LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON MUNICIPAL AFFAIRS
Tuesday, 7 July, 1987

TIME — 8:00 p.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. S. Ashton (Thompson)

ATTENDANCE — QUORUM - 6

Members of the committee present:

Hon. Messrs. Bucklaschuk, Doer, Lecuyer, Plohman, Storie

Messrs. Ashton, Cummings, Downey, Ducharme, Ernst, Santos

APPEARING: Bill No. 67:

Mr. Al Delaine, Sno-Man of Manitoba Inc.

Dr. Ken MacKenzie, Manitoba Medical Association

Bill No. 26:

Mr. Jae Eadie, The City of Winnipeg

Mr. Brian Pannell, Manitoba Environmentalists Inc.

Mr. Alan Scarth, private citizen

Mr. Bud Oliver, the Town of Selkirk

Mr. Gordon Collis, the Canadian Manufacturers Association

Mr. Jack Penner, the Keystone Agricultural Producers Inc.

Bill No. 39:

Ms. Susan Thompson, Downtown Business Improvement Zone Task Force

Mr. Reeh Taylor, Downtown Winnipeg Association

Bill No. 26:

Ms. Anna-Lee Yassi, Manitoba Medical Association

Mr. Rob Hilliard, Manitoba Federation of Labour

Mr. Dennis Muldrew, the Naturalists Society

MATTERS UNDER DISCUSSION:

Bill No. 26 - The Environment Act;

Bill No. 39 - An Act to amend The City of Winnipeg Act

Bill No. 67 - The Off-road Vehicles Act

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MR. CHAIRMAN: Committee come to order, please.

The first item of business will be to deal with public presentations. I understand there have been a number of suggestions from committee members that we deal with Bill No. 67 first, since there are only two presenters, and then go in order of the bills, which would mean that The Environment Act, which is Bill No. 26 and Bill No. 39 would be dealt with after that.

Is there general agreement on that from committee members?

Mr. Ernst.

MR. J. ERNST: Mr. Chairman, when we get to Bill 26, The Environment Act, I would suggest perhaps that the city delegation be heard first. Unfortunately, they are unable to stay for a very long time and it would be appreciated if they could be heard first.

MR. CHAIRMAN: Is the committee in agreement on that particular point?

Okay, so we will then begin with presentations on Bill No. 67 and we will adjust the order on Bill 26 to accommodate the city.

The first presenter on Bill 26, Mr. Al Delaine. A note for the records, there is an error on the original list - that's Delaine rather than Belaine.

Mr. Delaine.

MR. A. DELAINE: I'm sorry, I'm new at this so I don't have any copies of my brief.

On Bill 67, my position, I'm president of the Sno-Man Inc. of Manitoba. We are the mother club of all the snowmobilers and clubs in Manitoba and in Bill 67, we've had a few meetings with the Minister and with Mr. Halbert. As Sno-Man, we deeply oppose the Bill 67; not so much the bill itself, I think it's a very good bill. It's just that we, as snowmobilers, don't want to be a part of the same act with the all-terrain vehicles, for several reasons.

In past years, there's been a lot of research done with snowmobilers and the environmnent, and a snowmobile, in itself, does not cause harm to the environment; that's already a proven thing. With the all-terrain vehicles and now with the licensing and registration of dirt bikes, minibikes and all off-road bikes being part of the snowmobile clubs, we foresee the act causing problems with snowmobiles for the simple reason that if all-terrain vehicles are heisted out of an area for snowmobiling, our snowmobiling jursidiction in Manitoba is getting thinner and thinner every year, and what we've basically got left is ditches to ride in.

With all these all-terrain vehicles, minibikes and dirt bikes going up and down the ditches, tearing the terrain up in the summertime; and with all of us being under the same act, we strongly feel that if, for some reason, the government comes up and says we're going to abolish the all-terrain vehicles from riding the ditch ways, and with the snowmobiles being under the same act, there would be no choice but the snowmobiles to go out in the wintertime.

I just came back from a big convention in the United States, with the ISIA, and they have that same problem in several of the States right now, where the

snowmobiles and the all-terrain vehicles are under the same act, and they have that exact problem right now. They have abolished the all-terrain vehicles in some areas, and the snowmobiles have also been heisted out of the same areas in the wintertime.

I have just said, the act itself is written up very well. It's just that we strongly feel, as snowmobilers, we would like to stay separate with our existing Snowmobile Act which we have. We would gladly endorse 99 percent of the articles in the act into our Snowmobile Act, as far as all the safety, the helmets, everything. We would gladly endorse putting them into our existing Snowmobile Act, because I think the act is well written. There are some vague areas in it that I think need a lot of clarification in the act, but our biggest opposition here is we don't want to be part of the all-terrain vehicles.

That's really all I've got to say on it.

MR. CHAIRMAN: Thank you, Mr. Delaine. Are there any questions to the presenter? Mr. Cummings.

MR. G. CUMMINGS: Mr. Delaine, can you tell us what is happening in Quebec, in terms of the availability of land for snowmobiles to travel on?

MR. A. DELAINE: I guess in Quebec, I certainly wish we could compare ourself to even one-millionth of what they've got for snowmobiling. They have something like 27,000 miles of snowmobile trails, plus they get an awful lot of funding from the government. They get gas tax, they get tax from Parks and Recreation; they get a gas tax from gas companies, and they've got just miles and miles and miles of groomed snowmobile trails.

They're also having a problem with the off-road vehicle as well. They deeply oppose the three wheelers and four wheelers, period, in Quebec. They're trying to heist them out of the province, period, never mind trying to put them in one act.

But as far as snowmobile trails, they've 27,000 miles is the exact figure they've got for snowmobile trails, versus in Manitoba, I guess in all of our parks and everything, if we've got 400 miles, we're doing very well. I'm saying, comparing the miles of trails they've got for joy-free riding, it's an awful lot. They've got, I think it's something like 220,000 registered snowmobiles in Quebec.

MR. G. CUMMINGS: Can you explain then, the concern that you have when being controlled under the same act with all-terrain vehicles? How do you see this as being a problem regarding the use of the road right-of-way in Manitoba?

MR. A. DELAINE: Our biggest problem, as I just stated a little bit earlier, if for some reason, and I can see it happening with the all-terrain vehicles using our ditchways in the summertime, that there's definitely going to be terrain damage. There are no ifs, ands, or buts, it can't help but happen. You get the big, knobby tires going in the summertime, they're taking off and going just with their dirt bikes and minibikes, which are worse than the three and four-wheelers, because at least they've got their big, balloon tires and they don't tear up the ground as much.

Within a couple of years I could see the government coming out and saying well, we're going to going to close this roadway down to the all-terrain vehicle and snowmobiles. I see, and our whole club sees and people we've talked to would also be heisted in the wintertime. With our limited amount of trail riding and ditch riding that we have, we don't want to lose what we've already got.

MR. G. CUMMINGS: Just for information purposes. How many miles of specifically designated snowmobile trails do we have that are publicly administered?

MR. A. DELAINE: The only . . .

MR. CHAIRMAN: Mr. Delaine.

MR. A. DELAINE: Pardon?

MR. CHAIRMAN: Just to indicate to presenters that, in order to make sure we have proper records in Hansard, I do have to identify and recognize people before they speak.

Please proceed, Mr. Delaine.

MR. A. DELAINE: Thank you.

The only government trails we have are such that we have in our provincial parks. The actual trails outside the parks are pretty well nil. Outside of that, we've basically got our ditch riding. We make our own trails along the ditch, because there's no grooming involved or anything in the ditch ways. So most of our trails are in our provincial parks.

MR. G. CUMMINGS: I realize that you represent the snowmobilers but are you aware of any ATV trails and/or areas where they are exclusively set aside for their use in the province?

MR. A. DELAINE: I am aware that the all-terrain vehicles, the four wheelers and three wheelers do need a place to ride.

To the best of my knowledge, there are no designated trails, as such, right now for them. In the wintertime, they do use our snowmobile trails; in the summertime, they also use the snowmobile trails in the provincial parks. That's where they're allowed in. Some parks aren't allowing them in, period.

MR. G. CUMMINGS: You stated earlier, regarding the safety regulations that are in this bill that you were in support of, and that you would be quite happy to see those added to the present regulations governing snowmobiles. Is there any aspect of the bill that you would like to point out at this time for the Minister? Is there any aspect of this - other than the combining of all machines under one act - are there any safety regulations or other concerns that this bill raises that you would be unable to live with if they applied only to snowmobiles?

MR. A. DELAINE: Yes, there are a few and I think they're fairly minute.

One question that I would have for it is on page 13, article 20 with the insurance required. Would this

insurance be bought with the registration, or would it be an insurance year by year? What type of a cost category would we have defining dirt bikes, minibikes, trail bikes and snowmobiles? That raises a bit of concern.

The other one I have is the muffler system for the snowmobiles which, I think, would be kind of senseless in a way of having spark arresters put into the mufflers on snowmobiles in the winter climate. I know a lot of the new snowmobiles out, they do comply with a lot of these regulations, but there are an awful lot of the older snowmobiles out in the areas and there would be a lot of cost trying to update a lot of the older snowmobiles to put spark arresters into their muffler system, which really, in snowmobiles, isn't needed. I really think that would be a manufacturer's problem.

The way I read the bill, it is saying if I don't have a spark arrester in my brand-new snowmobile, I wouldn't be allowed to drive it in Manitoba. So I think some of the exhaust system is very, very vague and would need some modifying in the bill.

You're also saying in article 25, subsection 2 that "No person shall sell, offer for sale, have in possession for sale, or deliver for sale in the province, a new off-road vehicle unless it is equipped and components comply with all the safety standards prescribed by the regulations under this Act." You go on to say as well that any dealer or distributor would not be allowed to have a snowmobile if it doesn't have a spark arrester in his exhaust and he would not be allowed to have it on his premises, period.

In my particular case, I've got two pipes that meet with the safety regulations as far as the noise environment, and legally I couldn't trade that snowmobile in because any dealer - according to the article as it's written - would not be allowed to have that snowmobile on his lot and legally I can't have it sitting anywhere either, because the exhaust doesn't meet the criteria of the act.

Those are only a few little items in the act. The rest of the act is very, very good. There's even one other item in safety which I would like to see changed under the helmets, where you have, for the dune buggies and what-not that have roll bars and seat belts, you're exempting them from helmets and I really think our helmet system should really be enforced.

I've driven stock cars for quite a few years and I've also flipped them a few times and without a helmet you go rolling around inside there pretty quick and you do a lot of bobbing; and a dune buggy, even if it's got a roll bar, you would have the same problem. So I would like to see that one changed. I think, if we can bring a helmet law in, bring it in period and get everybody to use it; because if we start exempting one little category from it, the first thing you know, it's out of control.

MR. J. ERNST: Mr. Delaine, just so I can be clear, is this true? - Your principal objection is being lumped in with ATV's, out of fear that if ATV's are prohibited from using certain areas, the snowmobiles will ultimately be prohibited as well, and that snowmobiles really - operating at a different time of year - aren't creating environmental damage the same as ATV's are. Is that correct?

MR. A. DELAINE: Yes, that's correct.

MR. J. ERNST: That's fine.

MR. CHAIRMAN: Mr. Plohman.

HON. J. PLOHMAN: Yes, first of all I want to thank you, Mr. Delaine, for the presentation, and also to use this opportunity to ask you a few questions. First of all, are you aware that currently, under The Snowmobile Act, it is not possible to treat snowmobilers differently than three and four wheel, off-road or all-terrain vehicles.

MR. A. DELAINE: I am aware of that. That was basically a temporary move where they put the three wheelers and four wheelers into The Snowmobile Act - that sort of just slid into there; and again, it was to our dismay that that went into The Snowmobile Act. We were under the understanding, at the time that went in, that was going to be a temporary move because they couldn't license them any other way. The only way they could license them was putting it under a snowmobile licence.

HON. J. PLOHMAN: Yes, but the fact is they're all in one act at the present time and there is no provision for separate treatment for it. That's to your understanding and that is correct, right?

MR. A. DELAINE: Yes.

HON. J. PLOHMAN: Yes, I understand your concerns.

Mr. Chairman, I'm also wanting to know whether Mr. Delaine is aware that under definitions, snowmobile is identified separately as one type of off-road vehicle; that there is a separate definition for snowmobile itself on page 5. It's mentioned separately on page 3. In section 45(1), 46(1), as well as in section 68, there is provision for designated off-road vehicles. By-laws can be made in sections 45 and 46 and regulations can be made in sections 68(f), (j), (k), (l) prescribing certain conditions for the operation, or prohibiting the operation, or permitting the operation for designated off-road vehicles.

Are you aware of that provision which allows for the separate treatment in by-laws in the regulation of each kind of category of off-road vehicle?

MR. A. DELAINE: Yes I was aware of that. The only thing is, I saw that very, very vague in there, and that is by-laws can be made if - which I find just a little bit strange in that area - we leave the by-laws as well with the traffic authority, which can be anybody from a community, a municipality, to make their own by-laws governing anything they want. That was the other real area under the by-laws I found very, very vague in one area, and under a lot of authority in other areas. If they want to stop any off-road vehicle in their municipality, they can come up and say they don't allow any off-road vehicles in there.

HON. J. PLOHMAN: Mr. Chairman, I know we're asking questions to clarify that they cannot pass a by-law which is contrary to any provision or intent of this act, so it is not all-encompassing. They can't just pass any by-

law. Every by-law has to be approved by the Minister as well.

I just wanted to raise those issues with Mr. Delaine, as well as to ask him whether he's aware that there is a requirement for seat belts, where roll bars are in place and helmets are exempt?

MR. A. DELAINE: Yes, that's the statement I tried to cover a little earlier. Even though you've got seat belts and a roll bar - like I say, I've driven stock cars for quite a few years and they've got a very good harness or seat belt - it's like an aircraft seat belt in there. When you go over, upside down, and roll, your neck and the upper parts of your body are doing a lot of bobbing around - there's a lot of potential for head injury, once you roll with a roll cage and seat belts.

HON. J. PLOHMAN: Mr. Chairman, I also wanted to ask if Mr. Delaine was aware that under the regulation, section 68(f) that specific regulations could be made, excluding certain designated off-road vehicles from certain requirements of this act, so that the issue of spark arresters that aren't part of the standard equipment could be dealt with for exemptions under that section.

MR. A. DELAINE: That particular one, I wasn't aware of. You caught me on that one.

HON. J. PLOHMAN: I wasn't trying to catch you on anything, but just using the rules and asking questions to point out to you that I think most of your concerns have been considered very carefully and I believe dealt with. Also 68(c), the regulations would allow for that special provision.

MR. A. DELAINE: Like I had said earlier, I think the act in itself, the way you've got the act written up is very good. It's just that we, as snowmobilers, have been around for an awful long time. We have worked hard to get what we've got now. We worked hard getting The Snowmobile Act as it is in, to what we have today, and we feel that we certainly would be deprived of our sport that we've had around a long, long time. We don't really want to see it go by the wayside.

Snowmobiles are, let's face it, a winter sport. It is an actual all-terrain vehicle all by itself. It's the winter pleasure that many, many Manitobans really enjoy and we don't want to see it go by the wayside, under an awful lot of strict rules that have to be enforced by a lot of other all-terrain vehicles.

On the same token, you also get snowmobilers themselves, you know it takes a few of them to ruin things for a lot. If we add to the pot, we've got a lot more numbers in there to bring things to a big boil and it takes a lot to stop it.

HON. J. PLOHMAN: Just in concluding, Mr. Chairman, we're dealing with an Off-road Vehicle Act as opposed to an All-Terrain Vehicle Act; all-terrain vehicles being only one part of off-road vehicles, so it's much more encompassing on a larger scope than an All-Terrain Vehicle Act would be. I just point that out in terms of definitions so the member could be aware of that.

I would also tell him that we also understand the concerns about snowmobilers, and feel that there would be every provision available to any future government, who wanted to make regulations in the sections that I've pointed out, to deal specifically with snowmobiles separately from all other kinds of off-road vehicles.

It would just mean that the Snowmobile Association of Manitoba would have to be in close liaison with government, as you are. As well, if a particular municipality wanted to pass a by-law that affected off-road vehicles and snowmobiles were part of that - we feel they should be part of it again - representation to the municipalities because they can treat them separately. We would make that known to them, because we think that's an important point. But it also allows us, by having one act, to deal with this whole issue administratively as one, instead of having separate acts for different off-road vehicles, and that's very important as well.

So that's why we didn't go as far as you would like in your presentations to us, but we think we've made it possible to deal with your concerns.

MR. G. CUMMINGS: I have just one short question, Mr. Chairman.

You alluded earlier, Mr. Delaine, to concerns that you had seen happen south of the line. Can you give us what figures you have at the tip of your fingers as to what has happened in banning of snowmobiles from public property as well as all ATV's?

MR. A. DELAINE: In the State of Utah, they have a snowmobile club with 20,000 some odd members in and they were introduced to the new law three years ago, where they put the all-terrain vehicle in with the snowmobiles and right now they've got a large, large problem on their hands.

They are banned from pretty near one-third of their terrain, and they've got something like, I think, 6,000 miles of trails altogether, and a big chunk of that has been closed to the all-terrain vehicles. They're also trying to - it's not passed yet - but they're trying very, very hard to stop the snowmobiles in there at the same time.

Nebraska has got part of their trail system as well under the same problem. They've got their all-terrain vehicle and the snowmobiles under the same act and they are also faced with the same problem. They are abolishing some of the areas for the all-terrain vehicles and they're also thinking of doing the same thing for the snowmobiles. Those were the two states that I really discussed it with at the ISIA Convention.

MR. CHAIRMAN: Thank you, Mr. Delaine.

The next presentation is from Dr. Neil Donnin from the Manitoba Medical Association.

Dr. Donnin.

DR. K. MacKENZIE: Mr. Chairman, I'm afraid Dr. Donnin was unable to make it tonight. I'm standing in, in his stead. I am Dr. MacKenzie.

MR. CHAIRMAN: Thank you, Dr. MacKenzie. Please proceed.

DR. K. MacKENZIE: I represent the Manitoba Medical Association.

The MMA, Mr. Chairman, wishes to congratulate the Government of Manitoba and the Minister of Transportation, in particular, for introducing legislation pertaining to off-road vehicles. The Association strongly supports the concept behind Bill No. 67, requiring licensing and insurance of all off-road vehicles, mandatory helmets for operators and operator restrictions regarding roadway crossings and shoulder driving.

However, two concerns of the Association have not been answered by the proposed legislation. The act does not contain an operator licensing criteria, wherein all operators are required to hold a licence indicating that they meet minimum competency standards to operate an off-road vehicle. These should be investigated and established for inclusion under regulations to the act.

Section 26(1) of the proposed act allows children under the age of 14 to operate an off-road vehicle with parental-adult supervision. The MMA strongly maintains that there should be no exceptions allowing children under the age of 14 to operate off-road vehicles, including the presence of an adult.

Both the U.S. and Canadian pediatric societies have endorsed prohibition of children under 14 years driving off-road vehicles. Safe use of off-road vehicles requires skill, judgment and experience, as well as the physical strength to manoeuvre a high-powered vehicle; traits that cannot be expected to be found in children under 14 years of age.

Available statistics of injuries and deaths due to off-road vehicle mishaps are alarming. In the U.S., in 1984, 86,000 injuries occurred, 30 percent of which occurred to children in the 5 to 14-year-old bracket. From 1980 to 1985, over 560 deaths occurred, 40 percent being children under 16 years of age.

