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Chair: Mr. Vance Badawey



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• (1535)

[English]

The Chair (Mr. Vance Badawey (Niagara Centre, Lib.)): I call this meeting to order. Welcome to Meeting number eight of the House of Commons Standing Committee on Transport, Infrastructure and Communities.

Today's meeting is taking place in a hybrid format, pursuant to the House order of September 23. The proceedings will be made available via the House of Commons website. So that you are aware, the webcast will always show the person speaking, rather than the entire committee.

To ensure an orderly meeting, I would like to outline a few rules to follow. Members and witnesses may speak in the official language of their choice. Interpretation services are available for this meeting. You have the choice at the bottom of your screen of either the floor, English or French.

For members participating in person, proceed as you usually would when the whole committee is meeting in person in a committee room. Keep in mind the directives from the Board of Internal Economy regarding masking and health protocols.

Before speaking, please wait until I recognize you by name. If you are on video conference, please click on the microphone icon to unmute yourself. For those in the room, your microphone will be controlled as normal by the proceedings and verification officer. I will remind you that all comments by members and witnesses should be addressed through the chair. When you are not speaking, your mike should be on mute. With regard to a speaking list, the committee clerk and I will do the best we can to maintain the order of speaking for all members, whether they be participating virtually or in person.

Members, pursuant to Standing Order 108(2), the committee is meeting today to begin its study on the impact of COVID-19 on the aviation sector.

Now I would like to welcome our witnesses. Between 3:30 and 4:30, we have from the Canadian Transportation Agency, the CTA, Scott Streiner, chair and chief executive officer; Valérie Lagacé, senior general counsel and secretary; and Marcia Jones, chief strategy officer. From the Department of Transport, we have Lawrence Hanson, assistant deputy minister, policy; Aaron McCrorie, associate assistant deputy minister, safety and security; Nicholas Robinson, director general, civil aviation; Colin Stacey, director general, air policy; Christian Dea, director general, transportation and economic analysis and chief economist. Welcome, all you folks.

With that, I'm going to move to our witnesses. I'm not sure who has been queued to start us off with their five-minute presentation. I'll leave that up to you folks. The floor is yours.

• (1540)

Mr. Lawrence Hanson (Assistant Deputy Minister, Policy, Department of Transport): Thank you, Chair, I will begin.

Honourable members, thank you for the invitation to speak to you about the impact of the COVID-19 pandemic on the air transport sector in Canada.

My name is Lawrence Hanson, and I'm the ADM of policy at Transport.

Owing to the fact that Canada is a very large country with a widely dispersed population, and has a material number of people for whom the air mode is the only viable source of supply for parts of the year, we rely on air travel more than many other countries.

Canada has built a strong and effective air transport system that connects Canadians to each other and the world. It supports tourism, regional economic development, and an aerospace supply chain that produces aircraft with world-leading environmental performance.

The air sector employs about 108,000 people in Canada. Although the pandemic has had an impact on every sector of the economy, the decline in the air sector has been the most severe, and its recovery is expected to take relatively longer. Eight months into the pandemic, passenger levels are still down almost 90% from the same period last year.

Canada's air system has been traditionally funded by passengers themselves. Currently, however, we have a user-pay system that has almost no users. Consequently, airlines and airports continue to face significant fixed costs with little or no off-setting revenue.

Inevitably, this has led to efforts by key players to either find new revenue or, more likely, cut costs. There have been widespread layoffs, route suspensions and cancellations by airlines. Airports and the non-profit corporation that provides air navigation services, Nav Canada, have raised rates and fees.

Over and above these negative outcomes, Canadians across the country have received vouchers in lieu of refunds for travel cancelled due to the pandemic, and they are understandably angry.

To mitigate the severe impact and instability caused by the pandemic across all sectors, the government has implemented broad-based measures like the Canada emergency wage subsidy. These have been helpful in providing initial stability for air operators.

In addition, in March, the government waived payments for airport authorities that lease airports from the federal government for the remainder of 2020. The government also took action to ensure service to remote communities that rely on air transport for essential goods and services, with funding of up to \$174 million announced in August, and a separate program of \$17.3 million announced in April for the territories alone.

However, the impacts on the air sector during COVID-19 are without precedent, and service providers are unable to respond to these ongoing challenges on their own. This threatens the ability of Canadians to access reasonable air transport services at a reasonable cost, and these impacts could have important implications for communities, regions and the wider economy. It also threatens the many jobs in air transport and in the industries that rely upon it.

That is why, on November 8, Minister Garneau announced that in order to protect the interests of Canadians, the government is developing an assistance package for Canadian airlines, airports and the aerospace sector. Yesterday's fall economic statement provided additional information regarding rent and infrastructure support that will be provided to airports.

The minister's statement made it clear that support to air carriers would be dependent on securing real outcomes for Canadians, including the provision of refunds in place of vouchers, maintaining regional connectivity, and remaining good customers of the Canadian aerospace industry.

Helping to ensure the economic viability of the sector, and protecting the interests of Canadians is a necessary but not a sufficient condition for the successful restart of the air industry. It will also be important to ensure that air travel remains safe and secure, and addresses the added public health dimension created by the pandemic.

For that and related issues, I will turn to my colleague, the associate assistant deputy minister of safety and security at Transport, Aaron McCrorie.

The Chair: Mr. McCrorie, the floor is yours.

Mr. Aaron McCrorie (Associate Assistant Deputy Minister, Safety and Security, Department of Transport): Thank you, Mr. Chair.

Good afternoon. It's a pleasure to be here.

I'm Aaron McCrorie, the associate assistant deputy minister for safety and security at Transport Canada.

Since the outbreak of the COVID-19 pandemic, guided by the latest public health advice, Transport Canada has worked hard to respond quickly to ensure that Canadians remain safe while supporting the ongoing flow of critical goods and services across the country.

To reduce the risk of transmission of COVID throughout the aviation sector, Transport Canada has worked with partner departments, public health authorities, provinces and territories and the transportation industry to implement a system of layered measures, guidance, and requirements to ensure that transportation operations are safe for workers and passengers.

These include health screening measures and temperature checks to prevent symptomatic passengers from boarding flights to, from and within Canada. Workers at the 15 busiest airports in Canada are also subject to temperature checks before entering restricted areas. In addition, passengers on all flights departing or arriving at Canadian airports must have an appropriate mask or face covering when going through security checkpoints, when boarding and deplaning and on board the aircraft. These requirements also apply to some air crew members and airport workers.

The department also issued a notice restricting most overseas flights to landing at four airports in Canada: Montreal-Trudeau, Toronto-Pearson, Calgary, and Vancouver. This was done to support the work of health authorities to conduct medical assessments of symptomatic passengers and to notify passengers of the need to self-isolate for a period of 14 days. Transport Canada acted quickly to protect Canadians and air travel passengers to reduce the risk of transmission on an aircraft and the risk of importation. Making sure air travel is safe is a key factor in supporting the recovery of the air sector.

On August 14, Transport Canada released "Canada's Flight Plan for Navigating COVID-19". This document is the foundation for aligning Canada's current and future efforts to address the safety impacts of COVID-19 on the aviation sector and was developed in close collaboration with industry partners. It demonstrates to Canadians the extensive and multi-layered system of measures that have been implemented to support public health, including temperature checks, health checks and face coverings as well as measures implemented by industry such as increased cleaning and disinfecting protocols, enhanced air conditioning and filtration systems and new protocols to encourage physical distancing.

Canada's flight plan is based on the comprehensive standards and recommendations from the International Civil Aviation Organization's Council Aviation Recovery Task Force, or CART, in order to ensure that Canada is aligned with the gold standard of international best practices. This document will be refined as we continue to learn more about COVID-19 and as guidance and public health measures evolve at the local, provincial, national and international levels.

Preventing the spread of the pandemic has been and remains the top priority of the government. The various regulatory requirements that were put in place will likely remain for the foreseeable future; however, there is room for adjustment to support the restart of the air sector. Transport Canada will actively assess orders that have been issued to see what can be done and will be consulting with industry on possible amendments as we move forward.

The department is also working closely with other federal departments to explore risk-based opportunities that will allow Canada to ease travel restrictions and reopen our borders. This includes implementing a sustainable approach to reducing public health risks today and building resilience to safeguard the system against similar risks in the future. For example, by leveraging opportunities for safe, contactless processing of passengers, these approaches will help rebuild public confidence in the safety of air travel.

Health Canada and the Public Health Agency of Canada, working with other key federal departments such as Global Affairs Canada, Transport Canada and the Canadian Border Services Agency, are responsible for making decisions related to the lifting of travel and quarantine restrictions. Presently, testing pilot projects are under way or in development across Canada to establish a good base of evidence for possible reduction of quarantine requirements. For example, Air Canada and the Greater Toronto Airports Authority, in partnership with McMaster University, launched a testing project in September focused on testing passengers arriving in Canada.

The Public Health Agency of Canada, in partnership with the Province of Alberta, launched a testing project in November for passengers and workers arriving by land at Coutts border crossing and by air at the Calgary International Airport.

• (1545)

The Chair: You have one minute, Mr. McCrorie.

Mr. Aaron McCrorie: Thank you, Mr. Chair.

It's clear that ensuring a healthy and safe transportation sector is essential for reopening borders, restarting the tourism industry, and for the safety and security of Canadians at large. Transportation will play a vital role in supporting the country's economic recovery. Continued collaboration and shared insights are crucial in overcoming the challenges this pandemic has brought to the air sector. That is why the department will continue its important engagement with stakeholders and other partners as we work to address challenges faced by the air sector in Canada today and to ensure that we have a strong industry into the future.

