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# Standing Committee on Transport, Infrastructure and Communities

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Chair: Mr. Vance Badawey





## Standing Committee on Transport, Infrastructure and Communities

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• (1835)

[English]

**The Chair (Mr. Vance Badawey (Niagara Centre, Lib.)):** Good evening, everyone. It's a pleasure to be here to welcome all of you to meeting number 38 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 January 25. The proceedings will be made available via the House of Commons website. Just so that you are all 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 points 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 the 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. Just as a reminder, 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, as always, the committee clerk and I will do our very best to maintain the order of speaking for all members, whether they are participating virtually or in person. I will remind all members to use the "raise hand" function. I will also be utilizing that function to indicate one minute left on the floor. When you see my hand go up, that means you have one minute remaining. Of course, with that, you are expected to conclude your remarks within that one minute.

Members, pursuant to Standing Order 108(2) and the motion adopted by the committee on April 27, the committee will now begin its study of railway safety and the impacts of railway operations on neighbouring properties.

I would now like to introduce our witnesses.

For the first hour, from 6:30 p.m. to 7:30 p.m., from the Canadian Transportation Agency we have Mr. Tom Oommen, chief com-

pliance officer. From the Department of Transport we have Mr. Aaron McCrorie, associate assistant deputy minister, safety and security; Mr. Michael DeJong, director general, rail safety; Mr. Benoit Turcotte, director general, transportation of dangerous goods; and Mr. Jasmir Basi, regional director, surface transportation.

From 7:30 p.m. to 8:30 p.m., our second hour, from the Canadian National Railway Company we have Mr. Tom Brown, assistant vice-president of safety; from the Canadian Pacific Railway, Mr. Keith Shearer, assistant vice-president, safety and sustainability; from the Comité ferroviaire de Boucherville, Ms. Isabelle Bleau, city councillor, City of Boucherville, and Mr. François Beaulne, chair, subcommittee; from the Friends of Morice-Bulkley, Ms. Dawn Remington, chair; from the Railway Association of Canada, Mr. Marc Brazeau, president and chief executive officer; and finally, from the Regional District of Bulkley-Nechako we have Mr. Gerry Thiessen, chair.

With that, we'll start off with the first set of witnesses for our first hour, beginning with the Canadian Transportation Agency

Mr. Oommen, you have five minutes.

**Mr. Tom Oommen (Chief Compliance Officer, Canadian Transportation Agency):** Thank you, Chair, for this opportunity to appear before the committee today.

My name is Tom Oommen. I am the chief compliance and enforcement officer of the Canadian Transportation Agency.

[Translation]

The Canadian Transportation Agency was established in 1904 and is Canada's longest-standing independent, quasi-judicial tribunal and regulator. The members of the agency, including the chair and CEO, are appointed by the Governor in Council for fixed terms. The decisions of the agency are made by panels of members, which are established to deal with specific issues under consideration by the agency. The decisions of the agency are made independently of government. The members of the agency are supported by a staff of public servants, like myself, who assist the members in their decision-making role.

• (1840)

[English]

The agency, through its members, has statutory authority to make decisions on a wide range of matters in the transportation sector. For example, the agency makes certain regulations, issues licences to air carriers, issues the annual maximum revenue entitlement to CN and CP for the carriage of western grain for export, approves railway line construction and adjudicates complaints from passengers and shippers. Agency staff also monitor compliance with and enforce agency orders and the regulatory framework for which the agency is responsible.

A fundamental public interest role of the Canadian Transportation Agency is ensuring that railway companies in federal jurisdiction have the required liability insurance. Federally regulated railway companies must have a certificate of fitness issued by the agency under the Canada Transportation Act, as well as a railway operating certificate issued by Transport Canada under the Railway Safety Act. In order for the agency to issue a certificate of fitness to a railway company, the agency must be satisfied that the railway company holds the liability insurance required by the Canada Transportation Act.

The Canada Transportation Act requires that freight railways hold specific amounts of liability insurance depending on what they carry. The highest tier of liability insurance is required by those railways that carry over 1.5 million tonnes of crude oil per year, or over 50,000 tonnes of toxic inhalation hazard per year. These railway companies are required to hold liability insurance of \$1 billion per incident. The railway companies' liability does not depend on proof of fault or negligence. If more than one railway is involved in a railway accident, they jointly and severally bear the liability, up to the amount of insurance that they are required to hold.

In order to maintain their certificates of fitness, each year a railway company files a number of documents with the agency, including a certificate of insurance. This documentation states the forecasted amount of crude oil and toxic inhalation hazards to be carried by the railway company. It lists the insurance policies that the railway company holds, up to the required amount. Following submission, there's a careful review of the documentation. The agency would suspend or cancel a certificate of fitness if the liability insurance requirements are not met.

Just before closing, I will also mention one additional role for the agency. In June 2015, the Railway Safety Act was amended to allow a provincial or municipal government to apply to the agency to recover costs reasonably incurred in responding to fires resulting from railway operations. If the agency determines that a fire was the result of railway operations, it will then decide the costs that were reasonably incurred by the relevant authority in responding to the fire.

Thank you, Chair. That concludes my opening remarks.

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

We're now going to move on to the Department of Transport. I'm assuming that not all of those present will be giving opening remarks, so I'll defer to the individuals to determine who will be giving opening remarks.

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

On behalf of my colleagues Ben Turcotte and Mike DeJong, it's a pleasure to be here this evening. Unfortunately, due to technical difficulties, our colleague Jasmir Basi was not able to join today and she sends her regrets.

Today, I would like to take this opportunity to update you on our work to ensure rail safety in Canada and share a brief status update on our efforts to implement the Auditor General's recommendations from the follow-up audit on rail safety, as well as the recommendations from the commissioner of the environment and sustainable development's follow-up audit on the transportation of dangerous goods.

Every day railway companies carry goods, including dangerous goods, across the country that are essential to our well-being, the creation of jobs and economic growth. For example, rail transportation ensures that prairie grain gets to export markets, consumer goods get to Canadian households, and communities get chlorine to ensure safe drinking water or propane for heating and fuel. Transport Canada is committed to ensuring the safe and secure movement of these goods by rail, especially dangerous goods.

An effective safety program is built around multiple lines of defence, with each component enhancing and complementing the other. Transport Canada has a comprehensive safety strategy in place to prevent and minimize the impacts of rail accidents and to effectively respond to incidents involving dangerous goods. Transport Canada prescribes stringent safety requirements for railway operations and to transport dangerous goods by rail. For example, all federal railways operating in Canada are required to ensure that dangerous goods are transported in the appropriate means of containment, such as the new more robust tank cars required for flammable liquids; comply with the key trains and key routes rule, which sets out slower track speeds and increased track inspection requirements for trains carrying dangerous goods; adhere to the track safety rules, which set out strict safety requirements to protect the integrity of our railway tracks; have an improved emergency response assistance plan, ERAP, that describes the response capabilities, including the specialized personnel and equipment needed to respond to an accident involving dangerous goods; and to provide comprehensive dangerous goods information to emergency planning officials, which can be easily accessed in an emergency to support first responders.

These requirements are supported [*Technical difficulty—Editor*]. On average, Transport Canada completes about 35,000 rail safety inspections and about 4,000 dangerous goods inspections per year. Additionally, the rail safety program now conducts, on average, 25 SMS audits, safety management system audits, per year, up from three per year in 2013. These inspections and audits allow Transport Canada to swiftly detect and support the resolution of non-compliances, educate stakeholders on regulatory requirements and best practices and take enforcement action when necessary.

These efforts have allowed us to demonstrate real results for improving safety for Canadians and their communities.

I would like to quote the Transportation Safety Board, which tweeted in March, “959 railway accidents were reported to the TSB in 2020—a 12% decrease from the five-year average of 1,091—and 59 rail-related fatalities reported in 2020, 13 fewer than the previous year”.

The transportation of dangerous goods program is also making progress on the safety front. There were 81 rail accidents where dangerous goods were present, though not necessarily released in 2020, down from 171 in 2019 and well below the five-year average of 128. These statistics show that our improved oversight is leading to better results, but we can and need to do better. We are always striving to improve upon our strong foundation of safety.

The Auditor General’s work on rail safety and the transportation of dangerous goods has challenged and guided us to do better in our commitment to being a world-class regulator, and to continuously improve. Recognizing the importance of continuous improvement, we are working hard to implement the Auditor General’s recommendations.

The transportation of dangerous goods program has made significant progress in addressing the recommendations from their follow-up audit. For example, we have improved and updated databases to have more complete and accurate information on regulated companies and their compliance status. We have enhanced how we assess

compliance for means of containment. We have implemented an online tracking system to ensure conditions for moving ERAPs are met.

The rail safety program is also making progress to address the Auditor General’s recommendations. We have established a process to integrate the findings from audits of safety management systems into our oversight planning. This means that our oversight is even more risk-based and comprehensive. Our inspections account for the findings from safety management system audits, and vice versa.

We have also achieved early progress against other recommendations. For example, we have developed guidelines for follow up on safety management system audits, improved our data management of safety management systems by launching the pilot of a new database that tracks audit findings, and established a framework to support our auditors in conducting effectiveness audits of safety management systems.

