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Chair: Mr. Peter Schiefke



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• (1555)

[English]

The Chair (Mr. Peter Schiefke (Vaudreuil—Soulanges, Lib.)): I call this meeting to order.

Welcome to meeting number 142 of the Standing Committee on Transport, Infrastructure and Communities.

I want to begin by acknowledging that we are gathered on the ancestral and unceded territories of the Algonquin Anishinabe people. I want to express gratitude that we're able to do the important work of this committee on lands they've stewarded since time immemorial.

Before we begin the meeting, I want to remind all in-person participants to read the best-practice guidelines on the cards on the table. These measures are in place to protect the health and safety of all participants.

Today's meeting is taking place in a hybrid format.

Pursuant to Standing Order 108(2) and the motion adopted by the committee on Thursday, November 21, 2024, the committee resumes its study of environmental contamination in the vicinity of the dock in Fort Chipewyan.

All witnesses have completed the required connection tests in advance of the meeting.

Colleagues, I'd like to now welcome our witnesses.

Appearing before us today is the Honourable Anita Anand, Minister of Transport. From the Department of Transport, we have Mr. Arun Thangaraj, deputy minister. We also have Stephanie Hébert, assistant deputy minister, programs.

Welcome to all of you.

Minister, I'm going to turn the floor over to you for your opening remarks. I know you've shortened them because you have a hard stop at 4:30. We greatly appreciate your giving more time for our members to ask questions.

The floor is yours.

[Translation]

Hon. Anita Anand (Minister of Transport): Thank you, Mr. Chair.

I also want to thank the members of the committee.

[English]

Thank you so much for inviting me here today, and for speaking about these issues. I'd like to thank the committee for its work.

I'd also like to thank the Fort Chipewyan Métis Nation, the Athabasca Chipewyan First Nation and the Mikisew Cree First Nation for their testimony and for their work.

I'm going to forgo my remarks, Mr. Chair, in the interest of time, so that committee members have the greatest opportunity to ask their questions before I have to leave.

The Chair: Thank you very much, Minister.

We'll begin our line of questioning today with Mr. Lawrence.

Mr. Lawrence, the floor is yours, sir. You have six minutes.

Mr. Philip Lawrence (Northumberland—Peterborough South, CPC): That's perfect.

Thank you, Minister, for appearing. When I was questioning Minister Freeland, she referred to “ritualized jousting”. That is not my intent today. My intent is to have an honest dialogue that is hopeful and that—hopefully, in some small way—moves reconciliation along.

My first question is as follows: We heard shocking and disappointing testimony from local indigenous leaders on Tuesday. They, of course, were beyond frustrated and were concerned about contamination at the big dock.

Minister, first of all, I think it's important that we have shared, agreed-upon facts.

Would you agree with the indigenous leaders and the toxicologist who testified on Tuesday that the “Big Dock” and its immediate vicinity are contaminated?

Hon. Anita Anand: Based on the evidence we have, there is no risk to human health, but the 2017 study needs to be updated.

I have established a single point of contact at Transport Canada to be the person, in addition to me, undertaking this work in consultation with the three nations.

Mr. Philip Lawrence: The toxicologist, though, and the indigenous leaders were pretty clear that it is contaminated. In your own letter, you agreed it is contaminated.

Would you agree that the big dock and its immediate vicinity are contaminated?

Hon. Anita Anand: The focus I have right now is to ensure we are addressing the concerns of the three nations. Yes, we need to make sure that any contamination in the area is addressed.

I'll ask my deputy minister if he has anything to add.

Mr. Arun Thangaraj (Deputy Minister, Department of Transport): I think the evidence there clearly outlines the issues and the contamination at the dock and water lot. In those reports, we took into account the various uses. As the minister said, we are committed to moving forward and addressing those issues.

Mr. Philip Lawrence: Thank you.

The toxicologist on Tuesday disagreed that the consultant had appropriately taken the uses into consideration. I'll quote from her testimony:

The main technical inaccuracy identified in my review of the risk assessment conducted by the third-party consultants—which would have limited its usefulness in managing health risks and determining remedial objectives, which was the stated intent—is that the consultant incorrectly classified the site as commercial use, effectively limiting the assessment of human exposure, which is inaccurate given the reliance of community members on Big Dock for their traditional way of life.

In other words, what the toxicologist is saying is that there are different standards, and understandably so, for a commercial dock versus a place where people swim, fish and even drink the water.

Is it your evidence that an assessment has accurately taken this in? Do you disagree with the toxicologist that this has been held to the same standard as a recreational area or an area where fishing and swimming go on?

Hon. Anita Anand: The reports I have read agree that there has been contamination, while at the same time they state that there's no evidence of harm to human health. What I want to do is update the 2017 study to ensure that this evidence is updated and to ensure that the three nations have the opportunity to engage in the process themselves. That is a commitment I made to them during our first call, during our meeting yesterday. I've given them my personal phone number, and it must be done in partnership, utilizing indigenous methodologies as well.

• (1600)

Mr. Philip Lawrence: I appreciate that. Once again, I repeat that my objective today is not to point fingers, but I think it is important to establish the fact that none of the reports conducted so far have taken into account the recreational use and the traditional way of life of the nations that have utilized these waters since time immemorial.

Hon. Anita Anand: There is a purpose in doing the update in partnership with indigenous communities and they can ensure that the study covers the issues that they want. The 2017 study did take into account swimming, fishing and boat launching. It is common practice to update such studies every five to 10 years, but updating must be done in consultation, and that is my commitment as minister.

As soon as I came into this portfolio at the end of September, I wanted to make sure the Fort Chipewyan Métis Nation, the Athabasca Chipewyan First Nation and the Mikisew Cree First Nation knew that I was very serious about taking their concerns into account.

Mr. Philip Lawrence: Thank you, Minister.

My other significant concern, other than the contamination, is the lack of notification.

We did receive correspondence from Transport Canada. However, the Transport Canada correspondence simply showed that environmental assessments were provided in a database that was only accessible for a week. It lumped in with a large amount of due diligence surrounding the divestiture of the Big Dock.

Was there any specific contamination? Did anyone pick up the phone? Did anyone go visit any of the nations and say that there is a serious problem, that there is significant contamination where their children are swimming and where they are fishing?

Hon. Anita Anand: There were 12 historical reports, and there are attempts now to do better than we have done so far. Of course, I just came into the portfolio a little over two months ago, but I've stressed to my department officials, who are here with me today, that we need to be more proactive going forward, and we need to make sure that the reports are made available as soon as possible.

The documents have been loaded onto a website, and there will be more proactive measures going forward, including, as I said, from the fact that I've shared my personal contact information. At any point, when the process is not proceeding in the way the nations want, they will be able to contact me. I have invited them to do so, so that I can address that with the department...I apologize.

Mr. Philip Lawrence: Thank you, Minister.

The Chair: No apologies are necessary, Minister. Thank you very much.

Next we'll go to Mr. Rogers.

Mr. Rogers, the floor is yours. You have six minutes, sir.

Mr. Churence Rogers (Bonavista—Burin—Trinity, Lib.): Thank you, Chair.

Welcome, Minister and officials.

Minister, on Tuesday we heard from some of the witnesses here that there's a problem around contamination. There's a problem around the infrastructure of the Big Dock.

The other issue we heard about from, I think, Chief Adam, was that if there's a wildfire, if there's an emergency, this is the communities' way to get out of there. This is their emergency escape route. How can the communities at Fort Chipewyan evacuate in case of a wildfire? That's my concern.

Hon. Anita Anand: I'm glad you raised that point, because it's a concern that I have discussed with them as well. Certainly, evacuation plans in the event of an emergency are extremely serious now because of the effects of climate change. I've reached out to Minister Hajdu and I've reached out to Minister Sajjan. Both of them have responsibilities, respectively with indigenous services and with emergency preparedness. They have assured us that aerial evacuation plans, through the use of helicopters if required, are in place and are approved for emergency evacuation, even if the airport itself is unavailable.

At the same time, the nations raised with me the possibility of establishing road access, and I am discussing that possibility of Parks Canada access with Minister Guilbeault now, and discussing with others in our government to see what might be possible.

Mr. Churence Rogers: Minister, one thing you said earlier was that you've engaged with these leaders and are trying to make sure you engage in lots of consultation going forward. That's extremely important. I think what's happened in the past is unfortunate in some cases, but engagement and consultation going forward to find solutions are critically important.

Minister, the testimony from the first nations chiefs on Tuesday was a bit disheartening as well, in terms of some of the things they're dealing with in this problem. We've heard that the situation has caused mental and emotional distress for the community members, and you could easily detect that in their testimony.

Can you share with us how you plan to address this as well?

• (1605)

Hon. Anita Anand: Most definitely: I've been in touch with Indigenous Services Canada, and Minister Hajdu in particular.

I have shared the community's concerns. I have advocated for more mental health supports to be provided to the community to address the stress and the trauma that arise because of these events, and I understand that Indigenous Services officials have noted that they are ready and they're willing to meet with the nations' representatives to discuss options for support.

Again, Indigenous Services Canada and Minister Hajdu are ready to support.

Mr. Churence Rogers: Thank you very much, Minister.

