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**EVIDENCE**

**Thursday, June 6, 2019**

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**Chair**

**The Honourable MaryAnn Mihychuk**



## Standing Committee on Indigenous and Northern Affairs

Thursday, June 6, 2019

• (0845)

[English]

**The Chair (Hon. MaryAnn Mihychuk (Kildonan—St. Paul, Lib.)):** Good morning, everyone. Thank you for tuning in and for arriving. We're at the indigenous and northern affairs standing committee of Parliament. We are so pleased to have you here on the unceded territory of the Algonquin people.

All Canadians are in a process of truth and reconciliation. Canada has a long history of colonization and policies that have oppressed a particular group of people who, historically, were extremely generous and helpful to settlers, and still are. We say this not only as a formality but also as an opportunity to reflect on our history, whether we come from here in Ottawa with the Algonquin people, or, like me, from the homeland of the Métis on Treaty No. 1 territory. Each and every Canadian has a role in this story, and I ask everyone to reflect on that.

Today, pursuant to Standing Order 108(2), we are conducting a study on the Grassy Narrows First Nation and the issue of the mercury that was leaching into the Wabigoon River system. This is something that happened decades ago, and we know that people suffered because of that industrial development.

Thank you for coming.

We have before us the Department of Indigenous Services, the Department of the Environment and the Department of Health. The presenters from each department will have 10 minutes, and after that we'll go into a series of questions.

On the order paper, I have us opening with the Department of Indigenous Services.

Keith Conn and Tom Wong, however you want to split it, when you're ready, please begin.

**Mr. Keith Conn (Assistant Deputy Minister, First Nations and Inuit Health Branch, Department of Indigenous Services Canada):** Thank you, Madam Chair.

Good morning. Thank you for inviting us to appear before the committee to discuss the critical issue of mercury contamination, which is continuing to affect the community of Grassy Narrows.

Before I continue, I'd like to acknowledge that we are meeting on the unceded traditional territory of the Algonquin people.

To start, I'll give a brief history of mercury contamination that has impacted the community of Asubpeeschoseewagong, also known as

Grassy Narrows. In 1970, it was discovered that there was a high level of mercury in the English-Wabigoon river system. The contamination was traced to an area pulp and paper mill, found to have been dumping effluent containing high levels of mercury into the water system for a number of years.

The communities of Grassy Narrows and Wabaseemoong First Nation, known as Whitedog, were deeply impacted, with much of the population of both communities having varying degrees of mercury exposure.

In 1986, two pulp and paper mill companies, together with the Government of Canada and the Province of Ontario, paid a total of \$16.67 million, in a one-time compensation payment to the two communities.

The same year, the provincial and federal governments established a Mercury Disability Board to oversee the administration of a trust fund from which benefits are paid to those showing symptoms of mercury poisoning. Indigenous Services Canada continues to recognize the importance of the ongoing work the Mercury Disability Board does for the people of Grassy Narrows First Nation and Wabaseemoong Independent Nation.

The branch I oversee—the first nations and Inuit health branch—which fell within the purview of Health Canada prior to the announcement of the creation of Indigenous Services Canada, has had historical involvement in evaluation of the human health impacts of mercury contamination in the English-Wabigoon river system, and has been providing primary care and public health services to the community for decades. Primary health care, treatment and community-based services, including mental wellness programming and medical transportation, are currently provided to Grassy Narrows through nurses.

Since 1970, our department has been investigating and supporting assessments of the impacts of mercury contamination on the residents of Grassy Narrows and Wabaseemoong, which has included hair and blood sampling of community members, and monitoring and funding of environmental studies, as requested by the community.

Indigenous Services Canada has recently been working closely with Dr. Donna Mergler, a prominent environmental health researcher selected by the community of Grassy Narrows and funded by the Canadian Institutes of Health Research, to support the investigation of the long-term health impacts of historic mercury exposure.

We also provided funding in 2018-19 for an expert panel to review medical and scientific evidence that will inform the Mercury Disability Board. The work is well under way, and expected to conclude, with recommendations, by the end of 2019-20.

While the legacy of mercury poisoning impacts all the families in Grassy Narrows, the needs and aspirations of the community are not uniform. We need to support the whole community—children, youth, adults and the elderly population. We acknowledge that the community has been directly and indirectly impacted by mercury poisoning. Regardless of the underlying causes, we are working, and will continue to work with Grassy Narrows' leadership and first nations' partners to support improvements to the health and well-being of all community members.

This is why, on November 29, 2017, in a meeting with Grassy Narrows First Nation, the Governments of Ontario and Canada committed to fund the design, construction and operation of a mercury treatment centre in Grassy Narrows. We continue to work closely with Grassy Narrows and remain steadfast in our commitments to build a health facility that supports the unique needs of the community.

Early in 2018, funding was provided to the community to complete a feasibility study. Departmental officials have been working and meeting with Grassy Narrows' technical advisers to advance the project. The province has recently become engaged in this discussion and has committed to supply services that fall within its responsibility, such as physicians, specialists and allied health professionals.

It's imperative that Canada, Ontario and Grassy Narrows' leadership work together to ensure that the community receives the supports required.

As you are aware, the Minister of Indigenous Services recently met with Grassy Narrows' leadership to discuss a memorandum of agreement on an approach that addresses the unique health needs of the community members of Grassy Narrows First Nation.

● (0850)

This agreement has not yet been signed. "Yet" is the key word. As the minister commented earlier this week before this committee, this is part of the negotiations. The government is committed to reaching an agreement that will meet the community needs. We will continue working with Chief Turtle and his council until we agree on a solution that meets the health needs of Grassy Narrows now and in the longer term.

In closing, Madam Chair, by collaborating with the community in Ontario on this innovative project, Indigenous Services Canada will continue to demonstrate its firm commitment to advancing reconciliation and improving the socio-economic and health outcomes of indigenous peoples.

Thank you, Madam Chair.

**The Chair:** Now we move to Susan Humphrey from the Department of the Environment.

**Ms. Susan Humphrey (Associate Regional Director General, Strategic Policy Branch, Ontario Region, Department of the**

**Environment):** Good morning Madam Chair and committee members.

I want to start by acknowledging that we are gathered on the traditional and unceded territory of the Algonquin people. My name is Susan Humphrey. I am the associate regional director general in Ontario region for Environment and Climate Change Canada.

Thank you for the invitation to appear before you today to discuss Environment and Climate Change Canada's role with respect to mercury contamination in the English-Wabigoon river system. Protecting Canada's freshwater resources is a key priority for the Government of Canada. Responsibility for protection of freshwater quality in Canada is divided between the federal and provincial levels of government. In the case of mercury contamination in the English-Wabigoon river system, the Government of Ontario has the lead on working with the Grassy Narrows and Wabaseemoong first nations communities to clean up the problem.

This is a long-standing problem, with mercury contamination originating from pulp mill operations in the 1960s and the 1970s. Cleaning up mercury contamination in the English-Wabigoon river system is an extremely challenging problem, with more than a 100 kilometres of river between the mill site and the first nation communities.

In 2017, the Government of Ontario announced \$85 million towards cleaning up the contamination and it renewed its commitment to planning and implementing clean-up measures in cooperation with the first nation communities. Environment and Climate Change Canada is engaged in the remediation efforts led by the Government of Ontario. Specifically, the department is providing scientific and technical advice to the Ontario Ministry of Environment, Conservation and Parks in relation to the remediation of aquatic contaminated sites and contaminated sediment remediation technologies.

Environment and Climate Change Canada officials will continue to contribute to the efforts that the federal government is making to provide relevant support to the Government of Ontario and the Grassy Narrows and Wabaseemoong first nation communities as they work to resolve this serious issue.

Thank you.

● (0855)

**The Chair:** Thank you.

Our last presenter is Greg Carreau from the Department of Health.

**Mr. Greg Carreau (Director, Water and Air Quality Bureau, Healthy Environments and Consumer Safety Branch, Department of Health):** Thank you, Madam Chair and members of the committee.

Good morning. My name is Greg Carreau and I'm the director of the water and air quality bureau at Health Canada.

I would like to begin by acknowledging that the land on which we are meeting today is on the traditional and unceded territory of the Algonquin nation.

I welcome the opportunity to discuss Health Canada's role in protecting Canadians from environmental risks to health. I will speak to the department's activities and expertise related to mercury and contaminated sites, first in general, and then as it relates to Grassy Narrows. Health Canada works closely with Environment and Climate Change Canada to protect the health of Canadians from environmental contaminants such as mercury through our chemicals management plan. This work is accomplished under the Canadian Environmental Protection Act, 1999, which provides the authority for the federal government to take action to address harmful chemicals.

Mercury poses a host of human health risks. The health risks of mercury depend on its chemical form, route of exposure and the level of exposure. Mercury in its organic form, methylmercury, bioaccumulates up the food chain—for example, in fish—and is absorbed through the digestive tract and distributed throughout the body. It readily enters the brain, where it may remain for long periods of time. In pregnant women, it can cross the placenta and into the fetus.

