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# Standing Committee on Environment and Sustainable Development

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**Monday, June 9, 2008**

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**Chair**

**Mr. Bob Mills**

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## Standing Committee on Environment and Sustainable Development

Monday, June 9, 2008

•(1535)

[English]

**The Chair (Mr. Bob Mills (Red Deer, CPC)):** If we can begin, Mr. Bigras has put a motion before us.

Mr. Bigras, please address that motion to get us started.

[Translation]

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Mr. Chairman, I would like to begin by reading the motion I am tabling, and then I will explain my rationale.

That the Committee report to the House at its first opportunity the following:

Pursuant to Standing Order 97.1, your Committee is requesting an extension of thirty sitting days to consider Bill C-469, an Act to amend the Canadian Environmental Protection Act, 1999 (use of phosphorus) thereby providing the Committee with a total of ninety sitting days during which to complete its study of the bill.

The Committee finds it necessary to consult further in order to give the bill the consideration it requires. Therefore, it requests an extension of thirty sitting days.

The reason I am tabling this motion today is as follows: as you know, we have a schedule for our study of Bill C-469. According to that schedule, we were supposed to hear from witnesses today and go to clause-by-clause consideration of the bill on Wednesday. However, it is now clear that no committees will be meeting on Wednesday. Because we have until June 11 to study this bill, I am proposing an extension.

[English]

**The Chair:** Are there any comments or questions?

Mr. Bigras is proposing a 30-day extension, which of course will take it into the fall.

Mr. Warawa.

**Mr. Mark Warawa (Langley, CPC):** I don't have a problem with giving an extension to Bill C-469, but the testimony we heard at our last meeting from the department—Daniel Blasioli said what is being proposed would actually weaken CEPA—really concerned me.

What's being proposed by a Bloc member, Mr. André—and thank you for being here—and what the government did by notice of intent in February are pretty similar, but they have different results. In doing it by regulation as opposed to by a private member's bill, you use CEPA and amend what's already in CEPA to 0.5%. Its effective coming into force date will be July 2010.

So the bills are similar. The Bloc wants it to come into force approximately a year earlier, and we can hear from witnesses what the ramifications of that will be. But I want to remind the committee

that what's being proposed will actually weaken CEPA. We don't want to weaken any environmental legislation; we want to strengthen things when we can. We just did a total CEPA review about a year ago.

I'm a little concerned, and I would ask if Mr. Bigras would be willing to remove Bill C-469.

**The Chair:** Mr. Bigras.

[Translation]

**Mr. Bernard Bigras:** Mr. Chairman, the comments made by the Parliamentary Secretary go well beyond the purpose of the motion I have tabled.

You are free to give him some time to provide a rationale for his decision on the motion, but I would ask that you invite him to address the specific purpose of the motion, which is whether or not we should extend the period for consideration of this bill. We are not asking to extend the study of that matter. We simply want to ensure that the decisions we made collectively and on which we agreed will elicit a response. Unfortunately, some information was not available to us when we decided to plan our future work. On Monday, I believe the issue brought forward by Mr. Scarpaleggia and the Liberal Party will be on the agenda for consideration. That motion is intended to adjust our work schedule based on information that was unavailable to us last week.

[English]

**The Chair:** Mr. Godfrey, you may speak very briefly to the extension motion.

[Translation]

**Hon. John Godfrey (Don Valley West, Lib.):** We support this motion. This will allow Mr. Bigras to continue his discussions with the government throughout the summer, prior to clause-by-clause consideration. Next Wednesday is the ceremony with the Aboriginal people, and we have to respect that. However, we also have to respect Mr. Bigras' rights. We can extend this study into the fall. Discussions could then continue after we have heard from our witnesses today. We support the motion aimed at obtaining that extension of time.

•(1540)

[English]

**The Chair:** Is it the committee's will to vote on this now or to do it later? I think it's pretty straightforward—

**An hon. member:** Let's do it now.

**The Chair:** I think we should do it now. Then it's done.

Are you in favour of this motion to extend?

(Motion agreed to)

**The Chair:** Yes, Mr. Bigras.

[Translation]

**Mr. Bernard Bigras:** We can hear from the witnesses now, but I would like to have ten minutes at the end to take another look at our future committee work. I think that would be appropriate. We are not going to get into a second debate, but we should consider whether the Committee could meet next Thursday in order to proceed with clause-by-clause consideration. That way, we could complete our study of Bill C-469 and, next week, begin our consideration of other items, as agreed recently.

[English]

**The Chair:** Certainly that decision needs to be made now. If we were going to do clause-by-clause on Monday, we could then...or on Thursday. That needs to be decided. But we can come back to that.

I'd now like to welcome our witnesses. I would ask you each to make a brief presentation. Then we'll open it to questions from our members.

Mr. Marois.

[Translation]

**Mr. Richard Marois (President, Conseil régional de l'environnement de la Montérégie):** Good afternoon.

First of all, I want to say that I was notified rather late. As a result, I didn't have the time to do an in-depth analysis of the bill. However, I do want to talk a little about how we are dealing with the phosphate problem in our area.

To begin with, I want to point out that our regional council held a regional forum in April on the impact of blue-green algae, or cyanobacteria, in the Montérégie area. There is no doubt that discussions did not focus solely on the impact of detergents. Other important consequences for waterways and the groundwater in Montérégie were also discussed at that time.

Regulations dealing with the use of detergents would clearly be important and have an effect on the phosphorus problem in Canadian lakes. On the other hand, we believe regulations will resolve only part of the water contamination problem. The following is an overview of our discussions in relation to the different themes.

Let us begin by talking about agriculture. A number of participants emphasized the need for responsible agricultural practices, including protection of buffer strips and more environmentally friendly agricultural methods. Examples such as the La Guerre River project, organic growing and the addition of mycorrhiza foster more responsible agriculture and encourage a reduction in what is now extensive use of fertilizers, as well as a reduced need for watering—thereby decreasing water contamination caused by phosphorus, phosphates and other residues. Indeed, a resolution presented at the forum suggested that financial support be provided by governments—and I include both levels of government—with a view to fostering responsible agriculture and this type of growing practice and vision.

The next theme had to do with residences located on the shores of waterways or in isolated areas adjacent to a sewer system. The deterioration of some lakes and waterways has been caused by the poor use and poor protection of shoreline areas by residents, such as excessive cutting of vegetation or the use of fertilizers or pesticides in order to have a more even lawn. As we see it, the solution to that problem lies more in awareness raising and education regarding the environment. Unfortunately, monies available from the government—federal or provincial—for actions in this area are, in our view, inadequate or rarely available.

There is also the matter of the wastewater systems used at isolated residences. On the *J.E.* program that aired on the TVA network—I believe people here are familiar with it—we spoke out against the practice of discharging wastewater directly into the St. Lawrence River, into drainage ditches and waterways. That unacceptable practice is prevalent across the country. Rivers, lakes and ditches are thereby overexposed to contaminants of every imaginable kind, including nitrates, fecal coliforms and other pathogenic bacteria.

According to figures from the Ministry of Sustainable Development, the Environment and Parks (MDDEP), in Quebec alone, there are more than 850,000 septic systems being used by some 1.4 million people. Given that every individual discharges at least 250 litres of wastewater every day, more than 120 billion litres of wastewater are being released annually into the environment. We know that at least 60 per cent of these systems cause pollution because they are obsolete and no longer meet standards. Why is there no subsidy program in place? At the same time, infrastructure programs have helped urban residents, through subsidies of tens of billions of dollars, to build large sewer systems and filtering plants. Are there two classes of Canadians in this country?

In our opinion, the solution must come from both levels of government. Subsidies currently are available for the construction of wastewater treatment plants in municipalities that make the request. However, no subsidy currently exists for the construction of certified septic systems for isolated residences or sewer system in areas located too far away from urban facilities that no one can possibly afford to build.

Small municipalities and regions should be able to benefit from the Infrastructure Canada Program, which should include bringing such facilities up to standard. The operating and maintenance costs of these facilities could be paid through tax accounts, as is currently the case for subsidized systems. The impact of such a subsidy or regulation would be to encourage people to comply with current regulations, thereby allowing less advantaged or regional communities to have septic systems that meet health and environmental concerns. We don't want any more Walkertons.