• (1845)

I’m pleased to note that we are on track to launch effectiveness audits of safety management systems in September 2021, which aligns with the Auditor General’s recommendations.

To conclude, these actions are consistent with our broader commitment to protecting Canadians who live and work along rail lines. While the data shows we have a strong safety program in place, we remain committed to doing even better.

Thank you. We look forward to your questions.

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

Thank you to all of the presenters.

We’re now going to move to our questions, starting with the Conservative Party and Doug Shipley for six minutes.

**Mr. Doug Shipley (Barrie—Springwater—Oro-Medonte, CPC):** Thank you, Chair.

Thank you to all of our guests for being here tonight.

With your indulgence, Chair, I’m going to relay a story that I’ve already told once before, but seeing that we’re discussing rail safety, this is a very pertinent and touching story.

I'd like to recall a tragic event that took place in my riding just this year, on February 21, 2021. On a crisp winter morning, a Sunday morning to be exact, at 9:20, a young 13-year-old, grade 8 student by the name of Kevin Morgan, who attended Portage View Public School in my riding, was walking his dog along some CP railway tracks just north of Highway 90 in Springwater. What happened was very tragic. This young boy's dog got loose from his lead, and the young boy tried to push the dog out of the way, successfully saving the dog, but regrettably, didn't himself get out of the way in time to miss an oncoming train. His life was taken that early morning. Obviously, it's a tragic event that has affected the community and family.

I know that all accidents are not preventable, but I would like to know that there's some comfort to the family in knowing that something can be done going forward.

I'd like to address this to Mr. Oommen and also to Mr. McCrorie. Is there any way, going forward, we could help educate youngsters on, obviously, the perils of being on train tracks?

I know this isn't the first time, and it's not the last time, but hopefully it will be some of the limited times. Perhaps you could expand on a tragic incident like this and what's being done to prevent it in the future.

Thank you.

• (1850)

**The Chair:** Mr. McCrorie.

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

First of all, our deepest sympathies to the family.

This is the business we're in, trying to prevent these kinds of deaths.

The member highlights a particularly challenging area for us in railway safety. Last year there were 59 rail-related fatalities, and 39 of them, the majority of them, involved what I'll describe as "trespassing". I don't want to suggest that in this instance it was trespassing, but that's where the vast majority of the deaths are taking place.

One of the challenges we have, from a regulatory point of view, is that it's very hard to regulate that. The success story that I can point to is Operation Lifesaver. In 2020 we gave \$2 million in funding to Operation Lifesaver, which is an organization that does a lot of community outreach—safety promotion efforts with community groups, with schools, for example. It's a long-standing success story in the rail safety program. I think it's these efforts, which are very much about educating people about the perils and dangers of being around trains, being around railway tracks, and addressing individuals when they're young, so that we create a culture of safety from the get-go.

**The Chair:** Mr. Oommen, do you want to comment?

**Mr. Tom Oommen:** Mr. Chair, no thanks. I have no further comments.

**The Chair:** Great. Thank you.

**Mr. Doug Shipley:** This next question will be for Mr. Oommen.

A few weeks ago the Minister of Transport and several other government representatives announced more than \$21 million in funding for new projects under the rail safety improvement program to enhance rail safety in Canada. They announced that this money would largely go towards increasing public awareness and confidence in Canada's rail transportation system.

As chief compliance officer, can you please outline some of the actual programs this money is likely to fund and what direct impact new programs could have on the industry?

**Mr. Tom Oommen:** Mr. Chair, that funding is actually not going to the Canadian Transportation Agency. I defer to Mr. McCrorie on that one.

**Mr. Aaron McCrorie:** Actually, Mr. Chair, if it's okay, our DG of rail safety, Mike DeJong, can speak to some of the things that are funded under that program.

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

Mr. DeJong.

**Mr. Michael DeJong (Director General, Rail Safety, Department of Transport):** Thank you, Mr. Chair, for the question.

As the honourable member mentioned, this year the department announced more than \$21 million through our rail safety improvement program. This includes, for example, funding for projects to enhance grade crossing safety, specifically, for example, to help address and prevent the type of tragedy that was just mentioned. This includes improvements to infrastructure at grade crossings and improvements to signage and to warnings. As Mr. McCrorie mentioned, that program also provides funding to Operation Lifesaver, specifically \$2 million to help mitigate and prevent tragic circumstances, such as improving mental health and preventing suicide.

**The Chair:** Mr. Shipley.

**Mr. Doug Shipley:** Thank you for that.

This is also for you, Mr. DeJong, if possible.

The 2021 Auditor General's report on railway safety outlined that Canadian rail safety is being affected by extreme weather conditions and climate change. Can you please outline in what ways our aging and weathered rail infrastructure is impacting rail safety in Canada?

**Mr. Michael DeJong:** Thank you, Mr. Chair, for the question.

Indeed, as the Auditor General's follow-up audit pointed out, Canada's railway network is impacted by extreme weather and climate change. To address those risks, Transport Canada has put in place specific aspects of our oversight program, such as our winter track inspection program. We specifically take a risk-based approach that looks at where track is particularly susceptible to cold weather patterns or, for example, washouts or erosion that could be caused by climate change. Then we specifically focus our inspection to help detect and then mitigate issues that would arise from climate change.

That is one example. There's another example specifically around the natural hazards track inspection program that looks at other impacts, such as the impacts of climate change on terrain and track beds. That allows us to then focus our oversight regime to take a look at those types of impacts and then mitigate them.

• (1855)

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

Thank you, Mr. Shipley.

We're now going to move on to the Liberal Party and Ms. Martinez Ferrada for six minutes.

[*Translation*]

**Ms. Soraya Martinez Ferrada (Hochelaga, Lib.):** Thank you, Mr. Chair.

Statements have been made at some of the assemblies or public meetings my colleague here, Mr. Bachrach, has organized, and I would like to hear your thoughts on a few of them.

We heard at one of those meetings that it apparently took Transport Canada eight years to act on the recommendations stemming from the review into the Lac-Mégantic tragedy.

If that is correct, could you elaborate on it?

[*English*]

**Mr. Aaron McCrorie:** I'll start, then perhaps turn to my colleague, Michael DeJong.

If you cast your mind back to those tragic events of Lac-Mégantic, Transport Canada took immediate action in the aftermath to that. For example, we strengthened our tank car standards, put in place new rules to secure trains, new track safety rules and the key routes and key trains rule that required track inspections and reduced speeds. Those actions were taken immediately.

In fact, since 2013, there have been five parliamentary reports and OAG reports that have provided 58 recommendations in total to Transport Canada. Over that period of time, we have addressed 36 of those, which is 62%, and we are continuing to work on the remaining 22 recommendations. In addition, the Transportation Safety Board over that period of time issued eight reports that included 14 recommendations. Of those, eight are closed, three are considered satisfactory in part and two are considered satisfactory intent.

Part of what we've had to do as we've dealt with the recommendations that have come over the last eight years is—

I'm sorry?

**The Chair:** Go ahead, Mr. McCrorie.

**Mr. Aaron McCrorie:** We've had to make choices about putting our priority on what changes, what recommendations, we should address first in terms of ensuring the greatest of value from a safety point of view. For example, one recommendation was to enhance our safety management system regulations. Another was to conduct effectiveness audits of those requirements. Our first step was in 2015 to bring in the new SMS requirements. Our second step was to make sure that companies had properly implemented them, and we're now turning our attention to doing effectiveness audits, as I suggested, in September of 2021. I think Mike might also be able to provide a little bit more detail in terms of some of the work we've done subsequent to Lac Mégantic.

• (1900)

**The Chair:** Mr. DeJong.

**Mr. Michael DeJong:** Thank you, Mr. Chair.

Aaron has described a comprehensive—

[*Translation*]

**Ms. Soraya Martinez Ferrada:** Thank you. I will ask my next question, as I don't have much time left.

Some people have said that DOT-111 tank cars are still being used and pose a danger, as they transport dangerous goods.

Can you comment on that?

[*English*]

**The Chair:** Mr. McCrorie.

**Mr. Aaron McCrorie:** We're going to ask our DG of dangerous goods, Ben Turcotte, to address that question.

**Mr. Benoit Turcotte (Director General, Transportation of Dangerous Goods, Department of Transport):** Thank you, Mr. Chair.

One of the major actions we took after the Lac-Mégantic tragedy was to develop a new, more robust, crash-resistant tanker standard for the transport of flammable liquids. Part of that standard also included requirements for the gradual phase-out of DOT-111 tank cars, which were proven to be less crash resistant.

As of 2016, there are no longer any tank cars of crude oil using DOT-111s; they have been completely phased out. Understanding, of course, that the phase-out schedule was risk-based, based on the volumes of dangerous goods such as crude oil and ethanol, we prioritized the phase-out of DOT-111s first, but eventually that phase-out will see the complete elimination of DOT-111s by 2025 for all flammable liquids.

