

Excerpts from the Standing Committee Hearings

Kathryn Harrison#2, October 97

The Chairman: Then we have failed to conclude that the way that the accord is presently written that it will almost inevitably drive towards the lowest common denominator.

Dr. Kathryn Harrison: I probably would not go that far. I think that consensus creates downward pressure. I do think that there is probably some impact of collegial discussions and ministers who have been working together for a few years saying "oh, come on. You can't have all of those concessions". I would expect consensual standards to set the floor a little bit higher than if there were no national standards or no Canada-wide standards at all, but I do expect that they would be weaker than the standards that would emerge from say a two-thirds decision rule as has been adopted in the Australian federation.

The Chairman: Do we need to lead to a level that is an improvement on the present one or not?

Dr. Kathryn Harrison: That depends on what the federal government is willing to do in acting on its own jurisdiction.

The Chairman: Because...?

Dr. Kathryn Harrison: The federal government has significant authority in many areas to set Canada-wide standards independently without seeking consensus from everyone of the provincial governments.

The Chairman: Yes but then it would bypass the accord.

Dr. Kathryn Harrison: Right. I thought the question was comparing what would happen under the accord to the absence of the accord, and what would happen in the absence of the accord would depend on how willing the federal government was to set standards.

The Chairman: Let us assume that the accord is in place and that it drives towards, as you put it, a lower standard because of pressure from the consensus process. What will then be the role of the federal government, if it wishes to insist on higher standards? Will it have ## within the scope of the accord?

Dr. Kathryn Harrison: It could say no. I mean any jurisdiction participating in a consensual decision-making process can say no. My point is that having a veto

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even a rule within the scope of the accord.

Dr. Kathryn Harrison: It could say no. Any jurisdiction participating in a consensual decision making process can say no. My point is that having a veto is much more helpful to you is you

want to defend the status quo. The federal government might not be in a position to say no and act on its own if it doesn't have the resources to do so because there have been assumptions made that the provinces are going to undertake these various activities. So saying no may leave us with nothing.

I would expect that the federal government would actually be in quite a weak position to anything about it.

The Chairman: It could perhaps set the standards or insist on higher standards if it comes to transboundary pollution issues, particularly air. But when it comes to water, unless it is interprovincial or international it will be a lame duck.

Dr. Kathryn Harrison: Even with respect to the international authority of the federal government I think the Canada-wide accord adopts a relatively restrictive view. It talks about the federal government having a role to play at international borders and in promoting agreed upon Canada-wide standards in international fora. That doesn't imply that there's any independent federal role to act as a negotiator in pursuing its own views as the Government of Canada in international fora.

The Chairman: Suppose the Americans were to say that in the Great Lakes they are willing to enforce more stringent standards of chlorine pollution. Under the accord if Canada were to wish to agree to that type of new standard if Canada would have to obtain the commitment of Ontario and Manitoba...?

Dr. Kathryn Harrison: I would think so. There would have to be agreement in the first place that this was a Canada-wide priority and that might not occur. But if there was agreement that this was a Canada-wide priority then the assumption would be that all provinces participating would get a say not just Ontario and Manitoba.

The Chairman: Thank you very much. Second round, Mrs. Kraft Sloan.

Mrs. Karen Kraft Sloan: Thank you. Referring to chapter 9 from your book where you had indicated on page 180 that the federal government was forced by judicial decisions to exercise its substantial environmental authority in the area of environmental assessment with the Rafferty-Alameda Old Man Dam. If we have a situation where the harmonization accord is signed the way it is written with the subagreements and things like that, do you see the federal government being in a position of being forced to act in certain situations through judicial decisions? How would that affect the accord?

Dr. Kathryn Harrison: I can't claim to be an expert on environmental assessment. I do some reading on it but I imagine you're hearing from people who are more expert than I am on that. My reading of the subagreement concerning environmental assessment is that in many respects it flies in the face of the Canada Environmental Assessment Act and there is a commitment expressed in the overall framework accord that jurisdictions commit to amending their legislation as necessary to fulfil their obligations. I would think the federal government would have to amend CEEA if it pursued the environmental assessment subagreement to allow it to delegate

authority to a lead jurisdiction being a province, and also to ensure that individuals or groups couldn't take the federal government to court and force it to abrogate that subagreement.

