



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

44th PARLIAMENT, 1st SESSION

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# Standing Committee on Environment and Sustainable Development

EVIDENCE

**NUMBER 059**

Monday, April 24, 2023

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Chair: Mr. Francis Scarpaleggia





# Standing Committee on Environment and Sustainable Development

Monday, April 24, 2023

• (1100)

[*English*]

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

Good morning, everyone. It's nice to see everyone. I hope everyone had a nice weekend. I'm sure it was busy for most of you, if not all of you.

We're at meeting number 59. Today's meeting is taking place in a hybrid format. All the members know the procedures for intervening, whether on screen or in person, but for the benefit of the witnesses, I will say that if you are online, please keep your mike on mute until the time at which you are speaking.

If there is a need, you can use the “raise hand” function to call attention to something, such as a point you would like to make or whatever.

We have with us new members, but many are substituting for other members. Ms. McPherson is substituting for Ms. Collins.

[*Translation*]

Mr. Barsalou-Duval is replacing Ms. Pauzé.  
Ms. Laila Goodridge is here—

**A voice:** No.

**The Chair:** Oh! She's not here.

Mike Lake is here in person.

[*English*]

**Mr. Greg McLean (Calgary Centre, CPC):** I have a point of order.

Our colleague Laila Goodridge, the member for Fort McMurray, had a child this weekend, Aodhan. Mother and child are doing well.

**The Chair:** That's wonderful news. We send our warmest congratulations to Ms. Goodridge. We're happy to hear that all went well and that she has a new family member. That's wonderful news. Thanks for sharing that, Mr. McLean.

Ms. May is with us again. It's a pleasure to have you here, Ms. May.

We will start with the first panel, which is a 45-minute panel. We have with us Chief Gerald Antoine, Dene national chief and regional chief, Northwest Territories, Assembly of First Nations. We also have, from the Fort Chipewyan Métis Nation, Carmen Wells, director, lands and regulatory management.

Typically it's a five-minute opening statement followed by questions. I know that the members are quite keen on asking questions and receiving the input you have to share through that and through your opening statements.

We will start with Chief Antoine, please.

Chief Antoine, the floor is yours.

[*Translation*]

**Chief Gerald Antoine (Dene National Chief, Regional Chief, Assembly of First Nations, Northwest Territories, Dene Nation):** Good morning, everyone.

• (1105)

[*English*]

Ladies and gentlemen, distinguished members of the Standing Committee on Environment and Sustainable Development, esteemed delegates, and also fellow indigenous people, our histories and cultures, our wisdom and aspirations, have played an integral role in shaping the world we live in. However, for too long our voices, the original nations of families, have been stifled and our perspective dismissed.

We're here to present the concerns and comments following the news of the arsenic and other toxic chemicals leaking from and being released from the northern Alberta tar sands sites, which flow north through our territory. There's a huge water shift, and they also flow into international waters.

Imperial Oil's Kearl mine in the tar sands allowed poisonous waste to enter our territory, contaminating the water, the aquatic life, the animals, the land and the people who live here, the original nations of families, and also the people who moved into our territory to make their homes on native land.

Imperial Oil, Suncor, and the federal and Alberta administrative governments have not engaged with the Dene or provided adequate notice or plans for remediation of the environment, lands, water, air, and wildlife. We are very concerned that the Dene were not informed about this disastrous incident and the obvious health and environmental risks associated with the leaks and spills. This is indeed an emergency.

The federal government, the Alberta government, and the Alberta energy regulator, as well as Exxon and Imperial Oil, should have informed the Dene. We found out about this disaster from Alberta first nations before the national announcements.

We agree with Elizabeth May, the Green Party member of Parliament, who stated, "This is a crime and it comes under the category of environmental racism. ... This is criminal activity."

Our river is the second-largest river system in North America and runs through 25% of Canada's boreal forest. The Denendeh covers the Mackenzie River basin. Tailings ponds from the Alberta tar sands along the Athabasca River have been breached by industry and threaten these waters and lands.

The government, and also industry, built the tar sand mines without Dene consent. You'll notice that the location of the tar sands is close to the river. I'm sure that people who looked at the way of moving forward or looked at planning to do things took any consideration that the tar sands were really close to the river.

Alberta has produced oil for the last 60 years. Processing of the raw material used to develop oil requires approximately four barrels of fresh water to produce one barrel of oil. I don't want to talk about all these different technicalities, because this is a business you understand.

The Dene met in 1975 and talked about the ways of going forward. One of the things we talked about was the pressing issues. Just recently, just over a month ago, we had a water conference. We weren't thinking about the tailings ponds, but we wanted to think ahead. We got together with our Inuvialuit brothers and also our Métis brothers and sisters.

- (1110)

We gathered there to talk about our future, the land and the water. We gathered and we talked about water management. We talked about protection and ongoing concerns for our people here.

At that particular time, we found out that there were 1.3 trillion litres of oil sands tailings ponds that went into the Athabasca River. There is also the massive Site C dam expansion on the Peace River, with major downstream impacts on our traditional way of life. This serves as a stark reminder that our homes and lands must be protected at all costs. Our family and our people must be respected.

Environmental disasters such as these are an immediate and present reminder that we must constantly be vigilant in protecting mother earth, as this is our home. All levels of administrative government need to take immediate and urgent action to protect people and the environment. The working relationship must be with our families and people, and our way of life must be acknowledged.

Over the next few days, we heard from elders, leaders, doctors, advocates, experts and citizens. We welcomed their thoughts, perspectives, ideas, concerns and recommendations. We are blessed to have so much knowledge and expertise under one roof. I know that together, we will put it to really good use.

Family is like branches on a tree. We all grow in different directions, yet our roots remain the same. Let us nourish and strengthen our shared roots and come together as a family to frame steps for-

ward to ensure that we can create a future for our children that we can all look forward to. This, of course, means protecting our homes, our water, our lands and our way of life.

In the words of a renowned young woman, the water protector Autumn Peltier, "I do what I do for the water because water is sacred." I just wanted to share that with you.

Also, one of the things that I wanted to point out is that our elder, François Paulette, who wanted to be here, was not able to make it because of the technical challenges. He was not able to hook up.

The other thing I wanted to mention to you is that our families have been uprooted and displaced and our responsibilities have been relocated. This is the message that you heard in the reasons for the Indian residential school legacy. I wanted to share that with you, because it's one of the things that has happened because of the exploitation of our lands, territories and resources.

We also face challenges within these systems, such as being unable to address relevant agenda items at meetings, limited access that affects our ability to intervene in meaningful consultation on draft decisions and resolutions, not being able to propose agenda items and being unable to submit documents and communications relating to the work in these systems. It is evident that current opportunities and modalities of participation do not sufficiently and adequately accommodate our nation of families or empower our respective institutions.

As we move forward, it is our collective responsibility to address these inadequacies to open the doors and empower our decision-making to ensure that the voices of our nation of families are finally heard and respected and ensure that these meaningful processes are integrated into our communities' ways of life.

This is why I address you today in my capacity as a representative of the Dene nation as Dene national chief. The Dene nation enforces its mandate from the collective will of the Dene who gathered in Liidlii Kue in 1975, where they were entrusted to hold a joint assembly and to facilitate engagement to foster consultation, coordination and co-operation among the Dene family, focusing on creating a statement of rights promoting the inclusion of the Dene to ensure that the unique perspectives, knowledge and wisdom of the Dene are brought to the forefront of the decisions. The Dene Declaration was unanimously passed by the joint assembly.

• (1115)

This broadens participation and will lead to more comprehensive, informed and culturally sensitive policies, creating a more inclusive and sustainable world. Through our work, we aim to strengthen the partnership between the Dene and Crown representatives—Canada is included there—by fostering collaboration and mutual respect to help cultivate an environment where Dene rights and aspirations are acknowledged, supported and integrated into international policies. These partnerships will be essential in addressing such critical global challenges as climate change, biodiversity loss and sustainable development. The result will be enhanced participation in processes, enriched discourse and better implementation of the steps forward.

In acknowledging that, it also emphasizes our voices and perspective. We contribute to a more diverse and inclusive dialogue, which in turn will result in more effective and equitable solutions. As collective human beings, as our own on-the-land perspective becomes integrated into the decision-making, we will be better positioned to achieve goals that promote human rights and ensure peace and security for all.

It is vital to emphasize the importance of ongoing consultation, dialogue and collaboration among our original nation of families and the peoples of the treaty. It is essential to ensure that our voices are adequately represented and our concerns are addressed in a manner consistent with the rights and aspirations of the original nations' values. This must be inclusive, transparent and carried out from this day forth.

In closing, it is really crucial to recognize what the Dene families contribute. Our perspectives are rooted in ethics. Dene are in the business of peace, a profound concept of peace. This peace that I talk about is for the environment. This is our home. We're all human. You need to acknowledge that we are also human, and this is our home. We need to work collectively together to protect our home, which is the environment, so that future generations can have a home—a healthy home.

There are two priorities that our old people talk about. One is the land and the other is relationships, in three parts. The first relationship is with the land. That's why we've shared these documents with you and why I'm providing these opening remarks. The second relationship is the relationship with ourselves. The third one is the relationship with others. That's the reason that I'm making this presentation to you. We have a treaty relationship that needs to be acknowledged, respected and also implemented.

*Marsi cho.*

[*Translation*]

**The Chair:** Thank you, Chief Antoine.

I will now give the floor to Ms. Wells. It will be for five minutes, as we need to save time for questions before we close the discussion with this panel of witnesses at 11:45 a.m.

Ms. Wells, go ahead.

[*English*]

**Ms. Carmen Wells (Director, Lands and Regulatory Management, Fort Chipewyan Métis Nation Association):** Thank you to

the chair and the standing committee for allowing Fort Chipewyan Métis Nation's voice to be heard today.

Unfortunately, our director, portfolio holder and avid land user Kurtis Girard is unable to attend today. He gives his regards. I will do my best to relay the statement that he wanted to make today.

My name is Carmen Wells. I am the lands and regulatory director for Fort Chipewyan Métis Nation. I am not a member, but I am a proud Métis lady.

First, I want to start with the fact that Fort Chipewyan is the oldest settlement in Alberta. Fort Chipewyan Métis Nation are aboriginal people in accordance with section 35 of the Canadian Constitution.

For centuries, the Métis Nation of Fort Chipewyan has relied on the Athabasca and Peace River systems for transportation, hunting, fishing and trapping, which are basic survival needs for the community. They rely on traditional lands and waters for medicinal, spiritual, recreational, cultural and economic purposes. As well, their indigenous knowledge and language are passed on generationally on the land.

In an economic sense, Fort Chipewyan Métis Nation have also used rivers and lakes within the traditional territory for trading, hauling wood, commercial barging and commercial fishing. These navigable waters within Fort Chipewyan Métis Nation territory include the Firebag and Muskeg Rivers. They continue to be a key transportation route that enables people to continue their commercial and traditional way of life.

Tailings water seepage and the overflow that has occurred since last May, as well as the risk of tailings ponds breaking and destroying home waters, are things that our community has expressed concern on for decades. This prediction coming true will forever change the trust and confidence on the land and Alberta's ability to regulate the oil sands.

The community has been on high alert since February, when the overflow occurred. Community members are reporting a potential loss of drinking water sources, the loss of a place to retire in, their children never being able to swim off the dock in Fort Chipewyan again, and fish forever contaminated, fish being a weekly, if not potentially biweekly, part of their diet. We have people reporting to my office—and these are all reports to my office, these concerns—that people aren't sleeping at night for fear of what news will arrive the next day.

Mr. Girard was born and raised in this river system, and for the first time in his 50 years he has a fear of getting a bucket of water from the river to cook his supper, brush his teeth or wash his face. He has worked in the oil sands for 20 years, and this fear has never arisen before. He also wanted to comment that you can never haul enough water to your traplines to sustain you for longer periods of time. If a land user spends any amount of time on the land, there is no possible way that he will not ingest water from the river and the lake.

Since the committee met last Monday, reports of overflows at Suncor have been on the news, and this is going to become a continuous threat. The generational trauma that has gone on with the cumulative loss of ancestral territory has been unmentioned, but now a glimpse of Fort Chipewyan Métis concerns with tailings-related issues has come to light. The health of the land, water and community needs support.

As other neighbouring nations brought up last week, Fort Chipewyan Métis also request an overall health assessment for the community. It is clear that the community is suffering from decades of environmental racism and generational trauma. The existing regulatory system is not designed for the protection of the community and land. As Mr. Girard wanted to convey, our connection with the land can be described as being like the Métis symbol, with one side being the land and one side being the people, with a never-ending motion.

Since 2007, the management and oversight of Imperial's Kearl mine has not addressed the concerns from the judicial review panel statement of a high risk of seepage. The solution to reducing the risk from tailings and giving the land back upon reclamation is not dilution of these polluted waters into the Athabasca River. Alberta and Canada are both pushing forward to develop regulations to allow partially treated oil sands mine process waters into our rivers, the same rivers that flow into Lake Athabasca and onward north to the Arctic Ocean, the rivers that have been and continue to be the grocery store for Fort Chipewyan Métis, their pharmacy and their way of life.

