

PRINCE EDWARD ISLAND LEGISLATIVE ASSEMBLY



Speaker: Hon. Francis (Buck) Watts

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Standing Committee on Agriculture and Fisheries

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LOCATION: LEGISLATIVE CHAMBER, HON. GEORGE COLES BUILDING, CHARLOTTETOWN

SUBJECT: BRIEFING FROM REPRESENTATIVES OF ENVIRONMENT AND CLIMATE CHANGE CANADA RE:
PROPOSED WASTE WATER TREATMENT PROJECT AT NORTHERN PULP

COMMITTEE:

Allen Roach, MLA Montague-Kilmuir [Chair] (replaces Hal Perry, MLA Tignish-Palmer Road)
Dr. Peter Bevan-Baker, Leader of the Third Party
Hon. Richard Brown, Minister of Communities Land and Environment (replaces Hon. Paula Biggar,
Minister of Transportation, Infrastructure and Energy)
Jamie Fox, MLA Borden-Kinkora
Hon. Sonny Gallant, Minister of Workforce and Advanced Learning
Colin LaVie, MLA Souris-Elmira
Hon. Chris Palmer, Minister of Economic Development and Tourism

COMMITTEE MEMBERS ABSENT:

Alan McIsaac, MLA Vernon River-Stratford

MEMBERS IN ATTENDANCE:

Darlene Compton, MLA Belfast-Murray River

GUESTS:

Environment and Climate Change Canada (Caroline Blais; Geoff Mercer)

STAFF:

Ryan Reddin, Clerk Assistant (Research and Committees)

The Committee met at 10:00 a.m.

Clerk Assistant (Reddin): Good morning everyone.

The Chair of the committee, Mr. Perry, is absent today, so, I'll open the meeting to ask for a nomination for a temporary Chair.

Mr. R. Brown: Allen Roach.

Clerk Assistant: Hearing Mr. Roach; any other nominations?

An Hon. Member: I'll second that motion.

Clerk Assistant: All in favour please signify by saying "aye".

Some Hon. Members: Aye!

Clerk Assistant: Any opposed say "nay".

Motion is carried.

Mr. Roach, please take the chair.

Chair (Roach): Good morning everyone.

First of all I'd like to welcome our guests that are here today; welcome to Prince Edward Island. Welcome to the cold weather, but I guess no matter where you go in Canada today you're going to get the same.

We're here today to talk about the Northern Pulp effluent treatment plan and what's taking place in Nova Scotia. Just before we get started I'd like to – anyone who's going to speak – the first time you speak I would ask you to identify yourself and that way our good folks over in the corner will be able to know who's speaking when they're doing their transcribing over there.

The other thing I've been doing at committee meetings is, when it comes time for questions later on, I'd like to give each minister and MLA the opportunity to ask three questions and then that way everybody in the room gets an equal opportunity to ask questions and at the end of that, if there's more time then we'll just start that process again. That seems to work quite well, so unless there're any objections, I'd like to continue it that way.

Having heard none; thank you.

I would invite whoever would like to speak to go ahead.

Could I also get an adoption of the agenda for today?

An Hon. Member: So moved.

Chair: Thank you.

Okay, Geoff and Caroline, whoever would like to go first?

Geoff Mercer: Thank you Mr. Chair, it's a pleasure to begin.

Good morning everyone, it's a pleasure to be here today in front of the Standing Committee on Agriculture and Fisheries. It's an absolute pleasure to be here in Charlottetown; of course on lovely Prince Edward Island despite the frigid Canadian winter.

Mr. Chair, my name is Geoff Mercer; I have the pleasure to be the Regional Director General for Atlantic and Quebec Regions of Environment and Climate Change Canada. I'm headquartered in Halifax, Nova Scotia and I'd like to introduce my colleague Ms. Caroline Blais. Ms. Blais is the director responsible for forest products and the policy administration of the pollution prevention provisions. You'll hear that term today, the pollution prevention provisions we refer to as subsection 36(3) to 36(6) of the *Fisheries Act*, with, and under, the administration of Environment and Climate Change Canada. I sincerely appreciate Caroline's travel last night from Ottawa. Thanks for being here, Caroline.

In follow up to my department's letter to this committee dated on the 19th of December, we are here today to provide more details on the Environment and Climate Change Canada's responsibilities under section 36(3) of the *Fisheries Act*, as they relate to the regulations for the release of effluents into waterways as was requested in the letter we received.

It's important to understand that Environment and Climate Change Canada is a science-based department. We develop policies, we deliver programs, we make

decisions based on scientific evidence. The department's programming focus is on minimizing threats to Canadians and their environment, including climate change, conserving and restoring Canada's natural environment and providing data and information to Canadians to make informed decisions on weather and weather conditions.

Secondly, please note that we are a regulator. As a regulator, the department is committed to maintaining a regulatory system in Canada that is evidence-based, effective, efficient, transparent and adaptable. We enforce Canada's environmental laws. Those laws include – just to name a few – the *Canadian Environmental Protection Act* which was recent – amended in 1999 last. We refer to it as CEPA (CEPA 99). The *Species at Risk Act*, you'll hear the acronym SARA used for that; the *Migratory Bird Convention Act, 1994*, just to name a few pieces of the legislation that we enforce. But we are here today to talk to you about the pollution prevention provisions, remember section 36(3) to 36(6) of the *Fisheries Act*, which is why we're here.

Ms. Blais will provide the committee with information on the department's rules and responsibilities for the pollution prevention provisions of the *Fisheries Act*, and specifically, the Pulp and Paper Effluent Regulations.

Following our presentation, we look forward to receiving any questions you may have on these regulations.

So, with further ado, Mr. Chair, I'd like to ask my colleague, Ms. Blais to begin with her presentation.

Caroline Blais: Thank you, Geoff.

Good morning everyone; Chair, members of the committee, thank you for the opportunity to appear here today. My name is Caroline Blais; I'm the Director of the Forest Product and *Fisheries Act* Division at Environment and Climate Change Canada. My team and I are responsible for implementing the Pulp and Paper Effluent Regulations.

So, I'd like to start with some information regarding the *Fisheries Act*. The *Fisheries*

Act is the oldest piece of environmental legislation in Canada. It was first enacted in 1868. It applies to all Canadian fishing zones, territorial seas and inland waters, so that's our basis.

The Minister of Fisheries and Oceans is responsible for most of the act. The minister of environment is responsible for the pollution prevention provision for all activities, except aquaculture, the control and eradication of aquatic invasive species and aquatic pests. That stays with the Minister of Fisheries and Oceans.

The sharing of the responsibility was confirmed in 2014 through a designation Order in Council that gave the minister of the environment primary responsibilities for the pollution prevention provision and those are the section 36(3) to 36(6).

There are two of these subsections that are key: first the subsection 3, which really prohibits the deposit of any deleterious substance pollution in waters frequented by fish, or in any place under any circumstances where it may enter such water unless authorized by regulations. That's our basis.

Second, the Governor in Council may make a regulation under subsection 36(5) authorizing certain deposit under conditions. In 1992, the Government of Canada promulgated the Pulp and Paper Effluent Regulations also known by its acronym PPER; we love acronyms. The regulations apply to all pulp and paper mills in Canada by setting national effluent quality standards.

The purpose of the regulations is to manage threats to fish, fish habitat and the use of fish by humans, i.e. when we eat the fish, by limiting the deposit of deleterious substances into fish bearing waters. All 90 pulp and paper mills in Canada, across Canada, must comply with these regulations.

The regulations set maximum quantities of amount of biochemical oxygen demand matter and suspended solid that may be deposited by mills and prohibit the deposit of effluent that are acutely lethal to fish. I will explain some of these terms.

Biochemical oxygen demand matter; it represents the amount of matter that consumes oxygen dissolved in water. It is determined using biochemical oxygen demand test, which is the measure of dissolved oxygen in the water consumed by the organisms to break down the organic material present in the effluent. It is used as one of the measures of the degree of pollution in that effluent. The higher the value, the more pollution in the effluent. So it is important to limit BOD matter so that an effluent does not reduce the available oxygen in the receiving environment. If oxygen levels in water are too low, aquatic organism will be negatively impacted.

Total suspended solids are essentially solids that are not dissolved in the water and are also a measure of pollution. This is an important perimeter to control because high levels of suspended solid can harm fish gills, so those are two substances that are regulated under PPER.

Finally, acute lethality to fish is determined when more than 50% of rainbow trout die when they are placed in the effluent at 100% concentration level over a 96-hour period. This test is used to make sure that the effluent as a whole does not kill fish.

The maximum quantity set in the PPER are national standards based on what was achievable by pulp and paper mills using secondary wastewater treatment system at the time the regulations were developed. The regulations sets a number of conditions that pulp mills must meet in order to be authorized to deposit biochemical oxygen demand matter and suspended solids.

The regulatees must; install, maintain, calibrate monitoring equipment, monitor effluent and submit monthly report of the monitoring results and production information, notify an inspector without delay of any results of a test conducted that indicates failure or non-compliance, submit identifying information, prepare and update annually a remedial plan, prepare an emergency response plan, submit information on all outfall structures and deposit effluent only through these outfall structures, comply with the requirements of environmental effects monitoring studies and keep records on sites for inspections.

Environmental effects monitoring done by the mills is the ultimate performance measurement tool for the Pulp and Paper Effluent Regulations. It measures, directly in the receiving environment, the effects of effluent on fish, fish habitat and human use of fisheries resources to assess how well the regulations protect fish, fish habitat and the use of fish by human.

This is achieved by comparing a number of measures taken in the area exposed to the effluent and a similar area not exposed to the effluent. These measures include data on water, sediment, fish, fish tissue, fish habitat. Environmental effects monitoring also includes sub-lethal toxicity of final effluent. So, this test is performed in a laboratory to provide information on the potential effect of effluent on biological component in the receiving environment and it's a longer test.

Under the regulations, mills are required to identify and investigate potential effects on their effluent on fish, fish habitat and the use of fisheries resources. When environmental effect studies show effects as a result of the discharge of the pulp and paper effluent, mills are then required to conduct studies to understand the causes and identify potential solutions to mitigate these effects.