Thank you very much.

The Chair: Thank you, Mr. McCrorie, and thank you, Mr. Hanson.

Do we have other witnesses who wish to speak? Is anybody speaking from the CTA?

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

You are on mute, Mr. Streiner.

• (1550)

Mr. Scott Streiner (Chair and Chief Executive Officer, Canadian Transportation Agency): Okay: Can you hear me now?

The Chair: You're good to go.

Mr. Scott Streiner: All right. This is our lives now, eh? We have to overcome all these technical issues.

I will start again. Thank you, Mr. Chair.

The Chair: Thank you, Mr. Streiner.

[*Translation*]

Mr. Scott Streiner: I want to thank the committee for inviting my colleagues and me to appear today.

We're living through an unusual and difficult time. I hope all of you and your loved ones have remained healthy and safe over the last nine months. While we have our respective roles to play, we are, first and foremost, fellow citizens.

I have the privilege to lead the Canadian Transportation Agency. The CTA was established in 1904 and is Canada's second-largest independent, quasi-judicial tribunal and regulator.

[*English*]

At no time in the century since the dawn of commercial aviation have airlines and their customers gone through the sorts of events we have witnessed since mid-March. Canadian airlines carried 85% fewer passengers between March and September 2020 than during the same period in 2019. Such a collapse in volumes is without precedent.

Through this turmoil, the Canadian Transportation Agency has worked to protect air passengers. Despite the fact that almost every CTA employee has worked from home since the pandemic struck, the 300 dedicated public servants who make up the organization have spared no effort to continue providing services to Canadians.

Immediately after the crisis began, we updated our website with key information for travellers so that those scrambling to get home would know their rights. We temporarily paused adjudications involving airlines to give them the ability to focus on repatriating the Canadians stranded abroad. We took steps to ensure that no Canadian who bought a non-refundable ticket would be left out-of-pocket for the value of their cancelled flights. We worked around the clock to process and issue the air licences and permits required for emergency repatriation flights and cargo flights to bring urgently needed PPE to Canada.

In the subsequent months, we invested substantial resources and long hours to deal with the unprecedented tsunami of complaints filed since 2019. Between the full coming into force on December 15, 2019, of the air passenger protection regulations, the APPR, and the start of the pandemic three months later, the CTA received around 11,000 complaints—a record. Since then we've received another 11,000.

[*Translation*]

To put these numbers in perspective, in all of 2015, just 800 complaints were submitted. In other words, we've been getting more complaints every two to four weeks than we used to get in a year.

We've already processed 6,000 complaints since the pandemic reached Canada. By early 2021, we'll start processing complaints filed during the pandemic, including those related to the contentious issue of refunds. If the recently announced negotiations between the government and airlines result in the payment of refunds to some passengers, a portion of those complaints may be quickly resolved.

[*English*]

On the topic of refunds, it's important to understand that the reason the air passenger protection regulations don't include a general obligation for airlines to pay refunds when flights are cancelled for reasons outside their control is that the legislation only allows the regulations to require that airlines ensure that passengers can complete their itineraries. As a result, the APPR's refund obligation applies exclusively to flight cancellations within airlines' control.

No one realized at the time how important this gap was. No one foresaw mass, worldwide flight cancellations that would leave passengers seeking refunds frustrated; airlines facing major liquidity issues; and tens of thousands of airline employees without jobs.

Because the statutory framework does not include a general obligation around refunds for flight cancellations beyond airlines' control, any passenger entitlements in this regard depend on the wording of each airline's applicable tariff. Every refund complaint will be examined on its merits, taking the relevant tariff language into account.

• (1555)

The Chair: You have one minute, Mr. Streiner.

Mr. Scott Streiner: Thank you, Mr. Chair.

The APPR rules are among the strongest air passenger protection rules in the world. They cover a wider range of passenger concerns than any other regime, but we now know that the gap highlighted by the pandemic is significant. If and when the CTA is given the authority to fix that gap, we'll act quickly.

Just before wrapping up, Mr. Chair, I'd like to mention one more area where the CTA has been active: accessibility.

Since the groundbreaking accessible transportation regulations came into effect last June, we've been providing guidance to Canadians with disabilities and to industry to ensure that these new rules are well understood and respected, and we've continued to play a leading role in encouraging the aviation sector in Canada and

around the world to integrate accessibility into the rebuilding process. Persons with disabilities should not be left behind as air travel gradually recovers.

Let me conclude, Mr. Chair, by noting that because of the CTA's independent status and the quasi-judicial nature of our adjudications, it would not be appropriate for me to comment on government policy or on any matters that are currently before the CTA, but within those limits, my colleagues and I would be happy to respond to any questions the committee may have.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Streiner, and to all our witnesses, thank you.

Are there any more witnesses who would like to speak? I see none.

We're now going to our first round of members' questions for six minutes, starting off with the Conservative Party and Ms. Kusie, followed by the Liberal Party and Mr. Rogers, and then the Bloc Québécois, with Mr. Barsalou-Duval, and the New Democratic Party, with Mr. Taylor Bachrach.

Ms. Kusie, you have six minutes. The floor is yours.

Mrs. Stephanie Kusie (Calgary Midnapore, CPC): Thank you, Chair. I appreciate the opportunity to have these witnesses before us today.

Thank you very much for being here.

I'm going to start by going back to Mr. McCrorie's comments regarding rapid testing.

As he mentioned, there's currently a pilot project going on in my hometown of Calgary, in my home province of Alberta, a project in YYC and Alberta that we are very proud of. What it allows individuals to do, of course is to take the COVID test upon arrival and, if they receive a negative test, to reduce their quarantine going forward.

I'm wondering if I can get some information as to how long it took Transport Canada, as well as other various governmental departments, to get this pilot project under way.

Mr. Aaron McCrorie: Thank you for the question, Mr. Chair.

When it comes to the pilot projects, the testing projects, we've been playing a supporting role. I hate to defer the question, but I think for you to get a sense of the timelines and the level of effort to get it launched, you'd probably be better off asking our colleagues from the Public Health Agency of Canada and Health Canada, who are joining you, I believe, after this session. They were the leads in terms of putting the pilot in place.

I can say that Transport has played a supporting role over the last several months, in particular in working as a liaison between PHAC and Health Canada and the airport authority and the airlines involved and helping to facilitate those relationships. The actual implementation of the test and the design of it fell to our colleagues in the Health portfolio.

Mrs. Stephanie Kusie: Okay. Thank you very much, Mr. Chair.

Can you confirm, though, that you are in the process of implementing this at other airports across the country?

Mr. Aaron McCrorie: Again, when it comes to the implementation of the pilots themselves, typically it's going to be Health Canada and PHAC that are the leads, but there are other pilot projects that are being contemplated. The Vancouver airport is contemplating a pilot project, for example, and I believe Montreal is. There is a series of pilot projects that are being contemplated, and we're doing our best to support them.

Mrs. Stephanie Kusie: Okay. I'm going to go, then, to the announcement yesterday in the fall economic statement, which said:

To further assist airports to manage the financial implications of reduced air travel, the government proposes to provide \$65 million in additional financial support to airport authorities in 2021-22.

Would you, Mr. McCrorie or Mr. Hansen, be able to provide any further information as to how these funds will be distributed and when they'll be distributed, and again, as you mentioned briefly, I believe, in the opening, the conditions tied to the money?

Mr. Lawrence Hanson: Thank you very much, Chair.

With regard to the FES announcement yesterday, I'm not really in a position to give any additional details beyond what the Minister of Finance laid out yesterday. I would note that the conditional points really related more to a potential agreement and support for airlines, as opposed to yesterday's funding, which was more exclusively directed toward airports.

• (1600)

Mrs. Stephanie Kusie: Okay. I appreciate that.

Of course, I'm sure you saw across the media that there was widespread disappointment from the airline sector. It certainly fell significantly short of the October 1 ask of \$7 billion.

I was wondering if the government had conducted a comparative analysis of how Canada could support the sector compared with other nations and, if so, what it concluded. Are there supports for the airline sector that we've seen in other nations compared with what was offered to the Canadian airline sector yesterday?

Mr. Lawrence Hanson: Thank you, Chair.

Certainly, we have looked at what other countries have done. The comparisons are different, of course, because sometimes it's in support for individuals versus support for carriers. Some countries have taken equity positions in carriers. We have done those comparisons. It's not always easy to get to an apples to apples comparison.

When it comes to a final comparison with what's done in the airline sector, obviously it will ultimately be dependent on what the eventual terms of an agreement with the air carriers looks like.

Mrs. Stephanie Kusie: Would you be able to table your research and the conclusion up to this point of what has been evaluated versus what was offered yesterday and versus what will be offered in the future?

Mr. Lawrence Hanson: Chair, we would be happy to provide information on what we have learned about other countries' supports. To be candid, we have compiled information that is quite largely publicly available.

Obviously, we can't speculate on what future support might look like here in Canada.

Mrs. Stephanie Kusie: Thank you, Chair.

Mr. Streiner, the APPR gives airlines 30 days to respond to customer complaints. Why can't your own agency meet that standard?

You have said today you have a backlog. Why do you think any Canadian, or anyone for that matter, would complain to your agency and wait when they can complain to a carrier and get an answer in 30 days?

Mr. Scott Streiner: Mr. Chair, I think the folks seeking compensation should and, under the APPR, must turn to the airline to make their claims.

