



House of Commons  
CANADA

## Standing Committee on Health

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HESA • NUMBER 019 • 3rd SESSION • 40th PARLIAMENT

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EVIDENCE

**Tuesday, June 1, 2010**

—  
**Chair**

**Mrs. Joy Smith**



## Standing Committee on Health

Tuesday, June 1, 2010

• (0905)

[English]

**The Chair (Mrs. Joy Smith (Kildonan—St. Paul, CPC)):** Members, Dr. Bennett has brought forth two motions.

Dr. Bennett, would you begin by reading them into the record and making comments? You can start with number one.

**Hon. Carolyn Bennett (St. Paul's, Lib.):** Sure, although I don't know which one is which. Do you care?

**The Chair:** No.

**Hon. Carolyn Bennett:** Whereas the Minister of Health stated in the House of Commons, with respect to consumer product safety, on November 26 that “without Bill C-6, our government does not have the authority to order a product recall when companies fail to act on safety concerns”, and that “without Bill C-6, we do not have the tools needed to protect Canadians and their families”, and on December 7, that “one death is one...too many”, I move:

That the Standing Committee on Health request that the Minister of Health immediately reintroduce comprehensive product safety legislation.

**The Chair:** Is there discussion?

Ms. Davidson.

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

I support this motion. I think it's a good motion.

We all know that Bill C-6 was before this committee. It was passed by this committee. It was passed by the House, and it got bogged down or derailed in the Senate. Other than that, it would have been legislation by now. I know that the Minister of Health certainly supports it as well and has great concerns that Bill C-6 did not pass the Senate and get royal assent.

So I support this motion. I hope we can pass it and move on.

**The Chair:** Thank you.

Ms. Murray.

**Ms. Joyce Murray (Vancouver Quadra, Lib.):** Thank you, Madam Chair.

Just for the record, the problem with this legislation passing...was not bogging down anywhere other than prorogation. It was wiped out due to prorogation, having done a time in the Senate that was completely appropriate given the complexity of the legislation.

Thank you, Madam Chair.

**The Chair:** All in favour of this motion, raise your hand.

**Hon. Carolyn Bennett:** Oh, apparently I should have said—this is just a friendly amendment—that the results of this motion be reported back to the House.

**The Chair:** Monsieur Malo.

[Translation]

**Mr. Luc Malo (Verchères—Les Patriotes, BQ):** Thank you, Madam Chair.

I don't want to hold up the work of the committee, but I just want to say that we have been waiting for this legislative measure for quite some time. You will recall that in 2006, the Auditor General had already identified a number of irregularities. We are lagging quite far behind and I'm even surprised that the government did not move right away to table this kind of draft legislation when this session got under way.

I'm pleased that all members of the committee will support the motion. Thank you.

[English]

**The Chair:** Are there any other comments?

All in favour of this motion, raise your hand.

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

**The Chair:** It is unanimous. Thank you.

Could you read your second motion, please, Dr. Bennett?

**Hon. Carolyn Bennett:** Well, in the new spirit of cooperation, if the minister is willing to appear before the parliamentary committees, we thought it would be appropriate, before we write the report on the Canadian HIV vaccine initiative, that the committee ask the Minister of Health, the Minister of Industry, and the Minister of Public Safety to appear before June 15 on the issue of the cancellation of the HIV vaccine manufacturing facility in order that the committee send back to the House a comprehensive report on this study.

**The Chair:** Ms. McLeod.

**Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC):** Thank you, Madam Chair.

I certainly have difficulties with this. We have studied this for a significant number of sessions. The minister actually referenced it when she came to do the estimates. Certainly, we have her comments on this particular issue. I can read them into the record, if we'd like to do that:

As the member is well aware, a study was commissioned by the Gates Foundation that concluded there was sufficient current vaccine capacity in North America and Europe and there was no longer a need for a facility in Canada. That study itself is one piece of the work that we're undertaking. The Government of Canada remains committed to fighting HIV and AIDS, and we will be moving forward with the Gates Foundation to identify areas we'll work together on.

