

July 6, 1987

EVENING SITTING

COMMITTEE OF FINANCE

Consolidated Fund Budgetary Expenditure
Environment and Public Safety
Ordinary Expenditure — Vote 9

Item 1 (continued)

Mr. Van Mulligen: — Thank you, Mr. Chairman. Mr. Minister, I'd like to turn to the question of chemicals. There's been a great deal of concern expressed in media and a great deal of attention paid and focused on the hazards of chemicals, especially as these apply to agriculture and to industry. But I would like to turn to the use of chemicals as far as these are used in the home, particularly in people's gardens. You will know that there is a proliferation of chemicals for home use and a visit to any home garden will confirm an array of products for home use.

The question I have is: is your department concerned about the potential health and environmental implications that result from their use by Saskatchewan people in their homes and gardens?

Hon. Mr. Swan: — We don't have a program to deal with that type of chemicals, really. They're

licensed by the companies — many of the agricultural-type of chemicals that are used in gardens are licensed by the federal department, but Saskatchewan basically has no program covering that kind of chemical.

Mr. Van Mulligen: — I can appreciate that you have no program and certainly no program is indicated in your estimates or any of the previous annual reports. My question is: does your department or you have a concern about the proliferation of these chemicals and their use by Saskatchewan people?

Hon. Mr. Swan: — There's been no particular accidents or anything brought forward that would indicate that we should have a concern. If people follow the recommendations on the label of product, usually there is no problem. If people are careless, of course you could get into difficulty with anything.

Mr. Van Mulligen: — I appreciate that, Mr. Minister. There's also advertisements on cigarette packages, yet that doesn't deter governments from trying to, in addition to that, encourage the public to become aware of those kinds of concerns that are posed and the health risks that are posed by the use of that particular product.

I can appreciate that usually there is no problem, but on the other hand one can appreciate that not all of the population are as literate as we would like them to be. Not all the population, including young children, will necessarily be aware of the harmful effects, notwithstanding the best efforts of parents to try and keep young children and indeed pets away from areas where chemicals may have been applied.

So the question is: will your department be looking at that

type of concern? Even though you say that usually it's not a problem, is this something that your department might fruitfully explore and fruitfully look at in terms of educating and in terms of trying to make Saskatchewan people more aware of this kind of potential problem?

Hon. Mr. Swan: — The licensing of pesticides and chemicals of that nature is strictly under the federal programs and our department would basically have no jurisdiction to step in. It would be the federal legislation that would apply.

Mr. Van Mulligen: — Mr. Chairman, Mr. Minister, I can appreciate that departments such as the federal Department of Agriculture will control certain products through their Pest Control Products Act. We all know that, at least from events in the last number of years, that that is not always a foolproof or sure method to guard against abuse — and also in terms of products coming on to the market that are less than acceptable from a health or environmental point of view. And I can appreciate what you say that this in some instances are matters of other jurisdiction. The question I have again: is this a matter of concern? Is the potential problem a matter of concern to you and departmental officials? I'm not asking you about whose strict responsibility comes into play here.

Hon. Mr. Swan: — It's not always a matter of whether or not I'm concerned. Of course I'm concerned if somebody is injured or is ill because of the effects of some chemical that's being stored in a home.

The legislation is fairly clear in the areas of jurisdiction that we have as a province and the areas that strictly fall under federal jurisdiction. Most of the types of chemicals that you described are licensed by the federal legislation, and for that reason we really have no jurisdiction.

Mr. Van Mulligen: — Mr. Chairman, surely it would be within the purview of provincial powers to take upon itself the attitude that certain chemicals pose environmental risk or health hazards of the population, and therefore, we see a need in this context to inform, to educate the public about these potential hazards.

Certainly that is something that, given our constitution, given the breakdown of powers between the federal government and provincial government, surely there is room there for a provincial jurisdiction to move.

Hon. Mr. Swan: — I believe that much of the education that is needed is provided by the manufacturer of the product. The product is licensed by the federal government, and the educational responsibility then, I believe, falls with the federal government and with the manufacturer of the product to see that people using it are well enough aware of the hazards that it presents — that when they handle the product, they do it wisely.

Mr. Van Mulligan: — Mr. Minister, what I hear you saying is that notwithstanding any potential problems, notwithstanding any concerns that you may have, you're going to wash your hands of this business — that it's something that you're satisfied to leave in the hands of the

federal government or the manufacturers.

I, for one, am less than satisfied with the performance of the federal government when it comes to ensuring that the chemical products that are put on the market are in fact products that should be used, whether it's in industry or agriculture.

The question, I guess, really is — it's not a matter of the specific products, but it's more one of use of these products by people, and it's more one of education and information. And I note that in your budget there is money for communications, and I know that from time to time that you expend money to alert the public about potential environmental problems.

Given that context, is it not appropriate for your department to be responding in the light of this, this type of concern?

Hon. Mr. Swan: — Perhaps one area that we have responded to, dealing with chemicals, is our institutional chemical collection program which does go into schools, hospitals, labs at universities — all of these different places — and removes chemicals that are dangerous and disposes of them. So that program is one area where we have been involved.

If there's indication that there is some really dangerous product that's been available that should not be, then of course we could take action something like we did in this case. But we haven't been getting any outcry from the general public that there is a major concern with any of the agricultural type of chemicals that are being used in gardens and lawns and things of that nature, at this time.

Mr. Van Mulligen: — What you're saying, Mr. Minister, that in a very peripheral way you do begin to deal with this kind of problem. My question is: if you deal with it in a peripheral way, notwithstanding the earlier comments that you had about jurisdictions and whether it's appropriate for a province, is this not an area of concern that your department should be monitoring, and if necessary, be dealing with?

Hon. Mr. Swan: — It's very difficult to be involved in everything that's happening within the province related to chemicals. There are so many different kinds of chemicals produced today by many, many manufacturers. Each one of those is required to go through a licensing and inspection period to prove that it's a product that's useful on the market and one that is clearly identified in the manner and the quantities that it can be used in. For us to even attempt to be involved in any great way would be extremely costly and, in most cases, beyond the jurisdiction that our legislation provides. We would be tramping on the toes of the federal department.

And I think, if you have a specific product in mind, or specific products, we would be pleased to hear what products they are, and perhaps we can intervene at the federal level to have them dealt with. But we aren't getting that kind of reaction — people voicing an opinion that the products are there and that they should be taken off the market, or anything of that nature.

Mr. Van Mulligen: — There are any number of products, Mr. Minister, that provide warnings because of potential hazards and so on. The question is not the products per se. The question here is one of use, and more appropriately, one of abuse.

The question I have is that even though your department is not now involved, and you say that you find it impossible to be aware of everything that's going on in the province — and I would suggest even less aware if this budget and your estimates pass given that you are spending less money now than you were in the past — to what extent is your department, even in a minor way or in a beginning way, beginning to monitor the situation? That is to say, do you have contacts with doctors throughout the province? Do you have contacts with the health department?

I know that some of these things are a concern for those with respiratory illnesses. I read here from an article in the *Prince Albert Daily Herald* and is date-lined Regina. It says:

An Alberta couple visited 17 doctors before finding out their weakness and headaches had been caused by a pesticide sprayed on an apple tree, a symposium on family medicine was told.

And the chairman of the department of community health at the University of Alberta used this story to illustrate that physicians and members of the public are generally unaware of the potency of any pesticides being used in Canada.

Another doctor, a Dr. Howard Hopkins, of Regina, told the symposium that physicians should recognise that every patient is a candidate for occupational health problems. Housewives, for example, could be at risk from a wide variety of household cleaners, other chemicals, and even dust in the air. Dr. Hopkins urged physicians to check respiratory problems with special care.

I'm just wondering — following that up — has your department had any discussions with the Department of Health, or God knows, even with the federal departments about the potential for problems in this area. And again, given the proliferation as you admit of these types of chemicals for home use, is your department beginning to liaise with those departments with a view to identifying whether or not health problems are being exhibited to physicians and the like with the view to understanding and perhaps then following up on the problem?

Hon. Mr. Swan: — I think the type of chemicals you're speaking of in this instance would likely be more under the Department of Health. They have a toxicology lab within the Department of Health and they do have some expertise in that area. Our department really doesn't have.

Mr. Van Mulligen: — I can appreciate, Mr. Minister, that various departments have various jurisdictions, and I can appreciate that the federal government will have toxicology labs, the Department of Health may well have toxicology labs, but it's more than a question of dealing

with specific chemicals. It's a question of the use of these chemicals, and again, the abuse of those chemicals as they're applied in people's yards and in their gardens. And the question I have: do you have any information at all to suggest that this may be a nascent problem and one that we should be dealing with?

Hon. Mr. Swan: — I think we're all aware that there is some problem with the handling of chemicals, but as I indicated to you before, the licensing is federal. The responsibility to put clear directions on the containers so that the individuals using the product have the opportunity to read and beware of the dangers and beware of all the methods of handling and use, are also enforced by the federal government. And I think the chemical companies do a reasonably good job of providing that kind of information to the public.

I don't know how many chemicals the hon. member purchases, but I can tell you in my lifetime I have purchased thousands of pails of chemical. So I know that every chemical comes with a brochure that explains it reasonably well.

(1915)

Whether we could do better by the type of advertising the department can do, I'm not sure. We would have to come down to specific chemicals, specific cases before I could really give you an answer that might even begin to deal with the issue that you're raising.

Mr. Van Mulligen: — Mr. Minister, I can certainly appreciate that you're a careful and exacting person and therefore would tend to use chemicals in a careful and exacting way. I guess the concern, again, I have is about potential for abuse and a potential for a problem and whether or not your department knows anything about this whole area or is moving in any way to acquaint themselves with what might be a potential problem or a real problem.

And again the question I have: is there not some role for your department here? Is there not some merit in your department undertaking to acquaint themselves with the use of chemicals in people's homes, in their gardens and lawns to establish very clearly that there is no cause for concern? On the other hand, if there is some cause for concern, to begin discussions with other departments such as health or Agriculture Canada so that jointly, various departments, various jurisdictions, can get together to begin to deal with this type of situation?

Hon. Mr. Swan: — We haven't as a department, been dealing directly with this kind of a chemical issue. But I can tell you that the people within the Department of Environment are very conscious of the effects of chemicals on the environment. All of them are home owners, people who use products in their gardens and in their homes the same as you do. So yes, they are very aware.

And some products have raised concern. I would say that 2,4-D and 2,4,5-T over the last few years has raised considerable concern. But as it's been followed through, the chain of events indicate that many of the concerns

that were being raised were not all that valid once they were followed to their conclusions.

So yes, my department's aware. But to move in and take charge and take the responsibility and spend our taxpayers' dollars on items that really are a federal responsibility, I don't think is quite proper. If we find that the federal government is abdicating its responsibility, then we will make every effort to see that they play their role, but I don't think it's proper for us to get involved until that stage.

Mr. Van Mulligen: — Mr. Minister, leadership is simply more than cutting back in an aspect of departmental operations and trying to defend it in the House. Leadership is also beginning to recognise problems in our society and taking some leadership to deal with those problems. And I would suggest in this respect that where you say that, well it's the federal government's responsibility, provides very little in the way of leadership for the people of this province. You're talking about, well, we don't want to get the government to be spending any money in these times and so on, on problems.

I'm not suggesting that you spend a great deal of money. I'm simply suggesting that your departmental officials start to become educated and informed in a systematic way about the use and the abuse of these types of chemicals. Begin to monitor the situation, and if necessary develop the liaisons with the Department of Health and the federal departments, those that are concerned, so as to understand about this particular problem, and then, if necessary, encourage those that have more direct responsibilities to become involved.

My sense is that it's not a matter of products or labelling; it's a question of use and abuse. And it's one that, either in terms of health education or environmental communication, environmental education, is one that the province should be dealing with. And that's what I would suggest to you, Mr. Minister.

Ms. Smart: — I have a follow-up question based on a comment that you made, Mr. Minister. You said that you wouldn't take note of a concern about the environment and garden pesticides, yard pesticides, unless there was a general outcry from the public. You said there's been no general outcry in this area. I was wondering what you would think was a general outcry since there's been a lot of statements made lately about concerns about cut-backs in health, and there's been a massive demonstration in Regina just lately. I'm wondering what you would consider a general outcry before you would take notice of an issue like this.

