

Review by the Office of the Ombudsman, French Services, CBC/Radio-Canada of two complaints asserting that the articles by journalist Marc Montgomery entitled *How to mitigate the effects of flood damage from climate change* and *Response to a climate change story*, posted on September 19 and November 19, 2018, respectively by Radio Canada international (RCI), failed to comply with the CBC/Radio-Canada Journalistic Standards and Practices regarding accuracy and impartiality.

FOREWORD

This case involves English-language news articles and interviews posted to the Radio Canada international (RCI) website under the titles *How to mitigate the effects of flood damage from climate change*¹ and *Response to a climate change story*². The complaints, the responses by RCI, and the many supporting documents submitted by each party were also written in English. Complaints concerning RCI, regardless of broadcast language, are the purview of the CBC/Radio-Canada French Services Ombudsman; that is why I have reviewed them. This review was initially written in French before being translated into English.

COMPLAINT

The complainant, Mr. Robert Muir, is an Ontario engineer with a long career in flood risk mitigation as a consultant and municipal engineer. On October 7, 2018, he wrote to the Office of the Ombudsman to report what he believed to be errors in the article posted on the RCI site on September 19, 2018. The article was condensed from an interview with Mr. Blair Feltmate, head of the Intact Centre on Climate Adaptation at the University of Waterloo and the lead investigator for a study commissioned by the Insurance Bureau of Canada (IBC).

In Mr. Muir's view, the interview and the article contained erroneous data on trends in precipitation in Canada – specifically regarding episodes of extreme rainfall so intense that they are considered to occur at 100-year intervals. In addition, Mr. Muir complained that the article cited no sources to corroborate Dr. Feltmate's theory, which holds that climate change is the reason why extreme rainfall events have become more frequent in Canada. The complainant further alleged that another of Dr. Feltmate's claims was incorrect, namely that preservation and creation of wetlands (ponds, marshes, etc.) in urban and near-urban areas are economically advantageous and easy-to-implement measures for reducing flood risk. Mr. Muir added that the Ontario Society of Professional Engineers, of which he is a member, had previously voiced its disagreement on this issue to Natalia Moudrak, co-author of a report produced last year by Dr. Feltmate on the value of natural infrastructure.

¹ <http://www.rcinet.ca/en/2018/09/19/how-to-mitigate-the-effects-and-flood-damage-from-climate-change/>

² <http://www.rcinet.ca/en/2018/11/19/response-to-a-climate-change-story/>

Citing several expert studies and national data from Environment Canada, the complainant asserted that “there has been no change in extreme rainfall statistics in southern Ontario, and in fact many decreasing trends.” This, he wrote, contradicted Dr. Feltmate’s theory that there is a correlation between climate change and increased flood damage. Mr. Muir therefore asked that the article be amended to reflect this.

To further substantiate his position, the complainant noted that he had been successful in a similar complaint filed with the CBC English Services Ombudsman in 2015, and four complaints against three insurance companies (Intact Financial, Aviva Canada and RSA) before Advertising Standards Canada, which had forced the insurers to amend their claims regarding the frequency of storms. He added that the media should be wary of statements by insurance companies as well as claims by researchers such as Dr. Feltmate, who is not a climatologist, and whose research is funded by an insurance provider.

As the procedure dictates, I began by asking RCI management to respond to the complainant.

RESPONSE FROM NEWS DEPARTMENT

On October 24, 2018, Mr. Soleïman Mellali, Web Editor-in-Chief, RCI, replied to Mr. Muir in a very long message containing some twenty citations and links to many news articles and reports from various bodies, covering multiple aspects relating to climate change as well as precipitation.

The response from RCI began with an acknowledgement that the key assertion of the article in question – that 100-year extreme rainfall events are now happening just a few years apart – was “neither entirely true, nor entirely wrong.” As a result, Mr. Mellali wrote, the article had been amended to read as follows:

“Scientists consulted on this question generally concluded that while actual rainfall amounts in Canada have not varied much, when, where and how they occur have.”

RCI added that other weather anomalies, like sudden episodes of warm temperatures resulting in early snow melting, have combined to cause record flooding in recent years.

I see no use in listing here the majority of the points in the response, as they consist mainly of a list of excerpts from reports and news articles that establish a link between global warming and weather phenomena around the world – e.g., hurricanes, rising temperatures, heat waves – which was not the subject of the complaint.