● (1545)

We also believe that sewage treatment regulations and standards set by provincial ministries of the Environment across the country should be standardized.

However, it is important not to forget the groundwater. A study by Robert de Tilly of the MDDEP revealed the increasing possibility, as a result of climate change, that our waterways, including the St. Lawrence River, will evaporate over the next 25 years on an irregular basis, depending on the temperature. Indeed, that phenomenon has already been observed in the St. Lawrence River. You may want to refer to certain studies carried out by the Comité ZIP Ville-Marie in that regard. That has consequences for the water table. The capillary fringe, which is the area immediately above the water table, dries out because it follows the level of the groundwater. Over the years, significant cracks could open up in clay soil, possibly causing large fissures or crevices in houses located in the Montreal and South Shore areas. That could give rise to uncontrolled migration of contaminants of all kinds through the groundwater and into our waterways.

Let us look now at chemicals and detergents. All consumer products, such as detergents, cleaning products and soaps, should be subject to regular monitoring. These products should be required to comply with standards from the time of their development, based on the precautionary principle. Chemical substances already in use or their replacements should be required to have demonstrated their efficiency in relation to their potential impact on the environment. An unproven replacement product could create new problems in a not-so-distant future. As a result, it is essential to ensure that all new products are also environmentally friendly.

In closing, we believe that regulations dealing with detergents can be effective and positive, but without proper support from policies adopted in other areas, such as public health and the environment, they will not be enough. These regulations are intended to reduce the use of phosphorus, but in our opinion, they are not based on a comprehensive vision of the problem, which we see as key. Sustainable and integrated management have to occur at a broader level and consider all the factors that could potentially affect our environment and our waterways.

I will stop there and wait for your questions.

[English]

**The Chair:** Thank you very much, Mr. Marois.

Now we'll go on to Ms. Jelley. I'll just let everyone know that Shannon Coombs was to be with us on video conference, but her husband just had a medical problem, so she's presently on her way back and unavailable.

Thank you for filling in. We appreciate your being here.

**Ms. Chera Jelley (Director, Policy, Canadian Consumer Specialty Products Association):** Thank you.

I'm dealing with a cold, so I apologize in advance if I start coughing.

Mr. Chair and members of the committee, it's a pleasure to appear before the committee today. Unfortunately, as the chair has pointed out, Shannon Coombs, president of the CCSPA, was unable to attend at the last minute. I will try to answer any questions you may have to the best of my ability. I am Chera Jelley, and I'm the director of policy for CCSPA.

The Canadian Consumer Specialty Products Association is a national trade association, which represents 46 member companies across Canada. Collectively it is a \$20 billion industry, directly employing 12,000 people in over 100 facilities. Our companies manufacture, process, package, and distribute consumer, industrial, and institutional specialty products such as soaps and detergents, pest control products, hard surface disinfectants, deodorizers, and automotive chemicals.

On September 26, 2007, CCSPA announced an industry-led initiative to limit the phosphorous content of household automatic dishwasher detergent manufactured for sale in Canada, to a maximum of 0.5% by weight, effective July 2010. Regulatory and legislative changes with these same goals are currently under way in several U.S. states and in the provinces of Manitoba and Quebec. It is critical to have the same regulatory requirements in both Canada and the U.S., to ensure an integrated and harmonized North American market. This will allow our industry to remain competitive on the global market.

On February 15, 2008, the Government of Canada announced its intention to regulate the phosphorous content in laundry detergent and dishwasher detergents to a maximum of 0.5% effective 2010. The notice of intent was published the following day in the *Canada Gazette, Part I*. CCSPA supports the intent of the notice of intent and will be participating in the consultation process, both on the NOI and the anticipated regulatory amendments to the phosphorous concentration regulations under CEPA.

CCSPA recommends to the committee that Bill C-469 not proceed as it conflicts with existing federal regulation, the federal notice of intent to create new federal regulations, the draft legislation in Manitoba, and the draft regulations in Quebec.

There are a few reasons why Bill C-469 should not proceed. As stated in CEPA, it is recommended that separate regulations be established in order to deal with the concentration levels of a prescribed new trend in products such as laundry detergents and dishwasher detergents. The intent of CEPA was not to prescribe concentration limits within the act itself; it was done to keep the legislation concise and with the knowledge that it is more efficient to create or amend regulations rather than amend existing legislation.

As the senior counsel for the Department of Justice pointed out at the committee last week, CEPA is a framework that enables the creation of regulations. He said that the regulations are the best place to make these changes. If it is done via legislation, which is the intent of Bill C-469, it ties the hands of a flexible regime, i.e., CEPA. Changing the act itself actually weakens the regime; it doesn't make it stronger.

It is important to note that reducing the amount of phosphorous in automatic dishwasher detergents and laundry detergent will not solve the blue-green algae problem, as the largest contributors are human sewage waste and agriculture runoff. Laundry detergents and automatic dishwasher detergents account for approximately 1%.

Unless the two significant contributors are addressed, blue-green algae will continue to be a problem. An example would be Italy, which is one of three European countries to have a specific household automatic dishwasher detergent limit. Italy reduced the phosphorous content in household automatic dishwasher detergent to 6% over an eight-year staged process. While the eutrophication has been reduced, it is widely believed that it was a combination of substantial investment in upgrading waste water treatment facilities and consecutive years of dry summers.

In conclusion, regulatory authority already exists under CEPA to create regulations that limit the phosphorous content in products such as dishwasher detergent and laundry detergents. Providing limitations and regulations rather than legislation allows flexibility for future changes and/or additions. Making changes to legislation is often more challenging.

The federal government has already indicated their desire to regulate the phosphorous content in these products through a notice of intent. This will allow the government to amend the existing federal regulations and will ensure consistency with proposed regulations in Quebec, draft regulations in Manitoba, and current regulations that already exist in several U.S. states.

• (1550)

In our opinion, amending legislation may provide a cumbersome challenge for future governments to modify phosphorus levels for the targeted product categories in this discussion. Therefore, CCSPA recommends one of two options. The first is that the bill not proceed; instead, a motion should be passed requesting that the federal government proceed with a federal regulation under the phosphorus concentration regulation. The second is that the bill be amended to instruct the Minister of the Environment to create federal regulations under the phosphorus concentration regulations.

This will ensure that regulations are created, rather than amendments to CEPA.

As the officials from the Department of Justice have pointed out, amending the act, which Bill C-469 proposes, will actually weaken CEPA, not make it stronger. While we support the intent of the bill, we think it is better to amend the existing federal regulations.

Thank you for allowing me to participate today, and I welcome any questions.

• (1555)

**The Chair:** Thank you very much.

We'll begin with Mr. Godfrey.

**Hon. John Godfrey:** Dr. Carignan—

**The Chair:** I'm sorry, we have a teleconference.

**Hon. John Godfrey:** That's what I was wondering.

**The Chair:** Go ahead, Dr. Carignan.

**Dr. Richard Carignan (Full Professor, Department of Biological Sciences, University of Montréal, As an Individual):** Hello. I am Richard Carignan, speaking to you from Montreal.

**The Chair:** Very good. We can hear you.

**Dr. Richard Carignan:** Is it my time to speak? I will address you in French.

**The Chair:** Yes, you can begin.

[*Translation*]

**Dr. Richard Carignan:** I was asked to talk about Bill C-469. I was not asked to discuss agriculture or other sources of phosphorus. I believe the discussion has gone well beyond the subject. I intend to focus on the subject of today's meeting.

I have read Bill C-469; it strikes me as very naive. On has the sense that it was written by a kid in grade school. First of all, there is a very serious spelling error: in the French the text reads "interdiction de phosphore" in the singular; it should be "interdiction du phosphore". The word "phosphores" cannot be plural; therefore, it must be "du phosphore".

In the text I have in front of me, there is no mention of a specific limit or cap. However, it is very important to specify the maximum concentration. The majority of U.S. states or Canadian provinces that have recently passed similar bills have set a level of 0.5 per cent. That should be stated.

I am also wondering why the people who drafted this bill did not take inspiration from other bills that were recently passed in some U.S. states, such as the State of Washington, and four or five others. Indeed, this is a North American problem.