In Manitoba, between 1979 and 1984, 238 children under 16 were injured and 19 died because of mini-bike accidents; 78 children were injured and 2 died because of other ATV's.

Parental supervision of child operators is not acceptable, given safety risks in this age group. Losing control and falling are the commonest accidents. Having the child within view of an adult will do nothing to prevent injury. If children have access to these vehicles, how do you control or monitor parental supervision?

In summary, the primary concern of both parents and legislators should be to protect their children. As adults we have a responsibility to choose recreational activities that are less dangerous and developmentally more appropriate to a child's skill and size then the operation of motorized vehicles.

Mr. Chairman, that summarizes my presentation.

MR. CHAIRMAN: Thank you, Dr. MacKenzie.

Mr. Ernst.

MR. J. ERNST: Dr. MacKenzie, do you have any statistics to indicate how many skateboard accidents there were in the same period of time that you're relating the ATV accident rate to?

DR. K. MacKENZIE: No, I don't.

MR. J. ERNST: A friend of mine, who is an orthopedic surgeon, told me that he treated probably 10 or 15 times as many skateboard accidents as he did any other kind. Would you advocate the removal of skateboards as well then?

DR. K. MacKENZIE: I would find that hard to answer at the moment. I don't think I could say we would remove skateboards or ATV's for that matter.

What we are saying is that an ATV is a very high-powered motorized vehicle that is obviously dangerous to a young person who doesn't have the skill, reflexes or judgment to handle a high-powered vehicle.

MR. G. CUMMINGS: You've stated that you would like to see some operator-licensing criteria. What age would you accept as a suitable age to operate these type of vehicles if there were licensing criteria?

DR. K. MacKENZIE: We ask that people under the age of 14 not be allowed to operate these vehicles at all. Therefore, licensing would come in, 14 to 16, and beyond that they should probably have a valid driver's licence to operate an ATV.

MR. CHAIRMAN: Mr. Downey.

MR. J. DOWNEY: Mr. Chairman, I have a question for Dr. MacKenzie.

The support that you're giving for this, I think, is quite understandable. Mr. Chairman, the question to Dr. MacKenzie is, to enforce any legislation, we need police officers and officers throughout the province to enforce any act of the Legislature. Would you consider the reduction of RCMP officers throughout the province, who are the control mechanism, as a responsible move to enforce this kind of legislation?

DR. K. MacKENZIE: I think you're throwing me a bit of a curve and you're bringing in something else that obviously is being debated at the moment. Clearly, you require enforcement of this. How that is achieved is obviously not covered in what I'm presenting. I would also say though that it would be very difficult to enforce parental supervision. I think it would be much easier to enforce age rather than supervision.

MR. J. DOWNEY: Through you, Mr. Chairman, to Mr. MacKenzie, I'm not trying to throw a curve. I'm just asking if it would not be in the best interests of the enforcement of this important legislation that the investigators or the police officers be maintained to enforce such legislation, particularly in areas of high use in resort areas or areas, for example, Winnipeg Beach where there would be, presumably, a high usage by people on vacation. That would be an area that would probably require enforcement officers. I just asked for your opinion, and you're quite free not to respond. That's one of the freedoms that we have in this country, and I respect your decision.

MR. CHAIRMAN: I realize there's no rule against asking curve-ball questions or whatever they could be described as, but certainly presenters should feel free to answer in whatever way, shape, or form they feel fit.

Mr. Plohman.

HON. J. PLOHMAN: Mr. Chairman, I want to thank Dr. MacKenzie and the Manitoba Medical Association for their presentation and to just ask Dr. MacKenzie whether he feels that the presence of a safety training program would be equally as important to a licensing requirement. Would he place any greater degree of worth on one or the other?

DR. K. MacKENZIE: Yes, we have called for licensing requirements and certainly, if possible, we have discussed the possibility of a training course. We would certainly consider that a fairly high priority, as well.

HON. J. PLOHMAN: But not in lieu of a licensing requirement? I ask whether Dr. MacKenzie feels that it would be going a significant distance towards accomplishing the same thing if there was a good safety training program such as the Snowmobile Safety Training Program. Maybe Dr. MacKenzie could even give some opinion as to how effective he thinks that is?

DR. K. MacKENZIE: Yes, I certainly do feel that training programs are effective, and we would be happy to see something like that.

On the other hand, our main requirement is for licensing and we put that at a higher priority.

HON. J. PLOHMAN: Do you feel placing the responsibility on parents, not just an adult, but parents or a person designated by that parent is not an effective way to ensure that children operate safely?

DR. K. MacKENZIE: We feel very strongly that having parents in sight of the child operating a high-powered vehicle is not an effective supervision. For instance, a child could be driving one of these vehicles through a field within sight but, say, 500 metres away, go through a ditch, roll it, and what can the parents do about that? They meet the requirements of the law but, really, there's been no true supervision of that child, and we feel that's very dangerous.

HON. J. PLOHMAN: Last question, Mr. Chairman.

Does the MMA or Dr. MacKenzie have any statistical information that would show that this activity of, say, families out on a Sunday with a number of children operating these with their parents is such a dangerous practice statistically in terms of the injuries and deaths that have resulted from that practice that this should be banned completely by imposing a strict 14-year age limit?

MR. DEPUTY CHAIRMAN, C. Santos: Dr. MacKenzie.

DR. K. MacKENZIE: Mr. Chairman, we don't have statistics on that. We have a number of statistics from various provinces at various times, but they relate only to ATV use or to trail bike use and they don't say what other activities were occurring at that time. So we tend to gather these statistics from emergencies or from Departments of Transportation, and they don't always have all of that material there. So, I'm afraid I don't have that.

HON. J. PLOHMAN: So you don't have the circumstances surrounding the accident.

DR. K. MacKENZIE: No, we don't.

HON. J. PLOHMAN: Thank you.

MR. DEPUTY CHAIRMAN: Dr. MacKenzie, are you done?

DR. K. MacKENZIE: Yes, I'm finished.

MR. DEPUTY CHAIRMAN: We need the correct spelling of your name.

DR. K. MacKENZIE: Sure.

MR. DEPUTY CHAIRMAN: The presenters of Bill No. 26 includes, the first ones to come, J. Eadie and Mr. B. Carroll, representing the City of Winnipeg.

MR. J. EADIE: Thank you very much, Mr. Chairman, and members of the committee.

I, first of all, want to thank members of the committee for their indulgence in allowing us to appear first. We will try to keep things very brief for you.

In January of this year, Mr. Chairman . . .

MR. DEPUTY CHAIRMAN: Is this Mr. Eadie or Mr. Carroll?

MR. J. EADIE: I'm Jae Eadie. I'm accompanied by Bill Carroll, the Director of Waterworks and Waste Disposal for the City of Winnipeg, Mr. Chairman.

Mr. Chairman, in January of this year, the Winnipeg City Council approved and authorized the preparation of a brief on the proposed environment act, which was forwarded to the Minister of Environment, expressing the concerns of the City of Winnipeg on the proposals contained in what, at that time, was a discussion paper. That brief totals 13 pages, Mr. Chairman, and I'm sure you'll be greatly relieved to know that I don't intend to read it to you this evening. I believe Mayor Norrie sent copies of that brief to all members of the Legislature some five or six weeks ago. So I hope that all MLA's, including members of this committee, will have had a chance to peruse that brief and get some idea as to what the concerns of the City of Winnipeg are with respect to what is now Bill 26.

Some of the concerns that we expressed in the brief, Mr. Chairman, at that time on the discussion paper, we don't feel have been addressed at all in Bill 26. We have a concern that the public hearing process and the existing role of the Clean Environment Commission is being considerably diluted, and we believe that the role of the Clean Environment Commission as we know it today should be retained.

We are concerned that the delegation of powers to the City of Winnipeg for control over the discharges to watercourses should be retained and not removed, as the act contemplates. We have requested that The Public Health Act should be amended to delete regulations out of that act concerning sewage treatment, landfill and atmospheric pollution. All of those kinds of regulations should be under The Environment Act, so that we deal with one Minister and one department and one set of bureaucrats and administrators, rather than running in two or three different directions at once

trying to get clarity when it comes to regulations from the province on environmental control.

In Bill 26, as we understand it, we don't believe that those concerns appear to be met in the bill. We are hopeful that, before the bill is back in the Legislature for Third Reading, this committee will in fact recommend the kind of changes that we propose.

We have a very real concern, Mr. Chairman, with respect to what we perceive as deleting the powers and the authority of the Clean Environment Commission of Manitoba. I think, not only as representing the City of Winnipeg, but I think all Manitobans should be somewhat concerned that the role of the Clean Environment Commission appears to be reduced in this act.

The Clean Environment Commission in our experience as a city - and we've appeared before it on numerous occasions on environmental issues - has been a very thorough, a very objective, a very unbiased body. They are accountable. They meet in public, they hear representations from the public, and their decisions are made openly after public representation. What the act appears to be doing now is reducing or almost eliminating the role of the Clean Environment Commission in that respect, and delegating a lot of that kind of authority to the Director of Environmental Management.

I want to say, Mr. Chairman, if there is in this room a Director of Envrironmental Management, I don't want that individual to be offended because I'm not addressing myself to the individual in that position. We are addressing ourselves to the general issue. We feel it is not proper that someone who is a civil servant, who essentially is not accountable to the public but who is only accountable to a Minister, should be making important decisions in this respect without the kind of public input that all Manitobans have enjoyed and have been able to become a part of and participate in with the Clean Environment Commission in its present form.

So we want to clearly indicate to this committee and to the Legislature that we want to see the role of the Clean Environment Commission retained today as we know it. We believe as a city that we have always been treated fairly by the Clean Environment Commission. They have heard the representations we have made on numerous issues affecting the city and its role in pollution control, and we've always believed that the decisions made by the Clean Environment Commission have been fair and they have been, I think, very reasonably dealt with.

Another concern we have, Mr. Chairman, is the provision in this act which takes away, I guess, what you can call the special status that the City of Wiinipeg has had with respect to pollution control within its own boundaries. The city has enjoyed that particular status since 1935, Mr. Chairman, with the establishment of the Greater Winnipeg Sanitation District. The authority of the city was kept with the establishment of the Metropolitan Corporation in 1960, and it was retained again with the formation of Unicity in 1972.

So obviously, over the course of that half-century, successive Provincial Governments have felt that the City of Winnipeg has exercised its responsibilities in this respect with a great deal of responsibility. I think I can stand here and safely say, although I've only been involved on Winnipeg City Council for seven years, that in my experience I believe the city has indeed more than fulfilled its responsibilities in environmental management and control within the city in a very exemplary way.

Certainly, every year in our budget, we are spending multimillions of dollars on environmental and pollution control meausures at our sewage treatment plants, at our water treatment plants, and whatever. I'm not aware, unless members of this committee or members of your provincial administration are aware, I am not aware of any case since I've been at Winnipeg City Hall where the city has indeed fallen down on its responsibilities in that respect. If anything, I think we've been keeping right up with the times. We have in our staff people who are acknowledged experts in their field. I dare say, Mr. Chairman, that the people we do have on our staff are at least as talented and experts in the field of pollution control as anybody you've got employed here, perhaps more so.

So I mean, we really haven't spared any dollars in pollution control in the City of Winnipeg over the last 50 years, so we really are at a loss, Mr. Chairman, to understand why now it is felt there should be a change. The response we received from the Minister indicated that, from the point of view of the government, they want to have all municipal corporations treated equally. That's not a bad goal.

I better add right here, Mr. Chairman, I don't want to sound like we've got some sort of superiority complex, if I can use that term, in the City of Winnipeg or that we think we're better than any other municipality in Manitoba. That is certainly not the case, but we do have and have had for that half-century the authority and we've built up the expertise to manage and to control pollution within our city boundaries. We've built up that expertise probably that no other municipality in Manitoba has.

So while it's probably a worthy goal to try and maintain a standard for all municipal corporations and, in many respects, I support that in many fields, in this particular field, Mr. Chairman, I think the city has shown in the time that it has had responsibility for pollution matters within its boundaries that we have built up a field of expertise that is probably second to none in this province. We believe that expertise should be maintained and we believe, as a city, that we should be able to control and continue to control how we manage our environment and our pollution control measures in the city.

As I said, I don't think we've fallen down on the job. If anything, we're steps ahead of many other people, and we intend to stay that way. It's going to cost us a lot of money and we're going to spend what it takes and we're going to continue to do what it takes to maintain a quality environment within our city.

So on that section, we again appeal to this committee and, through this committee, to the government not to dilute the authority that the City of Winnipeg has had and hopefully will continue to have over environmental management problems within our jurisdiction. Again, we remind the members of the committee that we feel that there should only be one statute and not two or three which have regulations concerning sewage treatment, landfill, and atmospheric pollution so that, if changes are made to The Public Health Act and other statutes, we would like to see

those kinds of regulations deleted from those acts and contained in one statute where we only have to deal with one set of officials and one Minister, as the case may be.

In our brief that we sent to the Minister and to all members of the Legislature, Mr. Chairman, there were a number of other very specific concerns with respect to various sections that I'm not going to elaborate on now. But I wanted to take this opportunity on behalf of the Mayor and members of council to express before this committee the concerns we have on those three very important issues that the city feels are not being properly dealt with within this proposed act. We would like to hope that this committee and the Legislature will hear our concerns and indeed act upon them in the way that we hope you will.

That's basically my presentation, Mr. Chairman. I can try to respond to questions. Mr. Carroll is here to also respond to any technical questions that members of the committee may wish to pose.

MR. DEPUTY CHAIRMAN: Any questions from the members of the committee?

The Honourable Minister.

HON. G. LECUYER: Thank you, Mr. Chairman.

Mr. Eadie, I think that the act, as drafted now, makes no reflection on the past ability of the City of Winnipeg to deal with its environmental issues. In fact, I think that we would have to agree that the city is indeed spending a good deal of money to look after its pollutants. The way the act is presently drafted, nothing would change that. The city would have to continue to do exactly that, to retain its expertise and to look after the environment in the best way possible.

We're glad that the city has the technical staff to be able to do that. It's not the intent of this act to overlay another level of bureaucracy on the existing system. But having said that, it is also true that the City of Winnipeg's exemption only has to do with liquid effluence water systems at the present time, and that's all we're talking about. It is an exemption which no other incorporated town or city in the province has.

I want to know from you, Mr. Eadie, why you would object strongly to that when specifically MAUM has passed a resolution to that effect, and all other incorporated cities and towns of the province and municipalities don't have a similar exemption under the act?

When development has expanded all around the City of Winnipeg, we're no longer in the same situation as we were perhaps 20 or 50 years ago when a city or a town could perhaps on its own, with a smaller population, less industry, control the impacts of its activities, not only in its own jurisdictional area, but how these might impact on the surrounding ones.

Today, there are much more complex substances and industries creating all kinds of pollutants and contaminants which go beyond the jurisdiction that you are responsible for. How do you propose or who would you propose would deal with those if the city continued to be exempted under the act?

MR. J. EADIE: Mr. Chairman, first of all, with respect to the MAUM resolution, I am well aware of that resolution. I regret that I was ill that day and unable to be at that particular session when that resolution was adopted, or maybe things might have taken a different course.

Mr. Chairman, I guess in a sense I have to answer a question with a question. I'm aware of the exemption that the City of Winnipeg has had. What we have not heard from this level is why that exemption would now propose to be eliminated. What have we done within our jurisdiction which would cause the government to want to take away that exemption from the city? I believe and I know that the city has grown and has developed over the years, and I believe and I also know that the city has done all things within its boundaries with its sewage treatment plants and whatever to keep up with that particular expansion and growth in the city, and to keep up with the increasing load that is placed on our sewer and water systems. We have done that, and I think we have done that very successfully.

I am also aware - and it's not a put-down in any way, shape, or form to those other municipalities outside of the City of Winnipeg boundaries - that most, if not all, of those municipalities do not have the expertise within their administrations to handle similar kinds of problems within their boundaries. Therefore, you do need, and it is proper to have some sort of provincial regulatory control or however you want to form it in order that those smaller municipalities who do not have the wherewithal, did not have the financial resources or the expertise to look after those things in a reasonable way, in order that they are assisted.

But we continue to operate, Mr. Chairman, with a great deal of talent and expertise within our administration to handle those problems. I believe we've handled them very successfully. I believe we will continue to handle them very successfully. We therefore see no need to, all of a sudden, lift the exemption that we have had from some of those particular regulations. We have more than adequately demonstrated that we are able to keep up with the latest in technology with respect to environmental and pollution control.

So I'm really at a loss to understand the meaning behind your question, because we really haven't yet had a fully answer from you or your staff, Mr. Minister, as to what we have done wrong within our boundaries to want to have that exemption taken away and control given to outside sources.

HON. G. LECUYER: Well, I don't know if Councillor Eadie had the access to the letter I sent to the mayor in reply to his on June 12, wherein I indeed attempted to reply to that specific question. Is Councillor Eadie aware that, under the proposed new act with the city not exempted, as it has been in the past in regard to liquid effluents or to waterbodies, and that's the only exemption we're talking about because there were no others? Is the councillor aware that we're not going to take over these responsibilities and we don't propose to, by this amendment to the act, take over these responsibilities. The councillor says that the city has this expertise and they are doing a good job of it. The city will just continue to do that, have to continue to do that.

I ask the question: What does the councillor fear in this proposed amendment? Why does the councillor object to it, that having been said?

MR. J. EADIE: Mr. Chairman, the Minister really, perhaps inadvertently, hit the nail on the head. Certainly, the exemption as you propose will be taken away from the City of Winnipeg and, as I stressed at the very beginning of my remarks, you're going to be placing a great deal of control and authority with a director of environmental management. The city will still have the authority to do everything, including pay for regulations that are going to be imposed by a civil servant without the benefit of public hearinags and without the benefit of public input. That is essentially what you're proposing. You are proposing to really create a very, I guess, a superauthority within your own administration, Mr. Minister. Certainly that administration will have all kinds of dictates and the city will retain the right to pay.

Those are some of our concerns, Mr. Minister, and some of our fears that I think the council and the mayor and myself have tried to express. We have yet to hear the answer. Why lift the exemption in the first place? I'd like to hear the answer to that, because all I have in your letter is that you want to ensure that all municipal corporations are treated the same and, in many respects, Mr. Minister, I have no objections to that. In this particular case, we have a concern, and one of the concerns is we have not heard an adequate response in the province as to why you would want to lift that exemption.

If you would want to answer that, Mr. Minister, I would like to hear your fuller answer because what I've seen in your letter really doesn't tell us much. It's probably left more questions than answers.

MR. DEPUTY CHAIRMAN: Order please.

Instead of directly confronting one another, it is the procedure in committee meetings that they should address their concerns through the Chair. That will soften the impact of direct confrontation.

MR. J. EADIE: I'm a very agreeable person, Mr. Chairman . . .

HON. G. LECUYER: Mr. Chairman, of course the reasons for proposing whatever amendments are in the act have been expressed on many occasions in the numerous public meetings that were held, at which Councillor Eadie or any other councillors at the City of Winnipeg had an opportunity to attend, and of course, in the debate in the House as well.

But, the explanation that is provided in the letter goes beyond what has been provided by the councillor, and, of course, the best explanation, and the first explanation one should give is that other municipalities want to see the City of Winnipeg also abide by the same requirements that are imposed upon them. But I asked the councillor a question awhile ago, which also has a bearing on the reason why this exemption has to be removed, in that the effluents and the contaminants emanating from the City of Winnipeg jurisdiction also have potential impact on other jurisdictions, on which the City doesn't have any jurisdiction.

