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Chair

Mr. Mark Warawa

Standing Committee on Environment and Sustainable Development

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• (1530)

[English]

The Chair (Mr. Mark Warawa (Langley, CPC)): We'll call the meeting to order. This is the 53rd meeting of the Standing Committee on Environment and Sustainable Development.

As we study Bill C-45, we will welcome as witnesses, Ms. Swanson, Ms. Kenny, and Dr. Doelle. We will be ending this portion in 45 minutes, at 4:15.

Each of the witness groups has 10 minutes, so Ms. Swanson and Ms. Kenny, you will be sharing 10 minutes.

We will begin with Professor Doelle from Dalhousie University. You have 10 minutes.

Dr. Meinhard Doelle (Professor, Dalhousie University, As an Individual): Thank you, Mr. Chair, and committee members.

I appreciate the opportunity to speak to you about the proposed amendments to the Canadian Environmental Assessment Act.

At the outset, I should say that my general reaction to the amendments proposed in Bill C-45 is that some are helpful and others are not. None of them addresses what I would consider to be significant shortcomings in the current federal environmental assessment process. I propose to do two things in my 10 minutes. I propose to briefly go through the amendments proposed and indicate my reaction to them, and in the remaining time to comment more generally about the current act and perhaps what further amendments may be considered.

Starting with section 7, I suggest that the proposed amendments to section 7 are appropriate. They are helpful, so I don't propose to comment further on them.

With respect to paragraph 14(5)(b), my reaction to that proposed amendment is that the subsection already restricts the ability of the minister to call for an environmental assessment of a project not on the designated project list. Just because the federal authority has already granted one approval does not mean that a federal environmental assessment may not still be warranted. The amendment, in my view, would seem to make this worse by broadening the range of decisions which, once made, would prevent the minister from exercising discretion to require an environmental assessment. I would suggest that amendment not be passed.

On subsection 53(4), the amendment is a positive change to the act and I would support it.

The proposed amendments to sections 63 and 64 are very similar amendments, so I will make one comment with respect to both. It would seem inappropriate to permit the environmental assessment to be terminated unless it is clear that the decision not to exercise a federal power, due to your function with respect to the project, would in fact prevent the project from being carried out. For this reason, the proposed amendment to section 63 should not be adopted. The original versions of sections 63 and 64 are stronger.

With respect to the proposed amendments to sections 66, 67, and 128, I view those as appropriate and have no further comments.

That leaves me with a few comments about the current state of the Canadian Environmental Assessment Act, 2012. My view is that this version of the act no longer provides a solid foundation for good decision-making on projects, which is along the lines of what was suggested by Justice La Forest as far back as 1992.

The CEAA, 2012 introduces unnecessary uncertainties about the application of the act. It encourages the application of the act late in the process. It turns the process into a regulatory process rather than a planning process. It focuses on a narrow range of issues that will not enable a federal decision-maker to make sound decisions about whether and under what circumstances proposed projects be permitted to proceed. The focus on large projects carries with it the risk of missing significant adverse impacts and cumulative impacts of smaller projects.

In the time remaining I would like to make three modest recommendations for improvements to the act.

Number one is that we do away with the discretion not to require an environmental assessment at the project registration stage. There is a lot of experience with this approach in provincial environmental assessments. It has not been positive. The effect of this approach is to push the proponent to complete its planning and design before the EA actually starts. Essentially, it turns an environmental assessment planning process into a duplication of the existing regulatory process. In this case, the way the act is currently structured, this discretion is not needed. The designated project list is already modest. There is power of substitution and equivalency in the act already.

My second recommendation is that the scope of environmental effects to be considered under the federal assessment be broadened to ensure that appropriate information is gathered for sound decision-making.

•(1535)

I recognize that for joint panel reviews this likely already happens, but in federal only assessments, by limiting the scope of the assessment to key areas of regulatory responsibility, such as fisheries, migratory birds, and impacts on aboriginal peoples, we are turning an environmental assessment process into a duplication of existing regulatory and other core federal responsibilities, and in the process are undermining the whole point of doing an environmental assessment.

The third recommendation I would make is that we proceed further on the positive steps taken in the act to recognize regional environmental assessment and to recognize, in the purpose section, the importance of cumulative effects. The future of environmental assessment is to get a handle on how to do better cumulative effects and to more appropriately use strategic environmental assessment and regional environmental assessments to assist with the difficulties we've all encountered at the project level. I would suggest that the act should set out a process for doing strategic environmental assessments and regional assessments, and it should set out clear circumstances for when those are required.

With respect to cumulative effects, my main recommendation is that we need to move beyond doing cumulative effects with existing and future projects. It should be based primarily on reasonable future development scenarios, and that piece should become central to environmental assessments, including project EAs, SEAs, and regional environmental assessments.

Thank you very much.

The Chair: Thank you very much.

Next we'll hear from Ms. Swanson and Ms. Kenny. You have 10 minutes.

Dr. Brenda Kenny (President and Chief Executive Officer, Canadian Energy Pipeline Association): Thank you, Mr. Chair.

Good afternoon. My name is Brenda Kenny, and it's a pleasure to appear before you to share some of the views of the Canadian Energy Pipeline Association.

Joining me is my colleague Elizabeth Swanson, who is chair of CEPA's work group on regulatory affairs. Importantly, she brings her perspective as a lawyer who has worked in the practice of environmental assessment for many years.

Before she provides her legal perspectives, I'd like to share a few general comments from CEPA's point of view with respect to Bill C-45 and the clauses being reviewed.

In delivering budget 2012 Minister Flaherty acknowledged that the natural resource and energy sector is "driving economic growth across the country. They are creating good jobs, not only directly but also indirectly, in manufacturing, clerical work, skilled trades, and financial services." Minister Flaherty said, "Canada's resource industries offer huge potential to create even more jobs and growth, now and over the next generation."

Accordingly, the responsible resource development provisions of Bill C-38 put in place the enabling conditions to realize these

opportunities, and we believe Bill C-45 is a further positive step in this direction.

CEPA is a very strong supporter of the objectives behind regulatory reform, namely improving the efficiency of, and most importantly, the environmental outcomes, from environmental assessment and regulatory review of major infrastructure projects.

We do not believe that environmental protection has been watered down or impaired in any way by these changes. Rather, for the pipeline industry, the processes enabled through CEAA, 2012 and amendments to the NEB Act allow government and stakeholders to improve outcomes by focusing assessments on key environmental concerns, using best practices and avoiding significant adverse environmental effects by being able to allocate resources more efficiently and effectively. Together these changes have strengthened, focused, and clarified the purposes of Canada's environmental legislation and set the scene for enhanced environmental outcomes going forward.

Bill C-45 makes a number of important contributions toward these objectives and clarifies the interpretation of the new provisions and the transition arrangements to the current regulatory system, all of which will provide greater certainty.

I'd like to invite my colleague Elizabeth Swanson to provide her perspectives.

•(1540)

Ms. Elizabeth Swanson (Chair, Regulatory Policy Work Group, Associate General Counsel, TransCanada PipeLines, Canadian Energy Pipeline Association): Thank you.

I've had the opportunity through my 26 years of practising law to participate in both the emergence of modern project environmental assessment right back to the EARP guidelines order through the early days of the first CEAA, then through the development of regulations under that first CEAA, through the amendments in 2009 until now with CEAA, 2012.

I've sat on both sides of the table. I have looked at this from an academic point of view partly. I worked for the first 10 years of my career with the environmental community through the environmental assessment caucus understanding what their vision, their concern, and their approach to environmental assessment was. For the last 14 years I have advised and worked with pipeline companies. I'm in-house counsel for TransCanada PipeLines and I actually do environmental assessment in project contexts.

When I bring that full breadth of experience to the table, in my view CEAA, 2012 strikes the right balance now of where we are in terms of the generation and evolution of environmental assessment. It is in my view again, the right approach to focus federal assessment where it ought to be. The federal government is not the only level of government doing environmental assessment of projects. In my view, CEAA, 2012 is a modern, focused, and credible piece of environmental legislation.

I want to quickly address something that Professor Doelle said. I'm not sure if I understood you correctly, but if you were saying that somehow CEAA, 2012 turns project environmental assessment into a regulatory process, I don't agree. I know what it feels like and how much work goes into doing project environmental assessment. I don't see it all of a sudden becoming regulatory in nature. Perhaps you and I are thinking different things, but I'll make that point.

With respect to unnecessary uncertainties, I don't agree. I think CEAA, 2012 is clearer. It's early days so perhaps there's time yet to be confused, but I think it is a much more direct and much more easily understood approach.

Those are my comments. I'll turn it back to Brenda.

