



ISSN 1180-4386

**Legislative Assembly
of Ontario**

First Session, 41st Parliament

**Assemblée législative
de l'Ontario**

Première session, 41^e législature

**Official Report
of Debates
(Hansard)**

Thursday 4 June 2015

**Journal
des débats
(Hansard)**

Jeudi 4 juin 2015

**Standing Committee on
Finance and Economic Affairs**

Microbead Elimination
and Monitoring Act, 2015

**Comité permanent des finances
et des affaires économiques**

Loi de 2015 sur l'élimination
et le contrôle des microbilles

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Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
FINANCE AND ECONOMIC AFFAIRS**

**COMITÉ PERMANENT DES FINANCES
ET DES AFFAIRES ÉCONOMIQUES**

Thursday 4 June 2015

Jeudi 4 juin 2015

The committee met at 1401 in room 151.

**MICROBEAD ELIMINATION
AND MONITORING ACT, 2015**

**LOI DE 2015 SUR L'ÉLIMINATION
ET LE CONTRÔLE DES MICROBILLES**

Consideration of the following bill:

Bill 75, An Act with respect to microbeads / Projet de loi 75, Loi concernant les microbilles.

The Chair (Ms. Soo Wong): I'm going to call the meeting to order. We're meeting today to consider Bill 75, An Act with respect to microbeads. Pursuant to—

Interjections.

The Chair (Ms. Soo Wong): Excuse me. I've started the meeting. Please.

Pursuant to the order of the House dated Monday, June 1, 2015, the witnesses will each be granted up to five minutes for their presentations, followed by nine minutes of questioning from the committee, or three minutes from each caucus. I ask committee members to keep the questions brief, in order to allow maximum time for the witnesses to respond. Do we have any questions before we begin? I see none.

LAKE ONTARIO WATERKEEPER

The Chair (Ms. Soo Wong): I'm going to call the first witness forward. I believe it's Lake Ontario Waterkeeper, Krystyn Tully, vice-president. Welcome and good afternoon. Ms. Tully, can you please, when you begin, start by identifying yourself for the purposes of Hansard? This round of questions will start with the official opposition party. You may begin any time. Thank you.

Ms. Krystyn Tully: Thank you. I'm Krystyn Tully. I'm the vice-president and co-founder of Lake Ontario Waterkeeper. We are a Canadian charity, and we work for a swimmable, drinkable, fishable future. We have Canada-wide programs, such as our Swim Guide and the National Water Centre, but I'm here today to talk about the lake that sustains more Canadians and more Ontarians than any other body of water, which is Lake Ontario. At Waterkeeper, we believe that the way we treat our waterways reflects our true values as a society. By extension, how we treat Lake Ontario reflects the true values of Ontarians.

The science on microbeads is clear and uncontested. Other speakers have summed it up well, so I won't spend much time today rehashing what others have said. The bill itself is also six short sections—it speaks for itself—so I don't think my job is to explain those things to you. My goal today is to help you understand why this bill, as Waterkeeper understands it, is important to Lake Ontario and to Great Lakes communities.

In the handout that you have, there is a stress map of the Great Lakes. As you can see, Lake Ontario is not doing well. Red indicates a high level of stress, and every square kilometre of Lake Ontario is at risk. We didn't get to this point because people got together and said, "Hey, we should go and destroy the Great Lakes." We got here because too many people said too many times, "This is just minor harm," or, "We can wait; someone else will fix it."

With microbeads, we can't afford to make the same mistake. Microbeads harm the lakes directly. They also threaten to undermine 30 years of investment in Great Lakes restoration and protection.

I have a poll. I'd like you to raise your hand if you are having fish from Lake Ontario for dinner tonight.

Interjections.

Ms. Krystyn Tully: For the record, I believe that Minister Murray raised his hand.

One of the largest bodies of fresh water on Earth is a few blocks away from us, yet we source our food from other places.

Many Ontarians have this notion that Lake Ontario has always been a lost lake. That's just the way it is. For the first 20 years of my life growing up in Oshawa, I thought I'd grow a third eye or an extra arm if I touched the lake. I didn't go swimming. I definitely didn't eat the fish.

But you're smarter than me. You know the way government works, so you probably know that the government of Ontario tests for contaminants like mercury, PCBs and pesticides, and that the government publishes a guide to eating fish. You know that many fish are starting to come back to the Great Lakes and that many industrial pollutants have been phased out. Using that guide, you know that you can safely eat certain fish from the Great Lakes, but you're still not eating Lake Ontario fish for dinner tonight.

The commercial fishery collapsed years ago. That's part of the problem—overfishing and pollution. That means you cannot walk into a market anywhere in this

city and buy fish from Lake Ontario. Out of sight, out of mind.

You could buy a fishing rod and a fishing licence. You could catch your own fish; it would be healthy and fresh. Do you know where to go? If you wanted to catch a fish for dinner tonight, with 70% of near-shore habitat paved over or filled in, we've made it incredibly difficult to feed yourself dinner.

Let's say you beat the odds. You know there are fish in the lake. You know you can eat them. You know where to find them. You've gone and you've caught one. It's dinner time. Yet you're still not having Lake Ontario fish for dinner because it turns out this fish—this elusive, wonderful, amazing fish that managed to beat all of the odds right up until it met your hook—has a belly full of plastic. That's three decades of emissions reductions, restoration and biodiversity promotion out the window because we wanted our teeth to sparkle more and our wrinkles to show a little bit less. It doesn't have to be this way.

This is a simple problem with a simple solution: Don't allow microbeads down the drain, and we won't have microbeads in our fish.

You've heard the federal government may also take action. That's great; encourage them. You've heard that industry is taking voluntary action. That's also great. Your legislation creates a level playing field for businesses, to protect those who take action and to make sure that bad actors don't profit because they refuse to eliminate microbeads from their products.

Ontario communities benefit the most when all sectors and all levels of government compete to be the best stewards, instead of waiting for someone else to act.

I am here on behalf of Lake Ontario communities to say this harm is not minor. No one else will fix our lake for us. A swimmable, drinkable, fishable future is possible but only when decision-makers like you, at pivotal moments like this, take action.

