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**Official Report
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Tuesday 17 August 2004

**Journal
des débats
(Hansard)**

Mardi 17 août 2004

**Standing committee on
justice policy**

Emergency Management
Statutes Review

**Comité permanent
de la justice**

Examen des lois ontariennes
sur les mesures d'urgence

Chair: David Oraziotti
Clerk: Katch Koch

Président : David Oraziotti
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON JUSTICE POLICY

COMITÉ PERMANENT DE LA JUSTICE

Tuesday 17 August 2004

Mardi 17 août 2004

The committee met at 0905 in room 228.

EMERGENCY MANAGEMENT STATUTES REVIEW

The Acting Chair (Mr Mike Colle): Good morning. I call the standing committee on justice policy to order. I want to first of all thank everybody for being here. As you know, members of the committee and members of the expert panel presenters today, the mandate of this committee is to review all Ontario statutes for the purpose of improving Ontario's emergency readiness and preparedness. Before we begin, I would like to again thank all the members of, as we call it, the private sector panel for taking time in the summer from your busy schedule and making yourselves available.

You'll find that this morning's session is a little unusual. I know that some of the old pros, like Mark Yakabuski, have been before us many times wearing other hats. This is a bit more of an exchange of ideas and exchange of experiences. The format allows for suggestions and cross-fertilization of information, questions and comments. We hope you'll take advantage of this format, because we're looking for your direct input as we try to improve Ontario statutes and review them.

Mrs Liz Sandals (Guelph-Wellington): If I could raise a point of order just before we begin, Mr Chair: Yesterday you had asked the committee members if we had any suggestions for other groups that should be called, but members of the committee don't actually have the list of people who are confirmed, the list of people we're contacting or what the schedule for that is. I was wondering if during the morning we could perhaps get the staff to supply that information, and then perhaps before we break for lunch we could come back and give the committee an opportunity to look at that schedule and see if there are any holes that we think we should be filling in.

The Acting Chair: That will be made available, I'm sure, by the end of the morning session.

Just to review the format, what we're going to do is allow 10 minutes, or if you want to take less than 10 minutes, for initial presentation by the private sector presenters where you could give an overview of what your sector's thoughts are on emergency preparedness. That will be followed by 10 minutes per caucus of questions or comments. That will be followed by an

open-ended session where private sector presenters can ask questions, continue to make comments or where members of the Legislature can ask questions of you or vice versa. That will go on until 12 noon. So it's essentially in three segments.

If you want to say something, for the purpose of Hansard, as this is all recorded verbatim in the legislative diary, before you speak, could you put up your hand or indicate to me, the Chair, that you'd like to speak. Therefore we could have your name beside your comments in Hansard. That's the only proviso I ask you to consider.

We'll begin today with 10-minute presentations.

0910

INSURANCE BUREAU OF CANADA

The Acting Chair: First of all we have the Insurance Bureau of Canada, Mark Yakabuski, vice-president, Ontario division.

Mr Mark Yakabuski: It's a pleasure to appear before this and other committees of the Legislature. I want to commend you for undertaking this review of statutes related to emergency management in Ontario. I think the last few weeks have reminded us all of the vulnerability of Ontario and many other parts of the country to disasters. Our ability to respond to those is often a measure of our ability to respond to the people who depend on us, whether as our constituents, or as our policyholders in the case of insurers.

I want to tell you that the Insurance Bureau of Canada is the national trade association representing automobile, home and business insurers. As such, our member companies are very deeply involved first and foremost in the task of emergency response and recovery.

The most recent example of that is Peterborough. The insurance industry has received almost 5,000 claims to date regarding the July 15 flood in Peterborough. We estimate at this time that the total payouts from insurers alone in Peterborough will exceed \$86 million. The reality of the matter is that insurers will be the largest single contributor by far to getting Peterborough and its citizens back on their feet. The industry has also experienced a similar emergency situation with flash flooding recently in Edmonton, where we expect the claims payout to be well in excess of \$100 million.

Our direct experience in responding to emergencies across the country and here in Ontario—I needn't remind

us all of the January 1998 ice storm, where insurers paid out over \$300 million here in Ontario alone to respond to that crisis. We have a lot of experience dealing with locally based, highly coordinated emergency response plans.

In fact, right after the Mississauga train derailment of 1979, the insurance industry across the country developed what we call our claims emergency response program. This is a program with local representatives in every major region of the country, where local emergency plans are tied with fire, police etc and are connected to the national insurance resources of our industry.

It's that kind of incident management approach which has now been adopted by Emergency Management Ontario and many other emergency organizations here in this country and beyond. We fully endorse this much more comprehensive approach to emergency response and preparedness.

IBC also happens to sit on the city of Toronto's emergency planning committee. We have a seat on that committee, should that ever be required in responding to an emergency.

We have also participated with Emergency Management Ontario and the city of Toronto in designing and participating in a number of mock disasters. What's very important when you have emergency plans is that they be periodically tested to see how responsive they would be in a real situation. That periodic testing is very important to keep people on the edge and on their toes, so to speak.

I've talked a little bit about emergency response and recovery. Obviously, these are critical. We need to respond to an emergency. But quite honestly, we often forget the importance of prevention in the first place. Our long-term goal ought to be to mitigate the size and damage related to natural disasters. We cannot avoid natural disasters entirely, but we can substantially mitigate the damage they cause.

One of the things I would bring to your attention is a feature of American disaster planning that has never been adopted in Canada. In the United States—and you will see that in the aftermath of Hurricane Charley, just as it took place after Hurricane Andrew in 1992 and any major disaster that hits the United States—whatever money they pay out federally and provincially as a result of responding to a disaster, at least 15% of their recovery payout will be automatically dedicated to prevention measures to avoid a similar type of disaster hitting that community in the future. There's not a political debate about it; it's something that is done in the aftermath of a disaster.

We have actually been saying for some time—I don't want to take up too much of your time this morning, Mr Chairman, but we made a presentation to the federal government a number of years ago suggesting that this component of disaster planning ought to be looked at here in Canada and in Ontario and everywhere else. But frankly, the response has been rather disappointing.

I will end by simply saying that we have to take more seriously the danger of climate change. It is the single

biggest thing that will affect us—our communities—with respect to disasters we will face. Weather patterns are changing. There are a number of factors at work. Climate change is almost certainly among them, and unless we begin to take that issue more seriously, we will be paying out lots of money and we will be putting people in harm's way, which we might not want to do.

I will leave it at that, Mr Chairman, and I look forward to the discussion going forward.

GREATER TORONTO AIRPORTS AUTHORITY

The Acting Chair: The next presenter, from the Greater Toronto Airports Authority, is Keith Medenblik, government and corporate strategic manager.

Mr Keith Medenblik: Thank you for the opportunity to appear before the committee. I have with me today Mr Jim Bertram, our director of public safety, and Scott Smith, general manager of our operations control centre, the two major divisions that deal with emergency response at the airport.

As a major component of the province's transportation infrastructure, the GTAA takes emergency planning very seriously, and we appreciate the opportunity to be here today to entertain your questions and to learn more about the process you're going through to deal with emergency management at the provincial level.

As you know, we have extensive emergency response procedures in place at the airport, and we'd be more than happy to assist the province in developing theirs and to take into consideration how we can work together.

Scott has a few comments he'd like to make.

Mr Scott Smith: One of my primary responsibilities at the airport is emergency planning. We have a division that maintains our disaster—

The Acting Chair: Scott, could you please speak into the microphone a little bit closer.

Mr Smith: Sorry. They're dedicated to ensuring that our disaster plans are up to date and as accurate as possible.

With the timing of the invitation we had to this committee, we are putting together a couple of points that we will forward to the clerk when they're completed. It just didn't get done in time. We will have a formal submission at that time, hopefully by the end of the week.

There were a couple of points that we did want to bring to the panel. Recently, during the SARS incident, an interesting impact of the Quarantine Act, which is federal legislation, came to light. Of course we have Health Canada on-site at the airport, and during the SARS incident one of the holes in that act came to light. The Quarantine Act only applies to the first point of entry, and Toronto was often second, third or fourth in line after the visitor had arrived, and our quarantine officers at the airport under Health Canada had no jurisdiction over those people. If there were issues of assessment, they were just that. It was just a recommendation from Health Canada. Between all the different

parties, nobody really wanted to grab hold of that issue, and we found that a great hole.

That's something we're certainly looking forward to trying to fill in the future. Hopefully, this forum is one step toward that. There are items like that, which we will submit to you, that probably will be a little more specific than most but that we're certainly looking forward to.

0920

The Acting Chair: It might be very helpful at this point if you could just explain that a bit further in terms of a second or third point of entry and the lack of jurisdiction or lack of any kind of authority to do anything about quarantine.

Mr Smith: Certainly. We have Health Canada on-site as federal jurisdiction on the Quarantine Act, and the Quarantine Act is fairly specific in the powers that quarantine officers have. For instance, when passengers came from Asia to Vancouver and then picked up a connecting flight to Toronto, if they exhibited some sort of symptoms of one of the infectious diseases we were looking for—SARS, in particular—Health Canada representatives, the quarantine officers at the airport, had no real jurisdiction. All they could do was recommend to the passengers that they not fly, that they not continue, that they go to the hospital.

The Acting Chair: Didn't they have that authority in Vancouver?

Mr Smith: Well, if they didn't exhibit symptoms or did not get picked up in Vancouver and moved on throughout the country—air travel being rather unique in that in three or four hours you're a couple of hundred, or a couple of thousand, miles away—that was a specific incident we saw that was a little troubling for us.

Another one, if I may: Within the auspices of US emergency preparedness, they have organizations like the International Association of Emergency Management and FEMA, which everybody is very familiar with. These are accredited; there are educational institutions that develop courses; there's some standardization. We don't really have anything like that in Canada, and we find it to be a bit of a hole in the whole process that we don't have any standardization from different levels of government and the qualifications of those who are involved. Like I said, the International Association of Emergency Management within the US is a well-established and accredited association. Something similar to that in Canada or Ontario would certainly be a benefit.

Mr Jim Bertram: Good morning and, to echo my colleagues, thank you very much for the opportunity to address you.

I am more interested in your process. We're a community of about 30,000 citizens, I'll call them, at the airport, with tourist activity of 27 million. That is a fair amount of activity between two major centres, being Mississauga and Toronto, and it's federal jurisdiction from a land point of view, by and large governed by federal regulation and legislation. So I am more interested in seeing how we can fit into your plans.

I had the dubious pleasure of being one of the on-scene commanders at the Mississauga train derailment,

when emergency planning was in its infancy, and have been very interested in it ever since as a result. We did send our expertise down to the Swissair disaster, and although we're talking about natural disasters here, my focus is on natural disasters, criminal activity and so on. So I would like to see where we can fit in and assist the province and the municipalities in a larger disaster management plan, whether it's an air crash or some criminal activity.

We do have a particular school of expertise that is highly trained and honed to respond very quickly, and if the province or the municipalities can take advantage of that, then that's where we would like to see if we can fit in.

I'd be happy to answer any questions you do have.

The Acting Speaker: Thank you very much to the Greater Toronto Airports Authority.

CANADIAN BANKERS ASSOCIATION

The Acting Speaker: Next is the Canadian Bankers Association. We have Ron Baird, the director of banking operations, and Rex Pattison, Canadian Bankers Association committee and chair of event management and coordination specialist group, Bank of Nova Scotia. Would you please identify yourselves?

Mr Rex Pattison: Thank you for the opportunity to meet with the committee. My name is Rex Pattison. I'm with the Bank of Nova Scotia, but I'm here in my capacity today as chairman of the event management and coordination specialist group of the Canadian Bankers Association. Also with me today is Ron Baird, director of operations for the CBA.

I'd like to commend the government and the participants of this committee for undertaking the challenge of reviewing and possibly developing new or revised emergency management statutes. I understand we've been allocated five minutes. In that time, I'd like to explore with you how the protocols used by our industry have evolved—

The Acting Speaker: Rex, you have up to 10 minutes and then there'll be time later on to expand.

Mr Pattison: OK. Thank you.

We're going to cover how the protocols in our industry have evolved—I don't think many people think of bankers in this context; how we've managed to encourage co-operation in event management with a highly competitive industry; generally, how our protocols are used during an event; the benefits of having well-defined protocols; and finally, some suggestions for consideration by the committee as you move forward.

Starting as early as the late 1980s, the banking industry began to recognize a need for formal co-operation between institutions as it related to, at that time, disaster recovery planning. What served to crystallize this even more was the planning required to address issues surrounding the year 2000 rollover. This focused the industry on the need to share information and work together during an event, be it perceived or real.

Post-Y2K, two groups have evolved within our industry to address event management. They are the event management and coordination specialist group, EMCSG, which addresses physical threats, and the Canadian financial institutions computer incident response team, CFI-CIRT, which deals with cyber events. Both use the same communications protocol.

The Canadian Bankers Association recognizes that each of the banks has developed highly competitive products and that commercially sensitive information is proprietary to the banks. However, early in the development of the protocols, it was recognized that having the CBA as a single point of contact to coordinate the exchange of information between banks and the other industry partners or our regulators would help to speed the interchange between all parties and provide consistency.

Now I'd like to briefly describe our communications protocols, which establish a process for identifying, assessing and managing an event:

—Either the CBA or a member bank may invoke the protocol to address a widespread incident or threat;

—Banks arrange to have the appropriate resources, depending on the event, available for a conference call;

—A conference call is established by the CBA, and bank representatives exchange information on the status of their institution relative to the event;

—A consolidated, high-level snapshot of the situation is developed by the CBA;

—Collaborative action items and any initial plans are identified and a time is established for the next conference call, if needed. This process continues until an event is considered closed; and

—Debriefings are held after each event to share lessons learned and to improve the protocols process.

Now for the benefits: Having well-defined and documented information in place ensures that all banks are aware and understand what is required in any situation. This also helps to address multiple events using the fewest possible resources from each bank. Each bank can concentrate on managing the event and leave the CBA to focus on the exchange of information and communicating the status of the industry to the media or our regulators.

0930

In 2003, our event management specialists addressed SARS, the August power blackouts, forest fires in British Columbia, cyber threats—worms, viruses etc—and Hurricane Juan. Some of these events were occurring simultaneously. If we did not have formal protocols in place, it would have been much more disruptive to our industry to address each of these events.

In conclusion, we would suggest that having structured protocols helps to address an event. The protocols serve as a template to ensure a standard process is followed, regardless of the type of event. Debriefing after an event to share lessons learned serves to ensure that the protocols are under review and improvement.

Finally, and what may be the most important point, coordination through a central contact point enables

timely and effective interface with other agencies. For example, during last year's power blackout, the province requested a meeting with senior executives of each of the banks on a Sunday afternoon to seek the banks' assistance in responding to the blackout. Through our event management specialists, we were able to quickly arrange contact with the Minister of Finance.

We would suggest to you that you consider establishing key contacts within each of the critical infrastructures so that the province can quickly reach the appropriate resources to address the event. The Canadian Bankers Association would be happy to be that focal point for the banking industry.

The Acting Chair: Thank you, Mr Pattison. Mr Baird, would you like to add anything to that?

Mr Ron Baird: No.

The Acting Chair: OK, thank you.

CANADIAN FEDERATION OF INDEPENDENT BUSINESS

The Acting Chair: Next is the Canadian Federation of Independent Business. We've got Judith Andrew and Satinder Chera, director of provincial affairs.

Ms Judith Andrew: Good morning, Mr Chair. CFIB is pleased to be here to represent the views of small and medium-sized business on this very important issue: emergency management. Our sector is the most predominant form of business enterprise in the province. We represent about 98.5% of all businesses, and small businesses account for more than half of the employment in the province, so it's a critical piece of the economic pie here. As for our own organization, we have 42,000 member independent businesses in the province. They cover every sector of activity. They are a critical part of their communities.

