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• (1300)

[*English*]

The Chair (Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.)): Good afternoon, everyone. We'll get the meeting going.

We have Mr. Benzen substituting for Mr. Kitchen, and we have Mr. Fragiskatos substituting for Ms. Taylor Roy. Welcome, both of you, to this meeting of the environment committee, which has a goal to get through clause-by-clause on Bill C-226.

From the Department of Environment, we have Laura Farquharson, director general, legislative and regulatory affairs, environmental protection branch, and we have Susan Martin, director general, strategic policy directorate.

I will read some opening remarks that have been given to me by the legislative clerk.

We welcome Mr. Lafleur and Mr. Méla to assist us in this exercise.

I'll just let you know that the idea is that if we get through this and there's still time, we will go in camera and have a bit of a meeting on future business to discuss how we're going to go forward, given that we've received legislation from the House, Bill S-5.

I'd like to provide members of the committee with a few comments on how the committee will proceed with the clause-by-clause consideration of Bill C-226.

This is an examination of all the clauses in the order in which they appear in the bill. I will call each clause successively, and each clause is subject to debate and a vote. If there is an amendment to the clause in question, I will recognize the member proposing it, who may then explain it. The amendment will then be open for debate. When no further members wish to intervene, the amendment will be voted on.

Amendments will be considered in the order in which they appear in the package each member received from the clerk. If there are amendments that are consequential to each other, they will be voted on together.

[*Translation*]

The chair will proceed slowly, so that everyone can follow the proceedings well.

[*English*]

Amendments have been given a number in the top right-hand corner to indicate which party submitted them. There's no need for

a seconder to move an amendment. Once an amendment has been moved, you will need unanimous consent to withdraw it.

During debate on the amendment, members are permitted to move subamendments. These subamendments do not require the approval of the mover of the amendment. Only one subamendment may be considered at a time, and that subamendment cannot be amended. When a subamendment to an amendment is moved, it is voted on first. Then another subamendment may be moved or the committee may consider the main amendment and vote on it.

[*Translation*]

Once all clauses have been voted on, the committee will hold a vote on the title and the bill itself.

The committee shall also give an order for the bill to be reprinted so that the House has an updated version at report stage.

Finally, the committee shall request the chair to report the bill to the House. This report shall contain only the text of the amendments adopted, if any, and an indication of the deleted clauses, if any.

I think that is pretty clear. Most of us have been involved in a clause-by-clause review of a bill.

[*English*]

(On clause 2)

The Chair: Yes?

• (1305)

Mr. Greg McLean (Calgary Centre, CPC): Are we going to go through the preamble at all here?

The Chair: Typically, as I understand it, we do the preamble at the end.

Mr. Greg McLean: Okay, so we're not going line by line. We start with clause 2 and then we go back to the title and then the preamble.

I'm sorry. I haven't seen it done that way before, Mr. Chair.

The Chair: Yes, the preamble and the title are postponed.

Mr. Greg McLean: Okay. Thank you.

(Clause 2 agreed to)

(On clause 3)

The Chair: We have some amendments. We have BQ-1.

Would Madam Pauzé like to speak to BQ-1?

[*Translation*]

Ms. Monique Pauzé (Repentigny, BQ): Yes, certainly.

You'll find that many of our amendments propose roughly the same word: "inequity".

Amendment BQ-1 proposes, as a first step, that clause 3 of the bill be amended by replacing line 12 on page 2 with the following:

inequities.

In addition, the amendment proposes similar wording to replace line 3 on page 3 with the following:

ronmental inequities and that may include

We did not choose the word "inequity" lightly. We based ourselves first on definitions found in French dictionaries. For example, *Le Petit Robert* defines inequity as "extreme, flagrant injustice". For its part, the TV5MONDE dictionary defines it as an "unbearable injustice". It was after consulting such sources that we concluded that this was the strongest word we could use in French for our amendments.

Mr. Chair, shall I move amendments BQ-1, BQ-2 and BQ-3 together?

The Chair: No, you have to move them one at a time.

Ms. Monique Pauzé: Very well. So I'll start with this one.

I'll provide a brief explanation of why we're bringing this amendment forward.

At the Bloc Québécois, we are in favour of the desire for environmental justice that is expressed in the title and preamble of the bill. We believe that, if Parliament is to pass a new law, it is the concept of environmental justice that must be put forward, that must be the main subject, the central concept.

We support government action to address the inequalities experienced by all communities in their relationship with the environment. We want this action to include everyone. There are problems of geographical disparities in living standards and access to a good environment, and that is a concern. It is of concern that these disparities have a direct impact on citizens who are immigrants, visible minorities, indigenous communities or socio-economically disadvantaged. Following what I told you on Tuesday, I would even add to the list other categories of citizens who are truly disadvantaged. For example, have we looked at where detention sites are located, whether they are prisons or psychiatric hospitals? That would help to understand their exposure to environmental hazards.

That's what we want to do. In North America, this has been going on since the 1980s. We want to broaden the scope of the proposed measure to include as many people as possible.

I will reiterate what Mr. Greg McLean said on Tuesday, addressing what might be described as a case in point. It kind of supports what I said earlier. He said that he grew up in a world where justice was good and racism was bad. As he said, eliminating racism and achieving justice for all is a goal we all want to have. I think he was very clear. I agree with him completely.

