



House of Commons
CANADA

Standing Committee on Environment and Sustainable Development

ENVI • NUMBER 032 • 1st SESSION • 39th PARLIAMENT

EVIDENCE

Monday, December 4, 2006

—
Chair

Mr. Bob Mills

Also available on the Parliament of Canada Web Site at the following address:

<http://www.parl.gc.ca>

Standing Committee on Environment and Sustainable Development

Monday, December 4, 2006

• (1535)

[English]

The Chair (Mr. Bob Mills (Red Deer, CPC)): If we could begin the committee meeting, I'd like to welcome our witnesses.

Before that, with the members here, we're going to do some planning. If we're going to do this, we'll probably have to get our clerk started on it right away.

As everyone knows, we will have clause-by-clause for Bill C-288 on December 7, and it should be finished on that day.

I'm assuming the motion will be made tomorrow. I have talked to Mr. Rodriguez about it. It will probably go ahead, and we would finish Bill C-288 on December 7. It would leave us with Monday, December 11, Tuesday, December 12, and Thursday, December 14, available next week.

I would propose that Tim work on the report over Christmas, and when we come back, he would then have a report for us to go through, discuss, change, and so on.

The minister has offered to come from 3:30 to 4:30 on December 11. I would propose that we could extend the meeting, because we would be scheduled to talk about interdepartmental cooperation and legislative overlap for CEPA on that day. We would have the minister on the December 11, and we would then go into the regular CEPA committee for our regular session.

I'll finish this, and then you can see the whole plan.

On December 12, which would be a Tuesday, we would do the final round table, which we would schedule. We'd need to get witnesses for it now, because it's only a week away.

For any questions to the international group that were broken up by the fire alarm, we have their testimony. We don't have the questions, but we could take care of those on that date.

On December 14 we would provide our final recommendations to Tim, and he would then have January to work on those. When the committee comes back, he could have a draft report for us, which we could then discuss, of course, before sending it on to the government.

That's a suggestion. It's not a motion or anything. I would need unanimous consent to go ahead with that approach. It would be largely for planning purposes that we could proceed in that way.

Are there any comments? Mr. Silva.

Mr. Mario Silva (Davenport, Lib.): Mr. Chair, first of all, I want to know what happens if in fact Parliament rises on December 8, especially since I keep hearing it might be the case.

The Chair: Then our plans won't happen.

I'm assuming the calendar shows we're here until December 15. I think we need to plan as if we're going to be here until December 15. We'll get ahead of ourselves, and we'll know exactly what we're doing next week.

Yes, Mr. Bigras.

[Translation]

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Thank you, Mr. Chairman.

We have already discussed this, and I would say the same thing today that I said then. I said that there was a strong possibility that the House of Commons would no longer be sitting on December 11 and 12. I remember very clearly that you told me that in your 14 years of political life in the House of Commons, you had never seen the House wrap up its work before the date set on the calendar.

Given that the last opposition day was granted to the Liberal Party of Canada on November 27 and given that last week, we voted on the estimates up until 9:00 or 10:00 P.M., I think that it is perfectly likely that the House of Commons will rise before the date set out on the calendar.

The date of December 12, the date Bill C-288 is to be referred back to the House, is therefore unsure, given that the House might have risen by then.

I would ask you to take that into consideration in the discussion of that issue.

[English]

The Chair: Well, my only reply would be that Bill C-288 is of course going to be completed, clause-by-clause, most likely on December 7. It can then be reported back to the House.

At this point, I think we have to assume we're here until the 15th. I don't know what else to do. I have no inside knowledge that we won't be here.

For our final round table, it seems to me that if we're going to have a good representation of people testify before us, we need to invite them this week. We can't wait to see what happens on Friday in order to do that. I'm only saying this would allow us to plan.

Mr. Warawa.

Mr. Mark Warawa (Langley, CPC): Thank you, Mr. Chair. I think that's a good suggestion.

If the House should rise early, then we won't be meeting, but I think we will be sitting. I think it would be good, if possible, to finish CEPA so that it would give Tim time over some weeks of December and January to work on that report instead of waiting until February. I think it's an excellent idea, and I'd be willing to meet for extra hours, if necessary, so that we could finish up CEPA before the recess. I think it's a good plan.

The Chair: I would think, in terms of extra hours, that December 11—

[*Translation*]

Mr. Bernard Bigras: I absolutely agree with my colleague's comment. Nor that anything prevents us from meeting during the month of January. That could easily happen. I would remind you, in any event, that nothing prevents a legislative committee from meeting during the month of January. I know that is probably what the government will suggest for Bill C-30. If we are going to review Bill C-30, then nothing prevents us from considering the Canadian Environmental Protection Act during the month of January.

[*English*]

The Chair: Mr. Warawa.

Mr. Mark Warawa: You're quite right, but there's also nothing preventing us—unless the committee doesn't want to deal with CEPA—from dealing with it this week and next. We are very close to completing it, so why would we want to delay? I think if it's in our powers—and hopefully wishes—to deal with it now before the Christmas break, I think it would be a good use of staff time too.

• (1540)

The Chair: Mr. Warawa, we're not completing it. We're suggesting that this would allow our researchers to come up with a preliminary proposal and recommendations. We would then come back and go through it in depth and could make changes and so on. It's just that we need to know now.

Mr. Cullen, just to quickly bring you up to date, 3:30 to 4:30 on December 11—we're talking about next Monday—the minister is available to come. I'm proposing that we then carry on, on that day, with our regular CEPA meeting and that we extend it by one hour, so that we would then go from 4:30 until 6:30 if necessary. We would then, on Tuesday, the 12th, have our final round table, into which we'd have to bring a group that would represent what we've heard. And then on Thursday the 14th, we would have our meeting to wrap up our directions to Tim, as to the direction he should go. That would let them work on it over the break, and when we came back, we would have those recommendations, that report, which we could then start to work on.

I'm assuming we'll be finished Bill C-288 on the 7th—it can be reported back on then—and we can then carry on for our next week with getting the final report begun for CEPA.

I need unanimous consent in order to tell our clerk that's what we're going to do, and then he can proceed to set up that round table, as our big concern is getting the round table set up.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Just so I properly understand your summation, Chair, you're essentially only asking for another hour in next week's meeting.

The Chair: Yes, it would be an hour next week of extra time. That way we would get the minister in, we would get CEPA to a point where our researchers could work on it, and then we would come back in January to look at the beginning of the report.

Mr. Nathan Cullen: It seems reasonable, unless there are some serious concerns with that. It seems fine by me.

The Chair: Again, this could all be for naught if in fact the House doesn't sit next week, but we have to assume it will. So obviously that could change or we could all come back, as Mr. Bigras says.

