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Tuesday, August 19, 2008

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Chair

Mr. James Bezan

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•(0810)

[English]

The Chair (Mr. James Bezan (Selkirk—Interlake, CPC)): I call this meeting to order.

We are continuing with our study on the Canadian Food Inspection Agency's strategic review document. This is meeting number 44. We had a late night last night and we're going to continue with our witnesses this morning, whom we're welcoming to the table.

From the Professional Institute of the Public Service of Canada, we have Michèle Demers, who is the president; and Chris Roberts, a research officer.

With that, I'll turn it over to you for your opening comments.

Mr. Easter.

Hon. Wayne Easter (Malpeque, Lib.): Mr. Chair, before we start with witnesses, I don't know if everybody is aware, but the minister issued a press statement last night attacking the opposition parties for basically doing their job. I don't know whether we want to challenge the minister to the Speaker or not, but it was a fairly brutal press release, going after me personally. I don't mind that; it doesn't bother me much. If you fire a stone into a pig pen and hear a squeal, you know you've hit something.

But the fact of the matter is that we, as an agriculture committee, are doing our job. It was reported, and a scientist was fired for it, that there is a secret document on major cutbacks to CFIA that we believe could endanger our food security system and that is in fact something the committee ought to look into. So I just want to put on the record that I'm not exactly impressed with the minister's press release.

In his press release as well, he does mention the impact of carbon taxes. There is a document from Environment Canada, entitled *Turning the Corner*, that clearly mentions the \$65-per-tonne carbon tax that the Conservative government is going to implement in secret, and not be open and transparent about, as Mr. Dion has been. I wonder if it's possible for us to ask the clerk to get a copy of that document talking about the Government of Canada's \$65-a-tonne carbon tax, and distribute it to committee members.

The Chair: Okay, I don't see a problem with that, since it's on our work schedule anyway. The committee will be studying the carbon tax in the fall session, so it falls in line with the work schedule that we've already committed to.

Are there any comments?

Mr. Storseth.

•(0815)

Mr. Brian Storseth (Westlock—St. Paul, CPC): Thank you very much, Mr. Chair.

I do have a copy of the minister's press release, and it's far from brutal, especially as it sets the record straight on the Liberal press release that Mr. Easter signed off on, which basically called our food inspection agency a game of Russian roulette. It was really quite inappropriate, and I hope that after the committee meetings of yesterday and today, maybe Mr. Easter will find it within himself to apologize to the CFIA and the minister for those quite inappropriate comments he made in his own press release.

The Chair: Mr. Komarnicki.

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): I just have a quick comment.

I was at the meeting yesterday hearing from the CFIA. Many of the allegations made by the member from Malpeque simply have no basis in fact, and the witness was quite clear to point that out in a number of points in his testimony. I think it's fair to say that many of the items attributed to the CFIA and on food safety were absolutely incorrect and that the testimony of the officials showed it was quite the opposite. So I'm quite surprised that the member would raise this, given the fact that he made statements that just didn't bear out with reality and the facts as they are on the ground. I think the officials were quite clear in stating that food safety was a primary consideration and was enhanced by the actions that were taken, which were not negative.

So the member is trying to give a false impression to the public that just does not square with reality.

The Chair: Are there any other comments?

Mr. Dewar.

Mr. Paul Dewar (Ottawa Centre, NDP): I did read with interest the press release of the minister. I just have to say, for the record, Mr. Chair, that after hearing from the Canadian Food Inspection Agency, which I listened to carefully, and after asking them about their plans or changes, they indeed confirmed that the changes were being implemented. But when I asked for specific details on how they're being implemented, they couldn't give me an answer, Mr. Chair. I don't think it's outrageous to say that these are dangerous plans afoot when you don't even have the details from the people who implement them.

So the minister can say whatever he wants, but Canadians will judge us and this government for their pathway to changing and deregulating food safety in this country. So for the record, from what we heard from the Canadian Food Inspection Agency yesterday, there was not a lot of detail about the direction in which we're going. There are a lot of concerns from this side about the unanswered questions, and hopefully we'll find out more today.

Thank you.

The Chair: Mr. St. Amand.

Mr. Lloyd St. Amand (Brant, Lib.): The best defence is a good offence, Mr. Chair, as has been proven by this government time and time again. I find it quite troubling that the minister would have the time to issue a press release commenting on the workings of this committee halfway through our session but would not take the time to comply with the order of the committee to release the report. He should have taken his time last night to provide us with the report and complied with the committee's motion—which passed—rather than issuing a press release halfway through the game.

The Chair: It's my understanding that the press release and statement from the minister were put out yesterday afternoon before we met—or about halfway through the game.

Are there any other comments you guys need to put on the record so you can do your press releases? Nothing? Okay, let's turn it over to our witnesses, then.

Madame Demers, if you'll kick us off, keep it under 10 minutes, please.

[*Translation*]

Ms. Michèle Demers (President, Professional Institute of the Public Service of Canada): Thank you, Mr. Chairman and distinguished members of this committee.

On behalf of the Professional Institute of the Public Service of Canada, I am very pleased to be called upon to appear before you this morning, despite the short notice I received for that purpose.

I listened to the audio recording of yesterday's meeting. The question under study by the committee yesterday and today is extremely important. You have a critical role to play in reviewing the processes and food safety in Canada. Regardless of your party, you have all been elected to represent and defend the interests of Canadians. What happened after a secret document—which I have read—was sent to the union by a union steward must be a major concern for both politicians and the public, which is the direct client of the Canadian Food Inspection Agency.

Mr. Luc Pomerleau was dismissed for doing his job. The Canadian government hires scientists to issue opinions and analyze all matters pertaining, in the case of the Canadian Food Inspection Agency, to safety of the food in this country and the food we export. The document in question, which was issued in November 2007 and was secret at the time because it was to be announced in the February 2008 budget, was sent to the union because it had been negligently left in the computer system of the Canadian Food Inspection Agency, to obtain opinions and advice on the impact of what was proposed regarding the jobs and safety of Canadians.

Canadians, on every occasion, demand that the government be transparent and accountable.

● (0820)

[*English*]

I'm asking the members of this committee not to take my word for the contents of the document and the impact of the document, not to take Brian Evans' word for the contents of the document. Get the document and see for yourselves. It's your responsibility. You cannot make a judgment call on the impact of these changes at CFIA without seeing first-hand the details of this document that leads towards deregulation, privatization, and delegation to industry of the responsibility for food inspection.

It is not industry's mandate to monitor the safety of the foods in this country; it is the Canadian Food Inspection Agency's mandate. It is your role, as the government of this country and as the elected officials of this country, to ensure that the food is safe and to ensure that what I'm saying and what Brian Evans said is cohesive, true, and valid.

With the fact that these changes are being qualified and portrayed as being forward-thinking, modernizing food inspection processes, and improving the security of the systems that are in place at CFIA, if that is the case, why is there such a fear to go public with the document? Why is there such resistance to making it public, long after it has been announced through the budget speech last February? We're now in mid-August, and this document is still secret or is supposed to be secret.

We've been accused of fear-mongering because of statements that have been made in the press and the media. You know that scientists are everything but fear-mongers. They base their decisions, their analyses, and their recommendations on facts, and they are the antithesis of fear-mongering. That is not the essence of scientists,

[*Translation*]

to spread panic. Pardon me, I'm forgetting my English. Their purpose is critical and essential. It is extremely important that you understand that the scientists of the Canadian Food Inspection Agency—with whom you should speak, moreover—are experts in this field. It is they who deliver the food safety programs.

After what happened to Luc Pomerleau, there should be iron-clad security for these people to agree to come and outline to you the problems they are facing, whether it be a lack of resources and equipment or the direction the agency intends to take, based on this document, in order to delegate more of its powers to a third party.

We will help the committee as much as possible, in the context of its proceedings, by suggesting witnesses and preparing a proper brief, as we are used to doing, which will contain the arguments that we want to advance. However, we need more time. We hope we will be called upon to appear again to give more detailed information on our concerns in this saga, which has repercussions not only for Luc Pomerleau and his family, but also for the Canadian public, the credibility of the Canadian government and the Canadian Food Inspection Agency.

In the few minutes left to me, I would like to turn the floor over to Chris Roberts, who will talk to you about the European and American food inspection models, compared to what we do and to the trend that has been emerging in Canada in recent years.

• (0825)

[English]

Mr. Chris Roberts (Research Officer, Professional Institute of the Public Service of Canada): Thank you to the committee for inviting us here today.

I commend the decision of the committee to inquire into the goings-on at CFIA and the state of the food safety system in Canada. I encourage you to seek out the document in question, and I encourage you in your deliberations to hear from the scientists and regulatory professionals who have been telling the institute for many years about their concerns for their capacity to do their work and live up to the expectations placed on them as public service employees serving the public good.

I'm not going to take a lot of time to explore food systems abroad. I simply want to point to the irony that the direction suggested in this recent CFIA document, the direction that Canada is headed in, comes at a time when the United States is emerging from a long experiment in industry self-regulation and minimal government oversight, not just in the area of food safety but, in fact, consumer product safety as well. There have been recent efforts to strengthen dramatically the capacity and authority of the federal government in the United States to act on behalf of the interests of consumers, whether in regard to toys or food and drugs.

