

THE STANDING SENATE COMMITTEE ON ENERGY, THE ENVIRONMENT AND NATURAL
RESOURCES

EVIDENCE

OTTAWA, Thursday, June 1, 2017

The Standing Senate Committee on Energy, the Environment and Natural Resources met this day at 8 a.m. to give consideration to the subject matter of Bill C-238, An Act respecting the development of a national strategy for the safe and environmentally sound disposal of lamps containing mercury.

Senator Richard Neufeld (*Chair*) in the chair.

The Chair: Good morning, colleagues, and welcome to this meeting of the Standing Senate Committee on Energy, the Environment and Natural Resources. My name is Richard Neufeld, and I am honoured to chair this committee. I am a senator from British Columbia.

I wish to welcome all those who are with us in the room and viewers across the country who may be watching on television or online. As a reminder to those watching, these committee hearings are open to the public and are also available online on the new Senate website sencanada.ca. All other committee-related business can also be found online, including past reports, bills studied and lists of witnesses.

I would now ask senators around the table to introduce themselves. I will first introduce the deputy chair, Senator Paul Massicotte from Quebec.

Senator Galvez: Rosa Galvez, Quebec.

Senator MacDonald: Michael MacDonald, Nova Scotia.

Senator Cordy: Jane Cordy from Nova Scotia.

Senator Dean: Tony Dean, Ontario.

Senator Wetston: Howard Wetston from Toronto but originally from Cape Breton. I always have to throw that in.

Senator Seidman: Judith Seidman, Montreal, Quebec.

Senator Griffin: Diane Griffin, Prince Edward Island.

The Chair: I'd also like to introduce our staff, beginning with the clerk, Maxime Fortin, and our Library of Parliament analysts, Sam Banks and Jesse Good, on my right.

Colleagues, on March 28, the Senate mandated our committee to study Bill C-238, An Act respecting the development of a national strategy for the safe and environmentally sound disposal of lamps containing mercury.

Today, for the first meeting on our study of Bill C-238, I am pleased to welcome the sponsor of the bill, Darren Fisher, Member of Parliament for Dartmouth–Cole Harbour. Thank you for joining us today, sir. I look forward to your presentation. We will go to questions and answers after.

Darren Fisher, Member of Parliament for Dartmouth–Cole Harbour, sponsor of the bill: Thank you very much, Mr. Chair. I have to tell you it's an absolute honour and privilege to sit before you all today. As many of you know, this has been a bill that's meant something to me and a project that's meant something to me since around 2012. To see myself before you today and to have the honour of speaking to you is quite something — quite surreal. I have to say, notwithstanding the roof falling a little bit in the back of the building, this is an absolutely stunning room to be in. Thank you very much for having me.

Thank you, Mr. Chair and committee members, for having me here today to speak to my private member's bill, Bill C-238. This bill calls upon the Minister of Environment and Climate Change to work with the provinces, territories, and all interested and appropriate governments, persons and organizations to develop a robust national strategy for the safe and environmentally sound disposal of mercury-containing lamps.

Developing this private member's bill has been an incredible opportunity. I've been receiving strong support from throughout the house from the Liberals, Conservatives and the NDP. Members recognize the need for this bill, and together we're making it happen. To quote my friend and colleague MP Jim Eglinski, "this bill is a winner." He emphatically pounded his hand on the lectern when he said that. That's only because we're working together to make it happen. I've also received letters of support from across the country, and I look forward to working together to keep moving forward.

We all know that mercury is toxic. It causes severe health problems, birth defects and even death. We advise Canadians that when they break a mercury-bearing light bulb to step out of the room, but overall we've done very little to protect Canadians from the bulbs that are thrown into landfills and contaminate our lands and waterways every day.

The Canadian Council of Ministers of the Environment reported that waste lamps, whether broken or intact, contribute about 1,150 kilograms of mercury into Canadian landfills each year. Sources state that it takes only 0.5 milligrams of mercury to pollute 180 tons of water. With remediation of mercury in land and water being so costly and incredibly difficult, we have to prevent mercury contamination in the first place.

You all sit on a committee dedicated to bettering the environment. We're all here because we want to leave this world a better place for our children and for future generations. Creating a strategy like this would ensure that facilities across Canada employed more Canadians while providing this much-needed environmental service. This is exactly what we mean by a clean economy. We can recoup costs, grow industry and protect our environment.

Bill C-238 is inspired by my days as a municipal councillor for Dartmouth in the Halifax regional municipality. I represented the Burnside Industrial Park, and I made a point of touring as many businesses as I possibly could. During that time, I discovered Dan-X Recycling. This facility and facilities across the country are able to recycle mercury-bearing light bulbs and lamps in a way that's safe for our environment and makes use of valuable components.

The process is fascinating. Facilities like Dan-X can recycle almost every bit of a fluorescent bulb. They separate and reuse the glass in the production of new bulbs. The metal components are melted down and reused by metal recycling facilities. They even process and secure the phosphorous powder that contains the toxin mercury. It's an absolutely outstanding process.

During my tour, I asked a lot of questions, specifically, what the regulations or guidelines were for end-of-life mercury-bearing bulbs. I found to my shock and dismay that there were none. It was always assumed that these types of regulations would come along after the phaseout of incandescents.

Waste management is a shared responsibility between all levels of government. Municipalities fund the infrastructure and manage collection, disposal and recycling. The provinces and territories establish policies and regulations, and they handle approvals and the monitoring of the waste management facility and operation. Then we have the federal government, which controls international and interprovincial movements of hazardous waste and hazardous recyclable material.

On a municipal level, I did the best I could as a member of the environment committee. I worked with our municipality to divert for recycling the bulbs that we used in our city-owned buildings. I think that was a good step but certainly a small one.

We know that municipal landfills are costly. One cell costs somewhere between \$9 and \$10 million in the Halifax regional municipality. So Canadians are investing hundreds of millions of dollars into landfill cells across the country.

Now as a member of Parliament, I have the pleasure of working on a bill that would ensure that these bulbs are diverted and recycled in a safe and environmentally sound way, from coast to coast to coast.

It's important to recognize and commend our previous federal government for taking measures to reduce the use of inefficient incandescent bulbs and moving Canadians toward energy-efficient compact florescent bulbs and other alternatives.

When used and disposed of in an environmentally sound way, they're a smart solution. Bill C-238 builds on the good work of these, colleagues, and I know that Canadians expect us to work together.

This bill has been amended to reflect the good advice from my colleague and friend from Abbotsford, MP Ed Fast. Together we ensured that the consultation process of the strategy would include a more fulsome consultation process with indigenous governments and other appropriate governments and stakeholders. I was a councillor; know what it was like to have regulations and red tape dictated by other levels of government. It's important to me that everyone is at the table.

Any sort of reporting features, regulations or standards will be developed as part of the strategy through the consultation process. I have no interest in adding more red tape from the top, which could put undue hardship on governments implicated by this legislation. At this point, it's important not to speculate too much on what the national strategy for lamps containing mercury would be or could be. I don't want this bill to be too prescriptive on other levels of government. We need to have a good discussion together, a true collaboration partnership.

It's extremely important that we have a fulsome consultation with all relevant stakeholders and governments to ensure that the strategy is effective and can be efficiently implemented. The strategy could also include proper guidance for industry and facilities like Dan-X to see that these lamps and bulbs, through their full life cycle. This would further promote best management practices for industry. And it's possible that we could see take-back requirements across the country. I personally hope we will see a strong educational awareness campaign.

If you look at the LightRecycle outreach program used by multiple provinces across Canada, they're now diverting a significant number of mercury-bearing bulbs. Since 2010, over 12.5 million lights were collected across Canada. Now imagine what we could do if we have a robust national strategy and were making folks aware of this issue across the country.

The bottom line is that a piecemeal approach in Canada will not work. Mercury has the ability to undergo long-range transport. That means that mercury deposited into a Halifax landfill could potentially re-deposit somewhere in Northern Canada. Mercury does not respect provincial boundaries.

Now is the time for real environmental leadership.

With a robust national strategy and the consultation and cooperation of stakeholders, indigenous and other levels of government, we can ensure the safe and environmentally sound disposal of lamps containing mercury. I hope we can continue to work together in the house and in this place to protect our Canadian lands and waterways for future generations.

Thank you again, Mr. Chair and members of the committee, for your consideration today. I look forward to answering your questions and having a great discussion on Bill C-238.

The Chair: Thank you, Mr. Fisher, for that presentation.

We'll now go to questions. I'll begin with the deputy chair.

Senator Massicotte: Thank you, Mr. Fisher. I'm trying to understand why we need to consider and pass a law to ask the government what I would have thought they should do irrespectively. Could you comment on that?

Mr. Fisher: Thank you very much for the question, sir. This is an interesting one because I would have thought the same thing when I first took this on. The levels of jurisdictions are really incredible. We have a municipality responsible for certain parts of this, a province that has their own jurisdiction and a federal government that has theirs. If we were just to form federal regulations, they would not be successful. The federal government, in my opinion, should not be prescriptive and these are some of the things members of our environment committee talked about. We talked about making sure that this has a chance to succeed, that we don't have a federal government coming in and just putting their fist down saying "thou shalt do this." This is something where we must, in the opinion of our committee, respect the jurisdictions of the provincial, municipal and indigenous governments.

Senator Massicotte: So if you pass a federal law, that corrects the apparent jurisdictional conflicts?

Mr. Fisher: You can't take away the jurisdictional rights of the municipalities and the provinces. It wouldn't be enforceable if you just made a federal law dictating that was their jurisdiction, where they had the right to dictate how they do it.

Senator Massicotte: How did the government feel about it? Did the minister vote in favour of your bill in the House of Commons?

Mr. Fisher: Yes, the bill passed in the House of Commons, 292 to 10, with the Bloc the only group not supporting it.

Senator MacDonald: Good morning, Mr. Fisher. Good to see you here, Darren. He is also my member of Parliament. It's good to have him here.

I have so many questions on this. The first one is: Are facilities like Dan-X replicated across the country?

Mr. Fisher: First off, let me thank you very much for your encouragement. We run into each other quite often at the airports as we're flying back and forth. You've been encouraging and have offered some good thoughts on this bill. I thank you for your contributions.

