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Chair

Mr. Mark Warawa

Standing Committee on Environment and Sustainable Development

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● (1100)

[*English*]

The Chair (Mr. Mark Warawa (Langley, CPC)): Good morning, colleagues and visitors, and thank you for being with us today. We have two important meetings. In the first hour, we will be hearing about ozone from Ms. Karen Dodds and Mr. Lin.

You have presentation time of up to 10 minutes and then we will have some questions. Because we have two meetings back to back, I will be quite strict on the timeframes in both rounds of questioning.

Ms. Dodds, you may proceed.

Dr. Karen Dodds (Assistant Deputy Minister, Science and Technology Branch, Department of the Environment): Thank you very much, Chair.

[*Translation*]

Thank you for inviting me to the Standing Committee on Environment and Sustainable Development to discuss Environment Canada's plans for ozone monitoring.

[*English*]

With me today is Dr. Charles Lin, who holds a Ph.D. in meteorology from the Massachusetts Institute of Technology. He's had a distinguished career as an academic researcher at both the University of Toronto and McGill. At McGill, he served as chair of the Department of Atmospheric and Oceanic Sciences before he joined Environment Canada as director general of atmospheric science and technology.

[*Translation*]

Before going into specifics on the ozone monitoring program, I would like to give you some background on science and research at Environment Canada.

[*English*]

To support the regulatory, programmatic, and service functions of Environment Canada, which includes our work in protecting the environment and forecasting the weather, we do a great deal of environmental science. About half of the 7,000 people in the department are involved in science. Indeed, Environment Canada is the seventh largest producer of environmental science in the world, and the largest outside of the United States.

Our scientists do applied research in scientific monitoring in direct support of the department's mission. That's how we prioritize our science and research and how we allocate our resources. We don't do curiosity-based research, as many academic researchers do.

This brings me to ozone monitoring.

[*Translation*]

First, despite what you may have read, Environment Canada has made no changes to ozone monitoring.

[*English*]

We are planning to make some changes, because we believe we can do so in a way that's consistent with our mandate and makes better use of taxpayers' dollars. I understand that a number of academic scientists use the data we currently collect to support their research, and we're very happy to share our data. But the needs and interests of academic research cannot be the determining factor in how we allocate and use our scientific resources. Much of the work our scientists do is in collaboration with other scientists in Canada and around the world. Our scientists are always encouraged to disseminate and discuss their scientific findings in a timely way for the public good. This is demonstrated on a daily basis through the publication of their scientific findings in peer-reviewed journals and through presentations at conferences.

Environment Canada is committed to continuing our monitoring of water and air quality, including our monitoring of ozone.

● (1105)

[*Translation*]

Ozone in the upper atmosphere protects the earth's surface and humans from harmful UV radiation from the sun by absorbing radiation. Ozone at ground level is a component of smog and is considered harmful to human health and the environment.

[*English*]

The Montreal Protocol, which took action against ozone-depleting substances and was agreed to in 1987, has been very successful. The Canadian ozone science document released by Environment Canada in 2007 noted that, because of the success of the Montreal Protocol, the ozone layer no longer appears to be thinning and is expected to return to its 1970s levels later this century. The World Meteorological Organization updated that 2007 report with an ozone assessment in 2010. This confirmed the finding, and emphasized the maturity of this issue. However, both of these documents indicate that there are uncertainties about the verification of ozone recovery and the influence of other factors such as climate change.

Overall, both documents support Environment Canada's position to continue ozone monitoring in the upper atmosphere. I would like to make it clear that Environment Canada will continue to monitor ozone in the upper atmosphere, also known as stratospheric ozone, in order for Canada to meet its obligations for the surveillance of ozone and the chemical composition of the atmosphere.

In 2011, Environment Canada has not reduced the frequency with which it monitors stratospheric ozone or the number of sites at which we take measurements. The monitoring is conducted via two complementary monitoring methods. First, there is the ozonesonde method, which measures the vertical distribution of ozone concentrations in the atmosphere. Second, there is the Brewer method, which measures the total thickness of the ozone layer.

As a result of our continuing efforts to make the best use of the public funds allocated to us, Environment Canada managers are working closely with their scientists to define the optimal and integrated ozone monitoring network for the upper atmosphere. The guiding principles are to ensure scientific integrity; to recognize our commitments, such as supporting the validation and dissemination of the UV, or ultraviolet, index; to maintain critical long-term ozone-trend information; to facilitate the validation of satellite data; and to continue surveillance of ozone holes. This optimization will be carried out with scientific rigour and will ensure the quality assurance and quality control of ozone data.

In addition, Environment Canada will continue to manage the World Ozone and Ultraviolet Radiation Data Centre. That centre is an international data archive in which all government-obtained observations of ozone and ultraviolet radiation are reported.

[*Translation*]

Environment Canada is proposing to better integrate the data centre with our updated data management processes. The department will provide staff with enough time to manage the WOUDC at a level comparable to that of other resources. Moreover, scientific oversight of the data centre will continue.

[*English*]

Canada has had a strong ozone measurement program for many years. Many of our measurement methods are now used globally and were pioneered by Canadian scientists. These measurements will continue, but they will be delivered under a different program and data-management model. Let me assure you and all Canadians that ozone monitoring and our continued management of the database remain a priority for Environment Canada and that there will continue to be investment in these areas.

Scientists in our department conduct research and related scientific activities in order to better understand wildlife, biodiversity, water, air, soil, climate, and environmental prediction and environmental technologies. I am very proud and pleased to lead this world-class group of scientists who carry out Environment Canada's mandate and sincerely serve Canadians every day.

Thank you for giving me the opportunity to discuss our ozone monitoring initiatives with you this morning.

● (1110)

The Chair: Thank you, Ms. Dodds.

Our first questioner will be Mr. Lunney.

Mr. James Lunney (Nanaimo—Alberni, CPC): Thank you, Mr. Chair.

Welcome, Ms. Dodds, and Dr. Lin. I appreciate your being here to answer some questions. There has been a lot of interest or speculation about changes at Environment Canada, especially in relation to the ozone program. I want to clarify a couple of concerns.

My first question is about the two methods for monitoring ozone, at the ground and stratospheric levels. First, there is a question about streamlining. Some think the two methods could be integrated. I think you have already addressed that in your remarks. There is also some confusion about the two points. The media are speculating that perhaps government is implying that we don't need to maintain both of these networks. I guess there's an implication that one or the other isn't necessary. At any rate, there's some confusion about it.

You were reported by the media to have said some things that might have implied we were eliminating one or the other of these important instruments. Could you clarify that for us and tell us how the streamlining is envisioned by the department?

Dr. Karen Dodds: Thanks for the question.

Indeed, the two methods are complementary and measure different things. The Brewer instrument is a land-based instrument. It sits on the ground and measures the total thickness of the ozone layer going up; while ozonesondes, which go up with a weather balloon, measure the ozone concentration as a function of altitude.

So the two methods are complementary. We use them also in collaboration or in combination with data from satellites, which we obtain from other sources, to then estimate, measure, predict, and monitor ozone as it's changing day in and day out, week in and week out across Canada.

Mr. James Lunney: Thank you very much.

I want to quickly clarify a couple of these issues, and then I have some substantial questions I'd like to get to.

There was another question regarding a minister's signed response in order paper question 159. The briefing note, which was obtained under access to information, indicated that you had said, Ms. Dodds, that “These methods measure different characteristics of the atmosphere and thus complement, but do not duplicate each other”, referring here to the measures of ozone. That seems to contradict things that were previously said in the media.

Can you clarify that?

Dr. Karen Dodds: Certainly.

In a memo to the minister, absolutely, I indicated that the measurements are complementary and do not duplicate each other. That's in the context of each method of measurement.

The Brewer instrument is required to validate or verify the information we get from satellites. The scientists don't yet have the degree of precision with the satellite data unless they can verify it against the data from the Brewer. With the ozonesondes, again we're looking at different methods. The same briefing note indicated that we would be looking to optimize our utilization of the two methods across Canada, so that our overall measurement and monitoring of ozone would be optimized, and not the use of one method, nor use of a different method, but both methods in combination.

Mr. James Lunney: Thank you.

Finally, further media reports stated that you said, "Some of my own scientists are not being fully transparent in terms of the facts in this situation."

Now, Ms. Dodds, is that what you said or what you intended?

Dr. Karen Dodds: What I was referring to in the discussion was the number of staff affected. We were in the position whereby we sent letters to, I believe, 776 employees department-wide who were affected. All employees were advised that this did not mean they were surplus. It was clear that 776 employees would not be declared surplus. At the beginning, our estimate was that fewer than half that number of employees would be declared surplus, and the concern we had was about reports in the media that 776 people would be laid off when all the people had been informed that it would not be all of them.

I understand it's a very concerning for anybody to be in this situation. Nobody enjoys going through the process, but it really was with respect to the numbers about those affected and surplus.

● (1115)

Mr. James Lunney: We have some kind of an obligation, through the employer/worker relationship, to inform people if their jobs might be affected by changes. I presume that's what the notice was about.

Dr. Karen Dodds: Yes, indeed. We had to comply with a Treasury Board policy, a policy that had been developed between Treasury Board and the unions, on the manner in which we treat employees under these circumstances.

Mr. James Lunney: Thank you for clarifying that.

I want to ask questions about the ozone itself and its monitoring, particularly tropospheric monitoring. The ozone is at ground level, and then there's the first 50 kilometres, and then stratospheric ozone is way up there in the upper levels of the atmosphere. I'm curious about some of the information that's provided for us by our excellent researchers here at the Library of Parliament, our analysts, about ozone production in the upper atmosphere. It's said that UV light interacts with oxygen molecules and breaks up some of the O2s, releases some oxygen atoms that react, forming the ozone in the upper layers.

I notice here that this production is higher in equatorial regions. It seems to me that's what the information indicates. It's like shooting at a dart board, in my thinking—and correct me if I'm wrong on this—and that when UV light is striking the centre of the earth, it's on target for a bull's eye and you're getting more heating of the atmosphere and greater production of ozone at these equatorial regions, but that at the polar regions, where you're hitting the periphery of the atmosphere, you're getting less ozone production. Is that correct?

