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• (1545)

[English]

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

Good afternoon. I'd like to welcome Mr. Zimmer, who's joining our committee today for clause-by-clause of Bill S-5.

We have with us again Mr. Carreau, Ms. Farquharson and Madam Gonçalves.

(On clause 16.1)

I'm just going to take a minute to situate myself. I believe, G-12 had been tabled, so it's on the floor. We're opening the discussion on it. Would anyone like to speak to G-12?

Do you have your hand up, Ms. Collins?

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

In our last meeting I had proposed a subamendment. After speaking to members of the committee, I don't have support for the subamendment. In the interest of time, I'm not going to move it.

I can speak more maybe after other members of the committee speak.

The Chair: Okay.

Would anyone like to speak to this amendment?

Mr. Weiler.

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

I'd like to propose a subamendment to this amendment.

Currently, the amendment says:

The Ministers shall, to the extent practicable, use scientifically justified alternative methods and strategies to replace, reduce or refine the use of vertebrate animals in the generation of data and the conduct of investigations under paragraph 68(a).

Then proposed subsection (2) would say, “For the purposes of subsection (1), methods and strategies to refine the use of vertebrate animals”. Here I want to strike “shall” and add “include minimizing”, and then from there it continues “pain and distress caused to vertebrate animals in the generation of data and the conduct of investigations under paragraph 68(a).”

The Chair: Can you send it in writing to the clerk? It can't be distributed to everyone, because it's not bilingual, as far as I know. The clerks would like to see a written version.

Mr. Patrick Weiler: Gladly.

The Chair: In the meantime, after you've done that, of course, we can open discussion on the subamendment.

We have Ms. Collins, please.

Ms. Laurel Collins: I appreciate the intent of this motion in general. I think the addition is valuable, and I think the addition of the subamendment is also valuable.

I will be voting in favour of the subamendment but, in the end, voting against the amendment, just because it is deleting an important section about what the minister shall not do and really taking out some of the checkpoints and the requirements to answer this question each time.

I really appreciate the additions that are being added here, and I appreciate the work of both Ms. Taylor Roy and Mr. Weiler.

The Chair: Yes, we have Ms. Taylor Roy.

Ms. Leah Taylor Roy (Aurora—Oak Ridges—Richmond Hill, Lib.): I just want to comment on that.

I did meet with some of the animal rights groups—Animal Justice and Dr. Chandrasekera—after the last meeting to discuss this. They're satisfied with this. It has the positive intent of advocating for increased use of non-animal testing to support that kind of research and development in that area.

On the subamendment that Mr. Weiler just made, it also addressed the issue of “refine”, which some people want to remove and some want to include, but it just tried to tailor that to specify that it was only talking about basically reducing pain when it came to the refinements.

I do think this amendment is very much supported by the animal rights activists. I would hope that people will support this as well.

Thank you.

• (1550)

The Chair: Is there anyone else?

Mr. Kurek.

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

I know that the subamendment was read into the record and there was talk about it being sent. I am just wondering if we can have the exact wording read again. Thank you.

The Chair: Don't you have it yet? Has it been sent directly?

Okay, we'll get it to you in a second.

Mr. Damien Kurek: I'd just like to know.

The Chair: Absolutely.

As we wait for the written text to arrive, does anyone else want to speak to it?

[*Translation*]

Ms. Pauzé, go ahead.

Ms. Monique Pauzé (Repentigny, BQ): Since the text that was sent is not in French, could Mr. Weiler reread it?

The Chair: I am being told that it's bilingual. So you will be able to read the French version.

Ms. Monique Pauzé: Oh, okay.

The Chair: The text will be sent in both official languages to all the committee members by email.

Ms. Monique Pauzé: Mr. Chair, I would like to put a question to the person who made this proposal.

There are restrictions, but I am wondering why it is also proposed to remove all the restrictions. I am trying to read the exceptions and the amendment side by side, and it seems to me that it could work.

The Chair: Isn't it an addition?

Ms. Monique Pauzé: No, it is an amendment by replacement, so all the exceptions would also end up being removed.

The Chair: Are you talking about the amendment or the subamendment?

Ms. Monique Pauzé: About the amendment. I have not received the subamendment yet.

The Chair: We are now debating the subamendment. You should receive the text of the subamendment by email.

Ms. Taylor Roy, do you want to elaborate on the amendment?

[*English*]

Ms. Leah Taylor Roy: The original amendment that I put forward was to replace what was there with a positive obligation on the minister to look for alternatives to animal testing.

Madam Collins had suggested going back to the other one, but she withdrew that subamendment.

The other subamendment I put forward was from animal rights groups I had spoken to that had asked for further clarification on the word "refine". I was going back to my original amendment, which now is not being amended by Ms. Collins. I am trying to add

a small section that just talks about the concept of "refine" to ensure that we're talking about reducing distress for the animals.

That's where it is right now.

The Chair: Before, we didn't really know what "refine" meant. It was too large a term and it could have meant anything. Now we're narrowing the meaning of "refine".

Is there anyone else before we vote on the subamendment?

Mr. Damien Kurek: Is it just removing "shall"?

The Chair: It adds a section to define what "refining" means because previously it was a bit too broad.

Go ahead, Ms. Collins.

Your screen is frozen, unfortunately.

• (1555)

Ms. Laurel Collins: Okay. It looks like maybe my connection is unstable. Hopefully you can hear me.

