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Chair

Mr. Laurie Hawn

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● (1535)

[*English*]

The Chair (Mr. Laurie Hawn (Edmonton Centre, CPC)): Ladies and gentlemen, we have a quorum. Welcome to meeting 22 of the special Legislative Committee on Bill C-30.

We made some good progress this morning. We moved through the agenda, and we'll continue to do that this afternoon.

We're going to start at clause 15, but we should probably address the length of sitting tonight before we go on. There had been some suggestion to carry on later. We've heard from some members who have other commitments. We're missing the NDP. I've had indication from some members that they have other personal priorities. We will have sat for six hours.

Go ahead, Mr. Godfrey.

Hon. John Godfrey (Don Valley West, Lib.): Simply to save time, let's say that as soon as the bell goes for the votes, why don't we take stock and make a decision on the spot as to how far we are along?

The Chair: We'll have a hard time getting food then, if that's the case, but we can all stand to miss a meal anyway.

Not all of us can stand to miss a meal? Okay, we'll make that judgment as we go along.

I'm sorry, I didn't realize Mr. Cullen was not in the room. However, we do have a quorum, so we will press ahead. The next three are fairly easy anyway, since there are no amendments.

(On clause 15)

The Chair: There are no amendments to clause 15 that I am aware of.

Mr. Godfrey, go ahead.

Hon. John Godfrey: We have a problem with clause 15. As the clause book points out—the one that's officially put out by the government—this deals with the scope an inspector has to go onto other people's property to search for things.

As the explanation puts it, in order to protect privacy the amendment narrows the scope of that authority by limiting the “any place or property” that the officer “may enter or have access to”. Our view is that this is altering the existing inspection arrangements and the authority of the inspector in CEPA. We think that authority is, based on our admittedly imperfect knowledge, probably a good authority to have to give scope for inspection. Unless we were persuaded otherwise by whoever here, I think we would be opposed. We would vote against this amendment unless we were persuaded there was some powerful reason to limit the scope of inspection.

The Chair: Mr. Ares, are you in a position to comment, or are we missing Mr. Moffet?

Mr. Michel Ares (Counsel, Department of Justice Canada): Yes, I prefer waiting for Mr. Moffet. He should be here pretty soon, actually.

The Chair: That would be good.

Do we have other points? Mr. Jean, go ahead.

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): I would like to wait with my comments until we hear from Mr. Moffet.

The Chair: Shall we stand that one and move to the next couple, and then come back?

(Clause 15 allowed to stand)

(On clause 16)

The Chair: There are no amendments that I'm aware of on clause 16. We'll move straight to the question.

Mr. Brian Jean: *Un instant, s'il vous plaît.*

The Chair: Are there no amendments on clause 16? Are you ready for the question?

Mr. Brian Jean: On a point of clarification, my understanding is that it's only a French translational change. I don't have any English translation of what's being changed, so it's going to be difficult for me to vote on something. Can I just hear from the department? Does this bring it into line with the English? What is the situation, and why was it brought forward?

The Chair: Would you like to respond, Mr. Ares?

Mr. Michel Ares: This is an issue of just making sure that both versions say the same thing. That's why it is only the French version that is amended; it's to bring it in line with the English version.

(Clause 16 agreed to)

(On clause 17)

The Chair: We'll move on to clause 17 while we're waiting for Mr. Moffet. There are no amendments on clause 17, unless there are any from the floor.

Go ahead, Mr. Godfrey.

Hon. John Godfrey: It's not an amendment. Can we have a bit of an explanation? I've got the book here. Can somebody summarize what we're doing here?

● (1540)

The Chair: Mr. Ares, are you in a position to do that?

Mr. Michel Ares: I would like to mention that this clause is to be dependent on one of the amendments to the definitions section, so in this case I would suggest that it be stayed until that clause is dealt with.

The Chair: Okay.

Mr. Jean, you have a question.

Mr. Brian Jean: I'm just wondering if you could be more specific, Monsieur Ares; what definition is it dependent on?

The Chair: Go ahead.

Mr. Michel Ares: It would be subclause 3(3), actually, of the bill.

The Chair: Those have been allowed to stand, and those depend on this; this one can still be allowed to stand.

Mr. Brian Jean: Is it the chicken or the egg?

The Chair: We start standing on our heads in a minute.

Is it the desire of the committee to stand this one too?

Go ahead, please, Mr. Blagden.

Mr. Phil Blagden (Manager, Air Health Effects Division, Department of Health): I can speak to the policy intent of it. It refers to products that may release. Whereas CEPA has been focused on substances, there is an intention throughout Bill C-30 to allow it to also address products that release substances without necessarily containing them. We are aware of a couple of instances in which that could come into play.

That's the overall intention. I can't speak to the legal aspects of it, but it was to make it possible for the regulation of products that may release, as opposed to products that simply contain.

The Chair: Mr. Warawa has a comment.

Mr. Mark Warawa (Langley, CPC): Thank you, Mr. Chair.

The minister has shared the examples of a woodburning stove or a gas-powered lawn mower, products that would release but that could not be regulated without this change. I think we could move forward. I think it's a very good obvious amendment that needs support.

An hon. member: Hear, hear!

The Chair: Is there any other discussion on clause 17?

(Clause 17 agreed to)

The Chair: We'll need to wait for Mr. Moffet. Do we know if Mr. Moffet is close or not? I'm hesitant to start on the next one, because it's going to be a big one.

Mr. Michel Ares: Yes, he's on his way, actually. That's what I can say.

The Chair: Because the next one is quite large, I think it's probably prudent that we suspend for a couple of minutes and just wait for Mr. Moffet. We will suspend.

● (Pause)

● (1545)

The Chair: We will reconvene. When we left, it was agreed we'd go back to clause 15 now that Mr. Moffet is here again.

(On clause 15)

The Chair: Mr. Moffet, Mr. Godfrey has a question on clause 15. There are no amendments to it, but he has a question.

Hon. John Godfrey: Clause 15 proposes restricting the authority of inspectors to go onto private property. My understanding is that what we're dealing with now is the current inspection regime under CEPA and how wide-ranging the inspection authority is of the inspector in terms of private property. The clause book tells us that this amendment would have the effect of restricting the ability of the inspector to go onto somebody else's property. This would have narrower authority than is currently the case under CEPA.

The question I was asking is this. Has something happened, using CEPA, where we've had bad cases, where inspectors have gone ballistic and done God knows what? Why are we doing this? Why would we want to restrict their ability when we want to be able to give them appropriate authority without violating human rights unduly?

Mr. John Moffet (Acting Director General, Legislation and Regulatory Affairs, Environmental Stewardship Branch, Department of the Environment): You hit on the exact issue in the last clause.

