



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

## **Standing Committee on Health**

---

HESA



NUMBER 063



1st SESSION



41st PARLIAMENT

---

**EVIDENCE**

**Tuesday, November 6, 2012**



**Chair**

**Mrs. Joy Smith**



## Standing Committee on Health

Tuesday, November 6, 2012

•(1150)

[English]

**The Chair (Mrs. Joy Smith (Kildonan—St. Paul, CPC)):** Good morning, committee.

**Ms. Libby Davies (Vancouver East, NDP):** A point of order.

**The Chair:** Yes, Ms. Davies.

**Ms. Libby Davies:** Madam Chair, given that we're starting about 45 minutes late because of the vote, and I know that we have witnesses here that we're eager to hear, at the last meeting we had some discussion that we might continue with further consideration of Bill C-45. We had put forward the names of four witnesses. I don't know whether they were contacted, but we would like to see witnesses other than government officials and from the industry. I think it's important we hear other perspectives as well.

I just want to make it clear that if we try to shorten the witnesses' appearance today, I don't think that's a good idea, because we have a number of questions we want to ask. Therefore, I would like to move, based on the fact that we are late starting, and that we're not going to get through this in an hour and 10 minutes, that we go to November 20—

**The Chair:** Ms. Davies, this is not a point of order.

**Ms. Libby Davies:** Well, I would like to move a motion that we go to November 20, so that we can continue to hear witnesses in consideration of the bill. I make that as a motion.

**The Chair:** Dr. Carrie.

**Mr. Colin Carrie (Oshawa, CPC):** I certainly would be in favour of having the witnesses stay here a little bit longer than we originally had planned, at the top of the hour or something like that.

But, Madam Chair, before we did say that maybe we would continue or not, I believe the clerk sent out a request for different amendments. I know I haven't seen any that the opposition put forward, so I'm assuming that everybody is okay with the changes. Obviously, if the opposition had some amendments to put forward, they would have done that. They probably had a chance to read the changes and see that it's a very cost-effective thing we're doing to decrease duplication. Basically, nothing is really going to be changing with this transition, other than making it more efficient.

I think we should just move forward and allow the officials and the witnesses we have here today to get started. Anything that occurs after that, if we think we need to hear some more, certainly we can talk about that in our session afterwards.

**The Chair:** Okay.

I have to deal with the motion.

**Hon. Hedy Fry (Vancouver Centre, Lib.):** Madam Chair, I had my hand up to respond.

**The Chair:** Ms. Fry.

**Hon. Hedy Fry:** Thank you very much, Madam Chair.

I think it's kind of premature to bring forward amendments until we've heard from the witnesses as to what their issues and concerns are and what doesn't concern them, if any concerns arise. I would suggest that not having had any amendments put forward is not an indication that there are not going to be any amendments. I support Ms. Davies' motion.

**The Chair:** Okay.

Ms. Davies, you're on again.

**Ms. Libby Davies:** Very briefly, that was exactly the point I was going to make as well. The fact that there are no amendments now doesn't preclude what might happen. We're also concerned that we do hear from a number of witnesses and then, I would imagine, there will be some lengthy consideration of the bill. That's why I've put forward the motion that we at least have one other day on November 20.

**The Chair:** I can just say, if you'll think back, there was a request from all sides of the House to have a day to discuss. We have only clauses 269 to 298 to consider. We don't have the whole bill. We have just that compacted part. There is a deadline. It has to be in by November 20. Everything has to be in to the finance committee by then. There is a break week coming up. We don't have time. The input is here today. We are all very knowledgeable about this bill. It is not a surprise bill. We have consulted widely about it. We should take that into consideration as well.

I'm going to call for the vote now.

**Ms. Libby Davies:** Can I have a recorded vote, please.

**The Chair:** A recorded vote.

(Motion negated: nays 6; yeas 5 [See *Minutes of Proceedings*])

**The Chair:** Welcome to our committee, witnesses. We're glad that you're here.

We're going to try to give you your full time so we can hear what you have to say. There will be seven minutes for each organization.

Following that, we will go in camera at 12:30 until 1:00 for any discussion during the business meeting on this.