• (1120)

This is only one example of the poor regulatory system that is the Alberta Energy Regulator. These decades of poor regulation require a change and an overhaul so that Director Girard's nation is not at the mercy of the decisions of Alberta policy-makers who are willing to sacrifice northeastern Alberta.

Canada needs to be a larger presence in the mismanaged oil sands. More oversight—possibly co-management—is required for the oil sands. A regional effects assessment of the oil sands as well as an overall health assessment should be done to determine the cumulative effects to the community.

Fort Chipewyan Métis Nation also calls upon Canada to undertake a full audit of the many tailings ponds in our backyard. How can Canada even consider releasing oil sands mine waters into the Athabasca River without these studies being done and without knowing how they currently stand and their status?

Lastly, the implementation of the United Nations Declaration on the Rights of Indigenous Peoples, UNDRIP, has not resulted in its

implementation in all provinces. Alberta does not recognize UNDRIP, and it is questionable if section 35 is recognized in Alberta as well.

Thank you again to the chair and the committee for having our voices heard.

• (1125)

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

We have a round of questions. Normally it's six minutes. I will be flexible, but if you could, aim for five minutes.

Go ahead, Mr. Kurek.

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

Let me start by thanking our witnesses.

I will note, as Mr. McLean did, that Ms. Goodridge wanted to be here, but she is obviously previously occupied. I send a big congratulations to her on the birth of her little one and I pray that she and baby continue to do well.

Just to note the local significance of this leak, we heard more today about how there are profound local implications. We also heard about that last week.

In that spirit of things, I want to ask Ms. Wells, as a representative of Mr. Girard, about the fear that existed within the communities. It's interesting to hear about Fort Chipewyan being the oldest settlement in Alberta. Can you describe a little about the uncertainty associated with what happened with the leak at Kearl? Can you describe what the experience was of residents and members of your local community?

**Ms. Carmen Wells:** Thank you.

Also, give my best regards to Ms. Goodridge. I'm excited for her. Congratulations.

It has been an ongoing issue for decades. How safe the water is has always been an underlying concern with the community. The community relies on the water on a daily basis. It is their lifeline. It is where the animals they harvest come from. There has been this underlying concern for decades. This has brought it all forward and brought it fully to the front of everyone's mind now.

I hear about the concerns on a pretty regular basis. Our office is also receiving concerns. Those comments that I had put in the statement are actual comments from the community about never being able to swim in the lake again and about questioning the safety of eating the fish. Our community is a very big harvester of fish. There is winter and summer fishing for our community, and there's a big concern.

I know a community member who caught a beaver. He harvested it before we heard about all of this and he's really worried. He needs to have it tested to feel that it's safe—

**Mr. Damien Kurek:** I don't mean to interrupt. It's a challenge here because we have so little time.

I would make an offer to both our witnesses to please feel free to send more documentation to this committee. Certainly, time is of the essence.

Ms. Wells, we heard specifically in its testimony on Thursday about some of the actions that Imperial has been taking, but it all comes down to the idea of trust. You just referenced a lack of trust right now as to whether the water is safe.

What can be done to help restore that trust?

Processes and procedures are sometimes the dry part of what is required, but could you comment on what needs to be done to ensure that trust is built so that community members specifically can trust that their water is safe?

**Ms. Carmen Wells:** It's a complicated answer, I'd have to say. It will take some time to create trust. It's not going to be a one-sided answer.

As I stated, the regulator is a pretty one-sided organization in the consultation that goes on and the projects that get approved. The JRP, the joint review panel, that was given for Imperial and the concern that was not followed through on during the application is a good example. How can a process like this be trustworthy when concerns were given from the beginning and they were not followed through? As I said, there is a generational trauma from not necessarily being told the truth for decades. That is something that will have to be repaired.

I think there will need to be some very big changes within the regulatory system. It may be something that perhaps could be completely overhauled, or perhaps there should be more of a co-management approach with Canada. Maybe the oil sands need to be more co-managed within the two governments, with more collaboration with the communities.

It is the communities' land, and it is the land that communities will end up with after everyone has left. That is the most important thing. They are staying here, and this is the land they are going to be left with, so if that trust is....

Sorry, I tend to ramble.

• (1130)

[*Translation*]

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

Mr. McLeod, you have the floor.

[*English*]

**Mr. Michael McLeod (Northwest Territories, Lib.):** Thank you, Mr. Chair, and thank you to the people who presented today on this very important and serious subject.

My first question is for the Dene Nation.

The Northwest Territories has viewed all the activity that is happening in Alberta and B.C. as a high risk for contamination of our waters. We've always heard many concerns over potential leaks or potential spills. Every spring, the issue of the contamination of ducks and geese coming from the south and landing in the tailings ponds is raised.

My question is for Gerry Antoine.

You flagged that the requirements to inform the Dene, the Métis and the Government of the Northwest Territories weren't fulfilled, even though there were quite a few bodies that could have or should have done that. You talked about Imperial failing to inform the Alberta energy regulator, failing to inform the Alberta government and failing to inform anybody in the north. The federal government also didn't inform anybody. That's very concerning, but it's also very obvious that it points to the fact that the current structure of oversight is not working.

Could you comment on what the Dene nation or the people of the Northwest Territories envision as a structure that could work so that things of this nature don't happen again?

**Chief Gerald Antoine:** Honourable Member McLeod, trust is one of the things that are talked about and that are going on. Processes for things such as the tar sands have never involved the Dene and Métis people. Because of the way the system has been set up, we've never been part of it, and there is no consideration of our being involved. From now on, moving forward, we need to be involved.

There are different ways to build trust. The question I have is, why are these companies allowed to investigate themselves? It's like asking the Indian residential schools abusers to investigate themselves. That is not acceptable.

Our recommendation is to initiate a complete and comprehensive independent investigation into Imperial Oil's Kearl mine site to determine the full extent and implications of the tailings pond spills and leaks.

The other thing is that these tailings ponds in the tar sands should be fully inspected and analyzed for proper maintenance, restoration and repair.

Moving forward, I see the structures—

• (1135)

**Mr. Michael McLeod:** I want to get one more question in.

You started talking a bit about it, and Carmen Wells from Fort Chipewyan Métis Nation also raised it. I want to flag the issue of the audit of tailings ponds.

I would like to ask Carmen Wells if she could talk about what she meant about doing an audit of the tailing ponds. Are we talking about cumulative effects? Are we talking about going as far as doing studies on potential health risks such as cancer, since we're hearing a lot about cancer concerns as a result of the water?

Can I get a quick answer on that?

**The Chair:** Go ahead, Ms. Wells. You have about 45 seconds.

**Ms. Carmen Wells:** Thank you. I'll keep it very short.

There are a couple of things involved.

UNESCO asked for an independent, systematic risk assessment of the tailings ponds, which should still happen. I'm looking for a comprehensive tailings ponds audit. That would be a review of their status, where they are now and whether they're following through with their approvals as they exist now. We want to know how structurally sound they are, if they will continue to be structurally sound, and if they will continue to be structurally sound for a life-of-mine closure plan. There is also the question of reclamation on the land as well.

[Translation]

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

Mr. Barsalou-Duval, go ahead.

**Mr. Xavier Barsalou-Duval (Pierre-Boucher—Les Patriotes—Verchères, BQ):** Thank you very much, Mr. Chair.

I thank the two witnesses for being here today.

The topic we are dealing with now is very important and touches me deeply. I put myself in the shoes of the people living there: every time they go fishing or fetching water from the river, they wonder if they are going to get poisoned. It's a very serious situation that has been going on for a long time.

Ms. Wells, on the one hand, you didn't get the information for quite some time. On the other hand, this information could have been provided to you by Imperial, by the Alberta government, or perhaps even by the Canadian government.

Do you feel that your community was kept in the dark or that a situation where people's health was at risk was hidden from it?

[English]

**Ms. Carmen Wells:** That is a good question.

We were not informed by a simple statement on that. We were informed in early March, I believe, that there was coloured water on the landscape and that there was going to be an investigation. It was brought up, I think, in the last meeting that coloured water can be many things and that it's not necessarily a cause for concern. This is the communication which was relayed to us. We were never further updated until the environmental protection order was issued that there was actually a seepage and an overspill. There was no sense of urgency in the initial communication.

Because there was no information, there was therefore no information to follow up with the leadership. That was commented on at the previous meeting. We were kept in the dark for a good year, really. We were not made privy to what was happening behind the scenes when Alberta had known that this was an issue. I can't say for certain, because I don't have that information, but it's a wonder that a year went by without any further information about the seriousness of this incident.

[Translation]

**Mr. Xavier Barsalou-Duval:** Last Thursday, when he came before this committee, Imperial's CEO mentioned that he felt it was essentially a communication problem.

For you, Ms. Wells, is it just a communication problem that occurred, or is it a deeper problem? We're talking about facilities that

have done irreparable damage to your community. Do you expect anything other than communications, for what is to come?

• (1140)

[English]

**Ms. Carmen Wells:** I do believe it is a deeper problem than that. Industry proponents fall within the guidelines of the Alberta Energy Regulator, so they do as much as they are told to do within the regulatory system. As Chief Antoine mentioned, it's essentially industry reviewing its own plans and approving its own projects. It's a very one-sided process.

I do want to see change. There needs to be change. As I said, this whole incident went a year without any further communication. There are many people who go out onto the land on a daily basis, and this was all happening while this seepage was occurring. There should have been immediate notification so that the community could manage the situation within the community itself.

There does need to be a lot of change. It's a question about the regulator, and changes are needed there.

[Translation]

**Mr. Xavier Barsalou-Duval:** Would you say that there is an institutional bias in Canada that protects the oil industry and companies like Imperial Oil first and foremost, rather than protecting the public first?

[English]

**The Chair:** Could we have a brief response, please?

**Ms. Carmen Wells:** Certainly. Thank you.

There is a bias. I don't have the exact numbers, but out of all of the oil sands projects that have gone through, I think maybe one was rejected. I'm not even sure if that's true. If you talk to other communities outside of the oil sands region....

It's shocking. It's a shocking number. Within the community, we do all this work, and everything still goes through as planned. I hear this from the communities, so yes, I would have to say that's true.

**The Chair:** Thank you.

Ms. McPherson.

**Ms. Heather McPherson (Edmonton Strathcona, NDP):** Thank you very much, Mr. Chair, and thank you to our witnesses for being here today.

Certainly it's horrifying to hear the impacts that the lack of communication has had on your communities. Thank you for coming in and sharing that testimony with us.

Ms. Wells, you said something that shocked me deeply; perhaps it shouldn't. You spoke about the fact that you see the leadership, perhaps both federal and provincial, as being willing to sacrifice northeast Alberta. That's a shocking statement. On April 19 we heard further impacts from the Suncor mine that had just come through: Wildlife had been found dead.



Really, it seems to me that the trust within indigenous communities is broken and the process to go forward is insufficient and isn't working.

My first question is for both of our witnesses. I've written to the government and advocated on behalf of indigenous communities that indigenous communities be given the authority and the means to do their own environmental monitoring. I assume that the both of you would agree that this an important step.

**Ms. Carmen Wells:** I'll let the chief go first.

**Chief Gerald Antoine:** *Mahsi.*

I'll just add to the last question, and that way I will get into what you asked.

The issue is a lot deeper. It's all about genocide. This is what has been going on from day one. Our families have been uprooted, our functions have been displaced, and our responsibilities have been relocated. We're not even considered as human beings. These are all embedded in the laws, legislation and policies today. If you look at the way this regulatory system is set up, you will see that we didn't have any say in it.

This is our home, you know. This home provides us with a way of putting food on the table. We go out and put a net in. We go out hunting and get a moose. We also.... This time of year the ducks and the geese come. There are certain approaches and protocols that we live in in our way of life. We go out there.

My sister talked about what they are really experiencing right close to the scene. We're a little bit further down the stream. We live the same way of life. The thing is that our backs have always been against the wall. We're saying, "Look," and this is the message that we also took across to the Vatican and shared with the Pope. This is the truth. We're telling you the truth. This is our home. It needs to be protected. If there are going to be things that need to be done, then work with us. We need to set up certain things that we need to do that.

I see that we need to take steps forward. However, with regard to this particular matter here, the current situation is that if there's something happening to our home that is damaging our home, you need to completely shut down and halt until the full extent of the spills and the leaks has been resolved. You can't just let it continue and continue doing that while making your excuses about falling within the regulations. The regulations are.... It's like they're working hand in hand just to be able to allow that to happen. It's really harming us.

Looking down into the future, this is life and death for us. This is life and death for the land, for all the living things that live in our home. It's life and death for them. We need to quit doing that.

*Mahsi.*

• (1145)

**Ms. Heather McPherson:** Yes, thank you very much, Chief.

I do want to quickly give Ms. Wells time to respond as well.

**Ms. Carmen Wells:** Thanks, Ms. McPherson.

You mentioned monitoring. Just for clarity, Fort Chipewyan Métis does not have the capacity for community-based monitoring. That's something we're working towards; however, we currently do not have that capacity.

I will say that the duty to consult is the honour of the Crown. I know we have all heard this many times, but that has not changed. Consultation is transferred over to industry to perform and complete, so the Crown is not there. I feel that our community feels fairly alone on all of this and feels a lack of support that all of this is happening. If it were happening somewhere else—and I believe Chief Tuccaro spoke to this—I think the results would be very different.

