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**Thursday, November 9, 2006**

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**Chair**

**Mr. Garry Breitkreuz**

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## Standing Committee on Public Safety and National Security

Thursday, November 9, 2006

• (0905)

[English]

**The Chair (Mr. Garry Breitkreuz (Yorkton—Melville, CPC)):** I'd like to call this meeting to order. This is the Standing Committee on Public Safety and National Security. This is meeting number 20, and we are here today on an order of reference from September 22, 2006, in regards to Bill C-12, An Act to provide for emergency management and to amend and repeal certain Acts

I'd like to welcome our witnesses this morning.

We have, from the Canadian Nuclear Safety Commission, Mr. Ken Pereira, the executive vice-president. I'll let him introduce his colleagues there. We also have, from Public Safety and Emergency Preparedness, Mr. Jim Young, the special adviser to the deputy minister. Video conferencing from Manitoba, from the Emergency Measures Organization of Manitoba, we have Mr. Chuck Sanderson.

Welcome, sir. I hope you can hear us.

**Mr. Chuck Sanderson (Executive Director, Emergency Measures Organization of Manitoba):** Yes, I can, thanks.

**The Chair:** Very good.

We'll begin with the Canadian Nuclear Safety Commission. I believe you have an opening statement, sir. Normally we allow about 10 minutes. If you need a little more time, we are lenient. We are here to hear what you have to say.

Also I think Mr. Sanderson has an opening statement.

Mr. Young, you can introduce yourself.

Let's begin with Mr. Pereira, please.

**Mr. Ken Pereira (Executive Vice-President, Operations Branch, Canadian Nuclear Safety Commission):** Thank you. Good morning, Mr. Chairman, and members of the committee.

For the record, my name is Ken Pereira. I am the executive vice-president of operations at the Canadian Nuclear Safety Commission. I am joined here today by Mr. Gerry Frappier, director general of our directorate of security and safeguards. Mr. Frappier is responsible for the direction of the CNSC's emergency preparedness and response functions.

[Translation]

My comments today will be in English but we will be pleased to answer questions from members of the Committee in the official language of their choice.

[English]

Ms. Keen, our president, would have been here today to address you, but she is away presiding over hearings on the renewal of the operating licence for the Gently-2 nuclear generating station in Bécancour, Quebec. On behalf of the Canadian Nuclear Safety Commission, I would like to thank you for inviting us to appear before your committee.

Let me begin by telling you a little about the mandate of the Canadian Nuclear Safety Commission and our approach to emergency management. The mission of the Canadian Nuclear Safety Commission is to regulate the use of nuclear energy and materials to protect health, safety, security, and the environment in Canada, and to address Canada's international commitments on the peaceful use of nuclear energy.

The CNSC has over 600 staff. While primarily based in Ottawa, we also have inspectors stationed at regional and site offices. We accomplish our mission through a licensing process that requires licensees to demonstrate that their operations are safe. At the basis of the regulatory system is the requirement for licensees to incorporate multiple layers of protection whenever nuclear energy or materials are used. Thus, CNSC also licenses the import, export, and transportation of nuclear materials and other prescribed substances, equipment, technology, and dual-use items.

The issue of emergency management is viewed by the commission and its members to be of critical importance. The capacity of licensees to respond effectively to nuclear or radiological emergencies receives significant attention during the consideration of licence applications and renewals. Effective linkages between the licensee and local first responders are also of key importance.

The CNSC has a dual role in nuclear emergency management: first, in terms of oversight of our licensees, ensuring that their emergency capabilities are as robust as possible; and secondly, in terms of our own involvement in the case of an emergency. I will briefly outline both areas and the high degree of coordination with other government agencies that this entails.

We derive our regulatory authority from the Nuclear Safety and Control Act, which came into force in May 2000. The act provides CNSC staff with significant powers, including the right to order specific actions by licensees, responders, and government agencies at all levels, to address nuclear or radiological emergencies.

Fortunately, there has never been a serious nuclear or radiological emergency in Canada. The significance of nuclear and radiological incidents is rated according to the international nuclear event scale published by the International Atomic Energy Agency. This scale runs from one to seven in increasing order of significance.

Since the mid-1950s, no event in Canada has ever been rated higher than level 2 on this scale. Nonetheless, the Canadian Nuclear Safety Commission, or CNSC for short, maintains a comprehensive nuclear emergency management program.

During a nuclear emergency, we monitor the response of the licensee, evaluate their response actions and the response of any other organization involved, provide technical advice and direction in line with our mandate, provide field response personnel to assist local authorities, as needed, and inform the government and the public on our assessment of the situation.

To continually evaluate and improve our emergency response capabilities, the CNSC regularly participates in simulated incidents in collaboration with its licensees, provincial emergency management organizations, and other federal government departments and agencies.

In fact, in October of this year we participated in two emergency response exercises involving Canadian nuclear generating stations at Point Lepreau in New Brunswick and in Bruce County, Ontario. These simulated emergencies were part of an annual schedule of training, station drills, and exercises designed to improve and practise the emergency response capabilities of the CNSC, the licensees, and other stakeholders. Our emergency response plan is updated regularly based on the lessons learned through these exercises.

As indicated, we require licensees to have robust emergency response capabilities in place to address identified risks and to ensure that their personnel are trained and are regularly exercised in their emergency response procedures.

● (0910)

Licensee emergency plans must be approved by the CNSC. Inspectors from our security and safeguards directorate routinely observe these exercises to evaluate the performance of the licensee personnel and identify weaknesses and make recommendations for improvement. In the most severe situations, they may order changes to procedures and practices. This reflects our belief that emergency preparedness or readiness is a continuum of improvement.

The need for coordination across jurisdictions is one of the most challenging areas of emergency management. We work in close collaboration with the provincial emergency management organizations on emergency response issues, particularly in Ontario, Quebec, and New Brunswick, where the nuclear generating stations are located. To the highest degree possible, we endeavour to ensure that our response plans and procedures are linked to those at other levels of response. In Ontario, for example, the CNSC has a defined role in the provincial nuclear emergency response plan, and our staff sit in the provincial operations centre during operations involving nuclear or radiological incidents. We also work closely with emergency measures organizations in other provinces and territories to support their ability to respond to radiological incidents.

Staff from the CNSC regional offices across the country and from our Ottawa headquarters often visit licensee facilities to ensure operations are being conducted safely and in accordance with licence criteria. These oversight activities go a long way toward reducing the risk of accidents that could result in an emergency. Along with other departments and agencies, we are dedicated to maintaining overall federal readiness to respond. The federal nuclear emergency plan, FNEP, describes how federal government organizations collaborate to respond to nuclear radiological emergencies in Canada. The CNSC has a significant and clearly defined role in that response is given over our legal authority over the use of nuclear energy and substances. Responsibility for the FNEP is currently vested in our Minister of Health, and Health Canada is designated to lead the response on that front.

The Canadian Nuclear Safety Commission supports initiatives to improve and strengthen leadership and coordination in the area of emergency management in Canada. Along with other federal departments and agencies, CNSC staff provided input to Public Safety and Emergency Preparedness Canada in the development of Bill C-12. We know that Bill C-12 proposes significant changes to the responsibilities of the Minister of Public Safety, essentially designating him or her as the default lead federal minister during times of emergency. These changes to ministerial responsibilities suggest a need to revisit and update current federal emergency management plans, such as FNEP, to ensure they remain current and effective.

There is also a need to maintain and maximize the synergy among federal, provincial, and territorial plans and procedures. As I've said, the need for coordination across jurisdictions is one of the most challenging areas of emergency management. This initiative underscores the government's engagement in emergency management at all levels and the need for collaboration with the provinces and local authorities in responding to emergencies.

In closing, I would like to say that in our view there is nothing in the proposed legislation that will negatively affect our ability to maintain safety oversight over the nuclear industry in Canada. We believe Bill C-12 fits well with our current nuclear emergency management program and response plan, and that its enactment will not necessitate a major shift in our approach. The CNSC looks forward to working with Public Safety and Emergency Preparedness Canada and other federal stakeholders in updating current plans and procedures.

Mr. Chairman and members of the committee, I thank you again for inviting us here today. We would be pleased to respond to any questions you may have.

Thank you.

**The Chair:** Thank you very much, Mr. Pereira.

I neglected to introduce your colleague. Could you do that, please.