We will begin with Health Canada. We have Suzy McDonald. Is it Dr. Suzy McDonald?

**Ms. Suzy McDonald (Special Advisor to the Assistant Deputy Minister, Assistant Deputy Minister's Office, Healthy Environments and Consumer Safety Branch, Health Canada):** Suzy McDonald.

**The Chair:** We Suzy McDonald, special adviser to the assistant deputy minister. You have seven minutes.

**Ms. Suzy McDonald:** Thank you very much, Madam Chair, members of the committee.

My name is Suzy McDonald. I'm with Health Canada. I thought I'd begin today by providing a brief explanation of the roles of both Health Canada and the Hazardous Materials Information Review Commission, which I'll refer to as the commission, in protecting worker health and safety as it relates to hazardous materials in the workplace.

The workplace hazardous materials information system, also known as WHMIS, is designed to protect worker health and safety while allowing industry to protect confidential business information. This program was established in Canada in 1988 through interlocking federal, provincial, and territorial legislation.

At the federal level the Hazardous Products Act and its associated regulations require suppliers, such as chemical, mining, and petroleum sectors, to classify workplace hazardous materials and provide information on these hazardous materials. Just so we're clear, the vast majority of these materials are workplace chemicals.

Essentially, if you produce a hazardous material for work in the workplace, that hazardous material needs to have a label that identifies the hazards, and it must be accompanied by a material safety data sheet, an MSDS, that provides information to workers on how to handle the product, what personal protective equipment to wear, which first aid measures should be taken if you come into direct contact with the product, and how the product should be disposed of or what you should do in the case of an accidental spill.

When selling or importing hazardous materials for workplace use, the Hazardous Materials Information Review Act, the portion of the bill before you today, enables suppliers and employers to protect confidential business information. Essentially, companies can submit a claim to the commission which reviews the information and ensures that the label and the MSDS contain the correct information even when companies are not going to disclose the actual ingredients.

The commission reviews between 350 and 400 such claims a year. In addition to this, federal, provincial, and territorial occupational health and safety legislation and regulations place requirements on employers to inform and train their workers on the safe use of hazardous products using the labels and the material safety data sheets as provided by suppliers. At the federal level, the Canada Labour Code prescribes these requirements for federally regulated industries.

As set out in the bill before you today, the Hazardous Materials Information Review Act would be amended to transfer the responsibilities and the functions of the commission to Health

Canada and as a result, the commission would cease to stand as a stand-alone agency.

The changes presented in the bill before you are administrative in nature, which means that they make the changes needed so that the commission will no longer be a stand-alone agency. The responsibilities and functions of the commission will not change as they transfer to Health Canada. The changes will not alter the operation of the exemptions permitted for confidential business information.

I would say that the changes to the act fall into a few broad categories. One, it repeals mention of the president and the council of governors as they will no longer exist. Two, it replaces the council of governors, which is established through a governor in council appointment, with a new ministerial advisory council enacted through this legislation. The composition of the new council would mirror that of the existing council. Three, it ensures that the employees and their positions from within the commission are transferred to Health Canada, including any employees who may be impacted by workforce adjustment. Four, it repeals sections of the act that through legislation set out requirements that would no longer be required for a stand-alone agency, an annual report for example.

The amendments to the act will not affect its primary purpose, which is to provide for the granting of exemptions under WHMIS so as to protect confidential business information. All key aspects of the act related to the claim for exemptions remain the same, including registration of claims, issuance of registry numbers, determination of claim validity, determination of compliance of the material safety data sheets and labels, and convening of independent tripartite boards to hear appeals from claimants or affected parties on decisions and orders under the act.

Health Canada already serves as a national coordinator for WHMIS. If the budget bill passes, staff and the commission will be merged with existing WHMIS staff. Moving the confidential business information review role of the commission to Health Canada achieves two objectives: efficiencies and ensuring that the responsibilities for protecting workers can be managed in a balanced, effective and efficient way.

Again, the roles and responsibilities of the commission are not changing as they transfer to Health Canada. The technical experts who work at the commission will continue their work once they transfer to Health Canada, only now they'll work more closely with experts from the WHMIS program across the department.