If we're talking about compensation, or the inconvenience associated with flight delays or cancellations, the regulations state that a claim should be made with the airline. But if they can't resolve that claim with the airline, then they can file a complaint with the CTA. We deal with all of those complaints on their merit, as I have said.

As far as the backlog goes, obviously the CTA wants to get through complaints as quickly as it can. As I noted in my opening comments, we received an unprecedented and extraordinary number of complaints after the APPR came into force, 11,000 complaints and another 11,000 since the pandemic began. It's unheard of for a quasi-judicial tribunal to receive 22,000 complaints when just five years earlier it was receiving 800.

We are absolutely mobilizing to get through those complaints as quickly as possible. We have already cleared 6,000 of them since the pandemic began, and we will continue to do everything we can to provide timely service to Canadians.

The Chair: Thank you, Mr. Streiner, and thank you, Ms. Kusie.

Mrs. Stephanie Kusie: Thank you, Mr. Chair.

[Translation]

Thank you to the witnesses, too.

[English]

The Chair: We're now going to move on for six minutes to Mr. Rogers of the Liberal party.

Mr. Churence Rogers (Bonavista—Burin—Trinity, Lib.): Thank you, Mr. Chair.

I welcome all the guests today.

A few of my questions may fall under transport or the health sector, but I will leave it to our guests to decide if they want to respond to some of the questions.

For the last number of weeks and months, all of us MPs have been meeting with airline officials, airport security people, airport CEOs, regional airlines, large airlines, and many of them have been advocating for support for the industry.

Interestingly enough, rapid testing was certainly a big part of what I was lobbied for by many people. There were other supports such as rent relief and fees that are charged across the country to airports and airlines. Many of these proposed solutions were broad ranging. Ms. Kusie referred to some of the numbers in the area of \$7 billion, but also, of course, the industry was suggesting that maybe some of that might be in the form of loan guarantees, non-repayable grants and a whole slew of possible solutions.

I want to focus a little on rapid testing in particular, because interestingly enough, many of the people I talked to really focused on that and said that things like that were more important than some of the money they were requesting.

Can you tell me how many rapid tests have been deployed by the federal government to the provinces so far, and whether or not these are still being deployed across the country?

• (1605)

Mr. Aaron McCrorie: Mr. Chair, perhaps I could take that question.

The Chair: Go ahead, Mr. McCrorie.

Mr. Aaron McCrorie: In terms of the number of tests that have been deployed, we'd have to defer to our colleagues at Health Canada and the Public Health Agency of Canada.

I could note that from a Transport Canada perspective, we saw that the restrictions at the border, obviously at the outset of the pandemic, were very effective in limiting the importation of COVID-19. We are, as I've noted, working with our partners to look at what measures could be put in place to reduce or change some of those border restrictions, in particular via testing. The pilot projects are a great example of gathering evidence to support, perhaps, a national program of testing as an alternative to quarantine. Ultimately, it will be our colleagues in the health sector who will make decisions about which tests are used, when to apply them and how to apply them.

Again, I think we play a really important role from a facilitation point of view. We've done some work with airports to look at what a testing regime would look like logistically and how you would set it up in your airport, for example. We've developed what is called an "operational plan" to support that, if and when a decision for testing is made. We've worked with the International Civil Aviation

Organization and other international partners to look at some of the international standards or best practices for a testing regime, if we go down that path.

Again, as I've suggested, we've been working with domestic partners like the Calgary airport and the Vancouver airport as well as the airlines to help them set up the testing pilot projects that are being led by our health colleagues.

Mr. Churence Rogers: I'd like to ask you a follow-up question.

Can rapid testing at airports and other types of border crossings affect traffic? Is rapid testing going to be an option to consider for boosting the tourist industry and attracting international travellers?

Finally, what are the COVID-19 screening best practices at airports around the world that you might be familiar with?

The Chair: You're on mute, Mr. McCrorie.

Mr. Aaron McCrorie: Sorry about that, Mr. Chair. I was hoping I'd go through my career without being told I was on mute, but apparently not.

The Chair: No problem.

Mr. Aaron McCrorie: Again, the idea of the pilot projects is exactly to determine the most effective types of tests to use and where to apply them. There are concerns, obviously, if you're looking at the land border, about what that might mean from a congestion point of view. Consideration is even being given to testing prior to departure so that we can look at reduced congestion at the airport.

I talked a bit about trying to build a touchless journey. What we're really trying to do is to make sure that we can maintain physical distancing in an airport environment and reduce that congestion.

The pilot projects are giving us good information about what tests to use and where to apply them, and we're really proud to be working with our health colleagues on that. In terms of which specific test to use under what circumstances, I'd have to defer to my health colleagues for that.

Mr. Churence Rogers: I have one final question for you.

Based on your experience and that of the travel industry and what you know about rapid testing, do you think it's one of the key solutions for getting people back in the aircrafts and flying again so that we can have people moving across the country for the benefit of the tourism industry?

Mr. Aaron McCrorie: We tried to look at it from an aviation safety and security point of view, or even a transportation safety and security point of view. We look at layers of measures. It's about building layers of measures that protect...but also as we make adjustments, putting in place different layers of measures. Testing of some kind or another, I think, is showing a lot of promise as an alternative to quarantine. We're not there yet, but the pilot projects are helping us build that evidence base that will allow us to make that decision down the road. I think some changing of the measures is going to be key to the successful relaunch of the aviation industry.

• (1610)

The Chair: Thank you, Mr. McCrorie.

Thank you, Mr. Rogers.

We're now going to move on for six minutes to the Bloc Québécois.

Mr. Barsalou-Duval, the floor is yours.

[*Translation*]

Mr. Xavier Barsalou-Duval (Pierre-Boucher—Les Patriotes—Verchères, BQ): Thank you very much, Mr. Chair.

My first question is for Mr. Streiner of the Canadian Transportation Agency.

I'd like to know if you and the Canadian Transportation Agency are very familiar with the Air Transportation Regulations.

Mr. Scott Streiner: Thank you for your question, Mr. Barsalou-Duval. The answer is very short: yes.

Mr. Xavier Barsalou-Duval: Thank you very much, Mr. Streiner.

Actually, I'd like to know if you are familiar with subparagraph 122(c)(xii), which talks about the right to obtain a refund when the carrier fails to provide transportation for any reason.

In your opening remarks, you mentioned that nowhere in the legislation does it state that companies had to make these refunds. However, subparagraph 122(c)(xii) states the opposite:

(xii) refunds for services purchased but not used, whether in whole or in part, either as a result of the client's unwillingness or inability to continue or the air carrier's inability to provide the service for any reason...

Mr. Scott Streiner: In fact, this provision and regulation requires that the carrier or the airline specify its terms and conditions of services. This regulation doesn't specifically require terms and conditions of service. In other words, there is no minimum obligation in this regulation to refund customers in these situations.

Mr. Xavier Barsalou-Duval: Thank you, Mr. Streiner. However, if we read paragraph 122(c) correctly, what I just mentioned is one of the minimum conditions that tariffs must contain. So it's contained in the price of all tickets and in all carrier fares. This regulation applies to everyone, doesn't it?

Mr. Scott Streiner: This regulation applies, but it says that the airline must specify its terms and conditions of service. It does not specify exactly what conditions of service the tariffs must contain. It does not establish a minimum obligation.

Mr. Xavier Barsalou-Duval: Mr. Streiner, paragraph 122(c) states that, "Every tariff shall contain ... the following matters, namely", among which is noted that there must be a refund if the service is not provided. I think it's pretty clear that there has to be a refund.

Mr. Scott Streiner: It's clear that carriers must explain to passengers the terms and conditions of service contained in their tariffs. The interpretation of this regulation is clear. I don't want to repeat myself, but this regulation does not specify the exact content of tariffs.

Mr. Xavier Barsalou-Duval: I think we're playing word games.

Are you able to name a single case in the jurisprudence that supports the interpretation that passengers aren't entitled to a refund in these circumstances?

Mr. Scott Streiner: As a quasi-judicial tribunal, we make decision case by case based on the facts and on the relevant act and regulations. This means that we consider all terms and conditions and all circumstances.

It's a question of interpretation of the legislation. I think all the honourable members understand that it isn't appropriate for me, as chair of the Canadian Transportation Agency, to interpret the legislation here or make formal rulings. There is a legal process for that.

Mr. Xavier Barsalou-Duval: I'd like to know if the people who work at the Canadian Transportation Agency know the provisions of the Quebec civil code relating to consumers.

Mr. Scott Streiner: I suppose some of them do.

It's provincial legislation. We're responsible for applying federal legislation.

Mr. Xavier Barsalou-Duval: According to the Quebec civil code, when a service has not been rendered, it must be refunded. It would be interesting if federal institutions, such as the Canadian Transportation Agency, could recognize and enforce the legislation that already exists.

I have another question. The Canadian Transportation Agency recently released new details about its statement on vouchers. You say that this statement isn't a binding decision. I'm trying to understand.

Does the Canadian Transportation Agency have the power to issue a statement that is unenforceable but in conflict with the legislation?

• (1615)

Mr. Scott Streiner: The agency has the power to issue statements and guidance material on any topic within its scope.

As you specified, the statement does not change the obligations of the airlines or the rights of the passengers. The statement contains suggestions, and only suggestions. It isn't a binding decision.

Mr. Xavier Barsalou-Duval: Does the Canadian Transportation Agency have the power to change the legislation?