**The Chair:** Thank you very much.

Thank you to our witnesses for this exchange.

We will now be pausing and welcoming our second panel. I'm sure that the witnesses will want to stay tuned for the second panel, which involves an appearance by regulators. Thank you again.

We will take a very quick break to change over.

• (1145)

(Pause)

• (1155)

**The Chair:** Good morning. In four minutes, it will be "good afternoon".

Welcome, witnesses, to the second part of our meeting, which focuses on governance and regulators.

I won't name everyone who's here before us because I'm trying to make sure that we have all the time we need for opening statements and questions and that we finish on time.

We will have opening statements from three witnesses, starting with the Alberta Energy Regulator and Mr. Laurie Pushor.

**Ms. Heather McPherson:** I have a point of order, Mr. Chair.

We've heard testimony over the last few meetings about how the trust is very much broken with regard to industry and the regulatory bodies.

I would ask, Mr. Chair, according to the Parliament of Canada Act, that we administer the oath to the representatives from the AER, please.

**The Chair:** Does the committee approve that we ask the Alberta—

**Mr. Greg McLean:** I'm generally of the view that representations here have to be made honestly and forthrightly. I'm not sure what an oath adds, but if my colleague thinks it adds something, I'm happy with that as well.

**The Chair:** We have the agreement of the committee.

**The Clerk of the Committee (Ms. Natalie Jeanneault):** Mr. Pushor, would you prefer a religious oath or a solemn affirmation?

**Mr. Damien Kurek:** I have a point of order, Chair.

It seems like maybe this is getting a little bit political. If we're going to be asking one of our witnesses to be sworn in, I think it's only reasonable to ask all of them.

**The Chair:** Does the committee agree with Mr. Kurek?

Go ahead, Mr. Longfield.

**Mr. Lloyd Longfield (Guelph, Lib.):** I agree that it's starting to look political, and given the timeline that we have in front of us... This isn't a court of law but a parliamentary hearing, and we need to hear from the witnesses. I think we're going to be hearing from them based on their experience and I think that they'll be telling us the truth. I think that's an assumption we make with every witness, and we don't swear in every witness.

**The Chair:** We've already agreed to swear in Mr. Pushor. The question is whether we swear in everybody.

Go ahead, Ms. McPherson.

**Ms. Heather McPherson:** It is my perspective that it is the trust between the regulator and the community that is broken. I don't see that being the case with representatives from the other groups.

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

Mr. McLean, I'm told the idea that we swear in everybody would have to be by way of motion. It's a pretty simple motion.

• (1200)

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

My motion is that all witnesses at this committee shall be considered to be giving evidence truthfully and faithfully as deemed they are supposed to do and that therefore no new swearing in is required.

That is my motion.

**The Chair:** We already agreed unanimously to swear in Mr. Pushor.

**Mr. Greg McLean:** I'm not sure we agreed unanimously.

**The Chair:** We did. There was no objection. It was unanimous.

You added in that we should swear in everyone, which is fine. It is a motion on the table, and we can vote on that. Majority would rule.

It's fine if you want to make that motion. If you want to make the motion that everyone—

**Mr. Greg McLean:** I made a motion that says that we accept everybody's testimony as being on the record and truthful and faithful, without the necessity of being sworn in.

**The Chair:** The problem is that we've already agreed that Mr. Pushor—and he's accepted—would give an oath. That's done. I'm sorry about this, Mr. Pushor. We can't reverse that, but you can—

**Mr. Greg McLean:** You accepted a unanimous decision without asking each of us unanimously if we agreed to that. You just nodded, and perhaps somebody on our side said, "Okay", but as for agreeing unanimously around this table, no, we did not all agree to it.

**The Chair:** I didn't see any objections when I asked for unanimous consent, so I consider that we had unanimous consent. Therefore Mr. Pushor, for better or worse, must take the oath, but if you want to ask that everyone take the oath, then that's a motion we can vote on. I would prefer doing that without debate, because we're just cutting into valuable testimony. It's a valid motion, and we can vote on it.

Are you making the motion, first of all, Mr. McLean? If you are, I would ask that somebody call the vote.

**Mr. Greg McLean:** The motion I said is on the table here, Mr. Chair.

**The Chair:** Okay.

**Mr. Terry Duguid:** What's the motion?

**The Chair:** The motion is that everyone should swear an oath.

**Mr. Greg McLean:** No, the motion is that everyone is considered to be appearing before Parliament and therefore is subject to giving testimony honestly and faithfully.

**The Chair:** Okay. Madam Clerk, that doesn't conflict, though, with Mr. Pushor taking a formal oath, does it?

Does everyone agree with Mr. McLean's sentiment, which is a noble sentiment?

**Some hon. members:** Agreed.

**The Chair:** We still have to have Mr. Pushor take the oath.

**The Clerk:** Mr. Pushor, would you prefer a religious oath or a solemn affirmation?

**Mr. Laurie Pushor (President and Chief Executive Officer, Alberta Energy Regulator):** I'm sorry, but I'm not hearing anything.

**The Chair:** He said a solemn affirmation before.

**The Clerk:** Please repeat after me.

I—and then state your name—

**Mr. Laurie Pushor:** I, Laurie Pushor—

**The Clerk:** —do solemnly, sincerely, and truly affirm—

**Mr. Laurie Pushor:** I'm sorry. This isn't working, and I'm struggling to hear you.

**The Clerk:** That's okay. I can speak louder.

I—and then state your name—do solemnly, sincerely, and truly affirm and declare the taking of any oath is according to my religious belief unlawful. I do also solemnly, sincerely, and truly affirm and declare that the evidence I shall give on this examination shall be the truth, the whole truth, and nothing but the truth.

**Mr. Laurie Pushor:** I, Laurie Pushor, do solemnly, sincerely, and truly affirm and declare the taking of any oath is according to my religious belief unlawful. I do also solemnly, sincerely, and truly affirm and declare that the evidence I shall give on this examination shall be the truth, the whole truth, and nothing but the truth.

**The Clerk:** Thank you.

• (1205)

**The Chair:** Okay. With that, you have five minutes for an opening statement, Mr. Pushor.

**Mr. Laurie Pushor:** Thank you, Chair and committee members, for the invitation to appear today, where we meet on the traditional territory of the Anishinabe people.

My name is Laurie Pushor, and I'm the chief executive officer at the Alberta Energy Regulator.

Before I begin, I want to acknowledge the first nations, Métis and stakeholders I am meeting with and who testified at this committee. These are lands where they have told us they practise traditional ways and exercise treaty rights, all downstream from oil sands operations, and they need to be confident in the safe, effective operation of the industry.

It is clear that neither Imperial nor the AER met community expectations to ensure that they are fully aware of what is and what was happening. For that, I am truly sorry.

Our board of directors has initiated a third party review into the AER's actions, processes and communications surrounding the incidents and will publicly post the findings of that review. We are committed to working alongside communities to strengthen our processes and engagement and to build relationships, enhance transparency and broaden communication around our work.

The timeline at Kearl begins with incident one, which was reported on May 19, 2022, as "discoloured surface water found on lease". It was reported to an AER inspector and to the Environmental and Dangerous Goods Emergencies centre, or EDGE, where incidents are assessed and relevant agencies are contacted.

The day after notification, an AER inspector was on site to assess the situation, and Imperial was directed to undertake a geochemistry and root cause analysis, install groundwater monitoring wells to determine where the water was coming from, and implement a water quality sampling and monitoring program to report to the AER every two weeks.

At that time, Imperial had a duty to inform any person who it knew, or ought to know, might be directly affected by the release.

On June 3, samples identified an indicator of industrial waste water, but assessments were inconclusive and suggested it could be attributed to natural sources.

On August 16, Imperial reported to the AER that the chemistry of the discoloured water was consistent with industrial wastewater. With that information, the AER issued two notices of non-compliance on September 2 related to releasing a substance into the watershed and failing to contain industrial wastewater.

On November 29, Imperial confirmed that industrial wastewater was seeping through a common fill layer, mixing with shallow groundwater and surfacing at locations on and off-site. Through December, Imperial was required to install additional seepage interception and delineation groundwater wells and submit action plans for source control, delineation and remediation of the release. Imperial's plan would not have allowed the work to be completed before spring runoff and therefore needed further mitigation.

Incident one evolved in a manner that required technical expertise and rigorous on-site inspection to evaluate and understand what was occurring.

By the end of January, the AER had collected sufficient evidence and scientific analysis and was completing an environmental protection order for incident one when incident two occurred. On February 4, 2023, Imperial reported incident two to EDGE as a two-cubic-metre on-site release of industrial wastewater due to an overflow of the storage pond.

AER staff inspected the site the next day and observed that the impact extended off-site. Imperial also confirmed that day that the estimated volume released had increased to 5,300 cubic metres. Two days later, on February 6, the AER issued an EPO to Imperial covering both incidents and requiring Imperial to submit and implement plans related to the control and containment of the seepage, delineation of the impacted area, sampling and monitoring of groundwater, wildlife mitigation and monitoring, remediation and communications. The AER released a public statement regarding the EPO and notified regional stakeholders and indigenous communities.

Since the EPO, the AER's technical experts are ensuring diligent oversight of Imperial's actions to meet the expectations of that EPO. Intensive water monitoring is ongoing by multiple agencies, including the AER, the Government of Alberta, Imperial, and Environment and Climate Change Canada. We have shared our water-testing results with communities and are posting those to our website.

I and AER staff have also been in regular contact with indigenous communities and stakeholders to provide updates, answer questions and listen to concerns. We appreciate the frank conversations that we continue to have.

As the AER is investigating, there will be some aspects of the incident on which it would be imprudent for me to comment at this time.

• (1210)

As an organization, we remain committed to making improvements at the AER to better meet community expectations.

Thank you.

**The Chair:** Thank you, Mr. Pushor. You were right on time. I appreciate that.

We'll go next to the Government of the Northwest Territories. I assume it will be Mr. Shane Thompson, Minister of Environment and Climate Change, giving the five-minute opening comment.

Go ahead, please.

**Hon. Shane Thompson (Minister, Environment and Climate Change, Government of the Northwest Territories):** Thank you very much.

First of all, I'd like to congratulate Ms. Goodridge on the birth of her little new addition to her family. I had the opportunity to meet with her in Fort McMurray at the Arctic Winter Games.

Thank you for the opportunity to speak. I'm located on the traditional territories of the Tlicho first nation and Fort Simpson Métis.

It is unfortunate that despite our request, we were unable to have an indigenous government leader from the Northwest Territories here with us to provide their input. I would highly recommend that you reach out to council leaders in the NWT to gain their perspective first-hand.

This issue is about people and the environment, not politics. All water in the Mackenzie River basin flows into the NWT and ends up in the Arctic Ocean. I live in Fort Simpson, a community located where the Mackenzie River and Liard River meet. Our legislative assembly is in Yellowknife, which is on the shores of the Great Slave Lake.

For all northerners, in particular indigenous people, water is life. Northwest Territories residents from Fort Smith on the Alberta border to Inuvik and beyond the Arctic Ocean rely on water from the Mackenzie basin that comes from upstream. The Slave River, Great Slave Lake and the Mackenzie River are used by northerners for hunting, trapping and fishing. Thirteen of the 16 NWT communities downstream of Alberta use river or lake water for their drinking water. The water is at risk of impacts from development that occurs outside the NWT.

We have a comprehensive water management agreement with Alberta that was signed in 2015. The agreement is not just about water quality and quantity, like others; it is about co-operation, mainstream ecosystem health, protecting traditional use and effective management of transboundary waters. We need the Alberta government to honour the terms of this agreement. We were not notified of the Kearl Lake mine incident or the Suncor spill that took place last week.

I recently met with the Alberta Minister of Environment and Protected Areas. Minister Savage has assured me that Alberta will notify the NWT of any spills as soon as they are aware and will work on improving communications. They are supportive of an NWT indigenous member sitting on a transboundary bilateral agreement or management committee on the federal, provincial, territorial and indigenous working group in addition to the Government of Northwest Territories representative.

People are increasingly concerned and scared about the effects of oil sands development on the water, land and air in the Northwest Territories.

I was just in Fort Smith at a community meeting and recently in a governmental council meeting with indigenous government leaders. From the NWT indigenous leaders to the individual residents, trust in government's ability to keep their waters safe has been lost. This trust needs to be rebuilt. The Government of the Northwest Territories and the NWT indigenous representatives must be involved in the working group and committee struck towards rebuilding trust.

In closing, I will not support the plan to release treated tailings water from the oil sands into the Athabasca River unless the NWT is convinced that it is done safely.

I would now like to turn things over to Deputy Minister Dr. Erin Kelly to give a short presentation.

Thank you, Mr. Chair.

**The Chair:** Go ahead, Dr. Kelly.

**Dr. Erin Kelly (Deputy Minister, Environment and Climate Change, Government of the Northwest Territories):** Thank you, Mr. Chair, for the opportunity to present the GNWT's perspective on the Alberta oil sands and tailings ponds today.

I am here today in Yellowknife, which is in Chief Drygeese's territory of the Yellowknife Dene First Nation and home to the Tlicho and Métis people.