Hon. Mr. Swan: — Would the hon. member be indicating to me that the big demonstration here was on environmental concern about chemicals? I doubt it very much.

Ms. Smart: — That wasn't my question. My question was, what is your definition of a general outcry? I know there's many people concerned about the spraying of pesticides in their backyards coming from other homes and city blocks, and also out in the rural areas in terms of what

other farmers are using on their fields. And my question is . . . My comment is one of concern about taking leadership as Minister of Environment. And my question is, if you're not going to take leadership unless there's a general outcry, what is your definition of a general outcry?

Hon. Mr. Swan: — If we start to hear from people with expertise in the area of agricultural chemicals that there is a serious problem with any given chemical, of course, we'll take action. And it isn't the numbers of people that would generate that, it would be more the outcry from people with a background in the chemical area that would understand what the real problem is. And as we start to hear that, of course we'll take action.

If there seems to be a number of people using a given chemical that are ill because of it, then we would respond, either through my department or the Department of Health. But to say that on just a whim . . . You say, generally overall there's a concern about chemical. Of course there is. But you don't expect the government to jump up and ban all chemicals, I hope. That's not the way governments operate, and I don't think it's proper that we should.

Mr. Lyons: — Thank you, Mr. Chairman. I have several questions along this line of questioning initiated by the member from Regina Victoria.

Mr. Minister, you said that, in fact, in dealing with the whole question of chemicals and their application and use in Saskatchewan, it was outside basically the purview of the provincial government to deal with it. If that is the case, sir, how was it then that in New Brunswick, for example, the chemical 2,4-D and new compounds of 2,4-D and their use is banned by the province of New Brunswick precisely because of concerns raised over the effects — long-term effects — of the application of that chemical.

Hon. Mr. Swan: — I'm afraid I can't speak for New Brunswick. I know that when the suggestion was made that 2,4-D be taken off the market, the letters that we got in this province were exactly on the opposite side of the fence. People indicated to us that 2,4-D is a very valuable product to them, has done a good job. They don't see that they've had any serious effects from it. And the outcry that we were receiving was that the government should not ban it but rather allow them to continue to use it until a better product was made available.

Mr. Lyons: — You will admit, however, Mr. Minister, that in fact that the control and regulation of a chemical like 2,4-D is in fact within the purview of the provincial Department of the Environment.

Hon. Mr. Swan: — I'm sorry. There was too much talking. I didn't catch your question. Could the member repeat it?

Mr. Lyons: — Well I can appreciate your speaking with your deputy minister. The question is a political question, quite frankly, and the answer doesn't require consultation with the officials. Very simply it's like: is it or is it not within the scope of the Department of the Environment of the province of Saskatchewan to deal with chemicals like

2,4-D — and I use that as an example because of what's happened in Ontario and what's happened in New Brunswick — that, in fact, it's true that your department can control the use of these kinds of chemicals in the province?

Hon. Mr. Swan: — The licensing of pesticides like 2,4-D are really under the federal government, the jurisdiction of the federal government, and if we were to begin to address 2,4-D and whether or not we should allow it here, it would more properly be dealt with by our Department of Agriculture dealing with the federal government.

Mr. Lyons: — Well, Mr. Minister, that's not the question. The question that the member for Regina Victoria posed and that I'm posing now is this: is it within or is it not within the scope of the Department of Environment to control the uses of chemicals like 2,4-D?

Hon. Mr. Swan: — My answer would still be the same, that it would be within the Department of Agriculture and its dealings with the federal department. Those chemicals are not handled or given licence by the Department of the Environment.

Mr. Lyons: — Well could the minister explain to us then, please, how it is that the Department of the Environment in New Brunswick, dealing with the same chemical, was able to exercise some leadership in that area in regards to protecting the people of New Brunswick from a known health hazard in controlling the use and the application of 2,4-D?

An Hon. Member: — Pin him down, Herb. Make him say he's against the use of 2,4-D.

Hon. Mr. Swan: — Yes, I'm still wondering how the member feels about the use of 2,4-D and whether or not he is actually opposed to the use of it.

But in response to your question, in New Brunswick the product 2,4-D would be licensed by the Department of Environment — the use of it. Not here. Here, the offer to use it in this province comes through the Department of Agriculture.

So as you may be or may be not aware, different provinces organise their departments differently. New Brunswick is entirely different than ours, and the Department of Environment has no authority to do what you're asking it to do.

Mr. Lyons: — Just to make clear, when you're referring to the Department of Environment, you're referring to the provincial Department of Environment. Am I correct?

Hon. Mr. Swan: — That's the department I speak for; I don't speak for any other.

Mr. Lyons: — The Department of Agriculture that you're referring to is the provincial Department of Agriculture?

Hon. Mr. Swan: — Yes, it's both provincial and federal. The provincial has some authorities; the federal has the actual licensing effect on the chemical

Mr. Lyons: — So you're saying that under any existing regulations that are administered by your department, you are not able to control the use of chemicals, whether there'd be agricultural chemicals or hazardous chemicals of some kind. You're saying that it's not within the role of the Department of Environment to deal with those chemicals. Let's just say agricultural chemicals, first.

Hon. Mr. Swan: — Agricultural chemicals will fall under the purview of the Department of Agriculture. When it came to the chemicals used in the schools, and in the laboratories at the universities, and in the hospitals, our department has been involved but it's in a consultative and co-operative relationship with the other departments where we have set up a method of collecting and disposing of many of those chemicals.

Mr. Lyons: — Well, Mr. Minister, there has been a great deal of debate and discussion throughout North America on the use of agricultural chemicals and their spreading use — a debate which has been brought home to a lot of people in Saskatchewan through their own use, both through personal contact with the chemical and adverse health reactions, but also in terms of the kind of pricing structure that the chemical companies have practised throughout North America in supplying farm chemicals.

Have you, as the Minister of the Environment, dealt with, or made representations to, or developed a relationship with the Saskatchewan Department of Agriculture in relationship to the use of agricultural chemicals in Saskatchewan? Have you or any of your officials in fact met with to discuss some of the concerns and health hazards raised with members of the Department of Agriculture?

(1530)

Hon. Mr. Swan: — Through the Canadian Council of Resource and Environment Ministers there is an ongoing discussion with the federal government and with the governments across Canada dealing with the agricultural chemicals and with all chemicals. And the ongoing discussion continues. As concerns arise, they come forward, they're dealt with, and they disappear. So I think we do have ongoing relationships, in that manner, by the ministers and the staff at various levels within the department of Environment dealing with Agriculture Canada and provincial departments of Agriculture.

Mr. Lyons: — Well, Mr. Minister, considering that would be a fair bit easier for you to deal with the Saskatchewan minister in charge of the Department of Agriculture, have you or any of your officials in the Department of Environment dealt directly with the Saskatchewan Department of Agriculture and broached the whole subject of the use and continuing use of agricultural chemicals like 2,4-D and any related associated health hazards?

Hon. Mr. Swan: — There is a provincial committee between the Department of Environment, the Department of Health, and the Department of Agriculture that meet periodically to discuss the agricultural chemical issue within the province.

Mr. Lyons: — Mr. Minister, has that committee dealt with specifically the issue of the 2,4-D usage in Saskatchewan, particularly in light of the University of Kansas studies which show that, in fact, farmers who use 2,4-D may, and I repeat may — although the study seems to not suggest but will — in fact have a higher incidence of non-lymphatic cancers?

Hon. Mr. Swan: — Yes the committee has had meetings and have dealt with 2,4-D.

It's interesting that you should bring the Kansas study. You know, the Kansas study itself is not conclusive. The Department of Agriculture in Ontario banned 2,4-D for a short time. And then as further studies took place, they found that the evidence given in the Kansas study was not supportable, and they have re-instituted the use of 2,4-D in Ontario. So it's a difficult one to come to grips with because the studies are not conclusive.

Mr. Lyons: — Well, Mr. Minister, I'm not just relying on the University of Kansas study in this regard. Are you aware of a study dealing with 2,4-D done by the toxicology centre which your department funds?

Hon. Mr. Swan: — Yes, I'm aware of it.

Mr. Lyons: — Good. Perhaps you'd like to enlighten us as to the contents of that study and some of the conclusions it's reached in regard to the use of 2,4-D.

Hon. Mr. Swan: — The toxicology centre here did not support the Kansas study, and they do not recommend that we ban the use of 2,4-D here at this time.

Mr. Lyons: — Well, Mr. Minister, I didn't ask you whether it supported the Kansas study. I asked you if you would, in fact, put forward what the findings were and tell us that, in fact. Tell us what the findings were of that study.

Hon. Mr. Swan: — I think the member would be probably better advised to ask the toxicology centre for a copy of the study. I'm sure they'd make it available to them.

Though we do provide a grant to that toxicology centre, by no way does it fall under my purview to administer the toxicology centre. It operates on the university campus in Saskatoon.

Mr. Lyons: — Mr. Minister, you said you were aware of the study. Have you read the study?

Hon. Mr. Swan: — I wouldn't say that I've read all of it; I've read parts of it. I've probably read the executive summary part of it as much as anything else. I didn't read it all.

Mr. Lyons: — Well, Mr. Minister, are you aware that what that study says in fact, on the one hand, while it doesn't come out and openly say that the University of Kansas study on the use of 2,4-D is right, it also doesn't deny — it doesn't deny it. And in fact what it says . . . And isn't it true that what it says is that short-term properly handled use of 2,4-D will not cause long-term toxic effect, but in fact that the toxicology centre at the University of

Saskatchewan would not say that the long-term use of 2,4-D would not produce long-term effects? In fact, exactly the opposite was their conclusion, they would specifically not relate to the effects of the long-term use of 2,4-D.

Hon. Mr. Swan: — I think our Saskatchewan toxicology centre is too new to be giving long-term predictions of the effects of 2,4-D. They haven't had the opportunity to do that kind of study at this point.

The Ontario government and the federal government have both done significantly large studies on 2,4-D and neither one at this time are recommending the banning of 2,4-D. So I think that we're wise to wait and watch and let the research continue until it does come with some more conclusive evidence as to which way we should go.

Mr. Lyons: — Mr. Minister, I'm very interested in the fact that you seem to be taking the advice of the federal Department of Agriculture. I think it's very important for people in the province to realise that the federal Department of Agriculture, which controls the use of farm chemicals, and agricultural chemicals, has within it a number of expert committees. These expert committees, in fact, in the use of farm chemicals, are dominated by none other than the chemical manufacturers, the chemical manufacturers which have a stake in the continued long-term use of agricultural chemicals, whether it's 2,4-D or malathion or Decis, or whatever, whatever particular chemical you want to deal with. And that in fact there is no definitive long-term-use studies of agricultural chemicals in Canada done by any independent body that is not associated with any of the farm and agricultural chemical companies.

But what is interesting, Mr. Minister, is that you haven't quoted from the federal Environment department and its stand on the use of farm chemicals. And the federal Department of the Environment is much less sure, is much less sure of the continuing use of agricultural use of chemicals in this country.

First of all, the Minister for the Environment, Mr. Tom McMillan, in fact has introduced an environmental protect Act which deals or tries to deal with in fact what has been one of the major failings of the Department of Agriculture, and that's the licensing, registration, and testing of farm chemicals over the past number of years. According to Mr. McMillan, the federal Minister of the Environment, there are literally tens of thousands of chemicals at use in Canada which have not been registered or have not gone through a long-term independent test, and have in fact, not gone through the kind of testing procedure which you seem to imply that all chemicals . . . Won't you admit that, in fact, there has been a failing on behalf of the Canadian government in dealing with the registration and testing of chemicals for use in Canada?

Hon. Mr. Swan: — The hon. member starts out by saying that the committee at the federal level have been dominated by the chemical companies. The chemical companies have been involved, and, I think, a good portion of their involvement has been in the financial side, to provide funds so that the research goes forward. I

hope that the hon. member isn't indicating that the scientists who are doing the research are being bought off by the chemical companies. If that's his thinking, I think he's got a lot of apologising to do to some of our fine researchers.

The chemical companies and the federal government would like to see far more research done. Research is not a low-cost area to work in. It's very high-cost, and before you can make definitive decisions on the effects of chemicals, you have to have a long period of time elapse to watch and study and see what the long-term effects are.

I don't believe that you would find hundreds of chemicals on the market that have not been licensed. Most chemicals that I'm aware of have had some licensing before they come on the market. If the member has a list of chemicals that are not licensed, I'd certainly like to see it.