Mr. Scott Streiner: Of course not. The legislation exists, and our responsibility is to enforce it, which we always do impartially and objectively.

Mr. Xavier Barsalou-Duval: Don't you think the positions that have been taken by the Canadian Transportation Agency call into question its impartiality?

Mr. Scott Streiner: Not at all.

Mr. Xavier Barsalou-Duval: But that's the impression many people have.

The Canadian Transportation Agency is currently nearly two years behind in processing the various complaints. Last spring, the agency also said that none of the complaints regarding air travel and ticket refunds would be dealt with until September.

What kind of message does it send to the airlines when it says that it won't deal with travel complaints? Are they being told not to issue refunds to their customers, because they're not going to get a slap on the wrist anyway?

Mr. Scott Streiner: With all due respect, I must say that our employees work very hard to deal with all the complaints received. It should be noted that 99% of these complaints were submitted to the agency as of December 15. So there isn't a two-year delay in processing. The processing of complaints takes a long time, I agree. It would be preferable to do it faster, but it's a matter of volume. The volume is unprecedented: we've received 22,000 complaints since December 15. We're working very hard to deal with all these complaints.

With respect to the complaints that were received during the pandemic, we will begin processing them in early 2021. The number of complaints is remarkable and challenging. We're working very hard on it.

Mr. Xavier Barsalou-Duval: I'd like your opinion on the following situation. Let's say that I manage a complaints department—

[*English*]

The Chair: Thank you, Mr. Barsalou-Duval and Mr. Streiner.

We're now going to move to Mr. Bachrach, for six minutes.

Mr. Taylor Bachrach (Skeena—Bulkley Valley, NDP): Thank you, Mr. Chair, and thank you to our witnesses.

During this pandemic, Canadians have been hurt financially in so many ways. I hear from constituents all the time who've lost their income, who are in financial distress and having trouble paying their bills. Now, a relatively modest number of Canadians were in a very specific situation where they bought airplane tickets, some of these very expensive in the thousands of dollars, from airlines that up until the pandemic were doing very well.

The airlines are huge corporations that in 2019 were celebrating billions of dollars in profits, and had access to billions of dollars in liquidity. We're being told by the government that these Canadians, who purchased these airfares, are not able to get a refund, because the government is concerned that the airline corporations are going to go bankrupt.

You're putting citizens in a situation where they're essentially involuntary or unwilling creditors to these huge corporations. To either Mr. Streiner or Mr. Hanson, how could you possibly construe this as a fair situation?

Mr. Lawrence Hanson: Mr. Chair, I'd be happy to take this question.

I would direct the member's attention to the statement by Minister Garneau on November 8, which was quite explicit on this point. Although the government is prepared to consider assistance for air carriers, given the significant pressures on their liquidity, it is not prepared to do so unless Canadians, whose flights were cancelled due to the pandemic, receive a refund rather than a voucher.

• (1620)

The Chair: Mr. Bachrach.

Mr. Taylor Bachrach: Mr. Hanson, is it fair to say the government has been forced into supporting a situation that is profoundly unfair for those Canadians who are out of pocket from an airfare?

Mr. Lawrence Hanson: The government has always recognized the difficult situation, on the one hand, of individuals whose flights were cancelled as a result of the pandemic, and on the other hand, a situation where air carriers themselves have very constrained liquidity and cash flow because their revenues have collapsed. That's why it's come forward with an approach that says that it's prepared to provide support for the airlines, but putting conditionality on it in terms of refunds for passengers.

Mr. Taylor Bachrach: Mr. Streiner, in your opening remarks, if I understood you correctly, you indicated that the CTA was somewhat caught off guard by this gap in the regulation, and that in hindsight, this should have been rectified.

Is it fair to say you weren't aware of a gap in the air passenger protection regulations that could have avoided this situation?

Mr. Scott Streiner: I don't think anybody identified the gap. To be clear, the gap stems from the legislation. The legislation gave the CTA the authority to make the air passenger protection regulations.

If you read the relevant section related to cancellations that are outside the control of airlines, it constrains our ability to make regulations to only requiring that airlines ensure that passengers can complete their itineraries.

Frankly, if the section had been more permissive, we might well have established a refund obligation as we did for cancellations within the control of airlines, but we were constrained by the language of the legislation. I don't think anybody at the time, not parliamentarians, nor consumer rights advocates, recognized that the gap in the legislation and regulations could be as significant as we now realize it is.

Mr. Taylor Bachrach: Mr. Streiner, the reason I mention this is because the organization Air Passenger Rights wrote to the CTA during the crafting of those regulations and said very specifically:

APR is deeply concerned about the omission of a number of important issues from the Proposed Regulations. This state of affairs creates the incorrect impression that airlines are free to do as they please in these areas. APR strongly believes this was not Parliament's intent.

So here they are; they've identified the gap and they're bringing it to your attention. Was there nothing that the CTA could do to address the situation in the regulations?

Mr. Scott Streiner: In terms of establishing a refund obligation—I assume that's the question—for flight cancellations beyond airline control, the answer is no. The legislation constrained us. There was no way we could establish that obligation in the regulations given the wording of the legislation.

Mr. Taylor Bachrach: Picking up where Mr. Barsalou-Duval left off, I did not get clarity on this in the answers to his questions, so I'm going to ask them again.

Mr. Scott Streiner: Certainly.

Mr. Taylor Bachrach: In the air transportation regulations, it very specifically speaks to the refunds issue, yet the statement on vouchers says, “The law does not require airlines to include refund provisions in their tariffs for flights that are cancelled for reasons beyond their control.”

If you read the regulations, section 122, which Mr. Barsalou-Duval read earlier, it very clearly says:

Every tariff shall contain...(xii) refunds for services purchased but not used, whether in whole or in part, either as a result of the client’s unwillingness or inability to continue or the air carrier’s inability to provide the service for any reason

These seem to be in direct conflict with each other. How do you explain this?

Mr. Scott Streiner: The air transportation regulations in the section that you and your colleague referred to outline the areas or topics that must be addressed by an airline’s tariff. They don’t establish the minimum obligations. They don’t establish what the terms are; they simply indicate that terms must be established in these areas. Therefore, they don’t establish a minimum obligation to pay compensation or to pay refunds in situations beyond airlines’ control, only that a tariff has to address those questions.

The Chair: Thank you, Mr. Streiner, and Mr. Bachrach.

We’re now going to to our second round of five minutes each from Mr. Soroka of the Conservative Party, as well as Mr. El-Khoury from the Liberal Party, and we have two and a half minutes each for Mr. Barsalou-Duval of the Bloc and Mr. Bachrach of the NDP.

Mr. Soroka, for five minutes you have the floor.

Mr. Gerald Soroka (Yellowhead, CPC): Thank you, Mr. Chair.

I’m not trying to put words in Mr. Hanson’s mouth but it sounds like if the federal government gives support to airlines, there will be a condition that they have to refund passengers their money if the passenger wants that. If that’s the case, if there’s going to be a time frame attached to that, how long will you give airlines to refund all passengers who have had their trips cancelled so that the airlines can comply with the conditions the federal government has set?

• (1625)

Mr. Lawrence Hanson: Yes, I think when we get to the point of the payment of refunds, there would certainly need to be some sort of approach for detailing the manner and timing in which they would be provided.

Mr. Gerald Soroka: But you don’t have a time frame right now as to what that will look like. Is it still in its infancy?

Mr. Lawrence Hanson: I don’t have a timeline. I think I will that say that a lot of people will be contacted individually. A lot of people, as you are probably aware, purchase their tickets through third-party vendors online, companies like Expedia and Travelocity, etc., but we would obviously be pushing for this to be done in a very timely fashion, because lengthy delays in getting refunds are not consistent with the idea of providing Canadians refunds that they’re expecting.

Mr. Gerald Soroka: I recently held a Zoom call with several independent travel advisers. That association has over 1,200 members across Canada and each one of them owns or operates a small busi-

ness. They are self-employed. Independent travel advisers work on 100% commission and have been hit very hard by COVID. Many in my riding do not qualify for existing CERB programs as well, so does the department have a plan in place to ensure that travel advisers won’t be collateral damage from airline passengers getting refunded by airlines clawing back their commissions? Do you think that will be part of the conditions as well when you’re negotiating or not?

Mr. Lawrence Hanson: That is a great question. It points out some of the challenges associated with this and the need to get it right, because, as you say, there is a potential spinoff consequence for travel agents who suddenly see a collapse in commissions as a result of a massive wave of air refunds.

What I can tell the member is that we are aware of this issue. We are discussing it with our colleagues at ISED who work more with the sector than we do. Obviously, I can’t say what solution we will arrive at, but I can assure the member that it’s very much on the radar.

Mr. Gerald Soroka: Yes, it’s very good to hear that you’re at least aware of that and trying to work towards some kind of solution.

You also spoke about how there could be different types of conditions on travel. Currently we have face masks and temperature checking. Do you think that will now become a standard practice in airports? Is this just an anomaly, or will this continue after the COVID crisis is over?

The Chair: Go ahead, Mr. Hanson.

Mr. Aaron McCrorie: If I may, Mr. Chair, perhaps I could take that question.

The Chair: Go ahead, Mr. McCrorie.

Mr. Aaron McCrorie: We’re constantly reassessing the measures that we have put in place from a health point of view, and we’re adapting them as we go along based on the latest health guidance that we get. Depending on how the pandemic plays out over the weeks and months to come, and how, for example, a vaccine testing regime is implemented, we may be able to move away from some of these measures as new measures come into place or as the pandemic comes under control, but I think the bottom line is that we have the flexibility to adapt to changing health conditions and respond to the changing health advice.

