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des débats
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Lundi 23 août 2004

**Standing committee on
justice policy**

**Emergency Management
Statutes Review**

**Comité permanent
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**Examen des lois ontariennes
sur les mesures d'urgence**

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON JUSTICE POLICY

Monday 23 August 2004

COMITÉ PERMANENT DE LA JUSTICE

Lundi 23 août 2004

The committee met at 1009 in room 151.

EMERGENCY MANAGEMENT STATUTES REVIEW

The Acting Chair (Mr Mike Colle): Could we bring the standing committee on justice policy to order. I'm Mike Colle, the Acting Chair. With us this morning is Peter Kormos, the MPP for Niagara Centre, representing the NDP. We also have with us MPPs from across Ontario: Laurel Broten, the MPP for Etobicoke-Lakeshore; Wayne Arthurs, the MPP from Pickering-Ajax-Uxbridge and former mayor of Pickering; Jim Brownell, from Stormont-Dundas-Charlottenburgh, and Cornwall and Harrisons Corners; John Wilkinson, the MPP for Perth-Middlesex; and the MPP from wonderful Willowdale, David Zimmer.

EMERGENCY MANAGEMENT ALBERTA

The Acting Chair: We are here, seized with the mandate to review all existing provincial statutes as they relate to emergency preparedness. This morning is the first of a number of teleconferences we've established. This one is with the province of Alberta. On the line we have Dave Redman, who is the acting executive director of emergency management. David, are you there?

Mr Dave Redman: Yes, I sure am. Good morning.

The Acting Chair: Thank you so much for making yourself available. What time is it in Alberta?

Mr Redman: It's 8 o'clock.

The Acting Chair: On the beautiful Saskatchewan River, right?

Mr Redman: Yes, North Saskatchewan.

The Acting Chair: Right, a wonderful river. I was lucky enough to be in Edmonton a while ago and I was quite impressed by that beautiful river flowing through your city.

David, as you know, we are reviewing all the Ontario statutes. We also have a comparison of what is in place in various other provinces, enumerated emergency powers across Canada. One of the things we're doing is comparing what exists and the motivation behind some of the existing legislation out there. Could you perhaps begin by giving us a background of where you are as a province in terms of emergency preparedness and whether you've passed recent legislation. I know there has been some

discussion around this table that Alberta has taken some steps. We'll let you proceed with a presentation, and after that the members of the committee will ask questions.

Mr Redman: OK. The framework structure for our legislation is that we have the Alberta Disaster Services Act, which was last amended on December 4, 2002. It was amended as a result, of course, of September 11, but the act in its current form has been in existence since 1980, when it was revised to update it from the Civil Defence Act that had existed from about 1951 to 1980. Of course, there had been amendments through that period, but the fundamental framework structure was updated in 1980 to take it away from being a civil defence act and make it a full emergency management act with all the appropriate increases and decreases.

One of the things I need to point out, though, is that ever since 1951 our act has been structured on empowering by putting obligations on two orders of government: the municipal order of government and the provincial order of government. By that I mean that right from 1951 the original structure put obligations on our 314 municipalities that they must have emergency plans in place, those plans must be regularly reviewed, they had to form an agency under the leadership of a director of disaster services who was then accountable for it to the elected officials, and the elected officials form what's called a committee. That form has been in place for about 50 years, updated and then refocused just to emergency management, away from civil defence in 1980.

The amendments that happened in 2002 were simply to ensure that the act in no way precluded very significant mitigation and preparedness tasks. So we amended the definition of an emergency to make sure it wasn't imminent or pending, that it covered the full gamut so that we could include our counterterrorism work. Probably most significantly, we added a section, 17.1, which makes all work that's done under our crisis management program—it gives the Alberta Disaster Services Act paramouncy over our freedom-of-information act for any information that's generated; in other words, citizens don't even have the right to ask for the information that's been generated in a classified manner under counterterrorism. It's not an exclusion; it's paramouncy of one act over the freedom-of-information act.

Under our act, we have two regulations at the current time. One of them is currently called the government emergency planning regulation. It has just about concluded a massive and extensive rewrite which will make

it the government emergency management regulation, as opposed to planning regulation, more appropriately using the term “management” to include mitigation, preparedness response and recovery. It’s not just a planning regulation, it does all four functions.

It’s greatly expanded to include government departments’ responsibilities for having crisis management officers, consequence management officers and continuity management officers and then appropriate tasks and duties for both the deputy head and for those appointments being clearly defined in that new regulation.

We hope that it will be put into force by December of this year. It has been through a three-year extensive review process, and we hope to finish that up very soon.

The other regulation which falls under the act directly is the disaster recovery regulation, which covers how we put in place financial assistance programs for both widespread and localized emergencies in our province, totally independent of anything that’s covered under the disaster financial assistance arrangement. We see the DFAA simply as something that we go to after we’ve already put a program in place for Albertans.

That regulation needs an extensive rewrite, and it will be commenced as soon as we get assent on the government emergency management regulation this Christmas. It’s outdated. It’s well over 10 years old and it needs to be brushed off and the terminology needs to be improved to match the way we do business in Alberta today.

That’s basically our legislative framework. Then, of course, there’s a series of plans that fall under those acts and regulations, the two largest ones being the Alberta emergency plan, which is our all-hazards response plan, and the government of Alberta counterterrorism crisis management plan, which is our counterterrorism plan that’s been in force for over two years following September 11.

The Acting Chair: Which ministry was the lead on the act, as amended in 2002?

Mr Redman: Our act falls under the Minister of Municipal Affairs, who is responsible for all emergency planning and emergency management within the province of Alberta from a government-wide perspective. The bill that amended the Alberta Disaster Services Act was in fact Bill 31, which covered a number of acts—I think it was about 12 in total—and made emergency changes within the whole series of the acts, like the dangerous goods act, the Alberta Energy and Utilities Board Act, the health act, a whole series of acts, all with respect to counterterrorism, at the same time.

The Acting Chair: Right. Our Commissioner of Emergency Management is Dr James Young, just for the record. He gave us a chart comparing enumerated emergency powers across Canada. I noticed in one area here where it has the different powers given under legislation to the provincial government, under Alberta, members of the committee would notice it says, “Require disclosure of information.”

There’s a blank here indicating there are no powers. On the other hand, you’ve just indicated that there is now statutory power to override the privacy laws in Alberta.

Mr Redman: The act has paramouncy over the FOIP act, but if you’re saying powers of a minister in an emergency, under section 19.1 of our act, the minister has extensive powers during an emergency. We also extend those same powers to the municipal order of government when they declare a state of local emergency. The powers come upon declaration of a state of emergency or a state of local emergency. The powers are identical, both for municipal elected officials as well as for the minister. They’re the sweeping powers that you would have associated with the old War Measures Act; for instance, the right to fix prices, to conscript people, to enter premises without warrant. They go on and on for about a page and a half.

The Acting Chair: And these are given when an emergency is declared. Who has the right to declare that emergency?

Mr Redman: A state of emergency is declared for the entire province by the Governor General in Council. For a municipal order of government, it’s declared by the committee, which is made up of the elected officials of the municipality.

The Acting Chair: So once that state of emergency is officially declared by the Governor General in Council, then these extraordinary override powers come into effect.

1020

Mr Redman: Correct, and they fall to the minister for the province and to the elected officials of the municipality for a state of local emergency. We see about 12 to 15 declarations of states of local emergency every year in Alberta. But I would point out that there has never been a declaration of a state of emergency made in the Alberta, because our municipal order of government is extremely well trained and well versed in their powers and they use them appropriately. They have all their plans and mechanisms in place, and have had that for about 50 years.

The Acting Chair: So there’s never been an occasion where an individual municipality has declared this state of emergency?

Mr Redman: Sorry, I’ll be more clear. We see 12 to 15 states of local emergency declared by our municipalities each year. They cannot declare a state of emergency, only a state of local emergency, which is within their jurisdictional area. A state of emergency for a portion or all of the province of Alberta has never been declared.

The Acting Chair: So therefore the local emergency has been declared in 12 cases.

Mr Redman: Annually.

The Acting Chair: Give me an example of some. The water shortages, for instance?

Mr Redman: We wouldn’t use it for that but it can be used for a water shortage. It tends to be like things like extensive forest fires that are burning through a community, as you saw in BC—we’ve had a series of them in the last three years here in Alberta; train derailments, where we had a number of cars derail, both up in Hinton a number of years back and about four years ago in Red

Deer; an extensive well-release explosion or well-release where poisonous gas has been emitted to the air; major floods. We have flooding within the province every year through our major river networks. The municipalities will declare a state of local emergency as it gives them the power to force evacuation and take other measures—so those types of activities.

The Acting Chair: If any members of the committee have questions, be free to jump in.

Mr John Wilkinson (Perth-Middlesex): Just a quick question, Dave: You said about 12 to 15 local states of emergency have been declared, on average, a year and that there are sweeping powers that devolve to the municipal government—elected officials. Have there ever been any subsequent challenges about how that authority was exercised because they were able to enter on to private property and that type of stuff?

Mr Redman: Actually, no. Some people may find that surprising, but I put it to you that internally, within every community, because they've been trained to do this—we run a district officer program that ensures that they exercise and train these each year—they only use the powers under the act which are appropriate for the emergency they're in. We've never had a challenge against those powers within the province of Alberta.

But the minister also provides an oversight function there. So if there's an inappropriate declaration of a state of emergency, the minister of course has the powers to squash it, amend it or approve it. They must send that declaration to us immediately upon declaration. They must then also, of course, make the declaration known to all of their citizens and exactly what they intend to do with the declaration.

So, no, we've never had a challenge to it, because they use them extremely judiciously and appropriately. We've never seen a misuse, certainly, in the past 20 years.

Mr Wilkinson: Mr Chair, as a follow-up, the key to that, then, is adequate training of your municipal councils.

Mr Redman: Absolutely.

Mr Wilkinson: So the cost for that is borne by the municipality, or is there assistance from the province to help municipal officials get up to speed so that they're well versed in the powers and the exercise of it?

Mr Redman: It's done by both. The municipal order of government, because they have the obligations under the act, which means they must have a committee, they must have a DDS, they must have a plan and the plan must be tested regularly, spends a portion of their own money to ensure that they meet that, but we also run training programs through our district officers across the province. We put \$350,000 annually into localized training, which allows both the councils and the agencies—ie the fire, police, EMS, public transit, medical officers of health—to run exercises and conduct specific training courses. For instance, we run training courses on how to run their EOC. We run training courses for the municipal councils on what their obligations and powers are. We do that every year across the province.

Ms Laurel C. Broten (Etobicoke-Lakeshore): We've heard over the last couple of weeks about the fact that municipalities are certainly able to exercise the powers and have the tools they need without criticism during an emergency itself, but it's in the after period, the cleanup period—for example, we heard from the Peterborough fire chief that problems have arisen with respect to trying to get landlords to clean up properties in that after-flood period. I was wondering whether you could comment on that, in terms of whether your legislation assists in the period following the emergency.

Mr Redman: No, not specifically because the declaration of a state of a local emergency is for seven days initially. Of course, it can be extended for whatever period of time is required. But once the emergency is past, it's inappropriate for that declaration to continue, and so even if they had attempted to, the minister would squash it. Probably the hardest of all four phases of emergency management—being mitigation, preparedness, response and recovery—is the recovery phase, because once the initial emergency has been dealt with, people become reticent to conclude the actions appropriately.

We facilitate that here in Alberta—Emergency Management Alberta being the provincial agency—through our district officers. When we see a community that's still struggling after the fact, our district officer brings it to our attention and we bring whatever appropriate assistance is required to encourage them to continue. Because my branch falls under the Ministry of Municipal Affairs, my minister is also the one who is responsible for good government at the local level. He can bring a series of assistance tools and—I'd hate to say “enforcement,” but that type of a function to the table, to help the municipal officials move on.

I can give you an example. A small tornado went through our town of Grimshaw about a year and a half ago, causing extensive municipal and private property damage. We're still trying to finish some of the work following up from that. There's a whole series of tools being used to help that community get itself back to rights. But I would agree with you and say that that's an area that could definitely do with improvement everywhere.

Ms Broten: In respect of the seven-day emergency, is there a rollover clause in terms of extending that seven-day emergency, and what's the oversight? To whom does that request go if there's a request being made to extend that emergency period?

Mr Redman: When a municipal order of government determines that they need to make the declaration, they make the declaration in writing. It's faxed directly here to my operation centre and we provide it immediately to the minister. Our minister is the one who does the initial review to either squash the declaration, modify the declaration or support the declaration.

If at the end of six and a half days the emergency still has not passed, they use exactly the same form. It's the same committee under the council that initiates the

request for extension. It's done on exactly the same, very simple one-page form. They simply state the reason and the area still affected, and it again comes up to the minister for his review. It's very unlikely that the minister would squash or modify because the municipal government very much knows what's required, although he does perform a review and we here in the branch give him the recommendations for the review.

In my knowledge, there have only been two occasions where the minister did not in fact squash the recommendation but called the local council and asked them to terminate it themselves, because they of course can terminate their request at any time.

Ms Broten: I just have one more question. We have coming later today some folks from the agricultural community. One of the things we've heard in our earlier deputations was the new challenges that we as a province, and I guess across the country, are facing as a result of emergencies that are arising out of our agricultural/agribusiness sectors. One of the issues that Dr Young raised with us was the inability to sufficiently dispose of carcasses in our province if we had a major agricultural emergency here.

The province of Alberta, I would think, has probably tackled this issue as well as we are doing here in Ontario. I wonder whether or not you could share with us any experiences that you've had as the result of emergencies based on either zoonotic illnesses or the agribusiness.

1030

Mr Redman: Absolutely. Both as part of our initial Disaster Services Act, but certainly then again under our counterterrorism, we've looked at all 11 major industrial sectors that make up our province and looked specifically at the types of things that could occur with them.

Under our initial Disaster Services Act there's a responsibility for emergency plans, for hazard-specific plans if required. We have a very extensive plan for any type of communicable disease within our livestock community and our agriculture community. For instance, the livestock is covered under our foreign animal disease eradication support plan, FADES plan. In there, there would have to be either a declaration of a state of emergency or states of local emergency, in our opinion, as a portion of the implementation of that act to give the appropriate powers to put in place things like mass carcass disposal. Certainly our municipal order of government is prepared to carry them out already, but that's ensuring that the provincial order of government and the municipal order of government plans can be linked. That's why we've built an entire new operations centre here in Alberta that allows us to operationalize those plans.

I'll give you the example. We have 1.2 million head of cattle walking around Alberta on any given day. The vast majority of them are in extensive feedlot operations with up to 50,000 head in a single feedlot in the southern portions of our province. Once you have something like foot-and-mouth disease you don't transport animals. They must be disposed of on the farm of origin, because

if you move them you're taking a 10-kilometre circle of contamination and driving it straight through the province. So in order, then, to find disposal sites for the amount of animals we'd have to do without contaminating our water supply and our future food supply, we feel that the powers under the Disaster Services Act would be required.

Alberta Agriculture, Food and Rural Development also has some powers under their act, but in order to actually carry out the huge coordination that's required, we believe that a declaration of either states of local emergency or a state of emergency for a portion or all of the province would be required, and then we would bring together here in this operations centre the 17 lead government departments out of our 23 departments to coordinate that actual response with Alberta Agriculture, Food and Rural Development or the Canadian Food Inspection Agency, as appropriate, in the lead agency chair within the operations centre.

Ms Broten: Thank you very much.

The Acting Chair: Next is MPP David Zimmer.

Mr David Zimmer (Willowdale): You said your legislation trumps the privacy legislation in Alberta. What's been your experience about complaints when an emergency has been declared and privacy concerns have been trumped? Do you have any experience at all and, if so, what's the experience?