**Mr. Ken Pereira:** With me is Mr. Gerry Frappier. He is the director general of our directorate of security and safeguards. He has overall responsibility for direction of our emergency preparedness program.

**The Chair:** Thank you very much.

The next person on our agenda is Dr. Jim Young.

I understand you do not have an opening statement. Maybe you could just tell us a bit about yourself, and your role.

• (0915)

**Dr. Jim Young (Special Advisor to the Deputy Minister, Public Safety and Emergency Preparedness Canada (PSEPC)):** Certainly.

Good morning to you, Mr. Chair, and to members of the committee. I'm the special adviser to the Deputy Minister in the Department of Public Safety. Formerly I was the commissioner of emergency management for the Province of Ontario. In that role I coordinated and managed the ice storm in 1998 and the power blackout in 2003. I also co-managed the SARS breakout in Toronto in 2003.

As well, on many occasions I've been borrowed by and worked with the federal government, particularly with Foreign Affairs, and helped with the Canadian response in 9/11 in New York, in the Bali bombings, and in the tsunami. For 15 years I was chief coroner for the province of Ontario, and worked on issues like the Swissair crash and other crashes and events in Ontario.

I've been asked to the committee to answer some questions, I believe, and certainly I would be very pleased to do so.

**The Chair:** With experience like that, sir, I'm sure many of the questions will be directed towards you.

**Dr. Jim Young:** Thank you.

**The Chair:** We'll now go to our video conference guest and witness, Mr. Chuck Sanderson, executive director of the Emergency Measures Organization of Manitoba.

If you're ready, sir, go ahead.

**Mr. Chuck Sanderson:** Thank you very much. It's a pleasure to be here.

Good morning, everyone—and hi, Jim.

Jim Young and I have met each other on many occasions.

Just to give you a little background, each province and territory has an emergency measures organization. That organization has the mandate to coordinate, or command and control, if you will, emergency events within the province. I'm speaking today from Manitoba's perspective only, but there is an entity out there, called the Canadian Council of Emergency Measures Organizations, that could assist this standing committee on getting consensus opinion from provinces and territories on emergency management issues as they relate to Bill C-12. I encourage the committee to do that through the chair of CCEMO, which is Michel Doré, the director of EMO in Quebec.

Again, talking from a Manitoba perspective, there is an entity in each province that coordinates emergencies within the province. In a national event, provinces and territories are looking to, and expecting, the Canadian government to have an equivalent entity at the national level that will coordinate, or command and control, all federal resources to assist the provinces. At this time, Public Safety and Emergency Preparedness Canada is the logical entity to do that. We're looking at Bill C-12 to give some clarity and some mandate to PSEPC to in fact do that. The one-window concept of the federal

government is what I believe provinces and territories are looking for. I certainly know that Manitoba is looking for that.

If there is a lack of clarity on the role of PSEPC as the coordinating entity for emergencies at the federal level, then I believe we run the risk that the important work that is trying to be done now, at the collaborative federal-provincial-territorial level, will continue to flounder because of that lack of clarity. So all provinces and territories are looking quite eagerly to Bill C-12 to provide clarity on the mandate of PSEPC.

I would be more than happy to answer questions on what the consequences might be if there is a lack of clarity at the end of Bill C-12.

Those are my opening remarks.

**The Chair:** Thank you very much, sir.

The usual practice of this committee is to begin the first round with the official opposition.

Mr. Holland, if you're ready, seven minutes.

**Mr. Mark Holland (Ajax—Pickering, Lib.):** Thank you, Mr. Chair.

Thank you to the witnesses. I appreciate your coming before the committee today.

I'm wondering if we could just start with specific thoughts on Bill C-12 from each of the witnesses and on any areas of concern you may have, or areas where you feel the bill should be improved. I know that we've gone through a couple of different versions of this bill to arrive at where we are now today, so there has been a lot of opportunity for input.

For example, when you spoke, Mr. Pereira, you said that the bill wouldn't have any negative impact on what you were trying to achieve, but obviously we want to go beyond that. I'm wondering if you could give your thoughts on what specifically you would like to see changed or amended in Bill C-12.

Further to that, Mr. Pereira, you talked about needing to update the federal emergency plans generally as a consequence of Bill C-12 being enacted. What are some of the first steps you see after Bill C-12 is enacted?

• (0920)

**Mr. Ken Pereira:** Thank you for the question.

The challenge we see always in emergency management is to coordinate the roles of the different players. When we look at the mandates and the plans in place of each of the responding organizations, we find that they have sound programs and procedures in place, but the challenge we always face is to bring the different response arrangements into synergy with each other. How we can better integrate those is something that we, in working with Health Canada on the federal nuclear emergency program, have looked at.

I've been in a number of meetings with our partners on the nuclear side to look at how we could streamline the programs if we were challenged in a real emergency. Our hope is that Bill C-12 will address the issue of integration by looking for programs that are designed to promote synergy.

**Mr. Mark Holland:** But you don't have any changes or recommendations to Bill C-12?

**Mr. Ken Pereira:** We do not have any for the bill as it is drafted.

**Mr. Mark Holland:** Okay.

Could I ask Mr. Young and then also our witness from Winnipeg the same question.

**Dr. Jim Young:** Certainly. I think this is an important bill because it reflects the evolution of and thinking on the management of emergency management in Canada, partly as the result of the experiences we've had. It does not change the federal authority. In fact, what it recognizes is the need for the federal, provincial, and municipal powers and responsibilities to be streamlined and to be working together very well.

I think within the wording of the bill there are several really important things that are highlighted. The word "mitigation" is used. Certainly we saw, for example, in Hurricane Katrina that this is a direction governments need to start looking at. We need to start planning not only how to respond to something, how to recover from it, but also how to mitigate it and to lessen the overall effect.

The bill talks about the coordinating role of the minister, and I think this is very important. By coordination, I think what the bill implies and means is not that the minister replaces all of the powers and all of the decision-making at the various departments, but that what's needed in an emergency, in fact, is that people have to get into the room and have to recognize that all of their decisions affect everyone else. If they make them in isolation, you end up with a lot of problems in an emergency. So you need the information being exchanged. You need to understand the significance of the decision for everyone else's area of responsibility so that you get a coordinated response. You need to do this in a very timely manner.

So really, the role of the minister is to make sure the right issues are being brought forward, that the right decisions are being made, and that they're being made quickly, because you don't have time to study in an emergency. You simply must derive a decision. If it turns out you learn more later, you go back and you revise that decision, but inaction is the enemy in an emergency.

This bill recognizes the special relationship with the United States. We saw that special relationship during Hurricane Katrina. We saw the Canadian population saying to us, "We want to help. We want to be involved", and we saw it during 9/11 as well. I certainly felt it on both of those occasions through my own involvement. This allows and recognizes that special relationship and the relationship between Homeland Security and Public Safety, which is there and is building all the time, but also recognizes the important role of Foreign Affairs.

It recognizes the role of critical infrastructure. Certainly that was a lesson after 9/11, and an area that we've been doing a lot of work on. Very important in recognizing critical infrastructure is the need to protect critical and proprietary information. This we heard over and

over again from industry and from private industry, and from people who hold such information. The bill also, quite correctly, says there may need to be disclosure of certain information. We faced problems both during the SARS outbreak and during the power blackout in Ontario when we had a lot of proprietary information about hydro grids. We had to suspend that privacy for a period of time and then reinstitute it at the correct time. The bill spells out the roles and responsibilities of other departments, so it's important in that regard.

So overall, I think it has everything it needs. It sets the framework, and then the challenge is that the thinking across government has to catch up with the framework. People in departments have to embrace the notion of the bill. They have to understand that we have to get out of silos when we operate, both within governments and between governments.

So I don't see the challenge being in the wording of the bill. The bill is great. I think the proof will be whether or not we're actually able to institute the spirit of it in time.

I'm sorry for that long answer.

•(0925)

**Mr. Mark Holland:** That's okay. It's just that I know I'm out of time.

**The Chair:** I'll give you a little extra time. It was a good question.

I wonder if Mr. Sanderson has a comment.

**Mr. Mark Holland:** Sure. Maybe I'll just set the stage for Mr. Sanderson on that.

I want to clarify that you're not making recommendations for changes to the bill as it stands now, and your comments are generally related to the second question I posed on what we should do immediately after passing Bill C-12 to ensure it remains effective.

