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Chair

Mr. James Bezan

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• (1530)

[English]

The Chair (Mr. James Bezan (Selkirk—Interlake, CPC)): I call this meeting to order.

We're continuing our review of the draft of the federal sustainable development strategy, pursuant to Standing Order 108(2) and subsection 9(3) of the Federal Sustainable Development Act.

This is meeting number seven, and we're welcoming to the table witnesses from the Office of the Auditor General. We have Scott Vaughan, the Commissioner of the Environment and Sustainable Development, who is no stranger to the committee.

We're glad to see you back.

With him is Andrew Ferguson, who is a principal, and Bruce Sloan, who is also a principal with sustainable development strategies, audits, and studies.

We welcome both of you to the table, along with Commissioner Vaughan.

As per usual, if you can give us your opening remarks and keep them under 10 minutes, Mr. Vaughan, we'd appreciate that.

Mr. Scott Vaughan (Commissioner of the Environment and Sustainable Development, Office of the Auditor General of Canada): Good afternoon, Mr. Chair. Thank you for having us.

[Translation]

Mr. Chair, it is a pleasure to be here to share some of our preliminary views on the draft Federal Sustainable Development Strategy. I am joined by senior colleagues from the office, Andrew Ferguson, Bruce Sloan, Richard Arseneault and Jim McKenzie.

I received the draft strategy from Minister Prentice on March 16. Under the Federal Sustainable Development Act, I am required to review a draft of the strategy and provide comments to the minister as to whether the targets and implementation strategies contained in the draft strategy can be assessed.

We have 120 days to meet that requirement. As you can appreciate, we have only recently begun our review. We are also striving to send our analysis in less than 120 days. For your information, I will provide my comments to the Minister of the Environment and copy this committee.

[English]

Since we are still reviewing the draft, I am not yet able to provide you with our final observations. However, I thought it might be helpful to share with you some contextual remarks and issues that we will be considering as we carry out our review and that we believe need to be addressed by a federal government strategy in order to make progress.

First, given the reach and influence of the federal government, a federal strategy has significant potential to promote more sustainable development across Canada and is therefore an important government initiative. It is also an inherently difficult one. However, it has been 15 years since the federal government formally committed to the concept of sustainable development and created the requirements for sustainable development strategies.

[Translation]

Since 1997, departments have been producing sustainable development strategies, and my office has examined and reported to Parliament on them annually, noting serious shortcomings both in the individual departmental strategies and, more generally, in the government's overall approach.

In our 2007 report, we concluded that the process was not working. We recommended that the government review its overall approach and establish a set of federal goals for sustainable development including specific performance expectations, indicators and targets to serve as objectively verifiable benchmarks against which progress can be measured.

[English]

So today, in its federal sustainable development strategy for Canada, the government has set out a single set of federal government goals, targets, and implementation strategies. This development is a welcome one. We are hopeful that the shortcomings we identified with past strategies will have been addressed.

During our review we will look at the government's targets and implementation strategies to determine whether they are specific, measurable, achievable, results-oriented, and time-bound, such that progress can be objectively assessed. Given the 120-day period available for this period, it will not be possible for us to determine fully whether the government has put in place the necessary management systems to actually be able to assess and report on the implementation of its consultation paper.

Nevertheless we will examine the government's draft strategy in the context of the legal obligations set out in the act. For example, with regard to section 3, which sets out the purpose of the act, we would expect to see an explanation in the strategy of what environmental decision-making entails. We would also expect the strategy to elaborate on how the government intends to make environmental decision-making more transparent and accountable than it is today by setting targets and implementation strategies describing how and when this is to be accomplished.

[*Translation*]

We will also assess the strategy against guidelines set out by the Treasury Board of Canada Secretariat for good corporate plans. For example, we will examine whether the strategy includes a description of the main risks and the major assumptions used in preparing the strategy, a description of significant changes to government policies, processes or activities, and whether the human and financial resources necessary to implement the strategy are discussed.

In conclusion, we have now commenced our review of the federal strategy, and we will be pleased to share the results after writing to the minister.

Thank you. We would be happy to answer any questions the committee may have.

• (1535)

[*English*]

The Chair: Thank you, Mr. Commissioner.

Just before we kick off questions, what type of timeframe are you looking at to getting your review of the strategy comments back to the minister?

Mr. Scott Vaughan: I'm sorry, Mr. Chair, could you repeat that again?

The Chair: You're saying that once you finish your review of the strategy and report back to the ministry, you'd be happy to share the results with the committee.

When do you think that would be?

Mr. Scott Vaughan: Well, we would like to use less than 120 days. I would like to be able to provide the letter to the minister and to copy the committee—both places—by around mid-June.

The Chair: Okay. I appreciate that.

With that, we'll go to our seven-minute round.

Mr. Scarpaleggia, if you'd kick us off...

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

Commissioner, it's always nice to have you with us.

You're obviously an important driver of this committee. One of the problems we have—this is a bit of an aside—in Parliament, I think, is that we're expected to look at issues critically, and we have superb Library of Parliament researchers, but we just don't have enough of them. So the kind of information you provide is very valuable.

One of my questions is about the strategy and your role with respect to it.