The other references deal with the impacts of such phenomena: drought, forest fires, coastal erosion, destruction of crops, and increases in damage claims to insurance companies. Many of the studies cited are forward-looking; that is, they predict future changes. While interesting, this information is not germane to the issue raised in the complaint: the assertion that climate change has led to increased extreme rainfall in Canada, which in turn is allegedly the main reason for increased property damage from flooding.

Only one other point in the response is truly relevant to my review of the issue raised, and that is a statement attributed to Xuebin Zhang, a Senior Research Scientist with Environment Canada. This was not mentioned, but it was drawn from email correspondence between journalist Marc Montgomery, the author of the article in question, and this Canadian climate expert. Dr. Zhang wrote:

“Annual mean precipitation has increased, on average, in Canada, with a larger percent increase in northern Canada. For Canada as a whole, observational evidence of changes in extreme precipitation is lacking. However, in the future, extreme precipitation is projected to increase in a warmer climate.”

Later, the RCI response quotes Dr. Feltmate, who was asked to provide counter-arguments to the Mr. Muir’s complaint that no evidence was provided for the claim that extreme precipitation is increasing in Canada. According to Dr. Feltmate, a decrease in the number of Environment Canada recording stations is the reason why many local climatological events go undetected. Dr. Feltmate wrote:

“Thus, it can be misleading to depend singularly on Environment Canada recording stations to document precipitation events that lead to flooding.”

Lastly, Mr. Mellali concluded his response by inviting the complainant to be interviewed by RCI, to give him the opportunity to have his point of view heard.

RESPONSE FROM MR. MUIR

On the same day RCI’s response was received, October 24, 2018, the complainant responded that he was not satisfied with it. He noted that the correction made to the article did not address his complaint regarding the inaccuracy of the original statement that 100-year extreme precipitation events are now more frequent in Canada. Mr. Muir persisted in asking RCI to produce data to prove this.

Mr. Muir added that climate change has resulted in less snow accumulation during the winter, which in turn has limited spring flooding. He therefore wondered what data RCI was using in support of its reply that melting snow now leads to record levels of flooding.

The complainant wrote that the latest Engineering Climate Datasets show a slight decrease (of 0.2%) in the overall intensity of rainfall and in no change as concerns 100-year extreme rainfall events. Storms of more modest intensity – classified as events with return periods of between 2 and 25 years – are those that have seen the most marked decrease, he added. It is these data that engineers use to design municipal infrastructures, Mr. Muir wrote, asking that RCI disclose what data it used to support the new claim added to the article: that “while actual rainfall amounts in Canada have not varied much, when, where and how they occur have.” In the absence of concrete data on “when,” “where” and “how” rainfall is changing, Mr. Muir requested that the article be amended once more to acknowledge that the RCI interviewee (Dr. Feltmate) had no evidence to support his claim, and that it was mere speculation on his part.

As to Dr. Feltmate's statement, included in RCI's response, that the absence of data is attributable to an insufficient number of Environment Canada recording stations, the complainant asked the following questions:

"Are you suggesting that there is not enough data to prove decreasing trends in rainfall but there is enough to prove increasing trends? How can you have it one way?"

Lastly, Mr. Muir disputed the accuracy of a sentence in the article, which begins "As costs mount to deal with the huge financial burden and loss due to floods [. . .] ." In his opinion, the increase in damage claims made to insurers is attributable to all instances of bad weather, as well as fires, while those resulting solely from flooding have not seen any marked increase, if one excludes one "anomaly" in 2013.

In conclusion, the complainant accepted RCI's invitation to be interviewed so that he could outline his concerns in more detail and explain why he found the response from RCI unsatisfactory.

INTERVIEW WITH MR. MUIR AND ACCOMPANYING ARTICLE

On November 2, 2018, Mr. Mellali formally repeated his invitation to Mr. Muir to be interviewed by journalist Marc Montgomery. The interview was recorded on November 15 and posted online on November 19, along with an article entitled *Response to a climate change story*.³

SECOND COMPLAINT BY MR. MUIR

Two days later, on November 21, 2018, as well as the following day, Mr. Muir again wrote to Mr. Mellali, asking that multiple corrections be made to the article accompanying his interview.

