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# Standing Committee on Environment and Sustainable Development

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Chair: Mr. Francis Scarpaleggia





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• (1605)

[English]

**The Chair (Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.)):** The meeting is called to order.

Obviously, we're going to have to play it by ear today, but we have with us the sponsor of the bill, Ms. Lenore Zann, MP for Cumberland—Colchester. As well, from the department, we have Laura Farquharson, Silke Neve and Pascal Roberge. We're here to do clause-by-clause on Bill C-230.

I don't think I need to read out the rules of how we conduct ourselves in a committee, especially in a virtual format. I think everyone is familiar with that.

It seems like just yesterday we were doing clause-by-clause. We will start with the fact that we're doing this pursuant to Standing Order 75(1). Pursuant to Standing Order 75(1), consideration of clause 1, the short title, and the preamble is postponed. For obvious reasons, we've gone through this before on Bill C-12.

I call clause 2. I would like to see if we can adopt clause 2.

**Mr. Dan Albas (Central Okanagan—Similkameen—Nicola, CPC):** On division.

(Clause 2 agreed to on division)

(On clause 3)

[Translation]

**The Chair:** I would like to inform the members of the committee that the purpose of amendment LIB-1 is to change the heading. According to the procedural rule, a change to a heading is only possible if there is a change to the text of the bill that would justify the change to the heading.

Amendment LIB-2 seeks to change the text of the bill that would justify the change to the heading proposed by amendment LIB-1. Therefore, it makes more sense for us to consider amendment LIB-2 first. If LIB-2 is adopted, LIB-1 will automatically be adopted to reflect the change to the text of the bill.

If I am not mistaken, we are now on clause 3, and I would ask Mr. Longfield to introduce LIB-2.

[English]

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

I'm pleased to introduce a motion to amend clause 3. The amendment does a few things. It adds a reference to the concept of envi-

ronmental justice, which is something that's also included in the heading, as you said, but we can go back to that.

It's in line with the amendment we've discussed at committee. We'd ensure that the national strategy promotes efforts to prevent, assess and address environmental racism, and we would provide flexibility to the minister to cooperate or consult with a wide variety of interested stakeholders. The amendment would also provide the government with flexibility in developing the strategy and avoid pre-empting or prejudging the outcome of the work that would be undertaken in the development of the national strategy.

It also removes references to measures that could infringe on provincial jurisdiction or be more appropriately taken up by the provinces. This includes removing the requirement to "assess the administration and enforcement of environmental laws in each province", as we recognize that jurisdiction over protection of the environment is a shared jurisdiction among the different levels of government.

That's the rationale for the amendments in LIB-2.

**The Chair:** I see Mr. Bachrach has his hand up.

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

I would like to move a subamendment, and I wonder if this is the appropriate time to do so.

**The Chair:** I believe you can do that. If the legislative clerks feel that's not possible then I hope they will let me know, but my understanding is that it is. Go ahead.

**Mr. Taylor Bachrach:** Thank you. I believe this has been emailed, in both official languages, to the clerk. Hopefully, that's been distributed to committee members.

I would move that after the words "who are interested" we insert the following, "and ensures that it is consistent with the framework for the Government of Canada's implementation of the United Nations Declaration on the Rights of Indigenous Peoples".

**The Chair:** I have not seen that yet. Has anyone else received it? Maybe the—

**Mr. Taylor Bachrach:** I see Ms. Zann's hand as well, but Mr. Chair, just to provide due warning, I have another very simple subamendment that I would like to raise under the same section. Perhaps I could move my second subamendment after we deal with this one.

**The Chair:** Is that a subamendment to the same clause?

**Mr. Taylor Bachrach:** It is to the same clause. I've been led to believe that I could do it as two separate subamendments, but I'm happy to cluster them if that's better.

**The Chair:** Let me just check.

Mr. Bachrach, if you could send the first one to the clerk, he can get it to the legislative clerk.

• (1610)

**Mr. Taylor Bachrach:** Yes. I just received a text indicating that it has been sent.

**The Chair:** I'm told it will be sent out momentarily, then.

I think we should probably wait for the amendment to arrive. Then we can go to Madame Pauzé.

**Mr. Brad Redekopp (Saskatoon West, CPC):** Mr. Chair, while we're waiting, I see Philippe Méla on the line. I'm going to wave and say "Hello." He was my orientation volunteer when I first started in the House in what seems like forever ago.