So to Mr. Sanderson, do you have changes for the bill now, and what do you think are the most important steps to take after Bill C-12 is implemented?

**Mr. Chuck Sanderson:** I don't have specific recommendations for changes. I agree very much with Dr. Young that the proof will be in the pudding when we see the spirit of the way this bill flows into the psyche of emergency management folks in this country.

You've heard the word "coordination" umpteen times already in the very short time we've been talking. It's the key fundamental issue in an emergency, and it's not all about response on the day of the emergency.

Dr. Young started to refer to mitigation. There are four known pillars of emergency management that everybody of the emergency management ilk lives by. They are mitigation, preparedness, response, and recovery. Those are the four component pieces. No emergency exists without all of those.

Mitigation is stopping it before it happens. Preparedness is having the plans in place for any eventuality from an all-hazards perspective. On response, if your mitigative activities do not work, then you need to have the capacity to respond. Then you need to be able to recover. Those are the four chunks of it, and we are looking at this bill to look holistically at emergency management from all of those areas.

Response, which is the one that gets all the attention, is about 2% of an emergency management event. It may get the media, but it's nothing. Recovery—and Dr. Young will know this from SARS—is the hugest part. That's why it's important that the federal government, through PSEPC, has the mandate to coordinate, not only at the time of a response but in advance, to put into place all the planning and component pieces of a full holistic emergency management program within Canada. There is work going on at each of these levels .

I've personally been involved in federal-provincial-territorial working groups for five years. That work will be in jeopardy if the mandate to PSEPC to actually coordinate people, not just in times of response but in getting to the planning and mitigation work, is not clear. I'm not an expert in how to word legislation, but if it isn't clear in this legislation that PSEPC not only leads in an actual emergency event but also leads all federal resources in the four component pieces of emergency management programming, we are going to have an issue. When there is an event and PSEPC is coordinating federal resources, it is imperative that the coordination at the federal level syncs seamlessly with the different emergency management operations within each province and territory.

● (0930)

**The Chair:** Thank you very much.

To the members of the committee, we're getting some very good feedback from our witnesses, so I'm not going to be as rigid with the time constraints as I normally am.

Monsieur Ménard.

[*Translation*]

**Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ):** Mr. Pereira, I believe one of the major differences between our nuclear generating stations and those of the rest of the world is that we use the CANDU technology, which does not use enriched uranium.

M. Ken Pereira: Correct.

M. Serge Ménard: With this system, are we at risk of an event occurring such as happened in Tchernobyl and Three Miles Island? Does the fact that we do not use enriched uranium reduce those risks?

**Mr. Ken Pereira:** Not all of them. We have procedures and systems in place to ensure that the operating processes of nuclear power stations are well-designed and that maintenance is properly carried out. Our operating licences prescribe steps that need to be followed to avoid the risk of accidents.

**Mr. Serge Ménard:** I think you did not understand my question.

Are the risks posed by a CANDU reactor less than those you get with a system that uses enriched uranium?

**Mr. Ken Pereira:** No. The levels of risk are no different. But we have control measures that ensure an operating system that provides security assurance.

**Mr. Serge Ménard:** I visited nuclear generating stations in France and I asked them roughly the same question, such as what happens if, like it occurred in Three Miles Island or in Tchernobyl, control is lost over the nuclear chain reaction? I was told that they have large amounts of heavy water above the reactor that can be readily

dumped over it and that will completely stop the nuclear reaction. Do we have the same thing here?

**Mr. Ken Pereira:** We have several systems to stop the nuclear reaction. There is a system that is used to protect the reactor and with the injection of reactivity it can stop the nuclear reaction. The system design is slightly different from those of other types of reactors, but we also have several systems to control nuclear reactions.

**Mr. Serge Ménard:** So what is the main system that is permanently installed in Canadian nuclear generating stations?

**Mr. Ken Pereira:** Mr. Frappier might be able to answer.

**Mr. Gerry Frappier (Director General, Directorate of Security and Safeguards, Canadian Nuclear Safety Commission):** We have several systems in place, as Mr. Pereira mentioned. There is a system that will inject what we call a poison, which stops the reactivity in the reactor core. There are also, as you mentioned, several emergency systems that will carry more water to cool down the core.

Generally, there are several systems to prevent serious accidents, as you mentioned. There are always various sources of radioactivity in a nuclear system and we need to have systems ready for every emergency.

A third very important system, since we want to ensure no radioactivity can escape the generating station itself, is one that is able to suck out all the air surrounding a reactor. This system extracts all radioactive substances and carries them to a building that was specifically built for such a situation.

● (0935)

**Mr. Serge Ménard:** I would like to deal with another issue and maybe you will be able to complete your answer in the second round if we run out of time.

I understand you have a good relationship with three provinces, including Quebec which has emergency response schemes in place in every regional municipality and county.

How do you integrate your own response measures with the emergency response scheme of the regional municipality in the county where Gentilly is located? Are you happy with the relationship?

**Mr. Ken Pereira:** We have committees that are tasked with exchanging information. There is a committee that deals with the exchange of information and that looks at security challenges.

Mr. Frappier has been a member of this committee and he might be able to tell you more.

**Mr. Gerry Frappier:** Our emergency preparedness program requires an emergency response plan to be in place in all nuclear generating stations. Under this plan, the operator must maintain a relationship with the first responders from the community and the province.

As we mentioned at the beginning, Ms. Keen, our president, could not be here today because she is presently in Gentilly where she chairs hearings on the renewal of their license. Part of this examination will make sure that a good relationship is being maintained and that a proper emergency response plan is in place.

I would say that we are confident that there is a good relationship between the people in Gentilly and those responsible for the emergency systems of the province and the municipality.

[English]

**The Chair:** Thank you very much.

Mr. Comartin, please.

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Thank you, Mr. Chair, and thank you, gentlemen, for being here.

I want to pursue the same line of questioning as Mr. Ménard on best practices and standards. I'm not speaking of the operation of the nuclear reactor; I'm talking about perimeter security, the potential for an attack, and the coordination and planning in advance for that potential.

I was disturbed, when we went through one of the bills, about the disposal of waste. A story came out on what was going on at Point Lepreau. Two RCMP officers were working 12-hour shifts, 365 days of the year, including Christmas day, providing security for that operation. I don't know if that's still going on, but what's more pertinent is who sets the standard for security at that site, and has it improved. Are you responsible for setting the standard? How do you determine what is best practice?

• (0940)

**Mr. Ken Pereira:** The standard was established by the Canadian Nuclear Safety Commission. It arose from a design-basis threat analysis that was done. This methodology was developed by the International Atomic Energy Agency. We carry out these analyses from time to time, and since the events of September 11, 2001, there have been changes in what is done at nuclear generating stations. The Canadian Nuclear Safety Commission issued orders requiring the operators of nuclear power stations and other low-risk facilities to implement certain security measures, including the provision of on-site armed response capacity.

That order has now been incorporated into new security regulations that have been drafted and will be coming into force very shortly. So we have standards for what is required of an armed response force, and the licensees, the operators of the nuclear facilities, have been implementing those measures progressively over a period of time. Initially some licensees needed to build up the capacity. We have an inter-utility working group that discusses the challenges they face. We carry out inspections to confirm that what is being done at the nuclear facilities does in fact respond to the requirements in place that were established for the security of nuclear generating stations.

**Mr. Joe Comartin:** When those standards and criteria are assessed and put into place, is there consultation with local policing authorities here in Ottawa and in the region? I'm thinking of the RCMP, CSIS—those kinds of agencies.

**Mr. Ken Pereira:** Yes, there's consultation. In fact, with the requirements being incorporated into regulations, there's been widespread consultation on how those requirements are brought to bear. We've gone through the regulations-making process, including gazetting of regulations. Yes, we've had consultations with CSIS and the RCMP.

Then, within the power reactor licensees, we have an Inter-Utility Security Working Group that shares experience and provides input to the strategy that is being implemented.

**Mr. Joe Comartin:** In terms of your analysis of Bill C-12, will it in any way enhance that consultation or that exchange of information with your commission?

**Mr. Ken Pereira:** I'm not sure that it will, but I'll ask Mr. Frappier to comment.

**Mr. Gerry Frappier:** As Mr. Pereira said, after September 11, the commission immediately put out an emergency order that required all the nuclear stations in class I facilities to upgrade their security in a significant way, including having a very significant armed presence there at all times and to increase perimeter security. So the example you're giving at Point Lepreau from the past would certainly not be the case now.