After you evaluate and study the strategy, what will come out of that evaluation? Will we have some interesting information to be able to question governments on environmental policy? Or could this amount to a bit of a smokescreen, in the sense that the government will come out with a strategy with much fanfare and then the commissioner will look at it and say, yes, there are targets and timelines—so all is hunky dory, without commenting on whether the targets or the guidelines are any good. I mean, the government could come out with some very modest targets, some very modest goals, and you would sort of be hamstrung, having to say that at least they came out with targets, and that's great.

So what can we expect? What kind of advice will you be giving? What kinds of observations will you be making?

Mr. Scott Vaughan: We will be making two types of commentary, and the first is in compliance with the legal obligations that Parliament set out in the act, which was to make a determination within the 120 days on whether both the targets and implementation strategies can be assessed. I think that determination will be, is there a clear target, and is it measurable within the act? It asked for measurable targets. Measurability is one of the criteria I think I mentioned in the opening statement.

We will probably look at it beyond that narrow legal requirement and look at it from what we've seen in the past, and whether or not this is meeting the expectations of Parliament in passing this important act. We will look both at the narrow legal obligations as well as more broadly, and provide some commentary based on the extensive experience of this office in reviewing these past strategies.

Mr. Francis Scarpaleggia: So if you were looking, for example, at the federal—and you are looking at the sustainable development strategy... How would the government's latest moves on environmental assessment factor into your analysis? Would that be completely outside of your scope? Or would you be able to look at that and say the government is talking tough, but on the other hand seems to be devolving environmental assessment to the provinces and—I'm not trying to put words into your mouth, Commissioner—they might not be giving themselves the tools they need to reach the targets they're giving themselves.

It gets very murky at some point, I would think.

• (1540)

Mr. Scott Vaughan: Let me just answer two things.

Last November, we provided to this committee a review of the Canadian Environmental Assessment Act, and we made several observations. We are keenly looking forward to the important work of this committee in the CEAA review.

Within the strategy itself, I may ask my colleagues.... I did not see a specific reference to federal obligations to environmental assessments. However, I think that within at least three of the four areas, for example, water, biodiversity, or wetlands, there are important triggers for the federal environmental assessment process. If you think of wetlands or water, the fish habitat obligations are an important regulatory trigger within that, so whether there's an explicit reference in the strategy, environmental assessment is one of the keystone areas in environmental policy.

Mr. Francis Scarpaleggia: So you'll be able to comment on whether the government's policy on environmental assessment is consistent with its obligations to protect the environment.

Mr. Scott Vaughan: We have, as I've said, in a November 2009 chapter on the review of the Canadian Environmental Assessment Act.

Mr. Francis Scarpaleggia: Yes, but are you able to factor that into your evaluation?

Mr. Scott Vaughan: If it was relevant to our evaluation, then we would. If it's not contained within the strategy as it is now, we are very careful not to stray into areas beyond our mandate.

Mr. Francis Scarpaleggia: Yes.

The act gives you 120 days to evaluate the strategy. Is that enough, or should that be amended to make it 180 days, for example?

Mr. Scott Vaughan: If you're asking whether we have enough time, I think we're very comfortable with the timeline the government has set out for us. I think this is ample time for us to do what Parliament expected us to do.

Mr. Francis Scarpaleggia: I'm not trying to put you on the spot, but this is a major new task you've been given on top of all the other valuable work you do. Will this task of analyzing a sustainable strategy, which may or may not amount to much given your fixed resources, compromise your ability to pursue other issues you'd like to look into? In other words, do you need more resources to do this work?

Mr. Scott Vaughan: No.

As you know, the office has been reviewing these strategies since 1995, so this is a continuation of existing work. We have some new obligations; the Kyoto Protocol Implementation Act is a newer obligation. But no, we're all highly conscious that financially the government is constrained overall, and we're working within existing resources and hoping to do the best we can in giving the information to Parliament.

Mr. Francis Scarpaleggia: Okay, that covers it for me. I don't know how much time I have—

The Chair: About ten seconds.

Mr. Francis Scarpaleggia: Okay.

The Chair: Well done.

Carrying right along....

[*Translation*]

Mr. Bigras, you have seven minutes.

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Thank you, Mr. Chair.

Welcome to the committee, commissioner. It is always a great pleasure to have you here.

Mr. Chair, we should try to incorporate the opinions of the environment commissioner into our deliberations on a more frequent and regular basis. It would be very worthwhile.

What struck me is the fact that the targets in this sustainable development strategy are not very clear. We will not get into the air pollutants target, since it is under consultation, according to the strategy. I will refer to other targets. The target for chemicals management is to “[r]educe risks to Canadians and impacts on the environment posed by toxic substances”. To my mind, that is not a target. It is a statement and an overarching principle, albeit a valid and worthwhile one.

I read your previous reports on the sustainable development strategy. What were your predecessors saying in 1998? That it was necessary to establish “clear and measurable targets that are key to the success or failure of the sustainable development strategy process”. That is what your predecessors were saying, and it is a central theme in all your reports.

After reading the sustainable development strategy and knowing that you and your predecessors had always considered clear and measurable targets to be necessary, do you not think that this strategy lacks targets? Yes, there are a few, I have to admit. But they are not measurable. Does that not make your job a lot harder, especially in terms of evaluating the strategy?

• (1545)

Mr. Scott Vaughan: As you mentioned, at the Office of the Auditor General, we noted that, for a number of years, one of the priorities of the strategy was to establish clear, tangible targets that would make a difference. That is the basis for our current review to determine whether the targets included in the strategy address the concerns set out by Parliament and the legislation.

