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Chair

Mr. Bob Mills

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● (0900)

[*English*]

The Chair (Mr. Bob Mills (Red Deer, CPC)): If we could get started, please....

First of all, I would like to introduce someone who is new in the room, and that's Justin Vaive. Justin is over in the corner here. Eugene claims he's going to retire some time in the future, so Justin is being trained. The interesting part is the connection here: Eugene was trained by Justin's father, and Justin's father is now with the B.C. government. So it's an interesting circle. It stays in the family, at least.

Anyway, welcome, Justin.

I'd like to welcome our guests. I would like to read this on the record, just so that our department officials know exactly what their role is. This is something that Eugene has put together, so having it on the record will clarify this for everyone.

There has been a question about what is the role of department officials, both from the Department of Health and Environment Canada, during these hearings. Basically, here—and these have been agreed to by the departments—the official guidelines for the participants would be the following:

Number one, participants are not required to make opening statements or presentations; ten-minute presentations will be reserved for witnesses, as time is of the essence.

Number two, participants can intervene through the chair to bring clarity to certain questions or if they feel a statement is factually wrong. So they can clarify that.

Three, participants are expected to answer questions from committee members, either orally or in writing, to the best of their ability.

Four, the clerk will provide sufficient advance notice of the items to be discussed at each meeting. This will afford the departments ample time for preparation and the ability to identify appropriate officials.

Are there any comments there? Does this satisfy that requirement?

Mr. Cullen.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Has that been sent around, Chair?

The Chair: No, it has not.

Mr. Nathan Cullen: Can it be?

The Chair: It certainly can.

Are there any other questions or comments about those? Basically, that's just to clarify, set the rules straight, so that the officials know where their positions are, and it's clear. So this can be sent around then to everyone.

I'd like to welcome our guests. Certainly this is proceeding on with our CEPA review. As you know, it was agreed by the committee that we would set up round tables of people presenting different points of view. So this is our next round, our first round this fall of this process.

I think we'll go in the order they appear on your agenda. We'll start with the Canadian Chemical Producers, please.

Mr. Gordon Lloyd (Vice-President, Technical Affairs, Canadian Chemical Producers Association): Thank you.

My name is Gordon Lloyd. I'm vice-president of technical affairs with the Canadian Chemical Producers Association.

I'd like to thank the committee for the opportunity to participate in this round table and to talk about the term “toxic” in CEPA. Also, I have a few comments about the in-commerce list. I thought that was on the agenda today, and I won't go into much detail. I also have a few comments on the categorization of the domestic substances list.

When I presented to you last May, I emphasized how CCPA—the chemical industry—wanted a CEPA that would support our members' continuous improvement in environment and health performance, which is driven by our responsible care initiative. As I discussed last May, responsible care is a set of initiatives started by CCPA in the 1980s to meet public concerns about chemicals and their impact. It has spread internationally.

The issues the committee is considering today are important to our objective of having a workable and effective piece of legislation that will help to reinforce what our members need to do to improve under the responsible care initiative.

The issue I want to focus most on is the categorization of the domestic substances list, where I think Canada has a world-leading position and has made a remarkable achievement. A lot more needs to be done, and I think that's an issue that will be very important to discuss with the committee, but I'd first like to very briefly touch on the other two issues.

First of all, on the toxic issue, in the presentations to the committee last May by CCPA and by others, there were many concerns raised about the undue stigma that's associated with the term “toxic” as it's used in CEPA. I think there seemed to be general support among committee members for looking at that issue and trying to find a solution. We're very pleased that this is one of the things that you're reviewing in your round tables.

Our recommendation is fairly straightforward. We think you could remove the term “toxic” from the act, particularly in the operational sections in part 5, and replace it with something like “substances that meet the criteria of section 64”.

The previous government, in their budget bill proposal, would have actually gone part way to doing that. They would have left the term “toxic” in section 65, which is about virtual elimination, but it would have then been by itself and without a definition. I think that could have presented some fundamental problems with the act, changing virtual elimination from a risk-based approach to a hazard-based approach. I'd be happy to get into that in more detail if people want to hear about virtual elimination. I understand you may have a separate round table on that issue, and that might be a better place to talk about it.

The bottom line is that I think replacing the term “toxic” throughout CEPA with a term such as “substances that meet the criteria of section 64” would resolve the stigma problem; it would maintain the integrity of the act for a risk-based approach for virtual elimination; and I think—and it's an important point, which Mr. Cullen emphasized last time, and we agree with it—you'd also maintain the validity of constitutional powers.

As we understand it, when they raised it previously, the Department of Justice lawyers did look at what possibilities would work. Their proposal to use language about meeting the criteria of section 64 I believe was made with the understanding that it wouldn't undermine the constitutional validity of the act. And as I said before, that's very important to us.

Our second point—and I'll very briefly touch on this—concerns the so-called “in-commerce list”. This is really about what substances are existing in the legislation and are treated as such, and what are new substances.

CCPA recommends that the act be amended to allow the in-commerce list and similar substances to be treated as existing substances under CEPA, possibly by being added to the domestic substances list, or possibly through another mechanism that could be developed to recognize them as existing substances.

The domestic substances list, or the DSL, is a list that was set up to identify substances that are in commercial use in Canada when the requirements were put in CEPA to assess new substances and to distinguish the new substances from the existing ones. The in-commerce list is a colloquial name that has been given to a group of substances that were covered by the Food and Drugs Act. They are in commerce and they should be treated as existing substances, but there are technical difficulties in CEPA such that we are unable to do that right now. But they're clearly not new substances.

● (0905)

We think CEPA should be amended to provide the minister with more flexibility in treating substances that aren't new substances as existing substances. And this could apply to the in-commerce list and to other areas. If this were done, the approach that's been taken to use the categorization tools applied to the DSL could also be applied to these other substances as well. That would identify any substances in commerce that may need additional attention and management, as the completion of categorization so far has done with the substances that are now on the DSL.

As my final point, I'd like to turn to what I see as the remarkable completion of the categorization initiative. The question the committee is faced with—the government-industry angles—is what do we do with the categorization results. I think that's what you're really going to be looking at. Categorization was completed last week. The government still needs to release further details, so my understanding of it may not be absolutely accurate and up to date, but there were briefings with industry and with environmental groups over the course of the development of this process, sometimes jointly, sometimes singly, which I think worked best. I think we've learned a fair amount about the process and how we expect it to work. And as we see it, the 23,000 substances in commerce in Canada on the DSL—and these numbers I'm using are all approximate—have now been looked at and they've been sorted; they've effectively been triaged.

Categorization concludes that about 19,000 substances are not likely to have harmful effects on people or the environment, based on our current knowledge. And like the new substance notification provisions that seem to satisfy Canadians as to the safety of new chemicals, Canadians should see that about 19,000 substances are what I would refer to in colloquial terms as safe and do not require further work or assessment at this time. We're always afraid about using “safe” in these discussions, because nothing is ever absolutely safe, but that's a good way of looking at these substances as a group.

That would leave about 4,000 substances to be looked at to see, after they're assessed, if they should be put into the safe bin, or whether they should be determined to be toxic, or whatever label ends up being applied in CEPA for substances that are added to schedule 1, and where they would require regulation.

We understand, based on information we've heard over the summer, that of the 4,000 substances that still need to be worked on, probably about 1,000 of them will not require further work. There were conclusions this year that they're not likely to cause problems for people or the environment, and those could be set aside and put in what I'm referring to as the safe group of chemicals. That would leave about 3,000 substances to be assessed.

We understand this is going to be done through a rolling set of priorities. That makes sense. Everything can't be done at once. This is a very challenging task. A timetable was set globally through agreement by world leaders in Johannesburg in 2000 and it was picked up in a Dubai declaration about safe management of chemicals globally. It set a benchmark of 2020, to produce chemicals that minimize significant adverse effects to human health and the environment. That's the type of timeframe that would be challenging, would be doable, and would fit into the global timetable to work on this issue.

This is truly a global issue. Canada has emphasized that international cooperation has to be a cornerstone in tackling it, and we certainly agree with that. We see that with the categorization Canada has now completed and the follow-up assessment Canada will be doing, Canada will be leading globally in this initiative and will have an awful lot to offer to the U.S., to Europe, and to other OECD countries. But we also can take from those countries. The U. S. and the OECD, particularly assisted by the International Council of Chemical Associations, with CCPA as a member, have done a lot of work on the group of substances produced in high volume, and a lot of data has been collected that Canada can tap into as we work through the categorization results.

● (0910)

If Europe ever gets its REACH legislation passed and operational, and if it works despite its seemingly overwhelming complexity and cumbersomeness, we hope Canada will be able to rely on some cooperation and results from Europe as well, but that's still somewhat an unknown. We have a project that's been ongoing and is working, and they have had an ongoing debate that has yet to produce any results.

Also, I mentioned the global chemical industry's contribution to what the world is doing in high-production-volume chemicals. We've tried to move beyond that and develop a global product strategy under responsible care that was launched at this Dubai conference where the 2020 objective that I referred to earlier was formalized. That was about five or six months ago, and we're still fleshing out the details. This should be very useful in helping Canadian industry and Canadian government move forward in gathering the information that's required for post-categorization assessment.

I have something I was able to get hold of only today that we've produced. I'll give it to the clerk so it can be provided to the committee. It describes this initiative in a bit more detail, if there's interest in it.