The complainant began by stating that the interview had mainly concerned extreme rainfall intensity data, but that the article was illustrated with a graphic of annual precipitation, which is a different subject.

Mr. Muir went on to say that the text of the story implied that his remarks on the lack of any trend toward increased extreme precipitation had to do with "one local region only" (southern Ontario). In fact, he wrote, this is not that case, as proved by the matters that he had brought to the attention of Advertising Standards Canada regarding three insurance companies. In that regard, he reiterated that, in spite of his repeated entreaties, RCI had still not provided national data on extreme precipitation that would support the idea that they are increasing across Canada. He added that he had nevertheless quoted, during his interview, an excerpt from an Environment Canada paper confirming no increase in extreme precipitation across the entire country. He attached to his complaint a link to the study report in question, which dates from 2014.

Mr. Muir also asked that the article include a reference to an open letter in which the Ontario Society of Professional Engineers discounted the IBC / Intact Centre report on wetlands for urban flood mitigation.

³ <http://www.rcinet.ca/en/2018/11/19/response-to-a-climate-change-story/>

His request was based on the fact that the article accompanying his interview “cherry-picks” from that IBC report – written, he points out, by a University of Waterloo biologist.⁴ The report, he added, was not peer-reviewed, is therefore “not a professional document,” and is “not the type of material CBC should be referring to for advice on infrastructure, or advice on flood mitigation.” Moreover, he wrote, page 2 of the report includes a disclaimer whereby the Intact Centre makes no warranty as to the accuracy of the information contained in its report.

In a second message, on November 22, 2018, Mr. Muir expressed doubt about the truthfulness of the second paragraph of the article accompanying his interview. It reads:

“Here in Canada, the Insurance Bureau of Canada in a commissioned report said its payouts from natural disasters have doubled every five years since 1980, and the majority of those claims are from flooding due in large part to climate change.”

In the complainant’s opinion, that claim is false. He maintained that the IBC data show that fewer than a third of claims since the early 1980s have been for flooding due to rainstorms, electrical storms or hurricanes. In addition, he wrote, “[t]he data also shows that the proportion of water damage as a percentage of total catastrophic losses is decreasing over the past 10 years.”

Mr. Muir therefore wondered how a “majority of claims” could possibly be from flooding if less than a total of the claims were for water damage, and how the increase in claims could be attributable to climate change if Environment Canada data show no significant increase in extreme precipitation. In his opinion, other factors besides increased heavy rainfall explain the increasing trends in flood-related damages, and those factors are related not to meteorology (storm extremes) but to hydrology (land-use planning). In his opinion, the RCI article perpetuates the “disproved . . . theory/concept” of the insurance industry, which is “not based on any real data.”

As required by the procedure, and because this was a new complaint concerning a different article, although related to the first, I asked RCI to respond.

SECOND RESPONSE FROM RCI

On December 4, 2018, Mr. Soleïman Mellali, Web Editor-in-Chief, RCI, wrote to the complainant acknowledging that the graphic of annual rainfall used to illustrate the article about the interview with Mr. Muir “[did] not fully relate to the interview” and that it would therefore be removed.

Regarding the other matters raised in the complaint, RCI confined its response to one of them only, defending Dr. Blair Feltmate’s qualifications. Mr. Mellali began by forwarding an explanation by Dr. Feltmate regarding the disclaimer in the report he authored about using wetlands for urban flood mitigation. The researcher wrote:

“Scores of scientists, engineers, conservation authorities, insurers, etc., review and sign off on every paper published by the Intact Centre. The legal disclaimer we add is a legal requirement by the University of Waterloo.”

⁴ Said biologist being Dr. Blair Feltmate of the Intact Centre.

In its response, RCI added that Dr. Feltmate, “a recognised world expert on climate adaptation,” had been invited to Europe to give a presentation at the Global Commission on Adaptation, chaired by Ban Ki-moon; asked by the Government of Canada to chair the Pan-Canadian Framework on Clean Growth and Climate Change – Expert Panel on Adaptation; and invited by the Ontario Society of Professional Engineers to give a presentation at a 2019 working meeting.

RCI also noted that it had submitted the initial article and the interview with Dr. Feltmate to Dr. Neil Comer, a well-known climatologist and adjunct professor at the University of Toronto, for review. Dr. Comer wrote:

“I certainly did not read, nor hear from Blair [Feltmate] in this link, anything approaching unreasonable from a purely climatological aspect.”

