry. In response, the RCMP made available an inspector from the Commercial Crime Unit and a constable to assist him. They made an important contribution by obtaining search warrants, conducting searches, and providing technical advice about our document management system. In addition, they advised the Commission regarding security issues on days when high-profile witnesses testified. The Inquiry benefited enormously from the assistance of the RCMP.

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[22] Commission counsel sometimes called witnesses who were suggested by the parties; in two instances, the party itself called the witness.

14.3.7 Procedural Rights

14.3.7.1 *The Parties*

Individuals and institutions that were granted standing in Part 1 were afforded a range of procedural rights under both the *Public Inquiries Act* and the Rules of Procedure and Practice.[23] All had the right to counsel. Additionally, for those hearings that engaged their interest, the parties were granted:

- access to documents collected by the Commission subject to the Rules of Procedure and Practice
- advance notice of documents that were proposed to be introduced into evidence
- advance provision of witness statements of anticipated evidence that were prepared by the Commission
- a place at counsel table
- the opportunity to suggest witnesses to be called by Commission counsel, or, alternatively, an opportunity to apply to the Commissioner to lead the evidence of a particular witness
- the opportunity to cross-examine witnesses on matters relevant to the basis upon which standing was granted
- the opportunity to make closing submissions

Finally, as previously noted, parties with insufficient funds could apply for funding to support their participation.

14.3.7.2 *Witnesses*

Witnesses called at the Inquiry were also afforded procedural rights under the rules, though on a more limited basis than were parties with standing. For

[23] See Appendices D(i) and D(ii).

example, all had the right to be represented by counsel at the time of their testimony. Similarly, anyone interviewed by Commission counsel was entitled to have counsel present during the interview. I did not receive any applications for funding from witnesses, other than those associated with the Part 1 parties, and therefore I made no recommendations in this regard.

14.3.7.3 *Recipients of a Section 5(2) Notice*

The *Public Inquiries Act* affords special legal protection to any person who might be found by an inquiry to have engaged in misconduct. Section 5(2) of the Act provides:

> No finding of misconduct on the part of any person shall be made against the person in any report of a commission after an inquiry unless that person had reasonable notice of the substance of the alleged misconduct and was allowed full opportunity during the inquiry to be heard in person or by counsel.[24]

In accordance with this section, the Commission provided a number of persons with a "Notice of Alleged Misconduct," also known as a "section 5(2) notice."[25] If these individuals had standing before the Inquiry, they would have the opportunity to follow the evidence and respond to any allegations of misconduct made against them. Occasionally witnesses at the Inquiry who did not have standing received a section 5(2) notice after they had testified. These recipients of a section 5(2) notice were given additional procedural rights to ensure that they would be made aware of, and could respond to, any allegations of misconduct.[26] They had the right to be represented by counsel and the right to apply for funding. Furthermore, they were provided with references to those portions of the evidence that were relevant to the issues in their notice, and they were entitled to receive all exhibits or documents that Commission counsel intended to put into evidence that related to these issues.

In addition, recipients of a section 5(2) notice could participate in the hearings to the extent necessary to respond to any allegations of misconduct, and they

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[24] R.S.O. 1990, c. P-41, s. 5(2).

[25] A sample s. 5(2) notice is included in Appendix I(i). Further, my rulings on three applications regarding s. 5(2) notices issued by the Commission are included in Appendix J.

[26] Two sample letters to a recipient of a s. 5(2) notice, outlining relevant procedural rights, are included in Appendices I(ii) and I(iii).

were entitled to call evidence and cross-examine witnesses on relevant issues. Commission counsel endeavoured to notify them of any evidence considered relevant to their interests. Recipients could also monitor the proceedings to decide for themselves whether their interests had been affected, and they could apply to recall witnesses if necessary. Finally, they could make closing submissions.