What to do with the categorization results? I guess in CCPA's view, the answer is to stay the course with the process that CEPA '99 established and that Environment and Health Canada follow. We have a world-leading ambitious program that has proved to be workable so far. It has met the September 14 milestone of completing the categorization process, but that takes it only part way through what CEPA required, and there's still the assessment stage to go through. That next assessment stage will be a lot more challenging, but we can build on the partnerships, the momentum, the international cooperation, the clear legislative authority that we have, and the scientific tools that are being developed as part of categorization and that have underpinned our success to date to move forward.

So I think the key message to the committee is that the legislation needs to let that happen without changing course in mid-stream. This is something that's working and hopefully is allowed to continue to work. Don't fix what isn't broken.

Thank you very much. I hope those comments are useful for the round table.

● (0915)

The Chair: Thank you very much, Mr. Lloyd, and thank you for keeping within your time.

I have this magic grey box here through which I can keep everybody's time right to the second. It works wonderfully, and you stuck with that. I'd ask the other witnesses to attempt to be as good as Mr. Lloyd in this regard.

The Canadian Fertilizer Institute, please. Mr. Graham.

Mr. Clyde Graham (Vice-President, Strategy and Alliances, Canadian Fertilizer Institute): I'm Clyde Graham, vice-president of strategy and alliances for the Canadian Fertilizer Institute.

I'd like to thank the committee for inviting us here today to talk about toxic stigma.

Canada's fertilizer industry contributes about $6 billion annually to the Canadian economy and employs about 12,000 Canadians. Its farm gate sales are valued at about $2.5 billion a year. That's the amount farmers spend on fertilizer each year. In addition, it's a major export industry, with 75% of total production going to supply fertilizer to more than 40 countries.

Our member companies make and supply food for plants. Fertilizer is essential to Canadian agriculture and the production of wholesome food. Fertilizer products are beneficial, life-giving, occur in nature, and are not inherently toxic.

CEPA, Canada's fundamental environmental legislation, includes a list of substances that are considered toxic under the act. Ammonia dissolved in water, and gaseous ammonia—both forms of nitrogen fertilizer—are on the list. Potassium chloride or potash has also been subject to the listing process for road salts, but hasn't yet been listed.

This doesn't make sense. There is no reason to impose a toxic stigma on life-giving products such as ammonia or potash fertilizers, which are plant nutrients used in the production of wholesome foods on Canadian farms. Like many beneficial substances, fertilizers have to be used properly in the environment, but they are not inherently toxic.

The Canadian Fertilizer Institute made this case to this committee last year, when an amendment to take the term “toxic” out of CEPA was included in the budget bill. While the committee rejected that amendment, largely because it was connected to the former government's plan to regulate greenhouse gases, members of Parliament recognized unanimously in the committee report that there is a problem. I'll quote from the report:

> The Committee acknowledges that there are problems with using the word "toxic" for every substance that meet the criteria of section 64 of CEPA. Labelling such substances as ammonia in water (which is listed) and road salt (which met the criteria but has not been listed) as "toxic" is confusing to Canadians who use them in very different circumstances and may give an unfair stigma to products produced by Canadian industry.

In March 2005, the president of the Canadian Council of Ministers of the Environment, the Honourable Kerry Morash of Nova Scotia, wrote to the federal environment minister Stéphane Dion and federal health minister Ujjal Dosanjh to outline the position of the provinces on needed reforms to CEPA arising from the five-year review of CEPA. Among the consensus arrived at by the provinces is an explicit request for CEPA to use a term to replace CEPA's "toxic", one that would avoid the stigma attached to the term "toxic".

What the public needs to know is the specific source and location of environmental problems. Pollution is created by human activities that release products or substances. In the case of some substances, there is no safe level that can be released to the environment. In many other cases, pollution is caused when useful substances or products are released to the environment in the wrong place, at the wrong time, or at too high a concentration.

Generating generic lists of toxic substances is a wasteful bureaucratic exercise. Needlessly stigmatizing beneficial substances and products is counterproductive. Canada needs legislation to enable an environment management strategy that focusses on identifying specific challenges and encourages stakeholders to develop and implement economically and environmentally sustainable management plans. The development of environmental farm planning and best management practices under the federal-provincial agricultural policy framework is a good example of how this should work.

It was counterproductive for Environment Canada to undertake a long and expensive review of ammonia to determine whether the substance should be added to the CEPA schedule 1 list of toxic substances. The real targets were very specific environmental problems, such as municipal treatment facilities releasing waste water with high concentrations of aqueous ammonia directly into rivers and killing fish. It would have made more sense to identify the specific point source and focus on working with cities and towns on the actual problem from the start. While the context for the listing of ammonia was contained in the background material for the official notice, the potential for damage to the public reputation of our products is real.

Government and industry need a framework to develop cooperative environmental management plans that are effective, realistic, public, and accountable. A good example of that kind of outcome was the road salt environmental management plan.

CEPA creates an adversarial atmosphere focused on negative labels that actually impede effective national environmental management systems. For example, by placing toxic stigma on products in commercial use, scarce resources are wasted in conflict. The focus should be on implementing cooperative environmental management systems that will benefit the environment for all Canadians.

● (0920)

There is a serious concern about the impact on the ability to sell into the international marketplace if the government needlessly designates substances as toxic. For instance, Canada is the world's number one supplier of potash. This market is highly competitive and many countries closely regulate their agricultural production systems. If potassium chloride were designated toxic, customers would become subjected to the arguments from competitors outside Canada that Canadian potash should not be purchased because the Canadian government considers it toxic. This is a highly sensitive issue in the food industry, which has frequently been subjected to non-scientific accusations, influencing public perception and creating trade barriers.

In the final analysis, our industry has three simple recommendations: first, remove the label of toxic from the list of substances; two, include a clear context to describe the specific circumstances under which a substance needs to be managed; and three, ensure that the use of CEPA is focused on situations where there is a clear need for action. Contingent regulation makes for poor public policy.

The fact that a toxic designation has been pinned on ammonia, a life-giving substance essential to Canadian agriculture in the production of wholesome food, is clear evidence that CEPA needs to change.

I would like to add that while our major concern in CEPA relates to the issue of toxic after it has been listed, our experience has been fairly positive in terms of the management that the government has asked us to engage in, which has been voluntary and through the Department of Agriculture. We've had an excellent working relationship on that file with both Agriculture Canada and with the Department of the Environment. It's the stigma issue that's our problem, and the one that we need this committee to help us fix.

The Chair: Thank you very much, Mr. Graham.

PollutionWatch, Mr. Benevides.

Mr. Hugh Benevides (Counsel, Canadian Environmental Law Association, PollutionWatch): Thank you, Mr. Chair, for having us.

Members know that PollutionWatch is a joint project of my organization, the Canadian Environmental Law Association, and Environmental Defence, and you have before you our various roles within those organizations. I will say only that as our individual organizations, we've been heavily involved in the process of the categorization of the domestic substances list since 1999, when the process began, and environmental groups were instrumental in achieving the degree of participation that did result in that process right from the beginning.

Needless to say, we think the results and what to do with them are extremely important, and we will expand on that this morning.

We'll begin, then. And I should say that there are a number of premises Mr. Graham and Mr. Lloyd began with that I would really like the chance to refute as strongly as possible, but I don't have the time to do that now, so I look forward to the chance to do that as you ask your questions and we have a chance to respond to them.

The rest of our presentation will be presented my colleague, Fe de Leon, who will discuss her experiences with the categorization exercise, and Aaron Freeman will address the matter of the definition of “toxic”.

I should say that I understand two representatives of the Pembina Institute for Appropriate Development, as well as Professor Linda Collins of the University of Ottawa's faculty of law, are coming to address the toxic issue next Tuesday as well. So I don't want to steal their fire.

On the topic of the DSL, we have Fe de Leon, who is a researcher at CELA.

● (0925)

Ms. Fe de Leon (Researcher, Canadian Environmental Law Association, PollutionWatch): Thank you.

Good morning, everyone. Thank you for allowing me to appear before the committee to share with you my experiences around the DSL categorization process.

As my colleague noted, the process for categorization began back in 1999. The principal objective of section 73 of CEPA was to assist the government in identifying substances that had been in use in Canada for several decades and needed further attention. The government recognized that in the last CEPA review process, the Canadian approach to assessment and management of substances was no longer efficient and required a lot of time to take action on hazardous substances. There was very little toxicity information available on thousands of the chemicals in use. Studies were beginning to show that some substances persist in the environment for a period of time and/or bioaccumulate and build up in the environment. There are also many chemicals that were linked to severe health effects, including cancer, reproductive and developmental disorders, and respiratory problems that even disrupt normal hormonal functions. Bio-monitoring data that we've seen in the last few months and years reinforce the need to focus on these chemicals more stringently.

Children's health has become a focus in terms of exposure around toxic chemicals. We see chemicals being found in the Great Lakes and the Arctic, places where industrial activities would normally not be seen.

Taking actions on substances has been slow over the past two decades and the Canadian government has not been able to produce a report that shows how much progress has been made around strategies to deal with toxins or what has been achieved. Government efforts to assess chemicals have not been keeping pace with the urgency and need to take immediate action on the most troublesome chemicals.

The chemicals that decision-makers and stakeholders were most worried about are the 23,000 chemicals that are listed on the Canadian domestic substances list. These chemicals have been in the market for decades but have been the ones reported between 1984 and 1986. They have a wide range of uses, including industrial applications, research and development, use as intermediates or catalysts for formation of other chemicals, and have been found in large numbers of everyday products and articles.