REQUEST FOR REVIEW

On the same day RCI’s response was received, December 4, 2018, Mr. Muir wrote to the Office of the Ombudsman to request a review of the matter.

He began by referring again to the Insurance Bureau of Canada and Intact Centre report on wetlands for urban flood mitigation mentioned in the article accompanying the interview with him. In his opinion, by referring to that report, RCI was “promoting positions on matters that [the report’s authors] are not licensed to formally advance.” “Real engineering studies,” he wrote, “do not have disclaimers saying they are not professional advice.”

Mr. Muir then took the opportunity to ask for clarifications regarding Dr. Feltmate’s claim that the Intact Centre’s reports are reviewed and approved by experts. In Mr. Muir’s opinion, there is no “formal sign-off” procedure, but rather a list of persons consulted in preparing the reports, and this is not to be confused with “formal peer review.”

Two days later, on December 6, Mr. Muir wrote the Office of the Ombudsman again to reiterate that there is no formal process of approval for Intact Centre reports, and to emphasize that in the two study reports that are the subject of this matter (2017 and 2018), there are not even any lists acknowledging who may have been consulted. He added that there was no “general consultation” involved in the preparation of the two reports. “Unfortunately,” he concluded, “CBC is taking insurance industry-funded ‘glossy’ reports to be equivalent to formal technical information but they are not.”

REVIEW⁵

This case is needlessly complicated. The two parties have taken it in directions that they ought not to have, and as a result, reviewing it has become tremendously tedious.

⁵ <http://www.ombudsman.cbc.radio-canada.ca/en/about/mandate/>

At its core, the matter is relatively simple. Examination of the complaints invokes the accuracy and balance principles of the CBC/Radio-Canada Journalistic Standards and Practices (JSP⁶):

“Accuracy

We seek out the truth in all matters of public interest. We invest our time and our skills to learn, understand and clearly explain the facts to our audience. The production techniques we use serve to present the content in a clear and accessible manner.”

“Balance

We contribute to informed debate on issues that matter to Canadians by reflecting a diversity of opinion. Our content on all platforms presents a wide range of subject matter and views.

On issues of controversy, we ensure that divergent views are reflected respectfully, taking into account their relevance to the debate and how widely held these views are. We also ensure that they are represented over a reasonable period of time.”

My review of the complaints will also refer to part of the CBC/Radio-Canada mission statement⁷ quoted in the introduction to the JSP, which calls upon the public broadcaster to “act responsibly and to be accountable”:

“To act responsibly and to be accountable

We are aware of the impact of our work and are honest with our audiences. We do not hesitate to correct any mistake when necessary nor to follow up a story when a situation changes significantly. We do not plagiarize. (...)”

Study of the complaint

Mr. Muir’s initial complaint concerned, essentially, the accuracy of two pieces of information in the article that accompanied the interview with Dr. Feltmate. First, that episodes of extreme rainfall, those considered to occur once every 100 years, are now sometimes occurring only a few years apart; second, the researcher’s claim that preserving and creating wetlands (e.g., ponds, marshes, etc.) in urban and near-urban areas are economically advantageous measures for reducing flood risk.

The complainant also lamented the article’s lack of sources that would corroborate the main point made by Dr. Feltmate in his interview: that climate change has led to extreme rainfall events becoming more frequent in Canada. The quote is as follows:

“We are experiencing storms of greater magnitude, more volume of rain coming down over short periods of time these days due to climate change. That is causing massive flooding.”

⁶ <http://www.cbc.radio-canada.ca/en/reporting-to-canadians/acts-and-policies/programming/journalism/>

⁷ <http://www.cbc.radio-canada.ca/en/reporting-to-canadians/acts-and-policies/programming/journalism/>

Mr. Muir stated that Environment Canada data show that “there has been no change in extreme rainfall statistics in southern Ontario, and in fact many decreasing trends.” He also cited the response to a complaint that he made to CBC on a similar topic in November 2015, in which the public broadcaster acknowledged, after checking with Environment Canada, that “[t]here has been no significant change in rainfall events over several decades.”

Regarding the second part of his complaint, Mr. Muir noted that the Ontario Society of Professional Engineers has publicly presented its opposition to Dr. Feltmate’s opinion, which is stated in a 2017 report on flood risk mitigation measures.

