

are emitted, but rather the point at which they damage the capacity for the air to be re-used. The federal Clean Air Act, the one we have before us, will use standards which relate to the point of emission. This reference is on page 17, lines 30 and 31. Such a double standard must obviously be avoided. The individual responsible for a source of air pollution could be confused to the point of not being able to comprehend either system, or he might find it impossible to comply with both simultaneously. Where a set of emission standards exists, such as in Ontario, I cannot see that it would do any perceptible good for the federal authority to superimpose a second set of standards.

I am strongly in favour of the idea of setting up national ambient air quality objectives, and I consider it properly the role of the federal level of government to try and establish a set of common goals, to work towards a common denominator, to rationalize and co-ordinate the various efforts in this area. However, I would again express the hope that the federal Government would consult the provinces before determining what are referred to in clause 4 of the bill as "ambient air quality objectives" reflecting three ranges of quality of tolerable, acceptable and desirable of the ambient air in relation to that contaminant in combination with any one or more other contaminants. It is to be noted here that "tolerable, acceptable, and desirable" are in no way defined. Admittedly, they cannot be quantified but they could have been explained to some extent. This lacuna leaves the door open to potential conflict, and that is why I am eager that both levels of government should keep open the channels of communication.

Though in toto the bill is worthwhile, some parts of it are puzzling and even deficient. I refer here to clause 2, subclause (1)(b). That definition of "air pollution" includes, in addition to health, such things as welfare, and normal enjoyment of life. This is helpful because it will overcome the present difficulty in providing clinical proof of deleterious effects on human health. What is difficult to understand is why this definition in its entirety was not included in clause 7, subclause (1)(a), where only health is mentioned.

Clause 2, subclause (3) indicates that this act will be binding on the provinces. Yet elsewhere there is provision for entering into agreements with the various provinces. On the one hand, of course, agreements are fine, since they will ensure uniform national standards and prevent some provinces from taking a more casual approach to air pollution than others, in order to attract industry or for some other advantages. However, and I do not suppose I need dwell upon the fact, this could easily lead to friction and constitutional problems. It might have been wiser for the Government to include a provision for joint federal-provincial bodies to establish standards, as was the case with the Canada Water Act.

I fail to see why in clause 5, subclause (1) universities were not specifically mentioned as sources of knowledge which the minister and his officials might consult. I know that in my own university the head of Pollution Probe, Professor Chant, of the Department of Zoology, has carried out a wonderful investigation, in close consultation

with the teaching hospitals, on diseases of the chest and heart, which I have been associated with, and in some cases, intimately consulted. Some of the best research in pollution control and abatement is being done by various departments in our leading Canadian universities. To leave this source of information and help untapped is to deliberately shortchange ourselves.

If one judges from clause 7, subclause (1), one is led to conclude that this act is intended to deal only with stationary sources of air pollution. The only reference to air pollution caused by mobile sources such as cars, trucks, et cetera, can be found in clause 10, subclause (2), and that serves to exclude mobile sources from the purview of this bill. The minister, in summing up the other night in the House of Commons, with regard to a proposed amendment, said that this power would be delegated to other departments. Yet, in urban areas these same mobile sources account for up to 50 per cent of the total air pollution, often providing the more hazardous components such as carbon monoxide and nitrous oxides. This is an area where the federal Government could have been of immense help to the provinces. It has chosen not to be.

Another point that could be raised with regard to clause 7, and my legal friends can correct me if I err, is that health is an area of concurrent jurisdiction with paramountcy being given to the provinces. Furthermore, international treaties in no way alter the Constitution of this country. Therefore, I suggest clause 7, subclauses (1) (a) and (b) may well be *ultra vires* the Government of Canada. Action in these areas could only be undertaken with the consent of the province or provinces concerned.

Clauses 19 and 20 could well be interpreted as something of a contradiction in approach. Clause 19 seems to indicate a willingness on the part of the central Government to consult with the provinces "for the purpose of facilitating the formulation, co-ordination and implementation of policies and programs designed for the control and abatement of air pollution." Clause 20, on the other hand, provides the federal minister with an opportunity to act unilaterally within a province in dealing with emission standards. The federal Government gives the impression in this section that it plans to use the goodwill and co-operation of the provinces regarding ambient air quality objectives as a lever to assume an unwarranted degree of supervision over emission standards.

The ubiquitous federal Government should not be permitted to engage in unnecessary "snooping".

Clause 22 states:

No person shall produce for use or sale in Canada or import into Canada any fuel that contains any element or additive in a concentration that exceeds a concentration prescribed with respect to that element or additive in relation to such fuel for the purposes of this section.

This could have far-reaching economic and social consequences. It could also have the effect of nullifying carefully worked out and flexible control methods in use by the provinces. For example, the effect on Ontario