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Chair

Mr. Alan Tonks

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• (0905)

[English]

The Chair (Mr. Alan Tonks (York South—Weston, Lib.)): Good morning.

• (0910)

Hon. Denis Paradis (Brome—Missisquoi, Lib.): Good morning.

The Chair: Bonjour, monsieur.

Members of the committee, the steering committee met this morning and we dealt with a few issues. I will leave those until the end of the meeting today to bring members up to date on what we discussed. We do have on the agenda the Great Lakes Charter Annex 2001 implementing agreements.

What we will be doing is pro forma to the steering committee's direction. Since members just received this last night, we apologize for that. It was in translation, and we do understand that a document of this nature, obviously, should be with the committee days before. This did not happen, but the procedure we're going to follow is that we will be briefed by our researcher with respect to his take on what the witnesses said and so on, and we'll get into a dialogue with our research on that. Then we will have a more in-depth discussion on Thursday on the Great Lakes Charter Annex 2001.

That's the agenda for today.

We also have the first report from the steering committee. Perhaps I could have a motion, Mr. Bigras, with respect to the steering committee report, the first report. I think we only need a motion to adopt the report.

A voice: I so move.

The Chair: Thank you.

(Motion agreed to)

The Chair: I would like to start by having our researcher provide an overview of the charter annex agreement, and then we can question our research.

Prior to doing that, I would like to introduce to members an old friend of mine who was an alderman in the city of Toronto for over 25 years. He is also a specialist in energy and water. Tony O'Donohue, welcome to Ottawa. It's nice to have you here. Tony is also writing his second book, so I have to be very good to him and make sure he deals with me fairly in whatever chapter I may be in.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Could we make some input into his comments about you?

Mr. Bob Mills (Red Deer, CPC): We can talk to him after.

The Chair: You can have some input, but do it clandestinely.

Anyway, welcome, Tony.

Tim, would you give us an overview? Then we'll enter into a discussion or dialogue on this.

Mr. Tim Williams (Committee Researcher): Sure. You have before you the first draft of the report regarding Annex 2001 to the Great Lakes Charter. In the way I wrote it, as you see from the table of contents, it's basically in three sections.

The first is essentially a background on how management of the lakes, particularly in a bilateral sense between the United States and Canada, is currently occurring. There's a discussion about the Boundary Waters Treaty. I introduced the Great Lakes Water Quality Agreement—very briefly, because it's discussed afterwards in terms of water quality. I also specifically talk about bulk water removals management in Canada and in the United States before moving on to a section—relatively brief, given the complexity of the implementing agreements—on the actual annex itself.

Throughout this discussion what I've tried to do is distinguish between the important conclusions the committee heard from witnesses.... In those cases I've just highlighted them in the text. I want to distinguish between those important overall conclusions and actual recommendations, because the recommendations are made strictly to the federal government.

In the second part I moved into the Government of Canada's response. As we heard from witnesses, the Government of Canada responded to the formation of Annex 2001 after it was first released back in December 2001. They responded relatively quickly, in February of 2002, to Annex 2001. We heard also that they are creating a response as we speak for release to the council of governors very soon, as far as we know—they said, I think, at the end of November.

The second part concerns the basic response of the federal government. The three recommendations I have made there are worded “that the federal government should include x” in their response. I'll get to the conclusions later; I'm just talking about how I've treated these things.

There are only three recommendations that I actually put into the draft regarding the content of the federal government's response to the Council of Great Lakes Governors. As I said, I've also highlighted portions of the text where the committee has heard some pretty forceful testimony with respect to the substance of the actual annex, because of course we can't really start getting into what the governors should do and what the provinces should do. The recommendations are strictly directed at the federal government.

The third part is a further response, away from Canada's response to the council of governors—the actual letter they're preparing now. The testimony included a fair number of recommendations regarding what else the federal government could do to try to protect the ecological integrity of the lakes and manage the lakes.

I'm not sure whether you want to go straight to the recommendations and look at them. They're fairly short; there are only five of them that I put into the draft. Or I can go through the sections one by one that include those recommendations.

The Chair: Is there any preference on that? Maybe it would be better to clump the recommendation with the content. I think that would be the best idea.

There seems to be agreement on that.

• (0915)

Mr. Tim Williams: That's no problem.

In the introduction, on page 1, I set the tone a little bit with a quote from the Right Honourable Herb Gray, who was in front of the committee. The tone is one of caution. We heard, I think, that the process isn't exactly going to be finished overnight, so the suggestion is to take the time to get it right. The introduction is fairly self-explanatory, just saying that the Great Lakes are a precious resource and we really have to manage them properly.

"The Issue" is the second section, on page 3 in the English version. Basically I have outlined the issue. We heard in testimony that there's growing demand for withdrawals from outside the Great Lakes Basin, largely because of the topography of the land. Particularly along the west coast of Lake Michigan, the basin ends within 10 kilometres of the lakeshore. If you start withdrawing water to suburbs of large metropolises, that water ends up out of the basin. That, I think, is one of the things that is going to be driving demand for withdrawals from the basin.

As to management, because of this growing demand and because of potential climate change, management of the Great Lakes water basin is certainly going to become more difficult.

Then I started, just as a backgrounder, explaining what the Boundary Waters Treaty is, with a brief outline of some of the relevant articles of the treaty, such as article 3, which is the one that outlines the establishment of the International Joint Commission and the fact that obstructions and diversions that are going to affect the natural flow and levels of boundary waters on either side of the line should be done with the approval of the IJC.

Article 8 basically refers to article 3, but another important part we heard in the testimony, I think, was that the Boundary Waters Treaty basically gives both sides of the border equal access to the use of boundary waters.

Article 9 I refer to because this is the one that gives the right to either of the parties to make a referral to the IJC. I stressed "either" because I think, as we heard in testimony, it is actually either Canada or the United States that can make referrals to the IJC on differences between the two countries. It's just never happened. I emphasized that we actually do have the right to do it; either side has the right to do it unilaterally.

In paragraph 16 I make a reference to article 10. When you make a referral to the IJC under article 9, their recommendations are not binding, but under article 10 they are in fact binding. It's just that, once again, this one has never been used, because to make a reference under article 10 you have to have approval of the United States Senate and the Canadian cabinet.

Then I outline some of the positive aspects of the Boundary Waters Treaty—the fact that Canada has equal access and has equal membership on the IJC despite the fact that we have a much lower population.

As to weaknesses, I point out that the way boundary waters are defined under the Boundary Waters Treaty they do not include groundwater or tributary waters. In addition, it's old. It was done in 1909, and environmental concerns just weren't on the top of people's minds at that particular time, so the treaty does not explicitly mention them.