Thank you. I am happy to take your questions.

The Chair (Ms. Soo Wong): Thank you very much, Ms. Tully. Before I turn it over to Mr. Fedeli, I want to recognize Minister Murray being present here today.

Mr. Fedeli.

Mr. Victor Fedeli: I'm only going to take a moment to make a comment before I hand it over to MPP Thompson. I want to make two comments: I think I'm having Lake Nipissing pickerel tonight for dinner, just so you know.

Ms. Krystyn Tully: Excellent.

Mr. Victor Fedeli: I want it noted on the record the stress level of the lakes, I think it also matches the stress level in our society. Do you see how when you get further north, where I live, how the stress is gone? I'm just thinking about heading home and turning from red to blue overnight—a stress level. I just wanted to make that comment.

Now I'm going to pass it over to MPP Thompson for the real debate.

Mr. Peter Z. Milczyn: I don't find red stressful at all—maybe for fish.

Mr. Victor Fedeli: I didn't mean political blue; I meant stress-free blue.

Ms. Lisa M. Thompson: I live in Bruce county. I'm probably having beef for dinner tonight, but on the weekend, I'll probably be having fish from Lake Huron.

I appreciate your comments. I'm just wondering how familiar you are with the initiative introduced by the NDP at the federal level. What's your perspective on that? Do you feel there are any overlying redundancies in what the NDP proposed at the federal level and what you're seeing in this bill?

Ms. Krystyn Tully: Sure. Two things: Lake Ontario Waterkeeper is a co-applicant—along with Environmental Defence and Ottawa Riverkeeper, represented by Ecojustice—in an application to the federal Minister of the Environment under the Canadian Environmental Protection Act to have microbeads listed as toxic substances.

However, Great Lakes water protection, environment, public health and commerce all fall within the province's jurisdiction as well. As I indicated in my presentation, this is not an area where it makes a lot of sense to sit back, point to another level of government and say, "You handle it; we'll sit this one out." There are a lot of powerful arguments to be made for involvement from all levels of government.

So while there is action on the table at the federal level, it's not action at this time. The minister's decision in response to our application is not yet available. To my knowledge, there is no proposal from the federal government at this time, and there is a role, regardless of what happens, for all levels of government to get involved, especially when it comes to the Great Lakes.

I think that what the public expects to hear from the government are reasons to act and to protect public health and to protect the environment, not a list of reasons why it's okay to sit back and let somebody else do it for us.

Ms. Lisa M. Thompson: Okay. You mentioned that industry is already moving in this direction. What about the products that arrive in Ontario from offshore in the dollar stores? What are your thoughts on that whole issue?

Ms. Krystyn Tully: My understanding from reading the legislation is that the sale of those products within the province of Ontario would be prohibited. So it would fall under the same practices, protocols or responses that any time somebody is behaving contrary to the law in Ontario, the same type of penalties or enforcement mechanisms would fall into place.

Ms. Lisa M. Thompson: Very good.

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The Chair (Ms. Soo Wong): Ms. Fife.

Ms. Catherine Fife: Thank you very much, Krystyn, for coming in and sharing the story. I think it was effective and it brings it home for us as legislators.

You're quite right: The NDP at the federal level in 2014, under Mr. Masse, brought forward a motion to actually ask the IJC to conduct a comprehensive study around microplastics in Lake Ontario, but there's already enough research that shows that high concentrations are

incredibly worrisome. He's trying to push the commission to actually move to action and to mitigate the damage, but as you mentioned, the government at the federal level under the Conservatives has not taken any action.

It leads me to a question, though. I think we're all in agreement that this is a serious environmental issue. Have you, in your discourse with the government, asked why this can't be a government bill? Because if it's a government bill, it has more weight. If it's introduced by the Minister of the Environment, there's the weight of that ministry behind it. Right now, private members' bills are effective advocacy and education tools, but a government bill would be law. Do you want to comment on that, please?

Ms. Krystyn Tully: Sure. I'll confess that my knowledge of political workings is fairly simplistic, so I can't really comment other than to say that when leadership is required, I think it's important that people stand up and take action. At Waterkeeper, our job is to represent the interests of the lake and to speak wherever there is a forum any time that we're invited to speak to these issues. Perhaps it's a question better directed to the cabinet itself as to their position on the issue.

Ms. Catherine Fife: But you do agree that there's an urgency here and there's a need to accelerate protective measures and mitigate the damage of microbeads?

Ms. Krystyn Tully: Yes, I would agree that there's an urgency. Just to put it into context, microbeads and microplastics generally are an emerging contaminant of concern on the Great Lakes.

We do a lot of beach cleanups and waterfront work, especially through our swim guide and our recreational water users' programs at Waterkeeper. Almost 80% of the debris that we're finding on the shorelines of the Great Lakes right now is plastics. Microbeads are just the tip of the iceberg when it comes to the impact of these materials on the lakes. The longer we wait, the more harm is done to the environment, yes.

Ms. Catherine Fife: Okay. Thank you very much for coming in today.

The Chair (Ms. Soo Wong): Ms. Lalonde.

Mrs. Marie-France Lalonde: Thank you very much. I know it was short notice, as I mentioned earlier, but thank you very much for being here today and talking about the bill.

I just wanted to also maybe make you aware that today we passed Bill 77, which is my colleague's private member's bill. It's actually going to become law. I know private members' bills sometimes don't carry that much weight. I'm not saying what the government will be doing, but certainly the intent is to continue the discussion in making sure that we're protecting our Great Lakes.

I'm going to ask you: What would be the impact if we were to do nothing to stop microbeads from entering the Great Lakes? Is there any feasible way to remove the microbeads from our water and ecosystem?

Ms. Krystyn Tully: "Feasible" probably depends on how much money you're willing to spend. My under-

standing is that microbeads are filtered out of drinking water when it's brought in; microbeads aren't coming out of our taps, so there is filtration technology. I don't know whether it's actually feasible to institute that at every waste water treatment plant.