Maybe that's for Dr. Lin.

Dr. Charles Lin (Director General, Atmospheric Science and Technology, Department of the Environment): I think the issue about the polar regions, the colder regions, is that the destruction of ozone takes place at cold temperatures and, therefore, there's a lot of concern about holes developing, first in the Antarctic and, until recently, in the Arctic as well.

Mr. James Lunney: So those holes—

The Chair: Your time has expired.

Mr. James Lunney: I hope we get a chance to ask more questions. It's a fascinating subject.

The Chair: Thank you.

Madam Liu, you have seven minutes.

Ms. Laurin Liu (Rivière-des-Mille-Îles, NDP): Thanks, Ms. Dodds, and Mr. Lin, for coming to speak to us. It's wonderful that you're here, and thank you for your carefully prepared presentation.

It's important to note that Canada is internationally known for its ozone monitoring programs. That's something you mentioned in your presentation as well.

I was wondering if you could start by telling us what the current budget is for both networks that we use to monitor ozone.

Dr. Karen Dodds: I don't have details about the budgets. The way the department has planned and budgeted changes, with different deputies and different assistant deputy ministers, we have found that it has been difficult, because the budgets for salaries were separated from the budgets for operations and maintenance and capital.

Going back to about 2006-07 or 2007-08, the number of FTEs, the number of people—technicians, scientists, research scientists—looking at ozone has been stable. One research scientist retired this past summer and has taken a faculty position at the University of York. We have two other research scientists who remain with the program and some technicians and physical scientists who have stayed.

The level of operations and maintenance and the level of capital varies a bit from year to year.

Ms. Laurin Liu: Thanks. Despite the fact that your presentation was very carefully prepared, I'm still not sure about streamlining. Could you provide more details about what you mean? If you don't plan to merge two networks, how do you plan on streamlining operations?

Dr. Karen Dodds: To say we don't plan to merge two networks would not exactly be precise.

We plan to continue to use both methods. Both methods are needed. Both methods will continue to be used. You can go to our website and see a map where we measure ozone. You will see that in most sites we're measuring using both the Brewer and the ozonesonde methods. In some sites we only use the Brewer and in some sites we only use the ozonesonde. The discussion point for scientists is whether we need all sites. Do we need to use Brewer and ozonesonde at all sites? We don't currently.

There is also a potential for streamlined management. To a large extent we've had one network that's been referred to as the Brewer network and another one that's been referred to as the ozonesonde network.

A science plan published by the branch in 2007 gave a good vision of more integrated monitoring. You will see that as a consistent theme throughout the work of my branch, to have more integrated monitoring to increase our assurance that we are optimizing our use of different methodologies so that folks are always talking about what results we are getting with this method and what it means for another method. We're looking both at the scientific management and the data management to see if we can have some efficiency gains.

● (1120)

Ms. Laurin Liu: Will you be trying to achieve these efficiency gains by reducing the number of sites, or will you be keeping the number of sites and taking away the number of Brewer sites and ozonesonde sites that are currently available?

Dr. Karen Dodds: I don't know yet, and I know that Charles, working with his team, has not yet come to a conclusion about the number of sites that will remain.

We have made a commitment to maintain the sites in Canada's far north. They were among the earliest sites established around the world. The data from at least one site, if not more sites, was fundamental to the development of the Montreal Protocol. So there is a lot of interest in maintaining that as a baseline measurement, I would say. Other than those sites, we can discuss with scientists whether we need the number of sites we have and a certain frequency. Those are the kinds of discussions that scientists are having now.

Ms. Laurin Liu: In an article in the *Toronto Star* on September 21, you were quoted as saying that we didn't really need the same level of monitoring. Could you elaborate on that statement? Do you acknowledge that you'd be willing to operate on less complete data? Or what exactly were you trying to say by that?

Dr. Karen Dodds: I didn't say less monitoring. What I have said is that our focus is on the results, and we've been clear that we need to have scientifically valid results and need to meet our national and international obligations. It's clear from the science that we need to use these two methods, and indeed we're integrating these two methods with data from satellites on a constant basis, and we partner with different organizations such as NASA to get that kind of data. But we are looking at whether we need to have the same level of frequency, the same number of sites. That's the discussion that the managers in Charles' directorate are having with the scientists.

Ms. Laurin Liu: You are quoted as saying that we don't really need the same level of monitoring. I have the article in front of me. Are you retracting that statement or are you just clarifying it? You said it wasn't what you were trying to say.

Dr. Karen Dodds: I'm interested in what the results are for monitoring. The example I used with at least one reporter was the level of contaminants. If I take flame retardants in Canada's north, for example—many folks know them as PBDEs, polybrominated diphenyl ethers—we have monitored them and the curve goes up in the 1980s and 1990s when they were used. Concerns were raised. We took regulatory action and the level has come down is now very constant and steady. The science would say that you don't need to look at that month in and month out, because you've reached a steady state.

Those are the kinds of discussions you leave to the scientists and the statisticians to say how many times you need a certain data point for good monitoring.

Ms. Laurin Liu: Thanks.

The Chair: Ms. Liu, your time has expired.

Mr. Sopuck, you have seven minutes.

Mr. Robert Sopuck (Dauphin—Swan River—Marquette, CPC): Thank you very much.

What are some of the ozone initiatives that are currently being planned?

Dr. Charles Lin: We have alluded to some of these initiatives. One is the streamlining and integration of the networks. As Karen mentioned, we have the Brewer and the ozonesonde networks, and up until now they have existed as individual networks. We will be integrating them together with the other air quality networks that are in place. By doing this we gain efficiency. There's economy of scale that can be gained by having one air quality network where the workers, the scientists, the staff would contribute not just to ozone or particulate matter or any one particular species.

● (1125)

Mr. Robert Sopuck: Excellent.

I see, Ms. Dodds, on page 6 of your testimony you said that Environment Canada delivers the World Ozone and Ultraviolet Radiation Data Centre. What's the current budget for the centre, and how much of that is being reduced or rationalized, if any?

Dr. Karen Dodds: Again I don't have specific budget numbers for the data centre. I think we've had two technicians who have been really focused on data management. This is more in the IT/IM world rather than in the science world.

In discussions within Environment Canada, my colleagues in the meteorological service, who with weather monitoring, have a lot more demand on them for data management and information management technologies, have agreed that on the more IT/IM perspective, they will take over that part of the World Ozone and Ultraviolet Radiation Data Centre, the WOUDC. We will maintain the scientific input and the scientific oversight of the integrity of the data. This is another way in which we've identified potential savings, because strict data management and data handling is not something in which we have the same level of expertise and experience as our colleagues in the meteorological services group.

Mr. Robert Sopuck: With this change, will the essential work of the WOUDC be maintained?

Dr. Karen Dodds: Yes.

Mr. Robert Sopuck: Given the changes you are undertaking, how many person-years will be devoted to the centre? Is it possible for you to do that?

Dr. Karen Dodds: We are moving to a way of planning whereby we can identify who is working on what. As an example, if we look at some of the recent publications authored by scientists in Dr. Lin's shop, there are 11 authors or 13 authors. More and more, science is becoming a collaborative activity, which makes it almost impossible to ask, "What were the costs of producing that paper, and what are the costs of having an ozone monitoring program?" It all depends on what you include and what you do not include.

More and more in science generally we are looking for people who can serve more than one function. Are you an ozone specialist, or are you a specialist in analytical methodology—the Brewer instrument? This kind of evolution is happening.

We are looking to maintain two research scientists and a number of technicians—physical chemists. They will be devoted to ozone, but will be supported by other people in a lot of different ways.

Mr. Robert Sopuck: Do you consider that to be adequate? Will you be able to deliver the same quality of service and generate high-quality information with this level of effort?

Dr. Karen Dodds: This is pretty consistent with the level of people going back to 2006 or 2007.

Mr. Robert Sopuck: Okay.

I presume you'll still be able to monitor the ozone layer over the Arctic, and that effort will continue.

Dr. Karen Dodds: Absolutely. As I said in my opening remarks, it was not unexpected by the scientists. Knowing what happened in Antarctica, they anticipated that this was possible in the Arctic. This past winter was the first time it was verified with scientific evidence that we had a hole. It was a very sizable hole. When you have a hole, more UV radiation makes it to Earth, which is a concern for all of us. The hole in the Antarctic is predicted to resolve, and so is the hole in the Arctic, but you always want your monitoring to confirm what you're predicting.

● (1130)

Mr. Robert Sopuck: That certainly makes sense.

In terms of monitoring stratospheric ozone, do you also monitor the levels of ozone-depleting substances?

Dr. Charles Lin: I will have to check that.

Dr. Karen Dodds: With me is Dr. Cathy Banic, who is the director of air quality. She's saying that we don't.

You can see in published literature that the use and production of what they call ozone-depleting substances decreased enormously following the Montreal Protocol.

Mr. Robert Sopuck: Okay.

As for the environment in general, the media seems to focus on the bad news—which there is increasingly less of in this country, given how our environmental indicators are largely improving. It seems to me that from the results for the ozone layer, we can consider the Montreal Protocol a resounding success.

Dr. Karen Dodds: We can. The issue is to always to watch what's happening, because science and technology are evolving, and industry is changing what chemicals we use.

One of the responsibilities of my branch is the chemical management plan. It's a very positive program. We are looking at the safety of chemicals before they are permitted to be used, which was not done before 1990s. I think it was CEPA in 1999 that instigated looking at chemicals before they were used.

You want to continue to monitor these things. We have had success in a number of areas, and the Montreal Protocol is clearly one of them. I talked about flame retardants as another one. We've also made a lot of progress with acid rain and acid-sensitive lakes in eastern Canada.

The Chair: Thank you. The time has expired.

Ms. Duncan, for seven minutes.

Ms. Kirsty Duncan (Etobicoke North, Lib.): Thank you, Mr. Chair, and thank you, Dr. Dodds. It's good to see you again.