Dan-X was the first one I've seen, but there are a handful across the country that do similar work. Dan-X recycles almost 100 per cent of the bulb with very little for final disposal. They've got markets for everything that they break this bulb down to. There are some facilities that do light bulb recycling that don't have end-of-life markets for every piece but do good work. I would suspect you may get witnesses later on this morning that may have some intimate details on this. There are other plants, but only a handful in the country.

I see it as a very good business opportunity because I don't think it costs a lot. I believe for Dan-X it was somewhere around \$50,000 to \$100,000 to set up their small plant.

It's something that would be a very good option — not to predispose an outcome of a strategy — but it's not an expensive process to start and it would be a great thing for a young entrepreneur.

Senator MacDonald: You mentioned, rightly so, that this is a multi-jurisdictional issue. What has been the response so far from the provincial government in Nova Scotia and other provincial governments? Have you been in contact with them on this issue?

Mr. Fisher: We've talked to individual members but not in a formal setting, just casual conversations. Because this bill is a beginning, a discussion where everyone is included and no one is excluded, there has been nothing but positive support so far.

Senator MacDonald: If it doesn't pass, what would the implications be?

Mr. Fisher: Again, not to predispose an outcome, because we don't really know, and you don't want to go into a consultation and form a partnership with all the various groups, the environmental groups, the provinces, the municipalities and indigenous governments with a predisposed outcome. You don't want to go in and say, "Okay, this is what we're going to do, now help us to do that."

It's best to go in as a true partner and say, "There are people in B.C. doing some great things, people in Ontario doing great things, take back programs, et cetera." There are so many groups doing wonderful things. It's almost like it's a patchwork of services across the country.

Having a national strategy will bring that all together but I think that going in with an expectation of what that strategy should look like is detrimental to the beginning of a partnership.

Senator Seidman: Thank you very much for your presentation, Mr. Fisher.

I must admit that I am surprised and almost confused. As you said, the previous government, the Harper government, put incandescent bulbs on a very short life cycle. My understanding of the

implications of that would have been that something would have happened in terms of phasing these out and managing the pollution impact of the mercury.

The provinces and territories regulate waste management operations and facilities, as well as the end-of-life management of waste products. The municipalities collect and manage waste for recycling and disposal. In fact, I know in my condo building in Montreal we have special disposal units for these bulbs.

What happened? Why aren't the municipalities already addressing the problem with bylaws and waste disposal options at the local level?

Mr. Fisher: That's a fabulous question and I asked the same one when I was a councillor for Halifax Regional Municipality. I said, "Why can't we just do this?" It has to do with including all of the levels of jurisdiction and making sure that everyone is on the same page.

The previous government, to the folks that were around a while back in previous governments, I've asked those questions. They said, "We always felt that we would get this done. It just never happened." Best intentions, right? I talked to MPs that have been around for 12, 14 or 15 years and they all felt this was something that was going to happen. It just never did.

Again, there were federal discussions all the time on mercury. There was one particular one, though I can't recall which, that actually took light bulbs out of the equation when they were talking about mercury specifically because of the jurisdictional issues.

So it's disappointing that this hasn't come forward, but it's time to sort of move forward now and come up with that strategy so that we can actually get this done. Again, we have a patchwork of services being done by people that really care, including incredible environment groups. We have EfficiencyOne in Nova Scotia that now has a volunteer take-back program, but we still have, according to the most recent census figures, 10 million urban homes using CFL light bulbs. Let's say that there are five or six CFL light bulbs in every one of those urban homes. That's 60 million.

The fluorescent tubes that you see up in the corners, every warehouse and mall in North America uses these four-foot, three-foot and two-foot tubes. There are millions. In my office alone in Confed, there are 30 four-foot tubes.

I'm 51 years old. We've been using four-foot fluorescent tubes since I was a boy. We did not know the effects of mercury back then. I can recall, I'm sorry to say, standing there pretending you're holding a lightsaber with these four-foot tubes and smashing them. I think probably a few people around the room could remember seeing stuff like that.

The fact that we don't have these regulations and that we've never sat down with all the partners at the table and really hammered out a plan for how we're going to deal with this is sad. But it's understandable. These are not easy things to accomplish.

Senator Seidman: Do you think that the national strategy would somehow incorporate issues like the phasing out? We haven't been very successful in these attempts at phasing out mercury light bulbs.

Mr. Fisher: The light bulbs themselves are not a problem if their end-of-life is handled properly. They are inexpensive and energy efficient. For LED light bulbs, I pay \$6 at Costco for one light bulb. You can't expect all Canadians to be able to afford a \$6 light bulb.

Having a cheap, energy-efficient light bulb is not the problem. It's how we handle its end of life. Regardless of whether we're phasing these out, think of the stats I gave you: If we have 60 million CFLs in urban homes, that's not even taking in all of rural Canada or all of Northern Canada. There are 30 light bulbs in my office multiplied by 338 MPs, and in millions and millions of square feet of warehouse space, there are hundreds of millions of these light bulbs that, if we just stopped using them today, they would still end up in the landfills.

Senator Seidman: It's not very realistic to imagine we're going to stop using them today.

Mr. Fisher: We're not going to stop using them today. We may stop using them someday when better alternatives come out that people can afford, but we need to deal with the fact that we have hundreds of millions of these light bulbs in the market now.

The Chair: It's interesting — I would like to ask you a quick question. You talk about all the light bulbs in the MPs' offices.

Mr. Fisher: That's my math as well. I can speak for my office. I can't speak for senators' offices or other MPs' offices.

The Chair: I agree with your arithmetic. I'm fine with that.

Does the federal government actually dispose of the light bulbs that are in their purview in an environmentally sensitive way, or do they go to the landfill?

Mr. Fisher: Thank you for that question. I've brought this up numerous times with the minister and with anyone who will listen under what we call greening of government services, and I've brought up numerous examples of things we're doing wrong. I believe we're not doing that correctly as a federal government. I think we've got a way to go.

I don't think very many municipalities recycle their light bulbs within their own buildings. Again, it's disappointing. I think it's just life. I use the example of the Minister of Environment on a regular basis walking into the restroom in centre block in the middle of winter and the window is open because the heat is blazing. It's about the greening of government services. We need to find a way. Let's hand the kudos out to all these environmental groups that do these things and spread this message across the country.

This patchwork isn't working but it's getting better. We're seeing a real increase in the recycling of light bulbs but that's no reason to say I guess we don't need a strategy.

The Chair: Thank you.

Senator Galvez: Thank you so much. This is very interesting, and I think it's important that we take this toxic product, mercury, out of society.

If this is happening with light bulbs, are you saying that we have to do exactly the same for batteries because they are not considered under federal law? Will we have to issue the same thing for every single product that contains toxic products?

I'm very confused. Sorry, I'm a new senator.

Mr. Fisher: I'm a new MP.

Senator Galvez: Okay, good. Mercury is a toxic substance that is in the priority list of environmental protection, and the responsibility is given to the producers, citizens and recyclers. This has been working like this in the past for batteries and for other products.

Why, in the case of bulbs, do we have to do a specific bill? Does that mean that we have to do the same for all the rest?

Mr. Fisher: I would suggest that we should be aware of anything that contains mercury. Batteries are fully recyclable as well. This bill speaks to light bulbs specifically, but I totally agree with you. We need to be very cognizant of what we have in our environment when it contains mercury. We need to have plans for all of those.

We need to have strategies to make sure we do not throw something in the garbage that — I don't throw my batteries in the garbage. I have a box of batteries in my garage. I don't really know what to do with them, but I won't throw them in the garbage.

Senator Galvez: If we talk about just mercury, we know that every time we excavate for a dam in Canada, there are tons of mercury released. It takes 50 or 100 years to be reabsorbed.

Mr. Fisher: It doesn't reabsorb.

Senator Galvez: Thank you.

Mr. Fisher: It bioaccumulates. You're absolutely right.

Senator Galvez: If we are worrying about mercury and we say, "Okay, we are worried about mercury in these batteries and bulbs," and they are tiny concentrations, why don't we worry about the mercury when we excavate tons of soil and contaminate the fish and the water? We are putting at risk the health of the Aboriginals who eat salmon three or four times a week.

Mr. Fisher: I agree mercury is a major issue. It's being discussed in so many environmental groups around the country. This bill speaks to the light bulbs, but I absolutely agree; maybe the next time I get an opportunity to do a private member's bill.

Senator Lang: I would like to, first of all, say thank you for bringing that private member's bill forward. It certainly deserves a public conversation.

My first question is regarding when you spoke in your opening remarks about this organization in Dartmouth. It talks about this facility recycling the mercury-bearing light bulbs and lamps and making use of the valuable components.

My question is: Is this a profitable organization, or is somebody subsidizing it?

Mr. Fisher: It's not subsidized. They did it all with their own money. It's interesting: This entrepreneur was watching a *National Geographic* special on mercury, and it was specific to light bulbs, not specific to other mercury-bearing things.

Then he basically went on Google and looked it up. He was also told that regulations would be coming down the road, so he went ahead with his own money and started his own plant.

Is he profitable? I'm not sure.

Senator Lang: Is he still in business?

Mr. Fisher: He's still in business. He has other recycling businesses, and other environmental businesses. I don't know if his plant is profitable but his capacity is — he's got more capacity than he has bulbs. Now he's getting with EfficiencyOne through Nova Scotia Power. All their bulbs are going to Dan-X because they're the only recycler in the province for light bulbs. So I would suggest the business model is profitable.

Senator Lang: That was one question. Across the country, every jurisdiction has differences and to have a facility of this kind, you have to have a major centre versus a rural centre. For example, I come from northern Canada, and the number of light bulbs that you're speaking of here is probably less than the number of MPs that are disposing of light bulbs in some ways.

The point I'm making is that I think we have to be very careful when we pass this type of legislation to know what the financial implications are in concert with your objectives. Have you done any financial estimate of what would be required? If we pass this legislation, I would assume a facility such as you've described in Dartmouth — not Halifax — would have to be put in place across the country. Subsequently, there will be financial consequences, primarily to the provinces and the municipalities.