Mr. Lyons: — Well, Mr. Minister, you're taking issue with the federal Minister of the Environment in this regard and in regards to those chemicals, the tens of thousands — not just hundreds, but tens of thousands, using Mr. McMillan's own words — of chemicals, which have been introduced into Canada which have not been through proper testing procedures and have not had proper registration.

I wonder, sir, when you say that the chemical companies haven't been involved in buying off any of the testing laboratories involved, are you familiar with the I.B.T. affair?

Hon. Mr. Swan: — No, I'm not.

Mr. Lyons: — Let me enlighten you. It was the I.B.T. Laboratories, a group of laboratories in the United States, supposedly, independent and supposedly be able to provide independent testing for chemicals that were going to be introduced into the American and Canadian market.

They were a laboratory which, in fact, Canadian firms used to try to give supposed independent testing. The I.B.T. affair turned into a scandal in the sense that when the Department of the Environment and other departments in the federal government checked into the background of this laboratory found, in fact, that they were cooking the books and that the methodologies that they were using to test the chemicals which were introduced into Canada that had been tested in this manner didn't in fact have the kind of background of testing that they supposedly had.

But I take issue, and I want you to respond to this concern: the federal government, your federal Department of the Environment says there is a problem with the registration and testing of chemicals in Canada and there has been. There has been. Do you agree with that assessment of Mr. McMillan?

Hon. Mr. Swan: — I'm not sure of the basis for Mr. McMillan's comments. He has the right to speak his mind as he sees things. I don't have the background

information of what he is dealing with there. If the concern is raised here, we will deal with it. But if he wants to make a judgement and make a statement like that, that's entirely his statement. I would have no way of backing it up.

Mr. Lyons: — Well, Mr. Minister, are you familiar with the proposed new environmental protection Act?

Hon. Mr. Swan: — Yes.

An Hon. Member: — Next question: have you read it?

Mr. Lyons: — The member from Weyburn seems to be anticipating this question. He's doing a good job for not being a lawyer but a veterinarian. I guess the next question is this: have you been briefed on the environmental protection Act?

Hon. Mr. Swan: — We have, through our department, been through the environmental protection act and have recommended some changes to it over the period of the development of the Act. The deputy minister has been at a number of meetings in Toronto and other places dealing with that piece of legislation. So we have been quite involved in it.

Mr. Lyons: — Then you will please to tell the House what your activities were in regards to that Act, what were the amendments that you suggested, and why, in fact, why was that Act brought forward?

(1945)

Hon. Mr. Swan: — My department has done considerable work, along with the departments across Canada, and as they met, they've jointly and individually put forward proposals for amendments and change. That's a very major Act, and for me to even hope to cope with that kind of amendments and to tell you all the things that my department has dealt with would be unreasonable, I think, in the setting that we're going through.

The legislation has had first reading only. It's sitting on the order paper and will likely have many more amendments before it goes much further in the House. Our staff will continue to work and monitor and try and influence change in areas where they would find concern.

Mr. Lyons: — Well, Mr. Minister, I wonder could you tell us how many amendments were proposed to the Act by the provincial Department of the Environment?

Hon. Mr. Swan: — I wouldn't even attempt to answer that question. There are many, but I couldn't begin to tell you how many. That would be a most difficult thing. I don't think anybody has been keeping a record of how many changes. They've proposed change, and as the Act changes, then they review again and again until across Canada the departments of Environment feel that we're on the right track. And they will be continuing to work on it.

Mr. Lyons: — Well I don't think that answer is good enough, Mr. Minister, with due respect. Point of facts is, is that the department obviously had some kind of response paper presented to the proposed new environmental protection Act. In that response paper there were amendments laid out or concerns laid out. Would you tell us how many amendments and in what areas were the concerns expressed?

Hon. Mr. Swan: — Many of the discussions took place long before my time here, and the deputy says he wouldn't even attempt to try and indicate how many different proposals were put forward. He's been working with it, but there were many, many proposals for change over the period of development of that Act.

Mr. Lyons: — well given that your deputy seems to be running the show, perhaps your deputy would be prepared to table all the response papers presented by the department in response to the proposed environmental protection Act.

Hon. Mr. Swan: — There are consultations and discussions and proposals made to another level of government. I don't believe that there's any compulsion on me to table that kind of information here in this House. Much of it's internal working documents of a department, and they're going to stay that way.

Mr. Lyons: — Well I'd like to know what you're trying to hide, quite frankly. I asked you a specific question: how many amendments to the new proposed environmental protection Act were put forward by the provincial Department of Environment. that's easy.

If you have documents there, and you say that the deputy minister has been involved with this process, I mean, he can surely have some notion as to (a) the areas that he put forward proposals, and (b) the number of proposals put forward.

Hon. Mr. Swan: — I've answered your question several times, and I've told you that I have no way of knowing how many, and that I don't propose to give you an answer to that because I'm not sure of it. Any answer I would give would only be a haphazard guess, and I don't believe in going that way.

Mr. Lyons: — Okay. Let's deal with it this way. Did you, or your department, or any official in your department, now or prior to you becoming the Minister of Environment, put forward any suggestions or proposals to the Minister of the Environment, the federal Minister of the Environment, as to the registration of chemicals?

Hon. Mr. Swan: — I don't think that my department would be the agency that normally would deal with that. That would more properly be dealt with by our Department of Agriculture, and they have had opportunity to be involved if they wished.

Mr. Lyons: — Well, Mr. Minister, given that the proposed environmental Act deals to the main with the whole question of licensing, registering chemicals, it seems to me that it's a fairly germane question to ask the department: did your department — yes or no? — put

forward any suggestions or proposals to the Minister of the Environment, the federal Minister of the Environment, as to the registration of chemicals?

Hon. Mr. Swan: — I don't think that my department would be the agency that normally would deal with that. That would more properly be dealt with by our Department of Agriculture, and they have had opportunity to be involved if they wished.

Mr. Lyons: — Well, Mr. Minister, given that the proposed environmental Act deals to the main with the whole question of licensing, registering chemicals, it seems to me that it's a fairly germane question to ask the department: did your department — yes or no? — put forward any suggestions or proposals in regards to the licensing of chemicals? surely the deputy minister knows that if you don't.

Hon. Mr. Swan: — The registration of agricultural chemicals will still fall under the pesticide control Act, even though there is a new environmental Act being put in place. The new Act can only deal with that issue in so far as the federal legislation allows, and that's a very limited area that they can get involved in.

Mr. Lyons: — Well that's not the question I asked. I asked specifically: did the Department of Environment put forward suggestions or proposals to the federal Minister of the Environment as to the registration of chemicals, agricultural or non-agricultural?

Hon. Mr. Swan: — I'm advised that the proposals that were put forward by the different governments across Canada were put forward at a meeting of the Canadian Council of Resource and Environment Ministers. They wouldn't be put forward specifically by any one province. They were put forward as a group and approved as a group in a meeting in Toronto, I believe.

Mr. Lyons: — Did the Department of Environment for the province of Saskatchewan take to the council of ministers of the Environment any proposals or suggestions in response to the proposed environmental protection Act regarding the registration of chemicals, agricultural or non-agricultural?

Hon. Mr. Swan: — The simple answer would be yes. But the areas . . . I am not going to provide that kind of back-up paper to support the answer. The simple answer is yes.

Mr. Lyons: — Would you please, then, provide the list of areas which the proposals dealt with. Since you say that it did deal with the proposals, will you now give us a list of those proposals and suggestions and what areas they covered?

Hon. Mr. Swan: — Those would have been part of the overall discussions held by all the governments across Canada. No, we will not provide that information.

Mr. Lyons: — I'm not asking, Mr. Minister, for a list of things discussed by Ontario or the Yukon or Prince Edward Island or anywhere else. I want to know what the position of the Department of the Environment for the

province of Saskatchewan was at those meetings in regards to the new — the proposed new environmental protection Act. I'm asking you as the Minister of the Environment for Saskatchewan to put forward to the House what was Saskatchewan's position in regards to that proposed environmental Act. It seems to be a fairly straightforward question. What are you trying to hide?

Hon. Mr. Swan: — I think it was a very straightforward question and I think I gave a very straightforward answer. No, I'm not going to provide that information.

Mr. Lyons: — Well, will you tell, will you please tell the people of Saskatchewan why you won't answer, why you won't answer? What are you trying to hide? What is wrong with putting forward the position of the Department of the Environment? Is it because you didn't have a position there?

Hon. Mr. Swan: — What we had was working documents that were used at meetings where the governments across Canada met and where there are many, many changes occur, as the day proceeds. And no, I'm not going to provide that kind of information because it would not really be the kind of information that would give you significant answers even if I did, and I don't intend to provide it.

Mr. Lyons: — Okay. I can go, Mr. Minister, I can go and get the Act and the proposed new Act and start with clause A and ask whether or not the Department of the Environment for Saskatchewan is in favour or opposed to that. And I may have to do that and I will do that it that's what is required. I'm asking you a fairly straightforward question. Let's deal with the question on this matter. Is it the position of Saskatchewan Environment that increased registration of chemicals is necessary in Canada?

Hon. Mr. Swan: — I'm not sure what the hon. member means by increased registration. That could mean more chemicals, wider range of chemicals, register them more often. I'm not just sure what you mean when you say increased.

I don't believe that the whole process of the Canadian environmental Act is really the responsibility of my department. The questions that you're raising possibly should be answered in the federal House. But that legislation is not my legislation, it's federal legislation. And I don't feel the responsibility is mine to try and answer the questions that the members ask.

Mr. Lyons: — I don't believe it. I don't believe what you said that somehow I should be going to Ottawa to ask the federal government what the position of the Saskatchewan Department of the environment is in regards to the new proposed environmental protection Act. That's just what you said. That's what you said. And you know what happens if I went to Ottawa? They'd said go on back and ask the Minister of the Environment. But he probably can't tell you, because the people in Ottawa probably know better what Saskatchewan's position is in regards to the environmental protection Act than you do, with all due respect.

I want to know, Mr. Minister, why is it you will not tell the

people of Saskatchewan what Saskatchewan's position was when it comes to drawing up an important piece of legislation like the environmental protection Act. When I ask for increased registration, I'm asking you specifically in terms of using the language of the Bill itself. And that means, and that means tightening up registration procedures for chemicals.

Let's ask another question, though, that the Act deals with. Is it the position of Saskatchewan, within response to the environmental protection Act, the proposed environmental protection act, the proposed environmental protection act, that there should be some method of banning of export of sales of chemicals, agricultural or non-agricultural, to offshore countries?

Hon. Mr. Swan: — I think a question like that is so broad and so vague that there really is not answer to be given to it. I doubt it the hon. member could give an answer to it, and I certainly don't intend to.

Mr. Lyons: — The answer is very simply, in response to the environmental protection Act, I personally support that kind of initiative. And that's a very easy, very easy answer to give, because I've read the Act and I've had wiggly-wiggly that you're doing here that you haven't, and that you're trying to squiggle out of putting forward the position of the Department of Environment, or your own political position, because you haven't dealt with in a serious manner.

I'm asking you because one of the crucial elements of that Act is for the export of hazardous chemicals to offshore countries will be controlled by that Act. Does the Saskatchewan Department of Environment and you as Environment minister support that federal initiative?

(2000)

Hon. Mr. Swan: — That's a federal initiative. It'll be interesting to see as the Bill progresses through the House whether or not that's exactly the interpretation that's left if the Act.

Mr. Lyons: — Well, Mr. Minister, you've been saying here that your department has had lots and lots of input into the Act. You say you've had a long-term relationship with developing that Act, and that Saskatchewan Environment's had that long-term relationship. could you tell us, in terms of the relationship with the control of export of chemicals produced in Canada, does the Department of Environment for the province of Saskatchewan agree — not whether I agree or anybody else agree — does it agree with the Bill as it's now proposed and is before the House of Commons?

Hon. Mr. Swan: — I don't think Saskatchewan is a large enough producer to be involved very much with offshore shipments of chemical. I know that the few chemicals that are produced here are practically all consumed here. If our chemical companies get large enough and we start looking for other markets, we ship other products offshore and probably would ship most chemicals if we had them.

Mr. Lyons: — Well is the minister aware of any chemicals that are produced in Saskatchewan that are exported?

Hon. Mr. Swan: — Almost anything that is made anywhere in the world has some chemical content.

