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Chair

Mrs. Deborah Schulte

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● (1100)

[*English*]

The Chair (Mrs. Deborah Schulte (King—Vaughan, Lib.)): I call the meeting to order, please. Welcome.

We have a few people absent, including one of our witnesses. As we get under way, we're hoping they're going to join us.

Today that we're back on the topic of CEPA. We want to welcome the Mining Association of Canada. We have with us today Justyna Laurie-Lean, vice-president, environment and regulatory affairs. Thank you for being with us here today.

We also have, by video conference, from the Canadian Association of Petroleum Producers, Sherry Sian, manager of environment.

Sherry, if you're all right with this, we'll start with Justyna and then we'll go to you.

We will do 10 minutes. I will let you know when you have one minute to go so that you get the the idea that you have to speed it up if you're a little behind. I'm going to let you know when the time is up. I won't actually stop you at that second. Just finish that sentence, and then that will be it. That's the way we'll go.

We have our other guest here now. We welcome Andrea Peart from the Canadian Labour Congress. She is the national representative for health, safety, and the environment.

Thanks to all of you for being here. We'll get started with Justyna.

Ms. Justyna Laurie-Lean (Vice-President, Environment and Regulatory Affairs, Mining Association of Canada): Thank you for this opportunity to present the Mining Association of Canada's views on the Canadian Environmental Protection Act. Since you recently heard from my colleague Ben Chalmers, I will not repeat a description of who we are.

CEPA is only one of several federal acts that impact our industry, and nearly every part of CEPA affects us. Our members produce raw materials and are also end-users of chemical products, including several recycled post-consumer and post-industrial kinds of waste, such as electronic waste and spent catalysts.

Assessing and managing the potential risks of the full range of substances that are subject to CEPA is highly complex. As you know, the CEPA definition of “substance” is very broad and is not limited to individual or synthetic compounds. It does not correspond to the everyday use of the word “chemical”. The CEPA definition of “toxic” also involves a careful combination of potential hazard and exposure considerations rather than the everyday meaning of the word.

Applying CEPA to the raw materials we work with, particularly metals and non-metallic elements, has to take into consideration that these are naturally occurring constituents of the environment. They have unique ways of interacting with the natural environment and with living organisms. Their concentration in water, soil, and rocks varies depending on local geology and climate. Their ability to be absorbed by living organisms is affected by the local environment. As well, some metals are essential to the health of humans, animal, plants, and micro-organisms. These characteristics of metals and non-metallic elements mean that simpler approaches to categorizing, assessing, and managing chemicals can be unhelpful.

Assessments are also more complicated because human activity unrelated to the production or use of an element can be a significant source of releases to the environment. For example, for some essential elements, agriculture and human waste can be the dominant sources of releases. Copper, which will be assessed under the third phase of the chemicals management plan, is a good example of a substance with highly beneficial uses, yet it nevertheless can present risks.

Copper occurs naturally in the environment and is a nutrient essential to the health of humans, animals, and plants. Its superior electrical conductivity makes it a critical material for electrification and energy efficiency as the world addresses climate change.

Copper does not degrade when recycled. Copper's value provides an incentive for recycling to such an extent that in 2014, the Canadian Electricity Association described copper theft as an issue that is dangerous, expensive, and a threat to reliability.

Copper is also a good biocide. This characteristic is being harnessed to reduce the spread of infections in hospitals by using copper-alloy touch surfaces.

While copper has these many positive characteristics, it can also have negative effects on aquatic ecosystems in some circumstances. The major uses of copper result in little release to the environment. However, intensive agriculture and animal husbandry, large urban centres, and some applications result in releases of copper.

The calculated total EU-15 releases of copper were dominated by agricultural uses and traffic. The wear of automobile brake pads is estimated to account for 20% of the total European releases of copper to water. Automotive and brake manufacturers are exploring alternatives that do not compromise customer safety.

According to Canada's National Pollutant Release Inventory, which tracks only facility releases and not diffuse sources, the facilities with the highest releases of compounds into water in 2013 were municipal waste water systems.

This short overview of copper is but one example illustrating the breadth of factors that need to be taken into account in assessing and managing chemicals.

We urge you to be thoughtful in reviewing the toxins management provisions of CEPA. These provisions apply to a broad range of substances, and imposing overly simplistic approaches may have unintended negative effects.

With regard to improving transparency, subsection 54(3) of CEPA obliges the minister to offer to consult with provinces and representatives of aboriginal governments when developing objectives, guidelines, or codes of practice, while broader public consultation remains discretionary. There is a similar lack of transparency observed in access to environmental data generated by federal monitoring. In our opinion, data generated using public funding should be publicly available unless there is a compelling reason for secrecy.

Our recommendation is that subsection 54(3) and similar sections of the act should be amended to require public consultation and the publication of peer-review comments.

● (1105)

The government should also be encouraged to make any environmental monitoring data generated or funded by the federal government publicly available within a reasonable time.

In your review of CEPA, witnesses have mentioned examples from other jurisdictions. Our members have direct experience with Europe's REACH model, and some MAC member companies are members of REACH consortia. In these cases, arrangements have been made, or are being made, to provide Canadian officials with all the data generated.

In looking at REACH, you need to look at all relevant aspects. For example, REACH requires consortia of industry to collectively generate assessments that cover the full value chain of each substance. REACH supported this requirement with a comprehensive framework for sharing the cost of the assessment among all companies in the substance value chain. Moreover, Europe's economy is some 10 times that of Canada's and therefore has much greater capacity to absorb the high cost of REACH.

Already our sector has encountered a few instances in which suppliers of niche products used in emergency response decided that the Canadian market is too small to justify the CEPA compliance burden.

Our recommendation is that in looking at examples from other jurisdictions, you consider the entire context, including the relative market size.

Now I'll turn to the National Pollutant Release Inventory.

MAC has been involved in and supportive of the NPRI since its creation and sits on the multi-stakeholder NPRI work group. The NPRI is much more comprehensive than other inventories and requires reporting for many more types of facilities, some of which are large sources of some pollutants. For example, comparing the reporting of releases to water of copper and its compounds, nearly three-quarters of releases would be missed if the NPRI applied U.S. Toxics Release Inventory rules. The NPRI also includes criteria air contaminants and has lower reporting thresholds for more substances.

The NPRI works through a published notice based on consultation rather than legislated rules, which has enabled the program to evolve in response to experience and users' needs. The NPRI secretariat has prepared some excellent presentations that explain this evolution over time.

Some of the evidence presented to this committee appears to have overlooked the differences in the comprehensiveness of the two inventories and the impact of the NPRI evolution on trends over time. I would encourage you to seek further details from the NPRI secretariat.

While MAC would caution against restricting the NPRI's flexibility through legislation, there are improvements that we would encourage you to recommend. In particular, the NPRI would greatly benefit from increased informatics support, as would other government data management programs. Allowing civil servants access to 21st century information management and communications tools would greatly increase their effectiveness and their service to the public. Better tools could also significantly reduce the administrative burden on reporting facilities, while at the same time reducing data entry errors.

Our recommendation is that you should be cautious in making any amendments to sections 48 through 50 of CEPA, but you should encourage the government to allocate additional resources and particularly information technology support to enhance the NPRI.

