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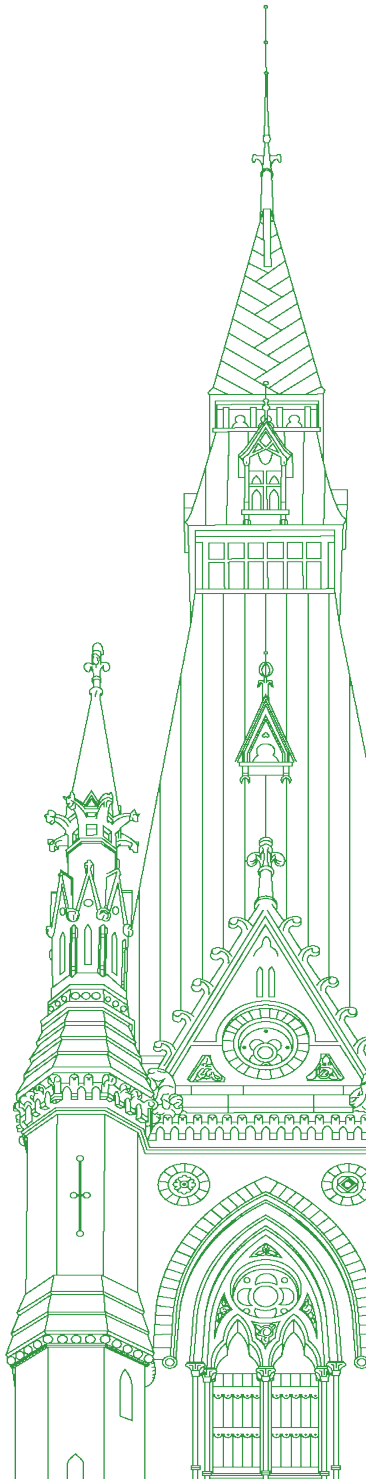

Chair: Mr. Francis Scarpaleggia

Standing Committee on Environment and Sustainable Development

Monday, February 13, 2023

● (1105)

[*Translation*]

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

Welcome to meeting number 49 of the Standing Committee on Environment and Sustainable Development, for the clause-by-clause consideration of Bill S-5, An Act to amend the Canadian Environmental Protection Act, 1999, to make related amendments to the Food and Drugs Act and to repeal the Perfluorooctane Sulfonate Virtual Elimination Act

Before we begin, I would like to mention that according to our procedures, all amendments must be submitted in writing to the clerk, even if the amendment is proposed during the meeting.

If the amendment is proposed during the meeting, it can be submitted in either official language. It may not be distributed to all members, but we need a written text, otherwise we will get lost. I just wanted to say that.

At the end of the last meeting, during the discussion of amendment NDP-31, I think Mr. Longfield had indicated that he intended to submit a subamendment, but I don't think he did. There was a lot of confusion at the time.

Mr. Longfield, it seems that you are no longer keen to move your subamendment; is that the case?

[*English*]

Mr. Lloyd Longfield (Guelph, Lib.): The legislative clerks have simplified the language and separated it out, so that we wouldn't have to include it in this discussion.

The Chair: Are you not going to move it?

Mr. Lloyd Longfield: After I finish this discussion, I'll move my motion.

The Chair: You're not going to move what you were trying to move on Thursday.

Mr. Lloyd Longfield: Not right now, but after we have this discussion.

[*Translation*]

The Chair: We are on amendment NDP-31.1. I think we were at the debate stage, but I don't remember if Ms. Collins had opened that or if she had already spoken.

Are there any other speakers who would like the floor? I will create a new list of speakers.

Ms. Collins, you have the floor.

[*English*]

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

I have just a few notes about this amendment. Some of the concerns that were raised were around administrative burden. I wanted to note that most substances assessed under CEPA are found not to meet the threshold for regulation as a toxic substance under CEPA, so the number of risk assessments or risk management plans published in any year is actually relatively small.

This amendment has a requirement to check back in on implementation two years later, which seems very manageable when you look at the numbers. This is from the CEPA annual reports: From 2020 to 2021, ECCC published “risk management approaches” for five substances. In 2019 to 2020 there were three. In 2018 to 2019 there was one. In 2017 to 2018 there were five. From 2016 to 2017 there were five. In 2015 to 2016 there were zero. You will see that there are a very small number that are published each year.

It's just so that folks know what we're talking about. When we're expressing concern about delays, there are a number of examples of multi-year delays when moving forward with the measures deemed necessary in the risk management plans, which is really what we're talking about right now.

PBDE flame retardants, assessed as toxic in 2006, had a 16-year delay—12-year delays based on 2010—but a 12- to 16-year delay is something that should not be acceptable.

Hydrazine, which is a carcinogenic industrial chemical used to inhibit corrosion in power plant boilers—it's also in tobacco—was assessed as toxic in 2011, and there was a seven-year delay. The pollution prevention planning notice was published in 2018.

TDI is used in polyurethane foam, as well as sealants, coatings, automotive paint and wood varnish. This is carcinogenic, and it also has respiratory effects. It was assessed as toxic in 2008, and pollution prevention planning notices were published in 2019, for an 11-year delay.

This is why it is essential that we address these issues. I hear people's concerns, and I hope that some of my comments have addressed them. My plea would be for the committee to support the amendment.

The Chair: Thank you.

Go ahead, Mr. Duguid.

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

I thank Ms. Collins for her intervention. I know Mr. Longfield will be moving an amendment that I think will address some of the concerns that have been mentioned.

I wonder if I could ask the officials to provide some commentary on Ms. Collins' amendment. Perhaps they could provide some response on her intervention and on some of the information she just provided.

Ms. Laura Farquharson (Director General, Legislative and Regulatory Affairs, Environmental Protection Branch, Department of the Environment): Sure. I don't have details on the specific reasons for the delays or the specific ones Ms. Collins mentioned, but as I think I explained before, where there are delays, it's because more information needs to be gathered. The situation of the use of the substance has changed.

I'll be frank and say that sometimes it's capacity issues in the department. Sometimes it's reprioritizing amongst all the risk management instruments. I think the feeling is that if you put hard deadlines in, you will push resources towards that area, and it's not always true.

● (1110)

The Chair: Ms. Collins, is your hand still up, or is it a new hand?

Ms. Laurel Collins: Mr. Chair, I lowered my hand and then raised it again.

The Chair: Mr. McLean will go after you.

Ms. Laurel Collins: I just want to remind the committee that this is not a hard deadline. This is just saying that after two years, it would be required to publish the reasons for the delay and new estimated timelines.

I don't want to take up any more time if there isn't support around the committee for this, but I hope that the people around the committee will support it.