Part of the regulations does require that there is consultation with local authorities, and then part of our job, if you like, back here in Ottawa is to ensure that there is coordination with CSIS and RCMP, both in general for the overall framework and specifically for particular facilities.

I think Bill C-12 will enhance that ability of coordination, because again, as we've mentioned several times, it makes it much clearer that the Minister of Public Safety and Emergency Preparedness Canada, and therefore the department as well, has a role to ensure that overall coordination is in place. It specifically mentions the threat as far as terrorism goes.

I agree 100% with our colleagues from Manitoba that the big part here that everybody likes to focus on very quickly is the actual response, but the real work is done in the preparation phase, in mitigating the possibilities. We certainly expect PSEPC, when this bill passes, will continue to expand quite a bit on its capability to ensure that there's good coordination and planning before any incidents, including terrorism.

• (0945)

**Mr. Joe Comartin:** Dr. Young and Mr. Sanderson, we heard from the Federation of Canadian Municipalities. They have some concern about the bill in terms of the local authorities, municipalities, etc., not being authorized. They're acknowledged in a very small way in the bill, but their principal role as first responders is not being taken into account in the bill. It's not being acknowledged.

We recognize the constitutional framework of the country, but I wonder if either one of you would have any thoughts as to how the bill could be altered, still staying within the constitutional framework of this country, to get them more into the loop from a legislative standpoint.

**Dr. Jim Young:** I acknowledge that they're not mentioned specifically in the bill. Let me just make a brief comment.

In practical terms, the way we manage emergencies in Canada is bottom-up. There's a very clear understanding that you can't manage any emergency, including something like a public health SARS thing, anywhere but right at the ground level, so the municipality is absolutely key. Everyone understands that, and there is, I think, total agreement on that principle.



The municipalities, as you are more than aware, are created by the province, so generally the discussions take place and the municipalities are brought into discussions. But it's certainly a provincial role to deal with the municipalities one on one, on an ongoing and everyday basis, and there's a certain sensitivity around that. I sat in the provincial chair for a while, and there was really always sensitivity in the Ontario government about Ottawa jumping over the province and dealing directly with municipalities.

I see the municipalities being covered in the bill under the entities. I know they're not specifically mentioned. The practice is that they are included. Can there be improvements in terms of how they're brought in and work with SOREM and be at the table more often? Undoubtedly there can be, Mr. Comartin, and probably should be, but I'm not sure it's a legislative problem. Again, I think it's a matter of our evolving our thinking and our practices more than legislating them.

**The Chair:** Thank you, Dr. Young. I think you made a very key comment there.

Mr. Sanderson, in Manitoba, do you have a comment, please?

**Mr. Chuck Sanderson:** It's a big issue for all provinces and territories, but I agree with Dr. Young. It is bottom-up. It starts with the individual, then goes to the municipal level. In all provinces and territories, the emphasis is always at the municipal emergency planning capacity level, so they are engaged. They have to be engaged and they are fundamentally engaged in all provinces and territories.

The lack of mention within the bill doesn't negate the reality of the way this country has built its bottom-up emergency management system. Are there ways to improve that? Sure, there are always ways to improve it. But I think you'll find by and large that the strength of the emergency management system in this country is at the municipal level because of that recognition that each province invests at the municipal level.

And Dr. Young is absolutely right. In terms of making sure an emergency management system works correctly during an event, you can't have a federal government jumping to a municipal government and missing the province in between. It's a seamless process, but municipalities are the fundamental cornerstone.

**The Chair:** Thank you very much, sir.

To complete this round of questions, we'll move over to the government's side.

Mr. Norlock, please.

**Mr. Rick Norlock (Northumberland—Quinte West, CPC):** Thank you, gentlemen, for appearing today. It's been very enlightening to hear your testimony so far with regard to the questions you've been asked.

My question builds on Mr. Sanderson's relating the four pillars of preparedness, and it's directed primarily toward Mr. Pereira and Mr. Frappier. It has to do with preparedness, beginning with the licensing and re-licensing of facilities that come under your purview.

Mr. Pereira, when you license or are in the process of renewing licensing, do you review the complete or the total operation of the

facility with regard to the licensing, or do you concentrate on historical, shall we say, areas of concern?

• (0950)

**Mr. Ken Pereira:** We review the entire spectrum of parameters that cover the operation of a facility, including security and including emergency management. It is a comprehensive review covering all aspects of what contributes to safe operation of the facility.

**Mr. Rick Norlock:** When the re-licensing and licensing occurs in some communities, of course, we look at the community as a whole and then we go further abroad. My question has to do once again with emergency preparedness, but it directly relates to the local community's ability to respond to negative occurrences or possible negative occurrences. It goes toward the mitigation and preparedness aspect of emergency preparedness.

When you're re-licensing, is the ability of the emergency services—fire, police, ambulance, etc.—of a local community taken into account when the re-licensing occurs?

**Mr. Ken Pereira:** Our mandate concerns the operation of a nuclear facility, so we have direct control over what the licence holder does. In issuing licences, we seek from the licensee an assurance that there is sufficient capacity to respond to an emergency. The licensee has to provide an assurance to the commission that the appropriate measures are in place to respond to all emergencies. That includes, on their part, interacting with the local authorities to ensure that there is capacity to back them up in a response to an emergency. If they aren't able to give that assurance, then the operator or the licensee has to put measures in place to cover off all the emergencies that could arise on the facility itself.

**Mr. Rick Norlock:** So that I can clearly understand what you're saying, when you're re-licensing, it's the responsibility of the licensee to respond to you. In other words, with regard to the licence application, they must include in their response what exactly the capabilities of local communities are. In other words, you don't do that directly, but you do it indirectly by having the licensee advise you that this is their capability vis-à-vis the regulatory framework under which they operate, and they and community are submitting to you.... They would then specify why they think the community is able to respond appropriately to negative scenarios.

**Mr. Ken Pereira:** That is correct. Then, by virtue of exercises and drills, which we would witness, there will be a demonstration of how that composite response is being delivered.

**Dr. Jim Young:** Could I perhaps add to that answer?

The province is very involved. Obviously a province like Ontario is very involved in nuclear, nuclear safety, and nuclear emergency planning. It constitutes a large part of what Emergency Management Ontario does, because they recognize the risk versus if something really does happen.

They work very closely with the regulatory agency. They consult on a regular basis on all matters, including the matters that we earlier described, the physical safety, etc. When it comes to the community, Emergency Management Ontario works very closely with the community on early warning systems, distribution of KI pills, all of the evacuation procedures, etc. Those are mandated within those areas, and the municipal plans in those areas have to be up to a higher standard because of the existence of nuclear reactors. The province, in approving those municipal plans, works with those municipalities to ensure that those elements are in fact done. The province holds the role of what happens outside the gate and the operator looks after what happens inside the gate. That's the way we generally think of things.

In addition, if a province like Ontario had concerns about the emergency planning, they would make those known and do make them known. They go to all of the hearings and they participate actively in all of the hearings as well. So there are a number of ways in which this comes in not just through the operator but in fact through the province.

● (0955)

**Mr. Chuck Sanderson:** May I make a comment on that?

It's a really interesting discussion that you're having, and it's focusing right now on one industry and a particular threat, basically. I would like to just say what I think this discussion is and how it relates to Bill C-12 and how it relates to a mandate of PSEPC.

There is a thing called critical infrastructure assurance out there. It's a new term, but basically there are approximately ten sectors out there that depend on each other, and we depend on them. When one sector goes down for some reason, other cascading effects happen in other sectors.

A lot of work needs to happen in this country in bringing sectoral leaders together to ensure that sectors that include such things as nuclear, which would probably be under the sector heading of utilities, are actually linked at the national level; that those leaders are sitting at a table, talking about assurances of protection, assurances of standards, those types of things.

There has to be an entity at the national level that brings this together, that has the weight and the mandate to do that. That's what provinces and territories are looking for in Bill C-12 through PSEPC. From a larger critical infrastructure sector perspective, the kinds of questions you're asking of the nuclear industry are specific and need to come to the table at a larger level. I think Bill C-12 has the capacity to do that, to put PSEPC in a leadership position to bring that together.

**The Chair:** Thank you, Mr. Sanderson.

Mr. Norlock, do you have a supplementary question?

