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Chair

Mrs. Joy Smith

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● (1530)

[*English*]

The Chair (Mrs. Joy Smith (Kildonan—St. Paul, CPC)): Good afternoon, ladies and gentlemen.

Welcome to our guests, our presenters, today. We're very, very happy to have you here today. We are going to listen to our witnesses and each group will have seven minutes per organization

We have the Brain Injury Association of Canada here, with Richard Kinar and Harry Zarins. Hi, Harry, nice to see you again.

We also have the Canadian Association of Fire Chiefs, with Kim Ayotte and Vicky Roper; and there is the Canadian Association of Speech-Language Pathologists and Audiologists, with Ondina Love —a beautiful name—and Chantal Kealey. Welcome to you.

Also, we have the Canadian Consumer Specialty Products Association, Shannon Coombs, the president; and from McGill University, Joe Schwarcz, director of the Office for Science and Society.

We will start with the Brain Injury Association. You have seven minutes. We're going to hear from each of the organizations, and then we'll go into a round of questions following that.

Mr. Kinar, please go ahead.

Mr. Richard Kinar (Board Member, Preventable Injuries and Health Safety, Brain Injury Association of Canada): Thank you so much.

I'm a little intimidated by the group I am talking to here, but I'd like to give you some history, because it references back to the Hazardous Products Act and the new bill that is proposed, and perhaps tell you about our frustration in trying to access a consumer product that we feel should have been covered under the old HPA. And reading through the new act, we wonder if you can actually get something through in a reasonable length of time.

If you consider that injury is a leading killer and disabler of our children, and that head injury is the leading killer of males under the age of 35, and that any injury prevention strategy talked about in this country incorporates the use of sport helmets, we are unable to reference a standard in Canada for most of these helmets. We've developed the world's best standards with the Canadian Standards Association. These have gone through a certification process, but they are now just sitting in limbo.

Looking at the old HPA, and considering that we've worked for a couple of years to have this new standard covered under the HPA, we're just concerned about any new amendments that don't address the need for a speedy resolution of particular things, such as the leading killer and disabler of our children. It truly is an important health issue, and we would like to be able to address it in some way. We're just frustrated with the process and wanted to be able to talk about that, when we have such an important health issue here.

The Chair: Is that your presentation, Mr. Kinar?

Mr. Richard Kinar: I think so, yes. Truly, we feel that perhaps there hasn't been enough consultation on the new part. That was our concern, just how we access it and get a speedy resolution to important health issues under the act.

The Chair: That's very good. Thank you for your comments. When we have questions and answers, you'll have an opportunity to expand on that as well.

We'll hear from the Canadian Association of Fire Chiefs, the deputy chief in the Ottawa region, Mr. Ayotte.

Mr. Kim Ayotte (Deputy Chief, Ottawa Region, Canadian Association of Fire Chiefs): Thank you, Madam Chair.

My name is Kim Ayotte, and I am a chief officer with Ottawa Fire Services. I am here today, however, representing the Canadian Association of Fire Chiefs, the government relations committee.

The CAFC counts as its members over 1,000 fire chiefs located in every province and territory. Overwhelmingly, like me, its members are municipal public servants with the mandate of protecting the lives and property of citizens of the various communities. Within our membership, we also have fire chiefs from industry; airports; other institutions, such as universities and hospitals; armed forces; and many of the country's first nations. No other association can claim this breadth of support, making CAFC truly the voice of fire services in Canada.

The throne speech of October 2007 contained the following statement that was most welcome to Canadian fire services:

> Our Government shares the concern of parents about the safety of consumer products and food. Canadians should expect the same standards of quality from imported goods as they do from products made at home. The Government will introduce measures on food and product safety to ensure that families have confidence in the quality and safety of what they buy.

The CAFC stated its support for the throne speech announcement. It supported Bill C-52 and it supports Bill C-6. The primary reason for our strong endorsement of Bill C-6 is stated in our brief, which I'd like to state for the record today.

A significant percentage of responses for every fire department has important consumer product safety implications. Stovetop fires, electrical fires, electrocutions, accidental poisonings, strangulations, and the careless use of candles as well as matches and lighters are a few examples in this regard.

Special mention, however, should be made for the increasing use of chemical compositions in residential furnishings and clothing. Our submission points out that counterfeiting is a serious consumer product safety problem. The use of counterfeit certification marks enables unsafe and deficient products to gain widespread access to the market, and are a direct risk to consumers.

In addition, we are deeply concerned about the vast quantities of cigarettes being imported into this country that do not meet the low ignition propensity standards that CAFC, Health Canada, and the standing committee worked diligently and cooperatively to enact. These illegal cigarettes are far more likely to remain ignited when unattended, and are therefore products that not only threaten the consumers of such cigarettes; they also jeopardize innocent third parties.

Clauses 6 through 9 of Bill C-6 require that no person shall manufacture, import, advertise, or sell a consumer product that is a danger to human health and safety. The CAFC believes the Canada Consumer Product Safety Act will be useful in combatting counterfeit products and illegal products that are currently available to Canadians.

Some submissions that have been presented to the standing committee call for amendments to Bill C-6. To the degree that these amendments are being offered with a view to improving these provisions, they are welcomed by the Canadian Association of Fire Chiefs. However, to the degree that they will weaken the bill, and are intended to unnecessarily delay its implementation, we trust that the standing committee will not support them.

Officials at Health Canada and the members of the standing committee are all to be congratulated when it's considered how far we have come towards improving consumer product safety since October of 2007.

On behalf of our association, I want you to know that I truly appreciate the opportunity you've given me to speak here today. I look forward to receiving your questions.

Thank you.

● (1535)

The Chair: Thank you very much for your presentation. It's very appreciated and insightful.

I will now go to the Canadian Association of Speech-Language Pathologists and Audiologists, to Ms. Love.

Ms. Ondina Love (Executive Director, Canadian Association of Speech-Language Pathologists and Audiologists): Thanks very much for the invitation to be here. Joining me today is Dr. Chantal Kealey. She is the director of audiology with CASLPA.

First, I'd like to explain a little bit about what CASLPA is, our 5,400 members across the country, and what they do. CASLPA is the only national body that supports and represents the professional needs of speech language pathologists, audiologists, and supportive personnel. In doing so, we support our members in maximizing the communication and hearing potential of the people of Canada. Prevention is a key role in this regard.

I think it's worth highlighting the role of audiologists. Audiologists are hearing health professionals who identify, diagnose, and manage individuals with peripheral or central hearing loss, tinnitus, and balance disorders. Audiologists, speech language pathologists, and supportive personnel play an active role in promoting hearing health and in encouraging government policy to ensure that Canadians don't needlessly suffer from permanent hearing damage.

As part of this, CASLPA audiologists have paid particular attention to the hearing health of children, especially as it relates to the safety of children's toys. CASLPA firmly believes that with Bill C-6 the government is moving in the right direction to ensure that the products we have in our homes are safe. It does so by placing an onus on manufacturers to ensure that their products are safe and by giving government the power and capacity to make sure this happens.

Putting the onus on industry to ensure product safety is a welcome change from the status quo and helps to encourage a culture of safety for those who make and sell goods to people in Canada. Giving the minister power to order safety tests on products and, when needed, mandatory recalls ensures that the government is able to respond quickly when problems do arise. Doubling the number of inspectors—the eyes and ears of consumer safety legislation—increases the government's ability to anticipate and respond to consumer product issues.

In short, CASLPA firmly believes that Bill C-6 is a step in the right direction for consumer product safety, but there are other steps to take specifically as this relates to children's toys. Absent from Bill C-6 is a commitment to reduce the acceptable decibel level for toys from the current 100 decibels to a level more in line with international standards, such as the World Health Organization standard of 75 decibels.

Choking hazards and lead in toys may be more apparent dangers to the public. The danger of noisy toys is often trivialized or dismissed as just annoying to parents, but the danger these toys pose is very real and can cause permanent hearing damage.

On this issue, there are two important considerations: how the amount of permissible noise is measured and how much noise is actually safe for children's small ear canals. Currently, schedule I of the Hazardous Products Act limits the amount of noise children's toys can make to 100 decibels, measured at arm's length. This is markedly higher than the 75 decibels suggested by the WHO. Also, the International Organization for Standardization has recommended that close-to-the-ear toys not exceed 65 decibels.

As a contrast, in a workplace, exposure to 100 decibels would only be considered safe for 15 minutes, and that's for adults. Children, because of their smaller ear canals, are more susceptible to the effects of noise.

What's more, how government currently measures a toy's sound often underestimates its actual effect. As mentioned, currently sound is measured at arm's length. It is no secret that during the routine course of play children will hold toys substantially closer than that, increasing the toy's relative noise and its risk of permanently damaging hearing. Since government cannot mandate how children play with toys, current testing protocols must be revised to reflect actual play situations.

Through Bill C-6, the government has shown a firm commitment to improving Canada's consumer product safety, requiring manufacturers and suppliers to ensure their products' safety while giving the government the tools needed to ensure accountability. This work is to be commended.

It is important that government extend the same effort to help protect the auditory health of children in Canada by further limiting the decibel level of noisy toys to the WHO level of 75 decibels, as echoed in another important piece of legislation, Bill C-357. It should also improve the method by which this level is measured. Under current standards, the amount of allowable noise of a child's toy would be considered a workplace health hazard, even at moderate exposure.

Given the irreversible nature of hearing damage from noise exposure, it is important that government seize the opportunity of this legislation to include a safer noise standard for children's toys. CASLPA members have seen at first hand the hearing, speech, and language implications that can arise from hearing loss due to unacceptable noise conditions.

● (1540)

Thank you. I look forward to your questions.

The Chair: Thank you for your presentation. It's very much appreciated.

We're now going to go to the Canadian Consumer Specialty Products Association. We'll hear from Shannon Coombs.

Ms. Shannon Coombs (President, Canadian Consumer Specialty Products Association): Thank you.

Good afternoon, Madam Chair and honourable members of the committee. It is a pleasure to be here today to provide an overview of CCSPA's suggestions to improve Bill C-6, the Canada Consumer Product Safety Act. I have to say that it's a bit of a tongue twister for me, as our acronym is CCSPA.

My name is Shannon Coombs and I am the president of the CCSPA. I have proudly represented this industry for 10 years. Our accomplishments as a proactive and responsible industry will be clearly visible as I make my presentation.

We are a national trade association that represents 45 member companies across Canada. Collectively, we are a $20-billion industry employing 12,000 people in over 100 facilities. Our companies manufacture, process, package, and distribute consumer, industrial, and institutional specialty products such as soaps, detergents, domestic pest control products, aerosols, hard-surface disinfectants, deodorizers, and automotive chemicals. I have provided the clerk with copies of our one-pager, which has a picture of our products, and I'm sure many of you use them every day.

Why are we here? The health and safety of Canadians is a priority for all CCSPA members and we support this legislation. Our member companies are leaders in the responsible use of chemicals for consumer and institutional products in this country. We are committed to the appropriate and safe use of our products.

Over the past year, we have announced various exciting initiatives, such as the “William, Won't You Wash Your Hands?” initiative, which all of you would have received a copy of a few weeks ago and which we asked you to donate to your local day care or child care facility. That was a partnership with the Public Health Agency of Canada as well as the Canadian Institute of Child Health.

We also announced the voluntary lowering of phosphorus in automatic dishwasher detergent. As well, we have a “Concentrate on the Future” initiative, which is a communication initiative for consumers. I'm sure many of you have seen the 2X or 3X that is now on your laundry or bleach products.

As well, last April, we announced a voluntary ingredient communication initiative that is going to allow companies the ability to disclose all of their ingredients on product labels or members' websites. The great feature of the program is the ability to do this on the website, as it allows companies to explain the benefits and the chemistry behind the products. The program is effective January 1, 2010, and it will cover air care products, automotive and cleaning products, and polishes and floor maintenance products.

Are our member companies' ingredients in products regulated? Yes, they are. Canadians can be confident that the products are safe and that the products they purchase have had various levels of government review and oversight. That oversight depends on the type of product.

In Canada, all substances and products such as laundry powder and liquids, fabric softeners, and dishwashing liquids have had either a new substance notification review or an existing substance review under CEPA and under the chemicals management plan. If any of those consumer products make a claim such as “kills 99.9% of germs”, for example, they're also regulated under the Food and Drugs Act.

As well, the labels on our products are regulated by the consumer chemicals and containers regulations, based under the Hazardous Products Act, which now will fall under Bill C-6. The foundation of that regulation is science. It's a hazard classification, but it provides risk communication to consumers. It has provided precautionary labelling for consumers for the last 39 years. It was just modernized, in 2001, and continues to be an excellent regulatory tool for communicating to Canadians. Elements of CCCR-2001 extend to other products such as food and domestic pest control products.

Our disinfectants are regulated by Health Canada. They have a pre-market assessment and, as with any kind of new substance, review under CEPA as well.

Given the diversity of products, we are subject to various laws and regulations such as CEPA, the Pest Control Products Act, and the Food and Drugs Act. Therefore, we believe that our experience is most beneficial to the committee, as we have been actively involved in the modernization of all these pieces of legislation.

We are seeking two additional clauses for Bill C-6, which include provisions for hoaxes and a provision for a ministerial advisory council. Both amendments would enhance the legislation.

Why? In our experience, a minister's advisory council, such as the one that exists currently under the Pest Control Products Act, and which I'm a member of, is a valuable tool for exchanging information and providing constructive feedback to the minister and the department to help shape and form current and future policies and regulations.

Given the three-pronged approach outlined by the officials—active prevention, targeted oversight, and rapid response—an advisory council could be only another effective tool to the minister and the department for implementing Bill C-6. We believe it would enhance outcomes and actions of Health Canada.

Why a provision for hoaxes? We believe that people should be accountable for information or misinformation they provide about consumer products and their ingredients. The provision for hoaxes is borrowed from the legislation that was tabled last April in Bill C-51, the amendments to the Food and Drugs Act.

● (1545)

Clearly the government believes there is a problem and they need the authority to take action on Food and Drugs Act products, as it was included in this proposed legislation. Therefore, in the spirit of consistency with other Health Canada legislation, Bill C-6 would be strengthened by providing the government with the authority to deal with people who deliberately seek to mislead consumers on these products as well. The goal should be that consumers have the information they need to make balanced and well-informed choices. Fear should not be allowed to be a marketing tool.

We respectfully request that the committee consider these two additions to the proposed law. We have provided some other minor amendments, such as a consistent precautionary statement in the preamble that would be consistent with CEPA and the Pest Control Products Act, plus some other housekeeping items.

I would like to touch on the issue of labelling, as it was raised here at committee during testimony today. I don't believe there has been enough information, or enough factual information, provided to the honourable members from the department on current regulatory authorities for labelling in this country; nor do I believe the information provided in previous testimony to be complete.

Is additional precautionary labelling warranted, and does it need to be included in this bill? As I stated in my opening remarks, labels on consumer products that contain substances are regulated by CCCR. The regulations are science-based, and they include risk communication. Canadians have been using this system for 39 years. Children are even taught to identify the symbols as early as junior kindergarten. What would be achieved by adding another labelling provision to this act?

Canadians are protected by CCCR. Including an amendment in this legislation for labelling of carcinogens; offering up a California Proposition 65 system; using a straight list-based system, such as using substances listed on schedule 1 of CEPA or IARC; even using the building blocks of GHS—we do not believe these meet the needs of Canadians.

CCSPA supports the consumer's right to know, the right to meaningful information, and the right to accurate information. Do any of those systems provide balanced information to the consumer? How would the government even enforce such a law?

In our opinion, by having parliamentarians amend Bill C-6 to include additional labelling, it would effectively be creating a loophole that would have two negative outcomes—one, the sale of unsafe products; and two, misleading claims on safe products.

Why would there be unsafe products? If a product bears a warning statement or a symbol, then consumers have been duly warned; therefore, where is the accountability? Canadians have public policy and legislative frameworks based on risk. This is not the American system of buyer beware. If a product is unsafe, the Canadian government should take it off the market—period. Why would we put forward an act that allows the government to take action via the general prohibition on unsafe products but allows unsafe products on the market to be sold as long as they're labelled?

Why would there be misleading claims? A system that penalizes ethical companies—my member companies—whose businesses are founded on consumer product confidence, and whose products are safe and do not cause cancer.... They will be forced to be put on their products a misleading claim, because a symbol of “C” on sunscreen or hand sanitizers is not accurate, as the end product is safe, even though they contain IARC-listed substances.

Right now Health Canada does not allow companies to make a claim unless it's true—for example, the level of calcium or vitamin C in products. Therefore, why would government force companies to put a “C” on a label for a product that is not a carcinogen?

If a new labelling amendment does go forward, what will we end up with? We'll end up with chaos in the marketplace and consumer confusion, asking moms to make decisions and do their own risk assessments at the retail level; an ineffective law that can't be enforced; flourishing allegations and lawsuits that waste taxpayers' dollars, exactly as has happened in California; companies forced to overlabel; and barriers to trade. I think we would agree that this is not where we want to be.

I offer these comments to you today as a way of continuing and informing this important debate. If the honourable members are contemplating a substantial change to our risk-based society, then the facts all need to be on the table.

In our opinion, Bill C-6 is a modern piece of legislation that allows this government to take an aggressive and responsive approach to protecting Canadians. It has mandatory recall provisions, incident reporting, a general prohibition to take action on products, and fines. The labelling discussion should not detract us from our collective goal, which is to pass this piece of legislation.

I would be most pleased to answer any questions that the committee has.

● (1550)

The Chair: Thank you very much.

We'll now go to Joe Schwarcz, from McGill University.

Dr. Joe Schwarcz (Director, Office for Science and Society, McGill University): Thank you very much for the invitation to address the group.

I direct McGill University's Office for Science and Society, which is a rather unique enterprise in Canada, and probably in the world. It's the first time any major university—depending on which ranking you look at in the world, we're anywhere from number 12 to 17—has said that our job is not over the moment our students leave our gates; that today there is tremendous hunger out there for scientific information, and if the hunger is not fulfilled in a proper, reliable, scientific fashion, then people will end up listening to whoever is standing on the tallest soapbox yelling the loudest, usually the charlatans.

Our goal, then, is to demystify science for the public, to make sure that we separate sense from nonsense, and to foster critical thinking. If all that works, we thus try to keep them out of the clutches of charlatans.