Mr. Mark Warawa: Another point, Mr. Chair, is that the minister is available on December 11, as you pointed out, from 3:30 to 4:30. She's also available on December 14 from 11 a.m. to 12 noon, whichever works the best.

The Chair: Sure.

I don't know if you all picked that up, but she is available as well on Thursday the 14th for an hour at the end.

Yes.

Mr. Nathan Cullen: Personally, I think there's too much risk. If we've got a date and we've got a time, let's have the minister before us.

The Chair: That was my feeling, that we could do it next Monday and move forward.

Do I have consent on that?

That's carried.

That's the plan, then, and we'll carry on.

Now I'll officially welcome our guests. I'm sorry for that, but planning is a part of this process, as you can imagine.

We will allow you 10 minutes each. I have a little grey box here that keeps us on schedule. I'd ask each of you to make a succinct presentation of 10 minutes, and then our panel members will have a chance to ask you questions and go from there.

I welcome Ms. Wright and Mr. Glover again, from Environment Canada and Health Canada, to interject where necessary.

If we could begin, we'll go in the order here, with Dolores Broten from Reach for Unbleached Foundation, please.

Ms. Delores Broten (Senior Policy Advisor, Reach for Unbleached Foundation): Thank you very much for this chance to present to your committee.

I have a written presentation that has been sent for translation. It will be along, I guess, in a week or two. I apologize that I couldn't translate it myself.

I'm going to be talking on this issue of government-to-government cooperation. To illustrate the conclusions of my organization, we're going to focus on the whole process in relation to the Canadian—

The Chair: Excuse me. It has been translated, and it has been communicated to all the members.

Ms. Delores Broten: Oh, great. That's good.

I'm going to focus on the Canadian Council of Ministers of the Environment's Canada-wide standard for dioxins. But that is only as an illustration of my point. The same kinds of points could be made about other subjects that are subject to Canada-wide standards, such as ozone or particulate or mercury, or even the CCME guidelines for water quality or risk assessment to determine if a substance is CEPA-toxic.

My illustration using dioxin is about a process I am having some trouble with. I think the problems are endemic to a baroque structure of committees and internecine power struggles that allow government to abdicate its responsibility to protect human health and the environment.

The main conclusions—the take-away messages—are, first of all, that we don't believe CEPA 1999 needs substantive revision. We believe the law is capable of dealing with Canada's environmental problems. There may be the odd fix required, but there's nothing really wrong with CEPA.

The problem lies in the relationship between the federal and provincial governments. Much time and money is being wasted in multi-stakeholder, interjurisdictional consultations that merely confuse the lines of accountability. There is a culture of inadequacy in the bureaucracy among politicians and the ministers who do not have the will to make CEPA live up to its potential to protect the environment and Canadians' health.

Finally, despite all of that, I would say that we do need a mechanism to reactivate the Canada-wide standards system in the event of significant changes, such as technological improvements for pollution prevention, new industrial developments that will change pollution levels, or new science. That mechanism doesn't seem to exist now. I'm not sure you have to rewrite CEPA in order to have that mechanism; you might just need to redesign the process.

My organization, Reach for Unbleached, is a national foundation. It is a Canadian registered charity with a focus on consumer education and pulp mill monitoring. We work for a sustainable pulp and paper industry by making pulp mills clean up and by promoting clean, environmentally preferable paper. Over the last decade and a half, we have worked in alliance with pulp unions, first nations, international environmental organizations such as Greenpeace, and citizens groups in most of the forest towns of British Columbia.

We participated as a member of the Canadian delegation in the negotiation of the United Nations treaty on persistent organic pollutants, the POPs treaty, and we've worked on numerous Environment Canada and British Columbia toxics-related processes. Our work is cited by grassroots campaigns all over the world.

I'm also the editor of the *Watershed Sentinel* news magazine, which is in touch with dozens, if not hundreds, of other grassroots organizations across the country.

It's a very rare opportunity for a community-based activist to have this chance to present our comments on how we see the workings of government's structure for the control of toxics and to tell you how we ENGOS have to deal with it. We're not offering a legal viewpoint; we're offering a layperson's understanding of toxicology, bureaucracy, and the technology of pulp and paper production.

The system is not broken, but the hands on the levers need to do more than a little heavy lifting. Considerable taxpayer money, and even more volunteer time, is being wasted in these consultations that do not remain focused and do not deliver the pollution prevention Canadians expect. These processes serve to confuse the lines of accountability. In British Columbia, we call this “talk and log”, where we sit and negotiate and the trees are falling outside the window while we talk. That's exactly what's going on with toxics policy in this country.

● (1545)

This is not mandated by CEPA 1999; it's the way it's been interpreted by the governments.

Let me tell you a little bit about myself, then you'll sort of see why I'm coming to these conclusions. My home is on a small island off the coast of British Columbia. I moved there in 1987 to live a quiet rural life. My partner and I were growing our own food and were working as clam diggers to earn a little extra money. Our island, having finished logging its old growth forest, was and is heavily concentrated on family operations growing oysters for the export market, but in about 1989, trouble started in paradise.

At that time, fisheries closures were beginning to spread along the coast of British Columbia because of dioxin contamination of the shellfish from chlorine bleaching pulp mills. Eventually about 120,000 hectares of foreshore were closed to crab and shellfish harvesting, of which more than half remains closed to this day.

On our island we were threatened with economic disaster, so we were looking for a solution. That's why the name of my organization is Reach for Unbleached, because if the pulp mills weren't using chlorine to bleach their product, if they were using unbleached or, alternatively, making bleached paper, there wouldn't be any dioxin and then our oyster fishery would be okay. So that's where we came from.

I don't have time to take you through the whole process of multi-stakeholder meetings, scientific twists and turns, market scares, job blackmail, the harmonization agreement with the Province of B.C.—which wasn't very harmonious, and the federal and provincial governments never renewed it—and then lots of B.C. elections, although the B.C. elections tend to be a lot more fun than the rest of it.

In summary, the federal government declared dioxin CEPA-toxic and subject to virtual elimination. It then acted to stop the outpouring of dioxin by using a regulation under the Fisheries Act that prohibited the mills from putting dioxin out in their effluent. It was a strict command and control regulation, and it worked. Dioxin levels in effluent plummeted.

In my paper, there's a description of dioxin's health impacts, the fact that it's slated for international ban under the POPs treaty, etc., but I'm going to skip that in the interest of time.

However, given all of those things, including the EPA's science reassessment of dioxin's health impacts at very, very low levels, it's not too surprising that Canada continued with its dioxin elimination program by developing Canada-wide standards. What is surprising, given the elimination mantra under which the CWS was justified, is that the process focused only on airborne emissions of dioxin, not on the creation of dioxin. This is a directive of the national advisory committee that seemed absolutely impossible to change when we got down to discussing the nuts and bolts of dioxin production.