A child's developing nervous system is particularly sensitive to mercury. Effects can include a decrease in IQ, delays in walking and talking, blindness and seizures. In adults, extreme exposure can lead to personality changes, changes in vision, deafness, loss of muscle coordination and sensation, intellectual impairment and even death. Cardiovascular, renal and carcinogenic effects have also been observed.

The federal government has taken action to reduce levels of mercury and risks to health. A wide range of regulatory and non-regulatory initiatives have effectively reduced mercury emissions in Canada. Since the 1970s, domestic sources of mercury emissions have been reduced by approximately 90%. Global efforts are also important, and Canada ratified the Minamata Convention on Mercury in 2017, a global treaty to reduce mercury emissions and exposures.

Today, methylmercury exposure in Canadians is often linked to eating fish. Health Canada establishes standards for the amount of mercury permitted in retail fish. To further reduce exposure, Health Canada provides advice to Canadians on the consumption of certain types of fish known to contain higher levels of mercury.

Health Canada has undertaken research to evaluate the levels of mercury in Canadians. The Canadian health measures survey collects information from Canadians about their health and includes measurements of chemicals in blood and urine. Results found that over 99% of Canadians sampled had levels of mercury below the established methylmercury blood guidance levels. When levels of methylmercury in blood are below the guidance value, no negative health effects are expected.

Regarding the health risks of contaminated sites, Health Canada participates in the federal contaminated sites action plan. Health Canada's role is to provide expert advice, guidance, training and tools on the assessment and mitigation of health risks. The historical

source of the mercury contamination that impacts Grassy Narrows First Nation has not been part of the federal contaminated sites action plan.

Health Canada has had historical involvement in evaluating the human health impacts of mercury contamination in the river system of the English and Wabigoon rivers. Beginning in the 1970s, Health Canada has been investigating the impacts of mercury on the residents of the Grassy Narrows and Whitedog communities. This work was carried out by Health Canada's first nations and Inuit health branch, which was transferred to Indigenous Services Canada in 2017. My colleague from Indigenous Services Canada described these activities earlier.

The residents of Grassy Narrows First Nation have been exposed to elevated levels of mercury resulting from past industrial practices. Health Canada is committed to continuing to work with partners to address the health risk posed by mercury, including our scientific expertise and any future collaborative action with Grassy Narrows First Nation.

I wish to thank the committee for the opportunity to appear today.

● (0900)

**The Chair:** Thank you.

I'm going to encourage you all, if you're not fluent, to put in your earpiece.

Questioning will open with MP Yves Robillard.

[*Translation*]

**Mr. Yves Robillard (Marc-Aurèle-Fortin, Lib.):** Thank you for your testimony.

My first question goes to Mr. Wong.

In 2017, a team of researchers discovered that the old plant was still leaking mercury into the river.

Can you tell us whether that is still the case today and, if so, can you describe for us in detail the efforts that are being made to remedy the situation?

[*English*]

**Dr. Tom Wong (Executive Director and Chief Medical Officer of Public Health, Department of Indigenous Services Canada):** Thank you very much for the question.

My expertise is in the domain of medicine and public health. I will actually turn to my colleague, Susan Humphrey, from ECCC, to comment on the environmental sources of the mercury contamination. As Susan had talked about, there is a strong interest among the entire Canadian community to identify this source and for the Government of Ontario to address the issue.

Susan.

**Ms. Susan Humphrey:** Thank you very much.

Environment and Climate Change Canada is involved in working with the Province of Ontario in providing advice related to the remediation of contaminated sediment in the English and Wabigoon river system. If the question is about the source—potentially related to the operations at the mill or to the former chlor-alkali plant—I'm afraid I'm not able to answer that question.

Thank you.

**Mr. Yves Robillard:** I'm coming back with another question on that.

[Translation]

My next question goes to Ms. Humphrey and Mr. Conn.

The economic life of the Grassy Narrows region has been greatly affected by the contamination in the river, according to Jamie Benidickson. In his words, the fishing industry, a major source of the residents' food and regular income, has been destroyed.

Can you describe for us the economic status of the Grassy Narrows region and the recent trends that have been observed there?

[English]

**Mr. Keith Conn:** I'll start.

From what I understand, you're right: It's had a detrimental impact on the economy, sustenance, hunting and gathering. From anecdotal information that has been shared, I understand that community members had to go further away from their traditional territory to hunt and gather and to fish. That's what I know, but we could probably come back to the committee with more detailed information on the socio-economic impacts of the mercury contamination.

**Ms. Susan Humphrey:** Environment and Climate Change Canada's role in this particular issue is to provide technical and scientific advice to the Government of Ontario related to remediation technologies and sediment quality assessment in the river. I'm afraid I cannot comment on the socio-economic impacts on the communities of Grassy Narrows and Wabaseemoong First Nation.

[Translation]

**Mr. Yves Robillard:** Mr. Conn, it seems to me that a number of factors have to be considered in order to provide assistance to the Grassy Narrows First Nation: decontaminating the lake, the current contamination from the abandoned plant, building the health care infrastructure, and the health care services themselves.

First, can you tell us which level of government is responsible for each of those issues and then talk to us about the relationship you have with the provincial government?

• (0905)

[English]

**Mr. Keith Conn:** When we look at the vision and aspirations of the community, we have multiple levels of service that need to be realized. As I mentioned earlier, we do provide primary health care and public health services. The vision of the community is to provide specialized medical treatment to patients and community members suffering from mercury exposure. That will demand the co-operation and collaboration of the Government of Ontario with respect to their jurisdiction around specialized services. This includes physician

services and allied health services. They are at the table. They will be part of the discussions to find the level of service required by the community.

Within the building facilities, there are actually two. One is the proposed expanded health facility. The second piece is the facility for mercury contamination treatment services as well as assisted living. Realization of those two facilities for the community will also demand, as I said, the collaboration and support of the provincial government in its jurisdictional domain.

[Translation]

**Mr. Yves Robillard:** We know that negotiations are underway between the department and the Grassy Narrows First Nation on the construction of a health care centre. Once agreement is reached, how much time will we have to wait before the construction of the health care centre begins?

**Mr. Keith Conn:** Thank you for the question.

[English]

We're very close. Chief Turtle can speak to this as well.

The feasibility study has been completed. The design vision is there. They are just finalizing the financial agreements and arrangements to begin construction, which will probably demand some clearing and shrubbing to access the chosen site.

We could, perhaps, start with a shovel in the ground in late summer—in my humble estimation—but we need to secure the agreement first, and we're close to that. It's under negotiation as we speak.

[Translation]

**Mr. Yves Robillard:** Thank you.

[English]

**The Chair:** That concludes our time.

We move to MP Cathy McLeod.

**Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC):** This certainly is a very important issue that, quite frankly, has gone on for far too many years. I remember having those little mercury thermometers as a young child, and the warnings about if your thermometer broke. Those were little beads. We're talking about barrels and barrels leaking into the river, so it's absolutely a significant concern.

Mr. Carreau, are children in Grassy Narrows still being born with levels of mercury that are in excess of the minimum standard or threshold that you talked about?

**Mr. Greg Carreau:** Perhaps my colleague, Dr. Wong, would be best placed to speak to that question.

**Dr. Tom Wong:** There are, to this day, still children who are born with impacts of the mercury poisoning of the past. We have observed a decreasing trend of that over the course of the last 40 or 50 years. However, it is still occurring at this point and is related to a mother's being exposed to mercury during pregnancy.

**Mrs. Cathy McLeod:** That threshold is one that will cause damage, as we heard from Mr. Carreau earlier.

**Dr. Tom Wong:** That is correct. However, that's been decreasing over time.

• (0910)

**Mrs. Cathy McLeod:** This brings me to Jordan's principle and the comments that Mr. Conn was making. Jordan's principle is that we don't argue about how we're going to fund it when there are jurisdictional issues. We get it done, and then we have the argument with the provinces later.

From what I'm hearing, it sounds as though you're not applying Jordan's principle to the discussions to say that we go ahead. We should commit to what's needed and then talk with the provinces and figure it out.

Can you explain why you're not applying Jordan's principle to this particular issue because we don't have things worked out with the province, etc.?

**Mr. Keith Conn:** From my perspective, we are applying Jordan's principle. We're committed to working with the community and have developed a collaborative approach and an agreement on the vision forward for the construction of facilities. Build it and they will come; it's not an impediment. The province has signalled in writing that they will be at the table with supports and decisions around accessing specialized hospital services or physician services, so they're there.

**Mrs. Cathy McLeod:** It sounded, certainly earlier, that perhaps it wasn't as robust as we might expect.

In your comments, Mr. Conn, you talked about the minister going to Grassy Narrows to discuss. From my understanding, he went to Grassy Narrows to sign, and his testimony on Tuesday indicated he did go there to sign, not to discuss.

Was Grassy Narrows provided with an MOA prior to the minister's conversation on the telephone the night before he went to Grassy Narrows? Did they have an MOA to look at when the minister had the discussion on the night before he went?