Dr. Brenda Kenny: Thank you, Elizabeth.

I'll close by saying we believe overall the process set in motion by the Government of Canada to reform the regulatory system is very important. We feel, particularly with respect to pipelines, which of course are governed nationally by the National Energy Board, in which the environmental assessment is fully incorporated within public interest determinations, that these are important avenues to clarify to enable everyone to focus on the issues at hand that matter most, and so that regulators have the necessary resources and tools to perform their roles. Overall these steps are supported and reinforced by our industry's commitment to safety, environmental protection, and performance in both project development and in ongoing operations throughout the decades.

For the pipeline sector the regulatory changes the Government of Canada has made express confidence in the ability of our industry and our regulators to manage the environmental issues that challenge us as we continue to build Canada's energy highways for the 21st century. Through these changes we will pursue opportunities to work with aboriginal groups and other stakeholders to create positive environmental outcomes that build from rather than end with regulatory compliance.

I thank you for this opportunity to speak with you today.

• (1545)

The Chair: Thank you very much.

There will be just one round of questioning because of time restrictions. We'll begin with Mr. Woodworth, for seven minutes.

Mr. Stephen Woodworth (Kitchener Centre, CPC): Thank you very much, Mr. Chair, and welcome to all of the witnesses. I'll begin with Ms. Swanson.

I was grateful that you provided us with a bit of your background. I'd like to go back over that very quickly to be sure that your credentials are spelled out. I understand that you at one time had a position as staff counsel with the Environmental Law Centre in Edmonton, Alberta. Is that correct?

Ms. Elizabeth Swanson: That is correct.

Mr. Stephen Woodworth: Very good. Thank you.

I understand that you then spent 10 years in your legal practice focused on developing Canadian environmental law and policy, with an emphasis on environmental assessment and regulatory negotiation at the federal level. Is that correct?

Ms. Elizabeth Swanson: That's correct. I did a variety of work with the Environmental Law Centre, but that was my primary focus.

Mr. Stephen Woodworth: Very good. I understand that you, in fact, were on the board of directors of the Sierra Legal Defence Fund in Canada from its inception until 1998. Is that correct?

Ms. Elizabeth Swanson: That's correct.

Mr. Stephen Woodworth: You were involved in the litigation concerning the Rafferty-Alameda and Oldman dams, which led to judicial determinations regarding the EARP guidelines order. Is that correct?

Ms. Elizabeth Swanson: In a background sense, yes. I was counsel at the Environmental Law Centre at the time and did some background work.

Mr. Stephen Woodworth: Very good. I understand also that you were appointed to the regulatory advisory committee, with others, to give regulatory advice to the federal minister in respect of the regulation and implementation of the Canadian Environmental Assessment Act. Is that correct?

Ms. Elizabeth Swanson: That's correct.

Mr. Stephen Woodworth: Dr. Kenny, if I may, I would like to get your credentials on the record.

I'm told that you hold a doctorate in resources and the environment, a master's in mechanical engineering, and a bachelor's in applied science. Is that correct?

Dr. Brenda Kenny: That is correct.

Mr. Stephen Woodworth: That alone would be impressive to me, but I understand also that you spent a number of years with the National Energy Board providing leadership in policy, regulatory review, and finance. Is that correct?

Dr. Brenda Kenny: That is correct.

Mr. Stephen Woodworth: I also understand that you're an adjunct professor at the Haskayne School of Business at the University of Calgary, and you chair the environment, health, safety and sustainability subcommittee of the board of governors of the University of Calgary. Is that correct?

Dr. Brenda Kenny: Yes, that is correct.

Mr. Stephen Woodworth: You are also a member of—

The Chair: Point of order, Mr. Choquette.

[Translation]

Mr. François Choquette (Drummond, NDP): Mr. Chair, I know that you are very attentive to members' questions and that you do not hesitate to speak up when they are not in line with our study.

Mr. Woodworth is an excellent colleague and I appreciate him very much, but since we have very little time for the study on amendments to Bill C-45, I think we should get to the heart of the matter right away.

Thank you very much, Mr. Chair.

[English]

The Chair: That's not a point of order; that's for debate.

Carry on, Mr. Woodworth.

• (1550)

Mr. Stephen Woodworth: Thank you very much.

Just to make it very clear for my colleague and other members and people who may be watching or listening, my view is that the advice we get from witnesses does, in some respects, depend upon their credentials and the trust we place in them. It depends on their experience and expertise, and it's toward those I am directing my questions at the moment.

Dr. Kenney, I understand that you are also a Canadian Academy of Engineering fellow. Is that correct?

Dr. Brenda Kenny: Yes, that is correct.

Mr. Stephen Woodworth: You are active in a variety of community groups, including Sustainable Calgary. Is that correct?

Dr. Brenda Kenny: I served on their board for several years. That's correct.

Mr. Stephen Woodworth: Our committee, as I'm sure my colleague, Mr. Choquette, would want me to point out, is only tasked today with examining the amendments contained in Bill C-45. May I ask you, Dr. Kenney, if you've had those amendments provided to you?

Dr. Brenda Kenny: Yes, I have.

Mr. Stephen Woodworth: Ms. Swanson, have you also had those amendments provided to you?

Ms. Elizabeth Swanson: Yes.

Mr. Stephen Woodworth: My understanding of these amendments is that they are, in fact, completely housekeeping or clarifying amendments. They do not have any significant substantive effect on the provisions being amended. Some of them, in fact, as I understand it, are to bring the English version into concordance with the French version.

Could each of you provide me with your comments as to whether I am correct in assessing these amendments as being largely clarifying and housekeeping amendments?

Ms. Elizabeth Swanson: I agree they are housekeeping and technical for the most part.

I would point to the exception being clause 432, which brings an amendment to the transition provisions. The net effect of that is to close a loophole that might have existed. It's very complicated. If I try to explain it, it's going to take a few moments. The way I understand it is the original drafting under CEAA, 2012, as I looked at it, would have enabled certain projects for which an assessment was deemed not necessary under CEAA, 2009 to not require an assessment under CEAA, 2012 for the very reason there was a statement that an assessment wasn't required.

The proposed amendment closes that loophole. For example, if a trigger under CEAA 2009 came up subsequent to a decision being

made, and if they would otherwise be assessed under CEAA, 2012, that loophole's closed now.

Mr. Stephen Woodworth: Could I interrupt?

Ms. Elizabeth Swanson: Yes.

Mr. Stephen Woodworth: As a lawyer who has become a politician, perhaps I could be permitted to paraphrase what you're saying. This amendment would permit assessments on projects that probably would escape assessment without that amendment. Is that correct?

The Chair: Unfortunately, the time's....

Ms. Elizabeth Swanson: Exactly.

Mr. Stephen Woodworth: Thank you. She got her answer in, Mr. Chair. I hope it's on the record.

The Chair: Yes. We heard that.

Mr. Scott, you have seven minutes.

Mr. Craig Scott (Toronto—Danforth, NDP): Thank you, Mr. Chair.

I'll be directing my questions to Professor Doelle.

I would preface them by saying that apart from the provision just drawn to our attention closing the loophole in section 128, subsection 53(4), making sure that a broader range of conditions can be attached, is by no means a housekeeping amendment and will certainly add to the force of the Canadian Environmental Assessment Act. I think it's probably very welcome.

Professor Doelle, there is some sense in which a series of these amendments changing the word "would" to "could" can be presented as mere housekeeping or technical, but if I understand you correctly, these can have quite dramatic consequences. I heard you say that in two instances this is either neutral or pro-environment to move from the word "would" to "could", but in at least three instances it's regressive.

I'm wondering if you could elaborate on sections 14, 63, and 64 where you've indicated in your comments that you think there should not be an amendment to change the word "would" to "could". Subsection 14(2) of the act gives the minister power to designate as requiring an environmental assessment an activity that does not fall within the regulations' list of designated projects. Proposed paragraph 14(5)(b) affects some changes in that. Sections 63 and 64 deal with termination of environmental assessments.

Could I ask you to explain why you would not want us to change the word "would" to "could"?

• (1555)

Dr. Meinhard Doelle: Sure. Let's start with proposed paragraph 14(5)(b). As you point out, the context of this is it provides an exception to the discretion the minister has to refer to an EA a project that is not on the designated project list. The change from "would" to "could" has the effect of broadening the exception.

My approach to the section is, given how short the list of designated projects is and given that these are early days of applying the new act, I would like the minister to have fairly broad discretion to add projects that really should be assessed that were not on the designated project list.

When I see a change to proposed paragraph 14(5)(b) that would appear to limit that discretion, I don't view it favourably. I think changing the word "would" to "could" limits the discretion of the minister to require an assessment of a project that is not on the designated project list.