This amendment wasn't made as a result of specific incidents that have arisen during the course of enforcing CEPA. However, since CEPA was developed, of course, charter litigation has evolved and Justice Canada's understanding of permissible compliance promotion, compliance enforcement activities, has evolved.

We inserted this amendment at the recommendation of Justice Canada. It's essentially their view that this codifies the maximum extent of rights that it would be appropriate for the federal government to have under this type of statute.

Hon. John Godfrey: My next question would be this. To what extent are these search provisions, if I can describe them as such, found in other bits of legislation, environmental or otherwise? Is Justice Canada attempting to do adjustments wherever it can as these pieces of legislation come up, or were the search provisions under CEPA unique?

Mr. Michel Ares: There are only one or two provisions in the bill that are amended. One is in the clean air part, part 5.1, because that's the scope of the bill. No other statutes are amended through this bill.

Mr. John Moffet: I think the answer is that we don't know. We can try to get back to you.

Hon. John Godfrey: I was trying to decide whether it was a general policy that Justice Canada would clean up things in light of an evolving charter, understanding that they're taking advantage of the moment.

● (1550)

Mr. John Moffet: We don't know the answer to this question. I apologize, and we'll try to find the answer for you tomorrow.

The Chair: Is there any more debate on that?

Mr. Cullen.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Just to be clear, we're entering the debate on clause 21 right now.

The Chair: No, sorry, we're back at clause 15.

Mr. Nathan Cullen: Excuse me, I missed that regressive move.

The Chair: Some people weren't here, Mr. Cullen.

Mr. Nathan Cullen: No, really, Chair? That's unacceptable, and you should clamp down on that.

The Chair: Mr. Moffet.

Mr. John Moffet: I think we could provide a slightly clearer response to Mr. Godfrey's question.

I'm sorry to interrupt, Mr. Cullen.

The Justice Canada policy is that when a bill is opened up to make specific amendments, Justice Canada seeks to use that opportunity to bring the bill up to the current state of the law. There's no systematic effort to go and look for these, but should other bills be opened up, this policy would be applied.

The Chair: Mr. Ares.

Mr. Michel Ares: As a precision to that, when a provision of a bill opens provisions, it's the policy to bring them up to the state of the law.

The Chair: If there's no further debate, are we prepared for the question on clause 15?

(Clause 15 agreed to)

(On clause 18)

The Chair: We'll move right along to clause 18. I suspect this one will generate a bit more discussion.

We will start with the Liberal amendment, L-21 or L-21.1, whichever one you choose to—

Mr. McGuinty.

Mr. David McGuinty (Ottawa South, Lib.): We'll be withdrawing L-21.

The Chair: Okay, amendment L-21 is not moved.

We're on clause 18 and amendment L-21.1.

We will hear about amendment L-21.1 from Mr. McGuinty.

Mr. David McGuinty: Thank you very much, Mr. Chair.

This is obviously an important amendment. I'd like to formally move Liberal amendment 21.1 and speak to it for several minutes. I would appreciate my colleagues' indulgence.

It's a very important amendment, Mr. Chair, and I think it will complete a series of three amendments we've put forward to try to piece together a comprehensive Canadian approach to climate change actions and certainly greenhouse gas reductions as they apply to our largest industrial emitters.

I'd like to go through the amendment almost page by page and break it down in terms of its scope and its purpose.

The first thing I would say is that obviously the purpose of the purpose paragraph is pretty clear for Canadians who might want to read it and for our colleagues here, but I think the key first part of this amendment, Mr. Chair, is that it will create Canada's national carbon budget and will create other carbon budgets that would flow from Canada's national carbon budget.

It's fairly specific in setting out, under proposed subsection 103.02 (1), a definition of what the national carbon budget is. For each year from 2008 to 2012, it defines a budget that corresponds to Canada's domestic greenhouse gas emissions levels in 1990 less 6%, which of course is our Kyoto commitment and our Kyoto target.

For 2020, 2035, and 2050 a carbon budget would also be developed by the minister, which would be less than the previous year's budget and would have to correspond with Canada's domestic greenhouse gas emissions levels in 1990, less 20%—as it goes on to explain—by 2020, less 35% by 2035, and less 60% to 80% by 2050. That is the core target; that would be Canada's national carbon budget going forward.

Under proposed subsection 103.02(2), this amendment would also create for Canada sectoral carbon budgets as a subset or a portion of the national carbon budget, and of course it gives the power to the minister to determine who would form part of each sector, something I'll come back to in a moment in the amendment.

Proposed subsection 103.02(3) then introduces the notion of an individual carbon budget. Individual carbon budgets are portions of these sectoral carbon budgets, and again a subset of the national carbon budget. Individual carbon budgets would be determined by the minister for each large industrial emitter, but proposed subsection 103.02(3) also gives flexibility to the minister in the future for any other person that the minister might consider to be responsible for a part of Canada's overall greenhouse gas emissions.

Following this proposed subsection 103.02(3) are a number of core attributes that speak to the question of allocation and how the minister might allocate these individual carbon budgets. They deal with a series of very important issues raised for us by expert witnesses, who spoke to the salient features of a strong trading system, in particular, that would reflect some important attributes.

● (1555)

The first is credit for early action. We want to make sure in this country that those large industrial emitters who just started doing it.... There are thousands around the country. We're not talking about the smaller ones in this case; we're talking about the dozens and dozens of our large industrial emitter group, of about 700 that have also taken a lot of early action.

They have done so because they subscribe to the Kyoto Protocol and they understand the targets. They've said they are going to do this because they are going to become more energy efficient and more competitive and because they recognize that we're moving into a carbon-constrained future. Proposed paragraph 103.02 (3)(a) talks about giving credit for early action to the person who has reduced greenhouse gas emissions between 1990 and the entry into force of this section. It reflects the work that's gone on since 1990.

The second thing it does in the allocation of the individual carbon budget is take into account that in some instances some of our large industrial emitters have many plants and many facilities. They are not single-facility or single-plant entities, so we need to leave some room here to adjust and to allocate on the basis that some of these actors, some of these large industrial emitters, can transfer their emission reductions from one setting to another. This is also a central tenet of those who are proposing, from the corporate sector in Canada, to see a robust trading system, which is why it's reflected here.

The third thing it does, Mr. Chair, is allow for comparisons between large industrial emitters, but more importantly between emitters in the same industrial sector. It is important to treat all these actors, these emitters, fairly. You treat them fairly by having regard to their economic growth compared with their sector's average economic growth to make sure it is adjusted accordingly. That's an important part of this amendment that I wanted to home in on from the beginning.

Proceeding through the amendment, the minister, at least six months before a national, sectoral, or individual carbon budget applying, would determine that budget, would publish the budget or give notice of it in the *Canada Gazette*, and then we would go on to empower the minister to make regulations to decide how we're going to calculate the individual carbon deficit in this case. The deficit is the amount of surplus emissions above the individual carbon budget allocated.