I'm very concerned that ozone scientists have been given workforce adjustment letters. If these are enacted, I believe the cuts to ozone science will reduce Canada's ability to monitor the environment and respond to problems. It will reduce our country's ability to explore the links between ozone and climate change and threaten international science and Canada's reputation.

The manager of the World Ozone and Ultraviolet Radiation Data Centre has very specialized expertise in ozone measurement techniques and analysis not found in Environment Canada outside the experimental studies division. He has extensive contacts and relationships with the ozone community worldwide. Can you tell us how many people work in the World Ozone and Ultraviolet Radiation Data Centre?

Dr. Karen Dodds: Currently, in the World Ozone and Ultraviolet Data Centre, we have two individuals overseen by two research scientists.

Ms. Kirsty Duncan: Has the manager been given a workforce adjustment letter, yes or no?

Dr. Charles Lin: If I may jump in here, the manager....

Actually, let me step back a bit.

Ms. Kirsty Duncan: Actually, I have very limited time, so with respect, could you answer yes or no, please.

Dr. Charles Lin: The manager is being transitioned to the MSC, to the Meteorological Service of Canada, which has experience in maintaining operational monitoring centres.

Ms. Kirsty Duncan: Well, I am concerned if the person who runs the centre is being transitioned out. Do Brewers and ozonesondes perform the same tasks, i.e., is there duplication in the system? I'm going to quote from Environment Canada's presentation to the eighth meeting of the ozone research managers of the parties to the Vienna convention for the protection of the ozone layer in May, 2011:

> Balloonsonde networks provide critical high-resolution vertical profiles of ozone, water vapour, and temperature, and need to be maintained and expanded, since such data are critical to understanding the interactions between atmospheric composition and a changing climate.

Dr. Dodds, this is the opinion of your department. Do you share it, yes or no?

● (1135)

Dr. Karen Dodds: One of the wonderful things about science is that it's always evolving. We've been very clear that both methods are needed, that both methods will continue, but you can't say forever in the future. One of our recent publications—

Ms. Kirsty Duncan: What has changed since May? So in May ozonesondes were critical and in August there's a change.

Dr. Karen Dodds: No, I'm saying ozonesondes are critical. I think I've been very clear that both methods will continue to be used. One of the things that has changed since May is that we've had different scientists, including at conference proceedings just last week, I believe, talking about a new way of looking at some of the greenhouse gases using satellite data. Again, our measurement techniques are constantly evolving. So this is a positive thing, as satellites can cover much more area—

Ms. Kirsty Duncan: I'm going to interrupt you, because I really want to stick with ozonesondes. The ozonesonde network is at risk. We understand that the Brewer manager and technician are to be moved to Environment Canada's Meteorological Service of Canada. So I'm guessing that is not the network you are planning to reduce.

Ozonesondes are needed for pollution measurements in the troposphere or lower atmosphere. There are no ozonesonde measurements in Quebec, New Brunswick, or P.E.I., which means that critical data needed to keep pollution forecasts on track are missing.

I'm now going to ask whether you are closing each of the following stations one at a time, and I'm looking for a yes, no, or don't know.

Kelowna.

Dr. Karen Dodds: I don't know.

But I want to be clear that in the science and technology branch, in the atmospheric science and technology directorate, we will continue to have research scientists who understand and use both the Brewer and the ozonesonde. Neither method or the use of neither instrument is going to be totally transferred to the MSC. What's being transferred to the Meteorological Service of Canada is the handling of data after it has been collected and analyzed and interpreted by science in the science and technology branch.

Ms. Kirsty Duncan: Okay.

I'm going to keep going.

Edmonton?

Dr. Karen Dodds: No, as I said regarding the three in the north, we've made a commitment that we'll stay. As for all of the others, we are not prepared to say because those discussions are happening now with the scientists.

Ms. Kirsty Duncan: Okay, so that would be Kelowna, Edmonton, Regina, Egbert, Yarmouth, and Goose Bay. Then there's Alert, Eureka, Resolute, and Churchill. Which are the three that are staying?

Dr. Karen Dodds: The ones that I know about are Alert, Eureka, and Resolute.

Ms. Kirsty Duncan: I'm really struggling because we had a briefing note, "Ozone monitoring cuts", which you approved. These methods measure different characteristics of the atmosphere, and thus complement but not duplicate each other. You have also said that the department has two separate technologies that measure ozone, but budget cuts will mean that the two separate networks won't be maintained.

Why have the minister and the parliamentary secretary repeatedly said there would be no cuts? Who is right?

Dr. Karen Dodds: There are no reductions to the monitoring—to the results—that Environment Canada needs to provide to meet our obligations to Canadians.

How we provide those results is something that we're having discussions inside about how best to use the dollars we have available to us.

Ms. Kirsty Duncan: Will monitoring be maintained in the lower atmosphere, yes or no?

Dr. Karen Dodds: Yes.

Ms. Kirsty Duncan: That's the first time I've heard that. That's reassuring, and I thank you for that.

The Chair: Your time has expired. Thank you.

This will begin our first questioner in the second round.

Madam St-Denis, you have five minutes.

[*Translation*]

Ms. Lise St-Denis (Saint-Maurice—Champlain, NDP): Thank you.

With all the changes we have heard about, that is, the integration of data sources and the budgetary cuts, is Canada not sending the international community a conflicting message given its responsibilities in the Canadian Arctic and the corresponding territorial claims? We currently have territorial claims in the Arctic.

If we cut all that by integrating the tools and somewhat reducing the budgets, how is the international community going to react?

● (1140)

[*English*]

Dr. Karen Dodds: Maybe one of the things I will discuss—and ask Charles if he has more to elaborate on—is that ozone in the upper atmosphere is not something that's specific to Toronto, Vancouver, or Edmonton. It is a large layer and covers lots of geography. It is the ozone that's really at ground level that's a concern for human health. It is produced by things like traffic and smog. The Arctic certainly doesn't have a concern about that kind of ozone production. So, again, from the science, you would say you don't need that kind of local monitoring of low level ozone.

We are concerned about the hole, which is high. It's a temporary hole that does not exist throughout the year. It occurred this year at the end of the winter and early spring, because of the cold conditions.

We've said, and I will continue to say, that we have committed to continue to have the monitoring sites in the far north. Indeed, the interest in the international community in them is because they are not so specific to Canada's north, but give us information on what's happening in the hemisphere.

[*Translation*]

Dr. Charles Lin: From a science perspective, the Arctic is still a priority for the department. For example, we have a station in Alert that has a high global profile. It is part of a small number of stations called

[*English*]

Global Atmosphere Watch of the OMM, the World Meteorological Organization.

[*Translation*]

There are rules governing data collection and so on. So Canada has a high profile in the Arctic from the perspective of the measurement of parameters.

Ms. Lise St-Denis: Can you give us an overview of the improvement or worsening of the ozone situation since we started to take measurements? We have been measuring ozone for a long time. What is the current situation as regards danger to human health compared with 30 or 40 years ago?

Dr. Charles Lin: It is true we have been measuring ozone for decades. As for the effects on health, I think the results are quite recent. Everyone knows the results relating to cancer. This is more recent.

Ms. Lise St-Denis: But how is the situation now? Is it serious? Is it controllable? How good or bad is it?

[*English*]

Dr. Karen Dodds: I will come back to the success of the Montreal Protocol.

This is what the scientists know, that the depletion of ozone was caused by ozone-depleting substances. The goal of the Montreal Protocol was to ban the production and use of ozone-depleting substances. It has been very successful. We know from inventories taken around the world that ozone-depleting substances are, to a large extent, no longer used.

There is already scientific evidence that the situation with the ozone layer has improved, but scientists are always garnering new findings. Now there is also interest about the interaction between ozone and climate change, so another reason for measuring ozone has come to light. But again, this is at a large global level, not at a "specific point in geography" level.

The Chair: The time has expired. Thank you.

Mr. Toet, you have five minutes.

● (1145)

Mr. Lawrence Toet (Elmwood—Transcona, CPC): Thank you, Mr. Chair.

In your opening comments you stated that Environment Canada scientists were encouraged to disseminate and discuss their scientific findings in a timely way for the public good. You also stated that they do this through the publication of their scientific findings in peer-reviewed journals and through conferences.

My questions are actually in line with the comments made about the ability of Environment Canada scientists to interact with the media. Does the department have a media interview policy or interview guidelines for their scientists?

Dr. Karen Dodds: We do, and it's not a department-specific policy, but a Government of Canada communications policy.

No public servant, no matter what their classification, no matter what their level, is free to speak to the media at will or in response.... There is a communications policy in place. We have media relations officers, and journalists know this. This is really to consider who is in the correct or best position to respond. Many times it's the minister who is the appropriate person to respond. Sometimes it is a scientist. When the questions are detailed and technical on the science, that's when a scientist is in the best position to respond.

Mr. Lawrence Toet: Are these scientists given any media training prior to the interviews? And who would provide that training, if they were?

Dr. Karen Dodds: Most of the time, as with all other public servants, if there is an expectation that scientists will be responding to media questions, they are given some very basic media training. It helps them to become more comfortable in their dealings with the media.

Again, one of the key things for scientists is to have this understanding that their role is to address the questions about science, not to address questions about policy.

Mr. Lawrence Toet: So if a scientist had an interview request, who would give that approval or make the final decision as to whether that interview could go forward?

Dr. Karen Dodds: The way the policy works now is that it goes up the whole chain in a one-off situation.

Mr. Lawrence Toet: So each situation is measured differently, but it would actually go up the chain for a determination to be made.

Dr. Karen Dodds: In the spring, a paper by one of our scientists made the cover of *Nature*. As soon as we found out, we knew there was going to be interest in it. In that situation we worked out ahead of time that this scientist, who is an author, who has media training, would be available to respond to media requests on the paper.

Mr. Lawrence Toet: How many interviews have been conducted by Environment Canada scientists in 2011? Do you have any idea?

Dr. Karen Dodds: I do have the specific numbers, if we're talking about scientists and requests for interviews. I'm not going to take the time to check in the book. Around 270 requests for interviews were made and the response rate was that over 90% were approved.