As you are probably aware, we're plagued with combined sewer overflows and outdated infrastructure in most of our urban centres in Ontario, so even if we do retrofit every sewage treatment plant and waste water treatment plant in the province, we still have massive releases to the environment from combined sewer overflows, which have no proper filtration at all. The only way to ensure that microbeads are not making it into the natural environment is to make sure that they're not going down the drain in the first place.

In terms of their impact on the environment, there's the physical effect, there's the filling-up of the fish. They also concentrate and spread contaminants, so there's a water-quality impact. They cover the floor of the lake and the beds of rivers, so there's a suffocation effect that they have. They prevent plant life from growing, so there's a huge ecosystem-wide effect. And because they don't break down in the natural environment—that's one of the main concerns—this isn't a problem that's going to go away if we leave it alone for a couple of weeks. The longer we delay taking action, the more plastics in the environment, and it's there for years and years and years to come.

Mrs. Marie-France Lalonde: I don't know if you know, but I just want to put on record, I was very happy this morning that we passed Bill 66, the Great Lakes Protection Act. I'm happy to tell you this. I know how passionate you seem about the Great Lakes, so we passed second reading this morning, just FYI.

I guess my understanding is that this is a growing problem. I think you referred to how we can easily eliminate it. Maybe just tell me what your recommendation would be for this, as a private member's bill, moving forward.

Ms. Krystyn Tully: Sorry; could you clarify the question?

Mrs. Marie-France Lalonde: Basically what I'm trying to say is, we know it's a growing problem. It is an issue in our Great Lakes. What would your recommendation be to make sure that this doesn't happen again?

Ms. Krystyn Tully: We had an opportunity to speak just before the hearings started and I said that this was an incredibly difficult presentation to write because it seems like such a simple issue. It's an unnecessary product. It's not of a particular social value or benefit. There are alternatives that are environmentally friendly, so there's not an engineering or a technical difficulty. So it doesn't, to me, make a lot of logical sense from a science or research point of view that this is a matter of great debate.

We know what the problem is. We know how to solve the problem. It's an easy solution. There is consensus on the science. There is consensus in industry. There is

consensus within government. I guess the only recommendation I have is that this shouldn't take very long.

Mrs. Marie-France Lalonde: Thank you. I appreciate it.

The Chair (Ms. Soo Wong): Thank you very much, Ms. Tully. Thank you for your presentation.

ENVIRONMENTAL DEFENCE

The Chair (Ms. Soo Wong): The next group coming forward is Environmental Defence. I believe it's Nancy Goucher. Good afternoon.

Ms. Nancy Goucher: Hello. I have some documents.

The Chair (Ms. Soo Wong): The Clerk will come around and pick them up.

As you probably heard, you have five minutes for your presentation followed by three minutes of questioning. This round of questions will begin with Ms. Fife from the third party. You may begin at any time. Please identify yourself for the purpose of Hansard.

Ms. Nancy Goucher: Thank you very much. As you heard, my name is Nancy Goucher, and I'm from Environmental Defence. Environmental Defence works to protect the environment and human health. Protecting fresh water is one of our main focuses, one of our main priorities of the organization. What we do is we try to educate people about the need for safer and cleaner water, including the need to keep our water plastic-free.

For the last few months, we've been working with a number of environmental groups that are interested in banning microbeads from personal care products. With Ecojustice and the Canadian Environmental Law Association, we wrote the briefing note that is being passed around to you at this time. It provides background on microbeads. It provides information about why it's necessary to ban these and general recommendations for Bill 75.

I've also been working to get attention at the federal level on this issue. As Krystyn explained, with Ecojustice, Lake Ontario Waterkeeper and Ottawa Riverkeeper, we sent a formal request to Environment Canada to add microbeads to the Priority Substances List, under the Canadian Environmental Protection Act. Working under CEPA could get us a national ban, which would be great, but it's an incredibly slow process. That's why we need Ontario to act now.

Based on the experience that I've had working on microbeads, I have three key messages for you.

First, microbeads are dangerous, unnecessary and should have never been used in the first place. According to NOAA, "Plastics never really go away when they're in rivers, oceans, or lakes. Instead, they can last decades, fragmenting over and over again into small pieces." Microbeads are a significant source of plastic that's being found in the Great Lakes. The highest concentration found so far was in Lake Ontario with counts of up to 1.1 million plastic particles per square kilometre. Once in the water, these beads can be dangerous. They absorb pollutants, such as PCBs and PAHs that are already present in

the environment. Then, they are eaten by fish and other wildlife that mistake the plastic for food, and this creates a potential pathway for chemicals to gain access to the food chain.

Second, there is broad support for banning microbeads in Ontario. The cosmetics industry association will tell you that most companies that they represent are in the process or have already reformulated their products without microbeads. The public is also onside. Not knowing quite what to expect, we created a petition just before second reading of this bill, and we were overwhelmed by the response. In just 48 hours, we garnered over 4,000 signatures on our petition.

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Microbeads, by far, is one of the most popular issues that we've worked on. It just resonates with the public. And this is good news for everyone involved. It means that taking action to ban microbeads can be a win for everyone involved: for environmental groups, governments and industry groups that are all looking to move forward.

My third message is that if we are going to ban microbeads, we need to do it right—no exceptions, no loopholes. An effective ban would be based on four principles. First, Ontario should be a leader. Ontario is in a good place to be the first jurisdiction in Canada to ban microbeads. A mediocre ban would only serve to further confuse the market. As such, we have a responsibility to ensure that our ban is aligned with the strongest of the US legislation. The US has passed four state laws and they are considering a whole host of other pieces of legislation.

I'd like to encourage you to look at California's Bill AB-888, which I've put forward before you. It still needs to pass the Senate before becoming law, but it's a strong piece of legislation to look at.

The second principle is that there should be no loopholes. The definition of microbeads should capture all types of plastics. The biodegradability of plastic is a concern. Even if the plastic breaks into smaller bits, it can still absorb chemicals, it can still be eaten by fish and it can still be a concern for the food chain.

The third principle is that the bill should have no exceptions. There should be no exemption for any product containing microbeads that are discharged down the drain or otherwise end up in our waterways.

Finally, microbeads should be banned at the point of sale. Focusing solely on the manufacture of microbeads is insufficient because it will not prohibit the import and sale of products containing microbeads.

