HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Environment and Sustainable Development

ENVI • NUMBER 007 • 1st SESSION • 42nd PARLIAMENT

EVIDENCE

Thursday, March 10, 2016

Chair

Mrs. Deborah Schulte

Standing Committee on Environment and Sustainable Development

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● (1105)

[*English*]

The Chair (Mrs. Deborah Schulte): Welcome, everyone.

We'll get started with our witnesses. We have the pleasure of hearing today from Elaine MacDonald, senior scientist at Ecojustice; and Maggie MacDonald, toxic program manager at Environmental Defence Canada. From the Chemistry Industry Association of Canada, we have Bob Masterson, president and CEO; and Pierre Gauthier, vice-president of public affairs.

Thank you very much for joining us.

Bob and Pierre, would you like to start?

Just so you know, we have 10 minutes for you for your witness statements, and then we have a period of time for questioning.

Mr. Bob Masterson (President and Chief Executive Officer, Chemistry Industry Association of Canada): Good morning. Thank you, Madam Chair, and members of the committee for the opportunity to appear today. As mentioned, my name is Bob Masterson. I am president and CEO of the Chemistry Industry Association of Canada, also known as CIAC. I am joined today by CIAC's vice-president, public affairs, Pierre Gauthier.

Our organization, CIAC, is the voice of Canada's chemistry industry. That's a $54-billion a year industry in Canada. We're the fourth-largest manufacturing sector and the second-largest manufacturing exporter. Our members take Canada's natural resources—renewable and non-renewable—and create products that provide solutions to Canada and the world's pressing problems of clean air, clean water, clean energy, and safe, nutritious, and abundant food.

Many of you won't know, but for more than 30 years Canada's chemistry sector has been at the forefront of the journey towards responsible and sustainable chemical manufacturing. In 1985, we founded Responsible Care, and that's now practised in 62 countries worldwide.

Through Responsible Care, we've delivered real results. We've worked very hard and we have reduced emissions of toxic substances, those on CEPA, schedule 1, by more than 90% since 1992. We've also reduced absolute greenhouse gas emissions from our operations by more than two-thirds through product and process re-engineering.

From the earliest days, our industry and our association have been and remain full and productive partners in the development and delivery of the Canadian Environmental Protection Act, 1999, and the accompanying chemicals management plan.

I hope to have the opportunity to return at later dates to speak on some of the other aspects of the committee's work, but today I am going to focus my remarks solely on your review of Canada's approach to the chemicals management plan. The timely action to reduce risks from toxic substances is important for the health of Canadians and our environment. By providing such action, the government and industry can also improve Canadians' confidence in the broad array of chemicals that play very important roles in our everyday lives. We are here to tell you today one key message. The chemicals management plan has been and remains on course to be a stunning public policy success.

We see three factors that have contributed to the success of the chemicals management plan.

Number one, appropriate resources have been allocated. The plan has been implemented according to the plan, and with external expert advice from some of the people in the room with you today.

Number two, we believe it's a model use of public and private resources to create effective public policy.

Number three, we also note that it fully integrates, under many processes, multi-stakeholder, multi-jurisdictional, and multi-departmental actions to manage toxic substances in Canada.

It is our strongly held view that the CMP is achieving its objectives and it's on track to success. It originated from the 1999 amendments to CEPA, which mandated the evaluation and appropriate risk management of over 23,000 substances on the domestic substances list. At the time, it was known that this would require years of work and sustained resources and attention by government, industry, and other stakeholders.

By 2006, Canada completed the first important phase of that work, categorizing the more than 23,000 substances on that list. That was no small feat, and Canada was the first country in the world to complete that exercise. That categorization exercise was especially important because it then allowed government, industry, and other stakeholder groups to focus priority, attention, and resources on the scientific assessment and appropriate risk management of the 4,300 priority substances that were categorized as both being present in the economy and that might hold potential for harm to human health and the environment. We quickly went from 23,000 to 4,300.

To date, more than 2,700 of those 4,300 priority substances have been assessed under the chemicals management plan, with less than 2% of those being identified as toxic and requiring further management action. That says something about the confidence that Canadians should have in chemicals. We went from a universe of 23,000, we're down to 4,300, and fewer than 2% are being seen to merit further risk management action.

There is a ways to go. It's clear, though, that if we stay committed to this path, we'll complete the task of completing the risk assessments and appropriate risk management of those 4,300 priority substances within sight of the original 2020 goal.

Again, it has to be stressed, this is a singularly impressive example of effective public policy. The CMP is efficient and effective in its use of both public and private resources because it takes that risk management approach to evaluating and managing the risks of chemical substances.

The program also effectively leverages available data and existing classification frameworks already in use across industry and agreed upon by regulators. It integrates decisions, scientific studies, and data from other jurisdictions, including Europe. All the while, the program allows for the incorporation of significant new information to ensure the prioritization decisions remain current.

Often, and I'm sure you're part of this group, there can be skepticism when industry or an industry association states that it favours a certain public policy. Don't take my word for it; allow me to quote from my colleagues at Environmental Defence in their 2012 report card. We worked very closely on chemicals management issues from different perspectives.

The Environmental Defence 2012 report said:

> The CMP has been an important and valuable program. The Challenge [to industry] in particular, has resulted in timely, systematic chemical assessments and frequent, world precedent-setting risk management decisions. This is no small feat considering the number of substance assessments and the limited timeframe for such [action].

In their report, Environmental Defence went on to give the CMP an A-plus rating for timeliness and a second A-plus rating for risk management actions taken to date. When environmental NGOs and industry can say A-plus twice, you have to believe that you have a winner of a public policy.

I can tell you that the greatest success of the chemicals management plan to date is exactly what the mandate of this group is looking at: the incorporation of recommendations in relation to other federal legislation and regulations pertaining to protection of human health and the environment for toxic substances.

Once the CMP has identified a risk to the health of Canadians or to the environment from a particular substance, there is an array of legislative and regulatory tools to meet the goals of managing that risk. These include the Canada Consumer Product Safety Act, the Food and Drugs Act, the Pest Control Products Act, and others. That “best placed act” policy is something we celebrate. It shows that safeguarding the health of Canadians and the environment is not necessarily something that has to be accomplished solely through CEPA.

The CMP also works because it has been appropriately funded and supported by government. There has been robust financial support to allow the program to do what it was intended to do and to remain credible in the eyes of the public.

As part of our 2015 budget consultations, Environmental Defence and CIAC co-recommend that the federal government continue to provide supporting funding for the CMP. How often does it happen that an environmental non-governmental organization and an industry association write together to the finance minister of the day to co-recommend?— We were pleased that this recommendation was accepted and that funding for the CMP was renewed for a further five years.

We think Canada should be very proud of its chemicals management regime. In fact, whenever we can, we talk about it to other countries as a model they should emulate. We know that in the past few years the CMP has been very well examined by U.S. academics and authorities. Our approach to prioritization is the cornerstone of the bills that are currently before committee for reconciliation in the U.S. Congress as they proceed to make changes to their Toxic Substances Control Act.

Similarly, the Government of Brazil came here last year on a mission to see Environment Canada and us. They're looking very closely at the CMP as a model for how they manage chemicals in their country, and that has generated interest in Argentina, Chile, Peru, and other countries in the Americas. This is something that we as Canadians in government, industry, and civil society organizations should all be proud of.

I mentioned a third thing. The CMP also works because it incorporates the views of all stakeholders. There is broad support of other levels of government in Canada. As a result we don't see a checkerboard of competing rules and regulations across our country. The same can't be said of the United States. There, multiple actions by a multitude of individual states provide a lot of potential to confuse consumers and disrupt normal patterns of commerce.

The CMP explicitly incorporates multiple opportunities for public review and comment to ensure that the best available data and information is used in toxicity designations. In cases in which a toxicity designation was not found, the act even contains mandatory review when individuals object. In fact, embedded throughout the CMP process is overt consultation with stakeholders before, during, and after an assessment has been performed. There are ample opportunities to participate and to provide data and information to stakeholders.

In addition, there are two very formal and important bodies that provide ongoing advice to the government in the implementation of the CMP: there is a science committee and a stakeholder advisory council. Each of those in turn is made up of independent experts from various fields. It's our belief that those processes are functioning very well and that their advice and recommendations are being considered and responded to by the Government of Canada.

As a Responsible Care organization, we believe in continuous improvement. We will have several recommendations that we will submit to the committee at a later date. Today we just want to leave you with one clear message and recommendation: let's complete this job. Let's ensure that the remaining chemicals are assessed and appropriately managed by the 2020 deadline. The progress that has been made has been thanks to sustained government, industry, and NGO commitment, to good planning and management, and to the allocation of sufficient budgetary resources commensurate with the scope, challenge, and importance of the work.

We urge this committee to recommend continued funding and program delivery until the job is done.

● (1110)

Please ensure that this government continues to support and implement Canada's chemicals management plan as intended.

Thank you very much. I look forward to your questions.

The Chair: That was amazing. That was on the dot of 10 minutes. Thank you very much.

We're holding off questions until after we hear from all the witnesses.

The next one up will be Elaine MacDonald from Ecojustice.

Ms. Elaine MacDonald (Senior Scientist, Ecojustice Canada): Hi. My name is Elaine MacDonald. I'm the senior staff scientist at Ecojustice Canada. Thank you for inviting me to present my thoughts on this 300-page act in 10 minutes. I hope I can do some justice to it.

Ecojustice, for those of you who don't know, is a national environmental law charity. I have a Ph.D. in environmental engineering from McGill University and I lead the environmental health team at Ecojustice, where I work on projects and cases related to pollution and toxics exposures.

I'm going to talk first about a couple of big-picture ideas for reimagining CEPA, then move into some specific concerns.

A community I visit many times and do a lot of work with is the Aamjiwnaang First Nation in southwestern Ontario. Aamjiwnaang is on the south side of Sarnia in an area known as Chemical Valley. The name comes from the intensity of oil refineries and chemical plants in the area. Aamjiwnaang itself is a beautiful oasis of green surrounded by industrial facilities. Community members report high rates of respiratory illness, cancer, and reproductive problems, but when they asked how the law regulates the cumulative effects of all these facilities in such a close proximity to them, they were told that it doesn't. A place like Aamjiwnaang is an example of an environmental injustice. Lower-income communities and first nations often suffer a disproportionate environmental burden in Canada.

A measure of CEPA's effectiveness could be an assessment of what it has done to try to correct these imbalances to ensure that every Canadian enjoys the same degree of protection from environmental and health hazards. My assessment would be that CEPA has done little if nothing to help.

I recommend CEPA be amended to incorporate environmental justice principles as a starting point. It would be helpful for the government, perhaps this committee specifically, to look at the issue of environmental justice in Canada as an issue unto itself, since to date no government has done so. This is an important step in the U. S., legitimizing the issue but also ensuring that decision-makers have an accurate picture of the problem.