• (0920)

In the next section I describe very briefly the Great Lakes Water Quality Agreement. The only reason I did that is because we heard some reasonably strong testimony that is referred to later on about making sure water that is returned to the lakes from withdrawals meets Great Lakes water quality guidelines. That's why I put in a couple of brief paragraphs about what the Great Lakes Water Quality Agreement is. It also involves the IJC. The IJC works quite heavily now with respect to that agreement.

In the next section I outline what the Canadian and U.S. governments have done—as far as what we heard in testimony goes, I'm not an expert in U.S. government policy by any means—about bulk water removals and diversions, particularly after 1998 and the NOVA Group application to the Government of Ontario.

Canada basically had a three-pronged approach. They wanted to make a joint referral to the IJC with the United States on water uses; make changes, amendments, to the International Boundary Waters Treaty Act; and they also attempted to get provincial and federal cooperation through an accord on bulk water. The first two basically have been accomplished. The IJC released its report in February 2000, and the recommendations from that report I attached as an appendix because I think they're important and certainly set the tone for minimum criteria for boundary water use.

I described some of the changes to the International Boundary Waters Treaty Act—basically removals of boundary water in bulk, what it means, and the fact that they've been highly controlled at the federal and provincial levels, but I'm just talking about the International Boundary Waters Treaty Act here. I also noted a part of the International Boundary Waters Treaty Act that describes the basic premise behind why the Canadian government made the changes they did. They made the changes based on the statement on page 10 in the English version:

... removing water from boundary waters and taking it outside the water basin in which the boundary waters are located is deemed, given the cumulative effect of removals of boundary waters outside their water basins, to affect the natural level or flow of the boundary waters on the other side of the international boundary.

That is a direct reference to article 3 of the International Boundary Waters Treaty. It shows how the Government of Canada is interpreting the International Boundary Waters Treaty, particularly that because of the potential for cumulative effects, all removals were deemed to have an effect on levels and flows.

Then I mentioned the accord. Briefly, not all provinces signed on to the accord. In Ontario and Quebec, legislation has already been passed to ban water removal from the basin, or from the territories of Quebec in the case of the legislation from Quebec.

In the United States the main piece of legislation they have is the Water Resources Development Act, and I've cited a couple of the sections relevant to this study. I've once again put into italics parts of it that I thought were particularly relevant. In section 3, for instance:

... any new diversions of Great Lakes water for use outside of the Great Lakes basin will have significant economic and environmental impacts, adversely affecting the use of this resource by the Great Lake states and Canadian provinces;

That's almost in a preamble section of their act.

The section that is particularly important in the actual operative sections is part two. This is on page 12 of the English version, which I've highlighted. Part two is what has asked the Great Lake states, in cooperation with Ontario and Quebec, to come up with these agreements that we're actually discussing right now. It's also fairly important to note that they suggest—it says “encourage”—“a common conservation standard embodying the principles of water conservation and resource improvement”.

A lot of the testimony we heard, and I talk about it a bit later, is on this problem with respect to resource improvement versus ecological integrity. In my interpretation of this, the Great Lakes states were pretty much instructed to use resource improvement as a standard.

● (0925)

Part 3 of this is also very important because this is kind of the status quo of bulk water removals out of the basin in the United States, and that is that as it stands, it requires unanimous approval from all eight Great Lakes state governors to approve water removals.

Then I discuss some relatively complex legal arguments as to whether or not the status quo in the United States is... it sounds like it holds water, as it were. It sounds like there is basically a veto power there—and there is a veto power. But the Canadian Environmental Law Association in particular suggested that some people...at least, there are some legal opinions that the Water Resources Development

Act wouldn't stand up to something called the dormant commerce clause within the United States Constitution. And it starts getting pretty complicated. I didn't really get into it in a lot of detail.

Basically, there are questions about this dormant commerce clause and its effect on water removals. There are different legal opinions with respect to it. But it's one of the main reasons, for instance, that the Canadian Environmental Law Association is in favour of the annex implementing agreements—not as they stand, but as they would like to see them changed. It's because they feel this act will not hold water against the Constitution of the United States. That's why I got into this dormant commerce clause a bit, but not a lot.

In the next section, on page 14, I get into the background of the actual annex itself, what the Great Lakes Charter is, and then quite quickly into the implementing agreements, because that's what the report is really about. So on page 14 I just describe quite briefly at the bottom the two agreements: the Great Lakes Basin Sustainable Water Resources Agreement, which is the non-binding international one that includes Ontario and Quebec; and the Great Lakes Basin Water Resource Compact, which is strictly among the governors of the Great Lakes states, although under certain circumstances the provinces would have to be consulted.

Turning to paragraph 33, basically at the core of what we're talking about is this set of standards that proposals for water diversions and new and increased consumption have to meet before getting a permit under these agreements.

The other thing that's kind of important to mention in this particular section—and maybe I didn't make it quite explicit enough—is that we heard testimony, at least from Foreign Affairs Canada, and I think from the people who were around the table, the Canadian Environmental Law Association and Great Lakes United, that these agreements were released under a little bit of pressure because they were coming up to a three-year deadline. So they do seem to be fairly rough. There's a lot of room for change, which I mention right at the beginning of the conclusion, I think. That's how I start the conclusion.

But paragraph 33 outlines the basic parts of the standards, that permits would have to meet these criteria before being permitted.

Paragraphs 34 and 35 basically still describe these implementing agreements. They're very complicated, as you probably all have already recognized. Not only is there a set of standards, but there's also a set of exclusions to the standards, in particular, large reviews will not be done; a regional review will not be done on any diversion that's a million gallons per day. That's American, which is about 4 million litres per day or greater, averaged over a 120-day period.

• (0930)

Consumptive uses have to be greater than 5 million gallons or 19 million litres per day over a 120-day period. If there's a combination of withdrawals, diversions, and consumptive use, then there's another exclusion. Basically, they have to add up to 5 million gallons a day or 20 million litres per day.

Paragraph 36 is the first one that I've actually highlighted. Basically, I've said:

From the standpoint of the Committee the essential question is whether or not the Standards and the thresholds for triggering them provide sufficiently tight control over licensing withdrawals to protect the ecological integrity of the waters of the Great Lakes.

I don't think we've heard from anybody who said that was true, so I concluded with a sentence that said:

The Committee heard from no witnesses that felt that the Agreements in their current form offer sufficient protection to the Great Lakes Basin.

