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# Standing Committee on Environment and Sustainable Development

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Chair: Mr. Francis Scarpaleggia





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• (1100)

[Translation]

**The Chair (Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.)):** Good morning, Committee members.

Good morning also to Ms. Goodridge and Mr. Garon, who are joining us today, as well as Mr. Weiler, who was a member of this Committee until recently and was heavily involved in this study.

Good morning, Mr. Pushor. Thank you for joining us today.

[English]

Do you have an opening statement, or do you just want to go straight to questions?

**Mr. Laurie Pushor (President and Chief Executive Officer, Alberta Energy Regulator):** Good morning.

I have an opening statement, but I'm not receiving any translation for your remarks.

**The Chair:** There should be an icon on the screen where you can choose English or French.

**Mr. Laurie Pushor:** Is it interpretation?

[Translation]

**The Chair:** Can you hear the English interpretation?

[English]

**Mr. Laurie Pushor:** Yes, I do now.

[Translation]

**The Chair:** All right, it's working.

Before we begin, I'd like to inform you that sound tests were performed and everything is in order...

**Mrs. Laila Goodridge (Fort McMurray—Cold Lake, CPC):** No, Mr. Chair. Point of order. I haven't done a sound test yet.

**The Chair:** All right. Thank you for letting us know.

We'll break for a few seconds to check all that.

• (1100)

(Pause)

• (1100)

**The Chair:** All right, everything is working and we'll resume the meeting.

Mr. Pushor, I don't know if you'd like to introduce the person accompanying you before we begin.

[English]

**Mr. Laurie Pushor:** It's William McDowell, our legal counsel.

**The Chair:** Thanks very much.

Go ahead, Mr. Pushor. You have five minutes.

**Mr. Laurie Pushor:** Good morning.

Today as I begin, I want to acknowledge that I am speaking from Treaty 7 lands.

The Alberta Energy Regulator, its staff and offices are located on the traditional territory of indigenous communities, including the Cree, Blackfoot, Nakota Sioux, Iroquois, Dene, Ojibwa, Saulteaux and Anishinabe first nations and the Métis.

My name is Laurie Pushor. I am the CEO at the Alberta Energy Regulator.

When I appeared before you in April, I began my remarks by providing a timeline of the events at Kearl and the significant activities that were taking place under the AER's environmental protection order. Today, I will continue to provide the committee with updates on these activities, all of which are publicly available on our website and shared with indigenous communities in a weekly update from the AER.

Before I begin, I must speak about the investigative position of the AER as it relates to today's committee discussion. Like the Canada Energy Regulator, the AER is an arm's-length regulator that is tasked with quasi-judicial powers to enforce relevant government legislation and policies.

The two incidents at Kearl, today's focus of discussion, are currently under investigation by the AER, and as these incidents continue to be under an act of investigation, it is of the utmost importance and in the public interest that we seek to protect the integrity of the investigation. This includes, through today's conversations, that statements made here may also form part of the record. As such, where it is required to protect the integrity of the investigation and any future potential legal action or regulatory proceedings, I will refrain from commenting on those matters.

As I move into today's updates, it's critical to address one of the key topics discussed in April's committee meeting regarding water quality. Repeating what I shared in April through data collected by the AER, the Government of Alberta, Imperial and Environment and Climate Change Canada, there was and remains no evidence that drinking water was at any time impacted by the events at Kearl, and no one should seek to falsely alarm Canadians by perpetuating narratives contrary to the scientific data and evidence before us.

I would like to acknowledge the rural municipality of Wood Buffalo for their commitment to their communities. They have provided and continue to provide reliable, safe drinking water. They continue to test at the intake and communicate transparently, posting their testing results to ensure their communities have access to safe water that fully meets safe drinking water standards of both the Alberta government and the Government of Canada.

It is the mandate of the AER to ensure the safe, efficient, orderly and environmentally responsible development of Alberta's energy industry, and we do this under some of the highest environmental and regulatory standards in the world. It is under these strict standards that AER's technical experts continue to ensure diligent oversight of Imperial's actions to meet the EPO. This includes over 70 significant field inspections at the Kearl site and additional information requests, resulting in more than 450 submissions of information to the regulator. We've done extensive verification water monitoring by third parties to ensure the sampling results we're getting are accurate and reliable, including as supported by Alberta Environment and Protected Areas.

We've also reviewed numerous technical reports regarding the Kearl site. At times, we've had up to 50 subject matter experts from our team working on information here. We also have transparently reshared these reports and data and information with the public and made them available on our website.

I would also like to provide an update on the third party review into AER's actions, processes and communications surrounding the incidents. The Deloitte-led review has been completed and was made available to the public on September 27.

Deloitte's report confirmed that the AER followed existing policies, standards and procedures and processes in response to the Kearl incidents. It provided recommendations on several improvements to AER's incident and emergency management system to bring it into line with leading practices and heightened expectations.

The AER board has accepted and agreed to the report's findings and opportunities for improvement and has tasked AER management to deliver a detailed action plan to address these items. That work is advancing very quickly.

A key recommendation was for the AER to collaborate with indigenous communities and key stakeholders to develop specific notification and communication protocols, processes and procedures tailored to meet their needs. We will engage with communities and are doing so as early as next week to work together to establish those new formal protocols.

• (1105)

We remain committed to working alongside all parties to strengthen our processes, enhance our transparency, and broaden communications.

This concludes my opening remarks.

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

We'll go to the first round of questions, which is a six-minute round.

We'll start with Mr. Deltell.

[*Translation*]

**Mr. Gérard Deltell (Louis-Saint-Laurent, CPC):** Thank you very much, Chair.

Hello everyone and welcome to this meeting of the Standing Committee on Environment and Sustainable Development.

The tragedy we are discussing today must not be ignored. We must get to the bottom of it. What happened at the Kearl mine in Alberta cannot reoccur. Unfortunately, it did occur, so we need to draw the appropriate conclusions and learn from this experience to ensure that it doesn't happen again. We also need to look at how the crisis was managed. We need to get to the bottom of things. It's our duty to do so. That's why we've already heard from the primary victims of this situation, i.e., Indigenous communities, but also from the head of Imperial Oil in Canada.

I now yield my time to the MP for the riding in which the incident occurred, Laila Goodridge.

• (1110)

**The Chair:** Ms. Goodridge, you have the floor.

**Mrs. Laila Goodridge:** Thank you very much.

[*English*]

Thank you to the AER for being here. It's been seven months since the last time you came to the committee to present. Unfortunately, I was not able to be there, as my little baby decided to come about a month early, so I missed your first appearance. However, I have reviewed the transcripts.

I'm glad that in your opening remarks you touched on the Deloitte review and the suggestions. I'm just wondering if you can go into further detail, because what we heard very clearly in the testimony was that communications were a huge failure.

I would like to know specifics about what you guys have been doing. How are you moving forward to improve the communications aspects, so that our communities understand what's happening as close to real time as possible?

**Mr. Laurie Pushor:** Thank you very much for that.

It was made very clear to me in the first meetings I had with the communities. Shortly after the issuing of the environmental protection order, I had the opportunity to drive up to Fort McMurray and then to Fort Chipewyan to sit with community leaders and councils. They made it very clear that they wanted to be fully informed, and they expected to be informed. The fact that they hadn't heard about it was a significant concern.

From that day forward, we committed to providing weekly updates to the communities. We've done so since that time. I also committed to reaching out to chiefs, Métis presidents, as well as the mayor of the RM to alert them of things they should be aware of that were coming in the weekly reports.

We proceeded with those calls right through and into the summer until, frankly, they asked me to stop calling, that the information was coming to their agencies as well, and they were comfortable that the people in their organizations who needed to know what was happening were getting those updates.

We provided—

**Mrs. Laila Goodridge:** What processes? Deloitte pointed out that there were some processes that were clearly broken. You followed your processes, but the processes weren't necessarily up to the best standards as per different pieces. Therefore, they've made suggestions.

Are there any other pieces that you guys have that concretely...? Are there any processes you've put in place to ensure that these communications failures never happen again?

**Mr. Laurie Pushor:** We have been communicating extensively, not just in the northeast part of the province but across the province, as we came to understand the expectations and build-outs on some informal processes, if you will, or interim processes. What Deloitte is saying now is that it's time to formalize those processes.

We will do that in consultation with the communities to ensure that what we've been doing meets their needs. We also have a contractor in place now to upgrade our website, so that we can make much more information readily available in real time to any interested parties.

Deloitte also suggested that we look at our incident reporting and communications protocols, as well as our emergency management protocols. There are some opportunities to continue to enhance those, and we'll be doing all of that over the next few months.

**Mrs. Laila Goodridge:** When will we see the emergency response? I would anticipate that this is probably the most important piece. No one wants to see something like this happen. If something like this were to happen again, how would we be assured, as a committee, that AER would be proactively communicating with impacted communities, whether it's in the RMWB, or somewhere else across the province? We're in a unique space where we have one municipal government, but there are many places. If it were to happen in southern Alberta, you might be dealing with 17 municipalities.

How have you guys managed to come up with that process, at least in the interim? Could you provide some detailed specifics, if you possibly can?

**Mr. Laurie Pushor:** We have engagement specialists in each of our field centres, and they've been working with us to identify those agencies and organizations we should be communicating with. We've had relationships with them on an ongoing basis. The real question was what type of information we should be communicating proactively to them versus making it available through our incident response website.

Having said that, it's been very informative, as we've communicated at much higher levels than in the past, and communities have been very frank in providing us with feedback. We feel like, foundationally, we have good structures across the province and good contacts in terms of each community and in terms of who is best positioned to receive the information.

• (1115)

**Mrs. Laila Goodridge:** I have a quick question. Do you have a member of Parliament and MLAs on your list of people with whom to communicate? Oftentimes, when something happens, local offices like mine and my colleagues' are some of the front lines of getting some of these questions, along with mayors, chiefs and councils.

If you're not proactively communicating with all layers of government, I would suggest that's probably also a big failure.

**The Chair:** Give a brief response, please, Mr. Pushor.

**Mr. Laurie Pushor:** Thank you for that advice. We'll make sure we incorporate that into our procedures.

**The Chair:** Thank you.

[Translation]

Ms. Chatel, you have the floor.

**Mrs. Sophie Chatel (Pontiac, Lib.):** Thank you, Chair.

I yield my time to Mr. Weiler.

**Mr. Patrick Weiler (West Vancouver—Sunshine Coast—Sea to Sky Country, Lib.):** Thank you, Chair.

[English]

Thank you, Mr. Pushor, for joining our committee again today.

The motion for this study was first launched, as Ms. Goodridge mentioned, some months ago. We were seeking answers to a lot of the questions that we have. Unfortunately, at the first meeting we had, there were a lot of answers that the regulator wasn't willing to come forward with because of the ongoing investigations that you mentioned were taking place, and you didn't want to jeopardize the integrity of those.

First, when can we expect the investigation into the two events at the Kearl oil sands spill to be completed?

**Mr. Laurie Pushor:** Whether the investigators are at the AER or any other similar agency, or the enforcement arm of a police force, they are very independent. They will conclude their investigation when they believe they have concluded all of the work they need to do. The determinations will be released at that time.

There is a formal clock in the AER structure that says it must be completed within two years. We're a few months away from the start of this, so we can expect that it will be somewhere in the next 12 to 16 months.

**Mr. Patrick Weiler:** One report we do have that was made public was at the end of September. It was commissioned by the AER for Deloitte to investigate the communications failure that took place. As part of that, I understand there was a second report, a "what we heard" document that captured the indigenous concerns, but it wasn't made public.

Furthermore, we've been informed by indigenous communities that their input wasn't included in the recommendations of the report. Given that you paid for your own review of these events, why were the indigenous voices silenced as part of this report?

**Mr. Laurie Pushor:** The Deloitte study was undertaken and managed by the board at the AER, not management directly. As part of those discussions, as I've been told, Deloitte came back and said that they had heard a lot of interesting comments from the communities that they had engaged with. As such, they had not, when they did those interviews, advised the communities that that information would be released, so they felt an obligation to go back to those communities and ask permission to release it. The last information I received suggested they had not, at least at this time, received an okay from all of the communities to release that.

