



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

44th PARLIAMENT, 1st SESSION

Standing Committee on Fisheries and Oceans

EVIDENCE

NUMBER 016

PUBLIC PART ONLY - PARTIE PUBLIQUE SEULEMENT

Thursday, April 7, 2022

Chair: Mr. Ken McDonald



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• (1105)
[English]

The Chair (Mr. Ken McDonald (Avalon, Lib.)): Good morning. I now call this meeting to order.

Welcome to meeting number 16 of the House of Commons Standing Committee on Fisheries and Oceans. Pursuant to Standing Order 108(2) and the motion adopted on January 20, 2022, the committee is resuming its study of marine cargo container spills. We'll move in camera for the last 30 minutes to discuss drafting instructions for a particular report—not this one.

The meeting is taking place in a hybrid format, pursuant to House Order of November 25, 2021. Interpretation services are available for this meeting. Please inform me immediately if interpretation is lost, and we'll ensure it is restored before resuming.

I will get to introducing our witnesses now.

From the Government of British Columbia, we have Mr. Kevin Butterworth, executive director of the environmental emergencies and land remediation branch of the Ministry of Environment and Climate Change Strategy. There are a lot of letters at the end of your name. From the Shipping Federation of Canada, we have Christopher Hall, president and chief executive officer. From the Institut national de la recherche scientifique, we have Valérie Langlois, professor and Canada research chair in ecotoxicogenomics and endocrine disruption.

I'd like to welcome our witnesses.

Before I start, I want to welcome somebody back to committee today. It is my assistant, who worked in Ontario and now works in Newfoundland. She's in Ottawa for a few days. It's Vanessa, whom most people here at this committee will remember.

Some hon. members: Hear, hear!

The Chair: Now we'll go to Mr. Hall for five minutes or less, please.

Mr. Christopher Hall (President and Chief Executive Officer, Shipping Federation of Canada): Thank you, Mr. Chair and committee members.

My name is Chris Hall, and I'm the president and CEO of the Shipping Federation of Canada.

Our organization was founded in 1903 through an act of Parliament, with the purpose of acting as a national association that represents the owners, operators and agents of ocean ships that carry Canada's imports and exports to and from world markets. These

ships, which are all ocean-going and foreign-flagged, carry virtually all of Canada's international seaborne trade and therefore play an essential role in connecting Canada's importers and exporters to the world.

By way of background on myself, I served in the Canadian Coast Guard for several years before moving to the commercial sector, where I was engaged in deep-sea salvage towing, the offshore oil and gas sector and harbour-towing services. Prior to my recent appointment at the Shipping Federation, I held an executive position at a key Canadian port authority.

The first point I wish to make is with respect to the Hazardous and Noxious Substances Convention, the HNS Convention in short. The federation would assert that the HNS Convention should be the sole mechanism for establishing liability for container spills involving such materials.

Much like the International Convention on Civil Liability for Oil Pollution Damage has proven to be a successful mechanism for holding the polluter liable for oil spills, so too will the HNS Convention create the same level of effectiveness for a spill of an HNS nature. This convention will greatly improve the responsibility and accountability of the polluter. To contemplate charging additional fees on the cargo or to the carriers would be both counterproductive and detrimental to Canada's competitiveness and would undermine the intent of the HNS Convention itself.

I would now like to turn my comments to Canada's marine emergency management regime. The federation would like to acknowledge and commend the level of commitment from both Transport Canada and the Coast Guard in responding to environmental incidents in Canadian waters. That being said, I believe there is an opportunity to improve the effectiveness of our regime by making it more proactive rather than reactive.

In 2014, the federal government's Tanker Safety Expert Panel concluded a review of Canada's ship-source pollution and response regime, which included hazardous and noxious substances. Chapter 3 of that report notes that the management of marine casualties is a complicated undertaking in Canada due to the multiple levels of government that are involved. In some cases, there are overlapping jurisdictions that cause delays and often confusion. As an example, Transport Canada is the lead agency regarding assigning a place of refuge for a vessel, yet the Canada Marine Act grants similar powers to Canadian port authorities. This creates an opportunity for conflict between agencies and delays in decision-making.

The essence of the report's recommendation is that timely decision-making can minimize marine spills or prevent them before they occur. In order to achieve this, Canada should model its regime on what has been in place in the U.K. and Australia for many years.

Those regimes provide for a position known as the secretary of state's representative for maritime salvage and intervention—or SOSRep for short. This position is tasked with acting in the public's best interest and has a range of powers that are designed to mitigate environmental impact through the use of timely decision-making and early intervention. Unfortunately, this portion of the expert panel's recommendations was never implemented in Canada.

We believe that the recent container spill on our west coast could have been positively influenced under such a system, given the observations made by the ship's charterer that it was unclear who was in charge and who was coordinating the response efforts. The fact that neither Transport Canada nor our Coast Guard had full and complete jurisdictional control over the evolving emergency created inefficient communications and possibly delays in decision-making, and left the master of the ship relatively unsupported.

The federation urges the federal government to revisit chapter 3 of the Tanker Safety Expert Panel with a view to adopting its recommendations. Such action would greatly improve the timeliness and effectiveness of Canada's response to an evolving marine incident and create a more proactive system overall. It would also address the jurisdictional gaps that currently exist between Transport Canada and the Coast Guard.

Thank you for your time, and I look forward to addressing your questions.

- (1110)

The Chair: Thank you.

We will now go to Ms. Langlois for five minutes or less, please.

[*Translation*]

Dr. Valérie Langlois (Professor and Canada Research Chair in Ecotoxicogenomics and Endocrine Disruption, Institut national de la recherche scientifique): Good morning, Mr. Chair and honourable members of the committee.

Thank you for giving me the opportunity to appear before you today.

I am a Canada research chair in ecotoxicogenomics, and my research focuses on the effects of environmental contaminants on the health of wildlife.

Because the environmental impacts associated with container spills vary in magnitude, depending on the nature of the contents of the spilled containers, I will give you two scenarios. First, I will talk about oil spills associated with cargo and containers. Second, I will talk about plastic spills.

Scenario 1: Accidental situations that could cause an oil leak during a container spill are not insignificant. Ecosystem toxicity will vary depending on the nature of the petroleum products being transported.

Several chemicals in petroleum products are highly toxic to aquatic species. Recent data produced by my research team have shown, among other things, that the toxicity of oil is similar in cold and warm waters, and that Corexit, which is often used as a dispersant in oil spills, is highly toxic to living organisms when not quickly mixed with spilled petroleum products.

Petroleum products are just one example of thousands of other transported chemicals that can be as toxic to ecosystems as pesticides, drugs and many other substances.

Scenario 2: Our daily use of plastic-based products has a direct impact on animal health. The more we use these products, the more we produce and the more we transport them. As you know, Canada's recyclable materials or consumer goods made from plastic are often transported by cargo. If the containers spill, large pieces of plastic can choke wildlife, including several endangered whales and turtles.

In addition, lost plastic containers will contaminate the marine ecosystem for a long time due to the high persistence of the plastic in the environment. When plastics break down, they form billions of fragments of microplastics and nanoplastics, which are also known to be even more toxic to living organisms.

For example, we know that nanoplastics affect the reproduction and metabolism of the oysters we produce in Canada. Recent findings published by my research team indicate that nanoplastics also have the properties of accumulating various environmental contaminants on their surfaces. They can therefore act as vectors and become an additional source of contamination for aquatic organisms.

Due to too many permutations of contaminants that may end up in the environment as a result of a container spill, and given the wide variety of ecosystems that all have different biodiversity and are at risk of spills, I have three recommendations.

First, the design of the containers should be modified to improve their watertightness and ensure that they are equipped with a buoyancy, traceability and labelling system to ensure that they are given priority for recovery and remediation.

Second, mathematical models should be developed to better understand the movement of spilled containers and their contents.

Third, regulations should be developed that require ocean carriers to have an effective system in place to recover containers and their contents, and to cover costs related to environmental decontamination.

Now is the time to develop, not a container spill action plan, but a proactive approach to minimize the movement of non-essential goods by container. This will result in fewer cargo shipments and thereby reduce the risk of toxic contaminants being released into our ecosystems.

Thank you very much for your attention.

• (1115)

[English]

The Chair: Thank you for that.

We'll now go to Mr. Butterworth, for five minutes or less, please.

Mr. Kevin Butterworth (Executive Director, Environmental Emergencies and Land Remediation, Ministry of Environment and Climate Change Strategy, Government of British Columbia): Thank you very much for this opportunity to appear before the panel as a witness for the study on marine cargo spills.

As you know, B.C.'s coastline is one of the most biologically diverse and productive marine environments. Our government is committed to protecting provincial resources from the impact of marine spills.

While regulating spill preparedness for marine vessels is primarily a federal responsibility, our ministry, the Ministry of Environment and Climate Change Strategy, is the lead provincial coordinating agency in the event of an oil or other hazardous spill that might impact provincial interests. As such, when a marine spill impacts or threatens the B.C. coastline, we collaborate very closely with the federal government, indigenous nations and the spiller, in unified command under federal lead, to coordinate an effective response to spill incidents. Often, we'll lead or support the environmental unit, which is responsible for assessing the environmental conditions or impacts related to an incident and developing strategies to minimize those impacts.