CEPA could address environmental inequities through national binding air quality standards or drinking water standards. We have neither in Canada.

Another area in which environmental justice could be applied within CEPA is the assessment of substances and organisms for toxicity, and risk management under parts 5 and 6, and including legislative requirements to consider vulnerable populations and the implications of gender, age, and social determinants of health such as economic status, living conditions, and access to safe drinking water, given the implications of these factors in terms of increasing susceptibility and sensitivity to certain chemical exposures.

CEPA has been described as a toxic treadmill, a game of whack-a-mole. As fast as the government assesses the toxicity of substances, there is always more to do. To get off the toxic treadmill, CEPA needs to adopt an alternatives assessment and life-cycle approach to assessing and managing the risks of toxic substances. An alternatives assessment is a process of identifying, comparing, and selecting safer alternatives to toxic chemicals or organisms—because CEPA also deals with organisms—to reduce risk to humans and the environment and to prevent the replacement of one toxic substance with another equally or even more toxic substance, something we have seen and frequently see.

Canada has fallen behind other jurisdictions such as the United States and the European Union, in which you do find alternatives assessment requirements as part of their chemicals management regime.

The OECD, the Organisation for Economic Co-operation and Development, conducted a meta-review of alternatives assessment and chemical substitution frameworks, and it's available on their website. There is also a precedent in Canadian law, actually, although unfortunately it's not mandatory. I would advocate for it to be mandatory. It's found in subsection 7(9) of the Pest Control Products Act.

I recommend that CEPA be amended to require alternatives assessment as part of the risk assessment for any substance or organism.

My remaining comments are slightly more specific and address some of the problems I have noted in CEPA 99 through my years of working with it.

It isn't clear to me what triggers an assessment under CEPA, other than the categorization process, which led to the CMP, which we just heard a lot about, and of course new substance or organism notifications. Environment Canada and Health Canada talk about the seven CEPA triggers or feeders, but the triggers are not laid out in the act in that manner.

What is clear is that some triggers are not working. For example, sections 70 and 71 relate to the information provided by industry, but I have never seen reference to a review being triggered by data provided by industry.

Similarly, subsection 75(3) is a requirement to review information on bans and restrictions of substances for environmental or health reasons in other jurisdictions, but that section still has not been implemented, although the last I heard Environment Canada claimed to be working on it. It has been quite some time since 1999.

● (1115)

The only trigger that is based on a request from a member of the public is found in subsection 76(3). It relates to the priority substances list and it is completely ineffective. I don't have time in ten minutes to go into why, but I do believe you government officials who work on CEPA would agree with me on that.

I recommend that CEPA be amended to clearly and transparently lay out the triggers that lead to the reviews of substances. It must ensure that substances are reassessed from time to time as new scientific information becomes available. I also recommend that CEPA be amended to add the right of a person to request a review of substances, much like the right that exists under subsection 17(4) of the Pest Control Products Act.

CEPA also deals with new substances. It doesn't just deal with existing substances, which is what we heard about with the chemicals management program. When someone notifies the government that they wish to import or manufacture a new substance, the review under CEPA is a black box. There's no transparency or consultation. The little that is required, such as publishing waived studies or data requirements, has been subject to months or even years of delay. Only after litigation was launched did the government publish a backlog of over 600 notifications of scientific data waivers, issued under the new substance and organism programs dating back as far as eight years. I recommend amendments to CEPA to require the timely publication of waivers, and consultation and transparency in the review of new substances and products of biotechnology under part 6.

CEPA 1999 grants the minister the powers to set guidelines and objectives, but what's really needed are science-based enforceable standards for air quality and drinking water, which I already touched on when I spoke of issues of environmental justice. You've probably been told of the government's work on the air quality management system, AQMS, or the Canadian ambient air quality standards, CAAQS. They're called standards but they're really not; they are objectives. Discussions of the federal air quality and pollution regulation regime can be tracked back at least eight years—I think I went to that first meeting, actually—yet we still don't have a standard for sulphur dioxide and nitrous oxide, two of the major precursors to smog and poor air quality. Compare this to the United States, where the EPA recently celebrated the 25th anniversary of the amended 1990 Clean Air Act, which sets out enforceable national ambient air quality standards for the entire country. CEPA needs to set enforceable science-based national air quality standards.

The last issue I want touch on is the national pollutant release inventory. This should be one of the crown jewels of CEPA, but it's not. It's the only source Canadians have for finding information on pollution emissions in their communities. The NPRI is meant to fulfill the government's obligation under CEPA to establish and publish a national inventory of pollutant releases. It's covered in sections 48 to 50. It's based on self-reported data from industry, but there are concerns regarding the government's validation and auditing of the data. There is no indication the level of auditing it gets. In addition, the NPRI includes exemptions and sets very high reporting thresholds, such that it doesn't provide Canadians with a complete picture of the actual pollution discharges in their communities. For example, the NPRI exempts oil and gas exploration. Tell that to somebody living in the Peace River valley. Oil and gas well drilling is also exempt. It recently just added an exemption for municipal waste water discharges, smaller discharges from municipal waste water plants. There is a mechanism that Environment Canada has for requesting changes to the NPRI, however that mechanism is broken. Environmental Defence Canada, my neighbours right here, made a request in 2010, and they still have not had a response to their request. It was for the addition of substances to the NPRI list that are found largely in tailings ponds such as naphthenic acid.

I recommend that the NPRI be strengthened under CEPA by laying out clear, comprehensive reporting and publishing requirements with lower thresholds, and without loopholes. In addition, I recommend the adoption of a transparent and accountable public tool for requesting changes to the NPRI with fixed timelines.

Thank you for your attention.

● (1120)

The Chair: Thank you very much for that.

Now we'll hear from Maggie MacDonald.

Ms. Maggie MacDonald (Toxic Program Manager, Environmental Defence Canada): Thank you very much to the members of the committee and to the staff. We really appreciate the opportunity to be here to speak on this topic.

Environmental Defence has been conducting research and public education on the issue of toxic pollution for over 20 years. We issue reports, consumer education activities. We do outreach to government. I've been a member of the stakeholder advisory council of the CMP for five years now.

We also have a focus on consumer products. That's going to be one of the themes that I'll touch on today. I understand this is early days for this review, so we'll try to keep our comments focused on some big-picture items about things that need to be re-examined within CEPA to improve the protection of the environment and human health in Canada.

In terms of some of the general themes, we've already heard some commentary about Canada's chemicals management plan. Yes, Environmental Defence does think this is an important program, very worthy of a decent budget to conduct its activities. In 2012 we gave many aspects of the CMP high marks, but how is it performing now?

One key issue with CEPA is how we deal with waste from consumer products. When CEPA was passed, the mix of pollution in Canada from industrial sources was much greater. As you know, the economy has been changing, and the contribution that consumer products make to pollution of the environment and pollution of our bodies is much greater than it used to be. This is one area we need to look at.

We also need to look at how "toxic" is defined under CEPA. That's something that merits further consideration. Also, how well is risk management happening? We have a lot of risk assessment activities happening. Risk assessment, under the chemicals management plan, has been going on at a really exciting pace, a very ambitious pace—and that's excellent—but how well is risk management performing? These are some of the key themes I would like to address.

Canada was once an international leader in protecting human health and the environment from exposure to toxic substances, through a combination of risk assessment based on sound science and bold risk management measures that were in some cases the first of their kind globally. For example, when Canada banned the hormone-disrupting chemical BPA, or bisphenol A, from baby bottles, we were the first of many jurisdictions worldwide to take action on this chemical. In recent years, several challenges have emerged that impede Canada's progress in the sound management of chemical substances. In fact, action to reduce BPA in the marketplace took place under the Canada Consumer Product Safety Act. Is that really an appropriate measure? CEPA extends to protecting the environment, not only human health, and it's that type of comprehensive act that we really need. Should we really be so reliant on consumer product safety activities to protect the environment and human health? Is that actually appropriate?

I do understand there are limitations currently with how CEPA deals with consumer products, but in light of the changing Canadian economy, we do need to improve that area and take another look at that.

In terms of taking a look at how chemicals management happens in Canada, let's talk about that one-for-one rule. I know this is something that's been affecting risk management in Canada, so how CEPA is impacted by the one-for-one rule requires some conversation and consideration. One of the administrative requirements of CEPA is to take environmental and health considerations to be primary. If we're looking at the administrative burden of regulating substances with more weight than looking at the burden on human health and the environment, well, that's a problem for CEPA, so that requires some examination and some conversation.

In terms of how things are defined as "toxic" under CEPA, this is something that also requires some examination currently. Under part 5, Controlling Toxic Substances:

> For the purposes of this Part and Part 6, except where the expression "inherently toxic" appears, a substance is toxic if it is entering or may enter the environment in a quantity or concentration or under conditions that
>
> (a) have or may have an immediate or long-term harmful effect on the environment or its biological diversity.

When we look at the quantity aspect, we're not looking as much at inherent hazards of a substance, so this is a problem for a couple of key reasons. One, you have some populations who are going to be more exposed than others, so you have vulnerable populations, uneven exposures.

● (1125)

Also, we're learning more and more about the science of endocrine-disrupting chemicals, or as we say in blogs to make it more accessible, "hormone-disrupting". These are chemicals that are similar to the hormones that allow our bodies to function properly and allow us to live healthy lives.

The United Nations Environment Programme and the World Health Organization issued an important review in 2013 about the state of the science of endocrine-disrupting chemicals. This report indicates that even very low levels of some of these chemicals can have quite a major impact on human health and on ecosystems.

We need to take a second look at risk assessment, when it comes to substances that can be active at very low doses. The old adage that the dose makes the poison—the traditional toxicological model—may be appropriate in some cases, but now that we're learning more about chemicals that can be very active at low levels, such as BPA, which is one of the more famous of these chemicals, we have to update how we look at what is considered toxic under CEPA. If we're just looking at the quantity that's entering the environment, there are some issues that merit further consideration in light of emerging science around endocrine-disrupting chemicals.

These chemicals also can be more active in what are called "windows of vulnerability". People are more vulnerable to effects from exposure at different stages of life. If you compare an average person of good health at age 40, with a child who is going through so many changes physically and growing so quickly, or with a pregnant woman, the impacts of some of these chemicals can be very different, and possibly greater during these windows of vulnerability.

For an excellent review of this issue, I refer you to the World Health Organization and the United Nations Environment Programme's report on the topic.

We also need to take a second look at bioaccumulation. Canada's standards seem to be getting a little bit out of date. The persistence and bioaccumulation regulations under CEPA set an unduly high bar for designating a substance as bioaccumulative. The European Union and the United States have lower criteria than Canada for designating a substance as bioaccumulative. By lower, I don't mean looser; I mean the amount is much lower. This needs further examination.

In terms of CEPA time clock, we need better timelines for risk management. This is really a central issue. Now, we have great risk assessment happening. There are some areas wherein it can be improved. We need also to take a look at our criteria for adding substances to schedule 1, but we need to make an extremely close and thorough examination of risk management itself.

