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# Standing Committee on Environment and Sustainable Development

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Chair: Mr. Francis Scarpaleggia





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• (1530)

[English]

**The Chair (Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.)):** Colleagues, I'd like to welcome Mr. Jowhari, who is substituting for Ms. Thompson today.

Before we get started, I'd like to have a steering committee meeting next week. Is that okay...via Zoom? Does that work?

**Ms. Laurel Collins (Victoria, NDP):** Just given the issues we've been having with Zoom, I'm curious what we'll do if—

**The Chair:** That's true. That's a good point actually, because we won't be in a room. Yes, that might be a problem. I think we may have to do it on the 22nd. That's a good point.

**Mr. Damien Kurek (Battle River—Crowfoot, CPC):** Chair, I'd certainly be supportive.

I have limited availability, but I'd certainly be supportive of having a meeting, if possible. I expect, especially for a steering committee meeting, it would be probably be all virtual if that could in fact be facilitated.

**The Chair:** Yes. I didn't think of that, so I think we're going to have to do that. I think we're going to have to.... Otherwise, it would have been good, but....

Okay, so the next meeting after this meeting—and I'm assuming we're going to finish with Bill S-5 today—would be a steering committee meeting, just to plan out the future a little bit.

(On clause 5)

**The Chair:** Okay, so, we were at amendment G-6. We amended it—a subamendment was carried—and now we're on the amendment.

Does anyone want to speak to the amendment?

Ms. Collins.

**Ms. Laurel Collins:** I have just a quick note. I'm sure other members have gotten the outreach from the Canadian Association of Physicians for the Environment, really emphasizing the importance of ensuring that we are tackling the issue of air quality. This is part of this amendment. It's going to be part of the amendments that are coming up from the Bloc and from me.

They quote the UN special rapporteur on human rights and the environment, David Boyd, and say that one area where CEPA is failing is clean air. As it currently stands, Bill S-5 doesn't even mention air quality. Air pollution is the single-greatest environmental risk to human health and one of the main avoidable causes of

death and disease globally. International bodies, such as the World Health Organization and the UN Human Rights Council have stressed the importance of addressing air pollution due to its negative impact on the full enjoyment of human and civil rights.

I just urge committee members to include some mention of air quality in this and to have legally enforceable air quality standards.

Thank you.

• (1535)

**The Chair:** Thank you.

Before we continue, as I mentioned once before, in the last meeting, if G-6 is adopted as amended, amendments PV-6, BQ-3, NDP-10 and CPC-2 cannot be tabled because they all modify the same line as G-6.

Anyway, thanks for that intervention, Ms. Collins.

Would anyone else like to speak to this, or do we go straight to a vote?

Okay. We are voting on G-6 as amended.

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

**The Chair:** Thank you.

The amendment, as it had been amended, is defeated. As I mentioned, we cannot go to PV-6. We cannot go to BQ-3....

[Translation]

The amendment was defeated. Sorry.

[English]

I guess I'm anxious to get through this. I'm sorry. I apologize for that.

Next is PV-6.

[Translation]

Yes, I understand that the amendment is deemed to have been moved, but is Ms. May here to speak to it?

Can we discuss it without her?

[English]

**Ms. Laurel Collins:** Chair, just as a point of process, is it tabled even if someone...?

**The Chair:** When it's from an independent, it's deemed tabled.

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

**The Chair:** There's no need to have someone here to table it. I'm just wondering if anyone wants to speak to it, or should we go straight to a vote? It looks like we want to go straight to a vote.

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

**The Chair:** It's defeated, which means we can go to BQ-3.

Madame Pauzé.

[Translation]

**Ms. Monique Pauzé (Repentigny, BQ):** BQ-3 is very similar to G-6, which the committee unfortunately just voted against. It isn't perfect, especially regarding the geographical area. Of course, it would have been better to say "respecting provincial and territorial jurisdictions", but that was defeated with the vote on G-6. I won't ask anyone to move a subamendment to that effect, because I know what the outcome will be.

The rationale for G-6 applies to BQ-3 as well.

**The Chair:** Shall I call the vote?

[English]

**Mr. Terry Duguid (Winnipeg South, Lib.):** I have a subamendment, Mr. Chair.

**The Chair:** Is it to BQ-3?

**Mr. Terry Duguid:** That's correct.

Mr. Chair, I support this amendment in part. Specifically, while I oppose proposed paragraph (a), I support proposed paragraph (b) of the amendment.

First, the right to a healthy environment under CEPA applies to the whole act. Singling out specific issues or programs that are current preoccupations undermines the approach. As well, CEPA is an enabling statute, and as such, it is meant to last through changes in priorities.

I have a longer explanation here, Mr. Chair, but I will just let that stand.

• (1540)

**The Chair:** You're making a subamendment.

**Mr. Terry Duguid:** That's correct.

**The Chair:** What, specifically, are you doing through the subamendment?

**Mr. Terry Duguid:** I'm opposing proposed paragraph (a) and supporting proposed paragraph (b).

**The Chair:** Would you like proposed paragraph 5.1 (1.1)(a) to be withdrawn?

**Mr. Terry Duguid:** That's correct.

**The Chair:** Okay. Would we like to debate that subamendment?

Ms. Collins.

**Ms. Laurel Collins:** Just to be clear, the paragraph that we're deleting is the explicit mention of respecting ambient air quality. I will quote David Boyd again, UN Special Rapporteur on human rights and the environment, who said, "Health Canada estimates that air pollution kills over 15,000 Canadians each year...and inflicts over \$120 billion in socio-economic costs on the Canadian economy", staggering figures that should prompt swift and immediate action from any government.

I am concerned that the government not only voted down the last amendment, which explicitly mentioned air quality, but now, in this very supportable and strong amendment that's been put forward by the Bloc, it is again attempting to strip any mention of air quality from the bill.

**The Chair:** Is there anyone else?

Mr. Duguid.

**Mr. Terry Duguid:** Mr. Chair, without going into a long explanation, because this issue has been debated before, ambient air quality is an issue of joint jurisdiction: provincial and federal. As officials have relayed to us, it is important that federal and provincial governments work together to set those.

**The Chair:** Thank you for that.

I saw Ms. Collins first, but we'll get to Mr. McLean and Mr. Kurek, all the same.

Go ahead, Ms. Collins.

**Ms. Laurel Collins:** It's concerning that the government is going to take out the explicit mention of air quality. The rationale is that it's because we need to work with the provinces, but when we attempted to put in an amendment that would ensure it is explicitly mentioned that we are committed to working with provinces and territories, the government voted that down.

This amendment simply ensures that air quality will be addressed in the framework. It doesn't tie the government's hands in terms of how that gets done, so I do not support this subamendment.

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

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

Either to Mr. Duguid or to our officials here, can you please explain the impact this amendment, without paragraph (a) in it, will have on the bill itself?