Both stakeholders and provincial and territorial partners, some of whom are here today, have been notified of the proposed changes and they will continue to be engaged throughout this process.

Thank you.

● (1155)

**The Chair:** Thank you so much for your presentation. It's very much appreciated.

We will go to Ms. Coombs, the president of the Canadian Consumer Specialty Products Association.

**Ms. Shannon Coombs (President, Canadian Consumer Specialty Products Association):** Good afternoon, Madam Chair and members of the committee.

My name is Shannon Coombs, and I am the president of the Canadian Consumer Specialty Products Association, CCSPA. I'm also a member of the council of governors for the Hazardous Materials Information Review Commission.

It's a pleasure to be here today to meet with you and provide a short presentation on our support for the administrative changes included in Bill C-45 for the Hazardous Materials Information Review Commission, HMIRC.

CCSPA is a national trade association that represents 42 member companies across Canada, collectively a \$20-billion industry directly employing 12,000 people. Our companies manufacture, process, package, and distribute consumer, industrial, and institutional specialty products such as soaps and detergents, pest control products, aerosols, hard surface cleaners and disinfectants, deodorizers, and automotive chemicals.

CCSPA members use the services provided by the government under the Hazardous Materials Information Review Act to formally register confidential business information on workplace safety data sheets, a service that the government has provided since 1985. The work of the HMIRC is about ensuring that confidential business information on the data sheets and health and safety information is not compromised. Both are provided effectively to the workers and to industry.

It's unfortunate that there has been some misinformation in the media about the HMIRC role. In no way is the review of chemicals being eliminated from these amendments. Canada is a world leader with a comprehensive approach to chemical management and assessment of both new and existing substances under the chemicals management plan that was announced by the Prime Minister in 2006 and renewed in 2011.

The administrative changes proposed in Bill C-45 are to house the commission within the healthy environments and consumer safety branch, HECSB, of Health Canada. It's our understanding that these changes will save valuable resources. Currently the commission has its own financial full-time equivalent as well as human resources full-time equivalents. Now they will be shared with Health Canada. Including these services within the Department of Health will result in more integrated coordination with the workplace hazardous materials information system, currently housed at HECSB.

We are also supportive of the continued legislative consultation mechanism, which is appointed by the minister and is comprised of the various stakeholders—industry, labour, employers, and the FPT component. This makes for a very robust consultation mechanism for the HMIRA.

In our opinion, the administrative changes will reduce costs and allow Health Canada to assist in responsible expenditure management in budget 2012. The changes will ensure the health and safety of workers while protecting confidential business information and allowing business to be competitive.

Thank you for your time today. I'd be happy to answer any questions the committee members may have.

● (1200)

**The Chair:** Thank you so much for your presentation, which was very helpful, and for your brief. We read it beforehand.

We'll now go to Ms. Coshan.

**Ms. Rita Coshan (Chair, Council of Governors, Hazardous Materials Information Review Commission):** Thank you, Madam Chair, for the invitation to participate in this important discussion.

My name is Rita Coshan, and I am providing remarks on behalf of the council of governors of the Hazardous Materials Information Review Commission. I currently chair this council, which has representation from supplier, employer, and worker organizations, as well as from the different occupational health and safety jurisdictions across Canada, which largely fall under provincial and territorial mandates. In addition to that role, I also have been working in the field of occupational health and safety for over 23 years as a provincial WHMIS coordinator, as a toxicologist, and currently as the director of health services for the Ministry of Labour Relations and Workplace Safety for the Government of Saskatchewan.

In my role at the council of governors, I would like to make a few remarks with respect to the group of amendments in this bill, but I would primarily like to focus my comments on clause 274, which establishes a legislated external advisory committee to advise the Minister of Health on matters related to the act to replace the current council of governors.

The council of governors recognizes this bill will amalgamate the commission and the national office of WHMIS within a directorate of Health Canada. This has the potential to enhance hazard communication in the workplace and result in more informed and protected workers. The amalgamation of these functions presents many opportunities to share complementary technical, policy, and enforcement expertise and resources for synergistic improvements in service delivery. This is particularly important as we move forward to adopt the global harmonization system into WHMIS in a very timely and time-compressed manner.

