



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

44th PARLIAMENT, 1st SESSION

Standing Committee on Environment and Sustainable Development

EVIDENCE

NUMBER 051

Monday, March 6, 2023

Chair: Mr. Francis Scarpaleggia



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• (1100)

[*English*]

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

Good morning, everyone. I hope you all had a good two-week constituency break and got a lot of things done in your ridings.

We'll pick up where we left off.

[*Translation*]

Unless I'm mistaken, we were at amendment BQ-13. After that, we will talk about amendment NDP-37.1. I would like to mention that these two amendments are almost identical.

Ms. Pauzé, you have the floor on amendment BQ-13.

Ms. Monique Pauzé (Repentigny, BQ): Mr. Chair, are you sure it's my turn to speak? I thought we were first supposed to discuss amendment NDP-37.1.

The Chair: No, as we only received it this morning. So you have the honour of speaking first.

Ms. Monique Pauzé: Okay.

Substantively, amendment BQ-13 aims to replace the presumption of confidentiality with the presumption of the public's right to know. So the idea is to tighten up the language of this subsection; otherwise we will regress, in our view. To do this, we will rely on what is happening elsewhere, in countries similar to ours.

The U.S. Toxic Substances Control Act requires that confidentiality claims for commercial information be accompanied by a justifying statement. This means that, if a person wants the information to remain confidential, they will have to explain why. It is the same in Europe: if a person wants to submit information they want to keep confidential, they must prove that its disclosure could harm their commercial interests.

By means of amendment BQ-13, we want to put in place conditions on confidentiality. If a piece of information shouldn't be made public, the notifier must justify it. This could help avoid a situation where a substance is put on the market, analyzed and, some time later, discovered to be a carcinogen, which was not realized because the required information was not available.

• (1105)

The Chair: Okay, thank you.

As no other committee members want to take the floor, we will go to a vote on amendment BQ-13.

(Amendment negatived: nays 9; yeas 2 [*See Minutes of Proceedings*])

The Chair: We are now continuing with amendment NDP-37.1.

Ms. Collins, go ahead.

[*English*]

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

I won't speak too much to this, because Madam Pauzé has already explained a number of the reasons that we're putting this amendment forward.

It does have slight word changes that I hope will garner support from the rest of the committee.

The Chair: Is there any debate on this? Apparently not, so we'll go to the vote.

(Amendment agreed to: yeas 7; nays 4 [*See Minutes of Proceedings*])

The Chair: Shall clause 50 as amended carry?

An hon. member: On division.

(Clause 50 as amended agreed to on division)

The Chair: Shall clause 51 carry?

An hon. member: On division.

(Clause 51 agreed to on division)

The Chair: Shall clause 52 carry?

An hon. member: On division.

(Clause 52 agreed to on division)

(On clause 53)

The Chair: Now we have clause 53 and BQ-14.

[*Translation*]

Since amendments BQ-14 and NDP-38 are identical, amendment NDP-38 cannot be moved if amendment BQ-14 is—

[*English*]

Ms. Laurel Collins: I have a point of order, Mr. Chair.

[*Translation*]

The Chair: Just a moment.

I am being told that, since amendment BQ-14 has already been proposed, amendment NDP-38 cannot be proposed.

[*English*]

Go ahead, Ms. Collins.

Ms. Laurel Collins: My understanding is that there was an email sent out this morning with a change to BQ-14. Is that correct? Was there an email sent out this morning with a change to BQ-14?

Am I looking at the wrong one?

• (1110)

The Chair: I don't think so.

Ms. Laurel Collins: Okay. My apologies.

The Chair: Oh, I'm advised that there was. I'm sorry.

There's a change to BQ-14, so that means they're not identical. Is that correct?

We'll pause for a moment, please.

The Chair: Yes, there was a subamendment submitted for BQ-14. Who submitted it?

Mr. Lloyd Longfield: I did, Mr. Chair.

The Chair: Okay, Mr. Longfield.

Mr. Longfield has submitted a subamendment to BQ-14. Has everyone received the subamendment in writing? Do we all have it in writing?

Mr. Lloyd Longfield (Guelph, Lib.): An email was sent out before the meeting.

The Chair: It's being distributed in hard copy just to be sure.

Mr. Lloyd Longfield: On a point of order, doesn't Madame Paupé have to table her amendment first, and then we would move those subamendments?

The Chair: Yes, we could do that. I was just trying to get all the ducks in order.

[*Translation*]

Ms. Paupé, you can speak to your amendment.

Ms. Monique Paupé: Thank you, Mr. Chair.

We want to replace every instance of the word “may” with an obligation. For example, where it says “the Minister may disclose”, we want it to be an obligation and say that the minister shall disclose. We want the minister to act and not avoid his or her obligation to release information to the public too often. If he is given the opportunity to do this or that, instead of being required to do it, he may avoid his obligation to disclose. He must provide the information. The public has a right to be informed. Therefore, we have proposed amendment BQ-14 to create that obligation.

The Chair: I understand that Mr. Longfield wants to propose a subamendment.

[*English*]

Mr. Longfield, am I correct that you want to table a subamendment?

Mr. Lloyd Longfield: Yes. Thank you, Mr. Chair.

This is with regard to the “shall” that is being proposed in two places, in proposed subsections 317.1(1) and 317.1(2), which talk about the request for confidentiality. That's something we've handled in another part of this bill, where confidentiality is respected in terms of the definition of confidentiality that's handled through Industry Canada.

I propose that we maintain the third “shall”, but because of the definition of confidentiality in other parts of the bill, I propose that we change “shall” back to “may” in the first two, so that the minister “may disclose the explicit chemical or biological name” and “may disclose the explicit biological name of a living organism” in respect of a request for confidentiality.

We'd agree with the third “shall”.

• (1115)

The Chair: Okay.

A voice: [*Inaudible—Editor*]

Mr. Lloyd Longfield: My subamendment would cause the wording to revert back to the original language for the first two. It would change “shall” back to “may”.

It would maintain “shall” for the third intervention.

The Chair: Mr. Longfield, just to be sure, you want to change “shall” in the first two to “may”, but you want to leave the last “shall” alone.

Mr. Lloyd Longfield: That's correct.

The Chair: Okay.

Monsieur Deltell, you wanted to intervene.

[*Translation*]

Mr. Gérard Deltell (Louis-Saint-Laurent, CPC): Mr. Chair, I just want to ask a technical question.

Why is the government amendment an amendment to the Bloc Québécois amendment? We could have voted on the Bloc Québécois amendment and the other amendment afterwards.

I will leave it to the experts to decide what to do.

The Chair: This is a subamendment, Mr. Deltell.

Mr. Gérard Deltell: Okay. That said, I do not understand why this subamendment is being moved when we could have voted on the Bloc Québécois amendment first. Afterwards, the government side could have moved this amendment without attacking the nature of the Bloc Québécois amendment. That said, this is a logistical matter, and I will leave it to the experts in the area to decide.

The Chair: Since the subamendment has already been moved, we will have to vote on it first.

Since no one wishes to debate the subamendment, let's put it to a vote right away.

(Subamendment agreed to: yeas 9; nays 2)

The Chair: We will now debate amendment BQ-14 as amended.

Ms. Collins, you have the floor.

[*English*]

Ms. Laurel Collins: I want to thank Madame Pauzé for putting this forward. It is the same as NDP-38—

The Chair: It is no longer.

Ms. Laurel Collins: Yes. It was the same as NDP-38, which I think was a stronger version of this amendment.

I will be supporting this, because I think the change of even one “may” to “shall” is a move in the right direction.

[*Translation*]

Mr. Gérard Deltell: Mr. Chair, I would like to get a clarification.

The Chair: Mr. Deltell, go ahead.

Mr. Gérard Deltell: We agreed that the minister should be given some latitude to make a decision by specifying in subsections 317.1(1) and (2) that the minister “may disclose” certain information. We also agreed that the minister should be required in subsection 317.1(3) to disclose certain information.

However, the subamendment that was just agreed to completely distorts the Bloc Québécois' position. Ms. Pauzé's position is that these three subsections should no longer provide a choice, but impose an obligation. Maybe I'm wrong; that's why I want her to comment.

