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Mr. Larry Miller

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● (1605)

[English]

The Chair (Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC)): We'll call our meeting to order.

I'd like to thank Ms. Weatherill for being here today.

Before we start her presentation, I wanted to read this into the record, pursuant to chapter 20 regarding testimony:

Particular attention has been paid to the questioning of public servants. The obligation of a witness to answer all questions put by the committee must be balanced against the role that public servants play in providing confidential advice to their Ministers. The role of the public servant has traditionally been viewed in relation to the implementation and administration of government policy, rather than the determination of what that policy should be. Consequently, public servants have been excused from commenting on the policy decisions made by the government.

In addition, committees will ordinarily accept the reasons that a public servant gives for declining to answer a specific question or series of questions which involve the giving of a legal opinion, or which may be perceived as a conflict with the witness' responsibility to the Minister, or which is outside of their own area of responsibility or which might affect business transactions.

With that, Ms. Weatherill, I thank you for appearing today.

Mr. Bellavance.

[Translation]

Mr. André Bellavance (Richmond—Arthabaska, BQ): I have a question about what you just said.

Is Ms. Weatherill considered a public servant? Do these rules apply to her?

[English]

The Chair: Would she be considered the same as somebody in the minister's office? My answer would be no, but I thought it relevant to read this. I meant to read it at the last meeting as well. It's simply a reminder to all of us.

Does that answer your question?

[Translation]

Mr. André Bellavance: Yes, I understand that the rules you just mentioned do not apply to Ms. Weatherill. Could the clerk clarify this for us?

[English]

The Chair: Would the clerk like to speak to that?

The Clerk of the Committee (Mr. Andrew Chaplin): There's not much I can say other than what you just read out.

[Translation]

Mr. André Bellavance: Do they apply to her or not? Can someone assure me that they really do not apply to her?

[English]

The Chair: I can't confirm that with absolute certainty. Probably not all of what I read would be pertinent to Ms. Weatherill. Maybe that could be one of your questions to her. That's the best answer I can give you on that, Mr. Bellavance. Certainly Ms. Weatherill's position would not be the same as that of somebody working in the minister's office. She could answer that more clearly than I could. I would suggest that you use it if it's an issue with you.

I didn't read this to create a controversy. It was simply a reminder to the committee members. If you remember, I have read it in earlier meetings.

Mr. Anderson.

● (1610)

Mr. David Anderson (Cypress Hills—Grasslands, CPC): Ms. Weatherill is conducting an investigation. She can't be expected to participate in any discussion that would indicate prejudgment of what she's doing, what she intends to hear, or what she intends to conclude. It would be unrealistic of the committee to demand that from her, and I don't think that we should expect to do that. I think she should be free to decline to answer questions in those areas.

The Chair: We have to leave that up to Ms. Weatherill. Only she knows what she can and can't answer. I would submit that you're correct in that she can't disclose the outcome of her investigation, because it's not yet complete.

Ms. Weatherill, please go ahead.

Ms. Sheila Weatherill (Independent Investigator, Listeriosis Investigative Review Secretariat): Mr. Chair and members of the committee—

The Chair: There is a point of order, sorry.

Mr. Brian Storseth (Westlock—St. Paul, CPC): I didn't want to interrupt, but I wanted to add to your comments, Mr. Chair. I believe it's clear in Marleau and Montpetit, under chapter 20 in regard to testimony, that you have some discretion and some responsibility to ensure that the questioning is appropriate. That falls under your responsibility, and I hope that you will keep the committee on track.

The Chair: If I think the question's out of order, I will certainly indicate so.

Mr. Brian Storseth: Thank you.

The Chair: I'm sorry for that interruption, Ms. Weatherill. Please go ahead.

Ms. Sheila Weatherill: Mr. Chairman and members of the committee, thank you very much for your invitation today. It's a privilege to appear before you to share some thoughts on my mandate as the independent investigator of the listeriosis investigation review.

Last year Canadians witnessed a tragic event that eventually cost the lives of 22 citizens. This tragedy was caused by food that was assumed to be safe but was not. I was asked by government to lead this investigation, and I am proud as a Canadian to do what I can to better understand this matter of great importance to us all—to understand what happened during 2008 in the listeriosis outbreak and how to prevent a similar recurrence.

The event shook the confidence of Canadians in the safety of food products and in the food inspection system. Canadians expect their food to be safe. They expect an inspection system that works. They expect to be informed in a timely and clear manner when there is a problem, and they expect all levels of government to cooperate effectively in the best interests of the public.

I recognize that members of this committee have a key role to play in the efforts currently under way to ensure that our food safety system is second to none in the world. I take this responsibility seriously. Both this committee and the independent investigation I'm conducting can make significant contributions that will help prevent a tragedy such as the one we experienced last summer from happening again. That is why, when I was approached, I agreed to lead a non-partisan investigation into the outbreak of last summer.

I was appointed by the Governor in Council on January 20, 2009, to lead the review with a specific mandate to examine the events, circumstances, and factors that contributed to the outbreak; review the efficiency and effectiveness of the response of the federal organizations in conjunction with their food safety system partners in terms of prevention, recall of contaminated products, and collaboration and communication, including communication with consumers; and make recommendations based on lessons learned from that event and from other countries' best practices to prevent a similar outbreak in the future and remove contaminated products from the food supply.

I know you're aware that my investigation is ongoing. We're just partway through it, and as such, I am limited in what I can say publicly. This is an important point. While I understand that people want clarity, conclusions, and recommendations that can be acted on as soon as possible, I have the obligation to respect my mandate and not prejudge what I'm hearing and learning over the course of the investigation. I would be doing Canadians a disservice by drawing conclusions before all the evidence was in and analyzed.

What I can say, however, is that the evidence trail is being followed wherever it leads, and I intend to make substantive, clear recommendations that have a common purpose to improve the safety of Canadians in respect of the food they eat. I therefore ask the understanding of committee members in appreciation that this will guide my response to members' questions. I am pleased, however, to discuss today the approach we are taking with the investigation. My mandate requires me to deliver findings and recommendations by

July 20 of this year, and I'm confident that the report will be substantive and on time.

We're currently engaged in an in-depth review of events that led to the tragedy last summer, with a particular focus on understanding what happened; what each of the three key federal organizations—the Public Health Agency of Canada, CFIA, and Health Canada—as well as Maple Leaf Foods did, when, and why; analyzing the quality and timeliness of the responses of the three federal agencies; determining the adequacy of actions taken to date in response to the outbreak; and advising on improvements that should be put in place based on what happened last summer, taking into account advice and practices elsewhere in the world.

I can assure you that a key focus for me is identifying improvements so this never happens again.

Our work is guided by five principles: access to the most accurate and complete information available; independence from all parties, both inside and outside government; systematic investigative techniques; external expert advice; and consideration of all legitimate viewpoints to ensure that the approach is fair, collaborative, and constructive.

●(1615)

I wanted to deal with each principle in a bit more detail. First, on ensuring access to the most accurate and complete information available, I am very pleased to report that the investigation has received extraordinary collaboration from the three federal organizations engaged in this issue, as well as Maple Leaf Foods. We've also had fruitful and open and ongoing discussions with senior provincial officials and their chief medical officers of health, including from the Province of Ontario.

To date, we have received significant documentation, which is now under careful examination, and this documentation complements and supports the more than 100 meetings, visits, and investigative interviews that have been completed or are planned in the preparation of our report.

Our investigative team has a mix of backgrounds and expertise. Our team has experience in food safety, public health, long-term care, regulation, and governance. Our team also includes physicians, forensic document experts, and independent investigative legal counsel.

We have a group of external expert advisers, and I'm going to name them for you: Dr. John Carsley, a public health expert, currently a medical officer of health with Vancouver Coastal Health in B.C., previously from Montreal, with a specific expertise in epidemiology; Dr. Walter Schlech from Dalhousie University in Nova Scotia, a listeria expert in the immunocompromised, and Dr. Schlech was involved in the first recorded event to identify listeria in food in the 1980s; Dr. Mansel Griffiths, a food-borne micro-organism expert from the University of Guelph, who is a director of the Canadian Research Institute for Food Safety, well known to industry as the industrial dairy chair in microbiology; Dr. Bruce Tompkin from Illinois, a microbiologist and practical expert in food safety, with a deep experience, a lot of practical experience, who has worked with some of the largest U.S. meat producers—Swift, Beatrice, Armour, ConAgra—and in this role he served as a plant hygiene expert; and last, Dr. Michael Doyle, a microbiologist from Georgia, who is now directly involved in the American peanut recall and the pistachio recall.

On the principle of independence, it is important to me that this review is conducted with full independence. I strongly believe that independence, coupled with the collaborative approach we've adopted, gives us the best opportunity to understand what happened and gives us our best chance at constructive suggestions for improvement. As well, our legal counsel is specialized in discovery processes. We have the assistance of forensic document experts to identify key evidence in the data we have received.

On the principle of fairness, it is our goal to treat everyone engaged in this process with respect, an open mind, while ensuring we have basic procedural fairness.

In conclusion, Mr. Chairman, I want to reassure you and the members of the committee that our investigation is moving forward and we are receiving the full cooperation of all participants. We are on target for a completed and substantive report by July 20.

I believe your committee and this investigation share a common intention to get to the bottom of what happened last summer. Why did the 2008 listeriosis outbreak end in tragedy, 22 deaths, and the suffering caused to Canadian families and communities? Like you, we are seeking recommendations to reduce the risk and the consequences of future outbreaks.

Thank you, Mr. Chairman, for the opportunity to appear today. I look forward to your questions

•(1620)

The Chair: Thank you very much, Ms. Weatherill.

Mr. Easter, for seven minutes.

Hon. Wayne Easter (Malpeque, Lib.): Thank you, Mr. Chair.

Welcome, Ms. Weatherill. We appreciate your appearance.

I have to say in the beginning, Ms. Weatherill, that government members have gone to great lengths to portray my and my party's criticism of the process as criticism of your credibility. I want to assure you up front that your credibility is not in question. But my concern is—and I emphasize the word “concern”—that you could be used to provide cover for the PMO and the minister's office in the way this process is established.

In your opening remarks, you go to fairly great lengths, and I think a lot will be found out by your investigation. You establish in here that there will be “an in-depth review of events that led to the tragedy last summer”, and you outline the areas to focus on. You say “I can assure you the investigation is focused on identifying improvements so this never happens again.”

But contrary to what I think the public thought when the Prime Minister made statements in September, you're not going to determine responsibility. Am I correct?

Ms. Sheila Weatherill: The mandate does not contemplate my commenting on criminal or civil issues.

Hon. Wayne Easter: On September 3, the Prime Minister indicated that he would be calling for an “arm's-length investigation” into the listeriosis outbreak. On January 20, the Prime Minister announced your appointment as the investigator and said you would “independently examine the factors that contributed to the listeriosis outbreak and make recommendations on how to prevent a similar occurrence in the future”. I submit that's a far different process from what the public expected—to hold people to account—or what a public inquiry might get to.

As I understand it, you work out of Agriculture and Agri-Food Canada offices.

Ms. Sheila Weatherill: Our office space is in an historic building at the experimental farm. We have the top two floors of a building, and it's a secure space. The lower floor is used for training purposes. It's space that was provided to us, and it has been very suitable.

Hon. Wayne Easter: So that space is being provided by Agriculture and Agri-Food Canada—or do you know?

Ms. Sheila Weatherill: The lead department is Agriculture, and our space is provided through the Department of Agriculture.

Hon. Wayne Easter: At the end of the day, your terms of reference are that you report to the minister. Is that correct?

Ms. Sheila Weatherill: Yes, our report, with our findings and recommendations, is due on July 20.

Hon. Wayne Easter: It's to be reported to the Minister of Agriculture and Agri-Food.

Ms. Sheila Weatherill: That's correct.

Hon. Wayne Easter: And he is the minister responsible for the Canadian Food Inspection Agency.

Ms. Sheila Weatherill: My mandate is to provide findings and recommendations to the minister by July 20.

Hon. Wayne Easter: To come back to the earlier statement by the Prime Minister on September 3 that he would be calling for an arm's-length investigation, you're reporting to the very minister who's in charge of CFIA. Do you believe that to be an arm's-length investigation?

●(1625)

Ms. Sheila Weatherill: My mandate gives me the power and resources to complete this review in an independent way. We're well under way with extraordinary cooperation in a collaborative approach. We will have our recommendations ready by July 20.

Hon. Wayne Easter: I understand that, Ms. Weatherill; however, our responsibility as the official opposition is to hold the government to account. The minister has some responsibility. I was very disappointed on Monday by some of the statements of the president of the Canadian Food Inspection Agency, and I outlined that then. We will have to call them back, I'm sure.

In my view, part of the reason we're having this parliamentary committee is to get to the bottom of whether or not it was possible that the minister or the Prime Minister, who knew an election was coming—nobody else knew that—was more concerned about the political spin and damage in the initial stages of this problem than the safety of food in this country, which is the responsibility of CFIA and the minister, in my view. So we have to find some way of getting to the bottom of that issue.

As far as your authority, how will you get information from the minister you are reporting to? The Minister of Agriculture stated publicly before the full committee on February 10 that you as the investigator have obtained “the full cooperation of all parties involved”. Is that statement accurate?

Ms. Sheila Weatherill: Mr. Chairman, yes, we've had full cooperation from all parties involved, including the federal departments and agencies, and full cooperation from Maple Leaf. All people we've invited to meet with us have attended, and all documents we've requested we have obtained.

The Chair: Your time has expired, Mr. Easter. You can follow up on that.

Mr. Bellavance, you have seven minutes.

[Translation]

Mr. André Bellavance: Thank you for testimony, Ms. Weatherill. I must add to what my colleague, Wayne Easter, said about what the Conservatives implied or have already told you. As for your appointment, I would like to tell you that the Bloc Québécois would never, ever, call your expertise into question, be it in writing or in any other form. Everything that was said following your appointment had to do with the overall process chosen by the government five months after the listeriosis crisis. An investigation process was established. We spoke with a number of stakeholders. The media reported the concerns of numerous people who were either directly or indirectly affected by these events, including scientists. The lack of transparency surrounding the process is being called into question, not you, personally. It is our opinion that your mandate does not allow for full transparency.

This crisis has affected a number of people and, what is worse, some have even died. Families have been affected by this problem. My fellow party members and I feel that the process should have been as transparent as that followed by this subcommittee, as I am sure many parliamentarians, Quebecers and Canadians would agree. We had to act despite the opposition of the government, which

went to great lengths to keep us from setting up this subcommittee. That is where we are.

As it happens, my question has to do with perception. When you were appointed, the government had already given you a mandate....

●(1630)

[English]

The Chair: You have a point of order, Mr. Anderson.

Mr. David Anderson: If Mr. Bellavance is going to talk about the committee and the formation of it, he should be accurate. It is my belief that there was a unanimous vote at the House of Commons agriculture committee to form this committee. So the government was certainly supportive of it and has been supportive all along, and we're actually the ones who wanted this to be done. We suggested a deadline date that's going to be held to. And we've certainly been cooperative and are more than interested in reaching good conclusions on this.

The Chair: Point taken.

[Translation]

Mr. André Bellavance: Obviously, I would like to mention that when we were trying to form the committee, Mr. Anderson filibustered all meeting long.

I mentioned perception, Ms. Weatherill. You were also asked to head the Prime Minister's advisory committee on public service renewal. Are you still chair of that committee?

[English]

Ms. Sheila Weatherill: Mr. Chairman, there was a series of questions. I'll do my best to respond to them, and I'll start with the last question, which was the question about my role on the advisory committee on public service renewal.

I'm not the chair of that committee, Mr. Chairman. The co-chairs are Paul Tellier and Don Mazankowski. I am proud to serve on that committee as a member. I think there's never been a more important time to have a strong public service in Canada, so I'm pleased to participate in that. However, my role on that committee and my role as the independent investigator, Mr. Chairman, are not related in any way, although there is a relationship, in a way, in that both of these roles are in the interest of having a strong federal government to serve Canadians.

On the question of transparency, we have a fair and effective process under way. We're getting full cooperation. I'm personally fully dedicated to getting to the bottom of this. It's something Canadians care deeply about. The process we have under way I am confident will yield strong recommendations that come from people who are providing information to us and who are willing to participate with us.

[Translation]

Mr. André Bellavance: I understand that you have the cooperation of those who testify before you, but you must admit that it is all taking place behind closed doors. Your work is not accessible to the media, nor to us. The only person to whom you are accountable is the minister, and you will submit your report to him by July 20. So, the process is certainly not transparent.

I want people to understand that when I mentioned the public's perception, I brought up your participation in the Prime Minister's advisory committee on public service renewal because the purpose of that committee is to revitalize the public service brand. At the same time, you are called upon to investigate a matter that is completely separate, but in doing so, you have to meet with people from the Canadian Food Inspection Agency and Health Canada, who are obviously public servants, not to mention the minister himself. That is why I think there may be a perceived conflict of interest.

So, you were not uncomfortable when the Prime Minister asked you to head this investigation? You did not think that it might be wise to leave the other committee? I am not making this up; it was talked about in the media. Consequently, I wonder whether, when you were offered the position, you ever thought....

[English]

The Chair: On a point of order, Mr. Storseth.

Mr. Brian Storseth: Thank you, Mr. Chair.

Mr. Bellavance starts his testimony by saying he doesn't want to discredit the witness and then goes through the next seven minutes trying to get to a point where he feels the witness is in a conflict of interest.

I think it should be stated that Ms. Weatherill's credentials are above reproach. As a former Edmontonian, she has spent a good portion of her professional career enhancing our public service as well as our health care system.

The Chair: Point taken.

Mr. Bellavance, I've allotted for that in your time. You have about 30 seconds left.

[Translation]

Mr. André Bellavance: I will give you time to respond, Ms. Weatherill. Again, I was not trying to call into question your expertise. You did not consider how the public would perceive your holding both positions?

• (1635)

[English]

Ms. Sheila Weatherill: Mr. Chairman, no, I do not believe there is a conflict between the two roles.

On the matter of the transparency of the process we have under way, I believe that the structure we have in place—the independence and the collaboration and the environment that we have created—provides the best setting to have people tell us what happened and to give us their recommendations on what can be done to improve the system. That's not just with the federal departments and agencies, but with Maple Leaf staff as well.

The Chair: Thank you.

We'll move on to Mr. Allen for seven minutes.

Mr. Malcolm Allen (Welland, NDP): Thank you, Mr. Chair.

