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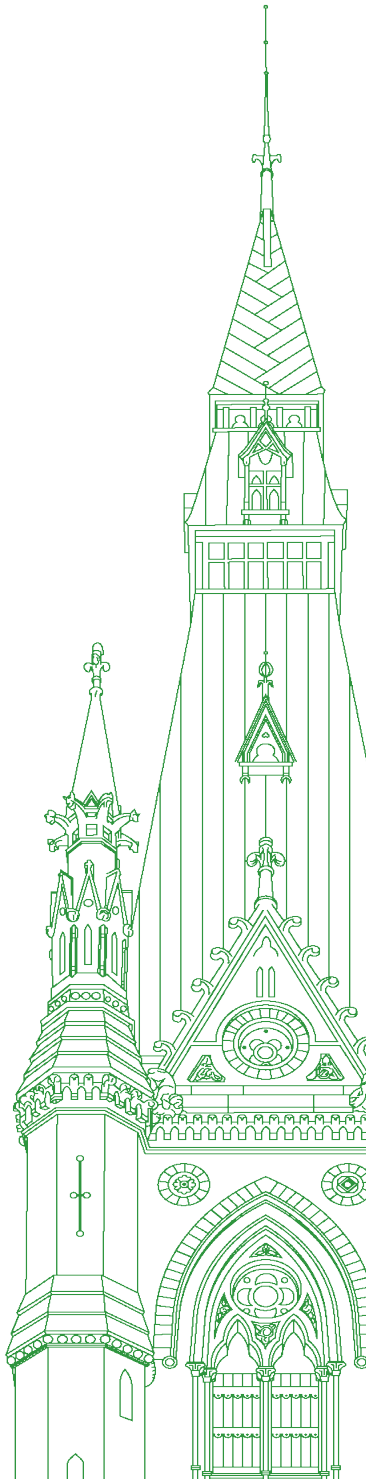

Chair: Mr. Francis Scarpaleggia

# Standing Committee on Environment and Sustainable Development

**Tuesday, December 6, 2022**

● (1530)

[*English*]

**The Chair (Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.)):** I call the meeting to order.

[*Translation*]

Good afternoon.

Welcome to meeting number 42 of the Standing Committee on Environment and Sustainable Development.

This is the last meeting in which we will be hearing from witnesses on Bill S-5.

As a reminder to all those in the room, please do not lean in to speak in the microphone. Doing so causes problems for the interpreters.

I am happy to announce that all the technical tests were completed successfully. We are ready to get started with our first panel.

Joining us, we have David Boyd, United Nations Special Rapporteur on Human Rights and the Environment. From the Collectif de recherche écosanté sur les pesticides, les politiques et les alternatives, we have Louise Vandelac, founder and director. Lastly, from Nature Canada, we have Mark Butler, senior adviser, and Hugh Benevides, legislative adviser. Mr. Boyd and Ms. Vandelac are joining us by video conference, and Mr. Butler and Mr. Benevides are here in person.

Mr. Boyd, you will be going first. You have three minutes for your opening remarks.

[*English*]

**Dr. David Boyd (United Nations Special Rapporteur on Human Rights and the Environment, As an Individual):** Thank you very much, Mr. Chair.

Ladies and gentlemen, it's a great honour to be with you. There's a sense of déjà vu testifying again about CEPA reform.

I'd like to begin by commending the Government of Canada for finally recognizing in law the right of every Canadian to live in a healthy and sustainable environment. This is long overdue, but it is an important step toward the eventual recognition of this right in the Canadian Charter of Rights and Freedoms, which is where 90% of Canadians agree it belongs.

There are already 156 nations around the world that recognize the right to a healthy environment in law through constitutions, legislation or regional human rights treaties. It was recognized by the United Nations General Assembly in July 2022. Canada supported this resolution and voted for it, as did 160 other nations. No states were opposed.

Of course, the right to a healthy environment—it's important to say—is not a new human right. It's been around for decades. Quebec included this right in its Environment Quality Act back in 1978 and in its Charter of Human Rights and Freedoms in 2006.

While it's an important first step, I think it's important to say that the provision in Bill S-5 regarding the right to a healthy environment has several significant weaknesses.

The first weakness is the phrase “as provided under this Act”, which means that Canadians' right to a healthy environment is circumscribed to those issues that are addressed by CEPA. This strikes me as odd, because it means that no Canadian has the right to a healthy environment under the Canada National Parks Act, the Pest Control Products Act, the Impact Assessment Act or any other federal environmental legislation. My first recommendation is to remove the phrase “as provided under this Act”.

Second, Bill S-5 is quite narrow in the way it describes the right to a healthy environment. The UN resolution from July 2022, which Canada voted in favour of, uses the language “clean, healthy and sustainable environment”. Each of those three adjectives—“clean”, “healthy” and “sustainable”—has clear a definition in the *Oxford English Dictionary*, which I've provided in my written brief.

There's also a bill before the American Congress, called the environmental justice for all act, which has a much more comprehensive articulation of this right: “the right of all people to clean air, safe and affordable drinking water, protection from climate hazards, and the sustainable preservation of the ecological integrity...of the natural environment.”

In summary, my recommendation for proposed section 2 in Bill S-5 is to use the UN language that Canada supported earlier this year: “protect the right of every individual in Canada to a clean, healthy and sustainable environment”. We'd delete the phrase “as provided under this Act” and retain the phrase “subject to any reasonable limits”.

The third weakness is a lack of mechanisms through which this right can be enforced. A right without a remedy is not really a right. Imagine a scenario in which a Canadian community is being exposed to toxic substances at levels far above the Canadian average or levels that violate the Canadian ambient air quality standards. Should people in this community, whose right to a “clean, healthy and sustainable environment” is clearly being violated, not have anywhere to turn? Sections—

● (1535)

[*Translation*]

**The Chair:** Thank you, Mr. Boyd. Unfortunately, your three minutes are up. You will have a chance to cover more ground and share your thoughts during the question and answer portion.

Since Ms. Vandelac isn't online yet, we'll go to the Nature Canada representatives.

Go ahead, Mr. Butler. You have three minutes.

[*English*]

**Mr. Mark Butler (Senior Advisor, Nature Canada):** Thank you, Chair and members, for this opportunity.

I live in Nova Scotia, part of Mi’kma'ki. I wouldn't be here today if an American company hadn't chosen Prince Edward Island to produce the world's first genetically engineered food animal, a transgenic Atlantic salmon containing genetic material from a chinook salmon and an eelpout.

P.E.I. is in the centre of the range of Atlantic salmon in North America. Nature Canada's concern is that these salmon could escape and interbreed with wild salmon. For those who say it can't happen, earlier this year Brazilian scientists published a paper describing the first ever documented case of a genetically engineered animal, a fish, breeding in the wild.

I commend to you the submission by the Atlantic Salmon Federation to the Senate. Their call to protect wild salmon from GE salmon is grounded in science and decades of conserving Atlantic salmon.

I would also draw your attention to the submission made by the Assembly of First Nations. The AFN says that GE organisms could have negative consequences for first nations' inherent and treaty rights, and it recommends a number of amendments to part 6.

In 2017, this committee issued a report on CEPA and made five key recommendations on how to improve part 6. We are asking you to finish the work that this committee began in 2016. It was continued with Senate amendments to part 6, which were supported by senators from all groups.

Last Friday, Minister Guilbeault and senior officials appeared before this committee. We would be happy to answer questions about the oddly timed regulatory review, or the current level of consultation on GE organisms. The minister, in response to a question, said that our amendment on demonstrable need crosses a red line. We see it as common sense. There is also a red line when it comes to nature. Atlantic salmon and many other species cannot withstand additional impacts.

Remember, unlike chemical pollution, genetic pollution only needs to happen once for it to be widespread and irreversible. Nature Canada's interest is in protecting nature and preventing genetic pollution.

We look forward to collaborating with you on our amendments to protect nature and the wildlife we all cherish.

Thank you.

● (1540)

[*Translation*]

**The Chair:** Thank you, Mr. Butler.

I'm being told that Ms. Vandelac is having some trouble joining the meeting, so we'll move right into the first round of questions. If she's able to join the meeting, she can give her opening remarks.

Go ahead, Mr. McLean. You have six minutes.

**Mr. Greg McLean (Calgary Centre, CPC):** Thank you, Mr. Chair.

[*English*]

Mr. Boyd, thank you for appearing today. I have some comments and some questions regarding the statistics you brought forward.

A right to a healthy environment, we appreciate that very much. We'd like to make sure that we have definitions around these things. We have to acknowledge, as many witnesses have done before you, that there are many non-definitions of what's in this bill right now. When you bring forward a definition of a healthy environment, it is somewhat instructive because right now we're leaving this bill open to what some judge is going to interpret. I would like to make sure that this is clearly delineated within the legislation, what we're talking about here, which is the right to a healthy environment. Thank you for putting some definitions prospectively on the page about what that means.

Is it your estimation that the world, including Canada, has a more healthy environment today than it did one generation ago? Let's go to 1950, for instance. Is our environment more or less healthy at this point in time?

**Dr. David Boyd:** That's a complicated question. In many ways it is less healthy, and in some ways it's more healthy. Between 1950 and now, we've encountered the climate emergency, which is something that didn't exist in 1950, so that's a huge problem that has developed over the last 72 years.

In terms of biodiversity, we've seen massive declines. The latest information from the intergovernmental platform on biodiversity and ecosystem services indicates a 70% decline in wildlife since 1970, so we're clearly much worse off there.

There are some areas where we have taken action since 1950. We've eliminated the use of ozone-depleting chemicals. We've seen a huge rise in renewable forms of energy, so there have been some measures of progress. We have far more protected areas in the world today than we did in 1950.

It's a mixed bag, sir.

**Mr. Greg McLean:** I appreciate that there's a balance in this equation, which is exactly the rationale for the question, but in your explanation there about a healthy environment, you didn't isolate it towards healthy for humans. You talked about the healthy environment being, of course, the atmosphere, biodiversity and all these other things.

Is that something that you think is going to be interpreted when people actually explain what a "healthy environment" is in this bill?

**Dr. David Boyd:** Well, sir, "environment" is defined in the definitions section of CEPA. It's a comprehensive definition that I think has served Canada well since its inception close to four decades ago. There are no proposed amendments to the definition of "environment", because it has been working well.

**Mr. Greg McLean:** Thank you.

You also talked about "subject to any reasonable limits". Again, this will be the same sort of, "Okay, well, we're balancing on one thing here that's a definition at the same time, but we'll override it with these so-called reasonable limits. That will be left up to somebody else to decide."

