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Chair

Mrs. Deborah Schulte

Standing Committee on Environment and Sustainable Development

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● (1535)

[*English*]

The Chair (Mrs. Deborah Schulte (King—Vaughan, Lib.)): I'd like to welcome our guests.

John Aldag has another committee meeting, so we're going to have a substitute coming shortly, so be ready for that.

We have several individuals with us. I'll just let everybody know who's here today.

We have from the Assembly of First Nations, Bill Erasmus. He's the regional chief for Northwest Territories.

From the Retail Council of Canada, we have Jason McLinton. He's the senior director.

From the Canadian Electricity Association, we have Ahmed Idriss. He's the senior adviser of environmental policy with Capital Power Corporation, and we have Channa Perera, director of generation and environment.

We also have Parisa Ariya. She's the James McGill professor from the departments of chemistry, and atmospheric and oceanic sciences.

My thanks to all of you for being with us today.

We have a little bit of housekeeping. You have 10 minutes to make your statements, and the times for questions are generally six minutes. When we get within one minute of the end of the time, I'll stick up a yellow card to give a bit of a warning. When you're at the end, I'll put up the red card. I don't need you to suddenly stop, but I want you to wrap up your thoughts succinctly, and then we'll be able to move along.

Hon. Ed Fast (Abbotsford, CPC): She's a hard-liner.

The Chair: Well, we do try, because it's all about fairness. If you start to get too carried away, then everybody doesn't feel that they're being treated fairly.

Mr. Mike Bossio (Hastings—Lennox and Addington, Lib.): She's much harder on us than she is on you.

Hon. Ed Fast: That's why two members are missing over there.

Mr. Mike Bossio: Yes, exactly, they're MIA.

The Chair: We are very grateful that you're here today.

We have a little challenge that I want to put in front of the committee. We have had some extensive discussions over the last little while about having presentations in both official languages and whether we allow a presentation when it is not in both official languages.

Ms. Ariya has brought forward a presentation that she feels is really important, but it is just in English. We are at the moment trying to figure out how to get the AV, because we didn't order it. We didn't know about it until not too long ago. We're trying to get the AV equipment up. If the committee is in agreement, we could print it and distribute it so that Ms. Ariya could speak to it.

However, this requires a unanimous decision. I know we have had this discussion before, and I'm open to the committee's will.

Mr. Jim Eglinski (Yellowhead, CPC): We're good.

Mr. Mark Gerretsen (Kingston and the Islands, Lib.): I'm not good.

The Chair: You're not good? Okay.

Linda?

An hon. member: It doesn't matter. It has to be unanimous.

Professor Parisa A. Ariya (James McGill Professor, Departments of Chemistry and Atmospheric and Oceanic Sciences, McGill University, As an Individual): I would be able to speak in French, because I'm French.

The Chair: She did mention to me that you could hear her in English, and she would speak in French if you needed it.

Ms. Linda Duncan (Edmonton Strathcona, NDP): I'm fine either way. I don't mind if they only have it in one language.

The Chair: It has to be unanimous. At the moment it's not unanimous, so there's not much I can do. We have had many discussions about this, and it is a principle of the committee—

Prof. Parisa A. Ariya: I was not informed that it needed to be bilingual. I was informed yesterday to send it. No language requirement was asked. For this reason, because most of the scientific papers are in English, I wrote it in English. But I am a francophone, and if anybody wants to ask me questions in French I would be happy to answer them, but the question was not the lack of sending it. It was sent yesterday and you did not request a bilingual version.

Hon. Ed Fast: Can I ask for a revote on that?

The Chair: I can't.

Just to be clear, we got it today. Despite when you sent it, it showed up today. It's very clear to all of you that when we ask you to come in front of the committee, there are rules that are made clear to all of the representatives coming in front of us. If you missed it, I'm sorry, but the rules were there and the fact is that we need to have things in both official languages. If it's longer than a certain period, then we need a brief. There's a whole bunch of criteria about submitting in front of the committee.

We'll not argue that, though. I just want to ask the committee again if—

Go ahead, Mr. Gerretsen.

Mr. Mark Gerretsen: That fact that you're asking the question again is—

The Chair: I know, I hear you.

Mr. Mark Gerretsen: —not appropriate, Madam Chair.

I want to apologize to any delegate who might be here in this situation. We had a similar situation arise a number of weeks ago. We have one member who is substituting for somebody else. A couple of weeks ago, when it happened, the member who was substituting was a francophone. It's with no disrespect to you that I'm not personally in favour of this. We're a country that supports and advocates the use of both official languages. When we have a presentation, it has to be in both official languages so that we don't put somebody on the spot if they happen to show up and want to participate and their first language is French.

I won't say anything other than that.

The Chair: I appreciate that.

Mr. Mark Gerretsen: That's my position on it.

Ms. Linda Duncan: Madam Chair, I think it might be helpful to outline for our witnesses. The same thing came up on Tuesday. If the witnesses reference certain documents, if they are only in one language, then they can be made available to us. If she has simply overheads, those could easily be translated. It's hard to translate a peer-reviewed document.

Mr. Mark Gerretsen: Yes.

Ms. Linda Duncan: She's certainly free to reference all of her materials, and she can then submit them.

The Chair: That's a very good point to make.

Ms. Linda Duncan: Right.

The Chair: Okay.

Prof. Parisa A. Ariya: Can I show them?

The Chair: No, not right now...just hold on. I had to figure out what we were going to be able to do with your request.

Hon. Ed Fast: This is really ridiculous.

The Chair: I'm sorry. Mr. Fast, can you please let me know what you're thinking?

Hon. Ed Fast: Madam Chair, the last time we dealt with this, it was dealt with in the right manner because we had a francophone at the table who needed to understand the material. I totally get that.

I don't see what the harm is here at this table. All of us are English-speaking, every single one of us. Why wouldn't we allow this material to be presented? It can be translated after the fact. At this point, I feel it's really inconveniencing witnesses who spent a lot of time preparing for these meetings, and a very important review of CEPA, that the material can't be referenced here at this table. I'm very disappointed, I must say.

The Chair: Thanks for those comments.

It is an unanimous decision that has to be made. I think in the previous comments we heard why it's important, so we're going to say that it's not unanimous. Therefore, we're not going to be able to have the material in front of us right now, but there's no reason why you can't reference it, and we'll see if we can access it elsewhere.

I'm sorry to start that way. We'll now go to Mr. Erasmus for 10 minutes.

We're looking forward to hearing what you have to tell us today.

Chief Bill Erasmus (Regional Chief, Northwest Territories, Assembly of First Nations): Thank you, Madam Chair and members of the committee.

My name is Bill Erasmus. I'm the regional chief for the Assembly of First Nations for the Northwest Territories. I'm also the Dene national chief for the Northwest Territories. We're pleased to be here.

I understand you have briefing notes from our office that I'm essentially going to follow, so I will use that as my guide.

● (1540)

The Chair: We'll just be listening to your comments.

Mr. Mike Bossio: We didn't get that.

Ms. Linda Duncan: It was sent to everybody.

Mr. Jim Eglinski: We never got it.

Hon. Ed Fast: We did get something three weeks ago, but not to do with this.

The Chair: It was not specifically your—

We're going to start the clock again. Yes, we did receive something from AFN before, which was a document outlining your position, but this is a bit different, so please proceed.

Chief Bill Erasmus: Thank you again, Madam Chair. It's a pleasure to be here.

Our country is so vast and huge that it took me a whole day to get here yesterday, and that's why it's a pleasure to be here. I have the environment portfolio for the Assembly of First Nations; it's a national portfolio. We're actually in Ottawa meeting on these issues, so this is really timely for us. There's a first ministers' meeting that will take place early next month and we'll participate in that, so all of these issues are timely.

As I said, I'll follow my notes. We're here today to share some of our concerns related to the Canadian Environmental Protection Act, as well as the consultation engagement process more generally. First nations are currently facing a number of serious environmental challenges, including the growing impacts of a changing climate and resource development, which are significantly impacting our relationship with the land, resulting in the diminished health and well-being of our people and our traditional ways of life.

Now, 10 years removed from the first review of the CEPA in 2005, unfortunately, first nations continue to face very similar, if not more severe, challenges relating to adequate consultation, financial support, technical capacity, and self-governance, all of which provide necessary tools to address environmental issues. We are encouraged by this invitation, but we would like to draw your attention to our 2005 submission on the proposed changes. Really, much of what was written then is still applicable today.

The AFN is committed to advancing the collective interests of first nations relating to protection and conservation of the environment, both nationally and internationally. These efforts must begin with the full and meaningful inclusion of first nations rights holders at both the community and regional levels. This will help position first nations as leaders and drivers of change on environmental protection and conservation.

We recognize and continue to articulate that this awareness of indigenous peoples is a first step in addressing environmental protection. Our teachings teach us to be stewards of the land, and first nations are leaders when it comes to environmental protection and conservation.

Moving forward, any discussion pertaining to environmental protection or conservation needs to be based on full respect for the constitutional, treaty, and internationally recognized inherent rights that we have as indigenous peoples. Central to any action relating to environmental protection is ensuring that each region in Canada has adequate supports to fully and meaningfully engage in all aspects of policy and legislative development. Support for first nations-led and locally driven initiatives like environmental monitoring—an example being indigenous environmental guardians—can help to improve our collective vigilance, build confidence, and serve as an economic development opportunity.

While we are encouraged by the intentions of the federal, provincial, and territorial governments to engage with indigenous peoples in discussions on a number of environment-related issues, we must do more to turn good intentions into concrete actions and investments. This must be a foremost consideration as Canada moves towards achieving its commitments domestically under the Canadian Environmental Protection Act, and internationally under the Convention on Biological Diversity.

Unfortunately, to date we are not satisfied that enough has been done through engagement processes, but we continue to work with our federal counterparts to address our concerns and support the realization of a true nation-to-nation, government-to-government relationship. We recognize that this takes time. We are beginning to see new efforts and initiatives, but we also recognize that some people and governments are resistant to change and don't want to have us at the table.

We believe this is an opportunity for the federal government to take a leadership role in this regard and unite all parties in a collective and collaborative process. It is through opportunities such as this that we will build a momentum necessary to turn these challenges around, to effect change on the ground, in our communities as well as nationally and internationally.