14.3.7.4 *Criminal Investigation*

One of the occasions in a public inquiry in which the public interest may conflict with a person's right to procedural fairness occurs when an individual whose testimony is relevant to the inquiry is also the subject of a criminal investigation. My mandate specifically provided that the Commission "shall ensure that it does not interfere with any ongoing criminal investigation."[27]

In the case of this Inquiry, it was widely reported before and during the hearings that there was an ongoing criminal investigation into the conduct of Stan Koebel. When he was called to give evidence, the question arose whether requiring his testimony at the Inquiry might adversely affect his right to receive a fair trial, if he were charged. Mr. Koebel's testimony was expected to be widely reported in the media, thus raising the possibility of tainting pools of jurors across the province.

Because of this concern, Commission counsel notified counsel for both the Province of Ontario and Mr. Koebel that they could apply to me for a publication ban on Mr. Koebel's testimony as one possible approach to this issue. As it turned out, no application was made, and I was not required to decide whether a publication ban was appropriate.

14.3.8 The Collection and Production of Documents

The commissioner of an inquiry is granted a number of tools to aid in the search for the truth: above all, the wide-ranging powers of investigation. A commission has the power to compel the production of documents or other information by way of a summons or search warrant from the court.[28] A

[27] Order in Council 1170/2000, s. 3; see Appendix A.
[28] A sample summons to a witness is included in Appendix G. A sample search warrant appears in Appendix H(ii).

commissioner can also compel persons to appear publicly as witnesses and to testify under oath. Anyone who refuses to produce relevant material or to respond to a call to testify could face punishment for contempt of court.[29]

During the Inquiry, we collected thousands of documents from various sources, including several individuals, the Walkerton Public Utilities Commission, the Municipality of Brockton, A&L Canada Laboratories, and G.A.P. EnviroMicrobial Services. By far the greatest number of documents collected, perhaps as many as one million, came from the provincial government.[30] Government documents were obtained from six provincial ministries,[31] the Ontario Clean Water Agency, the Management Board Secretariat, the Cabinet Office, and the Premier's Office. About 200,000 government documents were scanned into the Commission's database.

The process for reviewing documents, interviewing witnesses, and organizing the evidence was directed by the three lead Commission counsel. The sheer quantity of material led us to assemble a team to support the investigation by assisting in the collection and review of documents and the interviewing of witnesses. In Part 1A, two RCMP investigators played an instrumental role. In Part 1B, we relied primarily on an energetic team of junior lawyers to support Commission counsel.

Once the documents had been collected, many were scanned into the Commission database so that they could be reviewed more quickly. After they were scanned and reviewed, the documents were produced on CD-ROMs and provided to the parties,[32] who had provided a signed undertaking regarding confidentiality.[33] The parties also received regular statements of anticipated evidence for upcoming witnesses. These statements were prepared by Commission counsel on the basis of witness interviews. The Commission attempted to provide the statements one week in advance, although occasionally it was not possible to meet this target.

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[29] These powers are granted under the Public Inquiries Act, R.S.O. 1990, c. P-41, ss. 7, 8, and 17.
[30] The provincial government reports that it produced one million documents to the Inquiry.
[31] Ministries that provided documents included: Environment; Health and Long-Term Care; Agriculture, Food and Rural Affairs; Municipal Affairs and Housing; Energy, Science and Technology; and Finance.
[32] As they became ready for production to the parties, groups of documents were scanned onto CD-ROMs, whose delivery to the parties was accompanied by a bound index of documents that were included in the CD-ROM. A total of 41 CD-ROMs were produced to the parties in 14 productions.
[33] Undertakings regarding confidentiality are included in Appendix H(iv).

A total of 447 exhibits, containing more than 3,000 documents, were entered into evidence at the hearings in Part 1. There were 95 hearing days over nine months, generating 21,686 pages of transcripts. In all, we heard from 114 witnesses.[34] Statistics aside, it was an enormous task to review and classify the documents, to identify and interview witnesses, and to digest and organize the relevant information so as to put it into evidence in a coherent way. Commission counsel, staff, the parties, and their counsel and staff spent countless hours ensuring that this process worked. As a result, with a few minor exceptions, the hearings proceeded on schedule.