On Tuesday, I spoke about arsenic in Rouyn-Noranda, red dust in Limoilou, and pollution from refineries in East Montreal, where I live. Mr. McLean, on the other hand, was raising the experience of Italian immigrants who died because of their work in the smelters. He wasn't just talking about one particular case. That's what we want, too: a broader aim.

In passing, Mr. McLean raised the issue of the form of discrimination related to geographical location, or rural isolation. He did not say that this was racism, but suggested that in some way the plight of marginalized communities, not just racialized communities, should be highlighted.

When we talk about marginalized communities, we are also talking about socio-economically disadvantaged communities. This goes back to the example I gave you earlier, about detention sites.

For each line of the bill I am proposing to amend, the objective is the same: that everyone be offered the same protection and that the entire population have access to real environmental justice. Although we in the Bloc Québécois recognize that the element that I will refer to in this context as skin colour is certainly a factor of discrimination and inequity, several other factors underlie environmental racism, as understood in the bill before us.

Last week, a luncheon lecture was held here on Parliament Hill featuring Dr. Judith Enck, who is an expert on plastic pollution and was appointed to the Environmental Protection Agency by President Obama during his first term. In her lecture she raised the issue of the location of certain chemical plants. She explained that some very polluting chemical plants had targeted a number of states to develop and expand in. I wanted to know her opinion on the phenomenon we are discussing today, whether economic insecurity and demography had anything to do with it. So I asked her. Neither she nor I used the term "environmental racism". She only used the term "environmental justice". Indeed, there is something more comprehensive when the conceptual reference is environmental justice.

In the last Parliament we heard from Ms. Waldron, founder of the ENRICH project, on the study of systemic racism in Canada. She gave us her academic perspective on the environment and discrimination. According to her, there is a lack of political power to curb the establishment of industries that are harmful to human health and the environment. There are also factors related to education and economic insecurity. It is a global phenomenon. I would add to that access to clean housing and clean water.

● (1310)

These are all factors that, alongside those related to racism, form the breeding ground for the lack of environmental justice for all marginalized communities.

There is the socio-economic character, which I have talked about more than once.

I'll stop here. I have presented practically all of our amendments to you together.

This morning, I was given a report from the David Suzuki Foundation, which calls on the government to take concrete action for greater environmental justice. This report, written among others by Léa Ilardo, always refers to the notion of environmental justice. It describes what is happening in this regard in the east end of Montreal, a particularly disadvantaged sector. They want to set up an industry that will generate, according to forecasts, 300,000 container movements per year, 1,000 truck crossings per day, in and out, as well as numerous train movements. Why is this industry being established in the east end of Montreal? It is because it is an area where disadvantaged people live.

When I asked Ms. Lenore Zann if Bill C-226 would affect the people living around the Horne Foundry, she said no. That is why we are proposing to broaden the scope of the bill.

That's it, I'm done.

The Chair: I will open the debate on this proposed amendment.

Does anyone wish to speak?

[English]

Mr. Greg McLean: My hand is up, Mr. Chair.

The Chair: Go ahead.

Mr. Greg McLean: Thank you.

I'm sorry, Mr. Chair. There have been connection issues on Zoom all morning with the House of Commons.

The Chair: We can hear you.

Mr. Greg McLean: I do have an issue. We need to look at what we mean by "environmental justice".

I really appreciate my colleague's amendment. I am broadly supportive of her amendment.

Madam Pauzé and I agree on this issue around smelters.

I raised the example last time of the Italian immigrants who came to Trail. I'm well-connected with the grandchildren who grew up without grandfathers because they chose to work in a smelter where the air inside was toxic. That air was often released at night. If a dog went out in the street in Trail in the nighttime, it would die. When people were inside, the toxic air was released. It is broadly considered one of the most toxic places in North America as a result.

A number of immigrants, primarily Italian immigrants, made their journey to Canada and got jobs in Trail. I imagine it's the same in many towns across the country that are primarily outside of our major centres. People made the decision to work in these less than desirable facilities and paid the price accordingly.

As I said before, women lived to the age of 80 in Trail, and their husbands all died in their forties. It's a shame.

As much as this addresses what we talked about as far as the inequities are concerned, I want to also talk about environmental justice. I don't think it's well defined anywhere here. I want to understand exactly what we're talking about before it's interpreted for us by somebody else.

That somebody else, of course—Ms. May, the proponent of the bill puts out—will be determined in a court of law by a judge without any direction about how this actually happens.

I would like to know that meaning, about how we come up with environmental justice. Is that justice for the environment and reparations to the environment? Is it reparations to the people who have suffered because they live on lands that have been exposed to more pollution because those lands have waste from our urban development shipped out to areas where there are fewer people?

What I want to find out is that we're not putting a definition on what environmental justice is that somebody else is going to interpret for us. If we could move forward with a clear understanding of what environmental justice is, it would serve this bill very well.

I'm going to pause there and leave it for maybe one of the officials to talk about how they see that unfolding in the mid-term, only two years or so before this is in place. I'd like to hear that, please.

• (1315)

The Chair: Okay.

Ms. Collins, you have the floor.

Mr. Damien Kurek (Battle River—Crowfoot, CPC): I have a point of order, Mr. Chair.

I have an important note regarding some technical challenges Mr. McLean mentioned. I know Mr. Deltell has, also. There are a number of us who are attending via Zoom. It seems that there have been some persistent issues with Zoom.