The definitions you're landing on are partial definitions, if I may, and then you subject those to reasonable limits. It is still opaque. Would you agree?

**Dr. David Boyd:** I wouldn't say it's opaque, sir. If you look at any type of human rights legislation, or if you look at the Universal Declaration of Human Rights from 1948, you won't find a single definition of any of those rights. If you look at the Canadian Charter of Rights and Freedoms, you won't find comprehensive definitions of any of the rights there.

Basically, this is the way human rights law works. You—

**Mr. Greg McLean:** Great. Thank you. You're right.

We did talk about no recourse in here as well. When somebody is affected, or when nature is affected, by this abrogation of any clean, healthy environment definition, whom do you think they should have recourse to?

**Dr. David Boyd:** Generally, in the situations where human rights are being violated, there are opportunities for both judicial and non-judicial mechanisms. For example, many countries have national human rights institutions that field complaints from citizens about violations of their right to a clean, healthy and sustainable environment. Of course, the courts also have a role to play. That's the fundamental balance in our society between the legislative branch and the judicial branch. When there are allegations that legislation is not being followed—

● (1545)

**Mr. Greg McLean:** Yes. My question is specific, though. When these people go before the courts on legislation if there's abrogation, whom will they have recourse to?

**Dr. David Boyd:** I'm not sure I understand the—

**Mr. Greg McLean:** If somebody's environmental rights have been abrogated, supposedly, with that scenario going forward here, how do they get recourse? Who will be the party they seek redress against?

**Dr. David Boyd:** In a federal law such as the Canadian Environmental Protection Act, that will be the federal government.

**Mr. Greg McLean:** So the federal government will be on the hook here for a definition of somebody actually coming forward here, and effectively billions of dollars, potentially.

**Dr. David Boyd:** Well, it's interesting that you say "billions of dollars". I'm not sure where you pulled that number out of the air. This is a right that's recognized by 156 nations around the world, and I can tell you that there's substantial research—

**Mr. Greg McLean:** Dr. Boyd, of those 156 nations around the world—I don't mind interrupting you a little bit—99% of them have worse environmental outcomes than Canada has. Let's talk about words on paper versus reality here. We have to land on something—

**Dr. David Boyd:** How about Norway, sir?

**Mr. Greg McLean:** —that actually serves a benefit to Canadians.

**Dr. David Boyd:** Sure. How about Norway, sir? Norway has had the right to a healthy environment in its constitution since 1992. It has not cost Norway billions of dollars. In fact, it's been a catalyst for Norway to become a global leader in environmental protection.

**The Chair:** We'll have to stop there.

Mr. Weiler, go ahead.

**Mr. Patrick Weiler (West Vancouver—Sunshine Coast—Sea to Sky Country, Lib.):** Thank you, Chair.

I also want to thank all the witnesses for being here today. We've had great testimony and answers already.

First, Dr. Boyd, I appreciate your long-standing work to advance environmental rights in Canada and around the world, as well as your contributions to the 2016-17 review of CEPA in the Senate.

From your point of view as the special rapporteur on human rights and the environment, are you aware of other countries that have legislated a right to a healthy environment and then qualified that right? You mentioned in your opening remarks that you were in favour of having reasonable limits on that right. Could you explain what that would look like as part of this legislation?

**Dr. David Boyd:** Sure. As you know, honourable member, the previous version of this bill, which was amended by the Senate, included specific references to balancing this right with social, cultural and economic factors. That provision was unprecedented in the world, actually, in terms of limiting the scope of this right. I've read every constitutional provision, every legislative provision and every human rights treaty provision related to the right to have a healthy environment. That provision was an unprecedentedly narrow circumscribing of the right. I give credit to the Senate for removing that phrase from Bill S-5.

The phrase “reasonable limits prescribed by law” comes directly from the Canadian Charter of Rights and Freedoms and represents something that we do with all human rights. Human rights are not absolute. There's always a balancing involved.

I think that's perfectly legitimate wording for the right.

**Mr. Patrick Weiler:** Thank you.

Earlier this year, there was a UN General Assembly resolution that expanded it from a right to a healthy environment to a right to “a clean, healthy and sustainable environment”. You've recommended that it be adopted as part of this legislation.

I was hoping you could explain to this committee how that would differ from simply saying it's a right to a healthy environment.

**Dr. David Boyd:** It simply provides a bit of additional clarity and a bit of additional breadth in terms of the right. As I've provided in my written brief, these words have clear and widely accepted definitions. All three of these adjectives—“clean”, “healthy” and “sustainable”—have been used by different nations around the world in their articulation of the right to a healthy environment. As well, those adjectives have been in use by the United Nations in its work on human rights and the environment over the course of the past decade.

I feel that it just provides a consistent and clear articulation of what we are actually trying to protect in this case.

**Mr. Patrick Weiler:** Thank you.

Bill S-5 outlines new principles to be considered in the implementation of the act, including environmental justice, vulnerable populations, non-regression, and intergenerational equity.

Based on the line of questioning from my colleague, Mr. McLean, in your opinion, should this committee seek to define these different areas or are they better left untouched to have evergreen definitions or to be articulated and interpreted by the courts?

● (1550)

**Dr. David Boyd:** I think it would be useful to have definitions for phrases like “environmental justice” and “intergenerational equity”. Certainly that's something that would be useful in terms of being included in the definition section of CEPA.

**Mr. Patrick Weiler:** Thank you.

You were also mentioning in your opening—you ran out of time—that for the right to be effective, it must have a remedy. I'd just like to give you the opportunity to expand on that thought.

**Dr. David Boyd:** Thanks very much.

I was just going to say that in sections 17 through 22 of CEPA there is an enforcement action provision. It has never been used, so clearly it's not working. In 2016, the standing committee took a close look at those sections and, in recommendations 30 through 34 of their 2017 report, recommended some steps that could be taken to actually make it workable.

There are countries around the world that are similar to Canada, like Australia and the United States, that have workable citizen suit provisions. I think that some changes definitely need to be made to CEPA to provide an accountability mechanism that is actually not just on paper, but is functional.

**Mr. Patrick Weiler:** Unfortunately, certain parts of this bill haven't been opened up. There are limits on what we can do with things being in and out of order, but one thing that is going to be open is the creation of a new implementation framework for the right to a healthy environment.

You mentioned in your opening the challenge when we don't have mandatory ambient air quality standards across the country. I was hoping you could maybe comment on that.

Should that be included as part of this implementation framework? Perhaps you might have other ideas for how we can strengthen the implementation framework as part of this legislation.

**Dr. David Boyd:** Thank you.

It's quite striking that Canada is one of the few industrialized nations in the world that do not have legally binding and enforceable ambient air quality standards. The U.S. has had them for more than 50 years, and they've contributed greatly to improvements in air quality in the United States.

I think it's also important for this committee to recognize that Health Canada estimates that air pollution kills over 15,000 Canadians each year, causes millions of asthma symptom days and tens of millions of acute respiratory symptom days, and inflicts over $120 billion in socio-economic costs on the Canadian economy.

Air pollution is a major problem for Canada. It was recommended by the committee back in 2017 that Canada develop legally binding ambient air quality standards. That hasn't happened since then, and it's not in the current bill.

I did note a submission by a coalition of environmental organizations, which I thought was quite creative. It said that the implementation strategy should be amended to include a requirement for action when air quality standards are being exceeded.

[*Translation*]

**The Chair:** Thank you, Mr. Boyd.

I'm being told that Ms. Vandelac is now online. We'll hear her opening remarks, and then, we'll continue with Ms. Pauzé.

Welcome, Ms. Vandelac. You have three minutes.

● (1555)

**Dr. Louise Vandelac (Founder and Director, Collectif de recherche écosanté sur les pesticides, les politiques et les alternatives):** Good afternoon.

I want to start by thanking the committee for having me. I appreciate the opportunity to make some brief comments on Bill S-5.

This bill interests me in more ways than one. First and foremost, I am a research professor in overall environmental health, and I work under the “one health” model. I am also an environmental sciences professor at the Université du Québec à Montréal's institute of environmental sciences. It was established in 1972 and was the first-ever program in environmental sciences in Canada, if not North America. I have also been researching the bio-technosciences for more than 30 years. I've been involved in plant, animal and fish transgenesis, including genetically modified salmon beginning in 1987-88 and genetically modified pork, as well as nanotechnology research. Right now, we have research projects focused on agriculture 4.0. Lastly, I head up a team of about 40 researchers working on pesticides, policies and pesticide alternatives.

The COP 15 conference on biodiversity is getting under way today in Montreal. With that in mind, I think it's important to examine Bill S-5 through the lens of accelerating climate and biodiversity degradation. The issue now goes beyond a single organism or toxic ingredient. It's broader than that. It has to do with how our policies and economic models push us across the planetary boundaries, bringing us closer to the dreaded tipping point.

In a December 2 report, the Organisation for Economic Co-operation and Development, or OECD, says that crossing the earth's tipping points will have severe impacts on the earth. The OECD, which usually adopts a more moderate tone, is calling for unprecedented, immediate and ambitious action. In other words, it's time to look at issues more broadly than we do now.

A number of the earth's nine planetary boundaries involve our intensive food system, which is responsible for 30% of greenhouse gas emissions. Those boundaries have already been crossed, including nitrogen and phosphorus flows. We are on our way to crossing others, including the release of novel entities such as pesticides, plastics and new living organisms. This reality requires much more careful examination.

I want to make three quick points, seeing as I don't have much time.

First, it is entirely appropriate that Bill S-5 seeks to “recognize that every individual in Canada has a right to a healthy environment” and to “provide that the Government of Canada must protect that right”. However, that means putting in place independent and interdisciplinary mechanisms for scientific evaluation. France did that with its agency for food, environmental and occupational health and safety.

**The Chair:** Thank you, Ms. Vandelac. Unfortunately, I have to stop you there. You will have an opportunity to share more of your thoughts and views when you're answering questions.

**Dr. Louise Vandelac:** Very good.

**The Chair:** Now we go to Ms. Pauzé for questions.

**Ms. Monique Pauzé (Repentigny, BQ):** Thank you, Mr. Chair.

Thank you, Ms. Vandelac. It's an honour to have you as a witness.

You said there were three things we needed to take into account. You mentioned one, but I'm going to give you some time to discuss the other two.

**Dr. Louise Vandelac:** The second point has to do with living organisms, referred to as animate products of biotechnology, which departments assess to determine whether they are or could be toxic. Given the pace of change in the agriculture 4.0 world and the proliferation of living novel entities and the risks they pose, it's time to examine these issues at a much broader level.