The amendment contained in clause 274 replaces the current council of governors with a ministerial advisory council that has the same stakeholder representation as the current council specified in the legislation. It has a broader role than that of the current council in that it is granted legislative authority to advise the minister on all aspects of the act. The effectiveness of the current council of governors' advisory capacity has been exercised in recent times. The amendment to create the legislated advisory council was a recommendation of the council of governors. The council of governors has also recently provided advice to the Minister of Health with respect to products that are excluded from the Hazardous Products Act and thus not subject to HMIRA provisions. We anticipate these recommendations will be addressed in the upcoming amendments to the Hazardous Products Act.

The need for an effective ministerial advisory committee is related to the fact that chemical hazard communication in the workplace falls within the mandates of both labour and health in provincial, territorial and federal legislation. Many of the outcomes of effective WHMIS and confidential business information protection are seen in the workplace. The workers, employers, and the workplace occupational health inspectorate have a very front line view of how well this communication is occurring, and how well the confidential business information is being protected. They have a front line view of whether or not the intended outcomes of informed and protected workers are occurring. It has been my experience that workplace stakeholders primarily raise their concerns and most directly communicate within the occupational safety and health, OSH, framework of labour ministries.

At the same time, the commission and the national office of WHMIS have very much benefited from their association with Health Canada and their access to its expertise and experience with a broad spectrum of hazardous materials and enforcement programs. This overlap into the mandates of two types of ministries and several levels of government means that continuing communication and partnerships are keys to its ongoing success. Key too is the profile of this workplace-based program as a directorate within Health Canada.

• (1205)

Health Canada is a very large and complex ministry with abundant and competing pressures.

I would like to end by saying that all stakeholders will have to continue to work very diligently and cooperatively with Health Canada to ensure that the profile and success of this important program is maintained.

Thank you again, Madam Chair. I'd be happy to answer any questions.

**The Chair:** I want to thank the witnesses for their insightful comments.

We're now going into our Qs and As. We will have seven minutes for Qs and As, beginning with Ms. Davies.

**Ms. Libby Davies:** Thank you very much, Chairperson, and thank you to the witnesses for being here today.

I want to register my deep concern about how this is being rushed through. Basically, we have an hour and 15 minutes to hear witnesses, go through a significant portion of a bill that relates to our

committee, discuss what we're going to do, and presumably get something back to the finance committee. It's really a sham of a public process that is taking place here.

These are significant changes. I know it's being presented as though they were just administrative, but the more one looks at this—and of course we haven't had a lot of time to look at it, but the more one does look at it—one can see that there's a bigger picture emerging that is basically a shift of delegation and authority from independent bodies to the minister's office. It's being done under the guise of administration, possibly cost saving, but it does raise serious questions. This is just one small piece of a much bigger puzzle that's taking place.

I make those remarks as my preface to the questions.

Presumably when this was set up in 1988, as you've told us, Ms. McDonald, it was interlocking federal, provincial and territorial legislation. It seems to me that there were likely some reasons that it was construed to be an arm's-length, stand-alone independent agency with its governors and so on.

As I understand it, this change that is taking place allegedly is administrative. Basically the appointments were done before through governor in council, so they were public. It's not clear now that these people will be appointed by the minister, whether or not it will be public, what the criteria will be. We need to get an answer to that.

There's also a lot of concern that previously the commission could instigate independent boards to hear appeals. Now we know that the minister can designate any individual as the chief appeal officer and that the individuals on the appeal boards will have to be suggested by whom? The minister. It seems to me that there's a very conflicting relationship here from what we had, which was an independent board set up by legislation with the provinces, to now a very cozy situation. In fact, one could argue that having a stand-alone commission meant there was some independence from—yes, you're correct—a very complex organization, Health Canada. My concern is that now this will be completely buried and nobody will ever know what's going on because it's so much under the control of the minister's office.

I wonder if you could respond to those concerns and tell me whether or not any consultation has taken place with the provinces and the territories on these changes in Bill C-45. We know that they were very much a part of the process. What consultation has taken place? Now that this body is completely terminated and put under the control of the minister, what do the provinces and the territories have to say about that?

