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Chair

Mr. Bob Mills

Standing Committee on Environment and Sustainable Development

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● (0905)

[*English*]

The Chair (Mr. Bob Mills (Red Deer, CPC)): I would like to welcome our guests. Our procedure will be for each of you to take a maximum of ten minutes in your presentation, and then we will go to questions and answers. I would ask you to be very judicious about the time. That will give our members the opportunity to ask the maximum number of questions.

We'll go in the order that's on the agenda, and we'll begin with the Canadian Lung Association.

Mr. Kenneth Maybee (Vice-President, Canadian Lung Association): Good morning, Mr. Chairman, distinguished members of the House of Commons Standing Committee on Environment and Sustainable Development, and fellow witnesses.

I have a 30-minute brief, but I'll cut it down to 10 minutes, as your wish is.

On behalf of the board of directors of the Canadian Lung Association and our affiliates across the country, and of particular note, the one in five Canadians who suffer from respiratory disease, thank you for the opportunity to address this committee on this very important issue.

The Lung Association is one of Canada's oldest and most respected health charities. Recognized as the leader in lung health, our mission is to improve and promote lung health through support programs, education, research, and advocacy. Key areas of focus include outdoor and indoor air quality, chronic obstructive pulmonary disease, or COPD, asthma, smoking prevention and cessation, flu, and lung disease management. The association represents one in five Canadians—6,000 Canadians—who suffer from respiratory disease.

The Lung Association is concerned with any exposure to environmental toxins that impacts respiratory health, particularly air pollution and greenhouse gasses, which have common sources and common solutions. I have given three examples in your notes. In the interest of time, I will pass through those. There are many studies that underscore the need to take action to reduce air pollution and greenhouse gasses as part of a holistic framework to improve respiratory health within Canada. Specifications for pollution prevention and risk management in CEPA will be a critical component for use during the development of a national framework for respiratory disease in Canada, currently under way by the Canadian Lung Association. We believe it can be a focal point in some of the deliberations in future.

We have listed a number of priority recommendations for revisions to the Canadian Environmental Protection Act.

The focus of the act must be on protection of human health and the environment. Reference to economic considerations should occur only in relation to the process of setting standards and regulations. Thus, the existing reference to sustainable development should clearly be secondary.

It is essential not only to keep the precautionary principle as the cornerstone of CEPA, but also to expand its definition to specifically address the concepts of duty to act and joint protection of human health and environmental health, explicitly engaging the action of both the Minister of Health and the Minister of the Environment.

Most importantly, the implementation of the act is as important as the act itself. Additional resources must be allocated to Health Canada and Environment Canada to improve their ability to actively implement the act—and I can't stress that point enough.

Given the act must first and foremost protect health, a number of things should be secured within the act.

First, the term “toxic” must be retained in the act. It is a scientifically accurate word and conveys health-risk meaning to the public and to policy-makers. The following definition of the term should be used in CEPA: “A substance is toxic if it has an inherent potential to cause acute or chronic adverse effects in living organisms, including humans, via ingestion, inhalation, or skin contact.”

I will skip over some of the other points here and move directly down to an important one. Carbon dioxide, being of greatest concern for its contribution to climate change, must remain in the act as a pollutant to be subject to regulatory control.

All decisions regarding toxic substances should explicitly consider exposures to vulnerable populations, such as children, pregnant women, aboriginal groups, and people more than normally exposed to multiple pollutants. The greatest long-term damage is done to children at exposures lower than those considered safe by the many health-risk studies. A tenfold child-protection factor should be used in all risk assessments. Again, I've listed a series of studies that will support that.

Remediation of contaminated sites, as well as pollution prevention, must be an explicit and timely response, specified in the act, to be actioned by the ministers of health and environment. Again, we make a case using the Sydney tar ponds as a perfect example, with a side note saying "Costs of remediation should be obtained from the parties responsible for the contamination". Somewhere, as we move forward, I believe that's an important part that should go in on the polluter-pay concept.

Flexibility in CEPA procedures is needed in terms of timely handling of new exposure information on substances that will require assessment and regulation of consumer products.

On mandatory timelines, we need immediate action to deal with a significant danger. Ministers now have power to act, but this provision is not used as often as it should be. Barriers to its use should be identified and be removed. Again, I indicate various points that are most important.

In closing, regulations must be enforced. Mechanisms to increase public consultation in case of contamination and to increase public awareness and use of the act to protect the public's own health must be specified in the act.

I would also like to say, ladies and gentlemen of the panel, there's a great expectation on the part of the general public. Inherently, everyone in Canada knows we have a problem with air quality; everybody knows we have a problem with greenhouse gases and what is taking place there. Our expectation and hope is that as the new act comes in, every party can work together very closely to make this act the best possible act it can be for the people of Canada, whom each and every one of you represent, and the 6,000 suffering from respiratory disease whom we represent. We have pledged our support to work with you and our scientific folks to help you advance this critical issue at this critical time.

Again, on behalf of the Canadian Lung Association, and the one in five Canadians with respiratory disease we represent, thank you very much for the opportunity to speak to you here this morning, and we look forward to positive results.

● (0910)

The Chair: Good. Thank you very much and thank you very much for keeping the time as short as possible.

I also want to welcome Mr. Glover from Health Canada and Ms. Wright from Environment Canada. They will be interjecting as the debate goes on and questions are asked by members of the committee.

I will now go to Ms. McKay, from DuPont Canada.

Ms. Judith McKay (General Counsel, DuPont Canada): Mr. Chairman and members of the committee, I want to thank you for this opportunity to speak to you today about DuPont's perspectives on the Canadian Environmental Protection Act.

My name is Judith McKay, and I'm the chief administrative officer for DuPont Canada.

My purpose today is to propose improvements to the new substances notification process of CEPA based on our experiences with the act.

I believe you all have a copy of the slide presentation. Feel free to refer to the slides as I make my remarks.

While DuPont has operated for more than 200 years, I'd like to tell you a little bit about our company today. DuPont's vision, you'll see on the first slide, is to be the world's most dynamic science company. We work to create sustainable solutions essential to a better, safer, and healthier life for people everywhere.

Two weeks ago we announced our company's 2015 sustainability goals, in which we laid out our strategy to continually reduce our environmental footprint but also increase investment in research and increase revenue from environmentally sound technology. It's good for the public and it's good for business.

The next slide gives you some background on DuPont Canada. I won't go into detail, but you can see that we're a very well-established company in this country.

On slide four, you'll see that the objectives DuPont has and those of the government are very similar. We certainly recognize that the government should have a very strong role in protecting the environment and health. We support that role and respect it.

I'd like to now focus on our experiences with CEPA, with emphasis on a specific situation that we're experiencing involving the new substances notification program. Generally, let me say that the NSN program is adequate for routine situations, but in our situation, if we could look at it here as a case study, it concerns a substance assessment that has international implications, and where similar substances are already in commerce.

On slide five, you'll see that we've set out a chart to present our perspectives about the new substances notification program. The first column includes our expectations based on our understanding of the act. The middle column covers some of our experiences. Lastly, the far right column provides our recommendations for change.

Our first perspective deals with our expectation that the assessment process would be transparent and rigorous. Unfortunately, our experience showed that the process for new substances needs to be more transparent. For example, assessment reports are almost never shared with the notifiers. In our case, we were only able to get a copy of the report after persuading government officials to provide it to us. Furthermore, we had no opportunity to provide input to the report or address any deficiencies or inaccuracies.

The degree of rigour being employed in the assessments, in our view, was not adequate. Some data was chosen while other data was not, and the government didn't always provide a reason. We believe that the government should take all relevant peer-reviewed information into account throughout its assessment process and in its report.

It is our recommendation that assessment procedures and protocols be clearly defined and publicly available based on the guidance provided by the government's own frameworks. We're also recommending that notifiers, such as DuPont, should be provided with draft assessment reports. This would be consistent with the earlier recommendations identified by a multi-stakeholder consultation on the new substances program held in 2000. Regrettably, these were never implemented.

Our next perspective deals with the framework that we expected would be adhered to by the government. Clearly, the government needs to follow its own policies on transparency.

● (0915)

On slide six, our third perspective, it was our expectation that the assessments would meet internationally recognized standards for quality, particularly in this case, which focused on a complex and contentious substance for which control measures could be applied.

In the assessment of existing chemicals, it is normal practice to conduct a peer review to validate decisions. Usually a peer review is not warranted for new substance assessments, as most are quite routine; however, if the assessment decision could have broad implications commercially and internationally, a peer review process is vital to building confidence in the assessment outcome.

Let me define what a peer review process is, because I think there's been some confusion about that. A peer review is an objective process carried out by an arm's-length party, a process in which internationally recognized experts in the field review and comment on the scientific assessment. While the government consultations with various stakeholders are worthwhile, it's important to note that they do not constitute a peer review.

Our fourth perspective has to do with the guidance that we expected would be provided to companies such as DuPont, which submits new substance notifications that end up following a non-routine path. More procedural guidance is needed. For instance, contradictory guidance has been provided to DuPont in the past regarding whether a new substance notification may be withdrawn after it is submitted. Clarity is required when so much is at stake.

Our fifth perspective, at the top of slide seven, deals with the government's risk-management tools. Clearly, it was our expectation that these tools would achieve protection of the environment and human health. It has been our experience, however, that the use of these tools does not always result in the selection of the most effective and appropriate approach to protect the environment and human health. In our case study, the most draconian risk management tool, namely prohibition, was deemed appropriate, when in fact conditions would have been less onerous and more effective in protecting the environment and health.

It is our recommendation that the government adopt risk management tools that are proportionate to the manner and level of risk presented by a substance.