On leading by example, as mentioned by one of your first witnesses, part 9 of CEPA was created to enable the filling of the regulatory gap created by the exemption of federal operations and federal land from provincial oversight. Today, 17 years later, that gap remains, and it has been exacerbated by the elimination of the requirement for environmental assessments of projects for which the federal government is the proponent. As you discuss the adequacy of provincial oversight of provincially regulated industries, I would urge you to first consider whether the federal government is demonstrating leadership in its own jurisdiction.

Thank you.

● (1110)

The Chair: Thank you very much.

We're going to hear from all the witnesses and then we'll move to questions, so we'll hold our questions until the end.

Next up we'll have Sherry Sian, who is with the Canadian Association of Petroleum Producers.

Thank you, and welcome. Please begin.

Ms. Sherry Sian (Manager, Environment, Canadian Association of Petroleum Producers): Thank you.

Good morning, Madam Chair, and members of the committee. Thank you for inviting me to join you today to share our industry's views during your review of the Canadian Environmental Protection Act.

My name is Sherry Sian, and I am manager of environment at the Canadian Association of Petroleum Producers. CAPP represents companies, both large and small, that explore for, develop, and produce crude oil throughout Canada. Our member companies produce about 85% of Canada's oil and gas resources, while associate members provide services in support of their efforts.

CAPP's vision is to enhance Canada's prosperity by the responsible growth of Canada's upstream oil and gas industry. Socially responsible development and sound environmental performance are prerequisites for acceptance of this development.

While developing our oil and gas resources for the benefit of Canadians, our industry also releases, produces, and uses substances that are subject to CEPA and other provincial and territorial regulations that manage associated risks to the environment and to human health. In short, upstream oil and gas is heavily regulated at multiple levels. Nevertheless, we are committed to responsible development, which requires us to understand the risks of these substances; identify the stages in upstream activity where these risks exist; implement systems to detect, assess, manage, and monitor those risks; and show, through transparent reporting, the effectiveness of our management efforts.

CEPA supports the responsible development of Canada's oil and gas resources by providing tools for the prevention of pollution and for the protection of the environment and human health. To that end, CAPP participates in many multi-stakeholder processes dedicated to the implementation of CEPA. Our industry is active in federal consultative processes, such as the NPRI multi-stakeholder work group. We also engage in provincial and territorial multi-stakeholder processes—such as, but not limited to, Alberta's Clean Air Strategic Alliance—that play a supportive role in achieving CEPA outcomes.

We believe CEPA is a critical element in Canada's global leadership in environmental performance and can provide a valuable bridge between federal, provincial, and territorial initiatives.

Today our comments will focus on modernizing CEPA through targeted refinements to improve more coordinated and collaborative achievement of outcomes under the act.

I'd like to start off with a bit of a discussion about some key definitions and what we view as their implications in terms of CEPA implementation.

CAPP does agree with Environment and Climate Change Canada's view that the meaning of the term “toxic” under CEPA departs from commonplace understanding. The implication of this difference is that the risk is assessed on the basis of both the intrinsic hazard of a substance and the potential exposure of Canadians and the environment. This approach poses challenges to risk-ranking and hinders the effective and efficient prioritization of management actions.

The broad definition of “substance” in CEPA is equally problematic. While the definition clearly enables flexibility, the scope also captures naturally occurring substances, and these substances may be released, not created, by human activity. In this case, CEPA cannot fully meet its objectives, because naturally occurring substances cannot be fully eliminated. Any management emphasis on the production, import, and use of substances is potentially rendered less relevant.

The more salient issue is the properties of these substances and how best to manage them, given their interaction with their receiving environment. A place-based approach, such as that enabled under instruments like Alberta's land use framework—and we're starting to see other infrastructure built around cumulative effects assessment and management in B.C.—is well suited to consider natural variability, the resilience of the receiving environment, and factors affecting bioavailability. There is a great opportunity for CEPA to play a role in terms of evidence-based decision-making. As we all know, fiscal, technical, and administrative resources for environmental management are finite.

● (1115)

Wherever possible, modernization should improve data standardization, make data collection more efficient, automate data integration among federal, provincial, and territorial platforms, help to prioritize pollutants and emission sources, provide a focus on cost-effective opportunities for emissions reduction, and offer a robust picture on status and trends.

We believe that CEPA has some fundamental elements that support evidence-based decision-making through the chemicals management plan and the National Pollutant Release Inventory. The data collected through these tools support evidence-based decisions. Currently our industry also provides data through a multitude of other avenues, such as project assessments and the monitoring and reporting obligations embedded within our regulatory approvals. We believe there are many opportunities for process improvement to collect data better, faster, and cheaper, and to improve the return on investment through the design of more focused policies and programs.

Many positive outcomes could be realized through a more balanced apportionment of resources between assessment functions and management aspects of CEPA, which would help to accelerate reduction and/or elimination efforts, minimize health risks, promote the development of cleaner technologies, use energy and materials and resources more efficiently, minimize the need for costly enforcement, limit future liability, and avoid costly cleanup in the future.

We believe that these outcomes are good for the government and good for industry. By focusing on those tools that support cost-effective efforts, we can realize greater public acceptance for the responsible development of natural resources in Canada.

To that end, we also think that some targeted refinements would be quite helpful in terms of supporting coordination under CEPA.

CEPA includes provisions that allow the federal government to enter into equivalency agreements with provincial, territorial, and aboriginal governments. These arrangements help to enable tailored, place-based responses to address constraints. As a case in point, that could be infrastructure for tie-ins that might be important to facilitate emissions management and capitalize on strengths where you may have regional networks, such as for the purpose of monitoring, as in joint oil sands monitoring. Together, these types of approaches can support the effective and efficient delivery of CEPA outcomes.

We see an appetite for pursuing these equivalency agreements. However, the process is a lengthy one, which cannot begin until all regulatory instruments have been completed. Ideally, CEPA could offer more general guidance on key elements of pollution prevention and management programs to safeguard human health and the environment. This approach could then inform the provinces and territories in their regulatory design efforts in order to expedite process to affirm equivalency; avoid regulatory duplication; allow federal, provincial, and territorial regulators to focus on areas of strength; and provide assurance that outcomes of CEPA are being met.

Additionally, we also see CEPA playing a very important role in terms of driving performance improvement, including for our industry. Our industry continues to make improvements to better use publicly available data to inform our understanding and perception of our own performance. We are increasingly using this information and third party research on management gaps and risks to set priorities for research and innovation.

We undertake this work in conjunction with several different organizations, including the Petroleum Technology Alliance of Canada, the BC Oil and Gas Research Innovation Society, and Canada's Oil Sands Innovation Alliance. These organizations draw upon the knowledge and expertise of leading scientists to fill knowledge gaps and help to prioritize the most meaningful opportunities for clean technology, deployment, and practice innovation.

In summary, CEPA provides a solid foundation for evidence-based decision-making through an appropriate balance of assessment and management of risks to environment and human health while driving innovation to improve environmental performance. The issue is not only whether improvements can be made to CEPA but also whether CEPA can be used more effectively to improve coordination and collaboration among the various jurisdictions.

To that end, CAPP believes that CEPA should surgically augment existing tools to prevent pollution and protect the environment and human health while providing a coherent picture of Canada's progress in fulfilling its international obligations.

● (1120)

Thank you very much.

The Chair: Thank you very much.

I appreciate that you came in right on the button at 10 minutes. Thank you for that.

Now we're going to turn it over to Andrea Peart.

Ms. Andrea Peart (National Representative, Health, Safety and Environment, Canadian Labour Congress): Thank you.