Prime Minister Trudeau has said, “Indigenous peoples have known for thousands of years how to care for our planet. The rest of us have a lot to learn. And no time to waste.”

We welcome this opportunity for discussion. We will also give a formal submission to you before the deadline.

● (1545)

If there are other outstanding comments and issues that come up today, we'll also include it in that brief.

Thank you, Madam.

The Chair: Thank you very much.

You're only halfway through your time, so if there's anything else you want to share with us.... You mentioned in your comments today about your 2005 submission to the changes that were made then. Do you have anything you want to share? You're saying they're applicable today. Is there anything you want to focus in on?

Chief Bill Erasmus: The reality is that the Supreme Court of Canada says there are three sovereign jurisdictions in Canada. They include the jurisdiction indigenous peoples have, the provinces, and the federal government. The Supreme Court of Canada will tell us that they don't want to solve our issues; they don't want to be at the table with us. That's not their role. Our role is to sit down and work out what those jurisdictional issues are and to work together as governments. That's where this has to lead.

COP 22 just happened in Morocco. It just ended last week. With the huge commitment globally to have people work on these issues, I think Canada can lead. Canada can be one of the main entities that moves from the type of economy that we've been engaged in to a greener, cleaner economy. The only way we can do that is if we have discussion and dialogue and make priorities that are relevant to all of us. We can't work in isolation.

First of all, there's a jurisdictional question. We're obligated to follow the law. That's what we need to do in the first instance, and then prioritize what the items are that we really need to deal with.

The Chair: In terms of CEPA specifically, because we're actually in the review of CEPA, is there any overriding message that you want to give on the CEPA review? You're talking of a very broad perspective.

Chief Bill Erasmus: Go back to jurisdiction. You're looking at this as a federal entity. You have to determine what other entities are out there. For example, we contest—and we proved this in court—that the lands that we live on, we have title to. We have title to a huge area in the Northwest Territories that is under contention right now. We're at a negotiating table with Canada and the territorial government developing a model that will govern that area. In the meantime, Canada assumes that they have authority, but it's not a sole authority.

How do we deal with areas like that? How do we deal with these environmental concerns on reserves, in treaty areas, where it's not so clear who has jurisdiction, whether it's a province or a federal institution?

You have to bring our people into the fold so we're making decisions now that we don't have to go back to later.

The Chair: Thank you very much. I appreciate that.

Chief Bill Erasmus: Thank you.

The Chair: Next up, let's do the Retail Council of Canada.

Jason, if you would like to start, that would be great.

Mr. Jason McLinton (Senior Director, Retail Council of Canada): Thank you, Madam Chair.

Thank you, esteemed members of the committee. It's a great opportunity to be here to speak with you today and also to meet many of you. Before these hearings started, I think almost every member of the committee I met, almost without fail—I think there might have been one—was saying to me, we're all interested to know why the Retail Council of Canada is here and what their interest is in CEPA.

I'm here to answer that question. It has to do with the chemicals management plan and the reporting on chemicals as they appear in finished consumer products. Before I go there, I will give a quick introduction to the Retail Council of Canada, or the RCC, for those of you who aren't familiar with us.

The RCC has been the voice of retail in Canada since 1963.

● (1550)

[*Translation*]

In the private sector, the retail industry is the largest employer in Canada. Over 2 million Canadians work in our industry. It is estimated that our industry generated over $59 billion in salaries and $340 billion in sales in 2015. Moreover, these figures exclude the sale of vehicles and fuel. Members of the Retail Council of Canada, or the RCC, account for more than two-thirds of retail sales in Canada.

The RCC is a not-for-profit, industry-funded association. It represents small, medium and large retailers in all communities, right across Canada.

Recognized as the voice of retailers in Canada, the RCC represents more than 45,000 store fronts of all retail formats, including department, grocery, speciality, discount, and independent stores, and online merchants.

[*English*]

The Retail Council of Canada and its members are strong supporters of the Canadian Environmental Protection Act, otherwise known as CEPA.

[*Translation*]

The act establishes pollution prevention as a cornerstone of national measures to reduce toxic substances in the environment. It also offers a wide range of tools to manage toxic substances, other sources of pollution, and waste. Finally, it encourages greater public and industry participation in decision-making.

[*English*]

Retailers are also very supportive of the chemicals management plan under CEPA, which is widely recognized as a world-class program. The chemicals management plan, of course, as members of this committee will know, is Canada's approach to assessing and managing chemicals under CEPA.

Chemicals are an integral part of our everyday life, essential to our economy, our communities, our homes, and of course, the products we buy. While chemical substances have benefits, they may also have harmful effects to human health and the environment if they are not properly managed and depending on how they're used.

Founded in 2006 and managed by the Departments of the Environment and Health, the chemicals management plan builds on previous initiatives to protect human health and the environment by assessing chemicals used in Canada and by taking action on those chemicals found to be harmful. The chemicals management plan uses a variety of tools to gather information from businesses, including voluntary surveys, as well as non-voluntary or mandatory surveys under section 71 of the act.

The chemicals management plan originally targeted importers of chemicals, or the manufacturers of the chemicals themselves. This made sense and this approach continues to make sense. After all, if you are making a chemical, or if you're importing a chemical, you know exactly how much you are making or importing. More importantly though, this is how the bulk of chemicals are introduced into Canada.

In late 2012, though, under section 71 of the act, the section that allows for legally mandatory surveys, it was interpreted to include finished consumer products for the first time. For the first time, the act was used to require reporting on chemicals as they appeared in finished consumer goods, things like this table, the microphone, my jacket or tie, or whatever. That particular survey was requesting information on over 2,000 substances.

Retailers found themselves scrambling to determine how much of any particular substance appeared in the jackets they were selling or bracelets, or glassware, or whatever it was. It was really a brand new thing for them. Again, with the chemicals management plan, we're not talking about restricted substances here; we're talking about substances that are used every day.

As you can imagine, this came at a great expense of time, writing letters to suppliers and vendors, often overseas, trying to get at information with very little return. One of our member's estimates that two months and 160 working hours was spent writing to suppliers on the survey for over 2,000 substances.

This is because they, like many of our members who have legal counsel, were advising them that this was a mandatory survey and they had to take due diligence, and the definition of due diligence is to write to the manufacturers and suppliers.

Another member estimates that they wrote to 215 suppliers, 20 of whom responded to them, which represents a response rate of less than 10%, of which 0% was usable. In addition to that, we did a quick internal survey of 10 of our members and found that three surveys done toward the end of 2015 and the beginning of 2016 had less than a 5% response rate. This has to do, again, with the notion of due diligence and when it's a mandatory survey, having to write to all your suppliers because you don't know whether these substances are going to appear or not.

This was a lot of legal red tape, and the cost of these mandatory surveys very clearly outweighed the limited benefits. Of course, any new cost introduced to the system ultimately gets translated to higher prices for consumers, so that would contribute to the U.S.-Canada price gap and things like that, which is significant enough already.

Another approach has been taken during that time and since then. We have great working relationships with officials in the Departments of ht Environment and Health, and a couple of voluntary surveys have been conducted that have yielded better results, but at the same time retailers were able to focus their efforts on the vendors where they suspected that some of these chemicals would be found in some of their products and where they'd get better response rates, so the same retailer that spent two months and 160 working hours to write suppliers on a mandatory survey estimates that they spent five hours on a voluntary survey and were able to achieve similar amounts of information, because they were able to target their efforts.

This voluntary approach frees up time and resources and allows retailers to pursue information where it most likely resides, rather than going through the motions to satisfy legal red tape. A smaller, more manageable number of substances, perhaps four or six substances of the highest concern rather than 2,000-plus, would allow retailers to track down information on those chemicals of greatest concern. Therefore, in this particular case of finished consumer goods, less yields more and therefore provides better protection to human health and the environment.

We are suggesting that CEPA would benefit from targeted amendments to specifically exclude mandatory legal reporting on substances as they appear in finished consumer goods. Targeting manufacturers and importers of the substances themselves is what makes the most sense, not finished consumer goods. In the instances where there are substances of great concern and it's deemed necessary, the voluntary approach has already demonstrated to be more cost-effective and yield better results, and of course the Retail Council of Canada would be happy to provide this committee with suggested wording on what that amendment would look like.

I have one last comment, if I may. It's not specifically related to the act but has to do with communication around the chemicals management plan. We have found that both communication to the public and communication back to businesses could be improved upon. A lot of Canadians aren't familiar with the chemicals management plan. A lot of what is available is written in fairly technical language, so it would benefit from additional communication and more plain language. In addition to that, I can only speak on behalf of retailers, but retailers providing all this information to government and not hearing back on what that information was used for, I think that would go a long way toward building good faith with businesses so that people know what they're feeding that information into.

To conclude, RCC and its members support CEPA and the chemicals management plan. It would benefit from targeted amendments to specifically exclude mandatory legal reporting on substances as they appear in finished consumer products. The primary focus of the program must remain where accurate information is obtainable from the importers and manufacturers of chemicals themselves, and when necessary, a voluntary basis should be used for finished consumer products. This would free up resources that are currently being used on legal red tape, allowing retailers to focus limited resources on tracking down information on the substances of greatest concern.

In turn this would help keep the price of consumer goods in Canada as competitive as possible while also providing more information more quickly, thereby helping to better protect human health and the environment.

Merci.

● (1555)

The Chair: Thank you very much. That's perfect timing.

Next up is the Canadian Electricity Association. Go ahead, and thank you very much.

Mr. Channa Perera (Director, Generation and Environment, Canadian Electricity Association): Thank you, Madam Chair, and members of the committee, for inviting the Canadian Electricity Association to appear before you on this important review of the Canadian Environmental Protection Act.

I'm very pleased to represent the association, along with member and colleague, Dr. Ahmed Idriss, senior environmental adviser with the Capital Power Corporation, based in Edmonton, Alberta, and the chair of the CEA's air issues committee. Together, we'll provide you with the electricity sector's perspective as it relates to CEPA.

First, a few words about our association. The CEA is the national voice and forum for the electricity sector across Canada. This year we will celebrate our 125th anniversary. Our membership comprises generation, transmission, and distribution companies from across Canada, as well as manufacturers, technology companies, and consulting firms representing the full spectrum of electricity suppliers.