We're talking about the growing complexity of substances as time evolves, and for that reason, of course, I think that the City of Winnipeg as well as these other jurisdictions who potentially could suffer from these contaminants should be under the same provisions or the same act, and that's also therefore, one of the very important reasons why the City of Winnipeg should be - as well as for all the other areas - brought in under the act as far as effluents to surface water. And I repeat - that's the only one we're talking about.

MR. CHAIRMAN: You still have the floor, Councillor Eadie.

MR. J. EADIE: Mr. Chairman, that's a little bit more explanation, but let me say, through you to the Minister, that we are more than well aware of the fact that the waterways that flow through the City of Winnipeg flow out of the city and they do flow by other municipalities. We are certainly very cognizant of our friends to the north of us, the Town of Selkirk, and the ongoing discussions that we have had with the Town of Selkirk, and with the mayor and the council of Selkirk with respect to the Red River, for example.

Let me indicate to the Minister with respect to an issue that his government and our government has been dealing with, with respect to the proposed disinfection of the effluent of the City of Winnipeg water in the river that flows north to Selkirk. I want to say to him that if, for example, a number of his officials had had their way, the city would be spending some $8 million or so a year to put disinfectant in effluent; the end result of which would not make the slightest modicum of difference to the quality of the Red River water as it reaches the Town of Selkirk.

The Minister and I both know that our two governments, together, hired independent consultants, who indeed proved that very fact; that our spending $8-odd millions to disinfect the effluent of the City of Winnipeg sewer plants would not make one modicum of difference to the quality of that water when it would reach the Town of Selkirk. It would still be muddy and it would still be dirty; in order for the people of Selkirk to drink it, the water would have to be treated.

Now, I don't think we've fallen down in our responsibilities there, Mr. Chairman. We are prepared to do whatever is reasonable; and we do do all things that are reasonable and proper and prudent to treat the effluent as it leaves the sewer treatment plants of the City of Winnipeg. I believe that today we do follow all of the regulations, all of the guidelines that are imposed upon us, either by the province or by the Clean Environment Commission. So, with respect, I see no reason why now there should be a change to lift the exemption that we have had.

Because, I don't think in essence we have done anything differently, except that many of the undertakings that we have done as a city over the last number of years have been done after consultation with the Clean Environment Commission and after public representation; not only by us, but by all interested citizens of Manitoba who have a concern about their environment. So we think that we have been more than responsible in maintaining our control and our responsibility.

I guess, in essence, Mr. Chairman, maybe the Minister and I are going to have to disagree with respect with this particular section of the act. If the Minister is intent

on, indeed, lifting that exemption, well so be it. But we wanted to make our point known here tonight, before the act proceeds any further, that we have a concern with that and we really have not had an adequate response as to why that exemption would want to be lifted.

MR. DEPUTY CHAIRMAN: Any other comments or questions?

Otherwise, thank you Councillor Eadie.

MR. J. EADIE: Thank you Mr. Chairman.

MR. DEPUTY CHAIRMAN: The next presenter will be Mr. Bill Garang, (sic) representing the Manitoba Heavy Construction Association. Mr. Garang, third call, Mr. Garang?

We go to the next presenter, Mr. Brian Pannell, representing the Manitoba Environmentalists Inc.

MR. B. PANNELL: Good evening Mr. Chairperson, members of the Legislative Assembly, Honourable Ministers.

I have brought a paper that we produced in response to the original discussion paper. It's rather long and I will only address it later in my comments. To begin with, I'll make some general overview of the act as our group sees it.

Generally speaking, you can divide this legislation into two purposes. One purpose is the licensing of new developments, which are going to have some sort of impact on the environment. The other section really deals with abatement procedures and is no change from the previous act.

In changing the licensing process, I have given long consideration to whether we are making a step forward here or a step backward, or something not quite either one of those, and I think I've fallen decidedly in the middle. This is change, but I'm not sure whether it is positive change and I'm not sure whether it's negative change. I think we will only know, depending on how it's administratively put into effect. The act itself does not really give us a sense of a positive step forward in environmental legislation in Manitoba.

I might add, this is quite in conflict, in the sense the language that has gone along with this bill, that this is a major step forward, that this is a change of significant magnitude. It isn't. What this is is a change in a licensing procedure that we already have and it's a modest change in the licensing procedure.

The major positive change is that we now have better enforcement procedures. That is, that a person upon conviction will now face larger penalties. In particular, they'll face the penalty of being incarcerated and that will include individuals, as well as corporate directors, and that is a major useful change to the legislation.

(Mr. Chairman in the Chair.)

Where it takes a step backwards is on public participation and who is overseeing the whole administration of the licensing process. And here, under the old act, we did have, in certain circumstances, the ability of the public to demand a hearing. On the variance of an order, the public could demand a hearing under the current Clean Environment Act and not be denied it.

Under the current legislative proposal there will be no opportunity at which the public may demand a hearing and get it. In fact, the only person who can ask for a hearing is the Minister. His director can recommend the hearing, but only the Minister can ask for a hearing. So the public has largely been removed from this act, and it will be only upon the good wishes of the incumbent Minister, that the public will continue to have a role in the legislation as it goes into the future.

I particularly think this is a very bad thing, and speak strenuously against it, and in that, echo the words of Mr. Eadie, who is representing the city.

I'll stay on the topic of the public participation, because I think that is perhaps the most crucial issue in this whole legislative process. It seems to me that when we adopt a new way of dealing with our environmental problems, we have to make a major departure from the past. I take issue with Mr. Eadie, in that all the city's practices have been in the best interest of a clean and good environmental policy. I would take issue with anyone who said that all our practices outside the city have been of the same nature.

It's quite the contrary, that's why we're addressing this act today, is because we have a community feeling. I would say the public is way ahead of government on this, that we, in fact, do not use the proper procedures in the way we interact with our environment. So we're looking now at finding a new way of interacting with the environment that is different, that is better than the way we've done it before.

Now, it seems to me that the way a licensing procedure has worked in the past has been that an advocate has stepped forward, saying I have a development that I wish to proceed with. In the past, they have stepped forward to the Clean Environment Commission. Then the Department of the Environment has played a role as well, coming forward and putting forward its perspective on the developmental proposal. That is essentially where it stood. There have been two parties involved. Occasionally, a member of the public steps forward, voluntarily, and without resources, and provides some personal input into the situation, into the application.

But very generally speaking, we have had two parties to these proposals and two parties only. It seems to me that the most significant improvement in the way we deal with environmental licensing, would have been to add a third party, to add the public in a significant way. The way to do that is not by removing their ability to initiate their own participation, but strengthening that. In addition, providing the public with the resources, so that they could make educated and informed commentary onto each application as it comes forward.

Now that might not be able to be done in the smallest applications, or the applications with the smallest impact, but it most certainly should be done with the applications with the largest impact; in this act, it's done in no situations. Not only does the public not have the ability to call for hearings, but there's no funding of the public, in any manner whatsoever, for public participation. That is a huge omission from the act.

I'll tell you one of the reasons why it is a huge omission. It's because good criticism is only good criticism if the alternatives can be put forward to the

proposal on the table. We're going to have developers of large magnitude, the City of Winnipeg, coming forward with ideas, which someone may think are bad, but they really can only provide effective critical commentary, if they put forward useful alternative suggestions. The public will not be able to really engage in that kind of criticism, unless they are provided with resources.

I have spoken with the Minister on many occasions, and he's left me with no doubt that there are no new resources going forward at this time with this piece of legislation. That is, there will be no new money behind enforcement of this legislation. There'll be no new money for education of the public under this legislation. It seems to me that simply the influx of money would perhaps have a more positive impact on the way we handle our environmental situations than some of the changes that are being suggested in the act.

I might add, in terms of the funding of public, it need not be governmental money that's pumped in and need not be taxpayers' money. There are many jurisdictions outside of Manitoba that require the proponent of a development to develop the funding for the criticizm of the proposal. That is a possible way of at least providing the largest projects with third-party intervention, so that they're fully and totally vetted or fully before the public eye.

I see that nowhere in this legislation and it leaves me with the impression that the public will not be participating anymore than they have in the past, and that means, in my view, that this is not a significant change in even the licensing process. There will always be two parties in the future, as there have been in the past, and the environment will continue to get short shrift, as it has in the past.

I'm not convinced that this will change under this legislation. It may be perhaps why the act shifts control over the decision-making process, from a quasi-judicial body, the Clean Environment Commission, to an administrative arm, in the belief that the administrative process will somehow take account of public opinion; but I personally don't have that feeling.

Now, in this respect, I take your attention to the recently published, "Our Common Future," which is - by the more common usage - "The Brundtland Commission Report" brought out by the United Nations under Madam Brundtland. The Canadian participant on the Brundtland Commission was Murray Strong from Manitoba and I quote on page 64: "Free access to relevant information and the availability of alternative sources of technological expertise can provide an informed basis for public discussion. When the environmental impact of a proposed project is particularly high, public scrutiny of the case should be mandatory and, wherever feasible, the decision should be subject to prior public approval, perhaps by referendum."

Now, they take it a lot farther than I'm taking it, but the Brundtland Commission has said that public participation is crucial and this bill does not give appropriate recognition of that. I might point out that in the introduction to the act, public participation is referred to as public consultation, so public participation is played down throughout the act.

Now there are a number of comments that I will make, despite the fact that this legislation is more or less set in place. When we came forward, you'll note in the documents I have handed out, we spoke very strongly for the establishment of a right to the public to a clean environment and the ability of the public themselves to enforce that right.

That does not appear anywhere in this act, and in fact nothing approaching it appears in the act. I brought to the Minister's attention the fact that in Ontario such a bill is now going through the Ontario Legislature, sponsored by the NDP. It establishes a right to a clean environment and then gives each individual the right to sue in a court of law upon that right, so that an individual, not just government, now takes on the obligation of keeping the environment clean. This was sponsored by a Mrs. Greer, MPP, and it has received Second Reading, so it's been approved in principle. This is the kind of innovative forefront type of legislation - the words which have been used to describe our legislation - which is more appropriate. I would recommend that to you for consideration as to, if not this legislation, legislation in the future.

With respect to the City of Winnipeg submission, I've already indicated I take issue with Mr. Eadie's contention that the City of Winnipeg has done everything within its power in the past to comply with the highest - or perhaps in his words - the reasonable level of environmental protection. I don't believe that has been the case. I am concerned that it won't be the case in the future and I applaud the government for including the City of Winnipeg within this new legislation.

I'm not sure that it is in fact wholly included. I note The City of Winnipeg Act empowers the city to undertake environmental assessments. I don't have an opinion on this matter, but I would suggest there is room for conflicting environmental assessment procedures under two provincial statutes allowing for the possibility of unresolved conflicts, and I would suggest that that be corrected either by removing the City of Winnipeg's power to conduct environmental assessments, or by making this act the act that will prevail in the event of any conflict.

I know that what we have before us today has been arrived at with great internal discussion between governmental departments and that there's been compromise on all sides; and on those issues, I'm tempted not to be too vocal. However, at the same time I would hope that the necessity of making agreements between different departments that have an effect on the environmental decision-making process to allow that to function, should not allow large loopholes to appear in the act.

I bring to your attention section 11.2, for instance, which states: ". . . notwithstanding the previous section where development or type of development is subject to an existing approval process, that to the satisfaction of the Minister, involves interested governmental departments and agencies, includes public consultation, and addresses environmental issues, the Minister may, by agreement with the Minister responsible for the Reviewing Department exempt the development or type of development from this section."

In other words, certain existing processes may take precedence over this act, if an agreement could be reached between Ministers. And I would suggest that the agreements which are poor should be open to challenge by the public and there should be some

opportunity for public challenge of these kinds of agreements.

I'm going to go through some other sections of the act at this point in time. I'll begin with the introductory clause which is 1.1 and I must say that it doesn't strike me that this is an introduction to an Environmental Act, it doesn't refer to protecting the environment anywhere in the introductory statement. This is a modest improvement over the previous draft because there the - well I won't refer to it - but it is a modest improvement.

I would suggest that there's some way to go, in providing a section for the intent and purposes of the act, that actually claims that the intention is to protect the environment. I bring your attention to the Federal Environmental Protection Act, which is currently undergoing discussion and obviously sponsored by the Progressive Conservative Party of Canada. I have a copy of that here with me. I note that they've managed to get most of the things in, that you would expect to find in an Enviromental Act, an act to protect and enhance the quality of the environment, and I could go on.

Our particular proposed act, Bill 26, really down plays the role of the environmental protection and raises up our economic policies, and raises up past practice, and raises up the status quo, so that there won't be too much impinged by an environmental ethic. I would suggest that all those things are properly to be considered, but this section should be strengthened to remind us what this act is about.

Another irony I think is worth pointing out - it's in keeping with most of my other comments - is that you'll find later on in the act, sections dealing with abatement. For those of you who may be unaware, abatement is a type of agreement between municipalities and the province, whereby polluted lands or poor pollution situations can be cleaned up, partly at the expense of the Provincial Government.

I think you'll find, if you read those sections, that a proposal for abatement has to follow specific guidelines. You just can't wander in, wade into it, and do it. You have to follow specific concrete, spelled-out guidelines you'll find in section 48. You'll also find that for an abatement project, a project to clean up pollution, you require public hearings.

Now, go back to the licensing process. This is a licensing process of developments that we fear will pollute our land. Now we have no specific guidelines; everything is at the discretion of the director or the Minister, and no need for public hearings, only if the Minister requests them.

It seems ironic to me that when we clean up the land, we need specific guidelines and public hearings; but when we're prepared to allow for its pollution, we don't need specific guidelines and public hearings. Those are all discretionary. It seems to me that we have reversed our priorities in the act, and we should reverse them once more to get them right.

Another topic of primary concern in this act is who is making the decisions? Mr. Eadie, of the City of Winnipeg, brought to your attention the fact that it's now going to be changed from a quasi-judicial body, which is the Clean Environment Commission, over toward administrators in the Department of Environment, and specifically a director and the Minister himself. I almost hesitate, if the city's in favour of it; I'm not sure if I should be, but nonetheless, I also agree that decisions, at first instance, should be made by a quasi-judicial board. I would hope that that board reflects a diversity of interests, both developmental and environmental. I would hope that the whole procedure can be put forward before that board.

As it stands now, a director will view an application, think about it; decide what he's going to require in terms of information from the applicant, decide whether he's going to have a public hearing; if he decides to have a public hearing, he'll refer it to the Commission. The commission will sponsor public hearings, find out what the public has to say, if anything, report back to the director. If the director and the Minister don't like the recommendations coming out of the public hearing, they have to put the reasons in writing.

It's all a sort of convoluted process, which makes sure that the decision-maker is removed from the complainants, and I think that it would be proper to put everything back in the hands of the Clean Environment Commission with this important proviso. That is, if you don't add the third party, the public, in a way that's financed, in a way that they have resources, so they can make significant contributions, so that they are, in fact, the third party of the hearing, then we're going to continue on, as we have in the past, without significant environmental change in Manitoba.

I'm sure there's a lot of other things I could say. I'm not sure what impact they would make. I'll conclude by referring to the Government of Manitoba's policy on the environment. There's a policy statement that was developed in the spring of 1986, and I think you'll find it somewhat at odds with the legislation that is proposed.

The general philosophy reads as follows: "The Government of Manitoba views the preservation of environmental quality as a matter of the highest importance, both in terms of human needs, and in terms of the intrinsic value of the environment, beyond the immediate and foreseeable human uses which it serves. Humans are not viewed as above or separate from the environment, rather humans are seen as an integral part of the environment, capable of altering it in both negative and positive ways. Human impacts on the environment are inevitable, which should be managed in a manner which ensures its continued viability."

With respect to public participation, the policy goes on to say: "Public knowledge and commitment are fundamental cornerstones of sustained attention to environmental quality. Due to the emotionally-charged nature and complexity of environmental issues, a properly informed populace is critical to effective, collective decision-making. The organization of entrusted members of the public into highly skilled and effective interest groups has proven to be an important stimulus to the development of environmental ethic, which has facilitated more comprehensive and equitable decision-making by all sectors of society."

I would point out that all through the discussions leading to this bill, statements by the department have been made quite in contrary to this policy. That is, this policy states that there should be the development of public-interest groups concerned with the environment, public-advocacy groups concerned with the environment. That is quite diametrically opposed to the policy of the current department, and it's reflected in

the fact that no funding and no attention to public participation is paid in this act.

MR. CHAIRMAN: Thank you, Mr. Pannell. Are there any questions?

Mr. Santos.

MR. C. SANTOS: Mr. Pannell, you mentioned that you differed with the councillors presentation, and that you do not agree that the exemption should continue, with respect to the city being exempt on liquid effluent. Is it because it would be a situation of direct conflict of interest, where the city itself would be a regulator and, at the same time, a regulated agency?

MR. B. PANNELL: That's certainly true enough. Also, in addition to that concern, it would be the fact that I don't personally believe the city has, on every occasion, at every opportunity, made the decision that's been most favourable to harmonious co-existence between people and the environment, I suppose would be the best way to put it. Whether it's water waste management or any number of other issues, I think that there's many occasions when you can suggest that the city might have done something different than what it did.

MR. C. SANTOS: In other words, if the City of Winnipeg is, itself, a potential source of liquid pollutant, do you think that despite its possession of resources and expertise, it will not be in a position to effectively regulate itself, unless it is subject to the same environmental standard and the same environmental procedures?

MR. B. PANNELL: Mr. Chairperson, in the matter of environmental issues, expertise and experience is not divorced from values, and what we are seeing today in the discussion of this bill is disagreement over environmental values and that's what comes up every time when environmental issue is discussed between two parties; and it doesn't really matter what expertise and experience the city has, the problem is that their value system is different than the value system held by some others, who would think that the city should go to greater lengths than they have in the past to make sure the environment is protected, either from city activities or from activities of groups within the control of the city.

MR. G. CUMMINGS: Mr. Pannell, through the Chair, do you feel that there has been too much authority put in the hands of the bureaucracy with this legislation?

MR. B. PANNELL: Well perhaps it's a judgment call, but I would have much preferred to have professionals who are solely employed, making environmental decisions on a day-to-day basis, who stay there whether one government comes in or another government goes, be making the first level of environmental decision. It leaves the Minister open to change the decision, but it means the change has taken place with a first level decision having been made.

MR. G. CUMMINGS: How does that jibe with your request for more public input?

MR. B. PANNELL: Well, under either system I think there's a need for more public input. If we do not have more than the applicant and the department present for these decisions, then we're not going to have, in my estimation, improvement in the decisions. When I say an improvement, I mean decisions which are more weighted in the future to protection of the environment than they have been in the past. I think that the public, at this point in time, as I said earlier, is way out in front of administrators and of politicians on their belief that something should be done to protect the environment - they're not quite sure what - but they believe that something should be done to protect the environment.

If we give interested members of the public the resources to come up with the ideas of how that environment should be protected, I think they'll do so, and I think for the first time we'll have, not just the department and not just the applicant speaking to a specific development proposal, but we'll also have a very good environmental perspective put forward by the public.

HON. G. LECUYER: Am I correct, Mr. Pannell, that you would prefer not to see the section on the intents and purposes put in there?

MR. B. PANNELL: No, when we first met with your departmental officials we, in fact, suggested that a intent and purpose section be put in, so that the act would have youthful interpretative device if it reached the courts, but also so that anyone reading the act had a general idea of the thrust of the legislation.