Now I'd like to explain the results that have been achieved by the Pulp and Paper Effluent Regulations since it came into force in 1992. Since then, mills across the country have made significant improvement in their effluent quality; in most cases by implementing secondary biological treatment system. Between 1987 and 1996 – so total discharge of suspended solids and biochemical oxygen demand matter decreased approximately by 60 and 90% – so that's across the country. Compliance rates with the regulations is high and based on the self-reported data, over 97% attest that mills across the country conduct are compliant with the regulations.

Despite this high level of compliance with the existing effluent standard, the environmental effect studies have shown that the effluents from 70% of the pulp and paper mills across the country are having an effect on fish and/or, depending, fish habitat.

So on the national basis, like the most prevalent impact of mill effluents are eutrophication, which is when there is too much nutrient in the body of water and reduced size of reproductive organs in fish. Eutrophication can lead to oxygen depletion and decrease in species diversity. Reduce reproductive organs in fish can lead to reproduction in species, diversities and imbalance in the fish communities.

In taking this information – in September 2017, the department launched a process to modernize the Pulp and Paper Effluent Regulations.

The modernization is focused on four key areas: 1) winding the scope of the regulations to capture new and innovative products being produced by the sector; 2) reviewing the regulatory limits for existing and new deleterious substances 3) improving the administration of the regulations and; 4) streamlining the reporting and administrative requirements.

A key area of the modernization is increasing environmental protection. The department has publicly proposed to reduce maximal allowable biochemical oxygen demand matter and suspended solids and to add new substances to regulate, such as nutrients.

A first round of engagement with interested parties occurred between fall of 2017 and spring 2018. A second round of engagement is planned for winter/spring 2019.

In closing, I would to emphasis that notwithstanding the evolution of the regulations effluent from pulp and paper mills across Canada are regulated and the effluent of any new treatment facility at a mill in Canada would be subject to these regulations.

That concludes my remarks and happy to answer any questions.

Chair: Thank you both very much.

First question is from MLA Compton.

Ms. Compton: Thank you, Chair. I want to thank both of you for coming in today.

I'm not actually on this committee but it's of great impact to my district and had a lot of constituents reach out. We've had a number of people come in, including Northern Pulp and it seems every question we asked it was someone else's department or no, we can't answer that, or no, that's environment, or no, that's fisheries.

I guess my first question would be – looking down the road, I mean 50 years ago they thought Boat Harbour was going to be the answer and we now know that it wasn't. Fifty years down the road what are we going to be saying about the Northumberland Strait and the impact that this is going to have on fishery? I don't know if you can comment.

Thank you for all that information; it was a lot to process and maybe we could have that given to us in written form or online, that would be great. But if you can just answer how we can be assured that 50 years down the road this process – which the only answer we've gotten is it's going to be better than it was – is not going to be better than it was – or is going to impact the environment and the fisheries.

Geoff Mercer: I think I'll start general. Thanks very much MLA Compton for the question, first and foremost.

Environment and Climate Change Canada like I said in the beginning is a science-based department and we're a regulator. The development and implementation of the Pulp and Paper Effluent Regulations in 1992, as my colleague Ms. Blais indicated, markedly improved the performance of mills in protecting the environment, particularly, the decrease in toxins or furans in the environment. Toxins and furans are cancer-causing agents that were released up until then.

In today's world in environmental standards, we use the absolute best practices that are available and the leading class science that we can in this country to make sure that the regulations are written in a way and are applied consistently across this county, as Caroline has indicated, from coast to coast in all 90 mills. When those regulations are applied consistently and with world class enforcement officers that we have through our environmental

enforcement officers program, then we have absolute certainty that those regulations are being applied as the laws are written in Canada.

Ms. Compton: I wondered if either of you could answer the question as to, if there was a new mill being built that was proposing the same effluent treatment, would that be approved through the regulations that both your departments have?

Caroline Blais: Thank you for the question.

As a regulator, a regulation does not approve single projects. So if there is a new mill, from the beginning, they will be subject to the effluent standard. We don't prescribe the technology; they just have to meet the effluent standard for biochemical oxygen demands, suspended solid acute lethality of the existing reg. When the new regs are coming into force they will be subject to those levels.

Ms. Compton: You did state that of the mills that are existing, 70% of those mills are having an impact on the fish that the effluent is going into the water. I'm not even sure I'd ask the question, but the concern that we have here is it's going to ruin the fishery in the Northumberland Strait. If right now 70% of the mills which supposedly meet the criteria by both the regulators that are represented here, there's still a problem and how do we move forward from that? If we take 70% of the fishing in our Strait or 70% of the mills, this is included I'm sure – and maybe can you answer: Is Northern Pulp one of the mills and the effluent coming out of there now is affecting the fisheries?

Caroline Blais: So effluent standards – okay, so I'll answer the question (Indistinct) two steps. The first part of the question is that we are aware that despite the high level of compliance with the effluent standard, effluents across Canada are having an impact on fish, which is why in September 2017, the department launched a process to modernize these regulations, so to update the effluents limit. The second part is, if Northern Pulp has an impact and our information looking at their (Indistinct) studies, we found that yes, they have an impact on fish habitat and the company is at the stage where they are looking for the

cause of the impact and their last study is posted on their website. That's where they are in the process.

Ms. Compton: Do you want me to keep going?

Chair: No.

MLA Fox.

Mr. Fox: Thanks, Chair. Thank you very much for attending today.

In your submission there, you talk about installing and maintaining and calibrating and monitor equipment. I'm interested in: How often do the inspectors actually check and verify that the equipment they're using to test the water is actually calibrated?

Caroline Blais: Our colleagues in the enforcement branch have a prioritization exercise and on a yearly basis they kind of look at all of their regulations across the department and the regulatee and to set up a schedule to go and inspect a number of facilities, including pulp and paper mills. In terms of the exact frequency, I don't have that information here, but they do have a process to go and inspect and verify those documents.

Mr. Fox: Chair, a follow up to that, is it possible to get a list of how many times inspectors attended Northern Pulp and found them to be non-compliance to the act or the regulations, or the standards that are required?

Caroline Blais: We'll take that information back (Indistinct)

Mr. Fox: Thank you.

If we recognize that the effluent going into the Strait or into a waterway is above the temperature of the water and we know that that rise in temperature affects the oxygen levels in the water which has a negative effect on the species, any species of fish in the water – we also know that climate change is real – why would we allow any substance to go into a waterway that is above the average temperature of the water, which is actually worsening the climate effect change?

Geoff Mercer: Do you want me to start off?

Caroline Blais: Sure.

Geoff Mercer: Thanks very much for the question.

The response that we provide is this. The legislation as it is written in Canada under the *Fisheries Act* under section 33 is very specific when it talks about deleterious substance. Caroline can explain the term deleterious and what it means. The application of that term deleterious is consistent across this country.

In applying that word deleterious, MLA Fox to this situation, we make sure that deleterious substances are not deposited into the watercourse unless done so by a regulation. In this case, there are the Pulp and Paper Effluent Regulations that apply. So therefore, the effluent coming from this mill is known to be deleterious but is permitted under the Pulp and Paper Effluent Regulations to certain perimeters and those perimeters are national standards.

Mr. Fox: Okay.

Chair: MLA Bevan-Baker.

Dr. Bevan-Baker: Thank you, Chair. I want to thank you both for (Indistinct) here this morning.

In a previous standing committee meeting we had representatives from DFO here who explained clearly that their mandate was to do solely with the physical impacts of the construction of the pipe and its presence in the waterway in the Strait. That, as you've explained this morning, Environment and Climate Change Canada is responsible for monitoring the effluent from that pipe. But you do not monitor all of the substances in that effluent as I understand, suspended solids and certain generic heavy metals and biochemical oxygen demand, you measure all of those. But I see towards the end of the presentation you made, Caroline, that there are changes and I understand the environmental impact assessments are undergoing an assessment themselves which is ongoing before Parliament now. But I see that you want to add new substances to regulate, such as nutrients.

So, currently, are we not regulating the nutrients which are in the effluent, which is of course, one of the huge potential problems in the Strait?

Caroline Blais: Currently the regulation does not have effluent standards for nutrient. The standards are BOD, biochemical oxygen demand matter and TSS, along with acute lethality. So the nutrient is something we are considering to add as we move forward and modernize the regulations.

Dr. Bevan-Baker: As we all know the title patterns in that area of the Strait are such that the water is fairly stagnant, there is not a lot of movement of water and we're looking at 70 to 90 million cubic metres of effluent being pumped into the Strait 365 days a year. DFO is responsible for the physical impacts; your department is responsible for monitoring certain elements of the effluent, but not all of them. You talk about the acute lethality to fish and in 96 hours where 50% of the fish will die, but I'm much more concerned about the long-term impacts of an unregulated unmonitored substance going into this body of water and the effects that that might have on the respiratory, the digestive, the reproductive organs of the animals that live there.

So, if DFO is not monitoring, or is not responsible for the health of the animals in the Gulf, if your department is not responsible for the health of the animals in the Gulf, then who is?

Caroline Blais: The way the regulation is set up is that we try to – well we set effluent standard based on deleterious substance for the whole effluent that gives us an indication of the toxicity of the effluent, hence why we're not targeting specific deleterious substances or more micro deleterious substance. That's answered to the first part of the question.

On the second part is, we are getting the information by having provisions in the regulation that mandate the regulatees to do these environmental effects monitoring. We are regulating BOD and TSS and acute lethality. In addition, our regulatee must go in the receiving environment and make tests of the water on the fish, on fish habitat, to find if there's an effect. If there is an effect, then the regulatee is mandated to do studies

to find what is the cost of that effect, which may bring information as to what other substances could cause these effects. That's how the regulation is set up currently.

Dr. Bevan-Baker: So what I heard, Caroline, is that it's the pulp mill itself who is responsible for monitoring the health of the animals in the gulf, through self-monitoring and – as you say in your hand-out here – that environmental effects monitoring is done by the mills themselves.

To me, that's a bit of a problem. This mill in particular and mills in general are not known for their good public relations – I shall put it that way – and there have been a number of instances in the past with Northern Pulp where they have lost the faith and trust of the communities around them, whether that be the Indigenous community or the settler communities.

So how can we entrust something as important as the ongoing health of the creatures that live in the Northumberland Strait, to the very company that has no inclination, or there's no benefit to the company itself, in reporting problems that it may be creating for itself. How can that happen?

