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## Standing Committee on Health

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EVIDENCE

**Thursday, October 21, 2010**

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**Chair**

Mrs. Joy Smith



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• (1105)

[English]

**The Chair (Mrs. Joy Smith (Kildonan—St. Paul, CPC)):** I ask all members of the committee to please be seated so we can begin.

We want to welcome our minister, Leona Aglukkaq, to the committee this morning. We're just delighted that she could join us. In our first hour the minister will make her presentation. Then we'll go into two rounds of questions.

As you remember, when a minister is present the rounds are different. The Liberals will have 15 minutes, the Bloc 10, the NDP 10, and the Conservatives 10, for questions and answers during that time.

Pursuant to the order of reference of Thursday, October 7, 2010, today we will be examining Bill C-36, an act respecting the safety of consumer products.

Again I welcome you, Minister. We're very excited about your being here today, and look forward to your presentation.

Thank you.

**Hon. Leona Aglukkaq (Minister of Health):** Good morning, everyone. Thank you for inviting me back to this committee today to discuss Bill C-36, the proposed Canada Consumer Product Safety Act.

This is the second time this bill has been before this committee, and I know that my colleagues in this room are all very familiar with the details of the bill. I hope I can count on the support of all parties to get the legislation passed as quickly as possible.

We know that the previous bill received unanimous support in the House. I hope your support of this bill will continue, followed by quick approval in the Senate. In my view, Canadians should not have to wait.

Since the bill was last before the committee, we've had the opportunity to include details that offer more clarification to certain sections of the legislation. For example, the definition of "storage" has been added to the proposed legislation. These changes do not compromise the spirit of the bill, nor do they lower the level of protection it would provide to Canadians.

In reviewing the transcripts from your meetings on Tuesday, I noted some time was spent on the subject of personal information. Our government is committed to the protection of personal information, and I want to spend a few minutes on this subject as a follow-up to the Tuesday discussions.

Concerns were raised that Bill C-36 gives more protection to business information than to personal information. This is not the case. Bill C-36 sets out the limited criteria under which personal information could be shared. In addition, the government respects the provisions of the Privacy Act. The act sets out very clear limits on the collection, use, and disclosure of personal information. To make sure that the protections of the proposed act are appropriate, officials from my department have met proactively with the Office of the Privacy Commissioner. After a full review of the bill, the Office of the Privacy Commissioner confirmed in writing that the protections for personal information in the proposed act are appropriate and cause no concern. I would be happy to table the correspondence I received from her office with this committee.

On Tuesday this committee discussed an amendment that was put forward in the Senate during consideration of the predecessor of Bill C-36. Implementing this amendment would result in cases of my department having to collect more personal information than necessary in order to do our work. As a result, legal obligations may be created that the department is unable to meet. I am confident that we have taken all the necessary precautions to protect personal information and to ensure that only those details that are relevant to the nature of the incident or the danger the product poses to health and safety need be collected.

This week I participated in a press conference to draw attention to a serious concern about the use of cadmium, a highly toxic product in toys and children's jewellery. It is being used in place of lead, the product once commonly used in such trinkets. Given that young children tend to put things in their mouths, this type of exposure to cadmium can cause vomiting, diarrhea, and over time can cause liver damage, but our appeal was limited to asking industry to voluntarily take action to stop using cadmium. This is a good example of why we need to pass this important piece of legislation.

Right now the Hazardous Products Act is used to regulate consumer products. The act applies to consumer products that are specifically prohibited or regulated by the act. This limits our ability to act, because most products on the market are unregulated. The 40-year-old legislation lacks the necessary tools to address today's challenges and doesn't permit us to be on the same footing with our trading partners. It must be replaced by modernized authorities to better address the potential consumer product hazards that are brought to our attention on a daily basis.

Using the cadmium example, if Bill C-36 had already been passed, the general prohibitions could have been used to proactively respond to this issue. I compare this to our present legislation, where if voluntary action were not possible, it could have taken up to two years to change the regulations. While the United States and the European Union have the ability to order the recall of such products, in Canada we are generally limited to negotiating and gaining cooperation from companies before products are pulled from store shelves on a voluntary basis.

We know that most industry players value their reputation. We also know and respect the investments they have made in safety and customer service. We want to support those in industry who value their reputation on safety and who make it a priority to ensure their customers have the information they need to make the right product choices. But in those few cases where it falls to government to take action to protect consumers, Bill C-36 would give us the authority to do so.

Over the last year, we have spoken to many parents, stakeholders, and industry representatives, and have met with colleagues from foreign governments. We have talked about the need to respond quickly and about our shared concern for the safety of consumer products—particularly in the case of children. We also discussed our shared goal of building an improved product safety regime that is targeted, efficient, and effective. In addition, we have also worked on improving our international partnerships.

Madam Chair, I believe we should take a fair, transparent, and comprehensive approach to product safety. The issue fundamentally is one of safety. It is also an issue of consumer expectation. I would like to thank the members of this committee for making this bill a priority and ensuring that it gets the attention it needs to quickly proceed to the report stage and third reading in the House. I sincerely hope you will agree it is time we passed this important piece of legislation into law.

I would also like to take the opportunity, before we go into questions, to thank our stakeholder groups here today for their ongoing support of this bill: Robert Simonds, president of the Canadian Association of Fire Chiefs; Michel Arnold, executive director, and Anu Bose from Options Consommateurs; Pamela Fuselli, executive director of Safe Kids Canada; and John Walter, executive director of the Standards Council of Canada.

Many other stakeholder groups have also provided support for this bill, such as the Consumers' Association of Canada, Environmental Defence, Canadian Consumer Specialty Products Association, and the Canadian Pediatric Society. They are not speaking here today, but I would like to extend my thanks to them as well.

I welcome questions from the committee.

Thank you.

• (1110)

**The Chair:** Thank you, Minister Aglukkaq, for your presentation.

With the minister today from the Department of Health we have Athana Mentzelopoulos. She is from the Consumer Product Safety Directorate. And we have again with us Paul Glover, the assistant

deputy minister, Healthy Environments and Consumer Safety Branch.

We will now begin with round one. To remind you, the Liberal side will have 15 minutes.

We begin with Dr. Duncan.

**Ms. Kirsty Duncan (Etobicoke North, Lib.):** Thank you, Madam Chair, and thank you to the minister.

Thank you for addressing clauses 15 to 17 in your presentation. I would appreciate it if that correspondence could be tabled. Thank you.

I'll just go through our challenges. Both Mr. Dosanjh and I really struggled with those clauses. Clause 15 says "without the consent of the individual", and talks about a serious danger. We were told that they didn't want to address the two conditions. Clause 16 says without consent if there is an agreement to maintain confidentiality of information. Clause 17 says "without notifying the person beforehand, disclose confidential business information...that is a serious and imminent danger".

We might ask that clause 15 be amended, or at least indicate that the Privacy Act would provide some protection for the individual. I understand what the minister has said, but we'd like to see that correspondence. Ms. Labelle said last week that this can be looked at.

Minister, you are calling on manufacturers and distributors to stop marketing children's products containing the toxic chemical cadmium. This is extremely important. As you have said, it can cause damage to the liver and kidneys if ingested, and also causes nausea and diarrhea. As Health Canada says, the science is here.

I'm wondering what the maximum acceptable concentration is for cadmium, and what levels are considered to be high.

• (1115)

**The Chair:** Minister Aglukkaq.

**Hon. Leona Aglukkaq:** Thank you.

Let me start with the first issue you raised related to personal information. As I stated in my opening comments to the committee, we proactively sought out the Privacy Commissioner's input into this legislation to protect the privacy information of individuals. I will be happy to share with the committee the letter we received from the Privacy Commissioner saying she's happy with the legislation and the provisions in this legislation that support privacy. I'll give that to you.

I would also like to say that the proposed amendment that was introduced in the Senate related to privacy issues basically goes beyond what we're asking for. The proposed amendment that was introduced by the senator said to collect more unnecessary information that we need to make an informed decision on an unsafe product. So they said to collect personal information, like the individual's age, address, social insurance number, date of birth—information that we do not need to make an informed decision on an unsafe product.