**Mr. Rick Norlock:** Yes, if I have any time, Mr. Chair.

**The Chair:** This will have to be the final question.

**Mr. Rick Norlock:** I wouldn't say this directly relates to an emergency, but an emergency can be classed in many different ways.

This question is in regard to the re-licensing of facilities, and so on, but even in a broader context, and it sort of goes toward the area that Mr. Ménard was speaking about, which is not directly related to

a nuclear reactor but with regard to emissions from either nuclear facilities or companies that manufacture components and material that go into nuclear reactors. I'm given to understand—and Mr. Frappier or Mr. Pereira can answer this, and perhaps even Dr. Young—that Canadian standards with regard to emissions from those companies that produce materials that go into a radioactive power plant exceed, actually, international emission standards. We require a compliance to international standards, but I'm given to believe and I am advised that Canadian industry actually surpasses those, I would not say exponentially, but significantly.

Could you make a comment in that regard?

**Mr. Ken Pereira:** I do not believe the standards we have in place in Canada are more lax than anything that is in other countries. We are up to international standards. We strive to implement requirements that are on par or better than what is in place elsewhere in the world.

In fact, our environmental protection standards are better than most other countries, and from our oversight of the nuclear industry, we do not believe there's any operator that is exceeding the licence requirements on environmental emissions.

**The Chair:** Dr. Young, do you have a comment?

**Dr. Jim Young:** I would just say, again, if I go back to my provincial experience, the province, for example, paid close attention to issues like that. Nuclear enrichment in the Cameco plant in the Port Hope area, for example, was something we watched very closely. Chalk River we watch very closely.

Post-9/11, all these issues certainly came to the attention of governments at all levels—municipal, provincial, and federal. A lot of work has been done. So I can assure the committee that close attention is being paid to these matters.

● (1000)

**Mr. Rick Norlock:** Thank you.

**The Chair:** We'll now begin our second round of questioning, with the Liberal Party.

Ms. Fry, please.

**Hon. Hedy Fry (Vancouver Centre, Lib.):** Thank you very much.

There are two points on which I want to get some more information.

I note that we talked a lot about the five points, but I think there are six points. If you look at your preamble, one of the pieces in emergency management is prevention. I would like to hear about prevention. I would like to hear the plans for prevention.

If we remember Hurricane Katrina, one of the biggest problems was that it was a preventable catastrophe, and no one moved to prevent it. In my province of British Columbia, there is a catastrophe that could occur, which is a large earthquake, and there has been no move at all to look at this from a prevention perspective, of making sure we're prepared for this in a way that we could prevent as much damage as we can, especially to human life, and especially schools.

So I want to hear about prevention. Mr. Pereira, I want to hear your plans for prevention, and I would like to hear Dr. Young's issues on prevention with regard to biological emergencies.

The second piece I want to ask about is the issue of municipalities. I'm going to go back there again, because in Vancouver our experience in SARS was extremely good. The reason it was extremely good is that the municipalities took a lead role.

While I understand that municipalities are children of the provinces, and so on, I really don't see whether there is a problem in this bill with adding the words "and other stakeholders", which could include municipalities in cases where the municipalities may have a very significant role to play and may want to be a first point of contact in an emergency where minutes count.

So I'd like to hear your answers, all of you, on both of those pieces, on adding the term "stakeholders" to the language in the act and on the issue of prevention.

**Dr. Jim Young:** To start with the second question, then, I think the term in clause 3—if I can look at the exact word—is "entities", rather than "stakeholders". When I read that, I think entities means stakeholders. I'm not quibbling over words, but when I read that it means, to me, municipalities, it means non-governmental agencies, it means private industry, and critical infrastructure. It means all of those. Whether it's stakeholders or whether it's entities I would leave up to the drafters and to you people, but to my mind, that's what that means.

In regard to your earlier points, when we talk about the terms "mitigation" and "prevention", you can either drive them apart or you can use them simultaneously. There are subtle differences within the industry between mitigation and prevention, but essentially, for the purposes of the discussion today, when we talk about mitigation we mean prevention. And we agree that Katrina is an excellent example.

Mr. Sanderson can talk about the great success story of mitigation when we talk about the water diversion system around Winnipeg. Some of the work that has been done on the west coast, I'm sure you're aware, includes...for example, when one worries about earthquakes, then you incorporate mitigation into the building code. You build buildings that are safer and withstand shocks to a greater amount. There are many other things you can do as well, but it's that type of action, in fact, that is being discussed and is being taken.

Can there and should there be more mitigation done? Absolutely. We need to look at flood plains. We need to look at the risk of severe storms on the east coast, earthquakes on the west coast, tsunamis on both coasts.

**Hon. Hedy Fry:** I'm sorry, I didn't want to cut into your answer, but I actually think that the issue of mitigation and prevention are two different things when you look at earthquakes, looking at it from my perspective as a physician and having looked at public health over the long term. In the case of mitigation, it's having public building codes now in terms of an earthquake, but there are whole hosts of schools, for instance, in British Columbia that were built 30 or 40 years ago that aren't up to standard, and to bring them up to standard is going to take an infusion of money now. I want to hear people talking about that kind of prevention, not simply leaving it up

to the fact that new buildings are being built with building codes. There will be children in those buildings, and when an earthquake is going to occur, you don't get a warning like they did with Katrina.

• (1005)

**Dr. Jim Young:** I think we're saying the same thing. You could include that under mitigation, going back and fixing something. I'm only using as one example that one way of doing earthquakes is to do building codes. But in some provinces, Ontario for example, I had responsibility for the fire marshal. The fire marshal had the fire code, the fire code talked about retrofits, and we did retrofits for public safety. What you find with retrofits is that they're expensive and difficult and they're very difficult to finance, but you're talking about retrofitting and there is much merit in retrofitting as well.

I think all of us in the field feel the whole area of mitigation and prevention has been underdeveloped, not only in Canada but around the world. The estimates are that the minimum payback for mitigation is at least six times in savings.

**The Chair:** Mr. Sanderson, do you have a comment? Dr. Young mentioned that you might have had experience with mitigation in Manitoba. Do you have any comments you'd like to make?

**Mr. Chuck Sanderson:** Well, the Red River floodway is the poster child of mitigation in Canada. There is a lot of mitigation activity that can take place that isn't quite that grandiose. In fact, we've been working at the federal-provincial-territorial level to try to create a national disaster mitigation program and strategy.

Back to Bill C-12, somebody at the federal level needs to take the reins of that and make it a reality, because as we just heard, there are pieces of mitigation and preparedness, as in reinforcing existing schools built before building codes were changed, and that has to happen at a national level. A Bill C-12 mandate for PSEPC to drive a national disaster mitigation strategy is what we're looking for at the provincial level, so that when there's a national program on disaster mitigation, then the provinces and territories can cut in with their piece of the action.

**The Chair:** Thank you very much.

We'll now go to the Bloc Québécois, Ms. Bonsant, please.

[Translation]

**Ms. France Bonsant (Compton—Stanstead):** I would like to make a comment and ask a question on nuclear stations.

I learned many things here today but I guess I am one of those in Quebec and Canada who are totally ignorant about nuclear energy. I do not know if there is a way to educate people on nuclear energy. People still are obsessed by Tchernobyl.

Could you disseminate education material to explain to people that nuclear energy is one of the least polluting sources and does not have all the drawbacks of coal, for example?

I was convinced they used enriched uranium and, as you can see, I did not know any better.

**Mr. Gerry Frappier:** Thank you for your question.

There is certainly lots of education material around. We handed out some this morning. All the players in the industry also have lots of materials, such as Hydro-Quebec and the Ministry of Natural Resources and Wildlife.

We ourselves, at the Canadian Nuclear Safety Commission, are very neutral as to whether nuclear energy is good or not. Our responsibility and our mandate are to ensure that whatever decision is made will respect the need for security of individuals and the environment, as well as nuclear safety, and that the standards set out in our licenses are enforced.

Nuclear energy is certainly a very technical and complex subject. I agree it is difficult for ordinary people to understand. We do all we can to provide education material. I can leave you my business card after the meeting.

**Ms. France Bonsant:** Okay.

You also mentioned that you provide training or that there are emergency drills taking place every year. Is this enough? Do all new employees receive special training in order to be ready to face a major event?