We also here are trying to introduce into Canadian society the concept that, just as we had a fiscal deficit that our government and other governments have struggled to deal with and have eliminated, we now need to introduce into Canadian society, in our view, the concept of a carbon deficit, because we are working towards and heading towards a carbon-constrained future. This, we think, would help to introduce this notion of carbon deficit into the parlance, into the working knowledge of not just the large industrial emitters but also Canadian society.

It goes on to give authority to the minister to issue carbon permits to those individual emitters.

Then we go into the second part, the core part of the amendment, under the heading “Climate Change Plan”. Here, we believe, it is desperately required that a climate change plan be prepared for Canada every year by May 31 from 2013 until 2050. That would reflect the end of our first commitment period under the Kyoto Protocol.

We go on in some detail to talk about what should be in the plan. What should be in Canada's climate change plan? You will see under proposed paragraph 103.03(1)(a), for example, a description of the measures that would be taken to ensure that our greenhouse gas emissions are equal to or less than our established national carbon budget. If we turn the page, we talk about the kinds of measures that ought to be included: regulated emission limits and performance standards; market-based mechanisms such as emissions trading or offsets; spending or fiscal measures or incentives that could be used; a just transition for workers; other cooperative measures or agreements with provinces, territories, or other governments.

● (1600)

Under what I call key accountability provisions in this amendment, we want to know under this national plan, this climate change plan, how many greenhouse gas reductions have actually occurred in a given year and how many are expected to occur in a given year. We want to compare that to the levels in our most up-to-date emissions inventory for Canada. We think Canadians should know what the projected greenhouse gas emission level in Canada for each year would be, taking into account these measures that I've just spoken to.

It also compels the government, Mr. Chair, to compare those levels with any international commitments that we have taken on, so we get to compare our performance and measure it against our international commitments.

It goes on, of course, under proposed paragraphs 103.03(1)(d), (e), and (f), to further detail other parts of the plan, including, under proposed paragraph 103.03(1)(f), a statement indicating whether each measure proposed in this climate change plan has been implemented by the date projected in the plan. We think this goes hand in hand with driving up environmental accountability for all governments—this government and any subsequent government that might follow—given the urgency of the climate change situation.

Under proposed section 103.05, we go on to define large industrial emitters. It's clear that under proposed paragraph 103.05 (1)(a) emitters are those that are part of the electricity generation sector, including those that use fossil fuels to produce electricity; under proposed paragraph 103.05(1)(b), emitters are those that are part of the upstream oil and gas sector, including those that produce and transport fossil fuels, but we've excluded petroleum refiners and the distributors of natural gas; and under proposed paragraph 103.05 (1)(c), the third category of large industrial emitters are energy-intensive industries, including large emitters that use a lot of energy from fossil fuels for their manufacturing processes.

Moving into part 5.2, Mr. Chair, I'm not going to go into too much detail, but you see quite an extensive amendment that puts forward an air quality action, basically a plan. The purpose of this plan is to protect the health of Canadians and improve the environment by addressing the anthropogenic deterioration of air quality. We talk about standards, which are clear—I'm assuming most members have read this amendment—and we go on from there to make a number of very precise and specific recommendations in order to improve air quality in Canada.

Those are my remarks, Mr. Chair. I think this is something that is deserving of serious debate. We have certainly tried to weave through this final amendment, in conjunction with the first two amendments.... Taken together, the three of them really do form, we think, a very viable plan for Canada's large industrial emitters to reduce their greenhouse gas emissions, to get used to working in the context of an overall national carbon budget, to understand a sectoral carbon budget and of course their own individual carbon budgets. They're complemented and supplemented by some of the other measures we've put forward earlier—for example, a cap and trade system, maximum trading offshore, and so on, Mr. Chair.

Thank you very much. Those are my remarks.

● (1605)

The Chair: Thank you, Mr. McGuinty.

Before we go on, I'll just point out that because of line conflicts, if L-21.1 passes, then all other amendments cannot be put in clause 18. You can only amend a line once, and that amends the whole clause. So just factor that into any debate.

Mr. Jean, you are first.

Mr. Brian Jean: Thank you very much, Mr. Chair.

I do have a question, but I want to put my entire comments to Mr. McGuinty beforehand, before I have an answer. I'm very curious as to why refineries were excluded or any particular section was excluded.

I will say, first of all, if I didn't bring forward a challenge on the basis of a royal recommendation you'd be distraught over that, so I do challenge the admissibility of this on that basis and I want to go into an argument as to why.

Specifically, I am also surprised, and would be very surprised if the member from the NDP would support this, because proposed section 103.01 should in fact say, especially the vulnerable members of society and Canadians living in the north but not in case of economic hardship or if you live in Toronto or the oil sands because you don't deserve clean air.

I am quite concerned with that, because I think that all Canadians, no matter where they live, deserve the same quality of clean air. To suggest that some in one particular airshed should receive a lesser—or have us as parliamentarians achieve a goal towards a lesser air quality in one particular area of Canada than the other seems to me to be a constitutional question at the very least, but certainly one that I don't think any parliamentarian could support. This particularly applies in relation to proposed paragraph 103.02(3)(c): "the fair treatment of the person as regards the person's economic growth compared with the applicable average sectoral economic growth". I am concerned with that particular proposed paragraph.

Proposed subsection 103.02(6) requires the minister to issue "a carbon permit pursuant to regulations made under paragraph 94.1(1)(a)". Since the minister is required to issue, I can't see how that this would not need a royal recommendation.

Also, the minister is required to "prepare a Climate Change Plan that includes", and it goes on to talk about what it includes. One of those measures that it does suggest to include is—and I would refer you to proposed subparagraph 103.03(1)(a)(iii)—"spending or fiscal measures or incentives", which of course would require a royal recommendation.

Then according to proposed section 103.04, which is punched out but on the next page, "Within six months after the coming into force of this section, the Minister shall, in consultation with other departments…develop a reliable methodology for estimating and auditing…". Again this suggests, in my opinion, a royal recommendation.

Then, to geographically, as I said, divide Canada into zones because Canadians in one part of Canada deserve less of air quality than the other seems preposterous.

Again, with respect to proposed subsections 103.07(3) and 103.07(4), I would suggest both require a royal recommendation. In particular, proposed subsection 103.07(7), which I referred to, regarding "severe economic hardship" and proposed subsection 103.07(8) on the requirement of the minister to "monitor" would both require a royal recommendation.

On those bases and the basis that I think all Canadians should be treated fairly, I would suggest that this amendment should be challenged.

Finally, the biggest issue I have with this is that the large industrial emitters would receive administrative authority that would and could be executed in an unfair or arbitrary manner. I think it should be left to regulations in relation to that. Certainly regulations would entitle all Canadians, all industries, and all commercial activities to fairness. At the very least, I suggest it would be unconstitutional.