[Translation]

**Ms. Soraya Martinez Ferrada:** Mr. Chair, how much time do I have left, given that we started over earlier?

[English]

**The Chair:** You have just under a minute.

**Ms. Soraya Martinez Ferrada:** Okay. So, quickly....

[Translation]

Is it accurate to say that Transport Canada has delegated safety management to the private sector?

What has the Transportation Safety Board recommended in terms of safety management systems?

[English]

**The Chair:** Mr. Turcotte, do you want to tackle that one, or do you want to punt it over to Mr. McCrorie?

**Mr. Benoit Turcotte:** I believe—

**Mr. Michael DeJong:** Mr. Chair, if it's okay, I'll answer that.

**The Chair:** Mr. DeJong, go ahead.

[Translation]

**Mr. Michael DeJong:** Thank you for your question.

[English]

The Transportation Safety Board recommended specifically that Transport Canada proceed with conducting audits of safety management systems and their effectiveness. We've done quite a bit of work in that area, including, as of 2020, completing audits of every federally regulated railway company operating in Canada in terms of their SMS, and, in preparation to implement the follow-up Auditor General's recommendations in this area, we have created a framework to support effectiveness audits that we're now on track to launch in September 2021.

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

Thank you, Mr. Turcotte and Mr. McCrorie, as well as Ms. Martinez Ferrada.

We're on to our next set of questions from the Bloc Québécois, with Mr. Barsalou-Duval for six minutes.

[Translation]

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

I want to begin by thanking the witnesses for joining us today. It is always interesting. Our topic of study is especially important for many people who live near railways. Your answers are even more important and relevant to the questions we have for you.

My first question is for Mr. McCrorie.

In his 2013 report, the Auditor General recommended to Transport Canada that it improve its oversight activities of railway companies when it comes to safety.

In her latest report on railway safety, the Auditor General notes that Transport Canada has been unable to show that the new oversight measures implemented by the department have been effective or that they have improved railway companies' compliance with the regulations implemented to ensure enhanced safety.

Why has that will to remedy the situation been lacking? It's easy to say that new standards are being implemented and that oversight is being increased, but it is important to know whether the work being done is effective.

Do you have that will to remedy the situation?

If so, why has that not already been done?

• (1905)

[English]

**Mr. Aaron McCrorie:** I think I got most of the question. The translation was a little bit broken up. I apologize; I had a call come in to talk about my computer.

I think it's important to recognize that our surveillance program post-Lac-Mégantic, we increased the number of our inspectors on the rail safety side from 107 to 155, and then, on the transportation of dangerous goods side, from 30 to 90. As a result of that, we've increased the number of inspections that we do to about an average of 35,000 per year on the rail safety side, and on the [Technical difficulty—Editor] and on top of that, we've greatly increased the number of SMS audits that we've done, going from three to 25. As a result, last year we inspected 13,000 kilometres of track using our inspectors as well as 10 track assessment vehicles.

The challenge—and it's a good challenge—is how we measure the effectiveness of that oversight program. We pointed to our safety statistics, where there's been a decline in the number of accidents and fatalities, so we think that things are going in the right direction. That said, it is a challenge for any regulatory program to draw a direct line between the oversight that we do, the regulations that we put in place, and the ultimate outcome of improved safety. There are many other factors that are at play here, including company operations, weather, etc.

We're reasonably confident that, if you look at the safety stats, they're going in the right direction. We believe that it's in part due to the efforts of our professional inspectors who are dedicated to safety and are conducting those 35,000 rail safety inspections every year.

[Translation]

**Mr. Xavier Barsalou-Duval:** Thank you for your answer.



I hope [*Technical difficulty—Editor*] that the work done by the inspectors is producing results. At the end of the day, we want to know whether they are inspecting the right thing and whether resources are being allocated to the right place. I am looking forward to hearing about the results achieved and corrective measures taken by Transport Canada.

In her latest report, published in February 2021, the Auditor General mentions that, over the past 14 years, a lot of reports have asked Transport Canada to assess the effectiveness of railway companies' safety management systems. For instance, there was a report by the Standing Committee on Transport, Infrastructure and Communities, as well as oversight audits, reports on the Lac-Mégantic disaster and auditors general reports.

In light of all those reports tabled over the past 14 years, why hasn't a railway safety management system assessment worthy of the name been implemented?

[*English*]

**Mr. Aaron McCrorie:** Perhaps I'll start and then ask my colleague Mike DeJong to elaborate.

It's a great question. For us, the starting point was the decision to strengthen our safety management system regulations in 2015. With a new set of regulations, a new set of requirements, our first order of business was to make sure that those were properly implemented by railway companies. That has been our focus over the last several years. As I noted, we're now turning our attention to developing the tools. We have developed tools to do an effectiveness audit of safety management systems. We plan on launching that in September of this year.

There was also a mention of risk-based inspections. I think the honourable member is absolutely correct in terms of using data to better focus our inspection efforts.

Mike DeJong could speak a little bit about that as well.

**Mr. Michael DeJong:** As Aaron mentioned, after the 2015 safety management systems regulations came into place, quite a bit of our efforts were focused on training and outreach with railway companies to raise awareness of these new regulations and new requirements as well as on ensuring that we completed audits of every federally regulated railway company in Canada. What we do—

[*Translation*]

**Mr. Xavier Barsalou-Duval:** I will ask one last question, as we don't have much time left. It will once again be for Mr. McCrorie—

[*English*]

**The Chair:** Actually, Mr. Barsalou-Duval, you are out of time. My apologies.

Thank you, Mr. McCrorie and Mr. DeJong.

We'll move now to the last of the questions in the first round.

Mr. Bachrach, representing the New Democratic Party, you have the floor for six minutes.

• (1910)

**Mr. Taylor Bachrach (Skeena—Bulkley Valley, NDP):** Thank you very much, Mr. Chair.

Thank you to our witnesses for being here today and answering our questions.

I'd like to start off by briefly responding to Ms. Martinez Ferrada's line of questioning around whether the issues raised by the Auditor General in 2013 had been adequately followed up on by Transport Canada. I'll just read a passage from the transcript from the Auditor General's visit to our committee on April 13. This was regarding her follow-up audit in February of this year. She said:

In this audit we examined whether Transport Canada implemented selected recommendations from our 2013 audit on the oversight of rail safety. Overall, we found that eight years later, the department had yet to fully address our recommendations and that, in fact, there was still much to do to improve the oversight of rail safety in Canada.

I think that makes fairly clear the point that was raised at the public meeting that the honourable member referenced. There's a real concern that this hasn't been adequately followed [*Technical difficulty—Editor*].

The interim commissioner of the environment stated that, based on his assessment, the window for a Lac-Mégantic-type disaster is very much still open.

First, Mr. McCrorie, do you agree with that statement? If not, why not?

**Mr. Aaron McCrorie:** I'd like to highlight the approach we take to safety at Transport Canada. We've built multiple layers of defence against any rail accidents, especially those involving dangerous goods. For example, we have measures in place to help prevent accidents from taking place. We've talked about some of those, including train securement rules, track inspection rules, key trains and key route rules, all of which were put in place post Lac-Mégantic to help prevent accidents from taking place.

It's not enough just to put the rules in place. We also need to oversee them. Again, we have a very robust oversight program that goes out to make sure that railways are following the rules. I've mentioned the fact that we do about 35,000 inspections per year on the rail side and 4,000 on the TDG side. That's all about making sure that companies are operating safely.

Above that is an additional layer of safety. We have new, enhanced safety management system regulations in place. These are requirements that go above and beyond the basic regulatory requirements. They require operators to have systems in place to identify, assess and mitigate hazards above and beyond what we require from a pure regulatory point of view. We oversee those as well.

In addition, we have in place measures to help first responders mitigate or limit the impact of accidents when they do occur. These include stronger tank cars to protect them, as well as information for first responders and communities through which dangerous goods are brought.

We're always striving to improve and we're not going to stop striving to improve, but we do think we have very robust layers of safety in place.

**Mr. Taylor Bachrach:** Thank you for that response, Mr. McCrorie.

I think everyone on this committee is now familiar with the tragic and fatal rail incident that occurred in February 2019 near Field, B.C., in which three workers, Andy Dockrell, Dylan Paradis, Daniel Waldenberger-Bulmer... I read their names each time because I think we need to remember who these men were and to remember the circumstances in which they died. Canadian Pacific left a train parked on a hill without the handbrake set and it became unsecured. I raise this because you just mentioned train securement in your previous comments.

Two years later, CP parked another train in the same area without the handbrake secured. Transport Canada reported that there was an imminent risk of another fatal accident. We had Mr. Keenan, the deputy minister of transport, at the public accounts committee, where he suggested that there was some ambiguity or misinterpretation by CP as to Transport Canada's order following the 2019 incident. After the 2019 incident, Transport Canada put forward an order around unsecured, unattended trains. CP seems to have misunderstood what the agency was saying. Could you explain in greater detail how such a misunderstanding, which nearly resulted in another fatal accident, could have taken place?

● (1915)

**Mr. Aaron McCrorie:** I remember that incident well. It was a tragedy. In its immediate aftermath, as the member indicated, we issued some ministerial orders to enhance train securement. This was in direct response to what we saw there. A couple of years later, we did discover another train that we felt was unsecured. I think it provides a very good example of our oversight program and the tools we have in place to take immediate action. As a result of these, our inspector on the spot was able to act and react accordingly.

