

Railway Act

second time and referred to the Standing Committee on Transport.

He said: Mr. Speaker, I appreciate this opportunity to speak on my Bill C-229 which reflects the concern of a number of my constituents. I am sure it will find echoes in the concerns of constituents of all Hon. Members. I hope the House will see fit to refer the subject matter of this Bill to the appropriate committee.

The purpose of the Bill is to require all railways, particularly Canadian National, to comply with provincial legislation regarding health and environment. I just want to sketch a little of the background that led me to introduce this Bill. Last August, Canadian National Railways was involved in spraying Spike 80-W, a defoliant, in the Cowichan subdivision of Vancouver Island. This spraying took place at the very time when blackberries were just beginning to come into fruit. For those who do not know, blackberries on Vancouver Island grow to be very ripe, delicious and luscious. People love to pick them. Blackberry bushes grow profusely. They sprawl all over the place. In fact, I have seen places where abandoned buildings have been completely surrounded and covered by blackberry bushes after just a few years.

Here is where we have the problem. People, particularly children, like to walk along the right-of-way where there are blackberry bushes, pick the blackberries and eat them. On the other hand, the railroad is concerned about keeping its right-of-way clear, so it sprays.

Last year when the spraying was done in the villages of Lake Cowichan and Youbou, no notification was given to the local residents that spraying would take place. Even the village council was not notified in advance. When it did find out, it had to go to its own expense to put out a circular letting people know that the spraying was taking place. Later parents were horrified to find that their children were eating blackberries that had been sprayed in this manner. When the village protested to CN Rail, Mr. G. Fowler, the planning engineer for the Mountain Region, wrote back and pointed out:

Signs were posted on our right-of-way in the City of Victoria and at Deerholme but unfortunately the Village of Cowichan was not forewarned. This was likely due to the short notice given Environment Canada. CN Rail, being a Crown corporation, is not required to obtain provincial pesticide permits for work done on our right-of-way, however, through Environment Canada, the provincial agencies are informed of our intentions.

Our vegetation control program on Vancouver Island was discussed with Mr. Doug Wilson, Senior Program Officer Contaminants Control, Environment Canada, Vancouver, and he was well satisfied with the job and felt CN Rail had complied with all regulations.

CN Rail might have complied with all the regulations, but the people of Lake Cowichan and Youbou were far from satisfied with the way this happened. There are no regulations that apply to protect the health of people or the environment from this kind of spraying.

When I wrote to the Minister of the Environment (Mrs. Blais-Grenier), she replied:

Environment Canada provides general environmental advice to the Pesticide Control Act Administrator and specific advice on restrictions to protect the anadromous fishery resource from pesticides. . . .

As you noted in your letter, CNR does not participate in the formal review process of the province. . . .

With regard to CN's participation in the provincial Pesticide Control Act review process, we have been advised that the British Columbia Ministry of Environment has sent a letter to the president of CN Rail requesting that the railway obtain provincial pesticide use permits. We are not aware of CN's position at this time, but I agree that it would be desirable for CN to participate in the same way as do all other railways operating in British Columbia.

I am not completely happy with the environmental protection legislation in British Columbia, but at least when there is going to be commercial spraying of herbicides on a commercial scale, a permit is required. In order to get this permit, there is an opportunity for public input. People can say where and how this spraying would have negative impact upon them, their communities or their environment. For example, on a 1983 application by CPR for permission to spray a right-of-way on Vancouver Island, the Environment Appeal Board ruled that there were certain areas where the spraying could not take place because it would impact in a negative manner upon some private homes and gardens. Even this minimal protection given by the Pesticide Control Act in British Columbia is not available when the CNR decides to spray.

I have received further correspondence from the Vice-President for the Mountain Region, Mr. R. A. Walker, dated December 12. He said, and I quote:

—we are reviewing the legal implications of obtaining provincial permits as a goodwill gesture on future vegetation control programs.

Goodwill gestures are fine, but the people of my constituency and constituencies right across Canada would like more assurance than just a goodwill gesture. They would like some assurance that they are protected, that the railway does have to conform with at least the minimum standards established by the province.

Voluntary participation is another phrase that has been used. Verbal agreements have been reached regarding better notification. That is not good enough. When we are dealing with health and environmental matters, it is not good enough to depend upon goodwill. Goodwill is often subject to the whims of the person who is in charge. Goodwill can find itself victim to the constraints of a timetable. That is not good enough.

It has been pointed out that the problem of spraying on CNR rights-of-way is only part of a larger problem regarding the federal government properties and the provincial environmental regulations. There is also concern about environmental regulations as they would relate to airports, federal prisons and Department of National Defence establishments. The railways are very definitely the chief culprits, however.

• (1710)

One of the objections that might be made to my Bill which would require that all railways be subject to provincial health and environmental regulations is that the CNR would find itself subject to 11 different jurisdictions. I do not think that is an objection that can stand up. Interprovincial trucking concerns must already deal with different jurisdictions. Certainly the battery of lawyers maintained by Canadian National