I should outline paragraph 37 next. Basically, there seemed to be two groups of people in front of us. There were groups that really had a big problem with the agreements, almost no matter what happened to them. It wasn't completely clear from some of them whether or not they would have accepted the agreements with some major changes.

There are a number of other groups we didn't hear from, but the Canadian Environmental Law Association and Great Lakes United really believed strongly in the process itself. They believed strongly in implementing agreements as a good thing, partly because they felt that the management framework or regulatory framework in a lot of the United States—in the actual states, not in the federal government—was weak, and this would provide a better framework than the status quo.

Under paragraph 38 I've said:

It's the Committee's belief that the two opinions are not so far apart as to be inconsistent.

In other words, I've tried to find some common ground. I don't think we heard from anyone that the agreements as they stand are sufficient. They really do need to be changed and tightened up. They need to be improved. Some of this testimony should be reflected in the federal government's response to the Council of Great Lakes Governors.

Basically, that is a segue phrase into the next section, which is the input of the committee into the Government of Canada's response. I start by talking about the initial government response to the actual annex. Remember, the annex was produced in 2001. We're now talking about the implementing agreements for this annex, which came out in July of 2004.

I outlined what the Canadian government response was to the annex initially, back in February of 2002. Basically, they were worried that the standards under Annex 2001 could be too permissive and would compromise the ecological integrity of the Great Lakes. There were lots of unanswered legal and jurisdictional questions, particularly regarding a conflict between the annex and the Boundary Waters Treaty, and also a general unknown on how the annex was going to be applied.

We heard from Environment Canada and Foreign Affairs Canada at the very beginning. From reading the testimony, I had the impression that the ministers of both Environment Canada and Foreign Affairs Canada were going to look for the committee's input in the government response.

Basically, in paragraph 40 I've outlined a mild criticism of the Canadian government. In their initial response to the annex they responded within about two months. So far, with respect to the implementing agreements, it has taken them quite a bit longer, so I said that perhaps they could have operated more quickly. Nonetheless, the committee was also happy to hear that at least the government officials seemed to be open to hearing the parliamentary perspective of this committee, incorporating that or at least looking at it, with respect to their response to the Council of Great Lakes Governors.

After that, I've started on the particular aspects of the standards we heard about.

• (0935)

Under these, I start getting into the recommendations, but the recommendations don't actually come until the very end. Most of the conclusions I've put in that are important I've highlighted, just with respect to the content of the standards themselves, without ever coming to any recommendation that the provinces or the governors should do anything. This is mostly highlights for input into the Canadian response.

Under thresholds for triggering the standards, basically I compare those with what the Canadian government has, with what the IJC has recommended, and with some of the wording from the Water Resources Development Act in the United States. If you remember, under the suggestion of the Right Honourable Herb Gray, the research staff—meaning me—came up with a comparison of the standards with the recommendations out of the IJC report from the year 2000. This is why I've included those recommendations, all of them, as an appendix to the report, because the IJC recommendations are very important.

In a number of cases, it seems fairly clear. We heard also from witnesses, particularly from Elizabeth May of the Sierra Club, that in their opinion as well, the standards do not meet up with the recommendations of the IJC from their year 2000 report, in various aspects.

In particular, eventually the standards will apply to any withdrawals that are greater than 100,000 gallons, or approximately 400,000 litres, averaged per day over a 100-day period. There are a number of problems with this. The IJC's recommendation was not to permit any removal unless it could be demonstrated that the removal did not endanger the ecological integrity of the basin. The standards don't mention ecological integrity at all. There is some mention of integrity particularly in the international agreement, which is far more detailed than the compact. Certainly there's no mention of any kind of analysis of ecological integrity of withdrawals, and this is particularly problematic when it comes to cumulative impacts, which was pointed out. It's very, very difficult to measure. I'll get into the uncertainty a little bit later.

Under the International Boundary Waters Treaty Act, their position was basically that any removal is deemed to affect the natural level or flow of the boundary waters. In addition, in the Great Lakes Charter—which the annex is actually annexed to—they do measurements of withdrawals based on an average over 30 days, not over 120 days. The standards seem to be more permissive than the Canadian government position, more lenient than the IJC, and in fact more lenient than the actual charter they're based under. So under paragraph 46, I basically said that the thresholds must be made more stringent. This is just the committee's belief, the committee's conclusion. It's not a recommendation to anybody in particular; it's just a conclusion that the committee might want to consider based on my lead-up to that.

Regarding part 2, on page 21, "Return of Flow Requirements", this is a fairly important part of the standards. There are exemptions to this, but basically they say that all water that is removed from the Great Lakes should be returned to them, minus—what do they call it?—an allowance for consumptive use, but the withdrawal from a Great Lake has to be returned to the watershed of that Great Lake, anywhere in the watershed of that Great Lake, with preference to tributary streams from where the water was withdrawn.

● (0940)

But there are exemptions from this, and this is an important exemption. This return of flow to the Great Lakes is excluded for places that are more than 12 miles outside the basin. There's also a volume threshold that excludes this return flow, which is approximately a million litres per day, averaged over a 120-day period.

This is part of the reason some of the witnesses, particularly, I think, Mr. Shrybman, were saying that while these standards are basically applied across the board to within and outside of basin water uses, in practice they won't be, because this particular exclusion means it will be way easier to make withdrawals just outside of the basin than to make withdrawals a long distance out of the basin, because returning water from the southwest of the United States or wherever is going to be way more difficult than from the suburbs of Milwaukee.

The IJC, in its recommendations with respect to return of flow, has set a standard of no net loss to the area from which the water is taken. It goes on to recommend that a maximum of 5% be lost; that is, for every 100,000 litres or whatever that's removed, 95,000 litres must be returned to the Great Lakes.

The Canadian government's position, which it outlined in its response to the year 2000 report, was that... It's not as strict as Canada's approach—this is with respect to recommendation 1 of the IJC—but they kind of said they'd accept it anyway, because it takes into account the concerns of all governments in the Great Lakes Basin. So they accepted this 5% maximum loss.

I think it was Mr. Bruce who was really very forceful in his brief and in testimony that this "no net loss to the area" requirement is better than the standards, which say yes, water has to be returned, but it just has to be returned anywhere within the basin. It leaves open-ended how much has to be returned as consumptive allowance.

In paragraph 49 I've basically supported this "no net loss to the area" requirement. This is all for the committee's consideration. I also mentioned that there was a fair amount of voicing of the opinion that this 5% loss should really be a maximum, that in most cases return flow should be greater than 95%.