The Chair: Ms. Pauzé, do you want to comment on this?

Ms. Monique Pauzé: This distorts two-thirds of my proposal, leaving only a requirement in the last subsection. I voted against the subamendment, and I think that's fine, as I knew I was going to lose. However, I will still vote for BQ-14 as amended, since I was able to get one-third of the changes I asked for. In baseball, that would be one strike, wouldn't it?

The Chair: Yes, indeed. We're getting there, one obligation at a time.

We will now go to a vote on amendment BQ-14 as amended.

(Amendment as amended agreed to: yeas 7; nays 4 [*See Minutes of Proceedings*])

• (1120)

The Chair: We now move on to amendment NDP-38.

Hold on a moment.

[*English*]

Okay, I'm of the opinion, or I've been told, that the committee would in a sense be contradicting itself if we went ahead with it, and we can't allow that, so we'll have to skip over NDP-38, but I don't see any objection on the part of Ms. Collins.

[*Translation*]

So we will go to amendment PV-23.

Ms. May, the floor is yours.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Thank you, Mr. Chair.

This is another amendment that is part of my efforts to correct a flaw in this bill, which eliminates the single list of toxic substances.

[*English*]

The schedule has always been a list of toxic substances in one schedule. This law—Bill S-5—weakens the whole scheme of the legislation by creating two lists.

My amendment here would not make sense at this point. Were I a member of the committee, I would ask to withdraw it, but I'm here, as you'll all recall, due to the motion you passed, which—I hope you understand—I really hate. I wish that I weren't subjected to this instead of being allowed to have my rights and present amendments at report stage.

That said, I expect this amendment to be defeated.

Thank you, Mr. Chair.

The Chair: Thank you, Ms. May.

Is there debate on this amendment, or do we just go to a vote?

Go ahead, Madam Pauzé.

[*Translation*]

Ms. Monique Pauzé: I would like to ask a question instead, Mr. Chair.

I didn't quite understand what the leader of the Green Party said. Am I to understand that, because the committee voted against all the other Green Party amendments, this amendment is no longer valid because the list no longer exists?

The Chair: I think it's because we voted against keeping the list of toxic substances. While we agree with the way the lists in Bill S-5 are presented, we cannot agree to go back to the list of toxic substances.

I think I got that right, Ms. May.

Ms. Collins, you have the floor.

[*English*]

Ms. Laurel Collins: I was just going to say that this amendment no longer makes sense since the rest of the amendments were voted down. I'll be voting in favour of it because I voted in favour of the other amendments. I support the spirit of this, but I also expect it to be defeated.

The Chair: We need to be more positive in this committee, I think. We'll go to the vote, I guess.

(Amendment negatived: nays 9; yeas 2 [*See Minutes of Proceedings*])

The Chair: The amendment is defeated. That brings us to G-14.4.

Who is presenting that?

• (1125)

Mr. Lloyd Longfield: Are we on NDP-39, Mr. Chair?

The Chair: No, we're on.... Well, what about G-14.4?

Ms. Laurel Collins: Mr. Chair, I also have G-14.4 by Mr. Duguid.

The Chair: Yes, maybe it was sent.... It wasn't in the original package.

The Clerk of the Committee (Mr. Alexandre Longpré): I think it was.

The Chair: It was...?

Okay. We have G-14.1. We have G-14.2, and yes, it's at page 120.1 in your package.

Who's presenting that?

Mr. Terry Duguid (Winnipeg South, Lib.): Mr. Chair, I'm getting some advice that we've already passed this amendment. Is that correct? Was it on February 16?

The Chair: We'll just take a little break here and figure this out.

• (1125)

(Pause)

• (1125)

The Chair: We have one more amendment, G-14.4, and then we'll go to whether we pass clause 53.

Mr. Duguid, go ahead.

Mr. Terry Duguid: Mr. Chair, there seems to be some uncertainty here, so why don't we pass it again?

Some hon. members: Oh, oh!

Mr. Terry Duguid: I'll move G-14.4. I think everyone has the language, Mr. Chair.

The Chair: Okay. Do you have anything you want to add?

Mr. Terry Duguid: No. I think it's clear.

The Chair: It's self-evident. Okay.

Is there anyone else? Would anyone else like to speak to this?

Go ahead, Mr. Kurek.

Mr. Damien Kurek (Battle River—Crowfoot, CPC): Thanks, Chair.

This is adding additional reporting or is clarifying, I think, reporting requirements. I'm wondering if the officials could weigh in on the addition of proposed section 317.3, just to expand as to whether there are additional reporting requirements or if it complements current reporting requirements, to determine where this is at.

Thank you.

The Chair: Who would like to take that question? Is it Ms. Farquharson?

Ms. Laura Farquharson (Director General, Legislative and Regulatory Affairs, Environmental Protection Branch, Department of the Environment): Yes. Thank you for clarifying what the amendment is.

It's the addition of a proposed section 317.3 and a requirement to include in the annual report a report about the names of substances or living organisms that have been unmasked. The discretionary power—and now the partial requirement—to unmask names is new. That was added by Bill S-5. This would be just an explicit new reporting requirement.

• (1130)

The Chair: I have Mr. Kurek and then Mr. McLean.

Mr. Damien Kurek: Thank you.

You're saying that this functionally already happens. This just makes it explicit in the requirement. Am I interpreting that correctly?

Ms. Laura Farquharson: I don't think that right now we report in the annual report when substances are unmasked, so this just makes it explicit. I'm not sure that anybody has ever turned their mind to it as being something that we should include in the annual report. It just makes it explicit.

The Chair: Thank you.

Mr. McLean is next.

Mr. Greg McLean (Calgary Centre, CPC): We've just passed an amended motion on proposed sections 317.1 and 317.2 so that "may" will be used instead of "shall", and here we're saying that the minister "shall include...by section 342"—so in proposed sections 317.1 and 317.2—the biological name. The way I read this is that the "may" disappears in the annual report. Am I wrong?

Ms. Laura Farquharson: Right.

That's right, because you're saying that if the minister did unmask the names, then a summary of what's been unmasked would be included in the annual report so that people can see it and there's some transparency about which names have been unmasked during the year.

Mr. Greg McLean: It doesn't say "unmasked", though, in this section. It says, "shall include in the annual report"—

Ms. Laura Farquharson: It says "disclosed". It says which ones have been "disclosed" under that discretionary power.

Mr. Greg McLean: Okay. Thank you.

The Chair: Are there any more comments or questions? Can we go to a vote?

(Amendment agreed to: yeas 11; nays 0)

(Clause 53 as amended agreed to on division)

(On clause 54)

The Chair: We are on amendment NDP-39.

Go ahead, Ms. Collins.

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

You'll notice that this amendment talks about environmental and biological diversity and human health. In particular, we are talking about pollution hot spots and regional differences.

I want to thank the Manitoba Eco-Network for their work on this topic. It's an important move forward, and I hope the committee will support it.

Mr. Terry Duguid: Mr. Chair, I would defer to the officials. I know, because I've spoken to the Manitoba Eco-Network a number of times, that the provisions in the new CEPA actually strengthen a geographical approach to areas like hot spots and not the opposite. I wonder if the officials could elaborate on that.

Ms. Laura Farquharson: Sure.

The section in the original CEPA, section 330(3.1), said that you could make regulations that were geographically targeted for regulations authorized under certain sections of the act. The policy objective was to make sure you could make geographically targeted regulations for regulations made under any part of the act.

It's true that it could have been explicitly provided in CEPA. However, in the Interpretation Act in section 8, it says that federal statutes and regulations apply "to the whole of Canada" by default, but may be expressly tailored to apply in specific regions. We're basically relying on the Interpretation Act, which says that you can make geographically targeted regs so that we can do geographically targeted regs under any parts of CEPA.

• (1135)

The Chair: Go ahead, Ms. Pauzé.

[*Translation*]

Ms. Monique Pauzé: I'm sure you won't be surprised by my question, Mr. Chair.

Are there any elements here that may conflict with Quebec's and the provinces' jurisdictions?