British Columbia was given the lead as champion of the dioxin Canada-wide standard, and our organization and numerous others from coastal communities followed through on the process. Pulp mills were burning chips from wood that had been towed in the ocean. By being in the ocean, the wood soaked up salt, then when they burned those chips they made dioxin. That's the nub of the problem, but the really important part is that the Canada-wide standard was only looking at the airborne emissions instead of at the creation of dioxin. Most of that dioxin actually goes into landfill, rather than up the stack and out into the air.

However, we did manage to get pollution prevention written into the Canada-wide standard after about two years of committee infighting. Unfortunately, the pollution prevention turned into a bit of a bad joke. Many expensive and time-consuming meetings later, to which we coastal environmentalists donated our time, consultants' reports proved to almost everyone's satisfaction that it was far too expensive to consider taking the logs out of the salt water, that the salt could not be washed out of the wood chips, and that it was okay, because the dioxin was sealed away forever in the pulp mills' landfills.

• (1550)

Many of these landfills have no liners. In cases where there have been tests, dioxin frequently shows up in the leachate and in the groundwater around the landfills. In any event, the best of these landfills is only built for a hundred-year weather event, and I think we're looking at a little more than that these days.

• (1555)

The Chair: Ms. Broten, I don't want to interrupt, but you are over your time. Could you wrap up? You will get an opportunity, with the questions, to get everything in.

Ms. Delores Broten: Okay.

Basically, the problem is that in the meantime the pulp and paper company has discovered a way to wash the wood chips to get the salt out of the wood chips. That is the pollution prevention that we were looking for. But there is no way to go back and get the Canada-wide standard to kick in again, because the process is over. B.C. has

folded up its tent and gone home, and we can't find anyone in the federal government to act on this without going to the environment commissioner and laying a complaint or something. On top of this, we found new ways of monitoring for that dioxin, and although the provincial government is interested, the federal government isn't interested.

So this is the frustration. It's that lack of clear lines of responsibility and accountability because of the way the federal and provincial governments pass things back and forth to each other. I think that's at the root of why CEPA is not effective in terms of its toxic control issues.

Thank you. I'll leave it at that.

The Chair: Thank you, Ms. Broten. Certainly afterwards you and I can talk about the petition process through the environment commissioner.

We will go on. Mr. Heming, you have the floor.

Dr. Gregory Heming (President, Environmental Education Association of the Yukon): I want to thank you, Mr. Chairman and Mr. Clerk, for inviting me here this afternoon. My name is Dr. Gregory Heming, and I come from a small town, Haines Junction, in the Yukon.

By way of introduction, I would like to say that by profession I am a human ecologist. I study the way humans interact with systems natural, environmental, political, economic, social, and cultural. By vocation I am a communitarian, and by that I mean I am one who believes in the value and livability of small rural communities, particularly the one I'm a member of.

Both my interests have convinced me that former Secretary of State (Rural Development) Andy Mitchell was correct when he asserted that rural communities are the future of Canada.

As you know from preliminary correspondence, my remarks to you this afternoon are centred on two core problems, neither of which is written directly into the Canadian Environmental Protection Act. However, I submit to you today that both of these core problems are equally important to the eventual success CEPA may realize in preventing pollution, protecting the environment, protecting human health, and contributing to sustainable development.

Canada's small rural communities are being adversely impacted from the inside by what I call internal disaffection and from the outside by external exploitation. Both disaffection from inside and exploitation from outside begin to occur when communities are unable to supply local needs from local sources.

It is my contention that communities, provinces, territories, and first nations, as they become increasingly dependent on outside sources, centralized governments, and larger and larger corporations for their basic needs, become correspondingly disaffected from our local businesses and our local governments, and most troubling to me, with our own neighbours' civic demeanour.

The Canadian Environmental Protection Act can, if it reconciles many of the criticisms and suggestions that this committee has heard over time, do much to protect us from the negative by-products of a large-scale economy. But even with wholesale refinements and adaptations in how CEPA chooses to regulate and enforce environmental law and corporate responsibility, it will do little to promote an interdependent series of small-scale economies, which would include the likes of family farming, community markets, innovative and productive cottage industries, and community alternate energy capabilities.

Therefore, while CEPA may help us identify and regulate the symptoms of a toxic economy, which does in fact include thousands of bioaccumulative and inherently toxic substances, we cannot expect CEPA to help us treat the root cause of pollution, which is our own inability to distinguish our basic needs from our unnecessary wants. Nor can we expect CEPA to help us redesign our economy so that it may become less exploitive, more authentic, and more local, healthy, and sustainable.

Our present economic model, which demands unlimited economic growth through unlimited consumption, and which we hope to temper with the likes of CEPA, is prejudiced against the small. It has an inherent industrial prejudice against anything rural. It works against family business, competitive business, and small-scale innovation. In fact, it may even be fair to say at the end of the day that it just may be prejudiced against the delicate balance inherent in our natural world.

Because rural folks live in very close proximity to our natural landscape, we understand in ways that others do not that our lives and livelihoods are always a mixture of what is natural and what is fabricated and altered. In short, we understand in rural communities, as few do, that culture can only happen by consuming nature.

• (1600)

As our current economic system continues to pump resources out of the periphery into the centre, from the countryside into the city, from the poor to the rich, as the economy heats up, as it must do in the system that we have, it has become increasingly acceptable to ruin one place for the sake of another.

The key question for community folks and country folks, and ultimately for this committee, is what mixture of nature and culture is acceptable? What mixture of pristine wilderness, resource extraction, automobile pollution, toxic substances, displaced wildlife is acceptable before rural living becomes too much like urban living?

While this committee will likely hear much about a priority substance list, screening level, risk assessments, toxic substance, management policies, and administrative and equivalency agreements—and make no mistake, these are absolutely invaluable to make CEPA effective—we must not allow the particular and overly precise language of experts, of scientists, of lawyers, of lawmakers, to cloud over and obscure the common sense language in which we express many of the common sense Canadian values.

In an attempt to serve this more ordinary approach to pollution protection and environmental protection, in an attempt to prevent small communities from falling in on themselves or from being overridden by external forces that they are incapable of fending off, I

would like to put before this committee four notions that just might serve you well when the regulatory and administrative waters of CEPA get choppy. If nothing else, strict adherence to these four notions will give you the philosophical framework, the economic foundation, and the political rationale to think about CEPA in ways that will ensure that our rural communities are indeed the future of Canada.

Number one, Trappist monk Thomas Merton once remarked that, having lost our ability to see life as a whole, to evaluate conduct as a whole, we no longer have any relevant context into which our actions are to be fitted, and therefore, all our actions become erratic, arbitrary, and insignificant. For me, I believe Merton was suggesting that community was the relevant context in which we can somehow begin to see our lives as being less erratic, more sensible, and infinitely more significant.