The next section, which is page 23, starting at paragraph 50, is on the return-of-flow quality. This is a little trickier, because the compact itself and the standards within the compact and the international agreement don't really talk about the quality of the water that has to be returned. But the international agreement, as I said, is much more detailed. It includes a section that says the return flow should meet all applicable water quality standards, but it's very unclear whether or not this is going to apply in... it's not actually mentioned in the standards; it's mentioned in a guideline section of the international agreement.

The compact does not have a guideline section and therefore does not talk about anything with respect to the water quality of the water returned to the Great Lakes. I've just said—and this, again, I think, came from Mr. Bruce—that there should be some mention in the standard that water returned to the lakes should meet the water quality guidelines set under the Great Lakes Water Quality Agreement, which is, again, why I referred to those earlier on.

Also, nowhere in the standards is invasive species mentioned. The IJC was very clear that there should be management in place to prevent invasive alien species. That should be in the standards as well.

● (0945)

Section 4 is "Resource Improvement vs. Ecological Integrity". I've touched on this previously. The Water Resources Development Act seemed to encourage the governors of the Great Lakes states to work on a principle of resource improvement, but a lot of the testimony we heard, from what I remember, was basically saying that this resource improvement versus ecological integrity was a bit like comparing apples and oranges, that resource improvement is not a particularly good management tool and that ecological integrity should really form the basis of standards. So that's what I've concluded under paragraph 54.

Under section 5, "Uncertainty", this is where I've suggested the first recommendation. Basically, we heard a lot of testimony about how little we know about the Great Lakes. There's a lot of uncertainty about the quantity, quality, and movement of the basin's groundwater, exactly how to measure cumulative effects, and possible overriding effects of climate change on levels and flows. Because of this, we heard from a few witnesses, at least, that suggested that the standards for permitting water withdrawals should be based on a precautionary principle. So in recommendation 1—as I said, and I really want to emphasize that this is strictly a recommendation to the federal government about what to put in its response; this is not a recommendation to provincial governments or to governors—it recommends that in its response to the Council of Great Lakes Governors, the Canadian government urge the governors and premiers to base the criteria and the standard on the principle of precaution.

Section 6, page 26, is probably the thing we heard the most about, the possibility of the standards and their implementation conflicting with the Boundary Waters Treaty, both in respect to Canada's... The agreements themselves apparently are inconsistent with Canada's interpretation of influencing flows and levels as described in the International Boundary Waters Treaty Act. They seem to be inconsistent with various of the IJC's recommendations and in fact seem to be somewhat conflicting with the federal law in the United States, at least the preambular section talking about adversely affecting the use of the resource.

Then I basically mention what the Canadian position seems to be now from the Department of Foreign Affairs. In the House, our Minister of Foreign Affairs stated, I think it was in Question Period:

... the proposed Annex does not affect Canadian and U.S. obligations under the *Boundary Waters Treaty*. It does not affect levels and flows of the Great Lakes.

I've outlined a little section here about why the committee might want to conclude that it's concerned about that conclusion, particularly with respect to the International Boundary Waters Act, which deems any removal to affect levels and flows. So it just seemed that what the minister said in response to a question was somewhat in conflict with Canada's position as outlined in its own act, particularly with respect to the possibility of cumulative impacts from smaller withdrawals.

Now, the international agreement, which is the one that includes Ontario and Quebec, has a section in it which clearly states that:

Nothing in this Agreement is intended to provide nor shall be construed to provide, directly or indirectly, to any person any right, claim or remedy under any international Agreement or treaty.

So it basically does have a non-derogation clause in it.

The compact in the United States does not include this. This is the one that simply has the governors. So paragraph 63 is where I mention—and we heard this from the Department of Foreign Affairs, and it was translated and distributed to the committee—that the U.S. State Department has asked for a similar kind of non-derogation clause to be included in the compact. And I mention that both of these—the fact that there is this kind of non-derogation clause in the international agreement and that the U.S. State Department has asked for one in the compact—are reassuring, at least to some extent, to the committee.

• (0950)

However, that leads into recommendation 2. Basically, in recommendation 2 we would urge, if the committee is in agreement that:

... the Canadian government urge the Governors and the Premiers to include specific language in the Agreements stating clearly that in the final analysis of proposals for water removal, the *Boundary Waters Treaty* will prevail.

There still remain some problems, though, particularly regarding the practicality of this kind of thing, because we heard from a number of witnesses that if in fact there is a conflict, the Canadian government has very little recourse in terms of how it can have an effect on such approvals in the United States.

The main recommendation is recommendation 3. Recommendation 3 is outlining what should be in these agreements to avoid any possible conflict with the Boundary Waters Treaty. I came to the conclusion throughout the testimony, and I think there was some

feeling within the committee as well, that basically the agreement should meet up with the IJC's recommendations, and if these agreements and the standards within them meet up with the IJC's recommendations, then it's very difficult to see how there can be a conflict with the International Boundary Waters Treaty Act, because it's the IJC that's in charge of implementing it.

Recommendation 3 is basically that in the response to the Council of Great Lakes Governors:

... the Agreements should adopt the language and the intent of the recommendations of the IJC as outlined in their year 2000 report... as minimum requirements for the approval of projects to remove water from the Great Lakes Basin.

That's the end of the middle section, which concerns how the committee might want to influence the federal government's response to the Council of Great Lakes Governors. Remember, the Council of Great Lakes Governors includes the premiers of both Ontario and Quebec.

The third section is basically a further response of the Canadian government: what the Canadian government can do to help out the situation in its own house. It's divided into three sections. One is about decreasing uncertainty. Basically that means putting some extra money into freshwater research.

Recommendation 4 on page 30 is:

The Committee recommends that, in its efforts to reallocate money between and within departments to priority areas, the government apportion significantly increased resources to freshwater research in Canada.

The next section I've titled "Unleashing the International Joint Commission". As I've mentioned, the IJC has a very good track record. Part of the reason it has a very good track record is that it's only joint references that have ever been made to the IJC. The Canadian and the U.S. governments come to an agreement to make a joint referral to the IJC, despite the fact that under article 9 they have the powers to make unilateral referrals.

The IJC has been asking for ages to have referrals on invasive species. We've heard from the Right Honourable Herb Gray that they've also been asking for money and a referral to look at water flows and levels in the upper Great Lakes. At least part of the reason they haven't received that is that Canada and the United States don't do individual referrals; they do joint referrals.

I've basically concluded that this kind of approach in some respect has leashed the IJC's power, despite the fact that they have a fair amount of credibility. So I've outlined under paragraph 71 that Canada should at least consider using its right of unilateral referral in the case of important scientific research or if the implementation of Annex 2001 is found to be at odds with the IJC's recommendations.