Mrs. Karen Kraft Sloan: We had the president of the Canadian Environmental Assessment Agency here and he indicated to the committee that in his opinion there wouldn't have to be any changes made to CEEA.

Dr. Kathryn Harrison: Really.

Mrs. Karen Kraft Sloan: Obviously there have been differing opinions on this because presenters from the Canadian Environmental Law Association have indicated

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there wouldn't have to be any changes made.

The Chairman: That's right.

Mrs. Karen Kraft Sloan: Obviously there have been differing opinions on this because presenters from CELA ##, Canadian Environmental Law Association and CELA ## have indicated otherwise as well.

It's just that I read with interest this section in your chapter where it says that the federal government was forced by a judicial decision to exercise its substantial environmental authority and it seems to me that if you have a subagreement, particularly in the area of environmental assessment, which is telling the federal government that it has to stay out of things, you have a situation within the Environmental Assessment Act, which is a federal law that requires it maybe to act in a different way.

So, it seems like it's going to have to be forced into acting through ## or challenges or whatever or the act would have to be changed. Do you see any other way of....

Dr. Kathryn Harrison: I'm intrigued by the comment that they're not inconsistent and would certainly need to find out more.

So far, the implementation of CEA has proceeded through joint federal-provincial assessments and to my knowledge there hasn't been delegation of federal authority to perform an assessment to any other jurisdiction which, by my reading, is certainly what this subagreement is calling for.

Now, if there is some provision in there that would allow it thus far, Environment Canada hasn't been pursuing it. So, certainly a change of direction.

Mrs. Karen Kraft Sloan: Thank you.

The Chairman: Thank you. Mr. Knutson, please, followed by Mr. Bigras.

Mr. Gar Knutson: Do you think the agreements as you've read them are fixable or should they just be scrapped?

Dr. Kathryn Harrison: I would try to fix minor parts of it. I think trying to rationalize monitoring and inspection and enforcement activities is probably unavoidable given the resource constraints. I do think there are some advantages to having independent monitoring and enforcement activities because if one order of government isn't willing to act, the other can step in, but I don't know if we can really afford that advantage at the moment.

Mr. Gar Knutson: Let's assume that resources become less constrained over the next five to ten years. There's some evidence to suggest that they are.

Dr. Kathryn Harrison: I'd be more inclined to scrap the whole thing.

Mr. Gar Knutson: Just scrap the whole thing.

Dr. Kathryn Harrison: Certainly the standard subagreement.

Mr. Gar Knutson: Sorry, the standard subagreement.

Dr. Kathryn Harrison: Yes. My concerns about that agreement are pretty fundamental in terms of the overall approach. Rationalization of inspection and monitoring activities may still make sense.

Mr. Gar Knutson: So, if somebody is going into monitor a plant, instead of monitoring for three things, they might monitor for ten things.

Dr. Kathryn Harrison: Add a couple of things to the check-list. Increasingly, I think, both federal and provincial governments are aiming for electronic reporting of self-monitoring compliance data. Have one order of government maintain the database and occasionally send reports to the other. That's not particularly troubling to me.

Mr. Gar Knutson: The issue of one assessment. That's what we're hearing from business. Are you saying we're moving to that anyway and we don't need this agreement to get there?

Dr. Kathryn Harrison: Well, there are two very different ways of doing one assessment if both the federal and a provincial government are involved and have jurisdiction. One is to have them do it jointly and the other is to delegate permanence of the assessment to one government with or without standardization.

I think it's interesting that before the subagreement was actually released there had been a discussion paper that seemed to be proposing something quite different in that there would be standardization of environmental assessment processes Canada-wide and then process substitution, so that the provincial process would be substituted for the federal, but it wouldn't make much difference because they were virtually identical after standardization.

The standardization seems to have been lost along the way and what we're left with is the process substitution where a provincial process will be substituted for the federal government process.