I'm Andrea Peart. I'm with the Canadian Labour Congress, and we represent 3.3 million workers in Canada in nearly every industry and sector.

Overall, the purpose of the Canadian Environmental Protection Act is to ensure pollution prevention. While other federal laws apply to the human health risk of toxic substances and consumer products, CEPA is in fact the only federal law that explicitly requires consideration of broader environmental risks in addition to human health.

For Canadian workers, CEPA 1999 is a crucially important and terribly underutilized tool for addressing a broad range of risks posed to Canadian workers by toxic substances, including asbestos.

I really want to thank you for the ability to comment and present today. We want to focus on four very specific areas of improvement that we see as needed.

The first is strengthening NPRI reporting, primarily to protect Canadians from asbestos. Strengthening asbestos reporting under the National Pollutant Release Inventory would yield data on the presence of asbestos. Strengthened NPRI reporting is particularly important for disposal and waste industries, a suspected high-risk source of Canadian asbestos exposures in neighbouring communities.

Strengthening NPRI would also ensure that companies that fail to report, do not report on time, or knowingly submit false or misleading information would face penalties listed under sections 272 and 273 of CEPA.

These are all things that don't exist at this time. As a Canadian Centre for Occupational Health and Safety governor, I think there's often a gap between data collection on occupational and environmental that leaves Canadian workers unaware of the substances from which they're supposed to protect themselves. All of the best laws in the world, particularly on internal responsibility systems in workplaces, are unable to function at their desired level when they simply don't have information as to where asbestos is hiding.

We'd like to improve substitutions and chemical regulation by establishing an alternatives assessment. The chemicals management plan, which was established in 2006, addresses a wide range and manages the risk of the 23,000 chemicals that had never been assessed. I'm exceedingly pleased that we now have an announcement that the final third of the chemicals management plan will move forward. I know it's been a long haul, but even the fact that the final third will be complete in the near future will be a tremendous development.

Unfortunately, despite these chemical assessments, assessment hasn't translated into meaningful protections for Canadian workers. If I can give one very specific example, bisphenol A was assessed as toxic under CEPA. It was banned in plastic baby bottles, but there was absolutely no further regulatory response to other products that contained bisphenol A or to the workers exposed.

Workers' children exposed in the womb, which is the single highest point of vulnerability for bisphenol A, didn't benefit from any real regulatory response, despite the chemical being designated CEPA-toxic. We have people in areas, particularly women working in automotive plastics, who have very high exposures to bisphenol A, a substance that is CEPA-toxic, but this has not resulted in a substitution of safer alternatives and has not resulted in risk management strategies implemented at the workplace level.

To ensure and facilitate the protection of Canadian workers, CEPA should be updated to also require an alternatives assessment that will establish a process for identifying, comparing, and selecting safer alternatives to toxic chemicals. An alternatives assessment under CEPA can support Canadian companies on the successful phase-out of toxic chemicals through the phase-in of safer substitutes that will protect the health of Canadian workers. The alternatives assessment would also prevent the replacement of one toxic chemical with another equally toxic or even more toxic chemical.

A third priority for the Canadian Labour Congress is establishing precautionary thresholds for persistence in bioaccumulation that are consistent with the U.S. and the EU. The persistence and bioaccumulation regulations under CEPA set too high of a threshold for designating a substance as bioaccumulative. Both the EU and the U.S. have lower criteria than Canada for designating a substance as bioaccumulative, and we would like to see the amendment of the persistence and bioaccumulation regulations to establish precautionary thresholds consistent with the U.S. and EU for determination of persistence and bioaccumulation.

In Canada, it's true that the bioaccumulative criteria can be used to determine if a substance can be placed on track for virtual elimination, which we see as a very positive thing. However, the current system limits protections for a number of substances falling within the gap between the Canadian threshold and that of the U.S. and the EU. The lack of a harmonized lower bioaccumulation threshold in CEPA directly limits workers' ability to use the internal responsibility system to protect their health from certain chemicals found in products like flame retardants, heavy metals, and pesticide residues.

● (1125)

Finally, we'd like to see the modernization of triggers for a CEPA assessment to be in line with our trading partners. CEPA doesn't provide a clear approach when it comes to updating assessments to take into account new scientific evidence or to update worker exposure estimates, even if our trading partners make major changes. As a result, a number of assessments and the corresponding risk management strategies are outdated. This has an impact on worker protection in Canada.

Under section 75, CEPA would be strengthened by requiring that a decision to prohibit or substantially restrict any substance in another jurisdiction, perhaps an OECD jurisdiction, would automatically trigger a CEPA assessment of that substance. If the substance is also included on the list of toxic substances, a review of its risk management strategy and implementation would also be required.

A parallel provision currently exists in the Pest Control Products Act, which requires that approved pesticides be re-evaluated every 15 years and mandates a special review of any ingredient banned by another OECD country. We believe that CEPA would benefit from a similar trigger for assessments.

Those are some very specific recommendations that we have moving forward, but I think they reflect an overall broader need to modernize CEPA. Canadians' exposure to toxic chemicals used to be primarily related to chemical and industrial outputs, but over 30 years, we've seen a huge change. As an example, lead exposure used to occur as a result of being a welder or of living in Hamilton and other communities where smelting occurs. Now lead exposure comes from imported costume jewellery for children. As we've seen an increase in toxic chemical exposures from imported products, in many cases consumer products, and in many cases there are obstacles coming from the definition of “consumer product” in the Consumer Product Safety Act, it is CEPA that can offer a lot of improvements for worker protection and the protection of Canadians' health.

Thank you very much.

● (1130)

The Chair: Thank you very much to all three of you for your insights and your suggestions on improvements.

We'll open the floor now for questions. We'll start with Mr. Gerretsen.

Mr. Mark Gerretsen (Kingston and the Islands, Lib.): Thank you very much, Madam Chair.

I apologize in advance if I cut you off, because I'm very limited with my time. I'll start with Ms. Peart.

You talked about safer chemicals and the opportunity to change from one chemical to another in order to end up with a safer one. Can you comment as to whether you think that is happening right now, and give us your reasons?

Ms. Andrea Peart: It's hard to speak about absolutely every industry. Certainly substitution does happen in some industries and some sectors, but overall, we see there's a hurdle to substitution. A lot of companies are not thinking about the other options for chemicals. They're doing it in parallel. I think if there were an assessment process for other options, that would happen across all industries at once.

Mr. Mark Gerretsen: Thank you.

I'll go to Ms. Laurie-Lean.

This kind of follows on the idea of substitution. I know that copper, for example, has recently been substituted for pressure-treated material in wood, so there's a new type of pressure-treated wood that's coming out that is copper-based. Can you talk about the role copper is playing? Your handout has a lot of examples of what we use copper in, but is copper being used more frequently and being substituted for other chemicals?

Ms. Justyna Laurie-Lean: Not as far as I know. The industry itself, the copper manufacturers generally, do not encourage or do not actively pursue any dispersive uses. Much more the focus is on solid objects that have no dispersal and that can be recycled at the end.

Mr. Mark Gerretsen: In that particular example I just gave, you wouldn't be able to recycle.

Ms. Justyna Laurie-Lean: No, because you're using it as a pesticide, essentially, preventing rot.

Mr. Mark Gerretsen: Exactly.

Ms. Justyna Laurie-Lean: But I'm not familiar with that particular example.