Caroline Blais: Environment and Climate Change Canada, in the regulation, has the provisions of EEM. We do have extensive technical guidance that companies go through, so there are steps on how to conduct the environmental effects monitoring; and those processes have been developed by a team of scientists, both from academia and other industries and it's like a peer review process.

That guides every regulatee across the country on how to carry out the EEMs, and those studies are done, submitted to Environment Canada, and then we review the data, and when an effect has been confirmed – so that means that the studies have identified the same effect in two consecutive studies, then the department instructs the regulatee to move to what we call an investigation of cause study, and that's where the regulatee needs to find what is the cause of that particular effect that has been identified.

Geoff Mercer: That explanation is really important, because the industry itself is doing the study. The study is reviewed by Environment and Climate Change Canada scientists, and then Environment and Climate Change Canada provides direction to the mill on what needs to be done. You then supplement that with our enforcement activities or enforcement actions.

So the mills themselves, we believe – in 1992, when the Pulp and Paper Effluent Regulations were brought into force, we put the onus on the mills to do the studies, knowing that we have the science and the technical capabilities to review the environmental effects monitoring studies when they're provided to Environment and Climate Change Canada; but it is not part of the regulation where Environment and Climate Change Canada or the Canadian public would do those studies.

If the mill is doing the – bringing people into their facilities and constructing and doing their pulp and paper making process, they're generating this effluent. The regulation itself is built so that the pulp and paper mill spends and does the initial work to do the science behind their releases of effluent, and then our department reviews that to make sure that it's in line with our regulations, with the science and technology that we have in Environment and Climate Change Canada.

Chair: MLA LaVie.

Mr. LaVie: Thank you, Chair.

This is going to be hard with three questions.

Thanks (Indistinct) –

Chair: We'll come back to you.

Mr. LaVie: Yeah.

So there's 90 pulp mills across Canada. Is that correct?

Caroline Blais: Yes.

Mr. LaVie: How many is on waterways and how many is inland?

Caroline Blais: Oh, I don't have that information.

Mr. LaVie: You don't have that information. Do you know how many are in the Atlantic Provinces?

Caroline Blais: I didn't bring my extensive lists, apologies.

Mr. LaVie: Okay. What was the percentages said that – was there ever charges laid on a pulp mill?

Caroline Blais: For noncompliance? (Indistinct)

Geoff Mercer: Let me be clear, Mr. Chair. We're here to talk about the release of effluents from this facility itself. If the committee would like a broader conversation on the national mills, the 90 that are across the country, or from an Atlantic Canada point of view, we're happy to provide that information.

On this particular mill itself, as we would remember, there was a noncompliance in 2014 with it when the effluent treatment line broke. That resulted in a conviction and a fine of \$225,000. The additional compliance record of the company is public and can be obtained.

Mr. LaVie: So the effluent coming out of the pipe, do you think there should be a federal study done on this? There's no federal study done on this effluent pipe, right? In your opinion, should there be a federal study going into the waterways?

Caroline Blais: As a regulator, we don't do studies on specific regulatees. We look at the scientific data across the country. So what guides how we modernize the regulation is the result of the environmental effects studies of the mills across the country, as well as any improvements in technologies that have happened over the years. That's how we're moving forward with updating the regulations.

Mr. LaVie: I'm a fisher myself, and I experienced this same situation in my fishing grounds, where there was a fish plant. It was pumping into the fishing grounds and we had all the scientists. We couldn't get answers; but for some reason,

the fish disappeared from that fishing ground. It never killed any of the fish, but the fish wouldn't go into that fishing ground. So I had to move, and nobody could answer. Nobody would answer; so when the fish plant closed, all of a sudden the fish came back, and we're fishing there as of today.

There's no guarantee that this effluent – there's no guarantee of all the science in the world that this will affect the fish or not?

Caroline Blais: So we don't have answers, as a regulator, before the project is implemented. The regulation, like when a project or a mill starts operating, then the provisions for the environmental effects monitoring kick in. One of the steps is to do a plume delineation, so they go and have a study to see where the effluent and how it dispersed. Then they have to do a fish population study, so what kinds of fish, how many fish, where are they, so that's kind of the first step to establish a baseline.

Then they go back again, and so they get information on the fish population as well as the invertebrate population. So if there's less fish, more fish, as well as the health of the fish: are they fatter, bigger, smaller? Those results come through the environmental effects monitoring when there is a regulation for a sector.

Chair: Minister Palmer.

Mr. Palmer: Thank you, Chair.

Thank you for the presentation. These are really important questions here to the economy of PEI. Specifically, it's part of my responsibility as minister to make sure that we continue to have our economy grow, and this is a very important sector to it. My questions will be kind of related around that.

One of the things that you'd said earlier on about measuring the effluent, is temperature of the water one of those measures as it's going into the environment? So are we measuring the temperature of the effluent?

Caroline Blais: The current PPER does not have that as a requirement.

Mr. Palmer: Okay. You had said as well that there were – mills would do studies to identify solutions to any effluent kind of,

whatever levels are out there. So are those studies public? Are there other mills that are coming along that are going to use that as their baseline data so they can get a better understanding of what body of work has already been done?

Specifically, really where I'm going with this is, we had a presentation here by – I believe it was Northern Pulp, and I think they called it a closed loop system. It was too expensive to operate because their pumps kept burning out or something like that.

So as mills are identifying that they've been over the acceptable effluent levels in areas, are those studies made available of how technology can solve some of these problems?

Caroline Blais: The first question was: Are the studies for investigation of cause and solution are publicly available? Currently, the department does not make them publicly available. They are released from time to time, but they're not on a website.

The second part, in terms of – do regulatees or dischargers share in their knowledge? What I can say about that is, as a regulator, we often work with their association, Forest Product Association of Canada, FPAC, and they do have an R&D organization called (Indistinct) and I understand that a lot of the mills together will pool the resources to find solutions to some of the causes that have been found to have effects on fish.

As to if that research is publicly available, I don't know.

Mr. Palmer: I guess to follow along with that, and again, the economics of the fisheries in PEI are vitally important to us, and again, I'm surprised that technology can't help solve some of these problems. Is there not some way that technology can keep that into the closed loop instead of just dumping it into our fishing grounds?

Something that I talked about here before is that I committed from Innovation PEI's side that we would help do some funding around finding a technology solution to help relieve the pressures that are going to be on the environment here.

I don't know if this is inside of the scope of what you're looking at, but I know we're talking environmental on this side, but who's doing the work to see if there is a technology solution? Is that happening?

Caroline Blais: In our department, from the *Fisheries Act*, we are concerned with making sure that while authorizing a release, the limits are as protective as they can be. We do not prescribe what technologies the regulatees use, and that's an approach that we use, not only with the *Fisheries Act*, but with the *Canadian Environmental Protection Act*.

We set limits, but we do not prescribe technologies, nor do we invest in research and development on these technologies as a regulator.

Mr. Palmer: Do you know who would in this environment?

Chair: Mr. Palmer, you'll have to wait and come back to you.

Mr. Palmer: Okay, sorry.

Chair: Minister Gallant.

Mr. Gallant: Thank you, Chair.

Thank you very much for coming in, and for your presentation.

One of my questions was answered and I just had one question. Going back to 1987 to 1996, there were some studies done and things were in compliance and approximately 60-90% of the compliance, it was high and it was self-reported.

Then you go to the next paragraph and it says that 70% of this effluent is still affecting fisheries. So, in 2017 there's been some new regulations, and I know it's hard to read into the future, but how do you see these regulations being more productive in helping the fishery versus the ones back in 1987 to 1996?

Caroline Blais: When the regulation came into force in 1992, basically pulp mills were not regulated. The improvement from 1987 to 1996 kind of demonstrates the effectiveness of actually having a regulation and setting effluent limits.

The period between then and now, we have more than 20 years of environmental effect studies across the country, as well as investigation of cause and solution. That gave the department a lot of scientific data for us to look at what needs to be updated in the regulation to be more protective of the environment. So that's the information that we're using to propose new limits.

As we move forward, these limits – as the regulatory process goes its course – if and when there is a new regulation and if there's new limits, they will be implemented and then environmental effects monitoring will continue and will inform us if these limits are protective or if there's still effects, and then the department will kind of use that data when we get it.

Mr. Gallant: Thank you.

Chair: Minister Gallant.

Mr. Gallant: Thanks for now.

Chair: We'll move onto Minister Brown.

Mr. R. Brown: Thank you, Chair.

Thank you for your presentation today.

I want to make it abundantly clear that the Province of Prince Edward Island wants a federal environmental review of this plant.

Colin LaVie asked a good question there about the tests being not being public. I'm on the website here – GHGs for each plant are reported publicly and I think that one of the recommendations of this committee would be that all plants be put online. If you have nothing to hide, you don't have to worry about putting it online.

My question is: What triggers a federal environmental impact study? We see the big impacts studies of a pipeline going through BC and the environmental impact studies that have been done on that, and that's a pipeline sending materials from one plant to another plant, basically.

Why wouldn't this meet the criteria of a federal environmental review?

Geoff Mercer: A couple of – minister, if you'll allow me to start off?

Mr. R. Brown: Yes.

Geoff Mercer: Thanks very much for the questions.

For the first two, one of the federal environmental assessments – so of course everybody would have seen the news yesterday. The proponent has tabled its draft plan to the province and with that; the Canadian Environment Assessment Agency has received a copy of that as well.

Our federal environmental assessment office, the agency itself, is considering that document as well. As the province considers in moving forward with the environmental assessment process, Environment and Climate Change Canada has absolutely committed to providing our science and our technological capacities within our mandate to the Province of Nova Scotia to do that environmental assessment.

Secondly, on public information, it's absolutely clear that transparency builds accountability, right? So therefore, the review of the regulation that Caroline spoke to that began in 2017 is something in which, in this generation, where we're going forward as a Canada – in protecting our environment and protecting our regulations. Sorry – using our regulations to protect the environment is something that we will be considering of course in development of the new PPER.

Caroline, I turn to you then for the third question from the minister.

Caroline Blais: In the modernization of PPER, as well as modernization of other regulations under the *Fisheries Act*, that is something that we are considering to make data more easily accessible for Canadians. But at the moment, they can be released but are not publicly available.

Chair: Minister Brown.

Mr. R. Brown: Thank you, Chairman.