A good example is how our requirements around face masks have evolved over time. We have adjusted them from the initial requirements in the spring to more recent requirements based on the latest health guidance that has provided more flexibility for parents travelling with younger children when using face masks.

We will evolve over time based on the latest information.

Mr. Gerald Soroka: Okay, that's quite interesting. It kind of sounds like a yes or a no. I know it's a hard decision to come forward right now.

I get a lot of residents with conspiracy theories about vaccinations and all of these kinds of stories. Do you think this will be a condition for travel where, if they do not take the vaccine, they will not be allowed to travel? Is there the potential for that?

Please alleviate my fears, because I have to deal with this on a regular basis.

Mr. Aaron McCrorie: I'm sorry, Mr. Chair, I missed the beginning part of the question, but I think it was if vaccination will be a standing requirement for travel.

The Chair: That's correct.

• (1630)

Mr. Aaron McCrorie: Again, it's premature to know for sure. Our colleagues from Health Canada may have some views on that as well, but it's certainly, I would say, in the repertoire of tools that we can bring to bear to manage the health risk.

For example, we talked about testing looking at people coming into the country and if there would be a requirement for a test prior to departure. Would we be looking for proof of vaccination prior to people getting on an aircraft? Those are certainly all options we're looking at, but it's premature to make any declarations at this point in time.

The Chair: Thank you, Mr. McCrorie.

Thank you, Mr. Soroka.

We're now going to move on to Mr. El-Khoury for five minutes.

Mr. El-Khoury, the floor is yours.

[*Translation*]

Mr. Fayçal El-Khoury (Laval—Les Îles, Lib.): Thank you, Mr. Chair.

I'd like to thank the witnesses. Their being here with us is really important and useful to the committee.

We are in the middle of a really complicated and dangerous situation. The impact of the pandemic on the airline industry is unprecedented. Here, in Canada, we rely heavily on our airline industry, much more so than most other countries.

My first question is for Mr. Streiner.

Mr. Streiner, you explained the provisions of the Air Transportation Regulations regarding the obligation to refund—or not—customers. Could you tell us what happens in case of a force majeure? And can the pandemic be called a force majeure?

Mr. Scott Streiner: I thank the honourable member for his question.

I can't really answer that question, for one simple reason: as a quasi-judicial tribunal, we might have to deal with this issue. It's a matter of interpretation of the situation, the facts and the legislation. In order to maintain our impartiality, it's important to wait for the decision-making process before answering this important question.

Mr. Fayçal El-Khoury: Can you tell us how the pandemic has affected independent travel agents?

Mr. Scott Streiner: If this question is for me, I would say that travel agents aren't under federal jurisdiction. From what we've read in the media, they fall under provincial jurisdiction.

Mr. Fayçal El-Khoury: If you had issued an order stipulating that the airlines had to refund customers, this would still have been legal, given the terms and conditions of service in the airlines' tariffs. I am thinking here of the provisions that apply in cases of a force majeure and the distinction made at the time of purchase between refundable and non-refundable tickets

[*English*]

The Chair: Mr. Streiner.

[*Translation*]

Mr. Scott Streiner: Thank you, Mr. Chair.

It's true that these distinctions can be important. Some Canadians have purchased refundable tickets, while others have purchased non-refundable tickets. The provisions for a force majeure may be relevant to this discussion. That said, all of these issues must be dealt with in a quasi-judicial process of formal decision-making. These are the kinds of issues we will be addressing in our discussions and decision-making processes.

Mr. Fayçal El-Khoury: In the context of this pandemic, in your opinion, Mr. Streiner, what would have happened to the airlines if they had been required to pay cash refunds to all passengers who applied for them? And what might have been the impact on Canadian travellers and communities?

Mr. Scott Streiner: Once again, I think this question should be directed more to my colleagues at Transport Canada, but I'll give a bit of an answer anyway.

We know that this crisis is unprecedented, but we don't know exactly what the consequences might have been in the situation you describe. Our role is simply to determine what the obligations of airlines are and what the rights of air passengers are under the law. These are the issues we are dealing with. I don't want to speculate by commenting on hypothetical situations.

• (1635)

Mr. Fayçal El-Khoury: Why did you issue directives that credits may be an acceptable alternative to cash reimbursement for travellers whose flights have been cancelled due to COVID-19?

Mr. Scott Streiner: The reason is simple: we did it to reduce the risk of air passengers ending up without any compensation. As I said, the legislation refers to this great variability in the conditions of service of different airlines; that's what creates this risk for air passengers. The objective of our Statement on Vouchers was to reduce this risk.

Mr. Fayçal El-Khoury: When you say—

[English]

The Chair: Thank you, Mr. Streiner and Mr. El-Khoury.

[Translation]

Mr. Fayçal El-Khoury: Thank you.

[English]

The Chair: We will now move on for two and a half minutes to Mr. Barsalou-Duval of the the Bloc.

Mr. Barsalou-Duval, the floor is yours.

[Translation]

Mr. Xavier Barsalou-Duval: Thank you, Mr. Chair.

Mr. Streiner, it was mentioned earlier that there is currently a long wait for complaints to be processed. I have a question for you. If I ran a complaints department and there was a two-year wait for complaints to be processed, and I hadn't processed any complaints in the last nine months, do you think I would keep my job?

Mr. Scott Streiner: I'm sorry; could you repeat the question?

Mr. Xavier Barsalou-Duval: If I ran a complaints department, had two years of backlogged complaints on my desk, and hadn't processed any complaints in the last nine months, would I lose my job?

Mr. Scott Streiner: For me, the question would be whether all employees work hard and come together to deal with complaints. If it were employees of the Canadian Transportation Agency, the answer would be yes. Everybody is rallying to deal with complaints. As I said, we've managed to handle 6,000 complaints since—

Mr. Xavier Barsalou-Duval: Thank you. I'm sorry for interrupting you, but I have only two and a half minutes.

Mr. Scott Streiner: Yes, that's fine.

Mr. Xavier Barsalou-Duval: You still announced that you wouldn't deal with any complaints about cancelled airline tickets until September 2020, and then you postponed it until 2021.

In March, the Canadian Transportation Agency released the Statement on Vouchers, which was recently revised. I'd like to know if you had any input into this statement.

Mr. Scott Streiner: All statements, guidelines and guidance material are written by the organization and, as head of the organization, I am always involved, of course.

Mr. Xavier Barsalou-Duval: Have there been any communications where the office of the Minister of Transportation has expressed a willingness to consider the direction the agency might take or the issue of ticket refunds?

Mr. Scott Streiner: We have communicated with the office of the Minister of Transportation throughout the crisis. Indeed, coordination is important in a crisis like this. It's a question of transparency. The purpose of these communications wasn't to obtain permissions or receive instructions, but to ensure that we don't create confusion in this time of crisis.

[English]

The Chair: Thank you, Mr. Streiner and Mr. Barsalou-Duval.

We're now going to move on to the NDP with Mr. Bachrach, for two and a half minutes.

The floor is yours.

Mr. Taylor Bachrach: Thank you, Mr. Chair.

Mr. Streiner, which individuals authored and approved the March 25 statement on vouchers?

Mr. Scott Streiner: With regard to the statement on vouchers, like all guidance material posted by the CTA—and we post a great deal of non-binding guidance material, policy statements and information—there are many people who participate in its preparation, in its drafting and in its review, so it's a large number of employees who contributed to that.

Mr. Taylor Bachrach: Who approved it?

Mr. Scott Streiner: Ultimately, every statement like this is an expression of the organization's guidance. As I emphasized earlier, the statement on vouchers, like these other documents, was non-binding in nature, and it's an expression of guidance or a suggestion to the travelling public by the institution.

Mr. Taylor Bachrach: An email from a policy adviser at Transport Canada to Member of Parliament Erskine-Smith revealed that the CTA's members, vice-chair and chair would have approved the statement on vouchers, which gave airlines clearance to refuse refunds.

Is this correct?

Mr. Scott Streiner: Mr. Chair, I'm not sure about that email. I haven't seen the email. It's not in front of me.

The office of the Minister of Transport would not have been privy to the internal decision-making processes at the CTA, and I would simply reiterate that every statement—non-binding—that's made by the CTA, every guidance document is a reflection of institutional guidance and of course is reviewed by senior members of the organization.

• (1640)

Mr. Taylor Bachrach: Mr. Streiner, will you commit to providing this committee with all internal documents, memos and emails concerning the March 25 statement on vouchers and the subsequent clarification?

Mr. Scott Streiner: The CTA is subject to the same access to information rules as any other organization. We have a policy of transparency, and so we try to come forward. I will commit to certainly providing the committee with those documents that it's appropriate to provide, but we are a quasi-judicial tribunal, an independent regulator, and certain material is privileged.

Mr. Taylor Bachrach: The challenge here, Mr. Streiner, as I'm sure you can guess from this line of questioning, is that as a quasi-judicial body, the CTA is in a position to fairly and without prejudice adjudicate these complaints that have come in from air passengers. Does this statement on vouchers not prejudice that process? This very clearly sets out the outcome of those complaints related to refunds. You've already said that it's reasonable, so why adjudicate the specific complaint if you've already said that it's a reasonable approach?

