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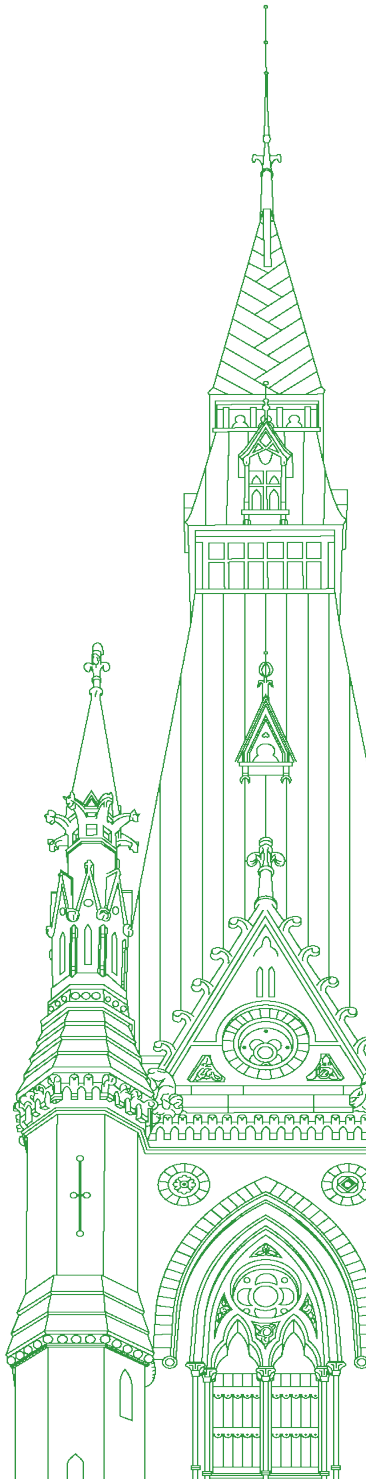

Chair: Mr. Francis Scarpaleggia

Standing Committee on Environment and Sustainable Development

Tuesday, November 29, 2022

● (1545)

[*English*]

The Chair (Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.)): I call this meeting to order.

We have Mr. Benzen here with us again today. He has been made a full member of the committee.

Welcome, Mr. Benzen. This is a great honour. Congratulations. It's good to have the certainty that you'll be with us regularly.

I should mention that the clerk has circulated an invitation from the Royal Norwegian Embassy pertaining to COP15. Please send any questions you have about that invitation to the clerk, or reach out to the embassy using the indicated coordinates.

[*Translation*]

Because of the relatively high number of requests the translation bureau has to contend with, we cannot distribute paper copies of the opening statements. This will only be temporary, as the bureau cannot provide documents quickly enough.

That said, I confirm that the committee will accept all briefs received before this Friday, December 2, and they will be translated. Additionally, we will start clause by clause study of the bill on December 9. Opening statements and briefs will not be distributed before witnesses' appearance.

Finally, I'd like to highlight that sound checks were successful.

Without further ado, I welcome the witnesses participating in the first hour of the meeting.

We have Kaitlyn Mitchell, staff lawyer for the Animal Justice Canada Legislative Fund. We also have Gary LeRoux, president and chief executive officer of the Canadian Paint and Coatings Association. Finally, we have Joan Brown, chief administration officer of the Snuneymuxw First Nation.

[*English*]

Without any further ado, we'll start with Ms. Mitchell for three minutes for opening remarks, please.

Go ahead, Ms. Mitchell.

Ms. Kaitlyn Mitchell (Staff Lawyer, Animal Justice Canada Legislative Fund): Good afternoon. Thank you for the opportunity to appear before the committee today to discuss this incredibly important bill.

By amending Canada's toxics law, Canada has an exciting opportunity to phase out the unnecessary use of animals in painful toxicity testing and to position Canada as a global leader when it comes to developing non-animal testing methods.

Testing to determine whether a chemical poses health or environmental risks is one of the most harmful types of animal use in Canadian science. Many experiments fall under the highest category of invasiveness, according to the Canadian Council on Animal Care, causing severe pain at near or above the pain tolerance threshold of unanesthetized conscious animals.

In 2019 alone, more than 90,000 animals were used in toxicity tests falling into this most severe category of harm.

The good news is that in Canada and around the world, scientists are rapidly developing non-animal test methods, and many are better than animal studies at predicting human responses to environmental exposures. They are also more rapid and cost-effective.

Ending the unnecessary use of animals in scientific research is also an objective for which there is strong public support across political lines.

For all of these reasons, when the EU and the U.S. modernized their toxics laws, they included strong requirements to avoid and ultimately phase out toxicity testing on animals.

Here in Canada, the Liberal Party made a commitment during the last federal election to eliminate toxicity testing on animals by 2035, and through Bill S-5, this committee can ensure Canada meets this deadline.

Many of the amendments passed by the Senate will help put Canada on track, but further amendments are needed. I have set out details in my brief, but at a high level, Animal Justice would like to see strengthened language to ensure testing on animals is done only as a last resort; the ability to make regulations to protect certain invertebrates such as octopuses in the future, as the need arises; and a greater focus on replacing and reducing the use of animals in toxicity testing, and not merely refining the ways in which they are being used.

Briefly, with respect to part 6 of the act, it's widely expected that an increasing number of genetically modified animals will be developed for varying uses in the coming years. Part 6 treats genetically modified animals in the same way as it treats chemical substances and ignores entirely the welfare of the animals themselves; yet we know that deliberate attempts to influence the genetic make-up of animals can have significant animal welfare implications, including harmful procedures and unanticipated effects such as developmental abnormalities, skeletal abnormalities or enhanced growth of tumours.

I appreciate that the government has committed to conducting a comprehensive review of part 6 at a future date, but in the meantime we propose at the very least enabling the creation of regulations to protect the welfare of genetically modified animals.

Thank you very much.

● (1550)

The Chair: Thank you very much, Ms. Mitchell.

We will go now to Mr. LeRoux for three minutes.

Mr. Gary LeRoux (President and Chief Executive Officer, Canadian Paint and Coatings Association): Thank you, Mr. Chair.

We believe the elected MPs on the ENVI House of Commons committee are best placed to address real concerns in Bill S-5. We also believe government officials are best placed to determine the validity of the proposed amendments, ultimately. What we absolutely do not support are amendments made in haste and without substantive data supporting those amendments, amendments that go beyond the scope of the government's original bill.

Our industry supports the government's originally proposed amendments in Bill S-5. However, more clarity is needed on certain definitions and implementations. Some are impractical and not aligned with Canada's chemical assessment process as we see it.

For example, there's an unworkable chemical watch-list defaming regulated chemicals in commerce and lessening consumer confidence in all regulated products by the government. The bill limits time for robust chemical assessments that could lead to better outcomes. It identifies chemical substitutes without understanding the many technical challenges required in formulation and reformulation. There's duplicative labelling of consumer products already addressed in multiple and better-placed acts. It removes CBI protection for innovative chemistry, which precludes more sustainable alternatives or substitutes in future.

Based on years of staff working full time with technical committees, and bilateral and multilateral meetings with government on chemicals management, we understand what works. That includes how better data leads to better outcomes, and how industry and government must work together. It is much easier to oppose and condemn a mature and proven regulatory approach without substantive data, yet that is what you're being asked to do in many cases.

CEPA's chemicals management plan, or CMP, is one that is arguably better than others in the world. It is, in fact, copied in large measure by the United States, Australia, Mexico and Brazil. Brazil just announced last week that they're largely following the CMP process.

Canada's chemical assessment process is not easy. It has a very high standard for critical data required for chemicals management. It is complex, costly and very onerous. At times, it is frustrating when you lose a chemical used in hundreds of products in commerce in Canada. The process has taxed our sector greatly, with more than 1,500 substances assessed in the first three phases of the CMP of 4,200 substances. There were 525 of 1,500 in the most recent phase of CMP3.

However, we believe it is necessary. Our members support it because it is a risk-based approach to chemicals management that ensures that consumer products are safe. Our members in Canada and those exporting to Canada are mandated to provide substantive data collected over many years in sophisticated R and D facilities, countless studies, trial formulations and reformulations, etc.

It is impossible to suggest a hard stop for such a complex process that always seeks new data and better sources. It sometimes comes together at the 11th hour or past the designated timeline, but industry and government get to the assessment, get it done and—

● (1555)

The Chair: We're going to have to stop there, Mr. LeRoux. We're over three minutes.

We'll go now to Ms. Brown.

Ms. Joan Brown (Chief Administration Officer, Snuneymuxw First Nation): [*Witness spoke in Hul'q'umin'um'*]

Hello. My name is Joan Brown, from Snuneymuxw First Nation. I'm very humbled and honoured to join this sacred circle to talk about such an important topic.

Institutions claim that indigenous people are a vulnerable people, but we are not inherently vulnerable. We are only vulnerable people because of the multiple man-made industrial stresses that our vulnerable land has been subjected to. We know that the stresses on the environment do not stop at our communities. These stresses know no boundaries.

We are seeing increased rates of cancer and chronic disease in our families. When we look around our neighbourhoods, we see the many economic drivers of the environmental stresses, including historic coal mines, industrial ports, logging, pulp mills, tanker traffic, farming operations, air traffic and waste management. Our question remains, what happens when all these toxins merge onto each other? What is the cumulative impact?

These man-made stresses have interrupted our way of being. Food security, clean water and access to medicines and seafood are all critical to our wellness and ceremonial way of life. We are experiencing the impacts, including increased morbidity and cancer rates. We know that within a single neighbourhood, 25% of our residents have either died of or are living with cancer.

We know that the world is made up of vital connections of profound interconnectedness. The existing, mainstream, siloed approach used to address vulnerable lands does not work. We need to investigate the cumulative impacts with a balanced approach whereby an indigenous and a scientific approach walk hand in hand.

We know that this work is generational, but we can't knowingly sacrifice a generation while we begin this investigation. There is important work, and there is urgent work.

Snuneymuxw chief and council and our elders have deemed this work to be urgent. Because we have forgotten how to hear the voice of the land, the land is showing her sickness in the form of cancer and disease throughout our community. We understand that she is on her last breath.

Since the beginning of time, the old people learned from the land and understood how to work together with the land and with each other in the face of the harsh natural terrain. Today the landscape is harsh, but it is man-made: poverty, addiction, family violence and the climate crisis. Now, more than ever, we need to remove the false boundaries and work together, or we won't survive.

The Chair: Thank you very much, Ms. Brown.

We'll go now to the first round and Mr. Deltell for six minutes.

[*Translation*]

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

Good afternoon to my colleagues.

A big thank you to the witnesses for agreeing to participate in our study of Bill S-5.

[*English*]

My first question will go to Mr. LeRoux of the Canadian Paint and Coatings Association.

Mr. LeRoux, in your testimony, you talk about the amendment made by the senators being beyond the scope of the bill. You said that you did support the essence of Bill S-5, but that now you are a bit concerned.

Can you raise specifically which amendment makes you feel uncomfortable with this bill now?

Mr. Gary LeRoux: I'll go to the heart of what we're doing with respect to labelling. There are a number of acts that seek to have more labelling. When you look at what we're faced with now in terms of labelling, we have the Hazardous Products Act and we have the consumer chemicals and containers regulations that protect consumers from hazards posed by consumer chemical products that are manufactured, imported, sold or advertised in Canada under the Canada Consumer Product Safety Act.

