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Thursday, November 2, 2006

Chair

Mr. Gerald Keddy

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● (1110)

[*English*]

The Chair (Mr. Gerald Keddy (South Shore—St. Margaret's, CPC)): I call the meeting to order, pursuant to Standing Order 108 (2), the study on the Bennett environmental toxic waste incinerator in Belledune, New Brunswick. We have reduced quorum and we will try to get started, because I am expecting the rest of our members will be here ASAP.

I'd like to welcome our witnesses. We have with us Daniel Landry, from the Acadian Regional Federation of Professional Fishermen, and Inka Milewski, past president and science adviser for the Conservation Council of New Brunswick.

Welcome. I would ask you to go ahead with your presentation. Try to keep it within the time restraints if you can, and I would ask you to try to stay as much as possible—I realize this is a wide-ranging subject—to issues that are more concerned with the Department of Fisheries and Oceans, if possible.

Merci.

Mr. Daniel Landry (Fisheries Advisor, Acadian Regional Federation of Professional Fishermen Inc.): My presentation will be in French.

[*Translation*]

First, I would like to thank the committee for having us. The Acadian Regional Federation of Professional Fishermen is made up of the members of the Association des pêcheurs professionnels membres d'équipage, the Association professionnelle des crabiers acadiens, the Association des crevettiers acadiens du Golfe and the Association des senneurs du Golfe. Our fishermen have joined forces for more than 40 years to represent shared interests in scientific research geared to protecting and preserving marine species and their habitats.

Like all groups living around the Baie des Chaleurs, fishermen are deeply concerned about the construction of the Bennett Environmental contaminated-soil incinerator near the Bay. We are afraid that there has not been sufficient study of the risk of contamination to the Bay and the species harvested there. We find it difficult to understand why it is so complicated for an ordinary citizen to build a chalet at the edge of the water yet so easy to set up a plant that is as potentially dangerous for the environment as the Bennett Environmental plant is. We also do not understand why concerned groups are having such difficulty getting an environmental impact assessment conducted. Given the scope of the economic impact of this project on the Baie des Chaleurs, we believe that an environmental impact assessment is needed. Furthermore, such an assessment should also take into consideration the project's social and economic impact on our communities, where there is already a job shortage.

We are aware that our region has one of the lowest income rates in the country and a very high rate of illiteracy, which makes us an ideal candidate for this type of high-risk industry. However, we are also keenly aware of the importance of a healthy environment, since our survival has depended on the fishing and seafood-processing industry for more than 400 years.

According to University of Moncton economist Maurice Beaudin, the fishing industry accounts for 22 per cent of jobs and 23 per cent of employment income in the Acadian Peninsula. There are approximately 55,000 of us in the Acadian Peninsula. This represents a rather large number of jobs and a substantial economic contribution.

In contrast, the Bennett plant is expected to create 32 jobs. For how long? Given the contamination of the St. Ambroise site in Quebec, there is reason to wonder how long the government will allow such a plant, which contaminates and pollutes the surrounding area, to operate. Clearly, this industry is incompatible with the environment.

Agriculture, Fisheries and Aquaculture New Brunswick's 2004 industry report—the most recent statistics—indicates that seafood makes up 82.11 per cent of total exports to the United States. Of that number, herring, crab and lobster—the main species harvested in the Baie des Chaleurs — account for 69 per cent of exports to the United States and are worth $560 million annually.

Americans are known to monitor the quality of imported products very closely. By sending their contaminated soil to Belledune, our neighbours to the south will know better than anyone else what toxic contaminants are being treated at the Bennett plant. They will be watching the quality of our seafood products very closely and impose an embargo on imports at the slightest trace of contamination.

The new bioterrorism measures being adopted by the US government include substances, such as BPCs, dioxins and furans, that will be monitored and tested in fish samples. According to the current draft of Bennett's operating permit, New Brunswick could allow Bennett to burn up to three tonnes of BPCs annually and 10 tonnes of chlorinated hydrocarbons. These substances will be incinerated and will come from contaminated soil.

Bennett would also be authorized to incinerate dioxins and furans of a certain concentration level. If a single fish specimen was found to contain toxic substances above the US standards, we could find ourselves in a situation similar to the mad cow scenario, which led to bankruptcy for many producers.

Fishers have few means at their disposal to force Bennett to prove that it takes the matter seriously and show its ability to rectify errors and compensate others who use the Baie des Chaleurs, in the event of contamination.

● (1115)

Some of the information circulated in the media casts doubt on Bennett's honesty and credit worthiness, and this does not reassure fishermen.

A number of questions are being asked. What impact will the emissions from contaminants have on fish habitats? What are the dangers of dioxins and furans for humans and fish? What about the bioaccumulation of these substances in fish and the environment? Why is Fisheries and Oceans Canada not intervening to protect the damaged fish habitats of the Belledune area? What is the likelihood of an accident during shipping of contaminated soil? Who will compensate us? Who is going to want to buy our businesses?

Our job as fishermen is to supply fish-processing plants, within a protection and conservation framework created in co-operation with Fisheries and Oceans Canada. That framework includes the At-Sea Observer Program, the Dockside Monitoring Program, the keeping of ship's logs and even the installation of black boxes.

Needless to say, all of these measures are expensive for our fishermen and stem from F&O's desire to develop co-management and shared stewardship arrangements with fishermen.

Fisheries and Oceans Canada's commitment is to enforce the protection and conservation conditions. Since fishermen are being closely watched, we demand the same treatment for Bennett Environmental, and all other industries, enterprises and users in Canadian waters.

The Department of Fisheries and Oceans has a legal obligation under Section 36 of the Fisheries Act to protect fish habitats from contamination. We ask the Standing Committee on Fisheries and Oceans for help in urging F&O to fully assume its responsibilities with regard to the Bennett Environmental plant in Belledune, New Brunswick.

Finally, we request a full environmental assessment of the impact on the Baie des Chaleurs of Bennett Environmental's planned incinerator of soil contaminated by toxic waste. We also request a moratorium on the proposed plant and ask F&O to protect the fish habitats from the dangers associated with the incinerator.

The Chair: Thank you, Mr. Landry.

[*English*]

Mrs. Milewski.

Mrs. Inka Milewski (Science Advisor, Conservation Council of New Brunswick Inc.): Good morning.

On behalf of the Conservation Council of New Brunswick, Mr. Chairman, I would like to thank the committee for inviting us to participate. But particularly, I'd like to thank the honourable member from the Bloc Québécois for the Gaspésie—Îles-de-la-Madeleine area, Mr. Blais. Thank you.

I would like to frame my comments on the Bennett incinerator project in Belledune in the context of DFO's record in the Baie des Chaleurs, and particularly in Belledune, and the plan DFO has to modernize its habitat management program.