Mr. Lawrence Toet: Who generally would take that decision on the ones that were denied, the 10%?

Dr. Karen Dodds: That was done for quite a variety of reasons. Some of our scientists have not yet had media training and do not feel comfortable talking to the media and say that they don't feel comfortable talking to the media. At other times, it will be a set of circumstances and the decision to say no can be at any level.

Mr. Lawrence Toet: I just want to ask about a specific one and that is about Dr. Tarasick, who was not able to do an interview from the outset of his ozone research paper. Can you possibly give us some details on why he was not able to do that?

Dr. Karen Dodds: What I can say, certainly, is that this is one of those circumstances where what Dr. Tarasick had published was about the ozone hole in the Arctic. It was very clear from a lot of media questions that the questions were going to be about ozone monitoring and what we're doing, which it is not the responsibility of Dr. Tarasick to respond to. When we had the media say they were going to stick to the science of the paper, Dr. Tarasick did do a media interview. When the question strayed into the policy realm, Dr. Tarasick appropriately didn't respond.

● (1150)

Mr. Lawrence Toet: When it goes up the chain, is there actually an assessment of what the questions will be and what direction the media is leading towards?

Dr. Karen Dodds: Yes. And Dr. Lin wouldn't want to put his scientists in a difficult position. I wouldn't put my scientists in a difficult position. It is often very clear that media will.... We could roll tapes for you. As journalists, they press and ask our scientists, what do you think? It's very difficult because our scientists are public servants and have a duty of loyalty to the minister.

The Chair: And the time has expired.

Thank you.

Ms. Liu, you have five minutes.

Ms. Laurin Liu: Thank you, Mr. Chair.

Off the bat, it's important to know that scientists in Canada and around the world have expressed concern about these cuts. It's a decision that's raised quite a lot of concern and consternation among the scientific community.

In response to my first round of questions, you said that you didn't have data about the current budget for the two networks. I was wondering if you could tell me how much you hope to save with these budgets cuts to both of these ozone measuring instruments.

Dr. Karen Dodds: No. We haven't set a target figure for dollar sign savings.

I will say that the level of concern expressed is allayed as soon as we say we are continuing to monitor, we are continuing to measure, we are continuing to use both methods.

Ms. Laurin Liu: I think there's some lack of transparency as to where these cuts are being made. You were unable to answer questions about which sites would be closed, or whether or not both the Brewer and ozonesonde methods would continue to be used at the sites. Currently, I think there still are concerns that are quite well founded. You also said—I think it was in the *Toronto Star* on September 21—that the funds that were cut would be redirected towards the monitoring of oil sands.

So you don't know how much money will be redirected...or can you elaborate on that?

Dr. Karen Dodds: I certainly did not say that funds would be redirected to the oil sands.

Ms. Laurin Liu: To the monitoring of them—

Dr. Karen Dodds: What I can say—

Ms. Laurin Liu: It was oil sands monitoring.

Dr. Karen Dodds: No specific funds will be saved from program A to be put to program B. What I said is that the department's priorities, the priorities of the branch, always have to respond and evolve as external pressures and interests come to us. The minister made a commitment. The department worked hard and published in the summer a plan for monitoring of the oil sands. That is an area where we are ramping up activity. Again, it is looking at what areas science are more mature, what areas of science face new pressures, and how do you manage your resources to best serve the department?

Ms. Laurin Liu: When you mentioned the possible redirection of funds, that was just speculative. You're not confirming that funds would actually be redirected to things like that?

Dr. Karen Dodds: At the branch level, we are clearly looking to increase the level of our activity around the oil sands.

Ms. Laurin Liu: Do you have any studies? Have you carried out any studies on the scientific usefulness of the sites currently in place, and do you have any idea of the minimum number of sites you would need to keep in order to ensure that the results are scientifically valid?

Dr. Karen Dodds: That's exactly the kind of question our scientists are considering now.

Ms. Laurin Liu: So you haven't finished your studies. Are there studies ongoing?

Dr. Karen Dodds: Well, there are discussions about exactly that kind of question, yes.

Ms. Laurin Liu: Okay, there are discussions but you haven't come to any conclusions.

Dr. Karen Dodds: No.

Ms. Laurin Liu: So you're saying there will be cuts, but are not yet founded on any idea of how many sites are necessary. These cuts are not founded on any conclusions you've already reached.

Dr. Karen Dodds: I don't say there will be cuts. We're saying there are ongoing discussions with the scientists about how best to use the two different methods dispersed across Canada for measuring ozone.

Ms. Laurin Liu: I await with great eagerness the result of these discussions.

With regard to the World Ozone and Ultraviolet Radiation Data Centre, you said that the centre would be modified so that there would be greater synergy with Environment Canada. Could you elaborate on that and tell us what that means in real terms, and maybe just go into greater detail?

Dr. Karen Dodds: Could you handle that, Charles?

● (1155)

Dr. Charles Lin: Yes. As I said earlier, the Met service has experience maintaining operational networks that report routinely and regularly on a consistent basis, and that data is used in near real-time. We've decided to put the ozone data centre, the WOUDC, under the auspices of the MSC. But at the same time, the S and T branch under Karen will provide scientific oversight. So this is combining the best of both worlds, the one where we have scientific expertise and the other where MSC has the experience in maintaining operational networks.

That discussion is ongoing and there are personnel being transitioned from one group to the other.

The Chair: Thank you. The time has expired.

Our last questioner will be Mr. Woodworth, for five minutes.

Mr. Stephen Woodworth (Kitchener Centre, CPC): Thank you very much, and thank you for coming today.

I'd like to begin with some questions on the two systems you have going, the ozonesonde and the Brewer. I understand that there's an effort to somehow better integrate those two systems, which I've heard described as optimizing or streamlining. Is that correct?

Dr. Karen Dodds: Yes.

Mr. Stephen Woodworth: From what I understand, there are sites across Canada where sometimes both systems are operating, and sometimes only one. You're going to look at all of the sites and determine where best to have each of those two systems operate. Is that correct?

Dr. Karen Dodds: Yes.

Mr. Stephen Woodworth: All right, and in the course of that, is the end result going to in any way degrade the quality of data from the level you're currently receiving?

Dr. Karen Dodds: Our intent is to maintain the scientific validity of our data, absolutely. As a science-based department, it's fundamental to Environment Canada that there be an absolutely strong scientific foundation.

Mr. Stephen Woodworth: So, it is in fact ensuring that there will be adequate scientific data. Is that the primary determinant of the optimization exercise you're undertaking?

Dr. Karen Dodds: Yes. Dr. Lin may be able to describe this. He put in front of his folks some principles for this review of the use of the two methods.

Dr. Charles Lin: That is correct. For example, there are certain stations that have very long records, and to maintain continuity we want those records to continue. That's one of the principles. As I indicated earlier, the north is a priority, so that's another principle. Our scientists will be able to use their expertise, with guidance from other measurement methods and modelling studies, to essentially optimize the network.

Mr. Stephen Woodworth: Right. Can I summarize the principles you've just mentioned as principles that will ensure the quality and scientific validity of the data you're monitoring?

Dr. Charles Lin: Correct.

Dr. Karen Dodds: I found the specific principles. The very first one is ensuring scientific integrity, and recognizing our commitments, including the validation and dissemination of the UV index. We've been using the term "ozone" all the time, but one of the reasons we're measuring ozone is to understand the UV index, which is something provided by MSC, our meteorological services, on a day-to-day basis. That's part of the synergy of moving the database to MSC, so we will maintain that.

We will maintain the critical long-term ozone trend information, and continue the surveillance of the ozone hole found over the Arctic.

Mr. Stephen Woodworth: Could we describe these decisions about optimizing the two networks as purely science-based decisions?

Dr. Karen Dodds: No, they won't be purely science-based. As I said, any program needs some management, so any data management database needs some management.

We're saying that we're not going to sacrifice science; scientific integrity is absolutely fundamental to Environment Canada as a science-based department. But sometimes you can reduce data points and still have scientifically valid science.

● (1200)

Mr. Stephen Woodworth: Excellent.

The other area I want to ask about is the World Ozone and Ultraviolet Data Centre. I have the idea that there is a person currently siloed in the budget under that centre, whose budget silo is going to be moved—sorry, I've forgotten the initials—to the Meteorological Service of Canada.

Am I understanding correctly that the body is still going to be there, but reallocated to a different department?

Dr. Charles Lin: The body will be transitioned to MSC because he has the experience of operating the centre. Then we will go to a different model, where MSC takes over the centre. This individual will help in the transition.

Mr. Stephen Woodworth: Will the functions—

The Chair: Your time has expired. Thank you.

I want to thank Dr. Dodds and Dr. Lin for being with us today to discuss this very important issue of ozone, and it's good to hear that scientific integrity will remain.

We will suspend for three or four minutes for a health break, and then receive the commissioner who will be here momentarily.

● _____ (Pause) _____ ●

● (1205)

The Chair: Colleagues, we will begin this session.

I want to invite Commissioner Scott Vaughan. Commissioner, you have up to 10 minutes for your presentation, and then we'll have some questions for you.

Proceed, please.

Mr. Scott Vaughan (Commissioner of the Environment and Sustainable Development, Office of the Auditor General of Canada): Mr. Chair, thank you.

I am pleased to present my December 2011 report, which was tabled in the House of Commons this morning. The report today covers three audits, two studies, and the annual report on environmental petitions.

With me at the table are Bruce Sloan and Andrew Ferguson. As well, I'm joined by several colleagues, including Neil Maxwell, the Assistant Auditor General, and Jim McKenzie.

[*Translation*]

Environmental stewardship is complex. It must be supported by scientific knowledge, environmental monitoring and effective enforcement. In addition to examining science at Environment Canada, this report discusses weaknesses in the enforcement of federal regulations, and identifies improvements needed to enforce federal laws and regulations.

Our first audit looked at how Transport Canada and the National Energy Board determine whether companies required to do so comply with regulations governing the movement of dangerous goods within Canada. Good oversight of regulatory compliance is necessary to protect public safety and the environment.