The response to these criticisms could – and should – have been a simple one.

Let us first examine the contentious sentence in question. It reads:

“So called ‘100 year events’ are now occurring sometimes only a few years apart.”

That would be an accurate statement if the article was considering all climate-related events – including tornadoes, droughts, heat waves, and forest fires – but that is clearly not the case here. First of all, the article is about flooding, as can be seen from the many photographs illustrating it; furthermore, the sentence immediately preceding the contentious sentence reads:

“In recent years, the news has been full of stories of bigger and more violent storms, and massive rainfall and flooding.”

Thus, when the article goes on to mention “so-called ‘100 year events,’” it is clear that the events being referred to are episodes of extreme rainfall.

One only had to examine the official Environment Canada data for Ontario as well as for the entire country to acknowledge that the claim made in the article was inaccurate. Such acknowledgement would at the same time have addressed the complainant’s criticism regarding the lack of data to corroborate Dr. Feltmate’s claim about the increased frequency of extreme rainfall events in Canada. To make that correction, and for it to be meaningful, the writer would no doubt have had to change more than just the sentence in question – which, I admit, would have contradicted, in part, the theory described in the article and the accompanying interview with Dr. Feltmate. Thus the first two sentences in the article, after being amended transparently, per best practices, would have been replaced by something along these lines:

“Although in recent years the news has been full of stories of bigger and more violent storms, and massive rainfall and flooding, there is nothing to prove that this type of precipitation event has been on the rise in Canada. Data compiled by Environment Canada since the 1950s show that there has been no significant change in their frequency.”

An insert should then have been added, explaining that the previous version of the article, as well as part of the interview with Dr. Feltmate, contained inaccuracies in that respect, and that this prompted RCI to publish the clarification.

In addition, the date of the most recent update (in this case, the correction) should have been added at the head of the article, next to the original posting date. Of course, all of this would have affected the article's overall credibility. That is not the intended aim; rather, it is a consequence of the inaccuracy pivotal to the article and the accompanying interview.

Admitting that an error has been found in an article is no cause for shame, and is not tantamount to an admission of professional misconduct. It is possible for an interviewee to make a false claim, whether inadvertently or otherwise, and for it to escape the notice of a journalist or host. Dr. Feltmate has a PhD, is the head of the Intact Centre on Climate Adaptation at the University of Waterloo, where he teaches in the Faculty of Environment, and is the lead author of a study commissioned by the Insurance Bureau of Canada, which was the subject of the interview by journalist Marc Montgomery. It was not unreasonable for the latter to quote the interviewee's remarks in the brief article accompanying the interview, even if in the process he involuntarily conveyed incorrect information from the interviewee. I remind the reader that this was not a story contrasting differing views on an issue, let alone an investigative piece: it was an interview in which the author of a study report outlined its main conclusions.

Rather than rectify the error by clearly acknowledging it through an explicit note in the text of the online article, as best practices dictate, RCI chose to work around the problem. It wrote to the complainant that the sentence at issue was "neither entirely true, nor entirely wrong," removed it from the text of the online article without providing any explanation to readers, and replaced it with a sentence that had no real connection to the complaint:

"Scientists consulted on this question generally concluded that while actual rainfall amounts in Canada have not varied much, when, where and how they occur have."

The matter at hand here, however, is not increased total annual precipitation; as it is not total rainfall in one year that can cause infrastructure overflow problems, and therefore flooding, but episodes of extreme rainfall, or exceptional spring floods. (I will refrain from commenting here on all of the other factors related to land-use planning that may in large part explain increased flooding.) Once again, what should have been acknowledged was that the original text said that extreme rainfall events were increasing – a claim refuted by Environment Canada data.

A study⁸ published by the Environment Canada Climate Research Division, which examined data from 1953 to 2012, found that "[n]o consistent changes were found in heavy rainfall events."

In my view, the response provided by RCI did not amount to a correction, but a substitution, which does not comply with the values of transparency and accuracy articulated in the JSP, specifically in the section that calls on CBC/Radio-Canada to "act responsibly and to be accountable." All the more so given that the amendment to the article was not accompanied by any real explanation; only a note at the very end, which reads as follows and does not at all appear to constitute acknowledgement that the original text contained a significant inaccuracy:

⁸ <https://www.tandfonline.com/doi/pdf/10.1080/07055900.2015.1086970>

“[T]his article has been modified to include citations from experts (Zhang, Mann, Flannigan) regarding the intensity and frequency of warming and extreme climate related events.”