Through my office and through my radio shows and TV appearances, I think I have my finger on the pulse of the public. What I detect is a tremendous amount of worry out there. People are worried about microwave ovens, they're worried about cell phones, they're worried about asbestos, and they're worried about formaldehyde. It depends on which day; every day there seems to be some new worry that arises.

The word “chemical”, unfortunately, rears its head, and it has become a dirty word. In the popular press, it's almost always preceded by a pejorative adjective—“dangerous”, “toxic”, or “poisonous”. There isn't the public realization that everything in the world is made of chemicals. They're not good or bad. They don't make decisions. We make decisions.

The chemical world is tremendously complex. Since the end of the Second World War, we've introduced some 80,000 synthetic chemicals into the marketplace to go along with the hundreds of thousands of naturally occurring compounds.

The human body makes no distinction between synthetic and natural in the way that we detoxify these substances. Therefore, there should be no need to make any distinction on any kind of label about synthetic or natural toxins.

The word “carcinogen” is a very loaded word, and it's a very frightening word for most people. They don't realize what it really means. Technically, the definition of a carcinogen is that it is a substance that in any animal, in any dose, causes any sort of cancer. It does not mean that is known to be a human carcinogen.

Formaldehyde is listed as a carcinogen. Indeed, there are studies that show that people who are exposed to high levels of formaldehyde in the occupational environment are more prone to certain cancers. This has no bearing on the trace amounts of formaldehyde that may be used as a preservative in a shampoo.

Our allegiance through my office is solely to the scientific method and to peer-reviewed literature. We take no funding from any interest whatsoever. It is totally funded by the university. To me personally, it really makes no difference whether BPA is banned or not, or castigated, or made into an angel. The only thing I want is to abide by the scientific method.

I'll just point out a few curiosities. Much of what we know about toxicology comes from animal studies—mostly rodents, mostly rats. Well, the fact is that the human, with a few exceptions of course, is not a giant rat. It is very difficult to extrapolate. But the public doesn't really appreciate the fact that something that has been called a carcinogen in a rat has a completely different effect in humans. That notion will be lost if something is just labelled as a carcinogen.

Why would we then not label apples as being carcinogenic? They contain formaldehyde, naturally occurring, in fact in higher doses than one would find in most cosmetics.

Take the coinage that we use. Nickel is on a group one list as a carcinogen. When we handle a nickel, the surface is oxidized. It's nickel oxide. That's a carcinogen.

Why do we not label sunshine as a carcinogen? Because we use reason. The dosages are important. The exposure is important. That always has to be taken into account.

I think one very important way to look at all of these issues is to take a look and see what the real experts say about this. It should all be ruled by science, not by emotion.

● (1555)

Take a look at toxicologists, for example. A survey was recently done by an American society of toxicologists. Close to a thousand of them were surveyed and asked about such things as BPA and phthalates. Ten percent of these guys said they think BPA is a real risk, and about the same percentage said that phthalates are a real risk. Twelve percent thought that high-fructose corn syrup is a real risk. And these are the people who really do know what they are talking about.

Unfortunately, information in real scientific terms is very difficult to acquire. Toxicology is a tremendously complex subject. It's very difficult to translate that information to the public, but unfortunately it's pretty easy to scare the public. There's a whole industry out there today that scares the public.

I want to finish up by giving you an example, because I think it is very, very important to take into account the effect that warnings have on people in terms of physical health. A study was done very recently with a group of students. They were told that a cylinder contained air that was mixed with an environmental toxin that can trigger headaches and nausea.

The students were divided into two groups. Half of them were asked to inhale this air. Well, of course, it was bogus; there was nothing in the cylinder except air. But as you can imagine, the ones who inhaled it started to develop the symptoms, whereas the others did not. In a subsequent experiment, when the students were shown a subject who had inhaled this air and developed nausea, they themselves developed it as well, even though they were inhaling just ordinary air.

If that isn't frightening enough, the ultimate case is that of a gentleman who was diagnosed with liver cancer and was told that he had three months left to live. Indeed, he died within that period of time of bizarre symptoms. He became very, very sick. Upon autopsy, they learned that he didn't have cancer at all. It was a misdiagnosis, which of course is very pertinent today, because yesterday we heard about all the problems in Quebec with pathological misdiagnosis.

This is why this is so important: because the mind has a fantastic effect on the body. Before we start labelling things as carcinogens in consumer products that have not been shown to cause cancer in humans—and if they have, of course, they should not be on the market—we have to take into account the effect they may have.

As one final idea, we test urine, and you hear all of these studies about chemicals being present in the urine; you drink from a plastic bottle and you find BPA in the urine. This is meaningless unless the levels can be linked to some knowledge about what those levels actually mean. If you drink a cup of coffee—

● (1600)

The Chair: Mr. Schwarcz, I have to interrupt you. We've gone a bit over time and I just want to make sure that everyone has a fair amount of time. Thank you so much. You'll have a chance to answer questions, because we're now going into our first round of seven minutes of questions and answers, with seven minutes per person.

We'll start with Ms. Murray, please.

Ms. Joyce Murray (Vancouver Quadra, Lib.): Thank you.

First, I would like to ask a question and I'm interested in each panel member's response. Did you have an opportunity to be part of the consultations for Bill C-52 when that was first being put together, and did you feel you were adequately consulted?

Mr. Richard Kinar: No.

Mr. Kim Ayotte: Yes. The Canadian Association of Fire Chiefs was consulted and did support it.

Ms. Ondina Love: We were invited to one consultation.

Ms. Shannon Coombs: Yes.

Dr. Joe Schwarcz: I was not involved.

Ms. Joyce Murray: I should be clear about my question. I mean consultation as distinguished from an information session, where there was a soliciting of input and ideas that you then saw reflected in the work, as opposed to them simply explaining what was being planned. Would that still be a yes on consultation?

Mr. Richard Kinar: For us, absolutely not. We weren't consulted and weren't aware of any of the process that was taking place.

Mr. Kim Ayotte: I don't have that information before me, so I couldn't answer that.

Ms. Ondina Love: I would say it was minimal.

Ms. Joyce Murray: Okay. So clearly it was not full consultation, so it's great that you're able to be here and talk to us about what you see as right or wrong or what could be improved. Obviously, the consultation process could be improved.

In terms of hearing, I'm really interested in your recommendations around the decibel levels. I'm just wondering what benchmarks you were using when you made your proposals. Are they benchmarks from somewhere else?

Ms. Ondina Love: Thank you very much for this question.

We met with many members of the health committee over the past year. Many of the members recommended that we look at international standards, that rather than doing and funding Canadian research and developing our own standards, we look to international standards. That's exactly what we did.

That's why we looked at the recommended standard from the World Health Organization, which is 75 decibels. The International Organization for Standardization has 65 decibels for close-to-the-ear toys and 85 decibels for other toys. The U.S.A has a voluntary standard of 70 decibels for toys held close to the ear. So we did look at international standards and we made our recommendation in that regard.

Ms. Joyce Murray: It seems like the example of toys is a good example of where it actually would be helpful for parents to know what the product can do that might be harmful as opposed to assuming that if something is bought then it has to be safe. For me, that did bring up some of the comments Ms. Coombs made about labelling.

Ms. Coombs, one of your two proposals is around hoaxes. I am just not familiar with the issue. Can you give me some examples of hoaxes that the amendments to the bill would prevent?

● (1605)

Ms. Shannon Coombs: The provision that was included in Bill C-51 was that “No person shall—knowing information to be false or being reckless as to its truth—communicate or cause to be communicated that information with the intent to cause a reasonable apprehension in others” that a consumer product presents a danger to human health or safety.

Clearly, the department feels that's necessary to have with respect to food, therapeutic products, or cosmetics. We felt that the same could be extended to Bill C-6 with the covering of consumer products.

Ms. Joyce Murray: I'm sorry, but I didn't really understand what you're proposing. In layperson's language, what do you want to have changed in terms of protection against hoaxes and what are some examples of the kinds of hoaxes that create problems?

Ms. Shannon Coombs: As for an example, I don't have one right off the top of my head with respect to human health, but there are particular products that are attacked in the marketplace. They're attacked, and the statements made about those products are inaccurate, and they could cause harm if they're used inappropriately. Because the hoax is that the product should not be used or should be used in a different manner. We don't wish that to happen. People should read the labels and use the products appropriately.

If there is misinformation spread about the products, then there is a recourse. There's a provision in there for the government to take action.

Ms. Joyce Murray: My theory is that when you're going to do regulating or legislating, you're responding to a real problem that's out there, not a theory. That's why I was wondering what the real problem is. I'm still not quite understanding the problem. The issue of labelling is clearly an important one, in that we've had several representations on that issue.

Mr. Schwarcz, when you're talking about science and how we should be basing our decisions on science, is it your view that something is either a risk or not a risk? It sounds like that's what you were saying.

Dr. Joe Schwarcz: No. Science is never white or black. It's various shades of grey. But the truth is always closer to one end than to the other.

In science, we try to go by consensus. You never make hay with one single study; you take a look at all of the studies and you see what the consensus, the opinion, is. You come up with a decision that, at the time, seems the most appropriate. It may be that it has to be changed in the future, because science is a process. It never really comes to an end.

Ms. Joyce Murray: Thank you. I appreciate that verification.

So if it's shades of grey, would that not suggest, then, that it would make sense for consumers to have more information rather than less in order to make their decisions?

Dr. Joe Schwarcz: Absolutely, as long as the information is accurate.

The Chair: Thank you, Mr. Schwarcz.

We'll now go on to Monsieur Malo.

[*Translation*]

Mr. Luc Malo (Verchères—Les Patriotes, BQ): Thank you very much, Madam Chair.

Thanks to the witnesses who are with us this afternoon.

When it comes to studying a bill in committee, it's always important to hear the views of experts. This bill will be quite broad in scope. Amendments need to be made to this act, which dates back a number of years.

Mr. Schwarcz, you said in your presentation that we shouldn't raise needless fears among citizens, and I believe you're right. In your view, if a product contains recognized carcinogens, it should be withdrawn from the market rather than be labelled with a warning. I understand your explanation very clearly. I remember that one witness said at a previous committee meeting that, under some legislation, the labelling of products containing carcinogens had been amended.

Do you think we should have avoided putting these kinds of warnings on those products in view of the fact that consumers suffered injury, whereas no serious evidence had been brought of the actual dangerousness of the substances in question?

● (1610)

[*English*]

Dr. Joe Schwarcz: I'm not sure I follow exactly the question. It's about labelling products with a supposed carcinogen in there and what that means to the consumer. That's the basic question.

What I am suggesting is that what a label like that would mean to the consumer is quite different from what it means to the scientific community. The consumer would interpret that as a real risk, that using that product has been shown to increase the risk of cancer, which is just not the case. If such a product has been shown to increase the risk of cancer, that product should not be on the market. The fact that there's one component in that product, which in some experiments has caused some kind of cancer at some dose and with some tested animals, doesn't mean that it warrants a carcinogen label on that particular product.

I can give you one other analogy. Every time you drink a cup of coffee or just sniff its aroma you're exposed to over 1,000 different compounds. A number of these, at least six, are carcinogens. We know that coffee itself is not carcinogenic. If it were, this would have become knowledge a long time ago. We have enough epidemiological evidence. You certainly can have a product such a coffee, which contains carcinogens, but the product itself is not carcinogenic because the dose in there is way too small. Furthermore, the effect of those carcinogens is mitigated by all of the other compounds present in the coffee. If you are going to label something as a "carcinogen", which is a very powerful word, there has to be concrete evidence that it represents a real risk to the public.

[*Translation*]

Mr. Luc Malo: Is there a regularly updated list of substances that, in your view as a scientist, are recognized as carcinogenic?

If such a list exists, to your knowledge, are any products currently on the market containing recognized carcinogens on that list?

[*English*]

Dr. Joe Schwarcz: There are certainly products being sold that contain ingredients that are on a hierarchy list or on other lists as carcinogens. There is no product on the market that I know of that has been shown to be a carcinogen, as a product.

[*Translation*]

Mr. Luc Malo: Thank you very much.

I'm going to put my next question to the Canadian Association of Speech-Language Pathologists and Audiologists.

I would like to know whether, elsewhere in the world—it's at that level that you seem to want to base your studies—certain products aren't sold because they emit a given level of noise. I'm thinking in particular of toys intended for children, in view of the fact that that was the subject of your first comment.

Ms. Ondina Love: I'm going to answer in English.

[*English*]

Currently the legislation is 100 decibels. Health Canada does test for toys that exceed 100 decibels. They do recalls for those toys that exceed those noise levels. What we're trying to say is that 100 decibels is too high.

The other issue we have is that many toys come into the country from other countries that don't necessarily have the same testing standards that we do here in Canada. I have personal examples of toys given to my child that clearly exceeded 100 decibels and that were manufactured overseas. They were brought in by well-meaning grandparents who'd been visiting other countries.

When we do receive complaints in our association, we forward them to Health Canada. They are very good at responding, at sending inspectors out to examine them and then withdrawing them from the marketplace if they do exist. We're saying that 100 decibels is a danger to a child's hearing. We need that decibel level lowered.

● (1615)

[*Translation*]

Mr. Luc Malo: It's not necessary for you to make that comment with regard to Bill C-6, but with regard to the standard that is—

[*English*]

The Chair: I'm so sorry, Mr. Malo, but I have to go Ms. Wasylycia-Leis. I hate to interrupt you, but it's her turn now. My apologies.

Ms. Wasylycia-Leis, I'm sure you can pick up on Mr. Malo's point.

[*Translation*]

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Absolutely. I'm going to continue along the lines of what he was saying and ask some questions about toys.

[*English*]

Ondina or Chantal, did you happen to bring your noisy bunny with you?

Ms. Ondina Love: Oh, we thought about it.

Ms. Judy Wasylycia-Leis: That would have helped, I think.

I want to commend both of you for the work you've been doing in trying to bring this issue to Parliament. We're talking about very noisy toys that, when they're used in a natural way by kids, are very harmful to the hearing system, and could cause loss of hearing and deafness. In Canada we have a decibel level of 100, which is way higher than other countries. The WHO standard is 75 decibels.

I just want to declare my conflict of interest on this. They came to see me, and I have a private member's bill on this. It's Bill C-541, and it amends the Hazardous Products Act to do just this.

I think what they're saying is, okay, here's a chance; we have a bill on consumer safety and safe toys, so perhaps we could find a way to amend this bill to do it. We wouldn't have to wait any longer. I think everybody agrees that's pretty rational.

To Ondina and Chantal, do you think we could take this idea and add it as an amendment or a regulation to the bill so that we could accomplish it as part of Bill C-6?

Ms. Ondina Love: Thank you, Judy. That is exactly our thought. This bill is on the table and it's an opportunity.

There is no health benefit to having a toy at 100 decibels. There's absolutely no health benefit. There's no reason to have legislation that has a decibel level reading of 100 decibels for toys.

The other issue is the way that children play with toys. The government cannot legislate that a child play with a toy at arm's length. The current legislation does take into account toys that are meant to be held close to the ear, such as toy cell phones, etc., at a lower decibel level, but often children play with normal toys in ways that are much closer than arm's length, which is a current testing protocol.

We can address this through the product safety legislation or it can be addressed through regulations. It's the expertise of this committee that we're relying on to look at the best opportunity to address this important hearing health issue.

Ms. Judy Wasylycia-Leis: Thank you very much.

I think that speaks for itself. It's a good amendment that we should think about.

I'd like to go to Shannon and really get at this whole issue of right to know, labelling or not, and how to deal with the concerns people have about substances that are carcinogenic; I want to take on Joe a bit on this one.

CCCR deals with very specific poisonous substances, right? It doesn't deal with chronic issues around phthalates, lead, and bisphenol A in products that could, on a cumulative basis, be problematic. If you say no labelling, then how are people going to know what they're being exposed to, and how can they act responsibly?

What you seemed to say was, “If they're bad, let's ban them”. I think that's not a bad idea, but I don't think we're going to convince the government to ban all lead, all bisphenol A, and all phthalates in all children's toys and products.

Isn't labelling the only thing left to us?

Ms. Shannon Coombs: Thank you for your question.

I was all prepared for you to ask something about GHS.

Ms. Judy Wasylycia-Leis: That too.

Ms. Shannon Coombs: I'll tie that in.

What we're saying is that consumers have a right to know. They have a right to the appropriate information on labels.

We have precautionary labelling in this country. We've had it for 40 years. All I'm saying is that if we're going to move to a different type of hazard classification or labelling system in this country, we need to look at something that provides meaningful information to consumers.

I don't think putting a “C”, for example, on a sunscreen that contains titanium oxide—it is a listed IARC carcinogen and is contained in the sunscreen, but when formulated appropriately protects you from cancer—is appropriate.

I don't think having moms make their own risk assessment at the store is appropriate. I'm a mom myself, and I don't think it's appropriate to make moms ask, “Do I put sunscreen on my child or do I not?” If the product is formulated appropriately and labelled appropriately, then it is safe for consumers to use. If there's something in the product that's not safe, the government has the ability, through the general prohibition, to remove this.

With respect to lead, I think it's—

● (1620)

Ms. Judy Wasylycia-Leis: No, it doesn't. You see, we don't have a precautionary principle, really, either in government now or in this legislation. It's in the preamble, but that doesn't make it a precautionary principle.

I don't see the "do no harm" principle entrenched very far in this bill. In fact, all kinds of products with lead and phthalates and bisphenol A and others will still be allowed on the market and there won't be labelling. There won't be information to the public. There won't be any way for any of us to make informed decisions.

Ms. Shannon Coombs: With respect to the lead in toys, for example, the situation we were faced with a year ago was that there was lead in toys. I don't think, by having a labelling provision for lead, the companies that illegally used lead and put it in toys would label for it. I just think there's a disconnect there.

With respect to GHS and dealing with chronic hazards, I think GHS is something that will not target all the products that you want to target. GHS is going to be focused on dealing with products that are subject to CCCR, which is my products as well as paint, for example, but it won't deal with things like food or cosmetics or other products.

So if you're going to do a labelling approach and you want to change it from a risk communication approach and move into hazard, then you need to look at all the facts and provide meaningful information to consumers.