This plan is part of a government-wide initiative called "smart regulations" aimed at streamlining the regulatory system. As you've just heard from Mr. Landry, the fish resources of the Baie des Chaleurs have supported and have sustained hundreds of communities and thousands of people in Quebec and New Brunswick. The Baie des Chaleurs is part of a larger ecosystem, part of the St. Lawrence estuary, the southern Gulf of St. Lawrence ecosystem. It's a relatively deep bay. It's approximately 120 kilometres long and 40 kilometres wide at its maximum width. On average, less than 20 kilometres separate New Brunswick from Quebec, from the Gaspé coast.

A unique feature of the Baie des Chaleurs is a gyre. It's the result of two opposing currents that come into the bay and currents that go out of the bay to create a counter-clockwise current, or a gyre. It's a unique oceanographic feature in the world. There are not many of them around. Where these gyres exist there are areas of high fish productivity. These gyres tend to concentrate nutrients, larvae, plankton, eggs, which in turn attract food and are food for larger commercial species, as you've just heard. The gyre also traps contaminants, and it prevents a significant portion of the contaminants that come into the bay from industrial activity around the bay from leaving and going out into the larger ecosystem.

As a deep-water bay that could accommodate a wide range of shipping activity, the Baie des Chaleurs became not surprisingly an ideal location for industrial development. And nowhere along the shores of the Baie des Chaleurs has that industrial activity been as great as in Belledune in New Brunswick.

For 40 years, Belledune has been the site of a lead smelter, an acid plant, and until recently a fertilizer plant, a gypsum plant. In 1994 a coal-fired power plant was added to this industrial mix in this very tiny village. In 1981 plans were approved for a zinc smelter. It got under way, but the metal prices fell and as a result the project was called to a halt. Now, two years after the fertilizer plant associated with the smelter began operating, DFO scientists reported that due to the effluent at the end of this fertilizer plant's pipe, which is into the bay, a 200-square-metre area of the sea bottom had been basically covered with the waste from the fertilizer plant, which is calcium sulphate or gypsum.

By 1985 the effluent covered 31 hectares. By 1996 the effluent covered 44 hectares and had a volume of a million cubic metres. In some areas the waste gypsum was 12 metres deep. Today the gypsum that covers the sea bottom at the end of the effluent pipe looks like it's been paved with concrete.

In 1980 the lobsters and the mussels in the Belledune area and at least eight kilometres down current from the Belledune area were found to have high levels of cadmium and lead, above Health Canada guidelines. The metals were identified as coming from the lead smelter. There was no question of that. There was a ban on lobster fishing in Belledune harbour and the lagoon was put in place. That ban is still in place, and the lobsters caught in the lagoon and in the harbour area are incinerated.

● (1120)

By 1984 Environment Canada was calling the Belledune area one of the most contaminated areas in Atlantic Canada. In 1988 federal scientists identified high mercury and cadmium levels in the sediments in the area of the gyre I talked about. From 1979 to 2001 the effluent from the smelter failed every single toxicity test under the metal mining effluent regulations under the Fisheries Act. In 1998-99 the Geological Survey of Canada did an assessment of the sediments in the entire Baie des Chaleurs, and the researchers concluded, and I am quoting:

> Dispersion of smelter emissions by wind and ocean currents has resulted in an area of elevated metal concentrations in surface sediments that extends at least 20 km from the smelter.

So the marine sediments in the entire Baie des Chaleurs area have been elevated three to four times above background concentrations.

In 2004, 15 years after consultants estimated how many fish and fish larvae—baby fish—would be sucked into the intake pipe of the then-proposed power plant and killed, they finally did a study to estimate how many really are sucked in and killed by the intake. It's a cooling water that comes into the power plant to cool the plant.

As it turns out, their estimates were out by almost 700%. Instead of 8.1 million larvae being sucked in and killed, 54 million baby fish —larvae—are killed on the intake pipe of the power plant annually. Now, this is only an estimate based on five-months' worth of sampling. That number could be much higher. But in addition, they also estimated that 370 million eggs are sucked into the intake plant and 12,000 fish are destroyed.

Just 40 miles up the coast from Belledune is another power plant, and we have no idea how many numbers of fish, larval fish and eggs, are impinged and entrained—those are the technical terms—on the intake pipe of that particular power plant.

In 2005, after the Belledune area health study revealed that seafood consumption, specifically mussels, was one of the main pathways of exposure to metals and a significant contributor to the high cancer and disease rates of local residents in the area, DFO placed a ban on shellfish harvesting near Belledune. This was the first time in 40 years they had placed such a ban in an area because of metal contamination.

I think you will all agree that the failure to protect fish and fish habitat in Belledune and the Baie des Chaleurs by DFO and other agencies has been a stunning failure. How was this allowed to happen when so many federal and provincial agencies had such complete regulatory authority over the industries in Belledune? How could federal and provincial regulators so completely ignore the existing contamination in Belledune and allow a hazardous waste incinerator to be built in the area?

The answer to the first question can be found in a report I sent to every member of the committee. The French translation was sent Tuesday to the clerk, and I hope it's been distributed as well. If you look in chapter 3 and chapter 9 of that document, it specifically talks about the Baie des Chaleurs and the fish resources and fish habitat there. Throughout Belledune's 40-year industrial history, federal and provincial government planners, scientists, and managers reviewed the environmental impact statements for various projects, and they discussed the monitoring results done by industry. They noted the violations of provincial and federal air, water, soil, marine habitat, and food standards and guidelines.

Over those four decades respective ministers of federal and provincial agencies failed to impose sanctions, restrictions, or penalties when these industries were found to be violating air, water, habitat regulation and effluent standards, when leaks and spills occurred and monitoring equipment wasn't working. Throughout the 40-year history of Belledune none of these industries were ever sanctioned, prosecuted, or fined under section 32, section 35, and section 36 of the Fisheries Act. Simply put, the laws were never enforced.

● (1125)

The answer to the second question, how could another potentially polluting industry pass unchallenged by federal regulators, particularly DFO, is equally simple. DFO and government agencies failed to acknowledge the existing destruction and pollution burden in the area, and they had failed to do so for 40 years. They failed to assess the full range of possible environmental risks from the incinerators, specifically emissions from the facility, their potential deposition to the marine environment, and the possible transboundary effects of those emissions.

DFO officials were too preoccupied with applying a very limited interpretation of their mandate: effluent pipes, water courses, and waste water use. To consider pollutants released to the atmosphere and the potential effect on the marine environment was not even on their radar screen. In fact, even before all the questions that DFO officials had about this project were answered, the province had already issued a permit to construct and the building was under way.

Short-range and long-range transport of atmospheric contaminants and their deposition into the marine environment are an acknowledged pathway by which contaminants get into the marine environment. For example, we know that in the Arctic marine food chain the contaminants in those fish and whales and people are a result of atmospheric deposition from sources thousands of kilometres away.

The specific concerns that residents and fishermen have about the Bennett facility was the release of dioxins and furans, the most toxic man-made substance known to humans. Levels measured in quantities as small as 30 parts per trillion have been known to cause developmental effects in embryonic fish. One part per trillion is one grain of salt dissolved in an Olympic-sized swimming pool. These are concentrations of, really, unimaginably small amounts, and it's why people are concerned. The greatest source of dioxins, perhaps the most hazardous types of dioxins, are industrial municipal waste incinerators.