We found that Transport Canada and the National Energy Board need to improve their oversight of regulated companies and organizations. Where deficiencies have been identified, they have done little follow-up to ensure that corrective measures have been taken.

[*English*]

Transport Canada does not know to what extent organizations transporting dangerous goods are complying with regulations. It has given temporary approval for roughly half of the emergency response plans required to transport the most dangerous regulated goods, such as types of ammonia and acids. Temporary approvals are subject to less verification. Some have been in place for 10 years or more. Many of the weaknesses we found in Transport Canada were identified more than five years ago and have yet to be fixed.

The National Energy Board has not appropriately monitored whether emergency procedures manuals prepared by regulated companies meet established expectations. It has yet to review the manuals of 32 companies. Where it has conducted reviews and identified deficiencies, there was little indication that it followed up to verify that the companies had taken corrective action.

[*Translation*]

In our audit of environmental science, we found that Environment Canada's systems and practices to ensure the quality of its science activities are consistent with those generally used in the scientific community. They include peer reviews and other approaches used by world-class research institutions to ensure quality research, as well as various means of communicating scientific information to decision makers.

● (1210)

[*English*]

It is important for Environment Canada to identify and focus on those science activities critical to the Canadian public interest. Few organizations, aside from the federal government, have the capacity to carry out credible, long-term environmental research and monitoring at the national level.

In 2007, the department developed a plan that set out the long-term directions of its science activities. Now Environment Canada needs to put the plan into practice. A department-wide plan for science is more urgent than ever in this period of fiscal restraint.

In the third audit, we looked at Environment Canada's enforcement of the Canadian Environmental Protection Act. We found that the department does not know how much its enforcement activities have encouraged compliance, and minimized damage and threats to the environment. Enforcement actions have been limited by long-standing problems with regulations, inadequate training of enforcement officers, and lack of laboratory tests to verify compliance.

Environment Canada is missing key information on those it regulates. This information would help it target those organizations whose damages pose the greatest risk of environmental damage as a result of non-compliance. Also, the department has not followed up on half of its enforcement actions to verify that violators are now complying with regulations.

[*Translation*]

The Canadian Environmental Protection Act is an important part of protecting the health of Canadians and the quality of the environment. I am concerned that shortcomings in key management systems have impeded the effective enforcement of the act. Some of the shortcomings identified in this report were noted over a decade ago by this committee.

[*English*]

The first of the two studies identifies some of the key challenges and principles related to sustainable fisheries. The Office of the Auditor General has issued studies in the past to provide information to parliamentarians. The decline in some major stocks of fish in Canada highlights the need to better understand trends and to promote sustainable fisheries management. Fisheries managers face a difficult combination of environmental, social, economic, and organizational changes.

[*Translation*]

The study provides examples of current and emerging practices here in Canada and internationally to help build sustainable fisheries. Key practices include respecting ecological limits to protect future fish stocks, and defining clear roles and responsibilities.

Our second study identifies more than 90 environmental monitoring systems that provide Canadians every day with a wide range of information, from local weather and air and water quality, to data on wildlife and biodiversity.

[*English*]

Environmental monitoring is necessary to know whether the quality of our environment is getting better or worse. The information the government collects serves many users, including municipal planners, resource managers, and Canadian families.

Mr. Chair, the final chapter is the annual report on environmental petitions. This year we received 25 petitions dealing with a range of topics.

Mr. Chair, thank you again for inviting us. There are a number of important subjects covered in this annual report, and the committee may wish to follow up by looking at a specific chapter or specific topics in future meetings. We are of course always ready to make our work and ourselves available to the committee in support of your important work.

I'm now happy to take your questions.

Thank you, Mr. Chair.

The Chair: Thank you, Commissioner Vaughan.

Our first questioner will be Ms. Rempel, for seven minutes.

Ms. Michelle Rempel (Calgary Centre-North, CPC): Thank you very much for coming today and for tabling your report.

I'd like my first set of questions to address your assertion that Environment Canada cannot assure fair, consistent, and predictable enforcement of CEPA. I'll start by looking at paragraph 3.43 of chapter 3. In this paragraph, you report a claim that CEPA is being enforced in a manner that is not fair, predictable, and consistent.

Is that correct?

Mr. Scott Vaughan: Thank you for the question.

What we said is slightly different. We said that Environment Canada doesn't know whether they're enforcing it in a fair, predictable, and consistent manner. We did not say that they were not enforcing it.

Ms. Michelle Rempel: Based on that, you reached the conclusion that this fair, predictable, and consistent enforcement of the act is not assured on two things, from what I can read. Your conclusion is based upon 40% of violation files being closed without documented management approval, and on officers failing to document management approval prior to issuing a compliance order in 25% of the cases.

Is this correct?

● (1215)

Mr. Scott Vaughan: That's correct, yes.

Ms. Michelle Rempel: During your audit period, and based on this, I think there were 107 environmental protection compliance orders or EPCOs issued. It's my understanding that only three of those were appealed and that none of the appeals succeeded. So during your audit period, 100% of the EPCOs were upheld.

The courts seemed to think that the enforcement branch of Environment Canada is issuing compliance orders in a fair manner. Would you concur with that?

Mr. Scott Vaughan: I would make two comments, if I may, Mr. Chair. First, the honourable member is absolutely correct that it's 40% where a violation was found and a decision was taken not to prosecute or pursue further action.

What we have said is that Environment Canada's own policies require a senior management sign-off. If a decision is made not to take a violator for further action, there's no good reason for having senior management sign-off, which was one of the key controls that Environment Canada said they use to determine whether or not the law was applied.

Ms. Michelle Rempel: To be clear, my question was—

Mr. Scott Vaughan: Excuse me, I just want to clarify the first. And then on your second question, what we looked at were the management systems of Environment Canada. We didn't audit the courts; we don't have the mandate to audit the courts.

What I would say is that you're absolutely right, that there were three appeals and that all of the actions of Environment Canada were upheld. What we have said is that the purpose of the management systems is to make sure they're making the decisions beforehand. The courts are after the fact, and the courts, absolutely, have upheld the actions of Environment Canada, as you've said.

Ms. Michelle Rempel: So from an outcomes perspective, you can confirm that the courts had no problem with the 25% of EPCOs for which officers failed to document management approval prior to issuing a compliance order?

Mr. Scott Vaughan: No, the numbers are.... The honourable member has correctly said that there have been three appeals out of the 107.

Ms. Michelle Rempel: So from this, you found no evidence of enforcement officers abusing or misusing their authority?

Mr. Scott Vaughan: Well, we didn't go in and ask the officers. But just to give the honourable member a context, the response of the National Energy Board to our recommendations was to underscore the importance of senior management sign-off when an inspector finds a deficiency or a potential infraction. The reason for that, as I'm sure the members can appreciate, is that the system is worked to make sure that the decisions are made for the right reasons. That's why you have a double check within the system. For 40% of those cases in which violations were found, actions were dropped and there was no senior management sign-off.

Ms. Michelle Rempel: But to be clear, you did not find any evidence of enforcement officers abusing or misusing their authority.

Mr. Scott Vaughan: No, but we didn't go in.... I'm trying to present it diplomatically, but the lack of senior management involvement wouldn't give an indication that those actions were taken appropriately.

Ms. Michelle Rempel: Did you interview anyone who had been charged under CEPA?

Mr. Scott Vaughan: I did not, personally, but I'll ask....

A voice: No.

Mr. Scott Vaughan: No, we did not.

Ms. Michelle Rempel: So you did not clarify with anyone who had been charged on the procedural follow-up? It was strictly a process audit?

Mr. Scott Vaughan: No, that would potentially be some legal.... Our role, as I'm sure the honourable member can appreciate, is to look at the management systems within Environment Canada and not at those cases against which action had been taken.

Ms. Michelle Rempel: So we have the courts upholding decisions, and we haven't had a review of those who have been charged under CEAA yet. What I'm trying to ascertain from this is that your assessment on fair and consistent and predictable enforcement at CEAA is based on the fact that some office forms weren't filled out.

Mr. Scott Vaughan: Office forms? I don't stay up at night worrying that there's a lack of paperwork in the sense of paperwork to please auditors. But we base our work on evidence. Particularly when there are inspectors' reports, which are the evidence base for proceeding further—for example, into a potential criminal proceeding—the lack of that paperwork isn't to please auditors, but to ensure that the existing system works as intended. We've said in this case that there were major failings with Environment Canada's own system. It's not our system; it's their system.

Ms. Michelle Rempel: To follow that thought, you would agree, then, that the intent of the Canadian Environmental Protection Act is to protect the environment. Is that correct?

Mr. Scott Vaughan: That's correct.

Ms. Michelle Rempel: So it is perhaps not to charge and prosecute as many people as possible, but rather to protect the environment.

Mr. Scott Vaughan: Absolutely, yes.

Ms. Michelle Rempel: Great. So charges are used under the act as a way to prevent harm to the environment or harm to the public, etc.?

● (1220)

Mr. Scott Vaughan: That's correct.

Ms. Michelle Rempel: And sometimes you can prevent harm from occurring without charging people. Then sometimes a warning from an enforcement officer would be enough to deter someone from further harming the environment.

Mr. Scott Vaughan: On that point, one of the things we've said is that a warning letter could be a deterrent, but the only way Environment Canada would know whether it was a deterrent was if they were to go back and follow up to see whether or not the warning letter led to the regulated entity coming back into compliance. What we've said is that of 600 warning letters for minor violations, there was no follow-up for 50% of them.

I absolutely agree. The intent was to send signals, but you need to know whether or not those signals worked.

Ms. Michelle Rempel: Along that line, you're speaking to the judgment of the enforcement officers. Officers are given discretion as to whether to issue warnings under the act. Is that correct?

Mr. Scott Vaughan: Yes, that's correct.

Ms. Michelle Rempel: Great.

So what you're suggesting is that the judgment of the officers is in question here?