Ms. Laura Farquharson: Anything the federal government does must be done within its jurisdiction, which is why regulations can target certain regions. It cannot go beyond federal jurisdiction.

Ms. Monique Pauzé: In the Bloc Québécois, we like to have a belt, suspenders and velcro to make sure that everything is respected. So I will propose a subamendment.

After "may be made applicable in only a part or parts of Canada", I would add the notion of respecting constitutional jurisdictions.

The Chair: Okay.

I believe that everyone has received Ms. Pauzé's subamendment.

Are you done, Ms. Pauzé?

Ms. Monique Pauzé: Yes, I think the explanation is simple. I talked about constitutional jurisdictions, but it's a matter of respecting provincial and territorial jurisdictions in the document you received.

The Chair: Go ahead, Mr. Deltell.

Mr. Gérard Deltell: Mr. Chair, I'm going to make my esteemed colleague from the Bloc Québécois happy: I absolutely agree on this.

The problem is that we feel compelled to include this in Bill S-5. It goes without saying that all of our legislation must respect the various jurisdictions. If we feel compelled, here in parliamentary committee, to enshrine in a piece of legislation that it must be applied while respecting provincial and federal jurisdictions, we have a serious problem as a country. Some may say that, for some years now, we have had the impression that the federal government is encroaching on areas of provincial jurisdiction. However, this subamendment expressly enshrines it in a piece of legislation.

[*English*]

The Chair: Go ahead, Mr. Duguid.

Mr. Terry Duguid: Mr. Chair, I was going to speak on the amendment. Are we going to deal with the subamendment first?

The Chair: Yes, we will.

Mr. Terry Duguid: Okay.

[*Translation*]

The Chair: Ms. Collins, do you want to comment on the subamendment?

[*English*]

Ms. Laurel Collins: My understanding from the officials is that this isn't necessary. This seems like a duplication of process.

At the same time, I think when we're talking about pollution hot spots, there are gaps both federally and provincially, and I hope that strengthening these laws will help fill those gaps in all jurisdictions.

• (1140)

The Chair: Shall we vote on the subamendment?

(Subamendment negatived: nays 6; yeas 5 [*See Minutes of Proceedings*])

The Chair: We go now to the amendment.

Who wanted to speak on the amendment? There was somebody.

Go ahead, Mr. Duguid.

Mr. Terry Duguid: Mr. Chair, we had a number of delegations before us from indigenous communities. We had the Manitoba Eco-Network and other organizations representing inner-city communities that are facing pollution issues.

I want officials to be absolutely clear that the revisions to CEPA that we see in Bill S-5 will improve that situation and will make it more probable that these kinds of situations can be dealt with. I want you to make it absolutely clear, because there is this concern that we've heard repeatedly before our committee. I would like those assurances from officials.

Ms. Laura Farquharson: I would say, certainly, that Bill S-5 pursues a policy intention to allow geographically targeted regulations, which, of course, is partly to allow addressing things like hot spots. Also, the committee has adopted, and Bill S-5 includes, a right to a healthy environment, which is meant to provide equitable enjoyment of a healthy environment and avoid disproportionate burdens on vulnerable people or any disadvantaged people.

This is an enabling act, and it will enable actions to get at those issues.

Mr. Terry Duguid: Thank you.

The Chair: Is there any more debate on amendment NDP-39?

Go ahead, Ms. Collins.

Ms. Laurel Collins: Bill S-5 is right now removing an explicit authority around how we are able to manage pollution hot spots. What I'm hearing is that this authority could exist in the implementation framework and be used in that way. I think it's important that we keep this explicit authority in law. Is that...?

Ms. Laura Farquharson: No. I'm sorry. I want to clarify.

Section 333(1) was narrowed. It only allowed us to geographically target regs for specific regs under the act. We remove it and then we can rely on section 8 of the Interpretation Act, which says we can target regs.

In my answer, I referred to the implementation framework, just to answer the question about whether we are doing something good in Bill S-5 to enable action on hot spots. That implementation framework is unrelated to the provision you're dealing with right now.

Ms. Laurel Collins: This amendment would put back in an explicit ability for us to target it. What would be the impact of putting that back in?

Ms. Laura Farquharson: It's not necessary, because you have the Interpretation Act. In putting it back in, I would want to make sure that we've covered every regulation authority under the act. It could be more narrow then, actually, because I think this amendment includes lists of regulations.

I haven't checked to make sure that we've covered everything we want to cover.

Ms. Laurel Collins: It has sections 93, 135, 140, 167, 177, 94 and 200.

What I'm hearing is that in the previous iteration, you took it out because it was too narrow and it's now in the Interpretation Act. What the Manitoba Eco-Network and the Canadian Environmental Law Association have been arguing is that we need an explicit requirement in this act to ensure that we're dealing with pollution hot spots.

As my colleagues mentioned, there are people who are living in close proximity to industrial pollution. Often in inner cities, these communities are racialized indigenous communities. I think it's important that we ensure that our law is protecting communities that are disproportionately impacted by pollution.

I'm going to continue to support my own motion, clearly. I hope that the committee members will consider supporting it as well, especially in areas like Winnipeg. I encourage people to read the report that the Manitoba Eco-Network published around healthy communities and a healthy environment.

It is so essential that we deal with and address this, because we haven't been. We've been failing on this front.

• (1145)

The Chair: Are there any more comments before we go to a vote?

Go ahead, Ms. Taylor Roy.

Ms. Leah Taylor Roy (Aurora—Oak Ridges—Richmond Hill, Lib.): I absolutely agree with what Ms. Collins is saying about the whole concept of environmental racism, which we've been talking about, but it seems to me, from what Ms. Farquharson is saying, that it is protected by removing this and by removing the restrictions. I agree 100%, but I don't feel this is necessary to meet those objectives.

The Chair: Shall we go to the vote?

(Amendment negatived: nays 8; yeas 3 [*See Minutes of Proceedings*])

[*Translation*]

The Chair: We now go to a vote on clause 54. Would the committee like to adopt clause 54 on division?

Mr. Gérard Deltell: No.

The Chair: Apparently, this is not the case. Would the committee like me to seek unanimous consent?

Mr. Deltell, go ahead.

Mr. Gérard Deltell: Mr. Chair, I can confirm that I am a man who cannot do two things at once. Unfortunately, I made a mistake when I voted. These things happen occasionally, but I am very embarrassed about it.

I ask for unanimous consent to reverse my vote.

The Chair: It appears that you have it, Mr. Deltell.

Does the committee wish to adopt clause 54 on division?

(Clause 54 agreed to on division)

(On clause 55)

[*English*]

The Chair: We go now to clause 55 and amendment G-15.

Mr. Lloyd Longfield: Thank you, Mr. Chair.

I'd like to move this motion, which would effectively reverse the Senate's additions to section 332.

While I appreciate the work the Senate did to try to increase public participation and transparency, their amendments actually risk duplicating and confusing other requirements that already exist under the act. They may also lead to implementation of challenges for the bill.

For example, subsection 332(1) of the act also requires that the minister publish draft orders and regulations for a 60-day public comment period. Subsection 13(1) of the act also requires that the environmental registry contain notices other than documents published or made publicly available by the minister. Those would include notices of any approvals granted under the act. Notably, the environmental registry itself already includes a section dedicated to public consultations, both active and completed.

There are also now links to a search engine that contains all the Government of Canada's open, closed and planned consultations and there's also a new online commenting feature available for all stakeholders wishing to send comments on proposed regulations published in the Canada Gazette, so I would make the amendment to take out of section 332 the "notice made public" portion of what's in front of us.

• (1150)

[Translation]

The Chair: Ms. Pauzé, do you have a question?

Ms. Monique Pauzé: I would like to understand something, Mr. Chair.

Mr. Longfield, when you proposed your amendment, you said that you more or less agreed with the Senate's idea of making things more transparent. But since we've been dealing with this bill, every time transparency is mentioned, I'm sorry to say that the majority of the committee votes against what's being proposed. We say one thing, we boast about something, but we legislate completely differently.

