



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

44th PARLIAMENT, 1st SESSION

---

# Standing Committee on Environment and Sustainable Development

EVIDENCE

**NUMBER 048**

Thursday, February 9, 2023

---

Chair: Mr. Francis Scarpaleggia





# Standing Committee on Environment and Sustainable Development

Thursday, February 9, 2023

• (1530)

[English]

**The Chair (Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.)):** I call the meeting to order. Colleagues, we are continuing along the path of amending Bill S-5.

[Translation]

**Ms. Monique Pauzé (Repentigny, BQ):** If I may, Mr. Chair. Before we start to look at the amendments, I would like to ask a question about something that is eluding me.

Since January, we, the committee members, have been receiving documents and letters that contain all sorts of proposals, and there's nothing to indicate that these documents are confidential. However, the documents are kept in the committee's digital binder, which is not made available to the public.

Are we allowed to take the documents contained in the binder and make them public?

What are the criteria that determine which documents go in the digital binder and are therefore not for public viewing?

[English]

**Ms. Laurel Collins (Victoria, NDP):** On a point of order, Mr. Chair, I'm not getting any translation through the English channel.

[Translation]

**The Chair:** Is the interpretation coming through now? It seems the answer is yes.

Let's get back to Ms. Pauzé's question.

[English]

**Ms. Laurel Collins:** The sound quality for Madam Pauzé is inadequate. That's what the translator has said.

[Translation]

**The Chair:** Ms. Pauzé, it seems your sound quality was not good enough for the interpreters.

**Ms. Monique Pauzé:** That can't be. I did all the sound checks earlier and everything was working fine.

**The Chair:** Did you do the checks with the interpreters?

**Ms. Monique Pauzé:** I don't know.

**The Chair:** Let's suspend for a minute to try and solve the problem.

• (1530)

(Pause)

• (1535)

**The Chair:** While the technicians are carrying out their checks, I will answer Ms. Pauzé's question about which documents are considered confidential or not.

I have been told that placing documents in the digital binder does not make them confidential. Normally, confidential documents are marked accordingly. For example, we know that amendments are confidential up until the moment they are presented. To my knowledge, however, correspondence is not as a rule deemed confidential. That is what the clerk has confirmed as well.

To summarize, the fact that a document is contained in the digital binder does not necessarily mean that it is confidential.

**Ms. Monique Pauzé:** Alright, thank you.

**The Chair:** That said, we still have to get to the bottom of the sound quality problem. We will once again take a short break to try to solve the issue.

• (1535)

(Pause)

• (1550)

**The Chair:** We are back in session.

Order, please.

[English]

**Mr. Lloyd Longfield (Guelph, Lib.):** Mr. Chair, I have a point of order.

Now that we're starting, would we be able to run our meeting until 6 p.m., since we have lost half an hour?

**The Chair:** I will ask the members.

Can we go until 6 p.m.?

There's no unanimous consent. It's not just one side. It seems to be generalized.

I'm sorry, Mr. Longfield, but thank you for asking.

**Mr. Lloyd Longfield:** Thanks.

**The Chair:** Okay, we were at NDP-28.

We are resuming debate. I don't know who is next on the speakers list. I guess we can start anew.

Who would like to speak to NDP-28?

Ms. Collins, go ahead, please.

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

With this one, I think if we went to the vote, I don't think it would pass, but I have a potential alternative to suggest that I hope people will consider.

**The Chair:** Mr. McLean has his hand up.

**Mr. Greg McLean (Calgary Centre, CPC):** I think Mr. Duguid's ahead of me.

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

**Mr. Terry Duguid (Winnipeg South, Lib.):** Mr. Chair, I wonder if we could get some feedback from our officials on this particular amendment, which we plan to oppose. We will be supporting NDP-31.

As I understand it—and the officials can correct me if I'm wrong—imposing strict timelines may direct resources from completing the risk management in a timely manner, running counter to the original objective of what the motion seeks to achieve.

Perhaps Ms. Farquharson could respond.

**The Chair:** I would like to welcome the officials who are here with us in person. It's nice to see you live.

Go ahead, Ms. Farquharson.

**Ms. Laura Farquharson (Director General, Legislative and Regulatory Affairs, Environmental Protection Branch, Department of the Environment):** Thank you. It's nice to see everybody in person.

I think the question is about the implications of having strict timelines for subsequent risk management instruments. I would make three points.

The first is to assure you that departments are highly motivated to manage the risks of substances. Timelines in legislation can sometimes help, but they don't always make things happen. You might recall that 4,300 substances from the 23,000 that were existing in 1998 were assessed between 2006 and 2020 under three plans on timelines and were generally on time without those timelines being legislated. That's one point.

The second is that timelines for risk assessment and risk management are a little bit different. We know that on average it takes two to three years to move from a draft risk assessment to a final risk assessment. The requirement that was added was, when it goes past two years, to explain why.

For risk management instruments, you know that in the act there's already a requirement for that first risk management instrument draft to be published in 24 months and the final version to be done 18 months later. That's 42 months altogether.

It takes that long because it's not only a scientific assessment; it's also considering cost-benefit. Over the time that we're developing the risk management instrument, we get a better idea of the sources of exposure and how to manage the substance. There's a lot more discussion about how to implement that. That's why it takes longer.

In general, the first one that's published will be the one that has the most impact. The supplementary ones are then developed as fast as possible. In general, I would say they are done in time.

I know that the committee will say that there are times when the risk management instruments take a very long time to get into place. There are reasons for that. Sometimes more information is being gathered to understand either the sources or the paths of exposure. Sometimes it's because the market situation has changed. Sometimes it could be because there are multiple instruments from different management instruments impacting a specific area, so they're trying to sequence them. Sometimes they're prioritizing across all the risk management instruments because they wouldn't work on one that has a small effect before they would work on one that has a big effect on a different substance.

That's a long explanation, but that's why. I think we all appreciate that people want the accountability, so I think the reporting on it...

The third reason is sort of administrative. It's to find the least administratively burdensome way to incent fast action. One way to do that would be to require updates in the annual report.

• (1555)

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

**Mr. Greg McLean:** Thank you.

I'm gaining clarity from what you're saying, but I recognize that the bill we're amending here has.... We're on section 78, which we're amending. It's referring to section 92, which is new. In the two, we're talking about two different reporting mechanisms, which are the environmental registry and the Canada Gazette, so I can see why there's some confusion.

None of us questions how adept you are at getting through this process and that it does take time. The question is, at what time does it require the minister to actually present...? If the timeline is 24 months or 42 months, at what point does he have to come out and say that they've exceeded the timeline and need some extra time, and give the reason and present it to people appropriately?

What we're trying to arrive at here is not just having carte blanche at the end of the day and saying that it's just taking too much time, which seems to be the fallback position. The minister has this responsibility to Canadians through Parliament. We would like to see something in there so that if the timeline is wrong at 24 months because it usually takes 24 months plus 18 months of further process, then that should be the number we're putting in here.

We would like to see something requiring the minister to report to Parliament on any delay past what you think is the proper timeline.