14.3.9 The Role of the Government

The Inquiry's mandate in Part 1B was to examine the effect, if any, of government policies, procedures, and practices on the cause of the water contamination in Walkerton.[35] As a result, the government played an important role in the Part 1B process. Most of the documents collected for Part 1B came from the government, and most of the witnesses called are current or former government employees.

Many provincial public servants worked long and hard to search for relevant government documents in response to requests from the Inquiry. For the most part, and especially in the case of the Ministry of the Environment, large numbers of documents were produced in remarkably short periods of time.

Since the mandate focused on examining government policies, practices, and procedures, it was essential to obtain all relevant government documents. This proved to be an enormously complicated exercise. That process is described in some detail below.

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[34] A list of witnesses is included in Appendix B(ii).

[35] The range of policies, procedures, and practices under consideration is indicated by the "Outline of Potential Issues in Part 1B," which was made available to the parties for comment and is included, in its final form, in Appendix K(i).

14.3.9.1 *Document Requests*

The Commission made 17 detailed document requests to the government between June 30, 2000 and January 24, 2001.[36] The first request was made to the Ministry of the Environment (MOE). Other requests went to the Ministries of Health and Long-Term Care; Agriculture, Food and Rural Affairs; Municipal Affairs and Housing; and Energy, Science and Technology, as well as to the "central agencies," including the Ministry of Finance, the Management Board Secretariat, the Cabinet Office, and the Premier's Office. Finally, the Commission sent follow-up requests to a number of ministries and agencies, especially the MOE.

14.3.9.2 *Search Warrants*

At the request of the government, the Commission obtained search warrants from the Ontario Superior Court for each of its document requests.[37] The mechanism of a "friendly" search warrant was agreed on as a means of accommodating the government's concerns regarding protection of privacy interests and third-party notification requirements under the *Freedom of Information and Protection of Privacy Act*,[38] while also ensuring that the Commission would receive relevant documents on a timely basis. The use of these warrants, with the exception of a warrant executed in August 2001, did not reflect any lack of cooperation on the part of the government. The warrants were executed by Inquiry staff, or RCMP investigators seconded to the Inquiry, at the time and place of document productions and searches.

The government responded to the Inquiry's requests with many waves of document productions, starting in August 2000 and generally ending in February 2001. I use the word "generally" here because some document productions from the government did not in fact end until November 2001, following the conclusion of the scheduled Part 1 hearings.[39] I would have liked to have seen certain document productions completed more quickly, but, in

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[36] The Commission's document request of June 30, 2000, to the MOE is included as a sample in Appendix H(i).

[37] A sample search warrant is included in Appendix H(ii).

[38] *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F-31.

[39] Further, the Commission obtained and executed additional search warrants in August 2001, in an effort to enhance the comprehensiveness of document searches and productions by the Cabinet Office and Premier's Office.

fairness, they required substantial effort on the part of government staff and counsel. Further, the follow-up searches were complementary, but not essential, to the continuing hearings in Part 1B. Thus, it was rarely necessary to delay the scheduled hearings. The Commission did, however, make it clear to the government that if the late production of any documents made it necessary to call or recall a particular witness, further hearings would be scheduled for that purpose.

14.3.9.3 *Document Review*

The large volume of documents produced by the government required the Commission to put in place a special process for searching and reviewing the documents. Inquiry staff reviewed the hard copies of documents produced by the government in order to identify groups of documents that should be electronically scanned into the Commission database for a more detailed review.[40] The purpose of the initial stage of this review was to expedite the review of large numbers of documents by eliminating those that appeared to be irrelevant before they were scanned.