The Bennett facility, which, as you heard, does not have a permit to operate, is licensed to burn hydrocarbons and creosote, and a small amount of these chlorinated hydrocarbons like PCBs. Again, these numbers seem small to you. It's only 33 parts per million PCBs, but over the course of the year this amounts to three tonnes of PCBs. The reason people are concerned and we are concerned is that it is these chlorinated compounds that are the precursor or the necessary ingredient for the formation of dioxins and furans in the incineration process. When you put these soils through the facility, and mix them up with other contaminants at high temperature, you get dioxin formation.

We're being asked to believe that the pollution control devices that are on this facility are sufficient to prevent those dioxins from coming out of the stack. You just have to look at the case in St. Ambroise to understand why we have no faith in those pollution control devices.

So the specific concern about the fishing community and about these dioxins getting into the food chain and putting in jeopardy their fishery is very real. Food safety is becoming an increasingly important issue for consumers, and there are several examples in recent years where governments have reacted swiftly with bans and shutting down operations where products have been found to be contaminated.

For example, in 2004 the Dutch Ministry of Agriculture shut down temporarily 140 farms after cancer-causing dioxins were found in the milk of just two of those farms. The source of the dioxin was a potato byproduct, something that came out of a french fry manufacturing plant. The waste potato peels were then shipped and fed to these animals, and that's how it got into the food chain. So you can see how these things accumulate.

● (1130)

Just last week, CBC—

The Chair: I'm going to ask you to try to—

Mrs. Inka Milewski: I'm going to wrap it up.

The Chair: Because you're at 15 minutes, and I will warn you that for our interpreters, with phones ringing and BlackBerries going off, it's very difficult on their earpieces, and they have been known to get violent when that happens.

Mrs. Inka Milewski: All right. In fact, I'm just wrapping up.

So I won't go into the other example. In the case of Bennett in Belledune, it seems that neither the federal nor provincial government wanted to take responsibility for assessing the potential impacts of atmospheric depositions from this facility. Environment Canada eventually stepped in, but by then it was too late.

This brings me to DFO's proposed environmental process, modernization plan. This plan is underpinned by a risk assessment framework. Basically, projects are assessed on the basis of whether the project is a low, medium, or high risk to fish habitat.

It's not clear how DFO would have assessed the Bennett project under this risk assessment management framework, but given DFO's past record on this file, chances are that atmospheric deposition of contaminants would not be viewed as having an impact on fish habitat at all.

To say that the Bennett project simply fell between the regulatory cracks is an understatement. It is simply one project of a long line of regulatory failures in Belledune. So when DFO officials come before you to explain their new habitat management, ask them the tough questions. Ask them how their risk assessment approach would capture what their risk management framework calls the “subtle effects” of human activity, when their low, medium, high risk scale of impacts is such a coarse and subjective filter for screening projects.

Ask them how DFO intends to investigate the subtle, less obvious impacts of human activities. Ask them why the department is willing to trade off fish habitat that has taken thousands of years to mature for the creation of artificial habitats.

● (1135)

The Chair: I appreciate all this, but I'm going to ask you to wrap up, please.

Mrs. Inka Milewski: I'm wrapping.

And finally, I want you to ask them if they take any responsibility for the destruction of fish and fish habitat in Belledune.

Thank you.

The Chair: Thank you very much. This was a very good presentation.

We'll take our first questioner: Mr. MacAulay.

Hon. Lawrence MacAulay (Cardigan, Lib.): Thank you very much, Mr. Chairman.

Thank you for coming. I must say you didn't hold anything back. You were pretty emphatic. You laid it out as you see it.

I'd like you to continue on the risk assessment at DFO. That can't do anything for the situation right now.

Mrs. Inka Milewski: No.

Hon. Lawrence MacAulay: But you don't feel that this new risk assessment would have been of any value in stopping what took place, in any of the situations?

Mrs. Inka Milewski: No.

Hon. Lawrence MacAulay: And if you don't, is it just lack of government will on all sides? What needs to be done in order to ensure that the likes of this does not happen?

Mrs. Inka Milewski: You have to understand what the risk assessment process is all about.

Hon. Lawrence MacAulay: In my opinion, it should be to make sure that the likes of.... I'm not saying everything you said is gospel, but the fact is you certainly believe it, and you're basing it on some fact. There has to be some way to deal with those situations, hopefully some attempt or there's something going to be put in place to make sure.... We don't want to destroy our environment. Surely we don't want to destroy our environment everywhere.

Mrs. Inka Milewski: First of all, you need to understand that the risk assessment approach, that method, is more of a political process and a policy process than it is a science process.

Hon. Lawrence MacAulay: Does it not take any scientific view, or any risk assessment view, or see what professionals or scientists would give as information?

Mrs. Inka Milewski: We've had risk assessment—the really numerical models that try to estimate, to envision what the impact of a certain activity might be on the environment. There are so many uncertainties. Risk assessment methodologies started out, and this is where they have their history, in figuring out whether bridges are going to collapse or not. So—

Hon. Lawrence MacAulay: But can I ask you to refer to...? You were talking about the intake pipe at the plant and the desperate destruction of fingerlings. You might put that in as a—

Mrs. Inka Milewski: Well, that's a really good example, because risk assessment tries to control the damage but not prevent the damage, and that's the distinction. Risk assessments are about controlling as opposed to preventing.

The question is what alternative technologies there are in place. What's not required as part of the risk assessment process is to look at alternative, safer ways of drawing in that water. It's not a requirement under the risk assessment method.

That would be under a new method, and one of the recommendations I have is to take what's called a precautionary approach to managing potential projects. The risk assessment method really is trying to control or minimize the damage, not eliminate it, and I think what we need to be looking at is preventing, not minimizing or just trying to control it.

● (1140)

Hon. Lawrence MacAulay: But you also spoke about the effluent, and the pipe, and the destruction. I'm very interested in the fishery, of course, and there are plants on Prince Edward Island too that some people have indicated have caused some difficulty. You're talking about the destruction at the end of the pipe.

Mrs. Inka Milewski: Yes, absolutely.

Hon. Lawrence MacAulay: I'd like you to explain more about that and say whether you have any suggestions as to what—

Mrs. Inka Milewski: Right now, the way the management system works in DFO is that they allow a certain amount of habitat to be destroyed by the effluent coming out of pipes, out of every industry's —

Hon. Lawrence MacAulay: But what you indicated is not "some"; it's the total destruction of the area.

Mrs. Inka Milewski: It is, absolutely, and what I'm saying is that we really have to.... For example, in the case of the fertilizer plant, all that gypsum, back in 1968—and this was really quite smart—the minister said if we're going to start seeing an impact, you're going to have to take that effluent and treat it on land.

Hon. Lawrence MacAulay: Did they?

Mrs. Inka Milewski: No. They knew this was going to be a problem, and they said as soon as we start seeing a problem you have to start figuring out another way of treating that effluent. And they didn't do it, because once you give a licence to do something, it's really hard to take it back or make changes in the process.