If CEPA does not tie directly and pragmatically into community life and into rural life, it is not likely to gain the support of the people and therefore will always be seen as one more management regime filtering down and put upon lesser levels of government. CEPA must always ask and always seek to answer one question: what will any proposed regulatory change or innovation do to a particular community? How, we must ask ourselves, will CEPA affect our common unity?

Number two, Daniel Kemmis, the former mayor of Missoula, Montana, in response to his constituents about the heavy hand of federal government, said something that's always impressed me. He said:

It would be an insult to these people to assume that they are incapable of reaching some accommodation among themselves about how to inhabit their own place.

This simple rule of local government can guide this committee as it searches for ways to mould seamless cooperation with provinces, territories, aboriginal people, and ordinary citizens when it comes to implementing CEPA.

Number three, university professor in law Professor Charles Wilkinson once outlined what he called an ethic of place:

An ethic of place respects equally the people of a region and the land, animals, vegetation, water and air. It recognizes that westerners revere their physical surroundings and that they need and deserve a stable, productive economy that is accessible to those with modest incomes. An ethic of place ought to be a shared community value and ought to manifest itself in a dogged determination to treat the environment and its people as equals, to recognize both as sacred, and to insure that all members of the community not just search for but insist upon solutions that fulfill the ethic.

• (1605)

This committee should never forget that pollution prevention, environmental protection, and sustainable development are all tied together—end of story.

Even more specifically and of greater significance is the fact that we must never forget that air, land, water, vegetation, animals, and human civilization are all on an equal footing. The cultural and economic systems that emerge from these natural systems must be accessible to those with a modest income. This, in fact, may be the premier Canadian value from which everything flows.

Number four, Erica Jong, with clear brevity of thought, gave me great pause once more. Take your life in your own hands, she said, and what happens? A terrible thing: no one to blame.

This committee and all of us in this room can no longer afford to shuffle the entire blame for contaminated water, for smog, climate change, and toxic chemicals solely to either industry or to government. As citizens and consumers, we are ultimately responsible for making healthy choices about our own lives and our own livelihoods.

This committee would be ill-advised to alter or amend CEPA in any way if such alteration or amendment took individual consumers off the hook for their own failings, no matter how innocent. In 1853, just six years prior to when construction began on this original Parliament Building, British poet laureate William Wordsworth penned the following poem:

The world is too much with us; late and soon,
Getting and spending, we lay waste our powers:
Little we see in Nature that is ours;
We have given our hearts away, a sordid boon!
...
For this, for everything we are out of tune;
....

If I can impact upon this committee one single message that must come through clearly in this mandatory five-year review of the Canadian Environmental Protection Act, it is this. We cannot continue with our infinite consumption of our finite resources, for if we do, we will most certainly give our hearts away; for if we do, we lay waste our powers and we never get to the bottom of things.

Thank you.

The Chair: Thank you, Mr. Heming.

We will go on to Catherine Cobden, please, from the forestry industry.

Ms. Catherine Cobden (Vice-President, Environment, Forest Products Association of Canada): Thank you, Mr. Chairman.

Let me begin by expressing our industry's appreciation to be addressing the committee on this important and timely examination you're undertaking with respect to the Canadian Environmental Protection Act.

By way of introduction, FPAC is the voice of the Canadian wood, pulp, and paper producers, nationally and internationally, in the areas of government, trade, and environment. Canada's forest industry represents 3% of Canada's GDP and exports over \$40 billion of wood, pulp, and paper annually. We're also one of Canada's largest employers, operating in hundreds of communities—mostly rural—and providing nearly 900,000 direct or indirect jobs across the country.

The forest sector has established itself as a leader on environmental issues. The operations have spent over \$8 billion on reducing air and water discharges. Our most recent data show that the sector has reduced greenhouse gas emissions by 30% since 1990; at the same time, we have reduced particulate matter by over 60%. We have an equally impressive track record on water, which I won't get into, as time does not permit.

We are very proud of our environmental track record. However, we recognize that the status quo is not good enough. We must do more to continually improve our environmental performance; and to do more, we need creative approaches built upon collaboration and cooperation with stakeholders, as well as federally and provincially. Through mechanisms like our Pulp and Paper Air Quality Forum, we have proven our capacity to work with a broad range of stakeholders in thinking creatively about solutions to very complex and difficult issues in a time of economic crisis for the sector. Indeed, the remarks I'll be making today draw very heavily from the work of that forum, and I look forward to sharing those.

We are a highly regulated sector in many jurisdictions across the country, and consequently we have a significant level of experience with respect to environmental legislation, both federally and provincially. CEPA has a significant impact on our members, particularly now that the Clean Air Act amendments have been included within CEPA.

FPAC would like to focus our comments today on one issue that is of overriding importance to our members, the equivalency provisions within CEPA. As a highly regulated sector, we are particularly sensitive to the increasing regulatory morass and complexity we're facing within Canada's landscape. To be very clear, FPAC does not challenge the federal government's authority to regulate environmental issues, nor do we advocate harmonization with provincial standards. We recognize that the federal government may wish to do more in certain provincial jurisdictions, and we also recognize that the provincial governments do share some of the burden of reaching and eliminating the complex environmental challenges we face.

However, we do advocate very strongly for efficient approaches that eliminate federal and provincial duplication. We firmly believe it is critical that federal and provincial governments work together towards that goal. We suggest that understanding the strengths and weaknesses of the existing provincial regimes is a key step in pursuing federal action. This understanding is certainly a necessary building block for ensuring regulatory gaps are addressed and that duplication is avoided.

CEPA 1999 does provide provisions to allow federal and provincial governments to sign equivalency agreements between them. We fundamentally believe that the original intent of these provisions aimed at simplifying the environmental landscape without weakening environmental performance. However, our experience to date has shown that the provisions, along with their interpretation, are significant barriers to achieving this important goal. I'm sure you're aware that only one province, the Province of Alberta, actually has an agreement in place with the federal government.

In the interest of the committee's time, I do not intend to review all of the legal intricacies of CEPA. I'm sure you're more than intimately familiar with them. I would also like to set aside Bill C-30 for just a moment.

So just in the context of the existing CEPA as it stands, there are two provisions for equivalency, which I think are important to highlight here. One, the provincial regulatory provisions can be deemed equivalent to regulations of the federal government and therefore could be eligible for exemption. Two, these provisions must allow for investigation of alleged offences or what we call the citizens' right to investigate. You need both of these criteria to be in place to get an equivalency agreement.

• (1610)

Bill C-30 proposes amendments to CEPA 1999 in this area, and I implore the committee to take a very close look at those provisions as you undertake your CEPA review.

