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Monday 28 September 2015

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des débats
(Hansard)**

Lundi 28 septembre 2015

**Standing Committee on
Social Policy**

Invasive Species Act, 2015

**Comité permanent de
la politique sociale**

Loi de 2015 sur les espèces
envahissantes

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON SOCIAL POLICY

COMITÉ PERMANENT DE LA POLITIQUE SOCIALE

Monday 28 September 2015

Lundi 28 septembre 2015

The committee met at 1400 in room 151.

INVASIVE SPECIES ACT, 2015 LOI DE 2015 SUR LES ESPÈCES ENVAHISSANTES

Consideration of the following bill:

Bill 37, An Act respecting Invasive Species / Projet de loi 37, Loi concernant les espèces envahissantes.

The Vice-Chair (Mr. Jagmeet Singh): We have a member from each party here, so I believe we have a quorum to begin.

ONTARIO BIODIVERSITY COUNCIL

The Vice-Chair (Mr. Jagmeet Singh): Our first deputation for this afternoon is from the Ontario Biodiversity Council and Steve Hounsell, the chair.

As we all know, this is for Bill 37, An Act respecting Invasive Species. Any additional written submissions have been received and are distributed to the committee today. Each presenter will have five minutes for their presentation, followed by up to nine minutes of questioning from committee members. This will be divided equally among the three parties.

Sir, you have five minutes. Please begin.

Mr. Steve Hounsell: Good afternoon. As chair of the Ontario Biodiversity Council, I appreciate the opportunity to share my views and support for Bill 37, the Invasive Species Act.

First, I'd like to provide a little context about the Ontario Biodiversity Council and Ontario's Biodiversity Strategy. The Ontario Biodiversity Council is a multi-stakeholder organization with a membership of some 28 organizations from a broad constituency of industry and industry associations, environmental organizations, academia, aboriginal groups and the provincial government, which is formally represented by the Minister of Natural Resources and Forestry. The council is united in its efforts to conserve Ontario's biodiversity.

The council was first formed in 2005 to provide provincial-level oversight on the development and implementation of Ontario's Biodiversity Strategy. That strategy was renewed in 2011 as a 10-year provincial-level strategy, which broadly aligns with the global Strategic Plan for Biodiversity and its associated Aichi targets. Ontario's Biodiversity Strategy comes complete

with three high-level goals, four strategic directions and 15 time-bound targets, which, if achieved, will go a long way to conserving Ontario's biodiversity and protecting what sustains us. It is a daunting but very important task.

The provincial government deserves credit for responding to Ontario's Biodiversity Strategy with the release of their own government strategy, Biodiversity: It's in Our Nature. It sets forth the government plan to conserve biodiversity, of which Bill 37 is a very important part.

On May 19 of this year, the Ontario Biodiversity Council released the State of Ontario's Biodiversity 2015 report, a report you should all be familiar with. It documents the current state of biodiversity within Ontario and also provides a progress report against strategy targets. Although there remains a great deal to be done to achieve the targets, the government did achieve target 7 through the development of the Ontario Invasive Species Strategic Plan for 2012.

Bill 37 is the needed next step to effectively address the threat of invasive species. This bill has our support, with a few caveats that I'll mention later.

Invasive species are widely considered the second-greatest threat to native biodiversity, globally, nationally and provincially, exceeded only by incompatible land use and associated habitat loss. The threats of invasive species are immense, and they threaten many of our native species, both aquatic and terrestrial, which are being out-competed for life-sustaining resources. I am sure you are well aware of the emerald ash borer and what it has done and is continuing to do to Ontario's ash forests. From an aquatic perspective, we have witnessed the transformation of several of our Great Lakes due to the zebra mussel as well as the quagga mussel, and we are now on high alert for the Asian carp, just to name a few examples.

Invasive species also adversely affect our economy and perhaps most notably so for several of our renewable resource-based industries, like fisheries, agriculture and the forest industry. These industries have enough challenges, let alone the added risks of invasive species. They need our help, as does the rest of nature or biodiversity.

Climate change could also well exacerbate the problem as thermal barriers to range expansions of invasive species are removed, enabling further expansions of these species into regions where they are not native

and where they could do much ecological and economic damage. The mountain pine beetle in the west is a frightening example of that reality, with huge socio-economic consequences. Yes, the province is addressing climate change, but those added climate risks will remain for the foreseeable future. That is why we must have robust legislation that is both rigorously implemented and rigorously enforced. Bill 37 must get passed.

The Honourable Mr. Mauro and the Ministry of Natural Resources and Forestry are to be congratulated for bringing forth this essential piece of legislation. However, to achieve the intent of Bill 37 and the desired outcomes we all seek will require significant new resources and funds. Those resources and funds should be directed towards promoting awareness of this issue, preventing the introduction and the spread of invasive species, and promoting stewardship action to assist in their control and their eradication. It will offer a very significant return on investment. I ask that the government ensure that sufficient funds and resources are made available for both implementation and enforcement.

In conclusion, I encourage you to pass the bill and get on with the more important task of implementation and enforcement. It is in the best interest of Ontarians, our economy and the province's native biodiversity that we have been entrusted to conserve for all generations to come.

Thank you.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, sir. We'll begin now with questions from the official opposition. You have three minutes, starting now.

Mrs. Gila Martow: Thank you very much. I listened to what you were saying and I just wanted to mention a few things. One is, I think we all know the story about rabbits coming to Australia, which weren't native to Australia. That was sort of the first time, many decades ago, that I understood about the delicate ecosystem.

You're warning about climate change. What I would prefer to focus on—because “climate change” is a very general term and has gotten very politically charged, and it shouldn't be. I would prefer that we focus on pollution and clean water. How are pollution and different types of pollution affecting our ecosystems and endangering native species, or possibly helping other species come in and upset the balance? And the same thing for clean water. We really need to focus on what we are doing to ensure that we maintain the delicate ecosystems.

Look, sometimes you have to fight back—I guess that's my question to you—with bacteria and pesticides and things like that to maintain. It's not just enough to be vigilant with our borders. What are you advocating for?

Mr. Steve Hounsell: There's no question that pollution also is an issue. I believe right now, your government is also developing a pollinator strategy in terms of looking at some of the threats to pollinators, such as neonicotinoids, which this government is acting upon.

But I would first want to get back to that climate change issue. I would not dismiss it by any means. There is a very direct issue here in terms of invasive species.

Many species are limited by thermal barriers in terms of being able to move further. With climate change those thermal barriers are going to move, which means invasive species which are now limited because of climate will no longer be limited. They will be in new areas where they can cause tremendous damage. The mountain pine beetle, although it's actually a native, is an eruptive native that, because of the changing thermal barriers due to climate change, is now in areas where it was not formerly present and is causing huge damage.

The links between these two are very, very strong. We can't look at them in silos; we need to integrate the two issues. Pollution as well needs to be addressed, I agree.

Mrs. Gila Martow: Thank you very much.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Martow. Thank you very much, Mr. Hounsell. Now moving on to the NDP. Mr. Bisson.

Mr. Gilles Bisson: I have a very quick question. You talked about the need for the government to appropriate the necessary dollars to make sure that we enact the provisions under this bill. Have you had any indication that in fact it's going to happen?

Mr. Andrew Hounsell: That the government will do that?

Mr. Gilles Bisson: Yes.

Mr. Andrew Hounsell: I don't have an answer for that. My whole point is, if we are going to pass legislation, we need to enable it through adequate resources and funding to ensure that we can actually deliver the outcomes that we hope to have. That's the caveat: Make sure that it's adequately resourced, period.

Mr. Gilles Bisson: One of the issues that we have here in the Legislature is that often, legislation is put forward and it's passed, but there's no commensurate appropriation of funds in order to make it happen. Most of what the MNR does by mandate they can no longer do because they don't have the dollars to do it. That's why I was asking.