I'll ask Mike to elaborate on what we're doing from a rules perspective to even further enhance safety.

**Mr. Taylor Bachrach:** Could I jump in quickly, Mr. McCrorie?

Were any fines levied? It seems that you're saying the rail company was at fault. Were any fines levied? Was there any accountability whatsoever on the part of the company?

**Mr. Aaron McCrorie:** I hesitate to go into a lot of detail. It's a recent incident and we have to be careful about the conduct of the investigations.

What I can say is that if there is a decision to issue an administrative monetary penalty or to take other action, it does get posted on our public website. There's good transparency around that.

**The Chair:** Thank you, Mr. McCrorie, and Mr. Bachrach.

We will now go on to our second round of questions, starting with the Conservative Party and Ms. Kusie for five minutes.

**Mrs. Stephanie Kusie (Calgary Midnapore, CPC):** Thank you very much, Mr. Chair.

I'm going to go back to a theme that has been brought forward throughout this entire first round. This of course is regarding the report issued eight years ago.

The Auditor General's testimony reads:

I would highlight that, yes, I'm concerned. Until we can demonstrate that the activities that Transport Canada is doing in coordination with railway companies and other important parties are actually having a difference, we should be concerned.

I just want to ensure that the department is receiving the resources that it needs to become compliant with the report by the Auditor General.

Mr. McCrorie, in your opinion did the department have the necessary resources to make these improvements?

**Mr. Aaron McCrorie:** As I've noted already, we did see an increase in the number of inspectors we have working both in rail safety and in the transportation of dangerous goods program. Those inspectors are directly in the field doing inspections.

We also saw an increase in our resources at headquarters to do the work around developing the regulations and the tools inspectors use.

Yes, we feel confident that we have the resources necessary to accomplish that very challenging feat of demonstrating a link between inspections and improved safety outcomes.

**Mrs. Stephanie Kusie:** Mr. McCrorie, you're stating that you feel you have them now. Did you feel you had them over the last eight years?

**Mr. Aaron McCrorie:** Yes, I feel that we've had the resources necessary to deliver an adequate rail safety and TDG program.

**Mrs. Stephanie Kusie:** In that case, it's not as a result of lack of resources for your department that you were not able to meet the recommendations of the report.

**Mr. Aaron McCrorie:** Again, if we're talking about the recommendation, that speaks to measuring the effectiveness of our oversight program and of safety management systems. Part of that is putting in place the building blocks over time.

For safety management systems, it was about getting the new regulations in place, making sure that they were adequately understood and adequately implemented, developing the tools—which we've now done—and then launching the effectiveness audits, which we're now going to be doing in September of 2021.

**Mrs. Stephanie Kusie:** Thank you.

On the record, in your opinion, you feel you don't require anything further from a resource perspective in an effort to achieve all of the recommendations as outlined from the report.

● (1920)

**Mr. Aaron McCrorie:** We're always striving to improve the rail safety program and the rail TDG program. We'll look at every avenue and opportunity to do so.

**Mrs. Stephanie Kusie:** Okay.

If it wasn't a matter of resources that did not permit you to achieve the recommendations from the report, where do you think the deficiencies laid?

**Mr. Aaron McCrorie:** With all due respect, I would again characterize it as making decisions about how we prioritized our work over those intervening years and making informed choices. I apologize if I use the same example, but the SMS regulations are a great example of that.

First of all, it was making sure that our rail safety management system regulations were improved in light of what we learned post Lac-Mégantic. You can't start measuring the effectiveness of that until you've actually seen railway companies implement them. That took time to do, working with railway companies to implement them.

Having had that implementation in place, we're now in a position to start measuring the effectiveness.

**Mrs. Stephanie Kusie:** You're saying then that the rail companies now are also working with you in an effort to be compliant.

**Mr. Aaron McCrorie:** I'm not sure if I understand the question. We do assessments—SMS audits—to ensure compliance against the SMS regulations. All the other inspections we do are all about ensuring that railway companies are complying with the regulations.

I'm a firm believer that most operators in all transportation modes start from a principle of wanting to operate safely. Their starting point is to try to comply with regulations. When they don't, we take corrective action. It's either education to help them get back into compliance or, if it's warranted, we take enforcement action with, for example, administrative monetary penalties.

**Mrs. Stephanie Kusie:** Thank you.

I believe that's all the time I have. I'm at 5:40, Chair.

**The Chair:** I was trying to squeeze another one in there, but that's fine. Thanks, Mrs. Kusie.

We're now going to move on to the Liberal Party, with Ms. Jaczek for five minutes.

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

I'd like to turn to the part of our motion that actually addresses the impact of rail operations on neighbouring communities, because I know that a number of MPs, including some on this committee, have to deal with constant complaints from their citizens. These are complaints about excessive noise, vibrations, tying up traffic at intersections and issues that generally reduce the quality of life of residents. Probably at the back of their minds they do know about Lac-Mégantic and the derailment in Mississauga many years ago, so this is a source of not only annoyance, but also potentially of serious issues.

I'd like to ask Mr. Oommen about this. What exactly does the Canadian Transportation Agency do in these cases to help citizens?

**Mr. Tom Oommen:** The examples that were brought up are good ones. If we take one of them, for example, the agency actually does have quite a robust system for tackling noise and vibration complaints. That's outlined on our website where, in the first instance, we ensure that the community and the railway have a dialogue and an opportunity to address the issues. If they can't agree, then the agency can help to facilitate or mediate a solution, and if that doesn't result in any success, then the agency can issue an order with regard to noise and vibration. That's a typical example of how the agency would intervene in a community problem.

**Ms. Helena Jaczek:** Would the order actually be enforceable? Would the railway company have to comply, and suppose they did not?

**Mr. Tom Oommen:** Yes, an agency order about noise and vibration is enforceable. Should there be complaints subsequently that the railway is not following the order, then we would ensure that the matter was investigated by a designated enforcement officer of the agency, and subsequently the railway company could be subject to fines for violating an agency order.

● (1925)

**Ms. Helena Jaczek:** I have heard from some of my colleagues, however, that this sort of resolution service has been very slow, and in fact has not resulted in positive outcomes. The complaints are ongoing.

Now I'd like to turn to Transport Canada and Mr. McCrorie. Do you have any authority if, in fact, the dispute resolution service provided by the Canadian Transportation Agency doesn't result in community satisfaction? Do you have any powers to intervene?

**Mr. Aaron McCrorie:** I'm going to throw the question to my colleague Mike DeJong, if I may.

**Mr. Michael DeJong:** With our railway safety inspectors we're very responsive to complaints or issues when they're raised, and we do take the opportunity to then make inspections when complaints are made, and to potentially look for non-compliance. We then have graduated enforcement mechanisms at our disposal, including administrative monetary penalties, and orders as well.

We also have regulatory requirements in place, for example, to help mitigate some of the impacts of railway operations. An example I would flag would be under the grade crossings regulations. We have requirements that prohibit railways from blocking a crossing for more than five minutes. If there is a complaint, then Transport Canada can send an inspector, and then if appropriate, issue a fine.

There was a recent example in December 2020 when a Transport Canada inspector applied a fine to a railway company for blocking a crossing beyond the regulated time limit.

**Ms. Helena Jaczek:** Turning now to Mr. McCrorie, following up on Ms. Kusie's line of questioning, with regard to the unresolved issues relating to the recommendations made subsequent to Lac-Mégantic, where are you focusing now? You obviously told us that you prioritized some of those recommendations to date. What is left to do, and what is most important to do?

**Mr. Aaron McCrorie:** Again, I think in terms of the follow-up audit, I'd ask Mike to give an update on our work there, but as part of the commitment to continuous improvement, our priority now is addressing those recommendations.

**Mr. Michael DeJong:** I would point to a couple of areas. Notably, for example, the follow-up audit recommended that we undertake the [Technical difficulty—Editor] audits, and we're now gearing up to launch those audits in September 2021.

We're also taking a look at the positive impact that technology can have for railway safety in Canada, so we're looking at potentially assessing new technologies, such as the use of autonomous track inspection technology, remote equipment technology, that allows us to more accurately and safely detect issues or defects and then to mitigate them before they become issues.

**Ms. Helena Jaczek:** Do I have some time left?

**The Chair:** You can squeeze one in, if you want.

**Ms. Helena Jaczek:** I think I'll cede my time. Thank you.

**The Chair:** Thank you, Ms. Jaczek, and the responders.

We're now going to move on to the Bloc Québécois, with Mr. Barsalou-Duval for two and a half minutes.

[Translation]

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

I would like to put a question to Mr. McCrorie.

I regularly hear municipal authorities complain about the lack of information on dangerous goods moving through their city. They are worried about their fire department's ability to respond in case of accident.

Are you planning to force railway companies, which seem to be closely guarding that information, to be more proactive in the disclosure of information?

[English]

**Mr. Aaron McCrorie:** I'll give a bit of a high-level overview, but I think my colleague Ben Turcotte can provide more details.

