

*Canadian Environmental Protection Act*

alleged violation has led to the death of or to serious harm to a person, where the risk exists or where there is loss of the use of the environment due to a disaster caused by negligent or reckless activity.

Those are a few of the situations concerning some of the enforcement provisions of the Act. I could go on to deal with a great many more but I think as we get into committee on this Bill we will see quite clearly that the Government means business. I for one intend to be monitoring the Government to make sure it does mean business. I am confident that this Bill is the kind of Bill that will help restore the faith of the Canadian people in environmental protection legislation and government enforcement actions.

Having said that, I think we on the government side and all members of the Opposition as well, if they mean business in cleaning up the environment, should get on with passing this legislation as quickly as possible. Having heard the Hon. Member for Broadview—Greenwood, I am sure there will be no delay on the part of the New Democratic Party. I am sure too that my hon. friend who is about to speak for the Liberal Party will tell us that the Liberals want the Bill in committee just as quickly as possible so we can put it into place.

**Mr. Orlikow:** Mr. Speaker, I have two questions for the Hon. Member. I ask them knowing that the Hon. Member is one of the strongest supporters for cleaning up our environment. It seems to me that there are a number of omissions and deficiencies in the Bill and I would like to ask the Hon. Member for York East (Mr. Redway) about these.

As he knows, there are thousands of workers who may very well be in contact with hazardous chemicals daily. Does the Hon. Member not find it strange that the Bill does not provide for an advisory council on which workers would have representation by law through their unions so that they can be consulted, over the priority list for existing chemicals as reported in the ECA report?

Second, regarding the part of this Bill which provides that consultation must be placed with the provinces before regulations go forward, is this not a step backward from the existing environmental legislation, such as the Clean Air Act, which provides for the federal Government to enact national air emission standards without having to consult with the provinces?

**Mr. Redway:** Mr. Speaker, I thank the Hon. Member for his questions. As the Hon. Member knows, there is provision in the Bill, and I am dealing now with the Hon. Member's first question, concerning the question of consultation with workers about the right to put particular chemicals on the priority list. As the Hon. Member knows, this legislation allows the Government to establish a priority list. The Government would be placing on the priority list at its own initiative chemicals which it feels are of the greatest concern. After that there will be the right, and there is the right provided in the legislation, for anyone to petition the Minister to have a substance

included on the priority substances list. The Minister must respond with his decision.

Although there may not be a consultation process in the same sense that the Hon. Member would normally envisage it by people sitting down and talking about what should be on the list, there is the right in the legislation for any worker or group of workers to put forward a specific substance, having it either put on the list or having the Minister give them the reasons why not.

That to my mind is actually stronger than merely a consultative committee, because the committee may or may not get a response from the Minister—certainly it may or may not get one publicly—and would not have the right to put forward specific substances of this sort under the legislation. The only right would be that of consulting. I think the legislation goes much further than the Hon. Member is suggesting it should go. I am sure he will be happy when he examines this matter closely.

As the Hon. Member is aware, as his critic for environmental matters has pointed out, there are some constitutional difficulties in dealing with problems in the area of the environment. These have become more significant perhaps with the establishment of the Charter of Rights and Freedoms and that sort of legislation. On top of that, the Government has taken the approach of trying to be co-operative and consultative with people, instead of telling them what they are going to do, whether they like it or not—either accept it or lump it. The combination of those factors is at the root of the legislation with which we are dealing here. The Government expects to be co-operative and consult but there are some legal difficulties in not doing that.

There is some residual power in the legislation for the Government to take action if the field has been left vacant. That normally would be an area in which the Government would be taking action but would be consulting with the provinces in the first place, because if there is a constitutional difficulty as to whether this is a federal or provincial matter, it would be much better to have the province agree to put the provision in place and not have to run into court challenges which could tie the matter up and prevent the effective enforcement of the legislation for many years. I know the Hon. Member is interested in effective enforcement and I know he is not interested in seeing all these things dragged through the courts to delay and discourage the effective enforcement of this kind of legislation.

**Mr. White:** Mr. Speaker, I listened with great interest to the comments of the Hon. Member for York East (Mr. Redway) who is very knowledgeable on the issue. If one checks the record over the past three years, it is obvious that the Hon. Member has been a strong advocate of environmental issues from the beginning. It is also obvious that the control and compliance provisions are extensive and comprehensive and will be of benefit to the life and health of all Canadians.