Mr. Fisher: The bill itself is the discussion. The bill itself is to put the people in the room to sit down and come up with a plan. The bill may not be recycling facilities all across Canada. It's for the discussion group to come forward with a plan. The bill will never predispose an outcome that such is what we're going to do.

That being said, the challenge of rural areas — the strategy may speak to the rural and northern areas much differently than it does to the urban areas. This bill doesn't speak to what the strategy will be; it speaks to putting the group together to form the strategy.

But your comments are absolutely valid, because we're going to see potentially different types of facilities. You don't have the dense populations in the rural and northern areas that you have even in Dartmouth. A lot of people don't realize that the most densely populated federal riding in Atlantic Canada is Dartmouth–Cole Harbour. Most people would not assume that. We don't have rural areas, so Dan-X is situated right in the middle of the most densely populated area in Atlantic Canada.

It works for them, but it might not work in northern regions or rural areas. You're not going to be able to envision citizens shipping their light bulbs 150 miles to get to a recycling facility, so the strategy will need to take that into consideration.

Senator Lang: I have two quick questions. In April 2007, Canada ratified the Minamata Convention on Mercury, which you're probably aware of. Is that correct?

Mr. Fisher: What date did you say?

Senator Lang: April 2007, according to my information. In part, the convention says it would commit parties to prohibit by 2020 the manufacturing, import or export of CFLs for general lighting purposes that are 30 watts or less. What implication does that have in respect to the quantity we're talking about today as opposed to 2020?

Mr. Fisher: The Minamata convention has not been ratified by the 50 countries. It needs to be before becoming law. Canada was one of the ones — I was not aware that we had just ratified that in April. There were 25 to 30 countries that had ratified it, and they are waiting for 50. We're not at that stage yet where this is going to become convention.

I'm not sure of the implications of the Minamata. I'm not sure if it speaks specifically to the strategy, but again, it would be one of the things that I would hope would complement the strategy.

Senator Lang: Just one further question. This is closer to home. I'm a bit concerned about what you said in your opening remarks. You said, "mercury has the ability to undergo long-range transport. That means the mercury deposited into a Halifax landfill could potentially deposit somewhere in northern Canada." What makes you make that statement?

Mr. Fisher: Mercury at room temperature is vapour. You can throw a light bulb into a landfill in Halifax, and if it becomes room temperature, it's vapour. I think I said 1,100 kilograms of mercury go into landfills in Canada each year. Those are stats from somewhere around 2009-10. There were also 200 kilograms in the air each year from dumping light bulbs in landfills.

Mercury is bioaccumulative, it doesn't break down and it's a vapour when it's at room temperature. We're talking about pretty dangerous stuff. So, yes, you could deposit something in a landfill in Toronto, and it could end up in Northern Canada. Scary stuff.

Senator Wetston: I have to compliment you for doing this. I'll just give you a bit of a preamble here, which is about something that has bothered me for a very long time regarding some of these issues, and that is the incredible fragmentation we have in this country among federal, provincial and municipal governments to get important work done. It's a challenge in many areas of our society, and I really wish that somehow or other I could rewrite the original BNA Act to clarify some of these matters from the point of view of our society today.

That's a preamble, sorry, chair, but I just had to get it off my chest. This is a good example of that.

You've attempted to, as I say; you have your private member's bill. Let me ask you a couple quick questions.

There are two parts to this, from what I can see. The important part is the collection and disposal of these CFLs. I'll just call it that. There's a health issue here — an important one. I'm wondering and asking what you're doing on the health-related side of this. We all recognize that mercury is a chemical that really makes people sick, and it will continue to do that. Senator Galvez was more or less getting at that. It's not only in bulbs. I would suggest that it's in many of the fish products that we eat every day. As you more or less addressed for the Aboriginal people, but it's not just them.

Mercury is a highly toxic substance. I'm wondering about the health-related part of this. Where's the Minister of Health on this? Where are the provincial ministers on this particular issue? This is as much a disposal issue as it is a health issue. Can you comment on that?

Mr. Fisher: To some degree I can. You're absolutely right: This is something we need to be seized with. I share your frustrations in getting important legislation done because of the jurisdictions. We could all go back to Confederation and maybe we could change some of that.

I would suggest that our minister, who is a family physician, is very seized with the issues of mercury. You mentioned mercury in fish. Mercury goes right up the food chain. As one fish is eaten, that mercury is in the next fish. It goes right through the food chain. This is a huge issue, and it's one we need to tackle in more ways than one. There's a lot of good work going on, but there's still so much more to do. This could be one of the problems of our generation.

Senator Wetston: There are many different types of lighting options. For example, in Ontario, I think the previous government put in place legislation eliminating the use of CFLs by a certain date, and I'm not sure what that date is. I think you cannot sell them or can't use them —

Mr. Fisher: CFLs? Incandescents, I think.

Senator Wetston: Right. Thank you. Then you have halogens, LEDs, fluorescent lighting. What do you do with all of those? Do they end up in a landfill somewhere? It's a nightmare for me to picture this, but what happens to them?

Mr. Fisher: LED light bulbs are the new wave. They're expensive, very efficient and last a long time. They are also 100 per cent recyclable. They do not contain mercury.

Senator Wetston: Do any of the other bulbs contain mercury?

Mr. Fisher: All of the fluorescent light bulbs. CFL or a compact fluorescent contains mercury and all of the tubes do. I'm not absolutely certain about halogens, but I don't believe so.

Senator Wetston: I think Senator Lang was getting to this issue regarding Minamata. My information is that the federal government published a code of practice for the environmentally sound management of end-of-life lamps containing mercury. That's not good enough?

Mr. Fisher: No, it's a voluntary program. It's excellent; it's really good. It's great when you're working with the provinces and the municipalities to give some guidance and some direction, but again, because of the fact that different levels of government have different jurisdictions, this is purely voluntary.

One thing we didn't really touch on today was the public awareness. This bill has brought forward public awareness across the country and a lot more back home in Dartmouth–Cole Harbour. Now people are asking the question: What do I do with my bulbs?

The fact we're talking about this nationally is going to add to the number of bulbs that we recycle. It's putting it out there to the public. The public education portion of this is huge.

The code of practice offers that. It is one of those things, however, that will work in conjunction with the national strategy but it's a voluntary practice and it encourages people to do the right thing. I will tell

you that there are people out there who look at the bulb, they open the bag, they throw it in, it goes to a landfill. It's easy. There are no rules that say I must do otherwise.

Senator Fraser: Thank you for this, Mr. Fisher. I have two questions. The first is picky. We're talking around this table about light bulbs, but your bill talks about lamps. Why?

Mr. Fisher: Because they call a mercury-bearing light bulb a lamp.

Senator Fraser: In law and all the regulations? It is confusing for those of us that —

Mr. Fisher: Yes. When I originally named the bill, it was originally named light bulbs.

Senator Fraser: And they got to you.

Mr. Fisher: For instance, there are some mercury-bearing things that are clearly not light bulbs. You're absolutely right; you're technically right. We look at this as a light bulb bill.

Senator Fraser: Okay. You answered this a bit when you were answering Senator Lang, but I'd like to get a better fix on how Dan-X, the plant in Dartmouth, gets its supply of bulbs to be recycled. It seems to me that the really the big problem is getting the bulb from my house to the recycler. How do they do it in Dartmouth?

Mr. Fisher: Fabulous question. I love talking about Dan-X because I see them as the little engine that could. When they first started, they had no feed stock. They had no light bulbs coming in, other than the fact that they would speak to whomever they could speak to, go to trade shows and tell whomever they could.

They got a fairly good booth when the Halifax Regional Municipality chose to recycle all of their light bulbs. There were also some one-off programs through Efficiency Nova Scotia, which is now called EfficiencyOne, where they might go in and go to a warehouse and trade out mercury-bearing light bulbs and they would take them to Dan-X. One of the owners of Dan-X told me a story one time. He was driving through the streets of Burnside and he saw this guy dumping mercury-bearing light bulbs into a big bin — four-foot tubes — and they would break when they hit the bottom of the bin. He was outraged. They were working for an environmental group that was replacing with LED light bulbs. The knowledge isn't there or wasn't there at the time. It's irony of ironies that you would see this guy, who had just opened a plant, looking for feed stocks.

The regional municipality agreed to take their spent light bulbs to Dan-X. Dan-X had to win the contract and they were the only ones to apply for the contract because they were the only recycler. They did the process right way. After that Halifax Water followed suit. They said in all of our buildings that we own, we'll take all bulbs to Dan-X. Keep in mind, the capacity of a landfill is X number of tonnes. If you took X number of tonnes of light bulbs out of a landfill, that's capacity that you now have to put other things that go into the landfill. You are, in fact, almost saving money because you're extending the life of your landfill by taking things out of it that are recyclable and reusable.

After Halifax Water, and after seeing an article in the newspaper, the local Walmart started taking their bulbs to Dan-X. I can tell you, I've seen pallets and pallets. When they get a new light bulb, the old light bulbs go in a box, they put them on a pallet, wrap it in plastic and send it to Dan-X. They're growing. They were at 7 per cent capacity. They're not profitable at 7 per cent. I don't know where they

are today but now with EfficiencyOne working through Nova Scotia Power, their feed stocks are up significantly.

Senator Fraser: But they don't have local collection sites.

Mr. Fisher: There are local collection sites in our municipality they are voluntary. For instance, at the Irving-owned Kent hardware store, there's a bin outside. It's voluntary. It's important that we let people know about these voluntary take-back programs because they're wonderful. Even with the best of intentions, 50 to 70 per cent of our light bulbs in Nova Scotia are still going to the landfill.

The Chair: I have two more questioners and two more supplementals. I'm looking at the clock, so I'm asking people to think about that when they ask their questions.

Senator Cordy: In light of that, thank you, since I'm not a member of the committee, for allowing me to ask a question. Darren Fisher is also my MP and those of us from Dartmouth-Cole Harbour are hoping the Stanley Cup comes back to Dartmouth this summer with our hockey star Sidney Crosby.

I'm very pleased that this is a national strategy and not a federal strategy because there's a distinct difference. All levels of government will work together.

Mr. Fisher: It will be the difference between success and failure.

Senator Cordy: I totally agree with that, and whether or not people will buy into it or not.