Mr. Craig Scott: What about sections 63 and 64?

Dr. Meinhard Doelle: With respect to sections 63 and 64, the context is about the termination of an environmental assessment. The question is, under what circumstances is the termination of an environmental assessment appropriate? To say that it should be terminated when the responsible authority in section 63, and the minister in section 64 decides not to exercise the power, duty, or function that could permit the designated project to proceed, in my interpretation leads to a situation where an EA could be terminated even though there's still value in doing an environmental assessment.

If it is clear that the refusal to exercise the duty, power, or function would not permit the project to proceed; in other words, if the regulatory decision blocks the project, of course there's no point in doing the environmental assessment. By changing the wording from "would" to "could", suggests it is uncertain whether or not the regulatory duty, power, or function would prevent the project from proceeding, yet we are still terminating the environmental assessment.

Mr. Craig Scott: Thank you.

On the last point, it could result in a premature termination of an environmental assessment. Is that a correct summary?

Dr. Meinhard Doelle: That's my interpretation, yes.

Mr. Craig Scott: Thank you.

With respect to section 128, which was quite well explained by the other witness, in terms of creating a little more breadth in the coverage of the act, there's an expiry date on that of January 2014 with respect to the exemptions that have been written back into the act by this bill.

Do you have a view on whether putting an expiry date of January 2014 makes sense? Would you agree with West Coast Environmental Law, which wrote us a letter suggesting that's a rather arbitrary thing to do and that no expiry date should be needed?

Dr. Meinhard Doelle: I can't really give you a firm answer on that. It's not so much a legal question as it is a practical question. Do I see harm in taking it out? No, but whether this date actually creates a practical problem is a question I can't answer.

•(1600)

Mr. Craig Scott: Great. Thank you.

With the remaining minute I have, I'd like to give it to you. Is there anything that was said by your colleagues across the country that you'd like to comment on or respond to?

Dr. Meinhard Doelle: I would like to make a quick comment on the regulatory process versus planning process.

I accept that the joint review panel still has every opportunity to be a planning process. I guess my comment on it would be on the rest of the environmental assessment process being a more regulatory process. It's simply a combination of pushing the proponent to have

the detailed design ready at the start to try to encourage a discretionary decision not to apply the act in the first place. That encourages a lot of detail to be completed before the process starts.

The second piece to this is that when you restrict the factors to be looked at to fisheries, migratory birds, and impacts on aboriginal peoples, with a few other minor issues thrown in once in a while, that no longer provides the opportunity for a broad environmental assessment. That is essentially duplicating the issues for which there are already regulatory processes in place.

The Chair: The time has expired. Thank you.

Ms. Rempel, you have seven minutes.

Ms. Michelle Rempel (Calgary Centre-North, CPC): Thank you, Mr. Chair.

Thank you to all the witnesses for being here on relatively short notice. Your testimony is appreciated.

I'll begin my questions with Ms. Swanson.

I'd like to look at a few of the specific amendments in Bill C-45. I'll be referring to them by the clause number in Bill C-45 for ease of review, that have been brought up already today.

I'd like to start with clause 427. We've heard so far, Ms. Swanson, that there's a view this would broaden the exception, that this would somehow have adverse impacts. There are some assumptions made around the efficacy of the project list as well, that I believe were the basis of some of those comments.

I'd like to give you some time to comment on those comments and articulate your view on the efficacy of this change in clause 427.

Ms. Elizabeth Swanson: Thank you.

To begin with, I would say that I tend to agree with the testimony of Helen Cutts, when she said that these changes were by and large intended to bring parity to the English and the French versions.

When I look at it, certainly, the difference between "would" and "could" has an effect opposite to what Professor Doelle said. "Would" is more certain and directive, if you compare it with "could"; I think it enables action and the exercise of discretion, whereas there is less certainty that something is going to happen. When I look at a change from "would" to "could", I see it as having the effect, if there is any effect at all other than bringing parity to the English and French versions, of in fact making the act broader.

With respect to a project list approach, if I put the development of environmental assessment into a context, asking where we have been, what we have done, and where we are now in terms of a deliverer and a decision-maker, having regard to environmental effects, the project list makes a lot of sense to me. It introduces a whole lot of certainty. Rather than having us look at what is an "activity" or a "physical work" and whether it is on the inclusion list or on the exclusion list, this approach is much more efficient, direct, and certain. To that extent, I'm a proponent of the project list.

I also note that the list can be expanded, can be amended, and can be added to, I'm sure, if circumstances arise that make it apparent that it should be.

• (1605)

Ms. Michelle Rempel: That's great.

Clause 429, I believe it was, was also referred to in previous testimony with regard to the termination of an environmental assessment project, there was some testimony given today concerning the value of concluding that it could lead to premature termination.

Could you use your expertise to comment on some of that testimony as well?

Ms. Elizabeth Swanson: In all fairness to Professor Doelle, and with all respect, I wasn't able to follow his argument. I was listening hard and trying to do so.

To me, when I look at it and put it into context to ask what the change is here, it is not a material change. The sense that it could force a proponent to do more detailed design at a time when doing detailed design would deprive us of the full benefit of doing an environmental assessment, I'm sorry, but I just could not make head nor tail of that argument.

I can only speak from a pipeline project perspective—I can't speak to other types of projects—but that certainly is not the case.

Ms. Michelle Rempel: As well, with regard to the testimony concerning the date that is included in clause 432, do you want to provide any comment on the clause as a whole or on the application of the date mentioned therein?

Ms. Elizabeth Swanson: No. I would agree with Professor Doelle that if there is a practical effect, I'm not the person to comment on it. I assume there is a reason for a date, but I don't know what it is.

Ms. Michelle Rempel: There are a couple of questions that came up in earlier testimony. I'd like to give you the remainder of my time to expand upon your thoughts in the comments you made about this becoming a regulatory process, but perhaps also with regard to some of the statements that have been made about cumulative impact analysis.

My understanding, through previous testimony in review of CEAA was that I understood it to be simple. Cumulative assessment often happens more effectively in a land use planning process within a provincial jurisdiction, and I realize this is an over-simplification, but inserting it into an environmental assessment process has the effect of complicating the purpose of an EA as well as expanding it more into the realm of industrial development policy.

I'll leave you with those two points to comment on, given your experience. I'll use the remainder of my time for that.

The Chair: You have 30 seconds.

Ms. Elizabeth Swanson: Cumulative effects are absolutely an important part of doing good project assessment. Could it be most effectively done in a broader land use planning? I think the answer is yes. Do I think that regional and strategic planning are good ideas? Absolutely.

In a project-specific context, the difficulty is knowing information. If you broaden things out to what might be possible or even conceivable, how is a project proponent able to come forward with

credible information about speculative things? There is a practical problem with it. Conceptually, it's a good idea.

The Chair: The time has expired. Thank you.

Ms. Duncan, you have the last seven minutes.

Ms. Kirsty Duncan (Etobicoke North, Lib.): Thank you, Mr. Chair.

Thank you to the witnesses for coming.

I am struggling. We are hearing two very polarized views, in some ways, of CEAA, 2012. For example, from one group, it's strengthened and focused, and it strikes the right balance. From the other side, it's not a solid foundation for good decision-making; it's regulatory rather than planning; it's narrow, and focuses on large projects, and there is a risk of missing cumulative effects.

I'd like to give both groups an opportunity to respond to that.

Professor Doelle.

• (1610)

Dr. Meinhard Doelle: In part, I think you see the different perspectives that are broad and from different interests. I have worked for proponents in the past, and I am not surprised that a proponent would focus on efficiency, timelines, and reducing the cost of doing an environmental assessment. That's not a big surprise to me. The fact that we have different views about what a good environmental assessment process would look like doesn't surprise me either.

Ms. Kirsty Duncan: Thank you.

Now the other group.

Dr. Brenda Kenny: Let me lead off on that. My own view is that when we back up and look at the regulatory reform objectives here, I think that at the core level it is not correct to paint our objectives as polarized. Everybody wants to see effective environmental protection for Canadians, appropriate, responsible development where it's appropriate and responsible, and a clear outcome-oriented focus on conditions should a project be chosen to proceed, through both good EA planning input as well as appropriate regulation.

Our views on these particular amendments that are the subject of today's session are that they are largely very minor inconsequential cleanup amendments. The overall regulatory framework will do an excellent job for Canada to ensure good environmental decision-making, particularly, in our view, on the pipeline pieces, which are well handled at both the federal and provincial levels, from EA right through to the end of use of those facilities.

Elizabeth, do you have anything to add from a legal perspective?