**Ms. Laura Farquharson (Director General, Legislative and Regulatory Affairs, Environmental Protection Branch, Department of the Environment):** Proposed paragraph (a) is the part that says, without limiting the generality of the above, the implementation framework shall set out "in relation to each"...things like ambient air quality—

**Mr. Greg McLean:** Don't look at proposed paragraph (a). It's (b) by itself.

Mr. Duguid's amendment here is to take out (a). If we have only proposed paragraph (b) in there, it's "Without limiting the generality of subsection (1), the implementation framework shall set out" and then it goes to (b), what effect will there be on the bill?

**Ms. Laura Farquharson:** It just means that the framework will not specifically address those two subject matters: air quality and how assessments are done.

**Mr. Greg McLean:** If it doesn't have (a) in it, is the entire amendment redundant?

**Ms. Laura Farquharson:** No, I believe there's still an amendment in there that talks about the relevant factors that have to be considered. It says that the relevant factors—which are social, health, scientific and economic factors—are relevant to defining the right and also to its limits.

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

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

**Mr. Patrick Weiler (West Vancouver—Sunshine Coast—Sea to Sky Country, Lib.):** I would just say that Canada is one of the few western democracies that don't have legally enforceable mandatory air quality standards. We've already talked about the impacts that fact has in Canada. With the way this is drafted, there are still two years in which to figure out how to implement it. There's plenty of time to consult and work with provinces on how to do that.

**The Chair:** Is there anyone else? Let's go to a vote.

• (1545)

**Mr. Terry Duguid:** Do you mean on the subamendment?

**The Chair:** It's on the subamendment.

(Subamendment agreed to: yeas 8; nays 3 [*See Minutes of Proceedings*])

**The Chair:** On the main amendment as amended, does anyone have anything to say?

I have Ms. Collins and Madame Pauzé.

**Ms. Laurel Collins:** I want to thank Madame Pauzé for putting this forward. The language is the same as in the NDP amendment that will be ruled out of scope once this passes. I will still support it even though I was hoping it would pass with both sections. I think that ensuring that we change the language and strengthen the language to ensure that the right to a healthy environment is not limited unduly is a good move forward, so thank you, Madame Pauzé.

**The Chair:** Is there anyone else?

[*Translation*]

Go ahead, Ms. Pauzé.

**Ms. Monique Pauzé:** I'm going to vote for BQ-3 as amended, despite my great disappointment at the removal of that important paragraph. I still encourage you to vote for it.

Proposed paragraph 5.1(2)(c) refers to "the relevant factors to be taken into account in interpreting and applying that right and in determining the reasonable limits". That's also what it says in Bill S-5: "the reasonable limits to which that right is subject, resulting from the consideration of relevant factors, including". The bill

goes on to list factors, but a right isn't limited to three or four factors. It should always apply.

For that reason, I encourage you to amend the Senate's bill.

**The Chair:** Thank you, Ms. Pauzé.

Go ahead, Mr. Weiler.

[*English*]

**Mr. Patrick Weiler:** I would agree with Madame Pauzé and Ms. Collins on this. There are still some very important parts in here, including adding detail to the process that needs to be followed to protect the right to a healthy environment. Again, talking about the relevant factors that could limit this is a much less limiting way to phrase this, so I will be supporting it.

**The Chair:** Mr. Kurek.

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

I have a question for both Madame Pauzé and our officials. I'm curious. The meaningful change is adding the part about the "reasonable limits to which it is subject".

I'm wondering first if Madame Pauzé could expand on that, and then I'd ask the officials what the implications of this would be in terms of the greater CEPA framework?

**The Chair:** Is there anyone else?

I'm sorry. I was distracted with a question.

Madame Pauzé, go ahead.

[*Translation*]

**Ms. Monique Pauzé:** Yes, there's the issue of reasonable limits, but as I recall, the Green Party had proposed an amendment that listed just about each and every group, except white men between this age and that age. It was very restrictive, so the idea behind my amendment is to take all the factors into account and extend the right to everyone.

Obviously, reasonable limits will have to be set. I assume there will probably be economic consequences, for instance, and it will be up to people to make a clear determination as to what is reasonable and what isn't. The point I'd like to make, however, is that Bill S-5 is limited to social, health, scientific and economic factors, but there could be others. That's why paragraph 5.1(2)(c), as proposed in my amendment, would broaden that. There isn't a right if people are excluded. The purpose is to have the amendment cover everyone.

**The Chair:** Are there any other questions or comments?

[*English*]

Please go ahead, officials.

**Ms. Laura Farquharson:** I'm not sure I have much to add.

The original said that the framework should elaborate on the “reasonable limits” to which the right is subject, resulting from consideration of relevant factors, including social, health, scientific and economic factors. Now that's been amended to say that the relevant factors are taken into account in interpreting and applying the right and determining the limits. That's the change.

• (1550)

**Mr. Damien Kurek:** Does that make any difference?

**Ms. Laura Farquharson:** Yes, I think so. There's lots to think through with this implementation framework, but on its face, it's saying that social, health, scientific and economic factors are relevant to interpreting what the right to a healthy environment means. You'll recall that we talked about some of the principles that underline the right, like environmental justice. It's saying that's relevant to the definition of the right, and any limits as well.

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

**The Chair:** Shall we go to a vote on BQ-3 as amended?

By the way, I should mention that if it's adopted as amended, NDP-10 can't be tabled.

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

[*Translation*]

**The Chair:** We are now on CPC-2.

Who would like to move it?

[*English*]

**Mr. Greg McLean:** Walk me through this.

Mr. Chair, we've already made amendments to this paragraph. Is that correct?

**The Chair:** G-6 was negated.

**Mr. Greg McLean:** All right.

We're looking here at the whole definition: “the principles to be considered in the administration of this Act, such as principles of environmental justice—including the avoidance of adverse effects that disproportionately affect vulnerable populations—the principle of non-regression and the principle of intergenerational equity”. I know we attempt to define these terms, but in effect we only define half of these terms because “intergenerational equity” also means all the benefits that we're adding to generations who come after us.

I'm quite concerned that unless the definition has been expanded, and I'll seek the officials input on that, the intergenerational equity is.... It's not a regression. We're not moving backwards, I get it, but intergenerational equity, in the way it has been defined here, is looking at one side of the equation only: the harm we're potentially doing to the next generation or a generation after that. At the same time, we also need to consider the benefit we're giving to every generation that follows. I would like to either see the definition expanded or this term removed.

**The Chair:** Okay.

Ms. Collins is next.

**Ms. Laurel Collins:** I just wanted to draw my colleague's attention to the next amendment, NDP-8, which we'll vote on immediately after this one and which I hope answers some of those questions. It would be replacing line 9 on page 4 with the following:

intergenerational equity, according to which it is important to meet the needs of the present generation without compromising the ability of future generations to meet their own needs;

It's really fleshing out that definition.

I hear that likely this won't address the concern about how future generations are benefiting from some of these issues, but I think it does speak to what the Canadian Environmental Protection Act really needs to do, which is to protect both the people who are living right now and the people who will come after us.

**The Chair:** Before we go to Mr. Weiler, I don't know if I mentioned it, but if this amendment is adopted, NDP-8 can't be moved.

Mr. Weiler, go ahead.

