



CANADA

House of Commons Debates

THE HON. JOE VOLPE, P.C., M.P.
**SPEECH ON BILL C-9, AN ACT TO AMEND THE TRANSPORTATION OF
DANGEROUS GOODS ACT**
SECOND READING
THURSDAY, FEBRUARY 12, 2009

Mr. Speaker, it is my pleasure to engage in this debate, especially after the parliamentary secretary. We always have an opportunity to correct the record after he speaks because he engages us in a historical perspective on events usually laced with a bit of partisanship, even though we are dealing with a very serious topic.

I enjoy the opportunity simply because there is always a chance to re-address and clarify exactly what is happening with some of the legislation.

This bill was born out of an initiative, since the hon. parliamentary secretary mentioned this a moment ago, of a government of which I was a part. It is the Liberal government that he wishes to emulate so assiduously. First, in 1992, when that Liberal government was in opposition, it prompted amendments to the Transportation Act. Second, the Liberal government initiated a series of studies in 2002 and consultations in 2004 in order to lead to legislation that we have before us today.

Although I am a little too kind to repeat it in its original form, one might say that the Conservative government has waited far too long to present the bill, even though it had in its disposition prior studies and work and energies contributed to the satisfaction of a problem that the legislation attempts to resolve.

However, those of us who were a part of the Liberal government, which the parliamentary secretary suggests was not as quick to address the problem as he would make it out to be, proposed through our consultations a five point plan. I am pleased the government has accepted those proposals.

That five point plan engages these words. If we think about it each one of the words, then we will get an appreciation of what it was that we on this side of the House wanted to accomplish and indeed planned to accomplish in legislation to address the movement of dangerous goods throughout the country.

First is the word “reinforce” as in reinforcing the existing emergency response assistance program. I say this, before I go on to the other four, because it is important not to raise the spectre of paranoia that the parliamentary secretary has visited upon us. He has suggested that the world might collapse if we stop to study the legislation for but a mere moment. I say this because a plan was already in place. There is a response mechanism, but it is to reinforce. This is the first key. It is the first sense we on this side of the House want everyone to appreciate, that we had already infused into the process.

The second one is “require”, requiring, obligating security training and screening. We can think about that again. We were talking a moment ago about reinforcing. Now we are talking about requiring. One requires training only when it is being applied voluntarily and perhaps not as assiduously as the rest of the public's interest might demand.

The third word is “enabling”. Enabling for us in the House always suggests, in fact it directs us, to presenting legislation as to enable us to put in place laws, regulations, agreements, protocols that must be followed. If we do not pass enabling legislation, the public watching this debate would say that we have good ideas but how. The legislation is intended to establish that how process. If we are to discuss this transportation of dangerous goods legislation, we have to think in terms of the effectiveness of the how in the enabling.

The fourth word is “amend”. We are talking about amending what? Again, I bring it back to what I said a moment ago. I do not want to preach an aura of paranoia, but in one where there is consistency, that we want some improvement. So we amend certain definitions in order to identify the obligations that will be imposed on individuals, on institutions and on corporate interests. If the legislation does not address the issue of amending certain items then it cannot be complete legislation.

Finally, the fifth word is “clarification”. Again, clarifying what is already there. So we are talking about clarifying an act to ensure that the applications of the rules surrounding the transportation of dangerous goods around the country, province to province, across the border, north to south, follows a particular protocol and that the protocol is enforced with uniformity throughout the entire country. There is a genuine and firm expectation by all Canadians that the rules will apply no matter where in the country those goods are being transported.

I know that the parliamentary secretary also said this is a joint jurisdiction. It is one where we have entered into an agreement with the provinces and the territories to transport goods. We will have carriage of certain responsibilities as we go along with the federal government having, for want of a better word, more exclusive responsibilities for air travel. But whenever we have goods that are moving from one area to another, and here I agree with the parliament secretary, we need to think about the one example which is very close to home for me, which was the Mississauga derailment in 1979. He is right. One quarter of a million people who had to be relocated, displaced, in order to address the issues that came forward out of that derailment are things that we should foresee, that we should anticipate, and that we should be prepared to put in action. What that requires is an emergency response plan and it has to be one that is consistent.

What I think I see in the legislation and what we will want to see as we examine it not just in debate and second reading but as this legislation moves its way through the system and goes on to second reading is an emergency response assistance program. A moment ago I gave an

indication of five main themes and I will go back to those in a moment, but an emergency response plan must have the following items.

It has to give us an indication of anyone who is shipping the product, any corporation. We want to know exactly what actions those shippers would recommend or would take in the event of an accident. So we would want people to be proactive. We would want people to think in terms of what could go wrong, so that they could take those initiatives to correct it. If they are thinking in those terms, then they take the preventive measures up front. The legislation will be examined by our party with that in mind, that the emergency response action plan be already present by the shippers and in detail, so that we can have an indication that the problem has already been anticipated.

Second, what those shippers would do to assist local authorities in the event of an action that, they have already foreseen and attempted to prevent, would occur in any event. What action would they take post-accident? That plan would be very specific. It would include, for example, a third item. One might say the third item would seem to be common sense, why would we have to put it in legislation? Why would we have to legislate that an emergency response action plan actually have these details? Because apparently not everyone is abiding by the same rules.