Unfortunately, my view is that the intent and purpose section more reflects the concerns of the government not to place too much of an emphasis on environmental protection than it does in fact on environmental protection.

So I would like to see an environmental protection ethic strengthened in the intent section, much more so than currently exists. You know, it's quite easy. We can read it. It's right there now, and I won't read the first paragraph, but for instance . . .

HON. G. LECUYER: Read the first paragraph.

MR. B. PANNELL: Okay. "The intent of the act is to develop and maintain an environmental management system in Manitoba, which will ensure the environment is maintained in such a manner as to sustain a high quality of life including social and economic development, recreation and leisure for this and future generations, and in this regard, the act . . . ", and I'll stop there because so far it could encompass exactly the way we've been carrying on life today. We can make no changes whatsoever and we're in compliance with the description that I've just read.

And then, "(a) is complementary to and support for existing and future provincial planning and policy mechanisms." Well, it doesn't say environmental policy mechanisms, it's all policy mechanisms, which means it's economic policy mechanisms, it's all the policies of the government must now be taken into account in interpreting this act.

In other words, a judge reading this says this act was designed not to rock the status quo too much

because they said it's complementary to and support for existing and future provincial planning and policy mechanisms. So if you take a policy which is diametrically opposed to the environment, or you've got one now, you've said that that's taken into account when you brought this piece of legislation forward, and I say that's not a very strong environmental intent that you put forward in your act.

"(b) provides the environmental assessment of projects which are likely to have significant effects on the environment." So the only concerns you've specified in your intention section is "significant effects" from the environment. Anything that doesn't have a significant effect that might be cumulative, in small doses as time goes on, is not being addressed by your intent section.

"(c) provides for the recognition and utilization of existing effective review processes and adequately address environmental issues." So what that section tells me is where we've got an existing system and someone already has a vested interest in it and they don't want to give up departmental responsibility, and they're going to find some way of negotiating the continuance of that review system with the Department of the Environment, then we'll keep it. So again this is another section that says, what we've got we'll keep and we won't make a change in that area.

"(d) provides for public consultation . . . "not public participation, "public consultation in environmental decision making while recognizing the responsibility of elected government including municipal governments as decision makers." I sort of take this one personally. I figure that this one was put in directly because I've been screaming about public participation so much and just to cap if off, we'll say that you reminded Mr. Pannell that the government makes these decisions, not the public, and we'll put this in writing, that it's the government that will make the final decision. The public will only have a consultative role.

So here we have our intent section and it seems to me that it's as lukewarm as you can get. Since you brought the issue up, I can't read the whole thing, as it goes on for pages in The Environmental Protection Act, and I would add that The Environmental Protection Act is no model for just about anything else, except this, so it's a more useless piece of legislation than some.

"It is essential that the Government of Canada act to protect and enhance the quality of the environment, provide leadership in the establishment of nationally consistent standards of environmental quality, give due regard to making decisions to environmental values, encourage the participation of the people of Canada in the making of decisions that affect their environment, encourage the development of a social and economic plant that accords environmental values, a fundamental role in the making of decisions in the public and private sector, and provide information to the people of Canada on the state of their environment."

I don't know how you compare them, but that's leaps and bounds ahead of our statement of intent, and I'm sure we could improve upon it.

MR. CHAIRMAN: Okay, thank you for your presentation, Mr. Pannell.

The next presentation is from Mr. Alan Scarth. Mr. Scarth.

MR. A. SCARTH: Mr. Chairman, I've observed that the protocol before this committee is like that at the Wimbledon Tennis Tournament where, if the Duke takes off his coat the common people can take off their coat. I notice the Minister has taken off his coat, so I assume it would all right if I take off my coat, Mr. Chairman.

MR. CHAIRMAN: Please proceed, Mr. Scarth. I hope it's unlike Wimbledon in one respect and that is that we don't have the John McEnroe syndrome with the Chairperson of Committee. No arguments.

Thank you, very much. Please proceed, Mr. Scarth.

MR. A. SCARTH: I undertake not to dispute the decisions here.

MR. CHAIRMAN: He didn't play this year.

MR. A. SCARTH: I appear as a private citizen, Mr. Chairman. I have the privilege of being Chairman of the Fort Whyte Centre for Environmental Education which, if I may remind those present, is supported by the government and governments in the past and has been responsible for giving environmental education to something like 25,000 school students a year.

Also I happen to be trustee of the Nature Conservancy of Canada, but I don't appear in either of those capacities here. The environment is my avocation as a lawyer, not my vocation.

I have no apology and the committee would, I think, ask none for a substantial brief on this important bill. If it's an important bill for us it, and other environmental legislation across the world will be, literally, Mr. Chairman, a matter of life and death for our grandchildren.

This brief reviews Bill 26 in a number of aspects, but the prime purpose is to make the members of the Legislative Assembly aware of a significant and fundamental change in approach to environmental legislation, recommended by the World Commission on Environment and Development in its very recently published report, Our Common Future. I don't know whether the members are familiar with this report. The previous speaker referred to it briefly. I think it will come to be looked upon as a critical piece of writing for our generation.

This basic change in approach would make the central agencies and major sectoral ministries of government responsible for the quality of those parts of the environment affected by their decisions; that's the critical change.

The relevance to Bill 26 lies in the intent of the bill to empower the Department of Environment to license and control farming. The World Commission would place the mandate for environmental control of farming with the Department of Agriculture. This brief documents the rationale and recommends appropriate amendment of the bill.

The underlying principle on which the World Commission report is based, is the need to achieve sustainable development. And, Mr. Chairman, those two words will be the watch-words of the future.

To this end each central, economic and sectoral Ministry, be it Manitoba Hydro or the Department of Agriculture, must be responsible to control developmental activity in the area that the Ministry understands and can plan for, so that the environment is not degraded by the development. The agriculture ministries should be responsible for directing agricultural practices toward sustainable development of the land base.

Now I've commented, in the printed brief which I've submitted, on our common future, the Report of the World Commission. I'll just briefly highlight those comments.

As has been noted, the Prime Minister of Norway has given her time as Chairman of this Commission. The other 20 people are all prominent people from different countries of the world. The Report of the Commission has only been delivered in May of this year, so what we're seeing in this report is a new development in environmental policy law. And to quote a commentary: "Most of today's decision-makers will be dead" - and I suppose that means us, it certainly means you - "before the planet suffers the full consequences of acid rain, global warming, ozone depletion, widespread desertification, and species loss." The comment is made: "Most of today's young voters will be alive."

And moving to the essence, because we are in the process on page 3 of reviewing our environmental legislation, the Brundtland Report could not be more timely. Our Manitoba population of 1,000,000 is quantitatively a small component of the world population, which is now rapidly approaching 6 billion. But we, in Manitoba, have a reputation for forward thinking and we can be among the first to bring our environmental legislation to the new world standard.

The brief refers to the Canadian federal-provincial jurisdiction. I want to get to the nub of the brief, so I'll just again highlight the references to the Federal Act which, as we all know, was tabled only 10 days ago, on June 26th in the House of Commons. I make the comment that the Federal bill illustrates both the reach and the limitations of the Federal legislative power. Basically, it deals with the control of chemical substances and empowers the Federal Minister to develop environmental quality objectives. It's the task, it's the responsibility of this Legislature, to control developmental activity.

To the bottom of the page, page 3, from an agricultural perspective - and this is part of the essence of the problem dealing with agriculture - the federal bill also holds out the prospect that the federal department will achieve greater certainty about the safety of the herbicides and pesticides essential for sustained development of food production.

And I make the comment, the recent uncertainty about chemical formulations, which have long been registered, and which have become a routine part of farming practice, is unacceptable. Agricultural inputs are not elective in today's cost squeeze. Each chemical has been selected by the farmer on a cost-efficiency basis. Farmers do not need additional concerns as to the safety or availability of essential chemicals and I comment, in summary, that the federal bill does make possible a program for re-evaluation of herbicides and pesticides, and this is urgently required so that all concerned will know how to forward plan.

Going to the bottom of that segment of the brief, all of this, that is the Federal jurisdiction, is a further and uniquely Canadian argument for the Brundtland Report recommendation, that industries be environmentally controlled by their sectoral ministries, so that industry growth policies will make sustainable development possible within environmental standards, and we now know those standards will be both federal and provincial.

Moving to the bill, specifically, and looking at the basic legislative plan, Bill 26 requires most citizens of Manitoba who grow, process or manufacture products, to obtain a licence from the Department of the Environment. Mr. Chairman, that's a startling proposition. No other statute, to my knowledge, purports to legislate anything like this degree of control over the livelihoods of citizens without built-in statutory safeguards.

This control is being proposed under the best auspices, as such things always are, in the name of environmental protection, which is, of course, urgently needed. But the unqualified right to administratively limit or prohibit virtually all productive enterprise, including traditional occupations, such as, farming, endangers the credibility of the environmental process. This brief will suggest a number of ways in which the bill can be modified to avoid the infringement of rights, which would result from what is, in essence, a simplistic approach to a complex problem.

The following section of the brief I've taken out the words "which effectively require a licence for every environmentally-related enterprise". All members of the committee are familiar, very familiar with the bill no doubt. I've just extracted four sections and I'll again distill the sections. Basically, "no person shall operate any development unless the person obtains a valid and subsisting licence." So immediately we ask, what does development mean?

We move to look at development. It means any activity which causes the emission or discharge of any pollutant. We look to see what pollutant means. Pollutant means any solid, liquid, gas, smoke, waste, odour, heat, sound, vibration, radiation, or a combination of any of them, in excess of the natural constituents of the environment.

Waste includes human or animal wastes, solid or liquid manure, or waste products of any kind. Within the parameters of those four provisions, in effect, this bill would require a licence for all economic activity in any way impacting the environment. And in the second paragraph on page 6, I make the point the reach of the bill is such that unless permitted by licence or regulation, a farmer would be prohibited from spreading a load of manure on his field; nor could he get through his day without meeting a dozen other prohibitions.

I should now deal with what I call the trust in the regulations argument because I've seen it in Hansard, and I've seen it in the newspapers, and I make the comment that it must in fact be argued in order to make the legislation work at all, that traditional activities like farming will be exempted, or in part exempted from the licensing requirements in the proposed statute.

The unacceptability of this proposition is obvious. The traditional right to make a living, once removed by a statute, cannot be replaced by a regulated exemption which itself might be amended or removed at any time by future governments.

By way of analogy, and I think it's a fair analogy, it might equally be proposed in the name of truth that all expression of media opinion be prohibited unless licensed. The media would be assured that regulations would be passed exempting traditional freedom of expression. I suggest the media would not be persuaded to trade a right for a regulation and, Mr. Chairman, nor should farmers.

It should be understood that current government policies or intentions are not an issue. This environment bill looks a generation ahead. As our population becomes increasing urbanized, governments can be expected to be increasingly urban elected and oriented. Farmers need a long-term guarantee of the right to farm.

And I should deal with a parallel proposal which arises by inference from section 11, which acknowledges that control by other departments may be acceptable in the Minister's discretion. This has the same problem as the regulations' argument.

To guarantee the right to farm, farming should be excluded from the licensing requirements of The Environment Act. The mandate for environmental control of farming practices should be left to the Department of Agriculture, indeed as recommended by the Brundtland Report.

In the next section of the brief I have quoted for the record, segments of the Brundtland Report. I won't read them at length here. I want to suggest that especially worthy of note are the two quotes on the top of page 8:

"Environmental agencies, says the Brundtland Report, with world experience behind them, usually learn of new initiatives in economic and trade policy, or in energy and agricultural policy, or of new tax measures that will have a severe impact on resources long after the effective decisions have been taken." And the report goes on at length, describing what we know so well to be a catch-up process, that the Department of Environment in the past has had to pursue. The report goes on:

"Sectoral Ministries such as agriculture must be given a mandate to pursue their traditional goals in such a way that those goals are reinforced by a steady enhancement of the environmental resource base of their own national community, and of the small planet we all share." And the most obvious application of this Brundtland principle in Manitoba is to make the Department of Agriculture responsible for the farm environment.

From a policy point of view the inter-relationship of government programs and environmental impact is everywhere evident. Programs for opening up marginal land or for taking it out of production are related to soil degradation and erosion. Programs influencing fertilizer use also influence downstream water quality. Livestock programs must take into account the capability of land and water to accommodate wastes. Equally important, there is the very practical consideration that a Department of the Environment structured primarily to police urban industrial pollution, does not have an extensive rural administrative network qualified to serve thousands of rural farms. Farmers are rightly concerned about environment department inspectors attemptig to regulate farming practices.

A recent article in the Manitoba Cooperator quoting Environment Department officials was headed, "Don't Fear Environment Bill." It's the wrong heading. The article states in part, to quote: "It is currently illegal to let livestock waste drain into waterways, even though such is the case on hundreds of Manitoba farms. Officials will enforce the law when they spot infractions or receive complaints, but with only 40 inspectors looking at everything from restaurants to swimming pools, it's impossible to inspect every farm." That was under the heading: "Don't Fear Environment Bill."

In fact, it raises the very concern that the Brundtland principle has raised in a more formal way. If there are in fact hundreds of farms which are subject to a Department of the Environment regulation which makes their operation illegal, then there's something wrong with the regulation, not something wrong with the farms, Mr. Chairman. We should start with the proposition that farmers should be entitled to conduct their operations as they have traditionally done. If agricultural experts and farm organizations can be convinced that a change is required in those practices to achieve sustained development of the land base, then a long-term program to encourage a change in those practices should be funded through the Department of Agriculture. Certainly, the farmers can't afford it.

On page 9, I've dealt with the farmers as managers of the environment and the point that I make there is the one that's well known to you all, that in southern Manitoba, outside the limits of our cities, farmers are effectively managing the environment. By and large, they know what needs to be done. Ideal farming practices, however, are almost always more costly and these days there's no room in the budget.

The answer as most recently recommended by the Senate Committee, the Sparrow Committee in a seminal piece of writing lies in policy initiatives by the Departments of Agriculture rather than in another layer of well-meant but unaffordable policing from outside the agricultural sector.

For all of these reasons, it's not to be expected that farmers will willingly give up their traditional right to farm in return for the temporary assurance of a regulatory exemption. This Legislature, I suggest, Mr. Chairman, should act now on the Brundtland Report to exempt farms from licensing and to make the Department of Agriculture responsible for controlling any environmental impacts of farming which require control in order to maintain the land base.

On page 10, Mr. Chairman, I have drafted amendments which would guarantee the right to farm. What's required, I submit, is a simple provision subheaded "No licence required to farm," which by itself will be reassurance to the farming community.

Notwithstanding any other provision of this act:

(a) No farmer is required to obtain a licence from the director for a farm or for any farming operation;

(b) No farm or farming operation is or shall be deemed to be a development within the meaning of the act; and

(c) Subject to paragraphs (a) and (b), that is no licence and no deemed development, the Minister of Agriculture is exclusively responsible to determine what provisions of the act and regulations apply to farmers, farms, and farming operations, and the Department of Agriculture is exclusively responsible to ensure compliance with those regulations.

Now in no sense, Mr. Chairman, would this provision dilute control over farming operations. What it would do would be to put the control within the policy purview of the Department of Agriculture, the sectoral ministry. Then we would be up to date in our environmental law. We cannot really be faulted for the draft because the concept of sectoral responsibility is only a very few months old. But it's timely that we see the Brundtland Report and understand where they're coming from and it's timely that we amended, I suggest, the act, both to reassure farmers that they do have the right to farm without a licence and, secondly, to give the Department of Agriculture control over the environmental impact of their policies.

I would like to move from agriculture to two other aspects, two other major aspects, practical aspects of pollution which have been of interest to me over the past several years.

First of all, these vehicle emissions and urban pesticide programs are two major sources of pollution which are not directly related to development, and these should be appropriately dealt with by the Department of Environment in Manitoba in conjunction with the Federal Department of Environment. I want to acknowledge that Manitoba has made a pioneering contribution to reduction of vehicle emissions. It is now well accepted that the lead component in regular gasolines must be phased out for health reasons and the Federal Government is doing it, not as quickly as the United States Government but it is doing it. The substitution of grain alcohol, or ethanol, for the lead in order to produce a higher octane, efficient, lead-free fuel, has been encouraged by the Manitoba Government and it pioneered in this. Gasohol is exempted from the full impact of the provincial gasoline tax; gasohol is the 10 percent ethanol/gasoline blend which is achieving increasing acceptance in the North American market. The tax exemption brings the cost of gasohol, under today's crude prices, close to that of straight gasoline, and the Mohawk Oil Company has been marketing gasohol in Manitoba as a result.

The result of the exemption has not only been to reduce the percentage of lead in Manitoba's atmosphere, but to make possible the establishment of an ethanol distillery at Minnedosa by the Mohawk Company. And that company, as you know, is using off-grade grain and providing a cash crop to farmers. That kind of leadership, since this 1980 initiative by Manitoba, has brought first of all Alberta, then B.C., and now Saskatchewan close to being on-side. It would not be surprising if, within six months or a year, all four provinces have exemptions of road taxes or gasoline taxes which would permit ethanol mixes, if that ethanol is produced by biomass to go relatively tax free, sufficiently so that they can compete with straight gasoline. The government is to be congratulated on maintaining this tax exemption.

Further comment deserves to be made on pesticides in the urban environment. This is the third serious case that must be dealt with under The Environment Act. Manitoba's cities experience unusual seasonal concentrations of these insects, mosquitoes and cankerworms; this is particularly true of Winnipeg. There are some southern United States cities which have a similar environment, but Winnipeg is almost unique in Canada. The resultant ground and aerial spraying of pesticides in the cities has given rise to continuing controversy between those who are concerned about the insects and those who are concerned about the effect on the urban environment and on human health of the chemical pesticides.

I just heard recently that a lecturer in the medical school was saying that if he had to make a list of the four potential carcinogens to be identified by the medical profession, his No. 1 choice would be the use of chemical pesticides.

Bill 26 addresses this problem in part by bringing pesticide programs clearly within the licensing jurisdiction, and setting adequate penalties for failure to comply with licensing requirements. That's very healthy and useful.

What is missing is a statement of the principle upon which assessment of proposed programs and application is to be made by the Department of Environment, and essentially I say this is a question of onus of whether the applicant has the burden of proof to establish safety, or the objectors have the burden of proof to establish potential danger.

Now, in Winnipeg, this controversy has a history of almost 20 years, since The Environmental Protection Act of 1969 in the U.S. Shortly after that, the requirement for an impact statement was introduced in The City of Winnipeg Act. In 1974, in the court case Stein versus the City of Winnipeg, the plaintiff took action to prevent the spraying of methoxychlor. Basically, what she was saying was that the scientific result, the scientific medical effect of methoxychlor was uncertain. There was a harmless pesticide called Dipel. In those circumstances, an environmental impact statement should be filed with the City of Winnipeg, and, in the result, if safety can't be established, the pesticide shouldn't be used.

An interim injunction was refused by the courts in a split decision. Before the issue could be further tried, the City of Winnipeg petitioned the Legislature for, and obtained an amendment to The City of Winnipeg Act, removing the requirement for environmental impact statements. The amending bill, with the required unanimous consent, received all three readings in the same day; a commentary on the level of interest and appreciation, only 13 years ago.

Now public opinion has shifted since that time. I give you a reference from a scholarly journal, establishing that it is now moving back to midpoint, and that there is increased evidence of potential environmental and health problems resulting from chemical pesticides, and this is inducing a more cautious approach. There's an increased recognition of the rights of individuals in our cities to avoid contact with these chemicals in public streets and parks, as well as on their own property.