The Chair: Thank you.

Go ahead, Mr. McLean.

Mr. Greg McLean (Calgary Centre, CPC): Thank you, Mr. Chair, and thank you, Ms. Collins.

Again, we have two seemingly similar amendments that we're looking at here, one put forward by Ms. Collins and one put forward by Mr. Longfield. We're trying to assess which one is going to land on the most accountability with the least diversion of resources.

We'd like to make sure it ties in with the current regulatory system as far as timelines go, so I'm going to ask the officials here to comment on what they were saying on Thursday about this matter, about the 24 months plus 18 months. What we don't want to accomplish here is to push an extra burden after the 24 months, but if the 24 plus 18 is indicative of the process we have to go through here, if there's a time clock that should be reset here but we want that accountability of reporting through the annual report as a result of any delays that might happen here...and the clear establishment of "here's our new timeline on this" if we're missing what you described, Ms. Farquharson, as 24 months before you put it in the Canada Gazette plus 18 months of hearings on that Canada Gazette process....

If there's a better number as far as the accountability time period is concerned, we would like to hear it from you to make sure that it meshes with what we're doing right now. I think that ties into the intent of both Ms. Collins' and Mr. Longfield's motions here.

The Chair: Go ahead, Ms. Collins.

Ms. Laurel Collins: I thought Mr. McLean was directing a question to the officials.

The Chair: Yes. I'm sorry.

Go ahead.

Ms. Laura Farquharson: I think Ms. Collins is right that the two motions before us today are about accountability on those subsequent risk management instruments. The first risk management instrument, which is typically the one that addresses the most important risk, has to happen in 24 months for a proposed one and 18 months for the final.

The timelines for the other risk management instruments will be set out at the time the first risk management instrument is published. Then you have two motions—one that whenever you pass two years, for every risk management instrument you have to report on why, and another one that would say you'll report on the annual report. I think it's probably obvious that the one on the annual report will allow for consolidated reporting and therefore more administrative efficiency.

Mr. Greg McLean: If I can interject, Mr. Chair, I need clarification on what Ms. Farquharson said.

There will be timelines defined in the risk management plans that are going to be different from the two years that would be set out. This is what I'm hearing from you. It won't always be 24 months.

Is that correct? Is that what I'm hearing?

Ms. Laura Farquharson: Yes, it could be less. It could be more.

Mr. Greg McLean: I'm asking you whether, as far as the regulatory accountability mechanisms are concerned, which should be brought from the minister to Parliament through whatever mechanism, those will sometimes be two years, but sometimes three years or four years.

Is that what you're telling us here today?

Ms. Laura Farquharson: The first one, and the one that addresses the biggest risk, will always be 24 months plus 18. The timelines for the others will be set out according to what the departments think they can do and what needs to be addressed as quickly as possible, considering all the other risk management instruments—

● (1115)

Mr. Greg McLean: Those would be subjective approaches. The department will say, "We don't have time to deal with this, so we're going to deal with that, because we think it's more important." That is what I'm hearing now.

Is that correct?

Ms. Laura Farquharson: Or we need to gather more information, or the market has changed and we need to do more analysis, and that's what would be—

Mr. Greg McLean: Okay. That's great.

The intent of Ms. Collins' motion is to make sure that when that happens, there is a reporting mechanism to Parliament, through whatever instrument that is. It seems to be the annual report.

If that should be regularly the 24 months plus 18 months, when that has to be clearly understood...or are we looking here at making sure that it's part of the Canada Gazette after 24 months, for certain?

We don't want to add extra burden in here, but we want that accountability mechanism. We don't want to keep pushing it down the road because everybody's too busy, but say, “Here's some clarity on how we expect this to get fulfilled going forward.”

Ms. Laura Farquharson: I think there will be clarity. There will be clarity either way, and the clarity provided...it's less administrative burden in the annual report.

Mr. Greg McLean: I'm failing on that.

The annual report is your accountability mechanism, so one of your accountability.... The one we're talking about here is the annual report, when the House of Commons and, therefore, the public can see that this is where this study of substance X is and what the timeline is for it to be reporting back to Parliament, as opposed to, “Well, we haven't got there yet.”

This is what we're looking for here. We're looking for some certainty around....

Like Ms. Collins says, we know there are things that are going to have to be shifted forward because of priorities in the government, but the ability to say, “We moved this backward and there's a new timeline on this, because we had to move forward with these more serious matters as a result”.... That reporting mechanism should be something we or the Canadian people get to see.

Ms. Laura Farquharson: The annual report is published annually. It's annual, so you will see it—

Mr. Greg McLean: You won't see the “why”, though. The minister won't be saying why this has moved off the table and isn't meeting its initial deadline.

What they're looking for here and what Ms. Collins' motion is looking for is a clear explanation, as you don't meet the timelines, of what the amended timeline is. Because you've missed a certain timeline, potentially, what is the amended timeline and can you please put that...?

Once an annual report says you've missed the first timeline, you've missed the second timeline and you've missed the third timeline, eventually somebody's going to say, “You're not taking this seriously.” That's what we're looking for. We're looking for an accountability mechanism. It's quite clear.

Ms. Laura Farquharson: Perhaps I had better ask colleagues about what amendments are on the table, because—

The Chair: Yes, okay. I think the idea...there seems to be agreement that the annual report is a very effective instrument for the kind of accountability that we're looking for.

I'll go to Ms. Collins, and then Mr. Longfield.

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

Just in terms of comparing these two motions, I think one of the critical pieces in the amendment we're debating right now is the explicit tie-in to the measures proposed in the statement—the statement being the risk management plan. That is, if we lose this kind of general requirement for updates on timelines in the annual report, the fear is that we'll just see vague statements that other planned work is proceeding and it's soon going to be published and there will be an explanation for delays only when the delayed opposed measures are finally published. That would be way less useful. The amendment we're discussing right now, which we'll be voting on, sets up a check-in on implementation of risk management plans after two years, and that is the critical part.

I understand that the CEPA clock has 24 months versus the 42 months, and if it would make committee members and officials feel more comfortable, we could change my amendment, which currently says “the Minister having published all of the regulations or instruments” to “the Minister having published all of the proposed regulations or instruments” regarding the instruments proposed in the statement. That would really talk about the first 24 months, a two-year piece, and it would limit any kind of administrative burden.

However, I just want to reiterate. I read off those statistics about how many of these are being published each year, and it was zero to five. I think we should have capacity to deal with that number. Mostly, on average, it seemed to be two or three each year. I hope we'll keep in this critical part about the two-year check-in. If it would make committee members feel more comfortable, then we could just add that one word, to have “all of the proposed regulations or instruments” in the statement.