**Mr. Gerry Frappier:** What we meant to say is that, once a year, we do a follow up in order to ensure that a proper plan is in place and that everybody knows what to do. We carry out drills but we also have lots of training programs for first responders. Our employees receive lots of training even before being authorized to work with us. Continuing training is provided to the employees in the stations. It is not something that we think about only once a year.

•(1010)

**Ms. France Bonsant:** My other question will be to Mr. Sanderson.

You talked about Manitoba and the territories. Are you able to respond in remote places where there are no access roads? A natural disaster can happen anywhere but if it happened in remote areas such as the Northwest Territories or even in Northern Manitoba, where communities are isolated, do you have agreements with helicopter of aircraft charter companies to do emergency evacuations?

[English]

**Mr. Chuck Sanderson:** Yes, we have agreements first with the military. We have access, and all we have to do is make a request through PSEPC to access military equipment.

We have also created an urban search and rescue entity within the province, as have many other provinces and territories, that specializes in getting into remote places. The object is to get in as quickly as possible, because in Manitoba we have polar air routes, so we're constantly working to cut down the time it would take to respond to such an event.

We work with the municipalities, and some of the northern remote ones have limited capacity, so at the provincial and national levels, we're working together to make sure there is a capacity to respond into extremely remote areas.

**The Chair:** Thank you.

To complete this second round, we'll go over to the government side. Mr. MacKenzie, please.

**Mr. Dave MacKenzie (Oxford, CPC):** Thank you, Chair.

Thank you to the people who are here in Manitoba.

My interest in this is Bill C-12, not the local issues particularly. What I'd like to know, particularly from Dr. Young and Mr. Sanderson, is whether this bill, as it's currently structured, gives you the tools to work with the federal government, and whether it gives you equally the tools or the comfort to know that we can work with our neighbours, both east and west, and more to the south.

**Dr. Jim Young:** Yes, the bill is really aimed at making it clear, both within the federal government and to those that react with the federal government, how the federal government is structured and how it operates. But that level of certainty, as I think many people said in their opening remarks, is extremely important. Whether we're dealing with other provincial governments, whether it's with the municipalities, whether it's with non-governmental agencies, or whether it's with other countries like the United States, these days when things happen and they're big, you need a consistent approach and a road map. That's really what this does. It sets the road map, it says how it's going to work, and it says how decision-making will take place in a coordinated fashion.

**Mr. Dave MacKenzie:** Thank you.

**Mr. Chuck Sanderson:** I would say from our perspective it's certainly an improvement over what existed before. The proof will be in the pudding. No matter what legislation says sometimes, it's the will of an entity to actually take the reins and lead. So we're hoping that this legislation will give increased impetus to PSEPC to actually grab on and lead these initiatives. And it's very hard to lead if you don't have the mandate and the legislation behind you. I think there are so many national initiatives that are at a level where they're either going to erode or disappear if that leadership is not actually grabbed onto and taken.

We have talked about them, and there's an eight-point action plan out there that all of the provinces and territories and the federal government are working on. It includes national disaster mitigation strategies, critical infrastructure protection, disaster financial assistance arrangements, national emergency management systems, and national emergency response systems. These are all initiatives that have been worked on for at least the five years that I've been director of EMO in Manitoba. But they do need clarity and a role for PSEPC to actually lead those. I believe this bill will improve PSEPC's position in the federal government to be able to basically command and control respect and bring federal entities to the table to work collaboratively with the provinces and territories.

•(1015)

**Mr. Dave MacKenzie:** I guess that's the whole crux of Bill C-12, to provide that umbrella, if you will. I think that's what you're concurring with. It provides that umbrella for the federal government to work with the provinces, not to take over the role that's already there in the municipalities and the provinces. It's not intended to take away their authority or their responsibility at the first level.

Dr. Young, I know you have spent a great deal of time in the United States and dealt with authorities there. My sense is that we're a fair bit ahead of where the Americans are. When they talk about Katrina, there's a difference between the state and the federal government there and the provinces and the federal government here.

**Dr. Jim Young:** Yes, just to finish your thoughts about the role of the federal government, I think the other thing that it does is set a way for the federal government to act. It doesn't take away the authority of individual departments within their areas, but it means that someone is asking the questions and someone is trying to move things along on a schedule.

When we look at the United States and where they're at, my own observation would be that we have a better level of coordination between levels of government. We're smaller. We work better together generally. We also, I think, have a much stronger municipal system of ability to manage. Some of the best of the United States... it's like many things. New York City did a marvellous job responding to 9/11. The same event in another city could have been a major catastrophe, bigger than it was. New Orleans was noted as having a particularly spotty record, both municipal and state—a certain lack of coordination between the two and with the federal government. I've been down there several times, and there are still major issues.

So the lesson out of it is that no one level of government can do this. It is about relationships. It's about operating in a seamless manner. And this bill really says here's how the federal government will do that. We are committed to that, and we've certainly learned those lessons in events here in Canada too.

**The Chair:** Are there any further, or supplementary, questions?

**Mr. Dave MacKenzie:** My other question would perhaps be more to Dr. Young, but also to Mr. Sanderson. We've been talking about pandemics for some time, although they haven't been in the news quite as much in the last short while. Would I be wrong in assuming that Canadians can control some of these things better, because of the delivery of the health care system in Canada, than perhaps our southern neighbours?

**Dr. Jim Young:** Yes, absolutely.

First of all, you will start to hear more about pandemics because the avian influenza will start up again in the next few weeks. It is starting again; we're starting to see a few deaths. So we predict we will start to have more discussion on them.

I've done a lot of speaking in the United States post-SARS about what we learned and how we did things. One of the points I always make to the U.S. is that one of the challenges they'll face, but which made our job easier in Canada when we had the initial provincial emergency—because we were able to issue directives to the hospitals on what to do, and got compliance with those directives and were able to stop the spread of the SARS virus within the hospital system—is that in a more fragmented system, with a mix of mostly private and some public hospitals, it is much more difficult to do that.

Going back to an earlier point, it really means that the way to do that—and what I say to the Americans—is that you must have these

discussions now and you must agree that you're all going to do the same thing before the emergency, so you're not trying to bring everybody on board during the emergency, because if you haven't got control over the system then you have to build it through consensus and teamwork.

We recognize this in Canada, and the preparation and consistency in the pandemic plan federally, provincially and municipally is very good in Canada. Now we're taking it outside of health care and looking at all of the other areas of government.

So it's a lesson for both countries, but we do have an advantage because we come to the table with an attitude of working together.

• (1020)

**Mr. Dave MacKenzie:** Thank you.

**The Chair:** Mr. Sanderson, do you have any further comments on that?

**Mr. Chuck Sanderson:** I'm not going to speak to the health system, because I'm not an expert on it, but when it comes to pandemics it's clear.... And that's why Bill C-12 is so important.

With things like pandemics and terrorism, all levels of government are going to have to be in sync simultaneously and seamlessly; there's no doubt about that. It was acceptable in the olden days that you could handle the occasional threat, which would mostly be a flood or something like that. You could almost do it with your eyes closed and one hand tied behind your back. But we're into a completely different scenario these days with pandemics.

So the importance of Bill C-12 is to make sure we're all on the same page.

**The Chair:** That completes the second round. Before we begin the third round with Mr. Holland, I would just like to pose a couple of questions.

Maybe Dr. Young and Mr. Sanderson could comment on these.

Dr. Young, I'm following up on what you talked about in regards to working with the U.S. Are there plans to coordinate with the Americans in case some kind of an emergency occurs that involves both countries, or where we may need special assistance from them in certain areas?

Mr. Sanderson, you might have some experience from the flooding that took place, as it began in Grand Forks and headed north to Winnipeg. Could you comment? What do we do in coordinating this? Is this through Foreign Affairs?

**Dr. Jim Young:** First of all, it actually occurs at all three levels of government. There are agreements in place and, on occasion, exercises and real-life scenarios in border communities. For example, Windsor and Detroit have MOUs in place and are able to move reasonably seamlessly across the border, and the federal government can play a role in ensuring that. They can also offer mutual aid and share resources. It may be much quicker to bring in a local bordering municipality. They are planning together, exercising together, and thinking about these things.