The issue here is the product. So that's a concern we're struggling with, in that the Privacy Commissioner is satisfied with what we've done here, but the proposed amendment goes beyond what we need in Health Canada to make an informed decision on an unsafe product.

On the acceptable level of cadmium, I'm going to refer that to the officials to respond.

Thank you.

**The Chair:** Mr. Glover, would you like to respond to that?

**Mr. Paul Glover (Assistant Deputy Minister, Healthy Environments and Consumer Safety Branch, Department of Health):** Thank you, Madam Chair. I would be pleased to respond.

On a safe level for cadmium, I would make three fairly basic points. First, there are already regulations for cadmium where we understand that it is a necessary ingredient in a product. So it is used in some paints, and there are specific levels that already exist for that in regulation and the risk there, and for glazed ceramics. However, for children's jewellery there is no safe level that we are aware of at this time. The science has not been done. We are working with other jurisdictions to look at that specific risk, what the hazard is, and what would be an acceptable level of cadmium present in children's jewellery, given the risk of how they would use the product and its ingestion.

We're kind of surprised that it's even showing up in children's jewellery, given that it doesn't need to be there.

**Ms. Kirsty Duncan:** Thank you.

The Hazardous Products Act limits the leachable cadmium content of paints and other surface coatings on toys and other products for use by a child. I believe it's limited to 1,000 milligrams per kilogram.

**Mr. Paul Glover:** That's correct.

**Ms. Kirsty Duncan:** How does this relate to the ISO 8124-3:2010—safety of toys, part 3, migration of certain elements?

**Mr. Paul Glover:** The issue here is the level for both ceramics and surface coatings. The risk is flaking of its small particles, its dust. It tends to be an inhalation risk less than an ingestion risk, because toys are designed and our toy standards are such that they can't fit in a child's mouth. So with children's jewellery, we're worried that it often ends up in the child's mouth. They suck on it and there's a risk of ingestion. So the exposure route is different. That's why we feel uncomfortable using the surface coating standard for children's jewellery. It's very specific to the risk.

We're not alone and we won't try to answer this question alone. We're working actively with the U.S., the EU, and other jurisdictions, so if we're pushed to have to develop regulations on this, we will have a safe level.

**Ms. Kirsty Duncan:** Thank you.

The federal government has found levels of cadmium as high as 93% in some children's products. Can you explain what that means, please?

**The Chair:** Minister.

**Hon. Leona Aglukkaq:** It's very simple. It means that the jewellery is almost 100% cadmium. That's what we're finding.

And in our view it's completely unnecessary, which is why we issued the warning to industry to voluntarily stop using cadmium. That's the only recourse we have, because we have 40-year-old outdated legislation, to respond quickly.

Thank you.

**Ms. Kirsty Duncan:** Thank you.

What can you tell us about children? Are we seeing children getting sick, and what data exists?

**Mr. Paul Glover:** The short answer to that question is no, we're not seeing children getting sick. And there are two reasons for that. The first is that we don't have a provision for mandatory reporting in Bill C-36, so if there are incidents, there isn't a requirement for those to be disclosed to us, as a government, so that we could begin proactively to take action.

The second reason is our cyclical enforcement. We were actually worried about lead, and we were being very aggressive in our testing for lead, and we thought it would be prudent...because we were getting some intelligence from other international bodies that lead was being replaced by cadmium. So we're picking this up very early in its cycle. Two years ago we did not find cadmium present in children's jewellery. It's only in the last year that we've begun to see this. What we're seeing is a move away from the presence of lead to the presence of cadmium.

We're trying to address this issue before children get sick.

• (1120)

**Ms. Kirsty Duncan:** Thank you.

I believe the minister has said you'll be monitoring the marketplace in the months ahead. If things don't improve, then you will consider what further actions may be necessary to protect children, such as setting mandatory limits through the regulatory process. Is there a moral and political right to name the toys of concern?

**The Chair:** Minister.

**Hon. Leona Aglukkaq:** Currently, in order to monitor the situation, as I stated in my opening remarks, that could take up to two years with the hazardous products legislation that we have. It's so outdated that we are not able to respond. The only thing we can do to protect the health and safety of Canadians is issue advisories. That's the authority we have.

A lot has changed in 40 years. In Canada we are trading more products and so on. It's going to take a long time to respond with the current legislation. Under Bill C-36, there would be mandatory reporting mechanisms in place. So if there were incidents of that nature, consumers as well as industry would have an obligation to report them, so we would have a better picture across the country of the incidents we would be seeing.

To date we have no systems of that nature. In Canada we find out about unsafe products, whether they be cribs or strollers, from the United States.

In my view, it's very embarrassing for Canada as a country that we have such outdated legislation that we rely on a different country to provide the information to us as to what is happening in Canada. Under the United States legislation there is a mandatory requirement for products being sold, and this is why it's so important.

**Ms. Kirsty Duncan:** Minister, I asked a very specific question. Do you have the moral and political right to name the toys of concern?

**Hon. Leona Aglukkaq:** Yesterday we listed the products that we saw. If you go to the Health Canada website....

We have an obligation to protect Canadians, but we don't have the legislation to do that.

**Ms. Kirsty Duncan:** Thank you, Minister.

May I ask a question on a different topic?

**The Chair:** No. We are studying Bill C-36 today. It has to be on that topic.

**Ms. Kirsty Duncan:** Okay.

I'd like to turn it over to my colleague, Dr. Dhalla.

**The Chair:** Thank you.

**Ms. Ruby Dhalla (Brampton—Springdale, Lib.):** Thank you very much for coming.

Minister, this bill obviously has a very long history within this committee and in the Senate as well.

Some of the witnesses who had come forward—in particular, Option consommateurs, had recommended a national recall registry to put together a list that would actually identify the products that are being recalled with information to be able to help consumers.

I know even talking to my constituents in Brampton—Springdale that one day a crib is being recalled; another day a piece of jewellery is being recalled; food is being recalled. The list goes on and on. This particular bill really didn't address the recall register.

Would you be able to provide some information as to why Health Canada didn't incorporate a recall registry into Bill C-36? And do you think such a thing would be necessary to help Canadians when we are having products recalled?

**The Chair:** Minister Aglukkaq.

**Hon. Leona Aglukkaq:** Absolutely. We have, within the legislation we're proposing, mandatory recall mechanisms, and once we have that system in place we will have a registry to identify the products that have been recalled in Canada and elsewhere.

Thank you.

**Ms. Ruby Dhalla:** Do you mean this particular bill will provide for a requirement to establish a registry or that you hope to establish one?

**Hon. Leona Aglukkaq:** We don't have mandatory recall mechanism in place. With this, yes, we are hoping to establish one within the resources that we have identified to implement this legislation once it becomes law.

Thank you.

Mr. Glover can elaborate.

• (1125)

**Mr. Paul Glover:** Madam Chair, if I may, I'll complement the minister.

**The Chair:** Yes, please go ahead, Mr. Glover.

**Mr. Paul Glover:** While we don't have mandatory reporting in the current legislation, Health Canada, recognizing that consumers are interested, has a database available of all recalls that we have initiated. We also work on a voluntary basis with industry, whereby they inform us of products that they've chosen to recall on their own initiative. We put those all into one centralized database, which is available on our website. We are making best efforts in the interim to inform Canadians about products that we've recalled or that industry has chosen to recall.

In addition to that, consumers can sign up for RSS feeds and other things like that, so that they don't necessarily have to come to our website but can receive automatic updates from us on products that have been recalled.

**Ms. Ruby Dhalla:** I think the minister mentioned in her remarks that in the era of globalization we're getting a lot of products into Canada from different parts of the world. One of the concerns mentioned by some of the critics has outlined the fact that there are going to be different safety standards for imported products from those for products manufactured in Canada. Where are we, if this legislation is passed, in terms of an international realm for protecting the consumer and of having legislation? And from your perspective, is there going to be a difference between the mechanisms for safety for imported products and those made here in Canada?