Ms. Judy Wasylycia-Leis: As a mom, if you know that lead is bad if it's put in the mouth of a child, and you don't want your child to do that, and there's a product that's allowed on the market because the government hasn't banned all lead products....

They're not necessarily going to do it through it this bill. They're not banning all lead products. They came to the committee and said they were working separately on lead. They might have a separate formulation. They might have something down the road sometime.

So they might do something on lead, but there are other products. What do we do in the meantime? You as a mom want to prevent your kid from sucking on something with lead in it, and you can't even find that on the label. Wouldn't that be—

Ms. Shannon Coombs: I wouldn't expect it to be in the product.

Ms. Judy Wasylycia-Leis: But it is.

Ms. Shannon Coombs: Then the government should take it off the market.

Ms. Judy Wasylycia-Leis: We heard from the departmental witnesses that they've banned it in children's jewellery, but they haven't banned it in terms of other children's products that have lead in them. They haven't banned phthalates from all those plastic toys that cause serious developmental—

The Chair: I'm so sorry, but our time is up, Ms. Wasylycia-Leis. I'll have to go to Dr. Carrie.

Mr. Colin Carrie (Oshawa, CPC): Thank you very much, Madam Chair.

I would like to put my first question to the Canadian Association of Speech-Language Pathologists and Audiologists. I thank you very much for your testimony today.

The government agrees with the objective of improving toy safety, particularly in the area of noise-emitting toys. As Dr. Schwarcz was saying, we are dealing with science here. I think we would all be interested in whether you could present evidence that Canadian children are sustaining permanent damage from noisy toys in this country. Do you have anything scientific that we could look at?

Ms. Ondina Love: That's a very good question. I can have Dr. Kealey respond to this a little bit more, but there is a lot of evidence to support noise-induced hearing loss, the noise damage caused by products that are too noisy.

There is very little or no research specific to toys, but there's a lot of scientific evidence saying that exposure to noise at certain decibel levels is dangerous and can cause noise-induced hearing loss.

Chantal.

Dr. Chantal Kealey (Director of Audiology and Supportive Personnel, Canadian Association of Speech-Language Pathologists and Audiologists): I'd just like to add that we are lacking a lot of research in Canada on this topic. Again, for years there have been many research studies done on noise, linking noise, obviously, with permanent hearing loss.

In the U.S. there have been recent studies to show that permanent hearing loss is on the rise among school-aged children, close to 12%, actually, of school-aged children. This is being linked to certain behaviours, such as the use of iPods and other MP3 players. We can only extrapolate that it's the noise factor that is the common denominator.

That's what's going on with the toys. These levels are just beyond what is necessary and beyond what is safe.

● (1625)

Mr. Colin Carrie: I think we would be interested in any of the science that you could bring forward. I have a 15-year-old who uses an iPod and I think part of its purpose is to play it really loud. Whatever you have, even international stuff, would be great.

I was also going to ask you if you are aware that Health Canada is currently working on a proposal to decrease the allowable limit of sound-emitting toys, based on recognized international standards. Were you aware of that?

Ms. Ondina Love: Yes.

Mr. Colin Carrie: Okay. That's great.

In my next series of questions, I think maybe I'd like to ask Ms. Coombs and Dr. Schwarcz about this labelling stuff. I like to eat healthy. I eat almonds and I eat apples, and I enjoy apples very much, but I'm a dad, too, and I think the key here is balance. I would like to get information from everyone.

Ms. Coombs, do you have any ideas on proposition 65 in the States, which I believe was brought up in the last session? If we did something like that, do you have any idea of how much it would cost industry? Do you know? Do you have any numbers for us?

Ms. Shannon Coombs: No. I don't have anything off the top of my head with respect to the costs. That law has been in place for about twenty years, from what I understand. However, I do know that in the last ten years a great deal of the focus has been on litigation with respect to food products and the cost to industry has been outstanding.

Mr. Colin Carrie: Are there other areas in the world, like Europe or Australia, that have done similar things and that could give us an idea of what the costs would be to members such as yours in regard to the labelling or anything along those lines?

Ms. Shannon Coombs: No.

Mr. Colin Carrie: Okay.

Dr. Schwarcz, do you have more comments? You had a really good opening presentation and we kind of had to cut you off. Would you be able to comment on proposition 65? Do you have any thoughts about that?

Dr. Joe Schwarcz: It's interesting that you bring that up, because I was just in California on a lecture tour and spoke at a number of schools and to public groups and got a real feel for what is going on down there.

Of course the warnings on proposition 65 are everywhere in California. You go fill up on gas, and of course there's a sign saying "known to the State of California" that gasoline vapours are carcinogenic. That's known only to the State of California; nobody else knows this.

The end result is that these things become invisible because the warnings are everywhere. When you cry wolf too often, nobody pays attention when the real wolf comes to the door. This is what is happening with proposition 65. Even in California they're making a joke of it, because you go into a supermarket and the labels are absolutely everywhere, saying that everything is "known to the State of California" to be carcinogenic. I see a real problem with that. When you make a warning, it has to be meaningful. It has to be meaningful, and not just because something in some dose did something in some animal.

The labelling problem is a real fly in the ointment. There's no question about that. We all, of course, want to have the best possible information. I'm certainly not against labelling. I think we need to have important stuff on that label. The difficulty is in deciding what should be on that label so that it really makes for a meaningful decision.

I don't have anything against a toy listing phthalates as an ingredient if it is known to be in there and it's a legal ingredient, which it is. Even in California, only six different phthalates have been banned. All the others are legal. Sure, put it on the label, and then let people look up what that really means. Yes, I agree with that.

The lead is a bit of a different issue, which you addressed, because lead is not put in there on purpose. Lead gets into toys in one of two ways. One is that it gets in illegally, when they're using lead-based paints, which you should not be using. The other thing is that lead is ubiquitous in the environment and it is virtually impossible to exclude it. It depends on what level you're going to investigate it at.

As I tell my colleagues, the analytical chemists, they're the root of all of our problems, because they're too good. Now they're down to parts per trillion. That's one second in 32,000 years. Or if you don't like that analogy, it's one drop of water in 1,000 Olympic-sized swimming pools. We can find that. This is not finding a needle in a haystack; this is finding a needle in a world full of haystacks.

Now, the question is, what does that mean? Just because something is there doesn't mean that it's causing harm. The dose is very, very important, and there are doses below which the chemical does not do any harm.

The lead is a real problem because it's not supposed to be in there, so how can you label for something that should not be in there?

● (1630)

The Chair: Thank you very much, Mr. Schwarcz, for your insightful comments.

We now have to go into round two, with five minutes for questions and answers. We'll start with Dr. Duncan.

Ms. Kirsty Duncan (Etobicoke North, Lib.): Thank you, Madam Chair.

Thanks to all of you for coming. We really appreciate your time, your efforts, and your expertise.

Dr. Schwarcz, I'm struggling with some of the testimony I'm hearing. I think what history teaches us is the precautionary principle. Many times in the past, I think we've learned "late lessons from early warnings", and the examples I would provide would be asbestos, BSE, benzene, DDT, and PCBs.

You talk about concentration. I think of ozone. We used to think that 82 parts per billion was dangerous to the lungs. We know that damage occurs below that, even in healthy people.

So here's my first question. Certain chemicals that are suspected carcinogens have been found in consumer products sold by some of those members represented here. Some international health authorities have identified that there is no safe level of exposure. Do you think that these should remain in children's products or household items if there are safer alternatives?

Dr. Joe Schwarcz: You have to be more specific. Give me an example.

Ms. Kirsty Duncan: Well, you talked at length about different chemicals, so I'd like to hear from you. I was very specific when I talked about benzene and DDT.

Dr. Joe Schwarcz: Benzene is not put into any substance on purpose.

Ms. Kirsty Duncan: In the past it was used for bicycle tires, and we know the damage that has done to bone marrow.

Dr. Joe Schwarcz: What do you mean "used for bicycle tires"?

Ms. Kirsty Duncan: Ms. Coombs, could I ask a couple of questions? I know that you represent a series of companies. When they have to comply with California or Europe because the standards are different, do they?

Ms. Shannon Coombs: Our members meet and exceed the law of Canada. Our companies meet and exceed the law of any jurisdiction they are selling products in—absolutely.

Ms. Kirsty Duncan: Okay. So they're meeting California's standard and the European standard?

Ms. Shannon Coombs: They sell products into California. Yes, they meet proposition 65. However, what has happened in our experience on proposition 65 is that there tends to be over-labelling. The companies don't want to be sued. This is specifically with reference to food companies, which have been the target. Potatoes have been targeted by groups, as have chocolate, tuna, and even vinegar, and there has been litigation pending on all of those particular foods—

Ms. Kirsty Duncan: I'm sorry to interrupt. If they're selling products in California and in Europe, are they required to meet the standards in both regions?

Ms. Shannon Coombs: Yes.

Ms. Kirsty Duncan: And so they are—is that correct?

Ms. Shannon Coombs: Yes, but this is Canada, and we have CCCR. We do not have a hazard-based type of classification. We're a very different society from California and Europe.

Ms. Kirsty Duncan: Okay, but they are meeting those standards, so is there any reason why the industry couldn't comply if there were chronic health labelling requirements here?

Ms. Shannon Coombs: What type of chronic labelling are you looking for? Because in Europe they have GHS, which is different. There hasn't been any kind of commitment here yet as to what GHS would look like in Canada. As I said, our position has been that we support GHS and chronic labelling; however, we want it to be risk-based, and there's been no decision made by the government as to which approach that would be.

● (1635)

Ms. Kirsty Duncan: And I'm not putting forth an approach. I'm just wondering, if we're able to meet the standards in other regions, could we do this here?

Dr. Schwarcz, if I could ask you a question, I think we hear repeatedly that we don't want consumers to be overwhelmed by too much labelling. How would you respond to that?

Dr. Joe Schwarcz: I wouldn't make that criticism. I think the labelling is fine as long as the information is meaningful and correct. I certainly have nothing against labelling, but I would suggest that we also have to emphasize education so that people know what to look for and what the chemicals mean.

The Chair: Thank you. I'm sorry to interrupt.

We'll now go to Ms. McLeod.

Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC): Thank you, Madam Chair.

The diversity of presenters here today certainly shows how wide the impact of this bill is going to be. It certainly is going to reach deeply into the lives of Canadians.

I have a number of perhaps shorter questions. The first question I have is for the Brain Injury Association. I understand that Canada is responsible for standards around quality of helmets, but I think we routinely have to be very sensitive to what is provincial jurisdiction. I know that in British Columbia I have to wear a bike helmet. I was quite surprised to come to Ontario and see many adults without helmets.

For my first question, I would like to have some comments from you in that area. Have you been working with the different provinces and territories in terms of legislation?

Mr. Richard Kinar: We're actually not here to talk about obligatory helmet use. What we're talking about are standards and how they apply to this new proposed bill and the Hazardous Products Act. We've developed what are the world's best standards for ski and snowboard helmets. It was quite an extensive consensus process. It's gone on for years. This new best standard is actually just sitting on a shelf waiting to have the Hazardous Products Act applied to it.

So for us, it's actually about timing. When you participate in a standard, have stakeholders across the country and some of the best scientists participating, and develop a new standard that's sitting there because this act hasn't been applied, it becomes quite frustrating. That was a reason for our involvement and our interest in not only the Hazardous Products Act but in any amendments coming up to this new bill: how you apply it and when it gets applied.

We've developed the standard. The standard has nothing to do with obligatory helmet use. It has to do with parents purchasing the best helmet they can possibly get when they choose to purchase helmets for their children. In Canada, we have no standards for most helmets, other than hockey helmets, which are classified right now under the Hazardous Products Act. That's what is of real concern to us: when the act gets applied and when we actually get a chance to use a new standard and introduce it to the Canadian market. The old standards are very, very old.

Mrs. Cathy McLeod: Right now, Bill C-6 does have provisions for misleading claims regarding certification and product safety. Is that going to help?

Mr. Richard Kinar: It's not going to help in the sense that it's not going to force manufacturers to use a new standard. For example, in our particular case, we've developed a new standard based on good science. The existing helmet manufacturers have refused to use that standard unless they are forced to do so by the government. They've stated that. They participated in developing the new standard through consensus, but once again, when asked if they would use it, they're looking to leadership from the federal government.

This is a federal government jurisdiction and that's the part that particularly interests us with the old Hazardous Products Act and this new bill: who decides, and when, to actually use it? In our particular case, it's affecting our children's health. Risky sport is contributing to an epidemic of head injury in this country. Unfortunately, in that category of preventable injury, it's costing taxpayers $14.7 billion a year. Head injury is the leading killer of males under the age of 35.

Mrs. Cathy McLeod: Thank you.

I'll go to my next question.

You've talked about toys and decibel levels. You talked about how the current system for Canadian-produced toys is working very well. If there is an issue with a toy that's come in from a different country, you get a very quick response from Health Canada. You also indicated that you're aware they're looking at changing their standards.

It seems that if we change the standards to 65 decibels.... We have a system that's working pretty well. I guess that would be my question. If we have a system and we're really just looking at standards being adjusted, it doesn't seem to me that it needs to come into this bill.

● (1640)

Ms. Ondina Love: Thank you for your question.

The legislation currently is 100 decibels, which is too loud. You can look at international standards. We're looking at legislation that would bring it down to the World Health Organization level of 75 decibels. Once it's set at 75, I'm very confident that Health Canada will continue to react and test those toys that exceed 75 decibels.

In the last meeting we had with Health Canada, over a year ago, they tested 228 toys and one exceeded 100 decibels. They could not give us information on how many exceeded 85 decibels or even 75 decibels.

I'm concerned, as a parent especially, about those toys that exceed 75 decibels and the danger they pose to our children's hearing. The current decibel level is too high. That's why it needs to be looked in either legislation or in regulation.

The Chair: Thank you, Ms. Love.

We'll now go to Monsieur Dufour.

[*Translation*]

Mr. Nicolas Dufour (Repentigny, BQ): Thank you very much, Madam Chair.

Thanks as well to the witnesses for being here with us today.

Mr. Schwarcz, you've been questioned a lot today in committee. At the very start of your presentation, you cited some very interesting facts. You said that some substances might be carcinogenic and that even small quantities of those carcinogens raised at times unfounded fears in citizens. You cited the example of California, where you've recently been. You said that excessive labelling might be counter-productive because, at some point, people became totally indifferent to the matter.

Despite my young age, I get the impression that everything has become carcinogenic in the past 20 years or so. We're discovering carcinogenic elements in everything. I don't believe that was previously the case. Scientific progress is definitely enabling us to make certain discoveries, but perhaps sometimes we go too far. We may not have enough scientific data to show that a substance is really carcinogenic. You're making the public aware of these issues on a radio program, if I correctly understood. Do you think there is a lack of information, of scientific data, and that it's not being sufficiently explained to people that certain substances may indeed be carcinogenic, but that quantities are so small they virtually have no impact on the consumer?

[*English*]

Dr. Joe Schwarcz: I'm glad you asked that question. It allows me to elaborate on a topic that I've just brought up, and that's the importance of education. It really is the crux of the matter.

I think we can all agree that our education in science, especially at the elementary school level and the high school level, is not what it should be. There are students who can graduate from high school without ever having had a whole course in chemistry or physics or biology, and yet they will eventually become consumers. They will use chemistry from morning until night, and will be asked to make decisions about things like phthalates and bisphenol A—very complex issues—without having the background.

So yes, I'm certainly in favour of more and more education. I do agree that there has been an overemphasis on risks in life. I see this on a daily basis. I get literally dozens of phone calls and e-mails through my office every day. My impression is that people are so worried about dying, they're forgetting about living. They're focusing in on minor things.

Of course, as our analytical capabilities get better and better, there will be more and more things to worry about. Eventually we find that everything is contaminated by everything else, when we get down to the level of parts per trillion.

We do need to bring some rational thinking into this and to make decisions based upon the available evidence. I think it is important to get the message across that there's no such thing as a risk-free society. It is always a question of evaluating risks and evaluating them against the benefits.

When we look to exercise the precautionary principle, that is motherhood and apple pie; of course we want to do that. But we also have to look at the other side—namely, what is the risk of exercising the precautionary principle? If we're going to replace one substance with another, are we absolutely sure that the other substance has been properly evaluated?

● (1645)

[*Translation*]

Mr. Nicolas Dufour: That substance could prove to be more dangerous than the first.

[*English*]

Dr. Joe Schwarcz: Exactly.

[*Translation*]

Mr. Nicolas Dufour: The number of cancer cases has nevertheless increased over the past 50 years. They say that approximately one in three Canadians will suffer from cancer within the next few years. Isn't that a contradiction?

[*English*]

Dr. Joe Schwarcz: Yes. Cancer is an age-related disease, without a doubt. Average life expectancy is going up, so the absolute number of cancer cases is of course increasing. What one has to look at is the age-adjusted cancer rate, and the age-adjusted cancer rate is pretty well stable.

Some cancers have decreased. Stomach cancer has decreased dramatically. Some are stable, and others have slightly increased. The ones that are worrisome are prostate cancer and breast cancer, which, even age-adjusted, seem to show a slight increase, although not everyone agrees on that. There are also some childhood cancers that are increasing.

The question is, why is this happening? Is it because there are better detection techniques and now we are diagnosing these diseases where before we did not? Or is there something environmental going on? It's possible.

The Chair: Thank you, Mr. Schwarcz.

We'll now go to Ms. Davidson.

Mrs. Patricia Davidson (Sarnia—Lambton, CPC): Thank you, Madam Chair.

Thanks very much to our presenters this afternoon.

I have one quick question to the Brain Injury Association, following up on my colleague's question.

You're aware that Health Canada is currently undergoing a consultation process where they are recommending that only ski and snowboard helmets that meet the CSA regulation will be able to be sold in Canada? You're aware of that?

Mr. Richard Kinar: Absolutely, yes.

Mrs. Patricia Davidson: Do you support that?

Mr. Richard Kinar: Oh, 100%; we truly feel that what we have developed is using new technology that is actually available to the manufacturers. They're refusing to do it without government leadership.

So yes, we absolutely know that, and we're 100% behind the new standard that CSA has developed.

Mrs. Patricia Davidson: Okay.

Mr. Richard Kinar: We're hoping to actually expand that to all sport helmets sold in this country.

Mrs. Patricia Davidson: Thank you.