Those kinds of increased labelling requirements will cost millions of dollars and not really produce any direct benefit in terms of human health or the environment. That's one of our concerns.

● (1600)

Mr. Gérard Deltell: Is there any other amendment that is alarming to you?

Mr. Gary LeRoux: There are 60 amendments. There is the cumulative effects proposal in terms of ensuring that all the cumulative effects are looked at in the assessment of chemicals. There are attempts to do that right now under the framework that exists. The government has the ability to invoke the precautionary principle based on certain parameters, so that framework already exists, and we don't need to really codify any further in the bill.

Mr. Gérard Deltell: In your testimony, you talked about how the government and your companies are working hand in hand to address some issues. Do you feel that it's the same situation now after the senators have made some amendments?

[*Translation*]

Now that senators have proposed amendments, do you think that the government is still working with you to the same extent?

[*English*]

Mr. Gary LeRoux: I'm sorry. I don't understand the premise of the question.

Can you repeat it, please?

[*Translation*]

Mr. Gérard Deltell: In your testimony, you said that your industry and the government usually work hand in glove to find solutions to current concerns caused by the changes we're experiencing.

Do you think that the senators' amendments undermine your usual cooperation with the government? Are you surprised by the Senate's proposed amendments to the new legislation?

[*English*]

Mr. Gary LeRoux: There will be a lot more.... Right now, we spend about 80% of our time with our staff, looking at chemical assessments and their requirements. We're compelled to provide all of the data requirements that the government imposes on us under the act.

What the senators are suggesting we do that could cause.... The EU, for instance, has thousands of chemicals assessed annually, and we hear at this committee on a regular basis that it is a better approach. REACH, since 2006, has assessed 2,300 substances, whereas the CMP has assessed 4,230 substances. The TSCA in the U.S. has done just 10.

We don't have the capacity to comply with all of the extra requirements to submit data as some of those proposed amendments imply. In Europe, they have hundreds of millions of dollars that they spend, which is way beyond what Canada can spend, so we're going to be challenged there as well. We don't have that capacity now to get all of the data we need without...and not meeting targets at the same time.

We have very high requirements now, and that would only triple the work we do. We can't keep up now. We're missing deadlines in data submitted, and the assessors are missing deadlines in assessing the data. We are trying to get the data. We think that substantive data is required to do a full and complete assessment.

Mr. Gérard Deltell: You also talked about other countries. Can you give us some examples, if this bill is passed as it is with the amendments? You raised that point a few minutes ago.

Can you explain to us the difficulty that your business community will face, based on the experience of other countries, if all of those amendments are adopted?

Mr. Gary LeRoux: We had an example of that last week in Europe. In 2021, they came forward with an assessment for TiO2, a substance that has been in place for many years. The industry challenged it. It went to the European Court of Justice and it was overturned last week.

That's a substance that's been around and understood, but they moved forward with a category 2 carcinogen designation in the EU, and it was turned down. That was based on only one study, or several very limited studies. Had it been looked at more substantively, maybe it would have proceeded further, but that's a recent example of going too far too quickly, without the data you need. It was turned down by the European Court of Justice.

[*Translation*]

Mr. Gérard Deltell: Thank you.

[*English*]

The Chair: Go ahead, Mr. Duguid.

Mr. Terry Duguid (Winnipeg South, Lib.): Thank you, Mr. Chair.

Thank you to all of our witnesses for their testimony.

My first question is for Ms. Brown.

A number of delegations before us of first nations and inner-city communities have talked about pollution hot spots where vulnerable populations have been exposed to toxic chemicals, often over decades. Those communities have raised the issue of community involvement with us. They want to be involved in biomonitoring. They want more transparency. This is certainly a central theme of the CEPA, the Canadian Environmental Protection Act, that has been introduced.

I wonder if you could please outline how we can better address discrimination, socio-economic disparities and other challenges as part of health protection. Do you have any recommendations for improving the Canadian Environmental Protection Act?

● (1605)

Ms. Joan Brown: For us, without a doubt, what we mean about removing some of those false boundaries in those jurisdictional issues is that they're problematic. We have industry surrounding all of our communities, and what's been happening here in our communities is that there's been a siloed approach. There's an abandoned mine, and we focus just on the coal mine and try to find resolutions in terms of identifying those toxins and how they impact our community. They don't take into account that there are other industries in the surrounding areas. For us, that silo approach hasn't found any solutions.

That's what I mean about having to work together. How do we bring the municipalities and the province to work with the federal government to find some meaningful solutions? Without them, it's just going to continue to escalate. For us, really without a doubt, we're going to sacrifice a whole generation trying to find a resolution, because we're impacted so intensely that it's really a very frightening time for the Snuneymuxw First Nation. For us, what is it going to take to look at us really meaningfully and come to the table with the same spirit and intent to save mother earth, the natural environment? It's not just Snuneymuxw; people living around our reserves are also highly impacted.

Mr. Terry Duguid: Thank you for that.

My next question is to Mr. LeRoux.

Mr. LeRoux, we only had three minutes for your testimony. I wonder if you could expand on confidential business information and some of your concerns. Certainly what's come up around the committee table is that there is a trust deficit. The reality is that government isn't completely trusted by the people, and neither is business, frankly. It's been brought to our attention that under the TSCA, for instance, audits have shown that 25% to 30% of confidential business information requests have really had no merit.

I'm just wondering if there's some way, and maybe it's through an audit system, to allow more transparency but protect that critical innovation information IP that we know we need to make progress as a society.

Mr. Gary LeRoux: I think we trust government. If the government were to continue to honour the CBI system, the confidential business information system as it is in place now, I think that would work well.

What we're concerned about is that if you allow more openness, I suppose, sharing that information with competitors—sharing it with some that would decrease competition—would prevent those who do studies and research for even sustainable products from shipping those to Canada, because they would have to disclose information that's confidential. There are approaches now with ATIP and that kind of thing whereby you can access certain data, but I guess CBI would be cleared.

I understood yesterday that they do audits in the United States. I suppose that system, if it were deemed to be fair, would be an approach that we could—

Mr. Terry Duguid: I have just a minute left and I want to talk a little bit about timelines.

Mr. Gary LeRoux: Sure.

Mr. Terry Duguid: I tend to focus on those issues where I obviously see tension and where perhaps we need to address issues that are coming up.

One of them is timelines. I've heard from folks on the industry side and from the environmental side that things take too long.

One issue that has been addressed by both of those communities is resourcing. I think that you would be in support of providing the resources needed to do those assessments in a timely manner so that we get to the bottom of whether a chemical is safe sooner rather than later.

● (1610)

Mr. Gary LeRoux: Yes, we would support it, for sure. We have assessments now that drag on for a long period of time. That creates uncertainty for industry. Having more certainty would be better.

We know that there are resource constraints imposed on government. If you look at our sector alone, we've had 23 chemical risk assessments and chemical risk management instruments already published. We're looking at 24 draft environment screening assessment reports now, and we have dozens more being looked at under—

The Chair: We'll have to stop there and go to Madame Pauzé.

Mr. Gary LeRoux: That's a lot of work.

[*Translation*]

Ms. Monique Pauzé (Repentigny, BQ): Thank you very much, Mr. Chair.

We spoke earlier about the fact that paper copies of opening statements won't be distributed because of the difficult situation at the translation bureau, due to an excessively high workload.

I remind you yet again that the deadlines for the committee's decision on the study of Bill S-5, which passed by a vote of 5 to 4, means that we are hearing from fewer witnesses. We voted in favour of four witnesses per hour, one selected by each party. However, several times now, we've only heard from three witnesses. At this point, we should have heard 24 witnesses, but we have only heard 20.

And yet, everyone tells us that it is very important to properly review Bill S-5. I just wanted to make the point while our meeting is public.

Thank you to the witnesses for being here.

Ms. Brown, I'm interested in the right to a healthy environment. During an information session on Bill S-5, high-level officials confirmed that the bill did not create such a right. It's a principle intended to guide the Canada Environmental Protection Act's implementation, and would be defined only in two years' time.

Does your community think that this provision in the preamble of the bill will lead to increased understanding and participation in decisions that impact your communities' health and that of the environment?

[*English*]

Ms. Joan Brown: Through you, Mr. Chair—

The Chair: Yes.

Ms. Joan Brown: —can the question be repeated? I didn't understand the question.

[*Translation*]

The Chair: Very well.

Go ahead, Ms. Pauzé.

Ms. Monique Pauzé: My question is on the right to a healthy environment, which can be found in the preamble of the Canadian Environmental Protection Act. In our view, this provision does not actually create a right.

How do you see this provision? Do you think that this provision in the preamble of the bill will actually lead to better understanding and participation in decisions?

[*English*]

Ms. Joan Brown: Thank you.

Yes, from our perspective, it is really understanding and bringing our indigenous voice forward. That deeper understanding, that connectivity to the land, are really key in terms of understanding what these issues are for the land itself. That's where we've misstepped by being focused on a scientific approach. That's what we mean by being involved.

[*Translation*]

Ms. Monique Pauzé: You are entirely right.

I'd like to come back to what we heard from a witness last week, Mr. Castrilli. We were discussing the troubling spread of chemical pollution. In his opinion, transmitting a known carcinogen through environmental pathways like air, then to another, like soil, doesn't lead to progress in terms of protecting human health or the environment.

What are your concerns about this sad state of affairs?

[*English*]

Ms. Joan Brown: Thank you.

That's really exactly what's in our hearts and our minds—we don't have that deeper understanding. We don't know if it's airborne, if it's coming from the land, or if it's in the water. It's really true that it's impacting our health beyond a way that we can even identify possible solutions. For us that's what's really frightening, and I hope people really understand that this inaction is literally taking the lives of our smallest communities. Our lived communities or residencies are divided into four areas. Soon one of those villages will be a ghost town. That's how fast these toxins are moving. We can't keep up, and that's when we think—and highlight—that if we don't move now and make some immediate responses and have immediate screening to take care of our community, we may lose a whole generation.

That's how we think about things back here in Snuneymuxw.

● (1615)

[*Translation*]

Ms. Monique Pauzé: Thank you very much for your testimony, Ms. Brown. You said in your opening statement that we have to work together. I do think that is indeed very important if we want to move forward.

Mr. LeRoux, you said earlier that countries were looking to Canada or considered Canada to be an example to follow. I'm worried for those countries. Indeed, we know that here in Canada, products go to market before the end of their assessment, meaning before we know whether they are toxic or not. We therefore have products in the environment that can be dangerous for health and the environment.

What do you think about that, exactly?

[*English*]

Mr. Gary LeRoux: All of the products that are being assessed are in commerce now. There are a whole bunch that are prioritized for assessment under CEPA—under the CMP—so they're presumed to be of concern. That's what we're doing in the CMP. We're engaging with the government on literally hundreds of products for our industry alone.

Yes, we're trying to do the right thing, because they have identified some substances and ingredients used in our products that are of concern, and we're helping them with the data, because we have lots of data under section 71. We provide the data that they need. Our industries spend hundreds of millions of dollars on R and D and provide all that data to them. They're required by law to do so.