Mr. Scott Streiner: I want to give a very clear response to this question. The non-binding statement on vouchers was issued in order to protect passengers from ending up with nothing at all as a result of this situation, in part because of the legislative gap that I spoke about earlier. Nothing in that non-binding statement in any way affected or affects the rights of anybody who brings a complaint before us. The Federal Court of Appeal has already recognized that passengers' rights aren't affected. Right in the body of the statement, we said that every complaint would be considered on its merit. Every complaint will be considered on its merit, impartially, based on the evidence and the law.

The Chair: Thank you, Mr. Streiner and Mr. Bachrach.

Mr. Taylor Bachrach: Thank you, Mr. Chair.

The Chair: Thank you to the witnesses.

[Translation]

Mr. Xavier Barsalou-Duval: Excuse me, Mr. Chair.

[English]

The Chair: Yes, go ahead.

[Translation]

Mr. Xavier Barsalou-Duval: I'd like to put forward a motion about what was discussed. Is it possible to do that now?

[English]

The Chair: Go ahead.

[Translation]

Mr. Xavier Barsalou-Duval: That's perfect, Mr. Chair.

Actually, I'd like to put forward a motion that has already been tabled at committee on October 26. The motion is as follows:

That, pursuant to Standing Order 108(1)(a), an Order of the Committee do issue for correspondence between Transport Canada, including the Minister of Transport and his staff, and the Canadian Transportation Agency regarding cancelled plane tickets and the right of air passengers to be reimbursed, and that these documents be provided to the Committee Clerk within 15 days following the adoption of this motion.

[English]

The Chair: Okay, I'm assuming, Mr. Barsalou-Duval, that this is the motion you presented a few days ago, which you distributed.

Do you want to put on the table right now?

[Translation]

Mr. Xavier Barsalou-Duval: Mr. Chair, it is not the motion on Air Transat, it's actually the one about the Canadian Transportation Agency. So it's a different motion and it pertains to today's meeting.

The motion I have just read to you has already been introduced, but the committee has not discussed it.

[English]

The Chair: Mr. Clerk, does the committee have a copy of that motion?

The Clerk of the Committee (Mr. Michael MacPherson): I'm just going to double-check, but I do believe that it was distributed.

The Chair: Members, while we check, I would like to get some clarification from Mr. Hanson regarding Mr. Soroka's question, even though this might not be the norm for a chair to do. Mr. Soroka

asked a question about travel agents, and it's within this committee's interest. The importance of this issue has been discussed previously, too, by members of the committee because sometimes it can fall through the cracks, or these folks, travel agents, maybe seemed to have fallen through the cracks. I thought Mr. Soroka brought up a great point, a great question, with respect to that. I just want to get clarity from you to declare the travel agents.... Do you see them in a similar way as you would see the passengers who are unable to get refunds?

Mr. Lawrence Hanson: Thanks. It's a very fair question, Mr. Chair. I don't know if I'm in a position where I could declare that it would be policy to see them as analogous. That would be for someone other than me. I think what I can say is that the reality is that a mass kind of series of refunds done all at the same time would have implications for those travel agents. I think we need to understand that better, but I think I would kind of be creating policy on the fly to say that it is analogous to something else. I think I would really just be saying that we absolutely recognize that this issue is a consequence of the refund issue and that we have to be looking at it. I'm sorry that I can't be more precise than that, Mr. Chair.

The Chair: Okay. Thank you, Mr. Hanson.

Thank you to all of the other witnesses too.

We're now going to suspend for five minutes. Thank you, ladies and gentlemen.

• (1640)

(Pause)

• (1640)

The Chair: We have that notice of motion by Mr. Barsalou-Duval that was distributed Monday, October 26, 2020.

Mr. Barsalou-Duval, is that the motion you are putting on the floor?

[Translation]

Mr. Xavier Barsalou-Duval: Yes, Mr. Chair.

[English]

The Chair: Thank you, Mr. Barsalou-Duval.

Mr. Clerk, I am going to be asking for a vote by the committee to actually debate this now, as it is now being placed on the floor.

Members of the committee, Mr. Barsalou-Duval wishes to place this on the floor for debate. I'll take it, first of all, as a motion to debate it. First off, I'm going to be asking for a vote to place it on the floor for debate. All those in favour?

The clerk is telling me that we don't need a vote to get it on the floor. That's fine.

Debate has begun for this motion. Mr. Barsalou-Duval, I'll give you the floor.

• (1650)

[Translation]

Mr. Xavier Barsalou-Duval: Thank you very much, Mr. Chair.

The discussions we had today with the official from the Canadian Transportation Agency actually support the reason why this motion was introduced. The goal of the motion is to better understand where the agency's statement on travel credits came from. It will tell us what interaction it had with the government and whether any directives were given during those interactions. Specifically, it would be helpful to find out whether there was a desire on the government's part to influence a judicial or quasi-judicial tribunal. That would be most unwelcome.

This is something that has an impact on thousands of families. Thousands of dollars are at stake. This has been a highly publicized issue. I hope that all members of the committee will want to obtain that information.

[English]

The Chair: Thank you, Mr. Barsalou-Duval.

I will now go to Mr. Sidhu.

Mr. Sidhu, you have the floor.

Mr. Maninder Sidhu (Brampton East, Lib.): Thank you, Mr. Chair.

Yes, I do understand the importance, but I also understand the importance of the witnesses being here. We're ready to ask them the questions that we have. There's a lot of important information. I know my constituents are waiting on answers in terms of rapid testing and a lot of other important matters.

With respect to our witnesses, we need to hear from them. They took the time; we prepared our questions. I think that's what we need to do here.

Thank you.

The Chair: Thank you, Mr. Sidhu.

I have Mrs. Kusie, Mr. El-Khoury and Ms. Jaczek.

Mrs. Kusie, the floor is yours.

Mrs. Stephanie Kusie: I support what Mr. Sidhu said, in particular, in the light that the witnesses from the first hour were.... When I say were not prepared, I mean did not feel comfortable responding to questions better directed to the Department of Health and the Public Health Agency.

I would ask that we return to the witnesses at this time. As well, I would ask the clerk if he could possibly redistribute the motion, if he has not done so already. I am attempting to locate it within my documents, and I'm struggling to do that. I would go out on a limb and say that I'm not alone.

Thank you.

• (1655)

The Chair: Thank you, Mrs. Kusie.

I have Mr. Bittle, followed by Mr. El-Khoury, Ms. Jaczek and Mr. Bachrach.

Mr. Bittle, the floor is yours.

Mr. Chris Bittle (St. Catharines, Lib.): I thank Mrs. Kusie, and I agree with her sentiment. I move that debate now be adjourned.

The Chair: Thank you, Mr. Bittle.

With no questions or no debate on that motion, Mr. Clerk, perhaps you can do roll call.

(Motion agreed to: yeas 9; nays 2)

The Chair: Thank you, Mr. Clerk, and thank you, members.

We're now going to move on to our next session.

Mr. Clerk, I believe all witnesses are on board.

While we're waiting, the next round is going to start with the Conservatives with Mrs. Kusie for six minutes, followed by Ms. Jaczek for six minutes for the Liberal Party, followed by the Bloc and Mr. Barsalou-Duval for six minutes and Mr. Bachrach of the NDP for six minutes as well.

Once we get the witnesses on board and the sound checks done, we'll be ready to go.

Mr. Clerk, I'll leave it to you.

I will suspend for three minutes.

• (1655) _____ (Pause) _____

• (1700)

The Chair: We are now going to be entering the second part of our session.

From the Department of Health we have Ms. Frison, the acting assistant deputy minister, programs and implementation. From the Public Health Agency of Canada we have Ms. Diogo, vice president, health security infrastructure branch.

I'm going to ask both witnesses to be brief because we only have half an hour and I'm being told by the House that we have until 5:30 because we have 6:30 committees and we don't want to take away the resources from them. If you can be as brief as possible that will allow for more questions from members and that would be wonderful.

Ms. Frison, go ahead. The floor is yours.

Ms. Monique Frison (Acting Assistant Deputy Minister, Programs and Implementation, Department of Health): Thank you, Mr. Chair.

I want to begin by thanking the committee for the opportunity to speak to you today.

I work at Health Canada in the testing, contact tracing and data management secretariat. We know that COVID-19 has had devastating impacts right across the country, and the aviation sector is no exception. I'm sure the efforts of this committee to examine the consequences of this pandemic will undoubtedly shape the efforts to strengthen that sector, which is so vital to the Canadian economy and the lives of Canadians.

The efforts of the health portfolio are focused on protecting public health and looking at the ways that testing can contribute to that effort and can help social and economic activity. Testing is one of a number of risk mitigation measures that we've employed. We've secured and distributed over 5.7 million tests to the provinces and territories over the last several weeks.

I'm pleased to note in particular that we are getting closer to a national target of administering 200,000 of what are called PCR tests, which is the gold standard in COVID-19 testing—and that's 200,000 tests per day. We've also released guidance on rapid testing developed in consultation with provincial and territorial health authorities, rapid tests that have the potential for faster turnaround times, lower costs, and administration on a more frequent basis.

We're looking at how best to use testing technologies individually or in combination with other public health measures to stop transmission, protect individuals and detect the virus early. For example, in October Health Canada launched the Industry Advisory Round Table on COVID-19 Testing, Screening, Tracing and Data Management, co-chaired by Health Canada and by Catherine Luelo, senior vice-president and chief information officer at Air Canada. The round table enables the federal government to hear directly from leaders in Canadian industry from across the country in a variety of sectors on public health measures, and including activity like testing in the workplace.