Rather unfortunately in the last few years, there have been a number of disasters across the country. We have enclosed in some kits for you studies we have done on the impact of recent disasters in Ontario. You will find there a document entitled "Post-SARS Recovery Survey Report," and I'll come back to that one in a moment. There's also a document dealing with the blackout entitled "Power Struggle." In the past, we have analyzed the impact of the ice storm on affected members in Ontario and Quebec, as well as the Walkerton water crisis. Across the country, we have looked at the impact on our sector of fires in western Canada, floods in the Saguenay region of Quebec and other weather disasters such as the storm last year in Atlantic Canada. All of this information would be available to the committee if you wanted the broader picture. What you have is a couple of the more recent Ontario ones.

The impact of the SARS crisis was significant for our members. The report was actually done after the first wave of SARS, so it doesn't fully encompass the second round that, unfortunately, we all faced. I think our members were amazingly prescient in their views after the first wave. If you look at figure 5 of the SARS report,

you will see that, among the measures that they supported for helping affected businesses to recover, the leading item was to invest in health protection. As I mentioned, that was before the second wave, so our members were very much on board with the kinds of investments the province has made in safeguarding health protection around this and other areas.

In the aftermath of 9/11 CFIB became very involved, first of all, in looking at the impact on our economy of that event. We actually started to analyze the economic prospects for our members on a weekly basis, seeing if they were able to carry on with their businesses, and in the event that they were able to do that, that has actually evolved into a document that's in your kit called the "Quarterly Business Barometer." Interestingly our member index, the CFIB index for Ontario—and we do it for Canada as well—is a pretty good reflection of the GDP index. It's almost a leading indicator, at least from the half of the economy that's not stock-market-related.

Another thing we've done is put a big focus on border issues, and of course in the aftermath of 9/11 the border is not as fluid as it has been in the past. We've served on a number of federal committees, continue to do that, and have actually produced an information piece for our members entitled "Securing Your Business: A Cross-Border Checklist for Business." We see our role as attempting to help our members overcome some of the economic challenges that have ensued from the events that have occurred.

Another piece we've put together which we also deliver to our members—and I should have mentioned at the outset that we actually call on each one of our members at their place of business once a year. So we are meeting them face to face and are able to give them this kind of information, and I can certainly say that this piece, "Basic Emergency Management Guidelines," has been a popular item. People are more aware than ever that businesses that face a major crisis typically have some significant difficulty either reopening or surviving over a period of time. So this kind of little checklist for our members is something that we see as an important piece of our role in supporting them.

I wanted to say a bit about the role of government in all of this. I think our members, as citizens in their communities, take it as a given, as a basic, that it is government's prime responsibility to provide for the safety and security of its citizens. Generally speaking, when we ask our members where they support placing investments, they do support investing in public infrastructure that's productive.

On a survey that we conducted in advance of the recent budget—this is not in your kits but we can leave it with you; it's entitled "Putting Ontario's Fiscal House in Order." This particular study looked at our members' views on the value for money that they feel is being achieved with spending in various public service areas. In the justice and security area, 3% said very satisfied; 27% said somewhat satisfied, but the interesting thing is that 63% were dissatisfied with value for money on public spending in this area and, of that, 31% very dissatisfied.

As for future spending in this arena—and I know your committee's deliberations will come to this in terms of where investments need to be made—from our membership's standpoint in this recent survey in the spring of this year, about a third of our members support increasing spending in the security and justice arena, 50% say no change, and about 17% think it ought to be reduced.

0940

I'd just like to conclude a bit in terms of the role of businesses. Businesses, obviously, need to take whatever precautions they can. The government, business associations and businesses, in any event of disaster, need to be in good communication with each other. In a couple of the last events we've actually mounted a special Web site for our members. The blackout one comes to mind, where we made information that was coming from the province, emergency management, available to our members on the Web site. We put up labour rules and all the special treatments that ensued from that. So the notion of strong communication and giving citizens confidence that the situation is in hand and being looked after is very important.

As well, with our insurance colleagues in the room, I can't help but mention that there's a pretty important role for the insurance industry, obviously, to make sure that business people have the right types of coverage, that they are appropriately covered. There has been an ongoing problem with insurance availability and cost. Probably some of that has to do with the disasters that have taken place. But this is a pretty important one, where businesses and the insurance industry need to work together.

Of course with the banking sector, in many of these instances, I know in the recent one in Peterborough, bankers have stepped forward and offered to their business clients an ability to be flexible on payments. Governments have responded with flexibility on tax remittances. Those kinds of things used to be difficult to achieve. They now are part of the given package of response to one of these events and we see that as a positive. We don't have to ask for those things now, which is great.

I'll just conclude by saying that CFIB is glad that the government is looking at this area. It's a very important area, and we stand ready to support and assist in whatever way we can.

The Acting Chair: Thank you very much.

BRUCE POWER

The Acting Chair: Next is Frank Saunders, vice-president, safety and environment, for Bruce Power.

Mr Frank Saunders: Thank you for the invitation. My name is Frank Saunders. I'm vice-president of safety and environment. Emergency planning preparation as well as prevention fall within my mandate there, so I do appreciate the opportunity to come and discuss the subject this morning.

I'll tell you just a little bit about Bruce Power first because some may not be familiar with it. We're a power generation company. We operate in the northern part of Kincardine, up on the east side of Lake Huron. We're a nuclear power company operating six nuclear units at the moment, putting almost 5,000 megawatts on to the provincial grid. We employ about 3,500 people in the Kincardine area.

As a nuclear company we operate under a federal mandate, much like the airport authority. We operate under licence with them. We've had a very sophisticated emergency response and nuclear emergency planning program since we got that licence. It's very well integrated into the province's nuclear emergency plan.

Having said all that, the events, both of September 11 down in the States and August 14 up here, and some smaller events since then, have caused us to go back and do a little soul-searching and looking at our preparations in terms of where we should go in the future.

I thought the most useful thing I could do, when I had the call this morning to come and join you, was to talk a little bit about what we found in our soul-searching in terms of how we think we should advance. Perhaps some of that will be useful to the province.

As I said, we've had this very significant nuclear emergency plan for many, many years but in fact we've never actually had a nuclear emergency. The types of emergencies we respond to tend to be weather-related—snowstorms tend to occur up in Bruce county—and those types of things. Obviously, September 11 pointed out the possibility of other kinds of emergencies. So we thought we should look at our plan in that regard.

What we're actually doing is developing what we call an enhanced emergency response, or an all-hazards type of response. So rather than have a plan for a corporate emergency, a plan for weather and a plan for nuclear, which is the way we've sort of done things in the past, we're creating an integrated plan that provides an all-hazards response. It has a lot of advantages, from our point of view, in terms of minimizing the complexity of the plan; it minimizes the people we have to train to do it, and the cost is cheaper. In fact, the people who are doing it are much more efficient and effective at it, so you get a better response overall.

I have noticed that the province is now moving out to municipalities and putting different emergency plans in place, and it seems to me that they still have separate emergency plans in a number of areas: Emergency plans for nuclear are separate from plans for civil emergencies. It looks to me like they would benefit from a similar kind of approach of incorporating an all-hazards type of plan where nuclear is but one of the hazards, and if you happen to be in an area that has that sort of risk, then you would have that as part of your plan.

We also have on-site a pretty significant organization, in terms of responding. We have a hundred-plus fully trained and capable firefighters and emergency response-type people—rescue people, a very large, highly trained security force. These people don't have any particular

standing with the province, and that isn't really a problem for us in terms of how we respond to internal emergencies. But they're highly qualified and trained people who could reasonably be available, at least to some degree, in an emergency if there were some catalogue or some way that the province could look to see what level of training and skill they have, because that does vary.

The nuclear industry is by far now the only industry that keeps on-site firefighters and other things, but you need to understand their level of training and capability, because it does vary. I think that an inventory of these skills, readily available in an emergency, could be a very useful thing for the province to have.

The other issue we looked at—we've certainly been in contact with some of the small communities around our area. They've contacted us for help with emergency planning and other things, since we have some expertise there. One of the thoughts we had is that it might be possible to establish a pool of volunteers who have credentials in emergency planning and emergency drills as well as in response capability. Volunteers may be willing to go to some of these smaller communities and help them with their plans and even help in their response. You can envisage a county kind of role that people could call upon. Some towns are quite small. They can't possibly resource the full organization themselves. This kind of volunteer organization might be quite useful in the province. As well, it does provide a nice list of manpower, people who are skilled from a particular point of view that might be of use.

I did also notice that you have the Private Investigators and Security Guards Act in your list of acts to look at. As I say, we have a pretty sophisticated security system, as mandated by the federal government. Our officers at this point operate under the mandate of a public agency as provided by the federal department. We are interested in how that act is evolving as well, and whether that might impact on how we do business.

The Acting Chair: Thank you, Mr Saunders.

ENBRIDGE INC

The Acting Chair: Next, representing Enbridge, is William Bishop, manager of business continuity.

Mr William Bishop: I'm William Bishop, with Enbridge. I'm specifically representing the gas division. We also have an oil division that handles transportation of oil products within Ontario, but it's specifically the gas today.

Thanks again to the committee, as everyone else has mentioned, because this really is a good opportunity for us to come together and make some of our thoughts and concerns known, and hopefully make it into some legislation. I want to raise today a couple of points specifically from some of the recent events we've been involved with, such as SARS, the power outage and most recently the Peterborough incident.

First is notification of an incident. The municipal and provincial plans need to bring in some automated

notification process so that major stakeholders are brought in at an early stage. It's not always apparent that the natural gas infrastructure could be involved, such as in the Peterborough flood, because everybody is dealing with the water situation and so forth. But if we're notified early, it gives us an opportunity to put in some really critical and key planning for contingency that we need to do. For example, if the water is going to impact our system, we put in contingency plans around isolation and so forth, and this has the effect of really mitigating a more widespread interruption if gas is impacted. So we're able to minimize the effect. That really is significantly important if that was January, for instance, and instead of having 1,000 or 1,200 customers impacted, you would have 10,000 impacted. It's a much greater emergency.

0950

So the earlier we're notified of an incident—and we'd just like it put into legislation that the major utilities are notified. That can simply be a fax notification or a call to our emergency dispatch. Of course, we then have escalation, response and management teams in place to escalate those; at least it gives us an opportunity to make that evaluation.

The next thing I wanted to mention was mutual aid. I'm not sure in the acts right now how much force or weight the government can bring to bear for sharing of critical supplies and resources. When you just think about the power outage most recently, gasoline and diesel and so forth become a real issue. As a private utility, we can put in certain strategies and plans to power our own vehicles that are involved in emergency response, but how much fuel? You can only have so much. Then also, if those depots where you have those supplies are impacted by some hurricane or tornado damage, those are out of commission. We really need to be included in a longer-range or something of a larger magnitude emergency for those kind of considerations. As far as generators are concerned, many private and public institutions rely on diesel generators. Of course, we would advocate natural gas generators and you wouldn't have these problems, but still, the sharing of critical supplies. It could obviously go beyond gasoline. It could get into materials and transportation, even communications and so forth. So I just want to bring that to your attention.

The other thing was—and a few speakers today have mentioned it—training and mock exercises are totally crucial to having a good emergency plan. Since I've been involved in my position in the past year or so, unfortunately there have been very few opportunities extended for us to get involved with some of the municipal and provincial mock exercises. I'd like to see more of that. I know within the Emergency Management Act today there are two or three references to involving others, but I think that needs to be clarified. It really is important that we be involved.

Again, it may not always be that we're directly involved, but I can't think of too many emergency incidents, whether they're man-made or some sort of

terrorism or accidental-type of emergencies, where there wouldn't be at least some impact on gas customers. Between ourselves at Enbridge and the other large Ontario distributor of natural gas, Union Gas, we service collectively nearly three million premises. So that makes us a pretty significant player or partner in emergency response.

We do a lot of training right now with police and fire departments, and that has worked out very well. We have a very good relationship with those groups, but really we need to go to that next plateau, which is the emergency planning groups and so forth. I've been involved in some very useful exercises and it really is an opportunity to understand each other's capabilities and limitations, because when you come down to the crunch in an emergency, you don't want to be exploring what the other party can or cannot do. It's really helpful to know up front exactly what those players can do.

As well, somebody mentioned the need to have an industry- or government-driven kind of organization to bring incident management to the fore. I would advocate that as well. I know in some of the states they do that right now; in fact, they mandate that utilities be part of or have an incident command system in place. I guess in Ontario the equivalent would be the incident management system, which is employed typically by fire departments and some police departments and so forth. But I think that needs to be broadened out a lot.

Next was lessons learned. Specifically with regard to Peterborough, I've asked to be included in any post mortem that they do for the Peterborough incident when they have a chance to pull that all together. I think any of the major partners in the community need to be part of that kind of process as well. The lessons you can learn for the next type of event, which is probably never going to be a similar one, will be something that you can at least build on or use that experience going forward. Just as we had a lot of lessons from SARS, could we use them for the bird flu preparations? We started looking at that at Enbridge back last spring just to determine, if that became widespread, what we did during the SARS epidemic that was useful for going forward.

Of course, for us during SARS, it wasn't even a matter of just keeping our own operations going; it was also a matter of having to prepare our employees to go into premises that were quarantined and so forth for emergency response purposes. So we have a kind of dual role in that type of situation. The lessons learned and training exercises are just totally crucial.

One of the last things I wanted to bring to the attention of the committee was that Alberta has adopted a system—I forget what they call it—an early warning, an early alert type of system. I believe it's based or modelled on the US homeland security type of system. It's a colour-coded system. While it's arguable that the definitions used in the American system and so forth might not be appropriate, and the way they employ it is not always, to my mind, appropriate, at least it's a benchmark that everybody in the community starts to

understand, because you don't want to react just to when you've had an emergency. You could have impending situations—severe storms on the way. Hurricane Isabel, for instance, was last September and we started putting strategies in place.

I think there needs to be province-wide coordination. You give it some colour and maybe that goes to an orange alert or something, and everybody becomes quite clear about how serious that is. Also, when you do have a declaration like that, you know what the other responders and major players are starting to do and what plans they might invoke. I think that's just really useful for going forward for us.

With that, I thank you.

The Acting Chair: Thank you very much, Mr Bishop.

PRIVATE SECTOR PANEL

The Acting Chair: I guess that's the presenters who are here. Now we'll go to the members of the Legislature, with 10 minutes per caucus. We'll start with Mr Dunlop: 10 minutes for questions or comments of the presenters.

Mr Garfield Dunlop (Simcoe North): My question is going to be fairly simple. Because this is a lead by the government and they're taking a proactive role in the review of emergency management, I'd like to ask each of the presenters very simply what, if anything, you would like to see the government do to change anything in the system that would make it better for the private sector to do business around the review of emergency management.

Mr Saunders: I think we all appreciate the review that's going on. In fact, from the nuclear industry point of view, we have been engaged with emergency preparedness and discussing nuclear plants and looking at how that should change.

I think there is an issue about how communities will plan for this that will eventually impact on us and the requirements on communities such as Kincardine and others that have a pretty sophisticated plan in place. There is some thought in terms of how we're going to resource that and pay for that. Eventually that money comes from the taxpayer and local businesses, so the more efficient we can make that process, the better. That's why I was talking about a whole hazards approach because I think, at the end of the day, that will be more efficient and more effective and it will cost you less money.

I think we need to not only think about getting emergency plans in place but also, at the same time, think about how we're going to sustain the support in the future. I think there's a lot of activity at the moment about getting emergency plans in place, which is justified; it's the right thing to do. We also need to turn a little bit of thought to the sustainability part. I do think a company such as ours can provide some assistance there [*inaudible*].

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Ms Andrew: I think from the standpoint of CFIB and small business, the notion of having a better-coordinated system and a more coherent information dissemination approach in times of emergency would be very helpful.

We noticed in the SARS crisis that there were various communiqués coming out of various ministries, whether it was the Ministry of Labour, the workers' compensation board or the Ministry of Public Safety and Security. All the communications seemed to be separate, and we actually had to build our Web site in order to gather them all together for our members. We took that initiative, but it would be better if there was more coordination and better communication. I think there have been some good suggestions around the table this morning on developing the various response levels, that people understand what's happening.