We've been very encouraged here in B.C. to see the various ocean protection plan initiatives and investments that have been implemented to protect our coast. In particular, we view the collaboration between the federal and provincial governments and coastal first nations, through the northern shelf bioregion response planning framework, as a significant step down the path to reconciliation. We are also encouraged to have worked closely with the federal government in response to the recent *Zim Kingston* cargo container spill off the coast of Vancouver Island. However, we do think that more can be done about funding for indigenous nations, clarity on cost recovery provisions, development of federal recovery requirements, towing capacity and marine geographic response plans.

In conclusion, given the significant impacts of shipping and navigation on B.C.'s coastal communities, local, indigenous and provincial authorities should continue to be consulted on any actions or changes to the federal marine response framework. We look forward to continuing to work with our response partners to ensure that B.C.'s interests in public safety and the protection of the environment are addressed.

I'm happy to answer any questions or address any concerns that come from your side. Thank you.

• (1120)

The Chair: Thank you for that, Mr. Butterworth.

We'll go to our rounds of questioning and we'll start with Mr. Arnold for six minutes or less.

I will remind members that when you're asking questions, if you could, identify which witness you would like an answer from, instead of having everybody look like a deer staring into the headlights. You're losing time doing it that way, so if could you identify whom the question is for, that would be great.

Mr. Arnold, when you're ready, please go ahead.

Mr. Mel Arnold (North Okanagan—Shuswap, CPC): Thank you, Mr. Chair, and thank you to the witnesses for appearing today.

I'll start off with Mr. Butterworth. When was the Government of B.C. first informed that the *Zim Kingston* was in trouble?

Mr. Kevin Butterworth: I don't have the exact date with me, but I can certainly find it and make sure that we submit it to you, if you're looking for a timeline on how that all fits together and if that would be helpful to you.

Mr. Mel Arnold: Thank you.

Was it provincial or federal government personnel who arrived first at the scene?

Mr. Kevin Butterworth: Again, I don't have that information with me.

Mr. Mel Arnold: If you could, please provide that.

Mr. Kevin Butterworth: I'm writing this down.

Mr. Mel Arnold: Thank you.

When did government personnel first arrive at the *Zim Kingston*?

Mr. Kevin Butterworth: I'm copying these down. I will make sure we get those answers to you.

Mr. Mel Arnold: Thank you.

According to the B.C. government website, on October 21, the *Zim Kingston* "advised Marine Communications and Traffic Services that rough weather had caused the ship to release cargo". I think the term "release" raises the question of whether the release of the containers was intentional. Do you know if it was intentional?

Mr. Kevin Butterworth: I do not, and I certainly haven't heard that interpretation of the wording from the website before, so that is interesting.

Mr. Mel Arnold: On October 23, two days after the *Zim Kingston* initially reported problems, the vessel reported that “damaged containers on board had caught fire”. Can you tell the committee what was being done by the vessel's crew or the federal or provincial personnel to prevent the escalation of such containers and chemicals catching fire during the two days between October 21 and 23?

Mr. Kevin Butterworth: I think a lot of these questions would be better put to the unified command, to the federal authorities who were in charge of that. As I said earlier, we are in a supporting role on this, and they would have those answers at their fingertips.

Mr. Mel Arnold: Thank you.

As the provincial body responsible for environmental situations, do you know how much the Danaos corporation has paid for cleanup related to the accident?

Mr. Kevin Butterworth: I do not.

Would you like me to look into that for you?

Mr. Mel Arnold: Yes, please do, if you could.

Are the federal or provincial governments holding any additional funds for the ongoing cleanup?

Mr. Kevin Butterworth: To the best of my knowledge, on the provincial side they're not. We do have ongoing works along the cleanup areas that do take some of those into account.

Give me one second to look at my notes here.

Mr. Mel Arnold: Perhaps if you can provide that, I'll move on to questions for Ms. Langlois.

Ms. Langlois, two containers contained tonnes of potassium amyl xanthate and thiourea dioxide and they're missing somewhere off the shores of Vancouver Island.

Do you think the volumes of these chemicals in those containers poses a risk to aquatic wildlife and the habitat?

• (1125)

Dr. Valérie Langlois: That is a very good question. Thanks.

I'm not aware of this specific example, so I would need to know how long those containers have been in the water, where exactly they are, the volume and whether the containers are broken. I would need more information.

I'm not sure of the chemicals you said. Did you say dioxin?

Mr. Mel Arnold: These are potassium amyl xanthate and thiourea dioxide.

Dr. Valérie Langlois: Okay.

Mr. Mel Arnold: Apparently they are self-combustible when in contact with moisture. There were 57 tonnes on board in four different containers. Only two have been recovered.

Dr. Valérie Langlois: I would say that for sure there is a risk for the ecosystem, if that answers your question.

Mr. Mel Arnold: Thank you.

Mr. Hall, you mentioned that the panel report recommendations have not been adopted. I'm probably going to run out of my time,

so could you provide the committee with the recommendations that have not been adopted by Canada?

In the time we have remaining, you mentioned there are jurisdictional gaps between Canadian Coast Guard and Transport Canada in these responses.

Could you elaborate a little further on that, please?

Mr. Christopher Hall: Sure. Thank you for the question.

With regard to the expert panel's report that was submitted, I believe, in September of 2014, to the best of my knowledge, only chapter 3 has not been adopted. Other recommendations certainly have been, and have helped form the basis of the excellent response regime that we do have in Canada.

I emphasize the word “response” because that is what it's all built on. It's built on responding to an incident after it occurs—after there is oil in the water or after there are other forms of pollutants in the water.

Mr. Mel Arnold: You had mentioned jurisdictional gaps. Could you elaborate?

Mr. Christopher Hall: Sure.

In Canada, Transport Canada has a very significant marine agency and the DFO/Canadian Coast Guard is another, but there is no one maritime authority in Canada. We have two and we have other federal departments that have involvement with a marine incident.

The point about there being jurisdictional gaps is that the Coast Guard has its mandate, and works specifically within that. Transport Canada has its mandate. There are differences and there are perhaps disconnections between the two.

There is no single entity that is in charge overall in a marine emergency.

The Chair: Thank you, Mr. Arnold.

We'll now go to Mr. Hardie for six minutes or less.

Mr. Ken Hardie (Fleetwood—Port Kells, Lib.): Thank you, Mr. Chair, and thank you to the witnesses for being here.

The more we dive into this, the more it starts to look like this is an issue that Transport Canada would need to do the deeper dive into. The Canadian Coast Guard, of course, is there after something happens, but a lot of the questions that we've been trying to ask are things we need to know about before to prevent an incident from taking place.

Mr. Hall, do marine insurers have absolute liability when an incident like the loss of containers takes place?

Mr. Christopher Hall: To the best of my knowledge, yes. Through the oil spill convention, they have liability that must cover the cost of cleanup and other items.

Mr. Ken Hardie: Is there a standard coverage limit that applies to vessels?

Mr. Christopher Hall: I believe there is. I don't know what that number is off the top of my head, but I do believe that there is a limit to liability. It is staged. There's what's called a tier 1, which is the limit of liability for the vessel owners themselves, and then there is a tier 2. At tier 2, the ship-source oil pollution fund would kick in for additional funds. That's my understanding of the regime.

Mr. Ken Hardie: In any event, I would be interested to know what kinds of dollars are available to assist with cleanup. Is there any way you can provide that information to us off-line?

Mr. Christopher Hall: Absolutely. It's in the order of hundreds of millions, but I will determine that number and submit that in writing.

Mr. Ken Hardie: Okay. I imagine reinsurance is in there as well.

On conventions for loading containers, we've been trying to find out if there are rules for where potentially combustible material is loaded in a stack of containers on a ship, and if there are rules that would have the ones most at risk of loss contain the least noxious elements that shouldn't be in the water. Are you aware if those rules exist?

• (1130)

Mr. Christopher Hall: Rules do exist—very detailed rules. Actually, it's the IMDG code. It's put out through the IMO. Canada subscribes to that document.

It's called the “International Maritime Dangerous Goods Code”. It documents every single hazardous substance with a UN number, and then has specific stowage requirements for that cargo as it relates to the quantity, how it is to be packaged, what it is allowed to be stored against or not allowed to be stored adjacent to and all of the relative positions as to where it should be in a ship.

Mr. Ken Hardie: What's the relationship between the Shipping Federation and Transport Canada? By “relationship”, I mean, do you talk and do you trade ideas? Are there rubs or gaps, in your opinion?

Mr. Christopher Hall: No. Actually, I would say we have an excellent working relationship with all levels of Transport Canada, from the minister right down through the various departments. We've had a long-standing, very solid relationship with Transport Canada. It's a very good working relationship.

Mr. Ken Hardie: Do you find that there are conflicts between the economic and commercial realities of shippers, if you like, versus what advocates and maybe regulators are pushing for in terms of improved safety measures for the mariners, the vessels themselves and the environment?

