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DEBATES
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PROCEEDINGS

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LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, March 2, 1979

Time: 2:30 p.m.

SUPPLY — MINES, NATURAL RESOURCES AND ENVIRONMENT

MR. CHAIRMAN, Mr. Abe Kovnats (Radisson): I should like to direct the honourable members' attention to the gallery on my right where we have 21 students of Grade 4 standing from the Miami Elementary School. These students are under the direction of Miss Brenda Whitehead. This school is located in the constituency of the Honourable Member for Pembina.

I would ask the members of the Legislature to welcome our guests.

I would direct the honourable members' attention to Page 63 in the Main Estimates. We are on Resolution 82. 2. Environmental Management, (a)(1) Salaries—pass — the Honourable Member for Churchill.

MR. COWAN: Yes, thank you, Mr. Chairperson. We went over this in some detail before lunch. I would just like to clarify something that the Minister said at that time very briefly and ask the Minister to indicate to us what services that were formerly provided by this information officer are going to be accounted for by the amalgamation of the departments. In other words, the information officer is gone, what services that that information officer provide before, whether those are going to be carried on through the amalgamation of the departments and which of those services will not be carried on?

MR. CHAIRMAN: The Honourable Minister.

MR. RANSOM: Well, Mr. Chairman, we'll have to determine what the people in the Environmental division feel is necessary at any given time to have information distributed on a particular topic. It hasn't been something that there was always a repetitive day-to-day sort of activity. There have been a number of different pamphlets, for instance, that have been prepared and put out. As the necessity arises to put out a particular booklet on a subject, then we'll deal with that necessity as it arises.

MR. COWAN: Thank you, Mr. Chairperson. I'm just curious to know if this reduction in staff, this letting go of the information officer, was done at the behest of the Environmental Management Department. In other words, did the department itself indicate to the Minister that they thought that they were over-staffed in this area and that they would want a reduction of staff, or did they indicate to the Minister that they wanted more staff and this decision was made during the Estimates process of the government in contradiction to what the people involved in the providing of services in this area actually desired?

MR. RANSOM: Mr. Chairman, as the honourable member is perhaps aware, the civil servants in any branch or division of government naturally are going to put forward proposals that they feel are necessary to do the job that they would like to see done. I would say that almost universally those proposals are going to be more than the elected people, the Ministers, the government, are going to accept. So that in every case when there is a proposal made by people in the department, then the Minister has to look at what the benefits might be and what the disadvantages would be not to provide that service. Ultimately, the Minister makes the decision, and it's the same case here. I take, naturally, responsibility for any decision that's made within this department.

MR. COWAN: Yes, thanks, Mr. Chairperson. I just want to clarify what the Minister has said so that I'm certain I have it right in my own mind. I assume that the department responsible for providing information on environmental concerns to the public asked him for more civil servants, or asked him for at least continuation of this program, or may have in fact — probably, in fact — have asked him for a greater participation in this program and that he, as Minister, has denied them that through the Estimates procedure. In other words, the experts in the field were asking him for more people to provide this service, and he, as Minister, said, "No, you cannot have more people;

in fact you are going to have one less."

MR. RANSOM: Well, it is partially true, I guess, Mr. Chairman, in that normally the people in any branch of government want to maintain what they have. Now, in this particular case, the individual had resigned from the position and I think it's probably fair to say that the department divisional people would like to have filled it again, but in terms of what kind of benefits the people of Manitoba would get from it, then I had made the decision that we would not refill that particular position. Because of amalgamation, we would pick up those particular areas where it was felt to be critical to have some information service in those areas, and that's a decision that I make. It's one that we face in attempting to keep down government expenditures always, balancing what the advantages are from any program of expenditure and the judgment is made, the benefits don't exceed the costs.

MR. COWAN: Yes, the Minister has now introduced a new fact into the discussion and I'd just like to clarify that. He said that the information officer resigned. Perhaps I had missed it before, but I wasn't aware that he had mentioned that before. I'm wondering how long the position has been vacant.

MR. RANSOM: It's been approximately six months that it's been vacant, but you're right, I didn't mention it previously because I'm not sure that it would have made any particular difference to the way that we assess the program, whether there's a person in it or not. If you're looking at the program, you look at the program. And I could just add that this is not — when the honourable member refers to the experts in the department, I don't think that we should leave the impression that experts in the field of information distribution should be regarded in the same manner that the evidence of the expert chemist or something might be regarded. This is an area of judgment as opposed to one of special expertise.

MR. COWAN: Yes, I would have to agree with the Minister that it is an area where a valued judgment is called into play, and a valued judgment that is probably taken on a very non-scientific perspective and the Minister outlined exactly what he felt that value judgment, the criteria upon which that value judgment would be based just briefly when he said that one has to determine whether the benefits that arise from the continuation of this position of information officer are more valuable than the costs that it costs the government to maintain that position. And so I would just merely ask of the Minister, and he doesn't have to confirm it, but ask him if I am correct in assuming that he has made the value judgment himself, and this value judgment runs contrary to the advice that was given to him by the civil servants directly related in this project, that he has made the value judgment that this person's benefit did not equal the cost of this person's salary and maintenance to the government.

MR. RANSOM: The terms of the benefits, as described to me, and in terms of our ability to continue to deliver some of the services, Mr. Chairman, the decision was made to delete the staff man years reflected in the Estimates.

MR. CHAIRMAN: (1)—pass; (2)—pass. The Honourable Member for Churchill.

MR. COWAN: Yes, Mr. Chairperson, there seems to have been a decrease in expenditures in this category. I'm wondering if the Minister could outline what specific changes have taken place in the use of these expenditures in the year ending 1980, in relation to those that were in place in the year ending 1979.

MR. RANSOM: There were 134.14 staff man years in the 1978-79 vote. In the Estimates before us, there are 128.26. There are 2.4 staff man years deleted as a result of non-recurring activities, 1.4 with respect to the derelict vehicle program — the amount of money involved there was \$191,000.00. An air pollution chart reader, one staff man year, \$14,000 — that's due to a change in the technological methods of reading information — then three further positions reduced: one a position in a chemistry group, a staff man year that was vacant and for which there were no funds in '78-79; one in the Public Health Inspection Services — this was largely a result of an efficiency, a redistribution of effort among existing inspectors, they're able to accomplish the same level of inspection; and one with respect to inspection of plumbing, a Plumbing Inspector. That was \$17.7 thousand. Well, those are the deletions.

MR. CHAIRMAN: The Honourable Member for Churchill.

MR. COWAN: Thank you, Mr. Chairperson. I'm a bit confused here. Are we talking now about (b)(1) or are we talking about (a)(2)?

MR. CHAIRMAN: The item under discussion is (a)(2).

MR. COWAN: Okay. I think the Minister gave me information for (b)(1). I'll just ask him, did he give me that information for (b) . . . ?

MR. CHAIRMAN: He completed . . .

MR. COWAN: Okay. Well, that information would be just as valuable when we get to it in a moment as it is, so I thank the Minister for that answer. I would like to just continue on (a)(2) which is Other Expenditures under Administration, and as I said there seems to be a decrease and I'm wondering how the Minister can account for that decrease. What services, or what expenditures have been dropped?

MR. CHAIRMAN: The Honourable Minister.

MR. RANSOM: Those expenditures would be related to the deletion of that staff man year.

MR. CHAIRMAN: The Honourable Member for Churchill.

MR. COWAN: I just want to clarify then. Those would be the per diem expenditures. Would those be the expenditures that would be — the personal expenditures of that staff man year. Those would not be cutbacks in the number of pamphlets produced or cutbacks in the number of training seminars or information seminars that were presented.

MR. CHAIRMAN: The Honourable Minister.

MR. RANSOM: There is a reduction of \$16.8 there and an increase of \$11,000 for the installation of the Centrex Telephone System to net out to that amount.

