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Thursday 26 April 2007

Journal des débats (Hansard)

Jeudi 26 avril 2007

Standing committee on the Legislative Assembly

Community Right to Know Act
(Disclosure of Toxins
and Pollutants), 2007

Organ and Tissue Donation
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Comité permanent de l'Assemblée législative

Loi de 2007 sur le droit du public
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Loi de 2007 exigeant
une déclaration au sujet
du don d'organes et de tissu

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Clerk: Tonia Grannum

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLY**

**COMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE**

Thursday 26 April 2007

Jeudi 26 avril 2007

The committee met at 0934 in committee room 230.

**COMMUNITY RIGHT TO KNOW ACT
(DISCLOSURE OF TOXINS
AND POLLUTANTS), 2007**

**LOI DE 2007 SUR LE DROIT DU PUBLIC
D'ÊTRE INFORMÉ (DIVULGATION DES
TOXINES ET DES POLLUANTS)**

Consideration of Bill 164, An Act to amend the Consumer Protection Act, 2002, the Environmental Protection Act and the Occupational Health and Safety Act / Projet de loi 164, Loi modifiant la Loi de 2002 sur la protection du consommateur, la Loi sur la protection de l'environnement et la Loi sur la santé et la sécurité au travail.

The Clerk Pro Tem (Ms. Susan Sourial): Honourable members, I'm calling the meeting to order. We need to elect an Acting Chair. Are there any nominations?

Mr. Jim Brownell (Stormont-Dundas-Charlottenburgh): I would like to nominate Ms. Mossop as the Acting Chair.

The Clerk Pro Tem: Mr. Brownell has nominated Ms. Mossop. Any other nominations? Seeing none, the nomination is closed and Ms. Mossop is Acting Chair.

The Acting Chair (Ms. Jennifer Mossop): Good morning, everyone. It behooves me to just let you know that we're on a very tight schedule this morning and we want to accommodate as many people as possible. So we will be moving swiftly through. As you already know, there are 10 minutes allotted for each presentation.

ENVIRONMENTAL DEFENCE

The Acting Chair: Is the Environmental Defence group available? Great. Come on in. Take a seat. Just so that you know the rules of the road, and you probably do already, you have 10 minutes for your presentation. If you don't use all of the time, then we will use that time for questions. Please state your name for Hansard.

Mr. Aaron Freeman: My name is Aaron Freeman. I'm the policy director with Environmental Defence. I'll try to take you up on your bargain to leave more time for questions and answers.

I'd like to thank the committee and the Chair for the opportunity to address Bill 164. Environmental Defence strongly supports this legislation, which will fill a key

gap in citizens' right to know about the health and environmental impacts of pollution. My remarks will focus on the bill's ability to inform Ontario residents about pollution releases as well as the toxic chemicals found in everyday products.

Environmental Defence, through our Toxic Nation program, which is www.toxicnation.ca, has conducted some of the only testing in Canada of toxic chemicals in people's bodies. We tested families, ordinary Canadians and high-profile celebrities and elected leaders, including the federal ministers of environment and health, and we're currently testing the party leaders of the three major parties in Ontario.

The chemicals we test for are found in products that we use and consume every day. We test for pesticides found in food; brominated flame retardants found in computers, mattresses and clothing; PCBs found in solvents and industrial machinery; perfluorinated compounds found in stain repellents and non-stick cookware; phthalates found in nail polish, children's toys and blood bags; and metals like lead, cadmium and mercury found in the air we breathe.

Some of our findings would be instructive and highlight the need for Bill 164. In one of our studies, the study we conducted on families, if you look across that and the other studies that we've conducted, there were 54 carcinogens found as well as 37 hormone disruptors, 21 respiratory toxins, 53 reproductive and developmental toxins and 33 neurotoxins. In some cases, these chemicals were found at levels that we know are unsafe. For example, David Masty, the chief of the Whapmagoostui First Nation, had mercury levels that were 2.5 times the "alert level" established by toxicology labs.

From generation to generation, levels of certain chemicals that we've taken regulatory action on, like PCBs, are going down. We found lower levels of these substances in children than in their parents. But for persistent and bio-accumulative chemicals that we have yet to take meaningful action on—these are things like brominated flame retardants and perfluorinated compounds—we found higher levels in children than in their parents.

Bill 164 is based on a citizen's right to know. Other jurisdictions, including California, Vermont and Europe, have comparable legislation because these jurisdictions have recognized that with the variety and high levels of pollution in our bodies, citizens have a right to know who is producing this pollution, and where.

In order to make informed policy decisions on pollution, we need to know where it's coming from. Without the disclosure provisions in Bill 164, we will be blind to many of the sources of pollution while still having to deal with the effects in terms of increased rates of disease and death, and the economic costs to our health care system as well as from worker absenteeism.

Environmental Defence is a co-founder of the PollutionWatch campaign. Through our website www.pollutionwatch.org, we track pollution in Canada right down to the neighbourhood level. People can enter their postal codes and find out where the point sources are, near their homes, of pollution in Canada.

Currently in Canada, the only pollution disclosure system we have is the National Pollutant Release Inventory. While the NPRI provides a much-needed level of reporting, it only tracks 321 chemicals, and many carcinogens are not included on this list. In addition, NPRI deals only with large facilities, those that release more than 10 tons per year and employ more than 10 people. What this means is that in Toronto, for example, only 3% of the facilities that handle toxic chemicals report to the NPRI.

The small and medium-sized facilities that are left out of NPRI account for a huge portion of pollution. To take just one slice of this sector, according to the US Environmental Protection Agency, 35% of air pollution comes from auto body shops, dry cleaners, printers and small factories. In Canada, virtually none of these facilities report under the NPRI, despite that fact that IARC specifically lists many of these activities under the "Exposure Circumstances" for known, possible and probable carcinogens.

Bill 164 is badly needed in Ontario. It will allow governments, businesses and individual citizens to make more informed decisions about avoiding toxic chemicals. But, even more important, it's about our right to know. Thank you very much.

0940

The Chair (Mr. Ted McMeekin): Thank you very much. We got started about three minutes late. I apologize for being three minutes late. But thank you to Ms. Mossop for getting us kicked off here.

We have about three minutes. Why don't we start with Mr. Tabuns.

Mr. Peter Tabuns (Toronto-Danforth): Aaron, thank you very much for the presentation. In the United States, proposition 65 carries forward many of the things that we want done in this legislation. Can you tell us how effective proposition 65 has been in terms of getting cancer-causing chemicals out of consumer products?

Mr. Freeman: I should mention one other thing, which is that my remarks today are available from the clerk.

Proposition 65 in California has a similar structure to Bill 164. It has had a tremendous impact, not only in terms of giving consumers information that they need about the products they're buying off the shelf, but it's also had a deterrent value. Manufacturers and retailers

who sell products to consumers have made decisions based on that law, in effect to have safer products on the shelf. So rather than having to label products as containing carcinogens, they prefer to market other products or to take those carcinogens out of their products. So that's had a tremendous impact, not only in terms of informed consumer choice but also in terms of affecting the market itself in getting cleaner products onto the shelves.

The Chair: Thanks very much, Mr. Freeman.

TORONTO CANCER PREVENTION COALITION

The Chair: We'll go right to the next speaker, the Environmental Health Clinic—Nancy Bradshaw. I'll just explain that we're going to try to catch up because by regulation we have to be out of here by 12 for two votes on private members' legislation. So please come forward, Ms. Bradshaw.

Ms. Nancy Bradshaw: Today I'm actually representing the occupational and environmental working group of the Toronto Cancer Prevention Coalition, of which I am co-chair. I'm just going to read this.

The Toronto Cancer Prevention Coalition's occupational and environmental working group urges the Legislature to adopt Bill 164, also known as the Community Right to Know Act.

Bill 164 will help to ensure that members of the public have access to information on carcinogens and other toxins that are present in consumer products and in Ontario's air, water and soil through labelling commercial goods or services that contain a known or suspected carcinogen and ensuring Ontario residents have access to a comprehensive provincial pollution inventory.

With the growing evidence and public concern about global warming and the increasing amount of toxic chemicals in our air, water and soil, Ontarians are asking for their government to take action to improve the environment and create healthier communities for themselves and their children. In a poll by the Globe and Mail and CTV news taken earlier this year, Canadians said that the environment is the most critical issue facing the country, with 61% rating toxic chemicals and human health as the most threatening issue.

These concerns are valid. Every year, approximately 1,700 Toronto residents die from health complications related to poor air quality. Recent data from the Ontario Medical Association estimate that between 2000 and 2026 annual smog-related premature mortality in those over the age of 65 is expected to increase by almost 4,000. Clearly, we need better protection from these toxic chemicals to protect our health and the health care costs associated with pollution.

Current regulations do not provide the protection needed. At least nine of 10 known human carcinogens are found regularly in Toronto's air. In 2003, Ontario regulations allowed over 7,000 tonnes of hazardous chemicals to be released into Toronto's air, land and water. Many of these chemicals are toxic to humans, with

many known or suspected to cause cancer, damage mammalian/human reproductive, respiratory and neurological systems, and disrupt hormone balance and normal growth and development in children.

In Toronto, there are over 40,000 facilities using and releasing toxic substances. A recent case study conducted by our working group revealed that in the south Riverdale-Beaches neighbourhood of Toronto, only 11 of 115 companies suspected of releasing chemicals carcinogenic to humans reported their releases. Ontario residents need more information about the sources of these toxic exposures to enable them to take action to protect themselves and their families. Bill 164 will help provide this critical information.

A Community Right to Know Act in Ontario would benefit Ontario residents by: strengthening environmental protection; stimulating pollution prevention activities by industries and governments; supporting emergency planning and preparedness; and improving our understanding of health and environmental risks.

All of these activities will contribute to healthier and safer communities throughout Ontario.

Community right to know laws and programs have been identified as best practice in cancer prevention and environmental protection by the National Committee on Occupational and Environmental Exposures, among others. Community right to know bylaws have helped citizens and workers worldwide reduce the level of toxic pollutants in their communities and workplaces. For example, in Massachusetts, where community right to know legislation has been a fixture for 17 years, there has been a 41% reduction in the use of toxic chemicals, a 65% reduction in toxic chemical waste and a 91% drop in emissions from toxic chemicals. The economic benefits of the program outweigh the costs by 18%.

We know that adopting a legislative strategy to introduce community right to know legislation and to promote safer alternatives to toxic chemicals will require vision and leadership. It is a strategy that will impact many different ministries—health, labour, environment, agriculture and transportation, among others—and so requires the attention of the leaders of our political process. We believe it is a strategy which will be well received by Ontarians and provide lasting and concrete benefits to our health, our environment and our economy.

For these reasons, we recommend that Bill 164 be part of this session's legislative agenda, so Ontario can become a leader in pollution and cancer prevention. Thank you.

The Chair: Thank you. We have about two, two and half minutes. We'll go to the government side.

Mr. Vic Dhillon (Brampton West-Mississauga): Thank you, Ms. Bradshaw, for your presentation this morning. I think we all agree with the intent of this bill. One of the concerns that we have is about whether this is doable. Part of that stems from the fact that the federal government, which is in charge of labelling and health hazard concerns, has already begun work on this, and duplication is a big concern. Don't you think we should

continue along those lines and let the federal government do its work so that it can benefit the entire country as opposed to just Ontario?

The Chair: You have about a minute.

Ms. Bradshaw: Okay. I think what Ontario could do would be to augment what is happening at the federal government. I see an opportunity for Ontario to provide—I don't know if it will be additional legislation, but other legislation that would augment what's happening at the federal level. Certainly from looking at our neighbourhoods and the point sources of pollution in Ontario, again, through the Ontario government, we could be looking at taking specific actions that aren't happening federally.

The Chair: Thank you very much.

0950

TORONTO WORKERS' HEALTH AND SAFETY LEGAL CLINIC

The Chair: From the Toronto Workers' Health and Safety Legal Clinic. If I can ask you, sir, to introduce yourself for the record, and I think you know how the process works. Good morning.

Mr. Daniel Ublansky: Good morning. My name is Dan Ublansky. I am the lawyer-director of the Toronto Workers' Health and Safety Legal Clinic. Our clinic is also a member of the coalition that Nancy referred to, the Toronto Cancer Prevention Coalition. We are a community legal aid clinic funded by Legal Aid Ontario. We provide legal advice and legal representation to unorganized workers in Ontario on health- and safety-related matters. We are also involved in law reform activities and community outreach activities. That's what brings me here this morning rather hurriedly. I had a call last night that this spot had opened up. I didn't make the A list, so I didn't have a chance to prepare as thoughtful a document as my two colleagues have, but certainly I support the positions they've taken and we, as a clinic, support community right to know.

It just happened that I was reading an article in the New York Times yesterday morning, and it struck me, although it doesn't quite fit the parameters of this bill because the chemical involved wasn't a carcinogen, that it illustrates the importance of community right to know from the worker's point of view. My colleagues have already indicated that one of the principal spinoff benefits from community right to know legislation has been substitution, and that brings to focus the point that the pollutants that affect the community originate in the workplace. The exposures that people in the community get are a small fraction of exposures that people in the workplace get. So with benefits of substitution for the public, the multiplier effect is considerable for the workers who are involved in producing these products.

What the story in the New York Times is talking about is a chemical that was an additive in food products that led to respiratory disease among the workers who were producing it. This is something that was discovered seven

years ago, and the story is that in the seven years since, unfortunately in the US—and there are lessons to be learned here as well; I'm not so sure that things would have been that much different here—on the occupational health and safety front, virtually nothing has been done either to protect the workers who are producing this product or the community at large who are consuming the products that contain the additive.

To me, this is a perfect illustration of what good can come from information. People need to know what they're eating, what they're using to clean with, all of the various products that are out there for consumers to use that contain chemicals that are dangerous. People need to know that. People need to make informed choices. That's really what community right to know is about and, as I said, through those choices, everyone benefits, both the people who produce the products and the people who use them. That's really all I have to say.

The Chair: Thank you. We have four minutes. I'm going to suggest that we split two and two here. Opposition, please.

Ms. Laurie Scott (Haliburton–Victoria–Brock): Thank you very much for appearing here on short notice. I appreciate that you prioritized us to come in on short notice. And I thank Mr. Tabuns for his bill about the community right to know, because we all need to know more about what carcinogens we could be exposed to.