I've also introduced the same kind of concept with respect to article X. Realistically, article X is—let's face it—virtually impossible to trigger, because you need approval of the United States Senate. But the fact is it's there, and if the Canadian government comes to the conclusion, years down the road, that implementation of the annex is really in conflict with the Boundary Waters Treaty—there have been at least noises from the State Department and from the State of Michigan that say they're not particularly happy with the way the implementing agreements are—they could at least start opening it up. As I've said it, they could “consider opening diplomatic efforts toward invoking Article X”—that's how I've worded it—to test the waters, to at least look into article X.

● (0955)

On paragraph 74, the Commissioner of the Environment and Sustainable Development in the year 2001 did an audit of Great Lakes and St. Lawrence water management by the federal government. One of the sections was referred to the International Joint Commission. I've quoted one of her recommendations, basically saying that the Canadian government wasn't supporting the IJC sufficiently.

So I've come to the conclusion... and this leads into recommendation 5:

The Committee recommends that the Canadian government more fully explore its referral options under the *Boundary Waters Treaty* and that it support the IJC

—and then I use the words of the commissioner—

by supplying it with more timely information, better following up on its recommendations, and ensuring that its resources are adequate.

Finally, on better coordination with the provinces, I've made no absolute recommendations under this section, or at least I haven't suggested any recommendations under this section. It just seemed a bit confusing in the testimony about just how much cooperation was happening between the federal government and the provinces with respect to these agreements. The Canadian government clearly expressed back in 2002, in fairly strong terms, that it was worried about Annex 2001. I've said, under paragraph 79, that because of the concerns they referred to in their letter to the Council of Great Lakes Governors, perhaps the federal government could have had a more active role in advising or at least communicating with the provinces with respect to these implementing agreements.

We also heard, on the last day of testimony, that there seems to be some mechanism, at least within the United States, of coordinating state and federal cooperation on particular issues. I've basically said, in paragraph 80, that some form of better communication and coordination must be established between the federal government and the provinces, particularly when the issue at hand is clearly under one or the other's jurisdiction.

For my conclusion, I think I've basically said let's be cautious. The draft implementing agreements are just that, draft implementing agreements, and they almost certainly will not survive as is. There will be changes made to them. I've outlined, under paragraph 82, that the committee sort of hopes that within this process of changing, the standards come up to meet more closely the recommendations of the International Joint Commission.

So in that brief half-hour or whatever, that's sort of an outline.

The Chair: Thank you very much. I'm sure the committee is very appreciative of that overview and the work that has gone into that, Tim.

With the agreement of the committee, for the questioning of Tim I think we'll stay in the order we use for our usual questions and statements, if you will. I just want to emphasize that we will be coming on Thursday to deal with it page by page. We'll get into the real detail and discussion then.

Mr. Comartin.

Mr. Joe Comartin: I wonder if I could have the committee's indulgence—I have to go and speak to a bill in the House—to make a point before I go.

The Chair: Members, do I have consent to allow Mr. Comartin...

Mr. Bob Mills: I have to leave at 10 o'clock as well. Be fast.

The Chair: Shall we flip a coin on this?

Mr. Joe Comartin: I will be very quick. It's a legal point, so Mr. Mills probably won't get it.

Some hon. members: Oh, oh!

The Chair: We don't want to be that presumptuous, Mr. Comartin. Just quickly, then.

Mr. Joe Comartin: Thank you, Mr. Chair, and thanks to the committee.

On the whole issue of invoking article X, you may have missed this, but there was a quick point made by the counsel from the IJC that there's a final usage we can make of international law. I think that may need to be addressed. If you go back and look at his testimony, it was a very quick comment, I would say less than a minute, but he did make that point.

If we can't invoke article X, then we can invoke international law and move to binding arbitration. There are provisions, both within that and just generally in international law, and I think he made that point. It was the only evidence we did get on the use of international law. In terms of the role we have to play as a sovereign country, I think there is in fact some additional provision within international law. I think that's a point that needs to be made.

That's all I'll say at this point. I'll raise it some more on Thursday.

● (1000)

The Chair: Okay.

Yes, Tim.

Mr. Tim Williams: I'd like to get some clarification on who that was. Was it Mr. Shrybman?

Mr. Joe Comartin: No, it was the counsel for the IJC. He came with Mr. Gray and sat to his right. I forget his name; I've met him before, but he is their legal counsel.

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

Back to you, Mr. Mills.

Mr. Bob Mills: Tim, I just wonder what the details are of the Ontario government's position and their recent statement that it wasn't strong enough and that they were opposing it unless they got... Do you know exactly what they're looking for?

Mr. Tim Williams: No. All I know is their press release.

My educated guess is that during the public comment period, which was extended into 90 days, they got an earful and have come to realize they really should back off and look for improvements. But I don't know exactly what the improvements are they're looking for.

Mr. Bob Mills: Okay.

My other question would be, do we have any background information as to where the eight states and governors are? Are they united? I met with the U.S. embassy people about this, and they indicated to me that there was as much disagreement between those eight governors as you could ever find. In fact, they went through what some of the states were thinking. Obviously, that should be a consideration we could play to in the negotiations.

Then, of course, there's the Quebec government, and I'm not exactly sure what they are saying at this point, if anything.

I think we should be aware of this, because it's the real world of where decisions are going to be made. Obviously, I think we should encourage the Canadian government to play into those areas when they make their response, so that we in fact have more influence than we might otherwise have. I don't know for sure how you do that, but I think it would be worthy of a little bit of mention at least.

Mr. Tim Williams: Certainly the governor of the State of Michigan has already stated in pretty forceful language that they're not happy with the agreements as they stand. I've only mentioned that once towards the end.

I can certainly look at that on Thursday when we go paragraph by paragraph and I get specific instructions on what changes the committee would like. In the meantime, I can certainly try to think of some language and where it could go.

Mr. Bob Mills: Yes, I think that's the main thing.

And, of course, I think the emphasis on ecological integrity is a very strong point for us. Obviously, that's what's most important. The lack of mention of that leaves it open to a great deal of interpretation of what you mean when you talk about the quality return of water. Do you throw chlorine into it? Is that what it means? That surely doesn't give much ecological integrity, so I would encourage you to really emphasize that point in your response. I think you've got it, Tim, but it should be really strong.

Mr. Tim Williams: Certainly, the concept of ecological integrity is not mentioned in any of the recommendations. It's in the very first paragraph that I've highlighted—

Mr. Bob Mills: Yes.