So really, we're left with a legacy of industries that have really... what choice does DFO have? It licensed them. It's very hard to take that licence away. But what we're saying now is, we've learned from this. Let's take a different approach to our effluent pipes.

Last week DFO and Environment Canada allowed two mining companies in Newfoundland to dump their effluent into two lakes. They know that's going to kill the fish in them, but here's the compromise DFO made: you can kill those two lakes, but you have to create two other lakes.

Imagine creating lakes. This is called the "no net loss of fish habitat" policy. It's been on the books in DFO since the mid-1980s. It's called no net loss. If you destroy the habitat, whether it's 44 hectares or not, you have to create that habitat somewhere else. That could be just a matter of throwing some rocks into an area and saying the lobsters now live there—that's habitat; that's a fair trade-off.

Hon. Lawrence MacAulay: But you tell me—it was either you or Mr. Landry who said it—that all the fish at the end of this pipe are contaminated; they have to be disposed of; they're not fit for human consumption.

Mrs. Inka Milewski: That's right.

Hon. Lawrence MacAulay: How far will that expand? That will cause more difficulty as you continue.

Mrs. Inka Milewski: It's being done in Belledune right now. The lobsters that are caught in the harbour and in the lagoon are caught and incinerated, and they've been so since 1980.

Hon. Lawrence MacAulay: I think one of the biggest arguments to make—and of course that's why you're here, to make sure it's made a bigger issue—is that it can become a trade problem. It can become a Canada-U.S. issue, or it could be that our shellfish would have a problem entering the U.S. market, dare I mention it. But it's something that has to be.... Would somebody want to comment on that?

You have already commented on it, and, sir, you also commented. People like to say that these things are done because of.... Nobody wants it in their own area. You referred to education as the problem in your area. If you want to refer further to that area, I would be interested, because I take it that you're indicating it wouldn't be done in other areas, possibly. Is that what you were referring to?

[*Translation*]

Mr. Daniel Landry: Not really, no.

[*English*]

Hon. Lawrence MacAulay: You referred to education as a problem in your area, if I understood you correctly. Were you inferring that if people would have been more forceful at the time, this would not have happened? Is that what you meant?

[*Translation*]

Mr. Daniel Landry: Yes. Generally speaking, there is a belief that less-educated people will defend themselves less.

Back home, like in Prince Edward Island, people depend on the fish habitat and are aware of it, regardless of their education. Their parents and grandparents fished and their families still depend on fishing. It the habitats are contaminated, there will be no more survival.

● (1145)

[*English*]

Hon. Lawrence MacAulay: No, but of course overall you want to expand it much beyond that. It's the effect it has. I think we all know that if you destroy habitat, it's destroyed. But what needs to happen here is that.... It's a much bigger issue than just that one area. It can become a trade issue.

Do you wish to expand on that?

Mrs. Inka Milewski: If I may, it's interesting that you raised the trade issue, because—

Hon. Lawrence MacAulay: Only because I believe it was raised previously. I wouldn't dare mention it, if it wasn't.

Mrs. Inka Milewski: Let me quote from a 1980 briefing note prepared by DFO inspection branch officials on finding out that there were high cadmium and lead levels in some of the commercial species in the Baie des Chaleurs. I obtained the memo under the right to information, and it says in part—it's a long memo:

> If the high levels of cadmium are confirmed, this could have severe socio-economic and ecological consequences. High levels of cadmium could raise havoc in European and U.S. markets

So way back in 1980 DFO was very concerned about these high levels, and you may recall that at the time fishermen were very concerned.

Hon. Lawrence MacAulay: I believe when you were explaining it, they were concerned. Fishermen are concerned. You also had that DFO was concerned, but I think you explained that there hasn't been a lot done.

The Chair: I appreciate that, Mr. MacAulay, but we are out of time.

We're going to move on to Monsieur Blais.

[*Translation*]

Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ): Thank you very much, Mr. Chair. Hello to both of you and also to those accompanying you.

It is important for the members of this committee not only to be made aware of the situation, but also informed of the various reasons for concern about marine resources in the Baie des Chaleurs.

One of the reasons for concern, and you mentioned it in your presentation, is the cumulative effect. I know the Belledune site. It is not as if there were no other polluting plants there and someone wanted to operate an incinerator. Belledune has a history of pollution, as you mentioned earlier.

I would like to go a bit further and get more detail about this cumulative effect. You also mentioned that the Baie des Chaleurs region is susceptible to this kind of effect. If we were dealing with a river, the situation would not be the same. However, when we are dealing with a bay, where the water movement is less strong. . . . I would like you to give more detail about the cumulative effect.

[*English*]

Mrs. Inka Milewski: Exactly. As I described at the outset—and forgive me for taking so much time—unless you know the ecosystem, it's hard to understand what the fate of contamination is.

I've been a marine biologist for 29 years, and I've worked in a variety of institutions. In the Baie des Chaleurs, we have this unique situation. With the contaminants that are either deposited directly from effluent pipes or from stacks in the area, essentially most of that pollution stays, because of this unique oceanographic feature. It's right at the mouth of the bay in the Paspébiac area. Whatever goes into the bay stays in the bay. Over time, as various government agencies have reported, there is this accumulation of contaminants in the sediment in the water and, in turn, in the species. So right now we're saying that the pollution burden in this ecosystem is enough. We don't need one more gram of whatever contaminant could be coming into that.

There are certain things we cannot control, such as long-range transport from the United States, but we can control what happens on our shores. Whatever industries we want to site there, we must start thinking about atmospheric deposition dispersion and deposition into the marine environment.

● (1150)

[*Translation*]

Mr. Raynald Blais: It is a well-known fact that the Baie des Chaleurs was known for its rich marine resources. Perhaps Mr. Landry could answer my question at greater length, but over time, given the experience in Belledune and other places in particular, things have changed. Before, for example, waste from all municipalities ended up in the Baie des Chaleurs; this still happens in some places. Could you describe to us in a bit more detail what fishing in the Baie des Chaleurs was like in the past and what it is now? For example, the lobster harvested in Belledune was mentioned. That lobster is not edible; it is incinerated. Yet, the resource could be very interesting, economically speaking, but there is a history behind it. I would like to hear your words on this.

Mr. Daniel Landry: As industries set up around the Bay, places become contaminated and fishing areas are closed off. It used to be that you could fish anywhere in the Bay. Now, in the Baie de Caraquet, which is adjacent to the Baie des Chaleurs, shellfish harvesting is banned. In the Eel River Bar area, there is a ban on clams, because they are contaminated.

Mr. Raynald Blais: Since when?

Mr. Daniel Landry: I did a study on the species in that place in the early 1980s, and it was already contaminated. That was over 25 years ago. But if you look at each area in succession, it is small areas that are becoming contaminated one by one, and the effect is cumulative because it is no longer possible to decontaminate unless you stop the contamination process and clean up. If you continue contaminating bit by bit, at one point, there will be no fishing areas left.