Thank you, Mrs. Weatherill, for being with us, albeit it may be at a time when you're not able to give us as much as you probably would like, or could, if you were indeed at the end of your report and we actually had it to look at and you were able to explain what has

transpired. So I appreciate the fact that you're here trying to deal as best you can with some of the situation.

But I will carry on with how the committee and Canadians look at how your investigation was formed—albeit late, as has been indicated. The Prime Minister talked about it last September, and it is no fault of yours when it actually started. Your appointment didn't come until January, and now, rather than getting a report—which we could have had in March if indeed it had been done by the government, when we thought it had—we're not actually looking at a final report as part of this committee, which you might have been the person to defend here and explain to us.

We're now faced with a situation where your timeline is actually after the timeline of this committee, which is problematic, to say the least. It would have been advantageous for the committee to look at your report, simply because it would have been more fulsome in helping all of us understand what happened—because that's really what we want to do—and to find a way to assure Canadians that it won't happen again.

So it really it is a case of having all Canadians understand that their food supply is safe.

I think part of the problem we're having in the opposition is the way the committee has been structured and how it looks to Canadians, who are looking to have their faith in the system reaffirmed and know they truly have a safe food system. Of course, part of that is the terms of reference of your mandate, which require you to report back directly to the Minister of Agriculture, a minister of the crown, rather than you as independent investigator reporting directly to Parliament, which would give Canadians a sense that the results were being reported back directly to them—albeit I'm not accusing anyone of changing or nuancing anything.

There are a few things I think you can answer, and I'll put them out here. As we understand, there are numerous documents and hand-written notes here and there in the Department of Agriculture and PMO dealing with this particular situation. Do you know they exist, and have you been able to get them? Will you be getting them, if you haven't received them already?

The second part of the question, which ties in with this, is whether you know through communications logs that Maple Leaf Foods was in contact at least 24 times with various ministries just prior to the outbreak, during the outbreak, and subsequent to the outbreak. Have you had an opportunity to see those? Did you know that they exist, and will you, if you haven't already, be looking at those particular documents?

Ms. Sheila Weatherill: Mr. Chairman, on the question of documents and whether or not we have requested or are getting them, the answer is yes. We have a lot of documents, more than one million documents amounting to less than 10 million pages, much of which are electronic. We have had 100% success in getting all of the documents we've asked for, including from Maple Leaf Foods. We are now analyzing those documents and linking them to the various investigative interviews we're conducting.

On the question of timelines related to Maple Leaf Foods and their documentation, again, we are aware of that and we have asked and are looking at those specific issues.

• (1640)

Mr. Malcolm Allen: I appreciate the candour, but there is a timeline that I think most of us accept in the sense of who entered when and what they did, whether the CFIA; or Maple Leaf Foods, through Michael McCain, who became the very public face of this crisis; or other departments.

What I'm really asking is, are you aware that there is more than the Department of Agriculture involved here? I'll give you a couple of quick points. Maple Leaf Foods actually contacted Kevin Lynch at one point, who talked to a policy adviser at International Trade. So a lot of other folks were contacted besides just the ones you would perhaps think they were speaking to in the Department Agriculture, because it deals with the CFIA; and perhaps the PMO, because it may have been an issue for the Prime Minister's Office to look at, because of the magnitude of the issue. So there are other ministries involved.

So I guess the question really is, are you talking to those other ministries and requesting those documents from them, which may well be there—in fact, I'm sure they are—so you can have a fulsome report when you actually issue it?

Ms. Sheila Weatherill: Mr. Chairman, we're following the evidence wherever it takes us and requesting documents wherever that evidence points. We have had very good cooperation in receiving documents. We are absolutely dedicated to getting this timeline clear and fully understood. One of the areas contained in our terms of reference is to understand and evaluate the communication between departments, ministries, and food safety partners. We are taking that seriously, and it is part of our investigation.

Mr. Malcolm Allen: To follow up on that and keeping on that line of different ministries—and I appreciate the fact that we're looking beyond what one might think would be the obvious ministries—are any ministries coming to you on a voluntary basis? Are they saying they had a conversation with so-and-so about this particular thing, or they think they might have had conversations about things that may indeed pertain to this but they aren't certain, and asking you take a look at and review the documents and let them know if that's of help to you?

Ms. Sheila Weatherill: Mr. Chairman, while I can't give you specific names, dates, and whatever, I can assure you that, yes, we have people coming to us from the federal system, industry, and the provincial systems. People are anxious to talk about what happened last summer, to get to the bottom of it, and to ensure we do whatever we can so it doesn't happen again.

The Chair: Your time has expired, Mr. Allen.

We'll now move to Mr. Anderson for seven minutes.

Mr. David Anderson: Thank you, Mr. Chair.

Ms. Weatherill, I'd like to welcome you to the subcommittee.

As you know, the subcommittee is a complement to the work we see you doing as an independent investigator. We're looking forward to your doing a thorough job, in spite of what the opposition seems to be saying. We know that's not going to be easy, because there's a

lot of misinformation out there. We appreciate your being here today. It takes courage and commitment to come.

The Prime Minister has confidence in you. He said when he asked you to do this job:

Protecting the health of Canadian families and the safety of the Canadian food supply is of paramount importance to our government. I am confident that Sheila Weatherill has the expertise required to independently examine the factors that contributed to the listeriosis outbreak and make recommendations on how to prevent a similar occurrence in the future.

I think the reason he made that statement is based upon your qualifications. Mr. Storseth touched a bit on that in his point of order, but I would like to read into the record some of that background, and maybe you might want to complete it if I don't have it all here when we're done. I think it's important that people understand there's much more to you than Mr. Easter, in particular, has portrayed in some of his comments.

It's my understanding that you are an experienced health professional and highly regarded in your field. You have earned your B.Sc. in nursing and post-graduate diploma in public health from the University of Alberta. You have the high honour of being named one of Canada's 100 most powerful women by the Women's Executive Network in not just 2003 but I understand 2004, 2005, and 2006, and that you were admitted to its hall of fame in 2007. In July 2006, you were appointed a member of the Order of Canada. In November 2006, the Prime Minister appointed you as a member of his Prime Minister's advisory committee on the public service. You've talked a little bit about that, and I certainly think that's a tribute to you that you've made the decision to contribute to that committee as well. These are all laudable achievements showing your professionalism.

Your experience in the field of health issues—and Mr. Storseth can probably talk more to this than I can—includes your time as president and CEO of Capital Health in Edmonton, Alberta, from 1996 to 2006. Recently you've done important work in support of the heart institute in Alberta, including the development of the Mazankowski Alberta Heart Institute, which is western Canada's first heart institute.

And I understand that's not all. You also have experience serving on many boards of directors, including being an associate member of the faculty of nursing at the University of Alberta, and have served previously on boards such as the Conference Board of Canada, the Canadian Institute for Health Information, the Association of Canadian Academic Healthcare Organizations, and the Edmonton YMCA.

Mr. Easter had mentioned the Prime Minister's mandate to you. I think this is a short version of what he said, but you were charged to independently examine the factors to prevent a similar reoccurrence. They say your credibility is not something they're questioning, but it seems to me that at least two of the parties indicated they're not prepared to let you do your work before they judge whether you're capable of doing that. I think it's disappointing that they seem to want to see you fail at this.

I just want to ask this. Do you feel you have the authority to independently examine those factors and to make the conclusions you feel you need to in order to prevent a similar reoccurrence? Are you comfortable with the mandate you've been given?

• (1645)

Ms. Sheila Weatherill: Thank you, Mr. Chairman.

I would point again to the team we've assembled for this investigation, including our outside experts who are advising us. I have been a public servant for several years and have enjoyed that role, but I've also had significant experience dealing with serious health system concerns. I have expertise in governance and accountability and in dealing with complex environments. This work is certainly in a complex environment. I've had many years of experience in public health as well as in long-term care. So I believe we have the right expertise to get the job done.

Mr. David Anderson: Ms. Weatherill, Mr. Easter mentioned the terms of reference. I think it might be a good idea to read them into the record, so I'm going to do that. I hope I have time to do that, Mr. Chair. I'm just going to read them in so everybody understands what they are:

The independent investigator into the August 2008 listeriosis outbreak related to certain processed meat products from Maple Leaf Foods shall:

- (i) examine the events, circumstances and factors that contributed to the listeriosis outbreak;
- (ii) review the efficiency and effectiveness of the response of the federal organizations, in conjunction with their food safety system partners, in terms of prevention, recall of contaminated products and collaboration and communication with their food safety system partners and consumers—

The Chair: Point of order, Mr. Easter?

Hon. Wayne Easter: I'm not going to object strenuously, Mr. Chair, if the parliamentary secretary wants to read them in, but look, we've all had these terms of references. We went through them with a fine-tooth comb. We have two hours with Ms. Weatherill. I think it would be more sensible—

The Chair: I don't think it's a point of order, Mr. Easter. He's allowed to use his seven minutes as he sees fit.

Mr. Anderson.

Mr. David Anderson: Mr. Chair, obviously we've spent time on this issue. The Canadian public may not be as aware of these things as we are, so I certainly would like to finish reading the terms of reference, even though the opposition seems to want to keep that hidden from Canadians.

I'll continue:

- (iii) make recommendations, based on lessons learned from that event and from other countries in terms of best practices, as to what can be done to enhance both the prevention of a similar outbreak occurrence in the future and the removal of contaminated products from the food supply;

- (iv) perform her duties without expressing any conclusion or recommendation regarding civil or criminal liability of any person or organization.

—we've already spoken to that—

- (v) adopt procedures for the expedient and proper conduct of an investigation, including reviewing relevant records and documents and consulting as appropriate;

- (vi) submit to the Minister of Agriculture and Agri-Food, in both official languages, by July 20, 2009, a report on the matters listed in sub-paragraphs (i) to (iv).

As you see, Ms. Weatherill, the opposition has made much of these terms of reference. I think they would attempt to undermine your credibility by saying—as they've already done—that the terms of reference don't give you the authority to do your job properly. Do you feel they do give you the authority to do your job as you need to do it?

Ms. Sheila Weatherill: Mr. Chairman, yes, I believe I have the power, mandate, and resources to fulfill the expectations and conduct this investigation.

• (1650)

Mr. David Anderson: You're not the first person, actually, who has said that. On Monday we heard from Mr. McCain. His comment was that he had every confidence in you and the job you were doing. He said that he is fully cooperating, which you have confirmed today. I think these thoughts were then echoed by the CFIA, when the president, Ms. Swan, said that she and her organization are fully cooperating and have every confidence as well.

I find it interesting that the opposition would laugh at that. Once again, it indicates, I think, that they really don't have as much interest in getting to the bottom of this as they do in trying to make some political points out of it.

Actually, because of the disregard they seem to have for the process, I would like to just quote from *The Toronto Star*, from an editorial that talked about you specifically. It said: "The critics are overreaching. Weatherill's past experience can only aid her search for best practices. And it's not clear to us that Canada needs another costly and lengthy forum for lawyers to cross-examine those involved in the outbreak. All indications are that the main players will co-operate."

In the *Ottawa Citizen*, there was an editorial that said: "The appointment of Sheila Weatherill, a former Edmonton health authority president, to head a federal probe into last summer's deadly listeriosis outbreak is a welcome step to restoring confidence in Canada's food safety system."

The Chair: He's just at the limit because of the time that I allowed for you.

If you have a question, Mr. Anderson....

I have the time in front of me, Ms. Bennett. You can leave that job up to me. Thank you.

Mr. Anderson, do you have a question?

Mr. David Anderson: Just to conclude, I just want to make sure all the parties are cooperating with you. Are they?

Ms. Sheila Weatherill: Yes, they are, Mr. Chairman. I have full cooperation.

Mr. David Anderson: Thank you.

The Chair: Before we move on to the second round, Ms. Weatherill, I'd like to be clear here. In any contact you've had with the minister's office and so on, has everything you have requested related to whatever...? There have been no issues in getting that forwarded to your office, have there?

Ms. Sheila Weatherill: Mr. Chairman, we've had full cooperation. All our requests have been met. Everything we've asked for has been provided. I have had, though, no contact with the minister's office. I had not met Minister Ritz before I took this on and was introduced to him in a brief meeting in the first few days of my mandate. I'm not dealing directly with his office.

The Chair: Thank you very much.

We'll move on to the second round. Five minutes, Ms. Bennett.

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

Ms. Weatherill, one of the concerns that people have had is that there was political interference in what should have been a public health reaction. In the report from the chief public health officer of Ontario on Friday, one of the recommendations was that the federal chief public health officer or designate should be the official media spokesman for the national outbreak. That's actually in his job description already.

How will you go about finding out if there was indeed political interference from either the Prime Minister's Office or from other ministers' offices? Will you have access to the e-mail tracks? Will you have access to the rather damning teleconference that was leaked? Will you have transcripts of that? How will you find out if there was indeed political interference in the management of this outbreak?

Ms. Sheila Weatherill: Mr. Chairman, as I said earlier, we are following the evidence wherever it leads us. Part of our mandate is to look at the communication that occurred at the time of the outbreak, the communication between the federal agencies and departments and government, and also look at the communication to Canadians and how Canadians actually viewed that communication.

We have access to all documents that we need. We have had no refusal of anything we've asked for. This is something that is part of the investigation we're conducting. It's in the mandate, it's in the terms of reference, and it is something that we've heard about. We've had several meetings with the public health officials in Ontario, so we understand the questions that are out there.

Certainly, there has been extraordinary cooperation from the Public Health Agency of Canada, their staff, and recently we've brought onto our team a former medical officer of health from Ontario who herself had experience with a food-borne outbreak. I think we have the right people, we have the power to get at the information, and it is part of our mandate to look at the communication that followed this outbreak.

• (1655)

Hon. Carolyn Bennett: There's nobody on your team who seems to have had experience in terms of the difference between political staff and government staff, or how government actually works, and where there is that interface in terms of politics. Will you have access to the e-mail track between the Prime Minister's Office and the minister's office, as well as the departmental officials?

Ms. Sheila Weatherill: Thank you.

Mr. Chairman, we have had full cooperation and full access to all documents that we've requested. We'll continue to follow the—

Hon. Carolyn Bennett: I'm sorry, did you request the e-mail correspondence between the PMO, the minister's office and officials? Have you asked for the e-mail track?

Ms. Sheila Weatherill: In response, I don't have a definite answer to that question. We've requested a substantial amount of information. We have literally millions of pages. And we will continue to follow that line of evidence.

I wanted to answer the question about whether we have expertise in communications and governance of the senior-level people who understand how the departments interface with the Prime Minister's office, that type of thing. Yes, we do have that expertise on our team. We have outside advisers on communications, because it is part of our investigation, and we do have an individual who is very senior with a lot of expertise in this level of governance.

Hon. Carolyn Bennett: Who is that?

Ms. Sheila Weatherill: Alan Nymark is his name. He is a former president of the Canada Revenue Agency.

The Chair: Do you need just a few seconds more?

Hon. Carolyn Bennett: No, that's fine, Mr. Chair.

The Chair: Thank you very much.

We'll move on to Mr. Shipley for five minutes.

Mr. Bev Shipley (Lambton—Kent—Middlesex, CPC): Thank you, Mr. Chair.

Thank you, Ms. Weatherill, for being part of this investigation and this committee report that we're going to have by the end of June, before we break for summer.

Following this, we have the Public Health Agency of Canada coming in. There seems to be some innuendo today that actually there are some things happening behind the scene that you don't have the opportunity to investigate. In fact, there's more than innuendo that your investigation isn't going to be thorough because it isn't going to get reported; that it's going to go to the minister, and the minister isn't likely going to make it public.

I can tell you that this report of yours will be made public, the one that you're going to produce. The public needs to know what will be in it. So that's recognizing a little bit about what's coming afterwards.

At Monday's meeting—I wasn't able to be here, but I have the notes from it—both Maple Leaf and CFIA said that they're fully cooperating with you.

I guess we're going to have to say a few things over and over again, because the innuendoes keep coming: well, maybe they are cooperating, but are you actually getting the papers; are you getting the documents? But you're saying yes, you have millions of pages of documents.

So the statement is correct that what you're asking for, what you're needing...and not necessarily asking for; it's what you need. Is there full disclosure of all the documents that you know of that you're getting?

Ms. Sheila Weatherill: Mr. Chairman, to date, all documents that we've requested we have received. We continue to request documents. There has been full cooperation from Maple Leaf, from other organizations, from federal government departments, as well as from the provinces when we've made requests.

● (1700)

Mr. Bev Shipley: I want to move on to other agencies, not just federal agencies but those outside the federal realm. You touched on this a little bit earlier. I think you indicated that the officials from the Ontario provincial health ministry were cooperating also.

Ms. Sheila Weatherill: Yes, we've had very good cooperation from them. We have met them on more than one occasion and have received documents that we've requested. Certainly they've offered their help and advice to us.

As I mentioned, a former Ontario medical officer of health is now part of our team, and they understand the Ontario system.

Mr. Bev Shipley: We know that Toronto Public Health was involved in other provincial.... Are they giving the same full cooperation in terms of all the documentation that is needed? Has all the documentation that they have been disclosed?

Ms. Sheila Weatherill: Yes. Our main contact for Ontario documents has been through the Ministry of Health, but yes, we've had very good cooperation from them.

We had a meeting recently in Toronto where public health people from across Canada came together—either electronically or in the room—and they were very open and very anxious to participate. There were some very good discussions. These people are keen to get to the bottom of what happened and interested in finding collective solutions so that this doesn't happen again.

Mr. Bev Shipley: Could I just have one more quick question, Mr. Chair, in this round?

Just for clarification—as I mentioned, there have been not just innuendoes but in fact comments made that there may be some things that would influence you—I would just ask you this directly. Has the Minister of Agriculture or the Prime Minister—or any other minister, in fact, of the crown—in any way interfered to change or interfere with your investigation or give you a reason to make some decisions or recommendations that would be not fully coming from you and your team?

Ms. Sheila Weatherill: Mr. Chairman, there has been no attempt to influence or limit the investigation in any way, from any source.

The Chair: Thank you.

Mr. Easter, five minutes.

Hon. Wayne Easter: Let's go back to these terms of reference. I'll start where I left off, Mr. Chair.

I asked you, and I believe you responded yes, that you're to submit this report to the Minister of Agriculture, of whom there are certainly questions about, as the minister responsible. In submission of that report, what does he then do with it? Is it his choice what he reports to the public? Does he have to turn over the total report to the public? Or is it his determination what he shall do with that report?