Many of the provinces, including Ontario, Quebec, and the maritime provinces, have been meeting as groups of provinces and putting in place MOUs for mutual assistance in the event of natural or man-made events that would affect both and working out how to do that. We have seen it actually happen during power blackouts, for example. Hydro crews move back and forth. There are very detailed MOUs in place that allow them to be licensed and to move into various areas. Dealing with forest fires is another area—Canadian crews go south and American crews come north.

At the federal level, we obviously are working with the Department of Homeland Security and building relationships as well and trying to improve on our ability to mobilize quickly and to have the American people understand that we sometimes possess expertise that can assist them and they in turn us.

During SARS, one issue we had was that there were some very detailed investigations we needed to do in a particular case of SARS. We called CDC. CDC from Atlanta sent a team that worked with the federal people and the provincial people. The three levels formed a team and wrote a joint report.

That exists, and we take advantage of it. I think since 9/11 it has actually been strengthening.

**The Chair:** Thank you.

Mr. Sanderson.

**Mr. Chuck Sanderson:** It's a really good question, because there are existing MOUs, but I think, as you heard just now, it's spotty. There isn't consistency to them. Quebec and the maritime provinces have a wonderful MOU with the New England states, but trying to replicate that process with contiguous states and provinces is not easy, because it seems to break down at the congressional approval level.

There may not be a panacea MOU, but we actually are looking at some leadership at the national level in creating just such an MOU that is overarching. In fact today, as we speak, without MOUs in place there is reciprocal assistance going on across that border—be it ambulances, firefighters, whatever—doing it for all the right reasons, but perhaps putting themselves at risk or in jeopardy of workers' compensation and things like that, should they be injured. We need to address that. Rather than 13 provinces and territories having individual MOUs with every state, we should be looking at one overarching MOU. This is not to say that the ones that Jim was referring to should be discarded, because they all add value. But I think there has to be a base level of understanding of mutual assistance across the border, and we're not there yet and we really need to get there.

I think Bill C-12 will help.

• (1025)

**The Chair:** Thank you.

I want to broaden this discussion a little bit and go a little further.

The U.S. uses their military, their army, a lot in responding to emergencies. We in Canada usually don't involve them as much. I think they were involved in the Red River flood for sandbagging and so on.

Who calls them in? How does that happen? Do you have any suggestions or any comments with regard to that?

**Mr. Chuck Sanderson:** I can respond to that. It is actually well developed and well understood at the provincial and federal level how the military is engaged. It is a one-stop shop through a PSEPC request. It is not a request from the province to the military directly; it goes through PSEPC. The province has to be specific on what it is asking assistance from the military for. It is either asking for aid to the civil power or it's asking for protection, which takes it into a completely different level. The system for making the request is well known and it works very well. As you said, in Manitoba we had the military in here during our flooding in 1997 and it worked extremely well.

**Dr. Jim Young:** I was involved with calling the military in Ontario during the ice storm, and it turned out it was General Hillier, and again it worked very well. Mayor Mel called them during the snowstorm. I was not responsible for that one, and I don't want to take the blame for that one. But during the ice storm the military were extremely useful and they worked very closely with us.

A couple of key things in regard to this is that the military understand that their role is aid to the civilian authority, and they come to us and they ask what they could do. We choose the tasks, and then they use their logistical skills to carry them out.

The Canadian military, under what's called Canada Command, is enlarging that role and making it more available to provinces. That's a very good thing and it's a very positive thing, but it can't be totally relied on in the sense that if we fall as a country into the trap of saying, we have the military now and they've said they'll do this, we cannot count on them being there because they may be stretched thin in other places. They may be able to provide a lot of assistance, a moderate amount, or a very little, depending on what else is going on in the world.

So we ought not to fall into the trap of throwing all of our eggs in that basket, and the U.S. learned that during Katrina. They're pretty stretched right now in Iraq, so the amount of military assistance they could give was very appreciated and it was very important, but it wasn't as great as it might have been if there hadn't been a war in Iraq.

So we need to develop both, and I think in the future the role of the military in Canada will grow. I think it's a tremendous development, but we can't do it at the expense of maintaining municipal readiness, maintaining provincial readiness, and maintaining civilian federal readiness as well.

**The Chair:** One brief follow-up on this that occurs to me is that when you have a forest fire or some other such thing, sometimes one province can't manage. How do they call in other provinces? Do they go through the feds, or how does that work?

•(1030)

**Mr. Chuck Sanderson:** I can speak to that. There's an entity called the Canadian Interagency Forest Fire Centre, which is an entity that actually resides in Winnipeg. It's funded by provinces and territories, and it coordinates resources throughout Canada. If P.E.I. needs water bombers, they make a request into CIFFC, and through prearrangements, that group coordinates bringing the resources together and getting them to the province. In addition, they have MOUs with the United States and other countries as well.

**The Chair:** Good. Thank you

I have one more person on my list, and I've asked members not to leave. We have one brief item of business to discuss before we go today.

Mr. Holland, please.

**Mr. Mark Holland:** Thank you, Mr. Chair.

I want to follow up with some questions that were being asked by Mr. Comartin and Mrs. Fry with respect to municipalities, and I'll be specific in this.

I was on municipal council for seven years. I was acting mayor of a municipality that has a nuclear facility, the municipality of Pickering. I was also a member of the Canadian Association of Nuclear Host Communities. In my experience—and we had FCM come and testify before this committee—municipalities as the first responders are extremely critical in this process, and we're talking about emergency preparedness and also responding appropriately to emergencies, whether it's a public health crisis or a nuclear emergency. Municipalities are not only the first ones that respond, but they are the ones that I think really make the difference in those early hours as to whether or not we're going to be successful in responding to an emergency.

Therefore, the flaw I see in this bill, the thing that most concerns me, is the lack of recognition of municipalities in the bill, and more specifically, the lack of representation of municipalities on some of the committees that exist. I appreciate that municipalities are creatures of the provinces, but I would think that our understanding of municipalities has evolved as our nation has become one of large cities that are very complex and really true of levels of government in their own right.

In this regard I would be interested in your thoughts, particularly the CNSC's but also for you, Mr. Young, on the idea of including municipalities, through their broader agencies, in some of the committees, at the very least in this process to ensure that there's input. As an example, I would suggest the Canadian Association of Nuclear Host Communities would be an appropriate one perhaps to sit in on some of these committees, and there could be representation perhaps from FCM or representation from maybe some of the provincial or territorial associations.

So I would be interested in your thoughts on including some of these bodies, at least at the committee level, to ensure that their voices are heard, given their importance in this process.

**Dr. Jim Young:** Certainly, I completely agree with your assessment of the importance of municipalities and what they do. I don't think you'll find anybody in this field who disagrees,

particularly with the model we use in this country. Making sure the municipal voice is there is very important. Traditionally that has been done, and that's the role of the province. And I'm not suggesting that it can't be improved.

I think the point you raise, then, from a practical point of view, is that what would need to be done is that the federal government would need to meet in particular with SOREM, which is our main contact group on emergency measures in the provinces. If there's agreement among all those people to include municipalities either as observers or as participants in the process, it's certainly an idea that can be considered. They certainly are involved. It tends to be more indirect right now, but I understand your point entirely.

**Mr. Ken Pereira:** This is a good suggestion, from our point of view, in terms of response to emergencies at nuclear facilities. The on-site aspects are looked at by CNSC, but once it's off-site, the jurisdiction is really a provincial jurisdiction, so the province has a lead in developing the strategies, the plans of action, to respond to the emergency. So certainly we would look to the province to lead the involvement of municipalities in the committees.

For our part, we engage with the provincial emergency management organizations to discuss strategies. In fact, I have a discussion with the Ontario emergency management organization chief in the weeks ahead to discuss some of the issues that are on the table before us today.

•(1035)

**Mr. Mark Holland:** The last comment I'll make—and I'll make this more as a comment, because these are the last witnesses we're going to have on Bill C-12—is that I definitely appreciate everything that's been said, and I know that, again, municipalities are creatures of the province.

This is not to infringe upon jurisdiction, but when I was at the municipal level, and when I, for example, sat on the Canadian Association of Nuclear Host Communities, which is an association of municipalities, we often found that our voices would not be fully heard in terms of the resources we needed and the issues we were facing on the ground if we simply left it up to the provinces, because they didn't have the same degree of understanding. It was kind of like a broken telephone sometimes.