Mr. Mark Gerretsen: You're not familiar with that particular example, but is it something that's happening more often, then?

Ms. Justyna Laurie-Lean: Not as far as I know. It would presumably be something like pressure-treated wood. Presumably there is some other act that assesses the alternatives, but I....

Mr. Mark Gerretsen: There used to be chemicals in wood to make it repel water. It's now being done with a copper-based product. In almost any major hardware store you go into, you'll find that. That's one way that we're moving in a different direction.

This kind of leads me to my next point. You talked about “toxic” being perhaps an inappropriate term. Previous witnesses have talked about “toxic” creating an inappropriate stigma. Can you elaborate a little bit on that?

Ms. Justyna Laurie-Lean: Our submission was not meant to imply that the term was inappropriate; it's just that it is not the everyday definition. You have to keep that in mind as you are discussing what to do with CEPA-toxics, in that it's a mélange of things. It may be the traditional high hazard or it may be something that simply has some hazard but has large dispersive uses, such as ammonia, for example. Ammonia releases to water, so it's more a volume aspect than a high instantaneous hazard.

I'm encouraging you to keep that in mind. Probably the best solution would be to use a different word so that people understand that it doesn't mean the same thing as the everyday meaning. We're not proposing that as a position; we're just cautioning you against it.

● (1135)

Mr. Mark Gerretsen: Fair enough.

I'll go back to what you said a minute ago about using copper because it can be recycled afterwards and can be reused. Copper is a finite resource, correct?

Ms. Justyna Laurie-Lean: We're not going to run out of it.

Mr. Mark Gerretsen: We're not going to run out of it, but economically speaking, copper has seen its highs and lows. As soon as one mining operation shuts down, the price of copper seems to spike. It's finite in terms of how much is currently being extracted. About 10 years ago, one of the mines in South America shut down, and as a result copper ended up becoming quite a bit more expensive.

The Chair: You have one minute remaining.

Mr. Mark Gerretsen: Okay.

Where are we now in terms of how much new product we're producing is from recyclables and how much is new copper?

Ms. Justyna Laurie-Lean: It's 30%.

Mr. Mark Gerretsen: It's 30%.

Ms. Justyna Laurie-Lean: Yes, and that reflects that most uses of copper have a long lifespan. For example, the wiring in this building will not be available for recycling for perhaps 50 years, plus there's growth in electrification around the world.

Mr. Mark Gerretsen: Fair enough, but based on your example of all the different uses, where are we? Are we using 30% more than we did 10 years ago?

Ms. Justyna Laurie-Lean: That question I could not answer off the top of my head. We would have to get some numbers.

Mr. Mark Gerretsen: I'm trying to figure out if at least what we're recycling now is making up the difference in the increased demand.

Ms. Justyna Laurie-Lean: Probably not, but the market responds to prices. As prices go up, more mines come to market. If there's an oversupply, then mines shut down, because there's too much and prices drop. It is difficult to align or assign the correlation. All we know is that when prices go too high, people start stealing brass plaques from churches.

The Chair: I'm going to have to cut you off there. You're over time.

Mr. Mark Gerretsen: In my community that has happened too. People are going on job sites and stealing copper.

The Chair: Mr. Shields is next.

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

Ms. Sian, I have a little something to read to start with.

> Change is easy in theory. It takes desire, and a willingness to try. But in practice, it takes hard work, courage and a team of brilliant, open minds. It also takes collaboration – across all groups, defying all stereotypes. We do things differently because we want to be relevant in the future. The world is changing faster than we know it, which means we have to continually innovate to stay in the game. ... (better isn’t good enough anymore), fight for a balance in our ecosystem, and work toward a future where oil isn't a dirty word.

That's the manifesto of Imaginea Oil Company. Are you familiar with Imaginea? It's part of your group.

Ms. Sherry Sian: I am.

Mr. Martin Shields: I'm finding this is something we see in the junior oil companies out there. Would you like to respond to that?

Ms. Sherry Sian: I think what I would say is we're recognizing as an industry that the public expectations around performance are changing. As we're starting to develop better and more robust systems, which help us better understand the emergent problems in the environment, it's demanding more of the industry.

Some of the comments in the opening remarks I made were about how we evolve our systems to get better problem definition and more focused efforts on the part of industry. What you heard in that specific example is about how individual companies and their operations have a system, and how to deal with flows of resources accordingly in that context.

Mr. Martin Shields: When I see those junior oil companies out there taking that approach, I think we're seeing different leadership. This is the president of the company who really is strong on this particular position. Are you seeing that across the industry?

● (1140)

Ms. Sherry Sian: I would say that it varies.

There are a number of factors that affect different company positions. There is diversity within the industry in terms of approaches and best ways of dealing with those expectations.

Mr. Martin Shields: You have a conference coming in Calgary, the Canadian petroleum industry conference. Are you familiar with the program for that conference?

Ms. Sherry Sian: I'm not directly engaged in it.

Mr. Martin Shields: One of the things that is a major part of that conference is change to the environment and how to operate in a different world. Is your organization having any input into that conference? Maybe you're not as familiar with it as some of us are.

Ms. Sherry Sian: Actually, different parts of our organization would be involved in relation to event planning and helping to set the agenda. It's possible that one of our other operational units is more directly tied in. I'm happy to look into that.

Mr. Martin Shields: That's great.

It's being mentioned in the media, in the sense that there is a lot of focus on it in this conference in particular by the petroleum producers, and on how it has shifted over the years toward a focus on the environmental issues in the industry.

Are you seeing that, in the sense—

Ms. Sherry Sian: Yes, I am.

I am seeing that in terms of trying to evolve our.... We've been increasingly focused on collecting data and analyzing challenges in terms of performance in a more robust way, looking through all phases of our activity and using that frame of reference to look at where we have critical knowledge gaps and where we have areas of improvement that are quite critical. We're then taking that type of information through our various technical committees and using it to inform our input into research and innovation through various organizations that we partner with.

I've just given a couple of examples in terms of the Petroleum Technology Alliance of Canada and Canada's Oil Sands Innovation Alliance, but it actually goes a lot broader in certain companies. There may be bilateral relationships whereby companies are funding or helping to support industry research chairs in universities. There's quite a broad spectrum there.

I think what we're looking for and what would be tremendously helpful for us is being able to use some of the open public data. Fundamentally, that's what people rely on to have confidence in effective management. We're using that information to help to inform these decisions and self-assessment.

The Chair: Thank you very much.

Mr. Cullen is next.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Thank you, Madam Chair.

Thank you to our guests here today.

I have a quick question for Justyna. You mentioned that there was a lack of data and release of data.

Is this the NPRI you're speaking of specifically, or is there a broader malaise with data being released to the public?

Ms. Justyna Laurie-Lean: No. In some of the government publications, they mention that they are monitoring this or this is based on monitoring data. However, when we ask where that data is, it's, "Well, we're not publishing it."

Mr. Nathan Cullen: What reason is given? What exists within CEPA right now that prevents that?

Ms. Justyna Laurie-Lean: I don't know.

I don't know why, but there isn't a cultural practice or policy to get the data out there, possibly because of costs.

Mr. Nathan Cullen: You've talked about the need for good regulations and strong oversight. We saw the recent tragedy around Mount Polley in British Columbia. I hope you read the auditor's report. It was somewhat devastating.

I was at a mining conference just afterwards. The industry was properly upset with how things had been going, because it's connected to a loss of public faith. If the government says we're monitoring and we have strong laws in Canada, we often....