Our final expectation was that there would be an early formal mechanism within CEPA to appeal assessment decisions involving new substances; this was not the case, which is a major shortcoming. The first opportunity to formally protest the decision in our case study was the option to file a notice of objection, which came after the decision for regulation had already been made. At this late point the notifier is only able to file the notice of objection, and there is no apparent obligation that the government must act on the notice.

It is our recommendation that for complex cases the government should provide an appeal mechanism as a right, and at a much earlier stage in the process. Interestingly, this recommendation was already made during the multi-stakeholder consultations on the new substances program, although it has yet to be implemented. We believe that implementing this recommendation would promote an earlier review and resolution of the issues.

The last slide is a summary of our recommendations. The three I would view as most important are peer review, risk management procedures that are proportionate to the actual risk, and formalizing an early appeal mechanism.

I am confident that with Health Canada, Environment Canada, and DuPont working together, we will be able to resolve our particular case study appropriately. As we go forward, the proposed changes will improve future situations and enhance Canada's reputation globally.

Mr. Chairman and members of the committee, this concludes my presentation.

● (0920)

I want to thank you for the opportunity to speak to you today about our perspectives on CEPA and the new substances notification process.

I hope that my remarks reflect DuPont's longstanding commitment to the environment, human health, and sustainable development, as well as our willingness to work collaboratively with government and other stakeholders to achieve this objective.

Thank you.

The Chair: Thank you, Ms. McKay.

I will now go on to Mr. Soule, please.

Mr. Jack Soule (Executive Director, Industry Coordinating Group for CEPA): Thank you, Mr. Chairman and members of the committee.

My name is Jack Soule, and I appreciate the opportunity to appear before the committee today on behalf of the Industry Coordinating Group for CEPA, also known as the CEPA ICG. It's a network that was formed in the mid-1980s around the multi-stakeholder process, which was set up to create the original CEPA. It represents a broad cross-section of industry, and I've attached to your notes a list of the 24 various associations that are part of the CEPA ICG.

We get involved with Environment Canada and Health Canada on matters concerning new and existing substances. The CEPA ICG has participated most recently in the multi-stakeholder discussions that resulted in the revised new substances notification regulations and has also cooperated extensively with Environment Canada and Health Canada on the categorization and screening of the DSL program.

With regard to timelines for the assessment of new substances, we see that these are set out in the new substances notification regulations. They were revised somewhat through the multi-stakeholder consultations from those that were in the original regulations, in response to the experience of Environment Canada and Health Canada in meeting their requirements under the first period.

Some categories were shortened and some were lengthened, but the end result is a reasonable schedule, which I think works for both industry and the government.

With regard to existing substances, there are no prescribed timelines for their assessment, other than those on the priority substances list. This seems appropriate to us as industry, particularly for the categorized substances, for the following reason.

The amount of data available on the range of categorized substances is quite variable, as is the level of detail that will be needed to develop conclusions on these substances. Most substances in use in Canada are imported from other countries. We are not a major producer of chemicals, new chemicals, so a fair portion of the DSL substances are actually imported.

This also complicates the access of the basic data for pursuing this categorization and the screening part of the categorization, the screening of the DSL.

Many substances are also involved in international assessment programs. For example, together the U.S. high production volume challenge program under the EPA and the OECD/ICCA HPV program—that's the Organization for Environmental Cooperation and Development in cooperation with the International Council of Chemical Associations, which has another HPV program—are dealing with thousands of substances. The ICG believes that it is prudent to adapt our timing in order to utilize as much of their work as possible, rather than duplicate it.

The proposed plans of Environment and Health Canada to solicit input from stakeholders at several stages in this new assessment process for screening assessments should serve to expedite the process, as it will ensure that the government has the most recent and current data on which to base its final decision, thereby reducing major interventions on the final reports. We see this as a good improvement for the transparency of the process.

Assessments on substances that have broad international regulatory interest as well as international commercial implications should take these factors into consideration and allow for more extensive input. Many of these substances, which Canada will assess, will also be assessed by others, and we need to collaborate to achieve economy of efforts.

If an overall timeline for completing the screening assessments of categorized substances is being considered, the CEPA ICG would recommend using the SAICM target of 2020 as a guideline or goal, which Canada has agreed to, along with other global signatories.

It is important not to underestimate the scope and challenge of this program. Meeting the 2020 goal will depend so much on garnering international cooperation, which Canada can influence but not control, that this should not become a hard legislative requirement. We should be able to cooperate with the U.S. and their HPV program, but this cooperation may be somewhat constrained, as it has been for the exchange of data on new substances, because there's a lack of authorization for the EPA under TSCA to share confidential information in a confidential manner with other countries. So this has been a hang-up in working cooperatively

● (0925)

We should be able to cooperate with the European Union, but we don't know when REACH will be up and running, or how its overwhelming complexity will affect its operation, and whether their compensation arrangements for information will stymie the sharing of data.

With regard to management tools, the CEPA ICG believes the program to complete the screening assessments of the categorized substances is so significant an undertaking that there is a clear need for well-developed and consistent management tools that are publicly available. They will play a key role in the production of risk assessments that are credible through a process that is both transparent and predictable.

Several important and very helpful tools already exist as government policy documents. They are: *A Framework for Federal Science & Technology Advice*; *Principles and Guidelines for the Effective Use of Science and Technology Advice in Government Decision Making*; and *A Framework for the Application of Precaution in Science-based Decision Making about Risk*. Guidance documents for conducting screening assessments, currently under development by Environment Canada and Health Canada, will also provide significant assistance to all stakeholders.

In the interest of promoting transparency, predictability, and rigour in the screening assessment process, the CEPA ICG has developed a draft set of quality-assurance performance criteria that could serve for the comparison and evaluation of assessments that refer to the two framework documents noted above. Refinement will come through use and with the input from Environment Canada and Health Canada. With the potential for the issuing of considerable numbers of assessments impacting different sectors and different stakeholders, such a comparative measuring system is felt to be necessary.

Management tools that relate to the risk assessment process seem adequate to cover the gamut of eventualities. The new tool that was added in CEPA 1999, the significant new activity notices, has been used quite well in the new substances program but has yet to be employed for existing substances. It seems sufficiently flexible, however, to cover the range of needs between the ultimate control of prohibition and the voluntary approach of an environmental performance agreement.

In conclusion, the CEPA ICG believes the provisions of CEPA 1999 are adequate to handle the anticipated assessment program flowing from the categorization process. This will create significant demands, however, on the resources of both government and industry. If a deadline is felt to be needed, nothing earlier than 2020 should be considered, and this should be a goal rather than a requirement. The Canadian approach to evaluating our list of existing substances is practical and so far seems workable. The current need is for guidance and procedural documentation to help with the details of implementation, so industry can prepare itself for this major task.

Thank you, Mr. Chairman. I appreciate the time of the committee.

● (0930)

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

Mr. Freeman.

Mr. Aaron Freeman (Director, Policy, Environmental Defence Canada): Actually, Dr. Khatter will be presenting on our behalf today. I'm just here for the questions.

The Chair: Thank you.

Dr. Kapil Khatter (Canadian Environmental Law Association): Thanks again for the opportunity to present at committee.

Hugh Benevides couldn't make it, unfortunately, so I'll be presenting. Aaron, who is now the policy director at Environmental Defence, will be here for questions as well.

You should have with you three unstapled handouts in French and English of PollutionWatch slides. It's a complicated topic, trying to get through all the timelines, but we can't go too fast for the translators.

PollutionWatch has presented before and we've spoken before about timelines and about how there are stages of the assessment and management process that have no timelines at all. We feel that's a problem. There are stages of the assessment and management process where there are timelines, but often they are too lax. The categorization of the domestic substances list has shown us clearly that deadlines are an effective way of ensuring that substances are dealt with in a timely way. The deadline has allowed us to make the assessment of substances a priority and to make sure that we give them adequate attention and resources. We feel those kinds of timelines are important for the rest of the process as it moves forward.

Perhaps I can get you to turn to page 1. The first slide is our attempt at showing how the process works now, as written in the act. If you look in the first box, there are a lot of section numbers. Section 70 is industry's mandatory reporting of any data they find about a substance they're using or manufacturing that says it's toxic. Section 74 is the screening assessments of the domestic substance list. Section 75 is the review of any decision in another jurisdiction where a substance is deemed to be toxic and needs to be restricted. Subsection 76.(3) is where an individual citizen can nominate a substance to be assessed or put on the priority substances list.

You can see, for the first two stages, in general, there aren't any timelines. The caveat to that is if a substance, through one of these channels, is put on the priority substances list for full risk assessment. There is actually a timeline of five years, though that's extendable for another two years, so it's a very loose timeline of up to seven years.

Going through it, basically, there's no timeline to the first step, which is the publication of a proposed decision based on the assessment. There's no timeline, then, to the publication of the final decision. From that point, there are timelines. There is a period of two years before the publication in subsection 91.(1) of a proposed instrument or regulation, and then eighteen months to finalize that proposed regulation or instrument and publish it.

From that point, there are no legislative timelines in terms of implementation of the act. We talked, as well, in the past about cabinet involvement, and from subsection 77.(6) is the point where there is a recommendation to cabinet for an order in council to put it on schedule 1, and there is a further cabinet trip later on in order to approve the regulation.

I'm going to skip over the domestic substance list and talk about the non-domestic substances first, just because we feel that substances that have been categorized through this categorization screening process are a bit of a special case because there are a whole lot of substances all at once that need to be dealt with.