14.4 Cabinet Privilege

Early in the process, the government indicated that it would assert a claim of Cabinet privilege over certain government documents. In response, the Commission took the position that the breadth of its mandate to examine "the effect, if any, of government policies, procedures and practices" constituted a waiver of Cabinet privilege by the Province. The Commission further indicated that it would attempt to resolve this "threshold issue" of law by stating a case to the Divisional Court, a proceeding that would be public. The government, using the analogy of procedures under the *Criminal Code of Canada* for determining a claim of solicitor-client privilege, took the position that any issue associated with a claim of privilege should be resolved at a private hearing before the judge who issued the Inquiry's search warrants.

In the interests of avoiding lengthy court proceedings, an agreement was reached: Commission counsel would inspect documents produced by the government

[40] Documents not identified for scanning were stored by the government as hard copies and remained available for further review by Inquiry staff.

before any assertion of privilege. Once the Commission had identified documents that it intended to put into evidence, the government could, if it saw fit, claim privilege. Both parties would then have an opportunity to resolve the issue on a document-by-document basis. If the parties failed to agree, a hearing would be held before the judge who issued the search warrants to determine the issue of privilege – including the threshold issue of whether privilege had been waived by the wording of the mandate – with a right of appeal to the Court of Appeal for Ontario. The Commission also stipulated that it would notify all parties with standing in Part 1 of the date and place of any such hearing and would argue before the judge that the hearing should be held in public.[41]

Government counsel claimed privilege over a number of documents, most of which Commission counsel did not wish to put into evidence. Occasionally a conflict occurred, but an agreement was reached that satisfied the Commission counsel that all of the relevant portions of the document had been put into evidence. As a result, it was unnecessary to resort to the legal procedure described above.

14.4.1 Follow-up Searches: Electronic Searches

The Commission's document requests to the government included requests for electronically stored, as well as hard-copy, documents. Searches for electronically stored documents are generally done through the use of keywords. On March 20, 2001, the Commission asked the government to provide lists of the keywords used by each of its ministries and agencies to search for and identify documents in response to the Commission's requests. The purpose of the request was to verify the process used by the government to locate relevant electronically stored documents.

On April 23, government counsel provided a list of the keywords used to search for e-mails in the MOE and another list used to search for e-mails in the Cabinet Office and Premier's Office. They indicated that, for the remaining ministries and agencies, a common list of keywords was not used.[42] On April 25, Commission counsel wrote that, in its opinion, the breadth of the

[41] Letters outlining this agreement are included in Appendix H(iii).

[42] Rather, as indicated by government counsel, individuals generally tailored their searches of electronic documents to a particular document request. Some individuals assembled their own list of search terms, whereas others searched all their electronic documents.

keywords used was unduly narrow[43] and requested that the government carry out additional searches based on an expanded list of keywords provided by the Commission. To expedite the process, these searches were narrowed to the office of the Secretary of Cabinet, the Premier's Office, and the office of the Minister of the Environment. On July 3, 2001, the government completed the searches and produced an additional 97 boxes of documents. The great majority of these documents were created after May 2000, and none of the documents was considered significant enough to be put into evidence.

14.4.2 Follow-up Searches: The Premier's Office

The Commission considered document productions by the central agencies important because of the key role they reportedly played in some policy decisions made under the current administration.[44] A review of documents produced by the Premier's Office made it apparent that relatively few documents had been produced, compared with the number produced by other ministries and agencies.[45] Furthermore, although the documents produced were generally identified as originating from the files of specific Premier's Office staff, it was apparent that no documents had been produced from files of the Premier's chief of staff. As a result, the Commission made a number of further requests for documents from the Premier's Office.

Government counsel responded to the follow-up requests by stating that documents relevant to the Inquiry might have been deleted by the Premier's chief of staff in the normal course. On the advice of RCMP personnel, the Commission requested that the government arrange to take a "mirror image" of the appropriate computers to obtain any relevant deleted files that were stored on

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[43] For example, in response to the Commission's request for documents relating to reductions in the budget of the MOE, the government searched for electronic documents that included the keywords "budget cuts." However, this approach would not capture documents that used terms such as "budget reductions," "resource reductions," "cuts to budgets," or "staff cuts." Likewise, the list of keywords used to search at the Cabinet Office and Premier's Office included the term "reduc" but not "budget," "resource," "staff," or "cut."