**Mr. Patrick Weiler:** I think there might be a bit of confusion on this one.

When we're looking at this, there are a few things. It's talking about the “principles” and “including the avoidance of adverse effects that disproportionately affect vulnerable populations”. That's one. Also, then, we're talking separately about “the principle of non-regression and the principle of intergenerational equity”, so potentially, depending on how the minister wants to interpret this, it could very well consider the matters that Mr. McLean brought up.

• (1555)

**Mr. Greg McLean:** On a point of order, Mr. Chair, “depending on how the minister wants to interpret this”...?

Mr. Weiler, we're supposed to understand what this is saying, not have it open to some kind of ministerial interpretation.

**Mr. Patrick Weiler:** If I may, that's in the next clause that's going to be coming up, when we're talking about NDP-8.

**The Chair:** Shall we go to a vote?

**Mr. Greg McLean:** No.

**The Chair:** Go ahead, Mr. Taylor Roy.

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

I'm trying to limit my comments, but on this particular amendment, remember what you have now called paragraph (b), but which was paragraph (c). We already have that it's subject to “reasonable limits”, and that includes economic factors.

When you're talking about economic factors, you're not talking about economic factors today. Most people actually look forward when they're doing any kind of analysis of economic factors and do the net present value of those. I would say that your concern is already addressed in that “reasonable limits” section.

**The Chair:** Okay.

**An hon. member:** Can we talk?

**The Chair:** Yes. Let's break.

• (1555) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1555)

**The Chair:** I call the meeting back to order.

We shall proceed to a vote on CPC-2.

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

[*Translation*]

**The Chair:** That brings us to NDP-8.

Would you like to speak to your amendment, Ms. Collins?

[*English*]

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

This is really fleshing out the concept of intergenerational equity, ensuring that we are looking at it in a framework where the government ensures that not only are we meeting the needs of the people who are presently here and the present generation, but we're also doing so in a way that we're not compromising the needs of future generations.

**The Chair:** Okay. Is there anyone else?

Go ahead, Madame Pauzé.

[*Translation*]

**Ms. Monique Pauzé:** I'd like to add something, if I may. When we first began studying Bill S-5, we talked about definitions. I think the second iteration of the bill should set out clear definitions of the terms used. I am confident that that will happen, so I will vote for NDP-8.

**The Chair:** Are there any other comments?

Go ahead, Ms. Collins.

[*English*]

**Ms. Laurel Collins:** Maybe I'll just note that this is really just reinforcing key principles in the right to a healthy environment and ensuring that we are establishing them as administrative duties.

• (1600)

[*Translation*]

**The Chair:** Are there any other comments?

I will now call the vote.

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

**The Chair:** Congratulations, Ms. Collins.

Now we have to deal with NDP-9.

Go ahead, Ms. Collins.

[*English*]

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

We've spoken a lot already about the importance of having legislation that explicitly references air quality standards. I quoted David Boyd, the UN special rapporteur on human rights and the en-

vironment. He explicitly says Canada needs legally enforceable air quality standards to keep people safe, and Mr. Weiler mentioned that Canada is one of the very few industrialized nations in the world that does not have legally binding and enforceable ambient air quality standards.

The U.S. has air quality standards that date back to more than 50 years ago. It is essential that we move forward on this. I know that these amendments have been voted down multiple times now, but I would implore the members around this table to read the comments of David Boyd. It is critical. Poor air quality and air pollution increase the risk of stroke, heart attack, lung cancer, and chronic and acute respiratory illnesses such as asthma. They also increase birth defects. This is a critical issue, and I wish the members around the table would ensure that we have this embedded in our legislation.

[*Translation*]

**The Chair:** Are there any other questions or comments?

Go ahead, Ms. Pauzé.

**Ms. Monique Pauzé:** Mr. Chair, I would add that the ministers should certainly be required to respect provincial and territorial jurisdiction, as was the case with G-6 and indeed BQ-3. However, I won't make it a subamendment.

**The Chair:** I will now call the vote on NDP-9.

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

**The Chair:** Shall clause 5 as amended carry?

(Clause 5 as amended agreed to on division)

(On clause 10)

**The Chair:** Now we need to discuss clause 10 and NDP-13.

If I recall correctly, there were questions about the fact that the French version of proposed subsection 56(4), at point (b) of the amendment, was shorter than the English version. That's unusual because the French tends to be longer than the English, but I received confirmation that it is indeed correct.

Would you like me to read out the explanation?

**An hon. member:** Yes, please.

**The Chair:** All right, then. I will. I have it in English.

• (1605)

[*English*]

It says that the amendment is consistent with how the provision is drafted in the existing act. However, there is quite a different approach taken in each language version. The English focuses on the extension period, whereas the French focuses on the new deadline. This has allowed a more condensed approach to be taken, hence the apparent absence in French of "whether the extension is for the preparation or implementation of the plan". Having said that, they are reluctant to interfere with the wording. The provision has been there for some time and has been applied. They say, if the wording is changed now, it could lead to interpretive uncertainty.

[Translation]

Therefore, the amendment is acceptable as is.

Now we need to discuss it.

Would you like to speak to your amendment, Ms. Collins?

[English]

**Ms. Laurel Collins:** Yes, and thank you, Mr. Chair.

I won't go on too much, because we did start discussing this in a previous session before the clause was stood. I just will note for committee members and for any members of the public who are watching that this amendment was really on safer substitution and ensuring that, as we decide that certain chemicals are toxic or harmful to human health, we are not simply replacing them with another harmful chemical. We want to ensure that substitutions are safer and that we're protecting both human health and the environment.

[Translation]

**The Chair:** Thank you.

Go ahead, Ms. Pauzé.

**Ms. Monique Pauzé:** I'd like to ask the honourable member something. As I understand NDP-13, it completely disregards prevention.

The language proposed by the Senate was good because it addressed the prevention side of things. An expert who appeared before the committee, Mr. Castrilli, said that preventing pollution was not currently mandatory. It's optional, so the benefit of what the Senate had proposed was that preventing pollution would become mandatory.

What are we trying to achieve at the end of the day? Do we want prevention or just control and management? I'd like to hear where the member stands on that.

[English]

**Ms. Laurel Collins:** I want to thank Madame Pauzé for her question.

Definitely, we've gone through a number of sections when it comes to pollution prevention planning, and I'm very much in support of anything that will strengthen this bill when it comes to that. If there's a friendly amendment that you think could be added to this amendment, I'm very open to it.

[Translation]

**Ms. Monique Pauzé:** As I see it, the friendly amendment would amount to voting against NDP-13 in order to keep what the Senate had proposed.

An expert from the Canadian Environmental Law Association was supportive of the wording in Bill S-5, as were other experts.

The committee was in favour of that very wording in its 2017 report. What's more, it was something the committee explicitly recommended in its 1995 report, following the first review of the Canadian Environmental Protection Act.

That means that, in 1995 and in 2017, the committee was in favour of making pollution prevention mandatory, but today in 2022, the committee would make it optional by voting for NDP-13.

Do I understand that correctly? If so, I will be voting against NDP-13.

**The Chair:** Are there any questions?

Go ahead, Ms. Collins.