Currently, you can have a substance fulfill all of the requirements under CEPA for risk management—all the boxes can be ticked at every stage—and yet that substance, if it is in schedule 1, meaning toxic to human health and the environment, or to either, can still be very common in Canadian households, in Canadians' bodies, and in the environment.

What is wrong, then, with CEPA, if a substance on schedule 1 that has met all the appropriate time periods for risk management is still extremely common in us and in our environment? That's a serious issue.

If you're curious for a reference to how many toxic substances are appearing in Canadian bodies and in what amounts, the Canadian health measures survey from Statistics Canada is an excellent source of information. For example, BPA, which I mention not because it's the only one but because it's one of the most famous examples of these chemicals on schedule 1, is in 94% of Canadians aged three to 79 years. There is a great reference from the Canadian health measures survey for more information about the presence of these chemicals that are supposedly under good risk management already.

A few more illustrated examples in addition to BPA would include triclosan. We had a draft decision made on it in 2012, of its being toxic to the environment. Here we are in 2016, and it's still in hundreds of products in Canada. What is it? It's an antibacterial substance in many Canadian products that can mimic human thyroid hormone.

PBDEs afford another good example. These are toxic flame retardants that can damage the brain. Especially for young children they are shown to have an impact on IQ and can lower IQs. They build up as persistent pollutants in the Arctic, so there's an environmental justice issue there as well. We're still waiting for a regulation to restrict manufactured products containing PBDEs.

● (1130)

This is a serious problem. Risk management is meeting what's required under CEPA, but it's not effective to protect human health and the environment. We're seeing disproportionate impacts on some populations, including Arctic populations. That creates an unfair burden and is not appropriate. We need to take a close second look at CEPA. While some of the intentions may not be met, it's something I'm very hopeful about.

I really appreciate the opportunity to have commented today.

● (1135)

The Chair: I appreciate everyone sticking to the timelines. There's a lot in here, and thank you for giving it to us ahead. I think we can digest some of that, and maybe ask you to touch on it during the question period.

We'll start our 50 minutes of questions.

Mr. Shields.

Mr. Martin Shields (Bow River, CPC): Thank you, Madam Chair.

Thank you for your presentations. I really appreciated it. Your obvious knowledge is far beyond what I could comprehend in 10 minutes, and I understand you have a lot more.

Going back to the chemical part of it, you talked about the success you've had. You talked about the 90% decrease and the 60% decrease down to 2,700. Could you give me a little more background information on how you've been able to achieve that and how you're going to finish the work? What's the process you're going through? Who are you working with? How are you coordinating it? How are you getting it done?

Mr. Bob Masterson: We have a diverse membership of companies in the Chemistry Industry Association of Canada, about 50 companies representing 75% of the value of shipments in the business of chemistry. To be a member of our association, they must commit to implementing Responsible Care, and that requires regular review of our products and processes as well as taking steps to reduce risk and improve societal benefit. It also involves a lot of work with communities and stakeholders to understand the risks and benefits of chemicals and chemical operations they may come in contact with.

I'll just share two examples with you to illustrate how we achieve significant reductions when we talk about Chemical Valley in Sarnia. We're here talking only to the federal government right now, but provincial governments play a very significant role, and the coordination amongst them is very important for everybody.

Let us go back, though, and look at two very important pollutants in the Sarnia area, VOCs and benzene. In 1998 we worked through the governments of Canada, Ontario, and other provinces to develop a memorandum of understanding, which, in the case of VOCs, suggested we would achieve a 25% reduction in emissions over five years. We more than exceeded that. In fact, we've had more than a 50% reduction in VOC emissions. Most of that came out of the Sarnia area.

We had very similar results with a memorandum of understanding on benzene emissions, in trying to reduce those in Chemical Valley and elsewhere in Canada. We had very impressive results, all validated by reports written by the government. That spirit of looking at a problem to see how we can solve it through multi-party stakeholder consultation and figuring out the best way to do it has disappeared. We're left only with the regulatory tool box. That causes us problems, but we work with that.

When you speak about greenhouse gases, some of the biggest changes came from product re-engineering and elimination. Different greenhouse gases don't have an equivalent impact on the environment. Some of them are 10,000 times or more what CO2 is. The reason we've achieved the 66% reduction is that those companies that made very high global-warming-potential gases took early action to understand that those are the products that have to leave first, just like what we're seeing today with the American and Canadian governments focusing on methane emission reductions. That's 23 times as powerful as a molecule of CO2. Product re-engineering and process re-engineering can eliminate some of those emissions.

Mr. Martin Shields: Further to that, from what I'm understanding, the momentum is swinging that way. It's increasing co-operation. You're dealing with the old, but as they come into the market are you seeing that gain momentum?

Mr. Bob Masterson: I'll be honest. Significant improvements in environmental performance happen when companies can invest in new product and new processes, and not just in our sector but in any sector in Canada. That's when the biggest reductions come. Have the conditions been ripe to allow that to take place in Canada in the last several years? It's probably mixed, but not so much in our sector.

Our sector is the fastest-growing manufacturing sector in North America. We're tracking over 160 projects worth over $150 billion U.S. By now, Canada should have seen about $15 billion of that investment in our sector. We've seen less than $5 billion.

If you want to ask how we could reduce emissions even further, we have to track that new investment. It's not the day-to-day continual improvement. That's important to manage energy efficiency, but you get the big bang when you make big investments.

Mr. Martin Shields: You mentioned a couple of examples and you mentioned the association. What percentage did you say are in the association?

● (1140)

Mr. Bob Masterson: A certain number of companies are small ones. Taking the value of shipments, we represent about 70% to 75% of the value of industrial chemical shipments in Canada.

If you think about the chemical industry as a pie of about $50 billion, half of it is agricultural chemicals and pharmaceuticals. That's not our business. We're the industrial chemicals. That's half the pie; it's about a $25-billion a year industry that we manage, and we represent about $20 billion to $21 billion of annual turnover in that sector.

The Chair: Thank you very much.

Next we'll have Mr. Amos.

Mr. William Amos (Pontiac, Lib.): Thanks to all four of you. I appreciate your coming on such short notice. This is not a simple topic. We appreciate that you are trying to really simplify for us. I don't believe there is anyone here who is a real toxics expert, and being an expert on CEPA is next to impossible, given the length of the act.

My first question goes to the examples provided by both Ms. MacDonalds.

Two indigenous communities were in regions of significant indigenous population. The north was highlighted, where greater exposure to products known as PBDEs has a disproportionate detrimental impact. You mentioned the context of Aamjiwnaang First Nation, and Mr. Masterson commented as well on it.

What would be the goal of incorporating environmental justice considerations into CEPA? What would it look like? Would it mean that in the assessment of chemicals specific attention would be paid to communities that may be at risk of a disproportionate impact, or would it be focused on particular communities, such as aboriginal communities?

How do you see that working?

Ms. Elaine MacDonald: I think it would be a lens that you would add in when you're making decisions or doing assessments under CEPA. I'm not a lawyer, and there are probably many people who are much more expert on this than I am, but I would envision it as another lens through which to view your actions under CEPA. You've done your toxic assessment and then you look at what perhaps your management proposals are for that issue and ask, how does this work in terms of environmental justice? Is this decision going to create inequalities? Is it going to help fix those inequalities?

I think it's an additional lens or a layer that's added in; that's the way I would see it. I also, however, put the suggestion to the committee to dig in on this issue and look around the world to see how it's done. Look at some of the literature out there. There's a lot to draw from. I'm sure you can probably bring in some experts on environmental justice issues and hear from them directly as well, if you're really interested.

Mr. William Amos: I guess I'll turn the question to Mr. Masterson.

Would the chemicals industry be uncomfortable with—?

Mr. Bob Masterson: I would say it's already built into CEPA. Everybody understands that with a substance that is persistent, bioaccumulative, and inherently toxic, the way it's distributed—let's assume that it's via air emissions, not water.... Given the way the global atmosphere works, we know that those emissions concentrate in the north, and we've seen all the studies that say that.

I can tell you—and I know your CEPA experts were here yesterday—that the Government of Canada and CEPA put a special emphasis on those substances that are PBiT: persistent, bioaccumulative, and inherently toxic. The act already does what you're saying, without having that screen of indigenous health in the north.

We put such attention on these substances because that's where we know the fates of them are: they get to the north, they end up in people on indigenous diets, and it's a problem. That's why the fullest suite of powers in CEPA can be applied to substances that are PBiT.

Mr. William Amos: I'd love to open that to you, Ms. MacDonald.

Ms. Maggie MacDonald: There are three things to consider. It is important to look at disproportionate risk, as you have indicated as one of your suggestions, but two areas in which CEPA is currently failing in this area of environmental justice—which is why we need the emphasis on it, as has been suggested—include looking at defining what is toxic as what is entering in a quantity sufficient to cause harm, rather than as an inherent hazard.

That means that we're looking at generalizations about quantities that might be entering the environment. If you live, say, in a community like Fort Chip and are being exposed to a lot of the substance that very few people are exposed to, and consequently rare cancers are cropping up in a cluster, that's an example demonstrating why we need to look at inherent hazard rather than just at the level of a substance that is potentially harmful that is entering the environment. That has an impact on environmental justice considerations, in terms of those criteria.

As well, to speak in favour of the regulatory tool box that Bob invoked, when we rely too much on voluntary measures in risk management, what happens in chemicals management under CEPA is that you're leaving the protecting of vulnerable populations up to corporate goodwill. There are many wonderful leaders in industry who are doing their best to practice safer chemistry. I salute those organizations and companies that show that leadership. Environmental Defence works with many companies to improve chemical formulations and safety. But there's a question of fairness when you're leaving it up to voluntary measures and to creating pollution prevention plans that you don't necessarily have to follow through with. On the consumer side some people can afford to buy a couch that doesn't contain toxic substances that will lower the IQs of their children, and some people can't afford to do that, if it's left voluntary. In terms of industrial emissions as well, you're still going to have people in some regions who are more vulnerable to these exposures, both because they're disproportionately exposed and because there's a lack of a lens that considers those aspects.

● (1145)

Mr. William Amos: Thank you for that.

I have no time left.

The Chair: I'm trying to be fair to everybody.

Mr. Cullen.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Thank you to our panellists today. It's very interesting, and I feel we have very much skimmed the surface of some of the things we'll be talking about over the next few weeks.

I'll start with you, Mr. Masterson, with respect to the model of the chemicals management plan. The credit you give to it is that it's industry working with environmental groups and other concerned groups and academics. Let me ask you this; it's more open-ended. Has it allowed more certainty within your industry about how they conduct their business?

Mr. Bob Masterson: Absolutely. I think there was a comment about section 71. It made me chuckle a little bit, because I can tell you that in our industry there's a significant workload involved in responding to section 71 information requests.