I just want to reiterate my appreciation for this amendment. I do think it's valuable to clarify what the word "refine" means, especially, limiting it to "minimizing pain". I commend Ms. Taylor Roy for her work on this. I'm just wondering, if we have a general consensus around the table to move forward with the subamendment, whether we could do it by unanimous consent.

The Chair: Is there unanimous consent for the subamendment?

(Subamendment agreed to [*See Minutes of Proceedings*])

The Chair: Now we continue to debate, if necessary, the amendment.

[*Translation*]

Ms. Pauzé, did you want to speak to amendment G-12?

Ms. Monique Pauzé: Yes, I did.

I am wondering why the amendment is proposing that the text up to line 21 be replaced, when it seems to me that the "Exceptions" part could very well apply, even if the amendment was adopted.

The Chair: So this amendment doesn't have to remove the exceptions, according to you.

Ms. Monique Pauzé: Yes, exactly.

The Chair: I could not answer you.

I don't know who could shed some light on this.

[*English*]

Go ahead.

Ms. Leah Taylor Roy: Part of the reasoning was the original list that's in there. When you look at the exceptions that are there, they are so broad that it's really just more illustrating. I felt that putting in a positive obligation was more effective or would help more with advancing the field than listing this, because when you look under the exceptions under that list that was part of the original amendment from the Senate, they do not apply if "it is not reasonably possible". That terminology, "reasonably possible", was not supported by the animal rights groups. "Reasonably possible" was seen as too broad an exception, basically, to actually give this any teeth. The whole of that proposed subsection 68.1(2) was seen as very.... They preferred the positive obligation with the language that I put forward. I suppose that's the best way to say it.

[Translation]

The Chair: So it's about strengthening the wording.

Ms. Monique Pauzé: Okay.

[English]

The Chair: Ms. Collins.

Ms. Laurel Collins: In response to some of that.... You'll see that NDP-15 is the next amendment. It won't be movable if this one passes. I did want to change that language of "not reasonably possible to obtain the data". I do agree that it's not strong enough, so I'd change it to really similar language to what Ms. Taylor Roy has changed it to, but without deleting the stronger Senate amendments.

Even though I appreciate the addition of a positive requirement for the minister, the requirement around what the minister shall not do, as we heard in the testimony from the officials, has an administrative requirement. It's a requirement to answer this question each time, and it creates a checkpoint. I think that is a valuable thing. The reason the Senate put this in is so that it would have a stronger checkpoint requirement to answer the question each time.

With regard to Madame Pauzé's question, I think it does delete something significant. It also adds something positive, but in my mind, I can't support the deletion.

The Chair: Is there anyone else? Shall we go to a vote on G-12?

• (1600)

Ms. Leah Taylor Roy: I just have a question for clarification.

If the amendment that I put forward, which has been amended by Mr. Weiler, is voted down, what happens to the next...?

The Chair: To NDP-15...?

Ms. Leah Taylor Roy: Yes.

The Chair: If G-12 is adopted, NDP-15 cannot be introduced.

Ms. Leah Taylor Roy: Okay. That's if this is adopted, but if this is—

The Chair: If this negated, then NDP-15 can be.

Ms. Leah Taylor Roy: Okay, but if NDP-15 is not adopted, then we're left with the original language, which has that proposed subsection that says "reasonably possible".

The Chair: Yes, I believe so.

Ms. Leah Taylor Roy: That's one of the things to consider. I think that removing that language is very important for the groups.

I would urge those who are in favour of this to vote for this amendment, because I think it addresses the concerns. We want to have what was in the Senate language amended, in the end, to make it stronger.

The Chair: Okay, let's vote.

Oh, I'm sorry. Go ahead, Ms. Collins.

Ms. Laurel Collins: I was just going to tell Ms. Taylor Roy that I think there's [Technical difficulty—Editor] motion, and there would be support for the next one, too. I was just going to encourage us to vote.

The Chair: Okay, let's go on with the voting on G-12 as amended.

(Amendment as amended agreed to: yeas 9; nays 2 [See Minutes of Proceedings])

(Clause 16.1 as amended agreed to on division)

(Clause 17 agreed to on division)

(On clause 18)

The Chair: Now we have PV-14, which is deemed moved.

Ms. May, the floor is yours.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Thank you, Mr. Chair.

This is an amendment in order to direct the minister to require testing by industry where the available information is inadequate to determine if the substance is toxic. This amendment is also consistent with concerns that were raised when the Senate studied Bill S-5 before it came over to this place.

The concerns raised by the Standing Senate Committee on Energy, the Environment and Natural Resources are resolved through this amendment. This makes testing mandatory where available information is inadequate. It's quite straightforward language, so I'll just leave it there and say that it's well-supported by the Canadian Environmental Law Association and, as I mentioned, also by the study the Senate committee did.

The Chair: Is there anyone else? Would anyone like to speak to this?

Ms. Collins.

Ms. Laurel Collins: I'd just like to say thank you to Ms. May for putting this forward. I think mandatory testing is important, and I'll be supporting the motion.

The Chair: Is there anyone else? No.

We'll go to a vote. We're voting on the amendment.

(Amendment negatived: nays 9; yeas 2 [*See Minutes of Proceedings*])

(Clause 18 agreed to on division)

(On clause 19)

The Chair: We have, to start, NDP-16.

Ms. Collins.

• (1605)

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

This is a very similar motion trying to get at the same issue of mandatory testing, so I won't take too much time with it.

Thanks.

The Chair: Would anyone else like to speak to this? Let's do a vote.