• (1600)

**Ms. Laura Farquharson:** I suppose the timelines would be set out in that statement when the first regulation is published. It would say, "These are the other instruments that we plan to publish on these timelines." They would be in there.

**Mr. Greg McLean:** Please walk us through that, because—

**Ms. Laura Farquharson:** That's section—

**Mr. Greg McLean:** Isn't it 92?

**Ms. Laura Farquharson:** Let me just see. I have to see if they're getting the....

**Mr. Greg McLean:** As we say in operations, walk us through the whole process—

**Ms. Laura Farquharson:** It's section 78—

**Mr. Greg McLean:** —and how it would happen, and then we'll look at any excess that might have to be brought to Parliament in that respect.

Do you understand what I'm saying, an operational process?

**Ms. Laura Farquharson:** Oh, it's not the act process.

**Mr. Greg McLean:** It is the act process, but you're going through the process of assessing something. Walk us through how it enters and how it exits.

**Ms. Laura Farquharson:** There's a draft risk assessment of the substance, and when the final risk assessment is published, which we've sort of established is two to three years later, then there's a statement saying whether there will be risk management instruments and which acts they plan to use. It might say, "We're going to do a regulation under CEPA", "We're going to do a code of practice", "We're going to do an environmental protection agreement" or "We're going to use the Food and Drugs Act for this part". There might be a suite of them.

When the first regulation or instrument is published, it will say the timelines for those other instruments, and then there will be an annual report about the progress on those instruments.

**Mr. Greg McLean:** What timeline do you suggest would be an appropriate one before the minister has to come and report to Parliament that there's a delay? What will be the process you've just explained to get to the first stage of regulation? You're saying that's going to be on a one-off basis every time?

**Ms. Laura Farquharson:** We have timelines, 24 months and 18 months, for the first one, and for the subsequent ones, it's a question of prioritizing among all the other risk management instruments that have to get done.

I guess the other thing is that it's maybe worth remembering that we do have the plan of priorities as well that sets out the plan for how all the pieces fit together.

**Mr. Greg McLean:** None of us is questioning that. The question is, at what point in time does the minister have to report to Parliament, saying, "We're behind on this because of this, this and this"? It might be a question of resources.

**Ms. Laura Farquharson:** It's in the annual report.

**Mr. Greg McLean:** Will that be the only mechanism available?

**The Chair:** Mr. Longfield, do you have a point of order?

**Mr. Lloyd Longfield:** No, no. I've had my hand up for several interventions now, but I was—

**The Chair:** I have you next on the list.

**Mr. Lloyd Longfield:** Okay.

I thought it was good that Greg was exploring this. I think what I'm hearing is that because of the nature of each inquiry coming through having impacts from different acts, there could be different complexities or different standards of service coming in terms of departments reporting back on various complexities that are being explored.

The annual report would be the mechanism for seeing whether an inquiry is current or being worked on. To put this into the act would be triggering problems when problems don't exist, if we're following timelines that are already established. It might take 42 months, but that would be said at the first go as things go into the department.

**Ms. Laura Farquharson:** At the time the assessment is done, it could be that not all the exposure sources are fully characterized, so there may be some time taken to understand if there are other risk management instruments. I know sometimes additional risk management instruments also come out of performance measurement reviews of other instruments.

I think you have some accountability there with a statement saying, "These are our planned risk management instruments, and here are the timelines in which we intend to get them done", and then updating on the progress of that in the annual report.

• (1605)

**Mr. Lloyd Longfield:** That's good.

**The Chair:** I have Ms. Collins now, and then we'll go back to Mr. McLean.

Go ahead, Ms. Collins.

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

I guess there are two things.

One is that I do think that this amendment sets out some good accountability measures, and I hear the department's concerns about setting strict timelines. Again, I want to remind the committee that it says that if they determine that the proposed regulation or instrument can't be developed in that time, it just means that they're publishing the reasons.

As I mentioned at the beginning of this debate, I have an alternative motion that I think is a little bit less stringent. It's not my preference, but if this doesn't pass, I have an alternative proposal that I hope will be agreeable to folks around the table.

**The Chair:** I don't see any other hands up.

Oh, it's Mr. McLean. You're right. You're right there.

**Mr. Greg McLean:** Thanks, Mr. Chair. I'm easily forgotten.

**Voices:** Oh, oh!

**The Chair:** It's not that.

**Mr. Greg McLean:** I know.

**The Chair:** I'm just trying to get through this.

**Mr. Greg McLean:** I'm going to propose that we stand this down, because I really still am not fully clear on how this functions.

I appreciate Ms. Farquharson's explanations, but with the various instruments and the various amendments that are coexisting here about timelines and so on....

Ms. Farquharson, I appreciate what you're saying, but I am not completely following the timelines we're talking about and what the reporting mechanisms are in the interim to make sure that there is accountability to Parliament.

I'm asking to stand this down temporarily so that we can have, if you will, a Gantt chart that says, "When this enters here, here's the timeline. Here's the accountability mechanism where it's going to Parliament at this stage. Here are the requirements, and"—as with Ms. Collins' amendment here—"here is the exception to that", and insists upon something if the time that Parliament expects the public to be aware of in this process is exceeded.

If that was available.... I do need to walk through exactly where Parliament is involved in this, and I apologize that I'm not completely catching everything that you're talking about with regard to these various instruments.

Would it be amenable, Mr. Chair, to stand this down until we completely understand the reporting aspect?

**The Chair:** Here's my understanding of how we can go about this.

One, Ms. Collins can ask for unanimous consent to withdraw the amendment, or two, if we want to stand it, we have to have a motion, and it has to pass with majority support.

Is that correct?

**Mr. Terry Duguid:** Standing down needs unanimous support.

**The Chair:** Oh, is it unanimous as well?

**Mr. Damien Kurek (Battle River—Crowfoot, CPC):** Do we have to stand the motion or the clause?

**Ms. Leah Taylor Roy (Aurora—Oak Ridges—Richmond Hill, Lib.):** I think we have to stand the whole clause.

**The Chair:** We have to stand the whole clause.

Correct me if I'm wrong, but either Ms. Collins could ask for unanimous consent to withdraw the amendment—that's number one. Otherwise, we could stand the whole clause with unanimous consent, or if we don't have that, it would be through a motion that carries with a majority.

Okay, here's what I'm told. To withdraw NDP-28, Ms. Collins would have to achieve unanimous consent, and because we're already—

**Mr. Greg McLean:** Then let me withdraw what I said—

**The Chair:** Can I just finish?

To withdraw NDP-28, Ms. Collins would have to achieve unanimous consent. To stand clause 22, because we've already started debating an amendment, we would need unanimous consent. If we hadn't been debating an amendment, we could do it by a majority vote, but in both cases we need unanimous consent.

Mr. McLean, you wanted to say something?