Mr. Christopher Hall: I haven't seen any direct evidence of conflicts like that. No, I'm afraid I can't say so.

Mr. Ken Hardie: All right.

Mr. Butterworth, in the time I have left, can you comment on what you know about the coordination of efforts to do cleanup along beaches? We get the sense there are a lot of very well-meaning organizations, but we're not sure if they're coordinated, if they're tripping over each other or if gaps exist in terms of the efforts to make the cleanup happen.

Mr. Kevin Butterworth: Yes. Thank you.

Since April 28, 2021, we've announced \$9.5 million for our “Clean Coast, Clean Waters” initiative, specifically to tackle shoreline cleanup. It also includes derelict vessel removal from the north coast down to southern Vancouver Island.

We've also distributed funding: \$2 million to the Songhees Development Corporation, an indigenous group down in the south of Vancouver Island; \$7 million to the Small Ship Tour Operators Association of British Columbia; \$3.5 million to the Wilderness Tourism Association in 2020 and \$2.5 million in 2021; \$2.5 million to the Coastal Restoration Society; and approximately \$1.5 million to the Ocean Legacy Foundation.

This is all around—

Mr. Ken Hardie: I appreciate that level of support, but the nature of the question is, are they coordinated? Are they actually working in concert with one brain and a lot of activity?

Mr. Kevin Butterworth: They are, but this is after the fact. That is the key piece of this. This is cleaning up stuff that is up and down the coast. This is not part of the unified command. I think the best way to look at it is as part of the response efforts.

When they do that first response and the first cleanup, that is still done with a federal lead, with all the other agencies in support.

This is further down the line in the recovery area, which is around pulling together all the stuff that's left. It picks up other pieces that are on their land around the coastline.

Does that help with your question?

Mr. Ken Hardie: Yes. Thank you.

The Chair: Thank you, Mr. Hardie.

We'll now go to Madame Desbiens, for six minutes or less, please.

[*Translation*]

Mrs. Caroline Desbiens (Beauport—Côte-de-Beaupré—Île d'Orléans—Charlevoix, BQ): Thank you, Mr. Chair.

Thank you to the witnesses for their testimony. They are always very relevant and interesting.

Dr. Langlois, I really liked the part where you said that Canada, particularly the Department of Fisheries and Oceans, needs to ensure that there is proper labelling and traceability when transporting dangerous goods.

Can you tell us more about this? Have you explored this in any detail?

• (1135)

Dr. Valérie Langlois: I am an ecotoxicologist, and the issue of labelling and traceability is not my area of expertise. However, I can tell you that we feel somewhat the same way. The labelling of personal consumer products is important in order to be able to respond quickly in the event of a cargo spill. There is some tracking of those containers, but in order to prioritize a spill, there are several levels of response. Private sector companies, as well as provincial and federal agencies, must respond quickly to spills.

It comes back to the same idea that simple and clear labelling of the goods being transported is necessary. It's important to note that all cargo, regardless of the goods they carry, will have an impact on the environment if it's spilled and left in the water for a long period of time. That said, some materials are more toxic than others, so it's important to respond quickly to spills.

Mrs. Caroline Desbiens: I think a better buoyancy system for containers carrying dangerous goods would be a good option.

I understand that the costs associated with retrofitting with a buoyancy system can run in the millions of dollars, but would this be feasible at an acceptable cost and in the short term?

Dr. Valérie Langlois: As I understand it, materials that are known to be extremely toxic are already transported in sealed containers to protect the carriers. However, containers may also contain certain drugs or pesticides that don't fall into this category. If containers are damaged and there is a spill of such products, there could be an environmental impact.

Consider not only toxic products that are already recognized as toxic, but also consumer goods or recycled goods that are transported from one location to another. If they end up in the environment, there will be an impact. If they aren't as toxic as liquids, which are immediately diluted in the ocean mass, they will still have an effect on the environment in the short, medium or long term.

Mrs. Caroline Desbiens: Could the classification of materials transported by ship according to the degree of danger they represent make it possible to target ships that present a high danger in order to take the necessary measures upstream?

Dr. Valérie Langlois: I think so, but you'd have to ask the other witnesses this question to find out what is currently being done. If there was an incident, there would already be a recovery plan. There needs to be a plan and modelling done to anticipate the impact on the environment.

Research could be done to model the impact of a spill by taking into account, for example, the miscibility of liquids or the degree of hazard posed by other toxic materials. A number of university researchers, particularly at the Institut national de la recherche scientifique, or INRS, can do modelling for a potential spill.

Mrs. Caroline Desbiens: Are the departments involved taking your recommendations into consideration?

Is your budget adequate?

Dr. Valérie Langlois: Research budgets are never sufficient.

Of course, you can never be too informed. It's important to have the right systems in place that allow for all contingencies. As I said at the outset, there are many possible permutations of contaminants,

and a wide variety of ecosystems can be exposed to a spill risk. You have to do a lot of studies if you're going to be able to respond effectively.

There was mention earlier of an incident involving two containers in British Columbia. It would have been important to have information about the goods being transported in these containers and to know the potential impact of a spill of these products. All materials can be poisons, and it depends on their concentration, so it's important to be able to model all this information.

• (1140)

[English]

The Chair: Thank you, Madame Desbiens. Your six minutes is up.

We'll now go to Ms. Barron, for six minutes or less, please.

Ms. Lisa Marie Barron (Nanaimo—Ladysmith, NDP): Thank you, Mr. Chair, and to our witnesses who are here. I really appreciate the emphasis that's been placed on prevention and protecting our coast. That has come up over and over again.

I have a question for Mr. Butterworth.

I know that the B.C. government has done quite a bit of work and has been focused on protecting our coasts. I'm wondering if you can speak a bit to the funding that has been initiated and the gaps you've been seeing along the way. How can we work better alongside you as federal partners? We're hearing a lot about the importance of an integrated response plan, and of course working alongside the provincial government is a key piece of that. I'm wondering if you can speak a bit to what you've been doing and how the government can work better with you to have an integrated response plan.

Mr. Kevin Butterworth: I'm happy to do so. We're very keen on developing a coordinated all-hazard response plan that addresses oil and other hazardous substances. One of the things the *Zim Kingston* has shown us is that there is a big need for an all-hazard response plan to address more than just marine oil spills. If you have a look at certified response organizations, such as the Western Canada Marine Response Corporation, they're only required to demonstrate preparedness for and respond to world pollution incidents, so there is definitely a gap in that area.

Another piece you may be interested in, which also fits with some of your earlier questions, is geographic response plans. They're something we're very keen on here in B.C. We do them on the land base, and we're looking to work to move that into regulation at some point in the future. Basically, you end up putting together a plan on how you respond that is very specific to an area. It's about working with the local indigenous groups and local authorities to develop these geographic response plans. In this instance in the marine environment, it could quite easily be led by the federal government, while working with the different groups that have their different levels of jurisdiction, to develop plans specific to each region, which would allow folks to respond in a very efficient manner.

Another piece you might be interested in is the possibility of long-term funding for indigenous groups and local authorities to increase their spill planning and response capacity, with staff, planning, training, equipment, etc. It all comes down to being well prepared and able to prevent things if possible, and to having a fast response. A key piece of this is also making sure that information is open and transparent. Just as a reminder, the funding attached to the oceans protection plan does end in 2023. We'd be very keen if the federal government were to develop a long-term funding strategy to ensure the protection of the coastline and waterways beyond that. An example of one of the questions that will need to be addressed at that point is how will emergency tow tags be funded in the future?

There's also a guarantee of compensation for loss of use and some clarity from the federal government on its enhanced cost-recovery provisions and environmental cost-recovery framework. How will we be able to guarantee access to communities and to the province, with full, fair and timely access to the funds? Will we be able to work closely with the federal government in the development of their policy to make sure that we can get their policy aligned with B.C.'s provincial regime? How can we work more closely on those things?

I'll stop there.

Ms. Lisa Marie Barron: Thank you, Mr. Butterworth for sharing that very helpful information.

Madame Langlois, thank you for all of your thoughts and, of course, for sharing your knowledge of the importance of getting plastics out of our waters and the impacts these containers have in polluting our waters. One of my NDP colleagues, Gord Johns, put forward a motion 151 in the past to address ocean plastics.

Could you expand a little bit on your work in understanding the impacts of these containers being left in our oceans and the plastics and debris from these containers being left to float in our waters and wash up on our shores?

• (1145)

Dr. Valérie Langlois: It's a bit like you just said as an introduction, that any broken container containing plastic will obviously come to the surface and float, most likely, and contribute to the already increasing plastic pollution. One issue with plastic is that it's a very nice thing because it's so persistent, but that's also the problem with it. It's something that doesn't degrade. When it floats, the UV light will destroy the molecules a bit and it will start degrad-

ing—or we think it's degrading; we don't see it, but it's just changing forms. It's becoming microplastic.

So it's still there. You just don't see it with the naked eye. The smaller it gets, the more it's contributing to other types of damage. Plastic is one of the threats to the planet at the moment. It was such a brilliant invention, but now we're stuck with it. We are finding it in our lungs. It stays there. It's sticking everywhere. It doesn't go away.