The association and its corporate utility members are also committed to sustainable development, a key goal of CEPA, 1999. In fact, our journey on environmental sustainability started way back in 1997. We were the first sector to mandate member companies to implement the ISO 14001 standard on environmental management systems.

Since 2009, we have expanded the scope of our sustainability efforts through the creation of the sustainable electricity program, which is a triple bottom-line program consistent with national and global principles of sustainable development.

Electricity is, in a word, indispensable. It is indispensable to the quality of life of Canadians and to the competitiveness of our economy. In fact, the electricity sector contributed $30 billion in 2015 to Canada's GDP, making it a significant contributor to the Canadian economy. Over 80% of our electricity generation portfolio is also greenhouse-gas free, making us one of the cleanest in the world. Compared to our neighbours to the south, we have an enormous clean-energy advantage and we must work hard to maintain that.

It is with pride that I tell you that no other Canadian industrial sector has reduced their carbon footprint to the extent that our sector has over the last decade. Since 2005, the sector has reduced greenhouse gas emissions by 30%, and it is expected to decrease significantly more by 2030, through more efficient technologies and renewable power.

Given CEPA's focus on pollution prevention, you should also note that the electricity sector's contribution to other air pollutants is also steadily declining, helping to reduce smog and associated health impacts. Relative to 2000, the electricity sector's sulphur dioxide, nitrogen oxide, and mercury emissions have all declined by just over 50%.

On many environmental issues, the sector has made significant progress. It is not the same sector relative to when CEPA came into force in March 2000. Electricity in society is also more prevalent today than ever before. From smart phones to electric cars, you need safe, sustainable, and reliable electricity, and we must continue to renew and modernize our infrastructure to meet the needs of the 21st century.

The Conference Board of Canada estimates that electricity infrastructure renewal and modernization will require an investment of $350 billion between 2010 and 2030. This represents a significant capital investment and speaks to the importance of having a clear, consistent, predictable, and efficient regulatory system.

CEPA is critical in this regard. We have seven specific issues to address today. I will speak to the first two, and Ahmed will speak to the rest.

First, on consistency of federal legislation, it is important to remember that the electricity sector is regulated under many environmental statutes in addition to CEPA. We would ask the committee to consider the overall burden on our sector and ensure other statutes will not lead to duplication of effort.

● (1600)

Second is the use of aboriginal traditional knowledge. CEA members also have a long history of consulting and working with aboriginal people. Just recently, CEA released a set of national principles for engagement of aboriginal peoples. We are supportive of the use of aboriginal traditional knowledge where applicable. We believe that any concerns with either consultation with aboriginal peoples or aboriginal traditional knowledge are best addressed in the preamble to the act.

Now, I am going to ask my colleague, Dr. Ahmed Idriss, to speak to some of the other issues related to CEPA.

● (1605)

Mr. Ahmed Idriss (Senior Advisor, Environmental Policy, Capital Power Corporation, Canadian Electricity Association): Thank you, Channa.

I would like to thank the committee for this opportunity. I will speak to five additional issues of importance.

Our third issue is equivalency agreements. The act should continue to facilitate the use of equivalency agreements with the provinces to leverage local knowledge and avoid duplication of federal and provincial efforts. A positive example of this arrangement under CEPA is the arrangement between the federal government and Nova Scotia regulating greenhouse gas emissions from electricity production. As well, we believe different levels of governments should be able to negotiate appropriate expiration dates on agreements.

Fourth is transparency and public participation in cases of significant environmental harm. The sector supports enhanced transparency through the CEPA registry and greater opportunities for public participation in cases of significant environmental harm. However, emphasis on insignificant incidents is neither a practical nor an efficient use of resources for individuals, industry, or government.

Fifth, on information gathering, the electricity sector is supportive of current provisions related to information gathering. We have been reporting emissions of greenhouse gases and other air pollutants to the national pollutant release inventory, NPRI, for many years in a timely and accurate manner. If further information is necessary, the government can request such information through regulations where applicable. We do not think an amendment to the act is necessary to enhance this function.

Sixth is on the risk-based system. CEA members believe that CEPA currently achieves an appropriate balance between risk and hazard, and the current focus on managing risk is balanced, reasonable, and should be maintained. The electricity sector activities are based on risk assessment and management, whether the issues are related to environment or human health. Hazards can never be 100% eliminated, nor would attempting to do so be a wise use of effort and resources. However, risks can be and are being well managed in the electricity sector. We do not think further amendments are needed in this regard.

Seventh, with regard to the chemicals management plan, it has a long track record of success. Under the current system, an assessment of possible alternatives occurs whenever a chemical is assessed and determined to be toxic. We support maintaining the current system and not imposing mandatory assessment of alternatives to substances before they are deemed to be toxic.

This concludes our comments on specific issues.

I will pass it back to Channa.

Mr. Channa Perera: Thank you, Ahmed.

In closing, I'd like to emphasize that the issues just outlined strike an appropriate balance. We have made significant progress as a sector since CEPA came into force, and we look forward to continuing to provide Canadians with safe, reliable, and sustainable power.

Thanks for your attention. We would be pleased to respond to any questions.

The Chair: Thank you very much. We appreciate that.

We have one more witness. We'll turn it over to Ms. Ariya.

Prof. Parisa A. Ariya: Good afternoon. I am Parisa Ariya, James McGill professor, McGill, Canada research chair, tier one, senior chair.

I had the opportunity to train over 150 people in my laboratories in the departments of chemistry and atmospheric and oceanic sciences at McGill, leading to five high-tech spin-off companies, 15 professors, and many leaders in government as well as the environment. I've had the opportunity also to act as the lead author for two UNEP science reports in the chemical and physical transformation of compounds, as well as acting as the chair of the joint European committee for climate change.

As a scientist, I am here, and I find it illogical to not be able to present you, as a physical chemist and a physical scientist, the data on which my arguments are based. Having said that, as a physicist and chemist, I'm going to show you what I think using also last-minute experiments.

What I'm getting at is, when you look at CEPA, there are lots of good things about it. But since 1999, there are lots of shortcomings as well. For example, the nanoparticles, emerging contaminants, and so forth were pushed into the existing laws, which are not characterized. What I'm going to show you is what more should be done. We have recommendations about aerosols that are regulated but not enforced.

What I'm trying to do today is, starting with one sentence, I think cutting carbon is good, the carbon tax is good, but based on the data evaluation of over 12 years of data, I don't believe that a cap-and-trade system is a logical process to follow because it has resulted in contradictory data over the years. However, the carbon tax is a good idea.

Actually I want to bring something that brings people together. Environment is not a Liberal platform or a Conservative platform or an NDP platform. Environment is not right wing or left wing. It's everybody's problem. It affects our health. It affects our climate, and we have to find solutions together.

I have heard many times how much it costs, and I bring you some of the costs, but one of the questions I would like every single one of you to think about is this: what is the cost of doing nothing? What is the cost of continuing to do the things you do, which is basically nothing?

What I know is our planet, we call it metastable. Because I was deprived of my audio-visual because of the French language.... Funnily, I must be the only native francophone in the room.

It is at a metastable position. Metastable means that, like my keys, which go back and forth around what we call the “axis of symmetry”, when we have some changes, which we call “forcing”, our planet can go back naturally to its original position; that is, until the emissions go so far that the planet cannot seek its natural position, and then it goes to an unstable position. That's why we are worried about climate change.

Not that many of the natural processes are strong, but many of the anthropogenic-emitted processes are such that they can bring the planet, which is naturally in a metastable position, to an unstable position. That's why there is urgency to act now.

What we do know for sure is that human anthropogenic activity, including fossil fuel-based processes, do impact climate. We also know what the sound policy evidence and sustainable technology can do. I want to respectfully make a comment about sustainability. Sustainability is a beautiful word that has been used by different people in different contexts, but in many cases doesn't mean what we want it to mean.

One of the first molecules that was called sustainable and green was chlorofluorocarbons, which led to the destruction of the ozone because we didn't do the life-cycle analysis at the beginning. We thought it was energetic, and it was. We thought it was facile, or very effective, and it was. That's because of not thinking it through, not looking at it in depth. We had to stop that process, which was led by someone who was actually my supervisor, Paul Crutzen, who got the Nobel Prize. We could reverse the process through regulations such as the Montreal protocol.

● (1610)

I looked at bringing you costs because you will appreciate costs better than numbers that form from science. One thing that we have to keep in mind is that climate change is estimated to cost approximately $5 billion by 2020 in Canada; air pollution, $8 billion. For extreme weather, the number is more rounded. On average, it's about $630 million.

When you look at these processes, what are you looking at when we talk about air pollutants and contaminants? With regard to air pollutants, there are millions of compounds, such as ozone, NOx, VOCs, SOx, and particulate matter, which are particles that are very small, from zero to 100 nanometres. In a minute, I will get to why I care about these small particles.

Also, there are emerging contaminants, composites. Many of them are natural, but when you combine them, their life-cycle analysis in nature isn't the same. Therefore, you can actually pass it in law as natural or green or sustainable, but the life-cycle analysis has been shown in many studies to not be identical.

Regarding the effect of air, air is important. It is the fastest-moving fluid in the environment. This means that as soon as you emit pollutants from water or soil, when they get to air, they are subject to long-range transportation. Therefore, the effects can be not only local, but also regional and global. For example, when you mentioned mercury that was a problem from the electricity companies, yes, they did decrease it, but still they have a lot of black carbon and particle emissions coming in. The effect is that, from the air, they affect water and soil and biota, in general.

One thing I would like to mention is that, yes, the environment is complex. Yes, there are lots of chemical and physical processes that are going on at the same time, but if we are smart enough, we will be able to see the trends. That happened when we regulated, very beautifully, the complex reactions of ozone. They showed that actually we don't need to cut all the precursors at the same time. We scientists showed that when you have, for example, huge amounts of NOx, or low amounts of NOx, or low amounts of VOCs, by cutting one, not two, you can bring about the same reduction in ozone.

That's what I want to make sure that the industry knows, that the science right now, since the 1999 CEPA, has evolved significantly. We have to have more interaction amongst scientists, industries, and policy-makers to know that, yes, there are intelligent ways to cut and save money and be good for the environment.

One of the areas of CEPA where we have not done a good job is aerosols. Aerosols are airborne particles that go from a few nanometres to a few microns. Their lifetime is long. They can go into nanoparticles. They can be subject to transport. They can go to the native communities and to many others, even from, say, Montreal. In that case, they also can have a global effect. If they are larger, they go very quickly to places close to their origin.