Can't you see from our end of the country the people of Atlantic Canada are looking at this plant and saying: Okay, they're going to put a big pipe right into the middle of the Strait? If it was only in Nova Scotia I could understand that. You know? I could

understand that Nova Scotia has its jurisdiction within its – but that pipe is going to be affecting the Gulf and therefore Prince Edward Island, New Brunswick, and Newfoundland, to some extent.

We see that, okay, a pipeline in BC gets a full federal environmental assessment and we can see it because it's going through jurisdictions. We can say: Okay, we can understand that. But, we have a pipe on the other side of that Strait that's going to affect us. People are saying: Well, isn't that the same as the pipe in BC? Because it's going to affect me and I have no – why isn't the federal government, because it's inter-jurisdictional here, and after all, the federal government does control the oceans and controls our straits and the wellbeing of it, so can you not see our point in terms of the public saying: Well, if they can do it in BC why can't they do it in Atlantic Canada?

Why wouldn't environment Canada step in at that point? Like if you say: Okay, this is over two provinces. This is going to put a tremendous amount of effluent into the ocean. It's going to have an effect on not only the fishery, but we don't know what other effects it's going to have. Why aren't we doing that? Not only that, people are saying – why not before they build this \$300 million plant, would Environment Canada not say: Okay, this plant – our assessment of this plant will meet the requirements of our current regulations. Do you at least do that? Do you say: This technology – we've reviewed this technology; this technology will meet the standards that we have set. At least do that.

Caroline Blais: The last part of the question, we don't do any evaluation of technology of any regulatees under any regulation, be it *Fisheries Act* or a *Canadian Environmental Protection Act* for (Indistinct). The way a regulation is administered under the federal law is that you set a limit then the regulatee is responsible to meet the limits. If they're not, there is a policy for compliance and enforcement and enforcement officers will go and there is consequences and those consequences will move forward, so that's how we proceed.

Geoff Mercer: I can supplement that response as well.

Please, minister.

Mr. R. Brown: Sure.

Geoff Mercer: I want to make sure we're comparing pipelines here. The pipelines that we're referring to of course in the west coast are carrying petroleum products and such. And the pipelines that we're referring to here are carrying a waste water effluent from pulp and paper mills. They're covered under different regulations in Canada. The Pulp and Paper Effluent Regulations don't apply to the petroleum pipelines in this country and petroleum pipeline regulations as they would be applied, don't apply to a pipe and paper mill. It's really important for Islanders, for Atlantic Canadians and Canadians in general, to understand that, yea, they're both pipelines but they're regulated completely differently for very specific reasons and to help ensure the protection of the environment based on what those pipelines are carrying.

Then the second part then too, is really about where when you have a large – in this case a multi-national company doing proposed upgrades to an effluent treatment facility – what Caroline has indicated is in fact the case where we ask, we tell them what the standards are that they need to meet. Then we regulate them on what those standards are; you shall meet that. If it was done in a different way, then the Canadian government and the regulations themselves are working directly with the company and that's not been part of the 1992 Pulp and Paper Effluent Regulations. The decision that was made was to be nationally consistent across the country. As Caroline has indicated in all of our regulations, we set standards and then we look to the companies to figure out and to innovate and to put ideas forward and to use their own capital, their own processes to decide how they need to meet those standards. Therefore, that also protects the public purse.

So, if a company wants to operate – and we're telling them you need to meet this level of total suspended solid, this level of biological oxygen demand, the question would come: Well how do we do that? That's not our problem. You need to put your own capital, your own board of directors, your own scientists, your own lawyers, your own engineers into developing

that process for Canada. Therefore, that protects the public purse so that Canadians are not chasing the latest and greatest technology to allow that pulp and paper mill to operate.

Chair: Minister Brown.

Mr. R. Brown: Thank you.

You have people saying: I want to add an addition onto my house. I have to go to City Hall, I have to go to the government, I have to go here, I have to get about 18 different permits and they review eight different things. But this big multi-national company, all you say to them is: Well build you plant and hopefully meet your standards. If you don't meet the standards we'll work out mitigation with you. Because you're not going to – after \$300 million, if they don't meet the standards do you shut them right down? As I heard earlier, there was a process of working at a mitigation effect. Let's work together here to see what we can do to bring these effluents back or change them in some way.

The constituent or the person on the street is saying: I want to put a new window in, I got to go get a review of it, but these guys can pour hundreds of millions of litres of effluent into the harbour. By the way, the City of Charlottetown in the past has been cited a number of times for its pollution in the harbour and the City of Charlottetown has had to spend tens of millions of dollars to fix it and that's perfectly right, the right thing to do.

But that's where we're coming from here, the people on Prince Edward Island, I'd say all of Atlantic Canada are saying: Why the double standard for me and for the multi-national?

This maybe my last question; I want you to go back to your minister when Minister Catherine McKenna, when you were preparing the briefing note for her from this meeting, please put in your briefing note that the people of Prince Edward Island wants a federal environmental assessment review. Because we've written her; I hope this committee will reestablish that today – and say the people of Prince Edward Island – this is going to affect the people of Prince Edward Island and we want a federal review

because it's going to affect our livelihoods. If you can do it in BC – I know it's different pipelines but if you can do it there, why can't you do it here?

Geoff Mercer: Minister, the Pulp and Paper Effluent Regulations are applied equally and consistently across Canada. The mills that are here are regulated – as Caroline can more briefly explain – but are regulated in the same way as mills are across the country. The standards are developed in nationally consistent ways as well in accordance with our current regulations.

It's really important that the committee members, general public understand, that how mills are regulated here in Atlantic Canada, in Nova Scotia, in Prince Edward Island, it is absolutely consistent across the country. All Canadians are under the same regulations. All Canadians are subject to the environmentally effects monitoring protocols. The environmental effects reports themselves are submitted to Environment and Climate Change Canada. The costs for doing all of those studies are held by the companies themselves and if the companies themselves, if those reports are not meeting federal requirements, then we're reviewing those reports and we're providing the recommendations and the requests back to the company in order for them to do additional studies.

If those additional studies show environmental effects, then we're regulating them. So they have to stay in compliance with the regulations. If they're outside of those regulations, then there will be enforcement action taken by federal enforcement officers to bring them into compliance; but the regulations as they are currently written is what we can enforce and we enforce that consistently across the country. I do take your point for the environmental assessment.

Mr. R. Brown: Thank you.

Geoff Mercer: You're welcome.

Chair: I have a couple of questions.

Again, thank you for the presentation. I've talked to hundreds of people on Prince Edward Island and people from Nova Scotia and Pictou because I travel over there

frequently. I could tell you that there is, in everyone I spoke to when it comes to Northern Pulp, they believe Northern Pulp has no credibility. They don't trust Northern Pulp. This is what I'm hearing; it's not me talking, but this is what I'm hearing.

What I'm hearing is, Northern Pulp have displayed to all of us their capacity as a good corporate citizen. In Boat Harbour you have a major environmental disaster. You were talking about the suspended solids. All you have to do is go over there and we've all seen the pictures and the videos of people jumping up and down on the (Indistinct). There is nothing in there; there is no oxygen in the water whatsoever. So here we have the exact same company who created that and I don't know, I don't think it's cleaned up yet, still a mess. You have the exact same company that created that environmental disaster in that location and what they're telling us – what they've told this committee here, I heard it – that they're going to do different – is instead of running it out of a three-and-a-half or a six-foot round pipe, now we're going to take it out of Boat Harbour, we're going to move that pipe out into the Northumberland Strait, and we're going to take six or seven pipes off that, that are only going to be this round.

So what we're doing is we're taking the disaster that we just put in there, and now we're going to run it through when it gets outside and we're going to stick it in a bunch of little pipes, and somehow we're supposed to believe we're not going to have another Boat Harbour?

So my question to you is: Knowing that this company has caused all of that disaster to take place, and going back to what Minister Brown said and MLA Bevan-Baker brought up, how can the people of Nova Scotia and Prince Edward Island have confidence that Northern Pulp are going to do anything different that's going to avoid the disaster that was already created?

That's why we feel that it is imperative that your minister take note of this and do an environmental assessment. I'm asking you to bring those notes back to her, those thoughts. So my question is, before that pipe goes in the water – and I understand that they're over there now doing some preliminary work before anything is even

completed – is, are you going to go in there and do a baseline now of what the status of the fish are now, what the status of the fish at the bottom is, what different kinds of species are in there?

We have great concerns about in particular lobster, herring and the spawn, because that's the big number that everybody's worried about is killing the industry. So my question is: Will you go in – and you talked about it here, about doing a baseline, there's no sense going in and doing a baseline after the pipe goes in. We need to know what's in there now. So will you commit to that, to doing that baseline?

Geoff Mercer: Thanks very much for the question, Chair.

We've talked quite a bit about the Pulp and Paper Effluent Regulations and how they currently apply. On this specific issue itself, what I would say is we're doing – the provincial government itself of Nova Scotia has received the information from the company itself for the proposal for their effluent treatment facility. That's starting to be reviewed under a class one environmental assessment, and the Canadian Environmental Assessment Agency has received the information as well, and they're reviewing the information as we speak as well.

So in the due course of that environmental assessment, that's the process that we're going to follow because that's Canadian law and that's the provincial laws that apply, and in due course we look forward to receiving the recommendations of the Canadian Environmental Assessment Agency and the province in that regard.

Chair: Thank you.

A lot of the answers that we were given here, we were talking about the 90 mills across Canada and we talked quite a bit in generalities, but you provided excellent information. So this committee wants to drill down into Northern Pulp, and I think that the only time the public at large is going to be satisfied is if there is an environmental assessment done by the federal government.

The big question is: We know what that company created over there. We've all seen

the damage. To have that company say: Okay, we're going to do something new. Now, I know that you talked about – I think there was four different new things that had come up, and one of them was you're going to widen your scope for new products. Are you looking at what they're doing as a new product to look at? Because I think if you're trying to find a way to get in there and look at it, it seems to me that you've got your own answer right there.

Geoff Mercer: Do you want to address what we're doing with the regulations?

Caroline Blais: Yes. So in terms of the four things we're looking at with the regulations and the new products, it's the new products that the mills are creating. So the pulp and paper mill industry has undergone some difficult times over the last few decades, and they're developing new products instead of just traditional pulp and paper.

One of the challenges is that the regulation sets standards for pulp and paper, because back in the '90s those were the two products. Right now I think there's upwards of 20 or even – yeah, at least 20 different types of products that mills are producing, including some food additives and fabric, and so part of what we want to look at is look at those new products and say: Okay, does this change the profile of the effluent, and what kind of standards do we need to set to be protective of the environment? So that's how we're looking at that question.