Mr. Scott Vaughan: No, not a bit. We haven't questioned that. The numbers speak for themselves: there were 600 warning letters in a year. We didn't question whether or not those warning letters were appropriate. What we said is that there is a requirement to do a follow-up, which is the policy of Environment Canada. If you issue a warning letter, did the warning letter lead, as the honourable member correctly says, to the past violation being corrected? If you don't follow up, you don't know.

We didn't question in any way whether those letters were appropriate.

The Chair: Your time has expired.

Ms. Leslie, you have seven minutes.

Ms. Megan Leslie (Halifax, NDP): Thank you very much, Mr. Chair.

Thank you for this presentation and the report. There's a lot in here. I can't imagine the amount of work that you put into this. Congratulations for what is a very thorough and credible report.

My first questions have to do with the transportation of dangerous goods.

In your report you say that Transport Canada has given only temporary, interim approval for nearly half of the emergency response plans. Then you stated here today that those temporary plans are actually subject to less verification. Can you paint a picture for us of what that means? I don't fully understand what that process looks like.

Mr. Scott Vaughan: Yes, and I'll let me colleague, Mr. Sloan, amplify my answer. Yes, the temporary permits are intended to be given temporarily. We've said that half of them were for five years or more. Some of them were for 10 years. One was for 13 years. What the requirements are for a temporary permit from Transport Canada are significantly less stringent than they would be for permanent approval. There is a cursory checklist. The only concrete thing, which we note in the chapter, is for a temporary approval. There has to be a demonstration of an active phone number. By contrast, with the permanent approvals, there is a long checklist that the operators have to provide. They have to provide an assessment of the risk, if there is an accident, what the plan is for first responders, what some of the risks to communities might be, and what the risks are in terms of environmental damage.

Mr. Scott Vaughan: Those thresholds aren't followed to the same rigour for the temporary approval.

Ms. Megan Leslie: Did I hear correctly that the only concrete threshold is a phone number?

Mr. Scott Vaughan: That's correct. The inspectors then would say they have the discretion to decide what is or what is not mandatory. The only mandatory thing is to have a phone number that works.

Ms. Megan Leslie: What's the longest period you've seen a temporary permit in place?

Mr. Scott Vaughan: I'll ask Mr. Sloan now.

Mr. Bruce Sloan (Principal, Sustainable Development Strategies, Audits and Studies, Office of the Auditor General of Canada): I think the longest one was about 13 years. About half of them are five years or more. About 15% are over 10 years.

Ms. Megan Leslie: Do we know if the numbers are still in order?

Mr. Bruce Sloan: Those are the numbers at the time we did the audit. They are largely unchanged from when an internal audit was done five years ago.

Ms. Megan Leslie: That's a relief. Thank you very much.

For my next question, the NDP is very concerned about some government pronouncements recently on the expansion of pipelines in Canada. And then this report came out. I'm very concerned about this in light of this report. How can we possibly think about expanding pipelines when we're not doing a very good job of managing the ones we have now?

Mr. Vaughan, at the press conference earlier today you noted the amount of pipeline there is in Canada, the number of folks working on pipelines, of about one per thousand kilometres of pipeline. Is that correct?

Mr. Scott Vaughan: That's about right. There are 71,000 kilometres of pipeline that NEB has a regulatory responsibility for. There are about 65, 66, or 67 employees at the National Energy Board—who, by the way, I must say, are highly professional, hard working, highly skilled, and very technically astute public servants.

● (1225)

Ms. Megan Leslie: In an audit would you have come across an ideal number for the number of people? Is there a sweet spot for how many people you need per kilometre?

Mr. Scott Vaughan: No, but the committee may want to consider having the head of the NEB here. I'm sure he may have an idea of how NEB compares with regulatory authorities in other countries to see what the resources are. We didn't do a benchmarking exercise, no.

Ms. Megan Leslie: Okay, thank you.

Continuing on the topic of pipelines, I have seen a chart from Transport Canada that's in the public domain and actually lists the number of pipeline incidents that have occurred in Canada over the past 10 years or so. It's quite dramatic to see the number rise steadily from 2001 to 2011. I'm wondering if you can comment on what's happening in a chart like that. Why are we seeing so many more?

Mr. Scott Vaughan: There has been an increase in the last 10 years. It went from an average number of incidents of around 30 or 35 per year to around 60 or 65 per year now. The reason is that NEB has had a 50% increase in the amount of pipelines it has regulatory oversight over. The reason for the increase is that a major pipeline operator in Canada said its wanted to be under a single regulatory regime of the NEB. For me, that's a sign of the level of trust in the competence of the NEB to provide regulatory oversight. Because of that significant expansion in their responsibilities and the doubling of pipelines, there's been a doubling of incidents.

Ms. Megan Leslie: In seeing that significant increase in pipelines, did you also see a correlated and significant expansion in people who were there to enforce and monitor?

Mr. Bruce Sloan: There was some increase in staff, but not a doubling of staff dedicated to the monitoring activity.

Ms. Megan Leslie: You said that we need science more than ever, that there is a need for science in government decision-making now more than ever. Can you explain why you feel that way?

Mr. Scott Vaughan: Maybe I could ask my colleague Jim McKenzie, who was the lead principal on this, to come to the table.

There are several reasons. The demand for scientific information has increased at Environment Canada. The level of complex questions actually needing answers has also increased. That goes from assessing toxic substances, for which Canada is a world leader, to looking at more discretionary actions on which scientific analysis is based, including assessment of smog, ground-level ozone, stratospheric ozone, climate change and others. So the number of files that Environment Canada has to deal with has increased.

Mr. McKenzie.

Mr. James McKenzie (Principal, Sustainable Development Strategies, Audits and Studies, Office of the Auditor General of Canada): Thank you, Commissioner.

Thank you, Mr. Chair.

The other way to look at it as well is from a geographical perspective. Certainly, if you're looking across Canada, areas like the Arctic demand information to make informed decisions. We see also that across the country. It's obviously in areas such as the Great Lakes, where traditionally a lot of science has been required. With continued development and population growth and things of that nature, the need for science is increasing.

The Chair: Your time has expired.

Thank you.

Mr. Woodworth, you have seven minutes.

Mr. Stephen Woodworth: Thank you very much.

Thank you, gentlemen, for being here and for your vigilance on our behalf and that of the country.

I want to begin with paragraph 3.6 of your report on enforcement, because that's a particular interest of mine. I see that you have determined that since the 2007 budget year, there has been a $3.4 million increase in the budget for enforcement.

Am I right about that?

Mr. Scott Vaughan: That's correct, sir.

Mr. Stephen Woodworth: I was thinking that's over four fiscal years, from 2007 to 2011. Is that correct?

Mr. Scott Vaughan: That is correct.

Mr. Stephen Woodworth: Since the budget is now $20 million, it seems to me that's an increase of 20% from what it was from before. Is that correct?

● (1230)

Mr. Scott Vaughan: That sounds correct.

Mr. Stephen Woodworth: That somewhat outstrips the rate of inflation.

I'm wondering if you agree with me that a 20% increase in four years is really evidence of a very strong commitment on the part of the government to environmental enforcement.

Mr. Scott Vaughan: Yes. The honourable member is absolutely right.

There was an increase in the budget, and I think we've noted that twice in the report. What I would also say is that the returns thus far....

I would like to get to that.

Mr. Stephen Woodworth: We will get to that. Thank you.

I just wanted to double check with you on the point about full-time staff. As I understand it, in that same four-year period, there has been an increase of 40 full-time equivalent positions in the enforcement directorate. Is that correct?

Mr. Scott Vaughan: That is correct.

Mr. Stephen Woodworth: My math says that, since we're now up to 214, that means it's a 23% increase in the same period.

Is that correct?

Mr. Scott Vaughan: I'll defer to your math.

Mr. Stephen Woodworth: People at home can check that.

I just want to say that from where I'm sitting, whatever the department has done with that money, this demonstrates a very strong commitment on the part of our government toward environmental enforcement. There's been a 23% increase in staff in just four years.

Now, I do want to ask you about one of the areas that you've talked about in your report regarding follow-up and enforcement. To get to this, I'm going to begin with the fact that in 2010-2011, there were 606 written warnings and 42 environmental protection compliance orders, as found on page 7 of your graphs. Am I reading that correctly?

Mr. Scott Vaughan: That's correct.

Mr. Stephen Woodworth: My understanding is that the difference between then is that a warning is generally given where the circumstances are relatively minor, and a environmental protection order is issued when things are going to require a little more work.

Is that correct?

Mr. Scott Vaughan: The warnings are for minor infractions.

Mr. Stephen Woodworth: In fact, I understand that the department asserts that where an officer has issued an environmental protection compliance order, legally binding timelines for a return to compliance are established, and schedules are monitored closely.

Do you agree with that?

Mr. Scott Vaughan: Maybe I'll ask my colleague Mr. Ferguson.

Mr. Andrew Ferguson (Principal, Sustainable Development Strategies, Audits and Studies, Office of the Auditor General of Canada): Yes, there are legally binding schedules in the EPCOs, and by and large it appears that the evaluators respect those timelines.

Mr. Stephen Woodworth: Right. And these are monitored, according to the department, as I understand from earlier this morning. Is that right?

Mr. Andrew Ferguson: The EPCOs specify an action to be taken by the regulatee, and when the regulatee submits the action plan, that's recorded by the department.

Mr. Stephen Woodworth: As I understand it, the compliance timelines are monitored.

Mr. Andrew Ferguson: Yes, the EPCO generally specifies a timeline for coming up with a plan.

Mr. Stephen Woodworth: All right. Okay.

What I'm getting at here is that in your report you've indicated that in over half the cases there is insufficient or no follow-up. I should be able to put my finger on that specifically. It's paragraph 3.49, which says there was "...no evidence that enforcement officers followed up."

Since the EPCO orders are given timelines and monitoring, may I assume that you're talking there about the warning cases, or something other than EPCO, anyway.

Mr. Andrew Ferguson: Yes, we're referring to our overall sample that we took, which shows that 50% of the time they don't follow up. So there is a proportion of the EPCOs that are not followed up, but the overwhelming majority of what the department does is via warning letters.

Mr. Stephen Woodworth: All right, and so there are going to be roughly 303 warning letters that didn't get followed up, right?