Mr Redman: I need to clarify. Our act only has paramountcy over freedom of information and privacy with respect to counterterrorism. It does not do so for all other types of hazards or emergencies, and it's very specific in the act under section 17.1. So it has that ability when we're talking about the very classified work that we've done with all 11 of our industrial sectors to identify what is the most critical infrastructure in the province and then to put in place extensive security measures around it, sharing classified intelligence on a daily basis with those partners and then putting in place an emergency notification system that can respond and that can send warnings within five minutes to the entire province, including all our first responders, all our municipal order of government and all of our industry. So that exclusion is only for counterterrorism.

We went through an extremely extensive public consultation period of nine months and we dealt with our privacy commissioner and a number of representational groups. Once each of those groups was met with and explained the purposes of that exclusion for counterterrorism only, we in fact for second and third reading had no complaints from either the public, industry or any other legislative body.

We use that exclusion on a daily basis, but we've never had a legal challenge to it yet.

Mr Zimmer: In your consultation throughout the province, did you canvass the stakeholders' reaction to a more blanket override of privacy concerns and, if so, what was their reaction to that canvass?

Mr Redman: No, we did not because we do not see that as appropriate. We only see it as appropriate for the

classified work done under counterterrorism. So no, we didn't ever ask them for more powers than what are currently in the act. We've kept it very specific to counterterrorism and very specific to crisis management under counterterrorism. In fact, the reaction from our municipal orders of government, our citizens and in particular our industry was strong support because they saw the necessity for it.

Mr Zimmer: What's your experience been, then, in dealing with privacy concerns in an emergency crisis not of a counterterrorism or terrorism aspect—a routine flooding or bushfire, forest fire, that sort of thing?

Mr Redman: The personal information that we gather at registration centres and materials like that, we use the standard exclusions that are already available under our privacy act to make sure that people don't gather or use the information that we have gathered in an inappropriate way. We also gather emergency contact information for all of our municipal order of government and first responders, which we hold in an encrypted database. But we simply use standard exclusions under privacy for that as well to protect the privacy of individuals.

We haven't had any privacy concerns raised. Occasionally at the municipal order of government there are people who are concerned at the registration centres that the information that is being gathered won't be used after the event. But of course, when that information is gathered the appropriate forms are used that guarantee the privacy under the existing privacy legislation.

Mr Zimmer: Speaking as the executive director of emergency management in Alberta, do you find that the system, as it's currently structured in Alberta, works well?

Mr Redman: Our act, I believe, is excellent. Our municipal order of government can always do with more resources, but I believe you will find that Albertans are far more ready to take action at the local level. They don't want to see provincial interference unless there's a real need for financial assistance. I think the structure that we have in place is fundamentally sound. What we're doing now is adding to it rather than amending it.

Mr Zimmer: In what three areas, if any, do you think you could use some changes or some improvement?

Mr Redman: First of all, we've just completed a two-year program to put in place continuity planning for every one of our government departments, the excellent work that has been done across all 23 government departments to make sure that they, if interrupted, can return to their critical services. We have to continue to push the button on that area to make sure that they continue.

The second area is our massive industrial expansion that's happening in the province. While it's wonderful for the tax base and it's excellent for job opportunities, each of those industries brings with it concerns for emergency management, and because they're growing rapidly and in clusters, mixing different industries, it's making sure that we don't lose sight of the potential hazards that come with that wonderful economic growth.

Finally, it's continuing to support our bread and butter, which is our municipal order of government, with appropriate resources for them in the face of the new hazards, but in particular we have real concerns around counterterrorism because of the type of industry we have and the extremely strong connection we have with our American partners to the south, making sure that we put in place security, not just safety.

The Acting Chair: David, thank you very much. It's been most helpful and, again, most informative for us with your experience. We are mandated to come up with a piece of legislation to update our emergency preparedness here in Ontario, so as we go through this process I hope we can count on you to maybe give us a bit more direction. We may be calling on you; one member of the committee or myself will do that, and I hope you can make yourself available.

Mr Redman: Absolutely. We work with all our partners across the country, each of the executive directors or equivalent. I know Dr Young quite well and we meet regularly throughout the year. Anything we can do to be of assistance, we'd be delighted to.

The Acting Chair: One final question: You are appointed by the Minister of Municipal Affairs?

Mr Redman: Correct. In fact, I just won the competition, so I'm no longer the acting. I won the competition back on July 27 and have been appointed by the minister for this role.

The Acting Chair: Congratulations. Could you please give us the name of your minister?

Mr Redman: It's the Honourable Guy Boutilier.

The Acting Chair: Could you please pass on the committee's thanks on behalf of the Legislature of Ontario, the government of Ontario, for making yourself available?

Mr Redman: Absolutely.

1040

The Acting Chair: We'd appreciate that sincerely. Anyway, all the best. Again, thank you so much for making yourself available to give this invaluable presentation to our committee here in Ontario.

Mr Redman: I wish you folks all the best of luck.

The Acting Chair: Thank you again, David.

Mr Redman: Cheers.

The Acting Chair: Cheers.

Members of the committee, if any of you would like them, we have those contact numbers for some of the interviews. I think Mr Redman would be extremely helpful, given his position in Alberta.

BARRY SMIT

The Acting Chair: The next presentation is Dr Barry Smit. He is a professor of geography at the University of Guelph, and he's the Canada research chair in global environmental change at the University of Guelph.

On behalf of the committee, I want to thank Professor Smit for making himself available. He's an individual with an international reputation on global environmental

change, and he's certainly one of Canada's leading experts on climate change.

I heard from Liz Sandals that you're travelling all over the world. It was great to know that you were available to come before the committee, Professor.

Dr Barry Smit: I assume you want me to speak to the mike.

The Acting Chair: Yes. Could you, please?

Dr Smit: I prefer to move around, but I'll sit.

The Acting Chair: I guess you're going to have to speak from a seated position.

Dr Smit: Thank you, Mr Chair.

The Acting Chair: Could you move the mike closer to you? It rotates.

Dr Smit: How's that?

The Acting Chair: Wonderful.

Dr Smit: It's my pleasure to be here. It's my understanding that emergencies—the sorts of things you're looking at in your deliberations—are triggered by all sorts of things. Amongst that array of stimuli are things related to weather and climate from time to time. I'm not sure whether they're big issues or small ones.

I gather that my invitation, which came on Friday, was because of the view that not only are weather and climate sometimes important in triggering emergencies of one kind or another, but that with climate change, those conditions may change: the frequency of them, the nature of them and so forth. So it's wise to think about how they may be incorporated in programs like emergency management.

In some ways, Ontario is way ahead of the pack in this regard. I've worked for 20 years internationally on the climate change issue and also in Canada with provinces, with ministries of agriculture and others, and with the federal-provincial attempts to come up with programs dealing with climate change, particularly on the adaptation side. It's very, very slow progress because so many people in the climate change field want to see climate change treated as something separate and special. Yet in practical terms, climate change issues, if they're going to be treated at all, need to be incorporated into the other decision-making structures that already exist, whether it's resource management, investment, infrastructure or emergency management. So I was excited to hear that this committee is looking at climate change in that light. In the international field, they call it "mainstreaming," that is, incorporate or mainstream climate change into your ongoing day-to-day decision-making and policy.

Today I understand my task is to share with you my views on how climate change may relate to emergency management. I'm going to do that generally. I'm not going to talk about any specific statutes. I'll start by giving you a quick primer on climate change itself. So for those of you who know this, it would be a good time to go to sleep.

The earth has a natural greenhouse effect. The atmosphere lets some of the solar radiation through, and then heat from the earth is re-emitted. A good portion of that is captured in the atmosphere because of the chemical

composition of that atmosphere. That's natural. That has always been the case.

Ever since humans have started cutting down trees and burning fuels and things, we've been modifying the composition of that atmosphere and causing its behaviour to change. The causes of that are pretty well known. We burn fossil fuel like crazy, and so all of that carbon dioxide goes into the atmosphere. There are a whole bunch of other things—fertilizers, deforestation—that put gases into the atmosphere.

If you're like me, I never thought of that; I thought the atmosphere is infinite, that it can handle anything. But we now have good measurements of what's happening in the atmosphere. This is one of the gases, the concentration of carbon dioxide, and it is, from all sorts of sources, known since about 1800-50 to increase at a rate never before observed, to levels never before observed. That's really not disputed. Even the people who don't believe in climate change will accept that. It's the same with other gases—methane, nitrous oxide from landfills and agricultural activities, all sorts of the things; these too are greenhouse gases. They trap heat in the atmosphere and it's known that they are increasing.

So the question becomes, "OK, the atmosphere is changing. So what?" The most common thing we here about is change in the earth's temperature, global warming. There are all sorts of models, these complicated general circulation models, of the earth's climate which estimate what might happen to the earth's temperature up until the end of this century, I guess. You see that there's quite a wide variation in the estimates these models come up with, and that's natural, because they're based on different sets of assumptions. This one up here, the high one, says, "Let's assume we keep doing things the way we do or perhaps use even more fossil fuels and other emissions." The ones on the low side are, "What if we're able, as a globe, to reduce the amount of emissions?" Pretty much all of them, though, show an increase in temperature.

How good are these models? This diagram serves two purposes. The red are the observations; that's actual temperature from about 1860 on. The grey are the model predictions for that same time period. The two points here are, first, that the models are pretty damn good. They can predict very well the changes—in this case still temperature—that we've observed, not only the average but some of the variations from year to year, although we mostly hear about the average. The second point in this slide is that it's not only an average change in temperature, but you'll see the extremes also change as the average changes. In the 1930s and 1940s the peaks there were considered extreme, but in the 1980s and 1990s they're not extreme at all; they're quite normal. You have new conditions which are peaking up there more frequently.

Part of climate change is not only global warming, the change in the average temperature, it's also a change in some of the extreme conditions—not only temperature but also moisture, some intense events like intense rain-

fall and some other conditions. They're not all well modelled because the climate models have been focusing on temperature. People like you need to say, "We need a better handle on changes in the frequency or magnitude of certain extremes"—crank those people in Environment Canada or wherever to modify the way in which they do these analyses to not just look at temperature, which is what they are very skilled at.

Some people say, "Hang on. This is just natural variation over geologic time," and to a degree it is. In fact, were it not for the greenhouse gases, we would be in a cooling period. You people talked about the next ice age. Well, I don't know about the next ice age, but all of the conditions, the earth's rotation around the sun, sunspots and those things combined—over the last 150 years and into the next several hundred the earth would normally be cooling, but the greenhouse gases are on top of that, so we actually get this warming and the other things.

The top line here goes from right, which is 250,000 years ago, to left, which is current. The top is temperature. You see there that is an association between temperature and the levels of methane and carbon dioxide on the bottom over those periods of times. So there's an association.

You say, "What caused those?" Frankly, I don't know. I wasn't there and I haven't heard a good argument as to why those things change. Maybe they're to do with various other things that trigger climate, including rotation of the sun, volcanic activity, all sorts of things.

One of the key things is that if you look on the left-hand side, the 1990 level of carbon dioxide is way higher than what has been experienced in the last 250,000 years; so too is our average global temperature. In fact, the 2000 levels are already higher than that. So, yes, there is natural fluctuation over geologic time in gases in the atmosphere and temperature. We are superimposing on that a greater degree of change in these gases and a consequent greater degree of change in our climate.

1050

OK, big deal. So the climate is changing. It varies from year to year anyway. We probably won't even notice it. It's hard to detect. We'd need to have another 100 years before we'd notice any statistical significance in climate. But what does it matter, especially for Ontario? There are a number of sectors that are sensitive to changes, particularly related to water.

Here I'm looking at shipping in the Great Lakes. The Great Lakes are responsive to temperature, evaporation and precipitation. The Great Lakes fluctuate, not year to year so much but over three or four years, five years. I don't know if any of you have a cottage on the Great Lakes somewhere and the kids have put a little marker of their height. If you also put water height, you could plot—that would be traditional knowledge in Ontario, I guess—the variation in water levels for the Great Lakes.

Well, they've been pretty low over the last several years. That may be just part of the variation. It may also be part of the new norm. The modellers suggest you're going to have low. Is that an emergency? Probably not; it

might be for shipping companies that can't get as much cargo through; it might be for marinas that can't get boats in and out. If people start dredging in order to make it possible for the ships to get through the connecting channels, we may have a release of materials that may be problematic and represent some kind of emergency.

Certainly the climate change is not just these average temperatures and moisture; it's also these extremes. Here's another example, taking drought as a case. The average drought condition may increase over time and still not be problematic if you think of the shaded area as the range of conditions within which people can get by; their coping capacity, if you like, or the threshold. If this is a farm operation or something that's sensitive to drought, they can get by with somewhat drier conditions or somewhat wetter. But when you get these peaks, that's a problem: a problem for the individuals, and, if you get enough of them, a problem for governments and for societies in general.

Here with climate change, the average may not be a problem. But we may get more frequent and more severe droughts. Here in Ontario we've had—other than this year, which is one of those down ones in terms of drought, it's cool and wet, but previous to that we've had three or four very dry, hot years, which for some people is great but for some people is problematic. In fact, Agricorp, the provincially supported crop insurance program, has had the highest payouts ever in the previous two years.

So the probability of drought may change or the probability of other extremes may change. In this case, the probability of a serious drought was one in 20 years, but with climate change it may become one in four or five years. It's not that we can predict it next year or the year after, but the likelihood of getting some of these extremes which may be problematic can change. Now, some of them may become less frequent, but some of them will become more frequent.

Obviously, the previous two years were a problem for agriculture across the country, but, as I mentioned, they were also a problem in Ontario. It's not just temperature and moisture, as in drought; it's the way in which the moisture comes down. There are also concerns about the frequency and intensity of heavy rainstorms or hail or untimely frosts and what have you. Some people say there's an increased frequency of forest fires, partly because of the accumulated dryness enhancing the conditions.

None of these things are going to be caused by climate change, not even by climate; they're a combination of things. But climate change may make the problems worse; climate change may actually moderate the problems.

If you look at catastrophic events, and this is an international one I pulled up on Friday afternoon, the re-insurance industry—Munich Re and those sorts of people—is absolutely convinced that the increase in losses—insurable losses and other losses—worldwide can be attributed in part to increased severity and frequency of

catastrophic weather events. Of course, part of that increase is because of the increase in investment in vulnerable areas: higher-value properties that are going to get wiped by a storm or tornado. But it's also, in their view—they've done all the analyses—because of an increase in the frequency and severity of extreme weather events associated with climate change, and they are factoring that into the way in which they do their business.

If we bring that closer to home—Peterborough—which was very much a weather- and climate-related event, we could say, "Gosh, that was too bad. But hey, it's not going to happen for another 50 years," or whatever. Well, with climate change, it may occur more frequently than we would otherwise expect. So I guess if you're in the business of emergency management, don't just assume that the frequency of the past will apply in the future. People are saying, "This year is really cold and wet." Well, it is compared to the last 10 years, but if you compare it to the last 50 years, it's not especially cold and wet at all. It's about normal. It's just that we have experienced so many hot, dry years, and mild winter years, that we are thinking that they are the norm, and they may well be. So consider that in deliberations where you're looking at events that are problematic or disastrous in some way and that are related to climate or weather conditions.

And there are others: human health. This is a US study that looked at weather-related mortalities, trying to predict into the future. They argued that you're going to get a heck of a lot more associated with climatic conditions. In this case, it was largely heat stress, more frequent and more severe hot periods. We say, "That's not a big deal." I don't know, was it last year? How many thousand people died in France and other parts of Europe? Was it 15,000 or something? I don't know; was that considered an emergency?

If the conditions that underlie mortalities are changing, it's probably worthwhile saying, "Is there a way in which we can factor that in, in terms of the likelihood or perhaps in the design of our management systems to deal with that?"

West Nile virus: There are a number of vector-borne diseases that are sensitive to climatic conditions. Ontario, like many other parts of Canada, has been relatively free of a lot of diseases and illnesses and viruses and what have you because we have the severe winter kill. I've heard people, epidemiologists and others, who have looked at this particular problem and said, "Part of the reason we're getting more of it is because we're having less frequent and less severe winter kill." Mosquitoes can stay in the drainage areas and come out earlier in the spring than they otherwise did, still carrying whatever it is that they're spreading around. So it may be that the conditions which facilitate the spread of some of these diseases like West Nile virus are enhanced under changing climate conditions.