Moreover, whereas RCI informed the complainant, in its response, that the article had been amended such that the sentence he had complained about had been replaced with another, in fact five new paragraphs were added to the text. They deal with climate change around the world and its effect on droughts, heat spells, wildfires, hurricanes in the United States, and the increase in extreme rainfall events that is predicted to accompany warmer global temperatures. Here again, this failed to address the complaint made by Mr. Muir, who had not questioned the existence of climate change; he had merely asserted that there is no proof that climate change has led to increased extreme rainfall episodes in Canada, as Dr. Feltmate claimed.

The admission that rising global temperatures have not had that effect in Canada is not a denial that those temperature increases are happening. The response by RCI to Mr. Muir’s complaint, however, gives the impression that this is how the complaint was construed – hence the abundance of file attachments and links to articles and studies attesting to the reality of global warming, and still others predicting that it will in the future result in increased extreme rainfall. I note the inclusion, buried in the middle of the lengthy response from RCI, of an excerpt from email correspondence with Xuebin Zhang, Senior Research Scientist, Environment Canada. He is, incidentally, one of the authors of the Environment Canada study cited above. Dr. Zhang wrote to journalist Marc Montgomery, while the latter was preparing his draft response to the complaint, that:

“For Canada as a whole, observational evidence of changes in extreme precipitation is lacking.”

I must take RCI to task for not having drawn the obvious conclusion regarding the truthfulness of the sentence that Mr. Muir complained about.

As regards Mr. Muir’s second grievance, I do not believe it is up to RCI to arbitrate a dispute between the Ontario Society of Professional Engineers and a university research centre about whether it is appropriate to mitigate flooding by rehabilitating wetlands in urban and near-urban areas. Dr. Feltmate – a biologist – advocates that solution; Mr. Muir and the Ontario Society of Professional Engineers do not share his opinion. RCI cited excerpts from the reports by the Intact Centre accurately, without endorsing those conclusions. Furthermore, Mr. Muir had the opportunity – two opportunities, in fact – to speak out and restate the facts as he sees them. First, RCI published four comments by him below the initial article. Then, RCI invited him to be interviewed to react to Dr. Feltmate’s claims.

Further considerations

In his reply to the first response from RCI, the complainant disputed some of its contents; for example, the assertion that spring floods are now more severe because of climate change.

I will refrain from commenting on these secondary issues, as they do not concern the contents of either of the RCI articles, but rather the correspondence between RCI and Mr. Muir. I feel the case is already complex enough and there is no need to make it more so.

Second complaint

I note first of all that Mr. Muir did not complain about the interview per se, nor about its tone or the nature of the questions asked of him by Mr. Montgomery. His comments were limited to the contents of the accompanying article,⁹ entitled *Response to a climate change story*, posted on November 19, 2018.

Mr. Muir complained that the article contained a graphic illustrating increases in annual rainfall in Canada, which he deemed irrelevant because the interview (and indeed his complaint about the first article) was about data on extreme rainfall events: this was the fundamental objection, **the** reason for his dispute with RCI. I note with satisfaction that RCI acknowledged the merits of that complaint and consequently removed the graphic. Unfortunately, in removing it RCI did not follow best practices with regard to transparency. First, no date was provided to show when the article had been updated; more important still, the note added at the foot of the article to explain the change appears to me to be unduly insincere. It states: “the story has been modified to remove a graphic from Environment Canada deemed not entirely relevant to the interview.” Acknowledging an error in this manner (saying “not entirely” merely pays lip service to the issue) is counter to the requirements of the JSP. The graphic was irrelevant, period.

Next, Mr. Muir complained that the article implied that his statement about the lack of any trend toward increased extreme rainfall concerned only one region, southern Ontario. Two sentences are at issue here. The first stated: Mr. Muir “maintains that in his region of southern Ontario, rainfall levels are decreasing [. . .].” Later, the article adds:

“It is entirely possible that small localised areas may experience different situations from the global trend which points to human activity causing substantial climatic changes in weather patterns and increasing damage to infrastructure.”