Disclosure and confidentiality is something that has come up a lot in the committee's discussions. I think those sections have more to do with protecting companies than with ensuring transparency, which is vital in order to protect public and environmental health. Profound changes are needed to shift the burden of proof in the public's favour and uphold the rule of law more effectively.

It is ironic, to say the least, that the bill places so much emphasis on confidentiality, when—as I'm sure you know—millions of pages of internal documents like the Monsanto papers have been declassified in the United States, where sensational trials have revealed very troubling manoeuvres to hide how toxic certain products are. The Monsanto case culminated in a $10.9-billion out-of-court settlement.

One thing is certain: in Canada, the current situation around access to information is problematic. As researchers, we bear the brunt of that. We submit access to information requests to obtain basic information on available pesticides, only to receive documents that are completely redacted. That is totally inappropriate considering that these pesticides have been linked to health problems such as Parkinson's disease.

● (1600)

My third and final point has to do with carcinogens, mutagens, reproductive toxins and substances that pose other risks, which should raise the highest level of concern.

In reading all the provisions on toxicity, I was struck by the irony of it all. Even though the bill was meant as a response to a very specific context, the bill, in its current form, does nothing to address that context. It is wrong that numerous pesticides, recognized as being carcinogens, mutagens, reproductive and other types of toxins—pesticides with recognized links to occupational diseases—do not appear in Bill S-5.

Pesticide use has doubled since 1988, increasing from 2.3 million to 4 million tonnes. Nearly 80 million tonnes of highly toxic pesticides are still exported to many countries around the world, where 385 million incidents of poisoning a year kill 11,000 people annually.

Those are troubling facts, and Canada needs to act. Canada is way behind many other countries when it comes to pesticides authorized for use.

I will conclude with target 7 of the COP 15 convention on biodiversity: to reduce pesticide use by 60%. This bill may not deal with the issue, but parliamentarians will have to eventually. Thank you.

**Ms. Monique Pauzé:** Thank you, Ms. Vandelac.

Pesticides are precisely what I want to discuss. Critics of stricter environmental protection legislation argue that the Pest Management Regulatory Agency will be the one subject to scrutiny when the time comes to talk pesticides. The Department of Health, however, is directly involved in Bill S-5 and the entire act.

Pesticides are directly linked to the loss of global biodiversity, in addition to causing serious health problems. COP 15 is taking place, and Canada doesn't look good.

Why do we need to put the precautionary principle front and centre when it comes to this aspect of the act?

**Dr. Louise Vandelac:** Not only is it important for the act to capture the precautionary principle, but it's also important to undertake a comparative analysis that takes into account a number of other countries.

A total of 460 pesticide active ingredients are prohibited in 162 countries, but only 29 of them are prohibited in Canada. Out of 144 pesticide active ingredients deemed highly hazardous, only 23 are prohibited in Canada. The European Union has banned 175 pesticide active ingredients, and has not approved 208 others. Of those 383 pesticide active ingredients, 355 are still authorized for use in Canada.

A look at the data as a whole shows how behind Canada is.

● (1605)

**The Chair:** Thank you, Ms. Vandelac. I gave you a bit more time to make up for the technical difficulties you had.

Go ahead, Ms. Collins.

[*English*]

**Ms. Laurel Collins (Victoria, NDP):** Thank you, Mr. Chair.

My first questions are for Nature Canada.

In our last committee with the minister and his officials, I raised the issue of the inadequacy of public participation when it comes to new genetically modified organisms that have wild counterparts. The minister and the officials argued that the review of regulations could address this.

I'm curious about your thoughts on that.

**Mr. Mark Butler:** Thank you for your question.

As you heard, when GE salmon was first approved, the public knew almost nothing about it. There was no notification and very little transparency.

After this committee reviewed that, as a case study, there was a recommendation for improved consultation. The department introduced an initiative called the “voluntary public engagement initiative”, but it's entirely voluntary, and that's the problem.

I don't know whether you want to add to that, Hugh.

**Mr. Hugh Benevides (Legislative Advisor, Nature Canada):** Thanks, Mark.

At Nature Canada's recommendation, in the Senate, the amendment to section 114 was passed, which would allow the government to prescribe “processes for meaningful public participation”. If that clause stands, we can include those rules when the regulations are reviewed, and we'll be ready for the next GE animal.

If we eliminate that clause, we won't be ready and we'll have to wait for the next CEPA bill to come forward. We need that clause in there, and we need rules to lay out how public participation will take place in the act.

**Ms. Laurel Collins:** Can you describe for the committee why, without that important proposed section 114, these regulations wouldn't be able to address the problem of inadequate public participation?

**Mr. Hugh Benevides:** Without our amendments, including those, we won't be able to prevent pollution through the means of greater scrutiny, which, as Dr. Vandelac suggested, is sorely needed.

The public needs notice in advance that an animal is being proposed. They need access to all the relevant information, including the fact that waivers were requested. The rules need to spell out how participation will occur. They need to broadly include the public. A parallel process for indigenous peoples needs to be in place.

I have to point out that the timelines in play, under the relevant regulations, will be a real problem. I think it's up to 120 days. Now, we're going to add public participation, which must still fall within that. That's not going to be adequate.

**Ms. Laurel Collins:** Thank you.

Previous witnesses have expressed concern about the language of “vertebrate animals”. Where does Nature Canada stand on the use of that language in the act?

**Mr. Mark Butler:** If we're talking about protecting nature, a huge chunk of nature is not vertebrates. Think insects, crustaceans, mollusks, etc. If we're talking about protecting the environment, we need to protect all of it. Vertebrates make up a very small part of it. We want to ensure, whether it's a genetically modified crab, shrimp or mussel, that it gets the extra scrutiny that's necessary.

Yes, there are some problems with it.

**Mr. Hugh Benevides:** In order not to interfere with, for example, vaccine production and what I understand is a very high volume of assessments of micro-organisms, the relevant provisions could refer to a living organism having a wild counterpart that is not a micro-organism. We could carve that group out, but catch everything else.

**Ms. Laurel Collins:** Thank you.

You mentioned in your opening statement the issue of inherent treaty rights. This has come up from a number of witnesses when it comes to genetically modified organisms. We have heard from witnesses and first nations leaders who have expressed concerns about genetically modified organisms.

I'm curious. Could you expand on some of your comments?

**Mr. Mark Butler:** I can start.

In the situation in Prince Edward Island with Atlantic salmon, it's a hugely important animal in the lives of the Mi'kmaq. There is nothing more invasive than changing the genome, the DNA of the species, and there was absolutely no consultation engagement and no effort to involve indigenous knowledge.

If you want to put a bridge or a pipeline across a river, or impact salmon habitat, there's some level of consultation required, yet when you change the very blueprint of that animal, there's no consultation or request for consent. It's an issue.

● (1610)

**Mr. Hugh Benevides:** Our suggestion that demonstrable need be shown in relation to a new species is directly related to the government's UNDRIP obligations, including the language in UNDRIP, which was also added to the preamble, that free, prior and informed consent be obtained before a new organism is introduced. That's the flip side of need.

**Ms. Laurel Collins:** Can you speak about the importance of that language of demonstrable need?

**Mr. Hugh Benevides:** Absolutely. Our amendments, as I said, would allow the public to find out whether there is a proposal, but we would also be able to scrutinize whether there's a need for this new animal. This would allow us to prevent pollution, in keeping with the principles of CEPA.

**The Chair:** Thank you.

As I said, you can jump in with those ideas in response to the questions.

Mr. Kurek, you have five minutes.

**Mr. Damien Kurek (Battle River—Crowfoot, CPC):** Thank you very much, Chair.

Dr. Vandelac, in your opening statement and in some of your questions, you referenced CEPA, but you also referenced pesticides, specifically. I understand it's your area of expertise.

I want to get some clarity. We're talking about CEPA. I know there are other acts related to Health Canada, Agriculture Canada and the PMRA. When it comes to CEPA, which is here before us, do you agree that when we're talking about environmental protection, we need to make sure that the application of the different acts remains within the appropriate jurisdictions—whether it be chemicals or pesticides—in the case of the wide variety of classifications that exist under CEPA?

[*Translation*]

**Dr. Louise Vandelac:** Thank you for your question, Mr. Kurek.

Historically, there has been a separation between the Canadian Environmental Protection Act and the Pest Management Regulatory Agency, which has taken over other aspects.

As the science evolves, we now understand that many products that pose very serious health problems and that are pesticides should gradually be considered differently, particularly because of their effects on the environment and biodiversity. That's the case in many countries, which are dealing with these issues together.

[*English*]

**Mr. Damien Kurek:** Thank you very much. I apologize, but time is a precious resource here at the committee.

I'm a little bit concerned that we're conflating some different areas of jurisdiction.

Dr. Boyd, I'd like to continue on a bit with where Mr. McLean left off, on Norway. You made a really interesting comparison. I would suggest—certainly I've read a whole host of information—that it's really Canada and Norway that lead the global pack, if you will, when it comes to environmental protection. Interestingly enough, we're both resource-producing countries. In fact, when I was in Europe fairly recently, there was a celebration surrounding the fact that a pipeline had just been built from Norway to the Republic of Poland.

When it comes to the 153 countries you referenced that have codified this within either legislation or the constitution, there are certainly a few outliers that have an exceptional record. Among those, Canada may not be the top—I'm sure there's debate to be had around that—but it certainly lends one of the best reputations around the planet. Would you agree?

**Dr. David Boyd:** Actually, I've done quite a bit of comparative research looking at the environmental records of various countries. Unfortunately, Canada is not among the top performers. In some categories we are, but in many we are not.

I could give you many examples. In terms of the percentage of Canada that is in protected areas, we're nowhere near the top countries, which already have over 30% or 40% of their national territories protected. When it comes to pesticides, there are many pesticides approved for use in Canada that are not approved for use in Norway—

● (1615)

**Mr. Damien Kurek:** If I could jump in there—again, time is a precious resource here—I'll push back a little bit.

Canada is a very unique country, just in terms of our pure and simple land mass. When it comes to protection, I've looked at some of the numbers. Your point is well taken that we do not fall among the most protected in terms of a percentage of land mass, but I'll tell you that there's a tremendous amount of land that is under significant protection here in Canada.

You specifically mentioned that there had to be enforcement mechanisms. In the 20 seconds I have left, what would you suggest would be appropriate enforcement mechanisms regarding the protection of a healthy environment for Canadians?