Speaking of the Food and Drug Administration alone, between 1994 and 2008 the agency lost over 1,300 employees and nearly \$300 million in appropriations to inflation. The agency's field inspection force suffered in particular in the area of food. In 1973, the FDA undertook nearly 35,000 food inspections; by 2006, that number had dropped to under 8,000. This was as the share of imported food, drugs, and medical devices soared. At the same time, the number of import inspectors had plunged, from 530 in 2003, to under 400 just three years later.

Just recently, last year, a former FDA associate commissioner admitted that, as he put it, "The FDA has so few resources, all it can do is target high-risk things, give a pass to everything else and hope it is okay."

Importantly, for our purposes, the FDA's own science board pointed out that the FDA had lost the scientific capacity to fulfill its mission because the workforce didn't have the resources and the means to undertake its work. It had recruitment and retention challenges, and there was inadequate funding for professional development and the like.

In the wake of some recent food-borne illness outbreaks in the United States in spinach and in jalapeno peppers and tomatoes, sickening more than a thousand people across 41 or 42 states, Congress has moved to introduce legislation—and I'll speak to the FDA in particular—to reinject \$775 million to strengthen food safety efforts, including increasing the number of inspections and addressing their food traceability system, which is generally agreed to be in disrepair.

I'll just leave it there and entertain any questions that the committee might have.

• (0830)

The Chair: Thank you.

We'll open up to a seven-minute round.

Mr. Easter, you have the floor.

Hon. Wayne Easter: Thank you, Mr. Chair.

Thank you, folks, for coming on short notice and for being as direct as you can be before a committee. We certainly express our thanks to you for that, and to the scientist, who we certainly hope gets his job back, because he did the public a service by indicating there was a secret document.

We did pass a motion yesterday at this committee requesting the document from the Government of Canada, but it does seem, according to the chair's comments yesterday, that there is concern that we might still be denied it. But certainly the committee has passed a motion, and we will see whether we're denied by the Government of Canada what should now be public information.

I want to make it clear in the beginning that our concern about this document and what might take place at the CFIA is not with the CFIA itself. You've heard the comments from the government members; they do a tremendous job to try to make it look like we're attacking the regulatory authority. We're not; we're expressing our concerns about a government whose Prime Minister is really a Prime Minister in charge of governing but doesn't believe in government, and who believes in taking away many of the national authorities of the federal government and decentralizing and deregulating and turning everything over to the provinces and markets. So this document, in our view, fits his mould. So we're concerned and the questions we're expressing are for the people who direct and allocate funding to the CFIA, that is, the Government of Canada.

To the so-called document, I take from what you said, Ms. Demers, that when we heard from the CFIA yesterday...they're in a funny position in which they can't really answer any of our questions because they can't talk about the document. They didn't deny there was a secret document. So their answers mainly went to the past, to past budgets, and not to future directions. We understand that.

My question specifically to you is, does this now alleged secret document exist, and have you seen it?

Ms. Michèle Demers: As I said in my opening comments, I did see the document; I read the document, and I gave the document back to the CFIA when I realized it was a secret document. But I did read it, and I am very concerned about its contents. I understand that the CFIA officials who were here yesterday could not speak to it because they would be turfed in the same way as Luc Pomerleau was turfed if they spoke to it. So they're in a catch-22 situation: they can't speak on the document or on its contents, but they can't turf me.

● (0835)

Hon. Wayne Easter: We know they're pretty good at turfing people who are doing their job—the nuclear regulatory authority, and they're attacking Elections Canada, etc. So they can't turf you, and you did make a few comments about what was in the document: deregulation and transferring responsibility to industry.

Can you specifically state any other issues that you're concerned about that were in that document so that we can investigate further?

Ms. Michèle Demers: As I said, I think you should have the document in front of you, but there were references to seed certification; there were references to diminishing the direct meat inspection and conveying that responsibility to industry; there were a number of initiatives with respect to ceasing the financial incentives to cattle farmers for the sampling of cattle in the BSE program; and there were a number of other issues. It was a multi-page document.

What was most disturbing, I think, was the covering letter by Wayne Wouters, which stated approval for the proposals of the CFIA for the modification of their processes, but which also stated very clearly, please defer the implementation because of the severe communication risks associated with it, and please work in close cooperation with the Treasury Board and the Privy Council in establishing your communication plan.

So, you know—

Hon. Wayne Easter: So from what you've seen in the document, this secret document obviously supported by the current Government of Canada, do you believe there are implications on, one, our international reputation abroad in terms of food safety, and two, directly to food safety of Canadians?

Ms. Michèle Demers: In my layperson's read on this, I would answer yes. I am not a scientist. I understand that people who work in industry are not necessarily scientists and they are not there to monitor the safety of the food but to make a profit. I do not want to diminish the role of industry, but I think the mandate of the CFIA cannot be diluted and we cannot move towards this type of deregulation without some kind of impact on the safety.

What all this means is that the scientists, the veterinarians, the biologists, the chemists, the people who work at CFIA, will have more the role of auditors versus the role of actual inspectors, and they will do spot-check controls versus more in-depth monitoring. That will apply to the labels and to the inspection processes and all that.

As I said, I'm not a scientist, but what I read and what I heard from the members that I represent, over and over again, is that the direction the CFIA is taking will allow them to continue to do crisis management—that is, there will have to be an outbreak of some kind somewhere for them to intervene, and that's where they will focus their energies. On the rest, they're going to hope that everything is okay and that everything stays still, because that's where they're intending to go.

Is this a purely financial, fiscal initiative? Is it motivated by the fact that they have to have economies of scale in their processes and their operations? I don't know. If it is the case, it's a sorry state of affairs.

● (0840)

The Chair: Thank you. Your time has expired.

In interest of time and being fair to all members, we want to make sure that we keep our questions and answers fairly brief so that everybody can get their chance at the table.

With that, I'll turn it over to Monsieur Bellavance.

[*Translation*]

Mr. André Bellavance (Richmond—Arthabaska, BQ): Thank you, Mr. Chairman.

Thank you for your testimony. It must not have been easy to come and testify on such short notice, but the situation demands that you assist us at least in understanding this matter which has arisen in recent months.

If there had not been any controversy following what was discussed in the context of the inspection system review, the document in question would very soon have been made public, no one would have been dismissed and we would not be here today to discuss it. There is probably something fishy here since the agency and the government feel compelled to say that people from the opposition are trying to establish a regime of terror.

It is an old reflex of governments, particularly of the Conservative government—Mr. Easter mentioned this—to shoot the messenger the moment a controversy arises. Yesterday, the agency people said that what came out in the media was full of falsehoods and that an employee had been dismissed for informing not the public, but his union, that a document was circulating, to which he moreover had access. He didn't break open a filing cabinet or safe to take the documentation and make it public. He had access to a document and he informed his union that changes might be occurring within the agency. In dismissing him, it was the government that introduced a regime of terror.

You are right to say that we were unable to obtain all the information yesterday because the people who testified were employees. Obviously, from the moment they say something, they have a sword of Damocles over their heads. They know the fate that was reserved for one of their co-workers. The best way to muzzle people is to make them lose their jobs. That's what's being done. To mitigate all these consequences, Mr. Pomerleau should first be reinstated in his duties, then the review of the plan and priorities should be disclosed.

Ms. Demers, you said you had examined the document and heard the testimony of Mr. Evans. I asked Mr. Evans what parts of the plan had circulated in the media, enumerating a few of them for him. We then witnessed some figure skating, even though it's the summer Olympic Games that are currently taking place.

I don't know what you can tell us. Whatever the case may be, feel free to tell us what you can. Based on what you read in the plan, even though you are not a scientist, was there any question of delegating responsibilities to the industry, of recovering 5% of the agency's operating budget and cancelling assistance to producers for BSE, mad cow disease? We're talking about recovering \$24 million over three years. It was also apparently mentioned that inspectors would henceforth play a general oversight role and that the industry would verify everything pertaining to food safety. These are points that were reported over the summer. Are we right to be concerned? Do these points appear in the plan that was tabled in November 2007?

Ms. Michèle Demers: All these points appear in the document in question, which also contains a spreadsheet showing how many millions of dollars would be saved if such and such a thing were done. That's the proposal that was sent to Cabinet for approval, together with the bottom line, the savings that would be realized. This is the document that was approved in November, according to the letter from the Secretary of the Treasury Board, Mr. Wayne Wouters.

• (0845)

Mr. André Bellavance: That was the problem yesterday: it was said that there were no changes. We're talking about the past. That's the difference.

Ms. Michèle Demers: You have to be careful. There were no changes because the brakes were put on after there was a leak and information was published in the newspapers. So these people have to be extremely careful and prepare their spin. The intention from the outset was to adopt a communications plan and strategy that would reassure the public. With regard to the changes that are about to be implemented, Mr. Evans says this is an improvement to the system, that it will improve safety and the processes implemented will be better. You'll allow me to doubt that.

Mr. André Bellavance: Mr. Roberts spoke about it briefly. In the United States, the private sector more precisely handles food inspection and food safety. Playing with people's health in this manner is not an example we should follow. When there were some recalls recently—I mentioned this yesterday in committee—the vast majority concerned foods from the United States. I don't want to accuse the Americans of anything, but there is likely an inspection problem.