• (1210)

**The Chair:** Ms. McDonald, do you want to take that question?

**Ms. Suzy McDonald:** Thank you very much for the question.

I'm going to break it down into pieces. I think there was a question around the council and how that will operate. There was a question around the independence of the boards, and a question around consultation. There was your first question of why it was set up as an independent commission and why it would no longer be required to be a stand-alone agency.

Again, back in 1988, when WHMIS was established—I wasn't around at the time—there was, I think, a fair amount of concern from industry around how confidential business information would be handled and whether or not Health Canada or another department, I think it was consumer and corporate affairs at the time under the labour program, had the ability to keep that information separate and safe. I think there were also issues around how industry could ensure that the appeals process was being kept separate.

I'll leave it at that, and if you have other questions, I can come back to you with further background on it.

With regard to the new ministerial advisory council, Health Canada has a public document on external advisory bodies that sets out our policy for how external advisory bodies are handled. We would be establishing the council using those same criteria, but very much based on what currently exists in the current council. I think both Shannon and Rita have indicated that the legislation indicates that the membership would be made up of the same kinds of representation. Again, we'd look for nominations to those councils. The council members themselves would vote on the chair, as they currently do under the current council.

One change with respect to the council is that currently the council's ability to provide information is limited to specific issues such as advice on the appeals process, advice on fees. Within the scope of the legislation, we're indicating that the new ministerial advisory council could provide information or advice on any aspect of the Hazardous Materials Information Review Act. There's a bit of a change in the scope in terms of their ability to provide wider advice.

**Ms. Libby Davies:** That could have been done under the commission. If there was an interest to have a broader consultation with the minister or the department, that could have happened under the existing structure, I'm sure.

**Ms. Suzy McDonald:** Presumably so, but I'm laying out the changes as they are in the new act, right?

With regard to the independence of the boards, I think you raise an important question. Let's start with the designation of the screening officer. The designation of the screening officer within the current council is done by the president of the council. Essentially, the screening officer is a CO-3 in the current organization, so actually an employee within the commission. While the new legislation indicates that the screening officer would be appointed by the minister, the screening officer would remain an employee within the Department of Health who acts as that screening officer.

With regard to the independence of the boards themselves, currently boards are set up with representative groups who are able to put forward nominations of who from those representative groups should be appointed, or are able to be appointed to boards.

●(1215)

**The Chair:** I'm sorry, Ms. McDonald. We're over time and we're short of time, so I'll have to leave it there for right now. We'll go to Dr. Carrie.

**Mr. Colin Carrie:** Thank you very much, Madam Chair.

I'm going to say a few things and allow Ms. McDonald to continue. We heard earlier misinformation being spread about what these changes mean, and I think we've figured out where it came from. I would like Ms. McDonald to correct it on the record.

My colleague said this is being run by the minister's office. I think it's very clear that it will be run by the bureaucracy without the political side of things. You mentioned the appointments that are pretty much going to continue being done the way they are. I think the provinces, territories and stakeholders are the ones who put forward these nominations.

You mentioned, too, when we heard that things are going to be restricted, you're actually saying they will be expanded with the new things.

I was wondering if you could continue. I know you were interrupted, but I would like to hear what you have to say to correct the record.

**Ms. Suzy McDonald:** Taking a step back again, to reiterate, the chief screening officer is delegated within the statute and the functions and duties under the act don't change, of course. Again, they would be designated. An employee within the new directorate would be designated to take on that role.

With regard to the nomination of the chair of the appeal board—I think that's where I was—the jurisdiction in which the appeal takes place nominates the chair, so lieutenant governors in council for an appeal under the Hazardous Products Act, and the minister of labour for appeals under the Canada Labour Code. The chair of that independent committee or appeals board then selects two other members, and again, those come from nominations from representative organizations. Industry or suppliers would be able to put forward nominations for people to sit on appeal boards, as would workers be able to put forward nominations for people to sit on those appeal boards.

Those three folks form the appeal board. The appeal board remains independent from the Minister of Health. Yes, certainly the department could make representation at an appeal board, but the appeal board is an independent body and it remains an independent body under this act.