[English]

**Ms. Laurel Collins:** To Madame Pauzé's comments, my intention with this amendment was really to add the language around safer substitution and ensuring that safer and more sustainable alternatives to a substance or product are put in place. I'd love to hear from the officials about the concerns that Madame Pauzé has raised.

**Ms. Laura Farquharson:** Just to be clear, I think the Senate initially said that they should be mandatory, and then at the end, by unanimous consent, changed it to discretionary again. I don't want to misspeak, but that's my recollection of what happened.

Just from the perspective of how these instruments are used, there is a range of instruments that are available under CEPA to manage the risks of toxic substances, and pollution prevention planning is one of them. You wouldn't want to require it in every case, because often you're prohibiting the substance. Why would you require a pollution prevention plan if what you're going to do is regulate to prohibit it outright? The amendments that are proposed do explicitly say these can be used to promote alternatives and also include a discretionary requirement to allow the minister to ask for interim progress reports. They will make it easier to track progress and whether the tools are working or not.

• (1610)

**The Chair:** Madame Pauzé, go ahead.

[Translation]

**Ms. Monique Pauzé:** Ms. Farquharson, I thought that what the Senate wanted was to identify the users, makers and importers of certain substances, and ask them for certain information. The minister would have the power to publish a notice requiring the people in question "to prepare and implement a pollution prevention plan".

**Ms. Laura Farquharson:** The amendment would remove the part about the information, but that's already covered in section 71 of the act. It's not necessary.

The way the amendment is drafted could suggest that it's a prerequisite to using the tool. Since the minister has the power to request or require the information elsewhere in the act, it's not necessary.

**Ms. Monique Pauzé:** It still disregards prevention.

**Ms. Laura Farquharson:** I think the importance of prevention is still there.

[English]

**The Chair:** Ms. Collins, go ahead.

**Ms. Laurel Collins:** I was just going back to the language of the bill.



For Madame Paupé, it's line 26 on page 6. I don't think that's the part you are concerned about. My guess is that it's about lines 28 to 35 on page 7. If you look at the language in the bill, it says "the Minister may waive the requirement", so I don't think this changes substantially. My understanding is that it's strengthening this portion of the act because we are including that new.... Hopefully this is a change in direction for the government, whereby we're ensuring that safer and more sustainable alternatives are going to be used.

**The Chair:** Shall we go to a vote?

(Amendment agreed to: yeas 6; nays 5 [*See Minutes of Proceedings*])

**Mr. Terry Duguid:** Mr. Chair, I have a point of order.

I have some prepared remarks on this. I think the clerks raised this issue earlier, but I would like to raise a point of order and ask the committee for unanimous consent to fix two technical errors in the sections on pollution prevention planning. One, there are incorrect references to paragraph 56(1)(b). It should be subsection 56(1) in clause 10.1. In clause 11.1 there are two versions of proposed section 60 that were adopted—one in clause 11 and one in clause 11.1.

I can explain in more detail, Mr. Chair, but if colleagues are agreeable, this, as I understand it, is for cleanup and consistency purposes.

• (1615)

**The Chair:** This is in reference to amendment NDP-15.

**Mr. Terry Duguid:** No.

**The Chair:** Have we announced the voting result on that?

**A voice:** We voted on amendment NDP-13.

**The Chair:** Okay. We announced the result. That's fine.

We have to vote on clause 10.

**Mr. Terry Duguid:** We're on clause 10 right now.

**The Chair:** This has to do with clause 10. Okay. Can you tell us where exactly?

**Mr. Terry Duguid:** It's clauses 10.1 and 11.1.

**The Chair:** These are technical amendments, really.

**Mr. Terry Duguid:** That's correct. I can go on with a further explanation if colleagues desire, Mr. Chair.

**The Chair:** Would you be able to tell us in a nutshell what we're changing?

**Mr. Terry Duguid:** Do the clerks want to? Are you familiar...?

**Mr. Philippe Méla (Legislative Clerk):** No, we don't know where you are.

**Mr. Terry Duguid:** Okay. Let me go on, Mr. Chair.

On January 30, the committee stood clause 10, but proceeded with voting for clauses 10.1, 11 and 11.1 on division.

Clause 10.1 deals with proposed section 58, which requires people to submit a declaration that they have prepared and are implementing a pollution prevention plan in accordance with the notice published under "paragraph 56(1)(b)". The other place changed this

reference from 56(1) to 56(1)(b) to reflect other changes they made, but the reference is no longer correct. There is no 56(1)(b) in the French version because of the drafting conventions that we previously discussed. The same error is repeated in clause 11.1.

As well, in adopting clause 11 and clause 11.1, the committee adopted two versions of proposed section 60: the "Requirement to submit certain plans". Therefore, Mr. Chair, if there is unanimous consent, I recommend that we recall the vote on clauses 10.1 and 11.1, and I would suggest we not let these clauses carry. That would fix the errors.

I think it is important to fix these errors in the bill before reporting it back to the House. I don't know if officials.... I think we've been getting advice from officials and—

**The Chair:** Basically, all we're doing is striking 10.1 and 11.

When you distill it, what are we doing?

**Mr. Terry Duguid:** I'll defer to officials.

**The Chair:** It sounds like we're striking 10.1 and 11—

**Ms. Laura Farquharson:** It's 11.1.

**The Chair:** Regardless of why we're doing it, that's what we're trying to do.

Go ahead, Ms. Farquharson.

**Ms. Laura Farquharson:** If clause 10 is adopted, then all the duplication happens. It's 10.1 and 11.1 that you probably need to.... It's where the duplication happens.

**The Chair:** It's all because of duplication. We have to get rid of 10.1 and 11.

**Ms. Laura Farquharson:** There's a duplication and a reference. If you pass clause 10, there is a reference to a paragraph that will no longer exist.

**The Chair:** Okay.

That's what we're doing. We're deleting 10.1 and 11 to avoid duplication. That's what it all comes down to. Is that correct?

**Ms. Laura Farquharson:** I think you carried clauses 10.1 and 11.1, and they need to be reconsidered or you'll have duplication in proposed section 56. You'll have two 56s and two 60s.

**The Chair:** When you say "reconsidered"...?

**Ms. Laura Farquharson:** I don't know. That's why I was hesitating. That's yours. That's for you to say.

**The Chair:** Mr. Duguid is saying that they need to be deleted.

**Mr. Greg McLean:** Mr. Duguid, I think it's because of what we just passed. Is that correct? This has become—

**Ms. Laurel Collins:** Yes. When we passed NDP-13, that's the reason for this.

**The Chair:** That's what we're doing—

• (1620)

**Mr. Terry Duguid:** Would it be helpful for you to have a time out?

**An hon. member:** Yes. Thank you.

• (1620) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1620)

**The Chair:** This is how it's been explained to me.

Basically, I assume that we want, for technical reasons, to delete 10.1 and 11.1. We can't just do it by voting on them, because we've gone past them. We have to bring them back in and then vote against them.