Of course, I can't amend my own amendment—

● (1120)

The Chair: That would be a subamendment. Somebody would have to propose—

Ms. Laurel Collins: However, if someone wanted to, that would be supportable, keeping in, critically, “more than two years have elapsed”.

The Chair: Understood.

Mr. Longfield.

Mr. Lloyd Longfield: I appreciate Mr. McLean's thoroughness on this and his wanting accountability, and that's really the purpose of what I want to bring forward as well, to specify a timeline and the reasons for any deviation from the original plan.

I think we cover that in what we're going to discuss next, so that's why I won't be supporting this subamendment. However, the one I'm bringing forward, I think, clearly states the accountability feature.

The Chair: I don't see anyone else wanting to intervene on this.

Mr. McLean.

Mr. Greg McLean: Well, I can't speak to one motion without speaking to the other, because the two are two considerations right now. What I do not see in Mr. Longfield's proposed amendment is the actual timeline. I do see the timeline in Ms. Collins' proposed amendment.

If it pleases the chair, I will move the subamendment, and I hope it's friendly, to put “proposed” in there.

The Chair: Okay. Normally, as I mentioned at the beginning of the meeting, we would need the amendment from the floor in writing, but I think this is pretty simple. You're proposing that we add the word “proposed”?

Mr. Greg McLean: That's correct.

The Chair: Whereabouts would that be?

Mr. Greg McLean: That would be just before the word “regulations”, to now read, “the first proposed regulations within two years”. I'm just looking for that here.

Ms. Laurel Collins: Mr. Chair, do you mind if I read out the...?

The Chair: Let Mr. McLean. It's his subamendment, so we'll see what he has to say first.

Mr. Greg McLean: Let's read it from the outset.

> (3) If more than two years have elapsed after the publication of a statement respecting the development of subsequent proposed regulations...under subsection (1) or (2) without the Minister having published all of the regulations

That should be, I think, where “proposed” goes.

The Chair: Does everyone see that?

Everyone can add “proposed” on their copy of NDP-31.1. That's not too complicated.

I guess we have to debate this, or we can go straight to a vote on adding the word “proposed”.

Mr. Lloyd Longfield: It's already in my copy. We have multiple copies.

[*Translation*]

Ms. Monique Pauzé (Repentigny, BQ): May I move the question?

[*English*]

Mr. Greg McLean: It's on the written amendment that I have. It would be on line 5, just before the last word, “regulations”.

The Chair: We're going to vote on that.

(Subamendment agreed to: yeas 6; nays 5 [*See Minutes of Proceedings*])

The Chair: Does anyone have anything to say about NDP-31.1 as amended?

● (1125)

Mr. Greg McLean: Can I ask Mr. Longfield, at this committee meeting, what the substantive difference is between the wording that is in Bill S-5 and the wording in the motion that he put forward? It seems to me to be one and the same, except we're more definitive in Ms. Collins' amendment.

Mr. Lloyd Longfield: If you look at how this would roll out, mine would be based on an annual report versus looking at it every two years. If there's a deviation on an annual basis, this would give us a tighter timeline in terms of review, and each year we would hear about any changes, including the estimated timelines and reasons for delay.

This puts the review within the annual report process versus having a separate tracking process, which would have multiple departments tracking separately.

I would prefer to keep it in the existing reporting structure and just add more details required within the existing reporting structure, instead of setting up a separate tracking mechanism.

The Chair: There's a follow-up, but I have Ms. Collins too.

Ms. Laurel Collins: Just to clarify, both of us are proposing the annual report. My amendment is that the minister shall publish in the annual report the reasons for the delay in timelines. In this, really, again, the critical part is that it specifies that after two years have elapsed we're going to get the information we need.

Right now, when proposed regulations or instruments are...what's going forward is there isn't this check-in after the publication of a statement and the subsequent proposed regulations. Again, the critical piece here is that after that first part of the CEPA clock, the 24 months, there will be this ensured reporting mechanism.

I think Mr. Longfield's and my amendments are getting closer and closer together. I hope the committee will go forward with my amendment, just because it has that one added layer of accountability here.

These are toxic substances. I hope that we can move forward and go to a vote very soon.

The Chair: I've got Mr. McLean and Mr. Longfield.

Mr. Greg McLean: My question would be to the officials on the contrary approach on this, which means Mr. Longfield's approach and his wording on this, and the administrative burden that would entail in having every timeline assessed on an annual basis, versus assessing it on the basis of when it looks like you're going to miss your timelines.

Would this add more or less burden to the administrative—

The Chair: Which would be less burdensome? That's the question, I think.

Mr. Greg McLean: Yes.

Ms. Laura Farquharson: I think a consolidated report on the updates, the progress and the subsequent risk-management instruments that explains the reasons for delay is probably.... Well, we're talking about it in the annual report, so it's less burdensome in that you're not now tracking two years and asking what's going on. You're just reporting on whether there's been a delay or not, and you're doing it annually.

The Chair: Thank you.

Mr. Longfield.

Mr. Lloyd Longfield: Mr. McLean is living in my head. He's already asked the question I was going to ask.

Mr. Greg McLean: Oh, no.

Mr. Lloyd Longfield: We both should be very afraid of that.

Thanks, Greg.

The Chair: Okay, seeing no more debate....

Oh, Ms. Collins.

● (1130)

Ms. Laurel Collins: I have just a quick note. I hope the department is already tracking that 24-month period, because that is part of the CEPA clock. I think they probably are....

Again, when we're talking about administrative burden, we're talking about zero to five publications a year that are happening right now. If all of the measures are being implemented in accordance with our CEPA clock, then there's no administrative burden at all.

Our goal here is to try to get as timely, as accountable and as transparent a process as possible. Again, I hope the committee will support it, and I hope we can go to a vote.

The Chair: We'll go to a vote, because there are no other comments or questions.

Mr. Greg McLean: Could we have a quick pause, please, Mr. Chair?

The Chair: Yes.

● (1130)

_____(Pause)_____

● (1150)

The Chair: We adopted Mr. McLean's subamendment, and we were discussing the amendment.

Are there any members who wish to intervene?

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

The Chair: Mr. Longfield, I think you have something to propose.

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

I circulated an amendment before the meeting. I'll just read it in English:

> That Bill S-5, in Clause 22, be amended by adding after subsection 78(3) on page 21 the following:
>
> Update on estimated timelines
>
> (4) The report on progress referred to in subsection (3) shall include an update on estimated timelines and reasons for any delay.

The Chair: This will be amendment G-13.2. Is there any debate?

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

The Chair: We're now going to vote on clause 22 as amended.

Mr. Damien Kurek (Battle River—Crowfoot, CPC): On division.