That's what I understand the situation to be there.

**Mr. Patrick Weiler:** In your testimony on April 24, 2023, you mentioned that you had asked all mines to do an assessment of their facilities to determine if there was any indication that anything like this would be happening elsewhere.

We understand that the way the tailings pond is constructed is quite similar to a lot of the other tailings ponds throughout the region.

I'm curious. On what date did you ask these other companies to do that assessment? Would you be able to show us that request?

**Mr. Laurie Pushor:** I certainly can. My understanding is that we received all of that information from the other mines across the region and it has and continues to be reviewed by our subject matter experts.

**Mr. Patrick Weiler:** Could you submit those assessments to this committee?

**Mr. Laurie Pushor:** I believe there's no impediment to doing that. If we haven't already made them publicly available, we'll certainly be pleased to do that.

**Mr. Patrick Weiler:** At this point, what companies have completed that assessment?

**Mr. Laurie Pushor:** All of the companies.

• (1120)

**Mr. Patrick Weiler:** Since the meeting we had, we've found out that in spite of concerns that have been brought forward in response to the Suncor facility, there have been plans accepted to build a tailings pond in a wetland by building a deep structure to separate these tailing ponds from the wetland.

I was hoping you would be able to explain why these plans have been approved to go forward, in spite of these very real concerns that have been brought forward, which were not brought forward when it was initially looked at.

**Mr. Laurie Pushor:** First of all, to the chair, I was asked to come here to discuss the Kearl incident, so I haven't prepared in any detail to talk about other mine sites.

I can speak briefly to this one.

When the Suncor mine was approved by a joint federal panel, it approved the mining into the region that you're discussing and talking about. It is to mine that region and not to build a tailings pond there is my understanding.

What was recently approved was the operational plan by which they would mine that area. We were asked to review and reconsider whether that was a sound decision in terms of the operational plan. Independent statutory decision-makers at the AER reviewed, again, the information that was provided requesting the review, as well as their original decision.

These were different decision-makers than the original decision-makers and considered that, given that the area was approved to be mined by the joint federal-provincial panel, the operational plan was sound and so did not proceed with the review.

**The Chair:** Thank you.

[*Translation*]

Mr. Garon, you have the floor.

**Mr. Jean-Denis Garon (Mirabel, BQ):** Thank you, Chair.

Good morning, Mr. Pushor.

When you appeared before this committee last April, you told us that a third party had been commissioned to conduct an independent investigation. Nine months on, the report has, of course, been published. It's a fairly short report, 14 pages long, and it only examined the communication processes relating to the incident. The mandate was quite narrow. It wasn't a broad mandate. In addition, Deloitte was unable to question employees of Alberta's energy regulator to find out where these problems began.

Essentially, what stands out in the report is what it fails to mention. We understand from it that there were no procedures in place to determine whether it was an incident or an emergency, that there was no clear communications protocol, and that things were done in a somewhat haphazard, if not ad hoc, manner. Deloitte concluded in its report that Alberta's energy regulator complied with its requirements, but compliance was easily achieved, since requirements were minimal.

Hiring a third party like Deloitte, a company that will do business with you again and is not independent, suggests that you were not prepared to accept the results of a real investigation, where transparency and rigour would have been essential to get to the root of the problem.

Why did you decide to give Deloitte such a highly circumscribed and narrow mandate? Why didn't you choose to mandate a retired judge or a quasi-judicial commission, for example? Why mandate a company with which you will, in all likelihood, do business again?

[English]

**Mr. Laurie Pushor:** First of all, I would remind the panel that the board of the AER conducted this review. They used an open, public request for proposals process and selected the vendor they believed best met their interests and criteria. The board advised me that their interest was in ensuring that we looked at, through this study, our processes and procedures around communication and incident management. That was the scope of the proposal that I mentioned in April. It's included in very public documents around the RFP and the terms of reference and so on.

What Deloitte does in a matter like this is not unlike independently contracting an audit.

I would respectfully challenge you, someone who sits as part of a government that uses Deloitte extensively, that I'm sure we can be confident in Deloitte's integrity. They conducted a thorough review, including all of our documented policies and procedures, including interviewing internal staff at the AER, as well as going beyond that to talk to the communities to ensure they understood what the community expectations were.

• (1125)

[Translation]

**Mr. Jean-Denis Garon:** With all due respect, Mr. Pushor, I must point out that I am not part of the government, and I assure you that the Bloc Québécois does not do business with Deloitte.

I recently heard an interview with Martin Olszynski, a professor of environmental law at the University of Calgary. He's not a very political person, and he knows what he's talking about. He said that this inquiry should have been entrusted to a quasi-judicial body, that the inquiry lacked credibility because of this, and that this could erode public confidence. In that respect, I think parliamentarians are members of the public.

Do you think Professor Olszynski is wrong?

[English]

**Mr. Laurie Pushor:** I'm sorry. I missed the question. Could you repeat the question, please?

[Translation]

**Mr. Jean-Denis Garon:** Mr. Chair, I'd like for the speaking time I just lost to be given back to me. Thank you.

Mr. Pushor, I was pointing out that the Bloc Québécois does not do business with Deloitte. I'm not part of the government, so I have no trust relationship with Deloitte, and vice versa.

In a recent interview with Martin Olszynski, an environmental law professor at the University of Calgary who specializes in such matters, Olszynski argued that Alberta's energy regulator should have referred this investigation to a quasi-judicial body. That could have been a retired judge, for example. He also said that the fact that you proceeded this way, meaning by hiring Deloitte, had discredited the investigation and that, ultimately, it had potentially undermined both public and parliamentary confidence in the investigation.

Do you fully disagree with the comments made by Mr. Olszynski, professor of environmental law?

[English]

**Mr. Laurie Pushor:** The professor you mention often comments on the work of the AER. Sometimes we agree, and sometimes we disagree. In this matter, it isn't a matter of agreeing or disagreeing, we are interested in moving diligently to enhance our communications protocols and incident management protocols, and we will move diligently to do that.

The proof will be in whether or not we meet community expectations, including all of you.

[Translation]

**Mr. Jean-Denis Garon:** How much time do I have left, Chair?

**The Chair:** You still have one minute and a half.

**Mr. Jean-Denis Garon:** Mr. Pushor, I'd like to come back to Mr. Weiler's earlier question.

You stated that your organization was committed to improving relations and communications with First Nations. However, we know that a third report entitled "What We Heard," which reflects the concerns of the affected Indigenous communities, was produced but has not been made public. It also appears that the comments received were not included in the report's recommendations.

Why did you decide not to publish this report?

[English]

**Mr. Laurie Pushor:** As I mentioned earlier, what I've been advised at least is that Deloitte initially did not make it clear with communities that they would summarize their comments and release them. Upon completion of their work, they felt there was some important commentary there, which has been provided to us, but before it being released publicly, the board and Deloitte felt it was appropriate to seek approval from those communities to release that information. I've been advised—

[Translation]

**Mr. Jean-Denis Garon:** Based on what you're telling us, you're still of the opinion that Deloitte did a good job and was the right firm to mandate.

[English]

**Mr. Laurie Pushor:** As I indicated, the board has managed this process. They used an open, public request for proposal process and selected Deloitte as the preferred vendor through that process.

**The Chair:** Thank you.

We'll go to Mr. Bachrach now.

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

Mr. Chair, I'd like to start by noting that the last time this committee heard testimony on this issue, one of the witnesses was Chief Allan Adam from the Athabasca Chipewyan First Nation.

While Mr. Adam was here at the committee meeting, he received news that his father-in-law had been diagnosed with bile duct cancer. This is a rare cancer that has affected so many families in Fort Chipewyan. We recently learned that Chief Adam's father-in-law has passed away. I'm sure my colleagues will join me in expressing our sympathies to Chief Adam, his family and his community.

Much of the discussion on this topic has focused on communication, but that's only one of the issues of concern here. The other issue is one that downstream first nations have been raising from the start, which is the likelihood that toxic tailings water is seeping into the environment around the Kearl site and affecting not only the environment, but those people downstream.

My first question for Mr. Pushor is whether he can confirm that, indeed, downstream first nations have been expressing that concern from the very beginning.

● (1130)

**Mr. Laurie Pushor:** I think there are a number of factors.

Certainly, I have had the opportunity to visit Fort Chipewyan a couple of times since this incident and sit with community leaders. I have spoken with Chief Adam regularly throughout the last few months.

I, too, share concern and would pass along my sympathies to Chief Adam and his family for the loss of his father-in-law.

Our job as a regulator is to ensure that industry is meeting the environmental standards that are set forth by the government, and that is the role we play.

**Mr. Taylor Bachrach:** The question was a very simple one. Have first nations been expressing concern since the very beginning that toxic tailings water is seeping into the environment around Kearl?

**Mr. Laurie Pushor:** What I was saying was that, yes, I have had discussions with communities there and have heard those concerns from some within the communities.

As I indicated, the standards that are monitored by Environment and Climate Change Canada and Alberta Environment and Protected Areas as well as communities through joint oil sands monitoring has shown no impact on the rivers—Muskeg and Firebag in this case—that both feed into the Athabasca River system.

As it comes to health determinants, I understand that Alberta Health and Health Canada have done some examinations into things and, in terms of sorting out the cause of various health problems in the region, I would defer to those agencies.

**Mr. Taylor Bachrach:** Mr. Pushor, when did the Alberta Energy Regulator first become aware that toxic tailings water was likely leaching into the environment surrounding Kearl?

**Mr. Laurie Pushor:** May 2022 was the first indication that there was some staining on the land and some vegetation damage. Then we have previously outlined, and it's contained in the environmental protection order, what occurred between then and the issuing of the environmental protection order.

I can happily go back and review that with you, if you would like.

**Mr. Taylor Bachrach:** Mr. Pushor, you will be familiar with some reporting by The Canadian Press that included an interview with Mandy Olsgard, who is an environmental toxicologist. She has consulted for area first nations and has reviewed the annual reports that Imperial provides to the Alberta Energy Regulator.

She told The Canadian Press that the Alberta Energy Regulator knew there was seepage to groundwater. Is she wrong?

**Mr. Laurie Pushor:** The report she's referring to is part of the containment system that any earthen dam is required to perform so, as we talked about in the last gathering, the earthen structures are expected to allow some movement of seepage through the dam structure. That is in place on any earthen structure across Canada, for sure.

What is important is that monitoring be done so that, as seepage moves through, there's an interception system, a series of wells or other interception devices, that can collect that seepage and move it back into the containment pond.

The results that I believe are being referred to in your comments are, in fact, the results within that containment system that were showing that it was moving. Therefore, the company began to intercept that through their containment system.

**Mr. Taylor Bachrach:** Ms. Olsgard has gone through the 2020 monitoring annual report and highlighted in yellow all of the exceedances, all of the test results that exceed provincial parameters. On some pages, the entire page is yellow.

Does this not indicate a problem?

**Mr. Laurie Pushor:** As I said, I believe that all of those results are within the containment system and where indicators said that it was time to turn on the wells and the bumping systems to ensure that seepage was intercepted and returned to the tailings pond.

**Mr. Taylor Bachrach:** However, as we know, in May 2022, there was this discovery of discoloured water outside the containment system, which indicated that the water had breached that containment system, and it was likely that this had been happening for some time.

You have now required Imperial to drill a number of wells, I believe over 100, in addition to the containment system. Assumedly, those wells are outside the containment system.

How many wells have you required Imperial to drill?



• (1135)

**The Chair:** Give a brief response, please, Mr. Pushor.

**Mr. Laurie Pushor:** To date, there have been in excess of 100 wells for both interception and monitoring purposes that have been installed.

**The Chair:** Thank you.

We will move to the second round.

Go ahead, Ms. Goodridge.

**Mrs. Laila Goodridge:** Thank you once again.

I'll go back to some of the questions I was asking earlier.

As a local member of Parliament, I don't remember getting any communication from the AER, but I do know that our constituency office had quite a few people writing in and asking questions. It just goes to show that communication with more people is always better, especially in situations like this.