The proposed Clean Air Act amendments shift away from a very strict regulatory-to-regulatory interpretation or focus toward the more outcomes-based approach, i.e., provisions, the effects of which are equivalent. FPAC strongly believes this is a clear and important step in the right direction, as it adds flexibility to the requirements and should not compromise the quality of the environment. Bill C-30, however, does not modify the "citizens' right to investigate" provisions.

I would like to lead you through a very short example around air quality that highlights the challenges and implications of CEPA 1999 and then also the proposed amendments for Bill C-30.

Based on comprehensive legal analysis, we have several stand-alone legal opinions, as well as consultations with the federal Department of Justice, Environment Canada, and five provincial governments—B.C., Alberta, Ontario, Quebec, and Newfoundland and Labrador. On the potential for an equivalency agreement with provinces for our sector, we have found that only Alberta and Newfoundland and Labrador would be in a position to sign equivalency agreements under CEPA 1999 without tremendous and significant modifications to their existing regulatory regimes. If you add Bill C-30 amendments to this equation, what you get is Alberta, Ontario, Newfoundland and Labrador, and Nova Scotia able to sign equivalency agreements, due to the shift toward the outcomes-based approach that I mentioned earlier.

I would like to note that Quebec, with its very comprehensive regulatory regime—it has a tremendous regulatory regime in place—would still not be able to sign an equivalency agreement. That's given as a result of the lack of "citizens' right to investigate" provisions. Quite frankly, this concerns us greatly.

The following are our recommendations for your consideration. We urge you to remain committed to simplifying the environmental regulatory requirements in Canada by addressing the legislative constraints that prevent the establishment of equivalency agreements. Furthermore, we urge the committee to support the proposed amendments, as they relate to equivalency, that were introduced in Bill C-30. While they do not go far enough, in our opinion, they do move us in the right direction.

As a supplementary to this, we do not know how the committee intends to deal with this, but we believe there would be some inherent value in the committee's coordinating its CEPA review activities and its Bill C-30 activities. I'm sure you have all sorts of

thoughts on that, but this is an area that highlights, I think, the value of undertaking that.

We apologize in advance for not having any specific recommendations here, but we would like to ask the committee to undertake a study or further examination of what options may exist to support the citizens' right to investigate in concept. We really believe it's an important concept, but there must be a way to do this while providing flexibility for provincial jurisdictions in terms of this requirement. We haven't yet undertaken our resources to figure that one out. We intend to, and we would like to be able to present the results of that to committee, but we also suggest that you may have some study work or interest to study that particular opportunity.

We request that the committee recommend to the government that it draw on the experience of sectors that have already developed cooperative federal and provincial mechanisms. For example, I did mention the Pulp and Paper Air Quality Forum. For the last two years, we've been rolling up our sleeves with environmental organizations, aboriginals, five provinces, and the federal government, to figure out a path forward on air and climate change that makes sense for all concerned. We really hope those initiatives are not pushed aside with respect to a new approach to air.

Mr. Chairman, this concludes my formal remarks. I'd be happy to take any questions that the committee members may have. Thank you.

• (1615)

The Chair: Good. Thank you very much.

Mr. Silva, begin.

Mr. Mario Silva: Thank you, Mr. Chair.

First of all, I want to thank the witnesses for coming forward and giving their presentations.

Once again, I would like to state, Mr. Chair, that some of our members of our committee are not present because they're debating Bill C-30. I hope to go back to the House as well to speak on it. But that's the situation we're facing at this very moment, because there was also legislation that was tabled by the government with respect to the Clean Air Act.

I am interested in hearing further from the witnesses, and maybe even from the government staff, on the benefits of the ministers' conferences and how they are in fact able to get to Canada-wide standards. How are they moving forward, and have they been working as of late?

The Chair: Would you like to direct your question to someone?

Mr. Mario Silva: Maybe somebody from the department could start off.

Mrs. Cynthia Wright (Associate Assistant Deputy Minister, Environmental Stewardship Branch, Department of the Environment): The latest one that was approved was approved in the middle of October on mercury from coal-fired electricity facilities.

There were six substances originally targeted and about 14 Canada-wide standards developed. They're all beginning to report on how well they've been implemented. So reports are starting to come out now, but I think it's fair to say that many of them have been very successful. Most of them have resulted in changes to provincial permitting processes, various instruments to implement them, and for a number of them you see the attainment of the standards. Benzene was the first to attain the standards. Probably the particulate matter and ozone are the ones where you see less attainment or attraction towards attaining the standards, and I think that's what has prompted Bill C-30.

• (1620)

Mr. Mario Silva: Thank you.

Mr. Glover, I think you have some comments.

Mr. Paul Glover (Director General, Safe Environments Programme, Department of Health): Just briefly, by way of process, because you asked how they worked, one of the things that happens is that, for example, on a health issue, the health scientists will prepare information to advise the committee and the members so that the science doesn't necessarily need to be replicated jurisdiction by jurisdiction. So we'll talk about the health implications and provide advice to them as the Canada-wide standard is developed.

There is definitely a sharing of scientific information, of key questions and answers to those questions, as the standards are developed.

Mr. Mario Silva: I should have mentioned also, Mr. Chair, that I will be splitting my time with Lloyd St. Amand. I don't know what time I've used up now.

The Chair: You have three minutes.

Mr. Mario Silva: Okay, I'll take just one more minute.

I think it's very important, when we're dealing with the provinces and the ministers of the provinces, that we do try to get some binding targets in place, because if we as a country are dealing with international partners to try to have a consensus or binding targets, whether it's Kyoto or different agreements, if we can't do that in-house, we lose face when we go out to the international community. So if we are dealing with these very important issues, and environmental standard issues, we need to make sure that we are in fact setting standards across the country. Whether it's our water table or whether it's our air, it goes from one province to another, so it's very important that we have regulations that are common from one part of the country to the other part.

The Chair: Ms. Broten.

Ms. Delores Broten: We pushed the Canada-wide standard on ozone and on particulate matter. In fact, we went to our own provincial environmental appeal board on that Canada-wide standard, and so on, to the point where the province now includes that standard in its technical assessment when it issues a permit for pollution. They just assess that this will never violate the Canada-wide standard, because it's so generous that any new polluter isn't going to violate it anyway.

The Chair: Mr. St. Amand.

Mr. Lloyd St. Amand (Brant, Lib.): Thank you, Mr. Chair.

Perhaps this question is to one of the departmental officials, Ms. Wright or Mr. Glover.

I was intrigued by Dr. Heming's comment, and it was pleasing, of course, to hear Andy Mitchell being quoted. He was correct about the rural communities ideally being the future of Canada.

Just briefly by way of preamble, my riding contains Six Nations of the Grand River Territory, which is the most populated first nations community in Canada, with 12,000 people. As you can imagine, with that community being the most populated at 12,000 people, many aboriginal communities are significantly smaller. Your comments, Doctor, certainly speak to the concerns that are felt by aboriginals and, of course, their attachment to the land, their well-documented views about the tugging between nature and culture, and so on.