Chair: Okay. My last question and I don't know how I can – and I guess when I look at it, you're the director of forest products and the *Fisheries Act*, so both of those things have a direct impact on what's taking place in Pictou and with Northern Pulp.

I guess I just can't stress enough that when we have a company like Northern Pulp, if it was a company that had a great track record, and the public said: Okay, you know, they didn't create that problem in Boat Harbour or it wasn't as it was and they're saying the effluent coming out is great, is there a way to test their effluent that they're saying they're going to put out before they actually start pumping it into the Strait?

In other words, I know that other places – for example, there's a pulp and paper mill I

think in Alberta, and they do a recycle thing. Here we're pumping 33 million liters of hot effluent a year into the Strait. That's what they're proposing to do. It just seems that it's so logical to say: This is what happened to Boat Harbour. The public needs to be assured that if the federal government and the government of Nova Scotia approve this that the same thing is not going to happen in the Strait. We need assurance that that's not going to happen.

We didn't get the assurances in Boat Harbour. Northern Pulp didn't give the correct information of what was causing that problem. I guess my concern is we're just going to disregard everything that this company did in the past and say: Go ahead and pump it into the Strait and we'll check it later. The sound of that doesn't sit right.

Caroline Blais: So in terms of Northern Pulp as a regulatee, I can say that for the last 10 years – I didn't go back previous to that – they've been in compliance with all of the effluent standards under the *Fisheries Act*, and they've had secondary treatment system, I think, prior to the enactment of the Pulp and Paper Effluent Regulations. So that's what we look at.

Their effluent right now, when it goes out of their treatment system, before it goes into Boat Harbour, meets the effluent standard. They will have to do the same thing with their new treatment plant. The water that comes out of the treatment plant, and typically the measures are done – like the final discharge point, and that's the last point right after they have control over the effluent, so that effluent will need to meet all the levels of the PPER and so that's how the regulation works.

Chair: MLA Compton.

Ms. Compton: Thank you, Chair.

I think it was Minister Palmer mentioned they discussed a closed-loop system. I think it was what we talked about when Northern Pulp was here, and they said because of the bleaching process it would corrode the pipes. So right away, the red flag goes up: If it's going to corrode pipes, what is it going to do –

Mr. R. Brown: (Indistinct)

Ms. Compton: Yeah, you know, so – as far as, like, we're at a new day because they have to change the way they're treating their effluent, so everyone here in this room and all Islanders, and really all Maritimers, want to see the very best science go into that and how do we ensure that?

You talked about the regulations and how the regulations are the same for all across the country. I suggest the regulations are not the same for Northern Pulp because there is an indemnity clause with the Province of Nova Scotia. That's a conflict. In my eyes, that's a conflict and it should be a conflict in everyone's eyes because it doesn't matter what Northern Pulp does; the Province of Nova Scotia is on the hook for that.

How does that factor in compared to the 89 other mills across the country? Do any of them have an indemnity clause with their province saying: It doesn't matter what you do, you're not on the hook.

Geoff Mercer: Thanks very much for the question, MLA Compton.

I want to be really clear on the response on this one.

Our federal enforcement officers that go and do the inspection and investigations as necessary at pulp and paper mills across this country, are completely arms-length of any elected officials or any circumstances to which you've just indicated – relationships with provinces, or relationships with municipalities or anybody else.

Our enforcement offices, when a complaint is raised by a Canadian 18 years of age and older, they take into consideration what the facts are provided to them. They'll go and do an inspection as necessary.

As Caroline has indicated, the mills themselves are regulated consistently across this country and our enforcement officers go to those mills when scheduled within Environment and Climate Change Canada to review the parameters of the regulatory act with absolute clarity on what they need to do, and with no consideration whatsoever for any deals that are being made between provincial orders of government, federal orders of government, or anybody else for that matter.

They regulate with a full compliance and a full authority of the federal government; no other reason.

Ms. Compton: I'm not implying that your department is not doing the work that they need to do, but to leave the assessment and any study being done to the Province of Nova Scotia when we know that they are on the hook for the effluent, to me, is a conflict. That is the reason why you need to go back to your minister and say: We need a federal review on this.

It's affecting all the Atlantic Provinces, not just Nova Scotia. And for Nova Scotia to do the environmental impact study on a mill that really impacts all of us, not just Nova Scotia, is a conflict because the effluent is the province's responsibility, not Northern Pulp's. It's as simple as that. That's what the indemnity clause says.

So the biggest argument to have a federal review is because it impacts all of us, and in my mind there is a conflict of interest with the Province of Nova Scotia.

I would like you to take that back to your minister and stress it, that it's really important.

Geoff Mercer: Thank you, MLA Compton.

I will.

Ms. Compton: Thank you.

Chair: Is that it?

Ms. Compton: That's it.

Chair: MLA Fox.

Mr. Fox: Thank you, Chair.

I understand you guys are in a regulatory field. I understand that totally and I understand that –

An Hon. Member: (Indistinct)

Mr. Fox: Yeah, don't get me going.

I understand all of that. I'm interested in two things.

You first talked about in 2017 a review was started in the standards and I fully support a full federal environmental review. I think we can all agree on that. It needs to be done.

I agree with what the minister is saying in the fact that we do have a double standard. We have – it appears – a perceived double standard that we have a pipeline in British Columbia and a full review is being conducted. But out here in Atlantic Canada, basically when you hit the Quebec border, you can dump billions and millions of litres of raw sewage into the Strait or into the waterway – nobody says a word.

Now, we've got another company that wants to continue doing what they're doing and dump more, and nobody is too concerned. But yet, we have the fishermen and the provinces and the people saying that we need to know how this is going to affect our economy, as the minister says, but not only that, like Mr. Bevan-Baker said was, our species. We are putting them at risk.

I know you can't make any promises. I know that. But, I think the minister needs to clearly come down here and hear these concerns and visit the pulp and paper mill, and listen to the standing committees and the people. If the minister, the federal minister, is truly concerned or needs to make a decision on it, she needs to be down here and see what's going on.

With that, I'm interested in something you said. You said that the regulations are equally spread across the country, basically. We have a review that started in 2017. Do you, or would you, recommend a change in the standards that are presently on the books? Do we need to reduce those standards going forward?

Caroline Blais: In 2017 yes, we started a process to modernize the regulations, so it's a review of the regulations themselves. And yes, we are proposing to lower the effluent standard for biological oxygen and TSS. We are proposing to lower them, as well as adding new substances, such as nutrient. We're looking at adding PH.

Right now, we are in what we call a pre-gazette consultation process. So, we published a high-level proposal back in September 2017 to industry, province,

stakeholders, and sought comments. Now we received the comments on that first document. Now we're developing a more detailed proposal and our plan is to go back out for a second round of pre-gazette consultation with these new limits.

Mr. Fox: Thank you, Chair.

Caroline Blais: That should be done winter-spring.

Mr. Fox: Chair, I have one further question.

Chair: MLA Fox.

Mr. Fox: Thank you, Chair.

I believe it was you that said that – you were talking about inspectors and you stated that the inspectors basically, they attend, when scheduled. Are there any surprise inspections? Do they have to give notice?

Geoff Mercer: Thanks for the question.

I appreciate the opportunity to clarify, MLA Fox.

What I mean by scheduled themselves is within Environment and Climate Change Canada; we have environmental enforcement officers from coast to coast to coast. They'll work within their teams and they'll decide, based on their own schedules when they're going to go do an investigation or go and do a compliance check.

As a police force would schedule their own members, we do the same thing with our enforcement officers. So, it's an internal schedule, not an external one.

Mr. Fox: I wouldn't know that part of it.

Thank you.

Geoff Mercer: You're welcome.

Chair: MLA Bevan-Baker.

Dr. Bevan-Baker: Thank you, Chair.

All the talk about regulating this pipe, of course, is currently – the pipe is not built yet and this is all hypothetical.

A number of my colleagues here today have brought up the environmental impact assessment process and I know that with the release of the project proposal yesterday from Northern Pulp that a lot of people were waiting for that in order to make a proper assessment. But, there seems to have been some confusion amongst federal MPs and ministers as to what jurisdiction this falls into.

Dominic LeBlanc, when he was minister of fisheries, now minister of intergovernmental affairs, interestingly – when he was the minister of fisheries he was clear that this was solely a provincial responsibility. Catherine McKenna has been more ambiguous on that. She was waiting for the report to come out.

So the question is: Is this solely provincial jurisdiction? Is it federal jurisdiction? Or, is it both? Is it a mixed jurisdictional situation?

You mentioned that there's a class one review being done by the province. That's the decision that they have made, the Province of Nova Scotia, and I'm going to read what the criteria for that is: It is smaller in scale and may or may not cause significant environmental impacts, or be of sufficient concern to the public.

Now, I'm astonished that a project of the scope of this that has attracted the public attention and clearly has the potential to have significant environmental impacts would ever be considered for the lesser of the two classifications of environmental impact assessments provincially.

That aside, that's their choice; but when it comes to the federal environmental impact assessment, and there's clearly consensus around this committee that that's what this province feels needs to be done, my question is: Will Environment and Climate Change Canada have any opportunity to have input into whether that environmental impact assessment should take place on this particular project?

Geoff Mercer: I stated previously that in Nova Scotia doing their provincial class one environmental assessment, Environment and Climate Change Canada will provide its science and its technical resources within our mandate to the province.

The Canadian Environmental Assessment Agency is responsible for making any recommendations to the minister about whether or not a federal environmental assessment should take place. With the submission of documents from the proponent yesterday, this – the Canadian Environmental Assessment Agency is in the process of reviewing that information now. If the agency asked Environment and Climate Change Canada for additional information, we would provide that in order to assist with the recommendation to Minister McKenna.

Chair: MLA Bevan-Baker.

Dr. Bevan-Baker: Thank you.

So I hear that it's a reactive situation. You will not proactively be invited to that discussion, only if they ask for information from you.

Geoff Mercer: The most important (Indistinct) –

Dr. Bevan-Baker: That wasn't a question, Chair. Just –

Chair: Yes.

Dr. Bevan-Baker: That doesn't count to my three.

Some Hon. Members: [Laughter]

Mr. R. Brown: I don't know, changing the rules.