**Mr. Keith Conn:** The short answer is yes, there was a draft MOA shared with the community, developed and reviewed and provided with input for its content, describing the intent and the objectives and the two-track approach of the two facilities, as well as a detailed work plan. We were almost there two days before the visit by the minister. I was in attendance at that meeting, and the signals from the chief and other advisers were that we were almost there. It sounded positive and encouraging. Then when the minister arrived to meet with the chief and council and community members, there was a bit of a change in direction. I think it's a technicality.

As I said, the vision is there around the facility itself; it's just a technical issue around the financing.

**Mrs. Cathy McLeod:** There was general agreement, but we always know that the dollars are what matter, so why would you think you could go in and sign an agreement when you hadn't discussed the dollars? To me, that was, first of all, so disappointing for the community. I understand that a feast was planned and all the signals were out there, but we all know that, if you haven't talked the dollars, you haven't really come to an agreement.

**Mr. Keith Conn:** I don't think it's about the dollars; it was the mechanism. I think, to be honest, it was a trust issue with the Grassy

Narrows First Nation, and rightly so, after many successive governments and not seeing progress or seeing the light of day. I think they wanted some level of assurance around the continuity and predictability and sustainability of funding, so we're working on that issue with a funding agreement that we can contractually oblige this government to commit to.

**Mrs. Cathy McLeod:** Again, I think we're talking about some of the most critical pieces of the conversation: what the structure of the support will be in terms of dollars. For that even not to have been in the memorandum of agreement and not part of the conversation, and then your going to the community.... I mean, surely that is such a gap in what happened in this particular case.

Where are we now? I guess we'll certainly hear from Chief Turtle, but what is the issue with the funding?

**Mr. Keith Conn:** I think the issue with the funding is that the community had proposed putting this money into a trust, which would take an inordinate amount of time, with more delays. Therefore, what we're proposing is a contractual agreement, a legal agreement, in terms of funding commitments. We have an appreciation from both parties on the scope and magnitude of the resources; it's the mechanism by which we will commit that's at issue. I think we're almost there, and that's something we hope to have a successful conclusion to in a very short period of time.

• (0915)

**The Chair:** Sorry, but we've run out of time, and so questioning moves to MP Georgina Jolibois.

**Ms. Georgina Jolibois:** Good morning and thank you.

As I sit here and listen to the presentations, first I'm going to acknowledge my feelings, because as an indigenous MP listening to the presentations, it hurts a whole lot, and I think indigenous people across Canada are very, very upset, because both levels of government have been delaying, delaying, delaying. Studies were done, extensive studies—health impact, and economic studies, and the list goes on. Then I find it really disturbing when Minister O'Regan the other day sat here and said he didn't sign the agreement because...he essentially, basically, blamed Grassy Narrows. I find that very disturbing still.

It leads me to believe that the government is thinking that it knows best. The impression that I have is that Minister O'Regan and the department know better than what the people are asking. The people are frustrated, the people are hurting, the people are sick, the people need more and there's the trust issue—of course the trust issue is there—but the government is delaying, and I find it very difficult and very frustrating.

Going back to the funding, how can we ensure that the funding that Grassy Narrows is asking for...? Grassy Narrows, not the government, is asking for it to be completed ASAP. How can we speed the process up?

**Mr. Keith Conn:** The community does know best. This is why they did their engagement processes with community members. They conducted the feasibility with a lot of thought and vision. We're there with them hand in hand to realize that vision. The funding issue is, again, not really the issue; it's the mechanism by which we will commit. Like any other capital project, we are committed to realizing an agreement in terms of its duration, the funding amount and future operation and maintenance of the facility. Those are near the final stages, as we speak, and we will be working with the chief and council to conclude and get the shovel in the ground ASAP.

**Ms. Georgina Jolibois:** We know and your department knows that the Grassy Narrows First Nation is asking for the mercury home trust that you spoke about, but the government isn't supporting that. Can you explain in detail why that is?

**Mr. Keith Conn:** My understanding of the trust is that it would take an inordinate amount of time; it's complicated, and it's just adding further delays. We don't want further delays. We want to get the shovel in the ground ASAP.

**Ms. Georgina Jolibois:** The perception right now, though, is that various departments in both levels of government, from Ontario to the federal government, are delaying by playing these kinds of games, again taking that approach where the departments know better than what the communities are asking for. If it were any other community in Ontario, both levels of government would be right there.

For example, just this week Ontario cancelled a really good thing, tree planting, but what did the federal government do? They already committed funding to ensure that the project goes forward. Why is it so difficult for the departments and the ministers to move forward and make that decision? There is a crisis we've identified.

Explain that, please.

**Mr. Keith Conn:** In my humble experience, we are trying to build on the experience of getting projects up and running, and the most expeditious way is to find a contractual agreement, a contribution agreement—call it what you will—to expedite the process. A trust fund would simply add delays upon delays, and I think the community is tired of more delays. They want to expedite—

• (0920)

**Ms. Georgina Jolibois:** Again, for the record, the community is asking for that trust fund, and the department and the government wants to take it somewhere else. That's the problem.

**The Chair:** Questioning now moves to MP Mike Bossio.

**Mr. Mike Bossio (Hastings—Lennox and Addington, Lib.):** Thank you, Chair, and thank you all so much for being here this morning. We appreciate the testimony on this really difficult and complex but long overdue situation to be dealt with at Grassy Narrows.

I can't even imagine what the community must be going through, suffering through decades of a source that continues on and on, generation after generation. It must be very frustrating. I want to follow-up on some of the questions that have already been asked, to try to expand on them a bit.

Here we are. We find ourselves in this situation. What have previous governments done to try to address this issue? Has anyone?

Is this the first time that we're actually taking this issue seriously in trying to come to an agreement on something that has been going on for so long?

Mr. Conn.

**Mr. Keith Conn:** Our department, Indigenous Services Canada's first nations and Inuit health branch, has been working for many years with the community to conduct environmental impact assessment research that is led and prioritized by the community. We've had that continuous role for decades around providing primary health care services and public health services. I won't speak to the provincial government, but it's obviously public knowledge that they made a commitment to do environmental remediation for the Wabigoon and English rivers.

We have concluded that we want to support the community in terms of realizing its vision around the construction of the facility. We're there. We're on the same page. It's simply a matter of getting on with signing an agreement.

**Mr. Mike Bossio:** Is it finally taking Jordan's principle seriously and has that been the catalyst pushing the government towards coming to a resolution on this issue?

**Mr. Keith Conn:** As I mentioned earlier, I think in principle—pardon the expression—we are taking the Jordan's principle approach in responding to actually support the community and realize its vision by the construction of the treatment facility and related services. But it demands a partnership approach with the provincial government, which can supply and has willingly stated that it will supply specialized physician services, which falls under their domain, and they are happy to collaborate.

**Mr. Mike Bossio:** As a result, have we ever been as close to a resolution agreement with Grassy Narrows as we are today previously?

**Mr. Keith Conn:** From my recollection, this is a significant step forward.

**Mr. Mike Bossio:** It has been raised that there are funding issues between having a contractual agreement versus a trust fund. The government in its position has decided that a contractual approach is better. Why?

**Mr. Keith Conn:** A contractual agreement through a contribution agreement is the most expeditious way of getting the resources out to the community to begin clearing the land and for construction to take place.

**Mr. Mike Bossio:** But from a long-term standpoint, I think they are looking out further into the future. Is that why they are taking the position on the trust fund and feel it would serve their needs in the long term in a better way? Has that model been used before, and was it successful?



**Mr. Keith Conn:** No. In my experience, the model has not been used before to secure 30 years of funding in a trust fund. All of our other programs and services and capital infrastructure works demand that there be ongoing funding on a year-to-year basis for the community. Those are normalized agreements for operational maintenance for the future.

We have these existing experiences and practices that would bode well with the Grassy Narrows project.

● (0925)

**Mr. Mike Bossio:** I would like to pass the rest of my time over to the chair.

Thank you so much.

Dr. Wong, if you would like to—

**Dr. Tom Wong:** Perhaps I'll make an additional comment.

I think Canada has never been so close from a medical standpoint to actually supporting the communities. It is a moral obligation to support the communities to have a medical facility to help support disabled individuals who are having problems feeding themselves, walking, learning, etc.

For us, this is as close to supporting the communities as we have ever got to from a medical standpoint.

Thanks.

**Mr. Mike Bossio:** Why has it taken so long to get here? This is what I don't understand. This is not new. Why have previous governments failed? Has it just been a lack of political will?

**Dr. Tom Wong:** I won't comment on that question.

In my transition from the Public Health Agency of Canada to the first nations and Inuit health branch and in the short time I've been here, I've seen significant accomplishments by all of the staff in trying to work with the communities, trying to actually support the communities, to get to this day. I can't comment on the remote past.

Thank you.

**Mr. Mike Bossio:** Thank you.

**The Chair:** I would like to ask a question about the economic situation in the area. Back in the seventies many indigenous people were employed in tourism by the fishing lodges. The guides had basically no choice but to eat contaminated fish daily at that time, and then, of course, that's problematic for their health and perhaps for their children.

Are there still fishing lodges that are using those waters contaminated with mercury?