Mr. Lyons: — Is the minister aware of any particular agricultural chemicals that are produced in Saskatchewan and exported?

Hon. Mr. Swan: — I'm not sure what this has to do with our estimates. Potash, of course, is one that's shipped offshore; oil is another one that goes offshore. There's many things, but I don't believe this has much to do with our estimates.

Mr. Lyons: — Well it's got lots to do with your estimates because it deals with precisely the kind of, precisely the kind of situation that is dealt with in the proposed environmental Act, which is one of the reasons why I'm asking you about our position in regards to the provincial environmental Act.

It's very, very . . . You know, for the life of me I can't figure out what you're trying to duck and why you're trying to dodge and hide this. You know, there's some fairly simple questions and fairly straightforward answers that are required to these; they're not complex, they're not complex; they're fairly simple. They're fairly simple so that the member for Weyburn, who's continually talking during these estimates, will understand them. They'll fall within the narrow range of grasp of ideas he's able to hang on to.

Mr. Minister of the Environment, Mr. Minister of the Environment, is it the position of the Government of Saskatchewan through the provincial Department of the Environment that the export of hazardous chemicals be controlled by the Government of Canada?

Hon. Mr. Swan: — I suppose all chemicals in some form are hazardous, depending on what you put them with. You know, if you take ordinary nitrogen and you mix it with oil it becomes an explosive. So all chemicals can become hazardous, and in other cases they're harmless.

So the member is asking a question that really that I feel has very little relevance to my estimates. I would ask him to return to the estimates of the Department of Environment.

Mr. Lyons: — Well if the Minister of the Environment for the province of Saskatchewan . . . That's some admission, sir; that is some admission that you don't know what the heck's going on in terms of the proposed environmental protection Act.

And it's obvious from your answers or your refusal to answer — refusal to answer these questions — that you don't know anything that's going on in terms of the environmental protection Act, an Act which the minister, which the federal Minister of the Environment himself says represents an important piece of legislation in dealing with the importation or exportation and the registration of hazardous chemicals in Canada.

And hazardous chemicals . . . It includes chemicals that

the member from Victoria talked about, chemicals which are deemed hazardous by among other things, their toxicity. And we're not talking about making dynamite; we're not talking about silly things like that, in terms of his estimates; we're talking about things like the chemicals which are produced here in Regina and formulated here in Regina, and shipped to the United States. Things like Hoe-grass. Did you know that Hoe-Grass was made here, here in Regina, and exported? Did you know that?

Hon. Mr. Swan: — Yes, of course I know that. I've known it for a long time, sir.

Mr. Lyons: — Now, Mr. Minister, if you'd known that for a long time, perhaps then you will realise how this hooks in with the environmental protection Act — the proposed one. Because should the products which are produced or formulated here in Saskatchewan, because the initial ingredients don't come from here but the formulating of them are here . . . We have the largest formulary plant, Hoechst company, for all of Canada, located in Regina. Many of the products that they produce here in Regina are exported. If in fact some of those Hoechst products were to be deemed hazardous chemicals for some reasons or other, it would affect the production and the formulation of that chemical here in Regina.

And you say you're not interested. You say that it's got nothing to do with Saskatchewan. Well I think you better sort of think beyond trying to defend your government and your own departmental record in terms dealing with this problem.

Just think a bit. Think about what about I'm asking. I'm asking you: do you support the federal government's environmental protection Act as it is now before the House of Commons? Do you as the Minister for the Environment in Saskatchewan support that Act?

Hon. Mr. Swan: — That Act is about one week old in the draft form that it went to the House. We don't even have copies of it here in Saskatchewan in its final form at this point. We've had copies in the process of developing it, but in the final form, we haven't even received copies.

Mr. Lyons: — Mr. Minister, that doesn't preclude you from discussing it whatsoever, but it certainly speaks volumes about the close consultation that you originally began to talk about it in regards to putting forward this legislation. It's obviously that you've had close enough consultation where it comes before the House of Commons and your good buddies in Ottawa don't even have the common courtesy to send you a copy of the Bill before it's presented. It shows what kind of close consultation and in what high regard you're held by the environmental department and the federal Minister of the Environment. And given your performance in the House tonight, I can see why.

What I'm asking you about, sir, is that in consultation that you talked about and that you've said has existed between your department and the federal Department of Environment, do you support, do you support the initiatives which were outlined and which were hopefully given to your department — although judging from your response lately, I'm astounded at the kind of

hiding that you're up to. Do you support the federal Department of the Environment minister's initiative in regards to the environmental protection Act? Do you support the major thrust of that Act?

Hon. Mr. Swan: — When the department has worked with the Canadian Council of Resources and Environment Ministers, they've worked very carefully to try and put forward ideas that would bring the legislation in line with what we could support.

I advised the member that I don't have a copy of that Bill. And you may or may not realise that there was a strike in the postal system in Canada that did delay things somewhat. My deputy tells me that he has now received it. I haven't yet, but I will likely in a day or so.

We will be dealing with it and dealing with it over a long period of time. We'll have most of the summer, it looks like, before that Bill will go forward. So I would like very much to have a chance to see it in the form that it was presented in the House before I would make any rash decision of whether or not I can support that piece of legislation.

Mr. Lyons: — Well, Mr. Minister, before you saw the final version of the Bill . . . and judging from your comments now, you must have dealt with the form just before the final version. I know that a lot of people in Canada had an opportunity so see that, myself included. Could you please outline for us the areas of that Bill you supported — or probably, if you didn't have objections, those areas that you objected to — in the last from final form of the new environmental protection Act.

Hon. Mr. Swan: — I advised the hon. member earlier that I was not going to get into that.

Mr. Lyons: — Well you're going to get into if we have to stay here all summer and deal with it. You won't move from that seat, let me tell you, day in and day out, because we'll stick on this subject, I want to know what you're hiding from the people of Saskatchewan. Why won't you put forward Saskatchewan Environment's position regarding the new environmental protection Act, in the last from final form? What about . . . What was there in that form of that Bill, the proposed Act, that you object to?

Hon. Mr. Swan: — I've advised the hon. member that I'm not going to answer the question so we're just going to sit here until he wants to ask a question that's on our subject.

Mr. Lyons: — Mr. Minister, I said I wanted an answer to the question. I said I want an answer to the position of the Department of Environment for the province of Saskatchewan. As a member of the opposition and as a member of that legislature, your refusal to answer that question is nothing more than a slap in the face of the process of democracy — your refusal to answer what is not a complication question, what will not take a long period of time, what in fact, if you weren't so darned stubborn about sitting there and acting like a bump on a log, or if you'd in fact consult with your deputy minister, you would be answer? Or if you had a grip on what was going on in environmental issues in the country, you'd be able to answer.

I'm asking you this question again: what is it in the next to last form of the Act, the environmental protection Act which is before the House of Commons, did your department object to, if anything?

Mr. Chairman, I asked the minister a question. He doesn't appear to be in any mood for answering. I would like to know from the minister the answer. I've asked him a question, and I'd like a response.

Hon. Mr. Swan: — I can give you the same response time after time all evening. If that's the response the hon. member would like to have.

I've told you that the legislation that's before the federal House will be dealt with in the federal House. Our staff have been involved along with the departments across Canada, and have put forward the proposals that have developed the legislation that's in place.

That legislation has not even been sent to me at this point. When it arrives I'd be pleased to read it. But I don't believe that I have any responsibility to speak for federal legislation in this House.

Mr. Lyons: — Well, Mr. Minister, no one is asking you to stand up and defend the federal legislation or to try to take the federal legislation apart.

But your job is . . . You're the Minister of Environment for the province of Saskatchewan. As the Minister of Environment for the province of Saskatchewan, supposedly you're supposed to form opinions as to things which may affect Saskatchewan environment. Is that not true?

Hon. Mr. Swan: — I'm going to have to make a record, Mr. Chairman, and just play it to him every once in while, because the answer would be the same.

(2015)

Mr. Lyons: — Well, Mr. Chairman, I asked the minister a question. Once again he's ducking the question.

I asked him that: in regards to federal legislation which affects the province of Saskatchewan and the Department of Environment of Saskatchewan in particular, do you not see that as part of your responsibility, to form an opinion on this type of legislation?

Hon. Mr. Swan: — I don't believe it's my responsibility to deal specifically with that legislation in this House.

I form opinions on many things; I don't give them all to you. And I believe that I'm entitled to an opinion on this Bill that I don't have to give to you. This Bill is in the federal House. The federal House will deal with it. We have federally elected members from Saskatchewan who will deal with it. If there is areas of that Bill, when I have a chance to again study it in its final form, that I'm chance to again study it in its final form, that I'm concerned about, I'll raise those concerns with the Minister of Environment at the federal level. If I don't get the results I want that way, then I'll deal with the federal members that I know in the House of Commons. But that

particular Bill is not before this House and I feel no compulsion to give opinions as to whether or not I support any given any part of it.

Some Hon. Members: — Hear, hear!

Mr. Lyons: — Well, you may not feel any compulsion, Mr. Minister. In fact, judging from the kind of applause you got from your back benches over there, they don't feel any compulsion. But there's a certain compulsion which is laid down. And that's the kind of process which takes place during the estimate process, takes place in this legislature, in which the people of Saskatchewan do have the opportunity to ask you questions in regards to the opinions that you as the Minister of Environment and in your capacity as the Minister of Environment hold in regards to important environmental legislation. You're getting paid 75 or \$80,000 a year to deal with that, to deal with those kind of questions, and you darn well better be prepared to answer. You darn well better be prepared to answer.

Some Hon. Members: — Hear, hear!

Mr. Lyons: — I asked you a question before. I'm going to ask you again, and I'm going to keep asking you that question, because it is your responsibility to answer. And it's your responsibility to answer to the people of this province. And you darn well should feel some accountability.

The question is this: there was a proposed environmental Act which was circulated widely throughout Canada. The Department of Environment for the province of Saskatchewan was involved with consultations with the federal department, both directly and through the Canadian Council of Ministers of the Environment. That's also clear; that's also clear.

There was a proposed Act circulated demanding comments, asking for responses, asking for responses. There was a long consultative process, which not just tried to hide things behind people's back, but in fact tried to deal with important environmental questions openly before the public. Why is it, why is it that when the federal Department of Environment asked for public consultation, including from the Minister of Environment for Saskatchewan, on behalf of the government for Saskatchewan, you're trying to hide your response? There are lots of briefs presented in regards to this Act, the proposed Act. In fact, there was a whole consultative mechanism with thousands of dollars of taxpayers' moneys spent to in fact engage people in that kind of consultative process.

what I want to know, and I believe that what I've got the right to ask, and what the people of Saskatchewan have the right to ask is: what was the position of the government of Saskatchewan in regards to this proposed Act? Were you or are you or are you not in favour of the thrust of the proposed Act as laid out in the Bill which is supplied to everybody for a consultation? Were you or were you not? And what's so hard for you to answer that question?

Hon. Mr. Swan: — The hon. member is asking the same

question time after time. And I have given you the answer many times — that I don't propose to deal with the federal environment Act here. Let them deal with it in the federal House. And they will deal with it. So you say, yes or no, are you in favour of the Act. That Act has many, many clauses. You might be partially in favour of some and entirely opposed to others. I can't give you a definitive answer of whether I support or don't support the Act, because that's the way Acts are written. You may support one clause, not support the next. And you would in the overall have to make a decision at the end how you vote if you're in the federal House. I don't have that responsibility in this House for the federal Act.

Mr. Lyons: — Well, Mr. Minister, you said that you may or may not have responses, that the department may or may not have responses. You're saying that now. Before, earlier on this evening, you said that in fact that the department did have responses.

What we are concerned about is the responses from the department. And there is nothing wrong, there is nothing necessarily bad in supplying the people of Saskatchewan that kind of information. Or do you believe that the people of Saskatchewan have the right to know what your position is in regard to important environmental legislation.

Hon. Mr. Swan: — That piece of legislation has gone through many, many hours of negotiations. And we as a department have gone through many hours of negotiations dealing with that piece of legislation. And we do not propose to give all of the inside working documents and the answers that were provided to the federal government from those documents.