It's also about ensuring that we are spending Canadian taxpayers' money in the right areas. If there is no need for a facility in Canada, then we have to make decisions to ensure we are spending Canadian taxpayers' money wisely. At the same time it's a joint partnership with Gates Foundation, and we'll continue to collaborate with the organization in terms of next steps and how we can use the investments made by the Gates Foundation and the Government of Canada to address HIV in Canada.

That was on March 16.

We have studied and have had numerous sessions. We've had Dr. Butler-Jones. We've had witnesses. We have a very busy agenda for the rest of the year. Therefore, I think it's not appropriate to use our time to continue in this vein.

● (0910)

**The Chair:** Is there any other discussion?

Monsieur Malo.

[*Translation*]

**Mr. Luc Malo:** Madam Chair, is the Minister of Health scheduled to appear once again before us, if only to discuss Supplementary Estimates (A) and, of course, other matters of interest to the committee?

[*English*]

**The Chair:** That's something I'll have to get back to you on, because we don't know. This has not come up at committee, so it will have to be discussed and decided.

Ms. Davidson.

**Mrs. Patricia Davidson:** Thank you very much, Madam Chair.

I have concerns too about how we're going to even try to get through the agenda we have before us, and Monsieur Malo has just brought up another subject, the supplementary estimates. If we have to work that in as well, it's going to be extremely difficult.

I agree with my colleague that we have had a lot of input on this subject. I think the comments we've heard have been comprehensive and have answered the questions of this committee. When we went into this study there were several misconceptions, and I think some of them have been cleared up.

I'd like to read into the record what Dr. Butler-Jones said before this committee on April 22:

As I've said before, the committee needs to pursue its processes in the most effective way possible. I've been very clear with the committee, in terms of what is known, the process, the facts of the process, and whatever else. It's been very frustrating for us in terms of the innuendo and claims of certain people saying certain things to certain other people. If someone did that in the agency it's totally inappropriate, and I would have to deal with that.

Secondly, the suggestion that any of the bidders actually crossed the bar was just wrong. Whoever said that, wherever they said it, was ill-informed and had no business saying that. And if it's somebody related to the agency or in the agency, then I'd appreciate it if someone would let me know so I can deal with that, because it is a matter of inappropriateness in my organization. If it's someone else, then let us get on with our business.

So I think we have the correct information. We have enough to finish this study, and I think we need to get on with it.

**The Chair:** Is there any further discussion on this issue?

Monsieur Malo.

[*Translation*]

**Mr. Luc Malo:** While there is not really any connection between the two, Madam Chair, I think the minister should be called before the committee before the end of June, if only to discuss a variety of issues, including Supplementary Estimates (A).

[*English*]

**The Chair:** Let's vote on this motion then.

Patrick.

**Mr. Patrick Brown (Barrie, CPC):** Madam Chair, I agree with what Mr. Malo was saying. I think it makes more sense, if you're going to have the minister, to have her for something like supplementary estimates, which is more of a natural fit than something she has already commented on.

At the same time, we all have to be aware that if we're adding in a new meeting, we should also reference what we want to take out, because it was difficult for us all to agree on a schedule that worked. So if you're talking about an arbitrary date of June 15, are we taking caffeine out? Are we taking nanotechnology out? Are we taking the Weatherill report out?

I'd like to hear what meeting we plan to cancel.

**The Chair:** We do have a very full agenda, and sometimes the reason why committees aren't effective is that they don't stick to their agenda. This can't just come up on June 1. But it's the will of the committee.

Dr. Bennett.

● (0915)

**Hon. Carolyn Bennett:** Madam Chair, we do expect some leadership from you, and the estimates is one of the primary jobs of committees. I am concerned that yet again, when it should have been presented that this would happen—in the same way as after six years we don't have any regulations on assisted reproductive technology—we have statutory requirements that we're not doing.