The Chair: Thank you.

Go ahead, Ms. Collins.

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

My first questions are for Ms. Brown.

Thank you so much for coming to speak about the impacts on the Snuneymuxw community and about the impacts on the land.

You mentioned in your letter to the committee that it's a Snuneymuxw teaching to care for all, starting with the most vulnerable. I appreciate your advocacy in supporting Senator Mary Jane McCallum's amendment to include the term “vulnerable environment”.

Can you speak a bit more about the impact of resource extraction and development—whether that's from the port, logging and milling, historical mines or waste management—both on the members of your community and on the land that your community has been stewarding for generations?

Ms. Joan Brown: Thank you.

For us, vulnerability is really critical. It's understanding that there's no separation between the land and the people.

Initially, from the beginning of time, our people understood how to thrive and prosper, when there were no toxins and no man-made harms in the community, but what we've lost along the way is how to interpret them. What's going on for the land? That's really been key.

The old people used to manage and steward the land in a way that you would never be harmed. They used to live in a delicate reciprocal relationship of give-and-take, but now we're at a place where we have to give more than we take. That level of harm is literally.... I've said it once and I'll say it a million times: She's on her last breath. She'll give until there's no more to give. Her vulnerability is those harms that we've caused.

It's the same with our people. We're trying to endure, but we've lost those coping skills—our medicines, our culture, our language and that access to things that we need for ceremony. She's really very hollow right now, and it's reflected in our way of being.

For us, we have to look at two approaches. One is going to reclaim and restore our way of being, but in the same steps, it's making that scientific, so that we can take a deeper dive so that we all understand our role and our responsibility.

That's the whole notion of a multi-jurisdictional approach. We can't blame. Otherwise, what have we solved? We're only continually perpetuating that cycle.

It's hard for people to understand what it means to work together the way that the old people did. Our vulnerability begins with how we approach this, but we need to work together so that we can all move together in a good way.

Ms. Laurel Collins: Thank you so much.

Madame Pauzé asked you a question about the right to a healthy environment and about some of the concerns that this right might not be enforceable, because it's in the preamble.

I wanted to ask a question about expanding the right. I would really like to see this right applied to future generations. I'm curious for your thoughts about expanding the right to a healthy environment to include future generations as well.

● (1620)

Ms. Joan Brown: I think that's key. Thank you for restating that question, because from a multi-generational approach, we realize that our responsibility is to make sure that the future generations begin to understand and embrace this way of being, so enforcing and impacting are, in our hearts and minds, moving from a sense of entitlement to a sense of responsibility. That's critical from that enforcement lens. It's understanding that the role and responsibility of each and every one of us.... That's especially for the younger generations, because we've lost things.

The generation before me was the last of fluent speakers, but now it's even more critical that the younger generations begin to understand how to steward the land in a really meaningful way and that the land has to walk first in everything that we do. She has her rights and responsibilities to thrive and get back to a place where she's our first teacher and our first healer.

Ms. Laurel Collins: Thank you so much.

One of the other witnesses mentioned part 6. This section opens up the possibility of tackling some of the concerns that people have around genetically modified organisms. This can have a really big impact on salmon.

I've heard from a number of first nations leaders in British Columbia about concerns that they have around genetically modified salmon and about companies patenting the DNA of salmon.

I'm curious, Ms. Brown, if you have any concerns if you've heard about this, or if your community is at all concerned about what has been happening with genetically modified salmon.

Ms. Joan Brown: Yes, for sure we have the same concerns. To us, it's really that the salmon people are our most sacred relatives, so to alter their natural way of being is no different from altering our way of being. We really try to promote and protect the natural environment and especially her own being. That's her strength and her resiliency, and we want to maintain and protect that with every strength, every fibre, of our being.

Just like every other first nation, it's going to cause harm to us. People don't understand that salmon is more than sustenance; it's really part of our overall wellness. An example is that in terms of ceremony, they're the ones that break a fast. It's really critical to ceremony, so without a doubt—

Ms. Laurel Collins: Thank you so much.

Mr. Chair, do I have any time left?

The Chair: You have 45 seconds.

Ms. Laurel Collins: To Ms. Mitchell, do you have anything, any follow-ups, on genetically modified salmon?

Ms. Kaitlyn Mitchell: Absolutely. Animal Justice has a number of concerns, and I think that the GM salmon case exemplifies the overall problems with part 6. Some of them are very specific in terms of how the assessment was done, and some are more overarching. As you've heard, we did not consider the impact on indigenous peoples. We also did not consider the welfare of the salmon.

CEPA treats genetically modified organisms the same way that it treats chemical substances, so I think that's really alarming, and I think that it really shows the need for a comprehensive overhaul of that part, but also, in the meantime, it shows that we need to make some amendments to improve it while we're waiting for that overhaul.

The Chair: Thank you.

We'll go to Mr. McLean now for five minutes.

Mr. Greg McLean (Calgary Centre, CPC): Thank you, Mr. Chair.

Thank you, colleagues.

Witnesses, thank you for everything you've presented to us here today.

My first question is going to go to Ms. Mitchell.

Ms. Mitchell, thank you very much for your advocacy for animals. We should do everything we can so that they're not suffering in the testing that we do for our own needs.

I have a question for you on part 6 of the CEPA changes, because the way it's worded, CEPA addresses living organisms as defined by “a substance that is an animate product of biotechnology”, and then it gives the minister the authority to examine whether any new animate product of biotechnology is necessary or not.

Is it, in your opinion, in the minister's purview, obviously with his officials, to determine whether a product is necessary or not, or is that something that is naturally evolving as we go through this?

I'd really like your input on it, because I think that it is a gap we have so far. Any suggestion you might have about how to regulate that more appropriately would also be appreciated.

● (1625)

Ms. Kaitlyn Mitchell: What I would say is that when we talk about genetically modified organisms—of course, my interest is in genetically modified animals in particular—it raises a number of issues, some of which are ethical, some of which are environmental, some of which are on human health and some of which have to do with animals, so I think that the question that you've raised really crosses all of those boundaries.

Certainly I think that there is room in CEPA for the minister to take a more comprehensive approach to evaluating these products. We haven't specifically advocated for one approach or another, although I understand that the Senate did pass the amendment that you spoke to.

What I would say about part 6 is that for all of these reasons, I think that most stakeholders agree that we need a comprehensive review of that part. I understand that we are not doing it right now, which is disappointing, and it's also challenging, because we have these specific amendments the Senate put forward, and the question is if we keep those in now or we hold off in terms of a broader view. I think that, for the most part, the Senate's amendments start to move us in the right direction, and, as I mentioned in my brief, we additionally would like to see some regulation-making authority for animals.

Mr. Greg McLean: Thank you very much.

Would you be able to take it upon yourself to provide us with some language, after your testimony here, about how that legislation might be better worded to protect against what we're looking for? Would that be something you could take on?

Ms. Kaitlyn Mitchell: Absolutely. I was involved in the genetically modified salmon litigation, so I have a lot of views on that topic. I'm very happy to do that.

Mr. Greg McLean: Thank you very much.

The next question is for Mr. LeRoux.

Mr. LeRoux, one of the issues in here is the issue of confidential business information. We've had input from other actors who are being affected by this and that balance we're going to have in terms of what confidential business information should be provided to the government and what the government should provide it to all the parties at this point in time. That may lead to industry businesses leaving this jurisdiction for more opportunities in other jurisdictions.

Can you tell us how you see that sharing of confidential information blanket would affect your operations here in Canada?

Mr. Gary LeRoux: Well, it affects us a lot, because it's already happening. Fifty per cent of our products now sold in Canada are shipped to Canada over the border. Manufacturing has been leaving Canada, so their products are being shipped here. Twenty years ago, it was 30%; now it's 50%, and it could be even higher. Some manufacturers don't have facilities in Canada. They're just putting it on a truck and shipping it to Canada from plants in the United States. That's happening across the board. It's consolidation that's doing that. This is going to make that even tougher, because most of the products are coming from companies based in the United States, so they're giving their information to Canadian authorities.

Mr. Greg McLean: When those chemicals come into Canada, they're still regulated.

Mr. Gary LeRoux: They're still regulated, 100% regulated, but—

Mr. Greg McLean: They're regulated to the same standard.

Mr. Gary LeRoux: That's right. You're not going to have all the information—new information, new chemistries, new innovation that we would have here in Canada. We would have to import that or buy it in higher-priced products.

Mr. Greg McLean: Would we be subject to the regulations and the oversight that would happen in those jurisdictions at that point?

Mr. Gary LeRoux: Yes.

Mr. Greg McLean: Those jurisdictions have, so far—the United States, for example—much softer oversight mechanisms than we have in CEPA, or even in these ones, so—

Mr. Gary LeRoux: Well, you don't want to put a sign up at the border saying, “No innovation in Canada”. That impacts your—

Mr. Greg McLean: No, it's not the “no innovation”. It's the whole issue about where you do business, because effectively, it's the same consumer at the end of the day.

Mr. Gary LeRoux: Yes, it's the consumer.

The Chair: We'll have to stop there.

We'll go to Ms. Taylor Roy, please, for five minutes.

Ms. Leah Taylor Roy (Aurora—Oak Ridges—Richmond Hill, Lib.): Thank you very much, Mr. Chair.

Thank you to all the witnesses for being here.

I'd like to start my questioning with Ms. Mitchell regarding some of the suggested amendments she made. Thank you very much for your thorough work on this. It's an issue of great concern to me too.

First, there is a difference between something the Canadian Centre for Alternatives to Animal Methods had put forward and something you had put forward on animal testing. I was wondering about the issue of removing or including “refine” in the legislation. I'm asking about this because I know you'd like to have this removed and just put in “replace ” or “reduce”, but there are still certain tests for which there are no alternatives to animal testing. In the interim, when these still have to be unfortunately put forward through animal testing, do you not feel that having that “refine” part in there would help with the animal welfare issue during these tests?

● (1630)

Ms. Kaitlyn Mitchell: Thank you so much for the question.

I appreciate this is a challenging topic, for the reasons you outlined. Our position is that the overall emphasis of the act needs to be on replacing and reducing the use of animals, and not just refining the way they're used, but as you note, they'll still be used in science, and I take that point. What I've proposed in the brief is that at the very least, perhaps what we could do is take that out of the preamble in clause 2, because those are sort of these visionary provisions, and have those focus on the replacement of animals entirely, but allow for refinement to come in in other places, though.

I have great respect for Dr. Charu Chandrasekera. I do also think that the proposal that she put forward around restraining what refinement looks like could also have the same effect.

Ms. Leah Taylor Roy: Okay, that's very good.

Another question is regarding the fourth recommendation you made, the amendment to the new proposed paragraph 2(1)(k.1). You said, “encourage the development of scientifically justified alternative methods and strategies in the testing and assessment of substances to replace, or reduce”—and then you also added at the end—“require the timely incorporation of those methods and strategies.”

Could you elaborate on why you believe that additional wording is necessary and what effect that would have?

Ms. Kaitlyn Mitchell: Yes. Thank you.