Protective direction 36 that we issued, I think in about 2015, requires railway companies to provide those municipalities or local

authorities, including indigenous communities, information on the dangerous goods are running through their communities. They also have to provide information at a provincial level about what's being run on the rail lines.

Ben, maybe you could [Technical difficulty—Editor] information that has to be provided.

• (1930)

**Mr. Benoit Turcotte:** Yes, thank you.

Mr. Chair, protective direction 36 does, indeed, require our railway companies to share information on dangerous goods passing through communities. Communities must first register with CANUTEC, our 24-7 emergency response centre, which will facilitate that sharing of information.

Once that is done, the appropriate officials within each municipality will have ample information on dangerous goods passing through their communities, the type of dangerous goods, the volumes of those dangerous goods and whether those dangerous goods are being transported in unit trains, for example. That information is relayed directly to the municipal officials.

There is also a requirement in protective direction 36 to provide publicly available information. For example, the class 1 railways, CP and CN, have very detailed information on a provincial level on what is being transported through a particular province, the volumes, the type of dangerous goods and their percentage of the total volume of dangerous goods.

We think there's adequate information, and we always work with municipalities as well to help them understand that and to provide support and advice on planning for emergency response, should it be required.

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

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

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

I'd like to pick up on the topic of emergency response.

Mr. McCrorie, you mentioned ERAPs, emergency response assistance plans, that the rail companies are required to have. One of the major concerns I hear from mayors and local governments is about whether there's the capacity to adequately protect their communities in the event of a major rail disaster involving dangerous goods.

Are those ERAPs available to the public?

**Mr. Aaron McCrorie:** I'm going to have to defer, Mr. Chair, to my colleague Ben Turcotte to address that question.

**Mr. Benoit Turcotte:** Indeed, an ERAP provides key resources, personnel and equipment to support first responders during an incident. Since the Lac-Mégantic tragedy, we've required railway companies or shippers of dangerous goods by rail to have in place ERAPs for about 11 or 12 different types of flammable liquids most commonly transported across railways.

**Mr. Taylor Bachrach:** Are those public documents?

**Mr. Benoit Turcotte:** They are not public documents. They are reviewed and approved by the transportation of dangerous goods program. There is a very careful vetting process, confirmation and a sort of audit of those plans.

**Mr. Taylor Bachrach:** I'm going to have to move on to my next question because I only have two and a half minutes. It would seem reasonable that communities know what the plan is to respond to disasters.

Rail companies have told us they depend on local first responders. In our region, many of those first responders are volunteer fire departments. Rail companies depend on them to respond to incidents involving dangerous goods in their communities.

This is my question. Given that local governments support these small fire departments using property taxes, is it fair to give these volunteers this responsibility and expect them to protect a multi-billion-dollar company? Is that the right chain of responsibility? Rail companies have their own police departments. Why don't we require them to have their own fire departments as well, and have that capacity to respond to disasters in communities?

**The Chair:** Mr. Turcotte or Mr. McCrorie.

**Mr. Aaron McCrorie:** Perhaps I could start, Mr. Chair, and then Ben might like to elaborate on some of the more particular emergency response measures we have in place.

Again, I'd like to emphasize the fact that we're in the business of building layers of protection, so our interest first and foremost is in trying to prevent accidents from happening. We have various measures in place, especially when moving dangerous goods, that require rail companies to do risk assessments of the trains they'll be running, to increase their track inspections and to use more robust tank cars, all with the goal of reducing the likelihood of that accident happening.

If that accident does happen, because they're at reduced speeds and because they've used more robust tank cars, they are less likely to have more tragic consequences.

In building those layers, the emergency response assistance plan also puts the onus on companies to have in place procedures so that they have the capacity to respond when necessary to accidents.

Ben, do you want to elaborate on some of the other measures we've put in place in terms of providing information to communities?

• (1935)

**Mr. Taylor Bachrach:** Just to be clear, the question was whether or not it's fair to rely on volunteer fire departments to respond to rail disasters. That was the question. I didn't hear an answer. It's disappointing.

**The Chair:** Thank you, Mr. McCrorie, Mr. Turcotte and Mr. Bachrach.

Mr. McCrorie and Mr. Turcotte, maybe you can slide a little bit of reference to that question into another answer from another member.

We're now going to move on to the Conservative Party, with Mr. Kram for five minutes.

**Mr. Michael Kram (Regina—Wascana, CPC):** Thank you, Mr. Chair, and thank you to the witnesses for joining us today.

My first question will be for Mr. Oommen of the Canadian Transportation Agency. It's my understanding that the agency keeps track of rail service performance data. As we all remember, last year, before the pandemic in this country, we had a lot of problems with protesters blockading and barricading railways. Does the agency have any performance data on the impact on rail service of last year's railway blockades?

**The Chair:** Mr. McCrorie.

**Mr. Michael Kram:** Actually, Mr. Chair, that was for Mr. Oommen.

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

Mr. Oommen, go ahead, please.

**Mr. Tom Oommen:** Chair, I don't think the agency has the type of performance data the member was asking for.

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

Mr. McCrorie, do you have that data?

**Mr. Aaron McCrorie:** We don't have it readily at hand, but we might be able to dig it out and provide it. I don't know if we have it, but we can certainly see if we can find it.

**The Chair:** Thank you, Mr. McCrorie. If you could forward that to the clerk after the meeting or sometime this week, we'll forward it to the member.

Mr. Kram.

**Mr. Michael Kram:** What about economic studies, either nationally or regionally, on the effects of the blockades? Would any of the witnesses care to comment on that?

**Mr. Aaron McCrorie:** I'm not aware of any national studies that looked at the effects of the blockades.

**The Chair:** Mr. Kram.

**Mr. Michael Kram:** Perhaps Mr. Oommen would care to comment, if he has any information.

**Mr. Tom Oommen:** Chair, we don't have such studies.

**Mr. Michael Kram:** All right.

I think it's fair to say that one of the main reasons for the railway blockades stopping last year was the pandemic. Now that we are coming out of it, what is the Government of Canada doing to make sure that blockades don't start up again as soon as the pandemic is over?

**The Chair:** Mr. McCrorie.

**Mr. Aaron McCrorie:** Thank you for the question, Mr. Chair. It's a very challenging one.

As the rail safety regulator, our focus is on ensuring the safe operation of railway. Those regulatory tools don't directly apply to blockades, except in the instance of trespassing. I'd have to refer the question to others within the federal government, though, for what is being done to address the issues behind the blockades and why people are blockading.

**Mr. Michael Kram:** I understand that the root causes behind the blockades can be diverse and varied, but if and when people do choose to blockage railways, what options are there from a regulator's perspective? Mr. Bachrach referred to police forces of the railways. Should the railways be taking a more proactive approach? What is the best way to address blockades if they do happen?

**Mr. Aaron McCrorie:** It's a very difficult and challenging question. Each blockage is going to have different circumstances attached to it, different root causes and different paths to solutions. Ultimately, it's more of a law enforcement issue than it is a real safety issue, and so it's incumbent upon the railway companies to work with the police of local jurisdictions, as well as with the courts, through injunctions, to address these.

**Mr. Michael Kram:** All right, I will admit that the witnesses were a lot faster in answering my questions than I had anticipated, so I will cede my time.

Thank you, Mr. Chair.

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

We're now going to the Liberal Party, with Mr. El-Khoury for five minutes.

[Translation]

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

I thank our guests for joining us today and welcome them.

My first questions are for Mr. McCrorie.

How many times has the Canadian Transportation Agency ordered railway companies to make changes to their operations?

Why is the mediation process still [Technical difficulty—Editor]?

Finally, how much time is generally needed to find a solution?

• (1940)

[English]

**The Chair:** Mr. Oommen.

**Mr. Tom Oommen:** Thank you, Chair.

Yes I will mention that processes of either mediation or arbitration are confidential. On our website we have time frames, once a

complete application is received, as to how long our processes take. For that we list, for example in the case of facilitation, that it's 20 business days for rail disputes, 20 business days for the resolution of a mediation process, and 30 to 65 days, depending on the type of arbitration.... Those are listed on our website.

[Translation]

**Mr. Fayçal El-Khoury:** Could you tell us what measures you are taking every year concerning environmental protection, potential noise or odours that may bother those who live close to railways?

Are there any measures you analyze from year to year and, if so, that you modify?

[English]

**Mr. Tom Oommen:** Chair, we follow up on any agency orders that are issued following the filing of an application or a complaint. For example, if there's a noise and vibration order issued, then any subsequent complaints or any implication that a railway company is not following what they're supposed to be following will be investigated by one of our designated enforcement officers, subject to penalty if possible.

[Translation]

**Mr. Fayçal El-Khoury:** My next questions are for Mr. McCrorie.

How many accidents have resulted in fatalities over the past full year and for which of those do we have files?

How come [Technical difficulty—Editor] over the past 10 years, have trends been noted?