Mr. Andrew Hounsell: Sir, that is the point indeed: to ensure that we actually look at that side of the equation. Otherwise, we will have perhaps a very fine piece of legislation that cannot actually be enforced because it is not adequately resourced and funded.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Mr. Hounsell, again. Thank you very much, Mr. Bisson from the NDP. Now moving to the government side, thank you very much, Ms. McGarry.

Mrs. Kathryn McGarry: Thank you, Chair, and welcome. I live in North Dumfries township in the last remnants of the Carolinian forest. Near us, the rare Charitable Research Reserve looks after an incredible jewel in our own ecology in Cambridge, which does a fair bit of work around our local biodiversity, so it's certainly an area of work that I really appreciate. I'm very, very glad to see that not only was the Ontario Biodiversity Council formed in 2005, but it was a result of our province's strategy. The fact is that you hosted the first-ever Ontario Biodiversity Summit in 2015, which I wanted to go to and couldn't, unfortunately.

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I want to thank you again for the work that you've done and reiterate how important it is to our overall strategy, moving forward, on how we deal not only with biodiversity and the threats that you indicated, but also the threat that invasive species pose.

I'm just wondering, after you released the report in 2015, in May, can you tell us what the report's conclusions were with regard to the threat of invasive species on Ontario's biodiversity and trends that have become apparent?

Mr. Steve Hounsell: In terms of threats of invasive species, it remains a very significant issue. We can say that in terms of the number of at least alien species, not all of which are invasive, the number of alien species entering the Great Lakes has certainly been reduced significantly because of proactive efforts to control that. Nevertheless, there are still some very, very significant threats. You know very well about the Asian carp. Should that get into the system, it would be huge.

We still have other issues with terrestrial invasives, as you know. I mentioned the emerald ash borer just as one of several that we need to keep our eyes on very carefully. So the threat remains, and that is why I believe that this piece of legislation is very important and why we need to enable folks who are on the ground and promote awareness such that they can contribute both to control as well as prevention.

Mrs. Kathryn McGarry: Thank you. In order to prevent, detect and respond to invasive species, what are some targets that could be used to measure the success of combatting them and strengthening our biodiversity?

Mr. Steve Hounsell: Again, one of the simplest things would be the number of species that have been found within the province. We have, I think, a fairly good handle of what we've already been able to detect. Ongoing monitoring, broad-based monitoring, I think is essential such that we can determine whether in fact the rate of new invasives is slowing and if, in fact, we can actually get to the point where we can take some off the list, meaning that we can successfully eradicate. But without a doubt, monitoring is important. Otherwise, how would we ever know whether we're winning or losing the game?

Mrs. Kathryn McGarry: I appreciate that.

The Vice-Chair (Mr. Jagmeet Singh): There are 10 seconds remaining.

Mrs. Kathryn McGarry: Thank you. And who should do the monitoring?

Mr. Steve Hounsell: Ah. That's a good question. I would certainly hope that the government would enable funds. There are a number of organizations that are involved in monitoring, meaning environmental organizations; citizen-scientists are certainly involved in that. But without a doubt, we do not have the current capacity to do that, and I would suggest that there are probably going to be other organizations, including the Invasive Species Centre, that might be able to provide a better answer for that.

The Vice-Chair (Mr. Jagmeet Singh): Thank you so much. We've gone over just a couple of seconds; not a problem. Thank you very much, Ms. McGarry, and thank you, Mr. Hounsell. I think that completes this round. Thank you so much, sir.

COMMUNITY ENTERPRISE NETWORK INC.

The Vice-Chair (Mr. Jagmeet Singh): Our next presenter is the Community Enterprise Network and Mr. Jeff Mole, the president. Please take a seat, sir. Thank you. You heard the comments earlier. You have five minutes to present, so please begin.

Mr. Jeff Mole: Good afternoon. My name is Jeff Mole, president of Community Enterprise Network Inc. Our mission is to give Ontario communities the tools they need to participate in government procurement in a way that profits will be reinvested in Ontario. We are a not-for-profit in the business of helping communities develop community enterprise.

I'm here today to speak in support of Bill 37, the Invasive Species Act. We ask that the committee consider amending the bill to prioritize community enterprise for the delivery of services required to eradicate invasive species.

A community enterprise is a not-for-profit corporation that meets a need and provides benefits. A community enterprise is run by a group of people who get together to develop a business that creates jobs and generates economic activity with a view to investing any surplus or profits for the betterment of Ontario. Community enterprise is an alternative to privatization of public services. Community enterprise delivers competitive services while reinvesting surplus revenues in education, health care and community betterment. Community enterprise can help reduce the size of government while providing better use of taxpayer funds.

The bill discusses at length eradication of invasive species and states, "The minister may enter into agreements relating to the control and management of invasive species in Ontario." This is good stuff; however, who will do the work to achieve the control and management of invasive species in Ontario and who will fund the initiatives? Our concern is that the work will be outsourced to the private sector with little or no regard for the social enterprise strategy for Ontario launched by the government in 2013. This strategy is the province's plan to become the number one jurisdiction in North America for businesses that have a positive social, cultural and environmental impact while generating revenue.

To meet the goals of this strategy, we believe the government needs to take a strategic look at community enterprise for all government procurement. Our expertise is in the field of broader public sector procurement services.

Chair, how much time do I have?

The Vice-Chair (Mr. Jagmeet Singh): You have just under three minutes.

Mr. Jeff Mole: Our mission is to help community enterprise in the following areas: school busing, farming and local food processing and distribution, mining in the Ring of Fire, energy generation and distribution, liquor and beer sales and distribution, toll highways, highway maintenance, resource extraction and processing, waste management, energy from waste, invasive species eradication, wireless communications, data warehousing, attainable housing and community building, untapped retail markets, real estate development, insurance, and more.

In our expertise, mobilization and access to affordable capital are the main hurdles to building a strong community enterprise sector in Ontario. Our goal is to work with government to help overcome these hurdles by recruiting directors, raising funds and building membership to help grow strong community enterprise in Ontario. We provide the expertise needed to seek out public service opportunities, engage communities and develop business opportunities for community benefit. We are coordinating an initiative to help develop a province-wide network of large-scale community enterprise.

We can't do it alone. We need a government that understands the need to invest in growing the community enterprise sector for delivery of services. Accordingly, we encourage the members to amend the bill to create a pilot project to help social enterprise be part of the procurement related to projects to achieve and control the management of invasive species in Ontario. Furthermore, we encourage the members of this committee to bring forward a community enterprise act. This act would help facilitate the mobilization of communities and financial resources for developing the capacity of community enterprise to play a role in public sector procurement and the delivery of publicly funded services. Communities must have adequate tools to do the jobs that governments have abdicated. This is a conversation that is long overdue.

I look forward to your questions and a motion to amend the bill.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Mr. Mole. We'll begin now with the NDP in the first rotation. Mr. Bisson—no questions?

Mr. Gilles Bisson: I'm good. It's pretty clear.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, sir. We'll move now to the government, and it's Mr. Thibeault.

Mr. Glenn Thibeault: Thank you for being here today, Mr. Mole. Listening to your presentation, you mentioned a couple of things that kind of flagged my interest. The delivery-of-service piece, I think, is the one I'd like to ask you a question on.

I guess maybe, if this is passed, could you be a little more specific on the ways that the community enterprise networking could enhance the implementation of this act?

Mr. Jeff Mole: Let's take, for example, phragmites as an invasive species. You'll see it up and down every 400-series highway. You'll see it in wetlands. You'll see it

pretty much everywhere all over Ontario these days. It's a huge, huge problem. Somebody needs to take control over eradicating that invasive species.