I would ask the chair's indulgence—especially before going to a vote and that sort of thing—to ensure that for some there's not a Zoom-related matter that happens to kick somebody off and that there be an acknowledgement in the proceedings of that here this morning.

Thanks.

The Chair: Okay.

We'll go to Ms. Collins, now.

Ms. Laurel Collins (Victoria, NDP): Thank you, Mr. Chair.

It is wild to me that the Bloc and Conservatives want to remove the word "racism" from the bill on environmental racism.

I absolutely do not support this amendment.

It's concerning to me that the Bloc are uncomfortable with this bill focusing on racism. Of course, there are other kinds of inequities in the world, but that doesn't negate the fact that this bill on environmental racism is important. Ensuring that we tackle the lack of racial data in Canada on this topic is crucial. Indigenous people in Canada are disproportionately impacted by toxic substances and polluting industries. Of course, we need to take an intersectional approach, but to try to remove the word "racism" to deny the need to focus specifically on systemic racism is extremely troubling.

I will be voting against this amendment.

The Chair: Mr. McLean, you have the floor.

Mr. Greg McLean: Mr. Chair, I thank my colleague for the intervention.

In reading the bill, it doesn't just rely on racism in some of its definitions.

Subclause 3(2) states:

In developing the strategy, the Minister must consult or cooperate with any interested persons, bodies, organizations or communities—including other ministers, representatives of government in Canada and Indigenous communities—and ensure that it is consistent with the Government of Canada's framework for recognition and implementation of the rights of Indigenous peoples.

We are talking about a bill on environmental racism, which we don't have defined either. I appreciate Madam Pauzé's amendment to address that. The consultation phase there widens it far beyond races and actually talks about any interested persons, bodies, organizations and communities.

I will seek guidance on this from the translators. I know Madam Pauzé talked about the meaning of *iniquité* in French being the highest level of difference, but it's not so in English. Inequity is an imbalance, if you will. It's not necessarily a severe imbalance. It's an imbalance between inputs and outputs, or results and effects, if you will. I don't know if the word needs to be stronger in English than the word that Madam Pauzé has proposed in French. I don't think "inequity" is that strong in English.

To Ms. Collins' intervention, the clause in this bill does open it up to all kinds of people, any person who wants to provide input in consultation and co-operation with the minister. It isn't just racial communities. It will apply to everybody who wants to have an input on the concept we're talking about here of environmental justice.

I will repeat, I do think we need to identify and define what we're talking about here when we say "environmental justice".

• (1320)

The Chair: I have Mr. Kurek.

Mr. Damien Kurek: Thank you, Mr. Chair.

I would note that in reading through the amendments and some of the discussions, and to emphasize Mr. McLean's point, even some of our witnesses this past week have emphasized how racism can be a factor, but a person of colour or indigenous person can have a multitude of factors. I think addressing this from a more comprehensive perspective is a valuable approach for trying to accomplish what the bill intends. That also doesn't limit it to one particular aspect of some of the challenges faced by Canadians.

I agree, as well, that the whole definition of "environmental justice" needs to be very well defined in the broader picture. I hear from constituents—I don't exaggerate when I say "on a daily basis"—who are furious with the current plan that leaves.... Whether it will be defined as the just transition, or whatever the case is, they feel left out. Certainly, there have to be some clear definitions to ensure what the bill's intent is. We want to make sure it can actually accomplish that.

I think Madam Pauzé has endeavoured to do so. I am not bilingual, but I certainly value some of the comments she made about trying to find a way to ensure that essence is captured.

The Chair: I'm seeing no further interventions or desire to intervene.

Go ahead, Ms. Collins.

Ms. Laurel Collins: Is Ms. May in the room?

The Chair: Yes, she is.

Ms. Laurel Collins: The Conservatives are saying they're trying to get at the intent of the bill. Perhaps Ms. May could, very briefly, clarify whether the intent of the bill is to focus on environmental racism.

The Chair: Ms. May is a witness. She was invited as a witness. She has the floor. She's our expert witness.

• (1325)

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Chair, I'm here for just this purpose, to clarify and explain the purpose of the bill.

Thank you, Laurel.

The purpose of the bill is to promote environmental justice and confront environmental racism. It's addressing environmental racism in the largest context. As I said when I was a witness here on November 1, I don't think any community experiencing environmental or toxic contamination as described in the bill, or communities located in proximity to environmental hazards.... The bill does not exclude any community that finds itself in that situation. It is, specifically, part of an approach to confront and name environmental racism. In that context, communities that are not racialized but are economically disadvantaged in any way, to such an extent that they've also experienced a lack of environmental justice.... The bill is focused on environmental racism.

I don't think I'll let any cats out of the bag by saying that, before the bill came forward, before first reading, I engaged with my friend from the Bloc Québécois, the member for Repentigny. We tried to see if there were any ways the Bloc could be comfortable with the bill.

I took the proposals she made today back to Lenore Zann, the original mover and former member of Parliament for Cumberland—Colchester, to Dr. Ingrid Waldron and to some of the many groups across the country that hope to see this bill passed. The notion of removing the word “racism” from the bill was widely and broadly found to be unacceptable.

In the context of Greg McLean's questions, it's quite clear that the bill will not exclude any community regardless of whether or not it's indigenous people or people of colour. If people are in a disadvantaged situation, where environmental contamination is visited upon them in a way that would not happen in a more well-heeled and economically and politically powerful community, they'll have access to the programs of environmental justice. As I mentioned before, the U.S. EPA is a model in this area, having developed robust programs since 1994.

