



No. 74B

N° 74B

ISSN 1180-2987

Legislative Assembly
of Ontario
Second Session, 37th Parliament

Assemblée législative
de l'Ontario
Deuxième session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Monday 3 December 2001

Lundi 3 décembre 2001

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Copies of Hansard

Information regarding purchase of copies of Hansard may be obtained from Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Exemplaires du Journal

Pour des exemplaires, veuillez prendre contact avec Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311, ou sans frais : 1-800-668-9938.



LEGISLATIVE ASSEMBLY
OF ONTARIO

Monday 3 December 2001

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Lundi 3 décembre 2001

The House met at 1845.

ORDERS OF THE DAY

WASTE DIVERSION ACT, 2001

LOI DE 2001 SUR LE
RÉACHEMINEMENT DES DÉCHETS

Mr Arnott, on behalf of Mrs Witmer, moved second reading of the following bill:

Bill 90, An Act to promote the reduction, reuse and recycling of waste / Projet de loi 90, Loi visant à promouvoir la réduction, la réutilisation et le recyclage des déchets.

Mr Ted Arnott (Waterloo-Wellington): It's my pleasure to lead off debate on second reading of Bill 90, the Waste Diversion Act, as amended by the standing committee on general government. As my colleagues in this House know, this important piece of legislation promotes the reduction, reuse and recycling of waste by creating Waste Diversion Ontario—or, as we call it, the WDO—as a permanent arm's-length corporation to develop, implement and fund waste diversion programs in the province of Ontario.

Among other things, Bill 90 reaffirms our government's commitment to the blue box program and to ensuring that municipalities have the tools they need to deliver waste reduction services. If this bill is passed by the Legislature, Ontario should be on track to exceed its goal of 50% reduction in waste going to disposal. Ontario is currently achieving over 40% reduction in waste going to final disposal, and with the Waste Diversion Act in place, it is our expectation that this goal will be met and surpassed. It will provide for the growth in our already successful blue box program by providing municipalities with 50% funding of their net blue box program costs by industry.

This bill, however, goes beyond sustaining and enhancing our blue box system. It will also lead to increased diversion of many other waste materials, such as organics, scrap tires, used oil, household special wastes, electronics, pharmaceutical products, fluorescent lighting tubes and batteries. This is not only about diverting these materials from final disposal but also about ensuring environmental protection. The Waste Diversion Act, if passed, will create Waste Diversion Ontario, a non-crown, multi-stakeholder corporation with

industry, municipal, non-government and Ministry of the Environment representatives on its board of directors. Its purpose is to develop, implement and fund programs to divert these waste materials from final disposal. The legislation also provides for the establishment of industry funding organizations to raise the necessary funds within affected industry sectors to support and implement these waste diversion programs in co-operation with the WDO.

The legislation authorizes the Minister of the Environment to require the WDO to develop waste diversion programs—for example, programs to reduce, reuse or recycle waste—for materials prescribed by regulation as a designated waste. As I previously mentioned, it is our intent to designate the following materials as part of this initiative: blue box consumer packaging; household special wastes such as paints, varnishes and other household cleaning products; organics such as household food wastes; scrap tires; used oil; electronic equipment such as computers, televisions, telephones etc; batteries; fluorescent lighting tubes; and pharmaceutical products.

Once designated, the Minister of the Environment would require the WDO work with the affected industry sector or sectors and other experts to develop a waste diversion program for the designated material.

1850

Mr Peter Kormos (Niagara Centre): On a point of order, Mr Speaker: Quorum call, please.

The Acting Speaker (Mr Bert Johnson): Will you check to see if there's a quorum present.

Clerk Assistant (Ms Deborah Deller): A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Clerk Assistant: A quorum is now present, Speaker.

Mrs Margaret Marland (Mississauga South): On a point of order, Mr Speaker: I think it's important for the members in the chamber to recognize that the quorum bells are interfering with the Christmas concert, which is on at the bottom of the stairs. I think, for the invitees to that important occasion, there should be some consideration—

The Acting Speaker: That is not a point of order. The Chair recognizes the member for Waterloo-Wellington.

Mr Arnott: As I was saying, once designated, the Minister of the Environment would require the WDO to work with the—

Interjections.

The Acting Speaker: Order. The member for Waterloo-Wellington has the floor and no one else.

There's no need that I should hear any other voices. I do and I won't stand for it.

The member for Waterloo-Wellington.

Mr Arnott: Thank you, Mr Speaker.

Once designated, the Ministry of the Environment would require the WDO to work with the affected industry sector or sectors and other experts to develop a waste diversion program for the designated material. As part of this process, the WDO will be required to consult with members of the public in developing the program. This program will be submitted to the Minister of the Environment for approval.

Once the Minister of the Environment approves a waste diversion program that has been developed for a designated waste, the program would be implemented by the municipalities for municipally delivered programs like the blue box or the IFO for industry-delivered programs. The IFO, with WDO and minister's approval, will have the authority to determine those industries that will be required to pay for implementing the approved program.

As members know, this bill has completed hearings through the standing committee on general government. We were pleased that the majority of the submissions that came forward supported the bill. Let me point out some of the positive comments that were received from these groups or associations that had been part of the extensive consultations that occurred during the development of this legislation.

But before I point out some of the supportive comments, I just want to mention that numerous stakeholders have been inquiring regarding the timing and status of this bill. They clearly want it passed immediately. There's a large contingent of support to move this bill forward. Stakeholders such as corporations supporting recycling, the Municipal Waste Integration Network, the soft drink industry, the Association of Municipal Recycling Coordinators and the Association of Municipalities of Ontario have all indicated a desire to see this bill move quickly so they can move forward to develop waste diversion programs.

The Association of Municipalities of Ontario stated, "MOE should be commended for following through on its commitment to waste diversion in Ontario," and that this was "groundbreaking legislation." The Association of Municipal Recycling Coordinators, representing front-line operators of municipal waste diversion programs, identified the legislation as "a potentially powerful tool to deal with waste diversion and help relieve the financial burden currently borne by municipalities."

In their comments related to Bill 90, the Recycling Council of Ontario stated that the "passage of this legislation is critical to the success of waste diversion programs in Ontario." While recommending improvements to the act, the Recycling Council of Ontario commended the government for "introducing this progressive legislation."

Both the Canadian Manufacturers of Chemical Specialties Association and the Canadian Paint and

Coatings Association appeared before the standing committee to demonstrate their "support for the goals and objectives of Bill 90, and to encourage" the committee "to recommend its adoption."

Corporations Supporting Recycling stated, "It will return Ontario to the forefront of recycling in Canada." They further stated, "This bill is a good solution that was built through a process of consultation and consensus and it is based on a shared responsibility model that sets the framework for economic and environmental sustainability."

Let me say that this indicates the level of broad support this legislative initiative has received. The government has listened to the good ideas that were suggested through the standing committee and the Environmental Bill of Rights process, and we feel the following amendments strengthen the bill even further.

As I indicated, the amended bill reflects comments received during the committee process. The first amendment clarifies the purpose of the act. Some comments received through the committee process indicated the intent of the act needed to be clarified. A purpose statement has now been included to clearly define the intent of the bill. It reads as follows:

"The purpose of the act is to promote the reduction, reuse and recycling of waste and to provide for the development, implementation and operation of waste diversion programs."

The composition of the board of directors of the WDO was one area in which many comments were received. Board membership reflects those directly affected by diversion programs, specifically those that will be paying fees. It also reflects the agreed to number of positions with municipal stakeholders. The membership reflects those waste diversion programs that are expected to be completed in the early stages of the initiative. The bill was amended, however, to allow for the Minister of the Environment to appoint an additional non-voting member to the board of directors. This member will be from the general public.

Comments also indicated a need for the WDO to address the efficiencies of waste diversion programs as well as their effectiveness. The requirement for WDO to monitor not only the effectiveness, but also the efficiency of programs has been included in the amendments to the bill. Well-run, cost-efficient programs will reduce costs for both industry and municipalities.

Another amendment to the bill was to ensure that it was clearly stated that industry payments must equal 50% of municipal blue box net program operating costs. Comments indicated that the wording concerning this commitment needed to be clarified in the bill. The revised wording provides this clarity and more closely reflects the voluntary Waste Diversion Organization's recommendations to government on this commitment.

The bill was also amended to require both the WDO and the IFO to approve any voluntary contributions that may arise. Previously the IFO could accept voluntary contributions from those in industry required to pay a fee

and allow for a reduction in or an exemption from those fees. The amendment now requires that any decision regarding voluntary contributions be approved by the WDO board as well as the IFO. It's expected that the voluntary contribution provision will have limited use.

The last amendment recognizes the current Brewers Retail empty bottle return system. The Brewers Retail Inc manages its own packaging—or as we call them, empties—through a system independent of the municipal blue box program. This amendment exempts the Brewers Retail from having to participate and pay fees in a waste diversion program related to materials collected in their own system. This exemption is based on passage of a test to be specified in a regulation under the act.

Other comments received through the committee process will be addressed through the regulations and programs developed under the act. One area of comment was related to the blue box material to be included in the cost recovery program. If passed, it is the intention of the ministry that the materials listed in the designating regulation for blue box waste will be substantially expanded to address these comments.

1900

Some stakeholders also indicated that organics should be specifically mentioned in the legislation to ensure that this waste material is addressed. Let me assure the House that it is the intent of the government to designate organics and require the development of a waste diversion program for this material.

Further comment was made to the committee relating to the fact that a waste diversion program should focus on reduction, reuse and recycling, in that order, and that diversion targets should be included. Due to the broad nature of the wastes that the WDO will be developing programs for, it is not feasible to make this a legislative requirement. This will be specified on a program-by-program basis. Individual programs will also include diversion targets.

With regard to the 3Rs, let me again assure the House that the purpose of this act is to promote the reduction, reuse and recycling of waste. If passed, this legislation marks the first time in Ontario's history that industry and municipalities will be partners in creating a waste diversion system that will serve the province for years to come. If the bill is passed, the WDO's first task will be to establish a program to set and collect fees from industry to pay 50% of municipal blue box costs. This will ease the financial burden currently on municipalities and sustain and grow their programs.

I am also pleased to highlight the leadership role that the Liquor Control Board of Ontario continues to play under this initiative. As you know, since 1998 the LCBO has contributed \$16 million of direct funding to municipalities to pay for the cost of recycling alcohol beverage glass in municipal blue box programs. Under this initiative, the LCBO will contribute \$5 million annually to the municipal blue box funding program over the next five years, and also contribute \$1 million in funding to establish Waste Diversion Ontario.

I'm pleased to present this amended bill today to the House for second reading, and I'm confident that Waste Diversion Ontario will provide municipalities with the tools that they need to sustain and grow Ontario's very successful blue box program and help Ontario achieve its 50% waste reduction goal. I urge all members of this House to support its speedy passage into law.

The Acting Speaker: Further debate? The Chair recognizes the minister from Carleton.

Hon Norman W. Sterling (Minister of Consumer and Business Services): Lanark-Carleton, Mr Speaker. You forgot the most rural part of my riding. I wouldn't expect a Speaker of your stature, coming from rural Ontario, to forget Lanark county.

It gives me great pleasure to speak to this bill. Waste Diversion Ontario was first announced back in November of 1999 but was hatched or talked about prior to that time when I served as the Minister of the Environment for the province of Ontario.

The problem we faced at the time was a blue box program, a recycling program, which was going out of control. We had a situation where there was a huge amount of investment in the blue box program by the province—I think about \$250 million worth—and an investment by our municipalities as well into that blue box program. We came to 1996-97 and, being in a very critical financial situation, the province was no longer able to write a cheque to the municipalities to say to them, "We're going to help you along with the blue box program." We found that, in the existing recycling system and blue box program and in all of the recovery methods that we had at the municipal level, there was a great deal of crossover waste in their systems, and there wasn't a lot of efficiency there.

In fact, one organization looked at the city of Toronto as it then was. This was prior to amalgamation. They found that the city of Toronto could save as much as \$8 million to \$10 million with regard to their existing system at that time. And so it was brought to my attention that the blue box program was a great financial burden on the municipalities, that a lot of municipalities, because of the very, very lucrative capital funding that had been carried on before, got themselves into the businesses of recycling, of separating out the various different parts of the waste stream; that there were a lot of people who were in the business who shouldn't have been in the business; and that the plants that were trying to deal with the waste had not been able to run as efficiently as they could have because they didn't have enough waste. We had a lot of municipalities dabbling in this business instead of getting together in combined units large enough to make their ventures work.

We had too many transfer stations across our municipalities, and therefore there was great inefficiency in the whole system, so the government at the time looked at the various parts of it and said, "How can we derive better efficiency, and how can we make the producers of the waste directly responsible for the end product that ends up either in the garbage or in the recycling stream?"

So we created what I think was called the waste diversion board first, which then became the Waste Diversion Organization, and which now we're calling, I guess, Waste Diversion Ontario. The whole concept was that the minister or the government of the day would say to the Waste Diversion Organization, "We want you to drive to this particular target: 50% recycling of the waste stream. We want you to be involved in dealing with scrap tires. We want you to expand the efforts in terms of dealing with hazardous household substances and waste." The board, represented by the people who were producing the paints or who were producing the tires or were producing the newspapers, who were producing the waste, would sit at one end of the table, and the municipalities would sit at the other end of the table—the people who were responsible for implementing the program—and together they would work out the best way to deal with this myriad of different problems when you face so many different kinds of complex situations to deal with different kinds of products and to get the best end results.

Also, this bill, very importantly, gives this board the opportunity to, I believe, levy certain kinds of charges against certain different industries to ensure that the municipalities on the other end of the table get enough money to put a decent program in place and to expand the efforts of Ontario in terms of dealing with their waste stream.

The province of Ontario, when you look at other jurisdictions, has a very, very proud record in terms of recycling and reducing waste. I haven't seen the terms most recently, but I believe it's somewhere in the neighbourhood of probably 37% or 38% or 40%, and we're striving to get toward a 50% reduction in terms of the solid waste. A lot of that has actually occurred in the commercial and industrial sector, and a lot of the hope for further gains in this area lies with household waste.

This Waste Diversion Organization is trying to build upon the concepts we've had in the past: the blue box as a common collection system and trying to deal with the waste streams that come out and put them toward some recycling ventures where you can reuse or recycle those particular waste streams.

From time to time we've heard people talk about deposit return. We have deposit return, as you know, in our beer retail sector, and it has worked really quite well. That is partially because we have relatively few stores that are selling beer in Ontario. We have about 400 or 450 beer stores, and they have a very much automated system whereby a lot of product goes through and there are a lot of returns. They can go back to the plants and the bottles can be reused, washed out and refilled and those kinds of things.

1910

The problem is that if we went to a deposit-return system for other kinds of containers, we would be taking some of the most valuable assets out of the blue box container. Municipalities gain their revenue partially from the Waste Diversion Organization; they get some money from there. Waste Diversion Ontario is intended

to pay 50% of the cost of running the blue box program in Ontario. That's the goal they're to get to, and this legislation will enable them to get to that level.

But part of the money the municipalities get out of the blue box of course is from the sale of the products that are in the box. One of the most valuable products in the box is aluminum cans. If we took aluminum cans out and put them into a deposit-return system, we would take a great deal of the value out of the blue box. I understand in Barrie, for instance, aluminum cans make up some 35% or 40% of the revenue stream the municipalities get to support the whole blue box system.

When you look at that particular waste stream, if you start cutting out different pieces of what's in the blue box, pretty soon it's difficult to sustain the blue box in any form, because if they're just collecting glass bottles and newspaper, there isn't enough value to justify continuing the blue box. When you look at it in a global sense, what you try to do when you're running efficient recycling is get one collection system. Our one collection system is our blue box system, and then we take the various waste streams out of that blue box and send them on their way.

For instance, if we went into a deposit-return system, we would be taking some of the most valuable assets out of it, and it would really weaken the whole aspect of the blue box. I remember when I was the Minister of the Environment and looking at it that if you took the aluminum cans out of the blue box, you were in effect putting the first nail in the coffin in terms of dealing with the blue box, and I really don't think that the government or the municipalities want to abandon the blue box at this time.

Those who would put forward deposit return as the great saviour should also remember that the beverage container part of the waste stream is only about 2% or 3% of the total. Newspapers are about 16% of the total by volume and weight. In saying deposit return is going to be the be-all and the end-all (1) you weaken the blue box and (2) you've only taken care of 2% to 3% of the waste stream, a really small part of what you hope to recycle in terms of going forward.

One of the areas on which I hope Waste Diversion Ontario will work is the whole area of composting, which needs to be dramatically increased across the province. As well, there has to be greater effort on the part of municipalities like the city of Toronto to deal with their multi-residential homes, the apartments and the big condominiums, to try to get division of waste, which is hard to do because of the fact that some of these buildings were built long before the blue box system was in place or was even thought of as a good thing or the right thing to do. But there are rather innovative ideas to deal with that and different ways you can deal with dividing the waste up and getting some greater numbers into the recycling area.

One of the great supporters of the waste diversion organization has been the LCBO. That organization was the first to step up and write a decent-sized cheque to the

Waste Diversion Organization. I believe that last year they committed themselves to \$5 million, and they've committed themselves for two or three or four years for that same amount.

When the voluntary Waste Diversion Organization, which is the predecessor of this legislated waste diversion organization, came to divide up that money, I thought the way they divided it up was interesting. They didn't just write a cheque to each municipality on the basis of population, on the basis of assessment or on the basis of some other measure of deciding which municipality got how much. They actually looked at the figures of their recycling of glass, because that was the primary waste stream the LCBO was creating and therefore the money was divided to reward those municipalities that had done the greatest amount in terms of recycling their glass waste stream.

It's really an effort on the part of the waste diversion organization and the government of Ontario to improve the situation which we had with regard to the blue box, a blue box which was a great concept brought into Ontario by the Bill Davis government back in the early 1980s, which then matured and, as I mentioned earlier in my speech, there were a number of inefficiencies that crept in because of the very generous funding that was given to the municipalities, which sort of worked against their finding the best answers.

So we came to this kind of an organization. Now, this kind of organization exists in British Columbia at the present time. We looked at British Columbia in terms of their model. One of the problems with the British Columbia model of a waste diversion board or organization was that they made it very complicated. Some businesses found that the formula was so complicated in terms of deciding what each industry should pay into the organization that it was costing the organization much more to figure out what the check should be than what the cheque ended up to be.

This particular organization has been set up to try to keep a balance between fairness and practicality. In other words, if we're going to ask the grocery businesses, the newspapers, the hardware stores, the paint suppliers or the tire makers to contribute, we hope to make it relatively simple as to how that should be calculated, that it's not going to require a great deal of record-keeping in order to figure out what kind of a cheque to cut in order to support this organization.

I have a great deal of hope for this because essentially what we've done here is put the people who are responsible for the waste, the industries and the businesses, at one end of the table and the people who have to implement the system and take care of it, the municipalities, at the other end, with the government of Ontario acting as a supporter in terms of ensuring that there are goals set up and that goals will be met by this board.

1920

This organization has de facto been in place for I guess three or four years now—perhaps three years would be more accurate—and I think they have met with

a lot of success. There has been a lot of consultation done with the various industries on this. I know the newspapers were reluctant to write a cheque in the beginning and have brokered a deal with the Waste Diversion Organization whereby they would give in-kind advertising in their dailies to cover off their contribution. It doesn't really matter how the contribution comes, as long as it's fair among all the people who are involved in making waste and municipalities, in the end, get it.

The board is also structured to help the municipalities find the most efficient ways to deal with the waste streams, and so you have municipal politicians who are sitting at the table not only to make decisions, but to learn; to learn from the people in industries who often talk with other jurisdictions about how best to take care of glass, how best to take care of polyethylene film, how best to take care of newspaper, how best to take care of all these different products and do it in the best and cheapest manner possible.

I understand that there is considerable support in the Legislature for this organization and this direction that the government is taking. I am proud of the fact that I was involved at the initiation of this idea and continue to be a very strong supporter of it.