I would also like to correct an error made by the previous speaker. Of course, when you consider all the phosphorus imported from the large rivers of Canada, phosphorus in automatic dishwasher detergents only contributes approximately 1 per cent of that total. However, when you consider phosphorus of human origin imported into recreational lakes, including phosphorus from septic systems, that percentage rises to 10 per cent. I agree that removing phosphorus from dishwasher detergents will not resolve the problem posed by cyanobacteria, which has been evident for a number of years now. However, it is one way of reducing phosphorus from human sources. And, it is a way of reducing by about 10 per cent, at no cost whatsoever, the concentration of phosphorus from human sources in recreational lakes.

That is pretty well all I wanted to say. It is important to specify in the bill the maximum concentration that will be allowed—say, no more than 0.5 per cent.

I also believe that institutions like hospitals, where human health depends on the use of clean surgical and other instruments, should not be subject to this legislation. It should specifically target automatic dishwasher detergents or domestic products, as opposed to those used in institutions such as hospitals.

I really cannot add much more. In terms of the differences between a bill or amending a regulation such as the one in place under CEPA, I have no idea what the advantages or disadvantages might be. While I am not familiar with the legal repercussions, I have noted that bills have been tabled in the U.S. states, even though they most certainly have environmental protection regulations. Most U.S. states have opted for legislation. However, you are the ones with the expertise to determine whether it would be better to amend an existing regulation or introduce a bill. I cannot comment on that.

That completes my opening remarks.

•(1600)

[English]

**The Chair:** Thank you very much.

Mr. Vecco, welcome.

We'll ask you to make a brief statement and then we'll get on to questions.

**Mr. Giorgio Vecco (Coordinator, COMGA (Gatineau River Watershed Committee)):** I will read my statement.

[Translation]

The Comité du bassin versant de la rivière Gatineau, or COMGA, is a regional issue table that brings together a variety of players with an interest in the watershed. Its main mandate is to execute the Water Management Master Plan, or PDE, and its mission is to ensure proper protection of the quality of our water resources.

Following increased detection of algal blooms caused by external phosphorus imported into the lakes of the Gatineau River watershed and Quebec in general, the COMGA introduced an on-line petition on August 16th, 2007, calling for a ban on the use of phosphates in laundry and dishwashing detergents.

When the petition was completed, some two months later, 7,843 people from across the province had signed it and were in support of a complete ban on phosphates in soaps. That petition was immediately presented to the NDP, the Bloc Québécois, the Liberal Party, the Conservative Party and the Green Party.

The involvement of the Bloc Québécois, through its environmental critic, the member for Rosemont—La Petite-Patrie, Mr. Bernard Bigras, resulted in the tabling of Bill C-469, an Act to amend the Canadian Environmental Protection Act, with a view to banning the manufacture, sale or importation of laundry or dishwasher detergents containing phosphates.

Phosphates are still allowed in Canada in concentrations as high as 2.2 per cent by weight, in laundry soaps. As for automatic dishwashing soaps, the proportion of phosphates can be much higher. Some have as much as 8.7 per cent by weight, which reflects the maximum concentration allowed under the laws of certain U.S. states.

The COMGA supports any legislation intended to reduce phosphorus imports into our waterways, as they are one of the main causes of algal blooms from cyanobacteria. That is why we support a ban on the use of phosphates in soap. However, it is important to remain vigilant as regards the formulation of alternatives to phosphates. The addition of phosphates to soaps makes them better at cleaning, because they soften the water and release the dirt in suspension, making oil and grease soluble. Without the softeners, these soaps do not work well in hard water. Hard water is water with a calcium concentration of between 80 and 120 parts per million, which is the case in many municipalities across Quebec.

In the late 1980s, a number of European countries and some U.S. states eliminated phosphates from soaps with a view to avoiding eutrophication of waterways and the formation of mucilage in sea water. The softening action was achieved through the use of other sequestering agents, such as EDTA, NTA, zeolite and sodium citrate.

The COMGA believes it is extremely important that the use of sequestering agents intended to be an alternative to phosphates in the manufacture of soap also be legislated based on their environmental impact. For example, EDTA has sometimes been shown to be extremely toxic. It forms highly stable complexes with metals and can keep in suspension such heavy metals as mercury, cadmium or lead, which are deposited and remain inert on the bottom of waterways. EDTA may also react with iron in hemoglobin, turning it into a poison. Another sequestering agent, NTA, is suspected of causing mutations in humans.

Thank you for giving me this opportunity to present the views of the COMGA on this subject.

•(1605)

[English]

**The Chair:** Thank you very much. Now we will begin with our questions.

Mr. Godfrey, please.

**Hon. John Godfrey:** The bill as currently written deals with both laundry detergent and dishwashing detergent. To Ms. Jelley, on the action caused by phosphorus that allows soap to do its thing, is there a fundamental difference between what phosphorus is used for in laundry detergent as opposed to dishwashing detergent? Is it more difficult to replace it in one than in the other?

**Ms. Chera Jelley:** There is quite a difference between what phosphorus does in laundry detergent and in automatic dishwasher detergent. Most laundry detergents in Canada have been phosphate-free for years. It was a lot easier to replace phosphorus in laundry detergent because it was mostly used to lift soil during the cleaning process. In automatic dishwasher detergent it's a multifunctioning aid. It breaks up the soils and provides consumers with clean dishes. It actually aids in the cleaning process, which it wasn't doing in laundry detergent. It's a lot more difficult to reformulate automatic dishwasher detergent because it aids in the cleaning and sanitation of dishes, where it didn't do that in laundry.

[Translation]

**Dr. Richard Carignan:** I would like to comment on that. Phosphorus plays exactly the same role in both dishwashing and laundry detergents. This lady does not seem to have a complete grasp of her subject. The chemical role is exactly the same.

I would also like to take this opportunity to commend the final presenter, who raised a red flag with respect to potential replacements. Some phosphorus replacements are almost as dangerous for the environment as phosphorus is. As a result, there is also a need to legislate replacement products such as NTA, or nitrilotriacetate, which is not good for the environment. Therefore, the bill should also address replacement products, to ensure comprehensive legislation. We cannot simply replace phosphorus with another product that is known to be harmful to the environment, which is what manufacturers have done in the past.

[English]

**Hon. John Godfrey:** Ms. Jelley, do you have a view about the need for this law or some law or regulation to address the problem of replacements for phosphorus? Is there a process you would suggest so that Mr. Carignan and others would be reassured that the government was not just getting out of one bad thing and into another?

**Ms. Chera Jelley:** Our industry and our CCSPA members have committed to find a replacement for phosphorus that is as effective and has a better environmental profile. That is the commitment our members have made. Research is still ongoing on what that replacement would be. They're well familiar with the problems that other replacements that have been tried in Europe have caused.

[Translation]

**Dr. Richard Carignan:** I would just like to add that there are automatic dishwashing soaps already on the market that do not contain phosphates. There are replacements out there that do not harm the environment.

**Hon. John Godfrey:** And what exactly are they?

•(1610)

**Dr. Richard Carignan:** There are sodium citrate compounds that are an effective replacement for phosphorus. Tests have been conducted and the results were published in a number of Quebec and Canadian journals in recent months. Some of these products were considered to be as effective as detergents containing phosphorus. However, in terms of my own experience, I have yet to see anything as efficient and effective as phosphorus. But, perhaps we have to make Canadians understand that they cannot have a perfect dishwashing detergent that leaves no traces on their dishes—by that I mean chemical traces—and that at the same time does not harm the environment. So, we have to choose: are we going to make the environment pay or can we get along with glasses that may have small water spots on them after drying? I think it's up to Canadians to decide.

[English]

**Hon. John Godfrey:** Now, what I'm trying to do is help the committee understand where changes would have to occur, if there are changes to be made to the bill, that would help alleviate concerns. One would be to go to the 0.5% rather than total elimination. That one would align itself with what's happening in various American states.

Another question is the starting date. This bill would have the act come into force under the 180 days, which puts us into next year as opposed to 2010. Another issue is law or regulation, or law asking for a regulation rather than a law just being a law. And then I guess the final issue is the question of whether there should be exemptions for certain kinds of institutions, whether those are hospitals or indeed—I don't know—university kitchens or other large-scale institutions.

Are those the primary concerns of the industry, Ms. Jelley?