**Mr. Keith Conn:** Madam Chair, I think we would have to come back to the committee on that specific question. I'm not in the economics business, but I do have colleagues who are and whom we can consult on the level of activity around tourism and fishing lodges.

**The Chair:** Perhaps you could indicate how many people are guides. In the seventies when I had an opportunity to work in the area, we saw many dozens of people who were fishing guides, and it put them into a direct workplace hazard really. The contamination

levels were low for the tourists, but the levels accumulated in the local residents, of course.

I look forward to your information.

We move on to MP Arnold Viersen.

**Mr. Arnold Viersen (Peace River—Westlock, CPC):** I'll let Mr. Waugh go first.

**Mr. Kevin Waugh (Saskatoon—Grasswood, CPC):** Thank you.

Thank you to all of you for coming here today.

Dr. Wong, you said there was still poisoning going on in the community.

Mr. Carreau, in your remarks, you noted that mercury poses a host of human health risks, including for the brain and pregnant women. It can cross the placenta into the fetus.

Health Canada refused to reveal the names of 150 residents who were identified at birth. The umbilical cord blood of babies was tested for 22 years, from 1970 to 1992, and 357 infants on reserve had testing data that sat somewhere. Some of it was, they said, in bank boxes in Thunder Bay and Ottawa. The information was slow and at times never even passed on.

If we're still having issues today, has this improved situation improved at Health Canada and your departments?

**Dr. Tom Wong:** Perhaps I'll ask Jennifer Mercer, the director of the program, to speak to that.

What you described was something in the past. However, the department has spent a lot of time working with ethicists at the research ethics board and the community and has poured in additional resources in order to hand search all of the historical documents from the past 40 years and provide those to the communities in boxes, literally.

I'll turn to Jennifer Mercer for the details.

Thanks.

● (0930)

**Ms. Jennifer Mercer (Director, First Nations and Inuit Health Branch, Department of Indigenous Services Canada):** You're right. There's over 50 years of historical data in approximately 100 banker boxes. This data is owned by the individuals who were tested. This personal medical information has been released to the individuals who were tested. If you have an individual who, for example, was born to a mother whose cord blood was tested at the time of birth, the cord blood data was released to the mother.

Throughout the past 50 years, we've had ongoing requests from community members to get access to their personal medical information. I've been in the position for about two years, and I've had 40 or 50 individuals who have asked for their personal medical information. That information has been released upon request to the individual, or, depending on how they sign the consent, to the person with whom they want to share the information, such as a researcher or a physician. It is an individual's personal medical information.

That said, since, I think, the mid-1970s, upon request by researchers who had the support of the community, we have been releasing this data, and this data has been going to the researchers in a de-identifiable format. That means it doesn't have a date of birth or a name. You cannot identify who the individual is, but we have been releasing that data when requested.

We need to make sure that we protect individuals' personal medical information, and we have to respect the Privacy Act. If we released data without the appropriate measures in place, we'd be not in keeping with the Privacy Act.

**Mr. Kevin Waugh:** Thank you. I'll switch over to Mr. Viersen.

**Mr. Arnold Viersen:** Mr. Conn, in the minister's testimony the other day, he said that if the deal had been done last week, the shovels would be in the ground now. You said today that we would be building in August. Is there daylight in-between that, or does "now" mean this summer?

**Mr. Keith Conn:** I'd better follow suit with the minister, I suppose. Yes, now, this summer; I'm just humbly estimating. It takes time to secure contractors, and the community needs to get organized around that, and they are primed. That was just my humble estimation of summer. It's now June, so July, August....

**Mr. Arnold Viersen:** So, what you're saying is that we don't have the contractors lined up.

**Mr. Keith Conn:** Not at this point, but I think there's a state of readiness, I have to say.

**Mr. Arnold Viersen:** Okay.

Ms. Humphrey, you used the word "potential" for the contamination. Why did you use the word "potential"?

**Ms. Susan Humphrey:** I mentioned earlier that the responsibility for freshwater quality and for protecting freshwater quality in Canada is divided between the two levels of government—federal and provincial.

Environment and Climate Change Canada is co-leading sediment remediation projects in areas of federal jurisdiction; in the case of Ontario, in the Canadian Great Lakes and the Canadian waters of the Great Lakes. Our involvement in the English-Wabigoon river system assessment of contamination and proposals for remediating that sediment is one of providing technical and scientific advice to the Province of Ontario, because the lands that are contaminated in the river are actually under provincial Crown jurisdiction. The information that has come to us comes in various sources from the Province of Ontario, from the Ministry of the Environment, Conservation and Parks. We've received various documents on sediment quality. We've been commenting on sediment quality in the river—the assessment of the quality and the potential for the different remedial options to work. We have not commented on, or received documents related to, contamination at the mill property, and I was assuming that was what the earlier question was on. That was what the response was about.

**Mr. Arnold Viersen:** My question is this. If we remediate the mill sites, are we certain that we're going to remove the source of this mercury by taking this remediation action?

• (0935)

**Ms. Susan Humphrey:** The information that Environment and Climate Change Canada has, and from our experience in leading sediment remediation projects elsewhere in the province, is that dealing with a source, if it's a current source, is always a first step. We need to ensure that we're dealing with the source and, at the same time, remediating the legacy issue, meaning any deposits that have actually accumulated in the English-Wabigoon river system, whether in the rivers proper or in the lakes as well.

**The Chair:** The questioning now moves to MP Gordie Hogg.

**Mr. Gordie Hogg (South Surrey—White Rock, Lib.):** As a naive person sitting on this committee for the first time, I've been listening to the testimony that there's the emergent need to do something and, at the same time, there's the trust fund issue that is compromising or setting that back.

I don't understand why those two issues are mutually exclusive. I've dealt with a number of issues in the province I come from, British Columbia, where we do put trust funds in place; we do start operationally. I don't understand why you can't start the building with an agreement and then have an agreement that we're going to deal with the trust fund issues afterwards. There seems to be a certain emergent need with respect to the building, and the trust fund—if I'm correctly interpreting what I'm hearing—is something that is delaying that or not making it possible at this point.

I don't understand why there can't be some discussion and negotiation to make those things happen in parallel. I don't see them as mutually exclusive; I've seen organizations, models and governments that have done that. I'm wondering whether that's been explored and there's some possibility of actually recognizing, as you do, the emergent need of this. Somehow it doesn't seem that we should be risking the challenge that comes with delaying any of that further, yet we can't seem to accomplish both of those things at one time.

**Mr. Keith Conn:** Yes, they may not be mutually exclusive. There's a strong desire to get the process moving and the shovel in the ground, so perhaps that could be a possible scenario of looking at the longer term, 30 years out, in terms of some kind of trust mechanism. Certainly agreements that we normally sign for quick and expeditious execution projects are through an agreement—a contribution agreement, for example—so we can get that moving quickly. As we speak, there's a finalization on a proposed approach around that.

We'll leave it to the minister and Chief Turtle to look at a vision forward around that concept or that thought.

**Mr. Gordie Hogg:** Has that been explored, to this date?

**Mr. Keith Conn:** That's in negotiations.

**Mr. Gordie Hogg:** It's part of the discussion?

**Mr. Keith Conn:** Has it been discussed to look at the mutually exclusive issue? No, but I think we should be open to the concept.

**Mr. Gordie Hogg:** Thank you. I'd like to turn the rest of it over to Mr. Bossio.

**Mr. Mike Bossio:** Once we get past this stage, what's the next part of the plan? We know there's going to be a long-term need within the community on many different fronts, beyond the health centre. Once again, is that strictly within provincial jurisdiction, or what federal involvement would there be in trying to address the long-term needs of Grassy Narrows?

**Mr. Keith Conn:** I think it's not strictly the provincial domain. Federally, we'll be working with the community and the province on a combination of specialized services, including assisted living. This is where we can play a role as a department, because that's part of the need identified by the community. We have seniors or elderly populations requiring assisted living. We have community members who are away and want to be brought back to the community to be close to their families. That's where we would play a role as well. So it's not strictly the provincial government that will provide specialized services, including physicians and allied health care. It's a combination of service delivery structures that would need to be in place. That's all for the discussions and planning processes.

**Mr. Mike Bossio:** Wabaseemoong is the nearby community that is also affected by mercury. Is there anything being done to assist this community that we can learn from?

• (0940)

**Mr. Keith Conn:** Yes, we are working closely. My officials in the Thunder Bay regional office are working closely with the leadership in the community of Wabaseemoong and were actually provided, last year I believe—Jennifer can speak to this—with the task of doing a health impact study. That is under way as we speak. Again, similar to Grassy Narrows, we are providing ongoing supports for primary health care, public health functions, Jordan's principle funding, and mental wellness funding to support the community's identified needs.

Jennifer, do you want to add to that?

**The Chair:** I'm afraid we've run out of time. Perhaps the answer will be through the Conservatives.

We move to a five-minute session and MP Cathy McLeod, who I understand is sharing her time with MP Viersen.

**Mrs. Cathy McLeod:** First of all, I do want to note that I absolutely agree with my colleague, Dr. Hogg, asking why we are not starting the building and taking the time. I think we can chew gum and walk, and I think it should absolutely be going ahead.