Hi, Philippe. Thanks for all your help. I'm still here. I actually figured it out, so thanks.

**The Chair:** Okay, we've received it. Here it is.

Mr. Bachrach, I'm told you can move both at the same time, but there will be only one vote. It's up to you to decide if you want to vote on one first and bring in the other one after.

**Mr. Taylor Bachrach:** Ideally, we would like both of the subamendments to carry, but barring a majority vote on both of them, we'd want one or the other to carry, so I think doing them separately is probably our preference.

**The Chair:** Okay.

Go ahead, Madame Pauzé.

[*Translation*]

**Ms. Monique Pauzé (Repentigny, BQ):** Mr. Chair, I am referring to the clause under discussion, not to Mr. Bachrach's amendments. Perhaps we should finish the discussion on those amendments, and then I will speak to the Liberal Party amendment.

**The Chair:** Okay. So you'll be speaking to amendment LIB-2. Is that correct?

**Ms. Monique Pauzé:** Yes.

[*English*]

**The Chair:** Mr. Bachrach, have you already spoken to your first amendment?

**Mr. Taylor Bachrach:** Mr. Chair, I feel that the subamendment is fairly self-explanatory. It's simply to reference the important work being done on indigenous rights.

**The Chair:** Can you take your hand down so that you don't confuse the chair? Thank you.

We'll take the vote.

**Mr. Dan Albas:** On division.

(Subamendment agreed to on division)

**The Chair:** Mr. Bachrach, do you want to propose your second subamendment?

**Mr. Taylor Bachrach:** The other one is very simple. Under paragraph 3(3)(a), the wording in the proposed amendment is "a study that may include". My subamendment would be to change the word "may" to the word "must".

It would read, "a study that must include".

**The Chair:** Has that been distributed to the members?

**Mr. Taylor Bachrach:** I'm not sure whether that one has been translated.

**The Chair:** It doesn't have to be translated, as long as it's sent.

**Mr. Taylor Bachrach:** We can do that right away.

[*Translation*]

**Ms. Monique Pauzé:** Mr. Chair, may I speak?

**The Chair:** You have the floor, Ms. Pauzé.

**Ms. Monique Pauzé:** It seems to me that during our training on clause-by-clause consideration, we learned that we were not allowed two amendments, but only one.

• (1615)

**The Chair:** You can't make a subamendment to a subamendment. In this case, it's two subamendments to the same clause. That boils down to one subamendment, as I understand it.

The legislative clerk has assured me that it is possible to move both of Mr. Bachrach's subamendments. As I understand it, we are not subamending a subamendment. They are two subamendments that deal with two different parts of the same article. If I understand correctly, that is the logic to follow.

I will come back to you on this in a moment.

[*English*]

Mr. Bachrach, we can't distribute it, because it's in one language only, but you can read it and then the interpreters will interpret it and that will suffice.

**Mr. Taylor Bachrach:** Mr. Chair, I'd be happy to do that.

The subamendment is to replace, in paragraph 3(3)(a), the word "may" with "must", so that paragraph 3(3)(a) would read "a study that must include".

**The Chair:** Thank you.

I see no speakers, because Madame Pauzé wants to speak on something different, so we'll take the vote.

**Ms. Lenore Zann (Cumberland—Colchester, Lib.):** Chair, can I speak to that subamendment?

**The Chair:** Go ahead.

**Ms. Lenore Zann:** Thank you.

As the sponsor of the bill, I would just say that I strongly suggest and support this subamendment of the NDP. Thank you.

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

We'll take the vote.

**Mr. Dan Albas:** On division.

(Subamendment agreed to on division)

**Mr. Yvan Baker (Etobicoke Centre, Lib.):** Chair, I just wonder whether Mr. Bachrach could read the subamendment again.

**The Chair:** Well, it has already passed on division, but sure.

Mr. Bachrach.

**Mr. Taylor Bachrach:** Thanks, Mr. Chair. I'm happy to read it again.

This is in clause 3, paragraph 3(3)(a), which in the proposed Liberal amendment read "a study that may include". Our subamendment is to change the word "may" to the word "must", so that it would read "a study that must include".