Ms. Sheila Weatherill: Mr. Chairman, with respect, those are questions that would need to be addressed to the minister. My responsibility is to provide our findings and our recommendations to the minister by July 20.

Hon. Wayne Easter: So then the bottom line is that we are reporting, at this stage, to the minister, who really should be under question.

In any event, you said a number of times that you are getting full cooperation, that anything you've requested you have obtained. How do you really know? Is it part of your investigation to determine the political control? Ms. Bennett talked about the e-mail, the conference call that has leaked out. How do you know in that area?

In your remarks, you've always talked about the agencies, the government departments, and Maple Leaf. There are two major offices involved here. One is the Minister of Agriculture's office, which is ultimately responsible at the end of the day, under ministerial responsibility. The other is the Prime Minister's Office, which we have some concerns about.

● (1705)

Ms. Sheila Weatherill: Thank you, Mr. Chairman. When I refer to the two agencies and the department, I should speak more broadly. We do have an opportunity to direct our questions and our requests for information and to meet with people anywhere. And we are.

Mr. Chairman, on the question of how we are ensuring that we are getting what we need, we have good, sophisticated investigative techniques set up. We have staff. We have advisers, people on the team who are expert in discovery. We have people who are expert in document retrieval. We are able to look at what people tell us and then look for the documentation to support it.

I do believe this type of independent review, coupled with an environment of collaboration where people are so anxious to describe what happened and to give us advice on what we can do so that this doesn't happen again, Mr. Chairman, is the best environment to obtain full disclosure. In my experience, it is a positive environment to obtain substantive results.

Hon. Wayne Easter: I hope it works.

In your conduct of the investigation, it says, "...ensure that where there is reliable information"—for you to ensure, I gather—"that could affect individuals or organizations if the Independent Investigator was to make use of this information in her report,"—and this is where it gets serious—"that the concerned individuals or organizations will have an opportunity to review the portion of the report that may affect them and that their views will be sought before the report is finalized".

Now, if there's something in your report, can they actually take it out, or is it something that's relative to a legal impact on somebody else? It seems to me that you're drafting a report. You have statements from individuals. They can double-check that report to see if they want it released or not.

Ms. Sheila Weatherill: Mr. Chairman, this approach is consistent with procedural fairness and the principle of courtesy in common law. While individuals would be shown relevant parts of the report, it in no way binds us to make changes. This is the practice of the Auditor General's reporting as well.

The Chair: Mr. Bellavance.

[Translation]

Mr. André Bellavance: Thank you.

A little while ago, Ms. Weatherill, you said that, to date, no one has refused to give you any information or documents. I would like to explore that a bit further. Under your mandate, do you have the authority to request evidence and subpoena witnesses? If someone, whether from the government or not, refuses to meet with you at your request, do you have the authority to compel that person to meet with you and answer your questions? Also, do you have assurance that your report, which you will submit to the minister by July 20, will not be altered if it is made public? We do not really know what the minister intends to do with the report. We know that you will submit it to him and he will then decide when and if to release it to the public. When you were given your mandate, did you receive assurance that your report would not be put on a shelf to gather dust and that the public would have the chance to read it, as written? Or does the minister or his office, or even the Prime Minister's Office, have the discretion to take what they want from your report?

• (1710)

[English]

Ms. Sheila Weatherill: To be consistent with our terms of reference, my report, my findings, and my recommendations are submitted to the minister. Regarding follow-up on the report, this is a question to be directed to Minister Ritz.

The Chair: Mr. Shipley, you have a point of order.

Mr. Bev Shipley: I had said the report would be made public. So I don't think that needs to be a question.

The Chair: Mr. Bellavance.

[Translation]

Mr. André Bellavance: I do not think that it is a point of order. I said "if it is made public". Anyway, it is not that important.

You were very brief in your answer; so just to make sure that I understand correctly, do you have the authority to request evidence,

subpoena witnesses and compel people to meet certain obligations as part of your investigation?

[English]

Ms. Sheila Weatherill: I believe the process we have set up is fair and effective. We do not have the power of subpoena, but no individual has refused to meet with us in an investigative interview. We have had extraordinarily good cooperation. People have been more than willing to come forward and tell us their views on what happened and to provide relevant documentation.

[Translation]

Mr. André Bellavance: What was the amount of the budget you were given for your investigation? How many people work with you?

[English]

Ms. Sheila Weatherill: Our budget is \$2 million. If I may, I'll get back to you tomorrow on the exact number of people.

[Translation]

Mr. André Bellavance: How many people have been assigned to this task?

[English]

Ms. Sheila Weatherill: I don't have the exact number, but we can get that for you, probably before the end of the session. I believe it's around 20.

[Translation]

Mr. André Bellavance: So, if I understand what you have been saying all along, and based on what we know of your mandate, Canadians will pay \$2 million for an investigation that will not allow you to determine where the responsibility ultimately lies. Witnesses will appear before you, but you do not have the authority to compel someone to testify if they refuse to do so; it is completely voluntary. Nor do you have the authority to request evidence.

I would like to know your opinion on this. Do you think that taxpayer money is being spent wisely if, at the end of the day, you have a very limited mandate, as we have said all along? Government members are telling us that you have in no way been influenced by the PMO or the minister. I can understand that because your mandate is so limited, they really have no need to try to influence you.

[English]

The Chair: On a point of order, Mr. Storseth.

Mr. Brian Storseth: Ms. Weatherill has already commented on the subpoena. But I would like to point out, for Mr. Bellavance's edification, that he has voted to have a parliamentary subcommittee not assign blame or fault in this, but to better the food safety standards of our country. So I think he has voted for the same thing the government is moving forward with finding.

The Chair: Your point is taken.

You are just about out of time, so finish your question.

[Translation]

Mr. André Bellavance: I would like to respond, Mr. Chair, because I have a technical question about committee procedure. Mr. Storseth appears to be the third member of the Conservative party at the table. Does he have the right to interrupt me to speak? It does not bother me, but I just want to be sure that he has the right to do so. Either he does or he does not. There are now seven committee members present, three of which are Conservatives, including you. He is the third, and he spends his time interrupting me. I want to know whether he has the right to do so. I think the committee has to give unanimous consent before he is allowed to speak. If so, I definitely do not give my consent, because he will use his time to interrupt me. But I will, of course, give my consent so that the other two Conservative members can speak.

[English]

The Chair: Mr. Bellavance, I've already clarified this with the clerk. Any party participating in this study on food safety can have 10 members, or as many as they want, sitting at the table. Each of those members has the very same power as anyone else, whether they're a regular member of the committee or not, except for voting privileges. Unless the clerk tells me otherwise, Mr. Anderson and Mr. Shipley are sworn-in members today. If it comes to a vote, only those two will be.... Mr. Storseth has the same rights as you or anybody else for all other things, including points of order.

You have less than 30 seconds.

• (1715)

[Translation]

Mr. André Bellavance: I do not want to take away anyone's rights, but I would like someone to check and tell me whether we can really bring colleagues who are allowed to speak at any time. If so, we just might bring more Bloc Québécois members to committee.

[English]

The Chair: As I said, Mr. Bellavance, he can continue with regular questioning. Any member sitting at the table has the right to make points of order, and I've had that confirmed by the clerk. I didn't make the rules; I just have to enforce them.

Do you want to continue?

Mr. Brian Storseth: As a point of clarification, it is disappointing to see Mr. Easter also participating in this, because he rants on publicly about how the powers of members of Parliament are being diminished and then participates in trying to diminish those powers.

But under Standing Order 119, Mr. Bellavance, I have that ability, as the chair has already indicated. You also know that in the composition of the original motion comprising this committee, we said we would have the same structure as the Standing Committee on Agriculture and Agri-Food. The only thing I disagree on is that I can't be counted when taking quorum or moving motions.

The Chair: Your point is well taken.

Mr. Bellavance.

[Translation]

Mr. André Bellavance: I would like the clerk to provide specific details on this issue, please. He does not have to do it on the spot.

[English]

The Chair: How much more specific could I have been?

[Translation]

Mr. André Bellavance: I want to be certain that the standing order allows another committee member to interrupt a colleague by rising on a point of order or by speaking. I have been on this committee for a few years. I do not claim to have the most experience in the world, but I thought that unanimous consent was needed before a member who was not a regular member could speak. That is my question. I do not need an answer this very second, but I would, at some point, like to see a copy of the standing order. I do not doubt what you said, but I want to read the standing order in question.

[English]

The Chair: I will provide that. In the essence of time, I suggest we continue as we are. I will not allow Mr. Storseth or any other members subbing in to interrupt somebody. On a point of order, again they have that right. End of story.

We will get the information. I will have the clerk look it up and get it to you. You have, as I said, about 30 seconds left of your time if you want to use it.

Mr. Anderson has a point of order.

Mr. David Anderson: I would like to address this for a second, because I think we're seeing the opposition's frustration over this issue. They came here trying to find blame and some political intrigue, and they're not finding it. We saw their frustration on Monday. We see it boiling over today because they cannot find this. This government has been transparent in what it's doing. I know that's a frustration for them, but we're proud of what we've done.

The Chair: I don't believe that's a point of order.

Mr. Bellavance.

[Translation]

Mr. André Bellavance: I have 30 seconds left. Ms. Weatherill, since you started to answer my question, I would ask you to please continue.

[English]

Ms. Sheila Weatherill: I believe the question was whether Canadians will see value for money with this review. I want to say as strongly as I can that I believe this will be a substantive report with concrete, detailed findings. This is something that Canadians care a lot about. They are anxious to hear how it happened and get to the bottom of it and hear recommendations. I know we will have a high level of substance in the report. I know this is money well spent and there will be value for it.

The Chair: Thank you, Ms. Weatherill.

Mr. Allen.

Mr. Malcolm Allen: In spite of what my colleagues might be inferring about innuendo or looking for the proverbial conspiratorial theory in the closet, this is really about Canadians' faith in their food supply. When it comes to faith, there's a different parameter than in hard science. When you take the leap from one plus one equals two, which is an accepted value that we know how to compute, to actually having faith, there's a difference. One needs to have something beyond one plus one equals two. One has to believe that you showed them one and then you showed them another, so that you can come up with two. That leads to faith that you've actually done it correctly. So this isn't an issue, at least not for this member.

There's no issue about folks not trying hard. Everyone has the best intentions at heart. They want to assure Canadians that they have a safe food system, because we all happen to be consumers of that food. There's nobody on the other side, on this side, or out there watching who doesn't eat. We all have to eat, so it is imperative that we all feel that it's absolutely safe. Part of the dilemma we face is making sure Canadians have their faith in the system restored. It's been shaken, and justifiably so. Twenty-two individuals died last year in this country from listeriosis. That has shaken the faith of Canadians in their food supply. They need to have their faith restored.

This is not so much to suggest that something untoward is happening as it is to help make sure we actually open all of the doors, look under all of the rugs, ask all the right folks, seek out all the right questions, and actually come back and tell folks that we found it all, and restore their faith. That's part of the dilemma we face. That's a difficult task no matter who ends up having to do it, whether it's you as the independent investigator, this committee, government, those of us in the food safety business, or those who produce the food. It's going to be a significant challenge as we go forward.

There are some technical questions on this. There is the documentation you're asking for. No doubt you have a list—you talked about having forensic auditors, and they'll have a list. In your mind, will that list be part of the report? If not, do you think it should be?

One of the ways to restore the faith is for folks to be able to look through a list of documents that were requested and received. Perhaps someone will ask if you requested a document that you hadn't thought of. You would then ask for it, and it would become a supplement to the report. This would help to restore the faith. The knowledge that we looked everywhere humanly possible will go a long way towards restoring people's faith. I can't emphasize that word enough, because we can see that people have lost faith in the food supply and its safety. That really is a great change. So that's one of my questions.

I've sat on investigations before. Quite often the terms of reference are written for us and we just accept them because we're okay with them. Sometimes we get input into those terms of reference, because we see them as being too broad or too narrow, and we need to move this around based on our experiences going into the investigation. Please comment on this if possible.

I'll leave it at that for the moment.

●(1720)

Ms. Sheila Weatherill: Thank you, Mr. Chairman. I'll speak first about the broad topic of consumer confidence.

I couldn't agree with you more. This is something that's top of my mind, and I strongly believe that the public wants to know how this happened. We have to tell them the story of exactly what happened and when it happened and why it happened. That's why a key part of our investigation will be communication.

In support of that, we have found two family members who have spoken with us already and will actually be coming to meet with us. Just hearing the ideas families have and about what their experience has been has been very helpful so far and will continue to be.

Additionally, we know that family physicians across Canada have advice for us, and we are reaching out to physicians through a survey. We think that will be helpful, because to restore confidence we have to answer the question of how this happened. Family doctors and other physicians are a big part of supporting families and supporting Canadians in understanding that.

On your question about documentation, it is our plan to submit all documents supporting our recommendations and findings along with the report. So those will be available.

Mr. Chairman, I apologize if I've forgotten part of the question.

●(1725)

The Chair: Just mention it, because you're well over your time.

Mr. Malcolm Allen: I understand. Ms. Weatherill indicated that she forgot part of the question. I'm simply going to repeat it. Thank you, Mr. Chair, for your indulgence.

As we approach different inquiries—I've done this before, as well, although not to this magnitude, obviously—the terms of reference quite often are written for us. Were you able to have input into those terms of reference, or did you simply say, no, they work for me, so they're okay?

Ms. Sheila Weatherill: I apologize for forgetting that part of the question, Mr. Chairman.

On the terms of reference, no, I did not have input, but my mandate does give me the power and I do have the resources to get this job done, and I'm absolutely fully committed to getting to the bottom of this. I know that we will be producing a report with substantive and detailed recommendations and findings.

The Chair: Thank you.

Mr. Storseth, you have five minutes.

Mr. Brian Storseth: Thank you very much, Mr. Chairman.

I want to welcome Ms. Weatherill here and thank her for taking on the huge responsibility it is to deal with this.

I would like to start off by saying that part of what you're doing is helping to restore confidence in our food safety system. Part of our government's obligation has been to not only restore confidence but to take the lessons learned and take them a step further to better the food safety system in Canada, which is already one of the best in the world. We shouldn't forget that.

I have to tell you that I got some phone calls from my local area when people heard that you were doing this job. As a former CEO of the Capital Health Region, you might remember Joan Hertz or Jack Dennett. They called. Jack, a former board member of yours, talked about how knowledgeable and dedicated you are and how aggressive you are when it comes to getting the job done. He also gave you credit for very modern thinking and a way of working with staff and working towards getting your angle very aggressively. So it has all been very complimentary. I have the utmost confidence, and the people in our area who have worked with you have the utmost confidence, that you will do an excellent job for us.

Now I want to get back to some of the testimony you have already given. You talked about a subpoena. We have had the unfortunate job of having to subpoena witnesses to some of our committees in the past. You know that it's generally—not generally, but always—when a witness refuses to come forward, when you're having trouble eliciting information from them, that's very important. Have you had any of these problems with any of the people you've been trying to meet with—and in fact, not just meet with; I believe your words were “participate in investigative interviews with”? Have you experienced any problems that would lead you to believe that you need the subpoena power?

Ms. Sheila Weatherill: Thank you, Mr. Chairman.

To date, we've had full cooperation. All individuals we have called, whom we've asked to meet with, have agreed to meet with us and have been fully participative. We have many more sessions scheduled, and so far we've had full cooperation.

Mr. Brian Storseth: Thank you for that.

As you may know, the opposition and in particular the NDP wanted to focus solely on partisan witch-hunting and an exercise in politics. What the government was able to elicit at the main committee was to broaden the scope a little bit so that we could get some positive solutions on food safety to come out of this subcommittee as well. I think your coming forward is going to definitely help that. I look forward to your report.

I'm sure you're aware that our government has recently taken action to improve food safety. We've hired 200 new inspectors and put an additional \$113 million for product safety. I'm sure you're aware that the Conservative government recently put out new directives for listeria control. For example, we brought back environmental testing for listeria, which was cut in 2005 under the previous government and the Minister of Health at the time, and in the last budget, in our economic action plan, we actually invested another \$250 million into strengthening our lab capacity around the country to better the lab results.

In looking at these, can you give the committee your thoughts on some of these steps? Do you see them as being positive steps for

government and, as we talked about in the beginning, restoring confidence and taking that next step with food safety in Canada?

• (1730)

Ms. Sheila Weatherill: Mr. Chairman, while we're only partway through our investigation, it would be preliminary for me to give you my view. But I can tell you that we are looking at, for example, the new listeria policy and at the changes that have occurred since the outbreak and assessing those against what other countries are doing, and so very much looking at progress to date and what has changed, as well as other factors. Again, we will be producing a substantive report, and it will have detail and specific actions in it.

Mr. Brian Storseth: Thank you very much.

I do have a bit of a reputation around the table as being very hard on government bureaucrats when they come to testify before committees. So we have had Michael McCain here. He had great testimony and I found it very insightful, with very fulsome answers. We've had CFIA before this subcommittee, and we'll also be having more government officials coming before us.

Do you believe the government officials you have talked to have given a fulsome and honest attempt at giving you everything they have? Do you have any concerns with that part of the process at this point in time?

Ms. Sheila Weatherill: Mr. Chairman, we've had very good cooperation from all parties. We have the additional benefit of having the support of a large amount of documentation, and we have the ability to invite many staff members from all parts of the organizations. We have had good cooperation, and we expect that to continue.

The Chair: Thank you. Your time has expired, Mr. Storseth.

I have a question, Ms. Weatherill, if I could. I know that we've all, myself included, read a lot about listeriosis since the outbreak. Something I've read would give one the idea that listeriosis is kind of a common thing, but it's not really something that's on the public mind. Being a farmer, I know some other diseases that are in animals from time to time, but it takes stress or other things to actually bring them out. Is that a fair assumption of listeriosis as well?

Ms. Sheila Weatherill: Mr. Chairman, thank you for your question. I'm not a microbiologist—

The Chair: I'm not either.

Ms. Sheila Weatherill: —but I have to tell you that I know more about listeria than I did a few weeks ago. One of the scientists we met with explained it this way, and I hope I get it right, because as I say. I'm not a scientist.

Listeria is one of the bugs that...you have to think about it as a house with so many rooms, and if the rooms aren't filled by other bugs, then listeria will move in and fill the rooms. So that kind of gives us the concept that when we've sanitized away other bugs and removed their predators, then there is more listeria. But as you know, it's a bug you can't see, and it's complex.