**Dr. David Boyd:** As I said, I think that if you adopt the recommendations that were made by this committee back in 2017, you'd be well ahead.

Dr. Vandelac was talking about pesticides, and there's separate legislation, the Pest Control Products Act. When we talk about a right to a healthy environment, if we use the narrow language in Bill S-5, it doesn't apply to pesticides. So the problem is that a Canadian's right to a healthy environment doesn't apply.

**The Chair:** Thank you.

Ms. Thompson, you have the floor.

**Ms. Joanne Thompson (St. John's East, Lib.):** Thank you, Mr. Chair, and thank you to the witnesses.

If I could, I'll begin with you, Mr. Butler.

I understand that one of the concerns of Nature Canada is the current lack of mechanisms for any significant predecision transparency on the approval of living modified organisms under clause 6.

If there was a mechanism for the public to comment on such approvals, what information do you think could reasonably be provided by the public to enhance the decision-making process, given the relative lack of predictable and feasible ways to assess the impact of some living modified organisms on the environment?

**Mr. Mark Butler:** As I previously mentioned, there was no consideration of indigenous knowledge. I think that's a huge gap.

I think there are some serious flaws in how we assess. We assess on a project-by-project basis. We need to assess the possibility that.... I mean, presumably, this company in P.E.I. is not planning to have just one facility and that's it; they want to see this fish used in the industry. We should take a look at the risk of the expansion of that industry. There was a judge's decision in the U.S. on this.

I've talked to a lot of biologist people who work in fish production. That's partly my background. I could say with some confidence—you can question whether the growth rates this company is claiming are real or not—that we could probably get similar growth rates from selective breeding without using genetic engineering.

I think there are a range of issues we could consider that weren't considered.

**Mr. Hugh Benevides:** I've outlined precisely how that would happen. I'm happy to elaborate on any of those stages. Our amendments would really raise the bar for public participation. I can also speak to how demonstrable need would be determined, because that goes together with participation.

Someone said that this was impossible to implement, but, concerning our proposed section 104.1, we think that, in 90% of the cases, give or take, you would know the answer to that articulation of demonstrable need. You would know whether it poses a hazard to the wild counterpart or to biological diversity, or whether it does not. You would know whether it is benefiting biological diversity and bringing other social or environmental benefits or not. You don't need a lot of process to determine that in most cases. Where it doesn't, you have the public to weigh in, interrogate the evidence and help to make that determination.

● (1620)

**Ms. Joanne Thompson:** Thank you.

I'll move to you, Mr. Boyd, because of the limited time.

How do you anticipate courts will use the reasonable limits articulated by government when interpreting the scope of the right to a healthy environment?

**Dr. David Boyd:** Of course, this right has been considered by courts in more than 60 countries over the past four decades. Basically, they will look at the environmental standards that a government has set.

For example, if we're talking about an air pollution case, they will look at the Canadian ambient air quality standards, although they are voluntary. They will determine whether the government is meeting its obligations by comparing levels of air pollution in communities to the standards. Those standards should really be consistent with the latest guidance from the World Health Organization or other international bodies in order to ensure that we're making use of the best available scientific evidence.

**Ms. Joanne Thompson:** Thank you.

I'll just move around the room now to Dr. Vandelac.

Would you be able to speak to the need to adhere to a risk-based assessment process when we're assessing chemicals or pesticides?

[*Translation*]

**Dr. Louise Vandelac:** Yes. Thank you very much for your question.

This involves extremely rigorous work, but it's based first and foremost on independent scientific literature. Unfortunately, that's not the case in Canada. We looked very carefully at the renewal of glyphosate herbicides in 2017, and less than 1% of the independent scientific literature was reviewed.

We know very well that this is a real problem when doing an evaluation—

**The Chair:** Unfortunately, I have to interrupt you, Dr. Vandelac, because time is up.

Ms. Pauzé, you have the floor.

**Ms. Monique Pauzé:** Dr. Vandelac, this isn't really a question, but I'd like you to send us as soon as possible all the figures you gave us earlier comparing what is being done internationally and what is being done in Canada. That would demonstrate what's wrong with Canada.

Mr. Butler, as I just did in my request to Dr. Vandelac, I'd like to ask you to take a few seconds to explain the difference between the European approach to managing toxic substances and the Canadian approach in 2022.

[*English*]

**Mr. Mark Butler:** Hugh, do you think you would be better equipped to answer that question? Is that fair?

**Mr. Hugh Benevides:** I can do some; I can try.

You have heard, I know, that there's more of a hazard-based approach in the EU. I looked at it in an earlier decade when it was introduced, but I haven't kept up as much as our colleagues from CELA and elsewhere have.

I can point, however, as has already been mentioned, to how Norway has dealt with looking at a broader range of considerations. Under its Gene Technology Act, it's required to assess the sustainability, ethical and societal impacts. I have a paper I can provide to the committee where the authors show that the record under that act is that doing so is feasible and it's justified.

[*Translation*]

**Ms. Monique Pauzé:** Thank you very much. I would indeed like to receive this document.

I want to come back to genetically modified living organisms. Why do you think it's important to put the foundations of the precautionary principle at the forefront of this part of the Canadian Environmental Protection Act?

[*English*]

**Mr. Hugh Benevides:** It's important to apply the precautionary principle at the start, because we have to look before we leap. We can't put the genie back in the bottle. We can't put the chemicals back in the bottle. The long title of this act is “an act respecting pollution prevention”. It also talks about principles. The minister mentioned principles, but he didn't identify them.

In addition to precaution, there's pollution prevention and polluter pays. I'm most interested in the first two, because we don't want the polluter to have to pay. We don't want there to be polluters.

● (1625)

**The Chair:** Thank you very much.

Ms. Collins, go ahead.

**Ms. Laurel Collins:** Thank you, Mr. Chair.

I just wanted to give you the opportunity to talk a little bit more about why we need the language of demonstrable need and that principle itself.

**Mr. Hugh Benevides:** Thank you. I would be happy to do that.

The minister said last week that it would be “nearly impossible to implement.” That was the first we've heard of that. I would suggest that not only can we do so, but we must, and it's doable.

I referred to the Norwegian Gene Technology Act for Madame Pauzé. I was referring to the assessment of GE organisms, not chemicals. I apologize if I changed lanes inadvertently. I talked about UNDRIP and how that's related.

The world conservation union, IUCN, the world's largest conservation group—no radical environmental fringe group—has another paper I can provide. It talks about what it calls “synthetic biology”, which applies to what we're talking about here, and how it's “fraught with uncertainty”. It has “negative socio-economic effects” and “may affect the cultures [and] rights” of indigenous peoples.

We would also suggest that looking at the need for and alternatives to projects is something that's long been required in Canada, for decades now, and in most other countries that have impact assessment legislation. This is not a foreign concept.

Finally, socio-economic considerations in relation to the import of what are called living modified organisms are also the same under the Cartagena Protocol. That protocol was made under the Convention on Biological Diversity, and it is apt that we talk about that today. There are 173 countries that are parties to that protocol. Those countries do not include Canada, but we could be party and we could do it.

**Ms. Laurel Collins:** Thank you so much.

In my last minute, I will turn to Mr. Boyd.

Thank you for your testimony today. You mentioned the crucial Senate amendment that fixed the problematic language and the government's original formulation of the right to a healthy environment. Some environmental groups and witnesses to this committee have argued there's a corresponding change that needs to be made to the requirements for the implementation framework, that the legislation should not presuppose the condition of social health, scientific and economic factors, and that those will always justify limiting the right.

Would you agree with that, or do you have comments on it?

**The Chair:** Please give a yes or no, because we're out of time.

**Dr. David Boyd:** Yes, I agree.

**The Chair:** Good.

**Ms. Laurel Collins:** Thank you.

**The Chair:** Mr. Deltell, go ahead.

[*Translation*]

**Mr. Gérard Deltell (Louis-Saint-Laurent, CPC):** Thank you very much, Mr. Chair.

Welcome, everyone, to your House of Commons.

I'd like to begin by thanking Ms. Pauzé for giving up her time so that we could hear the end of Dr. Vandelac's opening remarks. I appreciate it and thank her.

Dr. Vandelac, when you talked about the three elements you wanted to share with us, you started by giving the example of France. Perhaps I misunderstood you, but you were saying that it was a kind of body independent of the government that managed the problem we are facing.

Could you tell us more about that?

**Dr. Louise Vandelac:** Yes.

There are many different systems in many countries. I mentioned the Agence nationale de sécurité sanitaire de l'alimentation, de l'environnement et du travail in France, which requires independent scientists to conduct assessments. These are either requested by the agency or suggested by its scientists. This independence is a very timely and important element, since it makes it possible to restore public confidence, but also to ask the questions much more broadly.

I spoke very briefly about the importance of having a comprehensive perspective, particularly with respect to issues that affect Bill S-5 and that may remain for 20 years. The situation is evolving at such a pace that it is imperative to do forward-looking, interdisciplinary work in order to understand these issues without condemning ourselves at the outset to being extremely late. The very principles of these schemes are independence and reliance on independent scientific literature, not primarily on industry literature.

● (1630)

**Mr. Gérard Deltell:** Let's continue thinking about this.

Do you think this organization should be more focused on the immediate needs and analyses that need to be done on current products, or should it be more focused on those that will be around 20 years from now, because, as you say, the science is evolving so quickly?

Does this require an immediate or long-term perspective?

**Dr. Louise Vandelac:** We can't do without either. We need both. As for the immediate future, given the number of files that need to be reviewed by the public entities right now, I think it would probably be appropriate to pick the ones that are absolutely necessary to keep on this long list. That's why I gave some figures on the pesticide situation in other countries and in other parts of the world.

In addition, there are types of pesticides that have been banned for years elsewhere, including polyoxyethylene amine, used massively, up to 20%, in glyphosate-based herbicides, which has been banned in France since 2016. There is also atrazine, which has been banned since 2003. In short, we are lagging behind on many products.

We need to be aware that the important thing is to analyze what people are using, that is, the complete product, not just what companies say is the active ingredient. Why? Because people, for example, use glyphosate-based herbicides with all kinds of names, including Roundup, but none of them use only glyphosate. It's essentially glyphosate that's being analyzed right now, which is highly problematic.

**Mr. Gérard Deltell:** This shows the importance of having a global vision. I understand you well.

You're talking about committees or independent people. In France, for example, are the people who form these committees only French citizens who live in France and who know their country, or are outsiders also appointed to ensure that they are 100% impartial on local issues?