Thank you for this opportunity to be heard.

The Chair (Ms. Soo Wong): Thank you very much, Ms. Fife?

Ms. Catherine Fife: Thank you very much, Nancy. I'm happy that you've brought in the cross-jurisdictional issues, because whatever goes forward—if the PMB informs a government bill or if the PMB informs future legislation—we totally agree with you about the loophole piece. When Illinois did pass it—I mean, it was monu-

mental, right, 2014—they were able to get that through around cosmetic and hygienic products, but they've been criticized because they left a loophole in it. So that's the concern, that whatever goes forward, we have to make sure that it will address the issue, right? I think that it is an important issue and I'm happy that it is before us for discussion. Do you want to expand on that, around the importance of the strength of ensuring that there are no exceptions, please?

Ms. Nancy Goucher: I think one of the things that I was trying to emphasize is that Ontario has a chance to be the leader here. As the first jurisdiction that has passed in the US, the Illinois bill, other people are trying to mimic the Illinois bill to make sure that there is harmonization, and that's a good thing. But what I would like Ontario to do is go a step further and make sure that they're addressing all the loopholes and the exemptions, so that anyone else mimicking legislation in Canada will go with the strongest piece of legislation.

Ms. Catherine Fife: So for you, that's the Assembly bill passed in California?

Ms. Nancy Goucher: Yes. It hasn't passed yet. It's been passed by the House but not the Senate yet.

Ms. Catherine Fife: This is the finance committee, so going forward we'll have to eventually talk about what resources are needed to ensure that microbeads are in fact removed from the lake. That's going to be a lengthy process, and so that's why I think that there's an urgency here to the passing of a piece of legislation.

There's also a cost, an economic cost actually. I mean, sometimes that resonates more with people. It looks like you've got a lot of attention through your campaign, and I think that's wonderful. People are waking up to the importance of how valuable water actually is, which for some people has taken quite a while, but in the United Nations Environment Programme, they recognize that the cost to marine ecosystems came in at around US\$13 billion a year. That's a huge amount of money. Do you want to speak to the economic impact as well?

Ms. Nancy Goucher: Yes. I know that we talked about what the cost of cleaning up the Great Lakes would be. It's hard to put a number to that; it would be in the billions. Because you can imagine that the microbeads—they're floating in the waterstreams but also settle in the sediment. We've seen how expensive it can be to clean up the Great Lakes from other issues, the areas of concern which have taken decades to clean up. This is a case where it's very simple. What we need to do is stop microbeads from building up in the Great Lakes. We know how to do that and we have general support from a lot of different groups to do so, so I think that's where our focus needs to be in terms of the longer we—

The Chair (Ms. Soo Wong): Okay, I need to stop you there.

Ms. Catherine Fife: Thank you very much.

The Chair (Ms. Soo Wong): I'm going to go to the government side. Ms. Lalonde.

Mrs. Marie-France Lalonde: Thank you very much. You may know, Nancy, but in two weeks, actually, the

Premier and the governors of the Great Lakes are meeting about the quality of the water and everything. That will be discussed, so it's quite interesting to know that—I think it's resonating above and beyond this committee, so it's good.

I'm going to give you a chance. I know we had a conversation about this, but I really want to allow you to talk about one of the recommendations that you brought forward to my attention when we met regarding the bill. It would be the definition. I know this is something important. Maybe just share what you would like to see in terms of amendments on the bill.

Ms. Nancy Goucher: Thank you. I think that the best place to look—when we talked, I provided some different ideas about the definition because this is a really fast-moving issue. There are lots of new bills coming forward and there's lots of research going on. So it's good to keep an eye on this because it continues to move.

At this point, what I'd say is looking at the definitions in the California bill is the best bet. What I think is the critical point here is making sure that whatever passes eliminates the ability to put any plastic in products that are going to end up in our waterways. That's the ultimate goal that we're trying to get to.

Mrs. Marie-France Lalonde: Thank you very much.

The Chair (Ms. Soo Wong): All right. Thank you. Mr. Fedeli.

Mr. Victor Fedeli: Thank you very much. You talked about the ultimate goal and keeping plastics out of the water here, and I appreciate that very sincerely.

On your Bill 75 amendments or thoughts, you talked about the bill focusing solely on manufacture being insufficient because it will not prohibit the import and the sale of products containing microbeads. How does that amendment reach your ultimate goal of keeping plastics out of our water?

Ms. Nancy Goucher: We need to be talking about the manufacture of microbeads and the input of them into the products, but it's also important that those who are responsible for selling products are accountable for making sure that they're not selling products with microbeads.

Mr. Victor Fedeli: Is that above and beyond your ultimate goal? Is this different than your goal?

Ms. Nancy Goucher: What do you mean?

Mr. Victor Fedeli: The fact that these are imports. You said your ultimate goal was to keep plastics out of our water here.

Ms. Nancy Goucher: Are you trying to bring up the jurisdictional issue around—

Mr. Victor Fedeli: No, I just wondered about the amendments here that you're bringing forward.

Ms. Nancy Goucher: Well, what I see is that if we're trying to keep plastics out of water, we need to be banning them at the point of sale.

The Chair (Ms. Soo Wong): Ms. Thompson.

Ms. Lisa M. Thompson: I think we're covering it. In terms of this particular amendment, "Focusing solely on the manufacture of microbeads is insufficient because it

will not prohibit the import and sale of products containing microbeads,” just to take a step back, have you shared these amendments with MPP Lalonde already?

Ms. Nancy Goucher: I’ve shared a previous version of the amendments—

Mrs. Marie-France Lalonde: We’ve had a conversation.

Ms. Nancy Goucher: We’ve had a conversation about this briefing note.

Ms. Lisa M. Thompson: Very good. Because when I asked the question of the earlier deputant, she was confident that that was already going to be prohibited. I just wondered if there was some—

Mrs. Marie-France Lalonde: Not at all.

Ms. Lisa M. Thompson: All right, very good. The other thing is I just want to be on record saying that the PC Party, the NDP, everyone in this room very much cares about protecting our Great Lakes. We may have different paths to doing it but we all truly care about these Great Lakes of ours.