What is your standard process for when something hasn't gone wrong and you are just working on something? How do you communicate with communities, with community leaders, outside of a serious incident? I think that is important to understand. Have your processes changed in the last seven months? What exactly were you doing seven months ago that you are not doing today, or what are you now doing that you weren't doing seven months ago? I think Canadians deserve to know the difference.

If you can, give as many specifics as possible. This is really going to help us.

**Mr. Laurie Pushor:** Maybe I can start by saying that an emergency management response includes communications, and all companies are expected to have those. As we look at emergency response protocols, we will review whether more needs to be done independently by us as a regulator in addition to what is expected in an emergency response.

When we get to incidents, incidents are a broad categorization. We have in excess of 1,700 matters that we look into on an annual basis. The conversation with the communities has been really helpful in the northeast. They've helped us sort out what it is that they need to see immediately, and they have helped us give some protocols and some structure so that we can identify those things.

We've certainly erred on the side of communicating more rather than less. Communities have also made it clear to us that they don't want to be overwhelmed, so the next part of our work... We have an incident dashboard, but we need to make it much more accessible and much more visible. As we look at rebuilding our website, that will be one of the key priorities there. We not only are doing proactive communications to alert people about significant incidents that matter to them but also are making sure that they can access any and all matters they might be interested in.

**Mrs. Laila Goodridge:** How long can we expect it will be before your website is updated?

**Mr. Laurie Pushor:** My preference would have been by today, but these things do take time. Over the course of 2024, we expect to have it fully implemented. In the meantime, we have been doing

the interim communications protocols, and we'll continue to do them.

We've also been working with interested communities to help guide them to the current incident website and help them understand the information that is there. We can proactively do that with anyone who's interested in learning more in this interim period.

**Mrs. Laila Goodridge:** Thanks.

There already has been a little bit of a narrative developed here in this committee surrounding the safety of the drinking water. From living in Fort McMurray and having lived here most of my life, I know exactly where to go to find out whether our drinking water is safe.

I am wondering if you could share with the committee where people would go in this region when they are concerned about drinking water quality.

**Mr. Laurie Pushor:** I may not be able to be specific about the address, but the rural municipality of Wood Buffalo has extensive information on its water testing at water intakes, as well as on its performance in operating its water treatment facilities.

I thought it was insightful to listen to the chief executive officer of the RM talk about the fact that it has safe drinking water in all of its communities, which I think is something to be acknowledged—the good efforts it's made there.

In addition to that, Environment and Climate Change Canada, Alberta Environment and Parks, and communities do joint river quality monitoring. That website is available, I believe, through the oil sands monitoring group. That would be the way to find it.

I'm happy to send those links to the committee to ensure that you get the specific locations.

• (1140)

**Mrs. Laila Goodridge:** Yes, if you could send them specifically, that would be great.

Because I am the local member of Parliament, I will share with everybody that it's actually the Regional Municipality of Wood Buffalo. If you go to [rmwb.ca](http://rmwb.ca) and go to "Utilities and Water" and then "Water Quality", it will share all of the information.

As well, there's the Wood Buffalo Environmental Association. It has all of the information being captured on water, air and land quality throughout this entire region. I think it's critically important to highlight that we do have a lot of this information available. This is why it is so important for an agency like yours to be communicating regularly with a variety of different stakeholders.

When this was happening, there was a lot of fear in the community.

**The Chair:** Thank you. We're a little over time here.

We'll go to Mr. Longfield for five minutes.

**Mr. Lloyd Longfield (Guelph, Lib.):** Thank you, Mr. Chair.

Thank you to the witness for being back at our committee.

In your last testimony to us, you claimed there were no contaminants found in the waterways. In fact, we even talked about that today in the previous discussions.

Given this statement, how do you explain that, prior to your testimony, Imperial staff told ACFN inspectors that dissolved iron was found in waterbody 3? Then, on April 3, 2023, a test showed F2 hydrocarbons and naphthenic acids in waterbody 3. On March 10, 2023, ECCC said the waterway had become “deleterious, or harmful, to fish”.

We are also seeing a high incidence of bile cancer. Chief Adam's father-in-law passed away. Seventeen other people have passed away because of bile cancer. The normal incidence is one in 100,000, so it's a rare cancer affecting them. You mentioned that Health Canada is looking at it.

All this information was available prior to our last meeting. Why were we not made aware of it, given the opportunity you had to speak about that—and today, in fact?

**Mr. Laurie Pushor:** Well, as I indicated, the monitoring done on the Firebag, Muskeg and Athabasca rivers is collaborative, involving Environment and Climate Change Canada, Alberta's Environment and Protected Areas department and local communities. When you examine that data, you will not.... I am advised there are no anomalies or indications that anything from the Kearl situation made it to those water bodies. That's what I was referring to. In addition to that, we have compelled Imperial to do increased monitoring along the Firebag to ensure we keep a close watch on any suggestion that something might be happening there. Most importantly, we've done an extensive requirement for them to drill monitoring wells and continue to monitor what's happening in the groundwater. We'll continue to keep a very close eye on that.

When the waterbody 3 naphthenic acids and F2 hydrocarbons results were shown, it was for a very brief period of time in one part of that water body. Waterbody 3 is an integral part of the approved mine plan. Because they haven't commenced using it yet, we expect them to preserve it as a healthy wetland. Steps were taken immediately to protect that water body and ensure a fish barrier was put in place, so the migration of the minnows that exist in that water body couldn't occur. Monitoring was enhanced. It's fair to say that the water body returned to stable, healthy...all within the testing standards throughout the summer.

**Mr. Lloyd Longfield:** It's also worth noting that it reached Muskeg. How do you account for the Muskeg leakage? How is that remediated?

**Mr. Laurie Pushor:** I'm not sure what you're referring to. There's no evidence that any of the tailings seepage has reached the Muskeg River.

**Mr. Lloyd Longfield:** I have alternative information on that.

If we look at the design in the first place.... One question I had back in April was on how many other tailings ponds could be experiencing the same problems. This tailings pond was designed to have vertical leakage, but now the leakage happening is going sideways. Common fill was used versus clay fill, which was the cheaper option. Now the leakage is coming out sideways, where it wasn't

designed to in the first place. We have French drainage systems and pumps being installed. We're trying to, after the fact, pump the tailings fluids back into the tailings pond faster than they are getting out of the tailings pond. The 150 wells that were drilled haven't found the edge of the seepage yet. We don't have a well that isn't reporting seepage.

Have any other Alberta properties reported any other problems that we need to be aware of?

• (1145)

**Mr. Laurie Pushor:** As I indicated in April, one of the steps we took early on after the EPO was issued was to compel all other operators to do an examination of their tailings ponds with an eye to what we understood was happening at Kearl, and to provide us with a report of their assessment based on that. We continued to look through all of that.

It's encouraging, at this point, but we will stay very vigilant to ensure we understand what's happening across the region.

[Translation]

**The Chair:** Thank you.

Mr. Garon, you have two and half minutes.

**Mr. Jean-Denis Garon:** Thank you, Mr. Garon.

Mr. Pushor, I'd like to come back to my colleague Mr. Bachrach's comments.

Four pumping wells were activated in 2021 to contain infiltrations of over 1 billion litres of groundwater. We understand that water has a natural flow, but you should know that as of March 2022, samples taken from the Muskeg River indicated sulfite levels 18 times higher than in 2021. This was proven.

You understand that, from the perspective of a normal, intelligent person, it's hard to believe that you weren't aware that there was a problem.

[English]

**Mr. Laurie Pushor:** We have received information. It was the report of some staining on the ground that caused us to heighten our oversight of what was happening in this area and to compel Imperial to take extensive actions to identify the source of this.

I think it's important that as we talk about these things, we remember there were two incidents at Kearl. One was an incident involving tailing seepage. The other was an overflow from a containment pond. Containment ponds are intended to hold water that has run off or snowmelt from across the mine site to ensure that they are in a good state before they're released from the mine site.

I'm not sure of the volumes the member's responding—

[Translation]

**Mr. Jean-Denis Garon:** Thank you, Mr. Pushor, I understand. My time is limited.

My colleague Mr. Longfield alluded to tests conducted on April 3, 2023, which showed that there were F2 hydrocarbons and naphthenic acids in the same body of water.

Yet we keep hearing you say that the water is safe. Are you telling us that none of these substances can adversely affect human health?

[English]

**Mr. Laurie Pushor:** I'm telling you that the monitoring results we've seen around the entire Kearn tailings pond and in waterbody 3 are stable or declining, which is what we want to see as we examine the effectiveness of the enhancements to the containment system.

We will be diligent for a long period of time and monitoring this to ensure that we can be confident the enhancements to the containment system that were installed are working effectively. We'll then contemplate what else needs to happen.

[Translation]

**The Chair:** Thank you.

Mr. Bachrach, you have two and half minutes.

[English]

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

Mr. Pushor, in your previous comments, you suggested that the exceedances that were noted in the annual reports were from within the containment system, yet the information I have indicates there are very concerning trends in the monitoring results from outside the lease area. This is in the environment outside of Imperial's lease. Particularly, there are increasing values for naphthenic acids in the off-site regional monitoring well.

Don't these results in the off-site regional monitoring well indicate that both Imperial and the Alberta Energy Regulator were aware of and investigating contamination off site?

**Mr. Laurie Pushor:** First of all, you're taking me into the circumstances that occurred prior to the issuing of the environmental protection order. Everything in that body of work at that time is part of the investigation that is ongoing.

I want to point out that we have inspectors who go out, review and examine things and take action as required to do things. However, in addition to that, we have independent investigators who investigate whether any other proceedings should occur in an incident of this nature.

I'm not able to get into specific details of what did or didn't happen. That is a part of the investigation.

• (1150)

**Mr. Taylor Bachrach:** I'll read from an article on Imperial's 2021 report which says:

"[Process affected water] seepage, or potential early arrival of [such water], was reported at 11 monitoring locations in 2021, indicated by trends and/or [control objective] exceedances in multiple [...parameters]", it says.

The article goes on to say:

Substances found at concentrations above desired limits [include] naphthenic acids, dissolved solids and sulphates—a common proxy for hydrocarbon residue.

It seems clear that the Alberta Energy Regulator was aware there was contamination in the environment outside the lease area, and it has been aware of that for many years. I'm interested in what actions have been taken by the regulator to stop that contamination.

All of a sudden, in 2022, when that discoloured surface water showed up, it seems the regulator flew into action and compelled Imperial to build French drains and all sorts of additional containment facilities—wells, pumps—in addition to the original design, which indicates to me that the system wasn't working, as you had indicated earlier, and that in fact there was a failure of the design, which required this.

We want to understand how far back the failure goes. How long has toxic tailings water been seeping into the environment? How much of that toxic tailings water has already made its way into the waterways and downstream? That is at the heart of the question we're trying to get at.

**The Chair:** Unfortunately, we're really over time on this.

**Mr. Laurie Pushor:** As I indicated to you, all of the conduct of Imperial would be a matter of our investigations in the two incidents in question, so I'm not able to speak to specifics.

**The Chair:** That's understood.

Mr. Pushor, we're really over time here. It doesn't mean Mr. Bachrach can't come back with this question or that you can't answer it in another context, but, really, in the interest of fairness, I have to stop there.

We'll go now to Mr. Kram.

**Mr. Michael Kram (Regina—Wascana, CPC):** Thank you, Mr. Chair.

Thank you, Mr. Pushor, for being here today.

Mr. Pushor, in your opening statement, you talked briefly about the Deloitte report and how it recommended that the Alberta Energy Regulator collaborate with first nations communities.

Can you expand on that a bit? What other recommendations are in the Deloitte report, and how are you responding to those recommendations?

**Mr. Laurie Pushor:** The Deloitte report contained, in my way of interpreting the opportunities to strengthen and improve our processes, some 27 proposed areas we could work at. It divides into some pretty straightforward areas, communication being one of the most essential.

As we look at understanding what incidents matter to communities, that will be an important part of helping to build some guidance so that we can understand in a more fulsome way what ones they want immediate notification on versus what ones might be better housed in a much more accessible incident information platform. We'll work through those criteria with communities.