**Mr. Yvan Baker:** Thanks.

**The Chair:** I have some things to read before we vote on clause 3 as amended.

[Translation]

**Ms. Monique Pauzé:** I'm sorry, Mr. Chair.

**The Chair:** I'm sorry, I'm wrong. We are voting on amendment LIB-2, as subamended twice by the committee.

Yes, Ms. Pauzé?

**Ms. Monique Pauzé:** I wanted to comment on amendment LIB-2.

• (1620)

**The Chair:** Go ahead.

**Ms. Monique Pauzé:** The Bloc Québécois is very happy to see amendment LIB-2. We will be voting in favour of it. You know how important the jurisdictions of each party, whether Quebec, the provinces or the federal government, are to us. In fact, when we saw the bill, we did not understand how we could submit such an amendment, because there are so many eloquent examples where the federal legislation is much weaker than the Quebec legislation, in our opinion.

I think our witness, Mr. Gaudreault, also talked about this and gave us some examples.

I just want to say that we will be voting in favour of amendment LIB-2, because, as a priority, Canada needs to look at protecting people from climate change, pollution issues, health impacts, and all of the inequities that characterize its environmental work. But it's not Canada's job to examine what the provinces are doing. The wording of clause 3(3)(d), "assess the administration and enforcement" was exaggerated.

So we are very pleased and will vote in favour of amendment LIB-2.

[English]

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

Mr. Bachrach.

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

There are two things I noticed in the amendments that have been proposed, and since we have Ms. Zann with us, I thought I would just ask for her reflections on them as the sponsor of the bill.

The first one is the addition of the concept of environmental justice.

**The Chair:** We're talking about the Liberal amendment. Go ahead.

**Mr. Taylor Bachrach:** Yes. We're talking about the amendment to clause 3, which covers a lot of ground. I'll make some general comments and then try to be quiet for the rest of the vote.

The first one was the addition of the concept of environmental justice, which I understand is more parallel to the legislation in the United States and the work they've done. I'm keen for Ms. Zann's reflections on that, seeing as this is her bill.

The second one was the change to the word "redress", which featured prominently in the original drafting of the bill. I note that this amendment brings in the wording "to assess, prevent and address environmental racism", which has a slightly different feel but perhaps captures the spirit of what Ms. Zann originally intended.

If it's in order, I'd love to hear from the sponsor.

**The Chair:** Ms. Zann.

**Ms. Lenore Zann:** Thank you so much.

I definitely believe including environmental justice is so important. That is at the heart of this bill, but I also think it's so important to use the words "environmental racism", because that's what it's all about. I think this ties in nicely with changes to CEPA, and it's a perspective that we now need to use when looking at decisions that will impact people and their health.

Therefore, I'm very happy about that, and I was very firm that addressing environmental racism needs to come first, before environmental justice, in that order.

In regard to the other question, my original bill in Nova Scotia, which I tried to get passed four times, was an act addressing environmental racism. I think this title includes all the things that need to be included, and it has a forward-looking view to make sure that, from now on, we don't continue down the same old path we've followed for too many years.

I'm actually quite satisfied with it. Thank you for asking.

**The Chair:** Before we vote on LIB-2, as amended twice, I would like to say the following: If LIB-2 is adopted, NDP-1 cannot be moved, due to a line conflict.

[Translation]

Second, if amendment LIB-2 is adopted, amendments LIB-1, LIB-4 and LIB-5 are also adopted, since they are consequential.

If amendment LIB-2 is defeated, LIB-1, LIB-3, LIB-4, and LIB-5 are also defeated, since they are consequential. I just wanted to inform you of the consequences in both cases.

We can now proceed to the vote.

• (1625)

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

It seems to me that Bill C-15 states that the laws will automatically be consistent with the United Nations Declaration. So is there any point in adopting Mr. Bachrach's amendment, and will we have to bring his amendment back to the table on a regular basis, since it seems to me that Bill C-15 covers all of that?

I wonder whether this amendment is necessary.

**The Chair:** Mr. Bachrach, could you perhaps answer that question? We'll proceed with the vote afterwards.

[*English*]

**Mr. Taylor Bachrach:** Mr. Chair, if I understand Ms. Pauzé correctly, she is asking whether, because C-15 references all other Canadian statutes, it is really necessary to go both directions and have new statutes reference the framework on C-15.

My sense is that, given where C-15 is, and because the co-formation of that framework hasn't taken place yet, it's important in this new legislation that we have a reference to that so that it doesn't get missed.