I hope that helps clarify it for you.

Thank you for asking me, Laurel.

I have the U.S. EPA definition of “environmental justice”, but I think it's so common sense that courts aren't going to have a problem knowing this bill doesn't relate to trees going to court to defend themselves. That's one aspect Greg suggested, that it might be nature itself getting the right to remedy. This is clearly a bill that focuses on human communities that are not receiving the protections we would require as a minimum for Canadians. We know that it's overwhelmingly and disproportionately communities of colour and indigenous people experiencing this in Canada, although it's not exclusively people of colour and indigenous communities.

The Chair: Thank you.

I see your hand is up, Mr. McLean.

Mr. Greg McLean: Mr. Chair, I'm sorry, but my colleague, Ms. May, misunderstood me. The issue on environmental justice, as far as it applies to nature, is the justice to make nature back to what it was before, and the funds expended to accomplish that, as opposed to accomplish the harm visited upon people. Inasmuch as the two go hand in hand, that was my question—not that trees would be taking the government to court.

If we're dealing with witnesses here, I did raise a couple of concerns. Can we please consult the witnesses on what I raised about the translation between what Ms. Pauzé said on the severity of inequities and the heightened level of meaning of *iniquités* in French? It's a much softer definition in English, in my opinion. That would be good.

If we were speaking here to Ms. May's comment, I wouldn't mind at all if we actually put the definition that the U.S. EPA has put forward for “environmental justice” in the preamble, or somewhere in this bill, so we do understand what that is pertaining to. Maybe we can make it a clause in this bill, that as a definition of “environmental justice” here is a commonly understood term that we will be applying in this bill. I think that would be instructive for everybody who's going to have to look at this bill later and come to their own determination of what we're meaning when we're passing this legislation.

First of all, to the other two witnesses here, can we talk about the translation issue between the French and English, and then talk about the definitional issue? I think it would be instructive.

• (1330)

The Chair: Who is that directed to?

Mr. Greg McLean: We have two witnesses.

The Chair: It's going to either Ms. Martin or Ms. Farquharson.

Ms. Laura Farquharson (Director General, Legislative and Regulatory Affairs, Environmental Protection Branch, Department of the Environment): Environmental justice, as you've had to explain today, is generally concerned with non-discrimination in environmental protection and the equitable distribution of environmental burdens and benefits across society. I think the U.S. EPA is the definition that's commonly discussed, “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.”

I think the general meaning is understood, and often with concepts like this the definitions get worked out in the strategy. That's what would happen here.

The Chair: Okay.

Ms. Elizabeth May: If I may, Mr. Chair, just to confirm—and thank you, Ms. Farquharson—that is in fact the commonly held definition found within the United States EPA. The translation is pretty straightforward as well if anyone wants it in French, but I'm sure our interpreters have already done that.

The Chair: I see no one else wanting to speak to this, so we'll call the vote.

Mr. Greg McLean: Mr. Chair, I did ask the question about the difference between “inequities” in English versus *iniquités* in French. The way Madam Pauzé explained it, it seems to have a stronger definition in French.

The Chair: That's the second question. Who would like to answer that question?

Ms. Laura Farquharson: I can't really speak to that. You've said what your interpretation of “inequities” is versus *iniquités*. I don't know whether they have different meanings in French and English.

The Chair: I think that's the answer. I don't really know either.

[Translation]

We will now put amendment BQ-1 to the vote.

Ms. Monique Pauzé: I request a recorded vote, Mr. Chair.

The Chair: Yes, of course.

(Amendment negated: nays 6; yeas 5)

[English]

The Chair: We go now to BQ-2.

[Translation]

Ms. Pauzé, do you have anything to say about this amendment?

• (1335)

Ms. Monique Pauzé: Yes, Mr. Chair.

Actually, I just have one small comment: I find it odd that people are against providing protection that includes indigenous people, racialized people, and others, but that's the decision of the committee.

Amendment BQ-2 proposes to replace line 22 on page 2 with the following:

(i) an examination of the link between national or ethnic ancestry or origin, socio-

The aim is still the same: to broaden the scope of the bill.

[English]

The Chair: Okay.

[Translation]

Does anyone wish to speak?

Is it the pleasure of the committee to adopt amendment BQ-2?

(Amendment negatived: nays 6; yeas 5)

The Chair: We now turn to amendment BQ-3.

Ms. Pauzé, you have the floor.

Ms. Monique Pauzé: I will make one more small comment: there was nothing ideological about this amendment. I hope my colleagues can explain to me why they voted against the amendment, when there was nothing ideological in it.

The addition that amendment BQ-3 proposes is a request for money:

(v) federal transfers to the provinces to help them support communities experiencing environmental inequities.

Even though it's about money, I know that's not a problem if the committee is unanimous.

Either we vote against the Bloc Québécois amendment and just talk about fine principles, or we vote for the amendment because we believe we need new public policy, which requires money.

The Chair: Does anyone else wish to speak?

Seeing no further speakers, we'll go to the vote.

[English]

Go ahead, Mr. Kurek.

Mr. Damien Kurek: I'm sorry, Chair.

I'm just curious; this is the first time I've dealt with a private member's bill before committee that addresses a monetary-type issue. I'm hoping to get some feedback to make sure this falls within the bounds of what is allowed without a royal recommendation.