(Amendment negatived: nays 9; yeas 2 [*See Minutes of Proceedings*])

The Chair: Now we move on to PV-15, which is deemed moved.

Ms. May.

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

In reviewing the clause-by-clause amendments in preparing for the committee, my staff and I realized that there had been an error in transcribing from one set of documents to another, and inadvertently it lacks the sense it needs.

As you'll recall, under the motion this committee passed, I'm required to be here on a short timeline to get amendments in. I can't fix them afterwards, so I will at this point let the committee know that thanks to the generosity of the member from Victoria, Laurel Collins, we've been working it out. She has a subamendment prepared, so I'm going to turn it to her because, as it now stands, PV-15 isn't ready to be voted on.

If Ms. Collins is prepared to put forward a solution, I would welcome it.

The Chair: Ms. Collins, your solution would not be NDP-17, would it?

Ms. Laurel Collins: No, it's a subamendment to PV-15.

The Chair: Just a moment, please.

Do you have it in writing?

Ms. Laurel Collins: I do, and I've sent it to the clerk. It should be in their email.

The Chair: Does the clerk have it in both languages?

A voice: Yes.

The Chair: We'll distribute that.

Thank you.

Ms. Laurel Collins: Just to be clear, Mr. Chair, I will be proposing NDP-17. This is a completely different subamendment for PV-15.

The Chair: Right now you're proposing something before you propose NDP-17?

Ms. Laurel Collins: Exactly.

The Chair: Would you like to speak...?

Ms. Laurel Collins: Just so folks know what is being added here, it's really the same text that you see on your page with simply the addition of a paragraph (a). The part that you have on your page will become paragraph (b).

The addition would be replacing lines 14 and 15 on page 15 with the following: "72 Despite subsection 71(1), the Minister must exercise the powers under that subsection in relation to a substance and a product that".

With the chair's permission, I will pass it back to Ms. May to speak to her full amendment.

The Chair: Go ahead, Ms. May.

Ms. Elizabeth May: I'm just making sure everybody has received—

Mr. Lloyd Longfield (Guelph, Lib.): On a point of order, Mr. Chair, don't we have to vote on a subamendment first?

Ms. Laurel Collins: Mr. Chair, could I suggest that we have unanimous consent, out of consideration, to amend this to what it was originally intended to be?

The Chair: This is a subamendment. It's not that Ms. May is not presenting PV-15.

Ms. Laurel Collins: No, and I'm not trying to, in any way, change Ms. May's intended amendment.

She had intended to originally submit this amendment. There was a transcription problem, so her amendment was missing the first half of what she had intended.

• (1610)

The Chair: Basically you're presenting a whole new amendment.

Ms. Laurel Collins: No. I'm presenting a subamendment to her amendment to return it to the original intention.

The Chair: Okay. We have to vote on the subamendment to PV-15.

Ms. Laurel Collins: Mr. Chair, perhaps you'll allow me to say that I do hope that, out of generosity and in the spirit of good working together, even if members don't support the amendment itself, they will at least allow it to be fixed for the record to what it should have been.

The Chair: Do we need to discuss the subamendment?

Yes, we have Ms. May.

Ms. Elizabeth May: As you know, I find it really unfortunate that my rights are restricted in this way when I could normally have fixed this on the floor of the House at report stage, had this committee not passed the motion that restricts my rights.

I know that under the rules you've passed, I'm not allowed to speak to another member's subamendment, nor am I allowed to amend my own motion. That's why we're here. That's why the subamendment from Ms. Collins fixes something in PV-15 that needs fixing.

It's a very straightforward measure. It's just to say that, "Despite subsection 71(1), the Minister must exercise the powers under that subsection in relation to a substance and a product that" and then it replaces as it continues here. This is, again, about ensuring that we have adequate testing of toxic substances.

That's the framework of PV-15, and we did have a glitch in the way it was drafted.

I hope that all makes sense now.

The Chair: Ms. Collins is rectifying the glitch.

Mr. Kurek.

Mr. Damien Kurek: I would suggest, looking around the table, that there is unanimous consent to see the subamendment adopted.

(Subamendment agreed to [*See Minutes of Proceedings*])

The Chair: Now we go to PV-15 as amended.

Ms. Elizabeth May: Thanks, Damien and all members of the committee.

In the interest of time.... I have described it. It's now fixed. It's before you in its proper form.

Although my and Laurel's previous efforts to make sure testing is mandatory and more complete.... This is basically a continuation of a framework of amendments put forward by the Green Party to make testing mandatory where existing information is insufficient.

The Chair: Does anyone else want to speak to PV-15 or can we go to a vote?

Mr. Damien Kurek: I'm sorry, Chair. I just have a question for the officials.

Some concerns were raised in testimony about the administrative burdens of a few things. I am just wondering if the officials could give us some feedback on this amended amendment and whether or not it's solving something that needs to be addressed.

The Chair: Ms. Farquharson, go ahead, please.

Ms. Laura Farquharson (Director General, Legislative and Regulatory Affairs, Environmental Protection Branch, Department of the Environment): Right now, if there is information missing to assess the substance, the departments use various tools. If there are information gaps, they might do the testing themselves. They might do monitoring and partnering with academia, or they might leverage data from other jurisdictions. They use the powers in this section to gather information and gather what they need.

The answer is that it's not clear that anything is broken here. I think by making it mandatory, you're creating a situation where you're asking for.... It's not necessary. That's what I would say.

There are two people from the science side of things on this call, so they might want to expand on that.