MR. CHAIRMAN: 2—pass; (a)—pass — the Honourable Member for Inkster.

MR. GREEN: Mr. Chairman, I would like discuss a matter of which the Minister is acquainted and of which he knows I am acquainted and which was a problem again for both ministers which I am not going to suggest there was any mishandling. As a matter of fact, I would come to the conclusion that perhaps we didn't go as far with the particular piece of legislation as we should have because of what has arisen.

We did, Mr. Chairman, pass legislation which I think everybody approved of, saying that where there were two lawful uses in a municipality but they were incompatible, that there wasn't really anything that could be done environmentally, in terms of improving the performance of either of the users, we would make it possible for the municipality to relocate one of the users so as not to have a conflict of environmental problems. And the Member for Morris will recall one of the instances which gave rise to this situation, it was a hog ranch in Springfield. This hog ranch was being conducted as a hog ranch which no matter what you do environmentally is not going to result in its smelling like a perfume factory. And the residents in the area weren't happy with it, but the hog ranch was zoned on property for which it could be used and had a right to use the property in that way.

The other instance of a similar nature was Prairie Foundry. Prairie Foundry had a foundry which involved a certain amount of nuisance, a certain amount of dust. It was located in a residential area. We passed legislation which made it possible for the municipality to move the foundry and the province agreed to participate 50-50 in terms of the additional cost which wasn't to be a bonanza to anybody but if the property that they purchased was more than the property that was left, the net difference plus the moving cost would be divided by two and we could abate the conflicting environmental use. I think those were the words. In any event, we could make both people happy with some expenditure on the part of the province and the municipality as long as nobody was breaking the law in the first place.

Now my honourable friend is aware of a situation arising in the Rural Municipality of Victoria. We have there what appears on the surface, and I would say that there's little doubt about it, that this private businessman who operates Sanderson Tractor Limited, had a home situated in the vicinity

of a place where the municipality was going to put a lagoon. It went to the Clean Environment Commission and before the Clean Environment Commission the municipality said that it would apply for an abatement program to move Mr. Sanderson's home because it was located too close to the lagoon. There didn't appear to be any doubt by the municipality at that time. The Clean Environment Commission then made an order permitting the lagoon to go through. After they did that the city said that it wouldn't move the house. And Mr. Chairman, at the time I was quite annoyed that the municipality would make that presentation to the Clean Environment Commission and the Clean Environment Commission would then make an order and the municipality would in effect, renege on what it had promised to do.

At that time, I said well if the Clean Environment Commission's order was based on the fact that the municipality said it would move the man, it should go back to the Clean Environment Commission, and they should be told that they should make an order without that stipulation being part of their consideration. And I understand, from the Minister, and he will correct me if I am wrong, that the Clean Environment Commission came back and said, "Regardless of whether the municipality will or will not move the man, this order would be made in any event."

So we have the situation, Mr. Chairman, where we do have a problem — and I believe that the man has now lifted his house off the ground and moved it —(Interjection)— And his business as well?

A MEMBER: Yes.

MR. GREEN: In any event, he has moved and is very, very annoyed and is making claims to the Minister for damages. I am not suggesting to the Minister as to how those claims should be dealt with; I am suggesting that we did have a situation which cried out for an abatement program, and the flaw in the legislation that we passed is, I believe that the legislation requires the municipality to apply for an abatement program. I wonder if the Minister would signify just with a nod, that that is correct. When we passed this legislation, we assumed that the municipality would want to deal justly with one of its taxpayers. In this case, the municipality says; "Hell, we don't want an abatement program; let him be affected by the lagoon," and, Mr. Chairman, I said earlier that I am not making a criticism of the Minister. If anything, it wasn't enough foresight on my part, that the municipality could be the culprit because at that time it looked like the municipalities were the ones that were willing to deal with the question.

Now I am asking, Mr. Chairman, whether the Minister would consider, that where the Clean Environment Commission came to a conclusion that there was a conflicting use, that the man was being damaged through no fault of his own, that either the Clean Environment Commission could decide that an abatement order should go, or the Minister could decide, but that it should not be solely the municipality, because they may not have any interest in dealing with this problem as has happened in this case. And I think that the Minister has been trying to deal with the individual involved, who may, Mr. Chairman, be completely wrong about what he would be entitled to.

I am not talking about the amount of his claim. I am saying that if somehow this program could travel the route that we envisaged, then all that the province and the municipality would be responsible for, is the cost of relocating to a feasible site, the premises which are affected by the lagoon being put into place. And the incident, Mr. Chairman, is being pursued to the Minister in this way solely, to ask his consideration of the existing legislation. I believe it is good legislation. I happen to think it is unique legislation in this country, but if it can be stopped by the municipality because they don't want to contribute, then there is a flaw in it, and the Minister should consider removing that flaw by having other means whereby the abatement program could take place, I repeat, either through some order of the Clean Environment Commission which is necessary before such a program can be entered into, or by the decision of the Minister that it is justified, in which case the municipality has to be pay half the cost. They are going to get the benefit and the province would have to pay half the costs. I just wonder whether the Minister would consider that that procedure would perhaps provide a remedy to what I know has been a very perplexing case for him.

MR. RANSOM: Mr. Chairman, I think the honourable member has reasonably outlined the problem. One step that was taken that was not referred to was that the Municipal Board also had been asked to review the situation to see if there was any kind of recommendation that they could make that might help to resolve the impasse and they were not able to. Very clearly, the existing legislation is inadequate to deal with an obviously unsatisfactory situation, I guess as was the case with the arsenic. The existing legislation was perhaps not adequate to deal with that as well, and definitely it has got to be reviewed and we are in fact in the process of reviewing it but I don't anticipate any changes being made in this Session.

MR. CHAIRMAN: (b)(1)—pass — the Honourable Leader of the Opposition.

MR. PAWLEY: Mr. Chairman, I'm somewhat concerned at the final remark of the Minister. Certainly I can recall when we were faced with the problem with the Springfield Hog Farm that we proceeded to bring in special legislation called The Nuisance Act which dealt with the particular problems that related to the situation which we found ourselves in insofar as the Springfield Hog Farm. And I can recall that in that debate that all members of the House, I believe, pretty well — the Member for Fort Rouge may have excluded his support from that particular bill — supported the effort in question. So here we have a problem confronting us which has been carefully outlined by the Member for Inkster, and to which the Minister indicates that he is in full agreement with the basic outline of the problem, a problem which I think calls forth for some form of legislative change, and I think it's not a big change, it's not a major change, it's one that doesn't require a great deal of complicated study, and yet the response from the Minister is that we shall review, but there won't be anything this Session. Well, by next Session it will be too late. There will be a business that will have been put out of operation in the province, in the vicinity of Treherne, due to what could be very well regrettable procrastination, and I would not want to see the Minister place himself in a position of procrastinating, with the result that there is wrong committed in this particular instance. So I would simply hope that the Minister would not just leave it that there will be a review and some date, somewhere off in the future there will be legislation.

MR. CHAIRMAN: (1)—pass — the Honourable Member for Churchill.

MR. COWAN: Yes, thank you, Mr. Chairperson. While we're on this subject, I mentioned before lunch that the government seemed to be out of sync with what was happening in the real world when they would cut back at this time an information officer, a person who is responsible for providing public information on environmental hazards, responsible for increasing the general level of awareness of the public. I made those statements off the top of my head. I would like to spend just a moment to back them up.

I am quoting from Study No. 28 of the Science Council of Canada, which was published in October 1977, the title of which is "Policies and Poisons, the Containment of Long Term Hazards to Human Health in the Environment in the Workplace". And the reason I bring this forth at this time is, I wish to impress upon the government the wrongness, if I can use that word, the out-of-sync-ness of what they're doing now with what is actually happening, what scientific experts are calling for. And I quote from it. It says, "Many people unknowingly come into contact with these contaminants, vinyl chloride is primarily an occupational hazard, lead, asbestos, radiation and mercury are both occupational and environmental hazards." And it's saying that the people are coming into these hazards within not only the workplace, but the general environment.