(Clause 22 as amended agreed to on division [*See Minutes of Proceedings*])

The Chair: We have a straightaway, and we'll try not to get a speeding ticket.

Shall clause 23 carry?

(Clauses 23 to 28 inclusive agreed to on division)

(On clause 29)

The Chair: That brings us to clause 29 and PV-18.

Ms. May, please go ahead.

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

This is to continue efforts by the Green Party that have previously been defeated. Thank you for the support from the NDP and the Bloc on amendments to try to stop the splitting of schedule 1, and the removal of the title of the schedule as a list of toxic substances.

People may wonder why I'm continuing to bring these forward. Under the rules this committee created for me—which I still do not enjoy, and about which I never made any such request...I wish you would get rid of this motion—I do not have the power to remove my own amendments, even if I should choose to do so because they're obviously about to be defeated.

Thank you, Mr. Chair.

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

● (1155)

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

This is about safer substitution.

I've spoken to this concept before, in order to ensure that when we recognize that certain substances are dangerous, we're not just replacing them with other dangerous substances—we are moving towards safer alternatives. You will see that the language says, “respecting preventive or control actions, including actions that lead to the use of safer or more sustainable alternatives”.

[*Translation*]

The Chair: Ms. Pauzé, you have the floor.

Ms. Monique Pauzé: Mr. Chair, amendment BQ-9 is almost identical to amendment NDP-32, but we were proposing “more sustainable for the environment or human health”.

So I would like to move a friendly amendment to include the words “for the environment or human health” in amendment NDP-32; we can vote on it together.

The Chair: If I am not mistaken, you could move a subamendment on that instead.

Ms. Monique Pauzé: All right.

The Chair: Can you send us the wording?

Ms. Monique Pauzé: It is already in amendment BQ-9.

The Chair: Yes, but I think it would be easier for everyone if you read exactly what you want to insert in NDP-32, including punctuation.

Ms. Monique Pauzé: All right.

In Amendment NDP-32, after the words “that is safer or more sustainable”, I would add “for the environment or human health.” That's it.

Can I present my argument?

The Chair: Yes, of course.

Ms. Monique Pauzé: I find that these two amendments, which are very similar, tighten up the list of toxic substances a bit. There's nothing political about it. It seems to me that there is no reason to oppose this, since we just want to tighten up what already exists.

The Chair: Ms. Collins, you have the floor.

[*English*]

Ms. Laurel Collins: I very much support the subamendment Madame Pauzé proposed. I just have a question for the clerk.

The substitution says that NDP-32 is replacing line 37 on page 24, whereas BQ-9 is amending line 2 on page 25. I wonder why there would be a conflict.

The Chair: The conflict, apparently, is in the French version.

Ms. Laurel Collins: I see. Either way, I very much support the direction Madame Pauzé is taking and appreciate the subamendment.

The Chair: Is there any more discussion? No.

We will go to a vote on the subamendment.

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

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

● (1200)

[*Translation*]

The Chair: Since amendment NDP-32 was adopted, amendment BQ-9 cannot be moved.

I now call the question on clause 29 as amended.

(Clause 29 as amended carries, on division)

(Clause 30)

The Chair: We are now at clause 30 and amendment NDP-33.

[*English*]

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

I'm moving this one. I won't speak too much about it. It is, again, about publishing within specified time frames. I think we can move forward to a vote.

[*Translation*]

The Chair: I want to say that if NDP-33 passes, amendment BQ-10 cannot be introduced.

Does this suit you, Ms. Pauzé?

Ms. Monique Pauzé: Yes. It is only a matter of minutes or hours before we get to this amendment. However, we will vote for amendment NDP-33, because it is comparable to amendment BQ-10; the objective is the same and our intentions are the same.

The Chair: Are we ready to vote on amendment NDP-33?

[*English*]

Did you speak to your...?

Mr. Lloyd Longfield: Yes, she did.

[*Translation*]

The Chair: It seems we are.

(Amendment negatived: yays, 2; nays, 9)

The Chair: Amendment NDP-33 has been defeated, which brings us to amendment BQ-10.

Ms. Pauzé, you have a second chance.

Ms. Monique Pauzé: In essence, it's the same thing, because we're aiming for the same goal as amendment NDP-33. You have another chance to step up and vote for our amendment, colleagues.

The Chair: Since there are no further comments, we will now put amendment BQ-10 to the vote.

(Amendment negatived: yays, 2; nays, 9)

The Chair: The amendment having been defeated, we will now proceed to amendment PV-19.

[*English*]

Ms. May.

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

This is a Green Party amendment seeking to protect the constitutional underpinnings of this act by rejecting the splitting of the schedules into two. It's a continuation of a series of amendments that we've brought forward to be coherent. It would change all the sections of Bill S-5 that relate to doing away with the schedule of toxic substances as a single schedule.

● (1205)

The Chair: Is there debate?

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

(Clauses 30 to 33 inclusive agreed to on division)

(On clause 34)

[*Translation*]

The Chair: We are moving forward. We are on clause 34 and amendment PV-20, introduced by Ms. May.

Ms. May, you have the floor.

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

This is another amendment from the Green Party of Canada to protect the basic tenets of this bill for environmental protection in Canada.

[*English*]

Again, because I haven't said it in the last several days in clause-by-clause, the splitting of the schedule and removing the word “toxic”, I firmly believe—as a formerly practising environmental lawyer who has worked on this bill since 1988—that this will threaten the constitutional underpinnings of the entire act.

Some people think that as a Cassandra in this movement, I draw satisfaction from being proven right. I would much rather be proven wrong. If this act is struck down by the courts because of what you're doing here today, I will be very sad, but at least you will have been warned.

The Chair: Thank you. Is there anyone else?

Mr. McLean, you have the floor.

Mr. Greg McLean: Could I have more of an explanation from Ms. May on the constitutional underpinnings of the act that she speaks about here?

The Chair: Yes.

Ms. Elizabeth May: Thank you.

The constitutional underpinnings are sometimes misunderstood when we say that it draws from a criminal law head of power. I've heard this in debate in the House, as though, for instance, acting to regulate plastics is to create a Criminal Code offence if you use plastics. That's a complete misunderstanding of the notion of where the federal government draws its authorities for regulating toxic chemicals in Canada. In other words, where does the Canadian Environmental Protection Act fit in a federal head of power?

That constitutional question was challenged in the Hydro-Québec case in the mid 1990s. The Supreme Court of Canada said that the constitutional underpinnings of this act are that it's regulating for public health under the criminal law head of power, because it regulates toxic substances.