Perhaps I could get you to turn to page 2, which is our proposal for timelines for substances in general, for good timelines for the assessment and management of substances, leaving aside this chunk of substances that we need to deal with in terms of the domestic substances list. That would be section 70, section 75, subsection 76.(3), anything that's put on the priority substances list for those reasons.

What we've proposed is that the government have six months to do the screen risk assessment and come up with a proposed decision as to whether that substance is toxic and whether we need to move ahead in terms of regulating it, and that there be six months from that point to finalize that decision. That being said, there are all those times when we need more data and there needs to be a bit of an extension, so putting the substance on the priority substances list would allow a two-year extension to the process. What we're proposing is a two-year extension, as opposed to the five years, plus two years that it is now, and the possibility that it could take seven more years before a substance has a decision based on the assessment.

From that point, we feel the timelines that exist right now are too long. The first publication of a proposed instrument or regulation, as opposed to being two years, should be six months, and then another six months to finalize that instrument or regulation after the common period. Then we feel there needs to be a legislative timeline for ensuring that once a regulation or an instrument has been decided upon, it is implemented.

● (0935)

We've suggested eighteen months would be a reasonable time limit, a good maximum for us, acknowledging that different instruments in regulations will have different needs in terms of their timelines.

Finally, I'd like to turn to slide three. We've categorized the domestic substance list, and it's left us with approximately 4,000 substances to assess and potentially manage. Some of these, though, as Mr. Soule spoke about, will not be considered in use. They will automatically be set aside and not need to be assessed. There's also another category of substances we've left out that we don't think apply to this flow chart. Those are the substances that are persistent and bio-accumulative and inherently toxic—the PBITs, as we call them, which we think have the highest potential to cause problems, if not now then surely in the future. Our position is that those substances should be immediately scheduled as toxic and virtually eliminated, because the act says that anything that is a PBIT, that is CEPA-toxic, needs to be virtually eliminated.

Slide three: instead of the three-and-a-half-year total timeframe for regular substances, we feel there should be a little bit of slack given in terms of both the assessment and the development of a regulation and instrument. We recognize there are a lot of substances to deal with, and we'll need resources to deal with all these substances. The other thing in terms of this slide, in terms of this five-year timeline, the two-year assessment and five years in total, is we're really thinking of this in terms of the highest priority of substances out of the DSL. Out of that 4,000 we would say this would be a good timeline for about 600. Health Canada has already said they have about 100 they think are the highest-priority health substances. We would expect Environment Canada would be able to deal with 500 of their persistent or bio-accumulative substances within this timeframe.

The process is the same as I went over before for the non-domestic substance list except that instead of a six-month timeline for the screening assessments, we think, given the resources, the government should be able to deal with the first batch of these substances in eighteen months, and then take six months to finalize the publication of the decision. Again, for those rare cases where they feel the need to get data—and remember there's been seven years to collect data already—they can use the PSL, the priority substance list, as an extension. Likewise in terms of proposing a regulation or instrument, we feel having a year's extension for the domestic substance list would make sense.

That's the first 600. We expect there would be another batch or two of 600 besides the substances that are put aside. We expect and hope the government will be able to assess the first 600 in two years and then assess another 600 in two years and another 600 in two years, until we finish.

That's it. We hope this presentation was helpful. I know the timeline is complicated and there are two different streams—the domestic substance list and the non-domestic substance list.

We're happy to answer questions. Thanks.

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

Mr. Teeter.

Mr. Michael Teeter (Principal, Hillwatch Inc., As an Individual): Thank you, Mr. Chairman and Mr. Clerk, for inviting me today to talk about timelines and my experiences.

I'm here representing myself only, but I've had many years of experience working on CEPA for the salt industry, the fertilizer sector, and the treated wood sector; and as an adviser to some members of the ICG during the GHG debate.

I guess you might call me an industry lobbyist, but I don't really define myself that way. I'm always looking to find common ground between industry and government and other non-governmental organizations, and I hope my comments today will be taken in that light. I try my best to define the public interest in a way that's consistent with the interests of all stakeholders.

My theme here is that I think we should really focus first on what unites us rather than what divides us, and I think the structure of CEPA today is focused too much on those things that divide the stakeholders.

My assumption is that we're here to talk about timelines because we want the process to facilitate environmental management faster and more efficiently. In this respect, the question we are considering is whether we need to amend the timeline requirements in CEPA to accomplish this goal. Obviously some people would say yes to that question. I would say we don't need to, but we need to give the administrators of CEPA some new tools to get to environmental actions faster. So I'm going to talk a little bit about those things I recommend.

The PSL process for road salts and ammonia has been about eight years in discussion, but the two assessments I was deeply involved in, particularly on road salts, were really structured on the need from an industry perspective to stigmatize the product as toxic, and to be placed on schedule 1 of CEPA before any positive environmental actions were taken. With this approach there's an implicit structure that completely divides the stakeholders.

First, by designating the toxic label there's an inherent assumption that product use should be minimized or avoided, and that substitutes are better. This might not even be true, and in the case of road salts it's absolutely not. Substitutes haven't even been assessed, and where they have been assessed they're deemed to be worse than the road salts themselves. When a product is attacked like that, the business is impacted, and shareholder interest demands that defensive actions be taken.

Second, I think the process is founded on controversy and adversarial structures, as opposed to working-together structures, because there are countless numbers of people involved in the process in an effort to try to list something as toxic. In other words, they define their goal in government as, “Put it on the list; I've achieved my ends.” What do those ends have to do with fixing the environment?

People spend years of their lives defining their mission as getting a substance on schedule 1. Meanwhile, all those years and all those resources are expended on that and nothing's happening for the environment. So this is just about conflict; it's not about doing anything for the environment.

Unlike what people may think or be told, industry has a direct interest in investing in risk management and good management practices. It's simply good for business, particularly in today's environment—no pun intended—when clearly the environment is being seen by the public as an increasingly important issue. So we all have common interests here.

Assuming we all want to invest in positive environmental actions faster and with more enthusiasm, I would recommend the following. Instead of focusing the debate on substances or products, focus on how those products are used. In other words, put the debate into context. People can more readily agree on this discussion.

What would you have to do to the statute if that were your intent? You might have to make a slight adjustment to the section 3 definition of substance.

● (0940)

The other recommendation I'd make is start the risk management discussions as soon as the assessment has begun. You might find a surprisingly large amount of consensus already about what needs to be done now in the context of managing the environment, the substance in the environment, or the context that is being used. So those resources that are now expended on fighting each other could instead be used to actually get into environmental actions faster. I don't think there's any statutory change required in order to start a two-track process where you begin the risk management discussions as the risk assessment is taking place.

Put more rigour into the scientific assessment process, not less. Bad science should never be used to justify environmental actions. Unfortunately, when you're on strict timelines sometimes that happens because the objective of the officials is to get the substance on a list. They define their achievements on that basis. Sometimes bad science drives that because they want to get there faster, but they're doing nothing for the environment while all that pain and suffering is going on. I'm saying introduce a mandatory independent peer review structure. We've made that recommendation before. In my opinion, sound science is not the thing that holds us back from consensus in environmental actions. You'd have to add a clause to the statute to require mandatory peer review in order to achieve this recommendation.

We've said this before, and we'll say it again: we think there should be another listing category in CEPA for substances that simply do not belong on schedule 1, substances that are clearly not toxic in the ordinary sense. Again, I think that if this were put into the statute you'd reach conclusions faster and consensus risk management actions would start more quickly. If you were going to follow this recommendation you'd probably have to add another schedule to CEPA, schedule 8, and I'd say call it “other”, as it doesn't need a name.

The last thing is that the ability to regulate is often as effective as regulation itself. The process itself, because Environment Canada or Health Canada is taking action either through the DSL or PSL process, can be a tremendous catalyst to drive effective risk management. People want to get into solutions, they want to solve the problem, and they want to invest in the environment. That's a given.

Once risk management is in place the whole discussion on listing, if there's a stigma issue or anything, can actually be left unanswered. It doesn't need to be answered right away, as long as the environmental actions are being taken to the satisfaction of the regulators. It's only necessary to get into the whole debate on whether it's listed on schedule 1—or schedule 8 if you took my recommendations, if regulation is required.

Is the answer to society thousands and thousands of substance-based regulations? I don't think so. I think the stakeholders have to invest in environmental management. There aren't enough regulators in this country to actually enforce those kinds of regulations. The end game here is to get everybody to invest in environmental management, not to invest in regulations.

I think if you were to adopt these perspectives, although there are some statutory issues that I'm recommending, more often than not what we're talking about here is a culture change. It's a culture change inside government and how it works. It's just simply saying let's get to consensus actions faster, let's invest in the environment faster, let's work together, and let's not talk about what divides us.

I look forward to participating in the debate on specific timelines.

Thank you.

● (0945)

The Chair: Thank you, Mr. Teeter.

I certainly want to congratulate the panel. You were all under your time.

I'm going to ask the members if they can also try to be as good as this panel has been so that we can get through this and have a little time at the end for several items we need to deal with.

We'll begin with Mr. Godfrey. I believe Mr. Silva will share your ten minutes.

Hon. John Godfrey (Don Valley West, Lib.): I'd appreciate it, because of my enthusiasm for the subject, if you'd give me a look at the five-minute mark, Mr. Chair.

Welcome, everybody.

Today we're looking at the specific issue of timelines, but many other things come into consideration, and it seems to me that the issue of timelines allows us to distinguish the various challenges we're facing. For the question I want to ask, I'm open to your decision among yourselves as to who is going to answer it.