Mr. Richard Kinar: You cannot have an injury prevention program in this country without offering a good-quality sport helmet.

Mrs. Patricia Davidson: I'd like to ask a question to the deputy fire chief, if I could. He's been getting off pretty easily here.

I come from a household that has a fire chief and a fire prevention officer in it, so I've heard a lot of things about fire prevention and safety in the home. I've heard about the different aspects, and the horror stories they can come back and tell you about—the frayed wires underneath the rugs, the candles that have caused the house fires, and all those things. We were probably the first home in town to have flameless candles; the rest were all banned.

I know it's a very serious issue for anybody who is in the firefighting field because of the outcomes you see in terms of the safety hazards. I know that you are always concerned about the flammability of kids clothing, for example, and the standards. You also talked about the counterfeiting of different products.

Can you just talk a little bit more about the flammability issues in terms of kids clothing, the protections now, and how Bill C-6 may protect further? Then I'd like to hear a little bit more about the counterfeiting issue and how that would be improved with Bill C-6.

Mr. Kim Ayotte: On the flammability of clothing, there are some regulations that do regulate the flammability of clothing. However, with a lot of the clothing coming in from manufacturers from overseas, it's not always guaranteed.

I'm not familiar with, and I'm not here today to speak on behalf of, the enforcement capabilities of that. However, we do believe that Bill C-6 would provide greater enforcement capabilities for those types of manufacturing issues.

● (1650)

Mrs. Patricia Davidson: So there is a need for a greater enforcement capability?

Mr. Kim Ayotte: I can't personally speak on behalf of what enforcement capabilities are out there right now, so I wouldn't want to make a statement on behalf of the Canadian Association of Fire Chiefs to indicate there isn't enough. I can only speak on behalf of what we see in the homes and the damage we see from these incidents. We see the burned babies, the electrocutions, and the damage. We are in favour of any legislation that will help prevent that. That's why we strongly support Bill C-6.

On the counterfeit issue, we see similar activities. Many times when we identify something that has been CSA-approved—for example, a light fixture or any type of appliance—when we do an investigation we try to identify what within the unit caused the fire. Many times we spend a lot of resources investigating these types of incidents because they've had tragic consequences. As a result we have uncovered several incidents where fraudulent CSA-approval markings have been on the products.

Unfortunately for the consumer, our method of sharing that information isn't very quick. We don't have a quick enforcement action to go out and ask for a mandatory recall of these types of products. We tend to use the capabilities of CSA and other types of testing, like ULC, to enforce it. But many times we're talking about months, if not years, before those dangerous products are either off the shelf or have been identified at their source and eliminated.

Again, any type of legislation such as Bill C-6 that could help provide a stronger, more immediate reaction instead of the delay we currently experience would be beneficial. We would definitely embrace it to try to protect our young children.

The Chair: Thank you, Mr. Ayotte.

We'll now go to Dr. Bennett.

Hon. Carolyn Bennett (St. Paul's, Lib.): Thanks very much.

I'm hearing support for the precautionary principle, which to my mind is that even though something hasn't been proven to be dangerous, it can't be deemed to be safe. We know there are many factors in lots of things, and for individuals being able to choose their own risk assessment, information is good. We know that even though something might have one small bit of carcinogen in it, if there were a similar product without it you might choose the other one. If all of a sudden you found that all the products on your shelf had Cs on them, you might decide to choose differently.

Patients and Canadians want to know whether things have salt in them or whether they have all kinds of other things that aren't carcinogenic. They just want to know what's in them. I'm still having trouble understanding what the downside is to letting Canadians know whether something that has been implicated in cancer in any way is in a product.

Ms. Shannon Coombs: My light went on. Do you want Dr. Schwarcz?

The Chair: Who would like to answer that question?

Dr. Bennett, to whom were you directing the question?

Hon. Carolyn Bennett: It's to that corner over there.

Voices: Oh, oh!

The Chair: Why don't we volley it to you, Mr. Schwarcz, because I can see Ms. Coombs is begging you to answer that question. Thank you.

Dr. Joe Schwarcz: We come back to the issue that labelling has to be truthful and meaningful. If you put that C or that "carcinogen" on there, it implies that product is known by someone in some condition to be cancer-causing. If that is not the case, why would you be putting the C on it?

Hon. Carolyn Bennett: If it has been proven.... Take the example of the aniline dye industry, where all of a sudden it seemed that all the workers there were getting bladder cancer. In the rat studies it didn't show that. You can give rats all kinds of things. Rats live in sewers and have livers that scoop stuff up and destroy it in a better way than humans.

If something has been implicated in cancer anywhere and I'm going to choose which sunscreen I want, why shouldn't I have the right to pick the one without the carcinogen, the same as people are making choices about genetically engineered food? If they don't want to be part of this big experiment, they should have the right to choose something that doesn't have it in it. If you take that little carcinogen, that little carcinogen, and this one and that one, we don't know whether all ten of them might make your body go tilt. It's not the one product; it's the fact that in a buffet of products we are choosing for our kitchens, bathrooms, and under our sinks, people want to know. They have a right to know what's in the products.

● (1655)

Dr. Joe Schwarcz: One can make equivalent products—

Hon. Carolyn Bennett: You want them to go through all the fine print with their glossary of terms of anything that's ever been known to be carcinogenic. It will be up to them to stand there in the grocery store or the Canadian Tire store and figure this out for themselves.

Dr. Joe Schwarcz: No, I think it's up to government to ban any product that isn't safe for consumers to purchase.

I think the evaluation process has to be done, not by the consumer—

Hon. Carolyn Bennett: I understand, sir, that you wouldn't have banned BPA.

Dr. Joe Schwarcz: To ban bisphenol A is totally unrealistic. You can ban certain uses of bisphenol A. You can ban certain contexts of bisphenol A. If we bring up the baby bottle issue, which is a very appropriate one, I think that was a good decision, since there the precautionary principle can be put into effect because you do not need to make baby bottles out of polycarbonates. There certainly are alternatives that do not raise the question—

Hon. Carolyn Bennett: Studies show that if things are heated up in a vessel containing BPA, it leaches in and is absorbed. In just regular water bottles, the science isn't there yet, but as soon as the manufacturers decided to put "BPA-free" on their bottles, Canadians chose to be safe and to take the precautionary principle. They said, "Do I want this one, with BPA, or do I want this one, without BPA?"

The Chair: I'm so sorry, your time is running out.

Could you quickly answer that?

Dr. Joe Schwarcz: I have absolutely no objection to that.

Hon. Carolyn Bennett: With permission, Madam Chair—

The Chair: I'm sorry, Dr. Bennett. We have to go on to Ms. Wasylycia-Leis. I have to be fair to everyone.

Thank you, Dr. Bennett. In fact, we went over time with you, Dr. Bennett. I'm so sorry, and I'm not meaning to be rude. Thank you.

Go ahead, Ms. Wasylycia-Leis.

Ms. Judy Wasylycia-Leis: Like my colleague, I also think that knowledge helps you to live. I don't think ignorance is bliss, and I think that our job in this bill is to try to make sure that dangerous products aren't on the market. If we can't get that far, then we've got to at least give consumers the information so that they can choose. The growing incidence of breast cancer linked to reproductive toxins and neurotoxins can't be ignored. We as a committee have to take responsibility for this.

My question is back to Shannon, because you're suggesting we shouldn't label, yet you haven't recommended the ban. Would you agree, then, with an amendment that has been suggested by some other organizations, which is that our act should have a hot list similar to what we have for cosmetics, in which we list carcinogens, mutagens, reproductive toxins, and neurotoxins? These substances should be prohibited in products, with exceptions granted only to the extent that the product is essential, and with the acknowledgment that there's probably a traceable or bottom-line level you have to have there naturally, as Joe said with respect to lead, and that it's a bare minimum. Any product containing such chemicals would be required to carry a hazard label such as that required in California, Vermont, and the European Union.

Do you have a problem with that, Shannon?

Ms. Shannon Coombs: I just don't know how meaningful that is to Canadians. The list context that you're proposing, the list approach, which is to use IARC-listed substances or CEPA-listed toxic substances—

● (1700)

Ms. Judy Wasylycia-Leis: If it's not meaningful, then what do you suggest? Do you, as a mother or as a representative of this organization, think it's okay to have lead and phthalates in children's toys?

Ms. Shannon Coombs: I do not think it's appropriate. In fact, I want meaningful information. I absolutely want to be able to make the right choice about the right product. I don't disagree, but I don't agree with a list-based approach that would label substances on the IARC list that have been assessed in a particular context as such when they can be properly formulated into a product to prevent cancer.

I just don't think that's meaningful to consumers. I don't think that we should, as Dr. Schwarcz said, cry wolf and put the label on everything. Then it becomes meaningless. We want precautionary labelling that's currently on our products to be meaningful—

Ms. Judy Wasylycia-Leis: I'm not suggesting that we put labelling on everything. I'm saying we should go to the hot list approach. Let's look at those things that we know, as you just admitted, are problematic, especially for children. We're not talking now about drinking something that's poisonous; we're talking about exposure to clothing, toys, jewellery, furniture. We're talking about what could be a chronic accumulation and a condition. What do you do in that case?

Ms. Shannon Coombs: My understanding is that the general prohibition will allow the government to take action. Having a list—

Ms. Judy Wasylycia-Leis: Do you see anything in this bill that says the government "will" ban products that have been identified as toxic and dangerous for children? Is there anything in this bill that says this government's going to ban lead and phthalates in children's toys or clothing? Where? Show me.

Ms. Shannon Coombs: Well, the general prohibition will enable the government to take action.

Ms. Judy Wasylycia-Leis: It will enable it, but—

Ms. Shannon Coombs: However, can I ask you a question? If you're going to warn consumers that there are carcinogens in product X.... Let's say, for example, you use the CEPA toxic list. Hydroquinone is on that list. Are you saying that we should label the skin lightening cream and blueberries, because the greatest exposure to consumers is blueberries? If you're going to take an approach that's hazard-based, it has to be holistic. You can't just target consumer products; it has to be food as well. There has to be a consistent approach.

Ms. Judy Wasylycia-Leis: I think we can start, though. We as members of Parliament have to make a commitment to consumers that we're going to at least try to get close to the precautionary principle. We have to do our utmost to ensure that at least in areas in which we know there are serious problems involving carcinogens, neurotoxins, reproductive toxins—and there's clear research that shows the exposure to those things in toys, in products, in food over a period of time can lead to serious problems.... We have to do something. We can't just say the government "may", or the government, "if it wants to"....

This bill doesn't even say that if they know of something dangerous—such as, for example, in CTV's report the other day about car seats, or CBC's report saying car seats are dangerous, according to Transport Canada, but that they're not releasing the information.... This bill doesn't require the government to release that information. Goodness, it's really a toothless tiger, unless we can put some of that into it.

What would you suggest we do? From your perspective as a mother, what would you do to protect yourself and your kids?

Ms. Shannon Coombs: As a mom, I think Bill C-6 is going to do a good job; I do.

Ms. Judy Wasylycia-Leis: I beg your pardon?

Ms. Shannon Coombs: I think Bill C-6 is going to improve the current situation.

Ms. Judy Wasylycia-Leis: Where?

Ms. Shannon Coombs: Well, with respect to—

The Chair: Ms. Wasylycia-Leis, we only have a minute. Please, you're over time.

Ms. Coombs, could you please answer this question? Thanks.

Ms. Shannon Coombs: I can try to answer about what the bill does, the general prohibition. To use the example of lead in toys, last year we had two incidents in which we had recalls. There were provisions in place for the company to voluntarily do that. Now that's not going to be the situation: the government will take action and force the company to do it.

As a mom, I think that's a good thing. I do, Judy.

The Chair: Thank you so much.

We will now go on.

Ms. Judy Wasylycia-Leis: I thought I had a minute.

The Chair: Ms. Wasylycia-Leis, your time is up. We've gone over time. I'm sorry. You're being mischievous here today.

Having said that, can I ask, please, the permission of the committee to ask a question?

Some hon. members: Agreed.

The Chair: All right, thank you.

Mr. Schwarcz, I have a question for you. I was listening very carefully to what you were saying, and I was trying to sort it all out. From my point of view, you were saying—and please correct me, if I'm wrong—that there were labels put on things when perhaps there wasn't the proper science done to prove that there is a carcinogen in the product that would cause cancer or harm somebody. Is that right?

And you said these labels should not be put on, because there could be mass confusion, because things can become too labelled and you cry wolf too often, and people don't pay attention. Is that correct?

● (1705)

Dr. Joe Schwarcz: Yes.

The Chair: Well, I have a question for you. If doctors and scientists know there is a population that is getting cancer at an increased rate, and there's one variable in place and it is that certain products have been imposed upon that population over time, then even though scientists may have tested it in rats but haven't tested it in humans, why do you think it isn't it better to make sure that there's a precaution? We're talking about a life and death situation with people. Could I have your opinion on that point?

Dr. Joe Schwarcz: Of course you have to have a precaution, as long as you have the scientific evidence of what you're cautioning against.

The Chair: I understand that, but can I just define it a little better? My background is science, so I'm all for science identification. When you mean science identification, in the real world sometimes science is only done on rats. I think Dr. Bennett made a very good point when she said rats live in sewers and they're....

Hon. Carolyn Bennett: They're good at cleansing.

The Chair: They're good at cleansing. Thank you.

Having said that, hopefully most humans aren't in this position. So if there is a population, would you say that you would not consider the science in this case scientific evidence, because it's not actually tested on humans? I just need to know that.

Dr. Joe Schwarcz: No. It's not cut and dried like that. We have to look at a specific issue. If you can tell me a specific chemical, then we can talk about it.

The Chair: Thank you.

Okay, we will go to Dr. Carrie.

Mr. Colin Carrie: Thank you very much, Madam Chair.

I want to thank the witnesses for coming in today, because your testimony has been very enlightening.

I want to talk to the Brain Injury Association. I was a little concerned when you stated that you didn't feel you were consulted. I want to make sure that we do the consultation at least now.

You had a short speech at the beginning. Have you made a written submission to our committee?

Mr. Richard Kinar: We will be doing so.

Mr. Colin Carrie: You will be? Excellent. Thank you very much; that's great.

Are you pleased to know that Bill C-6 can be used to regulate snow and ski helmets and to ensure that helmets are labelled properly so that consumers know they are purchasing safe products?

Mr. Richard Kinar: Our concern primarily is implementation. In the particular case when you've gone through the process with the Canadian Standards Association through consensus and good science, and that standard is sitting on a shelf, it becomes very frustrating. It's the implementation time that is particularly of interest for us and that I'm sure would interest the Canadian Standards Association, going into the future, for other endeavours.

When you've gone through a consensus process, particularly for labelling—and we've addressed this in part of our standard.... We're particularly concerned that we cannot implement injury prevention strategies across the country, if we can't reference a standard. This has been particularly frustrating for the Federation of Canadian Municipalities. The ski industry as a whole can't reference a standard for helmet use, which has become a real problem. Even for parents who are putting their kids on toboggans, it becomes a real issue. Repetitive head injury, particularly in managing concussion, is becoming very important, particularly to families who have their children in multiple sports.

The science we're understanding now is that repetitive head injury is leading to learning and behavioural problems and early onset of dementia—all sorts of issues that we have to address. When something like this has gone through a process that we've already done and is sitting either in the state of a private member's bill in the House of Commons or sitting on a shelf not being used, I can't see how it's benefiting Canadians.

So our concern is implementation time, both under the Hazardous Products Act and, in moving forward into any new legislation, in how you deal with things in a timely fashion when you've gone through a consultation process.

● (1710)

Mr. Colin Carrie: I think everybody on this committee would share frustration about how long it takes for things to happen. I think we'd also agree that we're very pleased that we actually are taking action on this issue. Hopefully the bill will pass and we'll have a good bill that is also flexible, because in a situation like the one you're looking at, we're learning about repetitive head trauma.

I'm curious. Do you have any recommendation? There are private members' bills out there, and quite often they can take forever to get through, if they ever even come up. You can put things into legislation, and it appears pretty solid, and then you have regulations. Regulations are a little more adaptable, because legislation can take forever.

Do you have a recommendation or a preference? Do you want to deal with it in a legislative way, or would you prefer to see it in a regulatory way that might let it be a little more adaptable? Or does it matter?

Mr. Richard Kinar: What matters to us is changing the culture. We're finished with the standards for ski and snowboard helmets. There are a whole host of other helmets for us that are out there and that don't need any standards. We can't take years to go through those as well. So whatever it is for a parliamentarian that helps to speed up a process....

I'm not talking about being negligent in the process. I'm just thinking that when you've developed something with a consensus and good science, there is a time to move forward.

Mr. Colin Carrie: That's the thing about flexibility, and the general prohibition that's in this bill should address it, because the government can take these things off that aren't safe.

Is that a good idea, in your opinion?

Mr. Richard Kinar: The Brain Injury Association of Canada would like to take a little more time to study it, because we feel we haven't had enough time to sit with this. We would certainly like to be able to make a written submission probably within the next couple of weeks on that.

Mr. Colin Carrie: We would welcome and look forward to it. I think everybody is in agreement.

Thank you very much.

The Chair: Dr. Carrie, could I interrupt you? I guess your time is up. I thought you were going to take both slots. I was going to make everyone aware that you were going to continue on to the next spot, but I understand Mr. Uppal is doing it.

Mr. Tim Uppal (Edmonton—Sherwood Park, CPC): He can go ahead.

The Chair: Okay, back to you, Dr. Carrie.

Mr. Colin Carrie: I do have more questions.

I want to direct a question to Ms. Coombs.

You talked about international labelling standards. I use your products, through your members, quite often, and you do have products that are manufactured in other countries. I don't know if in Canada we have products that are manufactured in Europe or California. Are there any issues in regard to trade, whereby, depending on how we put this legislation in, trade might be affected negatively or positively? You did mention that the products we consume here in Canada meet or exceed Canadian standards. In your industry, is it a usual thing that something is made in California to a higher standard, you ship it into Canada, but it's just the labelling that's different and the product inside is exactly the same? Is that fair to say, or not quite?

Ms. Shannon Coombs: There are a lot of questions. I'll try my very best to answer.