Mr. Tim Williams: It says that is what the committee is concerned about, but it's not specifically in any of the recommendations—and certainly not in recommendation 3, which is really the core recommendation.

Mr. Bob Mills: It just seemed to me that it really gets the point across, or what we're really emphasizing.

The Chair: Mr. Bigras.

[*Translation*]

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Thank you, Mr. Chairman. I will be splitting my time with my colleague.

We'll be discussing this matter Thursday, but I would like to draw your attention to two elements of the recommendations found on pages 37 and 38.

I find the word “exhorte” in the French version to be perhaps a little too strong a word. It is used in recommendations 1, 2 and 3. I'd like to see something more nuanced. I'll leave that up to you. It would be a good idea to come up with a more appropriate verb for our recommendations to the governors and provincial premiers. I'd like to see something softer.

My second suggestion concerns recommendation 3 which urges “the Governors and Premiers to revise and strengthen the Agreements. So far, so good, up to that point. However, since we are talking about a portion of the most important recommendation in the report and since it affects the IJC's recommendations, I would like to cite something found on page 8 of the Commission's August 2004 report, as quoted by Mr. Gray:

Until this process is complete, it is not possible to say whether and to what extent Annex 2001 and measures taken under it will give effect to the recommendations in the Commission's 2000 report.

I think we need to go with what Mr. Gray said. Until the process is complete, it is impossible to say whether the measures being proposed here go against the IJC's recommendations. However, we do want the agreements to be consistent with these recommendations and to be revised and strengthened. I think this nuance would accurately reflect the IJC's position, while giving us some assurance that we are moving in the right direction.

That's what I wanted to say at this time.

● (1005)

[*English*]

The Chair: Tim, would you like to refer to Mr. Bigras' points with respect to complying or cross-referencing with the IJC recommendations vis-à-vis recommendation 3, and then the wording of “urge...” We can look at that maybe and you can make some suggestions on that.

Mr. Tim Williams: I hope I didn't miss anything, but under paragraph 65, the lead-up paragraph into recommendation 3, I finished *en anglais*:

The Committee further believes that until such Agreements are finalized, a moratorium should be put in place on...revised withdrawals.

I was unsure about whether or not to put that in a recommendation, that the committee recommends a moratorium should be put on withdrawals, because that would seem as if we were telling the Governments of Ontario and Quebec and the governors what to do. So I left it as “The Committee... believes” this is what should happen.

[*Translation*]

Mr. Bernard Bigras: I do realize that this is stated in the previous paragraph but, as we all know, the crux of this report is the recommendations. It is the recommendations that are scrutinized. Therefore, I feel that Mr. Gray's interpretation of Annex 2001 in terms of compliance with the reports that he himself produced is important. Mr. Gray told the committee that what we were presented with was a draft and until such time as the process is complete, we won't know if Annex 2002 complies with the report that he produced. We could very well say: "Although we cannot conclude that Annex 2001 does not violate the provisions of the 2001 report, we believe that agreements should draw inspiration from the wording..." Some people are of one view, while others another. Mr. Herb Gray is a very important player in this process. If he maintains that at this stage of the process, it's impossible to say whether or not his recommendations are being followed, then I think this needs to be mentioned.

• (1010)

[*English*]

The Chair: May I suggest to Mr. Bigras and to the committee that we give our researcher an opportunity to digest those suggestions and then come back. That's the substantive part of the discussion we can have—whether it is possible, for example, in this one when he reviews the IJC's recommendation and Mr. Gray's recommendation, whether he can put the reference in there. We'll refer these suggestions to our researcher to bring back for Thursday and then we can discuss them.

Is that okay, Mr. Bigras?

[*Translation*]

Mr. Bernard Bigras: Yes.

[*English*]

The Chair: Okay. Thank you.

Christian.

[*Translation*]

Mr. Christian Simard (Beauport—Limoilou, BQ): Recently at a gathering in Chicago, an overview was to be given of the public consultation process held this past summer and early autumn. Might it not have been a good idea to include in the report a summary or synopsis of the recommendations made by stakeholders on both sides of the border? I don't know if that would be too difficult to do. The parties met only recently and I don't know if it's possible to do a summary or synopsis. It would be an interesting initiative, from an information standpoint, since this was a very recent gathering.

I would now like to move on to article 48. The Canadian government has accepted the idea of a 5% loss. It has accepted this reluctantly, but accepted it nonetheless. My feeling is that the maximum loss of 5% mentioned in the report will become a minimum threshold. I think it's mere wishful thinking to say that any losses should clearly be below this threshold, but never over 5%. That's fundamental.

I'm uncomfortable with one thing. How can the government urge people to be virtuous if it accepts a permanent 5% loss, knowing full well that the Great Lakes Basin does not easily renew itself? Some

witnesses have stated that given the prevailing winds, the water cycle isn't closed in the Great Lakes. Therefore, there's a fundamental problem and the government has accepted this. How then can it make credible recommendations to the Governors and to the States when it has agreed to absorb most of the loss itself?

It's merely a comment on my part, for the moment. We can discuss this further and see if an amendment is possible. It's quite simple really. We're reviewing Annex 2001, but the fact is that the government is urging people to be virtuous, when it itself is not.

[*English*]

The Chair: Tim, do you have a sense of that?

Mr. Tim Williams: Yes. Certainly under further recommendations to the federal government, the committee, if it so wishes, could easily make a recommendation that the Canadian government change its position on that 5% and either reduce it or not accept that recommendation, to leave it at 5% consumed.

The Chair: I think we should leave that out there. Again, similar to what I said previously with respect to any issues that are raised now, we will come back and we will discuss those. If you wish to move that at that time, Mr. Simard, then we can have that.

If research has any further ideas between now and then on that issue, you could bring them forward at that time also.

Mr. Simard, you have a couple of minutes left. Then I'm coming to you, Cheryl.

[*Translation*]

Mr. Christian Simard: I think this is a good report. I have no further comments at this time. Perhaps someone else has.

• (1015)

[*English*]

The Chair: Good.

Before Mr. Mills left he had only gone to 10:05, so I'm going to go back to Ms. Gallant and then I'm going to come across to the other side.

Ms. Gallant, you have five minutes.

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Thank you, Mr. Chairman.

I just have a brief question. Once all the recommendations we've made and the IJC have made are taken into consideration and Annex 2001 is in place, is there an entity that monitors or enforces the rules that are put into place? We're more or less assuming that the permit program is the be-all and end-all, whereas many parts along the shores of the Great Lakes are quite remote. In the United States, where they're parched for water, there is nothing to stop a tanker from putting its hose in along the beach, filling it up, and going south—no borders.