The Chair: Thank you very much.

Mr. Easter, you have five minutes.

Hon. Wayne Easter: Thank you, Mr. Chair.

Let me start this way, Ms. Weatherill. As an individual, a former minister, who has gone before a public inquiry and has spent many hours before a public inquiry and come out clear at the end of the day, I think this investigation just doesn't get there. Now, that's not your fault, and I accept your word that you will do the best you can do. I sincerely believe you in that and I do believe you will come up, as you said, with reasons why it happened and how it happened.

But there's a broader concern here. We live in a system of government that is supposed to hold and accept ministerial responsibility. This investigation doesn't go there. I would say to the government members, in terms of the ministerial responsibility, that it cuts both ways. Yes, it can be found that you erred, or also it can be found that you didn't err—the error was somewhere else in the system and you no longer have to deal with that cloud over your head, which I will admit is a relief when it happens.

I think we've determined from the discussion here today that you really have no way of assessing political responsibility in terms of your investigation. I submit to you—I go back to my original point—that I am worried that you are being used in a way so we don't have to deal with the question of the involvement of the PMO or the minister's officer. I say that in all sincerity, and there are questions around there.

The other point—let's make clear—that we've determined thus far today is that you do not have the power to subpoena witnesses; you depend on goodwill. You do not have the legal authorization to demand documents, although you do believe you're getting full cooperation. One of the people who is indicating to you that you are getting full cooperation is the minister himself; he said so before this committee on February 10. The fact of the matter is that he's the minister who should be under investigation.

So there are some concerns here, so let's be honest and just lay them on the table.

Now, here's just a note of caution, going forward, on the agencies you're involved with, and we'll leave the minister and the PMO alone.

I would suggest you maybe read the minutes of this committee. I hope it doesn't get political. This is a committee to look at the food safety issue. I am very, very, very concerned. I can't express enough concern about the statements that were made by the president of the Canadian Food Inspection Agency on Monday. In my view there was an attempt...and I quote her: "It is quite clearly industry's fundamental responsibility to produce safe food". I would caution you in your discussions with the agencies that they not try to transfer blame to the industry. Michael McCain has taken a lot of

responsibility, yes, indeed. In my view there's a higher authority in this country that is responsible for food safety in this country, and that's the government, its various institutions, and its ministers. I just express to you a word of caution in that regard. Do not allow the agencies to transfer blame to the industry, because Michael McCain was the only face we had out there at the time accepting responsibility in assuring Canadians on public safety. I just raise that as a note of comment.

● (1735)

My question to you is about your secretariat, and I know people are seconded or not. Can you assure us at least that in your secretariat your investigations, people being seconded are not from areas of the federal government that are directly under potential implication here? Agriculture and Agri-Food Canada, Health Canada, Canadian Public Health Agency, CFIA, Industry Canada, the Prime Minister's Office, and the Privy Council Office are all in one way or another implicated here. Do you have any staff from those offices that you know of? You may not know, and I'm not going to force you to it, but could you get back to us on this, if you don't?

Ms. Sheila Weatherill: Mr. Chairman, we will do specific checking and get back.

Hon. Wayne Easter: Thank you.

The Chair: Your time has expired, Mr. Easter.

Mr. Anderson, you have five minutes.

Mr. David Anderson: Mr. Chair, I'm disappointed to hear Mr. Easter, because it seems he's already made conclusions.

I get the sense that he wants failure out of the investigation you're doing. The reality is that this investigation is set up to succeed, it's set up to be open, and it's set up to be transparent. I think that is frustrating the opposition. We can see this today in some of the things they've been pointing out. They want to find blame; they want to find political damage.

The problem is that this government has set this up so that it will work, so that it will open up the facts and will, as we said earlier, independently examine the factors that contributed to the listeriosis outbreak and make recommendations. I understand how that may frustrate him.

Also, I want to point out that he sees grounds for criticism in your not having the power to subpoena and not having the power to demand documents. You have indicated multiple times today that this has not been an issue; that you've been able to obtain the information you need and have been able to obtain cooperation of witnesses as you've wanted it. This is a red herring that the opposition can't be allowed to get away with putting forward.

I would like to talk to you about one of the issues that came up the other day. That is that both Maple Leaf and CFIA indicated, as a root cause of the listeriosis outbreak, that biological material was deep in the slicers in establishment 97B, which ended up being the breeding ground for listeria.

Mr. McCain said that Maple Leaf had had positive test results for listeria in the environment for a few months before the outbreak, but because the mandatory reporting had been cancelled in 2005 under the Liberal government, they didn't feel the need to report this. Brian Evans expanded on this point, that environmental testing is critical to seeing a problem. I think he pointed out that it might not have identified this specific issue, but at least the information would have indicated that there was a trend of some sort. That's why the government has acted and on April 1 made a number of changes to the protocols.

Are you in a situation now to make any comment about those protocols and about whether you feel they've improved the situation? Or is this something on which you want to reserve judgment?

• (1740)

Ms. Sheila Weatherill: Mr. Chairman, as I've said, we're partway through the investigation and are still in the process of looking at the evidence, so we're not ready with our recommendations yet. But I can tell you that we are looking very specifically into this area and into the new policy.

Mr. David Anderson: Mr. Chair, I'm going to turn the rest of my time over to Mr. Shipley.

Mr. Bev Shipley: I wonder whether the committee would consider at this time a motion. Senator Heffernan is here from Australia. He is a member of their Senate.

I don't know whether there is concurrence with the rest of the committee on this—

The Chair: We'll deal with that perhaps in a minute, Mr. Shipley, but we have still a couple of minutes left in your time, if you want to use it for questioning. Then we'll—

Mr. Bev Shipley: My only comment is that it's a very short time before we get back to this, but it would give him a few minutes to make a presentation, and I would—

The Chair: So what you're saying is that you're forfeiting the rest of your time; is that it?

Mr. Bev Shipley: That's right.

The Chair: On that note, as discussed with all the parties—some before, and Mr. Allen during the meeting—for the information of everyone in the room, we have Senator Bill Heffernan from Australia, who happens to be the chair of the agriculture committee there, which is undergoing a competition investigation or review in his country. He happened to call my office right about the time question period was starting today and requested to meet with me. I met with him, and while we did that, I took it upon myself to try to contact the rest of the members of the committee, who thought it was very appropriate that, if we could, we hear from him for a few minutes.

He has to leave to be at the airport by a quarter after six, as I think I indicated, and although there are still a few minutes left in this time, what I guess Mr. Easter would suggest and I'm asking direction on is whether we can suspend our questioning of Ms. Weatherill.

If I take more rounds of questioning, I'm going to have to take a set from both sides, just so you're aware of that. I'm at your disposal.

Are you okay with the suggestion?

Some hon. members: Agreed.

The Chair: Okay.

Thank you very much, Ms. Weatherill. We appreciate your taking the time to come here and we look forward to your report when it comes out. Thank you.

Ms. Sheila Weatherill: Thank you very much, Mr. Chairman.

The Chair: We're going to suspend this portion of the subcommittee meeting on food safety.

If I could, I'd like to have the members back to the table very shortly and we will continue on with Mr. Heffernan.

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_____ (Pause) _____

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• (1745)

The Chair: I'd like to ask the members to come back to the table, please.

Once again, thank you very much, Mr. Heffernan, for agreeing to see us, and to the committee as a whole for taking the time to hear him. As I indicated, they're in the process of conducting a competitiveness study in their own country to deal with grocery stores and what have you.

So what I'm going to ask, Mr. Heffernan, is if you could take five minutes or a little more to explain where you're going and maybe there'll be some questions from our groups here as to that. Thank you.

Hon. Bill Heffernan (Senator, Senate of Australia): Thanks very much. I apologize for gatecrashing your committee. I'm very grateful, and if you come to Australia, we'll let you gatecrash one of our committees as a consequence.

I chair the Senate Select Committee on Agricultural and Related Industries in Australia. At the present time I'm doing an inquiry, in which you would be interested I'm sure, into the global cartel and monopoly behaviour of fertilizer companies. Eighty-five per cent of the world's rock phosphate is controlled by five companies.

Another committee that I'm chairing has the terms of reference for how we in the future will produce food that's affordable to the consumer, sustainable to the environment, and viable to the farmer—in other words, make it worthwhile for the farmer to get out of bed and be paid a reasonable margin for his work, against the background of things like consolidated retailing—that is, market pairing in retailing—the cartels of fuel and fertilizer, the effect of climate change, and a range of other issues.

The science we've collected in Australia shows that in Australia over the next 50 years.... The rainfall is in decline now, and this year if there isn't a serious, major rainfall event in southern Australia, the main river system is going to fail. It will stop flowing. Our biggest dam is down to 4%. Three of our rivers have three months' supply left in them. In the Murray-Darling Basin in Australia, where we have 6.2% of Australia's run-off—23,000 gigalitres—we do 73% of our water farming. If the science is 30% right on the prediction for the future, we're going to have to reconfigure the way we've settled and we do business in rural and regional Australia. There are big opportunities in the north, which for us is more or less an agricultural frontier.

Against that background, I would be interested in coming to terms with the doubling of the global food task in the next 40 years. The science is telling us that 30% of the agriculture capacity of Asia, where two-thirds of the world's population will live in the future, could go out of production. We decided to have a look at how Australia can continue to make its contribution to the global food task. I'm sure that's an issue that would interest the people in Canada. We are a net exporter of food. Our scientists at the CSIRO, our senior science base, is telling us that unless we get up to speed with technology and come to terms with what's going on, we will have no wheat to export by the year 2070. At the present time we export \$4.2 billion worth of food.

Against that background, and with your indulgence, Mr. Chairman—and I'm very grateful for the opportunity to address your committee—we in Australia were interested in the consolidated retailing side with the ACCC as our supervising body. At a parliamentary level, we have challenged some of the findings of the ACCC. For instance, the ACCC said in an investigation they conducted that there wasn't a problem in fertilizer sales in Australia. One company has 73% of the wholesale sales and 100% of the manufacture, and yet they said there wasn't a monopoly. So we challenged that. We're now undoing that monopoly. We are bringing into production a couple more phosphate mines, which again will treble our phosphate capacity.

In our retailing, we have two companies, Coles and Woolworths, that control 70% of our retailing. I note from my notes that you have five companies that control 60% of your retailing. We have two companies that control 70-odd per cent. The United States, I notice, has five companies that control 40%. What I was interested in is whether you, by regulation.... I spoke to the person from your ACCC equivalent this morning, who said that for them as the regulator, if there isn't 35% of the market tied up by one body, it's not an issue. I was just wondering where you fellows were up to. We'd be interested; you seem to be doing better than we are.

Swift, the Brazilian company who has just taken over CON-AGUA's interest in Australia—will have 40% of the kill in Australia. We note that our farmers are getting between 40% and 50% less per beast at the farm gate, and our consumers are paying 40% to 50% more at the supermarket than the Americans are.

• (1750)

I'm just interested to hear how you're getting on here in Canada.

The Chair: We're just about to get into more depth there, Mr. Heffernan. It's probably premature to say exactly what we're going to

find. In fact, it's very premature. But it seems that the committee recognizes that there's a problem, and that's certainly why we put a put a fairly high priority on it.

With the indulgence of the members, because this isn't something that was regularly planned, I wondered if we can go around the table and each member would get one question, because Mr. Heffernan's time is limited as well.

Hon. Bill Heffernan: Mr. Chairman, if you want to throw things at me or yell at me, I'm quite accommodating.

The Chair: I'm sure we won't do that.

Mr. Easter, you're next.

Hon. Wayne Easter: Around here we never even yell at our own government, even though they've a record of failure in farm policy.

Hon. Bill Heffernan: You do a lot of clapping in the chamber. We don't allow that in Australia.

Hon. Wayne Easter: Let me just say this, Senator, that if you really believe that our farmers are doing better than yours, then yours are in real trouble. We've lost 3,600 farmers a year up until 2006-07. We've got debt loads of \$54 billion, which is four times higher than the debt load of American farmers. We have a beef and hog industry that's in very serious trouble.

If we listen to some of the industry players, then we're led to believe that your farmers are better off than ours. You're led to believe our farmers are better off than yours. I think one of the difficulties we have is that the people who do the negotiations are mostly trade ministers. Maybe the agriculture ministers need to get together. Our minister, to his credit, is now trying to promote beef sales in other countries, which is a good thing. We have to find a way of farmers and ministers getting together on a global scale, because they're up against these monopolies that are absolutely huge and global.

From my point of view, we're all pawns in their game. That's what's happening.

• (1755)

Hon. Bill Heffernan: I should, Mr. Chairman, declare an interest. I am a farmer and I've lived on a farm all my life—

Hon. Wayne Easter: So am I.

Hon. Bill Heffernan: I usually run 10,000 breeding ewes—that's sheep—500 or 600 cows, and a crop of a couple of thousand acres. We actually haven't had a season. We've had three complete failures in a row, which is pretty catastrophic for farmers. I'm not too sure whether I'd like to get into comparisons about who's doing better or worse, Canada or us. We all have expectations of the institution in Australia of what we call family farming, where you get up in the morning and defy common sense and go to work. I'm sure that in the future, given the global food task, what's in the fridge is going to be more important than what's in the garage, because the world seems to be obsessed with modelling the future energy task but not the food task.

I'm also sure that we would love to have your thoughts, formally or informally, into the inquiry we're doing, because the more on-the-ground information we have as to how are we going to task the food task in the future.... The urban mob—and you can't blame them—go to the supermarket and the milk's there, the meat's there, and the veggies are there, but they have no idea how it gets there as long as it's there. I have to say that in our country in some cases—and I'll say generally not always, because they might be litigious—if you have to take a contract with some of the monopoly suppliers, the resellers, you end up wanting to jump off a cliff because they eventually cut all their costs back to you and all the profits forward to the consumer. This is a continuing serious problem.

Can I also say that one of the things we're conscious of in the future for the development of northern Australia—and I chaired under the previous government the Northern Development Taskforce—our Australian Federal Police Commission has said that Australia's greatest challenge to its sovereignty would be the displacement of people on the planet in the future. I won't go into that today, but there you go.

The Chair: Mr. Bellavance, do you have a question?

[Translation]

Mr. André Bellavance: We should urge him to put in his earpiece.

[English]

The Chair: Yes, you'll need a translation, Mr. Heffernan.

[Translation]

Hon. Bill Heffernan: I learned some French in school.

Mr. André Bellavance: Thank you for being here today. It is a pleasure to have you. I am an MP from Quebec. I would like to ask your opinion on an international matter, specifically, what is currently happening with the Doha round at the WTO.

In your country, you chair an agriculture committee, so you are in a good position to tell us how your farm producers feel about what is going on at the WTO. We know that the main reason that talks have broken down is agriculture. The director general of the WTO, Pascal Lamy, is still trying to get the talks back on track, but it is not going well.

In Australia, are people talking about how food products should not be considered simple commodities? By that, I do not mean that we should put a stop to all international trade. We are very happy to sell our pork, our maple syrup and our beef to others. A farm producer's first role is to feed the people at home, without shutting

the door to other countries. But we wonder whether agriculture should be given special status during these talks. I know it is not quite the same thing, but every country's culture is not considered a commodity. Are producers and politicians having similar discussions in your country?

• (1800)

[English]

Hon. Bill Heffernan: Thank you very much.

In Australia we are very concerned about the failure of the Doha Round, but from my perspective...and bear in mind I am not in the government, but I am chairing a select committee. I was in the previous government, but I am well connected in the present government. Anyway, Mr. Chairman, the committee that I chair has never had a dissenting report, because we are not in the business of playing politics with people's livelihoods.

Doha has very many complexions, and you would have to say that you would go into it with a conservative outlook on the outcome. When you have players like China in the market, which has a non-market currency, it now has the capacity with sovereign risings to go into the market and buy other people's sovereignty, which is an issue for us in Australia. They're wanting to buy into Rio Tinto for the sovereign funding, much the same way as we have an approach in Australia today from the United Emirates to buy, in a big way with a sovereign fund, into some of our agricultural land.

Now, we are of the view that the global food task has to be modelled by the planet, because you can't eat dividends. There are some complexities, and there are certainly many distortions in the market for a number of reasons, and Australia is sometimes accused of distorting the market through its acquisitions via security barriers for entry. Your beef would be one, with the BSE barrier that we've put up. Australia is clean, green, and free of foot and mouth, BSE, and most major diseases.

We have an issue at the present time, for instance, with bananas. Our banana industry is free of disease. The Philippines are putting pressure on to bring bananas in. New Zealand is putting pressure on to bring apples in. We do not have fireblight disease. So these are the sorts of issues that are very much high in the minds of the Australian electorate, the Australian people, because we are essentially clean, green, and free.

We are almost first cousins with Canada, but we are, shall I say, not all that optimistic about Doha because of the major distortions in the market. A free market issue...you're from Quebec, you have a confined market situation with poultry, pork and dairy. That's a decision for your government and your people. We have an open market. We have serious problems at the present time with the carbon trading principles of the future. I couldn't get today an answer out of your ministry on whether agriculture is going to be in or out of the carbon system. We can't get an answer from our government, and the opposition...we're not too sure what to do either. But I can tell you that at \$17 a tonne, every irrigated dairy farmer in Australia is insolvent; at \$40 a tonne, 35% of the production costs of beef is the tax. These are pretty serious issues.

I'd love to have half a day here to have a yarn with you all. I could give you my pure and full thoughts, but I don't have the time today.

The Chair: Thank you.

Mr. Allen, have you a question in regard to their study on competition?

Mr. Malcolm Allen: I think it ties in.

Folks always say, when they come to a new country, do you know so and so? Well, when you get back, if you happen to get to Wagga Wagga, say hello to my cousin.

Hon. Bill Heffernan: Who's your cousin in Wagga Wagga?

Mr. Malcolm Allen: His name is Chris Salmon. He's a retired colonel from the Australian army. So if you happen to bump into him, say hi.

In any case, you talked a little bit about this competition area, and you talked about being free and green in Australia. Does the government have what we would call a food security policy in the sense of a secure food supply for Australians, ensuring that Australians are able to be self-sustaining, besides the export piece, in most of the things they need?

One of the things you talked about is a threat to sovereignty. No doubt, that's about folks who are unable to feed themselves perhaps coming through the northern boundary of Australia, which of course would present some difficulties. Has the Australian government developed a policy around that, or is it looking at that as part of this?