Mr Bishop: My wish list is a seat at the table for some of the emergency command centres when they're set up. If I could just go back to Peterborough for a minute, I guess it was early morning that we tried to get some information. The way we found out about it was news reports, and then we started checking into it. We had had very few customer calls, which was a little unusual, but I guess everybody was so busy with water pouring through their doorways.

Eventually, we had our war room command centre set up, and I said: "We've got to get somebody into the Peterborough centre. We've got to have some information. What are they doing? What are they looking at? What strategies are they employing?" and so forth.

So, for us it's a seat at the table. The only place where we have that right now is the city of Toronto. I guess, with their size, they're able to do that. They have a full command centre, and we have a seat, along with Bell and all the other utilities and transport, and so forth. So we are called together as a group when something significant is on the horizon, but it's the only municipality where that's done. That's what I would like to have: early notification and a seat at the table, where possible.

Mr Smith: From the airport authority's perspective, we have a unique view of the whole thing because of federal jurisdiction within two of the largest cities in Canada, being Mississauga and Toronto. To the point of Mr Bishop, mutual aid is so important to us. We rely very heavily on that, and we have very tight liaison with most of our mutual aid providers. But I guess our panacea for emergency preparedness is seamlessness from municipal to federal.

Whatever statutes you put in place, we've got to make sure that both ends—if it's provincial, then we have to make sure the municipal covers off on the municipal side and the federal takes over where the provincial leaves off. We find right now that there are gaps, and we're certainly looking forward to being part of the process to help fill those gaps and make sure that across the board, from municipal to federal, we're all taken care of. That certainly helps us in the mutual aid effect. The Quarantine Act is the one issue I brought up that shows there are

holes right now. Also, as I said, we are preparing and will have something formal to submit, hopefully within the week.

Mr Yakabuski: May I respond?

The Acting Chair: Yes, Mr Yakabuski.

Mr Yakabuski: I guess I'd make three points. First of all, with respect to emergency planning, I think that Ontario has made considerable progress over the past few years. There's no doubt that we are in a better state than we were several years back. Municipalities are now being required to draw up municipal emergency management plans. They have to be comprehensive by 2006.

My cautionary note on that, as I was mentioning before, is that it's absolutely vital that Emergency Management Ontario play a role in making sure those plans are comprehensive, that they stand up against what an emergency management plan is supposed to contain and that those plans be tested by periodic mock situations, because that's the only way we can make sure we're in a situation where we've got the right resources deployed at the right time to respond to an emergency.

I have to tell you that in many of the mock situations we have been involved in, it has become very clear that adjustments to the plan are necessary. That's been a good thing to know before the emergency hits. So, mock disaster planning should be part of that, and I think Emergency Management Ontario has a role to play.

The second point I'd make is with respect to disaster relief. I think it is very, very important that there be transparency with respect to disaster relief. In any community that's hit by a disaster, the last thing you want to face is a situation where some people feel they've been dealt with better or less well than others.

For example, when the province is planning the provincial contribution with respect to disaster relief, they need to know how much money is being paid out by insurers and whose insurance claims are being paid. Without that knowledge, you don't have the intelligence you need to ensure that disaster relief is being directed to the best people. I have to tell you that sometimes that doesn't take place as well as it should. I think that can be done more easily and more transparently. I know the insurers of Ontario are certainly prepared to make sure that happens, from our point of view.

Third, with respect to prevention, as I mentioned in my remarks, we have to take prevention seriously and give ourselves the means to ensure that prevention is taken seriously. I gave you the example that has been developed in the United States, where 15% of all disaster relief is automatically earmarked for prevention measures. This is what it takes to ensure, for example, that critical infrastructure is immediately taken care of in the aftermath of a disaster.

We know there was a flood in Peterborough two years ago. I can't tell you what happened in Peterborough two years ago in the aftermath of that flood—not a great deal. If communities know there will be some monies directly related to disaster relief that are earmarked for preventive measures and that can be directed to infrastructure or

other, there is more likelihood that these efforts will take place.

That's the three-part solution I might advance to you, in all modesty, this morning.

The Acting Chair: For the information of the committee, I would like to get some information on what measures were taken in Peterborough after the flood that occurred a couple of years ago. Can we get that from research?

By the way, my understanding is that the flood two years ago was a 100-year storm. This one was a 300-year storm. They did take some measures, and they weren't enough. They anticipated another 100-year storm, but they didn't anticipate a 300-year storm. We'll get that clarified for our information.

Mr Yakabuski: I guess this is the challenge we all face. I talked about the reality of climate change. What might have been considered a 100-year storm 25 years ago may not be a 100-year storm today. That's why we have to at least review our thinking on these matters.

The Acting Chair: We have asked a number of climatologists to present to this committee. Dr Phillips and Dr Smit from the University of Guelph have been invited to come.

We now go to the Liberals. I know Mr Zimmer had his hand up, and Ms Broten. Mr Kormos will be next.

Ms Laurel C. Broten (Etobicoke-Lakeshore): I want to pick up where Mr Bishop was talking about one of the things this committee is looking at: powers of the state during extraordinary circumstances. Our province differs from some of the other provinces, perhaps, in that we don't have the ability to ration. We've raised that through our own examination in a number of contexts; for example, telephone lines being used for emergencies, issues of natural gas, issues with respect to cash being dispensed when we are in a blackout circumstance.

From the private sector perspective, I want to ask you to give us your best indication of what you think we would hear from your sector if that was an avenue the government pursued, in terms of a power we sought to develop.

Mr Bishop: I can't really speak knowledgeably to that issue. But I do know that if we had a serious supply emergency, we definitely would be dealing with the Ministry of Energy on curtailment and load-shedding issues, and they could come down. Typically our plans today are structured so that the residential community is the last group you would want to take off-line. So you go through a whole phased curtailment process. You take off what we call curtailed-class customers that get a better rate and so forth.

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Then you go into large-firm industrial users. You curtail those and other industrial groups, even to the point that we have isolation areas identified, where we could go in with two or three valves and basically shut off an industrial park, so to speak. You can do that fairly quickly. It still takes time to get crews out there and keys on these valves and so forth, but you can shed load in that

way. To keep the residential community up is so important, but it can come down to the crunch, where you need to be able to say—because you have several distributors in the province. You might be saying to Enbridge, “We want you to curtail the GM plant because we want to keep up Hamilton,” like the residential area. So there is a need to have that kind of cohesion.

Having said that, there’s also a danger in having too much intervention in our existing plans. The reason I say that is because we have the skills and knowledge to look at supply issues and all of the workarounds. There are always a number of options that we can employ, but you run some fairly sophisticated types of analyses to be able to determine which is the best way to go. Some of that you can pre-plan, but some you can’t. You have to wait until you’re struck with the actual emergency to know all of the variable factors and the individual circumstances that would apply to that situation. I don’t know if that’s addressing—

Ms Broten: Thank you. CFIB, did you have any comments about that?

Ms Andrew: We’ve canvassed our members on all manner of things, but not on rationing in times of emergencies, so it could be one that we could pose to our members.

I would point out, in the Power Struggle report we did after last year’s August blackout—in the week ensuing, when it took such a period of time to get the full system up and running—figure 3 shows the voluntary measures our members took to reduce their power consumption. Pretty much everybody reduced their use of air conditioning and lighting and so forth. So the Premier’s persuasive powers in the public press certainly helped to address that and make rationing be not a required thing, but rather something that all citizens pitched in toward.

Ms Broten: I don’t want to limit the issue of rationing to electricity, though. The examination in other provinces has been with respect to other products as well, products that some of your members may be selling. The province would say, “We need to sell this certain product at a certain price, and it has to be distributed around.” From that perspective, do you have any comment from the business sector?

Ms Andrew: We haven’t canvassed our members on that. I know there were some press reports last year about price gouging on gasoline. I think there was enough public furor about that that it didn’t happen. There was a little bit of discussion. Again, the public pressure prevented that kind of escalation, even though there was a shortage and difficulty getting it.

Ms Broten: Thank you. Anyone else in response? The Canadian Bankers Association.

Mr Pattison: I guess, in any widespread situation, we’re very cognizant that cash is king. People revert back to cash. The plastic transactions might not be working, so it’s almost a standard reaction that we make more cash available and that sort of thing.

Ms Broten: During the blackout, for example, were there measures undertaken, through your member organ-

izations or the bankers’ association, to deal with making sure more cash was available when banking machines and Interac etc were down?

Mr Pattison: I think the big push was to reopen branches, particularly ABMs, to make that available. That was done on an individual basis, but the information was shared with the group.

Ms Broten: Was there an after-the-fact analysis done by the CBA to determine whether or not you were satisfied with the outcome of that process?

Mr Pattison: Not per se; I don’t think so.

Mr Baird: Another focus during the blackout, as was mentioned earlier, was on conservation of energy. That was a big issue in our protocols and discussions, to conserve energy across the province and at branches as much as possible.

The Acting Chair: The 10 minutes are up, so we’ll go to Mr Kormos’s turn and then we’ll go to Mr Zimmer and Ms Sandals.

Mr Peter Kormos (Niagara Centre): Do your questions flow from hers?

Mr David Zimmer (Willowdale): Not necessarily.

Mr Kormos: I won’t relinquish my time.

Mr Zimmer: Thank you for the offer, Mr Kormos.

Mr Kormos: It was just a show offer. It was just to make me appear to be—

Mr Zimmer: Trying to collect your thoughts quickly.

Mr Kormos: Because I’ve wanted to talk to Mr Yakabuski since the last time he and I talked. I very much appreciate your comments.

Most of us, I’m sure, were watching news over the weekend of the Florida scenario. In the Miami Herald, Carl Hiaasen has made a career of damning developers and building inspectors in Florida for being corrupt and condemning the low standards for building codes, which is obviously part of the problem.

Appreciating very much that you’re here today, but why isn’t—and maybe it is; if it is, say so or tell us how—the insurance industry more actively involved in risk management? To wit, we just had a problem in Welland during a heavy rainfall a week ago where the Welland sewer system in some of the newest subdivisions wasn’t dealing with the rainwater, so basements were backing up. A huge number, for a small town like Welland—these people are making insurance claims; it’s going to cause a whole lot of grief. They’re going to risk not having coverage, as you well know, in home insurance because it’s not mandatory. So they’re going to risk having their coverage pulled once they make the claim.

Why isn’t the insurance industry more adamant about these valves being installed in basement traps, for instance, as part of a building code to protect homeowners from this sorts of damage, and thus the insurance industry from the claim? Why isn’t the insurance industry more actively involved in, let’s say, building codes and calling or lobbying for standards in building codes that would presumably protect the insurance companies’ interests in the event of any number of weather conditions that would cause household damage? As you

know, these are the sort of claims that are frequent and are benign on the part of the claimant. They're innocently applying for coverage or for compensation, not realizing that there could be consequences down the road.

Mr Yakabuski: I'm intrigued to hear those remarks. Usually we're criticized for being too active in risk management and insisting that people have certain things under their policy that might cost them money to install.

I can tell you that we've taken a pretty active approach toward building code issues. We've actually set up an institute called the Institute for Catastrophic Loss Reduction. We have an institute at the University of Western Ontario that tests all kinds of building materials to ensure that we can feed that intelligence to the people who review the building code on a regular basis. So we are providing advice to municipalities across this province and country with respect to what they have to do in order to get sewer backup coverage.

Usually sewer backup coverage—the stop valves are certainly a good thing but they're not 100% foolproof, as you know. The really big thing that allows us to be able to tell people that sewer backup coverage is available or not is the history of municipal infrastructure. I revert to telling you that there is no single issue that is more going to be able to allow us to manage natural disasters in this province than having an integrated strategy with respect to municipal infrastructure investment. We need to find ways of helping our municipalities, first of all, identify where the inadequacies are, and let's do it in a totally transparent way. We know that there are parts of this city and other cities where the sewer systems haven't been replaced for 70 years. We know that. Let's talk about that. Let's make sure that our infrastructure dollars are directed to those needs that are transparently evident.

From an insurance point of view, we want to be part of the solution, but we don't believe it's responsible in any shape or form to offer unrestricted coverage in areas where we have a history of recurring sewer backup or flooding problems. That's essentially allowing the municipality to get off the hook, and of course we don't want to be part of that. But we do want to be part of working with the municipality to identify inadequacies and estimate what work has to be done in order to correct them.

Having said that, you're absolutely right: The best information needs to be available, and it has to be built into the building code. We are a part of that exercise, and we would like to work with the province and municipalities at being more of that exercise in the future.

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Mr Kormos: Is there a process for feedback? For instance, there's a close relationship in the auto sector with MTO in reviewing the records of drivers and so on, and that's understandable. Is there a similar intimacy between the insurance industry and provincial or municipal governments that provides reporting back on these types of claims? That's number one.

Number two, could you talk about Peterborough a little bit and what's going to happen, because there were

anecdotal reports about people whose coverage was either diminished or cancelled after the floods recently—prior to the most recent floods—and then more fears that the impact of the claims during this catastrophic flooding was going to result in more people either having coverage diminished or, in fact, cancelled.

Mr Yakabuski: I think some of that discussion is premature. First of all, with respect to liaising with the provincial and municipal governments, when there is an emergency of any kind, we are in close contact with the Ministry of Municipal Affairs and Housing here in Ontario. They are kept well informed of the insurance payouts that are taking place so we can make sure that disaster relief, as I said, is directed to those people who really need it and not those people who have already received a large insurance claim—so that coordination.

I think there perhaps could be improved liaison after the disaster. When you're dealing with immediate issues of recovery, you've got to get to the people who are in need. This is not a time for navel-gazing, if I can say that. But there is more time for navel-gazing after the event, and perhaps more of that should take place with the province and the municipalities.

Unfortunately, after an emergency, there's a bit of an adversarial mode or frame of mind that sometimes comes into play where there is a disagreement between the municipality and insurers, for example, as to what the infrastructure inadequacies were. I would strongly recommend more transparent discussion there: We're neither right nor wrong; let's talk about the issue and make sure that new infrastructure money, if some is available, is directed to the right places.

With respect to Peterborough in the aftermath of the floods, I listened to the testimony of Dr Young before this committee a week or so ago, and he talked about 100 basements being flooded. Well, as of yesterday, we had responded to 4,553 claims. For those who want to suggest that in some way the insurance industry is not responding to the people in need in Peterborough, I think that would certainly be in contravention of the facts I've just presented. I mentioned to the committee earlier that, to date, we estimate our claims payments will be in excess of \$86 million as a result of that. So I think we are responding to the people in need in Peterborough.

Are some people not going to get their insurance coverage renewed in Peterborough? I think it's far too soon to say. First of all, we have to do the assessment as to what really was the nature of the problem in Peterborough. I appreciate the points you've made in that regard, Mr Chairman, and we would certainly want to follow that discussion very closely. We need to establish what really caused the flood in Peterborough.

Mr Kormos: Other than the rain.

Mr Yakabuski: Other than rain. To what degree was the infrastructure inadequate? Were we dealing with a 300-year storm or not? Then we've got to assess these things. I can assure you that it's very clear from the payments I've been talking about that the insurance industry wants to be part of the solution in Peterborough.

Mr Kormos: But you're suggesting there may well be denial of ongoing coverage.

Mr Yakabuski: What I'm saying is that that's entirely premature. We're going to have to look at exactly what all the factors are in Peterborough and determine. We're not in the business, believe it or not, of cutting people off from coverage. That's what allows us to remain in business. We want to be in Peterborough. It's a long- and well-established community in Ontario.

Mr Kormos: Just one more fast one. We had the fire marshal here yesterday, along with various levels of policing. Again, talking about firefighting services, you know the fire marshal's office is mandated to set standards to assess the level of fire service capacity in any given community. Is the insurance industry involved, in any way, in calling upon municipalities to meet the standard set by the fire marshal's office?

