



House of Commons
CANADA

Standing Committee on Health

HESA • NUMBER 059 • 1st SESSION • 39th PARLIAMENT

EVIDENCE

Monday, June 4, 2007

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Chair

Mr. Rob Merrifield

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• (1530)

[English]

The Chair (Mr. Rob Merrifield (Yellowhead, CPC)): We'd like to call meeting number 59 of the Standing Committee on Health to order.

Pursuant to Standing Order 108(2), we will have a briefing on possible regulatory changes. Today we are examining Bill C-42. We have some witnesses who will be able to help us with that.

At the end of the meeting, we'd like to carve off a little bit of time, perhaps a half hour or 20 minutes, in which we'd like to move on to clause-by-clause consideration of Bill C-42, if the committee is prepared to do that. We're hoping to get to that place at that time.

Before then, we have some witnesses with us. From the Department of Public Safety and Emergency Preparedness, we have Paul Haddow. Also, from the Department of Industry we have Alain Beaudoin. It's good to have both of you.

We'll also introduce those who are here to help out with the question and answer period. From the Department of Health we have Daniel Chaput, and from the Public Health Agency of Canada we have Dr. David Butler-Jones. From the Canadian Food Inspection Agency, we have Emmy Verdun. It's good to have you with us.

With that, we will proceed with the presentations. We have two of them. We'll start with the Department of Public Safety and Emergency Preparedness.

Paul Haddow, the floor is yours.

Mr. Paul Haddow (Director General, International Affairs, Department of Public Safety and Emergency Preparedness Canada): Thank you, Mr. Chairman, for the opportunity to appear before you today.

[Translation]

My name is Paul Haddow and I am the Executive Director of the International Affairs Division of the Department of Public Safety of Canada.

[English]

We understand that at a previous meeting of the committee certain questions were raised and the issue of the security and prosperity partnership came up. There was a desire on the part of the committee to have more of a briefing on that issue because it formed a bit of the context for some of the discussions you were having on specific regulations.

Together with my colleague, Alain Beaudoin, at Industry Canada, we coordinate the security and prosperity pillars, as we call them, of the SPP. I am responsible for the security side of things, and within the security agenda there are a couple of areas of interest to the committee. Those are the areas of bio-protection, broadly speaking, as well as the issue of emergency preparedness and response.

I should point out that I will just provide the high-level briefing to give you some context, as we have the experts here on specific work in the various components of the SPP.

If I may, Mr. Chairman, I'll just provide a bit of background.

Soon after 9/11 there was an initiative undertaken by Canada and the United States called the smart border accord. It was an opportunity to address security issues with respect to customs and immigration primarily. It was spearheaded on the Canadian side by Deputy Prime Minister Manley, and on the American side by Governor Ridge, who subsequently became Secretary Ridge. Underneath this initiative, a number of issues were identified that needed to be addressed in the aftermath of 9/11. Both countries were embarking on a new approach to security issues, and it was thought that they should do it together to the extent possible, so they could achieve their security objectives in a way that allowed for a continued flow of low-risk people and goods.

This initiative in 2002 was highly successful, to the point that the remaining government departments were saying that they too had an agenda with the United States on these sorts of issues and that we should expand the smart border accord beyond customs and immigration issues to cover the full range of issues impinging on the border between Canada and the United States. As a result of that, Mr. Chairman, the three leaders of Canada, Mexico, and the United States met in Waco, Texas, in March 2005 and established the security and prosperity partnership, which was essentially a much-expanded version of the smart border accord, and a trilateral version of the accord. So it was expanded in scope, and included the membership of Mexico. It was founded on three equally important pillars, those being security, prosperity, and quality of life.

Soon after that, Mr. Chairman, officials were tasked to put together a work program encompassing the scope envisaged by the three leaders. With respect to the security side, there are some ten working groups, encompassing everything from cargo security to passenger security, emergency preparedness, aviation security, bio-protection, and science and technology. This program encompasses about 15 departments across government.

In putting together a work program that would follow through on the vision provided by the three leaders at Waco, ministers met and officials developed a comprehensive work plan. Essentially, departments were asked what their pending issues were between Canada and the United States and between Canada and Mexico; that was the question we posed here in Canada. Various departments put forward their ideas of issues they wanted addressed or issues that weren't on the agenda, or issues they wanted treated more as priorities. Those activities, comprising over 300 initiatives across the various departments, were rolled up.

• (1535)

Then the next summit took place in Cancun, Mexico, in March of last year. The Government of Canada's position was that yes, the SPP was a success to the extent that it had gathered up a comprehensive work plan covering all the issues that people wanted to get addressed. But with between 300 and 400 activities, how could you prioritize that? So the idea was to bring some focus to this new, expanded agenda.

That was done in Cancun, where the leaders selected a small number of priorities in the security area. They included developing a pandemic plan for North America, for strengthening the cooperation and coordination in the area of emergency preparedness and response, and to continue to do work on making borders within North America smarter in the sense of achieving the same level of security, but in a way that encouraged the flow of trusted goods and travellers.

My colleague Monsieur Beaudoin will speak on the priorities in the prosperity area.

I should point out, in concluding, Mr. Chairman, that unlike the NAFTA, for example, the SPP is not a treaty. It's not a formal international agreement. It's essentially a work plan developed by the three countries, and this initiative has the benefit of the attention of the three leaders every year, so it's given a priority at the highest level. But the work plan itself is developed bottom up, from various departments.

I've mentioned there are ten working groups on the security side. Each of those working groups has their own consultative mechanisms. So, for example, I know that CFIA and Health Canada, when they put together the program for bio-protection, consulted extensively with their normal stakeholder groups and provinces, and that was replicated—different styles, etc.—across the various working groups.

As we look forward, we want to maintain a set of priorities that reflect Canada's objectives. I think it's fair to say that had it not been for the SPP we would not have had a North American pandemic plan in place. We would have had a plan for Canada, a plan for the United States, and a plan for Mexico, but the idea of explicitly connecting those plans between Canada and the United States, and between the United States and Mexico, recognizing the borders, I think that would not have happened had there not been an SPP. So that's an example of the kinds of bottom-up benefits that this initiative brings to the agenda of the Government of Canada.

Thank you very much, Mr. Chairman. I'll leave it at that. Any questions would be welcomed.

• (1540)

The Chair: Thank you very much.

We have one more presenter before we go into the questioning, and I'm sure people listening perhaps will be wondering why we are talking about security and prosperity partnerships on the Quarantine Act. It's because we had some questions with regard to how this might or might not impact this piece of legislation, but also we had one day on the possible regulatory changes—pesticides and so on. So that's why we brought you in today, to be able to answer all of the questions on both those fronts. I just wanted to make everyone clear on that.

We will continue. Alain Beaudoin, the floor is yours.

[*Translation*]

Mr. Alain Beaudoin (Director General, Innovation Partnerships Branch, Department of Industry): Thank you, Mr. Chair.

Good morning. My name is Alain Beaudoin and it is my pleasure to be here today to talk to you about the Security and Prosperity Partnership for North America.

I am the Director General of the Innovation Partnerships Branch at Industry Canada. One of my responsibilities is to coordinate the prosperity agenda for the government.

Before proceeding, I would like to say that I appeared before the Standing Committee on International Trade on May 10 to speak about the Security and Prosperity Partnership for North America. The remarks I am going to make today are essentially the same as those I made to that committee. I believe you have a copy of my remarks, for reference.

First, I will give a little background, because I do not want to repeat what my colleague Mr. Haddow has said. The Security and Prosperity Partnership of North America, the SPP, was launched in March of 2005 as a trilateral mechanism to strengthen North American competitiveness and enhance the security and quality of life of the citizens of the United States, Canada and Mexico through greater cooperation and information sharing.

In Canada, the Minister of Foreign Affairs has the mandate to manage our North American relationship, of which the SPP is one component. The Minister of Public Safety leads on the security agenda, and the Minister of Industry is responsible for the prosperity agenda.

While respecting the sovereignty and unique heritage, culture and laws of each country, the prosperity agenda of the SPP seeks to enhance the competitive position of North American industries in the global marketplace. It also aims to provide greater economic opportunities, while maintaining high standards of health and safety. To this end, the United States, Mexico and Canada work together with stakeholders to strengthen competitiveness, reduce the cost of trade and enhance the quality of life.