While it may seem duplicative, I think indigenous rights are important enough that we should make sure that when we're passing legislation we include reference to them, especially a piece of legislation aimed specifically at environmental racism, which affects so many indigenous people.

**The Chair:** Okay. The vote is called.

**Mr. Dan Albas:** On division.

(Amendment as amended agreed to on division [*See Minutes of Proceedings*])

**The Chair:** That means NDP-1 is now inadmissible due to a line conflict, and Liberal amendments one, four, and five were also adopted with LIB-2.

Shall clause 3 carry as amended?

**Mr. Dan Albas:** On division.

(Clause 3 agreed to on division)

**The Chair:** Shall clause 4 carry?

**Mr. Dan Albas:** On division.

(Clause 4 agreed to on division)

**The Chair:** Shall clause 5 carry?

**Mr. Dan Albas:** On division.

(Clause 5 agreed to on division)

**The Chair:** We're into the preamble now. Is that correct?

On LIB-3, Ms. Saks, did you want to speak to that?

**Ms. Ya'ara Saks (York Centre, Lib.):** Thank you, Mr. Chair, but Ms. Pauzé has had her hand up, and I'd like to make sure before we continue that she does speak.

**The Chair:** Go ahead, Ms. Pauzé. I'm sorry.

[*Translation*]

**Ms. Monique Pauzé:** Thank you, Mr. Chair.

Once again, I want to emphasize that the Bloc Québécois is very happy to see all these amendments proposed by the Liberal Party,

because they allow us to enlarge the lens through which we will see this when we talk about, for example, "members of an Indigenous or racialized community". So we are including marginalized populations that might simply be disadvantaged, regardless of their colour or race, just disadvantaged.

For us, that's important. We therefore feel that we have been heard.

So we're going to vote in favour of that amendment as well.

**The Chair:** Okay, thank you.

Ms. Saks, you may now move amendment LIB-3.

[*English*]

**Ms. Ya'ara Saks:** Thank you, Mr. Chair. Thank you, colleagues.

I'd like to acknowledge MP Zann and her work on this. It's in the spirit of her work and what's been amended thus far that I present the amendments to the preamble.

The new paragraph acknowledges the need to advance environmental justice and to continue to work to end racism and racial discrimination in all of its forms. In doing so, it's part of a strategy that would allow for a broader national conversation to take place on the ways in which we address environmental inequities that are encountered by communities that face marginalization, including those from racialized or indigenous backgrounds, as well as acknowledging those of certain socio-economic status or gender, and recognizing that these perspectives are often intersectional and overlapping.

The amendment to paragraph 3 acknowledges that environmental policy-making requires an inclusive approach that's non-discriminatory and also must have meaningful engagement and participation of all Canadians, especially communities that are facing marginalization.

• (1630)

**The Chair:** Thank you.

Seeing no other speakers, the vote is called.

**Mr. Dan Albas:** On division.

(Amendment agreed to on division [*See Minutes of Proceedings*])

**The Chair:** Shall the preamble as amended carry?

**Some hon. members:** Agreed.

**Mr. Dan Albas:** On division.

**The Chair:** Shall clause 1, the short title, as amended, carry?

**Some hon. members:** Agreed.

**Mr. Dan Albas:** On division.

**The Chair:** Shall the title as amended carry?

**Some hon. members:** Agreed.

**Mr. Dan Albas:** On division.

**The Chair:** Shall Bill C-230 as amended carry?

**Mr. Taylor Bachrach:** Mr. Chair, I'd like to call for a recorded vote on the bill as amended.

(Bill C-230 as amended agreed to: yeas 7; nays 4)

**The Chair:** Shall the chair report the bill as amended to the House?

**Some hon. members:** Agreed.

**Mr. Dan Albas:** On division.

**The Chair:** Shall the committee order a reprint of the bill, as amended, for the use of the House at report stage?

**Some hon. members:** Agreed.

**The Chair:** On division? Okay.

Congratulations, Ms. Zann, on getting your bill through committee. That's wonderful.

**Ms. Lenore Zann:** Thank you.

**The Chair:** I have a question. Is it possible that we can get the reprint done such that I can table it tomorrow in the House?