Taking timelines is one of the challenges. To what degree do we need legislative change, or will regulation change do it? Or are we really saying we need legislative power because we're frustrated that departments haven't applied enough resources to the problem and they could actually use the existing timeline structure? With the timelines, they're actually a maximum, but nothing would prevent the department from going faster if they wish to, I assume. They could, actually, if they had the resources. So that's the third issue. Then the fourth issue is of course political will.

So what I'm trying to decode from this conversation—and I have read the Lung Association's presentation, although I wasn't here for it—is to what extent are we trying to use legislative change out of frustration at the other parts? Is it because we simply feel that even as written we're not getting there because there haven't been enough resources or enough political will, and if there were enough resources and enough political will we wouldn't need to be pushing so hard in typing up the timelines? Maybe I'll start with those with Dr. Khatter.

● (0950)

Mr. Aaron Freeman: Actually, could I respond?

You've asked three questions, but I actually think you've asked one, and it's the question of political will. I know that there's been significant discussion about political will around the table in this committee throughout these hearings. I think that what we talk about when we talk about political will has to flow from the act. The origin of political will flows from the act, because if there is a timeline in the act.... And we saw this with the categorization exercise; we have arguably the most effective part of this act, the one we can all point to and say this is where Canada is a leader, in categorization. The reason we've accomplished that is because there is a timeline. There is a deadline in the act that within seven years of the passage of CEPA in 1999, September 14 of this year, those 23,000 substances had to be categorized. We had to figure out which the most serious substances were.

We think that if you apply this to other stages of the process, we'll get to the action stage that much quicker so that we're not just putting substances in categories, we're actually doing something about the most serious ones. I think the history of this, and other environmental legislation in this country, shows that when we don't have something mandatory in the act that requires the government to make a decision by a certain timeframe, assessments end up sitting on the shelf and we don't end up taking action in a timely way.

The other thing that timelines affect, as you mentioned, is resources. Environment Canada and Health Canada had the resources to complete that process—the budget resources, the personnel resources—because it was a mandatory requirement on the government.

The Chair: Mr. Godfrey, maybe you want to direct your question to someone else.

Hon. John Godfrey: I'm just wondering if anybody was going to make a counter....

Mr. Teeter, I see.

Mr. Michael Teeter: I'd like to put this in a broader context.

I've been reading the papers a lot lately, and they've been very hard on past governments and present governments for spending a lot of time and money talking about things and not doing enough? We should put this into context here. I'm not sure that putting more timelines into the statute is really going to be the answer. There are quite a few timelines in there already.

What we're looking for here, I think, and what the public is looking for, is an attitudinal change, a culture change in the way the statute is administered. I've suggested some small changes that I think could be made in the statute to facilitate that change. But at the end of the day what we should all be doing is investing in environmental management. We shouldn't be fighting each other over the labels or timelines or anything. We should be investing.

The Chair: Go ahead, Mr. Silva.

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

I want to thank the witnesses for coming forward. I enjoyed their presentations. I had an opportunity, as well, to meet Mr. Kenneth Maybee yesterday in my office. So thank you very much.

I enjoyed the presentations. I thought some of the principles laid out by DuPont Canada were very good principles. I think probably all of us could agree on that.

Dr. Khatter, you probably listened to the presentation, as well, by Mrs. McKay and those principles she talked about with respect to peer review. How are they going to be managed within certain timeline proposals that you had in your presentation? All of us agree that timelines are an issue. We don't want an open-ended process of assessment, especially if there's no political will from the government. It can become quite dangerous. So we want to make sure that there are certain measurements in place.

When you look at things like sound and peer-reviewed science as a basis for decision-making, transparency, which I think is very important, effective review and update of decisions, and clear communications, I thought these were things that need to be outlined again. How do you sort of measure that within your proposals? Can it be done?

● (0955)

Dr. Kapil Khatter: Thanks for your question.

We think it can be done, that the rigour of the process can be maintained within the timelines we've suggested. Some of the delays are not because of the inability to do a proper science review or to gather information in a timely way or to have an adequate peer review, but they are, for instance, because of the fact that this needs to go to cabinet and it sits on a desk there because there are no timelines to make it come back on time.

When you divide the two different processes into the domestic substances list and the regular process.... We're looking at six months for the regular process and we're talking about one substance at a time. So when a substance gets nominated by a citizen, they now have six months to do an assessment of just one substance.

When you're looking at the domestic substances list and you're talking about a batch, we're going to need more resources. The government is committed to dealing with those substances, but we have to remember that part of the categorization process has been to gather a huge amount of information. Along with figuring out whether something's persistent or biocumulative, they've already gathered a lot of information about what kinds of health problems or what kinds of environmental problems these substances may cause and have asked industry for data. So we're way ahead of the game in terms of those substances, and that's why we feel that batches of substances, through the domestic substances list, can be done in a credible and scientific way within the timelines we've suggested.

Mr. Mario Silva: Mr. Freeman put it in the context of political will, as opposed to timelines, which I thought was quite interesting, because I guess time will tell whether there's political will or not. Do you see as a major problem, as an obstacle at this moment, that there isn't the political will to move forward with timelines?

Mr. Aaron Freeman: Well, I guess I would say that the timelines are an expression of political will and that political will will flow from those timelines, and so will the resources. The timelines we've proposed assume that the government will put more resources into the assessment and management processes. You could have shorter timelines than the ones we've proposed, but that would require more resources for Environment Canada and Health Canada to do the job. I think, again, that the history of this and other environmental statutes shows that if there's a requirement there, the government is up to the task of meeting that legal timeline. But it is a question of resources.

This notion of political will I don't see as a simple..... I make a distinction between political will and political whim. If we're talking about political will, that has to flow from the act. If we don't have a timeline, then we're relying on political whim. Maybe that will be there and maybe it won't, and maybe it will change over time. But if we actually want to get the job done, there has to be, I think, a legal requirement to do it.

Mr. Mario Silva: How do you make sure that we can expedite these timelines?

Mr. Aaron Freeman: How do we...?

Mr. Mario Silva: How do we expedite the assessment of the substances so we can get them on track within the timelines you've proposed?

Dr. Kapil Khatter: Sorry, I'm still not clear on that question.

Mr. Mario Silva: We're talking about certain proposals you've put forward for the decision-making process. I want to make sure there is a way to facilitate that, to expedite things. We talked about political will. We talked about the fact that we need to get the government to put their resources in. So I guess resources would be one way of expediting that. Do you see anything else that could, in fact, expedite it?

The Chair: Answer very briefly.

Dr. Kapil Khatter: As you've said, resources are important. Some of the things Mr. Teeter said about looking into management while we're looking to assessment will help to expedite things, as well as concrete timelines on industry submitting data so we have the tools in place.

Mr. Mario Silva: Thank you.

The Chair: Mr. Bigras.

[*Translation*]

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Thank you, Mr. Chairman. I have the impression today that our witnesses have confronted us with two distinct visions and approaches.

First of all, Mr. Soule, in your document, regarding the assessment program flowing from the categorization process, you say, and I quote:

> If a deadline is felt to be needed, nothing earlier than 2020 should be considered, and this should be a goal, not a requirement.

I can certainly say that you are not being particular about details. I do not know if this is what you are saying this morning, but it seems to me that the categorization experience, where timelines and deadlines were set at seven years, has enabled us to ensure that we meet our goals and get results. And if we had met our goals, it is precisely because there was a condition, a seven-year deadline.

So, don't you think that the categorization process should guide us in the important task of setting very strict deadlines, all, of course, in the name of the precautionary principle? It seems to me that the one thing people in industry hate, and one to avoid, is uncertainty.

Does the absence of a deadline and the fact that a goal is not being set — and I am choosing to use the world goal, not condition — before 2020 not create uncertainty for your industry? That is undoubtedly not good for the people of Quebec and Canada, or for industries.

● (1000)

[*English*]

The Chair: Mr. Soule.

Mr. Jack Soule: Thank you for the question.

I concur with you that industry likes certainty and schedules are helpful. When I said that 2020 would be a good goal, it was really in the context of completing the full categorized list that requires screening assessments. Within that timeframe it should be left up to Environment Canada and Health Canada to set the schedule for how those assessments should best be meted out.

From our understanding in talking with Environment Canada and Health Canada, we're expecting that very soon we'll see a schedule that delineates how these substances will be prioritized and meted out. From the latest conversation, we're expecting to see a scheduling of 15 substances every six months. That will help us schedule how we're presenting our information, preparing it, and assembling it, whether it's from our own companies in Canada or from international portions of our companies overseas. But you're right that there is a need for a schedule. Industry is very anxious to see that schedule and understand what is going to be demanded of us and when.

Putting a timeframe on each individual assessment is not realistic because, as I said in my comments, these will be highly variable. Some substances will require a lot of assessment and others will be quick to be completed, so I don't think that setting a timeframe on that basis will really be helpful. Having an overall timeframe for completing the full job could be of value, similar to what was happening in the categorization process. That's as much help as could be needed, from a political will standpoint.

The Chair: Ms. MacKinnon, do you have a comment?

Mrs. Barbara MacKinnon (Director, Environmental Research, New Brunswick Lung Association, Canadian Lung Association): No. I just reinforce his comments.

The Chair: Mr. Bigras.

[*Translation*]

Mr. Bernard Bigras: I also assume that officials from Environment Canada and Health Canada have familiarized themselves with the Pollution Watch proposal this morning.

First of all, I would like some information on substance assessment. How long does it currently take to assess a substance? May we get an answer from the officials on that?

Mr. Paul Glover (Director General, Safe Environments Programme, Department of Health): That is a good question. In all honesty, it depends. There are two groups of new substances. We have 90 days to do an assessment and reach a conclusion on a new substance, but for substances that are already on the market, there are no set deadlines.