Estimates is the basic work of this committee. I expect the chair of the committee to make sure that these things that are absolutely imperative for us to do are put before us, and not fill the schedule with other things that do not allow us to do our primary job, which is to approve the estimates.

**The Chair:** The function of the chair is to do the will of the committee, and, Dr. Bennett, I don't remember you, at any point in time, making this request. So you can sit there this morning and badmouth the chair and be displeased, but the fact of the matter is that Mr. Brown asked you what you want to take out to put the supplementary estimates in.

Mr. Brown.

**Mr. Patrick Brown:** I'm just saying, talk about filling the schedule, four of the next five sessions we're having—I look at June 8, 15, 17, and 22—are suggestions that the Liberals had. So talk about filling schedules, are you willing to skip the session on caffeinated drinks, or are you willing to skip the Weatherill report? Are you willing to skip the session on the HIV vaccine or lessons learned?

If you talk about filling the schedule, we've been very agreeable to making sure that we address all your ideas, so I don't think it's fair to say that the chair has filled up the schedule and not made us available for supplementary estimates. I think it's a good idea to look at the supplementary estimates, but we try to work in a fashion that we get everyone's interests looked at.

**The Chair:** Dr. Bennett.

**Hon. Carolyn Bennett:** One makes decisions in a deliberative fashion with everything on the table. I think the supplementary estimates should have been on the table when we were making up this schedule. Because of the prorogation they've been clumped at us, and there are a number of problems with it.

Many other committees have extra meetings and do whatever it takes to get the work done. I think that doing the supplementary estimates must be a priority, and yes, I would be prepared to sacrifice nanotechnology.

**The Chair:** Discussion, Dr. Malo—on nanotechnology, please.

Dr. Malo, Dr. Bennett, Dr. Brown.

[*Translation*]

**Mr. Luc Malo:** I'll ask the clerk.

For which studies have witnesses already confirmed their attendance? Maybe that would help us to decide who can be bumped from the schedule?

**The Clerk of the Committee (Ms. Christine Holke David):** Obviously, we have witnesses confirmed for the 8th, for our study on caffeine. I have issued invitations for the study on nanotechnologies, but I haven't received any confirmations yet.

**Mr. Luc Malo:** I see. So then, unless I'm mistaken, we could schedule a meeting with the minister for the 10th, even if that meant pushing back the other witnesses to a later date.

**The Clerk:** I haven't received any confirmations yet with respect to our study on nanotechnologies.

[*English*]

**The Chair:** Mr. Brown and then Ms. McLeod.

Mr. Brown.

**Mr. Patrick Brown:** I appreciate Ms. Bennett's generous offer not to do the nanotechnology session, but that was the only one that we had suggested.

If you look at the five remaining sessions, four of them you suggested, and there's only one that we suggested. In the notion of fairness, I think it would be good to displace another one of the studies. Given the comments we heard from Mr. Butler-Jones, maybe we don't need to do the draft report on the HIV vaccine manufacturing facility. I'm not sure how long that's going to take, but

I don't think we should cancel the session on the potential risks and benefits of nanotechnology.

**The Chair:** Ms. McLeod.

**Mrs. Cathy McLeod:** Thank you, Madam Chair.

I also agree with the importance of having the minister for supplementary estimates. But in the spirit of how we have perhaps done things in the past and most recently, why don't we just do the bumping that we did before? It's like the four little kids in the bed and one falls off, and....

I think that would be the fair way to approach this issue.

● (0920)

**The Chair:** Dr. Bennett.

**Hon. Carolyn Bennett:** I guess my concern is that if the Conservatives feel strongly about nanotechnology, then some of the potential witnesses might have responded by now, in terms of you actually coaching them and coaxing them to accept the invitation that the committee has made. As the clerk has said, not one of those witnesses has agreed to come, and so it seems the obvious one that should be pushed out of the way.