The following is what I really want to know. I'll ask the environmental officials, though maybe it will be the next panel that will give us some additional information. Has all of the source been identified and is there a plan to clean up all of the source pollution?

**Ms. Susan Humphrey:** I think it's a question better posed to my colleagues at the Ontario Ministry of the Environment, Conservation and Parks. Certainly, the contaminated sediment in the English-Wabigoon river system is a source, and it is on that that Environment and Climate Change Canada is providing technical and scientific advice to our provincial colleagues.

**Mrs. Cathy McLeod:** I'll turn it over to my colleague.

**Mr. Arnold Viersen:** I'm not exactly sure where to direct this question. I think I'll start with you, Mr. Carreau.

My Google search of this mercury revealed that it has a half-life of 80 days, so to speak. We've been aware of this now for several decades. How come we still have babies being born who are affected by this?

**Mr. Greg Carreau:** Perhaps my colleague, Dr. Wong, would be best placed to speak to that.

**Dr. Tom Wong:** I'll start commenting and then Jennifer can comment further.

One of the things is this. Despite the recommendations not to consume fish from the river system, individuals, because of their cultural links to the fish, which are a very important dietary source, will from time to time consume contaminated fish, even more than they should, and thus be exposed to mercury. With that said, I'm going to turn it over to Jennifer.

**Ms. Jennifer Mercer:** From 1970 to 1999—approximately 30 years—there was ongoing monitoring of mercury exposure in the communities of Wabaseemoong and Grassy Narrows. The results of that showed a definite decline over time, and we were in really good shape in 1999-2000. Around the 2000 period, the approach of the government shifted from doing research on communities to supporting communities doing their own research. The levels were at a reasonable, acceptable level. At that point in time, we shifted to community-focused research. The community would hire researchers to do their own research. Grassy Narrows then began to access the first nation environmental contaminants program, and it undertook research.

In 2015—

**Mr. Arnold Viersen:** Babies are still being born today....

**Ms. Jennifer Mercer:** I'm getting there.

In 2015 and 2016, the community said that they were still seeing issues and there were still concerns. Together with the Province of Ontario, we funded the community health assessment being undertaken by Dr. Donna Mergler, which Keith Conn spoke about earlier today, to investigate what is going on in the community to get a better understanding of the concerns. We're seeing, what we understand to be, both direct and indirect impacts of mercury poisoning.

In regard to the latter, for example, we spoke earlier about the socio-economic impacts. When a fishing guide is no longer able to fish, he can no longer feed his family. It's a struggle, and that has an impact on the social structure of the family. Those are the indirect impacts we are seeing.

• (0945)

**Mr. Arnold Viersen:** Mr. Conn, one of the issues I'm concerned about is that I don't think Grassy Narrows is the only community along this river.

What kind of precedent is this going to set in dealing with Grassy Narrows? Will multiple communities be doing it, or is this just a Grassy Narrows concern?

**Mr. Keith Conn:** For the time being, we need to realize this project, obviously, and then see what the promising practices would lead to.

**Mr. Arnold Viersen:** How many more communities are we potentially concerned about?

**Mr. Keith Conn:** We are potentially concerned about Wabaseemoong.

**Mr. Arnold Viersen:** Yes, okay.

**The Chair:** All right.

I see that we've run out of time.

Thank you so much for coming out, participating in the discussion and answering our questions.

We appreciate your knowledge, time and efforts to provide us with answers.

We will suspend for a couple of minutes and then have our second panel.

• (0945)

\_\_\_\_\_ (Pause) \_\_\_\_\_

• (0950)

**The Chair:** I'll ask everybody to come to order. We have a second panel to get going, with officials from the Government of Ontario, and Chief Rudy Turtle.

From the Ontario government, we have Grant Wedge, assistant deputy minister, Ministry of Indigenous Affairs, and Frank Miklas, director, northern region, Ministry of the Environment, Conservation and Parks.

Welcome to our committee. You have up to 10 minutes to present, and you can begin at any time.

After that, we will have a presentation by Chief Rudy Turtle. After both presentations, there will be an opportunity for questions from the members.

You can start any time you wish.

**Mr. Grant Wedge (Assistant Deputy Minister, Ministry of Indigenous Affairs, Government of Ontario):** Good morning, *Kwe*.

First, Madam Chair, as you and many others have mentioned, we acknowledge our presence today on unceded Algonquin territory. If I may say, my negotiation team and ministry are working with the

representatives of the Government of Canada and the representatives of the Algonquins of Ontario to reach a modern treaty agreement, which we look forward to that.

Just to clarify, Madam Chair, my understanding was that we each had 10 minutes, so we have prepared remarks in that manner.

**The Chair:** That's 10 minutes, 10 minutes and 10 minutes.

Is there a desire to hear from the chief first and then the Government of Ontario?

**Some hon. members:** Agreed.

**The Chair:** Chief Rudy Turtle, you've travelled a long way. We don't want any kind of procedural interruption. We would like to hear from you first, and then we'll hear from our important partners, the Government of Ontario.

Please start any time you are ready.

**Chief Rudy Turtle (Grassy Narrows First Nation):** Good morning.

My name is Chief Rudy Turtle. I acknowledge the indigenous land that we are on. Thank you for inviting me here today to speak to you.

I ask that you listen carefully and take my words to heart. I'm here on behalf of my people.

Our community has been poisoned by mercury. Our people are sick because the government let the companies dump mercury in our river. Our people still suffer because for many decades the government has done little to care for us. We get only the same inadequate support that any other first nation struggles with, but we have the added burden of mercury. It is not enough. The Government of Canada knows this. It has been written in expert reports over and over again. But when we seek support from Canada, we meet with delays and red tape.

More than 500 days ago, Canada promised to build and run a mercury care home in Grassy Narrows so that our sick loved ones will finally get the care and support they deserve. This was a solemn promise, and we celebrated it. I honour Jane Philpott, who was the minister then, for her fair dealing. We believed that help was finally on the way. Eighteen months later, only 1% of the funds to build the mercury care home have flowed, and the project is at a standstill.

We know the government has often broken its promises to Grassy Narrows. We suffer every day because of these broken promises. If this government is so slow to keep its promise, how can we believe that the next government will honour it? We cannot allow this promise of a mercury care home to be broken.

We have given Canada a chance to keep its promise to help our people who are suffering from mercury poisoning in Grassy Narrows. I have told Minister O'Regan I am prepared to sign an agreement that honours Canada's promise of securely funding the mercury care home by putting the money in a trust well before the election. This will give us the certainty we need that the care home will be built and the promise will be kept regardless of the shifting political winds in Ottawa. After 50 years of suffering, our people deserve this certainty.

The 30-year life-cycle cost of the facility is \$89 million. That is \$17 million for construction and \$72 million to run it for the next 30 years. This is required to make sure our people will get the kind of care they need. Canada must also keep its promise for our comprehensive mercury table, to work with us to fix what mercury has hurt in our health, our culture and our livelihood. This must be done following the recommendation of an expert community health assessment and our first nation priorities. Instead, Canada has tried to push us into signing bad deals that shortchange us, do not provide certainty and will not give our people the care they need.

We have signed bad deals before because of the government's pressure, and we are still dealing with the fallout of those bad deals. I will not make a bad deal. I will only sign something that I know my grandchildren will look back on and say their grandfather was a wise man who stood up for his people. Before I sign anything, I need to be sure the mercury care home will be built and it will give our loved ones the care they need. I need to see that the money to finish the job is there and cannot be taken away. After so many words, we need actions that our people can rely on. We have been seeking justice for 50 years. When will our loved ones who are hurting from mercury poisoning finally have a place where they can be cared for with dignity?

• (0955)

We have invited Prime Minister Justin Trudeau to come to Grassy Narrows five times to see the suffering and to help us. He has refused.

Prime Minister Trudeau, I invite you today to show that you care by coming to Grassy Narrows and putting the full funds for the mercury home in a trust so we will know that you will keep your word. I urge you to find it in your heart to do the right thing for us.

To my people, I pledge that as your chief I will keep fighting for you until we have the justice we need. I will fight until the mercury home is built, everyone is compensated for the terrible impacts of mercury and we finally have the justice we deserve.

Thank you.

• (1000)

**The Chair:** Thank you, Chief.

We are now moving to the Government of Ontario, starting with Grant.

**Mr. Grant Wedge:** Thank you again, Madam Chair.

My name is Grant Wedge. I am the assistant deputy minister of the negotiations and reconciliation division of the Ministry of Indigenous Affairs in Ontario.

I'm here to talk today with you about the role of the ministry in relation to the mercury disability benefits that are paid to members of both the Grassy Narrows First Nation that Chief Turtle represents and the Wabaseemoong Independent First Nations. That's of course in connection with the mercury contamination in the English and Wabigoon rivers.

I am joined today by my colleague Frank Miklas from the Ministry of the Environment, Conservation and Parks.

My focus is on providing the committee with information about the actions that Ontario has taken and continues to take regarding mercury disability benefits.