Do I have time left, Chair?

The Chair: You have two and a half minutes.

Mr. Churence Rogers: I'm going to share that time with my colleague Mr. Badawey.

The Chair: Go ahead, Mr. Badawey.

Mr. Vance Badawey (Niagara Centre, Lib.): Thank you, Mr. Chair.

Thank you, Mr. Rogers.

Minister, we've had a great deal of discussion with the folks from Fort Chipewyan in the last couple of days. I want to give them a lot of credit for being down here and spending the whole week down here to really let us know what their expectations are.

You made it very clear today that part of those expectations is that this would be community driven. They will lead the process. We would simply be a resource to them to fulfill what the desires are in terms of dealing with these challenges.

You didn't get a chance to say much in your opening statement, and I know you wanted to touch on a few of those issues they brought to your attention. Allow me to give you that opportunity now.

Hon. Anita Anand: Thank you so much.

[*Translation*]

First of all, let me say that there is no immediate safety or environmental problem with the water around the port facility. Nonetheless, the lack of transparency and communication with the Fort Chipewyan nations who use the wharf is unacceptable. That is the problem I want to address.

[*English*]

Right now, the site's environmental assessments are the next stage of updating the 2017 study, and Transport Canada is going to assume the full cost of updating these assessments. This process will be done in consultation with the local nations. That is what I heard from them in our very first conversation, and that is what I stress to my officials sitting with me here today every time we discuss this issue.

These assessments will then inform Transport Canada's next steps in determining, in consultation, how to safely manage or remediate the site. Transport Canada officials are also planning to visit the site, but only with the permission of the Athabasca Chipewyan First Nation, the Mikisew Cree First Nation and the Fort Chipewyan Métis Nation, and on their schedule. Similarly, if I am invited to attend and go, I would do so only at their convenience.

Mr. Vance Badawey: Thank you, Minister.

Thank you, Mr. Chairman.

The Chair: Thank you, Mr. Badawey.

Thank you, Minister.

[*Translation*]

Mr. Barsalou-Duval has the floor now for six minutes.

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

Welcome to the committee, Madam Minister. I am also pleased to see that a number of the first nations representatives who were at the committee on Tuesday are here again today to hear your testimony. I think it is very important to them.

During our meeting on Tuesday, a toxicologist told us that, in her opinion, Transport Canada did not do the right kind of risk analysis of the contamination of the wharf since it was based on commercial use and not on recreational use or on how the local first nations use it. The letter you sent to the communities indicates that there is no risk to human health. It does nonetheless mention some contamination, given that the risk analysis was not based on how the communities actually use it.

Are you still comfortable saying that there is no risk to human health?

• (1610)

Hon. Anita Anand: According to the evidence we have, there is no risk to human health. We considered swimming, fishing and boat launching. Those evaluations are typically updated every five to ten years. The reports will be updated in consultation with the nations involved. The most important thing right now is updating the 2017 report, and doing so in consultation with the first nations.

Mr. Xavier Barsalou-Duval: Given the answer you just gave me, would you be comfortable going there personally and swimming there with your children?

Hon. Anita Anand: Yes. My children swim very well. I would like to visit that community one day, if I receive an invitation.

Mr. Xavier Barsalou-Duval: Quite frankly, if someone told me that the water was the least bit contaminated, I wouldn't dare swim in it. It sounds like you're braver than I am. Personally, even if I was told that there was no danger to human health, I wouldn't dare dip my toe into it.

I'd like to talk about the oil sands tailings ponds located in the same area as the wharf. After the famous leaks from these ponds in 2023, why weren't additional analyses done on site contamination?

Hon. Anita Anand: That's a good question, of course.

I spoke with Minister Guilbeault today. He announced a \$12-million investment to support a health study that will be led by communities, including those three nations. The purpose is to study the health effects of the Athabasca oil sands. Minister Guilbeault, Minister Holland and the government as a whole will be looking at this important issue.

Mr. Xavier Barsalou-Duval: Aren't you concerned about the context in which the first nations there have to live? The presence of so many contaminants close to their living environment creates uncertainty about the current state affairs, because no new data has been collected since the 2023 spills.

Hon. Anita Anand: Yes. In fact, that's why the 2017 study needs to be updated.

That said, it's also necessary to emphasize the responsibility of the provincial government. The responsibility doesn't lie solely with one stakeholder, but with several stakeholders. I'm going to write to my counterpart in Alberta to ask him what he wants to do and what he's going to do, on his end, to resolve the situation.

We have made \$12 million available, and we're continuing to work with indigenous communities. That said, we're not the only stakeholder. We also need to discuss the issue with the provinces.

Mr. Xavier Barsalou-Duval: I'd like to ask you one last question.

On Tuesday, we heard from community representatives. They told us they were disappointed they weren't able to meet with you. However, since their testimony, they've managed to plan a meeting with you.

How did you manage to meet with them?

Also, what was the content of the meeting?

Hon. Anita Anand: As soon as I found out they wanted to meet with me, I made myself available. As I said, I gave my phone num-

ber to the entire group. We had a good meeting, and we're continuing to discuss the situation. I know there's a lot of work to be done, and I'm going to do it in collaboration with them. That's my responsibility and that of the federal government.

• (1615)

The Chair: Thank you very much, Minister Anand.

Thank you, Mr. Barsalou-Duval.

[*English*]

Next we have Mr. Bachrach. You have six minutes, sir.

Mr. Taylor Bachrach (Skeena—Bulkley Valley, NDP): Thank you, Mr. Chair.

Thank you, Minister, for being back at committee and answering our questions on an issue that I think has, frankly, horrified a lot of members of the committee. I've been hearing from the community their sense of frustration, fear and anxiety that an area where their kids play, swim and collect plants has been contaminated for a long time, and they weren't aware.

I understand that shortly after taking on this new mandate, when you became aware of this issue, you participated in a phone call with indigenous groups in the area, and during that phone call, you apologized for your department's actions. I'd like to give you a chance to apologize publicly here today.

Hon. Anita Anand: Yes. Thank you for the question.

I apologize for the actions of the Department of Transport over the last number of years.

I have been equally frustrated with the way things have transpired. While there is no risk to human health according to the 2017 study, and reports were shared, more could have been done earlier, especially in sharing information.

That is why I committed, upon hearing about all that had transpired, that things need to change, and that's exactly what I am trying to get done. I know it is a matter of trust, and that's hard to come by, especially when you've faced the situation that these three nations—the Fort Chipewyan Métis Nation, the Athabasca Chipewyan First Nation and the Mikisew Cree First Nation—have faced.

Trust takes time to rebuild, and I am committed to doing this work.

Mr. Taylor Bachrach: Minister, have you been briefed on the presence of gamma radiation at this site?

Hon. Anita Anand: No, I have not, but I will turn to my deputy minister, who has been in his seat longer than I have been in mine.

Mr. Arun Thangaraj: I have not been briefed on that either. Our readings of the evidence have not indicated that, but I'm happy to—

Mr. Taylor Bachrach: I'm just going to read from the 1997 environmental assessment of the port site. This is the Transport Canada-owned port in Fort Chipewyan.

It says, “Radiation surveys of the government wharf and isolated rocks and boulders used in the construction of the wharf indicated gamma radiation levels.” This is in the executive summary.

If you read on to the next paragraph, it says, “The presence of gamma radiation was noted at the wharf site in the above report” and “Further investigation of the property should be initiated if the future use of the Transport Canada property is changed.”

Do you find this alarming? I'm alarmed that you don't know this is in one of the reports concerning this property.

Hon. Anita Anand: Actually, the honourable member is raising the 1997 information. I am basing my remarks today on the most recent report, because every report builds on the previous one. He is mentioning the oldest report. I am speaking about the most recent report that we are going to be updating. It is the most updated assessment, and each assessment builds on the others.

I will say that the Regional Municipality of Wood Buffalo has rigorously tested the water and on August 28 stated that the water was safe. That doesn't mean that the report doesn't need to be updated—it does—but I wanted to mention that I am basing my analysis and my remarks on the 2017 study.

Mr. Taylor Bachrach: According to this report, Fort Chipewyan was a major stop along the network used by the Northern Transportation Company Limited to supply the community. This is the northern uranium transportation network.

The last line that I read says further investigation of the property should be initiated if the use of the site is changed. Do you know if any of the subsequent environmental investigations measured radiation levels at the site?

• (1620)

Hon. Anita Anand: Further reports were done. We need to ensure that we have evidence-based decision-making. Rather than relying on the 1997 report, we are relying on the 2017 report, which stated that there was no human health risk.

That said, we will undertake the update to the study to ensure that issues such as the one you're raising, as well as the ones the nations are raising, are addressed and are addressed in a way that is consultative.

Using the 1997 report is not evidence-based decision-making.

Mr. Taylor Bachrach: Minister, here's what's infuriating. The investigations you're mentioning specifically scoped their work to avoid certain human impact pathways. This is what we heard from the toxicologist. We had a 1997 report that showed there was radiation on the site, and yet none of the subsequent reports measured radiation. They did that because they limited the scope of the investigation to limit the liability and the responsibility of your department to clean up the site.

If you do an environmental assessment report, I would hope you'd read every previous report concerning the state of the site you're studying.