When you spoke to us earlier, following up on Senator Wetston's comments, we've done very little in educating Canadians on the danger of mercury in light bulbs and many people, I would guess, wouldn't even realize there's mercury in light bulbs. That's going back to your comment about people just throwing mercury light bulbs into a bin and they're breaking upon impact. And you said there's 1,150 kilograms of mercury going into Canadian landfills each year.

I know you don't want to prescribe what would be in the discussions between the municipalities, provinces and the federal government in developing a national strategy, but do you think that perhaps education could be part of that strategy?

Mr. Fisher: It is.

Senator Cordy: Because I think it's extremely important that Canadians recognize the dangers of mercury leeching into our land.

Mr. Fisher: Absolutely. It has to be part of the strategy. In fact, it will probably be one of the most important parts of the strategy. You've noted that the government has not done a good enough job of alerting Canadians to the dangers of mercury overall, and in light bulbs. The environmental groups have done some great things; they have been pushing this for a long time. But their voice isn't as loud. They don't have the ability to coalesce their voice. We need to do better. This bill has to have a public awareness and public education aspect, in my opinion.

Senator Cordy: During debate in the Senate Chamber, a question was raised by one of our colleagues, Senator Bellemare, who asked why this bill is being brought forward by an MP and not by the minister. I wonder if you could answer that question.

Mr. Fisher: The day after our minister was named for environment, I made sure I was very vocal in the fact that this was something I was going to pursue. She was very encouraging when I told her this was something I was going to be following through with my private member's bill. She said, "If there's anything we can do to help, let us know." She was very encouraging. She knew this was a passion of mine from 2012 on, and this was going to be something I wanted to pursue.

If you ask me about, for example, if the federal government came through and said we're not going to do this as a private member's bill, we see value in this, we're going to move forward on our own, as long as they did so collaboratively with the other jurisdictions, I would have supported that.

Senator Cordy: Thank you for all the support you've done in this area.

Mr. Fisher: Thank you for being my senator.

Senator Griffin: Thanks for the initiative you've taken with Bill C-238. Congratulations to you. I know how difficult it is to get a member's bill up through the process and to get to this stage, so that's very impressive.

You may or may not be familiar with the Waste Watch program in Prince Edward Island. When I was a deputy minister, this became an island-wide or province-wide project. Almost 80 per cent of the waste stream was diverted into either recyclables, compostables or the energy from waste plant. One of the side components of that, as part of the recycling, is the gathering of hazardous waste at certain depots throughout the province.

Basically what I'm saying is that you're going to find when the strategy is developed that there are a lot of components out there that are already highly successful. In this case, this one is on a provincial basis because the municipal governments don't handle waste. It's done in this one central program with a high diversion rate and very little going into a landfill as a result. You can imagine how hard it is to get a new landfill site.

Anyway, I do have a place to put my batteries, so if you want to bring yours to me, I can take them for you.

Mr. Fisher: I may take you up on that next week.

Senator Griffin: It goes into the P.E.I. hazardous waste system as part of the larger Waste Watch program. It's highly successful and with the high diversion rate, we're tops in the country for waste in general, and probably also for hazardous waste, because we're mostly a rural area. It's working both in the rural and urban areas.

It's very successful because it reaches everybody. Whenever you pick up something, you have to think about where you're going to put it at first, so you get trained and you know automatically where you're putting it. It's picked up and put in the system. Anyway, congratulations.

Mr. Fisher: Thank you. If I can comment on Prince Edward Island, congratulations on that. That's incredible. I would suggest that, if and when we get to the stage we're sitting down with partners around the table, we will be looking at all of the successes across the country to find a way to make sure the strategy reflects the good things being done. If P.E.I. is doing it, there's no reason why other provinces can't do it. Congratulations on that. I never miss going to P.E.I.; I'm there every summer.

Senator MacDonald: Thank you. You touched upon it, but I'm going to back to the point about public awareness. To put together a public awareness campaign, should the campaign be narrowly about mercury lamps alone or should it be broader? Senator Galvez mentioned every time we build a dam or go deep in a lot of parts of this country building something, we're going to expose mercury.

We know that for decades now there's been an issue with mercury in swordfish on the East Coast. Should we actually be looking at a broader campaign here in terms of public awareness of mercury itself? It seems to be an omnipresent issue.

Mr. Fisher: With this bill, the strategy will be specifically for the disposal of these bulbs. Dealing with the issue of mercury in swordfish is a component of the fact that we've been potentially throwing mercury into our landfills for decades and decades.

This is not a problem that's going away easily, but this is one way to put a plug in that hole and start to get that extra 1,150 kilograms out of Canadian landfills. Certainly, public awareness on the dangers of mercury is very valid and probably much needed. It's in the news almost every day. If you Google mercury, it comes up every day. Again, I said earlier to Senator Wetston, I believe, that it's an issue of our generation, for sure.

Senator Wetston: This is as much a comment as a recommendation. As you know, electricity gets to homes, industries and commercial organizations through a local distribution company. They deliver the electricity, which lights the lights, if I can put it that way.

My suggestion, because of the fragmentation issue that I discussed, is these utilities have a great deal of direct contact with customers. They have the closest contact to people in their communities because they deliver the electricity and send you a bill. They do a great deal, at least they do in Toronto. I see it a great deal that Toronto Hydro, for example, takes a big role in communication and public awareness.

My suggestion would be that you might focus more, if you could, on those particular utilities, and also the energy boards that regulate them. They're very concerned about this area as well. I'm sure they would be for the health-related issues, being government bodies. I'm just making a recommendation that, if you haven't, you might consider focusing on those areas.

Mr. Fisher: It's a fabulous suggestion. I will say that Nova Scotia Power, our public utility, has partnered with EfficiencyOne and they are paying for the recycling of the light bulbs from their customers. They are collected by EfficiencyOne through some of the local hardware stores. Again, it's voluntary but it's a good thing.

You're right; they have that ability to reach out to all of those customers. Let's say in the Halifax Regional Municipality there are 185,000 homes or units. They all get their power or, at least, I'm going to say, in the high 90s percentiles, that they're getting their power from Nova Scotia Power. You're absolutely right; they've got that connection.

Senator Lang: I just wanted to follow up on Senator Griffin's point about hazardous waste and general collection. That's similar to what happens in our jurisdiction as well. My understanding is that, at least for electronic and other products, there is a surcharge that is put on not just in Yukon, for example, but across other provinces as well. That then allows for the cost of collecting this hazardous waste and then transporting it down to some particular facility that may process and do away with it. Do you have any comments on that? It seems to me that some of this is already being done.

Mr. Fisher: Absolutely, senator. That's extended producer responsibility, or EPR, and it works. It's fabulous. We have it on electronics and on tires. When I was a councillor we talked about putting it on mattresses, so that when you buy your mattress you pay a \$9 surcharge on that. Right now, you pay \$4 on a tire. That doesn't mean the tire doesn't end up burned out in the woods; it just means that someone paid a surcharge on that. EPR is excellent.

This bill does not speak to the strategy being EPR, but when it is formed it very well could be EPR. It could be a national strategy on light bulbs that involves extended producer responsibility. Again, the bill itself doesn't speak to the strategy would be; it speaks to forming the strategy. You're right; it works. I think it's fabulous but I'm not going to predispose an outcome that the provinces, territories, municipalities, indigenous governments and the federal government are going to suggest that's the way to go across the board for the whole country, but it very well may. I agree with you.

The Chair: Well, thank you very much, Mr. Fisher. That was very interesting. There were some good questions and very good answers. We appreciate that.

In the second portion of this meeting, we are continuing our study on Bill C-238. For this second segment, I am pleased to welcome from Environment and Climate Change Canada, Mr. Marc D'Iorio, Director General, Industrial Sectors, Chemicals, and Waste Directorate. From Take Back the Light, we have Ms. Jo-Anne St. Godard, Executive Director; and Jodi Houston, Production Manager. By video conference, from Product Care Association, Ms. Mia-Pascale Marchand, Director, RecycFluo Program.

Thank you for joining us. You have some opening remarks. We will start with Mr. D'Iorio, followed by Ms. Jo-Anne St. Godard and Mr. Ms. Houston, and last but not least, Ms. Marchand.

Mr. D'Iorio: Thank you to the committee for the invitation to appear here today to contribute to your study of Bill C-238. Thank you to Mr. Fisher for bringing the bill forward as well.

(French follows — Mr. D'Iorio cont'g: Pour commencer . . .)

(après anglais — M. D'Iorio cont.: ... forward as well.)

Pour commencer, j'aimerais donner un aperçu de la gestion actuelle du mercure au Canada et j'expliquerai ensuite le lien entre les processus actuels et le projet de loi C-238.

(anglais suit — Mr. D'Iorio cont.: First of all, Canada has made...)

(Following French — Mr. D'Iorio cont'g — . . . de loi C-238.)

First of all, Canada has made great progress in reducing the amount of mercury entering our environment. For example, domestic mercury emissions have been reduced by over 90 per cent since the 1970s, and many of the activities, processes and products involving mercury are no longer part of the Canadian economy.

(French follows — Mr. D'Iorio cont'g: Le Canada dispose aussi . . .)

(après anglais — M. D'Iorio cont.: ...part of the canadian economy.)

Le Canada dispose aussi de lois et de règlements pour restreindre, interdire et contrôler le mercure. Par exemple, la stratégie de gestion du risque relative au mercure au niveau fédéral, adoptée en vertu de

la Loi canadienne sur la protection de l'environnement et du Règlement sur les produits contenant du mercure, est entrée en vigueur en novembre 2015. Le Règlement sur les produits contenant du mercure impose des teneurs maximales en mercure pour les lampes fluorescentes et d'autres types et exige qu'elles soient étiquetées afin d'informer les consommateurs de la présence de mercure. Il impose également la mise en place de procédures et d'options de manipulation sécuritaire pour gérer ces produits à la fin de leur vie utile.

(anglais suit — M. D'Iorio cont.: Earlier this year, ...)

(Following French — Mr. D'Iorio cont'g — . . . fin de leur vie utile.)