**Mr. Philippe Méla (Legislative Clerk):** It's a good question, Mr. Chair.

It's 4:30 already, and the routine proceedings are at 10 tomorrow morning. We'll do our best, but I can't speak on behalf of my colleagues doing the reprint.

We'll try our best.

**The Chair:** I'm sure you will. That would be wonderful if we could do that.

That was all that was on the agenda today.

I see Ms. Zann.

**Ms. Lenore Zann:** Mr. Chair, could I just say a very quick thank you to everybody who supported the bill? To the Bloq Québécois, to the NDP and to all of my Liberal comrades, I want to say thank you so much. This is an historic day on National Indigenous Peoples Day.

Thank you.

**The Chair:** Thank you, Ms. Zann. Those comments are appreciated.

I see Ms. McLeod has her hand up.

**Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC):** Thank you, Chair.

As you are aware, we started to debate the motion that I presented in the last meeting about unanimous consent to table the plastics report as written. I think some of my colleagues felt that they needed the weekend to review and look at the report in more detail. As we know, the House rises Wednesday, so if we want to be respectful of the witnesses.... I know it is unusual. There are some minor changes that I might have made, but I think we should all agree that the report was very well done.

• (1635)

**Mr. Lloyd Longfield:** I have a point of order, Mr. Chair.

**The Chair:** Excuse me just a second. I'm pausing the meeting.

• (1635)

(Pause)

• (1635)

**The Chair:** The bells are ringing. That means I need unanimous consent to continue our discussion before we go to the vote in the House.

Is there unanimous consent to keep discussing and not go to the House right now, technically speaking, to vote?

In other words, I need unanimous consent to continue this discussion. Otherwise we have to come back after the vote. I'll let you know now; we don't have resources after 5:30, so there's a hard stop at 5:30.

**Ms. Ya'ara Saks:** Mr. Chair, there's no unanimous consent.

**The Chair:** Okay, so we'll come back after the vote, if it's not 5:30.

**Mr. Lloyd Longfield:** My point of order was that that discussion was during committee business, which was in camera, and we're not in camera now.

• (1640)

**Mrs. Cathy McLeod:** I think I would look for the chair's ruling on whether it's appropriate because—

**Mr. Lloyd Longfield:** That's why I was making a point of order.

**The Chair:** Either way, we'll have to come back after the vote, if there's time. If it's 5:30, we can't come back, and the meeting is over. We have no choice.

Thank you. We'll suspend.

• (1640)

(Pause)

• (1720)

**The Chair:** We'll resume now.

I think, Mrs. McLeod, you were in the middle of saying something when we had to go vote.

**Mrs. Cathy McLeod:** Yes. Thank you, Mr. Chair.

Of course, we know we're coming to the end of our term, and we have a lot of work that's been done on a plastics study, so I'm looking to see if we could perhaps have unanimous consent to table the study as it is written.

**Ms. Ya'ara Saks:** Mr. Chair, I've already indicated that there isn't unanimous consent.

**The Chair:** I understand.

There isn't unanimous consent, as you can see, Mrs. McLeod.

**Mrs. Cathy McLeod:** Then perhaps if I revise the motion and just ask that we table the—

**The Chair:** I'd caution you not to talk about any motion that was discussed in camera.

What you could do—this is what the clerk has told me—is ask that the committee now start discussing the topic of the plastics report. We could vote on that. There would be no debate. It would be a vote.

If for some reason it were accepted that we should start talking about the plastics study, then the next step would be to move a substantive motion. I think what you have in mind is to say, “Let’s adopt the report.”

The first step, I’m told—

**Mrs. Cathy McLeod:** Mr. Chair, you know what? Clearly, with eight minutes left in this meeting, I believe there is really an unwillingness to finish the unfinished business, so I will move to adjourn.

**The Chair:** Okay, we’ll vote on that.

Before we vote, I’m told you’re not seeking re-election, Mrs. McLeod, so this is actually your last committee meeting. Is that true?

**Mrs. Cathy McLeod:** It is, Chair, thank you. It’s been short but sweet.

**The Chair:** I’ve enjoyed serving with you in the House, and you’re a really strong debater and advocate for your constituents, so I wish you all the best.

**Mr. Dan Albas:** Hear, hear.

**The Chair:** We’ll vote on Mrs. McLeod’s motion to adjourn.

(Motion agreed to)

**The Chair:** Thank you very much. The meeting is adjourned.

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