It all depends on the complexity of the assessment. It is easier when the substance is simple and we can obtain information on it. However, the assessment will take longer in the case of a more complex substance about which there is not much information. The time it takes to do the assessment may vary from a few months to two or three years in some cases.

● (1005)

Mr. Bernard Bigras: What does it depend on, resources, knowledges, processes? What explains the difference in assessment times for one substance over another?

When we studied the Pest Control Products Act, we realized that there were huge delays. Often, the Pest Management Regulatory Agency did not have the resources to conduct the study.

I have several questions. What factors affect the delays? Is it a question of resources, processes, or something else? Have you read the proposal made by PollutionWatch which was presented this morning? Given current resources, do you feel that you can use such a process and respect the scheduled deadlines?

Mr. Paul Glover: I am going to answer your first question.

In my opinion, several factors affect the speed of an assessment. Resources certainly have an impact, but having access to information on the substance is more relevant.

[*English*]

It really does matter how advanced the science is and how much information is available, so it's our level of understanding both domestically and internationally that has an impact.

[*Translation*]

The knowledge of the scientific committee has the greatest impact on the speed of an assessment.

I will now answer your second question. For both departments, it is not a question of resources, but the fact that an assessment can vary from one substance to another.

[*English*]

What I'm essentially trying to say is that if you give me a timeframe of six weeks, six months, or six years, we will complete it in that time. That is our job. What increases as the time shortens is the amount of variability or uncertainty in an evaluation. With more time, we have the ability to do more scientific research and arrive at more certainty. With less time, if the information is not available, then we have more uncertainty that has to be introduced into the evaluations.

And the other thing we have to consider is the use of the substance.

[*Translation*]

The use of a substance is, indeed, another factor and varies from one substance to another. One substance will be used one way, another substance will be a product that is used in various ways in several sectors.

[*English*]

On the use of a substance, it takes a lot of time to find out how industry is using it, where it's used, which products it finds its way into, and how it's released from those products. We're not just concerned now about the products themselves, but how the products break down, how they're disposed of. It is complex to get all of those questions. And I'm sorry for the long-winded answer.

So the shorter the time, the more uncertainty there is in the evaluation that we can produce. That really is the bottom line.

The Chair: I believe Mr. Freeman has a brief answer for you, Mr. Bigras.

Mr. Aaron Freeman: If I may comment on the current system, what we're talking about here is the new substances regime, for which there is a timeline of eighty days for the government to respond. This is for new substances. I'd like to point out to the committee that if we talk about domestic substances, the existing substances in the market, they've already had seven years to go through the categorization process and collect data through that process.

With the timelines that we outline, you wouldn't actually get a result until five years after you put in that timeline, and that's just for the first batch of 600. It would be seven years for the next batch and nine years for the third batch. We're talking about huge amounts of time to gather the types of data that we're talking about. On top of that, there are obviously exceptions that you can build into the process, like exemptions, time extensions, and so on.

● (1010)

The Chair: Mr. Bigras, your time is up.

Mr. Cullen, please.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Thank you, Mr. Chair.

Thank you to the witnesses for your petitions today.

I have a question for the Lung Association. You talked about the most vulnerable populations, concentrating on the effects on people we know to be at risk. In your presentation, I also heard a certain sense of urgency. How content have you been with the process so far, in terms of the government's ability to mitigate the harm to the most vulnerable populations, when it comes to these substances we're talking about?

Mrs. Barbara MacKinnon: I'm Barb MacKinnon and I'm also with the Lung Association.

I think it's a mixed answer. Certainly the political will has been there for certain substances. I'd like to take the example of PM-2.5 and ground-level ozone, for which we've had a very good process under CEPA to develop new Canada-wide standards.

Using that as an example, our standards are really a compromise to protect people's health. They were developed through a multi-stakeholder process that had both industry and health angles at the table. Of course, economics played into our decision to create a certain level of ambient air that's allowed for these different substances.

Yes, it's an improvement over previous levels, and it will help certain members of the population. But those are examples of pollutants with no safe exposure level, so somebody who has severe asthma or chronic obstructive pulmonary disease in an advanced stage perhaps is going to die from exposures like that. So our level of contentment is on a sliding scale, representing our clientele of six million people. It saves some people; it doesn't save everybody. We understand the economic considerations for these standards.

Mr. Nathan Cullen: Mr. Maybee, you talked about one in five Canadians being affected in some way. I want to make sure that number is accurate.

Mr. Kenneth Maybee: One in five Canadians is directly affected by respiratory disease, for a total of six million Canadians, which is huge. If I asked how many people sitting at this panel know someone with asthma, chronic obstructive pulmonary disease, or lung cancer, and asked you to raise your hands, all hands would be raised. So it's prevalent throughout all ridings, and it's an extremely important issue.

Mr. Nathan Cullen: From your perspective, how much consultation has been done in past years? Do we know what the chemicals are? Do we know who the real bad actors are, or do we need more conversations and consultations?

Mr. Kenneth Maybee: I don't think you need much more conversation. We've been working on the CEPA file ever since its inception, and prior to that we were working on the Clean Air Act before it was harmonized into CEPA. I think what you do is get into a game running.

If I can make a point that perhaps is seldom made in chambers such as this, unfortunately when we talk about health, we talk about the black hole, which is illness. All of the dollars raised through the federal and provincial governments go to feed illnesses. We do not have time in our political process to talk about the urgent requirement for prevention, because we never know when the next election will be. So what we really have to do is start thinking about how we're going to tie these things together.

By 2020, the third leading cause of death in Canada is going to be chronic obstructive pulmonary disease. That's going to happen and we know it. It's a cause-and-effect relationship, so we have to start to work on prevention, so we can start building in those preventive strategies.

● (1015)

Mr. Nathan Cullen: I sense the urgency in your voice, and certainly when you name some of those illnesses, it's a day-in, day-out nightmare for some folks.

I have a question about the listing of substances for Mr. Glover or Ms. Wright. There are 4,000 that have been identified and listed. A number of weeks ago, we talked about having a list of what those substances are. Department officials said they would present that list. Do we have it available? I haven't seen it yet. Maybe the clerk of the committee has it.

Mr. Paul Glover: My understanding is that my colleague John Moffet agreed to provide the clerk with the latest CD that was available, and I hope it has been done.

Mr. Nathan Cullen: Great.

I have a question for Ms. McKay.

In terms of DuPont, I appreciate the words around commitment to sustainability and environmental stewardship. DuPont is often held up as a company that has had a mixed track record, to say the least.

What has been the worst experience that DuPont has had with a product in terms of its cause on the human health effects of Canadians? Has there been a really bad one that stands out as we shouldn't release that one?

Ms. Judith McKay: I would say probably tetraethyl lead, which was phased out quite some time ago.

Mr. Nathan Cullen: How long did it exist for? How long was it in the marketplace?

Mr. Jack Soule: It was as long ago as leaded tank gasoline.

Mr. Nathan Cullen: There is a fundamental question that you folks need to deal with, which is that the economics versus the potential environment or health effects is very difficult to balance at times. You didn't get into the business to protect the environment. You get into the business to make money selling chemicals or creating new ones and inventing new things.

This is my question. There was some hesitation toward government regulations and the pace of the regulating of some of the worst chemicals. Of the 4,000 that we now know as being listed, has it not always been the case that there's a natural hesitancy in industry to resist against regulations? I'm thinking of lead in gasoline, I'm thinking of cigarette smoking, I'm thinking of seat belts, where industry can talk about the difficulty in preserving an economic viability of a company versus a proposed health benefit to the general society. Are we not facing the same question again here in CEPA?

Ms. Judith McKay: I would absolutely disagree with that statement. Historically, that may have been the case many decades ago, but increasingly, companies like DuPont are realizing that environmental protection and good business are one and the same. We're not going to make successful businesses if they are harmful to health and the environment.

Mr. Nathan Cullen: Is there any type of a bond process that's been considered by industry? When a chemical is released, it seems to me, for some of the more detrimental ones that have caused some of the illnesses and tragedies, it is almost an externalization of cost for industry. Where a product is produced.... This, one day, will be history as well, and we'll look back and say that back in 2006 we didn't know much, and now we know much more. It's always the case. We're always learning.

Has there ever been a consideration of trying to internalize those costs of the risks taken by producing new chemicals that we're not sure will be causing future health effects, as has been pointed out by the Lung Association? Is there a way to capture those costs and really factor them into the products that you make?

Ms. Judith McKay: I think you're talking about contingent liabilities. They are very difficult to measure. Certainly we support using sound processes and grounding decisions in science, and we have a track record of when the science indicates that a product is unsafe, such as CFCs, our company takes a leadership role in ensuring that there's an orderly transition out of the product.

It would be very difficult to calculate contingent liabilities without information. When we get the information we act.

● (1020)

Mr. Nathan Cullen: I have a question for Mr. Khatter around these 600 priorities.

I'm still confused. Government is patting itself on the back right now for having come up with 4,000 on the list, but with no action plan. The health of Canadians has not improved one iota from the listing. The actual process that we're looking for is the mitigation: what do we do with these 4,000?

You suggested a triage-type approach, going after the 600 worst. What is the resistance? Why not do that? A seven-year process for listing all these things.... There was extensive review. We have information. Why not search and actually mitigate the release of these chemicals in the environment?

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

Dr. Kapil Khatter: The deadline was September 14, and I think the problem still is that we're waiting for their real announcement about what they're going to do. We don't think there is resistance to Environment Canada or Health Canada's prioritizing substances. They have let us know in consultations that they do have a sense of which out of the 4,000 they want to tackle first, and that they do have plans to work on these substances as quickly as possible. We're still hoping to finally get an announcement from them on what that action plan is.