**Ms. Chera Jelley:** Yes. As I stated in our presentation, we would recommend that this be a regulation rather than amending CEPA. If the bill proceeds as is and amends the act, then it will conflict with existing federal regulations. That is a major concern for us.

CCSPA has announced an industry-led initiative that would limit the phosphorus content in household automatic dishwasher detergent to a maximum of 0.5%, so we would support the committee in amending the bill if that is the desire of the committee. As well, we have asked for an implementation date of July 2010. Again, that is in line with the U.S.

The problem with the date of 2009 is that our member companies are still developing new formulations. If it proceeds in 2009, there is no guarantee that our members will be able to have products available for 2009. Our member companies represent 86% of the market in Canada. If we don't have a product for sale for 2009, that means there'll be a huge shortage of the product and it would probably increase the cost of the alternatives.

As well, in our industry-led initiative we support an exemption for commercial and institutional facilities. In these facilities, such as hospitals, universities, schools, restaurants, and hotels, their machines are completely different from a household machine. Their wash and clean cycle is one minute, compared to 30 minutes in a household machine. It's a completely different machine, so you would need a complete exemption for that sort of facility. In the U.S., they have a maximum of 8.7% for those sorts of institutions.

**Hon. John Godfrey:** Were you aware of Mr. Scarpaleggia's Bill C-464?

**Ms. Chera Jelley:** Yes.

**Hon. John Godfrey:** Was that more along the lines of what you were requesting, that is to say a bill that requested a change of regulations?

**Ms. Chera Jelley:** Yes. Instructing the minister to create a regulation is a better way to go about this because it wouldn't conflict with existing federal regulation. The only concern we had with Mr. Scarpaleggia's bill is allowing an exemption for commercial and institutional uses, but other than that, the bill is well written.

•(1615)

[Translation]

**Hon. John Godfrey:** Mr. Chairman, if I understood correctly, Mr. Carignan is generally favourable to the idea of granting an exemption to hospitals, universities and commercial facilities, in particular.

**Dr. Richard Carignan:** I agree with it where hospitals are concerned, but for all other commercial facilities, I do not.

**Hon. John Godfrey:** With respect to machines that clean in less than one minute, what substitutes—products or machines—could you suggest for commercial facilities such as hotels?

**Dr. Richard Carignan:** In hospitals and certain commercial facilities, it is very important that dishes be properly washed. I agree with the industry that, for that very reason, the best product is phosphorus. This is not as important an issue where household use is concerned, because there is no risk that the general population will be contaminated. If I were drafting a bill, I would exclude hospitals and possibly some commercial institutions.

**Hon. John Godfrey:** What about schools?

**Dr. Richard Carignan:** As regards restaurants and hotels, I think that needs to be discussed. For the universities, it's not as important an issue. In any case, I would certainly exempt hospitals. There are always trade-offs and, since a choice has to be made, I would say that, at the very least, hospitals should be exempted.

[English]

**The Chair:** Thank you.

Mr. Bigras, please.

[Translation]

**Mr. Bernard Bigras:** Thank you very much, Mr. Chairman.

First of all, Mr. Carignan, I just want to reassure you regarding the bill. The minor correction you mentioned will probably be made to the French. In terms of a limit, we, too, have come to the conclusion, based on discussions we have had thus far, that it is important to set a limit of about 0.5 per cent...

**Dr. Richard Carignan:** It is not just important, it is essential, if you want your bill to work, because trace amounts of phosphorus are found...

**Mr. Bernard Bigras:** Let me finish. So, there is the limit I just talked about, as well as the health care institutions, but I will come back to you a little later.

Ms. Jelley, thank you for being here today. I would like you to tell me how many multinationals in this world manufacture laundry or dishwashing detergents. How many major market players are there at the present time?

[English]

**Ms. Chera Jelley:** I wouldn't be able to answer that question. International...?

[Translation]

**Mr. Bernard Bigras:** As I was surfing on the Web site, I got the impression there are only about four. I do not want to have to name them, but I am thinking of Procter & Gamble, Cascades and a couple of others. There are not many multinationals in the market that are offering that type of product to consumers. As I was surfing the websites of each of these multinationals, I realized that they sell detergents and other laundry products in countries where a limit or ban is in place. I am thinking, in particular, of France, where Procter & Gamble sells its products.

Earlier, I was reading the text of the following order-in-council dealing with these products, as published in the Official Journal of the French Republic dated March 31, 2007:

**Section 1** - The marketing of laundry detergents containing phosphates for household use is prohibited as of July 1, 2007.

My question is a simple one. If you were able to start selling this type of product in 2007—I assume you were not violating the law in France—why could you not sell phosphate-free products here, in Canada and Quebec? How is it that you can sell those products in France, but it's complicated to sell them here, with the result that we have to wait until 2010?

• (1620)

[English]

**Ms. Chera Jelley:** Thank you for the question.

There may be some confusion. Several European countries have a complete ban on phosphorous in laundry detergent, I will agree with that. We don't in Canada. There's very little, if any, phosphorous in household laundry detergent. But the difference is for automatic dishwasher detergent. In France, for instance, no limitation has been set yet. Discussions are currently going on, but there's no limitation. In Europe only three countries have limits on the phosphorous content in automatic dishwasher detergent. Italy is at 6%, Norway is at 3.8%, and Switzerland is 2.5 grams per washload, which is equivalent to approximately 3%.

[Translation]

**Mr. Bernard Bigras:** Mr. Carignan was saying that the State of Washington has enacted regulations. Does that mean that your large multinationals are not complying with those regulations? I am trying to understand.

**Dr. Richard Carignan:** Would you like me to answer?

**Mr. Bernard Bigras:** Yes, if you know the answer.

[English]

**Ms. Chera Jelley:** They're just not selling products in those three counties. The regulation came into effect in those three counties in Washington State on January 1, 2008, and our member companies are not selling products in those counties currently.

[Translation]

**Mr. Bernard Bigras:** Mr. Carignan, you seem to be champing at the bit.

**Dr. Richard Carignan:** Pardon me?

**Mr. Bernard Bigras:** You must be champing at the bit.

**Dr. Richard Carignan:** Indeed. Please do not cite Europe as an example to be followed. Europe is behind the United States and Canada when it comes to regulating phosphate concentrations in household products. Europe has replaced phosphates in laundry detergents and some other dishwashing detergents with products that are almost as dangerous as phosphate. So, please, do not rely on European regulations. In fact, they will be changing in the next few years, because people are now realizing their impact.

**Mr. Bernard Bigras:** I see.

And, in terms of replacements, are clay- or zeolite-based products a possibility?

**Dr. Richard Carignan:** There are replacement products. NTA, or nitrilotriacetates, and EDTA have replaced phosphorus in a number of different European products. We do not necessarily want to follow their lead. As I say, there are currently dishwashing detergents available on the market that do not contain phosphates and do a very good job of cleaning dishes.

**Mr. Bernard Bigras:** That is exactly what I was saying. You must have read the same journal that I did.

**Dr. Richard Carignan:** Perhaps. They are not scientific observations but, based on what consumers are saying generally, they work just as well without harming the environment. Those products already exist. The problem in Europe is that they replaced phosphorus in laundry detergents with products that people feel are questionable, because of their potential to harm the environment. What we see emerging now in Quebec, elsewhere in Canada and in the United States are products that are not manufactured by the large multinationals, and that rely on formulas that are environmentally friendly and very effective.

**Mr. Bernard Bigras:** Excellent.

Mr. Carignan, I referred earlier to figures from the Government of Quebec regarding the number of lakes and waterways affected by algal blooms in Quebec between 2004 and 2007. The figures I am giving you may be debatable. There were 43 lakes affected in 2004; 49 in 2005; 107 in 2006; and, 259 in 2007.

**Dr. Richard Carignan:** That is an increase that exists only in your own mind. It is not a real increase. It is simply due to the fact that people are doing more monitoring now and reporting small algal blooms. I would remind you that algal blooms in Canada and the United States are not a public health issue. Do you know how many people have died as a result of cyanobacteria in the last 50 years in the United States and Canada? Can you give me a number?

**Mr. Bernard Bigras:** I suppose you have the answer.

**Dr. Richard Carignan:** Yes, one person—a young boy who thrashed about in a golf pond infested with cyanobacteria, about 20 years ago. So, there has been one person. This is not a public health issue; it is an environmental protection issue, just as acid rain is. So, we should not be scaring people talking about the dangers associated with cyanobacteria. Yes, it can make people sick, and it can even kill people—there have been cases across the world—but there are other public health issues that are far more serious. The problem is really one of environmental degradation.