It seems to me that by accident, we're backing into something that hasn't been properly reviewed or debated. That accident is to say that the plastics lobby doesn't like its product being described as toxic, because in the common-sense understanding of the word “toxic”, plastics aren't toxic. The definition in the act, as we know, is anything that can become accumulated in the environment and a threat to human health or the environment.

That is as brief as I can possibly do it, Greg.

The Canadian environmental law community, particularly the Canadian Environmental Law Association, which has, as an organization, put more work into tracking CEPA than any other NGO over the years, is very concerned about this, as am I.

It's just a complete fluke that I was the senior policy adviser to the federal minister of environment when we took this act to first reading. We looked at this. I was long out of government by the time it was challenged in the Hydro-Québec case. If it had not been for the toxic chemical schedule description, the act might not have survived the 1996 challenge by Hydro-Québec in the Supreme Court of Canada.

● (1210)

The Chair: Thank you.

Mr. Longfield.

Mr. Lloyd Longfield: Thanks, Mr. Chair.

I wonder if we could ask the officials to weigh in on this very briefly, please.

Ms. Laura Farquharson: Maybe it would be of some reassurance to know that when we develop laws, we work very closely with the Department of Justice and look at all the legal angles, including the constitutionality. We are quite comfortable that this bill is within the federal competence.

The Chair: Okay. If there are no more....

Very briefly, please.

Ms. Elizabeth May: Mr. Chair, why take any risk at all, when the act before Bill S-5 worked and was found by the Supreme Court of Canada to be constitutionally correct? The impetus for taking this risk is only a public relations issue for the plastics industry.

Thank you.

The Chair: Okay, shall we vote?

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

(Clauses 34 to 37 inclusive agreed to on division)

The Chair: This brings us to new clause 37.1, which would be created by NDP-34.

Ms. Collins, perhaps you'd like to move that and speak to it.

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

Reading through this amendment, committee members will see that it is creating a bit more clarity. The Senate opened up this section, which is why we're able to address it. It provides greater clarity around the concept of “demonstrable need”. I'm hoping that committee members will see the value in “the principle of pollution prevention” and “the precautionary principle”, as well as the need for us to ensure that we aren't threatening wild counterparts, and the impacts that genetically modified organisms might have when it comes to biodiversity and other social and environmental impacts.

It's just really ensuring that there's no hazard to biological biodiversity, especially since.... We know we're in a climate crisis, but we're also in a biodiversity crisis, so it's being careful and scrutinizing the benefits and risks as we move forward.

The Chair: Thank you. Is there any debate?

Madame Pauzé.

● (1215)

[*Translation*]

Ms. Monique Pauzé: Actually, I want to ask a question instead. I don't know if Ms. Collins or the department officials who are with us will be able to answer it. The notion of "demonstrable need" was introduced by the Senate in clause 39.1, which refers to information assessment. In this case, you would like to introduce it in clause 37.1. What is the difference? I agree in principle, but I want to understand why you want to introduce it there, when the Senate has already done so in clause 39.1.

[*English*]

Ms. Laurel Collins: Mr. Chair, was that over to me, or over to the officials?

[*Translation*]

The Chair: Ms. Pauzé, is the question for Ms. Collins?

Ms. Monique Pauzé: It is for anyone who can answer it.

The Chair: Let's start with the departmental representatives.

Ms. Laura Farquharson: I think this amendment introduces a definition at the beginning of that part, yes. Perhaps Ms. Collins can explain it to you.

The Chair: Your turn, Ms. Collins.

[*English*]

Ms. Laurel Collins: Exactly. This is just to create greater clarity and ensure we have definitions for future interpretation.

[*Translation*]

The Chair: Are there any further comments?

(Amendment negatived: yays, 2; nays, 9)

[*English*]

The Chair: The amendment to create new clause 37.1 is defeated.

(Clause 38 agreed to on division)

(On clause 39)

The Chair: This now brings us to clause 39.

Did you say you had something?

Mr. Terry Duguid: No. It's coming.

The Chair: Okay, on clause 39, we have amendment G-14.

Mr. Weiler.

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

I'd like to propose amendment G-14, which would amend clause 39. This motion essentially seeks to clarify the policy intent in clause 39 and the associated clause 14 in Bill S-5, introducing a new enabling authority under 66.1 to allow the minister to add substances on Health Canada's Revised In Commerce List to the domestic substances list under CEPA, to reflect the fact that they are in Canadian commerce.

The intent was to include only those substances that were on the Revised In Commerce List and not removed by the list identified in my motion—which is the "removal of substances with no commercial activity from the Revised In Commerce List" published in the Canada Gazette—and that have no conditions on them.

The feedback that has been received by the government since then was that this was vague and open to interpretation, so this motion aims to clearly articulate the policy intent. That is more or less the explanation of it.

Thanks.

The Chair: Yes, we have Mr. Longfield and then Ms. Collins.

Mr. Lloyd Longfield: Maybe the officials could clarify some of that.

● (1220)

The Chair: We'll go to the officials.

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

The proposed amendment as described eliminates some possible misinterpretation of Bill S-5 that may add up to 18,000 substances to the domestic substances list. The policy intent was to add a subset of that list—approximately 2,000 substances. The consequence of not proceeding with this amendment would be that 18,000 substances that have not been assessed for environmental risks would be added to the domestic substances list, essentially providing free market access to those substances.

This amendment would then constrict the list down to 2,000 substances, which is the government's intent. It's a much more manageable number, and Health Canada has prioritized and done some assessment of those compounds.

Thanks.

The Chair: Thank you.

I have Ms. Collins.

Ms. Laurel Collins: Thank you, Mr. Chair. I have a question on this.

This is replacing lines 2 to 17. Can you explain what the language was before and why it's capturing the additional substances, and maybe then go a bit into the impact of what it would mean if the full suite of substances were published versus the 2,000 that were the intention?

Mr. Greg Carreau: The In Commerce List is a list of substances that was created when CEPA was enacted in 2000. It was meant to avoid market disruption for substances that were regulated under the Food and Drugs Act.

The initial language of Bill S-5 referred to the In Commerce List, which is the initial list that was created in 2000, of approximately 18,000 substances. The revised language of the amendment proposes to cite a revised list that the government has published in the Canada Gazette, which reduces that list from 18,000 substances to 2,000 substances.

As I explained previously, the consequences of not proceeding with this amendment would be that 18,000 substances that have not been assessed could be added to the domestic substances list, meaning that there would be no premarket assessment done on that large number of substances prior to their commercial activity.

The Chair: Is there anyone else?

Madame Pauzé...?

[*Translation*]

Ms. Monique Pauzé: Does this mean that amendment G-14 eliminates the internal list completely? That's my understanding.