**Dr. Louise Vandelac:** There are French people, but there is also a Canadian who chairs such a committee. I spoke to him two days ago. So these committees can be made up of people from all over. In any case, to ensure their independence, their members are asked to make a declaration of independence from the outset.

[*English*]

**The Chair:** Go ahead, Mr. Duguid.

**Mr. Terry Duguid (Winnipeg South, Lib.):** Thank you, Mr. Chair, and thanks to our witnesses for a very interesting testimony today.

I met with our Nature Canada friends the other day, so I'm probably going to focus most of my questions to Dr. Boyd.

Dr. Boyd, I have a couple of quick questions.

You talked about the weakness in the CEPA enforcement mechanisms. I wonder how you think it can be strengthened.

Can you comment briefly on the hazard-based approach versus the risk-based approach that we use here in Canada—which seems to be widely applauded; I've heard the environmental community and industry applaud it—the CMP system versus the REACH system?

I'll start there.

**Dr. David Boyd:** Let me take those questions in reverse order.

The more we learn about the impacts of chemicals on human health and the environment, the more important it actually becomes over time to take a hazard-based approach. A hazard-based approach is more consistent with the precautionary principle, which has been discussed earlier today. That's critically important.

In terms of enforcement, the citizen enforcement provision in CEPA.... The first thing we need to do is understand very clearly that what is in the law today is completely unworkable. It creates obstacles, and the fact that it's never been used is clear proof of that.

We need to rethink that. We need an enforcement mechanism under CEPA that provides access for citizens to justice, whether it's through the courts or through some other type of tribunal that is accessible and affordable and has protective measures in place, so that you cannot, for example, bring frivolous or vexatious claims.

I actually provided extensive detail about what an effective and fair enforcement mechanism would look like in a brief to this committee back in 2016. I'd be happy to forward that brief or portions of that brief to you.

● (1635)

**Mr. Terry Duguid:** If you could forward that to this committee, that would be great.

I have another question. I'm intrigued by the testimony surrounding ambient air quality standards in Canada.

I'm not a lawyer, but I do know the environment is an area of joint jurisdiction. The jurisdictional complexities here in Canada are different than they are in the U.S. I wonder if you could parse those out for us. The reality we face in this country is that we're a very regional country. As you know, there are some pretty good dust-ups happening as we speak in real time on just where the federal government can and should intervene, and where it shouldn't.

The approach that has been suggested by the government is consultation with the provinces, and then defining this space of ambient air quality standards through the implementation framework.

**Dr. David Boyd:** There are many federal states, all of which have unique circumstances, but many federal states do have legally binding ambient air quality standards, such as the United States. Even if you look at the non-binding Canadian ambient air quality standards—and “standards” is a bit of a misnomer—they are developed through a process of extensive consultation with the provincial, territorial, and indigenous governments.

We have a process in place. It's simply that this process results in voluntary standards, and the result of having voluntary air quality standards is that there's not sufficient action taken when those standards are being violated. Where are those standards being violated? They're not being violated in Rosedale or Forest Hill. They're being violated in communities that are poor, marginalized, or vulnerable.

This is a really important question of environmental justice. The existing voluntary standards that we have are not serving Canadians. That's evidenced by Health Canada's conclusion that air pollution causes over 15,000 premature deaths a year.

We've been doing voluntary guidelines for air quality for decades and decades. They haven't solved the problem, so it's time for stronger medicine.

**Mr. Terry Duguid:** Thank you.

**The Chair:** I'd like to follow up on that, because that's something that interests me as well.

If they're voluntary—and I make the analogy with drinking water guidelines—is it because previously the provinces just never indicated that they'd be prepared to do something binding?

**Dr. David Boyd:** There has been that tension, as there is on every issue in Canada between the provinces and the federal government.

**The Chair:** Understood.

**Dr. David Boyd:** In some provinces, there are legally binding air quality standards. The problem is that those standards are not consistently legally binding across the country.

**The Chair:** Thank you, Dr. Boyd. It's always a pleasure to listen to you.

It's been wonderful to listen to all the witnesses. You've prepared us well for the clause-by-clause segment of this study of the bill, which will begin on Friday. Thank you for being here.

We'll take a brief pause, and we'll continue with our second panel.

● (1635)

_____(Pause)_____

● (1640)

**The Chair:** Welcome to our second panel.

We have with us Franny Ladell Yakelashek and Rupert Yakelashek. I take it you're related. They are youth environmental rights activists.

From Breast Cancer Action Quebec, we have Jennifer Beeman and Dr. Lise Parent; and from Cosmetics Alliance Canada, we have Darren Thomas Praznik.

We'll start with Franny Yakelashek, for three minutes, please.

**Ms. Franny Ladell Yakelashek (As an Individual):** Hello. It is an honour to be speaking to you today from the Lekwungen-speaking peoples' homelands in the city of Victoria.

Our names are Franny and Rupert, and we're 15 and 18 years old. We are not climate scientists, industry leaders or policy experts, but we are engaged citizens who care about the environment and environmental rights.

**Mr. Rupert Yakelashek (As an Individual):** When I was 10 and my sister was 7, we learned that more than 100 countries around the world have recognized their citizens' right to live in a healthy environment, but Canada is not one of them. Having grown up believing that Canada was an environmental and human rights leader, we believed our rights were protected. We were confused and disappointed.

Although we were young, we felt it was our responsibility to work to help create the country we wanted, needed and deserved, so we began our journey raising awareness about environmental rights and making social and political change wherever we could.

For the last nine years, we have been working with all levels of Canadian government to encourage them to formally recognize environmental rights. We helped support 23 municipal declarations in our region, and I've been working with local and provincial political leaders around provincial and federal recognition of environmental rights.

When we were young, we thought we were so lucky growing up in Victoria, where there is so much natural beauty and we felt so safe. As we grew older, we realized that we weren't immune to feeling or experiencing the impacts of unsafe environmental conditions.

It's overwhelming thinking about all of the problems in the world, or even in our own country, so we like to focus on solutions. We believe that adding environmental rights to Canadian law will give individuals, vulnerable populations, communities and their local environment the ability to be healthier and more secure, and we believe it would benefit Canada by adding to its global reputation.

**Ms. Franny Ladell Yakelashek:** Times have changed since we first learned about environmental rights. Environmental rights awareness has increased. People are talking about it and we hear about it in the news, but during this time, the environmental situation has become more dire. Most people in Canada have been touched by some kind of environmental disaster in recent years. It only makes sense why so many young people feel overwhelmed and powerless or have lost hope. Like many of my peers, I suffer from eco-anxiety. Every day I worry about pollution, plastics, species loss, the climate crisis, flooding, wildfires, our air, our water and more.

Working toward a healthier and more sustainable future gives me hope. Having the Canadian government consider taking the historic step of adding environmental rights to Canadian law for the first time gives me hope too. It is important to us that the next generation of Canadians grows up in a country where the rights to clean water, clean air and healthy food are protected by Canadian law, and where the Canadian Environmental Protection Act has been modernized.

Finally, the world is ruled by adults, but it will be the youth who inherit the consequences of the decisions made here. We sit here before you, asking you to take steps for a safer and healthier future.

Thank you for listening.

**The Chair:** Thank you very much. That's right on time at three minutes.

We'll go now to Ms. Beeman.

[*Translation*]

**Ms. Jennifer Beeman (Executive Director, Breast Cancer Action Quebec):** Good afternoon, everyone.

[*English*]

We thank the committee for this invitation and for your important deliberations.

Breast Cancer Action works in collaboration with a wide range of groups across Canada but particularly with the women’s health and environmental groups in Quebec. Our 11 organizations think it is vital to put the specific relationship of women to toxics into these deliberations.

Women as a gender carry a heavy load in trying to negotiate how to reduce toxic exposures for our own health and that of our families, particularly our children, but this heavy load is much heavier for racialized women.

In addition, there is a vast range of sex-specific effects from toxic exposures that include increased risk for early-onset puberty, fibroids, endometriosis and hormone-dependent cancers, particularly breast cancer, to name just a few.

The issue of toxic exposures during pregnancy is one of the worst vulnerabilities that women and people with ovaries have to manage as the people responsible for the health of the developing fetus. Pregnancy is an absolutely critical window of vulnerability for the fetus to toxic chemicals with potentially lifelong effects. These include serious neurological disorders, malformations to the reproductive system for both sexes, important effects on metabolism and much else.

Finally, for all these health risks, endocrine-disrupting chemicals are of particular concern because they can cause harm at infinitesimally small doses, meaning that no safe threshold can be established for risk management.

There is an inherent problem in our risk-based system in that it requires there be exposure to toxic chemicals before risk management actions are assessed and implemented. The system requires people in Canada and the environment to be exposed to toxics before action is taken.

The question of confidence in our chemicals management in Canada has rightfully been identified as a major issue. People, particularly women, are always shocked when they learn that substances go into use before they are fully assessed for their health and environmental impacts.

Transparency is the first step to re-establishing confidence in our chemicals management. To be clear, women do not want transparency so that we can choose to not buy products with toxic chemicals. We need transparency so that companies assume responsibility for the substances they use, so that government is accountable to citizens for the actions it takes or doesn’t take, and so that scientists and independent advocacy groups can study the data and make recommendations to government. Right now, we are in the dark on all these issues.

In terms of Bill S-5, we understand there will be more to do to modernize CEPA, but there are appreciable steps forward for the sections it addresses, and, with strengthening amendments, it would move CEPA forward with a significant update. These amendments would include, among others, mandatory labelling of harmful substances, mandatory timelines for assessments, as well as a strong implementation framework for the right to a healthy environment.

Thank you, and we look forward to your questions.

● (1645)

**The Chair:** Thank you very much.

I was remiss in forgetting to mention that Dr. Lise Parent, professor, is with us also from Breast Cancer Action Quebec.

We'll go now to Mr. Praznik for three minutes.

**Mr. Darren Praznik (President and Chief Executive Officer, Cosmetics Alliance Canada):** Thank you very much, Mr. Chair.

My name is Darren Praznik and I'm president and CEO of Cosmetics Alliance Canada. We represent the cosmetics and personal care products industry in Canada.

After listening to so many of the other presenters here today, I can tell you I'm not here today to speak on many of the very important issues that they addressed. I'm here to deal with something much more mundane, which is how the act is actually implemented and carried through to encourage compliance.

I want to start off, first of all, by saying that we have been actively engaged in the CEPA process for well over a decade, since its inception. We are fully supportive of CEPA and the kind of evaluation of substances that have been in commerce and are new, which go into the products we make and others make. As other presenters have indicated, certainly a substance should be safe for both human health and the environment.