It seems to me that this is an inherent part of risk management. If there's an inadequate level of firefighting services, including fire prevention, which is probably more important in this era than firefighting, because that's what it's all about, it seems to me the insurance industry has an interest, either by way of identifying municipalities—in other words, is the insurance industry going to community X and saying, "The reason you're paying 5% higher rates is that your community hasn't fulfilled its obligation to meet the standard level of service"? Isn't it inherently in the industry's interest to do that? If it's not doing it, why not?

Mr Yakabuski: Well, we are. Fire departments across this province are rated on the basis of their preparedness for a major fire incident. People's home insurance policies reflect our assessment of their proximity to well-equipped fire services.

Mr Kormos: Are you talking about distance?

Mr Yakabuski: It's not just distance. First of all, there's the distance from a fire hydrant, there's the distance from a fire casern or whatever, there is some assessment as to the capacity of a municipal—

Mr Kormos: Some assessment? Do you adopt the fire marshal's standards?

Mr Yakabuski: We work closely with the fire marshal. We sit down with the office of the fire marshal on a regular basis. I met recently, as the Chair will know, to talk about volunteer firefighters in the province. We have a good dialogue with the office of the fire marshal of Ontario, and I totally agree with you that it's appropriate that we have a good dialogue, because being able to assess these services is very important.

Mr Kormos: Where do I get my community's rating with the insurance industry? Who do I call?

Mr Yakabuski: I can look into that and get back to you.

Mr Kormos: Please.

The Acting Chair: We'll now proceed to the next portion, which will allow for questions by MPPs or by expert panellists. You can ask questions of each other, or you can ask questions of the MPPs, if you like, and vice versa. We will go around the table. Please indicate if you

would like to pose a question or make an additional comment, ancillary to your initial statement. We've got some members indicating they would like to ask questions: Mr Zimmer, Mrs Sandals and Mr Arthurs so far.

Mr Zimmer: The committee has learned that there is no provincial or federal jurisdiction in Canada, other than Saskatchewan, that has any contingency funding or reserve funding for payouts after a disaster. The rationale of all the governments, federal and provincial, seems to be that they don't want to set up a reserve fund or any contingency funding because who knows what they're going to have to pay out, so why bother setting up the fund? Saskatchewan has a modest fund. They put in about \$1.5 million a year, and their rationale for doing it is that this helps eliminate delays in getting money for recovery into the victims' hands.

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Obviously I'm assuming, or I understand, that in the private sector, in the insurance industry and so on, you would have reserve funds and contingency funds set up to pay out these claims. I'm wondering if you think there's any benefit in governments, provincial and federal, having such contingency funding or reserve funding. If you think that's a good idea or appropriate, how would you fund the budget, what amount should be in those budgets and how would you administer the budgets?—a general comment on that, keeping in mind that the rationale of governments for not funding it is that it's too complicated to predict. That doesn't seem to be the thought behind the Saskatchewan funding.

Mr Yakabuski: Unfortunately, one of the things we can predict is that we will have more emergencies, and we can predict that they will cost us money and we can predict that in this age of climate change and other things, they will cost us more money than they have ever cost us in the past. I believe that today those facts are incontrovertible.

I mentioned in my remarks that we made a proposal a few years ago—and I believe this has application at both the provincial and federal levels. We do not, as part of our emergency response programs and as part of our emergency recovery programs in Canada, have an amount of money that is earmarked directly for recovery that is made on a discretionary basis by governments when an emergency hits.

We actually do not have contingency fees as home-owner and business insurance companies. As a matter of our licence in business, we have to have enough money in the bank effectively to pay all potential claims, but we don't have special contingency funds earmarked for the payment of insurance-related disasters in emergency situations.

What we actually recommend, and have recommended for some period of time, is that effectively the provincial and federal governments look at setting aside a modest amount of money in a fund that is allowed to grow over time, tax-free, so that you are not faced in a tight budgetary situation with having to make those compromises

with respect to how much money you should dedicate toward disaster relief; the money is readily available and it can flow to people on a purely objective basis, based on the analysis of where the need is. As I say, this money ought to be able to grow tax-free, and the insurance industry would be willing to participate in that. This is a way of ensuring that we have the resources to respond immediately and transparently to disasters and we also have money earmarked for the recovery process, which usually is the thing most distant from our minds when we're dealing with a disaster.

Mr Zimmer: I wonder if the bankers would like to comment on that.

Mr Pattison: I'm not sure we have an answer directly.

Mr Zimmer: The Saskatchewan experience, with the fund as modest as their annual contribution is, seems to be that it takes away a lot of the immediate post-disaster bickering over who is going to pay what, and the time frames for payouts are noticeably shorter. Does everybody accept that thought or take exception to that? Perhaps to the insurance bureau.

Mr Yakabuski: Just consistent with what I said, I do think that having some kind of fund that is readily available in good budgetary times and in bad budgetary times is a way of making sure that disasters are dealt with as quickly as possible. I would want to make sure that some of those funds are available, as I said, for the recovery process as well.

Mr Zimmer: Any thoughts on where those funds should come from?

Mr Yakabuski: As I say, I think the best way is for the government to essentially set up a relatively modest fund in the beginning and allow that to grow over time. We talked about an initial contribution at the federal and provincial levels of something like \$50 million, which is not touched, is allowed to grow and is invested, and those resources grow tax-free.

Mr Zimmer: Given that there could be benefits in that for the private sector, do you see any role for a private sector contribution to such a fund?

Mr Yakabuski: We have actually set out—as I say, this is about four or five years old now, because the governments of the day didn't give it much consideration. We would certainly see the insurance industry participating in that way. I think we would be quite open to talking about making contributions of our own to some sort of fund on the basis that these funds would be set aside, could not be touched for other purposes and would be allowed to grow tax-free.

Mrs Sandals: I have a number of issues I'd like to explore, but let's start with the issue of quarantine. One of the things that has been suggested to us is that the provincial legislation around quarantine could perhaps be more forceful. The GTAA raised the issue of some problems with the federal quarantine legislation, because Toronto is very often a second point of entry.

If the province were to beef up its quarantine powers, would that have any impact on the GTAA, or would you continue to be governed solely by federal legislation with

respect to travellers? Would additional provincial powers have any impact on the GTAA?

Mr Bertram: Quite frankly, I don't know. I think one of the concerns is that there is no legislation or regulation that clearly outlines jurisdiction. Scott mentioned someone falling through the cracks who comes to Toronto as a secondary stop, but I think that's just one of a number of examples where there is no clearly defined relationship between federal legislation, provincial legislation and, perhaps in the area of the EMO, regional jurisdiction. So I can't say. I don't know the answer to that.

In the case of deaths, for instance, we've worked very closely with Jim Young in relation to where the coroner's responsibility has an impact on federal property governed by federal regulations. It's one of those things that would probably take a little bit of research, and we'd be happy to look into it and get back to the committee on it.

Mrs Sandals: That would be very helpful. We have a problem here sorting out in whose jurisdiction you fall. Given that it's provincial legislation which is under our control, are there areas where it's quite clear that the provincial legislation applies within the GTAA?

Mr Bertram: For instance, in mutual aid, police forces are required to have mutual aid programs with neighbouring police forces as part of their provincial accreditation. That's a requirement under their regulations. There's no such requirement—and I think it goes to what was said earlier about the size and expertise of some private sector organizations like the airport and power generation—for mutual aid emergency plans, for instance, which would be very helpful only in that it would cause neighbours to sit down and come up with a plan ahead of an emergency. We do it as a matter of due diligence, but there isn't that requirement.

1040

Similarly with the fire services, the legislation is restrictive in that it only allows municipalities to sit down with other municipalities and enter into a mutual aid circumstance. There is no provision for a municipal fire service to enter into a mutual aid agreement with the private sector, which in our particular case, with our foam capabilities and with some of the refineries around, particularly in Mississauga, becomes quite critical because we're called quite frequently.

So that type of enabling legislation, which recognizes that the private sector has in fact a highly mobile, highly trained, highly specialized expertise to draw on, but with some provincial authority to enable that mutual aid sort of activity, would be an area where provincial jurisdiction is—the Highway Traffic Act, for instance, has some applicability to the roadways and so on. So there are a number of pieces of provincial legislation that are applicable, notwithstanding the fact that the geography is federally owned.

Mrs Sandals: So will you, in the note that you're sending to us, highlight those areas where the interjurisdictional problems exist so that the committee can be aware of all those areas in which we need to have some thought to how we co-exist with authorities that are under federal legislation?

Mr Bertram: Absolutely.

Mrs Sandals: I would think that the same might apply to Bruce Power because, again, we're dealing with an issue where clearly you're quite regulated by different federal legislation. It would be very helpful for the committee, I would think, if we were able to get a handle on where these sort of grey areas—mutual aid, cross-planning, cross-responsibility—

Mr Bertram: Absolutely. One of the prime focuses on coming down today was to hear what areas were of interest or import to the committee and to respond to them. So we'd be happy to do that.

Again, it's the power people who are more closely aligned to the airport people in this regard, but you're dealing with different levels of accreditation, different levels of training. By the very nature of the private sector, we, through due diligence, have a very highly trained staff—in fact, in most cases, a more highly trained staff in certain areas than the municipalities—and we would like to avail ourselves of a provincial accreditation process so that there is some standardization—and I think that was mentioned earlier on—in the responders. That takes the guesswork out of somebody coming to my door, so I don't have to question his credentials. I know that when they come and they're offering assistance, they're offering it at a certain level and we can get on with the next step.

Mrs Sandals: I think it would be very helpful to have that sort of information from both organizations. It also occurs to me that this cross-references a conversation we were having yesterday with the fire marshal around, in times of emergency, accrediting people from other sources to do things they don't normally do. That was crossover from emergency and fire services, but now we're talking crossover between public and private. It's a similar sort of issue that we may want to pursue.

Mr Saunders: I agree. I support the issue. Like the GTAA, we tend to work out our informal agreements with the local authorities and we mutually train and do other things together. However, it's a tremendous resource that's sitting there. On our site we have about 115, 120 emergency responders—firefighters—equally as well trained and, like I say, actually probably better trained in a number of specific skills. But there's no way for the province to know in an emergency what that level of training is, because they just don't classify. If you're not employed by a municipality, you're not a firefighter, in the way the current legislation sits. So there's no way for somebody who is looking for help in an emergency to say what they are capable of and make some reasonable decisions along those lines.

To me, it's just a wasted resource that could be there. Obviously, we need them on our own site as well, or we wouldn't have them there. But in a major emergency, you're always going to do what you can to help.

Mrs Sandals: If I could go back to quarantine—and this is for the CFIB—when we were talking with Dr Young about quarantine, and I think the Ministry of Labour raised the issue too, one of the reasons that

people gave during the SARS outbreak for breaking quarantine was a perception, which might or might not have been true, that if they did not return to work, they would risk losing their job. I'm wondering how the CFIB would react in emergency situations, in the sense of there being some sort of job protection that clicks in, either when people are quarantined or in some other way having to react to emergency situations, so that there would be job protection for the workers who are in some way embroiled in the mechanics of the emergency.

Ms Andrew: Our small business members are working shoulder to shoulder with their employees. I doubt if, in any of their situations, there would be anyone who would have wished someone to break quarantine in order to safeguard their job. Our members, in difficult situations, in difficult economic times, tend to try to hang on to their valued employees. They don't lay off people. I don't think you'd need legislated job protection for that, in the case of small business.

One thing that did come to the fore was the question of people's pay during the period that they were quarantined. The Ministry of Labour eventually did put up some information on that, which we were able to post on our Web site and convey to our members. Basically, our members wanted to know what the rules were around that. But I don't think there was any question of anyone losing their position.

Mrs Sandals: Because that certainly has been a concern with the quarantine.

The Acting Chair: May I just follow up on your question? I think what we require here for the committee, just for clarification, is legal counsel, Mr Nigro, to perhaps present some kind of legal brief on—not a legal brief, but certainly some kind of summary of quarantine jurisdiction as it relates to the province and the federal government. Would that be possible, or should we ask research to do that?

Mr Albert Nigro: Just for the record, it's Albert Nigro from the office of legislative counsel. My indication from my director is that I'm here to draft legislation. We don't normally do research in my office, in respect of things like the current legislative picture. In fact, we usually expect our clients to come to us with that kind of information. So if what the committee is looking for—

Interjection.

Mr Nigro: And you know that, Mr Kormos.

The Acting Chair: I told you that we should have got outside counsel.

Mr Nigro: So in fact, if you're looking for research on the situation, I strongly recommend that you look for legislative research service or someone else, because that's not my role here.

The Acting Chair: I told you we should have got legislative counsel from outside. See? We can't get what we need.

Mr Kormos: I would have told you to stuff it too, if that wasn't part of the job description.

The Acting Chair: OK. Anyway, research?

Ms Margaret Drent: I happen to have done some work on the question of jurisdiction over quarantine. I could bring that, if that would be of interest to the committee, this afternoon.

The Acting Chair: It certainly would. We'd like that made available to us, and I'll certainly make it available to some of the presenters here. It's just a clarification of jurisdiction here. That's what we're trying to get. Anyway, research will take care of that question posed by the GTAA.

Mrs Sandals: If I may, is it also possible, then, to get some of the muddy areas in terms of some of the other services—the private emergency versus the public emergency, and the issues that have been raised around firefighters and private security people and when they can be called into use or whether they can be in an emergency, which seems to be another area?

1050

The Acting Chair: Like the secondment the fire marshal mentioned yesterday; clarification of that.

Mrs Sandals: Yes. So, for example, the fact that we've got a private fire force at two locations and a number of others around the province which are highly trained but aren't recognized as firefighters under the fire protection act, and what the legal issues would be there.

The Acting Chair: We'll leave that with research, then. Yes, Mr Bishop?

Mr Bishop: I was just going to say there is some precedent for that kind of mutual aid between private sector industry and government. Down in the Sarnia-Lambton area there's an organization—and the name or the acronym escapes me. Anyway, it's like Petro-Canada, Union, Enbridge, Nova and so forth. Members of that organization can call upon other agencies for equipment, resources and so forth in the time of an emergency. I think that's either coordinated or facilitated by the Lambton OPP. So it might be worth taking a look at something like that, because that does exist today.

The Acting Chair: We can have research look into the example of Sarnia given by Mr Bishop. Thanks. That's very helpful. In fact, we have the emergency manager from the city of Sarnia appearing before the committee this afternoon, so we'll be able to follow up.

Mr Wayne Arthurs (Pickering-Ajax-Uxbridge): My question today may be a little redundant as Ms Sandals has covered off much of it in her question, and in responses from the GTAA and Bruce Power. That's really where my question is going to be directed since I had some experience with the nuclear business in my former life. Each of those organizations in particular operates under federal jurisdiction. As I understand it, their responsibilities for emergency management on site fall under legislation that would have some federal control, and their responsibilities don't extend into the community. It's site responsibilities.

I suspect that the GTAA is a little bit different, because you have 27 million people coming through the facility in a public sense, whereas the nuclear facility, quite frankly, likes to restrict the public, or it doesn't

overly encourage the public to be on their sites, save and except for tourists. So they're a little bit different in their business that way.

I'm familiar with the degree of mutual aid or community engagement. Again, it may be more so at the GTAA. Because of the interactions and the public engagement, the police and fire may be more readily on site than with nuclear organizations, where more recently there have been agreements with police departments post-9/11 and with local fire departments in beefing up the fire response on site. But I don't think there is much happening in the nuclear for off-site support for emergency fire response, as an example, and maybe Mr Saunders can help with that. This may be something Mr Bishop can comment on as well, because this whole stakeholder engagement issue is one that remains important.

Under the legislative framework that exists, particularly for the GTAA and Bruce Power, are there any powers, any legislative authorities that you have federally that make your job easier in responding to emergencies that don't exist at the provincial level and that, if enhanced provincially, would make our job easier in managing emergencies of any nature in Ontario?