In amending the act, the Senate required the publication of all notices under the act, including notices of consultation and of any decisions made under the act. The amendment proposed by the government through Mr. Longfield blithely removes all Senate consultations. That has also been done for all the other provisions.

What I want is for us to stop boasting about listening to the public and to legislate toward that. We need more than just talk; we need action.

The Chair: Would anyone else like to comment?

[English]

Mr. Longfield, go ahead, please, and then Ms. Collins.

Mr. Lloyd Longfield: Mr. Chair, with respect, what I'm proposing here is to take out duplications and to streamline and make our processes more transparent by removing duplications that might otherwise confuse the process. Maybe the officials could clarify the technical part of what I'm proposing.

Ms. Laura Farquharson: Sure.

The Senate amended this provision to provide the publication of all notices under the act, including notices of consultation and any decisions made under the act, in multiple modes and media. It says to publish them in the Gazette, in the registry and in newspapers.

It's duplicated in that we're already required, for instance, to publish proposed orders and regulations in the Canada Gazette for 60 days, so I don't think you would want to publish them in every single mode. It's a duplication in that sense, and we have the registry already.

We also have a new online system in which all regulations are being published and, as Mr. Longfield says, where the public can comment on them.

Ms. Laurel Collins: I have another question for the officials. If I'm understanding correctly, the Senate added a requirement to publish in a number of different areas, including the Gazette, the registry and media outlets. Is that correct? Is there anything else that you see being taken out by removing lines 15 to 32?

Ms. Laura Farquharson: I see that being taken out.

Ms. Laurel Collins: Is there anything else that is changing with this, other than the provision to publish in those three areas? Do you see any other impact through this replacement?

Ms. Laura Farquharson: It's duplicative in that it's naming things that are already named to be published under other parts of the act.

It says, "In addition to any other requirement of this Act, a notice under this Act, a notice of any consultation to be held in relation to a matter under this Act and any decision made under this Act for which a notice is not otherwise required". I guess I would say that "any decision made under this Act for which a notice is not otherwise required" is very vague to me. I don't know what that means.

• (1155)

Ms. Laurel Collins: Probably that vague piece is not duplicated in another part of the act. The concern there is just that you would be unsure as to how to interpret it.

Ms. Laura Farquharson: Yes.

Ms. Laurel Collins: With regard to the requirement to publish whenever there are consultations, you're saying that this part is definitely covered in other sections of the act. Is that—

Ms. Laura Farquharson: For consultations on regulations it is, absolutely. In fact, those have really broadened in recent years, because they have them for preconsultations as well, before you even start developing the regulations.

Ms. Laurel Collins: If this amendment fails and you then had to live with the Senate amendments, how would that be interpreted and what would be the results when it came to a consultation and any decision made under the act?

Ms. Laura Farquharson: The result would be... We already have the required publication on this new online reporting system, called ORCS. In some cases it's in the *Canada Gazette* or the registry. I think it would be the "newspaper or other periodical that...has a large circulation" and the website. What's the distinction between publishing on the website and publishing in the registry?

It will lead to a lot of thinking about every single situation. I don't think it's a helpful addition to transparency.

Ms. Laurel Collins: Thanks for that.

The Chair: Are there any more questions or comments?

[*Translation*]

Ms. Monique Pauzé: I have another question.

The Chair: Go ahead, Ms. Pauzé.

Ms. Monique Pauzé: Ms. Farquharson, on page 42 of Bill S-5, where it says, "requesting that a board of review be established", do the transparency measures apply to that?

My understanding is that they do. However, it seems to me that the answer you gave relates to other elements of the Canadian Environmental Protection Act, but not that board. I may be mistaken.

Do other amendments or provisions mention that board?

Ms. Laura Farquharson: Can you specify where in the bill that is?

Ms. Monique Pauzé: It's on page 42, under the title "Notice of objection":

(2) Any person may file with the Minister comments, or a notice of objection requesting that a board of review be established under section 333...

Am I to understand that the transparency measures would apply to this board of review, or am I misinterpreting?

[*English*]

Ms. Laura Farquharson: I don't think this part is being amended right now. I'm sorry. I'm just going to check.

[*Translation*]

Ms. Monique Pauzé: I want to know if there is a connection between the review board and the Senate's desire to increase transparency by requiring that notices be published on a website, in a newspaper, in the registry, in the *Canada Gazette* and so on.

You said earlier that transparency was discussed in several other parts of the act, but—

Ms. Laura Farquharson: It's in the same part of the Canadian Environmental Protection Act, but they are different subjects. They are not related.

The Chair: As there are no further questions or comments, we will proceed to a vote on amendment G-15.

[*English*]

(Amendment agreed to: yeas 10, nay 1 [*See Minutes of Proceedings*])

(Clause 55 as amended agreed to on division)

(Clause 56 agreed to on division)

(On clause 57)

The Chair: We have new G-16.

Mr. Damien Kurek: Can anyone define what "new" means?

Voices: Oh, oh!

The Chair: It means it's improved.

Who's going to speak to this?

Go ahead, Ms. Thompson.

• (1200)

Ms. Joanne Thompson (St. John's East, Lib.): Thank you, Mr. Chair.

The government supports this motion because it respects the Senate amendment and ensures that a report on the indigenous peoples is included in the CEPA annual report. In addition, the motion clarifies the scope of the findings and recommendations that must be included in the report.

The Chair: Are there any questions or comments?

[*Translation*]

Go ahead, Ms. Pauzé.

Ms. Monique Pauzé: I would like to make a comment, Mr. Chair.

When I saw amendment G-16 in its original form, I thought to myself that this could not possibly be and that it was a mistake, since it was blatantly leaving out anything that had to do with dealing with indigenous peoples. I intend to vote in favour of the "new" G-16.

The Chair: Ms. Collins, the floor is yours.

[*English*]

Ms. Laurel Collins: I have a very similar comment.

I'm glad to see explicit reference now to section 35 of the Constitution Act and the United Nations Declaration on the Rights of Indigenous Peoples Act. I think it's really important that we ensure that the United Nations Declaration on the Rights of Indigenous Peoples Act is actually changing all of our legislation as we move forward.

This is incredibly important work, and I'm glad to see this new version of G-16.

The Chair: Go ahead, Mr. McLean.

Mr. Greg McLean: Mr. Chair, I'll seek some expert opinion on this from our officials. Section 35 is mentioned in what's being deleted here, and it's not.... Oh, it is mentioned as well in the....

Can we get clarity on this from our officials, please? What's the substantive difference, if you will, between the original writing of the bill and the amendment that we're talking about here?

Ms. Laura Farquharson: Sure.

The main difference is that the Senate amendment required a report every five years, but this reporting requirement is now going to be part of the annual report.

Also, I think the Senate amendment talked about reporting on details on measures implemented to ensure that the act is administered in a way that complies with section 35, which is about the principle of the honour of the Crown and Canada's treaty relationships and fiduciary obligations to aboriginal peoples. That wording has been.... Instead of using those concepts, it says that the reporting must include measures taken to advance reconciliation as reflected in section 35 and in the United Nations Declaration on the Rights of Indigenous Peoples Act.

Then I would say that otherwise the Senate amendment also wanted to include a report on any evaluations or findings or recommendations in respect of the administration of the act as it relates to the aboriginal peoples of Canada, and subsection (c) of the proposed amendment sort of said that in a different way. It refers to findings or recommendations of any report made under an act of Parliament in respect of the administration of the act. It's just defining it in a way that makes it more inclusive.

Mr. Greg McLean: I'm not sure there's an expert at the table on this, but are you worried there might be some non-overlap between section 35 rights and the rights as defined by the United Nations Declaration on the Rights of Indigenous Peoples? If that happens, what will be the outcome?

• (1205)

Ms. Laura Farquharson: The references in this amendment are to section 35 of the Constitution and the United Nations Declaration on the Rights of Indigenous Peoples Act. That's a federal act, so the act should comply with the Constitution. Strictly speaking, one doesn't need to mention the Constitution in the statute. We're all bound by it, so they should all align.

I think the point is to reference those in relation to reconciliation, and the point is to have a report that requires people to think through their decisions in respect of that objective and to report on it. It's to consolidate all the work that's going on and report on it.