And it goes on to say, and it takes me a minute to find the specific quotes, it goes on to say in the report that a number of writers have stressed the fact that the public appreciation of risk is influenced by the level of publicity given to particular events. So that if we are not going to give the public the knowledge, if we .. are not going to continue to make them constantly aware, and to update them because I disagree wholeheartedly with the Minister when he says that this was necessary a couple of years ago ' but now the public has become more and more knowledgeable on environmental hazards and we don't need this position any more.

Surely, the public has become more and more knowledgeable. But as the public has become more and more knowledgeable, there have been more and more environmental hazards put into the workplace and into the environment, so that they cannot possibly stay up with the number of new chemicals and substances and the effect they have on them without some sort of commitment from this government to use its powers and to use its resources to provide them with access to that information.

I also read from the report, it says, "It is an essential condition of the process of deciding upon the acceptability of risk that there be an openness in the decision-making process so that individuals can participate in decisions on their own exposure level". And we're talking about individual,, we're talking not only about workers, we're talking about the public, and if these individuals are not given access to the information that is necessary for them to make learned and educational decisions on their own risk, we will be continuing on into the future the contamination of our own environment that is being unknowingly foisted upon the people of the province because the government is not living up to its responsibility. It's not a question, it's just a point that I wanted to make, I just wanted once again to protest this unnecessary and this ill-conceived reduction in this very important service.

MR. CHAIRMAN: (1)—pass; (2)—pass — the Honourable Member for Churchill.

MR. COWAN: Yes, Mr. Chairperson. I believe the figures that the Minister gave us earlier, which shows a total staff man year reduction of six persons to be applicable to this particular section. Is that correct?

MR. RANSOM: Yes.

MR. COWAN: Yes. I'm looking through the annual report for this year from the department and the section entitled Environmental Control Branch. And we find that the Environmental Control Branch is responsible for the development of regulations, then it enforces the regulations and Clean Environment Commission orders — they develop standards and procedures for monitoring and provides technical support. I'm wondering if this technical support is that support which is provided to the Workplace Safety and Health Division in the testing of lead samples that are currently coming from lead using industry workers and lead using industries in the province?

MR. RANSOM: The lab does some testing, of course, but none of these people are involved in that testing.

MR. COWAN: But this is the section under which we would discuss the . . .

MR. CHAIRMAN: The Honourable Member for Churchill.

MR. COWAN: Excuse me, Mr. Chairperson. I just wanted to clarify it. This is the section under which we would discuss the provincial lab that is doing the testing on lead blood samples that are being sent into the province from workers in the lead-using industries in Manitoba.

In that case, I recall a question from my colleague, the Member for Logan, to the Minister the other day asking the Minister if he could confirm that the provincial lab is not certified to test lead in blood analysis, and if that is so, if the Minister could spend a little time now — I know he didn't have the time in question period when answering that question to go into detail — but could spend a bit of time now going into detail to explain to us exactly why the provincial lab is not certified in this regard.

MR. RANSOM: My understanding, Mr. Chairman, the reason the lab isn't certified is that there is no certification process.

MR. COWAN: Maybe the Minister can correct me then; I may have been misinformed. I understand that the lab can become certified using the centre for disease control, that the centre for disease control in the United States offers certification to labs doing lead-in-blood analysis and that that is available to the lab here, and that is the general procedure that is used in Canada for certifying labs doing lead-in-blood analysis because Canada itself does not have certification procedures available to it within the country, is that correct?

MR. RANSOM: Mr. Chairman, we're dealing with a Canadian situation here and we have standards in our laboratory that are equal I'm sure to the standards. I'm sure we're among the best in terms of the standards we have. We've been doing these tests since the late 1940s, I understand, and for us to seek certification from some establishment in the United States of which I understand there are three or four, isn't going to change the standards, the present high standards, that our laboratory has. If, and when, there is a Canadian certification program developed, then I would have no doubt that our laboratory would qualify for it.

MR. COWAN: Yes, thank you, Mr. Chairperson. I am not suggesting that the lab is not doing high-quality testing. As a matter of fact, I'm certain that it is doing high-quality testing, but the fact is that it is not certified. I did not initially raise this issue, Mr. Chairperson. This issue was brought to my attention in a document that was provided to the unions in the lead-using industries in this province by the Minister of Labour. In that document, it says: "Each lead-using industry will be required to contract with a member of the medical profession to conduct routine lead-in-blood samples. Samples will be analyzed in the department's laboratory," and then in parenthesis it says, "(which should become certified) or at any other certified laboratory recognized by the department."

Now, I'm a bit confused here. The Minister responsible for the laboratory is telling me that the laboratory can't become certified and, in fact, doesn't necessarily have to become certified, yet

the Minister of Labour is telling us that it should become certified. I would ask the Minister responsible for the laboratory if he has been in discussion in this regard with the Minister responsible for the Workplace Safety and Health Division so as to clear up this glaring inconsistency between statements that they both are making in this House.

MR. RANSOM: Mr. Chairman, there could be lots of reasons, I suppose, why a particular group would say that a lab should be certified but, to me, the important issue is the quality of the testing that's done. Now, if someone can demonstrate that there will in fact be better testing done through certification, then I suppose it's something that should be pursued. But my understanding is that the quality of work that's done in the lab is a very high level and that's what's important.

MR. COWAN: Thank you, Mr. Chairperson. It's also my understanding — it is my hope also — that the quality of work done at the lab is of very high standards. But what we have here is we have a statement by the Minister of Labour — and this is what is important here — the Minister of Labour is giving a document to the unions in this province that is telling them that this lab which should become certified, and then he mentions any other labs which are certified in the proximity, in the area, or in the province that are recognized by the department. I'll have to ask the Minister before I continue, are there any other labs that are certified and recognized by the department?

MR. RANSOM: I'm advised, Mr. Chairman, that there are no certified labs here and that the Manitoba Lab is recognized — I assume that that means that the standards are recognized — by other jurisdictions in Canada in an exchange of information, etc.

MR. COWAN: Then I can only assume from this document, Mr. Chairperson, that the Minister of Labour intended by that statement to mislead and confuse the people to which this document was given. It was given to industry and it was given to the unions and the workers in the worksites in the lead-using industry. I'm quite upset. I rise on a bit of indignation because . . .

MR. PAWLEY: I'm not surprised.

MR. COWAN: . . . My leader says, "I'm not surprised." Quite frankly I am surprised, because I thought that they were sincere in this and it's beginning to appear that they are not sincere, that they are motivated by other reasons which we shall discuss further in further debates and further activities of this House.

I'm wondering if the Minister can tell me approximately how long it takes the provincial lab to do a lead-in-blood analysis, one individual test. What would be the average length of time it would take to do one individual test for lead-in-blood for a worker from the lead-using industry?

MR. RANSOM: I'm advised they can do 100 a day, Mr. Chairman. I wonder if I might ask the honourable member what particular document he was referring to as having been distributed and if it's a recent one. What would the date be on that?

MR. COWAN: It was a document entitled Appendix A, Elements of a Lead Control Program, and Appendix B, Program Implementation Plan. It was given to a Mr. Luis Rufo. I know of that one specific person being given this document and he informs me that it was given to him on February 7th, I believe, and I may stand corrected, it might have been one day or two days either way, and that it was given to him by senior officials of the Workplace Safety and Health Department, and the Deputy Minister, who met with himself and representatives of several other workers' organizations in joint safety and health committees that were coming from lead-using plants and lead-using foundries in the City of Winnipeg.