Under CEPA, substances on the DSL are assessed differently from those chemicals that entered the market after 1986. The categorization process aims at identifying the chemicals on the DSL requiring further government attention. When listed on the DSL, very little information, as I noted, included toxicity data and health effects on most of these chemicals.

The categorization process sets out very specific sets of criteria. Chemicals that are persistent, bioaccumulative, and inherently toxic or those chemicals that pose the greatest exposure to human health and to non-human organisms are the focus of categorization. Based on these very narrow criteria during the seven-year process to review those chemicals, government did not focus on generating new toxicity data to make their decisions on categorization. Despite some of these limitations, the categorization process has identified approximately 4,000 chemicals that require government attention. This is a critical first step. These numbers are very significant.

Because these substances are now known to have specific hazardous properties attached to them and they continue to be in use in Canadian commerce, the challenge for the Canadian government will be in the way it responds to the results of categorization. The initial government plans on the 4,000 will have significant impact on how chemicals are assessed and managed in Canada for decades to come. We would almost say that the categorization process places Canada at a crossroads in this approach.

CEPA lays out some very specific steps to follow categorization. Screening assessments will be required for many of the substances. However, there are many questions related to how these assessments are undertaken and the timeframes in which they are required to be completed.

CEPA also has a number of regulatory tools necessary to effectively ensure that the environment and Canadians are protected, including the need to prohibit and eliminate some of these chemicals.

● (0930)

My colleague, Hugh Benevides, will spend a few minutes outlining our vision for the government on the categorization results.

Mr. Hugh Benevides: Thank you.

As Fe and the other witnesses have noted, the achievement of the categorization exercise is no insignificant accomplishment and one that is unique to Canada. However, as Fe has intimated, it's really only the beginning of the really important steps that have to follow: the processes of further screening those substances, then ultimately taking regulatory action on them.

I have a very short list on your outline of what we would like to see done with those. I won't go into great detail on them, because they are outlined in a number of places: one, in a submission of PollutionWatch to your committee that we submitted last June, and also in two letters—actually three—one in June to the two CEPA ministers and to the deputy ministers, and another letter to the same two ministers that we sent on Friday and that I sent to this committee earlier this week. I'm not sure whether it has been translated, so I'm not sure whether you have it before you today. But the gist of that, apart from the substance of precisely what action we would like to see taken on the various substances, is that it's essential that the content of the lists and the results of categorization be given to the public.

We would urge, therefore, that the committee write to the ministers and ask when that will happen, and/or ask for the ministers to appear before you to answer that question. As Fe said, this list is twenty years old. There is not a lot of new data on those substances and it's time for action to be taken on them.

There are other more specific recommendations, which you'll see in that letter when you receive it, if you haven't already, and in our submission as well.

The Chair: That has been translated and everyone has a copy.

Mr. Hugh Benevides: It is there. Okay, great.

Those points are consistent with our submission—in particular, speedier action, regulatory action on those substances that are the most serious, those that have the most serious criteria, and mandatory timelines for that action to be taken. To us, that's really the only way we can continue the momentum that was created by the achievement of this exercise.

In view of the time constraints, I'll turn over the conclusion of our presentation to Aaron Freeman.

Mr. Aaron Freeman (PollutionWatch): Thank you very much.

I'd like to briefly address the issue of the term “toxic” and some of the concerns that have been raised by some of the other witnesses through the CEPA hearings.

I think it's important to first understand the meaning of the word “toxic”, both in terms of CEPA and in other contexts. The term is not, as some have suggested, limited to the idea of being acutely poisonous to humans. This limited definition is inconsistent with both the scientific and the publicly understood definitions of the term. The industry's concern would appear to assume that “toxic” relates only to acute instances of human health, whereas a substance can also be toxic to the environment, as is the case with some of the examples that industry has raised. It may also relate to human health via the environment, as would be the case, say, for a substance that is persistent and bioaccumulative, for example.

The industry's position seems to overlook that toxicity relates to dose. The term “toxic” in CEPA refers to a range of substances that, even under the industry's definition of harmful or poisonous, are indeed toxic in particular contexts. For these reasons, the application of the term “toxic” is quite appropriate for the regulatory approach of CEPA.

Second, there are sound regulatory policy reasons for maintaining the toxic designation. There are substances currently managed by CEPA that have been regulated for more than three decades—for example, PCBs. These substances, as well as more recently regulated chemicals—PERC, TCE, vinyl chloride, and many others—are included in the list of toxic substances and are bound up as well in the Government of Canada's toxic substances management policy, which remains the core policy for regulating dangerous substances.

Internationally, “toxic” is the term used to describe substances regulated by agreements that Canada is a party to, including the Stockholm convention on persistent organic pollutants, the Rotterdam convention on hazardous chemicals and pesticides, and Agenda 21, agreed to at the Earth Summit in 1992. Calling toxic substances something else would lead to a discrepancy between CEPA and the surrounding administrative and regulatory regimes for managing these substances, both in Canada and internationally.

Finally, from the public's perspective, there's a shared understanding, even if subconscious, that a toxic substance is among the worst. There's a shared expectation that government will deal appropriately with these substances, and removing or weakening the term may thereby reduce the impetus for proper regulation of harmful substances.

The other aspect I wanted to explore with you is whether watering down the term “toxic” would endanger the constitutionality of CEPA. Our position is that it's well-established law that CEPA has the necessary constitutional authority to regulate environmentally harmful substances. However, given the history of this and other environmental law statutes, it's virtually beyond doubt that if any legal opening is provided, constitutional litigation will ensue. I believe such a challenge would fail, but it could easily entangle the federal government and other parties in long and expensive legal battles, siphoning off badly needed resources that could better be used to administer the act.

If the term “toxic” is watered down, I believe the risk of such litigation is significant. In this regard, I would encourage the committee to consider the Hydro-Québec case, which is the Supreme Court's most significant ruling in this area of law. This case determined that CEPA's regulatory provisions lie properly within the federal jurisdiction. Had the split court gone the other way, as lower courts had held, the regulatory provisions that form the basis of CEPA's effectiveness would likely have been struck down.

My written submission goes into greater detail about this case, but it is absolutely clear that “toxic” was a feature of the reasons that the federal government was deemed to be justified in using the criminal law power to regulate under CEPA. The judge draws on domestic and international precedent concerning substances and management regimes for toxic substances, and it's clear that the judgment places great weight on the fact that the law deals with substances that are deemed toxic. In common parlance, it was held that because this law deals with things that are toxic—not just any old substances, but toxic substances—the law is legally sound, constitutionally.

● (0935)

The dissent in the judgment also focused on the term “toxic”. Put simply, had the word “toxic” not been present in CEPA to provide specificity, this may have increased the ambit of the legislation, perhaps strengthening the minority's view that the law was unconstitutional.

Returning to another point that was made earlier, about the term “toxic” containing both a human health and an environmental component, Justice La Forest notes in the Hydro-Quebec case the importance of reducing pollution, not only for the purposes of human health, but also for environmental protection. The ruling also addresses the dosage issue, noting that the quantity, concentration, or condition can render a substance toxic.

Hydro-Quebec settled the issue of the constitutionality of this section of CEPA. It's worth asking whether we should be providing an opening for another challenge that could easily bog down implementation of the legislation for years to come.

For all of these reasons, I would submit to the committee that it is both unnecessary and dangerous to remove or weaken the term “toxic” in CEPA. Industry concerns should best be met by communicating effectively with the public about the nature and usage of the substances placed on the market, and by the fair and efficient administration of CEPA.

Thank you very much.

● (0940)

The Chair: Thank you, Mr. Freeman.

We'll start with Mr. Godfrey.

Hon. John Godfrey (Don Valley West, Lib.): Thank you, Mr. Chair.

Before beginning the line of questioning, perhaps it would be appropriate to recognize the presence today of the newly elected head of the Green Party of Canada and offer her our congratulations.

Mr. Graham, I was interested in the mixed message you sent, at least to me. On the one hand, you were concerned by the use of the word “toxic” as a stigma. On the other hand, you said that administratively you'd actually had a positive experience with Agriculture Canada and Environment Canada.

I'm wondering if you could tell us, is it possible to quantify to any degree the business cost to date of the use of “toxic”? I mean, has this stigma demonstrably hurt your business?

Mr. Clyde Graham: It's an interesting question. Probably at this point, there are no costs that could be measured, except for the fact that the onus is now on our industry to come to committee and deal with this issue on an ongoing basis, and to communicate with the public on an ongoing basis, when issues like organic foods are raised, and so on.

By the term “toxic” being placed on our products, the onus is being put on us to demonstrate that they are safe, useful, and so on. As long as that “toxic” stigma is there, the onus is being placed on us by the government to defend the reputation of our products.

I want to talk about the difference between the stigma and its management. When we went through the listing process, the government never came to us and said, “We want to list your products under CEPA as toxic because you're not doing a good management job and because there are problems in agriculture because of your problems—that there's something different we want you to do.”

That's the fundamental problem. What is the impetus for us to do things by labeling the ammonia as toxic? There is none. Once the stigma is there, there's no impetus on us to do anything more than what we want to do anyway. It seems to be just an exercise.

I'd like to say that in terms of the constitutional jurisdictional issue, the way a federation should work is that if there's an issue, such as municipal waste water effluent where management is needed, it doesn't seem to be very productive for the federal government to be exercising its jurisdiction through the use of the word “toxic” in the courts. If municipalities across the country don't have the money to build proper waste water treatment facilities, it would be far better if the government brought in an infrastructure program aimed at providing the funds to do that, rather than going through an exercise of going through the science and listing it. Everyone knows we don't want untreated waste water going into the rivers, so let's deal with the problem on a cooperative basis with the provinces.