That third item would be a detailed list of all the dangerous goods. Heaven forbid that we would have a derailment of a train or an accident involving a tractor trailer, or worse, and not know what is on board. We could end up having train derailments, as we have had in the last several years under the government's watch, and some of the toxic substances have polluted rivers and lakes and destroyed the ecosystems in the areas where the accidents occurred in some measure because there was no detailed plan of the types of toxic substances that were being transported.

The fourth item that we would demand, and that I think is resident in this legislation and it should be, and everyone who is watching this debate would want to know that an emergency response action plan would have this, would ask, what does the shipper suggest are its capabilities as a responder to an accident? What are its capabilities to address the problem? More specifically, what type of personnel, expertise, are the shippers prepared to put on the site immediately upon the occurrence of said accident? In other words, what can they contribute to the solution of a problem that emanated from their shipment?

Fifth, they must have the technology. One thing is having the personnel with the expertise, who would have been trained, and who would have been appropriately directed to the transport of these dangerous goods, but the second is the kind of technology that they would bring to bear on the scene of the accident in order to address the spillage of these dangerous goods, these toxic substances, and what that technology would be designed to do. In other words, nobody goes into any kind of transportation of dangerous goods without knowing exactly what the solutions would be if there were an accident.

Finally, they would have to have a system in place for communicating what to do, how to do it, and with whom. How to advise the local communities, the local authorities, the local jurisdictions, how to bring the local expertise to play in those environments.

We would expect that that would not happen just in terms of the transportation of goods, material goods and toxic substances, but we would expect that such plans would be in place and we expect that this legislation would foresee such plans for security risks.

I noted that one of the members from another of the opposition parties, a moment ago, was concerned that we might be a little bit too invasive in terms of training or requiring training of personnel here in Canada if we put in a standard that had to be commensurate with another country. From my perspective, the most important issue is to make sure that we have qualified people to handle these products. As the parliamentary secretary indicated, there are over, I think he said, 30 million shipments of dangerous goods currently taking place in the country, 30 million per year.

One might stop and think for a moment, if that many shipments are going through our territory, then we are putting the population at great risk. Not to play on words, but at the risk of descending into the paranoia that I was accusing the parliamentary secretary of perhaps engendering, this would be a cause for concern if we did not have the appropriate emergency response action plan that was detailed and appropriate, both in terms of personnel and in terms of the technology required to address it.

As I said, we to make sure that we have a system in place. I introduced the word “enable”, and the legislation would have to “enable” the establishment of an appropriate system, codified in regulations that would require that these dangerous goods be tracked during transport, that there would not be a moment where we would not know where those goods were. In other words, we would not accept, we would not tolerate that they would be lost, even for but a brief moment, a brief few minutes or more than that.

Second, when I talked about enabling, we would use security measures and interim orders to ensure that there would be compliance that would be in accordance with the Public Safety Act and other legislation designed to protect the livelihood and lives of individual Canadians and the communities in which they live.

Finally, in that enabling, we would have the development of a program that requires transportation security so that all of our shippers as well as the transport companies would be absolutely diligent in establishing a protocol that would ensure and guarantee the security of the movement of those goods. The obligations we would impose on the shippers would transfer themselves onto the transport agencies and companies that would move the products. We would not be any less diligent with them than we would be with those that actually send the product out.

I will repeat those five words again for everyone so that the legislation, at least from our party, will be examined in terms of those five words. First, reinforcement of the existing system because we want to illustrate that Canadians are not in danger at this moment. We want to improve what we think is a good system. Second, we would require security training and screening for all personnel who are handling and transporting these dangerous goods. Third, the regulations that would flow from this would be enabled by this legislation in order to have security throughout the entire country. Fourth, we would amend the definitions inherent in the legislation, especially with importers and defining the shippers who have the authority to move these products across the country. I think that amending those definitions gives us a clearer

handle on the companies, products and associated security protocols that move product around the country. Finally, as I said earlier on, the clarification that this is legislation that is going to be applied throughout the entire country and, as a result, will be uniform in its application and its demands for all shippers and transport companies.

The Liberal Party is committed, as it has been since the inception under its watch of a study in 2002 that expanded in 2004, to come up with those five basic principles that I outlined through those five words as well as the six basic principles under an emergency response action plan that has served Canadians well to this point. We hope this will improve the legislation in order to serve them better as we go forward. We have been very much a part of that ongoing process and have, as the official opposition, been diligent in promoting the interests of Canadians and protecting their security. We want to be very helpful.

In our helpfulness on this very serious matter, we want to bring this legislation over to the next level of the parliamentary process, which is the committee system. From there, we hope to scrutinize it in the context of these items I have just outlined. If it were to pass that test, we would want to do it and do it quickly.

Yes, we are concerned that we would be compliant with all expectations of the world as it comes to Canada and, more particularly, British Columbia and Vancouver for the 2010 Olympic Winter Games. I do not think we owe ourselves any less. We want to be in a world where the rest of the globe sees us as prepared, not only athletically and financially but also in terms of security.