It's a recent document. It's a document that we've been talking about in this House for the past few days during the Question Period. It's a document that has been mentioned to the Minister responsible for the department by the Member for Logan. I think it's a timely document, and I'm just wondering why it is that the Minister of Labour is intending to, or it seems to be trying to lead people to believe that the laboratory is going to become certified or — there's only two ways that can be interpreted — the statement reads, and I'll just read the last part of it, "Samples will be analyzed in the department's laboratory (which should become certified) or at any other certified laboratory recognized by the department."

There's only two ways one can interpret that, Mr. Chairperson. At least there's only two ways that I see that it can be interpreted, there may be others. The one is that it should become certified. In other words, it is necessary that it become certified. That is the one interpretation. And the other

interpretation should be that it should become certified in the future which would be like saying that we should leave here at a certain time today. In other words, it is imminent and going to happen in the near future. Those are the only two interpretations that I can glean from that document, and especially when he goes on to mention any other certified laboratories in the province when there don't seem to be any.

It seems to be a classic example of putting something on paper that is intended to confuse the issue, and I would suggest to you, Mr. Chairperson, that the issue is far too important to be playing those sort of political games with, that the issue is far too serious for us to sit idly by and let the government attempt to confuse and to provide what seems to be inconsistent information.

Going back to my previous question, the lab can do 100 lead and blood analyses a day, would that be 100 lead and blood analyses if all other work was put aside and they were concentrating only on lead and blood analyses, or would that be 100 done in conjunction with the other normal activities of the lab?

MR. CHAIRMAN: The Honourable Minister.

MR. RANSOM: I'm advised that they normally can do 60 a day without — just in the normal course of events and could step it up to 100 by bringing some, diverting some additional effort to it, and with respect to the honourable member's previous comments, I'm sure that there's been no attempt to confuse anyone by making that statement. I think that it was previously distributed. I think by the fact that it was in parenthesis would indicate that whoever wrote the memorandum or report was indicating it would be a good thing if it were certified.

Now, I would have to ask them, what would we gain by certification? That parenthetic insertion into a memorandum, I'm sure, would have to be pursued further and I certainly would not think that it was distributed to cause confusion in any way, although it obviously has had that result.

MR. COWAN: Mr. Chairman, I would suggest then that the Minister find out who wrote this document. I don't know who wrote it; I told him who presented it and who gave it out on behalf of the government, and find out exactly what they meant by saying that it should become certified and then I would ask the Minister to report back to us so perhaps we can clear up this glaring inconsistency, and I don't accept from the Minister his allegation that it was an innocent mistake. The parentheses were inserted in there for a reason, and it says that any other certified laboratory recognized by the department. If there are no other certified laboratories' how can they be recognized by the department? It's just too glaring to pass off as an innocent mistake on the part of the author of this report, but I would ask the Minister to investigate that further and I hope he would report back to us in that regard.

The Minister tells us that the lab can do 60 lead and blood analyses a day. I'm wondering what the average —(Interjection)—

MR. CHAIRMAN: The Honourable Minister.

MR. RANSOM: I'm advised that it is a week now, not a day.

MR. COWAN: I want to clarify this now because the information gets jumbled a bit. I'd ask the Minister to clarify that the lab can do 60 lead and blood analyses a week. Is that correct? Sixty a week. Okay. Now I'll just do a bit of quick figuring here, Mr. Chairman.

So, if there are a thousand workers that are working in conditions, and the Minister of Labour has agreed that there are 500 to 1,000 workers that are working in conditions where they might be exposed to unacceptable levels of lead. If that's the case then in order to adequately test all those people it would take the department 16 weeks, is that correct — or take the laboratory? Seventeen weeks.

MR. RANSOM: Well, I guess it would depend substantially on what determines as an adequate level. You're talking about one sample per worker, or are we talking about something that is required to be done immediately, in which case I suppose we can perhaps increase that capacity, but the mathematics would appear to work.

MR. COWAN: If my memory serves me correctly, I seem to recall a letter that was sent out last week, I know, to Canadian Bronze because I received a copy from one of the workers at Canadian Bronze — that was sent to Canadian Bronze informing him that the province was starting to do

a base line lead and blood survey of workers in lead-using industries. I'm wondering if the Minister can confirm that the laboratory is indeed beginning to do that base line lead and blood survey and, if they are, how many samples they are expecting to do before they complete the survey and if the results of those samples will be made available to the individual workers themselves?

MR. RANSOM: Mr. Chairman, my department does not do the survey as such. We respond to requests to do tests and at this stage we have advised the Department of Labour that we would be prepared to increase our testing level to 100 a week, and at this point we are able to meet whatever demand there is. We don't do the survey as such.

MR. COWAN: Has the department then been notified by the Department of Labour, the Minister of Labour that this survey is commencing and that they will be expected to increase their level of activity in this regard in the very near future?

MR. RANSOM: Mr. Chairman, I just said that we had advised the Department of Labour that, in response to discussion with them, we're prepared to increase our testing to 100.

MR. COWAN: Thank you, Mr. Chairman. This testing of the workers involved in this hazardous profession is very necessary and I have to say that I'm pleased to see that the government is reacting finally to this crisis in the Manitoba lead-using industry, this crisis that has been brought to their attention over the past year or so and that they're finally doing something about it, so I'm pleased to see that happen. I would ask the Minister if the samples that are going to be done — what happens to the analyses? In other words, the results of the samples. Are they sent to the Workplace Safety and Health Division? Are any sent up to the individual worker, or is it up to the Workplace Safety and Health Division then to pass those on to the appropriate persons — the results?

MR. RANSOM: Mr. Chairman, my understanding is that when we do a test for someone, it's their information. It is not our information, and so whoever asks for the test it will go back to them.

MR. COWAN: Then I would like to clarify a point. It is an interesting point that arises from that last answer of the Minister. He said if they do a test for someone, then that information belongs to the person they did the test for. And I just want to pursue for a moment. The test is being done on behalf of the Workplace, Safety, and Health Division, I would assume, but it is being done for the individual worker. In other words, it is the individual worker's blood that is being analyzed and the results, I think, are most important to the individual worker. Is the Minister prepared to, or is the lab, is it the custom of the lab if an individual worker came to them and said: "I happen to know that my blood was tested by your department in the past week or so, can I have the results of that test?", and to prove to the department, to the Minister, that that worker was indeed who he was representing, or she was representing him or herself to be, would the department give the results of that test to that worker?

MR. RANSOM: No, I believe that my previous answer, when I said to the person, I was referring to the group, the agency, whatever we were doing testing for. I would assume that they would have the permission of individuals wherever they collected the sample. That group, in this case, the Department of Labour, they ask us to do the testing. It is their information and that is where anyone would have to go for a release of it.

MR. COWAN: Thank you, Mr. Chairperson. I have to assume that if a worker from, say, Canadian Bronze, who I happen to know this base line lead-in-blood survey is being initiated, because of the letter that was sent to the Safety Committee there, if that worker were to come into the Provincial Lab or through the Minister, and asked the Minister — and let's put the responsibility on the Minister where it belongs. If he were to come to the Minister and say: "I happen to know that a lab under your responsibility has done a lead-in-blood analysis of myself and I would like the results of that lead-in-blood analysis, and here I am, my name is so-and-so, and here is identification to prove that I am so-and-so," would the Minister refuse to give the results to that worker?

MR. RANSOM: Aside from the question of whether it is appropriate for the testing agency or the agency doing the research to release the information, in some cases we wouldn't even have a name as such, we've got a number on a sample. It doesn't come in with a name on it, for obvious reasons, so that the release of the information, the logical place for that to be done, is through the agency that is doing the research work, not the technical testing.

MR. COWAN: Could you confirm, Mr. Chairperson, that in all instances, blood samples that are sent to his laboratory for lead-in-blood analysis, come in under a numbered system rather than come in by being identified by the name of the individual whose blood that is? In other words, does the department or does the lab know, can they compare in all instances, that lead-in-blood analysis results of that test, with a number or a worker's name?

MR. RANSOM: I am advised that we cannot always identify it with a name.