Proposition 65 doesn't require labelling the presence; you're only labelling at a meaningful level. When our companies are marketing products they normally market on a North American basis. However, if there is a precautionary labelling that needs to be on a certain type of product, it meets and exceeds the Canadian standard, absolutely. There are different products manufactured in this jurisdiction.

One of the reasons we have been supportive of GHS is that from a company perspective, because GHS is a program that's designed for workplace chemicals as well as consumer and transportation, it would be good to facilitate trade to have a GHS type of system. However, unless the U.S. is going to move with us, there is very little benefit to us because we have a comprehensive labelling system in place in Canada currently.

With respect to the cost you mentioned earlier, we do have some cost with respect to how GHS was implemented just for soaps and detergents in the EU. The cost was 400 million euros to implement GHS just for soaps.

Mr. Colin Carrie: What's that in Canadian dollars? Do you know?

Ms. Shannon Coombs: I'm not too sure what the rate is, but it's about $650 million. I don't know the rate of exchange, but I'm ballparking it.

Mr. Colin Carrie: That's just for soaps.

Ms. Shannon Coombs: Yes, just for soaps.

Mr. Colin Carrie: Thank you very much.

Dr. Schwarcz, my colleague brought up the hot list concept. What's the feasibility of adopting this type of list?

You talked a little about potential hazards versus real risks. It's very important for Canadians to understand the real risks. We've seen some discussion, for example, on something that's a carcinogen that may be in sunscreen, but in that formulary it's actually a good thing, and we don't want to scare people away from using sunscreen. Could you comment on this thing we call “potential hazards” versus real risks?

● (1715)

Dr. Joe Schwarcz: Those kinds of decisions can't be left up to the consumer. If there is a real risk, then that has to be made at a level of scientific inquiry. It's toxicologists, developmental biologists, chemists, and physicians who should be making that decision. If the decision is that the ingredient in that product represents a danger, then it should not be sold. It should not be left up to the consumer looking at the labels in the store to decide which one they should buy, because they are not equipped to do that. To know anything is extremely difficult, especially in the area of toxicology. There are so many variables. These decisions have to come at a higher level.

My answer would be that although it's nice to educate the consumer about risk analysis and risk-benefit ratios, etc., we can't leave them floundering out there to make that decision for themselves. It has to be made by people who know what they're talking about.

Mr. Colin Carrie: I see this, too, as a kind of grey area. I like to eat naturally. Like I said, I like almonds, and I think they have arsenic in them. If you eat a lot of those.... I like apples too, and sometimes they have these waxes and pesticides and even—

Dr. Joe Schwarcz: Cyanide.

Mr. Colin Carrie: Yes, and cyanide, yet we want to eat these things.

Ms. Coombs was saying that it has to be broad-based. For example, it doesn't make a lot of sense in my mind. If I put this plastic pen in my mouth, do we have to label this pen? Do we have to start labelling apples and almonds? How do you go about doing that?

I'll just throw this comment out there. Where do you see personal responsibility ending versus government regulation and how do we as a committee get our heads around that?

Dr. Joe Schwarcz: These issues, as I said, are so complex—

A voice: What isn't?

Dr. Joe Schwarcz: —but this has to be done as a regulation by people who know what it is they're doing and what it is they're regulating. Personal responsibility comes down to things like deciding whether you are going to eat French fries every day, okay? Yes, that's a personal kind of decision. But as for whether or not you're going to make a decision about the amount of acrylamide present in those French fries that are fried at one temperature relative to another temperature, the average person can't make that kind of decision. If that is important, then there has to be a law saying you cannot fry French fries above a certain temperature.

The Chair: Thank you so much.

Today has been extremely interesting. All of the witnesses here have brought forward some very thought-provoking and very insightful comments on the bill. We appreciate that from all of you so very much.

Here's what we're going to do now. Our committee is sitting very late tonight. I'm going to suspend the committee and ask people to leave the room as quickly as they can.

Don't swipe the food. The food is coming in to feed the committee and then we're going right to work again.

Thank you so much. I'll suspend for about two minutes.

● _____ (Pause) _____

●

● (1730)

The Chair: Thank you for coming. I need to make sure that you understand what's going to happen in the next two hours, because this is going to be a busy place.

I would ask that you be aware that the food at the back is for the members of Parliament only, because we have a very long meeting. I'm sorry to be so selfish, but this is what we have to do. I don't want to suspend to have dinner for the committee; I want to make it a working committee. I see disappointed faces. As I've said, the food is only for the members of Parliament, because we've only ordered for the members of Parliament.

I'll ask you to take your seats now, so we can start right at 5:30. We're going to go into the committee meeting very shortly. We're going to ask the members of Parliament—I know it's a little awkward, but we have no choice—to eat as we're conducting our business here in committee.

We welcome our witnesses. We have the Canadian Food Association, represented by Mr. Taller. I guess you're quite happy that we have healthy food for the MPs tonight. From the Canadian Toy Association, we have Arthur Kazianis and Mr. Hurst, who is chair of the board. From the Consumers Council of Canada, we have Lucienne Lemire, the chair of their health and safety committee, and Gail Campbell, director. From Option consommateurs, we have Anu Bose, head of the Ottawa office, and Geneviève Reed, head of research and representation department. From the Professional Institute of the Public Service of Canada, we have Don Burns, vice-president, and Tawfik Said, their research officer, compensation and policy analyst. Welcome.

We will start with Mr. Taller, from the Canadian Health Food Association.

Mr. Joel Taller (Legal Counsel, Canadian Health Food Association): Thank you, Madam Chair.

My name is Joel Taller. I'm legal counsel to the Canadian Health Food Association, the CHFA.

On behalf of the association, I'd like to thank this committee for the important work you do and the opportunity to appear before you to address an important piece of legislation, Bill C-6.

The CHFA is Canada's largest national trade association dedicated to the natural and organic products industry. Our members represent the entire supply chain, including growers, manufacturers, retailers, wholesalers, distributors, and importers involved in a variety of industry subsectors, such as vitamin and mineral supplements, herbal products, homeopathics, sports nutrition products, natural and organic fibres, and health and beauty aids. The products support Canadians seeking to enhance and maintain health and well-being and together represent an industry worth more than $3.5 billion annually.

Our interest in Bill C-6 stems in part from our disappointment that natural health products were not specifically articulated as being exempt from Bill C-6 and our concern with respect to some of the new powers proposed in Bill C-6, which might find their way into future amendments to the Food and Drugs Act. We have written the minister expressing our concern that natural health products were not specifically mentioned as exempt from Bill C-6 and we have received a positive response from the minister indicating that amendments will be proposed that address our concern. We hope this committee will support any proposed amendment that will specifically articulate in the proposed legislation that natural health products will be exempt.

We also believe in the importance of having a variety of powers available to both the Minister of Health and inspectors, should it be necessary. As a $3.5-billion industry in Canada, the majority of our industry is small and medium-sized enterprises that are working hard to comply with the current regulations. As a regulated industry built on innovation, the economic impact of heavy enforcement without the necessary checks and balances is not acceptable. While we are pleased to see that the government recognizes the need for enhanced powers, nonetheless it will be important for those granted these additional powers to understand their limits. It remains our concern that there should be reasonable oversight with respect to the exercise of those powers.

Over the years, our members and the industry as a whole have argued for an appropriate legislative and regulatory framework that recognizes the unique and low-risk nature of natural health products. The 1998 Standing Committee on Health's 53 recommendations, contained in the report entitled “Natural Health Products: A New Vision”, gave stakeholders hope that their voice had been heard by the federal government.

The first recommendation was for the creation of a definition for “natural health products” distinct from food and drugs, and for the Food and Drugs Act to be amended accordingly. Stakeholders were told by Health Canada in 1998 that the most expedient way to implement the decisions of the standing committee was not to wait for an amendment to the Food and Drugs Act, but rather, in the interim, accept the implementation of the natural health product regulations, with NHPs defined therein as a “subset” of drugs.

This was only to be a short-term fix until such time as the Food and Drugs Act as it was amended was part of a more comprehensive review. Not only is this perception of NHPs being a subset of drugs troubling, but many within the industry believe this has resulted in a shift in the interpretation by the regulator of a regulatory framework bringing those requirements more in line with drugs.

Our members have expressed concern that their experiences with the natural health products directorate no longer appear to follow the original intent of the standing committee. In many cases the expectations that have been applied to NHPs are the same as or more stringent than those applied to drugs, including drugs that were previously approved by Health Canada. This is not acceptable.

Make no mistake, the CHFA is committed to the highest level of consumer safety. That said, the principle of smart regulation is not reflected in the experience of our members. Despite the generally low-risk nature of NHPs, in many cases our industry is experiencing the very same regulatory rigours as drugs. In today's economy, the Canadian public is not well served by a regulatory regime that hinders innovation with no discernible increase in consumer protection. These are safe and well-designed products, for which the regulatory framework should promote, not impede, innovation, bringing to Canadians new, safe, and high-quality products, allowing them to take charge of their health while allowing the industry to create jobs across the country.

The natural health products and organic industry believes in providing safe, effective, and high-quality products to Canadians working to enhance and maintain health and well-being. We therefore recognize the need to ensure that all products are safe. Our industry believes contaminated products should be removed from the marketplace and not be made available for sale. This is critical to the continued growth of our industry in Canada.

● (1735)

In closing, CHFA hopes that this committee will support amendments that will specifically reflect that natural health products are exempt from Bill C-6 and ensure that the suite of powers provided for in Bill C-6 are subject to reasonable checks and balances that will ensure the health of Canadians while permitting those who are subject to those powers an opportunity to respond in an appropriate manner and within a reasonable timeframe.

Thank you very much for your time this evening.

The Chair: Thank you.

Could we now go to the Canadian Toy Association?

Mr. Hurst, please.

Mr. Jeff Hurst (Chair of the Board, Canadian Toy Association): Thank you, Madam Chair and members of the committee.

As chairman of the Canadian Toy Association, I appreciate this opportunity to help advance our shared goal of improving toy safety by addressing Bill C-6, an act respecting the safety of consumer products. With me, also from the Canadian Toy Association, is Arthur Kazianis, who will assist in answering members' questions this evening.

The Canadian Toy Association's 110 members are manufacturers, importers, and distributors of toys, generating about $1.8 billion of annual retail sales in Canada. Although the Canadian industry is large, our core members are actually smaller Canadian businesses.

CTA's members are vitally concerned about toy safety. Since recalls by some large multinational toy companies two years ago, our members have worked hard to further enhance toy safety. Toy manufacturers have increased their investment in safety throughout the product development process, including the evaluation of product designs and testing prototypes throughout the manufacturing process. This includes testing raw materials, preproduction samples, in-process goods, and finished products. Toy manufacturers also audit the compliance of their vendors and suppliers, ensuring that they are following safety procedures.

There is consensus among experts that this focus on safety throughout the product development process is the best way to ensure safety. These measures have greatly improved our members' ability to ensure toy safety in a global economy. Apart from these private initiatives, CTA recognizes that the government can further advance our mutual goal of enhanced toy safety. CTA accordingly supports the government's initiative to update Canada's consumer product safety law, and we welcome this opportunity to work with the government and Health Canada.

I would like to emphasize that this legislation will be guiding the government and stakeholders for many years to come, and we therefore urge the committee to take its time while reviewing this bill to avoid any unintended consequences. There are many significant issues within this bill that will impact Canadian businesses.

There are three areas in which CTA thinks Bill C-6 could be improved: the reporting of incidents; preservation of confidential business information; increased alignment of international safety standards and procedures.

As to incident reporting obligations, we recognize that genuine safety issues must be reported to the government in a timely manner. At the same time, our members receive and carefully analyze thousands of reports from consumers each year, the vast majority of which do not raise genuine safety issues. It is important to ensure that the government is promptly notified of safety issues without causing the toy industry to flood the government with every report from consumers around the world.

We have discussed this issue with Health Canada, which recognizes this need for balance. However, CTA believes that Bill C-6 itself should at least provide clear guidance to better inform Health Canada's implementation.

As to preserving confidential business information, Health Canada unquestionably must have the power to disclose information as necessary to protect consumers from danger. At the same time, publication of unsubstantiated consumer reports that have not been investigated properly may give rise to false alarms. This could corrode the credibility of Health Canada and create unnecessary anxiety, or even panic, among consumers. It could also seriously damage good toy companies that have spent years building their reputation.

We urge that Bill C-6 be amended to make clearer the scope of commercial information the minister could disclose, and to require the government to notify a company if and when its confidential information is going to be released.

As to the alignment of international safety standards, the toy industry operates in a global economy. Aligning international safety standards and procedures, which often address the same issues, would benefit regulators, industry, and Canadians. It would eliminate the need to duplicate toy testing where the tests are only slightly different. It would facilitate trade and reduce costs to consumers, and it would enable closer cooperation and enforcement by Health Canada and its counterparts around the world.

Indeed, increased alignment of international standards is an explicit goal of Health Canada. For example, one of the objectives in the 2005 memorandum of understanding between the United States and Health Canada regarding consumer product safety is to make our standard-related measures as compatible as feasible.

While there are many different voluntary and mandatory safety standards for toys, the standards established by the respected International Organization for Standardization, commonly known as ISO, have been adopted in more countries around the world than any other. Even those countries that have set their own standards have turned to variations on the ISO standards. The European Union has largely adopted a variation of those standards, and the United States has recently implemented standards that closely track to the ISO standards as well.

● (1740)

CTA and its members urge Canada to take advantage of the experience reflected in standards already adopted by other countries. Canada, of course, must be free to adopt its own different standards to the extent necessary to protect its youngest citizens, but in light of the advantages of aligning international standards, departures from accepted existing standards should be the exception rather than the rule.

Madam Chair, in summary, the CTA applauds these efforts and supports the principles in Bill C-6. Again, we urge the committee to take its time while reviewing this bill to avoid any unintended consequences.

As we go forward, we want to work with the government to refine and improve the bill in the three areas I mentioned.

First, we request the clarification of reporting objectives. We want to ensure that Health Canada obtains the information it needs to protect consumers but does not, at the same time, create a crippling volume of consumer reports that do not reflect a safety issue.

Second, we request that Bill C-6 ensures that confidential business information is released publicly only to the extent necessary to address a genuine safety risk, and that advance notice be provided to the affected businesses.

Third, we believe Canadian consumers and companies, as well as the government, would benefit greatly from increased alignment with international safety standards and procedures. At the same time, we must preserve our ability to depart from international standards where it is necessary to do so.

On behalf of the CTA members, I want to thank you, Madam Chair, and the other members of the committee for the opportunity to speak here today on a matter that is vitally important to all of us, particularly the CTA and its members.

Arthur and I would be pleased to respond to members' questions at the end.

Thank you.

● (1745)

The Chair: And I thank you, Mr. Hurst. It's a real honour to have you here and to hear your comments at committee. We really appreciate it when you come and give us your wisdom. I'm talking about all witnesses, not just you; it's everybody.

We're now going to the Consumers Council of Canada. Lucienne Lemire, are you going to start off?

Thank you.

[*Translation*]

Ms. Lucienne Lemire (Chair, Health and Food Safety Committee, Consumers Council of Canada): Thank you for inviting the Consumers Council of Canada to present this brief. I would like to introduce my colleague Gail Campbell, who is director and member of the health committee. My name is Lucienne Lemire, and I am chair of the health committee.

The brief was written in English. Since I'm not gifted enough to provide a simultaneous translation of it, I'm going to present it to you in English.

[*English*]

This is the submission of the Consumers Council of Canada to the Standing Committee on Health with regard to Bill C-6, an act respecting the safety of consumer products.

The Consumers Council of Canada is an independent not-for-profit organization, federally incorporated in 1994 to bring a consumer voice to important local, regional, and national issues. The council works collaboratively with consumers, business, and government to solve marketplace problems. We aim to inform consumers, business, and government alike about their rights and obligations.

Our cooperative, practical engagement contrasts with the more traditional adversarial approaches to advocacy. The council believes it is good business to address consumer issues effectively.

The Consumers Council of Canada believes the provisions proposed in Bill C-6 both support the needs of all stakeholders and establish the key factors necessary for an effective product safety program. The council has identified five major gaps in part of the Hazardous Products Act, the existing product safety legislation, and how Bill C-6 will address these gaps.

The five gaps are as follows: first, the inability to prevent unsafe products from entering the Canadian market; second, the inability to deal with unregulated products or hazards; third, the inability to detect and identify dangerous products at an early stage; fourth, the inability to respond quickly and appropriately to dangerous products; and fifth, the inability to deal with deceptive labels or marks.

I would now like my colleague to explain how we see that the new bill, Bill C-6, addresses these gaps.

Ms. Gail Campbell (Director, Consumers Council of Canada): Thank you.

We believe that the proposals in Bill C-6 strengthen the government's ability to protect Canadian consumers. The specific changes that the council sees protecting consumers include the prohibition of a manufacturer or importer from manufacturing, importing, distributing, promoting, or marketing a product that is, or is likely to be, a danger to the health or safety of the public.

The change in Bill C-6 also gives the power to compel consumer product recalls, or other corrective measures, and to carry out measures if the industry doesn't cooperate. The ability to order a supplier to remove, recall, or correct a defective product enhances consumer protection by removing the risk posed to consumers.

The legislation also allows an increase in fines and penalties, including administrative monetary penalties. These will deter the existence of dangerous products in the marketplace and enhance consumer confidence in the marketplace.

Finally, the changes will include the requirement of manufacturers and other suppliers to take necessary measures to ensure safety of consumer products. It will ensure the mandatory reporting of defects, adverse defects, and mandatory record-keeping for traceability of products throughout the supply chain. This will help identify dangerous products at an early stage. It further strengthens the accountability of manufacturers for protecting Canadian consumers.

In conclusion, in order for Health Canada to effectively govern the safety of consumer products, it requires the authorities and the tools to detect, assess, and address product hazards readily. Business requires a level playing field and good-quality product safety information to identify hazards, to address product risks, and to comply with regulations.

Consumers also require good-quality product safety information in order to take responsibility for preventing product-related injuries and for maintaining products correctly. The council believes that the provisions proposed for Bill C-6, the Canada consumer product safety act, support the needs of all stakeholders and establish key factors necessary for an effective product safety program.

Thank you so much for allowing us to present, and we'll be happy to answer questions.

● (1750)

The Chair: Thank you, Ms. Campbell and Ms. Lemire, for your insightful presentation.