Mr. Greg McLean: This will change a five-year reporting requirement, which the Senate put in here, to an annual reporting requirement.

Ms. Laura Farquharson: Yes.

The Chair: Okay. Shall we go to a vote?

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

(Clause 57 as amended agreed to on division)

(Clauses 58 to 62 inclusive agreed to on division)

(On clause 63)

The Chair: That brings us to clause 63 and amendment PV-24.

Go ahead, Ms. May.

Ms. Elizabeth May: Thank you, Mr. Chair.

This begins a different thread of my amendments. It stands on its own. It's worth passing—please.

It deals with where we are. If you go to page 46 of Bill S-5, under “Regulations”, you see clause 63. Currently Bill S-5 proposes to repeal the virtual elimination list and to repeal regulations adding perfluorooctane sulfonate and its salts. If you're wondering what that is—and I hope you've thought about it—it's basically Scotchgard. It also proposes to repeal the regulations that added this to the virtual elimination list.

We wouldn't need to do this if we kept the virtual elimination list and allowed my amendment. Now PV-24 would be “Minister of Health and the Minister of Environment may, by regulation, add a substance to the Virtual Elimination List.”

Then they can go forward and include other substances that we really need to see virtually eliminated, including, obviously, the named substances perfluorooctane sulfonate and its salts, but there will be others.

I urge the committee to rethink repealing the virtual elimination list. It's an important part of the scheme of legislation to deal with toxic substances.

Thank you.

The Chair: Thank you.

Are there any comments or questions?

Shall we go to a vote?

(Amendment negatived: nays 9; yeas 2)

[*Translation*]

The Chair: Shall clause 63 carry?

(Clause 63 agreed to on division)

(Clauses 64 and 65 agreed to on division)

• (1210)

[*English*]

Mr. Lloyd Longfield: Mr. Chair, on clause 67, I had an amendment to put forward.

The Chair: We just adopted clause 66 on division. The amendment is on subclause 67.1, I guess.

Mr. Lloyd Longfield: Yes. It's on clause 67.1. We were on a roll, so I just wanted to put the brakes on.

The Chair: Go ahead, Mr. Longfield. Do you want to propose your amendment?

Mr. Lloyd Longfield: Yes. Thank you, Chair.

I'd like to vote against including clause 67.1. It's an anomalous provision that was added by the Senate. It doesn't modify CEPA and it doesn't relate to either of the ministers responsible for CEPA. It's a stand-alone requirement stipulating that the Minister of Industry prepare a report within one year. It should be removed from Bill S-5.

Additionally, this provision also looks to contradict the best-placed act—

The Chair: Mr. Longfield, I'm sorry to interrupt you, but we don't have the amendment.

Mr. Lloyd Longfield: The amendment is to remove clause 67.1.

The Chair: I see. That's your motion.

Mr. Lloyd Longfield: Yes.

The Chair: Then it's a motion from the floor.

Mr. Lloyd Longfield: It's a motion. I'm sorry.

The Chair: Basically, what you're saying is.... It's not an amendment. You're just stating your position, which is that you're going to vote against clause 67.

Mr. Lloyd Longfield: Right. It's to delete that clause.

The Chair: We're on clause 67 now, and you'd like to speak to it. Okay. Go ahead.

Mr. Lloyd Longfield: Yes. I'd like to make a motion to delete clause 67.1.

To continue with the rationale, it's contradicting the best-placed act and best-placed minister approach. The content required to be included in this report is vague. It's not necessarily within the scope of CEPA. The provision refers broadly to "Canadian standards" and to ensuring that imported products are "safe for Canadian consumers and that Canadian producers are not at a disadvantage". It's unclear which standards or products this is addressing.

Work is also being undertaken by Environment and Climate Change Canada and by Health Canada to explore voluntary and mandatory mechanisms for further labelling of consumer products and to greater clarify the supply chains. This work is going to be capable of delivering on some of the expectations that would otherwise have been placed on the Minister of Industry in delivering his report.

The Government of Canada will be developing and publishing a strategy in 2023 to enhance supply chain transparency and labelling for substances of products. This strategy is going to include regulatory measures and voluntary collaborative initiatives. It's going to be consistent with the best-placed act approach as well as taking into account other federal authorities respecting labelling, such as those under the Canada Consumer Product Safety Act.

For those reasons, I don't think this belongs in the CEPA legislation. I'd like to see us delete this clause.

The Chair: Okay, so it's not a motion. You're encouraging members of the committee to vote against it.

Is there anyone else?

Mr. Damien Kurek: Mr. Chair, I have a point of clarification, if I may.

We passed clause 66 on division. We're now on clause 67. However, Mr. Longfield, I believe, is referencing clause 67.1.

Am I correct in that understanding?

A voice: Yes.

Mr. Damien Kurek: We're not quite there yet procedurally, if I'm understanding this situation.

The Chair: We've adopted clause 67.

A voice: Yes.

(On clause 67.1)

The Chair: We're now on clause 67.1. I apologize for the confusion. Mr. Longfield is encouraging everyone to vote against clause 67.1.

Go ahead, Ms. Collins.

Ms. Laurel Collins: Could we hear from the officials on the impact of keeping the requirement for reporting?

Ms. Laura Farquharson: I would say that the Minister of Industry wouldn't normally take this on. It wouldn't be the right minister to do this report.

As well, all imported items are subject to Canadian law, and there's a suggestion here that they're not. There are already mechanisms to assure that. There are always a range of tools that can be used to make sure products meet standards. I understand that people feel that they're not always used, but the tools exist.

• (1215)

Ms. Laurel Collins: Is there—

The Chair: I'm sorry. The officials are speaking, but we are going to have a recorded vote, I believe.

Ms. Laura Farquharson: The impact is that this is not the right minister, in any case, to be doing this.

Ms. Laurel Collins: Is this reporting happening in any way, shape or form? Who would be the right minister to report on this? If we were to change the minister, is it still duplicating? What would be the impact of some kind of amendment that would change the minister responsible and make this more of a best-placed act provision?

Ms. Laura Farquharson: I guess it would be the ministers of environment and health, but I would say that the tools already exist, to the extent that the enforcement tools are there and there is work going on. To the extent that labelling and supply chain transparency are part of the work that needs to be done, the departments have committed to undertake quite a bit of work in that area, including developing a strategy on labelling that considers the best-placed act, sometime in this year.

Ms. Laurel Collins: Explicitly, this provision that Mr. Longfield is advocating we take out is requiring a report from the minister.

What you're saying is that the minister who is named in this provision is not the correct one, but when it comes to actually reporting on what's happening and how the tools are being used, is that happening currently?

Ms. Laura Farquharson: Probably not in a consolidated way.

Ms. Laurel Collins: Do you see any value in having that reporting mechanism put in place?

Ms. Laura Farquharson: I don't really feel like I'm the one to answer that.

Ms. Laurel Collins: I'm sorry. Who would be the...?

Ms. Laura Farquharson: Well, I...

Ms. Laurel Collins: I apologize for my ignorance on this. If we're talking about a reporting mechanism that would be implemented by the Minister of Environment and the Minister of Health, who would be the best person to advise on whether it's necessary to have that kind of reporting mechanism?

The Chair: I'm not sure if that's more of a policy question. Is that what you're saying, Ms. Farquharson?

It's kind of a policy question, and I don't think officials generally answer policy questions.

Ms. Laurel Collins: To rephrase, what would be the impact of having that reporting requirement? What would be the impact of not having the reporting requirement?

Ms. Laura Farquharson: I guess the work would really focus on the strategies that are under way in getting at supply chain transparency and labelling, instead of on this reporting.

The other thing I would point out about this is that it does require a report regarding measures to test imported products, and I think that this happens already under enforcement. They're developing their priorities for the year, and they figure out what to focus on. I don't think a specific elevation of this particular issue is the right way to go.

The Chair: Mr. Kurek, did you have something? You don't.

Then I have Mr. Longfield next.

Mr. Lloyd Longfield: I brought down my hand. The minister of ISED is working on this.

The Chair: We'll go to a vote.