But I'd like to ask Ms. Wright or Mr. Glover their feelings or any thoughts they have on CEPA. In what fashion, if any, should it be amended to take into account aboriginal concerns and aboriginal issues?

The Chair: Ms. Wright.

Mrs. Cynthia Wright: There is one area that the governments have identified in the issue paper. CEPA is designed as a national piece of legislation to set standards that are the same from coast to coast. First nation groups would fall under those national regulations and standards. But there's another part of CEPA that allows the federal government to set regulations that mimic provincial laws and regulations with respect to environmental protection, and that's part 9 of CEPA. But in the design of part 9, it currently would require that the standard or regulation be the same from coast to coast, and as first nations try to enhance their economy and be competitive against other companies in the same jurisdiction, that may force them to either a higher or a lower standard than companies operating on provincial lands.

So the issue paper is identifying that we think this is an issue the committee should look at, and whether or not there should be more flexibility in CEPA to allow first nations to have standards that are the same as their nearest neighbour.

• (1625)

Mr. Lloyd St. Amand: If I have any remaining time, I'll give it to Mr. Scarpaleggia, who has at least one question he'd like to ask.

The Chair: Mr. Scarpaleggia, you have about three minutes.

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Thank you very much.

Ms. Wright, could you elaborate on this idea that it's difficult to do anything about particulate matter—if I understood correctly—in CEPA and that therefore the government felt that it had to bring in Canada's Clean Air Act? I find that intriguing.

Mrs. Cynthia Wright: No, what I was saying is that it was with respect to the Canada-wide standards. There's probably been less consistent activity across the country in the attainment of the particulate matter and ozone Canada-wide standards. The Canada-wide standards are not all the same. Some of them are very clear, end-of-pipe, if you will—the emissions that are allowed out of stacks. The particulate matter and ozone standards were related to the ambient air quality and therefore required each jurisdiction to put in place certain measures. So for instance, the federal government committed to putting in measures with respect to transportation and fuels and negotiating an agreement with the United States to reduce international sources, and it has largely met its accountabilities.

The federal government also conducted research and technology assessments to see what standards were comparable in other jurisdictions and what could be done under industrial sources. The intent was that the provinces would put in the standards, the regulations, to reduce emissions from each of those industrial sectors. That has been uneven.

Mr. Francis Scarpaleggia: Do you mean things like ethanol mandates, for example, in gasoline?

Mrs. Cynthia Wright: It is that kind of standard. For instance, it is the release of particulate matter per unit produced or per tonne of emissions from various industrial sectors, and those kinds of standards. So the intent was that provinces would do that. To date, most of the provinces have not done that or have not done that evenly across the country.

Mr. Francis Scarpaleggia: Why can't we use CEPA to revisit them?

Mrs. Cynthia Wright: We can use CEPA in many cases, but there are some limitations. For instance, if you wanted a trading regime to support the emissions reductions, there are some limitations in CEPA in terms of the kind of trading regime, particularly, that would relate to the best one for air particulate matter and that would harmonize with the United States.

There are other limitations in CEPA, such as, for instance, if you wanted to set a higher standard for new facilities versus existing facilities. So there are some technical limitations in terms of setting standards.

Then there are the equivalency provisions that Ms. Cobden mentioned. Under CEPA right now, one of the deterrents to having agreements with the provinces is that there's an automatic sunset every five years under the CEPA agreement, and that's just seen as being an administrative burden for no net gain.

Mr. Francis Scarpaleggia: If we got rid of these automatic sunsets, could we have equivalency agreements?

Mrs. Cynthia Wright: Yes. The other thing that Bill C-30 does is make it clear to authority that we think is already there that you could recognize—as Ms. Cobden called it—an equivalent outcome regime. Most provinces don't actually have regulations; they set permit standards. So as long as their permit standards have the same effect throughout their jurisdictions as the federal standards, we think that would legally meet any equivalency requirements. Bill C-30 makes it explicit that it would be equivalent.

Mr. Francis Scarpaleggia: Thank you so much for a great answer.

The Chair: Monsieur Lussier.

[Translation]

Mr. Marcel Lussier (Brossard—La Prairie, BQ): Thank you.

Ms. Cobden, you stated that Quebec has extensive regulations and emissions permits processes for the pulp and paper industry.

Are Quebec's regulations effective? Do we need another layer of legislation, federal legislation, on top of that first layer of legislation? How is the industry doing? I see progress in all areas: CO₂ reduction, a 50 % reduction in air pollution and a 50 % reduction in water pollution.

Second, after you have told me whether or not Quebec's regulations are sufficient, I would like you to tell me whether or not the pulp and paper industry has programs to reduce the use of chlorine in the bleaching process for wood or paper.

• (1630)

[English]

Ms. Catherine Cobden: *Merci.* I will have to proceed in English, so please excuse me.

Our analysis, Mr. Chair, has shown that the regulation in Quebec would actually meet the new provisions under Bill C-30. In other words, if you were to look at just the regulatory.... As I mentioned, there are two provisions. There's the regulatory piece and then there's the “citizens' right to investigate” piece. So there is a legal view that there should be an ability for equivalency on the regulation level, as you have asked. The problem lies in that it's an “and”—and the citizens' right to investigate. So you need both.

In Quebec, they do not have that. We've been looking very diligently, through this forum that I've mentioned, to try to find a solution. We've been working with the Quebec government, we've been working with the federal government, to try to see what existed for this. Unfortunately, it's the current view of the federal government, as I understand it—anyone can correct me if that's changed—that there is nothing sufficient for that part. So that is the challenge.

In order to ever get the legislative framework fixed, what you would need to do is deal with the “citizens' right to investigate” provisions that I've mentioned. I don't know what the solution is to that. I'm sure there are some very bright legal minds that can come up with ways to not lose the intent, because I think it is really an important intent and I'm sure that my colleagues here would agree with me on that, but to not make it something that prevents you from actually getting an equivalency agreement in place.

The Chair: Ms. Wright, do you want to comment on that?

Mrs. Cynthia Wright: Yes, to clarify, there are four provinces that don't have that equivalency: B.C., Manitoba, P.E.I., and Quebec.

[Translation]

However, officials from the Quebec government assured us that they are in the process of reviewing their legislation and that under the new legislation it will be easier for a citizen to request an investigation. To date, investigations have been requested 20 times, under the CEPA framework. We decided therefore to retain that component because the provinces have gradually been adding that provision to their own legislation.

Mr. Marcel Lussier: Ms. Broten, you mentioned that dioxin comes from salt water—which contains chlorine—in the wood chips, which are burned, thereby producing dioxin.