The other important part is that we really want to build strong and healthy relationships with communities, so we've been communicating on a weekly basis in the northeast. We've been tasking our engagement specialists across the province with making sure they're out and about and meeting the people who are interested, and have an interest, in knowing about the work we do and the work the industry is doing. We will continue to build those relationships and to make sure we have methods and procedures to provide them with the information they want to have. In the end, they can have access in a full, transparent way to all our information in that area.

**Mr. Michael Kram:** In the report, Deloitte gave you a list of 27 things to do, so to speak.

Can you give us an idea of how many of those 27 items you've started, how many you've completed and how many of them are ongoing?

**Mr. Laurie Pushor:** Very consistent with an audit, we've tasked a team with building a work plan to attend to all those things. That work plan is all but done. It's being reviewed by Deloitte right now, the same as an auditor would, to see if they believe it meets their expectations.

In the meantime, we've done a lot of this work on an interim basis, so we believe we have a lot of foundational work in place. Unlike many others, this response or this work plan will be managed out of the CEO's office to ensure that, across the AER, there's no misunderstanding about the urgency and importance of getting this work done.

I would expect the vast majority of that work to be completed over the course of 2024. We have also said it shall not be a "do everything before you implement anything". As I said, we have a number of things that we've implemented on an interim basis. As we complete work, we will formalize and implement them and really build that culture of continuous engagement and continuous improvement.

• (1155)

**Mr. Michael Kram:** In response to an earlier question, you referred to the joint oil sands monitoring between the Alberta Energy Regulator and Environment and Climate Change Canada.

Can you speak to any changes that have been made on the federal government side by Environment and Climate Change Canada?

**Mr. Laurie Pushor:** I'm sorry if I misrepresented things.

The collaboration I'm referring to is actually between Alberta Environment and Protected Areas, Environment and Climate Change Canada, industry and local communities. On an annual basis, they build a program of monitoring and investigations they are interested in doing.

I'm not aware of what Environment and Climate Change Canada has or hasn't done in regard to their communications protocols. I know there was talk of the EDGE notification system and so on. I'm not familiar with any updates that have happened there.

**Mr. Michael Kram:** Can you elaborate on the way the Alberta Energy Regulator and Environment and Climate Change Canada co-operate and collaborate with each other when an incident like this happens?

**Mr. Laurie Pushor:** We have always had a really open and collaborative relationship with Environment and Climate Change Canada colleagues at the field level. There has been an open and frank exchange of information to ensure that we all have the entire body of insight into any specific incident or matter. That's been ongoing for a number of years.

**The Chair:** Thank you.

We'll go to Mr. van Koeverden.

**Mr. Adam van Koeverden (Milton, Lib.):** Thank you, Mr. Chair.

Thank you, Mr. Pushor, for joining the environment committee again. I imagine you're a very busy person.

To recap, 5.3 million litres of industrial waste water at the Kearl oil sands operation north of Fort McMurray has been seeping into groundwater and reaching surface water at the site since at least May 2022.

In April, you provided this committee testimony that there is no evidence that process-affected water, which is a technical term for contaminated tailing effluent, has reached the waterways. Now we know that's not the case.

There have been contaminants found in water bodies, groundwater, muskeg, and tributaries of the Athabasca River, which is where members of the Athabasca Chipewyan First Nation harvest food. It has also flowed as far north as the Northwest Territories, who were also not notified. I'd note that since this crosses a territorial and provincial border, it is certainly a concern for this committee and the federal government.

Why did you withhold those facts with respect to the contamination outside of the tailings ponds in your testimony in April?

**Mr. Laurie Pushor:** First of all, it's important to go back to the fact that there were two separate incidents at Kearl, the first one being seepage from the tailings pond, the second one being an overflow of a containment pond.

As we reported openly and transparently—and you can find information on our website, which I spoke about in April—the containment pond is a pond that collects snow melt and runoff and other water from across a mine site. It is important that water not be allowed to just run off the mine site, so it is put into containment ponds. It is tested and monitored to ensure among other things total suspended solids are settled to an acceptable level that meets the expectation.

It was that pond, the second incident, that happened just at the time the emergency protection order was being prepared, that overflowed. It overflowed water that, while it may have some level of contaminants in it, is predominantly runoff as I indicated. It was -30 at the time of that event, and most of that water was captured in the containment system and/or froze in close proximity to the edge of the mine site.

As such, Imperial was able to recover the vast majority of that water and return it back onto the mine site into the proper ponds.

**Mr. Adam van Koeverden:** Thank you, Mr. Pushor. It's still clear that a lot of that effluent has reached natural ecosystems. The Kearl site disaster highlighted the apparent inability of oil companies to responsibly manage their waste, which is, quite frankly, a disregard of the danger it poses to ecosystems and human health.

You acknowledged today in one response that leakage is actually anticipated with these earthen dams, as you put it. Contamination isn't actually a failure of the systems or your regulations; leakage is actually a feature of them.

The Alberta Energy Regulator has continually referred to this as a communications problem since you did not notify indigenous nations of this incident for nine months, leaving them unaware of the risks of consuming any of the water or the game harvested in this area,

These disasters ought to be prevented, not designed into the plans for resource extraction. It's fairly clear to me that the resources in Alberta have not actually been provided in a safe or environmentally responsible manner, which is, as you stated, your mandate. The Alberta Energy Regulator has refused to admit any wrongdoing or accountability to date. At one point in your testimony you said, and you just repeated, that since water was frozen in wells, there's no way to test it.

We're talking about an oil drilling company. Is there really no technology to test contaminated ice for dangerous chemicals?

• (1200)

**Mr. Laurie Pushor:** I guess I'd start by talking about the earthen dams that you mentioned as seeming somehow to be unique to oil sands. They are not. Earthen dam structures are designed to allow fluids to seep—

**Mr. Adam van Koeverden:** Respectfully, my question was with respect to ice and testing ice for contaminants.

**Mr. Laurie Pushor:** I think you had several questions. I'm going to do my best to address them in the order that you were raising them.

It isn't just unique to the oil sands that earthen dams allow seepage to move through them and have containment systems that intercept that seepage. That protects the integrity of the structures. We will continue to do our best to monitor across the Peace on these matters.

I'm sorry. I'm distracted.

**Mr. Adam van Koeverden:** That's okay, Mr. Pushor.

It's obvious to me there's a lot of cleaning up to do around the Kearl site and other sites more broadly across the oil sands as well.

These tailings ponds have demonstrated they consistently pose serious risk to human and animal health.

My question for you is: Who ought to be accountable for these or future leakages? Do you think it ought to be a taxpayer obligation to clean up this environmental disaster or should the financial obligation be borne by the oil and gas companies, such as Imperial who have posted record profits just in the third quarter of 2023—for Imperial, over \$1.6 billion?

Who should pay to clean up this mess and prevent future leaks and harm to human health and the environment?

**The Chair:** Very briefly, please, Mr. Pushor.

**Mr. Laurie Pushor:** Chair, I'm struggling a bit. You're asking me to respond very briefly to a wide-ranging commentary far beyond the Kearl matter that I was asked here to speak to. I'm happy to comment on that, but given the wide-ranging nature of it, I'm not sure what your thoughts are as chair in terms of what's appropriate in this conversation, but I will try my best to respond.

**The Chair:** I think we're out of time. We'll have to move to the next.... We're actually going to another round.

I understand that at times the questions are wide ranging, but we have a time—

**Mrs. Laila Goodridge:** Point of order, Mr. Chair.

**The Chair:** Yes, Ms. Goodridge.

**Mrs. Laila Goodridge:** I appreciate I am new on this committee and I am a sub. However, it's generally a space where the person asking the question has a certain amount of time allotted to ask their question. The witnesses are then given the same amount of time to provide an answer.

**The Chair:** That's not how it works here. We basically have a block of time. The exchange occurs within that.

I think Mr. Pushor made his point, in my view.

We'll have to go on now to Mr. Mazier.

**Mr. Dan Mazier (Dauphin—Swan River—Nee pawa, CPC):** Thank you, Chair.

Mr. Pushor, if you want to respond, keep on responding for a brief minute, and then I can get on with my questions.

**Mr. Laurie Pushor:** The most recent commentary talked about mine reclamation. I've had the opportunity to spend some time in the mine region, in addition to the two visits I made to the Kearl site over the course of the summer. I would note that the companies work very diligently to ensure they're operating the sites in an effective way, to operate in a way that allows for the best reclamation approach possible. It is clearly the obligation of the operator, the owner of the mine, to restore and fully reclaim the landscape once mining is completed.

There's a mine financial security program in place in Alberta. We oversee that it is being met under the terms of that program. Make no mistake that it is the operators of the mines that are obligated for the reclamation.

• (1205)

**Mr. Dan Mazier:** Thanks for that clarification.

Mr. Pushor, the trust between the Alberta Energy Regulator and many communities has been broken because of the lack of communication. It's very concerning to hear about the failure to communicate with local communities and first nations on this matter, because so many livelihoods depend on Canada's energy sector. Many Canadians rely on Alberta's energy industry for good-paying jobs and paycheques. When Canada's energy industry succeeds, Canadians succeed, in my opinion.

What have you done to regain the trust of Albertans, and what more do you plan to do?

**Mr. Laurie Pushor:** We've had the opportunity to visit the communities fairly regularly over the course of the last several months. They've been generous with their thoughts and their advice and guidance to us. We're doing our best to learn from that and implement new processes and new protocols. When I've sat in the communities and heard people first-hand, it's been very helpful to have the right context and understanding of their interest in that regard.

**Mr. Dan Mazier:** Is there going to be an opportunity for...what you heard? I think this is almost like a whole new world in communicating and trying to regain trust. You can go and meet all you want, but at the end of the day, communities are going to have to realize that this handshake does mean something to the regulator and to the community.

Even in the review that Deloitte has done and is communicating on, is there something that stands out that you think would really help with this?

You mentioned websites and things like that, but for really understanding what the communities require to regain that trust, is there something you can point towards?

**Mr. Laurie Pushor:** As I indicated, we've been providing weekly updates to the communities up in the northeast since late in February. We've undertaken to be face to face with those communities as a starting place, so that when we know each other we can start to build relationships where we can reach out and make sure we understand what is happening.

We've had a good open exchange and dialogue around the information that is in those weekly updates. In addition to that, we've posted all submissions that we've received since the start of the EPO to our website, so that those communities can also see all of that information. We've instructed Imperial to be engaged and to provide all the information to the communities as well.

That dialogue seems to be informing us and the communities on what information is available and the best way to provide it to them.

There's always work to do in this space. We'll be open and engaged for doing our best in that space. I've been fortunate to be able to talk to several community leaders throughout the last few months. They are very frank with me and they will hold us to account.

The AER is committed to doing its best to meet those expectations, including the expectations of your colleague from Fort McMurray that we do a better job of keeping her office informed.

**Mr. Dan Mazier:** What role does the federal government have in your operations?

**Mr. Laurie Pushor:** There is none that I am aware of specifically, but we do collaborate extensively where there's overlap with Environment and Climate Change Canada. As we get into impacts on fish, wildlife, waterfowl or any of the streams, we would have full and transparent exchanges of information.

As you know, in Alberta, the initial notifications are done through a collaborative notification process called EDGE. Each receiving organization has its own protocols on what types of incidents they should be advised of. Environment and Climate Change Canada has its protocols and expectations for the folks at Alberta Transportation, who operate that notification system, as do we. That's the first point of exchange for that information.

**The Chair:** Thank you.

Ms. Taylor Roy.

**Ms. Leah Taylor Roy (Aurora—Oak Ridges—Richmond Hill, Lib.):** Thank you very much, Mr. Chair, and thank you to Mr. Pushor for being here again.

One thing I want to look at is the study that was done by Deloitte. Why was its focus so narrow, given the extent of this disaster and the alarm and danger it has raised for many people, especially the first nations, who live in the vicinity of the tailings ponds?

I remember that my grandmother always used to say that an ounce of prevention is worth a pound of cure, yet we're just focused on communications and emergency response as opposed to ensuring that these kinds of things don't happen.

I noticed in the Deloitte report that there was a synopsis of the first nations' testimony there. One thing that was said was that they didn't feel that sufficient testing or the right kind of testing was being done to actually understand the dangers of the waste water that has seeped or gotten into the water, as evidenced by the very high, unprecedented incidence of bile duct cancer.