MR. COWAN: Then I would have to ask the Minister to clarify that last statement a bit, Mr. Chairperson. In how many instances can he confirm it, or the lab confirm it? I am asking for a general percentage; I am not asking for a specific number. In other words, can they confirm it in 50 percent, or 25 percent, or 10 percent, or 75 percent? In how many instances percentage-wise can they confirm, or can they relate, the blood sample to an individual worker's name, and in how many instances can they not do that?

MR. RANSOM: We can't give you an answer on a percentage at the moment, but from my point of view, it really doesn't make any great difference because I don't think it is appropriate for the testing laboratory to give out the information to anyone other than the person, the group, the agency, that asks for the testing to be done. It is their information and no one else's. Now, in collecting the samples, for instance, then it is the relationship between the research agency and the people being sampled. That is where the information exchange would normally and most logically take place.

MR. COWAN: Thank you, Mr. Chairperson. I appreciate the Minister's attempts not to answer this question specifically because it is a very difficult question and it takes into consideration not only the actual mechanisms of the laboratory, but it takes into consideration a certain degree of ethics. And I would just like the Minister to confirm, because from my point of view it does make a difference. I would like the Minister to confirm, that if an individual worker came to the Minister and said: "I understand that my blood was sampled at your laboratory," and that the Minister, in that particular instance which he says he might be able to do, would be able to identify that blood sample with that individual worker and consequently be able to tell that individual worker what his lead-in-blood level was, that the Minister would refuse to do that in all cases regardless of whether he had the name or not.

MR. RANSOM: Well again, Mr. Chairman, we are into a hypothetical situation which hasn't arisen and I can see circumstances where we definitely wouldn't do it. If a doctor has a test done on behalf of the patient, then that is the doctor's information and it is the relationship that the patient and the doctor have as to whether it would be released. If there was a test being conducted by some research agency and someone by-passed the agency and came to me, my response would be to find out under what circumstances the testing had been done. Our contract to do the testing is with the agency, not with the individuals, and therefore the information belongs to that agency.

MR. COWAN: Then the Minister can categorically state that under all circumstances, he would not give the information, the results of that lead-in-blood analysis to an individual worker unless that individual worker had contracted with the laboratory to do that test.

MR. RANSOM: Or unless the agency that asked for the testing had said, go ahead, when somebody comes, release the information.

MR. COWAN: Then, I just want to clarify that, because I think that is an important point. If the Workplace, Safety and Health Commission, or the Minister of Labour informed the Minister responsible for the laboratory, that in all instances, they would be allowed to give out information resulting from individual lead-in-blood analysis, the information pertaining to a specific individual, to that individual, that the Provincial Laboratory would be prepared to do so.

MR. RANSOM: As a matter of practice the lab has not been doing that sort of tests for individual people, so you see until we're dealing with a situation and are confronted with an actual problem and have to respond to it, then it's very difficult to say how we would respond. If there's a situation where some testing is not able to be done or there's information that is not being made available that has to do with individual people, then we should address that situation and see what can be

worked out.

I'm not trying to be difficult but I don't want to make some kind of statement responding to a hypothetical situation and then be presented with a somewhat different situation. I rather would attempt to co-operate in dealing with a particular one.

MR. COWAN: I'm curious now, Mr. Chairperson. Has any individual ever come to the Minister or to the department lab and asked for the results of their individual testing, whether it be for lead-in-blood or any other testing that the lab has done, to the knowledge of the Minister or his experts?

MR. RANSOM: No one's ever come to me. We don't seem to have, in the knowledge assembled here, had any problems.

MR. COWAN: So again, I am just trying to set the record straight on this, or to have the record straight. The Minister is saying, if an individual worker walked in tomorrow or Monday or Tuesday or next week and said, "I happen to know that my blood has been tested for lead-in- blood at this lab, and I would like the results of that test". At that time, the Minister would be prepared to examine the circumstances, and would be prepared in certain instances to give those results to that individual? Yes or no on that one, Mr. Chairperson.

MR. RANSOM: Mr. Chairman, I don't think anyone has ever come to my office with a request and been told that, no, I won't consider your request. They come with a situation, we deal with it. And we like, naturally, to be able to deal with it to the mutual satisfaction of people.

MR. COWAN: Thank you, Mr. Chairperson. I'm certain time will tell on this. What I would like to ask the Minister then, along the same line, if a doctor were to contact either himself or the provincial lab and say, "I have a patient, a certain worker in the lead-using industry who has told me that he has had lead-in-blood analysis done in the past, and we presume that they were done by your department, and I would like that information, in other words, all the results of all the tests going back over a number of years. This patient has given me the authority, as his personal physician, to ask you for that information that would show the results of all the lead-in-blood analysis done for that individual over the past number of years". Would the department be prepared to give it to that doctor?

MR. RANSOM: No, our first reaction would be to ask them to contact whoever had asked for the testing to be done. If it had been done by the Department of Labour, we would say that information is really under the control of the Department of Labour and that is where you should make the contact.

MR. COWAN: You would refuse them that information.

MR. RANSOM: Our direction would be to . . .

MR. COWAN: Okay. Let the record show then that the Minister would refuse him that information, or his direction would be to refuse him that information. I'd just like to ask the Minister if any individuals in the past have contracted out for any sort of testing to be done. If a union came and said that we would like testing to be done by the provincial lab, and it doesn't have to be lead-in-blood, it could be perhaps — I assume the lab is responsible for lead-in-air, I may be incorrect on that, but any of the testing that the lab does — if a union were to come and say, "We've taken some samples, would the lab be prepared to analyze those samples for us", I'd like the Minister's reaction to that question.

MR. RANSOM: Part of the problem, of course is that the samples have got to be properly collected and I'm advised that we have done testing for doctors, for instance, where they bring the sample in and want to test it. I don't imagine they ask the circumstances, who they're testing and for what reason, if a doctor brings in a sample, they assume it's been properly collected and can be adequately tested then.

MR. COWAN: Say that a union then brought in a lead-in- air sample, would the Minister and the department be willing to assume that it was properly collected and also do testing on it for the union?

MR. RANSOM: I'm not sure that I understood the specific question. You said an air sample?

MR. COWAN: Lead-in- air sample.

MR. RANSOM: Well, again we are not really in the business of responding to every request that comes along within government. We find that we have to say to them, in many cases, look, we are very busy, and as a matter of fact with the lab that we have right now it is extremely congested and before we get moved into the new building that's being built now, we're severely constrained physically from the point of view, so we have been discouraging a lot of testing by government agencies and generally haven't been accepting outside ones. Again, it all has to be judged on the merits of the thing and it puts us in the position of making some judgment on the merits.

MR. COWAN: Mr. Chairman, just when I think I come to the end of a line of questioning, all these doors appear before me and I have to pursue them. I feel obligated to pursue them. The Minister has just told me that they are discouraging a lot of testing to be done. I would ask the Minister, what kind of testing are they discouraging? What specific instances, what kind of samples is the provincial laboratory turning away from its door, in specific? And also, what directives have gone out to other agencies to say: "Look, we're in extremely congested quarters and we can't perform efficiently or effectively, so please cut down on your testing until we move into the next building following that question so the Minister can answer a few while he's on his feet at the same time, when do they expect to move into the new building?"

MR. RANSOM: Well indeed, it's true that we are discouraging, things like water testing for instance. Many agencies feel that they have a need to collect water samples and have them tested and they get collected and tested and stored, and collected and tested and stored and the information often really is not used in making any kind of a decision. And so our laboratory people have had and do have continuing discussions with those agencies that are getting work done to find out. Is it really important that you get it done, and I believe in some cases we recover costs from others, and of course that helps to decide whether testing is necessary or not. When you're doing free testing, as any free good, the demand for it tends to be unlimited.

MR. COWAN: Thank you, Mr. Chairperson. The Minister told me that they are discouraging water testing in the province of Manitoba to be done. Can he tell me what other kinds of testing they are discouraging because of the extremely congested conditions at the provincial lab?

