

Railway Act

Mr. Dennis H. Cochrane (Moncton): Mr. Speaker, it is a pleasure for me to have a chance to address the legislation which has been proposed by the Hon. Member. It is also refreshing to see that Hon. Members in this House feel encouraged to prevent their Private Member's Bill and that the Government takes it very seriously when a private Member has a concern he would like to bring to the attention of the Parliament of this country. It is nice to see that our past performance in this regard has encouraged this Hon. Member to put forward his ideas in the form of Bill C-229. All too often in the past, the initiatives of back-bench Members of Parliament have been relegated to a secondary status in such a way that it has not encouraged people to put forward their ideas, so I am pleased to be part of a Government which does encourage back-bench Members and private Members to draw their concerns to the attention of the House of Commons.

The Hon. Member for Cowichan-Malahat-The Islands (Mr. Manly) has proposed in Bill C-229 to make all railway companies under the jurisdiction of Parliament comply with provincial laws in respect of health and environment. This could be accomplished by amending Section 2 of the Railway Act.

From what I understand of the background of this situation, the Hon. Member is concerned with the defoliant spray program conducted by the railways on their tracks. This is evident from the correspondence received from the Minister of the Environment (Mrs. Blais-Grenier), the vice-president of the mountain region of CN, and also from the Minister of State for Transport (Mr. Bouchard) to which the Hon. Member referred. The purpose of the amendment, I believe, is to require the railways to seek provincial authority for any spraying which takes place on rights-of-way and to comply with the environmental and safety standards of our provinces.

I represent a constituency which for many years has relied a great deal upon the existence of the railway and its compatibility with the surrounding community. I can very much endorse the principles of Bill C-229 and also express my concern about the use of defoliants along the railway tracks and the effect that that may have upon adjacent communities.

Certainly, as a member of the Standing Committee on Transport who had an opportunity recently to visit western Canada and to follow the railway through the Rocky Mountains as it went beside the Fraser River and the Thompson River, I do share the concern of western Canada that the defoliant spray should be used with prescribed guidelines so that we do not put into jeopardy the vegetation which exists along these tracks. Certainly, with the close proximity of the railway tracks to rivers in the western part of the country, we must all be concerned with the effect of chemicals upon our river systems and the areas they service.

Section 219 of the Railway Act requires railways—as the Hon. Member for Dartmouth-Halifax East (Mr. Forrestall) mentioned earlier—to eliminate on an annual basis thistles and noxious weeds on its right-of-way and upon lands of the company adjoining the railway. Chemicals have been utilized by the railways on an increasing basis over the last 30 years to meet the requirements of Section 219. During the same time,

the public has become increasingly aware and concerned about the effects of chemicals upon the environment. There is no question but that the public has every right to be concerned as we look at a number of incidents which have happened in our country where perhaps there was not due care exercised or attention paid to existing legislation with regard to chemicals and their effects upon our environment. There are no provisions in the Railway Act at present to control the use of these chemicals. I would concur with the Hon. Member for Cowichan-Malahat-The Islands that appropriate amendments are necessary and possibly long overdue.

There is, however, Mr. Speaker, a serious concern with the drafting of this legislation. While it seems clear that the Bill is aimed at limiting environmental impairment, the reference to the protection of health in Bill C-229 would require compliance by the railways with provincial occupational safety and health statutes. While the Bill appears very basic and straightforward in its drafted form, there are a number of ramifications with which we must concern ourselves. However, I do not believe that is the desired result of the Hon. Member's Bill. In fact, from listening to his address I believe that he is primarily concerned with the effect that the kind of spray used by the railways would have upon the adjacent areas and the people who would be in contact with it. I think his concern is to make sure that existing provincial legislation, as it applies to these defoliant sprays, is applied to the railways as they attempt to conform with the provisions of Section 219.

The field of occupation safety and health relative to the rail industry is covered by federal statutes, and the danger of the proposed legislation is that it would unintentionally permit the entrance of provincial legislation which may or may not be compatible. I think all Hon. Members would agree that it would be chaotic to have ten different provincial safety and health statutes incorporated into the Railway Act. By the very virtue of our railway system in Canada, particularly as it applies to Canadian National—which, of course, travels right across the country—it would be extremely difficult for those attempting to maintain the railway tracks to be cognizant of each and every borderline between the provinces and the various regulations which would apply with regard to the operation of the railway in that particular area.

I respectfully suggest to my colleagues on both sides of the House, Mr. Speaker, that the proposed amendment to Section 2 of the Railway Act does not meet the legislative goals of the Hon. Member. If my colleague is specifically seeking to protect the public and the employees of the railway against the residual effects of weed spraying on the railway right-of-way—which I believe is what he is intending to do—then I believe the course of action should be to amend those sections of the Railway Act which address this position.

Rather than take a position today by which the Bill would be set aside, I would concur with the amendment proposed by the Parliamentary Secretary to the Minister of Transport that it be set aside and the subject matter be referred to the Standing Committee on Transport. The present Section 219 of the Railway Act which deals with the control of thistles and