Hon. Bill Heffernan: I would say that up until this point, generally the public have taken food supply as a given, and as a result, politicians and governments have taken food supply as a given. What we're trying to come to terms with is, what is the plan over a hundred years for Australia? Given that there is some science around it, whether you avoid the science or not is not the issue; it's what you're going to do about it. If there's a thing there and the doctor says, "That's a melanoma, son, you'd better get it off", you'd either get it off or get a second opinion. You wouldn't ignore it. I think that's where Australia is.

I have to say we don't have a strategic, tucked-away food supply. Obviously we need to be conscious of that. This committee is looking at providing advice not only to the government but also to the public, because it's with full public awareness that politicians get the courage to make decisions—if they think they can get themselves past the next election.

We want to look beyond elections. As I say, Mr. Chairman, our committee consists of all the colours and persuasions of politics, and we've never had a dissenting report. As you know, if you don't eat, you don't do something else, and if you don't do that, you die.

• (1805)

The Chair: Thank you very much.

Mr. Anderson.

Mr. David Anderson: Mr. Heffernan, were you one of the folks who were strongly in favour of deregulation of your Wheat Board?

Hon. Bill Heffernan: I was, yes. I took a lot of skin on that.

Mr. David Anderson: Some of us would like to see some freedom here in Canada as well. We're stuck with a system right now that really lends itself to bulk handling. Farmers are being denied opportunities for IP products, niche marketing, those kinds of things. You've opened it up.

Do your farmers have more choice now? Do they have more opportunity?

Hon. Bill Heffernan: They certainly have, but the timing has been unfortunate. It was a tough year, our first year of deregulation. You have a Wheat Board similar to ours. I don't know whether your Wheat Board has a government guarantee.

Mr. David Anderson: Yes, only on part of the—

Hon. Bill Heffernan: Our Wheat Board didn't have a guarantee. The really profound farmers who can remember the 1920s—that generation, rather than the generation of zero-tillage type farmers—were very much against losing the single-desk wheat marketing.

The AWB actually created another desk. There were two sides to AWB, Mr. Chairman. There was the pool, which is the farmers' wheat, then there was a trading arm through Geneva. Well, it was turning out that the trading arm through Geneva was doing more trading, buying wheat from the pool and taking the profit and putting it in the shareholders, because it became a public company. We thought that was unsustainable.

The market is now deregulated. We have something like seven companies that have export licences in a pretty tough economic circumstance. One of the things that the Wheat Board discovered once we took away the single desk is that to get bank guarantees without the government guarantee, it was very difficult to handle the total crop. They were probably pleased to be relieved of the responsibility.

I think it's a great hurdle to jump. It was a very passionate debate. There were farmers holding up placards and yelling, etc. The new-age farmer who goes on the computer every day.... Some of our farmers got too new age and got stuck with currency positions and forward sales, and I have to say that the Wheat Board itself lost \$230 million in one trade on the futures.

Mr. David Anderson: Ours lost \$300 million as well.

Hon. Wayne Easter: On a point of order, Mr. Chairman, they didn't.

Hon. Bill Heffernan: Philosophically, these are difficult issues. The breakup in Australia was that the Australian Labour Party, which is now the government, was in favour of deregulation. The Liberal Party, which is not the equivalent of the Liberal Party here—we're a bit more conservative than your Liberal Party—was in favour of it. The National Party, as a badge of honour, as a minority in Parliament, was in favour of keeping the Australian Wheat Board.

Mr. David Anderson: Our problem is that the one party that's elected in that part of the area consistently supports deregulation, but we're stopped by parties from other parts of the country that won't allow us to have that deregulation.

Hon. Bill Heffernan: Anyhow, I didn't come here to debate the single desk—

Hon. Wayne Easter: The farmers in Canada voted pro single desk. Those are the facts, and the member knows that.

The Chair: Okay, this isn't a Wheat Board debate.

Mr. Heffernan, usually the committee doesn't get partisan at all.

Hon. Bill Heffernan: I love them to get a bit passionate. Come on, give it to me.

The Chair: Time is moving along. We do have some other witnesses coming.

We are going to break just so that members can grab some lunch, and then we're going to proceed.

Mr. Heffernan, I really appreciate your being here today. In fact, I'm glad you contacted me today at short notice and I'm glad the committee took the time to hear you. I think it's very important to hear where you're going down there.

I will just say one thing. We'll try to say that your presence here today was a favour, and a favour in return is that if you could open up the Australian border to Canadian beef, we'd be very happy.

Thank you very much for being here.

• (1810)

Hon. Bill Heffernan: Unfortunately, there isn't a live test for BSE.

The Chair: We'll suspend for five minutes or thereabouts.

• _____ (Pause) _____

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• (1815)

The Chair: I'd like to reconvene this meeting.

Thank you very much to our witnesses. We have witnesses here from the Public Health Agency of Canada and the federal Department of Health. Welcome to all of you, and thank you very much for attending.

First we'll hear from the Public Health Agency of Canada, Mr. Butler-Jones.

Dr. David Butler-Jones (Chief Public Health Officer, Public Health Agency of Canada): Thank you, Mr. Chair. I want to thank the committee for the opportunity to speak here and to acknowledge

this very important examination into the listeriosis outbreak of the summer of 2008.

Here with me today are Dr. Frank Plummer, the Public Health Agency's chief science adviser and head of the National Microbiology Laboratory in Winnipeg, and Dr. Mark Raizenne, director general of our Centre for Foodborne, Environmental and Zoonotic Infectious Diseases.

• (1820)

[Translation]

The work of this subcommittee is an important step towards improving our ability to protect the food supply and the health of our population. While we did much right, there are lessons to be learned as we continue to improve the way we respond to such human health events.

[English]

The listeriosis outbreak was, without a doubt, a tragic event: 22 people died, and at least 57 more fell ill. Any—*any*—preventable illness or premature death is a concern for us at the Public Health Agency.

Speaking as Canada's chief public health officer, I can say that it is never easy, either personally or professionally, to deal with events such as this one. As a physician, I've spent countless hours with patients and their families. I understand the feelings of pain, fear, and concern that accompany the many illnesses and injuries a body can endure.

I know as well that those who were affected by this outbreak and the officials who managed it all want a better understanding of the circumstances around it. What we can do is ensure that we learn from these events and apply those lessons—using the right information, shared with the right people, at the right time.

Let me turn briefly, Mr. Chair, to how the Public Health Agency goes about responding to an outbreak.

Broadly, the Public Health Agency of Canada is mandated to promote and protect the health of Canadians and to build public health capacity across the country. This of course includes preparing for and responding to any outbreaks that threaten human health.

Public health is, at its heart, a local activity. Events happen in communities and, by and large, are managed locally. As you know, this particular outbreak was first identified in Ontario and was first managed by the Ontario public health authorities, as was appropriate.

When an outbreak spreads beyond a jurisdiction or exceeds its capacity, the Public Health Agency takes the national lead on the human health side. So when the National Microbiology Laboratory linked listeriosis cases in other provinces to the Ontario outbreak, the agency took the lead in coordinating the national investigation and response.

I'd like to speak for a moment about the role of the chief public health officer in an outbreak.

From the very beginning, I was actively managing the agency's response. As both deputy of the Public Health Agency and Canada's chief public health officer, I have a dual role to play during an outbreak.

As such, I directed our staff, including our medical professionals, our scientists, and our epidemiologists, as they conducted their emergency response activities. I also advised the ministers of health and agriculture on the outbreak itself. Finally, I spoke directly to Canadians, stakeholders, and public health partners about issues affecting their health.

We communicated frequently and in a number of ways to the general public and to those groups most at risk. But you can never communicate too much. For all our actions and preparations, there are always challenges inherent in any public health crisis. We anticipate and overcome those challenges as best we can.

Mr. Chair, I'd like to talk a bit about the challenges faced in investigating and responding to outbreaks.

When public health as a system is dealing with food-borne illnesses, the identification of a source is a particularly complex process. We might be sifting through evidence of cases in towns or cities separated by thousands of kilometres. We need to find the people with the symptoms and have cultures taken so that we can then fingerprint the bacteria to find out whether or not they may have come from the same source. We ask people to identify everything that was eaten over the previous weeks to find, hopefully, a common source. Then those sources need to be investigated to see if they can be connected back to the illness. In this case, we were dealing with an illness where the cause was food that was eaten a month or more earlier.

We were able to do this in this listeriosis outbreak thanks to recent enhancements to our tracking and surveillance systems and to the collaboration with our federal and provincial partners. If this had happened five years ago, we probably would not have found it—if at all—until there were many more cases and deaths.

The technological advances we've made, the systems put in place, and the collaborations we've established since the agency was created have made huge differences in our ability to share and compare data and to plan our responses.

One of the constant challenges with food-borne outbreaks is that authorities are only notified once people have already started getting sick. We usually know we're dealing with a severe outbreak only after there are reports of illnesses of much higher than normal numbers. By that time, it is already too late to prevent cases in those already exposed.

The listeriosis outbreak was more of a challenge than usual, because affected food was being consumed in large numbers by those people who were most vulnerable to infection, including seniors in long-term care facilities and hospitals. Unlike most causes of food-borne outbreaks, with listeria only a tiny percentage of those overall who ate the food actually became ill. It was through our

ability to connect the dots across many institutions and provinces that the pattern suggestive of a common problem emerged.

● (1825)

The food supply chain is an intricate web that links many parts of food processes and chains together. From the time food is harvested, through processing, production, delivery, purchase, storage, and preparation, up until we put it into our mouths, there are many possibilities for contaminants. Fortunately, there are many people and organizations involved in our safety and health, from government departments and agencies to industry and individuals. We're all partners in food safety.

While we did find the source, and relatively quickly, much of the criticism has centred around the public's need to be informed even more quickly. Clearly, there are lessons to be learned and applied for each part of the system.

One point I would like to emphasize, however, is the importance of getting it right. Speculation on possible causes during an investigation has the potential to do more harm than good. Take the example of the salmonella outbreak in the U.S. that led to hundreds of people in many states, including some in Canada, getting sick. In the U.S., it was publicly communicated that the cause was thought to be tomatoes. These were removed from the market and people stopped eating tomatoes, thinking the problem was solved, only to find out later that the outbreak was actually caused by jalapeño peppers.

Ultimately, we all have to take stock after an event, especially one such as this. There are always lessons to be learned when we look at what went wrong, what went right, what can be improved, and what can be applied going forward. That's why following the outbreak I asked for the agency to develop a lessons learned report, a process that both Health Canada and the CFIA have also undertaken.

The report noted that we did many things right. For example, our outbreak and emergency management staff expertly managed the human health component of the outbreak. The partnerships between departments, agencies, and the levels of government were strong. Our public communications were important. But it's clear that much needs to be improved. It was found that the agency should approve its advance planning and formalize its outbreak policies and practices as well as its communication protocols. We must also work on clarifying our roles and responsibilities in outbreaks, for the public as well as our partners. We also need to strengthen capacity, for both day-to-day operations and surge capacity during outbreaks.

Going forward, I take each and every one of these recommendations very seriously. I've tasked the agency with the implementation of an action plan and response. We're reviewing our disease surveillance systems, updating our response protocols, strengthening capacity for epidemiological analysis and lab testing, and updating our communications protocols. We're also strengthening our capacity at the national lab, and we've been working with the Council of Chief Medical Officers of Health on a listeriosis working group to maintain public health messaging on listeriosis and food safety. Each lesson learned will be applied.

A coordinated approach is key. We will further engage all agencies and levels of government. A federal-provincial-territorial engagement strategy is planned. This will ensure that we get everybody's input in designing a strengthened system that is more effective and efficient for everyone to use.

[Translation]

In conclusion, let me say that I await with interest the recommendations of this committee and those of the investigator.

Independent investigation and analysis is tremendously important to us—as a complement to our own reviews and work.

[English]

Canadians expect that we will constantly improve our abilities and that we will learn from the past, anticipate the future, and respond to the unexpected. This is our work.

Thank you. *Merci.*

The Chair: Thank you, Mr. Butler-Jones.

We'll now move to the Department of Health and Mr. Rosenberg.

Mr. Morris Rosenberg (Deputy Minister, Department of Health): Thank you, Mr. Chair. I'd like to thank the subcommittee for inviting us to be here this evening.

I'd like to introduce my colleagues. I have with me today Ms. Meena Ballantyne, assistant deputy minister of Health Canada's health products and food branch; and Dr. Jeff Farber, director, bureau of microbial hazards in the food directorate, health products and food branch.

• (1830)

[Translation]

This evening, I would like to point out the support that Health Canada has provided to the Public Health Agency of Canada and to the Canadian Food Inspection Agency. These are services that we provide all year long and in situations involving foodborne illness.

[English]

The Government of Canada's food safety partners—Health Canada, the Public Health Agency, and the Canadian Food Inspection Agency—are committed to protecting the health and safety of Canadians. We are always looking for ways to enhance Canada's food safety system, which is already one of the best in the world. Despite our dedication, the fact is that we were unable to prevent the loss of lives during the listeriosis outbreak of 2008, and that is the bottom line.

The outbreak was, above all, a human tragedy. On behalf of everyone at Health Canada, I'd like to express my sympathy to the families who lost loved ones or had family members who became ill. I'm mindful also of the great anxiety this provoked in all Canadians, and we are deeply committed to learning from this tragedy.

At Health Canada, we're always asking ourselves how we can do things better. As a science-based organization, we are continuously asking whether our policies and practices are keeping pace with the best science available. The *Lessons Learned* report that we shared with the committee reflects Health Canada's commitment to learning from what worked and what didn't work. I also look forward in this regard to the recommendations that will come from this subcommittee and from Ms. Weatherill's investigation.

Health Canada's role in the federal food partnership is to help build a strong foundation of sound food safety science. Employing the best science available, we work closely with CFIA and the Public Health Agency by performing several key roles.

[Translation]

First, we develop food safety policies, guidelines and standards. For example, we have a policy on *Listeria* in ready-to-eat foods, which I will say more about shortly.

[English]

We conduct food safety research in our labs and carry out tests for the presence of contaminants in food. In the case of listeria, we work in collaboration with the Public Health Agency to operate the listeria reference service. This service maintains a database for listeria and tests food samples to determine whether there's a link between a suspected outbreak and a specified food source.

Upon the request of CFIA, Health Canada conducts scientific health risk assessments that inform the steps the agency takes to respond effectively and appropriately in a given food safety circumstance.

Through our *It's Your Health* web publications and other routine seasonal food safety advisories, we furnish periodic science-based information to Canadians so they can protect themselves from foodborne illness.

Finally, as part of our role in delivering public health services to first nations, we provide information to communities about food recalls.

In late July of last year, Health Canada received a routine request from Toronto Public Health to test food samples for the presence of listeria. Three of the eleven samples we tested were found to be positive. Those tests were done within the established timeframes expected for the completion of such testing.

Throughout the duration of the outbreak, Health Canada performed the genetic typing of samples necessary to link human outbreaks and a food source. In fact, Health Canada's laboratories tested over 200 samples from July to September. Some samples were also tested by the Public Health Agency's National Microbiology Laboratory in Winnipeg as part of an agreement to expand lab capacity when required.

Once CFIA and the Public Health Agency were able to make the link between the samples in question and the cases of listeriosis, Health Canada scientists used that information, along with existing scientific knowledge, to prepare several health risk assessments that began in August and continued into the fall.

Throughout the management of the outbreak, Health Canada participated in daily teleconferences with CFIA, the Public Health Agency, and Toronto Public Health to share information and manage the response to the outbreak. Dr. Jeff Farber was present as an expert spokesperson at the daily technical briefings held for the media throughout the outbreak. We reissued our *It's Your Health* article on listeria. The first nations and Inuit health branch's staff disseminated food recalls and alerts as appropriate in the communities where they work. Overall, our staff worked long hours seven days a week during the outbreak and produced lab results and health risk assessments within accepted time targets. All of our health risk assessments were turned around within 24 hours or less.

I'm aware that some questions have been asked about the time it took to complete lab tests. However, the committee should be aware that these tests were carried out within the timeframes required to obtain scientifically reliable results, and were within international norms. This has been confirmed by the chief medical officer of health of Ontario in his recent report, but it's important for the committee to know that we are also undertaking research to determine whether more rapid testing methods could be developed for the future.

Since the outbreak, we have conducted a lessons learned assessment of what we have learned from the outbreak. We focused on operational considerations.

• (1835)

[Translation]

We posted our assessment on Health Canada's Web site, and we have provided a copy to both this subcommittee and to the person responsible for Ms. Weatherill's investigation.

[English]

We're working with our federal and provincial partners to ensure that roles and responsibilities in an outbreak are clearly defined and that communications protocols are strengthened.

Health Canada has long had in place a policy on listeria. In his remarks to the committee, Michael McCain stated that "The Health Canada policy [on listeria] is based on sound scientific principles and is recognized globally as an appropriate approach to listeria control". But in keeping with our organizational commitment to constantly review and improve processes, Health Canada is also in the midst of updating the listeria policy to reflect the latest scientific information available. We are undertaking broad-based consultations

on the revision of this policy and expect to have it finalized by the end of this fiscal year.

As well, in September Health Canada issued an interim marketing authorization to enable the use of sodium acetate and sodium diacetate as food additives in certain ready-to-eat meats, as these additives can be used to inhibit the growth of listeria.

We are working to build greater surge capacity in our health risk assessment and lab testing functions. This means having enough people to do the work when urgent situations place a greater demand on our labs. During the outbreak, our technical experts worked day and night to perform the tests required.

Our approach will entail enhanced cross-training so that we can draw upon a greater pool of expertise over longer periods of time.

We have staff on call 24 hours a day, seven days a week, to handle risk assessments in order to help manage food safety situations. The food directorate is also taking steps to streamline testing procedures by standardizing the information we require, and by having one contact point for the rapid flow of information between the partners.

New measures have been implemented to strengthen the coordination of public communications and to enhance the focus on providing information for vulnerable populations.

We're also working to streamline our regulatory processes.

[Translation]

As I mentioned earlier, we take our mandate very seriously at Health Canada. We have an unwavering commitment to doing our part to protect the safety of Canada's food supply.

[English]

Through our *Lessons Learned* report, we have demonstrated our commitment to learning from this very difficult experience and to being accountable for our performance.

To conclude, our overriding goal now is to work closely with our federal food safety partners, this committee, and the independent investigator to make sure we have the procedures in place to ensure, to the extent science will allow, that an outbreak of this kind doesn't happen again.

Thank you for your attention. We'd be pleased to take your questions.