What are they? They are pollen. They are bacteria. They are dust. They are emerging contaminants. They are nanoparticles. Those are the composites, and so forth. They have one thing in common. Two agencies, the Intergovernmental Panel on Climate Change, and the World Health Organization—two different international organizations for health and climate—both concur that aerosols are their priority, for totally different reasons.

For climate, aerosol and cloud interactions are the major uncertainty in all domains of climate change. The uncertainty is in the magnitude of all greenhouse gases together. In health, aerosols are a cause of respiratory and other diseases. One of the nanoparticles, for example, black carbon, has both health effects and climate effects. Nanoparticles have many properties, such as size, composition, surface properties, and so forth. The major question becomes whether we will be able to see them. Will we be able to characterize them to mandate them? The answer is, after the last 17 years, I would say, yes.

● (1615)

We have the capability to do analysis. We have the capability to do chemical characterization and laboratory experiments, and yes, we are able to do modelling at the moment from the satellite, from the ground, and so forth.

Last, we can use these particles for green technology. These are natural and abundant particles, and in many of the papers right now they are becoming the top articles for many associations, including for the American chemical associations, and including our own work.

Absolutely—and I concur with Bill—as Canadians right now, because of the American election, we need to take the leadership. The time is now. There is a huge opportunity for us to start regulating the aerosols and particles that we have recommended but you have not enforced yet. We have a huge opportunity for emerging contaminants and nanoparticles. It brings us highly qualified personnel and it brings jobs, and it also answers the question, what is the cost to our health of not doing anything?

● (1620)

The Chair: Thank you very much. You did an excellent job, without any visuals, of explaining the points you were trying to make. I believe I certainly got them, and I believe other people were able to get that, so thank you for accommodating the needs of the committee. That was excellent.

Our first questions are from Mr. Amos for six minutes.

Mr. William Amos (Pontiac, Lib.): I have a forewarning before I thank all of you. We tend to be ruthless in this committee in seeking short responses, because we have six minutes and we're not looking for long responses.

Thanks to all of you for coming, particularly Chief Erasmus. That's a long journey. Your experience is great and I appreciate your being here. To all of you, a lot of preparation has gone into your presentations, clearly, so thank you.

My first question goes to Mr. McLinton. I'd like to know where I should be investing my Black Friday money. No, I'm sorry.

Voices: Oh, oh!

Mr. William Amos: I'd like to ask about your perspective on the retail sector's interests in ensuring that CEPA is strengthened. This is a law that has been in place in its current form for a number of years, and obviously consumer confidence is crucial across the various subsectors. Would you agree that, as a general proposition, it is in the best interests of both the retail sector and the consumers for the safety of Canadian products to be maximized, and therefore, that in terms of the utility of CEPA as a health- and safety-maximizing statute, it is appropriate to review it with a view to strengthening it?

Mr. Jason McLinton: Thank you for the question, Mr. Amos. There are two parts to it, but before that, I would say that the Canadian retailers have really started getting very competitive in the area of Black Friday sales, so do get out there and do some shopping.

Voices: Oh, oh!

Mr. Jason McLinton: To the first part of the question, yes, absolutely. Retailers are very committed to selling safe products, both for human health and for the environment, and for the obvious reasons you've mentioned, such as consumer confidence and that sort of thing.

I think where the discussion becomes interesting is at exactly the point that I was making, which is one of mandatory versus more flexible and voluntary approaches. When you get into the mandatory stuff, you get into the legal and red tape, with the lawyers telling you how to interpret these things, and you're focusing your energy on that as opposed to actually making a difference.

Beyond CEPA, I can give you numerous examples of where retailers meet and most often exceed federal and provincial requirements, such as things around recycling programs for electronics, tires, and packaging. I think the figure is $1.6 billion per year—our estimates—that retailers are investing in these programs, and they exceed these programs. Grocers spend a lot of energy on tracking greenhouse emissions from food waste and transportation and that sort of thing.

Definitely, retailers care, for all the reasons that you articulated, but the question becomes one of a more flexible and voluntary approach versus a red-tape, legal, mandatory one.

Mr. William Amos: Okay. I understand that.

I'll ask for a very quick response. I think of products like personal care products that contain microbeads, which were brought into the market with insufficient scrutiny and ultimately have been found to be highly problematic. From a broad retail perspective, do you think that's a good example of how we need to ensure that CEPA is enforced stringently enough so that retailers aren't in a position where they find themselves selling products that the consumer ultimately finds out are really bad for the environment?

Mr. Jason McLinton: I'm not as familiar with that case. It's difficult for me to comment on that specific case, but I don't know that having strong legislative authorities would have been what would have made the difference in that particular instance, as opposed to voluntary information sharing between Canada and the U.S., or between suppliers in Asia and that sort of thing. It's an issue that retailers care about. I just don't know that the legislative route is necessarily the best one.

● (1625)

Mr. William Amos: In some respects, the mandatory aspects that may be needed are less around the product sellers and more around the governments doing the analysis of the products that are proposed to be used.

I'll shift over the the Canadian Electricity Association.

Thank you for the presentation. You mentioned the issue of equivalency agreements, and you highlighted the importance of those. We've had other witnesses come before us and suggest that while equivalency agreements may be appropriate, there has to be a greater commitment on the federal government's part to follow up on the equivalency agreements that are reached to ensure that there's a reporting mechanism or some kind of oversight, so that it's not simply a downloading of responsibilities over to the provinces and a presumption that they're doing the right thing and doing the thing that the law requires.

How would you respond?

Mr. Ahmed Idriss: Equivalency agreements require, within the agreement, monitoring and making sure that the federal government and the provinces are delivering an equivalent environmental outcome. It is built into the agreement. The good thing about the equivalency agreement is that you address different circumstances that every province has from the other ones. For example, the latest one, which we signed with Nova Scotia, addressed the needs of Nova Scotians and addressed the climate change there. It's built within the agreement, the ability to track the environmental outcome established under the federal regulations.

Mr. William Amos: Okay. Thank you for that.

The Chair: You're out of time. Thanks a lot.

Mr. Shields.

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

Thank you to the witnesses today. It's always a learning experience, with the broad information you bring to us from different sectors.

To the professor first, I'm intrigued by the science and how much it has changed since CEPA started. You mentioned there's good and bad. From your view, I would believe that it's changed a lot in 20 years, and then we'll see a lot of things possibly changing quicker in the future. How would you write CEPA, so that tomorrow it isn't out of date?

How would you take a broader view? How would you do that? I understand the aerosols and the rest of it, but what's produced may be very different tomorrow, if we have a machine that can reproduce anything.

Prof. Parisa A. Ariya: Aerosols weren't generated yesterday and will change tomorrow. They've been there for a long time, a few billion years.

Coming back to your question, your question is very nice. The way I would write it, I would do it the same way as I did with the Europeans, by looking into what we know now and what the emerging fields are that are coming. Provide the solid regulations on something that we know for sure. For example, the aerosol nanoparticle that I mentioned to you, we know for sure that two completely different international organizations, for totally different reasons, put them as a top priority.

In climate change, we don't put it as a second or a third priority, but as a top priority. It shows you it is certainly...and the organizations normally are a little conservative, because we don't want to say something that is not going to be true. In that case, for example, the aerosol is a priority because it is coming from two totally different communities. That is what we know. We know 400 million people every year die because of that. We see the particles in their systems. When you go to Beijing and you look at the cancers, that is not something that is imaginary. Those are real.

What should a good plan be? It constitutes the facts that we know of, and those are the emerging domains. We need to provide facility for the future ones. That's why I chose the words “emerging pollutant”. Emerging pollutant, by putting that in, gives you the facility for future incorporation, because it means anything. Right now, the term “new material” is used. New material means it is new. As I mentioned to you, many of the materials really are not new material, they are a twisting of the old material in a recombination.

In that case, the vocabulary I use provides flexibility for future things. For example, aerosol is mandated and enforced in the EU, and it is enforced even by the EPA in the U.S. I don't know what Trump is going to do. I don't know if his thoughts are logical to start with. Those systems, for example, for ozone formation, also have a health impact. It's not only for one reason, for climate; it's also for the health impact, as well. Those are the things that we know for sure now, and we will be able implement them. It just makes sense, because the data is overwhelmingly in favour of that.

● (1630)

Mr. Martin Shields: Okay, thank you.

To the Canadian Electricity Association, you have a couple of figures out there. One was a decrease of 30%. Another was a decrease of 50%.

Can you give some specific examples of what steps you took to make those decreases over the last 10 years?

Mr. Ahmed Idriss: Some of these were based on provincial regulations and some were based on federal regulations. For example, in 2006 Alberta came up with a framework for electricity, and that was translated by the federal government into a mercury reduction. That basically led to a reduction from 2,600 kilograms of mercury emissions to, right now, in the range of about 666 kilograms. That was one approach.

The other approach, in terms of electricity and greenhouse gases, was the introduction of the provincial programs, the gas-emitter regulations in Alberta or other provinces, including greenhouse gas measures. As well, the shift in generation from a coal base to a natural gas base led to these reductions.

Mr. Channa Perera: If I may add to what Ahmed said, in Ontario, for example, the coal shutdown had a major impact in terms of bringing greenhouse gas emissions down, but at the same time a lot of the utilities across the country were investing in renewable energy, from wind to solar and so forth. For example, wind capacity in Canada is about 11,000 megawatts right now, going from almost 500 to 11,000 over the last decade or so. Then we have the growth of renewable power across Canada from B.C. to Nova Scotia and Newfoundland. In Ontario, we also have investments in conversion of some of the coal plants into biomass.

In terms of air pollutants, a lot of the companies invested in retrofit technology way back in the late nineties and the early part of 2000. It's a little bit easier in terms of investing in air pollution technology, but on the climate change side, it takes a lot of investment. One final example is SaskPower's CCS project.

Is the time running out?

The Chair: No, it's okay. If you have a finish to that thought, go ahead.

Mr. Channa Perera: Exactly. Thank you, Madam Chair.

In terms of that investment in carbon capture and storage, it is world-leading, and other countries are looking at Canada to learn from SaskPower's experience. I might say, in terms of Capital Power, quite a few years ago they invested in ultra-supercritical technology as well to bring down emissions from their coal-fired plant.