[English]

Because of its trilateral nature, the SPP is a complex mechanism. It is implemented through the activities of the trilateral working groups that are responsible for outreach with a variety of stakeholders within each country. The prosperity agenda is composed of nine trilateral working groups in key sectors of economic activity: e-commerce and information and communication technologies; energy; environment; financial services; food and agriculture; health; manufactured goods and sectoral and regional competitiveness; movement of goods; and finally, transportation.

With input from stakeholders, working groups have agreed to work on a number of bilateral and trilateral initiatives to advance the prosperity agenda. All these initiatives have been made public. If you have not already done so, I invite you to look at the SPP website. It provides detailed work plans and documents the progress achieved so far in implementing these initiatives. Briefly, this is how the SPP works. Now the question is how Canada can benefit from it.

As you know, key factors have fundamentally challenged the way global firms, including Canadian businesses, operate. Low-cost telecommunication systems and transportation and the availability of low-wage skilled workers in other parts of the world continue to profoundly transform business activities into global supply chains. There are advantages to this transformation. Even small and medium-sized businesses that use supply chain integration and technology can expect significant cost reductions in quality and time to market, but North American businesses are feeling intense pressure to remain competitive. While Canada is one of the most prosperous countries in the world, our prosperity depends in large part on our ability to access international markets. To remain prosperous, it is essential that Canadian businesses adapt accordingly and be able to deal with issues of supply chain management, such as seamless logistics. For Canada, these issues culminate at our border with the U.S.

It is common knowledge that nearly \$2 billion is traded each day between Canada and the U.S. Our economies are highly integrated and increasingly work in a seamless fashion. About 34% of our bilateral trade is intra-firm, and over 77% is intra-industry. This has led to the emergence of integrated and globally competitive commercial platforms fundamentally rooted in North America.

This is where the SPP can be instrumental. The SPP aims to enhance and encourage continued prosperous trade between North American countries while ensuring security. The SPP is but one part of Canada's positive and productive relationship with the governments of the United States and Mexico. The SPP is a non-binding partnership. It seeks to find practical solutions to concrete issues. It is one mechanism to ensure a strong relationship with our NAFTA partners and is not intended to duplicate or replicate existing mechanisms. As such, the SPP is not intended as a replacement for NAFTA, nor is it intended to serve as an alternative to existing trade negotiation mechanisms.

At their last meeting in March 2006, the three leaders of Canada, the United States, and Mexico agreed to focus on five priorities to advance the SPP and ensure tangible results. The five priorities are strengthening competitiveness, emergency management coordina-

tion, cooperation on avian and human pandemic influenza planning, energy security, and ensuring smart secure borders.

• (1545)

[Translation]

This renewed focus reaffirmed the leaders' commitment to advance a positive agenda for North America.

Achieving regulatory alignment within North America is one of the most important contributions to strengthening competitiveness. Through enhanced cooperation under the SPP, Canada, the U.S. and Mexico seek to make their regulations more compatible to reduce costs, by eliminating duplication and redundancies, and minimize barriers to trade. This is being achieved while ensuring continued high standards for health and safety, and protecting our environment.

The leaders also agreed to create the North American Competitiveness Council, to provide governments with advice and recommendations on ways to improve competitiveness.

To build on this agenda, on February 23, Ministers Bernier, Day and MacKay met with their American and Mexican counterparts here in Ottawa. They reviewed progress on the five priorities in advance of this year's leaders' summit, currently scheduled for August 2007.

Ministers also received the report of the North American Competitiveness Council, which was released publicly. This report made 51 recommendations in three areas: border-crossing facilitation, standards and regulatory cooperation, and energy integration.

In conclusion, the Security and Prosperity Partnership of North America has been conceived as a step-by-step, practical approach to improve the way governments work together to enhance competitiveness, ensure our security and quality of life. All of this takes time and continued commitment.

Thank you.

• (1550)

[English]

The Chair: Thank you very much.

We'll now move on to the question and answer part of the meeting.

We'll start with Ms. Bonnie Brown.

Ms. Bonnie Brown (Oakville, Lib.): Thank you, Mr. Chair.

Welcome, gentlemen.

As the chair said at the beginning of the meeting, he and the government are hoping to lead this meeting into clause-by-clause of a bill that the government would like to get through this committee and back to the House as quickly as possible. I guess whether we do that or not will somewhat depend upon your answers.

I was quite struck, Mr. Haddow, by your statement that this is a bottoms-up process. While I can understand that administratively within the bureaucracy you asked the people who worked for the government to identify those issues they thought needed resolution, and therefore they came up with the original ideas, I don't think they were given a choice as to whether or not to participate, because, as you also said, this is a priority at the highest level of the government. It seems to me they were told this was going to happen and then asked could they please identify the issues they would like to see resolved. When the direction comes from the top, I don't think there's any choice for bureaucrats to participate or not, so I'm sure they all worked like beavers to come up with these 300 issues.

Mr. Beaudoin, you talked about one of the goals being an improved quality of life, but how can you possibly deliver that when quality of life is defined differently in the United States, in Canada, and in Mexico? You just have to look at the goals of the three countries and you can see that quality of life is measured differently depending on where you live.

You also said that your website documents progress. Progress according to whom? If in fact the 300 issues that have been identified and the work plans that have been developed to deal with those issues are all coming out of the bureaucracy, how do you know that Canadians will think it's progress?

It seems to me this thing is rather circular. The bureaucrats identify it, they develop a work plan, and if they get their own way it's called progress. Seeing as we really don't know what's going on and no one ever comes before us to describe the latest initiative, the latest issue, the latest work plan, and the latest result, then how are the people of Canada to know that this is truly progress and will improve or enhance their quality of life, or indeed improve their security?

The other thing—

The Chair: On that, I think I should make clear to the committee that our mandate is health. When you answer those questions, as I'm sure the questioner was referring to the health side of that, we don't want to broaden it out into anything beyond that.

Ms. Bonnie Brown: I'm challenging the basic premises because they both spoke rather generally and made some rather broad statements that I am challenging as maybe not being quite as true as it seems to them.

I'm sure you mean everything you say, and from your perspective of being in charge of it I'm sure it's a big success, but I'm trying to share with you our point of view as we represent the people of Canada.

Maybe they'd like to answer that before we move into details.

The Chair: Yes, particularly on the health side of it.

Mr. Paul Haddow: Thank you, Mr. Chairman.

Starting between Canada and the United States, the two leaders of Canada and the United States in 2002 made a decision.

Ms. Bonnie Brown: Yes, I know the history.

Mr. Paul Haddow: And in 2005 that decision was reconfirmed and expanded by the two original leaders to include another leader.

Ms. Bonnie Brown: Yes, I know that.

Mr. Paul Haddow: All I'm saying is that's the top-down part, but in making that decision they essentially said they needed to have a program of activities to advance the prosperity and security and quality of life, and they turned to their varied bureaucracies and asked them to develop that program. The bureaucrats did that; that's what we do. So that's the bottom-up part.

I don't see a contradiction there. Leaders lead, and bureaucrats serve.

Ms. Bonnie Brown: Yes, but usually the people have a right to approve what's going on or not. If their legislators are not informed on a regular basis as to the changes being proposed, the people are left out of the loop.

● (1555)

Mr. Paul Haddow: I guess in terms of consulting with Canadians, focusing on the health part, Health Canada and CFIA, in developing their set of initiatives, consulted extensively with their normal stakeholder community. They asked that stakeholder community what their issues were with the United States, what their issues were with Mexico, what they would like to see addressed. Based on those consultations they developed a program of work for the health and food safety part of the agenda, and that's where it came from. They didn't make it up. So there were consultations with Canadians.

With respect to the question of appearing before this and other committees to keep members more fully informed, that's something, obviously, we're more than willing to do.

Ms. Bonnie Brown: I have another question that's more on health.

The Chair: And just to let the witnesses know—we have with us the Department of Health, the Public Health Agency, and the Canadian Food Inspection Agency—they can feel free to answer any of the questions at the same time.

Go ahead.

Ms. Bonnie Brown: Did Mr. Beaudoin want to answer?

Mr. Alain Beaudoin: I have nothing else to add.

Ms. Bonnie Brown: Usually, in this setting, it means you accept my interpretation of your remarks. Is that right?

Mr. Alain Beaudoin: No, I would say that I endorse what my colleague just said in answer to your question.