Mr. Gar Knutson: My question is we have businesses making the point that they shouldn't be forced to go through these environmental assessments twice. They should only do it once and

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my question is that business is making the point that they shouldn't be forced to go through these environmental assessments twice. They should only do it once. It's a waste of their resources, a waste of two levels of government resources to make them go through two assessments.

Dr. Kathryn Harrison: I can't think of any examples in recent years where they have had to go through two.

Mr. Gar Knutson: The mining guys seem to suggest that they had lots of examples.

Dr. Kathryn Harrison: In the wake of the Raffety-Alameda ## decision and Oldman Dam ##, previous understandings of who did what and who had to do what were all changed. There was a really messy period where suddenly the federal government started doing all kinds of environmental assessments that it wouldn't have done before. I think there was probably a lot of duplication in that period. If there's a lot going on now, I certainly haven't read about it.

Mr. Gar Knutson: So you're saying we're there anyway, we're there now.

Dr. Kathryn Harrison: From the things I've read but I don't follow every environmental assessment across the country. Even in Alberta it seems to be working pretty well. That's certainly the place where there were significant tensions in the late 1980s and early 1990s.

Mr. Gar Knutson: Thanks.

[Français]

Le président: Monsieur Bigras, s'il vous plaît.

M. Bernard Bigras: J'aimerais revenir sur une question que M. Caccia a formulée et, au fond, il n'y a pas eu de réponse.

Il s'agit de la question des accords. Par exemple, dans le cas où on aurait un problème, M. Caccia a parlé du lac Érié en Ontario-et naturellement il faut un accord avec les États-Unis-le problème actuel est qu'il faudrait un consensus. C'est ce que vous semblez nous dire. Naturellement la sensibilité, les enjeux régionaux ne sont pas toujours des enjeux et des sensibilités nationaux

Au fond, est-ce que pour régler le problème ce ne serait pas mieux de laisser les provinces établir ces accords internationaux, de donner les pouvoirs aux provinces pour qu'elles puissent faire les

ententes avec, par exemple, les États-Unis?

Dr. Kathryn Harrison: It's an interesting question. I don't know how willing the United States would be to negotiate with individual provinces. It might prefer to negotiate with the federal government, particularly if more than one province is involved in the waterway. If I were another country, I wouldn't want to have one agreement with Ontario, another with Quebec, another with Manitoba. I would want to see Canada get its act together.

The question as to where there needs to be consensus, under this agreement there certainly needs to be consensus but under the Constitution, the federal government doesn't have to get the agreement of the provinces to act any more than provincial governments have to get an okay from the federal government before they act within their own areas of jurisdiction.

In signing this accord, the federal government in particular is tying its own hands voluntarily not to fully exercise its jurisdiction under the Constitution.

[Français]

M. Bernard Bigras: Merci.

The Chairman: There is time for another round for those who are interested. There are no names on my list so I will fill the vacuum for a second in case some people are ready for another intervention.

Earlier, Dr. Harrison, you said that the accord flies in the face of CEA ##. Did I hear you correctly?

Dr. Kathryn Harrison: I did although-

The Chairman: Would you like to elaborate on that?

Dr. Kathryn Harrison: Again, I'm not speaking as a lawyer so if there's room within CEA to do something, a delegation of assessments to another jurisdiction, I'm not aware of it. I do think that in the environmental assessment field since the late 1980s, the federal government has been moving to play a stronger role; first, in response to litigation by environmental groups; then in revising the Environmental Assessment and Review Process guidelines order-the regulation that existed before CEA-the federal government in my view was asserting a much stronger role than it had ever played before. In the sense that we have been moving towards more federal involvement-federal involvement in a larger number of assessments-I think this subagreement to the extent that the federal government would be moving out and giving the leadership role

a much stronger role than it had ever played before in the sense that we've been moving towards more federal involvement, federal involvement in a larger number of assessments, I think this subagreement to the extent that the federal government would be moving out and giving a leadership role to the provinces is a change of direction though perhaps actual change of the wording of the law is not necessary because there's something in there now that would allow for that to occur.

The Chairman: So does it fly in the face of ## or not?