Geoff Mercer: The most important aspect is that it is the agency itself who has the information, and since the information – when I talk about information, I mean the actual design itself has been just recently submitted – that gives the agency a real formal first chance to see what is the formal proposition being proposed.

With that, they can take their appropriate measures to do the review within the federal side, to see, and to determine if federal environmental assessment is recommended or not, and then it is the Minister of Environment and Climate Change Canada, also responsible for the Canadian Environmental Assessment Agency, who has the authority to make that decision.

Dr. Bevan-Baker: The name of your department is Environment and Climate Change Canada, recently changed. We're looking at a particular project which will impact a specific body of water which is unique. It has the greatest temperature fluctuations in the region because of the shallowness of the water and the lack of movement of that water. It is already heavily loaded with nutrients due to agricultural runoff, particularly from this province.

We're considering adding another significant source of nutrient to the water. We're doing this at a time where climate change is causing real volatility in the nature of our oceans. There was a report recently on anoxia in the Gulf, and I know it's the lower Laurentian Channel, it's not the Northumberland Strait, but the oceans are changing.

And I'm wondering whether, given all of these parameters and all of these things that are impacting this particular body of water which is hugely significant to the economy of Prince Edward Island and to the welfare of so many rural communities, not to mention your environmental impact, do you at this point in time, knowing the rapidity of climate change and the impact that has on water bodies – and I'll come back to that in my third question – do you, in your concerns regarding a project like this, take into account the changing oceans and the fact that what we are looking at today may be entirely different from what we will be looking at in, perhaps even a decade or two decades, when it comes to the environmental condition of that body of water?

Geoff Mercer: Thank you for your question, and if you'll allow me, the knowledge is deep. I appreciate, I think, on behalf of what I've heard, Dr. Bevan-Baker, the ecosystem itself within the Northumberland Strait is absolutely filled with the unique. It is why that globally – the global importance of the Northumberland Strait itself is why there is such a proficient lobster fishery there. It's why it's such a special place. It's why between New Brunswick, Nova Scotia and Prince Edward Island, tourism is one of the major industries here in Atlantic Canada.

So in considering the ecosystem of the Strait itself, as you've indicated, there are a

number of factors – a plethora of factors, if you will – towards what is the actual status of the Northumberland Strait.

If you look at what the capacity of the federal government and indeed all orders of government are to be able to manage and to monitor ecosystem health, I would recommend you look at what Canada does with our Great Lakes. We have the Great Lakes Water Quality Agreements. We have, also, the St. Lawrence Action Plan. It's a Canada-Quebec agreement for the protection of the St. Lawrence, no less. The St. Lawrence Action Plan itself has been around for 30 years, and its purpose is to help ensure the health and environment of the St. Lawrence.

There are 18 departments and agencies between Canada and Quebec that work together. We meet annually in a science conference on what happens within the ecosystem of the St. Lawrence, the seaway itself. When you think about what Canada does in helping manage the ecosystem effects and studying the ecosystem effects within the Great Lakes, and how that water from the Great Lakes flows, then, into the St. Lawrence River, and then from the St. Lawrence River into the Gulf of Saint Lawrence – think about it.

We think about it on a world scale: Canada itself with the Great Lakes and with the St. Lawrence River, the active science that's done between Canada and the United States, between Ontario and Canada, between Canada and Quebec, bringing in the conditional traditional knowledge from our First Nations and from our Indigenous peoples; then that fresh water flowing then into the St. Lawrence is something that this country has been working on for over 30 years. The science, then, is incredible in terms of what is available and what aspects would want to be considered.

So from that point of view, when you think about what Canada does on that type of world water course, and then you think about other major water courses in this world – the Yangtze, the Amazon River for example, and others – Canada very much is a global leader in what we do in water quality and water quantity and ecosystem management and ecosystem protection.

The challenge for us now with the Northumberland Strait is – and as you referenced is – is there is more additional stressors, additional impacts on the Northumberland that we've seen, and that's something that in our department we take very seriously. It's why we have, not only the Pulp and Paper Effluent Regulations, but we have the wastewater system effluent regulations that are applied consistently across this country, secondary treatment, specific parameters to make sure that the receiving environments and the effluent from those facilities is also regulated by the same enforcement officers as who manage and who regulates and enforce the Pulp and Paper Effluent Regulations.

The science is there. There's a lot of discussion about, you know, it's tough to get an answer because it's Environment and Climate Change Canada and it's Fisheries and Oceans Canada and you've heard me reference the Canadian Environmental Assessment Agency. I would also add Agriculture and Agri-Food Canada, who's a very strong partner here on the Island, and one of which we're working closely with to make sure that the runoff from agricultural production is done – it complies with section 36(3) of the *Fisheries Act*. When there are noncompliances, when they're on fish kills on PEI, we make sure that we enforce those. Since 2010, there's been 14 enforcement actions on fish kills on Prince Edward Island, with runoffs into and around the surrounding environment of the Island.

So there is a holistic approach to the ecosystem and health of the Northumberland Strait; but it takes – if you look at, go back to my initial point and I'll terminate then – if you look at what we do for the Great Lakes, what we do for the St. Lawrence River, it takes up to 18 provincial and federal departments working together for the St. Lawrence.

When you look at Northumberland, one specific department cannot give you an ecosystem-based answer. It takes all of us working together on things.

Thank you.

Chair: MLA Bevan-Baker.

Dr. Bevan-Baker: Thank you, Chair.

Chair: Third question.

Dr. Bevan-Baker: Appreciate that, Chair, and I appreciate the nuanced answer which really demonstrates the complexity of the situation of any ecosystem, actually, but particularly that of the Northumberland Strait in this instance.

I'd like to talk a little bit about timeframes because timing is of the essence with this project. The Boat Harbour, well, by law, is mandated to close next year. We have a provincial class one environmental assessment, which could only take a few months to do – it's not a fulsome report – and we're faced with the potential of a federal impact assessment. That decision has not been made yet.

We know that the Canadian Environmental Assessment Agency is, as I said earlier, assessing its own criteria for environmental assessments, and they're going to broaden it and make it much more stringent than it currently is, including the changes I'm about to list here that will be proactive, strategic and regional assessments that would evaluate big picture issues, the sorts of thing you were just talking about, e.g. climate change, biodiversity, species at risk, and the cumulative effects of development and provide context for impact assessments. There's better Indigenous engagement, there's early planning and engagement for the public, a lot of changes in how environmental impact assessments will be done in the future in Canada.

Now, do you have any sense of how long it will take for the federal government to decide whether or not this project will indeed mandate a federal environmental impact assessment, and if so, do we know – do we also have a sense of when the parameters of the federal environmental impact assessments will be broadened in scope to include the things I've just described there, which would make it, in my mind, a far more effective and fulsome review than it would be if it were done today?

Geoff Mercer: Thank you very much for those two questions. I'm going to defer those questions, though, until we can either come back and provide a response to that, but those are really jurisdictions of the

Canadian Environmental Assessment Agency themselves. So with respect, Mr. Bevan-Baker, I can't answer those questions. They really are in the purview of the agency itself.

Dr. Bevan-Baker: Okay.

Thank you, Chair.

Chair: Thank you.

Minister Palmer.

Mr. Palmer: Thank you.

So I just wanted to follow up on kind of where I was going before on the technology side, and I want to really get an answer from you on who is responsible, who could be responsible to find a technology solution to this instead of just dumping dangerous effluent into our fishing grounds and our recreational waterways, because this, it's just too important to us.

I want to find out how do we get an innovation lens on this to see if there's ways to help protect our environment and see who's doing the jurisdictional scan; and if there's no one doing the jurisdictional scan, I'll commit that our government will do it, that I'll instruct my department to go back and do a scan and figure out what are the technology alternatives to what's happening here. How can we get that done? Who's doing that?

Caroline Blais: So we – as mentioned, as a regulator, we don't do the technology scan. There may be other departments that worked on technology generally, but not necessarily specific to a particular project; and as I mentioned before, I understand that the industry itself does work, but there's no additional information on that particular project that we could provide at this point.

Mr. Palmer: There seems to be a gap somewhere in there between – of whose responsibility it is to try to find new solutions to it, because it doesn't really seem to land on anyone except for, potentially, the mill itself, but then any of those studies from the past are not made public. Is that accurate?

Geoff Mercer: So what we can say: Yes, the studies are not made public proactively. We have the access to information and privacy act, so there are opportunities for Canadians to apply for the release of that information, and if that request was made to the department, then that request would be considered in due course for public release.

As Caroline has indicated, there's at least 21 years of data available on this mill through seven, now on eight different reports. That's a lot of information, right? So even if you put that on our website, it's there. We want to make sure that we're respecting the public purse as well, so therefore the information is within our department. It's not made public, but it doesn't mean that it wouldn't be made public if somebody applied through the access to information and privacy act.

On the innovation side, it's something that from a policy standpoint and from a regulatory development standpoint, we consider innovation in every conversation we have about regulations. What is the best way to drive innovation in Canada so that we can have the economy flourishing, people are getting jobs, people are working well, and we're protecting the environment at all times?

Because what is clear is that the economy and the environment go hand in hand. We've heard that. We've seen instances in this country recently where Canadians felt that the environment wasn't going to be protected; and even with federal and provincial authorizations, those projects were not going to go forward, lot of examples there.

So therefore, the social responsibility aspect is something that is absolutely important. As the democracy that we are in, we provide the regulations, we develop those regulations, and companies in Canada follow those regulations. If they don't, then we take appropriate action to make sure that they do.

The innovation piece, then, as it's currently built into this regulation, is that the limits that we provide that company, you shall meet those. That's the innovation at this point in time, minister. That's how we drive it. So if there's, in reviewing the regulations, if we want to drive innovation, then one mechanism to do that is more prescriptive or

more rigorous regulation. That would be developed in due course, of course, and with Canadian consultation through *The Canada Gazette* and other methods.

Mr. Palmer: Thank you.

Chair: MLA LaVie.

Mr. LaVie: Thank you, Chair.

Geoff, you're the Regional Director General of the Atlantic and Quebec Regions, Environment and Climate Change Canada. Caroline, you're the Director, Forest Products and *Fisheries Act*, Environment and Climate Change Canada. So you're federal. So you're setting regulations. Why isn't there a federal study done if you're setting the regulations? You're federal. Question.