[English]

**The Chair:** Mr. McCrorie.

**Mr. Aaron McCrorie:** I'm going to ask my colleague Mike DeJong to take it, if I may.

**Mr. Michael DeJong:** Thank you for the question.

Last year, in 2020, there were 59 fatalities on Canada's railway network, which was 13 fewer than the previous year according to Transportation Safety Board statistics. This represents a downward trend relative to the five-year average, as well, over the course of the last 10 years.

[Translation]

**Mr. Fayçal El-Khoury:** What percentage of those accidents are the result of people trespassing on railways, for instance, to attempt suicide?

[English]

**Mr. Aaron McCrorie:** I believe 39 individuals passed away as a result of trespassing, being on, in or around the railway tracks.

[Translation]

**Mr. Fayçal El-Khoury:** We cannot fully prevent trespassing, but have measures been taken to at least reduce those kinds of suicides?

[English]

**Mr. Aaron McCrorie:** Again, if you look at where fatalities are taking place, the two biggest problems we have are trespassing and grade crossing accidents. We're taking action in both areas.

In particular, when it comes to trespassing, it's hard to regulate that. You can't regulate that kind of behaviour, so it's really about using other tools like education and awareness. That's where we provide funding to Operation Lifesaver, which has been a very successful organization over the years in developing educational programs for youth. They have now started to focus on suicide prevention. It's very much one of our top concerns, and we're doing our best to address that.

If I could squeeze in one other little point going back to an earlier question about information for communities, one of the biggest challenges we found with PD-36 is that communities just aren't aware of their ability to get information, so anything that can be done to promote awareness of that would be very helpful for us.

• (1945)

**The Chair:** Thank you.

Mr. El-Khoury, you can squeeze a quick one in there.

**Mr. Fayçal El-Khoury:** Yes.

[Translation]

What percentage of accidents can be attributed to railway maintenance issues? Maintenance and repairs are very important in that area.

Can you expand on that please?

[English]

**Mr. Aaron McCrorie:** If I may, I will defer to my colleague Mike DeJong.

**Mr. Michael DeJong:** With respect to quality of track, 17% of accidents can be attributed to track quality. This also shows significant improvement. For example, accidents that could be attributed to track quality or track issues are now significantly below the peak of 25% in 2014.

**The Chair:** Thank you, Mr. DeJong, and Mr. McCrorie.

We're now at the end of our first round.

I want to get clarification from Mr. Oommen on one of the questions that I believe was asked by one of the opposition members of him.

Mr. Oommen, you answered the fact of—

Go ahead, Mr. Bachrach.

**Mr. Taylor Bachrach:** Sorry, I had a question afterwards.

**The Chair:** Okay. That's fine.

**Mr. Taylor Bachrach:** Go ahead and finish your question.

**The Chair:** It's just a clarification, Mr. Oommen.

You mentioned that, on noise, odour and vibration complaints, you have a protocol that you abide by, but you never mentioned in response to the question that was asked what, in fact, those recom-

mendations would be by the CTA to impose upon CN or CP based on those complaints.

It's a simple question: What do you do about vibration, noise and odour complaints? What will you actually recommend that railway operators do to rectify those situations for the neighbouring properties?

**Mr. Tom Oommen:** Perhaps an example would be most enlightening. There was a case, for example, where there was a rail yard that was doing loading and switching operations late at night. The agency heard the complaint. The order of the agency was that no further such operations would be done at nighttime. These were only to be conducted during the day. That is an enforceable order by the agency.

**The Chair:** Thank you, Mr. Oommen. I appreciate the answer.

Mr. Bachrach, go ahead.

**Mr. Taylor Bachrach:** Thanks, Mr. Chair.

I just want to clarify that we're going to get a full hour with our additional witnesses. I know we're somewhat past the one-hour mark.

Could you clarify that?

**The Chair:** Pardon me? Could you repeat that, Taylor? You cut out.

**Mr. Taylor Bachrach:** Sorry. The question was: Could you clarify that we're going to get the full second hour with the other round of witnesses, the other panel?

I just note that we're past the one-hour mark. It's 7:48 p.m.

**The Chair:** Yes, we will.

Thank you, members.

To the witnesses, I want to thank you for your time today. This is a very important study for all members, me included, as I have a railway operation in my riding that's very negatively impacted by the CN operation in the shunting yard and, of course, there are impacts on the neighbouring communities, so I appreciate your time here today. Don't be surprised if you get a second invitation to come back as we embark on the report moving forward.

With that said, I again express my appreciation to members as well.

We're going to suspend for a few minutes so we can do some sound checks for the next panel.

Mr. Clerk, I will leave that to you.

Thank you.

• (1945)

(Pause)

• (2005)

**The Chair:** With that, we're going to start with this afternoon's witnesses.

Once again, I apologize to the witnesses—

**Mrs. Stephanie Kusie:** I have a point of order.

Sorry, Chair. I'm not clear how this works. I believe you said that we could do the full hour tonight. Then we would do an additional hour, so that would be an additional hour to the study. I apologize, and I know you're going on the fly here as well, but maybe for some clarity, how long can we expect to go this evening? If we are able to bring the witnesses who could not testify tonight back on Thursday, what would that look like? Will we still get the two hours on Thursday with the witnesses who are currently scheduled?

I apologize for putting you on the spot like this, but—

**The Chair:** It's no problem.

**Mrs. Stephanie Kusie:** —it's so that we can get some clarity.

Thank you so much, Chair.

**The Chair:** No problem. Thank you, Mrs. Kusie.

I have two answers to that question. The first is that my intent was to take the full hour. That was about 20 minutes ago, if not longer. Now here we are, that much further away. We started late, and that would have brought us to about 8:40, so that's as far as I'll go with respect to how we started. That brings me to my second point, which is our upcoming meeting on Thursday. Correct me if I'm wrong, but the intent would be to speak with the whips to see if we can get that extra hour, as well as have a question posed to the House to see if the resources would be available.

Mike, did you have any clarification on that?

**The Clerk of the Committee (Mr. Michael MacPherson):** No, we only have four witness groups on Thursday, so we could bring back the Railway Association of Canada if they are available that day. I expect we would have a regular two-hour meeting. If we can add some time, we will. Otherwise, we can add about 10 to 15 minutes to tonight's meeting. It depends.

• (2010)

**The Chair:** Right.

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

Thank you, Clerk.

**The Chair:** Thank you, Mrs. Kusie, and thank you to all of you for your patience.

With that, I'll go to my list here to see who's going to be available to speak. I'll start with Ms. Bleau.

Ms. Bleau, I'm going to give you the floor for five minutes.

[*Translation*]

**Ms. Isabelle Bleau (City Councillor, City of Boucherville, Comité ferroviaire de Boucherville):** Thank you, Mr. Chair.

Good evening. My name is Isabelle Bleau, and I am a city councillor and president of the Comité ferroviaire de Boucherville. The City of Boucherville is crossed by the railway segment that is part of CN's Sorel subdivision dedicated to the transportation of goods, mainly to supply metropolitan area industries. Although the rail line mainly traverses farm land, it also goes through the heart of the urban perimeters of the cities of Boucherville, Varennes and

Verchères, including a large residential area of more than 5.5 kilometres in Boucherville.

Railway transportation of dangerous goods and substances in urban areas causes numerous nuisances and is a concern for citizens. Among the issues, we note traffic, crossings, emergency service maintenance, noise pollution and vibration, safety, air quality and urban planning. Those issues are even more important since the container terminal project in Contrecoeur will considerably increase the frequency and length of trains on that line.

To that end, the City of Boucherville has contracted a company to carry out a prefeasibility study on relocating CN's rail line from Boucherville to Sorel-Tracy. That company concluded that the project was possible and that there were a number of potential routes. A more thorough feasibility study will now need to be carried out to establish which of the proposed routes could be selected and how that relocation could materialize in the other affected cities that are part of the line. CN and CP could also benefit from this.

The objectives of the Comité ferroviaire are to make the House of Commons Standing Committee on Transport, Infrastructure and Communities aware of the relevance of reviewing railway relocation projects where dangerous goods are being transported through densely populated areas and to facilitate citizens' access to information on dangerous goods travelling on those railways.

The issue of railway transportation safety has been relevant for several decades in cities traversed by CN's railway, especially in Boucherville and in Varennes. Initially focused on nuisances caused by trains passing through urban areas, citizens' concerns have extended to risks of hazardous material spills and on their impact on safety and the environment. Those concerns have intensified since a crude oil shipment was derailed in Lac-Mégantic. Fears about seeing that kind of a catastrophe occur in Boucherville have also intensified since the appearance, in November 2013, of large trains transporting crude oil for export from Alberta to be loaded onto supertankers at the Kildair Service ULC terminal, in Tracy.

According to the International Energy Agency, the global demand in oil should surpass pre-pandemic levels by the end of 2022. It is also clear that the low level of social acceptability and the abandoned major pipeline projects indicate that oil transportation, especially from Alberta, will continue to be done by train for several years.

In addition, according to the Transportation Safety Board of Canada's quarterly review, the number of accidents involving dangerous goods on major rail lines has increased in recent years, going from 10 in 2017 to 17 in 2018, six of which led to hazardous materials being spilled.