Ms. Bonnie Brown: Are either of you aware of any changes that have been made in which the United States has been changing its regulations to be identical to ours?

Mr. Daniel Chaput (Associate Director General, Food Directorate, Health Products and Food Branch, Department of Health): On the health side, again, related specifically to food, I'm not aware of these types of changes. At the same time, if I may come back to your initial comment, that's possible. I think under one of the working groups that Mr. Haddow was talking about, the food and agriculture working group, through our consultations we have identified key initiatives of interest to the Canadian public having to do with developing common approaches for risk management in the production of fresh fruit and vegetables, with a focus mainly on pathogen reduction for those foods that are potential vectors for food-borne diseases. I think this is timely, given recent events. That's an example of an initiative under the SPP.

But at this point we're not at all at a stage of making any changes to regulations or anything. We're basically at the stage of comparing approaches in the three countries, identifying differences where there are differences, and where appropriate trying to remove the differences. What is very important is that we will not remove these differences if it's going to impact negatively on health. If we were to make any regulatory changes, then I guess we would have to go through the Canadian regulatory process, which involves significant consultation from the time when the issue is identified, to the development of options, to the final gazetting process.

So that's a bit of an overview on the outside.

Thank you.

Ms. Bonnie Brown: Is it your understanding that the goal is to have regulations that are seamless—in other words, that all three countries have the same regulations? Is that your understanding of the goal of these working groups?

Mr. Paul Haddow: From a very general level across the piece, I would say no. It's to get rid of differences that don't make a difference. It explicitly recognizes that there will be differences. Simply in the area of plant health, for example, Canada has a different climate, and we will always have different regulations from what the Americans and Mexicans have.

The idea that there will be differences at the end of the day is a given. It's just that there may be occasions when the fact that there are differences is simply an unintended result of history. It's to try to synchronize things to the extent possible; to recognize that at the end of the day, you have three sovereign governments that will make three sovereign decisions; and to recognize that we live in three different environments for one thing.

The Chair: Thank you.

Go ahead.

Mrs. Emmy Verdun (Executive Director, International Affairs, Canadian Food Inspection Agency): I would like to add to what Daniel Chaput said about the fresh fruit and vegetable initiative. What we're looking at in that initiative is not regulation; it's standards. It's good agricultural practices, which are on-farm food safety practices. Those are voluntary standards that the industry uses; they're not regulatory. That group is not looking at regulation at this point.

As he explained, they picked the fresh fruit and vegetables based on consultation with stakeholders, because this has been identified as a higher priority, and it links to issues related to the kinds of problems we face with, for example, cantaloupes and lettuce and so on.

• (1600)

Dr. David Butler-Jones (Chief Public Health Officer, Public Health Agency of Canada): Very briefly, on many of the things we're facing in public health, having common approaches is actually to our advantage. Being engaged in the discussions about standards being lower in other places and being able to come up is to our advantage in terms of protecting Canadians.

The Chair: Thank you.

Madame Gagnon.

[*Translation*]

Ms. Christiane Gagnon (Québec, BQ): Thank you for being with us today.

You all read on the weekend about the case of Andrew Speaker, who has contracted a communicable form of tuberculosis. I know that measures were taken. When the diagnosis was made, he was told not to travel. However, because 14 days went by before the authorities were notified, Mr. Speaker had time to make several trips.

How would you explain this lapse in the chain of events, which could put people's lives in danger? They are trying to find everyone who travelled during the same period, particularly people who were in the most contact with him.

I would like to ask Mr. Butler-Jones what went wrong. We are in the process of enacting Bill C-42, An Act to amend the Quarantine Act. We are told there is no problem, but we have to know what went wrong, so that the situation does not happen again. Was there a flaw in the system used by public health authorities in the United States for communicating information?

Dr. David Butler-Jones: I am in contact with Julie Gerberding at the CDC in the United States. We will be meeting to draw lessons and identify all measures that might help to avoid this kind of situation happening again in future.

[*English*]

I will speak English, because I want to be very precise and my English is much better.

The challenge here was that an individual, who fortunately may have been minimally infectious but was not very infectious, chose to travel to a number of countries, and then not to follow up on the advice they were given. We do see that from time to time. Every jurisdiction sees that.

We will be reviewing that with our American colleagues, as we have with French, Italian, and the Czech and the European CDC, in terms of what measures might have facilitated earlier engagement with this person, so they would not have travelled, etc.

Subsequent to that, as soon as we found out, we then engaged with the airline, with the Americans and others, to identify who the travellers were so they could be followed up.

The thing with tuberculosis, which is different from some other infections, is that there's a long period between the exposure of someone and when they may be infected, and an even longer time before they can infect others. We actually have some time to get the story right, to figure out what really went on, so that when we actually do contact these people we will have the best information possible in dealing with them.

That's why over the weekend we worked with the various authorities, the airline and others, to get the manifest, and then the information became more public after that, which did facilitate finding some of the people faster, but there was still abundant time to do so.

If it had been something like meningitis or some other disease that you actually have a short window to follow up and do whatever measures possible, then as soon as we had known it very quickly would have been a public issue.

[Translation]

Ms. Christiane Gagnon: Like everyone else, I read about this case in the newspapers. He was given advice, he was told not to travel, or it was suggested that he not travel. Do you think mere advice is reasonable in a case like this, given that the disease is transmitted from person to person? My doctor can tell me not to go swimming because the water is polluted and it is dangerous for my health, but I can say that he never told me that.

Should we have a mechanism that would notify the patient, in writing, of how dangerous he or she is? Ultimately, a person is responsible for transmitting this disease from one person to another, if the person is not vigilant. Could we implement a mechanism that would provide written proof of the discussion with a doctor?

A person who has been infected can say that he or she was never notified, and was simply given advice. The person does not even acknowledge that he or she may be a potential danger.

This case sounds an alarm.

•(1605)

[English]

Dr. David Butler-Jones: I don't know all of the details of the conversations yet. I think that will be debated for some time among the various protagonists as to what actually went on in advance. I do know that for many situations we do in fact provide.... When I worked in local public health, for example, if there was a situation in school, there would be a notice, a note that would actually go home to parents to explain what was going on, what they needed to do, etc. Those are all some very practical kinds of things.

Normally, most people comply quite straightforwardly with whatever direction is being given. Most people are sufficiently concerned to do so.

Again, we don't know all the details of this case, what actually went on at this point, but each of these events becomes another opportunity to question whether enough was done, and if not, what needed to be done or will need to be done next time.

[Translation]

Ms. Christiane Gagnon: Is the person likely to be charged, for three years or \$500,000?

[English]

The Chair: I'm sorry, Madame Gagnon, your time has gone. Thank you very much.

Mr. Patrick Brown, you have five minutes.

Mr. Patrick Brown (Barrie, CPC): Thank you, Mr. Chairman.

I have two sets of questions, and the first set is mostly toward the Department of Health and Mr. Butler-Jones.

I want to get back into the Quarantine Act. I understand we're seeking to include advanced notification by land conveyance operators to section 34 of the Quarantine Act, after it was removed

in Bill C-42. What I wanted you to touch upon was the fact that previously we had the Public Health Agency of Canada officials at the committee and it was said that we didn't need advanced notification by land conveyances. Now we're saying that we do. What has changed that would lead to that impression?

I also wanted you to touch upon why these amendments are necessary. Wouldn't a bus or a train operator in the U.S. with a sick passenger on board simply seek medical attention rather than continue to the border?

I would also like it if you could comment on the costs associated with the amendments and if you have any rough numbers of how many people enter Canada by land, air, and water.

Dr. David Butler-Jones: Basically what was presented before was the best public health advice. Our view was—and as I think you heard from provincial officials, from a public health perspective—the risks that we're trying to address largely are not from the United States. If, however, the circumstance changed, then what we would have done is brought in regulation, which we have the power to do, to include land conveyances.

That said, we've heard the committee's view, which I think reflects people's views generally, and certainly the view of the minister, that in the circumstances we should try as efficiently as possible to include land conveyances. So we've said, well, there is no additional risk. Sometimes when you do something, you actually increase the risk. There's a principle in medicine: first do no harm. So sometimes you introduce something and you actually increase different risks. My assessment is this does not add to the risk. It may have some benefit, but one of the other things that will be useful is if we did have another event, we would not have to bring in a regulation. It's already in place in terms of land conveyances. Secondly, it may actually facilitate movement at the border in terms of having advance notification and people can figure out what needs to be done or not—take that person aside, etc.