Caroline Blais: Okay, so they're – what we're looking at is, like, all of the environmental effects monitoring study across Canada. So we don't do studies of the receiving environment of each of the 90 mills across Canada. So the department does not go and carry out those studies. What we do is we use the studies that mills have to do as part of their conditions to be authorized to release, and that's the information that we use.

So there's – and when I say a study, I just want to give a little bit of a visual. An environmental effects study is a document that's about between three and 800 pages. That's kind of a brick, and so our staff go through the results and the data and provide analysis, and that's using that data that we set the new standards which will be protective of the environments and address some of the concerns and impacts that have been raised through the 20 years of environmental studies. Those are the studies that we're using.

Mr. LaVie: Yeah, when I say federal studies, I'd like to see a federal study done on our fish habitat. We have quite a food chain in our waterways. I'd like a federal study done; not only lobster, not only herring, I want it done on it all: our scallops, our shrimp, everything, because we have a food chain, and if you break one thing in that food chain, there should be a federal study done.

So how can you set regulations when you don't know what happens to the fish habitat? How would you set a regulation? Whatever's coming out of that pipe – if you allow what's coming out of that pipe it could be clear water, but you don't know if that's going to affect the fish habitat because there's no study done. So, how can you set a regulation when you don't know what's going to happen at the other end?

Sure, everybody could set a regulation of what's coming out of that pipe, but when you don't know what's happening to the fish habitat, how could you set a regulation? Whatever's coming out of that pipe, if you allow what's coming out of that pipe, it could be clear water, but you don't know if that's going to affect the fish habitat because there's no study done. So how can you set a regulation when you don't know what's going to happen at the other end?

Sure, everybody can set regulation for what's coming out of that pipe; but when you don't know what's happening to the fish habitat, how can you set a regulation?

Mr. Fox: The end result.

Mr. LaVie: The end result. How can you set a regulation? You fellows set the regulations, you said, but you don't know what's going to happen because there's no assessment done on the fish habitat. So how can we set regulations? There's my question.

Caroline Blais: Environmental effects monitoring look at a number of things in the environment. So we look at the water, we look at the fish themselves, and we do look –

[phone rings]

When I say we, the regulatee –

Chair: Can I ask – sorry – can I ask you to shut your phone off, please?

Thank you.

Caroline Blais: – the regulatee looks at fish and fish habitats. So there are data in the environmental studies about fish habitat. They have to look at the fish habitat within the effluent and compare it to a similar

section of fish habitat outside of the effluent, so that they determine what are the differences – the critical effects.

Then the next step, once those effects are concerned, on the fish habitat, they need to find solutions. That information as it's available through the current 20 years of environmental effects monitoring, will inform our process to update the standards. Those fish habitat studies are done across the country by all mills.

Mr. LaVie: So these studies do not happen overnight, and my understanding that the pulp and paper mill asked for an extension and Premier McNeil denied the extension. So will you go back to your federal government and make sure there's extension done for a year to make sure all federal studies are done, pipe and fish habitat?

He was – they were denied from Premier McNeil. He said there's deadlines set and we'll stick by the deadline, and he won't give them the extension that they asked for, for a year. Will you go to your department and make sure that deadline is extended for a year so federal assessments can be done on, not only the piping fluid, but the fish habitat itself?

That's the main concern, and if that's not done, I'm sticking with the fishermen and no pipe at all. No pipe, because nobody can guarantee me what's coming out of that pipe and what will happen.

Geoff Mercer: Thanks (Indistinct) –

Mr. LaVie: We need the extension and we need federal assessments done.

Geoff Mercer: We understand your point, well taken.

Mr. LaVie: Thank you.

Chair: Minister Brown.

Mr. R. Brown: Thank you, Mr. Chairman.

We're having a great discussion here today, and we're a couple of parties in the Legislature here. People that don't think we don't work together, I think it's been well demonstrated today that we're working together with our federal counterparts.

I don't think this thing has a social license yet. The federal government has made it quite clear to everybody that projects are not going to go ahead without a social license. I cannot see a social license in the immediate future for this project.

So we have to – I know there are regulations in this, but there's an overall objective here of a social license that says: Is this good or is it not? Never mind what percentage is coming here out of the pipe or that pipe – and your minister has to understand that. If we're going to have a social license for the pipeline out west, we need a social license for the pipeline here in Atlantic Canada.

You've said that the environmental project is put into the Nova Scotia government. Your department has it now. So I see some headway here, and I will instruct my department to review the project in Nova Scotia also, through our environmental lens; but I'd like a commitment from you guys, and I know it's there anyway, but there will be a commitment from you guys that your department will work with the PEI department of the environment. There can be a working committee or something set up in terms of that or –

Geoff Mercer: Minister, I really can't comment on that. It's, in fact, just – and I want to be clear, too.

Mr. R. Brown: Yeah.

Geoff Mercer: There is very – my respected colleagues in the Canadian Environmental Assessment Agency are assessing what options they need to follow at this point in time, not Environment and Climate Change Canada. The agency itself is responsible for how they're going to review this report, so I cannot commit to that today. It would have to be the Canadian Environmental Assessment Agency who did that.

Mr. R. Brown: But you have the report. You will review the report as a department?

Geoff Mercer: Sorry. The agency, the Canadian Environmental Assessment Agency, has the report. Environment and Climate Change Canada, since it came into the agency last night, I do not know as of today if it's actually come over to Environment and Climate Change Canada.

I doubt it, because it's going to take some time for the agency to review first, and then if there's aspects of that, of the proponent's submission that requires Environment and Climate Change Canada to review, the agency sends that report to us and asks us to review within our mandate.

Mr. R. Brown: Okay, so what does the agency do with the report?

Chair: Minister Brown.

Mr. R. Brown: Sorry.

So what my point is, can we work with your department or how can we influence your department with our analysis to convince your minister that a federal environmental review needs here? Who picks it at the end of the day? Who says at the end of the day, you know, there's enough evidence here, and who do we present our evidence to, to say that we need a full one? Who at the end of the day sits there with the document and says, you know what, I met Darlene Compton, she said there's an indemnity clause in Nova Scotia. We have to take that into consideration when we're making our decision here?

This does affect, not only Nova Scotia, but it does affect PEI and all Atlantic Canada. You know, there may be a technical point here, a technical point here, but at the end of the day this is – there's factors here that demand a federal review. So do we go through you, or do we go through the agency to put our case forward, to go forward to the minister?

Geoff Mercer: So you go through the (Indistinct) –

Mr. R. Brown: Instead of going through the media.

Some Hon. Members: [Laughter]

Geoff Mercer: I recommend you go through the Canadian Environmental Assessment Agency.

Mr. R. Brown: Okay.

Some Hon. Members: [Laughter]

Geoff Mercer: I'm sure they'll get your voice through the media as well, but the direct request would be (Indistinct) –

Mr. R. Brown: And I want to thank you again for taking tough questions today and you're answering them.

Geoff Mercer: Thank you.

Mr. R. Brown: We have a lot of presenters in here that can avoid answers, but you guys are answering them good.

Thank you.

Chair: Just a couple of questions, and then I'll move to a few questions over here.

We talked a lot about other mills across Canada. To your knowledge, have you had any other mills in the last, say, five to 10 years, that have made the decision that they were going to pump 33 million litres of hot water and effluent into a fishing zone anywhere else in Canada in the last five to 10 years? Have you ever approved such a mill, and is there any mill that's currently doing that now into fishing zones?

Caroline Blais: The 90 mills that we are regulating are releasing effluents in some type of water across Canada. Under the *Fisheries Act*, there's – most waters, not all, are frequented by fish. Because they said, the prohibition says you cannot release a deleterious substance in waters where fish are there, or in any way that can end up in waters frequented by fish, and in Canada, that's pretty much all the waters.

Chair: Okay, so today, as of today, there is not any hot water, there's not 90,000 litres going in anywhere. For everything that you do, for every action, there's going to be some sort of a reaction. So we're going to pump 33 million litres of water into the Northumberland Strait. Is there anyone in any of your departments that can tell us what the reaction is going to be when you allow that company to do that?

I mean, that's basically what is – everybody's concerned about wrecking our lobster industry, and poisoning or – MLA LaVie made a good point. There's a food chain there. So hot water, 33 million litres, it's going to affect – there's going to be an

effect; and the feeling is, generally of this committee and of all the people that have protested on land and on water, in the Strait and in Nova Scotia, that there's going to be a problem.

I think that has to go back to tell – or bring somebody in here – or you recommend somebody to come in here that can take all of this information back, as the minister has said.

But just from your sense today, you're in fisheries, do you think pumping that much hot water with effluent with certain things in it is going to have an effect? Or do you think the fishery is going to stay just the way it was?

Mr. R. Brown: No, it's going to have an effect, he's going to say.

Geoff Mercer: Mr. Chair, thanks for the question.

I recognize –

Chair: I know it's not fair, probably –

Geoff Mercer: No, and it's a great question.

Mr. R. Brown: He's going to say 'yes'.

Geoff Mercer: It's a question that I'd love to be able to give you a detailed answer on, but I'm not prepared to answer that question today.

Chair: Okay.

Mr. R. Brown: We'll get it out of him.

Geoff Mercer: I want to –

Chair: (Indistinct) minister.

Geoff Mercer: I want to underline a key point, and to Caroline's response, that is on the 90 mills that are currently operating today, the environmental effects monitoring programs that are in place are looking at what are the effects on the environment. So, what are the environmental effects – EEM – environmental effects monitoring program. Those studies are – we do them on a three-year cycle.

MLA LaVie asked a really good question. It takes a long time to do those environmental effect studies, and the reason being is because when you're doing those environmental effect studies, there are – when we're seeing effects on fish and fish populations, or fish and fish habitat, we need to be really sure that those effects are coming from the mill, right? It may be that there's a fish plant alongside the mill. It may be that there's a wastewater treatment plant alongside the mill that's not working properly. It may be that somebody is dumping something there.

The three-year cycles that are part of the environmental effects monitoring program is a scientific method that helps ensure that the results that we're seeing in the fish, the fish habitat and the population are an effect of that effluent and not anything else. There's a reason why there are three-year cycles to determine that.