The current view - and we're getting now to the point of this submission - the current view of the appropriate decision-making process is that where there is a scientific uncertainty as to the dangers of a proposed program, the principle of benefit risk analysis should be applied. This principle requires that where the benefit is significant, as in the prevention of possible equine encephalitis by killing a hatch of mosquitoes - and we've seen that - when the Provincial Health Officer certifies that there's a danger, the risk of using a chemical of some potential danger itself is justified.

Parallel cases that are in the rural environment arises where a chemical pesticide is essential for crop

production. The Department of Agriculture establishes a policy that if farmers are taking appropriate personal precautions, and no other persons will come in contact with the pesticide, the benefit then, under those circumstances, outweighs the risk.

At the other end of the scale in the case of spraying programs to prevent damage to tree foliage by cankerworms, where the benefit is essentially aesthetic, the risk to the environment and to health of using a chemical pesticide of scientifically uncertain effect, in heavily populated urban areas, is simply not justified. We've seen this come and go. Twenty years ago, we were spraying DDT in the city, and we were spraying it generously. There were doubts about it, but it wasn't until we saw severe effects on the environment, and we recognized that DDT was being concentrated in the livers of those who are at the top of the chain, including ospreys and the human animals and we realize that we ought not to have taken that risk. I'm suggesting we ought not to take the risk of using chemical pesticides in circumstances where the benefit is simply aesthetic, such as a cankerworm program.

An instance this spring, so you'll know that it's a practical problem, the Department of Environment is without statutory guidance in this important area of decision making. Aerial spraying of the chemical pesticides, methoxychlor and malathion over public streets and park areas in the City of Winnipeg was actually licensed by the department for a cankerworm program just this spring. There was public objection.

(Mr. Chairman in the Chair.)

The availability of the harmless Dipel and the preferential use of Dipel by the City of Winnipeg in its public area programs were both made known to the department. But the department, without statutory direction to apply benefit-risk analysis, felt that it had no alternative but to permit the aerial spraying. The aerial spraying of malathion, in fact, proceeded over public streets and park areas.

The Department of Environment deserves direction and support in the form of a statutory statement of the benefit-risk principle. The required amendment follows: On page 15, I've drafted a provision which would, in effect, guarantee that where a program is essential it won't be denied, but where it's non-essential and there's scientific uncertainty about the result, it will be denied.

You see the draft - no doubt Legislative Counsel would like to break that paragraph up into segments, but effectively what it says is that when there is risk inherent in the development, by reason of scientific uncertainty about the effect of a pollutant, which will be cause to be discharged into the environment by the development on the quality of the environment, or on health or safety, the director, and these are the key words, "shall not issue a licence for the development unless the economic benefit of the development, or the benefit thereof to the quality of the environment or to the health or safety of persons justifies the risk inherent in the development."

The reason we use the word "development" is because that is the key word in the act. Effectively, that would put into the act the principle of benefit-risk analysis, which would be the guarantee that where a program is needed, it'll be done; where it isn't needed, it won't.

General commentary on the bill, there are two points which deserve mention here. Bill No. 26 is well designed for control of pollution by industrial developments and I want to emphasize that. There's a tendency, when one makes a submission about a piece of legislation, not to recognize the hard work that's gone into it, because in the short time available, we have to look at the various segments which perhaps need attention. But it's well designed for its purpose. Extensive powers of enforcement are necessary in this area.

Section 16, however, raises a question of principle governing legislative drafting. This is a section that's called "Deemed development" in the sub-head, and it's brief: "16. Where there is a disagreement as to whether any project, industry, operation or activity, or any alteration or expansion thereof is a development, the matter shall be determined by the minister."

Since all developments require a licence, the definition of development is central to the act. To authorize the Minister to decide whether any activity, harmless or injurious, is a development, is in effect a delegation of legislative authority to the Minister.

I hardly need emphasize that we're not talking about the Minister in office, we're talking about the Minister for the next generation. To have it in the power of the Minister to determine that an activity is a development, in effect, enlarges the ambit of the act at the discretion of the Minister.

In fairness to industry, and to assure the credibility of the act there should be certainty about what is or is not a development. The definition of development seems clear - somebody's done a lot of work on it - and it covers any activity which causes or is likely to cause pollution.

If there is a valid question whether any industry or activity is covered, it is the function of the courts to determine it. It ought not to be a matter of discretion and it's recommended that section 16 be deleted from the bill.

Lastly, to make this act as forward-looking as it ought to be in 1987, the mandate of the department, in the light of the Brundtland Report should recognize the principle of sustainable development.

It isn't sufficient, Mr. Chairman, for the act to dwell upon control. The act ought to be aimed toward maintaining sustainable development. Unless we can do that, unless we can develop resources without damaging the heritage of the future, then we'll have failed.

So, as an additional function of the department, I'm recommending that the aims and objectives of the department include: to act jointly with other government departments, other governments and other citizens of Manitoba to create a system of environmental control which will permit sustainable development of the resources of Manitoba.

Essentially, we have to put environmental control positively in the next generation. The very words "environment", and "environment organizations" have become degraded by the fact that they're constantly in the position of criticizing. In the next generation, we'll have to establish a system which will provide for sustained development. That does not mean that development should be hindered; it should be

encouraged. But unless it's encouraged - according to the Brundtland Report - on a sustainable basis, within 20 years, in the early years of this next century, we'll have gone beyond the point where we can reverse the damage to the environment.

So the objective is just not applicable in this province, it is a world objective. There are some minor drafting suggestions which I have but I'll convey them directly to the Legislative Counsel.

MR. CHAIRMAN: Mr. Findlay.

MR. G. FINDLAY: Thank you, Mr. Chairman.

I would certainly like to thank Mr. Scarth for his very complete, precise and timely presentation on this bill. Certainly, my own feelings are expressed there, too, because we've been asking the Minister for special consideration for agriculture, to recognize the unique status that it needs to have in our society, and your drawing parallels to the Brundtland Report helps very definitely to emphasize what you're bringing forward here as proposed changes in the present bill.

I agree with you that licensing and control of farming will eventually occur, even though the Minister has repeatedly given us assurances that the regulations of exemption for certain aspects of agriculture will remain in place. But, Mr. Scarth, having heard the person who presented before you, I am quite convinced, even more convinced now than I was before, that there are people in society who want to see very strict regulations on the activities that occur out in the environment.

And, Mr. Scarth, as you well know, and I would like the Minister to read your brief very carefully because agriculture is the environment and agriculture needs the freedom to carry on its operations. It needs the right to farm. I would certainly hope that the Minister will read very carefully what you say on the bottom of page 9 about exempting farms from the licensing, and make the Department of Agriculture responsible for controlling any environmental impacts of farming which require control in order to maintain the land base, and your recommendations for amendments regarding no licence to be required to farm. I would clearly hope that the Minister will act responsibly and remove agriculture or any reference to licensing in agriculture from this present act.

But what I'd like to ask you, Mr. Scarth, is do you have any idea why the Minister of Agriculture and the Department of Agriculture wouldn't be asking for this responsibility by themselves, why they wouldn't ask for it and had it removed already from this bill?

MR. A. SCARTH: Through the Chair, Mr. Findlay, I think the reason for that is simple and practical. We're at a watershed in environmental policy law; we're living in a time when the concepts of environmental control are changing almost overnight.

The Brundtland Report, which I commend to you all, it's not yet available here to my knowledge - it may be - is telling us that after three hard years, 21 good minds have concluded that the old system of environmental control by environmental departments is simply out of date.

Now, since this report was only published in May and certainly wasn't available during June here, it may be now, it's understandable that we, as a Legislature and the government people, have not had an opportunity to absorb the new concepts. This would also apply to the Minister of Agriculture.

There's always been an assumption that the Department of Environment is going to be policing the environment. What we're hearing under the Brundtland Report is that that is no longer the wave of the future because it's not an effective way to do it. If we want to alter the way people act, we have to, in that sector such as agriculture, establish policies which will permit farmers in that case to function effectively without damaging the environment.

It's no longer on to let them proceed, to warn them you're illegal and then to send somebody out in low shoes to walk around a feedlot and threaten somebody with a fine or jail. That is not the way to do it. We hardly needed the Brundtland Report to remind us of that but they're doing the thinking and we're not. So, I don't think it's ever occurred yet to provincial Legislatures that that's how development will have to be regulated in the future. Now's our chance to move with the times.

MR. G. FINDLAY: In the future, should this bill go ahead as it is and farmers are required to have their various operations licensed, there would naturally be a number of restrictions put on the way operations are done. Can you see any way in which farmers can afford the cost of the licensing in the regulation, either now or in the not too distant future?

MR. A. SCARTH: Well, really, I'm unable to comment on farm economics with anything like the expertise that is brought to this table, Mr. Chairman, but it's common knowledge that there is no money to alter farm practices at the present time. If that money is going to be found, it has to be found within government programs.

HON. G. LECUYER: Mr. Chairman, through you to Mr. Scarth. Mr. Scarth, there are some very intersting suggestions made in your brief, which I will obviously read carefully.

I would like to comment on one of the points that you make in regard to the Brundtland Commission and I want to indicate to you that I Chair a task force which is the follow-up to the Brundtland Commission; and I would like to suggest that perhaps in some ways you make a narrow interpretation of some of the recommendations of the Brundtland Commission, which, in effect, doesn't say, yes, indeed, it does put an emphasis on the sustainable development aspect, because in as much as we do that, therefore we will guarantee production in the environment for future generations.

If we want to guarantee that there's something to develop, we will have to look after the environment. But it does not say and it doesn't suggest that the Department of Environment be less involved in the decisions or the environmental impacts that might be caused by other activities in, especially agriculture, or any other activities.

In fact, it says that the environment should be central to the decisions that shall be made in all economic areas. All economic decisions should take into

consideration environmental impacts and hopes strongly that all countries are going to move along the route where they will make the environment more central to the decision-making process in all spheres of socioeconomic development.

At one time all farming activities which are now under regulation, required a permit or a licence, but because of the fact that most of these were of similar nature - we're talking primarily about dealing with wastes in the farming sector - they were incorporated under a regulation which can deal with these more expeditiously and effectively and with a greater degree of flexibility. And in there it says, for instance, that the farmers can spread their manure on the fields. But to say that that has now to be removed from the act and none of the farming activities should appear in The Environment Act - we did not also suggest that, for instance, all mining activities should be under The Mining Act and all of the manufacturing activities should be under The Trade Act or the Trade and Technology Department, etc., all of the forestry activities should be under Natural Resources, and therefore the Department of Environment no longer is responsible to be an independent body interested for the interests of all the people of Manitoba and seeing or being concerned about the environmental impact of these various activities under these various departments.

I hope that you realize, Mr. Scarth, that when a proposal comes in, this act that we propose now would require the department, as part of that screening, to submit the proposal, not only to the public registry, but to all these departments that would be concerned. And therefore, they would have a major say in the analysis of that proposal.

I hope that you also realize, Mr. Scarth, that presently, for instance, the whole of the pesticides is not in the Environment Department, as far as farming activities is concerned. It is under Agriculture. You start by saying that progress is being made as a result of federal-provincial pressures in that regard. But it is as a result of problems that have been underlined and have taken long in overcoming in making Agriculture Canada realize that perhaps it was not looking at this with the best interest, I would surmise, of even farmers; and perhaps therefore had to not only look at this independently, but also with some input from Environment Departments.

I would also add only this, Mr. Scarth, you who are in an urban sector, to say that the farming sector, for instance, should be removed from this and all of the impacts therefore removed from the purvey or of the Environment Department, what is the rural sector? What is the farming area versus for instance, the towns, the cities, and the expansion of the urban areas, or the manufacturing industries in the rural communities? How do you delineate if you are going to simply write out of the environment purvey, all of the farming sector? Do you not see that as a problem?

MR. A SCARTH: An interesting series of questions, Mr. Minister. I thank you for them. It might be easier to move from the back to the front.

The practice of farming, which is not just an industry and it shouldn't be identified as an industry, it's a way of life. The practice of farming necessarily involves a management of the environment on the farm. There's no reason why, as I see it, that the practice of farming ought not to be eliminated from this act. That doesn't mean that all of the environment outside urban Winnipeg, or outside urban Brandon, would be governed, or without governance. Far from it.

The intent of the amendment is to do two things. First of all, to remove from the act the requirement that a man needs a licence to farm, because farming is a way of life. And there doesn't seem to be any argument, Mr. Chairman, that this act requires a licence to farm. And that, I suggest - once farmers understand that - is an unacceptable proposition. But we don't move from there to say that farms are without control. Farms ought to be controlled according to the Brundtland Report by the Departments of Agriculture. That control can be just as effective, more effective than control by the Department of the Environment. As the Minister has pointed out, Mr. Chairman, the Department of Agriculture already is in control of the farming pesticide aspect. There's no reason why the Department of Agriculture shouldn't have the whole segment of the environment relating to farming.

Now, there were two statements by the Brundtland Commission, which I did not read, and they deal with the question raised: Did the Brundtland Commission really mean that the Departments of the Environment would not have this jurisdiction?

I quote from page 7 of the brief: The Brundtland Report concludes and I quote "that one great institutional flaw in coping with the environment/development challenges is governments' failure to make the bodies whose policy actions degrade the environment responsible for ensuring that their policies prevent that degradation.

"The present challenge," and I'm still quoting ". . . is to give the central economic and sectoral ministries" and that is the Department of Agriculture, and that is the forest industry, and it is hydro, and it is the other ministries that the Minister mentioned, ". . . the responsibility for the quality of those parts of the human environment affected by their decisions." Yes, Mr. Chairman, that is what the Brundtland Commission, two months ago, has said. And they go on: ". . . to give the environment agencies more power to cope with the effects of unsustainable development."

In other words, in areas like auto emissions, urban application of pesticides, that is their province. Yes, what we're seeing is a radical recommendation by this world commission; move the responsibility to the sectoral ministries, just as the ministry has said.

MR. CHAIRMAN: Before recognizing the next question, I would just like to remind members of the committee that questions are for clarification of briefs, not for providing information to witnesses or debating with witnesses. I would do that in the context that we do have a large number of people waiting here, including a number of people from out of town, who have quite a considerable drive afterwards.

It would be my advice to committee members, that if we could keep the questions a little more concise, we might be able to accommodate the members of the public who do wish to make presentations, who might otherwise not have the opportunity to do so.

So with that advice in mind, I will recognize Mr. Downey.

MR. J. DOWNEY: Thank you, Mr. Chairman.

Just a brief comment and a question basically. If I understand that the recommendation of Mr. Scarth is why take away what is a traditional right to farm and to produce a livelihood for the people of this province - take away in statute; if one is sincere about leaving them with that right, why take it away, and then turn around and propose to give it all back in regulation, which is a pretty insecure way in the longer term, for those people to sustain their livelihoods and to sustain the right to farm. Is that a correct interpretation of what you're saying?

MR. A. SCARTH: Basically yes, Mr. Chairman. We keep attempting to parallel the situation of an industry starting up in Winnipeg's industrial belt and applying for a licence to emit a pollutant, and a farm, which is a way of life and which is already running. There's no reason to require that farms be licensed, and to do so, especially when the farming community is unaware of the impact, I suggest, is both unnecessary and unacceptable.

MR. C. SANTOS: Given the Brundtland approach, the sectoral regulation approach is just one point of view, one theory, and there are other theories; and given that from the politics of pressure groups, it has opened experience in modern society that the very regulating agency, sectoral agency, supposed to regulate its clientele group, in effect becomes a captive of the very clientele group that they are supposed to regulate; given such a phenomenon, is it really effective that agriculture should regulate agriculture, when agricultural interests dominate the policies of the Department of Agriculture?

MR. A. SCARTH: Mr. Chairman, really two questions. First of all, is the Brundtland Report just one point of view? No, it's not one point of view. It's the point of view of 21 competent people who spent three years of their very busy lives, worldwide, hearing reports from all over this country, and their report is now being further dealt with by eminent persons like the Minister of the Environment. The World Commission had a host of experts working with them. They are distilling the wisdom of this generation, and I suggest, Mr. Chairman, if we don't listen, then we put ourselves and our people at risk.

On the second question: Would the sectoral ministries become captives of their own people? Mr. Chairman, I know where the question comes from, but if our Ministers are not competent to govern the sectors for which they have responsibility in such a way that sustainable development cannot be maintained, then we're in very deep trouble indeed. And no "after the fact" policing by the Department of Environment will help us.

MR. CHAIRMAN: Thank you for your presentation, Mr. Scarth.

Before recognizing the next two presenters who are from out of town, I'd like to indicate that if there's anybody else in a similar situation who cannot wait their normal turn in the committee, could they please contact the Clerk at the front of the committee. We will try to accommodate those members, particularly the members of the public from out of town.

The next presenter is Mayor Bud Oliver from the Town of Selkirk.

MR. B. OLIVER: Thank you very much, Mr. Chairman, members of the committee. Just as my colleague, Mrs. McFarlane is handing out copies of this presentation, I'd like to thank you for this opportunity.

I am Bud Oliver, Mayor of the Town of Selkirk. We are a community of 10,000, situated about 25 miles downstream from the City of Winnipeg. A great deal of the remarks that you are about to hear will deal with that City of Winnipeg.

For many years the Town of Selkirk has taken a strong interest in the quality of the water in the Red River and the pollution problems caused in the river by the City of Winnipeg. The Town of Selkirk has received encouragement in its ongoing Red River Water Quality Campaign, from most of the municipalities in the Red River water system north of Winnipeg, and the municipalities along Lake Winnipeg, as well as a broad group of Manitobans including many people within the City of Winnipeg.

It was the Town of Selkirk that opened the discussion with the Provincial Government over Order-In-Council No. 15272. The Town of Selkirk has consistently pressed for an end to the totally unfair and unsatisfactory state of affairs that now exists in Manitoba by virtue of that Order-in-Council.

As matters now stand, because of Order-in-Council No.15272, the City of Winnipeg is exempt from the provisions of The Clean Environment Act and the City of Winnipeg is granted general supervision and control in the metropolitan area and in the additional zone over all matters concerning the pollution of or the discharge or draining of sewage into any body of water therein. The comment has gone around for some time now to the effect that placing the responsibility for general supervision and control of pollution for the Red River in the hands of the City of Winnipeg is analogous to placing responsibility for the security of a savings bank in the hands of a Jesse James.

The City of Winnipeg is the greatest factor and cause of pollution in the Red River today. And at the same time, the City of Winnipeg is the authoritative body possessing all the powers of the Clean Environment Commission in all matters concerning the pollution. The result is obvious. There is a double standard in Manitoba today when it comes to the subject of water pollution and sewage treatment.

The present system is grossly unfair and there is no excuse for such special treatment for a municipality. It would be an act of high irresponsibility for the Province of Manitoba to continue to leave this reprehensible Order-in-Council No. 15272 in place.

It makes no sense for the Legislature of this province to pass legislation for Manitoba and for provincial bodies to set provincial standards and then for the Cabinet, by Order-in-Council, to exempt half the population of the province.

The Provincial Government is abdicating its responsibility and duty to the people of Manitoba when

it allows the City of Winnipeg to do as it pleases with the rivers and streams running through the City of Winnipeg. Such a course of action is hypocritical and, in fact, water pollution standards in Manitoba are, in effect, duplicitous. The situation in Manitoba has been that the largest municipal entity is free of the stated provincial standards and the smaller municipalities are monitored and prosecuted if they don't comply with the provincial standards.