[44] For example, see the issue paper prepared for the Inquiry by Nicolas d'Ombrain, "Machinery of government for safe drinking water in Ontario" (2001), at pp. 77–78.

[45] A total of 365 documents were produced by the Premier's Office, compared with thousands or tens of thousands produced by many ministries and hundreds of thousands by the Ministry of the Environment. Most of the five boxes produced by the Premier's Office contained only a few files of documents, and the bulk of those documents related to the post–May 2000 response of the government to the tragedy.

the hard drive.[46] The mirror image was taken on June 13, 2001, with the assistance of the RCMP. After reviewing the deleted files, Commission counsel determined that none of these files – all of which originated after May 2000 – was significant enough to be put into evidence. Following the search, however, it was considered necessary to search the deleted files on the computer servers used by the Premier's Office and Cabinet Office, and an additional search warrant was obtained for this purpose. The search of mirror images of those servers, taken in late August 2001, has been completed. However, the analysis of the deleted files, due to the size and nature of the respective hard drives, is an extensive and time-consuming process, and it is not yet complete. In the event that anything that I consider warrants comment by me is disclosed, I will issue a supplementary report.[47]

14.4.3 Certificates of Production

Clearly, Commission counsel and investigators were thorough and persistent in trying to ensure that all relevant documents were obtained. Ultimately, however, the Inquiry must rely on the word of the government that all relevant documents were produced. In this regard, we obtained certificates of productions from senior government personnel for each government ministry or agency that produced documents.[48] The certificates state, among other things, that all documents relevant to the subject matter of the Inquiry were produced.

After having heard the evidence, I conclude that the Commission obtained the documents necessary to fully and fairly review the important government policies, procedures, and practices referred to in its mandate.

14.5 The Conduct of the Hearings

In setting the schedule for gathering and hearing the evidence in Part 1, and for hearing closing arguments, our intent was to balance the principles of thor-

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[46] Deleted files are stored on a computer hard drive until they are overwritten by the computer. A file may, however, be overwritten only in part. Making a mirror image of the hard drive makes it possible for technicians to capture any remaining deleted files before they are overwritten.

[47] Further, the review of approximately 2,700 additional documents produced by the government in November 2001 is not yet complete; I will issue a supplementary report if anything that I consider warrants comment by me is disclosed in those documents.

[48] An example of a certificate of production is included in Appendix H(v).

oughness, fairness, and expedition. With a few minor exceptions, we were able to meet the schedule.

The Inquiry benefited greatly from the division of the mandate. By separating Part 2 from the more formal evidentiary process in Part 1, the Commission was able to avoid having to review the broad, non–Walkerton-related issues in Part 2 by way of examining and cross-examining witnesses in the hearing room. Using the more formal evidentiary process in Part 2 would have been costly and cumbersome. Instead, the Commission was able to have more wide-ranging and efficient discussions in Part 2 by holding round-table meetings and informal, non-evidentiary public hearings.

Once the Part 1 hearings were underway, the Inquiry benefited greatly from the professionalism and cooperation of virtually all counsel to the parties. To keep the hearings on track, counsel frequently had to work quickly to review the documents, sometimes with very little lead time. Both Commission counsel and other counsel often worked late into the night to prepare for upcoming witnesses. The hearing days lasted longer than a normal court day, sometimes continuing for eight or nine hours. During our busiest weeks, we regularly sat into the early evening.

I considered, but did not impose, time limits on cross-examinations. Before cross-examinations began, I routinely asked counsel for estimates of time and generally held them to their estimates. Counsel for the parties kept their cross-examinations focused, thus avoiding considerable duplication and delay. In an era in which criticism of the legal profession is common, it is heartening to be able to say that counsel at this Inquiry performed splendidly. They demonstrated a high level of competence in furthering their clients' interests while respecting the public interest by ensuring that the proceedings were thorough, expeditious, and efficient. I highly commend them.