Are you saying that the environmental consultants didn't actually look at the 1997 report that showed radiation?

The Chair: I'll allow you to respond, Minister, but please give a very short answer.

Hon. Anita Anand: Of course they did. We always take responsibility for our sites. I think it is incumbent upon us all to ensure that we do our best for the communities going forward. That's my goal.

To the extent that there are issues with what Transport Canada did in 1997, I have apologized for their past behaviour. What I'm doing is what I personally can do. I will continue to stick to my guns in terms of ensuring that a proper process, in consultation with the nations, occurs. I am making the decisions now.

The Chair: Thank you very much, Minister.

Ms. Goodridge, the floor is yours. You have four minutes, please.

Mrs. Laila Goodridge (Fort McMurray—Cold Lake, CPC): Thank you.

I'm just going to get right into it. Has anyone from the Department of Transport prior to 2024 ever explicitly shared details about the dock contamination with the Athabasca Chipewyan First Nation, the Mikisew Cree First Nation, and the Fort Chipewyan Métis—yes or no?

Hon. Anita Anand: There has been—

Mrs. Laila Goodridge: Other than sharing a scientific report, has there ever been explicit sharing of the contamination?

Hon. Anita Anand: There has been the historical sharing of reports.

I will ask my colleague to specify exactly what was shared.

Ms. Stephanie Hébert (Assistant Deputy Minister, Programs, Department of Transport): The reports would have been shared in the context of conversations with regard to divestiture. In that process, we disclosed [*Technical difficulty—Editor*], so the reports that were available at those times would have been shared.

The first bundle that would have been shared would have been the phase I environmental site assessment report—

Mrs. Laila Goodridge: Thank you. Did you ever explicitly say that there is contamination that we know about at this site—yes or no?

Ms. Stephanie Hébert: It's very clear in the report—

Mrs. Laila Goodridge: No, no, I'm not asking about in the reports. Did you ever explicitly state, in any email, any phone call, any correspondence with the community, that there was contamination?

Hon. Anita Anand: Excuse me.

Because there was no risk to human health, the community, to my understanding, was not notified, but now that I'm in the chair, I know better. That's why I gave my personal cellphone number to the communities here. I know that I would share it regardless.

I don't want to be confused with the Department of Transport. Yes, I'm the minister, but I need to ensure that the proper and respectful processes are followed. That's what I am intending to do.

Mrs. Laila Goodridge: I appreciate that, Minister. I understand that you've only been in this position for two months, so you don't own all of the problems from the previous—

Ms. Annie Koutrakis (Vimy, Lib.): I have a point of order, Mr. Chair.

The Chair: We'll stop your time, Ms. Goodridge.

Ms. Koutrakis, go ahead on your point of order.

Ms. Annie Koutrakis: I'm sorry. Some of us are participating virtually. If we don't allow the minister to finish her response, it's very difficult for us to follow. I would kindly request that we wait and give the minister the opportunity to finish her answers before interjecting.

Thank you.

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

I want to remind all members to try to give an opportunity for the witnesses to respond just for the sake of our interpreters and for those joining us online.

I'll turn the floor back over to you. You have two minutes and nine seconds left.

• (1625)

Mrs. Laila Goodridge: Thank you.

You're also the minister for the Treasury Board. This is a federally mentioned contaminated site. Actually, I decided to look it up on the Treasury Board of Canada Secretariat, and it has only a medium priority for action. Has the priority for action changed, based on this information and your meetings?

Hon. Anita Anand: The priority that I have adopted as Minister of Transport is that there is an urgent need to address this issue. It is one of my top priorities.

We will update the assessments. We need a new report. Within two short months, I have activated the department to ensure that we not only have the 2017 report being updated but we also have a single point of contact in place for the communities. We will engage in consultation.

Mrs. Laila Goodridge: Minister, the dock is located on the land that's actually within the Regional Municipality of Wood Buffalo. Have you communicated with the mayor of the Regional Municipality of Wood Buffalo?

Hon. Anita Anand: I reviewed the Wood Buffalo regional municipality report relating to the water. I reviewed the public notice provided on August 28 that the water was safe.

Mrs. Laila Goodridge: Okay, but did you communicate with the mayor?

Hon. Anita Anand: I'm happy to take the mayor's or anyone else's call.

Mrs. Laila Goodridge: I'm just asking because I appreciate that you're now in communication with the three indigenous communities and Fort Chipewyan, but there is also the Regional Municipality of Wood Buffalo, and I do believe that it is important to make sure that you're communicating with all the stakeholders.

Do you expect communities to seek out information as to whether their community is or isn't contaminated, based on the federal government's assessment, or do you guys proactively provide this information? It sounds like you guys expect communities to do the work themselves to figure out whether their community is contaminated.

Hon. Anita Anand: That's completely incorrect. I am being proactive, and I am looking to ensure that there is a relationship between me—us—and the nations. My concern is the nations, and, on the issue of the mayor, I'm happy to take his call. I will be reaching out to the province as well to make sure that they are doing their fair share.

Mrs. Laila Goodridge: Thank you. If I had another question, that would have been the next one.

The Chair: Thank you very much, Mrs. Goodridge.

Thank you, Minister.

Next we have Mr. Badawey. Mr. Badawey, the floor is yours. You have four minutes, sir.

Mr. Vance Badawey: Thank you, Mr. Chair. I have a couple of questions.

There are two parts to this process. There's the first part, which is the contamination and the science attached to it. The second part is the capital with respect to the dock.

On the first part, the science and the effects of the contaminants are a concern. Minister, you're stating today that you're going to partner in a community-led process that's going to complete, basically, a community-based risk assessment that identifies the contaminants of concern, the updated risks attached to those contaminants—even going back to 1997—and, with that, finally, a plan of remediation.

Let's not forget, folks, that this goes back to 1997, so all parties have had an attachment to this issue. From 1997 it was to the Harper government and, of course, after that it is to our government today. However, let's not make a mistake about it: It's not as if nothing was done about this until today, and I give you that kudos as well as that appreciation, Minister, to you and your department, and to the folks who, quite frankly, are leading this process, the community.

As we move forward with that CBRA, that community-based risk assessment, with the CFCs being identified and the remediation plans being put in place, Minister, would you agree that it's very important that this be the process and, second, that it be led by the community?

Hon. Anita Anand: Yes, I would agree, and in fact the reason I wanted to get on the phone as soon as possible with the three nations was that I wanted to make sure that I heard them. Again, that's my commitment—consultations.

I immediately took action. I'm committed to reconciliation. Work will begin immediately on an updated environmental assessment, which was ordered. I ordered that these assessments be done in consultation and partnership with the nations, taking into account indigenous methodologies and uses. I established a single point of contact at Transport Canada.

Who will be the point person? She had an introductory meeting already with representatives on Friday. My office engaged Indigenous Services Canada to help arrange supports for mental health and trauma. Also, I engaged with Emergency Preparedness and ISC to ensure that wildfire evacuation plans are in place, and Transport Canada officials will visit the site when and if invited.

• (1630)

Mr. Vance Badawey: Earlier the deputy minister mentioned jurisdiction, and I'm very interested in this, because there is a source of this contamination. Based on that, there is a responsibility for the Alberta provincial government to recognize what that source of contamination is, and, second to that, to proceed with an order for them to be involved in this remediation. Has that conversation with the Province of Alberta happened yet?

Hon. Anita Anand: I'm really happy that you raised the issue of the source, because we do need to identify the source of any contamination, and that is the reason that I will be reaching out to my provincial counterpart as soon as possible. I spoke with my deputy minister and asked him to draft that letter and to arrange that communication, so that is in process right now.

I also spoke with Minister Guilbeault, who indicated to me that on the other sites that were contaminated, there was a nine-month period during which the Alberta regulator did not notify the communities. That's an issue I will bring up with my provincial counterpart as well. There are many possible sources. We need to determine the source, and it will be with multiple levels of government and departments, but I will stay on top of it.

Mr. Vance Badawey: Thank you, Minister.

In my closing remarks, I also want to say thank you to the community for your involvement as well. You guys have been very much involved. We expect that is going to continue and we look forward to working with you.

The Chair: Thank you very much, Mr. Badawey, and thank you, Minister Anand.

[*Translation*]

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

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

I'm going to continue along the same lines as Mr. Badawey regarding contamination.

The toxicologist who appeared at the last meeting told us that the types of contaminants detected around the wharf were very similar

to the contaminants that could be found in the oil sands tailings ponds. We can therefore assume that they came from those ponds.

I think that's an indication of the potential long-term consequences of oil sands development. In this case, we're talking about Fort Chipewyan, but there are surely many other communities in Canada located near oil sands tailings ponds that could be victims of this type of contamination. In some cases, the situation could even be worse than what is experienced in Fort Chipewyan.

Aren't you concerned about the major risk of contamination to the people who live there? You mentioned that the Government of Alberta was responsible. I agree, but I think the federal government has a responsibility too, since it funds the oil sands to the tune of billions of dollars.

Hon. Anita Anand: First of all, I do have concerns. Of course, I'm concerned, because we've seen a number of situations where more help is needed. I want to make sure that we do the work necessary on this, and I will reach out to my counterparts, as I said.