The Acting Speaker: Further debate? Comments and questions.

Mr John Gerretsen (Kingston and the Islands): I found the logic used by the minister extraordinary, to say the least. If I understood him correctly, he was basically saying that one of the reasons we don't have returnable aluminium cans is if we took them out of the blue box system and people took the cans back to the store, like you do your beer bottles and various other bottles, in effect, the contents of the blue box would not be an economic viability and couldn't be sold, then, by the municipalities. But surely the aim of recycling is to recycle as many of the materials as you possibly can, whether they're bottles, aluminium cans, steel cans, pop bottles, glass or what have you. To say that we don't want to recycle it because then the value of the blue box becomes less, to me is an absurdity.

Let the people of Ontario never forget the fact that this government cut off the blue box program. It basically said that the program will no longer exist. Yes, now some of the municipalities and some of the other organizations are coming back on stream and are saying that, yes, this bill is a step in the right direction, because you killed the program in the first place and half a loaf is better than none. It reminds me of so many other government programs we've seen where they've killed the program and then brought it back to a very small degree and all of the different interest groups then said, "Well, I guess it's better than nothing." Minister, it just isn't—

The Acting Speaker: The member's time has expired. Comments and questions?

Mr Kormos: In short order, in around one hour's time—it's 7:25 now—at around 8:40 or so, Marilyn Churley, the member for Toronto-Danforth, our environmental critic, among other things, is going to be speaking

to this bill with her analysis and indeed her critique about some of the shortcomings of the bill, but at the same time she will display her strong commitment and this party's strong commitment to waste reduction as well as recycling. I think waste reduction is perhaps—not perhaps; is as important a discussion as the matter of waste diversion.

But noticing that it is 7:25, let me say to those folks in the Toronto ward of Beaches-East York that they've still got time—they've got 35 minutes—to get out there. Municipal voters here in the city of Toronto have 35 minutes before the polls close. They don't close until 8 o'clock. It's an important by-election. They've still got time to go out there and cast a ballot for Janet Davis. I know Janet Davis. She is an incredible advocate for public services. I, quite frankly, have contributed to her campaign. I don't want anybody to hold that against her. But she would be an incredible asset to Metro city council. Her commitment to public services and her opposition to privatization of services is a commitment that we need very much here in the city of Toronto. I encourage folks in Beaches-East York to use this next 35 minutes to get out there and vote for Janet Davis. She is a strong environmentalist, one who has stood firm and will stand firm against privatization of services municipally, provincially and anywhere else. It would be a real breath of fresh air to have Janet Davis in city hall, and the people of Beaches-East York will do themselves well by getting out there and casting a ballot for Janet Davis before 8 o'clock.

The Acting Speaker: Maybe instead of rushing out there, if they would just wait for a minute, they would like to hear that the member's comments are toward the debate that is going on or the questions directed, and anything else would be out of order.

Comments and questions?

Mrs Julia Munro (York North): It's a pleasure to respond for a few moments to Bill 90, the Waste Diversion Act. I think all of us recognize how important it is to be able to come up with workable solutions. It's very easy to talk about possible opportunities that might exist, but when we look at this piece of legislation, it demonstrates the commitment of this government to look at what will work: clearly, the importance of having the stakeholders at the table, the various groups that are involved in helping to make sure that both the public and the private sector, that everyone understands the importance of looking at methods by which we may make those decisions to ensure that our environment is enhanced.

The funding stream is the centrepiece of this piece of legislation, and it demonstrates this government's commitment to making sure that we do have the Ontario for our children and grandchildren.

I would also like to compliment the former minister on his comments and the importance that he as well as other ministers of the crown in environment have placed on this particular part of the portfolio, and certainly want to congratulate him on his remarks this evening.

Mr Rick Bartolucci (Sudbury): I would like to comment on the comments made by the member for Waterloo-Wellington and the minister from Lanark-Carleton. It is very important for the people of Ontario to understand that this government collects \$40 million in environmental levies on products sold through the LCBO, but the government only allocates \$5 million a year of this levy for waste diversion. Only one eighth of the money it collects is put back into waste diversion. Although the government may talk a good game when it comes to diversion, the reality is that this is the same government that killed the blue box program. In essence, it killed recycling and reusing. I'm telling you that this government must understand the importance of this, but it's more important than simply giving words. You must give some resources, some tools to make sure that waste diversion takes place in a meaningful way. I would suggest to this government that rather than talking the talk, they walk the walk; they put the resources that are necessary to ensure that in fact there is an adequate waste diversion program in the province of Ontario.

1930

Bill 90 isn't the answer. With all due respect to the minister and to the member, it's not the answer because what you've given the people of Ontario is only a road map. You haven't given them the gas to get there. Therefore it's doomed to disaster because the reality is municipalities can not afford it. They need the resources from the province. I would suggest that if this government was truly committed to waste diversion, they would ensure that it has the necessary resources attached to this bill to make it work, to make it successful and to make Ontario more environmentally friendly.

The Acting Speaker: The minister from Lanark-Carleton has two minutes to respond.

Hon Mr Sterling: Briefly, with regard to the deposit system, when you collect a single can in a store or you return it to a store, it's a very costly process. There are health concerns in terms of that whole part of it. It's much more efficient to collect it along with the newspapers, the bottles and all of the other things in one collection system and then take that to one depot and then work from there. That's part of the saving.

The other part of it is the revenue stream which the municipality gets from collecting all of those things. The aluminium cans are as much as 35% of the revenue stream that the municipalities get. On the one hand, the opposition across are complaining about the resources going to the municipalities. The municipalities would get much less money if we took aluminium cans out of the blue box and put them into a deposit return system.

The government has never paid 100% of the blue box program costs. They have paid various different percentages as we have gone along. This whole bill is about the government, through producer responsibility, paying directly to the municipalities up to 50% of the costs of running the blue box program. That's what the bill is about. It's giving resources to the municipalities, giving the waste diversion organization the right to say to these par-

ticular producers, "You've got to be responsible and pay." That's what the bill's about. I don't know how you can be against that, how you can be against giving resources to our municipalities. I don't know how you can be against holding the producers who make the waste responsible. That's what this bill is about.

That's why you should support it. That's why I think it's a good piece of legislation, but it's a little different approach and I know that the Liberals can't think outside the box.

The Acting Speaker: Further debate?

Mr Gerretsen: Speaker, I will be sharing my time with the member for Sarnia-Lambton.

If you take the minister's logic to its ultimate conclusion, then why don't you do away with all returnable good programs, of beer bottles, of any bottles or what have you, and just put them all in the blue box because you'll get more for the contents of the blue box then. Surely that is a total absurdity.

It's a well-known fact that in any system where you've got a bottle or can return system, you get a much greater percentage of return, particularly if you put a deposit on those cans or bottles, than if it's just something that's disposed of in a blue box or in any other garbage system. To say, "We're getting the producers of these various goods and materials to pay for it now," and that that somehow is better than the current system that we have—and I suppose it is because right now the government of Ontario isn't putting any money into the system at all. We want a system that is government-controlled and that the government supervises on behalf of all the people of Ontario, not a system where the government wants to set all the rules but then have the rules and regulations somehow administered by the industry itself, and that's really what's happening here. That is really a total abdication of responsibilities.

I think if there's one thing that the people of Ontario have surely discovered over the last six years, it is that you cannot trust this government when it comes to anything relating to the environment. We can go right back to the beginning and look at how much money the Ministry of the Environment used to have under its control, the number of inspectors that it used to have in a number of different areas, and look at the situation now. They are the government that got rid of almost half of all the people who worked in the environment for the government when they started in 1995. They are the people who reduced the budgets of the Ministry of the Environment over the years by 40%. They are the government that, on an annual basis—it doesn't matter who the Environmental Commissioner is, whether it's somebody who was appointed by the NDP, as the previous Environmental Commissioner, Eva Ligeti, was, or even if it was a friend of the Premier's, as Mr Gord Miller is right now. You may recall that a couple of years ago at this time we had a great debate as to whether or not he should be appointed because of his close connections to the Premier. Of course he was appointed, but even he, in his last two

annual reports, has had some very scathing remarks about the environmental record of this government.

So when it comes to the environment, surely to goodness the people of Ontario will not trust this government. In exactly the same way, the people of Ontario should not trust this government when it comes to this waste diversion bill. From the comments we've heard so far from the government side, they have diverted things, all right: it has been a diversion of the real responsibility the government has in this whole area of recycling and reduction. They've diverted that responsibility either to the people themselves, without any government control or help, or to the industry itself.

But let me just take you back to the report that came out on October 2 this year. I cannot use the terminology that's used in the report itself.

Mr Bartolucci: Be gentle, John.

Mr Gerretsen: I want to be gentle, because I know that parliamentary language is of utmost importance, particularly to you, Speaker, who take such a great interest in this.

These are some of the comments that were made by the Environmental Commissioner in his latest report. I just want to highlight this because there is a close connection between that and what's happening in this bill.

It starts, for example, on page 48 of the report—and I'm giving people the page numbers in case they wonder, "Oh well, you know, this is just Liberal or Gerretsen propaganda." It's right on page 48. It's Gord Miller, the Environmental Commissioner, who stated this.

He states, "The Ministry of the Environment gave the impression with its six-point action plan that the ministry was going to overhaul its hazardous waste management regime. Instead, the Ministry of the Environment undertook only limited measures and misled applicants"—not my terminology, Speaker, because I know that that's an unparliamentary term to use, but I'm reading it right from the report itself—"and the ECO about the scope of its review. Actions such as these undermine public confidence in the ministry."

The Acting Speaker: We have a rule in this House that you can't do indirectly what you cannot do directly. So if there's unparliamentary language, you'll just have to do your censoring and get it out.

Mr Gerretsen: I appreciate your ruling, Speaker, and I will certainly adhere to that. I was only quoting exactly what the Environmental Commissioner said in his report. But I will not use that word again.

The Acting Speaker: I know what you were doing. It was wrong. We've talked about it, and that'll be enough.

Mr Gerretsen: It is rather unfortunate, just in a general way, that one cannot accurately quote from reports that are made available to this Legislative Assembly by one of our officers.

Interjection: Wasn't he the lapdog?

Mr Gerretsen: Yes, at one time some of our members may have said he was the lapdog—

Interjections.

The Acting Speaker: There are absolutely no rules in this House that allow you to do that, so if you would like to stay, you'll have to go by our rules.

Mr Gerretsen: Let me, then, just turn to some of the other issues that he mentioned in his report. He talks about the general enforcement of Ontario's environmental laws. I'm quoting him directly. What he's saying here is in purely parliamentary language. He states:

"There are significant continuing problems with compliance and enforcement. It is important that the public see consistent evidence of mandatory compliance in order to restore confidence in the ministry's ability to protect human health and the environment."

1940

When an Environmental Commissioner talks about restoring confidence, it means to me that even he acknowledges that at one time the confidence was totally destroyed. It has been destroyed in the ministry because of the lack of funding, the lack of manpower and the fact they took back all the money, withdrew it from the blue box system.

What does he say on page 94 on recycling and waste diversion, to bring it directly back within the confines of this bill? He states, "Ontario is lagging behind other provinces in achieving its waste diversion targets"—not my words; his words.

Mr Bartolucci: That's their appointee.

Mr Gerretsen: Yes, he was their appointee. They rammed him through the House, when traditionally the officers of this assembly, of whom we have the Ombudsman, the Provincial Auditor, the Environmental Commissioner, the Information and Privacy Commissioner, and the Integrity Commissioner, have always been appointed as the officers of this assembly on the basis of consensus. Regardless of how many members a particular party had in the House, it was always done on a consensus, because they are the people who relate directly to us. This wasn't done with this gentleman, and yet he now, two years later, is very critical of this government.

Just to take it one step further, in my extensive research into this bill a little bit earlier today, we talked about what kind of blue box diversion is done in other provinces. It's fascinating: Quebec, 65% waste diversion; Halifax, 65%; Edmonton, 65%; even Guelph, 55% of its garbage is diverted. So it is possible if governments—local governments with the help of provincial governments—put programs in place where we really place a large emphasis on that.

What do we do here in Ontario? In Ontario itself, what percentage of our total garbage do you think is diverted? Only one third of our garbage, 33%. In Toronto, as a matter of fact, it's only a quarter of the garbage.

This brings me to another point. I have a great respect for the minister from Lanark-Carleton. As a matter of fact, we live in the same apartment building. So when he talked about large apartment buildings and about the fact that in large buildings you cannot have any waste diversion, I sort of thought to myself, I know that in our building, which has about a thousand apartment units, on

each floor they've got a little room now set up where you can put your newspapers and your glass and your cans and everything else you want to recycle.

Mr Bartolucci: I'm sure the minister does that.

Mr Gerretsen: I'm sure he does that; I'm sure he's a very good tenant. I've never heard anything bad about him when it comes to things like that.

What is this problem in large residential buildings of people not being able to recycle? I don't know what the problem is. Just because it hasn't been done before in some of the buildings doesn't mean you can't put that in place. He made some comments about that as well.

Mr Bartolucci: I'm sure he's doing that right now.

Mr Gerretsen: I'm not sure whether he's doing that right now. I don't want to get personal because I have a high regard for that individual. But to primarily say that in some cases it's a good idea not to recycle, which is really what he said, that we don't want to get into an aluminum can deposit-return system because the value of what's in a blue box will somehow diminish—

Mr Bartolucci: I don't think he meant that actually.

Mr Gerretsen: You're saying he didn't mean it.

Mr Bartolucci: I hope he didn't mean it.

Mr Gerretsen: I think he did mean it, because I questioned him on it and he came back with the same response.

Let's deal with the bill itself.

Interjection.

Mr Gerretsen: No, it's not unusual. I always deal with the bills and I look at them section by section.

What's interesting is, I know the government will say that AMO and various other organizations have come on board, and basically, "What's wrong with you people in the opposition? Why aren't you coming on board? Why are you always against everything we propose?" You've had such a tremendous habit over the last five to six years of destroying programs completely, getting rid of programs completely, and then bringing back a little bit and saying, "OK, we can now all work together," and then somehow having the different interest groups believe that you're really doing something. The interest groups will say, "Well, something is better than nothing. We didn't have a program before because you destroyed it, so I guess having any kind of program is better than nothing. So thank you very much. Let's work with that." That has been your common approach to many of these problems.

Let me just turn to something else that is in this bill. I found it interesting that even one of the leadership candidates in the current Conservative leadership debate—this is the softer, kinder Ms Witmer, who believes that everyone can be soothed back to building up a consensus and getting along with one another. Let me tell you, I agree with that kind of approach. I think it is much better to get along with one another and build toward a system that everyone in Ontario has some input into because that way we build a better society. I'm absolutely convinced of that. It's much better than causing division and strife in our world. By doing that, we are not creating anything of a positive nature.

What did Ms Witmer say? She said that it will be very difficult for industry to develop a system to determine how each will pay their fair share. You heard the minister earlier today say that once we set up the waste diversion organization, somehow all of these members representing different industries will be able to work it out among themselves as to what each industry will pay, what each municipality will pay. Of course, they won't have any say as to what the province will pay because the province will put very little into it. The province is just sort of hovering there as an overseer. It's not really involved except—what does it say in section 4?—to “monitor the effectiveness” and efficiency of the programs. That terminology indicates to me that you don't really want to be involved. You're just there to see how the other organizations or parties that are involved in the process are doing. To me, that's a very lame-duck way of doing things.

Even Ms Witmer, as late as June 27 this year, in the *Toronto Star* said that she doesn't think that industry will develop a system to determine how each will pay their fair share. If she, the consensus builder within the government, of all the leadership candidates who are running, can't see that happening, how can the other people—and many of them are much more divisive than that—ever see it happening? No, it's again the typical government policy of trying to make it sound good. You've got great spin doctors. I'll give you total credit for that. You've put a tremendously good spin on it but you're not really doing anything at all.

Earlier my seatmate had already mentioned, and the minister talked about, the great contribution of the LCBO, that they put \$5 million toward developing different initiatives to reduce waste. I say congratulations to them; they've put in \$5 million. But what he didn't say, and what you may recall the member for Sudbury said, was that \$40 million is actually collected, that the LCBO collects. They collect \$40 million a year on the LCBO environmental levy. So they collect \$40 million and they only spend \$5 million. Think about it. The LCBO collects \$40 million from an environmental levy, from all the various people who buy their product from time to time, and they only allocate \$5 million. I guess the other \$35 million goes into general revenue, not the purpose for which it was intended at all. This is another great disappointment the people of Ontario will have to live with. It certainly is discouraging.

1950

I say to the people of Ontario, look at this government's record. Look at the budgets we have seen over the last four to five years. Look at what has happened in Walkerton. The jury is still out and the final report hasn't been delivered yet by Judge O'Connor. It will probably happen in the next three or four months. Undoubtedly he will come up with a number of excellent recommendations. But I think there's one fundamental point that has to be stressed, and that is that the likelihood of a Walkerton kind of situation happening if the whole water inspection system had not been privatized or if we still

had the same number of highly qualified inspectors working in that, so that the water systems not only in Walkerton but elsewhere in the province would be looked at and inspected on a more constant basis—then, yes, I think everyone can come to the conclusion that the kind of tragedy we had in Walkerton could have been diverted.

We don't have to look only at the water situation. Look at what's happening with the food situation. I found it tremendously distressing when the Provincial Auditor, a man for whom I, and I know all of us in the House, have the highest of respect, because he's an independent person employed by this assembly—he doesn't work for the government, he doesn't for the opposition and he doesn't work for the third party. He works for this assembly as a whole. He goes in and audits the various programs in the various ministries from time to time and makes recommendations, and then hopefully the public accounts committee will work with those recommendations and come up with a report that will be implemented by the ministries. I think it's a very good system, over all, that has been put into place, with that kind of independence.

What did he say about food inspection in this province? He basically said that we cannot rely on the fact that when you and I eat our food on a daily basis—that food may not have been inspected properly, and that in situations where he has made recommendations to the various slaughterhouses, to the various milk producers, to the various produce producers, to change their ways of doing things so that the contaminants, the antibiotics in the milk, the chemicals in the fruits and vegetables could in effect be diverted to a much greater extent, making it safe for human consumption, that when he has made suggestions about improvements in those areas, a year later a lot of the recommendations he made still weren't implemented.

That doesn't give me any great satisfaction. I'm sure there are an awful lot of people out there who feel exactly the same way. Surely what we owe ourselves in the modern, highly developed society we have here in Ontario is that the water we drink and the food we eat is safe for human consumption. That surely is the first criterion. I bet you that up until four or five years ago we never even thought about that. We thought it was a given. We thought that was one thing that was an absolute given: that the Ministry of the Environment or the Ministry of Agriculture, whatever ministry was involved, was looking after us in that regard. That has nothing to do with whether you believe in less government or more government. We were of the belief that if you used those products, and we all do on a daily basis, they were properly inspected and there wasn't any danger in actually eating or drinking some of these products.

So when it comes to this kind of bill, yes, there are some good parts in it because the way the state of the law is right now, and with the lack of money the government puts into waste diversion programs and the recycling program, sure, it's better than nothing. But is it good

enough? What we of course are afraid of is that if we let government off the hook, as it were, if we just say to this ministry, "Yes, this is a good bill and we'll pass it. We'll set up the new waste diversion organization and we'll appoint all these people and you can be the overseer," that somehow is good enough, because then it will be an issue that will probably be forgotten over the next number of years. We don't think that's good enough. We want to make sure our recycling and waste reduction programs here in Ontario are not the worst in the country, but are the best in the country. These kinds of programs that are suggested in Bill 90 just aren't going to do it.