**Mr. Colin Carrie:** Good. Thank you very much.

I'll continue on with some questions. Ms. Coombs, I very much appreciate your being here and giving us input, correcting the record on a lot of misinformation that's out there.

You are actually one of the board members of HMIRC, right?

**Ms. Shannon Coombs:** Yes, I am.

**Mr. Colin Carrie:** You're on the board. Do you think Canadians will be as protected as before?

**Ms. Shannon Coombs:** Absolutely. We don't see anything changing in the current processes. The officials who are working at HMIRC will become Health Canada officials. We can see the continuation of the day-to-day work with respect to the review of the confidential business information, ensuring that worker health and safety is protected as well.

**Mr. Colin Carrie:** Excellent. My understanding is, and I think Rita brought it up, there actually is an opportunity now, by making these changes, to have enhanced communication through amalgamation so that things will be not only more efficient and cost-effective, but we also might get better communication.

One of the things I heard, though, is that there were concerns about confidential business information. Maybe Ms. Coombs or another witness could comment. Do you think the confidential business information will be maintained and the appeals process will remain as it was before?

**Ms. Shannon Coombs:** Absolutely. We don't see anything changing really other than an address, and resources being saved due to the backroom approach they're taking at Health Canada, with sharing resources for human resources and for the financial people. We see it as status quo, a continuation of the very rigorous process they currently have in place.

**Mr. Colin Carrie:** Ms. Coshan, do you have any comments on that?

**Ms. Rita Coshan:** I would agree. Yes, it is an administrative change. The process is still in place. These are changes that would be necessary to move this into a government ministry. When you read the amendments, they basically describe the same processes and functions that are in place.

**Mr. Colin Carrie:** Do I have a little bit of time left?

**The Chair:** You do. You have three minutes.

**Mr. Colin Carrie:** Okay, good.

Ms. McDonald, as far as the responsibilities and the functions of the Hazardous Materials Information Review Commission are concerned, will those change as they're transferred to Health Canada?

• (1220)

**Ms. Suzy McDonald:** No. The intention is that the roles and the functions of the Hazardous Materials Information Review Commission, as they transfer to Health Canada, will remain the same. I think folks have indicated before that the one benefit of that change is they are going to be consolidated with the group that runs the national office of WHMIS, the group that already has responsibility within the Department of Health for setting out the criteria and the requirements for protecting worker health and safety.

Again, what HMIRC does within that broader program is confidential business information only.

**Mr. Colin Carrie:** Excellent. You're talking about bringing things together. I understand that Health Canada and the commissioner are working together to make sure the transition is as seamless as possible for both staff and stakeholders. We are doing this and there is going to be a cost savings and decreased duplication.

I was wondering if you could explain for the committee how the changes will prevent duplication of back office duties.

**Ms. Suzy McDonald:** Sure. I believe Shannon mentioned it briefly.

Essentially as a stand-alone agency, there is a whole set of requirements that need to be met, including annual reporting requirements under the Financial Administration Act, and other pieces of legislation. In addition, there's a requirement to have full-time human resources help, full-time communications help, full-time financial help.

The plan would be to move the staff from the commission into a directorate within Health Canada. We would then use the services that already exist for the healthy environment and consumer safety branch to provide communication support and financial support and all of the corporate level support that is required. I think the savings are really a result of what's been referred to as backroom operations. Again, none of the technical expertise is being touched at all in this kind of transfer. It really is administrative savings.

**Mr. Colin Carrie:** That sounds like something we should have done a long time ago.

Do I have a couple more minutes?

**The Chair:** You have about 30 seconds.

**Mr. Colin Carrie:** I'll ask a real quick one, then. What's Health Canada doing to make the transition as smooth as possible for staff and stakeholders?

**Ms. Suzy McDonald:** Certainly we have been working with both staff and stakeholders, letting them know about the changes along the way, consulting them as much as possible. Staff had been made aware of the changes. I think for the most part they seem to be supportive of the changes and see the possibility for opportunity within a larger organization.

To build on the scientific expertise, Shannon was mentioning the chemicals management plan. They'll be able to access those resources far more freely now than they were able to in the past to broaden the worker health protections.

**The Chair:** Okay. Thank you so very much.

Now we'll go to Dr. Fry.