Do you have anything to add?

Mr. Andrew Ferguson (Principal, Sustainable Development Strategies, Audits and Studies, Office of the Auditor General of Canada): Our mandate is tied to the legislation.

Mr. Bernard Bigras: Another thing surprises me about this strategy: the fact that certain departments are practically missing. It has always been agreed that for all sorts of reasons, including direct control over taxation, the Department of Finance would play a crucial role in implementing sustainable development strategies. Treasury Board also has a very important role in the greening of government. I am trying to figure out where these two departments fit into the strategy that was presented to us, but they seem to be rather absent. But the commissioner has always been in favour of thoroughly integrating departments into the overall strategy.

Do you see the fact that the Department of Finance and Treasury Board are more or less missing as a disadvantage of the strategy that was presented to us over the past few weeks?

Mr. Scott Vaughan: Thank you.

If you do not mind, I will answer in English.

[English]

As you know, within the act there are 28 departments that are required to prepare strategies. However, at least in our informal count, there are 10 departments that are contained within the discussion paper, meaning there are 18—you've mentioned Finance Canada, and there's also Industry Canada, Justice Canada, Heritage Canada, CIDA, and others—that are not. Those departments have to fulfill or comply with the act. Do they have to comply with the act in the context of the four priorities that are identified in the strategy, and what does that mean more generally?

I think the second part of your question is something that we've given a lot of thought to; that is, the question of integration. As you know, Parliament, particularly in section 5, underscored the importance of integration, and the integration of the three pillars of sustainable development. But also in this act, section 3 focuses not on the context of integrating the three pillars but on environmental decision-making.

This is for us an important change—I'm not commenting whether it's good or bad, but it's an important change—from the traditional understanding of the three pillars of sustainable development, as well as what's in my legal mandate under Parliament from the OAG 1995 amendment, which is to integrate economic, social, and environmental issues.

[Translation]

Mr. Bernard Bigras: In her October 2001 report, the commissioner of the environment and sustainable development said this:

There must be a Government of Canada perspective, which includes an agreed-upon timetable for implementation of a management system....

I assume that that statement from 2001 explains the document you gave us on March 24 on managing sustainable development. That document was supposed to have been given to the government.

Should a sustainable development strategy not include a timetable? How does your March 24 proposal encourage the government to set out a strategy that includes objectives and a timetable to achieve those objectives, not a series of targets and grandiose statements?

• (1550)

[English]

Mr. Scott Vaughan: I would not want to interpret what the government's next steps are in the implementation strategy, but my understanding from the act is that there is a timeline, once the strategy is completed, for them to begin the process, to go to completion, for the departments to do their strategies—a fairly clear timeline of three years, and then repeated the next three years.

On your question about whether there is an overarching strategy, yes, there is. Is it comprehensive? Yes. And is there a timeline? On the overall implementation, our reading of it is that the timeline is very clear. There is a three-year running obligation for the departments to be able to fulfill these.

The Chair: *Merci beaucoup.*

Ms. Duncan—we have two today, so this is Ms. Duncan, the NDP critic.

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Yes, and I'm always happy to see the other Ms. Duncan here.

Thank you, Mr. Chair.

Commissioner Vaughan, it's always nice to have you and your colleagues here. I really appreciate you taking the time.

In earlier questions, I think from Monsieur Bigras, you were referencing subsection 9(2), where you take a look at the goals, targets, implementation strategy, and so forth—in other words, measurables. How are you going to go about measuring the requirement under subsection 9(1), where you're supposed to evaluate the precautionary principal, whether the various departments and agencies are actually respecting the precautionary principal?

Mr. Scott Vaughan: To be honest, we know right now what the legal definition of the precautionary principle is. That paragraph references “shall”, which is as strong as it gets in legal language.

We are going through what our legal requirements are stage by stage. When the departments are beginning to go forward with their strategies, we would look at whether or not there is some evidence they have applied the precautionary principle within the context of that and the other paragraphs.

Ms. Linda Duncan: One of the questions I put to the senior departmental officials when they were here presenting their initial cut on the response was.... I found it peculiar that the very purpose of this Federal Sustainable Development Act—and this is a laudable purpose—is “to provide the legal framework for developing and implementing a Federal Sustainable Development Strategy that will make environmental decision-making more transparent and accountable”. So it's very much intended that it's going to be a legally prescribed framework.

Unlike the Canadian Environmental Protection Act, which allows the Department of Environment to use a whole range of tools, like codes of practice, guidelines, and so forth, this law provides only one measure to guide the government in formulating that framework, and that is the promulgation of regulations under subsection 11(4). Yet those regulations have not been promulgated, and I was led to understand there was no immediate intent to promulgate any regulations.

I was wondering if you thought it might be somewhat helpful to have a more detailed regulatory framework setting the boundaries for some of the things the various agencies have to report under here.

Mr. Scott Vaughan: In looking at section 3, our interpretation from the advice we have is that the act provides the legal framework, so the act in itself is a legal framework.

What the government chooses to do among the options for taking action, whether it's pollution prevention or codes or regulations—and there's a suite of regulations and a decision-making tree—that would be a decision of the government based on its own risk analysis of what it needed, if it did need additional instruments in order to provide effective implementation.