Is there something in place to somehow monitor what's going on even from the intake pipes going into the cities?

The Chair: That's a very good question. From the witnesses we heard that that particular issue wasn't addressed. I mean, it would be a number of jurisdictions, not the least of which would be cities in terms of bylaws. It could be state jurisdiction in terms of large diversions.

Your question is, not only is it ongoing in terms of who monitors existing legislation, but in any recommendations we make, who monitors? In fact, whatever we agree on, is it the IJC on an ongoing basis who does the monitoring?

Tim, do you have anything to respond on that? It's not raised in the report.

Mr. Tim Williams: Enforcement of current laws regarding withdrawals is something that really didn't come up in testimony. For what you're talking about, which is relatively smaller withdrawals as opposed to large diversions, the IJC requires permits and things like that, but I don't know how many... On the Canadian side, I'm not even sure who enforces. It's probably the coast guard, but I don't really know who enforces the Boundary Waters Treaty on the Great Lakes.

The Chair: It's a good question. It could be conservation officials, coast guard, city officials. It's probably a whole new coordinated issue there. But we're really on the content of Annex 2001. That's something we should take under consideration, but there's no response to it at the moment.

Going across to the other side, Mr. Parliamentary Secretary.

Hon. Bryon Wilfert (Richmond Hill, Lib.): Mr. Chairman, I just want to recognize the work the researcher has done and to congratulate him on the report.

Obviously, I'll have to go through it in some detail, but I would suggest at the appropriate time to have a motion that will ask for a written response from the Minister of Foreign Affairs and the Minister of the Environment. Traditionally, of course, as you know, it's 120 days, but I would also put in that motion that given the urgency, we seek to get a written response much earlier. We can't require it, but we can certainly urge, given the fact that the issues are going to be coming back by January, therefore a traditional 120-day response would be of not much value to the committee.

The Chair: We want it as soon as possible.

Mr. Wilfert, you mentioned that you would be raising that. Once again, I think it's entirely appropriate that you give the committee the direction you will be taking on that. Once again, I will note it, and any motions that are required—

Hon. Bryon Wilfert: Within the 24 hours, so I would think it would be made available for Thursday.

The Chair: — will be made on Thursday.

My understanding is, and I'm going to get a procedural clarification here, that any motions made out of the report don't require 24 hours' notice. For example, that particular motion is required.

Hon. Bryon Wilfert: I'm at the pleasure of the committee. I just want to emphasize that notwithstanding the 120 days, we seek as soon as possible written responses from both ministers in order for

the committee to have it, considering that the discussions are going to resume in January.

● (1020)

The Chair: The chair certainly will take direction from the committee, but it would be the chair's opinion that since we're discussing this report, any relevant motions that are made on Thursday would not be deemed to have to have 24 hours' notice. I think that should be fairly—

Hon. Bryon Wilfert: There's no problem with that. I'll move it at the appropriate time.

The Chair: Okay, good. Thanks, Mr. Wilfert.

Any other questions?

Mr. McGuinty.

Mr. David McGuinty (Ottawa South, Lib.): Thank you very much, Tim, for the great first draft; it's very difficult to pull together, I know, with such disparate testimony.

I have a couple of comments. Maybe you could expand on a few points in here. I'm just going to go through them, if you'll bear with me.

The first would be this. You mentioned earlier what the motivation might have been for Ontario to issue a press release last week. I don't know what its motivation was. I know that government has been seized with this issue for over a year and has been deeply concerned ever since the former Conservative government in Ontario in 1995-96 entered into these agreements. I also don't know what the motivation would be for the Province of Quebec, for example, in terms of what they're doing.

Might it be helpful for the committee to actually get a statement from both provinces as to what their thinking is, going forward, with respect to these agreements? I don't know, from a procedural point of view, whether we might have requested the presence of both provinces to enlighten us about what their own thinking is in respect to jurisdictions and governments. I put that to you, Mr. Chairman, for consideration going forward. What is the motivation? Where are the Ontario and Quebec governments? Where are they now in terms of a written submission?

On page 24 of the English version, where you talk about the resource improvement versus ecological integrity difference, I have serious concerns with some of the wording here, particularly in paragraph 54. I don't know enough about the difference, and I'm not sure members of the committee know enough about the difference, between the concepts of resource improvement and ecological integrity.

I do know enough about ecological integrity to say it's very hard to define it, it's certainly very hard to measure it, and it's something to aspire to in most ecosystems. I'm not sure the committee can say it is rejecting almost out of hand the concept of resource improvement. I share some of the concerns Ralph Pentland raised, Mr. Chairman. I would like to see, if possible, at least a better definition of what resource improvement is and what ecological integrity purports to be. They are great words, and I've seen them used for decades now in different settings, but I'm not sure if I understand fundamentally the difference between the two. I just wanted to flag that with you.

In recommendation 1 on page 25, as it reads I think you're referring to the precautionary principle, which I would also urge, Mr. Chairman, be defined clearly. What do we mean if we're urging the Government of Canada to urge the governors and the premiers to base the criteria and the standard on the principle of precaution? What does that mean—what precisely does it mean? The precautionary principle is a quasi-legal concept that people are still having great difficulty defining, but there are some good standard definitions. We may want to weave them into this and expand somewhat on the notion. As it reads now, I think if I were on the receiving end of this recommendation, I just wouldn't know what to do with it.

Another point that jumped out at me was—I'm sorry, Mr. Chairman; I know you are going to go through them, but I just want to—

The Chair: No, the clerk was just pointing out to me that when you're referring to it, you should refer to the paragraph and not the page number, because they are different in the French.

Mr. David McGuinty: I'm sorry about that.

In recommendation 4 we talk about apportioning significantly increased resources to freshwater research in Canada. I'm wondering whether as a committee we could go a little further and actually specify where that significantly increased resourcing would in fact be apportioned to. Is it to the IJC? In another recommendation you talk about increasing the IJC's resources. Is it to Environment Canada? Where? I think this might be helpful for those who are in the business of allocating scarce resources.

The other thing I want to signal now and that maybe you can help me understand is this. Under paragraph 77, when you talk about better coordination with the provinces, you say, citing Ralph Pentland again:

One witness, however, suggested that perhaps the devolution of implementing powers to the provinces had gone too far.

What precisely are we talking about? What devolution of powers? I'm not sure what Mr. Pentland meant. Has there actually been any devolution of powers? Or have provinces decided to usurp powers? I don't understand this part. I'm not sure what Mr. Pentland was referring to, but I certainly would love to see more clarification.