Now is it going to cost us some money to do that? Yes, it probably will. Will we save money in the long run because there is less garbage being put in our landfills or disposed of in other ways? Absolutely. I think the problem with a lot of these programs is always that perhaps we just don't see that initial return. What we have to do is look at that initial money that we have to lay out as an investment in the future. It is no different from the education money we spend on the young people in our society. It's an investment in the future. Is it an expense today? Do we have to pay for it today? Obviously, but do we get a greater return by giving more and more people the opportunity to get an education by starting education at a much earlier stage with the early childhood development? Absolutely, because study after study has indicated that for every dollar you spend on a child in early childhood education, 20 years down the line you save \$7. So the investment, not only from a human point of view but from an economic point of view, makes total and absolute sense.

It is exactly the exactly the same way here. If the government had really taken the lead in these kinds of program and said, "We are going to be the frontrunners. We are going to make sure that within five years or 10 years from now we are going to be just as good as what Halifax and Edmonton are doing on a municipal basis right now, and throughout the entire province our goal is that we're going to rechannel 65% of our waste into a recycling system rather than the 33% that we're doing right now. That's our goal, and we will put policies in place throughout this province together with the municipalities, and yes, also together with the industries that are involved in these various areas that are producing a lot of the waste materials. But we will set that as our goal and work toward it," then it can happen because in government anything can happen if there's the political will to do that. The political will is totally absent from this bill, because what this bill is doing is leaving it open to industry and saying, "Yes, we will monitor what you're doing and we might change from time to time some of the things that you come up with."

It's kind of interesting that the minister has the final say over the policies of this organization and has the final say over what new policies it wants to see the organization implement, but it has absolutely no implementation power. The reason for that is that there's absolutely no financial backing behind it, and that's the whole problem.

There is no financial backing to really have an act that is effective in the promotion of the reduction, reuse and recycling of waste. Our municipalities are looking to that, because there is no greater problem that municipalities face in this day and age—and it was the same thing when I was involved 10 or 15 years ago, or even longer ago than that now in some cases—than dealing with waste disposal. It is an issue where I think at one time, oh my golly, there must have been about 50 different studies going on across Ontario and the only people who were making any money on it were the various consultants.

I've often felt, and I'm still throwing this out, that it's really up to the province to pick 10 or 12 landfill sites across the province and start operating those sites, that most municipalities simply aren't in a position to do that. They don't have the economic wherewithal, and why should they all be in competition with one another?

2000

Now, I know that this is not a very popular thing. It may not even be very popular within my own caucus or within the population at large. Why should government take on a so-called political hot potato when it's better left with the local governments? I know all the arguments, but I can tell you that in the long run it's the only thing that's going to work, if the government states, "Yes, we are going to be responsible for the garbage disposal in this province." Once that happens, then it will be in the government's own self-interest and, as a direct result, in the taxpayers' own interest to get much more heavily involved in recycling and reusing. But until that happens, if it is not in a government's best interest to do that, it simply won't.

In the last minute or so that I have left, I would just ask this government, withdraw the bill.

Hon Helen Johns (Minister without Portfolio [Health and Long-Term Care]): Oh, sure.

Mr Gerretsen: I know the minister of long-term care is very deeply concerned about the community care access centres clear across the province that you are now going to take over, where now you're going to be completely in charge by putting all the members on by orders in council and the executive directors are going to be appointed by orders in council because somehow that's going to make the system better. You and I know that the only thing that will make community care better in this province is more resources so that the people who come out of hospital sicker and quicker can be helped in their homes.

I know she's saying, "Here they go again," but those are the real issues that you and I hear about, and it's exactly the same thing with this kind of bill. It's better than nothing, because right now we've got nothing, but it could be so much better. I say, people of Ontario, don't be fooled by a bill like this, because it isn't doing anything. It is another public relations exercise by this government in which they somehow make it look as if they're doing something, but they're not doing anything at all.

With that, I will now turn over the balance of our time to the member for Sarnia-Lambton who, as a former municipal politician, I know is deeply interested in this subject.

Ms Caroline Di Cocco (Sarnia-Lambton): I have to say that the member for Kingston and the Islands certainly made a number of salient points regarding the flaws inherent in this bill. As I went through Bill 90, the Waste Diversion Act, I looked at it and I renamed it the Government Diverting Responsibility Act, because basically that's what I believe it is doing with this bill.

This bill, the Waste Diversion Act, is providing a mechanism whereby the private sector will support some of the municipal recycling, but the waste diversion program itself is not going to provide any new provincial funding for this initiative. So, like many of the initiatives that the government has brought forth, it has the idea but then it says someone else pays for it. That's how it deals with environmental matters that are, in my view, very serious.

The Ontario Liberals looked deeply into this bill. When we were discussing the need for a waste diversion program, we felt that it required a substantive bill, substantive in that it would actually provide resources for the other half of the diverting program. You have to remember that the Harris Conservative government actually got rid of all of the recycling programs that existed in the municipalities, so now they know, because we have a crisis across the province, they have to deal with the recycling aspect and the diverting of waste, but they don't want to put any money into it. They just want to say, "We'll find a way for the private sector to pay some of it," and of course the rest of it still comes out the municipalities' pockets. In the end, we know there is just one taxpayer anyway.

I have to say that when it comes to this bill, there are areas, such as Halifax and Edmonton, that we know and as the member from Kingston and the Islands pointed out, that are diverting more than 65% of their garbage from landfills. That doesn't happen overnight. I would say we are very much in the Dark Ages when it comes to environmental thinking in this provinces in some ways. I say this because of my own involvement locally in Sarnia-Lambton, trying to deal earnestly with a situation with hazardous waste landfill and incinerator, all my attempts to address it in a substantive way, in bringing out the facts and making the ministry aware of the issues of all this waste being diverted into Ontario from outside Ontario, and also the fact that one of the reasons it is being diverted into Ontario is because our regulations are so lax.

On the one hand, I see this Bill 90 that's purporting to deal with recycling, and yet on the other hand I see the actions dealing with hazardous landfills and with the incinerator. I have a real problem trusting the intent of this bill, because I know that action—or lack of action—when it comes to hazardous waste certainly is not a priority at all for the government.

One of the things we have to remember about good environmental policies—and I believe that's what waste diversion is all about. It's like putting money into a very sound investment that will have incredibly strong economic returns long term. When it comes to landfills, such as Safety-Kleen in my riding, what we have there is a way of dumping hazardous waste that is certainly not up to United States standards, because in the United States they actually treat the waste before it's landfill. What we do here in Ontario is simply dig a hole and you dump the hazardous waste into the dirt, into the soil. You think about the long-term implications of cleanup in that area—

Mr Dave Levac (Brant): They would have been shut down in the States.

Ms Di Cocco: Exactly, as the member from Brant said. In Detroit one of the similar landfill operators told me, "If we treated waste the way you do up in Sarnia, we would be jailed." That's what they told us.

We're talking about diverting waste and we're talking, I believe, about investment in our environment. That's what it means. Yet I see the actions which speak exactly to the opposite of that. We have a landfill operator who deals with hazardous waste, and we're bringing it in from all over the world. What happens is that we have this lack of financial security that is not required. That's another issue. We make it very easy to dump hazardous waste in Ontario because that landfill operator, who is making millions of dollars by bringing this waste from all over the world, has only got—I think it's about \$2.5 million in remedial cleanup. At a very similar project in South Carolina, they have to put up front US\$60 million, plus another US\$130 million for cleanup, and it's smaller than the site that we have in Sarnia-Lambton.

If you compare the jurisdictions and how much further ahead we've moved in other jurisdictions and how many steps backwards we have taken in this province when it comes to our environment in all areas, again I have to say that although this waste diversion bill has sort of an inkling—certainly the title is hopeful—in my view the government, until it puts its money where its mouth is, certainly does not show that it has the goodwill to actually proceed and do something substantive when it comes to our waste diversion.

2010

I don't understand: the aspect that I find quite abhorrent, actually, is the fact that we already have a way of collecting \$40 million vis-à-vis a special program under the LCBO. Other members in this House, including the member from Kingston and the Islands, have spoken to this. Here we have the LCBO, which collects over \$40 million a year on environmental levies. I believe that if a government had the will to actually deal with the issues of recycling and the issues of waste diversion, it would not allocate only \$5 million of that. That's one eighth of the total amount that is collected for waste, for their environmental levies. Only one eighth of that money is actually going into waste diversion. There's something wrong there.

They say, “We’re going to bring in Bill 90, which is called the Waste Diversion Act, and we’re going to require that there’s some funding from the private sector.” They’re creating this new organization, Waste Diversion Ontario. That’s what they’re creating. Unfortunately, the bill does not have anything that suggests that Waste Diversion Ontario is going to actually pay any substantive amount of money toward this initiative. So even the organization that’s being set up doesn’t have the legislative authority, in this case, when it’s set up and moving, to actually provide the extra needed dollars to the municipalities to make up the difference. So it’s developing an organization. It has the right name, but doesn’t have the right tools, in my view.

As well, I want to talk about the goodwill, or lack of goodwill, that the government has when it comes to waste disposal. In the case of health and safety, one of the things that I did as a member was ask the government in its wisdom, the Ministry of the Environment, to review the certificates of approval of the landfill in Sarnia-Lambton because we felt—and we gave a great deal of evidence supporting our case—that there could be a potential harm to the environment and that there was a potential health risk to the people in the area. By the way, the Ministry of the Environment totally dismissed our application.

One of the other things that we did was ask the commissioner of the environment to review the responses and to review the submission. To my surprise, the commissioner of the environment agreed with a number of the submissions that were made and disagreed wholeheartedly with a number of the responses that were provided by the Ministry of the Environment, which leads me to believe that the Ministry of the Environment—I don’t know if it’s because of staffing or if it’s because of the lack of political will for it to do its job—actually totally disregarded—well, I won’t say disregarded but certainly didn’t accept—our application for review of certificate of approval.

One of the things I found out in this process was that the incinerator that deals with hazardous waste is about 20 years old. It’s not been updated in over 20 years and the standards that have been applicable since 1995 for non-hazardous incinerators are not applicable in this hazardous incinerator. It has less stringent standards than an incinerator that is burning hazardous waste, and it’s emitting huge amounts of mercury, dioxins and furans. I can go on and on, and yet we see no action to change the rules, to upgrade the rules, to raise the standards, so that this incinerator will stop or at least minimize the impact of what was coming out of that stack. This is how we’re dealing with waste in this province.

There was a vapour release that was investigated at this incinerator and six of the workers were taken to the hospital during this incident. One of the things that the manager of the incinerator stated was that although the tank contained a variety of solvents, herbicides and other chemicals, the company had determined that the escaped gases were below regulatory limits and posed no long-

term health risk to workers. This is what they said, but we have to remember that the standards imposed on this incinerator are 20 years old. We haven’t updated them. We’re going to be waiting another six years before we are going to ask this incinerator to comply.

It says here that these stringent standards—called Canada-wide standards for air emissions—which would be even more stringent than US standards, would be applied to the incinerator by 2006. We’re in 2001. We are emitting fumes from that incinerator at a standard that is 20 years old. I think it is criminal. I think it is criminal because we do it with the knowledge—with the scientific understanding and health technology—that it is going to impact on people’s health, we know that it’s going to impact on the environment and yet we don’t have the political will to change the standards so that we can at least minimize the impact in that area. No, we continue to do the same thing we did 20 years ago. It makes me wonder why. I don’t understand why. It isn’t as if the government hasn’t been made aware of what’s been happening there. Of course they have. I’d like to know where the ministerial responsibility is.

Where is the conscience of a government which is supposed to be here? The role of government is to protect our health and safety. That’s its role. Yet I’ve brought this to its attention as the member of the Legislature over and over again since 1999. I remember meeting with Minister Clement, and I certainly sent enough communiqués to Minister Newman. I have also been doing the same thing with Minister Witmer. I am still really surprised at the fact that we continue to do business exactly the same way, even though all of these issues have been brought to their attention. So you’ll have to excuse me if I don’t buy into this Bill 90 on waste diversion, because I can assure you that the political will, or lack of political will, shown to do anything about the largest toxic hazardous waste site in Canada and to deal with waste, if you want to call it landfill and incinerating of hazardous waste, I have to say I have very little faith in the will or the intent of this bill, except to be seen as doing something but in actual fact it’s not doing anything substantive.

2020

In my quest to try to get my serious issue in my riding for the sake of the health and safety of that area, the response that the commissioner for the environment provided with regard to the certificate of approval indicated that basically a number of their responses from the ministry were not accurate. It makes me wonder: why are they not accurate? Why is it we consistently have to spin or have to word things in such a way that it diverts responsibility?

It’s one thing when one doesn’t understand what the problem is or one does not see what the right thing to do is, but when it is made very clear what the right thing to do is and it isn’t done, then it makes me wonder what the Ontario Conservatives’ real political will is regarding our environment. We have a very sad and tragic legacy as to not only the lack of will to change the rules, but also to

requiring change in legislation. They've changed the legislation, and on the other hand they did not even consider the risks in changing legislation. Of course that takes us back to that tragic legacy at Walkerton.

I'm going to stay on this, because it is waste and it is hazardous waste. One of the responses I got about the incinerator at Safety-Kleen was that the response from the ministry, as it carried out its review, said that we did not need the review and that the report was unsatisfactory. This is what they stated. The commissioner, on the other hand, said that the 1998 amendments to the incinerator—because there was some change to the incinerator—actually allowed an increase in contaminant emissions to the environment by approving an increase in the amount of waste incinerated.

So in 1995 we have the Conservative government come into play. What they have done in my area when it comes to our incinerator and our landfill is that they've actually increased the amount of contaminants by the change in the rules. They didn't eliminate it. I didn't say this, by the way. The commissioner for the environment did. It concerns me because I believe that the commissioner, as an officer of the Legislature, is an independent voice who is saying, "Take another look at this because this is serious. It is very serious." As a matter of fact he asks the question, because of the responses, "Who is in charge here? The ministry, or is it the company, Safety-Kleen?"

It makes me wonder, why are we risking people's health and safety? Why are we risking the environment, when we could easily be mitigating this? All we have to do is look at the rules. The facts are before you. The facts are before the government. The commissioner for the environment is saying that the issue of the incinerator, of incinerating this hazardous waste, is allowing—in 1998 you didn't change the rules for the better, even though that's the way it was sold to the community, that the rules were going to improve how clean the air was going to be out of this incinerator. Instead, as the commissioner said, your amendments in 1998 actually allowed an increase in contaminants.

I'd like the members on the government side to know that is the highest quantity of mercury being emitted out of that stack in Ontario, if not in Canada, yet it doesn't matter how many times I put the evidence before the government. Over and over again they ignore dealing with it.

I used the only other venue I had and asked the commissioner to review all this, and he did. The answer he provided certainly went in favour of the applicants, which was us, and we should be reviewing the certificate of approval and, yes, we should be changing the rules for the health and safety of the people in that area. Yet as I said, the government sits silent on changing any of those rules.

That's the reason I do not buy into this waste diversion bill, Bill 90. If they can't take care of things that are this serious when it comes to hazardous waste—and also, of all the 50 states and all the 10 provinces, Ontario is the

only jurisdiction that has not got regulations to treat hazardous waste before it is landfilled.

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): The only one?

Ms Di Cocco: The only one left.

Mr Gerretsen: There's got to be another one.

Ms Di Cocco: No, there isn't. The only one.

Because it's cheaper that way, guess what? All the generators of hazardous waste will come, guess where? To Ontario, because Ontario is the cheapest place to dump hazardous waste.

There are so many good regulations that we could emulate here, that we could deal with. They created the largest toxic waste landfill in Canada, in St Clair township, yet we don't have the rules to deal with it. I hope they can sleep at night knowing it doesn't matter how much evidence I put before them, or the Ontario Liberals I put before them, to deal with this serious matter, and it is serious. How can I expect that they really mean what they say about waste diversion?

This is very simple. We're all, as I said, in the Dark Ages when it comes to the way we treat waste and the way we treat toxic hazardous waste in this province. The price that's being paid is by the residents, and long term is the cost to that whole area to clean up that mess once this company shuts down. Guess who's going to pay the bill at the end of the game?

Mr McMeekin: That one taxpayer.

Ms Di Cocco: That's right, that one taxpayer. Why? Because we have a government that is silent and indifferent to the long-term consequences of the toxic landfill.

I have heard it said very often that politics is the art of possibility. The art of possibility means we have the hope that we can make a better future for tomorrow. Guess what garbage is all about? Handling garbage properly today, whether it's non-hazardous garbage or hazardous garbage, is the legacy that we leave to tomorrow.

From all of the work and research I have done in trying to understand my area, and have tried to bring to this government, when it comes to this landfill that's been treated, by the way, quite differently from any other non-hazardous landfills in the province—I still can't understand why. The question, to me, always is, why? This is a no-brainer. It's good economics. It's about holding accountable the company that is dealing with this waste. It's about protecting public safety.

2030

Again, it's a no-brainer. I can't understand why the government can't deal with it. Obviously, I know one of the reasons, and that is that there's no political will, or maybe there's no understanding. Maybe they truly don't understand the long-term impacts, or why would they not at least bring our regulations up to the standard of the rest of the continent of North America? That's what I would like to know.

This Bill 90, which is waste diversion, in my view is poorly thought out. We have seen how some ideas that sound as if they are good ideas but that are not well thought out create a lot of problems.

Mr McMeekin: If they just took the time.

Ms Di Cocco: That's right. If they took the time to actually think this through and then put some money where their mouth is, then we would have a substantive bill.

I have to say that I know the response of the Ontario municipalities has been mixed, but the devil is always in the details. Until we enact legislation, sometimes you don't understand what the impact really is going to be. I'm hoping that even though this is flawed—it is definitely in my view a flawed bill. If the Ontario government would even say, "Look, we're collecting this \$40 million from the LCBO. To show good intent in this waste diversion, we are going to expect the private sector to support 50% of the cost. And you know what? We're going to take that \$40 million from the LCBO, we're going to take the \$40 million from this environment fund, and we're going to put it all into this diversion program, because we mean what we say," that to me would be a sign of real intent.

Rhetoric is very easy; it is the actions that count. It's important to me, whenever I qualify someone's intent, that I look at the track record. I look at the track record of action, and unfortunately from what I've seen when it comes to environmental issues, particularly landfill, I see that the actions don't follow the words.

The Acting Speaker: Comments and questions?

Ms Marilyn Churley (Toronto-Danforth): I'm pleased to respond briefly to the comments made by my colleagues from Kingston and the Islands and Sarnia-Lambton. I will be speaking more fulsomely in a few minutes, but I do want to tell people briefly what's missing from this bill.

Interjection: Tell us.

Ms Churley: I'll tell you, and you should listen, because you're going to understand when I speak later what problems we're facing in this province and how this bill doesn't address them.

It doesn't address a phase-out of organics from landfill with a clear and binding deadline at which those organics could be banned. That would remove the main source of toxic leachate from landfill and it would turn it into a usable product.

There's no support for new technologies. There are entrepreneurs right now, we realize, who are testing processes that can compost and recycle unsorted garbage. They need government support so they can get on with that and move much more quickly to diversion targets.

We need tough packaging regulations so manufacturers don't give us so much waste with the products we buy, mandatory deposit-return systems for soft drink and liquor bottles—only the province can put that into law—and funding so that municipalities, already fighting the downloading burden placed on them by this government, don't have to bear—they in fact cannot bear—the costs of introducing these sophisticated composting and recycling systems that are in place in other jurisdictions and that are required.

This bill before us today deals very specifically with a funding need that we all recognize is badly needed by the municipalities, because this government stopped the provincial funding of the blue box system when they came into power in 1995. There had been provincial funding before that. We recognize that there needed to be a process worked out with industry. I support that. But you stopped it and only now are coming forward with a flawed plan which is not going to work.

Mr Arnott: I am pleased to have a chance to respond very briefly to the members for Kingston and the Islands and Sarnia-Lambton. I listened to their comments and I appreciated their intervention in this debate. I heard much criticism of the government's overall policy in terms of our environmental strategy and so forth, but I didn't hear very many constructive suggestions and ideas that we might be able to put to good use. But we appreciate your contributions nonetheless.