I would also like to mention the \$12 million that, as Minister Guilbeault confirmed, will be devoted to a study on the effects of oil sands development on the health of people in the Fort Chipewyan region.

We assume our responsibilities, but this is an issue that involves all levels of government and all stakeholders. We have to recognize that there is a lot of work to be done in consultation with the nations concerned.

The Chair: Thank you very much, Minister Anand and Mr. Barsalou-Duval.

[*English*]

To end the first round today, we have Mr. Bachrach.

The floor is yours for two minutes, please.

Mr. Taylor Bachrach: Thank you, Mr. Chair.

Minister, your statement earlier that there's no evidence of risk to human health is a challenging one, I think, for the community.

We heard from the toxicologist at our last meeting that the findings were really shaped by the design of the investigations and this designation as a commercial site. What she told us was that the consultants looked only at two exposure pathways. Those were groundwater ingestion and vapour intrusion. We know that there are other ways that the community could be exposed to risks.

If those studies had been designed to consider a broader suite of potential exposure pathways, is it likely that they would have shown risk to the community? Perhaps another way to put that is that if the site use changed to a place where the community gathers plants and swims—if that was the site use, not a commercial use—would the risk to human health be different?

• (1635)

Hon. Anita Anand: Mr. Chair, this is the very reason that we need to update the study. The risk assessment considered the following potential human exposure pathways: potable groundwater ingestion, indoor vapour inhalation, outdoor vapour inhalation, ingestion of country foods and direct soil contact, as well as direct sediment contact.

There is more work to be done, and we need to be using indigenous methodologies and approaches. In order to get this right, we need to update this study, and we need to do that in consultation with indigenous peoples, including the three nations.

I want the nations to be comfortable. I want to make sure we do it according to their approach and their plan. That's my commitment to them and that's what we will continue to ensure happens.

Mr. Taylor Bachrach: Minister, your statement that there is no evidence of risk to human health is shaped or informed by past studies that only considered limited exposure pathways.

The federal risk assessment actually found measured concentrations of benzene and methylnaphthalene in the groundwater.

I'm just wondering how you can claim that there is no risk to human health and what that is based on. Clearly, there are toxins in the environment in an area that the community uses. Clearly, these studies were not done properly, by your own admission.

How can you claim that the site has no risk to human health?

Hon. Anita Anand: I am referring to the 2017 study, but I'm not sure that the honourable member is hearing my words. I recognize that the 2017 study needs to be updated, and it will be updated in consultation with the nations. The studies were done properly, but updated ones will be better.

Any statement I have made is based on the evidence in the 2017 report. It would be highly imprudent for me to offer conjecture about what I believe is the case rather than relying on statements of fact undertaken by methodology. Therefore, I will personally ensure that the 2017 study is updated using the methodologies of the nations.

The Chair: Thank you very much, Mr. Bachrach.

Thank you, Minister, for your appearance today.

Colleagues, we're going to suspend for two minutes to allow the minister to leave and to set up the next round of witnesses.

This meeting is suspended.

• (1635)

(Pause)

• (1650)

The Chair: I call this meeting back to order.

Colleagues, joining us for the second half of today's meeting, we have, from the Department of Indigenous Services, Ms. Jennifer Wheatley, assistant deputy minister, first nations and Inuit health branch; Mr. Nelson Barbosa, director general, community infrastructure branch; and Ms. Jennifer Mercer, director, environmental public health division.

Welcome to you three.

From the Department of the Environment, we have Mr. Seth Cain, director, contaminated sites division.

Welcome to you, sir.

From the Department of Transport, we have Stephanie Hébert, who has stayed with us. She is assistant deputy minister for programs. We also have Ross Ezzeddin, director general of air, marine and environmental programs.

My understanding is that you do not have opening remarks.

With that, I will turn it over to our first questioner today, and that will be Mr. Lawrence.

You have six minutes, sir.

Mr. Philip Lawrence: Thank you very much.

We have a great deal of questions for you, but there is a very important matter I have to attend to, and I believe that we have an agreement.

I'm going to seek unanimous consent, and I believe that there will be an amendment offered as well, Chair, but the motion that I would like to move at this point, hoping for unanimous consent with an amendment from the floor, is this:

Given Air Canada's plan to restrict carry-on bags for customers purchasing its lowest-priced "basic economy" fares starting January 3, impacting the affordability of air travel for Canadians, the committee invites the CEO of Air Canada the Minister of Transport to address this matter within seven days.

The Chair: Thank you very much for that, Mr. Lawrence.

I'll turn it over to Mr. Badawey.

Mr. Vance Badawey: Thank you, Mr. Chair.

Thank you, Mr. Lawrence.

The only amendment that I would like to add to that, especially because a lot of other companies are participating in the same direction, not just Air Canada, is to include all the airline companies, the carriers, in the motion.

The Chair: Thank you very much, Mr. Badawey.

I believe there was also another change that we wanted to make with regard to the timing to provide—

Mr. Philip Lawrence: Yes, we have seven days set aside, Mr. Chair, but, as you know, there could be plentiful votes, so we would be agreeable to changing it from seven days to eight days or, if you prefer, to the end of the business day on December 13. Either way, it's eight days.

The Chair: Thank you very much, Mr. Lawrence.

I want to confer with the clerk. I believe that Mr. Badawey would have to be the one making that amendment.

Mr. Badawey, is that an amendment that you'd like to propose?

Mr. Vance Badawey: I can, but the only caveat to that is there is a reality attached to the minister's schedule. She's trying to fit everything in before year-end. You can well imagine members of cabinet being a very hot commodity right now, and they're trying to fit everything in before year-end. Physically, it would be difficult.

I can't speak for her, but I'm just giving you a heads-up and a warning that it would be very difficult for her to agree to that time frame. It's not to say that she can't do it later on in the next week or two. We were lucky to get her out here today.

That's the only caveat that I have. Other than that, I'm fine with it.

The Chair: Thank you very much.

We all agree, colleagues, that it would be a special meeting of the committee that would possibly take place if we—

Mr. Philip Lawrence: That's correct, and we're willing to give the chair wide latitude in arranging that.

The other thing that we would like to state—not as part of the motion, but just hopefully instructive for the clerk and chair—would be that we would prefer it to be a two-hour meeting in which there would be one hour for the minister and Air Canada and another hour for the rest of the airlines.

We're good with the amendments. Obviously we want to keep the minister's invitation in there, but we are completely aware that we cannot compel ministers to testify.

The Chair: Thank you very much, Mr. Lawrence

I have hands up by Mr. Barsalou-Duval and Mr. Bachrach.

[*Translation*]

I'll turn the floor over to Mr. Barsalou-Duval.

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

In response to Mr. Badawey's proposal, I tend to agree that we should also invite other carriers that are adopting the same practice. However, how many carriers would that be? Do we want to invite 12, 13, 20 airlines?

Maybe we should limit it to the major airlines, the big ones. For example, we could hear from representatives of the National Airlines Council of Canada, WestJet, Air Transat and Porter.

I think we should invite a limited number of companies. That's all I wanted to add.

• (1655)

The Chair: Thank you, Mr. Barsalou-Duval. That's a good point. In fact, I think everyone agrees that we need to limit the number of companies to be invited.

[*English*]

I'll turn it over to Mr. Bachrach first, and then I'll turn it back to you.

Mr. Bachrach, you have the floor.

Mr. Taylor Bachrach: Thanks, Mr. Chair.

We support this motion. I think that everyone sees these fees as junk fees that are going to be used to jack up the cost of flying. We're seeing a similar push-back in the United States, where airlines are trying to pull the same game.

My original question was about ensuring that this is a special meeting outside of our schedule. We do have a new study starting next week, I believe. My preference would be to not take up one of those meetings, because that would leave us with a single meeting prior to the holiday recess.

I think everyone's willing to work extra hard in the lead-up to Christmas, so if we can get an extra meeting outside the schedule for this matter, that would be appreciated.

The second point was around naming the specific airlines that we want to show up. My understanding is that not every airline has these pricing practices, so we should probably focus on the ones that do, although some other airlines that don't price things that way may want to add their thoughts as well about why they're not willing to participate in this kind of what I see as pretty unscrupulous behaviour.

I'll leave it at that, and hopefully we can get the answers that Canadians deserve.

The Chair: Thank you very much, Mr. Bachrach.

One thing I want to point out is that we're giving, I believe, eight days' notice to the companies to send representatives. We're asking specifically—correct me if I'm wrong—for CEOs in this motion.

Are we limiting it to CEOs? If the CEOs can't make it, the companies could respond by saying, "The CEO is not available." Should we say, "the CEOs or designated representative"? They would probably send a vice-president. However, if we specifically ask for the CEOs....

Go ahead, Mr. Lawrence.

Mr. Philip Lawrence: On a number of points by Monsieur Barsalou-Duval, we agree it should be the three top airlines, in terms of a limited number.

Quite frankly, this is something Canadians take very seriously. There has been a tremendous amount of outrage. We are the people's House. If the people want the CEOs of the airlines to be here within eight days, they should be here. If they can't make the time within eight days, it's a violation of not my privilege but the Canadian people's privilege.