The proposal there is really just to try to strengthen the wording a bit. The language that was originally proposed in the Senate would have required government to avoid these animals, and instead we have the word “encourage”, which was introduced because it's less strong. I agree “encourage” is less strong than “avoid”, so my purpose there was to say at least let's require timely incorporation. There's a little bit stronger wording there to make sure we really are moving in the right direction.

Ms. Leah Taylor Roy: Okay. Thank you very much.

I also had a question for Ms. Brown.

You talked about the kind of multi-jurisdictional co-operation insofar as there's an emphasis on a right to a healthy environment that includes explicit language to align the act with UNDRIP. The proposed Senate amendments also make reference to the need to consult and engage with indigenous peoples on environmental protection. In your view, does this provide sufficient opportunity to have these multi-jurisdictional conversations, or do you think there are other things that have to be added to strengthen it?

Ms. Joan Brown: To consult and engage is really just the surface. For us, it's really when to take a lead and make sure that it's taking an indigenous approach. For us, it's key in terms of having a high impact, and I think that's one of the missing ingredients for everything that we're doing in terms of the environment. That understanding of how things are interconnected and how things play out is really key. You can't talk about the estuary without talking about the river and the seaway, and so on and so forth. That's really a whole system.

Again, I'm repeating myself, but that siloed approach is really problematic, so it's not enough to engage as a consultant. Really ask us to take the lead, because we're the ones who know the land and who really can help each of us understand where the core of the problem is. It's really taking its own life, its own energy, and we have to react in a much different way.

The Chair: Thank you.

Unfortunately, we're out of time, Ms. Taylor Roy, but there will be other opportunities, I'm sure.

[*Translation*]

Ms. Pauzé, you have the floor for two and a half minutes.

Ms. Monique Pauzé: Mr. LeRoux, I'd like some clarification: Did you say that imported products are subject to the same standards as Canadian products?

[*English*]

Mr. Gary LeRoux: No.

Is that with regard to Mr. McLean's question?

[*Translation*]

Ms. Monique Pauzé: Indeed, that was an answer to one of Mr. McLean's questions. So, you aren't the one who said it.

[*English*]

Mr. Gary LeRoux: No, they have to comply with the law in Canada. In terms of CBI, they need the protection in Canada. When they ship products to Canada and share information with the government, they would like to have confidential business information policy that's strong.

[*Translation*]

Ms. Monique Pauzé: All right, thank you.

In your speech, I thought I understood that you are in favour of a prevention-based Canadian Environmental Protection Act.

Are you in favour of an approach based on analyzing product families like they do in Europe? Rather than analyze one little sample at a time, we could use product families and speed up the process.

● (1635)

[*English*]

Mr. Gary LeRoux: Sure. It's already done in Canada. They do it under the CMP with groups of substances. It's already part of the assessment process under the CMP. We've had a number of those.

[*Translation*]

Ms. Monique Pauzé: To my knowledge, in Canada, analyses are done one substance at a time, and not by product families. So, I am a little—

[*English*]

Mr. Gary LeRoux: No, we've had cases of groups of substances.

[*Translation*]

Ms. Monique Pauzé: If you have already run into these types of cases, that means it is not done systematically.

Earlier, you said that you worked on product assessment. But some products are brought to market before their assessment is completed, which means risks for human or environmental health.

[*English*]

Mr. Gary LeRoux: I'm sorry. All of the chemicals that are prioritized now for assessment are in commerce. They're being sold. The whole idea is to look at the inputs in those chemicals to make sure that they are not harmful to human health or the environment. It's an ongoing process under the CMP.

[*Translation*]

Ms. Monique Pauzé: Earlier, you mentioned how long the process was, and that it's impossible to assess many.

Is it possible to work with other countries that have data similar to ours? We could work from that data rather than reinvent the wheel for our own assessments.

[*English*]

The Chair: You have 10 seconds at most.

Mr. Gary LeRoux: Canada has a more rigorous process than the EU, for instance, which does some research studies. For example, I mentioned the TiO2 that was just knocked down by the Court of Justice of the European Union. They had very limited data; that's why it didn't proceed. We have much more substantive data, in many cases, and we don't have summary data. They don't use standardized data in Europe.

The Chair: We'll go to Ms. Collins now, please.

Ms. Laurel Collins: Thank you, Mr. Chair.

My questions are for Ms. Mitchell.

You mentioned octopuses in your opening statement, and I'm wondering if you can talk a little bit more about the use of the language "vertebrate animals". Cephalopods can solve complex puzzles. They can learn and remember. Octopuses have been known to use tools and recognize individuals outside their species, including human faces. They are an interesting example of advanced cognitive evolution in animals.

I just want to hear more of your thoughts on this.

Ms. Kaitlyn Mitchell: Absolutely. Thank you for that opportunity.

As you recognized, the act right now focuses exclusively on vertebrates, and especially.... Hopefully members of the committee have seen *My Octopus Teacher* in particular, which recently came out and really showed how highly intelligent those animals are.

What we're proposing right now is that.... We recognize that toxicity testing right now is being done on invertebrates. However, we don't know what direction science is going to go in, and we do know that octopuses are increasingly being used in research around the world. What we propose is really just to create the option to create regulations in the future if needed, not to protect all invertebrates. We're not suggesting to protect very small micro-organisms. We're saying to protect animals that we know to be sentient and complex, like the octopus. We think it's really important to put it in there, because who knows when CEPA will be reviewed again? It could be another 20 years.

Ms. Laurel Collins: Thank you so much.

You also mentioned the 2035 timeline for phasing out animal testing. Can you talk a little bit about whether you think Canada is on track? Is there a danger that we won't meet that deadline? What really needs to happen for us to make sure that we meet it?

Ms. Kaitlyn Mitchell: I would say that right now Canada is not on track, but I think we could be. That's the good news. I try to look at these things in an optimistic way. The bad news is that we're behind other jurisdictions. The good news is that, because of that, we can learn from them.

We can look to the United States, for instance. They have a similar 2035 deadline. We can see what works there. Part of it is that is through their TSCA, the Toxic Substances Control Act, they have requirements to reduce and replace, to the extent practicable and scientifically justified, the use of animals.

There's also a planning requirement. I think that's really important. There's a planning requirement to actually get us on track and make sure we're being thoughtful and strategic and thinking through how to actually achieve the deadline. We're very pleased that's been included by the Senate in proposed section 73. We'd really like to see that stay.

The Chair: Thank you.

Mr. Benzen, you have five minutes.

Mr. Bob Benzen (Calgary Heritage, CPC): Thank you, Chair.

Thank you, witnesses, for being here today.

Mr. LeRoux, earlier submissions by organizations linked to the chemistry association of Canada had concerns with the proposed watch-list—namely, redundancy and a lack of clarity regarding the listing of substances. Does the CPCA share any of those concerns?

● (1640)

Mr. Gary LeRoux: Yes, we do. Putting substances on a watch-list just signals to Canadians that these chemicals shouldn't be in the products they buy, and that causes them concern. There's no control of how many substances are placed on that watch-list, or any protocols to get them to the watch-list or even get them off. We prefer that there be no watch-list. It's like *Hotel California*: You can enter, but you can never leave. You're stuck on that list, and we don't know how long it's going to become.

It also sends a signal to consumers that the government's regulations for products now don't work. If they have to do something after regulation to say to consumers that there are also these that are potentially harmful 10 years, 20 years or 40 years out, that doesn't give much confidence in the current regulations of the federal government.

Mr. Bob Benzen: Okay.

Currently, there are over 50,000 CEPA regulations in place. There's no question that there will be more regulations coming. You've hinted or suggested that some of these are going to cause economic harm to the coatings and manufacturing sectors in Canada.

I know that you don't want to be using chemicals that are toxic or unhealthy, but how do we find a balance between having companies that are innovating, introducing new products and solving problems for Canadians but having to deal with all this extra cost that's being put on the industry? Is it possible to find a balance there?

Mr. Gary LeRoux: Do you mean in terms of new products being developed?

Mr. Bob Benzen: I just mean that we have 50,000 CEPA regulations. That is a tremendous burden on any company or any industry to have to work with. That brings enormous cost.

Mr. Gary LeRoux: Yes.

Mr. Bob Benzen: That cost has to eventually be passed on to consumers—

Mr. Gary LeRoux: Right.

Mr. Bob Benzen: —or we don't have the product, or else we're looking to other jurisdictions to create the product. In a Canadian environment, how do we deal with all these regulations and still try to have a healthy industry that's profitable but also healthy from the point of view of the environment? How do we find the balance between all of that in terms of how we're dealing with Bill S-5?

Mr. Gary LeRoux: Many of the chemical regulations are redundant. The Treasury Board study talked about those a few years ago, I think. They came out with a study that said a lot of them were being removed because they weren't even being used anymore.

With regard to the ones we have to comply with, I mean, I don't think our industry is complaining about complying with regulations. We want fair regulations. We want an understanding of how they're going to help the environment and human health. We're all supportive of that. As I said previously, we've had a huge amount of engagement with the government on 500 substances just in the last five years. We're not saying that these are not necessary. We're saying that they need to be done in a fair process, that's evidence-based, based on the science, and that encourages compliance with our members in Canada and the U.S. to provide the data that government needs to do the assessment. Once that is done, we're ensuring that the compliance is maintained with our members who operate in this country.

I don't think we're saying that there are too many regulations per se, although because of their preponderance, it is the straw that broke the camel's back: We have companies that have moved production out of Canada. That's a fact. They only have distribution centres. Their jobs are not here, but their sales volume is going up. That's not a good sign for Canada, ultimately, for the long run.

Mr. Bob Benzen: Okay. Thank you.

The Chair: You have about 20 seconds, Mr. Benzen.

Mr. Bob Benzen: I have a quick question for Ms. Mitchell.

You said that these alternative testing methods are less expensive and that they are quicker. However, we still had 90,000 animals being used last year for live testing. Obviously, the results aren't quite there in terms of what organizations are looking for.

What is the timeline or estimated timeline for when these alternative testing methods' results will equal or match or exceed the results we're getting from using live animals?

The Chair: Unfortunately, we have really gone over time.

Maybe Mr. Longfield will ask the same question. I'm not putting words in your mouth, Mr. Longfield.

● (1645)

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

The Chair: Anyway, you're next, Mr. Longfield.

Mr. Lloyd Longfield: Thanks, Mr. Chair.

At this stage of the meeting, a lot of the questions have been asked.

Maybe I would like to extend on the question that Ms. Mitchell just got from Mr. Benzen, but my question at the end of that would be this: What's slowing down the conversion from animal-based testing to the testing that Dr. Chandrasekera gave us?

Ms. Kaitlyn Mitchell: It's a complicated question, and I'm not sure I have the answer, as a lawyer.

What I would say is that this is a system-based problem. We have systems in place that rely on these historic animal tests, so it just takes time to move away from them.

In part, it also requires upfront investment in developing those non-animal methods. Once they're developed, as I said, I think they have tremendous benefits. However, it's also that upfront investment piece that I think Canada needs to get serious about, because other jurisdictions like the EU and the U.S. are serious about it, and they're putting the money there. I think Canada needs to do that, in addition to strengthening the law itself, to move us in that direction.

Mr. Lloyd Longfield: Thank you.

Quite often, it does come down to resources.