We support CEPA. We support the reform under this act. We supported it when it was introduced in the principle. Some amendments have been made that you'll be considering.

Of the amendments coming out of the Senate, the one that specifically gave us concern was clause 67.1, which calls for review of products on the basis of whether or not there was compliance with imports versus manufactured. I think it was premised on an erroneous bit of information. Products have to meet the same standard whether they're imported or manufactured in Canada. We don't think clause 67.1 really does anything, and the department of trade is not the appropriate mechanism. I've included some comments in my brief on how to make it more effective, if you choose not to eliminate it but to amend it.

The other issue I wanted to flag in my comments with respect to implementation and the encouragement of compliance—which I think everyone agrees is important—is that there are some fundamental principles and one of them is “best placed act”. I can't argue that enough, simply because when you create regulations under two sets of acts that apply to a product, whether they be on labelling or others, you create confusion. You're going to get contradictory requirements. We're already seeing some of that now. The environment department has started to create almost a second set of regulations over the Food and Drugs Act and Health Canada. It's leading to certain circumstances where things are just not working well and they're not supporting good compliance practices.

I would also like to bring to the attention of the committee, in my remaining time, that under CUSMA, these principles are recognized for cosmetics. I would flag, on page 3 of my document, four particular articles in CUSMA. One recognizes that each party under CUSMA “shall avoid adopting or maintaining unnecessarily duplicative...requirements with respect to cosmetic products”. The second is that each party shall use “a risk-based approach” for cosmetics.

**The Chair:** Unfortunately, we're out of time.

They're there for people to read.

Thank you, Mr. Chair.

● (1650)

**The Chair:** Thank you.

Mr. Deltell, go ahead.

[*Translation*]

**Mr. Gérard Deltell:** Thank you very much, Mr. Chair.

Good evening, everyone, and welcome to our committee.

[*English*]

Mr. Praznik, you're in the heart of our thinking when we see Bill S-5 because you're in the business where your product is in direct contact with people.

First of all, let's talk about the watch-list. I think you have some concern with that. Can you explain your position on that?

**Mr. Darren Praznik:** To some degree, it's been argued that the watch-list is kind of like the whole SNAc process of warning, etc. Some in industry are worried about it.

I speak as a former regulatory minister for Manitoba, where I was responsible for several departments. If a list is flagging a substance for which there may be matters of concern that require further investigation—I'm talking primarily not about new substances that require review, but substances that have been in commerce for some time—flagging it on kind of a yellow-light watch-list tells people that more work may be necessary and that it's being watched for evolving science, etc.

If it's used effectively and appropriately, I think it could be a valuable tool. If, however, it just becomes a way of flagging something for which there hasn't yet been a conclusion and that negatively taints it without evidence, that would be a problem.

**Mr. Gérard Deltell:** Your industry obviously is a global industry. Do you have any examples in the world that can be inspiration for us when we talk about watch-lists?

**Mr. Darren Praznik:** Pardon me. I wasn't able to hear you.

**Mr. Gérard Deltell:** Your business is a global business. My question is, do you know any country that could be inspirational for us about watch-lists? We will have a watch-list, but do you have a country that can be a guide for us?

**Mr. Darren Praznik:** No. I'm not necessarily aware of one. I think the issue with the watch-list has been one of fear about how it will be used. As I indicated in my presentation, if it's used as a yellow light for watching existing chemicals, it could be useful. If it's used as a pre-emptive red light or a pre-emptive green light, then it wouldn't be really fulfilling the purpose that I think would be reasonable.

**Mr. Gérard Deltell:** Let's talk about what is written in Bill S-5. We raised the issue that there are some duplications in this bill, especially in terms of your concerns as an industry. You raised the fact that there is some confusion right now. Do you think this bill can clear the air, or will it do exactly the reverse?

**Mr. Darren Praznik:** To some degree, my comments are preemptive. There has been some proposal to do an additional labelling requirement. I'm referencing finished consumer and health products. If you create a second labelling regime, Health Canada already has mandatory ingredient labelling for our products using an international nomenclature. They already have the ability to put warnings, etc., on our products. All the tools are there to represent any concerns that people may have.

We've also been very strong with Health Canada in promoting digital labelling, which allows you to provide a lot more information, some of which has been requested by other presenters here today. You could add that information through a digital label to provide more information to consumers rather than add it to the product label, which would just increase product size and environmental issues.

We've had concerns around some additional labelling requirements that have been proposed that might come through amendment, but if you talk about duplication, I can say this. We worked very strongly under the Harper government with a New Democrat MP, Mr. Masse, to bring about the ban on plastic microbeads. That had the unanimous support of the House of Commons. It was enacted through CEPA. We requested, with Mr. Masse, that it be added to the cosmetic ingredient hot list so that every importer and every manufacturer would know that it's there. Well, the silos, Health Canada and Environment Canada, said they couldn't do that, so it's in two separate places. We've recently had companies, not our members, call us to say that they've been caught with plastic microbeads in their products. They didn't know. They checked the Health Canada list and it wasn't on.

It kind of shows that the act is important, but if you don't focus on the specificity of how you implement it and encourage compliance, you're not going to get the level that I think everyone appearing before this committee wants to see.

● (1655)

**Mr. Gérard Deltell:** That's very interesting. At the end of the day, who won this? Was it Health Canada that got it?

**Mr. Darren Praznik:** I think what we're looking for is that there wouldn't be duplicative labelling requirements put on finished consumer products. Certainly, under CUSMA, that would be contrary to the commitments of the Government of Canada, endorsed by the Parliament of Canada, for cosmetic products. Most importantly, I think we need to see a commitment from Environment Canada to work with Health Canada and sort this out so that administratively we have one-stop shopping for this information. Every importer and every manufacturer could go to one place and get the information in the ingredient language they're familiar with in order to be able to ensure compliance.

**Mr. Gérard Deltell:** That's pretty interesting.

Thank you so much.

**The Chair:** Thank you, Mr. Deltell.

Ms. Taylor Roy is next.

**Ms. Leah Taylor Roy (Aurora—Oak Ridges—Richmond Hill, Lib.):** Thank you, Mr. Chair.

Thank you to our witnesses for being here today.

I'd like to start with Franny and Rupert, if I may call you that. We've heard your testimony. Thank you for your work and for being here today.

You mentioned the importance of a right to a healthy environment. Clearly, it's something that we want to introduce in this bill. Do you feel that the way it's being proposed in this bill gives you hope? Is this adequate? Is it a good start? Do you have any specific recommendations or concerns around this?

**Mr. Rupert Yakelashek:** I can take that question.

As we said in our speech, we're not lawyers or anything. We're just people who care about the environment and who want Canada to have the level of environmental protection that we need. I think the amendments proposed are what we need for this to be what we need it to be.

**Ms. Leah Taylor Roy:** Thank you very much.

Dr. Beeman, I'd like to go to you now, if I may. I've heard a lot of concerns from women's health groups in particular regarding carcinogenic agents. We've been talking about labelling. I know that some people have argued against mandatory labelling of toxic substances because it would impose prohibitive costs for little clear benefit. We've also heard the arguments that we don't need to put it into CEPA because of the “best-placed act” concept.

I just want to understand this from you: If we have these labelling requirements in other places, why are you suggesting that we have greater labelling requirements in CEPA? Do you think it would provide any additional benefits?

**Ms. Jennifer Beeman:** I can't say that.... Our experience comes from women's health, and much less in terms of the interaction of different acts.

The most important principle is for mandatory labelling to be at the top of the chain, in terms of sectors that are covered and what's required. I can't speak to the question of the best-placed act, but it can't be used as a reason not to move forward with mandatory labelling. “It would provide little good” is, I think, a very pernicious argument.

There's a whole ingredient transparency movement happening, particularly in the United States. We need to be part of this and work out the best place to put it. From our analysis, working with colleagues, that's in CEPA.

● (1700)

**Ms. Leah Taylor Roy:** Thank you.

We heard from Dr. Meg Sears from Prevent Cancer Now. She argued that we need certain language and definitions around toxic substances to be updated, in order to provide end points that offer clarity on the idea of adverse effects, particularly around endocrine disruptors such as bisphenol A.

Can you elaborate on whether such language is necessary and why it's of particular import, through a women's health and feminist policy-making lens?

**Ms. Jennifer Beeman:** Endocrine-disrupting chemicals are major issues regarding toxic regulations. They defy the risk-based management of toxic chemicals.

My colleague, Lise Parent, is better equipped to explain why you can't establish a safe threshold of exposure. That's the key element. I would ask Lise to explain why this is such a problem.

[*Translation*]

**Dr. Lise Parent (Full Professor, Breast Cancer Action Quebec):** Endocrine disruptors, such as bisphenol A, phthalates, polybrominated diphenyl ethers, and perfluorooctanoic acid, among others, are substances that don't behave in the same way as the old substances we were working on.

These substances mimic hormones and can have effects, even if they are found at very low doses. Their effects also depend on what we call the window of vulnerability. For example, if someone my age is exposed to these substances, the effects won't be the same for them as for a young person or a child still in the womb.

What's important to remember is that, when we want to manage these substances and do risk assessment or risk management, we can't take into account all the exposure. This can be done for the use of cosmetics, for example, as was mentioned earlier. We can indeed have standards or restrictions for a use, but these substances are used in so many different products that they are part of our everyday objects. In other words, they are everywhere.

It's important to know that most of these substances didn't exist 40, 50 or 60 years ago. Now every being on the planet, including polar bears, has them in their blood and urine, which isn't normal. We must ensure that we're protected from global exposure.

**The Chair:** Thank you for giving us that fine explanation.

Ms. Pauzé, you have the floor.

**Ms. Monique Pauzé:** First of all, I would like to congratulate Ms. Ladell Yakelashek and Mr. Yakelashek for their commitment. I would also encourage them to get involved in making sure that there are courses on the healthy environment on the school curriculum. Having said that, I don't have a question for them.

Ms. Beeman and Ms. Parent, thank you for being with us.

In your brief, you want the burden of proof to maintain the so-called corporate confidentiality to be on the requesting company. You also talk about mandatory disclosure or non-disclosure of substances under the Access to Information Act. I'd like you to talk about corporate accountability and transparency, or lack thereof.

**Ms. Jennifer Beeman:** Thank you for your question, which raises a challenge that we are very familiar with: you can't do anything to protect yourself from toxic substances if you don't have information about them.

