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Monday 29 October 2001

Lundi 29 octobre 2001

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Monday 29 October 2001

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Lundi 29 octobre 2001

The House met at 1845.

ORDERS OF THE DAY

BROWNFIELDS STATUTE LAW
AMENDMENT ACT, 2001

LOI DE 2001 MODIFIANT DES LOIS
EN CE QUI CONCERNE
LES FRICHES CONTAMINÉES

Resuming the debate adjourned on October 23, 2001, on the motion for third reading of Bill 56, An Act to encourage the revitalization of contaminated land and to make other amendments relating to environmental matters / Projet de loi 56, Loi visant à encourager la revitalisation des terrains contaminés et apportant d'autres modifications se rapportant à des questions environnementales.

The Acting Speaker (Ms Marilyn Churley): Further debate?

Mr David Christopherson (Hamilton West): First of all, let me thank you for assuming the chair for me on my regularly scheduled evening so that I may finish off the 22 minutes I have on our lead on the third reading of this bill. So thank you very much. I appreciate that.

I had said last week when we were talking about this, and those members who were here last week will recall, that the Minister of Municipal Affairs and Housing, in response to something said previously, said that no other government had taken the initiative they had on brownfields and cared enough about brownfields to actually do something. I of course responded, as soon as I had the floor, that indeed our government, the NDP government under Bob Rae, had brought to the city of Hamilton almost \$10 million that allowed for the cleanup of what was first Harbourfront Park, now Bayfront Park, and that without that money, without the investment from a senior level of government, meaning Queen's Park in this case, the property, the land that juts out into Hamilton harbour, would not be developed into the fantastic, beautiful people place that it now is.

The city had the plans, they had the vision and they had the money for the development of the land. What they didn't have was the \$10 million that it took to clean up the land. It had been determined that because it had been a previous industrial site, the land was contaminated. Since the intent was to bring families down to this

open space, to return children down to the waterfront, something we hadn't seen in generations in Hamilton, the fact that the land was contaminated made the difference between go or not go. In fact, the project sat there ready to go, but needing that funding.

We provided that funding because it was understood by our government, by the NDP government, that local government couldn't go this alone, that bringing back brownfields, particularly those pieces of land that had been contaminated to a very high degree because of the previous industrial use, they couldn't do that alone. They don't have the tax base; they didn't have the resources. They were quite prepared in my hometown of Hamilton to pay to put the park down there and do all the planning and provide all the staff, do all of that, but they couldn't do both. It was just beyond the means of local government. So in partnership—real partnership, not the kind this government talks about, pays lip service to but never delivers on—in real partnership we provided that \$10 million for cleanup and, boom, that triggered the city's ability to invest the money they had budgeted for in the capital budget and triggered the plan they had set aside.

As I said earlier, if you get a chance to go down there—and I say this somewhat tongue in cheek—you won't believe it's in Hamilton. It's absolutely beautiful to be standing by the waterfront, because we all know how polluted the bay has been. By the way, just as an aside, we're starting to bring it back. Slowly but surely we're getting it back. We're getting fish life. We're getting plant life. The tests are showing that we're making gains. We've got a long way to go but it is absolutely beautiful, and now many Hamiltonians consider Bayfront Park to be the jewel in the crown of places you want to bring visitors to Hamilton to so they can see it. When you're standing there, surrounded by the water and the beautiful mixture of open space and trees and the gently sloping access down to the water itself—and adjacent to that of course I mentioned was Pier 4 Park, geared specifically for kids. We shared in that in a partnership.

Just a decade ago there was nothing there, just barrenness. Nobody went there. You didn't really look beyond the tracks. There was no point to it. What was the point of going down there? Now it's exactly the opposite. Why? Because we knew that the local government was prepared, they were committed. They had their share of the money, but they needed help. Surely members of the government will understand the concept that everybody needs help now and then, and this was one of those cases for Hamilton, and with real partnership and, yes, real

money, we now have this jewel in the new city of Hamilton.

1850

The government backbenchers, and I'm sure they'll do it again this evening, get up and start genuflecting to the minister, commend the government and say how wonderful they are for bringing this in. You know, as words go, it's not so bad a document and it certainly, as I mentioned the other day, goes in the right direction. It doesn't go far enough in a number of areas, such as: what do you do about protection for people who own lands next to brownfields if there's continuing leachate that then contaminates the land next door? Where's the responsibility there, and how much are the owners of the brownfield freed up or saved from any kind of legal action against them, and a number of other minor concerns? But as far as it goes it's fine, which is about as high a praise as I can bring to it. It's fine. But without money it doesn't do what the government members have said and I am convinced will say again this evening. Without the money it won't do that.

Now, lest anybody believes or uses the argument on the government side that this is all pie in the sky and it's dreaming, that you really can't marry words and a law with that kind of money, not in this kind of economic climate that we're in, lest they think they've got that argument at their fingertips, I want to present a few facts. I want to talk about what they're doing down in the United States. Never having been accused of being a hot-bed of socialism, world centre for entrepreneurship, the United States has been into the business both in words and, more importantly, money of brownfields for almost two decades.

First example: Community Reinvestment Act, CRA. This requires—not urges, not asks, not pleads on bended knee—banks to lend money to low- and moderate-income urban neighbourhoods in revitalizing brownfields. They give the financial institutions a credit through their tax system. I think they allow them to deduct those costs in the year they're expended as opposed to having to capitalize them over a period of time, which is the way their tax system works. I'm not drawing comparisons between the tax systems, but I am pointing out that the philosophy, the point of saying to banks, "Thou shalt not turn your back on low- and moderate-income neighbourhoods" is one they're prepared to tackle head on.

Again, I don't imagine the US Congress passes laws ordering banks to do things lightly, but because of the importance of this, that's exactly what they've done. The Tories didn't do that. Sure, one could argue that what I've just talked about is not the US government's money, so maybe it's easier to do, and I'll address that in a moment. But my first point is that, given that it's not US taxpayer dollars, they still found a way, through the use of laws passed by Congress, to force financial institutions to make sure there's money available. You didn't do that, and you can't say you can't afford it, because it's got nothing to do with money. It's about whether or not

you're committed to the development of brownfields or not. That's one.

I have a press release issued by the United States Environmental Protection Agency, and please note the date: April 20, 2001. It would be under the new administration. This would be after they passed a trillion-dollar-plus tax cut. In that kind of economic milieu, they made the announcement. In this case it was an announcement for the District of Columbia receiving a \$100,000 brownfields assessment demonstration pilot. What's important is, that's just one example. They have 90 other communities, for a total of \$38 million for brownfield redevelopment.

You didn't do that. Even if you want to talk about the per capita difference between the populations of the United States and the population of Ontario, fair game: do the math. It doesn't matter what it amounts to: if it's anything above zero, it's more than you did. You did nothing. You didn't provide one nickel. Here they're ordering the banks to make sure that money is invested in communities that otherwise wouldn't be the first choice of banks and other financial institutions, and now, \$38 million nationwide for assessment and cleanup of brownfield sites.

I want to read just one part from this, because I'm going to have trouble fitting all my examples into the time I've got left. There's that much to talk about in terms of what a government that truly wants to put its money where its mouth is is prepared to do compared to you. But it says, on this news release, "These critical start-up funds often make the difference"—let me repeat. "These critical start-up funds often make the difference for many developers to choose to clean up unused properties."

Isn't that supposed to be whole point of your bill? That's what this bill is supposed to be about, and here we are, our friends and neighbours to the south, through their environmental protection agencies, saying that they believe critical start-up funds like that which I've just referenced can make the difference as to whether or not a property is developed or redeveloped. You didn't do that. You won't even make the statement. You can't make the statement, because if you did, you'd have to back it up with at least \$15. So I expect not one member of the Tory government sitting here this evening is going to admit what the Environmental Protection Agency of the United States of America has said flat out: "These critical start-up funds often make the difference for many developers to choose to clean up unused properties."

There's more. Why is there more? Because they truly are committed to this issue. That's what's infuriating about this debate. If each of you was standing up and acknowledging that the bill goes in the right direction, that it starts to clarify a few matters, it provides some protection for developers, but that the biggest piece in terms of dollars you aren't yet prepared to move on—but that's not what they're going to do tonight. It's certainly not what they've done to date. They've stood up and

said, "This is the be-all and end-all. There you go, right there."

So you can't make that statement. They not only make the statement; they back it up with money. The Environmental Protection Agency administrator—an individual named Christie Whitman—also announced that the EPA will provide \$2 million in financial assistance to provide training for residents and communities impacted by brownfields. Think about it: now we've got a government that's ordered the banks to make sure they provide loans and capital to communities that otherwise wouldn't receive money. They've put money—\$38 million in the recent announcement in April—directly into 90 communities in the United States, and here they've put in another \$2 million to provide training for local residents to be a part of the cleanup. It both cleans up the environment and provides jobs. That makes a lot of sense if you're as committed to the cleanup of brownfields as the government members' speeches would have you believe they are.

1900

We're still not done. I'm going to read this into the record because I think it needs to be there in Hansard, to be looked at for future reference. It's another document issued by the Environmental Protection Agency. Isn't it interesting that they do their initiatives under the auspices of the Environmental Protection Agency? I think that speaks volumes about where they're coming from.

They have something else called the "brownfields tax incentive." Now we're getting into some serious coin.

"EPA's"—the Environmental Protection Agency's—"brownfields economic redevelopment initiative is designed to empower states, communities, and other stakeholders in economic redevelopment to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields. A brownfield is a site, or portion thereof, that has actual or perceived contamination and an active potential for redevelopment or reuse. EPA is funding: assessment demonstration pilot programs (each funded up to \$200,000 over two years), to assess brownfields sites and to test cleanup and redevelopment models; job training pilot programs (each funded up to \$200,000 over two years), to provide training for residents of communities affected by brownfields to facilitate cleanup of brownfields sites and prepare trainees for future employment in the environmental field; and, cleanup revolving loan fund programs (each funded up to \$500,000 over five years), to capitalize loan funds to make loans for the environmental cleanup of brownfields. These pilot programs are intended to provide EPA, states, tribes, municipalities, and communities with useful information and strategies as they continue to seek new methods to promote a unified approach to site assessment, environmental cleanup, and redevelopment."

What's interesting is that the government, our government here, could probably make the last statement about their bill: "These pilot programs are intended to provide," and instead of EPA, states you could say "municipalities, communities and the province, with useful information and strategies as they continue to seek new methods to

promote a unified approach to site assessment, environmental cleanup and redevelopment." That sounds very much like what you say the aim of this is, and I don't disagree that that's the direction you want to go in. The difference is that they make that statement and back it up with dollars. Again, I want to remind the members of the government that we're talking about a Republican government; we're talking about the continuation and expansion of programs that come—if their government hadn't passed it, certainly it was well on its way—to a trillion-dollar-plus tax cut, and in much the same economic situation that we are in.

The statistics of the brownfields tax incentive are rather staggering, in my opinion. I'm reading directly from their document: "Under the brownfields tax incentive, environment cleanup costs are fully deductible in the year they are incurred, rather than having to be capitalized." Again, I think that's making reference to the initiative ordering banks to provide money to low- and moderate-income neighbourhoods and communities. To continue, though, "The government estimates that while the tax incentive costs approximately \$300 million in annual tax revenue"—that's \$300 million of tax revenue they've given up to provide this tax incentive—"the tax incentive is expected to leverage"—and remember, they've been in this business for 20 years—" \$3.4 billion dollars in private investment and return 8,000 brownfields to productive use. This ability to spur investment in blighted properties and revitalize communities makes the tax incentive a valuable tool for restoring brownfields."