I see this in many cases of joint jurisdiction where I think the federal government takes the lazy way out by exercising its jurisdiction, rather than working cooperatively with the provinces. That's what needs to be done in the environment.

Hon. John Godfrey: Well, I have some knowledge of this infrastructure question, and I can assure you, there are different ways of going at it.

What I'd like to do is go over to Mr. Benevides, who suggested he had some comments on this and would like the opportunity to deliver them.

I'm wondering, sir, if you wouldn't mind perhaps using, as a worked example, the case of potash and ammonia as you go through your refutation or comments.

● (0945)

Mr. Hugh Benevides: Thank you.

The particular things I wanted to address were some of the premises, not just on this issue but on others as well. I would certainly agree that, for one thing, the context, as Aaron said, varies from one use to another. Context is everything in terms of when and how ammonia is used, for example.

Secondly, though, I think two things that Mr. Graham said are absolutely correct and appropriate. One is that the onus is on us, as he said, to deal with the fact that a substance has been listed for all the sound scientific and legal reasons that follow those reasons. That's where the onus properly lies, on industry.

Tied in with that is the fact that, as Mr. Graham said, the Government of Canada never came to them alleging mismanagement. True—and quite appropriately as well, because the process around the assessment, the screening and then what follows in CEPA, is about the substance. It's not about bad actors or anything like that.

That's why I would just say, finally, that it's important to realize that toxic stigma is about the products. It's not about the people involved.

I would ask the government to continue to look at that balance between all the reasons, the good reasons that Aaron has outlined, for going through a very rigorous and constitutionally acknowledged process to define and identify what is toxic against the actions that the proponents must then take in response to it. I think the whole regime is very carefully tailored. That's reflected by the Supreme Court of Canada's decision. It has evolved over a number of years.

Hon. John Godfrey: Mr. Graham, if you don't like the word "toxic", but you want to be sensitive to the arguments raised by the other folks in terms of having something powerful enough to sustain a constitutional challenge and all the rest of it, have you a preferred word?

Mr. Clyde Graham: I guess I would leave that to the government to determine. You know, I'm not a lawyer.

The point is, what is the power in the word? Doesn't action speak louder than words? The common sense, to me, is not putting a label on something but getting action. The label has no value to anyone.

Hon. John Godfrey: Mr. Freeman, do you want to talk about action and words?

Mr. Aaron Freeman: Sure.

It's apparent to me, from Mr. Graham's presentation, that words actually carry tremendous value, certainly for him and also for other stakeholders in this process.

The term "toxic" fits into an overall regime that deals with harmful substances. If you take that label off and call it something else, for one thing it's dishonest. More importantly, you are now creating confusion at a regulatory level, at an administrative level, and at a public communication level in terms of exactly what it is you're doing and how it fits in with other domestic programs that deal with things that we call toxics and also with international agreements and programs that deal with things that we call toxics. It does create a whole series of problems in terms of how we deal with these things.

I would suggest that none of the substances we've talked about are in fact toxic; they are toxic in particular contexts. Ammonia is toxic in an aquatic environment, in various conditions, but that's not to say that ammonia is toxic every time, all of the time, and regardless of the application.

To me, the solution here is effective communication of what it is you're doing with the substance. I don't have evidence to back this up, but I don't think most Canadians view a fertilizer as a toxin.

Over and above that, when Mr. Graham complains that the onus is on industry, I think that's quite appropriate when you're dealing with a substance that is toxic in certain contexts. I think the answer to that is effectively communicating what that substance is and what you're doing with it, and effectively and efficiently administering the regulatory regime.

● (0950)

Mr. Hugh Benevides: Just as one other note on context, in the case of various substances that we're talking about, the context of consumer products is not addressed by CEPA, and we think it either can be or certainly should be. It's the additive and synergistic effects of thousands of substances in our daily lives that our children are exposed to that need to be addressed through this legislation, because the legislation administered by Health Canada that purports to deal with hazardous products doesn't do so. It does so in a very limited scale and scope, very much after the fact. And CEPA is the appropriate place to do that, with the leadership of Health Canada.

So I would urge the committee to consider that as a context that requires amendments.

The Chair: Thank you.

Mr. Bigras.

[*Translation*]

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Thank you, Mr. Chairman. I want to welcome the witnesses before this committee.

Before talking about the substance of the Canadian Environmental Protection Act, I would like to remind you that this legislation was passed on September 14, 1999. At the time, the government had a limited period of time to categorize existing substances. The government was supposed to complete its inventory of the 23 000 available substances by September 14, 2006, a week ago. We were supposed to have a detailed inventory. We have learned through the media that the government has completed that assessment and we have even learned that the list would include close to 4000 bad substances, of which about 400 are toxic.

My question to Mr. Moffett is simple: can you make a commitment to table before the committee, in the next few days, the list of products that are considered toxic?

[*English*]

The Chair: Who did you place your question to?

[*Translation*]

Mr. Bernard Bigras: My question is for Mr. Moffett.

[*English*]

Mr. John Moffet (Acting Director General, Systems and Priorities, Department of the Environment): Indeed, Monsieur Bigras, the government has completed the categorization exercise. The strict legal requirement was to complete the categorization, and the government has completed the categorization.

The results of categorization have been shared publicly for some time now. We've been publishing and disseminating the results. They're extremely detailed, and they've been distributed via CD-ROM to various stakeholders. For the past year, we've provided sort of iterative updates.

In terms of the implications of categorization—I can't remember who suggested we're at a crossroads, I think it was Mr. Benevides—the government is taking the results seriously. The results have provided the government with a considerable amount of information that will allow the government to make some very important decisions and set some important paths.

It's my understanding that the two ministers intend to announce their path forward in the next couple of weeks. I believe they have indicated publicly that they will be making that announcement in the next couple of weeks.

[*Translation*]

Mr. Bernard Bigras: Will it be at least possible to obtain that inventory? Several parliamentary researchers have tried to obtain that list, that inventory. You have just confirmed that the list exists and that it has been distributed to certain people. So, will it be possible for us to get the list?

Furthermore, considering the results now available, when do you intend to table a plan aimed at reducing the presence of those pollutants in Canada? How long will we have to wait before seeing an action plan on this issue?

● (0955)

[*English*]

Mr. John Moffet: The results of categorization are available, and we can provide committee members and the researchers with the data that have been made public. I'll make that commitment.

The path forward is something the ministers are still discussing, and it's my understanding that they plan to make an announcement within two or three weeks. I can't give you a firm date, but we're not talking about a lengthy delay. This is a significant issue that the ministers need to resolve with their colleagues.

The Chair: Mr. Benevides, you had a comment.

Mr. Hugh Benevides: Mr. Moffet is of course correct that the strict legal requirement of the legislation is to conduct the exercise and complete it. However, this has been a seven-year exercise. There's been no shortage of notice that this was to be completed. These substances are twenty and more years old. They've been on that list...or at least that's the definition of the list.

It's interesting to note that it was this committee that amended the requirement in the legislation to put a timeline on it. So we would not have had this seven-year deadline had this committee not placed one. That reinforces the need for mandatory statutory language so these things are met.

On the fact that it's available and being distributed, clearly there have been some difficulties getting it, but in some ways this is extremely complex information. In addition to the regulatory obligations and some action that we're pushing for, we need to see the government take on its role of education and public awareness on these substances and the effects they may have. The prevailing approach is some version of public choice, which I think is unacceptable because people don't have even the basic tools to know what the risks might be.

Finally, we can only cheer and reinforce Mr. Bigras' request for an action plan.

The Chair: Mr. Bigras.

[*Translation*]

Mr. Bernard Bigras: I would like to ask another brief question to Mr. Freeman. The representatives of the Canadian chemicals industry have suggested this morning that the term « toxic » be replaced by a reference to substances meeting the criteria of section 64. According to them, government advisers would even have stated that this would not lead to any constitutional challenge of the legislation. I know that, this morning, you provided us with your analysis of the Hydro-Quebec judgment, which had a significant impact in Quebec, as you know. I would like to know if you agree with that advice from the government which may be contrary to your own analysis.

[*English*]

Mr. Aaron Freeman: I think it's very much an open question. It's my view and our organization's view that the constitutional authority in CEPA is sound. That said, I certainly don't feel comfortable carrying forward a definitive opinion on whether, if you watered down the term “toxic” in CEPA, it would render the legislation unconstitutional. I don't think that's the case.

Particularly given the jurisprudence, it would create enough of an opening for further litigation. Given the history of this and other statutes on environmental law in this country and elsewhere, we can bet quite safely that there will be litigation if we create those kinds of openings.

Just to give you some of the reasons why I think it creates that opening, Hydro-Quebec was a split judgment—a five-to-four judgment. The lower courts went the other way. Considerable weight throughout both the dissent and the majority judgment was accorded to the term “toxic”. They said at various points during the case, “This is about substances that are toxic.” They didn't dwell on what they would be deciding if there were some other term, but you certainly got a very strong sense from both judgments that the justices accorded significant weight to determine that was part of their reasoning.

Maybe you'd keep four of those judges on side, but maybe you'd lose one. It's very difficult to know what motivated each of those judges in their judgment. So I certainly wouldn't offer a definitive opinion on it. I'd be very skeptical of anyone else offering that kind of opinion on such a tight judgment.

● (1000)

[*Translation*]

Mr. Bernard Bigras: My next question is for Mr. Graham or Mr. Lloyd.