I did have a conversation with one of my constituents today for about half an hour on this topic. She was very well briefed on Bill S-5.

One area we talked about that I was pushing back on a bit is in terms of CRISPR technology and in terms of genetics as a way to combat antimicrobial resistance, to use less chemicals when you're caring for animals by using gene modification. It gets into a very grey zone in a hurry when you get into the kind of research that is going on with animals.

Do you have any comment on that?

Ms. Kaitlyn Mitchell: Absolutely.

Our position on part 6 at this time is that at the very least, what we need are regulations to protect animals.

We know that attempts to modify the genetic makeup of animals—including through CRISPR—can actually have very serious, unexpected and unpredictable negative implications for their welfare.

At this point, you know, we're not suggesting that we can't do those types of things if and when they're needed, and if and when they've been fully assessed. Our point is merely that if we're going to start to modify animals' genetic makeup, let's make sure that that's not actually going to cause them health and welfare implications.

Again, because of other jurisdictions' being ahead, we can look to the EU, for instance, as a really good example of how to do that.

Mr. Lloyd Longfield: Yes, thank you.

Just looking at time clicking by quickly, I'd like to go over to Mr. LeRoux.

When the senate committee looked at subclause 15(2) of the bill, they replaced the phrase “poses the highest risk” with the phrase “is carcinogenic, mutagenic, toxic to reproduction or poses other risks of highest concern.” By focusing on “concern” rather than “risk”, the amendment is actually looking at putting at risk, or undermining, the risk-based approach to chemicals management under CEPA.

Could you comment on the importance of ensuring that we're careful with the language we use so that we don't undermine the risk-based approach that we are going for?

Mr. Gary LeRoux: I think the whole chemical assessment process is risk-based in Canada, and I think we should stay with that. They have a hazard-based approach in the EU, and they have not assessed as many chemicals as Canada has since 2006.

We still have substantive data, and we want to ensure that we deal with the risk. Theirs is a much longer and more involved process to do a hazard-based assessment, and so far we haven't done that here. We hope that Canada will stay with a risk-based approach going forward.

Mr. Lloyd Longfield: I notice even in my question how much I was using the word “risk”. Any change involves risk, and we're trying to improve our own environmental performance, but we're doing that through risk analysis. We found that we have been successful in the past because of that. Is that a paraphrase?

Mr. Gary LeRoux: I would agree with that.

Mr. Lloyd Longfield: Thank you.

Ms. Brown, in less than a minute, I am concerned about our—

● (1650)

The Chair: This is a five-minute round, Mr. Longfield.

Mr. Lloyd Longfield: —going against the United Nations Declaration on the Rights of Indigenous Peoples by introducing another type of review that CEPA would use with indigenous people.

You mentioned taking the lead in your previous comments. How would a meaningful review process look from your community?

The Chair: We're out of time.

Answer very quickly, Ms. Brown, like in 15 seconds.

Ms. Joan Brown: The accumulative impact, like assessing it from a whole system approach, is really key in looking at all of the toxins that are coming in from numerous industries.

The Chair: That's very good, succinct answer. Thank you.

[*Translation*]

I thank the witnesses for being with us.

I thank members of the committee for their excellent questions. We had a fruitful discussion.

We will stop here and take a little break before welcoming our next panel of witnesses.

The meeting is suspended.

● (1650)

_____(Pause)_____

● (1650)

[*English*]

The Chair: We'll get moving now on to the second panel.

We have Ms. Shannon Coombs from the Canadian Consumers Specialty Products Association. From CropLife Canada, we have Ian Affleck and Dr. Justine Taylor. From Living Oceans Society, we have Karen Wristen, who may be joining a bit later. There's an issue with the time change.

We'll start for three minutes with Ms. Coombs, please.

Ms. Coombs, go ahead.

Ms. Shannon Coombs (President, Canadian Consumer Specialty Products Association): Good day, Mr. Chair and members of the committee. It's a pleasure to be here to provide our perspective on the committee's review of Bill S-5.

My name is Shannon Coombs. I am the president of the Canadian Consumer Specialty Products Association. For 24 years I have proudly represented the many accomplishments of this proactive and responsible industry. For 19 of those years, I have been president. The last two years of my tenure at CCSPA have been a very challenging yet rewarding time for industry and government. We have collectively delivered disinfectants, sanitizers and hand sanitizers plus general cleaners to ensure that Canadians had the products they needed to keep them safe, whether it be in their homes, their workplaces or their schools.

I would like to thank all the members of the committee who follow us on Twitter and have retweeted us in the last 32 months as we promoted handwashing and numerous important COVID advisories, most recently on monkeypox, during this unprecedented time. Getting good, factual and useful information to Canadians during the pandemic was and is a key priority for the association.

Today I would like to offer a quick outline of how the act works for our industry, the success of the world-leading CMP program, and our support for moving forward.

Why is CEPA important to CCSPA and our members? It's a sophisticated 400-page piece of legislation. In 1999, after an exhaustive review by your predecessors in this very forum—my first few months in the industry—the environment committee reviewed over 550 proposed amendments, 150 of which were included in the final bill after 93 hours of review. As a result, it has led to some significant outcomes for Canadians.

One such outcome is the chemicals management plan, referred to as the CMP, which is a science-based risk assessment program for chemicals and their management. In short, CEPA governs our ingredients, both existing and new.

CCSPA has supported this world-leading government program since 2006. We have strived to ensure that our pillars of sound science, due process and effective communications have been embraced in the program. Canadians should be proud of this program. Our country is a global leader in how substances are assessed and managed regardless of where that chemical is used.

We were very pleased to see Bill S-5 tabled on February 9 in the Senate. The package at the time was a thoughtful proposal of many views, including the 2006 and 2016 parliamentary reviews. Current policies are being codified, with some bold thinking to modernize the act.

What does it codify? It codifies a right to a healthy environment, vulnerable populations and cumulative effects, and information regarding the risks of toxic substances, including labelling.

What are some of the new amendments? They are the use of the "best placed" act and "best placed" minister, and the list of substances...of becoming toxic, unfortunately misnamed as the watchlist.

In the Senate, two additional amendments were included. In our opinion, one is outside the scope of Bill S-5 and one adds some regulatory red tape. CCSPA would ask ENVI to consider removing the following: clause 67.1, which is the requirement for ISED to test imported products to ensure that they meet Canadian regulations and to prepare a report to Parliament; and subclause 13(1), requiring a database of all actions related to 30,000 chemicals.

In closing, I'd like to state that the CCSPA has been, and remains committed to, working with this government on supporting an efficient and effective piece of legislation and regulatory framework. The bill continues to strike an important balance of codifying important principles. The health and safety of Canadians and the environment remains paramount.

● (1655)

The Chair: Thanks very much.

It's nice to see you again. I know that you've been with the organization for a number of years. We've interacted before on other related issues.

Ms. Shannon Coombs: Thank you, Mr. Chair.

The Chair: From CropLife, who will be speaking?

It will be Mr. Affleck. Mr. Affleck, you have three minutes.

Mr. Ian Affleck (Vice-President, Plant Biotechnology, CropLife Canada): Thank you very much for the opportunity to present to you today.

My name is Ian Affleck. I'm the vice-president of plant biotechnology at CropLife Canada. I'm joined today by my colleague Justine Taylor, director of stewardship and sustainability.

CropLife Canada is the association representing the manufacturers, developers and distributors of plant science innovations, including pest control products and plant biotechnology, for use in agriculture, urban and public health settings. We are committed to protecting human health and the environment, and we believe in driving innovation through continuous research.

Our members bring innovation to Canadian farmers, and those innovations help drive improved productivity and sustainability. For example, these innovations supported farmers in reducing the greenhouse gas intensity of Canadian agriculture by 50% since 1997.

The average Canadian farm is now producing twice as much food as it did 50 years ago, while using the same amounts of inputs. Simply put, these technologies allow farmers to grow more food on less land using fewer resources, all while making agriculture more sustainable, keeping food more affordable and growing the economy.

The legislative framework in Canada being discussed today plays a critical role in fostering innovation and directly impacts whether these solutions make it into the hands of Canadian farmers.

The Canadian Environmental Protection Act is a critical piece of that framework, which has historically delivered world-leading environmental protection while also delivering a predictable, science-based and risk-based approach to regulatory oversight.

While CropLife Canada member products are primarily regulated under CEPA-equivalent acts and regulations, such as the Pest Control Products Act, the Feeds Act and the Seeds Act, amendments to CEPA have the potential to impact those regulatory programs.

CropLife Canada and its members are supportive of the amendments to CEPA as tabled on February 9, 2022. However, we're only supportive of two of the amendments that were proposed following the clause-by-clause review through the Senate committee, specifically those related to "replacing, reducing or refining the use of vertebrate animals" in testing procedures and to the engagement of indigenous communities.

With that in mind, the original Bill S-5 offered a well-balanced and pragmatic approach to addressing identified shortcomings in CEPA while preserving the essential, science-based and risk-based approach to regulation for which Canada is known.

CropLife Canada, on behalf of its members, respectfully requests that the bill be returned to its original state, other than those two Senate amendments noted above. This will help ensure the safety of Canadians and their environment while providing a predictable, science-based and risk-based legislative foundation for the regulation of new and innovative products like those delivered by our member companies.

Thank you very much for the time.

● (1700)

The Chair: Thank you, Mr. Affleck.

We'll go to Mr. Kurek.

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

Would you mind letting the committee know what time Karen Wristen is expected?

The Chair: Do we have that answer? There was confusion around time zones.

Ms. Laurel Collins: I'm wondering if we could potentially switch the order so that I ask my questions later in the meeting, as I have a number of questions for that witness.

The Chair: Yes, I'll do my best. Sure.

Ms. Laurel Collins: Thank you.

The Chair: Mr. Kurek, you have six minutes.

Mr. Damien Kurek (Battle River—Crowfoot, CPC): Thank you very much, Mr. Chair.

Thank you to our witnesses who are appearing here today.

Let me preface my questions by simply saying that time is something we are in short supply of, so if there is further information needed, please feel free to follow up with this committee, whether that be specific amendments or further information regarding your comments.

As somebody who is very involved in agriculture, I have a lot of questions related to that. However, I'll keep it directly associated with Bill S-5.

You talked about the need to find the right balance. Chemicals are an important part of agriculture in Canada, and you talked about needing that balance and how CEPA and other related acts have a significant effect on that.

I invite you to expand on the specifics of what that balance should look like and how important it is that we start that balance here today.

Mr. Ian Affleck: Thank you.

I think the key to that is the risk-based approach. When we allow and provide the support for the departments to complete risk-based oversight of new products when they deem necessary, that's what creates that balance of ensuring that it's a robust, science-based decision that determines whether a product is or is not suitable and how, and the limitations to which it's used.

As a short answer, I really think that maintaining a very risk-based approach and avoiding a hazard-based approach is critical to having that balance.

Mr. Damien Kurek: We've heard quite a bit about that, especially from stakeholders who have suggested that that move is problematic. However, as is the case in agriculture, with a lot of misunderstanding, sometimes, associated with the use of chemicals or, in the case of agriculture, fertilizers and what not, I'm wondering....