**Mr. Greg McLean:** I am not moving to stand it.

• (1610)

**Ms. Laurel Collins:** I would prefer that we vote on it, even if it's going to get voted down.

**The Chair:** Can we go to a vote?

**Mr. Greg McLean:** Do you have an alternative?

**Ms. Laurel Collins:** I do, yes.

**The Chair:** We'll go to a vote on NDP-28.

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

**Ms. Laurel Collins:** Mr. Chair, I would like to propose another amendment. I've sent it to the clerk. Unfortunately, there wasn't enough time to get it translated, so I'll read it out.

**The Chair:** Okay.

This is a motion from the floor, and Ms. Collins will read it out slowly.

Is it long?

**Ms. Laurel Collins:** It looks almost identical to the amendment to clause 21 that the government put forward as a counter-amendment to my amendment around risk management measures.

**The Chair:** Please read it slowly, though.

**Ms. Laurel Collins:** It's that Bill S-5, in clause 22, be amended by adding, after line 27 on page 21, the following: "(3) If more than two years have elapsed after the publication of a statement or an amended statement under subsection (1) or (2), as the case may be, without the minister having published all of the regulations or instruments proposed in the statement, the minister shall publish in the environmental registry a statement made jointly by the ministers indicating the reasons for the delay and a time frame within which each of the proposed regulations or instruments is to be published."

**The Chair:** Thank you. Just a moment, please.

Have you sent it to the clerk?

**Ms. Laurel Collins:** Yes.

**The Chair:** Okay, we'll need a moment to give it to the legislative clerks so that they can read it. I'm not sure they have it yet, but they will have it.

**Mr. Terry Duguid:** Mr. Chair, I think we'd like to see that in writing as it's being submitted. Is that a problem?

**The Chair:** Yes. It's only in English.

**A voice:** You can't debate it.

**A voice:** No, you can't. It's not in French.

**Mr. Terry Duguid:** Isn't that a requirement of this committee, Mr. Chair?

**The Chair:** No, it's not a requirement. To distribute it in writing, it has to be in both official languages. However, to be debated, it does not have to be even written down.

[*Translation*]

Mr. Deltell, you have the floor.

**Mr. Gérard Deltell (Louis-Saint-Laurent, CPC):** Mr. Chair, I have to tell you that I feel uncomfortable with the idea of voting on a text which is unilingual. I would feel the same if the text were solely in French. We can't vote without knowing precisely what is at stake here.

I have enormous admiration and respect for the interpreters that are here and for the legislative translators that will draft the proposal in both official languages, but I think the current situation is equivalent to handing out a blank cheque.

I know that in the past we proceeded in this way with parliamentary committee reports. What we have here, however, is a bill. Suffice to say that more is at stake.

I refuse to vote on a proposal without having the French translation. I would say the same if the document had been written in French only.

**The Chair:** Basically, you want to see the text set out in black and white.

**Mr. Gérard Deltell:** In both languages.

• (1615)

**The Chair:** The interpreters have given us a French version of the text, but you would like to have the text set out in writing.

**Mr. Gérard Deltell:** That's because we are voting on a clause that could be in the act. It's pretty important.

**The Chair:** Indeed.

Ms. Michaud, you have the floor.

**Ms. Kristina Michaud (Avignon—La Mitis—Matane—Matapédia, BQ):** Thank you, Mr. Chair.

I wanted to say essentially the same thing as Mr. Deltell. We can start debating the amendment, but so long as we do not have the text in French, we will not be able to vote. I believe it would be preferable to have the text in French before voting on the amendment.

**The Chair:** Thank you.

[*English*]

Go ahead, Ms. Collins.

**Ms. Laurel Collins:** I think those are both really reasonable comments about being open to having the conversation and the debate around it. Then I think we will have to stand the whole clause, if that's the case. Is that correct?

**The Chair:** Yes, that could work.

Go ahead, Mr. Longfield.

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

I think Mr. Deltell makes an excellent point. This isn't a report going back to the House; this is actually law that we're writing. Every word is important, and we need to consider it from many different angles.

I think doing it on the fly while we're doing clause-by-clause study is disrespectful to the process. I will not be supporting this, just because we've already had the discussion, and I would like to move on to the next clause.

**The Chair:** You would like to stand it.

**Mr. Lloyd Longfield:** No. I'd be opposing it.

**The Chair:** We need unanimous consent, apparently, to stand it. Because we have already started the debate and it's been presented, we need unanimous consent to stand the amendment and the whole clause.

Go ahead.

**Mr. Lloyd Longfield:** I won't be giving unanimous consent. Let's go to the vote as soon as we can.

**The Chair:** I understand.

Go ahead, Ms. Collins.

**Ms. Laurel Collins:** I just want to be clear about Mr. Longfield's position. He would prefer to vote this down rather than having time to have it translated. I am seeing some nods.

Regardless of whether we stand it or not, I think that having the debate about it is important. I wonder if it would be helpful for the debate, as we discuss this amendment, if we were to read the clause one more time and have the interpreters translate it one more time before people vote on it.

**The Chair:** Sure. Give me just one moment, please.

[*Translation*]

If I understand correctly, the committee may debate the amendment and is not obliged to have the amendment set out in writing before putting it to a vote.

I will therefore ask Ms. Collins to read the amendment once again slowly, so that everyone understands what is being proposed.

[*English*]

**Ms. Laurel Collins:** My apologies. I'm having a little bit of technical difficulty with my computer. The Internet just cut out.

The amendment is that Bill S-5, in clause 22, be amended by adding after line 27 on page 21, the following:

“Delay publication of subsequent regulations or instruments

“(3) If more than two years have elapsed after the publication of a statement respecting the development of subsequent proposed regulations or instruments under subsection (1) or (2) without the minister having published all of the regulations or instruments proposed in the statement, the minister shall publish in the environmental registry a statement made jointly by the ministers indicating the reasons for the delay and a time frame within which each of the proposed regulations or instruments is to be published.”

If I could I speak to the amendment briefly, you'll note that it is almost identical to the amendment put forward in clause 21 by the government, which has to do with the risk management plans from draft to final assessment. This is, once again, to try to have accountability in the full suite of risk management measures and instruments.

It is not specifying that the time frame shall not exceed two years. We just voted on that, and it was voted down. This is to give a bit more flexibility and a little less stringency, but there would still be a reporting mechanism and some accountability when there are multi-year delays.

This is in no way to indicate that the officials or people in the department are not doing their jobs—I think they are doing a fabulous job—but I think the public and Parliament deserve to know when there are multi-year delays and what the reasons are for that.

Maybe I will pause there, but I will pick it up again later.

• (1620)

**The Chair:** I just have to interject before I get to Madame Michaud.

I am told by the legislative clerks that this amendment shouldn't go there, in that order. It should be after NDP-31.

**Ms. Laurel Collins:** We can vote and—

**The Chair:** We would now have to go to NDP-29. I don't know if you can get it translated in the meantime.

**Ms. Laurel Collins:** I sent this to the law clerk yesterday, but we are still waiting for translation.

**The Chair:** Okay.

We're going to go to NDP-29, but I'll hear Madame Michaud and Mr. Deltell first.