The mining industry and government say that we have the best laws, but if they're not enforced, they're close to being meaningless. There are a lot of lessons to be learned.

With regard to the release of the chemicals that were in, let's say, something like that tailings pond, being aware of what was being released into the environment would be important in terms of what the government, the company, and the community would do in response. Is that a fair statement?

● (1145)

Ms. Justyna Laurie-Lean: Yes.

Mr. Nathan Cullen: Knowing what's there is important to adapting to how to—

Ms. Justyna Laurie-Lean: Yes, and that is captured under the NPRI.

Mr. Nathan Cullen: Oh, so those chemicals are captured.

Ms. Justyna Laurie-Lean: Yes.

Mr. Nathan Cullen: And those are known and made publicly available.

Ms. Justyna Laurie-Lean: Yes.

Mr. Nathan Cullen: Okay.

Ms. Justyna Laurie-Lean: That is in the NPRI. Where the NPRI falls short—and we had a certain disagreement way back before it was brought in—is that other aspects that are significant in terms of the environmental and safety aspect of the tailings pond are not captured in the NPRI.

Mr. Nathan Cullen: Okay.

To Ms. Sian, why is the industry resistant to the sharing of similar information when we move to the upstream gas sector? There was a petition to the federal government, rejected in November of 2015, to include information on the release of fracking fluids so that the public and local communities could know. Why does that remain a policy that any government could sustain?

Ms. Sherry Sian: The industry has been focused on hydraulic fracking and additives for some time. One of the initiatives we had been engaged in was the development of FracFocus, which is intended to provide transparent and publicly available data about hydraulic fracturing in B.C., Alberta, and the territories. You can get access to it online.

In terms of why it wasn't captured—

Mr. Nathan Cullen: I'm sorry, but my specific question is around the national release of NPRI. We're fairly certain that the substances we're talking about, as we've seen through the provincial-level disclosures, are toluenes and benzenes, highly toxic materials that we wouldn't want any of our children exposed to. Why not have them also included in the toxics list that's captured by the National Pollutant Release Inventory? They obviously qualify as toxic by anybody's definition, so why not include them in NPRI if that's already happening at the provincial level in some cases?

Ms. Sherry Sian: I would need to look into why that hasn't been captured, Nathan. I'm afraid I can't respond to that question.

Mr. Nathan Cullen: It might be something more for government officials. A petition was just rejected, and we all believe in disclosure and the importance of it.

I want to turn to Ms. Peart for a second.

Andrea, welcome. It's nice to see you.

I have a question around asbestos. One of the bills I was proud to promote early on in my time here was about the banning of the export of asbestos from Canada. Dumping it on often developing countries and tying it to trade deals with those countries was not exactly in the Canadian way, from my perspective.

What's going on with asbestos right now? Is it banned in Canada in terms of its import, export, or use?

Ms. Andrea Peart: Asbestos is not banned in Canada. It's legal to import it. It's legal to sell it and a number of asbestos products. Asbestos imports are actually rapidly increasing.

Mr. Nathan Cullen: Did you say increasing?

Ms. Andrea Peart: Yes.

Mr. Nathan Cullen: Oh.

Ms. Andrea Peart: We were reporting just over $4 million a year five years ago. Now that's over $8 million, the bulk of which, about 45%, is with regard to brake pads.

Mr. Nathan Cullen: Are there alternatives to that? We've sometimes heard from industry that, “Sorry; this is all we have.”

Ms. Andrea Peart: That's ridiculous. Most people, certainly I in my vehicle, have ceramic brake pads, which are dominant. There's also quite a plethora of semi-metallic brake pads that don't contain asbestos. With 56 countries around the world, including major automotive producers like Germany, it's ridiculous to suggest there's no alternative.

Mr. Nathan Cullen: Justyna, do we mine asbestos anymore in this country?

Ms. Justyna Laurie-Lean: We do not represent and have never represented asbestos producers.

Mr. Nathan Cullen: Good for you. That's encouraging.

Ms. Andrea Peart: We represented the workers, and I can say that we closed our last mine in 2012.

Mr. Nathan Cullen: That was in 2012, so—

The Chair: We are out of time.

Mr. Nathan Cullen: But it was just getting so good.

The Chair: I know. You were on a roll.

Voices: Oh, oh!

The Chair: You do get another slot later.

Mr. Nathan Cullen: I do?

The Chair: You do.

Mr. Amos, you have a short time for questions, so be aware.

Mr. William Amos (Pontiac, Lib.): Thank you.

Thanks to the witnesses. I really appreciate your presentations and the effort you made to prepare them.

I'd like to focus on the NPRI issues, so my first question will be to Ms. Laurie-Lean.

I understand your representations around improved informatic systems. The NPRI is a clunky system. In a previous life, I made recommendations that the NPRI follow the lead of the toxic release inventory in the United States, whereby the public can have access at a zip code level. My recommendation at the time was that at a postal code level, individuals be able to understand and be able to access the pollutants that are in their neighbourhood.

Would MAC be supportive of that kind of additional transparency and availability of information?

● (1150)

Ms. Justyna Laurie-Lean: We'd definitely be very encouraged to have better data search tools incorporated. Probably the secretariat would be in a position to answer where they are now and what they would need to go further.

We're more concerned that at the reporting stage we're repeatedly seeing order of magnitude errors because someone put in tonnes instead of kilograms, for example. There are modern techniques: any kid could probably program an app to flag up front that last year they reported 1,000 times less, so maybe they made an error. We don't have that, and that is undermining the inventory. It has to be manually checked and corrected.

Those are the kinds of improvements we need, but course at the other end there are also a lot of opportunities in improving access and manipulating data.

Mr. William Amos: Ms. Sian, would the Canadian Association of Petroleum Producers welcome enhancement of the National Pollutant Release Inventory so that individuals could obtain information about toxic releases at a postal code level?

Ms. Sherry Sian: We're increasingly seeing that interest from the public. I think it's important to be able to respond to a local need to know. There is tremendous opportunity to make enhancements to the data systems to allow for greater transparency in that regard.

Mr. William Amos: Thank you.

Ms. Laurie-Lean, should the information management system, the NPRI, be solely in the hands of government, or should it be achieved collaboratively? Should the system of information accessibility and data collection be managed collaboratively with civil society and with industry so that we don't necessarily have clunky old government systems doing it?

Ms. Justyna Laurie-Lean: I would like the government not to have clunky old systems, and there's an aspect of public registries that is very valuable to researchers and the country as a whole, so I don't want to argue for "let's just privatize it". It's very important that it be in government.

I believe the secretariat makes the data available to researchers. There have been attempts by civil organizations to create things with that data. I'm not sure how far they went. I think funding was a problem, but the secretariat itself keeps trying to improve the nature of the data it provides.

Mr. William Amos: Thank you.

Ms. Peart, there have been suggestions by previous witnesses that CEPA 1999 would be improved through the integration of a broader set of legal principles, some of which are established in domestic law and some in international law. Example are principles related to environmental justice, intergenerational equity, the right to a healthy environment, and those kinds of things. Where does your organization stand on those?

● (1155)

The Chair: You have one minute.

Ms. Andrea Peart: Certainly we're supportive of those things, but as a labour organization, we're also somewhat skeptical about principles that aren't also paired with enforcement and on-the-ground practicality.