What do you think of Mr. Freeman's rather strong argument that the change you are suggesting would create a gap between our regulations and international standards? Is that not convincing? Don't you think that your suggestion would be a dangerous precedent?

[*English*]

Mr. Clyde Graham: I wonder if Gordon, who is actually a lawyer, could respond to that, as my constitutional knowledge is not great.

Mr. Gordon Lloyd: I'm glad to be able to comment on that, because one of the things I was a bit concerned about was Mr. Freeman's characterization of international treaties and approaches in other countries as being consistent with Canada's. In my view, that's just incorrect. We have a very unique approach in Canada in terms of how we use the term "toxic" and the specific meaning that it's being given by section 64. We always have to explain ourselves and what we mean when we are in other international forums. The Stockholm Convention, which I was very much involved in—and I don't have my computer to do a word search through it—is not founded on the term "toxic". That's just not true. The same is the case for the Rio declaration. If you take the language that I read to you out of my submission, which is before you—it was in the Dubai declaration and was also in the summit that came out of Johannesburg in 2000—similarly, the term isn't used there.

So we have a uniquely Canadian term. I think if we change things, contrary to Mr. Freeman's view, we will actually be more consistent with what others are doing globally. The domestic point is a good one. Are we putting our CEPA legislation in jeopardy? Industry has provided a number of examples here before of how there is stigma, and there are problems attached to the current term, and we put that in the balance. CCPA has said that's a problem, and we don't want to lose the constitutional validity of the federal legislation. We're relying on the federal lawyers who came to that conclusion when they proposed the language I suggested in the budget bill in the last government. The committee might want to ask some of those federal lawyers for their view. I've read the PCB decision as well.

My view—and I think I'm consistent with Mr. Freeman there—is that I do not think that this kind of change would result in the constitutional validity of the federal powers being lost. But, like him, I would not want to say that's absolutely true. I can't give you an unequivocal opinion. I do think you should possibly look at getting some of the federal lawyers who would have gone through that in some detail to come and talk to you on it.

The Chair: Mr. Cullen, go ahead, please.

Mr. Nathan Cullen: Thank you, Mr. Chair.

I'd like to pick up just on that point right there. Throughout these hearings, I'm trying to assess the evidence from the perspective of the common person, who might be able to read our transcripts and understand exactly what we're talking about and how their lives might be made better or worse by the decisions this government makes, one would hope, on the basis of this committee's recommendations.

As there is some uncertainty over the removal of a word like "toxic", then applying the precautionary principle in a legal format, why would we take the risk? Why open up the possibility of a much-delayed act, a much-delayed application of an act that is intended to make our environment, our ecosystem, a healthier place to be, all for the sake of removing a word and putting in its place a series or words with a little bit more vagueness to them? These will then be applied to a series of chemicals, some of which we would intuitively, inherently call "toxic" and dangerous. I understand the frustrations of the fertilizer companies and others, but why go down that path and why take the risk when all of our intentions around this table are to remove dangerous substances from our environment?

● (1005)

Mr. Clyde Graham: I'll take that, because I think that's a political question.

I think that members of Parliament come to bring common sense to the development of laws. Otherwise you would have to be a lawyer to be a member of Parliament, and you don't. If people wanted to send only lawyers to Parliament, they would send only lawyers to Parliament. You are all here, from different backgrounds, to apply common sense. I think the vagueness is in the word "toxic" itself, because it applies to such a broad range of products, products that are very inherently toxic, but only in certain contexts. In some cases it's to the environment; in some cases it's to human health; in some cases it's with exposure over a long period of time in small amounts. In other cases the substances are acutely toxic. I think the vagueness is in the word "toxic" itself.

Mr. Nathan Cullen: Those three or four categories you just listed, are those all not important categories? If a substance falls into the category of bioaccumulation, if it will meet some sort of toxicity in humans, if it is damaging in a serious way to the environment...all those categories you just listed, under my common person's approach, seem to me to meet some condition of toxicity and of concern.

Mr. Clyde Graham: But isn't the true value the ability of the federal government and the provincial governments to work together to manage those issues for the betterment of the public, instead of trying to apply one word, five letters, to this whole broad range of substances that are used and in the environment? That lacks common sense, to me. I think the job of parliamentarians is to say, "What makes sense?" Then the lawyers need to draft what makes sense.

Mr. Nathan Cullen: I'll ask for your opinion on this, and I'll ask Mr. Moffet as well.

Now that we've gone through this triage exercise that has taken seven years and up to the eleventh hour to do—and I don't begrudge Mr. Moffet and Mr. Glover's work, because I'm sure they didn't have the resources that they would have liked to complete it more quickly—do you think there's a legislative requirement in order for the actual application of what's to be done with these things?

A lot of Canadians would look at this process and say, "My goodness, seven years just to figure out which ones you're worried about," and now I don't believe we have a legislative requirement to actually force the government to come up with action plans to deal with them.

Mr. Clyde Graham: I share the frustration of the environmental movement in this area in terms of the time this process has taken, but I think it's very difficult for parliamentarians to solve administrative issues, and it's the administrative application of the legislation that is at issue here. Does the government have the resources and the ability to go through that huge process that is required by law?

You can pass all the laws you want, but you have to also have the capacity in the government and the departments and the public to handle that. So there are limits to laws. Just passing legislation does not mean that governments can deliver the results.

Mr. Nathan Cullen: I think this is a good opportunity for Mr. Moffet or Mr. Glover. I'm just looking through our departmental guidelines here for officials. I know you can't simply say the government has not offered you enough resources to do your job. That would be inappropriate. But if I were to put to you that the government has not offered you the resources in order to do your job in a timely manner—I notice under number two here—is that a factually incorrect statement?

A voice: Mr. Cullen, did you say you're not a lawyer?

Mr. Nathan Cullen: I'm not a lawyer. I campaigned on not being a lawyer, actually.

● (1010)

The Chair: Mr. Lloyd and Mr. Freeman would like to comment very briefly, and then we'll go to Mr. Moffet.

Mr. Nathan Cullen: But I had such a good question here. That was one of my better ones.

The Chair: Can they comment, and then we'll go to Mr. Moffet?

Mr. Nathan Cullen: Okay. Remember how humourous it was, and you folks will be ready for it.

Mr. Gordon Lloyd: Maybe this will give Mr. Moffet time to think of a good answer.

I have just a couple of quick comments.

On the point about vagueness, I agree with what Mr. Graham said. "Toxic" is vague. What does it mean? What it means is the language we've promoted, which the federal lawyers came up with. It meets the criteria of section 64. I think that's really quite a simple and elegant solution to this issue.

Industry struggled for some time to figure out what label we should have instead of "toxic," and various people had different views. This wasn't our idea, it was a federal lawyer's idea, and it seems to cut through the vagueness quite well. It's accurate. It's descriptive. They are the things that meet the criteria of section 64, and those are spelled out in terms of danger to humans or danger to the environment. I think you're adding clarity in that context.

Mr. Nathan Cullen: It feels like this debate, and I worry about it occupying so much of our time, when again the intention remains. But the risk that has been expressed by both you and Mr. Freeman about opening up even the potential of delaying further action is worrisome to me and, I would hope, to other committee members.

I've been waiting eagerly for—

The Chair: Mr. Freeman would like to say a brief word too.

Mr. Nathan Cullen: We'll get to Mr. Moffet.

Mr. Aaron Freeman: I wouldn't want to steal some of the member's time without his permission.

The Chair: Speak quickly.

Mr. Aaron Freeman: I want to address the suggestion that there's something vague or overly broad about the term "toxic", something that wasn't even argued in the Hydro-Quebec case, certainly not successfully. I'd actually like to refer to comments about CEPA that a colleague of mine has made, Amir Attaran, who's the Canada research chair in law, population health, and global development policy at the University of Ottawa. He says:

> The scientific definition of toxicity focuses simply on the substance's ability to cause mortality or morbidity on any species at any concentration, quite apart from its ability to do so in the course of ordinary or foreseeable exposure.
>
> He goes on to say that CEPA's definition of toxic is actually narrowed from this definition by the likelihood that the substance will enter the environment, and it's further narrowed by the likelihood that the substance will then cause harmful effects.

So I think we actually have a very specific definition that is actually quite appropriate for the application of CEPA. I don't think this is a word that is broad or vague in terms of how it's applied in CEPA. It's true, as Mr. Lloyd said earlier, that the definition is not exactly the same as other definitions of toxic in international regimes. I'd be happy to provide the committee with a list of some of those regimes, some of which I mentioned in my remarks.

The Chair: Now, Mr. Cullen, your very good question, for which we'll give you an extra minute, you can now ask Mr. Moffet.

Mr. Nathan Cullen: Well, the question's been posed. It was the resources and the application...it's triage, I guess, we've gone through.

Mr. John Moffet: Actually, I think I heard three questions. I'll try to answer all three.

The first question had to do with the resources, the reason for and the resources available to complete categorization in seven years. Seven years does seem like a long time. I don't think it's actually worth commenting on whether there were adequate resources; the fact is it was done.

I think the fact is it was a remarkable accomplishment—not something I had anything to do with, but there are a lot of people in both departments who deserve a lot of credit. The reason I say that is because no other country in the world has accomplished this. It took us seven years, but countries with vastly greater resources than we have still haven't done it. It was a monumental undertaking that inevitably would have required a lot of time.