[Translation]

**Ms. Kristina Michaud:** Mr. Chair, I could have risen on a point of order earlier, but I decided to let my colleague finish what she was saying. The interpreter was telling us that my colleague was reading the amendment too quickly for them to be able to provide an adequate interpretation.

**The Chair:** Right. At any rate, we will come back to it.

**Ms. Kristina Michaud:** Yes, thank you.

**The Chair:** This is actually a good reminder. We should always speak relatively slowly so that everyone understands all that is being said, and also for the interpreters.

Mr. Deltell, you have the floor.

[English]

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

As the presentation and the reading has been made in English, I will speak on it in my second official language.

I totally agree with this amendment because I think it gives the department enough time to study and evaluate the situation. If there is some concern, then they will have to explain it. On the other hand, we will find that industries will welcome that kind of amendment because it gives them a timeline that is correct in their minds. I totally agree with that.

[Translation]

But I must remind you that as long as I do not have the text in written format, I will not be able to vote on the amendment.

**The Chair:** At any rate, the amendment was not presented at the right time. We will have to go back to it once we have looked at NDP-31. That may provide enough time for the text to be translated, at least I hope so.

**Mr. Gérard Deltell:** I just want to be sure that I have understood correctly. I am speaking out of respect for two professions. The people here with us providing the interpretation are tremendous. However, we also understand that they provide interpretation and not translation.

**The Chair:** I, too, like to have things set out on paper. It is not too much to ask.

**Mr. Gérard Deltell:** We have to be absolutely sure that the text on which we will be voting has been revised by legislative drafters.

**The Chair:** Yes, I understand. It isn't mandatory, but we would like to have a written version.

In the meantime, we will go to NDP-29.

[English]

**Mr. Terry Duguid:** Could we move to NDP-29, Mr. Chair?

**The Chair:** That's what we're doing Mr. Duguid.

Go ahead, Ms. Collins.

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

You'll notice that this deals with the reasons and publishing in the environmental registry.

It is that Bill S-5, in clause 22, be amended by replacing line 26 on page 21 with the following:

amended and the reasons for the amendment in the Environmental Registry and in any other

**The Chair:** Do you need to explain the amendment?

**Ms. Laurel Collins:** I think we can just vote on it.

(Amendment agreed to: yeas 11; nays 0)

• (1625)

[Translation]

**The Chair:** We now go to NDP-30.



[English]

**Ms. Laurel Collins:** Mr. Chair, I'm just curious about where the additional amendment should go.

**The Chair:** I'm told it's after NDP-31.

**Ms. Laurel Collins:** Great. We'll be able to add it after NDP-31, if it passes.

**The Chair:** Yes.

**Ms. Laurel Collins:** NDP-30 is that Bill S-5, in clause 22, be amended by adding after line 27 on page 21 the following:

(3) The Minister shall include in the annual report required by section 342 a report on the progress made in developing the subsequent proposed regulations or instruments.

Again, this is around accountability and transparency.

**The Chair:** Are there any comments?

Go ahead, Mr. Kurek.

**Mr. Damien Kurek:** Thank you very much, Chair.

This question is for the officials.

It's my understanding that the conversations around integrity, accounting and timelines are all somewhat interconnected, including when we had a segue into the debate on the amendment that will be moved next.

This one deals with the annual report, which is, to my understanding, a mechanism that currently exists.

I'm wondering if the officials could have an opportunity to outline the reporting and accountability mechanisms that currently exist. What would this change represent?

Could you comment on the conversation around having that two-year requirement for an update and whether or not there's an impact associated with that?

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

I am so sorry. NDP-30 and NDP-31 are identical, and I had meant to move NDP-31. What I read out was the exact text for NDP-31. I'm wondering if we could have unanimous consent to remove NDP-30 and just deal with NDP-31.

**The Chair:** I'm sure everyone will agree.

**Some hon. members:** Agreed.

**The Chair:** It seems to be agreed.

Go ahead.

**Ms. Laurel Collins:** Thank you. We're on the same thing that I just read out. It's NDP-31.

Thank you.

**The Chair:** You read out NDP-31. Okay.

Is there any more debate on this? No.

We'll go to a vote.

(Amendment agreed to: yeas 11; nays 0)

**The Chair:** That brings us to your amendment, Ms. Collins.

**Ms. Laurel Collins:** Thank you.

I'm wondering if I can direct the committee. At least in version 4 of our package, it's G-13.1 on page 88.1. This is for a clause that has already passed. It has a French version, and the amendment that I've put forward has only a few words that are different from this motion.

You'll notice that the line number and the page number are different, as well as the words dealing with a statement or an amended statement under subsection (1) or (2). This one, G-13.1, has "a statement under paragraph (1)(a)".

The other difference would be at the very end of the paragraph. It says "time frame" in mine. It says "estimated time frame" in G-13.1. Then, of course, "the statement under paragraph (6)(b)" has been changed to "each of the proposed regulations or instruments".

This amendment is almost identical to G-13.1. The parts that are changed are really just indicating the measures and the instruments used, rather than the risk management statement, which has to do with that time period between the draft and the final assessment, so it's the full suite of risk management tools.

I'm not sure if that helps with my French colleagues' interpretation of it, but there is a French version with just the topic changed, if that is helpful.

● (1630)

**Mr. Terry Duguid:** Where is G-13.1?

**Ms. Laurel Collins:** G-13.1, at least in our version 4 package, is on page 88.1.

**Mr. Terry Duguid:** Mr. Chair, even though it is a few words, it's still the issue that Mr. Deltell raised, so—understanding, of course, where Ms. Collins is coming from—I think we will have to stand the clause.

It is exactly the issue you mentioned, Mr. Deltell.

**Ms. Laurel Collins:** Mr. Chair, my legislative assistant has also sent a quick translation to the clerk. If that is in any way helpful, we could distribute it to the committee.

**The Chair:** Okay, let's do that. Let's—

**Mr. Terry Duguid:** Can we pause for a moment, Mr. Chair, and take a small recess?

**The Chair:** Sure we can.

• (1630) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1630)

**The Chair:** The amendment is available in both languages now for everyone, so we can debate it and vote on it.

Go ahead, Ms. Taylor Roy.

• (1635)

**Ms. Leah Taylor Roy:** Thank you, Mr. Chair.

I'd like to ask Laura to explain a little bit about what's already been published in the annual report. We heard that with these risk management measures, there's already something being published in the annual report every year.

I don't want to add administrative burden onto the department for no reason if we can use the annual report that's already being published to meet these same objectives.

I'm curious if Laura could explain.

**Ms. Laura Farquharson:** Yes, I think you've just passed an amendment that would explicitly require the annual report to provide that update on progress on these risk management instruments. That is where Parliament could hear about what progress is being made on the timelines that have been set out in the statement at the time the first risk management instrument is published on those subsequent instruments.

It is a question of whether you need to.... At this point, one method is saying that if two years have passed and you still haven't done all the risk management instruments, then you have to publish something in the Canada Gazette. The other method is that in the annual report, you will report in sum on the progress on all the risk management instruments.