The Chair: I can't see everybody who is on the screen. Do any of the other officials want to speak to this?

Ms. Gonçalves, do you want to speak to it? Go ahead.

Ms. Jacqueline Gonçalves (Director General, Science and Risk Assessment, Science and Technology Branch, Department of the Environment): Just very briefly and to reiterate what Ms. Farquharson said, in any instance where we feel data is missing to help complete a risk assessment, there are many mechanisms we can use, including requesting data from industry to complete those risk assessments.

Thank you.

• (1615)

The Chair: Ms. May.

Ms. Elizabeth May: If I may, the department should not be troubled by an amendment that says that, if the information that is available is not sufficient, their answer is that they'll always find a way to make sure the information available is sufficient.

The amendment covers a circumstance that is plausible: that the information available is not sufficient. In other words, this poses no disruption to the department's response of how they'll always be able to find the information. They'll look at it themselves. They'll search out other researchers and academics—

The Chair: This just requires them to.

Ms. Elizabeth May: This is just to say that, if they happen to find themselves in a situation where the information is not sufficient, it becomes mandatory.

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

Shall we go to a vote?

(Amendment as amended negatived: nays 9; yeas 2 [*See Minutes of Proceedings*])

[*Translation*]

Ms. Monique Pauzé: Mr. Chair, I assume you are getting ready to put clause 19 to the vote, but I have a short amendment to propose.

The Chair: Amendment PV-15 was just defeated.

Do you want to propose an amendment to clause 19?

Ms. Monique Pauzé: Yes.

The Chair: Go ahead.

Ms. Monique Pauzé: I would just like the word "peut" to be removed, on line 29 in French. Instead of "peut préciser les initiatives", it would say "précise les initiatives".

The same amendment would be made in the English by removing "may".

The Chair: Do we agree? It seems to be pretty straightforward.

I think we have unanimous consent for the wording to be amended.

(Amendment agreed to)

Ms. Monique Pauzé: Thank you.

The Chair: We thank you.

[English]

We'll go to NDP-17 and Ms. Collins

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

This is a very straightforward amendment. It just adds the line:
and publish a plan with timelines

This is just an explicit requirement to ensure that there are timelines required, that there is a plan with timelines being published. I think it's a straightforward amendment that I hope most people can support.

The Chair: Are there any comments? Is there any reaction to the tabling of this amendment? Shall we go to a vote?

(Amendment agreed to: yeas 11; nays 0 [See Minutes of Proceedings])

The Chair: Congratulations, Ms. Collins. NDP-17 is carried.

Who would like to propose G-13?

Ms. Leah Taylor Roy: Thank you, Mr. Chair. I'd like to propose G-13. Again, it's referring to animal testing. Basically the motion would just amend clause 19 by replacing lines 37 to 41 on page 15 with the following:

the development and timely incorporation of scientifically justified alternative methods and strategies in the testing and assessment of substances to replace, reduce or refine the use of vertebrate animals.

It is just basically making it consistent with what we did earlier, that there's a requirement that the plan of chemicals management priorities address vertebrate animal testing as well. The text of this clause is not consistent with the language used in other provisions in the bill regarding vertebrate animal testing, so the three Rs—the “replace, reduce or refine”. We need to put it in this section as well. It's really just making it consistent to allow that to happen in the end.

• (1620)

The Chair: Mr. Kurek.

Mr. Damien Kurek: Thank you. For my own clarification, just so I understand.... I think we've all shown support for the intent to see animal testing phased out where “practicable”, which I think was the word used in the previous amendment.

I'm wondering if I can get the words defined maybe by Ms. Taylor Roy or the officials or both. It says “testing and assessment”. I'm just curious about understanding the difference between those two things. Are there reasons to define them as two separate things? I'm just wondering in the context of this amendment what “testing” means and what “assessment” means.

Ms. Leah Taylor Roy: Sure. I can defer to the officials, but “testing” is obviously for whether substances are toxic or not or what the effect is. The “assessment” is in terms of the minimum

quantities, so it's assessing the quantities and doing more of a full assessment on them. It's essentially the same thing; it's just expanding on it. However, if one of the officials would like to add and clarify that, that's fine too.

The Chair: Would any of the officials like to add to that, or was that a good explanation?

Mr. Carreau.

Mr. Greg Carreau (Director General, Safe Environments Directorate, Department of Health): Thank you very much.

Indeed, just to build on what MP Taylor Roy indicated, assessing isn't just looking at the toxicity of a chemical and its risk to health or the environment. There's also an element of validating new approaches and methodologies that would replace animal testing, and that is also the context in which testing comes into play.

Thanks.

The Chair: Does anyone else wish to comment on G-13 before we vote?

Go ahead, Ms. Collins.

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

With this amendment, again, there are things about it that I like. I understand that it's a bit of a housekeeping one, where it's putting it in alignment with the approach used elsewhere, but I do have some concerns about that approach. I think, given my opposition to the last amendment, I similarly see this changing some of the amendments by the Senate that were really trying to strengthen some of these pieces of animal justice, so I will be opposing it despite the addition of some valuable points.

The Chair: Thank you.

Shall we go to a vote?

(Amendment agreed to: yeas 9; nays 2)

• (1625)

[Translation]

The Chair: Now that amendment G-13 has been adopted, we are moving on to amendment BQ-4.

Ms. Pauzé, go ahead.

Ms. Monique Pauzé: The amendment proposes to add, after line 41, the following:

(1.1) The plan shall include timeframes not exceeding five years for implementing the measures set out in the plan.