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

Mr. Mark Warawa (Langley, CPC): Thank you, Mr. Chair. I will be sharing my ten minutes with Mr. Harvey, so could you let me know when I'm at five minutes, please?

I appreciate the witnesses. I think we've already heard some good dialogue, some good debate. My focus is going to be on the timeframes.

Mr. Khatter, I appreciate what you've provided to the committee in your recommendations. One critique is that having a briefing note along with this and receiving it before the weekend to have a chance to read it and prepare would have been helpful. But I appreciate your recommendations and the debate they've evoked.

I'd like to ask some questions of the Canadian Lung Association. First of all, I appreciate your being here on the Hill. You've met with many of the members of Parliament. You've shared with us your passion and the urgency of dealing with the health aspects of our environment. We agree that there are six million Canadians dealing with the health effects of poor air quality. They are the very reason we need to see legislative change, to give the government authority to deal appropriately with cleaning the air, to deal with greenhouse gas emissions, and to reduce those too.

In the brief that you provided—I think in the English copy it was on page 7, item 5—you talked about timelines. I haven't heard you make comment yet this morning about timelines. Could I hear your comments on those now, please?

Mrs. Barbara MacKinnon: Thank you for the opportunity to discuss some of the details we had in our presentation for today, but which, in the interest of time, we didn't go over.

We have put down in our recommendations details for timelines for getting the substances to the list. I think, in fact, they concur very well with PollutionWatch's timelines. For example, we need immediate action to address significant danger. The ministers now have the power to act on that, but perhaps they don't use it as often as they should. One of our recommendations is that chemicals identified as persistent, bioaccumulative, and toxic be placed on the CEPA toxic list immediately and be regulated within one year.

Chemicals identified as persistent and toxic, or bioaccumulative and toxic—in other words, these might be the top 500 identified by Environment Canada and the top 100 identified that have health concerns—should undergo a screening assessment within two years, and for those deemed CEPA toxic, there should be a management plan in place within one year, and the plan should be implemented within two years after that.

One of the things we think is very important—and I am alluding to a comment made by Mr. Teeter—is that while these plans are being developed, emitters should take voluntary action. In other words, we should not wait for the full plan to be developed. You can start to take action right away while you're assessing and determining the risk, in order to reduce some of these exposures.

Of course there are useful timelines that could be recommended after substances are put on this list, and we would hope that any regulatory process would proceed within reasonable timelines as well.

I think putting these timelines in CEPA tends to make us take action. We have to. They're in the act, so Health Canada and Environment Canada have to act on this timeline. Having those timelines in CEPA removes this whole process from the political system a little bit. For example, if you look at the undertakings of this committee, the process to review CEPA has had some hiccups because of elections. I would hate to see the review and the management plans of chemicals having similar hiccups, maybe based on a political system, whereas if you have the timelines in the act, those analyses and management plans continue despite what governments are doing politically.

● (1025)

The Chair: You have five minutes, Mr. Harvey.

[*Translation*]

Mr. Luc Harvey (Louis-Hébert, CPC): I have a question. In fact, I have several.

I greatly appreciated all the other comments on product assessment over time — whether or not they should be put on the market, whether conditions need to be attached to their use. We have a categorization: products are categorized.

Will this work help accelerate the categorization of future products?

Mr. Paul Glover: I do not understand your question.

Mr. Luc Harvey: Categorization work has been done. When industry develops new products, will the categorization work helps speed up the process?

Mr. Paul Glover: For new products?

Mr. Luc Harvey: Yes, for new products.

Mr. Paul Glover: Because that has improved our database. It will help the process overall.

Mr. Luc Harvey: That means that for new products, it might be possible to think that the process will be much faster than it was in the past.

Mr. Paul Glover: In general, yes. But my answer remains the same. It depends. In the situation, yes, it will help if the chemical product has a...

[*English*]

chemical makeup that is similar to another one we've already assessed. So if we've looked at something and it's similar, that helps us in terms of understanding mode of action and that kind of stuff. If the new things we look at are similar to things we've already looked at, it means we don't have to duplicate the work, we simply validate it. So it does help in that regard.

[*Translation*]

Mr. Luc Harvey: How should the assessment of substances be taken into account in terms of populations and ecosystems which are vulnerable?

Mrs. Cynthia Wright (Associate Assistant Deputy Minister, Environmental Stewardship Branch, Department of the Environment):

That is why assessments require more time. In fact, we must look at how the chemical product is used and what impact it will have on health or the ecosystem. So, it is not just a matter of scientific knowledge; it is also a question of use or the lack of control, in other words, how substances enter the environment and what the impacts are. That is something to consider in the assessment.

Mr. Luc Harvey: That somewhat complicates matters by broadening, in the end, the range or types of risks associated with the product.

Mrs. Cynthia Wright: Precisely, that information is needed as a tool to control risk management in an appropriate way.

Mr. Luc Harvey: Yesterday, I met with representatives from the Canadian Lung Association. I asked them a question that they were unable to answer. Perhaps you can help me.

We know that premature babies often have respiratory problems. In your calculations of the number of deaths currently related to respiratory problems, are premature babies that could not have survived without technology considered a significant part of this phenomenon?

● (1030)

[*English*]

Mrs. Barbara MacKinnon: Most of our comments—in fact, all our comments—are based on scientific studies, not studies that are necessarily done by us, but that are done by the research community at large.

To my knowledge and my awareness of these research studies, they haven't looked at that. It's a really interesting point. I've never seen premature babies being singled out as a particular group in epidemiological studies. It makes sense that they might be more susceptible, but I can't answer that question. With new technologies, of course, they're able to bring these babies along to have healthy lungs. Later on in their life, I don't know if they would be more susceptible to acquiring asthma or to having greater susceptibilities to air pollution. It's an interesting point.

We know that people who smoke have smaller babies, and they might be premature, but that's the only connection I can see with that.

The Chair: Mr. Harvey, 30 seconds, please. Do you have another question?

[*Translation*]

Mr. Luc Harvey: That will be difficult.

[*English*]

The Chair: I'll just remind the members that we will now go to our second round, for five minutes each. If the panel could keep their answers very short, we could get the most people in.

Mr. Scarpaleggia.

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

My question is for Mr. Glover or Ms. Wright.

As I understand it, there isn't peer review at the moment.

Mr. Paul Glover: I'm sorry...?

Mr. Francis Scarpaleggia: As I understand it, we don't do a peer review of these chemicals. It's a departmental review that is part of the stakeholder consultation process. Is that correct?

Mr. Paul Glover: You guys are really going to like me today, but it depends.

The short answer is no. Existing substances are peer-reviewed, as per the definition put forward by.... So they are external to, or arm's length from, the department. We have a very rigorous process of peer review for existing substances.

Mr. Francis Scarpaleggia: But not for new ones.

Mr. Paul Glover: Not for new—

Mr. Francis Scarpaleggia: And the rationale is?

Mr. Paul Glover: The rationale is timelines; we have to render decisions within 90 days. There's confidential business information contained in those. There are a number of things—

Mr. Francis Scarpaleggia: Okay, fine. Thank you.

I was reading about cosmetics, specifically that Breast Cancer Action Montreal is quite concerned about the ingredients in cosmetics. According to their statistics, a shampoo, Neutrogena, for example, apparently contains 689 ingredients, 137 of which raise health concerns and 65 of which present safety concerns. Further along, an article in the *Montreal Gazette* says that in the United States, 89% of the 10,500 cosmetic ingredients sold there have not been assessed for safety.

Is the situation the same here?

● (1035)

Mr. Paul Glover: We have regulations that require us to take a look at cosmetics and the substances in them. So it's not exactly the same in Canada as in the U.S., but I think it would be fair to characterize this as an area of growing concern. There are labelling issues with respect to cosmetics, or with the absence of labelling. There is a push from the population for improvements in this regard.

Mr. Francis Scarpaleggia: Obviously, somehow the CEPA process, whether it relates to timelines or any other aspect of the process, doesn't seem to be taking care of this problem. Would you agree? And if so, why? What is the weak point in the legislation—the regulations or the timelines?

Mr. Paul Glover: CEPA is one piece of legislation within the federal family. You also have the Food and Drugs Act and you have cosmetics regulations. What we have to do is to coordinate an assessment within those. So a substance may be used in an industrial setting, in consumer products, and in pharmaceuticals; we have to take a look at how that substance is used.

Mr. Francis Scarpaleggia: Sorry to interrupt you, but I don't have much time.

What is preventing you or any other department in the government from moving faster on this? For example, the European Union has amended its cosmetics directive to ban the use of chemicals known to cause, or strongly suspected of causing, cancer, mutations, or birth defects. Since 2004 cosmetic companies are required to remove hazardous chemicals from cosmetic and personal care products sold anywhere in the EU.

Again, why can they do it, but the United States can't and we can't?

Mr. Paul Glover: Science is constantly evolving. All I can tell you, sir, is that we do the best job available.

Mr. Francis Scarpaleggia: What's the impediment? What's keeping us from doing a better job? Is it resources or is it a timelines problem?

Mr. Paul Glover: I can tell you that both departments work very hard on the priorities with the resources we have. Science is always evolving.

Mr. Francis Scarpaleggia: Thank you.

I'd like to give some of my time to—

The Chair: We have one minute.

[*Translation*]

Mr. Pablo Rodriguez (Honoré-Mercier, Lib.): I am a bit nervous. Mr. Scarpaleggia talked about Neutrogena. That is what I have been using every day, until today.