On borders, we're looking at border pilot projects and how they can help us acquire science-based evidence to inform how best to reopen our borders. In partnership with the Canadian Institutes of Health Research, we supported McMaster HealthLabs' international border surveillance study, which occurred at Pearson Airport earlier this fall. The interim results from the McMaster pilot showed a COVID-19 importation rate from international travellers at approximately 1%, which is fairly high. We look forward to receiving the final report in the coming weeks.

Our partners at the Public Health Agency of Canada have also worked very closely with the Government of Alberta on a program to examine whether quarantine could be reduced for international travellers without compromising public health and safety. The pilot started on November 2 and we're actively monitoring the results in close collaboration with the provincial government.

We continue to engage with stakeholders, including air carriers, airport authorities, and with other departments including Transport Canada, on border measures. An effective response to the pandemic cannot succeed without the strong partnerships that exist at all levels of government, across jurisdictions, and with key stakeholders who are all equally invested in protecting the health and safety of Canadians.

With our partners we will be looking at, for example, the recently released International Civil Aviation Organization's guidance to see how we can apply it in a Canadian context. We also have to bear in mind that travellers from Canada are having to meet testing entry requirements of other countries that they decide to visit. We will need to balance that demand for screening of those coming into Canada with broader screening needs to protect public health, and factor in, for example, the health human resources that may be required to conduct that kind of screening.

In closing, testing is one important aspect of protecting public health, alongside contact tracing and other preventative measures. How testing applies in the travel context will need to be studied. At the same time, we need to ensure traveller vigilance, not just to protect travellers, but also any aviation worker they come in contact with.

I thank you for the opportunity to make these short remarks, and I will be pleased to answer any questions.

• (1705)

The Chair: Thank you, Ms. Frison.

I'll now go over to Ms. Diogo for five minutes, please.

Ms. Brigitte Diogo (Vice President, Health Security Infrastructure Branch, Public Health Agency of Canada): Thank you, Mr. Chair, and good afternoon.

I would like to thank the committee and colleagues for being here today, and for being able to answer your questions this afternoon.

My name is Brigitte Diogo, and I am the vice-president of the health security infrastructure branch.

I will start by saying that the border measures that we currently have in place to support public health are ones that we had found to be effective. We are working with all stakeholders and all other departments such as Transport Canada to continue to look at what are the options to ease the border restrictions going forward. The points that my colleagues have made in terms of testing are ones we are paying a lot of attention to.

Given the short time that you have, Mr. Chair, I propose to go to the questions, if you agree.

The Chair: Thank you, Ms. Diogo. I appreciate that.

We're going to start with our first round of six minutes each.

We have Ms. Kusie from the Conservatives, Ms. Jaczek from the Liberals, Mr. Barsalou-Duval from the Bloc and Mr. Bachrach from the NDP.

Ms. Kusie, the floor is yours.

Mrs. Stephanie Kusie: Thank you very much, Mr. Chair.

Thank you very much to both our witnesses for being here today.

I'm going to back to the YYC pilot as mentioned by Ms. Frison. I attempted to ask our witnesses in the first round for more information about this, but I'm hopeful that Ms. Frison will be able to respond to my questions.

Ms. Frison, can you tell me how long it took Transport Canada and the other government departments to get this pilot project under way?

The Chair: Ms. Frison.

Ms. Monique Frison: The Public Health Agency of Canada and Health Canada worked quite closely with the provincial government to launch the pilot that started on November 2. A lot of work went into the launch.

We had to discuss and articulate the measures to protect public health from those who would be released from quarantine. All of us wanted to make sure there would be sufficient testing and contact tracing capacity available for the participants in the pilot. We wanted to make sure that the instructions for participants and for border agents were very clear so that implementation would be smooth. Then there were the legal regimes that exist both federally and provincially for managing quarantine.

It took a lot of effort for both the federal and the provincial government to launch the pilot. I'm not sure exactly how long it took, but I can come back with an estimate of the amount of time.

Now that we have the sample of the pilot with Alberta, it will be a bit easier to talk to other jurisdictions about similar kinds of models because we have worked out some of those details, including things like the collection of data and what information we want to get from the pilot to improve the evidence base for making decisions going forward.

Mrs. Stephanie Kusie: Can you confirm that other airports are being looked at to implement this program as well, and what sort of timeline could we expect to see for the implementation of this program at other airport authorities?

The Chair: Ms. Frison.

Ms. Monique Frison: Thank you, Chair.

I can confirm that we have talked to provinces and territories about the Alberta pilot and a framework for a pilot going forward and the possibility of having similar arrangements with the provinces, with other jurisdictions.

• (1710)

Although it's not necessarily exactly the same, we'd have to work very collaboratively with each jurisdiction to get a sense of what kind of conditions they would want to pilot.

Mrs. Stephanie Kusie: You wouldn't be able to provide a timeline per airport; what you're saying is that it would be independent to each authority.

Ms. Monique Frison: Yes, it would. Again, we would work very closely with provinces and territories to determine a timeline.

Mrs. Stephanie Kusie: Thank you for that.

You mentioned the McMaster data, and in reviewing the data and having conversations with them, I see that the results show that after the seven-day quarantine period, it is less than 0.1%. So approx-

imately one in 10,000 individuals would test positive after the seven-day quarantine, based on the data.

Is the department using this data to look at reducing quarantine times for international arrivals who have been tested?

Ms. Monique Frison: The MHL study tested the participants on arrival, at day seven and then again at day 14. They had positive and negative rates at each of those days. When we see the final report in the next several weeks, we'll be able to look at the final data for the testing at each of those stages.

Yes, absolutely, we're finding that the study that was done in Toronto was quite informative on what the testing rates and importation rates might be from travellers.

Mrs. Stephanie Kusie: Thank you.

It did seem very interesting to me that it was the 0.7% upon arrival, the 0.3% at the seventh day and less than the 0.1%.... They even thought the 0.1% might perhaps be attributed to those who did guard quarantine. I do hope the department will consider that as we move forward in an effort to relieve the airline sector.

I'm now going to move to another question about the government having deemed airline pilots as essential workers, but because there is a limitation imposed by the definition of aircrew found in OIC 2020-0175, which minimizes the risk of exposure to COVID-19 in Canada—order of prohibition of entry into Canada from the United States—pilots travelling to and from the U.S. as a requirement of their employment, deadheading or training, were having to quarantine for 14 days upon their return to Canada.

Is your department aware of this issue, and is your department working to fix this issue?

The Chair: Go ahead, Ms. Frison.

Ms. Monique Frison: I would turn to my colleague vice president Diogo to address that question because it is about compliance and enforcement.

The Chair: Absolutely.

Go ahead, Ms. Diogo.

Ms. Brigitte Diogo: Yes, thank you, Mr. Chair.

We are aware of this issue. We are indeed looking at it, working with Transport Canada on the options to address it going forward.

The Chair: Thank you, Ms. Diogo, Ms. Frison, and Ms. Kusie.

We're now going to move to Ms. Jaczek for six minutes.

Ms. Jaczek, the floor is yours.

Ms. Helena Jaczek (Markham—Stouffville, Lib.): Thank you, Chair.

Thank you very much to our witnesses for your presentations and for your testimony with Ms. Kusie. Of course, I think we're all very aware of how important the pilots are going to be in terms of the rapid testing on arrival.

I will emphasize, of course, that the second test after the person has arrived is extremely important in relation to the potential for transmission during the flight itself. We're well aware that infectious diseases have been transmitted during long flights in the past, tuberculosis being a case in point, and even during SARS, there was transmission on the airplane itself.

I am wondering—perhaps it's more appropriate for Ms. Diogo—what we know about transmission in the early days of the COVID-19 epidemic in terms of the number of cases that were potentially contracted on the plane itself. Is there any information coming back from contact tracing of positive cases that you could give us some information on?

Ms. Brigitte Diogo: We do have some data on COVID cases among travellers who made their journey through air travel. Currently there is a requirement to report those cases, so we get the information from public health officials. That information is published on our website. I would be happy to provide some statistics to the committee related to transmission.

Overall, the border measures have been in place since March. The first cases of COVID were related to people who were affected by air travel. We found that, following the imposition of the border measures, the rates of travel-related transmission have decreased significantly. Certainly, there is some data we can provide to the committee for your study.

• (1715)

Ms. Helena Jaczek: I think it would be very useful. It might be good to see that, as you say, once those border measures were put in place, there was less transmission during the flight itself. I think that's important for the travelling public to know. They are clearly very leery of flying at this point in time.

In relation, the Department of Transport did relay to us some of the measures that have been taken in order to, hopefully, provide safety during the flight. Could you, as the Public Health Agency of Canada, confirm for us that you're confident that these measures are working and are important?

I will disclose that at the health committee this summer, we did hear from the airlines. It was at the time when WestJet, in particular, had eliminated the middle seats on planes. They were going to go back and reinstate the possibility of having three people abreast, which, of course, does not allow for physical distancing.

Could you reassure us or assure us on behalf of your agency that you are confident that the measures that are being taken are contributing significantly to the safety of passengers?

Ms. Brigitte Diogo: I would say the quick answer to that question is yes. In our view, the risk remains low. Given some of the measures that have been put in place, including the screening of passengers before boarding and some of the measures that have

been taken in terms of wearing masks, the temperature check and the overall series of measures like ventilation, I believe that the studies have shown that they are all contributing to reducing the risk.

Dr. Tam recently has mentioned during her updates that, in the view of the Public Health Agency, the risk on airplanes is low.