I think the New Democratic member who spoke just before me hit on a very important point too. In my capacity as parliamentary assistant to the Minister of the Environment, I had an opportunity to meet with quite a number of municipalities at the AMO conference this summer. Many of the municipalities that came to see me were very concerned about the need for this bill to be passed soon and quickly. Certainly we all support that, I think. I would hope, in the context of the debate tonight, that members keep that in mind. The municipalities are asking us to pass this bill immediately if possible, so as to deal with their funding pressures in terms of their recycling program.

Again, I would implore all members to keep that in mind as we are moving forward this evening, and hopefully we can get through the fulsome debate on this issue on second reading tonight.

Mr Levac: I thank the members for Kingston and the Islands and Sarnia-Lambton for their thoughtful presentations.

I want to share a couple of issues with the House; first of all, the actual reading of the bill. But before I do that, I've been taught a great lesson from the Six Nations that are right beside my riding in Brant. The First Nations people talk to us about the seven generations. The seven generations is a concept that says you must keep in your thoughts, your heart and your soul the seventh generation in front of you when you make decisions about today. So when we make comments about today and what's happening today, we must keep in mind seven generations ahead. What a wonderful concept to ensure we have a better world.

I want to read the title of the bill: An Act to promote the reduction, reuse and recycling of waste—the 3Rs. The purpose of the bill is "to promote the reduction, reuse and recycling of waste and to provide for the development, implementation and operation of waste diversion programs."

Here are some of the people who are in charge, who are going to be appointed:

Members are going to be appointed from the Brewers Retail of Ontario. In the bill it makes reference to them because of their wonderful record in teaching us how to recycle and reuse: 97% efficient, and they had to be amended into the bill because they weren't recognized as the group that they are. They are so efficient that they're 97% a closed shop and able to redo all of their waste, down to 97%. It's amazing.

A member is the Liquor Control Board of Ontario. Guess what? There is no mention of them after that. If that's not an opportunity for a closed system, nothing is. So let's get that one closed. I would offer that to the parliamentary assistant for comment.

Also, the waste diversion programs can't promote any of the following: the burning, the designations and everything else. They shouldn't be doing it in the first place.

I look forward to further debate on this issue.

Mr Kormos: Yes, this is a midnight sitting. We'll be sitting here until midnight every night this week. We'll be sitting here until midnight, I suspect, every night next week, and then the week after that we'll be sitting—so this gives all of us time to debate these matters. You are going to hear debate around this bill, Bill 90, from our environment critic, Marilyn Churley. In but two or three more minutes she'll be speaking for an hour. Then we will of course have an opportunity to hear more from the Liberal caucus, and we'll hear more from the Conservatives, and then we'll hear more from the Liberals, and then more from the Conservatives, and then you'll hear from the New Democrats. Then we'll hear more from the Liberals. Liberals have some 30-plus members. I'm sure all of them will want to speak to the bill. Of our modest number of nine, all of us want to speak to the bill. We won't all have the same hour that Ms Churley has.

Ms Churley: And I'm not sharing it.

Mr Kormos: And she's not sharing, not today. But all of us are going to want to speak to the bill, and that's on second reading.

So I don't want to disappoint the folks who are going to stay with us until midnight, and least of all do I want to disappoint Mr Arnott, whom I like. But no, Mr Arnott, no matter how nicely you ask—and you did ask nicely—you're not going to get second reading of the bill. If the government has this bill as a priority, the bill is surely going to pass third reading before Christmas. Now, mind you, whether or not you ever proclaim it is a different story, because you're acquiring a little bit of a reputation over there for being in such a hurry to pass legislation, then never proclaiming it. Peculiar, isn't it, Mr Arnott?

2040

So, you see, whether or not this bill gets third reading before Christmas is all up to the government. The government's going to have to manage its time here in the House, be a little more businesslike, I suppose. They're going to have to be more efficient managers of House time and they're going to have to start prioritizing. We'll see what that leads us to in short order.

The Acting Speaker: The member for Kingston and the Islands or Sarnia-Lambton has two minutes to respond.

Ms Di Cocco: As we're discussing who has to speak next here, one of the issues, in ending this part of the debate anyway, is that we have seen that in Ontario—I don't know if people know this or not—the population from 1995 till today has increased by almost 800,000 people in all of Ontario. That means, of course, 800,000 people are going to produce, as we know, more waste. That's just the nature of humans. What we have done, though, regarding waste diversion is that the government cut blue box funding completely—gone. So as we're increasing in population, they're cutting the blue box funding. It's a regressive policy. It saved them some bucks in the short term. What do they call it? Penny wise but pound foolish. Long-term, of course, it's going to cost us money.

Then we've got the fact that the LCBO has \$40 million that it collects. Nobody's disagreeing with us that they do collect it, and yet, as I said, only one eighth of that goes into the actual diversion program.

I believe one of the reasons we're rushing to get the bill passed is because of course we know, considering the track record of the current government, they need to have some environmentally sound bill, at least in name, that they can pass and say, "Look, we're environmentalists. We passed a waste diversion bill." But it doesn't mean it's going to continue.

The Acting Speaker: Further debate?

Ms Churley: This bill is not a waste diversion bill; it's a perversion of a diversion bill. It's a perversion of a diversion bill because it does just the opposite of what the title of the bill says, which is, An Act to promote the reduction, reuse and recycling of waste. As you can see, I've thumbed through this bill quite a bit and read all the clauses carefully and, as Mr Arnott would know, put in a lot of amendments, all of which the government voted against.

But I've studied this bill very carefully and have discovered that it is perverse, as Mr Colin Isaacs said when he spoke to the committee; that was his word, in fact. I thought it summed it up pretty well. When you read this bill and look at what it doesn't do, it really is a perversion of what it says it does.

The first point I'd like to make around that is—and I don't know if people recognize this, because this bill does, in its title, talk about the three Rs and the hierarchy. They got it right in terms of the direction it's going. But what people may not understand, and if you've read the bill you would see this, is that the only option in this bill—listen carefully to this—that costs an industry nothing is to continue having their materials go into a landfill or incineration. That is the only no-cost option available. Then the second option after that—well, just think about that one for a minute. If that's the only no-cost option, what kind of inducement, incentive, is that for industry to come on stream? For those who are already on, it's a disincentive to stay there and an incen-

tive to change their packaging so that in fact they don't fit into these criteria any more, so they pay nothing to have their packaging sent for free to the landfill. That's exactly what this bill does. So the second option goes into a cost-shared program with municipalities for recycling, and that costs something in the order of 50% of the cost to the industry. But the disincentive to come on stream is there.

I want to take a moment on behalf of all of us in the Legislature. People may not be aware, but Shelley Petrie, who is the new executive director of the Toronto Environmental Alliance, recently had a very serious bicycle accident. She just took over from Lois Corbett, and as you know, the Toronto Environmental Alliance worked very hard on this bill. I heard about this just last week, when we were having our second day of hearings, that she had fallen off her bicycle and broken her pelvis in, I was told, three areas and is going to be out of commission for some time. I'm sure I can send her best wishes on behalf of the entire Legislature and let her know that we're thinking of her and wishing her all the very best and a speedy recovery.

Having said that, I want to thank the Toronto Environmental Alliance for their help in the analysis of this bill. They certainly, through Mr Gord Perks and Katrina Miller, put a lot of work into analyzing this bill and came forward, and the entire committee heard their critique and their position on this bill. I presume that people aren't going to be surprised that I agree with their critique, which is why, after reading their submissions and Mr Collin Isaacs's, and AMO's in fact, I put forward some amendments which the government turned down.

You have to understand that of the rule changes the government made when they made these odious rule changes that most of us did not support, at least on this side of the House, one of the ones we did support was the concept of taking a bill out for public hearings so that after first reading there's an opportunity for the entire committee to hear the critique of the bill before us, to make amendments and bring it back into the House with those amendments made. That's what we did with this bill, and I supported that: take the bill out and hear from groups out there, organizations—AMO and others came forward—and be able to come back in the House, discuss it and then, if necessary, take the bill back out to committee. You can do that after second reading, after everybody in the Legislature gets to hear the critique. When bills go to committee, as you know, Speaker, only a very small group of people hear the problems and hear the amendments and know which ones passed and which ones didn't.

So it's my responsibility tonight to tell people what I, the Toronto Environmental Alliance and the OEN believe are problems with this bill and what can be done about it. There is always the opportunity, if people agree with me, to take the bill back. That's the idea of taking a bill out to committee after first reading: so you can again, after debating it in the Legislature, take it back out for committee hearings after second reading.

It's something I would like to do, but I have become convinced that the government is not going to listen to my suggestions for amendments. That was made very clear. The parliamentary assistant, as much as we all like him and nice as he is, came prepared with Ministry of the Environment notes all written out for him with sometimes plausible explanations as to why he, or the government side, wouldn't support my amendments. But sometimes they didn't make any sense whatsoever; it was just very clear that they already had their minds made up.

I would like to have another kick at the can on this, but I do have to say that I understand that AMO, the Association of Municipalities of Ontario, all the municipalities out there and politicians from all stripes at the municipal level want this bill passed, and they want it passed quickly. I know that members from the Toronto Environmental Alliance would like us to have the opportunity, and they asked me to do that, to make sure that the bill goes back to committee so we can have further discussion about those amendments.

2050

I have to tell you that I'm not going to block this bill. Members of my caucus all want to speak to the bill. We will go through the process; that's why we're here, to have this discussion. This is the first opportunity since we met, read the amendments and put forward the amendments that we've had an opportunity in this House to discuss the bill.

But there is, I put it bluntly, a tremendous amount of pressure on me and my caucus, as I know also on the Liberal caucus, to let this bill move forward quickly. I know the government would like to see it passed tonight. That's not going to happen because members from my caucus do want to speak to it. That will happen, but I want to say that we will not go out of our way to block it. We will not ask to have it brought back to committee for a further kick at the can at amendments although, as I said, personally I would like to do that.

I understand the concern being expressed by the municipalities, because since the Harris government cancelled provincial funding in 1995, they haven't had any. You combined with all the other downloading from the Harris provincial government their having to pick up the full costs of the blue box program. I understand that AMO and the municipalities are very anxious to have something. That's typical around here. You give organizations and groups and people and communities nothing for long enough that a few little tidbits thrown their way is better than nothing.

My friend Rosario Marchese sat on committee for me, because I believe I was doing the nutrient management committee, or alternative fuels, or both at the same time. People tried to have me in three places at once but I couldn't quite do it. So I know Mr Marchese sat in. He knows about this bill and he's here with us tonight, I'm pleased to say. He heard from the municipalities about their urgency in having us not block this bill. I received a telephone call from Ann Mulvale, the president of AMO, asking—I presume that the government has been calling

people and letting them know that the NDP might block this and we have been lobbied a fair amount to ask us to—well, we've been told how important this bill is.

Interjection.

Ms Churley: Yes, president of AMO.

We have been receiving those calls and I am particular and I've been calling them back and I've been discussing the bill and our issues and problems with it. I've got to tell you that many people agree that there are problems with this bill, are not totally happy with it, but say, "Look, it's something, and we're really terrified that it isn't going to pass and we really need it to pass." That's what some people are saying to me.

One of the things that became clear in analyzing this bill—and Mr Arnott will know that I brought forward an amendment to deal with this—is that we don't know the timing on this. We don't know whether it's going to take months, and it's not clear how much money they're going to get. But as I said, municipalities are convinced that something is better than nothing, so we are listening to that concern on that point and we do respect their position on it. But we want to speak about it and I'm going to point out its deficiencies and I am going to point out that changes that I and TEA and others suggested that the bill needs, which, as I said, the government refused to support.

Toronto has come up with a plan to divert 60% of their waste. It's a plan that involves advanced, large-scale composting. It's a plan that has a goal of eliminating the need for landfill by the year 2010. That is leadership. The city of Toronto is trying to show leadership on this issue. You will recall the horrendous debate around the Adams mine, and it's coming back to haunt us again. We're hearing the Minister of Municipal Affairs musing aloud about asking Toronto for a six-month delay in signing the final contract with Michigan, which is supposed to happen tomorrow. I heard him on the radio this morning and he wasn't denying that. He said, "Municipalities, it's their option. They can do anything they want." And, yes, Mel Lastman said the Adams mine is, I quote, "d-e-d."

Mr Rosario Marchese (Trinity-Spadina): That sounds like "dead" to me.

Ms Churley: That's what he said. But for something that is dead, boy, it sure keeps popping up all over the place. You think it's dead and then it keeps popping up, and it has popped up again. But we don't want this to keep popping up, and we're so far behind other jurisdictions in terms of moving forward on real waste diversion. As I said, this bill does nothing about that.

Mr Kormos: Look at the board of directors.

Ms Churley: We'll be getting to the board of directors. We'll be getting to that.

So the problem is that the municipalities have been starved by this government and they haven't been supported. The government tells them to come up with solutions and then cuts their funding, then downloads new responsibilities. Municipalities just can't cope with it. The government has been working on this bill appar-

ently ever since they came to power in 1995; they say they have.

Interjection.

Ms Churley: When they cut the funding for the blue box program, they said they were working on it. I've got to say that the whole issue around waste management is difficult. It is difficult. It has bedevilled various governments for a number of years: big headlines, big fights, big problems, political battles. It's a very difficult issue. I acknowledge that. There had been, however, up until this government cancelled the funding, some progress, some movement, and then it all stopped. It has taken all this time, since they cancelled the funding in 1995, to get to this point where we are today, and that is, we're talking about a very disappointing bill. This government has absolutely no vision when it comes to the challenging problem of waste that is before us.

One of the things Mr Gord Perks said when he spoke to the committee, and this really struck me, was, "To begin with, a sound solid-waste diversion strategy depends on five key principles," and those principles are lacking in this bill.

"We must respect the 3Rs hierarchy—reduction, reuse, recycling—in that order." The words are here in the right order, but there's nothing in the bill compelling that to happen, for the diversion to happen in that order.

He said, "We must implement the best of what is known as extended producer responsibility.

"We must tailor our waste diversion and recycling programs to suit the particular needs of different materials, rather than attempting to come up with a one-size-fits-all, shoehorn-style effort to deal with them," which is exactly what we're doing in this bill and why it's going to fail.

"We need to devise a system that to the minimum degree possible is bureaucratic and complex. We need" to do "something that is speedy and simple."

The amazing thing about this bill, for a government that says it's trying to get rid of red tape—talk about the red tape they've created in this bill. It has made it far more complex than necessary for innovative things to happen. It's one size fits all. You've got this industry-dominated board that's going to be negotiating with the industry to come up with their goals and their plans. This is not going to be easy, and it's not going to be simple. It's very bureaucratic.

"Finally," Mr Perks says, "we believe there should be an appropriate division of responsibilities and authority between the public and the private sector."

I've already pointed out to you that the bill is backwards, completely backwards, and that it goes in the wrong direction. It rewards people for not producing material that can go into the blue box. So you're going to have a situation where you will have to pay your share to be part of this program, but if you don't fit the criteria, then you get to send your stuff, your packaging, whatever, to the landfill for free. That is just crazy. That goes against the very grain of what this bill should be doing.

Mr Marchese: Everybody complained about that in the committee.

2100

Ms Churley: Yes, absolutely. So the point we're making here is that the municipal governments have been starved and squeezed, and so they're desperate to get some legislation that commits to industry funding for the blue box system, and we understand that. But I want to now look directly at some of the problems of the bill and talk about the amendments I made, which failed, which the government refused to pass. By the way, I made several amendments. I think the government made a few amendments that did respond to some of the concerns raised, a couple of them, in a very minor way.

Some of the problems with this bill: the bill should stipulate that municipalities will get at least 50% of their net operating and capital costs for running the blue box programs. That's an amendment that I put forward, the NDP put forward, and it was blocked by the government.

In the government's initial draft of the bill—and Mr Marchese is probably going to remember this—there was no guarantee whatsoever about how much funding the municipalities would get. The bill said only that they would get no more than 50%. I mean, that could have been 5%, 2%. Even the government agreed that was a problem. To be fair to the government, they did change that to say that they would get funding equal to 50%. But we're still asking the question, 50% of what? Does that include the capital costs? We don't know. I don't think so, but clearly it should.

Now, our NDP amendment said that they should get at least 50% of the net operating and capital costs. So it was very clear, at least so it could be more, and both capital and net.

The second issue which we raised and put forward amendments on was when they will get the funding. That is not clear at all. That's something that municipalities are concerned about. They want the money now. By some people's read of the bill, it could take months and months for them to get the money and maybe even up to a year or two, possibly three. I'll talk more about that later. Now, obviously that's not good enough. The municipalities are desperate now. That's why they want the bill passed now.

So the NDP put forward an amendment, and once again the government said no to this amendment. What we tried to do through this amendment was to get the bill changed so that the funding would be effectively retroactive to royal assent. I would say that the municipalities would support that, because we don't know how long it's going to take for the bill to pass. I'll give you a rundown of the possible scenarios of that a little later. But I want to ask why the government wouldn't agree to this. The funding was cut in 1995. They're desperate for this funding. This amendment should have been accepted.

The municipalities are being stuck with the waste that industry produces. They're having to deal with the waste today, and they're not getting all the support they need. So I don't understand why the government would not

agree to an amendment. I thought it was an oversight, I really did, and expected them to agree to an amendment that would allow them to get the funding retroactively. But I guess only the government knows why they blocked that one, because the explanation didn't make any sense whatsoever.

Now I want to come to a big one, and that is the whole issue around getting organics out of the waste. The bill does nothing, nothing whatsoever, to support and encourage municipalities to get those organics—because that's what causes the problem in landfill. Those organics cause all the poisons and problems. So if you get that out of the waste stream and start composting it, that solves a lot of your waste management problems right there. We're not talking about reinventing the wheel here.

In fact, I want to quote to you a little bit from the Association of Municipalities of Ontario's Ms Ann Mulvale, who talked about that. To be fair, she came in support of the bill. She said some good things about it, but she pointed out some of her concerns, and that was one of the concerns that she spoke to at some length. She said, "Organic waste represents 30% to 40% of the municipal solid waste stream." She said, "It is therefore essential to increase the level of organic waste diversion in Ontario if we are to achieve the overall 50% provincial waste diversion target. According to preliminary estimates from the WDO, the net cost of operating a province-wide municipal organic waste diversion program could be expected to be nearly \$50 million."

Now, you tell me that municipalities can afford to do that on their own; they can't, not here in Toronto, not anywhere. They don't have the bucks, because of the downloading, their lack of ability to get their fair share of funding from the tax base, the gas tax base etc. So AMO urged the committee to recommend that the legislation be amended to enable the province to provide such funding, and that's what I did in committee as a result of AMO urging us. She says, "Organics represent a significant share of household waste, and without support municipalities will not be able to establish or expand their organics diversion programs." This bill doesn't even begin to look at that issue, and we're not reinventing the wheel here. Remember when we were having the Adams mine debate? For a while there was a period of time when all we heard about for days at a time—everybody in the north and in the Toronto area was focused on what we can do to get the organics and other things not all treated like garbage to be thrown into a landfill, but to treat them as something else. We kept hearing all about how to take the organics out of the garbage and turn them into methane gas.

There's an article I dug out from the debates we had at that time, "A Better Garbage Solution Than Dumping in the Lake," written by Cameron Smith in the Toronto Star. He's the president and chief executive officer of Enwave District Energy. He commissioned a massive study on methane digesters. It was an incredibly good study. It was very well done, and it gave excellent results. The report said that if all Toronto's organic garbage—

600,000 tonnes a year—were processed through methane digesters, it would produce enough electricity to meet all the requirements for administration of the city of Toronto. They exclude the Toronto Transit Commission but include the needs of all the city's buildings and those of its boards, commissions and agencies and all its requirements for sewage and water treatment. In addition, it would supply enough electricity to cover more than half the needs of the TTC. He goes on to say it would save Toronto taxpayers at least \$25 million a year. Nothing has been done about that. I know the city of Toronto has a plan to divert and get the organics out of the waste stream. But like all the municipalities across the province, we have to get the funding moving so that these municipalities can play catch-up.