● (1610)

The Chair: Monsieur Bigras.

[*Translation*]

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Thank you very much, Mr. Chairman.

It is my pleasure to speak to Liberal amendment L-21.1. This is probably the most complete motion that we've had to study to date in the context of Bill C-30, concerning the fight against climate change.

We like various elements in this amendment moved by the Liberals, including the importance of establishing short-, medium- and long-term targets. We realize in reading section 103.02 that these short-, medium- and long-term targets appear there. So we think and have always thought it important that targets of this kind be included in any plan for the fight against climate change.

We also see a clear and definite tendency to opt for a sectoral approach. Virtually all the parties, except the Bloc québécois, want to apply this approach, which, in this case, concerns a sectoral carbon budget. We therefore take note of this clear wish of the other political parties.

In addition, we see that there is an obligation under the act to submit a climate change plan. To date, there has been no regulatory or legislative obligation in this regard. Starting with section 103.03, we are creating an obligation to file a climate change plan and certain measures that we previously favoured, that is the mechanism based on market conditions, emissions trading, for example.

Further provision is made that the large industrial emitters will be subject to regulation, which we think is entirely normal, in view of the fact that these major emitters produce nearly 50% of greenhouse gas emissions. To achieve our climate change targets, among other things, what is indicated in section 103.02, we will inevitably have to impose those regulations.

I move that we take note of the fact that the Liberals want to adopt a sectoral approach, impose regulations on major industrial emitters and establish a carbon market as well as short-, medium- and long-term targets. However, we are moving a friendly amendment, with amendment BQ-6.1, "GREENHOUSE GASES, *Territorial Approach*," which would create a new provision that would be inserted between parts 5.1 and 5.2, just after "ACTION FOR CLIMATE CHANGE". This new part would bear number 5.1.1, would be entitled "GREENHOUSE GASES, *Territorial Approach*" and would create section 103.051, as a result of which:

> [...] on the recommendation of the Ministers, make an order declaring that the provisions of an Act or a regulation that relate to greenhouse gases do not apply in an area under the jurisdiction of a government, where the Green Investment Bank of Canada determines by notice in writing, on request from a province, that there are in force by or under the laws applicable to the jurisdiction of the government

A provincial government could very well opt out of the act or any regulations concerning greenhouse gases. However, the government in question would clearly have an obligation to introduce provisions designed to combat greenhouse gas emissions having an effect equivalent to the reductions required by the national carbon budget, as described in the three short-, medium- and long-term targets provided for in section 103.02.

● (1615)

Furthermore, before issuing the notice provided for in subsection (1), the Green Investment Bank of Canada must publish it in the *Gazette of Canada* within 60 days. There may be observations or notices. Following those observations or notices, the new notice is published in the *Canada Gazette*.

However, if some commitments or provisions made under the notice are not met, the notice could be suspended.

[*English*]

The Chair: Before we go on, I'd like to turn to Mr. McGuinty to see if that is acceptable as a friendly amendment.

Hon. John Godfrey: I'm Mr. McGuinty's lawyer.

The Chair: You're Mr. McGuinty's lawyer, then?

Hon. John Godfrey: No.

First of all, we do accept this as a friendly amendment in its current form.

Second, I would take advantage of having the floor simply to respond to a couple of the points. I'm afraid I didn't get them all written down, but let me deal with a couple of the points Mr. Jean made.

One was the comment about the royal recommendation.

Once again, the language that we find under the plan to which he referred and that he quoted—under proposed subparagraph 103.03 (1)(a)(iii), "spending or fiscal measures or incentives"—that whole language of proposed section 103.03 is lifted from Bill C-288. The difference is that Bill C-288—and the language is exactly the same—says this is what we're going to do up to 2012 for the first Kyoto period; the language of this amendment picks up the story and reiterates exactly the same list of measures that may be undertaken: "market-based mechanisms such as emissions trading or offsets", "spending or fiscal measures or incentives", etc.

In other words, Bill C-288 was deemed to be in order by the Speaker of the House, so we used it as the precedent for using the same language while extending the principles out from 2013, so that the royal recommendation.... We were very careful about putting it that way. That's the first point.

On the second point, on air quality, I think we're probably going to have a more extensive discussion with the help of our friend Mr. Cullen in a moment, but I'll simply expand a little bit about what we're doing here.

Essentially the proposed bill speaks of objectives; it does not speak of standards. What we wish to do is be more ambitious in this passage and to speak of standards to be established for the country.

The basic format is taken from what happens currently in the United States, so the question that Mr. Jean was raising about zones very much picks up on the language of airsheds, which is used in the United States. We're doing this partly because where there are airsheds that cross borders, it gives us interoperability; we will be able to talk to our American counterparts for these airsheds and deal with those quality issues.

Simply, there are two points. The zones make sense because that's the nature of pollutants: they take place over certain geographic areas. They're not like greenhouse gases in that regard. As well, we have tried to make this consistent and interoperable with the American regime because we think it will allow us to recognize the reality that often those pollutants come from south of the border and we would want to be able to work cooperatively with them.

That is a beginning of the discussion on air quality, although it's a very important discussion that I think Mr. Cullen is going to want to pursue at some other length.

● (1620)

The Chair: Thank you.

It is Mr. Cullen's turn, so Mr. Cullen, it's over to you.

Mr. Nathan Cullen: Look at that opportunity.

First of all, before we get in, I think we'll talk about the air quality thing last. There are a few amendments, small but important, that we're looking to change.

First of all, on the notion that has been put forward and that Mr. McGuinty spoke to earlier, the NDP members are supporting this because we feel quite honoured for having had it lifted from many of our plans that have been iterated over the last three or four years. As far back as February 2005, we put a plan forward that talked about many of the elements here in this L-21.1 package. We're encouraged to see many of those elements here today.

There are, as I said, a few important things that we want to change. The notion of having national standards and national goals shouldn't put too much fear into the government, as this is something they have claimed they wanted to do from the onset when dealing with this issue—perhaps not the onset, but soon after realizing that there's a need for this to happen. I'm not sure, perhaps that happened between ministers, or perhaps at some point the government had an awakening and a realization that this is important.

Mr. Jean has raised some concerns that he might want to modify some elements in a friendly amendment fashion, but I'm not sure that's the route we're taking today. I would suggest that the opportunity for courage exists here.

The amendment...let me start with a friendly one first, Mr. Chair. It might not be viewed as all that friendly, but we'll see how she goes.