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

We'll move to Ms. Bennett for seven minutes.

Hon. Carolyn Bennett: Thanks very much.

My questions are mainly around two things: internal and external communications. I am concerned that in the *Lessons Learned* report from the Public Health Agency of Canada, on Wednesday, August 6, Toronto Public Health informed the Canadian Food Inspection Agency of two listeriosis illnesses, and yet the first mention of fact is on Wednesday, August 13.

I'm concerned that in your opening remarks, Dr. Butler-Jones, you said that when outbreak spreads, or whatever, the Public Health Agency takes the national lead on the human health side. I'm concerned that somehow PHAC should have been involved right from the beginning, and the Canadian Food Inspection Agency should have let you know right up front. I think we all sensed the frustration of Dr. Williams at the press conference on Friday, that it just seemed nobody was talking to one another. Even in these documented conference calls, I would be shocked that the Ontario chief public health officer, in recommendation 4.4, said the federal chief public health officer designate should be the official media spokesman for a national outbreak. Yet that's your job. It's already your job.

Why is that recommendation coming from Ontario? Even in your *Lessons Learned* report, the first time you speak, your CTV appearance is the end of August. I thought your job was to speak directly down the barrel of a camera and let Canadians know what they can or can't do as soon as anything has entered the food chain. I do not understand from any of you at the table why Agriculture Canada and the Ministry of Agriculture were in any way the lead on this when it had already entered the food chain on August 6.

I am hugely frustrated that somehow everything we learned from SARS in terms of the need for Naylor's 4 C's: collaboration, cooperation, communication, and clarity of who does what when. What on earth happened that you weren't involved even in your own lesson learned? In August they order the conference calls led by CFIA about a week or so later. Why are the conference calls being led by CFIA when it's already in the food chain? I thought that's why we set up the agency and set up the chief public health officer. I don't understand why you weren't in front of Canadians every day, as your job description says. Why on earth was Agriculture in charge once it hit the food chain? We know on BSE that's an Agriculture lead. This had hit the food chain. Why was the Public Health Agency of Canada not the lead and the face of this outbreak to Canadians instead of Michael McCain?

• (1840)

Dr. David Butler-Jones: Mr. Chair, thank you, and thank you, member, for the question and the commentary.

There are several pieces to that. The first is that on August 6 it was not a national outbreak. It was an outbreak within an institution that local public health was dealing with and should deal with appropriately and engage local CFIA appropriately. At the time of August 6, we did not know. It was not until August 13 that we had tests that would indicate there was something more than the occasional sporadic case or local activity.

Hon. Carolyn Bennett: Just because I'm going to run out of time, I might as well just get you to explain.

By August 8 CFIA knew it was Maple Leaf Foods. We know that Maple Leaf Foods has a national distribution system and that the risk this could be national was immediate. How could we do this better in the future and not wait until the disease is all across the country—not wait to find out, as Dave Williams was saying, that he thought it was only institutional food and not at the deli counters? How could we do this differently such that from August 6 you are implicated in this because this has the risk of being a national outbreak?

Dr. David Butler-Jones: With respect, we did not know it was Maple Leaf. It could have been the lettuce, the mayonnaise, or any—

Hon. Carolyn Bennett: Your report of Friday, August 8, determines that it's Maple Leaf, established 1970.

Dr. David Butler-Jones: That's just where the meat came from. That is not where the other constituents of the sandwiches that were sampled came from. The risk of cross-contamination is always there. You don't know until you actually have the sample directly from the meat and the process whether it was otherwise contaminated. At that time we didn't know that.

Perhaps I can address the question of my engagement and at what point. As chief public health officer, my job is to ensure we know what we know. We communicate to the public based on what is known, what is not known, what we're doing to find out, what we're doing to address the problem, and what people need to do to protect themselves and address the issues. Whether it comes directly out of my mouth all the time or not is less of an issue. Certainly it's flattering that people think my visibility before the cameras is important. I was in front of cameras in many interviews and on webcasting. My statement was in over 100 newspapers across the country, as well as open to media, etc. The media quoted Mr. McCain because that was a different kind of news story and was certainly of public interest—he's a very good communicator—but that's a different question. I was certainly there.

Early in the outbreak, when we were identifying it, we had technical experts out front expressing the issues at the time. I got engaged in more public ways after that. My job was not just to communicate with the public; it was also to manage the outbreak. It's my judgment—

• (1845)

Hon. Carolyn Bennett: Why is the Minister of Agriculture—

The Chair: Your time has expired, Ms. Bennett. Please let him finish.

Dr. David Butler-Jones: In the federal system, when there is a food outbreak, the recalls, etc., are Agriculture and CFI issues. The human health aspects of it—the understanding and making sure of the advice to the system and the process on human health—are for the public health agencies. It's my responsibility and accountability to do that. That's what we did at that time.

One of the lessons learned is that there's an expectation of more visibility of the CPHO. Even when Dr. Raizenne or Dr. Plummer are in a better position to speak to this technically, there's an expectation that this role is more visible. That's one of the things we've learned.

Thank you.

The Chair: Thank you very much.

Mr. Bellavance.

[Translation]

Mr. André Bellavance: Thank you, Mr. Chair.

Perhaps we got the sense that Health Canada was less present at the beginning because the captain of the ship, then health minister, Tony Clement, chose to remain at the Democratic convention in the U.S. rather than come home to handle the crisis.

Since it is time to take stock of the situation and since most of the stakeholders have submitted their reports, I would like to go back to what you said earlier, and I quote:

But the technological advances we've made, the systems put in place, and the collaborations we've established since the agency was created have made huge differences in our ability to share and compare data and to plan our responses.

That seems to slightly contradict the comments of the CFIA, which mentions in its report improving communication and coordination between branches. It also seems to contradict what Ontario's chief medical officer of health said, and I quote: "The lack of effective communication among the partners created a sense of lack of coordination."

Despite what you have told us, do you get the sense that the agencies that deal with this type of crisis are on parallel tracks? They will not necessarily do a bad job, but they are not always as connected as they need to be to coordinate their efforts effectively. You do not seem to have observed what the CFIA and Ontario's chief medical officer of health noted in their respective reports. Do you think that is because you do not share the same view or because you did not see these weaknesses?

Dr. David Butler-Jones: Allow me to answer in English.

[English]

You can never communicate too much, even when you communicate well. My experience over many outbreaks, many years, and many events is that no matter how much you communicate, there are always lessons to be learned and ways in which you can communicate better. There are always going to be some glitches, and we learn from those to ensure that those gaps in the future are more likely to be filled.

On the coordination of that committee, there was very good cooperation between us and public health in Ontario and with our federal partners. There were regular conversations. With the ministers there were daily conversations, updates, and discussions about what was happening. The ministers' concern was that we were doing the right things and addressing the issues through this. That was the focus of their questioning to me. My responses related to what we were doing to address and identify the issues, the scale of the problem, and how we could improve the situation further.

On the lessons learned, as we look at this we will continue to find better ways to improve. We are in a much better position than we were five years ago technologically and on collaboration, cooperation, and information sharing. Five years ago, one of the things that gave rise to the agency was SARS and the challenges around communications. We worked very hard at that. It's not perfect. We continue to try to improve that.

• (1850)

[Translation]

Mr. André Bellavance: Your answer suggests that you did not necessarily identify the same weaknesses as the CFIA and Ontario's chief medical officer of health. That leads me to believe that there was perhaps a lack of communication or coordination.

To follow up on what Ms. Bennett said, it is Agriculture and Agri-Food Canada that takes the lead in a crisis of this nature. Is that normal? As soon as public health is involved, is there a predetermined system, even before such a crisis hits, to tell us who deals with it, in cooperation with other partners and stakeholders? Or is it random? I would like to know whether there is really an established protocol. If not, the situation can surely be improved.

[English]

Dr. David Butler-Jones: Indeed there is. Agriculture and CFIA deal with the food and the food investigation; we deal with the human health aspects of that. Health Canada does a bit of both. We're fairly clear at the federal level about what those are. One of the communications things we can be clearer about is ensuring that our partners understand that. On the comments from Ontario and elsewhere about whose role is what, we need to be clear about that. It's one of the lessons we've learned from this process.

In terms of Agriculture, in this case it was a food-borne outbreak, and the control of the food was the first priority to prevent further human illness. It was our responsibility to speak to the human health issues and make sure the public health perspective was reflected in all of those actions.

[Translation]

Mr. André Bellavance: When the time comes to take stock of the situation, obviously, the ball is tossed and everyone points fingers. This week, representatives from CFIA appeared before the committee. We saw that they were not willing to take much responsibility for the handling of the crisis.

I have a letter from the agency to Ontario's chief medical officer of health. I will need you to elaborate. The letter says:

[...] samples taken by Toronto Public Health were sent to Health Canada's Listeria Reference Service (LRS) laboratory in Ottawa for testing, rather than to the CFIA regional laboratory in Scarborough. Significantly, these were submitted as routine samples, with no indication of the potential connection to a disease outbreak and in the absence of important product identification information.

Therefore, the Ontario health system is being blamed for doing what it did.

Is there a protocol in place? Did Ontario follow the protocol it should have? The samples were sent to Health Canada's Listeria Reference Service laboratory in Ottawa. Was that the correct procedure? If not, why did Ontario send the samples there? What the CFIA seems to be implying is that an error was made—the samples were processed normally, and there was no indication of a potential crisis.

[English]

Dr. David Butler-Jones: First of all, I would treat this in the context of lessons learned. Mr. Chair, lessons are learned at all levels of the system. This is not accusatory. I do not read this as blame or shifting the blame.

In terms of submission of samples, our expectation is that they would come to the Health Canada lab, and perhaps Dr. Farber might want to speak to that. In addition, in the preparation of samples, there's additional training I think we need to engage in to ensure local public health is taking the proper samples that will speed up our ability to do this. That's a lesson learned, which we all have a piece of, and the CFIA, we ourselves, Health Canada, and local and provincial public health can improve on that. That's what it's identifying in terms of the steps in the process that contributed to that. It's not about who's what. We all have something to learn through this.

The Chair: Thank you.

We'll move on to Mr. Allen, for seven minutes.

Mr. Malcolm Allen: Thank you, Mr. Chair.

Thank you all for being here.

As we talk about who takes the lead, who takes the role of being the public face, what Mr. McCain said the other evening was—and it's in his report that he presented to us—that he was the public face of listeriosis during the outbreak. He has a reason to be the public face as far as Maple Leaf is concerned, but in my humble opinion, not when it comes to the Canadian public as a whole, when it comes to responsibility for food safety. He certainly has a responsibility for Maple Leaf products, which ultimately were indeed the source of the outbreak, as we've now all identified. He has quite openly said it was true.

But as we started to work through this process, through this timeline that you talk about, Dr. Butler-Jones, there were a number of things, and a number of recalls started to happen from different areas. We've got places like Shopsy's Reuben sandwiches and Mr. Sub, so it goes beyond, in the sense of...albeit those food substances did come from the Maple Leaf product and that particular Bartor Road facility.

The question is this. When did it enter the mind of the Public Health Agency that perhaps this had gone across the border, if you will, from province to province? There is evidence of when it might be pointed out or not. When did you think PHAC really needed to be the front face of this?

I'll be honest with you, as you articulated earlier about your communication process of webcasting, that doesn't get to Canadians

in a good way. It gets to certain segments of the population, for certain—probably teenagers more than anybody else. It certainly wouldn't get to somebody like my mother. You're open to the media, and I appreciate the fact that you were open to it, but I would suggest what you needed to do was actually be proactive and be in the media's face so that you became the public face, or someone who was the designate. I use you, sir, as the point person. It doesn't necessarily have to be your face, as you said earlier. It doesn't necessarily have to be yours.

I'm mindful of what the late Dr. Sheela Basrur did in Toronto when the SARS situation happened. Clearly, in the province of Ontario where I come from, she became its face. She became the point where everyone said, "When Dr. Basrur speaks about this particular incident, we're listening." In this particular case when Michael McCain speaks, we're hearing somebody who's the producer of this particular source, and the first question that gets asked by a lot of Canadians is, "Hmm, is he the person we really should listen to? He's being honest. He's being as fair as he possibly can. But ultimately, does he speak on behalf of the food safety system or does he speak on behalf of Maple Leaf?" That's a dichotomy nobody can really answer in their own mind without looking at it.

I asked a simple question. I think it's simple enough. When did you know? When did you think your organization or Health Canada should have been front and centre of this particular outbreak?

• (1855)

Dr. David Butler-Jones: Thank you very much for the question.

Mr. Chair, I think there are two aspects to that. For example, the communications we engaged in were not simply the YouTube posting, information on the website, etc., or the media I did, or the newspapers we wrote to. We also wrote to seniors organizations and professional associations, we developed guidelines, etc.—multiple means by which we intended and tried to communicate with the public.

We also had daily technical briefings or press conferences. The initial ones were my deputy chief public health officer and Dr. Raizenne over the weekend when it first started. I started at the beginning of the week, and at that point the media stopped broadcasting them live and did not seem to use clips from that, with me speaking to these issues, in the same way as they referred to Mr. McCain, who appropriately speaks and is a very credible spokesperson for his company but is not the person who can and should speak to it.

Again, it's a lesson learned in terms of how we engage on those things and what gets picked up and heard and understood by the public.

On our visibility, we thought we were trying to be very visible on this and in collaboration with our federal partners, because it is a multi-role. In terms of our role around human health, I can't count the number of times and the number of media, etc., I spoke to, but what they used was often Mr. McCain. So we have some things to think about for how we address that in the future.

Mr. Malcolm Allen: I understand that, sir. You're right, Mr. McCain is a very engaging gentleman who communicates very effectively. Thank goodness he's not decided to run in my riding. It might make things difficult for me.

He was so open, in the sense of communicating back and forth—this is his admission the other night—with the different agencies, he was talking with CFIA, he's been talking to the Ministry of Agriculture, doing the best he can. Did it ever occur to you that perhaps we should say to Mr. McCain, “You need to stand down, sir, because we need to be the face, because we're Public Health, not you. Folks have to be hearing us, because the media has turned us off because you're much better at it than we are, but we're Public Health.”

Maybe if that thought didn't occur, perhaps one of the lessons we should learn is that we need to tell folks in the private sector that they need to stand down. They can defend their company, do what they need to do, but stand down so that we become the public face and folks are actually hearing us rather than them when it comes to public safety around food. I'm not sure if you thought about that.

• (1900)

Dr. David Butler-Jones: Thank you very much for the reflection.

Mr. Chair, I'm not a news person. I do know that a president of a company who is under fire standing up and having that level of openness with the media is clearly news. Where we go with that.... Not every company president does this, though I think many will learn lessons from this, and this will be talked about in business schools for years to come. If the process by which we get there, as we look at it... Quite honestly, it's interesting in retrospect to look at the perception of my absence, the perception of the engagement. Yet we were engaged; I was active. We were visible. But we need to examine that in terms of thinking as we move forward. What the exact solution to that is, at this moment, I'm not sure of, but we will be addressing it.

Thank you.

The Chair: Time is up, Mr. Allen.

We move to Mr. Anderson for a couple of minutes.

Mr. David Anderson: I actually would like to continue on this for a minute, and then I want to go back to the roles of the different organizations, because I think it's important that we reiterate this and talk about it.

In the letter, your response to the medical officer in Ontario, you point out that after August 16 public advisories were issued with each of the recalls that came. All members of the public had the opportunity to be notified—retailers, consumers, public and private institutions. Public health units were engaged as well. You mentioned that you were on press conferences. I think there was a two-week period towards the end of August when there was a press conference every day, and either you or Dr. Raizenne were on those conferences each day.

So I think you're making a good point that the information was being provided. There may be some things we could do to raise the profile of the information, if there are some lessons to be learned there. But the reality is that you were trying to do your job, trying to

communicate. The minister was doing the same thing. I think it's important to point that out, and I don't know if you have any further comments on that.

Dr. David Butler-Jones: I don't really have further comment, although to reiterate, we really are looking forward to.... We think we're pretty expert in a number of things, but we don't know everything. We're constantly open to advice and perspective. We are very much looking forward to the deliberations of this committee, the investigator's report, and what we can further learn, beyond our own lessons learned, to apply as we move forward. It is a constantly evolving field that we are engaged in, and we're always hopefully learning and continuing to improve what we do.

So it is much appreciated.

Mr. David Anderson: I'd like to go through the roles of the different players involved, and if you have any comments or corrections to this, I'd be glad to hear them.

It's my understanding that the provinces have the responsibility for leading the investigation of outbreaks, as long as it's within their boundaries, and that includes the investigation itself. They also release communications of issues with respect to human health and the notifications to the public, typically. Is that accurate? And some jurisdictions like Quebec have the authority to conduct recalls.

The Public Health Agency's role is usually as the first point of contact at the federal level for food-borne illnesses. Is that true? It's in charge of the public health surveillance and then leads the investigation when cases occur in multiple provinces. Is that accurate? They also release communications of issues with a human health impact. Ms. Bennett pointed that out as well.

Health Canada's role is to establish food safety standards and policies, along with decision-making with respect to risk assessment processes. They release communications of issues related to food safety. Is that accurate? I see you nodding.

CFIA's role is to contribute to the investigation and control of food-borne outbreaks through its food safety investigations and recalls, as well as compliance and enforcement activities. It also notifies issues to the public when specific food has been identified.

I note that Dr. Evans noted the other day that CFIA stepped up and took the lead because they felt someone needed to at that point and they were working well with the other agencies. They felt it was appropriate that they do that, and that is why they took that lead.

Finally, and probably most importantly, industry is ultimately responsible for ensuring that the food it produces is safe and that food products are produced, manufactured, imported, stored, and distributed to consumers in a safe manner. It's their responsibility, as well, to identify potential issues and assist with food safety investigations. They also initiate or respond to directions to implement a recall.

Is that a fair summary of the various players involved and their roles?

• (1905)

Dr. David Butler-Jones: Yes, I think so. If I might say something on the public health side, I'll just supplement that slightly in terms of where and how we get engaged.

For example, if it's a local outbreak or confined to a province, at their request we'll provide support, whether it's epidemiologists or help with the investigation. We're often involved because of the reference laboratory services that we provide, etc. At some point, when it's either bigger or broader, we get more engaged. Certainly if it's still within the provincial jurisdiction, they are still the lead, even though we are actively engaged and involved. We will bring a national perspective. When it crosses provinces, obviously we have to take on a higher level of engagement.