We know that Mayor Lastman went to Edmonton, and we know all about Halifax and what they've been doing there for a number of years. Edmonton and Halifax are way, way ahead of anyone else in Canada, and way ahead of Ontario. We've fallen so far behind. Nova Scotia and Alberta set the tone for this. Nova Scotia has the toughest trash laws in all Canada. It's actually illegal to throw compostable waste into the garbage. It's illegal to do so. Homeowners can be fined for putting glass and metal in the trash rather than recycling them. The reason this happened was that about five or six years ago, there was growing public concern and outcry over the landfill capacity and concern about incineration. So the provincial and the Halifax governments decided the time had come—and that was five or six years ago—“Let's get moving, let's put the money in, let's get the programs up and running,” and they did. What is amazing is that they did it and they came up with this incredible process for getting all these things out of the waste stream and considerably reduce what had to go into landfills—the same thing in Edmonton.

We also have here in Guelph—I know my leader, Howard Hampton, went to Guelph, and we talked about this in the Legislature at the time as well. Subbor Corp built a \$20-million demonstration facility that can process the town's unsorted garbage and, he says, turn all of it—apple cores, organics, garbage bags, diapers, cardboard and plastic wrap into usable gases, peat and recycled materials. The federal government invested about \$5 million in this project, and it is so popular that officials from the US Environmental Protection Agency and Environment Canada came to take a look at this to verify these key claims.

What they're saying about this—this kind of new innovative technology, which is getting better every day—is it could shut down landfills across the country. It could get rid of incineration. It would put Adams mine to rest. That's the kind of thing we should and could be doing, but we lack the political will and the vision here in Ontario to do what we have to do. I'm afraid we're going to wait until we're on the brink of some kind of disaster before we actually do what is absolutely necessary.

2110

Back on October 25, 2000, I toured with Jack Layton, city councillor for my area, Toronto-Danforth. We went to look at a plant in Newmarket called Canada Composting Inc. This was a tour of an anaerobic composting facility in Newmarket. It's similar to the plant the mayor toured in Edmonton—smaller of course, but similar—and it's big enough to process 40% of Toronto's compostable waste. We went to take a look at that, and what Mr Layton said at the time was that we need only three plants the size of the city of Newmarket facility to serve all Toronto.

Why are we not moving further ahead on this? This is an anaerobic digester, an airless composter. It produces methane gas that is used as a fuel source to produce electricity and heat. It apparently is even better and more advanced than the one the mayor saw in Edmonton. The Newmarket composter produces cheaper fuel than that and makes green electricity and green heat. All we need is to build another plant like this in Toronto, and Toronto's is cut by half right then and there.

It's very disappointing that we have a bill before us that is going to throw some money that is badly needed at the municipalities but is not giving them one of the key things they need. We all know by now that getting the compost, getting the organics out and composting them is the key issue, the key direction we have to go in.

The NDP brought in amendments to the legislative committee that would add provision for funding these kinds of forward-thinking initiatives that would keep a lot of the waste out of the landfill and would reduce the pressure on the blue box and reduce the pressure on municipalities to find landfills. More and more, people are saying no to landfills, no to incineration. And there are options out there. It's not like the days when there were no other options and we had to find that landfill, we had to build that incinerator. There are so many options out there now, and we're just not keeping up.

Another area I want to talk about is the problem with representation on the board of this waste diversion organization that the bill provides for. It is weighted extremely unfairly and is open to the possibility that municipalities, which have to do all the work of running the blue box programs and, let's face it, are ultimately responsible for the waste the participating industries generate—the municipal representation will fall far short of the industry representation on the board. What our amendment proposed was that municipal representation should not fall short of 50% of the members of the board. I thought that was a reasonable suggestion. The government did not allow that to go forward as well.

At the end of the day, when we finished the debate about this amendment, it became increasingly clear that as new industries come on board with plans that are accepted through the process, each time that happens they will be able to appoint a representative on the board from their industry. So over time, as industry continues to appoint more and more reps, municipalities will stay at the same level. They're already underrepresented; I think

it's about a third of municipalities represented. The rest are industry-based. There is no provision to even keep the level of municipal people on the board at the level they're at now, as they start. But that amendment was turned down. So industry has the majority on this board and always will, and their majority will continue to get bigger and bigger. I find that to be a problem; I would expect some municipalities will find that to be a problem. That's where it stands now.

The other amendment that I put forward was representation on the board from the environmental community. The government wants to boast that the bill shows how committed they are to the 3Rs—reduce, reuse and recycle, in that order—but you've got to wonder how many members on the government side even understand the 3Rs, how many know there is a priority in the 3Rs. The reduction has to come first and foremost, followed by reuse, and only after that, recycling.

Part of the problem, as we talk about this bill—and frankly I found it on the committee level. When I was talking about the importance of the order of these 3Rs, I had to explain at some length the reasons why it's important to understand fully that first of all, no matter what the material is, we start at thinking, "How do we reduce it? How do we not produce it whatsoever?" Somebody said, "There are some materials that you can't not have, that you can't reduce." I said, "Yes, but first you look and then the next step is, if you can't reduce it, can you reuse it? You go up the chain like that. Finally, if you can't do either of those two, that's when you get into recycling."

The concern is that I think it's fair to say, from the representations, the opinions I read and heard, that came before this board, is that the environmentalists, for good reason—that is what they do, that's their job. The industry reps have a whole variety of other concerns and interests that they have to bring to the table. We all know that and I don't have a problem with that. That's their job and they will do their best within the confines of all of the other issues they have to take into account around that table. It's very difficult to sit down and negotiate because we're talking about real dollars that the industry has to pay here. Then the municipality is trying to get as much money as they can, for obvious reasons, to help pay for their programs so they can move forward. So when I put forward an amendment that there be representation on the board by the environmental community, we proposed that it be the Ontario Environmental Network.

I just want to explain why we proposed that. They are an umbrella body. They have no policy function. They have an appointments process already in place to put reps on many stakeholder processes. They have 800 groups as members, so they're an umbrella group for environmental organizations all across the province. They would be the ideal body to choose from their membership, from their 800 members, the best person to have on the board so that we could have representation on the board of the Waste Diversion Organization, one voting member and

one non-voting member. I couldn't find any good reason why the government wouldn't agree with that.

When I talk about having made amendments, we actually made two amendments. The first one failed, the amendment that we put a member appointed by the OEN on the board. Then I put forward an amendment that we have an OEN member as an observer. I put that forward because the government is allowing observers who have no voting powers but who can be there to keep an eye on what's going on. OK, we failed in the motion to have a voting member on. I put forward a perfectly reasonable suggestion that a member from the OEN at least be allowed to be an observer. That was turned down as well.

2120

I want people to take a look at section 24 of the bill, which defines a waste diversion program under this act. It says, "A waste diversion program ... may include ... activities to reduce, reuse and recycle...." May include the 3Rs? Is that the best commitment that the government can make in this bill that's supposed to be their bill to deal with our waste problem? I tried to strengthen the bill. I thought that it should be much stronger than saying "may include ... activities to reduce, reuse and recycle."

It says, "A waste diversion program ... may include ... research and development" about waste management and it "may include ... activities to promote ... products that result from the waste diversion program" and it "may include ... educational and public awareness to support the waste diversion program."

There are no guarantees that these things will be included. Why does this bill not say that waste diversion programs "must" include activities to reduce waste? Why does it not say that a waste diversion program "must" include activities to reuse waste? All I can say is that when this amendment was turned down—it made sense. Again, I thought it was an oversight. It was trying to strengthen the bill and make it very clear that this was a bill that was going to enforce these 3Rs. It says to me that the government doesn't have a clear commitment to these 3Rs.

The NDP also proposed an amendment to change this bill so that a waste diversion plan "must" include activities to reduce waste and to reuse waste as well as to recycle waste. It only needed a few minutes to pass, and the government turned that down.

Our amendment asked that the 3Rs of reduce, reuse and recycle be understood and applied in this priority. Again the government would have none of that. It was just to strengthen the bill and make it, I thought, for the government, as they're out there with this bill, to be able to say, "This bill says you must do this, you have to do this. There are no choices in this."

Since it falls so short in the areas that I talked about earlier that we need—that's the phase-out of organics of from landfill with a clear and binding deadline, at which time organics would be banned; support for new technologies; tough packaging regulations; mandatory deposit return systems for soft drink and liquor bottles; and funding so municipalities will have help with the cost of

introducing composting and recycling systems that are required. We must move in that direction; they don't have the funding to do it. None of these components that are so important in terms of the direction we have to go is in this bill, so I thought at the very least it would make sense to toughen up the language so that what this bill says it's going to do would be enforced, that it's a "must," not "can" or "might."

You have to ask how much of the designated waste must be diverted under a waste diversion plan developed and approved under this act. We don't know; that's one of the other amendments I made. Does it mean it's 5%, 2%? Amazingly, this bill doesn't set a target. There is no target in the bill. So it could be, given the crisis that we have around waste management, landfills, incineration, one of the ministers opening up the whole concept of perhaps diverting our waste to the Adams mine again, concern about trucks going to Michigan, all of those things—people are not going to allow new landfills. Look at Lindsay-Ops dump, the expansion there.

People aren't going to allow new incinerators to be built. In fact, they're going to clamouring to have the existing ones shut down in a short time. That's what's happening in Europe right now. We are so far behind in our waste management policies. We're still looking at the possibility of building new incinerators. I tried to get that taken out of this bill, as something that couldn't be considered as a diversion and that is still there as a possibility. We should not be moving in that direction; we shouldn't even be looking at it in the context of this bill. We should be looking at the progressive stuff they're doing in Europe.

They got into incinerators years ago because their land mass is so much smaller than ours, and they're finding that it's a real problem. Even with the latest technology, with some of the best pollution abatement equipment that you can imagine—and we hear about it. They say, "Oh, no, everything's better now. Let's get into incineration." Mark my word, no matter how good the pollution abatement equipment is, whatever you've got on there, there are some dioxins. The very act of burning garbage—you have to keep it at a high enough heat—creates dioxins and furans. It is true the technology is amazing now, but some still goes up that stack and there's no safe limit for dioxins. We already have air pollution problems in this province. To be even thinking about adding to them is absolutely insane.

And then you've got the other issue of the better the pollution abatement equipment is, the more toxic is the hazardous waste, because that's when it comes. If it doesn't go up the stack and spew all over our food chain and in our water and our drinking water, then it is in that fly ash, in that bottom ash, and that is even more toxic. If it doesn't go up there, it has to go somewhere. It's in that ash, which ends up having to be buried somewhere. It is such an insane solution to even be thinking about.

The kinds of things that are happening in Europe and other parts of the world—they are way ahead of us, and those are the kind of things we should be looking at. And

what do we have in this bill? I still find it hard to believe, but there is not a target for how much waste must be diverted under a waste diversion plan that's approved under the act.

So we're asking how much it is. The NDP brought forward an amendment that said 60%. We've got to get moving here. We're way behind. The city of Toronto, as I mentioned earlier as one example, has adopted this target. It's realistic. I know Hamilton has adopted a very tough target. There are municipalities already doing this, trying to get to that. They are going to need, however, the help of this government to come in with the legislation, with the targets that are set and the funding to help them set up these programs. How meaningful is a requirement for waste diversion plans if they don't have targets? I would say to the government—I think I said this in committee meetings—if they think 60% is too high, then how about 50%? The government said no to that. The government answer is no targets at all. That doesn't make any sense.

The plan appears to allow the possibility of waste diversion plans that would include incineration and landfilling. I mentioned this before. Everybody knows by now—I've said it many times—that I got into politics fighting garbage incineration in my riding and was very involved in the setting up of the blue box system here in Toronto. And I want to be on the forefront now of moving us forward, moving us into organics and taking the organics and those diversion programs.

So my amendment to ensure that those old-time non-solutions—because that's what they are now, non-solutions—those methods that are just another form of pollution, would not be acceptable components of a waste diversion plan. But it appears from the bill that they can still be seen as waste diversion plans.

I also proposed an incentive to encourage industry to make sure they work with the municipalities and with the WDO to meet targets of the 60% waste diversion program. This incentive was a measure that would have required the industry funding group to pay to the municipality the full costs of dealing with the percentage of wastes by which they did not meet the diversion target. That seems fair to me. So if you accomplish only 50% diversion instead of the target of 60%, then the industry group—and remember, the industry that actually creates and markets the materials that we're having to dispose of or divert—would be required to cover that cost. Otherwise it's still being borne by the municipality alone, the cost of disposing of that waste. I think that was a fair amendment to make, and that was turned down.

I think that is a practical measure to encourage industry, through an incentive, to help develop waste diversion plans that work. That's missing from this plan, and that was an amendment to put that incentive back in there. But the government said no to this amendment as well and that the private sector can do these things best. I would just have to say that in some cases the private sector doesn't do things best, that in this area of waste management and all the problems that we have, having

this industry board set up and having them involved—of course they need to be at the table. But you've got to ask, if they can do things so well, why is the government so afraid of this motion that encourages the private sector to do some things better? There's a contradiction there.

Another issue: the government boasts that the bill will ensure the appropriate funding support to our municipalities that are designing and carrying out our blue box programs. But I'd ask people to take a look at section 30 of the act. This is the section that has come to be known as the "newspaper clause."

I listened to the Minister of Consumer and Business Services. The name has changed since I was the minister. I listened to him talk about the small amount of waste of bottles and cans which goes into the blue box, and he mentioned the high percentage of newspapers that goes into blue boxes. It's true. I don't have the figure in front of me, but it's a huge percentage. I believe you said it. It's a huge percentage that goes into the blue box. That's why I'm concerned about this clause and put forward an amendment.

2130

The reason I'm calling it the "newspaper clause" is that it opens the door—and they've been doing this to some extent in the past—to allow that industry to get out of having to provide any money at all for blue box programs, yet they make up—what?—up to 60% of what goes into our blue box. But this, as the bill stands right now without my amendment, is what it does. It does this by allowing an industry group like the newspapers to provide support in kind instead of support in dollars. What that means is that municipalities can take free ads from the newspapers instead of getting the money to pay the hard costs of the blue box programs.

I asked a question in committee to officials from the Ministry of the Environment: what other industries have that opportunity? They couldn't tell me of any others. Newspapers happen to be in a position where they can offer that "in kind" instead of real money. I don't think that's a level playing field, for one thing, because other industries cannot offer something in kind, so they've got to pay their money. But I also believe they should be paying their fair share of this.

It was raised, in fact, by Ms Mulvale. She expressed a concern about that. She called it "voluntary contributions." This is not coming just from me, it's coming from AMO, and a concern was expressed. Here's what she said:

"The industry funding organization may reduce the amount of fees payable by a person under subsection (1), or exempt a person from subsection (1)," so it can be an exemption, "if the person has made voluntary contributions of money, goods or services to the organization." She expressed concern about "the lack of clarity with regard to what types of in-kind or voluntary contributions would qualify," and she specifically mentions the Canadian Newspaper Association, which, she said, last year "was able to negotiate in-kind contributions in advertising space for municipalities in lieu of funding for

newspaper recycling programs. While some of the in-kind advertising space was used by some municipalities, this in-kind contribution did not help in any substantive way with the costs associated with blue box programs.

"In AMO's opinion, it is important to amend section 30(2) to provide some direction on the nature of voluntary contributions if they are to be allowed."

She expresses concern about that, and I think, very gently and very carefully, that this is a problem for municipalities and they would like that section amended. It has not been amended. It remains the same, and it is a problem for the municipalities. So you've got to ask how it's going to work. Can municipalities pay their workers in free ad space? You've got to ask questions around this. If you're going to allow in lieu of real dollars here, can they buy trucks with free ad space? Can they buy blue boxes for the residents with free ad space? The answer to that is no.

Finally, I want to spend a few minutes talking about the timing of this bill. Working with TEA, we've come up with a time frame of what could be assumed to be the earliest time, an estimate of the earliest time that this bill could get royal assent, and the latest time estimate. This is based on real experiences in getting these things through the system. What we came up with is this, and I think people should listen carefully, because the municipalities and especially government members are pushing us hard to get this bill through because the municipalities want their money. They need it now. They have had to wait since the government cancelled funding in 1995 for the blue box.

The NDP put forward an amendment that says the funding should be retroactive to royal assent. That did not pass. That is why this is so important, because those municipalities who are pressuring us, for good reason, to move forward with this bill are going to be really angry and really disappointed if this funding doesn't start flowing fairly quickly.

So this is what could happen here. I'm going to give you some of the steps that have to be taken, because this is not going to happen overnight. It's a very cumbersome process, which I pointed out earlier.

The appointment of the board of directors of the WDO: that's in subsections 3(1) to (5). The earliest time estimate—and believe me, this is the earliest time estimate—would take one month. The latest time estimate there? More likely three months.

I'm going to talk about the operating agreement. That has to be done. After the appointment of the board of directors, you have to have your operating agreement. That is in subsections 5(1) to (5). The earliest time estimate, realistically, is two months; probably it could take up to six months or more, because we're talking about complex operating agreements.

Then there's the posting of operating agreements for public comment under the EBR. That's in subsection 5(6). The earliest time estimate is five; it could be up to three months, perhaps should be up to three months, so people can comment.

Then there is the designation of a waste by the MOE through regulation, posting of regulation on the EBR and notification to the WDO to develop a program. This all has to be done. This is not going to happen quickly. And the thing about this piece is that this will happen concurrently with the development of the operating agreement. That gives you some idea of some of the issues that have to be dealt with while the operating agreement is being negotiated. The latest time—I can only give the same time frame as before because it does happen concurrently—is one to three months.

OK, those steps; next is the establishment of the IFO. That's in section 23. The earliest time frame we're looking at is one month; the latest, we could be looking at up to four months. Development of a program: the earliest time frame we're looking at is three months; it could take up to 12 months. Consultations with the public and stakeholders: the earliest time frame we're looking at is probably two months, and the latest we're looking at is four months. Then the posting for public comment under the EBR: earliest time frame, one month; latest, probably three months.

If you total those things up—and bear in mind when I'm talking about this how difficult it has been in the past, and we all acknowledge that, to get industry at the table to come up with some kind of formula that will work. Here we have the earliest time frame being 11 months. Bear in mind that it's not retroactive, so we're looking at it being implemented in December 2002. I think it's very optimistic that all of this is going to be done in that time frame. The latest time frame we're looking at is 35 months or more, and that program, if it takes that long, will be implemented in December 2004 or later.

We can't wait that long. We simply cannot wait that long. That's the situation we have here. We need a tight time frame on this. I think it's scandalous that we have a situation where municipalities are finally seeing some light at the end of the tunnel after this funding was cut and there's no guarantee of a time frame. Had the amendment to provide this funding retroactively to royal assent been accepted, I would feel more comfortable about this. On the other hand, I must say we can't wait this long to get this process in place, given all of the other things that I said: the need for the government of Ontario to get on with promoting financing, funding, helping municipalities set up our composting programs and things like that to get the organics out of the waste stream, to start refillable programs for liquor bottles and pop bottles. That's the kind of thing we're missing from this bill, but for heaven's sake, we should at least have the bill before us as strong as possible, to get it off the ground and get it happening.

I want to end by talking briefly again about a concern we have, and it was raised by the member for Timmins-James Bay today; that is, that people up north and people of Toronto are very opposed and made it clear that we don't want garbage going to a lake. It's called Adams mine but it's a clean lake. Minister Hodgson had

suggested—he wasn't here today to confirm this or to answer to it—that he wanted the city of Toronto to put off for six months making the decision on sending their garbage to Michigan. Mr Jack Layton prepared some information which he sent to me. He asked for it from Lawson Oates, who is the manager of strategic planning and solid waste management services, works and emergency services, city of Toronto. This information was provided to me, and it talks about the number of trucks per day and the tonnage per day of both the current contract and proposed contracts, because of course that's what the minister talked about, his concern about all the trucks going across the boarder and on our highways, on the 401.