MR. RANSOM: Well, you know, Mr. Chairman, perhaps the honourable member would like to go on and ask some more questions while we assemble the various tests that we do and the programming that the department has as to what work they do, and who we do it for. He's evidently not prepared to accept the general statement that we are in fact operating pretty close to capacity and are trying to limit the testing to essential items.

MR. COWAN: Mr. Chairperson, I'm not prepared to accept the generality of that statement and I don't think the people of the Province of Manitoba are prepared to accept the generality of that statement.

The Minister mentions that the lab is extremely congested and that they are discouraging a lot of testing. I wonder if the Minister can confirm — and I've heard rumblings to this effect from workers in the plants and from unions — that blood tests were taken from individuals but they didn't hear of any results from anywhere for a number of weeks, a number of months. I'm wondering if the Minister can confirm that there is presently a backlog and that there has in the past been a backlog in the testing of blood samples for lead-in-blood analysis.

MR. RANSOM: Well, there doesn't seem to be any indication that there's any backlog in the laboratory, that when they come in they're to be done quickly.

MR. COWAN: Thank you, Mr. Speaker. How is long is quickly? If a sample were to come into the laboratory today for lead-in-blood analysis, and the laboratory was operating under normal conditions, how long would it take for the results of that sample to be reported back to the agency that brought it in?

MR. RANSOM: Could you be specific about the tests that you were going to do on it?

MR. COWAN: I can be semi-specific because I don't have the technical expertise to tell you exactly

which tests or what kind of testing will be done. But let me clarify the situation. An agency brings in a sample of blood, I believe it's brought in in a bottle that's using non-lead glass and it is given to the department for testing and they want back from the department the analysis of that blood for the lead content. In other words, they want a lead-in-blood content, they want to know how many milligrams per litre, or micrograms per litre. However, they want the standard lead-in-blood analysis done on that particular sample. How long would it take? I'm not asking under optimum conditions; I'm asking under actual conditions today. How long are those samples at the lab before the analysis is reported back to the agency that has presented the sample to the lab?

MR. RANSOM: Inside of a week.

MR. COWAN: So the turnaround for a sample is one week in the provincial lab.

I want to go back to one point that I got pushed away from, or sucked away from perhaps, before. I was asking the Minister, he mentioned that if a doctor came in with a sample and they would assume that the sample was properly collected, they would do an analysis on that sample — I think in that instance we were talking about a lead-in-blood sample — for the doctor and give it back to the doctor. I asked the Minister if a union came in would they make the same assumption, if the union came in with a lead-in-air sample. In other words, they came in, they had used the proper sampling machinery — here's specific machinery that's used for sampling lead-in-air, and I'm sure that the department knows more about it than I do — and they assured the department that they had used that sort of machinery and they had taken it under the prescribed methods. There's a guideline — I have it in my file, if you want, it comes from another jurisdiction — it shows exactly what has to be done and it's available to the unions. They had gotten hold of a machine and they had done it under the prescribed methods. Would the minister be willing to assume that it was properly collected and then analyzed that sample for the unions?

MR. RANSOM: In terms of the collecting. Of course, it is not my decision to decide whether something is collected in a scientifically sound fashion or not, that would be something that the technical people would determine. We haven't been doing testing for the public as a general manner of practise. Again, it's one of those things that there have been some cases done because they're worked in. But, you must appreciate that they do have a full workload and when an unscheduled request comes in that hasn't been programmed it means that there has to be something else put off or delayed. Now, it's not a problem that has developed to an unmanageable situation at this stage.

MR. SPEAKER: The Honourable Member for Churchill.

MR. COWAN: Well the minister is now telling me that it is not his decision. I would assume he's saying it's not the department's decision to assume if it was collected under scientifically approved methods or not. But a moment ago he told me that if a doctor came in that they would assume that it was properly collected. So, they are making that decision. And he used that to lead me to believe that if a union came in that all they would have to assure the minister or the laboratories that they had properly collected their sample and that the laboratory would do it for them. So that's a point I'm trying to clarify. I'm not certain if I can.

But I'd like to go on to another point in the annual report from the department. It says specific air pollutants are continuously monitored downwind of certain industries in areas directly affected by a pollution source. And, we all know, or we all should know, that lead is a pollution source; and we also all should know that the industries that are using lead, especially the foundries, do have exhaust systems that enter out directly into the environment in some instances. I am not saying that they all do. I'm saying that that has been a problem in the past and I assume it's a current problem.

Is the department now doing any monitoring downwind from any of the four commonly mentioned lead polluting industries in the province? That's Varta Batteries, Canadian Bronze, Northwest Smelting, and, Bay Bronze, I believe it is. And, Canada Metal. Excuse me, five.

MR. RANSOM: There are five stations, five air monitoring stations in the city; in St. James, in the Union Stockyards, West Kildonan, Notre Dame and Ellen, and St. Boniface.

MR. CHAIRMAN: The Honourable Member for Logan.

MR. JENKINS: Thank you, Mr. Chairman, my question is to the Minister. In reply to a question during Question Period the Minister of Labour stated that there was a test that had taken place

of school children in 1976 and the Minister said he would table this report. And since Canadian Bronze is in my constituency and located within the vicinity of maybe about 400 yards is one school and in perhaps the vicinity of another half mile from the plant is another school, are there at the present time any testing of air pollutants in that area because of the fact that it is one of the plants that has been mentioned in this lead-in-air poisoning, lead-in- blood poisoning and have there been any tests of the children of in that area? I know that there has been some pollution controls put into that plant but it is my understanding that within the past while that the plant has increased its capacity and that the controls that are already in effect in this plant may not be suitable for the present time. I want to know if there has been any downwind monitoring of lead-in-air because that leads to lead-in-blood contamination and we have small children and people living within that vicinity. When was the last time this plant was tested downwind?

MR. CHAIRMAN: The Honourable Minister.

MR. RANSOM: I am advised that testing for lead is a federal government responsibility, that there are monitoring stations, the five that I mentioned are not testing for lead in any case. This is not a provincial . . .

MR. CHAIRMAN: The Honourable Member for Logan.

MR. JENKINS: Well then, am I to assume that the Minister of Labour misled the House the other day when he said that the last test he had heard of was in 1976 because I asked in the House if there had been any check done on children that were in the vicinity of these plants. And specifically the plant that is located in my own constituency which is of concern to me and to the people in that area.

Now the Minister tells me that the provincial testing laboratory or the environmental management or Workplace and Safety Health Committee, nobody seems to be testing but the people who happen to be at the federal level. Surely, we must some way or other be getting together on this, and if there has been no provincial testing, then surely the Minister should be making some effort to make some tests of the children within that school area. Either the Department of Labour or the Department of Health. Now there's three Ministers involved, and I think one of you should get the lead out, as my honourable friend, the Member for Flin Flon said the other day. Somebody in one of these three Departments should get the lead out and start doing some testing on these children and people within the vicinity of these plants.

MR. RANSOM: Well, Mr. Chairman, this department doesn't happen to have the responsibility to do those tests on individual people, and just because we didn't do the test doesn't mean to say that the Minister didn't have information that the Federal Government had done, for example. With respect to the laboratory, we are doing tests that other agencies have asked us to do. We are monitoring certain features of air pollution; lead is not one of those. The Federal Government happens to have that responsibility. I can't explain it any more plainly than that.

MR. CHAIRMAN: Order please. I would like to draw the Honourable Members' attention to the loge on my left, where we have the Honourable Bennett Campbell, Premier of the Province of Prince Edward Island, and I would ask the Members of the Legislature to bid him welcome.

The Honourable Member for Churchill.

MR. COWAN: Yes, Mr. Chairman, I would like to direct the member's attention again to the Annual Report, and first I'd like the Minister to clarify. He says that the pollution testing that's being done downwind of lead using industries is a federal responsibility. Is that correct? Did I understand him correctly on that?