The increase in the number of lakes affected by cyanobacteria is only a reflection of media coverage, because the media have greatly contributed to increased publicity around this problem. People have started to monitor the waterways and are seeing cyanobacteria. I can tell you that in Quebec, there are actually far more than 200 lakes affected by cyanobacteria. In fact, I can predict right now that some 300 will be reported this year.

• (1625)

[English]

**The Chair:** Mr. André, for one minute, please.

[Translation]

**Mr. Guy André (Berthier—Maskinongé, BQ):** My question will follow up on my colleague's comments.

In the bill, it talks about 2009 for implementing the rules that are proposed, because it was our view that municipalities, businesses and a variety of organizations are all engaged in a great deal of public education regarding the presence of phosphates in detergents.

Mr. Carignan, do you believe it is important to take action quickly in this area, considering that products are currently available on the market?

**M. Richard Carignan:** There is no emergency. We have been putting phosphates in our dishwashing detergents for two generations now. If we need to take another year and a half or two to resolve the problem, I think that will be just fine. We should not necessarily be moving too quickly. Let us give the multinationals time to adjust, if they are not overtaken by other companies who are already starting to market phosphate-free products. In my opinion, there is no urgency.

I also want to point out that the Government of Canada is dead last in this area, because a number of Canadian provinces have already passed legislation, as have several U.S. states, and their numbers are increasing on a monthly basis. I find it odd and rather amusing that this is the last piece of legislation you are debating at the federal level. It certainly does not say much for our position on environmental protection.

[English]

**The Chair:** Thank you, Mr. André.

We'll go on to Mr. Mulcair. You have 10 minutes.

[Translation]

**Mr. Thomas Mulcair (Outremont, NDP):** Good afternoon, Ms. Jelley, Mr. Vecco, Mr. Marois et Mr. Carignan.

I would like to begin with you, Mr. Carignan.

I would like to address another aspect of the problem. I believe we have covered the issue as regards dishwashing products. In that respect, I want to start by thanking you, Mr. Carignan, for the very complete answers you have provided. They will greatly contribute to our work here in committee.

A number of bills are currently under consideration. One of our colleagues referred earlier to the one sponsored by Mr. Scarpaleggia, the member for Montreal—West. We are also studying the proposals made by Mr. Bigras. On our side, we have proposed measures aimed at compensating farmers and acting on some of the factors which contribute to the production of blue-green algae. We are proposing a 10-meter buffer strip. Compensation would vary based on the type of crop that would, in a way, have to be sacrificed. Based on my own observations, farm producers are not against the idea of relinquishing part of their land, but they do not want to suffer economic losses.

Mr. Carignan, am I correctly interpreting your opening comment in saying that, in your view, any attempt to control the blue-green algae problem must include an agricultural component?

**Dr. Richard Carignan:** Well, not for recreational lakes. In lakes that are not affected by agriculture, the problem actually revolves around the fact that septic systems do not block phosphorus. At the present time, there are no septic systems available that are able to block phosphorus. The ones that are used now are designed to prevent bacterial pollution, which they are very effective at doing. However, technological developments will be needed in future. The fact remains that, in recreational lakes, the primary sources of phosphorus are human excrement and dishwashing detergents which still contain phosphorus. That phosphorus can be eliminated. In fact, we can eliminate quite quickly, and at very little cost, a small portion of it—about 10 per cent.

As regards land and lakes affected by agriculture, unsustainable agriculture is clearly the primary cause of phosphorus export. We clearly cannot afford to study this issue for another 100 years: we have to find a solution. The most logical choice would be to establish buffer strips where lumber production and agriculture would be combined. That is a good idea. That problem is far more difficult to resolve than the issue of phosphorus in dishwasher detergents. It has to be tackled. However, that is not something that is addressed in Bill C-469.

• (1630)

**Mr. Thomas Mulcair:** I understand, but our job is to try and find the best possible solutions. That being the case, it was important to hear your comments on this. However, before I move on to Mr. Marois, there is one point I would like to have clarified.

I don't want to interpret your comments, because I am only too familiar with your work on Laurentian lakes, but I would just like to know whether you are saying that you are not in favour of creating a buffer strip on recreational lakes.

**Dr. Richard Carignan:** No, absolutely not. However, I want it to be clear that banning phosphorus in dishwashing detergents will not solve the problem.

**Mr. Thomas Mulcair:** But, were there a buffer strip involving no compensation, there would actually be a form of compensation in the sense that people would not have to bathe in their own excrement.

Is it fair to say that, in recreational lakes, a buffer strip would nevertheless be a good idea?

**Dr. Richard Carignan:** Yes, it is a very good idea, but it alone will not resolve the problem. Over the long term, the design of septic systems located in proximity to recreational lakes will have to change.

**Mr. Thomas Mulcair:** Thank you very much.

I would now like to move to Mr. Marois who, I would remind you, is the President of the Conseil régional de l'environnement de la Montérégie. This area, which is primarily agricultural, does in fact comprise a large number of lakes and rivers that are very seriously affected.

Mr. Marois, you probably know that there is a system providing for compensation for agricultural best practices—specifically payment of a maximum amount of \$5,000 for creating a buffer strip in agricultural areas. The federal government has just renewed that program for an additional year. I would like to know whether you and your team have considered that possibility. A whole series of

solutions is being proposed as a way of starting to control the blue-green algae problem.

**Mr. Richard Marois:** Mr. Mulcair, before I answer your question, I want to go back to what Mr. Vecco and Mr. Carignan said earlier about replacement products. There are three of us here telling you that the issue is not time. I fully agree with Mr. Carignan: in that respect, we have to do things properly, as opposed to acting too quickly. As far as we are concerned, replacement products are an extremely critical issue.

As regards agriculture, the Council held a forum on cyanobacteria. We looked at the issue overall, as opposed to focusing solely on cyanobacteria. I agree with Mr. Carignan that the blue-green algae problem is having a lot of impact because the media have decided to run with it. But, to be perfectly honest, we intend to use it ourselves to raise awareness of the need for environmental protection.

Having said that, at the Forum, we determined that water is a public good. Based on that observation, a resolution was drafted and passed for the specific purpose of encouraging agricultural practices such as the 10-meter buffer strip and all the sustainable technologies related to agriculture. It is clear to us that agriculture is one of the major problems, but at the same time, people need help. As we see it, if water is a public good, then there is a need to support people working in the farming industry. This is the kind of problem that could be resolved by supporting the buffer strip project and new and attractive technologies. That is why I referred to the La Guerre River project and organic growing.

• (1635)

**Mr. Thomas Mulcair:** That's a good example.

Professor Carignan, you talked about silviculture. However, this is not the first time we have heard it said that, for certain new species, harvesting, even on the buffer strip, could be considered.

Are you aware of any studies dealing with that?

**Dr. Richard Carignan:** There are studies, but you should know that, in the short term, it will never be as advantageous to grow trees as it is to grow corn for the production of ethanol, for example.

I believe you are considerably off topic here. We were talking about phosphorus in automatic dishwasher detergents, and now we have moved on to agriculture and ethanol. I don't know how your committees work, but I certainly would like to see the problem of phosphorus concentrations in automatic dishwasher detergents resolved.

**Mr. Thomas Mulcair:** Well, you dealt so effectively and thoroughly with the issue, Professor Carignan, that we wanted to take advantage of your expertise and your presence here today to ask you about buffer strips. A parliamentary committee will be reviewing the other bill as well. We will invite you to appear when that happens.

**Dr. Richard Carignan:** I would be pleased to do so. Agriculture is an incredibly more complex issue than is phosphorus concentrations in detergents. There are known solutions, but there needs to be the political will to act on them.

**Mr. Thomas Mulcair:** Precisely! You are absolutely correct on that as well, Professor Carignan.

**Dr. Richard Carignan:** It is an old problem for which there are known solutions. We are not talking about applying new technologies; rather, it is a matter of better land use.

**Mr. Thomas Mulcair:** Yes, but around recreational lakes, the principle is the same. We are addressing a small part of the problem, but if the purpose of the exercise is...