Okay, we now go on to Geneviève Reed and Anu Bose, from Option consommateurs. I hope I've pronounced that right. You're both here on the list. Who would like to begin?

Geneviève? Thank you.

[*Translation*]

Ms. Geneviève Reed (Head, Research and Representation Department, Option consommateurs): Madam the committee Chair, vice-chairs, committee members, the clerk of the committee and analysts, let me begin by thanking you for giving Option consommateurs the opportunity to appear before you on Bill C-6, An Act respecting the safety of consumer products.

Option consommateurs has been in existence since 1983. We are a non-profit association whose mission is to promote and protect consumers' interests and ensure that they are respected. Our head office is located in Montreal, and we also have an office in Ottawa. Ms. Bose is responsible for it.

We intervene on matters of public policy at both the federal and Government of Quebec levels. We have a long and abiding interest in the safety of consumer products, first because we publish an annual guide to toys, in collaboration with the magazine *Protégez-Vous*; second, because we sit on the Committee for Consumer and Public Interest of the Standards Council of Canada; and thirdly, we conduct research on all aspects of toys, including sound levels.

[*English*]

The Chair: Go ahead, Ms. Bose.

Mrs. Anu Bose (Head, Ottawa Office, Option consommateurs): Members of the committee, the consumers of Canada need Bill C-6, but it is only a first step.

Every day Canadians buy a variety of consumer products that are imported into Canada from all over the world. These include toys, clothing, tools, and electronics. Their number is legion. Unfortunately, in recent years we've seen several product recalls, and this has had a negative impact on consumer confidence. We are convinced that the regulatory regime for consumer products available in Canada should be both strengthened and modernized. Therefore we believe that Bill C-6 for the most part responds to the concerns of Canadian consumers.

We particularly welcome the inclusion of the ban across the board that will affect each and every player in the production chain. Furthermore, it will enable the Minister of Health to take prompt action to remove dangerous products from the shelves of stores and supermarkets. This bill will also give more power to inspectors, including the power to order a recall. We hope that these inspectors will be given the necessary resources and the department will be sufficiently staffed to exercise these enhanced powers.

The obligation of each and every party that manufactures, imports, or sells consumer products to report incidents is also particularly important. We hope that this reporting requirement will be accompanied by strengthened cooperation at the international level between the office of the consumer product safety division of Health Canada and its European, Asian, and American counterparts. We also hope that maximum effort will be made to pool information on all recalls from the respective countries. Finally, we trust that this measure will lead to the creation of a national registry of recalls that will enable Canadian consumers to directly participate in the recall process.

The product safety program of Health Canada within the healthy environments and consumer safety branch must therefore be given the necessary resources to further increase awareness among Canadian consumers. Consumers should be able to promptly report any information they have related to a given product.

● (1755)

[*Translation*]

Ms. Geneviève Reed: We are concerned, however, by the non-inclusion or rather, the disappearance, of section 18 of the previous Bill C-52. This section stipulated:

> 18. The minister may disclose information to the public on a danger to health or human security that any consumer product poses.

We would like this section to be reinstated. To allay the fears of certain stakeholders that the scope of this section could have an adverse impact on the ability to protect commercial information, we recommend that creating a new clause entitled "Communicating with the public" and inserting it in the texts of section 18 of the former Bill C-52.

Canada's main trading partners, the U.S.A. and the European Union have both opted for proactive disclosure on recalls related to health and safety of consumer products. We recommend that a similar system of reporting recalls and the corrective measures taken by government be implemented in Canada. Such a move would go far to bolster the confidence of Canadian consumers. In order to make such a system more user friendly and easily accessible to Canadians, it should be constructed as a single Internet portal where one could, with minimum effort, find information on recalls of all types of products sold in Canada, whether it be consumer products, food, medicines, cosmetics or cars. See, for example, the U.S. government site, www.recalls.gov, for a model.

Inasmuch as Bill C-6 allows the minister, through regulation, to adopt the measures necessary to implement this law, we believe that at least the two above-mentioned measures should be acted upon without delay.

You may recollect that there was a flood of recalls of Fisher-Price toys by Mattel in the summer of 2007. Option consommateurs conducted a flash survey of the retailers and the manufacturer to find out how these recalled products could be returned. We discovered then that there was total confusion all round and that all consumers were not treated alike.

We trust that, with the passage of Bill C-6 on consumer product safety, the minister will be able to quickly focus on setting up a recall system that would reflect the interests of consumers, particularly those most vulnerable. Any recalls policy should clarify the steps to be taken to compensate and properly inform consumers of the product that was subject to recall. It should also be accompanied by a guide for manufacturers and distributors so that they could undertake the necessary corrective measures, including recalls, to ensure the safety of products. This guide should be developed in close collaboration with consumer associations, as in Europe.

Toys represent the largest proportion of recalled products in both Europe and the United States. In fact, very strict rules governing toy safety have been adopted across the world in recent years. These include: legislation on chemicals potentially harmful or carcinogenic, lowering of the permitted thresholds for certain hazardous substances, such as lead or mercury, and strengthening the rules regarding the use of tiny parts in toy manufacture.

In 2004, we conducted a study on noise levels in toys for children between zero and three years of age, and we recommended that a stricter standard than the existing one be adopted. Canada can benefit from the experience of other states when creating regulations which are both tailored to the realities of the market but at the same time are effective in protecting consumers.

We hope that the minister will use the power of regulation granted to her wisely and make Canada a safer place for children and for consumers.

Ladies and gentlemen, thank you for your attention and we will be happy to take your questions.

● (1800)

[*English*]

The Chair: Thank you so much.

We'll now go to the Professional Institute of the Public Service of Canada and Mr. Burns.

Mr. Don Burns (Vice-President, Professional Institute of the Public Service of Canada): It is a pleasure to be here this evening. We welcome the opportunity to present our brief.

The Professional Institute represents 57,000 professionals across Canada in the public sector, many of whom work in the area of product safety.

Bill C-6, the proposed act addressing the safety of consumer products, gives Health Canada increased authority to protect the public's health and safety from unreasonable dangers posed by consumer products, whether manufactured in Canada or imported from abroad. The bill provides new authorities and tools to enforce compliance. The institute applauds the government's foresight in proposing this bill, and in broadening Health Canada's regulatory authority over consumer products. However, the institute is concerned that the funding is not sufficient. Present allocations may not allow Health Canada to hire enough product safety inspectors to successfully manage the increased responsibilities and obligations related to ensuring product safety.

There has been an exponential growth in the number of product recalls in Canada over the last few years. This is due to the increased number of imported products as well as the increased vigilance of product safety inspectors. Health Canada will become even more involved in providing safety rules and regulations for products—not only at the point of sale, but also during development, manufacturing, importing, and advertising. This stronger oversight role will be accompanied by increases in the reporting of dangerous incidents, product defects, labelling deficiencies, and recalls from other jurisdictions. There will also be increases in inspections of consumer products, seizures of consumer products, ordering of corrective measures, carrying out of recalls, and verifying of compliance. All reports will have to be reviewed and analyzed, and the physical in situ inspections and seizures will need to be stepped up.

Bill C-6 provides Health Canada with expanded powers to search, seize, and possibly destroy private property or take control of businesses if it has been determined that the act has been violated and unreasonable danger to the public health exists. Bill C-6 states that a review officer “shall complete the review within a reasonable time", and that the person who has requested the review is to be notified "without delay". This requires trained staff. It requires professional, qualified product inspectors. The work of a product inspector is exacting and demanding. Nowadays, citizens are requesting more information about the merchandise they buy for their families, and producers, importers, and manufacturers are urging timely action. It has been reported that some stakeholders are concerned about the amount of time it would take to review inspectors' orders for corrective measures. In light of this, we ask the following question: will there be sufficient inspectors to make sure that the new legislation is applied in a timely manner?

We are also concerned that the existing legislation already includes the provision to impose fines, but that these are rarely imposed. This is no doubt due to the lack of personnel needed to carry out the necessary follow-up in such cases. There are simply not enough inspectors.

There are over 630 scientific regulators, the SG group, across Canada, over 60 of whom are consumer product inspectors. Almost all SGs, 95%, are at the working level, with only 5% at the training level. Having so many experienced regulators is a positive, but the situation does not bode well for the future. As with the public service as a whole, a wave of retirements is about to take place. The time required to effect a proper transfer of knowledge is growing short. The loss of the corporate memory will make it difficult for Bill C-6 to be enforced.

The work of inspectors is becoming more technical. There are more demands placed on them, and inquiries are becoming lengthier. Moreover, the number of complaints is growing. It takes three to four years for a new hire to become independent in his or her work. A new product safety inspector will already have at least an undergraduate degree in science, perhaps combined with a few years of experience outside the federal government. More inspectors need to be hired, and experienced inspectors on the brink of retirement need enticements to stay on. This needs to happen very soon.

● (1805)

A clear Health Canada strategy is needed to deal with imported products at the border. Recurring problems are known to exist with some commodities. These need to be seized before they enter the Canadian market or need to be prevented from being imported. Recalls must be avoided. A coordinated effort on the part of the Canada Border Services Agency, or the CBSA, and Health Canada is required.

For example, some government departments and agencies prohibit certain goods from entering Canada. Other goods are controlled, which means that permits, certificates, labels or federal authorizations are needed before they can be released by the CBSA, which otherwise holds them until the importer meets the requirements. All parties must be trained to meet the requirements of Bill C-6. Increased controls must be in place before consumer products are imported into Canada.

Canada is a world leader in terms of food, health, and product safety. With regard to both food and health safety, federal regulators are involved in international education and policy-making. Canadians would benefit from the federal government hiring enough regulators and product inspectors to similarly help educate officials in other jurisdictions. This would reduce the likelihood of hazardous products being imported into Canada and subsequently being used by unsuspecting Canadians.

Our recommendations are for increased funding for Health Canada to allow it to fulfill its broadened mandate; a recruitment strategy to attract and train new inspectors; a retention policy to encourage current staff to remain in place longer in order to retain the corporate memory needed to train the new recruits—and the Expenditure Restraint Act's impact on public service salaries until 2011 is no help in this regard; and a coordinated strategy with the Canada Border Services Agency to prevent unsafe products from entering Canada.

Thank you.

The Chair: Thank you very much.

We are now going to go into our question and answer period. We have seven-minute rounds of questions and answers, beginning with Dr. Duncan.

Ms. Kirsty Duncan: Thank you, Madam Chair.

Thank you, everyone, for your presentations. They were very interesting.

I wonder if I can ask the group a question. If someone disagrees, they can say who they are and why they disagree.

Do you agree that consumers should be entitled to information about chronic health dangers in consumer products?

Ms. Lucienne Lemire: I would certainly agree with that. If you just want the people who disagree to speak up, I'll be quiet, because I agree.

Ms. Kirsty Duncan: Is there anyone who disagrees with that statement? Are you okay with that? Thank you.

I'll ask it the same way this time as well. This one is a little more challenging. Do you support legislative prohibitions on priority categories of toxic substances in consumer products, particularly where safer substitutes are available? Is there any disagreement?

Mr. Arthur Kazianis (Technical Committee Co-Chair, Canadian Toy Association): Just a clarification, maybe. We agree with the proposal, provided that the safer substitutes are equally evaluated as they exist in products that have been used. By that I mean that science has evaluated the proposed substitutes.

Ms. Kirsty Duncan: Thank you.

Are there any other comments to that?

Mr. Joel Taller: Can you also address the issue of economics behind it? In other words, when you talk about a safe alternative, is it so economically unfeasible to use that safer ingredient that it would be tantamount to banning the substance of concern in the first place?

Ms. Kirsty Duncan: You'd like us to note that in general there appears to be agreement for safer alternatives, if you're able and it's economically feasible.

Mr. Joel Taller: Yes.

Ms. Kirsty Duncan: Does that meet with everybody's approval?

Ms. Lucienne Lemire: I think what we have to keep in mind is that safety of the consumer is paramount. I think most consumers will say that their health is more important than what it costs.

That said, I think it's a question of common sense. That probably needs to be something worked out between the scientists and the people who produce the product, in a very healthy discussion, but I don't think it should be a matter of, "Well, that's going to be more expensive; therefore, that excludes it." I think most consumers would be prepared to pay for safety.

● (1810)

Ms. Kirsty Duncan: Okay. Thank you.

Mr. Arthur Kazianis: In our business, obviously, safety is the top priority. Therefore, the cost will become secondary.

Ms. Kirsty Duncan: Thanks to all of you for that.

I'll ask another question. We know that certain chemicals that are suspected carcinogens have been found in consumer products. Some international health authorities have said there's no safe level for these chemicals. I'm wondering if any of you could comment. Are these chemicals found in any of your products or are you aware of products they're contained in? For example, phthalates, lead....

Mr. Arthur Kazianis: Again, in the toy industry, obviously, we'd like to think that we're being very progressive in identifying and following some scientific information to remove potentially hazardous chemicals from the products. In the case of phthalates, for example, phthalates are not regulated to zero level; they are regulated to a thousand parts per million. For us, to do business globally, we have been compliant with those regulations ever since they became effective in Europe in 2007.

The point I want to make is that they are not regulated to zero levels. They are regulated to a thousand parts per million. Particularly for that reason, there have been scientific studies that say it's impossible technologically to regulate those types of chemicals down to zero levels.

The Chair: You have another minute, Dr. Duncan.

Ms. Kirsty Duncan: Where we have the use of these chemicals, we have stricter regulations—for example, in California and Europe—so if you produce the product, are you meeting the standards in California and Europe? Would anyone like to comment?

The Chair: Who would like to answer that question?

Mr. Arthur Kazianis: I don't want to monopolize the answering portion of this, but we produce products that we do sell in California, and we do sell them in Europe. We have not been the subject—and I'm only speaking on behalf of my company now—of any violations either in California or in Europe on those chemicals.

Ms. Kirsty Duncan: Do they have stricter regulations for phthalates or lead in California and Europe?

Mr. Arthur Kazianis: They regulate phthalates in California at the same levels that they do in Europe, at a thousand parts per million. However, the process and the test methodology vary from one place to another.

Ms. Kirsty Duncan: Do you meet those standards here in Canada?

Mr. Arthur Kazianis: Correct.

The Chair: Thank you very much.

We'll now go to Monsieur Dufour.

[*Translation*]

Mr. Nicolas Dufour: Thank you very much, Madam Chair.

First, I would like to thank the witnesses and to apologize to them for eating in their presence. I've always been told that's impolite.

Mr. Burns, you addressed a very interesting topic concerning Bill C-20. Your talk referred to an adequate number of inspectors, a question we've discussed very little since we've been studying Bill C-6.

If we pass a new bill under which more inspections will be conducted, it goes without saying that we'll have to increase the number of inspectors. However, we'll have to ensure that's not just a pious hope. An act without sufficient resources to administer it doesn't produce much of a result. I have a few fears on that subject.

In another file, the Conservative government has cut the number of inspectors, which has jeopardized certain inspections and resulted in a very unfortunate situation. I'm referring to the listeriosis affair. The government boasted of having increased the number of inspectors, whereas, in the field, clearly no inspections had been done. That resulted in some abuses. I find that paradoxical. They say they want to implement an act under which the number of inspections must be increased to protect the lives of Canadians. However, we must definitely ensure that, to do that, the government indeed intends to provide the necessary funding and resources.

I would like you to comment on what I've just said and to provide us with some details on what you consider an adequate number of inspectors. We'll have to manage the increased obligations resulting from the fact that we want to guarantee food safety. I would like you to tell us how many inspectors will be necessary, in your opinion, and how much that might cost. Perhaps you could give us a figure to facilitate the government's thinking. I would also like to know where you think those inspectors should be deployed.

● (1815)

[*English*]

Mr. Don Burns: You want to know how much.

[*Translation*]

Mr. Nicolas Dufour: You may begin.

[*English*]

Mr. Don Burns: That's a very challenging question.

Obviously, there needs to be more money applied to the hiring of inspectors. We have too few now. If we have too few now, obviously, when you add more work for those inspectors, it's going to create a problem, and Bill C-6 will not fulfill its objectives. It's impossible at this point to say how many inspectors will be required, because we don't know the volume of work that is going to be added for these individuals. We were discussing that today, as to the number we could put out as for the number of inspectors or how much money would be appropriate to apply to that, but we couldn't come up with a reasonable number, something we could support, other than knowing that we don't have enough now and we need more.

With the number of retirements coming along, we need to have the ability to transfer the knowledge of our inspectors. It takes time to develop an inspector. When you come out of university with a science degree, or even after you've been working in industry for a few years, you can't walk into the role of a product inspector and do that job from day one. You need to develop in that position.

The government is going to be in a very difficult position if we have a lot of inspectors retiring. We have too few now, and then you add work for them to do. All we can say is that this needs to be addressed as part of the process of implementing Bill C-6, if it's passed.

[*Translation*]

Mr. Nicolas Dufour: That's very interesting. In my riding, there are a number of inspectors who work in the public safety field and who conduct other types of inspections for the Canadian government. There's an obvious shortage of inspectors, but, in addition, as you said earlier, the succession is inadequate. In those conditions, if a lack of funding prevents the hiring of new inspectors, there will be a defective transmission of knowledge from former inspectors to the new ones.

[*English*]

Mr. Don Burns: My apologies, but I'm not bilingual.

As I indicated, only 5% of the members of the SG group, our scientific regulators, are new on the job and are in a training position. You have 5%, and there are more than 5% of employees who are retiring. So we're not even going to be able to maintain the status quo in terms of having inspectors in place.

I hope I answered your question, because I'm not sure I fully understood the English interpretation of it.

● (1820)

[*Translation*]

Mr. Nicolas Dufour: You answered the question very well, and I thank you very much.

Ms. Reed, you talked about informing the public about what goes on in the toy manufacturing industry. I'm not talking here about industrial secrets.

Ms. Geneviève Reed: The United States and a number of European countries have adopted very strict rules respecting the safety of products intended for children. We believe that this act is a good one precisely because it enables the government to enact regulations. The safety of toys and products for children must be the minister's highest priority. Things are changing a lot elsewhere in the world. We want Canada to draw on what is being done in other countries so that we can make the best possible choices.

Mr. Nicolas Dufour: We can't know whether you'll agree—

[*English*]

The Chair: Thank you, Monsieur Dufour.