For everyone who uses a plastic mug, which I don't, just think about the plastic that gets released after that—

Ms. Lisa Marie Barron: Thank you, Madame Langlois. I apologize for cutting you off.

I so appreciate the information. You're spreading education and awareness of the impacts of these plastics on us. Clearly, we need to have some strong prevention in place to keep these plastics from floating and ending up in our systems in so many different ways.

I'll move on to—

The Chair: Thank you, Ms. Barron. You're well over the six-minute allotment.

We'll now go to Mr. Zimmer for five minutes or less, please.

Mr. Bob Zimmer (Prince George—Peace River—Northern Rockies, CPC): Thank you, Mr. Speaker.

Thank you to our witnesses.

My questions will be directed to Chris Hall.

Chris, I was just looking at your resumé. It's quite extensive. You have experience with the Coast Guard and port authorities and different things like that.

Maybe I'll start with a bit of a preamble. As somebody from British Columbia who's close to the angling community there, we're very concerned about any contaminants getting into the water that would affect fish and wildlife. But that said, we had an industry witness on Tuesday who said that the incidence of container loss is actually very low, below 0.001% of all containers shipped. That said, if one container goes overboard and it contains some contaminants that get out, that's a big deal.

I want to ask you specifically, Chris, with your experience in the shipping industry, what you think needs to be done on the preventative side. I was just talking with my colleague Mel Arnold about the potential in the future of something that is in a hazardous state. Perhaps a container has floats. We've all used those life jackets that inflate when you hit the water. Perhaps there's technology that hasn't been developed yet for some of these more hazardous containers. There's also a container recovery project in Australia where they have some really neat gear and are recovering containers that go overboard.

Is there a lack of the infrastructure that we need? Maybe you could give some recommendations, Chris, if you wouldn't mind.

Mr. Christopher Hall: Thanks for the question. It is a great one.

I firmly believe that the technical problem of losing containers overboard will be overcome. Make no mistake: Industry doesn't want the loss of containers any more than a private citizen or any one of us on this call does. It's not acceptable. The status quo is not acceptable.

Whether the root cause is ship design, ship size, container design or securing methods, whatever the root cause or the combination, that problem will be solved. Similar problems have existed throughout time, and a solution can be found. Yes, it will take some time. Yes, it will take some coordination amongst the international agencies that are involved, and it will take some money, but it will get solved. It has to be solved, because, again, the loss of containers is not acceptable.

The economic impact of that lost cargo is—not to minimize the environmental side of it—just as great. The insurance claims and the impact to the shippers and cargo owners is equally as catastrophic from an economic standpoint, as it is on the environmental front.

A solution does need to be found. Tracking of containers, flotation devices, and all of those types of things, I'm sure, will be considered by the relevant technical bodies in how they come up with the ultimate solution.

• (1150)

Mr. Bob Zimmer: Further to that question, Chris, I was speaking to a colleague about how, back in the day, we all grew up with cars without airbags. We all wondered how they'd actually fit those airbags in and make them work. Would it change cars forever, perhaps in a negative way? But they found a way, and now every vehicle has them. It's saved me from injury in one incident. But it's still necessary to have tow trucks along the highway. We have this proactive thing we can do.

What is the industry doing? You said, "we'll find a way", but what is the industry currently doing that you know of to deal with it, so that, first of all, containers don't fall off the ship? Then the other aspect of it—and you'll have to put on your Coast Guard hat given your experience with them—is whether at each major port in Canada we need a ship specifically that can recover containers. It could go out and address these concerns, like a fire truck, and go out to deal with them quickly so we don't have containers in the ocean for long periods of time.

Could you speak to both of those, if you know?

Mr. Christopher Hall: I'll take the second part first, if I may.

From a cleanup standpoint, I'm sure more can be done. Having dedicated vessels to recover containers could work. We need to remember that unless there is a flotation device or the contents of the container are such that it remains buoyant, the chances of finding it in the early days are very remote. Considering the vastness of the oceans and the limited amount of time it may stay on the surface would make finding it difficult, but it could be found after the fact.

That is something that could be looked at. I don't have any more to say than that.

On the proactive side, I would like to go back to the comments in my opening statement. Early intervention is what is so key in any marine emergency, whether we're talking about containers being lost overboard, a fire on board, or a ship in peril of capsizing due to taking on water for whatever reason. All of these things can be managed better by taking a more proactive response and not waiting for the ship to declare an emergency and to be abandoned or waiting until there's oil on the water. If we had a single entity that could take charge at the earliest hour, make recommendations and have that overriding jurisdiction, the right decisions could be made to prevent the release of the pollutant and save a life.

Mr. Bob Zimmer: Thanks, Chris.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Zimmer.

We'll go to Mr. Morrissey for five minutes or less.

Go ahead, please.

Mr. Robert Morrissey (Egmont, Lib.): Thank you, Chair.

I have a question for Mr. Hall to follow up on Mr. Zimmer's questioning.

I take it there are no specialized vessels currently in design that can retrieve lost containers?

Mr. Christopher Hall: I wouldn't go quite that far. Are there any that were designed for recovery of containers specifically? I'm not aware of any. Are there vessels that have specialized equipment that could do so? Yes, I believe there are.

Mr. Robert Morrissey: There are...? Okay.

Just out of curiosity, when incidents of lost containers occur, because some of the testimony that was given... Do they occur closer to the container ship reaching its port of destination or on the open sea or everywhere? It appears that in a lot of cases it has been as they have been reaching their destination.

Are there any statistics on that?

• (1155)

Mr. Christopher Hall: I'm sorry. If there are, I'm not aware of any. I would speculate that the loss could be anywhere.

Mr. Robert Morrissey: Okay.

I have another question. You referenced that Canada should look at modelling its regime on Australia's and the United Kingdom's, I believe you said. Could you elaborate a bit more on what they're doing that you feel is a better operation from a recovery perspective than what we're doing in Canada?

Mr. Christopher Hall: Thank you.

Well, it's not necessarily from the recovery standpoint, but from the initiation of the declared emergency—

Mr. Robert Morrissey: I'm sorry. Yes, that's where I was going—when the emergency is declared.

Mr. Christopher Hall: Right.

The position they created, the secretary of state's representative for maritime salvage and intervention, is that one entity. It is a person or a position that has the required authority and knowledge of that flag state's response regime overall and all of the various agencies that feed into it. That position is able to make recommendations or have the decision-making power to cause certain things to happen in the very early days.

The—

Mr. Robert Morrissey: That does not occur in Canada now...?

Mr. Christopher Hall: No, it does not, not at all.

Mr. Robert Morrissey: It doesn't? Okay.

Mr. Christopher Hall: The example used in the tanker safety expert panel's report from Lord Donaldson's review in the U.K. is that of a vessel at risk of sinking in the English Channel. The single entity I referenced took the decision to bring the vessel into a place of refuge and ground it intentionally. It prevented massive pollution and damage to the environment by taking an early decision to bring the vessel in and take that course of action. Otherwise, it could have foundered at sea, and it likely would have foundered at sea, with significant pollution.

Mr. Robert Morrissey: Okay. Thank you.

My next question is for Mr. Butterworth.

Mr. Butterworth, you referenced the collaboration between the province and the feds and the first nations. You also began to identify a number of funding programs.

Are you familiar with the federal government's indigenous community boat volunteer pilot program, where DFO provides funding to first nations communities to buy equipment and to do training to respond to emergencies? Also, does the provincial program collaborate with the federal program?

Mr. Kevin Butterworth: I'm not familiar with that program off the top of my head, but I can certainly look into that, if that's useful.

Mr. Robert Morrissey: It might be.

You gave us a lengthy list of funding programs by the Government of British Columbia that assist in this organization. We've heard testimony indicating that more funding could be provided to better equip and train people—especially first nations communities, who are usually located closer to where incidents do occur and can in a lot of cases be the primary first responder.

I believe that one of our witnesses who appeared today said that a first nations community received funding through this program. I would like it if you could provide to the committee how the B.C. government would collaborate with that program to ensure that first nations communities receive adequate funding to be trained and to buy equipment.

Mr. Kevin Butterworth: That is a fabulous question. As I'm sure you're aware, doing new collaborations and putting out funding is way above my station as a civil servant. We can definitely look into that and take it up through the relevant areas. We're always looking to collaborate with the federal government. For any way that we can leave funding that is already in place, we do so. Starting a whole a new funding program, that would take—

Mr. Robert Morrissey: This is not a new program. It's just an existing program.

Mr. Kevin Butterworth: No, from our side, from a provincial side....

The Chair: Thank you, Mr. Morrissey.

We'll now go to Madame Desbiens for two and half minutes, please.

[Translation]

Mrs. Caroline Desbiens: Thank you very much, Mr. Chair.

I'd like to thank the witnesses for being with us today.

What Dr. Langlois has told us about the invisible residues that end up in our water is concerning to us all.

I watched a documentary a few years ago called *Cargos: la face cachée du fret*. It was directed by French producer Denis Delestrac.