You're talking about a risk-based approach. How does that encompass ensuring that products are, in fact, safe when being applied to agricultural products and processes and some things that ultimately end up in the Canadian food supply chain?

Mr. Ian Affleck: When we look at the history of our food supply chain, we see that it has been incredibly safe. Those risk-based approaches have done a great job of ensuring that the food on Canadian shelves is safe for the consumer, as well as safe for the environment when it's being produced.

With regard to that difference between hazard-based and risk-based, I think a good example would be wood dust. Wood dust is a class 1 carcinogen, so it's a hazard, but I don't think we would see the need for wood dust to fall under a complicated regulatory scheme for how it's used on a farm or how it's managed.

If you move to hazard-based, you're going to capture a lot of things that could be a hazard, but that's the key to risk. The exposure is what matters—how you are exposed to that hazard—and then allowing the flexibility for the departments to draw that line for when they need to see a product because they live in that space. They understand when they need to capture something for review and when a hazard is benign and can move freely into the marketplace.

Mr. Damien Kurek: You addressed the two Senate amendments that you support. I know we have heard a lot of the conversations around that.

In terms of the other subject matter of the bill, is there anything you would like to highlight for the committee to ensure that we have a better understanding of some of the impacts that might have on you and the agriculture industry in general?

Mr. Ian Affleck: There are many that have been well addressed by previous witnesses, but if I were to pick two that, I think, are highlighted for us that are primarily managed under equivalent acts, one would be demonstrable need. Again, looping back to the risk-based approach, demonstrable need would not be embedded in a risk-based approach. That would be a nebulous and undefined space of what is demonstrable need, so that would move us away from a global risk-based approach.

The other would be our approach to confidential business information and ensuring that we are internationally aligned in how we do that so that we don't put ourselves at a competitive disadvantage compared to the rest of the world. With that, I would say that often the drive for additional transparency on CBI is around a belief that that'll create public trust. I think what's important is not the raw data but the explanation of our regulatory processes by our government to our citizens, explaining how the government came to its decision and summarizing what it reviewed, because most people won't know what to do with 700 pages of toxicology data. They want to understand what it meant, how it was well reviewed and what the outcome of that was.

You can still get to transparency and trust without damaging competitiveness in the marketplace. There's a balance there.

● (1705)

Mr. Damien Kurek: Especially when it comes to things like competitiveness, we have heard from a number of witnesses that if we don't get this right, we will see capital flight. We will see industry and manufacturing leave Canada.

Do you have any comments about the possible impact to the Canadian economy and your industry in particular if we don't get that balance right?

Mr. Ian Affleck: I think there would be a clear detriment to the Canadian economy. Right now, we're working through equivalent acts on plant breeding innovation guidance, which is central to how gene editing will be managed by the government. We are eight years behind Argentina in figuring that out; it has seen significant increases in its R and D from small and large companies. We're four years behind the U.S. We're three years behind Australia.

It's important that we get it right, but others have gotten it right before us. We're seeing that the proof's in the pudding, in that they are getting the investment.

Mr. Damien Kurek: I appreciate that.

Just to wrap up my time, I would say that you highlighted very well the value of agriculture, especially when we have incredible innovations that have taken place over the last century or so, the inputs versus yields, and the absolutely massive potential that exists within the space in Canada.

With that, thank you, Mr. Chair.

[*Translation*]

The Chair: Before giving the floor to Mr. Weiler, I see that Ms. Wristen has now connected to the meeting by videoconference. I therefore invite her to give us her opening statement for three minutes.

Ms. Wristen, before starting, I'd like to ask you a question.

[*English*]

If you could push the microphone up a bit so that it's not.... Yes. Push it up a little bit more. I think that's pretty good.

Excellent. Thank you.

Go ahead for three minutes, please.

Ms. Karen Wristen (Executive Director, Living Oceans Society): Thank you for the opportunity to address you on CEPA.

Living Oceans Society is a non-profit dedicated to ecosystem-based management of Canada's oceans. I serve as its executive director.

It's been 22 years since the act came into force, and during that time genetic engineering has developed with very little public consultation or oversight. The introduction of GM animals into the food supply and into the environment raises questions of ethics, health and safety that are matters of profound public interest, yet part 6 of CEPA suffers from a lack of transparency and opportunity for public input that's striking when it is compared to other Canadian legislation.

I'd like to illustrate that point by describing our experience of trying to participate in the approval of the world's first genetically modified food animal, AquaBounty's AquAdvantage salmon, or AAS. We have concerns with respect to the damage to the habitat and the genetic integrity of endangered wild Atlantic salmon should AAS eggs or the brood fish from which they were produced escape into the environment. Our concerns are shared by fishermen, first nations, social justice groups and conservation groups.

Requests made to health and environment ministries for information were refused point-blank. Everything we learned about the Canadian government's process for approving the manufacture and sale of AAS we learned through the U.S. government, through filings made by the company in the U.S. Health Canada's reply acknowledged that this matter is one of significant public interest but advised, “As you may know, the Department is not legally permitted to release information that companies submit and consider confidential.... This includes even the mere fact that a submission to the Department has been made.” The letter went on to suggest that media coverage of the issue was adequate notice to Canadians.

We filed for judicial review and we filed an access to information request to see the risk assessment that had been done. The document that was ultimately produced was very long, but there wasn't much to read in it. It was mostly redacted.

It transpired that Health Canada had waived the requirement for toxicity assessment with no notice to the public. The risk assessment confirmed that the environmental hazard of a release from the facility was high but found that the activity was "CEPA non-toxic" provided that the activity was confined to the quantities assessed, to be produced in the P.E.I. facility, and that the manufactured eggs were exported to Panama for grow out where the environmental risk of release was considered low.

All of those conditions were dropped when the government issued its significant new activity notice. This opened the door to AAS being manufactured in any contained facility, in any quantity, for grow out anywhere without a risk assessment that justified the finding of "not CEPA toxic" in all of those eventualities.

As it stands today, CEPA permits all of the aforementioned process to take place in absolute secrecy with no opportunity for citizens to have input—

● (1710)

The Chair: Thank you. We'll have to stop there, but there will be time for questions and answers.

We'll go to Mr. Weiler now for six minutes.

[*Translation*]

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

I want to thank all of the witnesses for being here with us today.

[*English*]

My first question today I'd like to ask to Ms. Wristen.

Thank you for joining us today and for the work that you do and that Living Oceans Society has been doing for decades now to ensure that we do have a healthy marine environment and a thriving and sustainable blue economy. We know how important that work is, especially today as we see, amongst other things, the major stresses that wild Pacific salmon are facing in B.C.

With this in mind, I take your comments regarding the genetic engineering to heart, but in this committee we've heard concerns from several witnesses, including Mr. Affleck, who is here today, about the Senate amendment requiring the minister to make a determination that there is demonstrable need for a new living organism being a deviation from the risk-based approach of CEPA.

I was hoping you could make the case to this committee as to why the committee should consider the departure from this approach when it comes to new living organisms, given the profound concerns that you've raised and the example that you spoke about earlier.

Ms. Karen Wristen: Thank you for the question.

I should begin by saying that the need to demonstrate the need for the living organism isn't a departure from the risk assessment; it's in addition to the risk assessment. Let's be clear on that. We definitely do need to have risk assessments.

When we think about living organisms that have wild counterparts, there are considerations that go far beyond the purview of those doing the risk assessments. Those are considerations of a social, cultural and economic nature that are held by, in the case of the AquAdvantage salmon, first nations, who fear for the cultural integrity of their peoples if the salmon are lost, and fishermen, who fear for the genetic integrity and resilience of the stocks.

There's an even better example of why we should think about demonstrable needs, and that is the example of the aquarium Glofish that has now colonized rivers throughout Brazil. It's a small thing, and nobody knows what damage it's doing in the environment, but it has literally colonized rivers throughout that country. It's been spotted in rivers elsewhere. Did we need to put nature at risk to that extent in order to make a coloured aquarium fish? That is a poster case of a situation in which demonstrable need ought to have been demonstrated.

Mr. Patrick Weiler: Thank you for that.

You also mentioned some concerns specifically about the AquBounty salmon that went through a process that you participated in directly. That being said, the Senate made some amendments as part of their process, particularly those that address public participation, which now requires, as part of section 108, that the minister will ensure that the public is provided with opportunities to participate meaningfully in the assessment and that public comments shall be solicited as part of that in respect to the testing of all the evidence and that they can request additional evidence from any individual.

With this mind, I was hoping you could comment on those amendments that have been made and whether they satisfy some of the concerns you've raised with the committee here today.

Ms. Karen Wristen: They do go a great distance to satisfying those concerns.

I am aware that Nature Canada has filed or is about to file a brief with you in which they detail slight tweaks to the language that would make even clearer exactly what we want.

I would commend those amendments to you when you receive them.

● (1715)

Mr. Patrick Weiler: Thank you very much.

Next I'll turn to Mr. Affleck.

You mentioned in your opening remarks that you are in support of two of the amendments the Senate has made but that you have concerns with all of the other ones that were made by the Senate.

I was hoping you could speak to some of those, specifically to highlight some of the concerns that CropLife has with the amendments the Senate has made at this point.

Mr. Ian Affleck: Thank you.

I think the key point is that while we're concerned about the amendments by the Senate, we're supportive of the amendments to CEPA as the bill was originally tabled. They were significant in number and made CEPA even more robust than it was when it entered the process.

I think I mentioned two. One was the demonstrable need piece. The other was about some of the provisions around CBI. I think there were other portions. The watch-list was another example of how there are currently mechanisms within departments to deal with that through "significant new activity" notices.

This would be somewhat redundant to activities that already exist. Throughout the amendments, there were a number that moved us away from the risk-based approach into a hazard-based approach or that added elements into the discussion that were not science- and risk-based.

There was a long suite of amendments from the Senate, and many weren't directly impactful to our industry. I would hesitate to go through others, but those are a few of the highlights in my opinion.

The Chair: You have about 10 seconds, Mr. Weiler.

Mr. Patrick Weiler: I'll cede the last 10 seconds.

The Chair: Madame Pauzé, go ahead.

[*Translation*]

Ms. Monique Pauzé: Thank you very much to all the witnesses for being with us at this late hour.

Mr. Affleck, you said there was a risk that genetically modified living organisms could end up in the environment.

[*English*]

Mr. Ian Affleck: I would say they are deliberately placed into the environment.

[*Translation*]

Ms. Monique Pauzé: No, not deliberately, but they can end up in the environment.

[*English*]

Mr. Ian Affleck: Do you mean a genetically modified plant?

[*Translation*]

Ms. Monique Pauzé: My question follows up on what Ms. Wristen said earlier about genetically modified animals, which could end up in the environment, escape into the wild and reproduce.

Do you agree?

[*English*]

Mr. Ian Affleck: CropLife Canada focuses on plant-based biotechnologies, so in our space we are deliberately bringing these products into the marketplace and putting them into the environment for the benefit of agriculture. We don't represent the elements on the animal side.

[*Translation*]

Ms. Monique Pauzé: So, you focus on genetically modified plants.

When I go to the grocery store and want to choose a vegetable to buy, I'd like to know what I'm eating. I'd like to be able to make choices. Why is your organization fighting labelling tooth and nail ?