With that said, in your opinion, why do you think microbeads—the dealing with microbeads was stripped out of Bill 66. Why do you think it has to stand on its own?

Ms. Nancy Goucher: One of the weaknesses of trying to look at microbeads within Bill 66 is that Bill 66 only talks about the Great Lakes watershed, whereas what we would want is for microbeads to deal with all of Ontario.

1430

Ms. Lisa M. Thompson: Okay. Bill 66 deals with the Great Lakes-St. Lawrence River basin, so that’s 105 out of 107 ridings.

Ms. Nancy Goucher: Yes, but it is limited to just the Great Lakes watershed, and there’s a significant portion of Ontario that doesn’t fall within the Great Lakes-St. Lawrence River basin.

Ms. Lisa M. Thompson: Okay.

The Chair (Ms. Soo Wong): Thank you very much for your presentation.

OTTAWA RIVERKEEPER

The Chair (Ms. Soo Wong): The next witness is coming to us on the phone, I believe from Ottawa. Ms. Bolt, can you hear us?

Ms. Stephanie Bolt: Hi. Yes, I’m here.

The Chair (Ms. Soo Wong): Good afternoon. My name is Soo Wong; I’m the Chair of the Standing Committee on Finance and Economic Affairs. I’m going to quickly introduce the committee members here this afternoon so that you know who’s sitting here and who will be asking you some questions. On the government side are Laura Albanese, Ann Hoggarth, Marie-France Lalonde—who is the sponsor of the bill—Peter Milczyn and Yvan Baker. From the official opposition are Victor Fedeli and Lisa Thompson, and from the third party, Catherine Fife. Also with us in the committee room is the Honourable Glen Murray, the Minister of the Environment and Climate Change.

As you’ve probably heard, you’ll be given five minutes for your presentation, followed by three minutes for each of the caucuses to ask you questions. This round of questioning will begin from the government side. Do you have any questions before we begin?

Ms. Stephanie Bolt: No, I’m fine, thank you.

The Chair (Ms. Soo Wong): Okay. When you begin, can you please identify yourself and your organization? You may begin any time.

Ms. Stephanie Bolt: Thank you for giving me the opportunity to speak today. My name is Stephanie Bolt, and I’m the director of legal strategy for Ottawa Riverkeeper. Ottawa Riverkeeper is a grassroots charity founded in 2001 that works for the protection, promotion and improvement of the health of the Ottawa River watershed. We are a licensed member of Waterkeeper Alliance, a coalition of over 200 groups worldwide working for clean and accessible water.

The Ottawa River is very long, at approximately 1,200 kilometres. It drains an area of 146,000 square kilometres, an area larger than some countries. It is the largest tributary of the St. Lawrence River and has 17 major tributaries of its own. Approximately two million people rely on the Ottawa River for their source of drinking water, and many people fish in it, both for sport and for food.

Of course, we are here today to speak to Bill 75, the Microbead Elimination and Monitoring Act, 2015, which is a private member’s bill introduced by MPP Marie-France Lalonde. To begin, I would like to commend MPP Lalonde for her leadership on the issue of the pollution created by the unnecessary addition of plastic microbeads to consumer products. Many of these microbeads are so small that they pass through our water treatment plants; end up in our waterways; absorb contaminants such as DDT, PCBs and other industrial chemicals that are present in our water; and get eaten by fish and other wildlife that often mistake them for food.

Scientists worry about the impact this might have on humans who eat this fish and other wildlife. More scientific research is required to understand this area better. Ever since the American environmental organization 5 Gyres first detected high levels of plastic microbeads in Lake Erie in 2012, this has been an issue that has attracted additional scientific study, has had an increasingly high profile in the media and is beginning to be tackled by governments across the United States, in Europe and now in Canada.

Ottawa Riverkeeper firmly supports the main thrust of Bill 75. We feel strongly, however, that certain key amendments must be made to the bill in order for it to achieve its objective of ridding our waterways of this type of plastic pollution. With the time remaining to me, I would like to focus on the importance of extending the bill to include a ban on all types of plastic microbeads, rather than being restricted to “non-biodegradable” plastic microbeads. The bill does not define the term “non-biodegradable.”

I understand that this bill has been modelled more or less off of the Illinois state bill that was recently brought

into law and which refers to “synthetic plastic microbeads” as being non-biodegradable. I admit that I am not a scientist and do not claim to understand the biodegradability of products that the large cosmetics companies are apparently developing in order to meet the requirements of the new Illinois law and the similar laws of various other states that have also been enacted recently. I would like to note, however, as you are likely aware, that the California State Assembly just passed a bill that is more stringent than this Illinois model and would ban the sale of products containing plastic microbeads, simply put.

In order to solve the problem of plastic microbeads entering our waterways, we must ensure that any alternatives we allow will actually biodegrade in a marine or freshwater environment, in a similar time frame to a fully natural additive. I understand that “biodegradable” plastics are designed to decompose in industrial composting facilities and do not biodegrade in a marine or freshwater environment, as a fully natural additive would.

I would encourage the committee to refer to the California model bill, AB-888, as an approach that would effectively deal with this issue of plastic microbead pollution in our waterways. If we are trying to solve a particular problem, we should do our very best to ensure that any law we bring into being results in our actually solving the problem at hand.

I would like to note that we support the detailed written brief submitted by Nancy Goucher of Environmental Defence to MPP Lalonde at a meeting between Ms. Goucher and MPP Lalonde on April 1, 2015, which I now understand has been revised and actually circulated to you today. That brief gives a bit more background to this pollution problem, reviews the strengths of Bill 75 and discusses a few other parts of Bill 75 that we agree could be strengthened in the manner set out in that document. I expect that the committee will be considering that briefing note in its deliberations.

That concludes my remarks. I would be happy to take questions at this time. Thank you.

The Chair (Ms. Soo Wong): Thank you very much. Mr. Baker will begin the questioning for this round.

Mr. Yvan Baker: Thank you very much for joining us by phone and for speaking to this issue. I know that, as a member of Ottawa Riverkeeper, there are many issues affecting the health of the Ottawa River watershed and the ecosystem that exists within it. I’m wondering if you could speak to us about what the urgency is for the elimination of microbeads.