I also think that it is such a huge issue; to think that we're going to do due diligence to anything like the risks and benefits of nanotechnology in one meeting, without any ability to report back to the House or do a report or even a letter to the minister, is, I think, not only ambitious but not possible. I think it is the obvious one.

I also think that in terms of Ms. McLeod's comments about the pushing and shoving, as long as the minister can come, we would take her on whatever day she would come and move the other ones around, eliminating nanotechnology.

**The Chair:** Ms. McLeod.

**Mrs. Cathy McLeod:** In terms of process, I think we actually are debating a motion that really has nothing to do with how this is all going to fit together. I'm wondering if we can deal with the motion of Dr. Bennett and then perhaps move into committee business.

**The Chair:** Very good. We have just one more person speaking and then we'll do that. Thank you, Ms. McLeod.

Ms. Leslie.

**Ms. Megan Leslie (Halifax, NDP):** Madam Chair, my question is actually for Dr. Bennett.

As you all know, I'm new to the committee, so I'm maybe not up to speed on understanding the urgency or non-urgency for a lot of things. But if, on June 17, consideration of the draft report about the cancellation of the HIV vaccine manufacturing facility is bumped to the fall, then I would assume there'd be enough time to have the ministers appear as per your motion.

Is this something that would work?

**The Chair:** It's the will of the committee, Ms. Leslie, and we would have to.... I think everyone's in agreement; this is the first time this has come up. It is the will of the committee, what they want to do.

If it is the will of the committee to do the supplementary estimates, the suggestion is nanotechnology, but—

**Ms. Megan Leslie:** I'm just asking Dr. Bennett what her perception is, because this is her motion. I'm just wondering if she thinks that the fall might be a better time. It's a friendly amendment to the June 15 date.

**The Chair:** So you're making a friendly amendment?

**Ms. Megan Leslie:** I'm canvassing it.

**The Chair:** You're canvassing it. Okay.

Dr. Bennett.

**Hon. Carolyn Bennett:** Well, if the minister is coming on estimates, I think one of our biggest concerns is where the money that was previously allocated for the vaccine facility is going. I think that is one of our most urgent concerns at the moment—how that money will be applied to communities or whatever.

But I have to say that doing studies and not having a report is not necessarily a good use of our time. The fact that there would be no time for a nanotechnology report at all, just one session with a few witnesses...I think it's the weakest of the sessions that we've got scheduled to date, only because, in terms of the urgency of at least hearing and making up our own minds, as parties, on the caffeinated drinks and particularly around the alcohol drinks and the recent approval of Health Canada.

For us to find out the status of the implementation of the Weatherill report, again it's something about which we as individual parties can decide whether we liked what we heard or not.

And in terms of the consideration of the report, we had a lot of sessions on the vaccine facility. So for us to look at trying to report that back before June, I think....

As well, we are always in pandemic preparedness. I believe that we should at least hear from the department as to what were their lessons learned from H1N1, if we recall what state we were in this time last year, such that, again, as parliamentarians, we know that the learning culture has been put into place.

I think that to do a proper study on nanotechnology in the fall, with maybe two or three meetings as had been originally planned, with an ability to report back, is still my first choice.

● (0925)

**The Chair:** Mr. Sweet....

Oh, I'm sorry; go ahead, Monsieur Malo. You were there first, apparently.

[*Translation*]

**Mr. Luc Malo:** Thank you, Madam Chair.

To follow up on what Dr. Bennett just said about the importance of drafting a report further to any studies conducted, I just want to point out that the committee did not produce a report after holding two meetings to consider the impact of microwaves on human

health. I had indicated that it would be important to produce a report. I assume one will not be drafted this spring, but I want our analysts to know that it would be important to have a report in hand by the fall.