You mentioned a couple of things. Basically, the benefits are substitution so industries, etc., are made more aware and substitution comes, and we're all healthier for that. It was mentioned earlier—and I'm sure you're aware—that the federal government, Health Canada and Environment Canada, is amassing information. I think it's a fast track of 500, and as they are approved, they are checked off.

Mr. Tabuns's bill today says Ontario should take the lead. Do you feel that Ontario should have its own list of known carcinogens as explained in the bill or do you feel that it should be more of a consultative nature with the federalists? I guess what I'm asking is, is it better to have us all on the same national page? I know we're living in a global world. California has been mentioned as doing—I forget the bill there, but the California bill. Just to comment on that, I'll only ask one question and let Peter ask the rest.

Mr. Ublansky: I've been around for a long time, and I've been doing this for a long time. My answer to those kinds of questions tends to be, I always like to try to have the best of both worlds. In previous similar-type situations what I've always advocated is: Yes, I understand the benefits of avoiding duplication, so yes, there is much that we can gain from other jurisdictions. But I would never preclude the opportunity for Ontario to do better. If information comes to light that isn't being acted on in other jurisdictions, I think Ontarians should have the opportunity to say to their government, "We want you to do better." So I think that there should be room for both.

The Chair: Mr. Tabuns?

Mr. Tabuns: It's interesting to hear the statements from the government side on this, because these are essentially the arguments I heard when we were fighting against second-hand smoke in the 1990s. We in city governments were told, "Wait for the province to deal with it." In the end, it was the cities that took the lead and the province that followed. Here we have an opportunity for the province to lead and have the federal government follow. Do you think Ontario should be a leader?

Mr. Ublansky: Again, unfortunately, I've been around for 30 years and I remember when Ontario was a leader. I remember when we used to pride ourselves on the fact that we were leaders: 20 years ago, we would never look at Alberta and say, "Wow, we've got to catch up with Alberta. They're doing a great job out there." This is something that was unheard of 20 years ago. I don't know how things changed, I don't know why things changed, but in answer to your question: Absolutely, we should be the leaders.

The Chair: Thank you very much.

1000

REGISTERED NURSES' ASSOCIATION OF ONTARIO

The Chair: We'll call on the Registered Nurses' Association of Ontario. Welcome. It's good to see you again. For the record, introduce yourselves, and I think you know how it works.

Ms. Doris Grinspun: Good morning. Thank you so much for having us address the committee on this very important piece of legislation. My name is Doris Grinspun, and I am the executive director of RNAO, the Registered Nurses' Association of Ontario.

As nurses, we are engaged in health promotion, disease prevention and illness care. Our goal is both to keep Ontarians healthy and care for them when they are sick. Nurses are deeply concerned about the impact of the environment on human health. We know that to keep our population healthy, we must reduce our exposure to toxins. We support Bill 164 because this bill would consolidate and enhance existing rights to know about hazards in both consumer products and in pollutant releases under current legislation.

Through changes to the Consumer Protection Act, Bill 164 would allow consumers to make informed choices and would act as an incentive to manufacturers to remove toxins from their products. Is it enough? No, we don't think so—and we will speak about that—but it's a step in the right direction. Bill 164 would also require the Minister of the Environment to maintain an up-to-date and publicly available inventory of pollutants. The legislation would ensure that Ontarians are able to access information about their exposures to pollutants and about the associated health and environmental risks. Finally, Bill 164 would amend the Occupational Health and Safety Act to strengthen the requirements to provide information to the local fire department on hazardous materials in the workplace.

The community right to know is an essential component of a program to protect human health and the environment from toxic substances. Indeed, it is the first step in the right direction. Nurses urge the Ontario government to develop a plan to get toxins out of the environment to help our citizens avoid environmental diseases. Such a plan should include regulation, technical assistance and incentives via subsidies and taxes. An essential first step, as we said, for our government to take is better access to information about toxins and pollutants. Bill 164 would take that important first step for Ontarians.

The environment, as we know—and it has become a trend, so we know it more and more—is a major determinant of health. Nurses have known it very long. People flourish best when they live in clean, green environments. Evidence linking the environment to health outcomes is well known, and it has been well known for many years. In developed regions, environmental factors accounted for 17% of deaths. Research suggests that occupational exposures alone account for 10% to 20% of cancer deaths. Even more disturbing, international and Canadian evidence shows that these negative impacts are experienced more frequently by lower-income people. Again, they are receiving double, triple and more whammies. Thus environmental protection is not only a matter of health but also a matter of social justice. Protecting Ontarians from toxins and pollution will decrease suffering and spending for illness care, so it is also a good economic measure.

We know that conditions such as asthma, cancer, developmental disabilities and birth defects have become the primary causes of illness and death in children in industrialized countries, and we know that chemicals in the environment are partially responsible for these trends. Recently, tests have shown that Canadians have many hazardous chemicals in our bodies—in fact, all of us around this table do—including known or suspected carcinogens, hormone disruptors and neurotoxins. How can we be sitting here, knowing that—actually, some of those are well known—yet allow them in our environment?

There is a great urgency to act to protect the health of Ontarians and of our children. RNs want to see large margins of safety built in to accommodate the much greater vulnerability of children to toxins. RNs also want to see the province use the precautionary principle in relation to potential hazardous materials and shift the burden of proof regarding chemical safety from regulators to the industry.

The first step to protect health is to have the information we need on hazardous materials publicly available. Many jurisdictions recognize the community right to know, including, in the US, California, New Jersey, Massachusetts. And of course we know of the advanced progress in the European Union.

Codifying this right in Ontario legislation will enhance transparency and accountability—we do speak about accountability, so let's move on this—and bring a number of benefits, including:

- facilitating policies to control exposure and risk;
- empowering communities to take steps to protect themselves from local environmental risks;
- allowing individuals to make informed choices about the products that they consume;
- facilitating assessment of risk to health and the environment due to exposure to multiple substances;
- facilitating diagnosis of environmentally related diseases and research into environmental origins of disease by comparing geographical patterns of disease, patterns of exposure and socio-economics;
- strengthening emergency preparedness;
- and, may I say, empowering the public to actually know what legislation, what policies and what platforms they're voting on in the future, both provincially and nationally.

As with any change, there will be costs associated with this bill. However, as nurses always say, we either pay upstream, in prevention, or we pay downstream, in illness care.

The Chair: So you were the ones who said that. I always wondered where that came from.

Ms. Grinspun: Absolutely, we did.

Two examples from the United States will be helpful to us. The two jurisdictions implemented right-to-know legislation with positive outcomes. One is, of course, California, where right now legislation has resulted in removal of hazardous materials from consumer goods. The other is Massachusetts, where legislation incorporating community right to know has been very successful in reducing toxic emissions.

Community right to know must be a non-partisan issue, and we urge all parties to support Bill 164. It is a right that has been recognized in many jurisdictions and forms an essential part of effective programs to reduce exposure to toxic materials.

We would suggest two amendments which we believe will strengthen Bill 164. The first is to add to the pollutant inventory any other data and reports that the Environmental Commissioner of Ontario decides are appropriate. This will ensure that the inventory can continue to evolve with our understanding of the interaction between the environment and toxins. The second is to clarify section 4.1(3) to ensure that the pollutant inventory is searchable by facility. This will ensure that we have ready access to important information about multiple risk factors in our communities.

Thank you again on behalf of the nurses of Ontario for this opportunity to speak to you about this very important bill. We ask the members of the committee to support it through third reading.

The Chair: Thank you, Ms. Grinspun. You're about 30 seconds over, so there's no time for questions.

Ms. Grinspun: But that's because of your comment, sir. Be it noted.

The Chair: Very good. Bless your heart. Was I 30 seconds?

Mr. Tabuns: Absolutely.

1010

CANADIAN COUNCIL
OF GROCERY DISTRIBUTORSFOOD AND CONSUMER
PRODUCTS OF CANADA

The Chair: We'll move to the Canadian Council of Grocery Distributors, please.

Ms. Kim McKinnon: Good morning. I'm Kim McKinnon from the Canadian Council of Grocery Distributors. Thank you for having us here. I'm here with my colleague Gemma Zecchini, who will introduce herself in a moment. Just so you know who we represent, we are the grocery retailers and grocery and food service distributors in the province and in the country, so we represent about a \$70-billion business Canada-wide and about \$30 billion in the province of Ontario.

Ms. Gemma Zecchini: Good morning, ladies and gentlemen. I appreciate the opportunity to come here today to talk about issues of importance to Canadians' environmental and health policy.

Today you're hearing a number of presentations that are providing you with various options on how to best safeguard the health of Canadians, and what I want to do in the five minutes that I have available to me today is to give you some appreciation of the current health and safety framework for food and consumer products in Canada, but also to talk about what is happening at the federal level, which I think is quite groundbreaking and has some implications for the work of this committee.

What I will ask you at the conclusion of this presentation, and I'll ask you now—and just so that everybody knows, I'm actually going to restrict my comments to the labelling provision of this bill; I'm not going to purport to speak to the other measures. But before going forward with the labelling measures in this bill, I would encourage this committee to do some further study on what's happening at the federal level and in particular to look more closely at the chemical management plan at the federal level and look at where there might be some gaps or opportunities for this body to provide some input at the federal level, if there are gaps and concerns, so that we can close those for all Canadians and we don't end up with a patchwork of regulations throughout Canada.

A couple of things: My package tells you who I am and whom I represent. We put about 75% of what's on grocery shelves into the marketplace and we're governed by about 442 pieces of legislation, at last count, and about 4,000 regulations. So we're no stranger to regulation. I'm not going to spend any time on that and I'm not going to spend any time on the past, but I really would like to talk a little bit about what's happening in Ottawa today.

There's a lot of groundbreaking work going on there in terms of assessing safety benchmarks. Just this past September, Environment Canada and Health Canada finished an analysis of over 23,000 substances to

determine which ones present a hazard to human health. Out of those 23,000, they found that there are about 4,300 that needed further in-depth evaluation. And out of those 4,300, there were about 500 that needed to be fast-tracked for priority evaluation over the next 36 months because there are significant concerns about their hazard, either to health or the environment. Many of those 500 fast-tracked substances are the ones that you will find on the IARC monographs which form sort of a reference point for this bill.

The system is already starting to work. Let me give you one example. I think my colleague from Environmental Defence mentioned stain repellents and flame retardants. As a result of the chemical management plan and the CEPA process in Ottawa, those two substances are already subject to regulation. There is a bill before the House called Bill C-298, and it's going to place certain substances on what's called the "virtual elimination" list, essentially prohibiting their use in Canada. There is a wide variety of other substances currently undergoing rigorous evaluation under this chemical management plan to determine what hazards are being posed to human health. Let me just tell you what that process is about.

When all of that work is done, one of three things is going to happen. Either the chemical or substance is going to be determined to be safe for use, or it's going to be determined to be unsafe and needs to be eliminated from the marketplace. In both of these cases, if you think about the labelling provision, there is no need for cautionary labelling; it's either safe or not safe. In other cases, substances are going to be limited to specific doses, quantities or applications, and the federal government has a wide array of tools to make sure that this happens. Those include legislation and regulations. There are other enforcement measures. They can require manufacturers to communicate with consumers via labelling or other means. This process will also drive substitution, because I've heard a lot about substitution today. So if you're in that grey zone where you need to be circumscribed with respect to dose or application, you're going to try your hardest to substitute, if substitutes are in fact available.

A key part of this process is transparency. Every Canadian will have a right to know what the safety profile of an ingredient is as this process goes on. This chemical management plan I think is much more protective of human health than any system that could be built on the IARC monographs. That's not to say that the IARC monographs aren't important, but they weren't meant to address safety thresholds for the use of substances. So while the federal government is using the IARC monographs as an important source of information, they are also looking at potentially hazardous substances from a wider perspective—not just whether or not they are carcinogens, but also whether they are mutagens or whether they pose a risk to reproductive and developmental toxicity.

So where do we, as industry, come in in this whole process from Ottawa? Ottawa has powers to compel in-

formation. At the moment, Ottawa, under this chemical management plan, is using powers under section 71 of the Canadian Environmental Protection Act, going out and asking industry—there are mandatory disclosure requirements for those substances that are on this hot list of priority substances. What we, as industry, need to do to comply with section 71 is set out what substances we're using, how much we're using, how they are used, in what products and how they're distributed throughout the supply chain. This process is designed to ensure that the priority evaluations are completed quickly, with the utmost scientific rigour and comprehensiveness.

We suggest that one of the primary objectives, particularly of the labelling provisions of Bill 164, which is the protection of consumers from cancer-causing agents, is better achieved on a national scale by Environment Canada and Health Canada rather than through a patchwork of provincial regulations. We're concerned that Bill 164 is limited to warning consumers about carcinogens without providing them with information about the conditions of use or dosages that lead to harmful effects. There is a well-known axiom that says it's the dose that makes the poison. Transferring the risk entirely to consumers under a right to know without providing context and information, I would say, is not what Canadians are expecting from their legislators.

As somebody around this table has already mentioned, having the provincial government make these complex determinations requires significant investment to develop the needed scientific expertise, and this expertise and these resources are currently invested in Health Canada.

To summarize, there is a national process under way. It will meet some, if not all, of your objectives. I would encourage you to look into that and identify where you think that process could be strengthened so we can make a difference and so you can make a difference for all Canadians, not just the ones who live in Ontario.

Thanks for your attention.

Ms. McKinnon: Thanks, Gemma.

My comments were just going to be summary in nature; that is, that the retailers in Ontario strongly support the CEPA process and the work currently being done with Health Canada and Environment Canada, as explained by Gemma. We strongly support the protection of the consumer and our employees, and food safety is the number one priority for our business. We are highly engaged in the national process at the moment. Resources have been put toward analyzing the products and the environmental concerns that have been outlined in the CEPA process. We are dedicating our resources to make this happen, and we believe that if we allow it to unfold, the objectives of Bill 164 will not only be achieved but be strengthened by this detailed scientific approach that is under way federally.

We would like to say to you—we are already engaged in the process—that if there's anything we can do to bring the province and the federal government together to initiate a group that can work toward achieving Ontario's objectives in harmony with what the feds are trying to achieve, we would be very happy to do that.