Ms. Laura Farquharson: No, this is a similar amendment to the one that the committee passed regarding part 5 of the act. It is to permit the use of substances in commercial use that have undergone a risk assessment. This is only part of the list of substances on the market.

The Chair: Since no one else wishes to speak, we will now put amendment G-14 to the vote.

(Amendment agreed to; yays, 11; nays, 0)

● (1225)

The Chair: Shall clause 39 as amended carry?

(Clause 39 as amended carries on division)

The Chair: We will now move on to amendment BQ-11.

Ms. Pauzé, you have the floor.

Ms. Monique Pauzé: First, I have a question for the clerks.

Amendment G-14.1, which is just a little further on in the package, simply aims to add the words “as soon as possible in the circumstances” to paragraph (9) of the act. Could this simply be incorporated into amendment BQ-11? It seems to me that it is consistent with that amendment.

The Chair: Unfortunately, you can't amend your own amendment.

Ms. Monique Pauzé: I see.

The BQ-11 amendment is directly inspired by the AquaBounty affair and everything related to genetic modification. Our goal is to protect wild animals that are already in the wild. If you take a living organism and make it into a genetically modified animal and it goes into the wild, it could come into contact with just about any other animal.

In the case of AquaBounty, the good news is that the company has decided to stop producing genetically modified salmon, and I applaud them for that. However, this almost happened, although it was the company that changed its mind. So we want to tighten up the rules to make sure this doesn't happen again.

[*English*]

The Chair: Shall we go to a vote on amendment BQ-11?

Go ahead, Ms. Collins.

Ms. Laurel Collins: Just quickly, Mr. Chair, I'd like to thank Madame Pauzé. I think we have a number of amendments that are similar and that are aiming to get at the same issue. I appreciate her amendment, and I'll be voting in favour.

The Chair: Is there anyone else?

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

[*Translation*]

We will now go to amendment NDP-35.

Ms. Collins, did you want to introduce your amendment?

[*English*]

Ms. Laurel Collins: Mr. Chair, I have a question for the legislative clerk.

With regard to both BQ-11 and my previous amendment, NDP-34, I initially was informed that they would be ruled out of scope because of the words “wild counterpart”. Neither of them were, which I'm pleased about. I just wanted some clarification here, because based on the advice about “wild counterpart” being ruled out of scope, that language was taken out of my new NDP-35.

I just wanted some clarification on that first.

● (1230)

The Chair: Well, it's easier to justify why something is out of order than why it's in order, I think.

We don't have a really good answer to your question, Ms. Collins. All I know is that it hasn't been flagged as out of order. That's a good thing, I guess.

Ms. Laurel Collins: It is a good thing.

I adapted some of my language just to ensure that this amendment would be ruled as in scope. I think the stronger language that people would have seen in the initial NDP-35, which talked about wild counterparts, and that you saw in NDP-34 and BQ-11, which we have just voted on.... However, I will move what I submitted to the legislative clerk most recently, which actually changes that to an “organism that is not a micro-organism”.

I think, critically, what we're talking about here is protecting biodiversity, protecting wild counterparts and protecting animals that could be threatened when we have genetically engineered organisms being produced and then potentially escaping into the wild.

We know that this has already happened. We heard in the testimony in committee that in Brazil there was a glowing fish that had been genetically engineered and that escaped into the wild. It has wild counterparts. This is extremely dangerous and could have cascading effects for biodiversity, and we are in a biodiversity crisis.

I want to thank Nature Canada for its extensive work in this area and, really, the efforts that it and many others have been making to protect human health, to protect nature and to really ensure that we're not further exacerbating the biodiversity crisis we're facing.

I will leave it there.

The Chair: Is there anyone else?

Mr. Duguid.

Mr. Terry Duguid: Mr. Chair, I thank Ms. Collins for that intervention. We very much agree with the spirit of her comments, and we will have an upcoming amendment that I think addresses those concerns.

The Chair: Thank you.

Is there anyone else?

Madame Pauzé.

[*Translation*]

Ms. Monique Pauzé: Mr. Chair, I just wanted to comment that amendments BQ-11 and NDP-35 are along the same lines as the wording the Senate added, but are even more precise.

The Chair: Thank you, Ms. Pauzé.

We will now proceed to the vote.

[*English*]

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

The Chair: That brings us to G-14.1. Who is presenting?

Mr. Weiler.

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

This is in line with what we were talking about before. There were some major concerns that came up in the course of our study around new living organisms, particularly the process for assessing those. Given that transparency and public participation are a key part of this, this amendment really relates to that.

This motion I'm proposing will require ministers to consult interested persons on the assessment of a vertebrate animal that in its unmodified form is native to Canada before the period for assessing information expires under subsection 108(1) or (2).

This motion includes the phrase “prescribed living organism or group of living organisms” to capture living organisms not included in the phrase “vertebrate animal that in its unmodified form is native to Canada”.

That's the motion. Thanks.

● (1235)

The Chair: Is there any discussion?

[*Translation*]

Ms. Monique Pauzé: Mr. Chair, is Mr. Weiler really referring to amendment G-14.1, not amendment G-14.2?

The Chair: He is talking about amendment G-14.1.

Ms. Monique Pauzé: Fine.

Thank you, Mr. Chair.

The Chair: We will now hold the vote.

[*English*]

Mr. Weiler, is your hand still up?

Mr. Patrick Weiler: Yes, Mr. Chair.

I am afraid I was proposing G-14.2. My explanation was about G-14.2 because the order got switched in the—

The Chair: Why don't we reverse a bit and go to G-14.1?

Mr. Patrick Weiler: Okay. Let me run it back to G-14.1.

This is a small change that will be made to subsection 106(9). It will require that publication of a notice of waiver shall be “as soon as possible in the circumstances”. It's a small change, but it will ensure that this will be done as soon as possible, rather than not having any type of timeline or time pressure put on it.

The Chair: Go ahead, Ms. Collins.

Ms. Laurel Collins: Thank you, Mr. Chair. I have a couple of comments.

First of all, this is adding something very small that won't give a ton of reassurance to most environmental stakeholders, I think, especially if we don't have strengthened provisions for public participation. That said, a small step forward is supportable.

We already talked about G-14.1 and G-14.2 a bit. To Mr. Duguid's comments that the government was not supporting NDP-35 because it had additional amendments coming forward.... Madame Pauzé's amendment and my amendment are trying to ensure we're not allowing industry to decide, and that we have information provided showing that these living organisms are actually needed and what their risks are for people and the environment—that they aren't toxic, or capable of becoming toxic. That shifts the burden to the proponent.