However, information about toxic pollutants at a postal code level would also help our workers practically.

The Chair: I think we're out of time. Sorry about that.

Mr. Fast is next.

Hon. Ed Fast (Abbotsford, CPC): Thank you to all three of our witnesses for being here.

I am going to direct a question to Ms. Sian.

You challenged the definition of the word "toxic" in the act, as did Ms. Laurie-Lean. You also felt that the word "substance" was ill-defined in the act. Do you have proposed revised definitions for either one of those two terms?

Ms. Sherry Sian: We don't, but we certainly could put forward our proposal. We would like to give it more thought.

I think the issue is really how to use those definitions to inform the nature of assessment and problem definition attached to substances so that there is an appropriate response. It's whether it helps with categorization of risks and the associated actions that must follow from that. That's really where we were coming from with that comment. It's in terms of how to get to good problem definition in relation to the substances for the purpose of managing issues around them.

Hon. Ed Fast: Given the fact that both you and Ms. Laurie-Lean have raised that as a concern—and my understanding is that it's a lingering concern—could I ask that either one of you or both of you provide us with proposed redefinitions of either one of those two definitions?

The second question has to do with your suggestion that a better balance is needed in the resources available for the management and assessment of risk under CEPA. Can you be more explicit? Has there been an imbalance of resources presently, and where has that imbalance lain?

Ms. Sherry Sian: I think this speaks a bit to the comment we had regarding data and information systems, in that our members experience, or are subject to, multiple reporting obligations through various systems. I think the question is whether or not there are opportunities to achieve greater clarity around the questions we're trying to answer with that data and to have more focused one-window opportunities or some form of streamlining to deal with both the provincial and federal data. In many respects, that is consistent with what Justyna has raised.

Hon. Ed Fast: All right. Thank you.

Justyna, do you have any further comments on those two questions?

Ms. Justyna Laurie-Lean: I don't think, at least at this point, that we would propose changing the definition of "toxic" or "substance". Someone else may have ideas for how to improve it. It is difficult. You can go to a pure hazard-based one, but that has problems . You can emphasize risk more.

Yes, the word "toxic" does cause confusion, but what you do with it is probably more important than how you define it. It's about making sure that the tool box is appropriate and is used appropriately, given the breadth of that definition. In terms of "substance", for example, at one time plastic bags were proposed as a substance that should be assessed under CEPA. You could use "refrigerator".

Yes, it is very broad, for various reasons. You have to keep that in mind when you decide how, within that constraint, you force some actions to occur.

● (1200)

Hon. Ed Fast: I'm assuming that both of you support retaining a risk-based approach to assessment rather than a hazard-based approach.

Ms. Justyna Laurie-Lean: Yes.... There—

Hon. Ed Fast: Sherry? My time is short.

Voices: Oh, oh!

Ms. Sherry Sian: Yes.

Hon. Ed Fast: Thank you.

I have one last question. This is for you, Ms. Peart.

The fourth suggestion you made was to modernize triggers for CEPA assessments. You suggested that a decision should perhaps be based on a trigger that goes beyond Canada, so that any trigger that is triggered within the OECD, say, would trigger an assessment in Canada. Are we not actually sacrificing some sovereignty by doing that?

Ms. Andrea Peart: I certainly don't think so. The point is not to automatically follow suit with an OECD country, but rather that if there's a substantive restriction or regulatory change in an OECD country, it should trigger a CEPA assessment, in which case it would be assessed here.

Hon. Ed Fast: Okay. Thank you.

The Chair: You have 30 seconds. Do you have a short question?

Hon. Ed Fast: I do, and it's just a comment.

Mr. Cullen suggested somehow our trade deals have always been tied to the trade in asbestos. In the four and a half years that I was trade minister, not one of the trade agreements I was part of negotiating was ever tied to the trade in asbestos. I just want to assure this committee of that.

The Chair: Thank you.

Go ahead, Mr. Amos.

Mr. William Amos: Thank you.

This question is directed towards Ms. Sian.

Back about 10 years ago when CEPA was reviewed, recommendations came from the committee that the law be amended to include recognition of the need to protect the most vulnerable in our society, particularly children. There was direction to consider vulnerable groups in the risk assessment process.

The amendment wasn't made.

Similarly, there was a recommendation that the government amend CEPA to add a paragraph recognizing the need to protect vulnerable ecosystems.

Does CAPP agree that this type of reform would be valuable?

Ms. Sherry Sian: I think it would have some utility in terms of being introduced in the preamble to the act to serve as a guiding principle for application.

Mr. William Amos: Okay, so it would be in the form of preambular language only?

Ms. Sherry Sian: That's not to say that it couldn't be done, and I would probably have to look at a proposal, but I struggle to think how you would write all those elements into regulation.

Mr. William Amos: Thank you for that.

If CAPP or the Mining Association of Canada has ideas on how vulnerable populations and vulnerable ecosystems could be better protected through the CEPA architecture, I would welcome any further written submissions.

Moving on, I want to go to a recent report of an Environment Canada study that found that secondary organic aerosols are produced in tremendous quantities by Canada's oil sands. I'm quite happy the science was made public. I think that's important. It's a matter of public interest, of course.

What is the response of CAPP to this study?

Ms. Sherry Sian: We are encouraged to have new research come into the public realm. Further consideration in terms of further analysis and further monitoring of implications of that study....

Canada's Oil Sands Innovation Alliance is probably better positioned to answer that question, so you may want to consider following up with them.

Mr. William Amos: Sure.

I would also invite CAPP to comment if they have any written submissions they would like to make in terms of how this study's findings ought to cause us to reflect on any aspect of CEPA reform. I'll leave it in that open-ended sense. It's a matter of significant concern of course, and I think this is an issue of great public interest.

I have a question for the Mining Association of Canada. I know the issue of effluent regulations has been a controversial one, and this question is about toxics.

Does the Mining Association of Canada feel there could be changes made to the Metal Mining Effluent Regulations with a view to minimizing toxicity in vulnerable ecosystems, particularly aquatic ecosystems?

● (1205)

Ms. Justyna Laurie-Lean: There is a review just being completed, or it has been. The consultative parts have been completed. We're waiting with bated breath to hear where Environment and Climate Change Canada landed.

The current MMER is underpinned by environmental effects monitoring, so the impact on a particular ecosystem is actually.... At least we are gathering data. There is analysis of that data, and compared to a lot of other sources, there is probably a lot more. Hopefully that will inform the next iteration and result in improvements in monitoring as well.

Mr. William Amos: Okay.

Ms. Justyna Laurie-Lean: But that's under the Fisheries Act.

Mr. William Amos: Of course.

As a follow-up to that question, to the Mining Association of Canada, I know there are a number of organizations that feel that the Metal Mining Effluent Regulations effectively allow the sacrificing of water bodies, that they effectively just enable the writing off of a lake in relation to a mining project.

How do you react to that criticism?

Ms. Justyna Laurie-Lean: Are you referring to schedule 2 of the MMER?

Mr. William Amos: That's right.

Ms. Justyna Laurie-Lean: That's a complicated question. I would not be able to fit it into one little period.

There are reasons for that provision being in the regulations, if only because in very many parts of Canada where mining occurs, there is a lot of water, so to place your mine and material safely, you have to move that water out of the way. That requires schedule 2 listing in some circumstances.

I would propose that I could either follow that up in writing or follow up with you directly outside of the meeting.