The certainty is there, and there's also due process. As an association, I can tell you that we don't become involved in individual substance assessments. If one of our member companies doesn't like the outcome of an assessment, we're not involved. What we believe is that we've helped create a very effective, very fair public policy framework. If the assessment, the risk management is seen to follow that process, then we're confident.

When we have intervened on a few occasions, we've been concerned that perhaps the process wasn't followed as described. There are very few instances of this. That would cause people concern, if we had a more random process.

Mr. Nathan Cullen: This kind of model, then, has worked for your industry in terms of the way companies do business. Would you further extend that and say that it has worked for the public as well, generally speaking, in terms of its experience with the chemicals management plan?

Mr. Bob Masterson: We believe so. The public has many sets of interests. Certainly protection of human health and the environment is part of them, but also, as I mentioned, effective use of public resources.

I know Mr. Moffet was here yesterday. You will probably have questions about REACH. That is a different model. It is, in our view at least, and I think you heard this from Mr. Moffet, a much less effective use of public resources.

Think of the task in 1999. There were 23,000 substances on the TSL. Who would have ever thought we'd be sitting here, four or five years out from 2020, saying: yes, we're pretty much on track, we have this in hand, we can do this. Is there more to do? There is for sure, but it has been a monumental undertaking, and a lot of credit goes to all the people who have been involved.

Mr. Nathan Cullen: Thank you. I can't help but imagine this type of model moving over to other industries—to the resource sector, where there's often so much conflict and public concern.

I want to ask about the public in this respect, Ms. MacDonald, concerning air quality. I attempted to ask Mr. Moffet, as was mentioned, just a couple of days ago, for an example. I need examples to understand how this act applies well and doesn't apply well.

We have a community in my region in northern B.C., in Kitimat, that has a large, new smelter that was just built by Rio Tinto. Already the air quality readings exceed what is allowable. Kitimat has a 60% higher rate of respiratory illness than anywhere else in the province. The province waits for the feds to intervene—I imagine through this type of process—yet they won't. I asked why not, and he said that's not for him to explain.

Is this a failure of CEPA? Is it a failure of the civil servants applying CEPA? Is it a political question? I'm still trying to figure out, when you have clear case in which consumers are put at risk through exposure to something such as SO2, why no action is taken and everyone just stands back.

● (1150)

Ms. Maggie MacDonald: I think it meets all those dimensions. I think there needs to be swifter work on risk management by the civil servants, in some cases. We've seen several examples in which there have been inappropriate delays on setting risk management plans for certain substances, in recent years specifically. That's an area that needs to be tightened up in practice.

Also, under CEPA we need a national standard for air quality. Right now we have a patchwork across Canada. There are some provincial standards, but—

Mr. Nathan Cullen: Is it provincial jurisdiction or is it federal?

Ms. Maggie MacDonald: It could be either.

Mr. Nathan Cullen: It could be either; it's the patchwork quilt.

Ms. Maggie MacDonald: Yes. Sometimes there is overlap between the provincial and federal jurisdiction when it comes to managing toxics. This is a case in which it would be better if there were a national standard, but not just for outdoor air. Indoor air quality is a big concern in Canada because we spend so much time indoors.

I know you've asked about your region, which is experiencing outdoor air pollution, but there's risk management for which we're still waiting for VOCs indoors in Canadian homes, for example. That's another dimension that has to be considered.

Mr. Nathan Cullen: I know we don't have time today, but some examples of where more surgically we could apply CEPA better or make changes to the act that would allow such things as air quality indoors and outdoors to be done better....

A second question I have to you is around the precautionary principle. I moved a private member's bill, in one of my first years here, around phthalates, a chemical that had replacement options, which was a softener for plastics and ended up in children's toys and we knew was an endocrine disrupter.

It passed through the House unanimously. The Senate didn't see its way to passing it through the Senate, but, you know.... They were busy, I suppose.

Do we apply the precautionary principle right now through CEPA?

Ms. Maggie MacDonald: Thank you so much for asking, because it is in the preamble. In my view, if we look at how risk management has been failing to meet an appropriate pace, we are not meeting the precautionary principle.

In many cases there's a duty to act to prevent harm when evidence is mounting that a substance is harmful but there might still be some debate among scientists. We all know how long it took that debate about tobacco causing lung cancer to go on, and there are reasons for that.

The precautionary principle is what we do to protect human health while those conversations that are sometimes political conversations about the data are happening. Currently, because we take so long to make decisions to get rid of some of these substances, we're not actually applying the precautionary principle.

Mr. Nathan Cullen: Very quickly, Mr. Masterson, would you have a problem with—?

The Chair: You have two seconds.

Mr. Nathan Cullen: I'd like to move a motion that we have seven minutes to ask questions.

The Chair: We'll consider that, based on the way things are going.

Mr. Bossio.

Mr. Mike Bossio (Hastings—Lennox and Addington, Lib.): So many questions, so little time.

The Chair: We may have time to continue the questioning. Let's see how we do in this round and see whether we have some time to carry on with questions.

Mr. Mike Bossio: Great.

I'm trying to frame this so that it can be answered easily, but it can't be. I've been involved in fighting landfills and such stuff in my past. There are some inherently toxic chemicals that keep coming up again and again, and nothing seems to ever be done about them. We identify these chemicals, and then what? There's no reporting; there's no elimination.

I'm hearing about alternatives assessment. I need to study it more, but would alternatives assessment do a better job of bringing about the virtual elimination of these chemicals, and why?

Ms. Elaine MacDonald: Say your company wanted to bring a new chemical into Canada; you want to manufacture or import it. An alternatives assessment would require the company to consider whether there is a safer, better option—safer for human health and safer for the environment—than this particular chemical. Right now, that doesn't exist under CEPA. It would force the individual or that company to turn its mind to other options that might be better overall.

Yes, then, it would be a faster and more efficient way than what we have now, which is that a chemical is assessed, they decide what the risks are, and then there's some management of the risks that come out of it.

Mr. Mike Bossio: There's also a concern about the timelines around risk assessment, in that they're taking far too long and are not being fully reported, etc. Would it also help to alleviate that aspect as well as tighten the timelines of risk assessment?

● (1155)

Ms. Elaine MacDonald: Yes, if a safer alternative is found, then there isn't necessarily a reason to continue with a full risk assessment for that substance.

It also would be fairly efficient for Canada to adopt this now, because so many countries are ahead of Canada already, and we can learn from those other countries. The OECD has collected a wealth of information from other jurisdictions that are doing alternatives assessments.

We can learn from what others have already gone through by adopting alternatives assessments. We don't have to build it from scratch. It could be a very quick and efficient way to bring in something that could be revolutionary with respect to managing toxicity.

Mr. Mike Bossio: Mr. Masterson, I see you shaking your head. You seem to have some concerns about this.

Mr. Bob Masterson: Well, I believe that we have a process. There's a list of substances there and we know what's of concern. We have a process to examine, at industry's cost, new substances that come into commerce.

The question of alternatives comes up very fully every time a risk management is done for a substance that's considered toxic. You're looking at what the alternatives to that are, at how far you can push this to remove it from commerce today, and at the most effective means to do that. Again, depending on where that is in the hierarchy, when you get to persistent bioaccumulative substances—

Mr. Mike Bossio: I'm sorry to cut you off, but I'm trying to get through a number of things here. If a substance is toxic, it's toxic. It's toxic. There are no ifs, ands, or buts around that.

Mr. Bob Masterson: No, but—

Mr. Mike Bossio: I guess we have a debate—I think on many parts—about how to define what a toxic chemical is and if it is a probable carcinogen or an actual carcinogen, etc. But once it's been identified as such, once again, what are we doing to eliminate that chemical and getting by all the exemptions that exist within—

Ms. Maggie MacDonald: Can I talk about that?

Mr. Mike Bossio: Maggie, I'll give you an opportunity to answer that.

Ms. Maggie MacDonald: It's very interesting. I think alternatives assessment is a really great way forward, but we also need to have the will to ban and restrict substances that are carcinogenic or mutanogenic.

Mr. Mike Bossio: Right, so how do we now do this within CEPA? It doesn't seem like there's a really good vehicle to make this happen from a legislative standpoint—

Voices: Yes.

Mr. Mike Bossio: —instead of it just happening, rather than fighting about whether it should happen, when it should happen, and what levels are acceptable or aren't acceptable, etc. Is there a suggestion you can give as to how this can be done in a more expeditious and non-political way?

Ms. Maggie MacDonald: I think that taking a hazard approach to these substances and really looking at trying to eliminate them from the environment is appropriate, because now in risk management you can check all the boxes without really removing them from the environment.

I want to clarify something I said about the civil service as well when asked about it. It's not that I lay blame on the individuals working there, but in recent years they were under-resourced in being able to complete some of their work, so that's why that is.

Mr. Mike Bossio: Another huge area that is a difficulty with this is around reporting, right? Once again, I know that in my own case in fighting these battles, the company will always find a way to twist its way out of having to report something that they don't really want to report. They drag it on and drag it on. You wonder sometimes if the staff are complicit, or if it is just, once again, because it's not well defined within the legislative framework to make this happen in an expeditious way.

Ms. Elaine MacDonald: Yes, in my submission, I had a number of recommendations on improving reporting and transparency, particularly the NPRI, which is really our only source of pollution release information nationally.

Yes, I would say that right now the NPRI is not prescribed in detail in the act. It goes through a *Canada Gazette* posting every two years in terms of the details of reporting to the NPRI. The act just requires the minister to set up a registry of pollutant releases. I would recommend that in the act there be a much more prescriptive description of what should be in the NPRI.

Mr. Mike Bossio: Once again, there's a chemical that I had to deal with, 1,4-dioxane, which is a recognized carcinogen. There were no drinking water standards around this. Therefore, the company was able to allow this to go into the environment because there's no official drinking water standard around it. Is this, once again, another failure of CEPA in that it's not defining—

Ms. Elaine MacDonald: We have no drinking water standards, period. We have guidelines nationally, so CEPA has failed us there, for sure.

Mr. Mike Bossio: Right.

Ms. Elaine MacDonald: One of my recommendations is definitely for national standards for drinking water. Also, where we know that there are substances out there that are contaminating drinking water sources, they should have standards. They should have health-based standards.

Mr. Mike Bossio: Because then they don't have to report it either.

The Chair: Thank you very much.

Mr. Fisher.

Mr. Mike Bossio: I apologize for cutting you off so much.

Mr. Darren Fisher (Dartmouth—Cole Harbour, Lib.): The level of expertise at the table is quite impressive. Thank you for being here.

I want to talk about mercury for a second. Across the country, we are currently allowing mercury light bulbs to essentially be tossed in the garbage. Some provinces are doing some pretty impressive things, but 1,500 kilograms of mercury, essentially, give or take a few hundred kilograms, is going into our landfills every year as we are throwing these light bulbs away.