Water is life for the residents of the Northwest Territories.

Indigenous concerns about upstream development led us to collaboratively develop the "Northern Voices, Northern Waters: NWT Water Stewardship Strategy", which formed the interests that were used to negotiate a bilateral water management agreement with Alberta that was signed in 2015.

An indigenous steering committee, which includes representatives from all regional indigenous governments in the Northwest Territories, provided oversight on development of the strategy and continues to oversee its implementation. The indigenous steering committee was intimately involved in the negotiations of the agreement with Alberta, and an indigenous member from the Northwest Territories negotiating team liaised with the indigenous steering committee.

The Northwest Territories indigenous member on the bilateral management committee, which oversees implementation of our transboundary agreement with Alberta, is nominated by and is a member of the indigenous steering committee that guides the implementation of our water strategy. Regional representation on the indigenous steering committee is the same as the regional representation on the NWT Council of Leaders. Each regional indigenous government in the Northwest Territories nominates its member on the indigenous steering committee.

Our agreement was designed to support co-operative management of transboundary waters by provincial, territorial and indigenous governments and indigenous organizations. It's linked to the federal government through the transboundary waters master agreement for the Mackenzie River basin and the Mackenzie River Basin Board. The federal government plays an important role in transboundary water management.

Our agreement is much more comprehensive than traditional water quality and quantity agreements such as the Prairie provinces agreements. In addition to water quality and quantity, our agreement includes groundwater; broader ecosystem measures, such as biological indicators; and valuation of ecosystem benefits. It also incorporates traditional knowledge. It ensures that an indigenous member from each jurisdiction has a seat at the bilateral management committee decision-making table. The agreements have been established to respect and uphold the terms of NWT indigenous comprehensive land claims, self-government agreements and treaties.

● (1215)

**The Chair:** Excuse me, Dr. Kelly; we're a minute over. You can have another 10 seconds, which is fine, but if not, you could leave it to the question period to bring out the information you want to get across.

**Dr. Erin Kelly:** I will leave it to the minister.

Thank you.

**The Chair:** From the Regional Municipality of Wood Buffalo, we have Mayor Sandy Bowman.

Go ahead for five minutes, Mayor Bowman.

**Mr. Sandy Bowman (Mayor, Regional Municipality of Wood Buffalo):** *Tansi, edlanet'e, bonjour*, and good morning, everyone.

Through the chair, I'd like to start by thanking the honourable members of the committee for this invitation to be here today. It's appreciated. While continued dialogue is very important, I wish this meeting were taking place under different circumstances.

My name is Sandy Bowman, and I'm the mayor of the Regional Municipality of Wood Buffalo. I'm joined here today by our chief administrative officer, Mr. Paul Thorkelsson, who will be here to answer any questions you might have about the municipality's work since learning of this situation.

You are all now aware of the issues at hand and the points that everyone has made. You've heard recently about what's going on, so I won't go too much into that. Today I'd like to provide you with some additional perspective.

The Regional Municipality of Wood Buffalo is often known as being the home of Fort McMurray and the heart of Canada's energy sector. However, it's much more than that.

The region is on Treaty 8 territory, the traditional lands of the Cree and Dene and the unceded territory of the Métis. It is northern, remote and diverse, geographically and culturally. Included in that is Wood Buffalo National Park. It's Canada's largest national park.

The region itself is larger than the province of Nova Scotia. It's home to 106,000 residents and nine rural communities, including six Métis communities and six first nations.

As a municipality, we are deeply committed to truth and reconciliation with indigenous peoples and communities and we are proud of our northern and indigenous history and heritage. That heritage was very much on display during the recent 2023 Arctic Winter Games, which we were thrilled to host this year.

In recent decades, we have gone from a small town to a boom town to what is now a hometown. We've all experienced the highs and lows that go along with that journey.

Our people are hard-working, resilient and generous, and we are a representation of Canada's diverse culture. Aware of what our people have contributed to Canada's collective economic and social prosperity, we are a place where people come from all around Canada and the world to build a better life for themselves and their families.

One part of the region that is truly special is Fort Chipewyan, where indigenous people have been since time immemorial. As you know, it is home to two first nations—the Athabasca Chipewyan First Nation and the Mikisew Cree First Nation—as well as the Fort Chipewyan Métis community and 847 residents who are part of our municipality.

Fort Chipewyan is the oldest settlement and is only accessible by water and air for nine and a half months out of every year. During the winter, the municipality funds, builds and maintains a winter highway to connect Fort Chipewyan to the rest of the region. It's no small task for a municipality, but it's something that is essential and important.

We also work alongside the Fort Chipewyan community to deliver municipal programs and services that are common in many parts of the country. This includes the operation and maintenance of the water treatment plant in Fort Chipewyan. We are the organization that is responsible for providing and maintaining safe drinking water in the community and across the region.

As I've heard from several elders over the last few months, water is life. Everyone in Canada deserves access to safe water, and they shouldn't have to worry or be concerned about that access. We've continued to provide safe drinking water to Fort Chipewyan and elsewhere, even since learning of the Imperial Oil release.

My regular conversations and meetings with elders, Chief Adam, Chief Tuccaro, President Cardinal, and leaders and community members have made the importance of access to safe, clean drinking water quite clear. They've also made it very clear how understandably concerned they are about what happened and about how the overall process needs to be improved now and in the weeks and months ahead. There is much work to be done, and we are both here to support the community in any way we can on the path moving forward.

Since we've been made aware of the incident, AER has communicated very well with the municipality by phone, by text and by calls. I have to definitely give them a shout-out for what they've done since learning about this.

I'll just note, since I have a couple of minutes left, that it was a big win for the Oilers last night. Everyone is probably pretty happy about that.

• (1220)

**The Chair:** You have 30 seconds left.

**Mr. Sandy Bowman:** I also want to congratulate Laila Goodridge on her newborn baby, who arrived four weeks early.

We'll be here to answer any questions if you like, and I'll drop a quick good luck to the Toronto Maple Leafs, considering where I am right now.

**The Chair:** Thank you.

[*Translation*]

I want to let you know that, in addition to the witnesses who have spoken to us, we have representatives from Environment and Climate Change Canada with us. They are here as resource persons, so we can ask them questions as needed.

We are starting the first round of questions.

Mr. McLean has the floor.

[*English*]

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

On a personal note first of all, Mr. Pushor, let me apologize for the way you were treated differently from all other witnesses at this committee. It's usually not done that way.

Mr. Pushor, you're the president and CEO of the Alberta Energy Regulator, a quasi-judicial body acting at arm's length from any government, set up this way to make sure we engender trust in the way we develop our resources in Alberta.

I recall your appointment four years ago, and it was received in Alberta among the industry and among people as being refreshing. We were looking for you to fix what was a broken regulatory system at that point in time. Communities and industry had found, prior to your arrival, your organization to be aloof, non-communicative, and I will say unresponsive to everybody who came your way, and this is all based around trust, so communities need to have trust in the regulator, especially when it's a quasi-judicial arm's-length body. I would say that trust, as we've heard from so many witnesses through this testimony, is not there.

The first person I've heard who said you actually have reached out to them on many occasions is Mayor Bowman here, and thank you for that, but every other organization says they don't trust your organization. Therefore, after four years, do you feel you're succeeding in fixing what has been a broken organization for a decade?

**Mr. Laurie Pushor:** Just on a minor point, I've been here three years at this point.

The journey at the Alberta Energy Regulator has been not as smooth as one might have hoped when it was originated. It was

brought together from at least three different parts of government and its predecessor, the Energy Resources Conservation Board, and through that time got involved in some things around international consulting that resulted in a number of investigations in the period prior to my arrival.

Those reports into those proceedings had just arrived, so we did a number of things at that time. About a year ago, we invited the auditor general back in, and they reviewed their recommendations around making things right in that space and concluded that we had met their expectations in attending to those things.

In addition to that, there's been a great deal of effort to try to reach out more and be more engaged with communities across the piece. Unfortunately, the pace hasn't been quite as fast as we would have wanted it to be. I'm not making excuses, but obviously COVID made it a little harder to move out and about and around the province. However, we are trying to move across the province and come into relationships with people so that it isn't always formal. When we know who we are and they know who we are, it's easier to reach out and—

• (1225)

**Mr. Greg McLean:** Mr. Pushor, thank you. I only have a little bit of time here, so let me get to the question.

This was easily a communication problem, and potentially more than a communication problem. Numerous communities downstream from the seepage that happened last year in May did not receive adequate notification from your organization that their drinking water was safe. Inasmuch as testing was going on for what looks like three months between May and August, it didn't appear that people were assured that they had verification that there was nothing wrong with their water. Water is an essential, and people need to have assurances that drinking the water, bathing in the water, having their children bathe in the water, isn't going to harm them. Where did this communication fall down, in your opinion, and how can we do better next time?

**Mr. Laurie Pushor:** Notwithstanding what the rules are and what the procedures are, it is clear that we did not meet community expectations in this case, and as I've said, we are open and receptive to good engaged conversations with communities.

When you examine the notification procedures under EDGE and other places, one of the principles that's established is that the first communication should come from the producer. It should come from, in this case, Imperial, and as you know, our investigation will examine Imperial's conduct throughout this incident.

In addition to that, our board of directors has begun an independent review of our internal processes and what we did and whether we met expectations of our own processes and communications protocols, and hopefully will also make recommendations on how to make it better.

**Mr. Greg McLean:** Okay.

I'll recap something that Imperial has said.

They demonstrated that they went through their process, which was informing the environmental committees of the indigenous organizations. That wasn't good enough; whole communities were at stake here. Whole communities needed to understand whether their water was safe. If their water's tainted, let them know it's tainted and take precautions accordingly.

On top of that, the environment minister in Alberta didn't learn about this until February of this year. What's missing in the protocol so that even the environment minister isn't aware of what's happening with your organization?

**Mr. Laurie Pushor:** My understanding is that the federal and provincial governments have agreed to review the entire communications protocol in this instance. We are very receptive to learning whatever lessons and changes need to be made in order to make this a more effective and deliberate process.

Notwithstanding all that, we have awareness of, and a better grasp of, people's expectations of us. We are doing our best to step up our communication and to communicate freely—

**Mr. Greg McLean:** Thank you, Mr. Pushor. I have pretty limited time here, so let me just make some observations.

In regard to water safety, I think for communities' sake, overcommunicating, and overcommunicating for the government, is probably better than undercommunicating. I think we've heard that loudly through this committee. For the trust of the public, it should have been a principle from the outset for your organization to make sure that people know about the safety of their water and their air.

Thank you very much.

[Translation]

**The Chair:** Thank you. The six minutes are up.

We'll now go to Mr. Weiler.

[English]

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

I appreciate all the witnesses who are here in person today and those who are joining virtually.

To Mr. McLean's point, I don't think we have just a communications problem here. We might have a cover-up problem. We don't have just a pollution problem. I think we have some serious governance problems at play here.

The Alberta Energy Regulator first learned of the seepage happening in May of last year, but it never actually informed anybody until the environmental protection order was issued for the second event, which was in February of this year. Why was this ongoing seepage not reported to the federal government, or the Northwest Territories for that matter, considering the intergovernmental agreements that are in place between the Alberta and federal governments and also the Alberta and Northwest Territories governments?

• (1230)

**Mr. Laurie Pushor:** There are a number of extensive communications protocols in place. The EDGE system, as I mentioned earlier, is a government-to-government agreement that involves a num-

ber of regulators and a number of governments. That system has procedures and protocols outlined in it. I understand that the province and the federal government have agreed that those procedures and protocols need to be reviewed to determine what happens.

As I mentioned in my earlier comments, this was an evolving situation as more research was done over the course of time to understand what initially was reported as some orange iron oxidization staining on the land. As we work through that, and I think as we work through the independent review, we are going to learn a great deal about, in a unique circumstance like this, the kind of communications changes we need to make so that everybody can be informed.

Of course, our investigation will also examine Imperial's conduct and whether or not their performance was as it should be and whether or not there is room for improvements there as well.

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

My next question really revolves around this: What level of disaster would need to take place for this information to be communicated, then?

**Mr. Laurie Pushor:** The protocols outline some very clear things. For Environment and Climate Change Canada, they establish their protocols. One of the data points that Imperial has reported, which has been verified by the other testing, is that there has been no evidence presented that this reached a waterway, and that was delineated as part of the work that was done. That work has been verified by further testing. Some we've done ourselves to verify the results that Imperial is providing to us, but there is also the environment ministry in Alberta as well as Environment and Climate Change Canada.

At that point, I think some really important conversations need to happen to strengthen and improve matters around tailings in the oil sands.

**Mr. Patrick Weiler:** When Imperial first notified the AER of the ongoing seepage in May of last year, why wasn't there an environmental protection order until the second event took place, which was in February of this year?

**Mr. Laurie Pushor:** As I've said, this was a bit of a different situation in terms of seepage. It took some significant analysis and testing to understand what was happening in the ground and where it was coming from. As that was verified and as we worked through our regulatory protocols, we reached a conclusion in January that an environmental protection order would be necessary and appropriate. At that time, we also knew that we needed to step up the communication extensively.