Mr. David Anderson: As long as the outbreak was confined to Ontario, then it was managed by the Province of Ontario. That was appropriate, and then they were responsible to inform Health Canada, CFIA, and the Public Health Agency of Canada.

Dr. David Butler-Jones: And we would support and facilitate that.

Mr. David Anderson: You certainly work with them as well.

Was there a good working relationship through the time, in terms of people being able to work together and identify the jobs that needed to be done and then move ahead?

Dr. David Butler-Jones: Yes, we have a very good working relationship, because we have a common interest in addressing these issues. We don't always get it exactly right, but the will is there, the expertise is there, and it's something that we do collectively treat very importantly.

Mr. David Anderson: When did Ontario contact you, then, to assist with their outbreak?

Dr. David Butler-Jones: It occurs at different levels. For example, Frank can speak to the laboratory level, then the issue of "we think we have something going on" comes from the epidemiologist to our program staff, and from the chief medical officer to me, for example. Depending on the level of the problem, it can enter at any point, and then our job across the partnership federally is to make sure that right connections are made.

In this case, Frank, can you speak to when we first engaged the laboratory?

Mr. David Anderson: Can I just make a comment? The other day CFIA told us that they had no record of being on the July 30 calls with Health Canada and the Public Health Agency. Do you have any records that indicate they were on that call?

Dr. David Butler-Jones: No, I do not. I was not on that call, but our understanding is that they were not on that call. It was a call asked for, because at that point Ontario was the lead, and they asked for the call to get some advice to help coordinate the information they had.

Mr. David Anderson: So as far as you know, they weren't on it, and that confirms with what they said as well.

Dr. Plummer, do you have some comments?

Dr. Frank Plummer (Scientific Director General, National Microbiology Laboratory, Public Health Agency of Canada): Mr.

Chair, I would ask the committee members to have a look at this chart, which was distributed just before we began.

What it shows is a plot of the number of listeria monocytogenes isolates over the months of June, July, and August that we dealt with at the national microbiology laboratory. These are specimens coming in from all across the country. The different colours of red and orange represent listeria monocytogenes that were ultimately linked to the outbreak. The grey will represent other listeria that were the background noise here. On July 18, we found two cases of listeria that had an identical genetic fingerprint that ultimately proved to be part of the outbreak.

It was impossible at that time to know that it was the outbreak strain. On August 1 and August 8, we had two closely related but not identical bacteria that were from Alberta and Quebec, I believe. On August 12, we had results of a whole bunch of listeria that came from Ontario that had the identical strain. That's when we knew we had an outbreak. Those results are communicated in real time to their submitting laboratory, the Province of Ontario. On the next day, August 13, they were posted on what we call the Canadian Network for Public Health Intelligence, which allows front-line public health workers, on a roll-based way, to communicate about events that are happening.

This would have gone out to the entire public health community in Canada that is responsible for food-borne outbreaks. It's a fabulous real-time system that has been put in place since SARS, and this would not have been possible three years ago.

This listeria system for PulseNet is only about three years old. Since the outbreak we've further decentralized this. The system that we use, which we call PulseNet, is fundamentally a virtual laboratory. Laboratories across the country work with the same equipment, the same protocols, the same training, that produce genetic fingerprints, and then they compare them electronically on the database that we maintain.

If you find the same fingerprints in Alberta and Ontario, then it's quite a good chance that there's going to be some kind of link there. Since the outbreak has finished, Ontario has decided that they want to be certified to do that, and they've already been certified. Alberta has also been certified. At the time of the outbreak only Quebec was certified, and that was their choice.

I think we have two very good systems, the PulseNet system and the Canadian Network for Public Health Intelligence system, which lets us detect these kinds of events quickly—and we detected it at the time; there were 10 cases in a country of 30 million people and where there's a high background of enteric illness—and get the information out quickly to the people who need it.

• (1910)

The Chair: Thank you very much. Your time has expired, Mr. Anderson.

We'll go to Mr. Easter, for five minutes.

Hon. Wayne Easter: Thank you, Mr. Chair.

I've always been led to believe, and I've always felt, that we operate on a system of government in Canada, ministerially and departmentally, of accountability and responsibility. There's only one individual I've seen in this system who has accepted responsibility for 22 deaths. Certainly none of those individuals have been ministers. In fact, one of them went into hiding for a good while. And none of them was an agency in this country, either.

As for our own lessons learned, we just had a witness here a moment ago, Ms. Weatherill, who is doing an investigation. I can conclude nothing less and nothing more than that it is a hearing, an investigation, set up to prevent political accountability for this crisis. One of the greatest concerns I have and that I think a lot of Canadians have is that there may have been political interference here, with an election coming on. And we'll certainly get to the point, either later today or at a later point in our discussions, of whether there may have been political interference with agencies in terms of their doing their jobs.

First, I have a direct question for you. That was just background to where we're going. Who is mandated within the Government of Canada for food safety in Canada? Who is the ultimate source of accountability for food safety in this country? Or is there one?

Dr. David Butler-Jones: Perhaps we'll both speak to it.

I am responsible and I'm accountable for public health actions related to this outbreak and any other outbreak at the federal level. That is my job.

Hon. Wayne Easter: That wasn't my question. My question was about food safety in Canada.

Dr. David Butler-Jones: It's a shared responsibility across CFIA, Health Canada, and us, and we each have a responsibility to act on the parts of that system that we are responsible for.

Mr. Morris Rosenberg: I completely agree with that. I think it is a shared responsibility.

One of the challenges in dealing with this is to try to sort through responsibility when there are a number of players in the system. Within the federal government there are three principal players, all of whom have a piece of the role. Each one of them needs to look at their responsibilities or their mandate in the context of the aftermath of what happened this summer and ask what they could have done better and what they could have done differently.

That is, in fact, the purpose of the *Lessons Learned* exercise, the ongoing.... *Lessons Learned*, frankly, is not the end of the road for us in terms of thinking through what we did. I assume that it's the principal purpose of this subcommittee, and I assume that it's the principal purpose of Ms. Weatherill's investigation. We're all looking at how we performed our roles and are assessing whether we could do them better. One of the themes in this is that there is complexity because of the nature of these things. There is increasing complexity in global food distribution.

• (1915)

Hon. Wayne Easter: Mr. Rosenberg, we understand that. But I'll tell you my view on shared responsibility. When you have shared

responsibility, no one is responsible. That's the ultimate. That's my view.

I very firmly believe that the Canadian Food Inspection.... In fact, I went back to my office Monday night after being shocked by Ms. Swan's presentation. She said, quite clearly, that industry is responsible for food safety. I believe that government is responsible for food safety. There has to be a single agency responsible for food safety.

You have a different role, Mr. Butler-Jones, no question about it.

I went back and looked at my mandate letter from when I was parliamentary secretary, and it states that it was CFIA. But you're telling me now that it has moved to a shared responsibility. We have to look at that in terms of recommendations.

Your letter to David Williams, which one of you mentioned, about some of the concerns and the discrepancies in the report.... The parliamentary secretary mentioned one earlier. My concern with this letter, signed by the heads of all three agencies, is that it seems to me to be trying to transfer the blame to the chief medical officer of health in Ontario. We'll be talking to him and getting some of the stuff sorted out, I'm sure.

The Chair: Mr. Easter, you're well over your time. Do you have a question? I'll allow you to ask it.

Hon. Wayne Easter: I do.

What I want to come to, then, is in the letter to the Ontario Minister of Health. It states: "Since the CFIA was not advised of sampling on July 21st, opportunities were missed that may have reduced the timeframe for confirming the source of contamination." Now that's an extremely serious allegation.

In Health Canada's *Lessons Learned* document, on page 44—

The Chair: Do you have a question, Mr. Easter?

Hon. Wayne Easter: Yes, I do. On that page it states that on July 10, PHAC's microbiology lab received several human isolates—and that was mentioned earlier—on July 18. Are you telling the committee that on none of these dates was the CFIA notified?

Dr. David Butler-Jones: I think the CFIA can speak to the CFIA aspects of this.

As I mentioned related to the previous question, this is not a matter of blame or shifting blame, this is focusing on the elements of the system. It's part of our lessons learned to make sure we have accurate information about what happened when, so every part of the system can actually learn from that. I thank you for the question.

The Chair: Thank you very much.

Mr. Shipley, five minutes, please.

Mr. Bev Shipley: Thank you, Mr. Chairman.

Actually, I just want to follow on with that, and then I'd like to shift some gears. I want to continue on where Mr. Easter finished off.

You say, "Since the CFIA was not advised of sampling on July 21st, opportunities were missed. For example"—and we're talking about not shifting blame, but we're talking about responsibilities and protocol, it would seem to me—"samples taken by Toronto Public Health were sent to Health Canada's Listeria Reference Service (LRS) laboratory in Ottawa for testing, rather than to the CFIA regional laboratory in Scarborough. Significantly, these were submitted as routine"—you might help us with "routine"—"samples, with no indication of the potential connection to a disease outbreak and in the absence of important product identification."

And then it goes on: "Based on the initial advisement received on August 6 from Toronto Public Health, the CFIA acted swiftly to launch a food safety investigation. From August 7 - 12..."

Help me with the protocol. It seems as though somebody does not understand the protocol here, in terms of samples being sent to the right place.

Mr. Rosenberg.

Mr. Morris Rosenberg: Thank you, Mr. Chair.

I'm going to ask Dr. Farber to respond to the question.

Dr. Jeff Farber (Director, Bureau of Microbial Hazards, Health Products and Food Branch, Department of Health): Thank you, honourable member.

In terms of the samples, you may have heard of the listeriosis reference service that's operated jointly between Health Canada and the Public Health Agency of Canada. Over a number of years, we have provided a service to the Ontario labs of analyzing food samples that come in for suspected cases of listeriosis. So we did receive these routine samples into our lab as part of our normal operation of receiving samples, as we had for a number of years before that.

So that's what happened in that particular case.

• (1920)

Mr. Bev Shipley: It was referenced here that the samples went to the wrong place. These are professionals. It would seem to me that examples taken by Toronto Public Health were sent to Health Canada in Ottawa for testing rather than the testing lab in Scarborough.

Dr. Jeff Farber: Yes. This is part of our lessons learned, in terms of samples and where they're going. Historically, they've always come into our lab, and that's what happened in this case.

Mr. Bev Shipley: Mr. Plummer, I'd like to move to where we've been because, obviously since then a number of things have happened, a number of things that have been good. You talked about the PulseNet, you talked about Canada health protection system. I don't know if I got the whole thing right.

Dr. Frank Plummer: It's the Canadian Network for Public Health Intelligence.

Mr. Bev Shipley: But things have happened now that would not have three years ago, I think you said. If this had happened three years ago, the consequences would have been worse, I guess.

What are some of the positive things that have actually happened since this? There were some changes made on April 1, I understand,

in terms of procedures. I don't know if you could talk to us a little bit about those.

Dr. Frank Plummer: We've been working with a system we call PulseNet, which is basically a virtual laboratory spread across the country. For about 10 years, we have been gradually improving it and expanding its scope. We began with E. coli 0157:H7 and then moved on to salmonella, because the vast majority of food-borne illnesses are related to them.

Listeria is kind of a latecomer. We've been working on it for about three years. And that's why not all laboratories across the country were certified. We had Quebec certified, we had the Health Canada lab in Ottawa certified, and we were certified. But CFIA had not yet been certified, and none of the other provinces had been certified.

In spring of 2008, we developed a plan with the CFIA to get them certified. They are now certified, so they no longer have to send samples to Dr. Farber's lab. Ontario and Alberta are now certified as well, and other provinces are showing interest. So those are some very positive things.

The Canadian Network for Canadian Health Intelligence is a very sophisticated communications and alerting tool that allows real-time dissemination of public health information, based on the need to know, right to the front lines of the public health system.

For the National Microbiology Laboratory, we were able to deal with the increased testing demand during the outbreak quite well, but our staff were working overtime and weekends. We had to drag in equipment from other programs. Since that time, we've expanded the amount of equipment we have, and we've cross-trained more people and certified them. So we now have a bigger pool of people to draw on.

Those are a few of the things we've done since the outbreak.

The Chair: Ms. Bennett.

Hon. Carolyn Bennett: A lot of us were concerned on Friday. After the chief public health officer of Ontario's report, all of a sudden, quietly that afternoon, three reports ended up on a website, the newest being from the Canadian Food Inspection Agency. In light of the efforts to have whole-of-government responsibility and accountability, do you think it's a good idea to have three different reports?

Are we putting people together to develop a Government of Canada response to this? Is that being left to Ms. Weatherill? Is it being left to this committee? The PHAC report, which came out in December 2008, you already had. It dealt very much with the food-borne illness outbreak response protocol. A lot of your recommendations are about that. The other reports don't even mention it. The Health Canada report came out February 10, and CFIA's came out last Friday.

Can we expect to see these groups come together? Will there be Government of Canada recommendations taking into account lessons learned?

• (1925)

Mr. Morris Rosenberg: First of all, each of the organizations, in dealing with an outbreak, will do a lessons learned exercise. In this case, given the nature of the outbreak, it was a more formal exercise. There were separate reports done for each organization, because each organization has a specific mandate and was looking at what it did. In doing the reports, there was a lot of discussion across all three organizations. There were interviews and discussions, in formulating the Health Canada report, with people from the Public Health Agency and people from CFIA. I think the same is true of the other reports.

In all the reports, there is a recognition that there were some things that worked well and others that should be improved, in respect of communication across agencies. And on an ongoing basis, that's going to take place.

We are continuing to work on a number of things. Dr. Plummer mentioned some initiatives that the Public Health Agency is undertaking. We are reviewing the listeria policy. There are some recommendations in our report about communications. There are some recommendations about information technology. There are recommendations about building search capacity and cross-training. PHAC is taking similar steps. We're going to be addressing all of these.

Hon. Carolyn Bennett: Do we expect a report from the Government of Canada like the report from the chief public health officer on the management of the 2008 listeria outbreak in Ontario? Will you include in it the feedback that you've had from Ontario now? Obviously they were hugely frustrated. The CFIA didn't allow them into the plant in a timely way. There were some things that I think you really do have to respond to in the whole-of-government way.

Mr. Morris Rosenberg: I'll just finish on one point, and then I'll let David speak. I will say—

The Chair: I'm sorry, Mr. Rosenberg.

On a point of order, Mr. Anderson.

Mr. David Anderson: I just want to correct something.

Ms. Bennett wasn't here the other night, on Monday, but we did address that issue and we were told that no one was denied entry to those plants. They could have gone in at any point. Just to be accurate, I think it's important that we stay on the same page so that the testimony is related in some way.

The Chair: On a point of order, Mr. Easter.

Hon. Wayne Easter: That's still up for dispute. We haven't heard from the Ontario medical officer. That's not confirmed. We heard only one witness say that, and that was CFIA and they're covering their butt.

The Chair: Both points are taken.

Hon. Carolyn Bennett: I'd like to say to Mr. Anderson that—

The Chair: Is this a point of order?

Hon. Carolyn Bennett: Yes.

I was at the press conference with Dr. Williams, and you weren't there. Let's wait until we hear what Dr. Williams has to say about why his staff weren't allowed into the plant.

The Chair: It's not a point of order.

Mr. Rosenberg, go ahead, please.

Mr. Morris Rosenberg: I have one final point before I turn it over to Dr. Butler-Jones. In the implementation of these lessons learned, there is an ADM-level committee with representatives from all three agencies who are working on implementation and meeting two times a week.

Dr. David Butler-Jones: There are two things related to that.

One, the member, Mr. Chair, addressed the interjurisdictional issue. Actually, last week, before the press conference, the chief medical officer from Ontario was part of a meeting of chief medical officers from across the country, which we hold regularly, at which the listeria lessons learned were discussed with us, Health Canada, and CFIA representation, with an opportunity to think through how we can move forward collectively as a country in addressing this.

Finally, on the issue of local public health inspectors going into a plant, I've been both a local medical officer and a provincial medical officer, and now CPHO. The CFIA has no authority to keep anybody from entering a plant. Local public health has the authority to enter where they need to enter to address their problems, and we've always done that. I'm not sure about the misunderstanding in this case, but clearly they have the authority and the CFIA does not have any authority to keep anybody out. My understanding is they did not do so.

There may have been a misunderstanding, which is a lesson learned as we move forward.

• (1930)

The Chair: Thank you very much.

We'll move on to Mr. Bellavance, for five minutes.

[*Translation*]

Mr. André Bellavance: Thank you, Mr. Chair.

Mr. Butler-Jones, you said in your presentation that you had to make numerous public announcements and issue news releases to the public and to the most vulnerable groups as a result of the crisis. Can we say that you first communicated with the public in mid-July—specifically, on July 18, when we knew that two people had died—or was your first communication a little later? When did you start holding press conferences and issuing news releases?

[*English*]

Dr. David Butler-Jones: Thank you very much for the question of clarification.

In the middle of July it was still sporadic cases. It was not recognized as an outbreak. Once we had the cluster of cases, it was recognized as a possibility of an outbreak. We communicated with Public Health and others, and when we had evidence that there was a link back to the meats, in this case the communications centred on that. You really have to bring the communications related to.... We have listeria cases all the time in this country, and there are ongoing communications about risk and how to reduce that risk, etc. We did not actually have an outbreak.

In retrospect, it's like looking at the first pebble that arrived from the landslide, but until you actually see the landslide, it's only in retrospect that you had that pebble. In this case it was the pebble. We had the landslide in the middle of August, and that's when we were able to actually address it more directly.

[Translation]

Mr. André Bellavance: So, it was actually in August when you increased communications, while we were in the throes of the crisis? The situation was at its worst in August?

[English]

Dr. David Butler-Jones: Correct.

[Translation]

Mr. André Bellavance: And in September? Until the end of August, we....

Dr. David Butler-Jones: Communications continued after the month of August, and we continued communicating with the provinces and other stakeholders to provide the best advice, the best background and information to the public and professionals.

Mr. André Bellavance: In September and October, did you reduce the number of communications with the public? I know that you may not be able to tell us the number today, but could you provide the committee with the number of times you communicated with the public in August, September and October?

Dr. David Butler-Jones: Now that the outbreak is over, we want to focus on the lessons learned, on applying those lessons and on organizing our response accordingly. Our communications were not occasional, except to answer questions from the media, professionals and others, but it was not an outbreak [Editor's Note: Inaudible] control.

Mr. André Bellavance: I would like to know whether you can provide us with the number of times you communicated with the public. I want to know if, between September 7 and October 14, you were asked to slightly reduce the number of times you communicated with the public about the listeriosis issue.