Mr. Prebble: — I'd like to ask the minister a question about the provincial environmental impact assessment process, and that is: given the experience that we've had with that process now over the last nine years, I wonder if the minister would be prepared to support a change in the Act that would mean that instead of an environmental impact assessment being done by the proponent of the project — in effect the proposed developer contracts out the environmental impact assessment at the present time — would the minister be prepared to consider a change that would result instead in the Department of Environment commissioning out the environmental impact assessment? Naturally in conjunction with or in consultation with, I guess I should say, the proponent of the project, so that in effect we would have a truly independent environmental impact assessment report completed on the development rather than one that in effect at this point in time has been completed by the proponent. Would the minister be prepared to examine that matter with a view to implementing such a change?

Hon. Mr. Swan: — I would have a difficult time supporting that kind of a change, and let me tell you why. When you have a proponent and he's going to do a development and he's going to pay the bill to have the environmental impact assessment done, I believe that it's his responsibility to select the best group of people to do the project for him, the best group that he can come across, because he is going to, in the end, pay the bill for that group, and if he gets a group that does a very effective

job, he is more liable to get his project approved than if he gets the cheapest group that he can possibly find and does a poor job.

If we were the department and we were recommending the contractor to do that environmental assessment, and then when it comes back through the department for us to do the actual assessing of what has been decided, we selected the firm that did the project, it would be very difficult for us then to criticise that firm and have them redo or change or bring into line parts of the project.

So no, I think the proposal that you are making would not be the proper way to go at all. I think the route that we have at this time is effective. The proponent selects his own contractor, the proponent pays the bill, and we do the assessing of what they bring forward. I think that's the way it should be, that the Department of Environment is left as the group who takes a look at what has been done to see that the environment and the people in the province are protected to the best way possible.

Mr. Prebble: — Well I'd make this point to the minister, and I should say that it's the view of members on this side of the legislature that the time has come for a change in the way the environmental impact assessment process works. And this, it seems to me, ought to be the heart of the change.

What we're seeing right now is a situation where time and time again the proponent, or the developer of the project, commissions out the project, and I'm not suggesting that he or she intentionally commissions the project out to people who will automatically write a good report, but there is a certain element of that going on in some projects. And it's our view that what would be much better is a more independent process where there is an independent evaluation of the proposed project and the negative environmental impacts that it will have so that the people who are reviewing the project and writing the assessment are, in effect, not depending on receiving their pay cheque from the proponent of the development.

And that is the current major weakness in the process, is that naturally the people who have the contract to do the environmental impact assessment will be cautious about recommending against the project going ahead because they are going to be collecting a pay cheque from the proponent when they have completed the environmental impact assessment report. And if they want to get the proponent's business again, they ought not to write a report that is too critical of the proponent and his proposal.

Now, Mr. Minister, it's our view that what would be a much better process is if we had an independent environmental protection commission that reported just directly to the legislature in the same way that, shall we say, the Ombudsman's office or the Human Rights Commission currently reports to the legislature. And that independent environmental protection commission, which would be small in nature, would contract out the assessments to the people that it believes are most qualified to do the assessment. The work would still be paid, the assessment would still be . . . The responsibility with respect to cost of the developer would not be a

public responsibility

It's the developer who is proposing this project; it's the developer that ought to pay to have an assessment done of what the negative environmental and social impacts of that development would be. And I believe then that after that assessment is done, the independent environmental protection commission ought to submit the assessment to the Legislative Assembly for all members to review and for debate in this House if necessary, before the project goes ahead. Would you be prepared to entertain that kind of a proposal?

Hon. Mr. Swan: — No. I would not, and I think I gave my reasons for not being prepared to go that way. I think it would be an absolute mistake.

The system that we have in place worked well. And I give credit to the NDP government, when it was in power, for bringing forth this legislation. And it has worked well. And it has been here for five years since we've been government. We haven't recommended changes because we feel that the process in place is one that protects the environment and serves the people as well as any process could.

I believe to go the route that you are proposing would not really be a workable route, and I would not be in support.

Mr. Prebble: — Could I ask the minister on a different subject, a question about the work of the spill response centre in the year 1986. I wonder if the minister could tell the legislature how many spills were reported to the spill response centre in 1986 and give us some breakdown of the nature of the general categories of these spills and the numbers associated with those categories.

(2030)

Hon. Mr. Swan: — It's in the annual report. And the total number of spills was 230; and if you want them all individually, I'll give you the breakdown.

An Hon. Member: — I wonder if you filed that information with us rather than reading it into the record. It might be a lot easier and less time consuming.

Hon. Mr. Swan: — If the member has a pencil, it wouldn't take long to give you the figures. Petroleum products, asphalt, 5; crude oil, 4; diesel fuel, 42; heating oil, 8; gasoline, 41; transformer oil, 6; used oil, 2; other, 10; for a total of 118 in the petroleum products.

Non-petroleum products: acid, 3; fertiliser, 7; industrial chemicals, 18; industrial was, 3; other, 4; PCBs, 40; pesticides, 11; radioactive, 9; sewage, 17; for a total of 112.

Mr. Chairman: — The member for Saskatoon Sutherland.

Mr. Brockelbank: — Saskatoon Westmount, Mr. Chairman. I wanted to direct a question to the minister, Mr. Chairman, and it has to do with a mystery which is thickening with regard to what it costs the government to operate and where they're operating from, and I can see only less information being available to this Assembly.

And it has to do with the Saskatchewan Property Management Corporation.

And in order to speed the minister's estimates up, and I know all ministers will want to have their estimates speeded up as much as possible in this area, and it's a technical area, I think, and really all it requires is some information to be provided in a form which would be meaningful to the people of Saskatchewan and to the members of the opposition in their questioning.

The property management corporation receives an estimated payment of \$985,700 in the estimates which are before us. And I wonder, Mr. Minister, for the purposes of clarifying and speeding up the study of this particular section, in anticipation of this section coming up in due course, whether the minister could present to us, possible before his estimates are completed, total amount paid by the department to the property management corporation in '86-87, and anticipated to be paid in '87-88; and for each year, what was the purpose of these moneys paid — for example, broken down into areas such as lease costs, service costs, and location.

I wonder if the minister can undertake to provide that information on the Department of Environment and Public Safety. And I give all other ministers notice that we'd require similar information about their departments.

Hon. Mr. Swan: — In 1986-87 there would have been no budgetary item in our department to be paid to the property management corporation.

In this year, the figure is tentative because we will be negotiating with the property management corporation to finalise rental rates and things of that nature. So the figure is put in a guesstimate. I would say, at this point, and the negotiations will be ongoing.

The anticipated method of breaking that figure down would be that the office space rental would come to something like 860,000 and the mail and postage about 125,000. So I can't give you definite, right down to the dollar figures, because those negotiations for rent are not complete yet.

Mr. Brockelbank: — well I realise, Mr. Chairman, that the minister is putting forward the estimate, which . . . I understand what estimates are. But at the same time the minister is putting me in a catch-22 position. He says he doesn't have figures for last year, and if we were to look in the document before us we'll find there's Supply and Services. But it doesn't come before the House because there is nothing in it for this year. And what I want to be able to do is make a comparison. The minister . . . Obviously there must be some figures on which he is basing his \$985,700, and there should be comparative figures for the previous year. And for the minister to say, to give me a breakdown that consists of two portions — one, 800,000-and-some-odd dollars, and the other, the balance — really doesn't give me or anybody who's examining the estimates much information along the lines which I sought. And I want the minister to be able to tell me that he can give a more detailed breakdown of the figure which I'm requesting.

Hon. Mr. Swan: — It's going to be difficult to give you a detailed breakdown. The property management corporation has just been formed, as you're aware, and it took over much of the responsibility that had been under Supply and Services. I that first figure that I gave you would be office space and rental and furnishings — that type of things — but I can't give you detailed break-out of what it will be this year, at this point, because I just don't have it. Maybe I could get something from the property management corporation because they were operating that in the past, and the figure really didn't come to the department. I was dealt with strictly by Supply and Service. But I may be able to get some breakdown from them. If I can, I will provide it to the hon. member.

Mr. Brockelbank: — Well, Mr. Chairman, the information . . . The minister must have arrived at these figures, or the departmental people must have arrived at these figures, on the basis of some previous figures. I realise that the property management corporation has just been assembled, and this causes us concern because what this government has done has in effect taken the cost of what it costs government for rent and lease and so forth, and other charges, and effectively hidden them in a Crown corporation.

And I say this may not be for ever and a day, but it will be effectively hidden for some period of time, for two reasons. And the first reason is, that Crown corporations, as the minister knows, are not examined except after the year has closed. That's number one.

And number two, this government's record in examining Crown corporations has been a sorry record, as I understand it. Perhaps it was due to my absence, because I know Crown corporations were examined in detail and kept up to date when I was a member of this Assembly before. I wouldn't want to ascribe all that to the fact that I was absent for four or five years. I think there's some other reason for it. And the reason being that this government has done everything to hide information from the public.

My understanding is that when Crown corporations are dealing with the different areas, when the government, as they say, hits a knot when they're sawing the board, they immediately pull out and quit considering the Crown corporation. The consequence is that the information is not supplied to the members of the Legislative Assembly or the people of Saskatchewan. And in view of that reason, the government's record in Crown corporations, plus the fact that this information on the property management corporation payment of 987,000 . . . \$985,700 will not become available to us till the year after it's closed, really gives us no information at all, Mr. Chairman.

I know you understand the position that the minister — if he takes this position — now puts the people in and puts the members of this Assembly in. And I don't think it's a satisfactory position as regards providing information so we can have a detailed examination of the estimates.

And I want the minister to consider again the suggestion that he's made to me and come forward with a proposal that will provide the information and near as possible in

the context in which I've requested it.

Hon. Mr. Swan: — Well as the member knows, in other years, Supply and Services was the agent that delivered space and furniture and equipment to all departments. And at that time it was in one large lump sum for rental of space, and renovations of space was another headline, and furniture was another headline, but no department really knew how much of that cost was attributed to that department.

So what we're doing, and what we have done, is to have a figure picked from that overall lease rate by the property management corporation that applied as close as they could pick it out to the needs of the Department of Environment. I believe the figures that I am giving you are more detailed than any figure that's ever been available in this House to deal with the rental of office space, the purchase of equipment, and the cost of postage for each department.

In other years, you would've had to just go to the Department of Supply and Services estimates and read down the overall lump sum figure of what the total cost would've been for government. This way at least, when we break it down to \$985,700, that's the closest estimate that we have at this point of what our rent will cost, the necessary furniture purchases will cost, and approximately \$125,000 in mailing costs. So I think we have broken it down better than it's ever been done in the past. It's more information earlier than you have ever had in the past, and I believe that it will make departments begin to look at the amount of space they utilise. If they don't need that much space and they know what the cost of the space is, maybe they'll cut back and use the reasonable amount of space that is actually necessary.

So I would advise the hon. member that I believe the direction that we have gone this year is not as he has indicated, that it's hiding from the public necessary information, but rather giving the information up front, at the beginning of the year. And it'll be very interesting to watch and see at the end of the year how else we can arrive to the estimated figure.

Mr. Brockelbank: — Mr. Chairman, I'm not about to accept what the minister says is available to us because I believe there is more information available to us. The Minister of Finance said that we are going — and he said it month after month — we are going to cut here and we're going to chop here and we're going to prune back on expenses. Now he's not about . . . the Minister of the Environment is not about to accept a pig in a poke.

When the Minister of Finance says we're going to cut back on expenses and he goes to the property management corporation and says to them, what are you going to charge me for a space and other essentials to run this department, they don't just give him a ballpark figure and say, that's it. They must have figures. They must have estimated on a much more detailed base than what it before us now, because we're told by this government several times, that the property management corporation is the way to go for this government. It's going to be efficient, effective, and you're going to know what your costs are.

(2045)

Well they must have some basis for saying that. They must have a break-out of the figures of previous years. They must be able to give us more basis for this estimate than is in the book here before us, or than the three figures the minister presents to us at this time. And I suggest to you that anything less than that amounts to the government hiding the figures, not only for this minister in this department, but for all the other departments of government as well. And if this property management corporation is so efficient and so effective, then I've got to see more of it here on paper and not what I hear and what I see here.

Hon. Mr. Swan: — Well let me tell the hon. member that the Department of Supply and Services held the lease contracts for all of the space that government occupied. They know exactly which buildings and how much floor space the Department of Environment is involved with. So they take those figures that's included in this \$985,700, they considered the requests of the department for furniture that's going to be needed. They put that in this figure. They took last year's mail and postage costs, and they put that in this figure, and the figure adds up to \$985,700.