**Hon. Leona Aglukkaq:** In my view, there will be no difference in that process and the mechanisms. But having said that, we have to recognize that we're dealing with legislation that is outdated now that there's a real global market in Canada. In my view, this legislation would bring us on par with other countries, such that we'd have updated legislation parallel with that of other jurisdictions that would allow us the same level playing field in trade, in monitoring, and in reporting. Currently we don't have that and we are behind other countries, chasing after this information.

Once we have legislation that is current, we'll become a part of that network of countries that shares information on unsafe products in the market and will be able to collaborate in setting standards, as Paul Glover mentioned—in terms of setting standards for cadmium, as an example. But we're not there yet. With this legislation we'll be able to do more of those types of shared networking with other countries.

I'll have Paul elaborate a bit more.

**The Chair:** Mr. Glover.

**Mr. Paul Glover:** Very briefly, Madam Chair, in response to the member's question, let me say that the other risk in the absence of this new legislation is of Canada's becoming a dumping ground for unsafe products. The U.S. and the EU have what is the equivalent of a general prohibition, which says that industry must sell safe products. In Canada, with the HPA, which is reactive, they could then say "If we can't sell this in our current country, we can try to put it into another country where they have a lesser regime", and that would then force us to react.

With the new legislation that's before you, we would be more harmonized. All products, domestically and internationally, would be treated the same. The risk right now is that we have a lesser standard.

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

We'll now go to Monsieur Dufour. You have 10 minutes.

[Translation]

**Mr. Nicolas Dufour (Repentigny, BQ):** Thank you, Madam Chair.

Thank you for being here today, Minister.

This really is paradoxical. You're telling us that it's time to pass this bill, that it has to be done quickly and that time is running out, but the government has dragged its feet. In November 2006, the Auditor General tabled a report revealing that the Government of Canada knew the risks to consumers as a result of a lack of financing. In 2007, the Bloc Québécois suggested that the minister take immediate action and tighten those safety requirements for hazardous products. In December 2007, you announced an action plan to ensure the safety of food products. One year after the auditor's report, you tabled Bill C-52, one and a half years later. Then, in September, your Prime Minister decided to call an election despite the fact, as you will recall, that there was an act providing for elections on fixed dates. In deciding to call an election, the Prime Minister automatically killed Bill C-52.

You came back and tabled Bill C-6 in January 2009, and that took us up to the prorogation that the Prime Minister requested in December 2009, as a result of which the bill was derailed again.

Minister—

[English]

**The Chair:** With all due respect, Monsieur Dufour, can we get to Bill C-36?

• (1130)

[Translation]

**Mr. Nicolas Dufour:** Madam Chair, I'm providing background—

**The Chair:** Immediately, sir.

**Mr. Nicolas Dufour:** I'm providing some background to show that it's all well and good for the government to say that the act hasn't been amended in 40 years and that that's a problem—we know there have been a lot of problems, such as toy recalls, since 2006—but every time we've wanted to work on the bill and pass it, Minister, your government, your department and the Prime Minister have engaged in obstruction. However, we do agree that the four parties were in unanimous agreement on the principles of the bill.

Questions arise at some point, Minister. I find it paradoxical that you say time is running out and that you issued a news release in 2007 to tell us that this was important, that you couldn't wait to talk to us about the bill in detail and that it was time for things to move forward. Why then didn't you seek unanimous consent in June? We held five committee meetings and did a lot of work on this matter. Why didn't your department and your government take steps to ensure that the bill would be passed quickly when there was a consensus among the political parties?

[English]

**The Chair:** Madam Minister.

**Hon. Leona Aglukkaq:** Thank you.

Thank you for your question. I'll start with the response and then go into some of our other initiatives to move forward on consumer product safety.

As the member is well aware, the health and safety of Canadians is the priority of our government. I know the member is well aware that the global economic situation has been an issue for us. Under the guidance of our government, we've been a leader in dealing with the economic recovery, and the economic recovery of our country has been a priority.

I was pleased that the bill received all-party support in the House the last time it was introduced, and I hope members will continue to support the speedy passage of this legislation; it's been a long time.

And I recognize all that you've outlined. In my view, we missed an opportunity last year before prorogation to have this bill passed in the Senate. Again I introduce it, and I'm seeking your support to move it quickly in order to protect the health and safety of Canadians.

Thank you.

[Translation]

**Mr. Nicolas Dufour:** Madam Chair, if you say I'm straying off topic by providing background to the bill, I don't see what the economic crisis has to do with it. The economic crisis is unrelated to the passage of a bill; at least that's what I think. Nevertheless, four years elapsed between the tabling of the Auditor General's report and the start of the debate on second reading of Bill C-36.

I have to wonder, Minister. I see that all the parties want to move as quickly as possible. However, we see that there has been no concrete action on the government side. I repeat, in June 2010, when Bill C-36 was introduced, you could have sought unanimous consent. The committee had already worked on it; we had been working on it for a long time. Between the end of April and June 2009, we had five meetings on Bill C-36, and the committee was unanimous; there was consent by all parties. When I'm told that this is important, that we have to move quickly...

We saw what happened with cadmium, for example. If the bill had already been passed, we could have avoided problems last year. So you can't tell me that you're taking this seriously and that you want to take all possible steps. We can see that's not the case. Not all steps have been taken, and, no, you haven't been as quick as you could have been.

[English]

**Hon. Leona Aglukkaq:** I totally disagree with that. There were some amendments that were made by Liberal senators that were very problematic and we could not move forward with them in 2009. They were problematic in a sense that they had basically put the legislation to the point where it was not workable for us. So we weren't going to move forward with that.

With those issues that were raised, again to move forward and clarify without taking authority away from the intent of the legislation, we worked through that and then clarified for the Liberal senator what was requested. The 30-day timeline is an example, the issue of storage facilities is an example, the issue of privacy, and all these things. We've been working through all of these for a long time.

I really do appreciate the House support and unanimous consent from the members to proceed to the Senate. However, when it got to the Senate, there were amendments that were very problematic for us. And again, in June, I reintroduced that legislation.

We've had other issues, like the global economic issue that the member is well aware of that is a priority for our government, as this is too.

I can't speak to what happened before my time. What I can speak to is that we are moving to address many of the concerns that are raised. And I think this is a good bill for Canada.

• (1135)

[Translation]

**Mr. Nicolas Dufour:** Thank you very much. You know, Minister, that a government can walk and chew gum at the same time. However, I understand the problem with the Senate and I entirely agree with you. That's one of the reasons why the Bloc Québécois wants to abolish it.

Let's change the subject, Minister. With regard to Bill C-36, I have certain questions about the minister's discretionary authority. I would simply like you to explain to me how a recall might be done and how you will determine that a product is hazardous. Also, what limits will you set for yourselves for recalling one product rather than another?

[English]

**Hon. Leona Aglukkaq:** The way the legislation is now written, based on a recommendation of the investigation, the research on a product, and based on evidence, a recommendation would be put forth to the minister or designate to order a recall.

We determine that a product is dangerous by starting off with the definition that's outlined in the legislation, and the definition is the danger to human health or safety. Very simply, it includes an unreasonable hazard posed by a consumer product. The reference "unreasonable hazard" is included to make it very clear that the generally accepted hazard that some consumer products pose by their very nature, such as chainsaws, power tools, or kitchen knives, is not captured by the general prohibition. As an example, a knife is meant to be sharp; it's not posed as dangerous. Products that contain lead are toxic. These are differences that are identified.

Through definition, investigations are conducted. Based on evidence, recommendations would be made whether a product should be recalled or not. In this legislation, that recommendation would go to the minister. Again, to address some of the concerns that were raised, we've clarified who has the authority to order mandatory recalls of products in this legislation.

**The Chair:** Thank you.

We'll now go to Monsieur Thibeault.