Ms. Elizabeth Swanson: I'll focus on whether CEAA, 2012 delivers robust environmental assessment, or whether it is so focused that in essence it becomes shallow.

When I look at the kind of information that will be required to complete an environmental assessment for the agency, for example, because they have come out with suggested content guidelines, it is absolutely a good, deep, comprehensive, and broad environmental assessment. Whereas decision-making might be focused, I think we're going to get the same kind of broad and deep environmental assessment that we have seen under the other two acts.

Ms. Kirsty Duncan: Thank you.

Professor Doelle, do you believe it delivers robust environmental assessment?

Dr. Meinhard Doelle: No, it doesn't. Let me give you one example. If you do even a federal-only review panel, you will not know, as a basis for making project decisions, what the impact of that project will be on endangered species on land. How can you say you have a solid basis for federal decision-making when you don't even know that?

Ms. Kirsty Duncan: Professor Doelle, can you give us other examples, please?

Dr. Meinhard Doelle: If you do a joint assessment, there is every opportunity for a comprehensive assessment, and essentially the assessment process will carry on as it has. But when you're looking at a federal-only panel or a federal-only standard environmental assessment, you are looking essentially at the impact on fish, the impact on migratory birds, and the impact on aboriginal communities. By the way, no one has been able to figure out quite yet how you do that last part. It will be very interesting to see how that is done in isolation or without doing a comprehensive assessment.

Those are the things you look at, and everything else is left to the provinces in the expectation that the provinces will do it. I can tell you that in Nova Scotia, the ratio of federal to provincial assessments, historically, has been about 10:1. The federal government does about 10 times as many assessments as the province does. The hope that for every assessment the federal government doesn't do any more, or does by focusing only on those three areas is a false hope.

No, for anything other than a joint review panel, I don't think there will be a basis for sound decision-making, because if you want to make good decisions about projects, you need to know more than whether there are significant impacts on fish, on migratory birds, and on aboriginal communities. You want to know what the overall impacts are. You also want to know what the benefits are and what the uncertainties are so you can make a decision, at the end of the day, about whether this is a good project, and as a result of that, about whether the environmental impacts are warranted.

We know that projects can't go ahead without having an environmental impact. What we want to know, as a result of the environmental assessment process, is whether, overall, this is a good project and whether the environmental impacts are warranted in light of all the effects and all the benefits and all the uncertainties.

• (1615)

Ms. Kirsty Duncan: Thank you, Professor Doelle.

I have one last question. I think you both agree that clause 432 closes a loophole. If that's the case, and it closes a loophole, I'd like to ask both groups why it's only until 2014.

Dr. Meinhard Doelle: I can't answer that, so I'll defer.

The Chair: Unfortunately, the time has expired.

Do you want to give a very quick answer, Dr. Kenny?

Dr. Brenda Kenny: That's fine. We have the same response.

The Chair: I want to thank the witnesses.

On a point of order, Mr. Woodworth.

Mr. Stephen Woodworth: Having heard the comments about witnesses presenting two different pictures, I would like to ask Monsieur Choquette to acknowledge that when we have witnesses who present two different pictures, it's very helpful to know the qualifications and the expertise of the witnesses when assessing their evidence.

The Chair: That is not a point of order; it is debate.

I want to thank Dr. Doelle, Dr. Kenny, and Ms. Swanson for being with us. We really appreciate your spending time with us today.

Colleagues, we are going to suspend until 4:30, at which time we'll have the minister, department officials, and the deputy minister. Then we will be meeting for an hour with the minister.

We will now suspend.

• (1615)

_____ (Pause) _____

• (1630)

The Chair: We will continue with this 53rd meeting of the Standing Committee on Environment and Sustainable Development.

We welcome Minister Peter Kent, Minister of the Environment, along with Mr. Latourelle, Mr. Hamilton, and Ms. Feldman. Thank you so much for being with us today.

Minister, you have up to 10 minutes, then we will open it up to questions from the members.

Hon. Peter Kent (Minister of the Environment): Thank you, Chair. Good afternoon, colleagues.

As you have heard, with me today is my deputy minister, Bob Hamilton; the CEO of Parks Canada, Alan Latourelle; and Ms. Elaine Feldman, the president of the Canadian Environmental Assessment Agency. In the back row ready for the call should we get into deep financial and accounting matters is Ms. Carol Najm, Environment Canada's chief financial officer.

Mr. Chair, I'd like to start off by expressing my sincere appreciation to the committee for the invitation to appear here today to discuss the supplementary estimates (B) tabled in the House earlier this month.

[Translation]

I will begin with a brief statement. After that, I would be pleased to answer any questions the members may have for me.

[English]

Since I last appeared before this committee on the main estimates, Environment Canada has continued to maintain its focus on the effective and efficient delivery of its mandate. I'm pleased to note the department is making steady progress initiating meaningful actions to protect Canada's environment, to protect Canadians, and the economy.

As a regulatory department our strength lies in our ability to successfully create, implement, monitor, and enforce effective federal regulations and legislation. On this front I am proud to say Environment Canada is a world-class regulator leading the way by integrating science into good regulatory decision-making and strengthening and deepening its monitoring networks where it matters most.

The department is continuing to engage expert scientists by using the best available research and relying on effective collaborations with its partners at home and abroad.

Environment Canada is protecting endangered species and our nation's rich biodiversity through strong leadership and effective partnerships.

Since 2006, thanks in significant part to the department's efforts, Canada's protected areas have grown by fully 53%. Almost 10% of Canada's land mass is now protected, an area greater than that of the province of British Columbia.

On climate change, the department is heavily engaged in implementing our sector-by-sector regulatory approach and in working with the provinces and territories to reduce emissions. We have combined efforts to reduce electricity emissions through a range of measures designed to shift away from high-emission sources of electricity and to reduce demand through energy efficiency.

We've already put into place light duty vehicle regulations for the model years 2011 to 2016, and we're working with the United States to extend those regulations to model years 2017 and beyond. We proposed on-road heavy duty vehicle greenhouse gas emissions regulations for the years 2014 and later. We also introduced regulations to implement new standards to reduce air pollution and greenhouse gas emissions in the marine sector. In September we announced final regulations for reducing greenhouse gas emissions from coal-fired electricity generation.

These regulations will apply stringent performance standards to new coal-fired electricity generation units and units that have reached the end of their useful life. Greenhouse gas emissions from the electricity sector are now projected to decline by a third between 2005 levels and 2020 despite significant increases in economic activity and electricity production over this period.

Collectively, colleagues, our efforts have already brought Canada about halfway to achieving our greenhouse gas reduction target by reducing emissions by 17% from 2005 levels by 2020. The department is continuing to push forward. We're now turning our focus to the oil and gas sector.

When it comes to water quality, the department tackled one of the largest single sources of water pollution by introducing this past

summer the first national standards for waste water treatment. It also supported the enhancement and renewal of the Great Lakes water quality agreement with the United States to address such issues as aquatic invasive species, habitat degradation, and the effects of climate change. It launched the Great Lakes nutrient initiative to address toxic and nuisance algae.

● (1635)

[Translation]

Environment Canada is continuing its work with Ontario to develop a renewed Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem.

Under the St. Lawrence Action Plan, Environment Canada is also focused on monitoring the St. Lawrence to improve biodiversity conservation, water quality and sustainability.

[English]

The department also progressed on its collaborative work with the provinces, with environmental non-governmental organizations, and with industry to improve air quality, when provincial and territorial ministers of the environment endorsed the air quality management system just a few weeks ago.

There is more, but in the interests of time, Mr. Chair, I'd like to turn to the supplementary estimates (B) before us today.

As you will note, Environment Canada's submission in the supplementary estimates (B) includes 12 items, a number of them further to budget 2012, which due to timing could not be included in the main estimates. I'd like to highlight them.

The major items include a proposed \$17 million increase to support such initiatives as the Species at Risk Act, the Lake Winnipeg basin initiative, the Major Projects Management Office, and the health of the oceans initiative.

This amount includes \$11.8 million for ongoing improvements to the species at risk program and \$2.1 million to support watershed, land stewardship, and freshwater science initiatives under the renewed Lake Winnipeg basin initiative program. There's a request for \$2 million to renew funding for the Major Projects Management Office to ensure timely and quality reviews of more than 70 high-profile major resource projects and to support implementation of the responsible resource development initiative. As well, there is a \$1.2 million request to enable the health of the oceans partners and the Government of Canada to respond to an ongoing need to protect the health of Canada's oceans.

It also includes just under \$13 million in savings that the department has identified for the budget 2012 deficit reduction action plan.