Thank you, Ms. Reed.

Now we'll go to Ms. Wasylycia-Leis.

Ms. Judy Wasylycia-Leis: Thank you.

Thanks to all of you.

Let me start with Option consommateurs. To Anu and Geneviève, you've pointed out in your brief a significant change from the old Bill C-52, the forerunner to Bill C-6, with the elimination of the following clause: “the Minister may disclose information to the public on the danger to health or human security that any consumer product poses”. That's a concern of mine as well. I'm wondering why you think that was changed and what exactly we should do about it. Should we put it back as is, or should we strengthen it? I'm still concerned that it would give some discretion to the minister.

Then I'd like to ask Jeff and Arthur about their concerns. Is this something you're afraid of in terms of privacy and business information?

[*Translation*]

Ms. Geneviève Reed: I'm going to answer you in French.

From what I've understood, section 18 was part of the section on confidential information. It's mainly the fact that the minister can communicate confidential information or commercial information that scared the industry and manufacturers. That's not what we want. As consumers, we want full disclosure of incidents and recalls. That already exists, but we would like the minister to be more proactive in that regard.

We want this section to be reinstated in a different section, indeed in a separate section, so as to allay the fears of certain people about its impact on the protection of confidential information.

[*English*]

Ms. Judy Wasylycia-Leis: Merci.

Jeff Hurst, *pourquoi pas*?

Mr. Jeff Hurst: Ultimately, we're not questioning the fact of a decision by the minister. I think our concerns about confidentiality right now are truly about the trade secrets, about the communication to the manufacturers of the status of a situation. If a situation arose where a product needed to be recalled, and all communications had been properly followed, we would not question the minister doing that. That's not a concern of ours.

Ms. Judy Wasylycia-Leis: You wouldn't object if we put something back in that requires the government and the minister to inform consumers if there are some questions or concerns about a product.

I'd like to ask Lucienne and Gail this question as well. If a problem comes to light about a product, there is nothing in this bill, as it's now written, that requires the minister or the government to inform consumers about that particular worry or that concern. I want to reference, in particular, the news this week about Transport Canada not releasing all that information about car seats that were clearly problematic. When it was finally exposed by the media, Transport Canada released some information. But they used the excuse that it's about privacy and business concerns. This bill doesn't even address that kind of situation. Shouldn't we have something in law that requires that at least the information get out to consumers when there is substantive evidence, when there is documentation, or when there are scientific concerns?

Let me go first to Lucienne, and then I'll go to you, Arthur.

● (1825)

Ms. Lucienne Lemire: Yes, I certainly agree with that. Oftentimes, the feeling from industry is that it will decrease the confidence of the consumer. But that's not the case. When disclosure is done, and it's open, and it's early in the event, it actually can increase the confidence of the consumer in a company. I think, too, that disclosing what the issue is will definitely help consumers making a decision. And access to information is really important to the consumer. It's one of the basic rights the consumer has.

Consumers have responsibilities as well as rights, and one of their responsibilities is to make the right choices and to seek information. If it's not released, if we don't have access to it, then we can't fulfill that responsibility.

I think it's very important. Yes, I would support it.

Ms. Judy Wasylycia-Leis: I'll first go to Arthur and then back to you, Gail.

Mr. Arthur Kazianis: We certainly support the disclosure of information. We support the quality of the disclosure of information, that is, and not the quantity of the disclosure of information.

What I mean by that is.... I have experience on disclosing information, because the Consumer Products Safety Commission in the United States has asked several retailers to disclose information about incidents involving the products they sell. What has happened as a result is that it has become a massive data dump into the government. And that type of information doesn't do anything for anybody. As a matter of fact, some important information that should be highlighted gets lost. From that perspective, I think we need to disclose information that is well vetted and well analyzed.

More importantly, when there are new, emerging hazards, not only does the government need to know, but the consumer needs to know immediately and needs to be educated about those emerging hazards. Information needs to be disclosed, but we need to go through the process of analyzing and evaluating it and giving people the proper information.

Ms. Judy Wasylycia-Leis: I'll go to Gail and then....

Ms. Gail Campbell: Thank you.

I think analyzing and evaluating is really important, but when there is a question about a product it needs to be done quickly and accurately. Consumers need to be told the truth in a timely fashion. And consumers are able to handle the truth.

We want to be able to trust the government. We want to be able to trust industry and manufacturers. The doubts happen when consumers believe that information is being withheld or that we're not getting all the information we need. This is something that's paramount to us. I believe that this legislation is going to help in that we will receive the information we need.

Companies will survive. I look at Tylenol, when they years ago had that horrible poisoning and stuff. Tylenol is a well-respected product now, and other products are as well. I believe that Maple Leaf has been handling the listeria crisis and its public relations very well.

As a consumer who does not have....

I'm sorry.

The Chair: Thank you so much.

This is an interesting topic. I try not to be rude, but we need to be fair to all.

● (1830)

Ms. Gail Campbell: I understand.

The Chair: Ms. McLeod.

Mrs. Cathy McLeod: Thank you, Madam Chair.

I'm pleased that we have pretty widespread support, not only from you as witnesses but from the many witnesses we've had to the table to talk about this bill, with perhaps some minor re-twigging. Then it becomes our job to determine what pieces, if any, should be re-twigged. It's very satisfying to hear such widespread support.

On Mr. Taller's comments, I feel reassured, from indications from the minister, that natural health products will not be part of this. There will be another mechanism to address his interest.

I have a question or two about toys for the Canadian Toy Association. We've heard from speech pathologists and audiologists, and they expressed some concern that permissible noise levels of toys should be revisited. I'd certainly appreciate hearing your perspective on that issue.

Mr. Arthur Kazianis: It's a very good question. I have been in the toy industry for 19 years now. The question about sound-emitting toys has been challenged by virtually every country in the world. I've participated in standards-setting processes in the United States and Europe, as well as the ISO standards. I have sat down with audiologists.

The one thing I have learned is that the issue of sound is very complex because it's defined in different domains. For example, with impulsive sound versus continuous sound, you will get different results depending on the distance from which you measure the sound source. You will get different results depending on the type of equipment you use to measure the sound.

I am also quite aware of the sound levels in Canada, Europe, and everywhere else. The standard we have been using in the last few years is 85 decibels from 20 centimetres distance, which is the average distance from the source to the ear of a child. There are toys that are played with on the floor, and toys that are played with on the table. There are close-to-the-ear toys, and educational toys.

We support the regulation of sound in a sensible and scientific way. We're willing to sit down with Health Canada and audiologists to share the information we have so we can come up with a sensible and streamlined standard that applies to everybody.

Mrs. Cathy McLeod: Thank you.

This bill speaks to the balance of the role of government and the role of industry. Back in the summer of 2007 we heard about a number of toy recalls dealing with issues of small, loose magnets, and lead in paint. Can you tell us what the toy industry has been doing since that time to address toy safety?

Mr. Arthur Kazianis: Obviously, we were surprised to hear about all these issues. Our immediate reaction as brands and as manufacturers was to make sure that.... For example, on behalf of my company, we knew that we had certain policies and procedures in place, but our immediate reaction was that the frequency of testing was accelerated tremendously. Where we used to do it every month or every other month, we now do it on a weekly basis. That's one reaction that has taken place, and it has taken place on behalf of the whole industry. The second thing is that a lot of companies started doing unannounced audits in factories.

In addition to the two steps I mentioned, there was also the retail community. They were very scared and apprehensive about the recalls because they were directly affected in their supply chain. They were directly affected by it. They started reacting with additional testing on their own behalf, because in order to bring the product to the United States or Europe, you had to do additional testing for those retailers.

So in the course of about six to seven months, it was not unusual to see one single toy being tested 15 to 20 times. While the United States government as well as the European governments were looking for additional measures, they also imposed lower levels of lead. We have to comply with those levels.

In addition to that, the Chinese government became very vigilant in factories that were not using good quality management systems and practices. In the summer of 2007, there were about 7,200 toy factories in operation in China. There are now 3,500 factories as a result of the Chinese government cracking down by either removing their export licences or by companies just simply going out of business. We're down to 3,500 factories in China now.

Those are the types of things that have happened.

I did not address the magnets in your question. I'll say quickly that we have developed a worldwide standard, or a U.S., ISO, and European standard for magnets. Health Canada is well aware of it. As a matter of fact, they have participated in some of our meetings. We would encourage them to adopt a standard that I think is very sound and will prevent additional injuries from magnets.

● (1835)

The Chair: Thank you very much.

We're now going to go into our second round, with five minutes for questions and answers. We're going to begin with Dr. Bennett.

Oh, have we changed? I guess we're going to—

Hon. Dan McTeague (Pickering—Scarborough East, Lib.): Dr. McTeague.

The Chair: Dr. McTeague, there you go.

Voices: Oh, oh!

Hon. Dan McTeague: I'm so honoured.

Thank you, Madam Chair. This is a great committee. I worked with Mr. Carrie on a previous committee. I can see that he lucked out and got in on a very studious and cooperative group of individuals. I'm very proud to be here.

Thank you to all the witnesses for taking the time to be here this evening.

I have a couple of questions. I'm not the expert on this committee, but there are some areas I am interested in, particularly from a consumer perspective. I have made comments in the past about where legislation ought to be.

Perhaps any one of you could explain to me why we had to go this route of a new piece of legislation when many of the proposals in this legislation could have been covered by an amendment to the Hazardous Products Act. Is there anyone here who could explain to me why we've gone this route or if you have any concerns or objections about this?

The Chair: Who would like to take on that question of Dr. McTeague's?

Ms. Lucienne Lemire: In our view at the Consumers Council, there are five major gaps that this new Bill C-6 will address. Before, there was the inability to prevent unsafe products from entering the Canadian market. They simply couldn't keep up. I mean, there's so much coming through, and the way the law was before, they really couldn't address that.

Another gap was the inability to deal with an unregulated product or hazard. Before, they had to wait for something to happen. This bill will provide a much more proactive way of dealing with it, so that's another gap that we think is being dealt with.

Then there is the inability to detect and identify dangerous products at an early stage. Now suppliers will have to monitor their products and report adverse health and safety incidents, again without having to wait for something to happen in the industry. We think they will now be able to respond a lot quicker to appropriate dangerous products.

The other thing is the ability this new act is going to give them to deal with deceptive labelling or marks. Consumers count on that very often to make choice. We identify a mark or a brand that we know is quality. We're talking about toys. When my kids were little, I went for Fisher Price toys. To me, that was a toy that had been well thought out and was safe. But now, there's a lot of.... What do you call people who imitate a product?

● (1840)

Hon. Dan McTeague: Counterfeit.

Ms. Lucienne Lemire: Counterfeit, thank you. Sometimes they use a label on that, but it's not the real thing. That's a big issue, and it has to be dealt with.

Hon. Dan McTeague: I only have two minutes.

I think your points are very valid except that I believe the Hazardous Products Act could have covered those, simply by either regulation or through certain amendments to it.

Let me drill down a little closer to where I think there could be concerns and problems.

It seems to me that one of the things that could have been done here was to shift the liability, the burden of observation, vicariously from the government to a liability or a responsibility of manufacturers or importers to certify the safety.

I don't see this in the legislation here. I think it would be incumbent, and I'd certainly like to get the opinions of some here, that manufacturers ought to have the responsibility not only to notify but in fact to certify that their product is safe, to meet not only international standards but also domestic standards, so we gain vicariously in Canada what other jurisdictions seem to be further ahead on than we are.

Can I get comments from some of you on this? It would make the border security issue a whole lot easier, which Mr. Burns is referring to. But more importantly, it would place the burden on those who are importing or manufacturing to certify the authenticity and the safety of the product first and foremost. It seems to me the bill may very well be putting the cart before the horse.

The Chair: Who would like to take that question? Is anybody volunteering?

Yes, Mr. Hurst, go ahead.

Mr. Jeff Hurst: From a counterfeit point of view, we've always believed that's certainly a federal issue. From our point of view as an association, our members meet the standards that have been set by Health Canada, now set by the retailers, following their guidelines. So I would certainly, from a counterfeit point of view, say those products generally do not meet the standards.

Our challenge has always been.... Because we fight them too. As an industry that sells legitimate product, we say get counterfeits off the shelves; we don't want them. So we certainly found ways to help our retailers police that, but I can certainly speak from a regulatory point of view—

The Chair: Thank you, Mr. Hurst.

Thank you, Mr. McTeague.

We'll now go to Ms. Davidson.

Mrs. Patricia Davidson: Thank you, Madam Chair, and thanks very much to everyone for being here this evening.

My first question's for the Canadian Toy Association. In your brief you've outlined three areas in which you would like to see refinement or improvement in the bill: the reporting obligations, the confidentiality issue, and the international safety standards. Then, in answer to one of the other questions, you talked about a massive data dump that's taking place in the United States and you want to avoid that here in Canada.

I wonder, for one thing, if you could elaborate a little bit on that. Then in response to that same question to which you were answering, someone else had responded that if it's a serious issue we want it reported right away. So how would you differentiate between the different levels of concern when it comes to an issue, and how does Bill C-6 address that? I gather from your presentation that you would like to see some changes in that, so perhaps you could talk a little bit about that and talk also about the international requirements.

Mr. Arthur Kazianis: On the reporting obligation, on the safety reports to the government, we obviously would like to see some classification of what products need to be reported. For example, if a child is riding a tricycle or a bicycle and falls off and gets a bump on his head, we all know—we have all been there—that type of an incident is not the result of a defective product. A product like a bicycle or a tricycle has some inherent hazards as you're learning how to ride it. So reporting that type of an incident to the government does not do the government any good.

Mrs. Patricia Davidson: I'm thinking back to when I had kids, which was a long time ago. They had these things.... I remember a duck that you rode on, and it was not well balanced. People tipped off. Do they still have toys like that? Is that a possibility?

● (1845)

Mr. Arthur Kazianis: Correct. They still do, but there are also regulations that deal with the balance and the stability of those. Health Canada has regulations on the stability of those toys, as do other countries. That doesn't mean the product is dangerous or defective.

There are incidents that need to be collected and reported, assuming that the product is defective. However, if there aren't any incidents that rise to this, to what we call the “substantial product hazard”..... Those incidents will tend to confuse consumers, if they are published and the consumers read them. A lot of time is spent on the regulator side to analyze the defects and basically not develop any effective regulations going forward. The information is one thing, but it's what you do with the information that is the key to the whole thing about this. The information is collected to prevent additional injuries.

Mrs. Patricia Davidson: Does anybody else want to comment on any of the reporting?

[*Translation*]

Ms. Geneviève Reed: In general, consumers are sensible enough to be able to tell the difference between a product-related incident and one related to incorrect use of the product. It is important to note that reported incidents are incidents in which a given consumer product is not used in a prescribed manner.

The notion of communication of incidents is very important. There is a recall system around the world, and a rapid notification of incidents system is in place in Europe, where consumers are informed of incidents and measures taken by the government. It is this information that is the most relevant for consumers because it enables them to make informed choices.

[*English*]

The Chair: You have only about 15 seconds, Ms. Davidson.

Mrs. Patricia Davidson: Okay, I'll pass.

The Chair: I thought you might. I'd just get you started and I'd have to interrupt.

Monsieur Malo.

[*Translation*]

Mr. Luc Malo: Thank you very much.

I'm going to continue on Ms. Davidson's question and the answers that were given.

Both consumer protection groups and the industry agree that information must be relayed to consumers. It remains to be determined what information will be communicated and how. It is the industry representatives here today who will answer that broad question, but I would have liked other industry stakeholders to answer it as well.

Ms. Reed seemed to be suggesting that a website be established, somewhat as the Europeans have done. I would like to know whether the industry people are familiar with this way of doing things and what they think of it. They seemed to be telling us that the information communicated should be as relevant as possible and that it should concern only elements that are directly related to people's safety so that the relevant information is not lost in a mass of information.

I would like to hear what Ms. Reed, Ms. Lemire, Ms. Campbell and the others have to say on these questions.

Ms. Geneviève Reed: As I said, we currently have the Consumer Products Safety Office in Canada, which is doing quite a good job spreading information on recalls. Unfortunately, that organization is not well enough known to Canadian consumers, and its work isn't comprehensive enough. That problem should be corrected, we think, and resources should be made available for that purpose.

In the United States, all recalls of all products, whether it be food, cosmetics, children's seats, automobiles and any other consumer products, are available on a single website. We think that kind of system should be considered.

In addition, the European Union uses a notification system called RAPEX. Under that system, you know what the product is, what country it comes from, what the associated hazard is and what measures the government of the country in question has taken to address it. A photograph of the product is also published. It's excellent. It reassures consumers and gives them greater trust in the system, which is supposed to protect them.

● (1850)

[*English*]

The Chair: Please go ahead. You have some time.

Mr. Arthur Kazianis: We obviously don't have any objections. I thought we moved from incident reporting into recall information. I think we all agree we need to report serious hazard issues.

When it comes to reporting recalls, we are in favour of public websites and informing the consumers and informing the government and being transparent with everybody as to the product that is being recalled, the reason it is being recalled, and whether you failed any standards or regulations. We are all in favour of that. We do not want to see products that are recalled in the consumer's hands. Whatever Health Canada can do to help us achieve that, we are all for it.

[*Translation*]

Mr. Luc Malo: Ms. Reed seemed to say that a recall process had been implemented in the case of Fisher-Price toys.

Ms. Geneviève Reed: It was indeed for Fisher-Price toys, from Mattel.

Mr. Luc Malo: From what you know, is the current recall process deficient? Should it be improved?

With regard to toy sound levels, is the 100-decibel standard, which is applied here, the same around the world? Otherwise, do you change the sound chips in every toy?

[*English*]

The Chair: I'm sorry, we are running out of time, Monsieur Malo.

Ms. Reed, could you just quickly try to answer as much of this question as you can?

Who have you referred it to, Monsieur Malo?

Mr. Luc Malo: Industry.

The Chair: Go ahead. We're over time, but I just want him to answer, because it's way over time.

Mr. Luc Malo: I think there's a problem with the translation.

The Chair: Okay.

Mr. Arthur Kazianis: I don't represent Fisher Price. Obviously I don't know how their recalls have been conducted and all that. I don't know what their systems are.