MR. RANSOM: Well, I don't believe that the Annual Report said that we were doing testing downwind from lead-producing industries, but that may be the conclusion that was drawn from it. It says air pollution testing, I guess, but it happens that lead, secondary lead, smelter lead emissions are covered by federal regulations and have been exempted from the Clean Environment Act by regulation for lead emissions.

MR. COWAN: Following directly on that then, from the Annual Report it talks about a National Air Pollution Program or National Air Pollution Surveillance, NAPS program, and it says it is a Federal-Provincial co-operative program to continuously monitor the major air pollutants. It lists them as sulphur dioxide, carbon monoxide, ozone, nitrogen dioxide, suspended particle matter, lead,

dustfall, smoke, sulfation in populated areas across Canada. Manitoba operates five NAPS stations, four in Winnipeg and one in Brandon, with a total of 29 continuous monitors. Now, I'm wondering if the Minister can confirm that although the emissions may well be a federal problem the Province is involved in a co-operative program to monitor these emissions.

I don't understand the silence but it says in the report that they are. I'm wondering if the Minister can indicate or inform us as to where these four stations in Winnipeg are located.

MR. RANSOM: Well, I gave the location of the stations in Winnipeg, Mr. Chairman. Only one of those is in the so-called NAPS program and they do not measure lead in that.

MR. COWAN: I'll ask one quick question while the Member from Inkster is getting to his seat. What are these four stations that were mentioned earlier, what sort of pollutants are they monitoring? If they're in the St. Boniface area near the stockyards, those that were mentioned, what exactly are they monitoring?

MR. RANSOM: Well, it looks like sulphur dioxide, carbon monoxide, suspended particulate matter, ozone and oxides of nitrogen.

MR. CHAIRMAN: The Honourable Member for Inkster.

MR. GREEN: Mr. Chairman, I just want to get clear what the specific position of lead emissions is. Is it an exemption within the legislation or a regulation that we passed, which exempts these types of emission because we have exempted them by regulation.

MR. RANSOM: It was an exemption that was passed some time ago, which I assume that the Honourable Member himself would have put forward under the Clean Environment Act, exempting lead emissions, in order that they might be dealt with under the federal standards.

MR. GREEN: Which section of the Act? If it's in the legislation it would be a section of the Act.

MR. RANSOM: I think it's 14(1) Requirements of Registration.

MR. GREEN: Mr. Chairman, that's exactly what I'm trying to determine. 14(1) does not refer to lead emissions, but it is a fact that from time to time for reasons which I won't remember even all of them, we did exempt by regulation people having to make an application under the Clean Environment Act. For instance, we exempted hog ranches if they complied with certain regulations. Is it a regulation that my honourable friend is referring to, and if so can he tell us the date of the regulation because it may indeed be that at that time there was a desire to do it in that way, but it doesn't mean that you don't have jurisdiction under the Act to change the regulation and to deal with it, unless I'm wrong, unless you tell me that it is part of the Act. You're indicating that it's part of the statute. The statute 14(1) doesn't refer to lead, but we could have passed a regulation, in which case I want to know when it was passed and what it says.

MR. RANSOM: The Order-in-Council dated the 29th of June 1977 said that the Clean Environment Act being Chapter C-130, the continuing consolidation, etc., Section 2(1) notwithstanding anything contained in this Act or in any other act of the Legislature, the Minister has general supervision over all matters relating to preservation and improvement of the environment, prevention and control of contamination of the environment, and (18) — do you wish me to read this or. . . .

MR. GREEN: I would like to know what it says.

MR. RANSOM: Okay. For the purpose of carrying out the provisions of this Act, according to their intent the Lieutenant-Governor-in-Council may make such regulations as are ancillary thereto, and not inconsistent therewith. Every regulation made thereunder is made under and in accordance with the authority granted by this Act has the force of law. Without restricting the generality of the foregoing, the Lieutenant-Governor-in-Council may make such regulations not inconsistent with any other provision of this Act.

MR. GREEN: Read the operative part of the regulations, what did we say?

MR. RANSOM: I asked you if you wanted me to read it.

MR. GREEN: Yes.

MR. RANSOM: Setting out industries . . . well, the regulation reads then, in this regulation (a) Secondary lead smelter means any plant or factory in which lead-bearing scrap or lead-bearing materials other than lead-bearing concentrates derived from a mining operation is processed by metallurgical or chemical process into refined lead, lead alloys or lead oxide. (2) Persons operating or intending to operate a secondary lead smelter are not required to file a proposal or register pursuant to Subsections 14(1) and 14(4), of the Clean Environment Act with respect to the emissions of particulate matter and lead in particulate matter from the smelter. And as I say, that was June 29, 1977.

MR. CHAIRMAN: The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, then let's be clear as to what was done, that in June of '77, which is not very long ago — as a matter of fact it would be just preceding the change of Government — there was a regulation enacted, and you indicate that the rationale for the regulation was that there was to be national standards, which were to be applied vis-a-vis these particular operations, and for the purpose of facilitating national standards, we said that they don't have to apply under the Manitoba Act. I gather that's what is being said. But, Mr. Speaker, that is quite a different thing from saying that lead is exempted from consideration by the Minister under the Clean Environment Act, and as a matter of fact, if there is a problem or if national standards are not being applied or if there is nothing being done, the regulation doesn't mean that the matter cannot be dealt with. There are various ways of dealing with the 14(1) other than an application under the Clean Environment Act.

The Minister still has a right to prevent pollution by lead. This 14(1) merely means that that plant doesn't have to apply to the Clean Environment Commission for its standards to be set, presumably because it's going to have to meet standards set by the Federal Government, but it doesn't exempt lead from the provisions of the Clean Environment Act. It says that you shall not have to make an application to the department with regard to lead.

Now, there are various things that can be done. First of all, the regulation can be repealed and certainly, Mr. Speaker, if some of the things that have been mentioned by the Member for Churchill were pertinent matters at that time, or were brought to the attention, I'm not certain as to what would have happened with that regulation.

But secondly, the regulation merely says that they don't have to make an application to operate the plant. It doesn't say that you can't stop them polluting, if they are polluting, because a lead contaminant is a contaminant within the meaning of the Act. There are other sections of the Act which deal with any plant that's contaminating the environment and because a plant doesn't have to make an application, I don't interpret from that that it cannot be dealt with. And certainly if there are federal regulations that are being violated, or if there are no federal regulations, Mr. Speaker, in existence, then I would say that that provision should be repealed immediately because we would not want to have a situation where there is no control.

When the regulation was enacted, it must have been on the advice that there was going to be some type of control, and if that is not the case, then the same Cabinet that passed the regulation has an opportunity to repeal it, and see to it that these organizations come under control.

There was, Mr. Chairman, and I don't apologize for it, there was an attempt by all Ministers throughout the country, to see to it that in certain cases there be national standards, so that you wouldn't have, sort of pollution incentives, with one province reducing the standards in order to lure an industry from one province to another. I'm guessing, but I think I'm guessing fairly accurately, that that was the intent with that regulation, because you have said it was intended that this be done in order that federal standards would apply, but if the federal is not imposing standards or if there is a pollution taking place, I believe that there are provisions under the Act with which it can be dealt because lead is not exempted from The Clean Environment Act. If there has been an exemption, it's with respect to a particular section of the Act for the purpose of making a proposal. If it's under 14(1) "No person, etc. shall construct premises or alter same or set into operation any industry, undertaking, plant, or process that will result in the discharge of emission unless he files his proposal with the Department."

So what we're saying is that for making this type of plant you don't file a proposal with the department. I assume that that is the effect of the regulation, but it doesn't say that lead isn't covered by the Act.

MR. RANSOM: What I said was that we weren't doing the monitoring, that the previous government had passed the regulation exempting them from filing because a Federal regulation was in place.