Mr. Chair, I'm not sure if you, the clerk or the witnesses would have feedback on that.

[Translation]

The Chair: Mr. Clerk, given that this is about money transfers, does this amendment require a royal recommendation?

The Clerk of the Committee (Mr. Jean-François Lafleur): No, as it is part of a strategy.

The Chair: This is part of a strategy, Mr. Kurek. We're not explicitly talking about a tangible sum or transfer at the moment. It's more theoretical, as I understand it.

[English]

Mr. McLean, the floor is yours.

Mr. Greg McLean: Mr. Chair, in speaking to the amendment and the clause itself, subclause 3(3) begins:

The strategy must include

(a) a study that includes

(i) an examination of a link between race, socio-economic status and environmental risk,

I wish it was just environmental risk and socio-economic status, for reasons that both Madam Pauzé and I have previously iterated here.

In paragraph 3(3)(b) it continues:

measures that can be taken to advance environmental justice and assess, prevent and address environmental racism...that may include

We say “The strategy must include measures that may include possible amendments to federal laws, policies and programs”—the entirety of laws and programs—“the involvement of community groups in environmental policy-making”—any community group in these policy-makings—and, of course, “compensation for individuals or communities” for what that may entail at the end of the day. This is determined by whom? Is there a body that's going to determine this, or can it be courts that determine this at the end of the day, what that quantum is going to be? Of course, that will require a big budget item if we're talking about making a balance for historical inequities that have been here for many communities across Canada for a long period of time.

If there is some clarification on that in relation to the amendment, I think it would be constructive as well.

• (1340)

[Translation]

The Chair: Mr. Deltell, you wish to speak, but I am told that your headset is not plugged in, which will make the interpreters' work difficult.

Could you plug in your headset, please?

Mr. Gérard Deltell (Louis-Saint-Laurent, CPC): Is this better?

The Chair: Just a second, we'll check.

Are you connected through your mobile phone, Mr. Deltell?

Mr. Gérard Deltell: I am plugged in with the [*Inaudible—Editor*] socket.

You can continue the debate. I'll speak later if the sound is better.

The Chair: Are there any other speakers?

It seems no one else wants to speak.

Have you got your headset plugged in properly, Mr. Deltell?

Mr. Gérard Deltell: Yes. I will try to...

The Chair: It sounds like your computer's microphone is picking up the sound, not the headset. That's not good enough for the interpreters.

Mr. Gérard Deltell: Choose another speaker, Mr. Chair.

The Chair: Unfortunately, there are no other speakers, so we will vote on amendment BQ-3.

(Amendment negated: nays 6; yeas 5)

The Chair: We will now vote on clause 3.

[*English*]

Mr. Lloyd Longfield (Guelph, Lib.): Chair, are we calling for the vote on clause 3 without amendments?

• (1345)

The Chair: That's right. It's as is, because none of the amendments passed.

Mr. Terry Duguid (Winnipeg South, Lib.): It's unamended. I vote for the original clause.

I thought I saw Elizabeth give me the evil eye there.

Voices: Oh, oh!

(Clause 3 agreed to: yeas 6; nays 5)

[*Translation*]

The Chair: We now turn to clause 4.

Since there are no proposed amendments, we will proceed to the vote.

[*English*]

Mr. Damien Kurek: Can it carry on division?

The Chair: Can we do that?

If there are no objections to it carrying on division.... Okay.

(Clause 4 agreed to on division)

(On clause 5)

The Chair: Go ahead, Mr. McLean.

Mr. Greg McLean: I would reference back to subclause 3(2) again, just for connectivity with the whole bill. I'll read from clause 5:

Within five years after the report referred to in section 4 has been tabled in both Houses of Parliament, and every five years after that, the Minister must, in consultation with the parties referred to in subsection 3(2)

I would go back to subclause 3(2), which is what we're talking about. Is the minister, whoever that may be at that point in time, go-

ing to have to refer back to any and all of the parties who made submissions on the original report? Are they going to have to go back and reintroduce the findings to them, be they—

The Chair: Is that a question for Ms. May?

Mr. Greg McLean: She's here right now.

Ms. Elizabeth May: Yes, I am. Thanks for the question.

It's very routine. The term “consulting” with interested parties is used in many pieces of Canadian legislation. Even just dealing with Environment and Climate Change Canada, they put out on a website on a routine basis “here's an opportunity to comment”. People have that opportunity to comment. Then the minister reports.

The only mandatory portion of what the minister must do is to table the report and prepare the report in consultation with those groups. It's not an in-person event. It doesn't mean that the minister has to sit down and have tea with everybody who has written to him or her or them, by that point.

This is pretty boilerplate. I'm sure Environment Canada can confirm. I don't know how many consultations Environment and Climate Change Canada does. Just trying to keep up with them and write back myself is exhausting. I think I see on the order of one or two a month of consulting with the public at large and individual interest groups, etc.

That is the intention, but I don't think it's onerous.

The Chair: Thank you, Ms. May.

Does that answer your question, Mr. McLean?

Mr. Greg McLean: Yes, it does.

The Chair: Thank you.

(Clause 5 agreed to on division)

The Chair: Now we get into the preamble and that takes us to BQ-4.

[*Translation*]

Ms. Paupé, would you like to say something about your amendment?