In terms of the costs, we're going to absorb those costs. We're not sure exactly how much it will be, but part of it, the biggest costs, will be in making sure those who do the land conveyance are aware of it, have the 1-800 number, etc. We do see 88 million or 89 million people come to Canada every year, 79 million of those from the U. S., with 66 million of them by land. The vast majority of those are individual conveyances. They're not buses and trains, etc. There is still a requirement under the Quarantine Act that if someone is sick, even if they're in a personal car or van, they are supposed to declare that.

•(1610)

Mr. Patrick Brown: In terms of other countries, are there other countries with similar arrangements for advance notification?

Dr. David Butler-Jones: As far as we can tell, at least in terms of air and sea, that is what's expected in international health regulations. As far as we know, it does not include land, for the practical reasons that I think officials have outlined before. As far as we can tell, Canada is the only one. It may not stay the only one into the future.

Mr. Patrick Brown: Why is it necessary if other countries don't deem it to be necessary? Is there another motivation that makes it specific to North America, given the larger land mass? Were there specific concerns as to why it was more appropriate to take this measure within our geography?

Dr. David Butler-Jones: I think the public health assessment is still the same. It's only of very small marginal benefit, but it is the view of this committee and the view of my minister that even though the benefit may be marginal, it's something we should incorporate and respond to, and we're pleased to do so.

Mr. Patrick Brown: Okay, thank you.

If section 34 of the Quarantine Act is not currently in force, what protections exist at the border in the event that a conveyance approaches Canada with a public health emergency on board?

Dr. David Butler-Jones: Sorry, I'm not clear on your question.

Mr. Patrick Brown: If section 34 of the Quarantine Act was not currently in force, what protections exist at the border in the event that a conveyance approaches Canada?

Dr. David Butler-Jones: The existing legislation that remains in force from the previous legislation addresses air and sea, so there is a requirement to report currently. It has been in force for some time and we've been having airlines and others comply with that. That section of the old act will be revoked once this one has passed, assuming it goes forward in Parliament and the Senate.

The Chair: Thank you very much.

We'll now move on to Ms. Penny Priddy.

Ms. Penny Priddy (Surrey North, NDP): Thank you, Mr. Chair.

I was pleased and interested to see in the notes that were distributed that the goal of SPP is to both strengthen competitiveness and also enhance security and quality of life in the United States. Actually, you're here today, I suppose, because we've had two things come together: one is the Quarantine Act and one is the increased pesticide on vegetation coming across the border. So I guess it's some coming together of the stars.

I'd like to ask a question. I don't know whether it's for Mr. Chaput or Dr. Butler-Jones.

Do you think raising pesticide residue limits will make Canadians healthier and safer? Just yes or no would be actually an excellent answer.

Dr. David Butler-Jones: I'll speak generally in terms of the issue of public health. The regulations and the addressment of what are appropriate standards I think go through a fairly important assessment in terms of risk. One of the challenges we have scientifically is we're now able to measure things to such a small level that we really have no comprehension of the benefits. There's always a trade-off. Virtually everything at the right dose is useful and at the wrong dose is harmful. The regulators are in Health Canada on that, yes.

Ms. Penny Priddy: So does it make Canadians healthier and safer to raise the pesticide limits?

Mr. Daniel Chaput: I would first like to specify that the establishment of MRLs is the responsibility of the Pest Management Regulatory Agency. I think the key message here is that the

establishment of a maximum residue limit is based on the latest science. As Dr. Butler-Jones said, this evolves and now we're able to detect traces of pesticides at levels that we could not even think about before.

Ms. Penny Priddy: Since you are recommending it, I am assuming you're saying people will be healthier as a result of raising the pesticide limits.

Can I ask if this recommendation to raise pesticide limits for food came from the food and agricultural regulatory systems working group?

• (1615)

Dr. David Butler-Jones: I'm not familiar with the process.

Ms. Penny Priddy: Did it come from the food and agriculture working group?

Mr. Daniel Chaput: All I can say is that the MRLs are based on science and that the recommendation did not come from the food and agriculture working group.

Ms. Penny Priddy: It did not. Okay.

When we say there is science—as Dr. Butler-Jones says, there are small pieces of science—is there a written comparative scientific basis for the standards in Mexico, the States, and Canada that would be available to us?

Dr. David Butler-Jones: I'm not sure that the science would be available. I think we'll have to take that question to the regulator.

Ms. Penny Priddy: Thank you.

My last question then is whether this issue been considered by SPP's health working group.

Dr. David Butler-Jones: Not that I'm aware of.

Ms. Penny Priddy: While I understand it coming up under SPP, it's also health-related—surely more health-related than trade-related.

The Chair: Mr. Haddow.

Mr. Paul Haddow: If I may, I apologize for the architecture of the SPP. The food and agriculture working group is actually the food and agricultural regulatory group. They shortened it. It's comprised solely of people from CFIA and Health Canada. Even if it says food and agriculture, the work is all being done by Health Canada. That's just to clarify it. Sometimes these titles are—

Ms. Penny Priddy: But there are two different committees: a health committee and a health working group.

Mr. Paul Haddow: There are, yes.

Ms. Penny Priddy: So we will get an answer back on that question.

And you said it did not go to the health working group.

Thank you.

The Chair: Thank you very much.

We'll now move on to Mr. Fletcher. You have five minutes.

Mr. Steven Fletcher (Charleswood—St. James—Assiniboia, CPC): Thank you, Mr. Chair.

My question is for Dr. Butler-Jones. We had testimony from a public health official from British Columbia. He described the relationship that British Columbia has with individual states. It wasn't clear to some members of the committee how the relationship between the Public Health Agency of Canada, the provincial public health agencies, and the States interact. I wonder if you could take us through the relationship and how they interact with the other nations and with the World Health Organization. Can you describe a scenario such as the TB outbreak, which my colleague from the Bloc described, or avian flu, or some other fast-acting situation? How would PHAC and the other agencies work together and how would the Quarantine Act be implemented in such a case?

Dr. David Butler-Jones: Essentially, there is a web of responsibilities. Public health is a local activity. Fundamentally, people get sick locally, issues happen locally, and disasters happen locally. They may happen in a whole lot of places at the same time, but they are local.

So there are provincial and territorial public health acts and local medical officers, nurses, inspectors, and others who manage things—infectious diseases, etc.—locally. Sometimes it just gets too big for them, at which time they engage us. We also operate the reference laboratory in Winnipeg, and others.

At the same time, in terms of planning ahead, we have the public health network, where there is this constant development and review of what are the best policies, programs, and ways of getting at the control of diseases, etc. And then we work internationally.

At the same time, when I was a local medical officer in Sault Ste. Marie, I had a good relationship with my counterparts in Sault Ste. Marie, Michigan, and the upper mainland, and others do that, as we do from state to province and vice versa. These issues cross all our borders, and we need to be in constant communication, and to the extent to which we can coordinate our activities, we'll be more effective doing that.

In terms of what might happen, I'll just give you a very recent example with the case of measles in terms of how Canada would deal with that. We held the students behind because I was not satisfied that we'd minimized the risk sufficiently in that context to allow the students to get on the plane. At the same time, we were in conversation with the Japanese. We let W.H. Njoo know what we were doing, and we were working very closely with local authorities, etc., in terms of how best to manage it.

It was a difficult situation—not easy, very complex—but people pulled together, and fortunately one planeload of students left yesterday and another today, and the remainder, we anticipate, will go home tomorrow.

Again, it was a bit of a disruption, but it did ensure that we did not send some measles on a plane that would potentially infect other people.

•(1620)

Mr. Steven Fletcher: How much time do I have, Mr. Chair?

The Chair: You have a minute and a half, but you don't have to use it.

Mr. Steven Fletcher: I saw a movie a couple of weekends ago called *28 Weeks Later*, which is a sequel to another movie called *28*

Days Later, which I guess you could describe as a public health issue, where a very rapidly spreading disease caused havoc and there were zombies running around all over the place. In the movie it was interesting how very well-intentioned people just made things worse and worse and worse as it went on.

I wonder, as a public health official, with the Quarantine Act and the amendments that were tabled and will be tabled after this presentation, do you feel comfortable that the government is taking all reasonable steps necessary to ensure that a *28 Days Later* kind of scenario would not take place?