In terms of what we are going to do next, I think there were two questions that were posed. I think you suggested, Mr. Cullen, that there doesn't appear to be any legislative requirement about what to do next. In fact, there is in CEPA. In fact, there is a requirement in the act that the two government departments conduct a screening assessment of every substance that has been identified as having met the criteria identified in the categorization process. So the plans that the ministers will announce must respond to that legal obligation at a minimum.

● (1015)

Mr. Nathan Cullen: Just to be clear, my question was more focused on the length of time for such a screening process to go through. With 4,000 chemicals, what is the average length of time that we've gone through to this point to develop a comprehensive plan that works with industry and all other stakeholders?

Mr. John Moffet: That's fair enough. The statute does not impose any timeline on the assessment process itself.

As to your question of resources, notwithstanding the very specific guidance, I don't think it's my place to comment on the adequacy of resources. I will reiterate a point that both Mr. Glover and I have made in previous testimony, and that is that the speed at which we can work—we, meaning the departments collectively—and the speed at which we can address the volume of activity required to address these 4,000 substances will depend in part on the resources made available to us. It will also depend on what lessons we've learned from the categorization exercise, what strategies we adopt, the kind of collaboration we are able to attain from industry and, as Mr. Lloyd emphasized, from other countries.

The resources made available will have an impact on the speed at which we're able to work.

The Chair: Mr. Warawa.

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

I think we've all found this round of appearances by the witnesses very helpful, the way it's been set up, and hearing opposing views has been enlightening.

Mr. Moffet, I want you to make a comment. We've heard from Mr. Freeman and Mr. Lloyd regarding the risk of a constitutional challenge on CEPA if the term toxic were to be changed. Could you make a comment on that, or does the department have an opinion on it?

Mr. John Moffet: Is the question what the constitutional implications of changing the term in the act would be?

Mr. Mark Warawa: What's the risk? Mr. Freeman and Mr. Lloyd assured us that there is the possibility, but they both felt it would be unlikely of success, if there were a challenge. What's the department's opinion?

Mr. John Moffet: I think it's fair to say and valid to note that the previous government brought forward a proposal to amend the legislation. The department was comfortable with that proposal.

That's not to say there's no risk associated with changing the legislation. I think we know, as a couple of the witnesses have testified, that the specific regime established in CEPA for identifying, assessing, and managing substances has been subjected to review by the Supreme Court of Canada. That regime, as a whole, has been upheld as being constitutional. If we tamper with that regime, we're exposing ourselves to some risk, I guess.

It's our view that the risk associated with changing that particular term is not significant, but it's very hard to be precise about exactly what the outcome of this would be, given that we have tested this regime and haven't tested individual elements of the regime in the courts to date.

Mr. Mark Warawa: So you're agreeing with the other presenters that there is a risk?

Mr. John Moffet: Let me emphasize that I'm not speaking on behalf of the Department of Justice here, and I appreciate this is sounding a little bit technical, but legal advice to the government is provided by the Department of Justice. I'm trying to reflect advice we've been given—and, I think, the department's position—that inevitably there will be some risk associated with changing any element in the regime.

That being said, I think our position in this review is that there are changes that could be contemplated to various parts of the regime to improve it and that if done carefully we can minimize the risk of a challenge to the regime.

● (1020)

Mr. Mark Warawa: Okay.

The Chair: Mr. Benevides has a quick comment.

Mr. Hugh Benevides: On the point about the Department of Justice perhaps being comfortable with a different course of action, I come back to the discussion about the role of members of Parliament—lawyers and non-lawyers alike, so we can treat them equally. This is one of the ultimate roles of MPs, I would suggest; you can't artificially divide and separate the constitutional imperatives from the social imperatives. In this case, the power of the word that has been established through this whole regime over years has been established.

Similarly, if we refer to the question of how using some other language is somehow an administrative role distinct from the constitutional imperative and the need for the government to communicate this to the public, you can't divide those as well.

The role of the members of Parliament is to see that, all things in balance, the best thing is to retain the terminology.

The Chair: Go ahead, Mr. Warawa.

Mr. Mark Warawa: Thank you.

I'd like to change the focus on the term just slightly. I appreciate the comment. I think there is consensus that there is risk if we change the term. I appreciated the comments on the international perspective on the term “toxic”.

The assessments done here in Canada are based on a risk-based assessment as opposed to a hazard-based assessment. If there is consistency throughout the international approach to assessments, if it's done differently, then you could come up with a different result.

So, again, Mr. Moffet, I'd appreciate your comments, and also those of the witnesses, on the way substances are assessed in Canada, as opposed to how assessments are done internationally.

Mr. John Moffet: Mr. Glover may want to jump in here, as well.

Essentially, both departments follow internationally standardized protocols for risk assessments. So these processes are worked out among risk assessors throughout the OECD. Techniques are shared and standardized as much as possible.

The reason for the standardization is twofold: one is to ensure good quality, and the other is to enable us to share results back and forth so we're not all having to duplicate efforts.

That being said, there is some work that has to be country-specific. One, we have different use patterns, a different geography in Canada. And two, in Canada, as of last week, we're starting from a different baseline of information from every other country. In other words, the assessments will build on the information provided by categorization. We're sharing that information with other countries, so to the extent that those substances are used in those countries, they'll also be able to build on that baseline. But certainly our assessments are now going to build on that baseline, as opposed to starting from scratch.

Mr. Mark Warawa: Is there a consensus on that from the other witnesses?

Mr. Gordon Lloyd: Yes. The whole world uses a risk-based approach. The problem is—it's a quote from the University of Ottawa professor that was read—when we talk to other countries about what the Canadian approach is, we have to get beyond the confusion that the word "toxic" causes. Once we explain how it relates to what we do under section 64, then it's clear that we're all using a risk-based approach. But their view of the word "toxic" is exactly what the University of Ottawa professor said: it's a hazard-based approach.

When you get into CEPA, the way it uniquely defines it, and it adds exposure, then they understand that what we are doing under section 64 is risk-based, and is what they're doing. That's where the vagueness comes in. It's because the common person understands "toxic" in the way the University of Ottawa professor phrased it—it's a hazard-based approach. If they understood the complexities of CEPA—that it really isn't a hazard-based approach, it takes into account exposure and risk—then I don't think we would have that problem. But most people, in good common sense, don't understand the complexities of CEPA.

So that's where we have the vagueness, because of that disconnect between the conventional way "toxic" is understood, which is hazard-based, and the way CEPA redefines it to be risk-based.

● (1025)

Mr. Mark Warawa: Mr. Freeman.

Mr. Aaron Freeman: I'd just like to briefly address that point, and then I think my colleagues have other comments on the other points.

With all due respect, I don't actually believe that this is the commonly held view of "toxic". I think there are different definitions of "toxic" in different regulatory regimes, but if you look at the ordinary dictionary definition, it means poisonous or harmful. That can mean poisonous or harmful to human health; that can also mean poisonous or harmful to the environment. I think to go beyond that and suggest that there is some consensus view around this term "toxic" is a bit spurious.

I think we have defined it in a particular way under CEPA that makes sense in terms of the regulatory regime. Other jurisdictions have defined it differently, but I don't think, in terms of the way the term is commonly understood, that it does violence to that term.

Mr. Hugh Benevides: I think the issue of the definition of "toxic" is a bit of a red herring in this particular part of the discussion and I'll say why. While the risk-based approach is widely taken, one has to consider that there is also, closer to the hazard-based approach, the emergence, as we all know, of the precautionary principle as a principle of international law, and one that's been upheld domestically in Canada. The reason a hazard-based approach, or one that leans more in that direction, is in line with precaution, is that we're talking about taking earlier action when we have some evidence of possible harm.

I want to make the link here to the categorization exercise. It is that Canada's monumental achievement, which I think we've all agreed has been met, only has meaning if, consistent with the precautionary principle, we accelerate those assessments and take action on the most dangerous substances and have mandatory timelines to achieve. That, to me, is the linkage: that in order to maintain the leadership role, we have to see where the appropriate places are to take a more precautionary approach, in view of what the hazardous properties are of particular substances in certain contexts.

The Chair: Thank you, Mr. Warawa. We're going to our second round now.

I'd remind the witnesses and members that we are now into five-minute segments. Would you try to be as brief as possible so that we can get as many people in as possible.

Mr. Silva.

Mr. Mario Silva (Davenport, Lib.): Thank you, Mr. Chair.

Every day we hear of new cancers and new diseases that are plaguing our society and people's lives. We are wondering where these diseases and these illnesses come from, and many scientists really don't know all of them. But there's incredible concern about how we are dealing with our own substances within our own countries and how we deal with the labelling of these particular substances. The categorization—how we have managed to define things—is extremely important in establishing the body of environmental law necessary to deal with this. So words do have importance, and categorizations are extremely important and play a major role. That's why I am concerned about whether there's going to be any weakening of this type of categorization and labelling from the exercise we're going through.

I was quite interested in hearing all the witnesses who came forward and what they had to say. I thought they provided interesting perspectives. I strongly would encourage the government.

Maybe Mr. Moffet could comment on the fact that the government is going to be taking a very important role in sorting through these different action plans and categorizations, and even on how they're going to prioritize all this. Certainly education awareness needs to be very much in place with the government action plan.

I want to know how the government is going to respond to the concerns all of us have with the emergence of all the new cancers that are coming into our society. I think it's very important that we do not in any way, shape, or form weaken these definitions, but strengthen them.