Ms. Helena Jaczek: Perhaps I could turn to the issue of safety in airports themselves. Perhaps Ms. Frison from Health Canada has had a look at this. Obviously, there are far fewer people flying; however, airports are usually pretty crowded places.

Have there been any particular provisions from the perspective of Health Canada or advice to airports on reducing the possibility of the spread of COVID-19?

Ms. Monique Frison: I'm not aware of any particular advice to airports.

My understanding is that airports follow the public health measures that are put in place by provincial and territorial governments. As far as the recommendations from the federal government are concerned, they are related to hygiene, social distancing, masks, and the layers of support for protecting against transmission.

Ms. Helena Jaczek: Ms. Diogo, could you enlighten us on the situation in airports? Who exactly has the responsibility to ensure public health protection within airports?

• (1720)

Ms. Brigitte Diogo: The Public Health Agency has indeed issued guidance through the Canadian aviation sector. We have been working with airports, looking at increased measures, such as social distancing and non-surgical mask requirements. That guidance is available on our website. We are working closely with Air Canada. We continue to pay attention to what's happening at airports.

Currently, the volumes are very low. If the volumes were to increase to a level higher than they are now, certainly some of those measures would become more challenging in maintaining social distancing at all times. The fact that the wearing of the mask is a requirement is contributing to reducing the risk.

From the Public Health Agency of Canada, we have also increased our presence at airports and at border crossings.

The Chair: Thank you, Ms. Diogo and Ms. Jaczek.

We're now going to Mr. Barsalou-Duval, for six minutes.

[Translation]

Mr. Xavier Barsalou-Duval: Thank you, Mr. Chair.

Several months ago, in May 2020, we learned that rapid testing kits made by Spartan BioScience, which had been approved by Health Canada and which cost millions of dollars, turned out to be ineffective and unreliable. Transport Canada had to recall those tests.

Why did Health Canada approve those ineffective tests?

[English]

Ms. Brigitte Diogo: I'm not aware of this issue, but we can certainly follow-up if Monique doesn't have an answer to this question.

[Translation]

Mr. Xavier Barsalou-Duval: Thank you. I would very much like to have that answer.

These were rapid testing kits that we might well have wanted to use in aviation in order to reduce the length of quarantines. So it is important that the tests be effective. When Health Canada approves tests that turn out to be ineffective, the public's trust in the system becomes weaker. It is then even more difficult for the industry to use that kind of test, desirable though it may be.

I feel this is a very appropriate question and I would like to have an answer.

Furthermore, when do you feel that we will be able to have reliable tests, at least in aviation, so that we can reduce the length of the quarantines?

Ms. Brigitte Diogo: Thank you for your question.

At the moment, there is no set date or goal date for reducing the length of quarantine. We are examining the results of pilot projects, like the one in Alberta. We are analyzing the data from those pilot projects. We will then consider possible ways of reducing the length of the quarantine.

It is certainly an option at the moment, but we are at the stage of assembling data so that we can make decisions. It must be done after consultation with the provinces and territories.

Mr. Xavier Barsalou-Duval: Yes, of course, it is most important to respect Quebec's jurisdiction, especially in matters of health.

The pilot project has been running for several months. Do you not have preliminary data?

Ms. Brigitte Diogo: The pilot project has been operating since the beginning of November. We still do not have all the results from that project. For the data we need, a number of factors must be considered. For example, we have to consider not only the type of test but also its duration. As you know, that is not always clear. The symptoms of the virus do not necessarily appear when the illness starts. So we have to examine different scenarios with the provinces and territories.

Mr. Xavier Barsalou-Duval: I understand. That factor makes things difficult. People are tested, but if they have no symptoms, how do we ensure that things do not develop differently thereafter? Basically, there can be false negatives that are not because of the test itself but rather because of the nature of the illness.

Let us go back to the beginning of the pandemic last March. The Public Health Agency of Canada issued no messages at all about the importance of closing the border. Thereafter, we saw an extremely rapid increase in the number of cases in Canada. Elsewhere in the world, however, things happened much sooner.

Had the Public Health Agency of Canada previously recommended that the government close the border before it was done?

Ms. Brigitte Diogo: The Public Health Agency of Canada reacted quite quickly, as early as December, when it got wind of the situation. Certainly, with hindsight, we might wonder why certain things were not done. I can tell you that the measures that were put in place allowed the danger to be managed. That's why those measures have been continuously renewed since that time.

• (1725)

Mr. Xavier Barsalou-Duval: So you cannot tell me, if the reaction had come earlier, whether COVID-19 would have been less virulent in Quebec, for example.

My next question is also about the government's actions.

Let's go back in time a little. Officials from the City of Montreal went to the airport with people from the Government of Quebec to distribute information documents on COVID-19 because nothing was being done federally. Do you find that inaction to be acceptable?

Ms. Brigitte Diogo: I would really like to have more specifics on the situation you are describing.

An important aspect of our actions is to communicate with Canadians. From the start of the measures we implemented, we were distributing information leaflets and posters in the airports.

Of course, action must not just come from the federal government. The provinces and territories took additional measures, as they saw fit. The more the better.

[English]

The Chair: Thank you, Ms. Diogo.

Thank you, Mr. Barsalou-Duval.

We now move on to Mr. Bachrach of the NDP for six minutes.

Mr. Bachrach, the floor is yours.

Mr. Taylor Bachrach: Thank you, Mr. Chair, and to our witnesses for being with us today. It might not be quite as exciting as the Fortnite game that Ms. Frison's son is partaking in, but we'll try to make it as interesting as possible.

I want to go back to something that Ms. Jaczek started discussing, and that is the sale of the middle seat and physical distancing on airplanes.

I was remembering back to June. We had Minister Garneau before our committee, and we spoke specifically about physical distancing. In his remarks, if I recall correctly, he said that physical distancing is the most important thing. He really highlighted its importance in terms of keeping people safe from the transmission on aircrafts. Then, sometime after that, we had the international airline industry advocating for that restriction to be loosened. Eventually, Transport Canada went along with that, and they started selling the middle seats.

I'm wondering if that was done in consultation with PHAC, whether it was at the advice of the agency and whether that was a move that increased or decreased people's safety on these airplanes. Given the minister's earlier remarks, it seems that this was noted when it occurred and they started selling the middle seats.

Could you speak to that process? Was this something that your agency agreed was safe to do?

• (1730)

Ms. Brigitte Diogo: We work very closely with Transport Canada and other agencies. The conversation is constant. I won't go as far as saying that the Public Health Agency approved the change in terms of selling middle seats. Those decisions are company decisions. I'm not aware of how Transport Canada played in that, but certainly, on the conversations related to what are the risks, as you know, part of the advice of the Public Health Agency is that when social distancing is not possible, the wearing of the non-surgical masks is a recommended approach.

I would also say that in the conversations and exchanges we had with Transport Canada was the exchange of information in terms of what evidence and information was coming through the international community in terms of airplanes and how they were built, etc., but the Public Health Agency does not provide a sanction. There's no sanction in those types of decisions.

Mr. Taylor Bachrach: Is it fair to say, based on that answer, that PHAC was not consulted by Transport Canada or the airlines prior to the relaxation of the social distancing measures?

The Chair: Ms. Diogo.

Ms. Brigitte Diogo: Thank you, Mr. Chair.

I am confident in saying that the Public Health Agency would have been consulted and would have been part of discussions but not being in a position to approve final decisions on what was being done. Certainly, we talk to Transport Canada, and Transport Canada contacts us regularly on these types of issues.

Mr. Taylor Bachrach: Okay. Thank you.

If I understand it from the previous answers, the reasoning for airlines being exempt from those social distancing measures is really around the ventilation systems on the aircraft. Is that correct?

Ms. Brigitte Diogo: Airlines are not exempt from social distancing. What I would say is that there are a number of reasons why air

transportation is still a major requirement for Canadians and why it is important to maintain some travel. On an airplane, it's very difficult to do social distancing, but certainly we are of the view that with the current practices we have seen, when you take into account the series of measures within the airport—getting on the plane, and getting off it—all of those measures put together make the risk low, in our view.

The Chair: Mr. Bachrach.

Mr. Taylor Bachrach: Thank you, Mr. Chair.

I'll move on to the topic of rapid tests, which I know are of great interest to a lot of members. Do these rapid tests have the same rate of accuracy as the standard PCR tests that are being used in Canada?

The Chair: Ms. Diogo.

Ms. Brigitte Diogo: Thank you.

Monique Frison will take that question.

The Chair: Thank you.

Ms. Frison.

Ms. Monique Frison: Thank you, Chair.

It depends on the test, both for the rapid test and the PCR test. A PCR lab-based test can have a very high performance rate for sensitivity and specificity. Antigen tests can, too. Health Canada has issued guidance that it wouldn't consider or approve rapid tests unless they had at least an 80% sensitivity rate, for example.

Usually the rapid tests don't necessarily perform, on average, as well as lab-based gold standard tests, but the other performance characteristics of them, including the ease of use, can sometimes compensate.

Like I said in my opening remarks, it depends on the situation that you want to test or screen. It depends on what you're using that result for.

• (1735)

The Chair: Thank you, Ms. Frison, Mr. Bachrach and Ms. Diogo.

Members of committee, it's 5:35 and we have to adjourn this meeting due to the fact that others will be meeting and need resources for their committees.

With that, I want to thank you. I want to congratulate you, as well. It was a great meeting. There were a lot of good questions for all of the witnesses.

To the witnesses, thank you for your participation.

With that, I will adjourn today's meeting.

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