What do you do about it? There are really two strains of attack. The one is to try and not change the climate as

much as we are; that's a big one. That's Kyoto, that's all the provincial negotiations about Kyoto and energy, retrofitting, alternative energy sources and the big deal about all that. The other strategy, which most people say should be done at the same time, is to adapt, and that is, include the risks associated with climate change in your resource management policies, strategies and decision-making for individuals, for businesses, for municipalities and for governments at the provincial and higher levels. There are a whole bunch that can do that, obviously: water resource management, infrastructure planning, health and emergency planning—your committee.

So let me leave you with two messages. You can plan for a climate change, if you choose, for those conditions, and emergency management is a great place to do it. You don't have to have a separate section or policy or anything; you just incorporate it within the risks where climate change may have an effect.

1100

There has been recently released—I believe it's officially released now—a report on natural hazards and disasters in Canada by Dave Etkin of Environment Canada and the University of Toronto. It's a cross-country study of disasters and hazards, particularly weather- and climate-related and including climate change in there. It's certainly available, and that would seem to be pertinent to your committee's deliberations, with more specifics than I've given you today. So one message is you can plan, or you cannot plan and just let people adjust.

I talk a bit funny. That's because I grew up in New Zealand. I grew up in New Zealand because my father was born in southern Alberta. His parents were homesteaders there and in the 1930s they suffered a series of serious droughts along with some other things, like a Depression. My father left the farm and rode the rails, like many young people did at that time. He ended up in Vancouver and got on a boat going who knows where and ended up in New Zealand. That's a type of adaptation that we can probably avoid these days. Of course, we already do so with all sorts of programs to try to manage those sorts of climate-related conditions better than was done previously, but certainly there's an opportunity for including climate change considerations in emergency management.

I thank you for listening to my suggestions.

The Acting Chair: Thank you very much, Professor, for that lesson in climate change 101. I think we all need that. It's critically important. I'm glad you mentioned that we, as a committee, feel that our analysis of climate change impacts on emergency preparedness should be part of the mainstream approach. That's been emphasized by Dr James Young. Also, we had the Insurance Bureau of Canada: Mr Yakabuski emphasized the need to look at the impact of climate change in terms of what's happening with Peterborough etc.

We have questions from the committee. I just have one question before they start. Dr Young mentioned in Peterborough—you talked about the frequency. They, as

you know, had a 100-year flood a couple of years ago, and Dr Young referred to something that caught the committee by surprise: a 300-year storm two years later. I think that really illustrates the point that you made about the fact that it's not going to happen every 50 years but it could happen every four or five years where you get one of these calamities. That's something that Dr Young is well aware of.

My question is on the 300-year storm. Are these types of events probably going to be more prevalent, more common, or is it just something peculiar to Peterborough and the Kawarthas?

Dr Smit: First, remember that the estimates of a 100-year storm or a 300-year storm are based upon the historical record of storms, how frequently they seemed to have occurred. They have nothing to do with how regularly they occur. In other words, it's not every 100 years or roughly, it's just on average over a long period of time. So the fact that Peterborough gets hit by a 100-level and then a 300-level—that's giving us an indication of the level of severity and its frequency—a few years later doesn't necessarily mean that the climate is changing. However, it is consistent with the climate changing, because the climate scientists don't yet have a good handle on the frequency and severity of extreme events. However, if you look at the latest inter-governmental panel report, this big international thing, which is vetted by thousands of scientists and all levels of government, so it's quite a conservative document, it says that for Canada as a whole, and particularly central Canada, there are a number of extremes that can be expected. They don't have a high level of confidence, but it includes intense rainfall, intense rainfall events. That's along with an expectation that you'll also have increased drought. Overall, you'll get less moisture but it will come in boomp-boomp conditions. So people planning for Peterborough shouldn't say, "Well, we've had the 100 and we've had the 300, we can relax," because obviously it may occur—in fact, it's more likely to occur—with climate change than it would otherwise.

But as to the vulnerability to any of these things, there are two things: the conditions that come down and the nature of the community that experiences them. If Peterborough wasn't on that river valley, low-lying etc, with the infrastructure it has, it wouldn't be as vulnerable. If it was on a nice little hill or if there was some sloping, that storm could come down and probably wouldn't have an effect. So the nature of vulnerability to events—what makes an event a disaster—is related both to the event and the condition of the system that's receiving it or the community.

Mr Wilkinson: I just want to comment. In my home community of Stratford, just two years ago we had more rain in a shorter period of time than Peterborough did in one of these tremendous storms, but we're the highest point in Ontario. We ended up with 200 basements flooded with raw sewage, which was a disaster locally. I think the city is looking at somewhere between \$50 million to \$70 million to redo all their storm water manage-

ment, just to take that into account. What we've been hearing is, you have to. You can't assume that because that happened, it's not going to happen again. As a matter of fact, it's just proving the point that it's more likely.

You're going beyond the mandate of the committee and making a great suggestion, which is that you actually need to have government incorporate the whole idea that this climate change is happening. My question is, can you point to or is there any example of a jurisdiction anywhere in the world, since you're an expert, where they've actually gone to that?

Dr Smit: A lot of my work is in the developing world, and that's exactly how they're doing it. For instance, in the Caribbean, the CARICOM nations, with Canadian sponsorship under CIDA, have incorporated it in a variety of their public programs, including environmental impact assessment. So here's an existing environmental assessment act and there's a requirement to consider conditions associated with climate change when that's put in place.

Within Canada, some municipalities are doing this already. I believe—I'll stick my neck out—somewhere around Milton they had to redo their water supply or their sanitary sewage system. This is just hearsay, but the word I got was that they changed the diameter—not much, just a little bit and it cost quite a bit—in order to accommodate exactly the situation you described in Stratford. They're not sure that things are going to—we're not sure of much at all, are we? We do risk management. It was worth their while, to avoid the extra cost and hardship if the system didn't work, to oversize a little bit.

Certainly companies do that. Shell had a big platform on the North Sea and it just changed its structure a little bit. The Confederation Bridge to PEI was modified a little bit, because with climate change you might get sea level rise. So the engineer said, "OK, this bridge is going to be there long enough; let's factor that in." I think they modified—I don't know exactly how. I should get more specifics on this.

Let me think of other jurisdictions. There must be some in the agricultural area, for example, wherein their drought and assistance programs are saying, "Look, let's not assume that droughts are going to be rare events." In Ontario we should probably think about that, because Agricorp may run into trouble if you have more and more claims, more frequently.

Ms Broten: Just to pick up on Mr Wilkinson's questions, does a jurisdiction like California, for example, consider climate change in their fire prevention strategies? Certainly they've conducted some reviews over the last number of years as a result of the disasters and emergencies that they face. Do you know if any of those jurisdictions have, as a result, included consideration of climate change? You're shaking your head, no.

1110

Dr Smit: No, I don't know. It's not that they have or haven't; I don't know of California. I know that researchers on fire ecology working in Alberta and BC are trying to figure out if there's any contribution of

climate change as evident in the increasing dryness for the fires that have occurred there. I presume one of the audiences for that work would be the government agencies responsible for management of fire.

Mr Zimmer: You're speaking as a professor and an educator; you've been all around the world and so on. One of the important things, I think, on this whole issue is getting the general public up to the same level of knowledge or concern or critical analysis that perhaps you and others are at. Have you given any thought to the importance of awareness programs for the general public so they're not too far behind their political and scientific leaders?

Dr Smit: Thanks for putting me on the spot. Yeah, I've given it a lot of thought, because I believe we all have a responsibility to do that. I agree with you that, unless the general public believes it's an issue in some way, then not much is going to be done.

There are very widely ranging opinions on how you do that. Most of the work to date has been trying to have people understand the climate science part of it—what I gave you at the beginning. When I've seen that done, even by exciting presenters and educators, most of the audience falls asleep or leaves the room—even when I've done it. Because it takes so long before it's connected to their well-being, their welfare, things that matter to them, it's my belief that we need to mainstream that too; that is, find the connection to things that matter to people. Talk about the experience in Stratford or Peterborough or whatever and say, "That's an issue. Yes, you get that from time to time with the variable weather. Did you know that we might get that more with this?"

Similarly, the people who are influenced by water levels on the Great Lakes know that over the years they've gone up and down for as long as the Great Lakes have existed, but have you noticed they're a little more frequently low? For some people, that is a problem. They dive out of the cottage and hit the rock or their boat hits the rock. For some people, it's a serious economic problem. For others, it's a real advantage. They're not flooded or hit by storms as much. So there are always winners and losers.

My view is that the entree to what is climate change can be most effectively undertaken by connecting it to things that matter to people now. That's my view also with regard to public policy. I don't think there's a place for a climate change policy. I think you should have an agricultural policy, a municipal policy, an emergency management policy, and within each of those you consider climate change, along with all the hundreds of other things that have to be considered.

The Acting Chair: Thank you very much, Dr Smit. Again, I think you've certainly reinforced in our mind the necessity to marry climate change with public policy in a comprehensive way, not in an anecdotal way. I hope you can bear with us elected officials as we try to make our way through this maze called government. Anyway, you've given us that inspiration, I think, and I do appreciate, again, you making yourself available on such short notice. It's been most helpful.

Mr Zimmer: Since you're visiting from New Zealand, just outside the door here there's a display of the Commonwealth air defence program from the last war, and there's a display on the Royal New Zealand Air Force.

The Acting Chair: Thanks again, Doctor, for being here.

MINISTRY OF ENERGY

The Acting Chair: The next presentation this morning for members of the committee is from the Ministry of Energy. We have Rosalyn Lawrence, the director of the consumer and regulatory affairs branch; if you could come to the front, please? We have approximately 45 minutes, so use whatever time you wish to give your presentation, and then members of the committee will ask questions or make comments.

Ms Rosalyn Lawrence: We'll try to keep the overview brief to afford opportunity for questions and comments.

My name is Rosalyn Lawrence. I'm the director of the consumer and regulatory affairs branch of the Ministry of Energy. That is the branch within the ministry that has overall responsibility for coordinating our emergency preparedness and response activities.

With me here today is Mr Paul Murphy, who is the chief operating officer of the Independent Electricity Market Operator, or the IMO. You'll see in the context of our presentation that with respect to the electricity sector, the IMO is effectively the ministry's delivery arm on preparedness and restoration. So he's going to speak in a little more detail as to how our broad framework gets operationalized both to prepare for emergencies as well as to respond when one occurs.

In terms of the overarching framework within which the Ministry of Energy operates, we are one of approximately a dozen ministries designated by order in council under the Ministry of Community Safety's Emergency Management Act. Our responsibility is for energy supply matters, and as such we are required to formulate emergency plans to mitigate adverse health and safety consequences that could potentially result from a major energy supply disruption.

In the ministry we have plans in place for the electricity sector as well as the oil and natural gas sectors. The overarching purpose of the plans is to set out a plan or a course of action to ensure that energy market participants or energy companies are linked not only to the ministry but also to activities under the provincial emergency plan as well as to specific provincial, federal or municipal emergency response actions.

The plans define the responsibilities of the various market participants. In electricity that would include transmission companies, generators, large industrial and commercial companies and local distribution utilities. In natural gas, our interface is principally with the two gas companies, Enbridge and Union. We deal largely through

the petroleum industry in terms of meeting the petroleum sector's needs.

The plans go through and outline the key participants and also spell out their responsibilities for restoration and what they are required to do to manage the consequences and impacts of a supply disruption.

The other purpose of the plans is to outline coordination mechanisms and procedures to link the provincial operations centre, which is activated in the event of an emergency, with the energy sector participants during emergencies. In effect, this is spelling out a list of 24/7 emergency contacts and various communications protocols as to who calls whom to either identify needs, on the one hand, or to ensure that resources are deployed to meet needs in an emergency.

The plans also provide for a ministry action group. This is parallel to what other ministries are required to do. In effect, they are the body within the ministry that's put in place to direct and coordinate response. That would include internal business continuity plans as well as external sector-related plans. The MAG is comprised of most of the ministry's senior executive and it is intended to facilitate not only information flows back and forth but specific decision-making, where that's required, from the minister or deputy minister.

1120

In terms of legislation that speaks directly to the sector, the ministry has two principal acts: the Electricity Act, 1998, and the Ontario Energy Board Act, 1998. Under the OEB act, there is provision in part VIII which sets out a framework to provide for the fair allocation of gas to respond to an existing or an impending shortage. Those provisions were, I believe, put in the act in the 1970s in response to the energy crisis of the 1970s. They have not been proclaimed. If they were proclaimed, they would effectively require natural gas distributors to develop allocation plans for rationalizing gas supply. Those plans would go forward for approval and public review and comment before the Ontario Energy Board.

In addition—and I'm not certain if you've heard from the Ministry of Consumer and Business Services—under the Technical Standards and Safety Act, that minister may also make decisions to halt or curtail the supply of natural gas to particular consumers if considered advisable. A key advisability test would obviously pertain to a safety encroachment or standards failure. For example, if there was the possibility of an explosion due to a ruptured pipeline, the minister could close the supply on that basis.

Under the Electricity Act, 1998, the Minister of Energy and the Independent Electricity Market Operator are established as the entities responsible for emergency planning in the electricity industry, as well as assuring or having responsibility to assure that electrical emergencies are restored as quickly as possible.

This provision of the legislation was developed based on some hard lessons learned following the ice storm of 1998, and I would say principally what those pointed to were a lack of a centralized coordinating body for

emergency response in the sector and as well a number of communications mishaps, for lack of a better word. Clearly, following the ice storm there was broad agreement that clearly understood and well-established communications protocols were a cornerstone to be able to respond effectively these emergencies.

So in response, the Electricity Act basically authorizes the minister to require the IMO to prepare and file emergency plans with the Minister of Energy. In addition, the minister is empowered to require market participants, generators, local distributors, customers etc to file emergency plans, again, as he considers necessary. There's definitely a link between the two, and one level of plan that is specific to a particular company or a particular class of market participants is both informed and incorporates and links with the IMO's overarching response plan.

The IMO is asked expressly in legislation to assist in coordinating the preparations of all of these plans, and the minister can direct either the IMO or specific market participants to implement the plans as necessary. In addition, although neither the ministry nor the IMO has specific responsibility, the minister receives a plan regularly that is filed by the owners and operators of the province's nuclear facilities with the Canadian Nuclear Safety Commission, and that is to provide a level of assurance that those plans are in place. I see you're hearing from the CNSC later this afternoon. They are the principal focal point for safety regulation in the nuclear sector, and they are the principal venue to deal with emergency plans in that sector.

The Electricity Act creates the overall obligations on emergency planning. The IMO is further authorized to set specific standards and procedures to deal with emergencies through its market rules, and all market participants have an obligation in their licences from the Ontario Energy Board to comply with market rules. That, in effect, is how the compliance end of it works. Again, the CNSC would have the same responsibilities on nuclear restoration.

In terms of the process for coordination—Paul is going to speak to it in a little more detail—emergency management is staged in two tiers. One speaks to the emergency preparedness aspect of emergency planning and effective management. The IMO chairs a stakeholder or market participant body called the emergency preparedness task force. That is the nexus where lessons learned or post-mortems would inform future procedures and response standards and guidelines. That was the body that did the due diligence/lessons learned from the blackout of last summer and that is the body that would propose new standards and guidelines to govern emergency planning overall. That group is also the coordinating body for electricity sector emergency drills and exercises, and that is the principal forum through which the ministry's plan as well as sector participants' plans are tested on an ongoing basis.

In addition, once an emergency has been declared, whether that's province-wide or specific to the electricity

sector, the IMO activates what is called the crisis management support team. Again, the ministry sits on that body; it's chaired by the IMO. It has all the various companies and sector participants represented. That would principally be a forum for sharing information, identifying issues or problems during an emergency and ensuring that coordinated response is able to get underway.