● (1030)

Mr. John Moffet: I'm not entirely sure what the question is, I'm afraid. If the question is specifically what our plans are, I'm afraid I'll have to reiterate that the ministers plan to announce their plans shortly. What I would say, though, is that—

Mr. Mario Silva: I think I was very clear about whether there is going to be awareness education. Is there going to be a weakening of the legislation? That was the question I think I was trying to ask you. Is that going to be coming forward, yes or no?

Mr. John Moffet: Public education and trying to explain the results of categorizations and ensure that they are meaningful, make sure that they are understood, is going to be an essential part of whatever plan comes forward.

The work the departments have done to complete categorization and advise ministers on the path forward is premised on the existing statute, subject to the recommendations of this committee.

Mr. Mario Silva: Is there going to be weakening of the legislation?

Mr. John Moffet: Not to my knowledge.

The Chair: Mr. Khatter, do you have a comment?

Dr. Kapil Khatter (Director, Health and Environment, PollutionWatch): I haven't spoken yet, so I'll introduce myself. I'm Kapil Khatter. I'm a family physician and I'm also with PollutionWatch.

I only wanted to say two things. One is that we are looking forward to the government's action plan and that we recognize the amazing work that's been done in terms of categorization that has put us as world leaders. But we think it's important to recognize that what we need to be world leaders on is actually controlling harmful substances, and we don't feel we are at this point. If we want to deal with the rising rates of cancer and asthma and other problems, we need to actually be world leaders in dealing with hazardous substances.

Quickly on the topic of how we label things, I wanted to not let Mr. Lloyd's comment stand about the 19,000 substances we're not categorized in being referred to as safe. It kind of makes me giggle, because seven years ago I kind of knew this was coming, that the substances that weren't categorized then would be labelled safe as kind of a new spin. The government has never said that these substances are now safe. They are simply substances that did not meet certain criteria—persistent, bioaccumulation, inherent toxicity, and the highest production volume and potential for exposure.

What we know is that there are other routes within CEPA, and we've been reassured always that there are other routes within CEPA as to where we will get to those other 19,000 substances, where they are potentially toxic, even though they don't fit exactly in the criteria of categorization. And when we talk about reversing the burden of proof, it's important that we eventually have data on those substances to show that they are actually safe, because some of those substances that are in those 19,000 have skull and crossbones on them when they're in a container. They simply didn't happen to meet the specific criteria of categorization.

We need to continue to regard all the substances with some skepticism until we have enough evidence to show that they are safe.

The Chair: Mr. Lussier.

[*Translation*]

Mr. Marcel Lussier (Brossard—La Prairie, BQ): My question is for Mr. Graham but I would also like Mr. Glover to answer.

Mr. Graham, you said that fertilizers are not toxic. However, we are seeing at this time in Québec a problem in our bodies of water, especially on Lake Champlain at Missisquoi Bay and in Lake Archambault. I am talking about the problem of blue algae that Health Canada believes are toxic.

If fertilizers are not toxic but stimulate the growth of blue algae, how do you think we should manage this problem?

● (1035)

[*English*]

Mr. Clyde Graham: Nutrients—nitrogen, phosphate, potassium—occur naturally in the environment. They're all around us all the time as part of the life cycle.

There are many sources of nutrients that can lead to problems in water. Municipal waste water that's not treated, and even when it is treated, still contains nutrients. Livestock run-off from manure, from large-scale livestock operations, also cause... Phosphorus, for example, occurs in large quantities in the soil. When municipalities and provincial governments take marshes and drain them, create drainage channels to prevent flooding, there is a huge amount of erosion that occurs and the phosphorus that naturally occurs in the soil all goes into lakes and rivers.

Some fertilizer can be lost during application, but there is tremendous economic pressure on farmers when they're applying fertilizer, which they have to buy at large cost to put on their farms, to ensure that that fertilizer stays where it's put. Everyone involved in doing things in the environment, particularly in agriculture, has to be aware that these things need to be managed with best management practices.

Are the products inherently toxic? As the environmental group was saying, referring to the dictionary definition, are they poisons? No.

The Chair: Mr. Benevides.

Mr. Hugh Benevides: Thank you, Mr. Chair.

As an observation, along with certain toxic substances in the mid-seventies it was the issue of nutrients and the growth of algae and the issue of nutrient pollution that spurred the creation of the Federal Environmental Contaminants Act in the first place. The section of that act that was rolled into CEPA is still in the act, so that issue is covered by the act.

Perhaps the committee will want to look more closely at the adequacy of the nutrient part of CEPA.

[*Translation*]

Mr. Marcel Lussier: I would like to hear a comment from Health Canada.

[*English*]

The Chair: Mr. Glover.

Mr. Paul Glover (Director General, Safe Environments Programme, Department of Health): Thank you very much.

As I think was discussed this morning, the issue of context is particularly important.

[*Translation*]

We were talking about the issue of context which is essential to develop an action plan dealing with a specific problem.

[*English*]

So the issue here is context. As we heard in the discussions earlier this morning, with the example of ammonia and other substances, it's important that as we look at them, as we evaluate them and make risk-based decisions, we respond in an appropriate manner. I think the issue here is are there particular actions that are contributing to a particular problem, and are we sure that we have the right regulatory actions in response to that?

Without question, if there are specific uses leading to specific problems, that's where our scientists will find that out and provide us with the information we need to allow us to regulate appropriately and not generalize.

The Chair: Thank you.

Very briefly, Mr. Lussier.

[*Translation*]

Mr. Marcel Lussier: My second question is for Mr. Lloyd and relates to harmful substances in consumer products. I am particularly concerned by imported fabric and clothing containing all manner of new and unknown substances such as a stain repellents, antistatic substances, crease-proof substances or drypressing products. You objective is to resolve the problems of 3000 substances by 2020.

Are those new products that are introduced in the consumer chain part of all those substances, and I have not even mentioned the dyes that are added to candy?

● (1040)

[*English*]

The Chair: I might just mention to Mr. Lloyd that someone else is taking this room at eleven o'clock. The consumer association will be before us on Tuesday, and they might be better able to answer that question about new consumer goods.

Do you want to wait until then, Mr. Lussier?

Mr. Marcel Lussier: Very good.

The Chair: We'll go to Mr. Cullen.

Mr. Nathan Cullen: Thank you, Chair.

The 1,700 chemicals that were coming under the Food and Drugs Act, they're not mentioned. There was supposed to be 23,000, plus the 1,700 referred to at various points.

I'm wondering if Mr. Glover can comment.

Mr. Paul Glover: Thank you very much for that question.

CEPA covers a range of substances. We've been talking today about the domestic substance list, and that's the categorization of 23,000. CEPA also deals with new substances. Every year, both departments take a look at approximately 800 that come forward.

We also work with other pieces of legislation, such as the Food and Drugs Act and the Pest Control Products Act. Some of these substances have multiple uses, in food additives and other things. There is a link between those, and there is a requirement for the acts to work cooperatively. It is not part of categorization, and not part of the domestic substance list, but there is work done with the FDA substances.

Mr. Nathan Cullen: More out of curiosity, I'm looking at the Commissioner of the Environment's report in 2002, where she describes a number of concerns and problems over the listing process. In her description, she notes that there are likely to be the exact number of substances listed as have been declared listed as of two weeks ago. It seems somehow strange that there could be so much accuracy four years ago as to the number of total substances listed, yet it took us four more years to actually list them.

This shows that a deadline is so important in what the committee is considering next for government action. If the intention of this entire process has been the actual removal of these substances from our environment, and the government goes ahead with the plans that are coming forthwith without deadlines, this is merely an exercise in futility and public appearances.

I have a question about international ranking in the OECD. I think Mr. Khatter or Mr. Freeman talked about the evidence of us not being world leaders in terms of the mitigation of substances. What evidence is there for that?

Mr. Aaron Freeman: I'm sorry, evidence of...?

Mr. Nathan Cullen: A comment was made that Canada is not a world leader; we've become a world leader in potentially listing these substances and determining which ones are which, but we're not a world leader in terms of actually removing them from our environment.

Mr. Hugh Benevides: Perhaps it was my comment that the admittedly large task of categorizing was just the first step. So being a world leader in that early step is not enough, frankly, because it's not completing the process.

Mr. Nathan Cullen: Is there some country doing a better job of controlling substances—particularly toxic substances—than Canada right now?

Dr. Kapil Khatter: Mr. Cullen, I think at one point you referred to a report comparing the OECD countries in terms of emissions, and Canada ranked near the bottom on most things.

Besides that, we see that Europe is dealing with a variety of toxic substances, including those in cosmetics, and substances like phthalates. They're doing the regulation and we're kind of saying, “We don't have to do the regulation now because the companies will eventually take them out of our products voluntarily because Europe has dealt with them.”

I think we're seeing this trend over and over. We're way behind, and they're doing the work for us. We're saying, “We really don't have to do it now. Because of the harmonization of markets, companies are going to phase this stuff out anyway.” I think that's a repeated pattern that isn't promising.

The Chair: Ms. de Leon.

Ms. Fe de Leon: I would just add that if you look at the European proposals around REACH, there's a possibility that they can deal with those types of issues much more quickly. We hate to think that the categorization exercise would fall behind. We should be able to at least put some effort forward to deal with those gaps in our approaches, especially around toxins in consumer products.

I also urge that effort be expended on looking at safe alternatives to these chemicals. That hasn't happened. Certainly we've raised the issue with regard to the categorization decisions. Where in the process does that discussion start to happen?

● (1045)

The Chair: Mr. Freeman.