The industry has everything to gain by putting these new living organisms forward and selling them. So many people had concerns about AquaBounty because of the fact that we had a genetically modified organism produced for human consumption without adequate consultation, especially when it came to consultation with indigenous communities and first nations along the coast of British Columbia. We heard from many people how this was a deep concern, given the cultural significance.

We need to go much further than what I see proposed by the government here. I will be supporting G-14.1 with this small step forward, but I have deep concerns about the government's willingness to ensure that proponents have to provide adequate information, that there will be tight timelines and that we're protecting human health and the environment in this.

The Chair: Is there anyone else?

We'll go to a vote.

(Amendment agreed to: yeas 11; nays 0)

(On clause 39.1)

● (1240)

[*Translation*]

The Chair: We will now move on to amendment G-14.2.

Mr. Weiler, are you going to be moving the amendment?

Mr. Patrick Weiler: Yes, Mr. Chair.

[*English*]

Again, I apologize for the confusion about the order.

I won't reiterate what I said before, other than to say this is to buttress the consultations that will be done on new living organisms. Of course, there are consultations being done on the regulations associated with this. This is to ensure that interested persons will be consulted when these consultations are going on.

[*Translation*]

The Chair: Thank you.

I would like to tell you that if amendment G-14.2 passes, amendment BQ-12 cannot be moved due to a line conflict.

Mr. Kurek, you have the floor.

[*English*]

Mr. Damien Kurek: Thank you. I have a question for the officials.

I know the Senate added a fair amount around this subject. I'm curious about this amendment, which brings—according to what I've read of the amendment and Mr. Weiler's intervention—a bit of certainty around and consistency with what the Senate added to Bill S-5.

Am I interpreting that correctly? Is there anything you can expand on, in terms of why some clarity is needed around what's proposed in G-14.2?

Ms. Laura Farquharson: There are two major issues being discussed around new living organisms. One is about adding a requirement to determine whether there is a demonstrable need. The other is about transparency and participation in the process.

On the first issue, I think the act and the program assess for risk. That's clearly set out under clause 64 of the bill. They're assessing for harm to the environment and danger to public health, or danger to the environment on which health depends. That's the risk assessment. It takes into account hazard plus exposure to determine what the risk is.

Demonstrable need doesn't really fit into that rubric. Demonstrable need is perhaps more of a value judgment and is not something the departments do right now, so the implications of the Senate amendments are to add a completely new element of evaluation.

The other part, on participation in this process, is about providing more opportunity for participation.

You were asking about this amendment. It amends the Senate amendments. It does not include demonstrable need, but it codifies what is now a voluntary practice for participation on risk assessments within the risk assessment process for new living organisms.

Mr. Damien Kurek: To follow up, Mr. Weiler mentioned ongoing consultations. Is that just part of the department's process specifically related to Bill S-5, or was this something that predated it and is part of the evaluation process regarding these types of organisms and their impact?

Ms. Laura Farquharson: It predates the bill, but Jackie is in a good position to explain that voluntary initiative.

Ms. Jacqueline Gonçalves (Director General, Science and Risk Assessment, Science and Technology Branch, Department of the Environment): All right. What's included in this amendment focuses on the type of consultation that will take place during the period of a risk assessment. When a new organism is notified to the department for risk assessment for health and environmental risk, there would be a commitment to undertake a public consultation with regard to that risk assessment.

Mr. Damien Kurek: I have one follow-up question, specifically related to some of the advancements and the technology around genetically engineered products in relation to agriculture.

Can you share whether there's a parallel between what's being proposed here and...whether there would be any impact in the ag industry? Can you share some of the research that's being done around that, or would that be...?

I know this is one of those areas where it falls under a couple of different acts. I'm wanting some clarity as to what exactly this would include versus what might fall under Health Canada, etc.

● (1245)

Ms. Laura Farquharson: Well, these assessments of new living organisms are done by Environment and Health, and they're evaluating the risk to the environment and to health. The assessments that are done by other departments are probably more in relation to it as a food, and seeds.

I see that Greg is putting his finger on the button, so I'll let him expand.

Mr. Greg Carreau: Yes. Thank you.

Indeed, that's a good question, in the sense that biotechnology does span beyond the Canadian Environmental Protection Act. There are lots of applications, as you mentioned, including the Feeds Act, the Pest Control Products Act and the Food and Drugs Act.

The amendment we're talking about today would not impact grain or applications under the CFIA in the agriculture space.

Mr. Damien Kurek: Okay. Can you provide a couple of examples of organisms or things that might be impacted? Is that possible? If not, that's fine.

Mr. Greg Carreau: The Canadian Environmental Protection Act applies to.... There are equivalent acts that would apply outside of the scope of CEPA. For example, pesticides would be done under the constraints of the Pest Control Products Act. That assessment would be done through that piece of legislation. The amendments we're talking about today would be those that aren't covered by other pieces of legislation.

However, the Canadian Environmental Protection Act does apply to certain applications under the Food and Drugs Act, including important products of biotechnology that are used to improve the health of Canadians. That includes gene therapies, vaccine development, such as those that were developed under the COVID-19 pandemic, and the annual flu shot. Those would be covered by the scope of the Canadian Environmental Protection Act. That is why, from a program perspective, we've identified some of the challenges that my colleagues mentioned with respect to some of the amendments previously undertaken to Bill S-5.

Mr. Damien Kurek: Thank you.

[*Translation*]

The Chair: Thank you.

Ms. Pauzé, you have the floor.

Ms. Monique Pauzé: I will start by asking several questions.

First, if amendment G-14.2 passes, can I still move item (b) of amendment BQ-12? Can that be done?

The Chair: No. According to my notes, if the committee adopts amendment G-14.2, amendment BQ-12 cannot be introduced.

Ms. Monique Pauzé: This is because the text of the bill as amended by amendment G-14.2 stops at line 14 on page 32, whereas the new subclause (1.3) proposed in amendment BQ-12 would begin after that line 14.

The Chair: If I understand correctly, if the committee adopts amendment G-14.2, you would like to propose another amendment to add item (b) only.

Ms. Monique Pauzé: Yes, I would propose item (b) and all that follows, starting with new paragraph (1.3).

The Chair: You can do that, yes, but you won't be able to move what is above that.

● (1250)

Ms. Monique Pauzé: I see.

I'll go back to amendment G-14.2. Usually we read about the "wild equivalent" of an animal, but here it says “is native to Canada”. This is the first time I have seen this description used in place of “wild counterpart”. What does this mean? Are there any differences?

Ms. Laura Farquharson: I can't find what you are referring to.

Ms. Monique Pauzé: It's new subclause 108.1(1) that amendment G-14.2 would add to the act. The words “is native to Canada” are in the fourth line. This is the first time I've seen that. We're always seen “wild counterpart” instead.