The Chair: Thank you very much. That consumes your time.

RETAIL COUNCIL OF CANADA

The Chair: We will move on to the Retail Council of Canada. Welcome. It's good to see you again. I suspect that not everybody knows you, so could you identify yourselves for the record, and then I think you know how the process works.

Ms. Ashley McClinton: Yes. Thanks, Ted. Good afternoon. No, good morning—I guess it's a long day already. My name is Ashley McClinton. I'm the director of government relations in Ontario for the Retail Council of Canada. I'm accompanied by a colleague, Rachel Kagan, our national manager of government relations on issues with respect to the environment.

On behalf of Rachel and our members operating in the province, thanks for the opportunity to appear before you today. We will try to move through our remarks quickly so we have some opportunity for questions at the end.

1020

RCC has been the voice of retail in Canada since 1963. Our members represent all retail formats: department, specialty, discount and independent stores, and online merchants. While we do represent large mass-merchandise retailers, the majority of our members are in fact small independent merchants. Over 40% of our membership is based right here in Ontario.

Speaking briefly about the contribution of the retail industry, I would note that it's the province's second-largest employer, with more than three quarters of a million employees in the province. It's actually a little-known fact, but we rank right behind manufacturing. In terms of scale, we're well ahead of the health care sector, the tourism industry and others—so just a huge industry in terms of employment. In addition, the retail industry had more than \$140 billion in sales in Ontario last year and has over 85,000 storefronts in the province. It's truly an industry that touches the daily lives of most Ontarians.

With respect to the business before the committee today, we're going to restrict our comments to the proposed amendments to the Consumer Protection Act. That's the provision that proposes to require suppliers to warn consumers about possible exposure to certain toxic substances through labelling or other means.

Retailers, as sellers, importers and brand owners of products, and as the touch point for both consumers and manufacturers, have a significant stake in this proposal. Indeed, our members are strongly committed to product safety and strict measures to protect human health. However, we are concerned that the act pre-empts national safety standards and, if passed, would place our members in an untenable situation.

I'm going to turn it over to my colleague to speak to the first point.

Ms. Rachel Kagan: As Ashley mentioned, the health and safety of consumers is of the utmost concern for retailers. From our members' perspective, the top priority

is to be assured that the products they sell are safe. That is why RCC and our members support the comprehensive and systematic review of chemical substances currently being undertaken by the federal government. In our view, this is the first and essential step.

As part of the Canadian Environmental Protection Act review, Health Canada and Environment Canada are drawing on unprecedented resources and scientific expertise to determine the safety threshold for over 23,000 substances currently in commercial use in Canada. In fact, under this review process, substance assessments are not limited to determining potential harm to human health. Substances are also being investigated for potential harm to the environment.

The prospect of setting a parallel and redundant system in place in Ontario, as is proposed by Bill 164, is of deep concern to us. Amending the Consumer Protection Act as Bill 164 proposes would set a precedent that other provinces would be likely to follow. This would result in a patchwork of provincial precautionary labelling regulations which would potentially conflict with each other and the federal program. Retailers run businesses that cross provincial boundaries. It is administratively costly and in some cases operationally unfeasible to implement different types of programs. Further, potential conflicts between Ontario labelling requirements and federal findings of safe substance levels in products would be very confusing for consumers.

For these reasons, we urge you to support the creation of a national set of standards designed to protect both human health and our environment from harm.

Ms. McClinton: Thank you, Rachel.

Before we take your questions, I want to address why the passage of Bill 164 would be additionally problematic for the retail industry. As Rachel mentioned, our members' number one priority is to be assured that the products they sell are safe, and we want to mitigate any risk associated with consumer products. However, Bill 164 does not propose to reduce risk, but rather to warn against it. We have grave concerns about the implications that such an approach would have if implemented at the provincial level.

Currently, there is no legal mechanism in place requiring vendors to supply retailers with the contents and concentration of toxic substances that may or may not be contained in products. This issue can be even more problematic when retailers are dealing with international suppliers. While this is of particular concern to small independent merchants who are selling and importing products, it's also of concern to mid-size and large retailers who are brand owners themselves. Retailers with private-label brands do not necessarily produce this merchandise themselves, but may simply market and sell it to consumers. So retail brand owners who do not produce their private-label products may not always be aware of the chemical formulas and ingredients that comprise them. For example, the information may not be shared owing to proprietary patents, and retailers have no means of forcing the producer to reveal that information

to them. So this proposed act would place retailers in a situation where they're doomed to fail and thereby incur the legal and administrative costs associated with failure through no wrongdoing on their part. As a result of these issues, we respectfully request that the committee not permit the act to proceed.

Thank you again for your time today, Mr. Chair, and we would be happy to take any questions that committee members may have.

The Chair: Thank you very much. We have about three minutes, four if I stretch it, working on the two-two principle. We'll start with the government and then go to the opposition.

Mr. Jeff Leal (Peterborough): Thanks very much, Ashley and Rachel, for your presentation today. My question is, has the Retail Council of Canada commissioned a study to look at the economic and practical aspects of Bill 164?

Ms. McClinton: No, we have not. But certainly we know it would be devastating to do labelling such as this at the provincial level. First of all, as we mentioned in our presentation, our number one concern and priority is to ensure that products are safe. We feel that the CEPA review being undertaken at the federal level is doing exactly that. If labelling were to be one of the recommendations or outcomes of the CEPA review, that's something we could look at. But we certainly still feel that that should be undertaken at the federal level, because having different labelling requirements for different provincial jurisdictions would not only be unfeasible, it would also be extremely confusing for consumers to have a warning in one province and not in another.

Mr. Leal: Just a quick follow-up question to Ashley: Would you see it perhaps beneficial if the Ministry of the Environment in Ontario initiated one of these studies to look at the practical and economic aspects and to review the federal position to date on this particular issue?

Ms. McClinton: Offhand, I would say that those resources may be redundant, because the resources exist at the federal level right now through Health Canada and Environment Canada, not only infrastructure-wise but also information-wise. We think they're in the best position to undertake this kind of study.

Mr. Leal: The reason I ask the question is that there are 103 members in the Legislature. Members of this committee are obviously getting full details on this issue, but our colleagues might perhaps benefit by having the broadest and most detailed information possible on this particular topic, because we're all concerned about the environment.

Ms. McClinton: Our only concern is what it would mean for both consumers and the industry that needs to implement the outcome of that if the conclusions differed or conflicted at all.

The Chair: Ms. Scott?

Ms. Scott: I'll try to be quick and ask about labelling, because products now come here from all over the world, right?

Ms. McClinton: Yes.

Ms. Scott: How does it work now, and how would it work if Ontario had a separate law? Are there stickers? Can you answer that?

Ms. McClinton: Right now, in terms of labelling, that onus does not typically fall on our membership. For this issue in particular, when it comes to product ingredients or concentrations of levels in products, our members are not in a position to label because they have no means of actually knowing what's in the products. So that question may be more appropriately dealt with by the manufacturing sector.

The Chair: Thank you very much.

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

The Chair: We will move to the Canadian Environmental Law Association, please.

Mr. Richard Lindgren: Good morning, everybody. I would like to start by thanking the committee for this important opportunity to speak to Bill 164. My name is Richard Lindgren. I'm a staff lawyer at the Canadian Environmental Law Association. We were founded in 1970, and our mandate is to use and improve laws to protect the environment and protect public health. So we basically represent individuals and citizens' groups in the courts and before tribunals on a wide variety of environmental matters.

I would say that we've been very active over the years in pressing for the adoption of right-to-know principles at every level of government: municipal, federal and provincial. We've been an active member of many of the coalitions you've heard from already, and that's why I'm here today to express our support for Bill 164. It's our view that if this bill is passed, it would give us new tools and new information that we can use to protect our clients in the communities we represent. Therefore we're recommending speedy passage of this bill.

1030

I've prepared a short brief that I have distributed to the clerk. You'll be relieved to know that I don't intend to read it—I don't even intend to refer to it—but it's there for your leisure reading, perhaps. I can tell you that it's quite a scintillating read.

I did some reading on my own in preparation for this testimony today. I had an opportunity to look at the second reading debate on this bill. It was quite interesting. I noticed that some members raised certain legal or constitutional concerns about the ability of this province to pass Bill 164. I would have to say, as a lawyer and with all due respect, that there is no legal or constitutional constraint on the ability of the province to pass Bill 164. Right to know, environmental protection, public health protection are not exclusively the jurisdiction of the federal government. Those matters are subject to shared or concurrent jurisdiction. It's certainly clear and open to the province of Ontario to do what it has to do, or what it wants to do, to protect public health

or the environment. The real question, in my view, is not whether or not the province can pass the bill. It's essentially a political question—a matter of policy, a matter of political will: Should the bill be passed? We say the answer to that question is yes.

I've heard some discussion this morning about the possibility of perhaps deferring to the federal government and letting these things get sorted out during the current CEPA review process. I'm not prepared to make that recommendation. We've been involved in the CEPA process since CEPA was first enacted over 20 years ago. We've heard people saying, "There are 23,000 chemicals on the domestic substances list, and we're going to systematically go through them," and all the rest of it. Do you know what? That list has been around for over 20 years. At this point in time, a mere handful of substances have actually been assessed and regulated. It appears to me that the federal government is moving at glacial speed, and the track record inspires no confidence whatsoever that we're going to see any timely or effective action at the federal level to deal with the issues that are addressed in Bill 164. So I say it's open to the province to be a leader, and it should be a leader. Let's not defer to the feds at all.

I'm also mindful of the fact that we want to coordinate with the federal initiative. We want to avoid overlap, but let's get our own house in order. Let's lead the parade and not just tail at the very end.

In my remaining time, I'd like to focus on the environmental component of Bill 164. We haven't heard a lot about that yet. I want to speak in favour of the amendment to the Environmental Protection Act. Basically, as you know, that amendment requires the Ministry of the Environment to collect and consolidate a number of existing records and pieces of information and put that forward in a centralized, user-friendly, Internet-based registry. The ministry is also compelled by Bill 164, if passed, to provide public health and environmental information on certain pollutants as may be prescribed by regulation.

In my respectful opinion, that's not a radical reform. That's a modest incremental amendment to an existing law. It simply requires the ministry to take information it already has in different little pigeonholes and mailboxes and make it centrally available to people so they can make informed choices about what they can do to protect themselves, their community and their families. That's not radical, and that's not much different from what other jurisdictions have been doing for years and years across North America. So it's not rocket science. It's doable and it needs to be done.

I'd be remiss if I didn't make mention of the special report filed this week by the Environmental Commissioner of Ontario. You'll recall that Mr. Miller filed a report with the Legislature indicating that the Ministry of the Environment no longer has sufficient capacity to do what it takes to protect the environment and protect public health. In particular, Mr. Miller was critical of the ministry's current capacity to review and update environmental approvals or to conduct environmental inspec-

tions or take appropriate and timely enforcement action. We at the Canadian Environmental Law Association share those views. We think Mr. Miller is right, and to my mind, that makes it even more important to pass Bill 164, so people have access to the information they need to take steps to move proactively to reduce their risks of exposure to potentially hazardous substances.

In closing, I would simply say that in our view Bill 164 is good public policy. It's good common sense and it's just a good law, and it's time to get it passed.

Let me thank the committee for your attention. If I have a minute or two, I suppose I could take some questions.

The Chair: You've got about two and half minutes, and I'm going to give that to Mr. Tabuns.

Mr. Tabuns: Rick, thank you for that presentation. The two previous presenters have said their number one concern is the health of their customers. If their number one concern is the health of their customers, should they not be supporting this bill?

Mr. Lindgren: I have to confess that's exactly what crossed my mind. They were indicating that they were at a loss to explain what may or may not be in their products. Carrying that one step forward, that means their consumers, the people who ultimately purchase the goods and services, may have no idea. Isn't that the point to be addressed by this bill? Isn't that the issue that we're here to address, which is to make sure that consumers have access to information about potentially hazardous substances in the products they are buying or consuming? To me, it's a no-brainer: I think people need that information.

Mr. Tabuns: Thank you.

The Chair: Do you need any more time? I'll give you another minute.

Mr. Tabuns: If I may, then. I know that in the United States environmentalists and environmental lawyers have said that proposition 65 has had far more effect than any federal legislation in terms of moving suppliers, retailers and manufacturers to cleaning up their products. Do you think that this will have more effect than the initiatives that are being taken at the federal level to deal with toxic chemicals?

Mr. Lindgren: It certainly has that potential, and I'm certainly aware that that's been the analysis of the proposition 65 experience in California. It's gone a long way in motivating industry to change feedstock, to reformulate their products and to otherwise improve their environmental performance. If we get that kind of consequence as a result of passing Bill 164, I say bring it on.

The Chair: Very good. Thank you very much.

CANADIAN COSMETIC, TOILETRY AND FRAGRANCE ASSOCIATION

The Chair: The Canadian Cosmetic, Toiletry and Fragrance Association, please. Gentlemen, if you could introduce yourselves?

Mr. Darren Praznik: Yes, thank you, Mr. Chair. My name is Darren Praznik. I'm the president of the Canadian Cosmetic, Toiletry and Fragrance Association, and my colleague who joins me today is senior vice-president Mr. Carl Carter, who's also a chemist by profession and probably one of the leading experts in personal care product regulation in Canada.

First of all, I believe a copy of our written submission is being distributed, and we've also included a copy of the particular list of substances that are referenced in the bill for your perusal. I think it's an interesting read in putting things into some perspective.

First of all, let me say that, on behalf of the CCTFA and our member companies, we are always very supportive of product safety, health protection and the public's access to solid and sound information about the products they use.

The last time I happened to be before this committee was some years ago in another role, with Canadian Blood Services. At that particular time, the legislature was considering health privacy protection legislation, spent a huge amount of effort in developing the bill and trying to understand the complexities of health care and how a bill like that would affect it. Yet that piece of legislation at that time, if it had been passed as drafted, would've literally shut down the Canadian blood system because of very unintended consequences in the drafting. Fortunately, members of the committee and the Minister of Health, when they realized this, made the necessary amendments. It makes the point very clearly that in areas of complex regulation it is important that legislative committees, in considering bills, appreciate all of the complexities out there so there are not unintended consequences. I want to address those in a moment.