Mr Saunders: I'm just trying to start at the top. Yes, we are governed by the emergency legislation within our licence under the Nuclear Safety and Control Act. That act does require us to be able to respond on site, but it also requires us to have an agreement with Emergency Management Ontario, in our case. So the emergency response plan we have is not only approved by the CNSC in Ottawa, it's also accepted by Emergency Management Ontario. Within that plan in terms of mutual aid in a nuclear emergency, it's a very sophisticated response, and we already have in place a number of agreements with the province as to how we would support municipalities in the province to do that. So that part is well taken care of.

I think if you're looking at a simpler solution in terms of would we respond to a house fire on site, for example, the answer to that is no, because as an industrial employer we really have no right to direct our people to put themselves into harmful sorts of situations. We could not send a fire truck and a fire crew out to respond to a local fire because they're employees [*inaudible*] and our legislation doesn't give us any authority. We have no protections under the act for insurance risks and so forth. So we wouldn't do that.

Obviously when you're in some state of emergency, you look at those sorts of things and you make some decisions. It would be useful if there were ways that the province could categorize those people so they would indeed be able to help out in an emergency and be protected in some reasonable way.

Mr Arthurs: In the event of a declared disaster of some sort.

Mr Saunders: That's right. Indeed, I don't think we want to get into responding to house fires, because we staff our site to be able to meet the requirements of our

operating licence. We couldn't be pulling people off shift and sending them off-site on a routine basis and still be doing that.

We do have mutual agreements with the fire associations for provision of equipment. We do have some pretty sophisticated equipment, and we frequently have redundant amounts of it. So in some circumstances, we can lend them equipment if they need it: trucks that fill air bottles for firefighters and those sorts of things, for example. We do have agreements that would allow them to use the fire equipment, but those are all voluntary. They're not mandated in any way by our licence. Those are just things we do as a normal member of the community.

Mr Bertram: At the airports authority, the biggest advantage we have is that we are mandated to exercise. By regulation, we must hold a variety of sizes of exercises a year. Scott can correct me, but I think it's 12 exercises: three large, two medium and a couple of desktops sort of thing. We're mandated to do that every year in a variety of different scenarios.

So I think it would be helpful if—and when I was talking about standardization, it's that sort of thing: to cause the other players in the community to come to the table and almost—"force" is probably the wrong word—encourage them to participate. They do locally, there's no question of that, from an airport point of view. But on a broader scale, there's no requirement for them to test their own plans. We seem to be testing our own response in isolation. We have all the players at our game, but they're not practising on their own, which I think could probably be improved.

We don't go to house fires. That's not the type of equipment we have as a specialty. But we do respond more frequently than you would think to petrochemical types of fires, just by the nature of our equipment. We do respond, whether it's the Downsview airport, the Brampton Flying Club or the Burlington airport that burned a couple of years ago. It was our fire trucks that went down there to put out that fire. So, yes, we do respond, whether or not we have a formal agreement with them. It's just the proper community thing to do.

It's not only the fire department. We also loan our explosive-detection canine unit to the police—both Metro and Peel, Halton and Hamilton—in the event that they have a bomb threat and that sort of thing. That's not done through legislation or mutual aid, just through good citizenship.

The Acting Chair: Mr Bishop, do you want to comment on that?

Mr Bishop: I'd like to further comment on what Enbridge would do. During the power outage, for instance, a lot of CO detectors were alarming all over the place with the loss of power and air conditioning. High humidity conditions caused some of these CO detectors in homes to start alarming. At the time, we did make the offer to at least one or two of the fire departments that we would respond to those calls they were receiving through the 911 system. So we would definitely participate to the

extent that our resources and expertise would allow it. I don't know if that helps.

1100

One thing I wanted to mention, though, as far as a mutual aid thing is concerned: Since the gas utility structure has been changed in Ontario we're no longer providing the retail services side of it; we no longer service customer appliances and parts exchange and appliance sales and so forth. In the Peterborough situation, we were able to ensure that our system was fine, that everything was fine with the meter at your house, but beyond that, we're not able to now provide the service within the house. That's all done by the dealer community. Direct Energy is a major player, and a lot of the local dealers that sell and service appliances and so forth were involved.

In a large emergency, the issue becomes coordination of that activity. Prior to the debundling, we would have managed that totally—ourselves and Union Gas and so forth. Not only would we look after the street side, we'd also manage the customer interface. At this particular time, it's left to the dealer community to resource parts, materials and so forth. I guess there are some competitive issues that come into play; they may or may not want to co-operate totally. If that's your competition out there, you don't necessarily want to share lists and so forth.

But I think going forward somebody needs to have the power—like the TSSA needs to be able to take that authority on—or the Minister of Energy, in consultation with the utilities, needs to be able to ask if we could manage that. It may be advantageous that we would somehow coordinate it and appoint certain sections of the city to certain dealers and really manage that whole restoration point of view, especially if heating was involved. I just wanted to point that out. That is something that has changed within the past few years. You are now relying on the dealer community to bring those appliances back into operation.

Mr Jim Brownell (Stormont-Dundas-Charlottenburgh): My question is to the independent business federation: a very good presentation and the information here is quite clear. In your presentation you made comment about border issues and challenges relative to the border related to small business. I wonder if you could expand on that a bit, about the challenges, the magnitude and how we can cope with those challenges. First of all, I know about BSE, and that has been front and centre in the agricultural sector. You've arrived here with small business. Could you tell us a little bit more about it?

Ms Andrew: Thank you, Mr Brownell, for the question. I should have clarified that among the range of small businesses we represent, we also represent agribusiness. We have about 2,300 agribusiness members in the province of Ontario, including about 800 beef producers, cattle producers, so they are fully affected by BSE and the border stoppage there.

In my earlier remarks, I was referring more to the aftermath of 9/11 when the border was very opaque and

we got involved early on with the border coalition. This was a national effort. We worked with other business associations and others on that and gave input to some of the programs that emerged, things like the FAST program and the other programs to get business carriers through the border more quickly.

It's a bigger challenge with the small business sector. Of course, the big companies have their shipments, their personnel and their electronic devices and much more easily can have all of the validations done away from the border point itself. For small businesses, many of them were being held up at the border, so we had to get involved and try to make sure that there was some provision for them. At the same time, we tried give our members some information on how they could do a better job getting ready for their border crossings. That's this piece that you have in your kit, *Securing Your Business*, a border checklist for them. So we've had a lot of activity there.

We've also dealt with our national authorities and American authorities, the US ambassador's office and so forth, on trying to improve border flow of some of our key products, whether it's softwood lumber, beef products and so forth.

Mr Kormos: We've heard from Mr Bertram and others who spoke of the potential for goodwill-generated co-operation with public, front-line emergency personnel. Some of this drift has been occurring yesterday as well as today.

Speaking on behalf of the NDP, we are adamantly opposed to any concept that would assess our capacity as a province or in the public sector to respond to emergencies by auditing and including the private sector as well. If we're going to talk about meeting public responsibility in terms of front-line emergency personnel, we have to adequately staff those public sectors that do that work.

I encourage the committee to hear from, let's say, representatives of the Police Association of Ontario or the professional firefighters' association or OPSEU or CUPE paramedics, and if they disagree with me, I perhaps might be persuaded. But for the moment, I want to make it very clear that I think it's very dangerous turf to start treading on to talk about the privatization—because that's what's being discussed—of emergency response in the province. That includes the quest to, let's say, override collective bargaining agreements in the course of calling upon people to respond to emergencies.

To legislative research—and again I apologize for yet another burden added to the huge list of tasks that have been imposed on you. You see, one of the problems is that we haven't even adequately staffed this committee from the public sector personnel available to us. The Chair might inquire into that, with the assistance of the clerk.

With respect to Peterborough, and I didn't expect Mr Yakabuski to have all the data and minutiae here with him today, he spoke of some 4,500-plus claims so far out of the most recent flooding. I'm just assuming that one

claim is one claimant, although there perhaps could be claimants with more than one claim. What I'd like research to get, and I'm sure Mr Yakabuski will unlock any doors he has to to make sure you have access to this, is from the last round of flooding. When was that? Was that 2002?

Mr Yakabuski: Yes, it was.

Mr Kormos: I would like to know, and maybe the committee would like to know, how many claims flowed from that, and then, as a result of those claims, how many policies were diminished in their coverage or outright terminated, cancelled. I'm sure the industry has that information.

Similarly, I'd like to know—and your conversations with the industry would help us learn this—what standards the industry will apply to determine whose coverage will be diminished this round as a result of claims being made or whose coverage will be terminated. Mr Yakabuski indicated it was premature to talk about terminating coverage. That implies that at some point it will be the time to talk about terminating coverage, so let's just anticipate that.

I also would like dearly—and I know Mr Yakabuski told me he's going to call me back with information about my community and how the insurance industry rates my firefighting service. I'm not interested so much about how close I am to a fire hydrant; I'm interested in the method the industry uses to assess the adequacy of a firefighting service and how much coordination there is with the standards utilized by the fire marshal's office. Again, you understand that my bent is going to be talking about adequacy of staffing and adequacy of equipment in any given municipality, because that's where the pressures are right now. Municipalities, of course, because of the eight or nine years of downloading and no relief in sight other than the prospect of getting revenues from red light cameras, are under incredible pressure in terms of the adequacy of staffing of firefighting services, along with policing. So I'd really like the complete package of how the insurance industry assesses, and then applies their assessment evaluation of firefighting services, and what input they have into that community, if any, in terms of notifying that community that people are paying more in that community, presumably because their firefighting service sucks.

1110

Ms Broten: I wanted to respond to the comments that Mr Kormos has made.

Mr Kormos: I knew you would.

Ms Broten: I'm sure you did. Certainly, I don't think anyone around this table believes—perhaps Mr Kormos does, but he may not even—that we're talking about the privatization of these services. What we're examining, all of us, each and every day when we're here, is how this province can best deal with an emergency. In that emergency, we are talking about extraordinary circumstances, not your everyday occurrences.

As we invite the private sector to come to the table today, it's in a sense of, during those extraordinary

circumstances—during floods, during 9/11 and all the other events that we have really had to learn from in North America and, in particular, in Ontario—over the last number of years, how can we best work together in an effort to make sure this province is safe during those extraordinary times and also make sure that the folks we call upon to assist the province, if that is the case, by way of whatever mechanism, are also safe and we know what we would be asking those individuals to do. It's no different than the issue that OVERT and the voluntary sector raised before us yesterday with respect to their needs when they come forward to meet a challenge we're all facing.

I simply wanted to respond to that issue and to, again, highlight for everyone here to remember that we are talking about those extraordinary things that happen in this province that we need to prepare for but that we don't live each and every day.

Mrs Sandals: I'd like to go back to Enbridge and the issue of the involvement of the gas utilities and, I presume, other private utilities by extension. I'm thinking of perhaps somebody like Bell, where you're dealing with telecommunications infrastructure in emergency planning.

Now, did I understand you correctly, Mr Bishop, to say that the way in which Enbridge found out about the most current Peterborough flood was when somebody turned the TV on in the morning?

Mr Bishop: Yes. One of our general managers mentioned it to me in the parking lot walking into the building at about 7 in the morning. That's the first we had heard about it. I went down and looked at our dispatch office right away, because usually they're a pretty good window of what's going on, depending on how many calls have come in through the call centres. They'd only received two calls on flooding. So without further knowledge, we were just taking that as a routine thing, maybe that one intersection had been flooded out with a backed-up sewer or something, not having any sense about the devastation that was actually occurring there until we started seeing the news reports coming in on TV, and then we assembled our response management team.

Mrs Sandals: Do you know if your local office was notified of the flood?

Mr Bishop: No, we'd sent—

Mrs Sandals: Or the process should be that the provincial response team is notified anyway?

Mr Bishop: For something that big, yes, and it's the EMO, the community officers. I spoke to one of them who was assigned to the Peterborough county emergency command centre, who paged me at about 8:30 that evening. We still had our command centre up and we started having some dialogue, because although we didn't have many customers in that particular region—they'd be mostly propane and so forth—they were looking to ask what they should do from the public's point of view to make it safe and so forth. So I was able to say that, at least with gas equipment—whether it's propane or natural, it's very similar—here's what we're

instructing through our call centres and press releases that homeowners need to avail themselves of.

Mrs Sandals: Because I presume that, in a situation like this where there's flooding or some other natural disaster, the potential for breaching the integrity of the gas lines could, in itself, create a secondary disaster, so to speak.

Mr Bishop: Big time. One thing that concerned me right off the bat was municipal crews or private individuals or contractors were trying to clear drains and so forth. If they're out there smashing around out in the ground, that could affect our pipelines. If you breach that, you can get a flood into the lines and really flood out a whole section.

That very thing just happened to us at Oriole Parkway and Eglinton a couple of weeks ago, where our pipeline system got flooded out. So that was a major concern to us right off the top. But to be able to dialogue with somebody, to say, "Hey, be careful when you're out there"—we've sent extra resources up there just to be able to provide emergency locates of where our plant is to protect against that kind of thing.

I should mention there was comment made about these being extraordinary events. In the normal course of events, in the normal, routine things that happen day to day through Enbridge Gas, such as gas leak reports and fires, where fire departments and police departments call upon us, that all tends to work very well. We have direct lines from their dispatch offices. We have direct numbers into our dispatch offices. We maintain three for some continuity purposes. That all works out very well on day-to-day stuff. It's the big stuff where I'm concerned that they sometimes fall through the cracks.

Mrs Sandals: It may simply be the perception that, in the case of Peterborough, we're dealing with water, not gas, whereas in a more localized incident, it occurs to people that this is a gas issue, so they call you. But in the bigger picture, people don't necessarily, in the panic of the moment, think about who else may be involved.

Mr Bishop: Or needs to be involved. We could put contingency plans in early to mitigate some of the effects that could have happened in certain isolated sections and so forth. It's just really good practice and good planning to have that. Had we been able to get in and be a party, even if it was through a conference call or something that all major stakeholders would be involved in—even if it's at 8 in the morning that we were called—at least we can start to offer up what resources we have available or, if we need to evacuate our equipment or materials to continue the fight, so to speak, later on, it just affords us that opportunity to do so.

Mrs Sandals: With respect to the current legislation, what, if any, requirement, in both the planning for emergency and the actual management of an actual emergency, is there to involve utilities?

Mr Bishop: I think if we're actively involved, or at least notified up front, we can at least give the municipality or the province some expertise around what they need to be considering and what the impacts are going to

be. The information and the quality of information that incident commander has to base his decisions on is vital.

Mrs Sandals: But there's currently no legislative requirement to involve you, either in local planning or emergency management, that would be—if it happens locally, it happens, but there's no requirement that you be involved. Is that what you're saying?

Mr Bishop: I've got to be careful, because I'm not a lawyer. Looking at the Emergency Management Act, it looks like there's provision in there, but it's probably fairly loose because we'd probably be referred to as "other" or something like that within the act. You just might want to clarify that major utilities—probably Hydro One, OPG, Enbridge, Union, TransCanada and so forth—would be major players. It wouldn't matter what kind of an emergency, whether it's an earthquake or not. Although it may not be readily apparent, there are going to be issues of gas distribution. Just about every type of emergency could impact us directly or indirectly.

Mrs Sandals: You also mentioned in your earlier comments around the sharing of scarce resources—and I think we touched on this a little bit in rationing. Perhaps this isn't your issue exactly, but one of the things that occurred to me when we had the hydro blackout, because I happen to live in a community where there was one gas station in the entire town actually working, is that one was getting into issues of who needed gas most—for example, responders or people who are in some way involved—versus who got in line first. Is that the sort of issue you were raising about access to resources?

Mr Bishop: I'd hate to come down to fisticuffs at the local gas station, but what I had in mind was where the province could direct the fuel industry, such as the Shells and PetroCans and so forth, to make their tankers available to refill or go to a certain depot where all utilities could come in and their emergency personnel could fill up.