The Americans are not currently as well protected as we are. I don't think that this example, where ground beef, spinach, tomatoes and cantaloupes from the United States were very recently the subject of recalls, is the right one to follow. The idea isn't to scare Canadians and Quebeckers by telling them that implementing a plan could lead us to adopt this procedure. We're not scaring them: we're warning them that the government appears to be taking this path, that it's not a good idea and that we want them to know.

[English]

Mr. Chris Roberts: If I may, I'll respond very quickly to this one.

It's interesting that the most recently reported comparative analysis of national food safety systems around the world rated Canada as superior. But the author of that study recently said, in an op-ed article responding to the outbreak of salmonella in tomatoes in

the United States, that a similar nightmare could very well occur in Canada. He said that not enough was being done to ensure consumer protection. Because of the integrated food chain and the deficiencies in the traceability system, he made recommendations about improving Canada's food safety system as well.

The Chair: Thank you. The time has expired.

Mr. Storseth, you have the floor.

Mr. Brian Storseth: Thank you very much, Mr. Chair.

I'd like to thank the witnesses for coming forward today.

Ms. Demers, you are the president of the Professional Institute of the Public Service of Canada, is that correct?

Ms. Michèle Demers: That's correct.

Mr. Brian Storseth: Your educational background is what?

Ms. Michèle Demers: I'm a social worker.

Mr. Brian Storseth: You're a social worker. So you're not a scientist—as you've said—as Mr. Evans is, who has spent much time in the field. Your specialty, actually, is coming to meetings such as this and defending your representatives, your union employees. Is that correct?

Would that be a fair assessment?

Ms. Michèle Demers: I am elected to represent the interests of 55,000 members, a good chunk of whom are scientists.

Mr. Brian Storseth: And you're elected to defend their interests in cases such as this, correct?

Ms. Michèle Demers: Yes.

Mr. Brian Storseth: You talk about the leak and how it put everything on ice and stopped everything from happening. I'd just like to ask this, and maybe you can refresh my mind when it comes to the timeframe of this. When the opposition members quizzed Mr. Evans yesterday, he continually said to them that nothing has happened and that we can refer back to the latest budget. This isn't really something of the past; this is the budget that is now ongoing.

The leak happened how long ago?

Ms. Michèle Demers: In May.

Mr. Brian Storseth: And the employee was fired when?

• (0850)

Ms. Michèle Demers: July 4.

Mr. Brian Storseth: And the media reports have been around for what time?

Ms. Michèle Demers: Following that, and on the same day.

Mr. Brian Storseth: So they were all well after budget 2008?

Ms. Michèle Demers: Absolutely.

Mr. Brian Storseth: So then I think it's a little erroneous to assume that the government did its budgetary process.... Your timelines just don't seem to mesh with how things have happened and how the government has somehow changed this with a massive conspiracy. But let me move on to the next question.

Public employees, would you agree, have a fiduciary duty to their employers, especially when it comes to the terms of secret documents?

Ms. Michèle Demers: They have a duty of loyalty to their employer. Yes.

Mr. Brian Storseth: Would it not be reasonable to expect under a review process, which every department is subjected to ever four years, that there would be thousands of such policy documents out there that would all be confidential?

Ms. Michèle Demers: I don't know.

Mr. Brian Storseth: It seems reasonable to assume that, though, doesn't it?

Ms. Michèle Demers: Well, there are 17 to 20 departments and agencies that are subjected to the strategic review yearly, so thousands, I think, would be an overstatement.

Mr. Brian Storseth: But regardless, there are a large number of these documents out there, and many, if not the majority, don't get enacted. I think that's also a reasonable assumption to make.

Ms. Michèle Demers: May I respond?

Mr. Brian Storseth: Yes.

Ms. Michèle Demers: It is a reasonable assumption to make, except that all the cuts or reallocations are not necessarily in regulatory agencies that have specific mandates.

Mr. Brian Storseth: Do you have proof that cuts were made to CFIA in budget 2008? The last number I saw, actually, was a \$62 million increase, and there was an increase in hard numbers of 200 inspectors over the last two years.

Ms. Michèle Demers: They are reallocating resources to functions other than that of inspection. So the bottom line is that more money is coming in from the government to reallocate to different ways of doing things. But in the context of the document we were talking about, it means modifying significantly the way food inspection is being conducted and food labelling is being done, and—

Mr. Brian Storseth: I don't mean to interrupt, but we only have a limited amount of time. Are you speaking on behalf of your extensive experience as a scientist, or—

Ms. Michèle Demers: I'm talking of the extreme exposure I've had to many of my members, who have repeatedly come to me, as experts, with these concerns.

Mr. Brian Storseth: Thank you. I wanted to give you a chance to answer that, because Mr. Evans, who was here yesterday and does have experience with CFIA since its inception, has repeatedly denied all the accusations made by the opposition—

Hon. Carolyn Bennett (St. Paul's, Lib.): No, he did not.

The Chair: Order.

Mr. Brian Storseth: —and I think it's important that we get that on the record.

I'd also like to ask you another question. When an employee—

Hon. Wayne Easter: Mr. Chair, I have a point of order. Mr. Evans did not deny. He didn't confirm or deny a secret document.

What you said is wrong.

The Chair: You don't have a point or order; that is debate.

Mr. Storseth.

Mr. Brian Storseth: Thank you very much.

When an employee is terminated for something—for example, there's a big conspiracy, as we saw under the formal Liberal government—they often apply for things such as whistle-blower protection. That is legislation we now have in this country. Would that be a reasonable route for an employee to go if they found there was corruption, scandal, or mismanagement?

Ms. Michèle Demers: This employee who was brutally fired was not blowing the whistle. He was sending a document not to a journalist, to the public, to the integrity officer; he was sending a document to his union for advice. He's a shop steward, by the way.

Mr. Brian Storseth: This is a secret cabinet document.

Hon. Carolyn Bennett: No, it wasn't marked as that.

The Chair: Order.

You can answer the question.

Ms. Michèle Demers: What's your question?

Mr. Brian Storseth: This is a secret cabinet document you're talking about. This isn't just something that walked across his desk and he decided he wanted to look into further. This was a secret cabinet document, as all these hundreds, if not thousands, of documents out of 17 departments would be.

And there's a reason they are secret. There's a reason that cabinet has responsibility and a right to see these documents and judge their validity. And the members of the opposition realize this.

An hon. member: Bernier.

The Chair: Order.

An hon. member: Bernier.

Hon. Carolyn Bennett: [*Inaudible—Editor*]

Mr. Larry Miller: Take some anger management training, Carolyn.

The Chair: Order, Mr. Miller.

Mr. Brian Storseth: The opposition doesn't like these questions because they've been embarrassed by them for two days now.

When you reviewed these documents, did you share any of the information or the contents, or did anybody in your office share the contents of these documents, with any of the opposition parties?

● (0855)

Ms. Michèle Demers: No.

Mr. Brian Storseth: No?

Ms. Michèle Demers: No.

Mr. Brian Storseth: When Mr. Easter contacted you to make sure you're available to come, you never took the opportunity to make sure they were aware of any of the—

Ms. Michèle Demers: Mr. Easter didn't contact me; it was the clerk who contacted my communications person to see if I was available today.

Mr. Brian Storseth: Thank you very much.

We'll have to make sure we check our blues with Mr. Easter's blues from yesterday.

Now I want to get back to the whistle-blower protection. So you don't feel this would be a case in which the whistle-blower legislation would come into play?

Ms. Michèle Demers: Not at all, because this man did not blow the whistle; this man asked his union for advice.

The Chair: Thank you, Mr. Storseth.

Mr. Dewar.

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

Thank you to our guests for appearing today on short notice.

I want to go back to the document in question. I just have to say, as a member of Parliament, how frustrating it is that you're able to read it but not disseminate it, that members of the media have had access to it, yet the people who are responsible for representing the interests of Canadians, for food security, for the path forward, haven't been able to look at this information.

I might add, as you have stated in your opening comments, that this was a document prepared for budget 2008. We established that yesterday, admitted by the government that that's what it was for. The actual implementation apparently has happened. Yesterday I questioned Canadian Food Inspection Agency representatives—and I'll get to that in a second.

So the question, I guess, is, why is the government fearful of releasing the document, which has already apparently been implemented? I just want to share my frustration as a member of Parliament that we are not allowed access to a document that we hear from the government and hear from the officials is something that has already been put in place.

I say that because yesterday, when I asked officials, they confirmed that in the areas that you enumerated there had been changes put in place. The problem for me was when I asked that they show me what those changes in detail are so that as a consumer I can find out from my government exactly what has changed and what processes have been put in place for food security and safety, and they couldn't state anything.

First of all, they said this was just a change in direction, and all the good stuff, that they were just making modernization changes, and so on. But when I asked for details specifically on meat safety, they said, on one hand, "We've made the changes," and on the other hand, "There's no detail."

So I ask the government to throw the curtains back and show us what's going on, because from my impression, what we've seen—and all we can do is glean from what we've seen in the media and based on what people have stated—is that we really are going in the direction of putting the fox in charge of the hens. I think Canadians deserve better, and I don't know why this government wants to hide behind a document that has already been apparently implemented.

So I just want to ask you, Madame Demers, if in the document that you read you believe there is anything that would undermine, any breach of secrecy in terms of what has already been implemented as we know, and would it be in the public interest for members of Parliament to have access to this document?