When considered together, this submission works out to a departmental request for about \$5 million in additional funding.

As for Parks Canada, which also falls under my purview, supplementary estimates (B) include three transfers to and from other federal departments, which amount to a reduction of about \$12,000. The agency would like to invest \$3.7 million in the species at risk program and \$800,000 to advance the establishment of two marine conservation areas through the health of the oceans initiative.

[*Translation*]

Mr. Chair, this highlights some of the activities these estimates will financially support in the department's work to provide Canadians with a clean, safe and sustainable environment.

I would like to thank you, Mr. Chair, members of the committee, for your time today. I would be happy to answer your questions.

[*English*]

The Chair: Thank you, Minister.

We will begin our seven-minute round with Mr. Toet.

Mr. Lawrence Toet (Elmwood—Transcona, CPC): Thank you, Mr. Chair.

It is a pleasure to have the minister and his colleagues with us today.

I want to start with laying the framework of what we're dealing with in these supplementary estimates. You spoke about it a little in your presentation, when you talked about the main estimates and the additional items that come in here.

I wonder whether the minister or one of his colleagues could inform the committee about how the estimates process works. Perhaps they could specifically describe the role of supplementary estimates as a complement to the main estimates, which were tabled in the spring. One of the examples I could bring forward is how the report on plans and priorities work in conjunction with the departmental performance reports as we go forward.

Hon. Peter Kent: You're quite right. I referred indirectly to the fact that the items in the supplementary estimates (B) here today were in large part not available to be placed in the main estimates.

The supplementary estimates serve two purposes. They seek to revise spending levels that Parliament will be asked to approve. They also provide all members of Parliament information on changes to estimated expenditures to be made under the authority of the statutes already passed by Parliament.

The supplementary estimates, as most of you know, are tabled three times a year: the first in May, the second in late October, and the final one in late February. Each of these supplementary estimates documents, labelled (A), (B), and (C), can be published in any given year.

They reflect the government's planning priorities and resource allocation priorities and the fine-tuning of those priorities. In combination with the subsequent results achieved in departmental reports, this material helps Parliament hold the government to account for the allocation and management of public funds.

• (1640)

Mr. Lawrence Toet: Thank you for that explanation. I think it's important, as we lay the groundwork here.

You referred to fine-tuning and adjustments. One of the adjustments I've noted in here, and you probably knew I'd bring this up, is the funding to address excess nutrient problems in Lake Winnipeg. I'm very happy to see that in here.

Could you articulate what the government's plans are exactly for this funding, and what the accomplishments will be through this funding?

Hon. Peter Kent: This new funding for the Lake Winnipeg basin initiative is actually the second phase of a program focusing on the challenges of science, of nutrient loading from a variety of sources, from the well-established nuisance, and in some cases, health-threatening algae that have accumulated in the lake.

To correct some of the media accounts we've seen in recent weeks, of this funding, barely 25% will go for the staffing costs, for the human resources costs. The rest of it is going into science funding with partners, and working on ways to once and for all address the problem of nutrient loading in Lake Winnipeg. At the same time, we're embarking on a similar program in Lake Erie. The science developed in both of these areas will be applied to other lakes experiencing nutrient loading to a lesser extent, Lake Simcoe for example.

Mr. Lawrence Toet: Right.

I'm very glad to hear you use the phrase of dealing with it "once and for all", because it's been an issue dear to the hearts of many Manitobans for a long time.

Also, I've noticed the Parks Canada funding listed in here. Could you elaborate on how many parks we've created and how much land has been protected in this process?

Hon. Peter Kent: As you know, our government is exceptionally proud that, since forming government in 2006, we have increased the amount of protected areas under our formal parks by just over 50%.

This summer, the Prime Minister added our newest park, Naáts'ihch'oh, on the north side of the Nahanni National Park. We are working on finalizing the addition of the national marine protected areas in the southern Georgia Strait and in Lancaster Sound, to the two formalized national marine protected areas in Lake Superior and Haida Gwaii.

We have signed an agreement with the Government of Nova Scotia to create a national park reserve on Sable Island off Nova Scotia. In the coming months, our government and the Government of Nova Scotia will be tabling legislation to formalize Sable as our newest national park.

We continue to work with provinces and territories on national parks, and supplement that by working with a variety of other groups and conservation groups to protect areas, while still allowing land use, which is not allowed in national parks.

• (1645)

Mr. Lawrence Toet: Fantastic.

How much time do I have left, Mr. Chair?

The Chair: You have 30 seconds.

Mr. Lawrence Toet: I have a very quick question, then.

We've been dealing with the CEAA. Could you touch on some of the recent changes in how the agency will be conducting its business going forward?

Hon. Peter Kent: As you know, through legislation in the spring, we introduced CEAA, 2012, the Canadian Environmental Assessment Act, 2012, which will focus on the major projects before the government that represent the greatest potential for impact on the environment. Going forward, Elaine and CEAA staff are focusing on roughly 70 major projects at the moment. Recently, I've been informed that since the implementation and the proclamation of CEAA, 2012, we now have seven new projects for consideration.

The Chair: Thank you very much. The time has expired.

Madame Quach, you have seven minutes.

[Translation]

Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP): Thank you, Mr. Chair.

I want to thank the minister for joining us to answer our questions today.

In your presentation, you yourself said that you had a hard time producing your report on the budget, owing to a lack of time. So several pieces of information are missing. In fact, the Parliamentary Budget Officer said today, in a report, that he was unable to complete his own analysis because a number of departments—including Environment Canada—had not met the deadlines or submitted their budget.

You also said that Parks Canada's supplementary estimates did undergo an assessment. You manage both Environment Canada and Parks Canada. How do you explain your failure to produce a report on Environment Canada?

[English]

Hon. Peter Kent: Thank you for that question.

The answer is an administrative one. In years past we would submit the supplementary estimates (B) to Treasury Board, and Treasury Board would then forward them on to the Parliamentary Budget Officer. This year the rules were changed; the directions were changed. The department was advised that they should be forwarded within five days of the tabling of the supplementary estimates (B) documents.

My deputy can explain, but officials in the department understood that to be five working days and that the deadline was today. They have been submitted today. You're quite right. They've been prepared. They were ready. They've been submitted. It was simply a difference in administrative interpretation of the new process of submission.

Bob.

[Translation]

Mr. Bob Hamilton (Deputy Minister, Department of the Environment): That is exactly right. We provided those figures today, five working days after the deadline. It's true that we missed

the deadline, but we submitted the figures today. We provided some other figures on budget 2012 to the Parliamentary Budget Office on October 26.

Ms. Anne Minh-Thu Quach: So there is a lack of internal communication.

With regard to greenhouse gas emissions, you said you had a sector-by-sector program. Minister, when we met in committee of the whole earlier this year, you said it would cost \$14 billion for Canada to honour its international greenhouse gas reduction commitments under the Kyoto Protocol. On May 15, my colleague from Halifax asked that you provide us with some figures in support of that statement, and you promised to do so. You also agreed to provide data on global warming's potential financial repercussions on the Canadian economy. However, before that same committee of the whole on May 15, you refused to provide cost analyses on the strategy for greenhouse gas sector-by-sector reduction. You talked about that in your opening statement.

Can you provide us with that information today?

• (1650)

[English]

Hon. Peter Kent: I'm not sure if the information I provide will satisfy your question, but in fact the \$14 billion that I referenced and that we referenced at the time of the announcement of Canada's legal withdrawal from the Kyoto accord, was the budgetary number.

It's a number that's based on carbon pricing and international markets. The precise number is far less important than our government's decision not to send billions of hard-earned Canadian tax dollars abroad to buy hot air credits from depressed eastern European economies.

That was the reason our government announced, from the day that we first assumed office until we gave notice after the Durban conference last year, that the Government of Canada regarded the Kyoto protocol as ineffective and unfair, particularly in the context of Canada's circumstances.

With regard to the cost of implementing sector-by-sector greenhouse gas reductions to meet our Copenhagen 2020 targets, those costs are borne on the basis of polluter pays. The sectors pay. We've done it in a very non-prescriptive manner, unlike some other countries that use the regulatory tool. We've done this, for example, in the case of vehicle tailpipe emissions. We've done it in alignment with the United States and with our integrated auto industries. With regard to coal-fired electricity generation, we have done it with....

[Translation]

Ms. Anne Minh-Thu Quach: Could you give me some figures?

[English]

Hon. Peter Kent: The regulations apply at the end of life.