Through this amendment, we seek to ensure that the plan's measures will be implemented within a set time frame. We just want to avoid this dragging on indefinitely.

I have nothing further to add, Mr. Chair.

The Chair: Would anyone like to put a question to Ms. Pauzé or make a comment?

As no one would like to speak, I will ask the clerk to proceed to the vote.

(Amendment negated: nays 9; yeas 2)

The Chair: We now go to amendment NDP-18.

Ms. Collins, you have the floor.

[*English*]

Ms. Laurel Collins: It is a different section, but it has the same intention. You'll notice that it requires the minister to “review the plan within five years after it is published and every five years after that.”

The Chair: Are there any comments or questions? Can we go to a vote?

Mr. Terry Duguid (Winnipeg South, Lib.): Mr. Chair, I'd like to propose a subamendment, and I can read it out in its entirety.

The Chair: Is it long? Is it something that—

Mr. Terry Duguid: It is long.

The Chair: Could you send it in writing to the clerk?

Mr. Terry Duguid: Mr. Chair, could we just take a quick pause—would that be all right?—so members can partake of some of the food that I ordered on your behalf.

The Chair: Which you ordered well.

Yes, we'll do that.

• (1625) _____ (Pause) _____

• (1625)

The Chair: The meeting is resuming.

Mr. Terry Duguid: These are relatively minor changes to the honourable member's amendment. I will highlight where the changes are.

Under the proposed subsection:

Plan — priorities

73 (1) The Ministers shall, within two years after the day on which this section receives royal assent, develop and publish a plan

add the words “including timelines”, and it would continue:

(a) that specifies the substances to which the Ministers are satisfied priority should be given in assessing whether they are toxic or capable of becoming toxic;

Ms. Leah Taylor Roy: It's all the same as what's there. The only changes are in proposed subsection 73(1), where we're just adding “including timelines”.

Mr. Terry Duguid: Yes, in proposed subsection 73(1), we add the words “including timelines”.

Then in proposed subsection 73(2) we add.... I'll read the whole sentence. It currently says:

(2) The plan shall also include the period after which the Ministers will review the plan.

We would add to that line “The period must be no longer than eight years.”

The Chair: A written version was sent.

• (1630)

Mr. Greg McLean (Calgary Centre, CPC): Terry, the only change is that last sentence there. Is that right?

Mr. Terry Duguid: There's also a change to proposed subsection 73(1), in the first sentence, that would add “including timelines”.

The Chair: We don't have it yet.

Okay. We'll just wait for the written version.

[*Translation*]

We now have the subamendment, but it is only in English. However, we can reread it.

Mr. Patrick Weiler: It's very short.

Ms. Monique Pauzé: Don't we have it in French?

The Chair: The clerk received the subamendment only in English, so he cannot distribute it, but it will be reread.

Can you reread it, Mr. Duguid?

[*English*]

Mr. Terry Duguid: The first line of the proposed subsection reads:

73(1) The Ministers shall, within two years after the day on which this section receives royal assent, develop and publish a plan

Then we add the words “including timelines”.

Proposed subsection 73(2) will now read, “The plan shall also include the period after which the Ministers will review the plan. That period must be no longer than eight years.”

The NDP amendment suggested five years. We've changed that to eight.

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

Just to clarify.... The subamendment changes it from a proposed five-year review but also adds a timeline for when the plan has to be published. Effectively, you're clarifying how long the minister has to release the report and then extending...making it say, effectively.... Eight years after the report is released is the new timeline being proposed in the subamendment.

Mr. Terry Duguid: That's my understanding, unless [*Technical difficulty—Editor*].

The Chair: There's a bit of confusion. We're going to suspend for a minute.

• (1630) _____ (Pause) _____

• (1650)

[*Translation*]

The Chair: It's important to understand what is happening with the subamendment, so I invite the legislative clerk to explain it to us.

[*English*]

Mr. Philippe Méla (Legislative Clerk): Thank you, Mr. Chair.

I'm going to try to explain what the government amendment and the NDP amendment do at the same time. I would propose different writing for those, so that it reads like this, since it's a subamendment.

It is that the amendment be amended by, (a) adding on line 25, page 15, after the words "a plan", the words "including timelines"; (b) that Bill S-5 be amended by adding on line 2, page 16, after the word "plan", the words "That period must be no longer than eight years"; and (c) by deleting paragraph (a) of the amendment.

That paragraph deletes lines 1 and 2 on page 16 that the subamendment intends to amend. You can't have it removed and amend it afterwards, so we should remove that last part, which is paragraph (a) of the amendment. That will solve that problem and it will also solve the problem of Ms. Puzé's amendment.

The Chair: I didn't know there was a problem with the amendment by Ms. Puzé.

Is that pretty clear to everyone? Is there any debate on the subamendment?

I have Ms. Collins and Mr. Longfield.

Ms. Collins.

Ms. Laurel Collins: Maybe just to start, I just want to confirm that the additions to this will not impact future amendments.

The Chair: The answer is no.

Ms. Laurel Collins: Wonderful.

I guess my comments are that I would love to have my amendment stay, as planned, "every five years". That said, especially given the previous vote on Madame Puzé's five-year suggestion, my guess is that there may be support for eight years and not for five years, so I will be supporting the subamendment.

The Chair: Mr. Longfield.

Mr. Lloyd Longfield: Thanks, Mr. Chair.

Would the officials mind just repeating it one more time for me, please? I'm trying to follow along and I want to make sure I have it right.

