

submitted to the Minister of the Environment for consideration.

The culmination of this consultation process was the national consultation meeting that was held in Ottawa on March 22 and 23 of this year at which there were over 200 participants. The Minister listened and acted. A short six months and seven days after releasing the draft Bill, on June 26 the Government introduced for first reading in the House of Commons Bill C-74, the Canadian Environmental Protection Act.

The proposed Canadian Environmental Protection Act will stand us in excellent stead through the closing years of this century and into the next one. It is a forward-looking piece of legislation with a firm foundation for a nation-wide approach to environmental protection in Canada.

Bill C-74 will plug the gaps identified in *Cradle to Grave: The Management Approach for Chemicals*. It will require industry to provide an assessment of a substance's potential for environmental and health impacts and the ways of containing them before they introduce the substance to Canadians.

The Bill will provide greater information-gathering powers and clean-up provisions for those chemicals suspected of adverse environmental or human health impacts so that Canadians will not be left at risk from those substances. The Canadian Environmental Protection Act will control the processes and products of biotechnology. The new Act will be vigorously enforced and will reverse the belief of Canadians that industry freely pollutes the environment and is allowed to continue to do so.

The first steps to achieving comprehensive management of substances are the compiling of a priority substance list identifying chemicals and other materials requiring urgent assessment and evaluation and the preparation of a domestic substances list naming all substances governed by the Act in commercial use in Canada. The latter list will likely include more than 30,000 substances.

An important area for extensive federal-provincial territorial-industrial co-operation is the requirement for the Minister to develop environmental quality guidelines and codes of practice. The federal teamwork approach to environmental protection will be pursued with the provision in the new Act of authority to develop regulations and guidelines to govern activities and operations on federal lands and for federal undertakings. The Minister has emergency powers under this Act to act immediately where an urgent response to an environmental problem is called for. He is also empowered to order recalls of any product containing a prohibited substance.

● (1740)

The opportunity for public participation in the enforcement of the Canadian Environmental Protection Act is extensive. Some examples are: The right of a person who has or may sustain a loss or damage as the result of action prohibited by

Canadian Environmental Protection Act

the Act to seek an injunction in the courts to stop or prevent the action; the right of 12 persons to petition the Minister to investigate any alleged violation—the Minister must respond with his findings; the right of a person to have his or her identity kept confidential when reporting an alleged violation to an inspector or other official; the right to petition the Minister to have a substance included on the priority substance list—the Minister must respond with his decision; The right of a person to appeal a decision not to regulate a substance as toxic—the appeal will be considered by a board of review.

Public participation in the enforcement of CEPA will be crucial to its success. Canadians are well aware of the pollution problems around them. They deserve an opportunity to bring those concerns to the Minister's attention for action. Public involvement in enforcing this Act can and will work. A community group in Scarborough recently brought their concerns about a factory in the city to the attention of the company involved, and after several meetings between the North Bendale Community Association and the A.G. Simpson Company, the company agreed to install a thermal incinerator that will reduce the fumes from that plant and recover some heat loss which will help to lower their operating costs. With Bill C-74, more and more Canadians will be able to bring those kinds of concerns to the attention of the Minister for prompt consideration.

Maximum penalties under the Act are the stiffest ever in any federal environmental protection statute. The most serious violations involving death of a person can be prosecuted under Canada's Criminal Code with a maximum penalty of life imprisonment; unlimited fines or up to five years' imprisonment or both following conviction for recklessly causing an environmental disaster or wantonly risking the death of or harm to another person; fines of up to \$1 million or up to three years in jail or both for failing to provide requested information on a substance that may be toxic; fines of up to \$1 million or up to three years' imprisonment or both for manufacturing or importing a prohibited substance; fines up to \$200,000 or up to six months' imprisonment or both for failing to assist an inspector or for knowingly providing an inspector with false information. As well, each day of a violation can be considered a separate offence and corporate officers can be held personally responsible for actions of their companies.

One of the most important features of this new Act is the authority given to the federal Government to sign agreements with the provinces and territories for administration of the legislation. Responsibility for jurisdiction over environmental protection in Canada is shared between the federal and provincial Governments. Bill C-74 recognizes that shared responsibility. First, in Clause 5, the Bill authorizes establishment of a federal-provincial advisory committee to provide counsel to federal Ministers on regulatory initiatives under the legislation. Second, other provisions of the Bill obligate the federal Government to consult with the provinces and territories before undertaking regulatory action in such areas as release and disposal of substances. This mechanism will afford