Earlier this year, the Export Control List and the Export of Substances on the Export Control List Regulations under the Canadian Environmental Protection Act, CEPA, were amended to add mercury. The export of mercury is now prohibited, with few exceptions. This prohibition is consistent with the requirements of the Minamata Convention and allowed Canada to ratify the convention in April this year. Canada has been active in the international negotiations for the Minamata Convention on Mercury.

In recent breaking news, we have 50 countries now that have ratified the convention, and it will come into force on August 16 this year. It will become legally binding on all parties, including Canada. Achieving this major milestone required support from provinces and territories, as they share responsibility for meeting our obligations under the Minamata Convention.

(French follows — Mr. D'Iorio cont'g: De plus, en février . . .)

(après anglais — Mr. D'Iorio cont.: ...Minamata convention)

De plus, en février 2017, dans le cadre de l'approche du gouvernement canadien visant à réduire les émissions de mercure dans l'environnement, Environnement et Changement climatique Canada a publié le Code de pratique proposé concernant la gestion écologiquement rationnelle des lampes au mercure en fin de vie utile. Ce code de pratique est un outil d'application volontaire qui a été élaboré afin de compléter les initiatives provinciales, territoriales, municipales et autres. Le code favorise l'adoption de pratiques exemplaires pour gérer la fin de vie utile des lampes au mercure et comprend également de l'information sur les options de gestion des lampes usées. Ceci comprend des options pour réacheminer les lampes vers le recyclage dans les régions éloignées et du Nord, là où l'accès aux installations de recyclage et d'élimination est limité.

(anglais suit — Mr. D'Iorio cont.: In Canada, work on extended...)

(Following French — Mr. D'Iorio cont'g — . . . est limité.)

In Canada, work on extended producer responsibility, or EPR, is also under way. The federal government and all provinces have committed to implementing a Canada-wide action plan on EPR, approved by the Canadian Council of Ministers of the Environment in 2009. This plan aims to divert products from landfills and increase recycling in a broad range of products, including mercury lamps.

Extended producer responsibility encourages manufacturers and exporters to assume greater financial responsibility for the management of waste. Provinces have the necessary authorities in place to implement extended producer responsibility programs, and options for northern territories continue to be

explored. To date, British Columbia, Manitoba, Quebec and Prince Edward Island have implemented mandatory programs to collect and recycle mercury lamps.

I will now turn to Bill C-238 and how it would contribute to the aforementioned efforts.

(French follows — Mr. D'Iorio cont'g: Le projet de loi . . .)

(après anglais — Mr. D'Iorio cont.: ...aforementioned efforts.)

Le projet de loi traite d'une source particulière de pollution par le mercure, soit les lampes. Le mercure est un composant essentiel de certaines lampes écoénergétiques, comme les ampoules et les tubes fluorescents. Ces lampes contiennent une quantité relativement petite de mercure qui peut être libéré quand une lampe se brise ou est inadéquatement éliminée. J'aimerais souligner plus particulièrement trois aspects du projet de loi.

(anglais suit — Mr. D'Iorio cont.: First, the bill would require...)

(Following French — Mr. D'Iorio cont'g — . . . projet de loi.)

First, the bill would require the Minister of Environment and Climate Change to develop a national strategy for the safe and environmentally sound disposal of lamps containing mercury, in cooperation with provincial, territorial governments, indigenous governments and other interested governments. This is important, given the shared jurisdiction for matters related to waste management and environmental protection.

Although, as previously described, a number of initiatives to address lamps that contain mercury are already under way in Canada, cooperation among all levels of government will promote a consistent nationwide approach for the safe handling of these lamps.

A national strategy would build on existing areas of cooperation, responsibility and the respective strengths of various governments to effectively address gaps and make timely progress on this issue.

(French follows — Mr. D'Iorio cont'g: Deuxièmement . . .)

(après anglais — Mr. D'Iorio cont.: ...timely progress on this issue.)

Deuxièmement, le projet de loi exigerait que le ministre prenne des engagements auprès des personnes ou des organisations intéressées, telles les ONG environnementales et l'industrie, pour l'élaboration de la stratégie nationale. Cela permettrait au ministre de mener des consultations approfondies pour créer une stratégie nationale efficace, car la protection de l'environnement est une responsabilité commune à tous les Canadiens.

(anglais suit — Mr. D'Iorio cont.: Third, the bill sets out...)

(Following French — Mr. D'Iorio cont'g — . . . a tous les Canadiens.)

Third, the bill sets out three elements of a national strategy, but we have a non-exhaustive list. It is important to start with a non-exhaustive list, as it creates the space to develop a national strategy. Our experience working with all our partners suggests that flexibility is important when developing a national approach to issues that are of shared jurisdiction to accommodate existing ongoing initiatives.

(French follows — Mr. D'Iorio cont'g: Encore une fois, je vous . . .)

(après anglais — Mr. D'Iorio cont.: ...existing ongoing initiatives.)

Encore une fois, je vous remercie de m'avoir invité à témoigner aujourd'hui. Si vous avez des questions, il me fera plaisir d'y répondre.

(anglais suit — Chair : Thank you. Next we'll go to...)

(Following French — Mr. D'Iorio — . . . plaisir d'y répondre.)

The Chair: Thank you. Next we'll go to Ms. Jo-Anne St. Godard.

Jo-Anne St. Godard, Executive Director, Take Back the Light: Good morning and thank you for the opportunity to present to you on Bill C-238. For clarity, the organization that Jody and I work for is called the Recycling Council of Ontario. They own, operate and had created the program called Take Back the Light. I'll speak to that in my comments this morning.

The Recycling Council of Ontario has followed and contributed to this bill along its path and is encouraged by the support it has received to date. Our organization has spent four decades supporting effective waste reduction and circular economic policies and practices. As independent experts in our field, we are known for supporting policy that is focused on pollution prevention, waste reduction and resource efficiency. We have a history of bringing together private and public sectors to help shape and implement Canada's renowned blue box recycling program that now services millions of residents and collects valuable material for recycling that was once treated as waste and lost to disposal. For that work, we were recognized with a United Nations environmental leadership award.

Our experience in the recycling arena now includes the management of products containing mercury, including lamps. For that reason, we were commissioned by Environment Canada in 2016 to develop the proposed code of practice for the environmentally sound management of end-of-life lamps containing mercury that was spoken of earlier this morning. We undertook extensive consultation with stakeholders from across Canada, including industry and government, and with them, examined global practices.

Our research indicated that Canadians care about environmental protection, which is demonstrated through consumer response to the introduction of mercury-containing lamps and their role in energy-conscious lifestyles. Now, millions of Canadians use compact fluorescent lights in their homes, but often overlooked is the number of mercury-containing lamps used in commercial and institutional sectors. The lighting industry estimates that more than 40 million mercury lamps are sold into office towers, malls and hospitals across the country every year.

In all, there are approximately 85 million mercury-containing lamps sold in Canada every year, which represents 300 kilograms of mercury, 20 million kilograms of glass, 287 kilograms of phosphor powder and 295,000 kilograms of metals. The majority of these potentially toxic and valuable resources are currently lost to disposal.

Currently, there are limited regulations and virtually no guidelines, information or resources to ensure safe collection and proper recycling of these lamps.

While there are labelling requirements that indicate when mercury is present in a lamp, the lack of materials management strategy to keep them from disposal makes labelling inconsequential.

Therefore, Bill C-238 provides an important first step in advancing lamp management practices and facilitating awareness on how they should be managed. An end-of-life strategy makes sense and is particularly prudent.

In April 2017, Canada ratified the Minamata Convention on Mercury, a global treaty to protect human health and environment from the adverse effects of mercury. However, despite making this worthy commitment, there have been limited efforts undertaken to ensure the safe management of products that contain mercury, including lamps.

Despite efforts of provinces, territories, First Nations communities and municipalities who are on the front lines of waste management, the national disposal rate of mercury-containing lamps is estimated to be a concerning 85 to 90 per cent. This means that more than 72 million lamps are potentially polluting lands and waterways.

In the absence of a national strategy, local governments are left to their own devices to deal with mercury. The result is a patchwork of regulations, programs, standards and monitoring strategies and in some cases, mercury is being completely overlooked.

Bill C-238 nationalizes efforts and provides key benchmarks and guidelines for all levels of government to facilitate a harmonized approach and ensure maximum recovery of these materials and, therefore, equal protection for all Canadians.

There are also inconsistencies between the jurisdictions for sellers, consumers and recyclers. A national strategy can build on existing areas of responsibility and respective strengths of various government levels to address gaps, and guarantee timely advancements towards the objective. To that end, the bill commits to environmentally sound management to ensure standards of care and accountability for facilities that handle lamps.

It should be noted some provinces have used producer responsibility legislation to target hazardous products, including mercury-containing lamps. These include British Columbia, Manitoba, Quebec, and Prince Edward Island. While important, these policies and programs can fall short. B.C.'s program, despite operating in its third year, reported a recycling rate of only 16 per cent. A national strategy could include data gathering research that could set benchmarks and identify focus areas where there are deficiencies.

Canada is in a unique position with state-of-the-art recycling facilities to service the bulk of the population, facilities that employ high standards of recycling that can recover 98 per cent of the component parts of a lamp, and these are found in Alberta, Ontario, Quebec and Nova Scotia.

Regrettably, these facilities currently operate under capacity and compete with cheaper disposal options and overall lack of regulation. They could receive every lamp sold in today's market, and are prepared to make investments should the market be required to divert them all from disposal. This begins with better awareness, a central tenet of this bill.

These facilities provide important economic opportunities. International companies like Veolia are actively looking to invest and locate new lamp facilities in Canada. A national strategy encourages this kind of investment because it signals that Canada is a place to invest. Given the focus away from environmental policy in the United States, coupled with disparity of our currency positions, it is

reasonable to suggest that Canada can attract more of these types of facilities and Bill C-238 can directly support this.

RCO's work often results in the opportunity to fulfill multiple objectives of toxins and waste reduction and resource efficiency. As such, we measure environmental policy approaches by their ability to shift markets and consumer behaviours.

Since 2008, our Take Back the Light program has facilitated this shift by educating buyers to make responsible choices. Whether lighting a stadium, a subway tunnel or an office, buyers use their purchasing influence to choose sellers and retailers that extend their services to include proper recycling of these products. The program also has first-of-its-kind recycling standards that ensure full recovery of mercury and accountability of all materials to their final disposition.