The Chair: I think it would great if you could submit that so that everyone can get it, if you wouldn't mind. I'd appreciate it for all of the committee members.

We'll go over to Mr. Eglinski.

Mr. Jim Eglinski (Yellowhead, CPC): Thank you, Madam Chair.

Thank you to the presenters.

My first question will go to Ms. Sian.

Earlier in your discussion you talked about the heavily regulated burden on industry in regard to the CEPA regulations. Partway through your discussion, you talked about automated data information—federal, provincial, and territorial. I wonder if you can tell me how CEPA could possibly be changed to make the legislation more comprehensive for industry, and how it could work better.

Ms. Sherry Sian: It may require a bit of work and research in terms of understanding where current data sets reside and which portions could be used and integrated under the CEPA umbrella. I think that would probably be the starting point.

We do have reporting, as I said, that occurs by virtue of some of the associated terms and conditions for authorizations and permits and which elements of those may support broader management in terms of air quality, and particularly other substances listed under CEPA, but I think there's some work that would have to be done.

● (1210)

Mr. Jim Eglinski: Okay.

I have a question on the regulatory regime, and I do have a third question I want to ask.

You have some large corporations within CAPP. In terms of Canada versus the United States, can you tell me briefly whether one regulatory body is more cumbersome than the other?

Ms. Sherry Sian: In terms of Canada versus the U.S.?

Mr. Jim Eglinski: Yes.

Ms. Sherry Sian: They're different.

Mr. Jim Eglinski: I know they're different. Can you tell me if one's more cumbersome than the other? Are we better, or are we more demanding?

Ms. Sherry Sian: In some ways, yes. We've actually provided some analysis on regulations in Canada and those in comparable jurisdictions in the U.S. We'd be happy to provide that as follow-up, if that would be helpful.

Mr. Jim Eglinski: Could we see a copy of that, please, so we can make a comparison? Thank you.

I worked in the oil patch for a number of years doing health and safety auditing in different companies. This relates to all three of our people here. Most corporations now have people working out in the field or in the cities, and they need to have training in first aid, dangerous goods, WHMIS, confined spaces, etc. There is all this different training that companies require their employees to have. A lot of companies require the employee to take this training before they'll even hire them.

WHMIS comes to mind. It deals with the everyday movement of chemical products within Canada. They have them listed. You have to understand the manual, which is about six inches thick. In whatever job or role you're doing for that particular company, you need to know what you are moving in or out and make sure that the movement is regulated within the company environment.

Ms. Laurie-Lean, you were talking about the term “toxic”, and I know one of the things that stands out in everything when you deal with WHMIS is that when something has “toxic” written on the label, people pay attention. How important do you feel it is—and Andrea might want to answer this too—to ensure that the people dealing with these materials, whether it's in industry or the general public, have that labelling?

Ms. Justyna Laurie-Lean: Workplace hazardous materials information and labelling are not under CEPA.

Mr. Jim Eglinski: No, I realize that.

Ms. Justyna Laurie-Lean: It's under a separate law, and the terminology is very different. They attempt to convey information on safe use and handling and alert people to the type kind of danger. Some things you don't want to breathe, some things you don't want to put on fire, and some things you don't want to spill on yourself. That's the primary purpose of WHMIS. As far as I know, the GHS update does not incorporate environmental considerations.

Ms. Andrea Peart: I don't believe that to be accurate. The new GHS—WHMIS 2015—as it will be called in Canada, does include environmental protections—

Ms. Justyna Laurie-Lean: Does it?

Mr. Jim Eglinski: That's what I thought.

Ms. Andrea Peart: Canada implemented the system bilaterally with the U.S. and chose to make those environmental things optional so companies can choose to provide them or not. Most chemical companies as well as quite a lot of global companies are based outside Canada, and they're providing that information. The WHMIS 2015 is being implemented as we speak in a staged process. Many provinces are at different levels at this time. It's asymmetrical, but regardless, there are environmental protections under WHMIS 2015.

I would like to mention that only in Canada is there an exemption for consumer products under WHMIS 2015. An example is asbestos brake pads. A worker in the U.S. would receive a safety data sheet telling them they're working with asbestos. A worker in the EU would receive a safety data sheet telling them what they're working with asbestos. A worker in Canada would get nothing.

● (1215)

The Chair: Thank you very much for that clarification.

Mr. Fisher is next.

Mr. Darren Fisher (Dartmouth—Cole Harbour, Lib.): Thank you very much, Madam Chair, and thank you very much to the presenters.

It's late in the game, so it's probably going to be hard to ask something that hasn't been asked before.

Andrea, you talked about BPA—bisphenol A—remaining in workplaces, and that their products are still out there, even after being deemed CEPA-toxic. Excuse me for not totally understanding the whole alternatives assessment thought. It seems to me, with my relatively low knowledge of it, that this could be a boost to our green economy. Can you elaborate a little on alternatives assessment?

Ms. Andrea Peart: I think it would be a boost to our green economy and our economy as a whole.

Exposure is high for women working with automotive plastics. We have five major companies manufacturing in Canada, and they're all going to do research simultaneously to look at alternatives, when there could be some guidance. Rather than that happening in parallel five times, there could be support for alternatives. BPA is present in a number of consumer products, and that is where some of the alternatives at the household level would be a real boost to a green economy and green economic growth in Canada, which is the fastest-growing sector of our economy right now.

Mr. Darren Fisher: Yes. I think that is interesting.

I will go to Justyna, if I could, for a couple of quick questions.

I am always interested in balance when we talk about environmental groups meeting with industry and looking for a happy medium. Can we clarify the act so that it would still ensure environmental protection, yet provide some efficiency for industry? Do you think it is possible that there can be a happy balance?

Ms. Justyna Laurie-Lean: Yes, of course.

Mr. Darren Fisher: It doesn't seem that you are pushing too far to the left and environmental groups are pushing too far to the right. It seems that there is the ability to work together. Do you have some suggestions on ways things need to be improved so that you can have that balance?

Ms. Justyna Laurie-Lean: We are working with, or talking with, environmental groups, but the discussion is on other acts where we are much more impacted, such as the Environmental Assessment Act.

On something like CEPA, which is a many-headed beast and is more of an enabling act, there are conversations between industry and civil society, but they are of a different order. CEPA is much more an enabling piece of legislation, so a lot depends on how government discharges those obligations and what it does with the tools that are made available to it.

Mr. Darren Fisher: One of the reasons I asked about balance between the two is that Sherry made a comment about modernizing CEPA. I think she said “improvements”. If I have a couple of minutes left, I will go to Sherry now, if I could.

Can you give me an idea of what you mean by modernizing CEPA? In improving CEPA, an improvement to one group might be degradation to another. I would be interested in what you think would be possible in modernizing CEPA.

Ms. Sherry Sian: Part of our interest in looking at the data component in particular is in achieving a common understanding of status and trends in the environment. I think it allows for a richer dialogue, a multi-stakeholder dialogue—which is what you were referring to earlier—about what the possible solutions and remedies could look like and how to roll out work plans for improving the management of substances. That is what we were thinking.

Mr. Darren Fisher: Just a quick clarification, industry is not looking to redefine “toxic”. It is not necessarily happy with the definition, but it is not really looking to redefine “toxic”.

Ms. Sherry Sian: I am concerned that I may have misstated earlier. I think the issue, as Justyna said, is more about what the response mechanism looks like. The issue is that if you have a substance that is a lower hazard but more diffuse, the way you would approach it from a management perspective is quite different from something that is a more acute hazard.