The Chair: Thank you very much, Mr. Lawrence.

Just to be clear, colleagues, we're looking at Air Canada, WestJet and....

An hon. member: It's Porter.

The Chair: It's Porter. Okay. Thank you.

I'm going to turn the floor over to you, Mr. Badawey.

Mr. Vance Badawey: I would even go one step further.

I agree with Mr. Lawrence. There is no question that this is very troubling. Quite frankly, it was troubling when WestJet started doing it. Now we have Air Canada following suit. We want to make it very clear to Porter.... I'd even go as far as inviting Air Transat to hear what those concerns are.

Domestically, this is beyond concern. Let's have WestJet, Porter, Air Transat and, of course, Air Canada here to speak about this. I'm not here to throw snowballs at anybody; I'm just here to express the concerns of the people we represent and ensure they hear them loud and clear. Let them speak about the decision they're making. Of course, with good dialogue, we make sure that concerns residents are expressing to us—their representatives—are heard loud and clear by all the major carriers.

The Chair: Thank you, Mr. Badawey.

I'll turn it over for a final note from Mr. Bachrach.

Mr. Taylor Bachrach: I know we have to get back to this important matter at hand.

I'm just wondering. We have a two-hour meeting, so we have room for two panels. Do we have room to include a passenger advocate? This is a consumer rights issue. I think just hearing from the airlines and the minister means we're not going to hear from anyone who represents the passengers who have to pay these junk fees.

My preference would be, if at all possible, to also invite Gábor Lukács from Air Passenger Rights. I know he's no stranger to the committee, and he always brings a detailed and articulate view to these issues. I also know he's already spoken out about this. My preference would be to add him to the list.

Mr. Philip Lawrence: My thought is that we go ahead with a two-hour meeting. In the first hour, we have the passenger advocate, Air Canada and the minister. Then, in the second hour, we have WestJet, Air Transat and Porter, if that is agreeable to everyone.

The Chair: Is there any particular reason Air Canada is singled out for the first hour?

• (1700)

Mr. Philip Lawrence: As Vance said, there are others that are including these junk fees, as they're known, such as WestJet. However, Air Canada is the one that has just recently gone forward. They are the headline right now.

I would, quite frankly, like to ask questions of the air passenger advocate with Air Canada there.

The Chair: Okay. It wouldn't be the holidays without Gábor Lukács joining us at committee.

Colleagues, we've all heard the terms.

Are there any other questions or comments?

Seeing none, do I have unanimous consent to adopt the motion and move forward with the clerk in trying to respond to the demands of the committee?

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

The Chair: Thank you very much, colleagues.

Thank you, Mr. Lawrence.

Mr. Lawrence, I will turn the floor back over to you for your line of questioning in the second round of witnesses we have.

Mr. Philip Lawrence: Thank you very much.

Ms. Hébert, I think you were at the agriculture committee this morning as well.

No. I'm so sorry. That was someone else from the Department of Transport.

I want to spend my time, though, with you, Mr. Cain, as director of contaminated sites.

One thing that concerns me in this case is that there has been a lack of notification. In the documentation provided by Transport Canada, they included some documentation on contamination, but it was...I don't want to say it was hidden, but a due diligence package was not easily seen.

Obviously, I'm concerned about what happened at the Big Dock. The thing that really concerns me, though, is how many other sites there might be where people aren't receiving proper notification.

When the government is aware of a contaminated site, what is the process for informing and notifying first nations, municipalities and other local residents?

Mr. Seth Cain (Director, Contaminated Sites Division, Department of the Environment): The federal contaminated sites program, which is a horizontal program that I oversee as a director at Environment Canada, working with colleagues, lays out the expectations that we have of custodians in terms of involving the public, indigenous groups and others. It's guidance; it's not a formal regulatory or other requirement. It provides guidance as a program. The program does recommend that potentially impacted members of the public, indigenous groups and other stakeholders be identified early in the process and that if there is potential for impacts, to then communicate with those groups.

Mr. Philip Lawrence: Thank you, Mr. Cain.

How many contaminated sites are there in Canada?

Mr. Seth Cain: We have a federal registry, which includes all of the potential and actual contaminated sites under the federal government's responsibility. That registry lists over 24,000 federal contaminated sites. A great portion of those are identified as suspected.

Part of the process for contaminated sites is for custodians—which is to say federal departments, agencies, Crown corporations—

Mr. Philip Lawrence: I'm sorry, Mr. Cain. My time is short. I don't mean to be rude.

For how many of those 24,000 suspected contaminated sites have stakeholders—such as landowners, indigenous groups and municipalities—been notified?

Mr. Seth Cain: I don't have that level of information.

In terms of the way the responsibilities go, each of the federal departments that owns the sites—

Mr. Philip Lawrence: Is that information that your department has, but you just don't have it here with you?

Mr. Seth Cain: It's information that we don't gather. We don't have that information.

Mr. Philip Lawrence: Then we have a department in the federal government that identifies that there are 24,000 contaminated sites, but we don't have any documentation of whether anyone's received notification that they're potentially swimming in, fishing in and drinking water out of contaminated sites.

Mr. Seth Cain: The approach for this is that the departments responsible for their sites have to consider whether there's reason to notify the public centrally—

Mr. Philip Lawrence: But do you track that? You throw it up on a website or whatever you do; you allow the department... Do you then solicit any feedback as to what steps have been taken?

Mr. Seth Cain: No, we haven't, historically, done that across the program.

Mr. Philip Lawrence: We have 24,000 sites.

With respect to the Big Dock, there was an assessment done, and there was contamination. Was it your guidance to Transport Canada to provide notice to the surrounding communities?

• (1705)

Mr. Seth Cain: The federal contaminated sites action plan guidance would—and at that time did—include the advice to engage community members with regard to the contamination.

Mr. Philip Lawrence: You provided Transport Canada with advice to disclose this to first nations.

Mr. Seth Cain: We provide general advice to custodians, and that advice recommends involving community members when there's the potential for them to be exposed to or near contamination.

Mr. Philip Lawrence: We've heard testimony and have seen the minister fully admitting that there was not specific disclosure. There was some sort of... I wouldn't even say that it was inadvertent disclosure with respect to the divestiture of a dock. However, you would say that this was inconsistent with your advice, then—that Transport Canada either ignored your advice or just simply didn't follow it.

Mr. Seth Cain: I would also observe that the federal contaminated sites action plan, the program that we have had in place since 2005, does provide guidance. It provides recommendations. It has had very limited funding to support departments like Transport Canada with what we call assessment work, the initial number of steps to identify... They've done their best, given the funding that we've not been able to give them.

Mr. Philip Lawrence: Thank you. I appreciate that, Mr. Cain.

I just want to be clear that your department gave advice for notification to happen, and it didn't happen. That's correct with respect to the Big Dock. Is that correct?

Mr. Seth Cain: The advice the program provides recommends engaging community members.

The Chair: Thank you, Mr. Lawrence, and thank you, Mr. Cain.

[*Translation*]

Mr. Lauzon, you have the floor for six minutes.

Mr. Stéphane Lauzon (Argenteuil—La Petite-Nation, Lib.): Thank you, Mr. Chair.

Thank you to all the staff who are here to answer our questions.

You're used to talking about zoning and the use of sites that belong to the federal government. On that point, I would like to ask you for clarification.

The first nations representatives told us that the intended use category of the wharf wasn't really displayed and that the wharf was used for family activities, since there's a park next door. However, the wharf has been classified as a commercial port.

Tell me a bit about how you evaluated the use of the wharf. What studies did the department rely on? How did the department take into account family or tourism activities, such as water sports, swimming and fishing?

[*English*]

Ms. Stephanie Hébert: First and foremost, what I do want to say is we definitely acknowledge that we didn't sufficiently engage the nations in doing the studies that we have done to date. While there was some disclosure that occurred through divestiture conversations, I think what we've learned today and what I really want to emphasize today is that engagement in understanding the uses is really critical, I think, to having confidence in the reports, and also really assuring the community that human health and environmental health are being protected.

When the risk assessment was done, you're correct that it was done using a commercial risk assessment. The other categories are industrial, residential or agricultural. Although we used a commercial assessment, it was, for lack of a better term, a “commercial plus”. It was used to consider the uses of the port, to the extent that we knew them, and again, we should have validated them, including fishing, boating and swimming, as well as any sorts of traditional uses. The uses were taken into account.

In terms of looking at potential exposure, it was a commercial assessment, but very precautionary frames were used to really make sure that the risk analysis was robust. I think that we can improve upon those areas. Over the course of our testimony, I'm happy to unpack some of those exposure pathways, some of the frame of what the commercial assessment would have looked like.

I think as we have a better understanding of how the community is using the port, how the nations are using the port, we may need to shift that assessment from a commercial assessment to a residential one.

• (1710)

[*Translation*]

Mr. Stéphane Lauzon: My time is quickly running out, but can you explain to me how the studies conducted can have different consequences, depending on whether the wharf is used for commercial purposes or family purposes? Does Transport Canada take its responsibilities to human beings seriously?

[*English*]

Ms. Stéphanie Hébert: Yes, absolutely. At the end of the day our understanding was that there weren't risks to human and environmental health, taking into account all of these, and we did look at a number of things.