When a company asks to have its product information declared commercially confidential, which is granted without asking for justification and assuming that the request is legitimate, that is very problematic. As other groups have said, according to audits by the U.S. Environmental Protection Agency, this is not legitimate in one third of cases.

In order to successfully reverse the burden of proof, the request for confidentiality must be justified. In that regard, it would be more prudent not to assume that the request will be automatically granted.

● (1705)

**Ms. Monique Pauzé:** Thank you.

They say that pollution prevention is discretionary and not mandatory. What do you have to say about the fact that the government decided in 1999, in Part 4 of the Canadian Environmental Protection Act, to take a pollution reduction approach? This industry-led approach has kept substances in commerce and the environment.

**Ms. Jennifer Beeman:** Unfortunately, I don't know what you're referring to.

**Ms. Monique Pauzé:** I was referring to the 1999 act and trying to see if there is a way to change it so that it doesn't favour a pollution reduction approach.

I'm going to ask you another question related to what you sent us. You talked a lot about endocrine disrupters. This is in addition to the hundreds of studies that have been published on this.

What do you think should be the priority in the bill to protect human health, particularly that of women? I am talking about the risk of carcinogens, mutagens and reprotoxins to the fertility of men and women.

**Ms. Jennifer Beeman:** Legislation's effectiveness depends on how it's applied.

We're very concerned about the department not meeting the timelines. Sometimes there are gaps between the preliminary and final assessments that make no sense, where the public is exposed to these substances. For triclosan, for example, eight years elapsed between the preliminary assessment and the publication of the final assessment.

So we need much more rigour and clear requirements. The government must be accountable for the work it has to do and make the information public. Canadians should have the right to know where assessments are at and how the government is working. This is a major concern right now.

It's somewhat as a result of your very interesting deliberations that we've seen the extent to which the department seems to be denying any responsibility for the information to be made public and the need for clear timelines.

**Ms. Monique Pauzé:** In your brief, you talk about the importance of the right to a healthy environment, enshrined in the preamble of the bill. The proposed new section 5.1 of the bill states that "the Ministers shall, within two years … develop an implementation framework …".

How do you think these famous principles of environmental justice, non-regression and intergenerational equity should be taken into account? Should we let the minister decide?

**Ms. Jennifer Beeman:** Our focus is a little more specific, and we are not the expert group on the right to a healthy environment.

However, I can tell you what we're concerned about. We need to be very clear that the right to a healthy environment includes the entire program of management, assessment and control of toxic substances. The implementation framework proposed in the bill would be critical to understanding that.

**The Chair:** Thank you.

[*English*]

Ms. Collins, go ahead.

**Ms. Laurel Collins:** Thank you, Mr. Chair.

I want to thank all the witnesses for being here.

My first few questions are for Franny and Rupert.

First of all, thank you so much for coming to the committee, and thank you for your years of advocacy for a right to a healthy environment.

You had only three minutes in your opening remarks, so I want to give you an opportunity to tell the committee a little more about your background, the work you have done, and anything that you weren't able to include in your opening statement.

**Ms. Franny Ladell Yakelashek:** Thank you so much for the question.

We started this journey many years ago at the municipal level when we learned that Canada does not recognize our right to a healthy environment. We wrote letters to the municipal candidates of the local municipal election to ask them to become champions for environmental rights. Many of them were elected and, at the first council meeting, Rupert and I made speeches, and they unanimously passed a declaration of environmental rights. We followed up by helping 23 more municipalities also make declarations of environmental rights.

After that, we turned our attention to the provincial and federal levels of government. We had countless meetings and wrote many letters to raise awareness about environmental rights. We also, around that time, had the opportunity to travel to Toronto and San Francisco to speak to business leaders and international youth leaders about environmental rights.

Also, over the years, we've been able to connect with the community over environmental rights on many occasions. We have done presentations to youth, community groups and schools. We've hosted Victoria Earth Day events. We've co-hosted environmental film screenings and done projects with the Victoria art gallery and the Royal BC Museum. As well as that, we've created materials to teach young people about environmental rights.

● (1710)

**Ms. Laurel Collins:** Franny, thank you so much.

Because we have only six minutes here, I want to ask you a couple more questions.

We've heard from a number of witnesses about the need to strengthen the right to a healthy environment. A couple of examples have been given. We have heard from indigenous leaders, who were asking to expand the right to future generations. We heard, in our last panel, Dr. Boyd talking about the need to ensure that the right isn't limited unduly by social and economic factors.

Would you support amendments to strengthen the right to a healthy environment to include future generations and to ensure that it's not limited in those ways?

**Ms. Franny Ladell Yakelashek:** Thank you for the question.

Yes, I definitely would. It would give youth the message that our political leaders care about us and future generations. Having these laws updated to keep people healthy and to protect our air, water and food would give youth something to be hopeful about. To be honest, youth need to be hopeful right now because the future is looking pretty bleak, and youth need to feel security about their future. We need political leaders to step forward to show their support for youth, their health, their mental health and their future.

**Ms. Laurel Collins:** Thank you so much.

I feel as though we need to take those words with us as we move forward.

Do you want to expand at all—you talked about eco-anxiety in your opening statement—on why it's so important to include youth's voices in these conversations?

**Ms. Franny Ladell Yakelashek:** Thank you for the question.

It's very important, because this is our future, and bringing youth to the table and addressing youth in regard to this is a very important part of the process.

Rupert, would you like to add anything?

**Mr. Rupert Yakelashek:** As Franny said, the decisions made today will impact generations into the future. The main purpose of adopting environmental rights is to protect the environment and the world into the future for future generations.

**Ms. Laurel Collins:** Thank you so much.

My next questions are for Jennifer Beeman and Lise Parent.

I really appreciated your comments about mandatory labelling.

I also want to follow up on some of your comments about timelines. We've heard from a number of environmental groups arguing for set timelines on public requests for assessments, priority planning and finalizing substance assessments in CEPA. Can you speak a bit more about strengthening those areas?

**Ms. Jennifer Beeman:** Thank you for the question. It's a really important one.

As I said previously, a law is only as good as its application. The process of assessing and getting the risk management plans in place is essential. We're just seeing there have been cases of major lags and not getting things like a proper response to requests for information.

There need to be a series of amendments, particularly around timelines, but also on some other issues, because the government needs to be accountable to citizens for its work.

● (1715)

**Ms. Laurel Collins:** Our time is up, but I'll follow up in my next round of questions to give you some more time.

**The Chair:** Thank you.

We're going into the second round, which is going to have to be a discount round. It's a 20% discount.

**A voice**: Usually, you get more.

**The Chair**: We'll have four minutes and two minutes.

We'll start with Mr. McLean.

**Mr. Greg McLean:** Thank you very much.

My first question will be for Mr. and Ms. Yakelashek again. Thank you very much for your input here today.

We've heard a lot of people suggest that we need to have the right to a healthy environment enshrined. We're debating whether that should be here or somewhere else.

You talked about going to 10 different countries, where you saw there was a right to a healthy environment. Can you tell us which countries those were and which ones you thought had a better environment than Canada as a result?

**Ms. Franny Ladell Yakelashek:** Thank you for the question.

I, unfortunately, have not been able to travel to different countries to see environmental rights in action. However, I know that there are many countries where environmental rights are making a real difference in the lives of their citizens, such as Costa Rica.

**Mr. Greg McLean:** Thank you very much.

This, as I've said, is an important consideration that we have to take here with this bill. It is a right. Canada has the Charter of Rights and Freedoms.

In your opinion, would this be better placed in this single piece of legislation, or would it be better placed in Canada's Charter of Rights and Freedoms?

**Mr. Rupert Yakelashek:** As I've said before, we're not environmental lawyers. This might be perhaps a question better asked of David Boyd.

**Mr. Greg McLean:** Okay.

Thank you very much. I appreciate that as well.

Let me turn now to Mr. Praznik. I really appreciated your input here about CUSMA. It's the first time we've heard about the overlap that is going to result from this. CUSMA has already identified it as something that has to be streamlined, so that foreign entities don't need to go through two processes in order to get their products certified in Canada.

Interestingly, would you propose an amendment that would label a subsidiarity in Health Canada over the CEPA, or would there be superiority in this bill?

**Mr. Darren Praznik:** Thank you for the question.

Under CUSMA, there's a cosmetics annex in the sectoral annexes that the Parliament of Canada endorsed. There were a number of principles with respect to how cosmetics are to be regulated. We're the only sector that has this provision in CUSMA.

They include not having duplicate regulations. You shouldn't have two sets of labelling requirements. Whatever you want to do in labelling should be under one set, for efficiency.

You should apply a risk-based system.

The parties use INCI, which are international nomenclatures that are known by consumers, importers and manufacturers. Using necessarily chemical codes and what have you to determine a substance isn't an easy way to recognize it for most consumer industries. This recognizes that as the important labelling provision for nomenclature.

It recognizes that cosmetics have a lot in common with drugs and natural health products. Toothpaste can be a drug, a cosmetic or a natural health product, and they should be regulated together.

These are the four guiding principles.

What we've asked is, if there is a provision inserted in this bill with respect to additional labelling requirements, it should exempt those products that already have mandatory ingredient labelling. If you have two sets of requirements, you're going to have different rules for size, font size and where they're located. How does anyone comply?

Again, that's the principle of the “best-placed act”. If you intend to add any of that to the bill, we think that you would want to exempt anybody now who is covered by another consumer product legislation that has labels—

**The Chair:** It's only a four-minute round.

**Mr. Greg McLean:** Will you provide some language that would make that clear as to getting that superior legislation so that, once it's complied with, you don't have to jump through any of the hoops?

**Mr. Darren Praznik:** We could, if you are interested.

**The Chair:** Please send us some language, Mr. Praznik.

We will go to Mr. Longfield.

● (1720)

**Mr. Lloyd Longfield (Guelph, Lib.):** Thank you, Mr. Chair.

First of all, thanks to the Yakelasheks for being here. I have been a member of Parliament for seven years, and I think, first of all, we don't hear enough from youth. When we do, youth are so well spoken. You guys were just terrific today.

I met with my youth council last Monday night. Their biggest concern was the environment and the anxiety that surrounds environmental issues.

One of the things I want to ask you guys is, as we go forward and implement legislation, how can we bake into the implementation that we consult with youth voices? The second part of that question is, do you speak to other youth across Canada? I would love to have you as guest speakers to my youth council.

**Mr. Rupert Yakelashek:** To quickly answer the second part, we have done various presentations and speaking engagements before.