I was interested in your comments about how we need to define "toxic". I thought that was really impressive. Also, you talked about bioaccumulation. My limited understanding of mercury is that it's accumulative in the environment.

Of course, my interest is based around a private member's bill that I have before the House right now for the recycling of mercury-bearing light bulbs. They can be completely recycled. In your opinion, how is this is allowed to happen if we know this is toxic? It's listed as toxic and identified as toxic, and we know it's accumulative, so how is it that in 2016 we're still throwing these light bulbs in the garbage?

● (1200)

Ms. Maggie MacDonald: What's interesting about these light bulbs is that if they're used safely, they're safe. The mercury shouldn't get out unless they break or are disposed of improperly—

Mr. Darren Fisher: In the landfill.

Ms. Maggie MacDonald: Yes, in the landfill. The problem is that very few people know—I know, because I'm passionate about these issues—that you're supposed to dispose of them as toxic waste. I want to indicate that it's what happens when there's a reluctance to regulate or legislate at the federal level. You get a patchwork of regulations and a patchwork of actions that change from municipality to municipality or province to province, and then you have the mass of Canadians who don't understand how to safely use these things.

I want to speak in favour of having a little more enthusiasm to deal with things at a federal level under CEPA, because if we don't regulate federally, then you have hundreds of different measures and nobody knows what the right thing is in their area.

Mr. Darren Fisher: It sounds like you're suggesting that we're hiding behind a jurisdictional issue. We're suggesting that it's somebody else's jurisdiction.

Ms. Maggie MacDonald: Yes. If you follow some of the interviews that followed the decision to bring in these light bulbs, there is some finger pointing in regard to "well, the provinces should do it" and whatnot. In looking back at some of the articles about it, you can trace inter-jurisdictional finger pointing.

Mr. Darren Fisher: We have a very small factory in my riding of Dartmouth—Cole Harbour that will take these bulbs, as well as four-foot fluorescents, and 100% recycle absolutely every piece of these.

On your comment about the fact that people just don't know this, maybe it's an education issue as well. Maybe we need to tell that story a little better, because there are these small companies out there that are willing to take these light bulbs and recycle them 100%.

Ms. Maggie MacDonald: Yes, definitely.

Mr. Darren Fisher: I'm willing to share some time, Madam Chair, if I have any time left.

The Chair: Yes, you're just over halfway.

Mr. Gerretsen.

Mr. Mark Gerretsen (Kingston and the Islands, Lib.): I think this is a top-notch discussion. I appreciate what you've contributed to this, and I appreciate the fact that there are multiple sides to every story.

In the time remaining, I'd like to just pick up, Maggie, on what you talked about as "windows of vulnerability". I'm interested in knowing how you go about regulating that. For example, you have a welder who becomes pregnant and whose physician says she cannot continue to breathe in the toxic chemicals associated with welding. How do you practically regulate that, other than just removing the individual who is in that window from the environment? Or is that what you're talking about?

Ms. Maggie MacDonald: It's a complex answer because it's a workplace example. Occupational exposures are not part of what we look at under—

Mr. Mark Gerretsen: That's fair enough, but I'm just trying to draw an example.

Ms. Maggie MacDonald: I think that comes back to looking at the inherent hazard approach. That means looking at the substance's inherent hazards rather than taking the approach of what the average exposure is or what the likelihood is of a person being exposed.

If a substance is inherently hazardous, such as mercury, for example, then we need to look at the inherent risks. It's so toxic that there's no debate about whether or not it is, right? But the question is, this welder might be exposed much more than somebody, say, who is living somewhere along the St. Lawrence River. That's a bad example, because the St. Lawrence does have many mercury hot spots, but....

● (1205)

Mr. Mark Gerretsen: Right. I can understand that.

Ms. Elaine MacDonald: Can I make a suggestion?

Mr. Mark Gerretsen: Yes, please.

Ms. Elaine MacDonald: The Pest Control Products Act actually tries to do it. Now, I'm not a fan.... The act is fairly new. It's newer than CEPA. The problems with the act are mostly about lack of implementation, but if you look at section 19 of the Pest Control Products Act, you'll see that in subsection 19(2) there's actually some wording where they try to turn the assessment of pesticides towards looking at windows of vulnerability. They do it by adding in external factors of safety, so they talk about infants and children, and they talk about "threshold" effects.

I would encourage the agency to maybe look at that act a bit and see what it has done. It was redrafted in 2002.

Mr. Bob Masterson: I would just say that what you've talked about is the inherent difference between a hazard approach and a risk approach.

On the example of saying that someone's exposed to something because of the nature of their job and what's the right thing—to remove the person from that position—that's managing the risk. That's not saying that nobody should ever perform that task. This concept of risk versus hazard is at the core of the decision we made on CEPA. It is a risk management approach, and that's what makes it so efficient and so effective, and that's why it's going to be very soundly copied in the new legislation that you see coming out of the United States.

We talk also about the precautionary principle. I would point out that we've already heard about the question of BPA, and we were—and still are—one of the few jurisdictions to manage that. Where do we place the risk management actions? On those parts of the population that are most vulnerable through the products that they come in contact with.

We have the precautionary principle and we have a risk-based approach, and your examples are exactly why—

The Chair: I have to cut it off, sorry.

Mr. Gerretsen, you have more time later, so we'll go back to you.

Mr. Fast.

Hon. Ed Fast (Abbotsford, CPC): Listening to all of you, it really is fascinating. You have such a wealth of information.

I hear the chemistry association suggest that things are actually going well, at least as far as the chemicals management plan is concerned. I see references to the stunning success of public policy and its impressive results. I hear Ecojustice essentially suggesting that CEPA does little if anything to address the impacts of toxins and chemicals on human health and on the environment. You described it as a toxic treadmill. I sense there's still quite a divide there.

There was a suggestion made, Mr. Masterson, that the industry-initiated triggers aren't working at all. I believe that implies that essentially your industry writ large only responds reactively and that you don't proactively try to address many of these concerns. How would you respond to that?

Mr. Bob Masterson: I don't think that's true at all.

We're talking here about the role of the federal government. The marketplace plays a very strong role. Someone mentioned phthalates earlier. The companies that are the largest producers of phthalates are the world's largest producers of phthalate-free plasticizers. There are changes going on. There is evolution taking place. There's no sector that has as many patents and as much research development innovation taking place as the chemistry sector. The drive to eliminate risk is increasing across our western society. There's no question.

The question is how you go about managing risks appropriately while innovation takes place. The idea of banning substances simply because they might pose a hazard is one that we've specifically chosen not to take in Canada.

I'd be happy to talk more about endocrine disruptors and hazard versus risk approach, if someone wants to. I'd be very happy to share the opinions that were provided by Health Canada, which are very sound in our view.

Ms. Elaine MacDonald: Let me explain my comments, since you refer to them, on section 70.

There is a provision that requires industry to submit data to the government, if they discover an environmental health harm. When I asked civil servants working on CEPA if that section had ever been acted on, they could not give me an example. That was my concern, that that may not be working.

Hon. Ed Fast: I'm hearing industry say something different, that there is a great deal of proactive work done to identify—

Mr. Bob Masterson: There are also examples of substances that were found through assessment to not be toxic, but that companies themselves have voluntarily removed from the marketplace because of the precautionary principle.

It isn't all about rules and decisions that the government makes. It's a very innovative marketplace for the world of chemicals.

Hon. Ed Fast: Thank you.

Maggie MacDonald, given that there is still quite a divide here, I appreciated the measured approach you brought to it, the fact that you're working with industry, not necessarily collaborating, but working with industry to achieve outcomes that serve Canada's national interests, our health interests, environmental interests.

Going back to BPA, when was BPA banned?

● (1210)

Ms. Maggie MacDonald: I think it was taken out of baby bottles in 2010.

Hon. Ed Fast: Now it's been taken out baby bottles, but it's still present in our economy.

Ms. Maggie MacDonald: Yes, and hence in our bodies.

As I mentioned, the Canadian health measures survey from Statistics Canada found that it's in I think 90% or 94% of Canadians aged 3 to 79, which is too much. Last year, researchers in France found that the levels we thought might be safe thresholds for BPA exposure are actually many times too high, particularly because it is an endocrine-disrupting chemical. BPA mimics estrogen. Lifetime exposure to estrogen is linked to breast cancer risk. They've also recently found prostate cancer risk from this chemical.

Though it's out of baby bottles, which is great, if you're a breastfeeding mother and you have tons of BPA in your body, your baby is still going to be exposed to it. This is also the case for other populations, like cashiers, or accountants even, handling those receipts all day. It goes through your skin and enters the bloodstream.

We haven't dealt with all those other risks. It's on schedule 1. We have risk management, which is great. I'm glad there's risk management, but it's inadequate.

Hon. Ed Fast: I have a question on the precautionary principle within the preamble of the act.

Is it your position that the precautionary principle is not being followed at all, or that's it not being followed consistently?

Ms. Maggie MacDonald: It's not being followed consistently. It's not being followed adequately.

There are great examples of where it is being upheld, but with what's written down and what's practised, there's a gap there that we need to close so that it can be more consistent.

Hon. Ed Fast: What would plugging that hole look like?

Ms. Maggie MacDonald: I think that when risk assessments are done on substances sometimes...triclosan is a good example, because it's one I know well. It was declared toxic to the environment in a draft decision, but it wasn't declared toxic to human health. We have seen a great deal of evidence that it mimics the human thyroid hormone and affects other organs of the body as well.

The Canadian Medical Association has been calling for a ban on it since 2009 because of concerns that it contributes to antibiotic-resistant bacteria. There is a great deal of evidence that it's a human health hazard. I won't go further down that path at the moment, but if we were to apply the precautionary principle in its holistic sense, I think we would see that being declared toxic to human health as well, in light of mounting evidence.

Another shout-out is IARC, the International Agency for Research on Cancer. A cancer researcher recently said that a substance has never gone down when it has its IARC designation of 2B or above, meaning that there's more and more evidence that it causes cancer. There aren't examples of substances that then get reviewed and taken off that list, that we found don't cause cancer, even though we were moving up that chain. Things don't go in reverse that way.

That's evidence that the precautionary principle when applied in risk assessment is quite up to international standards to be very cautious.

Hon. Ed Fast: It's been very helpful.

The Chair: That is great.

Mr. Gerretsen.

Mr. Mark Gerretsen: To pick up where we left off, I started by talking about these windows of vulnerability and then we talked about risk management. From your perspective, I want to know how you practically produce legislation that accomplishes—your example with a cashier always handling receipts....That's a window of vulnerability.

To Mr. Masterson's point, how do you not just deal with that through risk management? How do you practically implement some kind of legislation to capture that?

Ms. Maggie MacDonald: We've heard alternatives assessment mentioned. I think expanding that, and not making that voluntary; but looking at how we can put alternatives assessment as a strong program under CEPA so that companies go through the process. They know it's happening voluntarily. It's fantastic that there is alternatives assessment.