A practical example: Last year during the blackout, a number of generators were running full tilt and running over or were about to run over their approved standards for emissions set out in their certificates of approval. That was identified in the forum of the crisis management support team, that was communicated back to the ministry, we connected with the Ministry of the Environment, and the Ministry of the Environment was able to expedite the issuance of variances for those generators.

Mr Paul Murphy: If you're keeping track of the slides, they're not numbered, but the one we're now speaking to is entitled "Obligations of the IMO and Market Participants."

The Acting Chair: Ours are numbered. We're on page 8, I think.

Mr Murphy: Good. I'll put a number on mine.

Market participants, as Rosalyn described, are composed of the generators, transmitters, distributors and large industrial customers—specifically those that are connected to the IMO-controlled grid, the high-voltage transmission system—as well as those that are responsible in the market. There are about 230 of these market participants, and each of them is required to file an emergency plan with the IMO and has done so.

The plan addresses such things as how their emergency plan is activated, to ensure they have a process in place; how does their plan mitigate the impact of electricity disruption on their business, on their company or on the customers who are affected by their service; how do they do their practising and training of the plans that they have—because they're only as good as people are familiar with them; whom do they talk to to coordinate and communicate during emergencies; and how do they coordinate the recovery actions with others within the industry?

1130

When we receive their plans we don't approve them; we review them. We have a checklist that we examine for completeness of the plans, and we identify things that we think should be added to the plans back to the participants and then they refile them with us. It's important that each of these market participants have these plans identified.

In addition, there's a subset of the market participants, of these 230, that is more critical to the restoration of electricity service in terms of the integrated power system, the high-voltage power system. There are about 85 of these participants that directly control devices that are required to be able to restore a power system. These participants are required, in addition to their emergency plans, to file with us an addendum that has a specific

restoration plan, called a restoration plan attachment, that identifies specific activities they need to undertake, obligations they have, since they control specific devices.

The Ontario emergency response is really divided into two segments, the first being the operational response to an emergency, to a large power system disruption, aimed at getting the lights back on, and a second which is directed toward issues management, not so much the real-time operation but dealing with some of the issues and policy matters that can emerge during a blackout.

The operational response is covered under a plan called the Ontario power system restoration plan. This is one of the plans that has been prepared with the advice, review and support of the emergency preparedness task force that Rosalyn spoke of, and it essentially sets out the objectives, strategies and priorities for restoring the power system after a blackout. This is the plan that was effectively implemented last August and followed through the restoration process. The IMO directs the restoration, the market participants that I mentioned follow that direction, and in addition to following that direction they are obligated to take some independent actions in the event of a widespread disturbance. This is clearly articulated within the plan as to what is expected of these market participants to act on on their own, and what they're not supposed to do and should only do under the direction of the IMO to ensure that we have a coordinated response.

The plans deal with participant obligations for training, testing, staffing, the independent actions that they have to take, as well as integrated testing of a plan they are required to periodically be part of, an overall integrated test of the plan which we conduct. Prior to the blackout of 2003, we'd conducted two large-scale power system restoration exercises and drills involving, I guess, most of southern Ontario, and the eastern and western portions of the province. These proved extremely helpful when we actually experienced the blackout in 2003. Participants and we had practised this, working together. The integrated testing remains a critical component. In fact, this year we've modified it to make use of the lessons learned in the previous two years' tests—three years, because we did another one last year—as well as the actual event of the blackout last summer, and we've actually changed the structure of it. This year we'll have seven two-day workshops with a larger number of our market participants' staff involved, in order to better convey the lessons learned from a real operation as well as the simulations that we've done in the last few years.

The second major component of the response is the crisis management, or the issue management, and this is under the plan called the Ontario electricity emergency plan, which is the second major plan developed under the emergency preparedness task force. This plan effectively authorizes that task force, gives it its authority, as well as articulates the philosophy that emergencies should be managed at the lowest possible level. If there's a local emergency, it should be managed locally. If it's a widespread emergency, there's coordination that needs to

be done. But not everything that happens needs to be coordinated across the province. If you can manage it locally, manage it locally. It articulates the crisis management support team structure. The team is made up of a select set of market participants and government representatives that I'll outline later, chaired by the IMO, and the focus of this is on public health and safety issues and on communications during a power disruption.

First, I'll talk about the operational response. The restoration plan sets out the objectives and priorities, but it's a guide. It establishes these but allows the flexibility needed to adapt to the circumstances at hand, because no two emergencies will ever be alike. This is the plan that's really focused on the execution by the folks who are managing the real-time, minute-to-minute operation of the power system, from our company as well as the transmitters and distributors and the customers connected to us, in managing their processes. The priorities of the plan are focused on restoring the electric infrastructure, getting back electric power to generators, particularly the nuclear plants first, to transmission stations that may be running out of their backup supplies after a period of time, or to distribution stations.

Within the plan, restoration of customers initially is really geared toward enabling the reconstruction of the infrastructure. Customers are restored in order to make sure that voltage and frequency on the power system are stable, not really for the sake of restoring the customers. However, during that process, priority consumer loads may be identified, and the plan has the flexibility to allow the identification of those priority loads so that efforts can be diverted, if you like, to be able to restore power to those priority loads.

There are a couple of examples from the August 2003 blackout of priority consumer loads that emerged during the blackout. One was hospitals, not normally necessarily a priority load because they have backup facilities, but if they have trouble with their backup facilities or if they're running short of fuel to support those backup facilities, then they became priority loads, and we took extra measures to try and get restoration to those locations. Water treatment plants were much the same. Again, with backup facilities they shouldn't necessarily need to be treated with priority; the responsibility is there to have those capabilities, but if those capabilities are not available for whatever reason, then it does become a priority as the blackout is extended. The last one was the oil refineries. It was a very dramatic example, I guess, of the importance of the delivery infrastructure and the production infrastructure of fuel, because in an emergency there's much reliance on backup capability. There are backup diesel generators that replace the normal electricity you have and supply a very good backup to the critical functions, but that eventually gets used up and needs to be replaced, and without the ability to produce and deliver diesel fuel and gasoline for these essential services, to be able to transport them and pump them and get them into these facilities that need them, you soon run out of your backup capability. So they became a priority during the blackout, and in fact we've done some work

since then with the industry to identify the importance of these refineries and give them some priority treatment in the way we manage the load restoration.

I'll now turn to the Ontario CMST. This is the support team that's put together quickly in the event of an emerging emergency on the power system or in response to one. In the 2003 blackout, the crisis management support team was activated about 10 minutes into the disturbance, the blackout. It had its first meeting about 30 minutes later and continued for the next nine days to have meetings via conference call, initially about six per day, gradually decreasing as the week wore on. The representatives on the crisis management support team are representatives from different segments of the industry, with the generators represented, transmitters, distributors, the large industrial customers represented—the commercial sector was an addition made during the blackout last year, actually, recognizing the importance of that segment, given the prolonged nature of the blackout—and of course the Ministry of Energy. This, through the Ministry of Energy, is the primary interface with the provincial government's emergency operations centre.

This support team is also exercised as part of our annual exercises. It has been activated, I guess, a little bit more frequently in preparation for some things that didn't develop into true emergencies, so that testing may be not quite as needed. But we do annually exercise the crisis management support team to make sure that we've got everything in place to deal with these.

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This support team doesn't always have to be activated in full, either. We've adopted an approach where you really activate as much of it as you need. If there's a distribution problem that is limited to the distribution system, there's not necessarily a need to involve the generators in coordinating the action; it may be between transmitters, distributors, the Ministry of Energy and ourselves. And that would be the extent of activation that we'd undertake.

Of course, the focus of the crisis management team is on public health and safety as well as communication. A very big role of the crisis management support team is in communication. On this slide I've already covered who the team is. It's chaired by myself. It can be activated through me by any of the members that see an emerging issue.

The focus is on public health and safety. We gather information, we share information amongst the members; it's a two-way sharing of information. We collect information from the folks who are on this team. We dispense information as to the status of the power system. If we know the duration of a blackout, we communicate that. We provide information on the condition of those provinces and states around us in terms of assistance that they can provide. Sometimes the emergency is weather-related, so we'll provide as much weather information as we can.

An important element to this team is that the normal confidentiality provisions that exist within the market—

because a lot of the information that's being shared in a market sense is commercially sensitive—can be dispensed with, and we can talk freely and openly and share that information amongst the team members to make sure that we have the best information possible.

Of course, the coordination is with the provincial operations centre through the MOE rep on the team. The purpose is to develop recovery strategies and response strategies, and importantly, to develop key public messages associated with a blackout and the current state of it to ensure that there is consistency in the messaging that's being delivered. The existence of this team doesn't replace the obligations for individual companies to fulfill their own roles in terms of communicating with the public or with their own customers. But by having this information sharing and coordination of the key messages that are to be conveyed, we can ensure that there's some consistency, which again, through the blackout of last year proved to be extremely important. Communication becomes very critical. In fact, we've made several changes as a result of the lessons we learned last year. Thank you.

The Acting Chair: OK. Now we'll have time for questions. MPP Broten?

Ms Broten: I was wondering whether or not you could focus for a moment on tools necessary to respond to emergencies. That's the mandate of this committee, to look at whether the legislation we currently have in the province gives the government, each ministry, the tools they need to respond.

One of the issues we have been looking at—and we've talked a lot about the blackout—is examining the lessons learned from the blackout from that perspective. Was everything in place that was needed to respond to that emergency? I wonder if you could, in answering that question, consider the issue of, what if the players hadn't co-operated in the way that perhaps you're going to say they did.

Ms Lawrence: I think, in fairness, from our experience during the blackout and on the troubleshooting side, any time an issue arose that meant somebody was up against a legislative barrier, through all of these vehicles we were able to turn around quite quickly and have that resolved. I think I mentioned the Ministry of the Environment, and the certificate of approval variances were issued quite fast. I don't know how familiar you are with the structure of the provincial operations centre, but all of the key ministries implicated in an emergency have a desk officer there, so that communication and co-operation and coordination happen quite naturally.

One example I recall is, we had fairly regular—twice or three times daily—conference calls with the distributors' association and about 70 to 80 local distribution companies would be on the end of the phone. In that forum, a couple of them raised the possibility of them being able to run municipal standby generation. That put them at odds with some of the affiliate separation rules that are in place at the Ontario Energy Board, and they're governed by those codes. We also had OEB representation on those calls. So the OEB, which has discretion to

grant its own exemptions from licence provisions or code provisions, was also able to respond quite quickly.

Obviously, the call for load reduction or constraints was voluntary in nature. We certainly didn't run up against a problem in terms of people complying. We had conference calls with the Ministry of Economic Development and Trade, and joining us on those were members of the association of the major power consumers. Again, where an issue was brought to somebody's attention where it was alleged or rumoured or somebody had heard that one of the large industrial concerns in fact wasn't operating in compliance with the voluntary call, people would pick up the phone and manage it that way, but voluntarily. Further to your question, it did rely on co-operation. Certainly we never had any indication that that wasn't going to be there for us.

Ms Broten: Did you want to respond?

Mr Murphy: I'll just respond that all of the requests we had during the blackout—and I think the blackout was probably one of the most severe tests we could have of our emergency plans, and we were quite pleased when we went back and reviewed them after the fact that the plans seemed to be quite robust. All the requests that we made during the blackout for anything that was out of the ordinary, exceptional, some of the variances that we needed, were granted. So the authorities seemed to be there, as far as we could tell.

With respect to the curtailment, if voluntary curtailment had not worked, we have, and we have to have, provisions in our emergency action list that we apply not just in the kind of emergency we were talking about last summer but any time of any day. We have to have the ability to interrupt customers. We have the authority to make market rules that allow us to do that. The market rules do allow us to do that.

One of the requirements of electricity is that you must keep supply and demand in balance at all times. If curtailment had not been successful in keeping that balance, we would have had to require involuntary curtailment—or “rotational load shedding” is the term that's used—where customers are interrupted on a rotating basis of fixed duration in order to be able to maintain the balance between supply and demand. It's quite a disruptive process, particularly when we're talking about some of the magnitudes we experienced in the blackout last summer. So voluntarily curtailing production is generally considered to be a less impactful, although very impactful, mechanism than involuntary curtailment and just shutting people off, perhaps without their knowledge.

Ms Broten: Is the rotational load shed available in the commercial and industrial load sectors?

Mr Murphy: Yes, it is.

Ms Broten: So, for example, if the blackout had lasted a longer period of time and you needed to direct electricity to the hospitals, to all of the identified target areas, there is a mechanism whereby you could have moved through various sectors and reduced the load to be able to implement that for a longer period of time?

Mr Murphy: Yes, there is. Through that process, the schedules that are used for rotational load shedding,

priority loads can be identified to be exempt from those schedules. So if there is a particular hospital that should not be interrupted, then it wouldn't be interrupted if it's identified as being a priority load that shouldn't be on the schedule. As I said, when it lasts for a very long period of time, it is a disruptive process. So the longer the time and the larger the magnitude, the more disruptive that involuntary shut-off mechanism is, but it is a mechanism that would allow us to direct and keep things in balance.

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Ms Lawrence: There was a point during the blackout at which, in anticipation of the potential need to revert to load-shedding, all local distributors were asked to ensure that their water and sewage treatment facilities were hooked up so as to be exempt should it be implemented. They were given time to do that. They were also given time to call around to some of their key customers, again, from a health and public safety perspective, like the hospitals, to alert them, "Here is a number to call in the event that we move to this. We will try and give you as much notice as possible, but please be prepared."

Ms Broten: Part VIII of the OEB act that you indicated has never been proclaimed, was the ability to do that noticeably absent during the blackout? Did that issue come up, the allocation plan for approval of natural gas?

Ms Lawrence: No, not at all. It's drafted to be quite specific to a shortage of natural gas and, again, from a context dating back to the 1970s when that looked like it might actually happen. This was electricity-related. The gas companies helped out where they could, but weren't adversely or overly affected.

Mr Zimmer: Following up on Ms Broten's questions, just taking a slightly bigger view of things here, if you looked at all of the energy market participants—and they're listed at page 12: generators, transmitters, distributors, commercial and so on—this question is for each of you to answer. Can you give me three areas or three places where new or improved legislation might be of assistance in this whole area of managing the potential energy crisis? I would ask each of you to give me three areas where you think either new or improved legislation might make life safer for everybody.

Ms Lawrence: I might defer to Paul to start just in terms of being more familiar with actual emergency plans that are in place right now.

Mr Zimmer: I ask the question because at the end of the day we're charged with the responsibility of coming up with some draft legislation.

Mr Murphy: Do you want me to respond first?

Ms Lawrence: Sure.

Mr Murphy: The most important legislation that needs to be put in place is not in Canada, unfortunately; it's in the US. The US does not have any legislation that requires mandatory compliance with reliability standards. That's been on the books in terms of an energy bill in front of Congress for many years, but it's wrapped up in a very large energy bill and it has not yet passed through the Legislature in the US.

In Ontario, we have that through our legislation, through the authority given to the IMO to make market rules to ensure reliability. We have effectively, through the market rules, adopted all of the reliability standards of the North American Electric Reliability Council, which is the international standard setting body for reliability. In Ontario, our market participants are compelled to comply with those market rules and there are penalties and sanctions available if they do not comply with them. That isn't the case in the United States and that's the single, most important piece of legislation that needs to be put in place.

Mr Zimmer: Second?

Mr Murphy: The legislation is quite enabling for the IMO and for the responsibilities that we have to exercise to maintain reliability. I think the area that we were exploring just a little bit earlier is probably one that some consideration may need to be given to if there is a desire to manage an energy emergency; if it's anticipated, to be able to manage a long-lasting energy emergency on a basis different from the emergency measures that we have the authority to exercise right now through rotational load-shedding. I don't know what authorities exist within the legislation currently to allow that to happen and to ensure that it can happen. Frankly, I don't have a third one.

Mr Zimmer: And your three?