**Mr. Glenn Thibeault (Sudbury, NDP):** Thank you, Madam Chair.

Thank you Minister, for being here today.

In relation to some of the questions I was asking on Tuesday, it goes to the cadmium situation that we have in the country. I always wear the two hats right now: one is the politician and one is the father, and the father one always seems to take precedence, which is important, because my three-year-old is chewing on kids' jewellery, which I think, as every parent across the country, we worry about.

Yes, I could express my disappointment as well with the process that's happened in terms of getting this bill out and into law, but how do we ensure that all of the issues that have been brought forward by stakeholders over the last six months are being addressed? And are you confident that the concerns being brought forward by the stakeholders are being addressed?

**Hon. Leona Aglukkaq:** Thank you.

As a parent of a two-year-old as well, I can tell you that when I go to stores I shop very differently, knowing there are products that are not safe on our shelves. I always made the assumption that when I went shopping products were safe, but that's not necessarily the case.

But having said that, am I confident that the stakeholders' concerns and what not are being...? In my view, yes, I'm confident that we've been able to address the stakeholders' concerns. This legislation allows us national mandatory reporting, investigation mechanisms, mandatory recall, but it also is working with the industry. We want to work in partnership with industry. We want to make sure that industry is supported in ensuring that their products are safe, and to work together. Some of those types of concerns raised by industry were also identified, so I'm confident that this legislation addresses that. But later on today you'll be able to ask that question of them as well.

You know, it's taken a long time to get to this point, but I think we've been able to address many of the concerns in making this a good bill for Canada.

Thank you.

• (1140)

**Mr. Glenn Thibeault:** You've mentioned that you've had those consultations with stakeholders. How is Health Canada prepared to continue to have that dialogue with stakeholders to ensure that if there's anything that arises in the future they have a mechanism through which they can bring it forward?

**Hon. Leona Aglukkaq:** In support of this legislation, we have made an investment of approximately \$70 million, over the next five years, to put the processes in place. The action plan that we established to start rolling this legislation out through Health Canada focuses on areas of prevention, which also includes the promotion of industry compliance. It also provides consumers with better information. There's a targeted oversight plan in place, monitoring in place, surveillance, but it would also give us the systems to rapidly respond. So if an industry were to provide an incident to us, we would be able to work with the industry to investigate that, or the consumer.



In my view, it's in the interest of the industry to ensure their product is safe, so it's very much a cooperative type arrangement. As well, to be able to get the information from the consumers is very important, so that once we do get the information we'll be able to go back to the industry and say we've received a complaint on this product—can we address that? There are mechanisms in place with this legislation to do this. We've also invested the resources of \$70 million to ensure that we put the machinery in place to be able to develop the necessary network.

Thank you.

**Mr. Glenn Thibeault:** Thank you.

You mentioned a couple of times, in your opening statement and in the first question, consumer expectations relating to when you're standing in front of... I get to stand in front of Barbies, and I'm choosing Barbies, right? So it depends on what the e-mail was and how my daughters talk to me. We've had my colleague over here talk about a frying pan that's going to kill birds. Consumers want to be able to buy products they're confident about. I don't think most people stand in front of a display and wonder how much cadmium is in this children's jewellery, or if my frying pan is going to kill a bird, which I still find interesting.

We know there are products out there and we know that something has happened, that cadmium or whatever is out there. We've heard that when a recall goes out, we're only getting about 10% to 15% of those products back—recovered, I think is the proper way of saying that. Have you considered including a mechanism to help increase those rates, and would you support looking at the inclusion of such a mechanism?

**Hon. Leona Aglukkaq:** There is no recall mechanism in the current legislation, and we need that. Once we have passed this legislation we will have a mandatory recall mechanism in place. We will also be able to follow up with industry or retailers to monitor whether those products have been recalled. Currently we have no authority to do any of that. We can warn people; that is the only authority we have.

This legislation before us will give us the authority to recall or take corrective measures to stop sales, or to relabel, as an example, for proper instructions on the use of a product. If there are further issues as a result of an unsafe product, we can go through the mandatory recall process. We don't have that right now.

The other thing we will have with this legislation is the ability to require the industry to produce evidence of how they have tested their product for safety and what not, and to show they've done the necessary testing to make sure it's safe. Shared information would be helpful to us in determining whether in fact it was properly used, whether it is safe and what not. As it is right now, we don't have that mechanism. This legislation would allow us to do that.

• (1145)

**The Chair:** Mr. Glover, would you like to make some comments?

**Mr. Paul Glover:** Thank you, Madam Chair.

In addition, there are a number of other more technical elements that the bill would have. There would be a requirement for industry to understand their product and its supply chain, so that if we order a recall they could prove to us there has been effectiveness in the

execution of that recall. They would know who they sold to, who the importer was, etc. So record-keeping for industry is another important mechanism to ensure we can monitor compliance with the recall.

Other important provisions of the bill include administrative monetary penalties, and an increase in some of the fines in the event we are seeing non-compliance.

There are other mechanisms in those rare instances when industry chooses not to cooperate and comply so we would have the necessary authority to act appropriately.

**The Chair:** One more minute, Mr. Thibeault.

**Mr. Glenn Thibeault:** One of the scary things we've been hearing over and over is that Canada is becoming a dumping ground. It has been said a couple of times today. In your opinion, will this bill end that? Will we not be a dumping ground? I think that is important.

**Hon. Leona Aglukkaq:** I believe it would put us on a level playing field with our trading partners: the United States, the EU, and other countries. Right now we don't have the mechanisms even to monitor or do a mandatory recall. We don't have that, at all. It's very challenging for us to collect information to advise Canadians that there are unsafe products in the marketplace.

I believe this legislation would really assist in dealing with some of those challenges we face right now.

**The Chair:** Thank you, Minister Aglukkaq.

We'll now go to Ms. Davidson. You have ten minutes as well.

**Mrs. Patricia Davidson (Sarnia—Lambton, CPC):** Thanks very much, Madam Chair.

Thanks, Minister, for being with us again today. We certainly appreciate the time and effort you've taken to be here to explain this to us. Also, thanks to your officials who are back with us again today. It's always a pleasure.

We've certainly heard a fair amount of background on the bill this morning. That's good. Most of us at this table have been through this for quite a few years, and we look forward to it being passed.

Just this morning, I believe it was, I heard on the news about some strollers that are being recalled in the States because there's an issue; I think there were some deaths from this. And we're all aware of the cadmium issue, and the crib issue from some time ago.

I think we all look forward to this bill moving forward in a timely fashion. If we don't have young children, many of us do have grandchildren. So particularly for children's safety, it's of paramount importance to all of us.

Can you outline what some of the key elements of this proposed bill, the Canada Consumer Product Safety Act, will be?

**Hon. Leona Aglukkaq:** Thank you for the comments around the strollers we're dealing with, and the cadmium. It's almost like every week we are recalling some product from the market or advising Canadians not to buy. We don't have the recall power, but we are advising industry not to distribute.

Some of the key elements of this bill will be very good improvements to the current legislation we have. The 40-year-old legislation is so outdated. Among the key elements of this bill would be a section that deals with a general prohibition that prohibits the industry from supplying products that are unreasonably hazardous, so there's a prohibition clause where if it's hazardous then we have a mechanism to prohibit the industry from distributing the unsafe product.

The other element is that this legislation would give us recall authority in order to recall products from the market or take other corrective measures. For example, we can issue a stop-sale or order that a product be relabelled. Perhaps the instructions were not quite clear, so we can order relabelling of that product. And to be able to carry these out if the supplier fails to do so, then we have the mechanisms to follow up.

We also have mandatory reporting, which is very important, which requires not only the industry but also the consumer to report safety incidents or accidents and what not to us. Once we have this information we'll be able to better track what's out there and investigate.

It also requires the industry to be able to produce to us test results of products that they've produced, tested, and determined safe before distribution, so we'd be able to access that type of information to determine if a product is safe or not if an incident had been reported.