Ms. Stephanie Bolt: In our watershed?

Mr. Yvan Baker: Yes.

Ms. Stephanie Bolt: As a matter of fact, you may know that there has not been any science done on the Ottawa River that I have been made aware of, so we do not know the extent of the presence of microbeads in our waterways. We would certainly like there to be science done on this matter, but we certainly know that there are two million people drinking the water, and two million people also showering and rinsing their products down

the drains. There are consumers who are using these products. There must be these products in the waters. We really look forward to more research being done.

As to the urgency, you’re right: We face many issues. This may not be the number one issue. It is an issue that we are certain is out there, but we are excited by the momentum that this issue is gaining across North America. We’re just very excited to see movement being taken on this, so we support any movement that is prepared to address this problem.

Mr. Yvan Baker: Okay. You spoke during your testimony about the California model, and just now, in responding to my question, you talked about momentum in North America. Could you talk a little bit about other jurisdictions that you’re aware of, what they’ve done and what you think is positive or could be improved upon in that?

Ms. Stephanie Bolt: Well, I don’t have tons of information on that. I do know that, of course, Illinois is being seen as the model since they made their law first. I have six states, as a matter of fact, that I see have passed laws, and they’ve all been modelled after Illinois. I guess different states have different versions of bills. New York has a few going through, and I understand Maryland is one that is the first deviation from the Illinois language, that is stronger than Illinois, that has actually become law, so Maryland is one jurisdiction that you might want to look at.

But I must say that I’m in touch with the people from 5 Gyres. We’re happy to say that we’re doing a campaign right now with Lush cosmetics across North America, because they sell a product that has natural additives in it. I’ve been able to talk to the people from 5 Gyres working on this, and they say that California is the one standard that they support at this point. That is the standard that they are encouraging everyone to look to.

Mr. Yvan Baker: Thank you very much.

The Chair (Ms. Soo Wong): Ms. Bolt, I need to stop you. I’m going to go to Mr. Fedeli.

Mr. Victor Fedeli: Thank you. There are other, I’ll call them amendments, if you will, that are on the floor that talk about—whether it’s biodegradable or whether it’s banning the import. Do you have any thoughts on that particular aspect?

Ms. Stephanie Bolt: Yes, sure. So I’ve spoken a lot to biodegradable. I’ll talk to imports for a second. I did hear you ask that—was it you that asked that question of Nancy Goucher?

Mr. Victor Fedeli: It was.

Ms. Stephanie Bolt: I think what you’re getting at, maybe, is—the fact is that people are in Ontario using these products. How are these products getting into our waterways? They’re either made here wholly or the microbeads are being added to them in Ontario or these products are being imported into Ontario from somewhere else where they were made.

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I don’t know exactly what percentage of the microbeads being used in Ontario right now are actually

manufactured 100% in Ontario, and I don't know what percentage of microbeads get added in Ontario, but I could possibly imagine that a large percentage of the microbeads that we're using today in Ontario are actually just plain old purchased in Ontario—so sold in Ontario, but really they were made somewhere else. That's why it's so important. I do strongly support Nancy's proposed addition to this bill: that the sale is what is really key. That's my take on that.

Mr. Victor Fedeli: So again my question to you then would be—I understand your goal. I understand the whole picture put together, but your piece, you're talking about the Ottawa River watershed and that 1,200 kilometres?

Ms. Stephanie Bolt: That's right.

Mr. Victor Fedeli: How does that affect you in your watershed, specifically?

Ms. Stephanie Bolt: The import of microbeads?

Mr. Victor Fedeli: Yes.

Ms. Stephanie Bolt: Companies in the Ottawa River watershed—since we're talking about Ontario here, not Quebec—in the Ontario part of the Ottawa River watershed, what companies, what stores—

Mr. Victor Fedeli: No. I'm obviously not articulating myself very well. If you're trying to protect the Ottawa River watershed, how does that amendment achieve that particular goal? That's all I'm getting at.

Ms. Stephanie Bolt: If you prevent the import of products to the Ottawa River watershed for the purpose of sale, then you can't be getting these products in Ontario and using them in Ontario in the Ottawa River watershed, so they won't be getting in the water.

Mr. Victor Fedeli: Now, you've answered the question. Thank you.

The Chair (Ms. Soo Wong): Thank you. I'm going to turn to Ms. Fife.

Ms. Catherine Fife: Thank you very much, Stephanie. I'll just get right to the point. You did cite the Illinois legislation that was passed in 2014. You cited that that piece of legislation allowed for some kinds of plastic beads to continue to be used. We agree with you that a private member's bill or a piece of legislation—perhaps a government bill—should be designed to address the core issue, the problem.

As it stands right now, this private member's bill allows a loophole for the synthetic or non-biodegradable microbeads. Is that what you're trying to get across to us?

Ms. Stephanie Bolt: Yes. We're saying that because in this bill, the thing that is banned is "microbeads." What that's defined to mean is "non-biodegradable, solid, plastic particles." So what that's saying is that microbeads that have "biodegradable" solid, plastic particles would be allowed. That's a loophole because the question is: Is it really biodegradable? How quickly does it biodegrade? That kind of thing. So there is a loophole for "biodegradable" plastic particles in the current version.

Ms. Catherine Fife: So in order for this private member's bill to address the issue, it would have to be amended to address all kinds of microbeads. Is that right?

Ms. Stephanie Bolt: Plastic, yes. All types of plastic, basically.

Ms. Catherine Fife: Of course; yes. So I know that Environmental Defence has been calling for the government to actually address this issue, because if a private member's bill received—I don't know if you know this, but Bill 75 will not come into force for another two years after the day it receives royal assent. So, going forward, you would like to see, whatever piece of legislation that comes out of this on microbeads, that all microbeads are included in the legislation?

Ms. Stephanie Bolt: Yes.

Ms. Catherine Fife: Thank you very much.

Ms. Stephanie Bolt: Thank you.

The Chair (Ms. Soo Wong): Thank you, Ms. Bolt. Before you adjourn from us, if you have any written submission, can you please submit it to the Clerk by 4 p.m. today?