[Translation]

Ms. Anne Minh-Thu Quach: You say that it is effective, and I am glad to hear that you agree with the polluter pays principle. That is a principle I would very much like to see applied with a concrete strategic plan, which I am however not seeing. You talked about \$14 billion for reaching the international GHG objectives, but we don't know how much your sector-by-sector strategic plan costs. Unless I am mistaken, you don't have any figures today either

[English]

Hon. Peter Kent: The actual cost of achieving our megatonnage reduction sector by sector is far less important than the fact that we are 50% of the way towards achieving our 2020 Copenhagen targets.

[Translation]

Ms. Anne Minh-Thu Quach: But it is important to us.

Hon. Peter Kent: But why?

Ms. Anne Minh-Thu Quach: It's important because we have to know in what areas the approach is effective. We need to know how we can then recognize any readjustments to be made. We need to know whether we are doing well and being sufficiently productive, whether we are monitoring the situation adequately. You talked about being effective when it comes to investments, but you are unable to assess each specific sector. I find that alarming. It's very worrisome, coming from my own minister.

[English]

Hon. Peter Kent: The important thing is the absolute reduction of greenhouse gases sector by sector—

[Translation]

Ms. Anne Minh-Thu Quach: But do you have the figures on that reduction?

[English]

The Chair: Madame Quach, time has expired.

Hon. Peter Kent: Absolutely. As we said, we reported in an internationally accepted measurement of our greenhouse gas trends that we are at roughly 50% of achieving our 2020 Copenhagen targets.

The Chair: Very good. Thank you.

Mr. Woodworth, you have seven minutes.

Mr. Stephen Woodworth: Minister and other folks, welcome. It's always good to get an overview of things and to look at the estimates as we go. I think everyone around this table understands that this is the parliamentary process, that budgets proceed in this fashion, and that as the details get filled in, we hear from you. I appreciate that.

I want to ask about a matter that's somewhat important to me and to other Canadians. It comes out of the supplementary estimates (B) in relation to funding of areas that might involve the oil sands in the west.

We know that the oil sands are a strategic natural resource for Canada, that they are a key driver of economic development, and that the Government of Canada works with the Government of Alberta to make sure that they are developed in an environmentally responsible way.

In particular, this committee, in the previous Parliament, spent quite a number of months studying the oil sands and being concerned about them. Subsequent to that, your ministry went through an excellent science-based consultation with experts in the field regarding the monitoring of the oil sands and came up with a plan, which was announced in February of this year, jointly with Alberta, I think.

I wonder whether you could give us an update about what it has achieved so far, what you have seen in it, and how it may relate to the estimates.

• (1655)

Hon. Peter Kent: Absolutely. I think there's no better point of accent than the report that was released at the annual SETAC conference in the United States last year, at which they talked about the detection of monitored contaminants far further afield from the oil sands than earlier expected. This is the latest chapter in a good news story of our government's having in 2010 accepted the advice of scientists across academia, scientists in the west, who said that monitoring at the time was insufficient and needed to be improved.

We took that advice. A monitoring program was designed, and it was peer reviewed by scientists and is now being implemented. We began in the spring melt this year. Again, it is being funded, with a nod to my colleague who is interested in bottom-line numbers and costs, at \$50 million a year for the first three years of implementation, paid for by the industry and administered jointly by the Government of Canada, Environment Canada, and the Government of Alberta.

As I say, we're in the first year of implementation, but in the next three years, as the complete, comprehensive monitoring of water, air, biodiversity, land, aerial dispersal, and downwind impacts on lakes that are sensitive to acid contaminants is done, we will provide even greater evidence, which will allow us to work with the industry to ensure that contaminants are reduced while at the same time responsibly developing a great natural resource.

Mr. Stephen Woodworth: Excellent. I appreciate that update, and I'm glad to hear that it's proceeding and is producing solid, reliable results.

The other thing in your remarks I was quite interested in was in relation to water quality, in particular the launch of the Great Lakes nutrient initiative to address toxic and nuisance algae—this is an issue in southern Ontario, where I come from—and national standards for waste water treatment.

In particular, I'd like to ask you about those waste water systems effluent regulations. Can you describe what you hope to accomplish with those, how they're going to be implemented, and what the costs will be?

Hon. Peter Kent: Certainly. Waste water management is probably the greatest challenge we have with respect to clean water in Canada today. About 75% of our communities have effective primary or secondary waste water management, but fully 25%, 850 communities, large and small, first nations and otherwise, still have inadequate waste water management and treatment.

In consultation with the provinces and the territories, in July we announced that Canada's first national waste water management regulations will be brought in. They will focus on three priority areas. The highest priority, the greatest degree of pollution, will be treated with a target date of 2020. The next intermediate level will be done by 2030, and the lowest level of correction required will have a date of 2030.

This will probably lead to a subsequent question on infrastructure support for the cost. Environment Canada estimates a cost of significantly under \$10 billion to bring the full country into compliance. I've spoken with the president of the Federation of Canadian Municipalities, mayors across the country, east and west, and others. They estimate something beyond \$20 billion. We are talking. We are working together. Our government has already invested more than \$2 billion directly in waste water management. Of course, the annual gas tax refund of \$2 billion is available to all municipalities, large and small, to apply against that waste water management.

If that infrastructure money were to be applied fully to waste water management over the next five years, and one knows that it has to be spread a little bit more broadly, one would think the country would be very close to being in full compliance from coast to coast.

• (1700)

Mr. Stephen Woodworth: It's a good example of green infrastructure funding that will benefit Canadians for years to come—

Hon. Peter Kent: That's right.

Mr. Stephen Woodworth: I think you'll find a lot of support around this table for that.

Thank you.

The Chair: Your time has expired.

Ms. Duncan, you have seven minutes.

Ms. Kirsty Duncan: Thank you, Mr. Chair.

Thank you to the minister and officials for coming.

I have some concerns. I hear about strengthening and deepening monitoring networks, when there were cuts of 700 announced at Environment Canada, and more recently, 200. When it comes to Canada's protected areas, we always want to hear about them. You talked about 10% of land being protected, and that's a good thing. On the other side, less than 1% of our marine areas are meaningfully conserved.

On water quality, the nutrient program is important. On World Water Day, there was an announcement about protecting the Great Lakes. It was 0.7% of what was needed to protect them.

I'm going to start with climate change. Canada was a founding member of the new Climate and Clean Air Coalition to Reduce Short-lived Climate Pollutants.

Why is there the willingness to address the short term versus the long term?

Hon. Peter Kent: That's a good question. I'd love to answer some of your run-up questions, as well.

With regard to short-lived climate pollutants, or short-lived climate forces, the reason we joined initially with the United States and Mexico, then Sweden, Ghana, Bangladesh and other countries, and now the EU has jumped in—

Ms. Kirsty Duncan: Why is there the willingness to look at the short term?

Hon. Peter Kent: By reducing short-lived climate pollutants—methane, black carbon, hydrofluorocarbons—we can—

Ms. Kirsty Duncan: Almost.

Hon. Peter Kent: The reason we're doing that is that if we can significantly reduce those, we can buy ourselves time on the GHGs, which are the long-lived climate pollutants and forces, which take generations. It's been estimated that fully a third of global warming, on an annual basis, could be eliminated if we were to contain short-lived climate pollutants.

Ms. Kirsty Duncan: Thank you, Minister.

I'm wondering what specific actions the federal government is taking. Last Christmas we were basically where we could get 25% of the way to achieving our greenhouse gas targets. In the summer, it was announced that we could get 50% of the way there. I'd like to know what the federal actions are to do that.

Hon. Peter Kent: How that was achieved?

Ms. Kirsty Duncan: Yes.

Hon. Peter Kent: It has been shown, as we've said all along...and some of our regulations are only now taking effect, there has been a separation in our GHG trending models, which we saw last year, where, even with increased GDP growth in the economy, there has been a diminished rate of GHG emissions. Some of this is through provincial regulations. Some of this is through better practices by industry and by individual citizens in terms of the way they heat their homes—

• (1705)

Ms. Kirsty Duncan: What are the specific federal actions, please?

Hon. Peter Kent: The specific federal actions?

Ms. Kirsty Duncan: Yes, that have changed from last Christmas to July.

Hon. Peter Kent: Well, the newer numbers that we achieved, and factoring in the regulations... We know, for example, that the tailpipe emissions will achieve a reduction of a significant amount of megatonnage because fully a quarter of Canada's greenhouse gas emissions are in the transportation sector. We know that those regulations and the science behind them will get down a certain number of tonnes. We know that the new regulations for coal-fired electricity generation, by achieving new operating performance standards, will reduce the megatonnage from that sector. As we regulate each sector, we can anticipate where we'll be in 2020.

Ms. Kirsty Duncan: Okay.