The industry will also have an obligation to maintain documents that outline where they have distributed this product so that if in fact we have to do mandatory reporting we'd be able to work with the industry to see where they sold this product and have a better idea as to the level of distribution of that unsafe product. They have to now demonstrate to us where that product was sent and sold for us to do proper monitoring.

These are big improvements to the 40-year-old legislation that will give us the authorities to respond quickly to protect the health and safety of Canadians.

• (1150)

**Mr. Paul Glover:** Madam Chair, if I may, I would complement the minister's response.

One of the things I would say that is fundamentally different between the legislation proposed before you and the current HPA is that the current Hazardous Products Act, while it's served us well, is reactive and the onus is on government to find, test, prove the product is unsafe, and then develop a regulation to control that. What we're seeing with other countries, and in Bill C-36, is a shift so the onus is on industry to make sure that the products they sell they know are safe. Then we can ask them for their test results rather than the government having to do its own testing. So it's a shift in onus and it moves from being reactive to proactive to provide for better safety for Canadians and their families.

**Mrs. Patricia Davidson:** Thank you.

I think that's an extremely good difference. I think any time we can be proactive rather than reactive we are on the right track. I'm glad to hear that. I think that's very important.

I know that when we had the debate on the former Bill C-6 there were some who were concerned about the scope or the reach of the powers that this bill would give Health Canada. I just wondered if you could comment a bit about that and what you feel about the powers that Health Canada will have under this new Bill C-36.

I think one of the other issues when we talked about powers was the inspectors. Perhaps you could touch a bit on that as well. Do you have any concerns that inspectors might have too much power under this new bill?

**Hon. Leona Aglukkaq:** No, I don't have any concern that they have too much power. The inspection powers are very similar to what is in other legislation we already have in place. Examples of some of the legislation that has the same provisions for inspection powers are the Migratory Birds Convention Act and the Plant Protection Act. So the inspection powers and authority outlined in this legislation are no different from those in similar legislation that is already in place.

In my view, birds and plants have better protection than human individuals at this point in time, with 40-year-old legislation. In my view, this is an area where we need to have the inspection powers to ensure that there is compliance in carrying out the legislation once it is in place in Canada.

Did I miss anything?

• (1155)

**Mrs. Patricia Davidson:** Both you and Mr. Glover have referred to consultation with stakeholders and changes that will be coming forward with this new bill, as far as industry requirements are concerned. Could you tell me a bit about how you engaged the stakeholders and if there were concerns expressed about the new things that are going to be included in Bill C-36? Are there any concerns about the cost to industry or the cost of implementation?

**Hon. Leona Aglukkaq:** First of all, through Health Canada, we have invested \$70 million to start the work of implementing legislation of this nature. We have the resources to work with the industry. My view is that this bill builds on years of consultation with stakeholders on how to improve consumer product safety. I understand that you'll be speaking to many of them later today, as well. You'll be able to hear first-hand directly from them. Ultimately, at the end of the day, it is about the safety of individuals and about protecting the health and safety of Canadians.

This legislation is, again, as Paul said, proactive. As it is right now, we act only when injury occurs or death occurs. This legislation would take proactive measures through incident reporting and so on and through testing so that before injury occurs, we'll be able to respond.

We are aware that valuable stakeholder input is critical to the success of this bill. The parties were consulted and continue to be consulted as we work on a policy and a guideline that will assist with the implementation should the bill be passed. As to the cost, as I mentioned before, we don't anticipate that there would be significant costs associated with implementing the bill. In our view, responsible industries have already been operating in a manner that is consistent with the proposed bill. I said before that it is in their interest to ensure that their products are safe. For the most part, we have industries that are cooperative and are interested in working with us to ensure that their reputations and their products are safe.

I would add that this bill enjoys support from a wide range of stakeholders. In my view, the consumer advocates and the industry associations are committed to protecting their customers, Canadians, and the environment.

**Mrs. Patricia Davidson:** Thank you, Minister.

**The Chair:** I'm sorry, Ms. Davidson. I think our time is up now.

Minister, I just want to thank you so much for coming and for taking time out of your very busy schedule to present Bill C-36. It's one we've been waiting for and are anxious to get through Parliament to become law in our country. I thank you for that.

Committee members, we're going to suspend for five minutes, and then we will come back.

I also want to thank Mr. Glover and Ms. Mentzelopoulos. I can't say your name, but I thank you for coming today.

We will suspend for five minutes. Thank you.

● (1200) \_\_\_\_\_ (Pause) \_\_\_\_\_

● (1205)

**The Chair:** I call the committee back to order, please. Let us begin.

We have our second round of witnesses. We're delighted to have with us Robert Simonds, president of the Canadian Association of Fire Chiefs. Welcome, sir; we are glad to have you here.

We also have Michel Arnold, executive director of Option consommateurs, and Anu Bose, head of their Ottawa office. It is so nice to see you again, Ms. Bose.

We also have Pamela Fuselli, executive director of Safe Kids Canada, and John Walter, executive director of the Standards Council of Canada. Welcome to you both.

We're going to start our presentations, and I'm going to ask each organization to give a three-minute presentation. I'm sorry, but that's the time that we have within the allotted time to be able to get questions and answers. Usually we have a little longer than that, but the clerk has told me that's what we have to do in order to get through our witnesses.

We will begin with Mr. Simonds.

**Mr. Robert Simonds (President, Canadian Association of Fire Chiefs):** Thank you, Madam Chair.

I'm the fire chief in Saint John, New Brunswick. I am appearing before you today in my capacity as the president of the Canadian

Association of Fire Chiefs, a national organization representing 1,000 fire chiefs located in every province and territory.

CAFC estimates there are almost 3,500 departments in Canada; of these, 91% are volunteer departments. Of the 108,000 total firefighting personnel in Canada, almost 79% are volunteers.

A significant percentage of responses of every fire department have important consumer product safety implications. Stove-top fires, electrical fires or electrocutions, accidental poisoning and strangulations, and the careless use of candles as well as matches and lighters are a few examples in this regard. Special mention, however, should be made of the increasing use of chemical compositions in residential furnishings and in clothing.

We support the CCPSA because it will better protect Canadians from unsafe consumer products. There are several provisions that we regard as particularly beneficial. They include the ability to recall dangerous products, as this will allow the government to respond rapidly when the need arises to address unsafe consumer products; the provisions for the mandatory reporting of incidents, as these reports will be a key source of information about consumer products that are defective or have caused serious incidents or near misses, including fire-related incidents; the ability of the minister to request that manufacturers or importers submit test results to demonstrate that their products are safe; and the prohibition against false or misleading labelling of consumer products, which gives consumers the inaccurate belief that the products they purchase and use are safe.

We have seen a number of examples of counterfeited certified marks for consumer products such as electrical cords and light bulbs. They were falsely labelled as being compliant with Canadian requirements. Bill C-36 would make this an offence.

We ask the standing committee to send this bill back to the House unamended so that it can move quickly to third reading. It was in April 2008 that Bill C-52 was initially introduced. Since then, more than two years of improved product safety protection has been lost, despite all-party support in the House for the bill, for which all of you are to be congratulated.

Consumer product safety problems fall disproportionately on the most vulnerable elements of Canadian society: the young, the disabled, and seniors. That all Canadians, particularly those most at risk, are not protected by the best possible law is difficult for the Canadian fire service to accept. We hope that all MPs and senators will agree that Bill C-36 must become law prior to the Christmas break.

Thank you for your attention to my presentation. I look forward to taking part in the question-and-answer portion of this session.

•(1210)

**The Chair:** Thank you, Mr. Simonds. The watch shows you're right on time. Thank you for your insightful presentation.

We now have Option consommateurs. Which of you will be presenting this morning?

It will be Michel. Okay, go ahead, please.

[*Translation*]

**Mr. Michel Arnold (Executive Director, Option consommateurs):** Thank you, Madam Chair.

Good afternoon, committee members.