1120

Of course, in anything like the power outage, we would suspend all operations that were unnecessary. We only want to maintain emergency vehicles. But it goes beyond just your emergency trucks and so forth, because you also have key people who are involved in response management who do not drive company vehicles, but you need to have them available. The night of the power failure, for instance, with our own little gas tanks that we have on-site, I sent our security guard out there to ration what everybody got, X number of litres to an operations vehicle and even to some of our key people, to say, "I need that manager back in the morning. Better give him 25 litres of fuel." So it gets a little more involved as well, but I think it's something we need to look at.

Mrs Sandals: So this would come under the provincial powers to ration or control use of resources that people need to respond to the emergency.

Mr Bishop: Exactly.

Mrs Sandals: OK. Thank you very much.

The Acting Chair: I just had a question, Mr Bishop. In terms of your protocols for rationing and deciding

priorities in terms of who gets fuel and so on, that's determined essentially within your own corporation?

Mr Bishop: Essentially.

The Acting Chair: There's no government initiative that's giving you that direction.

Mr Bishop: I'm not sure, to be honest, sir.

The Acting Chair: The question then arises, for instance—

Mr Bishop: It's just a little bit outside of my scope. I can speak to how we would do it; I'm not sure how that's approved. It's probably the Ministry of Energy—

The Acting Chair: Could you get back to us, to see how that was approved or how that was set up?

Mr Bishop: Sure.

The Acting Chair: Then it gets back to the scenario that William Thorsell of the Globe and Mail put forward, that there's a 30-day blackout in the wintertime, and who decides who gets power from Bruce Energy or who gets natural gas to heat their homes. How is that determined? For instance, what would happen to power rationing? Is there a protocol there? Is that by federal statute? I'm not sure how that would work.

Mr Saunders: There is a protocol, but it's through the grid distribution system, not through the power producers.

The Acting Chair: IMO would do that?

Mr Saunders: That's right, and they do have a protocol about who comes off first. They have an interruptible sort of thing. I think there were some issues in the August 14 blackout about how they established who should get power first and the like. I know there has been quite a lot of work going on. I don't have any direct knowledge of it. The power producers like Bruce Power and others supply to the grid and the grid takes it away, so we don't really have any control over where it goes once it leaves the site. But there is a control centre and it's well established who gets power first in the province now. When you get to the point where you simply don't have enough, they have rotating blackouts and other issues where they can move it around. But I can't speak in detail to it, because I'm not familiar with that.

The Acting Chair: The clerk mentions that someone from IMO will be coming along with the Ministry of Energy representative and can maybe answer those questions.

You mentioned before this gas rationing that was happening. Most of us didn't realize that our gas pumps were operating on energy, a supply of electricity, electronically. Who or what authority decides who gets gas if we're running out of gas for vehicles for the general public? I don't know if anybody around here has ever thought of that scenario. Have your companies ever thought of that, the ability of your workers to get to the bank, if bank employees or Enbridge employees or Bruce Power employees can't get gas? I'm sure a lot of your employees at Bruce come all the way from Sarnia, those who work up in Kincardine. Who decides who gets the gas to get to work?

Mr Saunders: We don't have any control over the gas stations. We do have an emergency transportation service

plan, which uses buses to do that, so we can help with that part. Much like Enbridge, we do keep a stock of fuel on site that will last for some period of time. It won't last for an extended blackout. So our plan is mostly around providing bus service to those communities. Of course, then we're focusing strictly on essential workers. We're not trying to bring everybody in; we're just trying to bring in those people we need to keep things going. So locally, we have that plan in place.

In an extended situation, however, where our local supplies start to diminish, I'm not aware that there's anybody who actually tells the local Esso station or whatever who should have priority. Certainly from not only the generation side but from the line side, the repair crews and all those people who need to get out, if you're in an extended situation where your local tanks are not going to be sufficient, there ought to be some method where you prioritize those vehicles that are going to help you restore the normal services. I'm not sure that exists today. It wasn't apparent on August 14, at any rate. As you say, if you could find a station open, it was whoever could get in line that got the gas.

The Acting Chair: I'd like to ask the bankers' association: During the August 14 blackout, the TTC was shut down. Luckily, it was the middle of the summer. What happens if your workers can't get to the banks? Do you have an emergency transportation plan in place for key personnel to get to the key areas to deliver those services?

Mr Pattison: I think the CBA per se does not, but the individual institutions certainly look at things like car-pooling. Our business continuity plans will prioritize what needs to be done and what can be left in extreme situations. People can work from home. More and more, that's becoming an option. So we do look at all these on an individual financial institution basis. We're all looking toward working around these situations. It's not particularly a coordinated situation through the CBA.

The Acting Chair: Next, MPP Zimmer had a comment or a question.

Mr Zimmer: Mr Yakabuski, earlier in answer to my questions about reserve funding or creating a fund for disaster relief, I think you indicated that you had prepared some documents or a position paper or correspondence on this issue. If that's the case, I wonder if you might share that with this committee by way of sending it in as an exhibit.

Mr Yakabuski: Yes, we certainly have had some correspondence with other levels of government in the past which we'd be prepared to share with you.

The Acting Chair: Just a point of clarification on that. You mentioned a tax-free situation in relation to your comments on that fund. Could you just comment on that briefly?

Mr Yakabuski: The idea is, how do you establish a fund and allow this fund to grow as quickly as possible so that it can be of use? The best way to do that is to exempt it from taxation. The gains that might come from investing these funds would not be subject to taxes. That

way, the fund would be allowed to grow much more quickly. This is one of the proposals that we have suggested in the past could be used to develop some kind of permanent funding mechanism for disaster recovery in the future.

Ms Andrew: Mr Chairman, you said we could ask questions. I'd like to pose one. Mr Yakabuski referred to disaster relief. That's the aftermath of an emergency. My question is, do you feel that we've gone far enough? You mentioned in your remarks that it's important for governments to know what the insurance industry covers in order for them to know where they need to step in and offer disaster relief. Do you think that's clear enough currently, to policyholders initially, who have insurance policies with your companies, to know what the coverage is, and then of course, for what isn't covered, what protocol is there for governments to come forward and fill the breach there? Is this mostly discretionary at this point, and is this what we're talking about this fund dealing with?

Mr Yakabuski: No. The fund is meant to deal with—look, you have a community that has suffered a large disaster costing hundreds of millions of dollars. Usually there are infrastructure implications. Some public infrastructure has been destroyed. Some public infrastructure has to be rebuilt. The money has to be there available and quickly in order to get this done. There's not a lot of time to bicker as to who's going to pay the bill. What we suggested, because it has been used successfully in other jurisdictions and other countries, is that if you have some kind of disaster fund, these decisions can be made more quickly. That's what I'm talking about there.

1130

With respect to the liaison between the government and the insurance industry, sometimes that takes place well and sometimes it doesn't take place as well. Often it depends, from jurisdiction to jurisdiction. The best way to ensure that it takes place is to ensure that there is a clear and permanent liaison line, for example, in this province, between ourselves and the Ministry of Municipal Affairs and Housing and whoever else is making decisions with respect to disaster relief.

With regard to the issue of people knowing what is or is not covered, that's a perennial issue that we all have to deal with. First of all, it means that homeowners and businesses have to take a greater interest when they're making insurance decisions as to what is covered and what is not, what they want to have covered and what they do not want to have covered. They've got to talk to their insurance representative, be it a broker or an insurance agent, about what coverages are available and at what price. We've all got to work more closely together to ensure that these issues are addressed and that the right decisions are made with the right information. I fully agree with that.

Ms Andrew: Just to clarify, the fund you're talking about is only for public infrastructure restoration, and you also mentioned putting a priority on earmarking those monies for future prevention. So this fund is not to

deal with shortfalls in insurance coverage or other individual or business losses. You're not talking about that.

Mr Yakabuski: Well, no, what we've suggested is that the fund be available to deal with recovery. Recovery means responding quickly to a disaster and making sure that the infrastructure that has to be replaced or improved is going to be replaced and improved at the earliest possible moment. That's the key challenge that we often forget about after a disaster. Because what's going to happen when a community is hit by a disaster, if the right decisions are not made with respect to infrastructure, is they're just going to get hit again and it's going to cost all of us a lot of money.

We have to be able, of course, to use our taxpayers' money responsibly and accountably. If we can mitigate the damages that communities are going to suffer, we are all going to be better off and we're all going to be better prepared.

Ms Andrew: So then I would say we agree with the notion of monies being dedicated to public infrastructure relief. If you look at the SARS report that our organization did, in figure 5, on the measures to help affected businesses to recover, the notion of direct financial assistance is down the list in terms of where our members felt that was appropriate. It did garner some support, but there is always the difficulty of giving direct financial assistance. I would think, similarly, with residents and homeowners, direct assistance could be seen to step in in place of the original insurance coverage in the first place.

Mr Yakabuski: And that, we're definitely not interested in doing. The reality is that we have a service to offer and that's what should take care of most of the needs. Disaster relief should only be directed to those people who do not have insurance available to them. That's the principle.

The Acting Chair: By the way, there are a couple of interesting illustrations of this very important discussion. One is that in our last budget, as the government, we included some money to upgrade sewer and water delivery systems. In some circles we were criticized roundly for not putting money directly into so-called treatment in hospitals of diseases related to water not being up to standard. I think that's a perfect illustration where the government felt we had to do something to prevent that potential disaster—Walkerton or others—from happening again down the road. We could save a lot of money by investing in that infrastructure up front. That was one of the reasons we did that.

Secondly, another example: There was a small community I visited somewhere in eastern Ontario that had an allocation of infrastructure money. At the local level, they had a choice between putting it into a new recreation complex and soccer fields or upgrading their sewer and water delivery system. They chose to put the money into the new recreation complex. The majority of citizens actually supported that initiative. Meanwhile, the sewer system and the water delivery system are still 100 years out of date, yet they have a brand new soccer field and community centre. Those kinds of decisions and choices

are being made as we speak by cities, big and small, and governments, big and small.

It's very difficult to make those long-term investments that end up mitigating—because, as we all know, we're always going to have these disasters, in Florida etc. On the other hand, there are some initiatives governments can take. I think the public has to appreciate that and work together to say, "This fund is for prevention," whether it's for maintaining a certain infrastructure or allowing an infrastructure to meet some certain future need. It's a tough sell sometimes to do that.

Ms Andrew: Certainly not among our members. The small and medium-sized business sectors put high priority on investing in productive infrastructure. In environmental surveys we've done, water quality is high. Our members are cognizant of the need for all of those basic services to be up to standard.

Mr Zimmer: Chair, could I ask Mr Yakabuski to also include those jurisdictions where there is such a contingency fund, how the fund operates, how it's managed and how it's funded?

The Acting Chair: Yes. That would be good.

Unless there are any further questions and comments, I would like to thank everyone for very tangible and meaningful input into this process, as we are looking at all government statutes to try and see how we can better coordinate or redefine them or develop new ones that will help protect the citizens of Ontario in case of another disaster. As someone said before this committee, it's not a matter of if there's going to be another disaster; it's a matter of when.

I think we have a serious obligation here, as citizens and as legislators, to try and find out what we can do to mitigate these and ensure that, whether it be the private sector or the public sector, the government gives the tools to work together in a very effective, focused way for the betterment of the people of Ontario, who through no fault of their own get into some kind of unfortunate situation that is, it seems, inevitable sooner or later.

Thank you so much for the input and taking time to be here. If you have further information you want to forward to the committee, please do so. We will be continuing our deliberations over this week and the following week, and I'm sure your input will help shape the final product or products we have. Thank you very much.

We'll recess until 1 pm.

The committee recessed from 1142 to 1306.

The Acting Chair: I'd like to call the standing committee on justice policy to order. I would like to welcome our special expert panellists and presenters. I would just like to give you a bit of background and the format.

As you know, this committee has a mandate to review all government of Ontario statutes as they relate to emergency powers as they relate to emergency measures and emergency preparedness. This morning we had a panel on the private sector. We had the Canadian Bankers Association, Bruce Power, the Insurance Bureau of Canada, and we're having a health panel; Dr Basur is going to present tomorrow. We've had Dr Young, the OPP, the fire marshal, EMS. We thought it would be

helpful to get a municipal perspective on emergency readiness, given that municipalities are front-line deliverers of emergency services in times of crisis. So I want to thank you for being here.

The format is that we have 10 minutes per presenter to make an opening series of remarks—you don't have to take the whole 10 minutes. After the 10 minutes, you'll be asked questions by members of the Legislature, and after those questions there is a forum where there can be more questions or comments made by members of the Legislature—the MPPs on the committee and myself—or you can pose questions yourselves, if you like, on something you want clarified.

Just to show the continuity, I know that one of the presenters this morning from Enbridge mentioned a prototype plan that exists for emergency preparedness in the city of Sarnia, and we mentioned to Enbridge that we were going to have a presentation from Sarnia. So it all certainly connects and helps us try to devise ways of either strengthening legislation or reshaping it or perhaps coming forth with new legislation to make Ontario better prepared in terms of emergencies. We're looking for input, suggestions and comments based on your experience from your jurisdictional background to help us in this endeavour.

CITY OF SARNIA

The Acting Chair: The first presenters are Cal Gardner, Sarnia emergency measures manager, and Terry McCallum, director of community services. Would you identify yourselves at the beginning, if possible, because all this is taken verbatim for Hansard, so you can have a copy, word for word, of this committee meeting or of all the committee deliberations over three weeks. It will be available, and I think it's a good resource. So would you help us by identifying yourself, and you will be so noted in Hansard.

Mr Terry McCallum: I'm Terry McCallum, director of community services from the city of Sarnia. I'm also chair of the city's emergency management committee. Cal Gardner and I will share these few minutes. Cal is manager of the city's emergency management committee as well.

I'll make some comments in general about the city of Sarnia and then ask Cal, perhaps, to speak to the concerns. Just for clarification, Mr Chair, in this 10 minutes, are we to go through our concerns as well or—

The Acting Chair: Whatever you want to present in the 10 minutes. As I said, there will be time afterwards to go beyond that. It's really up to you.

Mr McCallum: Thank you. I'll just make some general comments about the city of Sarnia and ask Cal to speak to the concerns with the legislation specifically.

Sarnia, of course, is located on the most westerly side of the province and has a population of approximately 70,000 people. We're one of the busiest border crossings for dangerous goods in Ontario. Over 80% of the chemicals and hazardous goods in Ontario are either produced or transported through the city of Sarnia.

Sarnia also has the second-largest international rail yard in Canada. The twin bridges and the rail tunnel expedite large quantities of hazardous goods to the United States. The importance of the tunnel in Sarnia is that it cuts transit time to the Midwest by approximately 24 hours. Hazardous goods are not allowed to cross in the city of Windsor—and the city manager of Windsor will speak to that more fully—and as a result the city of Sarnia, with the twin bridges and the rail tunnel, bears the brunt of over one million trucks annually and over 5.5 million cars crossing the bridge on an annual basis.

The St Clair River is also one of the busiest waterways in the world, with over 5,000 ships annually, many with hazardous goods.

As a result of the tremendous amount of hazardous goods that are both produced in and transported through the city of Sarnia, in the early 1950s we created two organizations. One is CVECO, the Chemical Valley Emergency Coordinating Organization. This is really a mutual aid organization between the city and the industry. In the event that there is a release or some emergency, we can rely upon the other plants or the city to assist on an individual basis. CAER, Community Awareness and Emergency Response, is an organization that works within the city of Sarnia to advise city residents on how to deal with emergencies.

Sarnia also has one of the largest, if not the largest, storage of natural gas in all of Canada. All these situations, including the supply of fuel to NASA, give some indication of the types of emergencies we must be prepared for in the city of Sarnia.

We do take some pride, I guess, in the fact that we feel we have a good emergency plan in place. We find, however, that when emergencies exist, no plan is perfect. We try to improve it as we proceed.

