Clause 37(4) and Clause 90. They define the relationship between the federal and provincial Governments. In essence, this Bill would give each province a veto over the application of the proposed Act in its jurisdiction if a province feels that it has comparable legislation.

The report of the World Commission on Environment and Development, which I am pleased the Government endorses, stresses that what is needed is strong national standards that are enforced on a national basis.

In the Canadian context, I suggest to the Parliamentary Secretary that Bill C-74 should propose strong national standards that can only be superseded by provincial legislation when it is stronger than the federal legislation, but not when it is weaker. That would not serve the public interest.

This particular aspect which troubles us was also interestingly defined in a letter signed on September 10 by the Canadian Environmental Law Association, the Citizens Network on Waste Management, Pollution Probe and Energy Probe in Toronto. The four signatories expressed concern that Section 106(a)(2) of the Constitution Act may discourage the federal Government from assuming its responsibility to protect the nation's environment if it can be argued that an initiative may be in an area of exclusive provincial jurisdiction.

• (1810)

Somehow this comment on Section 106(a)(2) in the Constitution Act seems to reinforce the notion that in Bill C-74 the federal Government is going to give in to lower provincial lower standards and thus create a checkerboard type of standards across the nation, which would not be desirable and which we should not endorse. I hope the Parliamentary Secretary will convey to her Minister these preoccupations which have been registered by these organizations.

There was a reference to the Meech Lake Accord in an editorial in the *Sunday Star* which is relevant to this particular passage in the Bill. A reference was made on August 16 to the fact that two clauses in Bill C-74 would require the Minister of the Environment (Mr. McMillan) to consult all the provinces before he drafts regulations or issues emergency orders to control toxic chemicals.

While Ottawa would retain the right to act on its own after the consultations, the provisions invite Ottawa to take the weakest possible action so that everyone can agree. I admit we are dealing in the realm of the hypothetical, but nevertheless when we are preparing legislation we must try to face every possible circumstance. I am sure we want to have legislation which strengthens the national standards, in consultation with the provinces, and sets the highest possible standards rather than setting the lowest common denominator, as this Bill, I am afraid, will inevitably tend to do.

I must move on to other aspects of this Bill. The Minister on earlier occasions promised a comprehensive Bill to deal with toxic chemicals. It must be put on record that if Canadians believe, as a result of Bill C-74, that pesticides or chemicals used in the food and drug industry, or chemicals regulated by any other federal statute, or even nuclear waste, are in this Bill, this notion has to be put to rest. Pesticides and chemicals in the food and drug industry, nuclear waste and any chemical which is regulated by other federal statutes, are not included in this piece of legislation.

In the consultations which took place last winter, and which were very productive and extremely well run, there were several public interest groups which called for the reform of the process of environmental assessment and review. We agree that Bill C-74 is not the vehicle for enshrining a process of environmental assessment and review. However, we would urge the Government to table a companion Bill in which the question of environmental assessment and review is dealt with.

The Minister did promise as recently as March of this year a White Paper proposal for the reform and improvement of the environmental assessment and review process. It is now September and the White Paper seems to be reduced to the status of a discussion paper. It is still absent from the parliamentary timetable. I hope that the Parliamentary Secretary will refresh the Minister's memory on this matter.

We come now to what seems to me to be the weakest part of this Bill, that is the enforcement and compliance. The record over the past two years is not one to write home about. In reply to a question on the Order Paper, the Government in May supplied me with an answer with regard to the violation of federal pollution legislation. I would like to bring to your attention, Mr. Speaker, what that answer brings to light, which I found rather astonishing, I must say. In 1985 there were 18 charges laid under the Fisheries Act. Nine charges resulted in successful prosecution. Do you know, Mr. Speaker, how much was paid in fines in these nine successful prosecutions? A total of $33,800 was collected. Under the Arctic Waters Pollution Prevention Act, one charge was laid. That charge was successful and the fine was $14,000. In 1986, 18 charges were laid under Section 33 of the Fisheries Act. There were 12 successful prosecutions for a total of $93,950 in penalties.

Under the Ocean Dumping Control Act, there was one charge laid and no successful prosecution. This is a pretty weak record, I must say. How can we believe that this Government is serious about a $1 million fine, which is in this Bill, if it has such a weak record of compliance and enforcement? It is one thing to have the fine on paper and in the statute. It is another thing to make it work. It is another thing to see to it that the fine does not just remain as an idea on paper.

Therefore, I have some very serious reservations about the approach which was dealt with in January of this year by way of a report by the Canadian Environmental Advisory Council entitled "Enforcement Practices of Environment Canada". It brings out in a succinct manner the criticism—and I think it was well intended, as it should be. It was meant in constructive