Now, there are some working groups out there. These are not-for-profit organizations that are doing the job, and frankly, probably doing a really good job for the limited resources that they have. But everything related to doing work for the government is a proponent-driven process. There needs to be a proponent engaged in eradication or prevention of giant hogweed or phragmites or whatever. There needs to be a proponent mobilized. I think there are proponents mobilized for phragmites, but those proponents don't have access to affordable capital to do a good job.

The tendency would be for government to outsource that to the private sector. So for instance, we might hire Carillion, a multinational company, to come in and learn in Ontario how to eradicate phragmites, do a great job of learning that and take that technology and sell it elsewhere in the world. So we, the taxpayers of Ontario, put the investment into the knowledge necessary to do the job, only to have it taken by the private sector for their own gain, whereas the people of Ontario expect a better return on investment for our taxpayers.

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Mr. Glenn Thibeault: My time, Chair?

The Vice-Chair (Mr. Jagmeet Singh): You have one minute left.

Mr. Glenn Thibeault: One minute? Quickly—

Mr. Jeff Mole: I don't know if I can do that.

Mr. Glenn Thibeault: I guess you're talking specifically about trying to empower communities.

Mr. Jeff Mole: Yes.

Mr. Glenn Thibeault: Maybe you could speak to that a bit. And of course, you talked about one or two amendments. If you can kind of—

Mr. Jeff Mole: Sure. It's a proponent-driven process. Mobilization is the issue. We need to give community enterprise the tools to form these corporations, recruit the board of directors, set up the objectives of the corporation and get to work doing the work. Mobilization is the one hurdle; access to affordable capital is the other hurdle. I think that answers your question.

Mr. Glenn Thibeault: Yes. Thank you.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Mr. Mole. Thank you very much, Mr. Thibeault. Now we're going to continue with the Conservative Party and Ms. Martow, please.

Mrs. Gila Martow: Thanks for coming in. Two things: I wanted you to maybe give an example of some successful project that your group undertook so that we could learn a little bit about how you implement things, and whether or not you go to schools and—I don't know if this is on the curriculum directly, but I really think this should be on. Bring it to the attention of the Minister of Education that this could be something that's on the curriculum, because we all know with smoking that we get to the kids and they get to the adults.

Mr. Jeff Mole: Sure. With the community enterprise act that I propose you bring out, we can start to have that conversation.

But the bottom line is that with what's going on right now—you're asking about an example, if you will. The best community enterprise example I can think of in Ontario is the Greater Toronto Airports Authority. When the federal government decided they wanted to get out of the business of running airports, they basically formed a not-for-profit corporation and handed them a 400-page lease and said, "Fill your boots. Go out there and run this business." I guess people could say good and bad things about the airport, but at the end of the day that organization brings in \$1 billion a year in revenue, and there are no shareholders getting rich off it. The same thing could happen with Hydro One and government insurance. There are all sorts of applications for this model across the broader public sector.

The bottom line is, it reduces the size of government and gets better value for taxpayers. I think that's what your party is all about, so I would hope that you would support it.

Mrs. Gila Martow: We just have to ensure, though, that the government can't then sell those not-for-profits.

Mr. Jeff Mole: They can't because they're no longer in control. These are just the same as a private sector corporation. The only difference is that any of the profits that are generated are reinvested in Ontario rather than being extracted from the province for multinational shareholders.

Mrs. Gila Martow: I'm being a little tongue in cheek because they are trying to sell Hydro One—

Mr. Jeff Mole: Of course, and I think this model would apply to Hydro One. Like I said, the Greater Toronto Airports Authority makes \$1 billion a year in revenue.

Mrs. Gila Martow: Thank you very much.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Martow. That completes this round. Thank you, Mr. Mole, once again.

Mr. Jeff Mole: Thank you, Mr. Chair.

ONTARIO FEDERATION OF AGRICULTURE

The Vice-Chair (Mr. Jagmeet Singh): Our next presenters are from the Ontario Federation of Agriculture. Mr. Don McCabe and Peter Lambrick, are you present?

Mr. Don McCabe: Yes.

The Vice-Chair (Mr. Jagmeet Singh): Excellent. Welcome, gentlemen. Are you ready to proceed?

Mr. Don McCabe: Yes, sir. Thank you, Mr. Chairman.

The Vice-Chair (Mr. Jagmeet Singh): Excellent. Five minutes, beginning now.

Mr. Don McCabe: Thank you for the opportunity to be here today to bring forward our submission.

The Ontario Federation of Agriculture is Canada's largest voluntary general farm organization. We represent more than 37,000 farm businesses across Ontario.

The OFA supports the principle behind the proposed Invasive Species Act and, in that light, I also wish to ensure that this committee knows that we're a member of the Ontario Biodiversity Council. We fully agree that invasive species threaten biodiversity, as native species are at risk of being overwhelmed by invasive species. These species also pose a threat to farmed livestock, poultry and crops. Therefore, we need to come and take a hard look at the broad powers that are in this proposed act that are not necessary to achieve the goals of this act. There are no checks on these powers, and we find that troublesome.

In Ontario's haste to develop ways and means to identify and respond to invasive species, the OFA feels there's been a lost sight of the need to carefully balance public goals with individual rights. We point out that there is the federal Plant Protection Act that does cover off the issue of preventing importation, exportation and spread of pests by controlling or eradicating the pests in Canada. Also, Ontario's Weed Control Act focuses on specific weeds, as named in the noxious weeds list, that negatively impact agriculture and horticulture.

The wish of the OFA is to ensure that these jurisdictional overlaps are addressed within the confines of this act. Therefore, to be truly effective, the Minister of Natural Resources and Forestry must be in constant communications with federal and provincial ministries and agencies whose current mandate overlaps the intent and purpose of the proposed Invasive Species Act.

Secondly, in the absence of a clear definition of roles and responsibilities in addressing these invasive species, we fear farmers may be caught in the middle. Therefore, moving to the area of definitions, "harm to the natural environment" includes any adverse effect to biodiversity or ecological processes or to natural resources and their use." This definition is vague. What constitutes harm to the natural environment? There's no description of what constitutes an adverse effect or what natural resources and their uses are.

The OFA recommends that the definition of "harm to the natural environment" be rewritten to clearly define an adverse effect to natural resources and their use.

Moving ahead to some other points—because there's another point here I'm skipping in the interest of time—to the classes of invasive species, which is subsection 4(2), listed invasive species would fall into one of two classes: significant threat invasive species or moderate threat invasive species. The proposed act would benefit from clearer language for the determining of characteristics of each of these classification categories. We would recommend replacing "significant threat invasive species" with "prohibited," and "moderate threat invasive species" with "regulated," the purpose being, these terms are better understood by Ontarians and would be picked up on much quicker.

On the issues of only protecting provincial parks under "Prohibitions, moderate threat invasive species," section

8(1), we find this to be a tad limiting. The reality should be that all lands—provincial parks, conservation reserves, crown or private—merit protection against an invasive species becoming established. The OFA recommends that the restricted protection afforded to provincial parks or conservation reserves be dropped, making the current moderate threat invasive species prohibitions apply to all of Ontario.

When it comes to prevention and response plans, we're encouraged by the provisions outlined in "Prevention and response plans." We recommend these plans include prior consultations with agricultural associations and other stakeholder groups to ensure that proposed response measures do not threaten existing activities. That does not mean that we need another COSSARO group, as is currently formed under the Endangered Species Act. We have found that to be way too academic and way too wieldy to actually deal with issues on the ground.

Under issues of surveys for the purposes of detection, which is section 16, we find that farm biosecurity is not mentioned within this section. This is a concern for us in the agricultural sector when it comes, then, to also warrantless searches that are identified in here and issues of accessing time of farmers.

Again, we've highlighted all these issues within our more formal brief, which we have submitted.

With this, I will close off my remarks and look forward to questions.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, sir. Right on the dot—five minutes, to the dot. We'll begin with the government for questions. It is Mr. Anderson. Please begin.