Bob discussed this earlier. We need to strengthen this under CEPA so it's not just left up to the good actors and those who are showing leadership in this area, but it's consistent across the board that when you are looking at a toxic substance and the best way to replace it, the best chemical you can put in your products instead, there's a really strong program for doing that. There are great examples, like green screen, just to name one.

● (1215)

Mr. Bob Masterson: Under CEPA there's a very clear division between risk assessment, which is a scientific examination of the risk of the substance that it could pose on human health, and the environment. That is very separate from how the substance is used and how it should be managed and that's intentionally so.

Back to that question of alternatives, when John Moffet and his team look at a particular substance that has been declared toxic and they're trying to determine the best way to manage this, how should we control this? Where should we eliminate its uses?

The question of what alternatives are available enters into that discussion very clearly. Where there aren't very many alternatives, you've got a small suite of tools to rely on until you see other innovations. Where there are multiple alternatives, you've got a big suite of tools to choose from, and you can put a wider range of limitations and management on that substance.

Again, very clearly, assessment is a scientific process. It's the risk management that considers the uses and the alternatives for that product.

Ms. Elaine MacDonald: I have never seen an alternatives assessment in Environment Canada or Health Canada risk assessments under CEPA. Maybe the industry is doing it. Risk assessments aren't defined in how they're done under CEPA. They're done completely outside the act. It is used to determine whether it meets section 54 toxicity requirements.

They're not laid out in terms of how they're conducted. I'm suggesting that CEPA give you instructions on how to do risk assessments, potentially even set some hazard threshold—

Mr. Mark Gerretsen: Is that true, Mr. Masterson?

Mr. Bob Masterson: No.

Mr. Mark Gerretsen: Specifically, does CEPA not address how they're supposed to be done?

Mr. Bob Masterson: The section 71 notices gather a very robust set of information on how those products enter commerce and how they're being used. I assure you that's a key part of decision-making on which risk management tools are used. I hate to use a metaphor like the eighty-twenty rule, but as the government decision-maker trying to use your scarce resources, where do I get 80% of my value for looking at 20% of the resources I dedicate?

You're looking at where this product's being used, the way this substance is being used, in a way that could impact human health and environment the most. Those are the ones you're going to go after.

Yes, that might mean individual light bulbs are left and have to be managed through other processes. Think of how mercury has been managed. Mercury has been very well examined by regulators across Canada. We had a whole program. We talk about a federated state in Canada. There's nothing more than the environment that's federally regulated between the provinces and the feds. They've had a detailed CCME, Canadian Council of Ministers of the Environment, program on mercury. They've gone a long way to eliminate mercury—

Mr. Mark Gerretsen: I don't want to interrupt you, but I'm limited for time.

Mr. Masterson, part of what it says on your organization's website is that your responsibility is to "improve the public's confidence in chemicals management". Explain to me how that's not just selling chemicals to Canadians.

Mr. Bob Masterson: I think it's the work. One of the first things I said in this discussion was that from day one, our industry and our industry association has been a full partner in the development of CEPA and a chemicals management plan.

Sure, there are issues where we share different views from Maggie, but none of us disagree on the objectives, which is to protect human health and the environment. We'll work with anybody to accomplish that. I think that's the benefit of the Canadian landscape; we can work from multiple perspectives to come to shared objectives. We have reduced our CEPA toxics by over 90% in the last 25 years.

We've talked about the IARC carcinogens. I can tell you a very similar story there. We list them all. We record them all. We don't use thresholds with the emissions releases. We collect data on them all, and we publish it. We do that with all our stakeholders.

I think we have a very good story to tell.

Mr. Mark Gerretsen: I appreciate that.

Mr. Bob Masterson: If you'd like to see more, we're happy to share it with you.

Mr. Mark Gerretsen: I appreciate that. I'm not trying to suggest otherwise; I just wanted to give you the opportunity to make that comment.

Mr. Bob Masterson: I would say one last thing to your comment, though. We can't separate chemistry and chemicals from our everyday health.

Mr. Mark Gerretsen: That's fair enough.

Mr. Bob Masterson: Everything in this room has chemicals in it, and 95% of everything that's manufactured in the world has chemicals.

The point of CEPA exercise and the CMP has been to prove to Canadians that although there are 23,000 chemicals in commerce, you really need to have some concern about less than 2%. We have to have much more caution with those. For us, that's a great example of how to build confidence.

The Chair: Mr. Eglinski.

Mr. Jim Eglinski (Yellowhead, CPC): I'd like to start with Elaine.

You mentioned something here earlier about no national water standard.

I'm a former mayor of the city of Fort St. John. I'm fully aware that the Province of B.C. has a very comprehensive water safety standard for municipalities that supply water to their community and maybe other communities. There are such levels as 1 to 4, 1 to 5, depending on the province. I know the Province of Alberta has exactly the same, because I live there now, and I've checked into it.

The provinces are very conscious of this. I wonder what you meant, why we needed a national water standard. I believe I'm correct in saying that all provinces have water control methods and standards to follow.

● (1220)

Ms. Elaine MacDonald: We have national guidelines right now. A lot of the provinces will adopt these guidelines as their provincial standards. National standards, if they're health-based, would ensure uniformity across the country.

We know there are gaps. We are working with a family right now in a community outside of Halifax, Harrietsfield. The community has no access to safe water. Their water has been contaminated by a local landfill. The lack of national enforceable drinking water standards means we cannot point to any kind of enforcement mechanism to try to bring them safe water. There are gaps. That's what we see on a day-to-day basis. We see that national enforceable drinking water standards, even if they're done through co-operation with the provinces, and the provinces incorporate them as provincial standards.... At least if they're enforceable, we could see that we could fill in some of the gaps where there are communities without access to safe water.

First nations are another example.

Mr. Jim Eglinski: I guess we could argue about that all day, but I don't wish to do that.

Mr. Masterson, there's been talk about alternates to some of the chemicals being used. In your industry, when you and your corporations are reviewing the products they want to bring to the public, are they looking at alternate chemicals to use within that production now?

Mr. Bob Masterson: While I can't speak for any individual company, the basic answer is yes. I'll come back to CEPA framework; it's expecting you to do that. We deal with our existing substances, those that were in commerce before CEPA provisions went in for new substance notification. We had a list of these substances. If the government says there's a problem here, it has to be managed. Obviously one way to manage that is to look for alternatives. If you can do that, that's great.

When you look at substances on the list and you want to propose a new activity for a substance, you have to request a significant new activity process through the government. The burden is on you to demonstrate again that the substance you're proposing to use in that activity is indeed safe for human health and the environment. Then you have your brand new substances, where you have to go through a whole new substance notification process.

The basis premise is that if you've gone through the significant new activity or the new substance notification process, the decision-making is that the substance is acceptably safe for use for your intended application, and that application only, and poses no significant risk of harm to human health and the environment. The process is there.

I'll say it again: CEPA works incredibly well. I would encourage you, perhaps as part of your examination, to look at some of the studies by the U.S. government and U.S. academics that are influencing the direction they are taking on their Toxic Substances Control Act. You will be very proud of the degree to which you see Canada's CMP approach reflected in there. It works. It manages hazards very effectively, and puts public and private resources directly focused on the areas that pose the highest risk to human health and the environment.

Mr. Jim Eglinski: Do they look at the same thing in terms of the recycling of their product later on, once it hits the market? Is there a study being done by your organization, through your companies?

Mr. Bob Masterson: I'm not sure I quite understand your question.

Mr. Jim Eglinski: It's about the future end of the product. Do you look at how we can get rid of it, or recommend how can we get rid of it, after we use it?

Mr. Bob Masterson: Certainly part of that, in terms of how you should safety dispose of it, is under hazardous workplace materials information. With regard to your message about different jurisdictions having different requirements, that's true too. The life-cycle approach is increasingly important and the cost of managing is also important.

● (1225)

The Chair: What I've decided to do here, because we have the time, is this. After we finish this round of three minutes, we'll do four minutes each for each of the different parties. That way you'll have four minutes.

I think that's fair. We have the time. It looks like people do have a lot to talk about, so it might be good.

Mr. Cullen, three minutes.

Mr. Nathan Cullen: Mr. Masterson, what's your greatest concern with the way the act is written right now? Is there anything?

Mr. Bob Masterson: I think we're back to the question that was raised earlier, about whether a toxic is a toxic is a toxic. I think one thing we've learned through this exercise is that it isn't. Often that label gets applied, and the public's response and the concerns raised aren't always appropriate. In our written comments back to you we have a recommendation around the labelling of toxic and how there might be more nuance in that area.

Ms. Elaine MacDonald: I was just going to point out that I know that the schedule 1 toxic substances list is not popular with industry because of that label of toxic. One thing to be clear about is that just because a substance ends up on schedule 1, it doesn't mean that any real effective risk management occurs around that substance.

Mr. Nathan Cullen: Do you understand the industry's concern that if a substance gets labelled with the word “toxic”, which the average person—

Ms. Elaine MacDonald: It's toxic because it's been found through a risk assessment to meet the requirements of section 64, which is how toxic is defined.

Mr. Nathan Cullen: Right. I understand that. Just in the common parlance, some of the substances get....

Is there not a risk that things that like endocrine disruptors, carcinogens, and things that you never put anywhere near your family also get also lumped in, simply because of the way we've set up the act, with things that would not cause immediate medical concern if you were exposed to them? I'm sure Mr. Masterson can list off a few that get labelled on schedule 1, get labelled toxic, but they're not, on the counter-side—

Ms. Elaine MacDonald: Just because something doesn't kill you right away doesn't mean it hasn't a long-term effect or a chronic effect on you or on the environment. I think if you think of toxic that way, defined as impacting the environment, impacting human health, or impacting the environment as relied on by human health, it's.... Take things like PBDEs. If I sit on my couch, it won't kill me right away, but the flame retardant is building up in my body. If it affects my children's IQ, that's a toxic effect.

Ms. Maggie MacDonald: Part of it comes down to education and responsible communication around toxic substances, and the message is that we need to reduce our exposure. It's not 95% of products made of chemicals, it's 100%, because everything is made of chemical material.

It's about reducing exposure where something is toxic, but also being very cautious with those long-term, low-grade exposures, such as Elaine mentioned, sitting on her couch. It's not just a matter of something killing a person right away, but with the slow, additive, cumulative effects and combinatorial effects of being exposed to multiple types of chemicals at the same time, we need to take that into consideration and be quite cautious about that.

The Chair: We're going to step into our last round. We're going to do a third round of four minutes each.

We'll start with Mr. Fast.

Hon. Ed Fast: I'd like to continue that discussion on toxins.

Maggie, you suggested that we have to redefine toxicity within the act. Can you be a little more specific as to what that would look like?

Ms. Maggie MacDonald: In terms of how "toxic" is defined under the act, I believe it's section 5. We need to revisit that bit about it "entering or may enter the environment in a quantity or concentration", or under conditions that may have long-term and harmful effects.