This isn't just a speech about spending money out of the clear blue; this is in response to your initiative, Bill 56, which purports—the name of it is An Act to encourage the revitalization of contaminated land and to make other amendments relating to environmental matters. I have read sheets of statistics and policy showing the kind of commitment the US government is prepared to make, and you aren't putting up one penny. Yet, if you read the Hansard and probably listen to the speeches after me—you'd think it might modify some of them, but I doubt it; they'll just pretend it didn't happen and read the prepared text the way it was handed to them. What's infuriating is that you're claiming so much about this bill. I'm pointing out to you that a government that makes the same utterances as you and says they have the same commitment is prepared to put down hundreds of millions of dollars.

Am I saying, "Match it dollar for dollar"? Of course not. But on a per capita basis, with the population base we have in Ontario, you could make the difference for literally hundreds, if not thousands, of brownfield sites. You'd be helping the community, you'd be putting people to work and you'd be giving our cities and towns hope for the future, something they desperately need. So if there's been some kind of caucus meeting or cabinet meeting in the last few days where they've come to their senses and said, "We'd better either stop saying this bill is everything or cough up some money," and you actually have some money to announce today, I suggest that you

be more upfront with the people of Ontario and don't tell them this is the be-all and end-all and don't have your Minister of Municipal Affairs say you're the only government that cares or is responding. We did it before there was a policy, and our friends and neighbours to the south have shown what it truly means to be committed to the redevelopment of important communities like Hamilton all across Ontario.

The Acting Speaker: It's now time for questions and comments. The member for Simcoe North.

Mr Garfield Dunlop (Simcoe North): Thank you very much, Madam Speaker. I want to congratulate you on your position in the Chair tonight.

First of all, it's a pleasure to rise this evening to make a few comments on third reading of Bill 56, the Brownfields Statute Law Amendment Act, 2001. I want to congratulate Minister Hodgson again for this piece of legislation, and I also want to thank the member for Hamilton West for his comments this evening.

I think the portion of this bill that I value most deals with serviced land. There are so many properties throughout our province that sit basically stagnant today. These lands are serviced with sewer and water and roads and, in a lot of cases, natural gas and a lot of other utilities. For municipalities across our province to be able to utilize those properties I think is very important, particularly for the economy of all those areas. Just think of the cost of putting pipes and services in the ground, of asphaltting and of curbs and gutters.

It's extremely important, not only for municipalities but for the development industry as well. This will give municipalities the opportunity to utilize that land, meaning that they may be able to add commercial or industrial uses for it. It's so important for our economy to create jobs, and above all it allows us to use land more efficiently and not eat up other properties across the province for useless purposes when we can take advantage of services that are already in existence.

I appreciate the opportunity to make these comments.

1910

Mr Rick Bartolucci (Sudbury): I'd like to thank the member for Hamilton West for his insightful comments on the bill. I only wish the government would listen to the opposition more often, because the member for Hamilton West makes some excellent points. He described some success stories in his city of Hamilton.

I think of the re-greening of Sudbury and how that would not have been possible if we were dealing with this legislation. We all remember the Kyoto accord a few years ago. Sudbury was featured at that conference as an example to the world. It was an example to the world because all the partners came together and did what they had to do in order to make the re-greening of Sudbury a success and a model for the world to follow. That model consisted of government supplying money to municipalities and to partners who wanted to ensure that our environment was improved, enhanced and protected.

Although this is a good first step, it's only a tiny step. It certainly puts municipalities and private people in an

awkward position. The government almost dooms the process to failure, because it refuses to come to the table in a meaningful way. I think it's critical that this bill is very lacking because it doesn't have monies attached to the educational component of enhancing our environment and protecting our environment and how to deal with a brownfield if you are a community that is experiencing it. The bill has many shortfalls.

Mr Gilles Bisson (Timmins-James Bay): I want to echo some of the comments that were previously made in regard to the bill. I agree with our critic, the member for Hamilton West, that the bill is in fact a step in the right direction. I wouldn't want to give the government the idea that the bill itself doesn't go some way in trying to deal with the issues of how do we develop along the lines of what happens in communities when it comes to brownfields development. But there are a couple of issues that need to be responded to, and I hope that at committee at least the government will try to look at some of these issues.

One of them is that much of the detail of this bill is in the regulations. It's a bit of a pig in a poke; we're voting at second reading for a bill that purports to give the municipality tools to redevelop brownfields, but the details of what they're able to do are going to be by way of regulation. That is somewhat troubling.

The other thing is the monetary issue. The member from Sudbury, along with the member from Hamilton West, mentioned that if you don't have money tied to this, how are you going to make it happen? I look back at communities like the city of Timmins or Kapuskasing or a number of other communities across the north where there has been environmental damage to sites that are potentially good sites to develop various types of, not industrial lands but parklands or whatever it might be. Unless you're able to tie some money with it by way of the Ministry of Municipal Affairs or the Ministry of the Environment or whatever, it's fairly difficult to make that happen.

I think back to the whole issue in the city of Timmins in regard to the tailings ponds from the old ERG project between Timmins and Schumacher, part of the city of Timmins. None of that is going to get redeveloped unless the government itself wants to get involved in some way with some type of incentive.

I agree with those members that you have to have some dollars tied to this. The other issue is that much is in the details of the regulations. I look forward to seeing what they're going to come back with in committee in order to clear that up.

Hon R. Gary Stewart (Minister without Portfolio): It's my pleasure to make a couple of comments in the last two minutes. I just want to make one comment about the member from Sudbury, and I don't want to get into an argumentative mood, which I very seldom do.

I think the municipalities are waiting very patiently for legislation like this to come into being. They have areas, especially in smaller-town Ontario, that are sitting there stagnant and they cannot do anything with them.

I look at the city of Peterborough. We have had a couple of industrial companies that have left or closed down and concentrated on the larger areas. We have land there that needs to be developed, should be developed, should be looked at, to make sure that it's environmentally safe etc. Until this type of legislation is put through, that is not going to happen.

I look at what's happened in the city of Kingston, where they had all kinds of three- and four-storey buildings downtown that were sitting there unoccupied. What they did a couple of years ago was say, "Why don't we look at turning those into affordable housing?" And that's exactly what they did, but they needed that incentive to go ahead on property that had deteriorated, that was sitting vacant. I think this is very similar to what we're talking about in the brownfields legislation.

One of the problems is the red tape. If we can get rid of red tape, things like this can happen. As I said, this legislation, I believe, does some of that.

Mr Bisson: Say that again.

Hon Mr Stewart: Well, you say those two or three Rs in a row and you have a problem. Anyway, the gist is there and I hope you understood what I was trying to say.

The Acting Speaker: The member for Hamilton West has two minutes to sum up.

Mr Christopherson: Let me thank my colleagues from Simcoe North, Sudbury, Timmins-James Bay, and the member from Peterborough, who's also the chief government whip, for their attention and their comments.

To my friends from Sudbury and Timmins-James Bay, obviously both have experienced very similar types of action as we had in Hamilton. I did not know that you were actually an example during the Kyoto discussions. Having travelled to Sudbury for a number of years, one can see the difference in your community. I congratulate you on the greening that's taken place there, and the same to my friend from Timmins-James Bay.

To my colleague from Peterborough, first of all, chief government whip, you say that municipalities are waiting. Let me suggest to you that without money they're going to do a lot of waiting still, because there's only so much they can do if it's a brownfields site that needs to be cleaned up. Unless Peterborough has a lot of hidden riches that I'm not aware of, you need the same kind of assistance that my hometown of Hamilton needed in order to redevelop the Lax property. This may help one or two projects that may or may not have gotten off the ground on their own, but the stuff that really matters is still going to require meaningful partnership between Queen's Park and municipal governments.

To my friend from Simcoe North, it's fascinating to listen to him speak. You'd think his government hadn't gutted the Planning Act we put in place that did all the things he's talking about. You talked about wanting intensity, you wanted to make sure that land was reused, you wanted to make sure that the pipes were properly made up for, and what you do now is bring in a Planning Act that just, wide open, gives us urban sprawl—the opposite of what you said.

Interjections.

The Acting Speaker: OK, calm down everybody. Order. Are we all settled down? Further debate?

Mr Frank Klees (Oak Ridges): It's great to follow that performance by the member from Hamilton West. You can always tell when we have a wine tasting in this place. It certainly does contribute to the debate.

Mr Christopherson: On a point of order, Madam Speaker: I was going to make some comment like that about somebody else. I wasn't there, and I don't think we want to start getting into that kind of nonsense.

The Acting Speaker: Thank you very much. Please proceed.

1920

Mr Klees: It was actually meant as a compliment. I'm sorry the member took it as an insult. The truth of the matter is that the member for Timmins-James Bay, in response to the member for Hamilton West—

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): He was there.

Mr Klees: I believe I did see him—referred to this debate as second reading debate and that he looks forward to this going to committee. As members know—probably every member but the member for Timmins-James Bay—we're actually in third reading debate. It's a bit of a time difference between his riding and Queen's Park perhaps. Unfortunately—and I'll remind the member—this in fact has gone through the committee stage. Somehow you've lost a couple of months of time here, but there has been, Speaker, as you will know, a great deal of consultation around this bill.

To the member for Hamilton West, I find it interesting that the entire thrust of his debate was that while there are some good things in this legislation, what's missing is the money. Isn't it interesting that that would come from a member of the New Democratic Party who, when they were in government, obviously felt there was all kinds of money to put into all kinds of programs without any thought as to where it was coming from.

In fact we had considerable debate about this legislation, and there were those of us who had suggested, "Wouldn't it be wonderful to package an incentive program and add some funding to this legislation?" The reality is that if the money isn't there, you don't spend it. That's why it took us, as a government, a number of years to balance a budget that was driven into an \$11-billion deficit by the member's government, the NDP. That's why we are now recovering from an incredible debt that was wreaked upon this province by previous governments that saw an ideal situation of creating policy and, yes, creating a package of money that they knew would appeal, whether it be to municipalities or special interest groups, and they knew would get them applause.

The reality is that I believe taxpayers in this province have learned that the role of government is not necessarily to fund everything along the way but rather to create an environment and to make the way clear for others to make the investment. This legislation, contrary to what the member opposite would have us believe, does

in fact address the issue of financing, but it does so in a practical and businesslike way.

This legislation addresses the area of financing in three ways. It addresses the liability issue that typically surrounds brownfields development. It addresses the planning aspect of it. By the way, if you have experience in the development business, you know that time translates into money. If you have a piece of development property tied up in the red tape of planning, you know people will hesitate to invest in a redevelopment of brownfields because they know they're going to be paying a great deal over that period of time. It's simply the time value of money.

The Speaker, who was formerly speaking as the member for Hamilton West, has now taken the chair. I'm glad you're here because now I can address some of the concerns that you were concerned about. As I said, this legislation deals with the very issues the member for Hamilton West—you, Speaker; it's interesting how that can happen in here—was concerned about. We have in fact addressed that issue.

In the area of environmental liability, the Speaker will know that the reason the private sector has often refused to touch brownfield development is because there is such an overarching financial liability resting on these properties that it would take forever to work their way through the planning process, and there would be ongoing liabilities into the future.

This bill, in case the honourable member for Hamilton West, now the Speaker, didn't read it, specifically deals with that liability issue. It sets out clear rules for limiting future environmental liability, complemented by checks and balances to ensure that environmental standards are met. We're not suggesting for one minute that developers should be let off and that they should be allowed to develop these properties without accountability; far from it. We will not in any way step back from that responsibility. But we are saying there will be rules and regulations placed on these brownfields developments that will make them attractive for the private sector to step in in partnership with municipalities, because in addition to some of the liability limitations, we are giving flexibility to municipalities to provide some tax incentives, to provide some grants, to provide all kinds of financial incentives to the private sector to step in.