Mr. Granville Anderson: Hi, Don. Welcome.

Mr. Don McCabe: Good day, sir.

Mr. Granville Anderson: Good to see you. In drafting this legislation, I know that there was a lot of thought given to how we would list invasive species. The proposed legislation would require that the listing of a species would be determined by ministry officials—biologists, hydrologists, policy developers etc. This decision would then be posted on the Environmental Registry to solicit feedback and input from stakeholders and the public for just the listing of species. How would the Ontario Federation of Agriculture prefer these decisions be made? Should a separate, arm's-length body be created to make these evaluations?

Mr. Don McCabe: The Ontario Federation of Agriculture would like to see the listing of these species be done with the greatest degree of speed available while ensuring scientific integrity. Therefore, the issue of going through a process of extended hearings over things like phragmites, which has essentially attacked the province with great vigour, is somewhat redundant in the eyes of the OFA.

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On the same token, we as farmers are sometimes bringing in new seeds and new opportunities. For example, soy beans were not native to this soil; Charolais

and Holstein cattle were not native to this soil. It would be very simple, I think, to start off with basic principles and then build a process out from there that expedites this. If the EBR process is to be used, we need to look at those days of hold-up to get information back and then summarized, because we end up losing seasons of activity on certain things when you need to act much quicker than that.

Mr. Granville Anderson: Having said that, are there ways the OFA would work with Ministry of Natural Resources' officials and enforcement officers, and the OFA's own members, to enhance the implementation of the Invasive Species Act, if passed?

Mr. Don McCabe: I thank you for the question. The Ontario Federation of Agriculture would welcome the opportunity to work with the officers involved and the people involved here on issues of illustrating biosecurity. We've done that in source water protection plans. It's also the issue of informing the agricultural community in the opposite direction of what is needed, the control methods that might be available and opportunities to then eradicate the species.

As an example, again, of phragmites, it is currently occupying many municipal waterways and therefore blocking farmers' water from leaving, and the stuff will naturally then move into a farmer's field. Without proper control measures—which we do not have available to us right now—this stuff will continue to spread. So we look forward to a two-way relationship with the government to move these issues along.

The Vice-Chair (Mr. Jagmeet Singh): Thank you so much, sir. The time is up now. Thank you very much for the question, Mr. Anderson.

We go on to the official opposition. Mr. MacLaren.

Mr. Jack MacLaren: I assume you have in mind some amendments to this bill. Would you care to articulate some of them and maybe in list of priority? What amendments would you want and what are the most important ones?

Mr. Don McCabe: I think clearing up definitions is of vital importance because the initial definitions in the document resonate throughout. Therefore, I have already made reference to the issue of harm around the environment. One that I did not touch on is the issue of natural environment or natural area; it's highlighted in the bill. The OFA feels that this should be expanded to human-altered landscapes or urban landscapes because you can have certain things that have been brought in—somebody thought it was great for a perennial to be planted in their backyard only to find out it was invasive. The issues around acknowledgement of biosecurity are very, very high to the needs of the agricultural industry. The issue around a clear understanding that warrantless searches are absolutely not necessary on this particular initiative, with proper communication—again, that has been outlined in our submission.

Mr. Jack MacLaren: Thank you.

The Vice-Chair (Mr. Jagmeet Singh): With no further questions, we'll move on to the NDP. Mr. Bisson?

Mr. Gilles Bisson: Do you find that this consultation process of committee is sufficient to allow you to properly deal with your amendments, given you had about five minutes?

Mr. Don McCabe: I'm hoping that the brief that has been submitted by the Ontario Federation of Agriculture will be taken into consideration by the committee, along with the other information here, to find the balance of information that's required. Of course, the OFA will be engaging in other opportunities to talk to folks on this bill. But it's always tight.

Mr. Gilles Bisson: I recognize that the OFA is very active here at the Legislature. It's just my personal thing; I just find these processes of committee much more rushed than they used to be. For example, an organization like yours, in the past, because you're an organization, would get at least a half hour to be able to present in a sufficient question and answer process, and it would be a longer committee process to deal with the amendments. But that's just my feeling.

One of the things that you talk about in your bill is the need to have a better definition of animals and specifically farm animals, because you're saying that many farm animals that we have in Ontario are not native to the province and that you need an amendment in order to make sure that in the future, if there are other types of animals we bring in, we don't get caught up in invasive species. Is there a specific animal or situation that you can point to?

Mr. Don McCabe: In history, I could, but I don't wish to speculate on the reality of what is going to happen tomorrow. We have to also understand that we have a very urban population, or a population of Ontario in general, that is becoming more diverse in its origins, and they will be looking for certain foodstuffs and other things that are also not native to this land. So it's not only animals but plants, and by having the appropriate criteria in place in the first place, you avoid these sorts of issues.

In history, we had recent examples of looking at perennial crops for use as biofuels, and some of those were, "Well, you can't use it because it's invasive," and when the research was done, it was being used as a scare tactic to halt an industry.

Mr. Gilles Bisson: Okay.

The Vice-Chair (Mr. Jagmeet Singh): No further questions? Thank you very much, Mr. Bisson.

Thank you, once again, for your presentations and for your time here.

LANDSCAPE ONTARIO HORTICULTURAL TRADES ASSOCIATION

The Vice-Chair (Mr. Jagmeet Singh): Our next presenters are from the Landscape Ontario Horticultural Trades Association. We have the representative regarding invasive plants issues, Jeanine West. Thank you so much for being here, Ms. West. You have five minutes to present.

Ms. Jeanine West: On behalf of Landscape Ontario, I thank you for the opportunity to comment on Bill 37.

Our sector is one that provides significant quality-of-life benefit to individuals and the general public through landscaping and greening our outdoor spaces. Our sector is the original green industry, and our motto is, "Green for Life." Our sector is committed to providing the right plant for the right place, and ensuring the long-term success of urban and rural landscapes.

Human development creates difficult environments for native plants to establish and prosper, leaving horticulturalists looking for tougher, more successful plants to grow in these poor soil conditions. If you look around some of our more successful landscapes and roadsides, you will see a mixture of non-native and native plants that together make up important bio-diverse ecosystems.

Many of the now-considered "invasive" plants were introduced as edibles and ornamentals over 100 years ago, before the North American nursery trade was really established. Today, our consumer groups demand new introductions, new colours and plants that bloom all season. In Canada, the nursery sector looks beyond our borders for plants that meet those market expectations, as well as being able to survive in those urban spaces. Thanks to advanced breeding techniques, several of our new ornamental cultivars can meet those requirements while producing few, if any, seeds.

In the 1950s the CFIA started inspections on plant imports, and over the last 65 years there have been many changes to prevent importation of invasives. Extensive pest risk assessments are now required before importing new introduced plants for sale in Canada. The movement of high-risk plants is also restricted to prevent pest movement within Canada.

The CFIA has also created a nursery certification program, wherein nursery growers evaluate and better manage the risks associated with imports. Many nursery growers across Canada have adopted a voluntary domestic certification program called Clean Plants, and implement best practices from both certification programs. Our members continue to work closely with the CFIA to protect our environment, as well as on their own farms.

Our sector is keen to participate in finding solutions and in being proactive to improve our approach to better management and prevention of invasive plants. We are eager to be part of the scientific process in determining which plants will be designated as invasive. Our growers have a lot of knowledge to share. They have lifelong experience determining what grows best, and where.

We are concerned that there is a lack of objective, science-based data on which to form decisions for how invasive plants will be defined and determined, and believe there is insufficient recognition of cultivar differences within a species. We encourage the ministry to engage non-partisan scientific agents to create a pest-specific yet consistent approach to determining invasiveness, taking into account a number of criteria, which I have listed and that you have a copy of.