**Mr. Damien Kurek:** Is there unanimous consent to adopt what is being proposed?

**Mr. Terry Duguid:** We have to have unanimous consent to revoke.

**The Chair:** To bring them back in, yes, and then we can vote to delete them.

The motion will be to delete 10.1 and then the next motion will be to delete 11.1.

Go ahead, Ms. Collins.

**Ms. Laurel Collins:** Right now, we're just on the unanimous consent proposal to bring them back in.

**The Chair:** Yes, to bring them back in.

**Ms. Laurel Collins:** Then, once that happens, the committee can decide. I'm hesitant to give unanimous consent to bring these back in to be potentially deleted until I hear more from the officials. I would love to ask them some questions.

**The Chair:** We heard a little bit before, but we can always hear more.

**Hon. Mike Lake (Edmonton—Wetaskiwin, CPC):** On a point of order, I just want to make sure that this is a debatable motion.

**The Chair:** Do you mean the unanimous consent one?

To answer your question, Mr. Lake, it's not debatable, but we can still get some information from the...

Go ahead, please, Ms. Farquharson.

**Ms. Laura Farquharson:** There is duplication, and there is a reference to a wrong paragraph, but I might have said there was duplication twice.

First, you have to— I'm sorry. I don't want to tell you what to do.

If you adopt clause 10, there will be duplication and wrong references.

**The Chair:** That's the upshot of it, really.

**Ms. Laura Farquharson:** That's the upshot. In clause 10.1, there's a reference to proposed paragraph 56(1)(b), which will no longer exist. Clause 11.1 creates a second proposed section 60.

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

**The Chair:** Mr. Lake has a point of order.

**Hon. Mike Lake:** I do.

If this is non-debatable, I think it's fully reasonable to open it up, as a courtesy. The NDP has to vote for this unanimous consent motion to open it up, so we can have the very conversation she's trying to have—or not.

I'm willing to support the unanimous consent motion, but it's non-debatable.

**The Chair:** I gave permission to Ms. Farquharson to answer a couple of questions.

**Hon. Mike Lake:** Once we get into the conversation with members of the committee.... Once you open that door, anything non-debatable in the future becomes debatable by this precedent.

**Some hon. members:** Oh, oh!

• (1625)

**The Chair:** I don't consider it a discussion. I consider it a point of clarification.

Do you have a point of clarification?

**Ms. Laurel Collins:** I have a point of clarification for the process involved, right now.

**The Chair:** The process is that we have to deal with these two clauses. We have to bring them back. We can only bring them back by unanimous consent. There's no debate on the unanimous consent.

I allowed Ms. Farquharson to answer a question, so we could better understand. However, perhaps we can ask her a question again, once we get to clause 10.1 and clause 11.1, if we agree unanimously to bring them back.

**Ms. Laurel Collins:** I'm curious: If this unanimous consent motion is voted down, right now, since, at this moment—

**The Chair:** I think it will probably be reversed at report stage.

**Ms. Laurel Collins:** My question was more about this: If someone were to bring back this unanimous consent motion later in the day, at a later stage in this—

**The Chair:** No, I think we have to deal with it now.

**Ms. Laurel Collins:** Is it possible to bring it back?

**The Chair:** We want to vote on clause 10 as amended. That's where we're at. However, before we vote on it, we should clean up this problem.

**Ms. Laurel Collins:** I'm not trying to debate. I'm just reiterating the same comments I made before. At this point, I'm not willing to open up the debate and have this potentially deleted without knowledge in advance about whether or not that is a good direction to go in.

**The Chair:** We can debate whether it's a good direction if we bring it back.

**Ms. Laurel Collins:** I understand. However, at this point, I have control over whether or not we delete it. If we open it up, I will not, so I'm hesitant to hand over control to a committee that has shown itself to delete important sections.

**The Chair:** Okay.

Now, can we still vote on clause 10, or is it just going to make a big mess of things? Should we stand clause 10?

**Mr. Damien Kurek:** No, we have an outstanding unanimous consent motion that has to be addressed, but we can debate.

**Ms. Laurel Collins:** As a point of clarification, can that UC motion be tabled again?

**The Chair:** That's a good question.

Yes, apparently it can.

**Ms. Laurel Collins:** It can? Okay. At this point, I'm not willing to open up that debate.

**The Chair:** We don't have unanimous consent.

Can we still go ahead and vote on clause 10 as amended?

Okay, let's do that.

(Clause 10 as amended agreed to on division)

**Ms. Laurel Collins:** Mr. Chair, could I propose a brief pause?

**The Chair:** Yes.

• (1625) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1630)

**The Chair:** We decided to not bring these back right now.

We'll go to clause 19 with NDP-18.

**Ms. Laurel Collins:** I'm happy to go into clause 19, and if someone wants to table the motion again, I've also gotten reassurance....

**Mr. Terry Duguid:** I would seek unanimous consent to bring clauses 10.1 and 11.1 back, Mr. Chair.

**Some hon. members:** Agreed.

**The Chair:** I believe we have unanimous consent. I haven't heard anything to the contrary, so they've been brought back. We can now debate them one by one.

(Clauses 10.1 and 11.1 negated)

**The Chair:** We go to clause 19 now and—

**Mr. Terry Duguid:** No, you have to carry clause 10 again.

**The Chair:** It's done.

**An hon. member:** We carried it. Let's not carry it twice, or we'll be back to the same thing.

**Voices:** Oh, oh!

**The Chair:** Okay.

[Translation]

We voted on clause 10 as amended.

[English]

(On clause 19)

**The Chair:** We're at NDP-18.

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

We have debated this before, so I won't go on too much.

Just so folks know, this is to expand priority planning in proposed section 73 to include timelines and a requirement to update the plan every five years.

However, I think we were potentially on a subamendment.

**Mr. Terry Duguid:** Mr. Chair, I could support this motion, in part, if subamended to replace “within five years” with “within eight years”.

I would move that subamendment.

**The Chair:** The subamendment is changing “five” to “eight”.

Is there any debate on that?

Ms. Collins.

**Ms. Laurel Collins:** While I prefer five, I will accept eight if it will pass the motion.

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

(Subamendment agreed to [See Minutes of Proceedings])

**The Chair:** Now we go to the amendment, NDP-18.

Do we go straight to a vote? Is everyone in agreement with amended amendment NDP-18?

• (1635)

**Mr. Greg McLean:** Did we already amend it to “eight” in this one as well? It says “five”.

**Mr. Patrick Weiler:** We just amended it.

**Mr. Greg McLean:** Okay.

(Amendment as amended agreed to on division [See Minutes of Proceedings])

[Translation]

**The Chair:** We are on NDP-19.

[English]

**Ms. Laurel Collins:** Mr. Chair, I will not be moving NDP-19.

NDP-20 is on labelling—

[Translation]

**The Chair:** Just a moment, please.

I didn't think you could move it, but I'm being told that you can because you didn't move NDP-19.

[English]

Go ahead with NDP-20.

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

NDP-20 is on labelling. I have further amendments on labelling. This one is, I hope, very supportable for the members around the table.

It's "including the manner in which the public may be provided with information regarding substances or products including, in the case of products, by labelling them."