Since 2008, Take Back the Light has collected 19.6 million lamps and recovered 70 kilograms of mercury, 4.6 million kilograms of glass, 70,000 kilograms of aluminum and 67,000 kilograms of phosphor powder for recycling purposes. We are immensely proud of these results.

Finally, we must consider how we account for the costs of inaction. We estimate only 10 to 15 per cent of lamps are currently being managed at end-of-life across Canada. Mercury, as we have heard today, is persistent: It bioaccumulates, and even a minuscule amount of improperly handled material has detrimental effects to both human and environmental health.

Bill C-238 is an opportunity to address an important and toxic waste issue. It sets an important example of how all levels of government and stakeholders can work together and takes immediate action to preserve human and environmental health.

We encourage you to advance it. Thank you.

The Chair: Thank you very much. Next, we'll go to Ms. Marchand.

(French follows - Mia-Pascale Marchand — Bonjour. Merci de l'occasion que vous me donnez ...).

(après anglais — The Chair : ... Next, we'll go to Ms. Marchand.)

Mia-Pascale Marchand, directrice du Programme RecycFluo, Association pour la Gestion Responsable des Produits: Bonjour. Merci de l'occasion que vous me donnez de vous parler des programmes LightRecycle et RecycFluo. L'Association pour la Gestion Responsable des Produits (ou Product Care Association) est un organisme à but non lucratif qui gère des programmes d'intendance au nom de ses membres issus de l'industrie. Dans un contexte réglementaire de « Responsabilité élargie du producteur », plus communément appelé « REP », la responsabilité de la fin de vie des produits revient aux fabricants ou ceux qui mettent en marché les produits. Dans ce cadre, les fabricants peuvent déléguer à un organisme la prise en charge en leur nom de la fin de vie des produits qu'ils mettent en marché.

C'est dans ce contexte de REP que notre organisme a développé quatre programmes provinciaux de recyclage de lampes, soit en Colombie-Britannique, au Manitoba, au Québec, pour le programme RecycFluo, et à l'Île-du-Prince-Édouard, pour le programme LightRecycle. Le premier programme à avoir vu le jour est celui de la Colombie-Britannique en 2010 et le dernier est celui de l'Île-du-Prince-Édouard débuté en avril 2015. Chaque programme est géré indépendamment des autres avec son propre

budget, ses propres objectifs et rapports. Chaque programme découle d'un règlement provincial et chaque programme a adopté par un règlement différent.

Les quatre programmes prennent en charge la fin de vie des lampes contenant du mercure. De plus, les programmes de la Colombie-Britannique et de l'Île-du-Prince-Édouard prennent en charge également tout autre type de lampe. Donc en plus des lampes au mercure, ils acceptent les DEL, les incandescentes et les halogènes.

Le financement de nos programmes.

Nos programmes sont financés par les écofrais qui sont perçus lors de la vente des produits et qui sont versés au programme. Par exemple, au Québec, il y a un écofrais de 20 sous sur une ampoule fluocompacte et d'un dollar sur un tube fluorescent de quatre pieds. Ces frais sont assumés par les utilisateurs finaux, selon le principe d'utilisateur-payeur. Par contre, une fois les frais assumés par l'acheteur, le recyclage en fin de vie sera gratuit.

Le fonctionnement de nos programmes.

Pour les petits générateurs de type résidentiel qui aurait quelques lampes à faire recycler, nous mettons à leur disposition des points de dépôt où ils peuvent rapporter leurs lampes en fin de vie. Par exemple, au Québec, nous avons plus de 800 points de dépôt principalement dans les écocentres et chez les détaillants qui acceptent des lampes au nom du programme. Pour les générateurs de gros volume, tel que les industries, commerce et institution, nous proposons deux méthodes. Si le générateur peut accumuler un certain volume prédéfini, nous allons collecter les lampes sur place. En deçà de ce volume prédéfini, les générateurs sont invités à rapporter leurs lampes dans un point de dépôt. Dans ce cas, ce sont surtout les distributeurs de produit d'éclairage qui jouent ce rôle.

Le programme prend en charge les lampes dans ses points de dépôt et les envoie chez des recycleurs accrédités. Pour être un recycleur accrédité par le programme, il faut rencontrer les normes et standards définis par le programme et avoir été audité par le programme ou une firme externe. Une fois chez le recycleur, les lampes sont broyées et séparées en leurs principaux composants, soit le verre, le métal et un mélange de poudre de phosphore et de mercure. Le verre et le métal sont acheminés chez des recycleurs en aval alors que le mélange de mercure et de poudre de phosphore est soit stabilisé et enfui sécuritairement ou dans un site spécialisé, ou distillé et remis sur le marché en temps que mercure recyclé. Grâce aux écofrais qui sont perçus le programme est en mesure d'assurer la collecte, le transport et le recyclage de ces lampes, et ce, gratuitement. Le programme fournit également gratuitement les contenants pour la collecte et le transport.

C'est également grâce aux écofrais que le programme est en mesure de mettre de l'avant des campagnes de sensibilisation au recyclage des lampes au mercure pour le grand public par le biais d'annonces télévisées et via les médias sociaux. De plus, les professionnels de l'éclairage sont informés de nos services par le biais de publicité dans des revues spécialisées et par leurs associations professionnelles. Ces efforts de communication nous permettent d'augmenter le volume des lampes collectées de 15 p. 100 en moyenne par année.

Depuis 2012, nos programmes ont permis de récupérer et recycler plus de 30 millions de lampes contenant du mercure, ce qui correspond à un peu plus de 6 millions d'unités par année.

De plus, grâce aux données collectées par les programmes, nous sommes en mesure d'affirmer que les ventes de lampes contenant du mercure sont en forte baisse. Par exemple, au Québec, les ventes de fluocompacte en 2016 ont baissé de 25 p. 100 par rapport aux ventes de 2015. Ceci est principalement dû à la très forte croissance des parts de marché des lampes au DEL depuis quelques années. De plus, certains de nos membres estiment qu'ils ne mettront plus en marché de fluocompacte d'ici 2020.

En ce qui concerne les tubes fluorescents, le parc immobilier est très important. Par contre, toute nouvelle construction se fait maintenant au DEL, ce qui occasionne également une baisse de mise en marché à ce niveau, mais moins marquée.

Une stratégie nationale sur l'élimination sûre et écologique des lampes contenant du mercure pourrait certainement contribuer à la sensibilisation des Canadiens et à l'harmonisation entre les provinces. Par contre, elle devrait prendre en considération les efforts déjà existants en matière de récupération et éviter le dédoublement ou la complexification des programmes existants.

Notez que nos programmes sont déjà conformes avec le Code de pratique pour la gestion écologiquement responsable des lampes au mercure en fin de vie utile, publié par Environnement et Changement climatique Canada en février 2017.

Je vous remercie.

(anglais suit - Le président : Thank you very much for all of the presentations...)

(Following French — Ms. Marchand — en février 2017.)

The Chair: Thank you very much for all of the presentations. They were very interesting. We will now go to questions.

I'm going to change the format so everybody has a chance to answer the questions because we have three groups here, and we have to be out of here by 10 o'clock because another committee starts at 10.

I'm going to ask to you ask one question, then we can go to second round for a second question.

I will begin with the deputy chair.

(French follows — Senator Massicotte: Merci à vous tous d'être...)

(après anglais - Le président : ... with the deputy chair.)

Le sénateur Massicotte: Merci à vous tous d'être présents ce matin. C'est un sujet important. Je crois que tout le monde est d'accord avec le projet de loi. Est-ce votre cas également, monsieur D'Iorio?

M. D'Iorio: Oui, en effet.

Le sénateur Massicotte: Je ne comprends pas pourquoi nous avons besoin d'un projet de loi pour inciter le gouvernement fédéral à démontrer un leadership sur un thème aussi évident. Pourquoi avons-nous besoin d'un projet de loi pour forcer notre gouvernement d'agir dans l'intérêt des Canadiens? Cela me semble lourd et inefficace. Pourquoi ne pas avoir agi avant si c'était nécessaire à ce point?

M. D'Iorio: Merci pour votre question. Le gouvernement fédéral travaille avec les provinces dans le cadre du Conseil canadien des ministres de l'environnement depuis plusieurs années. Certains progrès ont été constatés, mais le rythme est relativement lent en ce qui a trait à certains dossiers, dont celui-ci.

Ce que la stratégie permettrait de faire, c'est de créer l'opportunité d'amener les différents intervenants, différents paliers de gouvernement, à discuter de l'enjeu présenté. Il s'agit d'une démarche pour prouver l'importance de cette activité, de la stratégie, à travers ce projet de loi.

(anglais suit - Sén. Seidman : Thank you very much...)

(Following French — Mr. D'Iorio — à travers ce projet de loi.)

Senator Seidman: Thank you very much for your presentations. I find myself confronted with exactly the same question that Senator Massicotte proposed.

Mr. D'Iorio, you gave us quite an overview of all the things that have happened already in trying to reach the Minamata Convention that Canada ratified. And for the Recycling Council of Ontario, Ms. St. Godard, you've already developed a code of practice, looking even at global best practices. Then finally, Ms. Marchand, you have presented to us very effective approaches to recycling and standards in this country and many provinces.

I'm trying to understand why we need a piece of legislation and why the federal government doesn't simply develop a set of regulations so that we can ensure there's a concerted effort to do this. We do this in so many other respects. Again, I'm sorry, but I have exactly the same question as Senator Massicotte. Do we need to have a bill every time we need to have a concerted effort? Do we need to have a bill for a national strategy?

The Chair: I'm going to ask all witnesses to respond, if they would.

Mr. D'Iorio: I probably have a similar answer. The efforts and progress to date has been made because there have been provincial regulations that have been passed for extended producer responsibilities. That's the case in four provinces. In addition, Ontario has some voluntary measures. The code of practice we have is voluntary. It sets best practices, shows the way and goes into a lot of detail to see how you can go about recycling these lamps. The bill will help bring people to the table. It will emphasize the importance of the issue and will basically result in a strategy within two years.