Ontario nursery businesses are the result of lifetimes and, as I've mentioned, several generations of hard work

in a market that experiences challenges and downturns almost continuously. Because trees can take seven to 10 years to become salable, any change in market demand can result in significant losses in sales and costly destruction of inventory. Over the last few decades, our sector has had to deal with several significant invasive pests such as the emerald ash borer. The Ontario nursery industry has had to absorb huge losses in revenue due to unsalable ash trees. Would you want to buy an ash tree thinking that it could be dead from a beetle attack?

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Because of stressful urban conditions, we do rely on non-native trees and shrubs to green our cities. A good example, which is on the grounds of Queen's Park, is the very popular burgundy-leafed Norway maple cultivar *Crimson King*. This is a special cultivar that has low seed production and germination rates compared to the original green-leafed species. *Crimson King* is an excellent urban tree and it poses very little invasive risk. In fact, some jurisdictions in the USA have exemptions for these cultivars of Norway maple in their invasive species legislation. We think it is very important that these biological differences be considered when regulations are being developed.

In closing, I would like to reiterate our two main concerns: (1) the process for determining invasiveness, and (2) the consideration of the economic impacts of placing plant species on regulated lists without rigorous scientific risk and social impact assessments.

We are an organized, responsible group of professionals, and we are committed to making sustainable changes to the benefit of our environment. Our sector encourages the Ontario government to engage us and recognize our sector for what we can contribute both to this process and to the future of landscapes.

Again, thank you for the opportunity to speak with you.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. West. We'll begin with the official opposition and Ms. Martow.

Mrs. Gila Martow: Thank you very much for your presentation. What I see just in my experience is that people want to help, people do want to be engaged, and they just don't know where to get the information. I think there is a lot of information from landscapers and nursery operators in terms of supporting people, because people are just not aware. They go to Cape Cod on vacation and they decide to pick some of the lavender because it looks so pretty. Maybe they should be bringing that back and maybe they shouldn't. I've had people even say to me—you know, I see an interesting plant or something in their garden, and they have brought it from vacation in plastic with a bit of water.

So I think what we really do need is much better public education. Do you have a website where people can go and ask questions? Are you guys able to cope with something like that?

Ms. Jeanine West: We have an open website right now with Landscape Ontario. We don't have a specific

blog for invasives, but certainly we could work with the Ontario Invasive Plants Council to link that. We are on the board as well of the OIPC, so we have good communication and materials, accessible.

It is important, as you did note, that a lot of times it is individuals bringing in or moving around a species that can cause a problem. Organized trade isn't really one of the big importing factors at this point. So education is very critical, and I think that collaboration with OIPC—there's a *Grow Me Instead* program that a lot of the nursery growers are supportive of.

Mrs. Gila Martow: What's it called?

Ms. Jeanine West: *Grow Me Instead*. You'll hear about that tomorrow. OIPC is presenting tomorrow afternoon as well.

Labelling changes are something that we could look at to help educate consumers as to what they're buying and where something would work better. A lot of our nursery growers will do that and are really consultants for, "Oh, yes, this will grow here," and, "No, that's not a good idea. Don't do that there. It's going to be too aggressive," for example.

Mrs. Gila Martow: Thank you very much.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Martow. Moving on to the NDP, Mr. Bisson.

Mr. Gilles Bisson: I appreciate that you've put your suggested amendments into the package. Are there any other ones, other than what's in there?

Ms. Jeanine West: Those are the key ones that we would like to see. They deal with looking at the fine structure, looking at how to define the process and make sure that cultivars' specifics are considered.

We reiterate the OFA comments that we do have concern about biosecurity issues because that is something that is very strong. We had to actually work with CFIA quite strongly to teach them that that's a very critical thing for our farms.

Mr. Gilles Bisson: So there's nothing missing in that package that you gave us?

Ms. Jeanine West: Nothing substantial.

Mr. Gilles Bisson: Okay. That's good.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Mr. Bisson. Now moving to the government, Mr. Dhillon.

Mr. Vic Dhillon: Thank you very much. Thank you, Ms. West, for your presentation.

The first question is, for the proposed legislation to be successful, it is important that stakeholders, the public and horticulturalists are aware of the legislation and understand what is and what is not permitted. Are there ways that the proposed Invasive Species Act could be changed to provide greater clarity to the public and horticulturalists?

Ms. Jeanine West: I think right now the act itself is very vague, and I understand it was created that way in order to allow the regulations to iron out those specifics, but I think the horticulturalists have good mechanisms for accessing information. There's a very large member-

ship. Landscape Ontario has over 2,000 members. It's a very strong organization throughout the province. So within our sector, we have very strong ways to communicate and will be very successful. With the general public, I think it will need to be through the retail system, which Landscape Ontario can also support.

Mr. Vic Dhillon: The Invasive Species Act would require broad consideration of ecological, economic and social impacts and benefits before a regulation is passed. Understanding your concern in regard to the potential effects on horticultural business, do you think this would be reduced if only species that posed a significant threat to native species were considered prohibited?

Ms. Jeanine West: I might need you to repeat that.

Mr. Vic Dhillon: Sure.

Ms. Jeanine West: You're questioning if Landscape Ontario will have challenges meeting the specific—

Mr. Vic Dhillon: Correct.

Ms. Jeanine West: There definitely will be market impacts from the act if specific species were to be regulated. For example, Crimson King: There are hundreds of thousands of these grown, and each one of them is worth approximately \$100 and up, depending on the size. The market impacts would be very significant.

Vinca—for example, periwinkle—is a very early flowering plant. It's a great flowering plant early in the spring when there aren't a lot of other flowering plants in urban environments for pollinators, and there are growers whose entire business depends on sales of one item. There are very significant impacts to our sector.

Mr. Vic Dhillon: Thank you very much.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Mr. Dhillon. That completes the session. Thank you very much, Ms. West, and thank you for your presentation.

Ms. Jeanine West: Thank you.

ONTARIO NATURE ECOJUSTICE

The Vice-Chair (Mr. Jagmeet Singh): The next presenter is from Ontario Nature. We have two presenters: the director for conservation education, Anne Bell, and a lawyer from Ecojustice, Laura Bowman. You're both present. Thank you so much and welcome.

You have five minutes to present, so feel free to—

Dr. Anne Bell: All right.

The Vice-Chair (Mr. Jagmeet Singh): Are you ready to begin?

Dr. Anne Bell: I'm ready and I'll go fast.

The Vice-Chair (Mr. Jagmeet Singh): Excellent. No problem. Please begin.

Dr. Anne Bell: To the committee members and everyone here, thanks so much for this opportunity to present on behalf of Ontario Nature.

Has my slide deck been passed out?

Interjections: Yes.

Dr. Anne Bell: Excellent. So if you flip to the second slide, you've got information there about Ontario Nature.

We are a provincial conservation organization, a charitable organization, representing over 150 member groups and over 30,000 individual members and supporters across Ontario. Our mission is to protect wild species and wild spaces.

As was mentioned, I have here with me Laura Bowman, who is representing Ecojustice. They're another environmental charity. We've worked very closely together on this set of recommendations that you have before you.

We would like to begin by thanking the government for introducing this bill, first of all, and all of the parties for supporting this bill. With that being said, however, I'd like you to turn to the third slide. I think there are a number of very fundamental issues that need to be addressed for this bill to really work well as a piece of legislation. These issues are: first of all, the lack of clear direction, which should emphasize precaution and prevention, and I've got five recommendations addressing that particular issue.

The second is the lack of a transparent, science-based process for listing. I understand that the previous speaker spoke about this as well. We have a recommendation about that.

The third is what seems to me to be a rather heavy-handed approach to dealing with landowners who may unwittingly possess a significant-threat invasive species on their property, coupled with a lack of support for stewardship to control and eradicate invasive species. We have a few recommendations around that.