Ms. Michèle Demers: I certainly think it would be in the public interest for the people around this table to have access to this document in order to have an enlightened discussion and give direction to the Government of Canada.

I just want to qualify some of what you said, Mr. Dewar, in that I don't know that any of the changes that are in the document have been implemented already. Changes have been occurring over the years at CFIA in modifying the way they do their business, and we've been alerted to those changes time after time by veterinarians and by other scientists. These particular changes that were in this document that I read I don't believe have been implemented yet, which is why they are so secretive about it. I find it difficult that a government that is so vocal on accountability, openness, and transparency would not want to have this document made public and people understand the implications and the ramifications of it.

We don't have to go back very far in looking at experiences of governments that have delegated to industry some oversight roles. You only have to look back at Walkerton and see what happened there. We don't want that for Canadians. Nobody wants that. Canadians don't want that. You don't want that as politicians. I'm sure the CFIA doesn't want that, and I wouldn't put the blame on CFIA. They are being tasked and told to find efficiencies and to do business otherwise. That's what they're recommending and the government is approving.

● (0900)

Mr. Chris Roberts: A lot of euphemisms have been used, such as modernization. Yesterday I heard the expenditure review process referred to as investing in food safety—reallocations instead of cuts. The reason the strategic expenditure review process is such a concern is because of the way in which the cost savings are to be achieved, or proposed to be achieved. The fact is that program areas are being cut in the reallocation process.

If you believe that the transition from a hands-on inspection model to an audit-based verification system is the way to go, with strong government oversight and penalties attached to inspections and penalties to ensure compliance, then you have to believe there will still be a strong government role to enforce the self-regulation.

It's precisely the concerns around government's ability to even play that role that's an issue.

Mr. Paul Dewar: I have a very quick question. I want to ask either of you if you've been able to read the report that was done by Treasury Board, because I don't believe this is a one-off. I think this divesting government from food regulation is something that will be done in other areas.

I simply want to know if you've read the report that was done and released by Treasury Board on June 6, 2008, which was an independent panel of experts looking at how the federal government can transfer its responsibilities, government laboratories, to the private sector. And if you have, what do you think the implications are, in general, for the regulation of not only food safety but for other areas? I don't know if the committee has looked at that report.

Mr. Chris Roberts: I'll speak to that very quickly.

I think they're extremely serious. The panel heard 56 or 58 proposals to transfer non-regulatory laboratories from the federal government to universities or the private sector, and they said every one of them is worth acting on, or nearly complete. It's clear that there have been five early candidates identified, but this is the beginning.

The important thing for a regulatory agency is that it's well understood in the scientific community and in government that non-regulatory science is critical to the regulatory capacity of government. So divesting and dismantling the government scientific capacity, which our members tell us over and over again is going on in non-regulatory areas, will affect the regulatory capacity.

The Chair: Thank you very much. Your time has expired.

We're going to start five-minute rounds.

Mr. Boshcoff, you have the floor.

Mr. Ken Boshcoff (Thunder Bay—Rainy River, Lib.): Thank you very much.

I hope you would agree that the role of government is to protect people. And recently there was legislation, Bill C-2, the Federal Accountability Act, which would protect employees who came forward with information they deemed to be in the public good.

I was part of the group in 2004 and 2005 on government operations and estimates that produced the first whistle-blower act. So my question is, if a person has this protection and then comes forward in good conscience, why would he or she still be fired? Let's deal with that quickly, if you can.

● (0905)

Ms. Michèle Demers: I don't think the situation that Mr. Pomerleau has faced is covered by the whistle-blower legislation, because he didn't blow the whistle; he asked his union for advice. This was not an attempt at blowing the whistle on CFIA. This was, "Hey guys, look at this. What do we do? What are the impacts of this

document, and are there any workforce adjustment potentials here? And how should the institute react to this?"

So what we did was to bring it for consultation at CFIA.

Mr. Ken Boshcoff: In another vein then, by firing and muzzling public servants and keeping them from trying to find out the truth and keeping these documents secret, are we jeopardizing public safety? There is information here, and I guess the question would be, how will the public ever know?

You can start there, but the corollary to that, of course, is why wouldn't the minister simply provide this information, and why is he making us go through such enormous hoops and take so long?

Ms. Michèle Demers: I'll answer your question with a question. Why would this public service hire subject matter experts to conduct the operations and deliver the programs of the public service if those people are muzzled and can't speak out? What happened to freedom of speech?

Mr. Ken Boshcoff: Your members, and the department itself, have been facing a concern, in growing unanimity, from farmers who are concerned about the regulatory regime they face. They accept that, but they have a great deal of problem with imported products that do not face the same inspections on safety. We have no idea of what types of ground things are grown in, whether they're adding formaldehyde and those types of things.

Without knowing what this document said, the public safety concern is, how will we ever know if our farmers are actually on a level playing field if the stuff they have to compete against doesn't follow the same rules?

Ms. Michèle Demers: I can't answer that question; I don't have an answer for that.

I think there is a lot that needs to be made public with respect to the proposals of the CFIA that were approved by the Treasury Board. Without all of you having that document in front of you to make a determination on what the next steps are and without hearing witnesses about the implications of the changes that are proposed, you can't do your work on that particular topic.

Mr. Ken Boshcoff: If any of those professionals, specialists, scientists, analysts, or chemists were to come to this committee and answer these questions in terms of the impact of this report—and hopefully we'll have that report in the next couple of hours, as I'm sure the minister will reveal it—would they be subject to dismissal?

Ms. Michèle Demers: They would never come without the absolute guarantee that they will not be terminated if they speak out and answer your questions honestly, as the professionals they are.

Mr. Ken Boshcoff: From a public service standpoint then, how can someone do their job for public safety if they're always under the fear of the guillotine if they step out of line?

Ms. Michèle Demers: They do their best.

Mr. Ken Boshcoff: Thank you.

The Chair: Thank you very much. The time has expired.

Mr. Miller, the floor is yours, for five minutes.

Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC): I thank the witnesses for coming here today.

Dr. Evans talked to us yesterday and answered questions. I urge you to read the blues of the meeting when you get a chance; I don't know whether they're released yet today. He basically refuted anything and every question that the opposition had, so I really urge you to read that. One thing he told us yesterday was that strategic reviews happen all the time; they're common.

Going back to Mr. Storseth's question—actually, it was even before that—you admitted in your comments, Ms. Demers, that it was a secret document. That would tell me right off the bat that you recognized that and realized it should never have been released by that employee, even to the union.

Who else read that document when you had it? You indicated that you sent it back to CFIA. Who else read it? Did you or anyone else, Mr. Pomerleau or anybody else, make a copy?

• (0910)

Ms. Michèle Demers: I read the document, and the document—

Mr. Larry Miller: I realize that. Did you make any copies?

Ms. Michèle Demers: No.

Mr. Larry Miller: Did anyone else make any copies?

Ms. Michèle Demers: I don't think anybody made copies. I instructed everyone who received an electronic copy.... And that would have been the members—

Mr. Larry Miller: Electronic copies?

Ms. Michèle Demers: Yes.

Mr. Larry Miller: That means everybody there would have it. That's good enough on that note.

Ms. Michèle Demers: Could I specify what I was starting to say, so you understand?

Mr. Larry Miller: Okay, if you're brief about it, because it's my time.

Ms. Michèle Demers: The electronic copy was sent to the members of the veterinary medicine group executive and the scientific and analytical group.

Mr. Larry Miller: How many people would that be?

Ms. Michèle Demers: That would be about 20 people.

Mr. Larry Miller: Okay, so copies of this document definitely were made, indirectly or directly.

One thing you also said earlier was that it's your goal to defend your members. That's part of your job and that's what you're doing here today. Would it be fair to say that no matter what any of your members do, it's your job or obligation to defend them? And that would be whether they stole in the workplace, had poor work habits, or leaked confidential documents. Would that be a fair assessment, that your job is to defend them, basically, no matter what they do? Yes or no?

Ms. Michèle Demers: My fair assessment would be that I represent professionals—

Mr. Larry Miller: So that is a yes, then?

Ms. Michèle Demers: —who have a code of ethics that they like to follow.

Mr. Larry Miller: So is the answer yes or no?

Ms. Michèle Demers: The answer is that I sort of wear two hats. I represent the professional standards of the people I represent, and I also represent them from a labour relations perspective.

Mr. Larry Miller: So is the answer to my question yes or no?

Ms. Michèle Demers: What was the question again?

Mr. Larry Miller: Do you defend them, basically, no matter what they do? It is your obligation to defend these people, your members.

Ms. Michèle Demers: It is my responsibility to defend them. We don't defend all cases, but that's the role.

Mr. Larry Miller: You don't? Give me some examples where you don't, then.

Ms. Michèle Demers: There are some cases where we have conversations with members and say, "Look, we cannot in all honesty defend this."

Mr. Larry Miller: Thank you.

Ms. Michèle Demers: That does happen.

Mr. Larry Miller: These are two yes or no questions. Do you have any evidence—

Some hon. members: Oh, oh!

Mr. Larry Miller: Mr. Chairman, I have only so much time, and these are easy questions.

Do you have any evidence that cabinet has dealt with this issue since November 2007?

Ms. Michèle Demers: That cabinet has dealt with this?

Mr. Larry Miller: Yes, that it has dealt with this issue since November 2007, yes or no?

Hon. Wayne Easter: Mr. Chair, I have a point of order.

