



MINUTES OF PROCEEDINGS

OTTAWA, Wednesday, June 1, 2022

(15)

[English]

Pursuant to the order of the Senate of May 5, 2022, the Standing Senate Committee on Energy, the Environment and Natural Resources met this day, in room B45, Senate of Canada Building, and with videoconference, at 6:31 p.m. ET, the chair, the Honourable Paul J. Massicotte, presiding.

Members of the committee present by videoconference: The Honourable Senators Anderson, Gold, P.C. and Verner, P.C. (3).

Members of the committee present: The Honourable Senators Dalphond, Galvez, Kutcher, Massicotte, McCallum, Miville-Dechêne, Seidman and Sorensen (8).

Other senators present: The Honourable Senator Arnot (1).

Participating in the meeting: Maxime Fortin, Principal Clerk, Martine Willox, Legislative Clerk and Louise Martel, Administrative Assistant, Committees Directorate; Khamla Heminthavong and Wu DiYing, analysts, Library of Parliament.

Pursuant to the order of reference adopted by the Senate on Thursday, April 7, 2022, the committee continued its consideration of Bill S-5, Strengthening Environmental Protection for a Healthier Canada Act.

WITNESSES (by videoconference):

Environment and Climate Change Canada:

John Moffet, Assistant Deputy Minister, Environmental Protection Branch.

Health Canada:

Greg Carreau, Director General, Safe Environments Directorate.

The committee resumed clause-by-clause consideration of Bill S-5, Strengthening Environmental Protection for a Healthier Canada Act.

The committee resumed debate on clause 3.

It was agreed that the committee reconsider its vote on the amendment moved by the Honourable Senator McCallum that Bill S-5 be amended in clause 3, on page 3, by replacing line 13 with the following:

“which right may be considered against relevant factors, in-”.

After debate, the question being put on the motion in amendment, it was negatived.

The Honourable Senator Galvez moved that Bill S-5 be amended in clause 3, on page 3, by adding the following after line 14:

“(3) The Act is amended by replacing paragraph 2(1)(k) with the following:

(k) endeavour to act expeditiously and diligently to assess whether existing substances or those new to Canada are toxic or capable of becoming toxic and to assess the risk such substances pose to the environment and human life and health while avoiding the use of vertebrate animals in testing and assessment where scientifically possible;”.

After debate, the Honourable Senator Kutcher moved that the motion in amendment be amended by replacing the words contained within the quotation marks with the following:

“(3) Subsection 2(1) of the Act is amended by adding the following after paragraph (k):

(k.1) encourage the development and timely incorporation of scientifically justified alternative methods and strategies in the testing and assessment of substances to replace, reduce or refine the use of vertebrate animals;”.

After debate, the question being put on the subamendment, it was adopted on the following vote:

YEAS

The Honourable Senators

Dalphond, Gold, Kutcher, Patterson, Seidman, Sorenson — [6]

NAYS

The Honourable Senators

Anderson, Galvez, McCallum, Miville-Dechéne, Verner — [5]

ABSTENTIONS

The Honourable Senator

Massicotte — [1]

After debate, the question being put on the motion in amendment, as amended, it was adopted by a show of hands.

It was agreed that clause 3, as amended, carry.

The Honourable Senator Miville-Dechêne moved that Bill S-5 be amended in clause 5, on page 4,

(a) by replacing line 5 with the following:

“— and the principle of non-regression; and”;

(b) by replacing lines 8 to 11 with the following:

“ment referred to in paragraph 2(1) (a.2).”.

John Moffet and Greg Carreau answered questions from time to time.

After debate, it was agreed that the motion in amendment stand postponed.

The Honourable Senator Galvez moved that Bill S-5 be amended in clause 5, on page 4,

(a) by replacing line 8 with the following:

“ment referred to in paragraph 2(1)(a.2);”;

(b) by replacing line 11 with the following:

“tors; and

(d) the legal mechanisms by which the right to a healthy environment will be implemented and made enforceable.”.

After debate, the Honourable Senator Kutcher moved that the motion in amendment be amended by replacing the words “**(d)** the legal mechanisms by which the right to a healthy environment will be implemented and made enforceable.” with the following:

“**(d)** mechanisms to support the protection of that right.”.

After debate, the question being put on the subamendment, it was adopted by a show of hands.

After debate, the question being put on the motion in amendment, as amended, it was adopted by a show of hands.

After debate, the Honourable Senator Galvez moved that Bill S-5 be amended on page 4 by adding the following after line 19:

“5.1 (1) Subsection 13(1) of the Act is amended by striking out “and” at the end of paragraph (b), by adding “and” at the end of paragraph (c), and by adding the following after that paragraph:

(d) for each substance on the Domestic Substances List,

(i) every action, process, decision, assessment, request or activity - however called — that is carried out in relation to the substance under any provision of this Act, whether it has occurred, is in progress, or is proposed; and

(ii) every international instrument to which Canada is a signatory that applies in respect of that substance.

(2) Subsection 13(2) of the Act is replaced by the following:

(2) The Minister may determine the form of the Environmental Registry and how it is to be kept, so long as the registry is maintained in the form of a publicly-accessible and searchable electronic database.”.

After debate, the question being put on the motion in amendment, it was adopted by a show of hands.

It was agreed that clause 5 stand postponed.

It was agreed that clause 6 carry.

The Honourable Senator Patterson moved that Bill S-5 be amended in clause 7, on page 4, by adding the following after line 33:

“(3.2) The Ministers shall conduct research or studies relating to radiofrequency electromagnetic radiation, methods related to its detection, methods to determine its actual or likely short-term or long-term effects on the environment and human health, and preventive, control and abatement measures to deal with it — as well as alternatives to its use — to protect the environment and human health.”.

After debate, the question being put on motion in amendment, it was negated by a show of hands.

It was agreed that clause 7 carry.

The Honourable Senator McCallum moved that Bill S-5 be amended in clause 8, on page 5, by replacing lines 5 and 6 with the following:

“ferred to in paragraph (1)(a) shall relate to the vulnerable populations that have experienced geographic and environmental racism.”.

After debate and with leave, the amendment was withdrawn.

It was agreed that clause 8 carry.

The Honourable Senator Patterson moved that Bill S-5 be amended in clause 9, on page 5, by adding the following after line 19:

“(k.2) radiofrequency electromagnetic radiation;”.

After debate, the question being put on the motion in amendment, it was negated by a show of hands.

The Honourable Senator McCallum moved that Bill S-5 be amended in clause 9, on page 5, by adding the following after line 19:

“(k.2) hydraulic fracturing;”.

After debate, the question being put on the motion in amendment, it was adopted by a show of hands.

The Honourable Senator McCallum moved that Bill S-5 be amended in clause 9, on page 5, by adding the following after line 19:

“(k.2) tailings ponds;”.

After debate, the question being put on the motion in amendment, it was adopted by a show of hands.

The Honourable Senator McCallum moved that Bill S-5 be amended in clause 9, on page 5, by adding the following after line 19:

“(k.2) blue-green algae toxins;”.

After debate, the question being put on the motion in amendment, it was negated by a show of hands.

It was agreed that clause 9, as amended, carry.

At 8:34 p.m., the committee adjourned to the call of the chair.

ATTEST:

Chantal Cardinal

Clerk of the Committee