The Chair: Thank you very much.

Next up is Ms. Duncan.

Ms. Linda Duncan: Thank you, Madam Chair.

The panel shouldn't be offended, but immediately after finishing my questions, I have to run. I should be catching a taxi right now. My wonderful colleague from Saskatchewan, Sheri Benson, will then replace me and ask questions on the second round.

My first question is to Chief Erasmus. It's great to see you here. I'm glad to see you're continuing to advise on chemical controls.

You're probably aware that your colleague in Alberta, Melody Lepine, has also testified before us. She has raised very deep concerns for the northern-environment communities about deformed fish; rabbits with extra genitals; large fish kills; elevated metals such selenium, arsenic, and cadmium; PAH levels; and exceedances of CCME guidelines for heavy metals. The Mikisew Cree, the Athabasca Chipewyan, and the Fort McKay First Nation have for three decades been asking for the federal government to initiate a health study of the impacts of the oil sands. I know that the Dene people have also spoken out, because the Mackenzie Basin is impacted as well; all your waterways and airsheds are connected.

I'm wondering if you think it's time for the federal government.... The federal Minister of Health has a mandatory duty to look into health concerns that are brought to her attention. What do you think should happen in the law or practice to finally get the federal government to assert their responsibilities and initiate these health studies?

● (1635)

Chief Bill Erasmus: That is a very good question.

I was alluding to that earlier. For example, if you look at our original agreements, we have historic treaties, pre-confederation treaties, and modern land claim agreements. In our area up north, we have the Tlicho agreement, for example, that's been in effect for 11 years. They have a huge land mass of 36,000 square kilometres and they own the surface and the sub-surface of that land. They have legislative authority over it, including taxing powers. Part of their agreement, which is a constitutionally protected document, says that the quality and the quantity of water, and the flow of water, has to be protected.

What you're talking about is this. If I'm up north, the water comes from the south, so whatever happens in the south affects us as the water basin goes to the Arctic Ocean. It doesn't only affect us; it goes internationally to the global circumpolar world. Canada has to be very cognizant of that. This is not just a domestic question. If our agreement, for example, says that the quality and the quantity has to be adhered to, then there is a mandatory, legal obligation on the part of Canada to come clean with that.

If you look at that same agreement, there are seven pages that deal with international matters. When Canada is dealing with these issues, they are legally obligated to go to the Tlicho and talk to them about the issues that may affect them. That includes the testing of health. We're being affected up north. The dam, Site C, is being proposed there but there were never hearings up north. All hearings were south of 60°. The waters upstream from us come north so we will be affected. That's not to talk about the project at all. The project is one thing, but the results from that are another. You're quite accurate in the way you're approaching it.

Ms. Linda Duncan: Thank you very much.

I'd like to put my second question to the Canadian Electricity Association. I've worked with the Canadian Electricity Association since about the year 2000 on coming up with a framework for the electricity sector in Alberta for emissions. Of course, that's a code word for coal power in my province.

The sector has slowly reduced its emissions over time, frankly because of pressure by the population, not because of voluntarily coming forward. Nonetheless, 40% of the sulphur dioxide and NOx in Alberta comes from coal-fired power, which is still emitting 30 kilograms a year of mercury. No amount of mercury is safe. There is a lot of lead, cadmium, hexachlorobenzene, dioxins, furans, PAHs, arsenic, and a very significant source of carbon. There has been a lot of complaints by the coal industry against this sped-up phase-out of coal-fired power. The complaints are about the fact that these are stranded assets and that the owners of the assets should receive compensation.

I have a simple question to the coal sector. For 40 years you've been using the airshed for free, causing unbelievable health impacts that are finally, since 2012, being documented. That is why the former Conservative government finally pushed for a somewhat quicker phase-out of the power. Don't you think that it's more appropriate that maybe the sector would be thinking about compensating the governments for the long-term health impacts and not trying to stop the quicker phase-out of the sector?

● (1640)

The Chair: You have a very short opportunity to give a quick response because we're almost out of time.

Mr. Ahmed Idriss: I'm here representing the Canadian Electricity Association, the CEA. The coal issue, the one that Ms. Duncan talked about, is Alberta-specific. There are negotiations happening with the provincial government, under non-disclosure. I really don't have any access to it. I would be really uncomfortable to try to reply. I don't have enough information to answer your question about the compensation.

The Chair: You're out of time.

Ms. Linda Duncan: Thank you.

The Chair: Mr. Gerretsen.

Mr. Mark Gerretsen: Mr. McLinton, you talked about section 71 and the complications, perhaps the cumbersomeness of searching for 2,000 different chemicals. I'm curious whether you think that section 71 is effective at properly penalizing organizations or individuals for non-compliance.

Mr. Jason McLinton: As I understand it, section 71 is not the provision that contains penalties. Those are in other sections of the act.

As I said before, CEPA's CMP, chemicals management plan, is recognized as a world leader, so I think it does a really good job at penalizing the bad players.

Mr. Mark Gerretsen: Are you aware of any that have been penalized?

Mr. Jason McLinton: Not in the retail sector, no. I'm not aware of any.

The point that I was making with regard to section 71 is that it is highly effective. I think the chemicals management is highly effective when it comes to people who make chemicals and import those big drums and trains full of chemicals.

Mr. Mark Gerretsen: But not at the retail level....

Mr. Jason McLinton: Not on the glassware and the microphones and—

Mr. Mark Gerretsen: You represent the retail level.

Mr. Jason McLinton: Right.

Mr. Mark Gerretsen: Okay, so maybe I would expect that statement from you.

Mr. Jason McLinton: It's when you get the lawyers involved. It's the lawyers who say, “It's a legal document and therefore in order to cover your due diligence, write a letter to every single supplier you have because you never know.” Then, it just becomes an exercise in red tape.

Mr. Mark Gerretsen: Do you think there should be punishment for non-compliance, penalties that are followed through with?

Mr. Jason McLinton: For people who fail to report, absolutely.

Mr. Mark Gerretsen: Including retailers?

Mr. Jason McLinton: Absolutely. For people who knowingly withhold information, absolutely yes.

Mr. Mark Gerretsen: You made a comment about the bulk of chemicals being imports. Can you quantify that?

Mr. Jason McLinton: I cannot, and just for greater clarity, it would be imported and manufactured, as opposed to appearing in the microphones and the suits and the ties. But no, I don't have that.

Mr. Mark Gerretsen: Okay.

Do you know if there is a synchronization between the rules on imports versus manufacturing? Are they synchronized, so that with what we're manufacturing, the rules are the same for what we're importing?

Mr. Jason McLinton: As far as section 71 is concerned, I believe, yes, it doesn't discriminate.

Mr. Mark Gerretsen: So that's not an issue with imports.

Mr. Jason McLinton: No, and it would then be up to the regulators, Environment Canada and officials at Health Canada, as they design the survey.

Mr. Mark Gerretsen: Okay.

Mr. Jason McLinton: Depending on what they're interested in, what they were looking for, they would target importers or manufacturers.

Mr. Mark Gerretsen: Okay.

Madam Chair, my next question is for our representative from the first nations.

The Chair: Yes, I'm not sure where he went.

Mr. Mark Gerretsen: Okay, can we stop the clock?

The Chair: We'll go to another questioner and then I'll come back to you.

Mr. Mark Gerretsen: Sure, then I'll have two and a half minutes left.

The Chair: You have three minutes left, so I'll come back to you and we'll go on to Mr. Eglinski.

Mr. Jim Eglinski: That gentleman was first on my list.

The Chair: He was yours, too. Okay.

Mr. Jim Eglinski: Madam Chair, I will move over to probably the second question I was going to ask.

I'm going to ask an electrical question. You did mention the 30% drop in what electricity corporations have done. I know recently we met casually with the European sector, and they talked about the reductions they had. They were bragging about 30% or 40%, but the greatest amount of that came from the reduction in coal-fired generation.

I wonder if you can tell me any figures you may have of what you have done, leaving the coal-fired generation out of the picture. We all know that it is a large percentage. I wonder what your industry has done besides that.

● (1645)

Mr. Channa Perera: Maybe I'll start off and then let Ahmed respond as well.

You have to remember that this sector is almost 80% clean. In Canada, 60% of electricity is based on hydro power and another 15% is nuclear. The renewable capacity is growing significantly.

In terms of the coal capacity, it is based on capital stock turnover. We're going to see 93% reduction in coal by 2030 based on current regulations, which were introduced by the previous government. We are on a path to major reductions in greenhouse gas emissions, so with the recently announced regulations, we can expect to even accelerate some of the reductions going forward.

What I also want to mention is that we need to think about the regional impacts since not all the provinces are created equal. Some provinces will have big financial impacts because of the phase-out of coal and other forms of generation compared with other provinces that are predominantly hydro.

There are just three final points I want to make. We need to think about and minimize the impact to Canadians on their electricity bills. As well, we have to make sure that the system we have is safe and reliable and also gives investor confidence to undertake that transition from coal to other forms of generation. Those are three important pillars that I would emphasize.

Mr. Ahmed Idriss: For example, there is a greenhouse gas cap in Nova Scotia. That actually has nothing to do with the coal phase-out. That was before. Alberta introduced the specified gas emitter regulation, which has been increased in 2017 to $30, with a 20% emission cut. Ontario introduced a cap-and-trade system. This is recent, but Alberta's and Nova Scotia's regulations are older and have longer histories than the cap-and-trade system in Ontario.

The other thing is that there has been improvement in the system generally, related to transmission, for example. That is one thing that improved the efficiency of the system because you have less losses in the transmission.

Mr. Jim Eglinski: Okay. You had gone a little bit further earlier and you mentioned carbon capture at Saskatchewan Power. You're aware that recently Germany, after trying a number of new innovations, has decided to go back and reconsider their coal-fired generation.

I wonder if you could comment on that. Does your industry think they could reduce coal-fired emissions to zero, considering the Saskatchewan example?

Mr. Channa Perera: I can speak to that at a very high level and Ahmed, if you may, after that.