Ms Lawrence: I can think of one, which might be three between us, not directed to market participants per se, but there was one point during the blackout when a number of ministries and departments were pouring through their existing statutes to see whether anybody had the authority to fine people who were reported to be squandering energy. The visual is the storefront with cold air pumping out on to the sidewalk on day three while the system is not fully stable and back up and running. I think it was determined that nowhere in any ministry statute or provincial statute was there an authority to fine and levy penalties in that scenario.

Mr Wayne Arthurs (Pickering-Ajax-Uxbridge): I'd like to draw your attention to slide 12, the crisis management support team slide. Looking at it in great detail, both the province and the municipalities, among others, have emergency planning functions under government structures. When you were referencing some of the blackout activity, there was a reference to municipal variance requests that were made. I'm just noting, on the structure for your crisis management support team, there's industry sector representation, commercial sector representation, which represent a third of the load in each of those cases. About a third of the load is residential or kind of related to public health and safety, but there doesn't seem to be here a good means of integrating the representatives of the residential sector. In effect, that could be the municipal government sector. In the old days, the distributors would often do that under the old commissions. That doesn't necessarily exist any more under the new rules and new structures that are in place.

I'm thinking specifically during the blackout—and you mentioned the variance issue—of a situation where

municipalities, ours but others too probably, wanted to use their recreation facilities as cooling centres when it was very hot. But we had difficulty in accessing the resources necessary to get the decisions made to say whether or not load could be directed to bring back on stream something like a municipal facility, with the air conditioning necessary to allow it as a cooling centre. Is there something missing here or does someone else within the overall structure have some responsibility for that other third, in essence? Is that part of the government sector function? Is it seen in that way or is it just something that's not high on the agenda because the commercial industrial loads are often in large quantities and can be targeted more readily?

Ms Lawrence: I think, in practicality and with respect to the specific request I referenced, the interface for the crisis management support team is very energy-focused and the municipal representation on the team is under the guise of the local distribution companies, which are more or less—like, the IMO is our delivery agent—the delivery agent in the field with respect to sector restoration.

I think typically, to the extent that the Ministry of Energy would hear about a particular municipality encountering a particular problem or situation, that would come to us largely through either EMO directly or through municipal affairs, which is represented at the provincial operation centre. I think in part it speaks a lot to the need to streamline and clarify accountabilities for who is directing or informing whom in the sector, and that is how we've tried to put that into practice.

Mr Arthurs: I think in part what I heard was that at least during that situation you were, or had been in the past, very dependent upon the distributors within communities as being the prime interface. Is that fair?

Ms Lawrence: Yes, and Hydro One, where there is no municipally owned utility.

Mr Arthurs: Right. You may want to, on a go-forward basis—I hate to get into a lot of detail—think about that a bit because of the fact that the distributors now—the one example I can cite—represent at least six, if not seven, different municipalities under what's traditionally been thought of as one local distributor, and they're not contiguous; they're spread across southern Ontario. Maybe it's just something to have a look at, because ultimately it may not be the best vehicle to use as that interface in emergency matters.

Ms Lawrence: And minimally, we can talk to distributors about how to make that happen.

The Acting Chair: Just a couple of questions: Where is the IMO physically located—the operations centre for the IMO?

Mr Murphy: We don't normally make that public.

The Acting Chair: You don't have to if it's sensitive, but perhaps you could make that public to the committee in closed session.

Mr Murphy: Is this a closed session?

The Acting Chair: No, it is not, but we can do that at a different time.

I guess it sort of dovetails into the location of Dr Young's operation. I think they're not too far from this precinct, and I think they're in a high-rise building—whether that's appropriate, given what could happen in an emergency energy lockout with an emergency operations centre in a building that requires elevator access etc. Anyway, we'll try to get that information, either myself personally or in closed session.

The next question I have is on the comment Ms Lawrence made about squanderers. Did you subsequently find any jurisdiction that has fines the government can impose on people who are squandering energy in a time of crisis?

Ms Lawrence: We did a review of a half dozen to a dozen other sectors in the context of their electricity legislation and didn't come across any specific incident related to energy statutes.

The Acting Chair: So you haven't been able to find—

Ms Lawrence: No.

The Acting Chair: I guess research is going to try to ascertain if there are jurisdictions that have put measures in place. I know that during the blackout there was a lot of public concern about the fact there seemed to be a lack of appreciation of not squandering energy during that crisis. All the lights would be on in the high-rise towers in Toronto. Does the government have the power to tell them to turn the lights off etc? The air conditioners were operating, it seems, when they weren't necessarily important. We'll try to find that out.

Ms Lawrence: And we can assist legislative research as best we can as well.

Mr Wilkinson: Mr Chair, might I suggest that research look to California, where they had rolling blackouts, as probably the best—If anybody has those rules, it's probably the state of California.

The Acting Chair: I would like to thank Ms Lawrence and Mr Murphy for making themselves available. You've been quite helpful in explaining the different functions of the IMO and the Ministry of Energy as they relate to emergency management and energy management in times of crisis. We'll follow up with maybe a couple of other things and follow up with IMO on some questions I had.

We'll recess until 1 pm back in this room.

The committee recessed from 1204 to 1305.

The Acting Chair: I'll bring the justice committee to order. I'm MPP Mike Colle, the Acting Chair of the justice committee.

NOVA SCOTIA

EMERGENCY MEASURES ORGANIZATION

The Acting Chair: We are, as you know, going through the statutes of the province of Ontario to ensure that they are adequate in terms of meeting our emergency preparedness and emergency management needs of the future. In that regard, today we have a second teleconference set up. This morning we had Dave Redman,

the acting executive director of Emergency Management Alberta, who was very, very helpful.

This afternoon we're going to get some insights from the province of Nova Scotia, our great neighbours to the east. In fact, I was listening to a great CBC program on the Acadians and their great history at Grand Pré and Evangeline there. They had an excellent program. They had a conference of Acadians in Halifax just recently. It was a wonderful program revisiting a most important part of our history. Anyway, I don't want to divert your attention to that.

From the province of Nova Scotia, we have Mike Lester, who's the emergency measures director, Halifax.

Mr Mike Lester: How are you, Mr Chair?

The Acting Chair: Well, thanks. Could you give us your official title, Mike, please?

Mr Lester: Certainly. I'm the executive director of emergency measures in Nova Scotia.

The Acting Chair: OK. So it's a provincial office?

Mr Lester: Yes. We're responsible for the emergency planning and the provincial 911 system. We're an independent agency of the province. We're not attached to a government department.

The Acting Chair: Right. Mr Lester, we'll allow you to make a presentation as long as you want, in terms of the background and the general jurisdiction you have and your general legislation. Then, time permitting, members of the legislative committee would like to ask you some questions. You may now begin, Mr Lester.

Mr Lester: Really, in the past five years, Nova Scotia has had to manage seven major emergencies. In September 1998, we had the Swissair disaster, flight 111. In September 1999, we had the Cumberland-Queens county flooding; in November 2000, the Cape Breton floods; in September 2001, of course, we had 9/11, with our 7,200 guests for about five days. In March 2003, we had province-wide flooding. In September 2003, we had Hurricane Juan, and then in February 2004, we had what we refer to as white Juan.

During this time, three local states of emergency were declared by municipal units, those being the September 1999 Cumberland-Queens county floods; the town of Oxford declared a local state of emergency, as they did during the March 2003 province-wide flooding. The Halifax regional municipality declared a local state of emergency in September 2003 for Hurricane Juan, and in February 2004 we had a province-wide declaration, the only one we've really ever had, to deal with the snowstorm, the 95 centimetres of snow.

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Our legislation is known as chapter 8 of the act of 1990, An Act to Provide for a Prompt and Coordinated Response to a State of Emergency.

I think it's noteworthy that the word "disaster" does not appear in this act. While a disaster as an emergency, an emergency is not necessarily a disaster. So in terms of the thinking here, things can be done in preparation for the event before it arrives, perhaps flooding, as an example. The event really hasn't arrived yet, but the declaration is made in advance.

Section 14 of our act describes the special powers provided under the state of emergency or a local state of emergency. I think it's important to note that safety is the primary consideration with these declarations. The ones that were declared were used primarily to control or prohibit travel; cause or order evacuation of people; authorize entry to buildings or upon land without warrant; cause or order demolition or removal of anything; and control prices. In each instance there certainly was a use for those authorities. Again, though, they weren't used for all of the major emergencies that we had. They weren't really necessary and the declarations were only done where there was obvious need.

The ability to evacuate people is perhaps the greatest asset to emergency managers and first responders, as it lessens the risk of loss of life or injury from two perspectives. Particularly in the case of seniors, they may refuse to leave their home or perhaps animals. I've had this personal experience myself as a policeman in my younger days. The thought that common sense prevails doesn't necessarily hold true.

The second issue here is, causing first responders to remain for extended periods in an evacuation zone while trying to convince people to leave can put the first responders at risk themselves. And of course, it also means that it takes more people to visit more residences if they're being tied up unnecessarily for long periods of time.

The restriction on travel is also a double-edged sword. There are those who will disregard warnings to stay off the road due to the weather conditions, become trapped and perhaps have to be rescued themselves while they block the road for ambulances, fire trucks and snowplows. Even with a state of emergency declared and travel prohibited, there are those who will ignore the order and usually complicate and delay the response activities. But you do win some with these orders. We did get a very good response from the public.

Civil rights must always be balanced in the response to a major emergency. Those events can overpower a community and there comes a time when exceptional measures are necessary to prevent the loss of life or injury.

I think it's noteworthy that while not everyone has approved of the course of action which emergency management officials have chosen during our states of emergency, no complaints have been received respecting civil rights violations. People caught up in desperate situations seem to accept that desperate measures may be required.

That, Mr Chairman, is my statement.

The Acting Chair: Thank you, Mr Lester. In terms of your legislation, you said it was based on a 1990 act and then it was amended recently.

Mr Lester: I believe the only amendments—no, I'm sorry, I don't think this was amended. It was the 9/11 act that was. New Brunswick recently amended theirs.

The Acting Chair: So you've had these powers to evacuate since 1990?

Mr Lester: That's correct.

The Acting Chair: And that means that a police officer or any designated official in an emergency can order an evacuation?

Mr Lester: Right. Of course the accountability goes back to the minister or the mayor, as the case may be.

The Acting Chair: Is there any recourse for oversight in case someone disagrees with an order to evacuate, for instance?

Mr Lester: Not at the time, sir.

The Acting Chair: As you mentioned, have those provisions been utilized by emergency officials in the snowstorms and hurricanes etc?

Mr Lester: Yes, they have, and I could perhaps provide some examples, if you wish.

The Acting Chair: Would you, please, because that's one of the issues we've been grappling with here. We in Ontario don't have the power to order an evacuation. We can recommend it, but I don't think we have the power to evacuate.

Mr Lester: We have other legislation that, for instance, enables fire chiefs to order evacuations under the fire act, where a fire is threatening somebody's home or somebody's life. Aside from that, there are issues such as, say, ammonia leaks and flooding, where there was no provision before this act came in. As one of the authors of this document back in 1990, it would probably be safe to say we robbed what we felt was the best from everybody who had the legislation at the time, but we haven't made any significant changes since then.

The points that I mentioned initially—control or prohibit travel—were of particular concern during Juan and during the snowstorm. There were those who could not accept that travel was impossible or extremely dangerous: wires down over the road that may or not have been live; the inability to travel down to the heart of Halifax during the snowstorm, and if you did get here, there was no place to put the vehicle when you got here. But people don't sometimes accept the warnings of emergency management officials and will give it a try anyway. So we used the state-of-emergency legislation in an attempt to stop people from moving about.

There were instances where people had trouble getting their money back from out-of-province travel agencies that didn't accept our state of emergency declarations as meaning anything and felt that the individuals should have gone to the airport. Well, if they went to the airport and our police agency said no, then they probably would have been charged.

The Acting Chair: What are the penalties? As you said, the police have the power to charge someone who violates that order. Do you have any idea what the penalties are for someone who does travel, for instance, when it's prohibited?

Mr Lester: It's pretty general. It's up \$1,000—it's summary conviction stuff, of course—or six months, or both, I believe.

The Acting Chair: Has that been utilized or invoked, or is just the threat of its happening sufficient?

Mr Lester: Generally, that's been the case. We've had specifics under raising prices. I'm not sure, sitting

here, whether any of the cases have gone to trial, but there were some really exorbitant prices being charged after Hurricane Juan. I recall that in one instance there was a price of \$3,000 quoted to take down two trees. There was another individual who was filling up gas cans at the regular price out of the pumps and then requiring another \$5 on top of that for his inconvenience for putting gas in his generator to make the pumps work.

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The Acting Chair: So under your legislation, people who are charging those extraordinarily high prices can be also charged?

Mr Lester: Yes, and that's province-wide. If the issue is, for instance, taking place here in the Halifax metro area and the resource is in Sydney and we want to bring it in, then it would apply outside the local state of emergency as well. In fact it was a specific incident we had that brings that to mind.

The Acting Chair: As you know, in Ontario we actually have none of the powers you've just enumerated in Nova Scotia, and a number of people recommended that we talk to Nova Scotia for this very reason.

We have another question from MPP Laurel Broten.

Ms Broten: Just filling in on the list of powers that you've indicated you have, do you also have the ability to undertake some kind of rationing of resources?

Mr Lester: Yes, we can do that. It covers pretty well the gamut here. I'm searching while we're talking; let's see if I can come up with the specifics on the thing.

Ms Broten: We have had other witnesses who have told us, for example, about the need to ensure an adequate supply of masks and medical equipment during SARS, gasoline during our blackout, natural gas potentially, the use of electricity—all the things we've encountered over the last few years that we may have gotten to a state in the province where we need to ensure that the supply goes to hospitals or other primary agencies first.

Mr Lester: Right. Our section 14(e): "... provide for the maintenance and restoration of essential facilities, the distribution of essential supplies and the maintenance and coordination of emergency medical, social and other essential services." That, I believe, would be sufficient, for us anyway.

Ms Broten: When your legislation was put in force, were there discussions or consultations with civil liberties associations or other constitutional law bodies with respect to the extensive nature of the powers being given to the state?

Mr Lester: Yes, there were, and there were public consultations. The municipalities were all involved in the design of the act, and it went to the legislative review committee—legal review. It went through. Surprisingly enough, there was very little discussion.

Ms Broten: Thank you very much.

The Acting Chair (Mr John Wilkinson): This is MPP John Wilkinson. I have a quick question. You say you're at arm's length from the government. What's your reporting structure with the provincial government? Are you an officer of the Legislature? Do you run this

through the Premier's office or through one of the line ministries?

Mr Lester: Actually, we're not at arm's length. I guess we're at arm's length from the department, but we're part of the public service and my immediate superior is a cabinet minister.

The Acting Chair: Which cabinet minister—the portfolio?

Mr Lester: It's usually moved around. Currently, it's the Honourable Ernie Fage, who is the minister responsible for economic development, but they frequently move the responsibility around to the minister they wish to give some additional powers to.

The Acting Chair: Do you have a fixed, separate command centre?

Mr Lester: Yes. We refer to it as the joint emergency operations centre. All three levels of government are in this facility, and we put this here three years ago. In fact, we opened it three days before the events of 9/11.

The Acting Chair: How fortuitous.

Mr Lester: Yes.

The Acting Chair: A further question from MPP Broten.

Ms Broten: Do you have a reporting structure whereby decisions made to declare an emergency go back before the Legislative Assembly in Nova Scotia?

Mr Lester: Everybody is of course subject to review after, but normally it is not a part of the formal reporting process. The decision is made by the minister in consultation with the provincial emergency activation team—senior executives from across the government—which is really his group of advisers.

The Acting Chair (Mr Mike Colle): A question from MPP David Zimmer.

Mr Zimmer: Now that you've had some years' experience with your legislation, which three areas in your legislation, on your wish list, would you like to improve by either amendment or new legislation?