[*English*]

Mr. Ian Affleck: I think there are two points on that.

When it comes to mandatory labelling by the Government of Canada, that's focused on health and safety and nutrition. We think it's paramount that the government continue to focus on those two elements and that if there's mandatory labelling, it be related to health and safety and nutrition, and that when products of biotechnology are approved, they've been deemed both safe and equally nutritious so they wouldn't hit either of those two check marks for mandatory labelling.

The second point I would put there, for someone who's looking for choice in the marketplace, is that there are many brands that have chosen to take that on. There's the Non-GMO Project with 80,000 different products; the organic system, which is non-GMO; and then "free of GMO" labels that others may use. If someone's looking for those options in the marketplace, the market has responded to provide them, but when it comes to government-mandated labelling, we feel strongly that the government needs to maintain a health and safety focus. Otherwise, the public will be confused as to why a label is there. It would represent a health and safety risk that doesn't exist.

[*Translation*]

Ms. Monique Pauzé: You talk about confusing the public. To my knowledge, only Canada and the United States refuse to label products for their populations.

Is there a way for our citizens, Canadian men and women, to know what they are putting on their plates? Europeans are allowed to know, but not Canadians or Americans. Why?

You say that the government is focused on health. As a matter of fact, as a vaccinated adult, I want to be able to focus on my health and know what I'm putting on my plate.

● (1720)

[*English*]

Mr. Ian Affleck: I think you can feel confident that the risk assessment process has ensured that those products are safe before they enter the food system.

If we look at Europe and Canada, there's a good example of how the trust in our food system and the trust in biotechnology in Canada are much higher than they are in Europe, where they have taken a non-health and safety labelling approach. That hasn't helped consumers there feel more comfortable.

I will just add that Health Canada did a great study in 2016 in which it asked people, the general population, why they wanted products labelled. The response was that it was because people didn't know what GMOs were. The findings of Health Canada were that putting a label on a product won't help you know what it is; it will only help you know where it is, and that what is needed is more proactive communication about what GMOs are, why they're safe and why they're in the food supply, so it—

[*Translation*]

Ms. Monique Pauzé: I'll stop you right there: I do not agree at all with the fact that I have to rely on what is currently in place.

Ms. Wristen, in 2013, Fisheries and Oceans Canada published a scientific report on genetically modified salmon. In that report, from pages 16 to 18, there was a reasonable degree of uncertainty about the high level of danger that genetically modified salmon could represent for the Canadian environment and the Atlantic wild salmon population. The Atlantic Salmon Federation also expressed its concerns before a Senate committee. We see that the industry does not want any labels for plant-based products, but I'm sure that it's the same for salmon.

In your opinion, what are the potential dangers for biodiversity and human health if Canadian legislation is not updated on the issue of genetically modified living substances?

[*English*]

Ms. Karen Wristen: Thank you for the question.

I will take the human health issue first. The concern here is with respect to unintended consequences of gene editing and genetic engineering, which can be the production of proteins that are allergens for some people. That's not to say that every GMO product has allergens in it, but that potential is there. That is why most people want labelling. It's because they fear that there may well be products in the genetically modified—

The Chair: Thanks very much.

Ms. Collins, I don't know if you want to continue.

Ms. Laurel Collins: I would like to just let Ms. Wristen finish the question.

Ms. Karen Wristen: That was the health side of things.

On the genetic issue that was raised, the problem is that these fish will compete. They're quite capable of interbreeding with wild Atlantic salmon. They are also capable of competing with them for food, and given that they're engineered to grow more rapidly than normal fish, one assumes they will be very hungry and will take up a great deal of the food supply. Those Atlantic salmon that we have left on east coast are in a perilous state and cannot withstand that kind of interference. The only answer to CEPA toxicity that was given in the risk assessment was containment, and that requires a company to have a culture of safety that treats its biosecurity seriously. We have grave concern that is not the case with AquaBounty.

Ms. Laurel Collins: Thank you so much.

Just to follow up on that—and I come from a riding on the west coast of Vancouver Island—we heard from a witness in the previous panel who was representing the Snuneymuxw First Nation—just a little bit north of where I am—and she expressed similar concerns that I've heard from first nations leaders on the coast about both the danger to the food system and the importance of salmon to the culture of first nations along the coast. We also heard from indigenous folks who are concerned about the patenting of salmon DNA and what that means for their cultural rights. Can you speak at all to those issues?

● (1725)

Ms. Karen Wristen: I have heard witnesses speak very profoundly about those issues, and what struck me most was how aghast they were at the thought that a fish that has not only sustained them by way of providing food directly but sustained their entire ecosystem could possibly now be owned by a corporation somewhere. For millennia they have counted on the salmon returning to create all of the foods and medicines that their culture is founded on, and now it is no longer public property. That was quite a surprise.

Ms. Laurel Collins: Thank you so much.

I want to thank you for all of the work that your organization has been doing to protect wild salmon on the west coast as well.

I will turn to Mr. Affleck.

You mentioned that you focus mainly on plant GMOs. When I was doing a bit of research, I noticed GMO Answers, which is a website of CropLife International. They had a page on AquaBounty with responses to some of the concerns. The question of first nations and indigenous concerns wasn't mentioned there. I'm wondering if you could speak to that at all.

Mr. Ian Affleck: Unfortunately, I am not very familiar with that specific page.

You are correct that GMO Answers is part of our global group's effort to get more information about GMOs out there. I think the GMO salmon became such a big question that they were trying to fill that gap, but I'm not familiar with the details of that piece, unfortunately.

Ms. Laurel Collins: Can you speak to the two amendments by the Senate that you said you do support?

Mr. Ian Affleck: Yes. The one on reducing animal testing is, I think, important. Our sector has come a long way and agrees with some of the statements that were made in testimony earlier in the week about there being computer models and complex extrapolations that can be done now and that can fit that space, and our industry is ready to go there. I think CEPA can provide the space for departments to figure out how quickly they can get to where the industry is trying to go to remove those requirements.

That's one general element of thinking of this as a legislative discussion. At times some of these amendments feel like regulations within legislation rather than being enabling so that the departments can figure the regulation out.

Ms. Laurel Collins: What was the other? You said there were two amendments.

Mr. Ian Affleck: The other was indigenous engagement.

In that element, we have no objection to all the pieces of the preamble that were there and the importance of engagement of the indigenous community.

Ms. Laurel Collins: I think the engagement with first nations and indigenous communities is so critical, especially when it comes to part 6, which is the section that treats animals as substances.

Ms. Wristen, can you speak to some of the larger...? I know Nature Canada is going to be submitting some amendments, but in the future, we need to really overhaul this section. I'm curious if you can speak a bit more about the big-picture changes that are needed.

Ms. Karen Wristen: I think the Senate addressed a number of them.

The main concern we had was, of course, the ability of citizens to participate in the process, to provide evidence, to review evidence and to know how these living organisms are being assessed. I think the Senate amendments have gone a long way toward addressing that.

The “demonstrable need for the living organism” is the way that we would like to introduce the conversation about the ethical, cultural and social implications of genetically modifying animals when there are wild counterparts and the danger exists that those wild counterparts could be damaged by the genetically modified organism.

The Chair: Okay. Thank you very much.

[*Translation*]

We are now at the second round, and we have to keep to four minutes and two minutes, respectively, if we want to adjourn the meeting at 5:50 p.m.

Mr. Deltell, you have the floor for four minutes.

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

Ladies and gentlemen of the witness panel, thank you very much for being here.

[*English*]

My question is for Madame Coombs of the Canadian Consumer Speciality Products Association.

Madame, I want to hear about the impact you see for your group about the watch-list. Is that a big concern for you with the amendment made by the—

● (1730)

Ms. Shannon Coombs: Yes, I think I had mentioned in my testimony that the watch-list has been somewhat misnamed. We currently have what I would consider to be a watch-list, which is the SNAc—the significant new activity list. What we're looking at is the list of ingredients that have been put on notice that they can only be used for certain uses.

I think the challenge we have is that it's not necessarily named correctly. The watch-list isn't named correctly, nor is the SNAc. Another challenge, of course, is being able to try to find it on the website and understand it. There's no context around what it is and what it means to Canadians. There are definitely some areas for improvement there.

Mr. Gérard Deltell: You consider the watch-list, as it is done right now, to not be available or very efficient.

If the government addressed it correctly with more clarity, do you think it would be more acceptable for you?

Ms. Shannon Coombs: I think it's around the context, so that it's meaningful to Canadians about what a SNAc list is and how it's being used by industry and by government. Then it is being able to find it more easily on the website.

I think calling it a watch-list is problematic in the way it's currently framed. I don't necessarily believe that we need to have it in the act as it is written.

Mr. Gérard Deltell: Thank you so much.

Now I will ask some questions of Dr. Taylor.

Welcome to the House of Commons committee, Madame.

Based on your experience, I think you will recognize that Bill S-5 is not exactly the same now as when it was tabled two years ago, with so many amendments made by the senators. I would like to hear your thoughts about this and about the amendments. Are there amendments we should keep or some others that we should erase?

What are your thoughts on that?

Dr. Justine Taylor (Director, Stewardship and Sustainability, CropLife Canada): I think my colleague has already addressed the issues that we have concerns with and the amendments that we support. I don't really have anything further to add to that.

Mr. Gérard Deltell: Okay.

Do the Senate amendments address CropLife Canada's substantive advances with respect to pesticides and modern plant breeding, and the plant science industry's economic and environmental contribution, or do you think they are redundant?

Mr. Ian Affleck: Could you repeat the question, please?

Mr. Gérard Deltell: Yes.

Did the Senate amendments address CropLife Canada's substantive advances with respect to pesticides and modern plant breeding, and the plant science industry's economic and environmental contribution, or are they redundant?

Mr. Ian Affleck: I think the best-placed act and best-placed minister manage these products very well through PMRA, CFIA and Health Canada. Much of what was in that Senate amendment was redundant and would create confusion within the marketplace.

I think that science, risk and predictable regulatory structures are what allow innovation to flourish. I think we have that now.

Mr. Gérard Deltell: Okay, so....

[*Translation*]

The Chair: You have 30 seconds left, Mr. Deltell.

Mr. Gérard Deltell: Very well.

[*English*]

There's not any time to ask him another question.

[*Translation*]

The Chair: Thank you, Mr. Deltell.

[*English*]

Ms. Thompson, you have four minutes.

Ms. Joanne Thompson (St. John's East, Lib.): Thank you, Mr. Chair.

Thank you to the witnesses.

I'd like to begin with Ms. Coombs.

Would you be able to share your opinion on how strong protections for human and environmental health support good business?

Ms. Shannon Coombs: That's an interesting question.

Thank you, Mr. Chair.

With respect to how my member companies operate, all of our ingredients are regulated under CEPA—the Canadian Environmental Protection Act—and then many of our products are regulated under the Food and Drugs Act, the Canadian Consumer Product Safety Act and the Hazardous Product Act.

We're highly regulated, but we are able to provide Canadians safe and beneficial products when used according to the label. Of course, we're able to be competitive in this environment.

Ms. Joanne Thompson: Thank you.