Now it doesn't give you the figures in how many square feet we have and things of nature; that may be able to be arrived at. I don't have that detail at my fingertips.

Mr. Brockelbank: — Well I believe, Mr. Chairman, I have an undertaking from the minister that he will attempt to provide more detailed information as to the components of these large figures that he quotes to us that make up the figure that we have in the estimate. And if the minister can provide that information before these estimates are closed, it would give us an opportunity to review it, and perhaps if there are further questions, we can ask them at that time. But I feel that it's absolutely essential that the members of this Assembly, to do a meaningful examination of these estimates and other ones, have a more detailed expression of this individual components of the major figure we see before us in the estimates, and I'll thank the minister in anticipation of those answers.

Mr. Prebble: — Thank you, Mr. Chairman, Mr. Minister, I'm wondering if you could file with the Assembly a copy of the outlines each spill . . . a copy of documents that outlines each spill that's taken place in Saskatchewan during the year 1986.

We asked for that information earlier, and in fact I think we asked for it back to 1984, and we've yet to receive any of it. And I'm wondering if you could file with us essentially a summary or the full copy, whichever's easiest for you, that outlines each spill that's occurred, what volume the spill was, where it occurred, and what actions were taken to clean it up. Could you file that with the Legislative Assembly?

Hon. Mr. Swan: — The member's asking for a tremendous amount of work. As I indicated to you the number of spills and the areas involved in the spill, and I don't really feel that we should take the time of the department to provide that volume of material. That, I

think, is an excessive request, and it would take staff in the department a long time to put all of that information together. I'm not really sure that the member should even expect that information.

The annual report will be filed shortly, and you'll have the information that I gave you tonight in that annual report, but the actual location of each one of those would not be in that annual report, of course.

Mr. Prebble: — I guess the problem that we have in the opposition is that it's very difficult to get a feeling for what the large spills are, where they took place, what kind of volumes were involved, if you don't provide us with access to that information. It seems to me it's the right of the official opposition to have access to the reports that have been filed with the spill report centre.

Hon. Mr. Swan: — I am going to send across to you a request that was made the other day with regard to PCB (polychlorinated biphenyl) spills, and that gives you some information. I still feel that the amount of time and work that it would take to go back a whole year and provide the back-up information on all those spills is excessive.

Mr. Lyons: — Thank you, Mr. Chairman. Mr. Minister, in regards to the supplying the opposition with information, we've made a request for a great many pieces of information which you've agreed to give us. Can you give us a status report on how that information is coming and when can we expect to receive it?

Hon. Mr. Swan: — I have some of it here that I could send across, but we haven't been dealing with this kind of subject area today, so I've just been holding it until we got to it.

If I could have a page come, I would send across to the member copies of the items that were asked for.

Mr. Lyons: — Well, Mr. Minister, just in response to that, one of the reasons why we're asking for the information is so that we can take a look at it and then, sir, deal more succinctly with the issues as they arise and as we get to look at them.

Which brings me back to an issue that we don't seem to be making much progress to in trying to convince you of providing us with some information, and that's in regards to The Environmental Protection Act and the proposed environmental protection act put forward by the federal government.

So I want to ask you a few questions because, obviously, from your own statements that there were some concerns, if I'm right to assume that what you say in regards to the activities of the deputy minister is true in the sense that there were some concerns expressed by the Department of the Environment in Saskatchewan, and that the number of meetings that the minister alluded to and the kind of consultation process that went on, that obviously that there was some concerns expressed by the department. And I just for the life of me can't understand your reluctance, quite frankly, to tell us what those concerns were.

I am wondering maybe if you've had a change of mind and you can . . . you haven't had a change of mind. So we'll have to deal with this, I suppose, in another way. And I'm going to ask you a few questions regarding what the federal Minister of the Environment had to say on the concerns and whether or not Saskatchewan's Department of the Environment hold the same concerns.

Mr. Minster, in a speech to the national environmental law section of the Canadian Bar Association in Toronto, January 26, 1987, the Minister of the Environment. Mr. Tom McMillan, made a speech outlining what he thought were some of the concerns that should have been dealt by the new proposed environmental assessment Act. And the questions I'm going to ask you deal with our response, the response of the Saskatchewan government in regards to Mr. McMillan's concerns as the federal Minister of the Environment.

The first concern of Mr. McMillan, or one of the major concerns that Mr. McMillan raises, is the question of chemicals, the same type of question which the member from Regina Victoria was raising earlier on and which you, I would submit, failed to reply and provide an adequate response.

Now, Mr. McMillan says:

Nowhere is environmental law weaker than in the area of toxic chemicals.

And you remember the member from Regina Victoria was saying somewhat the same things.

. . . One of the biggest failings is the inadequate attention paid to their synergistic and cumulative effects.

To help address that and other inadequacies, fundamental changes will be made to the way chemicals are regulated. In the past, the onus has been on government to demonstrate after a chemical {now this is after a chemical} has been marketed, that it is harmful to human health or to the environment. In the future the onus will be reversed: {at least this is Mr. McMillan's contention that the onus will be reversed} manufactures will be required to satisfy government that a chemical is not harmful.

In other words it's got a reverse onus clause in it much the way, in fact, that The Trade Union Act in the province of Saskatchewan has reverse onus clauses.

. . . In future, the onus will be reversed: manufacturers will be required to satisfy government that a chemical is not harmful — before it can be sold in Canada.

My question to you, Mr. Minister, is this: is it the position of the Department of the Environment for the province of Saskatchewan that the federal government is correct in requiring chemicals to be proved safe before they are sold in Canada?

Hon. Mr. Swan: — I really don't feel that it's fair for the hon. member to ask me if the federal minister is right or wrong on each question. You know, that's his opinion. Let him have his opinion. And has speaking at a bar association . . . He probably had a few lawyers there and likely he had many different opinions when he was speaking. The same would likely be the case if he were speaking here tonight. So I told you before, I was not prepared to answer those questions, and I'm still not prepared.

Mr. Lyons: — Well, Mr. Minister, I'm not dealing with a supposition of what the minister thinks, the federal Minister of the Environment thinks. I'm dealing with what he has said repeatedly and what appears in the environmental protection Act, the proposed new environmental protection Act. I'm not asking you to comment on the minister's private thoughts one way or the other on a particular law. I'm asking you as Minister of the Environment whether or not you believe that the onus is on chemical manufacturers to prove that their product is safe before it's sold in Canada. Do you agree that they should do that?

Hon. Mr. Swan: — The department in Ottawa that does the registration of the chemical has always had to make that decision. And the chemical manufacturers have gone out for years and done testing long before the registration occurred. That system has worked well. I've had really no problem with it.

Mr. Lyons: — Well, Mr. Minister, why is it that the federal Minister of the Environment, Mr. Tom McMillan, has taken a consistent position day in and day out, and it doesn't matter whether he's speaking before the chemical manufacturers association in Canada or the national bar association, and he's taken the position and is now putting into law a proposition that says, up until this time chemical manufacturers have gotten away with murder, literally murder, literally murder in the case of some of the chemicals introduced in Canada.

And all I can do is think of thalidomide. And you don't have to go very far to think of more examples. You can look at the Love Canal, to see the kind of . . . the literal murder that chemical companies have gotten away with in this country.

The federal Minister of the Environment says they're not going to get away with that murder any more; that they're going to have to prove to the federal Department of the Environment that their products aren't harmful to the health and safety of Canadians. And you stand there and say you don't agree with that. You stand there and you're saying you're not agreeing with that. Am I to take it from what you're saying that you don't think chemical manufacturers can dump anything they want on the market and then we will see what happens after? Is that your attitude towards the chemical manufacture and distribution of chemicals in Canada?

Hon. Mr. Swan: — The member makes some pretty wild statements. And you jump from agricultural chemicals to

thalidomide. Do you know, that's a fair walk across the door.

I don't think that you can even relate the licensing method of the two; they're entirely different. One is for human consumption, and the others are for use in agriculture applications.

So I believe the member is grabbing at straws. And if he wants to do that, that's his privilege.

(2100)

Mr. Lyons: — I'm afraid, Mr. Minister, the only straws that grasping going on here is you trying to find a response because you don't agree with the federal Minister of the Environment; that you don't agree with the federal Minister of the Environment in this fact.

The federal Minister of the Environment says, up till now chemical companies have gotten away with murder, literally, in this country, and now they're not going to get away with it. And you don't agree with that. But you're afraid to say that that's the position of your department. You're afraid to say before the people of Saskatchewan that, in representations made to the Minister of the Environment, that you don't believe that chemicals should be made safe before they're introduced in Canada, and that you are quite happy, as you said before, with the old system where any chemical can be dumped on the Canadian market. And it's only through trial and error, and the error in terms of people's death that . . . that it's only that Canadian people will be laboratory rats for the chemical companies.

If in fact, if in fact that's not the case, when the federal Minister of the Environment introduced this draft legislation which said that chemical manufacturers are going to be required to prove their chemical products safe, was it the position of the Environment department in Saskatchewan that the federal government was right; in making that supposition and right in drafting that kind of legislation?

Hon. Mr. Swan: — I've advised you several times that I wasn't going to answer those questions.

Mr. Lyons: — Mr. Minister, would you please tell us . . . Would you please tell us why it is that you won't tell the people of Saskatchewan what your government's and your department's position is in regards to the introduction of new chemical products in Canada.

Mr. Chairman: — I would like to mention to the member from Regina Rosemont that when he asks a question of the minister, and the minister decides that he has either given a good enough and full answer, or he does not desire to answer the question, that he is not compelled to do so.

And I would suggest at this time that you go on to a new question on this debate.

Mr. Lyons: — Mr. Chairman, I've asked a series of new questions in regards to this matter, relating to statements by the federal Minister of the Environment; also in regards

to writings of the federal Minister of the Environment. We are doing Environment estimates. I'm glad to see, though, I'm glad, you see, that you bring it to the attention of the people of Saskatchewan that the Environment minister for this province refuses to . . .

Mr. Chairman: — I would like to remind . . . Order, please. I'd like to remind the member from Regina Rosemont that a decision of this Chair is not debatable. So if you have another question, would you please go on, or we'll continue on with item 1.

Mr. Lyons: — Mr. Chairman, I wasn't debating the decision of the Chair. I was pointing out, I was pointing out to yourself and to the Minister of the Environment that his refusal is ample, ample words enough — that his refusal to answer . . . I'll pass at this point in time to the member from Regina North West.

Mr. Solomon: — Thanks, Mr. Chairman. I'd like to address some questions to the minister with respect to a very urgent matter that has been brought to the attention of Regina people over the last few years that is now coming to fruition, and that is the rail line relocation project in the city of Regina.

I would, Mr. Chairman, preface my questions with a little statement, if I may.

The rail relocation project here in Regina has been under way for a fairly long time. The Rail Relocation and Crossing Act of 1974, which was a federal Act, provided for cities in Canada to, in co-operation with federal and provincial governments, move rail lines and yards that are in locations in the cities that are causing problems with respect to traffic flow, with respect to movement of hazardous goods, and with respect to environmental problems.

The model for all of Canada, as members might know, is the rail relocation project in the city of Regina. This project, as it is now being under review, and is now in a process of being decided upon by the Canadian Transport Commission, will basically set the precedent for all subsequent rail relocation projects in the nation.

And I want to inform members, but also to let the Minister of the Environment know that personally I support the rail line relocation project in the city; that having said that, the project, in my view, is a bad plan as it has been proposed to the CTC (Canadian Transport Commission). I believe it's a major planning catastrophe, primarily because it does not solve the problems that it's designed to solve, but in fact it just transfers the problems from one neighbourhood to another.

And I outlined very clearly that the proposed location poses environmental risks. It poses health and safety risks as well to the people who live in the communities now known as Rochdale Park, Lakewood, Sherwood Estates, McCarthy Park, Walsh Acres, Argyle Park, Uplands, and the soon to be developed community of Lakeridge, which is in the west end . . . the north-west of the Rosemont constituency.

Public hearings were first called by the Canadian Transport Commission for the city of Regina back in November. The hearings went from November, the first week in November or thereabouts, until the first week in May. During that time there were a number of presentations that were made by the principals, that is the railways and the city, as well as thousands of individuals, including MLAs, members of parliament, and citizen action groups and community associations.