I know the Speaker, in his capacity as the member for Hamilton West, would say, "Well, that's not enough. The government of Ontario should step up and throw a few million dollars at this, because other jurisdictions have done that." I find it interesting, Speaker, that you in your capacity as the member for Hamilton West would cite examples from the United States of America. I hear that member stand up in the House, day in and day out, suggesting that anything that happens in the United States of America is somehow bad. Every time any policy is introduced on this side of the House that in any way relates remotely to something being done in the United States of America, this is bad, this is selling out the government of Ontario to the United States of

America. Yet the entire speech by the member tonight gave examples of what's happening in the United States of America and imploring our government to follow suit, to do as they do.

I suggest that what the minister has done in this case is actually come up with a made-in-Ontario solution, consistent with his philosophy and consistent with his respect, not only for the taxpayer of this province but for the private sector of this province, which has demonstrated over the last six years that if government just steps back, takes away the barriers, eliminates the red tape and stops strangling the private sector, the private sector will be more than willing to step in and provide the risk capital. They're simply saying, "Give us an opportunity," and through this legislation the minister has done exactly that.

He's saying we will provide the limited liability, we will allow municipalities to have the flexibility to work with the private sector to create the incentives so we can get on in this province with developing some properties that right now are in gridlock. They're not being developed; they're often an eyesore on the community; they're not being used in a productive manner at all. We're saying, let's free those up. Why would we do that? Because it's a common sense thing to do. The other reason—particularly as the member for Oak Ridges, where we have been struggling with the issue of growth on the one hand, protection of the environment on the other and property rights in the middle of that struggle—is that it makes a great deal of sense that we would look at properties in this province where often they're in the middle of an urbanized area, there are already existing services, as has been said, but because of contamination and because of some of the restrictions around them, they're not being developed. A great deal of opportunity. As the Speaker himself said in his comments, there are some successful examples of that where we can create some high-density development in areas that would benefit not only individuals, but the economy generally surrounding those properties.

1930

I point out to the House that this piece of legislation, to the minister's credit, is going to do what we believe in this province will be essential. We believe that by setting out very clear rules for limiting future environmental liability while maintaining the principle of "polluter pays," we have struck in this legislation the right balance between creating that incentive and protecting the citizens of this province.

This bill will provide municipalities with much greater flexibility, as I indicated previously. It will provide municipalities with the planning and the financing tools that they have been asking for for a number of years. We will be providing municipalities with some additional tools that to this point have actually been contrary to legislation in this province in terms of creating incentives for the private sector. Additional financing tools for both rehabilitation and development will be part and parcel of this package.

The power of entry for one year after a failed tax sale to perform environmental investigations could yield information that the subject land is not as contaminated as perceived. Simply a lack of information about a property often sidelines a piece of property from sale and from future use. Through this piece of legislation we've been able to deal with that, I think, in a very practical and reasonable way.

Removal of the minister's approval of community improvement plans that do not include financing eliminates one further layer of planning approval. Again, often it's not so much the initial cost of investment, either in the purchase of the property or even in the development of the property, but it's the time frame that is a disincentive to developers and to builders as they view a potential project.

We have examples in our own community of properties that are in the middle of town, but because of a previous business that was there and because of the incredible potential liability that is inherent in that property, it's simply not being touched; it's not even being given a second look. What we've done here is created an opportunity for those properties to be appropriately tested so that in fact a proper assessment can be made.

All in all, we believe that it is going to be in the long-term best interests of the people of Ontario that we are moving forward, finally, with this important piece of legislation that others have had the opportunity to do something about. Previous governments had all kinds of time to deal with this issue; they chose not to, and as a result, unfortunately, of course, we have not seen the production of housing or the production of new commercial facilities on these properties, often in very strategic locations.

The soil and groundwater contamination is something—as you know, results are going to be addressed through this legislation. Cleaning up sites will foster clean, healthy and dynamic neighbourhoods in these communities. These are some of the by-products we will realize as a result of this legislation. By cleaning up these contaminated sites, health and safety issues are removed and people are protected, both in the present as well as in the future. By cleaning up and restoring or recycling land, communities and neighbourhoods would be vitalized and further cleanup and redevelopment could be stimulated in surrounding or adjacent areas.

As I indicated, brownfields redevelopment will relieve pressure on very important farmland that we have a great deal of concern about in our communities, particularly in the riding of Oak Ridges. A lot of our farmland is under pressure to be developed, and we simply believe that this, in addition to other measures our government has taken, will address those issues. I'm looking forward very soon to hearing from the same minister who had the vision and foresight to introduce this legislation—to see the legislation relating to the Oak Ridges moraine.

This legislation does not stand alone. It really needs to be looked at together with other legislation that has been

introduced by this government that deals with the challenges of growth, that fits into the smart growth philosophy this government is following, that says we have to respect the economy, the rights of property owners, the challenges that growth presents and that we do it in a way that is sustainable.

I'm convinced that over the next few days we're going to hear that this same minister, the Honourable Chris Hodgson, Minister of Municipal Affairs and Housing, has a long-term vision for this province that ensures quality of life for its citizens, that ensures that our natural heritage is preserved, that our environment is preserved and protected, that we'll continue to respect the importance of economic growth and stability. Through these important pieces of legislation, he will demonstrate to the people of this province that it is possible to have a good public policy that balances economic needs and the quality of life issues that Ontarians are very concerned about. I trust, Speaker, that in your wisdom you too will see fit to support this legislation at the end of the day.

The Deputy Speaker (Mr David Christopherson): The floor is now open for questions and comments.

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): The Act to revise the Municipal Act is something elected municipal officials have been waiting for for many years, but have we consulted the municipal officials? Have we consulted the CAOs of the municipalities? I remember in 1996 when the government decided to pass Bill 25, the omnibus bill downloading responsibilities to the municipalities without consulting the municipalities, without consulting the officials of the municipalities. They downloaded everything, with no say in it. I wonder if it is going to be similar this time.

I remember when this was downloaded. We downloaded the ambulances. At the time we said 100% of the responsibility would be on the municipalities. We were also going to download nursing homes, which we said was impossible. A nursing home is like an industry to a community. Finally they changed their minds, so the municipalities wouldn't absorb the 50%. I wonder, when I read Bill 111, are they planning to download school buses to the municipalities? If they ever do, it is going to cost over \$11 million a year just in Prescott and Russell.

At the present time, it's true that we want to give more power and responsibility to the municipalities, but without having any say in setting up the rules, the standards and everything. I can tell you that at the present time I'm really worried when I see a document of 320 pages that we have in front of us, with only a couple of days to study it, without knowing what is in the minds of this government for the municipalities.

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The Deputy Speaker: The Chair recognizes the member for Toronto-Danforth.

Ms Marilyn Churley (Toronto-Danforth): Thank you, Mr Speaker. It looks like we've changed places here.

I want to respond to the member for Oak Ridges on this bill. He started his speech with the gratuitous com-

ments that the NDP, while in government, spent all this money willy-nilly, without thinking about the benefits, and on and on. I think he was talking about that in response to the member for Hamilton West talking about the large amount of money our government chose to put into that community to clean up contaminated land and water. That was the choice we made, yes, to spend taxpayers' dollars in a very positive way.

This government, the Harris government, the Tory government, has decided to bring in a bill that only goes halfway. This is so typical of the bills we see before us.

The member for Oak Ridges knows from the committee hearings—and I did not sit on these committee hearings because I was involved with nutrient management and other issues—that the people who came before the committee said time and time again that this is going in the right direction but it cannot succeed without funds from the government.

As the member for Hamilton West pointed out, in the United States—and I'll cut this government a little bit of slack because we do not have involvement from the federal Liberal government here. When the member for Hamilton West talks about the EPA in the United States, he is talking about a federal program across the country, and we would certainly like to see the federal government step in as well.

But it was said time and time again. There was a conference held in Hamilton where speaker after speaker said that provincial and federal funding is key, that it cannot be done unless that funding is there. So you cannot escape that and you're going to have to deal with that reality.

Mr Ernie Hardeman (Oxford): It's a pleasure to rise and commend the member from Oak Ridges for a fine presentation on Bill 56, the brownfields development act. In most of the discussion on brownfields redevelopment, we talk about the brownfields in urban centres and trying to prevent urban sprawl by better utilizing the land that is already taken out of agriculture and should be put back into development.

I think it was very interesting that in the presentation prior to the member from Oak Ridges, we heard about how we should put money into the big redevelopment areas where brownfields were considered to be a problem and just leave the rest of the countryside and not worry about it. I thought the presentation that the member from Oak Ridges made was very helpful, talking about how we need a framework in place so the private sector can redevelop all the brownfield areas in the province, thus making sure that we protect the greenfields of this province, which I think we would all agree has not been happening. We have not been doing as well in that area as we should, for the very reason that it was too expensive and too difficult for people to develop those areas that have had a chance of being contaminated or may very well be contaminated. The cost of the process they have to go through in order to develop that and the risks they have to take don't make it practical, so they just

move out to the countryside and develop on greenfields. I think this bill will go a long way to solving the problem.

I want to commend the member for having explained it so well and, incidentally, having studied it so well. I noticed that some of the other presentations were having difficulty relating to the bill and speaking to the issues that are in it. Some of the discussion has even been on totally different bills. So I'm very happy to see that my colleague here is speaking to Bill 56.

Mr Bartolucci: I'd like to thank the member from the Oak Ridges moraine for his presentation. Although I fundamentally disagree with the premise of his argument, certainly he's entitled to make it, being on the government side and reading the prepared speech which he was asked to read.

One thing that does bother me is that he said this government got spending under control. We all know the reality is that expenditures continued to keep on going up, along with the debt. In fact, you will know that when this government took over, government spending in Ontario was \$56 billion. Last year it was \$62.4 billion. You know that the deficit has swelled by \$23 billion. The reality is that the Harris government collected \$15.2 billion in income taxes in its first year and expects to get \$18 billion this year. So the reality is that this was anything but a government that managed the finances of this province well.

That's the problem with the brownfields. The rhetoric is great; the reality isn't so great. I would suggest that the brownfields legislation, Bill 56, is doomed to failure unless you come as a full partner and help the municipality do what it wants to do. You have a role. Government has a role to play in this. In this instance, the toolbox that you've supplied to the municipalities is woefully inadequate. That toolbox needs your commitment, and it needs your commitment to help finance this.

Interjection.

Mr Bartolucci: Yes, it needs more money, well spent. There's absolutely nothing wrong with that. That's the role of government.

The Deputy Speaker: The member for Oak Ridges has up to two minutes to respond.

Mr Klees: I want to thank the members who have participated in this debate.

To the member for Glengarry-Prescott-Russell, who I know meant well by referring to Bill 111 when we're debating Bill 56, his comments will be taken and we'll transcribe them back into the last debate that we had.

To the member for Toronto-Danforth, I understand her penchant for spending. I wasn't saying at all that it was wrong to do what was done, for example, in Hamilton and other areas. At that time, if the money was available—and I can tell you that if the coffers were overflowing, if we weren't still trying to dig ourselves out of the mess that previous governments got us into, we too would, I'm sure, be willing to distribute additional funding to various places.

I thank the member for Oxford for his insight and his wonderful compliments on my speech.

To the member for Sudbury, I thank him for being on the record as admitting, finally, that our government has increased health care spending by some \$5.8 billion. I question him as to whether or not what he's saying is that rather than put the money into health care, we should be putting it into brownfields. I'm going to ask him to respond at some point during the course of this debate. And the member rightfully refers to a toolbox. That's what this is: a toolbox for municipalities, the private sector—all of the partners—to get on with it. It is not a money box, and that is what the opposition is calling for. That is not what this government is about. We're saying, "Here's a toolbox. Use it wisely. Use it well. Work together. Co-operate. Do what is right, in the interests of our taxpayers."

The Deputy Speaker: The floor is now open for further debate.

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): I'm pleased to be sharing my time with the member for Sarnia-Lambton, the well-known Caroline "Erin Brockovich" Di Cocco, who will be talking as well.