Mr. Andrew Ferguson: Yes.

Mr. Stephen Woodworth: These are the minor areas, correct?

Mr. Andrew Ferguson: Generally an EPCO is issued after several warning letters fail to result in a compliance, so you could say they're minor, but they're not insignificant.

Mr. Stephen Woodworth: I guess if an EPCO is issued, that means somebody was monitoring it and following up, right?

Mr. Andrew Ferguson: On the 50% where they did follow-up and issued an EPCO, perhaps you're right.

Mr. Stephen Woodworth: Regarding the minor ones, can you give me an example of a minor one, where a warning was issued and you found there was no follow-up?

Mr. Andrew Ferguson: Yes. I have several examples in my package, if you'll bear with me for a second.

Mr. Stephen Woodworth: We'll start with one.

Mr. Andrew Ferguson: Yes. I'm not sure if—

Mr. Stephen Woodworth: Just because of time, one will do.

Mr. Andrew Ferguson: Yes, we have one example where there was a spill of PCBs in the Maritimes. The company itself reported the incident in February 2007. In May 2007, three months later, the department decided an investigation was warranted. In November of that year, nine months later, the decision was made to take no enforcement action because by that time the evidence would have disappeared.

● (1235)

Mr. Stephen Woodworth: I presume that means the spill was cleaned up.

Mr. Andrew Ferguson: The entity reported that the spill had been cleaned up. Nobody verified that in fact it was.

Mr. Stephen Woodworth: There was a warning letter sent?

Mr. Andrew Ferguson: There was a warning letter sent in February 2007.

Mr. Stephen Woodworth: You said that by the time the period elapsed, the evidence wouldn't have existed. Can I conclude anything other than that the spill was cleaned up?

Mr. Andrew Ferguson: I'm not sure what you might conclude.

Mr. Stephen Woodworth: How did you conclude the evidence didn't exist?

Mr. Andrew Ferguson: Because the department did not follow up to verify that the spill had been cleaned up.

Mr. Stephen Woodworth: We're into a circular argument now.

Mr. Scott Vaughan: If I could help, there could be two possible scenarios. The good scenario is that the entity responsible for the spill cleaned it up. Nobody checked. The other one is that the evidence was washed away. It sank into the soil, went into the groundwater, so no one knows.

Mr. Stephen Woodworth: Let me ask you a quick question.

The Chair: The time has expired, unfortunately.

Ms. Duncan, you have seven minutes.

Ms. Kirsty Duncan: Thank you, Mr. Chair.

I'd like to thank you all for your tremendous work in your comprehensive report, for the time you took and your effort and attention to detail.

I believe effective enforcement is essential if environmental legislation is to be complied with. I think there has been criticism from academia, civil society, and the media regarding perhaps the government's unwillingness to crack down on environmental offences. Results matter, rather than just commitment.

I'm wondering what the publicly available information regarding inspections, investigations, prosecutions, and convictions tells us about how the environment is being protected and how damage to the environment is being minimized.

Mr. Scott Vaughan: Thank you for the question.

I would say, first of all, that we have access powers through the Auditor General Act, so I can't speak on what's publicly available. What I could say is that in the two chapters in which we looked at enforcement-related matters, we identified similar weaknesses among the three different departments. So there were similar weaknesses in Transport Canada, Environment Canada, and the NEB, and these were long-standing. This committee identified 13 years ago many of the issues we've raised today. Transport Canada did its own analysis five years ago.

Among those issues is that inspectors will go out and find a problem, or they'll take note of a problem that a company has mentioned, but then there is no follow-up. For NEB, there was no follow-up in 93% of the cases where a deficiency was found; for Transport Canada, 73% of the time there was no follow-up; and Environment Canada did better with a little over 50%.

But if you don't follow up, you don't know if the problem has been fixed. You literally just do not know whether all the effort and resources that have gone into doing the inspection have solved the problem or not. When you find a problem, you want to know if it's been fixed. That was one issue.

There are others, including gaps in training, gaps in laboratory capacity, and gaps in doing coherent risk assessment. Being able to evaluate where the biggest risks are is particularly important now with shrinking budgets. You can't regulate thousands and thousands of different enterprises to find out what the biggest risks are. We found weaknesses in all three entities in the risk assessment.

Ms. Kirsty Duncan: What would you say are the biggest risks that we need to address?

Mr. Scott Vaughan: It wouldn't be for us to identify what those risks are. But we looked at the systems that the three entities have in order to evaluate those risks. We've said, for example, that Transport Canada doesn't have a coherent risk assessment strategy at a national level. That literally means that a truck carrying a dangerous product from the Maritimes would potentially have a different risk weighting when it got to British Columbia, even if it's carrying exactly the same dangerous or toxic substance. We need to have some coherence in how the risks are actually assessed, and then we could know if that the biggest risk is going to be in that particular area with that particular operator, or based on that history of violations in the past. If that information is not compiled and readily accessible to senior management, they're essentially off and guessing in the dark where they're going to be putting scarce resources.

● (1240)

Ms. Kirsty Duncan: Thank you.

Do you feel that all enforcement departments have enough money, employees, and the necessary tools to do regular enforcement?

Mr. Scott Vaughan: I would say that's a policy issue.

And just to underscore the honourable member's previous question, the government in 2007 increased the resources to Environment Canada for its enforcement branch. But I think it's up to the committee and members of Parliament to ask the departments about resource issues. It's a policy-related issue that we avoid. But I think it's something the honourable member may want to pose to the deputy, or to others in the three departments.

Ms. Kirsty Duncan: I appreciate that.

Do you feel that Canadians are getting value for their money, and are the environment and the health and safety of Canadians being suitably protected?

Mr. Scott Vaughan: I think broadly that Canadians would be better protected if the regulations on the books were actively enforced. They're there for a reason; they're there to protect human health and environmental quality. As I said, we found significant issues in all three entities. I would also say that we have proposed recommendations to fix the issues that we've identified. All three departments have accepted our recommendations.

The National Energy Board actually began to move on them this summer or early fall, so I'm optimistic that the deficiencies that we're bringing to Parliament's attention today will be addressed in the coming months.

Ms. Kirsty Duncan: Thank you.

Is environmental data being gathered using consistent methodologies, and if not, is there something that could be done to improve that?

Mr. Scott Vaughan: This was not an audit, but a study. It was intended to complement the science audit.

We've had many questions, including questions from this committee and, for example, from the previous chair, as to how many environmental monitoring systems exist, what they look like, what departments run them, what they do, what they cover, and what geographic areas they have covered.

We went back, and the last time an inventory was done was 20 years ago. We didn't audit whether or not there were duplication and gaps, or how they're run. I think it is important to provide this information to parliamentarians so they can ask how these systems are working and whether there are potential gaps.

We do mention in the study two areas where there are gaps. One is in the north, and that's almost across the board. The second area is biodiversity data, and that would be across the country. On biodiversity data there are important gaps that have been long-standing.

Ms. Kirsty Duncan: Thank you.

I have very little time. This has been excellent.

Just a few days ago, NOAA, the National Oceanic and Atmospheric Administration, released a formal scientific integrity policy, which is really to restore science to its rightful place. It supports scientists and their scientific activities. It allows scientists to speak freely to the media.

I'm wondering if you have thoughts on—

The Chair: Unfortunately, the time has expired.

We're going to begin our second round. Because we're a little short on time, it will be four minutes for each questioner.

We'll start with Monsieur Choquette, for four minutes.

[*Translation*]

Mr. François Choquette (Drummond, NDP): Thank you very much, Mr. Chair.

Thank you for your presentations, gentlemen.

My first question is about chapter 3 of the report, which deals with the enforcement of the Canadian Environmental Protection Act.

I think there were discrepancies between your findings and recommendations, and those of the department. Can you explain the nature of those differences of opinion?

Mr. Scott Vaughan: Thank you for your question.

There was disagreement between Environment Canada and our office regarding the issues noted in this chapter. We found a number of weaknesses in the department's systems for enforcing the act. These are serious basic deficiencies, and we found a number of them. Environment Canada has a different view of this matter.

Our office has standards relating to the communication of the reasons for a disagreement with a department. That is why we noted in this chapter that there was a disagreement. Our findings are based on facts and evidence, in accordance with very rigorous standards applied both in Canada and internationally.

That is the reason behind this disagreement.

● (1245)

Mr. François Choquette: At least you agree on recommendations to improve the act. That is the most important thing for me.

A review of the regulations was also recommended. In response, the department affirmed "the importance of regulations being written in a way that facilitates enforcement". In my riding of Drummond, there is a serious problem with shale gas exploration. The Canadian Environmental Protection Act applies, but this is part of the exclusion list.

I know you also reviewed the petitions received by the department in this regard. Was this part of your study, or should this be included in a possible study of the confusion created by the exclusion list? Because there is disagreement. For example, people are wondering whether chemicals used in shale gas exploration should be disclosed.

Mr. Scott Vaughan: Thank you for the question.

We noted in our annual report on environmental petitions that a number of petitioners wanted to better understand the role and responsibilities of the federal government in the area of shale gas exploration. However, we did not study that issue. I have a mandate to inform parliamentarians of matters that Canadians raised with the department. That is the purpose of the annual report.

Mr. François Choquette: I want to quickly ask you one last question because I do not think I have much time left.

I would like to get back to the follow-ups intended to prevent new violations. A request was made to start implementing a recommendation during the winter of 2011-12, which is now. Has anything been done to address that recommendation?

[*English*]

The Chair: Unfortunately, the time has expired.

Our next questioner is Ms. Ambler. You have four minutes.

Mrs. Stella Ambler (Mississauga South, CPC): Thank you, Mr. Chair.

I would agree with Ms. Duncan that enforcement is critical in the area of environmental protection. My concern today, though, is about the report's failure to give due weight to the many accomplishments of the enforcement branch of Environment Canada.

During the period covered by this audit, the Government of Canada made, I believe, significant and progressive funding and budgetary investments to enhance the ability of Environment Canada's enforcement branch to do its good work. I'm referring to the recently passed Environmental Enforcement Act, which strengthens environmental enforcement by increasing the fines, sentencing provisions, and the enforcement tools of the acts administered by Environment Canada and Parks Canada.