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

In just the last week, we've seen two very significant events that were reported by industry: the Suncor event and the six million litres from their settling pond that made its way into the Athabasca, as well as the bird kill event that Ms. McPherson mentioned earlier.

What is the Alberta Energy Regulator doing, if anything, to proactively prevent these types of damaging events from taking place, or is the regulator simply waiting for when the industry will next decide to report such an event taking place?

**Mr. Laurie Pushor:** We have an extensive oversight program. We have an inspection strategy for each mine site. That's implemented over the course of the year. We bring in various experts to support those inspections and to understand what's happening out there, but first and foremost, it's the operator's responsibility to be running those types of inspections and sweeps and doing so on a very diligent and aggressive basis. Part of our review is to see that they are performing the way we expect in these spaces.

In both of those instances, we will be investigating what happened to understand what occurred and why, and if there are to be any consequences for those operators in that case.

In the bird incident as an example, notwithstanding what our formal policies and procedures might state today, we understand the public interest in what's happening, so we communicated on Saturday morning what was happening with the bird and wildlife incident at Suncor's facility.

On the release into the Athabasca, we were on site swiftly to check exactly what was happening. It is an approved settling pond, so that water can be released, but it exceeded the limits for TSS, total suspended solids, that should be in there, so we're investigating that incident as well.

**Mr. Patrick Weiler:** You mentioned in your opening that Imperial has a duty to inform when any person knows or ought to have known that they might be affected by that issue. You mentioned that Imperial notified you that they had communicated this. What exactly did Imperial let you know about that communication?

• (1235)

**Mr. Laurie Pushor:** First of all, they advised that they did communicate in May. They have advised that to us, and I think they have advised that in public statements. I'm going to be a bit guarded in what I say, because their performance in meeting expectations is part of our investigation, and we'll be examining that.

In addition to that, of course, there are a number of protocols already. Their original mine approval, the joint panel approval, has communications expectations built into it. It will be part of our investigation to determine if they were fulfilling all of those expectations.

**The Chair:** Thank you.

[*Translation*]

Mr. Barsalou-Duval, you have the floor for six minutes.

**Mr. Xavier Barsalou-Duval:** Thank you, Mr. Chair.

Mr. Pushor, thank you for joining us today.

I thank all the witnesses for travelling to be here.

I would like to go over a few things.

At the last committee meeting, Mr. Corson from Imperial Oil mentioned that the incident was a communication problem. That is also what others seemed to be saying.

I'm trying to figure out if there's more to it than that. I think the responsibility goes beyond communication and extends to the leaks from these ponds and the contamination that these communities have experienced. There must be awareness that, when there is a leak, communicating is not the only thing that needs to be done. On the one hand, you have to stop the leak, and on the other hand, you have to make sure that the people on the other side are informed and that they don't get poisoned.

Mr. Pushor, can you confirm that there are no more leaks today, that everything is taken care of and that people have nothing to worry about regarding drinking water?

[*English*]

**Mr. Laurie Pushor:** The emergency protection order, as I outlined, has a number of expectations of Imperial in doing that. The first and foremost is to re-establish the containment areas and make sure the interceptions are in place to stop any further seepage beyond those containment zones. To that end, they've drilled a number of wells, installed some extensive—

[*Translation*]

**Mr. Xavier Barsalou-Duval:** Thank you. I understand that, although steps were taken to ensure that everything was safe, you cannot confirm to me that there are no more leaks in the ponds.

I would like to ask you another question. I'm not an expert on how things work in this industry, but I would imagine that they don't let any more water accumulate in the ponds if there is a leak. Is that the case or do they keep adding to it?

[*English*]

**Mr. Laurie Pushor:** As I was saying, they've done an extensive amount of work to establish what are intended to be effective containment zones. In addition to that, we've required them to expand the groundwater monitoring infrastructure all through the impacted area. They've drilled in excess of 115 monitoring wells across the area. That helps delineate the reach of this contaminant.

As you know, this was in northern Canada, and the temperatures are such that many of those wells are still frozen. Water is just beginning to move, mostly on the surface right now, and we'll have extensive monitoring throughout the period.

In addition to that, Imperial has been required to have further mitigation, so that if it isn't working the way they intend, it's about what's next and what's next. As is normal for any regulator, we will continue to escalate as required and as the evidence requires.

[*Translation*]

**Mr. Xavier Barsalou-Duval:** For an organization like yours, the most important thing is credibility. The indigenous community representatives who testified earlier said that they felt they had been kept in the dark, which greatly undermined their trust in the Alberta government, the federal government and Imperial Oil.

If you don't communicate with people enough, they won't trust you going forward.



Have you taken steps to restore people's trust? For example, have you acted so that people feel that from now on you are going to take more steps to make sure this doesn't happen again and that they can trust you?

[English]

**Mr. Laurie Pushor:** First of all, first nations leaders and other community leaders have made it very clear that they expect more communication and they expect more effective communication. We have taken the step, in the environmental protection order, to compel Imperial to have a communications plan as a part of that order. We are monitoring their performance in relation to that requirement.

In addition to that, we have undertaken to provide weekly updates to all of the communities. I am in touch with many of the leaders of those communities on a weekly basis as well. We have started posting our water-testing results on our website and we're sharing those directly with the communities so that they can see the results for themselves. That's been a clear message that they've been emphatic about. We have compelled Imperial to be releasing their data as well, and I believe that other regulators that are testing in the area are sharing their data.

In addition to that, for water quality in the rivers in the area beyond the immediately impacted area, there is a regional collaborative monitoring program that involves the Government of Alberta, the Government of Canada and a number of those communities in the region. That data is shared with all of those communities directly. I would also note that they're stepping up to make that more readily available on a website there as well.

Finally, I would just say that the Alberta Ministry of Environment and Protected Areas has also invested significant money to expand that river monitoring over the course of the next several months.

• (1240)

[Translation]

**Mr. Xavier Barsalou-Duval:** The information I have is that over the last 20 years, about 140 million litres of various substances have been spilled, including in the Northwest Territories.

Don't you feel that these tailings ponds are kind of a time bomb in that they pose a perpetual risk of contaminating and poisoning the people who live around them?

[English]

**The Chair:** Answer briefly, please.

**Mr. Laurie Pushor:** The management of the tailings ponds across all of the mines in the oil sands area starts with the approval in the joint panels. All of these mines were approved by joint panels. In that program, an extensive amount of attention is paid to what the tailings management plans are. There were very open and broad-based communications and hearings that they came through around those approvals.

In addition, each company is required to file an annual report on their tailings management and on what's happening with their tailings program. Included in that is a community notification of those results.

**The Chair:** Thank you.

**Mr. Laurie Pushor:** I would just say there's a five-year renewal of those plans that needs to be—

**The Chair:** Yes, okay.

We'll go to Ms. McPherson now, please.

**Ms. Heather McPherson:** Thank you, Mr. Chair.

Mr. Pushor, during COVID the water monitoring for these communities was halted. Indigenous communities found out from the media. At that time, you said the AER would do a better job.

From my perspective, what we're seeing is the AER failing indigenous communities, failing to communicate when disasters are affecting their communities, saying sorry, and then doing it again. I don't see any other way that we can interpret this. Continually coming forward and saying that you're going to do better without actually doing better is not particularly helpful.

Mr. Pushor, I'm going to ask you a series of questions. I'd ask that you be very concise with the answers, please.

Has the AER conducted deep groundwater monitoring around the Kearl site since the excessive seepage was first reported in May 2022?

**Mr. Laurie Pushor:** We have compelled Imperial to do that deep groundwater monitoring. We have been doing verification monitoring of our own to confirm that the results we're seeing from Imperial are consistent with our verification results.

**Ms. Heather McPherson:** Have you found evidence of toxins associated with process-affected water in that deep groundwater monitoring?

**Mr. Laurie Pushor:** Yes. There have been positive tests across the impacted area for some time.

Based on the testing results we've seen, the area of the reach of those contaminants is defined and contained. That's the program we compelled Imperial to put in place with the 150-plus monitoring wells.

**Ms. Heather McPherson:** Thank you.

Did your testing indicate elevated levels or exceedances for any of the following: polycyclic aromatic hydrocarbons, total sulfide, total selenium, fluoride, nitrate, total aluminum, total iron or dissolved iron, or total zinc?

**Mr. Laurie Pushor:** I'm sorry. I can share with you our monitoring results, and you can see those. You have named a number of things that, off the top of my head, I'm not going to be confident about.

**Ms. Heather McPherson:** Have you shared these measurements of tailings toxins with the first nations or Métis groups living in the area?

**Mr. Laurie Pushor:** Our verification results have been shared, and I understand Imperial has shared their results as well.

I would note that the two indicators we have been seeing predominantly are F2 hydrocarbons and naphthenic acids. I'm not sure how those apply to the list you provided, but those are leading indicators and the ones we and others are watching quite closely.

**Ms. Heather McPherson:** Just to confirm, you have shared all of the information, the data, from the deep groundwater monitoring with indigenous and Métis communities.

• (1245)

**Mr. Laurie Pushor:** All of the data we've gathered has been shared. I understand that we were instructing Imperial to share theirs. The last report I had suggested they had done so.

**Ms. Heather McPherson:** Last week Mr. Younger, from Imperial Oil, stated that Imperial installed "very shallow trenching with well points and pumps" to intercept the ongoing seepage. In response to my question of whether or not the Kearl tailings pond is continuing to seep into Treaty No. 8 wetlands, he then went on to say, "We've...intercepted all of the seepage."

Given that we have found that AER has found, in the deep groundwater monitoring outside the Kearl lease area, excessive levels of these toxins associated with tailings, would Mr. Younger's statements be considered true?

**Mr. Laurie Pushor:** The Imperial containment facility has always had deep intercept wells. If there's any evidence that there might be something moving through within the containment system, those products would be moved back into the tailings system.

What we do know is that there was an impacted area, and it's just thawing now. It will take a bit of time to see whether that seepage is contained in a steady state, or whether in fact there's any evidence that anything's moving this spring.

**Ms. Heather McPherson:** You are finding toxins outside the Kearl site. There is an impacted area, and you are continuing to allow Imperial Oil to put tailings into that system, the closed system we have been told about. Imperial has said this is a closed-loop system. Clearly it is not, if the toxins have left the site.

**Mr. Laurie Pushor:** Imperial was instructed to create a plan to re-establish those containment systems. They have done so at the four impacted areas that have been identified. That work is nearly completed. We have been providing detailed weekly updates to first nations. You can see them on our website. They show you the progress on the work that's being done.

**Ms. Heather McPherson:** Thank you.

Can you tell me when you informed any provincial government representative of the seepage that you first learned of in May 2022?

**Mr. Laurie Pushor:** Do you mean me, personally?

**Ms. Heather McPherson:** I mean the AER. When was any representative from the provincial government notified?

**Mr. Laurie Pushor:** We do have a review that's being conducted by our board of directors, so I think it would be best to leave that to—

**Ms. Heather McPherson:** You can't tell us the date when you let the provincial government know that this was happening.

**Mr. Laurie Pushor:** I think it's best that we let that review be a full, independent review. All of those answers and all of those ques-

tions will be addressed in that review. The board has made a commitment that those findings will be released publicly.

**Ms. Heather McPherson:** Mr. Pushor, you're in front of a parliamentary committee. I would ask that you tell us the date when the provincial government knew this spill was happening, the date that any representative from the Province of Alberta knew that this spill was happening.

**Mr. Laurie Pushor:** We have extensive relationships at the field level.

**Ms. Heather McPherson:** That is not a date, Mr. Pushor. I would like to know the date the provincial government knew that this was happening in indigenous communities in northern Alberta.

**Mr. Laurie Pushor:** What I'm saying is that it's part of the review the board will do, and we'll find out all of the places that—

**Ms. Heather McPherson:** You are unwilling to tell this committee the date that the provincial government learned about this spill.

**Mr. Laurie Pushor:** I can speak to when I communicated to the provincial government.

**Ms. Heather McPherson:** Please do.

**Mr. Laurie Pushor:** I communicated to the provincial government one or two days prior to the environmental protection order being issued.

**Ms. Heather McPherson:** Did anyone else from the AER contact the Province of Alberta in May 2022 to tell them what was happening?

**Mr. Laurie Pushor:** That is all part of the review that our organization—

**Ms. Heather McPherson:** So you refuse to tell us that information.

**The Chair:** Time's up.

Before we go to the second round, I have a question.

I will quote from an article in The Globe and Mail last week. It says:

However, independent sampling commissioned by the regulator concluded last week that a small, fish-bearing lake at the northeastern edge of the Kearl site now contains levels of toxins that exceed government guidelines. The lake, which feeds into a tributary of the Firebag River, also contains naphthenic acids, which are formed from the breakdown of petrochemicals...

My understanding is that there's monitoring going on around this lake that feeds into the Firebag River. Am I correct in assuming that?

**Mr. Laurie Pushor:** Yes. Within the mine plan, it's commonly called water body 3.

**The Chair:** My question is this: Even if the monitoring shows that there's seepage into the Firebag River, what really can be done about it? At that point, it's permeating the environment and it's in the water flow, so is the monitoring just to...? I guess it's to alert people, obviously, but there's really no remedial action that can be taken, I would think.