In the brief that we have provided, like many who have been before this committee this morning, our industry is very much regulated by Health Canada. I've tried to give you a sense of the regulatory regime in which cosmetics and personal care products are governed. In fact, our products fall under either cosmetic, natural health product or drug regulations in order to be able to be marketed in Canada. Specifically with respect to cosmetics, the regulatory requirements say very, very clearly that cosmetics cannot be sold if they contain any substance that may cause injury to the health of the user when used as directed or as customary. So we are not allowed, by law, to put products on the market that are harmful to the people who will be using them.

1040

Health Canada spends a great deal of effort gathering information. There is a list of some 500-plus ingredients that are prohibited or restricted in cosmetic products. In fact, that is the same list that is used by the European Community. There's a great deal of international cooperation on the assessment of this information. Consequently, processes are in place within that regulation to both collect data—our products have to file a list of their ingredients and quantities with Health Canada so that they can be checked against that list. As well, if new

information becomes available, they can be adjusted or taken off the market; so that list is available. As well, our industry worked very closely in lobbying Health Canada to introduce the requirements for mandatory labelling of products with ingredients and the introduction of international nomenclature so that no matter where a cosmetic or personal care product is manufactured in the world, we would have a common nomenclature with which to understand the ingredients that were in this product.

I raise that to say that there is already a very extensive regulatory process that uses a great array of information to determine risk and what products should be restricted or prohibited. What we see in Bill 164, although I think well-intended—I don't think anyone would argue that it's necessary people have a right to know—is this very quick bill, I think, trying to get into a complex area. The unintended consequence is the creation of a dual regulatory regime that is not aligned with the federal regulatory regime. In fact, the list on which the warning is based is not really intended entirely for this kind of purpose. If you look at the monographs in the preamble, it indicates that it forms—I've referenced it in the brief—a basis for further study and examination. When you look at that particular list, some of the items that appear on it are things like alcoholic beverages. I think that's on page 2. On the last page you see coffee, and you see things like pickled vegetables, I believe. That isn't to take away from the list. It was a very good list. It's used by Health Canada, it's part of what they base their decisions on, but it wasn't intended for this kind of purpose. So in essence, by creating two regulatory systems, we could see a situation where a particular product is on the market, allowed by Health Canada—that the levels of a particular product are not determined to cause risk to health; otherwise, the product could not be sold—but yet, by using a list which was created for a somewhat different purpose, the government of Ontario could require a warning on the product that this may cause risk or a carcinogen or some warning.

What does that say to the consumer? We all want the consumer to have good information and have the right to know, but I think they also have a right to expect that two levels of government will not be in a position to provide potentially contradictory information because their regulatory regimes are not aligned.

So the point we make to you today very clearly—and we've tried to summarize these arguments in our brief—is that although this is well-intended legislation, I think it is getting into a realm of creating a dual regulatory regime. There are many unintended consequences, and certainly if we saw the level of labelling on a list that wasn't intended for that purpose, would it undermine the question of the value of that warning? That's another potential that needs to be explored.

Our proposal would be that this very valuable issue needs further discussion and contemplation as to how it fits into the overall extensive regulatory work now going on by the government of Canada. We would ask this committee and the Legislature to spend some more time

on appreciating and understanding that complexity and seeing how we can ensure that consumers in Canada really get value out of our regulatory processes that are aligned with each other.

We would also say it's very important, as well—and I speak as a former legislator who spent two years as a health minister in another jurisdiction and 14 years in a Legislative Assembly—that we not create a patchwork of regulation across this country in dual regulation. If we do, at the end of the day, another province may say, "Well, I like Ontario's proposal but I don't like their list." So now I'll have a list of warnings different from Ontario, and we've got Health Canada. What will that say to consumers at the end of the day, if they are getting conflicting information?

That would be the thrust of our presentation. We're certainly open to any questions.

The Chair: We have about two and a half to three minutes, so we'll go to the government side.

Mr. Leal: I'll pose to you the same question I posed to the Retail Council of Canada: Have you conducted any comprehensive studies in terms of the economic and practical aspects of Bill 164? That's my first question. My supplementary is, would you see the value in perhaps the Ministry of the Environment in Ontario looking at this to address some of the thoughts you've expressed to this committee this morning?

Mr. Praznik: Yes, first of all, with respect to the first part of that question, until one sees the regulations that the bill contemplates, which have not been provided in draft form, we would have no idea how to do that kind of assessment. It would be very speculative. But we would suggest that given the importance—I think the member who introduced the bill raises a very good issue that's part of the public debate—given the complexities, a thorough study by the government of Ontario and the appropriate ministries as to how this would fit in, what the need is and all the complexity of it would probably be a very, very good thing to do before this bill moves on to another stage of passage.

Mr. Leal: I just say that we on our side look at this bill, and there are some very important issues that have been raised through this bill. Thank you.

The Chair: Thanks very much.

Mr. Praznik: Thank you very much, Mr. Chair.

CANADIAN FEDERATION OF INDEPENDENT BUSINESS

The Chair: The Canadian Federation of Independent Business. Welcome. I think you know how it works. For the record, I'll get you to introduce yourselves. Then you have 10 minutes here to make your presentation.

Ms. Judith Andrew: Good morning, everyone. I'm Judith Andrew, vice-president, Ontario, with the Canadian Federation of Independent Business. I'm here with my colleagues Plamen Petkov, who is policy analyst for Ontario, and Melanie Currie, also policy analyst for Ontario.

I'd like to start off by saying that Bill 164 is duplicative of work done at other levels of government and is guaranteed to be ineffective. The most recent report of the Environmental Commissioner of Ontario indicates that the Ministry of the Environment and the Ministry of Natural Resources are actually faltering in a number of core functions, such as inspection, compliance, enforcement and monitoring. If they do not have the resources to enforce existing regulations, there's absolutely nothing to be gained by creating additional regulations that they also cannot enforce.

Government regulation and paper burden remain a top priority for the majority of small and medium-sized businesses. Our own data shows that 69% say that's a key issue for them. In fact, here in Ontario, the cost of business is something in the order of \$8,200 per employee versus in the OECD, which is about \$6,800. We cost businesses more with regulation in this province.

Small firms are the group hit hardest by the existing regulatory framework. It is already impossible for small businesses to know about, understand and comply with the countless regulatory requirements from all levels of government. May I remind the committee that the business community in this province is overwhelmingly small: 60% of all the firms in the province don't have any employees and another 21% have fewer than five employees for a total of four in five businesses in the province having fewer than five employees.

Bill 164 will only increase the regulatory burden on these businesses, which will be detrimental to the competitiveness and the overall economic prosperity in the province. But the proposal is an example of bad policy. It runs contrary to the growing demand for less proscriptive and more results-oriented regulation. The fact this bill has made its way past second reading without consultation is more alarming. With one half day of committee hearings and with about the same amount of notice to deputants, we would say that's not enough time for meaningful and serious debate on the legislation.

In the right-hand side of your kit, you will find examples of studies that CFIB has conducted over the last 10 years. We've done extensive work on environmental issues, and we have a new study expected soon. Our environmental studies and surveys reveal that small and medium-sized business concerns about the environment are very similar to those of their fellow Ontarians. Small and medium-sized enterprises have repeatedly stated that environmental protection is a top priority for them, and a great majority of them have already made a great deal of progress on environmental issues.

1050

Small and medium-sized business owners report that they are motivated to protect the environment primarily by their own personal views and concerns—87% of them say that—but not by current regulations—only 12%. Moreover, the fear of future regulations appears to be the least influential motivator for environmental change. The genuine concern that small and medium-sized enterprises show for the environment and the strong impact their

own beliefs have should not be ignored or underestimated when planning the most appropriate action for environmental protection in the province. Please refrain from politically expedient but highly detrimental policies that will squander this goodwill, muddy the waters in terms of which level of government is responsible for what and make it more difficult for businesses to succeed in this province. A final word to committee members: Legislate in haste; repent at your leisure.

My colleagues may wish to add some extra examples. I would just like to bring one issue forward. CFIB participates in the Small Business Agency of Ontario. That agency has worked on a number of different projects to deal with the regulatory issues that small businesses face. This was a commitment that the Premier made, and in fact all the parties professed themselves to be concerned about the regulatory burden on small business before the last election.

One request that went forward was for the Ministry of the Environment to do a package, a kind of bundle of regulations that apply to business so that at least there would be better communication of the requirements to the small business sector, the majority sector in the province. Word came back that the ministry was too busy to do that. This is very distressing. We would like to see some practical initiatives to enforce, and help people comply with, existing regulations, rather than just piling on more things that also will not be dealt with.

Plamen or Melanie, did you want to add something?

Mr. Plamen Petkov: Basically, just to further emphasize this point, Judith: The message that we get from all members is very clear: Small businesses care about the environment, small businesses protect the environment and small businesses have already done quite a lot to ensure that their business activities do not leave their mark on the environment. But at the same time, we hear that small businesses are overregulated, and on the other hand, we also see that the government, especially the Ministry of the Environment in this case, is struggling to enforce regulations that are already existing. So is it really good sense to introduce additional regulations to this?

It was clearly stated in the Environmental Commissioner's report two days ago that the Ministry of the Environment is really struggling to enforce regulations. They don't have enough resources. I guess the real question here comes down to notification versus reduction and elimination. It's a good thing to make a label and to put it on a product to notify consumers what's in this product, but at the same time, this doesn't ensure that these toxins will get out of the environment.

The Chair: Okay, thank you very much.

Ms. Andrew: We'll take your questions, if there is time.

The Chair: We do, actually; thanks for leaving us some time for that. We have about three minutes and we'll go to the official opposition.

Mr. Norm Miller (Parry Sound–Muskoka): Thank you very much for your presentation today. Particularly

as the critic for the Ministry of Natural Resources, I appreciate your highlighting the Environmental Commissioner's report, how they aren't able to carry out their core functions right now. That was pointed out by the Environmental Commissioner's report.

My background before being a politician was 30 years in a medium- to small-sized business, so I completely agree with your message about business, especially small business, being burdened with red tape. But as it relates to this bill, if you agree that there's a community right to know about consumer products and carcinogens—and you've stated that regulations should be moving towards less prescriptive, more results-oriented—what would your recommendation be to government as to how this should be handled?

Ms. Andrew: I think these areas are reasonably well covered. There is a labelling requirement federally. I know Mr. Tabuns feels that the federal government isn't doing enough in that area, but frankly, it's not for Ontario to step in. When the levels of government muddy the waters in terms of who is responsible and no one can enforce any of it, it really does engender complete disregard for the rules. So, in our view, if there are deficiencies in the federal labelling requirements, it would be better to pursue changes at that level—the same as the certificates of approval; they're pretty comprehensive. They're also posted on the environmental registry as a consequence of the Environmental Bill of Rights that came through several years ago. So that information is available to the public.

We don't see that there's a whole lot of reason for asking people to do a considerable amount of reporting to the general public, who may or may not have the expertise to know whether to be terribly concerned about these things. This is a responsibility of government. They should be ensuring that what's in products is safe for the public. They shouldn't put it out to the public and get everyone riled.

Mr. Miller: So your first recommendation is to let the federal government continue with the process it's involved in and—

Ms. Andrew: And the same with the certificates of approval at the provincial level. Our members, like every citizen, I think, want a clear delineation of responsibilities at each level of government. In the last few years, we've seen governments trying to edge into each other's turf. That doesn't do a better job. Frankly, it does a worse job because there's just so much stuff there that most people don't know about. If you spent as much time, first of all, streamlining requirements and then communicating them well, people have goodwill, you know—

Mr. Miller: People in business.

Ms. Andrew: —our members are as much a part of the community as anyone. They don't want to put people at risk. If these rules made sense and they were communicated well and, in some cases, if there was compliance assistance, we'd be much further ahead as a jurisdiction than just writing another rule that will be on the books.

Ms. Melanie Currie: Just to add to what Judith has said, despite the federal labelling and efforts to do the same here in the province, the demand for these products is still in the marketplace. We've known for years that phosphates are dangerous for our water systems, and there are hundreds of products available on store shelves that have phosphates in them, chlorine in them, all kinds of nasty, toxic substances that consumers continue to buy. So, despite regulating the businesses into extinction, the products are still going to be available. It's placing the onus on the wrong area.

The Chair: Thanks very much for your presentation.

UNITED STEELWORKERS, CANADIAN NATIONAL OFFICE

The Chair: The United Steelworkers, Canadian national office, please. It's good to see you again.

Mr. Andrew King: I was told that I should bring 25 copies of everything, so I've—

The Chair: And it looks like you've done as you were told, so that's great. Thank you.

Mr. King: It's often the only example I can give, so it's a pleasure.

There are two documents that are being distributed. One is a summary of the presentation I will give today. The other is our union's report to the union membership on the issues related to the environment. I'm bringing that for the benefit of the members of the committee, one, because it will shorten my presentation in terms of talking about all the things we're involved in and why our union sees this as an important issue, and also, I think it will sort of fill out some of the arguments that I can only summarize in a relatively short period of time.

Our union represents 80,000 members in Ontario, more than 280,000 across Canada, and more than three quarters of a million in North America. Our members work predominantly in manufacturing as well as the service sector, mining, forestry, and transportation.

We have a long history of activism in both health and safety and the environment. There may be some here who know this, but it's such a young group you may not—back in the 1970s, our union was very active in the uranium mines in Elliot Lake, in sintering and smelting in Sudbury, and the coke ovens of Hamilton and Sault Ste. Marie. To this day, our local unions representing those workers have full-time activists representing the many compensation cases for the survivors of those workers who died because of occupational disease due to those exposures.

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The issue of toxic chemical use in manufacturing in particular is a source of great concern to us. This bill actually reminds us of the time when Ontario took the lead back in the 1980s in what we saw as the first stage of the process to replace toxics with safe chemicals in what became known as the workplace hazardous materials information system. Yes, it was a federal-provincial agreement, but picking up on the last conversation

I heard when I came in, the only reason it happened was because Ontario was prepared to take the next step to move forward on this issue.

I have four messages that I want to deliver in support of this bill.