Ms. Linda Duncan: Let me ask you a follow-up question to that. As a lawyer, I'm always looking for clarity, and the act supposedly is set out to provide clarity in how the government is to be accountable for delivering on sustainable development.

I would presume, and I would appreciate your response on this, that one of the measures you would look for to determine if the government were living up to its responsibilities would perhaps be the mandates that are actually given to a department or agency under legislation. For example, the mandate for the Minister of Environment is given under the Department of Environment Act. Very few people look to that, but go to the substantive laws, such as the Canadian Environmental Assessment Act and CEPA, but the actual powers of mandate, more or less, for the minister are under that act.

Interestingly, but not surprisingly, that act mandates the minister to take a variety of actions to protect the environment. That act does not include any provision requiring the minister to balance environmental protection measures with economic interests. Yet that is what the minister espouses daily in and outside the House as his mandate.

I guess my question to you would be, what do you use to measure what the mandates of the department are in delivering on its responsibilities for sustainable development?

• (1555)

Mr. Andrew Ferguson: Well, the mandates of the departments for delivering on sustainable development would follow from this act here, the SD act, as well as the provisions set out in the Auditor General Act, as well as the provisions of their own enabling legislation, which you mentioned.

So it would be a combination of all of those things, but generally when we're looking at the departments, we look at them from the perspective of individual programs and activities, and these may be driven by legislation or policy decisions. So we look at whether or not they're managing those requirements and commitments effectively.

Ms. Linda Duncan: So presumably the policy would be consistent with legislation.

Mr. Andrew Ferguson: Yes, I would think so.

Ms. Linda Duncan: I have time for one more quick question.

As I also pointed out to the department when it was here, I noted that in its initial draft report—and there are no page numbers so it's hard to reference this—it did give some initial indication on how it would report on a mix of policy tools basically related to compliance. As the commissioner would be aware, under the North American Agreement on Environmental Cooperation, Canada commits to effective environmental enforcement. As well, all of the agencies that deal with the environment have actually issued enforcement policies and strategies of how they are going to ensure compliance with legislation.

I was wondering if it occurred to you to look towards those kinds of policy documents—which actually aren't referenced in the document yet.

Mr. Scott Vaughan: Yes, we will. We're going to be looking at the whole thing. I think, as you say, compliance and enforcement are critical parts of a well-functioning apparatus, so that would not be

excluded from looking at what the department said they're going to do. Then that would be critical to saying, if they're implementing it, how are they implementing it? If there is a regulatory function for which an enforcement expectation exists, we would be looking at that, and we have in the past on fish habitat. We reported to Parliament in May and talked about some of the gaps within the enforcement regime related to fish habitat. So enforcement is a critical area.

The Chair: Thank you, and that's exactly seven minutes. Fantastic.

Everybody wants to get out of here. There's a long weekend coming up.

Mr. Woodworth, you have the last seven minutes.

Mr. Stephen Woodworth (Kitchener Centre, CPC): Thank you very much, Mr. Chair.

Welcome to the witnesses. It's good to have you here, and we really do appreciate your work.

As Mr. Scarpaleggia was speaking earlier about the concern that the government might introduce a strategy like this with great fanfare and then not follow through on it, it sounded familiar to me. At first I couldn't think of where I had heard that before, and then I remembered the 2005 report of the sustainable development commissioner, which read:

When it comes to protecting the environment, bold announcements are made and then often forgotten as soon as the confetti hits the ground. The federal government seems to have trouble crossing the finish line.

I realized where Mr. Scarpaleggia got that concern of his, and it's understandable, too.

And you, Mr. Commissioner, in your report, mentioned that your office has examined and reported to Parliament on sustainable development plans, noting serious shortcomings.

I have a note that in 1998 the report from your office said, among other things, “the federal government is failing to meet its policy commitments”.

In 1999, the report talked about:

...additional evidence of the gap between the federal government's intentions and its domestic actions. We are paying the price in terms of our health and our legacy to our children and grandchildren.

Federal departments are divided on the degree and significance of risks posed by some individual toxic substances, the interpretation and application of legislation and the nature of their respective roles and authorities. This has led to indecision, inaction and strained relations among departments.

In 2000, the report said that “the federal government...continues to have difficulty turning that commitment into action.”

In 2001: “The continued upward trend in Canada's emissions demonstrates that the government has not transformed its promises into results.”

In 2002: “The federal government's sustainable development deficit is continuing to grow.”

In 2003: "...there is a gap between what the government said it would do and what it is actually doing."

In 2004: "Why is progress so slow?"

And then there's the 2005 report that I mentioned.

In 2006: "It is increasingly clear that Canada will not meet its international commitments to reduce greenhouse gas emissions."

Are those among the shortcomings that you mentioned in your comments earlier?

• (1600)

Mr. Scott Vaughan: Actually, the author of many of those reviews is Mr. Ferguson. He has been involved in reviewing these strategies for a long time. I'll ask Mr. Ferguson to respond and elaborate.

Mr. Andrew Ferguson: Well, I couldn't argue with much of what you've said. I haven't the exact quotes in front of me, but we did comment on a number of such weaknesses in past sustainable development strategies.

Mr. Stephen Woodworth: After those long years of comments and no action, I noticed that within 18 months of our present government taking office, there was in fact a federal sustainable development act enacted, and here we are, not much more than 18 months after that, with a draft plan.