Ms. St. Godard: Thank you for the question. I think our response to that would be building on what Marc has already contributed. What we see -- and what we can't say enough -- is that there is a patchwork with the pace and the comprehensiveness at which the provinces and territories have addressed any kind of product producer responsibility or even targeted pollution prevention as it relates to toxic products.

I think there's an opportunity here with a national strategy to draw focus and to set benchmarks, identify best practices so that you can leverage a common conversation and help identify mercury and these products as a priority. Hopefully those provinces and territories that haven't decided or moved forward with any kind of producer responsibility will prioritize and leverage what has been done well in other places so we've got a more holistic approach.

The Chair: Ms. Marchand, would you comment?

(French follows — Ms. Marchand: J'irais dans le meme sens..)

(après anglais - Le président : ... would you comment?)

Mme Marchand: J'irais dans le même sens que Mme St. Godard. Il y a d'importantes différences entre chacune des provinces et l'uniformisation pourrait contribuer grandement à augmenter le volume de lampes collectées.

(anglais suit - Sén. Dean : As a supplementary comment...)

(Following French — Ms. Marchand — de lampes collectées.)

Senator Dean: As a supplementary comment to the witnesses in terms of the attempt to answer the questions raised about why, I think the answer is relatively simple. And that is that often, or sometimes, governments at all levels -- municipal, provincial and federal -- need a nudge. That is the simple answer and I think that is a truthful answer and one that perhaps our colleagues here are a little bit careful about wading into. I can do that.

This is a complex area with many levels of jurisdiction, with many voluntary initiatives, with a mix of practices across the country. We've heard a fantastic story from Quebec. We've got a fantastic story in Ontario with the Recycling Council. Governments are busy. They're increasingly under pressure and stress. You know about that. They work in a noisy atmosphere. Sometimes they need a nudge. This is a nudge I think they need right now.

Simplistically, I've heard a picture in which we obviously have a major toxicity and health challenge. Unlike some other areas in science and social policy, we actually have some answers. We have facilities under-utilized. We have the ability to process. There's a gap between the feed stock and our ability to fix it.

All of the technology is here. We need to bring all of those parts together. That's what I think this is about. In this case, those parts involve the architecture and fabric of our governments across the country. That's what I've learned today.

What could this committee do in making its observations on this bill as it moves forward? What would you ideally like to see in those observations from this committee?

The Chair: Would you like to address that to all three?

Senator Dean: Yes.

The Chair: If all three could answer, please.

Ms. St. Godard: I don't think that's an obvious answer, per se. The three pillars that Mr. Fisher has identified in his bill are an excellent starting point.

To your point about this being complicated, it will take several different facets of the solution to come forward, starting with consumer and user behaviour, and understanding the kind of toxicity and potential toxicity of the product. People want to do the right thing, and they've shown they want to do the right thing, they just don't know they're doing a bad thing. So that consumer piece is absolutely paramount, and you need to take that away.

It's the middle that's the problem. You've got people and businesses that want to do the right thing, and you have recyclers that are prepared to invest and that are under capacity. Through this national strategy, we need to find a tragedy to bring those together.

I believe you have willing partners in provinces and municipalities. They just need to be focused.

(French follows — Ms. Marchand: J'abonderais un peu dans le même sens . . .)

(après anglais — Ms. St. Godard cont.: ...They just need to be focused.)

Mme Marchand: J'abonderais un peu dans le même sens. Encore une fois, je crois que la sensibilisation des Canadiens est importante. Comme je l'ai démontré, des programmes existent. Malheureusement, on n'atteint pas toujours les objectifs souhaités. On aimerait récupérer davantage que ce qu'on récupère en ce moment. Je crois qu'une action comme celle-ci pourrait grandement contribuer à améliorer la sensibilisation auprès de la population. Il faut toutefois prendre en considération que la commercialisation des lampes contenant du mercure diminue également assez rapidement. Comme je l'expliquais dans ma présentation, nos membres qui sont des fabricants de lampes comme General Electric, Philips et Osram s'attendent à ne plus mettre en marché d'ampoules fluocompactes autour de 2020, car il n'y aura presque plus de demande pour ce produit. Je ne dis pas qu'elles auront disparu à ce moment, mais l'année 2020 n'est pas si loin. Les tubes fluorescents sont également en décroissance, alors il faudrait donc agir bientôt.

(anglais suit — Mr. D'Iorio: Thank you for the comments...)

(Following French — Ms. Marchand — . . . il faudrait donc agir bientôt.)

Mr. D'Iorio: Thank you for the comments. First of all, it's always a question of priorities and what gets addressed. There are many things you asked about — what this could do and what we'd like to see. The fundamental problem is that there are a number of elements you say do exist but have not been brought together. It involves all levels of government, industry and Canadians. There's that public awareness piece, but it goes right through the fabric of our society.

Basically, government has a number of tools at its disposal and a number of levers we can use, from regulations, to voluntary measures to public awareness and investments. There are quite a few things we can do.

Taking stock and bringing together the right people will allow us to bring together a coherent strategy.

Senator MacDonald: I'll direct this question to Ms. St. Godard and your presentation. B.C., Manitoba, Quebec and P.E.I. are all identified as having producer responsibility legislation, yet Alberta, Ontario, Quebec and Nova Scotia are the only ones that have been identified to have high standards of recycling and disposal. I suppose that the territories, Newfoundland, New Brunswick and Saskatchewan have nothing in either one of these areas.

Should the Quebec approach to this be the approach that comprehensively makes the most sense? You mentioned this producer responsibility legislation, which seems to be a fee of some sort. What are these provinces doing — just charging a fee, raking in the money and doing nothing with the product?

Ms. St. Godard: I can speak a little bit about the first part of your question, which is why there is a patchwork of producer responsibility and not necessarily the same provinces with recycling facilities. Through Take Back the Light, we know —

Let me start with producer responsibility. The scope at which the regulation dictates how the producers are to cover, or where they're supposed to provide service, is different. In B.C., they actually require services to both residential and the industrial/commercial/institutional sector. In fact, in other provinces, it might be just for homeowners and targeting the CFLs.

The scope of the producer responsibilities are commensurate with the regulation, and it's very different among the provinces. Even where there is EPR legislation, that legislation can be very different in how they define the product and where the service is to be. In fact, each province has their own target. That's why you're not seeing necessarily 100 per cent targets in each of the provinces.

The industries themselves have to come up with their own plans. They choose to do so through organizations like —, but producers themselves are responsible. Some of them choose to actually add a consumer fee to their lamp. It's not regulated, but some of them choose to do that, and that's how they fundraise their obligation, quite frankly.

Although producer responsibility is a very important part of this, we are not seeing complete coverage across the country. We're seeing low targets and low recovery rates built into the plans. It does take time, that's true, but given the urgency we've already expressed around mercury, we think this national strategy will do two things: It will build urgency for those provinces that have not chosen to move forward with producer responsibility, and it will also increase the scope beyond just residential use of CFLs into the commercial sector, where the majority of mercury lamps are.

Senator Wetston: Thank you for your presentations. I'm not sure if this is a question for Mr. D'Iorio, but has mercury ever been considered to be a hazardous product?

Mr. D'Iorio: Mercury is on the list of CEPA toxic substances. Schedule 1 of CEPA lists mercury.

Senator Wetston: So why not ban it?

Mr. D'Iorio: The regulations in place effectively do a number of things. Within our provincial regulations, we can control the import, export, sale, offer for sale and manufacturing of products containing mercury, and set limits within that. There are always trade-offs for products that do contain mercury where there's not a substitute that's available.

Lamps were one of those, but now it's being limited. The regulations, just like Minamata as well, do set limits on the amount of mercury in those lamps to 5 milligrams. There are others that are being phased out and being handled properly. Dental amalgam fillings are products that contain mercury, and dental offices have reached a 90 per cent recycling rate on them as they pull them out.

Senator Galvez: It has been mentioned during the interventions many times the word "patchwork," the work of not communicating among the different levels of government and the need to give a nudge. Do we need to give a nudge every time for every toxin? That's bothering me.

If we want to be energy efficient, cost efficient and sustainable, we have to go by source reduction, revitalization, recycling and disposal. That's the logic. So the first thing to do is reduction of the source:

Ban mercury. We are saying that this has been a little bit done because lamps containing mercury are going to be stopped by 2020.

Will this law be valid until 2020 and then we don't need the law, or will we need it for just five years after that?

Second, the educational component is extremely important, so we have to tell people to reduce at the source, reuse, recycle and at the end, dispose in high-security landfills, as Ms. Marchand said.

Now, if we choose to recycle, it's going to cost money. Who's going to pay for the recycling? I was surprised because you say it's producer responsibility. That's the regulatory context. But the 20 cents and the dollar are paid by the final users, so where are the producers paying for part of this recycling?

My other point is that the recycling places are in Halifax and they're saying Walmart —

Senator Lang: Dartmouth.

Senator Galvez: Dartmouth; sorry. We're going to transport 300 to 400 kilometres, so this is not cost efficient and energy efficient. I really want to understand how this integrates into everything, so we don't patch things and we are doing something global in general.

The Chair: I'll get all three to answer those number of questions that she neatly worked into one.

Ms. St. Godard: Thank you for all of those comments. I would agree with every single one of them. Maybe I'll tackle one.

I think all of the points you make emphasize that with a national strategy, there is a patchwork and it's not a simple solution for every single jurisdiction. There must be implementation flexibility. That's why we're most encouraged by this bill and why we think there has to be a national strategy to start answering the questions you've asked.

To the question directly around transporting materials from remote and rural areas, our Take Back the Light program leverages the suppliers that drive new lamps out to those areas. We commonly forget — and this is a basic procurement model — that if you can get new lamps into those areas, you can get burnt or spent ones out of those areas for proper recycling. Our model very much integrates the responsibility of the supplier, and certainly the supply chain, so certainly it does reach the producer as well. Those costs are borne by those suppliers and it's a requirement for them to sell their lamps in those jurisdictions.

We have had a lot of success in reaching the remote areas by requiring on those transporters, those suppliers who bring new lamps in. It's a very cost-efficient backhauling system. It can be done. One of the things we're excited about in the strategy is being able to use some of those examples around Canada where we've done it well and bring them to the other areas that have an opportunity to use it.