The fourth is the fact that there's no acknowledgement of aboriginal treaty rights in the bill. I think that's something that also needs to be addressed.

If you will flip to the next slide, our first recommendation is to include a clear purpose section that prioritizes science-based listing of invasive species, prevention, interjurisdictional co-operation, and support for stewardship in the control and eradication of invasive species. What you see on this page are black words, which are our recommendations, and red words, which are our suggested amendments to the bill. The actual wording changes are going to be in red throughout this presentation.

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I hope you will agree that a clear purpose statement, like the one that we've proposed here as an example, is critical to providing direction for those who have to implement the law, for those who have to obey the law, and for those who have to interpret the law in the courts. A clear purpose section tells us what this is about and what the government is trying to achieve through this piece of legislation and all the people who have to implement it.

If you flip to slide 5, we have another closely related recommendation, and that is to include a preamble in the act. Include a preamble to inform interpretation and implementation of the legislation, including a precautionary approach that emphasizes prevention. A preamble like the one that we've provided here provides additional

direction, but it also provides the context for the law, why the law is needed and, again, what it's trying to accomplish.

I hope that everyone here agrees that the purpose, the preamble and the entire bill need to focus on prevention—prevention and precaution—because, as we all know, once an invasive species arrives and once it gets established, it's incredibly costly to deal with and can be impossible to control or eradicate. That's why we need that emphasis throughout the bill, and I think a clear purpose statement in the preamble could really help in that regard.

On slide 6, you'll find our third recommendation: to revise sections 7 and 8 to include a prohibition on permitting a significant- or moderate-threat invasive species to be brought into Ontario. Simply put, there are three ways of committing an offence under a piece of legislation. One is by doing something, one is by causing something, and the third is by permitting something. The bill currently doesn't address that third piece. We can't permit these things to be introduced, etc. into the province. I think if you have questions along these lines, Laura would probably be the best person to answer them, about the importance of that kind of language in the bill.

You'll see that we've included in the red language "deliberately or accidentally," and that's because we want to make sure that offences under the act are interpreted as strict liability offences. That means that negligence actually counts. You don't get off just because something is an accident. You have to take things into account, but that's not a reasonable reason for not actually finding somebody liable under the act.

On slide 7, our fourth recommendation is to revise section 13 to require that prevention and response plans be prepared for all significant-threat invasive species. We believe that the development of these plans will be key to effective, coordinated action. They should be mandatory, not discretionary, and that's why the current language, which is "may," should be replaced by "shall." It has to be required. These plans have to be developed, and they should be developed—

The Vice-Chair (Mr. Jagmeet Singh): Dr. Bell? My apologies. We've gone 30 seconds over. I wanted to give you some latitude because—

Dr. Anne Bell: Oh, darn.

Mr. Gilles Bisson: You can take my time.

The Vice-Chair (Mr. Jagmeet Singh): Okay, that's perfect, because the next rotation would go to the NDP and Mr. Bisson is offering you his time, so please continue.

Dr. Anne Bell: Thank you very much. All right, I'm going to have to speed up.

I'm going to flip then to the next piece, which is around science-based listing. Again, it's a small word change around "shall make regulations." Right now the Lieutenant Governor in Council "may make regulations." It should be "shall make regulations." We need to list species under this act because if they're not listed, nothing ensues. It has to be mandatory, and we think that

it should be a science-based process. If you turn to slide 9, that's what that addresses. We need a science-based process, and we've provided details there in red about what we're talking about. The bill has significant implications for everybody and that's why we need a science-based, transparent process.

Recommendation 7, on the next page, is about ensuring that, at the end of the day, we invite landowner co-operation. We actually have three recommendations along these lines. We can't use this law as a hammer on landowners and other people. We need to invite participation, and that's what the details of all of this are about. I'm happy to respond to any questions about that. So that's recommendation 7.

Recommendation 8 goes along the same lines. It's about a stewardship program to support involvement.

Recommendation 9 is again about tempering the powers of government to bring down the hammer on individual landowners.

Finally, the last recommendation on the last page is about aboriginal and treaty rights and making sure that these are acknowledged in the legislation, which they aren't currently.

Sorry to have gone over time.

The Vice-Chair (Mr. Jagmeet Singh): No, not at all.

Dr. Anne Bell: Are there any questions?

The Vice-Chair (Mr. Jagmeet Singh): Mr. Bisson, you still have about a minute and 20 seconds.

Mr. Gilles Bisson: I'm good.

The Vice-Chair (Mr. Jagmeet Singh): No questions. Thank you very much.

We'll move on to the government side now. Ms. McMahon.

Ms. Eleanor McMahon: Thank you, Dr. Bell. Thank you, Laura. What a fabulous presentation.

If I can preamble two things—tremendous way of clarifying and articulating your concerns, but also to have them in the context of suggested answers and proposals to improve legislation to strengthen it. Wow, really well done and very, very comprehensive.

Dr. Anne Bell: Thank you.

Ms. Eleanor McMahon: It's probably why you ran over. Right? Because you had so much to say. Congratulations; take a breath.

Two things if I may: If you could expand a little bit—I guess this is Laura's area. You talked about doing, causing and permitting. Can you expand a little bit on the permitting piece? Then, if I have time, I'd like to ask you something else.

Ms. Laura Bowman: Sure. One of the differences between the way the Invasive Species Act deals with bringing invasive species into Ontario versus the way some other legislation, for example the federal Fisheries Act, deals with the same thing is that there can be a lot of situations where there's an indirect process. In the Fisheries Act it typically occurs in the context of pollution, so somebody dumps oil on the ground and the oil then enters a river. The permitting word is the word that has been interpreted by the courts to allow you to still convict

someone of that offence even though they're not directly putting the oil into fish habitat.

Similarly, we feel that that permitting word should be here for invasive species. Just as with oil draining into a river, you could have invasive species that are permitted to enter Ontario by somebody indirectly, and we'd like that to be captured by the offence.

Ms. Eleanor McMahon: Terrific. Second question—do I have time, Mr. Chair?

The Vice-Chair (Mr. Jagmeet Singh): Yes, you do.

Ms. Eleanor McMahon: I'd like you to shed a bit of light, because your presentation was so thorough, on stuff that may be outside the act but still is germane, I think. It has to do with education and awareness.

I'm the parliamentary assistant to the Minister of Natural Resources and Forestry. I hear a lot about phragmites and other invasive species, but I hear a lot about the public's role in preventing—you talked about prevention, and I heartily agree—the promulgation of invasive species and what role we might play, perhaps in the legislation and otherwise, in terms of providing that education framework.

Ms. Laura Bowman: I think it's important to understand that the current legislation creates some obstacles to that. One of those obstacles is that currently there's liability for possession. So if I want to engage in a stewardship program on my property, right now there's a lack of clarity in the act about whether or not I need to actually apply for a permit to do that and whether or not I'm committing an offence in the first place by simply having it on my property and then reporting myself by contacting the ministry to ask for that kind of advice. We'd like that to be built into the act, that there are some exemptions for people who are genuinely trying to engage in stewardship programs so that they're not liable for offences, and that there's a process for giving those people some direction about how to do that appropriately either through prevention plans or codes of practice or something like that, which are currently not enabled by the act. Financial support for stewardship programs is equally important.

Ms. Eleanor McMahon: That's very helpful. Have you articulated that in your presentation?

Ms. Laura Bowman: Yes.

Ms. Eleanor McMahon: Thank you.

The Vice-Chair (Mr. Jagmeet Singh): Sorry, Ms. McMahon. We've gone over 20 seconds, but I'm okay just to finish the last question—did you complete your thought?

Ms. Eleanor McMahon: I think we're done. Thanks very much.

The Vice-Chair (Mr. Jagmeet Singh): Okay. Thank you so much. Now we move on to Mrs. Martow from the official opposition. Please begin.