The Chair: It had better be a point of order. If it's a point of debate, I'm not going to take it.

Hon. Wayne Easter: It's not a point of debate. I think, Mr. Chair, the witnesses should be informed by you that they have the right to answer as they see fit and not be badgered into giving an answer by any MP on this committee, me or any other.

The Chair: I do take part of that into consideration. We do want witnesses to be utmost with their answers to questions. We don't want to be badgering them. We always like to make sure that we conduct ourselves in the greatest of decorum here, to each other and also to our witnesses, and afford them that respect.

So, Mr. Miller, if you could....

Mr. Larry Miller: Mr. Chairman, I certainly do respect the fact that they're there. I think I have the right as a questioner to have straight answers, and if there's more detail needed and a reason...and there was just a minute ago in a case, and we got that. But in most cases it's yes or no.

So going back to my question, do you have evidence that cabinet has dealt with this issue since November 2007, yes or no?

An hon. member: Or "I don't know".

Ms. Michèle Demers: I don't know.

Mr. Larry Miller: Certainly.

An hon. member: Give her a third option.

Mr. Wayne Easter: [*Inaudible—Editor*]

• (0915)

The Chair: Let the witness respond, please.

Mr. Larry Miller: Are you leading the witness? Are you a lawyer, Lloyd?

Ms. Michèle Demers: The only thing I saw is the letter that's dated November 7.

Mr. Larry Miller: Is it yes or no, ma'am?

Ms. Michèle Demers: I'm not going to answer your question.

Mr. Larry Miller: Okay, very good.

Did you see a document that was going to cabinet for approval or coming back from cabinet approved?

Ms. Michèle Demers: Yes.

Mr. Larry Miller: It is my understanding that documents going to cabinet are approved by Treasury Board before they're sent to cabinet, so even though you saw a cover page from Mr. Wouters at Treasury Board, cabinet still had to make up it's mind, and it did by giving \$60 million more to CFIA. Is that a bad thing?

The Chair: Let me interrupt for a minute, because this came up in the point of order raised by Mr. Easter.

I'm going back to chapter 20 of Marleau and Montpetit. This is quite different from when we have public servants appearing before the committee, which we had yesterday. It reads:

There are no specific rules governing the nature of questions which may be put to witnesses appearing before committees, beyond the general requirement of relevance to the issue before the committee. Witnesses must answer all questions which the committee puts to them. A witness may object to a question asked by an individual committee member. However, if the committee agrees that the question be put to the witness, he or she is obliged to reply. Members have been urged to display the "appropriate courtesy and fairness" when questioning witnesses.

Nevertheless, a witness who refuses to answer questions may be reported to the House.

So that is the rule applying to witnesses other than public servants.

Mr. Dewar, on this point of order.

Mr. Paul Dewar: Yes, on a point of clarification, is it also—and I haven't had a chance to read up on my Marleau and Montpetit on this point—that we should have committee members pose their own questions, that no questions should be submitted from another source? In other words, did Mr. Miller write that question, and is this a question coming from Mr. Miller or is this from someone else?

The Chair: I don't think that is relevant. Often we have a committee put together their own list from the researcher, and analysts as well.

On a point of order, Mr. Storseth.

Mr. Brian Storseth: Thank you very much.

That is absolutely insulting. If Mr. Dewar didn't have the NFU's talking points, the NDP wouldn't know what to say when it comes to agriculture issues.

The Chair: That's the National Farmers Union, for your information, Mr. Dewar.

Regardless of the source of questions, we always want the appropriate decorum here. I do demand that we have decorum at this meeting, unlike some other committees, and sometimes with what happens in the House of Commons. I do ask that everybody respect that.

Mr. Miller, I'm going to give you 30 seconds to finish off your round.

Mr. Larry Miller: I do take offence to Mr. Dewar's comments. But if I got spanked as bad as he and the rest of the opposition did yesterday, I'd have been putting a lot of Ozonol on last night. I guess he's still stinging from that.

Ms. Demers, if you couldn't answer whether putting \$60 more million into CFIA was a good thing, can you respond as to whether putting it in and increasing inspectors by 200 was a bad thing?

Ms. Michèle Demers: Do I have to answer with a yes or no?

Mr. Larry Miller: No, no. Give some detail, if you'd care to.

Ms. Michèle Demers: Thank you very much.

I believe that adding money and positions to CFIA is a good thing. What is questionable is where that money is going and what types of functions are being done away with that are critical to the mandate of CFIA versus other functions or tasks that CFIA may want to prioritize.

Mr. Larry Miller: I thought you were in union management as a representative for the unions—

Ms. Michèle Demers: I'm a quick learner.

Mr. Larry Miller: —not in a place to make decisions on where money is allocated in CFIA. That was something I just learned. I didn't realize that.

Ms. Michèle Demers: Well, you asked my opinion, and I gave you my opinion.

Mr. Larry Miller: I didn't ask for your opinion at all.

The Chair: Mr. Miller, your time has expired.

Madame Thi Lac, cinq minutes, s'il vous plaît.

[Translation]

Mrs. Ève-Mary Thaï Thi Lac (Saint-Hyacinthe—Bagot, BQ): Good morning. Thank you for coming to testify this morning despite the lack of time you have had to prepare. It's very much appreciated.

You've largely answered the questions that concerned me. I'm talking here about the consequences and effects that the implementation of certain measures you saw in the secret document would have had on the public. My colleague Mr. Bellavance summed up my thinking well, that the climate of terror established by the government is not necessarily the one he describes, but rather the one that the employees of your agency have to suffer if they think they have to comply with a rule of silence and fear losing their jobs should they happen across a document. Incidentally, the document in question here was filed in a negligent manner. Mr. Bellavance emphasized the fact that the document was not stolen, taken. That's an important fact. I also want to emphasize that I think your role is very important and that you're doing a good job with the members of your institute.

You know that there are agency offices in my riding. Yesterday, I saw in the brief that there would be no job losses. I asked whether job losses could consist of position cuts at certain locations or of relocations, in the case of certain employees. In my riding, Saint-Hyacinthe—Bagot, if there were position cuts or those positions were offered to unionized workers from another province, for example, there would be consequences. It's been said that there will be no job losses. Do you believe that position relocations can take place or rather that every person working at the agency can expect to see his or her job maintained in its present form?

● (0920)

Ms. Michèle Demers: I can't give a categorical answer to the kind of question you're asking, but I can tell you, by consulting the document as it is written, that it is impossible for that not to have an impact on jobs. Will the people be assigned to other duties? Will they be relocated? As no details on the implementation of the changes were made public, everything is possible, but we can't comment on the specific impact that will have.

What we're asking of the Canadian Food Inspection Agency is that it tell us what impact this will have on the members we represent. The new Public Service Modernization Act requires that the bargaining agents be consulted in the case of any reorganization, restructuring or measure that can affect the day-to-day work of the employees we represent. That's the only thing we ask of the agency,

but, as everything is being done in secret, in the context of this matter in particular, the doors are closed and nothing is getting out.

Mrs. Ève-Mary Thaï Thi Lac: I'm going to share my time with Mr. Bellavance. He has other questions.

Mr. André Bellavance: It's quite ironic to hear committee members, since yesterday, blame an employee who, as I said earlier, stole nothing and committed no computer offence to disclose secrets. He simply informed his union of what might happen to his colleagues, that is to the members of your institute, and of the major impact that this plan could have on people's safety and health. It is ironic to think that the people of this government have dismissed the President of the Canadian Nuclear Safety Commission and the President of the Canadian Wheat Board because they did not think like they do, but that, in the case of the Minister of Foreign Affairs, who lost documents and displayed utter negligence, they said those matters concerned his private life. It is quite ironic to hear that a scientist should be blamed and singled out, when, on the contrary, he should be congratulated for doing what he did.

What I'm asking of this government is that it reinstate Mr. Pomerleau in his duties as soon as possible because he did absolutely nothing wrong. He displayed transparency toward his union and his colleagues.

[English]

The Chair: Time has expired.

Madam Demers, do you wish to respond at all to that? I'll give you time for a brief response.

● (0925)

[Translation]

Ms. Michèle Demers: Throughout this entire matter, from what I heard in the testimony yesterday, I wonder who is asking himself questions about the handling of this document. Who is questioning the manner in which it was determined that it was confidential? I saw the document. The only mention of confidentiality it contained appears on page 1 of the letter from Wayne Wouters. That was not the case on page 2 or in the rest of the document. On the other hand, there were handwritten "c.c." notations to all kinds of people within the agency. Do you handle a confidential document by placing a half-erased stamp in the right-hand corner of the first page? Do you leave an allegedly highly confidential document in a computer system accessible to everyone? If it was so important that the document be confidential, who was at fault in this case?

[English]

The Chair: Mr. Komarnicki.

Mr. Ed Komarnicki: Thank you, Mr. Chair.

Ms. Demers, you certainly have expressed an opinion on a number of matters. Your responsibilities are to obviously represent the public service, but you've expressed opinions on public policy, including what this committee should have before it and the role of the committee. I want you to know, as a member of Parliament and a committee member, I reserve that right unto myself, notwithstanding your opinion.

Now, with respect to the document in question, all members of the public service are required to undergo a security clearance before they're employed, is that not correct?

Ms. Michèle Demers: That is correct.

