



MINUTES OF PROCEEDINGS

OTTAWA, Thursday, June 2, 2022

(16)

[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 W110, 1 Wellington St., and with videoconference, at 9 a.m. ET, the chair, the Honourable Paul J. Massicotte, presiding.

Members of the committee present by videoconference: The Honourable Senators Anderson, Carignan, P.C., Gold, P.C., Patterson and Verner, P.C. (5).

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; Jesse Good 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 chair asked whether clause 10 shall carry.

The Honourable Senator Miville-Dechêne moved that Bill S-5 be amended on page 5 by adding the following after line 37:

“10.1 (1) Subsection 56(1) and the portion of subsection 56(2) of the Act before paragraph (b) are replaced by the following:

56 (1) The minister shall

(a) identify every person or group of persons that manufactures, imports, processes or releases, or that uses in a commercial manufacturing or processing activity,

(i) a substance or group of substances specified on the list of toxic substances in Schedule 1,

(ii) a substance or group of substances to which subsection 166(1) or 176(1) applies, or

(iii) a product that contains a substance or group of substances specified on the list of toxic substances in Schedule 1 or that may release such a substance or group of substances into the environment; and

(b) publish in the *Canada Gazette*, and in any other manner that the Minister considers appropriate, a notice requiring any person or class of persons identified by the Minister to prepare and implement a pollution prevention plan in respect of a matter referred to in subparagraphs (a)(i) to (iii).

(1.1) For the purpose of identifying the persons or groups of persons referred to in paragraph (1)(a), the Minister may publish in the *Canada Gazette*, and in any other manner that the Minister considers appropriate, a notice requiring any person or group of persons described in the notice to provide the Minister with any information that may be in their possession or to which they may reasonably be expected to have access, including information regarding their engagement in any activity involving a matter referred to in subparagraphs (1)(a)(i) to (iii).

(2) The notice referred to in paragraph (1)(b) may specify

(a) the substance, group of substances or product in relation to which the plan is to be prepared;

(2) Subsection 56(5) of the Act is replaced by the following:

(5) On written request of a person who is the subject of a notice under paragraph (1)(b), the Minister may waive the requirement for that person to consider a factor specified under paragraph (2)(c) if the Minister is of the opinion that it is not reasonable or practicable to consider the factor on the basis of reasons provided in the request.

10.2 Subsection 58(1) of the Act is replaced by the following:

58 (1) Every person who is required to prepare a pollution prevention plan under section 56 or 291 or under an agreement in respect of environmental protection alternative measures shall file, within 30 days after the end of the period for the preparation of the plan specified

in the notice referred to in paragraph 56(1)(b) or extended under subsection 56(3), or specified by the court under section 291 or in the agreement, as the case may be, a written declaration to the Minister that the plan has been prepared and is being implemented.

10.3 Subsection 60(1) of the Act is replaced by the following:

60 (1) The Minister may publish in the *Canada Gazette*, and in any other manner that the Minister considers appropriate, a notice requiring any person or class of persons who is the subject of a notice under paragraph 56(1)(b) to submit, within the period specified by the Minister, the plan or any part of the plan for the purpose of determining and assessing preventive or control actions in respect of a substance, group of substances or product.”.

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

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

It was agreed that clause 10 carry.

It was agreed that new clause 10.1 carry.

It was agreed that clause 11 carry.

It was agreed that clause 12 carry

It was agreed that clause 13 carry

It was agreed that clause 14 carry.

The chair asked whether clause 15 shall carry.

The Honourable Senator Galvez moved that Bill S-5 be amended in clause 15, on page 8, by replacing lines 2 to 4 with the following:

“striking out “and” at the end of paragraph (c) and by replacing paragraph (d) with the following:

(d) respecting the conditions, test procedures and laboratory practices to be followed for analysing, testing or measuring the property or characteristic, including procedures and practices for replacing, reducing or refining the use of vertebrate animals; and”.

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

The Honourable Senator Galvez moved that Bill S-5 be amended in clause 15, on page 8, by replacing lines 6 and 7 with the following:

“classification of a substance as a substance that is carcinogenic, mutagenic, toxic to reproduction or poses other risks of equivalent concern.”.

After debate, the Honourable Senator Miville-Dechêne moved that the motion in amendment be amended by replacing the word “equivalent” with the word “highest”.

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.

It was agreed that clause 15, as amended, carry.

The chair asked whether clause 16 shall carry.

The Honourable Senator McCallum moved that Bill S-5 be amended in clause 16, on page 8, by replacing line 25 with the following:

“(iii.2) whether there is a vulnerable population or vulnerable land in”.

The Honourable Senator Kutcher moved that the motion in amendment be amended by replacing the words “vulnerable land “ with the word “environment”.

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.

The Honourable Senator Galvez moved that Bill S-5 be amended on page 9 by adding the following after line 18:

“16.1 The Act is amended by adding the following after section 68:

68.1 (1) The Ministers shall not generate data or conduct investigations using vertebrate animals for the purpose of assessing

(a) whether a substance is toxic or capable of becoming toxic; or

(b) either the need to or the manner in which to control

(i) a substance,

(ii) a product that contains a substance, or

(iii) a product that may release a substance into the environment, including a substance specified on the List of Toxic Substances in Schedule 1.

(2) Subsection (1) does not apply if

(a) it is not scientifically possible to obtain the data or to conduct the investigation by methods other than using vertebrate animals; and

(b) the data or investigation is necessary to achieve objectives related to protecting the environment or human health.”

After debate, the Honourable Senator Dalphond moved that the motion in amendment be amended by replacing the word “scientifically” with the word “reasonably”.

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.

It was agreed that clause 16, as amended, carry.

It was agreed that new clause 16.1, as amended, carry.

It was agreed that clause 17 carry.

The Honourable Senator Galvez moved that Bill S-5 be amended in clause 18, on page 11, by adding the following after line 27:

“(b.1) the methods, test procedures and laboratory practices to be followed to replace, reduce or refine the use of vertebrate animals;”.

After debate, the Honourable Senator Kutcher moved that the motion in amendment be amended by:

(a) substituting, for the reference to “line 27” in the opening portion, a reference to “line 25”;

(b) substituting the following for the proposed text:

“(a.1) the conditions, methods, test procedures and laboratory practices to be followed to replace, reduce or refine the use of vertebrate animals;”

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.

It was agreed that clause 18, as amended, carry.

The Honourable Senator Galvez moved that Bill S-5 be amended in clause 19, on page 12, by replacing line 15 with the following:

“(a) that specifies activities or initiatives to promote the development and implementation of methods not involving the use of vertebrate animals that would provide information sufficient for assessing risks to health or the environment posed by substances assessed under this Part;

(a.1) that specifies the substances to which the Minis-”.

After debate, it was agreed that the Law Clerk be instructed, when renumbering the clauses of the Bill, to move this amendment to position (c) of that clause.

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

The Honourable Senator Galvez moved that Bill S-5 be amended in clause 19, on page 12, by replacing line 38 with the following:

“vidually, with a view toward avoiding substitutions within the class that may be harmful; and”.

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

It was agreed that clause 19, as amended, carry.

At 10:58 a.m., the committee adjourned to the call of the chair.

ATTEST:

Chantal Cardinal

Clerk of the Committee