The Town of Selkirk has on numerous occasions been summoned to appear before the Clean Environment Commission to answer questions and concerns on the matter of sewage treatment. The town has been threatened by the Commission with fines of $1,000 a day for permitting raw sewage to enter the Red River. All the while the City of Winnipeg allows raw sewage to enter the Red River on a continuing and regular basis. The Clean Environment Commission all the while takes the position that the City of Winnipeg is not only out of its jurisdiction, but a jurisdiction unto itself. The inevitable conclusion that was drawn by many municipal people was that there are two classes of municipalities in Manitoba when it comes to pollution control and sewage treatment. This disgraceful distinction must end. We should not have two sets of laws for the same matter in Manitoba.

The Town of Selkirk believes that there is a need to heighten the knowledge, awareness, and conscientiousness of the public in keeping offensive substances, chemicals and pollutants out of the sewage system and out of our rivers. There is a big job involved in making information available to the public. The Town of Selkirk believes that the City of Winnipeg is unable to do this.

The Town of Selkirk welcomes the recognition by the government in the proposed Environment Act of its responsibility to promote the preparation and production of informational and educational material respecting the environment and recognition of the need to support and encourage the development of programs in the public education system or educational programs at large, respecting environmental management.

As matters now stand with regard to the Red River, precious little, if anything, is done by the City of Winnipeg to inform or assist the public in the disposal of offensive substances and chemicals. Because little or nothing is said by the city, the Town of Selkirk believes that many unalerted members of the public continue to place unacceptable waste and offensive substances into the City of Winnipeg sewage system. The only public education campaign that is conducted by the City of Winnipeg that we are aware of is the one where the City has posted signs on the banks of the Red River that read; Caution - river unsafe for swimming or water-skiing. Health Department - City of Winnipeg.

Making information and educational programs available to the public is an important step along the way to improve the quality of the river water. This educational role will now fall on the shoulders of the Department of Environment and Workplace Safety and Health, and we will look to the department to see that this important job is undertaken. As well as the educational role providing alternative practical methods for the disposition of a wide range of waste products, it is a necessary element in reducing the pollution in the Red River.

The Town of Selkirk welcomes the provincial initiatives in setting up the new Hazardous Waste Management Corporation. This Town of Selkirk wants to express the hope that the Hazardous Waste Management Corporation will provide convenient and practical methods for accepting waste products and for assisting the public in the safe disposal of offensive substances - chemicals and pollutants - which otherwise would be disposed of in our rivers. The educational provisions of this proposed new act would work in harmony with the new Hazardous Waste Management Corporation.

Unfortunately, there is another double standard at work when it comes to the subject of the quality of drinking water. It is employed, not by the province this time, but by the City of Winnipeg. It has always been a matter of shocking contradiction to note that the City of Winnipeg demands a higher standard from others than it is prepared to apply to itself.

We see the City of Winnipeg complaining vehemently about the proposed cottage development on Shoal Lake. And yet the city has shown little concern for the quality of water that it passes on to the Town of Sekirk, downstream. And the Town of Selkirk also uses this river water for drinking water.

The City of Winnipeg will argue against the slightest contamination of water when it feels affected. Such as with Shoal Lake, and the Rural Municipalities of Woodlands and Sturgeon Creek; and there's a letter in the back of this brief that indicates that, when they were making application to the Clean Environment Commission, the St. James-Assiniboia Community Committee objected because of the possibility of discharge of treated effluent into Sturgeon Creek.

The Town of Selkirk sees the proposed new Environment Act as a step in the direction of eliminating a great inequity and stands in opposition to the City of Winnipeg and its desire to have the old system under the existing act continued.

The Town of Selkirk welcomes the changes in legislation that will take the enforcement provisions out of the hands of the City of Winnipeg and put enforcement in the hands of the Department of Environment in the Attorney-General's Department.

The City of Winnipeg has a dismal record of enforcement of its sewage by-law. Years have passed with few, if any, prosecutions under the by-law. The city is also at the great disadvantage because it feels by-laws cannot be enforced against provincial or federal authorities.

A small example of this arose a few years age when the city sewer pipes were plugged with fish heads regularly dumped into the sewer by the Fresh Water Fish Marketing Corporation. The city's position at that time was that it lacked jurisdiction to take any action in the matter. If there is a problem with the federal-provincial enforcement of an environmental law, then the province should meet with the Federal Government and resolve the problem so that the laws can be enforced. This is a role for a Provincial Government, not for a city to take on.

The City of Winnipeg is now relying on a recent report prepared by the MacLaren Engineering Ltd., to maintain the status quo, regarding chlorification of effluents. The Town of Selkirk is dissatisfied with the report entitled: Disinfection Evaluation - City of Winnipeg Waste Water Treatment Plant Effluents, by the firm of MacLaren Engineers.

We think it is regrettable that the firm hired to do this report was, at the time, hired by the City of Winnipeg to do a study on the expansion requirements of Winnipeg South-end Water Pollution Control Centre, and also Winnipeg's West-end Water Pollution Control Centre.

We do not think it is satisfactory that a firm should be called upon to make what should have been an independent study when that firm was already working for the City of Winnipeg. We believe that the MacLaren firm was placed in a position of conflict of interest because it was already employed by one of the parties who had a major interest in the outcome of any views or opinions expressed in their report.

There are a number of schools of thought in the field of pollution control and it is only to be expected that engineers who share basic approaches tend to work together. This report should have been done by an impartial body - free, and above all suspicion of conflict of interest. Justice must not only be done; it must manifestly appear to be done as well.

On pages 1-2 of the MacLaren Report, it says, "MacLaren Engineers Inc. was authorized in June of 1985 to conduct a study to provide this information, including an evaluation of the overall effects - both positive and negative - on the quality of water in the receiving streams."

The study was especially timely in that MacLaren Engineers Inc. was currently carrying out a parallel study on the expansion requirements of the South-end Water Pollution Control Centre and the West-end Water Pollution Control Centre.

There are qualified professionals who will come to different conclusions and disagree with the views of MacLaren Engineers. The combined sewer system in the City of Winnipeg is a major pollution problem. Because of the existence of this antiquated and under-capacity system, raw sewage empties into the river system during 50 percent of the rains that occur in the city.

The MacLaren Report says dogmatically, that overflows occur 30 times a year. We have been told by the City of Winnipeg that they really don't know how often the 2.7 times dry-weather flow is achieved, and raw sewage mixed with surface waters, flows into the river.

The MacLaren Report concludes, in effect, that disinfection is not effective because there are so many other outfalls going into the river with the combined sewage and surface water drainage system.

What in effect the report is saying - but not in so many words - is that the Winnipeg sewage system is like a huge sieve with raw sewage being emptied in the river system from many outfalls along the river, and to disinfect the effluent from the sewage treatment plants would be ineffective.

This is not an argument against the benefits of disinfection. It is, in fact, a terrible indictment against the inadequate and antiquated sewage system that allows so much raw sewage to by-pass the treatment plants and enter the rivers.

What is the benefit of the City of Winnipeg arguing that they have the state-of-the-arts sewage plants in Winnipeg when the delivery system to those plants is so defective? Even if those plants did disinfect the treated sewage, it would have a negligible effect because so much raw sewage is never delivered to the treatment plants.

The City of Winnipeg presently has no plans to deal with the combined sewer problem. The report does not deal with any method of alleviating this problem. The report basically accepts this problem as a fact, then discusses the futility of disinfection.

The health risk assessment method used in the MacLaren Report does not satisfy our concerns either, and is too narrow. First of all, it addresses only gastrointestinal disease in the river water, when there are many pathogens in the water capable of causing a wide spectrum of diseases. The city's methods create high bacterial densities as well as the presence of many types of disease-causing viruses.

In dealing with the health risk, the MacLaren Report does not deal with chemicals of nonbiodegradable nature that are present in the municipal sewage waste waters. We live in a time when concern for these chemicals and their potential harmful effect is growing. We find one argument against disinfection in the report to be quite novel and almost humorous. The argument, in effect, goes, if Winnipeg were to introduce disinfection people would then feel that the water is safe, more people would use the water for recreation and, therefore, more people would be exposed to disease risk and the risk of illness. Surely, something is seriously wrong in the sewage treatment system that would cause a greater risk of disease if an attempt were made to disinfect sewage effluent. The MacLaren Report does not deal with what is seriously wrong and how it would be economically addressed.

One final note on the MacLaren Report, we would like to bring a quote to the attention of the committee. In 1979 the predecessor of the MacLaren firm, namely, James S. MacLaren Limited, prepared a report on pollution abatement in the Red River. On page 5 the report says, disinfection of treatment plant effluents can reduce substantially the occurence of high levels of coliform downstream of Winnipeg, high levels which still occur due to storm runoff. During dry weather the river downstream of Winnipeg would have levels of 2,000 mpn per 100 milliliters, dying off to levels of 1,000 mpn per 100 milliliters or less by Selkirk. In this respect the reach would be suitable for secondary contact use.

The Town of Selkirk would be subject to signifantly less risk of having disease-carrying organisms enter the water system. The cost of this additional treatment is relatively low, $1 million per year. Disinfection of continuous effluents may be the most logical next pollution control direction available to the city. In future you may hear much argument over the MacLaren Report. The City of Winnipeg will be referring to Report of 1986, the Town of Selkirk and others will be referring to the MacLaren Report of 1979.

If the people of Winnipeg and Selkirk, and other points along the river, are to heed the warnings posted on the riverbanks by the City of Winnipeg, what are the residents and vacationers of the beaches on Lake Winnipeg to do with no plan by the City of Winnipeg in existence to deal with the problem of combined sewers. With the city arguing against disinfection, what will the future bring? Where will growth of the city leave other residents in Manitoba who live downstream and people who use some of Manitoba's best known beaches. Should this whole matter simply be turned

over to the City of Winnipeg to decide? Should the City of Winnipeg be left to be the judge of what is needed to be done?

We are here today to say that we have had enough of the City of Winnipeg deciding these matters. The other users of our river systems have the right, which are now being ignored. Under the proposed new legislation we will be able to address the Provincial Government. The Provincial Government must make plans to take care of the pollution problems of the rivers today and in the future.

The City of Winnipeg does not have the proper laboratories to do tests required on the condition of river water. For the limited number of tests that the city now performs we know that the city has to depend on the provincial laboratory to conduct many of the tests. The city lacks facilities for the detection of bacteria and viruses in the river water, yet we are advised that there is a large variety of water-born diseases in the river water downstream of Winnipeg, such as, salmonella bacteria and live water-born viruses capable of causing disease symptoms in humans, including okgastroenteritis, hepatitis, encephalitis, meningitis, conjuctivitis and pneumonia. We are also told that many of the live bacteria in the Red River have acquired a resistant to some antibiotics and are capable of transferring the said resistance to other species of bacteria, with the result of seriously reducing or nullifying the effects of antibiotics. The city does not have a laboratory to do tests for total coliform or fecal coliform. These tests are now performed by the Province of Manitoba.

It is difficult to know what takes place in an area of pollution control because the City of Winnipeg also controls the outflow of information. Most enquiries that we made from any provincial body has resulted in our being advised that this information is not available. We know that the City of Winnipeg issues licences to industries and plants which permit them to dispose of a broad spectrum of contaminants into the river.

The city charges a fee for these licences. The city does not report the details of these licences to any government agency, and a list of these licences is not published. As of the date of acquiring our information, the city had not refused a licence to anyone in the last three or four preceding years. We know that the City of Winnipeg's sewer interceptors are built in such a way that they allow sewage water to go directly into the river when a certain rate of flow is reached. The interceptors are designed to collect up to 2.7 times the dry weather flow. We know that the city does not keep a record of the number of times a year that 2.75 levels have been reached. The city acknowledges that over 50 percent of the rains that occur in the City of Winnipeg result in the 2.75 level being reached, and untreated sewage going directly into the Red River.

The city does not try to determine what the weather overflows of sewage into the Red River cause, in terms of total coliform or fecal coliform readings. We know that the city has no standards that it is trying to maintain or achieve for the quality of the water in the Red River. The city has not set, nor are there minimum standards for the quality of water in the Red River. The city's position, in effect, is whatever is is, that is the best we do. This is what sometimes happens when an entity is allowed to set its own standards. Whatever the result is, the city argues that it has done its job very well; in fact, it has set no standard.

The city conducts mainly biological oxygen demand of pollution and sewage tests for the waste water at the treatment plants. The biological oxygen demand test is simply a measure of pollution in sewage. The city is able to do this type of test. Monthly reports of this test prepared by the city, from its treatment plants, are not filed with the Clean Environment Commission; however, copies of this report have been received by D. Brown of the Environmental Management Division, Province of Manitoba; the Town of Selkirk; and the Rural Municipality of West St. Paul.

The nature of the treatment process administered by the city is limited to keeping biological oxygen demand count down. It is apparent that the city's treatment plants do not eliminate the harmful bacteria, viruses and other contaminants from the effluent which discharges into the Red River. The city does not report to the Department of Health or any other government agencies.

As of the date of our information, the Clean Environment Commission had not requested any technical data dealing with the quality of the effluent produced by the sewage treatment plants during 1982 or 1983, and it is most likely that this same absence of any request for information applies to other years as well.

We know there is no disinfectant process in operation at any of the treatment plants in the City of Winnipeg. Apparently the south-end treatment plant was built with a capability for effluent disinfection. The City of Winnipeg put effluent disinfection into their design; apparently this equipment is there but it is not functioning. Now the city says it opposed to doing it.

When we gained our information, it was apparent that prosecutions by the City of Winnipeg, under the sewer by-law, was very infrequent. The city had not provided us with its records of prosecutions. It appears that, at most, there might be one prosecution a year under the by-law, or at that level of enforcement.

Aside from all the rhetoric that will convey the impression that the City of Winnipeg is doing its job very diligently, we believe that the facts point out to a situation where the city's efforts in the area of pollution control and enforcement of its sewage by-law . . .-(Inaudible)- of the legislation, and equally as important as the proposed new Environmental Act. The Minister has wise discretion open to him in making the regulations. If the regulations provide a double standard again for the City of Winnipeg, this whole exercise will have been empty and disappointing. Let us hope that we shall never see that day in Manitoba.

Section 41(2) of the bill provides that the Minister shall give an opportunity for public consultation and seek advice and recommendation regarding the proposed new regulations. We welcome the democratic tone of the section, but we would be happier to see some more specifics required in the process. No procedure is laid out, and every Minister will be able to follow his own method of giving an opportunity for public consultation. The same criticism applies to any substantive review of the regulation. The Minister has the ability to allow or by-pass public consultation, as the section is now drawn.

In conclusion, the Town of Selkirk supports the proposed new legislation, even though it does not yet

know what all the important regulations will save. We support the proposed legislation because it appears to put all Manitobans on the same footing, and does not provide for the delegation of responsibility under the Act; and thereby does away with the present double standard for pollution control and sewage treatment in Manitoba. In this matter, as in other matters, we believe in equality before the law.

We support the bill in good faith and then trust that regulations to come will not be used to reintroduce the abominable double standard that has been removed from the proposed new legislation. Thank you.

MR. CHAIRMAN: Thank you, Mr. Oliver. Are there any questions?

Mr. Ernst.

MR. J. ERNST: Your Worship, can you tell me if the Town of Selkirk has a combined sewer system?

MR. B. OLIVER: Partially.

MR. J. ERNST: So in part then, this Town of Selkirk is doing exactly what you're complaining the City of Winnipeg has been doing - dumping raw sewage.

MR. B. OLIVER: In the information we have, the difference is that the Town of Selkirk has a plan of replacing the combined sewers with the separate sewer system. I understand that the City of Winnipeg does not.

MR. J. ERNST: But the answer to my question then is yes; that you are presently doing what you're complaining the City of Winnipeg is doing.

MR. B. OLIVER: Yes.

MR. J. ERNST: I'll ask one further question, Mr. Chairman. If the City of Winnipeg disappeared tomorrow, would the Town of Selkirk taking its water from the Red River, still have to treat it?

MR. B. OLIVER: Yes.

MR. J. ERNST: Thank you.

MR. CHAIRMAN: Thank you, Mr. Oliver.

The next presentation is from Mr. Gordon Collis of the Canadian Manufacturers' Association.

MR. G. COLLIS: Mr. Chairman, committee members, my name is Gordon Collis, and I'm here tonight to present a short brief on behalf of the Canadian Manufacturers' Association, the Manitoba division, which represents about 200 Manitoba businesses.

First, I would like to thank the Minister and his staff for their attention to the CMA's brief, and the changes which resolved many of our concerns about the August 28, 1986 discussion bill. At this time there are three major issues outstanding, which are sections 25(1) and (2), regarding no injunction against the Minister; section 39, limitation on prosecution; and section 44, conflict between licence and regulation.

Secondly tonight, I'd like to share with the committee, CMA's understanding of the discussions at the June 2, 1987 meeting, in which the Honourable Gerard Lecuyer and D. Stephens described and answered questions about Bill 26, the new Environmental Act.

Firstly, section 25(1) and (2), basically stating no injunction against the Minister. We agree the Minister should have the power to take immediate action in an emergency, which section 25(1) authorizes. However, section 25(2) goes one step too far, by denying the right to a hearing, one of the fundamental principles of justice.

Individuals and companies have a traditional right to appeal to the courts for an injunction. Note that this is not an easy right to use. You must convince the judge that there is no real danger and that there is no reason for the Minister to do what he is doing.

If the Minister has good reasons for his actions, an appeal for an injunction would obviously fail. In any case, a court will be reluctant to overrule a Minister acting in the public interest. Traditional rights of law always include a right to appeal to the courts. It would make more sense to devise a mechanism for the Minister to take immediate action and justify the reasons why that action should continue in an independent court hearing than to eliminate any requirement for explanation, due process, etc.

Moving on to section 39, Limitation on prosecution, the words "evidence, sufficient to justify a prosecution for the offence," should be deleted and replaced with the words, "the offence." The unamended clause means that there is no statute of limitations because it would be possible to reopen any case by searching for additional evidence. That could go on, I suppose, forever. The amended clause gives the enforcement officer a full year to obtain evidence and lay a charge after finding out about an environmental offence. This will prevent anyone from escaping their environmental responsibilities.

Moving on to section 44, conflict between licence and regulation. Anyone meeting specific emission limits while operating under an order or a licence could automatically be affected by a new regulation or an amendment to a regulation. There should be a requirement for the Minister to inform parties that would be affected by new limits and to provide a formal opportunity for their views to be heard during the formulation and amendment process.

The standards in many existing Clean Environment Commission Orders were established after many years of scientific investigation, studies, and public hearings. Subsequent changes should also ensure that these relevant issues are considered. Business confidence also requires the stability of knowing what changes are coming. Appropriate long-term economic planning is impossible without some guarantee of advanced notice of major environmental regulation changes.

Regulation development, section 41(2) is a very positive step that requires the Minister to provide opportunity for public consultation and to seek advice and recommendations. However, this does not go quite far enough to prevent surprises and to ensure a knowledgeable debate when existing orders or licences are changed.

In the interests of time and the late hour of the meeting, I'll only highlight the CMA minutes of the June

2 meeting, in which the ministry responded to CMA concerns and gave feedback on the environmental Bill 26.