The first is that over the next months and years, climate change will undoubtedly dominate the public discourse. No one can deny the importance of the issue and the need for us to take action at all levels of government. This importance, however, should not blind us to the opportunity to make major improvements to the overall sustainability of our economy by addressing pollution issues as well. We see Bill 164 starting the foundation so that that could be accomplished.

Second—my timing, I guess, was perfect because it seemed to be where the previous speaker ended up—we strongly advocate that you not get caught up in the federal versus provincial versus municipal debate as to who should go first. Our experience is that in order to achieve what is needed, each level of government has to do what it can, with programs shaped for their particular needs and, where possible, integrating common information. The province needs to take action on consumer products immediately and needs to build a coherent infrastructure for the environmental information that it collects.

Third, we see this as part of an issue of economic transition and jobs. I heard a variation of the last part of this from the previous speaker, but I'm sure someone else has made some suggestion that this will impede business or place another burden on industry. In case everybody hasn't noticed, we're in the midst of a manufacturing crisis, one which, in part, is due to the failure of the government to have a policy to help transition industry into more sustainable practices. Again, this bill poses no threat but in fact gives consumers the power to refuse to purchase products which contain carcinogens and makes information available in a coherent fashion that is needed to plan a sustainable transition. This information is needed for us to encourage, support and promote the transition of manufacturing.

Fourth, we wish to submit a need for an important amendment to the bill. As mentioned earlier, there is a chemical information system, WHMIS, currently in place. It is the foundation of an international classification system. However, WHMIS is not able to fulfill its potential, because in Ontario the requirement to inventory the chemicals or to plan to replace them with less toxic ones was removed by the previous government. I've outlined in the rest of my submission the specific sections that were removed and need to be returned so that the system can move forward in achieving its potential, which is removing toxic chemicals, finding alternatives and substitutes. Indeed, to do that, not only do you need to bring back those sections to the Occupational Health and Safety Act, you need to include a section that supports consideration of alternatives and substitution, a component well recognized as being critical to promoting sustainable transition.

There are two examples and I quote both of them: one from British Columbia, in the occupational health and safety regulations; and one in the Canada Labour Code—actually the regulations to the labour code, Canadian occupational health and safety regulations. Both provide the support that's needed in the workplace to transition from simply the recording of the chemicals to actually looking for substitutions and alternatives. We strongly urge you to consider an amendment to the bill that would address that.

There is clear and growing public support for policy to reduce exposure to toxic chemicals. Our concerns about our health, in both the workplace and the community, as well as the continuing degradation of our environment demand action. Our belief is that by implementing Bill 164 and the amendments that we have recommended, it will help support an economic transition that will both reduce the damage to health and the environment, as well as lead to more sustainable manufacturing in both an environmental and commercial sense.

On behalf of our membership, I urge the committee to support this bill and our amendments.

The Chair: Thank you very much. We have about four minutes, so we'll start with you, Mr. Tabuns.

Mr. Tabuns: Andy, thanks very much for the presentation. I'm going to assume that occupationally related cancer is a very significant issue for the trade union movement, which is why you're here.

Mr. King: That's an understatement, but that's one of the major reasons.

Mr. Tabuns: Can you tell us how the labour movement has seen community right to know as an ally in their campaign or their drive to reduce workplace-related cancers?

Mr. King: Certainly. We see WHMIS as a component of community right to know. It is part of an interlocking system. It works on a number of levels. One is that it helps us to lobby internally to get our employers to consider transitioning and using non-toxic chemicals. It also helps us, in the communities in which we live, to address things when the information is more readily available. I think that's historically where our support has been to. That is, we see the common cause at that level.

Coming into 2004, we actually see it as being even more important than that. There's a management phrase that what you don't measure, you don't manage. We see the community right to know as a component in encouraging all parties, including management, including government, to actually look at what they're doing to consciously reduce what they're exposed to. Community right to know becomes evidence of the fact that we're using less toxic chemicals and fewer are getting out into the environment.

Mr. Tabuns: There has been a lot of concern raised today about so-called duplication with the federal government. Do you have a lot of confidence that the current federal government is going to act quickly to reduce cancer-causing exposures, and do you think Ontario

should actually take the lead, given the direction of the federal government?

Mr. King: I have absolutely no doubt that Ontario should take the lead. This is an important step in the direction that needs to be taken. I don't think I need to give people here advice as to the challenges at the federal government level on environmental issues. It's in the paper every day, without exception. I think there is some positive movement in the area in which they have some jurisdiction, in the review of toxic chemicals. But it's a mistake to step back and say, "We don't need to do it because someone else might do it," and I think going forward—I was involved in the pollution prevention planning process that involved the smelters across Canada, which was a combined federal-provincial activity. At the same time that the federal government was doing this, the provincial governments, particularly Ontario, were also doing it. It was the fact that these things were happening, dealing with somewhat different issues but nonetheless coming together, that made it possible for us to achieve success in the long run. I actually think there's a real possibility for being complementary if—touch wood—some further progress is seen.

Mr. Tabuns: Okay. Thank you.

The Chair: Thank you very much.

INDOOR AIR QUALITY WORK GROUP,
SOUTH RIVERDALE
COMMUNITY HEALTH CENTRE

The Chair: We'll move to the Indoor Air Quality Work Group, South Riverdale Community Health Centre.

Ms. Maria Miller: Good morning.

The Chair: Good morning. If you could introduce yourself for us and then proceed. I think you see how it works here.

Ms. Miller: Yes. Mr. Chair, members of the committee, my name is Maria Miller. I'm the chair of the Indoor Air Quality Work Group that's associated with South Riverdale Community Health Centre.

Our group was formed in 1992 to address indoor air quality issues in our community and to advocate for improved indoor air quality. Among our other projects, we have published a book for families on improving indoor air quality in the home. We've worked in the schools, particularly in one school in south Riverdale, Blake Street school, to improve poor air quality and we've produced a video about the process of doing that.

"Avoid tobacco smoke. Eat more fruit and vegetables. Drink alcohol modestly, if at all. Be physically active. Pay attention to the environment in which you work and live to avoid exposures that may be harmful."

This good advice is from an article entitled "Seven Ways to Beat Cancer" posted on the website of the Ontario Ministry of Health Promotion. I'm sure you can see the problem posed by this quote because, as things stand now, Ontario citizens are just not going to be able to avoid exposures that may be harmful.

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This is an issue for government; it's an issue for the Ontario government. If Bill 164 is not an issue for the Ontario government, then why do we have a Ministry of Health? Why do we have a Ministry of the Environment? Why do we have a Ministry of Health Promotion? Why do we have a Ministry of Government Services in this province? This province has got to look after the health concerns of its citizens. This is why it's important to pass Bill 164, The Community Right to Know Act, brought forward by MPP Peter Tabuns.

It's important to pass Bill 164 because over the years the nature of our physical environment has changed. According to Environment Canada, in 2003 Ontario regulations allowed over 7,000 tonnes of hazardous materials to be legally released into the air and water of Toronto alone. There are now more chemicals in our environment than ever before. Many of these chemicals are known or suspected to cause cancer, to cause or aggravate respiratory problems, to damage animal and human reproductive systems, to disrupt the hormone balance, to affect physical and mental growth and development in children and to lead to other chronic health problems. In addition to that, science has shown that repeated exposures to very low levels of toxins over the long term can have a significant impact on human health.

It's important to pass Bill 164 because our human senses are just not able to detect and identify harmful chemicals in our environment. We have no way of knowing when we are being exposed to harmful chemicals unless the government acts to provide that information. Ontario citizens are entitled to information about hazardous substances in their communities and harmful ingredients in their products.

Passing Bill 164 will strengthen the understanding of the connections between health and the environment, educate citizens so they can reduce their exposures to toxins, strengthen environmental protection and provide an incentive to industry to reduce toxins. Passing Bill 164 will ultimately lead to healthier and more productive citizens.

I do not think that this in any way means that the Ontario government is passing along the responsibility to its citizens. Bill 164 will be the first step in identifying harmful toxins that Ontario's citizens are exposed to. It does not get the Ontario government off the hook, but it can be a first step in improving our health.

Ontario citizens should have the right to have the information to make informed choices. It is unethical to hide or to allow to be hidden information that adversely affects the health of the people of Ontario.

I have a right to know whether there are any ingredients in this bath gel that I use every day that could harm me. I have no way of knowing that now. I have a right to know whether this lipstick has trace amounts of arsenic, which I heard it might have. I have no way of knowing that now. I have a right to know whether this dishwashing liquid that I use every day is harming my health every day, little by little, with use. I don't know. I

just want to know. And I think that everybody else in Ontario should have the right to know too. Then we can do what we want about it.

Bill 164 needs to be passed into law now, irrespective of expected or possible actions at some future date by other levels of government. Ontarians are at risk now and have been for some time, and delay will only increase their exposures.

I don't think the Ontario government should give an excuse to the federal government to delay another 20 years in passing effective legislation that will help Ontarians and other Canadians to improve their health. I think the Ontario government should be proactive, should take a leadership role in this, and when all levels of government are involved, maybe something will happen.

I'd like to end with another quote: "Our goal ... is to promote a fair, safe and informed marketplace—one in which your rights as a consumer are fully protected." You can probably guess where this quote is from. It's from the website of the Ontario Ministry of Government Services.

Bill 164 will allow government to do what it has pledged to do. It will be a step in allowing our provincial government to do what it has pledged to do. It's essential to the health of Ontario citizens. Bill 164 supports the stated goals of the government of Ontario and it fulfills government's obligation, to an extent, to protect its citizens. It's time to put your money where your mouth is. Every government website you see will tell you it's there for the welfare of the people of Ontario. It's time the government follows this up with a tool to make that happen, and Bill 164 is that tool.

The Chair: We have about two minutes. To the government side.

Mr. Dhillon: Thank you, Ms. Miller, for your presentation. I think we're all in agreement about being advised of what's in the items that we use on a day-to-day basis and I think a responsible approach has to be taken as to how best to address that. If we look at examples, say in Vermont, which is approximately one ninth the size of Ontario, the labelling program failed. I believe they have a little over 3,000 retailers. There were a lot of problems with compliance etc. So that's one of the problems that we foresee. The federal government has invested a considerable amount of resources. They're much more equipped, I believe, in handling this matter. What's your opinion on that?

Ms. Miller: Well, I think the more levels of government that are involved in any kind of change that's important and necessary, the better. It just means that eventually it will get sorted out in terms of whose responsibility is whose, but to move the process forward you need to have everybody involved.

Mr. Dhillon: Is that responsible if we say eventually it will work itself out, instead of having a concrete solution?

Ms. Miller: I don't think anybody has a concrete solution right now. I think it's all going to be trial and error. You've got to look at it, figure out what you think

is the most reasonable way to proceed and then try it, because this is something that's still being tested.

Ontario should be leaders in this. Lately, you and your colleagues have been making great decisions on behalf of our environmental health and our environment with respect to the light bulbs, and you're expected to lead the discussion in the country because of making that kind of decision. So you need to be proactive. You need to do what's the best thing and the rest of it will fall in place. You can't know what's going to happen before you've done it. You can try to anticipate, but you've got to take the steps and try it and not use it as an excuse not to do anything or to wait for a government that has really not been very effective in 20 years to do something. That's irresponsible and it's not ethical. You have to look after your citizens.

The Chair: Thank you so much.

CANADIAN CANCER SOCIETY, ONTARIO DIVISION

The Chair: The Canadian Cancer Society, Ontario division, please. Please tell us who you are and then entreat us with your presentation.

Ms. Rowena Pinto: Good morning. My name is Rowena Pinto and I'm the director of prevention and public issues for the Ontario division of the Canadian Cancer Society. I'm here with Jordan Beischlag, senior coordinator of public issues, also with the society.

Thank you very much for giving us the opportunity to speak to you today about the importance of community right-to-know legislation in Ontario. Today we are here to express our support for the passage and implementation of Bill 164, Community Right to Know Act (Disclosure of Toxins and Pollutants).

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As I am sure you are aware, cancer is a leading health issue in Ontario. This year alone, approximately 59,500 Ontarians will be diagnosed with cancer and 26,900 deaths from cancer will occur.

Province-wide concern about environmental contaminants is evident. There is public demand to know about the use of known, probable or possible carcinogens throughout Ontario communities. Many communities across Ontario are taking precautionary measures when it comes to cancer and the environment. To provide you with an example, as of March 2007, 21 communities across Ontario have adopted bylaws banning the use of ornamental pesticides, with five additional bylaws still pending.

The Canadian Cancer Society strongly believes that all Ontarians have the right to know if they are being exposed to substances that are known or probable carcinogens. The proposed amendments to the Consumer Protection Act, the Environmental Protection Act and the Occupational Health and Safety Act would entrench community right to know as an important aspect in ensuring human health and environmental protection for the province of Ontario.

As community members, workers and consumers, we all have the right to know about the environmental and occupational risks that we are being exposed to and to make informed decisions that may affect our health and the environment that we live in. Enacting community right to know legislation would allow each of us access to information on chemicals present in our communities; harmful ingredients that are in our products, some that we may be using each and every day; and the health impacts of our occupations and workplaces.

In addition, the society would like to put forward two further recommendations that we think would strengthen the bill. While Bill 164 does not outline the details of how consumers would be alerted to carcinogens that exist in consumer products, we would recommend that any listing be accompanied with a clearly recognizable symbol or visual element that would alert the consumer to the presence of a known or probable carcinogen. In only listing ingredients of a product, the onus remains on the consumer to conduct his or her own research on each ingredient to determine whether it might be a known or probable carcinogen. A recognizable symbol, such as we see on flammable or recyclable products, would assist consumers in a user-friendly way to understand the information provided so that informed choices could be made immediately upon consideration of a purchase. This is a recommendation that should be implemented to ensure the effectiveness of Bill 164 in meeting its objectives. This recommendation is supported by the Canadian Strategy for Cancer Control's National Environmental and Occupational Exposures Committee, which is made up of a number of key cancer experts, including the Canadian Cancer Society.