Ms. Stephanie Bolt: Okay. I don't have a written submission but I do have a couple of short scientific articles that have references and things that speak to the issue of biodegradability. Would that help the committee?

The Chair (Ms. Soo Wong): Yes, sure. Please submit it to the Clerk by 4 p.m. today.

Ms. Stephanie Bolt: Okay. Thank you very much, Chair. Thank you. Bye-bye.

CANADIAN COSMETIC, TOILETRY AND FRAGRANCE ASSOCIATION

The Chair (Ms. Soo Wong): The final witness before us is the Canadian Cosmetic, Toiletry and Fragrance Association: Mr. Darren Praznik, president and CEO. I believe the Clerk is coming by with a package for all of us.

Mr. Praznik, you may begin any time. Please begin by identifying yourself. You have five minutes for your presentation, and this round of questions will begin with the official opposition party. Thank you.

Mr. Darren Praznik: Thank you very much, Madam Chair. My name is Darren Praznik. I'm the president and CEO of the Canadian Cosmetic, Toiletry and Fragrance Association. We would represent the companies that have used—or are still using, as they eliminate them—plastic microbeads in personal care products. I can speak today about microbeads in personal care products. The larger issue of plastics is part of it, but certainly that's not an area that I'm here to address.

I want to just recognize MPP Lalonde, MPP Thompson and Minister Murray, who all reached out to us on this issue. We've been working with them and their offices on a variety of the issues that this bill raises, and I want to thank them for their efforts.

I also want to recognize member of Parliament Brian Masse, who reached out to us last November. We've been working with him, and we discussed many of these practical issues in the approach to addressing this question. The proposal that he took forward in the House of Commons earlier this year reflected that advice. I've

included copies of some of the material, including his letter to the minister and our letter of support. I think that because we were able to bring industry onside, a remarkable thing happened in the House of Commons: They actually passed the resolution, 297 to 0. I think that was achieved because of the efforts of so many people, including industry, working on this issue.

I just want to flag a couple of other pieces for context. We've talked about plastic microbeads and the environment. Some work done in the European Union suggests that they're probably in the range of about 0.1% to 1.5% of the plastic load in the water. I'm not saying that to point out that it's a small amount, because that 100% is probably made up of a lot of 1% and 2% amounts, so if you're going to tackle plastic loads in water, you're going to have to tackle a lot of particular areas.

Working on microbeads, getting it right and doing it effectively, I think, gives us a basis to start tackling those other contributors to plastics and microbeads. It is the tip of the iceberg, but it gives us a chance—industry, environmental groups and legislators—to work together in an effective way to find the right tools.

In terms of our member companies, we surveyed them. We represent about 150 companies that manufacture, distribute or supply goods and services to the industry in the personal care product business in Canada. We identified 14 companies that had or have plastic microbeads in products. Five of them have already eliminated them in manufacturing, and the other nine are committed to or in the process of doing it. Whenever you do it, there is a lead time for reformulation, and changing manufacturing schedules. Some of the products that they are in are regulated as drugs or natural health products, so they require a regulatory change with Health Canada in order to be able to reformulate. So it does take a little bit of time, and that's why, in fact, the dates in the Illinois bill have become sort of the standard.

When I listened to other presenters here today—I'm not going to read through my presentation—it occurred to me that what we are all struggling to deal with is, how do we take out the loopholes? This is one of the discussions we've had with MPP Lalonde when we met with her. There are a lot of good efforts all over the world, all over North America, to try to address this, but if we don't get it right in terms of definition, applicability and a host of technical details, we're going to have a mess, and if we have a mess, it's not going to solve the problem.

Even though the companies I represent are taking them out, there are still two sources that we will face as a community. One is small, non-brand products, as I would call them, where you have an importer who will bring in a load of body wash or something. Often they come into the discount stores etc. Those companies are often one- or two-time importers of product. They don't have the regulatory capacity. They bring it in. If they're responsible, they'll look to one place to see if they actually are in compliance, and that's the Cosmetic Ingredient Hotlist that Health Canada has. That's probably the only place

they will look. They won't look at Ontario laws or regulations. They'll get in.

The second place is the one that, by definition, is illegal: It's counterfeit product, and we are seeing more and more in the market.

So if we do not have effective regulatory means to address those two streams, even though all the brand companies take them out, we will still have those two sources coming into our water systems.

Why we have been very strong proponents of a federal approach is for two very practical reasons, and this is why I think MP Masse accepted that in his proposal. We already have a vehicle, and we are pushing the federal government to move quickly under the Canadian Environmental Protection Act, because if they can provide a regulation that prohibits those plastic microbeads—and we can talk about the definition of them, I think, in the detail.

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But if we get that prohibition, it allows it then—there is precedent—to be added to the Cosmetic Ingredient Hotlist. That becomes the tool that is available to anyone who's importing or manufacturing to know about it, and knowledge is really important here. Secondly, it's the tool used by the Canada border inspection agency—

The Chair (Ms. Soo Wong): Okay, I'm going to stop you here, Mr. Praznik. I'm going to go to Mr. Fedeli.

Ms. Lisa M. Thompson: Oh, it's me.

The Chair (Ms. Soo Wong): Ms. Thompson. Sorry.

Ms. Lisa M. Thompson: That's all right. Thank you, Chair.

It's good to see you here. Sorry we missed our lunch, but it's good to be here. With that said, to cut to the chase, where do you best feel this situation around managing microbeads is best fitted, if you will, the federal level or provincial level?

Mr. Darren Praznik: Well, it's not just the level. These are in consumer health products. Consumer health products are regulated by the government of Canada on a national basis. The tools that manufacturers and importers look at are all related to that. So it's the Cosmetic Ingredient Hotlist. If you can get a regulation for health or the environment—in this case, it would be environmental regulation—added to the hotlist, you have the tool. The federal government also has the border inspectors, which deal with counterfeit products, and they also have in-store inspectors.

Now, having said that, I recognize very much the slowness of the federal government to move on many of these issues. If the Ontario government or any provincial government—and MPP Lalonde, we've talked about this. If provincial action or the threat thereof pushes the federal government to move, then it is a worthwhile effort. Our concern, though, from a broader perspective we should all have, is that if we are regulating consumer products at different levels of government, we are going to have a hodgepodge, just like all those states with different rules on microbeads—what a mess.