Ms. Monique Paupé: Yes, of course. In fact, I'm going to take my right to speak to discuss both our amendments to the preamble and our amendments to the title. We are actually proposing amendments to the title, so we're going to present them all at once.

Again, we believe that the rights as well as the policies that will flow from the bill should be universal, that all should enjoy them regardless of their differences. The sections of the bill as we have just passed them do not provide us with powerful legal tools to counter inequities and discrimination, such as those based on origin, language, cultural background or socio-economic conditions.

I add a small comment about our amendment on money transfers, which was rejected earlier. It still boggles my mind that while the bill provides for “compensation for individuals or communities”, the committee is denying federal transfers to Quebec and the provinces to help them do the work that needs to be done under the bill. I am surprised by this.

That said, I'm done and I'm not arguing about it anymore.

• (1350)

The Chair: Since amendment BQ-1 was defeated, amendment BQ-4 is out of order, as we have not adopted any amendment to the bill that would justify changing the preamble.

Ms. Monique Pauzé: Mr. Chair, do you mean amendment BQ-5?

The Chair: No, I am talking about amendment BQ-4.

Ms. Monique Pauzé: Ah yes, excuse me. This is the preamble, you are right.

Actually, no, you are not right. I challenge your ruling that the amendment is out of order and I ask for a vote on it.

The Chair: Very well. There is a challenge to the chair's ruling, so we have to vote on that.

[*English*]

Mr. Greg McLean: On a point of order, Mr. Chair, some of our members lost connection.

The Chair: Who lost connection?

Mr. Greg McLean: I'm told Mr. Benzen did.

The Chair: Is he still off-screen?

Mr. Damien Kurek: He is. I'm just touching base with him.

On that same point of order, Mr. Chair, it seems there have been some persistent challenges across a number of committees. There seem to be some Zoom issues.

Mr. Benzen is working with IT to get reconnected as soon as possible.

The Chair: Okay.

Mr. Peter Fragiskatos (London North Centre, Lib.): I have a point of order, Mr. Chair.

I don't think that's a point of order that was raised by Mr. Kurek.

We should go right to the vote.

The Chair: I'm sorry. Can you speak louder?

An hon. member: I have a point of order.

Hold on for just a second. I'm listening to Mr. Fragiskatos here.

Mr. Peter Fragiskatos: I don't believe that was a point of order.

I'm substituting today, so I'm an associate member who is on deck, so to speak.

With great respect, I don't think that was a point of order and we should vote.

The Chair: Hold on for just a second, Mr. McLean. I'll get to you.

Mr. Peter Fragiskatos: Mr. Chair, if I could just follow that up.

I believe what the Conservatives have done is a dilatory motion.

We should proceed right to the vote.

The Chair: That's what I'm trying to figure out.

I'm going to suspend for a couple of minutes because I need to verify something.

I apologize. We'll be right back.

• (1355)

[*Technical difficulty—Editor*] whether I should be supported in the decision I made or not.

Mr. Greg McLean: I'm sorry. We're unclear on that, Mr. Chair.

The Chair: I decided that BQ-4 is out of order because BQ-4 is a change to the preamble, but nothing justifies the change to the preamble because amendments that could have justified a change to the preamble were defeated.

Madam Pauzé takes issue with that. I know it's not personal, but she takes issue with that, so we have to vote on whether she's right or I'm right.

We will ask the clerk to proceed to a roll call vote on whether the decision is sustained.

(Ruling of the chair sustained: yeas 6; nays 5 [*See Minutes of Proceedings*])

The Chair: Thank you.

We go now to BQ-5.

[*Translation*]

Ms. Monique Pauzé: I will introduce this amendment in the same way as earlier.

The Chair: It will probably be the same decision, too.

Ms. Monique Pauzé: For our part, we want to expand the scope of the bill.

It will be the same, Mr. Chair.

The Chair: It is possible, we will see.

Don't you want to—

Ms. Monique Pauzé: Before you rule the amendment out of order, I would like to clarify that we are keeping the word “collaboration” but adding a principle. It is not quite the same as the previous amendment. It seems to me that this one should be in order.

The Chair: So you are introducing your amendment, but you do not wish to explain it further.

Ms. Monique Pauzé: The other amendments proposed adding words. This amendment should be in order, as it adds a principle to the word “collaboration”, which was not the case for the rest.

The Chair: All right. I'll read you my decision, which is more or less the same.

Since amendment BQ-3 was defeated, amendment BQ-5 is out of order, as we have not adopted any amendment to the bill that would justify changing the preamble.

I will read from the third edition of *House of Commons Procedure and Practice*, page 774:

In the case of a bill that has been referred to a committee *after* second reading, a substantive amendment to the preamble is admissible only if it is rendered necessary by amendments made to the bill. In addition, an amendment to the preamble is in order when the purpose is to clarify it or make the English and French uniform.

The chair is of the opinion that the proposed amendment is a substantive amendment and is thus out of order.

Ms. Monique Pauzé: In our view, it does not deal with substance; it adds a principle.

I challenge your decision, Mr. Chair.

The Chair: Very well.

The chair sees the addition to the idea of collaboration as a substantive change.

• (1400)

Ms. Monique Pauzé: Mr. Chair, we should reread properly what is in the bill. What we have done is more of a rewording of the French version.

After the words “whereas the Government of Canada recognizes that collaboration”, we strike out “and a coordinated national strategy” and part of the wording that follows. The proposed wording would read “whereas the Government of Canada recognizes that provincial governments are primarily responsible for protecting their lands”, and so on.