On July 24, 2016, Marc Garneau, then federal minister of transport, announced his intention to advance by six months the phasing out of DOT-111 tank cars, which were involved in the Lac-Mégantic tragedy, transporting crude oil. However, those cars could continue to transport refined oil or any other dangerous goods through our cities. But the previously set deadline has rather been pushed back to 2025. So we can deduce that, over the next four years, transportation of heavy oil and dangerous goods through our densely populated urban areas will continue to pose risks.

Protective Direction 36 issued under the Transportation of Dangerous Goods Act, 1992, requires railway companies to provide municipalities with data on the goods transported by trains passing through their territory. However, since the transportation of crude oil has resumed in earnest on the Saint-Lambert-Sorel-Tracy rail line, it has been very difficult, in practice, for citizens and for our committee to obtain information about those trains, under the pretext that the data is confidential owing to antiterrorist precaution measures.

We think that the process lacks transparency and that people living in cities affected by the transportation of oil and dangerous goods should have access to more information provided by the appropriate authorities and by CN.

In closing, we think that the project for relocating CN's Boucherville-Sorel-Tracy rail line is in line with the commitments made under the Trois-Rivières declaration, and we want the Government of Canada to support its participation in a feasibility study on that project.

Thank you.

• (2015)

[*English*]

**The Chair:** Thank you, Ms. Bleau.

Are you speaking on behalf of the organization, or does Mr. Beaulne want to speak as well?

[*Translation*]

**Ms. Isabelle Bleau:** I was speaking on behalf of both the City of Boucherville and the Comité ferroviaire de Boucherville, but Mr. Beaulne will answer many questions.

[*English*]

**The Chair:** Wonderful. Thank you for that.

I'm now going to go on to Mr. Thiessen for five minutes.

**Mr. Gerry Thiessen (Chair, Regional District of Bulkley-Nechako):** Thank you.

My name is Gerry Thiessen. I am the mayor of the District of Vanderhoof, and also the chair of the Regional District of Bulkley-Nechako. I am speaking from the traditional territory of the Saik'uz First Nation.

In our regional district, we have six communities like Vanderhoof. Each of these communities has a rail line going right through it. We were brought to this area. My grandfather was asked, on a program with CNR and the Government of Canada, in 1942, to

move from the Prairies to our area and settle here with the hope of settling the railway as we went along.

At that time, there was lots of opportunity for industry to have access to rail cars. We saw our cattle being moved to market through the railway. We saw our lumber moved through the railway, and there was lots of access for us to sell our goods.

That has changed. We now have about 30 trains that go through our communities; whereas, in the past there were about a half a dozen a day that would go through our communities. A long train used to be 40 boxcars. Now it's not uncommon to see 100 boxcars.

Along with that, we are told that about 10% of the goods that go through our communities have hazardous material on them. That is significant. It's really significant when each one of our six communities in the regional district of Bulkley-Nechako operates with a volunteer fire department.

These men and women leave their families and volunteer their time to give back to the community, to make sure that we have a safe community in a place where their families can grow up and be part of living here in a rural lifestyle.

It's not fair for us to be told, as communities, that we have a joint responsibility to keep hazardous material and that, if there is a problem in our area, we will need to be responding to those things. We do not have the equipment, as volunteers, to address that.

At a recent meeting in the early part of November, we had a presentation from CN Rail at the regional district. Our understanding from the presentation was that there is no equipment in our regional district of Bulkley-Nechako, which has a bit more than 300 kilometres of rail line in length from one end to the other. There is equipment in Prince George, as well in Terrace, British Columbia.

What we understand is that train personnel—should there be a derailment, should there be a fire or anything like that—would need to come out of Edmonton. We were told that if there were something, we would need to somehow get close enough to a derailment to check to make sure what the bar-code was on the side of the train, and that if we got that information and sent it to CN, they would be able to tell us what was in that derailed car.

That's not a viable solution when you're working with volunteers. They give of their time. There needs to be quicker access to an emergency.

If there were an emergency in the town of Vanderhoof, which I am very familiar with, many of our emergency personnel would be in a tough situation because our volunteer fire department, which is our emergency response team, is within about a half a block of the rail line.

To me, it would just put us at a really [*Technical difficulty—Editor*]. We would have to evacuate our town while we were waiting for the information coming back of what was in those boxcars that were derailed.

Recently there was an accident that came through our community during my time as mayor and the first I heard about it was when I received a call from the local news media, asking me what I thought about the rail accident in my community. When I called to ask about it, I was basically told that they were taking care of it and that they were okay.

• (2020)

When there was a derailment just east of our community and I had some concern about how close it was to the Nechako River, again I was told that this wasn't something we needed to worry about and that they were taking care of it.

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

I'm now going to move on to Ms. Remington for five minutes.

**Ms. Dawn Remington (Chair, Friends of Morice-Bulkley):** I acknowledge that I'm speaking from the traditional territory of the Wet'suwet'en First Nation.

Similar to Gerry, I'm going to tell you about our recent experiences in my small town, in the same regional district, actually. Smithers is a railway town. It was surveyed during construction of the railway, what's now CN railway. It's a divisional town where trains stop for several hours to take on fuel and new crews. They spend time in town. It's an important employer and important to our local economy and regional economy.

We became aware of upcoming changes from a newspaper article, in 2019, announcing the opening of a propane export terminal at the port in Prince Rupert. The terminal requires delivery of 50 to 60 propane tank cars per day by rail, and soon we were seeing strings of black tank cars rolling through town. We then learned that three other export terminals were in the works. The largest, Vopak, would export 240 cars per day: 60 of propane; 50 for fuels like diesel and gasoline; and 90 of methanol, methyl alcohol.

If all four terminals are approved, we will have approximately four 100-car trains per day passing through town and stopping in town, carrying what are regulatory hazardous, flammable products. Liquids like diesel and gasoline also have a hazard if they are spilled in our river, as it could cause serious harm to salmon stocks.

The terminals were being reviewed with no consideration of the rail portion of the project. Residents began to feel like deer in the headlights seeing our rail line becoming a hazardous products corridor, and we were receiving no information and having no opportunity to input any decisions.

The fact is that train can derail, and collisions happen inside towns. Propane compressed into a 30,000-gallon tank—that's over 113,000 litres—has a huge explosive potential.

I'm going to try to show you a map of the rail corridor through Smithers. The yellow and red are the evacuation corridors for propane, the yellow is for fire. This side of that zone is the steep slope of the mountain, the other side is another slope onto the river, and the town is completely under the evacuation zone. This includes the municipal office, ambulance, fire station, police station and the hospital.

We started talking to local governments, telling them our worries. In Smithers, the fire chief is on staff, but the rest of the firefighters are volunteers. When the chief was asked if his department was prepared to handle a large propane accident in town, his answer was definitely not.

Smithers council invited CN and learned that the nearest emergency response team was in Prince George, over 370 kilometres away, and it would take 12 to 24 hours for them to get to town. This is tough for a small community, because the town council is responsible for making its decision to evacuate the town.

Local governments began writing the Minister of Transport asking for an independent, public, risk assessment of hazardous traffic on the northern B.C. rail line, and they also asked that local governments be included in the process. To my knowledge, the transport minister or ministry hasn't replied to any of these letters, so we have no more information than we did.

I'd like to thank MP Taylor Bachrach and your committee for studying this issue and perhaps getting some answers for us, and perhaps getting some attention to the hazardous situation we feel we've been put in.

• (2025)

Thank you.

**The Chair:** Thank you, Ms. Remington. That was well done.

Members, we're running short on time here, and we only have resources available to us for a limited time, so I want to try to get the first round in. The only way I can do that is if I cut back to half the time. Is everybody okay with that?

**Some hon. members:** Agreed.

**The Chair:** Everybody is okay with that, but I know that Taylor is a bit hesitant.

I'll try to squeeze a bit more time in for you, Taylor, because this is your study. You championed this from day one, so I'm going to try to get you in a bit more.

With that, I'm going to start off with Ms. Kusie for three minutes.

[Translation]

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

In its brief presented in the 2021 prebudget consultations for the province of Quebec, the Railway Association of Canada, or RAC, states that closeness between citizens and railway infrastructure is a significant safety issue for the province's municipalities. The RAC wants the provincial government to promote coordinated, safe and environmentally friendly land-use and development plans, and coordinated practices in terms of managing risk at crossings and in terms of trespassing.

Ms. Bleau, do you think land development policies concerning railway corridors and residential or commercial development are aligned across Canada?

**Ms. Isabelle Bleau:** Thank you.

[English]

**The Chair:** Go ahead, Ms. Bleau.

[Translation]

**Ms. Isabelle Bleau:** Thank you, Mr. Chair.

I cannot talk about the situation across Canada, but I can talk about the situation in our region. I can tell you that the railway does directly traverse our municipality and that six schools, seven kindergartens and three seniors centres are within 50 metres of it.

As a result, many people are at risk, without taking into account all the residents and homes that are there, too.

**Mrs. Stephanie Kusie:** Thank you, Ms. Bleau.

Here is my second question.

What are the best practices in land development that help consolidate access to railways and promote residential or commercial development, as well as citizens' safety?