**Ms. Laurel Collins:** I have a point of clarification.

This amendment is about publishing in the environmental registry. It is, again, identical to the process that we've developed for the risk management statement, which in my understanding is also annually reported on, I hope.

We're ensuring that when there are delays and when we've gone past a certain point, there is an obligation for the minister to highlight that and to publish it in the environmental registry. It will give the rationale to the people who are paying attention to these substances and the risk management measures and instruments that are being developed for them.

**The Chair:** I have Ms. Taylor Roy and then Mr. Duguid.

**Ms. Leah Taylor Roy:** We have the environmental registry, we have the Gazette and we have the report. Right now we have something in place that says this is going to be outlined in the report.

My assumption is that people following this would be reading the report to see what has been done, so I'm wondering why we need to duplicate it, quite frankly. I don't have a huge objection. It's just that I wonder why we would add another layer onto this when we have so many ways this is being reported. We have this comprehensive report that's going through all the measures and listing

which ones have been met and, if they haven't been met, what's going on with them.

It's an administrative burden, from my perspective.

**Mr. Terry Duguid:** I think I've landed where I was about half an hour ago, Mr. Chair. I would move that we stand this motion.

**The Chair:** We'd have to stand the whole clause, but we need unanimous consent to stand it and we don't have it.

We'll go to Ms. Collins.

**Ms. Laurel Collins:** I'll clarify the difference from what's being reported in the annual report.

Right now, what we passed requires a report on the progress made on developing any subsequent proposed regulations and instruments. Reporting on progress is a good step forward, but it's not the same as providing the reasons for the delay and updating timelines.

**The Chair:** Mr. Weiler is next.

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

I was going to ask the officials to clarify this very point, to make sure that this wouldn't indeed be duplicating things and would actually be different from what's already required as part of the annual reporting.

**Ms. Laura Farquharson:** Right now, the amendment that you've passed requires an update, as Ms. Collins says. I think an update would explain where things are at and why. It doesn't say that explicitly, though. I think the difference, if I've understood Ms. Collins' motion, is that you would be having to publish in the Gazette each time, on each instrument, that you're not meeting the timelines.

Maybe it's important too to understand that there's one risk assessment per substance. We know what we're assessing. Yes, there's time—you have to gather information and make sure you've formulated the problem correctly and done the right analysis—but you get a draft and then you can move to a final. For risk management instruments, typically there's one principal one, and that's the one that's under the CEPA time clock. Then there may be other ones dealing with different aspects of the risk.

That's why we're insisting that it's important to be able to prioritize among those many risk management instruments that the departments are working on. Greg could probably provide some examples of the variation in those instruments, if that's helpful to understand, but that may be beyond what you're interested in.

• (1640)

**Mr. Patrick Weiler:** It would be very helpful to hear from Greg, if that's possible.

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

Just building on interventions by Laura, the central risk management instrument oftentimes does deal with the primary concern or the risk to health or environment that's been identified. That's the instrument that is subject to the 42-month prescribed timeline in the act. Government resources are focused on addressing the primary risk to health or environment as swiftly as possible within that 42-month time frame that's prescribed in the act.

I think some flexibility is advocated for complementary instruments for recognizing that under the Health Canada portfolio, some complementary instruments may be done under the Food and Drugs Act or under the Consumer Product Safety Act, wherein a mandatory timeline may require displacing a priority that they're currently working on as part of a busy regulatory agenda that they have under the regulation of foods or the regulation of consumer products.

This flexibility enables government resources to be prioritized under what is currently the primary risk instrument, which is the 42 months, and then, when subsequent complementary instruments are required, the flexibility enables priority-setting across the government priority-setting mechanism.

**The Chair:** Mr. Longfield, are you putting your hand down?

**Mr. Lloyd Longfield:** No, I'm putting both hands up.

We're now writing legislation on the fly. A motion has been table-dropped here. I think maybe we should pause for a little bit. We're impacting several departments. We're adding what looks like red tape to something that would already exist in the annual report.

I'd like to just talk amongst our ourselves for a bit. Could we suspend for a bit?

**The Chair:** Okay.

We'll go to Mr. McLean when we resume.

• (1640) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1650)

**The Chair:** We'll continue.

I have Mr. McLean on the list.

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

I was going to ask about the timeline here, the 24 months that was in Ms. Collins' proposed amendment, and if that jived with what your legislation already is. You mentioned 42 months earlier, as opposed to 24. Is that a more appropriate timeline? That's the question I would to pose to you.

**Ms. Laura Farquharson:** The CEPA time clock is 24 months to publish the proposed regulation and to then finalize that regulation within 18 months after that. When you propose a regulation, you are publishing it in the Canada Gazette. There is a period of consultation, and then typically there is a "what we heard" report. Amendments may be made before the final regulation is published.

That's the typical period.

[Translation]

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

**Ms. Kristina Michaud:** Thank you, Mr. Chair.

I would like to thank my colleague, Ms. Collins, for proposing the amendment. I am speaking on behalf of the Bloc Québécois, but especially on behalf of my colleague, Ms. Paupé, who I am sure would have liked to be here to make certain comments.

The amendment proposed by Ms. Collins provides predictability to stakeholders as well as solid accountability measures for the legislator, which is great.

I will vote in favour of the amendment. I hope my colleagues from the other parties will do as well.

**The Chair:** Thank you.

Ms. Collins, you have the floor.

[English]

**Ms. Laurel Collins:** I have a quick question for Ms. Farquharson just to clarify what she said.

Were you talking about the risk management measures and regulations or were you talking about the draft and final assessment?

**Ms. Laura Farquharson:** I was talking about the risk management measures.

**Ms. Laurel Collins:** Okay. Great. I just wanted to make sure.

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

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

Ms. Farquharson, there have been some evolving conversations around the "per substance" approach versus the risk management reporting. I'm wondering if you could clarify the difference just so that we understand exactly how CEPA approaches risk management versus the per substance approach that we're hearing now, equated as almost two different things.

• (1655)

**Ms. Laura Farquharson:** Sure. I think it's on the accountability reporting side where it sort of makes a difference.

There's an assessment done per substance. At the end of that assessment, it says that these are the risks, these are the likely sources of the risks, and here is our proposed way of managing those risks at that time. It will set out some proposed risk management instruments. Then, when the first risk management instrument is proposed, we have a statement about the timelines for developing those subsequent risk management instruments.

I think in terms of the accounting—i.e., whether you're keeping up with the timelines that you'd set out—one approach, which I think is MP Collins' amendment, would say that on sort of a per-substance basis, when you're not meeting those timelines, put something in the Canada Gazette to say why you're not meeting the timelines.

The annual report would be a summary. Every year it would look across all the risk management that we're doing and provide an update on where we're at. It's once-a-year reporting on where you're at on the risk management versus substance—

**Mr. Greg McLean:** Is that for each substance?

**Ms. Laura Farquharson:** Yes. It's still all the substances there. You'd maybe have one on one, four on another and six on another. The annual report would say where we are on those timelines that we proposed. That would be versus, if I understood the amendment, reporting by substance. When you've missed your proposed timelines, then you'd immediately have to say that you've missed your proposed timelines.