Mr Lester: I think there's really only one area that I would personally like to see added, as New Brunswick has done—we're into this mutual aid situation across borders, as probably Ontario is with their neighbours—and it's the reciprocal recognition of professional qualifications. I'm thinking in terms of engineers, doctors, nurses, paramedics, what have you. This is, I guess, an issue across provincial as well as state borders. New Brunswick's new addition to their legislation permits the minister to recognize qualifications from outside the province during a state of emergency, should he wish to do so. At this point, that really is the only thing of significance I would see changing with ours.

Mr Zimmer: Just a follow-up to that question: What are the two or three things in your legislation that you think really work well for Nova Scotia?

Mr Lester: I think the onus we put on our municipalities as the pointed end of the stick when we come to emergencies has been significant. Of course, this is where the first responders are housed and where most of the assets to respond to an emergency are located. Sub-

section 10(1) of our act provides the duties of municipalities to have their emergency measures organizations, their plans, their coordinators, their committees of council. I think we're probably the only province that does it, but we do a report card on the level of emergency preparedness of all the municipalities in the province. We do this every two years, allowing for some budgetary considerations and getting things up to speed. It's an objective affair. For those who might wish to see that assessment—it's about 20 pages in length—it's available through our government Web site.

We do this, and the minister then sends formal correspondence to the mayor or the warden of the municipality, as the case may be, and that of course is read out in open council and is a matter of public knowledge. While there could, I suppose, be a threat of prosecution under the act for failing to do so, the reality of provinces charging municipalities is not one they'd really like to consider.

We consider this quite a stick, and it has been significant in the development of our process and has helped us to regionalize some of the smaller communities into one stronger body. We've done this in—I guess we're into four so far, and we hope to progress further than that. Realistically, it would be very difficult for the small municipalities to sustain a 24-hour, seven-day operations centre with the number of employees they have, because it takes three people to fill one job in an emergency operations centre.

We believe there's safety in numbers—strength in numbers, anyway—and we have been going that way with what we consider success.

1330

The Acting Chair: A question from MPP John Wilkinson.

Mr Wilkinson: Just a quick supplementary, Mike—you mentioned that the line ministry has kind of shifted around in Nova Scotia over the years. I don't know if you can answer this as a public servant, and we won't force you to, but if you had your druthers, which ministry do you think is the most logical one? Most provinces are doing it through municipal, because they vector this through their municipalities. Could you comment on what you think would be the best ministry?

Mr Lester: I guess my response would be, none of the above.

Mr Wilkinson: Why?

Mr Lester: Well, the independence we have here—we're seen as the honest broker within the government without any hidden agendas, the concept being that when the emergency happens, the government becomes EMO. Really, from our perspective, we have a direct line to the minister on a daily basis. There's a relationship there, and I think that has been helpful. When trouble occurs, the relationship has generally had an opportunity to be built up. Trust becomes a large consideration when you're into these things, that your senior bureaucrats are doing what they're supposed to be doing.

It's helpful in the process of getting policies, and what have you, put forward, and we're not competing with the

reaction demands out of a department. Many departments, of course, are regulatory. They have demands that come in, reacting to something that has happened outside. Virtually everything we do, with the exception of responding to the main event, is proactive. When it comes time to cut budget, usually the first things that go are the proactive things. That puts us at a distinct advantage, particularly when there are large reactive demands. So we're quite pleased with where we are now.

The Acting Chair: Thank you very much, Mr Lester, for your comprehensive presentation and a very thorough look at some of the measures you've implemented in Nova Scotia. I think a lot of them will help us greatly in finding out what gaps we have here in Ontario and how to best fill them. I think Nova Scotia has perhaps created an excellent benchmark system in emergency preparedness for us here.

Sorry for all the exercise you had to undertake to implement your strategies. Let's hope you get a bit of a breather after the number of storms you've had. On behalf of the Ontario Legislature and this committee, I would again say thanks very much for taking the time to speak to us today.

Mr Lester: Thank you, Mr Chairman. My pleasure.

POULTRY INDUSTRY COUNCIL

The Acting Chair: The next presentation is from the Poultry Industry Council. We have Deborah Whale, the chair of the Poultry Industry Council and vice-president of Clovermead Farms Inc. Deborah, you came from where to be here today? I'm not quite sure.

Ms Deborah Whale: I came from north Wellington county.

The Acting Chair: It's really appreciated that you've taken the time and have the interest to help this committee in this deliberation as we look at the Ontario legislation and statutes in regard to emergency management. Hopefully you can help us, especially with the agricultural sector and some of the pressures there.

You may begin with a presentation, and the committee will ask you questions.

Ms Whale: I'm going to present for about 15 minutes. I would like to thank you very much for giving me this opportunity. I was thinking, as I put this presentation together, that I have so much to say and so very little time to say it, because for the last four years I've been at the forefront of some very major industry initiatives that we have undertaken to improve our livestock and poultry industries' ability to prevent and to manage disease at the on-farm level. For all of those years we have been so aware of the impact of what we are doing, the impact on human health, on animal health and certainly on the health of the Ontario economy. But I don't need to say that over those years we have very often felt isolated and ignored as we tried to impress the importance of our efforts on various levels of government and institutions.

It's interesting now that SARS and BSE and, of course, the avian influenza outbreak in British Columbia

have turned the public's attention more, not just to public safety and public health, but I think public safety and health in relationship to zoonotic diseases, a term that many people don't know. Now that that attention has been turned toward zoonotic diseases, I hope it will continue and it will result in some really badly needed infrastructure reform.

What I want to do is to make three very important points and then I'm going to talk about the 10 priorities that I think are needed to be made by this government if we're ever to get a handle on the issue of zoonotic disease.

Point number one is to inform you that the livestock and poultry industries have come together to form a consortium which is very purposefully and methodically working to protect our livestock, our poultry, our consumers and a big part of the Ontario economy. Our consortium represents every single livestock and poultry group in Ontario. That should speak volumes to you about our resolve, because, as I said to Minister Peters a few weeks go, very seldom has the livestock and poultry industry ever been presented to you on a silver platter in agreement on this issue. Also, it should tell you that it's much easier for the government to partner with a united industry.

The second point I want to make is that we definitely face, and have faced, an uphill battle here in Ontario, because no matter how hard we work as a united industry, there are major shortfalls in the infrastructure in this province. We attempt to operate within those shortfalls and yet only the government can correct them, and the government must have the will to do this.

Just to expand on those shortfalls a bit, first of all, as Justice Haines pointed out in his report, we have a serious lack of laboratory capacity in the province of Ontario to do active disease surveillance and to do the kind of research that is needed into emerging diseases. By the way, there's an average of one new emerging disease every year in the livestock community. In the entire province of Ontario there is only one animal health lab and it is only a level 2 lab. This is an extremely dangerous situation, especially in the event of an outbreak of a highly virulent disease. This lab is poorly located. I'm sure that some of you have been there; you know where it is. It's in a busy building at the University of Guelph surrounded by students and staff and public, who can walk very close to it. It is too small, it is underfunded, and it has no capacity whatsoever to do what we call active disease surveillance. That means that if I have a dead animal on my farm and I take it down to the animal health lab and they determine what it has, that's called passive disease surveillance. In other words, I take something there; they depend on me to take something there. What if I don't? We need a lab that can actively go out into the field and look for diseases that are emerging.

As I mentioned earlier, it is only a level 2 lab. That is an extremely dangerous situation and it does not have the capacity to accept potentially virulent disease samples. Even Saskatchewan, for heaven's sake, is building a level 3 lab.

The second infrastructural concern is that our provincial veterinarian has absolutely no powers under legislation to ensure that he can act effectively to protect the livestock and poultry in Ontario. Some time ago, a group of us representing both industry and government and including our provincial veterinarian, Dr David Alves, went to North Carolina to look at what is arguably one of the best-protected livestock and poultry areas in the world. We were fortunate enough to meet with their chief state veterinarian and he spoke one-on-one with our chief provincial veterinarian. To say the least, he was shocked to learn how very little ability Dr Alves has to act decisively to prevent or to control disease in Ontario.

1340

The third infrastructure problem: Ontario, as I'm sure you know, stands alone in this entire country in not having animal health legislation. That means a whole lot of things but, to be brief, it means that in the event of a disease outbreak in a neighbouring province we do not have the legislative ability to close our borders to animal movement. We do not have an organized early warning system to let us know what's happening out there in the field. We do not have specific policies to deal with carcass disposal in the event of mass mortalities, and we do not have provincially established biosecurity standards on all livestock and poultry farms. We most certainly do not have zoning policies to attempt to mitigate some of the ramifications across the province in the event of a disease outbreak. So for all of those reasons and more, we are arguing that we need effective animal health legislation.

The fourth infrastructure problem is that over the last few years Ontario has consistently reduced funding to many of those parts of the infrastructure which would have ensured better health monitoring and better health protection for all of us. So I suppose the question is, is this finally a wakeup call or will we continue to talk a lot and do very little?

I said that I was going to make three points. My third point is one which I hope leaves you feeling incredibly positive about what you're doing and which will give you a big ray of sunshine, but should inspire you to think that this government is not working alone but in fact you're building on a tremendous amount of effort that's already taking place within the agricultural community, livestock and poultry. Our livestock and poultry industries in Ontario have been taking some very effective measures over the last few years to deliver to you and to the rest of Ontario a better-protected and a better-coordinated industry.

As I mentioned earlier, one of those things is that we have formed a consortium representing virtually all of us, and we have put together three working groups. What we're doing is examining health legislation in the other provinces in Canada, across the US, and into Australia to look at what can be best applied here in Ontario.

Another very important action which the livestock and poultry industry has taken is that all of the major groups—that is, dairy, poultry, beef and pork—have met

and are continuing to meet to discuss the coordination of our current GIS—geographic information system—under one umbrella data bank. You can see how important that concept is if we have all of that information stored in one place when it comes time to release it in the case of an emergency: It can happen like that. We are currently applying for federal funds to help facilitate a business agreement between all of the organizations.

A third thing that's being done in the poultry world—remember, there are four poultry boards, not all of which have always co-operated together on things, but these four poultry boards have come together under the auspices of my Poultry Industry Council and a lot of work has been done in a number of areas, including hazard-based biosecurity and food safety initiatives on-farm. We're currently putting the touches on a massive effort to write standard operating procedures for the poultry boards, poultry producers and all of the input companies, such as feed and catchers. We're aiming to have this completed by October. In October—in fact, the 27th, 28th and 29th—we're going to be holding a disease simulation exercise. It's actually breaking out in north Wellington. Beyond that, I don't know what's going to happen, because there's a planning committee. But it is going to be observed by all of the other commodity groups. We also are using the resources of a very well-known American epidemiologist who is going to be there with us for the three days to assess how effectively we reacted to the emergency, and then, November 9, at our annual health conference, he will be letting you and the rest of the world know how well or how poorly we did.

August 31, which is just a few days from now, we are also hosting a very large conference and expecting people from all over the country to look at the avian influenza outbreak in BC—what went wrong out there. We need to find out so that we can apply the lessons learned here in Ontario. You are all invited, and in the package of information I left with the clerk there are invitations to August 31.

Before I make my conclusion, which is the 10 priority items I spoke about earlier, I would just like you to keep one thing in mind as you work through this issue—particularly southern Ontario. Southern Ontario is a rather unique environment. We have millions of people living in very close proximity to millions of head of livestock and poultry. We do that in a small geographical area, and just across the border are some very intensively farmed American states. This is a unique situation and it is ripe for disaster if we are not prepared.

I do not think that we can any longer afford to put off doing something about the infrastructure that is needed to protect both human health and animal health, to say nothing about the Ontario economy.

As clearly as I am capable of expressing myself, I want to summarize for you what we see as the 10 key needs for Ontario, and I've left this in printed format for you.

Priority number 1, and this is crucial: As you work toward creating emergency management authority in

Ontario, I would like you to visualize what I call a disease triumvirate. We know now that we have a new post, Ontario's Commissioner of Emergency Management, Dr Jim Young. But he's just part of the picture. Another part of that triumvirate, of course, is Ontario's chief medical officer of health, Dr Sheela Basur. A third and too often ignored component of that triumvirate must be Ontario's chief provincial veterinarian, Dr David Alves. This gives the system the kind of balance it needs between human health and animal health. No one who does not understand agriculture can possibly make the decisions around this industry which will be effective. Agriculture simply must have a voice at the helm of emergency management in Ontario or the system will not be effective. Even a cursory examination of the disasters that occurred around foot-and-mouth in Great Britain and avian influenza in BC underlines that point very clearly.

Priority number 2: We need to develop comprehensive animal health legislation backed by the dollars that it will require to ensure that Ontario can take its effective part in a national disease mitigation strategy.

What I'm saying next is very important: Whether this is stand-alone animal health legislation or whether it is a large component of a broader emergency management package is not the issue. I know that both have been discussed. It is not an issue just as long as it gets written, funded and acted upon. Of course, that animal health act has to coordinate with the federal Health of Animals Act.

Priority number 3 is to build a level 3 animal health lab in Guelph. This is to ensure, obviously, that we can do active disease surveillance out in the field, but also the necessary investigations and research into emerging pathogens and the capacity to test emerging zoonotic diseases and prion-related diseases.

Priority 4: Develop for Ontario—and I underline in consultation with the livestock and poultry industries—a comprehensive mass carcass disposal contingency plan. This is crucial. On my farm alone I have hundreds and hundreds of very large animals. If all of them had to be shot tomorrow, what is my plan to deal with the carcasses?

One of the things that we found out in terms of disease spread is, under the best circumstances, the last thing on earth you want to do is cart diseased carcasses off the farm. Far better to compost and manage those mortalities on the farm as often as possible.

1350

Priority number 5: Develop, in conjunction with the livestock and poultry industries, a biosecurity strategy for livestock, poultry and meat products. As I've indicated, there are good biosecurity policies in many of the large commodity groups already, but we need a standard one across the province.

Priority number 6: Develop the necessary resources to ensure adequate and ongoing disease surveillance, testing and reporting, and that means effective early warning system for disease. Catch it before it gets out of hand.

Priority number 7: Financially assist all of those ongoing efforts that I've already explained to you that industry is in the throes of doing.

Priority 8: Develop an Ontario emergency veterinary network. Not for a minute does one exist in this province. I'm appalled to say that veterinarians have been very slow to uptake what industry is doing. We have meetings scheduled in September with the two major veterinary organizations. We also work very closely with commodity-specific organizations such as the Ontario Association of Poultry Practitioners etc, but we need to look upon veterinarians as our protection in the event of an outbreak. If those veterinarians are not trained in emergency response—and they are not even close to being trained in emergency response right now—then we are going to have trouble.

Priority number 9: Reinstate the requirements for livestock medicine certification for all livestock and poultry farmers. It is beyond me why we got well into that certification process and then all of a sudden it was stopped. I have back there in my wallet my own certification, which I took almost two years ago now. It needs to be reinstated and every one of us needs to have that certification.

Priority number 10: Develop a zoning policy to ensure that in the event of a foreign animal disease outbreak, not all areas of Ontario would be impacted adversely. Certainly there are initiatives going on at the federal level to look at zoning in Canada, but I think a province this size also needs to look at zoning within Ontario.

That's the end of my presentation. I'm certainly prepared to answer any questions you might have.

As you move forward in your deliberations, we have amassed a lot of material, needless to say, over the last four years. Anything that we can provide for you, any assistance that we can give to you, we would be very glad to do so through the Poultry Industry Council.

The Acting Chair: I have a question from MPP John Wilkinson.

Mr Wilkinson: Deborah, thank you so much for coming today. I can share with the committee that Deborah really has been a lone voice in the wilderness. Finally, the province is starting to pay attention to this because of the things she feared were going to happen in Ontario that have actually already happened in other jurisdictions. So it's not a question of theory any more.

Zoonotic diseases, for example, like SARS, have gone right around the world. We have problems—for example, our neighbours in British Columbia have had to deal with this avian influenza and millions of birds had to be destroyed there—and the economic impact on this province, so from an economic point of view and from a public health point of view.