2140

I'll be happy at another time to share some more of that information, because I'm sure the minister would be quite interested to hear it.

The most important thing that I must say to people in this House about that request for a six-month delay, whatever that was about, whether it's about Adams mine, looking at incineration, another dump, whatever is going on, a six-month delay—and I don't know if the minister is aware of this or not, but the implications, it says here, of delaying the signing of the new contracts for six months so that the soon-to-be-created Smart Growth councils, which was what the Minister of Finance was talking about today, can have an opportunity to study the issue and develop solutions—for heaven's sake, we can't do that.

What he says here is that the city's contract with Republic calls for a nine-month notice period of municipal solid waste to be added to the existing contract. This time frame is required to allow Republic and its business partner to place orders for new equipment, tractors and trailers and hire drivers. With the scheduled closure of Keele Valley in December 2002 and in order to have a contract in place January 1, 2003, the city is required to provide notice to Republic no later than April 1, 2002, stating that the city will be delivering municipal solid waste to them. He's saying that a delay in the provision of this notice could lead to a situation where the city does not have disposal capacity for municipal waste.

If a delay in the provision of notice to Republic were to occur, we would recommend that steps be taken concurrently to extend the service life of Keele Valley to ensure that required disposal capacity is in place for Toronto and the regions of York and Durham.

So that's the situation with the city of Toronto. The good thing is that the city of Toronto is moving very quickly forward on their own diversion program. The city of Toronto and municipalities all across the province need the help of this government to get those programs up and running.

The other thing about this deal with Republic in Michigan is that the deal is set up in such a way that Toronto city council will not be penalized as they divert more and

more of that waste from going to landfill there. That is part of the deal.

I want to end by saying I'm very disappointed in this bill. It had such potential to come at least a short distance toward resolving some of the big problems we have around garbage disposal and diversion, and it doesn't come close to doing that.

The Acting Speaker: Comments and questions?

Mr Norm Miller (Parry Sound-Muskoka): It's my pleasure to add some comments to the member from Toronto-Danforth on Bill 90, An Act to promote the reduction, reuse and recycling of waste in this province. Certainly I know the member from Toronto-Danforth is keenly interested in this subject. She spoke for many hours at the committee level and very passionately brought forward a number of various amendments. So I know this is an issue that is very close to her and important to her.

I'm also very pleased that in Muskoka—she was talking about organics—we have a composting plant in the town of Bracebridge. Organics are a designated waste under this legislation, so the minister will be able to designate organics as a designated waste, and then of course, the way the bill works, there's an industry funding organization, a steward designated, and then industry pays 50% of the cost of the management of the waste and the municipality pays for the other 50%. I know some of the Liberal members were talking about throwing money at this bill from the provincial government, and that is the usual Liberal solution: throw money at the problem and boost taxes to try to cover that.

I think this bill is going to be very positive for the province of Ontario. It will encourage the reduction, reuse and recycling of waste in this province. I'm very pleased. I understand the municipalities are very happy to see it coming about, and I hope it will come about quickly, one of the many bills being put forward this fall by the Conservative government to do with the environment.

Mr Mario Sergio (York West): I want to add a couple of words on the presentation from the member for Toronto-Danforth.

I would also like to congratulate the winner of the by-election tonight in Beaches-East York.

Interjection: It wasn't your guy. Who was it?

Mr Sergio: I believe it was a good Liberal candidate who won, so congratulations to the people of Beaches-East York.

We are dealing tonight with one of the environmental bills presented by the government, entitled the Waste Diversion Act. The government has to be serious when we are dealing with one of the most important environmental issues, especially something that affects the entire province. I would say to the government that to really work on this important issue you have to work very closely in co-operation with the various local municipalities. We have seen in the last five or six years a huge movement away from the responsibilities and co-operation with the local municipalities. They have been

left to look after this important problem on their own, without assistance from the provincial government. I believe a good program doesn't work by having a new corporation with a bunch of other people; it has to be a two-way street.

I believe the minister is here in the House, and I am very glad that the minister is listening to the opposition tonight. It is too important to leave it solely to municipal governments when they have been isolated and had their funding cut. I think tonight is a good time for the minister to bring a message to the Premier, to the Conservative caucus, to the Conservative government, and say, "If we are really serious about it, then let's do what's right and let's work with the local municipalities."

Mr Kormos: It's 9:45 now. You've heard from the NDP environment critic. That's the hour she's entitled to. Now you're going to hear from Liberals, Conservatives, and you're going to hear from more New Democrats. There are eight more New Democrats who are going to be speaking to the bill. Regrettably, I don't think we'll get the bill finished for second reading tonight. The problem is that the government has to get a better handle on how it's managing legislation here in the House. The government can't just sort of putter around and then say, "Oh, my, this bill has been sitting there. It hasn't been on the radar screen for Lord knows how long," and then all of a sudden, "Oh, we've got to get this passed in a real hurry because we want to get out of here by December 13." This government has to do some prioritization. It has to decide what's important and what's not, because the reality is that you can sit to midnight every night—

The Acting Speaker: I'd ask you to bring your comments within the debate on the bill, please.

Mr Kormos: Thank you kindly, Speaker.

We can sit to midnight every day this week, every day next week, every day the week after that, talking about Bill 90, and the fact is that the government still isn't going to get all of its legislation passed. It's not our fault. We opposition members don't control when the government House leader calls, for instance, Bill 90. The government makes those decisions. Then it can't come running to the opposition parties saying, "Oh, you've got to help us pass this bill. Oh, you've got to help us solve our problem," that the government are such sad, pathetic managers of the—

The Acting Speaker: I'd just say to the member, if he wants to bring it within the comments of the member who spoke, fine; if not, we'll move on.

Mr Kormos: Bill 90 isn't going to get completed for second reading this evening, and it may not get completed for second reading for a while.

Mr Arnott: I wasn't aware that my colleague wanted to speak, but I'm sure he'll get an opportunity the next time around.

I want to compliment my colleague the member for Toronto-Danforth, the NDP critic for the environment and deputy leader of the NDP caucus here. I enjoyed her speech. She spoke for a good hour about the issues that are of concern to her, and certainly her credentials as an

environmentalist are impeccable. I know that she's got a sincere interest in that and has exhibited those kinds of concerns throughout her tenure in the Ontario Legislature for the last 11 years, and she's very good at it.

2150

She neglected to point out, though, that we have in our chamber tonight two former Ministers of the Environment, the member for Scarborough Southwest, who of course served as Minister of the Environment, and also the member for Lanark-Carleton. I want to acknowledge their presence here because, as Ministers of the Environment, they had opportunities to work on this issue and certainly their fingerprints are all over this bill as well.

I also want to compliment our current Minister of the Environment, who has done, I think, an outstanding job in recent months since her appointment as Minister of the Environment, and certainly this bill stands in her name.

Mr Frank Klees (Oak Ridges): What's her name?

Mr Arnott: Her name is the Honourable Elizabeth Witmer and she's the MPP for Kitchener-Waterloo. She is running for the leadership of our party and certainly has my endorsement.

So I would like to thank once again the member for Toronto-Danforth for her contribution tonight. We appreciate your comments. I also wanted to thank you very much for the amendments that you brought forward in the committee process. We looked very carefully at all of those amendments with a view to seeing if they could be made workable and practical. Unfortunately, we concluded that those would not be workable or practical, but at least you did bring forward amendments, a constructive approach to the bill, and we certainly compliment you on that.

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

Interjection: Make it good.

Ms Churley: Oh, it'll be good.

I appreciate the comments from the couple of members who spoke. I don't think either of them spoke for very long about the actual contents of my speech. One did and the other one didn't, but I had the opportunity tonight to put on the record, because I don't know how many people were actually listening—

Interjection: Everybody.

Ms Churley: Everybody, I'm sure, was listening—my concerns and the concerns of the New Democratic Party about this bill before us. I made amendments at committee and I want to reiterate that we're here. After first reading we had the opportunity to take the bill out, we had some public hearings, we made amendments. I know that all of my amendments were based on the concerns raised by groups before us, including AMO. None of those amendments was accepted by the committee. Part of the process in the change in the rules was for us to be able to come back after first reading so that the entire Legislature could hear about the issues and the amendments that failed so that we might have a possibility of going back at it again.

I have already said that I'm not going to do that, although some would like me to bring it back to committee again. If I thought it might make a difference, I would, but I recognize that the municipalities are anxious to get this funding. As I said earlier, boy, they'd better get it soon because they're going to be mad and I'm going to be mad, because I was feeling and am feeling the pressure to allow this to pass. I believe what my House leader said, that it's your agenda, you're the government. I know you have a lot of bills, I know this is a priority. We'll continue debating it and at the end of the day—not the end of this day, I believe, but soon—we'll have a vote on this and we'll go from there.

The Acting Speaker: Further debate? The Chair recognizes the member from Brant.

Mr Levac: I appreciate the opportunity to express—
Interjections.

The Acting Speaker: Order. I have recognized one speaker—and there will only be one—and in this case it's the member from Brant.

Mr Levac: Thank you, Mr Speaker. I appreciate the heckling from my side. I appreciate it very much.

I want to start by responding to the member from Parry Sound-Muskoka, who did a pretty good cheer-leading process. His regular notes told him that he had to say something about tax increases and that the money's not there so we can't afford to do it. What they basically did is—I want to make sure that, in case he forgot, we'll do it on this side, because they'll forget to do it all the time. That is that this government cut 50% of the staff of the Ministry of the Environment. This government cut 56% of the budget in the Ministry of the Environment, and I think it was within the Ministry of the Environment that we noticed we had a problem called Walkerton. They still say, and to this day they're trying to tell us, that a 50% cut in staff—that includes inspectors—and a 56% cut in the budget had absolutely nothing whatsoever to do with environmental problems in our province. Quite frankly, we're going to hear all kinds of excuses, reasons and rationale from that side why they can't invest in our environment.

But I also want to point out that within the realm of the environment, and this bill in particular, we are faced with a decision we have to make, and that is, what is it worth? We've been told by the Provincial Auditor that he's deeply concerned about the inspection of our meat. He's quite concerned about the condition of that, and we find out now that there were cuts to that particular area, where the number of inspectors dropped by almost 200 people.

I want to start again where I left off in my two-minuter in response to one of the speeches given earlier by making sure people understand that what I want us to do is remember seven generations. I am saying the words "seven generations," as I've learned from the good people of the Six Nations, the First Nations people in the riding that surrounds me. They have a belief structure that's been in existence for 25,000 years. This a belief they have: the decisions that they make today must take

into consideration seven generations in front of them. So whatever you do today, be it education, health care, the environment—in particular the environment—they say that you must never hurt the seventh generation in front of you. That's just an amazing philosophy, 25,000 years old. They knew back then that that kind of planning was necessary in order to protect Mother Earth. Quite frankly, I think it's laudable. I think it's absolutely paramount that we understand and learn from the particular example they have given us all these years ago.

I want to continue on Bill 90, so I'm going to go straight to the point here.

Interjection.

Mr Levac: And their elders did not do that. As a matter of fact, their elders were more concerned about seven generations down than worrying about what was happening today. The member for Sudbury brings me back to what they did today. Wherever there have been environmental conferences and wherever there has been an opportunity for them to gather in public to talk to their young people, to our young people, to us as a community, they have always and consistently reminded us that seven generations have to be planned for. I'm concerned about this bill because I don't know that this bill is taking into consideration that deep philosophy that is taught to us by our First Nations brothers and sisters.

The purpose of this bill is to promote the reduction, reuse and recycling of waste and to provide for the development, implementation and operation of a waste diversion program. I want to bring to the attention of this House some wonderful work being done by the county of Brant, the new amalgamated city of the county of Brant. Willie Maertens is the chairman of the waste management committee on city council, and Willie brought together some really comprehensive plans about waste diversion. Actually, it was way before this bill was introduced and way before this government acted on a whim that basically said, "Oops, we've made a real mess of the environment, so we'd better backtrack and try to fix things up a little bit." So Willie went out and found the best possible products out there from around the world. They travelled extensively, but they also made contacts, and people from around the world came to them in Brant and taught them about the types of recycling and waste diversion projects that are available.

In my discussions with Willie I found out that they found several companies, and one of the companies they decided to start negotiating in earnest with was going to be able to make their landfill zero. They were going to be landfill-free in their municipality in a short period of time because of this technology and because of the way this company was going to redirect and reuse a lot of the landfill operations. I'm quite concerned that we're not looking at those alternative ways of waste management. Quite frankly, they were scared off because there was no support from the government. Nothing, not a plug nickel. They did not even step up to the plate and say, "We've got quite a bit of money here and we're going to be able

to help you put this program in place because it is forward-thinking."

2200

Now I'm going to come back, generationally, in front of the game: the investment now would pay dividends for the generations in front of us; I dare say the seven generations in front of us. We need to know and we need to be reminded that this was figured out 25,000 years ago from this culture. Some 25,000 years ago they had this figured out. They knew what they were supposed to take out of Mother Earth and from Mother Earth, who provided for them, and what they were supposed to put back in, and how they were going to reduce, reuse and recycle. They figured it out 25,000 years ago. Welcome to 2001. My goodness gracious, it's amazing, the fact that they figured that out.

Let's look at that definition. The set-up here for my definition is the implementation of the members who are going to be joining this board, Waste Diversion Ontario, the WDO. They will appoint one member from the Liquor Control Board of Ontario. That doesn't ring bad right now, but let's take a look inside the bill to where it leads us. There's another member here appointed by the Brewers of Ontario. Why am I bringing up the Brewers of Ontario? The Brewers of Ontario are being brought up here because of this: back on page 15 of the act, we now have Brewers Retail Inc, 33.1. They recycle, in a closed system, 97% of their waste. That means their bottles come back and the cartons get reused. Not only that, they also give themselves energy by burning some of the sludge that's made from the beer. The fact that this company has been able to recycle 97% of their product in terms of waste reduction is absolutely one of the examples we should be using.

Now, why did I bring up the Liquor Control Board? The Liquor Control Board is not mentioned from here on in the rest of the bill. They don't have a closed shop. They don't have to recycle their bottles. They don't have to do anything that the Beer Store has already taken it upon itself to do. It can be a closed system, and that was pointed out. By the way, they collect \$50 million in a waste reduction levy, shall we call it? How much do they spend? Five million. In terms of the investment, we have Brewers Retail that is 97%. So the collection of \$50 million that goes somewhere else so they don't have to do that—they invest \$5 million out of the \$50 million they're collecting, and of the \$5 million they're collecting, they also have another opportunity. In that opportunity, it's got something to do with budgeting. Inside their budget, they've been given an exemption, if they ask for it. "The industry funding organization may" with approval of Waste Diversion Ontario "reduce the amount of fees payable by a person under subsection (1) or exempt a person" completely if the person has made some type of "voluntary contributions of money, goods or services to the organization."

When we discussed this at committee level, we found that there were concerns raised by the municipalities. Some of the organizations may not be able to provide an

in-kind service, so they're going to have to pay those fees. What are we talking about? Maybe the fact that somebody has been able to stick an advertisement in a newspaper or a window or something else, and they're saying in their flyers, "Please reduce and reuse." They get to apply for an exemption and the WDO gets to sit back and say, "You guys put it in your window, so I'm going to reduce your fees. You don't have to pay any fees." Then I go back to the Beer Store, which is not inside that system. They've developed and created their own closed system and they don't have to pay anything because they've reduced their waste by 97%. We should be learning from this group. We should be modelling this group. The one group that I found in this particular bill, the liquor control board is the one that should be able to model it the best and reduce their recycling and get it down to 97%.

That reminds me: there is another clause in the bill that basically says, "Since we want to encourage this, the company that comes in and starts to do a closed system and reduces their pollution will only have to hit 75% of the mark." So now we've got a third tier introduced into our recycling and our 3Rs. Quite frankly, it may be advantageous to pull yourself out of the blue box campaign and go down to 75%.

Interjection.

Mr Levac: Yes. It goes right back to the whole question again—as the member from Sudbury points out, isn't that the same thing we're talking about again, about the seven generations that the First Nations have taught us? They wouldn't have tried to come up with something sneaky. They wouldn't have tried to come up with a way to find a third tier. They would have already had it encouraged and done. Quite frankly, I would depend on the First Nations teaching us about Mother Earth before I would worry about whether or not the government has the ability to do so, because in its wisdom, it cut 50% of the staff in the Ministry of the Environment and 56% of the budget. To me, that is not very close to what the First Nations have taught us about the seven generations.

Let me continue on the areas I expressed some concern about when we were at the committee on general government. The minister shall decide, in writing, to approve the program or not approve the program. That's all he's given. He says either, "I approve the plan," or, "I don't approve the plan." But what happens if they want to change only one portion of the plan? They have to go back and start all over again and resubmit the entire plan. What happens if they want to modify the plan? An amendment was offered to do several of those options, and it was turned down because it was thought it was going to slow the process down, that the minister might have one area in which there needs to be some tweaking. So they either accept the plan or reject the plan.

What do you think the logic is going to be for the ministry when it has maybe one or two concerns in a plan but they don't want to have it slowed down? That means if they present a plan that's not quite up to snuff, because they either have to accept it or reject it, they're not going

to reject it. They're going to say, "Hurry up and get it done and put it through." Now it's going to be considered flawed when this plan presents itself, but the ministry has the authority only to say yea or nay instead of the option provided by the NDP member, who said, "Why don't we look at different variations of what the plan could be: accepted, modified, changed a little bit, tweaked, given a little bit of movement?" "No, no, we can't do that. It's either accepted or rejected." Logic tells us that they're going to accept the plan. Why? Because that means it gets done and it's off their hands and they can say it was the WDO. Quite frankly, this is the long-standing process that I've very quickly learned about: "I wipe my hands of the whole situation and now it's somebody else's fault."

Well, shame on you for not paying attention to the seven generations. The seventh generation will come back and say, "What were you guys thinking when you did that seven generations ago? What were you guys doing? What did you possibly think you could get away with that we wouldn't know it affected us seven generations later?" It baffles my understanding, this whole idea of black and white, that the ministry shouldn't be able to go back to the WDO and say, "I think you need to modify this a little bit. You should modify it a little bit and come back, and then we'll accept the plan once it gets to that top, pristine level that we think it should be for the sake of our seven generations, for the sake of good legislation, for the sake of good programming."

Let's go over some of the facts we need to know. Fact number one is that inside the bill, when we talk about the promotion of the 3Rs—and this one is important. I think this is one of those little pieces of information that says, "We're going to try to convince the people of Ontario that we're really serious about the 3Rs, but we need to have a loophole here so that in case we can't do it, we can force this designated waste somewhere else."

I'm going to read the clause, section 24(2):

"(2) A waste diversion program developed under this act for a designated waste shall not promote any of the following:"—and note that word "promote." To me, "promote" means you're trying to advertise it and push it and make it usable.

"1. The burning of the designated waste.

"2. The landfilling of the designated waste.

"3. The application of the designated waste to land.

"4. Any activity prescribed by the regulations."

Number 4 is one of those famous (d)s at the bottom of the list: "And anything else the ministry decides it wants to do." Listen carefully to what it says: "Any activity prescribed by the regulations." They haven't told us what those regulations are. We don't know what they are or what they could be. What they should be we obviously know. That sentence basically says, "And anything else the ministry decides to put in regulations." What does that mean, saying "shall not promote"? It just says, "We're not going to try to tell people that these are the things we're going to do, but we need that door open."

Again an amendment was offered to say, "Let's close the door," to say, "You're not going to not promote this.