**The Chair:** I have Mr. Duguid, Ms. Collins and Ms. Taylor Roy.

**Mr. Terry Duguid:** Mr. Chair, this debate has been going on for quite some time. It's been a good debate on all sides.

I wonder if I could ask officials one more time to state very clearly and succinctly what the unintended effects would be of passing this amendment in terms of the risk management and risk prioritization process.

I take it from your commentary so far that this amendment would not help you in your work to protect the health of Canadians.

**Ms. Laura Farquharson:** Yes, I think that's right. I started out by saying that people are motivated to get these instruments in. Having additional timelines in legislation on subsequent risk management instruments, where there's a lot to be taken into account in prioritizing and there's a need for some flexibility, might not have the result you're looking for but would add administrative burden.

We understand the need for transparency. From our perspective, reporting once in the annual report is a more efficient way of providing that transparency. Every time we put in reporting obligations, they don't necessarily incent the action we're looking for, but they do create more work and take people away from the actual risk management, so the balance is important.

**The Chair:** Go ahead, Ms. Collins.

**Ms. Laurel Collins:** Thank you.

I do think that reporting on each substance as it gets delayed is a good approach. I understand that it would take more resources, so I am also open to ensuring that we have a requirement for reasons for updating the timelines. Currently we do have a requirement for a progress report in the annual report, but that's not the same thing as updating Parliament on the reasons for the delay and providing a new estimated timeline.

The fact is that we do see delays in adding toxic substances, and we need accountability, not just transparency. That said, if we could find support around the table to amend this to have the requirement in the annual report rather than in the environmental registry, perhaps that would allay some of the concerns.

However, I cannot amend my own amendment.

• (1700)

**The Chair:** Go ahead, Ms. Taylor Roy.

**Ms. Leah Taylor Roy:** Thank you, Mr. Chair.

I think we should probably vote on this. I think we've discussed it around and around. I think Ms. Farquharson gave a very good explanation of what the effects of this amendment would be, so unless there's any more debate....

I'm just going to add one thing. I want to remind people that this bill was introduced one year ago today, so there's been a lot of discussion around it. It's a very technical bill, as we all know, and we are trying to understand everything and understand all these amendments and how they're working. With all due respect, Ms. Collins, I think that introducing this amendment at this stage makes it difficult in terms of moving forward and really understanding the effects.

I agree that we shouldn't rush it, but, on the other hand, we do want to get this bill passed.

**Ms. Laurel Collins:** Amendment G-13.1 is exactly the same thing.

**Ms. Leah Taylor Roy:** Yes, but it's in a different context. That was an amendment that was given in advance and we had a chance to look at it.

**The Chair:** Thank you, Ms. Taylor Roy.

We'll go to Mr. McLean, Ms. Collins and Mr. Kurek.

**Mr. Greg McLean:** Thank you.

In good faith here, I think we have to make sure we understand what we're doing to Canadians here. I will introduce the amendment Ms. Collins is looking for, just changing the environmental registry to the annual report so that there's clarity of accountability about what's to be followed by the department and the minister. Upon moving that amendment, I would ask the department officials here whether that would lessen the burden they're talking about and whether they could quantify that burden. Are they talking about an extra six hours per year or are they talking about an extra 600 person-days per year? The scope of this burden is obviously something we're quite concerned about, so that would be instructive.

**The Chair:** Then are you proposing a subamendment?

**Mr. Greg McLean:** Yes.

**The Chair:** Could you read it out?

**Mr. Greg McLean:** Could you read it out, Ms. Collins?

**Ms. Laurel Collins:** The amendment is to change "environmental registry" to "annual report".

**The Chair:** Okay. That's pretty simple.

We'll debate that....

Do we need to debate that? No?

**Ms. Leah Taylor Roy:** Could the whole thing be read again, one more time? Thank you.

**The Chair:** Sure. You go ahead.

**A voice:** There's a copy of it.

**Ms. Leah Taylor Roy:** Oh, there's a copy now?

**The Chair:** We're changing "environmental registry" to "annual report".

**Ms. Laurel Collins:** I'm happy to read it out. It's that Bill S-5, in clause 22, be amended by adding after line 27 on page 21 the following: "(3) If more than two years have elapsed after the publication of a statement or an amended statement under subsection (1) or (2), as the case may be, without the minister having published all of the regulations or instruments proposed in the statement, the minister shall publish in the annual report a statement made jointly by the ministers indicating the reasons for the delay and a time frame within which each of the proposed regulations or instruments is to be published."

**The Chair:** Do we need to debate this subamendment or should we vote on it?

**Mr. Greg McLean:** I believe we talked about extending the 24 months to 42 months.

**Ms. Laurel Collins:** I wonder whether that's necessary, if we now have an annual report rather than an environmental registry.

**The Chair:** Okay.

Shall we vote?

**Mr. Greg McLean:** I'll ask for some input on that as well from the officials before we vote.

Does this address some of the concerns you have about the overburden on resources? That would be helpful.

**The Chair:** Wait a moment, please.

In your original version, apparently you didn't have the words "as the case may be".

**Ms. Laurel Collins:** I apologize. I may have been reading from an alternate draft.

**The Chair:** Then we don't need—

**Ms. Laurel Collins:** You can take "as the case may be" out.

**The Chair:** Okay.

We have Ms. Collins.... No.

I'm a little confused here, because we're on the subamendment.

Ms. Collins or Mr. Kurek, do you wish to speak on the subamendment or the whole amendment?

• (1705)

**Mr. Damien Kurek:** I'd like to hear from the officials. I may then have something to say—

**The Chair:** Is this on the subamendment?

**Mr. Damien Kurek:** No, it's on the amendment, but I would like to hear what the officials have to say.

**The Chair:** Okay.

Ms. Taylor Roy, do you wish to speak on the subamendment?

**Ms. Leah Taylor Roy:** Yes, please. It's on the subamendment, but I guess.... No, it's not.

The annual reports—

**The Chair:** It's on the amendment.

Okay, let's go to the amendment. We have Ms. Collins, Mr. Kurek and Ms. Taylor Roy, but we're going to hear from the officials first.

**Ms. Laura Farquharson:** I would say that reporting in the annual report is better than reporting each time, in terms of administrative burden.

I'm not sure.... I was listening to the subamendment. Having a statement by both ministers in the annual report doesn't make sense to me, the way it's written. I'm trying to figure it out, because I think you've already passed a section about the annual report.

I'm wondering about the placement of it.

**The Chair:** Go ahead, Ms. Collins.

**Ms. Laurel Collins:** I think the difference is that the one we passed doesn't require indicating the reasons for the delay or a time frame within which each of the proposed regulations or instruments would be published. I think that's the difference.

If the officials have suggestions for language that would be better, rather than the joint statement, I'm very open.