Mr. Ed Komarnicki: And part of that security clearance requires them to sign a statutory declaration. You're aware of that. Is it not true?

Ms. Michèle Demers: Uh-huh.

Mr. Ed Komarnicki: And part of that statutory declaration requires that they maintain the public trust and, specifically, deal with matters of confidence. Is that not true?

Ms. Michèle Demers: Uh-huh.

Mr. Ed Komarnicki: And they are not to release, without appropriate authority, any of those types of documents without authorization. Is that true?

Ms. Michèle Demers: That's true.

Mr. Ed Komarnicki: And that an unauthorized release could potentially infringe various acts, such as the Security of Information Act, the Access to Information Act, the Privacy Act, and other acts of Parliament, as well as government security policy or the oath of secrecy. You're aware of that.

Ms. Michèle Demers: Uh-huh.

Mr. Ed Komarnicki: So when you have a document like that and you have an understanding that you signed, in writing, when you see a document that is marked in any way confidential, you know it's a serious matter to deal or release that document without authorization.

Ms. Michèle Demers: If you see that it's a confidential document, yes.

Mr. Ed Komarnicki: Yes. I thought I heard you say that the document had marked on it "Confidential". Did it or did it not?

Ms. Michèle Demers: It did, but you had to pay really close attention to see it.

Mr. Ed Komarnicki: But you saw it.

Ms. Michèle Demers: I did.

Mr. Ed Komarnicki: Do you have any security clearances yourself that you signed saying that you too are obligated by these types of protocols?

Ms. Michèle Demers: Well, I did when I was working for the public service.

Mr. Ed Komarnicki: Yes. So you're quite familiar, when you see something marked "Confidential", that there's a reason and a purpose to that. Is that not true?

Ms. Michèle Demers: Uh-huh.

Mr. Ed Komarnicki: And that you must then speak to the appropriate authority, and in this case it would be your employer. Is that not true?

Ms. Michèle Demers: Yes.

Mr. Ed Komarnicki: So you would expect the person who gets a document that's confidential, and marked as such, to bring it to the attention of the employer, not someone else. Is that not true?

Ms. Michèle Demers: Uh-huh.

Mr. Ed Komarnicki: Now, you would also be aware that any internal documents that are confidential are on a secure network drive and not easily accessible. Are you aware of that?

Hon. Wayne Easter: We learned that lesson, Ed, with Bernier.

The Chair: Order.

Mr. Ed Komarnicki: Are you aware of that?

Ms. Michèle Demers: Could you repeat that, please?

Mr. Ed Komarnicki: Secured documents are on a secure network; they're not easily obtained from the computer.

Ms. Michèle Demers: Well, they're supposed to be in a secure network, but obviously this was not the case here.

Mr. Ed Komarnicki: Now, when you saw the thing marked "Confidential", and you know what employees sign when they get the job—

Ms. Michèle Demers: Uh-huh.

Mr. Ed Komarnicki: —and they have the security clearance...and you yourself signed that. When you saw the confidential note on that document, why didn't you take it to the employer? Why did you read it?

Ms. Michèle Demers: Because—

Mr. Ed Komarnicki: Well, you knew that confidential documents meant confidential, didn't you?

Ms. Michèle Demers: Yes, but it was not appropriately marked as per your own policies on the marking of confidential documents.

Mr. Ed Komarnicki: The point I'm making is that you saw the fact that the word "Confidential" was on it, and you knew the implications of that, didn't you?

Ms. Michèle Demers: I did.

Mr. Ed Komarnicki: And knowing the implications of that, you chose to read it anyway?

Ms. Michèle Demers: I chose to read it and I chose to bring it back to the employer and discuss it. That's what I chose to do.

Mr. Ed Komarnicki: And you're suggesting that somehow it was left lying around on the table.

Ms. Michèle Demers: No, I'm not. I'm suggesting that it was left on the server of the agency's network system.

• (0930)

Mr. Ed Komarnicki: I thought your words—and I've got them marked here—were that they were left lying around on the table.

Ms. Michèle Demers: I never said that.

Mr. Ed Komarnicki: You never said that?

Ms. Michèle Demers: No.

Mr. Ed Komarnicki: Well, I'll check the blues.

Ms. Michèle Demers: Check the blues.

Mr. Ed Komarnicki: You're saying it wasn't left around on the table, it was left on the network?

Ms. Michèle Demers: That's where Luc Pomerleau found it, on the server.

Mr. Ed Komarnicki: So how did he get it to your attention?

Ms. Michèle Demers: He sent it to me electronically.

Mr. Ed Komarnicki: He sent it to you electronically.

Ms. Michèle Demers: That's right.

Mr. Ed Komarnicki: And you took that document that you saw the word "Confidential" on and distributed it electronically further.

Ms. Michèle Demers: That's right.

Mr. Ed Komarnicki: And you did that notwithstanding what you knew about the security protocols that exist in the agency.

Ms. Michèle Demers: That's right.

Mr. Ed Komarnicki: A clear breach, and you, as the president of the public servants, chose to breach that security notwithstanding.

Ms. Michèle Demers: No, I chose to discuss it with the employer, because of the implications that were evident.

Mr. Ed Komarnicki: The point is that you circulated that electronically to other members without authorization.

Ms. Michèle Demers: Authorization from whom?

Mr. Ed Komarnicki: The employer.

Ms. Michèle Demers: I went back to the employer with the document.

Mr. Ed Komarnicki: Would it not be a dangerous practice to have people circulate confidential material and write about it in public while they're in the employ of the public service?

Ms. Michèle Demers: Who did that?

Mr. Ed Komarnicki: I'm asking you the question whether, as a matter of protocol, that is something that would be a dangerous practice.

Ms. Michèle Demers: I couldn't answer that question.

Mr. Ed Komarnicki: You would agree with me that there are reasons for security clearances, would you not?

Ms. Michèle Demers: I would agree with you, absolutely.

Mr. Ed Komarnicki: Because there are matters of security at very initial discussion stages that must be respected by everyone, including you—

Ms. Michèle Demers: Uh-huh.

Mr. Ed Komarnicki: —and that a breach is a serious matter—

Ms. Michèle Demers: Uh-huh.

Mr. Ed Komarnicki: —and there are consequences to that breach. Is that true?

Ms. Michèle Demers: I don't know.

Mr. Ed Komarnicki: There are internal processes. If a member of your employee public service has an issue, there are places he or she can go to deal with matters that concern them, is there not?

Ms. Michèle Demers: I told this committee earlier that the purpose of sending this document to the union was not to blow the whistle; it was to ask for advice.

Mr. Ed Komarnicki: The protocol doesn't provide for that, does it?

Mr. Chris Roberts: May I respond?

Mr. Ed Komarnicki: I'm asking Ms. Demers to respond.

Ms. Michèle Demers: I did respond already. I told you that I took the document. It had implications. Who protects the public?

Mr. Ed Komarnicki: It is not your responsibility to take care of public security matters. It's a matter for others, and it should be left to those people.

Ms. Michèle Demers: I speak on a regular basis on matters of public security.

The Chair: On a point of order, Mr. Easter.

Hon. Wayne Easter: I have an e-mail from parliamentary services relating to this committee.

An hon. member: [*Inaudible—Editor*]

Hon. Wayne Easter: No, we're not talking about classified documents; we're talking about confidential documents, but this has nothing to do with that, Dean. Sorry for the interruption.

Mr. Chair, it says:

Thank you for your e-mail regarding the Agriculture Standing Committee that is currently in session. Unfortunately due to technical problems we will not be able to broadcast this meeting today. We apologize for the problems in not being able to provide the live feed.

Mr. Chair, that is fairly serious. I don't think it's your fault, and it probably isn't the fault of the technical people either. It's a glitch in the system. But it should be noted that this committee is not being broadcast live while we have the union here.

We need to clarify if there will be a written transcript of the meeting.

The Chair: We'll still have the minutes and the blues to be circulated.

An hon. member: Is there an audio record?

The Chair: The meeting is being recorded. There will be an audio record that we'll be able to put into the system to access at a later date.

The transcripts are coming off the recording from this meeting. We'll look at getting this audio tape posted as well, so that people can access it when it's available.

Mr. Miller, on the same point of order?

• (0935)

Mr. Larry Miller: It's not on the same one.

I regret that we weren't able to televise this either, but we can't control the technical problems.

The Chair: We're not even being broadcast on the Internet.

Hon. Wayne Easter: We're not being televised, Larry. It's just the audio that's going.

Mr. Larry Miller: Fair enough.

The point of order, Mr. Chair, was that just before the end of Mr. Komarnicki's questions, two or three of the questions Ms. Demers answered were with an "uh-huh". I just want it for the record, as it may not have been picked up for the tape, that this meant yes.

Could I have that confirmed? I believe she did it twice or three times. I just want to confirm that was a yes.

The Chair: That's not a point of order.

I'll ask for a clarification, that "uh-huh" means yes.

Ms. Michèle Demers: I apologize. In the future I'll say yes.

Hon. Wayne Easter: On another point of order, I think what we see here is the fear that government members are trying to instill in witnesses before this committee.

Speak out, and speak publicly. We appreciate that.

The Chair: That's not a point of order.

I'll tell witnesses that because you are appearing before a parliamentary committee you are protected. You have parliamentary privilege while you're at committee. You are expected to exercise judgment and restraint in representing your personal views at committee, but we do ask that you answer the questions with your fullest intent.