The mercury disability fund and the Mercury Disability Board were established by Ontario's 1986 English and Wabigoon River Systems Mercury Contamination Settlement Agreement Act. Let's just call it the "mercury act" for short. It governs the administration of benefit payments to the members of Grassy Narrows and Wabaseemoong. Under the act, Ontario is responsible for maintaining the mercury disability fund at a level sufficient to cover all payments to qualifying benefit recipients. If I can just clarify, that is then a 100% contribution by the Government of Ontario to that fund.

Ontario contributed about \$35 million to the payment of benefits between 1986 and January 2019. In addition, both Ontario and Canada contribute on a fifty-fifty basis towards the administrative and operating costs of the Mercury Disability Board, the MDB. The government representative, Keith Conn, was referring to that in his testimony.

The board consists of seven members, including a chairperson selected by the parties. Just to note, the most recent chair was Evelyn Baxter, a first nation's member who was appointed just last month to the Ontario provincial Court of Justice. We're now looking for a new chair. It also consists of one member from each of the two first nations, two qualified physicians and two other members. These two other members are normally representatives of Ontario and Canada, but that's not a requirement under the act.

The board members are appointed by a four-member search committee that is responsible for appointing and replacing members of the board. The search committee includes one representative from each of Ontario, Canada, Grassy Narrows and Wabaseemoong. In fact, it is usually the chiefs from the two communities who are the direct participants on that search committee.

Benefits are paid from the mercury disability fund to the members of the Grassy Narrows First Nation and Wabaseemoong who demonstrate symptoms that are reasonably consistent with mercury poisoning. These may be symptoms set out in a table of known conditions—for example, tremors, incoordination, visual impairment, or other symptoms consistent with mercury poisoning that may significantly impair the quality of life or limit the activities of an applicant. That is done through a physician review.

As of April 30, 2019, there are 263 people from the two first nations who are receiving benefits, 143 from Chief Turtle's community of Grassy Narrows and 120 from Wabaseemoong.

Following a review of MDB compensation, last fall the Ontario government committed to indexing the benefits annually to changes in inflation, as measured by the consumer price index. As a result, people saw their benefit payments almost double, beginning last November. For example, someone who was then receiving the \$800 maximum payment per month prior to indexation now receives \$1,720 per month.

At the time of the announcement, our minister, Minister Greg Rickford, said that Ontario hoped that these increases would help change people's lives for the better. I have provided, in English only, the news release that was issued at that time. Minister Rickford said it was unacceptable that the payments had been frozen for the previous 30 years.

•(1005)

To be clear, the amount is exempt from provincial taxation and does not count as income for the purpose of reducing any other benefit for which a recipient may qualify, including, for instance, the Ontario disability support program. In addition to indexing benefits on a go-forward basis, the indexation was also provided retroactively to those who were receiving benefits as of March 31, 2018. So if someone had been receiving the benefits for the last 10 years, they then received a lump sum payment to cover the 10 years of inflation.

In total, the retroactive payment to individual recipients in 2018 was \$11,700,000. The number of community members who were assessed for benefits in 2018-19 included 164 adults, 120 from Grassy Narrows and 44 from Wabaseemoong; and 12 children, 11 from Grassy Narrows and one from Wabaseemoong.

Thus far in 2019, this current year, there have been 75 adult assessments, 60 from Grassy Narrows and 15 from Wabaseemoong, and a further three pediatric assessments, all from Grassy Narrows. The program has experienced a 14.3% increase in the number of recipients over the past year. Those are new recipients.

If I may, I'd like to speak about some other recent developments.

Ontario is now fast-tracking MDB recipients who apply for benefits and other payments from the Ontario disability support program in addition to, or on top of, their MDB payments. As of 2018, provincial regulations governing ODSP have changed so that anyone who has previously received an award from the Mercury Disability Board will now automatically qualify for provincial disability support provided they qualify financially.

Before this change, anyone who received mercury disability awards would then have to apply separately for ODSP. I recognize it may feel like a small change, but it has significantly reduced the application burden for people who now receive both ODSP and MDB benefits. Since 2018 there have been 20 new ODSP clients from Grassy Narrows, 13 of whom have come through this new prescribed process, and four at Wabaseemoong.

In addition, the federal government is providing funding for an expert panel that is assisting the board to look into opportunities to modernize the MDB's clinical assessment process.

Madam Chair, members of the committee, in closing I would just say that I hope I have given you a sense of what it is that my ministry, Indigenous Affairs, is responsible for with regard to the

MDB issues. We have taken steps to increase payments to people who have gone as many as 30 years without an increase and to reduce the burden of applications.

I'll be pleased to take questions following my colleague's remarks.

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

Now we'll hear from Frank Miklas.

Thank you.

**Mr. Frank Miklas (Director, Northern Region, Ministry of the Environment, Conservation and Parks, Government of Ontario):** Good morning.

I would like to acknowledge the traditional unceded territory of the Algonquins.

Thank you, Madam Chair and members of the Standing Committee on Indigenous and Northern Affairs, for inviting Ontario this morning to talk about the role of our province in addressing the mercury contamination in the English and Wabigoon rivers, and its impact on local indigenous communities.

As you know, my name is Frank Miklas. I'm the director of the northern region with the ministry of the environment, conservation and parks.

My focus today is to provide the committee with information on the role of my ministry in addressing the important and challenging issue of mercury contamination in the English and Wabigoon rivers. I will tell the committee about the actions Ontario has taken and continues to take to identify contaminated sites and implement a remediation plan for the English and Wabigoon rivers.

During the 1960s and 1970s a chlor-alkali plant in Dryden released around 10 tonnes of mercury into the Wabigoon River. Mercury was used to make bleach in the chlor-alkali plant, and mercury escaped into the river through the mill effluent, affecting both the English and Wabigoon rivers. Similar plants operated around the world at that time.

In 1970, mercury contaminated fish was traced back to the Dryden mill, and the Province of Ontario issued a pollution control order to stop the discharge of mercury from the mill. The chlor-alkali plant was decommissioned in 1975.

In the 1980s, the federal and provincial governments established the Canada/Ontario steering committee to conduct studies in the Wabigoon River to determine the location and extent of contamination options for remediation. These recommendations were provided to a separate Canada/Ontario technical review committee, which consulted with stakeholders and made recommendations to Canada and Ontario.

In 1985, Canada and Ontario accepted the recommendations from the Canada/Ontario technical review committee, and both governments made the decision to pursue national attenuation of the river system due to concerns over the possible remobilization of the mercury.

Since the 1970s, mercury levels in fish in parts of the English and Wabigoon rivers have declined. However, current mercury levels in fish remain high, and consumption advisories are still in effect in many parts of the river system.

The mercury contamination affecting the English and Wabigoon rivers is a priority matter for the Province of Ontario. In 2018, Ontario established and funded the \$85 million English and Wabigoon rivers remediation trust under the English and Wabigoon Rivers Remediation Funding Act. The act was enacted in 2017 to provide for the funding of the remediation of contaminants in the English and Wabigoon rivers. To date, approximately \$13 million has been approved for use from the trust.

The act also enabled the establishment of the English and Wabigoon rivers remediation trust panel. The panel comprises members who represent Grassy Narrows First Nation, Wabaseemoong Independent Nations, and the Government of Ontario, and is responsible for directing the expenditure of the funding from the trust.

Other local indigenous communities also participate in panel discussions, including Eagle Lake First Nation, Wabauskang First Nation and Wabigoon Lake Ojibway Nation.

The trust can be used for the following remediation activities: preventing or reducing the risk of a discharge of mercury; reducing the presence, concentration or bio-availability of mercury, including its presence and concentration in fish; and post-remediation monitoring.

Funds can also be used for related indigenous community engagement costs.

Considerable scientific work, both in the English and Wabigoon rivers and on the Dryden mill site, is currently in progress to assess the current state of the mercury contamination and the source of contamination. That information is necessary to determine the best remediation actions.

Ontario has been undertaking pre-remediation science activities in collaboration with local indigenous communities in the river since 2016.

This work is being done in collaboration with Grassy Narrows First Nation, Wabaseemoong Independent Nations, Eagle Lake First Nation, Wabauskang First Nation and Wabigoon Lake Ojibway Nation.

The purpose of the river assessment work is to collect important information about the current contamination levels in sediment and in fish in the river system.

This work includes collecting samples from surface water, sediment and biota, meaning fish and invertebrates from the English and Wabigoon rivers system. More work will be undertaken over the next few months, including sampling programs led by Grassy

Narrows, Wabaseemoong and Wabigoon Lake. That work has been approved and will be funded by the panel.

● (1010)

This information will support the identification and evaluation of options for remediation and the setting of remediation goals and objectives. Ontario recognizes the importance of transparency in a project of this scale. That is why our scientific results are shared with the local indigenous communities for their review and why we have a team of dedicated experts available to answer any questions they may have.

While the work on the river system is taking place, an assessment of the Dryden mill site by the owner is currently under way to determine whether the site is an ongoing source of mercury to the river so that action can be taken.