Considering the complainant’s repeated requests that RCI acknowledge that it was false to claim that extreme rainfall episodes are on the rise, whether in southern Ontario or across Canada; considering the multiple documentation he provided to RCI in support of that position; and considering RCI’s clear and repeated refusals to acknowledge the error, I must conclude that Mr. Muir was justified in interpreting those two sentences as a further attempt to downplay his point of view and even distort its meaning. First, by scaling it down to a simple regional perspective, and then by once again confusing the concepts of extreme rainfall events and overall precipitation. I sought to understand the source of this muddled situation. The journalist, Marc Montgomery, frankly admitted that he had decided from the start that he would “not give an inch” to the complainant. That attitude, unfortunately, violates the JSP, specifically the section that calls on CBC/Radio-Canada employees to “act responsibly and to be accountable,” which goes on to say “we [. . .] are honest [and we] do not hesitate to correct any mistake [. . .].”

⁹ <http://www.rcinet.ca/en/2018/11/19/response-to-a-climate-change-story/>

A further aspect of Mr. Muir's second complaint is his request that the article about his interview contain a link to a document from the Ontario Society of Professional Engineers that discounts the IBC and Intact Centre report on wetlands for urban flood mitigation (produced in 2017 by the Intact Centre and largely written by Dr. Feltmate). RCI refused to comply with that request.

Under normal circumstances, I too would have refused. The choice of the angle and key points of a story is the prerogative of the editorial staff. There will always be people ready to say that a news story should have covered such-and-such an issue, should have mentioned an aspect that was not, or should have provided another perspective. Regardless of the merits of such criticisms, they would – if accommodated – deny one of the core elements of freedom of the press: the freedom to choose the topic of a story and in turn to determine what aspects are worth including in that story.

In the case that concerns us, however, I believe that Mr. Muir's request was justified, considering once again the manner in which he was presented: as nothing more than a municipal engineer concerned only with data about the region he is familiar with, which may be a statistical anomaly; a man who nevertheless opposes the conclusions of a serious academic study supported by the Canadian insurance industry and those of the most recent report of the Environmental Commissioner of Ontario on the importance of preserving wetlands as a means of preventing flooding in urban areas. The document from the Ontario Society of Professional Engineers, however, clearly shows that Mr. Muir's objections are not merely a matter of his opinion. The letter, signed by the organization's president, states that "green infrastructure comes with high lifecycle costs and is not considered an effective measure for achieving flood resiliency under severe rainfall."¹⁰

I wrote above that it is not within the Ombudsman's purview to referee this technical debate pitting the insurance industry-funded studies of the Intact Centre on one side against Ontario's civil engineers on the other. I also believe that it is not up to RCI to take a position on the issue, unless its opinion were the conclusion of an in-depth journalistic investigation. We are a long way from that. And yet, taken together, the two RCI articles and the many links accompanying them, all of which are to documents substantiating Dr. Feltmate's view, give the reader the impression that the case has been tried and Mr. Muir is an isolated voice preaching in the desert. This is not consistent with the balance principle of the JSP, which states:

"On issues of controversy, we ensure that divergent views are reflected respectfully, taking into account their relevance to the debate and how widely held these views are."

In the case that concerns us, it stands to reason that the position of engineers – those who design water drainage infrastructures – is entirely relevant with regard to the usefulness and effectiveness of the measures advocated by Dr. Feltmate. It is true that Mr. Muir had the opportunity to express that position in the interview that he gave to RCI. That should therefore have been all the more reason for the article introducing the interview to be accompanied by a link to the letter as a "supporting document." Ultimately, had there been no link at the foot of the article, the absence of the supporting document would be understandable.

¹⁰ <https://drive.google.com/file/d/1id4WZSTWP57WhG2k8SnID1I2Y32gsqxv/view>

But there are nearly ten such links, each pointing to documents that appear to be there to undermine Mr. Muir's position, which compounds the overall lack of balance here.

Speaking of missing links, I note that RCI had failed to include, in the original article, a referral to the second one, despite the fact that it is a follow-up. When I mentioned this omission to them as part of our discussions about this complaint, RCI management told me it had resulted from an error in communication. They had asked that the referral be included; they told me the correction would be made immediately, and it was. However, the link to the "follow-up" is so discreet that there is little chance of it being noticed. It is written as follows:

"Counterpoint response to the IBC study- RCI: Nov 19/18."