**Ms. Isabelle Bleau:** I would like to answer if I may, Mr. Chair.

The City of Boucherville has carried out a prefeasibility study in collaboration with cities traversed by the same railway—Varennés, Verchères, Contrecoeur and Sorel-Tracy. That study shows that it is possible to relocate the railway and to put it in the median of Highway 30. With that kind of a relocation, fewer cities and citizens would be at risk.

That prefeasibility study established five routes and, according to our guiding principles, we think it would be realistic to put forward such a project if the Government of Canada helped us fund the feasibility study.

● (2030)

**Mrs. Stephanie Kusie:** Thank you.

[English]

**The Chair:** Thank you, Ms. Kusie.

[Translation]

**Mrs. Stephanie Kusie:** Mr. Chair, if any time is left, I will let Mr. Bachrach have it. Thank you very much.

[English]

**The Chair:** Thank you, Ms. Kusie, and Ms. Bleau.

We're now going to Mr. Rogers.

Mr. Rogers, you have the floor for [*Technical difficulty—Editor*].

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

I'd like to say welcome to all of our guests.

Unfortunately, the technical problems that we have cut into some of our time. Hopefully we'll get a chance to see some of these people on Thursday.

Mr. Thiessen, I listened with interest to your comments about the situation in your municipality and some of the concerns you have about safety. Being a former mayor, I understand, when you're talking about volunteer fire department and lack of resources, and so on, the concerns that poses for you as a mayor and the challenges when you have cargo travelling that can be potentially explosive—or very challenging if there were a derailment.

What suggestions have you made to the rail companies? What suggestions or ideas have you put forward to them to address your concerns?

**The Chair:** Go ahead, Mayor Bleau.

**Mr. Gerry Thiessen:** It was for me, I think, wasn't it?

**The Chair:** Mr. Rogers, was that for Mr. Thiessen?

**Mr. Churence Rogers:** Yes.

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

Mr. Thiessen, go ahead.

**Mr. Gerry Thiessen:** Thanks.

We've talked to CNR. Our suggestion is that prior to a train leaving the place it starts at, it needs to have a manifest of what's on that train. That needs to go out ahead and be information that is immediately available on each train as it goes through a community.

That way, if there ever is a derailment or accident, immediately the fire chief and his volunteers will be able to identify very quickly whether is it a concern, if we need to evacuate the community and what the safety issue is.

**The Chair:** Mr. Rogers.

**Mr. Churence Rogers:** What kind of response have you gotten from the rail companies to those suggestions?

Ms. Bleau, I'll come to you after to respond to the same questions.

**The Chair:** Mr. Thiessen.

**Mr. Gerry Thiessen:** We've received very little response.

Basically, we get a reinterpretation of what the act says, and we find the act to be very light when it comes to rail traffic. While there's a lot in it for sea traffic, it's very light for rail traffic. The thing is that we don't get a great response. We're told that there is access to help, but as we heard earlier, it's probably 12 to 24 hours away from our community.

**The Chair:** Thank you, Mr. Thiessen, and Mr. Rogers.

We're now going to move on to Mr. Barsalou-Duval for three minutes.

[*Translation*]

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

I first want to let the committee members know how disappointed I am that we aren't able to have a full meeting. We were supposed to hear from some important witnesses today, and it would've been very useful to have the opportunity to ask them questions.

I won't waste any more time, but I would like to share a little story.

I grew up next to a set of railway tracks in Boucherville. I lived there for 30 years. When I was young, I loved watching the trains go by. I would count the cars; it was an important part of my day. Time passed, the accident in Lac-Mégantic happened and the types of railcars going past the house changed. We saw more oil cars and we started to worry that what happened in Lac-Mégantic would happen to us. The railroad, something that used to bring me happiness, became a source of anxiety and fear.

I know we don't have much time, so I will get to my questions for Ms. Bleau. I want to address some of the things she said.

Ms. Bleau, in your opening statement, you talked about the importance of municipalities and citizen groups having access to information on what the railway cars going through the city are carrying. At the very least, those parties should have more latitude to access the information. What are your complaints in that regard? How should the information be made available? What needs to change?

You also talked about relocating the railway line to keep it outside town boundaries so residents are no longer at risk. That would even allow railway companies to operate more efficiently, since they would be subject to fewer restrictions outside town boundaries.

Lastly, you said the city had already invested in a pre-feasibility study. I realize that a feasibility study costs a lot more. How would federal support make a difference?

• (2035)

[*English*]

**The Chair:** Ms. Bleau.

[*Translation*]

**Ms. Isabelle Bleau:** Thank you, Mr. Chair.

To answer what I think was your first question, Mr. Barsalou-Duval, I want to point out that the information is available now, but only after the railcars have gone by. The information is not available before the trains and railcars go through the town. When they go by, our safety has already been jeopardized unbeknownst to us; we didn't have the benefit of knowing that we should have been especially careful, that we should have been on alert. Our security is always on the lookout and ready to respond, of course, but it would be helpful to have the information.

Yes, the city did put money towards a pre-feasibility study to determine whether the railway line could be diverted around the urban area. We found out that it was indeed possible. A feasibility study would be incredibly useful, since it would provide a more comprehensive analysis. We would then be able to show that both CN and CP would benefit from relocating the railway line to the centre of Highway 30 or adjacent to it.

The Contrecoeur port terminal is expected to handle thousands of containers a day. If the number of trains allowed to pass through Boucherville is limited to two, the highway will have to be used to transport the rest of the goods. That isn't any better for the environment. If support is provided to the Contrecoeur port terminal for advancement and development, CN and CP would benefit even more from the relocation of the railway line.

That is why we would like the Government of Canada to help us pay for the feasibility study.

[*English*]

**The Chair:** Thank you, Ms. Bleau and Mr. Barsalou-Duval.

Mr. Bachrach, you have the floor.

**Mr. Taylor Bachrach:** Thank you, Mr. Chair, and thank you to our witnesses.

Thanks for being patient with the difficulties we've had this evening and for being with us and sharing your stories.

I'd like to start with you, Mr. Thiessen.

Chair Thiessen, you work with other municipalities in the region, you're a mayor yourself and you're the chair of the regional district. I wonder if you could characterize for the committee the relationship between local governments in northwest B.C. and the main rail company that you deal with, which is CN.

**Mr. Gerry Thiessen:** Yes. It's very tenuous. We receive presentations when we request them, but when we send in follow-up questions and ask questions that would really relate to how we operate and what our capacity is as a community, we don't receive responses. Since November, we have been waiting for a response from CN Rail on some questions we had about the number of accidents in our area. We also sent the minister a letter in September and, as of yet, I understand that we're still waiting for a response.

**Mr. Taylor Bachrach:** Thank you, Mr. Thiessen.

The buck stops with the federal government. The federal government is the regulator of the railroad. I wonder how much engagement there has been between Transport Canada and local governments when it comes to these rail concerns.

**The Chair:** Mayor Thiessen.

**Mr. Gerry Thiessen:** Yes—very little.

A number of years ago—I'm going to guess probably about five—as a regional district we had a full-day session in the Town of Smithers on rail safety and what it meant to our communities. We found that the information we received from the federal government had a lot of implications when it came to sea safety and safety off the rail, but when we asked the question of how that pertains to us in our community to keep our community safe, we found that information lacking.

• (2040)

**The Chair:** Mr. Bachrach.

**Mr. Taylor Bachrach:** I'll turn now to Ms. Remington.

Ms. Remington, on January 19, 2018, there was a derailment at Mission Creek near Hazelton where 3,000 tonnes of selenium coal spilled into the creek. Can you speak briefly to the impact of this on the environment? Do you know if the area has been cleaned up to the satisfaction of the local community?

**Ms. Dawn Remington:** My understanding is that CN... Well, initially the creek was frozen, and they did have volunteers—just volunteers from the town, partly, and some from CN—to pick it off the surface of the creek. The second concern of the consultants for CN who came in was just to get the line open again and get trains moving, so all of these huge piles of coal sat there. In fact, they sat there for three or four weeks before CN came back and attempted to load the coal into cars and take it away. They got quite a bit of it, but approximately a tonne of high-selenium coal was left on the edge of the tracks, on the base of the creek and in the creek, and they thought that was a good cleanup.

The creek had a group that had worked very hard on salmon enhancement and in fact had a large run of nice big salmon coming into the creek. They had built a fence and were counting them every year, so they knew their numbers. Needless to say, I guess, for the numbers for the next year—this is an approximation—instead of over 300, there were 72. Subsequent years have.... It's questionable that this run will ever come back the way it did, and I assume that may be because of ongoing contamination to the area.

**The Chair:** Thank you, Ms. Remington and Mr. Bachrach.

Members and witnesses, I truly apologize for the technical difficulties we've had today.

Witnesses, your testimony is very valuable; although limited, it is very valuable. You can rest assured that your testimony will be included with the analysts' reports to us, and will of course be included in our final report.

Members, I want to thank you as well for your patience today.

To the House resources team, these things happen. I want to thank you for your time today as well. I know that you were sort of chomping at your nails a few times. I want to thank you all for your job today too. Well done.

With that, members, I will take this opportunity to adjourn the meeting. Have a great evening.

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