The first item would be the definition of the word "alter" and it's in fact in section 14(5). In this part, it should be changed to read, in brackets, "(or is likely to cause a significant change)." The reason for this is because the present wording would still require every minor alteration to be reported as currently written. In other words, if a plant made a fairly small repair to a piece of equipment, that technically would be an alteration, and technically it would have to have some paper or the permission of the Minister to do that. We could just see the province being buried in a mass of paper work.

What should be done here is, they should add in quotation marks "and alterations" to section 41(1)(f), which would allow minor alterations to be excluded. At the meeting, the Ministry feedback was that they would look at this and that they felt the meaning of alter and alteration would be the same.

Moving down to section 7(4), the Manitoba Environment Council provides inputted hearings. To grant this body official status as commissioners would create a conflict with that particular role. CMA was advised at that meeting, that including a reference to adding certain members of the Manitoba Environmental Council or other qualified persons to the Clean Environment Commission to assist and advise the commission, was not a requirement to use MEC members.

Moving on to sections 10, 11, and 12 - the top of the next page - the impact is difficult to access until the regulations are published and the classification criteria can be reviewed. Ministry officials advised that items not specifically listed in the regulations would be exempt from definitions of a development. Certainly that understanding is pivotal to CMA's acceptance and endorsement of that particular approach.

Moving on to section 14(1), line 12, the word, "may" should be changed too, or that is likely to significantly change the environment effect, etc. There were some surprise that there were still some vague words such as "may" in the document, and the environmental officials promised to take a look into changing that. Certainly, an act should not be vague, or more vague than necessary.

Moving onto section 18(1) - that was clarified at the meeting. So we won't spend time here tonight reading the obvious into the minutes.

Top of the next page, section 32. This section does not clarify the situation relating to a contravention of a monthly or an annual average limit. The question was, would a single contravention of a monthly average limit count as 30 violations, or as one violation? Would one be guilty of offences for the 29 days prior, if the 30th day puts the average above the limit? At the meeting, ministry officials advised they felt that a violation of a monthly average would be a single offence and a single charge. He also advised that company supplied data would not be an effective prosecution enforcement tool and that they would take their own samples. That gets people out of the business of self-incrimination, etc., etc.

Section 38 states: "Any person may lay an information." Apparently this applies whether in the act or not, it's a fundamental property of law and a ministry official advised that anyone may lay a charge, but the Attorney-General can also stay any charge, so there would be some safeguard against frivolous charge laying.

Moving on to section 45 at the top of the last page, this is a new concept in legislation as indicated by previous comments on the draft brief. Of course, the regulations would need to be seen to assess the impact. One thing it does seem, though, is it does seem strange or inappropriate to tax an acceptable level of pollution to pay for an unrelated problem. There were some questions as to whether this would be an alternative to suggested regulation (i) or an extra point. However applied, this would end up being an extra operating cost for companies; and at that point in time, the ministry officials did not have any specifics on what the end result of this legislation would produce.

To sum up, the main concerns are sections 25(1) and (2) in which there is no recourse or possibility of an injunction against the Minister. Section 39, no limitation on prosecution and section 49, there are some dangers because any new regulation would take precedence over any conflict with an existing licence and there is the possibility of surprise or inappropriate consultation.

I'd like to thank you very much for the opportunity to appear before your committee. Thank you very much.

HON. G. LECUYER: I'd just to thank the CMA for presenting the brief here tonight and to indicate that some of the changes that attention is drawn to here will be the subject of some amendments that are coming forth.

I just might want to say that there are a few words used in terms of the explanation or minutes of our meeting in June, that I wouldn't want to leave the wrong word on the record here in terms of what applies to sections 10, 11 and 12. I think perhaps it's either a mistype or what, but it says that D. Stephens advises that items not specifically listed in the regulations would be exempt, not from definition of a development but from assessment of a development.

Other than that, I have no basic disagreement with the reporting of those, and as I said before, some of these are already the subject matter of proposed amendments, and I want to thank you.

MR. G. COLLIS: The fact that ministry officials are here tonight is a very reassuring thing, that the concerns of the public will hopefully appear in the final draft of the act. Thank you very much.

MR. CHAIRMAN: Thank you, Mr. Collis.

Mr. Ernst.

MR. J. ERNST: A point of order, Mr. Chairman. It would appear relatively obvious at this point, we're not going to conclude hearing delegations this evening unless we sit until three or four o'clock in the morning. I would think, Mr. Chairman, it would be realistic at this point to set a time limit for sitting - perhaps midnight. At the same time, we could perhaps call those people who are from out of town, so that those who have come some distance, we can hear them first, following which any other members who wish to may make a presentation prior to the hour of conclusion.

HON. G. DOER: I believe, Mr. Chairman, that there are only two individuals wishing to present briefs on The City of Winnipeg Act who are here, unless I'm mistaken as well, but I believe their briefs are four pages and they keep looking at me in terms of coming back at another point. So I'll just leave that for the committee's consideration.

HON. G. LECUYER: Perhaps if I could suggest, Mr. Chairman, if it is agreeable to the members that we hear briefs from out-of-town, if there are any, and hopefully those who are from Winnipeg could then come back at the next sitting of the committee. We would then hear - is it two briefs?

A MEMBER: I believe it is two for The City of Winnipeg Act.

HON. G. LECUYER: Are they from out-of-town?

MR. CHAIRMAN: I believe the suggestion is to see if there are any out-of-town presenters on The Environment Act, and I take it, Mr. Doer, you are suggesting that we then switch to Bill 39 to allow the two people who wish to make presentations on that bill, and then ask others making presentation on the Environment Act to come back. Is that agreeable? So we will check on that. Is there anyone from out-of-town, anybody further from out-of-town on The Environment Act?

A MEMBER: Mr. Chairman, there are some people here who can't be here on the next sitting, whenever that may be. I was wondering if they can be heard before closing time.

MR. CHAIRMAN: Yes, we'll try our best here.

A MEMBER: When is the next sitting?

MR. CHAIRMAN: We're not quite sure.

A MEMBER: We don't know - midnight tonight, I think.

MR. CHAIRMAN: I think if members could discipline themselves in terms of lengthy questions, and restrict the proceedings to the presentation by members of the public, we might be able to accommodate everyone. I think people would prefer to make presentations tonight, if at all possible. Thirty seconds now may save a bit of time later. Please proceed. Perhaps you could identify yourself.

MR. J. PENNER: Mr. Chairman, my name is Jack Penner, the President of Keystone Agricultural Producers. I'm certainly pleased that you've allowed us the opportunity to appear tonight. It does save us some time and some travel. Those of us representing Keystone Agricultural Producers are pleased to have an opportunity to address a few remarks to you on behalf of the agricultural producers of Manitoba, relative to your consideration of Bill 26, The Environment Act.

We would like first of all to commend the Honourable Mr. Lecuyer and officials of the department for the consultative approach taken to the development of the proposed legislation before us.

Representatives of KAP participated in the process at various times and stages and always felt that any views or recommendations put forward were considered sincerely by those responsible for the development of the legislation. We consider Bill 26 to represent a considerable improvement over the draft bill introduced by the Minister in 1986 for discussion purposes. We feel from our reading of Bill 26 that some attention appears to have been given to a number of concerns raised by KAP in earlier submissions and meetings with the Minister and his staff.

Amendments which we consider to represent improvements include: some moderation of the rather sweeping authority proposed originally for the director; the division of "projects" into several classification increased assurances of public consultations; provisions for a public central registry; and the requirement for written reasons to be given for decisions made under the act.

Our comments in this regard, however, are not to be taken as an indication that our organization is without concerns relative to Bill 26. Any thinking person will realize quickly that the matters addressed in Bill 26 are of immense importance and significance to agricultural producers in Manitoba.

Of particular concern to agricultural producers in consideration of measures taken to control and preserve the environment is the potential for conflict with non-farming interests. Farmers, quite frankly, worry that measures supposedly established to protect the environment may, at some point in the future, be used to force them out of business, or cause them to be forced to drastically alter their farming operations and practices, because certain "by-products" from their farms are undesirable to those increasingly encroaching upon what has hitherto been considered to be agricultural land, for residential and recreational purpose.

Maybe I should just say there that maybe, at some point in time, when one markets agricultural products, such as maybe milk, we need to add a little package of something else, which is also a product of the cow. That might lend others to recognize the situation that farmers are in.

A major concern of agriculture producers, relative to any measures which may be established to control and protect the general environment, are the implications of those measures with respect to the possibility of added restrictions on farming practices. Because of their dependence on the cooperation of the environment in deriving a living for their families, farmers are acutely aware of the health of the environment and the effect which their operations have on it.

There does, however, seem to be ever-increasing pressure from non-farming interests for some heretofore accepted farming practices to be changed, ostensibly in the interest of protecting the environment. We submit that in certain instances, no satisfactory alternative method is available. There are, of course, instances in which effective, and probably more desirable, alternative methods do exist, but often at considerable increase in costs. We simply wish to make the point that if the general society does insist that substantive changes be made in farming methods, the general society then must be prepared to share the added costs.

Out of concern about the particular vulnerability of the agricultural production industry, the KAP did recommend earlier that government consider enacting, in conjunction with an anticipated new Environment Act, legislation which has become commonly referred to as "right to farm legislation." Legislation which would ensure the right of farmers to continue their productive endeavours in instances of urban encroachment has been enacted in one other Canadian province and is under active consideration in several others. This recommendation was rejected by the Minister of Agriculture.

In a submission to the Minister of the Environment on January 9, 1987, the KAP recommended that the unique requirements of agricultural production be adequately recognized within the administrative structure under the act, at least through provision for an agricultural committee or subcommittee of the proposed Environment Commission. This recommendation was not incorporated into the redraft of the environmental bill.

The KAP believes that the essential thrust of Bill 26 is correct, and should deal fairly and effectively with the industrial society of the 1990's and beyond. However, we also believe that the bill, as drafted, continues to have a major shortcoming, in that it does not adequately address the concerns which gave rise to the appeals outlined above.

Farming operations are, and will always be, somewhat different than industrial enterprises in urban areas, and should be regarded and treated accordingly. The Minister has repeatedly assured the farm representatives that little or no changes are anticipated in the thrust of regulations affecting farming under the new legislation, from those under the current act. We agree that virtually all farming practices are now, and will, in the future, probably be dealt with by regulation established by the Lieutenant-Governor-in-Council, following consultation with those affected. However, while we have few qualms about the integrity and reasonableness of those currently responsible for the procedure, the fact remains that governments, cabinets and ministers do change and that regulations also can be changed very quickly.

With these concerns in mind, we submit that Bill 26 should be expanded by the inclusion of a section dealing specifically with the requirements for rural areas and agricultural production units. We believe that this recommended additional section should include fairly firm assurances that under reasonable circumstances, established agricultural production units will have the right to continue and/or adjust their productive endeavours without undue restrictions.

We believe the necessary amendments or additions could be drafted relatively easily and quickly. Needless to say, our organization would be prepared to assist in the development of the recommended section. However, even if this were to be required, that the proposed legislation be laid over until the next sitting of the Assembly, we believe the concerns identified are of sufficient importance that such an action, on your behalf, would be justified. The Minister has been made aware somewhat earlier of our views in this regard.

As indicated above, we appreciate having this opportunity to express our views and recommendations relative to Bill 26 to you, and thank you for your anticipated sincere consideration of them during your deliberations.

HON. G. LECUYER: I want to thank Mr. Penner and the Keystone Agricultural Producers for their interest and input throughout this process.

I want to indicate, as already has been indicated by Mr. Penner, that many of the suggestions made were incorporated, and if that particular recommendation, which is part of the latter part of the presentation, is not incorporated into the act, it was indeed because we considered that to open this particular issue would create other problems as far as other operations are concerned.

We believe that that indeed will be sufficiently covered by the very fact that there is appeal process available at many intervals or stages of a proposal; a public registry is there; there is a consultation process which is established within the act for the regulation development; and, as well the public consultation which is available through the hearing process of the Clean Environment Commission and the representation that we must indeed ensure through the Manitoba Environmental Council.

So I believe that the farming community and the farming sector can feel adequately protected with the act as it stands, and time will tell whether that is the case of course. With that, I want to thank again Mr. Penner for your presentation.

MR. G. FINDLAY: On page 5, Mr. Penner makes mention that his organization had requested a right to farm legislation and the Minister of Agriculture rejected the idea. Would you tell us why he rejected it?

MR. J. PENNER: The Minister really hasn't given us a firm reason why he would not consider a right to farm legislation, other than saying that he thought there were adequate provisions now for the agricultural community.

MR. G. FINDLAY: Are you in agreement with the recommendations of the Brundtland Report that were mentioned by previous speakers tonight, that the sectoral Minister should be responsible for the environment related to their industry, such as agriculture?

MR. J. PENNER: That's the first time that I have heard reference made to that, but it certainly is an interesting proposal, and it's something that our organization would, I believe, want to discuss. Personally, I firmly believe that agriculture should be responsible for the environment of agriculture, as I firmly personally believe other sectors should be related to environment.

MR. G. FINDLAY: Do you trust this government and succeeding governments to look after agriculture by way of regulation, keeping in mind that there are already moves afoot to have the Clean Environment Commission look at stubble burning? The Minister has, on more than one occasion, mentioned the livestock operations are going to come under scrutiny. Do you feel that you want to leave in the hands of Cabinet or the Lieutenant-Governor-In-Council the right to make regulations on these sectors?

MR. J. PENNER: Mr. Chairman, we are all human beings, and whether we're Ministers or otherwise, or whether we're staff people, we are all subjected at times to pressures from either urban areas or otherwise. Sometimes we succumb to those pressures whether we later regret to having done so or not. That is a concern, and has been a concern continually in the farm community, that we are being exempted from certain acts by regulations which of course can be changed almost at will. That's why we have asked the Minister and this government to assure us, by way of legislation, that we will be exempt; or not entirely exempt, but that we will be given assurances that we can operate our farms as we need to operate them in order to remain viable.

MR. G. FINDLAY: Would you agree with Mr. Scarth's proposed amendments, which he presented earlier tonight, that no licence be required to farm?

MR. J. PENNER: Certainly, that's one of the presentations that we have asked the Minister to assure us, that farmers will not be required to obtain a licence in order to farm. I think he has given us assurances that will be addressed via regulations. Of course, if it was dealt with in the act, we would not require regulations.

MR. G. FINDLAY: Just for further clarification, I'd like to ask you, do you want this amendment in the present legislation?

MR. J. PENNER: Well, it would certainly be desirable, yes.

MR. G. CUMMINGS: My questions have largely been answered, but I just wanted to ask Mr. Penner one more time, if he feels, as we have pointed out on numerous occasions, that it leaves agriculture in a very untenable position if we have to simply trust the regulations that we haven't seen yet.

MR. J. PENNER: Well, I think I indicated, Mr. Chairman, a little while ago, that farmers were somewhat skeptical of having to rely on regulations to exempt them of certain bills. If public pressure is such on a government to change those regulations, then, of course, we're subject to that sort of change almost immediately and that's what we're afraid of.

HON. G. LECUYER: The last comment I should make, I should correct by saying that, indeed we have stated all along that the act won't be proclaimed until the regulations are in place; and that the act will not require licensing for farmers by the very fact that the existing regulations are going to come under the legislation and that point should be reiterated for members that don't seem to have understood that.

I also would like to add for Mr. Penner's benefit and for Mr. Findlay's benefit, that it is okay to quote Mr. Scarth, but not to misquote him. It is okay to say, as he has said, that the Brundtland Commission wants various departments and sectors to take greater responsibility for the environment impacts they may cause, but the Brundtland Commission nor Mr. Scarth has indicated or proposed that these departments become the regulatory departments for enforcement of environmental impacts. So let's not create confusion that it was not intended to be created.

MR. CHAIRMAN: I would remind members of the committee once again that the purpose is to hear the public not to debate the bill.

Thank you for your presentation Mr. Penner.

What is the will of the committee? There was some discussion of taking the two presentations from The City of Winnipeg Act. Can we deal with those and then when we assess the situation; following that other presentations on The Environment Act and presenters who can't return.- (Interjection)-

What I'm suggesting is following along the suggestions of the committee, that we hear the two presentations of the City of Winnipeg Act and then return and try to accommodate those members on The Environment Act, the members of the public who can't return for future committee hearings, because I know Mr. Cerilli had indicated he's unable to do so. So, we'll just take the two presentations on The City of Winnipeg Act and we'll return to The Environment Act, if that's agreeable to the members of the committee?

BILL NO. 39 - THE CITY OF WINNIPEG ACT

MR. CHAIRMAN: First presentation is Susan Thompson, the chairperson of the Downtown Business Improvement Task Force. Please proceed.

MS. S. THOMPSON: Thank you, Mr. Chairman.

Before my remarks regarding Bill 39, I would like to begin by introducing myself. My name is Susan Thompson and I am president of Birt Saddlery which is a small business on Main Street in downtown Winnipeg - two white horses, blue eyes. I am also chairperson of a Task Force that has been established by the Downtown Winnipeg Association to determine the feasibility and advantages to the business community as a whole if a Business Improvement Zone were to be established.

Our Task Force is comprised of some 15 members of the business community, representing a variety of small, medium and large businesses and associations. I have attached a list of the Task Force members to my submission for your information, and would like to point out that a number of them were here but they're now gone.

On behalf of the Task Force I would like to commend the Honourable Gary Doer for bringing forward this very important piece of legislation.- (Interjection)- Oh, come on. Give him a pat on the back once in awhile.

MR. CHAIRMAN: Order please.

MS. S. THOMPSON: Sorry, Mr. Chairman.

MR. CHAIRMAN: Your comments are quite legitimate, there's no problem with them. It's just the distractions from members of the committee that I was worried about.

MS. S. THOMPSON: Shape them up.

We strongly believe that it is important for the continued growth within the business community, and particularly a benefit to Manitoba owned businesses. It is also a beneficial piece of legislation to the province as a whole, as historically jobs have been created due to the activities undertaken by the BIZ's. The city also benefits due to the increased tax revenue generated by new businesses in being attracted to the area.

Our task force believes this legislation is long overdue because if passed, Manitoba will be the seventh province in Canada to offer such legislation to the entire business community of our province. As you are aware, legislation presently exists which allows businesses in rural Manitoba, but not in Winnipeg, to form BIZ's. After studying the concept of Business Improvement Zones for the past year and the positive impact that they have had in other cities throughout North America, we are certain that this concept will help to revitalize our business areas and to involve, directly and democratically, businesses to give them a say into the destiny of their area.

The concept of Business Improvement Zones follows no political philosophy, as I would like to point out that enabling legislation has been passed and supported by all three major political parties in the other Canadian provinces. It is not often that the three major political parties can agree on all such measures.

For the benefit of the members of the Standing Committee, I would like to point out that our task force has worked very closely over the past year with the Minister and his officials regarding this legislation. I would like to make it perfectly clear that we are very supportive of the legislation and the proposed recommendations that Mr. Reeh Taylor, President of the Downtown Winnipeg Association, will be making in his submission.

On behalf of the Task Force I would like to thank the Minister and his staff for what we consider to be a good piece of legislation. I would like to encourage members of the committee to consider the recommendations being put forward by Mr. Taylor, and to state that we are very anxious to have this legislation in place, because we look forward to getting on with "BIZness."

I would like to thank the members of the committee this evening for allowing me to appear before you - short and sweet.

MR. CHAIRMAN: Thank you. Any questions?

HON. G. DOER: Mr. Chairman, just for the record, many of the people who are on the list are also contained within your brief, so we assume that this represents their position on the Improvement Zone.

MR. S. THOMPSON: Yes.