Interjection.

Mr McMeekin: She's been called worse than that, but not by anybody on this side of the House.

I want to say at the outset that there's a very real need for brownfields legislation in this province. That opinion was certainly echoed by municipal leaders all across the province when we did our Let's Build a Bridge tour, as was the lament about the lack of coming to the table, in so many areas, with the resources to make things happen.

1950

The member for Oak Ridges talks about how things fit together. That's true. There's a pattern here. This government so often seems to be able to take one itsy-bitsy, tiny, little step toward doing the right thing, but always somehow finds—it's almost mythical how they do it, the ability in the end to fall short, to let it fall between the cracks simply by not being able to come to the table with a few quarters to help out things here.

Every Ontario community, some more than others, has contaminated sites. They're eyesores and they're toxic hotspots, some of which, by the way, were created at least in part because of a failure of provincial governments of all stripes to assure the kind of environmental vigilance that in hindsight we wish we had exercised. For that reason alone, I think a very good case can be made for the argument that the provincial government, generically, is culpable with respect to brownfield sites and therefore ought to, as a matter of basic political integrity, come to the table with resources.

I can tell you that in my community of Hamilton alone there are some 130 brownfield sites, some 3,400 acres. We recently had a conference in Hamilton on brownfields which we were privileged to be at—a lot of good material, all of which I'll send to my good friend Chris Hodgson—with respect to some of the pluses and many of the shortfalls of Bill 56. One of the key business leaders in my community went to some great lengths to suggest that without the cash needed, particularly given

the lack of environmental vigilance by this government, he was quite convinced that this would simply represent another forum of inappropriate offloading on to municipalities.

I thought your remarks, by the way, Mr Speaker, were very good in that regard. I don't, just for the record, recall from you, in my 14 or so months here, any pattern of lamenting what's gone on in the States, or any other country for that matter. That's just for the record.

We need to create an environment that will serve clearly as an incentive to help us get some of the very real difficulties we have sorted out. Good ideas always require some small first steps, and we've seen a series of those here. The bill, to its credit, does recognize municipal risk, does recognize there's a problem. But it just doesn't embrace adequately the kind of solutions that experience would tell us need to be put in place to make things happen.

It's been said that good judgment is based on experience and experience invariably on bad judgment, and I think we've seen a lot of evidence of that here in this House. Clearly, we need new tools. As the member for Hamilton West, who serves in the dual capacity as Speaker, has said, municipalities need a hand, they need some help, they need flexibility and they need resources.

One of the members opposite, I think it was the member for Oak Ridges, talked about its being a toolbox and not a money box, just not having the resources available to help. I wish when he was sitting around the cabinet table with some of his colleagues, spending this \$254 million on partisan government advertising, that they had paused just for a moment to reflect on the serious brownfield problems we have.

That having been said, I concur with members who have indicated that we need both senior levels of government to come to the table with more than just words of encouragement. We need them to come to the table with an acknowledgement that while some sites may be—I hesitate to use the word "sexy," but some sites are sexier than others. The sites that really need the partnership are those sites that don't readily lend themselves to ready partnerships and yet they're still as much an eyesore, they're still as much a toxic hot spot until they get cleaned up.

I respect the minister's intention with respect to this legislation. The minister is well intentioned these days. It must be very frustrating for a minister who does desperately try to take the time to listen to be as shut down as he is by this government on so many fronts.

We need this government to be bolder and certainly more visionary. In my opinion, there's not enough in this bill to generate much interest with respect to the risk management that was referenced by others, especially given the provincial involvement and the lack of MOE oversight.

Where to go? One of the things we could be doing is demystifying SuperBuild. It would be nice to think that, like Quebec, coming to the table with \$30 million, and New York with a couple of hundred million dollars, this

government would acknowledge what so many other people seem to know: that if you come to the table in a true fiscal partnership, you can make some things happen that otherwise wouldn't happen.

Like you, Mr Speaker, when you had your few moments here, I want to look for a minute at what our friends to the south have done with respect to cleaning up brownfields. For the past decade, numerous states have developed brownfield programs with financial incentives, liability relief, which is another shortcoming in this bill, and streamlined local approvals procedures, which to this government's credit they have made some progress on.

In Massachusetts, for example, in order to encourage the redevelopment of brown sites, they passed the Brownfields Act in 1998. This act creates new incentives to encourage the cleaning up and redevelopment of contaminated properties. It provides liability relief and financial incentives, while at the same time ensuring that all Massachusetts' environmental standards are complied with. The Massachusetts Brownfields Act creates three financial tools that complement each other and address an assortment of other needs. Two of the tools deal with start-up money—I think you referenced that in one of your references to American sites as well, Mr Speaker—which the state will provide to potential developers.

The third tool is a state tax credit of 25% that is available at completion of the cleanup of a contaminated property. In fact, the state will provide a tax credit of up to 50% as an incentive to get on with cleanups.

I believe these are all good steps and truly do encourage people in other locations to get involved with brownfield sites, and I think if we were to go the second mile to try to replicate those here, Ontario, which lags far behind its neighbours to the south, could move forward in a much more progressive way.

Currently, municipalities are very worried. They're in the awkward position that if they get involved they'll end up footing the bill, and that is never comforting. I can say that as one who has had the experience of being the mayor of a great municipality.

I want to end by suggesting that there's still time to make the changes. In fact, there's never a wrong time to do the right thing. I want to remind the government of that and suggest to them in all seriousness that if they were to brave doing that, we on this side of the House would seriously stand in support of this legislation, but as it is now, no way.

Ms Caroline Di Cocco (Sarnia-Lambton): First of all, I want to commend the member from Ancaster-Dundas-Flamborough-Aldershot, not only for his philosophical perspective, but for providing some substantive evidence of another way to do business, which he put into the record. I want to thank him for doing so.

Bill 56, the Brownfields Statute Law Amendment Act, certainly provides municipalities with a toolbox. What the member from Oak Ridges forgets, though, is that the tools are missing. We need to do more than just the toolbox. It's supposedly to encourage rehabilitation of contaminated industrial lands, but there's no provincial

funding to pay for this cleanup. I understand the need to manage dollars prudently. Unfortunately, one of the responsibilities of the various levels of government is to be at the table—we talk about partnership—and to be at the table substantively, not only rhetorically.

2000

One of the issues for me is with regard to—I heard the member speak about red tape and that if you remove the red tape, the private sector will step in. Unfortunately, the track record of red tape here is only to take away the regulations that in many instances are there to protect the public.

The private sector in my municipality has done some remarkable things with brownfields. I can speak about what Dow Chemical has done with their wetland project, whereby their environmental research experts who are looking at different ways to clean up their sites have planted special vegetation that has been extremely successful in turning their brownfields into a natural area with a walkway. But there has been no partnership. They have done that on their own hook. Can you imagine how much more broadly that can take place if you have the municipality, the provincial government and the federal government actually come to the table and sit down and say, "OK, how do we divvy up this responsibility so we can actually empower the municipality with some funding?" and say, "OK, how do we get this cleaned up?"

One of the things municipalities don't have is environmental departments that deal with the investigative process of—let's put it this way—how contaminated the site is. They have to go out and buy the expertise. I believe some of the larger municipalities have that, but a number of the smaller ones just don't. It's just not in their capacity to have the expertise to actually do what is going to be in their mandate with this legislation.

For me there's a consistent pattern that I've seen since I've been a member of this Legislature; that is, to give responsibilities—like they're doing in this case, saying, "OK, we're going to give you more leeway to be able to ensure you can clean up or give a tax incentive"—but the cost is coming from the municipality. They're going to have to divvy up the cost. You're giving the responsibility to the municipalities, but they have to find the money.

In the end, we do have just the one taxpayer. They've already paid through their wages to the provincial government, they've already paid to the federal government, and here you have the municipality, which is strapped. It only has one way to attain the taxation base from which it can provide its services. That taxation base is through residential assessment. I believe it is unfair to consistently do this.

I have with me some figures for the city of Sarnia. In 1991, they received transfers of about \$10,509,501 from various levels of government. Since then, they certainly have had a lot more responsibilities downloaded, but they only receive \$216,000 in transfer payments. It's a huge, huge difference, and the cost to the municipality—its budget for the year 1991 was \$48 million, and today it's

\$50 million. So it has certainly gone up, but they've had to find the dollars to pay for their services at the local level. Again, in the end it's one taxpayer.

One area where I believe the provincial government certainly has a responsibility is not only in this reactive mode in the whole issue of cleaning up. I'm watching a whole site in our area be contaminated on a daily basis, and yet there doesn't seem to be a political will to put liability on the generators of waste that's going to end up contaminating the sites. In the United States, they have more stringent laws that suggest that the generator, particularly of hazardous waste, is responsible from cradle to grave. They're responsible after the waste is landfilled and if there are any kind of environmental impacts. We don't seem to have—certainly there's no political will. We've seen what they have done to the environment ministry. That, to me, is an indicator as to the political will to deal with serious environmental issues.

We want to talk about, as I said, this whole, if you want to call it, concept of putting the responsibilities as well on to those generators and the private sector, because what the mantra seems to be is to remove any obstacle for the private sector. They have to make money; we know that. But on the other hand, they have a responsibility. Again, I disagree with the fact that the government certainly finds the money for its partisan advertising. It finds the \$250 million, no problem. Its cabinet offices have increased in cost by 116% since 1995.

Mr McMeekin: They still haven't answered your questions on that.

Ms Di Cocco: That's right. You really haven't answered the question that I certainly posed as to why it has increased when every other ministry has been smaller.

What we have here is a lot of rhetoric, but there's a lot of dollars, in my view, that are being directed, and I don't think their priorities are straight. I would like to have seen that kind of money going into environmental clean-up, into environmental, if you want, tools in those tool-boxes for the municipalities, as well as incentives for industries that are taking innovative approaches to cleaning up their act and are being responsible for the waste they generate.

One of the remarkable things is, we talk about wanting to clean up brownfields, but it's my understanding that a lot of the waste that's generated, particularly hazardous waste—I don't know, 70% or 80% of it—this government doesn't even know how it's being disposed of. In other words, they could be putting this hazardous waste in non-hazardous landfills. We don't even know that.

So I'm very skeptical about the political will of this government to introduce legislation that is truly going to assist in cleaning up our brownfields.

The Deputy Speaker: It is now time for questions and comments.

Mr Bisson: I want to commend the member for the comments she made in this particular speech. I just want to repeat what I said earlier in regard to where we are at

third reading of this bill, that there is much of this bill that is really left to the detail of regulation. That's something that bothers me greatly. The general gist of what the government is trying to do by way of the legislation itself I don't have difficulty with, because I think we can all agree, on all sides of the House, that we need to try to find ways to encourage the redevelopment of areas that are brownfields within our communities. All members can point, I'm sure, to a site within their communities, within their ridings, that is in need of trying to redevelop areas that, quite frankly, have been an environmental disaster. I know I can point to some, and I'm sure all members can do the same.

2010

The difficulty I have, and I want to say this again because it needs to be said, is, first, many of the details are in the regulation. That bothers me because we really don't know what we're dealing with here, what kind of power the minister is going to take or not take in regard to what's going to happen, depending on how this particular bill is going to be used in municipalities across Ontario.

The second issue is that of resources. I look at the city of Timmins, or Kapuskasing, or Hearst even, where there have been brownfield developments that quite frankly would be good to redevelop into whatever we can do with them, but if there is no support on the part of the provincial or federal governments to assist the municipalities to mitigate some of the costs for the municipality or, in some cases, even the developer, if it's appropriate, how is that going to happen? The government across the way says, "We can't be spending money to do these kinds of things." I would argue that in some cases we need to. We need to make sure that we develop those sites properly within our communities so they can be used for the benefit of all the citizens and communities. If the provincial or federal governments are not at the table with dollars, it often is just not going to happen.