The Baie des Chaleurs is still a thriving place in terms of fishing. There are pelagics, mackerel and herring that enter the Bay from the Gulf and allow small fishing operations to earn a living. If we continue polluting, little by little it will become impossible to fish in the Bay without receiving negative media attention. The press will say that our fish is contaminated. Once part of an area is contaminated, sometimes, if it serves someone's interest, they will say the entire Bay is contaminated.

[*English*]

The Chair: Very quickly, Monsieur Blais.

[*Translation*]

Mr. Raynald Blais: Initially, when there was talk about setting up the Bennett plant in Belledune—I remember it well; the project as such was launched in 2003—were you already concerned? Or did you become concerned later, once you learned what the project was about?

Mr. Daniel Landry: It was when I learned what the project was about that my concern grew.

We know that fines are usually immediately imposed when there are small oil spills. Fisheries and Oceans is very strict about any form of contamination by fishermen and seafood-processing plants.

We would never have thought that the plant could be set up without an environmental impact assessment being conducted first. We are dealing here with a plant that will be treating contaminants. We expected Fisheries and Oceans to require an environmental impact assessment before anything else.

The Chair: Thank you very much, Mr. Blais and Mr. Landry.

[*English*]

Mr. Lunney.

Mr. James Lunney (Nanaimo—Alberni, CPC): Thank you, Mr. Chair, and thank you to our witnesses. It's a very interesting story, a little complicated, we might say.

I just want to first register the disappointment that we didn't have a written presentation, because you had so many facts and figures. Most of us were writing furiously, trying to get some of these down. I guess it wasn't maybe submitted in time to be translated to French, English, or whatever.

I want to retrace a couple of things to try to clarify points that I only had partial information on. It's a very complex but fascinating discussion about what's going on in the Baie des Chaleurs.

First of all, for clarification, I want to ask about the factories, and I must apologize, I did miss the first few minutes of the presentation. The smelter in Belledune, is that still operational?

● (1155)

Mrs. Inka Milewski: Yes, it is.

Mr. James Lunney: Okay. So we had lead and cadmium issues related to that.

Mrs. Inka Milewski: Yes, arsenic, lead, cadmium.

Mr. James Lunney: And arsenic as well; okay, I missed that.

Is the fertilizer plant still operational?

Mrs. Inka Milewski: No, it stopped about eight years ago.

Mr. Randy Kamp (Pitt Meadows—Maple Ridge—Mission, CPC): It was ten years ago.

Mr. James Lunney: I would like to go back to the fertilizer plant for a moment, because you talked about many hectares, I don't know, 30 or 40 hectares that were covered.

Mrs. Inka Milewski: Yes.

Mr. James Lunney: That's about 100 acres covered, and in some places as much as 12 metres deep—almost concrete-like, I think you described it. In 10 or 12 years, or whatever it's been, is there any mitigation of that, or any observations? Is that still as bad? Is it restoring itself in any way?

Mrs. Inka Milewski: I think everybody may have received a copy of all of what I mentioned, so it's....

Mr. James Lunney: It's all documented.

Mrs. Inka Milewski: It's all meticulously documented, based on documents I obtained under right to information.

Specifically on the fertilizer plant, DFO is currently still negotiating what's called authorizing a HADD. DFO has a process for an industry that wants to dump effluent into a lake, a stream, a bay, or whatever it is. It has to get authorization from DFO for what's called a habitat alteration, disruption, or destruction permit. What's ironic is that this was never issued for the fertilizer plant. In a sense, the effluent was allowed to be dumped and allowed to affect the bottom without DFO ever issuing the company a HADD, which would have set out the requirements for the company to create new habitat for the habitat it destroyed. How it's going to re-create 100 acres of habitat, I don't know, but that is currently still under negotiation. They say the edges of this large area are slowly starting to recover, but they estimate that it will take decades and decades before it completely recovers—if, in fact, it ever does.

Mr. James Lunney: You talked about intakes on power plants. I believe it was power. Was that associated with a smelter?

Mrs. Inka Milewski: No, the power plants are separate.

Mr. James Lunney: Independent.

Mrs. Inka Milewski: Yes. That's a separate issue; it's a section 32 issue.

Mr. James Lunney: It's a tremendous loss of—I think one of our colleagues called them fingerlings—young fish and eggs, and so on.

I want to ask about that, but first could you clarify what it is that makes this unique. You described something called a gyre effect. Could you explain that?

Mrs. Inka Milewski: A gyre is the coming together of two opposing currents. So you have currents coming around the Gaspé and you have currents coming from what I call the head of the bay, and when they meet, they work in a counterclockwise direction. It's called a gyre. It requires two counter-opposing currents. As I said, they are not common.

Mr. James Lunney: So this bay doesn't flush with normal tidal action. You get flushing, but you get this effect right in the mouth. It tends to deposit things, like a trap, you might say.

Mrs. Inka Milewski: You get this effect. It's a trap, yes.

Mr. James Lunney: I appreciate you clarifying that.

Coming back to the issue about high temperature, what we call HTTO that's proposed, this is a fourth-generation plant, I understand. Even in Ottawa here they're talking about building a gasification plant for garbage. These things operate at extremely high temperature.

Mrs. Inka Milewski: A thousand degrees.

Mr. James Lunney: I understand for this one you're talking 1,000 degrees. I understand in Ottawa they're talking about something that goes as high as 8,000 degrees, which basically takes everything down to its molecular level.

Your concern—at these temperatures we're talking about here of 1,000 degrees, or 1,800 degrees Fahrenheit—is that some very toxic elements are still going to escape. I see the researcher has pulled down some figures here that they are operating at 90% to 99% efficiency. If you're talking about 1% emissions that are still hydrocarbons or chlorinated molecules, furans, is what you're concerned about the 1% that's not processed?

Mrs. Inka Milewski: That's right.

Mr. James Lunney: As I understand it, some of these high-tech smokestacks actually draw it back in and reprocess it at high temperature. Can you comment on the technology with this plant? Are you not satisfied with efficiency levels?

● (1200)

Mrs. Inka Milewski: It's not been proven, has it, in St. Ambroise?

Mr. James Lunney: Where is that?

Mrs. Inka Milewski: St. Ambroise, Quebec, is a site where Bennett Environmental operates what is called Récupère Sol Inc., RSI. It is another one of these high thermal oxidizer facilities. In the fall of 2004, I believe, the Quebec government issued an order for the plant to undergo some changes to its practices, because they found dioxins to be elevated in the vicinity of the plant. Obviously the plant wasn't working properly.

Mr. James Lunney: Is this the same type of plant, the same generation and technology?

Mrs. Inka Milewski: Yes, it is.

Mr. James Lunney: Okay. How long has that one been in operation in Quebec?

Mrs. Inka Milewski: It has been since 1997.

Mr. James Lunney: Okay, that would be a cause for concern.