To answer the first part of your question, we believe that, just because most youth aren't old enough to vote, it doesn't mean that they don't have a say. It doesn't mean that they don't have a say in the decisions that are being made by the governments that are affecting them, their futures and future generations.

I think it would be very good, as you said, to get more input from youth, especially with stuff like environmental rights and the CEPA amendments, which are going to be carried out into the future and have a huge impact on the way future generations live.

**Mr. Lloyd Longfield:** Yes, and youth voices are voices we need to hear. When we're talking about future generations, you're already here.

Thank you for participating today. I would love to spend more time with you, but we're on the short round, and I want to switch over to Mr. Praznik.

You mentioned trade agreements and Canada's competitiveness. We have heard other witnesses talk about confidential business information versus the public's right to know. As we're working in a global innovation sphere, how do we balance the public's right to know with confidential business information, knowing that businesses have a selection of countries they can deal with?

**Mr. Darren Praznik:** Specifically for our industry, very little of the information we have is protected by patents or other copyright.

The real question for us is, if you're bringing a new substance, and you provide data, etc. for the regulator, no one has any problem with.... The regulator should see all of that. The issue comes in if you're getting an approval for a new substance, and your competitor then rides on the information that you have had to undertake and pay for. There's usually a two- or three-year period when they are prohibited from using that data, but they can recreate their own data and submit. That's usually, in the case of our industry, what we're looking for.

**Mr. Lloyd Longfield:** It's setting a definition.

**Mr. Darren Praznik:** Yes. It's not to prevent people from seeing the data. The regulator should have it. It's allowing free riders on the work that has been done.

**Mr. Lloyd Longfield:** Thank you for clarifying.

The Senate committee also amended clause 10 of the bill to provide the minister with a permissive authority to identify users, manufacturers, importers, etc. of certain substances by publishing a notice in the Canada Gazette.

Do you feel that this is the right place for this? Do you have any concerns around using the gazetting process?

**The Chair:** You have 15 seconds.

**Mr. Darren Praznik:** The gazetting process is a known, established means, and I wouldn't have enough feedback from my industry to give you a fair assessment of that provision.

**Mr. Lloyd Longfield:** Thank you.

[*Translation*]

**The Chair:** Go ahead, Ms. Pauzé. You have two minutes.

**Ms. Monique Pauzé:** Thank you, Mr. Chair.

Ms. Beeman or Ms. Parent, I would like to come back to the right to a healthy environment. In your opinion, shouldn't Bill S-5 at least include a definition of what constitutes a healthy environment? Other countries talk about a safe and sustainable environment, for example.

**Ms. Jennifer Beeman:** Yes. I would say that it's surprising that this definition isn't part of the bill and is being deferred to the implementation framework, as I understand it from the Minister of Environment and Climate Change.

As I said, we're not a group with expertise in this area. However, I think it's frustrating for everyone, and it's obvious that it would have been better to include a definition in the bill.

● (1725)

**Ms. Monique Pauzé:** Thank you, Mr. Beeman.

Ms. Ladell Yakelashek and Mr. Yakelashek, you've made good contacts. You went to the municipalities, and I think the municipalities are places where people are very aware of environmental problems. When they have to provide drinking water to their citizens, for example, they understand what's happening with climate change.

You're so environmentally conscious that you are appearing before a House of Commons committee, which is pretty impressive.

My question is similar to a question asked earlier. Did your school curriculum include any lessons on this topic?

[*English*]

**The Chair:** Perhaps you could do 10 seconds each.

**Mr. Rupert Yakelashek:** Thank you for the question.

For a large quantity of our schooling—because the traditional school system often doesn't go into the detail we would want in various subjects—we did distance learning so we could tailor our schoolwork to special interests, and a lot of that was about environmentalism, the environment and our relationship with it. From a young age, we knew and learned that humanity is a part of the environment, and about the damage we do to the environment.

**The Chair:** Thank you.

Franny, would you like to say something about that?

**Ms. Franny Ladell Yakelashek:** Yes, just to continue what Rupert was saying, from an early age we learned that what we do to the environment directly comes back to us, because we are a part of the environment, and the decisions we make around the environment are essentially decisions that we make about our health.

**The Chair:** Thank you very much.

We have Ms. Collins for two minutes.

**Ms. Laurel Collins:** Thank you, Mr. Chair.

I did want to give Ms. Beeman the opportunity to continue on timelines.

You were in the middle of giving some examples and talking about the importance.

**Ms. Jennifer Beeman:** It's essential that the work progress in a predictable, transparent manner. The fact is that there are no timelines currently, for example, in terms of the risk assessment—the initial assessment and the final assessment. There will be important timelines coming up, for example, for the accountability framework that's in Bill S-5. It's clear they need to be mandatory.

As I said, it's a question of also the government being accountable for its work. We need to know where things stand. There have been cases in terms of chemical assessments that have dragged on—for example, the preliminary assessment was finished in 2017, and there's still no news of a final assessment.

The question that came to my mind was this: What workplace would allow this? We need clear timelines with other mechanisms to strengthen the application of the law.

**Ms. Laurel Collins:** Thank you so much. You painted a very clear picture.

In the last 15 seconds, I want to thank all the witnesses, especially Franny and Rupert for their years and years of advocacy, and for being the two people who really gave me the first spark of fighting for the right to a healthy environment. Thanks for being here.

**The Chair:** Thank you.

Mr. Kurek, go ahead.

**Mr. Damien Kurek:** Thank you very much.

I appreciate the perspectives brought forward by all of the witnesses. Although I don't have questions for our two younger witnesses, I appreciate their involvement. I first joined the political party that I'm now a member of Parliament for when I was 14 years old, and I was elected at 29. Who knows what your futures might hold?

Mr. Praznik, the Senate has offered us a definition of the characteristics of a substance of highest risk, but I'm curious if you can expand on that. They've offered us a definition that we've heard from some witnesses narrows what defines a substance of highest risk. I'm wondering if you can provide some details as to what your association feels on that matter.

● (1730)

**Mr. Darren Praznik:** I can't get specifically into that matter, but generally speaking, when the CEPA process did the review, going back some years ago, of in-commerce substances, they did an assortment based on highest risk, medium risk and lowest risk, and they batched the highest risk and did the assessments. That process worked very well. It was very efficient, probably one of the most efficient evaluations of in-commerce substances in the world. I would think there is probably guidance to be gleaned from the definitions that were used to set up that initial list as to what was the highest level of concern, the medium level of concern and the lower level of concern with substances.

**Mr. Damien Kurek:** Thank you for that.

I want to jump on something that you referenced just briefly in your opening testimony, and it's related to digital labelling. Certainly in this world, everybody carries around one of these sometimes silly devices. I'm curious to know if you could expand, from the perspective of your industry but also from the context of a consumer confidence point of view, on the idea around labelling, to make sure that we get it right regarding CEPA. There's the possibility of seeing an expanded role for digital labelling as opposed to a process that may have harmful effects on an industry that has a pretty significant impact in Canada.

**Mr. Darren Praznik:** We've just gone through, in the last few years, a major reform and modernization of labelling with non-prescription drugs with Health Canada, with natural health products and now with cosmetics. We've gone through this process.

In each case, we've made a very strong case for enhanced digital labelling. Health Canada looked at that. Obviously, some things need to be on the product label at point-of-sale, but there's a lot of other information that can be moved to the digital world, and that becomes very important if you look at e-commerce sales. When you're buying on e-commerce, you don't see the label. If point-of-sale is important, then a digital label means that you get it all when you do e-commerce sales.

From an environmental perspective, it means that if you want more information on how a substance is in a product and whether there is a risk, you can add a lot more information on the digital label to inform the consumers than you can in just flagging it in a colour on an ingredient list. I think it's a good way of making sure consumers get the information they need.

**Mr. Damien Kurek:** I'm going to ask you two quick final questions.

In your submission, you've proposed the removal of clause 67.1. In about 30 seconds of what you have left, could you expand on that a bit and also talk about some numbers on how impactful your industry is on the economy in Canada?

**Mr. Darren Praznik:** Yes. We're somewhere in $12 billion to $15 billion a year in retail sales. Very importantly, we're a major exporter of cosmetic products around the world, as well as a major importer. There were literally tens of millions of lipsticks made in Canada last year that were exported, for example. It is important to the Canadian economy, particularly in Montreal. There's a very large part of our industry in Quebec.

We've asked for that clause to be removed because it's nonsensical. All environmental and health regulations apply equally to imported as well as domestically manufactured products. That amendment brought by a senator was based on erroneous information.

**The Chair:** We're going to have to stop there.

**Mr. Damien Kurek:** Thank you.

**The Chair:** Mr. Weiler, the floor is yours.

**Mr. Patrick Weiler:** Earlier, you mentioned some concerns related to CUSMA. I'm wondering if you have any other concerns related to the proposed changes in Bill S-5 that could impact our obligations under CUSMA.

**Mr. Darren Praznik:** Yes. In the original draft of the bill, when we had gone through it we were very supportive of it. The concern with respect to CUSMA would be the addition of another set of labelling requirements under the CEPA legislation while we already have mandatory ingredient labelling and warning labels under the Food and Drugs Act. To us, when we evaluated it, that would be duplicative.

We have noticed that Environment Canada and Health Canada administratively have not reached anywhere near what the expectations are for coordination of their activity to enhance compliance. We're starting to see compliance difficulties as a result.

● (1735)

**Mr. Patrick Weiler:** What recommendations would you have for this committee to improve compliance? Do you see that as a legislative change that's necessary or is it on the policy side? What do you think would actually lead to better coordination between those bodies so they're not operating in silos?

**Mr. Darren Praznik:** Well, one, don't ensure any amendments that create duplicative regulation on finished consumer products. Two, I think there needs to be a real review within Environment Canada about how they administer regulations on finished consumer products and also how to become a lot more co-operative and less siloed with Health Canada, which has the responsibility for many of those products.

**Mr. Patrick Weiler:** Okay, great.

My last question is for Mr. and Ms. Yakelashek. What are you hopeful about on the environmental front these days?

**Mr. Rupert Yakelashek:** Well, we're hopeful about environmental rights being recognized in Canada.

We're hopeful about these amendments to CEPA being approved and CEPA being updated, because it was done before we were born. We need a CEPA that reflects the modern era and what we need now.

Thank you for the question.

**The Chair:** Thank you.

Thank you to the witnesses, and a special shout-out to Franny and Rupert. You've put some big expectations and hopes on our shoulders as we finish our study on this piece of legislation. Best of luck to both of you, and to all the witnesses. Thank you very much.

We'll stop there, and we'll start clause-by-clause on Friday.