And for your information, the broadcast is within the parliamentary precinct. We're not getting broadcast outside of the parliamentary system at this point in time.

Madam Bennett, you have the floor.

Hon. Carolyn Bennett: First, Mr. Roberts, you wanted to add to Madam Demers' answer.

Mr. Chris Roberts: Thank you.

Very quickly, the issue of the specific details of this case are being discussed, debated, and deliberated in the appropriate context: the grievance and arbitration process. What brings us here is the larger public interest issue surrounding the substance, not the specifics of Mr. Pomerleau's case.

That's all I wanted to say.

Hon. Carolyn Bennett: Thank you.

Madame Demers, in the spring you came to visit with a number of members of Parliament on the Hill to express your concern, as you had said in your remarks, about your scientists and the people you represent being worried about the capacity of the agency and other places to be able to fulfill, as I think you said today, the expectations

of Canadians in maintaining what we all know has been, until now, the safest system in the world.

Also, having been at a meeting in Washington where a representative of the FDA very frankly said to us that he only had the capacity to inspect 1% of the products coming into his country, and I think, as our colleague Monsieur Bellavance said yesterday, the problems we have in Canada seem to have pretty well come from a situation that moved to a way of self-regulation or to an audit-based verification system instead of actually direct inspection.

Unlike my colleague Mr. Komarnicki, I would like your advice as to who you think we should call before this committee in terms of what scientists would be able to speak and what scientists would not be able to speak, as we heard yesterday. Who could give us the best possible assessment of the risk that could be placed in terms of the health of Canadians if these changes that have been articulated in the secret document take place in the future?

I think as we heard clearly yesterday, people were able to look at us and say there have been no cuts. But this document was laying out a plan to change the total system in Canada to one that has already proved to be a bad experiment in the United States of America.

So I would like to know, Madame Demers, what your scientists are saying in terms of the capacity now to do their job as it is, and what they are also saying in terms of their ability—it sounded like one-armed paperhangers—to do what they believe Canadians want them to do.

The letter from Wayne Wouters seems to be very important, as well as the secret document. Is there any way you could find those documents and table them at our committee while we seem to be waiting for the government to do that?

• (0940)

Ms. Michèle Demers: I'll answer your second question first.

I do not have the document. I returned the copy of the document I had, along with all of the e-mails of the 20 people who received the document electronically, confirming thereby that the document had been deleted from the systems and/or shredded, because that's what I asked them to do.

I brought all of this information to Carole Swan at the CFIA as a gesture of good faith, to say, look, we realize this document is sensitive; therefore, this is what we have done in order to control the dissemination of the document, and nobody has gone public with it; nobody has done anything with it.

So I can't give you a copy of the document. The agency could, and the government could, but not me.

The other question was with respect to the concerns of the scientists I represent, who have, for a good number of years, raised a flag about the dilution of their roles. The example they gave to me was of the meat certification processes, whereby instead of their having hands-on monitoring of meats that are exported, they have to monitor from a distance and approve the meats on paper; it's like their ticking a box for what somebody else has certified. You should ask for the minutes of the labour management committee meetings at the CFIA, where the veterinarians repeatedly said, we will refuse to do export certifications if we continue to not have a hands-on approach certifying these products as safe. That's been a long-standing issue with the veterinarians. That's one issue.

With the gas stunning of the birds, there was an issue in Halifax or Dartmouth a year or so ago, where they introduced a new process, and they couldn't guarantee that no dead birds made it into the food process. So the institute raised a stink and went to see the manager. I personally went to see them and said, this does not make sense; if there is a risk that one dead bird makes it into the food chain, there could be serious ramifications. I'm not a scientist, but I represent the professional interests of the veterinarians who raised that issue with me. They did a whole turnaround within a couple of weeks to redo this process so that it would be safer.

You know, I'm like the watchdog. I'm not supposed to be the watchdog for CFIA; they're supposed to have people there who are telling them, and they're supposed to listen to their experts, when issues come forward that have risks for food safety.

So there are all kinds of things happening for efficiency purposes and changing the way inspection is being done, regardless of the document and what is being proposed to further this direction that has been implemented already.

The Chair: Thank you very much. The time has expired.

Mr. Del Mastro.

Mr. Dean Del Mastro (Peterborough, CPC): Thank you, Mr. Chair.

Ms. Demers, maybe you could complete the following statement for me: "Every public servant explicitly and formally agrees to maintain a public trust by signing a security declaration. However, as they may see fit, they may broadcast an e-mail of a confidential document to those who they feel appropriate, subject to the following circumstances."

Could you complete that form? When should they override that and send out a broadcast e-mail of a confidential document that would be acceptable? Can you give me some conditions where that would be a good idea?

Hon. Carolyn Bennett: A broadcast e-mail?

Mr. Dean Del Mastro: That's what we've heard witness of, Ms. Bennett.

Ms. Michèle Demers: As Mr. Roberts stated earlier about the fact that all of the circumstances around this are being discussed and represented in front of the Public Service Staff Relations Board in defence of Mr. Pomerleau, I don't think this is the appropriate forum to discuss this.

●(0945)

Mr. Dean Del Mastro: Okay, so you can't really complete that. Therefore, they should always maintain the public trust and follow their agreement, subject to the security declaration. I think that's what I just heard from you.

Additionally, if the document says "Confidential" on the cover page only, if I tear that cover page off, should I therefore assume that everything behind that is no longer confidential? Or if it says "Confidential" on a folder and I dump everything out of the folder, can I therefore assume that everything that fell out of the folder is no longer confidential?

Ms. Michèle Demers: I think the process and policy are that each page has to be marked confidential in order for a document to be appropriately marked.

The document in question wasn't even marked at all. It was just the cover page of the Treasury Board letter that was marked confidential.

Mr. Dean Del Mastro: Right.

I guess there are a couple of things I'd note, Mr. Chair.

Obviously we've heard that there was a confidential document disseminated to various individuals. I'd like to know, did you provide a copy of that to Mr. Easter, or have you had discussions with Mr. Easter? Has anybody in your organization had discussions with him about that?

Ms. Michèle Demers: I met Mr. Easter for the first time in my life this morning when he walked in and I was here already.

Mr. Dean Del Mastro: So when he indicated that he'd had discussions with the Professional Institute of the Public Service of Canada, it wouldn't be accurate?

Ms. Michèle Demers: Well, it could have been someone in my organization, but not me.

Hon. Wayne Easter: On a point of order, go back to the record and you will see that what I stated was that my office had discussions with people at PIPSC to see if they would be able to come to today's meeting. So go to the record instead of trying to fear-monger.

The Chair: That's not a point of order, but we'll definitely check on that.

Mr. Del Mastro.

Mr. Dean Del Mastro: So neither you nor anybody in your office further disseminated that document to, say, Mr. Easter or other members of the opposition?

Ms. Michèle Demers: Absolutely not.

Mr. Dean Del Mastro: So if they have it, you didn't send it to them?

Ms. Michèle Demers: I didn't, for sure.

Mr. Dean Del Mastro: Okay.

Mr. Chair, I'd submit that the only reason we're here today is that we have the Liberal Party trying to flog a dead horse with a carbon tax that no farmer I've met has been supportive of.

An hon. member: Get back to the topic.

Mr. Dean Del Mastro: We have Mr. Easter continuing to try to fear-monger and somehow to promote a climate change plan that has absolutely no climate change goals whatsoever. He mentioned earlier a \$65-a-tonne secret tax. Well, of course our government does not propose a tax on carbon; \$65 a tonne is an estimate of the market price on carbon. That's a lot different from a tax, which his leader is proposing.

And certainly the public comments made by Mr. Easter before agricultural producers in various fora have led me to believe that he's certainly not supportive of his leader's plan. In fact, he's trying to run away from it; hence, the smokescreen before committee today.

I have really struggled to understand how a \$62 million investment into the CFIA and the hiring of an additional 200 inspectors could be anything but a step forward, a step to further protect Canadians. And we're here for no other reason than that Mr. Easter is desperate to try to change the channel, because he hasn't had a very good reception this year from agricultural producers across Canada.

I have nothing further to say.

The Chair: Thank you, Mr. Del Mastro.

Mr. St. Amand.

Mr. Lloyd St. Amand: Thank you very much, Mr. Chair.

I sit on the natural resources committee, so for me, Mr. Chair, this is déjà vu. This is the Linda Keen story, chapter two, or the sequel to the Linda Keen story, except it's Luc Pomerleau.

On that point, Ms. Demers and Mr. Roberts, do you know Luc Pomerleau?

Ms. Michèle Demers: Absolutely.

Mr. Lloyd St. Amand: I understand that Mr. Pomerleau is a scientist with some 20 years of experience?

Ms. Michèle Demers: Yes.

Mr. Lloyd St. Amand: I understand that he's extremely well regarded as a scientist.

Ms. Michèle Demers: He is.

Mr. Lloyd St. Amand: And for how long has he worked with you?

Ms. Michèle Demers: He's been involved with the union for maybe five or six years now.

Mr. Lloyd St. Amand: Mr. Roberts, do you also know Mr. Pomerleau?

Mr. Chris Roberts: I met him recently.

● (0950)

Mr. Lloyd St. Amand: Recently.