**Dr. Richard Carignan:** Yes, and that small part of the problem is easy to resolve. On the other hand, if you move away from that and start discussing agriculture and polluted rivers, I can assure you that you will not be done with this by tonight. Other committees will have to address those issues.

**Mr. Thomas Mulcair:** It's like with everything else, Mr. Carignan. You talked about political will. But, there are people sitting at this table who have a different perspective and belong to different political parties. If we are able to agree right from the outset that this issue goes well beyond that of phosphorus concentrations in dishwasher detergents, if we can broaden our horizon, that may put us on the right track. That's why experts like you are so important.

**Dr. Richard Carignan:** Yes, but as regards dishwashing detergents, you have an opportunity to resolve part of the problem easily and at almost no cost.

**Mr. Thomas Mulcair:** You are right.

Mr. Marois, I would like to know whether, in Montérégie, you have had an opportunity to talk about buffer strips with the UPA or one of its member organizations and, if so, how the idea was received.

**Mr. Richard Marois:** It was very positive. I heard what Mr. Carignan said, and I will be perfectly frank. I made this point in all sincerity when I arrived—namely, that I was given very little notice. I had to get myself organized in no time flat.

As far as I am concerned, when we talk about integrated management, we are talking about tackling the problem as a whole. In that regard, my views are not perfectly in sync with those of Mr. Carignan. We cannot avoid part of the problem. But, we cannot solve only one aspect of the problem. At least, that is our perspective on this.

The forum on cyanobacteria that we organized in our area did not only deal with one issue; we talked about all the issues. Because I work on a collaborative basis, I just can't see it any other way. That is why my presentation today reflected that approach.

Having said that, we do work with the UPA. Collaboration is not always easy to accomplish. Of course, people may be for or against certain things, but the President of the UPA in Saint-Hyacinthe and the Vice-President of the UPA in Saint-Jean-de-Valleyfield are members of our board of directors. There has been progress.

Indeed, I would just like to give you an example of some great cooperation. The Missisquoi Bay area has been working to clean up the Missisquoi Bay watershed, where there was a problem with cyanobacteria some ten years ago. When Mr. Carignan says this is not a new issue, he is perfectly correct. What is different is that, nowadays, people take an interest in it, whereas previously, they simply forgot about it. There has been dialogue and collaboration in the community. At the beginning, people were simply pointing fingers. Everyone was to blame. However, through dialogue, we

were able to find solutions. In that specific case, the problem was clearly agriculture-related, because agricultural practices were not sustainable. People changed their behaviour, though, and that has clearly yielded very good results.

● (1640)

**Mr. Thomas Mulcair:** You are right because cases...

[English]

**The Chair:** Mr. Mulcair, your time is up. Thank you.

I will move on to Mr. Warawa.

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

Thank you to the witnesses for being here, and also to Dr. Carignan for being here.

Ms. Jelley, I would like to ask you some questions about the date of the act coming into force. As you are aware, the government introduced a notice of intent to regulate back in February, and for the benefit of you witnesses, I just want to read what Bill C-469 requires.

It says in proposed subsections 117.1(2) and 117.1(3), respectively, that:

Paragraphs (1)(a) and (b) come into force 180 days after the day on which this Act receives royal assent.

Paragraph (1)(c) comes into force 360 days after the day on which this Act receives royal assent.

So if Bill C-469 were to receive royal assent this fall, what would it mean to the industry if we had this in effect six months after receiving royal assent? What would it mean to consumers to have that product available?

**Ms. Chera Jelley:** There's a very good chance that CCSPA-paying member companies would not have products to sell by that date. We have committed to the July 2010 deadline, and that is what is happening in the U.S. It was an industry-led initiative in the U.S. Unfortunately, they can't do it federally, so they have to go state by state. All states, with the exception of three counties in Washington State, have the July 2010 deadline.

If Bill C-469 proceeds as is and gets royal assent this fall, there is a very good chance that 80% of the market would be gone until they actually reformulate. So that could mean there would be less product available to consumers, and the products that were available would probably rise in price, because they would have a larger share of the market.

**Mr. Mark Warawa:** So there'd be very little competition for a period of how long?

**Ms. Chera Jelley:** It would be until our manufacturers come with their new products, which we've committed to doing by July of 2010.

**Mr. Mark Warawa:** So July 2010 seems to be the standard that's been set in numerous jurisdictions. So Bill C-469 could speed up that process by maybe even as much as a year or a year and a half, but it could create a problem with product availability for consumers.

**Ms. Chera Jelley:** Currently, nil-P products in the U.S.—and these figures I'm not sure of, as I think they're from a few years ago—are .03% of the market. They likely would not have the ability to fill the demand. Our member companies make 86% of the products sold in Canada, and if they can't fill the demand, there will likely be less product or not enough product to fill the actual consumer demand.

**Mr. Mark Warawa:** It would have an impact on consumers, but it would also have an impact on the industry itself.

**Ms. Chera Jelley:** Yes. As I explained to Mr. Bigras, three counties in Washington State have moved toward an implementation date of January 1, 2008, and as a result our member companies are not currently selling products in those three counties.

**Mr. Mark Warawa:** Do you feel that the amount of time that has been proposed under Bill C-469 is reasonable? They are saying that they would like to see this enacted fairly quickly, and that it would have an impact on consumers and industry. Is it feasible or practical to have it done that quick?

**Ms. Chera Jelley:** From an industry standpoint, no.

**Mr. Mark Warawa:** Dr. Carignan, one of the questions you answered earlier had to do with whether you thought this was being done in a bit of a rush. I think your comment was that we should let industry take the time to do it properly. Were you aware of the government's notice of intent in February?

• (1645)

**Dr. Richard Carignan:** Yes. But I don't see any need for hurry in moving ahead with this date. I think it should be a single date for everybody in the game. July 1, 2010, seems to be reasonable for everybody, so I don't see the point of enacting this legislation earlier than July 1, 2010.

We have lived for the last 50 years with automatic dishwashers that are laced with phosphorous, and I think we can live six months or one year more.

**Mr. Mark Warawa:** I read the article you wrote for *La Presse* approximately 11 months ago. It was very useful to find out about the other causes of blue-green algae.

**Dr. Richard Carignan:** Unsustainable agriculture is by far the major culprit.

**Mr. Mark Warawa:** I think there is consensus that there is a problem, and I think we're also hearing from the witnesses that July 2010 is the better approach.

I'd like to go back to Madame Jelley, regarding moving forward by regulation or by legislation. We heard from the Department of Justice's senior counsel on Wednesday of last week. He said the Canadian Environmental Protection Act, CEPA, 1999, is the framework. By fixing either a prohibition or a limit in the act itself, you've tied the hands of what's intended to be a flexible regime. You've compromised its ability to evolve with changes and scientific information or other developments.

He went on to say:

I would say that a change to the act itself to crystallize these requirements in itself weakens the regime. It doesn't make it stronger.

I think you commented on the importance of having it done properly so that it strengthens, not weakens. You said that what's being proposed in Bill C-469 would actually weaken it. Could you comment on that?

Also, Dr. Carignan, could you comment on the importance of strengthening?

**Dr. Richard Carignan:** I don't care too much how you do it, as long as you do it. I don't understand the small details, the differences between the law and amending an existing bill. The thing is to do it.

**Mr. Mark Warawa:** Madame Jelley.

**Ms. Chera Jelley:** We agree with the senior counsel from the Department of Justice. There is currently a federal regulation under the phosphorus concentration regulations. It limits laundry detergents to 2.2%. If this bill proceeds and if the bill is amended to 0.5%, as is being proposed by some of the members on the committee, the legislation and the regulation would conflict specifically for laundry detergents.

The regulation currently says 2.2%, and the legislation would say 0.5%. That sends conflicting messages to industry and Canadians. That is why we are recommending that the bill either not proceed and a motion be tabled with this committee instructing the federal government to move forward amending the regulations under CEPA that already exist, or that the bill be substantially amended and that the Minister of Environment be instructed to create federal regulations. Either way, it has to be done by regulations rather than amending CEPA. We do not want CEPA weakened.

**Mr. Mark Warawa:** How much time do I have left?

**The Chair:** You have half a minute.

**Mr. Mark Warawa:** I've finished then.

Thank you so much.