Dr. David Butler-Jones: First of all, fortunately there is no disease that has ever been seen before that works like it did in *28 Days Later*, but often that is people's image of how these things work.

Certainly we think that the amendments add to our repertoire, they don't take away from that. I think there are some opportunities. We can never guarantee against everything.

We have a situation with the TB case where he just didn't let people know and he didn't have symptoms, so no Quarantine Act would catch that.

So we'll work on all the various aspects of the system to continue to improve that. But nature is constantly inventive, and that's why we need to be flexible, responsive, and be thinking not just in terms of disease X, like H5N1, but of any potential disease and how we could respond, and to anticipate not simply what the best science teaches us but what we would do to mitigate if we were wrong, by any chance.

The Chair: Thank you very much.

Ms. Kadis, you have five minutes.

Mrs. Susan Kadis (Thornhill, Lib.): Thank you, Mr. Chair.

Thank you, everyone, for your presentations.

Today we're hearing that the federal government isn't considering making changes or increases to limits for allowable pesticide residues on food, although at a previous meeting we did hear witnesses say to the committee that it is possibly being considered, which I believe were the words. So there is a bit of a discrepancy there. Could you clarify that? And also, if this possible change or increase isn't coming from the food and agricultural regulatory group or any other of these working groups under SPP, where specifically is it coming from?

And secondly, specifically to Dr. Butler-Jones, are you considering prosecuting the individual who did not report the TB under our current Bill C-42 amendments to our Quarantine Act?

Those are the two questions, Mr. Chair.

The Chair: Who would like to start?

Dr. Butler-Jones.

Dr. David Butler-Jones: Mine is a short answer. I'm not a prosecutor or a legal expert, but we have referred it to the RCMP for their assessment.

Mr. Daniel Chaput: With regard to maximum residue limits for pesticides, I can confirm that the work did not originate from the food and agriculture working group. For a number of years, there has been work under NAFTA with respect to pesticides, and this is under that forum. There are some discussions—again, discussions only—on comparing maximum residue limits in the three countries.

Mrs. Susan Kadis: I think I asked this question at the last committee meeting that discussed this issue. In terms of accountability and public disclosure, knowing this would be important to the health of Canadians and their information. If it does go forward to the next level, because obviously it is being discussed—and I think we've confirmed that now—at some level through NAFTA mechanisms, when would Canadians find out about it? Would it be after the fact or before it's actually approved? And what process would take place?

•(1625)

Mr. Daniel Chaput: Currently, the regulatory process for establishing maximum residue limits requires amendment to the regulations for each new MRL. There is a gazetting process. Having said that, should any of the discussion under NAFTA result in changes to the approach to setting MRLs, they would have to go through the Canadian regulatory process again, through the pre-consultation with stakeholders and the Canadian public, and then to the *Canada Gazette* part I and part II processes. As I said, right now it's really at the discussion stage.

Mrs. Susan Kadis: If I may take just another moment I'd like to ask whether you would be willing to bring those individuals before committee to discuss and elaborate further on any possible regulatory changes.

Mr. Daniel Chaput: I'm with the food directorate, but I could make arrangements to see whether that would be possible.

Mrs. Susan Kadis: I believe that would be important, Mr. Chair.

The Chair: Mr. Chaput, for the committee, your answer to the last question would suggest that it would be gazetted and would go through the parliamentary process, where it would end up here at one stage, regardless. Is that right?

Mr. Daniel Chaput: That's correct.

Mrs. Susan Kadis: Not regulations necessarily, Mr. Chair.

The Chair: Can you please clear that up? This is a critical area.

Hon. Carolyn Bennett (St. Paul's, Lib.): We only get reproductive regulations.

The Chair: Mr. Chaput is suggesting that it will come here.

Mrs. Susan Kadis: Can we ask our analyst or researcher, Mr. Chair?

The Chair: The regulations would probably come to the agriculture committee or the industry committee. Is that right?

An hon. member: No.

The Chair: They don't go to a parliamentary committee? Does anyone know?

Go ahead.

Mrs. Emmy Verdun: The regulations would be approved by cabinet, but as Daniel Chaput said, before that happens there are

public consultations. They would be published in the *Canada Gazette* part I for a comment period. Then, if there were any changes, they would be published again in the *Canada Gazette* part II. They would be publicly available for a comment period and they would be approved by cabinet. They would not come to a committee unless they're attached to new legislation.

Mrs. Susan Kadis: In closing, Mr. Chair, I think this is of major concern. I think we would want to have this discussion in more elaborate detail, in view of the recent discussion and possible changes, whether an increase or whatever change. Just to have it in the *Gazette*—I'm not sure how many people are following it—is not good enough.

The Chair: That's fair. All I was trying to do for the committee was find out exactly what the process was.

Are there any further questions?

Mrs. Susan Kadis: I believe it would be interesting to have a hearing on that specifically and what it entails.

The Chair: We'll now move to Ms. Davidson.

Mrs. Patricia Davidson (Sarnia—Lambton, CPC): Thank you, Mr. Chair.

Thanks very much to the presenters.

I have a couple of questions going back to Bill C-42, perhaps for Mr. Butler-Jones or Mr. Haddow; I'm not sure who wants to answer them.

If the amendments are passed here today when we look at them, what effect will the new regulations have on industry? Will they make the situation more onerous for industry? How will they affect the cargo carriers? Would they affect just people carriers, or cargo carriers too?

Does somebody want to try that question?

Dr. David Butler-Jones: It's any commercial conveyance, whether it's cargo or people. The requirement is that if they have a cargo that might pose a threat to human health, they have to declare that.

In terms of the industry, I think the trade-off is that there is some requirement to try to contact in advance, but at the same time, having an assessment come to the border in advance may facilitate ease at the border, much as pre-clearance of transport trucks has facilitated movement. It may at the end of the day not only add a little to our protection, but also ease challenges at the border in the scramble to figure out what's going on.

Mrs. Patricia Davidson: Thank you. That leads into my next question and partially answers my next question. I was wondering about what the implications might be for Canada-U.S. relations, if we have this legislation in place and the U.S. doesn't. Is there a possibility that they may, through the SPP, be looking at coordination of the same types of rules? I was also wondering about delays at the border. Dr. Butler-Jones has referred to that a bit, but perhaps, Mr. Haddow, you'd like to answer those.

Mr. Paul Haddow: I could answer at a very general level. With respect to the specific issue under discussion here today, I would think Dr. Butler-Jones would be better placed to explain to you whatever impact that may have on Canada-U.S. relations, but maybe I could chip in at the end.

Dr. David Butler-Jones: As you may remember, it was included in the very first round of legislation. No issues were raised then. We have been in communication with our counterparts there. Currently, they're not thinking of including that. They may include it. I don't think it will be an SPP issue in that sense. If they include it or not, that will be their decision. But if it's the same on both sides, it makes it a lot easier for buses and others because the rules are the same.

• (1630)

The Chair: Go ahead, Mr. Haddow.

Mr. Paul Haddow: As a general comment, Mr. Chairman, the SPP isn't normally a place where people show up and say they have a different regulation from what we have, that we should sit down and come up with a common one. It's more about looking at doing this, understanding we're looking at doing the same thing. Wouldn't it be a good idea to look at it together, try to do as much of the common analysis as possible, and then at the end of the day, if we have to diverge ever so slightly, fine?

It's not about revisiting or trying to get people to undo previous decisions as much as trying to move forward in as cooperative a way as possible.

The Chair: Thank you.

Now we'll move to Mr. Vincent. You have five minutes.

[*Translation*]

Mr. Robert Vincent (Shefford, BQ): Thank you, Mr. Chair.

My question is for Mr. Beaudoin. I have read your document, and I am a little puzzled, because I see that you talk in it about sovereignty, heritage, culture and laws, and about the United States, Mexico and Canada. I understand that you are referring to NAFTA. Then you talk about strengthening competitiveness, reducing the cost of trade, enhancing the quality of life.

What are you going to do, as part of this measure, to achieve all those things?

Mr. Alain Beaudoin: Thank you for your question. As I explained, the prosperity agenda includes a number of initiatives that are part of the various working groups I referred to earlier.

Mr. Robert Vincent: But more clearly, what actions are you going to take?