Mr. Aaron Freeman: Sorry to extend the PollutionWatch road show here, but according to a recent study of OECD countries, Canada ranks 29th out of 29 industrialized countries in releases of volatile organic compounds; 27th out of 28 in sulphur oxides; 26th out of 28 in nitrogen oxides; 28th out of 28 in carbon monoxide; 12th out of 14 in ozone-depleting substances; and 27th out of 29 in greenhouse gases.

When we look at our largest trading partner, for example, around the Great Lakes, we see that Canadian facilities around the Great Lakes are actually emitting 93% more air pollutants than their U.S. counterparts.

We are falling behind virtually any way you look at it.

The Chair: Thank you, Mr. Cullen.

Mr. Harvey.

[*Translation*]

Mr. Luc Harvey (Louis-Hébert, CPC): It is sometimes easy to broaden the debate but I believe the first topic of discussion was the use of the term « toxic ». We have different opinions and nobody gives it the same meaning. We cannot come to a conclusion, and it's even worse when one considers that the word may not have the same meaning in French and English, Spanish or Chinese, since we're talking about exports.

Would you have a problem, Mr. Freeman, with using a definition instead of a single word?

[*English*]

Mr. Aaron Freeman: I'm sorry.

[*Translation*]

Mr. Luc Harvey: If we were to use a definition instead of the term « toxic », would that be a problem, do you believe? I am thinking of the definition in section 64 indicating what toxicity is.

[*English*]

Mr. Aaron Freeman: I'm definitely not an expert in the French language. I believe the meanings are comparable or similar.

Mr. Luc Harvey: If we use the word “toxic”, it could be different in French. It could be different in English, or in any other language. When we export, if we put “toxic” on the box that doesn't mean the same thing in England or Germany.

If we use the definition in section 64, as we talked about a few minutes ago, is it acceptable to you?

Mr. Aaron Freeman: Do you have an answer?

Mr. Hugh Benevides: Mr. Chair, I think it's one of the matters that we have to balance or consider against each other. One of those matters is that those other countries we talk about don't have the constitutional framework we have, so first of all—and I know it's only an expression—we don't have a box in which we say this substance is toxic. That's not where the importance of the thing lies, although I know there are issues for customers elsewhere. I think the main issue is really how we best do this in the Canadian framework.

The Chair: Mr. Glover, you have a problem?

Mr. Paul Glover: It may please the committee to know that Canada is spearheading internationally in many respects a process to implement a globally harmonized system for labelling and classification. We've moved to some diagrams to avoid the types of programs that the member has raised, so we are working quite hard with international partners to make sure there is a globally harmonized system.

I do agree, though, with the comments made that when we talk about CEPA and the term “toxic”, that applies to our domestic situation. On the international level, however, we are working to harmonize so that there isn't the confusion the member suggests might be possible, which does currently exist, and which we're working to correct.

The Chair: Mr. Harvey, go ahead, please.

[*Translation*]

Mr. Luc Harvey: We know that labeling a product « toxic » may create serious problems to exporters. This might have significant economic consequences, particularly for potassium which is a widely used product. Furthermore, I believe that there is no substitute. If I'm not mistaken, the problem with potassium is more a management problem than a use problem, is it not?

● (1050)

[*English*]

Mr. Hugh Benevides: The issue here is particularly salient in the case of a natural substance. The potassium a country is going to import from us is the same potassium they are going to use out of their own supply if they have it, so it seems to me a fairly straightforward matter that potassium is potassium. That's what we would say to our trading partners—that our potassium is no more unsafe than theirs.

The Chair: Mr. Moffet, did you have a comment?

Sorry, Mr. Graham, go ahead, please.

Mr. Clyde Graham: Phytosanitary problems in trade are legendary, and they're the most difficult to face. There is a risk to using the toxic label for our exports in Canada. There are only a few countries that export potassium chloride.

Coming back to the question Mr. Godfrey asked about the onus being on the industry, when I used the term "industry" I meant agriculture in general. Ultimately it is farmers producing food using our products who will face the burden of proving that their system is safe and that the food they're producing is wholesome. That's why the label "toxic" for products that are used in agriculture has to be very carefully and judiciously used. I don't think that the way the act has been applied—and I think this relates to the way the act is drafted and the tools that are there—has been sensitive to the needs of agriculture.

There are people within Canada who are promoting different agricultural systems, and farmers are the ones in the end who are going to face a lot of the burden in explaining to the public why they're using a product that the Government of Canada says is, in the words of the other group there, "toxic" or according to the dictionary "poison".

I don't think that Canadians want to be told erroneously that the food they're eating has been produced using a toxic substance.

The Chair: I would ask Mr. Scarpaleggia and Mr. Vellacott to each ask their questions, and hopefully then we can get the answers and make it in time.

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Yes, thank you, Mr. Chair.

Just to continue on this point, when you buy a product off the shelf and it says it has potassium in it, based on my recollection, there isn't a parenthesis that says "toxic". So how would the public even know it's CEPA-toxic in Canada? Secondly, for example, alcohol is toxic if it's in its pure form, but that doesn't stop people from buying beer and scotch, and so on. Anyway, that's just one point that maybe you can respond to.

The second has to do with your suggestion that we target effluents at their source, as opposed to using a broad-based approach like CEPA and CEPA-toxic. I think this could lead to some legal conflicts, because I seem to recall reading that in Victoria, B.C., for example, there are those who say there's no need for sewage treatment, yet others say we have to do something about it. If I recall correctly, a few months ago the then Minister of the Environment, Mr. Dion, said, "Well, if you're not going to do something about it, I'm going to regulate it under CEPA."

I see your approaches as raising some contradictions and some legal conflicts. So maybe you could respond to both of those questions.

The Chair: Could we get Mr. Vellacott's question as well, and then put them together, please?

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC): I'd appreciate a bit of an exchange between Mr. Lloyd and Mr. Freeman and a quick review of a comment that the official from Health Canada, Mr. Glover, made.

It goes back to the point Mr. Freeman made, that right now we're synchronized with the international community in terms of terminology that's used, and so on—at least that's what I understood you to say—and that if we remove the word "toxic" and begin to change some of that nomenclature, we will not be synchronized; we won't be in step with them.

On the other hand, Mr. Lloyd, having been at some of these conferences, you've stated very emphatically that right now we have different definitions from the international community—that's what I understood you to say—and that in fact we are right now out of step. So there's a contradiction going on there between what you said, Mr. Lloyd, and what Mr. Freeman said. Maybe you meant something rather different. And then we had Mr. Glover making the point that Canada is taking the lead to harmonize. That seems to incline toward what Mr. Lloyd had attested there. So I need some clarification as to what the discrepancies are about.

● (1055)

The Chair: I might advise the committee as well that we are having an international day later on, when we'll bring in international officials to interpret the meaning of the word "toxic" as well.

Go ahead, panel.

Mr. Clyde Graham: Again, to respond to your secondary question about municipalities, I'm not here to talk about municipalities but just that we got sideswiped when the federal government found it difficult to manage a problem that was at the municipal level, because municipalities are creatures of the provinces. The federal government can't tell a municipality what to do; only a province can. So CEPA came into play.

Mr. Francis Scarpaleggia: My point was that there could be a legal conflict. Somebody could say, "Well, you don't have the authority to regulate this effluent."

Mr. Clyde Graham: Sure, and I understand that, but the thing is, what is the problem? The problem is that I don't think there are people in Victoria who don't want their sewage treated before it goes into the ocean. I think they want that done. The problem is that's very expensive. They don't have the funds. So why doesn't the federal Minister of the Environment talk to the B.C. Minister of the Environment or Minister of Municipal Affairs and say, "How can we fund the sewage treatment plants that are required in this country?" That's tackling the problem.

Telling people to do things, yet they don't have the money to do it, doesn't make a lot of sense.

Mr. Francis Scarpaleggia: Won't industry always say it's too expensive?

Mr. Clyde Graham: It's not industry; it's people who live in Victoria and pay the bills for municipal waste-water effluent.

In terms of our industry, the converse is true. We don't have a problem with managing our products. We don't have a problem with wanting to step up in terms of stewardship, and farmers are very keen on making sure their products are well managed in terms of the environment. So the "toxic" label has no impact.

We're already working very hard on this with governments in all provinces to make sure that nutrients are managed well, and we recognize the fact that they need to be managed. The toxic stigma that's applied has no impact on that process. It didn't change anything.

I'm just saying that in the legislation there's a disconnect between this process of labelling and what the government is actually trying to achieve. What's needed is a far more pragmatic approach.

That said, the issue for us is that the stigma on our products is negative. It's negative to Canadian agriculture, and I think that needs to be changed.

The Chair: Mr. Freeman, I think you wanted to make a comment.

Mr. Aaron Freeman: Yes. I'll respond to Mr. Vellacott's question and perhaps explore an area where there may be some common ground.

When I suggested that other international conventions and regimes use the term “toxic”, I was not suggesting that their definition of toxic is identical to the definition under CEPA. There are different definitions, because the nature of the word “toxic” is that it deals with things that are harmful or poisonous. So you need to further define that if you're going to use that term in a regulatory regime.

We do indeed have different definitions. The question is whether any of those definitions do violence to the commonly understood definition of toxic and whether it's appropriate to label products toxic that are harmful or poisonous in certain contexts.

The Chair: Well, I'm afraid we're going to have to call that. The other committee is waiting.

I want to thank our witnesses.

Just before we adjourn, Mr. Warawa has a comment.

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

I'd like to announce to the committee that the minister will be attending the committee on October 5. She's looking forward to answering your questions.

Thank you.

The Chair: Thank you very much.

We're adjourned.

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