**The Chair:** I'm not sure they're permitted to offer language for amendments. I don't think so. I could be wrong.

We're still on the subamendment.

Go ahead, Ms. Taylor Roy.

**Ms. Leah Taylor Roy:** It's not on the subamendment. I want to speak on the amendment.

Now that it's in the annual report.... I guess the subamendment changes the amendment to some extent, because now it's in the annual report.

**The Chair:** Well, we have to vote on the subamendment, so let's vote on the subamendment. Then we can then keep talking about the amendment.

Go ahead, Mr. Clerk.

(Subamendment agreed to: yeas 6; nays 5)

**The Chair:** The subamendment passes, so we can now go back to the amendment.

I have Ms. Collins, Mr. Kurek and Ms. Taylor Roy.

**Ms. Laurel Collins:** I think I'll pass it along and hear from my colleagues before I say anything.

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

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

I just want to clarify the question about accountability.

What would be included in the annual report? Could you go through what is included? If a deadline is missed, for example, and if two years pass, what is included in the annual report tabled in Parliament?

**Ms. Laura Farquharson:** I can only point you to the amendment that you, if I'm right, have adopted, which says:

The Minister shall include in the annual report required by section 342 a report on the progress made in developing any subsequent proposed regulations or instruments.

That's what you passed; I believe that's what the committee passed. It says, "a report on the progress made". How that's eventually implemented.... I don't know if there will be public servants after me, but it says, "a report on the progress". Therefore, I would think it would say that we said we were going to do these in five months, 12 months, 36 months, and we've done two of the three, and the third we have delayed because we are focusing on X.

All I can really tell you is what you passed.

• (1710)

**Mr. Damien Kurek:** That's based on the changes that have been made through NDP-31.

**Ms. Laura Farquharson:** It was NDP-31, yes.

**The Chair:** Go ahead, Ms. Taylor Roy.

**Ms. Leah Taylor Roy:** Thank you, Mr. Chair.

I'm just trying to get back on my phone the amended amendment, the amendment with the subamendment.

I guess my issue with it is that we've already passed an amendment about the annual report. We can have, perhaps, a more robust explanation, even something along the lines of what you proposed, Ms. Collins. However, the point that Ms. Farquharson made earlier about the risk management measures that are being taken was that the department needs some flexibility in terms of deciding which to focus on, which ones are more important and are going to have more impact than others. I feel like putting in a requirement to explain what's happening and why it's happening and to then state when it will be done is kind of tying the department's hands in terms of flexibility to decide which one would be more important and to observe what's happening in real time.

My understanding from talking to the officials now is that there is a lot of assessment going on in the department. Perhaps I could make a subamendment that doesn't say that the timelines will be established but rather that estimated timelines are to be listed, or something to that effect, so that it's not requiring a definite timeline on what will happen.

In some respects, a definite timeline does two things. One, in my mind, it adds to the administrative burden, and two, it constrains the ability of the department to make judgments on its own about where it should be putting its efforts in terms of efficacy as things unfold.

I don't know if you understand what I mean, but in her earlier comments, Ms. Farquharson was saying that they constantly have to make trade-offs about this. I'm not sure that what we're doing here is helping the department to actually most effectively do what we're asking it to do.

**The Chair:** Go ahead, Ms. Collins.

**Ms. Laurel Collins:** Yes, there will be a few points.

I think we have changed this to "the annual report", which means that it wouldn't be on the kind of substance-by-substance basis that would increase the administrative burden.

I don't know how many times I'm going to say this. Right now, what we have is a requirement to update on progress, and that is not the same as giving reasons for the delay and giving time frames within which the instruments and the proposed regulations will be published. I think that ultimately the public expects a high level of accountability. I think we have adapted this motion to put in some flexibility. If there is a concern about having the statement made jointly, if we wanted to just strike the words "made jointly by the ministers", that would be a very easy fix.

Someone else will have to propose this subamendment, since I can't amend my own amendment.

I do hope that we can move forward with this to ensure that we have strong accountability for the public.

**The Chair:** Is there any more debate?

Go ahead, Ms. Taylor Roy.

**Ms. Leah Taylor Roy:** Yes. I'd like to remove a subamendment—

**The Chair:** I'm sorry. I had Mr. Longfield before you, Ms. Taylor Roy. It's sometimes hard to keep track of both the screen and the room.

Go ahead, Mr. Longfield.

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

I think to carry through with the subamendment, building on what's been brought forward by the Conservatives, with this being in the annual report, we could add to proposed subsection 78(3) the words "including an update on estimated timelines and reasons for any delay". That would address what Ms. Collins was just saying. That puts an accountability piece to what we've just said would go into the annual report.

Now subsection (3)—I'll read it slowly—would say: "The minister shall include in the annual report required by section 342 a report on the progress made in developing any subsequent proposed regulations or instruments, including an update on estimated timelines and reasons for any delay."

• (1715)

**The Chair:** Can you read just those words that are changing, not the whole thing?

**Mr. Lloyd Longfield:** Following "regulations and instruments", the change would be "including an update on estimated timelines and reasons for any delay".

**The Chair:** That's pretty simple. That's a subamendment that you're making.

Ms. Taylor Roy, you wanted to speak on the amendment. We're debating the subamendment now. If we are debating the subamendment, I have Mr. Weiler, and then, apparently Mr. Kurek, but you wanted to speak to the amendment.

**Ms. Leah Taylor Roy:** Yes. I was going to make a similar subamendment, so I'm basically in favour of that subamendment.

**The Chair:** Okay.

I have Mr. Weiler and Mr. Kurek on the subamendment.

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

I think this subamendment strikes the right balance. We do want to make sure that we have a sense of when these regulations are going to be coming forward and these measures are coming forward, as well as having reasons for where we're at. At the same time, we don't want to be adding a duplicate of things that are going to divert resources from administration in producing this information.

I think it makes sense to have all of this in one place so that it would be easily accessible in this manner.

**The Chair:** I have Mr. Kurek on the subamendment.

**Mr. Damien Kurek:** Thanks, Chair.

We're debating Ms. Collins' amendment—

**The Chair:** Yes, as amended by Mr. Longfield.

**Mr. Damien Kurek:** My question is, however, if the subamendment that's been proposed.... I don't disagree with it. However, as it's proposed, is it in order? It's amending a previously passed amendment, as opposed to the current amendment that's being sub-amended.

**Some hon. members:** Oh, oh!

**The Chair:** Now I'm confused. It's a subamendment to a subamendment—

**A voice:** No, it's a subamendment that has already been passed.

**Mr. Damien Kurek:** Yes, so we're back on the amendment, but this is amending.... It's a different subamendment to the amendment. The amended—

**The Chair:** Which was already subamended—

**A voice:** Right.

**The Chair:** Okay. Yes, we're subamending an amendment that was already subamended.

**Mr. Damien Kurek:** That didn't quite answer my question. Because we're debating the motion as distributed that was put forward by Ms. Collins, which includes “if more than two years”, etc. The subamendment would then add—

**The Chair:** We could ask Mr. Longfield to read again what it adds, just so we're clear.

Mr. Longfield, can you read what—

**Mr. Lloyd Longfield:** I think this underscores why we do this beforehand so that we're not doing it on the fly. We're wasting, or taking, a lot of time. I'll leave the “wasting” comment to myself.