You're not going to allow it. You're not going to include it. You're not going to provide an opportunity for these four things to be done." As a matter of fact, if you ask me, we should just take that out altogether because it shouldn't be doing any of those. It should be strictly focusing on the 3Rs, and if the 3Rs are going to be focused on and solely supported, we shouldn't be giving them this easy way out or the backdoor stuff. We all know about the backdoor kind of activities the government always seems to do, like the last budget bill, which basically said, "We can leapfrog taxes now. We can actually increase taxes." You figure that one out. "We can actually increase taxes." Do you know how you do that? You make the education tax retroactive so I get to go backwards in time.

So this number in Bill 90 says, "Any activity prescribed by the regulations." We've got to be very, very careful about that. I'll tell you, the kind of bill we see before us sounds pretty good and is supported by some people, because they figure, "If the government gave us 50% we'd better take it, because they took all the funding away in the first place and they've cut the Ministry of the Environment so many times our heads are spinning and they've made the municipalities responsible for every plug nickel in the program." Now they're saying, "Maybe the municipalities had better say yes," as they've been forced to because they don't have any money left. They don't have a dime left in their budgets. They're all talking about increases because of the bad karma that was given off by this group and the downloading, so they're saying, "We'd better take the 50% and run because this government is going to whack us with a big stick anyway." Quite frankly, this bill represents bad management for seven generations.

Speaker, I would like to take this opportunity to request that we adjourn the House. I move that we adjourn the House.

The Deputy Speaker (Mr David Christopherson): We have a motion before us to adjourn the House. Is it the pleasure of the House that the motion carry?

All those in favour of the motion, please indicate by saying "aye."

Those opposed, please say "nay."

In my opinion, the nays have it.

Call in the members; this will be a 30-minute bell.

The division bells rang from 2213 to 2243.

The Deputy Speaker: Mr Levac has moved adjournment of the House. All those in favour of the motion will please rise and remain standing until counted by the Clerk. Thank you.

Now all those opposed to the motion will please rise and remain standing until counted by the Clerk.

Clerk Assistant: The ayes are 14; the nays are 19.

Interjections.

The Deputy Speaker: Order. You haven't won yet. The ayes being 14, the nays being 19, I declare the motion lost.

The member for Brant has a few moments left on the clock and then we will proceed to questions and comments.

Mr Levac: In the 10 seconds I have left, I want to make sure that we check Hansard to see how much debate was given by the members on the other side. Thank you very much.

The Deputy Speaker: Thank you. It is now time for questions and comments. Members have up to two minutes.

Mr Kormos: Here we are; it is quarter to 11 at night. We've got Tony Martin, the member from Sault Ste Marie, here. We've got Gilles Bisson, the member from Timmins-James Bay. We've got Rosario Marchese from Trinity-Spadina. We've got three other members on call. Ms Churley, of course, has done her leadoff. Jim Bradley is driving his Buick LeSabre from St Catharines-Niagara region to get back here to engage in the debate. It used to be a Roadmaster. I've always envied his vehicles.

It comes down to this. I listened carefully to the member during his interesting comments, speaking very profoundly of this seven generations concept. I enjoyed hearing from him in that regard.

The real problem here is in terms of management and the fact that this government, notwithstanding that it proposed to sit to midnight from now until the cows come home, is not going to get all of its legislation through. This government can't count on opposition parties to work with it so that the opposition parties facilitate the government's agenda. The New Democrats don't see that as their job here. It is not our job to facilitate the government's agenda.

This government is going to have to make some decisions. It is going to have to set some priorities. It is going to have to manage its bills better. It can't waste a whole bunch of time, as it has, putting garbage through this Legislature and then at the last minute say, "Oh, we need this bill real bad before the House adjourns for Christmas," and then having the lobbyists phone up New Democrats and say, "Oh, we really need this bill, and the Tories told us you're blocking." We're not blocking anything. We're doing our jobs. We're debating legislation. We're critiquing it. We are exposing it. That's our job. That's what we in the New Democratic Party caucus propose to do.

The Deputy Speaker: Thank you. There are two of you standing. Is there a reason why? I saw the member for Durham first. I have to go with whom I saw first.

Interjections.

The Deputy Speaker: Order. Wait a minute. You don't have the floor yet. Please just simmer down. Let the member for Durham have the floor, which I am now recognizing. Go ahead.

Mr John O'Toole (Durham): It should be on the record that the member from Brant did two things; actually, one might argue, three. One was to destroy half an hour of members' time, denying members the right to speak. Secondly, he made a disparaging remark at the closing end of shouting back and forth. I'm sure you

didn't hear it, Mr Speaker, but I did. I think it probably deserves an apology to a certain group in our community. He knows what he said. If he has the courage, he will stand and withdraw it.

With respect to the bill that's before us, it is important to remember that the government is moving forward to address, importantly, in Bill 90 under the Waste Diversion Act, 2001—and I think if I were to reflect for a moment in a sincere way, not particularly on his remarks but with respect to actions that are going on in municipalities, like mine in my riding of Durham, I believe that there is progress being made.

2250

I'm quite supportive of this bill. I know members on this side want this bill. It says, "The purpose of this act is to promote the reduction, reuse and recycling of waste and to provide for the development, implementation and operation of waste diversion programs." It's clear that they're opposed, as I understand it, to furthering debate on proper recycling programs in this province.

I'm surprised that the Liberal government on one side votes one way, and here again tonight votes another way. They voted to crush the debate on an important issue in Bill 90 that Minister Witmer has moved. It's almost frustrating. I'm thinking now of my constituents. They brought us here. They don't want to debate the issues.

Ms Di Cocco: Bill 90, waste diversion: the title, in my view, should have been, "The government is diverting responsibility," because one of the issues that is fundamental in relating to what the credibility factor is, or what the sincerity factor is in any of these bills, is that you put your dollars where your mouth is.

I made a suggestion previously in my debate that if the government took the \$40 million that is collected from the LCBO in the environmental levies that it has and put it into these programs, then it would show it has some sincerity with regard to this bill. This is a government whose track record is abysmal. They're the ones who cut the blue box program. They stopped funding it completely. Yet the population in Ontario—and I'm going to put this into the record—has grown by 800,000 people since 1995. As we grow in numbers, of course there is a lot more waste that we create. In this House, unfortunately, there is no sincerity with regard to this bill. But I do believe that the government has to appear to be doing something because of the pressures imposed by the public commentary these days. Therefore Bill 90 was an answer. But in my view, it is poorly thought out and there certainly are no funds to go with the waste diversion bill, Bill 90.

Mr Tony Martin (Sault Ste Marie): I rise tonight for this short couple of minutes to make some comment following the speech by the member from Brant and to say that, in keeping with the comments of my colleague from Niagara, in fact not only does this government not know how to manage, but they don't know how to govern either.

Many of you will remember in 1995 one of the big issues on the table was the issue of waste management.

We were trying to do something about it. We recognized it was a very complicated and difficult challenge, and it caused us no end of heartburn trying to figure out a way to deal with it. We had grief; "grief" is the word. We had programs coming out of our ears to divert the waste stream and investing in programs like blue box. These guys came in saying that we were being irresponsible.

But what have they done? It has been six years and here we are at five to 11 on the Monday night before we're going to rise for the Christmas break and then the recess, and they want us to pass this bill that, in any serious review, suggests that they still don't know what to do. They have no answer. There's no answer here. There's nothing in this bill. If you listen to the member from Brant or if you listen to our critic from Toronto-Danforth, there's nothing in this bill that's going to resolve this problem. They have a problem: they're shipping all their garbage now to the States. I guess out of sight, out of mind. The Minister of Municipal Affairs recognizes they have a problem. They table a bill and suggest that if they wave it around loud enough and wide enough and far enough, people will believe that they do. We see through that.

The Deputy Speaker: Just before I call on the member for Brant to respond, I do want to ask, especially the government benches, to please just keep things a little quieter. Again, the fact that it's 11 o'clock doesn't change the tone and the business that should be conducted here and the way it should be conducted. I haven't had to throw anybody out, and I really would like to keep it that way. With that, the member for Brant now has up to two minutes to respond.

Mr Levac: As always, I would like to thank the members from Niagara Centre, Sarnia-Lambton and Sault Ste Marie for their comments and their thoughtful presentations.

To the member from Durham I offer this: without checking Hansard, I would suggest that the air was rather hot coming out of you, because if you had checked with the member sitting beside you, you'd have recognized that I was responding to the very comments that he made that offended me. I'll give you an opportunity to talk to him and clarify the record. I don't need to have it clarified for me in Hansard; I'll just let you do a gentlemanly thing and check with him.

As far as the bill is concerned, I would like to bring to the attention of the House again that in my reference to the First Nations, there was no intention whatsoever for us to downplay the importance of what we've been learning for over 25,000 years from our First Nations people. If we care to really learn from the lessons that have been provided for us for 25,000 years, the seven-generation principle, if applied in this place, would get this planet earth back in shape the way it's supposed to be without legislation.

The other comment I would make to you is that in terms of corrections, as I've offered the minister of corrections a couple of times, pay attention to First Nations,

because they have an idea of how corrections should be improved.

As far as the joke and the camaraderie over on that side, you can make fun of the First Nations all you want, but if you think this is a joke, then go talk to them and find out that 25,000 years worth of how to raise a child and how to make our society better and the seven-generation principle would not allow us to have the legislation in this place, because Mother Earth would be in better shape than this government has been allowing it to become. The fact that you've cut the environment ministry and the fact that 56% of the funding has disappeared doesn't speak well for your appreciation of them, nor the seven-generation principle of our First Nations people.

Hon Dan Newman (Minister of Northern Development and Mines): On a point of order, Mr Speaker: The member from Brant made some reference to government members with respect to First Nations. No one said anything on this side of the House. I think that should be noted on the public record tonight, in Hansard. I don't know what the member is talking about. If he wants to say something was said on this side, he ought to say so. There was nothing said on this side with respect to First Nations, and he ought to know that.

The Deputy Speaker: Thank you. As to the chief government whip, I did ask you twice when I was sitting—I didn't rise, but I am going to caution you now that when I ask you to come to order, please do. I don't think there was an actual infraction of the rules, but I appreciate what had gone on, and I would ask everyone to bear in mind the respect that all honourable members have for each other. That will help us get through this.

With that in mind, the floor is open for further debate.

Mr Dominic Agostino (Hamilton East): Thank you, Speaker. First of all, I find it interesting that as you stood up—and with the rules of the House, normally there is a rotation here—I felt one government member—there's a whole bunch on that side—would have gotten up and spoken about this bill and taken the time allocated to the government. I really thought that when the Minister of Northern Development and Mines rose on his feet, he would maybe have used up 20 minutes allotted to the government to talk about this bill. I find it somewhat interesting. Here they are talking about the opposition, talking about how we're trying to delay this or about how we're not interested, and you have government members whose silence tonight on this bill is deafening. Their leadoff speaker spoke and they haven't spoken since. They have no intent of speaking on this bill again.

2300

Does that talk about the importance of this bill? Remember, this is a bill that they introduced in June of the year 2001. We're now in December. You talk about priorities again. It's a joke that this is a priority for this government. They brought this bill in in June, we're sitting here in December, they want to rush it through in one night, and now they have an opportunity to speak and none of them can get up and defend this bill. I don't know if they're embarrassed about it. I don't know if

they want the bill to die and pretend like they're trying to do something here.

Clearly, this government has absolutely zero, zip, credibility when it comes to dealing with the environment. This is the worst government in the history of Ontario when it comes to environmental protection. No government has done more to devastate our laws, our environment, our protection of the environment, than this Conservative government, right from day one. They've made cuts that have led to devastation. They've made cuts that led to the Plastimet disaster in Hamilton, which you're well aware of, Speaker, and they still today have not had the courage to call an inquiry to get to the bottom of what happened there. They've made cuts that led to the unfortunate disaster at Walkerton, where seven people lost their lives. This is this government's track record.

Interjection.

Mr Agostino: The member who is supposed to represent the people of Walkerton is heckling now in response. The member who represents the people of Walkerton now is siding with the government in the action they took in protecting the people of Walkerton.

Mr Bill Murdoch (Bruce-Grey-Owen Sound): Step outside and say that.

Mr Agostino: I ask you to say that in your own community, member.

Clearly, if you look at this government's track record when it comes to the cuts they have made to the environment, this government has shown a callous disregard for protection of the environment. They've cut. They took over in 1995 and all they have done is cut, cut, cut. They've cut the budget of the Ministry of the Environment: 1,400 jobs and 56% of their budget. They've weakened the Environmental Assessment Act and environmental protection. We've had more smog days in Ontario this year than we've had before; poor quality air days in Ontario continue to be a major problem. And what do they do? They point to the Americans: "It's not our fault. There's nothing we can do. It's those bad Americans." As usual, pass the buck somewhere else.

This bill is part of an ongoing lack of commitment by this government. This government decided they were going to get out of the business of helping municipalities with their blue box program, the only jurisdiction in Canada at the time who decided they were just going to walk away, that they no longer had a role to play in helping municipalities with recycling programs. They let the problem get bigger and bigger and bigger. We have a problem with landfill sites across Ontario. Toronto has a problem. Hamilton is going to have a problem, with an aging incinerator and landfill sites that are going to reach their capacity. This government decided in 1995 that they were just going to walk away. They no longer have a commitment to recycling programs, to the blue box programs in Ontario.

What's the best they do? They come up with this fluff five or six years later and then want to ram it through in one night six months after they brought it in because they think it's a priority now. Is this bill a priority, or are

maybe the leadership aspirations of cabinet ministers a priority and this is somehow trying to make them look warm and fuzzy? You know, "We care about the environment. We care about protecting people's health. We care about protecting the water. We care about protecting our environment."

This government doesn't care. They're more concerned about corporate tax cuts than they are in investing in the environment. Yes, it is expensive. There is a cost associated with making sure we have proper protection in place, that we have safe drinking water, that we have clean air, that we have landfill sites that don't fill up in half the time they're supposed to, that we have incinerators that work properly and don't pollute our air. Yes, it's an investment, but it's an investment in the health and well-being of Ontarians, an investment in our future, an investment in the kids who, on smog days in Ontario, if they have asthma, can't go outside and play because the air quality is so bad in this province.

We have an awful record with waste diversion in this province. Part of the reason is that the provincial government has decided to walk away. Look at other provinces. Nova Scotia decided they're going to work with municipalities. Unlike this government, which thinks municipalities are the enemy and just beats them up, the province of Nova Scotia decided they were going to put programs in place to actually reward municipalities financially. The more diversion from landfill sites that occurs, the more recycling, the bigger the grants that go to municipal governments in the province of Nova Scotia. Those types of programs encourage and help municipalities, with the financial help of the provincial government. Remember, this is the government that walked away. They said, "We have no role in this. We don't think we need to play a role in recycling, waste diversion, blue box programs. We don't care. It's not our priority." Six years later, they come up with this. That's not leadership on waste diversion programs. It's feel-good, sound-good, pound-your-chest waste diversion—"We care about the environment. Rah, rah, rah"—that does absolutely nothing in real terms. It does absolutely nothing.

The former Minister of the Environment said a few minutes ago, "We have a great record." Well, Halifax and Edmonton divert about 60% of their garbage from landfill sites. The city of Toronto diverts about one quarter, and the province of Ontario diverts about one third. This minister is proud of that record when you compare it to other municipalities.

Interjection.

Mr Agostino: Don't blame the municipalities. This is typical. Here we have again the former Minister of the Environment. The minister who was in charge when the Plastimet disaster happened in Hamilton and walked away completely without taking any responsibility for what happened is now standing here and is proud of the track record in Ontario. They're proud of that. Edmonton and Halifax have 65% and we have 33%. That's good enough for this minister. The former Minister of the Environment thinks that's a good record, something we

should be proud of. Frankly, that's something we should be embarrassed about in this province, because we don't do enough, because the province has walked away. The province has said to municipalities, "You're on your own. Tough luck. If you can't afford it, it doesn't happen. Throw it in landfill sites or burn it in old incinerators." That causes more problems than it solves.

To the former Minister of the Environment, I find it amazing. He's sitting here yapping away, heckling, and his members don't have the courage to stand up and defend this bill. Get your opportunity. Speaker, through you, they have their chance. Use your 20 minutes. Set the record straight. Tell us what the facts are.

Hon Mr Sterling: On a point of order, Mr Speaker: If the member had been present at 7 to 7:30, quarter to 8, he would have heard me speak. Don't blame me if you're out gallivanting around, and don't come into the—

The Deputy Speaker: Take your seat. That's not a point of order.

Interjection.

The Deputy Speaker: Order. It's your member that you're stopping from speaking.

The member from Hamilton East may continue.

Mr Agostino: I wish the member had paid some attention, because I was actually here and heard a great deal of his speech. There was some time-sharing there. It's unfortunate that the member got up and gave information to the House that is not accurate once again, as he just did a minute ago. I think he should maybe set the record straight and make it clear that I was here. I heard his speech. It's unfortunate he didn't notice. The reality is—

Interjections.

Mr Agostino: See, the problem is, they don't listen. They'll look at the Hansard tomorrow and they'll understand clearly what I said. Let me repeat it very slowly now so the minister understands it. What I said was, here he is yapping back and forth. His members have a chance to speak. I would encourage his members to use their 20 minutes. That's what I said. I knew the minister had spoken earlier. I wish he would just listen a little more, and then he wouldn't get up and issue statements that are false.

Interjection.

Mr Agostino: Another minister. She hasn't spoken on the bill. The junior minister of health, who hasn't spoken on the bill, is now heckling again. I say, you're next in the rotation. Use your 20 minutes—

Interjection.

Mr Agostino: Speaker, they're using it to heckle. Use your 20 minutes to speak on the bill. You have an opportunity.

2310

Hon Mrs Johns: If you have anything to say, speak to the bill. Stop harassing us and speak to the bill.

Mr Agostino: This is more entertaining than anything I have to say.

Again I say to the government, you have a chance to speak on the bill. If you think we're misinterpreting the

bill, if you don't think we're speaking to the bill, you get your 20 minutes; use it. Why are you not using it?

Interjections.

Mr Agostino: Now we have a third minister. This gets better; hang on. We now have the Chair of Management Board in the House. The Chair of Management Board wants to get into the debate too, but he doesn't want to speak. This is great. They don't want to speak.

Hon David H. Tsubouchi (Chair of the Management Board of Cabinet): Don't be an idiot.

The Deputy Speaker: Order. First of all—no, second of all, then first of all. The associate minister of health, I have allowed some latitude since the member from Hamilton East is one of the biggest hecklers here, so there's a little bit of fairness there. I've allowed that and I think he understands that.

I want to say to the Chair of Management Board that he knows he crossed the line and I would hope he would stand up and withdraw that.

Hon Mr Tsubouchi: I withdraw.

The Deputy Speaker: Thank you. The member for Hamilton East.

Mr Agostino: I don't mind the heckling. I actually enjoy it. I think it's part of the debate in this place.

As I said to you, and I'll repeat it, if the members in the House want to speak to the bill, they'll certainly get their chance to. I wish they would take advantage of it. I don't think that's complicated. I don't know why someone would be offended by someone saying, "Speak to the bill." Isn't that what this place is all about? Isn't that what debate is supposed to be all about? Isn't that what this debate is supposed to be all about?

I think I've addressed the bill in detail. I've talked about the lack of commitment to the environment of this government. I've talked about the cuts they've made. I've talked about the fact that they have totally gone out of the business of the recycling program. I've spoken to the fact that they have totally walked away from working with municipalities when it comes to blue box recycling. I've said all that. I've said that this bill does absolutely nothing to help municipalities get on track in a financial way. I've talked about the fact that our track record in this province is brutal compared to other jurisdictions when it comes to the percentage of diversion that occurs. I've said all that. All that is addressed in this bill. It's all about this bill. It's all about what is not in this bill.

I've talked about the fact that this government introduced a bill in June 2001 and then brought it back at the beginning of December for one day of second reading but somehow thinks it's a priority. I think that refers to the bill. This bill was brought in by the government on June 26. It got first reading. It was brought back today for second reading. If that's not speaking to the bill, I'm not sure what is. I can repeat all the things the government hasn't done when it comes to waste diversion. But now they want us to believe they really care. They want us to believe that all of a sudden they care about waste diversion in this province, after six and a half years of

serious mismanagement of waste, with a crisis that's getting bigger every day.