At the present time we're dealing with trying to set up a reception centre program in the city of Sarnia. The Rotary Club assisted us for a number of years, but they no longer are able to provide that service. The county of Lambton looked at involving the Red Cross on a contract basis, but that was not successful at the county of Lambton. As a result, Mr Gardner and I have basically been left with the responsibility of developing a plan for reception centres. We have talked to the Salvation Army, and they appear to be interested in assisting us. We hope to have this plan in place in the next two weeks and present it to council.

That's a bit of a summary of the city of Sarnia, the type of exposure we have to hazardous goods and the fact that we do feel we are well prepared—I would say well prepared but not perfectly prepared—to handle emergencies.

Mr Gardner perhaps can speak to the concerns with the legislation.

Mr Cal Gardner: One of the issues we're faced with is that the Blue Water Bridge is not in the municipality of Sarnia; it's in the village of Point Edward, with 2,200 people, and in all likelihood we're the ones who will be dealing with it with police, fire and services.

The railway tunnel: The second-largest international rail yard in Canada is on CN lands, but, again, the responsibility for responding to that always comes down on Sarnia fire services and the Sarnia police service, with no funding or support for those federal lands.

We also have Aamjiwnaang First Nations, which is one of only two reserves within the city limits and, again, we provide policing and fire services to that community as well, again with no federal assistance.

One of the concerns we have is that the legislation seems to be unclear. For example, we were told that the Ministry of Community and Social Services is responsible for reception centres but, at the same time, Emergency Management Ontario is calling upon the city to have reception centres. What Terry McCallum spoke about was the Red Cross coming forward to have contracts with municipalities. That's a financial burden because they're basing it on per capita, per person annually for standby time. So that raises the issue that we're required to have reception centres, which we always have in the past, but now, with the new legislation, they're wanting us to jump through an awful lot of hoops, with no cost recovery.

The other thing I think we're concerned about is that the board of education and the hospitals need to be aware that their emergency plans have to dovetail with the community they reside in, because it's the community that's going to be responding. I'm not sure if that's clear in theirs. Although all the different ministries have been told to have emergency plans, we need to reinforce that they have to dovetail with the community's emergency plan.

The Acting Chair: Before we go on to the next presenters, could you just explain "reception centre" for us?

Mr Gardner: In the past, if we ever had to evacuate, we had to have shelters in place. On a regular basis, our roads are blocked with transports. So we are required, under Emergency Management Ontario, to have reception centres available to house people who are without homes or evacuated or stranded in the community. August 14 was one issue where we had transits coming through Michigan who could not find gas, and hotels booked up fast, so we had to open up reception centres.

But right now, Red Cross is going across Ontario trying to sign up communities to pay for standby time. That could present a huge issue. My understanding is that Sault Ste Marie and a couple of communities in Lambton county have signed up. I've talked to the other large communities like Niagara, Kingston, Windsor, London and so forth, and they're concerned that if we set a precedent, who's going to be paying for the standby time? It could come back to haunt us.

The Acting Chair: That's a good explanation. That's very helpful. Thank you.

CITY OF WINDSOR

The Acting Chair: Next, from the city of Windsor, is John Skorobohacz, city manager at city hall.

Mr John Skorobohacz: Thank you, Mr Chair, and members of the standing committee on justice policy. I appreciate the opportunity to be here today to present the city of Windsor's concerns relative to emergency planning and preparedness.

First of all, I think it's important for you to understand some of the challenges that municipalities have faced over the past decade, relative to a variety of issues that are impacting on our ability to provide those services.

As you'll all recall, we've seen escalating costs through the continued downloading of a variety of different programs and services, from both the provincial and federal levels. Examples of that include the issue of physician recruitment, which many of our municipalities are currently addressing through the tax base. We also have the increasing cost of ambulance services. Those costs are obviously causing very significant pressures with regard to our taxpayers and our ability to meet what I would term ongoing core services. We also have to recognize that there's a significant deficiency in the existing infrastructure, and that deficit continues to mount on a regular basis. The ability to manage and maintain our existing infrastructure also is a challenging cost to us in terms of our ability to meet our core services.

On top of that, we're looking at the increased demands of globalization, competitive economies, challenges with regard to societal demographics and the changing of those demographics, and the immigration and integration of new residents in our communities. Since 9/11, addressing those issues relative to global terrorism and the ultimate cost at the local level is also significantly impacting on our ability to deliver those core services. So we appreciate the fact that you're taking a look today at the costs of delivering emergency preparedness programs and those services.

1320

As far as the city of Windsor is concerned, obviously we're located in southwestern Ontario, with a population of just over 200,000, but the submission that you have before you today is a joint submission by the city of Windsor as well as the county of Essex. Combined, our populations are close to 500,000 and, as a result of that, I hope the submission covers off most of the concerns that you're going to hear from other municipalities as well.

To understand our particular situation, you have to understand the crossing points and the border community issues that are relative to our circumstances. The crossing points that I refer to are a privately owned and operated international bridge, a tunnel owned jointly by the cities of Windsor and Detroit, a privately operated barge operation which does allow for the transfer of hazardous waste or chemicals across the border and, finally, a rail tunnel.

Current efforts are underway to identify a new border crossing in southwestern Ontario to address those challenges faced by our community, with upwards of 16,000 commercial trucks passing through and along our municipal infrastructure on a daily basis. The border presents

significant challenges to our community on several fronts as it relates to addressing emergency planning and preparedness. Specifically, the challenges that we face are: the financial consequences and costs associated with delivering those services; training, skills development and equipment relative to providing emergency planning and preparedness; the protocol relative to consistency in approach and coordination; the support of community agencies and networks, and you've already heard some of the impacts relative to the Red Cross; and finally, the last issue that I want to talk about is that of a federal-provincial approach to a coordinated effort with regard to emergency planning and preparedness.

I haven't gone into the exact details of my submission, the written submission that you have before you, but I'd be pleased to answer any questions relative to the written submission and any of the comments that I've made. I just wanted to put into context for you some of the pressures that municipalities are, in fact, facing on a daily basis as it relates to delivering their core services.

Thank you, Mr Chair.

The Acting Chair: Thank you to the city of Windsor.

CITY OF OTTAWA

The Acting Chair: The next presentation is from the city of Ottawa's John Ash, manager, emergency management unit.

Mr John Ash: Thank you, Mr Chair. Obviously, Ottawa being the nation's capital and the second largest city within Ontario, there's a certain level of complexity in managing that system from an emergency preparedness or planning standpoint.

Just to give you a little background, or its risk assessment, if you would, Ottawa is the third largest earthquake region within Canada, the second being somewhere up in the Arctic. So really, it's second to BC for population in that matter. Obviously, with the various rivers and canals, the risk of flood is quite high in that area, as well as Chalk River's proximity.

Through the blackout, the G8 and G20 summits and the ice storm, the city of Ottawa has taken emergency preparedness and management quite seriously, to the point where we've dedicated significant dollars and planning to prepare ourselves in the event of the inevitable, and we all around this table know that it's just a matter of time.

However, with the level of planning that we've done, certainly it's clearly understood that, as the world evolves and the level of incidences that occur such as 9/11, SARS, BSC or the blackout, emergencies or disasters are no longer isolated to small geographical locations. They're becoming province-wide or international in their scope. So there's obviously a need to have the ability to draw upon resources from the provincial level, probably on an ongoing basis. My colleagues have discussed how those funding arrangements would occur. I think as we evolve, it will be an ongoing issue or process that needs to be resolved.

The public expectation of what municipalities will provide for them in the event of emergencies has increasingly become heightened with a lot of media attention. As a result of that, it puts the burden on the municipality to put in place that support network and, with that support network, the funding that needs to go along with it.

I'm certainly encouraged that we're having these discussions and that we could potentially bring out a lot of the process-related issues. I know that, through Dr Young's group in the EMO office, they're putting together a provincial structure which will aid in communication and collaboration among the municipalities and the province, which is very encouraging. But as those talks go forward, I think what is going to be key is flushing out the process-related issues, because what is key in managing incidents is developing and maintaining those relationships as opposed to applying a function or a formula, if you would. So as I said, I'm encouraged these discussions are being taken forward and look forward to further dialogue.

The Acting Chair: Thank you, Mr Ash.

CITY OF TORONTO

The Acting Chair: Next, from the city of Toronto, is Warren Leonard, manager, office of emergency management.

Mr Warren Leonard: Thanks to all the members of the committee for this opportunity to address you this afternoon. My name is Warren Leonard. I'm the manager of the city of Toronto office of emergency management. That's under our technical services division in the works and emergency services department. I've been directly involved in full-time emergency management in the city of Toronto and the former Metro for over 16 years, since 1988.

I'm going to address some of my comments to the municipal role in emergencies. I'll start with those. When an emergency takes place, response is undertaken by the local municipal emergency response organizations. This includes the traditional response groups of police, fire, EMS and public health, but it also includes social services, works, parks and rec, buildings and inspections and, even more, it includes those non-traditional response groups such as labour relations, human resources and finance.

It's because municipalities deliver front-line services to the public on a daily basis that we're in the most practical and practised position to do so during an emergency. Policy or directives that come to us from the province or the federal level are implemented and operationalized at the local municipal level. This has been repeatedly demonstrated during SARS, the blackout and other events that have been mentioned this afternoon.

Since response to an emergency begins at our level, it's imperative the local voice be heard at the provincial and federal levels, because our services operationalize those response plans. So we appreciate being here this afternoon.

From a municipal perspective, we look to the provincial government to support municipalities in terms of training, equipment and other assets funding necessary to ensure that we are able to identify our risks, prepare our plans, and have sufficient properly trained personnel and the necessary equipment to protect the health, safety and welfare of our residents.

The current provincial legislation, the Emergency Management Act that came into force in 2002, now mandates municipal risk assessment, emergency plans, critical infrastructure identification, training and public education. A community framework has been developed by the province to phase in a comprehensive emergency management program. However, the accompanying regulations have yet to be published. Our first deadline is December 31, 2004, and I'm already well into my 2005 budget process.

There is also a marked difference in the nature of municipalities in Ontario, and a cookie-cutter approach will leave out the needs of somebody along that spectrum. Toronto, being in the sometimes unenviable position of being the largest municipality in the province—we have 25 million residents, and if you come in from outside, like many of us do, estimates swell to over an additional million people per day. If things happen during that time, those people are our responsibility.

Major fires, spills, loss of telecommunications, major events: There is a whole host of things that tend to be attracted to large urban centres, and we have most of those risks right here in the city.

We do have a comprehensive approach to emergency management, with an emergency management office—that's my office. We're charged with developing, maintaining and coordinating the overall program for the municipality. There is an emergency management committee made up of executive members, some of whom you heard from this morning. Others will be appearing later on, I understand. We have an emergency operations centre, of course. We have mutual assistance agreements with all our surrounding regions, and we have two special initiatives here: HUSAR, which is a heavy urban search and rescue team that's one of five proposed across Canada, and we have a CBRN—that's chemical, biological, radiological, nuclear—one of three in Ontario.

For our provincial linkages, on most of our emergency management issues we deal primarily with EMO, Emergency Management Ontario, but there's also direct contact between a number of our city divisions and provincial ministries. For example, Toronto Fire Services deals with the Ontario fire marshal on a number of things directly. Our emergency medical system and public health link with the Ministry of Health and Long-Term Care directly on issues.

1330

Critical infrastructure is a new issue that we're looking at. As we're into this project now, upwards of 85% to 95% is the most bandied-about percentage of the critical infrastructure that's owned by the private sector. So while provincial legislation compels us at the local level

to gather critical infrastructure information, there is nothing that compels the private sector to release it to us.

The identification of critical infrastructure seems to be a project that's underway at all three levels of government. Some of the comments we've had from the people we've approached is that they've already spoken with the feds and with the province and now we, the municipality, are talking to them as well. A national approach to that and some standards in what kind of information we're looking for would be useful.

The key issues—and I'll wrap with this—in emergency management now, as we see it, are:

(1) Resources: the need for sustained funding levels—there's a very limited surge capacity that exists in the municipalities—identifying and sharing interjurisdictional operational resources and locating and accessing stockpiles;

(2) Media and public communications: getting key messages through the media and assisting the public to cope with emergencies and recovery;

(3) Perhaps most importantly, the various roles and coordination in this business: the vertical and horizontal linkages that exist among jurisdictions, the information flow along those lines, upwards and sideways, the decision-making process upwards and sideways, and the front-line operational voice in planning and strategy versus a top-down approach.

In summary, the provincial act now mandates municipal risk assessment, emergency plans, training, public education. This is clearly the right direction to be going, but there's been no accompanying flow of money to assist municipalities in meeting those new legislative responsibilities.

The Acting Chair: Thank you, Mr Leonard.

MUNICIPAL PANEL

The Acting Chair: Now we'll have questions and comments from members of the Legislature.

Ms Broten: Thank you very much for your presentations. One of the things we've been hearing as we talk to folks about emergency measures and in particular the statutes we're faced with examining is that it's important to learn from past experiences, and unfortunately, I guess we've had a number in the province over the last few years. I'm wondering if you can share with this committee whether there were instances of inability to react in either a timely or appropriate way or to conduct the business of keeping the citizens in your community safe because of a lack of powers on the front-line level, as was just referenced by the city of Toronto; to really know what it's like on the front line and whether the folks out on the front lines have those powers.

For example, one of the issues that's been raised is the lack of ability to mandate someone to stay in quarantine during the SARS epidemic, the lack of ability perhaps to enter a private residence. Those types of powers have been referred to by Dr Young as being absent and I'm

wondering whether you could each take a moment to comment on that.

Mr Leonard: The quarantine issued during SARS, I remember, was something that flowed through public health. I don't have the numbers in front of me. I'm sure Dr Basur may have them with her tomorrow. Essentially what we relied on here in the city of Toronto was people's goodwill to stay inside if they needed to, if they met the conditions that required that they were to stay inside. There were very few actual orders issued, that the medical officer of health was able to issue, that would compel them to stay in their residences. We had tens of thousands of people who were doing what they were asked and very few who weren't.

Evacuation is something that I don't believe the current legislation provides for in the sense of removing someone from their residence against their will. I don't think it provides for that. You can order an evacuation, the police and fire can say, "Evacuate that area," but if somebody chooses not to, I don't know that that's been sufficiently tested in the courts.

The Acting Chair: I'm just wondering, to follow up on that—I know Mr Gardner was going to comment—what about power to evacuate or to stop the flow of traffic on the bridge at Windsor or Sarnia, given the public safety risk with some hazard? Who has the authority, or do you have the authority to limit crossings of the bridge, for instance, in this question raised by MPP Broten?

Mr Gardner: Often in Sarnia—I'd say once or twice a year—we might have a precautionary shelter in place, where we ask people to remain indoors until further notice. Sometimes it's because of a chemical release or whatever. We're fortunate in that, from our emergency operation centre, we can break into TV and radio and we have municipal sirens.

One of the issues we have is that those are provincial highways. Do we have the authority to keep people out of the city limits, because they have to go through the city limits in order to cross the bridge? That's an issue. Also, how do we contact them to start with? I think most communities anywhere in Canada are having difficulty with how you get the message out. How do you notify people? There is technology out there but there seems to be no backing or support for that technology.

The Acting Chair: The question I wanted you to address, and which I think MPP Broten is trying to get at, is do you have the power to tell people to stay indoors when there's been some kind of chemical release? Who has the power to tell people, and what if they don't want to stay indoors?

Mr Gardner: It's like anything. If someone doesn't want to stay indoors, they're not going to stay indoors. Our chief will ask people not to park on the roads during snow removal because plows can't get in there. They have the authority to ticket cars that are on the road. Do we have the authority to ticket people who don't remain in their homes? I don't think so.

The Acting Chair: But if there was a chemical release?

Mr Gardner: If there was a chemical release, we—

The Acting Chair: Are there any powers that you might have, or that anybody has, in your jurisdiction?