The Chair: You would like the legislative clerk to read it again.

Mr. Philippe Méla: Thank you, Mr. Chair.

You need to be at page 15 of the bill, line 25 to start with.

It would be that the amendment be amended by, first, adding on line 25, page 15, after the words "a plan", the words "including timelines". That would be the first change. The second change would be that the amendment be amended by adding that Bill S-5 be amended by adding, on line 2, page 16, after the word "plan", the words "That period must be no longer than eight years". The third change is deleting paragraph (a) of the amendment.

• (1655)

The Chair: Does that clarify it, Mr. Longfield?

Mr. Lloyd Longfield: Yes, I think I had that.

You made the comment that there was a technical reason there was another change, or did I miss that we're back to the original subamendment?

Mr. Terry Duguid: Could the clerks perhaps explain the problem we were trying to solve?

I think that's the honourable member's question.

Mr. Lloyd Longfield: Thanks, Terry. Put it into Winnipeg language.

Mr. Philippe Méla: Thank you, Mr. Chair.

Madame Puzé had proposed an amendment earlier on page 15, line 29, that replaced the words, in English, "may specify" with the word "specifies". That was right in the middle of the amendment that was proposed by the government, so it would preclude the amendment from the government.

I've basically redrafted the government amendment to split it in two and keep the middle as it was, so Ms. Puzé's amendment would be integrated within it.

Mr. Lloyd Longfield: It's so it's consistent.

Very good. Thank you.

The Chair: Yes, Ms. Taylor Roy.

Ms. Leah Taylor Roy: Mr. Chair, I just have one other question.

The amendment that was put forward by Ms. Collins had a part (b) and (c). I'm assuming those are no longer in the amendment.

Mr. Philippe Méla: They are, unless you want them removed.

Ms. Leah Taylor Roy: Part (b) says, "The Ministers shall review the plan within five years after it is published and every five years after that." I thought that was being changed to the eight years. I'm not sure how it's consistent if we have both of those things in there. I'm a little confused.

I think that the amendment Ms. Collins put forward was changing it in a different way. She was just deleting lines 1 and 2 and adding a new section.

What Mr. Duguid's subamendment did was to instead add the time frame onto line 2 on page 16, which would then negate the need for "adding after line 30 on page 16 the following", section (7.1).

Mr. Philippe Méla: I'm not sure because the amendment proposed by the government doesn't address what's in the amendment. It looks more like an amendment rather than a subamendment.

It would probably be easier to deal with amendment, NDP-18, first. If you wanted to propose your new amendment, as I explained earlier, you would get rid of NDP-18, because that's what seems to be happening anyway, and then propose this one, which would incorporate the way I said it earlier, as a new amendment.

Ms. Leah Taylor Roy: Can I make another suggestion that might be simpler since we have this one on the table?

The subamendment could change the amendment by, in point (b), where it says, “by adding after line 30 on page 16 the following: (7.1),” making it eight years and, after that, eight years. We can just change the time in that section as opposed to making the change in point two.

It's either way, but I just think that way we can at least work with this.

• (1700)

The Chair: Monsieur Deltell.

Mr. Gérard Deltell (Louis-Saint-Laurent, CPC): Our concern is about the timeline change from five years to eight years. We do agree with eight years, but we have big concerns with five years.

Ms. Leah Taylor Roy: Right, so I'm suggesting to change the five.

Mr. Gérard Deltell: This is where we stand. To tell you the truth, I love the track—all of those amendments, subamendments and everything—but if we keep it, and you reassure us that we keep the eight, we do agree.

The Chair: I'll ask the legislative clerks what's the most efficient way to get what we want.

Mr. Terry Duguid: Mr. Chair, while the clerks are deliberating here, I'm just going to ask for another short pause. We have it anyway with the clerks.

The Chair: Yes. We'll suspend.

• (1700)

(Pause)

• (1705)

Mr. Terry Duguid: I must admit, I'm not able to consult with our NDP colleague and I did not go across the room to consult Madame Pauzé, but there does seem to be some agreement that there is some confusion and some complexity that we need to sort out.

I would move that we stand this clause down, and that requires unanimous consent, as you know, Mr. Chair.

The Chair: I see a favourable response to that. We have unanimous consent.

(Clause 19 allowed to stand)

(On clause 20)

The Chair: We have CPC-4.

Mr. Damien Kurek: I'm sorry, Chair, just before I move that, parking this clause would also see NDP-19 parked—

The Chair: Everything's parked—the whole train.

Mr. Damien Kurek: Also, that's NDP-20, so now we're on CPC-4. Forgive me while I open my notes.

Thank you very much, Mr. Chair. I would move CPC-4.

One of the consistent items we heard from the testimony—and including from some environmental groups—was that, with the addition of this additional list, there's a need for industry to ensure not only that there is a pathway for a substance to be on this watch-list, but also that there would be an off-ramp, so to speak.

It's to ensure that if a substance, after evaluation, is deemed either to not be toxic or to need some sort of further evaluation—based, of course, on the work the department does and as outlined in the act—that the substance wouldn't end up on this watch-list because of a lack of information. There are negative impacts that would have if there were not the ability for it to be removed if the evidence, testing, etc., were to deem that it was in fact not toxic.

In working with drafting, we hope to have found a reasonable ability for the minister not only to label something to add to the watch-list but also to see an off-ramp, so that if the understanding of certain substance changes, it could be addressed accordingly.

• (1710)

The Chair: Go ahead, Mr. Duguid.