In subparagraph 103.02(1)(b)(i)—I never thought I would actually speak in these terms, but a couple of years in this place will do that to you—the specific matter is the target being set for 2020. In this section as it sits rights now, the Liberals have shown us a target of 20% by 2020. We heard from a number of witnesses that...the problems we've seen with the Conservative plans or suggestions to this point of 45% to 60% reductions by 2050, or those notions contained in Bill C-30, are that they assume a business as usual case for too long, and then some imagined precipitous drop off a cliff in terms of greenhouse gas reduction. That's just not the way this has worked in any country to this point. There is a gradual decline or decrease. We want to put the country on the trajectory that we want to get to, which we believe is in the 80% category by 2050.

As a friendly amendment, let me start with this one first. We'll keep these separate. I have one that will follow.

Under that section it's very simple to change the 20% to 25% for 2020. We have elements of this Liberal motion contained both before and afterwards. This is a compilation. It seems it's easier for the committee to grasp in the compiled form, so that's fine, but this element and a couple of other important ones are critical for us.

The Chair: My next question is to Mr. McGuinty. Is that accepted as a friendly amendment?

Mr. David McGuinty: I appreciate the effort, Mr. Chair. I wish.... Yes, I really do appreciate the effort.

In crafting this plan, we have come up with what we believe are staggered, transparent, and predictable targets for the country. We are using 1990 as a baseline to be perfectly consistent with Kyoto and also to work in harmony with most of Canadian society that's involved, most of the large industrial emitters, because they have, of course, been using 1990 as a baseline themselves.

We're looking to show a ramping up here in the short, medium, and long terms. The reason we believe it is possible to ramp up is that once we actually harness the technological know-how, the investment, and the reinvestment of the green investment account moneys being held in trust for each of the separate large industrial emitters, we believe we are going to unleash the full force and effect of the market in such a way that, as time goes on, we're actually going to be in a much better position to accelerate our reductions.

It's a question of capital stock rollover. It's a question of retrofits. It's a question of many measures that will flow from these targets, from the plan, and from the two previous amendments that connect with this third one.

We arrived at a 20% number because we believed it would be a realistic number for Canada, and we arrived at 35% for the same reason. We left a range of 60% to 80% to 2050, hoping that we would achieve an 80% reduction by 2050, but allowing for a margin after we actually, in a sense, shifted the ship of state in a different direction by harnessing the full power of the market, which is unstoppable once it gets going.

We think that by giving the 20% and 35% targets and then giving 60% to 80% as a range for 2050, we're really putting transparent and predictable targets here for the country and for each of the actors that would end up with their own individual carbon budgets.

I think we would have some difficulty, Mr. Chair, in increasing this number, for fear that it would not fit with so many of the achievable outcomes that we heard about from different expert witnesses. I know Mr. Cullen mentioned there were some witnesses who spoke about more aggressive targets.

In closing, I will say that we thought there was some importance in holding fast to the 20% number for 2020 because of all our discussions with the European Union officials and the new measures launched by the United Kingdom. The European Union has achieved a negotiation outcome in Europe, in the EU, of a 20% reduction by 2020 spread across all 26 member states, so we wanted to keep this number symmetrical with the European Union market.

I asked the Minister of the Environment to give us some indication when he came to another committee recently, Mr. Chair. I do believe there was talk at the G8+5 of holding to the 20% target by 2020, although the minister was not capable of revealing that to us and did not table any documents to indicate what he had talked about there.

That's the reason, Mr. Cullen, that we have kept to these numbers. We think it is an achievable number and we think these are predictable and transparent and in lockstep with the international community.

● (1625)

Mr. Nathan Cullen: You do not accept the friendly amendment.

Mr. David McGuinty: We do not accept the friendly amendment.

Thank you.

The Chair: Okay. I misunderstood you at the beginning; it's not accepted as a friendly amendment.

Mr. Cullen, I believe we have some more debate, but I think you have other amendments.

Mr. Nathan Cullen: No, there is no debate. I want to continue on. If it has not been accepted, then there is no sense in debating it.

The Chair: No, I meant that you have other amendments you want to propose.

Mr. Nathan Cullen: Yes, that's correct. The second one....

To continue along with Mr. McGuinty's point, the only thing I would suggest is that Europe has also thrown down the gauntlet to say that the 20% is almost a base. If other countries come on board for something more aggressive, then the European Union has also thrown in some conditions to move to 30%. So a challenge has been issued by Europe that Canada would do well to take up.

They have also, under France's direction, started to work on having import taxation on countries that do not find themselves under Kyoto, which I think should give the government some pause. It seems a serious consideration by France and the European Union.

The second one, I believe, is a friendly amendment. It follows right in the same section, Chair. It moves the 2050 target from this notion of a range to a fixed target of 80% by the year 2050.

I can make arguments to that, but I move it as a friendly amendment.

The Chair: It was self-evident, so I'll just go back to Mr. McGuinty and see if that is accepted as a friendly amendment.

Mr. David McGuinty: My solicitor, Mr. Godfrey, will speak to that.

● (1630)

Hon. John Godfrey: Like previously, we certainly wish to be ambitious, but also we want to be realistic. So we've given ourselves, as Mr. McGuinty said in the previous discussion, room to manoeuvre. Clearly these targets can be adjusted as we go along. However, partly because of work done by, I guess, the National Roundtable on the Environment and the Economy, which talked about a 60% target and not even using 1990 as the baseline, we would very much like to be able to accept that as a friendly amendment. But concern and prudence for giving ourselves a bit of room to manoeuvre, as we have done on the 2020 target, means that we can't accept this, much as we'd like to, as a friendly amendment.

The Chair: Mr. Cullen, do you have more amendments?

Mr. Nathan Cullen: Yes, I have a last one. We'll keep pressing for what we think is right.

This speaks more to Mr. Jean's “air quality”. This is an amendment that in a sense replaces NDP-17. It affects some language. I have a copy here for the clerk to distribute. It takes up at the point of proposed section 103.07. This goes to the measure of national mandatory standards for air quality.

We heard from witnesses—and for some of us, having studied this for a while, it wasn't a surprise, but for many Canadians following the deliberations, it was surprising—that in Canada, while there's a thing called Canada-wide standards, and many might be led to believe that Canada-wide standards means this is the standard of air quality that each region or area must come to, in effect they're completely and purely voluntary. We know the nature of voluntary action when it comes to cleaning up our environment. It doesn't get us very far. It actually sends us backwards.

On the amendment that we'll be moving, there are several pieces of substance. It does two significant things. One, it moves to national mandatory standards that then will take place in geographic zones. This is generally the way to think about air quality, that there must be standards met by each of these zones. It then adds in a sectoral element if a zone fails the test. If there's a national standard that's been agreed to and a standard agreed to in that zone, but the zone fails the test after a six-month testing, it then bumps down to the actual emitter level for them to start to clean up their act.