Innovation is also about risk. Every time these companies invest there is that potential of failure, but as a country, we need to continue to invest in innovative technologies and we can't be followers. We need to be leaders and Canada is in a unique position, as I said, with over 80% non-emitting generation, so I don't think we'll be in the same position as Germany. I think the way the existing capital is turning over with a lot of the coal-fired generation being transitioned to other forms of generation, we are going to be in a much better place. We need to start focusing on other sectors, such as transportation, that make up the bulk of the greenhouse gas emissions in Canada.

With the innovations we have, we can start electrifying other sectors of the economy, such as transportation and buildings.

● (1650)

The Chair: You have 30 seconds. You might not have time for another question, but you could try.

Mr. Jim Eglinski: I'll add it to Mr. Fast's question.

The Chair: We'll add it onto his time.

We're going back to Mr. Gerretsen for three minutes.

Mr. Mark Gerretsen: Thank you, Madam Chair.

Thank you for coming back.

My question was about how our indigenous communities currently deal with exposure to toxic substances. Is there a way to mitigate the risk currently? More broadly, would you agree that the risk levels are different among different segments of the Canadian population, whether the socio-economic backgrounds are different or the geographical locations where they are located are different?

Chief Bill Erasmus: I'm not sure if I understand the question about the risk.

Mr. Mark Gerretsen: The first part of my question, which is what I was more interested in, is whether your communities currently have a way for dealing with the exposure to toxic substances.

Chief Bill Erasmus: That's what I was getting at. I think if you're able to look at this question and say we're in quite a dilemma because people are getting affected. Climate change is occurring. It's real. We're all affected. We're all in this together. There are jurisdictions out there that need to be recognized and implemented.

The problem today is the authority we have is not recognized by Canada. We know there are things wrong. We know there are contaminants in the system. Linda Duncan brought it up. People in northern Alberta are calling for health studies and they have been for years, yet these health studies have not occurred.

The problem is that we have to go to someone else. We don't go to our own government and say, this is the problem, please fix it, and then our legislators go forward.

Mr. Mark Gerretsen: Right. Okay.

Chief Bill Erasmus: We're having to rely on someone else. That's the dilemma we're in.

Again, we can say, yes, do the studies, but then it's up to you at this level to see that as a priority.

In terms of risk, we're all at risk. For example, if you look at the watersheds, just look at North America; the water system works in a particular way. We have over 100 boil advisory communities, and many of us say it's not by accident. Many of those waters are flowing away from urban areas.

Mr. Mark Gerretsen: Okay.

Chief Bill Erasmus: If you look at the watersheds, for example, you can figure out where the contaminants are coming from because, for example—no one take offence to this—but we all know over the years on the Prairies—

Mr. Mark Gerretsen: I'm sorry to interrupt, but I'm going to run out of time.

I guess my question is—

The Chair: You did run out of time. Sorry, Mark. My apologies, I was just letting him finish his thought.

Hon. Ed Fast: I told you she was a hard-liner.

Chief Bill Erasmus: That's good. We need to follow the rules.

The Chair: You were just about to say something. Finish that thought, and then we'll.....

Chief Bill Erasmus: Yes. On the Prairies, over the years there were retardants and different chemicals used, and our people are telling us they are still seeping into the water, the aquifers underneath. Those go out into the water system and we're affected, so there's responsibility that has to take place.

Thank you.

The Chair: Our next up would be Mr. Bossio.

Mr. Mike Bossio: Thank you, Chair.

Thank you all very much for being here today.

I would like to direct my question to Ms. Ariya. I found your presentation fascinating. We've dealt so much with the chemicals in the environment aspect of it, not as much—a bit the other day—on the air pollution piece of it and the lack of enforcement in dealing with air pollution.

Part of the discussion the other day was around the Tox21 report that came out, the advancements of technology to be able to rapidly test and to determine the toxicity or the impact on the environment, whether it's persistent, biologically accumulative, or whether it's where it is in the environment from an air pollution or water pollution standpoint.

Do you agree, given the technological advancements we have, that it is actually much more cost-effective to take a more hazardous-based approach to assessment rather than the risk assessment-based approach we take today?

● (1655)

Prof. Parisa A. Ariya: I think your question has two aspects. First of all, in order to know the hazard, you have to observe it and you have to experiment. Then in order to make an assessment, you have to integrate it, and then numerically assess it and make it simple to write the risk assessment.

In that case, you have to do it properly, but you can decrease the cost by going to a pilot study first in several targeted areas, and then do the more comprehensive study, in the same way as Germany and some of the other European countries are doing. By doing that, they actually don't increase the cost necessarily, but they increase the quality of the data.

Mr. Mike Bossio: Right.

Prof. Parisa A. Ariya: That is what I suggest, and please note that the particles that I'm looking at, for example, are chemicals. Many of the contaminants in the air we are talking about are actually in the soil and the water, but because of the wind and the atmospheric processes, they have a chance to have an affect, not only locally but at a longer distance. Those are also chemicals.

One thing you mentioned that I would like to point out is that the contaminant you start with is not necessarily the contaminant you end up with. It undergoes chemical, physical, and photochemical transformation. Sometimes it's a deposit. Sometimes it's a nucleate, and so forth.

Mr. Mike Bossio: I apologize for cutting you off, but that's part of what I was looking at. Today we test a chemical in isolation in a particular application. We don't test the combination of chemicals and the impact that has on the environment.

Prof. Parisa A. Ariya: Absolutely, and that was what was written in my report. We have to do life-cycle analysis—

Mr. Mike Bossio: Exactly.

Prof. Parisa A. Ariya: —physical, chemical, and biological, not a life-cycle analysis that is limited to carbon. The reason scientists started to bring in carbon was that it was a very easy commodity to talk to politicians and policy-makers about. The question is much more in-depth.

Mr. Mike Bossio: To take it to the next level, when we look at what you were talking about around aerosols, the impact they are having on both human health and on the environment has been clearly identified, yet from an enforcement standpoint nothing has been done.

Prof. Parisa A. Ariya: It was recommended but not enforced.

Mr. Mike Bossio: Yes. Would you agree that one of the capabilities that we could implement within CEPA is an environmental bill of rights or a right to a healthy environment type of legislative addition to CEPA.

Prof. Parisa A. Ariya: I think having access to clean water and clean air is a human rights issue. In my mind it is already a given, but from a legislative point of view, you can reinforce the recommendation that you have. You already have a recommendation. We can use sustainable technologies, which have become cost-effective, particularly during the last 10 years. Many of them actually don't need any coal. You can run them with solar.

Mr. Mike Bossio: Right.

Prof. Parisa A. Ariya: This is actually cleaner than even hydro electricity, which in some cases, in barrages produces mercury.

Mr. Mike Bossio: Right.

Prof. Parisa A. Ariya: We have the know-how.

Mr. Mike Bossio: Okay, thank you very much.

Moving on to Mr. McLinton. Would the Retail Council of Canada agree that it's important to know what chemicals exist within the retail products that we're purchasing?

Mr. Jason McLinton: To a degree, yes. What we're talking about when we talk about mandatory surveys, though, are not the prohibited substances, right? These are the everyday chemicals that are being used to manufacture all sorts of things.

Mr. Mike Bossio: Going back to Ms. Ariya's testimony, we need to understand the combination these chemicals can create once they're built into a finished product. I agree with you that it shouldn't be the Retail Council's responsibility to make that determination, but manufacturers should ensure that any product that is coming into this country is manufactured to the same standard that we would expect our own manufacturers to meet as far as its chemical composition.

● (1700)

Mr. Jason McLinton: Absolutely. I couldn't have answered it better myself. That's exactly what I would have said. It's the manufacturers who would know how these products are made, right? Supply chains are incredibly complex, so the vendor that the retailer might deal with is almost never going to be the manufacturer. That might be several companies down the line.

Mr. Mike Bossio: If we found that a manufacturer wasn't answering the composition of the product survey, or if we discovered that a product didn't meet our standards, should that product be banned in the marketplace?

Mr. Jason McLinton: If it doesn't meet the Canadian standards, absolutely. I think the best way to get at that is through information sharing agreements between governments.

Mr. Mike Bossio: Thank you.

The Chair: Thank you very much. That was a good answer.

Mr. Fast.

Hon. Ed Fast: Thank you very much.

I'm going to go back to Professor Ariya. I'm very intrigued by the evidence you gave. Some of our discussion has been focused on bigger issues like climate change that don't necessarily inform our CEPA study directly. By the way, I do agree with you on cap and trade.

I would like to go back to Mr. Bossio's question, which was raised in previous panels, about the emergence of computational methodology to dramatically improve our ability to assess very large datasets. I'm not sure it necessarily directs us whether we should go to a hazard-based model or a risk-based model. I think a risk-based model can be dramatically improved as this methodology takes root. I would be interested to hear a little bit more about how computational methodology is going to improve our ability to get it right for Canadians, to improve the health and safety of Canadians.

Prof. Parisa A. Ariya: First of all, I hope the Canadian government at all levels communicates, for example, Environment Canada and Health Canada and their jurisdictions. More collaboration makes for more data sharing and often, to do any computation you need data. Many times, this data is obtained but because they are under different jurisdictions, the data are not maximized or integrated or treated properly. Putting more data in the larger public domain is the first thing that should be done.

There are different types of modelling and assessment. Risk assessments are computationally much simpler. You have different data, and this is not to be unkind. It's just from a mathematical process, it's simpler.

When we talk about, for example, air pollution or climate modelling, we're talking about the models they have, which all run based on the conservation of mass and energy. You have chemical reactions of various types. You have physical processes. You have radiation and so forth, that can run online, meaning numerically you can calculate all of them for this set-up for the different grids that we discuss, sub-units of calculation, that can be integrated.

We are normally geeks and we integrate the data that way, but for many of the other data that is used for policy, you use a dumber, slightly less sophisticated—

Hon. Ed Fast: We're not talking about policy; we're talking about the assessment of substances—

Prof. Parisa A. Ariya: For the assessment.

Hon. Ed Fast: —and the application of computational methodology to that assessment.

Prof. Parisa A. Ariya: Yes. Again, methodology varies very significantly. Most involve simply weighing the different types of compounds, writing the effect of efficiency, putting the different impacts, and using factorial analysis for it. It's mostly factorial analysis in combination with the weighing of the data over a large dataset. That's the methodology that has been used.

Hon. Ed Fast: Thank you.

Mr. McLinton, you are proposing to focus more on a voluntary as opposed to a mandatory survey process. To clarify, is the process that is currently used, mandatory or voluntary?