Mr. Terry Duguid: Mr. Chair, I appreciate the intent of this amendment from my colleague across the way, and I would like to propose a subamendment to this motion.

The inclusion of proposed paragraph (b) would defeat the policy intent of the watch-list. The watch-list, as we know, is intended to be a list of non-toxic substances with hazardous properties in order to inform manufacturers, importers and other stakeholders about substances that could be determined to be toxic if the volume of use or exposure were to increase. The establishment of a watch-list would support the selection of safer alternatives by importers, manufacturers and others.

Therefore, I propose modifying the motion and deleting proposed subsection 75.1(3.1) from the motion, if that makes sense, Mr. Chair.

The Chair: I'm having a bit of trouble following all of this.

Ms. Collins, did you have your hand up?

Ms. Laurel Collins: Yes. Do we have it in writing?

The Chair: Are you proposing a subamendment, Mr. Duguid?

Mr. Terry Duguid: Yes.

The Chair: Okay. Could you tell us what the subamendment is?

Mr. Terry Duguid: The subamendment is that, if we go to proposed subsection 75.1(3)—

The Chair: We're amending the amendment, so could you go to the amendment and tell us how we're amending the amendment?

Mr. Terry Duguid: It's just deleting proposed subsection 75.1(3.1), Mr. Chair.

The Chair: You have to show me what in CPC-4 we're changing.

Take (3.1) out totally. Is that what you're saying?

Mr. Terry Duguid: Yes. As I was saying, Mr. Chair, it's striking (3.1), but also, if we go to 75.1(3), we would add the word “including” to the first sentence.

The Chair: What page is that on?

Mr. Terry Duguid: I'm not sure. I have a—

Mr. Greg McLean: It's on page 17.

The Chair: Okay, it's proposed subsection 75.1(3). There's "Deletion of item" at the top.

Okay, so we want—

Mr. Terry Duguid: Add to the first sentence, after "that is specified on the List, if", "(a) an order is made under subsection 90(1) adding the substance to the list of toxic substances in Schedule 1; or (b) if the Minister no longer suspects that the substance is toxic or capable of becoming toxic."

I have colleagues who are monitoring this. Perhaps they could send that to you, Mr. Chair, and the clerks and the rest of us.

The Chair: Okay, so the first part is getting rid of proposed subsection (3.1) in the amendment. We get rid of (3.1), "For greater certainty, subsection (3) does not limit the authority", etc.

• (1715)

Ms. Laurel Collins: Mr. Chair, just because I'm not in the room and I can't completely tell what's happening, I'm just wondering if it would make sense to stand clause 21 as well and get the subamendment—

The Chair: We're on clause 20 right now.

Ms. Laurel Collins: I thought we stood clause 20.

The Chair: We stood clause 19.

Ms. Laurel Collins: Thank you. My apologies.

I guess my recommendation would be to maybe stand clause 20 as well. That way we could move forward and get as much as we could done today and have the language sent to the committee so we could go over it.

The Chair: Is there a desire to stand clause 20?

Mr. Greg McLean: I think we'd like to see the language.

Some hon. members: Yes.

Mr. Terry Duguid: We're in agreement with your intent. We're just trying to find the language.

Mr. Damien Kurek: Can we just pause for a moment, Chair? Can we suspend for a moment?

The Chair: We're suspended.

• (1715)

(Pause)

• (1715)

The Chair: We're back in session.

Mr. Terry Duguid: Mr. Chair, I would suggest seeking unanimous consent to stand this item and come back with language that is acceptable to all parties.

The Chair: Okay. Is there unanimous consent?

Yes, there seems to be. We'll stand clause 20 as well.

(Clause 20 allowed to stand)

The Chair: We did start a bit late, but my understanding is that Madame Pauzé has to leave us at 5:30, so if everyone is all right with—

[*Translation*]

Ms. Monique Pauzé: I will have to leave between 5:30 p.m. and 5:40 p.m.

[*English*]

The Chair: Okay. Let's say we'll continue until 5:40. Is everyone good with that?

Some hon. members: No.

The Chair: Okay. We're stopping at 5:30. We have nine minutes.

(On clause 21)

The Chair: Now we're on clause 21. We're on amendment PV-16.

Ms. May, go ahead.

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

I'm in your hands on this. This amendment is premised on the continuation of the virtual elimination list". I think it is possible to continue with this amendment, even though my efforts to retrieve the virtual elimination list from being repealed.... The phrase "if applicable, the Virtual Elimination List" is the only part that is totally premised on the virtual elimination list.

That's the question. I can't amend my own amendment. I've put forward this amendment. As far as I know, the clerk hasn't determined that it can't be put forward because of the earlier rejection of my amendments to ensure that the virtual elimination list continue. As you'll recall the conversation, my amendment would have repaired the part of the virtual elimination list that the officials said was the problem, but the fact that I'd solved the problem didn't seem to disturb anybody's argument that it just should be gotten rid of, even if it were fixed.

I'm not certain at this point if this amendment will be considered in order. I suppose I should check with the clerk. If it's in order, I would suggest that someone else, other than me, amend it, because I'm not allowed to amend my own amendments. I hope that at some point someone watching all of this will tell the Prime Minister's Office to stop making committees pass this motion, which demands that people in my position show up at committee and then try to work through all the sticky tape that occurs.

I look to you for guidance on this one, Mr. Chair.

• (1720)

The Chair: Your question is on whether your amendment PV-16 is in order. That's your first question.

Apparently, it is in order.