I realize you've probably had only a short opportunity for a brief overview, but based on your overview of this plan, will it begin to address the shortcomings that existed for so many years under the previous government?

Mr. Scott Vaughan: Let me say—and you're correct—that we've just received it about two weeks ago, so we're going through the process now. We're very careful in our review.

What I will say, and I said in the opening statement, is that this office has long commented on the need for a single overarching federal strategy, and this act, at least from the first read, delivers exactly on that. This has been a long-standing issue about stovepiping of different departments, so we viewed a single strategy as being a positive step.

Mr. Stephen Woodworth: So you're referring to the integrative aspects of this proposed strategy, are you?

Mr. Scott Vaughan: I'm referring to the strategy in its entirety.

I think going into the question of integration is something more in the details, but the very existence of this represents the articulation of the federal government's view of sustainable development, as opposed to a single departmental view. That is something we see as an important step forward in addressing some of the longstanding problems.

Mr. Stephen Woodworth: Thank you.

I noticed in the report or discussion paper you delivered last week, whose title I've forgotten, that one of the things you included in your conclusion was that:

Managing sustainable development begins at the planning stage of the "Plan, Do, Check, Improve" management cycle. It involves considering interrelated environmental, economic, and social effects and considering policy and program objectives over an intergenerational time-frame. This integrated and long-term

approach is a particularly challenging aspect of managing sustainable development.

I noticed that on page 12 of the government's strategy, there is a reference to the fact that:

Where the system has no mechanisms for continuous improvement, the Strategy implements the cycle of "plan, do, check, improve" that is incorporated in the EMS and CESI procedures.

Moreover, on page 5 of the report, there is a reference to the EMS procedure under the heading, "Linking Sustainable Development to Core Planning and Reporting". The report refers to the "key process" of EMS "by which the federal government plans, monitors and reports on all of its activities", involving five major stages.

I would be grateful for your comment on that. First of all, am I reading it right that the strategy is pretty congruent with your recommendation on that "plan, do, check, improve" approach?

Mr. Scott Vaughan: What I will say about this—and I will ask my colleague Mr. Sloan about this—is that the OAG lives by "plan, do, check, improve". It's a core function of what we view as good management systems.

If I may just respond to the second question, the addition of the expenditure management systems, as well as the reporting through the reports on plans and priorities, is a potentially interesting and important step. We would have to look at the level of detail and clarity, but on first blush, it looks like it could potentially be an important step.

Mr. Stephen Woodworth: You've used the words "interesting" and "important". Can I put it in more positive terms that it would be a good thing?

• (1605)

Mr. Scott Vaughan: Well, we have to wait for...the clock is ticking and that's why I would...

If we get invited back when we have finished our review, I'll be able to say whether it's good or bad.

The Chair: Speaking of the clock ticking, your time has run out.

Going into our five-minute round, Mr. Trudeau can kick us off.

Mr. Justin Trudeau (Papineau, Lib.): Thank you, Chair.

Thank you for that, but Mr. Woodworth brings up a good point. I think it would be important, first of all, that you come back once you've finished your analysis of this. I'm always pleased to see you, Commissioner Vaughan, but I say so while wishing that we had a little more meat to discuss and you were a little further along in your discussion of it. I think Mr. Woodworth highlights, and legitimately so, that governments of the past have not always been able to deliver on their visions and on what people had hoped to achieve.

In terms of achievements since 2005, I just wonder if there have been concrete improvements and real changes in what the government has been doing, other than it proposing new plans. In looking at some of the things the government has brought forward with much trumpeting, I think exactly of the changes it has made to environmental assessments. These have purportedly been made to simplify and eliminate red tape and duplication. Is that going to help the federal government become more sustainable in the long run or not?

Mr. Scott Vaughan: First of all, let me say that I wish we could have given you more today. So we'd be keen to come back. We're always glad to be here, actually.

In terms of whether there have been concrete improvements in the timeline from 2007, tabled late in 2008 but tabled actually in 2009, the answer is no. We've repeated the point that strategies were not working and needed to be fixed. I think Parliament took that, and this is the new act, and we're looking forward to it.

Your final question was whether this was going to make Canada or the federal government and its direction more sustainable. To me that is the question. It's why this is so important, because these are substantive and difficult issues, and it's why we would like to take the time to go and see, from what's there, what are the signals, or at least what are the preliminary steps in that direction.

Mr. Justin Trudeau: In your initial overview...and one of the questions we had last week in initially looking at this was about the mechanisms. The idea of a federal sustainable strategy is to make sure that every department and ministry is focused on the environment, that it not just be the purview of the environment ministry but that everyone take a role in sustainability for the federal government.

What sorts of mechanisms are going to be in place to make sure that the decisions that industry and the Ministry of Finance make are actually going to have the political leverage to act in ways that are good for the environment, as importantly as they would be good for finance, or industry, or everything else?

Mr. Scott Vaughan: The strategy we'll come back to, but I think there are already tools there. There are tools...for example, the cabinet directive on strategic environmental assessment, the whole purpose of which is to ask, on plans or programs that are not overtly stated to deal with the environment, do they have environmental implications? This we view as being an important, critical tool. We've also found and reported to Parliament that those tools were not being implemented fully; their potential was not being realized.

So there are different tools that exist to look at agricultural policy, energy policies, transport policies, and others, as well as from the other side, to look at the environmental assessment process, and we view those tools as being part of the package.