Mr. Jason McLinton: Both mandatory and voluntary processes are used, and for greater clarity, I'm speaking specifically about finished consumer products.

I think the approach that is being used right now for chemicals per se, which is also a combination of mandatory and voluntary, is working very well. We've had a couple of years' experience in working with the officials at the Departments of the Environment and Health. They recognize that the voluntary approach is yielding a lot better results more efficiently. That's the way the winds are blowing, but we just wanted to make sure the committee could benefit from our experience.

● (1705)

Hon. Ed Fast: You're suggesting that the surveys should be restricted to substances of the greatest concern, so you get the biggest bang from the buck.

Mr. Jason McLinton: Right, voluntary and of greatest concern, so that retailers can focus.... It's a highly competitive environment. Retailers are competing for market share, so they can focus their scant resources on getting information to help decision-makers make decisions.

Hon. Ed Fast: From your experience, have the surveys that have been conducted over many years revealed and resulted in significant bans on retail products?

Mr. Jason McLinton: To my knowledge, not one risk management action has been taken as a result of any of these voluntary or mandatory surveys. The only risk management action that has been taken on a consumer product that I'm aware of is the banning of BPA in babies' bottles. That was before that time, and I don't know the soundness of the science that was based on. I think that was more a popular concern.

Hon. Ed Fast: I had understood that to be the case as well, so we're spending a lot of effort imposing huge resources and time costs on retailers in Canada to undertake surveys that are not, for the most part, delivering the outcomes we expected those surveys to deliver.

Am I correct in—

Mr. Jason McLinton: That has been our experience to date, yes.

Hon. Ed Fast: All right.

The Chair: You have a minute.

Hon. Ed Fast: I'm fine. Thank you.

The Chair: You're good? Okay, you got what you needed.

Mr. Fisher.

Mr. Darren Fisher (Dartmouth—Cole Harbour, Lib.): Thanks, Madam Chair.

Thanks, folks, for being here.

Jason, we talked as recently as Tuesday. We've spoken about the precautionary principle and the safe substitution process numerous times with this study. I'm interested in your thoughts on the regulated safe substitution process.

How do you think that's going to affect or would that affect the retail association, the retail industry?

Mr. Jason McLinton: Let me take that one back with me. I'm familiar with the precautionary principle, but in terms of safe substitution, my comments are based primarily around surveys of substances that are not of concern right now. In terms of substituting substances that are of concern, I would like to take that back with me and provide a written response. Thank you for the question.

Mr. Darren Fisher: Bill, I'd like to ask you a question.

Under part 9 of CEPA, the Minister of the Environment has to consult any territorial government. Also, she has to consult a national advisory committee, which represents all aboriginal government. I'm interested in your thoughts on how that's working. Do you feel that the consultation process is solid? Do you feel that you have a place at the table as far as the need for aboriginal communities to be represented on CEPA is concerned?

Chief Bill Erasmus: Generally, we don't feel that we're being represented. Maybe one of the specifics you might want to look at would be to make specific reference to the agreements that we have. For example, I mentioned the Tlicho agreement.

Right now, in most of the legislation, you use a generic term that says this legislation will not abrogate or infringe upon.... I can't remember the exact wording, but you use a generic term that says you will not violate our rights. But if you turn that around a bit and say we have a land claim agreement that is very specific when it comes to water, we have to adhere to it, then you make mention in the legislation, you make specific reference to the Tlicho agreement, to the Gwich'in land claim agreement, to the Sahtu land claim agreement, to spell out those agreements in there. Then when something comes before you, you go to the chapter in that agreement and can say, “Wow, we didn't realize. This is beyond consultation. We need to get their approval because the Supreme Court of Canada says, in particular instances, when there are serious matters, you need their consent.”

For the short part of it, we don't feel we're being adequately involved at that level. That's where we need to go.

Mr. Darren Fisher: Are you saying you feel we need to get absolutely specific, word for word, and take everything as literally as possible to the point where you feel—

Chief Bill Erasmus: No. I'm saying, rather than having a motherhood statement that says we're not going to affect your rights, you're going to say that you are going to implement these agreements. Yes.

Mr. Darren Fisher: Right. That's what I'm saying.

Chief Bill Erasmus: You have to get to the point.

● (1710)

Mr. Darren Fisher: You're suggesting you want it to be absolutely nailed down to the exact point of what the—

Chief Bill Erasmus: Yes. The agreement I keep referring to, it took them 22 years to negotiate it. It's up to us now to implement it. If we did, we would take care of a lot of the problems that are out there.

Mr. Darren Fisher: I'll continue with you, Bill, if I could. I asked this question the other day about vulnerable populations. Can you give me some specific substances that are affecting aboriginal communities more than others?

Chief Bill Erasmus: Chemical substances?

Mr. Darren Fisher: Yes.

Chief Bill Erasmus: I can speak best for up north. I'm from Yellowknife. I live in Yellowknife. It's on Great Slave Lake. It's been factually documented that there are toxic chemicals coming from the tar sands south of us, which include arsenic and other contaminants. They're coming from the tailings ponds that have been there for many years.

One of the things you might want to look at is to eliminate those tailings ponds. It would take some money from the federal government, the provinces, and industry so that you get rid of the tailings ponds and then you get rid of the leaching that occurs. It's real. It's happening.

It happens all over the country. The problem is, water moves. Our scientists will tell us it's difficult to tell you exactly where it begins and where it ends, but it is possible if you invest.

Prof. Parisa A. Ariya: I think you can actually.

Mr. Darren Fisher: How do you deal with that problem?

We heard on Tuesday that some of these toxic chemicals are five times the amount that you'd find in other parts of the country and you're talking about remote areas. How do you deal with that? How do you deal with the tailings ponds?

Chief Bill Erasmus: You have to make it a priority.

Again, you look at the water basins in North America. Some of the water is coming from the United States and some of it is coming from Canada, so it's transboundary. You have to have an agreement with the United States, into Alaska, and you have to have an agreement with Mexico.

Part of our problem is that we don't have an energy plan. There's no energy plan. There are no plans in any of the provinces or territories. There's no first nations plan. That's what needs to be developed. That needs to be a paramount issue with industry—

Mr. Darren Fisher: Madam Chair, I don't have a minute left?

The Chair: Sorry about that.

Mr. Darren Fisher: I had really wanted to pass the last minute to Vance.

The Chair: There may be a little bit of time at the end.

Let's talk about this. Some of our guests have travelled a very long way and have more to tell us. We have less than 15 minutes left. I do need a little bit of time, perhaps five minutes, at the end of the meeting. An issue has come up that we have to discuss.

With that five minutes at the end of the meeting, we have, let's say, 10 minutes left. Maybe we'll go three, three, and three for questions. Is that okay?

Mr. Darren Fisher: That's at the end.

The Chair: It's five minutes at the end.

Ms. Benson, I will add three minutes to your time. That gives you now five minutes....

Make that six minutes. My apologies. I can't do math today.

Ms. Sheri Benson (Saskatoon West, NDP): That's okay.

The Chair: Please go ahead.

Ms. Sheri Benson: Thank you very much, Madam Chair. It's a pleasure to be here today.

I have a couple of questions coming out of my colleague's question to the folks from the energy association.

You talked about the carbon capture project in Saskatchewan. What is your role in helping that industry move to much more environmentally...obviously to less impact on humans than it has now?

To her comment about helping the industry transition, I mean, it was the Saskatchewan people, up to the tune of $4 billion, who helped that particular type of coal-fired energy transition to something more sustainable. How doable is that in markets and anywhere else that...? Why wouldn't you have taken that $4 billion and moved it into something that would be cheaper and would probably be able to provide energy for a lot more folks in Saskatchewan than it currently does?

What's your take on that project? It sounds to me like it's not doable in the private sector and you'll need huge government investment in order for that type of transition of coal-fired energy to even be realized.

● (1715)

Mr. Channa Perera: As you can appreciate, innovation is costly, and somebody must do it. The private sector, I would say, wouldn't invest in such a project if they didn't see the business case. They do have a business case. That's why SaskPower invested in that.

Ms. Sheri Benson: But it's not the private sector. That's public money.

Mr. Channa Perera: Right.

Ms. Sheri Benson: I just want you to clarify that.

Mr. Channa Perera: They're crown-held—

Ms. Sheri Benson: Yes; that's my money.

Mr. Channa Perera: —but at the same time, it is a business, at the end of the day, whether it's publicly held or privately held. Unless there is a business case to go ahead with it, the president, and the ministry, wouldn't approve that. So they did all the feasibility studies—

Ms. Sheri Benson: But is that something you're looking at in the industry as feasible, that kind of investment? Is that the number one thing you're talking about with folks as a way to go? Or are you actually looking at a way to transition out of coal?

Mr. Channa Perera: That is obviously one option. As I said earlier, 93% of the existing coal capacity will come to an end before 2030. With the recently announced accelerated coal phase-out, we will see more of that being shut down over the longer term.

Carbon caption and storage did make sense for Saskatchewan. I would argue that it makes sense for Alberta and some other provinces as well. But that decision was made before the regulations came into place. It's been going on for a long time. I know I started working on the climate change issue almost 16 years ago. At the time, that was the primary option, but now we're looking at renewable energy from wind to solar. Energy storage is big.

Are we doing anything as an association to promote innovation? We are. At the board of directors level to a working group level, we are talking about innovative solutions to the problems we have. I did mention in my opening remarks about the sector mandating companies to implement ISO 14001 environmental management systems.

Ms. Sheri Benson: As part of your innovation, you made reference to engagement with aboriginal peoples, and we've had Chief Erasmus here today talking about what that means. I'm wondering if one of the innovations your association is looking at is what the new reality is for your industry, given some of the agreements that the chief has talked about, and some of the treaties.

Respectfully, I think it's more than engagement, if we're talking about having legal agreements and treaties. In your industry in particular, because you are talking about using resources that are all people's resources, I wonder if you might want to comment on where you're at as far as the industry goes.

Mr. Channa Perera: I have the lead on that file for the association as well. One of the first things I did when I took over the file early this year was to work with the members to develop a set of principles to engage aboriginal people.