Mr Wayne Wettlaufer (Kitchener Centre): It's very interesting to hear the members of the opposition party object to this piece of legislation. It makes me think that they're performing the role of an opposition party, and that is why the people of Ontario want them to remain an opposition party for a good long time.

There is no way you can object to this piece of legislation. Everybody in Ontario wants to see the brownfields developed. The only proviso I would make would be that those who are developing the brownfield ensure that all communication necessary is made to the surrounding property owners.

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): I commend the members from Ancaster-Dundas-Flamborough-Aldershot and from Sarnia. I apologize for having referred to Bill 111 a little while ago. It was really Bill 56 that we had to refer to, but it is again downloading.

When I look at this bill from start to end, I really don't know where I am going to stand on this, because the contaminated land, especially in the rural areas, has been

an oversight on the part of this government for many years. When I say “oversight,” it’s because I look at the Hawkesbury issue. Hawkesbury had a CIP lab plant, and they had a huge lagoon of 50 to 75 acres. The government, MNR, has taken over. They left that contaminated land there, right in the middle of the town of Hawkesbury. The government doesn’t want to do anything with it. Will this bill entitle this government to clean up this piece of land that belongs to the government at the present time? I don’t know if it’s going to happen.

If I look in the Glengarry area, the Alexandria area, for example, which was served by a former minister, we have contaminated land all over this area. Every day of the week we get phone calls because the people are in a really bad position at the present time. They don’t know what to do. There is no financial assistance for those people. We want to have the land clean, but the people are going to lose the property. The process is to proceed with a severance of the land so they would let go of the piece of land that is contaminated to the province or to the municipality, so they wouldn’t have to pay the bill for cleaning up that property.

Ms Churley: I find it too bad that the debate on this bill has become so adversarial in a way, because I don’t hear any member in the House say that they don’t support legislation that will help clean up brownfields, contaminated land. I, for one, was pleased to see the government come forward and take some steps to have that happen.

Despite the fact that the government says they’re the first ones ever to deal with this issue, we know that isn’t so. We know our government put in substantial dollars to clean up contaminated land. But I supported the government’s position in terms of coming forward with legislation that would put in a regulatory regime that will help our cities, our towns and the private sector clean up these lands, because make no mistake, there was a time—fortunately that is changing for the better—when we used our land like a garbage dump, in the days when nobody thought about the eventual impact. I know from my riding, which used to be called Riverdale, terrible lead contamination in South Riverdale from a lead smelting plant that was put in there, I think, in the 1920s. By the time we discovered it, taxpayers ended up having to pay for a large portion of the cleanup for the health of the people who lived there. Just over the weekend, I was in Port Colborne talking to people about the contaminated land there. These are very serious contaminations we’re talking about, but there are thousands and thousands of very dangerous sites all over the province. We cannot pretend, as the government wants to, that this legislation is going to go far enough without the funds attached to clean up those sites. They have to address that issue.

The Deputy Speaker: Now either the member for Ancaster-Dundas-Flamborough-Aldershot or the member for Sarnia-Lambton may take up to two minutes to respond.

Mr McMeekin: The riding with the longest name, because our people have the biggest hopes and the

biggest dreams. The member for Sarnia-Lambton and I are both so passionate in our concern about this issue that we’re wrestling to see who has the final few precious seconds in this important debate to drive home a few key points, salient points that this government, on a good day, would catch easily if they were listening. Those who have ears, let them hear.

It’s like a giant puzzle, Mr Speaker, and I think you put it very well when you quoted one of our American friends—you often quote our American friends when you want to make good points in that context. I believe your words were that these critical start-up funds often make the difference, and I think that’s very true. There are going to be situations that municipalities are going to be facing in the not-too-distant future. There are going to be sites they want to clean up, and there’s going to be concern because the amendments haven’t quite adequately dealt with the environmental liability and they’re not going to want to take on those sites.

Mr Dave Levac (Brant): We’ve had one in Brant.

Mr McMeekin: There’s one in Brant. Plastimet is a classic example in my hometown. So that funding is critical.

The toolbox that’s referenced seems to include a lot of hammers. The difficulty with that is, when your only tool is a hammer, every problem is a nail. We need a few tuning forks and screwdrivers and some other helpful tools.

This legislation represents one small step for municipalities and one giant step for PC spin doctors.

The Deputy Speaker: The floor is now open for further debate.

Ms Churley: That’s a hard act to follow. I’ll have to think of something clever to follow up on that. I’m sure it’ll come to me halfway through my 20 minutes.

We talk about brownfields. If there are actually people out there watching us tonight, they might want to be reminded—

Interjection.

Ms Churley: Absolutely, they’re tuning in right now to see me.

It’s important that we remind people—we get into jargon and rhetoric here—what we’re talking about when we refer to brownfields. Many people across this province have experienced and are experiencing so-called brownfields in their towns and cities; certainly, as I mentioned previously, in South Riverdale, where I live and have lived for many years. In fact, I got into politics as a result of fighting pollution in various forms in my neighbourhood. If you want to talk about brownfields, this was in a residential area. It still is a residential area. A large lead smelting plant had operated there for years with minimum controls. Over those years, lead was spewing into the air and the ground and the soil, into the houses, into the schoolyards, into the gardens, everywhere over a large area. Over that period of time, a number of community residents really started to understand there was a problem, and there was lobbying for a very long time. David Reville, and before David, Jim Ren-

wick, who were NDP members sitting in this House in opposition at the time, were the champions. They fought hard for years, working with the community to get successive governments to do something about this problem.

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This is one of those horror stories. This is what happens when land isn't cleaned up. We finally got mobile caravans to come straight into the community with public health nurses who took blood tests from the children. I'll never forget the sight of children lining up to have their blood tested—this was in a low-income area of the riding. Not surprisingly to the community members who were working on this issue, some of those children had blood levels that just went through the sky. Nobody could pretend any more that this wasn't a problem.

At that time I believe it was the Liberal government in power, and we were finally able to convince them that the money had to be spent. We did go through quite a rigamarole in terms of trying to get some money back from the lead smelting plant, and to my knowledge they still haven't paid a huge chunk of that money, whereas it was their responsibility. But at the time, a decision was made that the health of these children and the residents came first.

Now we have a situation in Port Colborne, where I was on Saturday and spoke to folks who live in some of the hot spots on Rodney Street, which is one of the areas, as a result of a plant there, that we now know. I believe the government is coming out with a report, the results of some further testing of the nickel oxide that's in the soil and the air and the water, and no doubt in people's homes in that area. This has been going on for some time, and I asked the minister questions, which I have numerous times—I asked just last week, last Thursday.

We think there's a report coming out tomorrow, and we understand there will be no testing inside those houses. That is ridiculous. You know this has been tracked into the houses over the years and has accumulated there. We now know—and this is a very important point—we keep learning things over the years as our scientific equipment becomes more sophisticated and we're able to do more sophisticated testing. We're able to upgrade what certain carcinogens do to our bodies.

What happened in 1994—I think it was shortly before we lost the government—was that the federal government came out with a report that for the first time called nickel oxide a class 1 carcinogen, which is known to cause cancer; not suspected, as had been the wording in the past, but known to cause cancer. Since the time this government came into being in 1995, nothing has been done. This is after a report came out from the federal government saying it is known to cause cancer.

Some people there, because the government would not spend the money to do the sophisticated testing that's needed to detect these levels in homes—and I'm talking about lead and arsenic as well as nickel oxide in that location. Because the government wouldn't test, some of the people there have spent the money themselves and had that sophisticated testing done. Lo and behold, not

surprisingly they found that some of those houses had higher levels of this stuff inside than outside. That is very worrisome.

So I asked the minister if they would conduct the tests inside the houses, like we did in south Riverdale looking for lead. It must be done. The community is demanding, and I am demanding, that it be done.

As we get more sophisticated equipment, as we understand more the impacts of these carcinogens and other industrial wastes that have been building up in our communities, perhaps for a hundred years, some more, some less, it is absolutely critical that we do something about it, not just for redevelopment, because that's important as we try to—and I know that's the intent of the bill—find a way to clean up these sites so we can build on these existing sites to try to avoid urban sprawl, which has all kinds of environmental problems, not to mention losing more and more farmland. This kind of legislation is important, and I welcome some aspects of this legislation that will help municipalities and the private sector do that. I welcome some of the minor amendments that the government made and accepted to improve this legislation. It is important. In my view, I think, to some small extent, it is going to make a difference.

The problem is—and of course it's not just the NDP saying this. That's the way government members speak. They say, "It's the NDP. They're talking about spending money again. That's all they talk about. All they care about is spending money. It doesn't matter."

There was—and the member for Hamilton West referred to it—a conference that was held in Hamilton—where, as we know from him and others, there is a great deal of so-called brownfield land in that community, as there is in south Riverdale, where I live—at which others spoke very vehemently about the need for both other levels of government to come in with more than a toolbox, which is what is being presented here today. The toolbox is not all that helpful without the funding to go along with it. Several speakers at the conference said things like, "Senior government levels were missing in action" as far as funding for brownfield remediation is concerned. Over and over, speakers pointed to pots of cash, loans and financing packages available in the United States.

It says in this news report I'm reading from the Hamilton Spectator, dated 10/18/01, by Mike Pettapiece that a blunt message came from Peter Lemon of Owen Sound: "What we need is a new understanding from senior governments (Queen's Park and Ottawa). What we need is reality government," Lemon said. Referring to the down-loading of services onto cities and towns, he said senior governments are not kicking in remediation money. "This is neither fair, nor just. But, it is a reality so far."

Again, later on, it says, "Neither level of government has come up with the serious money seen at city, state and federal levels in the United States." You need a brownfield incentive package. Not just a toolbox but "a brownfield incentive package beyond what you've got at

the moment.” “You need a provincial and federal partnership in this whole program.”

All of the articles that I’m reading from that conference repeatedly say this over and over again. Many speakers said Bill 56 is a good first step but it doesn’t address the questions of funding and of civil liability should contamination spread. So what we have here is what some people are referring to as a good first step, but that’s all it is. I find that frustrating, given that we have a government that stands up and talks about their so-called Smart Growth, which I refer to as dumb growth because it’s not my definition of smart growth. If you’ll recall, the term “smart growth” came from Al Gore, who penned that phrase in the US when Clinton was in power. Al Gore, who was a known environmentalist, did a lot of work on the environmental front and came up with this phrase to indicate real environmental planning.

When we were in government, one of the things that I was most proud of—and I should refer to this because it is indeed related—and there were many things that we did in our government that I was very proud of and sometimes people forget and need to be reminded of, was that we brought in the Planning Act. We referred to it as the green Planning Act. If that act had been left alone and carried forth, many of the problems we’ve been having in Oak Ridges moraine would not have happened as a result of this green planning act.

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If you’ll recall, we took this very seriously. John Sewell and Toby Vigod, then from CELA, and others went out—I think it was for two years; it came in on time—and consulted all over the province. It was a very difficult process because lots of people had different views, but it reached generally a consensus and it was a really good green planning act that encompasses the kinds of things that you hear this government talk about now. They say the words, but they’re not doing it. The Gibbons report, which was just done for the Ministry of the Environment, talks about the need to not isolate taking care of the environment into one ministry, but to have a government—and we started that with the Environmental Bill of Rights and the Environmental Commissioner, which I am happy to say is the only progressive piece of legislation in terms of the environment that this government hasn’t gutted.

I’m not just talking about pieces of legislation that our government brought in, of which there were many; but when you think about the Environmental Assessment Act, which has been totally gutted, the heart and soul torn out of it, the whole aspect of proponents having to look at alternatives to the site, alternatives to the undertaking, to look at the social and economic impacts—all of that is gone. Now it can be scoped down to the hole in the ground. That’s where things are at with the environmental assessment process. Intervener funding has been thrown out; a lot of the advisory groups are gone, and on and on and on when it comes to environmental protection.