I'm wondering why Deloitte only focused on communications and emergency response. Why weren't they looking at what led to this happening in the first place?

As my colleague, Mr. Bachrach, pointed out, Imperial Oil's reports clearly showed that some of the limits for the effluent or the solids in or around the area of these tailings ponds were actually being exceeded before this happened.

• (1210)

**Mr. Laurie Pushor:** First of all, the intent of the Deloitte review was to address the concerns that were raised by communities about our role as a regulator in informing them about what was happening. It's that specific area that the board was interested in addressing, and interested in addressing swiftly.

**Ms. Leah Taylor Roy:** Can I just interject for one second to ask you, when you're responding to also respond....

What we heard at the testimony in April wasn't just regarding the lack of communication; it was really the whole incident. What we heard was they were very concerned about the leakage, not just the communication of what happened.

Perhaps you could broaden your response to include that a bit.

**Mr. Laurie Pushor:** I'm not sure who you're suggesting was talking about a review that was broader than our communications. I was talking about the board's interest in understanding the criticisms that communities were giving the AER for our communications activities. That's what the Deloitte report intended to do.

Our role as a regulator is, and is actively under way as we speak, to investigate and review these matters to the best of our abilities. We have a very large group of technical experts from across the organization who are working actively to examine all of the evidence in this matter, and they will release their findings. We've committed to releasing those findings when those processes are completed.

**Ms. Leah Taylor Roy:** There is no timeline on that. It's just whenever they're done within the next couple of years.

Under the EPA, there's clearly a responsibility for the AER to protect the public interest. I understand that there was concern around the lack of communication regarding seepage and overflow. What has been uncovered since shows that there appears to be a systemic problem with the design of the tailings ponds.

What is being done to ensure that these kinds of problems don't continue to happen? From my understanding, most of the tailings ponds have been designed in the same way. Knowing now what's happened here, how will the Alberta Energy Regulator monitor, or do different testing, as requested by the indigenous people to ensure the assessment processes are more robust to catch these things, or to ensure they don't happen at all?

**Mr. Laurie Pushor:** You're very clearly asking me to speculate on things like root cause effects and so on. Those are all elements of any thorough investigation. We will await the conclusion of the investigation that's under way on this matter. All of that information will be made public when that's completed.

[Translation]

**The Chair:** Thank you.

Mr. Garon, you have the floor.

**Mr. Jean-Denis Garon:** Thank you, Chair.

Mr. Pushor, I'll indulge in some personal comments: among the reasons we have doubts about the Deloitte report is that everything you're doing is based on industry-generated data. This is a self-regulating industry. And I can tell you that a self-regulated industry rarely produces very good results.

This industry persuaded your organization to suspend a long list of monitoring requirements during the pandemic. I have to say, it's a bit of a smorgasbord.

Have the requirements that were suspended during the COVID-19 pandemic been fully reinstated? Please answer yes or no.

• (1215)

[English]

**Mr. Laurie Pushor:** We were asked to review some 300 testing requirements where people were unsure of what to do during the early days of COVID. We suspended 27 of those requirements where we felt the risk to human health caused by COVID—

[Translation]

**Mr. Jean-Denis Garon:** Time is running out. You're skirting around the questions, and I understand that's part of the game.

The answer should be a three-letter word. Are the requirements that were suspended back in effect today, yes or no?

[English]

**Mr. Laurie Pushor:** Chair, I would just ask that I be allowed to complete an answer. The answer simply is that they were reinstated. I believe they were suspended in the April-May timeline, and they were reinstated by July, and that was publicly reported.

[Translation]

**Mr. Jean-Denis Garon:** Thank you.

After all that, how much time do I have left, Chair?

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

**Mr. Jean-Denis Garon:** Mr. Pushor, you talked about your relationship with the First Nations. The Mikisew Cree First Nation asked your organization and the Alberta government to put in place a measure to suspend operations at the Kearl mine.

Many facts were reported over the past 12 to 24 months. You talked about infiltration, but we could also call it a spill; that's semantics. Given all these facts, and in the context of reconciliation with First Nations, why haven't you supported this First Nation's request?

[English]

**Mr. Laurie Pushor:** Well, again, you are asking about information that relates to items that might be under investigation, and I think it's incumbent upon me to be thoughtful about not commenting on things that could impact the investigation.

I would say that I've had the opportunity to sit with Chief Tucaro on a few occasions and to be in the community. I understand their concerns, and we will continue to ensure the diligent oversight of the safe operation at the Kearl site.

**The Chair:** Thank you.

Mr. Bachrach.

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

Mr. Pushor, you mentioned a hundred or so monitoring wells that Imperial has been required to drill since the problem was discovered in May. Is the objective of those monitoring wells partly to define the plume of contamination?

**Mr. Laurie Pushor:** Yes. We believe that the plume was initially well defined, but we will continue to enhance and strengthen all of our monitoring as we learn and understand more about the pathways and the groundwater movement and—

**Mr. Taylor Bachrach:** Has the definition of the plume been defined at this point?

**Mr. Laurie Pushor:** There has been a definition of the plume, but we continue to see test results that suggest stable or declining incidents. We want to continue to enhance our understanding of what is happening there in the groundwater, and we will do that until we are fully satisfied that the matter is resolved in an acceptable manner.

**Mr. Taylor Bachrach:** Coming back to this question of whether toxic tailings water has made its way into the environment—and we heard statements that this didn't take place—I'm curious about wildlife. There was this surface water that was discovered in May 2022.

I've seen photos of moose in the direct vicinity of that surface water. I'm curious as to when fencing was put up around the contaminated surface water after it was discovered. Can you provide the timing on when that fencing was installed?

**Mr. Laurie Pushor:** I can tell you that to date, we have found no evidence of impacted wildlife, fish or waterfowl. As it relates to the specific timing—I'll get that to you and I'll mention it along the way—I know it is completed at this time and it was largely completed during the summer. I'll get you the specific date here in a moment.

**Mr. Taylor Bachrach:** The surface water was discovered in February, I believe, and was it in the summer that the fencing was installed? Is that relatively the timeline?

**Mr. Laurie Pushor:** We had Imperial install temporary fencing, but we compelled them, as well, to upgrade that to more permanent fencing until some date in the future when we're fully satisfied with the operations there.

**Mr. Taylor Bachrach:** Did you say that temporary fencing was installed in the summer?

**Mr. Laurie Pushor:** No. Temporary fencing was installed very quickly. Again, I don't have the specific date in front of me, but it was in the February-March period for the most part, and then the permanent fencing was installed as we got into the summer.

**The Chair:** Thank you.

Mr. Kram.

• (1220)

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

Mr. Pushor, when you testified before the committee in April, you were not here by yourself. You were here with representatives from Environment and Climate Change Canada.

Since then, you've come back with the list of things to do from Deloitte. You have 27 items to work on, which you said you'll be busy with for most of next year. I was wondering if you feel that there is any room for improvement on the role of Environment and Climate Change Canada. Would it be useful for the committee to hear from them as well?

**Mr. Laurie Pushor:** Well, I guess one thing that is a bit unique in this instance is that Environment and Climate Change Canada has advised us that they are conducting an investigation. Typically, they are pretty clear with us on what wildlife, what waterfowl, what fish they've found, or the evidence that says there was an impact on a river. We haven't received that information, and so we're unclear what it is they are investigating at this time.

We'll continue to be in touch with them. We've been sharing our information quite transparently with them, and we'll continue that until we understand more fully the nature of their investigation.

**Mr. Michael Kram:** Okay.

Now when it comes to the actual sites where the leaks occurred, can you walk us through what the Alberta Energy Regulator has done on these sites or what you have done to make sure that Imperial Oil made changes on these sites? What tangible examples do you have of work that has actually been done?

**Mr. Laurie Pushor:** The most important starting place was to get a clear understanding of what was happening and why the interception system wasn't stopping the seepage from moving beyond it. They identified four sites where that was occurring. In each site, we compelled them to put together a unique engineering approach or strategy as the best way to enhance that interception system to ensure it was collecting the seepage. That has involved extensive trench work, and a lot of interception wells have been drilled and put in place, and we've seen some installation of French drains.

In addition to that, as we became concerned in the spring with some of the tests we were seeing at waterbody 3, they put in an extensive shallow vacuum system, right around the edge of waterbody 3, so that they could intercept closer to the surface water, which was thought to be where that waterbody might have been impacted by it.

Those systems are all operational now. The monitoring, as I've said, shows stable or declining test volumes in the area beyond that interception system, and we continue to ask Imperial to do that monitoring but to then also expand it beyond that.

From time to time, this part of the world does freeze up, and it does make it more challenging to do some testing, but we'll continue to ensure that's done. Of course, we'll do everything we can to ensure that as breakup occurs next spring we are highly in place and highly informed to keep an eye on what's happening in terms of Imperial's actions and the operations of these systems to make sure Imperial is on the job, making the enhancements work the way they need to and doing anything else that might be required if anything untoward is identified.

**Mr. Michael Kram:** From the perspective of the Alberta Energy Regulator, could you give us a bit of a before and after picture in terms of the changes that have been made and how you respond operationally when you first hear that a leak has occurred? Are there alarm bells that go off in your office? How does the Alberta Energy Regulator respond?

**Mr. Laurie Pushor:** We have long-established protocols. Deloitte has some suggestions to enhance them, but we have long-established protocols.



We have staff on call seven days a week, 24 hours a day. The EDGE notification system is staffed 24 hours a day. When a call comes in through the EDGE system, it's triaged by the EDGE operators. The notifications we receive then go to our on-call person.

The on-call person will then evaluate what they're dealing with and, more often than not—it's one of the wonders of the great team we have here at the AER—they get in a truck and go out and have a first-hand look at the earliest possibility to see what's going on at the site and make sure the response is appropriate.

**The Chair:** Your time is basically up. Thank you.

[Translation]

Mrs. Chatel, you have the floor.

• (1225)

**Mrs. Sophie Chatel:** Thank you very much, Chair.

I've worked with multinationals my entire career. It's clear to me that their primary objective is to maximize shareholders' assets and generate ever-increasing profits. There's no hiding from it, it's part of their constitution, their mandate and their board of directors' mandate.

In that sense, we must also understand that it's not necessarily profitable for an oil, gas or mining company to prevent the release of chemicals, prevent spills, protect flora and fauna, or even to remediate post-mining land degradation, reduce pollution, manage solid and liquid waste or prevent environmental contamination.

I say this because it's important to understand that those roles fall to governments and regulators. There's no hiding from that either. It's a partnership, and it's important to understand that. It's your role to protect Canadians and their environment. There's nothing to be embarrassed about.

Mr. Pushor, let me tell you what worries me. In October, professors at the University of Calgary called for a public review of Alberta's energy regulator, because they described it as too secretive and too close to industry. That worries me.

I would like you to explain how you intend to evolve in order to fully assume your role, your independence and your duty of transparency, and to assert yourself in this very important mission of protecting Canadians and their environment.

[English]

**Mr. Laurie Pushor:** If I could have some indulgence to provide some information requested earlier, the permanent wildlife fencing was completed May 15, 2023.

Relative to the comments you were just making, we as a regulator are committed to the highest level of transparency we can provide. Unfortunately, a lot of our information is quite technical in nature, so a big part of the work we're doing today is to try and understand how people want to consume information and then make sure that it's accessible easily through our website.

I would note that when you talk about the University of Calgary professors, most of the information they are talking about was obtained through publicly available sources from the AER, so we're doing our best to get all of the information out there and make sure

that people have clear access to it. Good public discourse around matters of importance is always helpful. We welcome a conversation about what should or shouldn't be happening in our space at any time.

[Translation]

**Mrs. Sophie Chatel:** These professors say you're too close to industry. Obviously, you need to work together, we understand that. However, do you find that your mandate, which is to protect Canadians, their health and the environment, is being compromised?

[English]

**Mr. Laurie Pushor:** No, I don't. We have rigorous conflict of interest standards and protocols in our organization. We have clear expectations.