I think every responsible company and every responsible manufacturer should be doing the recalls as effectively as they possibly can to give the appropriate information—not only how to remove the product from the market, but how to remove the product from retail, and how to appropriately destroy and dispose of the product so it does not become a hazard in the environment, if the product has been recalled because of toxic substances, for example, excessive amounts of lead. I think it's appropriate and it's the manufacturer's responsibility to give all the information to the consumers.

Based on what I have seen—I'm not 100% familiar with Canadian regulations—when we have done recalls, the same information that goes to the United States and to Europe will come to Canada as well, and at the same time.

The Chair: Thank you so much.

Dr. Carrie, please.

Mr. Colin Carrie: Thank you very much, Madam Chair.

When we had the other panel here, I asked the audiologists, I believe, if they could provide to the committee any scientific evidence on the noise level.

[*Translation*]

My question is for Option consommateurs.

You said earlier that, in 2004, you conducted a study on noise levels in toys for children and recommended that a stricter standard than the existing one in Canada be adopted. Can you submit that study report to the committee?

● (1855)

Ms. Geneviève Reed: Yes, I'll be pleased to send it to the clerk.

[*English*]

Mr. Colin Carrie: That would be great. Thank you very much.

Arthur, I believe you've had experience with the United States. What has been your experience thus far with the mandatory third party testing that was part of the U.S. Consumer Product Safety Improvement Act, which was stayed from implementation in January of this year? Do you have any comments on that provision?

Mr. Arthur Kazianis: The mandatory third party testing is part of the Consumer Product Safety Improvement Act. Are you asking me if I object to it?

Mr. Colin Carrie: Yes. Could you comment on that part of it?

Mr. Arthur Kazianis: The basis for it, obviously, is to remove any proprietary testing and put the responsibility on third party testing. In the United States, before 2007 and before the Consumer Product Safety Improvement Act was in place, you did not have to have any testing done to the product to import it into the country. It is now mandatory that you have testing done by a third party. The industry in general supported that.

Mr. Colin Carrie: Thank you very much.

You mentioned, too, that many of the manufacturers will manufacture not only for Canada but also for the United States and Europe. To my understanding, a lot of the manufacturing does go on overseas.

I'm curious; since it's coming from the same factory, do you typically harmonize up, to the highest standard? Is that what manufacturers typically do?

Mr. Arthur Kazianis: We typically line up with the most onerous standard, as a company, in order to be able to design one product and distribute it throughout the world.

Mr. Colin Carrie: Is that common in industry in general? Do most countries do that, do you know?

Mr. Arthur Kazianis: I can't comment for the industry at large. The only thing I can tell you is that this has been our practice.

Mr. Colin Carrie: Okay.

I wanted to ask you a little bit about Proposition 65 in the United States. We heard the other panel comment on that. Would you be able to comment on that as well? How has it affected your industry? What are the pros and the cons?

Mr. Arthur Kazianis: The only comment I can make on Proposition 65, as I indicated before to the panel, is that we are shipping products throughout the world, including California, and we have not yet had any issues with Proposition 65. We do not label the products.

Mr. Colin Carrie: We had some mention about counterfeit problems. Can you comment on whether there is a problem with counterfeit toys in general in the industry? Do you see that very often?

Mr. Arthur Kazianis: We have seen it primarily in Europe. As a matter of fact, it's a double sin, in some instances, in that it's not only counterfeit; it also fails regulations.

For the most part, counterfeiters are very smart. They know how to get away with it. They know how to appear and how to disappear quickly. We've looked to the local governments for help in those areas of counterfeiting.

Mr. Colin Carrie: So in North America it hasn't been a big issue?

Mr. Arthur Kazianis: I'm sure it has been an issue in North America, but I'm not aware of any specific toy counterfeiting, if you will. We had some issues about six or seven years ago with one of our products.

The Chair: Thank you so much, Mr. Kazianis.

Now we'll go to Dr. McTeague again.

Mr. Colin Carrie: Are gas prices up or down?

Hon. Dan McTeague: Gas prices in fact are up this evening, ladies and gentlemen, by one cent a litre, unlike what the National Energy Board just said today.

Thank you, Dr. Carrie.

I don't mean to burden you with these questions again, and I'm probably trying to go over you to the officials behind who might have a better idea how to explain this, but I have just looked again at the Hazardous Products Act. I look at the powers that are given under governor in council, the powers to the minister. It's almost as if we've said, after 40 years, that the Hazardous Products Act is of no use, it's of no force, it's of no relevance. Yet it had the ability to be adapted to meet the rising circumstances of counterfeit products.

Just for your information, Dr. Carrie and I, and others, sat on the industry committee and came up with a unanimous report in terms of how to tackle this issue, with better enforcement questions and obviously the use of better practices, because it was a scar on the Canadian economy and the way in which we conducted our affairs.

I can appreciate the government's desire to get this bill passed, but in the absence of looking at modifying the existing Hazardous Products Act, we may have denied ourselves several months of enforcement, of resources that are otherwise going to lobbyists, that are otherwise going to lawyers who are looking at this, over and over again, and obviously bureaucracy, which may very well be confused by the legislation. I don't want to call this window-dressing, but if you have a car that you're driving down the road and the tire goes, you fix the tire; you don't replace the entire vehicle. It seems to me that what we're doing here, to use another analogy, is throwing the baby out with the bathwater.

From any of your experience in the various areas in which you've worked, were there examples of where the Hazardous Products Act was deficient, was not adaptable to meet the requirements that some of you now laud in this new bill?

● (1900)

[*Translation*]

Ms. Reed, perhaps we can start with you. I know you have a lot of experience in the field. In fact, I should call you Dr. Reed.

Ms. Geneviève Reed: I don't think so; doctor of consumer affairs perhaps!

Nearly 10 years ago there was talk about reforming the consumer products, food and health safety system. Consequently, we think this bill has come at the right time because it finally enables an authority to recall products. The burden of proof rests solely on the shoulders of the importers, manufacturers, distributors and retailers, whereas, under the Hazardous Products Act, if I'm not mistaken, the government has to conduct an extensive and intensive study before it can declare an item hazardous. In this case, it's a completely different way of looking at things. That's why it's essential for us. It may not be perfect, but it's a major step forward.

L'hon. Dan McTeague: Do you mean that the act does not permit a change of regulations designed to increase fines or impose a mandatory recall?

Ms. Geneviève Reed: If I remember correctly, the Hazardous Products Act does not enable the minister to impose mandatory recalls, on the one hand. On the other hand, as I said, it's a reverse burden of proof. Under the Hazardous Products Act, the government had to gather the most exhaustive evidence in order to declare a product hazardous, like walkers.

Now, as soon as we see that there is a hazard, from the standpoint of safety, the minister can order a recall and withdrawal. We think that's really a step forward.

Hon. Dan McTeague: That's good.

Thank you for that clarification, but I didn't understand whether you think the former act made it possible to go in that direction.

I must ask you another question. Why not require the manufacturer, whether it's in or outside the country, to declare that the product it markets is not hazardous? Is there no such measure in this bill. It seems to me that not requiring certification is a deficiency.

Ms. Geneviève Reed: That's a very interesting question.

On the one hand, the general prohibition that—

● (1905)

[*English*]

The Chair: I hate to interrupt you, but we're going to have to wrap this up. Just answer it as quickly as you can. We're over.

[*Translation*]

Ms. Geneviève Reed: Thank you.

On the one hand, the general prohibition contained in this bill makes it so that it's the responsibility, I repeat, of the manufacturer, the exporter, the retailer, importer, and so on.

On the other hand, a number of clauses in the bill make it possible to prevent the counterfeiting of certification marks. There is no right to engage in untruthful advertising, as a result of which consumers are well protected.

[*English*]

The Chair: Thank you, Ms. Reed.

Ms. Wasylycia-Leis.

Ms. Judy Wasylycia-Leis: I'm not quite as optimistic about this legislation as you are, Geneviève. I know that there are recalls when a product is dangerous. But how you get to that point is left up in the air in this legislation. There is no onus on the government to disclose information. So until you actually have an accident or a death, which calls for a recall, all kinds of serious preliminary situations can develop. I'm not sure it goes far enough.

I'd like to ask Don some more about the whole question of inspection capabilities. If you want to have a precautionary approach, you have to have an active presence in the field. We don't have, as they have in the United States, any kind of third-party inspection of products before they come into this country.

We have only 40 inspectors now. The budget promised by the government might double this over five years, but this whole legislation requires a much more active approach. There is nothing in here that requires importers to be subject to safety testing. There's really nothing that requires an active inspection at the border. Is that not a problem from the point of view of protecting consumers and providing all the information necessary for us to be safe?

Mr. Don Burns: I can't disagree with anything you're saying. If you have inspectors under a lot of pressure, you have to respond promptly to concerns and problems. At the same time, you have a lot of work to do, and it's very difficult for those individuals to fulfill their obligations under the act. It takes time. I think we have a lot of highly qualified professionals. We have engineers and scientists working on this, and you need that level of expertise to be able to properly evaluate some of these issues.

Ms. Judy Wasylycia-Leis: I appreciate that.

Let me go to others. I disagree with...is it Dr. McTeague today?

The Chair: Just today, Ms. Wasylycia-Leis. I want to clarify that.

Hon. Dan McTeague: Oh, thank heavens.

Ms. Judy Wasylycia-Leis: He suggests that we should go back to a certification process. The bill now requires people to meet standards on paper. The problem is, how real is it? Who's inspecting? How do we know? How do we know if there are toxins in these products? How do we know it isn't counterfeit? Until someone actually gets into the field and inspects, we're not going to know any of this. We wait for a death and then we recall it. So big deal. Maybe it's a little better than it was, but we've had lots of recalls under the old legislation.

I'd like to know what's new in this legislation that ensures that we're following the precautionary principle on a proactive basis. I'm asking Geneviève, Arthur, and others.

[*Translation*]

Ms. Geneviève Reed: It seems to me that I don't have—

[*English*]

Ms. Judy Wasylycia-Leis: More specifically, shouldn't we do more in the way of inspection? I think there should be a requirement for safety-testing products coming into this country, active inspection at the border, active on-site inspection in Canada, far bigger inspection capabilities, and requirements for third-party testing, like they have in the U.S.

[*Translation*]

Ms. Geneviève Reed: I entirely agree with Mr. Burns, and we put it down in writing. If this legislation is not combined with an effort in terms of human resources and people who'll examine the incident reports and collaborate with other countries, it will be worth nothing but the paper it's written on. There is an international system and we must take advantage of it.

As for regulations, the devil is in the details. In other words, this bill gives the minister the power to make recommendations. We know very well that we will have to monitor the making of regulations under this bill very closely.

● (1910)

[*English*]

The Chair: Thank you, Ms. Reed. Thank you so much.

We'll now go on to Ms. Davidson.

Mrs. Patricia Davidson: Thank you, Madam Chair.

One of the things we haven't talked about much is clause 38, which provides that if you're contravening certain provisions of the bill, or provisions of the regulations, or an order made under the act, the punishment can be a fine of up to $5 million and/or imprisonment of up to two years. I'd like each of you to comment briefly. In your opinion, are these penalties reasonable? Will the penalties deter manufacturers, importers, advertisers, and sellers from contravening the act? Are there other penalties that could be imposed that would be more likely to ensure product safety in Canada?

I'd like to hear the opinion of each of you. You can choose how you start.

[*Translation*]

Ms. Geneviève Reed: I think.... Pardon me, I'm talking a lot.

[*English*]

The Chair: Ms. Reed, would you like a little break and we can start with somebody else? Otherwise, I can serve tea.

[*Translation*]

Ms. Geneviève Reed: I don't have any objection to someone else answering.

[*English*]

The Chair: Do you want to start with someone else to answer Ms. Davidson's question and give Ms. Reed...? She's answered so many questions.

Mrs. Patricia Davidson: Okay, why don't we start over here with Mr. Taller.

The Chair: Okay, Mr. Taller.

Mr. Joel Taller: For the most part, the industry manufacturers and importers in the natural health product industry would find these penalties quite severe, because for the most part they're small and medium-sized manufacturers, and this would be a significant deterrent on them in being able to ensure that they comply with provisions that would be like this for products that are governed by analogous legislation. From our industry perspective, these are too severe, as a matter of fact, but that's for an industry that's composed of small to medium-sized corporations.

Mr. Jeff Hurst: Similarly, we're an industry that is comprised of both large manufacturers and medium and small, and I can certainly agree that from a small manufacturer's point of view, that situation would probably cause them to go out of business. But I would also say we would support whatever that deterrent is. I think it needs to be a penalty that steps in there and ensures that's not happening. So we would certainly support the penalty. I think you'd hear different things from our individual members, depending on their size, on what that should be, but I think we would all agree it should be substantial enough to deter the situation.

Ms. Lucienne Lemire: I think it's necessary to have these penalties because I think we've seen so often situations where an industry or company will say they'll pay it; they still made more money doing it, so they'll do it again, because they still come out ahead. So I think it needs to be significant.

I think the thing to remember is that it doesn't say it's $5 million; it's “up to”. So I think that's an important detail. I think they have to have enough clout to be able to deal with a situation that really needs that kind of penalty.

The Chair: Go ahead, Ms. Campbell.

Ms. Gail Campbell: As a consumer, I absolutely believe that the penalties should be severe, and they are severe. So don't break the law. Don't bring in unsafe products. The more severe, the happier I am as a consumer that my family is safe. But the problem I see is in the enforcement of the penalty. If someone is breaking the law, I worry about the legal system enforcing it, and the lobbyists who might break it down to nothing. So I think the penalties have to be severe. As a consumer, that's going to inspire our confidence.

The Chair: Ms. Bose.

Mrs. Anu Bose: Madam Chair, I will answer for Options consommateurs.

We agree that, yes, a fine is a very good deterrent. I think the heavier the penalty, the merrier. But I think public disclosure, or what the British call “naming and shaming”, is probably a better deterrent than a financial penalty, because in the long term it will have an impact on the earnings of the company and the shareholders will not be very pleased.

● (1915)

The Chair: Thank you.

Ms. Reed.

Ms. Geneviève Reed: I agree with fine increases.

Oh, I'm speaking English.

The Chair: Look at what we've done to you today.

Ms. Geneviève Reed: It's very late, though. I've been up for more than 12 hours. Sorry.

I agree with fine increases, but I know there is also a scheme here.

[*Translation*]

The bill provides for a very interesting system of corrective measures. The ultimate goal is for products to be truly safe. So this system enables a business to review its practices and to correct the problem if there is an unfortunate incident.

[*English*]

The Chair: Thank you so much.

Mr. Burns, would you like to make a comment?

Mr. Don Burns: Sure.

I think it has already been said many times that the magnitude of the penalty is important if it is to be a deterrent; but more importantly, there needs to be a real risk to manufacturers and distributors that they will be caught.

If the fines aren't actually imposed, whether they're minor fines or not, there's not going to be a deterrent. The existing legislation allows for significant penalties, but they're rarely ever applied. So it doesn't mean much unless there's application.

The Chair: Monsieur Said, would you like to comment? You're the only one who hasn't spoken.

[*Translation*]

Mr. Tawfik Said (Research Officer, Compensation and Policy Analyst, Professional Institute of the Public Service of Canada): I think that, if it's done really effectively, the increased fines imposed on manufacturers will do a great deal to lighten the workload of our inspectors. It will resolve the inspector shortage problem related to retirements that will be taking place in the coming years. I am entirely in favour of the idea of increasing those fines.

[*English*]

The Chair: Thank you.

We'll now go to Mr. Uppal.

Mr. Tim Uppal: I'm just going to give everybody a chance to speak a little bit about a couple of things.

One, we just spoke about monetary penalties, which make this bill stronger. But I'm also going to mention a few other things that really weren't in the older bill, such as the idea of a mandatory reporting; and a general prohibition, such as exists elsewhere, as in the EU, to deal with unregulated products or hazards. The old bill didn't give the minister the ability to order test results or recalls. And there were no counterfeit provisions in the old bill. As we just said, there are the monetary penalties themselves.

I'll just give you guys a chance to sum this up. Will these things make this bill much stronger than the old one?

The Chair: Who would like to start with that? Is there anybody on the panel who volunteers?

Ms. Campbell.

Ms. Gail Campbell: It is the position of the Consumers Council of Canada that this legislation is very appropriate and does address these concerns.

Mr. Jeff Hurst: On behalf of the Canadian Toy Association, we definitely see some improvements. For sure, safety is our first and foremost concern, so anything that can, from our perspective, further prove...whether by providing additional reporting, or whatever those test results need to be. We're very much a self-regulated and highly regulated industry. So if we can show those measures to whoever we need to, we'd certainly be open to that.

Ms. Lucienne Lemire: Certainly the Consumers Council of Canada would support it. By giving more power to the government and to the governing of this act, it may also weed out some of the frequent offenders. I think that definitely works for the consumers, and also for the honest companies. I think most companies are honest and want to satisfy the consumer; they don't want to dissatisfy the consumer, or they are not going to be around for long. So most of them are honest and try to do a good job. Sometimes I think they can be damaged by the fly-by-night or the less responsible companies. That might weed them out.

● (1920)

Mr. Jeff Hurst: The only other comment I would make is that ultimately this is going to be guiding us for a long time. I think I mentioned this in my opening remarks as well: this is going to be the future. Certainly we just want to make sure that the committee takes its time to look at and review the bill and to be sure of the details in regard to any unintended consequences. Again, you can't go back; you can only move forward. So from our perspective, we just want to see that happen as well.

[*Translation*]

Ms. Geneviève Reed: We believe that Bill C-6 currently under review goes a long way toward addressing the concerns of Canadian consumers. However, I cannot pass over in silence the disappearance of section 18, which we would like to see reinstated. We believe that communications intended for consumers must be a priority for the government.

[*English*]

The Chair: Is there anybody else?

Mr. Uppal, you have one more minute.

Mr. Tim Uppal: No, I'm fine.

The Chair: Okay.

Are the witnesses all finished with Mr. Uppal's questions? Are there any more comments from the witnesses?

I would like to thank the witnesses very, very much for coming today.

I'm going to make sure we get through just one more thing, and that's committee business, so I'm going to suspend the committee.

I want to tell you this has been a very interesting afternoon, and I want to thank you so much.

Ms. Reed, you're just charming.

[*Proceedings continue in camera*]

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