Mr. Alain Beaudoin: Various actions have been taken. As Paul and I told you a little earlier, actions have been identified in consultation with the various stakeholders throughout Canada to identify things that could make their industries more competitive. For example, in the case of the steel industry, there is a working group that is trying to identify measures that might make the industry and the sector as a whole more competitive.

Mr. Robert Vincent: This is the Health Committee, and so we are talking about health and pharmaceuticals. If we are talking about increasing productivity, what is being done? How is your study

group working to increase productivity in the pharmaceutical industry?

Mr. Alain Beaudoin: Regarding the specific area of health, for example, I would perhaps like to defer to my colleagues, to hear what their specific work plan is, in terms of quality of life.

Mr. Robert Vincent: I would like to see which colleagues have that information. I can steer you. I know that pharmaceutical companies are moving their production to China. They are doing it to reduce manufacturing costs, by having the products manufactured in China, that is. That is the information I have received. If they go to China, they pay a Chinese worker \$1,500 a year to make our products, because our machinery is capable of separating the products and making a pill out of it.

Does the conclusion your committee has reached amount to shipping production to China? When we talk about prosperity, I think it should be prosperity at home, in Canada and Quebec, but we are sending it elsewhere. I would like to hear your thoughts on this subject, please.

Mr. Alain Beaudoin: Before speaking specifically about the pharmaceutical industry or what is being done by the health or agriculture working group, one of the things that the three countries agree on with the stakeholders is precisely...

Mr. Robert Vincent: That is NAFTA, I understand that.

Mr. Alain Beaudoin: We are talking here in the safety context...

Mr. Robert Vincent: Yes, that is right. If we have our pharmaceutical products manufactured elsewhere, who is looking after health and safety? Who is checking the products and doing quality control when they are coming from outside?

Mr. Alain Beaudoin: We are.

Mr. Daniel Chaput: From the pharmaceutical standpoint, I unfortunately cannot provide a detailed answer to your question. All I can say is that the working group on health holds discussions that deal with comparing the regulatory framework for approving drugs in the three countries.

Mr. Robert Vincent: Are you telling me that if products from other countries come here, whether they be from Mexico or the United States, there is no regulatory control of the quality of the products? As well, drugs are counterfeited in other countries. Is there someone to control that here?

• (1635)

Mr. Daniel Chaput: Regulatory controls are applied by the Therapeutic Products Directorate of Health Canada and by the Health Canada Inspectorate, which have a group of inspectors in the field who do routine inspections in those areas.

Mr. Robert Vincent: Perfect. How many inspectors are there in the field? If we are talking about counterfeiting and pharmaceutical products involved in counterfeiting, there are two for Canada. How many do you have?

Mr. Daniel Chaput: Unfortunately, I do not have details on that, but I can provide you with that information.

Mr. Robert Vincent: I would appreciate it.

[English]

The Chair: Mr. Haddow.

[Translation]

Mr. Paul Haddow: Thank you, Mr. Chair.

I would like to add a comment. May I do it in English, to be clearer?

[English]

There are some activities related to pharmaceutical review in the SPP. The idea there is to share best practices and ensure that the three systems learn from each other so the review being done is the most efficient and of the highest standard possible. It's mostly information-sharing between scientists in methodologies for review.

But Canada is not handing its responsibility to review pharmaceuticals to any other country.

[Translation]

Mr. Robert Vincent: I understand that. However, take the example of pesticides. We let pesticides used elsewhere come into the country when it is prohibited to use them here. I do not know what Health Canada does in that situation, because there are no controls.

[English]

The Chair: We'll allow a brief answer on that, as your time is gone.

Ms. Verdun.

Mrs. Emmy Verdun: On ensuring that food coming into Canada is safe, whether it's related to residue levels on fruits and vegetables, or an issue of meeting Canadian standards, the Canadian Food Inspection Agency does the enforcement to ensure compliance. That is not part of SPP. It is a normal part of our business that's continuing.

Whether the products come from China, Mexico, or the United States, it's the same thing. We enforce our regulations. We ensure that food imported into Canada meets the same standards as domestic food in Canada. There's a whole program of compliance and enforcement directed towards that. It depends on the food and the risk associated with that. For example, with pesticides the standards are set by Health Canada on the PMRA and we enforce it at the border.

The Chair: Thank you very much.

This has been a bit of an awkward meeting because we're talking about the security and prosperity partnership on health issues coming into the country and how that relates particularly to the United States, as well as Bill C-42. That's why you're here speaking on both of them.

We have one more questioner on Bill C-42 that we want to move to and get that answer and any answer related to that, prior to shutting it down and going to clause-by-clause on Bill C-42.

Ms. Kadis, go ahead.

Mrs. Susan Kadis: Mr. Chair, thank you. I think this will help us in our work following this.

Dr. Butler-Jones, you mentioned that you were aware of the concerns the committee had regarding deletion of land conveyances from Bill C-42. I understand there's an amendment coming forward that will deal with that and essentially put it back in. I just want to clarify that with you, because I think you have been involved in this process significantly. I think it's now going to say "conveyances", or something along those lines. Will that include land conveyances and all the conveyances that were in the original Bill C-12?

Dr. David Butler-Jones: There are two basic elements. One is to put land conveyances back in—it's a small wording thing—and the other is to affirm the normal right to due diligence, so it's clear that's actually in the act, that the requirement on the operator is due diligence in reporting. Those are the two small things.

I'm not sure, in terms of process....

Monsieur le président, it's up to you.

The Chair: The process—just for the committee—is that they'll be introduced as amendments to the act as we go into clause-by-clause, but I think you were all notified of it.

But your question is, does it actually comply with all of the conveyances?

• (1640)

Mrs. Susan Kadis: Yes, does it specify the word "inclusive"—

The Chair: That's a good question.

Mrs. Susan Kadis: —or including "land conveyances", or does it just say "conveyances", per se. Are you aware of that?

Dr. David Butler-Jones: Sorry, I don't have the exact wording in front of me.

Jane Allain is our legal counsel, and she has the wording in her head.

Ms. Jane Allain (General Counsel, Legal Services, Public Health Agency of Canada): Thank you.

The amendment would essentially go back to the term "conveyance" as used in the act; and "conveyance" includes all modes of transportation, whether aviation, marine, or land. So it brings you back to the main definition.

It is also restricted, though, to conveyances in the business of carrying goods or people. So the rest of the definition would be maintained, but we're taking out air and marine and referring generally to conveyance, going back to the main definition found in Bill C-42.

Mrs. Susan Kadis: I was going to say that's how it was in Bill C-12, and it's going back to that exact one.

Thank you very much.

[Translation]

The Chair: Ms. Gagnon.

Ms. Christiane Gagnon: I would like to come back to the case of Mr. Speaker, Mr. Chair. In a case like that, whether the travelling is done by air or land, there is still a flaw in the system.

Do you think the bill should be improved to ensure that this situation does not happen again? For example, if the information is not known to the Canadian authorities, is that protection included in the bill? Who is responsible? If nothing happens, fine, but if there are complications with other people who were infected, legal proceedings would be brought against the individual and could even be brought against the country with which... In any event, there has to be a mechanism in place. What could be included in this bill that is not in the bill now, to give Canadians assurances that they can have confidence in the mechanisms and in the bill we are enacting today?

For example, for land travel, how can an individual be stopped? Is there information that could be included in a passport that would make it possible, when the passport was presented, to determine that the person who holds the passport is not even authorized to travel within the country, whether by land or by air, because the person has to go immediately to hospital?

Dr. David Butler-Jones: There is no solution in the law. The solution is the result of arrangements with other governments and the World Health Organization. The solution also lies in communicating and transmitting information in this regard to the others, as we do.

[English]

We do this; we do notification. If we have someone we're concerned about, we talk to the airlines, etc., to reduce the chance of that person flying.

The international health regulations come into effect later this month, and there is a requirement on each country to do everything they can to prevent people leaving for another country while they have a risky infectious disease.

So there will be many lessons learned. We don't have all the answers in terms of what actually happened and who knew what, etc. We may never have all of them, but certainly we will be working with our American counterparts and others to make sure we have....

I actually sent a letter last week. Dr. Gerberding and I have been in conversation about what we're going to do next about this, and I've made a formal request so that we have more formal agreements in terms of information-sharing, to help prevent this in the future.

The Chair: Thank you.

Ms. Priddy, you have the last question.