Can the average reader be expected to grasp, from those few words, that they constitute a hyperlink to a follow-up to the RCI article they are reading? Will they understand that the main theory being asserted in the article they are reading has been discounted by the official body representing Ontario's engineers? Will they suspect that the existence of the data on which the article is founded – Dr. Feltmate's claim that extreme rainfall events are on the rise in Canada – is challenged in the follow-up article? I do not think so, and that is why I believe once again that this further correction was inconsistent with best practices and does not live up to the "honesty" principle of the JSP.

The reference to the Insurance Bureau of Canada report

Mr. Muir also challenged the accuracy of the second paragraph of the article accompanying his interview:

"Here in Canada, the Insurance Bureau of Canada in a commissioned report said its payouts from natural disasters have doubled every five years since 1980, and the majority of those claims are from flooding due in large part to climate change."

He stated that this assertion is false, advancing several arguments that cast doubt on the accuracy, not of the sentence, but of the information it contains. Allow me to explain: while it is true that a report of the Insurance Bureau of Canada states these things, that does not mean they are true. Thus Mr. Muir was not questioning the journalist's text so much as the report that it describes. This situation resembles the first point of his first complaint, in which he criticized the article accompanying the interview with Dr. Feltmate for perpetuating inaccurate information about an increase in episodes of extreme rainfall in Canada.

In its response to the second complaint, RCI did not address that grievance, and merely defended Dr. Feltmate's qualifications by listing the conferences at which he has been invited to speak. In my opinion this did not do justice to the seriousness of the arguments put forward by Mr. Muir, which by that time he had shared with RCI. Yes, the sentence in question is rigorously accurate in that it properly represents the position of the Insurance Bureau of Canada, but the fact that it appears in the introduction to the article about the interview with Mr. Muir, without noting that Mr. Muir disagrees with all of its points, appears to me to contradict the balance principle of the JSP.

It seems to me that there are two possible solutions for correcting this situation: remove that paragraph from the text of the article and attach an explanation for the change, or retain the paragraph but follow it immediately with an account of the Mr. Muir's objections to the Insurance Bureau of Canada's statements.

The scientific validity of the information reported

Finally, the two parties in this affair debated the scientific validity of the Intact Centre's reports. Were they peer reviewed or not? How many peers took part? Does the presence of a disclaimer of responsibility in the reports mean they have no scientific value? And if so, should RCI have refrained from citing them? In Mr. Muir's opinion, RCI was promoting positions of the Insurance Bureau of Canada report authors, who were "not licensed to formally advance" them. In short, he wrote, RCI was "taking insurance industry-funded 'glossy' reports to be equivalent to formal technical information."

On this point, I cannot find in favour of the complainant. Information reported in the media comes from a wide variety of sources. It does not have to be scientifically validated by a peer-review process; in fact, it rarely is. Any citizen, association or interest group is entitled to speak their mind, defend their point of view and engage in public debate. In doing so, they are not required to have their positions approved beforehand by a panel of scientists. And it is a good thing they are not, one might well argue; otherwise citizens' freedom of expression would be greatly constrained. I therefore reject Mr. Muir's contention that RCI should report only the assertions of "licensed" experts.

CONCLUSION

The two articles by journalist Marc Montgomery entitled *How to mitigate the effects of flood damage from climate change* and *Response to a climate change story*, posted online on September 19 and November 19, 2018, respectively by Radio Canada international (RCI), failed to comply with the CBC/Radio-Canada Journalistic Standards and Practices (JSP) regarding accuracy and impartiality. The corrections eventually made to the two articles were not compliant with best practices, and violated the JSP principles on correction of errors and honesty.

As a result of the multiple shortcomings noted in my examination of this matter, I am recommending that Radio-Canada review the RCI complaints processing procedure; provide training on the JSP to RCI staff; make the necessary corrections to the two articles in question so as to restore the accuracy and balance that are lacking; clearly indicate in the two articles that they were the subject of a review by the Office of the Ombudsman and include a link to that review; and, lastly, publish a notice of correction in the *Mises au point (Erratum)* section of the Radio-Canada website.

Guy Gendron
Ombudsman, French Services, CBC/Radio-Canada
January 28, 2019