Ms. Laura Farquharson: Is this about the French version?

Ms. Monique Pauzé: Even in the English version, it says “is native to Canada”. Normally one always sees “wild counterpart”.

Ms. Laura Farquharson: Yes, that's right. One wonders if there is a wild counterpart.

Ms. Monique Pauzé: I thought it was strange to see the words “native to Canada” in the motion. Maybe Mr. Weiler knows why we decided to use those words all of a sudden. That was my question. I was perplexed by that wording.

Ms. Laura Farquharson: I see. I don't know. I can't answer that.

The Chair: Maybe Mr. Weiler can tell us why it says “native to Canada”.

Ms. Monique Pauzé: I'll move on to another question instead.

Am I to understand that amendment G-14.2 almost completely strikes out the information assessment, meaningful participation and public comment provisions, which are things that the Senate passed?

Maybe Mr. Weiler or the departmental officials who are with us can answer that.

Ms. Laura Farquharson: Amendment G-14.2 eliminates the notion of demonstrable need, but includes a section on participation.

Ms. Monique Pauzé: I see.

The new text proposed by the amendment appears to strike out just about everything the Senate proposed on page 32, from the first line up to and including line 10, as I understand it. Even the headings “Assessment of Information” and “Meaningful Participation” would be struck out, as this is done by substitution.

Ms. Laura Farquharson: This is replaced by the new clause 108.1.

Ms. Monique Pauzé: In that case, I will make a comment, Mr. Chair.

Personally, I support what the Senate has done, which has really made an interesting space for public participation and greater transparency. In fact, amendment BQ-12 added some clarification.

So I find it disturbing that through amendment G-14.2, the government seems to be chopping away at anything that has to do with information assessment and meaningful participation.

There are organizations that are looking at the science, following the debates, and have expertise. I think we need to recognize these organizations. I am thinking in particular of Nature Canada and Vigilance OGM. Since the McKinsey firm has been recognized, it seems to me that we should also recognize the work of these scientists.

Here is why I will vote against amendment G-14.2. I find it upsetting to put the axe to what the Senate has done, said and written. I remind you that the Senate had more time than we did. I know it was not always easy, but it also heard more witnesses than we did. The bill will go back to the Senate, and if I were there, I don't know how I would react if they crossed out large parts of my work.

The Chair: Thank you, Ms. Pauzé.

Ms. Collins, you have the floor.

[*English*]

Ms. Laurel Collins: Thank you, Chair.

I have some similar concerns to those raised by Madame Pauzé. I want to hear from Mr. Weiler about the language around "native to Canada" instead of the "wild counterpart" language.

I have questions for Mr. Weiler, but also for the officials. In terms of meaningful public participation, the amendment says:

> the Ministers shall consult any interested persons before the expiry of the period for assessing that information.

This amendment concerns me, because it deletes a large section that was added by the Senate and that I think was valuable. Moving ahead, I know the government will be proposing another amendment that's connected to this one, which I believe will add to the section on prescribing processes for meaningful public participation, with the rationale that this new subsection 108.1(1) in clause 39.1 will be adequate.

I guess my question is, who are the interested persons? Rather than having meaningful public participation, this seems to be narrowing it to some specific group, and I'm not sure how the minister will decide who those interested persons are.

During the Harper government, there was a language change to start using "directly affected", and that narrowed public involvement in environmental assessments. "Interested persons" to me sounds kind of similar to that, and it narrows the scope of public participation.

I also have a concern about "before the expiry of the period for assessing that information." Could the officials talk a bit about the 120 days?

We heard testimony here, and also in the Senate hearings, that this is not enough time when it comes to a significant proposal, especially when we're talking about something that has a wild counterpart, a wild animal that is important to people, and important to first nations communities. Just knowing what happened with AquaBounty and wild salmon, there is a threat of what effects these kinds of genetically modified organisms could have on wild salmon.

I guess there are three questions there. One is around the language of "native to Canada". One is around the language of "interested persons", which seems to narrow public participation. One is around timelines, and the response to the testimony that we heard, that this is not enough time when it comes to these kinds of significant proposals that impact wild animals, especially culturally important ones.

● (1255)

The Chair: Is this a question for Mr. Weiler or for the officials?

Ms. Laurel Collins: I think the first question is for Mr. Weiler and—

The Chair: Okay. Why don't we start with Mr. Weiler? We're getting near the end of the meeting.

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

I don't want to run out the clock on this for the rest of the time, but I'll briefly answer Laurel's question to the extent that I can, and I'll defer to the officials to build on that.

This will require consultations. On "any interested persons", I take the point on the issues of standing. We've seen that in other pieces of legislation in the past. That's why we have this ongoing consultation that's being done right now on the new substance notification regulations: to really be able to build this out and give it meaning and define it further. As part of this amendment, there is going to be a requirement to publish a notice of this, as well as to consult interested persons.

I will defer to officials on this next point here, about the impact if this were not just organisms native to Canada, or if these were organisms that were native throughout the world.

Thank you.

The Chair: Go ahead, Ms. Gonçalves.

Ms. Jacqueline Gonçalves: Thank you.

With regard to the scope of "native" species, I think what we're really looking at is species that originated and have developed in the Canadian environment. Those would be the focus of this particular amendment.

With regard to "interested persons" and the public consultation aspect, it really is meant to be broad in practice, so there would be public consultations and anyone who has an interest can participate in the public consultation process.

Then, I believe, there was a question with regard to the meaning of "the timelines". Generally within the regulatory framework there are specified timelines by which the risk assessment must be done. Those timelines are specified in regulation. That's what's being referred to there.

● (1300)

The Chair: We have one last question, and then I think we'll have to adjourn, because it's one o'clock. We'll come back to this.

Go ahead, Mr. Aldag.

Mr. John Aldag (Cloverdale—Langley City, Lib.): Maybe this could come back to the next meeting. I was just wondering—

The Chair: Okay. Will you be here at the next meeting?

Mr. John Aldag: No, but I think it's important to look at migratory species in the context of native animals.

The Chair: Go ahead, Ms. Collins.

Ms. Laurel Collins: On a point of order, Mr. Chair, I'm sorry, but I hadn't gotten all the answers I wanted from the officials. I was hoping I could still continue to ask them the questions I had, but I can come back to it.

The Chair: We're not going to vote on that today, so yes, you can come back to it.

Did you make a comment, Mr. Aldag?

Mr. John Aldag: I asked my question, just on how migratory species reflect this definition of “native to Canada”, because we have lots of—

A voice: They'd be included.

Mr. John Aldag: Yes. Okay.

The Chair: We'll adjourn. We'll come back on Thursday afternoon.

Thank you, colleagues.