It really is about that. What does a decision tree look like that focuses your action very quickly on a remedy?

Mr. Darren Fisher: Madam Chair, if I have an extra minute, can I give it to Mr. Bossio?

The Chair: You do. You have one minute.

● (1220)

Mr. Mike Bossio (Hastings—Lennox and Addington, Lib.): Excellent. I am not looking for a response, because I know that you won't be able to answer in this time, but I would like a written response to what I am about to ask.

Given what Mr. Amos was discussing earlier about this new report that has come out from the CBC on the SOAs in Alberta, the secondary organic aerosols, and given the bad rap that the tar ponds have had in Alberta and the level of toxicity going into local rivers, waterways, and indigenous communities, it is great to hear about this petroleum innovation alliance and all the studies and data collection that are being done, but at the end of the day, what are we doing about it?

The SOA emissions are either the highest or second-highest in Canada. They are in the top 10 in North America. We need to start doing something about these things.

I would also throw out.... Earlier, Ed was talking about the difference between risk and threat. This is the whole reason that threat analysis can be a so much stronger assessment tool, because you are now looking up front at the threats that these ponds or emissions will cause, rather than waiting until after the fact to find out and then trying to play catch-up to do something about it. By then the environmental damage is done. We need to try to do something to preclude that damage beforehand and do something about it before it happens.

If you could provide what the petroleum industry is now planning to do about about the tailings ponds or the tar ponds or whatever the term is. I apologize; the term escapes me.

I would also throw that over to the mining industry to respond as well on the tailings ponds side. How can we mitigate? I know the mining industry has done a much better job in this area now that they are creating solids—

The Chair: Sorry, but I have to wrap it up because we're a minute over. Thank you.

Mr. Cullen, you have three minutes.

Mr. Nathan Cullen: Oh, so there is no time for a response.

The Chair: He's going to get a written response.

Mr. Nathan Cullen: I have several questions.

Sherry, I think you were saying that better regulations would enable cleaner tech. Do you have any specific suggestions for a CEPA review?

It was one of three or four listings. You said that it would be more innovative, it would be streamlined, and it would enable cleaner technologies to be brought on line. Did you have anything specific for us?

You're looking confused.

Ms. Sherry Sian: I'm sorry. The sound cut out partway through. Could you repeat your question? I apologize.

Mr. Nathan Cullen: Just in passing, you said that some of the changes that you would recommend to CEPA would allow for more streamlining of assessments and would also enable cleaner technologies to be brought online.

Do you have any specific recommendations for the committee that would enable that second piece?

Ms. Sherry Sian: In terms of how it would flow through CEPA, I'm not as clear. I do know how we would do it in terms of industry-led initiatives taking that information and using it as a basis for informing prioritization through various research and innovation bodies that we're affiliated with.

We could certainly look at an option and respond to that.

Mr. Nathan Cullen: Sure. Thank you.

Andrea, I'll come back to you on asbestos and that whole thing. Do we know where asbestos is right now? When someone goes in to do a renovation on a government building, on a private home, do we have any kind of sense of where asbestos is?

Ms. Andrea Peart: No.

Mr. Nathan Cullen: Ought we to?

Ms. Andrea Peart: Yes.

I think there should be a registry of public buildings, and not just buildings like this one, but hockey rinks, schools—

Mr. Nathan Cullen: It would even be for public buildings.

Ms. Andrea Peart: Even for public buildings.

Mr. Nathan Cullen: If someone picks up a contract in Kamloops to fix the arena, it's only when they knock down that first wall that they find out whether there is asbestos present.

Ms. Andrea Peart: Well, they might not find that out anyway. They might open it, be exposed, and still not know.

Mr. Nathan Cullen: Right, okay.

There has been much talk about some sort of public registry for years. What stands in the way? Is it an NPRI thing? Is it funding? What's the problem?

Ms. Andrea Peart: It's very difficult for me to answer that question, because I've been working for a ban on asbestos for 20 years.

When 2,099 Canadians died just last year from asbestos exposure and the Prime Minister doesn't live in his house right now, it's hard for me to say what the obstacle is. I feel that Canadians know that asbestos is harmful. I feel that Canadians know it's a problem. I think the fatalities are rising. I think that the age of onset is dropping. I think we have a horrible problem.

It's hard to identify what the obstacle would be, other than political will.

● (1225)

Mr. Nathan Cullen: I'm sorry, but I didn't understand your comment about the Prime Minister not living in his residence right now.

Is it in 24 Sussex?

Ms. Andrea Peart: Yes.

Mr. Nathan Cullen: Is that part of the reason that the renovation is happening?

Ms. Andrea Peart: To the best of my knowledge.

Mr. Mark Gerretsen: On a point or order, what is the relevance of that particular comment?

Mr. Nathan Cullen: The relevance, Madam Chair, on a point of order—

The Chair: I think it's speculation.

Mr. Mark Gerretsen: Yes, you're speculating as to why the Prime Minister is not living in his house at 24 Sussex.

Mr. Nathan Cullen: No.

The Chair: Okay.

Mr. Nathan Cullen: Hold on. I would like to address the point of order, if I may.

The question was around a registry about public buildings in Canada. One of the buildings that has actually been identified as containing asbestos is the Parliament of Canada, along with the residence of this Prime Minister and the last prime minister.

One of the encouragements that came through the National Capital Commission to do the renovation 15 years ago was the exposure to asbestos of any prime minister and their family. I don't think that's any particular shot at the Prime Minister for why he's chosen not to live there. I would encourage him not to live there and expose himself and his family to it.

I'm thinking that Mark is looking for politics in this.

The Chair: No.

Mr. Mark Gerretsen: I'm not looking for politics. I made a point of order, and then Mr. Cullen got into debate.

The Chair: He answered it.

Mr. Mark Gerretsen: My point of order was with respect to relevance. I didn't think that the comment had anything to do with the reason we're sitting here discussing this today.

The Chair: Okay. Well, I'm hearing that it is.

I think we cut in there and have just a few minutes, but we are over time, so please—

Mr. Nathan Cullen: Very quickly, on the precautionary principle on bioaccumulation, the bioaccumulation principle is that things accumulate over time, particularly in the fat cells of people.

Where does Canada stand with respect to other developed countries and limits on chemicals that we know bioaccumulate over time and become increasingly toxic?

Ms. Andrea Peart: On bioaccumulation, our standard is higher. We have higher thresholds than the U.S. or the EU.

Mr. Nathan Cullen: We allow more?

Ms. Andrea Peart: Correct. There is lower protection.

Mr. Nathan Cullen: We have lower protection.

Thank you.

The Chair: I really appreciate the line of questioning.

I appreciate all the work that you've done preparing for today and answering all the questions. You've given us a lot to think about and a lot to consider as we move forward on our assessment of what changes we might do and how we might improve the act.

There were some questions put to you to answer. If you wouldn't mind, if you could bring or email those responses to the clerk, she has to get all of them translated. When people send links to other websites and other things, it gets really complicated. Could you make sure that it isn't links to 150 multiple-page documents and it's a bit concise? It would be very helpful for that information to get back to committee in a translated manner.

Thank you very much, again, to each of you.

We're going to take a very short break, as we clear the room for a closed committee work session.

Thanks again, and thanks for the information that is coming. We appreciate it.

[*Proceedings continue in camera*]