**The Chair:** Thank you, witnesses.

I'll just interrupt for a minute and let members know that there will be bells at 5:12 p.m. and a vote at 5:27 p.m. That's a vote to extend sitting hours. There's been two hours of debate in the House; that's why the odd times. So there will be a vote at that time.

The one decision we do have to make is regarding Thursday. It was suggested by Mr. Bigras that we have a meeting on Thursday of this week.

• (1650)

**Mr. Mark Warawa:** Next week?

**The Chair:** No, this week. We're not having a meeting on Wednesday because of the announcement in the House. That's when we were scheduled to do clause-by-clause. So the suggestion here from Mr. Bigras, if I'm speaking correctly, is that it be Thursday, and the clerk will have to find a time. Otherwise we would do clause-by-clause on Monday, which means, then, that we would not bring in those advisers regarding Mr. Scarpaleggia's issue on Monday. We need to know that now so we can cancel or confirm speakers for Monday.

Mr. Bigras.

[*Translation*]

**Mr. Bernard Bigras:** Mr. Chairman, I think we should proceed with clause-by-clause consideration Thursday morning because, if I understood correctly, there will be a debate in the House on Mr. Godfrey's bill on Thursday afternoon. Because the critics will likely have to be in the House, that only leaves Thursday morning.

[*English*]

**The Chair:** Mr. Vellacott.

**Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC):** I was just going to say, even before Mr. Bigras made that statement, that the clerk is going to have real difficulty in terms of getting committee spots, because we've cancelled already on the Wednesday, but now there are all the other committees meeting on Thursday and we're trying to go after the same spots they are.

If we're now pushing it into the morning only, I suggest that your task, Mr. Chair, respectfully, and the task of the clerk will be made even more difficult, because there are far too many committees going after far too few spots. I say that just to prepare the member for a possible disappointment here, but I think that's what you're up against.

**The Chair:** Again, I can't comment on that. We haven't checked yet. But I would want to know the will of the members as to whether you want to meet on Thursday, yes or no.

Make a motion, Mr. Bigras, and we'll go from there.

[*Translation*]

**Mr. Bernard Bigras:** I have no problem with that, but I do not want to encroach on a motion already passed by the Committee calling for a review of the tar sands issue during the week of June 16. I think it is important to respect what the Committee has expressed in that vote. If it isn't possible to meet Thursday, we could certainly postpone clause-by-clause consideration until we return in September. I have no problem with that, since we have just passed a motion to extend the Committee's study of the bill.

Is the clerk able to confirm that, in accordance with the motion that has just been passed, it would be possible to wait until we come back for clause-by-clause consideration? If the government agrees, that would be perfectly acceptable to me.

[*English*]

**The Chair:** You've heard Mr. Bigras' suggestion. Can I get a response from Mr. Warawa?

**Mr. Mark Warawa:** We're fine with that.

**The Chair:** We won't worry about Thursday. We'll carry on with what we're doing on Monday and Wednesday next week. The

meeting on Wednesday, as you know, is cancelled. Is everybody in agreement with that?

**Some hon. members:** Agreed

**The Chair:** Okay, let's carry on until we hear the bells. We'll go to a Liberal member.

Mr. Scarpaleggia.

[*Translation*]

**Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.):** Mr. Carignan, are you still with us?

**Dr. Richard Carignan:** Yes. Can I leave now?

**Mr. Francis Scarpaleggia:** No, not yet! I have two or three questions for you, Mr. Carignan. At the risk of straying from the central issue, I would like to hear your opinion on the new policy—the new protocol adopted by the Government of Quebec, and specifically the Quebec Ministry of the Environment, for blue-green algal incident reporting. Some people feel there is a lack of transparency; others are saying that it's because the Government of Quebec doesn't want to be alarmist and that the problem is not as serious as people have been made to believe in the past.

Are you prepared to comment on that?

• (1655)

**Dr. Richard Carignan:** Yes. I believe the Government of Quebec made a very wise decision, because it was quite clear that the media had been exaggerating the magnitude of the cyanobacteria problem.

In reality, there are only fifteen or so waterways in Quebec that are seriously affected by cyanobacteria. All of them are waterways that have been impacted by agriculture. There is a cyanobacteria problem in many other lakes as well, and there it is a sign of poor environmental management, even though it is not a very serious problem.

As I was pointing out earlier, there has been only one fatality linked to cyanobacteria in the United States and Canada in the last 50 years. This is not a public health issue; it is an issue related to poor environmental management, particularly as regards unsustainable agriculture.

**Mr. Francis Scarpaleggia:** Thank you.

You seemed to be saying earlier that the exemption in this bill should not necessarily be limited to hospitals and that you are open to the idea of extending it to educational institutions, restaurants, and so on.

**Dr. Richard Carignan:** As a precautionary measure, I believe it should be extended to all institutions where pathogenic contamination could be spread to others. In my own mind, that primarily means hospitals.

Should restaurants be included? I don't know, but my personal opinion is that they should not. Of course, a restaurant patron may not like to see water spots on his wine glass. But people have got to make a choice: do they want sparkling clean glasses or do they want to protect the environment?

**Mr. Francis Scarpaleggia:** In hospitals, we are talking about people who are ill, but these days they don't keep patients in hospital for very long, because of budget cuts. It is quite true that public health issues are not necessarily limited to hospitals.

Do you think there is anything we may have missed?

**Dr. Richard Carignan:** No; my only point was that, by getting into a discussion of agriculture and buffer strips, we were getting off today's topic, which is Bill C-469 dealing with phosphorus concentrations in detergents.

We should not just forget about the other issues. However, my view is that those issues have to be resolved one at a time. You will never be able to draft legislation that deals with all sources of phosphorus at the same time. We have to resolve this problem piece by piece. And, phosphorus concentrations in dishwasher detergents are a small piece that we can resolve easily.

**Mr. Francis Scarpaleggia:** Perfect. Thank you for sharing your knowledge with us.

**Dr. Richard Carignan:** So, can I leave now?

**Mr. Francis Scarpaleggia:** As far as I'm concerned, yes.

**Dr. Richard Carignan:** Fine. Thank you.

**An hon. member:** No, not yet; please wait.

[English]

**The Chair:** Mr. Harvey, please.

[Translation]

**Mr. Luc Harvey (Louis-Hébert, CPC):** Mr. Carignan, please don't leave just yet. I do have questions for you, but I would like to address my first question to Ms. Jelley.

Is the soap used in Canada imported or manufactured primarily here in Canada?

[English]

**Ms. Chera Jelley:** It's mostly imported.

[Translation]

**Mr. Luc Harvey:** So, it is mainly imported. From where? The United States?

[English]

**Ms. Chera Jelley:** Yes, it's from the U.S.

[Translation]

**Mr. Luc Harvey:** So, amending the legislation prior to July 2010 could cause a soap shortage in Canada.

[English]

**Ms. Chera Jelley:** I believe 10 states have already passed legislation, based on the 0.5% maximum limit, with an implementation date of July 2010. I believe four or six other states are currently moving in that direction, but they all have the July 1, 2010, deadline. There's a complete exemption for commercial and institutional facilities, or a maximum limit of 8.7%. That's for hospitals, schools, or any sorts of facilities that have commercial or institutional dishwashing machines.

[Translation]

**Mr. Luc Harvey:** Fine, thank you.

Mr. Carignan, you said earlier that blue-green algae is not a public safety issue.

• (1700)

**Dr. Richard Carignan:** Public health issue. It is not a public health issue; it is an issue relating to poor environmental management. A good analogy would be acid rain. Acid rain never killed anyone. And yet, we have spent about \$20 billion in North America to try and solve, or at least, mitigate that problem. It has not yet been solved and it should be seen in exactly the same light: as a problem resulting from environmental degradation.

**Mr. Luc Harvey:** Mr. Carignan, this may be an urban legend, but I am told that long-term consumption of water containing traces of cyanobacteria can cause Alzheimer's disease and other illnesses.

**Dr. Richard Carignan:** It is an urban legend. The Quebec Ministry of Health and Social Services and other ministries in Canada have set standards with respect to cyanotoxins. In order to reach those cyanotoxin thresholds, there must be very significant concentrations of cyanobacteria. It is important to remember that cyanobacteria occurs naturally in aquatic environments. It's simply a matter of the type and quantity of cyanobacteria that are present.