Not only did this government repeal the NDP green Planning Act, they went even further back. They took the existing Planning Act and even made regressive changes in that to make it easier for their developer friends to develop and make money. That’s what happened.

But one of the things they kept was the Environmental Bill of Rights, which was something we’re very proud of. It’s something that Ruth Grier had talked about in opposition. Then we came into government and she was able to work on it and we kept our commitment and brought that in. Fortunately, that remains; I think it remains because I don’t think even this government could have gotten away with killing that. It was too popular a move.

It involves community involvement, community input and a commissioner as a watchdog keeping track of what the government is doing. But it also, and this is key—and I’m coming back again to not treating the environment in a piecemeal way. The concept was—and we started to do that in our government, and the Planning Act is a good example—looking at the Planning Act not just in terms of developing rules around that, but green, real smart growth. We didn’t call it that, but that’s what it was all about: to protect our environment and be able to develop at the same time, but in an environmentally friendly way, and to stop or curtail urban sprawl.

Under the Environmental Bill of Rights we also started the idea that all ministries and all ministers had to come up with an environmental business plan, that every new policy and piece of legislation they brought in had to be looked at as well from the environmental point of view. That’s really critical if we’re going to be able to clean up our environment. It’s really critical if we’re going to make improvements in our environment and stop the kinds of problems that existed in the past.

That’s what we need to see with this piece of legislation around brownfields. It is just not good enough and it isn’t going to work. There may be a little cherry-picking, a little tinkering around the edges, and it might be easier to have some sites cleaned up. But I can guarantee you from everything I’ve read in this bill, and all the criticisms of it, the biggest concern that we hear over and over again is that, particularly after all of the downloading this government has caused for our municipalities—think about it. They are scrambling already to be able to keep up with the repair of roads that the province used to do at one time. They now have to find the money out of their limited tax base to pay for that. They have to pay for housing because the government completely got out of building affordable housing and downloaded the affordable housing and social housing that we have. Public health, transportation, all of those things: they don’t have the funding to do the kinds of things they have to do now. So here we have before us today a very important bill that is lacking a key component.

I want to take this opportunity to say directly to the government that this is not just on their heads. Mr Speaker, when you were speaking to this bill, you talked about the Environmental Protection Act in the US. That of course is a federal agency, and this program that deals

with brownfields in the United States is helping people—municipalities, communities, First Nations—all across the country. They've put massive amounts of dollars into it. I'm sure if you were to talk to some of the developers and environmentalists and town councils and governments there, they would say it's not enough. It's never enough, but at least it's a start. There's real dollars, real money put into a pot.

I was intrigued, Mr Speaker. I think you said \$2 million was put in just to help train communities as to how to deal with this. That's the kind of thing that we need to see here. This is a very serious problem. It's dangerous in some cases; that's the worst thing. I would say that the dangerous brownfields have to be cleaned up first, particularly in our communities.

I have a site that I didn't name in my community right now, a couple of streets. We're dealing with the ministry. This has been going on for seven years. They've had testing and all kinds of things done, and the government is dragging its feet in dealing with the company that is responsible for at least some of it. Nobody is doing anything, and the land is just sitting there. People are living on that land. We are trying to deal with it in a civilized way, at this point dealing directly with the government.

For those kinds of dangerous situations, where people are living there and their land is contaminated and there's evidence that it either causes short-term or long-term health problems, I don't think there should be any debate whatsoever in this House. If it's a choice between giving large tax cuts to corporations and to wealthy people, which is what this government has been doing ever since they came to office—that is why it took them so long to pay down the deficit. That is why they still have a huge debt. They're taking money, borrowing billions of dollars, to give these large tax cuts. In the meantime we have these brownfields. They need to be cleaned up. We have a government which once again is giving large corporate tax cuts and saying they have no money to put into a pot, even if it's a little bit, even if it's a small amount in pilot projects, to get the ball rolling, to get things started.

So I would say that I'm so disappointed that we're not going further with this bill. I wish the government would listen not just to us but to all of those, and I'm sure there are many, Tories in municipalities saying the same thing. They need more than this incentive. They need real dollars, real funding.

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The Deputy Speaker: It's now time for questions and comments.

Mr Dunlop: I just want to congratulate the member for Toronto-Danforth for her comments this evening. I heard a lot of positive points coming from your comments this evening. I hope in the end, after our debate, that your party will support this legislation. We think it's good for the province of Ontario; we think it's good for the communities in our province. After maybe further comments and debate and some thought, I hope you'll support this legislation.

Mr Levac: I'd like to congratulate the member for Toronto-Danforth. Absolutely no question could be made about her passion and genuine concern for the environment. I want to compliment her. From my knowledge in this House, she has continued to fight for the important parts of the environment that are necessary.

Speaking specifically to the bill, and sitting on the general government committee that required and requested and received support from both sides to come to Brantford to take a look at an actual site that was being rehabilitated, I want to compliment all the members in the House for their openness in trying to see the real issue that we're faced with, and that is to rehabilitate these sites.

The things that the leaders in my municipality have been talking about—the mayor himself in his presentation indicated that you've got these easy sites that are low-toxicity or the clean sites that governments don't have to worry about because the private industry will walk right in and say, "We'll snatch that piece up and redevelop it." There's not a problem with that. It's the rehabilitation that needs to take place. Deputation after deputation went on to say, "You've got to have some type of special fund that's available, like it is in the States, and we need federal, provincial, municipal and even private sector money to have for an emergency situation."

One of the brownfield sites in Brant used up their entire reserve fund. Brant, being a leader, had this marvellous pot of money that it would be able to set aside for redevelopment of brownfield sites. One disaster in one ward used up the entire fund. So the fact that the government is not speaking about a special fund disappoints us.

It also disappoints us about the liens. The provincial government is not working with the municipalities to drop those liens on the property that they actually own so that they can go in and develop them. They're not dealing with those liens as well.

Off-site liability, where the toxins leach into another property beside it—they're not taking care of that as well. That type of legislation is far too vague, if it's even referred to.

So there are far too many things that have to be done for this government to say it's won the battle on brownfields.

Mr Bisson: I'd like to congratulate the member from Toronto-Danforth.

I guess the sort of litmus test that you've got to give to this legislation is, what is it going to really accomplish in the end when it comes to being able to clean up brownfields? I agree with the member from Toronto-Danforth that this is a step in the right direction, and nobody argues with the direction that the government is trying to take. This is something that our party, the New Democrat Party, supports. We believe there needs to be an effort not only to give municipalities the legislative tools to clean up brownfields, but you've got to also give them the financial tools to do it.

I take this legislation and I look at areas within the riding of Timmins-James Bay where there are brownfields that need to be redeveloped, and I ask myself, "Will this legislation in and of itself redevelop those sites?" I don't have the crystal ball to say for sure no, but it's not very likely, because the brownfields in our communities tend to come out of the mining environment. So if you look at old tailings sites, you take a look at what's happened in the Schumacher area around what used to be Pearl Lake, or you take a look at some of the Hollinger stack tailings in other places that are the sorts of brownfields that we would be talking about, unless the government is there with some kind of dollars to assist the private sector to develop that particular land into something useful again, it's just not going to happen.

I say that one of the things the government should be doing is going to the federal government and doing what we did as a provincial government under Bob Rae, saying, "Why don't we negotiate some type of arrangement where there's a one-third/one-third/one-third sharing of the cost between the three levels of government?" and saying, "If a municipality wants to support a particular project in the community, we the province and the federal government will kick a share into helping redevelop that brownfield site." If you did that, you'd probably see this legislation doing something positive when it comes to redeveloping brownfields. But in itself I would venture to guess that not a lot's going to be done when it comes to redeveloping brownfield sites. The legislation might be a step in the right direction, but it ain't got the teeth.

Hon Mr Stewart: I just want to compliment the member from Toronto-Danforth on her presentation. There seems to be a lot of concern about municipalities and where they may get funding and how they may accept this legislation. I think the municipalities will be tremendously supportive of this. They are the ones that will benefit in the long term. Rather than have buildings and property that cannot be used, they could be turned into affordable housing; they could be turned into a lot of things. I think there should be a tremendous ripple effect that could be done through this particular legislation, so I hope that everybody would support it.

The Deputy Speaker: The member for Toronto-Danforth has up to two minutes to respond.

Ms Churley: I'd like to thank the member for Simcoe North for his short but kind remarks.

To the member for Brant, I wanted to pick up on a few points that he made. In my remarks I talked about cherry-picking but I didn't go into details. I'm glad he brought that out a little more, because that is the concern, that there are some easy pickings there, that the developers can go in and clean up the easy spots, but the really bad spots, the ones that we should be most concerned about, nobody will touch, and they'll be left. That's part of the problem with this legislation. It's set up in such a way that it will be easy to cherry-pick the easier spots.

I wanted to also come back to the issue around the liens, an important point that I didn't address, but it is also important.

I'll come back again to the funding. The member for Timmins-James Bay—and I'd like to thank him and the member for Peterborough as well for their remarks. I want to come back to the funding because it is a critical piece that's missing here. There are some other problems that should be fixed, but it's that.

We think about the SuperBuild fund and the OSTAR fund, which are woefully inadequate. We have a huge problem with our sewer and water systems. We have a situation with the SuperBuild and OSTAR where it's not a dedicated fund for sewer and water and people are having to wait, municipalities are having to wait for that. Does this mean that now they are going to have to think about another piece of OSTAR and SuperBuild when there's not enough to cover sewer and water and the roads and all of the other things they have to cover out of those funds? It's hard to get anyway and it's not enough. Does this mean the municipalities are going to have to use those woefully inadequate funds to try to find funding to clean up these brownfields? If that's the case, it's not going to work, and I implore the government again to take this issue seriously and take a look at it.

The Deputy Speaker: The floor is now open for further debate.

Mr John O'Toole (Durham): It's my privilege to take a couple of moments and address Bill 56. It's sort of ironic that earlier today Minister Hodgson addressed the new Municipal Act. Having served several years at the local and regional level in Durham—of course, that's my riding—I've seen the relentless struggle of finding a solution to solve the issue of liability with old contaminated sites. So I'm pleased specifically with part III, which amends the Municipal Act. In that, the amendments allow the municipalities to pass bylaws and address issues with respect to assessment.

I know this is the right thing to do, and I'm confident from my observations that it looks like we're close to unanimous agreement on this bill. So with that, my remarks should be on the record in saying it's the right thing to do and the comments in the future will bear evidence that this bill will pass.

The Deputy Speaker: The floor is now open for questions and comments.

Ms Di Cocco: I just want to reiterate that this bill that deals with brownfields has to do with providing the authority and downloading to the municipalities the right, if you want, to deal with this, but it doesn't look at the whole package. I have to say that in my view you have to also put your feet where your mouth is. Unfortunately, too often we find there are some—I mean, the concept is right on. When we talk about the ability for municipalities to give tax incentives, of course that's important, because tax incentives would assist the private sector to go in and develop these brownfields. Unfortunately, the tax incentives come out of the municipalities' pockets; they don't come out of anyone else's pockets.

Again, you're not at the table in partnership with the municipalities. All you're doing is saying, "Now you can give tax incentives to clean up the brownfields." "Partner" doesn't mean that you just divest the responsibility to another level of government. It means that you sit at the table with them and also assist them if there is, if you want to call it that, a fiscal assistance that's required, because municipalities, unlike the provincial government, can only access their funds through property tax. They are very limited in that regard. As I said, unfortunately the government suggests it's going to provide the toolbox, but they just need some tools in that toolbox.