Their basic contention was that the plan is a good plan if it's solving the problems that it's intended to solve. They believe, as I believe, that the project will not solve the problems but in fact transfer problems and, in addition to that, threaten the supply of water from the well system that is now provided from wells in the north-west part of the city to the tune of 20 to 40 per cent in some periods of the year.

I put forward an intervention to the CTC back in November outlining my concerns. At that time, the chairman, Mr. McDonough, indicated that he was quite surprised at the lack of interest and the apathy of the people of this city with respect to rail line relocation. I was as surprised as he was when he informed me at that time— this was about three weeks into the CTC hearings — that there were only two interventions — that of Les Benjamin, member of parliament for Regina West, and myself.

Subsequent to that meeting, I started talking to more and more people in my constituency. I informed them of what Mr. McDonough had indicated his observation was of people in Regina — that is, a great deal of apathy.

As a result of that discussion, and many discussions that I had thereafter with these individuals, I was interested in calling a public meeting, which I did, for January of 1987. The meeting was called on about a six or seven day notice, and nearly 400 people came out to that meeting. And the meeting was primarily designed to inform residents in my constituency and those living in Uplands and Argyle Park, as well, about the rail line relocation project.

The meeting was well attended in the sense that it was jam-packed, and people were actually leaving the meeting area, the Riffel High School, because there was no longer any room to get into the rooms, the room that we had. And we had to broadcast it out to the forum outside the meeting area.

During the meeting we had representatives from the city and from the CNR, and both were asked to make a little presentation and to answer questions that were put to them by the residents of North and North West Regina.

As a result of those questions and the answers that followed, the people in the meeting decided it would be a good idea to form a citizens' committee which they called the Citizens for Alternate Rail Relocation. We had 66 volunteers, 66 volunteers that evening — people who were anxious to see that the plan (a) was implemented; (b) that it was done in a proper way, and that it was done with as minimal interference to their life-style and to their

communities as possible.

After that public meeting, the Citizens for Alternate Rail Relocation met on three or four separate occasions to put together a brief to the CTC (Canadian Transport Commission). And I have, for the minister and others present, a copy of that brief.

They made a presentation and intervention to the Canadian Transport Commission, and at that time they outlined their objectives. And I'd like to just read into the record, if I may, Mr. Chairman, the objectives of this committee:

- 1) to have rail relocation that will act as the model project for the rest of Canada to follow, a model project of which all of Regina can be proud;
- 2) to have rail relocation that respects the quality of life and sense of well-being of those people living in residential neighbourhoods nearest to the relocated lines and yards;
- 3) to have rail relocation that, when implemented, will have minimal disruption of the biophysical environment;
- 4) to have rail relocation that is not based on determining a route that is the least costly of all available options;
- 5) to have rail relocation that is guided and directed by at least the minimum evacuation requirements as determined by the *Dangerous Goods Guide to Initial Emergency Response*;
- 6) to have rail relocation that will not cause property values to experience a decline; and
- 7) to have rail relocation that is based on sound planning and on the realities of Regina's population growth patterns, thus averting the unfortunate possibility of having to "jump" the relocated lines in the future to accommodate a growing urban population.

The Citizens for Alternate Rail Relocation, Mr. Minister, went to the meeting. As a result of 10 days' effort of the committee and other volunteers, they put together a petition supporting their presentation — a petition signed by over 6,000 residents of Regina. And I believe that if they would have had twice that time, they probably would have been able to obtain 20 or 25,000 signatures.

The reason I mention that, Mr. Minister, is because during the discussion of the committee they wanted to send the petition to the body that would be the most influential. And I guess the decision was to send it to the Canadian Transport Commission, because they were the body making the final decision.

What was also discussed in that meeting was that they wanted to send the 6,000-name petition to the Government of Saskatchewan as well, mainly because the Government of Saskatchewan is a participant, is one of the funding agencies for the relocation project. And I

want to inform you of that because it's a very important project put together in a very short period of time by the citizens who have been described as apathetic by Mr. McDonough, the chairman of the CRC.

And I think that they are citizens who have done a terrific job in putting together a massive brief that is well researched, that is looked upon by many people, in particular those who have followed the rail line relocation project over the last number of years, as being a high-quality project and a high-quality presentation.

In their presentation, Mr. Minister, they went on and talked about a number of things. But I want to just discuss a few environmental issues that they raised and see if we can get some response from you and your officials on them. And I refer to the environment impact statement which I have a copy of here that was done on the rail line relocation project.

According to Section 3 of the Environmental Impact Statement, a significant volume of "petroleum products," "balance fuel and chemical," and "other car loads" will be transported on the new corridor.

And for the minister's information, the rail line relocation project, of which I have a map, will see the CN Craik subdivision, the CP Lanigan subdivision, the CN Central Butte subdivision, the Qu'Appelle CN subdivision, and the Indian Head CP subdivision, which are spread out east, west, and north, north-east and north-west of the city, concentrated into one route, into one neighbourhood, and the line, as we see it here, is not coming from all over the . . . from all directions into the city, but in fact they will be concentrated and travelling along one line.

So the environmental impact study that has been done by the city under the jurisdiction of the provincial legislation has made some, in my view, some fundamental errors in judgement by expressing that, in fact, the noise and air pollution will be minimised because it's going to be outside of the city — a total of 300 metres outside of the city, not a big distance, around a thousand feet which, by the way, will be on a hill overlooking the north-west part of the city. But that sort of error, in my view, is going to be a major problem if the project is approved by the CTC on that particular route.

(2115)

But having said that, I want to continue with this little statement that I have here and get to some questions on the EIS (environmental impact statement).

Item 1 under section 2.4 of Appendix "A" refers to them as dangerous commodities." Given this, has consideration been given to the minimum evacuation requirements as determined by Transport Canada?

And the question that I would ask the minister at this point to start, regarding the environmental impact study: has the environmental impact study that was conducted on the rail relocation project in the north end of Regina

considered the minimum evacuation requirements as determined by Transport Canada?

Hon. Mr. Swan: — As near as we can recall, it did not deal with evacuation times. Its been some time, as the member knows; it was back in 1982-83 that this was reviewed, so it's been a considerable span of time.

Mr. Solomon: — Well the reason I asked that question is because it was a question that was put to the officials at the CTC and they, of course, were not at liberty to respond to that because that's not their duty. Their duty is to look at all of the interventions and make a decision as to what is fact and what is fiction.

I want to just make a point that the environmental impact study, from what we have researched and discovered, does not take into account that very basic minimum evacuation requirements as determined by Transport Canada. And I have here, a book which — it's called *Emergency Response Guide for Dangerous Goods* — which is put together by Canadian Transport Emergency Centre out of Ottawa. They have a toll free number 24 hours a day; it's an operation for emergency spills.

I would like to ask the minister and his officials whether in conducting environmental impact studies of the nature of the Regina railway relocation project, whether or not very important documents such as these, which outline minimum evacuation requirements for spills of every chemical that you can imagine, including ammonia, and boron trifluoride, and chlorine, and hydrochloric acid, and so on, would not be considered in terms of transportation EIS.

Hon. Mr. Swan: — During the review of the environmental impact study that was done in 1982-83, the department received an opinion from the provincial Justice department, which indicated both CN and CP come under federal legislation, and therefore we may not have jurisdiction as a government and as a department to deal with the environmental impacts as it relates to CN or CP. Now that wasn't confirmed as final, but the opinion we had was that they may be the case.

Since the proposal sort of came to an end at that time, like there was no further moves to go ahead with the study, no ministerial decision provincially has ever been given to give clearance or not to give clearance to proceed with the rail line relocation in Regina.

Mr. Solomon: — Are you saying, Mr. Minister, that the environmental impact study that was conducted was not approved by your department or your government?

Hon. Mr. Swan: — It was reviewed by our department but no final ministerial decision was rendered because of the judicial decision that was handed down by the Department of Justice here that we may not have jurisdiction.

Mr. Solomon: — Was an opinion ever requested by either the city of Regina or any other group, MLA, member of parliament, or principal involved with the rail line relocation project?

Hon. Mr. Swan: — Because of the decision that was rendered by the Department of Justice, the CN and the CP were both challenging whether or not our department would have the right to render the decision to give approval or disapproval of their environmental impact study. Consequently until such time as that position is clarified, the minister of that time did not render a decision on this project.

Mr. Solomon: — So you're saying that there has been no request for an opinion by your government, by the Department of Environment, on whether the EIS meets the basic requirements of the legislation. Is that what you're telling us tonight?

Hon. Mr. Swan: — The Department of Environment reviewed the environmental impact study that was done, and they did have some concerns with regard to the study itself, and some of those concerns were registered with the city. So they did their job; they told the city some of the areas of concern that they had, and did not give a final Department of Justice.

Mr. Solomon: — Can the minister share with me and others what those concerns were that you expressed to the city of Regina on the environmental impact study?

Hon. Mr. Swan: — The issues that were raised by the department were very similar to the concerns that you were raising tonight — the issue of noise, the issue of the aquifer, drainage of the area. Those are the main ones that were raised.

Mr. Solomon: — Does that include the transportation of hazardous goods, which was a concern of the department as well?

Hon. Mr. Swan: — I'm advised that they were only considering the CN at that time. The hazardous goods side would more have applied to CP, and it was not in that first environmental impact study.

Mr. Solomon: — Okay. So the environmental impact study was for phase one, not phase two being the inclusion of the CPR main line up in the north and north-west part of the city.

The CNR does from time to time transport some hazardous material. And what worries me and what worries the people of Regina North and North West and Rosemont and North East is that if phase 1 is approved, if phase 1 is approved, in spite of the city — and they were never made public to my knowledge until tonight — in spite of that, what will happen, is that if phase 1 is approved, phase 2, if it goes ahead, phase 2, if it goes ahead, will have to go ahead on the same route. That is the objective of whole rail relocation plan.

They will be approaching various people and developers in that district and securing property to build, not one line, but two main lines. And they will do that in phase 1, so that phase 2 will be a natural follow-up because it will be a double tracking. Actually it will be three tracks by the

time they're all done. But that land will be secured.

And I am surprised, Mr. Minister, that if your department has raised the concerns with respect to phase 1, which are very serious concerns — the aquifer which could possibly be polluted, irrevocably polluted; the fact that the noise situation, which concentrating 20 to 40 trains a day in one district as opposed to dispersing them throughout the city, I find that totally amazing that you're now telling us that you have rendered these opinions in private, have not provided any kind of advice to the city or provided any intervention to the CTC to that effect, which would in my view provide the CTC with some guidance as to what they might be doing with respect to this plan.

And my advice and the advice of thousands of people has been to the CTC that the plan should go ahead, but that it's a bad plan. It should be moved farther north so it doesn't provide all of these hazards to people that this existing plan will actually provide if it goes ahead.

According to the dangerous goods guide (that I referred to), chemicals such as propane, chlorine, anhydrous ammonia, and sulphur demand 1500 metres of open space in terms of responding to a spill or a fire. For (instance) if a chlorine spill occurred along the corridor, all residents within 1,500 metres — one "metric mile" — would have to be evacuated from the location of the spill. The 1500 metres is the minimum requirement for evacuation. If residents were downwind from a spill, the evacuation requirement would be even greater. The 1500 metre requirement is more than four times greater than the width of the current proposed buffer zone.

So you've told the city about your concerns in terms of the EIS; you've not made them public until this night, at least to my knowledge. And that would have a major impact on the phase one planning and subsequently phase two planning of the rail relocation.

Your department has not considered, not considered, or the EIS did not consider, the environmental impact study did not consider the hazardous chemicals and movement thereof. And this document here, which is produced by another government, another level of government in this country, the national government, says that those kind of movements of chemical and poisonous gas to require a minimum of the one I've mentioned, 1500 metres.

What do you think is going to happen if we have phase one and phase two go ahead in the proposed location and something like a chlorine spill happens? What will your department do to help these people?

Hon. Mr. Swan: — I might advise the hon. member that when the department reviewed the phase one environmental impact study, they did advise the city and through written communication advised the CRTC ... or CTC, the Canadian Transport Commission, of the concerns that they found within that study. So I think both bodies were well aware of the concerns that were being raised.

(2130)

Now because we didn't have, or didn't seem to have the authority to make the decision that would be required here, our decision was not rendered ... like, the minister's final decision was not rendered.

The project has met with many delays, as the hon. member knows, and before any rail relocation will start, there will be many more discussions held with regard to this relocation and the concerns that our department and many other departments will have. So we're still nowhere near the time when the final decision of the exact location of that rail relocation will be made.