Is the industry clean in terms of PCBs? Are you aware of any incidents such as explosions of transformers and condensers, leading to emissions and leaks into rivers and into the Pacific ocean?

[English]

Ms. Delores Broten: Okay. There have been some very near misses with explosions of chlorine-based gas—not chlorine gas but chlorine dioxide gas. There was a really close call in Powell River, British Columbia. But in terms of PCBs, the process that creates dioxin, which I was talking about when they burn the salty wood chips, also creates new PCBs in the stack. That was shown in test results in British Columbia.

[Translation]

Mr. Marcel Lussier: You didn't talk about transformers exploding because when there is an explosion and transformers burn—

[English]

Ms. Delores Broten: Oh, transformers. Oh yes, of course.

[Translation]

Mr. Marcel Lussier: Transformers produce dioxins and furans. Significant quantities are released during some explosions.

[English]

Ms. Delores Broten: Yes, and the PCBs are still in the transformers anyway. So any time a transformer is broken, PCBs are released. We say we don't use PCBs any more, but actually we reuse them. We put them back in the transformers.

[Translation]

Mr. Marcel Lussier: Thank you.

Ms. Broten, I would like to ask you another question. You stated that CEPA was not effective, but have you ever used the Fisheries Act, which I think has more teeth?

•(1635)

[English]

Ms. Delores Broten: Well, the dioxin regulation that stopped the pulp mills from making dioxin from bleaching was under the Fisheries Act. That wasn't CEPA; that was the Fisheries Act. So right there, that's a really good example, because that was incredibly successful. CEPA could have teeth too, I believe. It's simply that due to provincial-federal relationships and due to the political will of Parliament, the teeth are not being activated.

[Translation]

Mr. Marcel Lussier: Fine.

[English]

The Chair: Ms. Wright, I think you had another comment.

Mrs. Cynthia Wright: I want to clarify that the dioxin and furan laws for pulp and paper are under CEPA. There are complementary laws that address some of the other non-chemicals under the Fisheries Act.

Ms. Delores Broten: I thought it was under the Fisheries Act.

Mrs. Cynthia Wright: No, it's a CEPA law.

Ms. Delores Broten: Okay, I stand corrected.

[Translation]

Mr. Marcel Lussier: I asked a little earlier if the pulp and paper companies had a program for reducing the use of chlorine in paper bleaching. Do they have such a program?

[English]

Ms. Catherine Cobden: In fact we no longer use chlorine gas for bleaching. Madam Broten did make a reference to this, that we have virtually eliminated dioxins and furans in our effluents. We did this was by significantly shifting the technology within our pulp and paper mills.

In addition to eliminating dioxins and furans, we've reduced AOX by more than 90% over that same timeframe. Certainly this was precipitated by regulatory drives, but nonetheless we've made the significant investment of billions of dollars to do so.

Ms. Delores Broten: As a clarification, part of that shift was by using chlorine dioxide gas rather than straight chlorine gas. Chlorine dioxide is a chlorine-based compound that is also quite dangerous to use.

Ms. Catherine Cobden: If I may, we have seen significant improvements in the receiving environment. I'm not really able to go into this in a significant way today, but I'd be more than happy to make a separate submission to the committee on this point, if that's of interest.

[Translation]

Mr. Marcel Lussier: I have one last question. We know that efforts have been made to reduce greenhouse gas emissions because there has been a 33 % reduction.

Could the industry reduce their emissions even further? Will we have to wait for new technology or is that new technology already available?

[English]

Ms. Catherine Cobden: This is something we call the miracle of biomass. It sounds a bit facetious, but it really is an opportunity out there for all to reach for and grab.

As we've become more energy self-sufficient, the beauty is that we have brought down our greenhouse gas emissions. At the same time, we've been able to liberate ourselves from our fossil fuel hunger and find a renewable fuel.

This has also addressed air quality considerations. They really do go hand-in-glove. The single largest contributing factor to air quality, climate change, and greenhouse gases in a pulp and paper mill facility is the energy system. So as you focus on that and provide incentives for doing more, it's a beautiful scenario where all of the things you're concerned about come down.

The challenge is that we've done about as much as we can economically; the low-hanging fruit is done. Is there more potential? Absolutely. We need to figure out ways to provide more incentives to get to that.

There's no doubt that biomass is available; it's just more costly to get. There are beehive burners that can be shut down, and that stuff can be sent over for better, more appropriate use. As an industry, we're committed to this.

The problem is all about economics. So we really urge the federal government and the committee to look where you can for opportunities to further the biomass opportunity.

The Chair: Thank you.

Mr. Cullen had to leave, so we'll go to Mr. Warawa, please.

Mr. Mark Warawa: Thank you. I'm going to be sharing my 10 minutes with Mr. Calkins.

Thank you to the witnesses for being here. I've found it informative.

Of course the government is supportive of CEPA and wanting to make it better. We believe that the equivalency agreements are important, and we want them to be able to be effective and used. In fact, the Clean Air Act, Bill C-30, which was mentioned a number of times—and Ms. Cobden, you mentioned it—will make CEPA much more effective than the equivalency agreements, with the changes that we're proposing.

I do have some questions here.

• (1640)

Ms. Broten, you made some comments that I'm a little puzzled with, and perhaps you could clarify them. You mentioned the "talk and log". You talked about expensive and time-consuming meetings. It sounded like you want action and you want us to be effective. You talked about "the whole long process of multi-stakeholder meetings, scientific twists and turns, market scares, job blackmail, and a Harmonization Agreement". It sounded like you don't appreciate the consultation process, which does take time.

For clarification, are you're saying that you find the process very long and time-consuming and you'd like it to be more effective?

Ms. Delores Broten: Yes. I like the consultation, but I'd actually like to see more clear leadership from the federal government when it's actually operating under CEPA instead of letting a provincial bureaucrat derail the process for a couple of years here or there. It's very frustrating and very difficult for the rest of us to live with, and I believe it happens quite often.

It's more a question of setting a timetable and moving on instead of spending 10 years to develop a standard.

Mr. Mark Warawa: Thank you.

You do support consultation.

Ms. Delores Broten: Oh, I love it.

Mr. Mark Warawa: Okay. Good.

Of course, the harmonized equivalency agreements don't include everything. They cannot deal with quantities targeted for virtual elimination, nutrients disposable at sea, fuel and engine emissions, movement of hazardous waste, and some administrative processes. But our hope is to provide an effective change through CEPA and Bill C-30.

At present, all agreements terminate after five years, and I'd ask each of you to make a comment on that.

Mr. Heming, I appreciated your comments, but could you give some comment on equivalency agreements? It's the topic of today. The agreements terminate within five years. Do you think it is a good idea? Should they be within agreements with the province, territories, or first nations? Should they end at five years or should they be part of an agreement?

Could each of you comment on that?