We need to revisit that question of it "entering or may enter the environment" and put more emphasis on the inherent properties of the substance. Listing a substance on schedule 1 has many barriers. It's often a very cautious process.

You can look at it two ways. I've complained that risk management needs to be tighter and stricter and we need more enthusiastic bans to eliminate certain chemicals from the marketplace. But, as we see, because that process of risk management is so cautious, if we were to expand the definition of toxic and expand risk management, we wouldn't suddenly see thousands of substances being unuseable in an appropriate manner.

Hon. Ed Fast: I think it would be helpful for this committee to have a draft definition that you feel would move us forward, if you could provide that to us.

Mr. Masterson, you said your concern is that a toxin is a toxin is a toxin. I think what you're saying is that some products that are designated as toxic may actually be acceptable for use, depending on the application.

Is that what you're saying?

● (1230)

Mr. Bob Masterson: Very good, and I can't think of a better example than the decision made by the House of Commons to directly list plastic microbeads as toxic, and then the subsequent discussion and process around that.

Think about that. What is a plastic microbead? Well, every piece of plastic is made out of a resin that is by definition a plastic microbead. Those do not pose any threat to human health and the environment in of all the plastics that are around us today. The particular risk to human health and the environment is when those microbeads are used in wash-off consumer products, personal care products.

That's when you run into this issue of hazard versus risk approach. Do we really want to say that plastic microbeads are toxics and therefore all plastic microbeads would be banned? We would have nothing left made of plastic.

What we really want to do is focus our attention, society's resources, on those activities that use those and present the harm to the human health and the environment. In this case, it is only environment, which is very important, but you're looking at personal care products. That's a very good example of risk management and action versus a hazard-based approach to managing chemicals.

Hon. Ed Fast: Maggie, would you agree with that?

Ms. Maggie MacDonald: I actually think it's a little more complex, because listing something as toxic under schedule 1 doesn't necessarily mean it will be banned, as we have seen. You can list it on schedule 1 with a more cautious, hazard-based approach, and still have risk management that takes in industry considerations as well as environmental stakeholders.

Hon. Ed Fast: I think the concern that industry has is that if we redefine toxicity or expand its scope, it may catch applications that shouldn't be caught.

I think that's the point that Mr. Masterson is making.

Ms. Maggie MacDonald: Even with the cautious scope we have now, we see that many of these substances remain in wide use. We can improve risk management greatly and expand the definition of toxic without harming industry.

Hon. Ed Fast: Thank you.

That's very helpful.

The Chair: Excellent discussions.

Mr. Bossio.

Mr. Mike Bossio: When I look at CEPA, the goals and principles are pollution prevention, virtual elimination, and precautionary principle. The difficulty that I see in its application is the lack of clarity in the act around how we define a toxic substance. Toxic is toxic is toxic. Water is toxic if you have too much of it, so I get where you're coming from on that and maybe it was a poor phrase to use. The essence of what I was trying to get at is that we have highly toxic substances that exist in our society that shouldn't be there. Fire retardants are one, I believe. Look at firemen who are dying of lung cancer because they've been fighting fires and they're dying because they're breathing in these toxic substances in the fires, fire retardants being one of them. There is a lung cancer epidemic in the U.S. as a result of this.

Industry is always saying to government: I want clarity so that I can operate my business in a manner, going forward, because if it's opaque then it makes it very difficult for me to understand what I can and can't do.

If we can apply greater clarity in the definition of what is toxic, and the elimination of that substance once it's been identified as toxic, and then the reporting mechanisms that give everyone the sense that the public interest is being protected, then I think that would benefit industry in trying to go about its business in a responsible way. As you said earlier, I do believe that industry, for the most part, does try to do so. But if you don't give clarity then they will try to use the regulations in order to manage risk rather than pure risk management, as it relates to the public rather than to the corporate and the shareholder interests.

Would you agree with that?

Mr. Bob Masterson: No.

● (1235)

Mr. Mike Bossio: Okay, and why not?

Mr. Bob Masterson: Risk management is complex. I'm sure you've looked at this. When a substance is listed under CEPA, schedule 1, there is a clock that starts to tick, and the government must introduce a proposed risk management measure. Once that's been consulted on they have another clock that starts to tick, and they must introduce a final risk management measure.

That doesn't say that it's the only risk management measure the government can ever take on that particular substance. They can come back as many times as they see fit, but they're also using their ability to be good economic managers in the public interest. You talked about enforcement the other day. They are asking: where should we be applying controls, and public enforcement to get the most return on our buck?

The question about elimination just because something is listed as a hazard is not an appropriate use of society's resources.

I'll quote here if I have a minute

Mr. Mike Bossio: I hate to cut you off, but I would like to hear from Maggie and Elaine on this.

Ms. Elaine MacDonald: One thing to be clear about is that just because a chemical is added to schedule 1 doesn't necessarily mean it's going to be eliminated; in fact, the vast majority are not eliminated.

I wish I had it in front of me, but I don't. The number of chemicals that have actually been eliminated under CEPA are, I'm sure, under 10, and probably under five—very few. There is a very short list when you look at that.

We have to understand that schedule 1 and toxic assessment is really meant, as described, to deal with the issues that have been identified as the toxic issues, such as with microbeads. It was identified that the toxicity is occurring when microbeads get into the water and into fish and so on. That's how they're managing those products that have microbeads in them that wash down the drain, such as exfoliants and creams. They're not trying to manage microbeads in other uses that are not necessarily presenting that particular toxic risk. That's how CEPA works.

There seems to be this assumption that getting on schedule 1 mean you're never going to be able to use that chemical again, and that is not the case. That's not what CEPA is doing.

The Chair: Mr. Cullen.

Mr. Nathan Cullen: Thank you, Chair, for the flexibility around the question rounds that we're doing today.

On the national inventory of pollution releases, this piece that was raised earlier, it may have been covered, and I think Maggie or Elaine talked about the exemptions. We exempt oil and gas releases, drilling, wells, and fracking. Are all those exempted?

Ms. Elaine MacDonald: Yes.

Mr. Nathan Cullen: How come?

Ms. Elaine MacDonald: That's a good question. I don't know. There has been a request that I think was submitted in 2012 to have institutes [*Technical difficulty—Editor*] well, is fracking being added to the NPRI, and it has not been answered yet. There is an ongoing study happening within Environment Canada. They're doing something called the oil and gas review, but I could not answer as to why that hasn't happened. It's obviously a high-level public concern, so I would advocate for those loopholes to be closed, as I said in my submission.

Mr. Nathan Cullen: Mr. Masterson, do you know why?

Mr. Bob Masterson: I don't know why. I know there are other thresholds as well and they include the size of the company in terms of—

The Chair: Turn on your mike, please. Our mikes seem to be freezing.

Mr. Bob Masterson: There are other exemptions from NPRI reporting, and they often focus around the number of employees. I believe the threshold is 10 full-time equivalents. I think you'd need to ask experts, but what you might see in that industry is, yes, cumulatively there are emissions that reach the threshold, but in individual activities where those might be sourced from, you have fewer than 10 employees. You need to speak to the experts in that area.

Ms. Elaine MacDonald: This exemption is actually not related to the employee threshold. It's explicitly defined.

Mr. Nathan Cullen: Right, because I'm assuming TransCanada has more than 10 employees.

Mr. Bob Masterson: I'm saying it could be related to the nature of that business, and how many employees are at an individual wellhead. You're not going to find more than 10 employees at an individual wellhead on a full-time equivalent basis.

Mr. Nathan Cullen: Right, but in terms of the consumer's side or the public's side of things...discharging sewage, discharging from oil and gas wells, from fracking wells...if you are a neighbour to one of these wells, you probably want to know. If that's not being done properly, I think the committee might want....

Is there anything we haven't asked you yet, Maggie or Elaine? Is there anything important that we haven't asked you yet that the committee could use?

● (1240)

Ms. Maggie MacDonald: It's a topic I'm so passionate about.

Members of the committee, I think, would benefit from looking at REACH. It's been mentioned once in Bob's comments, but there are few principles in REACH that are—

Mr. Nathan Cullen: It was dismissed harshly by Environment Canada on Tuesday.

Ms. Maggie MacDonald: It's a funny thing. Environmental Defence Canada never dismissed it harshly. I think there are a few key principles in REACH that are really great, such as no data, no market. You provide the data before the substance is in wide use. There is also a system that allows industry to work with substances that are inherently hazardous and toxic, but if there's not an alternative, the company can still use it, and there's a way to manage that.

Mr. Nathan Cullen: Environment Canada had an interesting reaction, that REACH was absolutely not to be considered. It was onerous, it was burdensome, it was not effective, our system is much better, Mr. Masterson, and under—

Mr. Bob Masterson: I would say our system is better and it's a better use of public resources. I'm not here to trash REACH. It is one of the few other programs, like the chemicals management plan, that have done the job. I think our chemicals management plan was designed for Canadian circumstances, and it is more appropriate and it is a better use of public resources. On the question of what we have, we've heard a lot of comments today about risk management. Look at the actual risk management measures that have been delivered, and I think Canada's program compares much more favourably for the resources provided than does REACH.

They're both good programs. They both meet their individual circumstances.

Mr. Nathan Cullen: Maybe there are a few principles we can draw from REACH. That would be helpful to the committee, if you wanted to submit those to us.

Ms. Elaine MacDonald: REACH takes a bit more of a hazard approach, which is one thing you may want to look at.

Mr. Nathan Cullen: Thank you, Chair.

Mr. Bob Masterson: And we would say, stay with the risk-based approach.

The Chair: I want to thank our guests very much for sharing so much wisdom with us. I also wanted to suggest that you've heard some of our questions and you've heard where we may be going. If you have more to share with us than what you were able to bring forward in terms of what you've presented, and you'd like to send that through to us for consideration, we would welcome it. We would also welcome suggestions.

I wrote a couple of things down. Different people had recommendations on who we might want to have come forward in the panel. We are open to those suggestions. Please send us your thoughts fairly quickly if you could, because we're trying to figure out who we should have come forward on this. Your suggestions would be welcome.

I will suspend for just a few minutes to give you a chance to leave the room before we move on to committee business.

Thank you.

● (1240)

_____ (Pause) _____

● (1240)

The Chair: I'm going to bring the committee back to order.

We do want to get through a few items. I think you all have a package of some things we want to present. The clerk has asked whether we can just do the budget, because we have to pay some bills and we want to make sure that gets done.

I did not know, but I have been educated that every study needs to bring forward a budget to be able to accommodate that study. We have had one brought forward for this review of the Canadian Environmental Protection Act. We don't know because we don't have our witnesses. If we had all of our witnesses we would know for sure.

What we have to do is put forward a potential...and we've picked some from Vancouver, some from Halifax. We've tried to cover coast to coast if people are coming from the two extremes, and a few in the middle, and we've come up with travel expense, a video conference for those who we can video conference, and then working meals. You're only allowed three for each study. We're going to have a few studies, so we've already done two. We have one left.