**The Chair:** Is there any debate?

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

(Clause 19 as amended agreed to on division)

(On clause 20)

**The Chair:** We have CPC-4.

**Mr. Damien Kurek:** Thank you very much, Mr. Chair. We heard in testimony over the course of the study that there did not seem to be clear rules about how a substance is added or removed from this list or, for example, the requirement for a risk assessment to be listed or delisted for a particular substance.

The only scenario specified in Bill S-5 that allows for the removal of a substance from the watch-list is a transfer from the watch-list to schedule 1. Bill S-5 does not provide a pathway off the watch-list for substances that are later determined to be not harmful or the hazard profile of which changes as new science is considered. As written, the watch-list will become a parking lot for substances despite any new evidence or information that comes to light about their impacts.

Therefore, this amendment is an attempt to find a reasonable path forward that allows for those changes to be made while still ensuring the protection of the health and safety of Canadians.

**The Chair:** Ms. Collins, go ahead.

**Ms. Laurel Collins:** I want to hear from officials about any impacts of this amendment. It is concerning to me.

**Ms. Laura Farquharson:** I think we could see providing a way off the watch-list when there is information to suggest that a substance is no longer capable of becoming toxic. However, I think the part that says one of the reasons you would take it off the watch-list is that it is determined not to be toxic under section 64 is problematic, because that's exactly the kind of circumstance in which you actually would put it on the watch-list. Perhaps you've gone through an assessment to determine whether it's toxic and perhaps the exposure is not such that it is going to make it onto the list, but you put it on the watch-list to signal to people that if they start using it more, they might need to assess it again and that it might become toxic.

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

**The Chair:** Mr. Duguid.

**Mr. Terry Duguid:** Mr. Chair, I have a subamendment, and I certainly appreciate the intent of this amendment. However, the inclusion of proposed paragraph (b) would defeat the policy intent of the watch-list. The watch-list, as colleagues know, is intended to be a list of non-toxic substances with hazardous properties to inform manufacturers, importers and other stakeholders about substances that could be determined to be toxic if the volume or use or exposure were to increase.

Mr. Chair, I believe this clarifies and helps realize the intent of my colleague's amendment.

• (1640)

**The Chair:** You're proposing a subamendment to it?

**Mr. Terry Duguid:** Yes, and this has been circulated. You may recall, Mr. Chair, that we had to pause on this particular issue because we didn't have it in writing.

**The Chair:** Yes.

**Mr. Terry Duguid:** We now have it in writing—

**The Chair:** What are you doing? You're just deleting—

**Mr. Terry Duguid:** We are deleting proposed paragraph (b), which again on this—

**The Chair:** You're just deleting a paragraph.

**Mr. Terry Duguid:** That's correct.

**Mr. Patrick Weiler:** You're also retaining "shall", because it was changed to "may".

**Mr. Terry Duguid:** We're also retaining "shall", as Mr. Weiler said.

**The Chair:** That's the subamendment.

Would anyone like to speak to that?

**Mr. Damien Kurek:** No.

**The Chair:** Shall we vote on the subamendment?

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

**The Chair:** What about the amendment now? Does it carry as amended?

Ms. Collins, go ahead.

**Ms. Laurel Collins:** Chair, I'm still concerned and I'm curious about the necessity of this amendment.

Ms. Farquharson, perhaps you wouldn't mind answering again. The minister already has the authority to delete a substance from the list. Are there benefits to including this amendment as subamended?

**Ms. Laura Farquharson:** It provides clarity.

**Ms. Laurel Collins:** Are there any potential impacts? Would this increase the number of substances taken off the watch-list, in your opinion?

**Ms. Laura Farquharson:** I can't really answer that.

**Ms. Laurel Collins:** Okay. That's fine. I remain concerned about the potential impacts of adding more ways to remove toxic substances, especially given the number of toxic substances that are currently impacting human health in the environment. I supported the subamendment, but I don't think I can support the amendment as a whole.

**The Chair:** Yes, Mr. Kurek.

**Mr. Damien Kurek:** I just want to note, Chair, that I think what was made very clear in testimony is the need for a so-called off-ramp so that the effectiveness of the list in general isn't diminished by substances being able to languish there even when new evidence is brought forward.

Certainly, although we would have liked to see it pass in its original form, acknowledging that creating a framework for an off-ramp is still important. Even with the subamendments, which change the original amendment somewhat, it still moves it in a direction that I think stakeholders certainly asked us to go.

**The Chair:** Okay. We're voting on CPC-4 as amended.

(Amendment as amended agreed to: yeas 9; nays 2 [*See Minutes of Proceedings*])

**The Chair:** We're now on BQ-5.

[*Translation*]

If BQ-5 is moved, NDP-21 can't be moved because both amendments are the same. It cancels the second one out.

• (1645)

[*English*]

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

I think the new NDP-21 has different language from BQ-5.

**The Chair:** It's possible.

Is there a new NDP-21?

**Ms. Laurel Collins:** There is, at least in my package. I have it here if folks want it.

**The Chair:** We're just trying to sort out what happens if BQ-5 is tabled.

Ignore what I just said. There's a new NDP-21, so whether or not BQ-5 is tabled, it has no impact on NDP-21.

[*Translation*]

Ms. Pauzé, go ahead.

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

Bill S-5 introduces the right to a healthy environment in the preamble to the act. That's good, but we would have preferred to see it in the act. Nevertheless, it's in the preamble.

If people have the right to a healthy environment, they need to know what they are buying and what they are eating. That only makes sense. If I don't know what's being sold on the market, I don't have the right to a healthy environment.

On February 15, Michael Vanzieleghem contacted the committee about the presence of fire retardants in memory foam mattresses and the potential health problems associated with that. There was no label, nothing, at the time of purchase. He bought a product that made him sick.

In their 2021 election platform, the Liberals pledged to make the labelling of chemicals in consumer products, including cosmetics and cleaning products, mandatory by the spring of 2022. This is now the spring of 2023. That's what BQ-5 seeks to do.

When it comes to potentially toxic substances, the Bloc Québécois believes that informing the public about a product's adverse health impacts is imperative, and labelling ensures that people know what they are buying and using.

**The Chair:** Are there any questions or comments?

Over to you, Ms. Collins.

[*English*]

**Ms. Laurel Collins:** I won't go on too much, since Madame Pauzé explained that very well. I think it is a really critical part of the right to a healthy environment to have a consumer's right to know.

**The Chair:** Okay. We shall go to a vote.

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

[*Translation*]

**The Chair:** That brings us to new NDP-21.

Did you send it out to everyone, Ms. Collins?

[*English*]

**Ms. Laurel Collins:** It should be in the newest package that the committee sent out.

[*Translation*]

**The Chair:** Very good.

Everyone should have it.

**Ms. Monique Pauzé:** I don't have it.

[*English*]

**Ms. Laurel Collins:** Never mind. I'm sorry. It was sent separately.

[*Translation*]

**The Chair:** All right.

The reference number is 12237547.