Dr. Harrison: I can't answer as a lawyer about whether it flies legally.

The Chairman: Thank you.

Dr. Harrison: In terms of policy I think it's a significant change of direction.

The Chairman: Fair enough.

The other question is this: it emerged in the hearings in the last couple of days that the accord provides for inspections, it does not provide for enforcement, which struck me as being very odd actually.

Would you like to read into that aspect? How do you interpret that shortcoming?

Dr. Harrison: My understanding is that the reason enforcement wasn't on the table yet is that Environment Canada itself wasn't willing to proceed with harmonization of enforcement activities until it had a little more experience with how this was all working. I wouldn't want to speculate about what the reasons were.

The Chairman: How can you have an effective accord if it leaves out enforcement?

Dr. Harrison: I think the assumption then is that enforcement is still left to individual jurisdictions acting on their own so once you get the data you can decide to act on it or not.

The Chairman: But you agree on inspection in the accord, you have an agreement on the inspection but you can't have an agreement on enforcement. How does that ##

Dr. Harrison: One would expect them to go hand in hand.

The Chairman: Yes.

Dr. Harrison: Clearly a decision has been made to separate the two and delay enforcement. It's strange.

The Chairman: We were told it was a political decision.

Dr. Harrison: All I was told by Environment Canada was that it was a federal government decision not to pursue enforcement at this time. Why, I don't know. I can't imagine problems emerging depending on the frequency of reporting where reports of non-compliance by a particular facility don't reach the federal government until X months later they may not be in a very good position to go out and collect legal samples at that point. In practice, if this subagreement on reporting is adopted it's possible the federal government will be in a weaker position to pursue enforcement depending on how frequently the provinces are reporting the data they've collected and the compliance reports they've prepared.

The Chairman: Following Mr. Casson's first question on the subject of overlaps and duplication we have been trying to obtain as much information as possible on where it occurs and possibly even a listing of overlaps and duplication but without success. Are you in possession of any documentation on that subject?

Dr. Harrison: No. If we define overlap as areas where both levels of government have authority to act there would be a few sectors like the pulp and paper industry, mining proponents who are proposing developments that are affected by environmental assessments where there's overlap. Whether there's actual duplication is another matter and I don't have a list of those.

The Chairman: You are aware that one of the major reasons for the accord has been the claim that there is too much overlap and duplication? Do you have any comments?

Dr. Harrison: Yes, I haven't seen a lot of documentation of that from anybody else either.

The Chairman: Would you like to comment?

Dr. Harrison: I suspect that the concern is more with overlap than actual duplication. I think historically there have been some industrial sectors in Canada that simply oppose overlap. They want one level of government, often the provinces, to take charge on the issue.

It may be

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Historically, there have been some industrial sectors in Canada that simply opposed overlap. They want one level of government, often the provinces, to take charge on the issue. So it may be the very fact of the federal government's involvement from there perspective that's problematic, not actual duplication of reporting requirements.

I would think they should be in a position to give you examples of actual duplication-

The Chairman: Maybe they claim that belongs to the realm of the myth.

Dr. Kathryn Harrison: I've certainly never seen substantiation of it.

The Chairman: Mr. Jordan, please.

Mr. Joe Jordan: Just a quick point, given the reality of the time lines we face and given-certainly in my case, the fact that I'm not sure how far down the mountain the snowball is presently, do you think that the change to two-thirds consensus on the standards is a significant enough change to pursue?

Dr. Kathryn Harrison: I think it's a very significant change. I don't think it would fly. I was frankly kind of amazed that it did in Australia and I've tried to find accounts of how they pulled that off.

Mr. Joe Jordan: Does that not speak volumes for the motivation of the people involved? Is that not the problem we've faced? Environment and economics both begin with E and people get confused.

Dr. Kathryn Harrison: I'm not privy to the participants' thought processes in this case so I can't say what their motivations are. What I can say is there were various previous initiatives at one point in the Canadian Council of Ministers of the Environment negotiated something called the statement on inter-jurisdictional co-operation, which is kind of a predecessor to this with less teeth.