• (1250)

**Mr. Laurie Pushor:** About two-thirds of water body 3 is on the mine site and is part of the approved mining plan under the joint review panel as a settling pond and a containment pond, so it is integral to the long-term mining strategy.

I would note that the sampling of naphthenic acids and F2 hydrocarbons were, until recently.... We had one F2 hydrocarbon sample that exceeded the levels that are approved. Prior to that, all were at minimum levels or below exceedances. We have had no test results that suggest that any of those compounds have left water body 3.

As a result of seeing the first exceedance, we instructed Imperial to implement what we would call their next phase of containment around that water body. They're drilling a number of interception wells to intercept any potential seepage. They are putting in facilities across the water body to slow the movement of water across it and they've also begun construction on a containment facility, a dam, so that the outflow could be stopped if needed.

**The Chair:** Thanks very much.

We'll go to the second round.

We have Mr. Kurek for five minutes, please.

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

Thanks to our witnesses again for being here.

Let me start as I often do. If there's further information you feel would be valuable to the committee's work, please feel free to follow up with that.

I would note as well that this committee has passed a motion and will be undertaking at some point in the future a study on fresh water in Canada. Certainly the testimony we've received during the course of this study will be part of that, but I would encourage you, if you have further information, to feel free to send it to this committee.

Mayor Bowman, thank you for joining us here today. I think that many members of this committee and many Canadians don't understand the impact that the economic activity in the Regional Municipality of Wood Buffalo has on our nation, so I appreciate your being here and sharing some of that.

We've heard how important water is, and I've heard both anecdotally and from a number of communities up north. If Mrs. Goodridge were here, I'm sure she'd be very well placed to ask these questions.

As a municipality, you've figured out a lot of solutions to some of the challenges. We've seen examples of how very difficult it is to get clean drinking water to remote communities. It seems that your municipality has figured out some of those things.

In light of the bigger context of what we're talking about, with industry working nearby and all of those other dynamics, I'd ask you, Mayor Bowman, to speak a little bit to the success that your municipality seems to have found in getting clean drinking water to rural and remote communities that need it.

**Mr. Sandy Bowman:** Yes, I can start that.

We have water treatment plants in all our communities in rural and urban areas. In this instance, Fort Chipewyan takes water from Lake Athabasca. That's where it takes the water from. That intake is treated. It has three reservoir ponds, and then it's treated in a water facility to make sure that the community has clean drinking water.

I myself have experienced ice fishing in Fort Chipewyan—the old fort, the original location of Fort Chipewyan—and it's common practice to drink the water out of the lake while you're fishing. You let it settle and drink the water. That's not uncommon. The water in that area is incredibly above a lot of standards in the world, and our water treatment plants are very effective.

Our CAO can probably speak to how integrally our water treatment plants work. We have water treatment plants in all of our rural communities.

**Mr. Damien Kurek:** I'd invite you, Mr. Thorkelsson, to answer in about 30 seconds if you could, because of course time is short.

**Mr. Paul Thorkelsson (Chief Administrative Officer , Regional Municipality of Wood Buffalo):** Certainly.

As Mayor Bowman pointed out, the community of Fort Chipewyan has a modern water treatment plant. It was expanded and upgraded as recently as 2019. It is at the top of its class in terms the provision of drinking water that meets and exceeds the Canadian drinking water standards.

We have robust testing in place. We test the drinking water that's produced for the community on a daily, weekly and biweekly basis according to our regulator, which is the Alberta Ministry of Environment and Protected Areas. We've also undertaken additional testing since this incident to ensure that the water that's arriving at our intake is safe to take into our treatment plant.

• (1255)

**Mr. Damien Kurek:** Can I ask a very direct question?

The safety of water is obviously key here. Has the quality of drinking water in the areas that are under your municipality's management been affected at any point as a result of this spill, yes or no?

**Mr. Sandy Bowman:** No, it hasn't been. We've taken on more testing than usual. The drinking water has been clean since this started.

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

I would just note that it might be good to have you back. I think that others within the federal government could take some lessons from the work that you guys have done in consulting with indigenous communities and in the partnerships that I understand exist there.

Mayor Bowman, I'll go to you in the few seconds that I have left. You've been mayor for about a year and a half?

**Mr. Sandy Bowman:** Yes, I've been mayor for almost two years. That's correct.

**Mr. Damien Kurek:** Your experience has been, as you outlined, quite a bit more positive than much of the testimony we've heard. Do you feel that things are at least moving in the right direction in terms of engagement and whatnot, in the length of experience you have? In that unique perspective, do you feel that things are maybe getting better?

**Mr. Sandy Bowman:** In my experience, I've had—

**The Chair:** Answer very quickly, please.

**Mr. Sandy Bowman:** In my experience, I've been in the community for 30 years. I have very close relationships with all of the indigenous communities surrounding the RMWB. One of the top ones has been Fort Chipewyan. That gives me a different perspective.

My big thing has always been communication. If we know what's going on, then we can fix it; if we're not given that information, then we can't.

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

Go ahead, Ms. Thompson, for five minutes, please.

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

I want to say that I'm joining you today from my home province of Newfoundland and Labrador. I would like to acknowledge the land on which I gather as the ancestral homeland of the Beothuk, whose culture has been lost forever and can never be recovered. I also acknowledge that the island of Newfoundland is the unceded traditional territory of the Beothuk and the Mi'kmaq. I acknowledge Labrador as the traditional and ancestral homeland of the Innu of Nitassinan, the Inuit of Nunatsiavut, and the Inuit of NunatuKavut. Although each community is distinct, we all desire to chart a way forward together towards reconciliation.

Mr. Pushor, if I could begin with you, we've heard throughout today's testimony a call for change in the regulation level around reviewing projects and the transparency and separation in that process. Could you explain why the AER allowed Imperial Oil to conduct its own investigation into the cause of the spill, despite the potential for conflict of interest and a lack of transparency?

**Mr. Laurie Pushor:** First of all, the regulatory structures and communications protocols around the systems as they exist today make it very clear that it is the producer and polluter who is responsible to do the work to sort out what needs to be done to make the necessary repairs. Obviously, that is very closely overseen by our experts across our organization and any others we might deem necessary to do that.

Over the course of time, we also expect the regulated entity or the producer to be the principal communicator of what's happening in that case. I think, because of the nature of this incident evolving as a seep, there are many lessons we need to learn about how to communicate more effectively when we're dealing with a more technical matter—

**Ms. Joanne Thompson:** Thank you. I know I have very little time.

We certainly have repeatedly heard concerns around communication and the need to do better. In light of that, and in light of the acknowledgement around transparency in this process, I'm not hearing conversations around expanding the process of review to include the organizations and the people that are most affected by this very serious event.

**Mr. Laurie Pushor:** As I've said, there's no question that we didn't meet community expectations in keeping them informed. There are a number of different vehicles whereby communities are engaged around the operations of the oil sands. I'm understanding that part of what is under way is a good and healthy conversation around all of those things and how to make them stronger and better.

Regional water monitoring is an example of a collaboration between ECCC and the Alberta Ministry of Environment and Protected Areas, as well with as many community members. They're monitoring river water quality on the Firebag, the Muskeg and the Athabasca rivers. That conversation is very active in terms of saying what more we can do and how we can do that work better to ensure that those rivers are healthy and strong.

Obviously, we have a lot to learn and a lot to do around how we monitor the impacted area around a mine site and ensure that we're transparent about what's happening in and around those areas. We will take those lessons to heart.

• (1300)

**Ms. Joanne Thompson:** Thank you.

It was previously reported in April 2019—this was well before the seepage occurred—that Imperial Oil was using an older type of leak detection system that's not as sensitive as the newer high-definition models.

Are you aware of this? If so, what action has been taken?

**Mr. Laurie Pushor:** I'm aware that the monitoring being done now is being done to the regulatory required standards. We are, in fact, bringing in our own independent assessments.

All of the testing that's being done now—by ourselves, ECCC, Alberta Environment or Imperial—is being done by independent companies that bring modern and effective procedures and testing standards to the work.

**Ms. Joanne Thompson:** As a quick follow-up, does the AER require companies to utilize up-to-date leak detection technologies? If not, why not? It appears that in this instance, that didn't happen.

**The Chair:** Answer very briefly, please, Mr. Pushor.

**Mr. Laurie Pushor:** I'm not sure specifically what you're referring to, but the short answer is yes, we expect companies to be meeting the regulatory requirements as they exist.

[Translation]

**The Chair:** Thank you.

Mr. Barsalou-Duval, you have two and a half minutes.

**Mr. Xavier Barsalou-Duval:** Thank you, Mr. Chair.

Mr. Pushor, it seems that in the past your organization, the Alberta Energy Regulator, has often been described as captive to oil interests. I understand that there may have been something resembling a willingness to change course since your arrival, or at least to increase transparency. I would like to be convinced of that.

We have some important data, like the fact that there were 1.4 billion litres of toxic tailings in tailings ponds in 2020, but we don't know if that's real data, because it is self-reported by industry.

It's the same thing, for example, with respect to the requirement that companies had set for themselves to treat and clean up 50% of the tailings. In fact, that's only half the job; it's not even the whole job. It seems that companies have decided to stop doing that.

Earlier, representatives of indigenous groups who appeared before the committee mentioned that they felt they had been kept in the dark and that a complete breakdown in trust has occurred.

Your organization, which already has a poor reputation to begin with, has not shared information with the federal government, at least until very recently, nor has it communicated with the community. How can your organization expect us to believe that it is independent when everything looks like you have been working to try to hide the problem so that people wouldn't know about it? How will you restore your credibility?

[English]

**Mr. Laurie Pushor:** Thank you.

The tailings management plans I outlined earlier require annual reporting, and that documentation is reviewed. We have technical experts on our team who spend a great deal of time and energy doing their best to verify the accuracy of that information.

In addition to that, companies are expected to communicate with communities, subject to the instructions in their approval, from the start.

Finally, the five-year renewals, which are part of our approval processes, require public notification that those plans are open and under review. That affords an opportunity, in Alberta's system, for statements of concern to be raised by any interested party. Every five years, as those plans are renewed and updated to take into account new technology and all of those things, there's a public opportunity there as well.

[Translation]

**The Chair:** Thank you, Mr. Barsalou-Duval.

We now go to Ms. McPherson.

[English]

**Ms. Heather McPherson:** Thank you, Mr. Chair.

In the last round of questioning, Mr. Pushor, I asked you about whether indigenous communities have been notified of the deep water monitoring you've been doing. I've been told that they have not been told about that. In fact, your testifying that they have been

told and my getting information that they have not seem very contradictory.

In addition to that, I have to say that I asked you to tell me when the Alberta government was aware of this spill and you refused to do so. We are going to have an election in Alberta that will be called in one week. Do you not think it is irresponsible to be leaving this so that Albertans won't even know what role the provincial government played in the destruction of indigenous communities and indigenous lands?

I have some questions for you. Environment Canada has said that the Kearl incidents have had negative impacts on fish habitat and fish, but Premier Danielle Smith said on March 6 that there were no environmental impacts. Given the environmental toxins you found through your deep water monitoring and Environment Canada's findings, is the premier correct?

• (1305)

**Mr. Laurie Pushor:** The premier is correct.

Let me come back to your indication that I had not shared. I want to correct that. We received a positive test for F2 hydrocarbons at a deep water monitoring well two weeks ago. That's been shared on our website. I have communicated—

**Ms. Heather McPherson:** With all due respect, I have just received information from indigenous communities that says they have not been informed of the deep water monitoring that the AER is conducting.

I have another question for you, since I have limited time. What information did you provide to the minister and the premier that would lead her to decide that there were no impacts, despite the fact that we've heard differently from Environment Canada?

**Mr. Laurie Pushor:** The analysis of the sampling in and around the impacted area has, I am advised, delineated the reaches of this contamination. That information has been shared with ECCC. We have very strong collaborative relationships in the field with ECCC officials. We have shared all of that data transparently.

We have compelled Imperial to do some testing of the tributaries and both the Firebag River and the Muskeg River. Those test results have also shown no indication of those hydrocarbons. That's been verified. Regional water monitoring has provided results that show no variation in the testing results for the Firebag River and Muskeg River, nor for the Athabasca River, throughout this period of time—

**Ms. Heather McPherson:** If there are no environmental impacts, why did you release an environmental protection order for both of those incidents?

**The Chair:** Give a very brief response, please.

**Mr. Laurie Pushor:** Because of the risk that this seep posed if it continued without proper interception improvements being made, it needed to be attended to.

**The Chair:** Thank you.

Go ahead, Mr. McLean.

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

I'll go back to you, Mr. Pushor.

On this communication that was supposed to happen—or maybe not supposed to happen—with the provincial government, the Minister of Environment was notified in March or February 2023, long after the May seepage happened, that there was a potential of something going into the water that would have gone up to the Northwest Territories watershed. The Government of Northwest Territories is here saying that there is an intergovernmental agreement stating that if there is any potential risk to its water, the Government of Alberta had to notify the Government of Northwest Territories.

How would the minister find this out if your protocols aren't getting to the minister to inform the other governments?