I believe the department will continue to have involvement on this issue, and we'll be putting forward concerns, and hazardous goods transportation will definitely be one of those concerns. But because it stopped in the way that it did in 1983, there's really been very little opportunity for very much involvement by the Department of Environment until this year.

Mr. Solomon: — Can the minister tell us when you informed the CTC (Canadian Transport Commission) and the city, precisely?

Hon. Mr. Swan: — The city was informed in February of 1984, and the CTC was probably a couple of months later than that, also in 1984 though.

Mr. Solomon: — The obligation of a government, whether it be provincial or municipal or federal, and in particular the obligation of the Department of Environment, a department of the provincial government, is to minimise problems that its citizens encounter. The obligation of your government and your department, if you have concluded there are major problems with an environmental impact study, is not to quietly talk about them but to inform the public in an educated way so that they can more calmly and more wisely make decisions which affect their lives. They obviously are having a great deal of problem, and I'm having a great deal of problem with your department's actions on this, Mr. Minister.

I believe you have failed to fulfil your obligations with respect to informing the public about this issue. I think that the neglect of your department and the neglect of your government is something the people of Regina are going to be quite concerned about, in particular when it's an issue that affects not just themselves but their families. There's nothing more precious, as we know, than the children in our families.

And if you think these citizens are joking around and playing games, you've got a ... you are sadly mistaken, Mr. Minister. They're very concerned about their families and their homes and their community. And that's why they're taken the action that they have. And as one of their elected representatives, I ask the minister whether you have any intentions to right what you have obviously wronged; and secondly ... well I'll get back to the second question later.

Hon. Mr. Swan: — I think the hon. member is jumping at some pretty wild conclusions. I wasn't laughing about the way the families were reacting in that area. What I did tell

you was that the federal government is more liable to be the one that has the authority to deal with the issue.

Now when the environmental impact study was done here in the province, our department reviewed it and it went forward for public review, so the information was not kept private. It was out for public consumption. The people had the chance to know what our department was saying and also to react to it. So the hon. member is jumping to conclusions, I feel, in making the kind of statements that he's making here tonight.

Mr. Solomon: — Well I don't believe that I'm jumping to conclusions, Mr. Minister. It's my responsibility as an elected official, as it is your responsibility, that if there is an issue which affect those we represent, it is our duty and our obligation to inform our constituents to the best of our ability. I have done that, as the MLA for Regina North West. I maintain that you and your department have not done what you are supposed to be doing as government people, and I think that that's a tragedy. I think it's another indication of what the government has been doing, not only in the Department of Environment but in other departments as well.

I want to take another question to the minister with respect to the fact of the statement that he made just a few moments earlier that there's no problem — there's no need to worry about these minor things we've identified in the environmental impact study, because the exact location is not yet determined. I asked the minister if you know what the mandate of the CTC hearings were that just concluded on May 1.

Hon. Mr. Swan: — Our department did put its ideas forward, its suggestions forward, at the CT hearings that began last November. Some time in November they would put forward their position. So they have been involved as a department right up to the current time. Now at this point we're waiting for a CTC final decision on the hearings that they've held. That won't be the end of the discussions on this issue. It will be an ongoing discussion for some time yet, and don't ever think that the Department of Environment is going to let the world go by. They'll be still involved.

Mr. Solomon: — Well if we continue to have as much involvement from your department as we've had to date in terms of informing the public of the issues, we're in very serious trouble, Mr. Minister.

I ask the question again that I asked latterly, and that is: do you understand what the terms of reference of the CTC hearings, the Canadian Transport Commission hearings, were that concluded in Regina on May 1 or the week of May 1.

Hon. Mr. Swan: — I'm not sure that I could quote all the guide-lines at the CTC hearings, but the basic idea that they will come up with decisions on, is whether or not the project should proceed, whether it should proceed in the present location, and the funding relationships that should be involved to carry it. Those are the main areas as we see it, at least.

Mr. Solomon: — I thank the minister. That is how I

understand the terms of reference of the CTC that concluded their hearings recently in Regina to be.

With that understanding, I find it curious — I find your statement curious that you have stated in this House that the exact location has yet to be determined.

The final term of reference, and you've just stated yourself, is that the CTC, after having spent months of testimony review and probably months more reviewing the testimony that they heard in the first place, and all supporting documents, they'll be making the decision as to the precise location. There will be further input from the government of Saskatchewan in terms of the location.

The only other input may be from the city of Regina. They are the only ones that can actually change the location in terms of reference, as I understand it, as I have been informed.

And so I ask the minister, considering that decision of the CTC which will come forward in due course — that is, the location, the funding arrangements, and whether the plan shall go or not go, and in what form — can you tell this House, what do you plan to do with respect to the concerns you raised to the city and to the CTC on the environmental impact study?

Hon. Mr. Swan: — I'm advised that there has been an agreement reached with the city that any proposals that are finalised for the location and the removal or the re-routing of the rails around the city will come forward to our department for review. And any mitigative measures that our department might propose to solve some of the difficulties that you see with noise pollution and the aquifer, the drainage, and all of those things, would be recommended. If they were not followed, then the province has one other weapon at its disposal, and that is to withhold funding. And that is a fairly powerful weapon that can still be used and, if necessary, would be used.

Mr. Trew: — Thank you, Mr. Chairman, Mr. Speaker, in entering this debate on the environment, and particularly following up the member for Regina North West on rail line relocation, I want to preface my remarks simply by stating that my constituency virtually coincides with ward 10 in the city that is represented by a councillor that was elected largely on the basis of his opposition to the rail relocation.

And that councillor had the biggest plurality of any in the city. So it's a big issue, particularly in north-end Regina. I think you understand that. I just want you to understand some of the concerns for the member from North West, and my concerns.

I'm a little bit puzzled, though, when I hear you say that the federal department is more likely to act than the provincial department. My question is: who is in charge? Is it the provincial Department of Environment or the federal Environmental Canada, Department of Transport? Who is in charge of that?

Hon. Mr. Swan: — The member asks a rather difficult question to give a definitive answer.

At the time that the environmental impact assessment was done and was brought forward to the Saskatchewan Department of Environment, the federal transport commission looked at the idea of referring the environmental impact assessment to the federal Department of Environment. But because we were already involved, they didn't move in that direction.

(2145)

They left it with us, and then we received the ruling from the Saskatchewan Department of Justice which indicated that we may not have jurisdiction. So we haven't given a ministerial decision.

Perhaps that's something that needs to be decided very soon as to who is going to make the final decision. And because of the process that we face here, I will undertake to try and get an answer from the federal government on that in the near future, but I don't know how quickly that answer can be received.

Mr. Trew: — Mr. Minister, I am very concerned by your answer, as I hope you are too. We've got a major, major rail relocation project that is going to affect all of Saskatchewan, not just for the next couple or three years, but for the next 20,30,40 — perhaps longer than that. I think the planners certainly are leading us to believe that rail relocation, is going to be good for 50 or more years, and that that's the route, indeed, that's going to be taken.

It is with more than a little bit of concern that I see the political volleyball going back and forth between the feds, and the feds saying, you take it, and you saying, no, you take it. Meanwhile the volleyball is going back and forth. Perhaps it's fitting that the Regina field house was opened last weekend and you've got a new playing arena for it.

All kidding aside, we've got a real serious problem here, and my question is: when is the near future? How soon are you going to expect an answer from the federal government as to just whose jurisdiction it is?

Hon. Mr. Swan: — I want to assure the hon. Member that we've never pulled out of the decision making process. What I'm telling you is that it's uncertain as to who has the final jurisdiction.

When the original railways were put across Canada, I'm sure Saskatchewan had no say in where they went. That was decided by the Canadian Transport Commission.

I think that, in this setting, times have changed considerably, Saskatchewan has matured considerably, and I would expect that we as the Department of Environment should have a fair amount of jurisdiction in making the final decisions. That's what I propose to seek the authority to do from the federal government. Whether or not they will accede to that is something that I just couldn't guarantee at this time.

Mr. Trew: — Have you asked the federal government to say, yes, you have control over this matter? Have you asked them?

Hon. Mr. Swan: — We've been waiting for the transport commission ruling, but we will proceed to try and clarify who has the right to make the final environmental decisions, and I think it should be our department.

Mr. Trew: — I agree it should be your department. It somewhat concerns me, some of the answers I'm hearing on the rail line relocations. This project that so profoundly is going to affect many hundreds, if not hundreds of thousands, of residences in Regina now — it just astounds me that there isn't a more definitive answer as to who has the authority. It is no wonder that there are many, many people as evidenced by the meeting that the member for Regina North West sponsored at the Riffel school — it's no wonder that so many people came out, and they were all angry that night. I know, because I was there. And the people were intensely angry. They didn't know whose fault it was, or who to even discuss the matter with. Even people that really had no axe to grind were very upset because they didn't know who to talk to.

And now we come here, and in the legislature we're told that we're not sure that you're the person we should be talking to, or yours is the department we should be talking to. And it very much troubles me that that's going on.

I'll ask again: when do you reasonably expect to get at least a preliminary answer from the federal government regarding jurisdiction?

Hon. Mr. Swan: — I don't know how many jurisdictional decisions the hon. member's been involved in. Those are not simple decisions. Those are one of the biggest arguments between federal and provincial governments, as to who has authority over certain area.

The advice that we receive at this time from our Department of Justice is that likely the federal government has jurisdiction. So if we go to seek a change in that direction, it may take some time. I couldn't begin to give you a day or a date when that might be finalised.

Mr. Solomon: — Thank you, Mr. Chairman. To go back to a question, the line of questioning that we were following earlier, Mr. Minister. You indicated that when the CTC renders its decision, if the decision is to go ahead with a plan regardless of what the plan is, that the plan must meet the requirements of the Department of Environment. You indicated that earlier, that's correct?

Are you saying that the sponsors of the plan, the principals of the plan, will then have to do another environmental impact study if the plan is the same? If they have a new plan that's proposed, they obviously have to do another environmental impact study. But if that's the case, if a new environmental impact study is required on the same location, I would like to know why.

Hon. Mr. Swan: — I'm advised that as long as the plan is in exactly the same location that was proposed in the first environmental impact study, there wouldn't be a need for phase one to have another study. But if it's moved to a new location, and if it includes more than just phase one and goes on to phase two, then there would be a need.

So it depends on what you're asking about — whether it's just phase one, whether phase one is in the same location, whether phase one has moved, or whether phase one and phase two are combined — all of these things will have to be taken into consideration to make that determination.

Mr. Solomon: — If phase one, as proposed, is approved by the CTC in general geographic terms, the concerns that your department has raised with respect to the environment, with respect to the water aquifer, then become irrelevant — that they will go ahead with phase one in any event according to the EIS? Is that what you're saying?

Hon. Mr. Swan: — No, the concerns that were raised, even if it stays in the same area, will have to be addressed. The Regina aquifer is a very important aquifer to this area of the province — extremely important to the city of Regina. So if they're going to come in with a rail line that's coming into the area of that aquifer, they're going to have to meet the requirements that we're laying down.

You realise that there are many things now built on top of that aquifer, and I sometimes wonder why the city decided where its industrial park would be and put it right on top of the main aquifer, but that's history. I think when this rail line relocation occurs, they will have to address the issues that have been raised by the department and take mitigative measures to try and correct those.

Mr. Solomon: — Someone once said that if we don't learn the lessons of history, we're doomed to repeat them. And I concur with the minister's statement that we've had some pretty bad moves in terms of city dumps and other industrial developments over the aquifer, and I would sure like to see a major project like rail line relocation, which will be with us for decades — not just a few years, but probably five to 10 decades — be done in a proper fashion, and that would mean not being on the aquifer.

If phase one goes ahead, Mr. Minister, as proposed, what will the principals have to do to meet those requirements that you've outlined in your private letters?

Hon. Mr. Swan: — I'm advised that many of the mitigative measures that were proposed have already been addressed in the hearing process. Where at one time they indicated that they would be cutting their grade down into the ground so that they kept their grade levels, now they're indicating that they would be willing to raise above the ground and actually put fill on top to help to protect the aquifer.

So many of these questions are already being addressed in the proposals that were brought forward to the hearings of the Canadian Transport Commission.

The committee reported progress.

The Assembly adjourned at 10 p.m.