We know that most vessel operators are not subject to tax laws, labour standards laws, or ship capacity and safety regulations.

Mr. Hall, in your opinion, do we have the power to legislate, a power to compel, with respect to the safety of vessels operating in our waters?

● (1200)

[English]

Mr. Christopher Hall: The simple answer is yes, Canada does, through its signatory status to various IMO conventions and through the Canada Shipping Act and its various regulations. There is a very extensive and relatively robust regime for ensuring that vessels comply with international and Canadian regulations.

That question might be fully answered by Transport Canada, but my simple, short answer is yes, there is a robust regime in place.

[Translation]

Mrs. Caroline Desbiens: Is this regime verifiable?

Does the Canadian Coast Guard monitor on a regular basis?

[English]

Mr. Christopher Hall: It is verifiable, yes, but not by the Coast Guard. The Coast Guard has no mandate over those types of regulations. That would all be Transport Canada, but there are mechanisms built into the various codes and international regulations that call for auditing and regular inspections of the vessel and the crew.

[Translation]

Mrs. Caroline Desbiens: Thank you.

I know that navigation can sometimes be difficult on the St. Lawrence River, and that some tankers carrying oil are exposed to dangers and sometimes come close to disasters. These risks concern us in Quebec.

[English]

The Chair: Thank you, Madame Desbiens.

We'll now go to Ms. Barron, for two and a half minutes, please.

Ms. Lisa Marie Barron: Thank you, Chair.

My question is for Mr. Hall.

Mr. Hall, Rugged Coast Research Society is one of our former witnesses. They spoke about the process of trying to do their best to accumulate a manifest of items that are washing ashore from the *Zim Kingston*, because there was no manifest provided and there isn't enough information being provided ahead of time.

I'm wondering if you can share your thoughts around what you think might be helpful to ensure that a manifest is shared with organizations when spills like this occur and what that might look like.

Mr. Christopher Hall: Thanks for the question. That is interesting. Certainly all cargo on a ship is very highly documented through a ship's manifest, so I can't answer the question specifically as to why it was not shared or why it took a while to obtain that information. However, that information certainly would have been in the hands of certain Canadian agencies, namely the Canada Border Services Agency. It would have that information, as would the shipper itself.

Ms. Lisa Marie Barron: Perhaps you could expand a bit on this manifest you're speaking of. How detailed is the manifest you've seen? What level of detail do we see on that manifest?

Mr. Christopher Hall: It depends on the commodity, but they are relatively detailed. If it's a hazardous good, it would indicate the UN number, what the quantity is, its point of origin—those types of details. It's the basic information you would expect on a product being shipped.

Ms. Lisa Marie Barron: If the product is not hazardous, is there a different level of information available on the manifest?

Mr. Christopher Hall: The information regarding dangerous goods would not be there, obviously, if it's not a dangerous good, but quantities, volumes, mass or dimensions—those types of things—should be available.

Ms. Lisa Marie Barron: Okay. I guess I'm thinking out loud now. One of the barriers that I've been hearing about over and over again is that the manifest is not detailed enough, even if it were to be provided to coastal organizations. These organizations—first nations and those on the ground—are trying their best to create their

own manifest to understand the items that are washing ashore. It makes it challenging as well for polluter responsibility without that manifest being made available to organizations, so I'm trying to understand that.

I think my two and a half minutes are over, so I will stop talking, but I hope we can dig further into that. Thank you.

The Chair: Thank you, Ms. Barron.

We'll now go to Mr. Small for five minutes or less.

Go ahead, please.

Mr. Clifford Small (Coast of Bays—Central—Notre Dame, CPC): Thank you, Mr. Chair, for giving me the opportunity to ask the witnesses some questions here today. I'm really excited to have Mr. Hall here, a true expert in this field.

Mr. Hall, we know there's increasing commercial pressure on these container ships and masters to meet very rigorous schedules given the increased demand in the shipping of goods and the supply chain and all of that. Do you think any of that came into play in the case of the *Zim Kingston* here?

• (1205)

Mr. Christopher Hall: I'm sorry but I can't actually answer that. I wouldn't have that type of knowledge on that situation.

Mr. Clifford Small: That's all right.

I want to talk to you about something that you definitely do have knowledge on. There are some pretty inexpensive EPIRBs available out there now on the market. I was just looking at one for \$450, and the rate on a container from Asia or Europe is about \$25,000 a day now.

Is it possible that we could simply fit some of the containers that have volatile contents and styrofoam and whatnot with an EPIRB, so that we could locate them rapidly and extract them from the ocean?

Mr. Christopher Hall: I would not profess to be an expert on fitting of EPIRBs to containers, but I'm sure, as I mentioned earlier, that technical solutions do exist for tracking, and I think solutions could be found by the right people.

Mr. Clifford Small: EPIRBs are in all of the life rafts and lifeboats, and you can even have one on your life vest if you want. I was just thinking that it might be something we could incorporate.

Are there ways to retrieve these containers from the ocean floor using big electromagnets or something? We could make this process really fast, because the ultimate goal here is to mitigate the damaging effects of those containers as soon as possible. Wouldn't you think?

Mr. Christopher Hall: I would agree that the ultimate goal is to mitigate the damage, of course, but I would again go back to my initial remarks that the focus should also be on preventing the incident from occurring in the first place. Let's prevent the containers from going overboard first and then, as a fallback option, if they do go over, then we clean them up.

In terms of recovering them from the sea floor, that can be a complex operation. The depth is a big determining factor, but technology does exist in the industry to recover objects of difficult shapes and sizes at depth. That it can be done.

Mr. Clifford Small: In your opinion, what would be the number one way in which we could cut down on container spills moving forward?

Mr. Christopher Hall: Respectfully, I would suggest looking at chapter 3 of the tanker expert panel's recommendations.

Mr. Clifford Small: Oh, I haven't had a chance to read up on those. If you could give us 30 seconds on those, it would be great.

Mr. Christopher Hall: That's the section of the report that I mentioned earlier, which deals with certain countries implementing what's called a secretary of state's representative for salvage and intervention. That is a single authority, a single person, whose jurisdiction overrides that of all other national entities and whose sole mandate is to take early action, to make early decisions to prevent a marine occurrence and to prevent pollutants from ending up in the water in the first place. That shifts the situation away from being one of a cleanup and gets out of that reactive mentality and into a more proactive mentality, one of preventing the goods from going over or the ship from sinking instead of waiting to react.

Thank you.

Mr. Clifford Small: That's awesome. Thank you, Mr. Hall.

That's it for my questioning, Mr. Chair.

The Chair: Thank you, Mr. Small.

We'll now go to Mr. Hanley for five minutes or less.

Mr. Brendan Hanley (Yukon, Lib.): Thank you to the three of you for very interesting testimony.

I'm going to continue Mr. Small's prevention theme and dig a bit.

First, Madame Langlois, you gave very interesting testimony on the effects...and had a number of recommendations, but I wonder if you can comment further. Overall, we're seeing high safety records with container traffic—it's incredibly safe—and a low proportion of container spills. On the other hand, we see rising container traffic and a rising number of containers per ship.

I wonder, given your experience, if you can comment on the forgivability of container ship spills. Our oceans are becoming increasingly vulnerable. Our coastlines are becoming increasingly vulnerable. Is there or should there be a target for the number or proportion of forgivable spills? I think Mr. Zimmer mentioned there was a 0.001% crash rate, but if we compare that with the rate in civil aviation, I think that's still a few zeros behind our forgivability for civil aviation, commercial aviation at least, in terms of fatal crash rates.

I would be very interested in your perspective on that forgivable rate of container spills.

• (1210)

Dr. Valérie Langlois: If I understand you well, we are kind of stuck with the impact. When we work with oil spills, we know what we are dealing with, so we can plan for it. We know the substance. We know how it works in the water. We can do all those modifica-

tions. However, when we are dealing with unknowns, it's more difficult to plan or to answer your questions very well. Perhaps the proportion of loss is not high, but then it's always a question of what we lost.

I appreciate that private companies are trying to find ways to make sure that we won't be losing any of those containers, but sometimes perhaps we want to lose some. Think about waste and recycling stuff. It would be very interesting to know the statistics about what we lost. I'm not saying that we should do that on purpose, but perhaps sometimes it could help to be losing some of those containers.

For example, in the St. Lawrence River, if we are dropping some containers that have toxic substances.... Obviously, the belugas are in decline. The St. Lawrence River is very important for Quebec and the economy of Canada as well. Obviously, the risk factors will depend on where the loss happens.

The last thing I would like to point out is regarding this fast coordination. I've been working on oil toxicity for quite some time now with OPP, and I know that in Canada we have a very well-organized, strong response to oil spills in cases of accidents. It already occurs between the federal government and the province. It's well organized already. Perhaps we can just add one task. It could be dealing with a potential loss of containers. This system of coordination is already in place, to my best understanding.

Mr. Brendan Hanley: Thank you.

To Mr. Hall, on the same theme, were containers designed to be dropped overboard?