Mrs. Inka Milewski: As I said, they were required to amend their practices and do some more monitoring. I have a copy of that. An ordinance was issued forcing the company to take certain measures, because the amount of dioxins in the vicinity of the plant had risen to something like six or seven times acceptable Canadian Council of Ministers of the Environment soil quality levels.

Mr. James Lunney: Was it the province that caused action to be taken, or was it the federal environmental—

Mrs. Inka Milewski: It was the province.

Mr. James Lunney: Can I come back to the question of the intakes on those plants? If you are concerned about healthier fish, that's one thing, but now we're seeing the loss of tremendous volumes of productive fishing area. What remedies are available? What do you propose technologically that would remedy the situation?

Mrs. Inka Milewski: One of the things I have told DFO is that they need to call for a science assessment process. They're called RAPs, regional advisory process, which I have participated in. They're peer-reviewed science processes that begin to examine what can be done and what is being done in other jurisdictions to address these intakes. It's not a new problem. It's just not a problem that DFO science has turned its mind to, which is remarkable.

Again under right to information, I have obtained the documents of DFO scientists who said that the levels of larval fish taken into the intake pipes are significant enough to perhaps have an effect on local fish populations, the long-term viability of local fish stocks.

Mr. James Lunney: "Perhaps" was a word there.

How long has the power plant been in operation?

Mrs. Inka Milewski: It has been in operation since 1994.

Mr. James Lunney: What's happening now? We heard nasty things about the crab in Belledune, and so on, that have to be incinerated—and the lobsters.

What are fishermen reporting in the Baie des Chaleurs? Are there changes in catches? Is there a decrease in the quantity and quality of your catches?

[*Translation*]

Mr. Daniel Landry: Fisheries management techniques have improved over the years. Studies are conducted on fish stocks and a determination is made as to what part of the stocks can be harvested. This allows fishermen and the Department of Fisheries and Oceans to help boost and improve the health of the stocks. However, we must not neglect the factors that have an adverse impact on initiatives aimed at improving the stocks.

● (1205)

[*English*]

Mrs. Inka Milewski: Herring populations are down; capelin populations are down; cod fishery, which there was, is gone; lobster fishery is down; scallop fishery, the natural fishery is so depleted they are now looking at enhancement methods to try to bring back scallops. Numerous species are in decline in the Baie des Chaleurs.

The Chair: Thank you, Mr. Lunney.

Could I clarify two points? The first one is on the gypsum deposit, or calcium sulphate. There must be a way to take that out of the pipe before it gets into the ocean. Does no mitigation occur there? Gypsum in itself is not a pollutant.

Mrs. Inka Milewski: I would beg to differ.

The Chair: The Bay of Fundy is full of it.

Mrs. Inka Milewski: In fact, DFO science has done some work around the effluent and whether it was toxic to fish. It doesn't just contain calcium sulphate, it contains some metals as well. The pH of it is toxic to fish. DFO science has done experiments on it. It is toxic to fish.

The Chair: The pH.

Mrs. Inka Milewski: The pH and also toxicity.

The Chair: My question is, can't they take it out of the pipe? This is just a point of clarification. Is there a possibility of taking that out of the pipe instead of dumping it into the ocean?

Mrs. Inka Milewski: They could have, but they didn't, and it's now moot, because it doesn't operate.

The Chair: Thank you for that.

You mentioned a lobster fishery close to the plant. Is that a designated fishery to prevent those lobsters from migrating out of the bay and getting in with the other lobsters?

Mrs. Inka Milewski: Exactly. It's what's called a controlled fishing area. The lobsters are caught to prevent them from going into—

The Chair: From entering the food chain.

Mrs. Inka Milewski: Absolutely.

The Chair: How many lobsters are caught in that area?

Mrs. Inka Milewski: I don't have recent numbers, but historically it has been in the tens of thousands.

The Chair: Thank you.

Sorry, Mr. Cuzner, but I needed those two points of clarification.

Mr. Cuzner.

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Thank you very much.

First, I want to apologize for not being here. I had to speak in the House, and this is the type of issue—

The Chair: And we apologize for missing you.

Mr. Rodger Cuzner: For not missing me.

Obviously, it's something that you don't come in and get ramped up to in any quick notion, especially if you were able to reference my chemistry marks from St. FX.

What I'm looking at is my next-door riding, Sydney—Victoria, the home of the Sydney tar ponds. You may have heard of them. Any environmental focus I've had over the last number of years has been consumed by the tar ponds issue.

As I watched the Belledune situation evolve, why wasn't there a CEAA panel or investigation? Why wasn't there a CEAA review done? What we have to concern ourselves with is why wasn't this triggered right from the outset? The minister at the time probably wanted to do the right thing, but the horse was out of the barn. From a process point of view, why was it not subject to review? Who dropped the ball?

Mrs. Inka Milewski: I have to say that everybody did.

The way it's been described is that this project came into the province on cat's feet, meaning it just sort of appeared; that there was some kind of negotiation going on that the citizens were really not privy to prior to its becoming a fait accompli. It was only afterwards, when we made right to information requests, that we began to see how it was that this could have happened.

And really, I think what we're talking about, from the residents' and the fishermen's point of view, is that nobody thinks about atmospheric deposition—that the emissions from a facility could actually fall into the bay and contaminate wildlife or fisheries. It's not in the scope of the imagination of DFO, even though the records of this happening are numerous. Everybody believed in the 99.99% number. People looked at the area and said, they need the jobs, and it was jobs at all cost. That mentality has pervaded the region.

So really, everybody dropped the ball. And when they did try to do something about it, as you perhaps know, when then-minister Minister Anderson intervened and said we're going to get a review and we're going to have a transboundary effect study, it was too late, and it lost on appeal in court.

We're here today, I think, to put DFO on notice that it must broaden, not constrain, its regulatory influence or its regulatory responsibility. It must start looking at these types of issues.

For example, another important issue that is out there—what I call a horizon issue—that is coming is seabed gravel mining and extraction.

What's interesting, Mr. Chairman and members, is that over the years DFO has been transferring responsibility for a lot of its regulatory responsibility to other agencies and associations. For example, DFO signed an MOU in 2004 with the Canadian Electrical Association to deal with those habitat management issues—those fish passages, and all of that. So DFO is not going to look at it.

● (1210)

Mr. Rodger Cuzner: Where the community is now, obviously what's up front and most important is harm reduction, and then some short-term—

The Chair: This is your last question, Mr. Cuzner.

Mr. Rodger Cuzner: Are PCBs involved here as well, or no?

Mrs. Inka Milewski: Yes. Well, they could be, yes.

Mr. Rodger Cuzner: Oh, they are?

So it's harm reduction, and then immediate, and then long-term....

Where do we go from here? From a federal perspective, I guess the harm reduction is the most immediate. I don't know. Do you have any suggestions, besides shutting it down?

Mrs. Inka Milewski: May I answer the question?

The Chair: Yes, you certainly may.

Mrs. Inka Milewski: Where the process is now, just so that everybody here knows, is that the facility does not have a permit to operate yet. It is subject to successful completion of what are called "source test emissions". That's been done, and it's under review.