[English]

Dr. David Butler-Jones: Thank you again for the clarification; I hope I'm addressing the question.

The information continues—on the web and so on—and we continue to respond to questions. That's in addition to the work of this committee, and the work of Ms. Weatherill, which provides additional impetus and interest in this.

At the end of the day, that's all to the good—not just around issues of listeria, but around the issues of food-borne illness generally. This is an opportunity for all of us, and the public in particular, to learn

the ways in which we can control and minimize the risks from food-borne illness.

Every day in this country, 20,000 to 30,000 of us are throwing up or have diarrhea as a result of food-borne illness. The vast majority of that is because of something you or I have done at home in terms of storage, or preparation, or cross-contamination. At each part of the system, we can do many things to reduce that risk.

[Translation]

Mr. André Bellavance: Mr. Butler-Jones, I have a very specific question. I would like you to provide the subcommittee with the number of times you communicated with the public during this crisis. I am particularly interested in the election period, that is, between September 7 and October 14. My question is this: Were you asked to reduce the number of times you communicated with the public about the listeriosis crisis?

That is why I want to know how many press releases and public communications there were in August, September and October. Can you provide us with that information?

● (1935)

Dr. David Butler-Jones: Public education continued during the election period, but no statements or information on government policies was given. However, we continued to provide the public with information on protecting their health and so on.

[English]

I don't have that at my fingertips in terms of what was out there and when. We will endeavour to provide that for the committee as best we can.

The Chair: Thank you.

Mr. Allen, five minutes.

Mr. Malcolm Allen: Thank you, Mr. Chair.

During my previous questioning, I think you said to me that you thought there were about 15 press conferences, give or take. I wouldn't hold you to the 15—it might be 13, it might be 17—but can you identify those? They should be easy to identify. I think there's more of a problem around other things—i.e., what little notice did you put everywhere, at every point in time; that may be more difficult for you.

So perhaps you could at least get to us, Dr. Butler-Jones, the dates of the press conferences. Whether indeed they were carried or not is another issue. Then I'll change tracks here to give you a rest.

To Ms. Ballantyne, according to the time log that I have in front of me, on July 25, 2008, there was a meeting...with you, and with someone from Maple Leaf Foods; they're unidentified, obviously. Could you identify, just from your memory, who the person was and the nature of the conversation? Or would you need to go back and look at your notes for that?

Ms. Meena Ballantyne (Assistant Deputy Minister, Health Products and Food Branch, Department of Health): I think I'll have to look at my notes and get back to you.

Mr. Malcolm Allen: That's fair enough, and if you would, I'd appreciate it.

You didn't get much of a rest, Dr. Butler-Jones. I was trying to let you have a sip of water.

One of the things I found interesting is that at a certain point in time listeriosis was what is called a notifiable disease. I assume that what they are saying is that when folks see it—and I'm assuming they are talking about public health agencies and others—they are supposed to notify someone. To my understanding, that stopped at some point in time, somewhere around 2000.

It seems to me that in a case such as listeriosis, which we have all come to learn is fairly prevalent—the listeria bacterium, according to what all the scientists and all the lay people who talked to us have told us, is a very prevalent bacterium, and folks get ill from time to time—we stopped doing this. It begs the question why.

The other question is whether it is still listed as a “not notifiable” incident when others see it. I'm not suggesting that folks don't speak about it, but clearly, a notification process isn't being used, according to my understanding. If somebody can verify that for me, I'd appreciate it.

Dr. David Butler-Jones: Certainly, Mr. Chair.

I'll say to the member that it's a very good point. There are notifiable diseases at the provincial or territorial level. In other words, in legislation and regulation each province requires notice of a certain number of diseases, for a range of issues, including that we're trying to understand more about it and its importance in terms of public health impact. A range of criteria go into it, and they develop those.

There are also nationally notifiable diseases; you are correct. We have expert committees and provincial and territorial committees that review these on a regular basis. Their recommendation at that time was that it be removed, given its risk burden of illness etc. So it was removed from the list of national notifiable diseases.

The lesson learned from this is that doing so was probably premature, and now it will be, I'm certain, reintroduced—not as a nationally notifiable disease, as it's often notifiable provincially and, certainly in the case of laboratories, we know about these things. It is a way of enhancing the surveillance related to these issues.

Mr. Malcolm Allen: That goes to the point that we now have producers operating on such a scale that their products are not only consumed across this country but could be consumed up and down North America and beyond, depending on the product. It seems to me that the traceability of product becomes much harder, and when we are not notifying at an appropriate time, albeit there may have been a risk analysis....

I'm not sure how one does risk analysis with food, in the sense of assessing how safe you can be. I heard Mr. McCain say that whenever CFIA sets the base level, they'll work above it. Then, it seems to me, CFIA should adopt that as a base, and there should be a never-ending, continual process of getting better. But I'll leave that for them to answer when they come back.

If indeed we are in an age of mass production of food, in the sense that these plants are huge and are producing vast quantities, are there other things out there that we should be doing? I'm noticing that this was a non-notifiable disease. It doesn't matter whether the province

decided upon it or we decided upon it. It seems that we as a federal regulator need to start thinking in broader concepts, even though there are requirements within the provinces and they have their own jurisdictions. Now that we are seeing food substances go across the provinces, it becomes incumbent upon us to take more of a leadership role to make sure we have this type of notification.

I'm wondering where you are going to be headed with that, because it seems to me that this can be very critical as we go forward.

● (1940)

Dr. David Butler-Jones: Thank you. That's actually a very astute observation by Mr. Allen, Mr. Chair, because it represents the many hundreds of diseases out there. Concerning the assessment of what is required by way of notification and what we track versus what we get information on, in the case of this particular outbreak I'm not sure it made a difference in terms of when we knew what we knew, but the principle you're outlining points to the need for that continuous evaluation and thinking increasingly broadly, for the very reasons you identified, around not just the multi-provincial or large-scale but also multinational nature of these things.

That is something we're continuing to look at. If as a committee you have additional reflections on it, we'd be very interested in them. But we will be looking at this and continue to do so.

The Chair: Your time has expired.

Mr. Storseth will have five minutes.

Mr. Brian Storseth: Thank you very much, Mr. Chair.

I'd like to ask Mr. Butler-Jones who brought the Public Health Agency of Canada into this process?

Dr. David Butler-Jones: Initially the laboratory was engaged as the reference laboratory and Health Canada's laboratory in terms of the food samples. It can come from either direction. In this case we recognized and Ontario recognized at the same time that something was going on. Our lab recognized that there were a number of positive isolates with the same typing, which said that something else is going on. That was the particular trigger, but the province and others have engaged us at different points in this process for different reasons.

Mr. Brian Storseth: Did you work fully with and have good cooperation with CFIA during this time?

Dr. David Butler-Jones: Absolutely. On an ongoing basis, one of the things we've worked very hard at over the almost five years now of the agency is—because public health is not simply what the Public Health Agency does but is issues that are addressed by a range of departments—our engagement with departments across government and with our colleagues in the provinces and territories, including the establishment of a public health network, which brings together officials from public health from across the country as well as expert committees, etc., that now have a forum for bringing together that information as well as policy and other advice to the conference of deputy ministers, where Morris and I sit, and on to the conference of ministers.

Mr. Brian Storseth: So it would be safe to say that you felt that you were in the loop during this process.

There has been some disturbing information here today. I was quite disturbed to hear the role that Ms. Bennett played in Dr. Williams' press conference. Dr. Williams does seem to be a little out of the loop here.

Mr. Chair, I think it's important that I read a letter from Toronto Public Health, dated September 24, 2008, into the record regarding the Maple Leaf Foods plant investigation.

It reads: This serves to indicate and document our sincere appreciation for the cooperation between the Canadian Food Inspection Agency (CFIA) and Toronto Public Health (TPH) during the investigation of the Maple Leaf Toronto plant, which was linked to the recent listeria outbreak.

The CFIA has lead responsibility for inspection and related activities of a plant such as Maple Leaf Foods during the investigation of an outbreak. However, the Medical Officer of Health has a responsibility under the Health Protection and Promotion Act to prevent, eliminate and decrease the effects of health hazards in the health unit, Toronto in this case. Furthermore, the local Board of Health and the general public wanted to know what actions were being taken to ensure the safety of the food products from Maple Leaf Foods once the plant was allowed to resume production. We would not be able to answer that question without the level of inter-agency cooperation that existed during this investigation.

While attempts are being made at the provincial and national levels to improve inter-agency coordination during outbreak investigations, it is our hope that the networking and cooperation that existed during the Maple Leaf investigation will continue, if not improve, in the future. Please convey our gratitude to the members of your team who facilitated the process and provided timely notification as required.

This seems pretty clear-cut in corresponding with what you're saying about the cooperation that existed at all levels.

I'd like to shift gears a little here. What we're here as a committee to talk about is some recommendations to improve our food safety system, to help reassure Canadians that we indeed have one of the best food safety systems in the world.

I know you are aware of some of the changes that our government has taken recently to improve food safety. We have hired 200 new inspectors and have put forward an additional \$113 million for food and product safety.

Ms. Bennett has said she's heard this before; hopefully she'll stop asking questions on this soon.

The Chair: Order.

Mr. Brian Storseth: I'm sure you're aware that our government recently put out new directives for listeria control. For example, we brought back environmental testing for listeria, which the Minister of

Health in 2005 had cut. We've also added an additional \$250 million in strengthening lab capacity.

Do you feel that these steps are steps in the right direction, and would you feel comfortable in commenting on how some of these steps are going to better our food safety system?

•(1945)

Dr. David Butler-Jones: Certainly, and Morris, I'm sure, will have some comments as well.

It is, as we keep saying, a system issue in different parts of the system. As Dr. Williams noted, many things went very well in the cooperation and collaboration, and in his comments he recognized that there were ways that we can improve at all levels. I think that was the essence of it. There have been some new and very important things, everything from the things you've identified to the technological advances and the work to make the system and the way of working together better, all of which is important.

There's always more that we can do. My goal is to make sure that month on month, year on year, we continue to get better, and that is all part of it.

Mr. Morris Rosenberg: I would just add that I think the move by CFIA to mandatory environmental testing is welcome. It will be reflected in our updated listeria policy, on which we're having broad consultations, as I mentioned, and which we hope to have in place before the end of this fiscal year.

Just to reiterate, we are putting in place through our lessons learned exercise a number of initiatives to try to ensure that we are as efficient as we can be. And we will continue to look at new science around the world and at the changing nature of the challenges in the food system, and we will make adjustments accordingly.

Mr. Brian Storseth: Thank you very much.

Of course, that is our committee's goal too, as well as bringing forward further suggestions to help improve our system, despite the allegations the Liberal opposition continues to put forward.

The Chair: Thank you, Mr. Storseth.

We'll now move to Mr. Easter for five minutes.

Hon. Wayne Easter: They're not allegations, Mr. Chair. What we're looking to establish are some facts here.

Dr. Butler-Jones, on Mr. Bellavance's question about the number of press conferences you held over the timeframes he asked about, we will require not only the dates, but also the nature of the statements. The reason is that they may give us some indication as to whether or not there was information management by the Prime Minister's Office. We certainly know that the Minister of Agriculture couldn't be found at all during the election; he went into hiding and didn't even attend the Saskatchewan rally for candidates. That is irresponsible, when you have a minister—

The Chair: Mr. Storseth, you have a point of order.

Mr. Brian Storseth: I just want to clarify the record. I was in Lloydminster, where the minister stood at a public forum and answered all of the questions that came forward, and at the end he had rousing applause from his constituents, who believe he is doing great work.

● (1950)

Hon. Wayne Easter: One rally.

The Chair: The correction is noted.

Hon. Wayne Easter: It's not a correction, Mr. Chair. I'm talking about the rally in Saskatoon, and he wasn't there where the media could find him.

Anyway, that is the reason we want the information, because we want to see if there was any information management from the centre.

The question that Mr. Allen had related to one date, but I'll go a little further.

Ms. Ballantyne, the Office of the Commissioner of Lobbying has indicated that there were three meetings between Health Canada and representatives of Maple Leaf Foods: on July 25, August 29, and September 3. You can determine later on if those dates are accurate or not, but we would like to know if there were additional meetings with Maple Leaf Food subsequently, or after September, and up to February.

I expect you'd be able to answer this part: during those meetings, beginning with the one on July 25, was the issue of listeriosis discussed? Can you answer that?

Ms. Meena Ballantyne: I can answer that right now. I don't remember ever discussing listeriosis with Maple Leaf Foods.

Hon. Wayne Easter: In that case, were notes kept of those meetings? And are the witnesses prepared to table with this committee the notes from those meetings with whoever was there? We would expect to see those, if we could.

And to the Public Health Agency, did you have any meetings during this period with representatives of Maple Leaf Foods?

Dr. David Butler-Jones: There were a number of engagements, as Dr. Plummer was indicating, on lab testing. There were some conversations. I did have a conversation with Mr. McCain. I phoned him during the outbreak to talk from a public health perspective and to see if there were any issues we could further address or there was any information we could provide to staff and others who were affected by this, and to hear their concerns about what was happening, etc. It was not about the public health management of it.

I think the members know that I have a dual role, both as the deputy minister responsible for the Public Health Agency and as the chief public health officer, to speak independently to governments and to Canadians on matters of public health. During and through this—and back to Mr. Bellavance's question—we had daily press conferences until we felt they were no longer necessary. That's when we stopped the press conferences.

Regarding the issue of what information was provided, no one from the Public Health Agency gave me direction about what information to provide, what questions to answer, how to answer

questions, or what actions to take. If they had, I would have resisted it. That is not a political role. That is clearly why this position was established with that measure of independence on matters of public health. No one from the Prime Minister's Office, not the Prime Minister nor any minister, nor any minister's office, said, "I want you to say this."

I do take advice on all issues from a whole range of people and perspectives and expertise. I take that into consideration. I want to have the best answers, the best approaches at any time, so I talk to many people, but I take my own counsel at the end of the day, because I am accountable and responsible for the advice I give and for how I address public health issues. I want to make that absolutely clear. For the future, for any person in this role, it's essential to have that independence to actually address the matters of public health. That is very clear, and it's fundamental. If that were an issue for me, I would have to resign.

The Chair: Thank you, Dr. Butler-Jones.

I'll move on to Mr. Anderson, for five minutes.

Mr. David Anderson: First it's Mr. Shipley.

The Chair: Mr. Shipley.

Mr. Bev Shipley: Thank you again.

I'm trying to understand a little bit about listeriosis. It seems that Mr. Easter is intent on blaming our government for whatever reason, when actually the funding for testing that was cut, and which we had to reinstate, was part of what they did, for whatever reason. It was likely to try to create surpluses within their budget. I'm not sure. What I've tried to understand here, though, is what actually happened, and what we can do to improve things so it doesn't happen again. We're talking about an illness, a disease, that happened because of food safety.

My understanding is that listeria is pretty much everywhere. Listeriosis is pretty complex. It can have symptoms that are similar to those of other diseases, if I understand that correctly. The reality is that there are all sorts of illnesses that can occur at any time, and when we look at the routine findings...when the samples are sent in, what is the trigger? What trigger shifts a report from being routine findings to being a red alert? Can you explain, first of all, when you first noticed the unusual levels that would point to a potential crisis? Did the listeria case look like a fairly normal event at first? There's a process time here that seems to have taken place, but what actually shifts that report from being routine and takes it on to being the red alert or emergency that might instigate a recall?

● (1955)

Dr. Frank Plummer: Thank you for the question.

The time we consider something a red alert is when we see a significant number of related cases. In this listeria outbreak, which occurred August 12, we identified a number of different listeria strains from Ontario with identical fingerprints, or very similar fingerprints. At that point, we sent out an alert to the provinces.

What we can do to make that better is decentralize the system, which we've already started to do. It had begun before the listeria outbreak with Quebec and the Health Canada lab in Ottawa. We've since expanded the decentralization to include Ontario and Alberta. We will be working with other provinces so that all the provinces that wish to will have this capability. That will take a bit of time off the time it takes to detect cases—a few days, three or four maybe—but it will improve the system.

We also work closely with provincial public health laboratories, which are closer to the front line than we are, to ensure that they have appropriate testing capabilities. I think there are some things we can do to enhance the system for detecting these events even more. That will permit earlier detection of outbreaks, earlier detection of the food source, earlier recall, and ultimately fewer cases.

Dr. David Butler-Jones: If I might supplement, Mr. Chair, there are a number of factors that go into this: severity of disease, the number of people relative to what you might normally expect, and how broad it is. There are quite a number of factors, and it's a scaled response.

What many people don't realize is that at the very same time as we were dealing with this listeria outbreak, we had another listeria outbreak going on in Quebec related to cheese, as well as some 20-plus other outbreaks and events we were tracking, following, working on, paying attention to, and being involved with. It's not as if we only have one thing to do or one outbreak to deal with at a time. We're constantly monitoring the world. We're constantly engaged with our partners around the world and in Canada. Some we are more heavily involved with than others.

Again, those are some of the factors that determine our level of engagement. Clearly, when a province says it needs our help, that is one of the jobs we fulfill as well.

The Chair: You have a couple of seconds for a closing remark, Mr. Shipley.

Mr. Bev Shipley: When you get a sample, how do you know it's a pure sample in terms of what's in it? Maybe it has meat, it has lettuce, it has tomato. You get a sample of a sandwich. How do you determine the cause or the carrier?

Dr. Jeff Farber: It's very complex. When you have a clinical sample like blood or cerebral spinal fluid, usually you have the organism in a pure culture, so it's very easy to isolate. When you have a food, the food itself is complex, plus you have many, many different types of bacteria in the food. You have to use very selective media and broths to try to enrich for the organism you're trying to detect, in this case listeria, and you try to inhibit the other organisms in the sample. So we use very selective techniques to fish out the listeria from the food sample.

● (2000)

The Chair: Thank you very much.

As it is eight o'clock, lady and gentlemen, I'd like to thank you for coming here tonight. I think quite a number of questions were answered. So thanks again for being here.

We adjourn until—

Mr. Malcolm Allen: Chair, just before you hit the gavel, I have a motion I've given the clerk. At this point I'd like to withdraw it, with the consent of the rest of the members. Perhaps we'll have one in the future, but at this point I'd like to withdraw the notice of motion I've given the clerk.

The Chair: Do we have unanimous consent to do so? It's not required?

Thank you very much.

The meeting is adjourned.

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