Then, when we see – or if we see – Caroline's numbers indicate 70% of the mills have had effects, it's really important to understand that what are we doing with that? I guarantee you there are over 1,400 scientists and technologists within our science technology branch with Environment and Climate Change Canada. We work hard to make sure that that information that's coming in is reviewed and we provide recommendations back to the mill to say: Okay, in your next study this is what you saw, this is what it was, we'd like you to do this, please. We ensure that the recommendations provided to that mill are then incorporated into the next cycle, so it takes time for us to get to the point of drawing the cause effect and saying: That mill, this effect on a fish species, therefore change this.

We are a science department; it has to be scientifically meritable and valid in order to make those recommendations back to the mill. That's how the toxicology, in a general sense, works.

Chair: Well, thank you.

I think there's been a lot of compelling discussion this morning. There have been some great questions, and obviously there are still a lot of concerns on the part of this

committee going forward about this project and this pipe going out into the Strait.

I understand that you have to catch a flight at 12:00 p.m. so we're going to –

Mr. R. Brown: You're late.

Chair: – try and get a couple of more – or you need to leave here at 12:00 p.m.

Geoff Mercer: Right.

Chair: We're going to try and get a few more questions in.

First question is MLA Bevan-Baker.

Dr. Bevan-Baker: Thank you very much.

I'll be (Indistinct) I'm wondering whether – we've talked in the last minute or so about the other mills in Canada and I'm wondering whether there's a comparable waterway in Canada with a pulp mill that we could use as a reference point? Perhaps you already have data that might help us to predict what the impacts of a potential pipe in the Strait would be.

Caroline Blais: I don't have that information off the top of my head, but there are EEM studies that characterize the receiving environment so maybe data. I can take that question back and see what we can do.

Dr. Bevan-Baker: Okay, one follow-up to that?

You just talked about how it's corrected for the local environment and I'm wondering whether – and I know these are national standards and I understand why they have to be there, but I wonder whether those standards are the right ones for the Northumberland Strait and whether you do ever have localized, specific standards which are reflective of the characteristics of a particular ecosystem.

Caroline Blais: You're correct. Generally, the regulations set national standards, but currently, right now, we do have a section in the regulation that sets more stringent standard for one of the mills where there was a legacy issue and the receiving environment required more stringent limits.

The current PPER has that for another mill, so it is a possibility.

Dr. Bevan-Baker: That's good to hear.

Thank you, Chair.

Chair: MLA Fox.

Mr. Fox: Thank you.

Just one quick question: I understand back in the 1960s was the last time that a study was done on the lobster, the effects of BKME on lobster and I'm wondering would it not – since the last was done back in the 1960s and we had a change in the 1990s, would it be imperative to do a study now on the effect of this on the lobster industry? Because you only do studies on fish, so should we not look at that?

Geoff Mercer: In terms of – it's an excellent question.

MLA Fox, what I'm thinking about – I'll explain what I'm thinking – is between mid-to-early '60s to where we are in 1992 and 1992 forward – the reason why I'm breaking it into two is because prior to 1992 there were no Pulp and Paper Effluent Regulations.

The impacts to the receiving environment are well documented in peer-reviewed literature. You can see the effects of the dioxins, the furans, the carcinogens on fish populations – well documented.

After 1992, with the PPER implemented, we take dioxins and furans out of that equation and it's a drastic increase to the health of the fish and the fish habitat that are there. Peer-reviewed literature shows us that as well.

So, any study that would have to be done, whether it be for lobster or it be for other fish species itself, would have to be one in which A) is scientifically meritable; B) with the right parameters, with the right organization, with the right people working on it. There are academic implications there. There are business implications there. Some companies may want to get involved. There would be federal, there would be provincial, the municipal, First Nations, of course, involved in any sort of study.

I understand your questioning and I appreciate that. I can't give you an answer, 'yes' or 'no', to that today. But, I hope in responding the way I have I give you some articulation as to how complex a study like that would be and I hope that you find that acceptable today.

Mr. Fox: Thank you.

Chair: Final question, MLA Compton.

Ms. Compton: Thank you very much.

It's just a following up on Mr. Fox's comment.

The effects on lobsters – that's one reason why we're all here, because we have a huge lobster fishery. We talk about our Food Island and how important that is and we want to ensure that the quality of lobster is maintained or increased all the time.

The bleach craft mill effluent is what we're talking about. So, the chemistry changed in the '90s, but there hasn't been any kind of study done on lobster or lobster larvae since the '60s. So, we do have the scientists. We have the science. We're more than willing to explore that because it's so important to our economy.

So, we would also like to put that forward to the minister and how important this is to the economy of Atlantic Canada, and especially to Prince Edward Island, because that's where we're at right now. If there's going to be a study done, and you're saying the science is what's going to determine how we move forward with regulations, it's imperative that the study is done on lobsters – and a new study is done if it hasn't been done since the '60s.

Thank you, Chair.

Chair: Thank you.

Well, Director General Mercer and Director Blais, I want to, again, thank you both on behalf of the committee and everyone that's here today for taking the time. I know there were some tough questions there and I know you couldn't answer them all, but I think that – I hope that you've – I think appreciate the concerns and the scope of the concerns that fall around this project.

I would be curious to know how many other standing committees across Canada that you've had to appear before with respect to pulp mills. This is of great concern, not only to us as a committee, but to the public that are talking to us. We're speaking on behalf of our public.

So again, I want to thank you very much for a great presentation, and for taking all the questions that were given to you today.

Geoff Mercer: Chair, if I may, closing comments: When we were thinking about coming today and adding additional information to the letter that we presented, we didn't want to come with a specific PowerPoint and such.

Mr. R. Brown: No. (Indistinct)

Geoff Mercer: We didn't want that. We wanted to talk. We wanted the questions to come. So that's why the statements were short, and that gave more time for questions. So thanks on behalf of Environment and Climate Change Canada, and my colleague for traveling from Ottawa. Thank you very much for the tremendous engagement today, and many of the points that we'll bring back to our department. We very much appreciate it.

Chair: Thank you.

I hope you catch that flight.

Caroline Blais: Thank you.

Chair: We're not done yet, Minister.

Mr. R. Brown: I know. I've got to go.

Caroline Blais: And thank you for the water.

Chair: We're going to take a five-minute recess.

[Recess]

Chair: Okay, Ryan, could you give us a brief on the update on the work plan and schedule?

Clerk Assistant: Sure.

You have the work plan summary among the documents in front of you.

The committee had previously identified two priority subjects. One of them was the Northern Pulp wastewater treatment, and the other was a briefing on the USMCA negotiation in the dairy industry.

For the USMCA and the dairy industry, the committee wrote to Global Affairs Canada in the fall. I've had some contact with officials there, but they are discussing it internally and haven't been able to tell me when they could possibly come and brief the committee.

For the Northern Pulp issue, we had Environment and Climate Change Canada in today. Next Friday, the eighth, we have Northern Pulp Working Group and Friends of the Northumberland Strait scheduled to appear. The committee has also asked for a second appearance from Northern Pulp Nova Scotia corporation, the mill itself. They responded that they could not appear due to their work, I guess, on getting their plan in place. That response is in your documents as well.

Then the committee had also asked for Northumberland Fishermen's Association and Pictou Landing First Nation to appear, but those groups are actually part of the Northern Pulp Working Group, so we expect them to be represented next week. That's essentially where we're at.

Chair: Do you expect that with that many, and part of that group, that we'll get through them all in one day?

Clerk Assistant: I have yet to hear back from the contact of those two groups as to how many people are going to be coming and representing them; but it is supposed to be the two groups, the working group and the Friends of the Northumberland Strait are going to come next week, and I'll work with them to make sure, you know, they provide a presentation of sufficient length that there's enough time for questioning.

Chair: Okay.

Mr. Fox: Chair?

Chair: MLA Fox.

Mr. Fox: Can I recommend, then, if that's the case, where we got those two important groups coming in, that maybe we look at starting at 9:30 a.m.?

Chair: I don't know. It'd be whatever the committee feels. It's just a matter of trying to get the time.

Mr. Fox: Yeah.

Chair: And depending on those groups, if nobody's catching a flight, we can go till 12:30 p.m. as most coming in.

Mr. Fox: Yeah.

Chair: But let them know to be prepared to stay as late as 12:30 p.m.

Mr. Fox: Yeah.

Chair: Can you do that, Ryan?

Mr. Fox: Yeah.

Clerk Assistant: Yeah.

Chair: Okay.

Any more discussion on our updated work plan?

Mr. Palmer: So, Chair, thank you, very similar to what Jamie was talking about, can we also put a hard stop on whenever the meeting is over as well? Because sometimes it kind of bleeds into the next piece and then we're all in a big rush trying to get out and the next meeting's pushed out and all those kind of things.

So if we understand, really, the scope of the time limit that we have, we'll make everybody much more efficient, I think. Is that something we can do for the next meeting as well?

Dr. Bevan-Baker: I'm not sure I agree with that, actually. I mean, when I'm scheduled to be at a committee meeting, I never book something at 12:00 p.m., for example, as in the end time today.

There are instances where committee members have – and it may be the only opportunity we have to have the presenters

in. So I actually would have a problem with that.

The Committee adjourned

I think we need some latitude and it's up to us to – if it's possible, to schedule in such a way that we are able to stay beyond the time. It's happened often. I've sat here for three, four-hour meetings sometimes. So I'd have a problem with that, Chair.

Chair: Okay.

Well, perhaps then, minister, if you could just send a note to Ryan about exactly what it is that you would like to see happen, and – you know, we have, MLA Bevan-Baker has told us the same, that he'd like to have that flexibility in there. So once we get exactly what it is that you want, then we can review it.

Mr. Palmer: Okay.

Mr. LaVie: Chair?

Chair: MLA LaVie.

Mr. LaVie: I would just let it go as normal. Start your meetings at 10:00 a.m. and what you do, at the start of the meeting, you ask the presenters and you ask the committee: If it goes beyond your time, can you stay?

We're just getting worried over something that's not an issue. If it has to go til 12:30 p.m., it goes til 12:30 p.m. It's not an issue. If you do have a prior meeting, you'll get your points out. You know?

Me, I've had to leave. I've left committee meetings because of other engagements. It doesn't happen very often, but I did end up leaving. But yeah, we're just making a whole lot of issues –

Chair: Okay, thank you.

New business?

Mr. Fox: Adjourn.

Chair: New business?

An Hon. Member: Adjourn.

Chair: Adjournment?

Adjourned.