Ms. Elizabeth May: Okay. In which case, the purpose of this amendment is to ensure that the minister add a substance to the list if it's "determined to be toxic" and the minister is satisfied that it's "persistent and bioaccumulative"; that it's "present in the environment primarily as a result of human activity"; that it is "not a naturally occurring radionuclide"; and, that it "poses an unacceptable risk in accordance with the regulations".

In that sense, it's in order and stands as yet another attempt to ensure that toxic chemicals and the treatment of toxic chemicals move from a rather discretionary formula to one that requires action when these multiple aspects of toxicity and threat to human health have been ascertained.

The Chair: Are there comments?

[Translation]

Ms. Pauzé, go ahead.

Ms. Monique Pauzé: Mr. Chair, I have a quick comment.

The Green Party has been working on considerably tightening up a piece of legislation that is over 20 years old and that did require a lot of reworking.

I just want to say that I will vote in favour of the amendment, as it helps improve human and environmental health.

The Chair: That's great.

Would anyone else like to comment before we go to the vote?

Ms. Collins, go ahead.

[English]

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

I don't think this amendment makes sense given that the other amendments on virtual elimination didn't pass. I won't try a sub-amendment because I don't think we have support for the amendment as a whole, but I will be voting in favour because I am in favour of the spirit of this motion.

The Chair: Should we go to a vote?

(Amendment negatived: nays 9; yeas 2 [See Minutes of Proceedings])

The Chair: We'll go to NDP-25.

I should mention that if NDP-25 is adopted, BQ-7 cannot be moved due to a line conflict.

Ms. Collins, would you like to move NDP-25?

Ms. Laurel Collins: Yes, I do want to move NDP-25.

Just for reassurance for folks, and especially for Madame Pauzé's reassurance, while BQ-7 is longer, there is an NDP-26, which is a kind of second half of BQ-7. For some reason, my amendments were split in half, and Madame Pauzé's amendment is right between the two amendments. Really, NDP-25 and NDP-26 together are pretty much the same as BQ-7.

The amendment itself is talking about timelines again. It adds a requirement: "within one year after publication of the statement referred to in subsection (1)". It's really just creating a one-year timeline, ensuring that we have speedy processes.

Again, my apologies that this amendment was split into two, and we have BQ-7 in the middle.

• (1725)

The Chair: Would anyone like to...? I have Mr. Duguid.

Mr. Terry Duguid: Madame Pauzé is first.

The Chair: I have Madame Pauzé and then Mr. Duguid.

[Translation]

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

I would like to approach my colleague with an idea, which has actually already been put forward.

In amendment BQ-7, the addition of paragraph (8.1) is especially worthy of note. It involves transparency:

(8.1) If the Ministers extend the period for collecting data or conducting investigations, they shall provide notice of the extension and the reasons for it in the manner that they consider appropriate.

So perhaps the period could be extended, but a reason would have to be provided for the extension. The idea of providing a justification or a notice does not appear in amendment NDP-25 or in amendment NDP-26.

I have a question about amendment NDP-25.

It says, "...within one year after publication of the statement...". Instead of talking about the statement, would it not be better to write, "...within one year after publication of the final decision...", since a decision still needs to be made?

The Chair: Ms. Pauzé, so you are proposing a subamendment to amendment NDP-25, right?

Ms. Monique Pauzé: Yes.

The Chair: Okay.

[English]

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

The section that Madame Pauzé would be adding, would actually be to NDP-26. You'll notice that proposed subsection (8.1) comes after proposed subsection (8), so if you flip over to NDP-26, the subamendment would actually need to be added in that further amendment, which comes after NDP-25.

I'm reading through proposed subsection (8.1), and having that extension of the period for collecting data and conducting investigations I think is a valuable addition. I appreciate Madame Pauzé's work on it.

I'm very open to a friendly amendment to NDP-26, but it wouldn't be able to be added to NDP-25, which is the one we're addressing now. It only has to do with lines 7 and 8 on page—

[Translation]

The Chair: Okay.

Ms. Pauzé, if I have understood correctly, Ms. Collins likes your idea, but she thinks it would be more relevant to discuss it when we talk about amendment NDP-26.

Ms. Monique Pauzé: Could I do it? Earlier, it was said that, if amendment NDP-25 was adopted, amendment BQ-7 could no longer be proposed. So I want to make sure I understand. So I could add the new paragraph (8.1) to amendment NDP-26, without any issues. Is that correct?

The Chair: That is my understanding, but it is sometimes difficult to follow.

Are you withdrawing your subamendment to amendment NDP-25?

Ms. Monique Pauzé: Yes. I won't propose it for amendment NDP-25.

The Chair: Okay. So we are continuing our discussion on amendment NDP-25.

Would anyone like to take the floor?

Can we go to the vote?

[*English*]

Mr. Terry Duguid: Mr. Chair, I was going to ask the—

The Chair: I'm sorry. You did have your hand up.

Mr. Terry Duguid: Yes, I did have my hand up earlier, Mr. Chair, and suggested that Madame Pauzé be the first speaker.

I see the clock is 5:30. I was going to ask our officials to comment on the subamendment and the amendment. I think what I would ask, Mr. Chair, is that they come prepared to comment on that when we resume the next session, next Monday.

The Chair: Do you want to adjourn now?

Mr. Terry Duguid: I move adjournment, Mr. Chair.

The Chair: Do I see any opposition to adjourning?

We are adjourned. Have a nice weekend. We'll tackle this on Monday.

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