Could you table with this committee the exact federal actions that have been taken to make those reductions? The thing I would argue is that, in fact, in doing those calculations, we had a higher start value. We used a projected value rather than actual emissions. The accounting rules were changed. It was the first time that land use and forestry and its emissions projections were used. The provincial—

Hon. Peter Kent: That's right. That's the good news.

Ms. Kirsty Duncan: Yes, that's important. That's a new piece, yes, but we did change the accounting rules. I'm asking what the federal actions are. NRTEE was clear that the action undertaken by the provinces and territories is responsible for three-quarters of the greenhouse gas emissions reduction, and we've removed any climate accountability measures by repealing the Kyoto Protocol Implementation Act and by getting rid of NRTEE. Therefore, I would be grateful if you could table with this committee the specific federal actions.

I'd now like to ask about species at risk. That law is there to protect endangered wildlife and the habitat they depend on, but only after a recovery plan has been implemented for each one. These recovery plans are required by law. They're especially important in protecting all of the habitat that species need in order to survive and recover. Can you tell me how many recovery plans are delayed today? What is the number, please?

Hon. Peter Kent: First of all, I'll tell you that the good news is, as you know...and certainly some recovery plans have been delayed over the years, but the Species at Risk Act is a juvenile—

Ms. Kirsty Duncan: Sorry, Minister, but what is the number, please?

Hon. Peter Kent: Just let me tell you that this is a relatively new act. It only came into force in 2002, so we're at the 10-year mark. The caribou recovery strategy that I presented a couple of months ago was delayed on a deficiency of science and of actual hard numbers on that species at risk—

Ms. Kirsty Duncan: Minister, I—

Hon. Peter Kent: —but it has been widely accepted. The science has been acclaimed by even some of our harshest critics at one time. There are certainly some delays, but in a lot of these cases, it's because of a deficiency of science in the species—

Ms. Kirsty Duncan: How many recovery plans have been delayed, please? Is it 188? How many of them are five years overdue?

Hon. Peter Kent: Do we have a number on that, Bob?

Mr. Bob Hamilton: I don't have the breakdown for five years overdue, but there are over 200 recovery strategies or management plans that are delayed, yes.

Ms. Kirsty Duncan: That are delayed, and I believe it's 87 that are five years overdue.

Mr. Bob Hamilton: We've made significant progress to reduce that backlog and delay, but there still is a backlog.

The Chair: Thank you.

Hon. Peter Kent: You can't do it overnight.

[Translation]

The Chair: Mr. Choquette, you have five minutes.

Mr. François Choquette: Thank you, Mr. Chair.

I want to thank all of you—minister, ladies and gentlemen—for being here today.

Minister, regarding the \$50 million the industry has promised for reducing the negative effects of oil sand production, has the agreement been signed?

[English]

Hon. Peter Kent: We have full agreement with the industry.

We are now generating—

● (1710)

[Translation]

Mr. François Choquette: So the agreement has been signed.

[English]

Hon. Peter Kent: It's not something that will require a signature. Basically what it will require is the modality for the payment by the industry to the Government of Canada, Environment Canada, and the Government of Alberta for the science, as it's installed.

But we have already—

[Translation]

Mr. François Choquette: Have you concluded a written agreement? You say that you have not signed it, but that there is a written agreement. You must be familiar with the details of the agreement, right?

[English]

Hon. Peter Kent: We have the details of the agreement, certainly. There will be a formal agreement—

[Translation]

Mr. François Choquette: Are the details public?

[English]

Hon. Peter Kent: Absolutely. We've discussed them. We announced them in February of this year. The \$50 million a year is calculated specifically on the design and the implementation over three years.

[Translation]

Mr. François Choquette: How much of that \$50 million will be paid by the industry? Is it \$50 million?

[English]

Hon. Peter Kent: All of the \$50 million.

[Translation]

Mr. François Choquette: Okay.

How much of that \$50 million has been invested so far?

[English]

Hon. Peter Kent: Our investment to date, and we were talking about that this morning, is somewhere around \$20 million. Those funds have not yet been transferred from the industry, but that has been invested in installation.

[Translation]

Mr. François Choquette: What amount did you say was paid by the industry?

[English]

Hon. Peter Kent: They will pay all of the \$50 million a year.

In terms of implementing and installing monitoring facilities and preparation for installation—

[*Translation*]

Mr. François Choquette: All that will be made public anyway. We will be able to find the information.

Hon. Peter Kent: The amount is about \$20 million.

Mr. François Choquette: Okay, thanks.

A conference will be held in Doha, Qatar, from November 26 until December. Will you be attending, minister?

[*English*]

Hon. Peter Kent: Yes, I will.

[*Translation*]

Mr. François Choquette: What is the budget for the Canadian delegation? Has a budget been allocated for that purpose?

[*English*]

Hon. Peter Kent: There is a budget. I don't have the hard numbers. It is significantly less than last year.

[*Translation*]

Mr. François Choquette: How many people will be able to go to Doha this year?

[*English*]

Hon. Peter Kent: It depends on the numbers involving the provinces. There will be provincial delegations. I believe the provincial delegations, in a number of cases, are larger—

[*Translation*]

Mr. François Choquette: Will any members of the opposition be invited to attend?

[*English*]

Hon. Peter Kent: To be a part of the official Canadian delegation, no, but as was done last year with representatives from the NDP and the Green Party, we will assist in enabling their accreditation to be present at the conference.

[*Translation*]

Mr. François Choquette: But that's not official. Our attendance is not official.

[*English*]

Hon. Peter Kent: No, but they participated. You were well represented, I believe.

[*Translation*]

Mr. François Choquette: Could you give us an idea of our current position in the post-Kyoto negotiations?

[*English*]

Hon. Peter Kent: Our stand is as it has been since our government took office and since the Prime Minister signed the Copenhagen accord. It is to achieve a new international climate change regime which includes all of the world's major emitters of greenhouse gases. That includes countries that were considered developing countries in the 1990s but which today have very strong and vital emerging economies and very significant amounts of greenhouse gas emissions.

[*Translation*]

Mr. François Choquette: According to the seed funding promised in Copenhagen, \$400 million has been paid to delivery partners in the first year of the swift implementation period, and over \$394 million in two years. Are those additional funds, or is that just money that would have been spent anyway?

[*English*]

Hon. Peter Kent: The original fast-start financing under Copenhagen provided for \$1.2 billion over three years. We are now in the third year of allocating the remaining money of that \$1.2 billion. By the end of the next fiscal year, the \$1.2 billion will have been fully committed. Half of it is repayable and half of it is considered a grant.

The Chair: The time has expired.

Mr. Sopuck, you have five minutes.

Mr. Robert Sopuck (Dauphin—Swan River—Marquette, CPC): Thank you, Mr. Chair.

Back in 1989, the Mulroney government passed the PPERs, the pulp and paper effluent regulations. They had a dramatic impact in terms of improving water quality from the outfalls of pulp and paper mills. I view the waste water regulations that you've talked about as similar in scope, albeit the issue will be much more complicated than the PPERs were.

Do you anticipate over the time that the waste water regulations are implemented a fairly dramatic improvement in Canada's water quality?

• (1715)

Hon. Peter Kent: Absolutely. As I say, we are prioritizing with those three deadlines: 2020 for the highest priority improvements and corrections required, 2030, and 2040.

As you know, there are still discussions and arguments against our waste water regulations in some places where communities are used to flushing their waste into the ocean. I can assure you that our government will not accept that standard of behaviour.

Mr. Robert Sopuck: Right, nor should we.

As you know, I represent a large dispersed rural constituency with a lot of small communities, so I'm very pleased to hear you talk about the possible assistance for small communities, because way too many of them are under a boil water advisory. I applaud the department's focus on real environmental results that we can measure.

In the budget, a transfer of almost \$1 million from Fisheries and Oceans was talked about to “continue the environmental restoration of key aquatic areas of concern” identified under the Canada-U.S. Great Lakes Water Quality Agreement. The topic of restoration, as you know, is very near and dear to my heart. Can you briefly describe some of the activities you see occurring in that program?

Hon. Peter Kent: There's a variety. Under the renewal of the Great Lakes Water Quality Agreement, it provides for more vigorous action against invasive species. It provides for, again, more vigorous action with regard to cleaning up hot spots, toxic areas, toxic deposits around the Great Lakes and into the St. Lawrence basin.

To that point, we're very close. There's been some discussion in Parliament and at other levels of government over addressing the worst Great Lakes hot spot toxic area, which is known as Randle Reef in Hamilton harbour. It seems that all parties are preparing to go ahead. We've remediated three of Canada's 17 hot spots on our side of the lakes, and we're proceeding with others now, but we're looking forward to attacking Randle Reef in Hamilton harbour.