This is the third time that Option consommateurs has appeared before you. We are here to support Bill C-36, An Act respecting the safety of consumer products. As was said earlier, the present Hazardous Products Act dates back to 1969 and lacks the tools to provide adequate consumer protection in 2010.

As the minister said this morning, the world has changed since the Hazardous Products Act was passed 40 years ago. The products that Canadians buy today, toys in particular, come from around the world. By adapting the legislative framework for consumer product safety to the realities of the 21st century, Canada is aligning with its main trade partners, such as the United States and Europe. It is also providing the government with tools to order product recalls, combat counterfeiting and guarantee the quality assurance of products sold in Canada in order to increase the trust of Canadian consumers.

Thanks to Bill C-36, which incidentally constitutes an improvement to Bill C-6, stakeholders, from manufacturers to merchants, will be responsible for the safety of the products they market in Canada.

This new act will also enable the Minister of Health to intervene quickly for the purpose of withdrawing hazardous products from the market through better monitoring and quality control by the manufacturer, wherever products are sold.

In addition, the clauses concerning information disclosure are essential to enable the minister to react quickly where there is a danger to Canadians.

The obligation to inform authorities about hazardous products is an important aspect for improving market monitoring and risk management.

[*English*]

**The Chair:** Could I just interrupt you for a minute? I'll give you back the time, but the translators can't keep up to you. So, as much as I want you to do it within the three minutes, please slow down so they can translate.

Thank you.

[*Translation*]

**Mr. Michel Arnold:** For example, various European stakeholders in the supply chain have been informing their national authorities since 2001. This makes it possible both to show that they have implemented necessary corrective measures and to verify whether other similar products are on the market.

Allow me to remind you that injuries caused by consumer products are the first cause of death among children under four years of age.

In 2007, Option consommateurs embarked on one of the largest voluntary recalls of toys made by Mattel. No fewer than 21 million toys were subject to the recall. As of September 30—and I believe we talked about this this morning as well—Fisher-Price also recalled 11 million products that had raised serious safety concerns. Among other things, that recall included tricycles and miniature cars.

[*English*]

**The Chair:** Thank you.

We'll now go to Safe Kids Canada, Pamela Fuselli, please.

**Ms. Pamela Fuselli (Executive Director, Safe Kids Canada):** Thank you for the opportunity to speak today and share Safe Kids Canada's views on the importance of passing Bill C-36, the consumer product safety act.

Safe Kids Canada is a national leader in preventable injuries. We work to advance the safety and reduce the burden of injury to Canadian children and youth. Our goal is to reduce unintentional injuries, which is the leading cause of death, and we welcome the opportunity to share with this committee our opinion that the revised and modernized system for consumer product safety is needed to safeguard the health of all Canadians, including some of its most vulnerable members—our children.

The measures contained in Bill C-36 update the current consumer product safety legislation and are designed to provide the government with a proactive and efficient means for responding to dangers posed by consumer products. The injuries inflicted due to unsafe products are preventable. They constitute a direct drain on the resources of our overburdened health care system and an indirect burden as a result of time lost in school and work.

Safe Kids Canada acknowledges that the consumer product landscape is complex and global. More and more products are now available on the market. Bill C-36 would close gaps in the current legislation to put Canada on par with our international partners.

The data on injury prevention and child health is revealing. Survey results have demonstrated that the vast majority of Canadians believe that if a product is available for sale on the market, it is safe and has been tested for safety. We know this is not necessarily the case.

Injuries to children from the use of consumer products are common, frequently serious, and sometimes fatal. According to CHIRPP, the Canadian hospital injury reporting and prevention program, which collects information on the emergency departments of 15 hospitals across Canada every year, over 14,000 pediatric emergency room visits are as a result of children under the age of 10 who have been injured by consumer products found in or around the home.

While some argue that consumer products have a low-risk profile, the potential health consequences from a dangerous product can be significant, affecting the individuals, their families, and their communities.

Parental concern, supervision, and vigilance are needed to protect children. Canadian parents deserve to be aided as much as possible in this by their government by the institution of a robust consumer product safety system.

Several examples demonstrate some of the limitations of Canada's current regulatory system. In 2006 Health Canada established a board of review in response to a request to rescind the ban on baby walkers. Safe Kids Canada and the injury prevention community presented the evidence and supported a ban to the board, and we were relieved in 2007 when the decision to uphold the ban, after reviewing the board's finding, was announced.

While this was a good outcome, the process was resource-intensive for both the federal government and the key non-profit and health sectors participating. The onus needs to be reversed. Producers, distributors, retailers, and standard developers should have the responsibility to build safety into the design of products before they reach the market and to take immediate corrective action when risks are identified with the items for sale.

Recent recall notices for such products as strollers and cribs have demonstrated that we continue to be reliant on the U.S. for notification about hazardous products on the market.

Bill C-36 is a positive step towards a proactive consumer product safety system in Canada because it includes three main pillars: active prevention, targeted oversight, and rapid response. These three pillars comprise the crux of Bill C-36 and ensure it will achieve its goal of safeguarding the health and safety of Canadians.

•(1215)

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

We'll now go to Mr. Walter, executive director of the Standards Council of Canada.

**Mr. John Walter (Executive Director, Standards Council of Canada):** Good afternoon, and thank you very much.

I am the executive director of the Standards Council of Canada. As a former vice-president of the Canadian Standards Association and CEO of the Technical Standards & Safety Authority of Ontario, I have been involved with standards and product safety for much of my professional career. Over the years there has been a steady increase in product recalls in Canada, from 32 in 2006 to over 250 today.

As Canada's national accreditation body, the Standards Council of Canada accredits standards development organizations and certification bodies, as well as products and services inspections and testing organizations, and we approve national standards of Canada. The Standards Council of Canada and those of our stakeholders who were consulted on Bill C-36 fully support and endorse this new act.

In terms of the current standardization landscape in Canada as it relates to consumer product safety, it is worth noting that the required networks of standards, legislation, and conformity assess-

ment experts to ensure the safety and performance of consumer products is highly complex. Yet standardization is the most effective instrument to advance public policy objectives in this regard.

At the international level, the Standards Council is Canada's member body to the International Organization for Standardization, ISO, and to a number of international accreditation forums. The importance of this topic is recognized in Europe, Australia, and the U.S., which are all moving in similar directions, and Canada must ensure we have appropriate linkages.

Let me turn my attention to how standardization will support some of the key provisions of this bill. The prohibitions in clauses 5 to 11 will require standardization to help instill important guidelines for product manufacturers. The corrective measures provision in the act refers to recalls and allows for quicker government responses to address an emerging health or safety issue. And certainly with industry obligations, responsible manufacturers and distributors looking to promote a sense of accountability can rely on standards to clearly highlight what guidelines need to be followed.

In closing, let me reiterate that if the bill is passed, it will provide some of the necessary underpinnings for strengthening consumer product safety in Canada. I would like to thank you for giving us the opportunity to speak today, and I would like to assure the Government of Canada that you can count on the support of the Standards Council and our network of standardization experts as we strive toward a safer marketplace for consumers.

Thank you.

•(1220)

**The Chair:** Thank you, Mr. Walter, for your very insightful comments. It's very much appreciated by the committee.

We'll now go into our first round. We're back to our regular time, so it's seven minutes Q and A, and we'll start with Dr. Duncan.

**Ms. Kirsty Duncan:** Thank you, Madam Chair.

Before I begin my questioning, I have to address something that was said earlier. I asked the minister about the 93%, and the response I got was that it was simple. The amount of cadmium is not simple. If a child puts a medallion of a necklace in their mouth, what is the amount actually in their mouth, what is the exposure, and how does that compare to the maximum acceptable concentration and to the ISO standard?

I'd also like to point out that an advisory was posted on the website last January regarding cadmium and a statement was released this week. I will also address that people are having difficulties finding out on the website what those toys are, and perhaps this can be addressed.

I want to thank all the witnesses for coming. We appreciate your time and we appreciate your comments.