I did do a lot of interviews with people who participated in those negotiations and to paraphrase what one of the participants from a lead province, in that case, told me if a guy moves into your house and you can't get him out, at least make sure he stays in the basement.

I think some provinces were motivated by trying in the wake of the Crown vs Zellerback decision which did clarify federal jurisdiction and CEPA to constrain the federal government unilateralism in the environmental field. That may not have been what was motivating all provinces. It certainly wouldn't have been what was motivating the federal government and what's going on in this round I think is complicated by the very real budget cuts that both face.

Mr. Joe Jordan: Do you think that arguments for lower standards-are they being made because people want to set realistically enforceable standards as opposed to some pie in the sky standards or are they making those arguments for lower standards or arguments for status quo when in the face of evidence that would suggest higher standards might be beneficial for Canada because of the impact to their region economically if those were in force? I'm trying to eliminate every other possibility.

Dr. Kathryn Harrison: First of all, the idea that-I don't think there's a lot of talk about it. I think there's surprisingly little talk about enforceable standards at all in here. There's-I don't know if it's a guarantee in terms of legal wording, but there's an expression-a promise-that a lead jurisdiction will have tremendous flexibility in pursuing ambient environmental quality goals and that may include voluntary approaches or I assume even subsidies, not necessarily regulations.

I think there's been a general move away from enforceable standards by both the federal government and the provinces in the environmental field. I think in part that is in response to pressure by industry about competitiveness.

Mr. Joe Jordan: Thanks.

The Chairman: Well then, we thank you very much. Your flight is in one hour and five minutes so you have plenty of time. It was extremely helpful and informative for us to hear you. We envy you because you're flying back to Vancouver.

Dr. Kathryn Harrison: There's no snow there, either. Thanks very much for inviting me.

The Chairman: Before adjourning a couple of notices,

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The Chairman: Before adjourning, I have a couple of notices.

The Clerk of the Committee: Do you want to do this in camera?

The Chairman: This? No. Do you think so?

The Clerk: It's not necessary.

The Chairman: Would you please make a note that as a result of an inquiry by the government of China, there will be five guests from China coming to Canada and particularly to Ottawa. Two of them are parliamentarians and three are officials. They will meet with us the evening of November 4th and the 5th. They want to know the Canadian experience in the management of resources, particularly water and forests. I explained to the ambassador yesterday that it is a complex situation here in Canada which is quite different from that of China, which is not a federalist state. Nevertheless, our Chinese colleagues are coming. They are first visiting the U.S. and then they are coming here, so would you make the supreme effort of entering in your schedule-if you can, of course-something to the effect that we will meet with them those two evenings to show our sense of hospitality and readiness to listen to them. Translation will be simultaneous. Arrangements will be made to that effect so that it will not be that dreary consecutive type of translation, but in the same fashion as we have it in English and French.

I don't know whether the committee is willing to offer hospitality, perhaps to invite them for dinner or not. I will ask you that question tomorrow so that you can mull it over, unless you feel that you want to decide on it today. That is one item for your consideration.

Mr. Chuck Cadman (Surrey North, Ref.): Do you know the times of the visit?

The Chairman: It will be in the evening of November 4th and 5th. We can set the time, certainly. We can determine the committee to be from 6 pm to 8pm or 7 pm to 9pm.

Mr. Yvon Charbonneau (Anjou-Rivière-des-Prairies, Lib.): ## for one evening.

The Chairman: Well, they've come a long way and they want to ask questions. It may well be that it could be exhausted in one evening, but we would leave it to them.

Mr. Yvon Charbonneau: Are they going to have meetings with Environment Canada as well?

The Chairman: I don't know the entire schedule. I know that they will also meet with provincial officials in some provinces, but I don't know whether they are seeing Environment Canada. I imagine so. I would hope so, but I haven't seen their schedule.

Mr. Yvon Charbonneau: If we look at the questions they raise, maybe the best source of expertise is here, but also somewhere else.

The Chairman: Definitely. I'm sure that the ambassador of China will make that point with them as well in setting up their schedule, but they want to meet with elected officials as well.