Ms. Delores Broten: I think there should be a review for effectiveness built into it somewhere, and it could then be renewed fairly simply. But there needs to be some kind of going back, first of all, to check that the provinces are actually doing what they committed to do. Provinces tend to be even more variable than federal governments. There needs to be some kind of scientific or technological check on each agreement before it rolls over.

Mr. Mark Warawa: Okay. Thank you.

Mr. Heming.

Mr. Gregory Heming: My confusion on anything that has to do with time is that there's such a big difference between how provinces work, how territories work, how government works, and how industry and business work that timeframes can either be very positive or very negative. I don't know how to streamline the process. But I know when you talk about doing something regulatory that ends in five years, it may begin to work in a small place like ours or in a first nations group that has to roll this into land claim agreements.

It can be a frightening concept. Again, I don't know how to address the issue, but I think a word of caution is needed. Anything that terminates at a particular time can be troublesome and it can also be very positive.

• (1645)

Mr. Mark Warawa: Thank you, Dr. Heming.

Ms. Cobden.

Ms. Catherine Cobden: As I think has been mentioned by Ms. Wright, it definitely adds a burden to a province that is actually interested in the equivalency situation. It's problematic from that perspective. At the same time, I understand the need for review.

One option you may want to think about is this. Rather than a termination or even a mandatory review, you could actually build performance criteria that could be monitored into these agreements, as any kind of performance criteria approach would be, so that you could actually show how you will verify and validate that things are progressing.

Mr. Mark Warawa: Thank you for that.

Mr. Calkins.

Mr. Blaine Calkins (Wetaskiwin, CPC): Thank you.

I want to elaborate on what was already discussed by several of the members here.

Thank you for coming today and sharing your information and time with us. It's very enlightening.

I want to talk about what was mentioned in some of the presentations about the Canadian Council of Ministers of the Environment, the CCME: that they have Canada-wide standards. If I can get some clarification from the department here, are those Canada-wide standards mandatory for the CCME?

Mrs. Cynthia Wright: No, they're not mandatory in the sense of being enforceable regulatory standards.

Mr. Blaine Calkins: They're not enforceable?

Mrs. Cynthia Wright: That's correct. Each jurisdiction has to put them in place with their own instruments in their own jurisdictions.

Mr. Blaine Calkins: So it's voluntary.

Mrs. Cynthia Wright: They were signed by ministers, so there's certainly a political commitment, but you couldn't enforce a Canada-wide standard; you would have to have the jurisdiction put in some sort of tool to enforce it.

Mr. Blaine Calkins: Following that, have the CCME's Canada-wide standards for air contaminants, such as particulate matter and ozone, been implemented nationally?

Mrs. Cynthia Wright: Certainly the federal government implements them. Most of its commitments were in the area of fuel and vehicle regulations, negotiating an agreement with the United States for them to reduce ozone into Canada, and also some product reductions.

Mr. Blaine Calkins: It seems to me we have a patchwork. We have voluntary standards over here, government standards over there, and all kinds of different things. Let me get more clarification from our witnesses.

I'll start with Catherine. In your opinion and from your organization's opinion, is this patchwork of voluntary standards effective in protecting the health of Canadians and protecting our environment? Are we doing a good enough job on that front?

Ms. Catherine Cobden: I think it depends on the jurisdiction you're taking a look at. I think it's an important role of the federal government to do that review, actually, and that's why I was talking about performance standards earlier. It is reasonable from our perspective that the federal government may want to verify that indeed the intentions are being addressed. Are permits in B.C. sufficient? It's a regulatory mechanism in Alberta; is that sufficient? Is the point of impingement in Ontario sufficient?

We have not only a patchwork that you're referring to, but also a patchwork in approaches. They are very different; hence, as industry, when we have all of these different regulations coming at us based on very different means, it's extremely burdensome and very frustrating, and it's limiting in terms of moving forward.

There is no black and white answer to your question, I'm sorry to say. It is very jurisdiction-specific.

• (1650)

Mr. Blaine Calkins: Dr. Heming.

Mr. Gregory Heming: I would agree with what she says, but one thing I would like to add is that any sort of voluntary commitment really hinges on a basic question that I don't think is in CEPA and may be outside the purview of CEPA, and that is that we haven't figured out yet what we want our economy to do.

I'll digress for just a minute. Next year I'm part of an international sailing expedition circumnavigating North America to call attention to climate change. Two of our largest sponsors are private businesses that you would not think would be supportive of the whole science of climate change; that's Wal-Mart corporation and DuPont. I'm convinced that both of those large-scale businesses are making serious attempts to voluntarily change the way they do business, and I look at that as extremely positive.

How that filters down through CEPA into local jurisdictions I don't know, but I know that large corporations can be great teachers when it comes to some of these issues, if there's some clarity on how government wants to allow them to operate.

Mr. Blaine Calkins: From a philosophical perspective, I would agree with that. I like nothing more than when consumers, through their own choices, dictate where society is going to go. I think we have a very enlightened consumer society in Canada that chooses conscientiously a lot of the products they have.

Now that you've mentioned DuPont and Wal-Mart, I would agree that most organizations and corporations in Canada are great corporate citizens when it comes to environmental protection. Where there are a few failings, that's where I see, from my personal opinion, that government has to step in, be clear, and put in regulations to make sure those who aren't necessarily going along with where the nation wants to go have to step up. I'm glad to see that you're not condemning businesses and corporations out-and-out, but I think you're absolutely right: that's where it needs to come from.

I don't mean to cut you off, but it sounds as though the button is going on my time. Let me just get some last-minute comments from Ms. Broten, please.

Ms. Delores Broten: The patchwork makes life extremely difficult for people in communities. For example, I mentioned the ozone and particulate Canada-wide standard, which they're now considering in British Columbia when they assess a new polluter—when somebody wants a permit to put in a new boiler or something. But what they do is say the air is not going to be polluted “up to” the Canada-wide standard, so it's okay, whereas the Canada-wide standard was supposed to be the bottom line. It said, this is what we think is achievable, but you're not supposed to make clean areas dirty. But now our government is interpreting it as so long as it doesn't get as bad as the Canada-wide standard, it's okay.

That's the trouble with a voluntary, unenforceable thing.

The Chair: Thank you, Mr. Calkins.

Mr. Lussier.

[*Translation*]

Mr. Marcel Lussier: My questions were just answered.

[*English*]

The Chair: Are there any other questions from any members?

Thank you very much. You can tell you came on a day when people's minds are somewhere else—in the House, with Bill C-30 being tabled today and being sent to committee later today.

I want to thank our witnesses. Your testimony is very welcome, and Tim has it all on tape, so it'll be part of our report.

Thank you very much.

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

**Also available on the Parliament of Canada Web Site at the following address:
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :
<http://www.parl.gc.ca>**

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.