I would simply like to ask Ms. Wright if she can make a very quick comment on the findings and recommendations contained in the report prepared by Ms. McKay.

[*English*]

Mrs. Cynthia Wright: I'll make it fast because peer review was already handled.

[*Translation*]

Risk management, proportional risk versus actual risk is a question under consideration. It involves determining what the actual risk is and what the best tool is. So we consider a range of tools that we can use to control the risk.

[*English*]

I'll have to get back to you on the third thing, the PO mechanism. I'm not aware that it was raised in the new substances regulation.

[*Translation*]

There was an assessment of the increase, but I do not know what the results were, as it was done several years ago. I would like to respond to that aspect of the question in writing.

[*English*]

The Chair: Just let us know through the clerk, and then all members will have the information.

Mr. Velacott.

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC): I want to address my question to Mr. Freeman, and I'd like the Lung Association to comment as well.

Should the act enable other jurisdictions' risk assessments to be recognized? We have international bodies that do this kind of stuff. Other countries are doing careful work. Should some of this be factored into—or more quickly factored into—our assessments in this country?

Dr. Khatter.

Dr. Kapil Khatter: We agree with other people on the panel who have talked about the need for enhanced sharing of information. In particular, with the REACH setup happening in Europe, Canada needs to ensure that we can get the information that companies will be submitting as part of this program, so we can use it in our assessments. We would support having their science and assessments to base our work on, but we would not necessarily take their assessments and simply act on them. We need to be able to review their assessments to ensure that they are applicable in Canada.

Mr. Maurice Vellacott: Some substances that are new to Canada have been assessed elsewhere, maybe very thoroughly. Having this information from them would accelerate the process, would it not? If it's good, peer-reviewed science, why would we not want to use it?

Dr. Kapil Khatter: You're speaking of new substances?

Mr. Maurice Vellacott: That's correct, but they have originated and been assessed elsewhere.

Dr. Kapil Khatter: The new substances program is very fast, partly because Canada is harmonizing with other countries in respect of the data set that's required. Once a company has done that data set for another country, they will be able to submit their data set here and we will turn it around in 90 days. If we don't turn it around in 90 days, then it goes on the market automatically. So I don't think anyone is complaining about the timeline.

Mr. Maurice Vellacott: Is there some reason why we don't get information? There was an allusion to the United States or some countries that, for their own reasons, will not provide or divulge it. Is that a problem or a barrier? There was an allusion by one of the presenters that it was not possible to get the information through the States. Is this often a barrier in getting material from other jurisdictions?

Dr. Kapil Khatter: I'm not up on TOSCA, in respect of the confidentiality issue. I think we need to look at business confidentiality and balance it with the public good—health, safety, and the transparency around public health and safety data. We need to be able to get this information from other countries. With respect to REACH in Europe and our relationship with the U.S., we need to be working harder at sharing information.

● (1040)

Mr. Maurice Vellacott: You're saying we are not obstructed in getting this information, for the most part, from other countries, be it Europe, the States, or elsewhere.

Dr. Kapil Khatter: I'm not sure what the present reality is. I think we're going to have to negotiate around REACH. I'm not an expert on TOSCA in the U.S., so I'm not sure whether the confidentiality issue is a barrier.

Mr. Maurice Vellacott: I wanted Health Canada to respond as well.

The Chair: Mr. Soule, do you want to respond?

Mr. Jack Soule: I'm making a presentation on this on Thursday.

Essentially, the problem with TOSCA is that the U.S. EPA uses other companies' data, as well as the notifiers' data, to make a decision. It's because there are third-party data involved, which may be confidential, that they have trouble sharing their assessments. It's a complex problem. It's not necessarily the original notifiers' data. We've had exchanges of data with the U.S. But this situation has posed a problem on the health side, in understanding their assessments.

Mr. Paul Glover: We do have reciprocal agreements with other countries, but we have had difficulties because of confidential business information. This has been a problematic area.

Mr. Maurice Vellacott: How much of a problem is it? On a percentage basis or numbers of products, is it a big problem? Does it loom large, or is it an insignificant problem?

Mrs. Cynthia Wright: It's fairly significant, because it's a problem with the U.S. information, and that's where a lot of the manufacturing and assessment is. With smaller jurisdictions, like Australia, we already have a complementary assessment approach. But it is a problem with the U.S. legislation.

Mr. Maurice Vellacott: My other general question, to the Lung Association again, is that in terms of managing substances, in what ways—and I guess you've made those comments in your presentation as well—does enforcement of the act need to be improved?

The Chair: Some of these items are going to be dealt with on Thursday, access to information from other countries and so on.

Your time is up, so I'd like to go to Mr. Lussier and then quickly to Mr. Watson.

[*Translation*]

Mr. Marcel Lussier (Brossard—La Prairie, BQ): My question is for Mr. Kenneth Maybee.

You said that air pollution was also linked to green house gases. You said that there were common sources, but that there were also common solutions.

In your case, what are the common solutions?

[*English*]

Mrs. Barbara MacKinnon: If I could answer your question, we know that the common sources are burning fossil fuels, for example. They make air pollutants and carbon dioxide. The common solutions could be in energy efficiency actions, where you reduce your individual usage of power—drive your car less. Also, some common solutions might be alternative sources of electricity, such as wind and solar power.

One of the things we have to be careful of in some of these solutions is that you can choose a climate change solution that might, for example, be burning wood, which is reportedly climate neutral. But burning wood creates a lot of air pollution, so it's perhaps a poor choice from an air quality point of view. You could have a solution for air pollution that doesn't fix climate change—for example, scrubbers on power plants, which take out sulphur, but they don't take out carbon dioxide.

[*Translation*]

Mr. Marcel Lussier: Thank you.

[*English*]

Mr. Kenneth Maybee: I would just add to it.

When you're dealing with the issue, there's a lot of knowledge and a lot of things that can be done. The thing we have not been able to fix is cultural change. We have to notify people. If we really are going to make advances, culturally, from a consumer's point of view, we have to educate the consumer that this is an important issue. We have a tremendous problem with climate change. We have a tremendous problem with air quality. We must educate the consumer about change, and then we have to change.

We also have to educate politicians about behaviour change, to get to the point where they start looking past an election period. Being from a non-profit organization, I can say that. We have to look for a longer span and develop a strategy that is going to work in the longer term. Then it will work.

The other thing that is critical, and perhaps the most important thing I can say here, is that federal and provincial civil servants are outstanding individuals. They're excellent. But they are understaffed for the job you want them to do. I can say that; they can't. If you really want to get something done under CEPA, you should do a review of the Department of Health, in particular, and the Department of Environment, and give them the tools they need to help you do the job. If you get them there, an organization such as ours is going to be able to help in partnership, and this can work far better than what you think.

● (1045)

[*Translation*]

Mr. Marcel Lussier: My second question is for Mr. Teeter.

We have already debated the issue of fertilizers. At the time, the point was made that the phenomenon of blue-green algae, which is currently present in many Quebec lakes, had several causes: the treatment of domestic waste water, septic tanks, fertilizers, soil leaching and so on.

Presently in Quebec, there are more and more bans on the use of lake water. One of the causes of the problem has just been identified. There was abundant rain last spring, very high levels of precipitation and soil leaching.

How should we interpret the fact that a non-toxic product undergoing a transformation implies that algae produces toxins?

[*English*]

The Chair: Very briefly, Mr. Teeter.

Mr. Michael Teeter: I'm not representing the fertilizer industry, so I shouldn't speak on their behalf, but a point I did make, and I think would get us to action faster, certainly on the question of ammonia, which was assessed under PSL.... If the debate there had focused more on what the context of the problem was, you would have achieved a solution much faster. In that case, the priority was municipal waste water treatment plants and effluents from them. If you had the system focused on that right from the start, I think we would have had action a lot faster, instead of focusing on the whole business of trying to list ammonia as a toxic substance.

The Chair: Mr. Watson, please keep it to about two minutes.

Mr. Glover, I understand you have a statement on timelines. If you could send that to the clerk, we'll distribute it to all the members. Thank you.

Mr. Jeff Watson (Essex, CPC): Thank you, Mr. Chair.

One of the things we haven't really discussed with respect to timelines is virtual elimination. I'll start with Mr. Glover and I'll invite some panellists to jump in after that, if we have time.

Once a substance has been placed on the virtual elimination list—and maybe this will depend on the substance, and I'll get one of these "it depends" answers—how long are we looking at for a substance to be virtually eliminated?

Mrs. Cynthia Wright: The general timelines still apply. The requirement is to have a proposed instrument within 24 months and a finalized instrument in place in 18 months, and that's to bring it to what is determined to be the level of quantification—in other words, the lowest detectable level possible, measured with current technology.

Mr. Jeff Watson: Maybe that leads to my question: Help me understand virtual elimination a little bit better and what that means in practice. Are there some real challenges with respect to setting the limits of quantity or things like that? Obviously, virtual elimination is different from banning something outright. We're talking about risk management, essentially. Can you walk us through what that means?

The Chair: Very briefly.

Mrs. Cynthia Wright: Very briefly, it is different from banning because some substances combine with other substances. The original concept was meant to get at those things that were not released intentionally into the environment but were created by a mixing of other things. It's focused on eliminating the release of those substances. The challenge is around the limit of quantification, because now we're finding other substances that meet the general criteria for virtual elimination but are not released in a normal way. They might deliberately be put in a product. So this whole concept of release and of the limit of quantification does not work for that family of substances. I presume that's the nature of your discussions next week.

● (1050)

The Chair: Yes.

Thank you very much, Mr. Watson.

I'd like to thank our panel, and I certainly appreciate your addition to our information. I dismiss you now.