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Mr Bisson: I guess I have two comments to the member across the way. If the government is extremely proud of this legislation and feels strongly that they've really done a good service in drafting this legislation, I would expect the government to be up in the debate. What we're seeing here again tonight is that it's the opposition that has to get up and debate these particular bills, while the government sits on its hands and says nothing. I have to say to myself, they are either disinterested generally in what this Legislature is about, or they don't think that debate—the exchange of ideas and how we amend debate—is important, or they have some kind of strategy that quite frankly is beyond me. I don't quite understand what two minutes in debate really did to accomplish the government's agenda. If it was to try to collapse the vote, they've missed. They've actually helped us. So I've just got to say to the government across the way, they have a really strange strategy when it comes to debating bills.

I want to say directly to the member across the way—and I have great respect for the member from Durham—I have no difficulty with the direction your government is taking on this bill. Nobody in this House has argued that we shouldn't be moving in the direction of trying to deal with brownfields. The difficulty is, unless there are the monetary mechanisms to deal with redeveloping brownfields, you can draft perfect legislation and it's not going to mean anything.

Will the private sector on its own, in a community like Timmins, move to the Pearl Lake ERG tailings pond and redo that into some sort of park, as it used to be, or some sort of commercial or residential development? The cost would be prohibitive. For that reason, the private sector is not going to go out and do it on its own. So if we're serious about redeveloping brownfields within communities, the provincial and federal governments have got to be at the table and we have to bring our cash in.

It's an exercise in communication strategy when you look at this bill because it really doesn't have the means that you need to get these projects moving.

Hon John R. Baird (Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs): I'm pleased to comment on the speech from the member for Durham. The member for Durham is a man of few words and when he speaks the entire government caucus and

indeed the House listen. I want to congratulate him for his insightful remarks on this important public policy issue. We're so privileged to have such a wise helmsman of his stature in our caucus.

I would also tell the member for Durham and indicate my strong support for initiatives to restore brownfield sites in urban centres and small towns and cities and villages around the province. I visited the member for Perth's constituency and he pointed one out to me in Stratford. I know it will benefit from a bill like this.

Mr Tony Martin (Sault Ste Marie): I just want to indicate my pleasure that at least someone across the way tonight has gotten up to speak on this important bill. I think it's important that people out there understand that when we sit here in the evening, it's recognized as another sessional day in this place and is counted in terms of debate on bills that come forward, even though it isn't a full day of activity in this place. It doesn't include with it any opportunity for the opposition to question the government on issues of import of that particular day, so it's a bit passing strange when you consider the need there is for due process on so much of what this government puts forward by way of initiative to deal with some of the very real challenges we confront every day as we go about our business.

When they bring forward pieces of legislation, as my colleague from Timmins-James Bay said, you would think they would be up on their feet explaining, defending and responding to some of the criticism or critique, shall we say, that's put on the table by members of the opposition, so that we might present to the public out there some information that they then can take and decide for themselves whether they will support this and do what it is that they need to do by way of either participating in the committee hearings or writing letters to the editor or speaking to the government or, at the end of the day, how they vote, come the next election.

This is an important piece of work. We on this side have said that we are going to support it. It's just unfortunate that the members across the way don't seem to think it's important enough to get up and give it fulsome debate.

The Deputy Speaker: The member for Durham now has up to two minutes to respond.

Mr O'Toole: I respect specifically the comments made by the member from Sarnia-Lambton, the Erin Brockovich on this issue. I respect her point of view. I have heard her in the estimates process relentlessly argue, and I commend her, on behalf of her constituents, as I am; as I am arguing that I have, for too long, seen these brownfield sites sit vacant, and no one had the courage to move forward to find solutions.

Some would say this is the first step. This government certainly is on record as having the courage to do the right thing and to move forward. This first step signals the long-standing issues of liability and finding solutions.

Minister Hodgson made the point earlier today on the Municipal Act that it deals with the whole issue of smart growth, if you want to really get down to brass tacks, of

intensification, of using those lots and pieces of property that have been dormant for years in Toronto and other communities, Sarnia-Lambton. The members for Timmins-James Bay and Sault Ste Marie probably have sites as well.

The Minister of Consumer and Social Services I think addressed it the best. He said that when I speak, I speak from the heart. I can sincerely say that those remarks mean a lot to me and certainly they will form part of the record, of my testament of serving in office here. But each member here really wants to find a solution. This is the first step. I think it's the right thing to do. Is it perfect? No. But the option to that is the do-nothing option. Members on the other side are familiar with that option, rather than taking on the difficult choices. We've chosen to move forward.

The Deputy Speaker: The floor is now open for further debate.

Mr Martin: I appreciate the opportunity tonight to participate in this debate.

Mr Dunlop: We did you a favour tonight, Tony.

Mr Martin: Yes, you did, and I appreciate it. I want to say how happy I am tonight to be speaking not long after my colleague from Toronto-Danforth who, I dare say, in this place is probably the pre-eminent spokesperson and fighter on behalf of the environment, even when we were a government. Some of the initiatives we brought forward, even though she wasn't the Minister of the Environment, were certainly driven by her and her compassion and commitment to these issues.

A lot of what she said in her speech this evening is something that many of us would do well to listen to and to remember, because in fact when we were the government between 1990 and 1995, we did an awful lot in the interest of greening the province, working with industry and communities to make sure that there were new investments, that communities were organized to take advantage of opportunities, to move forward those environmental industries. We were convinced as a government that there was a lot to be gained, a lot of wealth to be generated by moving aggressively in green industry and environmental industry, in working with industry to make sure they were doing all they could by providing them with the resources that they needed to upgrade their technology so that they could compete in a world that is more and more driven in that direction and so that Ontario would not fall significantly behind.

The member for Toronto-Danforth, I think, can take great pride and credit for pushing a lot of those initiatives, as well as, of course, my good friend and colleague the member for Algoma, Bud Wildman, who was the Minister of the Environment of that day and spoke so often of the need to develop industry, to create jobs, to make sure communities were viable and vital but that all of that was sustainable in the long haul, that the ecosystem was understood and protected in everything we did and everything we put money into, invested in, and that we partnered with the private sector in trying to push forward and to promote. That wasn't without tremendous

effort and great challenge by people out there who didn't agree with us, who perhaps themselves thought they were going to be put into a less competitive position by having to invest money in some of these new technologies, for having to clean up some of what they were doing, so they weren't putting polluted refuse into lakes and rivers and, in that way, contributing to the unsustainability of some of the industry that was out there.

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Most of those industries responded in a positive and constructive way and worked with us, such that at the end of the day they in fact did better, were making more money. They found that by investing in that new technology they were able to produce a better product more efficiently, and there were markets out there around the world that more and more were becoming concerned and interested in environmentally friendly product, that were looking for what they had to offer and were buying it, in many instances, over the product of competitors.

That's why tonight we in this caucus can stand and say that we support this bill. Anything that will move us to cleaning up some of the very difficult and challenging situations found particularly in some of our inner cities—I'm talking here not only big cities but small cities and towns—so they might encourage and attract and work with industry to set up shop and do it in a way that is environmentally sound and is located on property that hasn't been, over two and three generations, contaminated in some serious and significant way that could lead to further contamination of water systems and the ecosystem.

We're happy tonight to stand here, as my colleague from Toronto-Danforth did, and say that we support this bill. However, in supporting the bill, like so much else that this government puts forward, there are some problems. The main problem with this is that the government has not identified any significant resource of money to go to municipalities and communities to help them in this important work, to make sure that when they pass this legislation and people out there get excited about it and want to become involved and to support it, want to develop partnerships with the private sector to move some of this forward so we can have these new developments, that in fact the money from the provincial government will be there.

As a matter of fact, I am led to believe that there was a meeting not that long ago in the Hamilton area, a community that has moved to do some creative things where brownfield areas are concerned, and there the critique of this whole thing was that not only was there no money coming from the provincial government but there was no money coming from the federal government either.

That shouldn't surprise any of us, particularly when you consider the record of this government in the recent past, where they've gone out across this province, mostly in response to the very tragic circumstances of Walkerton, to challenge communities to upgrade their water and sewer systems so they are the best that's possible so we don't put at risk the lives of citizens any more after that

very difficult and painful experience of Walkerton. They came before the House and tabled some very tough regulations where water and sewer are concerned, and we thank them for that, because we think it's important that they do that; however, in then working with these communities, particularly the smaller communities in some of the northern and rural areas, in trying to get them to upgrade their systems, alas, again there just was not the money. The money wasn't there.

Mind you, they put in place programs. You spoke a few minutes ago, and so did my colleague from Toronto-Danforth, about the OSTAR program. We've heard a lot in this place over the last year to year and a half about a program called SuperBuild, where this government has taken all of the capital money that was available through mainline ministries and put it into a big fund. They're going to make decisions that would reflect a concern by this government for some of the priorities that they indicated by way of some of the legislation they've brought forward to move to correct some of the inefficiencies in infrastructure where water and sewer is concerned. But alas, here we are, almost into November of 2001, a year and a half into the announcement of this grandiose scheme to somehow make the investment of capital dollars in this province more efficient and more responsive to the people out there as they come forward with projects to be prioritized, instead of ministry by ministry now on the basis of the whole province, and yet we don't have one announcement to this date—nothing.

So the question that my colleague from Timmins-James Bay puts forward here tonight, which is, "Where is SuperBuild?" is a good question. Where is SuperBuild, and how are they going to ultimately make decisions? How are they going to prioritize, and will this legislation, the Brownfields Statute Law Amendment Act, be recognized in any way by some of that investment? I dare say that we'll have some difficulties.

I was talking to the minister last week when she came before the committee looking at estimates, and I asked her how we are to be confident, as we move forward with the heightened awareness and sensitivity that's out there on questions of the environment and water and how we deal with our waste and sewer, that she is going to make sure that voice, that concern, that priority is heard at the SuperBuild table. Is she herself going to be there? She says no. Is somebody else from her ministry going to be there? They say, "Well, no," but they will have put their projects forward. They, in partnership, she suggested, with the SuperBuild bureaucracy, will have made their case, and at the end of the day she said they were confident that the decisions that were made would reflect the very real concern that exists out there across this province where the environment is concerned, and where investing in clean water and proper maintenance of disposal systems is concerned, that in fact it would be reflected.

But when you stack that up against the demand that is now growing out there for capital investment across this province, because there hasn't been much to speak of

over the last couple of years in Ontario, you have to ask yourself, who is this genius, who has the genius in this SuperBuild organization to make the decisions?

We have a big demand for investment in health care. In my own community, we've been waiting for about two years now for a decision about whether we can move forward on a new hospital that was suggested by the restructuring commission. We, as a community, decided yes, indeed, we probably need a new hospital. We've gone out and are beginning to raise the money through a levy on citizens through the property tax collection system so that we'll have our portion of that money in place. We already have a couple of million dollars in the bank waiting for this government to make that decision. I dare say that's not unlike many other communities across the province that are waiting for announcements for millions of dollars in health care to provide for those new facilities, that new technology and new buildings that are going to be required. The education system, new schools; communities are waiting out there for new announcements for new education capital projects that they have on the books. I don't think there's a community you could go into that doesn't have two or three pretty major SuperBuild or OSTAR projects—engineering done, all the blueprints, studies and environmental assessments done—sitting before the government waiting for announcement.

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Mr Levac: As soon as there's an election.

Mr Martin: Exactly; that's my fear. My fear is that this fund is nothing more than the biggest slush fund we've seen in the history of this province that will be rolled out in due time as we move toward the next election to buy, cajole and win back the support of so many of the citizens of this province whom they've lost in the last six months to a year as the outcome, the fallout, the long-term result of the initiatives of this government become more and more obvious.