The committee also states that information disclosure and labelling are key priorities in addressing environmental and occupational exposures to carcinogens. As you might know, an example of a first step towards product labelling in Canada was that, as of November 16, 2006, cosmetics manufacturers in Canada were required to include all ingredients on their product labels. However, there is no requirement for cosmetics manufacturers to clearly indicate if the product contains a cancer-causing substance. As mentioned, mandatory disclosure of ingredients in cosmetics is a good first step, but a clearly recognizable symbol or visual element is a user-friendly way to inform consumers that a product contains a known or probable carcinogen.

Internationally, such a system does exist in some jurisdictions. For example, in California, a regulation called Proposition 65 requires a clear warning label on products that contain a cancer-causing substance.

Our second recommendation for improvement to the bill is the following: The Canadian Cancer Society recommends that the US National Toxicology Program list of known and reasonably anticipated carcinogens be considered in addition to the International Agency for Research on Cancer's list. To ensure due diligence, it is recommended that more than one list be consulted in the event that the NTP list encompasses additional carcino-

gens that are not identified on the IARC list. By using more than one list, the government of Ontario would be able to provide Ontarians with more confidence that a comprehensive list of substances has been considered, furthering protection of their health and the environment.

Canada as a whole is lagging behind in ensuring information disclosure and entrenching community right to know in legislation. Currently in Canada, a number of strategies exist around individual environmental carcinogens such as tobacco smoke and benzene. However, comprehensive environmental carcinogen control legislation such as community right to know does not exist.

The most important statute available in Canada providing public access to information on environmental contaminants is the Canadian Environmental Protection Act. CEPA also sets the framework for assessment and risk management of substances deemed toxic, including environmental contaminants. However, while CEPA is important legislation, there are gaps in the act. One key gap is that it does not target carcinogens, and although some protection from environmental contaminants is provided through federally regulated CEPA, this legislation should not preclude Ontario from being a leader in enacting community right to know legislation. This government has proven its leadership time and time again through Smoke-Free Ontario and the recent introduction of a colorectal cancer screening program, which has actually enabled the rest of the country to follow suit. We would ask for this to happen as well.

Internationally, Europe has positioned itself as a global leader in regard to chemical legislation and community right to know through amendments to its cosmetics directive, which banned the use of chemicals that are known to cause or strongly suspected of causing cancer, mutation or birth defects. The newly implemented registration, evaluation, authorization and restriction of chemicals legislation requires producers and users of an estimated 30,000 chemicals in Europe to register them and provide information on their production, use, hazard and exposure potential. The regulation gives greater responsibility to industry to manage the risk from chemicals and to provide safety information on the substances. The regulation also calls for the progressive substitution of the most dangerous chemicals when suitable alternatives have been identified.

In conclusion, the Canadian Cancer Society would like to reiterate its support for the implementation and passage of Bill 164, community right to know. We believe that all Ontarians have the right to know if they are being exposed to substances that are known or probable carcinogens. We would really like to see Ontario once again be a leader in this area.

The Chair: Thank you very much. We have two minutes. We'll go to the opposition.

Ms. Scott: Thank you very much for appearing here before us today and for your presentation. Certainly we all agree with the principle of the community right to know and fewer carcinogens that our public is exposed to. It's an education system. There has been a lot of talk

of the provincial, the federal—you brought up about a different emblem or label to say, “This ingredient is carcinogenic.” We’re trying to find the most effective way to educate the public. You said that you want the province to have a role, but we need to have a clearinghouse, if you will, of how we’re going to do this properly, because we’ve heard from different groups that if we don’t do it right, we’re just going down a path that it’s not going to be implemented. I know that you’ve agreed that more lists need to be looked at. Could you just comment, in the short time that you have, about how you’d like to see this clearinghouse or some type of model used, because we don’t want a patchwork?

Ms. Pinto: I think that there are a number of other jurisdictions, both in the States and in Europe, that can provide us with a lot of direction in terms of how this can best be implemented. You’re right: There are a number of different options, and probably, as usual, Ontario will need to find the right option for itself. I think that just the passage of Bill 164 will enable groups to get together to discuss and further decide on what the best way to pursue this is. As this legislation doesn’t exist already in Canada, it’s hard for me to say what will work and what will not work, but I think there are a lot of really key examples, especially from Europe, that we can look to, and in parts of the States as well, that can really give us some really good direction in terms of where Ontario should go.

The Chair: Thank you.

Ms. Scott: Thank you very much for all the work you do as the Canadian Cancer Society.

The Chair: By the way, I just wanted to say a word of thanks on behalf of all 103 members of the Legislative Assembly for the little tanning gift pack. I was looking for another pair of sunglasses; I’d lost mine, so they came in handy. Thank you so much for that. Very thoughtful.

Ms. Pinto: I’m glad you enjoyed it.

TORONTO CANCER PREVENTION COALITION

The Chair: The Toronto Cancer Prevention Coalition. Welcome. Another one of my heroes.

Ms. Fiona Nelson: Mr. Chair and ladies and gentlemen, it’s a great pleasure to present to you today in support of Bill 164. The Toronto Cancer Prevention Coalition was founded at the turn of the century—2000, I mean—as a result of an extremely important report that went to the board of health about 10 environmental carcinogens, written by somebody who, I’m sure, is very familiar to all of you: our former medical officer of health, Dr. Sheela Basrur. So the Toronto Cancer Prevention Coalition has had a very strong sense of the environmental connections to cancer, and we are very much in favour of community right to know.

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We firmly support the legislation. The bill provides for labelling of consumer products that contain carcinogens internationally classified by the World Health Organization, the International Agency for Research on

Cancer, and creates an Ontario pollution inventory. It is our feeling that Ontario must take the lead in this, because it doesn’t matter where legislation originates: If there has been good leadership, it eventually spreads to other areas. So it seems important for us in Ontario to take the lead.

The community right to know is a key piece of the Toronto Cancer Prevention Coalition’s action plan. It was endorsed by Toronto’s board of health and adopted by city council in May 2001—without amendment, I might add. More recently, community right to know emerged as one of the key priorities at a recent conference we held on the subject of cancer and the environment. Community right to know has been identified as a best practice in cancer prevention and in environmental health. The principle of community right to know is that individuals are entitled to information about chemical hazards present in our environment. They have a right to know about chemicals in communities, harmful ingredients in products, and the health impacts of our occupations and workplaces. Such information allows individuals and communities to make informed decisions and encourages proactive improvement by businesses and organizations. This is particularly critical for children. They are at greatest risk because they accumulate the carcinogens the longest. They are, in effect, our canaries in the mineshaft.

It seems to me that, in contrast, Ontario and Canada lag far behind other places in community right to know legislation as a successful and central part of environmental policy. We need an endorsement of the core principle of public health, which is the precautionary principle. To that end, there obviously has to be a great deal of public education so that people know how to interpret the information they are getting. Information properly communicated leads to the appropriate action.

We have a good grasp in our society of infectious diseases; however, as people live longer, chronic disease is becoming more and more of a problem, and key among those, of course, is cancer. We need to make sure that as people have exposure for longer and longer periods in their lives, we want them to live long and healthy lives.

I should point out also, on a personal note, that as the grandmother of three, I want the environment to improve for the children. So I would like to end by saying that wherever the leadership comes from, we should follow it. In this case, Bill 164 is a form of leadership that will enable us all to live longer and healthier lives. To that end, I would like to remind you that children should come first in your consideration because they will live longer than we do, and all of us care extremely much about our children. This legislation will help us to make choices on their behalf as well as our own.

I would be happy to answer any questions you might have.

The Chair: Thank you so much for your presentation. We have about three and a half minutes and I’m going to give that to Mr. Tabuns.

Mr. Tabuns: Thank you very much, Fiona. I note that the medical officer of health for the city of Toronto has also endorsed this bill.

Ms. Nelson: Oh, yes. The board of health endorsed it unanimously and so did city council.

Mr. Tabuns: So did city council? Excellent.

Can you tell us a bit about how you see using this bill as a tool to further cancer prevention strategies?

Ms. Nelson: Any information that enables people to make sensible choices advances general health. It seems to me that whether it's in the workplace or in the home, purchasing, or in the general environment—in the air, water and soil—people need to have better information. I'm not talking about scaring the pants off them; I'm talking about making sure they know they have choices and that they can exercise those choices as workers or as consumers. At the moment, I think there's a bit of scaring going on, but they need real information, and that includes how to find out what's going on.

We can't assume (a) that everybody's got a computer and knows how to use it, (b) that they speak English, and (c) that they have the educational level of a professional chemist. It's not going to do any good to give you a list of a whole lot of chemicals. You need also to follow that up with a very comprehensive public education campaign. I'm sure that would flow from any regulations that would be embodied in this legislation.

Mr. Tabuns: The Toronto Cancer Prevention Coalition—can you tell us a bit about their work and why they came together?

Ms. Nelson: As I say, Dr. Sheela Basrur produced this report on 10 environmental carcinogens, and it included a recommendation that this group be set up. It was very prescient of her, I think, to have done that. It is composed of several working groups: environmental is one; sun safety is another, in general, things to do with skin cancer and that sort of thing; alcohol—most people don't realize that alcohol is a carcinogen of some significance; and obviously, the tobacco working group. So there are several of them, and they're composed of professionals and laypeople who are interested in those areas and give a great deal of time to the development of policy for the board of health and city council to enact. And since Toronto is a fairly big chunk of the province, if we enact legislation, it often has a runoff effect on others.

The Chair: Thank you very much.

Ms. Nelson: Thank you.

RUTH GRIER

The Chair: The Ontario Professional Fire Fighters Association—they're not here, but Mrs. Grier is. Is Mrs. Grier prepared to—welcome, Ruth.

Mrs. Ruth Grier: At the drop of a hat.

The Chair: Okay.

Mrs. Grier: Thank you, Mr. Chair, and members of the committee. I'm a member of the Toronto Cancer Prevention Coalition, which Fiona chairs, and part of the environmental and occupational working group. Over the

last couple of years, there has been a Provincial Cancer Prevention and Screening Council, which was formed by Cancer Care Ontario and the Canadian Cancer Society, Ontario branch, so I've been working with them on the same issues.

You may be interested to know that earlier this year, CCS and CCO held a forum on toxics use reduction and brought in representatives from Massachusetts, where the Toxics Use Reduction Institute has been in place for 10 years. Essentially, the government works with industry to find substitutions. You've heard mention today of the principle of substitution, which is a fairly important one. Coincidentally, in the discussions in Ottawa around the Clean Air Act, which has been top of mind, the all-party committee amending the Clean Air Act that was introduced by the Conservative government came unanimously, with the support of the government members, to agreement on an amendment to that legislation that enshrined the principle of substitution, that where there are known toxic substances, the government would work to find substitutes for them.

Sometimes, that isn't complicated. In the Big Four auto industry in Ontario many years ago, the CAW negotiated a list of carcinogens that would no longer be used in the plants, and they found that one carcinogenic lubricant could be replaced by vegetable oil. So it was a very simple substitution, but somebody just had the information to make it happen.

I really appreciate this hearing and the fact that you've been prepared to listen to so many points of view on this important bill. It is the first step down a road on which Ontario has already started. I wanted to put it for you in the context of the work that began with WHMIS, which, as you've heard, was fairly groundbreaking and unfortunately now needs to be restored, by the amendment that was suggested by Andy King, to the strength and the power that it had in the early 1990s.

The other example, of course, is the Environmental Bill of Rights, which started as a private member's bill from the late Mrs. Bryden, a member of the same area as Mr. Tabuns, but then was introduced as a private member's bill by Murray Elston when he was a Liberal backbencher, carried forward by me as Minister of the Environment, and had very much all-party support. It was thrashed through by all of the parties and agreed to, and I think it has survived the change of government in 1995. That's a testimony to the role that it now plays in the panorama of environmental legislation that we have in this province.

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I know that the commissioner's reports can sometimes make Ministers of the Environment of all stripes uncomfortable, but then, that's what accountability is. The shedding of the light that that bill allows, both on the role of the commissioner and the public access to the registry, is very important. The putting in place of that electronic registry was a real innovation back in the early 1990s when the electronic means of information was not as available as it is today. So you have done good things

here in Ontario, and I think moving forward on right-to-know is just a further step in that progress.

It's interesting that most of the emphasis from the people who have concerns about this bill today has been related to the consumer protection amendments and the labelling. I'd like to take it from that that there really is no concern about the amendments to the Environmental Protection Act that are also part of this bill, and I fully support the presentation made by CELA.

I would like to correct one thing that was said by a previous deputant, who said that the certificates of approval from the ministry are on the registry. They're on the registry when you apply for a certificate of approval, so notification is there, but the actual details of what is eventually negotiated and the terms and conditions and the length of time and all of that of the certificate of approval cannot be found. One of the things we did in Toronto was use the south Riverdale area as a case study to see what people could find out about what was in their neighbourhood. You probably have all seen the map that was put out of Toronto with the national pollutant release inventory data allocated across the city. That is only the data from the major polluters that are submitted to Environment Canada. When we tried to find out what the auto body shops, the print shops, the photographic shops—all of the small industries in an area such as south Riverdale—were using, we were told, "Go to the certificates of approval." But the ministry doesn't categorize the certificates of approval. A company may have it in the name of a numbered company, so you can't find out whether that auto body shop or that print shop has a certificate of approval. You saw from the Environmental Commissioner's report just this week that there are problems with even monitoring them.

So it's important for you to understand that as you look at Bill 164 and the environmental protection amendments, there is no requirement on the government to collect any new information in the amendments that are suggested in this bill. All it really asks is that the information the Ministry of the Environment and other ministries now collect be made available in a form that is accessible to the public. Because if the public can find out what's happening in their neighbourhood—with real estate agents trying to sell a house, health groups, environmental groups—all of that leads to greater education, greater awareness, greater activity and a greater ability to require governments at all levels to act.

Certainly, it was my experience as minister and in my voluntary work since then that most companies want to do the right thing. They live by the legislation and the regulations that are there, and if people can hold them accountable to that by knowing what is being admitted—because they are not living up to, perhaps, the certificates of approval that they were given—then it stands us all in better stead. And the arguments with respect to our health, with respect to our children, with respect to cancer, are there in the very many excellent presentations that you've had.

So I do urge the committee in a non-partisan way to look at the bill, to incorporate perhaps some of the

changes that have been recommended to you today, but to try to move forward. It's a piece of legislation that I think is not groundbreaking, in that it is there in many other jurisdictions, but would be groundbreaking for this province and would lead to significant change all across the country.