We do have this set as an in camera session. I'm prepared to have this as an open meeting. What is the will of the committee? Any comments?

Okay, we'll proceed. I'll excuse the witnesses. Thank you very much.

We have several items we need to deal with, committee, and I'll be brief, for the sake of time, because we have another committee coming into this room.

The first item is a housekeeping item. It is the operational budget request for $18,800 to cover witnesses, and I would like a motion to accept this expenditure.

Mr. Mark Warawa: Yes. Are we in camera? This is in camera?

The Chair: No, it's not in camera. No one suggested it needed to be. Is everybody happy? Okay.

This expenditure, then—will someone move that we accept this?

Mr. Godfrey moves that.

(Motion agreed to)

The Chair: The second item we need to deal with concerns the main estimates, which have to be reported to the House. The supplementary estimates will be tabled on October 30, and the suggestion is that this was the previous budget for the main estimates. Over 90% of the money has been spent, whereas the supplementary estimates would be the present government, and of course would be something where we could call for the minister, etc. So I would like a motion as to whether we send the main estimates to the House and then plan for the supplementary estimates.

Mr. Cullen, I believe you had your hand up.

Mr. Nathan Cullen: Maybe we can have our witnesses clear the room. It's hard to have an in camera meeting when—

The Chair: Well, we're not in camera, Mr. Cullen. We said we would just go open, so we're proceeding.

Mr. Nathan Cullen: I do have questions about some of the money that's been spent. I think it's been a topic of discussion, certainly since this new Parliament has started, where money was spent, whether it was effective.

I guess my question is more of a process question. If we wait until the supplementary estimates are before us, is there any denial of access to those main estimates?

The Chair: The main estimates have to be reported back to the House by November 10. If we don't report, they'll automatically be sent back November 10. So they're going back anyway.

Mr. Nathan Cullen: My question, then—because the way money was spent has been such a big topic, and we've talked about it lots in the House—is if we have a month and a half, can we not find a committee day to spend on it? I'm going to suggest very particular categories in the main estimates.

We didn't do it last time, and I think it was a regret for many committee members that we simply sent them back without any analysis at all. I would suggest that's where some of the problems arose, because we didn't do an assessment of where the government had spent its money. And the auditor just gave us a report, not two weeks or three weeks ago, that raised many concerns.

I understand how much pressure there is on the committee's time, but if we're not looking at and understanding the way government spends money, how can we do any proper assessment and advise on how the government chooses to spend money?

The Chair: Mr. Rodriguez, your comment.

[*Translation*]

Mr. Pablo Rodriguez: Mr. Chairman, I don't want to broach this topic specifically. I just want to make sure that we will be able to discuss Bill C-288 before the end of the meeting.

[*English*]

The Chair: Can we just deal with these estimates quickly? Would someone like to put forward a motion? We can vote on it and make that decision.

Mr. Cullen.

Mr. Nathan Cullen: The motion is not complicated. It's that we find one committee day to spend on the main estimates before they return to the House—prior to November 10, I believe you said.

The Chair: Does everybody understand the motion?

Mr. Warawa.

Mr. Mark Warawa: Just for clarification, you said "one day". Are you talking about a day when we would discuss that along with hearing from witnesses, or are you dedicating a complete two-hour period for the debate?

● (1055)

Mr. Nathan Cullen: I hadn't really scoped it. I imagined two hours, but we could take an hour of committee time, and have departmental people here who could address our questions.

Mr. Mark Warawa: I think that's reasonable. Thank you.

The Chair: Okay, I think the motion has been tabled.

Are there any other comments?

Yes, Mr. Vellacott.

Mr. Maurice Vellacott: So then the supplementary estimates are not under discussion at this point?

The Chair: No, we're talking about the main estimates.

(Motion agreed to) [See *Minutes of Proceedings*]

The Chair: It's unanimous, so we will try to set a date to look at the main estimates.

As you can understand, of course, we have witnesses scheduled for all of next week—they've all been arranged—but we'll look at some time in the couple of weeks after that.

The next item we need to deal with would be Bill C-288. What I would like to just mention to the committee is that the previous environment committee did a full report based around—and I know many of you weren't here—greenhouse gases, emission levels, the Kyoto Protocol, and so on. The committee did spend, literally, half a year on this. So that will fit in.

The second thing I would like to draw to the committee's attention is that the clean air act is going to be tabled this week, and obviously it will also fit into the discussion of this. So I think that should be under consideration as we look at this.

Mr. Rodriguez.

[*Translation*]

Mr. Pablo Rodriguez: Mr. Chairman, since the House adopted a motion to refer Bill C-288 to this committee about two weeks ago, and since the House wants this committee to examine the bill quickly, I propose that we undertake our work on this bill next week. I so move.

[*English*]

The Chair: The problem, as I mentioned, Mr. Rodriguez, is the number of witnesses who have already been arranged, and to be able to deal with that separately. We do have 60 days in which to report that back to the House.

Yes, Mr. Vellacott.

Mr. Maurice Vellacott: In terms of the weeks ahead and the committee witnesses coming for the CEPA review, is that next spring? What's the deadline? Is it at the end of the year, May of next year?

The Chair: May 10.

Mr. Maurice Vellacott: So that's a priority, obviously, I think we'd all agree, and we can't have an election hiccup coming on that one again.

My other question was in respect to the supplementary. What is the deadline, Mr. Chair, we have for that?

The Chair: They are reported on the 30th, and how long do we have? Some time in December.

Mr. Maurice Vellacott: Some time in December. Okay. And then, if I understand correctly, the clean air act or that bill is coming before the House some time this week, the later part of the week, I suppose. But with this being done at that point, we're going to have a discussion of Bill C-288, which impinges and cross-references on it, you might say. There will be issues in Bill C-288 that will be covered in this clean air act, or vice versa. So I would think that we'd want to get at that act, which is a government bill, before we get into the other.

The Chair: I would agree that we want to see what's in there. Obviously we've been waiting.

Mr. Bigras.

[*Translation*]

Mr. Bernard Bigras: Thank you, Mr. Chairman.

Since the House has already ruled on Bill C-288 and referred it to the committee, it would be important, I believe, to suspend our consideration of the Canadian Environmental Protection Act. Mr. Rodriguez has suggested starting next week, but we do not have to delve into it on Tuesday. I do, however, think that to respect the decision of parliamentarians in this House who want the bill to be considered by this committee, we should get to it as soon as possible.

I am convinced that if it were a government bill, we would already be considering it. I believe that Mr. Rodriguez's bill warrants our full attention. We must, as a committee, be diligent in this regard.

[*English*]

The Chair: Mr. Cullen, you were next, I believe, and then Mr. Warawa.

Mr. Nathan Cullen: Just for the committee's consideration, aside from Mr. Rodriguez's bill there are also two other private members' bills that deal specifically with the environment. We just throw a caution out there that some of these things have been in existence and have been worked on for quite a while. The committee is going to have to balance all of that. I understand the government's urgency in getting towards their bill. It can be a first-come, first-served basis.

● (1100)

The Chair: Mr. Warawa.

Mr. Mark Warawa: Mr. Chair, I appreciate where Mr. Rodriguez is coming from, in that he's got a private member's bill and he'd like to see it proceed. But we do have 60 days for that to be dealt with, to actually start the discussion, so there is no panic. The government, as he's quite aware, is going to table the clean air act this week. I think he would like to see Bill C-288 proceed before that, but in actuality we've heard from the commissioner very clearly that we need to work together, and I'm not seeing that as an attitude of being willing to work together. Mr. Chair, we have to work together to be able to achieve the goals the commissioner has given to us, to provide legislation that is going to be effective. Bill C-288 deals with a Kyoto initiative, which the commissioner very clearly said was not achievable, and to now try to repeat the mistakes of a previous government.... And it's ironic, Mr. Chair, that Mr. Rodriguez is supporting a leadership candidate who says that what Bill C-288 is trying to achieve is not achievable.

What is the point of proceeding with Bill C-288?

The Chair: Order. As you know, the room is being occupied.

Mr. Rodriguez, the last word, please.

[*Translation*]

Mr. Pablo Rodriguez: Mr. Chairman. I move that we begin consideration of Bill C-288 next week, perhaps not Tuesday, but Thursday at the latest. I would like this motion to be put to a vote.

[*English*]

The Chair: We have a motion, but we need to vote on it.

Mr. Mark Warawa: On a point of order. Mr. Chair, Bill C-288, as I said.... Mr. Chair, I have the right to speak on a point of order, do I not? Are we at the end of our time?

The Chair: We are at the end of our time. I believe we have a motion.

Mr. Mark Warawa: Mr. Chair, then to do this properly, it should be dealt with at the next meeting. Otherwise, Mr. Chair, I have the right to continue.

The Chair: We have a motion on the table. The clerk tells me we have to deal with that motion.

Mr. Mark Warawa: The motion is not in order. I'd like to share the reasons why, if I have your permission.

The Chair: The clerk advises me that it is on the agenda and it is in order. Therefore we have to hold a vote.

Mr. Rodriguez.

[*Translation*]

Mr. Pablo Rodriguez: Mr. Chairman, I move that the Standing Committee on the Environment begin consideration of Bill C-288 on Thursday of next week.

[*English*]

The Chair: We have witnesses for next Thursday, so we'll have to look at that and see how we can rejuggle them. They're international witnesses and obviously they've made arrangements—air tickets have been issued, and so on. It does pose some problems. We'll look at it and report back on Thursday.

(Motion agreed to) [See *Minutes of Proceedings*]

● (1105)

The Chair: Thank you.

The meeting is adjourned.

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