As it becomes more obvious, as we look toward a recession hitting this province, as the economy of the US softens and we in turn, having ridden that wave for a number of years now, begin to fall through the cracks that are beginning to appear, we begin to realize—people out there in communities, businesspeople, small business people, industries—that in fact this government has no capacity to respond to that. They've given the capacity to respond to challenges of any sort, but particularly the economy as we move toward a difficult time in that sense—this government has done away with the Ontario Development Corp. They've done away with the Northern Ontario Development Corp. They've changed the mandate of a number of other vehicles that were out there during the tenure of the Peterson and Rae governments that were very helpful to communities and to industries in stress, to help them over some turbulent times. Most of those vehicles are either gone or have had their mandate changed such that they're not accessible any more.

We wonder then, as a party in opposition here wanting to support this legislation to deal with the question of

brownfield sites in communities across this province, whether this government is willing to put its money where its mouth is because, as I said, the track record is clear on that. We haven't seen them willing to do that kind of thing.

In the few minutes I have left, I wanted to speak as well about an incidence of what I would consider brownfield that this government has known about for quite some time, that the Ministry of the Environment has known about for a number of years, and that this small community in northern Ontario cannot get this government to act on to do the right thing, to respond in a generous and helpful way to partner with this municipality to deal with a very troubling and difficult issue that confronts them.

Again, I spoke to the Minister of the Environment just last week before the estimates committee about this, asked her some questions. As a matter of fact, I had set up a meeting with her a couple of weeks ago to talk about this issue. When we finally got together, she dissed me off. She brought up all kinds of logistical and process issues that didn't ever allow us to get to the point of talking about the issue that I had come to talk to her about. So when I got the chance to have her for a couple of hours at the estimates committee, I put the questions. I got no answers, no satisfaction, no indication to me and, through me, to this community—Michipicoten, Wawa, 140 miles north of Sault Ste Marie—that this government understood the dilemma they were confronting and were willing to work with them to do some remedial work that was required.

I dare say that in comparison to some of the other brownfield sites that are out there that are going to cost somebody a significant amount of money if they're going to clean them up, the little town of Wawa, in terms of the money they need to get their job done, would pale in comparison. But if the way that this government has dealt with this small community faced by levels of arsenic in the soil, in the backyards of these residential properties, put there over the years because we had Algoma Ore and the sinter plant operating there and providing employment for a long period of time—because of that, there is arsenic in the ground.

The Ministry of the Environment didn't tell the people of Wawa about this even though they've known since as far back as the early 1970s that it was there, that there was a problem. It was only in 1999 that they sent a letter to the municipality to tell them they had contamination, concentrations of arsenic as high as 50 times the provincial guideline. As a matter of fact, the reports eventually supplied to the township at this time confirm that the ministry had been aware of high levels of arsenic contamination in and around the town for decades; it just hadn't tested private residential properties.

The report that was done and the study that was done, that the Ministry of the Environment really didn't lead in any significant or important way, indicates that in one part of the community we have 1,000 parts of arsenic per million in the soil, where the provincial guideline is 20.

So we're talking a significant arsenic problem in a small town in northern Ontario that's been hammered economically with the loss of its major industry. It was turned down by this government by way of requests for fibre so that they could attract a new mill into their community to create work. It was hammered by this government when it changed the rules around the taxation of hydroelectric facilities and left them short significant dollars. This government couldn't find in its arsenal the small amount of money that would be required to satisfy these people so that they could actually allow their kids to go out and play in the backyard because they had gone in with them in partnership to do the remedial work that is required.

If this is the way they are dealing with some of the very real problems that are a threat to human life, that have the capacity to affect the lives of young people for a long time to come—who knows, even my own life, because I lived there for quite some time. If they're not going to respond in some positive and courageous and generous way there, how are we to expect that they are going to put the money in, which they haven't indicated so far they're willing to, where these brownfield sites are concerned?

So I wrap up by saying to the House here tonight that we in this caucus will be supporting this legislation, as we always support good legislation. However, we're disappointed that the resources aren't there to actually provide the partnership that is needed to make sure it happens.

The Deputy Speaker: Members now have up to two minutes for questions and comments.

Mr Dunlop: I appreciate the opportunity to say a few words to the member for Sault Ste Marie. My understanding of the intent of the legislation is to give municipalities and government the opportunities to seek out these challenges in opening up some of these sites.

But I listened to the comments in the last few minutes about the arsenic contamination you said had existed since the early 1970s, and I'm curious why you didn't do something in the five years you were in power in that particular site when the Minister of the Environment was a northern Ontario resident; I believe it was Mr Wildman for a number of years. I don't recall you doing anything about it. But you're standing here tonight and criticizing this government, which is trying to pass good legislation.

In summary, I hope everyone understands that this is good legislation. This is important for the people of Ontario. We've discussed this for many hours of debate now, and I hope everyone will support this. I'd appreciate it if they would.

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Mr Bruce Crozier (Essex): Let's call this piece of legislation what it really is. It's a cop-out. There isn't enough money in this province to clean up all the brownfield sites there are. If we look at the key elements of this legislation, the environmental rules for cleanup are this: sites will be reviewed by the MOE staff and landowners, and they'll be provided with a site risk assessment. We know that the Ministry of the Environment doesn't have

enough staff now to enforce the legislation and regulations that are in place, so how are they ever going to be able to help with these rules for environmental cleanup?

There's reducing the risk of future environmental liability. New landowners and their lenders will not be held liable if they follow the prescribed MOE site cleanup. Then who is going to be responsible, if they aren't going to be? You have to go after those who polluted our environment in the first place. Get after those guys.

Municipal financial incentives: this is really a good one. Municipalities will be allowed to support redevelopment through such initiatives as suspending payment of municipal and education property taxes for a said period. Then who is going to have to pay? It's all these innocent taxpayers who had nothing to do with polluting this land who are going to help pay for it through incentives. You've got to get after the people who polluted it in the first place. You don't foist it off on everybody else. Call it what it—

Hon Norman W. Sterling (Minister of Consumer and Business Services): You'll bankrupt them.

Mr Crozier: I don't care if you bankrupt them. You go after the ones that caused it in the first place.

Interjections.

The Deputy Speaker: Order. You had your two minutes. You had your time. You're done.

Interjection.

The Deputy Speaker: Please take your seat. We're not going to debate this and we're not going to have it out. You will please remain quiet now.

The member for Timmins-James Bay now has the floor for up to two minutes.

Mr Bisson: How the former Minister of the Environment protests at the comments made by the member who just spoke before me. The point is, and that's what we're trying to say here from the NDP caucus, that we don't oppose the direction that the government is taking by way of this legislation. We generally agree with the direction that you're taking and much of what's in this bill. But the point we're making in this debate, and that's why we think it's important to keep this debate going in order to try to argue for the following, is that you need to put in place—you talk about giving the tools to municipalities to go out and deal with brownfields across the province in various municipalities, but you've not given them anything in the tool chest. You've given them a tool chest that has a bill in it that says you can go out and clean up the brownfields, but at the end of the day there's absolutely nothing inside the chest when you open it up. We're saying it's one thing to deal with what you guys would call the red tape of being able to bring brownfields back into some good form of utilizing that land again, but unless a municipality and the provincial government and the federal government are there with dollars, it's going to be difficult to have.

I ask the former Minister of the Environment to look at the communities he represents—and he knows very well, because I have the same kind of problem. Do we have brownfield problems? Yes. Will a private developer

come in to redevelop a brownfield on their own with this piece of legislation? Maybe. But the reality is that a whole bunch of them are not going to get redeveloped unless the provincial and federal governments are there with dollars to assist in the redevelopment. That's the point we're trying to make.

Don't stand here in the House and tell us how wonderful this legislation is and how it's going to change the face of Ontario when it comes to brownfield developments. When you really look at what's in the bill, it's basically mechanisms by way of legislation to make it happen, but at the end it's going to be a dollars-and-cents issue. We're saying put your money where your mouth is; otherwise it doesn't count.

Mr Levac: I wanted to finish up some of the points I was making in my first two-minuter, and within that I want to make this House aware of the good work that has been done by the ward 5 councillor in Brantford, who spearheaded and chaired the committee on brownfield sites that was modelled by AMO. They came to her and said, "Would you do some presentations on how to improve the legislation?" Some of those points that were made by the member for ward 5, where I grew up, Councillor Cheski-Smith, made it very clear that you had to come to the table with the liability. To the government's credit, when it was mentioned to them—and mentioned by the member from Wellington—they indicated, "We would move it from two years to five years," which was appreciated. The fact is that a lot of these brownfield sites cannot get developed in under two years, so they recognized that and stretched it out.

But here are the areas in which the councillor and the mayor—Councillor Paul Urbanowitz from ward 1, where a major fire took place in a toxic brownfield zone that was an emergency situation that used up all their funds. We need the government to create that special fund that's necessary to focus on those emergencies that take place in brownfields, such as the Globe property in ward 1. They've used up all the reserve funds that our municipality put together to fix up brownfields across the municipality, so they don't have money to do that.

What we are asking the government to do is acknowledge that they have a problem, that the legislation is not at its best and that we should be looking at those partnerships that we are asking the government to form. The liens: the province said they had dropped the liens. With further research, we found out that the liens were indeed not dropped. The federal government dropped theirs. Those taxes that were collected by the federal and provincial governments over the years while those companies were polluting, benefited the government. Now it is time to give some of that money back in a wholesale way to allow those municipalities to work. So I suggest there are things to do.

The Deputy Speaker: The member for Sault Ste Marie now has up to two minutes to respond.

Mr Martin: Thank you very much, Speaker. I want to thank the members for Simcoe North; Essex, who has now left the chamber; Timmins-James Bay and Brant for

participating in my time here this evening, giving some comment, challenging and being part of this very important debate. I have to say right off the top that, as I've said before—and as my colleagues who have spoken here this evening from time to time, the member from Toronto-Danforth and the member for Timmins-James Bay have said—we will be supporting this legislation. We will support this government in anything that it wants to do to promote and support and invest in a better and cleaner environment and cleaning up our communities so that we can attract, then, industry that hopefully will bring new technology and new thinking to the way we do our business and protect our environment.

Our only concern here—and it is a very real concern when you consider the projects that are out there today in front of this government for improvements to water and sewer infrastructure in communities—is that there will be no money, that there'll be no resources, that there will be no ability for municipalities to partner with industry in getting this kind of work done. I say to the government that if they want to prove me wrong and really want to send a signal out there, they would tomorrow get on the

phone and say to the town of Wawa, the community of Michipicoten, that they are going to, with them, do whatever is required to get rid of the arsenic problem they're facing every day now as they wake up and they send their children out to play, a community that has 50 times the provincial average of arsenic, done by study, in their soil. If the government wants to do the right thing, it would clean that up.

The Deputy Speaker: The floor is open for further debate.

Mr Bisson: Being that it is almost 9:30 of the clock, I move adjournment of the debate till tomorrow, while I still have the floor.

The Deputy Speaker: Do I take that as your intent to complete your speech the next time this bill is called?

Interjection.

The Deputy Speaker: That being the case, I will recognize you as having the floor.

It now being almost 9:30 of the clock, I adjourn the House until 1:30 tomorrow afternoon.

The House adjourned at 2129.

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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Chair / Président: Rosario Marchese
Vice-Chair / Vice-Président: Garfield Dunlop
Gilles Bisson, Claudette Boyer, Garfield Dunlop,
Raminder Gill, Pat Hoy, Morley Kells,
Rosario Marchese, Ted McMeekin, Bill Murdoch,
Wayne Wettlaufer
Clerk / Greffier: Douglas Arnott

**Alternative fuel sources /
Sources de carburants de remplacement**

Chair / Président: Doug Galt
Vice-Chair / Vice-Présidente: Marie Bountrogianni
Marie Bountrogianni, James J. Bradley, Marilyn Churley, Doug
Galt, Steve Gilchrist, John Hastings,
John R. O'Toole, Jerry J. Ouellette, Ernie Parsons
Clerk / Greffière: Tonia Grannum

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