Ms. Lisa M. Thompson: Very good. Let's talk about industry for a moment. In terms of industry, they're moving forward with removing microbeads from their products, and this bill would not come into effect for two years once it receives royal assent. Where do you see the industry two years from now?

Mr. Darren Praznik: The practical reality of why we like a universal set of dates that were worked out in the US—they worked them out; they're a much larger player—is that these products are not made just in Ontario or shipped to Ontario; they are made for international markets. Within the GTA, the largest cosmetic manufacturers, MAC Cosmetics for example, export 90% of what they produce. Some of you have their facilities in your ridings and different parts of the country.

We are in a world where goods move across borders. If we do not have a common definition, a common approach, common dates for implementation, we're going to have a mess. If you look at the Great Lakes, it's not just Ontario water that goes in the Great Lakes; it's other jurisdictions. That's why having as much of a universal aligned approach is important. If states are all doing their own thing and people are competing with definitions, you end up with just a mess and it's impossible to actually then implement it at the product level.

Ms. Lisa M. Thompson: Okay, thank you. One last question: Aside from that gentle nudge of the federal government to get moving and uphold the legislation that was recently passed, do we need Bill 75?

Mr. Darren Praznik: I'm not going to comment on the politics of bringing this forward. I do know when that bill appeared in the Legislature and we talked about it, I think it gave a push for the House of Commons to deal with it. I know that Minister Murray is here. He might make a choice, as minister, to use this in some way. The point is, though, there needs to be some push to keep the pressure, I think, on the federal environment department to keep this moving along.

The Chair (Ms. Soo Wong): All right. Ms. Fife.

Ms. Catherine Fife: Thank you very much, Mr. Praznik, and thanks for raising the regulatory compliance issue because I think that we can craft a very strong piece of legislation, but if the compliance piece is not held in check, then it's just a piece of paper.

I think that Ontario has a leadership role to take on the microbead issue because Mr. Masse, he can't—I mean, this letter was written June 11, 2014, and the commission has not even moved forward with doing a full, comprehensive, cross-jurisdictional analysis of microbeads. He even says that Lake Erie has some of the highest levels—higher than Lake Ontario—of microplastics.

There is a federal election coming, thank goodness. Do you think that this should be an election issue? If you want the federal government to stand up and step up and actually move forward on a piece of legislation, then this is the time to do it. Would you not agree?

Mr. Darren Praznik: It's not legislation that's needed. The powers are there within CEPA. It's just that they have to speed up their process, get through it and get

a regulation. I think, because this has been raised across the country, there's an interest. Ministers of the Environment federally can make things move pretty quickly, and we as industry are prepared to help facilitate that speed.

Ms. Catherine Fife: Yes, and Ministers of the Environment at the provincial level can actually bring forward legislation and regulation under the powers of the Ministry of the Environment to do something about this as well.

Mr. Darren Praznik: It is one of the tools available. Just to pick up on your point about how one proceeds, loopholes and administration, one of the difficulties we shared with MPP Lalonde is just on the definition. The definition, which I think she appreciates, in this bill probably has a lot of loopholes because of the way these products are classified, so consistency is hugely important. Whoever chooses to act to put the pressure on, it's important that those details are consistent. Otherwise, we create reasons not to act.

Ms. Catherine Fife: Exactly. Thank you very much. I think that's your strongest point in your presentation.

The Chair (Ms. Soo Wong): I'm turning to Ms. Hoggarth.

Ms. Ann Hoggarth: Thank you for your presentation. It was very interesting.

We all know how different levels of government work. Sometimes it takes longer than other times. But if there were a provincial framework, what would it look like in regard to timelines and the definition of what constitutes a microbead?

Mr. Darren Praznik: First of all, I think what would be most useful in moving forward is if whatever step Ontario took mirrored what has become the consensus. Whether one likes parts of the Illinois bill or not, it was developed by the national Council of State Governments with a lot of stakeholders. It has been adopted by several states. It may not be perfect in the view of some, but what I think it does is, it gives that snowball effect. If Ontario were to at least send that signal, that would become the model for the feds to address.

I know we've had some discussions with our staff and Environmental Defence about the meaning of "bio-degradable" and "non-biodegradable." I think there's still some work that has to be worked out there, because there are meanings around those words. At the end of the day, you want something that is environmentally sound. That's where we all want to be. But the more we can show the feds to be part of that consensus, the faster I think we're going to get the universal movement that we need. We can do something great in Ontario, but if it isn't adopted elsewhere, those microbeads are still going to pour into the environment.

More and more products get sold online—the grey market, we call it—coming in in other vehicles, and they're not even checked at the border. They come through the mail when they're ordered. So we have to be realistic. We don't live in an area with a wall around Ontario.

Why it's important we get it right is because we're dealing with a small part of that plastic load. If we get it

right here, then we can take it forward to address other parts of it.

The Chair (Ms. Soo Wong): MPP Lalonde?

Mrs. Marie-France Lalonde: I want to say thank you very much. I know we had a good conversation. I picked up something, though, and I just wondered: You have 14 companies that you have identified that are using microbeads, and I know five have been—do we have discussions with the other ones? Do we know where they stand and what they're doing?

Mr. Darren Praznik: Yes. We surveyed our members, anyone who was using them. Five have indicated they're out of manufacturing. Some are still doing sell-through right now. The other nine are in various stages of planning their reformulation.

But just to appreciate: Most of these products are not even made in Canada. They're made for international markets, so they're not just looking at Ontario. They're trying to say, "Okay, what's the time frame we have to implement? We have lots of changes to do." Many of these products, for example, end up in stores as part of Christmas packaging etc. They're pre-ordered a year in advance. So there are timelines required, but I think everybody is in the process now of either being out of them or in the process of their planning and implementation to get out of them.

Mrs. Marie-France Lalonde: Thank you.

The Chair (Ms. Soo Wong): Thank you very much. I'm going to adjourn the committee.

The committee adjourned at 1500.

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