

*Canadian Environmental Protection Act*

cleaning up the environment. We went from tough guy to timid first step in a matter of a couple of months.

Now Bill C-74 is before us. This morning, the Parliamentary Secretary was back using tough guy words once more. However, we know that those words really do not apply to Bill C-74. Later on I will bring to the attention of the House some evidence supporting that charge.

Bill C-74 is the merging of some legislation that has been around for quite a while. It merges the Clean Air Act, the Ocean Dumping Control Act and the Environmental Contaminants Act. These Acts have been brought together for streamlining, as described by the Minister. However, a spokesman for the Alberta group of the Sierra Club of western Canada has written the following:

We feel that this proposal is not a complete environmental protection act as it leaves out important areas such as acid rain, motor vehicle emissions, recycling of wastes, hazardous goods movement, protection of flora and fauna, and a host of other very important factors in protecting Canada's environment. The Act should be renamed.

At one point in his career, the Minister spoke in the vainglorious terms, for which he is famous, of an environmental bill of rights. That is a lovely bit of sermonizing, a bill of rights based on environmental concerns. Of course, there is nothing close to a bill of rights in Bill C-74. Instead, there is a preamble to the legislation itself. The theme of the preamble is the environment. It is a prissy little piece on protecting the environment and human health.

We all know what a preamble is all about. On certain occasions in a court of law it may help the interpretation if there has been bad or vague drafting of the legislation. However, for the most part, a preamble has no legal status at all. It is usually just a bit of propaganda and exists for decorative purposes. It is a cosmetic that disguises reality.

What is the reality? The reality is that there is very little in the way of new action on environmental control in Bill C-74. In support of this argument, I quote Toby Vigod, a lawyer working with the Canadian Environmental Law Association:

—the preamble to the proposed EPA is not legally enforceable. Case law and authorities on the subject of preambles generally conclude that they are not enforceable in and of themselves. They, however, can be used as a limited aid to interpretation in determining the meaning of statutory provisions that may be unclear and ambiguous.

I hope that the Minister has not given us a Bill which is unclear and ambiguous, but if he has, then perhaps his little preamble will be helpful in certain cases. Vigod goes on to conclude the following:

However, this does not confer rights on citizens to protect their environment.

Let me turn to another source to support my argument. Pollution Probe has described this environmental Bill as being meaningless. Pollution Probe has said, as reported by the *Ottawa Citizen*:

Environment Minister Tom McMillan's claim to have produced the country's first environmental bill of rights is meaningless, a Pollution Probe spokesman says.

Janine Ferretti said in an interview from Toronto that if McMillan had wanted to include an enforceable bill of rights in his draft Environmental Protection Act, unveiled this week, he wouldn't have put it in the preamble of the new legislation where it has no legal basis.

Since there is no bill of rights at all, we do not need to talk about that any longer.

It has been said that this Bill does some streamlining. I challenge that as well. I do not think much has been streamlined when there are still 24 departments of Government responsible for 55 different statutes that deal in one way or another with environmental matters.

To be fair, Bill C-74 does one useful thing. It sets up a system that will assess the impact of new chemicals that come on to the market on human health and the environment. That was a task begun but not completed under the previous Government. However, my concern is that there will not be enough resources available to adequately do that important task. We know that there is a very fixed and restrained budget in the Department to help it undertake this task.

• (1240)

I want to agree with my friend from Newfoundland and Labrador when he says it is time the Ocean Dumping Control Act was given new force. You may have read, Sir, that the Act, brought in by the previous Government, is now being challenged in the Supreme Court. Here was a chance for the Minister of the Environment (Mr. McMillan) to add new force to that Act, but he did not. He just folded it into C-74.

I fear, as does my hon. friend from Newfoundland and Labrador who spoke earlier in the debate, that the Clean Air Act as encompassed in C-74 may possibly—we cannot say categorically—permit sulphur dioxide to slip underneath the existing regulations and escape control altogether. That is so because, as the Parliamentary Secretary knows, acid rain is to be subject to the same toxicity test as other chemicals. So you can see that sulphur dioxide may escape altogether.

In addition, the Hon. Member for Grand Falls—White Bay—Labrador (Mr. Rompkey) also asked whether C-74 gives the Minister too much discretionary power. I wonder, and other Members wonder, should he be allowed to exempt chemicals from regulation altogether simply at his discretion?

Undoubtedly Bill C-74 is weakened by allowing each and every province to have a veto over the legislation if they feel—not if they prove but if they feel—that they have legislation of their own comparable to this legislation. I would ask, who is going to be the judge of that? No, I think C-74 suffers from what I would call the Meech Lake blights. I quote *The Toronto Star*:

Specifically, two sections in the bill before Parliament would require 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.