Mr. Robert Sopuck: I think the undertaking of projects and programs that generate real, measurable environmental results that Canadians can see and understand is very important, so I strongly support this particular direction.

I'd like to focus a little bit on the unsung heroes of conservation who simply do not get their due. They are getting their due with our government, but they haven't in the past. I'm talking about hunters and anglers and farmers and trappers, the people on the land, the kind of people I represent. These are the heroes of conservation, in my view. Whether they're planting trees, restoring wildlife, putting up nest tunnels for ducks, or all those kinds of things, they never get the due they deserve.

As you well know, Minister, our government created the hunting and angling advisory panel, where all of these groups are represented under one roof in providing advice to our government. Can you elaborate on the activities of the hunting and angling advisory panel, and where you see it going in the not-too-distant future?

Hon. Peter Kent: Sure. You've actually set the stage very well.

The hunting and angling advisory panel represents many hundreds of thousands of Canadians who are among our country's greatest conservationists. They use the wild and they use the habitat, but they are exceptionally responsible. They have been an unheard voice over the decades.

At our first meeting a few months ago and in our coming meetings we're looking at some of the advice. Some of the conservation groups that are represented one way or another are already participants in such programs as Nature Conservancy of Canada and Ducks Unlimited, but it goes far beyond that. We are seeking advice from this panel with regard to species at risk, with regard to better land use practices, with regard to re-establishment of wetlands, with regard to pretty much across the environmental spectrum in Canada and the contribution those voices can make to our considerations.

• (1720)

Mr. Robert Sopuck: Thank you very much.

The Chair: The time has expired. Thank you.

[Translation]

Mr. Pilon, you have five minutes.

Mr. François Pilon (Laval—Les Îles, NDP): Thank you, Mr. Chair.

Mr. Minister, in your brief, you say the following:

And on this front I am proud to say that Environment Canada is a world-class regulator leading the way by integrating science into good regulatory decision-making and strengthening, and deepening its monitoring networks where it matters most.

Unless I am mistaken, this means that, for the time being, you will focus on the most urgent matters, but you will set the rest aside. And if some day, you happen to realize that there is an emergency, you will take care of that area. Is that correct?

Hon. Peter Kent: No, that's not it at all.

[English]

First of all, if I could just remind you, Environment Canada is a very broad and complicated department. It includes the chemical management plan, Parks Canada, species at risk responsibilities, air and water diversity responsibilities, as well as biodiversity. We also have responsibility for the Canadian Environmental Assessment Act with regard to industrial projects. Environment Canada is very much a science-based department. We have responsibility for the Meteorological Service of Canada, the national weather service. We have responsibilities, as you know, for climate change, mitigation on one hand and reduction of greenhouse gases, but also adaptation to those changes, which are already taking place and will continue to take place, we expect.

There are a great many sublevels of scientific focus within Environment Canada with, I can tell you, wonderful people who are eager to fulfill their individual mandates and to ensure that Environment Canada maintains its international reputation as a world-class regulator. Much of what we do involves regulation. Much of the science done is to allow the establishment of standards and the maintenance and defence of those standards through regulation.

[Translation]

Mr. François Pilon: Thank you.

I have a municipal background. So I have a question about wastewater management, which costs municipalities a lot of money. What portion of the budget will go to municipalities to help them renew and maintain their wastewater management infrastructure?

[English]

Hon. Peter Kent: It's a very good question. It's a very challenging question for some municipalities that perhaps have not been as diligent in past decades in terms of maintaining waste water management capability and capacity.

As I said in answer to one of your colleagues, in recent years we have invested more than \$2 billion directly through the economic action plan to communities that applied for and received funding to improve and increase the capability and to add new levels of treatment. Every year we have made permanent the \$2 billion gas tax rebate, which is intended for and can be applied entirely to infrastructure. That said, we also have the building Canada fund. As you know, and the Minister of Transport has addressed this in the House a number of times, we are considering renewal of that fund. When it comes to this sort of infrastructure funding, the Federation of Canadian Municipalities is very forthright in their insistence on federal assistance. This will certainly be much easier once the deficit is eliminated and we can move forward and get back into a balanced budget situation.

That is our intent. We recognize that these costs are significant. There is a difference between the Federation of Canadian Municipalities' \$20-plus billion cost and our estimate of somewhere between \$5 billion and \$10 billion. That said, we want to move forward and to assist communities large and small to ensure they treat their waste water appropriately.

• (1725)

The Chair: Time has expired. Thank you so much.

Mr. Lunney, you have the last almost five minutes.

Mr. James Lunney (Nanaimo—Alberni, CPC): Thanks.

I am going to move quickly because I'm going to try to pass the last moment or so over to my colleague, Ms. Ambler, who has a question as well.

I want to roll two questions together, but first I have a comment. I did hear in response to a question earlier about SARA that there is a question about deficiencies in science. I presume we want to make sure that responses are based on sound evidence, to make sure that we actually get results from our interventions.

I noted with some interest that there was an article in the news this past week about the international census of marine life 2010. The headlines were that two-thirds of ocean species remain unidentified, even after a decade of science, according to the article in *Current Biology*. Obviously we want to make sure that our responses are appropriate.

I noticed that you have \$1.2 million in supplementary (B)s to enable the health of the oceans partners to respond to the ongoing need to protect the health of Canada's oceans. Question one is related to where you see that \$1.2 million going.

The second question has to do with the item in the supplementary (B)s for the habitat stewardship contribution program of some \$4 million through transfer. This program helps Canadians protect species at risk and their habitats through enhancing existing conservation activities and encouraging new ones. It leverages funding. Through the program I think we have leveraged about 1,000 projects for \$62 million up to a total investment of \$215 million with partners.

I wonder if you would explain to us this habitat stewardship contribution program and if that is part of the comment that says there will be \$11.8 million for ongoing improvements to the species

at risk program to support watershed, land stewardship and freshwater science. I presume that \$4 million is part of that investment.

Hon. Peter Kent: Yes, that's right.

To respond to your first question on the health of the oceans initiative, you're quite right in that there's a number of partners. That money is shared among, for example, Parks Canada, the Department of Fisheries and Oceans, Transport Canada, and Indian Affairs and Northern Development.

The only person at the table who can speak to the health of the oceans initiative is Alan Latourelle. I would just say that much of our focus has to do with our national marine protected areas and ensuring that, while they are accessible to use by a variety of recreational and commercial interests, we are responsible in those fairly significantly vast areas to ensure the health of the oceans and the species that are there.

Alan, would you like to say a couple of words?

Mr. Alan Latourelle (Chief Executive Officer, Parks Canada): Yes. In Parks Canada's supplementary estimates, for example, we have \$797,000 this year for marine, and it is to advance our work on marine conservation areas in Lancaster Sound and the southern Strait of Georgia in British Columbia.

Hon. Peter Kent: With regard to the species at risk funding, you're quite right. That \$4 million is set aside for habitat stewardship. The rest is for other departments applying Species at Risk Act, SARA, obligations. Again, Parks Canada has a piece of that, and Fisheries and Oceans has as well.

Essentially, the habitat stewardship program has been highly effective over the years in maintaining habitat not only for species at risk but for all wildlife. Again, we have advanced that through a variety of conservation organizations, such as the Nature Conservancy of Canada and Ducks Unlimited, and with individual landowners, and with better practices with provincial and territorial governments. The interest there is to ensure that we preserve across Canada the great abundance of biodiversity that this country has.

In one of those areas, beyond formal national parks, and it is a mandate from the Prime Minister, we're also looking to continue to work to protect each of the 39 distinct locations, habitats, in Canada, as well as to develop—what's the total number of national marine protected areas? I think it's 29—

Mr. Alan Latourelle: It's 29, yes.

Hon. Peter Kent: We're still at the beginning. We're at five right now, either committed formally or in the works, but again, it's a process that can't take place overnight.

• (1730)

The Chair: The time has expired.

Hon. Peter Kent: I'm sorry.

The Chair: Minister, I want to thank you and each of our witnesses for being with us today. We hope to see you again in the near future.

Colleagues, we're going to suspend, and then we will reconvene in camera. Supper will be provided any moment now.

Hon. Peter Kent: Mr. Chair, perhaps I will make an offer to continue this conversation informally.

With regard to the cost of regulations, you can find some indication in the reassessments attached to the coal-fired regulations, for example, but we'll endeavour to get you some of that background information. It's far less important than the actual megatonne reduction.

Again, we'll look to give you some of the information you're asking for.

The Chair: Thank you, Minister.

We'll suspend for about five minutes.

[Proceedings continue in camera]

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