• (1220)

[Translation]

Ms. Monique Pauzé: I'm sorry. Are we voting on the removal of clause 67.1?

The Chair: We are voting on [Inaudible—Editor].

[English]

Ms. Laurel Collins: On a point of order, Mr. Chair, I just wasn't getting any French translation. I did understand what you said, but I just want to make sure that as we move forward, we have French translation.

The Chair: We're good now. I got a thumbs-up back there.

(Clause 67.1 negatived: nays 9; yeas 2 [See Minutes of Proceedings])

(Clauses 68 and 69 agreed to on division)

(On clause 2)

The Chair: Okay, now we get back to clause 2. We're going back to the beginning when we stood all those amendments and so on.

We have G-1.

Mr. Greg McLean: Why aren't we dealing with amendment G-17 now?

The Chair: We're not. It's at the end.

Who would like to table amendment G-1?

Mr. Terry Duguid: Mr. Chair, I'm going to withdraw amendment G-1 in favour of a motion that I believe Madame Pauzé has, as hers is preferred.

The Chair: Are you talking about amendment BQ-1?

A voice: It's amendment BQ-0.1.

The Chair: I don't have amendment BQ-0.1 on my list here.

Mr. Terry Duguid: Anyway, I'm withdrawing amendment G-1, Mr. Chair.

The Chair: Okay—well, it hasn't been tabled.

Mr. Terry Duguid: It was the whole discussion, I believe, around...

The Chair: But it hasn't been tabled. What you're saying is you're not going to table it.

Mr. Terry Duguid: I'm not going to table it. That's correct.

The Chair: Okay. That brings us to amendment NDP-2.

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

This amendment is about the rights of nature. This is a conversation that's been happening among Canadians as well as internationally. We are giving people in Canada the right to a healthy environment, but also many advocates are arguing that forests, rivers and seas in and of themselves as legal entities can have rights.

I want to give a shout-out to my colleague Mr. Boulerice, who is currently working to protect the St. Lawrence River and giving that body of water legal rights. There are advocates in my home community of Victoria in the Songhees and Esquimalt nations who are also looking to have important areas and pieces of nature recognized as living entities that have legal rights, so this motion speaks to that, recognizing that nature has a right to be protected, preserved and restored.

Thank you.

[Translation]

Ms. Monique Pauzé: Mr. Chair, I have a point of order.

The Chair: Go ahead, Ms. Pauzé.

Ms. Monique Pauzé: I think I've lost track a little bit. When Mr. Duguid said he wasn't moving amendment G-1, what happened to amendment BQ-01? We didn't vote on that amendment, which everybody received at 10:48 a.m.

The Chair: I am being told that we will deal with amendment BQ-01 after we have considered amendment NDP-2.

[English]

Go ahead, Ms. Collins.

Ms. Laurel Collins: I spoke to it hoping that committee members will support recognizing that nature has the right to be protected, preserved and restored.

The Chair: Go ahead, Mr. Duguid.

Mr. Terry Duguid: Mr. Chair, I wonder if we could get officials to comment. As colleagues will know, we just held the biodiversity convention in Montreal and we have committed to protecting 30% of our land and waters by 2030. I think all of us around this table are committed to protecting nature, but my understanding is that there are some difficulties with the way CEPA is written in terms of the intent Ms. Collins has, and I wonder if the officials would comment.

• (1225)

Ms. Laura Farquharson: Sure.

I think this was articulated in the debate the committee had on amendment NDP-4 last December, because this idea was also in the “duty” section of the bill, which we've gone through already. I think giving a right to nature, or elements of nature, would really change the scope of the right in the bill.

What's in the bill right now proposes recognition of a right of every individual to a healthy environment. This amendment is a completely different kind of concept. It would be a real shift in paradigm and require some careful consideration. There's nothing in the bill to operationalize it. Typically you have someone or something representing nature in order to give it standing in discussions, and the rest of that sort of mechanism isn't in the bill.

The Chair: Go ahead, Ms. Collins.

Ms. Laurel Collins: I understand that most of the committee members are likely going to vote against this amendment. As we move forward, even if this amendment is defeated, I do hope that the conversation around the rights of nature.... The advocates who have been putting forward specific forests, rivers and seas as legal entities that require protection are moving the needle on this conversation, and I hope that in the future we can see this principle incorporated into our legislation.

The Chair: I think it's going to be a topic in our water study. In fact, it might require another meeting in addition to the eight that we've agreed on, because it's a very important issue.

Are there any other comments? In all seriousness, it's a very interesting concept.

Go ahead, Mr. McLean.

Mr. Greg McLean: I'll ask Ms. Collins to educate me in particular about other areas in Canada right now where legal concepts like rights, which are invented by humans, might apply elsewhere out-

side of a human concept at this point. What precedents are we setting and what are the limits that she foresees? Is this an expansionary period?

Ms. Laurel Collins: I want to thank Mr. McLean for his question.

I did reference the St. Lawrence River and the work of my colleague Alexandre Boulerice on this, and of the many advocates in the St. Lawrence area. I hope we are able to discuss this in more detail in the water study. However, there are a number of places here in Canada. Internationally, there have been huge movements when it comes to expanding these rights to nature and specific bodies of water in particular.

In my home community, the Songhees and Esquimalt first nations have also put out calls to action on reconciliation. One of those calls to action is around recognizing the rights of nature and recognizing nature as living entities, which comes from their world view and cultural experience. This is in support of those movements here in Canada and around the world, and those of nations in my home community as well.

Mr. Greg McLean: Are we talking about movements as opposed to legal concepts at this point?

Ms. Laurel Collins: If you look to New Zealand, you'll see that there's been some successful legal movement around giving bodies of water rights as well. We can look to international examples.

Mr. Greg McLean: Could you table that at this committee?

Ms. Laurel Collins: Bolivia is an example as well. Here in Canada these movements are pushing for legal changes similar to what has been done by our international peers.

The Chair: It's very complex, because you're sometimes dealing with provincial jurisdictions. You have to operationalize these concepts and then adjudicate them. It's going to be a very interesting discussion.

Are there any other points on this before we vote?

• (1230)

Ms. Leah Taylor Roy: This is just a quick point of order. We skipped over BQ-0.1.

The Chair: We'll get to it after—

Ms. Leah Taylor Roy: No. After this is BQ-1.

The Chair: There is a BQ-0.1 before BQ-1.

Ms. Leah Taylor Roy: There is. I'm sorry. It's not in my agenda.

That's great. Thank you.

The Chair: That's why there were questions around that.

Shall we go to a vote on NDP-2?

(Amendment negated: nays 10; yeas 1 [See Minutes of Proceedings])

The Chair: That brings us to BQ-0.1.

[Translation]

Ms. Monique Pauzé: Mr. Chair, I will be brief.

When we started the clause-by-clause consideration of the bill, we spent at least 20 minutes saying that we needed to be as consistent as possible with the Rio declaration, and that is what my amendment does.

The problem is in the French version. We need to use the right words—that is, words that reflect what the English version says.

[English]

The Chair: Are there any questions or comments?

We'll go to a vote.

I'm sorry. Did you have your hand up?

Ms. Laurel Collins: I'm looking through my email to find amendment BQ-0.1.

My concern with the original motion that wasn't tabled was around the "cost effective" language. I'm seeing here that this is just "effective measures", so this seems very supportable.

Is that right? Am I on the wrong one? Darn it.

Okay, I have BQ-0.1. When I look at it, I see one change to "précaution", and then I also see highlighted in blue "*mesures effectives*".

The Chair: Is that what is being proposed for "cost effective"?

[Translation]

I have been thinking about this since you brought it up before Christmas, Ms. Pauzé. Normally, when it comes to French, I defer to you.

Mr. Deltell, go ahead.

Mr. Gérard Deltell: Thank you, Mr. Chair.

Can the subject matter experts explain the difference between the words "prudence" and "précaution"? These people are neutral and objective, but more importantly, they have a lot of legislative knowledge.

Ms. Pauzé did a great job of explaining the position in light of previously adopted legislation, but I would like to hear from legislative experts and departmental experts.