The Chair: Ms. Marchand, would you like to comment?

(French follows — Ms. Marchand: Oui. Il y a effectivement plusieurs éléments...)

(après anglais — The Chair: ... Ms. Marchand, would you like to comment?)

Mme Marchand: Oui. Il y a effectivement plusieurs éléments dans la question. Quand on a demandé où et quand les producteurs doivent assumer ces coûts, c'est le principe d'utilisateurs payeurs qui entre en ligne de compte. C'est l'utilisateur qui choisit d'acheter la lampe contenant du mercure qui paie les frais pour obtenir un recyclage gratuit en fin de vie. La responsabilité du producteur dans ce contexte est d'avoir facilité la mise en œuvre du programme. En ce qui concerne le transport et l'efficacité en matière de recyclage, au Québec, on essaie de faire appel aux services de recycleurs locaux. On a un recycleur au Québec et un autre en Ontario. Par contre, les lampes de l'Île-du-Prince-Édouard, par exemple, sont transportées au Québec et cela pour diverses raisons. On dessert aussi le nord du Québec, donc Kuujuaq et tous les villages nordiques qui sont accessibles que par bateau. Durant l'été, cela ajoute des défis du point de vue de la logistique, mais on arrive à le faire de façon efficace en se regroupant avec les autres programmes québécois de REP. Je ne sais pas si je réponds correctement à la question. Plusieurs éléments m'ont échappée.

(anglais suit — The Chair: I want to get a response from...)

(Following French — Ms. Marchand — éléments m'ont échappée.)

The Chair: I want to get a response from Mr. D'Iorio, and we're running close to time.

Mr. D'Iorio: There are a number of elements to the question. On the patchwork, it's the jurisdictional reality of Canada. That's the way we have to work. There are things that government at the federal level controls and others where the provinces and municipalities are the lead. We need to respect that and work through that, and that's why the strategy is useful in this context.

You raised the question of energy efficiency and certainly CFLs did contribute towards energy efficiency from that point of view, but it came with costs. That is a trade-off. As was mentioned, with the numbers we saw, definitely. We now have an equal number of units sold of LED lights versus CFLs, and CFLs are falling rapidly. We are on that trajectory, which brought up your question of whether we need a strategy for just a few years. There are a couple of elements.

First of all, these CFLs do have a long life and stay in use for a number of years. Second, there is also the issue of fluorescent lights and those will remain in commercial buildings. There is a broader need over the long term.

With respect to EPR, that's one of the tools, one of the solutions, and one that seems to work in a number of areas. There are other things. With respect to who pays, again, it's a question to be discussed through the strategy as well. At the end of the day, the cost can be passed on to the consumer or the taxpayer. Usually someone will end up paying for some of this, so what is the best and most efficient of doing this? That is one of the elements we have to look at in developing a strategy.

Senator Lang: I want to follow up on Senator Galvez's point, and another senator raised it as well.

First of all, it has been pointed out that CFL utilization is becoming less and less, so one can only determine where that's going to go. It would seem to me that there's a broader issue here with respect to hazardous waste in general. It's just not CFLs. For example, if you look at a list of hazardous waste that has been identified in the provinces and territories, you would have used oil, used fuel, used batteries, used antifreeze, waste pesticides, used solvents, lab chemicals and used fluorescent bulbs. And there are probably a number of other products as well that would be included on that list.

It seems to me if you're going to have a meeting about CFLs across the country on a national strategy, we should be asking for a broader national strategy to deal with all these various hazardous wastes so they can identify where they can be at the end of their life cycle, to be either recycled or put in the safest place possible.

If you take an example of a country, you have the regions and you have the transportation costs, but as Senator Galvez pointed out, it's disposal that we're talking about. In order to have disposal, you need quantity to be able to justify a plant of some kind. At that stage, you can determine how and who's going to pay for it.

It would seem to me if you're going to call a meeting together, you might as well not just talk about CFLs but about lab chemicals, solvents and antifreeze at the same time so you can make a determination at the end of the day in a five-year period from now. Then we have an understanding; I'm going to use the Yukon as an example because that's where I'm from. We may need to transport some of these products on a back-haul down to a plant in Vancouver, Edmonton or wherever, and all rural communities in northern areas would come to that depot.

When you call this meeting, if we pass this bill, are you going to broaden the topics so that we can deal with all the issues and move ahead so that at the end of the day we have a cleaner environment here in Canada? I'll address that to Mr. D'Iorio.

Mr. D'Iorio: Maybe in a way to reassure in some sense, Canada does have a chemical management plan. As part of this plan, we looked at all the substances and chemicals in commerce back in 1987 and identified 23,000 substances and chemicals. We identified those that were high risk in a list of 2,300 of them that we are assessing substance by substance. We've done about two thirds of them; we're into phase three of this plan that will end in 2021.

We work with Health Canada on this. When a substance is identified as toxic, it's listed as part of the Canadian Environmental Protection Act under annex 1 of toxic substances, and then we need to put in place a risk management strategy, which is a code word for either regulation or voluntary measures to virtually eliminate that chemical or reduce it and manage the risk.

We'll take polychlorinated biphenyls, or PCBs, as an example of one substance that was handled in that way and identified and is being eliminated from commerce. There are two recycling facilities in Canada for PCBs, one in Quebec and one in Alberta. On top of what we do within Canada, we also then ban the export and import of these substances. Again, we have a regulatory tool set that we can use. We've gone through the assessment, and there are about 300 substances so far that we've looked at and identified risk, and we are managing them.

The CEPA, the Canadian Environmental Protection Act, is one part of it. Health Canada has a number of other acts it can use for consumer products, cosmetics and pharmaceuticals to manage those.

There is a lot being done on chemicals. Whenever we assess chemicals, we do it together with industry, NGOs and civil society in a broad sense. These draft and final assessments are published in the *Canada Gazette* processes, so there's a well-oiled machine, so to speak, to go through that list of potentially toxic chemicals.

Senator Wetston: It seems a lot is occurring and a lot has already occurred, and I just really want to emphasize, once again, the anxiety I have about the patchwork and the challenges. We talk a lot about

costs, disposal and producers and the importance of what I'm going to describe using the phrase "regulating it at the producer level," because I think that's where it needs to be.

If you think a little bit about the patchwork that does exist, what do you see as most productive about this bill in addressing the patchwork and trying to address it both at source as well as the opportunity to create more cost-effective opportunities for recycling? What do you see as the most obvious opportunity here?

I have seen these kinds of things in the past and they end up being on a mahogany shelf. Little has been achieved but there has been a lot of discussion, meetings and cost. Where do you see the opportunities here?

The Chair: I'll ask all three of you to respond.

Mr. D'Iorio: Thank you. I don't have a mahogany shelf. I have a plastic laminated shelf.

Senator Wetston: You should get rid of it because it has toxic chemicals.

Mr. D'Iorio: The opportunities lie in convening the right people. As I said, you can regulate, and we do regulate by setting limits in products and controlling the import and export of these products.

There is a broad emphasis on mercury these days, certainly with the ratification of the Minamata Convention. There are broader issues around mercury, and most of what is being deposited in Canada right now is coming from foreign sources. There's a broad dialogue that's taking place on that; we'll have the first conference of parties to the Minamata Convention this year.

Regarding the opportunities to convene the people we can, we do have the authority to do something about this, on one hand, as do, on the other hand, people who are either subject to the regulations or end users: people, Canadians. They have a big role to play in this. I think that's the opportunity.

Ms. St. Godard: My answer will be in two parts and very simple. The first is certainly focus. I think your colleague described conflicting pressures, a lack of attention and I think "lots of noise" was one of the terms that was used. I think this strategy will encourage, if not force, focus on this issue in a new way that would be practical and usable.

I think the second piece is actually collecting the data and the information that we need. That strategy will, again, force the provinces and the municipalities to pay attention to this and actually gather the information to maybe understand the size of the problem.

The Chair: Thank you. Ms. Marchand?

(French follows — Ms Marchand — Une strategie nationale ...)

(après anglais - Chair cont. : Thank you. Ms. Machand?)

Mme Marchand: Une stratégie nationale comme celle proposée permettrait effectivement d'harmoniser les efforts de toutes les provinces et d'obtenir en quelque sorte une équité des conditions. Par exemple, dans certains cas, ce qu'on expérimente dans le cadre des programmes de REP, du fait que les gens doivent payer un écofrais, c'est qu'ils se rendent faire leurs achats dans les provinces voisines parce qu'il n'y a pas d'écofrais à payer, mais qu'ils vont par contre jeter les lampes au Québec dans le

cadre du programme de recyclage du Québec. Une harmonisation entre les provinces réduirait grandement cet enjeu. Aussi, je suis d'accord avec les propos de mes collègues voulant que pour la sensibilisation des citoyens, ce soit vraiment à cet égard que l'on constate le plus faible taux de récupération.

Pour les industries, les commerces et les institutions, le taux de récupération est élevé pour les lampes, mais les citoyens, eux, ne sont pas au courant ou sensibilisés au fait que les ampoules fluocompactes, par exemple, contiennent du mercure. Comme quelqu'un l'a mentionné un peu plus tôt, c'est facile de prendre une ampoule fluocompacte puis de la jeter dans un sac de poubelles au lieu de l'apporter dans un point de dépôt. Un effort à l'échelle nationale pourrait sûrement contribuer grandement à améliorer cette situation.

(anglais suit - Mr Chair: Thank you very much...)

(Following French — Ms Marchand — ... améliorer cette situation.)

The Chair: Thank you very much, presenters. Those were very interesting presentations and answers, and thank you to all the senators for their questions.

Before we wrap up, I want to remind you that next Tuesday night we will be doing clause-by-clause on this bill, and we will also review our transportation report. We're still targeting June 13 to release that report so, hopefully, I think, you've all received the copies, both in French and English, of the report by now. You should have, I believe, from Maxime, so please read it.

On Tuesday, I have not been lucky with getting a 5 o'clock sitting for us, so what will happen is, when the chamber recesses, we will meet regardless of what time it is, unless something changes between now and then. Be forewarned that that could take place.

Thank you very much.

(The committee adjourned.)