

Clean Air Act

danger to health. Any prosecutions under this statute will be very difficult. Here again, this could save the jurisdiction under the national authority, but it is so limited because of the use of the word "significant" that it does not cover the standard case.

The bill takes another run at national air standards policy in clause 8 where it refers to the establishment of guidelines. Guidelines can be related to objectives to be followed, but guidelines have never been very effective. They have been suggested in almost every area of this Parliament, but they have very seldom worked because they are unenforceable. The bill takes another run at national standards in clauses 9 and 14 where it refers to the establishment of emission standards for federal works. That is still only one area, and it is not national.

I am not trying to split hairs, but I do not think the measure authorizes the setting up of national air quality standards. I do not think the authority is there. I looked through the bill, and the first thing I attempted to find was this authority. I could not find it. Therefore, the bill cannot authorize the establishment of these standards.

Most provinces do not have legislation along these lines, and I am sure none of the provinces have concurrent legislation because this bill has not yet been passed. If the government has doubt about the constitutional authority to establish national air quality standards—and I think they certainly have grounds for doubt—I should like the minister to tell us about the efforts made over the last two or three years to get provincial assistance to adopt effective legislation. There was nothing in the minister's introductory remarks today to the effect that there has been provincial co-operation in bringing in any new legislation. In the latter part of the minister's remarks he mentioned provisions in respect of federal government works.

Much of the bill is devoted to the method of the federal government policing itself. The main part of this bill is directed toward the operators of federal works. This is certainly a desirable objective. I think it is a sad commentary of the government of Canada when it has to legislate against itself. That is exactly what we are doing by this bill. Who is going to pay the fines if they are levied against federal works? It seems to me that if anybody pays these fines it will be the people of Canada, because that is the source of money for public works. This seems to be a very unusual situation because the federal government is legislating against its own public works and is providing fines for breaches against this measure. I would like to think there are in existence no situations which would justify this type of action. I have no doubt that this legislation could be used against public works, but it seems sad that we are being asked to pass a bill directed against works of the federal government.

● (3:30 p.m.)

I said I wanted to speak about the general provision concerning fuels, their manufacture and importation. To me this is the most significant feature of the bill. In a simple and straightforward way the federal Parliament assumes its responsibility in clause 22 and provides for

[Mr. Aiken.]

regulatory authority in succeeding clauses. The foundation is laid, in the clauses on fuels, for effective action in many areas. The definition is broad enough to include motor vehicle fuels, domestic fuels and industrial and commercial fuels, all of which are the principal causes of air pollution. So while I do not feel the remainder of the bill will be very effective, I believe the clauses on fuels, as in the case of the Canada Water Act in the section on phosphate detergents, may be the only part that is effective and enforceable.

In my belief, the clauses on fuels save this bill because there are no "ifs", "ands" or "buts" about it. Parliament is facing up to the situation and saying that we will accept responsibility for fuels. We know this is where most of our air pollution comes from. It remains to be seen whether the government will follow up these clauses with effective regulations and enforcement. If it does, then the clauses on fuels to my mind could represent the breakthrough.

I should like to say a word or two in respect of offences and penalties. When a great fuss is made about the amount of a penalty of \$200,000 a day, or something in that order, this hits the newspapers and sounds good. We had the same "big deal" in respect of the Canada Water Act, but no one to my knowledge has been charged. Certainly no one ever received such a fine. I suppose if someone wanted to outdo this bill he could provide for a fine of \$1 million for doing something. I do not think the amount of the fine levied is the true test of the bill. The true test is whether or not it stops air pollution.

I do not believe the size of the maximum fine will do the job at all. Here, as in the case of the Canada Water Act, people have the idea that almost everybody will be subject to this large fine for polluting. One has to look at the bill to see what it really says. The \$200,000 fine applies only to a federal work of undertaking under clause 9 (1) (b), an emission which constitutes a significant danger to the health of persons under clause 7 (1) (a), or violation of the terms of any international agreement under clause 7 (1) (b). These are the only cases to which the fine applies. It is not a general fine in respect of anyone who pollutes the air. I believe this should be clearly understood.

The last point I wish to discuss is that of the federal commitment to expenditure. As in the case of the Canada Water Act, I have searched vainly through this bill to find any commitment by the federal government to involve itself financially in activities, works or pilot projects to reduce air pollution. I could find none, except perhaps one clause to which I will refer. Aside from maintaining monitoring stations and setting up standards of various types, there would seem to be no provision for expenditure except in clause 19 which authorizes the minister to enter into agreements with provincial governments for the implementation of pollution programs for the control and abatement of air pollution. It is possible that in the implementation of programs the government could very well involve itself in expenditure, but it is a very vague provision and one which certainly does not