Mr. Christopher Hall: I would say no, they were not designed to be dropped overboard. They are designed, though, to an ISO standard. That's what makes them work around the world. There are very rigid design standards. There would certainly be all kinds of load testing they would need to be subject to, and all kinds of structural limitations that would be put upon them, but in terms of that specific item, I'm not sure.

Mr. Brendan Hanley: I'm being a bit tongue in cheek, but what I meant, really, was how much of the testing to withstand the depths and the possibility of spills was there.

Moving on to some of the recommendations—

The Chair: Thank you, Mr. Hanley. You have about three seconds left to get in a question or an answer—

Mr. Brendan Hanley: Okay. I will stop there. Thank you.

The Chair: Thank you.

We'll now go to Mr. Arnold for five minutes or less, please.

Mr. Mel Arnold: Thank you, Mr. Chair.

I'll go back to Mr. Butterworth, if I could.

Mr. Butterworth, the province was obviously involved in this and was contacted about the cleanup, I'm sure, and the potential damage to the environment. In your opinion, how could the government's response to the *Zim Kingston* incident have been improved? Were there lessons learned? How could the government's response have been improved?

• (1215)

Mr. Kevin Butterworth: There were definitely lessons learned. I would agree with Mr. Hall that having a stronger coordination, which would allow us to respond in a faster manner, would be very useful. Also, a main federal lead that has a lot of oversight for these different areas would work very well, from our perspective.

If you have a look at the way the ships come in from the open ocean, on the Pacific there, they come up a fairly long narrow channel. There are a couple of tight turns in there and they head into the ports in Vancouver. The shipping numbers are only going to get higher, so the more we can do now, it's all into that prevention and our ability to respond quickly. We need to work together to get that done, because the number of ships is going to increase and, with that, the chances of there being an unintentional release of a container increase too.

Mr. Mel Arnold: Thank you.

You mentioned a better-coordinated response. Is that a better-coordinated response between the provincial and federal governments or between the volunteer organizations or the local communities...? How would a better-coordinated response look and within what organizations?

Mr. Kevin Butterworth: I would say it's more on the unified command. Having a higher level of coordination through the unified command and making sure that there are indigenous communities involved in that right off the bat, as well as the volunteer organizations, would be a good starting point.

Mr. Mel Arnold: Thank you.

I'll switch back to Mr. Hall again.

Mr. Hall, you just mentioned that the key to this is preventing the containers from going overboard in the first place. Within the shipping industry and the Shipping Federation of Canada, how could the retention equipment be better handled? Is it weather conditions that are causing the problems? Can you elaborate on how we can better prevent the containers from going overboard in the first place?

Mr. Christopher Hall: Thank you. That's a great question.

Whether the cause is a structural issue with the ship, or the size of the ship, or the height of the stow or the way in which the container is secured, all of those things come into play, but all of those factors are looked at on a regular basis by the shipowner, the ship operator and the various agencies that ensure they meet the required regulations—even the safe operation of the ship and its safety management systems. All those things are reviewed on a regular basis, on a very prescribed legislated basis.

Reporting an incident is one thing that is highly regulated in the marine industry now, so any shipping company would have to analyze those incidents and put preventative measures in place for pre-

venting them in the future. There are a number of checks and balances. Are we there yet? No, because it's still happening, of course, but there are a number of checks and balances on the regulatory side to look at what the failures have been and at taking action to prevent them.

I'll give you just a simple example. Let's say that there was an incident on a ship and a container went over and the investigation by either the ship or another agency found that there was a flaw in one of the security mechanisms. Well, you can assume, quite rightly, I think, that the company would then up its inspection regime of the securing equipment to make sure they could detect any problems with that equipment in the future.

That's just a very simple example. I hope it answered the question.

Mr. Mel Arnold: Does Canada have adequate input into what those standards are and into the inspection methods in the shipping industry?

Mr. Christopher Hall: I think Transport Canada should answer that, but I would weigh in by saying that I believe we do. Canada is very active at the IMO. I know our country is a very strong participant, and I would estimate that, yes, we are very involved in those types of regulations.

• (1220)

Mr. Mel Arnold: Thank you.

The Chair: Thank you, Mr. Arnold.

We'll now go to Mr. Hardie for five minutes or less.

Go ahead, please.

Mr. Ken Hardie: Thank you, again, Mr. Chair.

Mr. Hall, I'm going to go back to the insurance question.

Having had a little experience in the insurance industry along the way, I know those rascals don't really like to pay out money and that they will look for ways of doing things on the cheap if necessary. I'm just giving you that preamble so you can get your thoughts together on this question.

When there is a loss and there is debris washing up on the shore, and the insurance company knows it's going to have to help to pay for that cleanup, is it the one that then calls the shots in terms of who is hired to do that work?

Mr. Christopher Hall: The marine insurance regime is quite complex. In a situation like that where there's a liability issue, the "protection and indemnity clubs", as they are called, would come into play, and it would be the club that the ship used as its indemnity provider.

My experience is that, yes, they do become involved, but as for how involved they would be in determining how the response is carried out, I think the marine insurance industry itself would be the best one to answer.

Mr. Ken Hardie: We heard from witnesses earlier that whoever was hiring contractors to go out to do this work wouldn't necessarily hire the contractors with the best local knowledge, or the contractors with connections to the various first nations or NGOs that might be available to assist up and down the coast. So a lot of people who had capabilities that would be very useful in the case of the *Zim Kingston* were not necessarily included in that effort, maybe because whoever was calling the shots didn't even know they existed and much less wanted to spend the money.

Who do we talk to about all of this? Is it the marine insurance industry, or should we be cooking up a recommendation that maybe takes some of that decision-making out of their hands and really allows the jurisdiction, either the regional jurisdiction or the provincial jurisdiction, to call the shots with respect to assigning a pre-qualified contractor to lead the cleanup effort? Is that a reasonable thing to ask for?

Mr. Christopher Hall: That's very interesting.

I am not aware of the situation you refer to with the *Zim Kingston* and the perceived problems with the insurer, but I would comment that during the cleanup phase when unified command was being stood up, I would estimate that the actions of the shipowner, through its P and I club, would all be reviewed through unified command. I would estimate that the various government agencies participating in unified command would have been involved in that type of process. That's just my estimation.

Mr. Ken Hardie: I get the sense that the unified command maybe, though, wound up its real oversight a little too early in this process.

Mr. Christopher Hall: I'm sorry but I don't have enough information to comment on that.

Mr. Ken Hardie: Thank you.

The Chair: Thank you, Mr. Hardie.

We'll now go to Madame Desbiens for two and half minutes.

Go ahead, please.

[*Translation*]

Mrs. Caroline Desbiens: Dr. Langlois, I'd like to come back to my last comment about the St. Lawrence River. You know as well as I do that the fresh water of the St. Lawrence is an important source of drinking water for our riverside residents and for all of Quebec. At the Saguenay, fresh water meets salt water, and there is so much activity there that the water in the St. Lawrence contains a significant amount of food for marine mammals, which come there in large numbers.

In 2014, the supertanker *Minerva Gloria* went through the St. Lawrence Seaway. At the time, we were told that it could only be filled two-thirds with oil from the oil sands because the ship might otherwise rake the bottom of the river.

Since then, huge oil tankers have been allowed to sail on the St. Lawrence, and their width has increased from 32 metres or 34 metres to 44 metres.

Dr. Langlois, is the St. Lawrence River in danger?

• (1225)

Dr. Valérie Langlois: That's an excellent question, Mrs. Desbiens.

The greater the risk of spills of any kind, the greater the danger to the St. Lawrence River. However, the more prevention is done to prevent spills from occurring, the lower the risk to the St. Lawrence River.

There is no doubt that the production of goods is on the rise, and shipping is increasing accordingly. We must not forget that the goods produced are transported from one country to another and that ships discharge their wastewater into the waters they use. This also has an impact on the St. Lawrence River, but that is another issue.

The St. Lawrence is obviously at greater risk than before due to increased shipping. That's the only answer I can give you.

Mrs. Caroline Desbiens: The goal isn't to prevent shipping on the river, but in your opinion, doesn't it go against the logic of using larger vessels?

Shouldn't we be allowing more small tankers to pass through our waters rather than letting big tankers, which pose more risks, navigate our waters?

Dr. Valérie Langlois: What's important is the quality of the ships. If they're smaller but less well equipped, that's not better either. There has to be some security.

I can't comment on the issue of vessel weight. However, I would like to come back to an important aspect. There is currently a very good oil spill response plan for the St. Lawrence River. We could call on the group responsible for this plan, which is already in contact with various organizations, not-for-profit organizations, or NPOs, and various levels of government, to respond to spills. I think there's a lot to be gained by giving them additional responsibility for container shipping.

[*English*]

The Chair: Thank you, Madame Desbiens.

I'll now go to Ms. Barron for two and a half minutes to finish out this session.

Ms. Lisa Marie Barron: Thank you, Mr. Chair.

I want to ask my last question to Mr. Butterworth.

I appreciate your highlighting the importance of the prevention side here, recognizing the increased extreme weather patterns that inevitably we're going to see, as well as the increased cargo ships that we'll see moving within our waters. I just wanted to highlight that.