Could you discuss the risk of duplicating regulatory regimes for product labelling that already exists under the Canada Consumer Protection Act, if labelling measures were pursued by Bill S-5? I'm somewhat coming off of your last statement.

Ms. Shannon Coombs: I think what we see right now in Canada is that we have a wide range of laws. We have CEPA, the Food and Drugs Act, Pest Control Products Act, the Hazardous Product Act and the Canadian Consumer Product Safety Act. They all have respective regulations that govern labelling in a very scientific way. They provide and ensure that Canadians have the right information on the product to use the product properly, first aid statements and, in most cases, disposal statements.

Where you see this coming forward and complementing all of those other acts through CEPA is that Bill S-5 has added labelling to the preamble as well as to section 68, highlighting that. It's really bringing to light what currently exists, which is section 93(1)(q), which allows the departments to create regulations through risk management processes.

We're seeing that manifest itself through, for example, MEKO, which is an ingredient used in paint. It actually has a statement on the products now that says to use it in a well-ventilated area. We're also seeing that labelling statements have been provided for MDI, which is an ingredient used in foam sprays. Through that, additional labelling has been created to ensure that we have protective eyewear or PPE.

I think that in Canada, what we do really well is assess the risk, and then the products and uses are labelled accordingly, so it protects consumers and workers.

● (1735)

Ms. Joanne Thompson: Thank you.

I'll get a quick question in to Ms. Wristen.

I come from the east coast of Canada, and you referenced Atlantic salmon. I'm well aware that ocean health is often an early indicator of environmental health. Certainly we see that in Atlantic salmon and what has occurred to the stocks over the last number of years.

You also referenced containment. I'm really interested in your thoughts on how to create the balance between containment with GMO, and also understanding changes in sea levels and the environmental realities. On the east coast of Canada recently, what we saw with an extreme weather event was the severity of the storm, and also, in Newfoundland and Labrador, there was the severity of the sea surge.

How are you able to balance the reality of the environment with the concept of containment with modified organisms?

The Chair: You have 10 seconds. I'm sorry that it's so short, but that's what the clock is telling me.

Ms. Karen Wristen: I doubt I can answer that question in 10 seconds.

The facility must be located so that there is no possibility of effluent from the facility entering public waters.

The Chair: Perfect. Thank you.

[*Translation*]

Ms. Pauzé, you have the floor for two minutes.

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

Mr. Affleck, I told you earlier that I lost my trust in certain regulatory bodies. I'll explain why with two examples. First, in Quebec, Mr. Louis Robert, a farmer, blew the whistle on undue pressure that the pesticide and fertilizer industry were putting on officials of the ministère de l'Agriculture, des Pêcheries et de l'Alimentation.

I'll move on to my second example. In September, we discovered that a discussion paper, shared by the Canada Food Inspection Agency, relied on documents created by representatives from pesticide and GMO industries. The author was an employee from CropLife Canada.

Do you think it's normal for private businesses to prioritize their financial interests over that of planetary and human health?

[*English*]

Mr. Ian Affleck: Politely, I would challenge the assertion made there. Our industry is very committed to safety. Individual opinions on the happenings in individual provinces is their opinion, but the regulators in Quebec are independent regulators, as are the ones that regulate the nation. I think we can trust in those institutions, specifically on the document writing.

CropLife Canada did not write any documents for the Government of Canada. That was clarified by theminister and the department. A large number of organizations had that document shared with them. It was a technical error in which our name was recorded as the author, but we were not the originators. We were being consulted on that with various other parties.

[*Translation*]

Ms. Monique Pauzé: I'd like for Ms. Wristen to explain to us the cumulative effects of everything that can end up in the ocean, but I don't think there is enough time left for an answer.

The Chair: That is indeed a big question, but there is not enough time left.

Ms. Collins, you have the floor for two minutes.

[*English*]

Ms. Laurel Collins: I'll just give Ms. Wristen an opportunity on Ms. Thompson's question. You have more than 10 seconds. I'd love to hear the answer.

Ms. Karen Wristen: When we're looking at containment facilities, one of the most important things is how the effluent cleaning process is designed.

We have a terrific example of a good way to do that in the Kuterra closed-containment facility built by Namgis First Nation on Vancouver Island. In that case, there is no possibility of any release to the wild because of the number of screenings that the effluent goes through, followed by settling in a pond—essentially a reverse well—so that before any liquid effluent ever reaches a natural water body, it has already been cleaned three different ways.

The location of the facility is also critically important, particularly as was observed in the context of rising sea levels and increasing storm surge. You need to be sure that the facility is going to be impervious to storm events that could damage it and cause an unscheduled release of the living organisms.

● (1740)

Ms. Laurel Collins: Thanks so much.

Earlier this year, or potentially late last year, Brazil documented the first case of a genetically engineered animal—a transgenic aquarium fish, as you mentioned—breeding in the wild.

Can you talk about the real risk and the impact? What would happen if that were to happen with the Atlantic salmon that are now being consumed here in Canada? If this is expanded, what is the danger to our dwindling Pacific wild salmon stocks?

The Chair: Unfortunately, we're out of time.

We'll go to Mr. McLean and see if his questions relate.

Mr. Greg McLean: Thank you, Mr. Chair.

I'm going to ask Ms. Coombs a question.

In your testimony, you talked about repealing section 67.1, which relies on the Minister of Innovation, Science and Industry to make sure that foreign imported goods meet Canadian standards. You want that portion repealed.

Can you tell us what backs up your recommendation there and what effect that would have?

Ms. Shannon Coombs: Thank you.

When I appeared before the Senate, I had confirmed to the senators that all the products, both domestically manufactured and imported, have to meet the requirements of CEPA and its various regulations. There is the new substance identification; there are three sets of regulations for volatile organic compounds; and of course there are the various chemicals management plan risk management regulations.

Those products, of course, all have to meet the Canadian Consumer Product Safety Act and its regulations, the Pest Control Products Act and its regulations, the Food and Drugs Act and its regulations, the Competition Bureau's guidelines, and the Consumer Packaging and Labelling Act.

I think there was a kind of baseline of information provided during the development of that amendment, so what we're seeing is that this particular requirement is going to be asking Industry Canada—which, in our opinion, does not have the scientific expertise or legislative tools on consumer products around post-market reporting and policies, etc.—to address the intent of the amendment. We think that if there are unsafe products, Environment Canada and Health Canada, which currently have very robust compliance programs, should manage those.

We don't see the need to have section 67.1 in this particular piece of legislation.

Mr. Greg McLean: Thank you.

You are saying that it is excess of its—

Ms. Shannon Coombs: We're covered.

Mr. Greg McLean: It's already covered in other regulations.

Ms. Shannon Coombs: We're covered, yes, and by a very robust compliance program.

Mr. Greg McLean: Thank you very much.

I've heard a lot from you and other witnesses here that if we go through the different legislation we have here that all need to be covered by regulation—the Pest Control Products Act, the Hazardous Products Act, the Food and Drugs Act, the Consumer Product Safety Act, the Feeds Act, the Seeds Act and I think a few others that were mentioned here—this is robust regulatory oversight.

Let me ask you this, Mr. Affleck. Is there some way of streamlining this so that we can have the same regulatory outcomes without the regulatory burden of going through several channels? If so, what would you recommend streamlining in this bill so that you don't have another costly and burdensome regulatory requirement?

Mr. Ian Affleck: I think going back to the originally tabled version of the bill was quite effective at strengthening CEPA, but appropriately so, in such a way that it didn't duplicate what was happening elsewhere. What we really want to avoid is duplication or confusion. I think we just finished a government a regulatory road map strategy through the Treasury Board Secretariat that was designed to disentangle some of these, so to re-tangle them would be dangerous.

I think the idea is that when you look at any amendments, you really analyze them: Are they redundant to existing procedures? When we look at plant-based biotechnology, we have a 30-year history of success in Canada and around the world on the benefits it can provide. The robust regulatory program has been working quite well to date.

● (1745)

Mr. Greg McLean: To put a number on that, you talked about this regulatory burden, which obviously has a fiscal drag on your industry and the whole country. Would you be able to put a pin in how much that would cost your industry and therefore Canadians?

Mr. Ian Affleck: A good example would be that a conventionally bred wheat variety would cost roughly a million dollars to bring to market in seven to 10 years. To bring a genetically modified version of that to market, it would cost $150 million and take 16 to 19 years. The regulatory burden is quite significant. That doesn't mean there shouldn't be some, to have the appropriate level that's on the risk basis we have how, but continuing to move to streamline that would be important. I think the departments themselves and the appropriate acts are always working towards that streamlining. We wouldn't want to undo that.

The Chair: We'll have to stop there.

Go ahead, Mr. Duguid.

Mr. Terry Duguid: Thank you, Mr. Chair.

My first question is for Ms. Taylor or Mr. Affleck.

In your testimony on CBI, confidential business information, it sounded like you stressed the importance of “public” confidence. I heard you say those words. I may not have internalized everything you said, but do you have any specific suggestions for improving public confidence in CBI? Based on the testimony we've heard, there seem to be some questions in some segments of the Canadian public.

Mr. Ian Affleck: Yes. I think the importance is finding the balance between transparency on CBI and inhibiting competition, because then you have trade secrets or information that's specific.

Mr. Terry Duguid: Yes.

Mr. Ian Affleck: To get to that point, I think it's not about radical transparency of all the information being available. It's important that the government summarize that in such a way that an average Canadian can understand what that information meant and how it played into the decision.

Mr. Terry Duguid: Is that the case now?

Mr. Ian Affleck: It is the case now.

Mr. Terry Duguid: The system is perfect and it doesn't need any changes. That's what we've heard from other folks in industry.

Mr. Ian Affleck: I would agree that it's quite functional. If tweaks are needed, I think the departments themselves that are managing those files are well positioned to make those transparency changes as they see fit, with their stakeholders.

Mr. Terry Duguid: Okay.

Ms. Coombs, we heard from the Canadian Environmental Law Association. They presented us with a very detailed, very impressive brief. The gentleman was contrasting the REACH and the CMP system that we use, the risk-based system.

You've been involved in this file for I think 25 years or so. You've seen this evolution over time. I think it was Mr. Castrilli who argued for at least moving some elements of CEPA over to this hazard-based approach versus the risk-based approach. I wonder if you would reflect on that and offer some comment to the committee.

Ms. Shannon Coombs: I think that what's really interesting is that this committee, back in 1999, was the first to initiate the amendment that was around the categorization and scrutiny of the domestic substances list, which ultimately turned into the chemicals management plan, which is a world-leading program. I think, as I mentioned in my opening statement, that Canadians should be very proud of that program. It is risk-based. It deals with environmental issues and it deals with human health. I think that we've set the bar really high, and I know that other jurisdictions want to emulate that. I think we shouldn't be afraid to stand up and say that the CMP is a world-leading program and that our substances and our products are assessed appropriately.

Mr. Terry Duguid: This committee, working together collaboratively, produced the modern CEPA that we know today and that we're trying to improve.

Ms. Shannon Coombs: Very much so.

Mr. Terry Duguid: All right. I hope my colleagues heard me.

The Chair: We'll end on that positive note.

Thank you to our witnesses.

Thank you, members. Have a good evening. We'll see you on Friday for the minister's visit.

The meeting is adjourned.