**Hon. Hedy Fry:** Thank you very much, Madam Chair.

I want to echo some of Ms. Davies' concerns about this administrative change.

Possibly the thing that concerns me most is the lack of a requirement to report, both the financial reporting issue and the reporting of what has gone on in that year. These are important ways of being transparent and accountable not only to the public but to Parliament, to everyone, through a report. That will be gone.

I am concerned about the watering down of accountability and transparency that seems to be occurring in every part of government and in every department of government in the name of cost savings. Sometimes it's necessary to incur costs in order to keep things clearly transparent and clearly accountable. The accountability and the transparency is a big piece for me.



When you answered Ms. Davies' question on a couple of the issues that she brought forward, you said that in 1988, when this was brought about, there had been concerns even then about industry security, etc. That was 24 years ago. Can you give me examples during those 24 years where industry security has been compromised, where there is reason to believe that over the 24 years this did not work well and that there was a huge risk for industry during that time? I have to tell you, this is the first I have heard of this.

I always think that you can look for cost savings in many ways, but sometimes cost savings don't make sense. We now have an advisory committee that is going to be decided on, it says, by the department, but the minister has to rubber-stamp those. It isn't free of ministerial interference or ministerial oversight. Everything in a department has ministerial oversight. To suggest the minister will no longer be involved in it and that it will really be a department working on its own, means that people don't understand or aren't aware of how departments work, and what the minister's role is vis-à-vis a department, and what cabinet's role is vis-à-vis departments.

My concern is that the minister has had advisory boards in the past, on sodium, on issues such as high-energy drinks and trans fats. In every instance going back to 2007, ministers have completely ignored their advisory boards. My concern here is about the teeth. It's one thing to suggest that the process is going to shift and that's all, but what about the teeth that come with an independent body? This is something I am concerned about. I would like to get some answers on how you are going to put teeth in this when we've seen from past experience with this particular ministry there have been no teeth as far as ministers are concerned, and they've ignored advisory boards any time they wished.

I want to know what complaints you've had since 1988, over the last 24 years, that have told you that this system does not work and that industry security has been compromised by it.

I would really like to know how the minister's fine hand will not be seen to be apparent in all of her appointments that she is rubber-stamping, or not. There is absolutely no way that will go before a committee, as Ms. Davies pointed out, that would suggest these appointees have to be vetted etc.

One could quite easily have the fox watching the henhouse because of certain appointments. It's a case of saying, "Trust me, I'm the department. Trust me, I'm the minister." That is not an acceptable way for a government to be run. This is not a private sector enterprise. This is a government enterprise, and therefore government has to continually be accountable. This has to be done in a way that is not only seen to be transparent, but accountability has to be real.

Those are my concerns. I'd like those pieces commented on and answered, please.

•(1225)

**The Chair:** Ms. McDonald.

**Ms. Suzy McDonald:** Thank you very much, Madam Chair.

Let me start with the question of accountability. I know I mentioned previously there would no longer be a requirement for an annual report, but that certainly doesn't mean there is not a

requirement for public reporting on what's happening within the commission.

As you all know, government departments are required to report on the program activity architecture, for example. Therefore, in a new program within Health Canada there would be reporting requirements through the Department of Health's annual report, through the Department of Health's annual DPRs and RPPs. It would be included in those. Certainly there would be an ability to indicate the dollars spent on this. Certainly, there would be an ability to look at the types of confidential business information that's been—

**Hon. Hedy Fry:** We've seen how that works. You have not given me any sort of feeling of confidence.

Tell me about the last 24 years in the industry. Have there been security leaks, breaches?

**Ms. Suzy McDonald:** I think perhaps there was a misunderstanding in what I said earlier. I was saying in 1988, when it was originally established, there was concern on the part of industry that Health Canada would not be able to keep its information safe and secure. Thus, there was a desire to see a separate, independent body hold their confidential business information holdings.

I think there's been an evolution in the last 24 years in which we've seen that in fact the Department of Health has a very good track record of keeping confidential business information confidential. I don't want to speak for industry, but I believe there's a feeling out there that there's no longer a requirement that we need a separate entity or a separate body to keep that information. In fact, the Department of Health has appropriate structures in place to do that.