Finally, the staff of the Inquiry put in long and often pressure-filled hours to support the hearings. Our two office staff in Walkerton, the court reporter, the court service officers, and the registrar deserve special mention for the many hours they regularly worked to ensure that the hearing proceeded in a timely way.

14.6 Public Access

All the hearings of the Walkerton Inquiry were, of course, open to the public.[49] For those unable to attend in person, the hearings in Walkerton were televised live on local cable television and rebroadcast elsewhere.[50] The broadcasts were so important that, on one occasion, we were forced to cancel a hearing day because the camera operators were snowed in. Members of the media were provided with a large room, which had a live feed from the hearing room, to assist their reporting of events, and a dedicated cadre of print and broadcast journalists served the public well in this regard.

The Commission's Web site proved very useful for making information available to the public. Among the materials accessible on the Web site were the transcripts of the hearings, lists of the Part 1 witnesses and exhibits, and all of the issue papers and submissions by the parties in Part 2. Measured by the number of visits, the Web site was a useful tool indeed.[51]

But even the Internet has its limits, and it was not feasible to post all of the materials generated for the Inquiry on our Web site. Instead, large numbers of documents were made available for public review at the Inquiry offices in Walkerton and Toronto. The documents included all the exhibits filed at the hearings, all public submissions and replies from the Inquiry, and most of the documents collected and scanned into our database.[52]

14.7 Closing Arguments

Closing arguments for Part 1 were held during eight hearing days from August 15 to 27, 2000. Specific dates and time limits were assigned for each party approximately two months in advance. Each party was afforded between

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[49] The only exception was at the Walkerton community meetings in July 2000, as described in note 13, *supra*.

[50] I acknowledge the contribution of CPAC – the Cable Public Affairs Channel, Rogers Television, and, above all, Sautel Cable, for broadcasting the Inquiry's proceedings. Because of scheduling requirements, rebroadcasts of the hearings outside Walkerton were sometimes available only during the early hours of the morning. This generally limited access to these hearings to people who possessed (and were able to program) a video cassette recorder.

[51] The Web site, www.walkertoninquiry.com, averaged more than 200 visitors per day from August 2000 to October 2001.

[52] The public review was subject to any legal claims of privilege by the party who produced the documents and to the editing of personal information such as medical or financial information.

30 minutes and 6 hours for oral submissions, depending on the nature and scope of its interest or perspective. The order of submissions was set to begin with the two Walkerton community groups, followed by the parties whose primary interest was in Part 1A, and then those whose primary interest was in Part 1B. The final closing argument was made by counsel for the Chief Coroner.[53]

The government was given the option of delivering submissions in both Part 1A and Part 1B, in recognition of its wide-ranging role in the hearings and special interest in Part 1B. As a result, the government made submissions early in the order, and again toward the end, with the condition that it limit its second set of submissions to issues raised in Part 1B only.

The parties were required to submit written closing submissions two weeks in advance of oral argument. Copies of the submissions were then provided to each party to allow it to respond to others' written submissions during its oral presentation. Parties were also permitted to reply in writing to other parties' oral submissions. These responses were distributed, in turn, to the other parties.

Anticipating that detailed closing submissions would be very helpful to me, I recommended funding for the preparation of closing submissions for the parties with funding in Part 1. The amounts of recommended funding were for preparations ranging from 5 to 40 hours, which allowed for a review of transcripts and exhibits and other preparation. This was especially important for parties who were not present for significant portions of the hearings.

14.8 Appearances of Counsel

Commission counsel	Paul J.J. Cavalluzzo Brian Gover Freya J. Kristjanson Juli A. Abouchar Rachel Young
Concerned Walkerton Citizens	Paul Muldoon Theresa A. McClenaghan

[53] Sample closing-submission documents appear in Appendices L(i), L(ii), L(iii), and L(iv).