Whether it has to be on a separate motion or whether we can amend the existing amended motion, I'm adding, “including an update on estimated timelines and reasons for any delay”. If we can't add that, then we would say, “The annual report would include an update on estimated timelines and reasons for delay.”

**The Chair:** Does that clarify it for you?

**Mr. Damien Kurek:** I think, Mr. Chair, the intent of the subamendment would be to amend subclause 22(3). I don't want to put

words in the mouths of the Liberals, because they probably wouldn't appreciate what I'd have to say, but I'm not sure they want to add this to Ms. Collins' amendment. I think the intent, from my understanding was, to....

**The Chair:** But they do want to add it.

**Mr. Damien Kurek:** They do want to add it?

**The Chair:** Yes.

**Mr. Damien Kurek:** Okay.

**Mr. Terry Duguid:** Mr. Chair, I do notice some activity over at the legislative clerks' desk. Perhaps we could go to them to see if any clarification is needed.

• (1720)

**The Chair:** They're just taking notes.

**Mr. Terry Duguid:** They're good? Okay.

**The Chair:** Yes, they're good.

Go ahead, Ms. Collins.

**Ms. Laurel Collins:** I'm sorry, Mr. Longfield. I know you've read this out twice before, but is this replacing my entire amendment or is it making an addition?

**The Chair:** It sounds as though it's an addition.

**Mr. Lloyd Longfield:** It's adding a thought at the end of it.

**Ms. Laurel Collins:** It's adding a thought at the very end.

**The Chair:** Yes. We're not taking anything away.

It's in the middle, apparently, but it's an addition.

**Ms. Laurel Collins:** Could you read the whole amendment out as it would be subamended if it passed?

**The Chair:** Could you please do that, Mr. Longfield?

**Mr. Lloyd Longfield:** It would read, “The minister shall include in the annual report required by section 342 a report on”—

**The Chair:** I'm sorry, Mr. Longfield, but the clerks are asking that you start at the very beginning, so it would be the whole thing, from “If more than two years” and all of that part.

**Mr. Lloyd Longfield:** Okay.

Let's get to the English version.

I'm just seeing whether what I have in front of me has that “more than two years” section. I'm going back to amendment NDP-31 now, because we have several versions here.

**The Chair:** This is not NDP-31; it's NDP-31.1. It's a whole new amendment.

**Mr. Lloyd Longfield:** Oh, that's right. That's why I can't see it in front of me. That was in an email, so I have to go over to my emails now.

It would read, “If more than two years have elapsed after the publication of a statement respecting the development of subsequent proposed regulations or instruments under subsection (1) or (2) without the minister having published all of the regulations or instruments proposed in the statement, the minister shall publish in the annual report required by section 342 a report on the progress made in developing any subsequent proposed regulations or statements, including an update on estimated timelines and reasons for any delay.”

**The Chair:** Your subamendment starts with “including”.

**Mr. Lloyd Longfield:** That's correct.

**The Chair:** Okay, so that's what we're voting on, the “including” part.

Are we ready to vote? It looks as though we are. Wait just a moment.

Somehow it doesn't seem to jibe with what the legislative clerk has, so we're going to allow the legislative clerk to read what they have, which is what we would be voting on.

Go ahead.

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

I'm just going to read from the start: “(3) If more than two years have elapsed after the publication of a statement respecting the development of subsequent proposed regulations or instruments under subsection (1) or (2) without the minister having published all of the regulations or instruments, including an update on estimated timelines and reasons for any delay proposed in the statement, the minister shall publish in the annual report a statement made jointly by the ministers indicating the reasons for the delay and the time frame within which each of the proposed regulations or instruments is to be published.”

**The Chair:** I didn't hear an “including” there.

• (1725)

**Ms. Leah Taylor Roy:** I don't believe that's what the subamendment from Mr. Longfield was. I could read what it is.

The beginning of the amendment by Ms. Collins reads, “If more than two years have elapsed after the publication of a statement respecting the development of subsequent proposed regulations or instruments under subsection (1) or (2) without the minister having published all the regulations or instruments proposed in the statement”, comma.

Then it goes to the subamendment that Mr. Longfield brought forward. That's where that subamendment would be inserted. It's what Ms. Collins had there, and then the end of it would read, “the minister shall include in the annual report required by section 342 a report on the progress made in developing any subsequent proposed regulations or instruments, including an update on estimated timelines and reasons for any delay.”

It consists of the first half of the amendment that Ms. Collins put forward, and the only change being made is in what happens. Instead of “the environmental registry”, it's “the annual report”, and it talks about estimated timelines.

**The Chair:** Okay. We're going to need this in writing. We're at the end of our meeting anyway.

What's being proposed is Mr. Longfield's subamendment to Ms. Collins' amendment. We know Mr. Longfield's subamendment is pretty simple. It starts with “including”, but we're attaching that to....

Go ahead, Ms. Collins.

**Ms. Laurel Collins:** To me, this is a very friendly amendment. It seems to capture the essence of what we're trying to get at with language that the government is comfortable with.

I would love to hear from Ms. Michaud before we vote. However, I'm wondering if maybe we can try to adopt it by unanimous consent.

**The Chair:** Then you still don't know what we're adopting.

The problem is that we don't know what we're voting on; the clerks don't really know what we're voting on.

[*Translation*]

Ms. Michaud, you have the floor.

**Ms. Kristina Michaud:** Thank you, Mr. Chair. I could not agree with you more.

It was easy earlier, when we were looking at annual reports, because we were just changing a word or two. Here, however, even the legislative clerks are saying that it would be preferable to have the text set out in writing.

Mr. Longfield said one thing and Ms. Taylor Roy said another. I am not sure which we should go with. As long as we do not have things set out in writing, it will be difficult to understand. Even if it's a friendly amendment, it would be useful to have it in writing.

[*English*]

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

**Mr. Terry Duguid:** Mr. Chair, I think Ms. Michaud made a good point. I see the clock at 5:30. I have an engagement outside of the city and I would propose that we adjourn.

I move the motion of adjournment.

**The Chair:** Is there agreement to adjourn?

**Some hon. members:** Agreed.

**The Chair:** Okay. We are adjourned.









Published under the authority of the Speaker of  
the House of Commons

---

### SPEAKER'S PERMISSION

---

The proceedings of the House of Commons and its committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the Copyright Act. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the Copyright Act.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

---

Also available on the House of Commons website at the following address: <https://www.ourcommons.ca>

Publié en conformité de l'autorité  
du Président de la Chambre des communes

---

### PERMISSION DU PRÉSIDENT

---

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la Loi sur le droit d'auteur. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre des communes.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la Loi sur le droit d'auteur.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

---

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante :  
<https://www.noscommunes.ca>