So if an area such as, in Mr. Watson's case, around Windsor, if that's taken as a natural climatic airshed zone and a standard is set for air quality, which I know is an issue in Windsor right now—and I don't mean to pick on Mr. Watson—and that standard is then broken, it then moves down to the actual emitter's level, the point-source emitter's level, to say we have broken the standard for these specific air quality elements.

These elements, just to keep this in mind, Chair, are all named and delineated in this bill already. This is something the government is moving towards. They've named the actual pollutants. It says it bumps down to the emitter level and then the emitters must come on board and start to limit those very elements that the government has already named in their bill. We think this does much to strengthen the efforts that the government has already made on air contaminants. It moves further than amendment L-21.1, which we have here before us. It both cleans up this portion of the bill and also, if I may, cleans up the air.

I believe the clerk has copies of it. They're being copied. I won't say any more.

The Chair: We'll take that as a straight amendment. You're not proposing it as a friendly amendment. Or are you?

Mr. Nathan Cullen: Yes, this is a friendly amendment, Chair.

Hon. John Godfrey: I think it would be helpful for our people to see it. We like the drift of where this is going, but I think it would be responsible of us to see it.

The Chair: I agree. We'll suspend for five minutes or however long it takes to get the paper out.

● _____ (Pause) _____

●

● (1640)

The Chair: Mr. Godfrey, you now have the proposed NDP amendment. Have you had a chance to look at it and comment? Over to you.

Hon. John Godfrey: We have seen versions of this.

We accept this because it is a fuller version of what we were trying to do. Again, it's more ambitious, but we think it's helpful and we accept it as a friendly amendment.

The Chair: That is accepted as a friendly amendment.

This section is getting bigger.

Mr. Warawa, you're next up.

Mr. Mark Warawa: Thank you, Mr. Chair.

I appreciate the work that has gone into the presentation we have just received from Mr. McGuinty.

Speaking to the Liberal amendment L-21.1 and also to subsequent friendly amendments and amendments, I am concerned about the road we're heading down. I'm going to use an analogy of playing the game of sudoku. The point I want to make is that the key to proceeding is starting off down the right path and putting in the correct numbers. I'm concerned about the pathway we are heading down with the recommendation of amendment L-21.1.

Mr. McGuinty started off sharing.... Under his targets, he actually shared the Kyoto targets. He said it's "our Kyoto commitment and our Kyoto target". I believe that's what he said, and we all know what happened with that target and commitment. Unfortunately, it was 35% above that; it was off—way off.

What I would like to do is back up, take a look at what the government is proposing in Bill C-30, and make sure we are heading down a road that will achieve what hopefully all of us want. I know it's what Canadians want. It's a cleaner environment. It's reduced greenhouse gas emissions. It's lower air pollution levels so that we have clean air, clean water, and clean land, not by voluntary measures but by mandatory regulations through all sectors. We've heard, Chair, through witnesses, that approximately 50% of the pollutants come from the manufacturing industry, the large final emitters. The other 50% of greenhouse gas emissions come from us as consumers, and we need to know and to make sure that we are focusing on all sectors and achieving what Canadians want us to achieve.

I'd like, then, to share what is in the Clean Air Act. Again, we're starting with proposed section 103.01. What is in Bill C-30 is this:

> 103.01 The purpose of this Part is to promote the reduction of air pollution and to promote air quality in order to protect the environment and the health of all Canadians, especially that of the more vulnerable members of society.

This is called part 5.1 of the Clean Air Act. That was the purpose that I just read, proposed section 103.01. What is being proposed in Bill C-30 is focusing on both air pollution and greenhouse gas emissions.

What's being proposed in amendment L-21.1 is just on greenhouse gas emissions; it's not focusing on the quality of the air that Canadians breathe, so it's only dealing with half of the problem. I believe that example shows us clearly that what's being proposed in the Liberal amendment L-21.1 is not taking Canada where Canada needs to go in cleaning up the environment.

As we move on to proposed section 103.02, which is the general description of Canada's Clean Air Act, proposed subsection 103.02 (1) says:

> Either Minister or both Ministers, as the case may be, may issue guidelines for the purposes of the interpretation and application of the provisions of this Part for which they have responsibility.

It says "either" minister.

● (1645)

Proposed subsection 103.02(2), which is the consultation part, reads:

> In exercising the powers under subsection (1), either Minister or both Ministers shall offer to consult with the government of a province and the members of the Committee who are representatives of aboriginal governments and may consult with a government department or agency, aboriginal people, representatives of industry and labour and municipal authorities or with persons interested in assessing and controlling air pollutants or greenhouse gases.

There it is again dealing with both issues—the air pollutants, air quality and greenhouse gases—which, in effect, create climate change.

Proposed subsection 103.02(3) reads:

> Nothing in subsection (2) shall prevent either Minister or both Ministers from exercising the powers under subsection (1) at any time after the 60th day following the day an offer is made under subsection (2).

Proposed subsection 103.02(4) reads:

> Guidelines issued under this section shall be made available to the public, and the Minister who issued the guidelines shall give notice of them in the *Canada Gazette* and in any other manner that that Minister considers appropriate.

Those are the guidelines for consulting the public.

Already, Mr. Chair, I feel it's a far superior form than what's being proposed by the Liberals in their amendment L-21.1.

Proposed section 103.03, "Information Gathering", regarding research, investigation, and evaluation, reads:

> For the purpose of assessing whether a substance contributes to air pollution or is capable of contributing to air pollution, or for the purpose of assessing whether to control, or the manner in which to control, a substance, including an air pollutant or greenhouse gas,

—there it is again, Chair—

> either Minister may
>
> (a) collect or generate data and conduct investigations respecting any matter in relation to the substance;
>
> (b) correlate and evaluate any data collected or generated under paragraph (a) and publish results of any investigations carried out under that paragraph; and
>
> (c) provide information and make recommendations respecting any matter in relation to the substance, including measures to control the presence of the substance in the air.

Now, we go into proposed section 103.04, dealing with the notice to the minister, and it reads:

> Where a person
>
> (a) imports, manufactures, transports, processes or distributes a substance for commercial purposes, or
>
> (b) uses or releases a substance in a commercial manufacturing or processing activity,
>
> and obtains information that reasonably supports the conclusion that the substance contributes to air pollution or is capable of contributing to air pollution, the person shall without delay provide the information to the Minister unless the person has actual knowledge that either Minister already has the information.

So there's an obligation to provide notice to the government, to the minister. I believe, again, that is far superior than what's being proposed by the Liberal amendment L-21.1.