I would also reflect that there are 1,000 Albertans who come to work every day at the Alberta Energy Regulator with a genuine passion and commitment for the work we do to ensure that the industry operates at the high standards the government expects them to. I'm humbled to work with that group. They are diligent, committed and dedicated to fulfilling that mission.

I would also note that they are dedicated and committed to openness, learning, growing and ensuring that we get better every day.

I'm confident in the work of the Alberta Energy Regulator. I can tell you that we have lots of dialogue with industry, and they understand the expectations.

I would also challenge your opening suggestion that industry will not meet those high standards unless someone compels them to. I think the operators in the oil sands, the Pathways Alliance, are committed to meeting Albertans' and Canadians' expectations, and they're committed to doing the best they can to be the most responsible—

[Translation]

**Mrs. Sophie Chatel:** Please allow me to interrupt, as this is exactly the kind of comment that worries me. The main thrust of any company's articles of incorporation is profit maximization. You can't be too naive. Of course, these companies have plenty of good will with regard to established standards and regulations. However, they are accountable to the board of directors and shareholders. We have to understand that. It's a partnership. I'm not saying they won't respect our regulations, but we shouldn't be naive either.

• (1230)

**The Chair:** Yes, indeed.

We will now begin the fourth and final round of questions.

Mrs. Goodridge, you have the floor.

[English]

**Mrs. Laila Goodridge:** Thank you.

I want to thank you again for taking time to be here today, Mr. Pushor, to clarify some of this information. Through these questions we've seen a lot of what I would like to characterize as misrepresentation of what this industry is and isn't. I would attribute some of that from my colleagues, to the fact that they have probably never seen what the oil sands look like. They don't know what the reclamation looks like. They have no idea what a tailings pond looks like. They're going from photos.

Once again I am going to open it up. If any single person sitting around that table has an interest in actually understanding a little bit better what this industry is and how much it contributes to the Canadian economy, Alberta's economy, and about the hard-working people who make their living in this industry and provide the economic opportunities so that Canada can succeed, please, reach out to my office. We will help plan a trip for you. We will make sure you get to see what you are looking for so that you actually understand what exactly these tailings ponds are, what the dams actually look like, because it is hard to express and understand the scope and the magnitude of this sitting in your ivory tower in Ottawa. That's with all due respect, as someone who was born and raised here and has three generations who have worked in the oil sands.

It is absolutely incumbent on people that they actually understand what this industry is and what it means to Albertans. I don't think that has been shown in many of the questions that have been asked.

I do think, Mr. Pushor, there is one important piece I would like, if possible, for you to really clarify. I pointed out that you guys failed to communicate with the elected provincial members and federal members of Parliament who represent this area. I don't like to assume, but I would assume that if I've been able to identify two players that you have not communicated with, then there are others. I would ask you to do a more serious review to make sure you are capturing all the people who need to be communicated with in the case of an emergency.

Can you commit to doing that?

**Mr. Laurie Pushor:** Yes, we will, for sure. I look forward to your advice and guidance in terms of any thoughts you have on where we should go looking for all of those people.

**Mrs. Laila Goodridge:** I would also welcome you, if you're ever in the Fort McMurray region, to give me a call. It would be lovely for me to be able to show you my hometown, because contrary to what many people think, Fort McMurray is not just a boom town. Fort McMurray is my hometown, and I'm very proud of it. I do not want people on the benches on the other side—the Liberals, the NDP and the Bloc—to continue throwing bombs at the major industry that provides support to my community. I think the failure of communication opened up lots of doors. Frankly, that's unacceptable, so I would hope that you guys are going to continue to do more.

I would just ask, in your final thoughts here today, if you have anything that you have learned that you will be doing better with AER going forward.

**Mr. Laurie Pushor:** For sure, certainly expectations evolve and change over time.

The historic protocols were always that industry should be the group that's the responsible party doing the principal communications, but we certainly have come to understand that communities want to hear from us in our role as the regulator, as we do our best to ensure there is compliance across the entire sector.

We will, without hesitation, sit down with anyone and have conversations and hear their views and do our best to be transparent. We will give information to people so that they can not only hear from us that things are as they are, but they can also see the information and data that causes us to believe that, and form their own opinions.

• (1235)

**Mrs. Laila Goodridge:** With all of that being said, do you think that Environment and Climate Change Canada should have been here today as well? Are there other people from government we need to hear from other than just you as the regulator?

**The Chair:** Be quick, please.

**Mr. Laurie Pushor:** We've been transparent in sharing all the information with their officials. If the committee wanted to hear from Environment and Climate Change Canada, it may help the committee to hear first-hand from them on their thoughts on the matter.

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

Before I go to Mr. Weiler, I should mention that in 2007, I spearheaded a study at environment committee on the oil sands and their impact on the Athabasca River watershed. I did travel to Fort McMurray with the committee and went up in a helicopter to fly over the oil sands with the member for Papineau.

It is really something to see and the committee will be putting in a request to travel to Fort McMurray and to Kearl, hopefully in the spring, and up to Fort Chipewyan, as well.

We'll go to Mr. Weiler, please, for five minutes.

**Mr. Patrick Weiler:** Thank you, Mr. Chair.

I was disappointed that the committee travel request wasn't approved last time so that we could go visit some of the sites that we're talking about today.

I have to say, I find it deeply disturbing that the members from the Conservative Party are just framing this as a communications issue. We're talking about millions of litres, in this case, of toxic tailings that are spilling into the environment.

Mr. Pushor, earlier on in my line of questioning, you mentioned that all the companies had submitted an audit of their tailings facilities. Could you confirm that all these containment systems are, in fact, working, or are there any leaks that you're seeing?

**Mr. Laurie Pushor:** As I said, we continue to review and follow up with companies in that regard. To date, I'm advised that all of the tailings pond systems seem to be working as intended.

**Mr. Patrick Weiler:** On October 9, the AER reported a leak of 662 cubic metres from the Fort Hills site. That is a site, of course, that you've approved to expand despite the impact it's going to have on incredibly ecologically important wetlands.

Just a few days ago, the AER noted, “Further investigation of this matter indicated the unplanned release volume may have been closer to 10,000 cubic metres”, and that Suncor had informed the AER that the “unplanned release may have been in effect since June 2022 and believe the cause of the release is likely to be a faulty valve.”

Mr. Pushor, forgive me if this sounds familiar, but it seems to me that the design of many of these tailings ponds is much like a sieve. Could you tell this committee how much leakage from tailings ponds into the environment does the AER find acceptable?

**Mr. Laurie Pushor:** The standards are that tailings ponds should contain tailings.

I would note and I want to clarify that the Suncor pond you were referring to was not a tailings pond. It was a containment pond, one of the ponds designed to collect runoff and snow melt and so on.

The initial report in October was that there had been a release. What they discovered and what we are continuing to review is that the source is probably a faulty valve. They talk about the last time they actually released from that pond was the 2022 date that you referred to, and therefore, they think it could have been that the faulty valve wasn't operational since the last time they released.

It's important to note that when testing the water in October that was being released as a result of this faulty valve, all of the release criteria for water release from those types of ponds were met with that water.

We continue to review that incident, and we'll do our best to be transparent with everyone involved. I would also note that all of that information has been communicated directly to communities in the area.

**Mr. Patrick Weiler:** Thank you.

Of course, there are two issues we're talking about with the Kearn oil sands site. One, of course, is the consistent seepage, and the other one is the overflow. We know that thousands of cubic metres of this problematic fluid poured into the Muskeg and Athabasca rivers because of what seems to be a failure that could have been avoided. It sounds very similar to this with the Suncor site.

Could you tell this committee if those events were preventable? If so, does the AER have a plan that will prevent these occurrences from happening again?

• (1240)

**Mr. Laurie Pushor:** I really want to correct what you just said.

The overflow of the containment pond at Kearn that occurred in February occurred at -30 temperatures. That water was contained. Most of it froze very swiftly, and there is no evidence that any of that water made its way into either the Firebag or Muskeg rivers.

I think it's important we note that.

**Mr. Patrick Weiler:** Were these events preventable? If so, what is the AER doing to ensure these events don't happen again?

**Mr. Laurie Pushor:** Certainly an event of that magnitude constitutes an issue that we would investigate. There is an open and ac-

tive investigation into that incident and we will await the results of that.

**Mr. Patrick Weiler:** I understand that this release was three times above the approved levels for suspended solids. I would ask that the AER submit their response to this to give the public confidence that these types of events, which sound very similar from two separate sites, will not be happening again.

[Translation]

**The Chair:** Thank you.

Mr. Garon, you have the floor.

**Mr. Jean-Denis Garon:** Thank you, Chair.

Of course, operations of this kind, with spills—let's call a spade a spade—like the one we're discussing today, have significant health repercussions for neighbouring Indigenous nations. For example, we spoke earlier of a relative of Grand Chief Adam suffering from biliary cancer. The University of Alberta investigated the links between oil extraction and the health of people in the area between 1995 and 2006, and the findings are troubling.

To please my colleague Mrs. Goodridge, I'll mention that, among the people who know where oil sands are located and who've seen them before, are the members of the Fort Chipewyan Indigenous Nation, who have asked for light to be shed on the matter.

Mr. Pushor, you began several of your sentences by talking about your role as a regulatory agency. You seem to take your role very seriously. Yet, as Mrs. Chatel aptly pointed out, the public perception is that, in many ways, you're an industry regulatory agency that's governed by and for the industry, and little else. You can agree or disagree, but that's the perception of many people.

Do you think major regulatory reforms are needed so that you're better able to do your job and the public has more confidence in you?

[English]

**Mr. Laurie Pushor:** The regulatory standards we have some influence on and some independent authority over those, and we'll continue to take whatever action we deem appropriate to ensure that the systems are operated to the best of their ability.

I would note that when you get into the standards you are talking, in large part, about the standards that were created and developed by the Government of Alberta. It would be perhaps of value for this committee to have a discussion with representatives from the Government of Alberta as it relates to any thoughts the committee might have on further strengthening those legislative or regulatory expectations as are presented in Alberta through the legislative assembly.

**The Chair:** Mr. Bachrach.

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

Mr. Pushor, you mentioned that the plume of contamination has been defined. I would highly encourage you to share the data from that definition of the plume with the Athabasca Chipewyan First Nation. They haven't yet received the definition of the plume. I think a map and the data associated with it would be very important for them to receive as quickly as possible.

I want to touch on Suncor's proposed expansion on top of the McClelland wetlands complex. This is an ecologically valuable wetland that, until 1996, was protected from development. Now Suncor is going to be allowed to mine half of it and store tailings in that area that has been mined. The number I've seen is 60 square kilometres of tailings ponds on top of the former wetland. To prevent seepage from the tailings facility into the remainder of the wetland, they are proposing to build a 70 metre deep impermeable wall down into the soil to prevent the groundwater from migrating from one side of the wetland to the other.

Have you heard of this approach being used elsewhere in the oil sands or elsewhere in Canada for managing the migration of groundwater between a tailings facility and a wetland?

• (1245)

**Mr. Laurie Pushor:** I would reiterate that the mining of this part of the McClelland Lake wetlands was approved in the original federal-provincial mine approval. What was approved a year ago was the strategy by which that mining would be conducted. It was approved after an extensive engineering design by the company but also an extensive review by our technical experts to ensure we could have confidence that the mining operations would operate within the standards as outlined in the legislation and regulations.

We did an extra review in response to requests to reconsider that and had an independent group within our organization go back and revisit all of that information. They concluded that the approval was appropriate and should continue.

**The Chair:** Thank you.

**Mr. Taylor Bachrach:** Mr. Chair, there has been a bit of a theme here. MPs are asking very specific questions. In this case, my specific question was on whether a similar approach has been used elsewhere in Canada, but no answer was provided.

**The Chair:** Yes, I understand.

**Mr. Taylor Bachrach:** I just want to voice my frustration. We're trying to get answers on behalf of Canadians and first nations downstream, but no answer is forthcoming.

**The Chair:** It will be in the transcript.

**Mr. Taylor Bachrach:** It's frustrating.

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

[*Translation*]

**Mr. Gérard Deltell:** Thank you very much, Mr. Chair.

Mr. Pushor, thank you very much for being with the committee. You were here seven months ago and now you are back. Thank you; your input is vital.