**Hon. Hedy Fry:** Therefore, there have been no reasons to fear that the past system over the last 24 years had created breaches.

There's one final thing. I think Ms. Davies asked about whether or not provinces and territories had been consulted around this issue. Have they? What is their response?

**Ms. Suzy McDonald:** Indeed, provinces and territories were made aware so those who sit on both the council—

**Hon. Hedy Fry:** Were they consulted, though? Being made aware and being consulted are two different things.

**Ms. Suzy McDonald:** That's a good point. Actually, they both were. They were made aware immediately. As soon as the department was aware, we heard in the budget what was happening, we contacted the current council of governors. In addition, Health Canada has another stakeholder group called the Intergovernmental WHMIS Coordinating Committee. They were consulted as well.

In the interim they've had a chance to provide advice and feedback. I believe Rita mentioned the fact that it was provinces and territories through the council of governors that provided the recommendation that there be a legislative ministerial advisory council within this new piece of legislation.

Generally speaking, the provinces and territories have been very positive in their reaction to this, and they do see it as an opportunity for expanded worker health and safety.

**Hon. Hedy Fry:** Could that advisory committee not have been put in under the existing board of governors?

**Ms. Suzy McDonald:** There is currently an advisory committee under the current—

**Hon. Hedy Fry:** What is different about this one?

**Ms. Suzy McDonald:** The only difference is that within the Department of Health, or within a department, we can't have an independent advisory board. We would need to have a legislated advisory board, so we took the steps we could to make sure there was as much strength to that advisory board as possible. Another alternative would have been to have just an advisory board.

• (1230)

**Hon. Hedy Fry:** Thank you very much.

**The Chair:** Ms. McDonald, I'm so sorry to cut you off, but time is up and we just have half an hour to go over amendments.

I will be suspending for two minutes.

I want to thank our witnesses for coming today and giving us that very insightful presentation.

Dr. Carrie.

**Mr. Colin Carrie:** Would it be okay if we had the official from Health Canada stay while we went through the proposed amendments? I'm not sure what the opposition would be bringing forth, but we could get her advice on these things.

**The Chair:** Is it okay with the committee to have the official stay in case we needed some answers?

**Some hon. members:** Agreed.

**The Chair:** Great.

*[Proceedings continue in camera]*

---







**MAIL  POSTE**

Canada Post Corporation / Société canadienne des postes

Postage paid

Port payé

**Lettermail**

**Poste-lettre**

**1782711  
Ottawa**

*If undelivered, return COVER ONLY to:*  
Publishing and Depository Services  
Public Works and Government Services Canada  
Ottawa, Ontario K1A 0S5

*En cas de non-livraison,  
retourner cette COUVERTURE SEULEMENT à :*  
Les Éditions et Services de dépôt  
Travaux publics et Services gouvernementaux Canada  
Ottawa (Ontario) K1A 0S5

Published under the authority of the Speaker of  
the House of Commons

### **SPEAKER'S PERMISSION**

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Additional copies may be obtained from: Publishing and  
Depository Services  
Public Works and Government Services Canada  
Ottawa, Ontario K1A 0S5  
Telephone: 613-941-5995 or 1-800-635-7943  
Fax: 613-954-5779 or 1-800-565-7757  
publications@tpsgc-pwgsc.gc.ca  
http://publications.gc.ca

Also available on the Parliament of Canada Web Site at the  
following address: <http://www.parl.gc.ca>

Publié en conformité de l'autorité  
du Président de la Chambre des communes

### **PERMISSION DU PRÉSIDENT**

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

On peut obtenir des copies supplémentaires en écrivant à : Les  
Éditions et Services de dépôt  
Travaux publics et Services gouvernementaux Canada  
Ottawa (Ontario) K1A 0S5  
Téléphone : 613-941-5995 ou 1-800-635-7943  
Télécopieur : 613-954-5779 ou 1-800-565-7757  
publications@tpsgc-pwgsc.gc.ca  
http://publications.gc.ca

Aussi disponible sur le site Web du Parlement du Canada à  
l'adresse suivante : <http://www.parl.gc.ca>