In the risk assessment there were, I think, two really important recommendations. One was the concern with regard to groundwater, and the other was with the proximity of wells. A search was done in terms of wells. It's really important that they not be in proximity to the site, and so a verification was done that none was within 60 metres, which is usually the distance that is established. None were in proximity, and we validated that against the Alberta well inventory.

The other step we looked at—and this was also brought to bear in the environmental site assessment phase three study—is in terms of the flow of the groundwater. It doesn't flow from the site towards the community; it actually goes towards the lake. Therefore, it was felt that the risk to groundwater and the risk to wells that might be in proximity would be potentially low.

[*Translation*]

Mr. Stéphane Lauzon: As part of this study, we've heard about the ports asset transfer program.

For the good of this committee, explain the benefits of transferring port assets to the community.

[*English*]

Ms. Stéphanie Hébert: There are three things I would say.

First and foremost, the port asset transfer program is grounded in the belief that local communities are best placed to manage these assets and this infrastructure and to make sure that this ultimately meets the needs of the community.

Second, I think it is really important in any divestiture or any transfer that everything be disclosed. Letters of intent are signed. We sign agreements, and we have to share everything.

Third, as part of the negotiation process, if there is contamination, that is fundamentally taken into account in any negotiation. We will absolutely assume any liability that we might have, and we make sure that this is discussed and recognized in the context of a transfer.

[*Translation*]

The Chair: Thank you very much, Mr. Lauzon.

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

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

I'd like to thank the many witnesses for being with us. I assume that, among the group of people who are here with us, someone will have the necessary knowledge to answer the question I'm going to ask.

In the letter that the Minister of Transport sent to the communities and first nations living in Fort Chipewyan, it was mentioned that, according to the latest risk assessment report, there would be no risks to human health in activities such as swimming, launching, traditional food management and recreational activities, among others.

I'm wondering to what extent that can be asserted. I know that in science, there is a basic principle of exposure, in this case exposure to contaminants. For example, if I have radon in my basement and I spend an hour a day there, it doesn't look like I'm at too much risk of getting cancer. However, if I'm there 12 hours a day, I may be at greater risk of that happening.

In this case, that statement doesn't tell us much about the degree of risk involved. Is it the same for someone who swims in that water every day as it is for someone who swims in that water once a year? How do we find out?

[*English*]

Ms. Stéphanie Hébert: The risk assessment outlines potential exposure scenarios. The consultant who would have done this indicated the parameters they would have used for a commercial assessment. They looked at all age groups except an infant under the age of six months. They assumed that the person would have been on site for approximately eight hours a day. Just to give you the comparison, if we had done a residential scenario, it would have been 24 hours a day.

They looked at presence five days a week versus seven, which you would have had in a residential assessment. They looked at 52 weeks a year, but they did annotate that it was to be precautionary, recognizing that the site is frozen for a number of months during the year. Nonetheless, they defaulted to the 52 weeks to have the precautionary period. Then it was looking at contact per day, so they had water contact per day and dermal exposure per day.

These are the types of scenarios that are used to guide. Then, for a risk assessment, they look at the environment and the risks to human health. They'll look at the type, amount and location of the contamination, the presence of people or wildlife that may visit the site, the roots of exposure, and then the physical environmental characteristics of the site, and they'll look at receptors for that exposure to happen and how it can be transmitted.

This would be something that we would redo with the communities and with the involvement of the nations. I think that it's really important for us to better understand if these scenarios were sufficient. Did we sufficiently take into account their interactions with the site? Community foods were considered, but it's important for them to advise—

• (1715)

[Translation]

Mr. Xavier Barsalou-Duval: If I understand correctly, you have to re-examine the premises that were used to assess the risks to determine whether they're relevant to the current lifestyles of the people who live in Fort Chipewyan. That's the first thing.

Also, you said that the statement made in the assessment would apply to a person who was exposed to contaminants for eight hours a day. Are these typical cases that apply in other situations, but not necessarily in this specific case? I'm just trying to be clear on that.

That would mean that it would be okay for a person to spend eight hours a day in that water, 52 weeks a year. Is that what you're telling me?

[English]

Ms. Stéphanie Hébert: Again, that's the scenario that the assessment uses. The scenario tries to be exceptionally conservative, because it is a risk assessment.

[Translation]

Mr. Xavier Barsalou-Duval: My other question is about dredging.

At the last committee meeting, I asked the witnesses a question about this, but those who were present didn't have the answer.

Transport Canada told the residents of the area to avoid dredging on-site because it could re-suspend sediment and lead to further contamination.

Is there a way to dredge on site to remove the sediment, or is the only thing to do is leave the sediment in place? Is there or is there not a way to decontaminate the site, if people want to be able to dredge and use the wharf? I do think that's what the people there want.

[English]

Ms. Stéphanie Hébert: The short answer is yes, but we have to be careful as we do it, because of what we know in terms of the contamination. It's also because of what we know in terms of the nature of the structural characteristics of the port and also because of what we know in terms of buried infrastructure that is there.

Specifically, this is something that we would have to plan really well to make sure that we do it appropriately. We'd have to plan it well to make sure that we are properly containing any contamination that is on site. For any sediments that are removed that may be contaminated, we'd have to engage in terms of where they would be properly disposed of. We would need community consent for that if it were to be in a landfill.

I'll go really quickly—I'm sorry.

What I will say about the infrastructure is that one of the things we have to be careful of is dredging, because the infrastructure is like a pool. If you lower the water in your pool too much, the sides will collapse. How we would do the dredging is a concern we have with this port. We don't want to in any way harm the structural integrity of the port, so we need to manage the environmental aspects. We need to manage the structural aspects. That is going to

quire planning, and that's going to require studies, and generally that takes 12 to 18 months.

The Chair: Thank you very much, Madam Hébert.

Next we'll go with Mr. Bachrach.

Mr. Bachrach, the floor is yours. You have six minutes, sir.

Mr. Taylor Bachrach: Thank you, Mr. Chair.

Ms. Hébert, you mentioned that the 2017 risk assessment considered fishing, boating and swimming. All of these were taken into account and led to the conclusion that there was no risk to human health, yet my understanding is that no surface water samples were taken as part of that risk assessment.

Was any quantitative surface water data considered when making that conclusion that there was no risk to human health from any of those exposure pathways?

Mr. Ross Ezzeddin (Director General, Air, Marine and Environmental Programs, Department of Transport): Mr. Chair, I can try to answer that.

No surface water sampling was taken. The purpose of the risk assessment was to determine whether or not the contamination at the Transport Canada local port was posing a risk in the surface water, but the question about whether there were broader risks around the surface water was outside the range of that, so the—

• (1720)

Mr. Taylor Bachrach: I'm just trying to understand. The sediments were sampled. The soil was sampled on the land. The sediments were sampled, but the water itself wasn't sampled, yet there was a conclusion made, based on modelling how those contaminants would migrate from the sediment into the water column or from the groundwater into the lake. It just seems like such a simple thing to collect some water samples and see if it's contaminated. Why wasn't that done?

Mr. Ross Ezzeddin: I'm not sure. I can read you what the report says about that, but it is along the lines the member has described.

Ms. Stéphanie Hébert: When we get to update the risk assessment—we regularly update the risk assessments—this is one of the areas that we can possibly look at. We would want the province to participate with us in that assessment, but when the risk assessment looked at sediment contact with surface water—and again, it's a risk assessment—fundamentally what it concluded was that because our port is quite small when you think about the broader lake, the risk of exposure and the contamination risk was deemed to be quite small. That was the frame that was used.

Mr. Taylor Bachrach: The concern that was expressed by the toxicologist who appeared before committee was that many of the companies the government hired and the companies that typically work in this space are hired to assess away the risk, to scope their studies in such a way that the outcome of the study would show minimal risk, because minimal risk comes with minimal obligation to clean it up. Do you see what I mean?

This seems like one of the central problems with this approach of hiring certain consultants and scoping studies in certain ways and having this hands-off approach of “Do your thing and tell us if there's a risk to human health.” I'm just trying to characterize what we've heard from the independent toxicologist.

More concerning is that the Athabasca Chipewyan First Nation contacted the Prime Minister's Office, Indigenous Services Canada, DFO and Emergency Preparedness in over 30 emails and phone calls about dredging. This is the community's sole access point for evacuation, and they're unable to use this transportation infrastructure. They were making all these calls, and they got absolute radio silence in response. It wasn't until they went to the media and rang the alarm bells that all of a sudden the government started scrambling, and it was like, “Oh, crap; we have to manage this situation.”

How is the committee meant to understand that all throughout the summer these first nations are trying to get hold of you to talk about this critical transportation infrastructure, but they get absolutely nothing back? What does that say?

Ms. Stephanie Hébert: Mr. Chair, I appreciate and I acknowledge the frustration of the nations. The minister was very clear in her testimony that we have some work to do to rebuild trust with the nations. I do wish to acknowledge that.

What I will say is that we did have officials who did engage through the representative on the dredging question. We were assured, when we contacted colleagues in Indigenous Services Canada emergency services, that in the evacuation plans there were alternative contingency plans that didn't rely solely on access to the Transport Canada port and also took into account that perhaps the airport would not be available. We too weren't contacted by the entities responsible for the evacuation. It was on that basis that we said that we wouldn't be able to proceed with the dredging on an emergency basis.