As to the schedule for next week, which you may want to plan better, it looks as if on Monday there is something here prepared by Mr. Knowles. On Monday we will not be able to sit because we were not able to make an arrangement with aboriginal organizations, but it looks quite possible that we will meet Tuesday morning. Tuesday afternoon will be free. Then we will meet Wednesday afternoon and Thursday to provide guidance, so to say, to provide input for the report.

Monique Hébert (Researcher, Library of Parliament): To consider a draft report.

The Chairman: Sorry, to consider the draft report.

Monique Hébert: Input well before then.

The Chairman: Yes. Madam Hébert is quite correct here. She was saying that both she and Kristen Douglas would welcome your input, possibly by this Friday as to which are the points that you feel ought to be explored and elaborated upon in the light of the hearings. As you know, there is quite a long list of points. They will put together a draft draft for us for possibly Monday, in both languages or at the latest for Tuesday and then

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and as you know there is quite a long list of points.

They will have put together for us a draft for possibly Monday in both languages so the ## is for Tuesday. And then from that moment on, of course, we are to work on it and work on it on Wednesday the 29th, Thursday the 30th and then if we are satisfied with that product it will go further for the translation. If we are not then we'll have to decide at that time how to handle that report.

So we will leave it open ended as to the conclusion. As you can see it is report that requires some reflection and it is a report of substance that we are actually in a position to produce if we give it sufficient time. Are there any questions?

Mr. Gar Knutson: I have a suggestion. I would feel a lot more confident if at the end of hearing our evidence we had another go at the officials from the department.

The Chairman: You would, aye.

Mr. Gar Knutson: It's similar to when we're making amendments to the bill. We hear from them at the beginning and we also hear from them at the end of the process.

I'd like to be able to put the question specifically of Hydro Quebec and see what would happen under this new jurisdiction and hopefully have a number of other better, some might say, tougher questions-

Mr. Yvon Charbonneau: Sharper.

Mr. Gar Knutson: -sharper questions than we did at the first go around and see how they do.

The Chairman: All right. We'll ask the clerk to find a suitable slot which could mean sitting one evening.

Mr. Gar Knutson: Fine.

The Chairman: Are there any other wishes.

Ms. Monique Hébert: Might I add something, Mr. Chairman. My colleague and I would like to start writing the report as soon as possible given the very tight deadlines and I was hoping that perhaps at the end of tomorrow's meeting we could at least get a sense from the members of the committee as to the basic elements of the report, whether we want to applaud initiative or express concerns with a recommendation that they slow down.

Just to put us in the proper framework I was hoping that we might get some guidance from you because certainly tomorrow and Friday will be for us invaluable days to get this draft report started.

The Chairman: Thank you. The clerk informs me that tomorrow we do not have a limit as to the use of the room so we could have a brainstorming session if you like once we've heard the witnesses and go around the table and invite for input and our researchers will take notes. Is that agreeable? Mr. Bigras.

M. Bernard Bigras: Oui, ce n'est pas pour demain, c'est plutôt sur une intervention de mon collègue sur la nécessité d'interroger de nouveau les témoins. Je trouve que, d'une part, surtout sur la façon de le justifier sur un dossier bien particulier, celui d'Hydro-Québec, je crois que les témoins se sont présentés, ils ont eu le temps. On a eu amplement le temps de poser les questions nécessaires.

Si c'est cela on peut aussi bien redemander à d'autres témoins de venir de nouveau en comité. On pourrait les interroger de nouveau. On a eu le temps.

Sur la base de la demande qui vient d'être faite, de revenir sur un point bien particulier, soit le cas d'Hydro-Québec, j'ai du mal à justifier le fait que les fonctionnaires viennent, pas pour préciser, mais qu'on revienne poser des questions à des témoins sur ce dossier bien particulier. Si c'est cela, moi aussi je ferai revenir d'autres témoins.

Je ne sais pas quelle est la procédure normale.

Le président: C'est normal, s'il y a des membres du Comité qui veulent compléter, faire des sondages plus en profondeur, cela n'est pas anormal de convoquer de nouveau les fonctionnaires du ministère fédéral. Il y a plusieurs questions qu'on veut poser, pas seulement au sujet d'Hydro-Québec.