Mr. Justin Trudeau: It's the idea that we've put forward, but the proof will be in the pudding, and you haven't seen—

Mr. Scott Vaughan: We're at the very first baby step on this, which is our 120-day obligation to determine whether it's assessed. I think the proof in the pudding will be once this is completed and all the 28 departments go out and develop their strategies and what that will actually mean.

The strategy makes reference to continuous improvements. This is a planning process. So I think the proof in the pudding realistically will be a couple of years down the road. We're keen, at least from our signals, to get it right, out of the gate, so the direction is in the right way.

● (1610)

Mr. Justin Trudeau: In your initial overview of it, have you been pleased, are you a little concerned, or are you neutral around the aspect of targets and timelines being laid out or not clearly enough laid out?

Mr. Scott Vaughan: I mentioned the criteria. They're measurable; they're concrete.

One of the members asked the question about the importance. I think that will be in our determination of the review. We're going to look at it, and we've actually started to—Mr. Ferguson and colleagues in the office, with Mr. Sloan. We will go through every single one of those and see whether they meet the five criteria related to the SMART criteria, and then we will say very clearly to you, “yes, no, yes, no”, and where they're there and where they're not. So we haven't finished that evaluation.

I wish I could give you more.

Mr. Justin Trudeau: No, it's still early.

The Chair: Thank you very much.

We'll continue on to Mr. Armstrong.

Mr. Scott Armstrong (Cumberland—Colchester—Musquodoboit Valley, CPC): First of all, happy Easter to you all. I really appreciate you coming in on a beautiful Thursday afternoon. You could be driving home and spending time with your families.

As we move forward, one of the practices that I support that is contained in this process is the SMART program—the specific, measurable, achievable, reasonable, and time-bound goals that you and each department will be setting—and also the continuous cycle of improvement, the “plan, do, check, improve” that Mr. Woodworth commented on.

Using this procedure in one department will be challenging, but trying to corral all 28 departments in the federal government in the whole-of-government approach—although I see great benefits to it instead of the scattergun approach that was used before—having one concise oversight measure forcing all the departments to get in line, I think is the way to go.

Is there a timeline for each department to have for you this plan that they're supposed to make? Who will evaluate this plan, and how will it be evaluated?

Mr. Scott Vaughan: Thank you.

Because I fear getting it wrong, let me ask my colleague Mr. Ferguson to go through the timeline of this.

Mr. Andrew Ferguson: Under the legislation, within one year of tabling of the final federal strategy, each of the 28 individual departments subject to the act is to table a strategy that contributes to the federal one.

So the answer is that somewhere around June or July 2011 we should see 28 individual departmental strategies. Then our mandate following that is to assess those and report to Parliament on whether they are contributing to the federal one.

Mr. Scott Armstrong: Thank you.

In order for some departments to do this, of course, there's going to be some sort of expenditure incurred. The proposed strategy would link the FSDS to the government's expenditure management system. Do you see this change as positive?

Mr. Scott Vaughan: As I said earlier, I think it is an important change. The expenditure management system is the nuts and bolts of the federal government in terms of budget planning and budget operations. Although we haven't gone through it, at least it has the potential, from my personal point of view, to mainstream the important objective of sustainable development and put it into the core apparatus of the federal government. We'll go back and look, but that's at least a preliminary view. There may be a little more detail that would have been helpful in order to answer those types of questions.

Mr. Scott Armstrong: From your analysis and knowing what you know of the 28 different federal departments from which you're requesting these plans, are some federal departments going to be more greatly challenged by the timelines than others, based on the nature of the departments?

Mr. Scott Vaughan: I wouldn't want to speculate, but maybe I'll ask my colleague Mr. Sloan about departmental timelines generally, and about meeting obligations.

Mr. Bruce Sloan (Principal, Office of the Auditor General of Canada): In reality, there is a range of practices out there, and certainly there is the capacity to respond to these types of requirements. Some departments will be faster than others. Whether some would be late, I couldn't say at this stage, but some departments just have more capacity. The larger ones have the specialized skills to respond.

Mr. Scott Armstrong: As a member of this committee, I would like to be certain that all departments meet the deadline for that report. I'd hate to see some departments placed above other departments, saying that they can't get that report in on time because of specific requirements within their own department. You're fairly confident that all departments, if they put their minds to it and make a good effort toward it, could meet the timeline fairly easily.

• (1615)

Mr. Andrew Ferguson: Our experience in the past has been that the 28 departments have tabled their sustainable development strategies on time every three years. I see no reason why that shouldn't continue to be the case.

Mr. Scott Armstrong: Okay. Thank you. I have time for one more question.

In testimony to this committee, Environment Canada spoke about the fact that this legislation and the proposed draft strategy to implement it are not meant to replace other decision-making processes of the government, but to make environmental decision-making more transparent.

Will it improve transparency, compared to the old system of sustainable development reporting?

Mr. Scott Vaughan: In my opening statement, I mentioned that as one of the questions we would ask. If it is making it more transparent, we would ask how we can know if that's the case. What was the pre-existing level of transparency, and how is this making it more so? It's a relative measure. We will go back. The issue of transparency is a critical part of this strategy. We'll go back and see whether they know if it's becoming more transparent or not.

The Chair: Thank you very much.

Go ahead, *Monsieur Ouellet, s'il vous plait.*

[Translation]

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Thank you, Mr. Chair.