I think the advice she is giving should be incorporated in our report, because if we're forward-thinking, we have to anticipate those crises that this legislation or this review is going to have to deal with.

Deborah, I went to one of your earlier presentations. You've had one of these simulations before and now you have a major simulation. Can you give us an idea of the lack of coordination of jurisdictions? Right now, if a farmer were to discover ill livestock, there is no require-

ment that they report it, right? You hear the guys out in Alberta saying, “I wish I’d taken that cow with BSE out and just shot it and not reported it.”

So we have that fear, that we don’t have a situation, and then there is the whole question of the veterinarian showing up on the farm and what does he or she do? Do they leave the farm? Do they stay there if they fear there is an outbreak? How long does it take for test results to come back? Who do you call to try to nip one of these problems in the bud? Could you just run through your previous simulation and some of those areas that you found of major concern?

Ms Whale: We’ve done two smaller simulations leading up to this large one that we have coming up in October. The first one was done very specific to the poultry industry, and it involved only the 24 poultry veterinarians that exist in the province of Ontario. They were stunned at what they found that day.

Let’s just say that I had some large mortalities in my chicken barn and I called my poultry veterinarian and he came out there. What are his options? Let’s say he utilizes the option to take some live birds down to the animal health lab and present them for testing. He puts the birds in the back of his trunk—and this is very common; this happens every day—he drives down there, stands in the public hall, passes them over the counter, and they go in for testing. Let’s just say it turned out to be high-path avian influenza. That’s a reportable disease. It’s also highly virulent. In the meantime he’s got it all over him, all over his trunk, the wheels of his car, and all over the public entranceway to the animal health lab. Remember, this is only a level 2 lab; it’s really not set up to test highly virulent diseases. So already we’ve got an outbreak situation right there.

Back in July we had, as you know, a potential outbreak here in Ontario. The interesting thing about it was, that very day I happened to be with a group of industry people down making a presentation to Jim Young’s committee. We walked out of the room and the chief veterinarian said to me, “Just a minute; it sounds like there might be an outbreak down in Niagara.” So it was kind of interesting the way it all turned out. But the fact is this: One of the things that happened that day, in spite of all our warnings about how we need to get prepared for a disease outbreak like that, was that the CFIA decided they would not tell the industry where the outbreak occurred. All they would say was that it’s somewhere in the Niagara Peninsula. We have our phone trees out now and it’s all very well organized, and we phoned the entire industry and said, “There’s a potential AI outbreak in the Niagara Peninsula but we don’t know where it is.” So company after company, board after board pulled their people out of the entire Niagara Peninsula. Two hours later we learned on the news precisely where it was.

One of the things we said in our debrief to the CFIA and OMAF was, “You’ve got to do better than that. If you keep this crucial information from us, we cannot do our part to contain what could have been a disaster.”

So we have a lot of holes to fill, and while we work toward filling them it means testing the system over and

over again, plugging those holes each and every time we do it. That is why we’ve geared up for a big one in October and that is why we have an American here looking at what we’re doing, because they’ve gone through it for real, over and over again down there. We expect to get some very good feedback from October.

Mr Jim Brownell (Stormont-Dundas-Charlottenburgh): Thank you for the excellent presentation. It’s a real eye-opener.

With regard to the lab, you made comment that it is a level 2 lab now, and you gave the scenario of a farmer arriving at that lab. At a level 3 lab, what is there that would enhance an opportunity for Ontario farmers?

Ms Whale: What a level 3 lab does is just enhance the biosecurity in the actual lab itself. For example, I have a son who’s doing a PhD in biochemistry and he works in a level 3 lab. The ventilation system, for example, is designed to catch viruses, whereas at the University of Guelph in its level 2 lab the ventilation system lets a lot of things out in the air. They take a great deal of caution, for example, in incinerating potential virulent disease samples or even animal carcasses. At the University of Guelph their incineration system leaves a lot to be desired. What it is is an enhanced lab system.

1400

There is a level 4 lab in Winnipeg. It is the highest lab containment level that exists. So in the case of a reportable disease, and there are 38 of them now—and by the way, 18 of those 38 are zoonotic diseases—once a sample is taken, while it can go to other labs, the final authority is the level 4 lab in Winnipeg. So that is one more reason why we need a level 3 lab in Ontario.

I mentioned the potential outbreak in July. One of the decisions made at that time was to take duplicate samples of the dead birds. One set of samples, of course, was sent to the Winnipeg lab because it was potentially an AI virus—and, by the way, it turned out to be nothing. One set of samples was sent to the level 2 lab at the University of Guelph. That’s very good because it gave us a 24-hour advance notice, “Not to worry; this does not look like high-path AI.” It was another 24 hours before we got the final test results out of Winnipeg. So that part of it is good, but what if it had turned out to be high-path AI being looked at in a level 2 lab? It could have been—it wasn’t, but it could have been—a recipe for disaster. So the importance of level 3 is very clear.

Ms Broten: I just wanted to get some clarification as to which groups were part of your consortium. We at this committee had talked about having some of the other folks from the agribusiness community come and talk to us—the cattlemen’s association etc. I just wanted to get some clarity on who has participated in your discussion groups.

Ms Whale: All of them—everything from the Ontario Cattlemen’s Association, Dairy Farmers of Ontario, chicken producers, egg producers, broiler, hatching—there are 12 of them altogether. We have a list, which I think I left you in my presentation.

I know, for example, that on Thursday you’re hearing from Chicken Farmers of Ontario, and certainly there’s

no reason not to hear from all of the various commodity groups because they'll have plenty to tell you about the specific measures they take within their commodities, for example, concerning on-farm biosecurity or HACCP-based food safety programs, their own particular GIS systems. All of those are very specific to each organization.

The consortium itself is all of those organizations together, working, quite frankly, to lobby for improved animal health legislation and also to pull ourselves together in terms of coordinating some of our efforts, particularly as they pertain to GIS systems.

Ms Broten: And have all those organizations passed through their protocols, I guess—whoever has to make decisions—to provide support for the position you've put forward before us today?

Ms Whale: Yes, and there are formal letters from each one of those organizations that were sent to the Ontario government through Steve Peters indicating their support of what we're doing.

One of the things that I included in my package was this brief about the need for an animal health act in Ontario. That brief has been made to each one of the commodity boards in Ontario, and each one of them has signed on to this. So now what we're doing is pulling these groups back together again. We've set up three working committees and we now move toward trying to make this come to be, and really, what is in here is essentially what I've said to you.

You'll also probably notice a fair bit of overlap in what we have said with what Justice Haines has said. His report has come out fairly recently, so of course the first thing we did was read it, and it was very interesting how much overlap there was.

The Acting Chair: I just would like to add that I would like on behalf of the committee to invite Dr Alves, the chief veterinarian for Ontario, to appear before the committee at his convenience. Also, if any member of the committee wants to attend the conference in Kitchener on the 31st, they're more than welcome to do so, and travel expenses to Kitchener will be reimbursed, if the committee agrees. I think it's important. If someone has the chance to go there on August 31, I think it will be an interesting conference.

I just want to say that it's a most impressive presentation you've given here. It's almost too much to digest right now, Deborah. As you mentioned in your presentation, the question for this committee is whether we take the most cogent or critical parts of the measures needed and incorporate them in a new emergency measures statute or whether some other ministry takes over. It seems here that we have multiple components of legislation that's required, whether it be the Ministry of Agriculture or—I'm not sure whether a ministry would be involved. Certainly I would hope that our committee can at least take the most critical parts of your presentation and deal with them.

I was struck by your comparison to North Carolina, where they demonstrated the gap between Ontario and

North Carolina. The fact is that our chief veterinary officer has very little power, if any.

I think we as a committee have some excellent directions that you've given us that we may be able to incorporate. I think the committee has demonstrated a willingness to take action here. With the BC example, you've shown what can happen if we don't have a sense of urgency. I think you've heightened our sense of urgency—certainly mine—in your explanation of the impact of zoonotic diseases on society as a whole.

You've done an amazing amount of work. Are you a veterinarian by trade?

Ms Whale: No, I'm not.

The Acting Chair: Where did you get all this technical knowledge?

Ms Whale: When you're buried in it for four years, you can't help it.

The Acting Chair: You have an amazing amount of expertise in this area. Do you have any idea of the potential cost of raising the lab in Guelph from a level 2 to a level 3? Has that been given a general cost estimate?

Ms Whale: Of course, it depends on how big you want to make it. I know for a fact that the money being expended in Saskatchewan is approximately \$60 million. I know that's a lot of money, but do you know what? This industry is worth billions of dollars. I don't think we can put a price tag on human health. I think that's the price we pay for ongoing surveillance and research.

I haven't even had an opportunity to talk to you about that component of it, but we are doing some amazing things. One of the so-called "jobs" I do for this industry is raise funds for research. We have put together the most amazing poultry research team at the University of Guelph, with a concentrated focus on high-immune-response animals. While that's a longer-term effort, it's an effort we all have to look at very seriously, because animals are becoming more and more susceptible to disease as more and more pathogens emerge, for a whole variety of reasons. When we can create—and you'll notice I didn't say "if," because I think we've done it in pigs—a high-immune-response animal, we will have decreased our dependence on medications, we will have increased the uptake of vaccines and we will have ensured ourselves of animals that are far less susceptible to disease than they may be now. That's just one more little part of the picture that I didn't have time to paint.

The Acting Chair: Just in terms of your references to the need for animal health legislation and this committee's attempt to come up with something that deals with the whole spectrum of emergency management statutes, or maybe one statute that fills the gaps, could you give some time and thought to two or three areas that we as a committee could hone in on? All these things seem pertinent and extremely necessary. But over the next week or so, could you give some thought to two or three areas that might be pointed toward our objective of dealing with emergency crisis management and what we could possibly focus in on as a committee, given the fact that we're probably going to be restricted in terms of our

overall objectives here in this area of zoonotic diseases? You've mentioned the health lab. You've mentioned more powers to the chief veterinary officer. You've mentioned those four major things.

1410

If you could give that some more thought, John Wilkinson, representing one of the most rural agricultural ridings in Ontario, would be more than happy to follow up on that and he'll report back to the committee, just to give us a bit of direction there. I'm just trying to think of the doables, given the time frame. We have until November 1 to come up with draft legislation. So we'll get back to you on that. If you could exchange some of your thoughts on that, that would be very helpful for this committee, I think.

Ms Whale: All right. I will definitely do that, but think hard about what I said about priority number 1. That disease management triumvirate, to me, is crucial. Even if one person is more in charge than the others, we can't afford not to have a strong voice for agriculture sitting right there at the top.

I have to tell you that when I made that presentation to Jim Young's committee, there was a large group of people. There had to be at least 20—some people in the room and they represented five different ministries, I believe, and they have been meeting for some time. That was the first time Dr Alves had been invited to that meeting, and he wasn't sitting around the main table; he was in the corner. That spoke volumes to me, and I think it's a serious oversight.

The Acting Chair: We asked Dr Young or whoever made the presentation, or one of the ministry presenters, who is the chief veterinary officer of Ontario and do we know his name? I think that's the first time any of us knew there was such a position. That's why I think it's important for him to come out of the corner and appear before this committee.

Ms Whale: I do too. He's a quiet, shy man, so you have to pull it out of him.

The Acting Chair: We'll do that. David Zimmer?

Mr Zimmer: Are there other jurisdictions in North America—in the US or in Canada—that have a role for a chief veterinarian?

Ms Whale: Yes, virtually all of them.

Mr Zimmer: Ontario being the exception?

Ms Whale: Absolutely.

Mr Zimmer: In Canada also?

Ms Whale: Yes. Just to go back to North Carolina again, because they have a system down there that just makes you want to weep—

Mr Zimmer: For good?

Ms Whale: Yes, for good. They're just amazingly efficient and effective. If the chief state veterinarian there sees a potential outbreak occurring on your farm, he can make the decision right there on the spot to quarantine you and to set up an emergency zone. He informs the governor of the state of what he has done. Our chief provincial veterinarian will tell you that he has at least

eight layers to go through. That's impossible. You can't do it.

Mr Zimmer: Thank you.

Mr Wilkinson: Just quickly, with what happened in British Columbia, some of the things I've read anecdotally, there hasn't been a full debriefing of what went right and what went wrong like we've been doing here. That whole economic disaster could have been mitigated substantially—

Ms Whale: Yes.

Mr Wilkinson: —if they had been able to jump on this at the source farm, like at ground zero, and get a hold of this right away. It is a huge industry there. Deborah, you would probably know more from the example of British Columbia of where things fell down.

Ms Whale: There were some major disasters out there, and not the least of it was that because this was a zoonotic disease, instantly public health—human health—officials take over. They messed up what should have been done in agriculture, and that's why I say we need an agricultural voice there, making those decisions as well.

I could list some of the disasters that occurred, but interestingly, as we put together our agenda for August 31—of course, we invite CFIA and OMAF to sit on all of our boards and committees. Nothing is done in secret, believe me. Last June, after the outbreak in BC, CFIA convened a debrief. They were down as speakers for the August 31 agenda. They called me in July and said, "We want you to cancel August 31."

I said, "Why would I do that?"

"Because we are not ready."

I said, "You did your debrief in June. You are ready. You already know, as well as I do, what went wrong."

Well, they still weren't ready. But the point is that it could happen here tomorrow. We can't always not be ready.

So I said, "We will not cancel it. This is an industry initiative. We're not using anybody else's money but our money. It will go forward."

Now, CFIA sort of backtracked a bit and they're back on the agenda, but it will be extremely interesting to hear what they have to say. Nevertheless, it won't matter, because we have veterinarians—

The Acting Chair: Excuse me. Could you just put on the record what CFIA is?

Mr Wilkinson: Canadian Food Inspection Agency.

The Acting Chair: OK.

Ms Whale: We have veterinarians and producers who will be speaking at that meeting. There is one person from the BC government who, if she holds true to her word, is going to speak out loudly and clearly. So it will be very interesting, I think.

The Acting Chair: So the CFIA is the Canadian Food Inspection Agency?

Ms Whale: Yes.

The Acting Chair: They're going to be half ready, I guess.

Ms Whale: I guess. We'll see.

The Acting Chair: David Zimmer.

Mr Zimmer: Just coming back to the eight layers the vet has to go through. Can you walk me through those eight layers?

Ms Whale: No, I couldn't. I think only David could walk you through them. But the thing is, you can't go through eight layers and make a decision that has to be made, because we figure that experience in jurisdiction after jurisdiction where there have been outbreaks has told us that if you do not contain it in the first four to six hours, it's literally gone.

The Acting Chair: I think we are certainly a lot more aware of the urgency of animal health as a result of your presentation. Hopefully your coalition can help us, as a committee. We will be putting together a report, and we will also be putting forth draft legislation that has to go through the democratic processes here. We hope we can continue to elicit your co-operation as we go through this, because I think the committee is beginning to understand more and more the urgency that is before us in terms of protecting Ontarians' health. Zoonotic dangers are much more focused for us as a committee than they were before. It's been brought up a number of times, and you've really articulated it in the most comprehensive way. Again, Deborah, on behalf of the committee and the Legislature, I'd like to thank you for such an impressive presentation.

Ms Whale: Thank you very much. We'll be in touch.

The Acting Chair: We'll now recess until 3 pm, when we have the nuclear energy regulators. The Canadian Nuclear Safety Commission will be coming in by teleconference at 3 pm.

The committee recessed from 1418 to 1506.

CANADIAN NUCLEAR SAFETY COMMISSION

The Acting Chair: Good afternoon, ladies and gentlemen. We're here to reconvene our afternoon session. On the line with us from Ottawa is Mr André Régimbald, the director of technical services division of the Canadian Nuclear Safety Commission. Welcome.

Mr Régimbald, just to let you know, we are a committee that's been given the mandate to review existing emergency management statutes in Ontario with the view of writing a report and legislation on these various issues dealing with emergency management. So we are more than happy to have you with us by teleconference this afternoon from Ottawa. We have a format where you can give a presentation of 10 to 15 minutes, giving an overview of your responsibilities and your mandated emergency preparedness, and then members of the legislative committee will ask you questions.