The other reason that we said we couldn't proceed with it on an emergency basis was for the reasons that I previously outlined, Mr. Chair.

It's complex in terms of doing it. Dredging has to be planned really well. The nature of this port and the surface infrastructure make it more complex for us. We would need more than a couple of months to be able to tackle this request.

Mr. Taylor Bachrach: Yes, I understand all that and I think those are important considerations. They still don't excuse the fact that it took them going to the media and threatening to dredge it themselves, to which the department responded that they would throw Chief Adam in jail if he tried to dredge the port. It took all of that for you folks to get back to these nations to say what the issues with dredging are and what the challenges are.

It's such a statement about the state of reconciliation that first nations expressed concerns and they just got radio silence back. I just don't know what to say about that. It's so incredibly frustrating.

I see the red card, Mr. Chair, so I'll cede the balance of my time to the next questioner, but I'm baffled.

• (1725)

The Chair: Thank you very much, Mr. Bachrach.

Mrs. Goodridge, that means you get an extra seven seconds. Use it wisely, madam.

The floor is yours. You have five minutes.

Mrs. Laila Goodridge: I have five minutes and seven seconds. Thank you.

To follow up on the questions, ACFN contacted the Prime Minister's Office, Indigenous Services Canada, the Department of Fisheries and Oceans and the emergency preparedness ministry asking them to dredge the dock for many years, not just in 2024.

This has been an ongoing issue in this community, and at no point were concerns regarding contamination ever brought up.

Why?

Ms. Stephanie Hébert: I think what's really important is, going forward—

Mrs. Laila Goodridge: No. Let's look backward a little bit. This has happened, so why did you guys choose to not inform the community?

Ms. Stephanie Hébert: Previously, the way the department would have worked... We have to remember that this was in 2017. Some of the studies were done in 2013 and 2014. We did notification on three bases. First was that if we knew there was an active treaty claim, then a notification would have been done, because it could affect the exercising of rights.

Second, if we were in divestiture conversations or transfer conversations, it would be disclosed. I'm not going to argue the point about whether or not we sufficiently disclosed through that process, because I don't think that it's productive and I don't think that's what the committee wants to discuss today.

Third, if we had studies in our possession that indicated that there could be a risk to human or environmental health, then there would be an engagement.

Mrs. Laila Goodridge: We have very limited time.

We had fire all around us in northern Alberta. There was a threat that the airport was going to be shut down. At that point, the first nation decided that it wasn't going to listen to the federal government anymore. It was going to take matters into its own hands. It was going to hire its own company and do this dredging itself.

The email it got back from Indigenous Services Canada said that there was significant potential liability involved in dredging it. Then they proceeded to say that they were going to charge the chief, both criminally and civilly, if they proceeded to dredge it.

At that point, why didn't you decide to tell them that the concern about dredging it was because there was contamination?

Ms. Stephanie Hébert: The concern about dredging wasn't just about contamination. There was also concern about the structural integrity. The other—

Mrs. Laila Goodridge: Then why wasn't that part shared?

I have the email. There was nothing shared about the structural integrity. Up in northern Alberta, we do a lot of dredging for a lot of different reasons. Dredging happens in the oil sands on a regular basis. Dredging happens at the Snye in downtown Fort McMurray on a regular basis. There is a lot of dredging. There are a lot of engineers in Fort McMurray. We have the capacity to do a lot of dredging. We actually have a lot of equipment up in the oil sands region because of the oil sands. The ability to do this exists.

Why was no information given to the community as to why they couldn't dredge?

Ms. Stephanie Hébert: My understanding is that all of this was articulated in a letter—

Mrs. Laila Goodridge: Including the contamination?

Mr. Angelo Iacono (Alfred-Pellan, Lib.): I have a point of order, Mr. Chair.

The Chair: I'm sorry, Ms. Goodridge. I'll stop you at three minutes and 30 seconds. I'll turn the floor over to Mr. Iacono.

Mr. Angelo Iacono: For the sake of translation and also for the sake of getting a good, coherent response from the witnesses, I think it's important that when we ask a question, we don't interrupt while they're responding. That way we can understand what they are responding to. If it's possible, let's give them time to respond.

Thank you.

The Chair: Thank you, Mr. Iacono.

I will remind all members to try to allow the witnesses to respond but also, more importantly, to ensure that we're giving the time for our interpreters to properly translate in both official languages what is being asked and what is being responded to by our witnesses.

Ms. Goodridge, I'll start the clock again. You were at three minutes and 30 seconds.

Mrs. Laila Goodridge: Was the contamination shared when you shared why you couldn't dredge?

Ms. Stephanie Hébert: It's my understanding that this would have been articulated in the letter in response to the request.

I think the issue before us is how to better engage in these types of studies going forward with the community to rebuild the trust. I think that's where we would really like to focus with the nations.

• (1730)

Mrs. Laila Goodridge: I appreciate that.

Ms. Hébert, could you table with this committee the letter that shared the contamination? The letters that have been tabled with this committee up to this point do not actually stipulate or say the word "contamination". They just show the environmental reports. It is worth noting that only two of the 12 that the minister said existed were actually shared.

Could you please table that with the committee?

Ms. Stephanie Hébert: I can, absolutely. We are in the midst of doing document production. We'll make sure it's there.

What I do want to qualify is that the letter was sent to the representative who was hired by the nation to interact with Transport Canada. When you see it, it won't be to the first nation. It will be to the individual who was authorized.

Mrs. Laila Goodridge: Was any communication given to the Regional Municipality of Wood Buffalo? This dock is actually on municipal land, not on first nations land. Was any communication given to the Regional Municipality of Wood Buffalo or to the Province of Alberta?

Ms. Stephanie Hébert: The conversations would have focused on asking if there were alternative routes. Were there contingency plans in place to support emergency evacuation? How critical was the TC wharf to those plans?

We were told that there were other alternatives and that they were not contingent upon using the Transport Canada wharf.

Mrs. Laila Goodridge: Respectfully, someone in Ottawa in their ivory tower, not going to the community, does not actually understand the needs of the community. When the community is saying, "We need this"....

The fact that Transport Canada chose not to listen is very disappointing.

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

Mr. Iacono, the floor is yours. You have five minutes, sir.

Mr. Angelo Iacono: Thank you, Mr. Chair.

This problem occurred under the previous government. For the 10 years they were in power, what was done? What instructions did you get? What was taken from that period of time and forwarded to the 2017 report? Was anything forwarded to the 2017 report? Was there some action? What action was done during the 10 years they were in power, or was there simply inaction—and why?

Ms. Stephanie Hébert: What I will do is speak generically in terms of how we manage these kinds of situations.

In this particular instance, are you asking about what information would have been shared or about work that was done?

Mr. Angelo Iacono: What was shared? What was done? What was told? What directives did Transport Canada get from the Conservative government? What was your role?

Going forward, in 2014 there was an offer. The government made an offer to sell this port. Why? Why was it rejected? You must have answers on all this. You must have been involved. Maybe you weren't personally involved, but Transport Canada was involved in those 10 years under the Conservative government. What role did they play? What did they discover? What was shared with the next government?

Mrs. Laila Goodridge: I have a point of order.

The Chair: I have a point of order. I'm going to stop your clock at one minute and 29 seconds, Mr. Iacono.

Go ahead, Ms. Goodridge.

Mrs. Laila Goodridge: I appreciate what the member opposite is trying to do, but quite frankly, we have reports that go back to 1997, when the Liberals were in power. This isn't a blame game of whether this is Liberal, NDP, Conservative, etc. This is the fact that Transport Canada hasn't made decisions and hasn't informed this community. The fact that the member opposite is trying to point back 15 years is pretty ludicrous. They haven't done anything for nine years.

The Chair: That wouldn't be a point of order.

I'll allow Mr. Iacono to continue with his line of questioning as he sees fit.

Mr. Angelo Iacono: Thank you.

I'll allow you to answer my few questions.

Ms. Stephanie Hébert: With regard to contaminated sites, Transport Canada is currently managing 238 sites. We have closed 566. I'm quite pleased to see the progress that has been made in tackling the contaminated sites, and some of these sites that we have are legacy sites.

Also, under the contaminated sites program,—and I have colleagues here who can probably be a little more eloquent than I can be—we would go through various iterations of studies because we would want to understand the history of the site. We would undertake a site visit. We would produce an environmental site assessment, which would be sort of a first report. We then would build on that to get evidence and to do sampling to better understand the nature of the contamination. If we found that it's there and that it's of concern, then we would drill deeper and do a third site assessment and do much more detailed sampling. We would do ground samples. We would want to understand the nature and the extent of the contamination, and the volume. That would ultimately be translated into a risk assessment. There are 10 steps that we follow.

• (1735)

Mr. Angelo Iacono: Thank you.

I'm more concerned about the role that the government of the day played. Why, in 2014, did the government of the day, the Conservative government, want to sell this dock? What did it know?