Go ahead, Mr. Fisher.

● (1245)

Mr. Darren Fisher: I would be pleased to move that. That's a ceiling?

The Chair: Yes.

Mr. Darren Fisher: Then I would be pleased to move that figure as our budget for the first study.

The Chair: Just to be clear, if there is a need to increase the budget then we'll have to come back with supplementary...but this is a good first shot and it's on the floor.

Any other comments before we move it?

Mr. Martin Shields: It's flexible in the sense that you put down people saying yes.

The Chair: Yes. If we get to a point where we need more then we'll bring it forward to the committee.

(Motion agreed to [See *Minutes of Proceedings*])

The Chair: That was awesome. Let's hope this keeps going.

The next thing is the subcommittee report. We met on Tuesday, and I just want to see if anybody has a problem. Any discussion on it? Do you all have this? It's the first report of our subcommittee that we have to adopt to allow us to do what we're going to do next Tuesday.

Mr. Nathan Cullen: It was good discussion in the subcommittee. We talked about all the different balls we are trying to juggle, and even a motion from me that is being addressed on Tuesday, when we come back.

The only comment I would make to that is trying to [*Technical difficulty—Editor*].

The Chair: I sent it out last night. I'm sorry, we were in caucus all yesterday, so I didn't have a chance to respond until later in the night. I apologize for the delay.

Mr. Nathan Cullen: The only reason we moved this motion was because we had the “two sleeps” rule going on. We wanted to get—

The Chair: Yes, it was four o'clock so you have to remember that.

Mr. Nathan Cullen: Anyway, we had originally constructed a motion and sent it to the chair. We've since revised that this morning to try to incorporate the helpful comments from the chair and the reading of the blues from our meeting when we first discussed this.

We're just trying to get something down at some point to be able to move forward. It hopefully coincides with the February letter that the environment commissioner sent to us. There were some things she recommended that the committee undertake: climate change, sustainable development strategy, pesticides safety, and some other things that we're not addressing yet, but maybe we'll get to later.

My point, Chair, is that we reordered the motion that we had originally in terms of dates and allocations. That's what we're submitting and talking about on Tuesday.

The Chair: At our subcommittee meeting on Tuesday?

Mr. Nathan Cullen: Correct.

The whole committee gets these motions when they get sent around and I don't want there to be any confusion. What the chair sent forward to us was helpful and so we've reorganized this to deal with the sustainable development as well as getting to climate change and clean technology before we wrap up for the summertime.

The Chair: We'll be having that discussion on Tuesday in our subcommittee meeting.

What was to come forward and hasn't come yet, and I'm hoping that you will be giving it to us soon, is the witnesses you'd like to have us bring forward on the 22nd. I haven't seen any response from anyone. It's the one that we're doing on the 22nd, the federal sustainable development strategy. We want to hear from you. I can pick some, but I wanted to hear from you so that we can have that ready for the Tuesday meeting.

Then the subcommittee is after that. Hopefully by that time all of you will have given me a prioritized witness list that you'd like to hear on the four different issues that we are considering for this committee at least identified so far.

Once we have that, I'm hoping on the 22nd we'll have a lot more information to be able to figure out how we will undertake our work in the next couple of months.

● (1250)

Mr. Mike Bossio: I think it would be good to invite the environment commissioner to come in and speak about the Federal Sustainable Development Act and her side of it.

The Chair: You're saying that you want her as a witness? Okay that's fine.

Mr. Fast.

Hon. Ed Fast: I must say I'm somewhat confused. We settled upon two studies that we would do concurrently, and then we would do the Federal Sustainable Development Act, and then we would do the one on clean technology, clean energy, etc. Is that right?

The Chair: We said it would be our fourth item.

Hon. Ed Fast: Yes. We had ordered them, and two were going concurrently. Is that right?

The Chair: Yes. I don't want to get into all of the discussions that I think we're going to end up getting into at the subcommittee—

Hon. Ed Fast: Except there is before us a first report, which says the committee agreed—

The Chair: Yes, we did. We agreed on the 22nd—

Hon. Ed Fast: —to have the Federal Sustainable Development Act, which essentially conflicts with the ordering we had established. In fact it conflicts with the draft press release, which is shown right here.

The Chair: We have a proposed approach for ourselves, separate from anything that may come and be referred to us. There will be things referred to us, such as budgets, other studies, and other issues that come up. If we say we will not entertain anything else then I don't think that's the right approach either. Again, we can discuss this on...

We are separate, but we also get things referred to the committee. I think we need to be open to discussing those and see how the committee may want to deal with those things that get referred to us. We have been asked, which was not in the picture when we set up our proposal in terms of priorities. It wasn't sent to us for review. It has since been sent to us for review—

Hon. Ed Fast: Who sent it? Was it the minister?

The Chair: It was the minister.

Hon. Ed Fast: I understood this committee was going to be independent of direction from ministers.

The Chair: I just spoke to that.

Hon. Ed Fast: Right, but what I'm saying is that to be consistent with what I believe the Prime Minister has said.... He said, “Listen, committees operate independently. We're not going to micromanage them. The parliamentary secretary isn't going to be involved, sitting there, and telling everyone how to vote. We want there to be a great degree of independence.”

Based on that independence, we came up with a list of studies we would conduct and the order in which we would do them. Now we're finding out the minister is saying, “I want you to do this on such and such a date”.

The Chair: I can understand how you may take it. I do not take it that way. I take it that we came up with four issues of concern and potential priorities we wanted to address in this committee as expeditiously as possible. I do not want to see this committee closed to any possibilities of having input on what might be going on elsewhere in government—

Hon. Ed Fast: I'm not suggesting that.

The Chair: I'm saying that she has referred it to us. We can ignore it as a committee, if we so choose, or we can address it. I think we'll discuss on the Tuesday in the subcommittee how we may want to deal with that and bring it forward to the committee.

You're arguing why do we put it...because we discussed it at the subcommittee, and we agreed that we would at least have that report that was brought to us and referred to us. We will have a discussion on it at that meeting. That was what we agreed to in the subcommittee. The meeting was in public.

Hon. Ed Fast: I'm not challenging that at all, but I think we're being asked for a decision on that to move ahead on March 22 with the sustainable development study.

The Chair: For that day.

Hon. Ed Fast: I know it's for that day, but here we have Mr. Cullen who at the same time is also saying we had this discussion. Despite that discussion, and the consensus that was arrived at, he also now wants to move up his review.

Mr. Mark Gerretsen: You should raise this at the subcommittee.

The Chair: Thank you, Mr. Gerretsen. I think that's something that we will discuss.

Mr. Mark Gerretsen: That's a point of order.

Hon. Ed Fast: Except that the March 22 date suggests the study we would undertake then is conflicting with the agreement we made originally on the order.

I don't want to be an ass about this. Quite frankly—

● (1255)

The Chair: We're in public, by the way.

Hon. Ed Fast: No, no.

It's just that I think as we move along in the future, we stick with... unless there's an emerging issue that comes up and I understand that. I agree with the chair, we should be willing to adapt our schedule as things develop.

The Chair: I want to make something very clear. The minister's obliged under the act to refer to committee. We have a choice in how we deal with it, and my understanding that is we'll tackle that at subcommittee on the 22nd. That is budget day, so it's not going to be a long meeting. We're going to try to tackle it on the 22nd. I'm hoping all of you will give me more information about witnesses you'd like to hear so we can look at the timing for these things.

I don't want to spend a lot more time today. The only thing we're agreeing to here is what's happening on that day. We had to do that because we were going to do something else on that day, and we decided that we would take that opportunity. We agreed. This is just a record, and it has to come to committee to adopt what we agreed in the subcommittee. That's all this is. It's not setting the tone or decisions for the future. It's just one meeting. We agreed, and we have to adopt it, so that's why it's here.

Mr. Nathan Cullen: I would like to move that we adopt that report and that we hold off on the press release until we've had that discussion on Tuesday to set the rest of the agenda. The press release speaks to the rest of our time, and we've yet to decide that as a committee.

The Chair: I'm hearing you.

Does anyone have any comments on the motion that's on the table?

Mr. Mark Gerretsen: I'm sorry, but how have we not already decided? We did decide this through a motion, did we not?

The Chair: You're saying that—

An hon. member: No, no.

Mr. Mark Gerretsen: I'm talking about the press release. We did decide on this.

An hon. member: We did.

Mr. Mark Gerretsen: Notwithstanding the fact that Mr. Cullen has a different idea and would like to proceed perhaps in a different fashion, that's subject to a different motion that can be discussed in the subcommittee, can be voted on there, and if necessary voted on here. But in the interim, we decided on this, and therefore I vote against the....

I mean, I want to vote in favour of part of it, but I also believe we should be putting forth the press release.

Do you want me to amend it? Or what's the best way to do it?

The Chair: Let's just review what we agreed.

We agreed that we would bring the press release back here for approval. It is quite fine, if we all agree, that we might.... I mean, it is the way we had agreed in priorities, but it is clear that there is some thought that we might address what the minister has asked us to do, and that we might want to entertain some other approach.

We did have complete agreement on how we were going to proceed, but already we have the minister putting something on the table that we weren't entertaining at the time. I am okay if we defer the press release. We don't want it to go too late, because we do want people to know that we're here discussing these items and they may want to come and talk to us about it. I don't want to leave it too long, but I'm okay if it waits to be decided. I don't know how you all feel.

It's the committee's choice.

Mr. Mark Gerretsen: It's your press release and your name is on the bottom of it. If you're okay with that, then I'm okay with that.

Mr. Darren Fisher: It's wrong now, though. The press release is just being modified to represent the change in our priorities, right?

The Chair: If it's agreed, yes.

I am okay to make it wait, because we agreed to have that discussion. I think it's appropriate to wait.

Can you repeat the motion?

● (1300)

Mr. Nathan Cullen: It was simply to adopt the first report from the committee and that was it.

Hold off on the press release until the subcommittee meets on Tuesday.

The Chair: Okay.

Are we all in favour of that? Does anyone else want to talk to it?

Mr. William Amos: With regard to the final sentence, about the information about appearing before the committee to testify, we all know that nobody at all in the world will ever look at our website.

Voices: Oh, oh!

Mr. William Amos: But this press release will be something unique, right? Especially if it gets some coverage, it might generate some interest in what we are doing.

I'd like the section where it invites information about appearing or submitting a brief to maybe be a little more explicit, and to say, listen, if anyone is interested in making submissions on these topics —

The Chair: You're suggesting we make some changes.

If there are other changes that you might want to do on the press release, can you send them in? We'll change those in preparation for that Tuesday the 22nd for discussion.

We are now trying to get this motion approved.

(Motion agreed to [See *Minutes of Proceedings*])

The Chair: Thank you very much. It's been an excellent meeting.

Have a great day. The meeting is adjourned.