The Chair: Ruth, thank you very much. We appreciate your perspective. There is only half a minute left, so I think we'll go right on to our final person. A question worth asking you couldn't answer in half a minute, right?

Mrs. Grier: I have been known to "Yes" or "No" sometimes.

The Chair: Thank you.

ONTARIO PROFESSIONAL FIRE FIGHTERS ASSOCIATION

The Chair: We call on the Ontario Professional Fire Fighters Association. I think you know how this works. You introduce yourself for the record. You have 10 minutes; if you take less than that, we'll go to a couple of questions. Welcome.

Mr. Brian George: Good afternoon, Chair and committee members. My name is Brian George. I'm the executive vice-president of the Ontario Professional Firefighters Association. With me today is Jeff Braun Jackson, the OPFFA's research and office manager.

The Ontario Professional Fire Fighters Association represents approximately 10,000 professional firefighters across Ontario. The OPFFA serves our members' interests in many ways: from education to representation on matters concerning health and safety, workers' compensation, pensions and legislation. Our membership consists of full-time professional firefighters who engage in emergency response, prevention, public education, investigation, training, communications and maintenance. Our code of ethics details our commitment to the protection and preservation of life and property.

We are pleased to share our views on this proposed legislation, Bill 164, the Community Right to Know Act, 2006, with the standing committee of the Legislative Assembly. Bill 164 seeks to amend three existing statutes: the Consumer Protection Act, the Environmental Protection Act and the Occupational Health and Safety Act. We will restrict our comments to the proposed amendment to the Occupational Health and Safety Act as it is covered within our jurisdiction.

Bill 164 seeks to delete clause 38(1)(d) of the Occupational Health and Safety Act, which reads as follows:

"A copy of every unexpired material safety data sheet required by this part in respect of hazardous materials in a workplace shall be,...

"(d) furnished by the employer on request or if so prescribed to the fire department which serves the location in which the workplace is located."

In place of the existing clause, Bill 164 seeks to remove the phrase "on request or if so prescribed." The intent is to amend the Occupational Health and Safety Act so that employers would be required to submit

material safety data sheets to their local fire departments. This information, according to the sponsor of the bill, would enable firefighters to know what kinds of hazardous materials are on site when called to an incident.

The OPFFA has a strong commitment to the occupational health and safety of our members. We actively work with the Ministry of Labour, the Workplace Safety and Insurance Board and with the Office of the Fire Marshal to ensure that our members are educated and trained to protect themselves. We support efforts that improve firefighter safety and public safety at all levels.

The bill's sponsor, Peter Tabuns, NDP, Toronto–Danforth, states that the proposed amendment to the Occupational Health and Safety Act “will be of tremendous utility to firefighters’ knowing what they’re encountering when they go to a scene.” We are in agreement with the sponsor that having access to material safety data sheets is critical. However, we have several concerns about requiring employers to supply these data sheets to our departments.

Debates requiring employers to provide the MSDS sheets go back over 20 years. The Peterson government passed legislation in 1987 governing hazardous materials. Debates have centred around the issues of employers and building owners supplying the proper documentation to fire departments to identify hazardous materials and where the proper storage of this documentation should be.

Section 38 of the Occupational Health and Safety Act was originally drafted as part of a Hazardous Materials Information Review Act. Consultations with the fire service occurred through the section 21 committees with the participation of the Ministry of Labour. At that time, the late 1980s, fire departments indicated that they did not want to automatically receive MSDS sheets. Why? Because the fire departments then, and now, still do not have the ability to administer, process and store the amount of information received from employers and building owners. Fire departments generally lacked resources to ensure that this information would be useful to our members.

Most fire departments did not have sufficient budgets to provide on-board computers for their trucks or to set up and administer databases containing the information provided by the MSDS sheets. The current legislation allows the public to obtain information about hazardous materials used in workplaces within their communities.

Over the last two decades, debates have occurred with respect to requiring employers to provide the material safety data sheets to the fire departments. We welcome these debates because they raise public awareness about the inherent dangers of our chosen profession.

We are committed to the health and safety of our members and the public, and we continue to lobby for improvements in equipment and training. Nonetheless, we do have some concerns about Bill 164 with respect to amending section 38 of the Occupational Health and Safety Act. Our concerns are about the cost of setting up, administering and maintaining a data storage system for

the MSDS sheets; the ability of our smaller departments to have staff available to maintain that information; the lack of technological support and equipment to get the information out to the field in an efficient manner; and to better use the scarce resources to hire additional fire inspectors and prevention officers to visit these employers and buildings in our communities.

1150

We support the efforts to improve the health and safety of our members and the public. As laudable as this goal is, sufficient budgetary resources need to be provided to make this a reality. Until and unless additional financing is given, it remains problematic for fire departments to create information management systems to store these MSD sheets. An information management system requires computer support, staffing for inputting and dissemination of data, and funds to maintain those sites. Fire departments across the province are already under-resourced, and to place an additional demand on them at this time is unfair.

Our departments vary tremendously with respect to size and capabilities. Larger departments may be able to leverage additional resources from municipalities to finance upgrades to both technology and equipment. However, for many of our small departments, there is simply not enough money or manpower to take on the burden of storing MSD sheets. Many of our small departments are found in rural and remote areas of the province, where the municipalities that operate them are fiscally challenged already.

Funds simply cannot be found within existing budgets to hire additional staff, finance a costly start-up of a database and keep that system maintained. Even if a department has the resources to create a data and information management system, how does it get this information out to the field in an efficient way? Few of our departments have the ability to get the information contained within the MSD sheets to our firefighters on the ground. Few of the municipalities have on-board computer systems on their trucks to provide the locations of hazardous materials, and firefighters do not generally carry electronic devices that could contain this information. Having the information is important, but if it cannot be delivered to those who would most benefit from having it, there's no sense in it.

We would happily support a proposal that would provide funding for departments to update computer equipment and equip trucks with on-board data information systems. However, Bill 164 does not call for additional funding, and therefore it would be quite difficult for our departments to find the means of getting this information out to the field when an incident occurs. The liability for them having that information accessible would be then transferred to the fire departments.

We feel that the current system in place is acceptable. Instead of amending clause 38(1)(d) of the Occupational Health and Safety Act, we would suggest that the bill's sponsor call for increasing funding for staffing and technological upgrades for Ontario's fire departments and

firefighters. The funds currently provided for fire department budgets are already stretched to the limit. Unless government is willing to increase funding, we feel it is simply not feasible to expect fire departments to establish a system for storing the MSD sheets.

In conclusion, the OPFFA is committed to improving the health and safety of our members and the public. We support legislation that seeks to do this and we are in agreement with the broad goals of Bill 164. However, we are well aware that we live in fiscally challenging times and that governments at all levels must allocate scarce budgetary resources in the most effective and efficient manner. We feel that it would make better policy if the Occupational Health and Safety Act is left as is, and instead give additional resources to hire inspectors, prevention officers and purchase technological supports. This would give fire departments the ability to get the information into the hands of firefighters who are at the scene of an incident. These improvements would do much to assist our members in being able to assess the level of risk at a given site rather than simply requiring all employers across the province to submit MSD sheets to their local fire departments.

We thank you for the opportunity to be here before the committee today. If time is still available, we'd be happy to answer any questions.

The Chair: Thank you very much. There are two minutes, and we'll go to the government side.

Mr. Dhillon: Thank you very much for your—

Mr. Tabuns: Sorry, Mr. Dhillon. Mr. Chair, I need to note this: A private member's bill can't allocate spending, which is why there is no allocation in here for spending. I understand your logic.

Mr. George: Thank you. I wasn't aware of that.

The Chair: Go ahead.

Mr. Dhillon: I just have one question. Let's assume the resources were available. How beneficial do you think this would be to the fire departments?

Mr. George: Having that information there would be extremely beneficial to the firefighters on the scene. But as I stated, the problem is getting accurate information to the incident. If it's stored in a database in the fire department's administration with no way of getting it out to the scene, it's of virtually no use for us.

Mr. Dhillon: So there could be problems in the future.

Mr. George: Yes. Some of the larger departments do have the on-board terminals on the trucks, but there are very few. I know in Toronto they do have it, but that's one of the few departments that does have on-board data terminals.

Mr. Dhillon: It would be very difficult to manoeuvre and use the information.

Mr. George: Yes.

Mr. Dhillon: Thank you.

The Chair: Last word to you, Mr. Tabuns—about one minute.

Mr. Tabuns: I'd like to thank you for coming and speaking today. As I said earlier, we don't have the ability in a private member's bill to make those allo-

cations. Certainly when I've talked to people at the Toronto Fire Fighters, they understood the utility. I've actually had firefighters come to me to talk about their concern about going into a place where toxic chemicals are stored and they don't have that information.

Beyond your brief today, I'd like to thank all of those who came and spoke. I think that the fight against cancer and the fight to protect workers, including firefighters, in their workplaces is a crucial one. Many of the arguments I've heard today I heard in the 1990s when we were getting into the fight on tobacco smoke. I wasn't surprised. I know that this is going to be a long haul. Thank you, Mr. Chair.

The Chair: Thanks, Mr. Tabuns. Thank you, gentlemen. On behalf of the committee and all its members, I'd also like to join in thanking all those who took time to share their wise counsel with the committee this morning.

The committee will recess until 4 o'clock. At 4 o'clock, we will reconvene in committee room 1, which is downstairs, to deal with clause-by-clause consideration of Bill 67, An Act to amend various Acts to require a declaration with respect to the donation of organs and tissue on death.

The committee is adjourned.

The committee recessed from 1156 to 1602 and resumed in committee room 1.

ORGAN AND TISSUE DONATION MANDATORY DECLARATION ACT, 2007

LOI DE 2007 EXIGEANT UNE DÉCLARATION AU SUJET DU DON D'ORGANES ET DE TISSU

Consideration of Bill 67, An Act to amend various Acts to require a declaration with respect to the donation of organs and tissue on death / Projet de loi 67, Loi modifiant diverses lois pour exiger que soit faite une déclaration au sujet du don d'organes et de tissu au moment du décès.

The Chair: Members of the committee, we're dealing with Bill 67, An Act to amend various Acts to require a declaration with respect to the donation of organs and tissue on death, put forward by Mr. Klees. Are there any questions, comments or amendments to any section of the bill and, if so, to which section? Section 1, we have an amendment. Mr. Klees?

Mr. Frank Klees (Oak Ridges): Yes, thank you, Chair. I actually have two amendments, one to section 1. If I could move it, then I'll give you the explanation for it.

I move that subsection 11(5) of the Health Insurance Act, as set out in section 1 of the bill, be struck out and the following substituted:

"Contents of declaration

"(5) The person completing the declaration shall specify whether the person is willing to donate his or her organs or tissue on death by checking one of the following boxes:

"1. Yes/Oui.

“2. No/Non.

“3. Undecided/Aucune décision.

“Donation

“(5.1) If the person completing the declaration specifies that the person is willing to donate his or her organs or tissue on death, the application for the issuance or renewal of the health card is not complete unless it contains a direction, in the prescribed form, from the person as to the use that the person requires be made of his or her organs on death.”

If you'll recall, during the committee hearings on this, there was concern expressed that the original bill does not, in fact, clarify that a person can indicate No in the declaration. There was concern that perhaps there was some intent in the legislation not to provide the No decision. The purpose of this amendment is to clarify that, to make it very clear that no one is being forced into a decision, that in fact the option is Yes, No or Undecided, and then, of course, if the decision is yes, that the specific declaration be made, as it is in any organ donation card, as to what the intent of that individual is.

Mr. Peter Kormos (Niagara Centre): I'm going to support the amendment because I think it completes the bill in the manner that Mr. Klees always intended. But I do now want to very briefly raise this, because I have some concerns about mandated choices; I think everybody does. We all received from Ms. Viets the brief synopsis of the Texas and Virginia experiences in terms of mandated choice. In Texas, of course, it was a straight Yes/No, and in Virginia it was almost identical to what's being proposed here, Yes/No/Undecided.

The experience in mandated choice jurisdictions is that when people are forced to make a choice, they err on the side of No. That was the experience in those two jurisdictions, which then abandoned a mandated choice. However, we don't have any understanding about what type of climate existed in those jurisdictions in terms of the history of organ donors, the type of debate that had gone on publicly, the type of pre-existing values, which is why, in general, I'm going to support this bill after it's amended.

I still have some trepidation about the mandated choice, but we'll not see whether it has the same results in Ontario, or better results, until we experience it. I don't think Mr. Klees is suggesting in any way, shape or form that he's fearful of addressing this matter a year, two years, three years down the road once valid data has been acquired.

One of the things the bill does is it makes it easier to make a choice, as compared to locating an organ donor card on the Internet or through some service agency. Most people have drivers' licences and darned near everybody has an OHIP card. Those are also two documents that you're more likely to carry with you on a regular basis, as compared to an organ donor card. And I acknowledge I've signed many in the course—I sign half a dozen a year because I keep misplacing them; they're in one wallet or another; they're flimsy paper documents. These are going to be plastic. There's all the capacity to

develop a registry in response to this that doesn't have to be mandated in this legislation. But the process that's prescribed permits a registry in a way that organ donor cards don't, because the data will be acquired by the Ministry of Transportation or the Ministry of Health. While nobody is suggesting that any of them should violate privacy standards, there could be any number of ways whereby people allow this information to be recorded on a central database.

So I'm simply raising the concerns about mandated choice, suggesting that we may be in a different position in Ontario now in 2007 than Texas was in 1991 or Virginia was in 1990, and appreciating that the undecided—although in the Virginia experience, the undecided was treated as—the undecided, in some respects, is a no, but it's perhaps permitting people to not have to be final in their choice. It's leaving doors open for them. It's permitting them to say “Not now, but maybe next time around.” That's not a bad thing at all. Everybody is aware of that.

I don't want to be negative in any way about the bill or about the amendment, but if we're aware of that, I think it's a wonderful opportunity to see whether the climate is such that a mandated choice provision can be a positive experience here in Ontario, now in 2007, especially after what has been a pretty dramatic debate around any number of options available to the government in terms of ensuring that organs are available for people who need them.