I was wondering if you could expand a little on what you touched on earlier about the importance of funding indigenous nations and—perhaps I'll add on to that if you didn't mention it—organizations on the ground. I'm wondering how you envision that looking in terms of funding being allocated to nations and NGOs, and how you feel it may support the response being more efficient when a spill does occur and may minimize the impacts on coastal communities and our marine environment.

Mr. Kevin Butterworth: Thanks for the question.

The funding is critical. The program that was mentioned earlier, the indigenous community boat volunteer pilot program, is a capital program that has allowed some of the nations—I think there were three in B.C.—to buy a boat and some equipment.

One of the key pieces around this, as I'm sure you're aware, is training. It's getting folks trained up to be able to go out in inclement weather and be able to respond to and support the Coast Guard as and when needed. If you have a look at the volunteer organizations that do that work, they undergo a lot of training to be able to respond in all sorts of weather. That's an absolutely key piece.

Working closely together with our indigenous partners is also key. These folks are living up and down the coast. They know the areas very well. They know the coastline. They know where things wash up. They know how to get to these areas. From our perspective as an environmental emergency response organization, they are key go-to people when we need to go into areas and look to partner to clean things up. Making sure there is funding available for training to get folks up to speed with what they need to know, whether it's marine or whether it's for the terrestrial environment, is a key piece. It comes into being able to respond quickly. It comes into prevention and being able to respond in an effective manner.

I know there isn't much time left, so I'll stop there.

• (1230)

The Chair: Thank you, Ms. Barron.

Your time is over a bit.

I want to thank the three witnesses who appeared before committee today for their knowledge on this particular topic. It's been insightful, I'm sure, for every member of the committee. It was one of the better testimonies, I think, of witnesses that we've had in a while. It was very informative.

We'll give a moment now for our witnesses to leave before we go into our next bit of business.

Mr. Kevin Butterworth: Thanks very much for the opportunity.

The Chair: I think our witnesses have gone.

Before we go in camera for drafting instructions to the analysts on this study, I understand there is unanimous consent among members to deal with the letter submitted under Standing Order 106(4) today.

Do I have unanimous consent to continue with this item of business now? Hearing no dissent, I'll assume that I do.

We'll now discuss a request that was brought to my attention by Ms. Desbiens. I will give her the floor to open the discussion.

[*Translation*]

Mrs. Caroline Desbiens: Thank you very much, Mr. Chair.

I'd like to sincerely thank my colleagues around the table for allowing me to make this request.

First, I'll give you a little bit of background. We didn't want to get to this request, but as we move through the file on capelin fishing in our part of the country, we're seeing that weir fishing hasn't had the chance to be well integrated into the thinking of the department, the Minister and her officials. Weir fishing is an indigenous legacy and part of the intangible heritage. There are only two fisheries practising this technique in the entire eastern part of the country. The first nations have this science of going out and tapping into the resource without altering it, so it's fishing that isn't harmful to the resource. We have submitted scientific advice, we have asked that the fisheries be consulted, and we have made representations to the minister and her officials. You've seen the questions I've asked in this committee when I've had the opportunity.

I will give you the facts and explain the situation so that you understand it. Weir fishing is done on the banks of the St. Lawrence River. This fishing technique is used in Saint-Irénée, Charlevoix, and Isle-aux-Coudres, the island where I was born. The technique involves using an L-shaped screen that moves forward towards the water, so from the bank and gently into the river. As soon as the ice disappears, capelin spawn in the St. Lawrence at the rising tide. After the males spawn, they die on the shore. Instead of letting them dry on the shore, fishers collect them. In any case, the fish die after they've spawned.

This fishery is very popular in our area. Everyone awaits their plate of capelin. When the first capelin rolls onto the banks of the St. Lawrence, there's a celebration in the village, spring is coming. Everyone eats capelin. It's not complicated, no one wonders what will be on the menu for supper; it will be capelin.

Now I'll tell you about the problem. Every day matters to fishers. Last year, because the fishery was set to open on May 1, which was an inappropriate date, they lost more than half of their catch. That's why we've been making representations for the past year to open this fishery earlier.

With climate change and the seasons getting longer or shorter, fishers want to be able to fish when the capelin arrives. Every day counts, because capelin is caught in small amounts, since it has to be processed fresh. You can't say that it's no big deal and that you'll catch three tonnes more the following week. That's not how it works. Small amounts are caught every day. That's what the minister and the officials need to understand. The Charlevoix and St. Lawrence resource is nothing like the Newfoundland and Labrador resource. The fishers we're talking about fish 0.35% to 0.5% of the total quota that's allocated to that type of fishery, so every day counts.

The fishers are ready to fish. They're just waiting for the signal from the minister, who could, in all respects, offer a moratorium and allow them to fish earlier than May 1. They would like to be invited to the consultation table to ensure that there is a clear understanding of the situation and, at the end of the consultation process, that the opening date of this fishery be reviewed.

I hope I've made myself clear and that the common sense of this request will take its place in your considerations.

● (1235)

I realize that I'm asking you to attend a meeting—ideally to be held virtually—during constituency weeks, which are very busy and very important for us all. I realize all that, but at the same time, I couldn't sleep at night knowing that I hadn't done everything in my power to save this piece of intangible heritage, an indigenous legacy that is beloved by every resident of the Charlevoix region, when all it would take for that legacy to continue is some plain old common sense. This is an iconic part of Quebec's heritage, and now that you are all more familiar with it, I'm sure you will appreciate it as well.

With that in mind, I encourage everyone here to consider my request, taking into account the fact that what I am asking of you and of the minister is entirely in keeping with her mandate letter: supporting a responsible fishery and local consumption, while stewarding, not altering, a natural resource.

Therefore, pursuant to Standing Order 106(4), I am proposing the following motion:

That, pursuant to Standing Order 108(2), the committee invite Joyce Murray, Minister of Fisheries, Oceans and the Canadian Coast Guard, along with her officials, for a meeting of two hours, to be held no later than Wednesday, April 13, 2022, to inform the committee about the steps the department has taken on this issue since the spring of 2021 and the steps the Minister plans to take, as well as the time required, to correct the problem, given the unique nature of weir fishing in the Charlevoix region of Quebec, and in Newfoundland and Labrador.

Thank you.

[*English*]

The Chair: Thank you, Madame Desbiens.

I'll open it now up to any questions or comments.

Go ahead, Mr. Small.

Mr. Clifford Small: I have a little experience with fishing capelin, having landed thousands of tonnes of it as a commercial fishing captain.

In Newfoundland and Labrador, what we have is stakeholder monitoring, so there's no fixed opening date in Newfoundland and Labrador for the capelin fishery; it's simply the commercial harvesters in the conjunction with the union. When the capelin show up and they're ready to take, we take them. It's pretty simple.

I don't know if we really need the minister to come in for a couple of hours. I mean, it's great to have her here and give her a few questions—who wouldn't want to?—but to bring some practicality into the approach, the local harvesters know when the capelin are there; and when the capelin are there, they go, but the minister and the bureaucrats need to know the timeliness of capelin... I guess Madame Desbiens would like to see the capelin taken after they've

spawned, which is great, but the local harvesters would have that information to supply to the bureaucrats.

We shouldn't have gatekeepers controlling this. We should be more practical. I support what Madame Desbiens is trying to do, and I don't think it should be that complicated, Mr. Chair.

● (1240)

The Chair: I don't know if it's complicated or not, but I will comment on what you said about Newfoundland, Mr. Small.

It's my understanding that it's a competitive fishery in Newfoundland when they open it, and it's DFO that decides when it closes, based on what has been landed, and that always seems to be a problem with some of the fishermen. They're going from one area to another as the capelin progress around the island, and they're saying that the capelin are still in an area, so why can't they take more and that kind of thing.

It is not an individual quota basis. They set a maximum amount to be taken, and if one fisherman gets all of that, it's done and the fishery is over, if that's correct from my knowledge.

Mr. Clifford Small: Yes, that's correct, but in terms of the opening, they decide to open it when the capelin are there and when they're ready for commercial use and in optimal condition. A similar decision can be made in Quebec, for sure.

The Chair: All right.

Next is Serge Cormier.

[*Translation*]

Mr. Serge Cormier (Acadie—Bathurst, Lib.): Thank you, Mr. Chair.

Thank you, Ms. Desbiens, for educating us on this issue. We've talked about it briefly, and yesterday, I did some research in my hotel room when I had a bit of spare time. There are a couple of things in your letter I'd like to clarify.

In your letter, you said the capelin fishery usually opened on April 1 in your region, but according to what I found, the fishery has always started on May 1. You also expressed some concerns.

You told me that numerous discussions with Fisheries and Oceans Canada had taken place to have the opening date changed to April 1, but to my knowledge, no such regulation was the subject of a decision.

As you know, Ms. Desbiens, before a decision can be made as to whether the fishery can begin on April 1, a stock assessment has to be conducted. According to the information I was able to obtain, the stock assessment will be carried out around April 20, so even if the committee were to meet next week or this week, I don't think there's much we could do to have the fishery open on April 1. I'm not saying I don't think the committee should meet; I am simply saying that, even if we do hold the meeting, we probably won't be able to get the decision changed. I do, however, think it's worth looking into the matter.