Thank you for being here today. It is very important. You can appreciate just how difficult it is for us to understand all the specifics of your work.

In the section of your paper entitled "Applying suitable practices and analytical techniques", it reads:

Did the policy or program analysis compare environmental, social, and economic benefits and costs and identify necessary mitigating measures?

The last time you were here, I seem to recall that you tensed up or that you froze when asked about interpreting government policies. Is this statement on policy analysis not contradictory? Or do you believe that you have an opportunity to analyze policies and to express your views openly? It seems to somewhat contradict what you told us the last time you were here.

Mr. Scott Vaughan: Thank you.

In a discussion paper, we gave examples of ways to manage the implementation of sustainable development objectives. As you noted, one of those objectives is cost-benefit analysis. One reason for using that analytical technique is to compare economic and environmental objectives. It has nothing to do with policies: it is a technique that helps us to analyze the relationship between the three targets, to compare them.

Mr. Christian Ouellet: Let's come back to Ms. Duncan's question about the precautionary principle. You seem to be having trouble figuring out how you can apply it. When it comes to reviewing the legislation, do you think we should be clearer about what the precautionary principle means for sustainable development or how it is applied?

All we have now is the application of the precautionary principle. It could not be more vague.

Mr. Scott Vaughan: I will answer in English, if I may.

[English]

I think, as you've noted, the precautionary principle is in the act. There are specific interpretations of what the precautionary principle means. However, how the government has interpreted the scope of the strategy, from my understanding, is anchored in section 3. Section 3 is a fairly straightforward, more focused, and more narrow definition related to environmental decision-making in relation to transparency and accountability.

We will look at the act in its entirety, but the purpose of the act is anchored in section 3. There are other sections that are important. The Supreme Court has made rulings on looking at an act in its entirety. But the strategy, from what we understand, is based on the government's interpretation and understanding of section 3.

That's not a very satisfactory answer. The precautionary principle is at the heart of issues related to chemical risk management, to acceptable levels of toxicity, to weight of evidence, to how much you know, and to the risk of irreversible damage. Within that, climate change, for example, is one of these critical issues.

This is one of the objectives. So we would look to the government to see how they will make those links within the overall act.

• (1620)

[Translation]

Mr. Christian Ouellet: I have read a lot of documents on sustainable development from the U.K. It seemed to me that every time, they were a lot more specific than we are. For example, when they talked about recycling, it was perfectly clear. When they talked about greenhouse gases, there again, it was clear.

Are your assessments somewhat vague because of the current government's lack of policies? Is it simply due to the fact that you are not at the same point as they are in the U.K.?

Mr. Scott Vaughan: We identified examples in various European countries such as Sweden, Denmark and Germany, and even examples in the United States and Canada where real progress is being made. So progress is possible in terms of sustainable development. As you said, many people see these systems as models for other countries.

Mr. Christian Ouellet: But it is not—

The Chair: Your time is up.

Your turn, Mr. Watson.

[English]

Mr. Jeff Watson (Essex, CPC): I have no questions.

The Chair: We'll go to Ms. Duncan from the Liberals. It's so confusing today. It's like April Fool's Day.

Ms. Kirsty Duncan (Etobicoke North, Lib.): I thank the chair, and I thank the witnesses.

I guess I'm struggling with the fact that we're having a review of a review that has yet to take place. That is, we are having a review of very little. As a scientist, I think that very little will come from very little.

Over and over again, we talk about evidence-based approaches. You have very little evidence to go on today. I guess I'm surprised,

with the pressing environmental issues we face today, that we actually have time to have a pre-meeting.

The government must set out a strategy for meeting its targets. I'm wondering if you have done a general review of the document, and I'd like to know if the strategies represent a commitment to change the status quo.

Mr. Scott Vaughan: Well, yes.

First of all, let me say again that I know how busy you all are, and I wish that we were further along in our analysis. We received it 15 days ago. I wish I could say more than we are right now, but we're...

Ms. Kirsty Duncan: I understand.

Mr. Scott Vaughan: My understanding of the programs in this strategy is that they are an assemblage of existing programs. There are no new initiatives in the programs that are announced; the strategy says this is the first time that all these programs have been brought together into one single place.

Are there new programs? No. Is this then an articulation of the status quo? My answer would be yes, at least on the presentation of the programs. The upfront part of it, the planning process and expenditure management, are different, but as far as the existing programs, yes.

Ms. Kirsty Duncan: Okay, thank you.

The government has stated that FSDS increases transparency because it brings together its initiatives and priorities in one place.

In your view, does this initial review make the process more transparent?

Mr. Scott Vaughan: Again, we will look at this very carefully. That is in section 3. The purpose of the act is to make it more transparent, so we would expect, as I said in the opening statement, the government to first of all clarify the existing level of transparency of these programs and how these are being augmented because they are now presented in this.

There may be a difference between greater transparency and greater comprehensiveness. I would read those differently. There are different international obligations on defining transparency. Canada has signed up for different obligations and international instruments related to transparency, so there is a way one can measure transparency. We will go back and look at that within the context of whether this is more.

• (1625)

Ms. Kirsty Duncan: Okay.

Does it explain how different environmental challenges and federal programs are prioritized, and which ones are prioritized?