This is a principle that we are adding, but you say it goes to the substance.

The Chair: If you add a principle, it is necessarily a substantive issue.

Ms. Monique Pauzé: I'm giving up, but I'm challenging your decision of inadmissibility.

The Chair: You are still against the chair's decision, so we will proceed to the vote.

(The chair's decision is upheld: yeas 6; nays 5)

The Chair: We are now at amendment BQ-6.

Ms. Pauzé, you have the floor.

[*English*]

Mr. Greg McLean: Mr. Chair, I've had my hand up for the last [*Inaudible—Editor*].

[*Translation*]

The Chair: Excuse me, I forgot to ask if the committee wishes to adopt the preamble.

[*English*]

Yes, Mr. McLean.

Mr. Greg McLean: We were going through it clause by clause, and I had my hand up prior to your ruling.

I know the ruling against Madam Pauzé's intervention, but I had a substantive question from the floor. Can I raise it?

The Chair: Theoretically you can't, because a decision of the chair is non-debatable. You go straight to the vote.

I'd rather not get into a new discussion, if that's okay.

Mr. Greg McLean: It relates to the preamble itself, and I think it is substantive.

The Chair: The amendment was defeated, so—

Mr. Greg McLean: The amendment was defeated, but this relates to the preamble, Mr. Chair. It's an amendment from the floor in this respect.

The Chair: Just a second.

Apparently because you're talking about the preamble and not the amendment, you can have the floor.

Mr. Greg McLean: Thank you.

I apologize to Madam Pauzé for moving out of order, but it is in the same realm as what she proposed earlier.

I'll read the paragraph that we're talking about in the preamble. It says:

Whereas the Government of Canada recognizes that it is important to meaningfully involve all Canadians — and, in particular, marginalized communities — in the development of environmental policy and that racial discrimination in the development of environmental policy would constitute environmental racism;

Mr. Chair, I'm not sure this is true at all. I mean, when you look at the environmental policies that the government is moving forward with here, it is not substantively involving its partners in Confederation. There are two provinces in western Canada that are passing legislation to try to limit the intrusion of the federal government's—one-sided, arbitrary intrusion—use of lands, which I think is the nature of Madam Pauzé's motion here.

Substantively, my motion from the floor would be to remove that entire paragraph. It's not particularly true, in our experience.

• (1405)

The Chair: Is that what you want to do? Do you want to propose an amendment to the preamble?

Mr. Greg McLean: Yes, and my amendment is to remove that paragraph.

The Chair: Could you read the paragraph again, so we know which one you're trying to remove, or at least the first part of the paragraph?

Mr. Greg McLean: It's the fourth paragraph, where it says, “Whereas the Government of Canada recognizes that it is important to meaningfully involve all Canadians”.

The Chair: You want to remove that.

Mr. Greg McLean: I want to remove that because, as I stated very clearly, I don't think that is true.

The Chair: It's debatable.

Does anyone have anything to say?

[*Translation*]

Go ahead, Ms. Pauzé.

Ms. Monique Pauzé: I have just one question, Mr. Chair, because I'm not sure I understand what's being discussed. Which paragraph is it?

The Chair: It's the fourth paragraph.

Ms. Monique Pauzé: That's the one at line 15, isn't it?

Mr. Greg McLean: That's the one, line 20 in the French. It's the paragraph that starts as follows: "Whereas the Government of Canada recognizes that it is important".

The Chair: Mr. McLean wants to remove it because, as I understand it, he doesn't think it rings true.

Ms. Monique Pauzé: The same could be said of a lot of things.

The Chair: Indeed.

Does anyone wish to comment?

It doesn't look like it, so we'll proceed with the vote.

(Amendment negated: nays 6; yeas 5)

The Chair: Shall the preamble carry?

[*English*]

Mr. Greg McLean: I have another amendment I'd like to propose, because I have questions on this.

The Chair: Go ahead.

Mr. Greg McLean: It's in the next paragraph, if I may.

The next paragraph, and you know I'm purely reading the bill here, reads:

Whereas the Government of Canada is committed to assessing and preventing environmental racism and to providing affected communities with the opportunity to participate in, among other things, finding solutions to address harm caused by environmental racism

Before this bill, was the Government of Canada committed to that, or is this part of what this bill is supposed to do?

The Chair: Yes, I think—

Mr. Greg McLean: Seeing how it's not true, I would suggest that if there's nothing that says the government is committed to this, we should delete it.

The Chair: I think when this bill passes, it will have to be true.

Mr. Greg McLean: Yes, but it says "Whereas the government is committed to".

The Chair: It is at the moment it passes, I guess.

Do we want to have a debate on this? I don't think so.

Should we go straight to the vote?

An hon. member: Did he propose an amendment?

The Chair: Yes. I guess he proposed to take it out, because it's not true.

Mr. Greg McLean: If it is meant to establish what the government stands for, or if it's meant to be a precursor about why we're moving forward with this bill.... They are two different things.

If it's a "whereas" that is the reason we're moving this bill forward in the preamble, then "Whereas the government would like to be committed to assessing and preventing environmental injustice" would be a little clearer to people who are reading it. Right now, I don't think there's anything in the government that says it's committed to any of these things.

• (1410)

The Chair: Does anyone else want to speak to this?

No? Let's go to the vote.