Monsieur Laliberte.

fédéral naturellement. Il y a plusieurs des questions qu'ils ont posé et pas seulement sur la question d'Hydro-Québec.

Monsieur Laliberté.

Mr. Rick Laliberte (Churchill River, NDP): I'm just trying to get an update on the list of witnesses we are expecting next week and just sensing the researcher's timing will those inclusions of next week's presentations be part of the document in some context or as an addendum or I don't know.

The Chairman: That is a very good point. The researchers have already made sure, they will make sure that it will not be an addendum but their submission will be integrated in the full report even if it comes at the beginning of the week. It will be treated as any other normal appearance.

Monique Hébert: I might add, Mr. Chairman that in the first initiative, the EMFA, there were a number of aboriginal concerns that were expressed at workshops. Now I have the summary of the concerns expressed and as far as I understand it, the concerns are still the same in relation to this agreement. We could actually write a draft that would incorporate the concerns expressed in relation to the first initiative and make any necessary changes based on the evidence that we will hear on Tuesday, but certainly yes, that evidence or their concerns would be incorporated into the draft and they would accurately reflect the evidence given this time around. We can still start something for the purposes of the report.

Mr. Rick Laliberte: Okay.

The Chairman: Mr. Charbonneau.

M. Yvon Charbonneau: Moi, c'était sur la question de la demande faite d'entendre de nouveau Environnement Canada. Si votre décision est positive, je n'ai rien à dire. Si vous êtes encore en train de réfléchir à la décision que vous allez prendre, je voudrais supporter la demande de mon collègue et vous dire en quelques mots pourquoi je vois l'utilité de cela.

Si c'était une invitation à n'importe quel témoin, une association, la faire comparaître deux fois, je trouverais que c'est lourd et laborieux, mais Environnement Canada a quand même des responsabilités particulières face à ce dont nous parlons. Il y a eu de longues négociations, discussions, tractations de tout genre et nous avons appris des choses depuis qu'Environnement Canada est venu ici le premier jour.

Ils ne sont pas tous équipés-je parle pour moi en tout cas et peut-être pour d'autres aussi-pour poser les meilleures questions le premier jour et c'est là que nous avons les interlocuteurs les plus déterminants, c'était Environnement Canada que nous avons le premier jour et ils n'étaient pas nécessairement informés des positions des uns et des autres et tout ce que nous avons appris depuis quelques jours. Donc, revenir pendant une heure, quelque chose comme cela. Je ne pense pas que mon collègue n'avait que cette question, il l'a donnée peut-être à titre d'exemple, mais moi j'en aurais d'autres questions et des vérifications, des allégations qui ont été faites ici par différents témoins. Il me semble que cela mérite d'être corroboré ou nuancé.

Cela pourrait être utile parce qu'on devra se guider par la discussion, par des conclusions, et il est important de voir s'il y a des possibilités qui ont été mises de côté, pourquoi, il y a eu des discussions encore aujourd'hui où on voit les nuances qu'il faut apporter selon tel accord auxiliaire ou tel autre ou tel autre, on ne peut pas tout mettre dans le même sac, il faut nuancer. Alors ces questions-là, on peut les soulever avec Environnement Canada et ensuite on établit notre nid. Je croirais que ce soit utile, monsieur le président.

Le président: Comme M. Nielsen a déjà dit, on a eu plusieurs occasions, on a mandaté ## le fonctionnaire du ministère de l'Environnement au commencement et à la fin à cause du fait que la nature du travail même, c'est nécessaire de l'examiner une autre fois ou de faire d'autres pressions.

Alors je peux vous rassurer, monsieur Bigras, que cela n'est pas une nouvelle initiative ou une nouvelle démarche, c'est normal.

Mr. Bernard Bigras: Okay.

The Clerk: So would we say that would be Monday, Mr. Chair?

The Chairman: So we will try to have a meeting at a time that is suitable to the department and to us. It could be in the evening or it could be Monday afternoon. It depends on when they are available.

The Clerk: From the point of view of drafting, it would be important to get it down very quickly. Monday at the latest.