Ms. Laura Farquharson: When we talked about this text a few months ago, we insisted on using the word "prudence" because it was used throughout the rest of the Act. However, when the committee passed a definition of the precautionary principle, it used the word "précaution". Furthermore, in the English version, the word "cost-effective" is used and, in the French version, the words "mesures effectives" are used.

The definition passed by the committee includes "cost-effective" in English, and "mesures effectives" in French; "precautionary principle" in English, and "principe de précaution" in French. The

preamble now uses "cost-effective" in English, and "mesures effectives" in French. Lastly, we use "precautionary principle" in English, and the current amendment would replace "prudence" by "précaution".

Two clauses in Bill S-5 still use the word "prudence" instead of "précaution", but they can be changed later.

• (1235)

Mr. Gérard Deltell: If I've understood your explanation correctly, it's an issue of correlation and consistency with the rest of the Act.

Ms. Laura Farquharson: Yes, that's it.

Mr. Gérard Deltell: Thank you.

The Chair: Ms. Pauzé, if I understand correctly, the committee already agreed on this wording. Is that right?

Ms. Monique Pauzé: Mr. Chair, Ms. Farquharson explained it very well.

You may recall my little rant from a few months ago. In the French version of the Rio Declaration on Environment and Development, it refers to the precautionary principle and cost-effective measures. That is what is in the Rio Declaration, which is based on...

The Chair: Did we already adopt this wording?

Ms. Monique Pauzé: We...

The Chair: I'm told we didn't.

So this is the first time we're using this language in Bill S-5. Is that right?

Ms. Monique Pauzé: Yes.

The Chair: Very well.

Ms. Monique Pauzé: At some point, we'll have to make the wording consistent to fix a mistake from 20 years ago.

The Chair: Agreed.

Ms. Collins, you have the floor.

[English]

Ms. Laurel Collins: I wanted to put on the record again that I am not in favour of the English version of this. Including "cost-effective" rather than "effective", I think, is undermining some important principles.

However, I support the change that Madame Pauzé has suggested for the French version, so I will be voting in favour.

The Chair: Mr. McLean, do you have something?

Mr. Greg McLean: No.

[Translation]

The Chair: In that case, we will proceed to the vote.

(Amendment agreed to: 11 yeas; 0 nay.)

The Chair: We will now move on to amendment BQ-1.

Ms. Monique Pauzé: Amendment BQ-1 proposes that Bill S-5, in clause 2, be amended by replacing line 36 on page 2 with the following:

when they are economically and technically viable, and the virtual elimination of persistent and bioaccumulative toxic substances;

The intent remains to tighten up the legislation in favour of the health of citizens and the environment.

The Chair: Since no one else wants to speak, we will put amendment BQ-1 to a vote.

[*English*]

(Amendment negated: nays 9; yeas 2)

The Chair: The amendment is defeated, which brings us to amendment NDP-3.

Ms. Collins, go ahead.

• (1240)

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

Maybe since it's such a short amendment, I will just read it out:

Whereas the Government of Canada is committed to openness, transparency and accountability in respect of the protection of the environment and human health;

This is just explicitly stating some core principles that I hope will have unanimous support around the table.

The Chair: Are there any other interventions?

(Amendment agreed to: yeas 11; nays 0)

The Chair: Amendment NDP-3 is adopted. We now go to amendment CPC-1.

Go ahead, Mr. Kurek.

Mr. Damien Kurek: Thank you very much, Mr. Chair.

In the interest of trying to keep things short, I think this amendment just ensures that the government stays committed to implementing that risk-based approach to the assessment and management of chemical substances. I hope the committee will support this and the clarification it provides.

Thank you.

The Chair: Shall we go to a vote?

(Amendment agreed to: yeas 11; nays 0)

[*Translation*]

The Chair: Shall the committee pass clause 2 as amended?

(Clause 2 as amended is agreed to on division.)

The Chair: We have a proposed amendment for clause 5 of the bill, amendment G-6. If amendment G-6 passes, amendments PV-6, BQ-3, NDP-10 and CPC-2 cannot be moved, because all five amendments modify the same line of the bill.

Who wants to move amendment G-6?

[*English*]

Ms. Laurel Collins: Mr. Chair, on a point of order, would you mind just repeating all of the amendments you just said would be—

The Chair: Yes. They are amendments PV-6, BQ-3, CPC-2—those ones. We'd end up at amendment NDP-8.

Ms. Laurel Collins: So none of amendments NDP-8, NDP-9, NDP-10 or NDP-11 are impacted by this?

The Chair: They're not affected, according to my—

Ms. Laurel Collins: Thank you so much.

The Chair: I'm sorry; only amendment NDP-10 is affected.

Okay, who's...?

Mr. Weiler, go ahead.

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

I'll be moving amendment G-6. This amendment makes important changes to the implementation framework of this bill, which is under clause 5.1.

This amendment is a fairly long amendment. It really seeks to do a few things with the implementation framework. It ensures how ministers must deal with a right to a healthy environment through the implementation framework. It creates some important reference to air quality within the substance of the right to a healthy environment and it impacts the time frame of the act as well.

Already within the preamble of Bill S-5, we recognize that every individual in Canada has a right to a healthy environment as provided under the act. We've expanded that in this act with the definition that a healthy environment is clean, healthy and sustainable.

In clause 7 of this bill, we've also affirmed the duty, under section 44 of the act, of ministers to conduct research, studies and monitoring activities in support of protecting the right to a healthy environment. The clause we're dealing with right now determines how that's going to be actioned in the bill.

Currently in the way the bill is written, it says:

Ministers shall, within two years after the day on which this section comes into force, develop an implementation framework to set out how the right to a healthy environment will be considered in the administration of this Act.

What I'm proposing here is that we change this to "protected in the administration of this Act". I think this is really important, because when we are talking about rights, we want to protect those rights, not simply "consider" them. It would also result in consistency throughout the act, because when we talk about the right to a healthy environment in other areas, we talk about protecting that right.

Furthermore, clause 2.1 makes specific reference to air quality. We know that in Canada about 15,000 people die every year simply from poor air quality, which also costs the government and our society billions of dollars in economic losses as well.

Lastly, I have proposed to change the time frame in which to develop the implementation framework from two years down to 18 months. Subsequent to this amendment originally being put together, we've had testimony in this committee that has made it clear that we actually do need 24 months rather than 18 months in order to effectively consult and develop this implementation framework.

With that, I would suggest to any of my colleagues around the table here who might be interested in proposing a friendly amendment that it be to revert it back to 24 months.

• (1245)

The Chair: Go ahead, Ms. Taylor Roy.

Ms. Leah Taylor Roy: Would I make a subamendment now if I wanted to revert it back to 24 months?

The Chair: You could.

Ms. Leah Taylor Roy: Okay. I move that subamendment then. Instead of 18 months, I move that it be 24 months, as was originally proposed.

The Chair: Would anyone like to speak to the subamendment?

Ms. Collins, would you like...?

Ms. Laurel Collins: I'm sorry, but no. We can vote on the subamendment and then we can....

The Chair: Okay. Let's vote on the subamendment.

Mr. Terry Duguid: Can I just make something clear?

The subamendment essentially encapsulates the original language of CEPA. Is that correct?

It does. Okay. Thank you.

The Chair: Okay. Shall we vote on the subamendment to change the 18 months to 24 months?

Go ahead, Madame Pauzé.

[*Translation*]

Ms. Monique Pauzé: Before we move on to a vote, can the people with us today tell us if this amendment changes what's proposed in Bill S-5?

I find this amendment, as written, somewhat unpalatable. I wonder if some things could be good and others not as good.

Furthermore, towards the end of the amendment, it reads "in any given geographical area". Does it mean that, once again, the federal government will have the right to intervene in any given geographical area, or must it do so with the agreement of the relevant province or territory?

The Chair: Are there any other comments or questions?

Ms. Collins, you have the floor.

[*English*]

Ms. Laurel Collins: Since we haven't voted on the subamendment yet and since it's just a change from 18 months to 24 months.... On that in particular, I am not certain about the best path forward and whether it's 18 months or 24 months, but if this subamendment will garner support from other members in order to pass this important amendment, I'm going to be supporting the subamendment.