When we're talking about something as important as emergency preparedness, my thought is that including them at the table when there are national associations and there is provincial representation certainly couldn't hurt. I was wondering if you would say that, at the very least, it wouldn't be harmful to have them at the table participating in these committee processes so they could add their input. I can see a lot of benefits, but I can't really see any downside to including them at the table.

So what is the downside of including them at the table through the committee process and ensuring that their voices are heard?

**Mr. Ken Pereira:** I don't see any downside, and it's certainly something I'll discuss with our counterparts in the provincial emergency management organizations.

**Mr. Mark Holland:** Thank you.

**Dr. Jim Young:** I'm not disputing the importance of it or that we can prove it, but the only downside I can think of, since you've asked the question, is that one of the criticisms of even federal-provincial relations now is that it takes so long to get anything done. That's because there's one federal government and 13 provincial entities. Add another five, six, or ten entities and you will slow down the process of getting agreement.

So I think you'd have to look at what their role is. Is their role there to be advisers and observers? Is their role there to be full participants? The more participants, the slower the process, and that's—

**Mr. Mark Holland:** I'm not necessarily suggesting, and I don't think FCM suggested, that they'd be signatories to agreements, but rather that they would simply be at the table providing input through committee processes—

**Dr. Jim Young:** Yes, that's why I'm raising the issue as to what role they would play, because I think the more people you bring to the table, the longer it takes. It's regrettable, but that's human nature.

**Mr. Mark Holland:** But if we were to say that they weren't signatories—in other words, they wouldn't have responsibility for signing off on anything but were simply being given the opportunity to give their input—then presumably that wouldn't slow things down other than that you'd have to listen to them, which hopefully you'd be doing anyway.

**The Chair:** Mr. Sanderson, did you have a comment?

**Mr. Chuck Sanderson:** Yes, I'm not going to say whether they should or shouldn't be there. It's not my job to say whether they should be at the table. I'll just tell you the reality in Manitoba.

There are 198 municipalities. We have emergency plans that we create with the municipalities in 198 municipalities through JEPP, the joint emergency preparedness program, which is a funding relationship. Moneys go to the municipalities for equipment. The Association of Manitoba Municipalities is one of our key stakeholders as an EMO and as a large voice in the province of Manitoba for advancements in all things municipal, including emergency management. So I believe that the connectivity in the system is there.

Now, whether FCM should sit at a national table on emergency management I'll leave to somebody else. But I can say that the engagement of municipalities at the provincial level is real and substantive.

**The Chair:** Thank you.

Mr. Ménard, you had a brief question?

[*Translation*]

**Mr. Serge Ménard:** Yes.

I guess you are aware that we are probably just as ignorant as the people who we represent. But we represent the public who, after all, pays taxes and who has concerns about the nuclear industry.

Do you believe we would be better able to answer the questions of our voters regarding security measures taken by the nuclear industry in Canada if we visited one of those stations?

If so, would you have any suggestions to make in order for us to become a little less ignorant about the security systems you talk about that will guarantee we will not have here an incident such as happened in Tchernobyl and Three Miles Island? I believe you realize that this public perception is the main obstacle to the development of nuclear power. Personally, I believe that if it were properly controlled, it would be the future of mankind because it is an infinite source of energy that is relatively clean compared to other sources being used.

● (1040)

**Mr. Gerry Frappier:** Thank you for this question.

You could certainly greatly increase your knowledge level by visiting a nuclear generating station. Yesterday or the day before, we organized a major tour for the media at Gentilly 2. It was part of public information sessions that are taking place yearly.

As I said, we could certainly provide you with better knowledge of some aspects of this industry through the education centres or the education material available. I do not know how to organize such a visit but I am sure that nuclear stations that have a visitor program would be very interested in having you.

However, if the Committee wants to organize a visit, I am not the right person to ask.

[*English*]

**The Chair:** Thank you.

A final question, Mr. MacKenzie.

**Mr. Dave MacKenzie:** I have two questions. One is a comment.

Bill C-12 is a federal piece of legislation dealing with the federal government's responsibility. Municipalities deal with the provinces. It flows up, down, sideways, but it would be a very difficult situation for the federal government to be directly involved with the municipalities, given that the provinces have their domain and jurisdiction.

Is that a reasonable comment?

**Dr. Jim Young:** I sat in the provincial chair. I didn't like it very well when the federal government talked directly, and they used to quite commonly, with Toronto in particular. We were never too happy, because we felt we were left out of the loop. If side deals were made or too much discussion went on, it ruffled feathers, and not just with regard to emergency management but across government. That traditionally happens.

It's an issue that would have to be discussed very carefully with the provinces, because many of the provinces might be upset if it were viewed that this was going to lead to direct discussions between the federal government and municipalities.

**Mr. Dave MacKenzie:** Mr. Sanderson.

**Mr. Chuck Sanderson:** I would agree that your comment is a fair assessment, and I'm not talking constitutional anything, because that's not my bag.



As the EMO director, what I'm interested in is how the emergency management system works. You can get a lot of well-intentioned activity—and this has happened in Manitoba—where the federal government has come up with what it thinks is a very good idea and has gone to the municipality directly on an emergency management issue. All it has done is create confusion within the system, because emergency management is a four-pillared system. It only works if everybody knows who's who in the zoo and how it plays out.

There's some real value to keeping federal legislation talking about the federal perspective.

**Mr. Dave MacKenzie:** Thank you very much.

My last question deals again with the bill itself and the concern about the protection of information.

**Dr. Young:** I think you indicated some concerns about that area back in the SARS period. Are you satisfied that the bill has the right balance now—from your perspective, and also from the nuclear and provincial perspectives?

**Mr. Jim Young:** When we went out and talked to the energy and other sectors about proprietary information, when we did our critical infrastructure tour across Canada, we heard from everybody, everywhere, that there has to be a sharing of information. But we can't share information if there's no protection of the proprietary part of the information.

When I'm in the United States—and I moderated a two-day energy industry panel—it's the same issue: you have to be able to protect proprietary information. Otherwise we're not prepared to give it to government; we're not prepared to work with them. Of course then we're doing the job with our hands tied behind our backs.

The flip side is that there are exceptional times when, for public safety reasons, some of that information, whether confidential or proprietary, has to be released. During SARS, certain people's medical conditions had to be discussed publicly, because we can't explain to people what we're doing and why we're doing it if we can't admit that someone has the illness. How we do studies and how we share that information had to be done.

Similarly, during the power blackout, we suspended the energy free market in North America. Then we could go to each operator and say, who is operating? Who is going to be back at what capacity? Then we made that information public. With the release of the information, we could say, this is why we're suggesting today that 50% of industry can operate, or 40% of industry. Also, this is why we're making the decisions we're making. That gave credibility

to our actions. As soon as we could possibly reinstate the private market, we did, and we stopped giving out that information.

This bill really understands the balance, and it protects and allows for public dissemination. Both are very important principles.

• (1045)

**Mr. Ken Pereira:** To add to what Dr. Young said, there's another aspect we're conscious about, and that is security. The release of some information might give rise to other threats, so besides proprietary information and privacy issues, we'd also be concerned about security issues.

**Mr. Dave MacKenzie:** Does the bill does provide that balance?

**Mr. Ken Pereira:** Yes.

**Mr. Dave MacKenzie:** Your thoughts, Mr. Sanderson.

**Mr. Chuck Sanderson:** It's a huge issue and always an issue at the provincial level, even down to the local level. In dealing with health issues, we have to be cognizant of protecting people's information, but at what cost to public safety?

Ambulance services use separate and distinct communication systems, because they don't dare accidentally let out some person's personal history, but the police and fire entities aren't able to connect with or talk to them. Somewhere along the line, this results in poor service to the public. So we have to be cognizant of this and try to work around it.

**Mr. Dave MacKenzie:** Thank you, Chair.

**The Chair:** Okay, thank you very much. We do not have any more questions.

I'd like to thank our witnesses very much. You've given us valuable information. We appreciate the time you've taken to be with us.

That brings us to the end of this meeting. Our witnesses are excused. Thank you very much, gentlemen.

We have a very short item of business to take care of.

This was the last of our hearings, and we will move to clause-by-clause, which is scheduled for our regular meeting on Tuesday, November 21. Next week we have a break week, so I would like to see if we could agree to set a deadline for the amendments to be in by 11 a.m. Monday, November 20. I forgot to mention, in both official languages, please. Get them translated and get them into the clerk of the committee. Are there any problems with that?

This meeting stands adjourned.





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