	Richard D. Lindgren Ramani Nadarajah
Walkerton Community Foundation	Richard J. Trafford F. Stephen Finch, Q.C.
Province of Ontario	Frank N. Marrocco, Q.C. Glenn A. Hainey K. Lynn Mahoney John E. Callaghan Peter E. Manderville James M. Ayres Keith L. Geurts R. Reena Lalji Derek A. Vanstone
Chief Coroner of Ontario	Eleanore A. Cronk Rochelle S. Fox David E. Gruber
Municipality of Brockton, David Thomson, James Bolden, and Steven D. Burns	Roderick M. McLeod, Q.C. John L. Martin J. Bruce McMeekin Kimberly T. Brand
Walkerton Public Utilities Commission and Public Utilities Commissioners	Kenneth Prehogan Kerry A. Boniface
Injured Victims Group	Scott Ritchie, Q.C. Denise M. Bolohan
Dr. Murray McQuigge	Earl A. Cherniak, Q.C. Douglas A. Grace Elizabeth K.P. Grace
Ontario Farm Environmental Coalition	Harold G. Elston
Environmental Coalition (CEDF Coalition)	Louis C. Sokolov A. Benson Cowan

Environmental Coalition (SLDF Coalition)	Douglas G. Chapman
Environmental Coalition (ALERT/ Sierra Club Coalition)	Paul G. Vogel
Allan Buckle	Gregory L. Lafontaine Paul K. Burstein
Stan Koebel	William M. Trudell Joseph Di Luca
Frank Koebel	Michael J. Epstein David Miller Hugh Griffith-Jones
Bargaining Agents Coalition (OPSEU) and James Schmidt	Ian J. Roland Donald Eady Robert Centa Timothy G.M. Hadwen
Bargaining Agents Coalition (PEGO)	Gary Hopkinson
Bargaining Agents Coalition (CUPE) and Robert McKay	Mark Wright Doug LeFaive
Association of Municipalities of Ontario	Douglas T. Hamilton Craig S. Rix
Board of Health of the Bruce-Grey-Owen Sound Health Unit	John H.E. Middlebro'
Association of Local Public Health Agencies	James A. LeNoury J. Paul Wearing
Energy Probe Research Foundation	Mark O. Mattson Craig Parry
Philip Bye	James T. Hunt

John Earl	Brian D. Barrie
Willard Page	John F. Rook, Q.C. Stephen Lamont
Larry Struthers	Dianne Saxe
Michelle Zillinger	Linda C. McCaffrey, Q.C.
Heather Auld and Dr. Andrea Ellis	Ian R. Dick
Robert Deakin	D. Fletcher Dawson
Brenda Elliot	Robert P. Armstrong, Q.C. Julia E. Holland
Environmental Commissioner of Ontario	David McRobert
Don Hamilton	Janet L. Bobechko Ralph Cuervo-Lorens
Goff Jenkins	Paul J. French
Dr. Richard Schabas	Julian Porter, Q.C.
Ellen Schwartzel	David Estrin
JoAnn Todd	T. Anthony Ball

14.9 Appreciation

I owe an enormous debt of gratitude to many people who helped with Part 1 of this Inquiry. It was only when I began to compile the list of those I wish to acknowledge in this Report that I realized just how many people had made significant contributions during the past 18 months. I want to formally recognize those who have been most deeply involved in the hearings and in the preparation of this report.

I start with commission counsel: Paul Cavalluzzo, Brian Gover, and Freya Kristjanson. They performed their duties with great skill, professionalism and, importantly, with the balance that is essential to the role of a commission counsel in a public inquiry. They were ably assisted by associate counsel Juli Abouchar and Rachel Young, and by a team of junior lawyers: Bay Ryley, Nimali Gamage, Niru Kumar, Michael Lunski, Rebecca Cutler, Robert Rishikof, and Moira Calderwood.