Mrs. Gila Martow: Thank you for joining us and for your presentation. I think that maybe you have some examples because you've said a couple of times that any solutions or any proposals have to be based in science. What concerns us is that we can all have the best of

intentions but we can't just go around guessing at things. I've been saying—I think you've been here for a while—that education is the key to a lot of these kinds of problems. We shouldn't wait until there's an invasive species to have to deal with it; we really need to better educate the public.

I don't know if you have any science that you want to share with us or studies that you would like to see being done so that we can get some data or education programs.

Ms. Laura Bowman: One good experience that we've had, in terms of science-based processes for listing, has been under endangered species legislation, where there is actually a structured committee that looks at species and risks to species from a science perspective, and can make recommendations about listing.

Unfortunately, this act doesn't have any structure like that. So it's a little bit unclear, right now, who will be looking at this, and how, and exactly what they'll be looking at. I'm sure that Anne has more to say about research.

Dr. Anne Bell: Exactly, and part of the proposal here is to have that in place. We're not suggesting it's going to be like the Endangered Species Act, but what we do want are experts at the table deciding in a transparent way what's listed and what needs to be listed, so that we all understand that.

Mrs. Gila Martow: So the key is to have experts.

Dr. Anne Bell: Yes.

The Vice-Chair (Mr. Jagmeet Singh): Thank you for your comments, your questions and your presentation. That concludes this round.

At this point, we are somewhat ahead of schedule and the next presenter is not present. We'll try our best to get the teleconference a bit earlier if possible. At this point, I recommend a perhaps five-minute recess to regroup.

The committee recessed from 1501 to 1507.

CURRENT RIVER HYDRO PARTNERSHIP

The Vice-Chair (Mr. Jagmeet Singh): We almost have a member from each caucus present, and if there's no objection, I'd like to continue.

We have with us by teleconference the 3:45 deputation from Current River Hydro Partnership. I believe we have general manager Robert Whiteside on the line.

Mr. Whiteside, are you there? Mr. Whiteside, can you hear us?

We may have some technical difficulties here.

Mr. Whiteside, are you present? Are you available? Can you hear us?

Maybe we can try the line again.

Mr. Whiteside, are you there? If you could just speak into the phone and say, "Hello," that would be great.

I'm just going to awkwardly look to the right and see if something's happening over here.

Just to give you an update, we're going to try the line one more time, and if it does work, we'll begin. If not, we'll have to do a brief recess. Mr. MacLaren seems okay with that, so that works for me.

Ms. Eleanor McMahon: Mr. Chair, just a quick point. I think our 3:30 witness has been held up. Have you heard that?

The Vice-Chair (Mr. Jagmeet Singh): Yes, that's what I heard.

Mr. Gilles Bisson: Held up as in bank robbery held up?

The Vice-Chair (Mr. Jagmeet Singh): Just to ensure that you're not stuck here, what we're going to try to do is recess again for just a couple of minutes. You can stay here. It will just be a brief recess, so it's not—

Mr. Robert Whiteside: Okay. Yes, I'm here.

The Chair (Mr. Jagmeet Singh): Oh. I think we have success.

Mr. Whiteside, are you there?

Mr. Robert Whiteside: Yes, I am.

The Vice-Chair (Mr. Jagmeet Singh): Excellent. Glad to have you.

Mr. Robert Whiteside: Thank you for having me.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Whiteside, you have five minutes to provide your presentation. Are you ready to begin?

Mr. Robert Whiteside: Okay. Yes, I am.

The Vice-Chair (Mr. Jagmeet Singh): Excellent. Mr. Whiteside, general manager from Current River Hydro Partnership, you have five minutes. Please begin.

Mr. Robert Whiteside: Okay, thank you.

Thank you for giving me this opportunity to speak to the committee. This is a very important issue for myself and my company. What we have here, with this Invasive Species Act—I don't want to sound radical or crazy or anything—is a bureaucratic abuse of process. It's important for the committee to understand exactly what they're looking at.

I sent a letter dated September 22, 2015. Anyway, I sent this letter outlining our issues. We have an invasive species coming into the river, and this invasive species is with the blessing of the Ministry of Natural Resources. When we identified that it was an invasive species, the local bureaucrats made efforts—and they've changed the definition of what an invasive species is.

I included in my submission to you several—I marked them item 1, item 2, item 3 on through. I think it's important for you people to see a few items here. Item 3: That's the federal initiative. The invasive species curriculum is based on this initiative from the feds. I think it's important, because the federal initiative is based on the international initiative, and I believe it's important not to undermine or circumvent the initiative that senior governments and world governments are taking by making efforts that are solely intended to screw me. In that federal initiative, item 3, if you look on page 7 under "Scope," I highlighted this area. Intentional and accidental introductions of species are what we're dealing with here. It identifies intentional and accidental introductions.

What we have here is an intentional introduction. On page 19 of that same initiative, under "Purpose," it identifies that there has to be a co-ordinated approach to

invasive species. If you look on page 39, under "Views and Perspectives," again in the highlighted areas, they talk about a balance of who pays and who benefits. We have the Ontario government initiating the introduction of an invasive species that is having a dramatic economic impact upon me, and they say, "Oh well. So what? Who cares?" In the last few years alone this has cost me and my company in excess of several hundreds of thousands of dollars and nobody cares—natural resources. Because we have a couple of people that have—

Interruption.

Mr. Robert Whiteside: Just hold on for a second.

We have some people here who are putting forward—
Failure of sound system.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Whiteside, are you still there? Mr. Whiteside?

I think we lost him.

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): There you are, Mr. Whiteside. We just lost you for a second. You have about 30 seconds left to wrap up, sir.

Mr. Robert Whiteside: Okay. I'm okay to continue?

The Vice-Chair (Mr. Jagmeet Singh): Yes, we can hear you. You can continue. You have about 30 seconds to wrap up.

Mr. Robert Whiteside: [*inaudible*] have been totally ignored—

The Vice-Chair (Mr. Jagmeet Singh): Mr. Whiteside, I think we're losing you again.

Mr. Robert Whiteside: Okay, just hang on for a second. Is that better? Can you hear me now?

The Vice-Chair (Mr. Jagmeet Singh): Yes. We just hear some noise in the background. Is it a radio, perhaps, or a TV?

Mr. Robert Whiteside: Well, it's a speaker that's in this room, and I don't know how to shut it off.

Anyway, on page 40 of that federal initiative, they talk about how they want to strengthen the understanding and the impacts of the environmental initiatives on aboriginal peoples. I think this is important because the federal government has identified this initiative.

On item number 1 that I outlined in the Ontario guidelines, economic impacts of invasive species is identified on page 6.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Whiteside?

Mr. Robert Whiteside: Yes?

The Vice-Chair (Mr. Jagmeet Singh): Because of the lack of reception, I gave you a minute extra but we have to move on to the question period.

Mr. Robert Whiteside: Okay.

The Vice-Chair (Mr. Jagmeet Singh): So we begin with the government side. From the government we have Ms. McGarry. She'll ask you some questions now.

Mrs. Kathryn McGarry: Hi, Mr. Whiteside. Can you hear me?

Mr. Robert Whiteside: Yes, I can. Sorry for the noise here. There's a speaker in the room here. I don't know—

Mrs. Kathryn McGarry: Yes, it's a little difficult to pick out but I think I've got the main gist. I really wanted to thank you for submitting your comments today. I know that what we endeavour—this is one of the reasons why we have this committee process, to be able to pass comments and then to be able to take changes when we go through the rest of the document to try and strengthen the bill.