• (1650)

[*English*]

**Ms. Laurel Collins:** So that people can hear it as they are searching through their emails for the written language, it adds:

75.2 If a consumer product as defined in section 2 of the Canada Consumer Product Safety Act contains a substance specified on the List or on the list of toxic substances in Schedule 1, the Minister of Health shall, under that Act, establish requirements in respect of labelling such a product accordingly if that Minister is of the opinion that doing so is in the interest of the protection of the environment, public health or public safety.

Given that the previous amendment on mandatory labelling was voted down, I am not hopeful for this one, but I think this is an important moment to have comments on the record about how this issue needs to be resolved and about the government's failure to address this and adhere to its commitments.

The Liberals, in their 2021 election platform, committed that by spring 2022, they would “move forward with mandatory labelling of chemicals in consumer products, including cosmetics, cleaning products, and flame retardants in upholstery, that may have impacts on our health or environment.” That’s directly from the platform. This is nearly a year past that deadline, and the government has implemented no labelling requirements in these sectors. It has only promised consultations and a vague commitment to consider labelling requirements at a future date.

We passed one of my mild amendments on labelling, but if we want mandatory labelling, the committee needs to support these amendments.

There was a recently announced notice of intent to label so-called CEPA toxic substances. This is inadequate. By the time a substance is listed as toxic under the CEPA, it’s often no longer widely used in the products the government proposes to target with the new regulation. Labelling only a handful of CEPA toxic substances does not fulfill the platform commitment for mandatory labelling of chemicals that may have impacts on our health or on the environment.

I urge the committee to consider supporting this.

**The Chair:** Does anyone else want to jump in on this, or shall we just go to a vote? We’ll go to a vote.

(Amendment negatived: nays 9; yeas 2)

[Translation]

**The Chair:** That brings us to BQ-6. If it’s adopted, NDP-22 and NDP-23 can’t be moved because of a line conflict.

Over to you, Ms. Pauzé.

**Ms. Monique Pauzé:** It’s very straightforward. BQ-6 would require the minister to provide the reasons for granting or denying a request to assess a substance. The decision to assess or not assess the substance would have to be explained, plain and simple. That’s what the amendment would do.

**The Chair:** Are there any comments or questions on BQ-6?

It doesn’t look like it.

We will move to the vote, then.

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

**The Chair:** All right.

That brings us to NDP-22.

Please be advised that if NDP-22 is adopted, NDP-23 cannot be moved because they both amend the same line.

Go ahead, Ms. Collins.

[English]

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

NDP-22 is similar to but slightly different from BQ-6, which we just voted on. It specifies that the minister’s response to a public request for assessment must include a clear decision to grant or deny that request. We know this has been a problem in the past. It also

prescribes a timeline for initiating and completing assessments in response to that public request.

• (1655)

**The Chair:** Is there any debate?

Mr. McLean.

**Mr. Greg McLean:** Ms. Collins, I’m trying to look for the substantive difference here from the current language that you’re changing it to. You still have “90 days” in there and “consider the request and decide whether to add the substance to the plan developed under section 73 or deny the request.”

**Ms. Laurel Collins:** What we heard from people who have made these requests is that responses won’t actually specify whether they’re granting or denying them. This would ensure that people are getting answers within that time period and that there is a timeline not only for the assessment but also for initiating and completing the assessments in response to these public requests.

**Mr. Greg McLean:** The current proposed subsection 76(2) says the following:

The Ministers shall consider the request and, within 90 days after the day on which the request is filed, the Minister shall inform the person who filed the request of how the Ministers intend to deal with it and the reasons for dealing with it in that manner.

The current language seems to indicate to me that they are being responded to and told exactly how the matter is going to be dealt with.

The amendment changes it in what way?

**Ms. Laurel Collins:** What we’ve heard from stakeholders going through this process is that they get responses, but those responses are unclear. This would clarify that the minister must actually let those people who are making these requests know whether those requests are being granted or whether they are being denied, and maintain timelines, as well, around those requests.

**Mr. Greg McLean:** If I could ask the officials for...because I am not seeing the substantive difference here in the language.

Is there a comment on this from the officials?

**Ms. Laura Farquharson:** Yes, if we’re talking about NDP-22.

**Mr. Greg McLean:** We are.

**Ms. Laura Farquharson:** The difference from what it says in the bill now—which is that the ministers have to say how they’re going to deal with it—is that it says the ministers have to decide whether to add the substance to the plan or not and have to inform the person within 90 days. In this amendment, there are no time limits on when the assessment will get done.

**Mr. Greg McLean:** Is it that there are no timelines in the amendment or that there are no timelines in the current...?

**Ms. Laura Farquharson:** There are no timelines in the current act that would say if somebody makes a request for an assessment....

This is what it says: If someone asks for a request for an assessment, they will get an answer within 90 days. The amendment says that they'll be told whether it's going to go on the plan or whether its going to be denied. If it goes on the plan, it might be for gathering further information; it might be for assessment. It's different from what Madame Pauzé proposed, which said that it has to be assessed and within a certain period of time. It's different from that. It doesn't include that.

**Mr. Greg McLean:** Proposed subsection (2.1) of NDP-22 says, "Within 90 days after the day on which the request is filed, the Minister shall inform the person who filed the request of the decision, how the Ministers intend to deal with it and the reasons."

**Ms. Laura Farquharson:** That's just referring to the above—whether or not they're putting it on the plan and the reasons why.

**Mr. Greg McLean:** It's about putting it on the plan or not, versus getting a firm response one way or the other.

**Ms. Laura Farquharson:** It's versus getting an assessment right away. The point is that you don't want a public request mechanism to override priorities set through the plan of priorities.

**Mr. Greg McLean:** Therefore, the NDP amendment delays things a bit. Pardon me for putting it this way, but it's a procrastinative measure for—

**Ms. Laura Farquharson:** No, it's meant to be very clear about where a public request to assess a certain substance will be put on the plan, when one comes in. It's saying, "This is super important, so it's going to the top of the plan," or "Yes, we understand this is important, but these other 15 things should be assessed first, so it's going here in the plan."

• (1700)

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

**Ms. Laura Farquharson:** That's the idea.

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

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

It's just a small thing. My reading of the amended text would have it say, "how the Ministers intend to deal with it and the reasons. for dealing with it in that manner."

I think we might want to erase that one period, so we don't have that.

**The Chair:** This is a subamendment.

**Mr. Patrick Weiler:** It's just a grammatical change, so we don't have to—

**The Chair:** Can you tell us what you want to do, exactly?

**Mr. Patrick Weiler:** Right now, it says, "Within 90 days after the day on which the request is filed, the Minister shall inform the person who filed the request of the decision, how the Ministers intend to deal with it and the reasons."

Therefore, remove the period and continue, "for dealing with it in that manner." Just remove the period.

**The Chair:** Okay. It's a friendly amendment.

Does that subamendment to remove the period pass?