Just before I came here, the province announced that it would not make a determination on whether they would give the facility a licence to operate until receiving the result of a hearing, which just finished last week.

And there is an appeal by the citizens before the Assessment and Planning Appeal Board of the New Brunswick government, under the Community Planning Act. The citizens are challenging the construction permit that was given to the facility by the planning commission in the area. That decision will be made perhaps before Christmas, or maybe not until the new year.

The province has said it would not make a decision on whether it would issue a permit until that process has been completed. Then it will decide what to do.

The Chair: Thank you very much for that answer.

Monsieur Blais.

[*Translation*]

Mr. Raynald Blais: Thank you very much, Mr. Chair.

I would like to touch on two things. The first one has to do with the mobilization of the public. The mobilization that we have seen in recent years in the area is simply extraordinary. It is not something you necessarily see everywhere.

To give you an idea of the scope of the mobilization, I would say that it is as if 40 per cent of the population of Montreal took to the streets to demonstrate against the construction of an incinerator in that city. Montreal's population, if you include Montreal-Centre and Greater Montreal, is 2 million. Forty per cent of 2 million is a lot of people.

In the Baie des Chaleurs, 40 per cent of the population was mobilized and took to the streets, and that does not include the petitions signed in New Brunswick and Quebec. The level of mobilization was very high. What do you think?

The other thing is how the committee could assume its responsibilities in this matter; someone has to. Are you suggesting that Department officials be summoned to speak to us about their assessment of the situation?

I would like you to talk about mobilization of the public and what the committee should do in response to your testimony.

● (1215)

Mr. Daniel Landry: This is one of the first times that I have ever seen such a large segment of the population mobilized on an issue, whether for culture or another issue. We have seen people from the Gaspé Peninsula, the Baie des Chaleurs in New Brunswick and First Nations people come together to denounce the arrival of this plant. The mobilization is unprecedented, and, what is more, it is for the environment.

Mr. Raynald Blais: What was more worrisome to the public in particular was the fact that no independent study had been conducted.

Mr. Daniel Landry: People feel abandoned. An environmental impact assessment usually needs to be conducted. There is an expectation that the people who are supposed to protect us should do their duty.

There should at least be an environmental impact assessment on a proposed toxic-waste incinerator.

Mr. Raynald Blais: Waste that comes from the United States.

Mr. Daniel Landry: It comes from the United States, which is also our main buyer of consumer goods. We need to be cautious because we know the extent to which Americans are able to block access to markets.

Mr. Raynald Blais: Ms. Milewski, you are a scientist. Mobilization to such an extent must confirm your own concerns.

[*English*]

Mrs. Inka Milewski: Like Monsieur Landry, and as I said, I've been at this as a scientist for 29 years, I don't think I've ever seen such an incredible mobilization of human effort against a development project in an area so sparsely populated, relatively, as I have in Belledune. Two and a half thousand people showed up on a sunny November day to say they were not happy about the way this facility came in, and the process.

It really is remarkable, but people given lemons make lemonade up there. Do you know that expression? And what they have done is form a committee that is looking to the future of the Baie des Chaleurs. In some ways this was a wake-up call to them, that if they were going to take the future of their bay to heart and if they wanted to take a direct involvement, they were going to have to become more engaged and were going to have to come up with a plan for future development for the bay. They are doing that. They are looking at a forum that they'd like to have in about a year's time to consider what kind of development they want in the bay.

● (1220)

The Chair: Thank you, Ms. Milewski.

I'm trying to be very judicious with the subject matter, and I want to point out to our committee members that there seem to be two issues. There is an issue of an industry that certainly seems to be polluting the bay, and it's a very serious issue. I very much see that as a Department of Fisheries and Oceans matter; there's no question. This new incinerator may be more pertinent to the Department of Environment. We don't know yet, and I'm certainly not in any position to judge. But let's stick to DFO issues, Monsieur Blais.

There are a number of issues. I understand, and I'm not trying to make a statement here, but if you've been burned once, you're twice shy, and it very much looks as if that's the issue.

But the pollutants that are in the bay, the mitigation of fish habitat, the issues that are directly affecting DFO, are important issues to this committee, certainly.

Mr. Kamp.

Mr. Randy Kamp: Thank you, Mr. Chair.

Thank you to the witness for coming. I appreciate your presentation, and I appreciate the report as well. I can tell a lot of work has gone into it.

Let me say at the outset that I'm not a scientist and don't claim to be one, but let me start, first of all, by asking for a brief thumbnail sketch of what the Conservation Council of New Brunswick Inc. is and where you get your funding.

Mrs. Inka Milewski: We're one of the two oldest environmental groups in the country. We started in 1969. We're a membership-based organization, and we're run by a board of 24 people from across the province. We get our funding partly from our membership, from fundraising activities, through grants from private foundations, grants from federal and provincial government agencies, although we don't get many of those because we don't apply for many. It's largely from private foundations, donations, and fundraising activities.

Mr. Randy Kamp: In terms of the substance of what we're discussing here this morning, we're kind of wide-ranging and have gone beyond just the proposed incinerator and into some past history, so maybe we'll just start there. A number of times you've used a phrase something like “DFO licensed them”. We need to be very clear exactly what that means.

For example, in terms of the fertilizer plant, my understanding is that it began operating in 1967, and frankly I think we'll find that all of the necessary provisions of the law at the time were met. In fact, I think you talked about doing some sort of assessment on whether there was going to be a HADD. That part, section 35 of the act, was enacted in 1976, so I don't think we can expect the department to have applied the law and regulations that were in place at that time.

With respect to the incinerator, I guess what I want you to do is correct me if I'm wrong. My understanding is that DFO reviewed in August of 2002 the original plan of the Bennett people, so it's not that it passed them by. Based on that review, they required some changes to the design. Those changes were made to the discharge pipe, if I recall, and based on that they concluded there was no likely HADD.

Once having concluded that, the department doesn't have a trigger to engage CEAA, the Canadian Environment Assessment Act. That is the way the law works at this point. Maybe it's wrong and maybe it needs to be changed. You make a compelling point, perhaps.

Mrs. Inka Milewski: You're absolutely right.

Mr. Randy Kamp: It followed the law at this point. It was later, in 2003, that CEAA approached DFO to do an interdepartmental review, which they did. On the basis of that, in 2004 DFO's opinion was that it was unlikely to cause any noticeable increase in contamination of habitats and resources or have toxic effects on fish populations in that ecosystem or downstream in the Gulf of St. Lawrence.

Are you just basically disagreeing with that conclusion?

● (1225)

Mrs. Inka Milewski: Yes, absolutely.

Mr. Randy Kamp: On the basis of what? These are scientists who reach these conclusions too.

Mrs. Inka Milewski: You know, it's interesting. They do it on the basis of a sort of risk assessment of hypotheticals, of possibilities, of models. Frankly, they don't have the capacity as a department to really look as broadly and as deeply at some of these issues.