Mr André Régimbald: Good afternoon, members of the committee and ladies and gentlemen. My name is André Régimbald. I am the director of the technical services division. Currently, I am the director responsible for the CNSC nuclear emergency management program. With me this afternoon I have Mr Michael Callighen,

who is one of the nuclear emergency management program officers working under me.

I assume that a copy of my presentation has been distributed to the committee members.

The Acting Chair: Yes, we have copies. Thank you.

Mr Régimbald: So we will start. If everybody turns to slide 2, I'd like to talk about the legislative basis first, a little bit about the act and mandate, and also the emergency act. Then I'll touch upon nuclear emergency management per se, explaining our role and responsibilities if there is a nuclear emergency. There's a short conclusion and a period for questions.

Please now turn to page 3. I'll start with the legislative basis. The CNSC's legislative basis is essentially entrenched in the Nuclear Safety and Control Act—this is a federal act—but also the CNSC has obligations under the federal Emergency Preparedness Act. How does the CNSC mandate conciliate roles and responsibilities under both acts?

Turning to page 4, starting with the Nuclear Safety and Control Act, the act was passed in 2000 although it was replacing an older act, the Atomic Energy Control Act, which was passed in 1946. The new act, NSCA, is a more modern act which outlines the objects of the commission and purpose of regulating nuclear energy in Canada. Basically, its purpose is in general twofold: First, the act is there to provide a framework, a legislative basis, to limit the risk to national security, health and safety, and the environment associated with nuclear substances and prescribed equipment. Also, the other purpose is to implement in Canada international measures of control with respect to nuclear energy that Canada has agreed to.

Moving on to slide number 5, the Nuclear Safety and Control Act applies to all persons in Canada, including Her Majesty in right of Canada or a province. It does not apply to nuclear-powered vessels that are invited to Canada. Also, it does not apply to the Department of National Defence; they are covered under a special exclusion order.

Turning to page 6: the CNSC mandate is, first, to regulate nuclear energy, nuclear substances, prescribed equipment and prescribed information. The nuclear substances and equipment are, for example, nuclear power stations in the provinces of Ontario, Quebec and New Brunswick. There are also uranium mines located in Saskatchewan, and there are fuel fabrication facilities located mostly in Ontario. Also, there are nuclear research laboratories, medical applications of radioisotopes, industrial applications as well, radioactive waste management. These are essentially the areas of activities that we regulate.

We also implement measures of control and international obligations for the peaceful uses of nuclear energy. Canada is a signatory of the nuclear non-proliferation treaty, so we have agreed to international measures to be implemented in Canada with respect to the peaceful use of nuclear energy.

Third, our mandate is to disseminate scientific, technical and regulatory information to the public on our

activities and also on the effects of nuclear energy and nuclear substances on persons and the environment.

The next slide, page 7: The federal Emergency Preparedness Act's purpose is advancing civil preparedness in Canada for emergencies of all types by facilitating and coordinating the development and implementation of civil emergency plans.

The Emergency Preparedness Act finds all the federal crown corporations and ministers and it imposes obligations on ministers to develop civil emergency or civil preparedness plans in the areas of their interests. For us, obligations on the CNSC under that act are that we need to identify the emergency contingencies that are within our mandate, our area of accountability, and develop an appropriate civil emergency plan.

Just in parentheses, we are an independent organization, an independent federal agency. We do not report directly to Parliament but we report via the federal Minister of Natural Resources. So our act identifies the minister as being the Minister of Natural Resources and it is our obligation through that way that we abide by the Emergency Preparedness Act.

Moving on to page 8: Nuclear emergency management at the CNSC means that we see it as an integral part of protecting public safety, security and the environment. We have a vital interest in the effectiveness of nuclear emergency preparedness and response in Canada. Therefore, we have two roles in nuclear emergency management. We have our role as a regulator and we also have a role of responding to an emergency, and I'll go into the details.

Turning to page 9, talking about the CNSC role as a regulator: First and foremost, we verify compliance of licensees' emergency preparedness and response plans. So as part of our licensing activity, we look at licensees' emergency preparedness plans and, once we are satisfied with those plans, we approve them and they become part of their licence. They have to comply with that plan when there's an emergency. Our job is to verify compliance with those terms.

We also need to verify compliance with other regulatory requirements in the NSC Act, in regulations and also in other licences.

Thirdly, we need to verify compliance with international obligations that are imposed upon us.

We ensure that actions taken by any person, including the licensee and those who are involved in responding to the emergency, are appropriate to, limit risks to a reasonable level.

Finally, an important role we have is that we convey and disseminate information about the emergency to the public.

Turning to page 10: As a responder, we implement our nuclear emergency response plan in accordance with the scale of the emergency. In other words, we devote the right amount of effort in response to the kind of emergency. We would certainly devote a lot of effort if, for example, there is a major incident at a power reactor station. Inversely, at the other end of the scale, we would

probably assign just a few staff to respond to a minor incident.

The second role we have is that we manage our CNSC emergency operations centre as required.

The third role, which is a very important role, is to assist federal and provincial authorities in coordinating emergency activities. The way it functions is, if there's an incident occurring at a licensee's site, the primary responsibility for dealing with the emergency is with the licensee. The licensee is primarily responsible for all safety aspects and making decisions and engaging in emergency actions at the site. If there is a possibility or potential for an off-site leak, the licensee contacts the provincial authorities, the emergency management organizations, and then the province would take charge in deciding what kind of action to do in response to the emergency. If it goes beyond or if the province needs assistance from the federal department, they would phone the national support centre and the federal nuclear emergency plan would kick in. Currently, Health Canada is the federal lead department to execute the federal nuclear emergency plan, but the CNSC and other departments participate in the plan so that we offer a co-ordinated response to the problem.

Moving on, we also provide scientific and technical advice to federal and provincial authorities and to first responders to assist them in dealing with the emergency. This technical and scientific advice would be mostly in the area of radiation protection.

Lastly, we also provide on-site technical field support as needed.

Moving on to page 11: During a nuclear emergency it's important to keep in mind that our role as a regulator does not diminish. In other words, we don't leave the powers of the act behind. The Nuclear Safety and Control Act exists at all times and applies at all times, and the powers of inspectors and designated officers under that act are unchanged. So inspectors do retain the authority to enter and inspect locations where they believe there might be a nuclear substance. They can take measurements, take samples, and they can issue orders if they feel the situation warrants those.

Also, a section of the Nuclear Safety and Control Act allows the CNSC to make emergency orders where circumstances warrant them.

1520

Moving on to page 12: Another important area of activity is coordination and co-operation. Our plan aligns with national and international obligations and expectations. As I mentioned, we need to align our emergency response plan with the federal nuclear emergency plan under the leadership of Health Canada. We also partner with the other federal and provincial departments and agencies through memorandums of understanding. We have to respect any international conventions that are established, and I put in parentheses here "IAEA," which stands for International Atomic Energy Agency. Canada has signed a few agreements in the area of emergency response. Finally, we have agreements with our Amer-

ican counterparts for events that may occur along or close to our border and which may have an implication on the Canadian side or the American side.

In conclusion—page 13—the CNSC implements its nuclear emergency management response plan to the scale of the emergency. We coordinate our emergency response activities with the licensees and other federal, provincial and foreign organizations. We maintain our regulatory role and authority under the NSCA, but also we do have a responder role to play. Finally, we disseminate information to the public in accordance with our mandate.

That concludes my presentation. Mr Callighen and myself will be more than happy to answer any questions that the members might have.

The Acting Chair: Thank you very much, Mr Régimbald. We'll have questions from the committee. We'll start with MPP Wayne Arthurs from Pickering-Ajax.

Mr Arthurs: I'm going to ask if the delegation would turn to page 11 of their slide deck. Under the emergency powers that may be used under NSCA 47, could you provide a little enhancement? What's the scale and the nature, and how extensive are the emergency powers that the commission can undertake in protecting the environment or health and safety of persons? What range of activities would be envisioned or available under that particular provision of the act?

Mr Régimbald: This provision is intended for very extraordinary situations and circumstances. If I can point to the example that was used in 2001 after the September 11 attacks in the US, the commission members met and decided that extra security measures had to be taken at Canadian nuclear power stations. For the first time, section 47 of the act was used to order these special measures. So you can understand that those were extreme circumstances that required the emergency powers under that provision.

Mr Arthurs: Would the provision allow for activities off-site to a nuclear facility under this particular part of the act?

Mr Régimbald: Yes, the act applies anywhere in Canada, and where the commission considers it necessary in the interests of public safety that an emergency order should be made, then it wouldn't hesitate to do so. But again, the circumstances would have to be extremely out of the ordinary and would have a sense of immediate urgency and life-threatening circumstances and criteria.

To answer your question, yes, it could apply to anywhere, any circumstances, any situation that would occur in Canada.

The Acting Chair: The next question is from MPP John Wilkinson from Middlesex.

Mr Wilkinson: Good afternoon. As I look at this as a layperson, it seems to be unlike other emergencies that we've been dealing with. There just seem to be so many different layers of jurisdiction: municipal, provincial, federal, international. My question is, do you run simulations about the potential for a nuclear emergency? Do

you have the resources to actually run these types of scenarios and try to see whether you would run into these kinds of jurisdictional problems of who does what, and therefore establish the kinds of protocols that will allow all levels of government to work seamlessly in this type of emergency?

Mr Régimbald: Yes, we do conduct regular exercises. Perhaps I'll let Mr Callighen summarize the context and explain to you how these exercises are run.

The Acting Chair: Before he begins, could Mr Callighen please spell his name? This is being recorded in Hansard.

Mr Michael Callighen: My name is Michael Callighen, C-a-l-l-i-g-h-e-n, and I work with the CNSC's nuclear emergency management program.

There are several levels to the way we simulate emergencies. The most basic or simplest is what's called a tabletop. It's just a paper exercise more than anything, and usually tests things like lines of communication and so on. We tend to start at that level and work our way up to major events; you can go as far as international, which we do participate in as well.

The various types of scenarios usually don't come from us. They come from either licensees or—in fact, we're involved in an exercise with the province coming up in the fall, and it's initiated by the province. We test our plan against other plans to make sure they fit together and that we are coordinating with not only the province, in this case, but with other federal departments. Some exercises involve federal-level responders, and others don't involve them at all, but we're there monitoring as the regulator.

Mr Wilkinson: You're dealing with all the different provinces that have nuclear facilities or the potential for you to be involved, and we're grappling with how Ontario is prepared, versus other jurisdictions throughout the world and particularly in Canada. We're trying to identify gaps that need to be filled. Would you be in a position to comment and give us advice if you feel the province of Ontario has gaps that need to be filled?

Mr Callighen: I'm not really in a position to comment on the quality of any of that sort of thing. But the types of exercises we're involved in today are starting to reflect the situation of the world. Regarding the real operational kinds of things we've been prepared for in the past, like breakdowns of equipment and so on, I think Ontario is as well-equipped as anybody. But it's now the world of terrorism, so we're starting to look at some more extreme types of scenarios. Obviously they're very unpredictable and very difficult to be 100% prepared for. But from an operational point of view, I think Ontario is as well-equipped and prepared as anybody.

The Acting Chair: Mr David Zimmer, MPP for Willowdale, has a question.

Mr Zimmer: On page 12 of your slide deck, "Co-ordination and Co-operation," there's a reference to "MOUs with federal and provincial departments and agencies." Could you give us a list of those MOUs with the federal and Ontario departments and agencies?

Mr Régimbald: I'm aware that we have a memorandum of understanding—I believe it's in its final stage of drafting—with Health Canada. We have a memorandum of understanding with Transport Canada involving interests of emergency preparedness and response. We do have a memorandum of understanding with the Ontario government. Michael, do you know if we have them with other provinces?

Mr Callighen: As far as I know, Ontario is the only province we have a documented memorandum of understanding with at the moment.

1530

Mr Zimmer: Is that memorandum of understanding available to this committee?

Mr Callighen: I'm sure it would be.

Mr Zimmer: Could someone follow up to make sure we get that, Mr Chair?

Secondly, in the memorandum of understanding with Ontario, have you got any thoughts on what parts of that MOU you might want to see codified either federally or provincially?

Mr Régimbald: I'm not very familiar with that memorandum of understanding.

Mr Callighen: Mine is probably not a lot better than André's. It's just very short, basically saying that in a crisis we are willing to coordinate and co-operate and provide the necessary resources we have available to us.

Mr Zimmer: If it's in general language, just as you've highlighted, do you have any views on whether that MOU should be in much greater detail and, if so, what kinds of things would you like to see covered in the MOU?

Mr Régimbald: I think it's general enough. It gives the framework; it provides the envelope within which co-operative activities take place.

Mr Callighen: The details are pretty much spelled out, if you want, in the provincial emergency plan. So if you were to look at the provincial nuclear emergency plan you would see places where it specifically mentions that the CNSC will provide this or some other thing or technical expertise to sit on a committee or something. It's probably too detailed to put that sort of thing in the MOU. It's just saying this is the link between the province and the federal government, and then the actual plans—ours and the province's—would contain the details.

Mr Zimmer: Thank you. I look forward to seeing the MOU.

The Acting Chair: A question for either of you: You mentioned your reporting out is done through the Ministry of Natural Resources. Do you have an annual report that you make to the minister?

Mr Régimbald: Yes, we do.

The Acting Chair: Is that made public?

Mr Régimbald: Yes, it is a public document.

The Acting Chair: So your lines of accountability are through that ministry; therefore, the minister can then be questioned in the House.

Mr Régimbald: Yes, absolutely.

The Acting Chair: OK, that's fine. Any other questions?

Wayne Arthurs, MPP, Pickering-Ajax-Uxbridge.

Mr Arthurs: Mr Chair, just to follow up on your question, I'm not sure to what extent you're familiar with the work of Elizabeth Dowdeswell under the Nuclear Waste Management Organization, which she's currently undertaking as it relates to disposal of waste fuel. Her reporting, as I understand—although I don't know whether it will continue once she finishes her work—is directly to Parliament. Do you know that offhand, and if it's an expectation that that organization will continue to have a direct parliamentary report as opposed to a ministerial report?

Mr Régimbald: I think we're not in a position to answer that question.

Mr Arthurs: Fair enough. Thank you.

The Acting Chair: Any further questions? That's all.

On behalf of the committee, and certainly the provincial Legislature of Ontario, I would like to extend our thanks to Mr Régimbald and Mr Callighen for their helpful presentation and overview of the Canadian Nuclear Safety Commission. Please pass on our thanks to your minister and to everyone at the nuclear safety commission. It's been most helpful.

Mr Régimbald: Thank you very much. If you have any questions or would like to receive copies of documents that would be of interest to you, please forward us any requests. You can also consult our Web site at www.nuclearsafety.gc.ca.

Also, I was wondering if it would be possible to have a copy of the proceedings. Could that be made available to us?

The Acting Chair: Yes, you can get those by going on-line to the province of Ontario Legislative Assembly Web site. The Hansard will eventually be made available, probably in two or three weeks. You can get a verbatim transcript. If you can't, just contact the Clerk of the House and we'll get it to you.

Mr Régimbald: OK. Thank you very much.

The Acting Chair: Again, thank you and good day.

If there are no further deputants or questions or comments, we will adjourn for today and resume hearings tomorrow at 10 o'clock with the province of Quebec by teleconference. We're going to have the Deputy Minister of Public Security and his associate deputy ministers tomorrow. We look forward to that.

Mr Brownell: Do we have any of the spots filled in the afternoon?

The Acting Chair: There's no confirmation right now. We're continually going through our list and recalling people who have not responded, but we can't determine that. Right now, it is open.

Mr Brownell: So don't plug in anything. Leave it open.

The Acting Chair: Wait for news. I can't say for sure. Thank you very much. We are now adjourned.

The committee adjourned at 1535.

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