Mr Gardner: No. For evacuation, it's grey. What we tell our officers is, "Are you going to waste your time trying to persuade someone for 15 minutes to leave their home or are you going to try to get to the next 20 or 30 homes?" You have to use a little bit of common sense. I guess you could take them in on a form 1 of the Mental Health Act. I guess you could push that if you wanted to.

The Acting Chair: Someone else mentioned that Mental Health Act thing.

Mr Gardner: But do you take the time? During an evacuation, you don't have time. You have to move people out and you have to move them out quickly. You mark down in your duty book where people have refused to leave and, if time permits, then you go back. Otherwise, you move out the general population. I don't know if I've answered your question, but that's our policy.

The Acting Chair: I think you have, yes. Mr Skorobohacz?

Mr Skorobohacz: I suppose I would respond as follows. Often enough, we're more in a reactive mode than a proactive mode. What I mean by that is we often have to react to what our neighbours to the north do or, in the case of Windsor, it's north of the border, but it's our neighbours to the south, the United States. Obviously, when they heighten their security measures and the code escalates to a different colour, we have to react and respond. Unfortunately, in our circumstances, the nature of the transportation system connecting the international border happens to be a municipal roadway, so the 401 spills out on to a municipal roadway, which then connects to the international border. Quite often, again because of the reactive nature, that means our police services, our fire, all of our emergency folks, are on a heightened state of awareness and alertness to respond to any internal problems because the congestion on local streets becomes quite problematic for us. So from that perspective, again, it's not a matter of us being proactive in addressing it. It's more of a reactive approach.

If we would have greater authority and the ability to develop a staging area outside of our community to hold traffic back so that when the border clears there is an opportunity to move vehicles in a more proactive manner in terms of allowing that stage, I think that would certainly be beneficial to a community such as ours.

The Acting Chair: Sorry to interrupt. This is very interesting. It's actually the same thing that Sarnia is going through with the other jurisdiction. Is it Bluewater with the 22,000? What community is it that's adjacent to Sarnia?

Mr Gardner: It's Point Edward village and it's got 2,200.

The Acting Chair: Therefore, you can't really control access totally, because you've got another municipal

jurisdiction there, plus you've got the First Nations people there at the same time.

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Mr Gardner: Now, 80% of the traffic is going through the Sarnia area. It's just the last little one kilometre, if that, that's actually in Point Edward, before it crosses the bridge.

The Acting Chair: So you think it might help if we could somehow provincially develop some protocol in a border-type setting where there would be some kind of body that would give direction, that there would be control at the point of origin, and that order would have to be made and adhered to by all municipalities and all jurisdictions in order to facilitate some kind of emergency measure. Because right now I think you're basically relying in an ad hoc way on the co-operation of everybody.

Mr Gardner: That's right. I agree with Windsor here. If we could have a staging area outside the city limits, then if we do have a chemical release, we can stop them further away from the community rather than right in our community, where they have nowhere to go because of the sound barriers.

Also, we get a lot of trucks honking their horns at night, waking up residents, because they can't get across the bridge. That's not an emergency issue, but—

Also, we have dangerous goods that are being transported. Do you really want them within the city limits? All our plants are to the south of the city, but when we have all the dangerous goods on one highway—I think everyone's aware of all the accidents we've had lately, just this year alone, with transport trucks crashing into each other. So I think it's an issue that's going to come back to haunt.

Mr Ash: Coming back to the initial question, I think the challenge comes down to the perception of imminent—of mitigating life loss and so forth.

Certainly, reflecting back on the recent experience down in Florida, there was a verbal dissemination of information: "You need to evacuate; the storm is coming." But obviously what happened is that the storm tracked differently and hit an area which initially wasn't anticipated. I think in any type of situation there's going to be that normal communication out to residents to say, "You need to evacuate, because this is the best information we have."

If you look at various disasters, the majority of the public will do that. I think what we're talking about is that small set of the public who deems that they want to protect their house. For example, in some of the wildfires in California and BC, some people wanted to stay back and protect their houses. They knew there weren't enough firefighters who would be able to protect their house, so they figured they'd get their hose out and try and do the job.

Sometimes people obviously aren't able to make the appropriate decisions necessary to protect their life. There may be circumstances in which those powers would be implemented, but I think it would be the

exception as opposed to the rule, based on looking at various events and incidents that happened in the past.

Within Ottawa itself, have we had any experience with that need specifically? No. I don't know whether it's because that ability wasn't there or available to us. Has there been any loss of life that I'm aware of due to someone disobeying a voluntary evacuation order? I'm unaware of that information. Nothing comes to mind in recent history with respect to—

The Acting Chair: But I guess one question in terms of Ottawa, similar to Windsor and Sarnia, is the inter-jurisdictional problems. You've got the NCC, the RCMP, the local police, the OPP. Who has the authority to give directives, whether it be road closings or point-of-control preventative action? Do you have a process? Is it a mutual agreement with all the different stakeholders as part of your emergency plan? How do you deal with all these entities that exist in Ottawa, for instance?

Mr Ash: You touched on the complexity that Ottawa has, which I touched on in my introduction. We'll take roadways, for example. The OPP has responsibility for some roadways, the RCMP has responsibility for some roadways and the municipal police department has responsibility for some others. With respect to being able to close roadways, usually that's as a result of an accident, or if there's a spill or something has occurred, they can close a roadway. But in response to evacuation, once again, that's—

The Acting Chair: In closing a roadway, who has the power to—in other words, if it would be of benefit in an emergency situation to close part of the parkway—which is under RCMP control, is it not?

Mr Ash: Correct.

The Acting Chair: Would that be the RCMP's decision, or could the city of Ottawa's emergency measures organization give a directive to the RCMP to close that roadway?

Mr Ash: We don't have authority to do that, but it would be because of relationships that have been established. We would indicate our risk assessment and, in consultation, they would agree or disagree with that. Typically, they would agree with that.

The Acting Chair: I think I'm seeing the similarities here in terms of different jurisdictional authorities—a simple thing like roads. It hasn't happened, but we're here to look if something does happen. We have to look at these scenarios and see if there's something we can do, through not only emergency measures statutes but also all the statutes we have—in the Ministry of the Environment, MTO. We want to try and see if we can improve or amend various statutes that we may have to amend in order to facilitate emergency response or disaster prevention.

Sorry to dominate with these questions. Mr McCallum.

Mr McCallum: I have just one quick point on communication and the examples that Mr Ash used of the forest fires and the impending tornado in Florida. The problem in Sarnia and perhaps other municipalities is that

our evacuations are immediate. If we have a vapour release, we have to have people out of their houses almost instantaneously. We don't have the advantage of hours, or even days perhaps, of pre-notification. We need to be able to notify people virtually within minutes. That is a communication forum that we don't have.

We have looked at classical devices and instantaneous notification through the telephone system, but they're very expensive. We have not been able to implement them or really to afford them in the city, so we have no immediate communication ability with our residents who may need to be evacuated.

Ms Broten: I wanted specifically to ask a question to Sarnia, and if others would like to comment, that would be helpful as well.

I wanted to raise the issue of private sector involvement as a partner in response at the time of an emergency. We certainly understood from previous folks who were in front of this committee that the private sector felt they could contribute their resources in terms of being involved, and that they do, but that those agreements are not formalized in many ways and they didn't want them to be mandated or formalized. I wonder if, from the city and the municipality perspective, you can comment on how those agreements have developed and where you see the future of that type of agreement. Does it remain voluntary, or do we need some kind of legislative change to mandate cooperative assistance?

Mr McCallum: I'd say that everything today is voluntary. This CAER that I speak of and CVECO are organizations of industry, the hospital, the municipality, and so on. We have a significant history of public-private relationships in the city of Sarnia, not only in emergency measures but many other fields as well. Industry has been very forthcoming with participation in helping to pay for the sirens, helping to pay for our command post bus and many other types of contributions.

Certainly everything, Mr Chair and Ms Broten, is on a voluntary basis. Whether legislation would be able to force industry to participate along with municipalities, I'm not certain. Perhaps its being voluntary remains the best way to proceed with that.

Ms Broten: Yes.

Mr Ash: If we reflect on some of the things that have occurred in the States, industry was required to disclose their worst-case scenario and most probable scenario for releases and whatever. The result of that, generally speaking—I'm just reflecting on the DuPont experience—was that they realized that by verbalizing their worst-case scenario, it would more or less scare the whatever out of the public. In order to mitigate that negative response, it put them in a position in which they worked collaboratively with the local governments to put in place mitigating processes and support networks with respect to resourcing and what have you to deal with those issues. So it wasn't a mandatory means to put something in place or collaborate but, as a result of having to disclose worst-case and most probable; it put up the framework to begin that collaboration, and I believe it's been quite positive.

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The Acting Chair: Mr Brownell.

Mr Brownell: I'm delighted with the conversation of this afternoon: an excellent presentation from each and every one of you. I'm especially pleased to see some of our border communities, for I come from a border community, Cornwall, and had somebody from the city of Ottawa very close. It all ties in.

First of all, you commented about the G-8 summit held in Ottawa a few years back, and I can't remember what year. I'm going to tie in a local situation and see if I can get a response out of the other border communities. But during that summer of the summit, the community of Cornwall was asked to be prepared, with the police force on standby, and this had to be done, that had to be done. They went to great expense. The summit was held. There wasn't a great kerfuffle at the border, but they still had to be prepared and ready.

There seem to be many other events that happen in Ontario that perhaps may have an impact on border communities. Do you find that in your dealing with emergencies and whatnot? Do you find that at your borders, and do you find expense relative to that? I know that in the city of Cornwall, they are still quite concerned about the expense they incurred back in whatever year it was with regard to getting ready for it. It disturbs the city in particular that, because they are at the border, down the road with similar events, they will have to incur great costs and there will not be the supports. Have you found that?

Mr Skorobohacz: Perhaps I'll take a shot at that, sir. In fact, in 2000, the city of Windsor participated in the Organization of American States symposium, the OAS. Certainly, we found a significant cost associated with the security issues, the emergency preparedness and planning, and obviously the logistics and arrangements associated with that event. Even though there were commitments relative to providing some level of funding and support to the local municipality to get its various departments and organizational structure in place to address that particular event, we still found ourselves significantly underfunded relative to being able to provide that.

Perhaps I could also address the issue in terms of 9/11. I think certainly all of us can recall the incidents surrounding 9/11. For border communities especially, when that international border closed down, the impact on our local municipalities was astronomical. I would suggest to you that if you were to look back in terms of the traffic congestion that was caused as a result of 9/11 and the closure of the borders, it was several weeks before we found ourselves back in a position where we were addressing what we now term "the new normal." I think that's something we've lost sight of, the fact that the world changed. As a result of that change, we continue to find ourselves recovering and addressing it and putting more resources, more energy, more financial commitment to the issues associated with border security and local security issues. Our policing costs have gone up

significantly as a result of that. As I alluded to earlier, whenever our neighbours to the south in the United States escalate the security code, that has a detrimental effect in terms of what it means to the local municipalities that happen to have those border crossings.

Mrs Sandals: A number of you have mentioned issues around disclosure of information. I noticed that in one of the briefs, or somebody talked about, a disconnect between the federal government, which may have the power to collect the information, and the municipality, which is doing the planning but doesn't necessarily get the information. A number of you have made comments about disclosure of information. Could you share with the committee what you can collect currently, what you can't collect currently and what power you would actually like to have? It doesn't matter where we start.

Mr Leonard: The critical infrastructure inventory—what we're now required to do is collect infrastructure that's critical to the functioning of our city. But if you go to a large number of the people who actually own the critical infrastructure, it's the private sector. I've heard 80%, I've heard 90% and some people say 95% of critical infrastructure is owned by the private sector.

Let's take telecom, for example. If you go to Bell Canada and ask them for the locations within my city that we would want to include on a critical infrastructure inventory, they may or may not provide it. I don't know that any of the other levels of government have anything in place that would compel them to provide it to them either. I do know the very first question that's asked, whenever we go to some of these organizations, is, "What are you going to do with that information?" Understandably so. These are sensitive sites for them. They're hesitant to release those critical pieces of their own infrastructure, because once it's out there, it's out there and you've lost one more place from which you have control of that information, and of course, these are the critical locations.

Mrs Sandals: If I could make an imaginary "for instance," the banks, for obvious security reasons, may not want to share where their actual data centres are and where the actual hardware is located, but when it comes to an emergency situation you don't know what you're trying to protect. Is that the issue you're getting at, or is it more on the hazardous materials side that you would be concerned, or both?

Mr Leonard: No, it's clearly things like data centres and key telecom connections. But it could include things like bridges, transformer stations—although, they're pretty easy to find with a car and a tank of gas. There are locations around that we've been asked to inventory, and I guess what we're not sure of is what we're going to be asked next. If we're asked next to protect these pieces of critical infrastructure, is that something the municipality is going to have to pay for because we've identified them as something that's critical in our municipality? I know that's a little off your question; we were talking about getting the information in the first place. But we're doing it because we've been asked to do it.

The Acting Chair: The question I have about infrastructure is, who is asking you or how are you now in a mode where you have to get this inventory of infrastructure?

Mr Leonard: That's the Emergency Management Act.

The Acting Chair: So they've asked each municipality to get this inventory of critical infrastructure, right?

Mr Leonard: That's right.

The Acting Chair: These are fibre optic cable networks. Would they ask, for instance, if buildings contain chemical plants or certain volatile chemicals? All of that has to be done by the municipalities right now?

Mr Leonard: Those are two separate things: One poses a risk, and one is critical infrastructure. We're doing both.

The Acting Chair: You're doing both, right?

Mr Leonard: Yes.

The Acting Chair: I guess, in some cases, there's no compulsion on the part of the private sector owner to cooperate and give the municipality the information you're asking for.

Mr Leonard: That's correct.

The Acting Chair: And there are regulations about to come forward on that legislation, right?

Mr Leonard: That's what we're led to believe.

The Acting Chair: Have you got any indication whether there will be any regulations there that will give municipalities some kind of ability or compel the private sector to disclose this type of information to the municipality? Has that been—

Mr Leonard: I haven't been led to believe that. What we've been led to believe about the regulations is that they're going to provide more detail for us but they're going to very closely mirror the community framework, which is a document we already have from emergency management that rolls out our emergency management activities for the next three years but does not address that specifically.

The Acting Chair: I think Mr Gardner wanted to comment on that.

Mr Gardner: Environment Canada, through their CEPA list, have put together a list of 178 that they require storage facilities to list. I'm not aware that the province is getting that list as well. Petrochemical companies have to produce this to the federal government, but there is no legislation I know of that makes it mandatory that they share that with the municipality they reside in, which is going to be responding to it and has to deal with it.

Mrs Sandals: What I was getting at is that that information is going somewhere but it's not going to you, and you have no power to require that they disclose that to you, even though they're disclosing it to the federal government.

Mr Gardner: That's correct.

Mrs Sandals: If I can follow up something I thought I heard from Ottawa, then: You made reference to some American legislation that I thought you were saying does require that disclosure.

Mr Ash: I'm not sure of the exact term but it's often referred to as a worst-case scenario or most probable, where industry has to disclose to the local government the worst-case scenario, if they had a chemical release or whatever. If something went wrong in their particular industry, what would that result in? They went through a process of establishing benchmarks, ways of measuring and that kind of thing, and they did that through engagement with the local governments. Through that collaboration, partnerships evolved into which they became integrated as part of their emergency response plan.

Mrs Sandals: That's federal legislation that you're referring to?

Mr Ash: It's my understanding that it's federal legislation, yes.

The Acting Chair: Any further questions or comments?

Thank you very much, gentlemen. It's been most helpful, especially in light of the interconnectivity faced by your border communities. Your experiences there are very unique and also intertwined. I think that kind of input really helps us in terms of looking at the special responsibilities and special challenges you have in your communities. Again, thank you very much.

If you want to proceed with more information to the committee that you think might be helpful in our deliberations, please do so. Again, thank you for coming to the hearings today. I appreciate your taking that time.

We are now adjourned until 9 am tomorrow in the same place.

The committee adjourned at 1403.

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