Can you very briefly, Ms. Demers, further describe Mr. Pomerleau for us, in terms of his professional qualifications, his approach toward his job, and his overall work ethic?

Ms. Michèle Demers: Well, Mr. Pomerleau has no record of wrongdoing in the agency or in the departments he worked for prior to being with the Canadian Food Inspection Agency. He has a bachelor of science and a master's degree in public administration.

He is a very dedicated worker. He's a simple man, a family man. He has two adolescent children and he is the sole breadwinner of his family. And he is now devastated and completely demolished.

Mr. Lloyd St. Amand: He doesn't sound like an alarmist person or somebody given to overreacting.

Ms. Michèle Demers: Well, I don't know if any of you saw some of the interviews that Mr. Pomerleau gave, but it's—

Mr. Lloyd St. Amand: Mr. Roberts, if I may, you've indicated that within this November 2007 report, there were clearly identified cuts to certain program areas. Is that the case?

Mr. Chris Roberts: They do involve cuts.

Mr. Lloyd St. Amand: Okay. What program areas in particular will be cut? BSE, avian influenza?

Mr. Chris Roberts: On that, I simply rely on the published accounts. I didn't give it close enough scrutiny and my memory isn't good enough to rely on the document.

Mr. Lloyd St. Amand: But certainly your—

The Chair: You have a point of order, Mr. Storseth?

Mr. Brian Storseth: Thank you very much, Mr. Chair.

I think it should be said for the record that Mr. Evans very clearly answered that question yesterday and very clearly rejected the premise that Mr. St. Amand is putting forward.

Hon. Carolyn Bennett: I don't think that's a point of order. That's debate.

The Chair: That's debate.

I'll make the call on that.

Mr. Lloyd St. Amand: Mr. Roberts, you've clearly indicated that your view of this November 7 document led you to believe, beyond any doubt, that there are cuts to specific program areas. Is that correct?

Mr. Chris Roberts: Yes.

Mr. Lloyd St. Amand: And you've also indicated that your review of the document led you to believe that the Government of Canada, through CFIA, was going to lead the agency down a path commensurate with what the United States had done a while ago, a path that the United States is now directly shunning and has deliberately ended.

Is that fair to say?

Mr. Chris Roberts: As a non-physical scientist, but someone who works with physical scientists in the federal government and who reads about the public policy circumstances and the consequences of science and technology decisions, it is my assessment that what is set out in that proposal for strategic expenditure review is in line with the experience that we've seen in other jurisdictions, including the United States—and I say so within the context of my overall understanding of regulatory policy in Canada and where that's headed.

Mr. Lloyd St. Amand: With the ultimate concern being that the result could potentially be the compromising of Canada's food safety?

Mr. Chris Roberts: Based on my discussions with the professional regulators and the scientists working at CFIA, and based on my readings, I think that was a legitimate concern I had.

Mr. Lloyd St. Amand: And obviously Mr. Pomerleau had the same concern?

Mr. Chris Roberts: Obviously.

Mr. Lloyd St. Amand: I'll defer any remaining time to—

The Chair: You only have about 15 seconds left.

Hon. Wayne Easter: All right, he just gave us the 15 seconds.

You mentioned in the beginning, Ms. Demers, that there are other witnesses. As I think Lloyd was the last questioner, I wonder if you could table a list of names, either with us or the clerk, of who you would suggest as witnesses. We do have to find a way, whether it's in camera or other means, of protecting these people from the fear of losing their jobs. We recognize that. But if we could have a list of witnesses from you, it would be helpful for our further elaborations on this issue.

Ms. Michèle Demers: We certainly can do that.

The Chair: Thank you.

As is the practice of this committee, we have gone around and every committee member has had a chance to ask questions.

Madam Bennett.

Hon. Carolyn Bennett: I'm wondering if it would be possible for the clerk or someone to get for the committee the written protocol on “confidential”, “classified”, “secret”, “top secret”, and also what the rules are around these things. In my experience, the difference between a letter marked “confidential” and a document attached to it that is not marked “confidential” is really whether it's a classified document or not, in that all of us can send letters to one another and mark them confidential. So I would just like to have the Government of Canada's rules on this. To my mind, it is the health of Canadians I'm most worried about; but I think for the sake of Mr. Pomerleau's career, it would be important for this committee to know these rules.

• (0955)

The Chair: The analyst said that he can put that together for us and that it will be part of our briefing materials.

I have Mr. Dewar, Mr. Del Mastro, and then Mr. Komarnicki.

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

I wanted to come back to the question I put, and it was actually Mr. Roberts who responded. That was on the Treasury Board report that we established was made public. I think it was made public June 6, 2008. I wonder if the committee has had a chance to look at that document. As I established in questions to Mr. Roberts, this is a part of the direction of the government to divest itself, it seems, of regulations.

In terms of this expert panel's report, there were 56 proposals received and considered to be potential candidates for having the government divest itself of regulations, so I'm wondering if the committee has had a chance to look at it. I'll talk to my colleague about that.

The other question I had, Mr. Chair, is one that I want to establish.... I apologize in advance if this has already been confirmed, but we've requested as a committee to see the document. Is that correct?

The Chair: That was the motion yesterday, and as chair of the committee, to concentrate on the time that we'll have, I will forward that letter ASAP to the ministry asking for that document.

Mr. Paul Dewar: We don't have any timeline as to when we'll get an answer back.

The Chair: It wasn't part of the motion.

Mr. Paul Dewar: Perhaps I will table a motion to ask that the committee ask for that report as soon as possible—I was going to say 24 hours would be reasonable since it's electronic, and I think people are in their offices today—that the committee ask that the report be sent to all committee members within 24 hours. It's a matter of a couple of keystrokes in an e-mail.

An hon. member: I have a point of order.

The Chair: I've have a motion on the floor.

On a point of order, I have Mr. Storseth. It had better be a point of order.

Mr. Brian Storseth: Mr. Chair, I believe this is a new motion that requires 48 hours' notice, as we've already passed and moved on with the former motion.

I'd also like to know if Mr. Dewar has a written copy of his motion as well.

The Chair: It is the practice of this committee that all motions will be given 48 hours' notice, regardless of whether they're relevant to the subject matter at hand, unless there is unanimous consent.

I'm asking if there is unanimous consent for Mr. Dewar's motion. Is there consent?

Some hon. members: No.

The Chair: I don't have consent.

Mr. Paul Dewar: We're on this subject already.

The Chair: Right. But we do have a rule with this committee. It was a motion that was passed when we reconstituted after we prorogued, and we do have to have all motions be given 48 hours' notice.

Madam Bennett.

Mr. Paul Dewar: I'm giving 48 hours' notice.

The Chair: You're giving 48 hours' notice. Okay. We'll give 48 hours' notice, we'll check the blues, and we'll circulate that.

Hon. Carolyn Bennett: We'd like it in the record that it's the Conservatives who have opposed the committee getting this report in a timely fashion.

The Chair: On a point of order, Mr. Storseth.

Mr. Brian Storseth: This is absolutely not the case. It's the Conservatives who are trying to ensure that we have some semblance of rules and parliamentary democracy around here. The 48 hours' notice has been established several times in this committee, and even though Ms. Bennett is not familiar with this committee and doesn't know the rules of this committee, that is the rule.

The Chair: I'll go to Marleau and Montpetit under disorder and misconduct. It says:

Disorder and misconduct in a committee may arise as a result of the failure to abide by the rules and practices of a committee or to respect the authority of the Chair.

We have rules, and that's been pointed out on page 858, if you guys want to check it out.

Hon. Wayne Easter: Mr. Chair, Mr. Del Mastro was asking me who the judge was. It was the judge who ruled against the government and the Canadian Wheat Board, that the Prime Minister was violating the Charter of Rights and Freedoms as it relates to the freedom of speech of board members. That's in a Federal Court ruling.

The Chair: I have Mr. Del Mastro, who wanted the floor on a point of order, then Mr. Komarnicki, and then Mr. St. Amand.

Mr. Dean Del Mastro: Thank you, Mr. Chair.

Mr. Chair, I only want to have the record reflect that Ms. Bennett seems to be looking for a clarification of what the word "confidential" means and how confidential documents should be handled and treated by the public service. I'd like to make sure that she understands that the witnesses indicated they did understand the confidentiality of the document...hence, why they returned it and

deleted it. There was never a question as to whether or not the document was of a secure nature; it was of a confidential nature. Ms. Bennett, seemingly, would like to change the channel, but clearly the witnesses have indicated that it was a secure document and they understood it as such.

• (1000)

The Chair: Mr. Komarnicki.

Mr. Ed Komarnicki: I simply want to make the point that my note did say that Ms. Demers, in her testimony response, did use the words, "left lying around negligently on the table", I believe in reference to the document. I've asked Hansard for a copy of the exchange to be certain of that. It won't be available before we recess, but I may want to bring that before the committee because it would appear to be what I think is a contradiction. I'd like to raise it before the committee at a later date when the evidence is there.

Thank you.

The Chair: Mr. St. Amand?

Mr. Lloyd St. Amand: No.

The Chair: Okay. So I'll make sure the clerk and the analyst get all the information that has been requested out to everyone.

Madame Demers and Mr. Roberts, I do appreciate your coming in on very short notice and your availability to share with us today.

With that, I'll entertain a motion to adjourn from Mr. St. Amand and we're out of here.

This meeting is adjourned.

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