Ms. Penny Priddy: Yes, thank you.

Very quickly, from an SPP perspective, were you in any way involved in the discussions around the Quarantine Act, and the movement back and forth across the border?

Mr. Paul Haddow: No, I wasn't.

Ms. Penny Priddy: It never came up under SPP? All right.

Ms. Allain, if I might ask you, by putting back "conveyance" and not specifying "air, water, land, etc.", is there some legal loophole where someone would say...? I don't know, I'm not a lawyer, but I'm just looking to see that "conveyance" closes off all doors of crossing the border around conveyances. Does this leave us open in some way?

• (1645)

Ms. Jane Allain: When you look at the definition as it's found in Bill C-12 in the Quarantine Act that's now in force, it's quite broad, actually. It says a watercraft, an aircraft, a train, a motor vehicle, a trailer, other means of transportation, including cargo container. So it's essentially every mode of transportation that we know of or any means of transportation that could be developed in the future. It's quite broad. As well, under Bill C-12 there are also other prescribed conveyances that could be included later on by means of regulation, so it could be included in that provision as well. But we cover essentially every mode of transportation that we know now and any potential motor transportation that we could know of in the future, I would say, with this.

Ms. Penny Priddy: Just out of curiosity, given that we've spent a pile of time discussing this, why did we take it out in the first place and cause us all—including you, by the way—to have to come and spend time talking about it?

Dr. David Butler-Jones: I enjoy talking with you.

Ms. Penny Priddy: Thank you so much. I'd really like the real answer, though, Dr. Butler-Jones.

Dr. David Butler-Jones: The real answer is very simple. Following the initial go at it, without the benefit of having the conversations around the international health regulations table, further analysis in terms of the risk involved, it was felt that this was not sufficient risk to leave it in there, so that's why it wasn't put in there.

We respect the views of the committee and the view of our minister that even though there's very small benefit, any benefit is worth including, and it does not increase the risk to public health. Therefore, quite appropriately, it's back in there.

Ms. Penny Priddy: Thank you.

The Chair: Thank you very much.

We'll have a short break. We want to thank the witnesses for coming forward, and then we'll proceed to Bill C-42.

Thank you.

• (1645)

(Pause)

• (1650)

The Chair: I call the meeting back to order.

To start with, I want to introduce our legislative clerk, Marc Toupin. It's good to have you with us to usher us through this clause-by-clause on Bill C-42.

We have the bill before us. On the government side, we have the two amendments we were talking about. We want to present those, lay them on the table, and debate them. We'll then go to clause-by-clause. Hopefully, we'll get through the bill by the end of the meeting, if it's the will of the committee.

We'll start on clause 1 right now, and we'll ask Mr. Fletcher to introduce his amendments.

(On clause 1)

Mr. Steven Fletcher: Thank you.

Honourable colleagues and friends—hopefully you're one and the same—I am proposing two amendments to Bill C-42, an act to amend the Quarantine Act.

When Bill C-42 was developed, a decision was taken to remove the requirement for advance notification by land conveyance operators, such as buses and trains, and to focus only on air and marine conveyances. This decision was based on an assessment that land conveyances posed a limited threat to Canada. Advance reporting by land conveyances could have been prescribed by regulation at a later date, should it be deemed necessary.

Ensuring the safety and security of Canadians is vital to the importance of this government. As you know, outside Asia, Canada was the country hardest hit by SARS. Hundreds of people became seriously ill and dozens of those people died. In addition, SARS had a considerable negative social and economic impact on Canada. Protecting the health of Canadians is our primary concern.

Upon reflection, in keeping with the government's desire to have the most comprehensive public health protection legislation possible to protect Canadians, I am proposing two amendments to Bill C-42. These amendments will reintroduce the requirement for advance notification by land conveyance operators, before they arrive in Canada, and will address another matter relating to notification efforts by all conveyance operators.

The first amendment will require advance notification by commercial land conveyance operators, such as trains, buses, and trucks, so that Canadian authorities can be as well prepared as is reasonably possible to respond to health threats at Canadian borders. The advance notification obligations of land conveyance operators will be identical to those of air and marine conveyance operators.

The mechanism for meeting the requirement will be simple. A 1-800 number will make it easy to contact a quarantine officer 24 hours a day. Conveyance operators will simply need to call before arriving in Canada if they have reason to suspect a person, cargo, or thing on board could cause the spread of certain listed communicable diseases or a person on board has died. Advance notification by operators of all conveyances will give Canada the best public health protection measures at our borders in order to protect the health and safety of Canadians.

I'm also seeking a second amendment to clarify that all these operators can invoke the common-law defence of due diligence, meaning that if they have taken all reasonable steps to comply with proposed section 34, they will not face penal sanctions.

We are doing this because we are concerned about the use of the expression “if it is not possible” in proposed subsection 34(4). The subsection states that no conveyance operator contravenes the advance notification requirement if it is not possible to inform the quarantine officer before arriving.

Our intention has always been to require conveyance operators to make reasonable efforts to notify in advance. The amendment is necessary to remove any risk that proposed section 34 is setting a higher standard; that is to say, requiring an operator to take all steps short of the impossible. We wish to make it clear that conveyance operators who take reasonable efforts to meet advance notification requirements will have fulfilled their legal obligations. As such, the

second amendment will clarify that the due diligence defence continues to be available to all conveyance operators who have made all reasonable efforts to comply with the advance reporting obligations.

These amendments will ensure Canada will be better aware of the public health threats approaching our borders and aboard commercial conveyances. The adoption of this requirement would ensure that Canada has in place better legal protection, in respect of these types of conveyances coming into the country, than any other state in the world. These amendments complement the international health regulations and go one step further in order to offer Canadians the best protection possible.

• (1655)

These proposed amendments strike the necessary balance between protecting Canadians from the threats of dangerous communicable diseases and facilitating the movement of persons and goods across international borders. They provide a clear public health benefit and are not expected to have a significant impact on cross-border trade.

Honourable colleagues and friends, I ask for your support in amending Bill C-42 as I have outlined.

The first amendment that I'm proposing is that Bill C-42 in clause 1 be amended by replacing line 8 on page 1 with the following:

(a) a conveyance that is used in the

The second amendment reads is that Bill C-42 in clause 1 be amended by replacing line 2 on page 2 with the following:

it is not reasonably possible for the operator to inform a

• (1700)

The Chair: We'll vote on them one at a time.

Actually, I'm a little bit nervous about this, because the last time Rahim Jaffer was able to make it to our committee meeting, everything hit the fan and the meeting was in a real problem. He's here again, so I am a little nervous. I just wanted to let him know that. It has nothing to do with him. Nonetheless, we will be able to debate both these at the same time because they are somewhat related. Then we'll go to a vote on these amendments and then go to clause-by-clause consideration.

Go ahead, Ms. Brown.

Ms. Bonnie Brown: Thank you, Mr. Chair.

I'm quite happy to do both amendments. They sort of go together. I compliment the parliamentary secretary and you for communicating the concerns of the committee to the minister, and for your achieving this result of restoring something to a bill that we only passed a while back.

I want to also thank my colleagues on the committee. It may have seemed at one time that I was making a big fuss about this bill, but you will recall from today's conversation that there are many committees, many working groups, meeting around regulatory change, all attached to this SPP, and the fact of the matter is that unless an earlier committee of some sort—be it the health committee or some other committee—requires that regulations come back to a standing committee, the normal *modus operandi* is that any regulatory changes are simply put in the *Canada Gazette*. They do not come back.

Because this was a change in legislation, we got wind of it. It had to come to us, but had it been only a change of regulation, my guess is none of us would have known it was happening.

In terms of this bill, it's not only going to be a good thing that we got to look at it, but it's also alerted us and, I hope, some of our colleagues on other committees to have the researchers keep their eye out for the *Gazette* when regulatory changes are published there and to bring them to our attention, because we may choose to call a meeting to call the departmental officials who are proposing such a regulatory change to come and explain it to us. We have gone through an exercise here that I think is very worthwhile from the perspective of keeping the parliamentary oversight on top of this whole SPP process.

I would like also to say, Mr. Chair, that I'm not opposed to certain regulatory harmonization. I can certainly see the value when it has to do with manufacturing and those kinds of things; however, it seems to me we should be on top of anything that has to do with the health and safety of Canadians every step of the way.