(Amendment negated: nays 6; yeas 5 [*See Minutes of Proceedings*])

The Chair: Shall the preamble carry?

Do we want a recorded vote? Yes?

(Preamble agreed to: yeas 6; nays 5)

(On clause 1)

The Chair: We now go to the short title and amendment BQ-6.

We have Madam Pauzé.

[*Translation*]

Ms. Monique Pauzé: You don't find the amendment to be out of order?

I really thought that's what you were going to say.

The Chair: You can always give it a go.

Ms. Monique Pauzé: We are voting against amendments that would ensure that everyone is included and that non-racialized people are not excluded from potential remedies. I think the bill creates some discrimination against certain people.

As for changing the title, no, I'll forget about that. I won't even challenge your ruling, Mr. Chair.

The Chair: You still tried.

Ms. Monique Pauzé: Frankly, this is completely inconsistent with what we are trying to achieve through the bill.

The Chair: I understand. You're right.

BQ-6 is out of order. The ruling isn't being challenged.

[*English*]

Shall the short title carry?

An hon. member: On division.

(Clause 1 agreed to on division)

The Chair: On the title, we have BQ-7.

[*Translation*]

Would you like to propose your amendment, Ms. Pauzé?

Ms. Monique Pauzé: It's the same thing, Mr. Chair. What I just said applies here too. I think the bill creates some discrimination, so I don't support it.

The Chair: All right, but do you still want to propose your amendment to change the title of the bill?

Ms. Monique Pauzé: No, because the bill no longer has any of the meaning we wanted it to have.

It doesn't matter anyway. You're going to say the amendment is out of order, and I'm not going to challenge your ruling.

The Chair: All right. We won't debate BQ-7.

[*English*]

Shall the title carry? On division?

Mr. Terry Duguid: Agreed.

(Title agreed to on division)

The Chair: Shall the bill carry?

An hon. member: On division.

[*Translation*]

Ms. Monique Pauzé: I'd like a recorded division, please, Mr. Chair.

• (1415)

The Chair: Very well. We'll have a recorded division.

(Bill C-226 agreed to: yeas 6; nays 5)

The Chair: The bill has been passed. Congratulations, Ms. May. Congratulations also go to Ms. Zann, who put forward a similar bill before Ms. May.

Ms. Monique Pauzé: I have a question, Mr. Chair.

At the beginning of the meeting, Mr. McLean asked about the definition of environmental justice, and Ms. May suggested the definition of the U.S. Environmental Protection Agency.

What are we doing with the definition of environmental justice? We talked about it, but we didn't lay it out anywhere.

The Chair: It's too late. The bill has already been passed, but we can come back to it and have a discussion.

Right now, I have to finish putting the questions on the bill.

Shall I report the bill to the House?

[*English*]

Mr. Terry Duguid: On division.

Some hon. members: Agreed.

The Chair: There were no amendments.

Our work is done.

[*Translation*]

If I understand correctly, the definition of environmental justice is fairly clear, according to Ms. May.

Correct me if I'm wrong, Ms. May.

Ms. Elizabeth May: Thank you, Mr. Chair.

If you'd like, I can read the definition Ms. Farquharson, one of the Environment Canada officials, gave in response to Mr. McLean's question.

[*English*]

It's a very well understood definition that's quite available and accepted. It's:

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

I had translated it, but this is pretty much boiler plate. I wouldn't put forward legislation, although I wasn't the original drafter, and again, thanks to Lenore Zann.

As a former environmental lawyer, Greg, I can tell you it's really hard to find environmental laws that work in this country. This one should not put us into any kind of snags.

Mr. Lloyd Longfield: I have a point of order. Are we not finished this debate?

The Chair: Just a second.

What we have to do now is break. We're coming back in camera.

Ms. Elizabeth May: I'm going.

The Chair: Yes.

Mr. Greg McLean: One second, Mr. Chair. You've entertained this thus far. I would put it to Madam May that if there is the EPA's definition of "environmental justice", then I would suggest to her that when we table this kind of legislation in the future we include that because I imagine, although I'm not a hundred per cent sure, there are other definitions of "environmental justice" kicking around. When somebody else puts that in front of a court of law, and this one isn't clearly enunciated as part of the legislation, there is going to be somebody, who isn't one of us and who wasn't here at the drafting, making that assessment of what is meant by "environmental justice".

If it is the EPA definition, I suggest it should—

Ms. Laurel Collins: I have a point of order, Mr. Chair.

I'm just wondering if this debate is in order.

The Chair: I'll get back to you on that.

Mr. Greg McLean: No, it's not. It was a point of discussion and we did entertain the first half of it.

The Chair: I'm told that as long as we have speakers, the meeting continues, but my intent here is really to pause and go in camera so we can plan our agenda for the next few weeks, given that we have a reference order on Bill S-5.

Mr. Longfield, do you want to say something?

Mr. Lloyd Longfield: I was just going to move to adjourn.

The Chair: I was hoping we would just pause so that we could go in camera and discuss our work plan.

Mr. Lloyd Longfield: I've moved to adjourn.

• (1420)

The Chair: We'll vote on that.

(Motion agreed to: yeas 10; nays 1)

The Chair: We can't go in camera, so I don't know how we're going to—

An hon. member: What about the subcommittee?

The Chair: No, a subcommittee can only take place during the block of time that is reserved for the committee, so this is going to put us off one meeting.

We will adjourn the meeting.

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