**Mr. Greg McLean:** It's also adding the language, "for dealing with it in that manner."

**Mr. Patrick Weiler:** No, because that was already in there.

**Mr. Greg McLean:** Is it in the subamendment or amendment?

**Ms. Laurel Collins:** It's after the line 4 in the remaining language.

**The Chair:** We're removing a period, not a comma.

**An hon. member:** I think we should have a debate.

**Some hon. members:** Oh, oh!

**The Chair:** Should it be a semi-colon? That's what we want.

**Some hon. members:** Oh, oh!

**Mr. Terry Duguid:** We want an Oxford comma.

**The Chair:** Are we removing a period or comma?

Go ahead, Mr. Weiler.

**Mr. Patrick Weiler:** Yes, we're removing a period.

**The Chair:** Okay. Everyone seems to be in agreement with that, so I think we can consider NDP-22 to be amended.

(Subamendment agreed to)

**The Chair:** Can we vote on it as amended, without the period?

**Mr. Greg McLean:** The version I have doesn't read the same as the version Mr. Weiler just read [*Technical difficulty—Editor*].

[*Translation*]

**Ms. Monique Pauzé:** I think there's an issue with Mr. McLean's mike.

[*English*]

**Mr. Damien Kurek:** Could Mr. Weiler explain the amendment that was just passed?

**The Chair:** We took a period out. We're good with that.

Shall we tally a vote on NDP-22?

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

**The Chair:** Because NDP-22 has been adopted, NDP-23 cannot be moved, which brings us to NDP-24.

**Ms. Laurel Collins:** I have to apologize to the committee. Ms. Farquharson pointed this out: I read two things out.

One was around the minister's response about making a clear granting or denying of the request. Then, I read out another section, which actually applies to NDP-24. This is around prescribing timelines for initiating and completing assessments, similar to BQ-6. It ensures that, when those requests come in, we have timelines for completing the assessments in response to those requests.

**The Chair:** Is there debate? We shall go to a vote.

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

(Clause 20 as amended agreed to on division)

**The Chair:** We're at the schedule now.

**Mr. Damien Kurek:** Chair, is there an NDP-24? Was that dealt with previously?

• (1705)

**The Chair:** Yes, we just dealt with it. It was defeated.

**Mr. Damien Kurek:** We skipped NDP-23, then.

**The Chair:** No, we didn't. Once we adopted NDP-22, we couldn't consider NDP-23.

(On schedule 1)

**The Chair:** We'll go to the schedule and G-17.

**Mr. Terry Duguid:** Mr. Chair, I move that Bill S-5, in schedule 1, be amended by deleting the reference to "section 68.1" in the references after the heading "Schedule 1" on page 53.

This amendment is consequential to the one introduced in clause 16.1. Simply put, clause 16.1 no longer refers to schedule 1, so there is no longer a need to reference this clause in the heading.

The government is committed to replacing, reducing and refining the use of vertebrate animals in the testing and assessment of substances. The amendment adopted in clause 16.1 imposed a positive obligation on the ministers to use scientifically justified alternatives, to the extent practicable, for the purposes of proposed paragraph 68(a) of the act.

Thank you, Mr. Chair.

**The Chair:** Is there any debate? We shall vote on it.

(Amendment agreed to: yeas 11; nays 0)

(Schedule 1 as amended agreed to on division)

**The Chair:** Shall the short title carry?

**Some hon. members:** Agreed.

**The Chair:** Shall the title carry?

**Some hon. members:** Agreed.

**The Chair:** Shall the bill as amended carry?

**Some hon. members:** Agreed.

**The Chair:** Shall the chair report the bill as amended to the House?

**Some hon. members:** Agreed.

**The Chair:** Congratulations, colleagues.

Go ahead, Ms. Collins.

**Ms. Laurel Collins:** I just note that it is 5:07. We do have scheduled time left in our day. I was wondering if maybe we could start a subcommittee meeting or at least to commence the conversation—

**The Chair:** I'd have to prepare the subcommittee. We're not ready for it yet. I apologize for that.

Go ahead, Mr. Kurek.

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

Ms. Collins just referenced the subcommittee or steering committee and the possibility of meeting. I understand the logistics of that, but I would just note that there are a number of studies that were passed by this and that we look forward to. We'd be open to the idea of a virtual steering committee meeting over the course of the break if we could ensure that technology would co-operate with us.

I'd just note that, of priority, further supplementary estimates were tabled in the House and will be before this committee. This committee did pass a motion back in December to have the minister come and speak before us. I look forward to that happening at the earliest opportunity.

**The Chair:** I can be corrected if I'm wrong, but I'm told the minister may be available on March 27. I don't know if anyone's checked. My understanding is that we do want to bring the minister in.

In terms of a subcommittee, I don't mind doing a subcommittee during the break if you don't mind cancelling it if the sound is not good.

**Mr. Damien Kurek:** That works for me.

**The Chair:** Nobody will feel inconvenienced if we're five minutes in and it's not working...? Okay. Let us do that.

Go ahead, Mr. Longfield.

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

Since I won't be at the subcommittee because I'm not on the subcommittee, I really encourage us to move towards the water study as soon as we can and maybe to start looking at witnesses. I have quite a few people contacting me who are wanting to be part of the water study, so I hope that can be brought forward quickly.

**The Chair:** Thank you.

Mr. Weiler is next.

**Mr. Patrick Weiler:** I agree. If we can meet next week as a subcommittee, that's great. Then we preserve more committee meeting time.

One thing we have talked about quite a bit is the potential for doing a report back on CEPA, because there were a number of areas that were brought up in testimony that we want to work on. They would be ruled out of order in this bill.

Similar to how the Senate said that there were important areas that came up that they weren't able to address, I think we should do the same as part of our committee, which could be instructive for future changes that might be made to our, hopefully, in-force modernized CEPA legislation.

• (1710)

**The Chair:** What you're asking is that the researchers prepare a draft report on areas that were raised but out of order or out of scope?



**Mr. Patrick Weiler:** Yes. Those were things that came up in the course of our meetings. For example, environmental protection actions came up many times as an area to be addressed. It's obviously a defunct area of the bill—

**Hon. Mike Lake:** I have a point of order, Mr. Chair. It seems like we have moved to a committee business meeting, which would normally be an in camera meeting, so I move that we go in camera.

**The Chair:** Okay. We can't just go into subcommittee. It takes too long to do that, but let me just clarify that.

My understanding is that basically Mr. Lake has tabled a motion to move in camera, but we don't have time to move in camera because the transition takes a good 10 or 15 minutes—

**Hon. Mike Lake:** I'll withdraw that motion and move that we adjourn.

**The Chair:** Okay. Let's do that.

Ms. Collins, do you agree to adjourn?

**Ms. Laurel Collins:** No. I was interested in what Mr. Weiler was saying. I don't think there's any reason to prohibit the public from hearing his suggestion. I don't think there's a need to go in camera or to adjourn. We could let Mr. Weiler finish his thoughts.

**The Chair:** As I understand it, in your original motion to adjourn, you asked for unanimous consent to adjourn, and it was refused. You can move a motion....

Mr. Lake, you moved a motion to adjourn. It's a votable motion and the majority rules. It's not debatable. Let's go to a vote to adjourn or not.

(Motion agreed to: yeas 6; nays 5)

**The Chair:** We're adjourned.

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