As I'm sure you know, Commissioner, the Environmental Enforcement Act establishes tough new penalties for offenders, including greatly increased maximum fines of $1 million for individuals and $6 million for large corporations. There are also additional fines for benefits derived from an offence and other aggravating factors. Corporate officials can be held individually liable, which I believe is a huge step forward. And, of course, my personal favourite is minimum sentences for serious offences.

During the audit period, the enforcement branch conducted thousands of inspections, and many investigations led to successful actions, including prosecutions, against violators. A $3 million award was imposed when Syncrude Canada was convicted of violating environmental laws. Those charges were related to the deaths of 1,600 migratory birds in the company's Aurora settling basin, or tailings pond, in 2008.

Second, Suncor pleaded guilty and was fined $200,000 for violation of the Fisheries Act. It released effluent from sedimentation ponds into the Steepbank River, north of Fort McMurray.

Third was the seizure in Montreal of over $1 million worth of illegally imported ozone-depleting substances used in the refrigeration industry.

Fourth, Public Works and Governments Services Canada made a contribution of $50,000 to the environmental damages fund for violations of federal halocarbon regulations under CEPA in 1999.

I consider all of these to be significant accomplishments of this government, which speak to our commitment to enforcement in the area of the environment as it relates to the health of Canadians affected by environmental violators.

Is it still your belief that the enforcement program has not been well managed?

● (1250)

Mr. Scott Vaughan: Thank you very much for the questions, Chair.

I'll say just two things. On the changes, which the honourable member has outlined, and the new schedule of penalties and increased maximum thresholds for the penalties, we weren't able to audit those, because they are not yet in force. They've been announced, but they haven't gone out. That's my understanding.

In terms of whether we stand by our overall conclusions, nothing would please me more than to say that I think this system is working well at Environment Canada. This is an important institution, with dedicated people. But the budget increase in 2007, for example, was intended to increase the number of inspections per year, and the number of inspections has actually remained steady or has dropped a bit between 2007 and now.

Mrs. Stella Ambler: Would you say that overall, Commissioner, the concerns expressed in your report are mainly about management processes and gaps in documentation and follow-up rather than environmental enforcement results per se?

Mr. Scott Vaughan: No, I would characterize it more this way. The management systems are there to make the system work. If there are gaps in the management systems, particularly when they involve gathering evidence, and there are gaps in the evidence, they actually cripple the ability to pursue actions in courts or otherwise. To repeat myself, and I apologize, this wasn't just a matter of sloppy paperwork but a problem of major gaps that we found in the management systems.

The Chair: The time has expired.

Ms. Leslie, you have four minutes.

Ms. Megan Leslie: Thank you, Mr. Chair.

I want to go back to the enforcement of the Canadian Environmental Protection Act. The department says that it does not accept the enforcement audit findings or conclusions. However, they accept the recommendations. Is it usual for the department to not accept your findings?

Mr. Scott Vaughan: No. It would be fairly rare. I think we found one previous case in the Auditor General's office, so this is quite rare. It's less usual for a department not to accept recommendations. But it is very rare not to accept the findings or the conclusions, but to accept the recommendations. This is quite rare, yes.

Ms. Megan Leslie: You still put your findings into print, and you are confident in them.

Mr. Scott Vaughan: This one has gone up, down, and sideways, involving many senior colleagues in the Office of the Auditor General because of the unusual nature of this. This is a rock-solid audit, which is based on facts.

Ms. Megan Leslie: Thank you.

Forgive me if this was covered while my colleague Monsieur Choquette had the floor, as I was frantically flipping through pages then. You noted gaps in the capacity to enforce CEPA regulations. Can you describe those gaps?

Mr. Scott Vaughan: According to Environment Canada's own analysis, 40% of the regulations have some kind of enforceability gap. We list the types of gaps—but it's about the clarity of definitions within the regulations themselves. If there are vague definitions or there's an omission in a regulation, then either that vagueness or lack of clarity is going to run a risk of affecting an inspector's ability to fully pursue the regulation, because it's not clear what the inspector is supposed to do or what its meaning would be if it were actually to move forward to the courts, for example.

They're going through an analysis now. They've identified them and they're beginning the process of correcting those regulatory enforcement gaps.

Ms. Megan Leslie: What about human resources? There's some dispute about the government saying that it is pumping money into Environment Canada and all things government, which is great, but what about capacity when it comes to the folks on the ground in terms of training, knowing what they're doing, and how to get at these issues?

● (1255)

Mr. Scott Vaughan: Two things that we did say about capacity—which, again, would be a reason why we came to this overall observation—is that with 16 out of 45 regulations, there is a lack of necessary training for the inspectors to do their jobs, and that 5 of the 45—

Ms. Megan Leslie: Sorry, the regulations lack...?

Mr. Scott Vaughan: The inspectors lack the training.

Ms. Megan Leslie: Okay, it's the inspectors. Thank you.

Mr. Scott Vaughan: The regulation will say that in order for it be enforced, this training is required. It's a necessary precondition for enforcing that regulation. So 16 of the 45 regulations lack adequately trained inspectors, and 5 of the 45 regulations lack laboratory capacity to test the samples in an accredited lab. These are two examples of gaps within Environment Canada's capacity.

Ms. Megan Leslie: So budgets have increased but what are the returns?

Mr. Scott Vaughan: I think that would be a question for parliamentarians to ask. What we said, and we were very clear, is that the honourable members have said that the budget has increased and that it represents a commitment to strengthen that branch. What we have said is that the commitment was for more money to do more inspections. There's not been an increase, but somewhat of a decrease in the number of inspections between 2007 and this year. Sixty-eight new inspectors were supposed to be hired. There were 40 full-time equivalents added, but Environment Canada has not been clear about how many of those 40 are inspectors. To me this is a management issue of making sure that things are lined up.

The Chair: The time has expired. Thank you.

Mr. Woodworth, you have the last four minutes.

Mr. Stephen Woodworth: Thank you very much.

I'd like to go back to the question of the follow-up of enforcement for minor offences. For example, of those 300 where there was no follow-up, I understand that the warnings were often issued for administrative deficiencies, for example late or incomplete reports. So if there is a late or incomplete report, presumably the report is going to get filed, and no follow-up is required after that. Correct?

Mr. Andrew Ferguson: Yes, 28 of the CEPA regulations require the regulatees to submit reports on the nature of their activities, the nature of the substances they're using. These reports are intended to help the enforcement people understand whether compliance is happening or not. When those reports are missing or not available, the directorate is not able to understand—

Mr. Stephen Woodworth: The officer is going to get the report and he's going to give a warning not to do that again, rather than lay a charge, correct?

Mr. Scott Vaughan: Exactly. As my colleague said, that would be how it's supposed to work. If the submission of a report is required, then the officer should say, “Wait a second, you haven't submitted your report, and you have to.”

We said, well, there are 26 where there are mandatory requirements for reports and let's look at nine of the top priorities. On six of the nine, they didn't know if they had it. They literally didn't know if they had the reports or not.

Mr. Stephen Woodworth: Did you speak to the officers involved?

Mr. Scott Vaughan: We spoke to many, many people at Environment Canada with regard to their—

Mr. Stephen Woodworth: Were they the officers involved in those instances?

Mr. Scott Vaughan: We spoke to officers on the ground. We spoke to officers in the regions. We spoke to officers in headquarters.

Mr. Stephen Woodworth: To switch gears a bit, I think there was a question earlier about the enforceability of regulations. I want to be sure if I understood correctly that the enforcement directorate is in fact doing an analysis on an ongoing basis regarding the enforceability of regulations. Is that correct?

Mr. Scott Vaughan: I think they're doing more than an analysis, sir. I actually think they're moving to correct them. I think their schedule is to have them corrected by 2012.

Mr. Stephen Woodworth: I understand that's already been going on for at least two years.

Mr. Scott Vaughan: That's correct, yes.

Mr. Stephen Woodworth: So they're actually ahead of the curve on that issue, if I may put it that way.

Mr. Scott Vaughan: We would have to ask Environment Canada. We don't know exactly where they are in terms of finalizing all the files.

Mr. Stephen Woodworth: But you indicated they have a plan to complete that by 2012.

Mr. Scott Vaughan: That is correct.

Mr. Stephen Woodworth: Regarding the issue of identifying high-risk targets, I understand that is being addressed in regional offices in some fashion.

Are you familiar with the regional efforts to identify high-risk targets? I know you would like a national process; I just want to be sure I understand what goes on at the regional offices.

Mr. Scott Vaughan: The risk assessment is done first at headquarters, and then that overall risk assessment done at headquarters is then handed to the regional offices where appropriate. Within the parameters of the national assessment, the regional offices will then say there may be a greater risk, for example, in the Maritimes on this particular regulation.

● (1300)

Mr. Stephen Woodworth: Are the regional offices giving that kind of input?

Mr. Scott Vaughan: In the audit, we went and interviewed.... And yes, it's actually a two-way exchange.

Mr. Stephen Woodworth: I also want to be sure of the scope of your audit, at least in relation to enforcement. As I understand it, the enforcement directorate deals with the Canadian Environmental Protection Act and the Fisheries Act. Is that correct?

Mr. Scott Vaughan: Correct.

Mr. Stephen Woodworth: That's what you were auditing when it comes to enforcement.

Mr. Scott Vaughan: No, we only looked at the CEPA regulations.

Mr. Stephen Woodworth: Oh, just CEPA.

Mr. Scott Vaughan: I've looked at Environment Canada's enforcement of the Fisheries Act component. There are six regulations. We reported to Parliament in 2009.

Mr. Stephen Woodworth: That's a different report.

Mr. Scott Vaughan: Different report, correct.

The Chair: And your time has expired.

I'd like to thank Commissioner Vaughan and his colleagues for being with us today and providing important information.

I'll accept a motion to adjourn.

Ms. Michelle Rempel: So moved.

The Chair: The meeting is adjourned.

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