I want to express my appreciation to the Royal Canadian Mounted Police for the support the force provided to the Inquiry. Commission counsel were helped by three investigators from the RCMP: Inspector Craig Hannaford, Constable Mark Bolduc, and retired Staff Sergeant Don Glinz. Sergeant Don Clark and Corporal Ron Rimnyak of the RCMP provided important technical assistance with computer searches. The Inquiry's information system, which was crucial to processing a large number of documents, was set up and managed by Paul Coort and Grant Goldrich, and serviced by Ward Mousseau. Wayne Scott, formerly of the MOE, provided helpful assistance regarding government documents. The webmaster for the Inquiry web site was Djordje Sredojevic.

Special mention must go to Gus Van Harten, my Executive Assistant, who helped me in every way imaginable. The purpose of the Inquiry was greatly enhanced by thorough media coverage. Peter Rehak, the media consultant, was invaluable in facilitating media involvement. Ronda Bessner made an important contribution by helping me analyze the evidence and prepare the report. John Eerkes-Medrano, Brian Grebow, and Riça Night assisted with editing and formatting and did their work in a professional and timely manner.

I am grateful to those who were involved with the administration of the Inquiry: David Henderson, the Chief Administrator, and Kathleen Genore, the Financial Manager. The staff in the Walkerton office worked long hours, sometimes under enormous pressure. Nicole Caron and Deborah Harper gained the admiration of everyone associated with the Inquiry. The staff in the Toronto office – Anne MacLean, who helped set up the office, and the three secretaries who under great pressure typed the report, Pat Hall, Irene Urbanavicius, and Abbie Adelman – were thorough, careful, and very patient.

Joyce Ihamaki, the Registrar, performed her duties efficiently, keeping track of hundreds of exhibits and always helping to ensure that the parties and witnesses felt as comfortable as possible throughout the hearings. The court reporters, Wendy Warnock and Carol Geehan, the court services officers, and

the television crew all contributed to enabling the hearings to proceed in a timely and effective manner.

The Government of Canada assisted the Inquiry in several respects. Health Canada, and in particular Dr. Andrea Ellis, provided expert evidence and advice to commission counsel in preparing the epidemiological evidence. Heather Auld of the Atmospheric Science Division of Environment Canada also gave evidence and was most helpful with her professional advice.

I would like to thank the various experts who were retained by the Commission and who in one way or another contributed to the work of Part 1 of the Inquiry.[54] Here I include Dr. Robert Gillham, Dr. Peter Huck, Dr. Pierre Payment, Dr. Michael Goss, Dr. Andrew Simor, Dr. Ken Howard, and Dr. Steven Hrudey. Experts called with the assistance of the Chief Coroner of Ontario, Dr. James Brunton, Dr. Lesbia Smith, and Dr. Brian Steele, also provided valuable assistance. The independent assessor, Mark Orkin, Q.C., performed his duties thoroughly and efficiently.

In planning the Inquiry, I spoke to a number of former commissioners of public inquiries, including The Honourable Rosalie Abella, The Honourable Charles Dubin, Q.C., The Honourable Fred Kaufman, Q.C., The Honourable Horace Krever, The Honourable Donald Macdonald, and The Honourable Sydney Robins, Q.C.; further, my counsel spoke with a number of former commission counsel, including Robert Armstrong, Q.C., Marlys Edwardh, Patricia Jackson, Mark Sandler, Fred von Veh, Q.C., and Douglas Worndl. The Walkerton Inquiry was greatly assisted by their advice.

Finally, I would like to thank my colleagues on the Court of Appeal for Ontario, especially Chief Justice Roy McMurtry, for their advice and support.

I have commented on the contribution of counsel for the parties and the press earlier in this chapter.

To everyone who helped out, I express my sincere appreciation and hope that they found the experience as rewarding as I did.

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[54] I will specifically acknowledge those who assisted in the Part 2 process in the Part 2 report.