[*English*]

**The Chair:** We're going off on a lot of rabbit trails this morning.

I'd like to focus back, if we could, Mr. Sweet, with your indulgence, on motion two. If the discussion is on the motion, then I will accept a question. Other than that, let's not do anything else on that area.

Mr. Sweet, is this on the motion?

**Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC):** Madam Chair, there were a number of things on the record that, as chair of another committee, I just want to clear up. I let one of them go by, but they continued.

A comment was made regarding your leadership. Supplementary estimates are deemed to be reported back to the House after a time, because for those people who want to check the estimates to see if there's an issue, and if they check them and there isn't an issue, then they're deemed reported back. I just want to be clear on that: there was no issue on your leadership. If anything, it's the leadership of those who would be interested in the supplementary estimates.

The second thing is that there are a number of committees I'm on where we have one meeting on something that a member or members have an interest in or a large concern—in this case regarding nanotechnology—where they'd like to see if there is evidence that would surface in order to justify a broad study. That again is very common.

Lastly, the other item that's disturbing is that, as Mr. Brown said, if the whole slate is filled up by other parties.... Committees are a place where everybody is supposed to work together. If there is one issue that one party wants to look at, to have that shelved for another issue lacks fairness at best.

**The Chair:** Dr. Bennett.

**Hon. Carolyn Bennett:** I do feel strongly about the ability of committees to call ministers. As you all know, I was extraordinarily disappointed that all three ministers implicated in the vaccine facility decisions refused to come.

That said, I think it would be important for the minister to come on estimates and at that time be prepared to take questions on the vaccine facility, particularly in view of the reallocation of the funds from the vaccine facility.

We can vote on this motion. I don't know what my colleagues think, but... I don't know whether it could be done at the same meeting.

What would the clerk advise?

**The Chair:** In terms of what, Dr. Bennett, inviting the minister, or...?

**Hon. Carolyn Bennett:** In this case, we would let Minister Clement and Minister Toews off for this time. We could always raise it again. I would probably withdraw the motion and support—

**Ms. Joyce Murray:** If we're doing estimates.

**Hon. Carolyn Bennett:** As long as we have an assurance that the minister will come on estimates, I would support what Monsieur Malo has moved.

**The Chair:** Well, if the committee agrees, we can send an invitation to the minister today, but her schedule is very tight; it would have to be based on whether or not she could arrive.

Ms. Davidson.

• (0930)

**Mrs. Patricia Davidson:** Thank you, Madam Chair.

I just want to correct the record on something that Dr. Bennett said. She inferred that both the Minister of Industry and the Minister of Public Safety refused to come to this committee. I believe it was more a case that they could not come on the dates given to them, not that they flatly refused to come to this committee.

I want that on the record.

**The Chair:** Dr. Bennett.

**Hon. Carolyn Bennett:** In my 13 years, if ministers cannot come on a certain date they suggest an alternate date. There was no alternate date suggested, and therefore one can only interpret that as a refusal to appear before this committee.

So I will agree to withdraw the motion, knowing that we can put it back at any time, and instead support Luc Malo's motion, suggestion, consensus of the committee, whatever it takes, to send an invitation to the Minister of Health to come to this committee on estimates.

**The Chair:** So first of all, do I have unanimous...?

Oh, I'm sorry, Mr. Brown, you had one more comment. Then I'm going to ask about the motion after that.

Mr. Brown.

**Mr. Patrick Brown:** I have just one quick comment.

Rather than suggesting a specific date that we invite the minister for supplementary estimates, we have six meetings left. Why don't we just say whenever she is available within the next six meetings and we shuffle the meetings accordingly?

**Hon. Carolyn Bennett:** That was my understanding.

**Mr. Patrick Brown:** From June 3 to June 22.

**The Chair:** Okay, but first of all I want to deal—

**Hon. Carolyn Bennett:** But it bumps nanotechnology, whenever it is.

**The Chair:** First of all, I need unanimous consent to withdraw the motion, as Dr. Bennett has suggested. Do I have unanimous consent for the motion to be withdrawn?