The Chair: Thank you, Mr. Kormos. Any other comment?

Mr. Kuldip Kular (Bramalea–Gore–Malton–Springdale): In general, I am supportive of the bill, but I want to make a comment on these three options of Yes/No/Undecided. I think there would be people in this province who would like maybe a fourth option of not making a decision, who want to abstain from that, saying they don't want to say yes, they don't want to say no, they're not undecided. I think that would be better. But in general, I support the bill.

I used to work as an emergency physician in one of the local hospitals in Brampton. After the accidents, people used to come in and we would have to ask them about organ donation. Most of the time in motor vehicle accidents, people can't find their driver's licence, and that's not an option. But in general, I support the bill.

1610

Mr. Kormos: Doctor, thank you. So let's cut to the chase here. Let's have this little conversation right here and now, because, you see, in a world that would be more accommodating, somebody—and I don't want to start getting the wacky e-mails and letters, those single-spaced ones with no margins, and the envelopes that are all taped up. You've gotten them, eh? I give them to staff to open.

But look, your OHIP card entitles you to all of those listed medical services, including transplant. And I hear you. Maybe somebody out there might say, “Okay, but why then don't we have a restricted OHIP card for the

person who doesn't want to give their organs?" In other words, the OHIP card will cover everything but organ transplant. Because, you see, it's all about getting as well as about giving. You can't not be prepared to give and then expect to get. You want to be an agnostic—not you, but you're talking about the person who wants to be an agnostic. I'm not sure. I tell you what, though, sir, when that person is told by their doctor that they need a new heart, a new lung, a new liver, a new kidney, they're pretty sure about the fact that they want one, by and large. They're real sure then. There's no agnosticism on the part of the sick person who needs the organ. Oh, boy, do they become converts in short order, I suspect.

Again, there's human nature involved here. There are social values. I'm grateful to the OBA, because they gave us a very valuable paper last week that talked about some of the cultural implications. As some of you know, I am to organs what Laurel Broten is to polite language. I'm pretty matter-of-fact about these things. A lung, a heart, a liver, a kidney—it's just a piece of muscle or whatever the particular organ happens to be, and when I'm dead, heck, take what you want. You'll just be doing the pall-bearers a favour, because there will be less dead weight for them to have to haul out to the cemetery.

So I hear you, but you talk about room for agnosticism? I find it interesting that you would propose that.

Maybe it's good that we're confronting people: You've got to step up, because, once again, when you need one, you're unlikely to be an agnostic. You're unlikely to say, "Well, I'm not sure whether I should take an organ or not to live 10, 15 or 20 more years." Oh, yeah; you want that organ.

I hear you and I respect what you're saying, but it provokes that interesting counterpoint, I suppose.

Mr. Kular: But there might be people in this province who wouldn't be thinking in those terms that day. Even if their heart is not working well, they might say they don't want to get any organ donation. They don't want to have their heart changed; they want to die. There would be people, I'm quite sure. I see patients all the time, and sometimes I discuss such things with them. There are people who would like not to make a decision and they really don't want to put their name on the paper, whether it's the health card or the driver's licence.

Mr. Kormos: And there are cancer patients who decline treatment. But let me speak now—you see, you've provoked me again. Let me speak about this whole business of "gift," Doctor, the gift of an organ.

I tell folks, when I'm in Welland, that I live \$5 away from Queen's Park: It's either a \$5 cab ride or it's a \$5 walk, because there are enough homeless people that you're going to—well, it's true. It takes five bucks to walk here, by and large, in terms of people on the street. When I or any of us drop a loonie into a paper cup, that's not much of a gift. Quite frankly, it doesn't change our budget for the day by any stretch of the imagination. It's not much of a gift at all. You know the parallel: When a poor person throws a loonie into the bucket, that's a gift. So when I'm dead and somebody uses my organs, that's

not really much of a gift. Now, a living donor—whoa. I'm prepared to concede that's a pretty significant gift.

We talked last week about how we create a culture wherein any one of us is as eager to give a kidney—kidneys we've got two of—as we are to give blood for an absolute stranger. I wonder what we have to do to create a value system where we would do that as readily as, for instance, we give blood. Or I suppose you could take a slice of the liver; they regenerate pieces of liver.

I'm grateful to Mr. Klees, because he's been a very important part of the debate that has provoked some thought. You know where I'm at: I'm a "presumed consent" advocate. I still am and will still keep pushing that point. I think Klees has brought us a little bit forward.

I'm not at all upset or concerned about making people make a choice. You've got to take a stand, especially now that more and more people, because of medical advances, are going to be capable of getting transplants. Heck, I remember, and so do you, when Dr. Christiaan Barnard—remember the first heart transplant? It lasted—I don't know—mere days. That was more a miracle than it was science. But those sorts of things are relatively routine now, aren't they? Back then, the prospect of giving an organ, either as a deceased or—that was pretty dramatic. But it's not dramatic anymore; it's day-to-day medical procedure. As I say, people give blood, people give money. It doesn't cost anything to give blood. It doesn't cost a penny. That's really not much of a gift. You might get woozy—I'll never admit to it—but it doesn't cost you anything. For a wealthy person, a middle-class person, for any of us to give money doesn't really cost us very much at all. For a dead person to have an organ used doesn't cost them anything, doesn't cost them a cent, so that's not much of a gift. Maybe that's part of our problem: We dramatize these things, we mythologize about the gift. No, they're not gifts. "Gift" is a living donation; that's a gift.

The Chair: Any more discussion? All those in favour of the amendment? Carried.

Shall section 1, as amended, carry? Carried.

Okay, we'll move to section 2. Are there any amendments? There is an amendment. As George Bush would say, "There are an amendment."

Mr. Klees: Chair, this is the identical amendment that we just agreed to in section 1. This applies to the Highway Traffic Act. I will read it into the record.

I move that subsection 32(13.2) of the Highway Traffic Act, as set out in section 2 of the bill, be struck out and the following substituted:

"Contents of declaration

"(13.2) The person completing the declaration shall specify whether the person is willing to donate his or her organs or tissue on death by checking one of the following boxes:

"1. Yes/Oui.

"2. No/Non.

"3. Undecided/Aucune décision.

"Donation

“(13.2.1) If the person completing the declaration specifies that the person is willing to donate his or her organs or tissue on death, the application for the issuance or renewal of the driver’s licence is not complete unless it contains a direction, in the form prescribed by the regulations, from the person as to the use that the person requires be made of his or her organs on death.”

The Chair: Any discussion? All those in favour of the amendment? Carried.

Shall section 2, as amended, carry? Carried.

Shall section 3 carry? Carried.

How about section 4? Shall it carry? Carried.

Section 5? Carried.

Shall the title of the bill carry? Carried

Shall Bill 67, as amended, carry? Carried.

Shall I report the bill, as amended, to the House?

1620

Mr. Kormos: Debate?

The Chair: Yes, of course. Is there any further debate on this bill?

Mr. Kormos: Yes, there is. Of course, I’m going to support reporting the bill back to the House.

I think we should express our gratitude to Mr. Klees once again for wading into the organ donor debate. This bill has been a part of the overall picture that has caused people to reflect on the matter, to rethink it, to perhaps move forward a little bit in their perspective. I personally want to thank Mr. Klees for his enthusiasm and, quite frankly, his thoughtful accommodation of other points of view as well. He has been very accommodating of more radical propositions that he may or may not feel as comfortable supporting, but he understands them to be a part of the debate as well and I appreciate that. He has performed a valuable role in that regard.

He’s not here today, but I do want to thank George Marcello. I know that Mr. Klees and I have both spent considerable time with George Marcello. George has been a grassroots advocate for organ donation as well as a two-time recipient of an organ. George has been out there walking across the country raising awareness. Literally, it’s been a passion of love on his part. He’s impoverished himself doing it. He’s made sure that he’s at the doorstep of any politician who has shown any interest whatsoever in organ donation to prod, provoke and motivate that politician. I suspect he was on Frank’s doorstep and call-back list as often as he was on mine, and I want to say that he was always a welcome guest and that I always value his input.

I know that Mr. Marcello may have felt some disappointment that he wasn’t included on the so-called blue ribbon panel that the Minister of Health set up, and I shared his disappointment. I thought George would have been a remarkable layperson and hands-on experienced person to have put on that committee, to have that element of the community represented as well. I apologize to George for him not having been included on that committee, but it’s just not the way things happened. That’s the end of the story.

At the end of the day, George remains enthusiastic. He is passionate. I am confident that he will, to his dying day—and he’ll find some way to do it even after he’s dead—force people to reflect on more effective ways of ensuring an adequate supply of organs for people on those tragic waiting lists. It was a question from George to me several years ago now at Notre Dame high school in Welland that prompted me to answer, “Well, presumed consent, of course.” From then, I spent a whole lot of time learning as much as I could about it and other aspects of organ donation and have moved forward advocating for that particular point of view.

I’m grateful as well to all the people who have e-mailed, telephoned and written letters. Some of you have heard from the some of the same folks and, if not the same folks, you’ve heard some of the same kinds of stories that were touching, that were just incredibly warm. It’s amazing how storytelling can oftentimes let you look at the world through someone else’s eyes. So many of us in this Legislature were blessed for having been given that opportunity. We got the chance to look at the world, to look at life, through someone else’s eyes rather than our own. That’s a remarkable and magical sort of thing. It’s also a very human thing. So I’m very grateful to those people for telling us those stories and letting us see things from a very different perspective.

That’s why I get provoked into making comments about how people who aren’t prepared to give maybe shouldn’t be prepared to get. It’s having been given those opportunities to see the world through other people’s eyes.

Finally, in terms of my own organs, when I die, I’ve got a 1994 Chev pickup in reasonably good shape and a whole bunch of organs. I’ll have no use for any of them once I’m dead.

Ms. Jennifer F. Mossop (Stoney Creek): Are they in good shape too?

Mr. Kormos: I suspect the pickup is in better shape than some of the organs, but who knows? Because one of the other things I learned is that age is not a factor in organ donation, that a 70-year-old organ can be as valuable as that of a teenager or a young adult. Frank has learned the same thing. That was of some comfort to me. Of course, I take better care of my organs than I did when I was younger, and hopefully there’s some recuperative effect of efforts at abstinence over the course of—I quit smoking years ago now. I haven’t quit a whole lot of other things.

As I say, when I’m dead, I’ve got no use for the truck and no use for the organs. If you want them, come and get them, because I’ve got no particular emotional attachment to them either. So when Ms. Mossop and I go over to the tattoo parlour, we’re going to get that tattoo up our belly, the dotted line that says, “Upon death, open here and take what you need.” That’ll be a photo op, won’t it, Ms. Mossop?

So thank you, Mr. Klees, and thank you, Chair. I look forward to this bill being given some positive consideration by the government. It’s consistent, as I understand

it, with the very modest and limited recommendations of the so-called blue ribbon committee. It is, in Swiftian terms, indeed a modest proposal. It won't cost any money to implement, and if it increases the supply of organs by even one organ—I suspect it can do better than that—we'll have served a useful role.

The Chair: Any other comment or debate?

Mr. Klees: If I may—

The Chair: You may.

Mr. Klees: I'm sorry to prolong it, but I want to thank my colleagues in the House, first of all, for allowing this bill to get to this point. The support during second reading and the support here through this committee process is much appreciated.

I want to acknowledge today my constituent Geoffrey Risen, who first brought the issue of organ donation to my attention. This was a gentleman who sat opposite me and shared his agonizing story of the length of time he had been on a waiting list for a kidney, and his health was to the point where he was questioning whether he was going to live much longer. He ended up going to the US, at a cost of \$80,000. He did get a new kidney and his health was remarkably restored. When he came back into my office, it was not the same person. At that point in time, he came to me and asked me for support to help him deal with the post-operative support, which our health care system was not prepared to accommodate. However, it has subsequently, through a great deal of the work and, ultimately, support from OHIP.

I also want to acknowledge Don Cousens, who's a very good friend of mine, a former mayor of Markham and a former member of this Legislature, who now has his second kidney. I lived through his experiences as well, and those of a number of other constituents who brought me face to face with this issue. As a legislator, I was motivated to see what I could do, not to solve the entire issue of organ donation, but if there was some small way I could help in ensuring that there was more opportunity for people to have the same life-saving operation that Mr. Risen had, then I wanted to do that.

I also want to acknowledge George Marcello, for all the reasons that Mr. Kormos has indicated. He's a dedicated individual, an organ recipient himself, and passionate about the issues—sometimes misunderstood. Sometimes his passion perhaps is in advance of where others are, but he's incredibly well-meaning, and, I'm sure, in his own way has made a major contribution as well to this issue.

I want to thank Trillium Gift of Life for their support through this process as well and the work that they're doing; it's ongoing, it's evolving, it's developing.

I also want to thank the citizens' panel, as commissioned by the Minister of Health, and I want to thank him for doing that. Notwithstanding the debates that we've had in terms of timing—soon enough, late enough or whatever—that step was taken by the Minister of Health. It was valuable work that was done—28 recommendations, and a couple of them very consistent with this bill.

As Mr. Kormos indicated, there is not a cost here. It is a very simple administrative measure. I would call on the government to call this bill for third reading to implement it. I realize that there are some very large things that the government can do, coming out of the citizens' recommendations, and that it's going to take some significant legislative initiative. This is one that is simple. It can be done. We can have it implemented. There's certainly no reason why it shouldn't be implemented by the end of this year. I also believe that lives can be saved if we take that step.

I want to thank the many people who sent in petitions. Members will remember that over a period of months there was a volume of petitions that came in from across the province from people who supported this, and I want to thank them for their encouragement in expressing their views on this.

Finally, to my staff, who agonized over this with me over all of that time—they were very significant in helping us move this forward.

So, again, Chair, to this committee, thank you to all for your support. I look forward to seeing this come back to the House for third and final reading and ultimately implementation.

The Chair: Okay, thank you. Anything else? Okay.

Shall Bill 67, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? Carried.

That completes our work on the bill. Thank you all. Just a reminder before we adjourn that next Thursday morning we'll hold public hearings in room 230 on Bill 161, and we'll be doing clause-by-clause in the afternoon of Mr. Tabuns's bill.

We're adjourned. Thank you.

The committee adjourned at 1632.

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