The mill site assessment is being completed through a transparent process that includes involvement of the communities most affected by the mercury contamination in the river system. We believe in involving indigenous communities at every step of the way. Grassy Narrows First Nation, Wabaseemoong Independent Nations, Eagle Lake First Nation, Wabauskang First Nation and Wabigoon Lake Ojibway Nation are all involved in the assessment work ongoing at the Dryden mill site. Information about the status of the assessment is done through our working group, which was established in 2017 to act as a forum for regular communication among our ministry, indigenous communities and the mill site property owner.

A site assessment is part of the work that needs to be completed to determine whether mercury is present and potentially migrating to the river. It is being done in two phases. The first phase, completed in 2018, established the presence of elevated mercury concentrations in the soil and groundwater at the mill site.

The work plan for this year will assess whether this mercury is leaving the site and getting into the river system and, if it is, in what quantity. This is the focus of the next step of the assessment. If results of the mill site assessment show that mercury is being discharged from the site to the Wabigoon River, Ontario will ensure that action is taken to appropriately address mercury discharges from the site. The mercury contamination affecting the English and Wabigoon rivers is a very complex issue that requires meticulous scientific work to determine the best remediative course of action. We know there continues to be significant work ahead of us.

Ontario is completely committed to continuing to work with indigenous communities and our partners, including the Government of Canada, to identify mercury-contaminated sites in the English and Wabigoon Rivers and to develop and implement a plan to appropriately remediate these sites.

On behalf of the Province of Ontario, we want to thank you, Madam Chair and members of the committee, for the opportunity to appear before you to discuss this important issue.

Thank you.

● (1015)

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

MP Yves Robillard, go ahead, please.

[Translation]

**Mr. Yves Robillard:** Thank you for your testimony.

My first question goes to Mr. Miklas.

In 2017, researchers discovered that the plant was continuing to leak old mercury into the English and Wabigoon rivers. Can you tell us in more detail about the decontamination work that your ministry has done?

[English]

**Mr. Frank Miklas:** The work done since 2017-2018 on the mill site is an assessment of the soil conditions and the groundwater on the site. The results of that work have shown that elevated levels of mercury do exist in the groundwater and in the soil, and the focus for the work this year, 2019, is to determine whether the mercury that's on the site is migrating into the river.

In terms of the work in the river, work has been done by the ministry, Grassy Narrows First Nation and the other indigenous communities to collect sediment and surface water samples to determine the extent and location of mercury contamination. That work will continue this coming year and we're still assessing, as I said, the extent and location of the contamination within the river. We're still very much at the assessment stage at this point.

•(1020)

[Translation]

**Mr. Yves Robillard:** Once the health care centre is built, it will be essential to provide specialized health care services for the Grassy Narrows First Nation. Since health care falls under provincial jurisdiction, can you tell us whether Ontario is committed to providing those services?

[English]

**Mr. Grant Wedge:** I think that falls to me, Mr. Robillard, through the chair.

Unfortunately, my area of responsibility with the Ministry of Indigenous Affairs does not include these issues about the funding. That is for the representatives of our Ministry of Health and Long-Term Care.

Mr. Conn, in his testimony to you this morning, I know was referring to the various pieces of correspondence and activity between those ministries. My sense is that they would be best able to answer your question. If so, I can try to see if there's further information to provide on that.

[Translation]

**Mr. Yves Robillard:** That would be appreciated, Mr. Wedge.

My next question is general in nature and goes to you all.

The disability board dealing with mercury cases in the Grassy Narrows and Islington bands is doing vital work in administering benefits for eligible members. Can you tell us about the board's activities?

[English]

**Mr. Grant Wedge:** If I'm understanding your question correctly, I was talking about the work of the Mercury Disability Board. That has a special purpose, which is to provide the disability payments.

Over time, there have been other committees that have been doing various kinds of activity—the federal representatives referred to some of it—but it is the board itself, which is arm's length, in the sense that it's the independent chair, with the first nations and representative of two physicians, along with a representative of Canada and Ontario to date, that monitors all of those activities with respect to the benefits that people receive.

**Mr. Yves Robillard:** I'll share my time with my colleague.

**The Chair:** MP Mike Bossio.

**Mr. Mike Bossio:** Thank you, Chair, and thank you for being here this morning, witnesses.

Thank you very much, Chief. I don't believe you were here earlier when I said to the government witnesses who were here that I can't even imagine what your community has gone through since 1970, with 50 years of devastation for your community. You have our deep condolences for the suffering your community has undergone. It really is a travesty, and I'm sorry that you're still here at the table having to address this committee after all this time has passed.

My first question will go to the province on intervenor funding. Are the communities of Grassy Narrows and Wabauskang receiving intervenor funding so they can hire their own experts and specialists to review the scientific data that's coming as a result of these assessments?

**Mr. Frank Miklas:** One of the provisions in the trust that has been set up and that has established a panel to make decisions on the expenditure of the funding is that the participants and members—the members include Grassy Narrows, Wabaseemoong and Ontario, and the participants are Eagle Lake, Wabauskang and Wabigoon Lake—can submit proposals to the panel for funding. In their proposals, they can request capacity funding to acquire that expertise to allow them to get that expertise to review the technical reports that are produced.

**Mr. Mike Bossio:** Chief, can you respond to that as well? Do you feel that the community is receiving adequate funding to properly analyze and receive the evidence necessary to give you assurances that the root of this issue is being dealt with appropriately?

•(1025)

**Chief Rudy Turtle:** Right now, we do have a team that's doing studies. I think it's adequate for now. We're just waiting for the results. I think that this summer we will have a river team that will be doing studies close to the Dryden area. The way I see it right now, we're just waiting for these study results.

**Mr. Mike Bossio:** Do you feel—

**The Chair:** I'm sorry.

The questioning now needs to move to MPs Cathy McLeod and Arnold Viersen.

**Mrs. Cathy McLeod:** Thank you, and thank you to the witnesses. I'm going to summarize what I think we've heard this morning.

First of all, it's an issue that's gone on for over 60 years. The impacts of the mercury poisoning have been tragic and dramatic.



Was it 10 tonnes, Mr. Miklas, that I heard you say was released directly into the river?

**Mr. Frank Miklas:** Ten tonnes from 1963 to 1970.

**Mrs. Cathy McLeod:** I want to go back to my analogy this morning. In those same years, we were told that if we dropped a thermometer, we should look for the little beads of mercury and be extra cautious, yet we're hearing the number 10 tonnes. We are also hearing that potentially there is still discharge into the river and that children are being born with mercury contamination levels that exceed...and will be impacting their health.

Chief Turtle, I can't imagine what you've been through over the last number of years. I congratulate you for your perseverance.

We also heard about this whole issue around the agreement. We understood that the minister was going to go.... There was an agreement that you talked about that was going to be signed. I find it absolutely stunning that the issues were not worked out prior to his coming to a signing ceremony. It's very clear what your interests were.

Can you maybe talk about what happened there? We all expected good news to come out of that particular day when the minister came to your community. I understood that you were ready and prepared to sign and had a celebration organized.

**Chief Rudy Turtle:** First of all, for the initial meeting, we met in Toronto. I clearly told Anne Scotton and her team that I had to take this agreement back home to see if my members would approve it. The first thing I made clear was that I couldn't just say, "Yes, I'll sign it." I had to take it home first and have our team look it over. Right there, they made the mistake of assuming that I was just going to sign it, when I clearly told them in Toronto that I had to take it home first for approval.

As you are aware, there are processes that you have to go through. As chief, I just can't say yes. It would be wrong. I would be a bad leader if I just said yes—even today, to anybody here. I have to take things home and review them with my council, with my team members, before I can sign anything. That's the first thing I told them, and I said that very clearly.

Second, they did not punch in the numbers. They only gave me numbers for phase one, which was the upgrade of the clinic or addition to the clinic that we now have. They gave us the numbers when they arrived in Grassy Narrows, so how could I sign something, a blank piece of paper? I can only sign something when it's all filled in. That was the first thing. Nobody signs a blank sheet of paper.

There were other issues that we identified. Number one, we asked for a mercury treatment facility, not an assisted-living home. Second, we asked for a trust fund similar to the one that Ontario set up. That is just for certainty, should there be a change of government or a change of policy, whatever, so that we could make sure this facility would keep going. Those weren't added in.

• (1030)

**Mrs. Cathy McLeod:** Okay. Are you optimistic, because, of course, we're now into June, that you're close enough to getting the deal that you want and need? Are you optimistic at this point that those additional issues can be addressed?

**Chief Rudy Turtle:** We are making some steps. There is progress. It's slow. I'm trying to be optimistic, yes, and we have made some small steps, so I'm hoping we will get something done.

**Mrs. Cathy McLeod:** I hope I speak for all committee members in saying that we are behind you in getting this done in this Parliament.

Mr. Viersen.