I know that you had been worried about the rainbow trout and how that has impacted your business. I wanted to talk about the proposed legislation that allows for the ministry to list invasive species, not only province-wide but also specific to geographical locations in Ontario. For example, smallmouth bass are prevalent and part of healthy fisheries in southern Ontario, but introducing the smallmouth bass in the Arctic waterway could be disastrous for the ecosystem. In the same way, rainbow trout is not traditionally considered an invasive species in Ontario but it is obviously impacting your business.

Can you let the committee know if you agree with the approach of—

Mr. Robert Whiteside: I agree with that.

Mrs. Kathryn McGarry: —allowing for specifics in certain areas?

Mr. Robert Whiteside: I agree with that. In fact, it's one of the arguments I've made to Minister Mauro. His approach was, "Gee whiz, the bureaucrats want to do this. There's nothing I can do." Myself and Cam Burgess from the Métis nation looked at each other stunned. He's the minister. Of course he can do it.

But the thing is, I agree with that approach. I'm not suggesting that these rainbow trout be considered invasive in the river beside me. I'm saying they're invasive in this particular river because they're doing economic damage. If you look at the definition that they've modified this to—and that modification was initiated by our local people. This is why I'm saying it was bureaucratic abuse. It was the bureaucrats in our local riding or local area or district who have initiated this change. They've taken the economics out of the definition. I want them to—

Mrs. Kathryn McGarry: So you would be—sorry.

Mr. Robert Whiteside: I'm sorry. I want them to maintain the same definition that you have in the Ontario guidelines, the same definition that you have in the federal guidelines.

Mrs. Kathryn McGarry: Okay, so you would be supportive, then—

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Mr. Robert Whiteside: I don't want that definition modified.

Mrs. Kathryn McGarry: I just wanted to make sure that I have it right here. So you're very supportive of being able to make a specific reference—

Mr. Robert Whiteside: Site specific, yes.

Mrs. Kathryn McGarry: —in the legislation to the specific geographical location. So that would help you in your business.

Mr. Robert Whiteside: Yes, it would. I have no problem with the rainbow trout anywhere else, but I have a problem when they put it in my river and did no impact studies, and they just said, "So what?" That would be one of the things to help, and that would be a good thing.

Mrs. Kathryn McGarry: All right, thank you. I hope to see this moving forward. Thank you very much for your time. I'm going to hand it back to the Chair now.

Mr. Robert Whiteside: Thank you.

The Vice-Chair (Mr. Jagmeet Singh): We now move to the Conservatives. Mr. MacLaren.

Mr. Jack MacLaren: Mr. Whiteside, I had some difficulty in hearing you and you seemed to be cut short, so rather than ask you a question, why don't you take the time that you might have answered a question I would have and just carry on speaking or presenting your presentation.

Mr. Robert Whiteside: Okay. What I would like to see is that in item 1, there's a definition of what invasive species is. That's in the Ontario guidelines. In the bill before you, that is not the same definition. They've modified the definition. They've taken it—it's going to be unique in the world, that definition. By taking the economic considerations out of there, it does a lot of damage to me.

I seek from the committee to reinstitute the same definition that the Ontario guidelines have in place already. This is what I need. This is what I would like to see. Obviously, that definition is good enough because the Ontario government put it forward in the first place. It's also similar to the federal and international definitions. I need to see continuity there. That's what I need to see here. Does that make sense?

The Vice-Chair (Mr. Jagmeet Singh): Thanks very much. Do you have any questions, Mr. MacLaren, to follow up with?

Mr. Jack MacLaren: No.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, sir. And now we go to the NDP. Mr. Bisson is indicating no further questions. So thank you so much, Mr. Whiteside. Thank you for presenting, and—

Mr. Robert Whiteside: I would just like to point out one other thing here. Cam Burgess from the Métis Nation has also written a letter to the committee on this topic. The Métis Nation has asked for consultation on this issue based on the invasive species definitions and what the MNR is doing to me. The MNR has chosen to ignore that request for consultation—

The Vice-Chair (Mr. Jagmeet Singh): Mr. Whiteside? Sorry, you had a couple of minutes before, but you indicated that you didn't want to, and now we've just wrapped up the—

Mr. Robert Whiteside: We moved on. Okay. As long as they understand that, that's all that's necessary.

The Vice-Chair (Mr. Jagmeet Singh): Thank you so much, Mr. Whiteside.

Mr. Gilles Bisson: For the record, teleconferences are terrible.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Bisson, your comments are duly noted.

Mrs. Gila Martow: Maybe they ought to be asked before the teleconference, “Are you going to be in a quiet space” and all that. We have to have some—

Mr. Gilles Bisson: Committees used to travel, and that was the reason we travelled—because we need people like this who have real experiences, who tell us what their problem is in their backyard. I, for one, am a firm believer that committees should travel in the inter-session so that we give people like this a real voice.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Mr. Bisson.

At this point, we don’t have the other two presenters. So again, we’ll do a brief recess, and if we can get a hold of them—and if not, we’ll make a determination. There are supposed to be two more.

Mr. Gilles Bisson: Are there any presenters here at all?

The Vice-Chair (Mr. Jagmeet Singh): No, I don’t think there are any presenters here at this point in time.

Just to confirm once more, is anyone here from the Canadian Shipowners Association? No. And is anyone here from the Nature Conservancy of Canada?

Ms. Eleanor McMahon: The NCC witness, Mr. Chair, as far as I know, is not coming today. He’s had car trouble.

The Vice-Chair (Mr. Jagmeet Singh): Oh, they’re not coming at all. Got it.

Interjection: Are there any others?

The Vice-Chair (Mr. Jagmeet Singh): One other group is the Canadian Shipowners. Let’s just confirm with the Clerk if we’ve already—

Mrs. Gila Martow: It’s 10 minutes past their time. Maybe they want to present tomorrow, because there’s time tomorrow.

The Vice-Chair (Mr. Jagmeet Singh): There’s a 3:15 that hasn’t shown up and there’s a 3:30 that we’ve received information on that is not able to present today. So at this point in time I’m proposing that we wrap up, given that we don’t have any other presenters, if the committee is okay with that.

Mr. Gilles Bisson: That’s fine.

The Vice-Chair (Mr. Jagmeet Singh): We will then adjourn and continue with the agenda tomorrow.

Just a quick reminder: Pursuant to the order of the House, the deadline to file amendments to Bill 37 with the committee Clerk is 12 noon on Wednesday, September 30, 2015.

The committee stands adjourned until 4 p.m.—

Mr. Gilles Bisson: Chair, before you do—

The Vice-Chair (Mr. Jagmeet Singh): Yes?

Mr. Gilles Bisson: Are we going to get anything from legislative research, a bit of a synopsis, before we get to that?

The Vice-Chair (Mr. Jagmeet Singh): The question on the floor is, would the committee like to have something by legislative research, if it’s possible?

Mr. Gilles Bisson: If we could have something, it would be kind of helpful, in the sense of amendments, if there’s anything. Would legislative research look at providing any kind of a document?

The Vice-Chair (Mr. Jagmeet Singh): Mr. Bisson, your request is if there’s a summary of what we have heard so far; is that’s what you’re looking for?

Mr. Gilles Bisson: Yes.

Ms. Erica Simmons: If you want a summary—

Mr. Gilles Bisson: Yes, please. Thank you.

The Vice-Chair (Mr. Jagmeet Singh): Does the committee agree to obtaining a summary—

Mrs. Gila Martow: I would say the only thing that I found really hard was the teleconference. If anybody was taking notes—

The Vice-Chair (Mr. Jagmeet Singh): Is the committee in agreement that we have a summary of what was presented today?

Mr. Gilles Bisson: Yes, just to help us.

The Vice-Chair (Mr. Jagmeet Singh): Everyone is okay with that? Yes, excellent. Please, if you can provide a brief summary of what we have up until now.

Again, we are adjourned until 4 p.m. tomorrow. Thank you once again.

The committee adjourned at 1527.

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