The Chair: Are there any other questions before we go to a vote?

(Subamendment agreed to on division [*See Minutes of Proceedings*])

The Chair: We're back to G-6 as amended.

Go ahead, Mr. Duguid.

• (1250)

Mr. Terry Duguid: Mr. Chair, if I could again defer to officials, particularly on the the thorny issue of jurisdiction—the issue of air quality and how we need to work together with provinces in that particular space—why is that important? Perhaps they could add a few reflections on what is going on now in that space.

Ms. Laura Farquharson: This provision has been written to apply to the entire act. Singling out air quality or chemicals management.... They may be the issues of today, but this act is meant to last for a long time. The idea was that it creates an implementation framework that applies to the entire act.

On air quality in particular, that is an area of shared jurisdiction. Provinces, territories and the federal government work collaboratively right now under the air quality management system, which was agreed to in 2012, when jurisdictions agreed on various responsibilities.

To suggest that the federal minister can fix the problem unilaterally is not appropriate in a collaborative system.

Mr. Terry Duguid: Thank you.

[*Translation*]

The Chair: Ms. Pauzé, you have the floor.

Ms. Monique Pauzé: I haven't yet gotten an answer to the question I asked earlier regarding how, exactly, aspects of this amendment would change Bill S-5.

Ms. Laura Farquharson: I don't know if the member who moved amendment G-6 explained all the proposed changes, but I can try. There are several.

[*English*]

There isn't the time limit anymore.

[*Translation*]

We talked about replacing the verb "considérer" by "protéger", and the amendment includes other changes in the proposed wording of clause 5.

[*English*]

I'm sorry. I have it only in English. It says "set out how" instead of "elaborate on". There are various changes in wording.

The key changes, though, are to add "air quality". Also, I believe, it adds risk management and risk assessment as specific issues that must be dealt with in the implementation framework. It also eliminates the paragraph that talked about "reasonable limits" with the factors to be considered, which is an important aspect.

There are a bunch of wording changes. One is changing "considered" to "protected" in talking about setting out how the right will be protected instead of elaborated on.

[*Translation*]

Ms. Monique Pauzé: Ms. Farquharson, I'm trying to understand if all these little amendments will reinforce clause 5 of Bill S-5.

You spoke a great deal about ambient air and all that. I almost want to invite everyone to vote against amendment G-6 and vote in favour of amendment BQ-3, which won't be moved if amendment G-6 passes. Our amendment comes back to the essence of the bill.

[English]

Ms. Laura Farquharson: I've said that the emphasis on particular aspects of the act is perhaps not appropriate. I think the "reasonable limits" paragraph is an important one, and it would be eliminated.

The Chair: I'll go to Mr. Weiler and Ms. Collins.

Mr. Patrick Weiler: Thank you, Mr. Chair.

To answer Madame Pauzé's question, the language used in relation to air quality is consistent with the language Madame Pauzé has proposed as well. I wanted to reference that.

In my opinion, when we're talking about a right to a healthy environment, the requirement to "protect" it rather than just "consider" it would be a much stronger way of articulating that type of implementation framework.

Lastly, on the deletion of "reasonable limits", there's nothing preventing the future minister from introducing that within the framework itself. It just removes it as a fundamental requirement to do that.

• (1255)

The Chair: Go ahead, Ms. Collins.

Ms. Laurel Collins: I have a quick question about this jurisdiction piece. In our previous conversations around provincial jurisdiction, my understanding of what you said was that when it came to pollution hot spots, the provincial and territorial jurisdictions are respected in these acts.

I guess part of me is tempted to suggest putting in the same subamendment, which was voted down before, about respecting provincial and territorial jurisdictions, if that is a concern here for proposed subsection 2.1(a). I'm a bit confused about why it would be a concern here and not for pollution hot spots.

Ms. Laura Farquharson: I'm not sure that we're talking about.... I don't think it was a concern before, when we were talking about the geographical targeting of the regulations. The federal government can act in that area, but I think here we're talking more about the singling out of air quality and chemicals management in particular under the implementation framework, and the suggestion that you would act alone. For sure, the minister has power to act in the area of air quality and can do targeted regulations.

Ms. Laurel Collins: I don't see a specific reference to the minister acting alone. I'm curious how you interpreted that.

Why would they not automatically be acting in conjunction with the provinces, since that is a requirement when it comes to these issues?

Ms. Laura Farquharson: I suppose I read it in "the measures that the Ministers shall take to protect the right of every individual in Canada to a healthy environment" if the ambient air quality goes lower.

Ms. Laurel Collins: If it said after that "respecting provincial and territorial jurisdictions", would that allay your concerns?

Ms. Laura Farquharson: Yes. I suppose it's not just the legal jurisdiction but the process that's been agreed to under the AQMS, the air quality management system.

Ms. Laurel Collins: The minister is acting when it comes to the implementation framework respecting provincial and territorial jurisdictions. Perhaps there could be a friendly amendment to include the same language that Madame Pauzé sent to the committee, which is just the addition of "respecting provincial and territorial jurisdictions".

[Translation]

In French, it's written as "dans le respect des compétences des provinces et territoires et ce,"

[English]

immediately after "levels specified".

This is, hopefully, a friendly amendment.

To speak to the issue of singling out these.... As Mr. Weiler pointed out, on average, there are 15,000 people who die because of air quality issues in Canada. That is a staggering number. In 2015, a report by the Canadian Association of Physicians for the Environment reported 20,000 deaths.

I think it's incredibly important that we single out this issue. CEPA has not been updated for over 20 years, so it is critical that we single out air quality when it is such an important issue. I know we're going to have other amendments that cover this, but I implore the committee to take this up in a meaningful way.

The Chair: Are you proposing a subamendment?

Ms. Laurel Collins: Yes. It's a subamendment with the same language that Madame Pauzé suggested before.

The Chair: Could you say maybe where the subamendment fits in?

• (1300)

Ms. Laurel Collins: For sure. I had suggested it for after "the levels specified", or in French "*le taux fixé*".

The Chair: Can we vote on the subamendment?

Go ahead, Madame Pauzé.

[Translation]

Ms. Monique Pauzé: We can vote on the subamendment, but then I'd like the meeting to be suspended. I consider this amendment important, but it's difficult to see all the consequences.

The Chair: We will come back to your proposal to adjourn the meeting after the vote.

[English]

Okay. We will vote on the subamendment.

Go ahead, Ms. Collins.

Ms. Laurel Collins: Given that it is 1:01 now, we are past our committee time, so we could adjourn and vote on this amendment—

The Chair: I would suggest we vote on the subamendment. Then I think Madame Pauzé wants to propose a motion to adjourn after we vote on the subamendment.

Ms. Laurel Collins: I guess I'm proposing a motion to adjourn now.

The Chair: Okay. We will have to vote on that.

Mr. Clerk, please take the vote.

(Motion negatived: nays 10; yeas 1)

The Chair: We're not adjourning. Can we vote on the subamendment?

Ms. Laurel Collins: I am happy to talk on this amendment for a very long time. I am happy to vote on the subamendment, but I think that given Madame Pauzé's suggestion, we could stay here and chat about this amendment for a very long time, or we could adjourn promptly.

[*Translation*]

Ms. Monique Pauzé: Are we voting on the subamendment pertaining to provincial and territorial jurisdictions? I'm in favour of that subamendment.

[*English*]

The Chair: We're going to vote on the subamendment. Then I believe Madame Pauzé might have a motion.

Let's vote on the subamendment.

(Subamendment negatived: nays 7; yeas 4 [*See Minutes of Proceedings*])

The Chair: The subamendment is defeated.

Madame Pauzé, do you have a motion?

[*Translation*]

Ms. Monique Pauzé: I move that the meeting be adjourned, Mr. Chair.

[*English*]

The Chair: Does anyone object to adjourning?

(Motion agreed to)

The Chair: Congratulations, Madame Pauzé. Your motion passed.

We will see everybody on Thursday to continue with amendment G-6.

The meeting is adjourned.

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