**Mr. Laurie Pushor:** As I indicated, the monitoring that was being done in and around the Kearl site had delineated the reach of the contamination. In addition to that, they were testing into the tributaries of both the Firebag River and Muskeg River and were finding no indications of contamination in those tributaries or those rivers. At that time—and this will be part of the review and investigation, and very fundamental to it is the veracity of that—there was no evidence of impact into those water bodies.

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

The Minister of Environment and Climate Change Canada has put forth an idea that we need a joint federal-provincial-indigenous group to look at how we actually solve this.

My opinion at the outset is that the more direct we make this communication and the more direct we make the responsibility for communication and the more “on the ground” we make the responsibility for the communication, then the more accountable that body is going to be. I think we water it down by putting a whole bunch of different bodies in here. However, making sure those communities are informed is a must at all points in time.

Let me ask this to our representatives here from Environment and Climate Change Canada. Do you think you have the ability, given your current resources, to actually fulfill more consultations with various groups because your budget's up 24% in the past two years? Money is money, but health is health, and we're going to have to make sure we allocate something to this. Does this lead to a direct solution, in your opinion, or is this just more consultation, as opposed to direct communication?

**Ms. Megan Nichols (Associate Assistant Deputy Minister, Environmental Protection Branch, Department of the Environment):** I think Minister Guilbeault has made it clear that this issue is a priority at this time for our department.

As you mentioned, he has proposed the creation of a working group that could address the need for improvements to the notifica-

tion and monitoring systems. We are very much looking forward to what will come out of that proposed working group. At this point, I think it is fair to say that all options are on the table for ways to improve going forward.

• (1310)

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

The question I would have on that is that under your department's oversight, the Giant Mine in the Northwest Territories is the most toxic site in Canada, so I don't see you as having much expertise at this point in time.

My opinion, for this committee's sake, is that this situation is much more easily and directly dealt with by the people on the ground dealing, not from afar. More resources and more paper resources aren't going to solve this. A clear line of communication on the ground from the responsible government is exactly what communities are expecting here, so that they know immediately and forthrightly exactly what is happening with their water resources.

Thank you. I will pass the rest of my time here.

Thank you very much, Mr. Chair.

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

We'll go now to Mr. Longfield.

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

Thank you to the witnesses for being here.

I have a couple of areas that I want to explore. One is around governance. It's pretty clear, hearing from indigenous Métis and the Dene, that significant groups are being left out of conversations.

Mr. Bowman, I'll start with you. I was part of a citizens' overview of Guelph's waste-water system. That included people with expertise and people who would be impacted by our ground-water's being affected. Guelph gets its water supply from ground-water.

There seems to be a gap in having indigenous people or the partners that we've heard from involved in the oversight and governance. Could you comment on that?

Mr. Pushor, could you follow up?

**Mr. Sandy Bowman:** I can tell you what I know from my experience in this situation.

We first became aware of this situation, I believe, through the ATC, the Athabasca Tribal Council, in February. I immediately reached out to the AER to find out what was going on. Our municipality at that time closed off the raw water that is taken out of Lake Athabasca for our treatment centres. We closed the supply at that time to look into the situation.

At that time, I also had very close conversations with Chief Adam, Chief Tuccaro and President Cardinal. We were all on the board, and the AER was communicating with us that way. The AER actually drove from Edmonton to Fort Chipewyan on the winter road to meet with first nations the very next day.

**Mr. Lloyd Longfield:** Mr. Pushor, is that something that could be embedded in the governance of the AER?

**Mr. Laurie Pushor:** Well, we're very keen to do everything we can to make the communications systems around issues like this much more effective. We will be communicating regularly and diligently with affected parties anywhere in Alberta, depending on the region.

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

This committee has just finished a review of CEPA, or portions of CEPA, and a risk-based approach is something we kept going back to.

I had a question in a previous meeting about how there are 27 sites that Imperial Oil oversees. We have a problem on one. I would say that the risk has just gone up on the other 26. How do we accommodate the risk here in terms of doing testing on the 27 properties, doing proper auditing?

Maybe this is for Environment and Climate Change Canada. Is this something that the commissioner of the environment and sustainable development needs to be involved with, or is it something that the working group that is being put together could be looking at?

**Ms. Megan Nichols:** I think I'll defer the question on who is best positioned to look at that and whether it's the commissioner of the environment. However, I would say that ECCC does conduct routine inspections to check for seepage from oil sands tailings ponds throughout the Athabasca regions. We respond to any releases that occur in contravention of the Fisheries Act and we will be conducting some additional inspections this year. For the last 10 years or so, we have collected hundreds of samples from various tailings ponds to ensure compliance with the Fisheries Act.

I would also say, in terms of the risk that you have mentioned, that we are working right now with a Crown-indigenous working group to look exactly at options to address the risk from the accumulation of oil sands processed water in tailings ponds, recognizing that this does pose an important threat to nearby communities.

• (1315)

**Mr. Lloyd Longfield:** Great. Thank you for that.

Mr. Pushor, the regulations are focused on water, but we've heard through Mr. McLeod's questioning and testimony and we've heard from others, Chief Adam being one, that we need to be looking at cumulative effects.

Are the regulations causing diseases within animals and the people who feed on the animals? How do regulations address cumulative effects? Is that an opportunity we need to look at?

**Mr. Laurie Pushor:** That's a very broad and wide-ranging conversation, and it has been active and under way in Alberta for some time.

First and foremost, there is a lower Athabasca regional plan. That plan was developed by and led by the Alberta Ministry of Environment and Protected Areas. It is under review as we speak. It is engaged in consultations around that issue. It is the first vehicle Alberta uses to begin the conversation around cumulative effects. That will be an ongoing conversation.

[*Translation*]

**The Chair:** Thank you very much.

We're starting the third round of questions, and Mr. Lake is going to start the discussion.

Mr. Lake, you have the floor for five minutes.

[*English*]

**Hon. Mike Lake (Edmonton—Wetaskiwin, CPC):** Thank you, Mr. Chair, and thank you to the witnesses.

Mr. Pushor, did you have a chance to listen to the review of the testimony from the previous meeting of ENVI?

**Mr. Laurie Pushor:** I did.

**Hon. Mike Lake:** Was there anything said that struck you particularly as being incorrect?

**Mr. Laurie Pushor:** If you've had an opportunity to visit a community like Fort Chipewyan, one of the beauties of the winter road is that you have an opportunity to drive through the delta. It's a pretty remarkable part of the world. It's easy to understand the passion of community members who live in a rich and beautiful part of the world. Notwithstanding whether something is 100% accurate or based on some scientific test or not, there's no doubt at all that the concerns in the community are real. We need to do everything in our power to allay those concerns.

**Hon. Mike Lake:** What about Imperial Oil's testimony the other day? Was there anything that particularly stood out to you as being incorrect or that maybe required clarification?

**Mr. Laurie Pushor:** You've led me right to the place where I absolutely have to say that it's all subject to the investigation. It would definitely be inappropriate for me to speculate on any potential wrongdoing or inappropriate behaviour on Imperial's behalf. Looking for those things is a fundamental part of our investigation.

**Hon. Mike Lake:** Has there been anything that you would have recognized, or particularly considered incorrect, with regard to anything that anybody said about the AER?

**Mr. Laurie Pushor:** No. We're public servants. People are welcome to offer their opinions on our work. We will listen very carefully and diligently. We'll take every opportunity we can find to improve our processes and do a better job.

**Hon. Mike Lake:** In recent years, one of the things in many different issues that we could probably reflect on when there's a lot of strong opinion would be....

I've noticed that experts come before committees and aren't necessarily clear on what they know and don't know. At this point in time, today, what do we know about the situation at Kearn? What would you say we still need to know?

**Mr. Laurie Pushor:** The environmental protection order outlines a fairly good statement of fact if you go through it. I referred to some of that in my opening remarks.

I understand the time sequence of what happened. There is monitoring data available on both Imperial's website and ours. Imperial has posted its mitigation strategy. You can go through those mitigation efforts.

The fundamental most important thing that our team is diligently watching and expecting Imperial to be vigilant on is whether this is working. Are the new containments working?

Monitoring data will be essential as we go through breakup this spring. We and others need to share that broadly so that everyone understands what's happening as water begins to move through that part of the world.

**Hon. Mike Lake:** As I'm reading this, I'm not an expert in this science. On June 3 you recognized the potential indicator of industrial wastewater. What is industrial wastewater?

• (1320)

**Mr. Laurie Pushor:** In the nature of this conversation, tailings is the term most of us would recognize.

**Hon. Mike Lake:** It then says there was a suggestion it could be attributed to natural sources.

**Mr. Laurie Pushor:** Bitumen is fairly prevalent across this part of the world. It comes in contact with groundwater in many places, so there are natural occurrences of some of those indicators in the region.

**Hon. Mike Lake:** On November 29, you talked about it “seeping through a common fill layer”. What does that mean for a layperson listening in to this testimony today?

**Mr. Laurie Pushor:** As you build an earthen dam, you need to make sure that water can move through that structure. If you try to barricade that entire dam, you risk its becoming saturated and risk a more catastrophic failure. What you do, then, is allow rainwater, runoff and those types of things to move through it so that you have a containment area that involves a number of different strategies to intercept any of that seepage and move it back into the tailings facility.

What occurred in this case is that the containment system in four different locations failed to contain that seepage, and it moved through a specific layer.

There are updates on our website if you want to see if there is more detail about what's happening.

[*Translation*]

**The Chair:** Thank you.

I now give the floor to Mr. Duguid.

[*English*]

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

Again, thank you to our witnesses for appearing today and for your testimony.

I'm going to ask my questions, or at least the first question, to our friends from the Northwest Territories.

The Mackenzie River master agreement was mentioned by our two witnesses from the Northwest Territories, and I know it is viewed by many in the water discipline as a seminal accomplishment in water management in this country. I wonder if they could comment on whether the conditions of that agreement were adhered to in this particular case.

My understanding is that if there is any breach, any spill, the Northwest Territories has to be notified immediately. Did that happen? Should that have happened?

**Hon. Shane Thompson:** Thank you.

To your question, no, it didn't happen. It should have happened, but it didn't. If you look at the agreements, it says “could”, and we are making that decision instead of Alberta. It should be us making that decision.

No, we were not informed. We did articulate that message to Minister Savage.

**Mr. Terry Duguid:** This is a question for Mr. Pushor. I'm late in the agenda here, so many of my questions have been answered, but I wonder if you would just give this a little reflection.

I think you've heard the fear. You've heard the frustration, the anger, the disappointment and the lack of trust that have been expressed by first nations and Métis communities. If you could go back in time and revisit this particular issue and how it was handled.... I've heard you say several times that you're falling back on established protocols, but protocols aside, what would you do differently?

**Mr. Laurie Pushor:** Very clearly, there is significant public interest in anything around tailings. If we could go back in time, I think we would look at all our protocols and look at whether or not there is a different test, a different standard, a different expectation around when we communicate, and how broadly and diligently, and in how much detail when it involves tailings.

**Mr. Terry Duguid:** I'm going to give the remainder of my time to Ms. May.

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

How much time would that be, Mr. Chair?

**The Chair:** You have about two minutes.

**Ms. Elizabeth May:** Thank you very much.

In that case, I want to start my questions with the environment minister from the Northwest Territories.

Thank you so much for being here with us virtually.

I want to put to you, Minister, some of the testimony that this committee received on March 30, 2010, from the late world-renowned water scientist, Dr. David Schindler. I recommend that the committee read the Hansard of that date for its study.

He said at that time to this committee, referring to detailed analysis he did of water in and around the oil sands, “We...found high concentrations of several contaminants.” He went on to say that in reviewing this, his conclusion was that the industry was “adding substantially to the contaminant burdens of the Athabasca River by both airborne and waterborne pathways.”



He also concluded back then, 13 years ago, that our evidence from the National Pollutant Release Inventory “indicate[d] that oil sands companies should be charged under the Fisheries Act.”

It's not entirely a hypothetical question to the minister. I'm wondering, given the current situation, if you believe that we should be pursuing charges because of contamination with effects downstream in the Northwest Territories.

• (1325)

**Hon. Shane Thompson:** Thank you.

I actually have Dr. Kelly here, and I'd like her to answer that. She was part of Dr. Schindler's team.

**The Chair:** Can you be fairly brief, please?

**Dr. Erin Kelly:** Thank you.

From my perspective in working with Dr. Schindler, we have a tool in the transboundary agreement and we need to use it. It needs to be implemented the way it was designed. We need to understand and to be communicated with so that we can make decisions about whether risks are going to be impacting the Northwest Territories. That's what we've been discussing with the Alberta government and with the federal government as well.

**The Chair:** Thank you very much.

[*Translation*]

Mr. Barsalou-Duval, you have the floor for two and a half minutes.

**Mr. Xavier Barsalou-Duval:** Mr. Chair, I'll give my last turn to Ms. May.

**The Chair:** Ms. May, the floor is yours for two and a half minutes.

**Ms. Elizabeth May:** I thank my colleague.

[*English*]

I do want to ask Mr. Pushor a question.

In relation to what's happening at the Kearl mine, we've heard words like “leak” and “spill” being used. You used the word “seep”, and I will underscore that I think that is probably the right word. I just looked quickly for a definition of “seep”. According to the dictionary, it's when something would flow or leak slowly through porous material, so I think it is the more accurate word.