Mr. Scott Vaughan: To my knowledge—and I'll turn to my colleague—there is not a statement of how the programs are prioritized. This is a presentation of existing programs. There is not a ranking or a hierarchy. It's a listing of important programs in a single document.

Ms. Kirsty Duncan: So this is not prioritized?

Mr. Scott Vaughan: I would probably defer...and you may want to ask the department again.

My understanding is that they have chosen four objectives and they've put together the programs that exist at the federal level related to those four objectives. I don't see a sense of priority or a ranking or a hierarchy in which those priorities are reached.

It goes back then, as section 3 also says, to environmental decision-making. To me, environmental decision-making is different from the presentation of programs. It would be the process by which the decision is made and what the trade-offs, the priorities, are. This is not a static presentation but rather the process by which these decisions come about.

Ms. Kirsty Duncan: You raised the issue of missing 18 departments. I was going to mention Treasury Board and Finance Canada, that this is in your initial review. Can you share with us any other concerns you have?

Mr. Scott Vaughan: No. As I say, we are still going through the review. We'll do it very, very carefully.

I think one of the questions—which isn't a concern but a point of clarity—is the definition of “integration” that is used in the strategy. I will also ask what “more” means in terms of transparency and accountability.

I also think it may be more useful, for those departments that are not noted or mentioned now, such as Finance and others, for the committee to ask what that means for them as this moves forward.

I'm not guessing that because they're not mentioned they don't have to do anything, because they do have to comply with what's in the strategy. The question is what the scope of that compliance is.

The Chair: Thank you. Your time has expired.

Mr. Hawn, do you have anything? Mr. Jean?

Mr. Justin Trudeau: I have one short question, and then I think we'll be fine.

The Chair: You have one final question, Mr. Trudeau.

Mr. Justin Trudeau: In terms of other things that you're working on, is the Office of the Commissioner of the Environment going to be looking into the attempt to repeal the Supreme Court decision relating to the Red Chris mine and the changes that are going into environmental assessment around the ability to parcel up environmental assessments?

Mr. Stephen Woodworth: Mr. Chair, a point of order. The terms of reference refer to the federal sustainability strategy, and the question doesn't seem to refer to that. I think in order to respect our witnesses, who came prepared to discuss the strategy, we should maintain the rule of relevance.

The Chair: To that point of order, Mr. Trudeau.

Mr. Justin Trudeau: One of the things the commissioner has mentioned repeatedly is how it's important to involve all the different aspects of the government in the sustainability strategy in addressing environmental issues. I'm not asking the commissioner to speak directly to what is in the budget implementation bill; I'm asking if he is looking into the aspect of parcelling up environmental assessment as part of his mandate, and I'm just hoping for a little reassurance that he is. I'm not going to ask him to comment on it and embarrass you guys at this point.

The Chair: I agree with Mr. Woodworth that the comment on the mine isn't relevant, but the way you reworded the question, I'll leave it to Mr. Vaughan to answer, if it's an area you're comfortable with.

Mr. Scott Vaughan: Thank you.

Just to mention again our past work on looking at the Canadian Environmental Assessment Act, we are very much looking forward to the work of this committee and the CEEA review. This committee plays an important role in that review.

We are also looking at the ongoing environmental assessment process. So yes, that would be the implication of what the act is in its entirety, and that will be under our review.

• (1630)

Mr. Justin Trudeau: Thank you very much, Commissioner.

[Translation]

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

Mr. Bernard Bigras: I have a question. In your 2008 report, in chapter 4, page 1, it says that the government had committed to following one of your recommendations, which was to review its approach to clarify its expectations and revitalize the process. The government committed to completing that review by the end of October 2008. I want to know whether you received the report. We asked department officials, but I do not think they sent us the report. Did you receive it?

[English]

Mr. Scott Vaughan: We didn't have all the chapter numbers there. If the honourable member could give me the title of that chapter, that would be helpful.

[Translation]

Could you give us the title of the chapter?

Mr. Bernard Bigras: It is under your main points. Chapter 4 of the 2008 report. In the main points, it says that the government committed to completing the review by the end of October 2008. In fact, it reads:

The government agreed with our recommendation that it review its approach to clarify its expectations and revitalize the process. It committed to completing a review by the end of October 2008.

It was supposed to prepare a report.

Mr. Scott Vaughan: I am sorry, but I do not have the title of the chapter. I think we received the review from Environment Canada in June 2009.

Mr. Andrew Ferguson: Yes, we received their review of the sustainable development process. It addressed all aspects of our recommendation.

Mr. Bernard Bigras: What was your assessment of that report? Is it possible to get a copy? It would help us complete this study. I asked department officials for it, but they did not send it to us.

Mr. Andrew Ferguson: It was an informal review. The team in charge of sustainable development in our office reviewed their report. The department may have a copy of that review.

Mr. Bernard Bigras: I would hope so.

Mr. Scott Vaughan: We can ask for it and get it to you, as it is available to the public.

[*English*]

The Chair: Ms. Duncan, do you have any follow-up? Good.

Is there anything from the Conservatives?

Three rounds, just like that.

Again, thank you, Commissioner and the principals from the Auditor General's office, for coming in today. We always appreciate hearing from you. And as Mr. Scarpaleggia said, we do enjoy the time we share with you and the information we gather, which allows us to do our jobs that much better.

With that, I'll wish everyone a very happy Easter. Enjoy the long weekend and of course our work in the constituencies next week.

The meeting is adjourned.

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