As we proceed on to proposed section 103.05, this is dealing with notice requiring information, samples, and testing. It reads:

> (1) For the purpose of assessing whether a substance contributes to air pollution or is capable of contributing to air pollution, or for the purpose of assessing whether to control, or the manner in which to control, a substance, including an air pollutant or a greenhouse gas,

—there it is again, Chair—

> either Minister may

(a) publish in the *Canada Gazette* and in any other manner that the Minister publishing the notice considers appropriate a notice requiring any person who is described in the notice and who is or was within the period specified in the notice engaged in any activity involving the substance to notify that Minister that the person is or was during that period engaged in that activity;

(b) publish in the *Canada Gazette* and in any other manner that the Minister publishing the notice considers appropriate a notice requiring any person who is described in the notice to provide that Minister with any information and samples referred to in subsection (2) that may be in the person's possession or to which the person may reasonably be expected to have access; and

● (1650)

(c) subject to subsection 103.06, send a written notice to any person who is described in the notice, and who is or was within the period specified in the notice engaged in any activity involving the importation or manufacturing of the substance or any product that contains or may release the substance into the air requiring the person to conduct any test that the Minister sending the notice may specify to the notice and submit the results of the tests to that Minister.

Mr. Chair, I could go on, but I believe very clearly that this is the direction, the road, that Canadians want us to go to. They want us to deal with both air pollution and greenhouse gas emissions, focusing on all sectors, Mr. Chair. I think this is the way we need to go and back the train up, so to speak. Amendment L-21.1 does not take us anywhere near that direction.

Thank you.

● (1655)

The Chair: Thank you, Mr. Warawa.

Monsieur Bigras, you're next on the list.

[*Translation*]

Mr. Bernard Bigras: I don't have any comment to make.

[*English*]

The Chair: Okay, back to Mr. Jean.

Mr. Brian Jean: Thank you, Mr. Chair.

I have to comment on this because of something that Mr. McGuinty said. He said that the refineries were going to be excluded, and as was pointed out by one of my colleagues, indeed it may be that he was trying to exclude them from being double-dipped.

I want to make sure I get on the record that the Library of Parliament does an excellent job at what they do. They provided me with a report on Canadian oil production and refineries—selected statistics. It came as a shock to me, quite frankly, to find with respect to some of the refinery data that, in particular, nine refineries are in Ontario and there are only six in the entire west. I'm hoping that it's not his purpose to exclude refineries, especially given that when we look at it more particularly, carbon monoxide in tonnes in Ontario is almost three times that of Alberta. In Ontario it's two times as much oxides of nitrogen. Total particulate matter is three times more. There's four times more particulate matter in 10 microns or less. There's four times more particulate matter in 2.5 microns or less, and sulphur dioxide of 10 times more in refineries in Ontario than in Alberta.

I want to clarify what is said on the record, because of course judges look at and hear what we say. I want to make sure that the clauses in particular are just making sure there's no double-dip of refineries and it's being fair to all industrial emitters, because he did indeed say that refineries would be excluded. I do want that confirmed on the record by Mr. McGuinty if that's his intention. Certainly refineries in eastern Canada, and in Quebec in particular, pollute much more than the ones in the west.

I'd like that on the record, please.

The Chair: Mr. Godfrey.

Hon. John Godfrey: I thank Mr. Jean for his comment.

To reply, it's simply a classification issue. We wanted to make sure that under proposed paragraphs 103.05(1)(a),(b), and (c), the classification was correct. In the normal understanding, upstream oil and gas does not include refineries or distributors of natural gas or petroleum, but that is included as part of the energy-intensive industries. So it's captured under (c), but for that very purpose—in case there was any ambiguity—to make clear that they were only being dealt with once. Of course, we do recognize that many of those refineries are in eastern Canada. They will not be excluded.

The Chair: All right, are we ready for the question on L-21.1, as friendly amended by both the Bloc and the NDP?

Mr. Jean.

Mr. Brian Jean: On a point or order, I did ask for a confirmation in respect of my suggestion that it might require a royal recommendation. I would prefer to have that on the record, please.

The Chair: Now that you've done that—you didn't word it that way before, so I was waiting for you to do that—what we have here are the elements of a plan, not the plan itself. Again, it goes back to the elements of something that may show up when the plan is developed. If it becomes part of legislation or regulation that does specify spending, then at that time it may require a royal recommendation.

I'll go back to Mr. Godfrey's point about Bill C-288, which did have specifics, or elements, in it that were similar and was ruled by the Speaker of the House not to require a royal recommendation. Therefore, I'm going to follow that precedent, and my ruling is that this does not require royal recommendation and is therefore admissible.

● (1700)

Mr. Brian Jean: I would like to rebut, Mr. Chair, very briefly.

Proposed section 103.03 requires—t's a "shall" for the minister, not a "may", Mr. Chair, and I think that is the difference between the two rulings.

As well, it says "shall" indeed, and then it continues on under proposed item 103.03(1)(a)(iii)—the same proposed section that says "shall", not "may"—to say "spending or fiscal measures or incentives". I would suggest, Mr. Chair, that indeed it would require royal recommendation based on the "shall".

The Chair: I take your point. What the "shall" says is he "shall" prepare a plan, which includes some or all of these. It may be no funding; it may be funding. When it becomes a plan that does specify funding specifically, then it may require royal recommendation, again following the precedent.

Mr. Brian Jean: To set the record straight, though, Mr. Chair, it does not say "may" anywhere in that proposed section; it says "shall", and only "shall", and it requires a fiscal plan upon passing. I want to make that point.

The Chair: It says "shall prepare a Climate Change Plan". It's a plan.

Mr. Brian Jean: It's a plan that includes fiscal spending.

The Chair: It's a plan that may include—that includes these elements.

Mr. Brian Jean: There's no "may".

The Chair: It includes these elements that may have values or not.

Mr. Brian Jean: There is no "may". Just for the record, Mr. Chair, there is no "may", and you repeated it.

The Chair: It says "shall" prepare a plan—that's all—that includes elements as listed that may or may not have values attached.

Anyway, that is my ruling.

Go ahead, Mr. Cullen.

Mr. Nathan Cullen: This seems to be going back and forth on debate. The ruling's been made, and the vote's been called. I think we should proceed with the vote.

Mr. Brian Jean: I challenge the chair on his ruling.

The Chair: The question is simple: shall the chair be sustained? It's a recorded vote.

(Ruling of the chair sustained: yeas 7; nays 5)

The Chair: The chair is sustained. The question has been called.

Go ahead, Mr. Moffet.

Mr. John Moffet: I appreciate that the question's been called. I wonder if there's any scope to ask a question to clarify the NDP amendment regarding the air pollution, an amendment about which we have some concerns.

The Chair: The question's been called, and we have a request for a recorded vote.

(Amendment agreed to: yeas 7; nays 5 [See *Minutes of Proceedings*])

The Chair: Go ahead on a point of order, Mr. Warawa.

Mr. Mark Warawa: On a point of order, Mr. Chair, I just wanted to make sure it was in the record that prior to the vote the officials asked for input, and they were denied because the question had been called. That is on the record.