Those are my first comments, Mr. Chairman. Thank you very much.

Thank you very much to our researcher.

•(1025)

The Chair: Thank you, Mr. McGuinty.

We've noted those, and what we'll do once again is take those under consideration and try to deal with those suggestions or your recommendations with respect to clarification and try to bring those back on Thursday.

Yes?

Ms. Yasmin Ratansi (Don Valley East, Lib.): Along the same lines that David was mentioning, ecological integrity versus resource integrity, are those terms interchangeable?

First of all, thank you very much. It is a very comprehensive report. But as you read it, it jumps out at you what those two terms mean. Are they interchangeable, and how do they affect resource improvement leading to commodifying the water and the quality of the water? Perhaps you could explain what you mean by those three.

On point 19 you talk about the Great Lakes Water Quality Agreement and you say "...each country to restore and maintain the chemical, physical and biological integrity..." Is that the ecological integrity? Is that the resource integrity? What does that mean?

Those are my comments. Thanks.

The Chair: Ms. Ratansi, I didn't catch the last part and I don't think the researchers did.

Ms. Yasmin Ratansi: What I'm trying to say is there are so many terminologies. If we could have a clarification so that we're not interchanging ecological integrity, resource integrity, and water improvement, the biological, chemical...

The Chair: That goes back to Mr. McGuinty's point too on biodiversity.

I appreciate that. We're noting these.

Tim.

Mr. Tim Williams: I have a specific response to the precautionary principle. Definitions of precautionary principle are highly contentious. That would be up to the committee to debate, so I didn't go there. If the committee wishes to get into a discussion about which definition of the precautionary principle I should be referring to, then it's up to the committee to tell me which one they would like to use.

Second, would a glossary of terms help with respect to both of your comments?

Ms. Yasmin Ratansi: Yes, I think so.

The Chair: I think we can conclude that yes, that would help.

Mr. David McGuinty: As long as the glossary, Mr. Chairman, if I may, spoke to the clear differences between resource improvement...

I have a sneaking suspicion that there is more that informs the notion of resource improvement than we've been led to believe or that we've had a chance to hear about. I have a sneaking suspicion that there's probably jurisprudence in the United States that helps to backfill what it means. I can't take at face value the notion that it was designed in order to commodify water. I don't know if this is true or not true. I'd certainly like to hear more about that notion. I'm not sure if a glossary would take us there.

I'm always a little concerned, Mr. Chairman, when recommendations are drafted in such a way as to dismiss something out of hand. Again, I'm not sure what the differences are, and nothing I heard here helped me understand it better. I think it's probably what our research staff is struggling with as well.

The Chair: Okay, thank you.

Mr. Comartin, you didn't get your full time. Did you want to now...

Mr. Joe Comartin: I'm at a bit of a disadvantage. I'm sorry. I apologize to the committee. The bill was kicked out on Friday without me being told.

Mr. Mills was starting into the point about Ontario having expressed serious reservations, about not being prepared to go through with the agreement as presented. I think that fact should appear in the text of the report, as should the fact that both Great Lakes United and CELA have indicated similar reservations in not being prepared to support the agreement as is. I believe those facts should be in the agreement.

Mr. Chair, I was also going to raise the issue of the precautionary principle. I think Mr. McGuinty has raised some really good points with regard to the fact that it's been interpreted in a number of different ways, although it is beginning to have some meaning on an ongoing basis within some treaties and legislation generally. The only suggestion I can make with regard to how we deal with that is we may want to say that the definition we're looking at is that of the Royal Society here in Canada, which wrote a report in 2000, I believe it was. If you look at chapter 8 of that report, it has a very lengthy definition. That definition and expansion—because the chapter is about 8 to 10 pages long, expanding what they mean by precautionary principle—has been accepted in a number of international conferences at this point. I would like to see the term “precautionary principle” used, as opposed to the “principle of precaution” that you've used here, but use “precautionary principle” as defined by the Royal Society here in Canada.

•(1030)

Mr. Tim Williams: Can I have some clarification?

The Chair: Yes, Tim.

We'll have Tim respond to that.

Mr. Tim Williams: I just want a clarification. That's the Royal Society's report on genetically modified organisms that came out in 2000, I think it was?

Mr. Joe Comartin: Yes, that's right. I have a copy of the chapter sitting on my desk.

Mr. Tim Williams: I'm sure I do as well. I just wanted to make sure that's what you meant.

Mr. Joe Comartin: Yes, that's the one I'm referring to.

The Chair: I guess we're going to have to go back to Mr. McGuinty just to get a clarification on that.

Mr. David McGuinty: I think if you approach the Department of Justice, Mr. Chairman, they would be able to give you a statement of how the precautionary principle has been applied in a Canadian

context, how it is informing the preambular sections of so much of our legislation. They'll give you, I think, a little bit of a precedent, a code of how it has been interpreted, and it might help us in terms of coming up with the more generic, more acceptable version. The Department of Justice has done this work.

The Chair: Those are two good suggestions. I think we would want to fit whatever the spirit and intent is of the report, our own definition, if necessary, that could be gleaned from those suggestions.

So I think the point is well taken at this point. Perhaps Tim could have a look at that and bring it back for Thursday.

Mr. Comartin, did you wish to ask any other questions?

Mr. Joe Comartin: No. As Mr. Wilfert suggested, I think a number of us will be moving some motions. In my case, I want to strength the wording in a couple of areas, but I'll wait until Thursday.

The Chair: Okay. Thank you.

Mr. Carrie.

Mr. Colin Carrie (Oshawa, CPC): I had a couple of comments, but actually they were brought up by other members, especially the definition of resource improvement. I think that needs to be more clearly outlined for us. I have a comment about the lack of research.

You brought up a good point, Tim. There appears to be a lack of research, and perhaps we should word it a little more strongly. You brought up the point about groundwater, and I know in the U.S. midwest it seemed to be fairly much gone before it was made an issue, and it's something we should look into a little more strongly.

You mentioned the foreign species that we're seeing now in the Great Lakes. That's the one point I'd like to make as far as wording things a little more strongly is concerned. We need to research things better.

Thank you.

The Chair: Okay. Thank you very much.

Any other questions? Any further input?

Tim, again, thank you for your work on that, and we'll look forward to Thursday.

We have Mr. Bigras' motion.

Do you want to table that for the next meeting?

[*Translation*]

Mr. Bernard Bigras: Given the time, Mr. Chairman, no doubt it would be preferable to table this motion at our next meeting.

•(1035)

[*English*]

The Chair: Okay, good enough.

Thank you very much.

The meeting is adjourned.

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