**The Chair:** Dr. Duncan, could we have someone on the committee respond to your comments?

**Ms. Kirsty Duncan:** Yes.

**The Chair:** Would anyone on the committee like to do that?

Okay, go ahead, Dr. Duncan.

**Ms. Kirsty Duncan:** Thank you, Madam Chair.

I'm wondering how Safe Kids Canada feels about cadmium in children's jewellery and how they feel about a nine-month delay in addressing this.

**Ms. Pamela Fuselli:** Cadmium is something we consult about with our toxicologists at the Hospital for Sick Children as a poisoning kind of injury, for certain. I don't have technical expertise on the actual substance, but certainly the quicker that products get off the market that are causing injury or have the potential to cause serious injury to children, the better for us.

From the surveys we have done with parents and from talking anecdotally with them, they assume that if they're buying products on the market they are safe, they have been tested, and not that it's going to be reactionary—that when they find injuries are coming out of these products, then there will be testing and advisories and things like that.

So in general, I would say our preference would be to get those products off the market as soon as possible.

**Ms. Kirsty Duncan:** Thank you. I appreciate that.

I'll just again say that this was posted in January and the release was this week.

I will now turn this over to my colleague Dr. Dhalla.

**Ms. Ruby Dhalla:** Thank you once again for coming and sharing some of your perspectives and insight.

I wanted to just touch upon two questions. One of the questions I had asked the minister about was in regard to a mandatory recall registry. I know, Mr. Arnold and Ms. Bose, you have been before this committee before, and I actually mentioned the name of your organization in my question. One of the suggestions or recommendations that you had made was having the requirement of a mandatory recall registry, and now there is a registry that exists, and the minister and her officials committed to keeping this. I am a little bit surprised that we wouldn't actually implement it in the legislation, and perhaps that's one of the recommendations that we as a committee can make. Perhaps you could please share your thoughts on the importance of having a mandatory registry so consumers and parents would be able to access it and receive information in a timely manner, but also to be able to exchange ideas on what cribs have been recalled, and what jewellery products. And the list goes on.

So perhaps you could share some insight into that.

•(1225)

[*Translation*]

**Mr. Michel Arnold:** We recommended this kind of national recall registry when the other bills were studied. Our understanding of Bill C-36 leads us to believe that it may not be possible to have a national registry as we were requesting, but that it will be possible to

have a tool that will enable consumers to obtain information. I would say that what is even more important is that Bill C-36 gives the minister the authority to order recalls. That's really something we are calling for. In our view, that's a really important aspect of this bill.

However, to answer your question honestly, we would have to see whether this bill doesn't afford the opportunity to establish the registry that we suggested.

[*English*]

**Ms. Ruby Dhalla:** I have another question to perhaps all the witnesses. As a committee, as you all know, this bill has a very long history. There's been a lot of time and effort spent on it, and hopefully the final outcome is going to benefit consumers, and ultimately make products, especially for young kids, a lot safer. If you were to provide your ideas and suggestions for any other additional amendments, because you obviously have the expertise and deal with this on a day-to-day basis, could you please share that with the committee so that we could take a look at them when it's going through its final stages?

**The Chair:** Ms. Bose.

**Mrs. Anu Bose (Head, Ottawa Office, Option consommateurs):** Option consommateurs does not have any amendments. Option consommateurs would like this to go through as soon as possible so that the parents and grandparents and children could all sleep easier before the gift-giving season really arrives. We're coming up on Halloween, when there's a plethora of things on the market. They are dangerous and we have no way of controlling these. So, please, members of Parliament, can we get this through as fast as possible?

**The Chair:** Thank you.

You have about 30 seconds left.

**Ms. Ruby Dhalla:** Mr. Simonds, do you have any ideas?

**Mr. Robert Simonds:** I concur with my colleague in that regard. I believe that further analysis could obviously derive perhaps additional methods in which to enhance this, but I believe at this time we should be poised to move forward.

**Ms. Ruby Dhalla:** Great. Thank you.

**The Chair:** Thank you.

Monsieur Dufour.

[*Translation*]

**Mr. Nicolas Dufour:** Thank you very much, Madam Chair.

The only recommendation I can make to the Liberal Party is that it recommend that its senators not obstruct the process and, as the witnesses said, that it ensure that the bill is passed as soon as possible. I know I'm stubborn and that I often harp on this. We've been talking about it for four years now. I believe the time has come to stop talking and to take action.

Consequently, Madam Chair, I have no questions. Thank you very much.

[*English*]

**The Chair:** Thank you.

We'll now go to Monsieur Thibeault.

**Mr. Glenn Thibeault:** Thank you, Madam Chair.

I do have a couple of questions. Can I take his time too?

**Voices:** Oh, oh!

**Mr. Glenn Thibeault:** It doesn't hurt to ask.

**The Chair:** No.

**Mr. Glenn Thibeault:** All right. I thought that would be great; I'd have 14 minutes.

Anyway, Monsieur Arnold, you spoke about your involvement with the voluntary recall at Mattel. Maybe you could speak to any deficiencies that you would see in the current regulatory framework that were exposed by your involvement in the process.

[*Translation*]

**Mr. Michel Arnold:** Voluntary recalls are enormously complex. Consumers can't figure them out. We tried returning toys to various businesses and policies varied from one business to another: the toy had to be returned with the packaging or without the packaging; you had to have the invoice. Since this is a safety recall, you don't need proof that you purchased the item. All these kinds of things make consumers lose trust in the recall system because the rules aren't clearly established and aren't even the same for all merchants. That's really what we observed in 2007, when we worked on the Mattel recall, because that involved not only manufacturers, but also a number of merchants that also had to apply the recall.

• (1230)

[*English*]

**Mr. Glenn Thibeault:** Unfortunately, our country has been referred to as a dumping ground for unsafe consumer products. From your experience, would you say that this is correct, and in your opinion, do you believe that Bill C-36 will eliminate that?

[*Translation*]

**Mr. Michel Arnold:** Dr. Bose may perhaps be able to supplement what I'll tell you first of all. The danger of becoming what you so rightly call a dumping country is great because our neighbours have passed harsher statutes and regulations than ours. I hope the possibility of using monetary penalties under Bill C-36 will discourage delinquent companies. So I believe we have tools here that will prevent us from being exposed to this danger of becoming a dumping country.

[*English*]

**The Chair:** Ms. Bose?

I'm sorry. Who else would like to make a comment? Okay, go ahead.

**Mr. Glenn Thibeault:** One of the things I spoke to when the minister was here was regarding the important stakeholders in relation to consumer product safety, which all of you are. I'll direct this to you, sir, first: what do you see needing to happen to ensure that there's open dialogue, there's communication with stakeholders once this bill becomes law, because that will truly be an important piece?

[*Translation*]

**Mr. Michel Arnold:** What we think is really very important is creating the obligation to report products, to report what the products

contain. Of course, it's important to establish inspection measures to ensure that manufacturers and merchants do exactly what they tell us they have done or have marketed in Canada. For us, it's very important to provide everyone with information, not just manufacturers and merchants, but also consumers. It's important that that information come from a single source so that the same information is disclosed to everyone.

[*English*]

**The Chair:** Ms. Bose, did you want to make a comment?

**Mrs. Anu Bose:** Yes. I think it would be useful for the minister, and I think she will take a sectoral approach, to have a management advisory committee consisting of consumer groups, health and safety groups, standards people, and manufacturers to advise her on how to better proceed. We should get every kind of expertise that we can into the dialogue.

**The Chair:** Mr. Thibeault.

**Mr. Glenn Thibeault:** I still have how much time?

**The Chair:** About a minute and a half.

**Mr. Glenn Thibeault:** Perfect.

Mr. Simonds, first of all, thank you for your service to the community and the great things that you do as a firefighter.

To be perfectly honest, I was kind of shocked to see a firefighter here, because it makes you wonder. What would the fire department's concern be with making sure that consumer products are safe? So I'll open that up to you and maybe you can help us with that.