● (1705)

Mr. Brian Jean: They had concerns with the legislation, Mr. Chair.

The Chair: Well, it's on the record that the question was called.

Mr. Mark Warawa: That's fine. I just wanted to make sure it's on the record that we moved ahead and voted on something without really knowing what we were voting on.

Thank you.

Clause 18 as amended agreed to)

(Clause 19 agreed to)

(On clause 20)

The Chair: There are no amendments to clause 20 that I'm aware of.

Mr. Brian Jean: Isn't there some connection between clause 20 and clause 4? I made notes on that earlier, Mr. Chair.

The Chair: I don't have a note on that, but I stand to be educated.

Mr. Brian Jean: Maybe it was NDP-20 and not clause 20. I could be in error.

The Chair: It was NDP-20.

There are no amendments to clauses 20 or 21 that I have been made aware of.

(Clause 20 and 21 agreed to)

(On clause 22)

The Chair: We have two amendments, the first one being NDP-23, on page 45.

Mr. Nathan Cullen: I need a moment to catch up with your torrid pace, Chair.

The Chair: I'm sorry, Mr. Cullen. Could you hang on for half a second? We may have pre-empted this one; NDP-23 goes back to something that was in clause 18.

Mr. Cullen, because NDP-23 was consequential to NDP-20, which was negated by the passing of clause 18, NDP-23 is off the table.

Mr. Nathan Cullen: I just wanted to make sure of that, Chair.

I know that's going to happen a number of times, but we don't want to lose things without being certain.

The Chair: No. Absolutely.

We'll go to L-22. I don't have a page number for that; it's right after L-21.1.

Hon. John Godfrey: Mr. Chair, this is simply a consequential amendment to the things we have done previously.

● (1710)

The Chair: Mr. McGuinty, are you prepared to address that one?

Mr. David McGuinty: As my colleague said, Mr. Chair, this is simply a series of amendments that flow from previous amendments. I think they're quite self-explanatory. Unless there is further debate, I'm hoping to simply call for the vote.

The Chair: We agreed to some changes in a previous amendment. Does this still line up, or have you had a chance to have a look at it?

Mr. David McGuinty: That's an interesting question.

Hon. John Godfrey: In other words, you mean was the numbering affected by...? Let's just check that out. Okay, so the first one—

Mr. David McGuinty: We'll need a moment.

The Chair: Okay. We'll suspend for a minute or so.

● _____ (Pause) _____

●

The Chair: Mr. Godfrey.

Hon. John Godfrey: Chair, the suggestion is that we stand this. Rather than trying to line up—It has to do with the NDP amendment. We want to make sure everything squares off. We don't want to do it on the fly. That would not be helpful.

So if we can stand this, we will try to reconcile that with professional help.

The Chair: All right, let's move on.

(Clause 22 allowed to stand)

(Clause 23 agreed to)

(On clause 24)

The Chair: We're going to have a similar situation with the next clause, clause 24.

Mr. Cullen, would I be correct in assuming that you will not be proceeding with amendment NDP-24?

Mr. Nathan Cullen: You are correct, Mr. Chair.

The Chair: Okay. Amendment NDP-24 is not moved.

Mr. McGuinty, will you want to stand amendment L-23, in clause 24, for the same reason?

Mr. David McGuinty: In the interest of getting this accurate, of course, Mr. Chair, I think it would be very wise.

(Clause 24 allowed to stand)

(Clauses 25 and 26 agreed to)

The Chair: We will move on to clause 27.

Mr. Godfrey.

Hon. John Godfrey: We're going at a very impressive rate here.

I think we want to pause here. May we go back to clause 25? I apologize, but we were still sorting it out.

My understanding of this is that it's basically redundant. We already have air pollutants and greenhouse gases included with toxic substances under CEPA, right? Maybe we need an explanation of this.

● (1715)

The Chair: Because the clause has been carried, we'll need unanimous consent to go back and even say what you're saying.

Hon. John Godfrey: Okay. Well, redundant is better than lousy.

The Chair: Unless we have unanimous consent to go back and reopen clause 25, we're finished with clause 25. Are you seeking unanimous consent?

Okay, it sounds to me like we're moving on.

We're now at clause 27.

(On clause 27)

The Chair: We believe this is one that we may be able to address.

The first amendment is BQ-14 on page 47.

[*Translation*]

Mr. Bernard Bigras: Mr. Chairman, amendment BQ-14 is related to amendment BQ-15. In view of the decisions that we have made concerning the independent agency, the Green Investment Bank of Canada, we would withdraw the obligation to issue a tradeable unit to the minister. That is the purpose of amendment BQ-14.

Later I will say to whom the units will be remitted, since, pursuant to what we've agreed to up to now, we've created an independent agency. So amendment BQ-14 would eliminate the obligation to remit a tradeable unit to the minister.

I could explain amendment BQ-15 later.

[*English*]

The Chair: So you're not moving amendment BQ-14?

[*Translation*]

Mr. Bernard Bigras: I'm introducing amendment BQ-14.

[*English*]

The Chair: Okay, and your explanation of it?

[*Translation*]

Mr. Bernard Bigras: That's what I just said.

Subclause 27(2.1) of Bill C-30, on page 27, reads as follows:

> Despite subsection (2), every person who fails to remit a tradeable unit to the Minister, and in so doing commits an offence [...]

So having regard to the decisions we've made concerning the Green Investment Bank of Canada, these units would no longer be remitted to the minister as was initially the case. They would be remitted instead to the agency we have created, that is to say the Green Investment Bank of Canada.

For the moment, however, amendment BQ-14 is designed to delete the reference to the minister. Later, amendment BQ-15 will state that these units will be remitted to an independent agency.

[*English*]

The Chair: BQ-15 is following right away.

[*Translation*]

Mr. Bernard Bigras: Yes, amendment BQ-15 will follow.

[*English*]

The Chair: There are a couple of points before we move on.

The bells obviously have just started to ring, and we had a question about whether we were going to carry on tonight after the bells. We will suspend discussion on this for a second and bring up that administrative matter.

Do you have any quick input on that, Mr. Cullen?

Mr. Nathan Cullen: Yes, we've been pushing for a pretty aggressive schedule. We understand that the parliamentary secretary for the environment has commitments in the House this evening. We've been moving at a relatively brisk pace. We're also casting forward to what's remaining for us and we think today we were able to get through much of the substantive conversations around targets and some of the emissions trading issues. We would suggest that if there's a will of the committee to continue on in that relatively urgent pattern, then with respect to the duties—and I believe a Liberal member has some as well—we'd not meet tonight and suspend the meeting until tomorrow, just after caucuses have met.

The Chair: Is that agreed?

Some hon. members: Agreed.

The Chair: My information is to adjourn at this point.

The meeting is adjourned.

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