We do a lot at the local level. If you look at Ontario Power Generation, Manitoba Hydro, and companies like that, or even Nova Scotia Power, they're engaged at the local levels, developing mutually beneficial partnerships and joint ventures and so forth. We take that issue really seriously.

Do we have areas to improve—?

The Chair: I hate to do this, but I'm going to have to cut it off because we're really tight now and we have just enough time to get three and three.

Mr. Channa Perera: We will share the principles with you.

The Chair: Thank you.

Mr. Fast.

Hon. Ed Fast: Thank you, Madam Chair.

Both the Electricity Association as well as the retailers council have suggested that the risk-based approach assessment is the one that is proven and you continue to support it as being foundational within CEPA.

Is that correct?

● (1720)

Mr. Jason McLinton: I'm not really in a position to comment on risk versus hazard, but what I can tell you is that Canada, from my experience, is recognized as a world leader in this area. CEPA is recognized as a world leader, and other countries are basing their models on what we're doing. I think we're doing something really well under CEPA.

Hon. Ed Fast: Thank you for that.

At the last meeting, we had Professor Krewski, from the University of Ottawa here. We asked him the same question, and he wasn't prepared to necessarily support a hazard-based approach. He was saying that there has to be a happy medium there. He did suggest, as well, that the recent developments in computational methodology are going to dramatically improve the ability to analyze those huge datasets that have been problematic in the past, and could improve any kind of assessment system that gets established.

I'd be interested to hear from either one of your two organizations. What is it about the risk-based approach that you feel has served Canada well and should be retained?

Mr. Ahmed Idriss: Risk is basically the product of hazard and exposure. Basically, the risk-based model gives you two leverages to control the issue. Either you can control the hazard or you can control the exposure. That is the beauty of that kind of a model. You can control either one of them.

If you go for the hazard-based model, you control only the hazard and that's it. Hazard is an intrinsic characteristic of a material, so really it's the only one lever you have. From a regulatory perspective, definitely we'd like to get the flexibility.

Hon. Ed Fast: Mr. McLinton.

Mr. Jason McLinton: I have not much to add.

I would just say that the approach we find really effective with CEPA is that flexibility—exactly what I was talking about—so I think that's something we remain very supportive of.

Hon. Ed Fast: Professor Ariya, you're the only scientist here on this panel. Do you have any views on that?

Prof. Parisa A. Ariya: When you were talking about it, it's basically multi—

The Chair: You have 30 seconds.

Prof. Parisa A. Ariya: Sure.

Multifactorial analysis is what I was talking. That is the terminology for that type of model, meaning that you basically analyze several dimensions of data all together. It increases the validity—it is true—of the forecast, meaning you can guesstimate much better from your starting material what the contaminant is.

The problem is that if the material is complex and includes several types of components, the existence of the validation of the forecast has not been proven yet. But for the before...if you are looking at one type—or as the gentleman suggested, two factorial analyses—this approach, proposed by a colleague, is a more intelligent way to go. This is true, but it's not perfect, because many materials include several different types of compounds, and the risk analysis is assuming that the individual and the interaction behave the same way. In reality, often, we know that is not the case.

Hon. Ed Fast: Thank you.

The Chair: Thank you very much.

Mr. Amos.

Mr. William Amos: I'll be brief, because I want to give half of my time to our guest, Mr. Badawey.

Chief Erasmus, I understood your message initially, which was to have an appreciation of the constitutionally protected agreements that have been signed over the course of history between the crown and first nations. If we don't have regard for the text of those and the protections they encompass, then we're missing half the story.

Today, we're looking at federal legislation within federal jurisdiction, and it covers the entirety of Canada and all Canadians, including indigenous Canadians, who are the recipients of protection pursuant to this law in addition to any other protections they may benefit from pursuant to other agreements. We have heard from other witnesses that, in the context of this legislation, particularly, the enshrinement of principles of environmental rights would provide additional and necessary protections for all Canadians, indigenous and non-indigenous, and that those would be very helpful.

From an aboriginal perspective, would you be supportive of that kind of integration of environmental rights concepts in this legislation?

● (1725)

Chief Bill Erasmus: Yes, that's a fresh new constructive attitude if you're talking about human rights.

There are a whole number of agreements out there that are now talking about that. The Paris agreement last year dealt with climate change, which Canada committed to. The premiers met last March with the Prime Minister, and they came up with the Vancouver declaration, which talks about that sort of approach. It recognizes there are a whole number of protections, and there are guiding principles that need to be followed. Yes, there are other agreements that include our people, in addition to that.

If we do, in fact, recognize all that, then we're opening up a whole new approach that makes a lot of sense.

Mr. William Amos: Thank you.

Mr. Vance Badawey (Niagara Centre, Lib.): With respect to the CEPA, looking at it and listening to a lot of what's been said today, would you think, as part of that, we should be adding in a mechanism or an enabler—this goes to a life-cycle analysis—an environmental management strategy that would include a life cycle?

It would include, as part of that life cycle, the identification of the contaminants or concerns, whatever they may be, having the science attached to that, and recognizing that science by putting in place repairs and maintenance opportunities to deal with the CFCs. Second to that is looking at it more long term, in terms of new technologies and solutions that are attached to those new technologies, again, attached to those contaminants or concerns. Then based on that, and using scientifically based evidence, to have a historical environmental plan in place to then embark on human health risk assessments, site-specific risk assessments, and phytotoxicology assessments. The science is completed. The mechanisms are put in place. Then you can deal with the historical as well as the current and future environmental challenges.

That's a question.

The Chair: We've run out of time to get the answer to that.

Here's what we're going to do, because we have run out of time. I think it's a good question.

To our guests, we really appreciate your coming and sharing your insights with us. You may have had questions or some thoughts that you haven't been able to respond to because of the limited time. Is there a chance, if you feel so inclined, that you would share those with us? The sooner that happens, the better because we are trying to bring this to a close. We have more witnesses next week. By the end of next week, if you could think about getting any further thoughts to us, we would welcome it.

We're going to move into that very last bit of time because, before everybody takes off, I need to do a bit of committee business. It's not going to be in camera, so feel comfortable getting your stuff together, and we'll carry on with the work of the committee. Thanks again.

The reason I asked for a little bit of committee business—I need your attention—is that I just got informed today that we will not have the draft report available for December 6, as we had anticipated. We thought we would book December 6, 8, 13, and 15, four sessions, for us to go over the report and try to refine it so we could possibly put it in front of the government before we rose. It was very ambitious. We aren't able to have that report in front of us on December 6. We're hoping to get it on December 7, potentially, by the end of the day. Then we will have our session on December 8.

I still think that's valid. It doesn't give us much time to go through the study before we have to start dealing with it in committee. I just want to make sure people are still comfortable with our getting it on the Wednesday and then coming in and starting to deal with it on December 8.

Mr. Mark Gerretsen: Do you need a motion from us, Madam Chair?

The Chair: No.

Mr. Mark Gerretsen: Then I guess the meeting's over, because it's 5:30.

Hon. Ed Fast: I'm looking at the official clock.

The Chair: I was looking at that clock, too, and the meeting's not over yet according to that. Just give me one more minute. It's not much longer.

● (1730)

Mr. Jim Eglinski: Life won't end over three minutes.

The Chair: Just give me a second. On December 6, we now have nothing to do, so I would like to suggest—and we could think about it and come back—we could either do some review or drafting structure discussion on our CEPA, because we will have heard all of the witnesses by that time, and we could then start—

Hon. Ed Fast: By when?

The Chair: We will have finished. The panels we said we were going to do will be all done—

Hon. Ed Fast: By when?

The Chair: Our panels are finished by the first, according to the panels we had set up.

Hon. Ed Fast: The first of...?

The Chair: The first of December. That would mean on December 6, we could actually have some discussion around CEPA, and how we might want to have the report formulated. That's a possibility.

Hon. Ed Fast: Madam Chair, I don't get the feeling that the CEPA report is anywhere close to being ready to give instructions. I think you're saying we wind this up on December 1—

The Chair: Yes.

Hon. Ed Fast: How?

The Chair: We've done the panels. You guys asked us to do the panels.

Mr. Darren Fisher: There are no more witnesses.

The Chair: We're done with the witnesses we all agreed we were going to look at.

Hon. Ed Fast: We need to have a discussion, but are there any gaps in the evidence that we have? That's typically what happens in these studies. We try to determine whether there is some information missing. Then we have the government officials come in.

The Chair: That's the point of having the discussion on December 6. It's to talk about where we're at, what we have.

Hon. Ed Fast: It's a stock-taking meeting, is that right?

The Chair: Potentially, it's stock-taking. It's an issues and opinions paper that we might start to give some instructions to help. Otherwise we have all of January—

Hon. Ed Fast: Okay, it's not a cold stop.

The Chair: It's not necessarily a cold stop, but it's a discussion of a stop and it's taking stock.

Hon. Ed Fast: This is very important legislation, and I think all of us want to get it right.

Mr. Darren Fisher: What is it that you want to accomplish by December 1? We'll move a motion if we need to.

The Chair: What I'm saying is that on December 6, we now have an open space, so I thought we would discuss the CEPA report and where we go with that on that date. That is so we can ascertain how we're going to move forward with the committee.

Hon. Ed Fast: I'm okay with that.

Mr. Darren Fisher: We have to fill that spot because we don't have the report.

The Chair: Yes, that's what I'd like to do in that spot.

Mr. William Amos: In the interest of expediency, though—and I recognize my colleagues want to get out of here, and so do I—if we can have a full agenda, which includes not just whether we are ready to finish, because if Mr. Fast wants to bring a motion to bring in more witnesses, that's fine. I know which way I'll vote on a motion like that. I believe we're done. I agree it's very important, but I think we're done. We've heard a lot.

I want to make sure we have more than just that, because I don't want to spend more than five or 10 minutes debating.

The Chair: The other one would be, then, where do we go from there? Then we're looking at our future, and where the rest of the work is.

Mr. William Amos: We can evaluate some of the issues and see where we're at, actually getting into some of the substance.

The Chair: That's possible, too.

I'll lay something out. We have two witness panels next week, and then we'll work on laying out an agenda for December 6, which we can discuss next week. But I just need to make sure that I know where we're going. Otherwise, if we were going to do something else on that date, we'd be running out of time.

I now have a plan for December 6. Thank you very much.

Have a good trip back, and we will start again next week.

The meeting is adjourned.