**Mr. Robert Simonds:** Most certainly.

What I would offer is that one of the responsibilities of fire services across the country is to determine the cause and origin of fires, and we also respond to medical first-responder calls and so forth. From that perspective, first of all, we provide that boots-on-the-ground analysis in terms of what's causing fires and whether there is some commonality we're observing in the field.

Now, we have challenges with respect to collating that data so that we can have national statistics, but we know, from jurisdiction to jurisdiction, that we have observations that come forth with respect to what the causes of fires happen to be. In that regard, we work with the fire marshals and fire commissioners in our respective provinces to try to alert our constituents so that they understand that there is an impending harm or a concern. That, from an operational perspective, is a given.

Second, the Canadian fire service is very significantly involved in emergency medical first-responder response. As a result of that, when we are responding along with our colleagues from EMS, we have occasion to bear witness to some of the injuries and the health implications for our citizens, because we are responding as first responders. So we have that information that is very evident to us as a result of our presence during those emergency responses.

I certainly understand your observations in terms of how the Canadian fire service fits into this equation, but we absolutely provide that value-added commentary to your discussions. As stewards of public safety, we believe that we're well positioned to speak to this issue.

•(1235)

**The Chair:** Thank you, Mr. Simonds. Those are very insightful comments.

We'll go to Dr. Carrie.

**Mr. Colin Carrie (Oshawa, CPC):** Thank you very much, Madam Chair.

Before we get started, during the minister's remarks on mandatory reporting, committee members may have had the impression that consumers would be required to report incidents. She asked me to clarify for the record that industry would be subject to the requirements, not consumers. I'll put that on the record.

I want to thank all the witnesses for being here today. I'd like to get started with Mr. Simonds.

I actually had a meeting in Oshawa with local builders, and I'm not surprised that you're here. They told me about some of the challenges. You know, we have that CSA stamp of approval, but they are extremely concerned about counterfeits. I was going to ask you to what extent counterfeit labelling of consumer products, such as electrical cords and things like that, is a problem? Are you able to tell us how fires might be attributed to faulty, counterfeit, or uncertified consumer products?

**Mr. Robert Simonds:** Certainly. Thank you for your question. It's an excellent one.

First of all, as I indicated previously, one of our responsibilities is to determine the cause and origin of fires in the majority of jurisdictions across the country. By doing our analysis, quite often we're finding that the cause or the origin happens to be a particular electrical appliance or electrical cord and so forth.

One of the challenges we are having, however, is trying to quantitatively determine how significant that problem is across the country. If I can hearken back to a few years ago, we learned that there was a fluorescent bulb that was manufactured that was supposedly meeting standards, but there were elements of that manufacturer that were non-compliant. What happened was that the time horizon, from the time we started to make observations in the field to the time the general public was alerted, was a very long, extended one.

We would offer that we would see that the introduction of this bill would absolutely shorten the timelines. We'd be able to have a more robust system for alerting our citizens and having information go to the powers that be in a much more timely fashion.

**Mr. Colin Carrie:** Excellent. Thank you very much.

My next question is for Options consommateurs. We've heard about an issue in regard to personal information, and I think everyone around this table takes that extremely seriously. Why, in your view, is it necessary for Health Canada to have authorities share

information with its partners? Why is being able to do that important?

[*Translation*]

**Mr. Michel Arnold:** In fact, as I said earlier, it's important that the information come from a single source and that it be shared so that it's the same for everyone, hence the importance of having this power. The Privacy Commission itself said that the bill did not raise any privacy issues.

As a consumer association, we also heard from certain individuals who had reservations concerning privacy in relation to this bill. In that connection, nothing will be done without a mandate regarding the privacy of merchants, of the people who have small businesses and so on. So we can be assured that privacy will be protected.

•(1240)

[*English*]

**Mr. Colin Carrie:** Are there any other comments?

I also have a question for Safe Kids Canada. First of all, I want to thank you for all the input you've had with our committee in the past.

I was wondering to what extent consumer products pose a risk of injury to children. In your view, how will Bill C-36 improve children's safety?

**Ms. Pamela Fuselli:** According to the stats we have on emergency room visits, 14,000 a year are related to children under ten. It's a fairly significant portion of the injuries that we see to young children especially.

I think what this bill will do for those injuries is get the product off the market more quickly than is currently possible and allow parents access to the information they need to make a good decision about the products they are purchasing.

If we use a precautionary principle, and a proactive instead of a reactive framework, some of those toys and products that are making it into the market perhaps will not, or at least not in the form that they currently do.

**Mr. Colin Carrie:** I'm glad to hear that. Around the table today we've heard that Hallowe'en is coming up, and my colleague.... I also have an eight-year-old, and we're out shopping for the different toys. A lot of Canadians will be doing that this season. I think it is important that we do what we can to get this bill put forward.

I have one more question, for the Standards Council of Canada. In your view, will the new provisions in Bill C-36, such as the ability for the minister to request test reports to verify compliance, result in a safer marketplace for consumers?

**Mr. John Walter:** Certainly. That's the easy answer.

The longer answer is that this bill will require the use of standards that are developed by consensus, bringing in a considerable amount of stakeholder input, from consumers and manufacturers and retailers. It will give the opportunity to Canada to set the stage as to where we want to be in the use of national or international standards.



The value for us would be for Canada to identify which standards we need to be at the table internationally, so that when those standards are available and ready to use we're ready to adopt them very quickly in Canada and will have the kinds of test results, the test requirements, and the guidelines set out in those standards.

It also means we end up being on that level playing field that was talked about earlier, with the United States and Europe.

**Mr. Colin Carrie:** Madam Fuselli, how has your working relationship been with Health Canada? Have you been able to be involved in the development of this legislation? Do you have a good working relationship?

**Ms. Pamela Fuselli:** Yes. We work very closely with Health Canada, with consumer product safety staff and with the public agency staff, in letting them know what we're hearing in terms of parents who are concerned about children and their safety and the products they're using.

We have been consulted and we have been pleased to be able to provide the type of expertise and the information that we can contribute to make this bill as robust as possible.

[Translation]

**Mr. Colin Carrie:** And the same is true for Option consommateurs?

[English]

**Mrs. Anu Bose:** We have an admirable working relationship with Health Canada. I think it's something that other departments would do well to emulate. It's based on trust and mutual respect, and I would commend the minister and her staff.

**Mr. Colin Carrie:** I appreciate the work that you have done to help us put this forward.

**Mrs. Anu Bose:** Absolutely. In fact, I think they're getting a bit sick of us.

**The Chair:** Thank you, Dr. Carrie.

Now we'll go to the second round.

I believe Dr. Duncan has something to say.

**Ms. Kirsty Duncan:** Thank you, Madam Chair. We'll have no more questions here. We've addressed the privacy and the registry. I

think we've made the comment that there's unanimous consent in the House. That's all from this side.

**The Chair:** Okay, that's very good. That helps to press the bill through as quickly as possible.

Ms. McLeod, do you have any questions, or can we just press it through?

• (1245)

**Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC):** I have maybe a quick comment rather than a question.

First of all, I appreciate how succinctly you were able to put your very complex presentations into three minutes. I think you all did a great job in that area.

As a nurse who worked in a rural emergency department, I remember seeing in the 1980s how many young children we saw falling down the stairs in walkers; it was quite stunning. Again, congratulations on all of that.

I think we have come to a spot where this bill is pretty well where it needs to be.

**The Chair:** Let's just double-check.

Now, I want to ask the Bloc, are you ready to wrap this up, or do we have some...?

**Mr. Nicolas Dufour:** Everything is good.

**The Chair:** Okay. And what about the NDP?

**Mr. Glenn Thibeault:** All good.

**The Chair:** Well, I congratulate the committee. I absolutely do.

And I thank the witnesses for coming today. I think this happens to be a very good indication.

Committee, do we have to see witnesses next day, or can we go on to clause-by-clause? Are we all in agreement to go to clause-by-clause?

**Some hon. members:** Agreed.

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

The committee is adjourned.





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