**Mr. Arnold Viersen:** Mr. Miklas, how confident are you that we will be able to find the source of this mercury?

**Mr. Frank Miklas:** As I've mentioned, that's definitely something we are working on. We did the assessment work in 2017 and 2018 on the mill site and we're continuing to do that work this coming year. As I mentioned earlier, we've been working on the assessment work in the river system since 2016 and we continue that work, and —

**Mr. Arnold Viersen:** Are there any other potential sources?

**Mr. Frank Miklas:** We're continuing to do the assessment work to identify the extent and location of the mercury.

**Mr. Arnold Viersen:** Okay.

Mr. Wedge, you said that you have new applicants coming in through this board. Is there an end in sight to the potential number of people living with the impacts of this mercury poisoning? Are we making progress in stemming the tide?

**Mr. Grant Wedge:** To be clear, it is a board that's dealing with those who have symptoms consistent with.... I think some of the members were asking questions about the presence of mercury in mothers and their children, and I've noted pediatric assessments.

I don't know that there are projections at this point, in direct answer to your question about how this will go. I think it is one of those challenges around discovering where the continuing effects are being experienced and then how they may be addressed.

**The Chair:** Thank you. Questioning now moves to MP Niki Ashton.

**Ms. Niki Ashton (Churchill—Keewatinook Aski, NDP):** Chief Turtle, thank you for being here today. I want to share, on behalf of my colleagues Georgina Jolibois, Charlie Angus and our leader Jagmeet Singh, that we stand with your community. We are horrified that yet one more delay has taken place. We stand with you in urging the government to act immediately.

Given the sensitive timing of the issue, for us it's very important that you have the chance to hear from somebody who has worked with you very closely on this, and that's why we'd like to cede our time to Jane Philpott.

**Hon. Jane Philpott (Markham—Stouffville, Ind.):** I thank the NDP very much for the opportunity to have some time here.

I greet you, Chief Turtle. Thank you for your phone call a couple of nights ago and for our conversation again yesterday. I want to send greetings to the entire Asubpeeschoseewagong community. I want to speak in support of the request the community has made for a trust fund. I think I share that sentiment with my colleagues who have offered me this time.

Chief, when we talked about this, you gave me the reasons you believe it's important. We talked about the moral imperative, about the fact that thousands of people—both in your community and in surrounding communities—have been impacted by the mercury contamination in the English-Wabigoon river system, and about how there is no other group of Canadians who would accept suffering such health consequences and not have appropriate health facilities to treat them.

The commitment was made on behalf of the government, as I know very well. I believe that it's incumbent upon the government to continue with that commitment.

You and others have outlined a clear clinical need. I urge people who haven't read the Mergler report to do so. It does outline not only the effects on adults, but the severe neurological effects on children of mercury contamination.

Chief, you talked to me about the exceptional circumstances that you're under and that is why you have asked for this \$89-million trust. My question for you is: What do you think are the reasons it has not come to pass? I have a list of five potential theories; I wonder if any of them are reasons that you have as to why this agreement has not yet been reached.

Earlier, the officials talked about the fact that it was the mechanism of a contribution agreement versus a trust fund that was the debate. I wonder if, in fact, it's not so much the mechanism, but the amount of money because the amount of money in the trust fund is significantly larger—in the order of \$89 million. However, I would argue that one can calculate \$89 million to be 0.025% of what the federal government is going to spend this year. I think most Canadians would argue that spending 0.025% of this year's money to give 30 years of treatment to the people of Grassy Narrows is a very good investment.

The second possibility I have heard is that it's a question of time. Officials talked about the fact that they didn't have time to prepare the details of the trust fund. I wonder, Chief, whether you think that the thousands of officials who work in Indigenous Services Canada—along with their colleagues, the thousands of officials who work in Finance Canada—could not somehow find the time over the next couple of weeks to write up what would be necessary for a trust fund, knowing that there are examples in Ontario and others that we've heard about this morning that could be seen as a template for this.

The third theory I have is that it's a lack of political will. I don't actually believe that to be the case. I know my colleagues in the Liberal Party and in the government want to do right by indigenous peoples, so it is my sense that this is not the actual problem. I think there is, as others have said here, a shared political will of all members of Parliament to see justice for the people of Asubpeeschoseewagong.

The fourth theory I have is the trust issue. The minister spoke last week about the fact that possibly you weren't trusting the government to be able to come through with the long-term expenses. My theory is that perhaps it's the other way around. Do you think it's possible that the government doesn't trust you and your officials to be able to administer a trust fund appropriately? I'll put that to you as a possibility.

The fifth area that I think may be a stumbling block is that, in my understanding, this would be because of the size of an \$89-million trust fund. It would require an off-cycle budget ask from a government that's just tabled its final budget. If that is the case, Chief, I wonder if there's a way that we could support you—and perhaps members of this committee could support you—by collectively asking the Minister of Finance to consider the possibility of an off-cycle budget ask, even at this late stage, in order to find the money necessary for this trust fund.

Imagine the legacy that this government could share with you and your community, Chief, as well as the members of this 42nd Parliament, if in fact this could be put in place before the end of the term.

● (1035)

I'd be interested in your thoughts on whether there are other reasons that I haven't considered and in what ways we could support you to be successful in the coming weeks.

**The Chair:** You don't have much time, just over a minute.

**Chief Rudy Turtle:** Okay.

First of all, I believe that anything is possible. I believe that where there's a will, it can be done. It's just a matter of if they're willing to do it, it can be done. If Ontario can do it, why not the feds? That's been my thought. It's not impossible, as they're saying. It can be done. I have no doubt it can be done. You just have to do it.

**The Chair:** Thank you.

The questioning now moves to MP Mike Bossio.

**Mr. Mike Bossio:** Thank you all once again for being here.

As I said earlier, this is such an incredibly difficult story, and I struggle to find the right questions that can do justice to try to bring some kind of enlightenment on how we can move forward in a successful way. I think my colleague, MP Philpott, tried to add to that, to shed some light on a path forward.

I think that our government does very much want to do the right thing. I think that, as Ms. Philpott said, the political will is absolutely there to do the right thing.

Chief, in the history of dealing with this issue, is this the first time you have felt some level of optimism that we can finally get to an agreement that will help benefit your community in the long run to finally deal with this issue?

● (1040)

**Chief Rudy Turtle:** It's been a very long, difficult journey. We've had to protest and make some noise and do whatever just to get the attention. But as I said before, I try to be optimistic, and hopefully there will be.... I do see some light at the end of the tunnel; let's put it that way.

**Mr. Mike Bossio:** I know a question was asked earlier with regard to the amount of funding at the provincial level. Unfortunately, Mr. Wedge wasn't able to answer the question about the specialized health services that will need to be provided to the community once the facility is built.

You've had direct interactions with the province and the appropriate ministry. Do you feel that the response will be there, that once we finally achieve this agreement and the facility is built, that from a services standpoint you'll be able once again to provide the vast array of services that will be needed over decades? We're talking about everyone, from infants to seniors today, who will require a very broad range of services to help them through their lives.

**Chief Rudy Turtle:** Dr. Pederson has been looking into it, and we did get a letter from him and it sounded as though he would be able to access some services. I believe we have forwarded that letter to the federal people.

**Mr. Mike Bossio:** As far as the cleanup goes, as I mentioned earlier with regard to receiving intervenor funding through the trust, how do you feel the cleanup of the mercury contamination is coming along? How do you feel about the progress and, I guess, first trying to identify the sources of contamination? Do you suspect there were potentially barrels of mercury buried on the site that are leaking now and that could be the source of contamination? Do you have your own theories locally as to what you feel...?

**The Chair:** MP Bossio, there has been a point of order.

**Ms. Niki Ashton:** Madam Chair, I raise this in the context that we are about to close this meeting in two minutes. We will no longer have an opportunity to speak to Grassy Narrows. We've just heard about the fact that we all have the political will to get this done. Can we put forward a unanimous motion to urge the government to act on this to ensure that the trust fund will be put in place before the House rises in the next two weeks? We've all said the political will is

here. This committee meeting will finish and, once more, all we'll have to talk about is that we heard about the tragedy of Grassy Narrows.

**Mr. Mike Bossio:** Excuse me. That's not a point of order.

**Ms. Niki Ashton:** I'm very concerned about what's happening here.

**Mr. Mike Bossio:** I'm sorry, but you've just cut into my time to ask a very important question of the chief.

**The Chair:** It is true that you don't have a point of order.

**Ms. Niki Ashton:** I'm very disappointed.

**The Chair:** MP Mike Bossio, you have two more minutes to complete your question.

**Mr. Mike Bossio:** Thank you, Chair.

Chief, once again, given the funding and the research done previously to locate the sources of contamination, do you in the community have your own theories where the sources of contamination might lie and what needs to be done to clean them up?

**Chief Rudy Turtle:** Right now, I'm interested in hearing what Niki Ashton had to say.

**Mr. Mike Bossio:** Unfortunately, we can't move a motion through a point of order. There's a procedural issue that can't be resolved.

**Mr. David Sone (Advisor, Grassy Narrows First Nation):** Will you move the same motion?

• (1045)

**Mr. Mike Bossio:** Once again, procedurally it's not possible to move a motion from the floor through a point of order. No, I won't be moving that motion.

**Mrs. Cathy McLeod:** Chair—

**The Chair:** I'm sorry, the meeting is adjourned, because it is now 10:45.





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