(Motion withdrawn)

**The Chair:** It's my understanding that we're going to make a request that the minister come on any of those dates that she's available. So I'll put it on record that—

**Hon. Carolyn Bennett:** I want it as a motion.

**The Chair:** Do you want it as a motion?

Mr. Malo, do you want to word the motion?

**Some hon. members:** Oh, oh!

**The Chair:** Can I word it for you, then? All right.

The clerk will extend an invitation to the minister to come any time she's available within the next six-week period. It would read:

That the Committee invite the Minister of Health to appear on Supplementary Estimates (A) between June 8, 2010 and June 22, 2010.

Is that agreed?

Ms. Murray.

**Ms. Joyce Murray:** I'd like to suggest that if the current subject that's being replaced is on June 10, let's invite her for that date. Let's request that she come on June 10, and if that's not possible, then another day. If we already have witnesses on other days, we don't necessarily want to bump them if the date we'd prefer is available for her.

**The Chair:** Mr. Brown.

**Mr. Patrick Brown:** First of all, I don't think we should assume that the date we're replacing is designated for nanotechnology. I know there are witnesses who will be available for nanotechnology, who have been suggested. As Mr. Sweet said, it's important to get an introduction to a topic we're interested in. But I realize that this is the only topic that has not been suggested by Ms. Bennett, so it's her preference not to deal with it.

I have been told that for the minister's presence, realistically, June 8 or June 10 would be too quick. If we're going to get her in, it would be the following week. By specifying June 10, we'd handcuff ourselves. It would be better just to say that we will accommodate the minister's schedule within our next six meetings.

**The Chair:** A lot is going to depend on the minister's schedule.

I'll read the motion again. It gives the best possibility for her to come:

That the Committee invite the Minister of Health to appear on Supplementary Estimates (A) between June 8, 2010 and June 22, 2010.

**An hon. member:** June 17.

**The Chair:** The motion states June 22.

Are there any comments? Dr. Bennett.

**Hon. Carolyn Bennett:** I believe it would be between now and June 17.

**The Chair:** Is that agreed, everybody?

(Amendment agreed to)

**The Chair:** Okay, put June 17.

So we'll read it again:

That the Committee invite the Minister of Health to appear on Supplementary Estimates (A) between June 8, 2010 and June 17, 2010.

Are you all in agreement to that? Raise your hands.

(Motion as amended agreed to)

**The Chair:** It's carried.

I want to make an announcement on the breakfast that's coming up, the drugs for rare diseases round table. I want you to know that Ms. Murray will be chairing that breakfast meeting. The format of the session is an interactive round table. It is meant to allow discussion and feedback in a more informal setting. The round table will start with short introductions from the invited guests, five minutes each. An open seating plan is proposed that intersperses participants and MPs in order to encourage an open and free-flowing discussion. So members will not sit in their normal places.

Dr. Bennett, you had your hand up.

• (0935)

**Hon. Carolyn Bennett:** I hadn't realized that the title was so specific as "drugs for rare diseases". I think a number of the witnesses will be talking about the need for radiopharmaceuticals. So it is a round table on the treatment of rare diseases and access for persons with rare diseases.

**The Chair:** Actually, the group that is organizing this breakfast gave that title.

**Hon. Carolyn Bennett:** That's fine, except we're the committee, and we've also invited other witnesses other than that organization. Jean-Luc Urbain, the patients with neuro-endocrine tumours that are not treated by drugs, they're treated by radiopharmaceuticals; they are also coming.

**The Chair:** The official title is "briefing on rare disorders", so we could use that.

**Hon. Carolyn Bennett:** That would be better.

Thank you.

**The Chair:** Is it all agreed that the title will be changed? Or we don't need agreement on that; we'll go ahead.

Let's go in camera now. We will be doing our report.

*[Proceedings continue in camera]*

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