I would agree that our way of managing lakes and rivers is not environmentally friendly and fosters the proliferation of cyanobacteria. The laws and regulations have to be changed. Eliminating phosphorus from domestic detergents is one way of reducing a small proportion of cyanobacteria at very low cost.

**Mr. Luc Harvey:** There is no doubt that, in that case, we are tackling 1 per cent of the problem.

**Dr. Richard Carignan:** No, you are tackling 10 per cent of the problem in recreational lakes.

**Mr. Luc Harvey:** Traces of soap represent 1 per cent of the problem, but in recreational lakes, the real issue is septic systems. It's not just soap.

**Dr. Richard Carignan:** Exactly. Dishwasher soap represents 10 per cent of the total phosphorus that ends up in a septic tank. So, the problem can easily be reduced by 10 per cent. To completely eliminate it, we will have to tackle other aspects of the problem.

**Mr. Luc Harvey:** I see.

A bill on the use of phosphorus was, in fact, tabled in February 2008, if I'm not mistaken. Now we are talking about a bill that would amend the Canadian Environmental Protection Act. Action has been taken, but based on a timeline of July 2010.

Ms. Jelley, for the average person who needs to clean his dishes and his clothing, what impact would the immediate removal of phosphorus have on soap prices?

[English]

**Ms. Chera Jelley:** The industry is still looking at the reformulation, so it's unclear right now if the price will increase, decrease, or stay the same. They're still doing their testing to find a product that is as effective as and has a better environmental profile than phosphorous.

[Translation]

**Mr. Luc Harvey:** Last week, Mr. Bigras brought in an issue of the magazine *Protégez-Vous*. It said that a phosphorus-free soap or one containing less than 0.5 per cent phosphorus costs between two and six times more. If we take away products containing phosphorus, thereby creating pressure, prices could go up.

**Dr. Richard Carignan:** I can answer that question.

• (1705)

**Mr. Luc Harvey:** Please do.

**Dr. Richard Carignan:** Over the long term, the removal of phosphorus from the products sold by the major manufacturers will have no effect on prices. Current phosphate-free detergents are expensive because manufacturers are producing much smaller volumes. Because it is scarce, manufacturers are able to charge up to five times more than for the usual products. However, even those products are starting to disappear from the market. Large chains, notably those that sell the *President's Choice* brand, are starting to sell dishwashing detergents without phosphorus that are no more expensive than the other products.

**Mr. Luc Harvey:** I have one last brief question.

[English]

**The Chair:** Mr. Harvey, your time is up.

Mr. Regan is next, please.

[Translation]

**Hon. Geoff Regan (Halifax West, Lib.):** Thank you very much, Mr. Chairman.

I think it is important to consider that there are different types of dishwashers. We were talking about that a little earlier. A commercial dishwasher has a wash cycle that lasts only about a minute or two, whereas a domestic dishwasher has a much longer cycle. Things cannot be cleaned properly in commercial dishwashers with products that do not contain phosphorus.

Is that correct, Mr. Carignan?

**Dr. Richard Carignan:** No. In any case, commercial machines use heat for purposes of sterilization. This may not even be a problem for hospitals. We would need to look at that. Dishwasher detergents that do not contain phosphorus are almost as effective as the other detergents. We would have to look at the cycle used in those machines, but I am pretty certain that they use heat for sterilization. Because sterilization occurs by using heat, commercial and institutional machines may not represent any risk whatsoever of disease transmission.

**Hon. Geoff Regan:** Have you conducted a study on commercial machines?

**Dr. Richard Carignan:** No, I have never conducted such a study. I am an environmental chemist; I do not study dishwashers.

**Hon. members:** Ha, ha!

**Hon. Geoff Regan:** But, like everyone else, I imagine you use a dishwasher.

**Dr. Richard Carignan:** Yes, but I am sure that most commercial dishwashers that have a one- or two-minute cycle use heat for sterilization. Also, one part of the cycle of most domestic

dishwashers is at a very high temperature. I don't think that the lack of phosphorus in commercial machines with a one- or two-minute cycle has any impact on the presence of pathogens in water.

**Hon. Geoff Regan:** Could you suggest some studies on commercial machines?

**Dr. Richard Carignan:** No, I am not an expert, although I am absolutely certain that those machines use heat for sterilization. The presence or absence of phosphorus in the soap used with these machines will in no way affect a risk of transmitting pathogenic organisms.

[English]

**The Chair:** Mr. Marois, I believe—

[Translation]

**Dr. Richard Carignan:** It is a question of heat, as opposed to phosphorus.

**Mr. Richard Marois:** I am from the health sector. I do think there is a need to exercise caution. There is more extensive and more serious control in hospitals and in the health care sector in general.

**Dr. Richard Carignan:** Exactly.

**Mr. Richard Marois:** Mr. Carignan understands what I am getting at. We do not have the same control over commercial dishwashers. Therefore, an obsolete dishwasher or one that does not work properly is not subject to that kind of monitoring. I just wanted to add that as an aside.

**Dr. Richard Carignan:** I would like to add something. I do think we need to exercise caution when it comes to commercial institutions, and particularly hospitals, but I do not believe phosphorus has much impact. It is really a question of temperature and sterilizing dishes and whatever else is put in these dishwashers.

**Hon. Geoff Regan:** Do restaurants not sometimes use the same kind of dishwasher?

**Dr. Richard Carignan:** Yes.

**Hon. Geoff Regan:** Mr. Marois and Mr. Carignan, you say that you are more concerned with the machines used in hospitals or other institutions but, at the same time, you are not saying that machines used in these institutions always work properly. What concerns you is that more people may be affected in a hospital, where the potential for infections is more of a concern; is that right?

• (1710)

**Dr. Richard Carignan:** I believe there needs to be more in-depth study of this. I am not an expert, but I suspect that it is simply a question of how hot the water is during the wash cycle.

[English]

**The Chair:** Mr. Marois.

[Translation]

**Mr. Richard Marois:** The other issue has to do with the scale of proliferation. Proliferation is different in a hospital as opposed to a restaurant setting, and we do have to ensure that the proper controls are in place. There is a greater problem with pathogens in a hotel or a hospital than there is in a private residence. Mr. Carignan pointed out earlier that it is essential to ensure that pathogens are destroyed in the hospital setting.

I agree with Mr. Carignan. It is very likely that in both hotels and the restaurant industry in general, the systems used ensure that, because the water is so hot, pathogens are destroyed. The problem, when it comes to the hotel industry and restaurants, is that there is economic competition, and you need to ensure that the machinery is working properly. In a hospital setting, they cannot afford to ignore that. Therefore, we have the assurance that there will be proper control.

As regards the commercial sector, I am more cautious. I am not saying that people exercise less caution, but nor am I saying that there is the proper framework in place to ensure that this kind of caution is exercised.

[English]

**The Chair:** I'm going to go to Mr. Vellacott. We have a couple of minutes left.

Then, Ms. Jelley, I believe you wanted to answer that as well.

Could you ask your question, Mr. Vellacott?

**Mr. Maurice Vellacott:** I had a question directly, mainly, to Giorgio at this point.

You mentioned a petition that 7,000 people had signed, which was available to all parties, I gather. You mentioned that you had some role or influence in the creation of Bill C-469. I would just ask along

those lines, then—because it's good when we get input from across the country, from different people and players, and so on—what kind of direct involvement you had in the drafting of this particular bill. In what fashion were you consulted?

**The Chair:** Mr. Vecco, can you answer very briefly? The bells are going now, so we need to leave here pretty quickly.

**Mr. Giorgio Vecco:** I think there was a misunderstanding because of the way I expressed myself. What I wanted to say is that we had a petition, and we presented the petition. That's the truth, but we cannot assume for that.... The Bloc Québécois took this initiative. There were already other initiatives going on; it was just what we can consider to be a good coincidence, but I would not be so proud as to say..... Of course, the Bloc also took that into consideration and invited me to this meeting.

**Mr. Maurice Vellacott:** You're being modest.

**The Chair:** Thank you, Mr. Vellacott.

I want to thank the witnesses.

Mr. Carignan, I'm not sure I want to get into a debate with you or not, but thank you very much for being on. Thank you to the other witnesses for being here.

The meeting is adjourned.

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