It can be said in general that there is no environment without water. It is the key element, the basis for all life forms and for the

quality of the environment. Obviously, water is essential. We have to be careful with it. When there are unfortunate leaks such as at the Kearl site, we want to measure the impact on the water immediately, because water affects everything else.

In the present case, I understand that you took action when the leak occurred.

What are your water testing protocols under normal circumstances around oil and gas operations?

[*English*]

**Mr. Laurie Pushor:** We have an extensive team of technical experts who come to work every day to diligently review and assess what's happening across the landscape. We have certainly deployed a wide-ranging team to the Kearl site, as an example. We saw and identified issues. We will continue to deploy those resources to the best of our ability.

However, it's important that we learn, understand what is happening and build the best strategies to mitigate, continuing on.

I would note that—

[*Translation*]

**Mr. Gérard Deltell:** Mr. Pushor—

[*English*]

**Mr. Laurie Pushor:** —the monitoring of rivers and streams around the Firebag, Muskeg and Athabasca rivers continues to show no evidence of impacts from the Kearl incident.

[*Translation*]

**Mr. Gérard Deltell:** Mr. Pushor, my question is not about the incident at the Kearl site. We know you took action; that's fine.

I am talking about preventative testing, before serious incidents occur. Even without major leaks, there can be seepage that pollutes the water, whether that is rain water, groundwater or simply the water in our rivers, lakes and other waterways.

What tests does your organization do on a regular basis, before dramatic incidents such as the one at the Kearl site occur? What does your organization do to test water quality near oil extraction sites?

[*English*]

**Mr. Laurie Pushor:** We have extensive oversight protocols for managing large projects, such as the oil sands mines. Each year, a specific mine inspection plan is put in place. Our lead for each mine site has access to any and all experts they deem appropriate to support them in that oversight. They will do a series of site visits.

In addition to that, we also examine what the company is doing, in terms of their monitoring, operational plans and procedures, in order to ensure they are operating at the standards we expect them to. All that information informs what regulatory actions we may or may not feel are necessary to take. Those regulatory actions can be as simple as saying, “This issue needs to be addressed”, or “This thing we found needs to be fixed”, all the way through to significant penalties and operational consequences.

We do a diligent and extensive review of what we and our technical experts believe is the right oversight for each site on an annual basis.

• (1250)

[Translation]

**Mr. Gérard Deltell:** It will be some time before our reliance on oil ends. Let us recall that, last year, in Quebec alone, 18 billion litres of oil were consumed. That made the front page of *Le Devoir*, with the shocking headline that Quebec was in a state of “energy inebriation”. As long as we still need oil, we would rather use oil from Canada, since it is ours.

Yet we need to be very sure that oil operations are conducted properly. The tragedy at the Kearn site is a serious warning to us all. We have to make sure that does not happen again. If it were to happen again, we have to be able to take appropriate action.

Tests must be conducted on a regular basis. I am not referring to the tests done every morning or 10 times a day; regular testing is needed. There could be surprise water quality tests near oil extraction sites, which is used by all Canadians and by other countries. This is all well and good, but we still need to make sure the water quality is good.

Mr. Pushor, as the president of Alberta's energy regulator, can you tell us today whether water tests are done in the wells near oil extraction sites in Canada?

**The Chair:** Please respond quickly.

[English]

**Mr. Laurie Pushor:** We have an extensive responsibility to see what is happening out on the landscape. We can compel a company to do whatever we think is appropriate or required in any specific instance. Monitoring is done around all of the oil sands sites.

I think it would be a bit of a stretch to think that you would extend every single well site in a conventional oil and gas industry...would require some kind of independent monitoring. We do have high expectations on the way companies perform and contain all of the fluids they manage in any operation anywhere.

I would just end by encouraging you to take the member from Fort McMurray up on her offer to look at the regional monitoring website she was referring to and see what the air quality looks like and what the water quality report is.

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

Last but not least, we have Mr. van Koeverden.

**Mr. Adam van Koeverden:** Thanks very much, Mr. Chair.

I guess I'll start where I finished off last time, which was with respect to accountability between industry or the regulator or really anyone.

It's clear to me that there's been no clear admission of fault or true accountability here. I haven't heard of anybody losing their job or really facing the facts here. If the AER isn't accountable and not one person at Imperial or the AER has lost their job, who ought to be held accountable for this or future leakages?

**Mr. Laurie Pushor:** As I've indicated, both of these matters are under investigation. An investigation will lead to whatever consequences or ramifications for Imperial that the investigative team deems appropriate. It wouldn't be inappropriate for me to speculate or comment further around accountability.

Robust investigations are under way and they will be fully transparent in sharing the findings of those investigations at the appropriate time.

**Mr. Adam van Koeverden:** Thank you, Mr. Pushor.

We've seen this, and it's been referred to as the biggest leak in Alberta's history, with the largest amount of contaminated effluent that's ever entered an ecosystem. It's also been referred to as the largest cover-up ever in Alberta's oil sands history.

I've also been to Fort McMurray. I'm happy to go back; I'd be glad to visit again. What I saw was an environmental disaster unfolding. I don't think I'm the only one who feels that exact same way, Mr. Pushor.

Premier Danielle Smith has claimed that Alberta oil sands “represent the safest”, the most ethical and the “cleanest fossil fuel extraction in the world”, yet today, for the last two hours, we've been discussing one of the worst environmental disasters that our country has ever seen.

Do you believe it's true that the Alberta oil sands continue to represent the safest, most ethical and cleanest fossil fuel extraction in the world, despite all the evidence that we've been hearing about today and over the last couple of months?

• (1255)

**Mr. Laurie Pushor:** I can tell you that the standards that we at the AER are expected to hold industry to comply with are world-leading.

I would also note that you continue to refer to this as having the largest impact. It may be by volume, but I would remind you that the recovery of that fluid was extremely high because of the fact that it occurred at -30° and was mostly runoff, so it froze upon release.

We will do our best to take the lessons from this, make sure we continue to improve and strengthen our operations at the AER, and do the best we can for the people of Alberta. We will interact with our colleagues at the Government of Alberta where we see and feel that there may be needs for regulatory enhancements. We will work to support our colleagues as they do that.

We will come to work every day to ensure that the people of Fort McMurray know there's a regulator on the job ensuring that industry is complying with the expectations that all Albertans have for that industry. That's the role of the regulator. While I get criticized from some on some sides of the ledger, I can assure you I get criticized from all sides. That is the life of a regulator. We accept that willingly and we understand that's our role.

Be assured that there are 1,000 people at the Alberta Energy Regulator who get up every day and attend and diligently do their best to ensure industry is complying with the standards Albertans expect them to.

**Mr. Adam van Koeverden:** Thanks, Mr. Pushor. I would just note that it's not just Albertans; it's Canadians. I also want to note that there has been evidence of these contaminants reaching as far north as the Northwest Territories and elsewhere, so it's not the case that they just froze in place.

But I thank you for your testimony, and I thank you for being willing to be criticized. It's a public job, so it's very important.

Mr. Chair, I believe there's been a notice of motion distributed to the clerk. If I have the indulgence of the chair, I'd then read that motion.

**The Chair:** Sure.

**Mr. Adam van Koeverden:** Thank you very much.

The motion is as follows:

Whereas, the Alberta Energy Regulator failed to contain a tailing pond seepage while waiting 7 months for a geochemistry study to be completed.

Whereas the Alberta Energy Regulator has referred to this disaster as a communications problem, yet failed to communicate the impacts of this spill to impacted communities and other levels of government.

Whereas, the Alberta Energy Regulator previously claimed that there was no contaminants found in the waterways when in fact Imperial staff told ACFN inspectors that dissolved iron was found in waterbody 3, and on April 3, 2023 that a test showed F2 hydrocarbons and naphthenic acids in a waterbody.

That the committee express its disappointment with the Alberta Energy Regulator and acknowledge that the Alberta Energy Regulator has been deficient in protecting the environment and health of communities adjacent to tailing ponds that it regulates.

That, in relation to the committee's study of freshwater and following the evidence provided by witnesses regarding the toxic leak of tailing ponds and ongoing deficiencies in protecting the health and safety of Indigenous communities at risk, the committee:

1. Call on the Alberta Energy Regulator and the Government of Alberta to work with companies that operate tailing ponds and the federal government to conduct a study to assess the impacts of tailing ponds on human health;
2. Call on the Alberta Energy Regulator to require operators of tailing ponds to increase monitoring of adjacent drinking water sources;
3. Call on the Alberta Energy Regulator to conduct a geotechnical audit of all tailings limits;
4. Call on the Alberta Energy Regulator to require operators of tailing ponds to halt the release of tailings into waterways;
5. Make formal recommendations in its study of Freshwater to improve the protection of Canada's freshwater resources from contamination from tailing ponds.

Thank you, Mr. Chair.

**The Chair:** Are you just giving notice or are you moving this for debate?

**Mr. Adam van Koeverden:** I am moving it. It's on the table.

**The Chair:** You're moving it. Okay.

Mr. Mazier, you have your hand up.

**Mr. Dan Mazier:** Could we recess for a second?

**Mr. Taylor Bachrach:** On a point of order, Mr. Chair, I think unless we're in committee business....

Are we in committee business?

**The Chair:** I don't think you have to be in committee business.

**Mr. Taylor Bachrach:** You need 48 hours' notice.

**The Chair:** That's not when it relates to the topic we're discussing.

**Mr. Taylor Bachrach:** Okay.

**The Chair:** Mr. Pushor, thank you very much. We appreciate that you and your legal counsel made the time.

We'll now take a break for a second.

● (1255) \_\_\_\_\_ (Pause) \_\_\_\_\_

● (1310)

**The Chair:** Okay, we have a new participant from Fort McMurray.

Mr. Mazier, you have nothing more to say; you just asked for a recess.

We'll go to Mr. Deltell.

[*Translation*]

**Mr. Gérard Deltell:** Thank you very much, Mr. Chair.

Over the past two hours, we have learned a lot and have asked some very relevant questions. In my view, we got to the bottom of a number of issues, so it has been worthwhile. I am very pleased that we have discussed water and have learned that the water quality will be tested not only in the event of tragedies, but indeed regularly, and sometimes randomly, whether that is groundwater, waterways, rain water or deep water. I think we got to the bottom of issues and I am very pleased about that.

So I am a bit surprised that the government is tabling a motion to go even further.

I would like to mention something about the motion introduced by our friends on the government side. They ask for five things at the end of the motion. Apart from the final item, which is that this be included in the recommendations, what are the four other items about? Look closely at the motion that our friends on the government side have tabled. In each of the items—

**The Chair:** Excuse me, Mr. Deltell.

Ms. Chatel, do you have a point of order?

**Mrs. Sophie Chatel:** What motion are we talking about? My colleague says it is a government motion. I don't understand. I thought we were discussing our motion, here.

**The Chair:** Yes, it is a motion introduced by the members representing the government.

**Mrs. Sophie Chatel:** Oh, thank you.

**Mr. Gérard Deltell:** Let me point out that you are part of the government.

That said, let us get back to the subject.

**Mrs. Sophie Chatel:** Ha, ha! Thank you. What government position are you appointing me to?

**Mr. Gérard Deltell:** Let's say I am very proud of the mandate the people of Louis Saint-Laurent have given me.

**The Chair:** Fine, but let's stick to the subject.

**Mr. Gérard Deltell:** Yes, of course.

The motion proposed by the government side is not minor. That is another way of referring to our friends in government, by the way. I think it was the word "friends" that surprised you. Just kidding, of course.

Let me say that something should be noted in the five requests made at the end of the government motion. The fifth and last request in a way summarizes the entire motion and indicates what the committee will do with its water study. I understand that. But what words appear in the four previous requests? They refer to the Alberta energy regulator. I might be wrong, but I believe that is a provincial body in Alberta. As far as I know, we are part of the House of Commons of the Parliament of Canada. We are at the federal government level. We are not in the provincial government.

If what is happening provincially in Alberta happens to be of great interest to our government colleagues, they can simply go to the polls, and I wish them good luck.