Is it fair to suggest that the tailings ponds themselves are not containing the material within them, because the material seeps out along the sides of the ponds, as opposed to what Imperial claimed would happen in the environmental assessment hearings back in the day, which was that it would go down to the bottom and therefore be able to be handled by the containments they had in mind?

It's seeping out through the sides. Is that accurate?

**Mr. Laurie Pushor:** Well, it's not a failure in the structure or the dam but a failure in the containment system that has caused this issue. We have approved Imperial's mitigations to repair and replace those containment areas. We'll watch very carefully this spring to ensure that they're working the way they're expected to.

**Ms. Elizabeth May:** But you heard me just put forward the evidence from Dr. David Schindler—actual scientific studies done in 2008 and 2009—that made it clear that we were already seeing tailings materials in the Athabasca River. This is now more than a decade of seepage of toxic material into the Athabasca River.

Does the regulator have any position on when the pollution of the Athabasca River and the surrounding areas is too much and the tailings ponds should be closed until they have determined how to contain the pollution?

**Mr. Laurie Pushor:** The tailings approvals were all part of the mine approvals as they were put in place. There are limits on the amount of tailings that can be produced and in place at any time across all of the mines. There's collaborative regional water monitoring in those rivers. That regional monitoring is done by ECCC, Alberta Environment and communities in that space. That data is available for all to look at and form their conclusions from.

**The Chair:** Thank you, Ms. May. I remember that study very well, and Dr. Schindler's testimony.

**Ms. Elizabeth May:** You were in the room when he gave that evidence, as was Mike Lake and an MP I've lost track of—Justin Trudeau.

**Voices:** Oh, oh!

**The Chair:** Dr. Schindler did mention that the contamination was coming from the atmosphere.

**Ms. Elizabeth May:** And the tailings ponds.

**The Chair:** I don't know; I'm not sure about that.

**Ms. Elizabeth May:** Well, it's in Hansard.

• (1330)

**The Chair:** Okay.

**Ms. Elizabeth May:** Okay.

**The Chair:** Thank you.

Next is Ms. McPherson.

**Ms. Heather McPherson:** Thank you very much, Mr. Chair.

Mr. Pushor, you mentioned that you had those results from the deep groundwater monitoring. I'd like you to please prepare those and send them to the committee in writing, if you wouldn't mind.

Mr. Pushor, are all tailings ponds leaking?

**Mr. Laurie Pushor:** I'm sorry. I'm at that point where I need to write it down if I make a commitment to return something. I apologize.

All the tailings ponds have extensive monitoring programs to evaluate what's happening along each of them.

**Ms. Heather McPherson:** Are they leaking?

**Mr. Laurie Pushor:** As part of this work, once we understood what was happening with the Kearl project, we asked all mines to do an assessment of their facilities and determine whether there was any indication that anything like this might be happening elsewhere. We've recently received all of that information, and our team of experts is evaluating it—

**Ms. Heather McPherson:** That wasn't really a response to the question, but thank you.

What about the tailings ponds that are located right next to the Athabasca River? As we've heard from Ms. May, clearly they must be seeping into the Athabasca.

**Mr. Laurie Pushor:** There are extensive monitoring programs around all of the tailings ponds in the region. There's an annual report on the performance of those tailings ponds that is public and that can be accessed and reviewed by anyone. It is a requirement that the operators of all those tailings facilities communicate those to the impacted communities.

In addition to that, a five-year review requires companies to assess their tailings and present an updated strategy on how they're managing and—

**Ms. Heather McPherson:** What you're telling us is that if they are leaking, that's fine, because there's a process to tell people about it, even though that process to tell people about it hasn't been working and nobody has been told about it.

The Imperial-Kearl joint review panel noted that the location of this tailings pond, which has been leaking for almost a year, is on top of poor soil and is likely to allow tailings water to seep into groundwater.

It also noted that the seepage from this pond would impact the Firebag River if not controlled. The panel therefore recommended that a detailed hydrogeological investigation be required as part of the detailed dike design, pursuant to Alberta's dam safety regulations. However, AER's approval for this tailings pond does not include the detailed hydrological investigation condition.

Why was this recommendation by the joint review panel not followed?

**Mr. Laurie Pushor:** These are all parts of what will be reviewed in the investigation that was done on whether Imperial has met the expectations of the operations as required. It's also part of the review that the board has undertaken to look at whether we performed the way we should perform. It's at that time that the detailed answers to all of those questions will be available.

**The Chair:** Your time is up, unfortunately.

**Ms. Heather McPherson:** Thank you.

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

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

Mr. Pushor, we've heard a lot about this report and the investigation that is ongoing. Is that going to be public when it is complete?

**Mr. Laurie Pushor:** Our investigation of Imperial and Imperial's conduct will be public as soon as we've completed it and/or the prosecutions office has completed any work they may undertake in relation to potential prosecutions.

**Mr. Damien Kurek:** When that's complete, could you table it with this committee? Would that be something that's appropriate to ask?

**Mr. Laurie Pushor:** Sure.

**Mr. Damien Kurek:** Thank you very much for that.

It's been interesting. We've heard a whole host of testimony here, and there's a lot of what I would suggest is a lack of understanding around some of the dynamics associated with the energy industry itself. As somebody who represents a large rural constituency in Alberta that has a host of...not oil sands development, but gas, oil and heavy oil, I appreciate your providing some of the context.

Mr. Pushor, I followed closely the status of the industry and your appointment. Previously you worked for the Government of Saskatchewan and were involved in a number of roles there. You came in to help restore some of the confidence that has been talked about, to help build plans to build back some of that trust. I would just note that it has gotten pretty political. Certainly one party represented around this table has tried to pin the blame on a particular provincial government, but there was an NDP premier who was in charge prior to the current Alberta government.

I would just make the general observation here that we all around this table, I would hope, want to see what's best for our country, what's best to ensure that indigenous communities are given safe, clean...great opportunities to both prosper and engage in reconciliation and everything associated with that.

We heard from indigenous communities specifically, and this will be a question for both Mayor Bowman and Mr. Pushor in the two minutes I have left. I will give you each about a minute.

There has been a distinction made between oil sands development and tailings. There is an ongoing concern about the management of tailings in terms of a plan and remediation, and ultimately tailings are the reason we're all here. We're trying to get answers related to a leak.

I will ask you both how to address the larger issue of tailings when it comes to the confidence that needs to be restored in the energy industry, specifically with oil sands development. I will start with Mr. Pushor for about 45 seconds and then Mr. Bowman for about 45 seconds as well.

• (1335)

**Mr. Laurie Pushor:** First and foremost, this is a very broad conversation that needs to occur among all parties, including both levels of government, Alberta and Canada. Those conversations must include the communities that live on and occupy that land. As a regulator, we typically participate in those conversations, mostly for technical expertise and our experience and views on the current system and opportunities to move forward. It's an important conversation. It's a conversation we look forward to and look forward to having a voice in.

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

Mayor Bowman, would you comment?.

**Mr. Sandy Bowman:** Thank you.

From my perspective in the municipality, it comes down to engagement. It comes down to communication.

We go to all of our rural communities regularly—the most recent has been Fort Chipewyan—for this circumstance. What we hear is that they're not getting the information and the details of that information as quickly as they need it. For ourselves, we've been doing double the testing on the raw water coming into the reservoir ponds and testing that water to make sure that the water that goes to the community is clean and good water, and we've been communicating that to the community, whether it's through the chiefs, the elders or just community members for engagement.

**Mr. Damien Kurek:** Thank you. I think that's close to my time.

**The Chair:** It pretty much is, yes. Thanks.

Last but not least, we have Mr. McLeod.

**Mr. Michael McLeod:** Thank you, Mr. Chair.

Mr. Chair, I want to bring forward a motion, and it reads:

That pursuant to Standing Order 108(2), and following the toxic leak of tailing ponds and Imperial Oil and Alberta Energy Regulator's failure to provide appropriate answers to this Committee; the lack of action taken and for putting the lives, health and safety of Indigenous communities at risk. That the committee: (a) Invite the CEO of Imperial Oil and the Alberta Energy Regulator for a two-hour meeting in October 2023 and provide this Committee with updates on what steps they took since April 2023 to address the issues resulting from the tailing ponds leak never happens again; (b) That during these meetings imperial Oil and Alberta Energy Regulator provide the committee with the documents that support the actions they took. (c) That these meetings take place in October 2023, that these meetings be televised, and that the evidence gathered during these meetings be taken into consideration during the study of Freshwater.

Mr. Chair, this motion has also been translated.

**The Chair:** Mr. McLeod, are you just giving notice or are you tabling the motion?

**Mr. Michael McLeod:** I'm moving the motion.

**The Chair:** You're moving the motion.

Okay. We have Mr. Lake.

**Hon. Mike Lake:** This is unusual, because we got notice of the motion that references the testimony of the witnesses pretty much as the meeting was starting. It seems a little in bad faith to move a motion referencing that we didn't get answers from the witnesses before the witnesses had even started to testify. That just seems a little bit odd. We actually got notice of this motion some time ago, largely as this meeting was starting.

To the Liberal member, before we vote on this motion, I'm curious. Did you know what the witnesses were going to say before the meeting even started? You may have, but it does seem odd to move a motion—

**The Chair:** I think after Mr.—

**Hon. Mike Lake:** —referencing you are unhappy with the testimony before the testimony is even given and before we've even had chance to ask questions.

**The Chair:** It's not a Q and A here, but we'll go to Mr. Kurek.

What I would say, though, is that since we're nearing the end of the meeting, we can continue to discuss this motion on Thursday. We're done at 1:45 p.m. because of technical issues, but it doesn't mean we can't pick it up again on Thursday afternoon.

Go ahead, Mr. Kurek.

• (1340)

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

We all came together as a committee to look into what is a very, very serious issue. We, I think, worked quite collaboratively in terms of witness lists, in terms of ensuring we got the people before this committee who needed to be here. Was it done perfectly? I would suggest that it probably wasn't, but there was a pretty solid effort on the part of certainly the members of the Conservative Party to try to make sure we got to the substance of exactly what needed to be accomplished.

I think if we look back over the last three meetings, we have heard a lot. For a motion to come forward with pretty strong accusations being made....

I would also note that we invited members from the many indigenous communities that were represented on last Monday's meeting to.... I noted in my questions this morning to the folks who were there that we would welcome further documentation and follow-up.

I would note as well that when Imperial Oil came to testify this past Thursday, they brought a stack of paper. I saw it. It was about an inch of documents. I have not yet seen those documents. Mr. Chair, I would hypothesize they're probably in the process of being translated, and that will take some time. To suggest that somehow, before we've even seen the information, we need to be making accusations of this nature is, I think, entirely inappropriate, and quite frankly, if I could be so bold as to say so, it's in bad faith on our part as a committee to suggest and make those accusations.

It's the same thing today. We received this notice earlier in the meeting as we were still working through the questions we would be asking. I would note that I asked Mr. Pushor if he would be able and willing to table the investigation that was referenced a number of times throughout the course of his testimony, which includes very pertinent information on aspects of the details that he wasn't able to get into because the investigation is ongoing, to which he replied that he would.

Mr. Chair, I think that it is entirely appropriate to ask questions as to whether or not we're satisfied with the result, but it seems as though we've now moved from trying in good faith to get to the bottom of what happened with the Kearl mine to now starting to play politics. We've heard that in testimony here today and—

**Mr. Greg McLean:** I have a point of order, Mr. Chair.

**The Chair:** We have a point of order from Mr. McLean.

**Mr. Greg McLean:** I'll raise a point of order on that, because the issue we have with this is that if we take a look at the reading on this, the reading on this is entirely in bad faith. It's entirely supposition, as if there weren't these coming forward here—

**The Chair:** I'm not sure it's a point of order. It doesn't really pertain to the rules. It's about the motivation—

**Hon. Mike Lake:** I have a point of order that might be...

**The Chair:** Go ahead.

**Hon. Mike Lake:** In fairness to Mr. McLeod, he was just reading the motion, but the motion was introduced by somebody who's not even at committee today.

**The Chair:** Apparently that's okay.

**Hon. Mike Lake:** It was from Ms. Taylor Roy.

**The Chair:** It's okay. You can do that. She's no longer online.

I'm told this is all proper, procedurally.

**Hon. Mike Lake:** Did she hear all of the testimony before moving a motion that the testimony—

**The Chair:** You'd have to ask her in the lobby, maybe. I don't know.

What I'm saying to all members is that we have a minute left. We're going to pick this up. I've started a list. We have Mr. McLean and Mr. Longfield. We'll continue on Thursday morning, but we have to stop in about 30 seconds. I'll add Mr. Deltell's name.

Everyone will get a chance to speak and raise points of order and the rest of it, but we have to stop in about 15 seconds because we have question period and we have to release our witnesses, who were kind enough to come here and provide us with answers and information.

I want to take this opportunity to thank everyone for being here, as well as online, and participating in what I thought was a very interesting discussion that brought out a lot of information and added to our understanding of the issue.

Thank you to all. We'll see each other on Thursday afternoon.

The meeting is adjourned.

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