We've got a problem now where we're trucking garbage across to Michigan. The alternative is to put it in a mine in northern Ontario, and it shouldn't go there. Part of the reason municipalities across Ontario look at these options is because of what they've been forced into by this government's lack of commitment to the environment.

Interjections.

Mr Agostino: They think it's funny. They think it's funny that they've walked away from the table. The former minister says, "Maybe you haven't said the whole thing. You've misrepresented this." Maybe in the two minutes they have, since they won't use the 20 minutes, somebody can get up and tell us what they've done between 1995 and the introduction of this bill when it comes to helping municipalities financially with waste diversion. Maybe they can tell us all that. Maybe they can tell us, if this bill was such a priority, if it was so important to them, why they brought it in in June this year and decided they weren't going to bring it back until the beginning of December, with two weeks left in the session. Maybe they can tell us that when they're speaking.

In their response, maybe they can tell us why they decided to eliminate the funding for the municipal blue box recycling and waste diversion programs. Maybe they can explain that to us if I'm not telling the whole story here. Maybe the government can clarify this: explain to us why Halifax and Edmonton divert 65% of their garbage from landfill sites and we divert less than one third. Maybe they can explain that to us when they have their two minutes. I think these are fair questions to ask.

Their record is clear on this. If you really want us to believe that you are somehow committed, explain to us why that's the situation we're in today. Explain to us why you haven't given any money to municipalities for these programs. There are no answers to this. There is only one explanation: a lack of total commitment to the environment.

In six and a half years we have seen disasters across Ontario. We have seen the people of Hamilton exposed to Plastimet and that disaster. We have seen the people of Walkerton who were exposed to their disaster, much greater than that of the people of Hamilton. So it's not isolated. It isn't happening simply in one pocket or another of the province. We've seen the reports from the OMA with regard to the number of deaths when it comes to air quality in Ontario. We've seen all this. That is the reality and those are the facts of our situation in this province today. This bill doesn't resolve those. This bill does nothing for municipalities.

We cannot, on this side of the House, support this fluff piece of legislation and believe that somehow it's going to work, it's going to fix the thing, and we're going to roll over and say to the government, "Here, go ahead. Have the bill," and pretend that this is something good, because it isn't. There is nothing here that will help. It

lacks financially; it lacks in what powers it gives to municipalities; it lacks in the work the province is doing with municipalities when it comes to waste diversion. And nobody on that side of the House wants to debate it.

I am left without much of an alternative here. This government doesn't want to talk about the bill. We've been talking about it. The NDP, as their House leader has said, has a number of people ready to speak about it. We have a number of people. We want to continue debate on it, but the government seems uninterested in engaging us in any kind of debate or in any explanation of this bill. Based on that, since the government has no interest whatsoever, at this point I would like to move adjournment of the debate.

Hon Mrs Johns: What a waste of time. You say we won't talk and—

The Deputy Speaker: Associate minister of health. Mr Agostino has moved adjournment of the debate.

Hon Mrs Johns: Shame.

The Deputy Speaker: One more outburst, associate minister of health.

There is a motion on the floor to adjourn the debate.

All in favour of the motion, please indicate by saying "aye."

Those opposed, please say "nay."

In my opinion, the nays have it.

Call in the members—I'm sorry. Could you stand again, please, to make sure there's the required number. Thank you.

There will be a 30-minute bell.

The division bells rang from 2317 to 2347.

The Deputy Speaker: Mr Agostino has moved adjournment of the debate.

All those in favour of the motion please rise and remain standing until counted by the clerk.

Please be seated.

Order, please. The members for Sudbury and Essex, if you'd like to join us for the vote, please.

All those opposed to the motion will please rise and remain standing until counted by the clerk.

Clerk Assistant: The ayes are 8; the nays are 20.

The Deputy Speaker: I declare the motion lost. The member for Hamilton East still has a few moments left on the clock.

Mr Agostino: As I was saying earlier, to wrap up, this bill does absolutely nothing to help in waste diversion in Ontario. If you look at this bill, if you look at the government's track record when it comes to waste diversion in Ontario, it is a shameful record. That is why we have one of the worst records in the country when it comes to waste diversion: it is because this government has walked away. So when you bring this kind of bill to the table, you've got to add some financial support at the provincial level. This bill doesn't give the municipalities any real financial help. They got out of the business a long time ago. They got out of the business six years ago. As I said earlier, this is why Edmonton and Halifax—

Interjections.

The Deputy Speaker: Stop the clock, please. That's more than just an individual heckle; it sounds like it's almost organized.

Interjection.

The Deputy Speaker: That's my view.

Mr Kormos: Bill C-36 might apply.

The Deputy Speaker: The House leader for the third party is not being helpful. Please, we're just about there. Let us get there. Let the member for Hamilton East have his say and then there are two-minute responses available to those who want to respond. If I can have total order, please, then the member for Hamilton East may continue.

Mr Agostino: Clearly Ontario was a world leader in developing and dealing with waste diversion programs. How did we go from that position to having municipalities in cities like Halifax and Edmonton diverting 65% of their waste and Ontario diverting one third? Is it simply a coincidence that six years ago we got out of the blue box program, that we got out of the recycling program and that we basically said to municipalities, "You're on your own. We're not going to help you with this any more"? This is why we have trailed behind and this is why we're going to continue to trail behind unless there's a real provincial commitment to these programs.

There's no easy answer here. Landfills are very expensive. Incineration is very expensive. But I think when you invest in waste diversion programs and give municipalities some help, then it's an investment that is worth it in the long run. You're not going to see a return in a year or two. You're not going to see a quick fix, but it's going to set a pattern in place where municipalities are going to be able to deal with waste, where we're going to have waste diversion programs in place, which means we're going to have less need for landfill sites and for incineration. But it takes some provincial leadership to do that.

The Deputy Speaker: Members now have an opportunity to ask questions or make comments.

Mr Kormos: I listened carefully to the comments of the member for Hamilton East and I thought he was quite on point through the duration of the 20 minutes with respect to Bill 90, but then who am I to judge in that regard? I acknowledge that.

But I know he certainly had the attention of government members. I heard the minister of consumer and commercial relations saying, "Did not, did not, did not," repeatedly through the comments of the member for Hamilton East. I listened to and observed the junior minister of health become very outraged at the comments of the member for Hamilton East. I saw the Chair of Management Board sort of load his briefcase very agitatedly and just charge out of here—he doesn't have to put up with that garbage from the member from Hamilton East. I saw the Minister of Northern Development tighten up his tie and get the jacket on and button her up. He was going to take on the member for Hamilton East, and then he sort of forgot what it was he was going to take him on about, or somebody else. He forgot what he was going to take him on about, so he huffed—he doesn't have to put up with that any more. He marched out of the House.

These guys have simply got to start managing—I'm talking about the government—their legislative business better.

Interjections.

Mr Kormos: They do. They don't understand that it's the job of opposition members, and it's a job that New Democrats intend to fulfill, to critique, to analyze, to expose the flaws and the weaknesses in government legislation, and as Marilyn Churley did on this bill, to present amendments at committee to make the bill better and make the bill perhaps closer to what the government says it is. Every one of those amendments was rejected by the government. Maybe a little less huffing and puffing by some irate government members and some more serious debate would improve the whole process.

Mr Steve Gilchrist (Scarborough East): Many times over the last six years we have tried to raise with the general public that when debate takes place in this House, there are always substantive contributions from this side. We're often challenged, on the other side, that there's nothing but rhetoric, that there's a lot of hot air.

I think tonight we have it on the record. We have proof from the member for Hamilton East. He stood in his place and said, "I'm finished. I have nothing else to say." Then when we came back after a wasted half-hour, he spent another minute and 53 seconds proving he had nothing to say, as he always has nothing worth listening to. To have wasted an hour, at great expense to the taxpayers, of the affairs of the Legislative Assembly—for what? To prove that they have early-onset Alzheimer's? I would remind the member that a scant 11 hours ago, he voted in favour of midnight sittings. So why, an hour and a half ago, did they start standing up and suggesting that it was time to go home?

I don't know what was on TV, on Teletoon or one of the other forms of higher learning that the member from Hamilton East indulges in, but I suggest that his time would have been better spent there than wasting our time here in the chamber, because people in the province of Ontario do want to hear about environmental initiatives. They do want to hear about better ways to deal with the waste stream. They want to hear about another initiative from a government that has created more parkland than any other government in the history of this province; in fact, in the history of the world. They want to hear from a government that has set the toughest air quality standards and water quality standards of any jurisdiction in North America.

But the member doesn't want to hear that and he doesn't want the public to hear that. He wants to hear more blathering; he wants to hear more bells. The time is up. We want to hear real debate. We want to see this bill passed.

Applause.

The Deputy Speaker: All right. You've made your point.

Mr Gilles Bisson (Timmins-James Bay): On a point of order, Mr Speaker.

The Deputy Speaker: The chief whip for the third party. I'll give you the point of order, but it better be good.

Mr Bisson: I'm asking for unanimous consent to give Mr Gilchrist another two minutes.

The Deputy Speaker: I heard a no. I'm not sure that was all that helpful.

Interjections.

The Deputy Speaker: Order, please. We are going to finish these responses regardless of how long it takes. It is in your hands.

Interjection.

The Deputy Speaker: Member for Niagara Centre, you've had your fun.

Interjection.

The Deputy Speaker: Yes, you're welcome. OK, will everybody, just for one nanosecond, remain quiet. Thank you. The member for Prince Edward-Hastings.

Mr Ernie Parsons (Prince Edward-Hastings): I am very sensitive and I appreciate you enforcing the no heckling rule for at least the next two minutes.

I had the pleasure of being in Windsor today and meeting with groups who came to talk about the Ontarians with Disabilities Act, as did a number of members from all the parties there. I was hopeful though that, if I drove back quickly, I would be able to hear the government's perspective on this bill, their plans for it and their commitment to it. Quite frankly, I was very disappointed. I realize I arrived late from Windsor. My first thought was that it is wrong for them to not stand up and tell us what they know about the bill, but then I realize probably it is better that they not stand up and tell us what they don't know about waste diversion. It did not make sense to continue without hearing the government's side.

This is an extremely vital issue. This government has always been committed to what is the cheapest way to get rid of garbage. That has always been to take it and bury it somewhere in a field. But as we've learned with Walkerton, our water supply is irreplaceable. Our water supply is one of the most important factors that enables us to survive as humans. We are hearing talk about putting money into water treatment plants and we are hearing about putting money into testing these plants, but for most of Ontario that is rural, putting garbage into the ground is simply producing a toxic soup that will show up one, two, three—it has been suggested seven generations later and will poison the land forever. We are not hearing any commitment out of this government to the people of rural Ontario to recognize that we are not looking for the cheapest way to get rid of the garbage; we are looking for the safest way to get rid of it. We have not seen in actions any interest at all in doing waste diversion, other than making money for a large company. Enough said.

2400

Mr Bisson: I enjoyed the comments of the member from Hamilton Centre, I think it is. He made the point that quite frankly the government has had no plan when it comes to waste diversion since taking office in 1995.

The only thing I've heard them do concretely was one plan to take Toronto's garbage and ship it by rail to Kirkland Lake. That made no sense. Heck, even the city of Toronto councillors voted in opposition to that one. Then the government comes here and brings this bill, full of flaws, that we have some objection to, and they're getting somewhat upset because we are objecting to this legislation. The legislation, quite frankly, is flawed.

I say to the government across the way, if you're so interested in your bill and you're so interested in telling us about your agenda, why don't you get up and debate? Instead, the government has sat down all night, has done absolutely nothing to advance its points about why they think this debate is good. At the very least, get up and say, when Mr Levac or Mr Agostino or Ms Churley get up, "Here are the reasons why we think those members are wrong and why we think we are right." But the government never did that. It comes back to what my colleague the House leader for the third party, Mr Kormos, has said: this government does not have a House strategy and does not know how to manage its agenda through the House, even with all the rules they have been given.

I'm not going to get into telling the government what its strategy should have been tonight, but Janet, you should have been thinking a little bit a couple of hours ago because it's clear you guys have no strategy in this place. I'm not going to tell the government what they should be doing, but I can tell you, if the government thinks that they're—

Interjection.

The Deputy Speaker: There's a point of order. Please take your seat. Stop the clock. Because the government members have been the ones doing most of the interjecting here, I'm going to take your point of order, but the clock will remain stopped. We could have and should have been adjourned a minute ago. Every time now the government members or the opposition members heckle, I'm going to stand up and stop the clock, and this House can't adjourn until we are done. There's no reason that we can't do this in the proper, acceptable fashion.

Mr O'Toole: On a point of order, Mr Speaker: It is most appropriate—

Mr Kormos: I'm heckling.

The Deputy Speaker: The member for Niagara Centre, this is a warning. One more utterance out of order and, for what it is worth, you're out of here tonight. We will see how much honour matters.

Mr O'Toole: A somewhat feeble warning, but nonetheless, Mr Speaker, my point of order is that the member from Timmins-James Bay should always use the member's riding, not the name. Our honourable House leader, especially a minister, needs to be respected, not in name, but in her riding.

The Deputy Speaker: You're absolutely correct. I would ask the member from Timmins-James Bay to respect that.

Mr Kormos: On a point of order, Mr Speaker: I wanted to speak to that point of order.

The Deputy Speaker: I've already ruled on it. Thanks for your offer of assistance. Please take your seat.

Mr Kormos: I want to assist you.

The Deputy Speaker: I know you want to assist me. It is why you get up every day. Please take your seat. Please start the clock again. The member for Timmins-James Bay.

Mr Bisson: Speaker, I need not say any more. There is no strategy on that side of the House when you see members getting up on such points of order. If you've got something to say, stand up and say it. If you're not getting up and you're saying nothing and you can't figure out a strategy, don't come whining to us in the opposition at 12:03 tonight.

The Deputy Speaker: The member for Hamilton East has up to two minutes to respond.

Mr Agostino: I thank the members for Niagara Centre, Scarborough East, Prince Edward-Hastings and Timmins-James Bay for their comments in regard to the bill. First of all, let's understand one thing: this government brought this bill in in June 2001. They throw this bill back on the table at the beginning of December and expect us to simply co-operate, without bringing out any opposition to it. The government had a lead hour and then spoke nothing further to the bill. Nobody got up. They had their chance, because they had their 20 minutes. Nobody got up. They get all upset at us on this side of the House.

Interjections.

The Deputy Speaker: Order. Stop the clock. Please continue.

Mr Agostino: I actually enjoy the heckling because obviously it means you're getting something across that they're not happy about. The reality is, if this bill was important to this government, they could have brought it earlier. You could have allowed some proper debate. I know what you're going to do now: you're going to bring closure to this bill, as you do to every other bill that you bring in here. That's the nature around here. In opposition, our job is to bring out flaws in legislation. That is what we get paid to do. That's our responsibility. Our job is to oppose bills that we think are flawed. That is the role we are here to do in opposition, and this bill is badly flawed.

There's no financial commitment. There's no real responsibility here on behalf of the provincial government. It is simply something that isn't worth the paper it is written on because there's nothing to back it up. That's our concern on this side of the House. Waste diversion is important, but you've got to put the money behind it. They walked away from the table. That's why we have a record that only one third of diversion occurs in Ontario. There's no responsibility by this government when it comes to dealing with environmental protection. This is another classic example. Then they want the opposition to roll over and say, "Here, we will give you the bill tonight." It ain't going to happen, because this bill has got to be changed, it has got to be amended, it has got to be fixed. There's got to be some money put to it to mean

something to municipalities. Right now, it means nothing.

The Deputy Speaker: Let me thank all members for the co-operation in the final couple of moments. It is much appreciated. I did not want to stay here any longer than you did. With that, it is now well after 12 o'clock.

This House stands adjourned until 1:30 pm tomorrow afternoon.

Hon Mr Newman: Today.

The Deputy Speaker: Today, you're right.

The House adjourned at 0006.

**STANDING AND SELECT COMMITTEES OF THE LEGISLATIVE ASSEMBLY
COMITÉS PERMANENTS ET SPÉCIAUX DE L'ASSEMBLÉE LÉGISLATIVE**

Estimates / Budgets des dépenses

Chair / Président: Gerard Kennedy
Vice-Chair / Vice-Président: Alvin Curling
Gilles Bisson, Alvin Curling, Gerard Kennedy,
Frank Mazzilli, Norm Miller, John R. O'Toole,
Steve Peters, Wayne Wettlaufer
Clerk / Greffière: Susan Sourial

**Finance and economic affairs /
Finances et affaires économiques**

Chair / Président: Marcel Beaubien
Vice-Chair / Vice-Président: Doug Galt
Marcel Beaubien, David Christopherson,
Doug Galt, Ernie Hardeman, Monte Kwinter,
John O'Toole, Gerry Phillips, Joseph Spina
Clerk / Greffière: Susan Sourial

General government / Affaires gouvernementales

Chair / Président: Steve Gilchrist
Vice-Chair / Vice-Président: Norm Miller
Ted Chudleigh, Mike Colle, Garfield Dunlop,
Steve Gilchrist, Dave Levac, Norm Miller,
Michael Prue, Marilyn Mushinski
Clerk / Greffière: Anne Stokes

Government agencies / Organismes gouvernementaux

Chair / Président: James J. Bradley
Vice-Chair / Vice-Président: Michael Gravelle
James J. Bradley, Leona Dombrowsky, Michael Gravelle,
Bert Johnson, Tony Martin, Frank Mazzilli,
Jerry J. Ouellette, Bob Wood
Clerk / Greffière: Donna Bryce

Justice and Social Policy / Justice et affaires sociales

Chair / Présidente: Toby Barrett
Vice-Chair / Vice-Président: Carl DeFaria
Toby Barrett, Marcel Beaubien, Michael Bryant,
Carl DeFaria, Garry J. Guzzo, Peter Kormos,
Lyn McLeod, Tina R. Molinari
Clerk / Greffier: Tom Prins

Legislative Assembly / Assemblée législative

Chair / Présidente: Margaret Marland
Vice-Chair / Vice-Président: Julia Munro
Ted Arnott, Marilyn Churley, Caroline Di Cocco,
Jean-Marc Lalonde, Margaret Marland, Julia Munro,
Jerry J. Ouellette, Joseph N. Tascona
Clerk / Greffière: Donna Bryce

Public accounts / Comptes publics

Chair / Président: John Gerretsen
Vice-Chair / Vice-Président: Vacant
Bruce Crozier, John Gerretsen, Raminder Gill,
John Hastings, Shelley Martel, Bart Maves,
Julia Munro, Richard Patten
Clerk / Greffière: Tonia Grannum

**Regulations and private bills /
Règlements et projets de loi d'intérêt privé**

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

CONTENTS

Monday 3 December 2001

SECOND READINGS

Waste Diversion Act, 2001,

Bill 90, Mrs Witmer

Mr Arnott	4111, 4124, 4134
Mr Sterling	4113, 4116
Mr Gerretsen	4115, 4117
Mr Kormos	4115, 4125, 4134 4138, 4143
Mrs Munro	4116
Mr Bartolucci	4116
Ms Di Cocco	4121, 4125, 4139
Ms Churley	4124, 4125, 4135
Mr Levac	4124, 4135, 4139
Mr Miller	4134
Mr Sergio	4134
Mr O'Toole	4138
Mr Martin	4139
Mr Agostino	4140, 4145
Mr Gilchrist	4144
Mr Parsons	4144
Mr Bisson	4144
Debate deemed adjourned	4146

TABLE DES MATIÈRES

Lundi 3 décembre 2001

DEUXIÈME LECTURE

Loi de 2001 sur le

réacheminement des déchets,

projet de loi 90, M^{me} Witmer

Débat présumé ajourné	4146
-----------------------------	------