I'm not sure whether you met with the fishers, but I should point out that, last year, one of them committed an illegal fishing violation by fishing before the season opened. That is something to be concerned about as well.

Were you aware of these things? Did you know the stock assessment was scheduled to be carried out around April 20? Perhaps we could meet with the minister and her officials after the break weeks since we are past April 1.

[English]

The Chair: Madame Desbiens, you have your hand up. You might want to respond, I figure.

[Translation]

Mrs. Caroline Desbiens: Yes, I would like to respond to the honourable member.

I am aware of the violation that was issued last year. It has to do with the fact that the fisher had purchased a very special licence, one that was purchased by a family. She bought it from her uncle, and it didn't have a date. The May 1 opening date was dropped on us without warning. It was probably posted on the department's website, but when you have no inkling that a date is going to be set, you don't have the reflex to check the department's website. It wasn't something the fishers knew was coming, so they started fishing the capelin when they normally would have. It was only when she received the fine that the fisher found out that the fishery didn't open until May 1, a date that isn't adequate.

That's when we began trying to understand the department's reasoning. In reaching out to the department, we learned that it had selected May 1 as the opening date without conducting a stock assessment first.

We agree that a stock assessment should be conducted this year, but we maintain that the two weir fisheries, as currently practised, are not the activities that will impact stocks. In fact, these fishers harvest between 0.35% and 0.5% of the total quota.

In an ideal world, it wouldn't be necessary to meet with the minister because it would be possible to communicate to the department that every day counts for these fishers. That is really the point I'm trying to make. It's the same as taking \$1,000 a day away from them.

It's about their livelihood. We want the minister to conduct the stock assessment with the understanding that the stocks as they are currently being harvested will not be impacted before April 22. She should therefore allow the weir fishery to proceed immediately. The

department can then conduct its assessment and consult fishers to clarify the type of fishing they practise.

If you can assure me that the minister will do that for our fishers, I am perfectly fine not holding a meeting. I would be delighted, in fact. Every single day counts, and that's really the concern here.

• (1245)

[English]

The Chair: Go ahead, Mr. Arnold.

Mr. Mel Arnold: Thank you, Mr. Chair.

I will speak in support of Ms. Desbiens' motion.

There seems to be a thought within the department that fish will follow a time clock. I recall speaking to a harvester in Nova Scotia a number of years ago about the eel harvest and DFO was trying to determine when the season should open by a date on the calendar. The harvester's response to the question of when he thought the season should open was that it's when the spring peepers start to sing. It was by weather conditions and when the eel were there to be harvested, not by a date on the calendar.

I think what Ms. Desbiens is saying here is that the fish are only there for a certain period of time. The capelin are only there for a short period of time. To lose out on a full month of harvest because someone thought it was better for the calendar or for the entire stock in general, when such a small number are harvested through this process, doesn't seem to make sense.

I would support bringing the minister in and have her explain why this decision was made in the way it was. Hopefully, it could be changed to salvage a few more weeks out of the season.

The Chair: Go ahead, Mr. Morrissey.

Mr. Robert Morrissey: Thank you, Chair.

I agree. Madame Desbiens made valid points. However, for the first time, it looks like the committee would be attempting to direct the opening of a fishery prior to a stock assessment. The fish migrate. They move. This is an important fishery—I'm a bit surprised by that—in Newfoundland and we have no stock assessment. All of the decisions are made based on the scientific data and assessment based at DFO.

We sometimes disagree, but we also know all too well the history of politically interfering in the management of the fisheries without listening to the scientific and assessment data. The cod fishery collapse in Newfoundland is a classic one, where politicians of all stripes kept interfering until the stock had completely collapsed. That's my only concern.

Madame Desbiens has made some valid points, but I'd be concerned without the department's stock assessment being done. What are the implications on the fishery? What would be the implication on the stock, as it would move into other provinces for other fisheries? It appears to be a bit of an open free-for-all when the season is open.

That's my only concern on attempting to move on this at this particular time.

It surprises me that we may have somebody move from one to the other, supporting this committee trying to influence the minister into moving an opening date without the stock assessment being adequately done.

• (1250)

The Chair: Go ahead, Ms. Barron.

Ms. Lisa Marie Barron: Thank you, Mr. Chair.

Thank you to Madame Desbiens for bringing this forward. It's clear that this is an important issue to the constituents in Madame Desbiens' riding, so I appreciate the persistence to have this issue addressed.

It feels a little unfortunate that we're here in this circumstance, where we're talking about this in the manner that we are. I am in support of this motion. I am in support of it not to supersede science, but for us to be able to have an opportunity to sit down with the minister and understand what the process is for assessment, why this assessment hasn't been done yet and what this looks like moving forward.

There are some good opportunities for us to ask questions about what the delay is to better understand the concerns that are arising in Madame Desbiens' riding and how we can best move forward.

I'll be in support of having an opportunity to ask the minister some questions around what's currently happening and how to best move forward, and then taking it from there.

The Chair: I'll go to Mr. Small next and then Mr. Perkins, before going back to Madame Desbiens.

Mr. Clifford Small: For the record, I support Madame Desbiens's motion.

Last year, to my colleague Mr. Cormier's point on the stock assessment, the Gulf of St. Lawrence capelin stock was assessed to be very healthy. These capelin have spawned and they will die, so their purpose in life is concluded. It's not a fishery that's going to be damning to the stock, so I don't see the need for an assessment to have been made before proceeding with this fishery.

Number three, between pinnipeds and mankind, 99 out of every 100 capelin are taken by pinnipeds, so prohibiting this fishery will do absolutely nothing to protect the resource. It will just harm the people of the estuary of the St. Lawrence River area.

The Chair: Go ahead, Mr. Perkins.

Mr. Rick Perkins (South Shore—St. Margarets, CPC): Thank you.

Thank you, everyone, for bearing with my hoarse COVID voice.

I support the motion and, just to make sure that we're clear, I don't think anyone here is proposing that somehow this committee try to impose some sort of solution on the minister.

I think the point, as Ms. Barron observed, is for us to be able to question the minister, and presumably some officials, on why there is this inconsistency in how this decision-making process is being made. It is urgent; otherwise, we would probably include some of these discussions in the next survey, but it is urgent, given that the season is imminent and we've faced a few of these decisions by the minister in the last little while that happened within weeks of the start of a season, so I think it's good have a discussion before, not after, the horse has been let out of the barn, so to speak.

Thank you.

The Chair: Thank you.

Go ahead, Madame Desbiens.

[*Translation*]

Mrs. Caroline Desbiens: I appreciate members' support. It's quite clear that they understand the issue. I also appreciate the hesitation of members who expressed concerns about the committee pushing the minister to intervene politically before the scientific data come in.

I would remind the committee members that we have been waiting for the scientific data to come in for a year now. What's more, we haven't been standing idly by. We have sought a variety of significant and compelling scientific opinions from a wide range of sources, including universities and centres for biodiversity, and we provided that research to the minister.

One study, in particular, stands out. It shows that the St. Lawrence River capelin have no connection to the capelin off the coast of Newfoundland. DNA tests were conducted and the results are conclusive. Capelin can travel 200 kilometres, not 2,000.

The St. Lawrence River stocks are in very good shape. As the honourable member said, the idea is not to force the minister into making a decision, but to try to help her understand the type of fishing we are talking about here. It doesn't involve a fishing boat, so no gas is required. It isn't part of a massive fishery; the fishers are harvesting a resource that is going to die on the shore anyways.

That is really what the minister needs to understand. We tried to convey that to her, her deputy ministers and some scientists. The goal isn't to have the committee meet by Monday. The goal is to have those folks come to Cap-à-l'Aigle to see for themselves how exactly the capelin are harvested. Then, they would understand that the stocks are not being impacted.

With each passing day, however, the longevity and survival of this intangible heritage is being impacted. I have also reached out to the Minister of Canadian Heritage, so he is aware of the situation. We are not looking for preferential treatment. All we want is for our fishers to be able to fish next year, and for that to happen, the opening date cannot be April 22 or 25. That is too late. Every day counts.

• (1255)

[*English*]

The Chair: Thank you, Madame Desbiens.

I guess we'll go to a vote on the actual motion. I'll read the motion out first so that everybody is fully aware of what it says.

It states:

That, pursuant to Standing Order 108(2), the Committee invite Joyce Murray, Minister of Fisheries and Oceans, along with her officials, for a meeting of two (2) hours, to be held no later than April 13, 2022, to inform the Committee about the steps the department has taken on this issue since the spring of 2021 and the steps the Minister plans to take, as well as the time required, to correct the prob-

lem, given the unique nature of weir fishing in the Charlevoix region of Quebec, and in Newfoundland and Labrador.

If there's no further discussion, we'll ask the clerk to do a recorded vote.

(Motion agreed to: yeas 6; nays 5)

The Chair: The motion is passed.

We'll now take a very quick recess to switch to in camera for drafting instructions for the additional half-hour.

[*Proceedings continue in camera*]

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