• (1315)

[*English*]

If you want to run for the House of Commons, focus on what's happening in the House of Commons under federal jurisdiction, but that's not what we are talking about with this motion. Of the five elements they are asking for at the end of this motion, four of them have in their mandate the words "Alberta Energy Regulator".

Mr. Chair, this is the House of Commons of Canada. We are here at the federal level, and those people are asking us to scrutinize why it happened with a provincial body of Alberta. If they are so interested in the provincial politics in Alberta, well, go on, I'm sure there will be some by-elections down the road, or maybe they could run in the next general election.

Good luck, buddy. Good luck. We never know. Democracy is democracy. Maybe they could be elected in Alberta. Maybe. I don't know. I will let other people decide.

One thing is for sure, Mr. Chair. Here, first and foremost, as a federal member of Parliament, I want to focus on where I have real power.

[*Translation*]

It is as though, in Quebec, we were to see—

[*English*]

**Mr. Adam van Koeverden:** I have a point of order, Mr. Chair.

[*Translation*]

**The Chair:** Excuse me, Mr. Deltell, but there is a point of order.

[*English*]

**Mr. Adam van Koeverden:** Thank you, Mr. Chair.

I'd just like to call the member's attention to the Constitution Act, 1867, which states that—

**The Chair:** This isn't really a point of order. This is constitutional law.

I think we'll have to go back to Mr. Deltell.

**Mr. Adam van Koeverden:** The preface of his entire—

**The Chair:** It's not about the rules of the committee. It's about the Constitution of the country. I don't want to open that right now.

We'll go to Mr. Deltell.

[*Translation*]

**Mr. Gérard Deltell:** Thank you very much, Mr. Chair.

I simply wanted to give an example that could apply to Quebec, but first I want to highlight the following. The government appears to have a strong desire to get involved in issues that are not their concern. That is especially the case with respect to the environment. Need I remind my colleagues representing the government that they got bad news from the courts, which have to review some of their decisions?

Remember that the Supreme Court of Canada called out the government with respect to Bill C-69. Let me give an example that pertains directly to Quebec: in this regard, the federal government unilaterally gave itself the power to conduct an environmental assessment of major hydroelectric projects.

As a Quebecer, I am very proud of the major projects in Quebec that were developed in 1950s, completed in 1960s, and re-developed in the 1970s, the James Bay project in particular. I am very proud of the major advances that we, the Quebec nation, have made with respect to hydroelectric power.

With the legislation enacted by Bill C-69, the federal government invited itself into the process to impose...

**The Chair:** Excuse me, Mr. Deltell, but there is a point of order.

Ms. Chatel, you have the floor.

**Mrs. Sophie Chatel:** I would like to know something. The motion invites Alberta's energy regulator to do some work but, according to Mr. Deltell, the committee did not have the authority to talk about it and to have such discussions as part of its study of freshwater because we have to limit ourselves to officials at the federal level only.

**The Chair:** I don't understand what you are trying to say.

**Mrs. Sophie Chatel:** Well, I don't understand why the committee should be limited to interacting with federal stakeholders only, and not provincial stakeholders.

• (1320)

**The Chair:** That is not a point of order.

**Mrs. Sophie Chatel:** I do not understand the point we are debating. I would like clarification.

**The Chair:** Mr. Deltell is talking about the motion. It pertains to energy and he is talking about hydroelectric power.

You may continue, Mr. Deltell.

**Mr. Gérard Deltell:** I am tempted to remind this committee for the third time of the history of hydroelectric projects in Quebec. Since I have already done so twice, I will not do so a third time. Thank you though for the invitation to talk about Hydro Quebec's energy, which we as Quebecers are very proud of. I'm sure my colleague from Mirabel is also very proud that we have developed its full potential.

Clearly, geography has served us well, since Quebec has many rivers. Further, some very enlightened decisions were made in the 1940s and 1950s. First, Hydro Quebec was created and electricity was nationalized. Some very important developments were completed in the 1940s and 1950s. Those include the Beauharnois hydroelectric complex, the Bersimis project on the Betsiamites River, the projects on the Manicouagan river or the river right beside it, along with major hydroelectric developments that were completed and serve us now.

Getting back to my point...

**The Chair:** Just a moment, there is a point of order.

Mr. Longfield, you have the floor.

[English]

**Mr. Lloyd Longfield:** Mr. Chair, it looks like we may not get to the vote today.

I'm wondering if we're adjourning at 1:30.

**The Chair:** Yes, we're adjourning at 1:30 by my phone here, not by that clock because it's a little fast.

**Mr. Lloyd Longfield:** Thank you, Mr. Chair. I just wanted to clarify.

**The Chair:** At 1:30, we're done.

**Mr. Lloyd Longfield:** We agreed to go to a vote, but I'm sure the honourable member is almost finished.

**The Chair:** Our resources will have been depleted and will come to a stop.

**Mr. Lloyd Longfield:** Thank you.

[Translation]

**Mr. Gérard Deltell:** What I am trying to say, Mr. Chair, is that it is very important for the federal government to focus on federal issues and not provincial ones. I was saying, quite rightly, that the government has the bad habit of encroaching into areas of jurisdiction that are not theirs, especially as regards the environment.

Let me remind you that, with Bill C-69, the federal government gave itself the power to decide, without consulting anyone and especially not the provinces, to conduct environmental assessments of major hydroelectric projects. Yet this is essentially a provincial matter, unless a dam were built on the St. Lawrence Seaway, which is under federal jurisdiction, but that is not likely to happen. It has been this way for a hundred years and it works very well, as we know.

So the government has given itself the power to redo what Quebec already does with respect to the environment. The environmental assessments conducted by the office of environmental public hearings are quite serious and thorough. They are conducted by scientists who reach a conclusion. The federal government, on the other hand, under the leadership of the Prime Minister, who has been in office for eight years now, thinks that the people in Ottawa are smarter than those in Quebec and will conduct a better assessment. That is not true. It simply duplicates and delays the process.

We all have the same objective of reducing pollution and greenhouse gas emissions, living in a greener environment and reducing our carbon footprint as much as and for as long as possible. That means new technologies, renewable forms of energy and, for those with the potential, hydroelectric power.

The federal government has given itself a mandate by interfering in things that are not its concern, but it was called out by the Supreme Court. Furthermore, a week or two ago, the Federal Court invalidated the government order prohibiting single-use plastics. So two courts have overturned a federal government decision. The government is not pleased and will appeal. That is its right, its privilege, and it is using it. The fact remains, however, that two courts, namely, the Supreme Court and the Federal Court, have told the government that the environment is a matter of shared jurisdiction and that it has to properly identify what is federal and what is provincial. Unfortunately, the government had not done that.

It is never too late to do so, though. As we know, the Alberta government has suggested certain measures relating to Alberta's sovereignty. Yesterday, the Minister of Environment and Climate Change said that was fine and he was not getting involved. It is never too late to do the right thing. After two warning shots from the courts, the Minister of the Environment and Climate Change finally looked at the Constitution, realized that the Alberta government was in fact right, and decided to drop it.



If people are not happy, they will send that message in the next elections. If my friends on the government side are not happy with what is happening in Alberta, let them to go the polls, and I wish them good luck. This is the fourth time I am offering my Liberal colleagues the opportunity to go to the polls in Alberta. Moreover, I understand there will not be many candidates, so they can go ahead if they like.

I want to get back to something that is very important. If by any chance Hydro Quebec does something that bears scrutiny or that does not have unanimous support, will we, at the federal level, grill the people from Hydro Quebec here for a tense fifteen minutes? I don't think so. There are other bodies that already exist for that purpose. In Quebec, that place is Quebec's National Assembly. The other provinces have legislative assemblies, except perhaps for Newfoundland and Labrador, where there is also a national assembly, as I recall. If I'm a bit off on constitutional law, I apologize. I am saying that just in case.

From my point of view—perhaps I am mistaken but I don't think so—, the motion proposed by my government colleagues is an intrusion into...

• (1325)

**The Chair:** Just a moment, Mr. Deltell. Someone else has a point of order.

[*English*]

**Mr. Taylor Bachrach:** Mr. Chair, my watch loses time. Could we get a time check on where we are?

**The Chair:** It's 1:26.

**Mr. Taylor Bachrach:** We have four more minutes.

Thank you.

[*Translation*]

**Mr. Gérard Deltell:** Mr. Chair, if I was offended easily, I would be a bit more upset that one of my colleagues are asking the chair what time it is. You would think he is keen for me to stop talking, but I hope not because I have a lot to say about areas of jurisdiction and the need to respect them.

I will nonetheless try to wrap things up and get straight to my point about how the motion is drafted, especially its conclusion. We can debate aspects of the premise of the motion, but four out of five of the Liberals' specific requests pertain to a provincial body under Alberta's jurisdiction. One might support it or oppose it, one might judge the actions of this regulatory body harshly or be lenient; everyone is entitled to their opinion. I think we have all done our work well, both the government members and the opposition party members. I also commend the participation of the member for Fort McMurray—Cold Lake, who was the first one affected by the events at the Kearl mine—

[*English*]

**Ms. Leah Taylor Roy:** Mr. Chair....

[*Translation*]

**The Chair:** I'm sorry, but there is a point of order.

[*English*]

**Ms. Leah Taylor Roy:** Is there such a thing as a point of clarification? I'm trying to understand something Mr. Deltell is saying.

**The Chair:** A point of clarification.... Can you just interject and ask for clarification? It's not a point of order. It's a point of clarification.

**Ms. Leah Taylor Roy:** I want to be clear on something, because of the premise of what he's saying.

**The Chair:** I'll be flexible, but keep it brief.

**Ms. Leah Taylor Roy:** It'll be short.

Thank you.

[*Translation*]

Can you tell me whether environmental issues fall under exclusive provincial jurisdiction or whether they are under the shared jurisdiction of both orders of government?

**Mrs. Laila Goodridge:** A point of order.

**Mr. Gérard Deltell:** Thank you very much, Ms. Taylor Roy. I also appreciate the fact that you asked your question in French.

Mr. Chair, I know I jumped in, but I would like to answer that right away.

Yes, in fact, Ms. Taylor Roy is right. The environment is not under the exclusive jurisdiction of one order of government. It is under shared jurisdiction, which is why it is important to look after the watershed, which has nothing to do with the biblical parting of the waters. We have to recognize that some things fall under provincial jurisdiction, while others are under federal jurisdiction.

In the specific case of Mr. van Koevorden's motion, the matter is under direct provincial jurisdiction. At the end of the motion, there are five requests. Let us set aside the last one, which concludes by saying that this should be part of our work. The four others pertain exclusively to Alberta's energy regulator, which is mentioned very directly and specifically.

[*English*]

We're talking about Alberta. We're not talking about Canada. We're not talking about federal jurisdiction. We're not talking about the House of Commons. We're not talking about the federal committee of environment and climate change issues. We're talking about Alberta.

Guys, if you want to run in Alberta, good luck, but this is the House of Commons of Canada.

**Mr. Lloyd Longfield:** Mr. Chair....

**The Chair:** There's a point of order.

**Mr. Lloyd Longfield:** Mr. Chair, I move to suspend the meeting.

**The Chair:** There is a motion to suspend.

**Mr. Dan Mazier:** He didn't have the floor. The meeting hasn't finished.

**The Chair:** [*Inaudible—Editor*] wasn't a point of order, but you know what—

**Mr. Lloyd Longfield:** Before we adjourn, I'd move that—

**The Chair:** Where were we, Mr. Deltell?

**Mr. Gérard Deltell:** I have around 26 seconds. I would prefer 36 seconds. Do you know why? In 1972, on September 28, 36 seconds before the end of eight games between the U.S.S.R. and Canada, Paul Henderson scored the most important goal in Canadian history.

• (1330)

**The Chair:** Yes, but it's 1:30.

There's a request to suspend the meeting. Does everyone agree to suspend?

**An hon. member:** No.

**Mr. Gérard Deltell:** It was 34 seconds, not 36. I'm sorry.

**The Chair:** We're going to stop here. We're going to have to adjourn. I'm sorry. We're going to have to adjourn and take this up next time.

The meeting is adjourned.

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