Ms. Stephanie Hébert: Under the ports asset transfer program in 2014, it built off of a previous program that existed. Again, it's about these properties being declared surplus. They were not deemed to be core to the mandate for Transport Canada. Again, it goes back to the belief or the notion that communities are fundamentally better placed to manage these assets in accordance with their needs. Also, if it's done right, it can be used to support regional economic development and to meet the needs of communities.

With the ports asset transfer program having been created and having been built off of a previous program, the name of which escapes me, that became the opportunity for us to initiate negotiations not only for this site but also for a number of sites throughout the country. Then we would have followed the process that I previously mentioned, which would have included the disclosure of information about the characteristics of the site. That would be site assessment as well as with regard to the contamination.

Mr. Angelo Iacono: Does the 2017 report englobe all the factors of the previous assessments? Is it something of an evolution of findings, or is it a report within itself?

Ms. Stephanie Hébert: My understanding is that it builds on what is found in previous reports and it goes into much more detail. It looks at risks and pathways to potential harm to human and environmental health. Each one of these reports is iterative. In each one of these reports, as we learn more about the sites and about the nature of the contamination, we'll build on it. If we discover new things, they will get scoped in, and we will include those in our investigations.

Mr. Angelo Iacono: I have one last question. What was the role of the province?

The Chair: Unfortunately, you don't have time for a question, sir.

Thank you very much, Mr. Iacono. It was a good try.

[*Translation*]

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

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

The toxicologist who testified at the last meeting told us that, even if we decided to dredge the site and decontaminate it, the contamination could come back if the problem wasn't solved at the source. In other words, you could do this work for nothing and be forced to start over.

What means do you have to determine the source of the contamination at the site? Is it just a matter of doing an on-site analysis, or does it have to go further? If you need to go further, do you have the jurisdiction to do so?

[*English*]

Ms. Stephanie Hébert: Transport Canada agrees with her assessment that if we were to remediate the sediment in the port, it would not mean that there wouldn't be other possibilities of contamination. It is an active port. It is an active wharf, so there's contamination from that. There's contamination from the nature of how it was constructed. It's creosote-coated lumber.

There also is the risk of contamination that may be coming from lands adjacent to the uplands. I think the minister would have referred to that in her remarks. That is something that we would need to better understand, and for that we would need to work with provincial entities to better understand the nature of that contamination and whether or not that contamination was coming on to Transport Canada lands, because we would want to make sure that if we did remediate, this didn't reoccur as a reoccurring problem. That's one of the challenges with the site.

[*Translation*]

Mr. Xavier Barsalou-Duval: Thank you.

The Chair: Thank you very much, Mr. Barsalou-Duval.

[*English*]

Mr. Bachrach, you have two and a half minutes, sir.

Mr. Taylor Bachrach: Thank you, Mr. Chair.

I'm just reflecting on the 24,000 contaminated sites across Canada, and I suppose my question is whether the department will be reviewing other contaminated sites in the vicinity of indigenous communities to ensure that the community is aware of the status of the contaminated site.

We're talking about one community, and I think it's clear that there's been an admission by the minister and by the department that the community was not adequately notified or engaged in a possible risk to their health. There likely are sites just like this all across Canada, and I'll bet you anything that there are other communities that want to know if their health is at risk and whether the dock where they swim and collect plants is a risk to their health.

Is the department currently doing a review of all similar infrastructure and every contaminated site that's near an indigenous community to ensure that the community knows that it exists? In this case, the community wasn't aware of the contamination, and I think that's really troubling.

• (1740)

Ms. Stephanie Hébert: Mr. Chair, what I can say is yes, and I think that we have some better examples to point to of where we've had really good engagement, collaboration and participation from indigenous communities. I'll cite some examples.

The other thing is that one of the opportunities that we also have to enable this participation and support for remediation projects is that we do offer capacity funding. That's part of the divestiture process. It's also part of the remediation process, and that's to allow communities to play a role in the way that they wish to participate in the process. It's done either through grant or contribution funding or through contracting funding, and they can be things like monitoring and helping with the indigenous knowledge transfer and understanding.

What I can say is that for the Victoria Harbour remediation, a complex multi-year project that we have been doing, we have been engaging with the Songhees and the Esquimalt nations and working closely with them. We've been using vehicles through Indigenous Services Canada to be able to provide that capacity funding to the nations, and this would be one project in which their contributions and their support have been invaluable, I would say, to the success of the project.

Similarly, with the Portneuf wharf demolition—

Mr. Taylor Bachrach: I think our chair is trying to cut you off.

Ms. Stephanie Hébert: I'm sorry. I apologize, Chair.

The Chair: It's okay. That I have no powers is what I realized.

Thank you very much, Ms. Hébert.

Thank you very much, Mr. Bachrach.

We'll go to a lightning round here of three minutes for Ms. Goodridge and three minutes for Mr. Badawey.

We'll begin with you, Ms. Goodridge. The floor is yours.

Mrs. Laila Goodridge: Thank you, Mr. Chair.

I think one thing that is so frustrating for the community is that there was no consultation with them when it came to this. This was

something that was well known. They'd been asking for dredging for many years. Sufficient information was not provided to them.

I can guarantee that if you had told them that you had concerns regarding contamination at that site, their attitude would have changed and their solution would have been different. They would have been asking for remediation at that point in time, and they would have been asking for another solution.

Ms. Stephanie Hébert: Mr. Chair, we do want to do that, and I think that going forward, this will be really important with the nations in Fort Chipewyan.

Mrs. Laila Goodridge: I agree, but you didn't, and you guys failed. You failed the community, and this is the part that really frustrates me in all of this. We're sitting here in a space where most people in this room can't imagine the type of isolation that we're talking about in Fort Chipewyan.

We're talking about a community that is accessible by a Cessna airplane and for a couple months by a winter road. In the summer-time, you can jet boat up or take a Cessna. Those are the options, so that TC port is very important for a community in getting in and out. The threat of the airport being shut down means there will be no way out, and the answer given to them was helicopter.

How...? What...? Are we talking 300 passes of a helicopter to evacuate 1,200 people? Was that the solution given?

Ms. Stephanie Hébert: Transport Canada was not responsible for the emergency evacuation, so I can't speak to the approach that was given.

What I can say is that with the updated guidance for the federal contaminated sites, we have updated our practices. Before, we would have notified only if there were a risk. Now when we are starting studies, either in phase one or phase two, we involve nations in the scoping of those studies at the outset. We have evolved our practices, and we will continue to do so.

• (1745)

Mrs. Laila Goodridge: Will you commit now to proactively reaching out to any community, first nation or otherwise, that is impacted by a contaminated site, yes or no?

Ms. Stephanie Hébert: Yes.

Mrs. Laila Goodridge: You are going to proactively reach out to every single one of the 24,000 contaminated sites that are within Transport Canada's ownership.

Ms. Stephanie Hébert: Within Transport Canada's ownership we have 238, and our objective is to work collaboratively with the communities, including the nations.

Mrs. Laila Goodridge: When the community consultation for all of those 238 have been completed, could you table that with committee?

Ms. Stephanie Hébert: I'm struggling with the question, because in many instances that's ongoing, and these are multi-year projects. It's not just a one-time consultation: This is ongoing work that we need to do. We'll find a way to best report to the committee.

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

Mr. Badawey will conclude this today. Mr. Badawey, you have three minutes, sir.

Mr. Vance Badawey: Basically, I want to make it very clear that all parties that have governed since 1997 have failed. This government is now succeeding by working with the communities, as well as putting a process in place, which is what I want to touch on.

To Ms. Hébert and to all your team, well done in terms of actually identifying what has to be done.

Phases one, two and hopefully three environmental site assessments, which give us the history, will also give us the sources of those contaminants based on that history.

The second part, whether it's site-specific or community-based, is embarking on a risk assessment to then identify the CFCs, identify the risks attached to those CFCs, and then, according to the land use, the acceptable parts per million levels that will be attached to those areas. That will dictate the level of remediation based on those land use plans that the community will establish or has already established.

As my fourth point, I would expect that the participants identified as the sources of those contaminants would participate, and that the province, if need be, would issue orders under their mandate and jurisdiction to those sources of contamination to then—as my last point—enter into a remediation exercise, including financing those remediation exercises.

What I like most about what your and the minister's comments articulated is that it's going to be community-driven, first and foremost, and we'll take the lead from the community, offering our resources and provincial resources and the source's resources in driving the process with the community.

Am I accurate in that synopsis?

Ms. Stephanie Hébert: Yes, it will be community-driven, and we look forward to redoing some of the studies. I know the minister spoke about the fact that she's reaching out to her provincial counterpart. I can't commit the province, but the minister spoke to the fact that this outreach will be done.

Mr. Vance Badawey: Thank You, Mr. Chairman.

Thank you to the witnesses. Well done.

The Chair: Thank you very much, Mr. Badawey.

On behalf of all committee members, I'd like to thank all of our witnesses for appearing before us today and answering our questions.

With that, colleagues, this meeting is adjourned. Have a great evening—

Mr. Philip Lawrence: I'm sorry, but wait just one second. I want to thank all of you for showing up in person. It makes our job a lot easier. I really do appreciate it. Thank you.

The Chair: Thank you very much, Mr. Lawrence.

The meeting is adjourned.

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