Thank you for your patience. I will be supporting these two amendments and the bill as amended.

Thank you, Mr. Chair.

The Chair: Thank you. I would just add to what you said. It's a tribute to everyone on the committee. We're pretty united on this issue. It's great to see democracy work the way it has in this instance, and I think it's a tribute to everyone around the table.

Go ahead, Mr. Fletcher.

Mr. Steven Fletcher: I have to agree with that. We've heard of other committees having problems, and I have to say it's a real pleasure working on a committee within which we can actually have respectful dialogue and come up with consensus whenever possible.

The Chair: Ms. Priddy, please go ahead.

Ms. Penny Priddy: Thank you.

Steven, could you just walk through the second amendment again for me, please?

Mr. Steven Fletcher: You have to go to page 2 in the act, which my aide is grabbing right now, to get the context.

But if it's not reasonably possible to inform, it just—

Ms. Penny Priddy: Could you give me a couple of examples of what that might mean? When might not it be reasonable to enforce?

I'm not trying to draw this out, Mr. Chair. I'm just wondering how easy it is or not to get out of that particular—

• (1705)

The Chair: Let's have Dr. Butler-Jones answer that.

Dr. David Butler-Jones: Jane can supplement from a legal standpoint.

Essentially what we're trying to do is get compliance, but if it's not possible, it acknowledges the existing reasonable defence under common law that you actually tried. Maybe the cellphone network was down. Any number of things could do that. They still have to report at the border, even if there was an advance notification.

Ms. Penny Priddy: Right.

Do they have to prove they tried?

Ms. Jane Allain: Essentially, the reason we brought in that amendment is that under the common law, but also under the charter, because of section 7 of the charter—which requires that everyone has the right to life, liberty, and security of the person, and not to be deprived of that unless it's done in accordance with the principles of fundamental justice—when you have a strict liability offence, similar to the one we have here in proposed subsection 34(2), you have to allow an accused to mount a defence of due diligence, that they weren't negligent in the exercise of their function. To be able to make that requirement we've inserted the word "reasonable", so that it's clear that if they make reasonable efforts to comply with their obligation—they make several phone calls, but it's not possible to get into communication—that they've shown they've done their due diligence; they attempted to meet their obligation, but because of the circumstances were not able to do so.

Ms. Penny Priddy: Thank you.

The Chair: Madame Gagnon.

[Translation]

Ms. Christiane Gagnon: The case of Mr. Speaker was a concern for us in terms of delays in transmitting information for reporting that an individual might be a danger to someone else. I know that we are not talking about that, but in proposed subsection 34(2), in clause 1, what do you understand the words "As soon as possible" to mean? When there are words like "reasonable time" and "as soon as possible", there is always a way to explain why it was not done, but at the same time there are very serious consequences if it is not reported, charges are laid.

Mr. Speaker talked to the newspapers, he cried, he said he was sorry, that he did not know he might be a danger to the public. That is all very well, but when someone breaks a law or regulations, charges are laid. As you see the situation, what do the words "as soon as possible" mean? Does that mean 24 hours, 10 hours, 12 hours?

If there were serious problems because "as soon as possible" was too long, how are you going to evaluate that? You say that you are not conducting a specific investigation into Mr. Speaker's case. What I think is that there should be an investigation so that this can be a lesson to us and to determine what we will put in place and what process we can apply in that situation.

Dr. David Butler-Jones: I am sorry, but there will be a joint investigation by the CDC and us about the lessons, the challenges, and what has to be corrected.

Ms. Christiane Gagnon: You are saying that there will be an investigation?

Dr. David Butler-Jones: With respect to Mr. Speaker and his presence in Canada, we have forwarded the file to the RCMP for it to investigate. That decision, as it relates to the justice system, is for it to make.

However, in terms of the question of the words "as soon as possible", Ms. Allain could perhaps answer that.

Ms. Jane Allain: If we consider the wording of the case in question, as soon as possible before a conveyance arrives in Canada, essentially, that is as soon as it is aware of the situation. So once the operator has reasonable grounds to suspect that someone on board the conveyance is infected with one of the communicable diseases listed in the schedule, or that a person has died, or other prescribed circumstances, the operator must disclose that fact as soon as it is aware of it. That will therefore always be a question of fact that will have to be proved afterward. Our main concern is that once the operator is aware of the situation, it must inform a quarantine officer or cause a quarantine officer to be informed.

Ms. Christiane Gagnon: Thank you.

[English]

The Chair: Thank you.

Ms. Kadis, did you have a question?

Mrs. Susan Kadis: Thank you, Mr. Chair.

I guess I'd first ask this question about this due diligence amendment. Did that specifically come about in response to expanding it or to putting it back to all conveyances, including land? Because it wasn't in the original Bill C-12. Due diligence wasn't in Bill C-12.

Dr. David Butler-Jones: Since we were coming back anyway, it made sense to do it; it's an issue for all.

Mrs. Susan Kadis: I understand why there has to be a threshold for "reasonable", because some things might not be unreasonable—if that makes sense—so they're reasonable to me. I just have a concern that it will send a message that it's not such a serious threshold to actually adhere to, or a requirement to actually adhere to, and it could in fact undermine even a little bit the integral goal of this particular act and this portion of the act, section 34.

It may in fact be contradictory, somewhat, to what we're asking people to do, because on the one hand we're saying that they will have a requirement, and on the other hand we're saying that it just may not work out. How will we know—this was raised before—how much effort has been made? It's a very qualitative or subjective kind of decision. You don't want to be unfair or extreme, but you certainly don't want to allow too much flexibility in an area that has such serious potential ramifications on Canadian soil.

• (1710)

The Chair: Let's get a quick answer to this, please.

Dr. David Butler-Jones: It was always implicit. It's with respect to both the charter and common law. It would be there. Even if it weren't there at all, it's still there. But it makes it clear—again addressing the concerns of operators—that if they actually do their best, we view that as legitimate.

Mr. Chairman, again, that kind of situation, in which there was not actually any kind of declaration, will not protect in that kind of situation.

The Chair: I see one more questioner.

Mr. Vincent, be specific to the amendments, please.

[Translation]

Mr. Robert Vincent: Yes. We are talking about conveyances. That is a bit of a concern for me because I see in the transportation business... Are rental cars part of this bill? If I rent a vehicle in the United States and I use it to come to Canada, I may have tuberculosis.

[English]

The Chair: This is public, right?

Dr. David Butler-Jones: Essentially, it is. If you rent a car and come into Canada, no, the advance notification would not apply to you. But when you actually come to the border, if you have a communicable disease or something that would pose a threat, then you are expected to declare it at the border. That was so previously, as well.

[Translation]

Mr. Robert Vincent: The person can leave the vehicle in Canada, and someone else can rent the same vehicle within a few minutes. There are agreements among brand names, as there are for trailers. People can rent them and leave them anywhere in the United States and Canada.

This concerns me, because if I rent a car here that was rented by someone in the United States or elsewhere, there is nothing to protect the next people who rent that vehicle.

[English]

Dr. David Butler-Jones: First, there would not be a risk in terms of person-to-person spread in that particular setting. The same is true in Canada as it is anywhere else in terms of general public health provisions.

In terms of the issue at the border, in a personal conveyance, whether you've rented it or not, basically, you as a person have an obligation to declare that you have an infectious disease. This provision really relates to advance notification—in other words, phoning ahead to notify the quarantine officer.

The Chair: Thank you.

Let's move on to a vote now. We are going to amendment G-1. Do you want to do amendments G-1 and G-2 together? Do you want to do them separately?

A voice: Yes.

The Chair: All right. I hear the request to do them separately. We'll do them separately.

Shall amendment G-1 carry?

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

The Chair: Shall amendment G-2 carry?

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

The Chair: Shall clause 1, as amended, carry?

(Clause 1 as amended agreed to)

(Clauses 2 to 5 inclusive agreed to)

The Chair: Shall the title carry?

Some hon. members: Agreed.

The Chair: Shall the bill as amended carry?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

The Chair: Excellent.

Thank you very much for the good hard work of this committee.

We will not get into the CDR today.

• (1715)

Ms. Bonnie Brown: Shouldn't we reprint Bill C-12 with the amendments?

A voice: Later.

Ms. Bonnie Brown: Later, okay.

The Chair: Okay.

Thank you very much.

The meeting is adjourned.

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

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