Mr. Randy Kamp: If it's not modelling and risk assessment, what is it? You base your conclusions on what?

Mrs. Inka Milewski: They're based on what has happened historically. A good example is what has happened in the Arctic. If you had asked DFO scientists 20 years ago if they would have imagined that the discharge from power plants in Ontario would deposit mercury, or that there would be deposition of PCBs in the Arctic food chain that would bioaccumulate, they would have said no. The problem is that our knowledge is so incomplete.

What I'm saying is that the model they have to adopt for decision-making is the precautionary approach. The burden of proof was not on the facility to prove it wouldn't happen. We have to change that. That's why I'm here. You're absolutely right. In terms of the regulatory situation, there were certain laws that didn't come into effect at certain times. But when there was information.... It's very difficult to go back and say to the company that they have to do this and they have to do that. So why not on the up-front end of things say this is just too much of a risk. And there's a cumulative impact that isn't being assessed either. Looking at cumulative effects is not part of current risk assessment methodologies.

Mr. Randy Kamp: I'm not sure about that.

The Chair: Well, I'm quite sure we're out of time on this round.

Mr. Randy Kamp: Yes, I'm sure about that.

The Chair: Monsieur Blais.

[*Translation*]

Mr. Raynald Blais: The last part of my question had to do with what the committee could do from now on.

The committee has been informed and made aware of the issue, and some of the members will have to look into the matter further. In your opinion, would it be appropriate and responsible on our part to invite department officials to come and explain to us what is happening in that area?

If they accepted our invitation, what questions would you like us to ask them?

Mr. Daniel Landry: We would like you to ask Fisheries and Oceans to compare the effects of the contamination that occurred in St. Ambroise with what will happen in the Baie des Chaleurs. In other words, you need to ask whether fish are at risk of being contaminated. If there is no risk of contamination to fish or habitats, we do not see a problem. As fishermen, we are not able to conduct those tests. It is a responsibility that falls to the Department of Fisheries and Oceans.

Our fear is that fish will be contaminated. Once that happens, it will be too late to act. Heavy metals accumulate in fish and cannot be eliminated. The metals also build up in the human body. For people who eat fish, it is a point of no return. That is why we would like Fisheries and Oceans to help us conduct research to determine the risk of contamination to fish and habitats.

● (1230)

[*English*]

Mr. Raynald Blais: Inka.

Mrs. Inka Milewski: I absolutely agree. I think you need to ask DFO to come. They are in the process of modernizing their habitat management plan; that process is under way. The question is how that modernization plan would address another proposal like this.

Frankly, legally, I don't know what can be done about this project. It's not in your hands. But I think to try to prevent this from occurring again, when DFO comes before you to talk about its plan, think about Belledune, and about how this new plan would really change anything. What would really change under the risk assessment method they're proposing?

[*Translation*]

Mr. Raynald Blais: What is important for you is that the analysis model needs to be totally different. Otherwise we are going to end up in the same aberrant situation as the one we are in now, given the previous analysis model.

[*English*]

Mrs. Inka Milewski: Exactly. *Exactement*.

[*Translation*]

Mr. Raynald Blais: Thank you.

M. Daniel Landry: We feel that fish, when they are in the water, are the property of Canadians and the responsibility of Fisheries and Oceans. Once they have been harvested, their quality is our responsibility, but fish in the water are the responsibility of Fisheries and Oceans.

Mr. Raynald Blais: You are not sure what the conditions will be for future catches.

Mr. Daniel Landry: We are afraid that what we harvest will no longer be worth anything.

Mr. Raynald Blais: Thank you.

[*English*]

The Chair: Any further questions?

Mr. Kamp.

Mr. Randy Kamp: Thank you, Mr. Chair.

As usual, Mr. Blais has made a good suggestion. I'd be very interested in hearing what department officials would have to say.

Having said that, though, I think we need to remember that the responsibility for the administration of the pollution prevention provisions of the Fisheries Act, section 36, has been delegated to Environment Canada, particularly when it comes to atmospheric fallout.

So I guess my question is this. Are you also interacting with the environment committee or the environment minister? Are you also taking that approach? Also, then, if we have officials, we would definitely want to have officials from Environment Canada, who are maybe more on top of what's going on here than the DFO officials.

Mrs. Inka Milewski: We have made a request to speak before the environment committee.

The Chair: Are there any further questions?

Monsieur Blais.

[*Translation*]

Mr. Raynald Blais: I would like to read into the record that when we look into the seal hunt matter, we should invite Foreign Affairs officials to come and tell us what is happening. There is nothing preventing us from inviting Fisheries and Oceans and Environment officials to look at the contamination risks.

[*English*]

The Chair: I appreciate that, Monsieur Blais.

I have a couple of wrap-up questions here.

Thank you very much to both of our witnesses for coming here today. It was a very interesting discussion.

My role as chair, of course, is to try to stay within the realm of DFO issues, because this is the fisheries and oceans committee. There are parts of this that are certainly migrating across to the Department of the Environment. At the same time, there's a definite dovetailing that certainly can't be denied.

First of all, I'll preface my comment by saying I'm not sure the proposed incinerator that hasn't started up yet is something we can have much influence on. There is another set of rules and regulations concerning that. I will tell you I do question, although I understand it, the precautionary approach that would say you can't do anything because something might go wrong. After my saying that, there's a whole lot of issues you have listed, from industrial pollution going into the bay today...that there's been no mitigation on. I think that's really the issue we have some opportunities to deal with.

I have a real, major concern, and I want to double-check the number again, because you said 10,000 lobsters caught in the area of the—

● (1235)

Mrs. Inka Milewski: I have to say I don't know what the current numbers are, but the historic numbers are in this report and from documents.

The Chair: Yes, but per annum, per year, what would be the number of lobsters?

Mrs. Inka Milewski: Again, I don't know the current numbers, and I apologize. I can try to get that for you.

The Chair: But it's disturbing that we actually have a search-and-destroy mission to catch these lobsters, to make sure they're taken out of the food chain, to make sure they don't infect or get into the human food chain, when there's certainly nothing preventing codfish from eating juvenile lobsters and then getting into the food chain.

There is an issue here. It's one that obviously has been ignored or at least passed off to other departments up to this point, so I thank you for raising that issue.

I have a little frustration with government when government says they can't do anything because it's not their jurisdiction or it's not their department. Instead, if you have a problem with gypsum or sediment in the water and you can take it out of the pipe before it gets there, then that's the cost of doing business. That's the cost of doing business for the fertilizer plant, and they have an obligation to take that gypsum out before it gets into the ocean. I may disagree somewhat with your comments on how much that pollutes the ocean, how big that footprint is, what that causes, but the point is that there is no need for it to be there. That's something we can do something about, and we could certainly make a recommendation on it and the other heavy metals as well. Anyway, I just wanted to make those observations.

I very much appreciate you folks coming today, and I thank Monsieur Blais for bringing this issue before us. You can see the struggle we have between DFO, the Department of the Environment, and jurisdictions. It's not simple.

Thank you very much.

We're adjourned.

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