MR. CHAIRMAN: Thank you very much for the presentation. We also have Mr. Reeh Taylor, The Downtown Winnipeg Association.

MR. R. TAYLOR: Mr. Chairman, perhaps if I may, I'll ask for this to be circulated, but I would not want to mislead you. You were advised of two brief presentations. Brevity is like beauty - it's in the eye of the beholder. I'm not sure what you would call brief. I need about 20 minutes of your time and if you would rather I shut up now and come back at your next meeting, I'm prepared to do so at the wish of the committee.

MR. CHAIRMAN: What is the will of the committee? I would remind members, once again, we did have other individuals indicating they'd have difficulty coming back for the next committee hearings.

MR. G. DUCHARME: Are you going to have any problems coming back?

MR. R. TAYLOR: No sir, as long as we can be assured we will, in fact, be invited back. You may prefer it.

MR. CHAIRMAN: I think you may find that the next meeting of the committee, given the much shorter list, it will be easier to predict . . .

MR. R. TAYLOR: If I may be so bold, Mr. Chairman, I would prefer to catch you while you're fresh, if I may put it that way.

MR. CHAIRMAN: Perhaps then if we could ask you to come back. Thanks for your cooperation. Is there anyone who cannot make it back for the . . .

MR. R. TAYLOR: If I may suggest it, Mr. Chairman, I'd be happy to leave that material with the members of the committee, then they will be ready to attack it when I next meet them.

MR. CHAIRMAN: We can leave that with members of the committee.

Mr. Storie.

HON. J. STORIE: Before we rise, we should find out if there are other people who will not be able to return; not only on this bill, on both bills.

MR. CHAIRMAN: Yes, on the other bill, that's exactly what I'm referring to. We have to adjourn about two minutes while the tape is changed. Could I get an indication from those listed under The Environment Act?

Mr. Cerilli.

MR. A. CERILLI: The brief will be read by Mr. Hilliard and I should indicate that Mr. Wichenko had to leave, and he will be filing his brief in writing.

Okay, can we deal with those presentations? As I said, there will be a two-minute adjournment, so we'll then reconvene.

RECESS

MR. S. ASHTON: We're back in session, again.

Miss Yassi, from the Manitoba Medical Association.

MS. A. YASSI: Honourable members, ladies and gentlemen.

The Manitoba Medical Association, as you know, which represents 2,000 physicians in the province,

actually wishes to be here to congratulate the government for taking steps toward upgrading the current environmental legislation in Manitoba.

The state of the environment is of immense public concern and measures to protect the environment are of great relevance for the health and well-being of current generations, as well as generations of the future.

We are pleased to see that the proposed legislation has expanded the focus to include a wide range of questionable environmental practices, as well as point sources of pollution, recognizing that even minute amounts of contaminants can bio-accumulate and lead to long-term effects.

Indeed, we concur that the people of Manitoba are not prepared, nor should be prepared, to assume even slight involuntary health risks from environmental pollution.

We are pleased to see the recognition of the broad scope of environmental matters, including social, economic and cultural conditions, expanding to more limited biological, chemical and physical environmental concepts of the past. We are particularly pleased that virtually all the major concerns that we raised in our previous brief concerning the last draft have actually been acted upon. This has impressed us. We are impressed that our suggestions were taken seriously and feel that this, indeed, speaks well of the government's intention to consult the public, as the act indicates.

We trust that public concerns will continue to be incorporated in the actual enforcement of the act because this is what matters in the final analysis. Whereas we had raised concerns in the past about public input and accountability of decision-makers in our previous comments, we look favourably upon the changes that have been made, specifically to the fact that the Manitoba Environment Council has been reinstated, and that both the Clean Environment Commission and the Manitoba Environment Council could, on our own initiative, conduct inquiries and hold the hearings.

We look favourably upon this official recognition of MEC, in which we participate, and we are particularly pleased about the public registry, the state of the environment report, and that the act obligates our elected official to provide written defence of decisions made.

In this way, organizations such as ours, particularly the 40 or 50 members of our section of preventive occupational and environmental medicine, will be able to better scrutinize government decisions on environmental health issues. This will allow us to better advise our patients and the community, at large, as to potential health hazards, and that what the government is or is not doing about them.

In our previous comments, we raised concerns about some lack of clarity as to responsibility for enforcment, particularly with respect to the Department of Health's responsibility versus the Department of Environment.

The act, as it stands now, has addressed some of the examples we raised. As we noted previously, the public generally looks toward us, the medical community, for guidance on health matters, including the appraisal of potential health hazards; and we appreciate that the new draft acknowledges the importance of medical input in assessing human health risk.

Recently the Canadian Public Health Association drew attention to the importance of including health aspects in environmental assessments, which the act has now done. We are aware that the Department of Environment currently relies upon the Department of Health for its medical expertise and, while we recognize that the system works well currently, we still remain somewhat uneasy about the informal nature of this arrangement.

Finally, we applaud the stiff penalties that serve notice to polluters, that Manitobans will not allow our environment to be degraded, and trust that the broad enforcement power conferred to environment officers, with the appropriate medical input in ascertaining health risk, will go a long way to promoting and preserving an aesthetically pleasing and healthful environment for generations to come.

In conclusion, the Manitoba Medical Association is delighted that this new environmental legislation is being proposed, and hope that the necessary steps to its enactment can proceed quickly. Again, as we offered previously, the Manitoba Medical Association would be pleased to offer its expertise to any future endeavours in this area.

Thank you very much for your consideration.

MR. CHAIRMAN: Thank you, Ms. Yassi. Thank you for your presentation.

MS. A. YASSI: Thank you.

MR. CHAIRMAN: Mr. Hilliard.

MR. R. HILLIARD: Thank you, Mr. Chairman.

I have with me Mr. Al Cerilli, who is a Vice-President of the Manitoba Federation of Labour.

Mr. Chairman, members of the committee, assembled guests. The Manitoba Federation of Labour, represents approximately 80,000 members. These members and their families total approximately 225,000 Manitobans and, as a significant proportion of the general population, we share a widely-held concern for the health of our environment.

In the not too distant past, pollution was considered offensive - ugly perhaps - but not a threat to human health or life. Events of recent years have shown this view to be naive. Damage to the environment has not only limited our ability to appreciate nature, but it has also poisoned our rivers, our air and our land to the point that many of our resources are no longer useable.

Most of our economic activity requires a healthy environment. The food we eat, all the material we use for clothing, shelter, and the equipment for daily activities, come directly or indirectly from natural resources in our environment. If we continue to extract our resources in the quickest, most profitable manner, without regard to the effect on other resources, then we will, as a society, become poorer, not richer.

The notion of short-term gain and long-term pain, has fallen into disfavour amongst Canadians. Recent polls reveal that even if stronger environmental legislation results in increased prices, 83 percent of Canadians are in favour of protecting the environment. In addition, over 90 percent of Canadians believe that every major economic project should be proven environmentally sound before it can proceed. In short,

there is overwhelming public support for legislation that will protect our environment from those who whould pillage its resources without ensuring that others may enjoy life afterwards.

The MFL believes that this legislation will accomplish these goals. We commend the government for taking this bold initiative. The provisions of this bill are far-reaching and I do not intend to comment on all of them tonight, which I'm sure you're all grateful of. However, there are four aspects which this legislation addresses which deserve some comment.

The first is The Opportunity for Public Accountability.

There are many provisions in this bill which will bring decisions with environmental impact out of the secrecy of corporate boardrooms and into the light of day and public scrutiny. The Clean Environment Commission and the Manitoba Environment Council, will be conducting investigations, doing research, educating the public and holding public hearings, not just at the direction of the Minister, but independently as well.

The creation of a Public Central Registry is also an important feature. It will contain such vital information as the following: All proposals for new developments; environmental impact assessments for each new development; the status of each proposal; a copy of all licences issued; written justification for each refusal of a licence; and written justification for each decision made that is contrary to the advice or recommendations of the Clean Environment Commission or the Manitoba Environment Council.

The requirement for a State of the Environment Report is another important feature of this legislation. By publicly detailing any environmental problems that may be arising, the Government of the Day will be subjecting itself to public pressure to have the problems rectified - an unusual commitment for any government to make.

Finally, and perhaps most importantly, all decisions with environmental impact are appealable to elected officials. The MFL believes this is a crucial aspect of the legislation. Non-elected people are less susceptible to the wishes of the public. Elected representatives are accountable at the ballot box, and this process is a step in the direction of MFL policy to democratize the decision-making processes which affect our lives.

Strong Stand Against Violators.

No legislation will be effective if the rewards for violating it outweigh the penalties.

Token fines and weak enforcement policies encourage violations. This bill provides for heavy fines, imprisonment, and the ultimate penalty - a shut down of operations if wanton disregard for the law is encountered. We believe this legislation will no longer make it possible to place profit before a safe and clean environment.

A Comprehensive Approach to Environmental Control.

The effects of an environmental insult are far-reaching. Acid rain is only one example, there are many others, as well. For this reason, it is important that any environmental legislation be as comprehensive as possible. This legislation has taken this approach. Together with The Dangerous Goods Handling and Transportation Act, and The Hazardous Waste Management Act, this proposed Environment Act will address the problem of environmental damage in a "cradle to grave" approach which the MFL has been advocating for several years now. In addition, the definition of environment has been expanded to include not just land, air and water, but also plant and animal life, including human beings. This bill also covers both private and public sector activity - a provision not found in many North American jurisdictions.

Emphasis on Prevention and Planning.

One of the very severe problems in addressing environmental damage has been the extreme costs involved in cleaning up the mess after it has occurred. Similarly, corrective measures to an already existing facility usually carry a high price tag. The public has very often been subject to economic blackmail as polluters claim that the cost of correcting the effects of their negligence are prohibitive, and would result in a loss of jobs. By requiring an environmental assessment and approval for each new development, there should be far fewer incidents of damage to our resources than is presently the case. In addition, the State of the Environment Report will enable us, as a society, to plan and manage our environment in a sensible and socially acceptable manner.

Your written copy may vary a bit at this point.

For approximately 30 years, organized labour has advocated a clean environment for the home, at leisure and at the workplace. Society, as a whole, however, has not always recognized the silent invasion of our planet by the polluters. Recently, there has been a heightened awareness of these problems, and the need to address them.

The MFL believes that Bill No. 26 does address these concerns. Nevertheless, there are two amendments which we would like the government to consider.

The first is, that we would like to see joint management/labour, workplace, health and safety committees mandated to cover environmental concerns. Workers are uniquely placed to be knowledgeable about hazards emanating from the workplace to the outside environment. Many of their concerns about workplace, health and safety are the same concerns that pollute our air, land and water. By dealing with these concerns at their source, we feel that many environmental insults can be prevented, or at least nipped in the bud, before they can cause extensive damage.

The second amendment we would like the government to consider is what is euphemistically called "whistle blower protection". As previously mentioned, workers are very often the first to know of environmental damage. All too often they are faced with the difficult decision of deciding between facing the wrath of their employer, or doing the socially responsible thing. These are choices nobody should have to make. We are, therefore, requesting that the government amend the legislation to prevent employers from taking disciplinary action, or discriminating in any way against workers who report their employer for damaging the environment.

The MFL supports the Provincial Government in taking this initiative with Bill 26. It is progressive legislation that should place Manitoba at the forefront of environmental management in North America. We trust that the business community and the general public will respond favourably. The health of our environment is vital to our survival. This legislation is a large step in the direction toward achieving this goal.

Thank you. If there are any questions to myself, or Mr. Cerilli, will be happy to answer them.

MR. CHAIRMAN: Are there any questions?
Mr. Cummings.

MR. G. CUMMINGS: One question of a general nature.
At the start of your brief, you refer to statistics that show - which I have no reason to dispute - that many Canadians, of which a vast majority would be in favor of paying increased prices if we could protect the environment. Do you have any idea how much increased cost and production of food the Canadians would be prepared to accept, if the environmental protection were guaranteed?

MR. R. HILLIARD: I'm sorry, I don't have any expertise in that area. That's a bit of a value question. The poll indicated that they would be willing to accept higher prices; it didn't indicate to what degree. But it's my feeling that certainly, Canadians and Manitobans are willing to accept higher prices in order to protect the environment.

MR. CHAIRMAN: Okay. Are there any further questions?
Thank you, Mr. Hilliard.
The next presentation is Mr. Dennis Muldrew from the Naturalist Society.

MR. D. MULDREW: Before I start my presentation - sorry I don't have a brief. I found out this morning at about ten o'clock that you were meeting tonight, so I will prepare a brief and get it into you.
Dr. Ian Rollo of the Environment Council asked me to read his brief. I won't do that. His brief is a letter to the Honourable Minister and he has carbon copied the same letter to all members of the Legislature, so you'll be receiving that anyway.
I am Dennis Muldrew; I am the action vice-president for the Manitoba Naturalist Society. I am also an individual member of the Manitoba Environmental Council, and I serve as the Land Use Committee chairperson.
On the whole, I would like to commend the department on their approach to the ecosystemic view of the world, including man and his effects as part of the environment. The greater increase in the scope of what "develop" means and what the environment is in the act, is a vast improvement. I am very happy to see that the Clean Environment Commission and the Manitoba Environmental Council remain separate, as a revision from the first discussion paper.
We are very happy to see that the power of the department to stop an offence is inherent in this act. We are very happy to see that the penalties and the persons who can be charged are now meaningful, as they include the board of directors and they are substantial fines.
We do, however, see substantial problems with the legislation. We are curious how the legislation will empower the Government of the Day to exert its influence. Specifically how, with reference to 1(1), the intent and purposes, (c) and (d) items, will be interpreted with respect to the situation of an overlapping jurisdiction, such as with municipalities in the province or with departments such as the Environment and Highways, or the Environment and Natural Resources. The Department of the Environment by this act has been given large powers to oversee the environment. But we are concerned that at some future date this may all break down due to what occurs when the council, the Cabinet meet, and the Minster of the Environment has to coerce or involve his fellow Ministers and the importance of the environment.
We are concerned that there are no mandated hearings even for class 3 developments. We are concerned of the power of the Minister of Environment to overcall the EIS of another department, i.e., Parks or Highways. It comes down to the decision of Cabinet and lends itself that it will be political, not necessarily a sound environmental decision.
With respect to the Clean Environment Commission and the Environmental Council, we have concerns with the duties, the abilities, and the powers of these two bodies. We are concerned with the definition of evidence in 6(3) and 8(4). Does evidence means "the collection of data" or does it mean "the accepting of evidence" by The Evidence Act?
We are concerned with the ability of a voluntary organization of indefinite numbers - as the numbers are not stated for the council at present - to initiate an investigation if there is a conscious effort via 8(5). That is, direction of the Minister or the director to misdirect or cause the council to become interested in other environmental problems besides that which the council feels is important.
We question the apparent creation of a new environmental organization in 2(3) to promote public awareness of the environment. This could be interpreted as the mandate of the Manitoba Environmental Council in 8(1). The inability to publish reports and forums of the council in recent years has been due to a lack of financing, not due to a lack of a committee so charged. There is an Education Committee in the Environmental Council which has this mandate at present.
We have questions regarding the definitions used in the act. We feel that will greatly change Bill 26 as an instrument to protect the environment. We are pleased with the increase in the scope of the definition of "development" in 1(f), (g), and (h) but we question the definition of an "aggrieved individual." Who exactly is an "aggrieved individual" when we are talking about a socioeconomic change or a development which may cause an environmental effect in the future?
We question how a concerned citizen can enter into the process or the provisions of the act. Can an individual appeal a decision as "non-aggrieved" by the director, or must the individual enter the act by another route, convincing the Manitoba Environmental Council or the Clean Environment Commission of the merit of their complaint or by laying information via 38?
We also realize that the classification of a proponent's application with respect to class is appealable. But is the classification - as in 16 - by the Minister, of a non-development, appealable?
We would ask for the inclusion of a more extensive definition of what a class I, class 2 and class 3 development would be. We realize that you don't want to completely define that, but some additional information so that a citizen could figure out whether we're dealing with class 1, 2 or 3.

While we see the information in the Central Registry as very important, we would like to see a more extensive dissemination of the information - either as a listing of the contents of the registry in the gazette, or the inclusion of the registry on a freely available data bank.

In a recent trip to Northern Manitoba with the Environmental Council, there was a general feeling of inability to change, or be involved in decisions made below the 53rd, and we feel that a registry or gazetting of this information would allow those individuals to feel like they belong to Manitoba.

We do, however, see that the major problem in the act is the inability of the public to participate, either through under funding or low funding that presently appears in the Environmental Council; and I would like to, as people have done before me, quote the Brundtland Commission. I have the non-abbreviated version. I would like to, first of all, before I get into that point, clarify perhaps on this interpretation of a previous quote regarding sectoral organizations.

In section 75 on page 218 of the full report, sectoral organizations are defined and their meaning is stated as such: "Sectoral organizations tend to pursue sectoral objectives and to treat their impacts on other sectors as side effects, taken into account only if compelled to do so. Many of the environment and development problems that confront us have their roots in this sectoral fragmentation of responsibilities. Sustainable development requires that such fragmentation be overcome."

Further, section 77, "The law alone cannot enforce the common interest. It principally needs community knowledge and support which entails greater public participation in the decisions that affect the environment. This is best secured by decentralizing the management of resources upon the local communities depend, and giving these communities an effective say over the use of these resources. It will also require promoting citizen initiatives, empowering people's organizations and strengthening local democracy. When environmental impact of a proposed project is particularly high, public scrutiny of the case should be mandatory, and, wherever feasible, the decision be the subject of prior public approval."

It is these points specifically that we, of the Naturalists Society, have a great difficulty with. We are a volunteer organization, as is the Manitoba Environmental Council, and we have great difficulty in finding information. As an example, I'll use Hydro's development at Conawapa and the tree line coming from Conawapa down the east side of Lake Winnipeg.

In the environmental impact statement assessment I now have, it says that information will be gathered between '87 and '88 before a final impact assessment statement is made. We have no way of accepting data or finding new data. It's just going to be a compilation of pre-existing data for all we have or talking with individuals. There is no provision for members of the Naturalists or the council to get new information or process new data. There's no financial support available for that and that's basically what I'll say. I'll try to get in a written copy including that at a later time.

MR. CHAIRMAN: Actually the Hansard will record your comments verbatim, so unless you have some other items which you wish to deal with in the written portion, we will be able to get a complete transcript of all your comments.

Any questions, Mr. Lecuyer?

HON. G. LECUYER: It's not a question, Mr. Chairman. I just want to thank Mr. Muldrew and the Naturalists Society and just to indicate that you have raised a number of issues, which in view of the lateness of the hour we'll not be able to address; but also to indicate that at least some of those are addressed in amendments which will be proposed later on, in this particular bill.

MR. D. MULDREW: Thank you.

MR. CHAIRMAN: I'd like to thank the members of the public for their patience. I guess at our next committee hearing, we'll be hearing Mr. Taylor and remaining presentations on The Environment Act.

Mr. Storie.

HON. J. STORIE: I believe there is only one person who hasn't submitted their brief either in written form or orally, if there is anybody remaining for Bill No. 26; if there is, perhaps we could hear them and that would conclude the public comments on Bill 26.

MR. CHAIRMAN: Mr. Emberley has left. He's the person, I believe, you're referring to. We do also have to hear Mr. Taylor at the next committee hearing, so perhaps we could hear Mr. Taylor and Mr. Emberley at our next committee hearing.

Committee rise.

COMMITTEE ROSE AT: 12:33 a.m.