The Chairman: Monday would be better. So, Mr. Bigras?

M. Bernard Bigras: Ceci étant dit, je respecte la position de mon collègue et moi aussi je veux être prêt à poser des questions à Environnement Canada.

M. Bernard Bigras: Ceci étant dit, je respecte la position de mon collègue et moi aussi, je veux être prêt à poser des questions à Environnement Canada.

Je respecte aussi la position de M. Laliberte. Il me semble que depuis environ 10 minutes on veuille passer en mode accéléré. Je pense qu'il faut prendre notre temps dans ce dossier. C'est un dossier qui est fondamental et important. Il faut nous laisser un certain temps pour réfléchir sur la question.

Ma question est la suivante. À ce que je sache, les comités sont censés siéger le mardi, le mercredi et le jeudi. Personnellement, je travaille à mon bureau de comté, je ne vous le cache pas, le lundi. Je vois qu'il y a des réunions qui vont se tenir, dont le rapport de vérification final du texte...Il y a un paquet de choses qui risquent de se tenir en même temps. Le vendredi, je voulais savoir si c'était possible que les réunions du comité se tiennent le mardi, le mercredi et le jeudi et qu'on puisse inscrire à l'horaire nos réunions dans cet ordre-là.

Le président: C'est une observation très importante. On cherche à éviter le lundi, c'est vrai. On essaiera de défaire cela de temps en temps, on n'a pas le choix parce que le mardi après-midi, il n'est pas possible de se réunir. Est-ce que le lundi soir ça va pour vous ou pas du tout?

M. Bernard Bigras: Comme je vous dit, le lundi est prévu pour mon bureau de comté.

Le président: On essaiera de se rencontrer le mardi soir. Non, le mardi soir, c'est un désastre à cause des caucus régionaux, mais le mercredi soir peut-être, je ne sais pas. On a un problème que l'on doit résoudre.

Madame Carroll.

Ms. Aileen Carroll: : I think that perhaps we need to keep in mind that this is to me, a fixed date. This will not be the norm and will not impact on our usual days in our riding but it is in preparation for a deadline that has been imposed. That's my view, that we're attempting to do a lot in a short time. If that's not correct, please correct me. Aren't we heading to a report and it's not something we'll do all the time and I sympathize.

The Chairman: Thank you. That's very helpful.

M. Bernard Bigras: D'accord.

The Chairman: Are there any other suggestions or input?

Mr. Gar Knutson: Just in terms of the general view that we not rush, we take our time. I think all of us are in agreement to that.

The Chairman: Follow Mr. Bigras suggestion.

Mr. Gar Knutson: We can't read people's minds. There may be an opportunity for a real broad consensus on this issue.

The Chairman: Yes, and in that spirit also there would be, or we could if you like have an occasion to meet and not around the table like this, but in a more convenable atmosphere breaking some bread together. I would suggest that perhaps you look at your agenda and see whether you're free for lunch on Tuesday so that we can have between 12.00 p.m. and 2.00 p.m. in room 601 or in room 602 an occasion we will go Dutch treat.

-we'll leave it to the translators to find the right term. We will go dutch treat and we will have an opportunity to get to know each other and to talk about environmental issues in a non-structured and official way.

If you feel that the date is too soon let me know tomorrow and we can choose another Tuesday. Wednesday is not a good day for all sorts of other reasons and Thursday there is too much rush.

Mr. Bigras.

M. Bernard Bigras: Peut-être qu'il y aura un consensus, mais à ce que je sache tous les témoins n'ont pas encore été tous entendus et on a encore des questions à poser. Vous-mêmes vous avez des questions. On ne peut pas prétendre qu'il y aura un consensus alors que les représentants des Premières nations et surtout l'intervenant majeur comme M. Charbonneau vient de le dire, Environnement Canada n'est pas revenu à la table. Donc, je pense qu'il faut être prudent. Il ne faut pas prendre de décision trop rapide. Il faut avoir un processus flexible.

Le président: Merci.

Mr. Gar Knutson: I agree.

The Chairman: Motion to adjourn.

Thank you.