That Federal regulation is still in place and the Federal Government does the monitoring. We do not do the monitoring.

MR. GREEN: Mr. Chairman, the Minister has said one thing which I hope he is completely satisfied with and I'm not sure that he has looked into it. Are you completely satisfied that the Federal Government does the monitoring? Now, we must have been — I don't fault anybody for this — we must have been satisfied that they could do it. But if it is not being done, and if the Minister is informed that it is not being done and if he is not certain whether it is being done and wishes to check whether it is being done, or if a question is asked in this House as to whether it is being done, he should be able to get from the federal authorities, because it is still a Manitoba problem, we have not given up jurisdiction with regard to lead. All we have done is said that we want national standards to apply and therefore we will let the national government do it.

But, Mr. Chairman, I would think the Minister would be worried that if it is not being done, that we can repeal this regulation and we could deal with the subject. Furthermore, this regulation doesn't say we cannot do monitoring and I'm not suggesting that the Minister . . . If the Feds are doing the monitoring, fine, but you have had a series of questions which have raised a problem and I think that the department would want to check with the Federal Government what monitoring is being done and be able to answer a member in this House, because it is still a Manitoba problem. There is nothing in the Constitution that turns this over to the Federal Government. This was done as a matter of good administration throughout the country and I imagine that when it was done all of the Environmental Ministers were trying to figure out which ones they would agree to have national standards apply because that was a consideration. We even signed an environmental accord with Madame Sauve out in Halifax, to do this. But a Member of the Legislative Assembly has posed questions which I would think would cause the Minister to be concerned and find out from the Federal Government what is being done with regard to this where we have enacted a regulation which can be repealed tomorrow.

MR. RANSOM: Mr. Chairman, I am advised that the testing is being done.

MR. GREEN: If it is being done, Mr. Chairman, then the only remaining question is, can a Member of the Legislative Assembly find out what the results of these testings are as I gather that was being requested?

MR. RANSOM: Well, we would have to try to get that information from the Federal Government but the question that was being raised was whether or not the testing was being done and I'm advised it is.

MR. CHAIRMAN: The Honourable Member for Churchill.

MR. COWAN: Then I can assume, Mr. Chairperson, that the testing is being done under the NAPS Program?

MR. RANSOM: I don't know the specific mechanism that they are using to do the testing. I am advised the testing is being done in order to be able to monitor whether the Federal regulation is being met.

MR. CHAIRMAN: The Honourable Member for Logan.

MR. JENKINS: Mr. Chairman, through you to the Minister. Does the Minister not receive as a matter of course, due reports of the monitoring and if not, why not, since the jurisdiction, as the previous Minister has stated, has been turned over to the federal monitoring authority. Surely his department would be interested to see that the monitoring is of a nature that is up to snuff. Surely his department — I'm not saying him personally, but his department, his testing laboratories — must be receiving monitoring reports from the federal monitoring agency. If not, why aren't they?

MR. RANSOM: I am advised, Mr. Chairman, that there are regular meetings every couple of weeks between the provincial and the federal Environment people and that there is an exchange of information and if any problems arise, they will be discussed at that time. I think Manitoba has worked out a very good working relationship with the Federal Government people and in fact I believe only yesterday, one of the federal people was on an interview program and stated that Manitoba had one of the most advanced environmental mechanisms anywhere in the country.

MR. JENKINS: Is the Minister and his department then satisfied that lead producing plants, or plants operating in the lead industry, are meeting the requirements of the Act as we understand it here in Manitoba and the Department of Environment in Ottawa? Is the Minister satisfied that these specifications are being met, since we hear that plants have increased capacity over the pollution controls that were put into effect previously? Now, is the testing at this specific plant meeting the requirements of the Clean Environment Act as it is set in place and agreed to be monitored by the federal monitoring agency? That is the question that we as Members of the Legislature are trying to elicit from the Minister.

Also, while I am on my feet, I would ask the Minister if he could get a copy of that report of the testing of children that supposedly took place, one that I had never heard of before until the Minister of Labour, in answer to a question the other day, and he said that he would table it in due course. But we are now dealing with the Clean Environment portion of the Act and an ounce of prevention is worth a pound of cure and if we can set in place, and we are not being critical just for the sake of being critical, we are trying to protect the environment and the people in our own constituencies. If the plants are violating the regulations, then I think we as Members of this Legislative Assembly, it is incumbent upon us to find out that the controls are in place and that they are being utilized and that there is as little damage to the environment and to the population within that area as possible.

MR. RANSOM: Well, in answer to the first part of the honourable member's question, yes, the standards are being met insofar as our people are aware, and if the honourable member has any indication that they are not being met, then we would be happy to know about it. But, yes, the standards are being met.

Secondly, with respect to the testing of the children, I can't undertake to get that information for the honourable member because in this case we are talking contamination of air; in the other case you are talking about a health situation, an area that I have no responsibility in.

MR. JENKINS: Could the Honourable Minister tell the House then when the last lead-in-air test was done in the vicinity of, say, a half-mile radius of the Canadian Bronze plant in my constituency? What last date of this current year?

MR. RANSOM: I don't have that information available at the moment but we'll certainly get it.

MR. CHAIRMAN: The Honourable Member for Flin Flon.

MR. THOMAS BARROW: While we are on the monitoring problem, Mr. Chairman, I would just like to ask one question. The Flin Flon area has the water and the air both monitored. What I would like to know is, when the sample is taken, what happens from then on? How often are the samples taken? I would appreciate an answer to both those questions, Mr. Chairman.

MR. RANSOM: Well, I think, that is a question that probably would be best answered by having a written sequence on the testing and I will bring it back and give it to the honourable member.

MR. CHAIRMAN: The Honourable Member for Churchill.

MR. COWAN: Thank you, Mr. Chairperson. The Minister, I'm trying to clarify something because as more data comes in, the more confusing it appears to me. The Minister is saying that in order for them to present documentation to the House as to the level of lead pollution that is occurring in the Province of Manitoba, they will have to go to the Federal Government and ask them for the documents, then the documents will filter through the Minister's department and then to the House.. Is that correct?

MR. RANSOM: We get them from the Federal Government. As the Member for Inkster reviewed how that regulation had come about that gave the Federal Government the responsibility for enforcing these regulations, or at least bringing the industries within these regulations, and the testing is done by the Federal Government people. Our people have regular contact with them to discuss a whole range of environmental situations, and we get the information from them because they do the work.

MR. CHAIRMAN: The Honourable Member for Churchill.

MR. COWAN: Then I'm going to have to go back to the annual report for a moment, Mr. Chairperson. Does the annual report say — I'll read the whole paragraph. It comes under the National Air Pollution Surveillance, NAPS program. And it says, "The NAPS program is a Federal Provincial cooperative program to continuously monitor the major air pollutants" and it lists them out then: "sulphur dioxide, carbon monoxide, ozone, nitrogen dioxide, suspended particulate matter, lead, dust fall, smoke, sulphation," all very dangerous, very hazardous pollutants. That was my editorial comment; dangerous and hazardous is not in the report.

To continue quoting from the report, "In polluted areas across Canada", it goes on to say that Manitoba operates five NAPS stations, four in Winnipeg and one in Brandon, with a total of twenty-nine continuous monitors. Then it says the data monitored are used to compare with the Manitoba air quality objectives, and are forwarded to Ottawa to be published in monthly and annual summaries. Now, that leads me to believe that this data is very accessible, that it is analyzed here first in Manitoba before it is sent to the province, because if we look at the order in which the annual report presents this process, it says: "The data monitored are used to compare and then forwarded", so I would ask the Minister if he can either clarify whether the data goes first to the Federal Government, then comes back, or the process that is followed is actually the process that is outlined in the annual report.

In other words, is the Minister wrong or is the annual report wrong?

MR. RANSOM: We're both right. They're two different —(Interjection)— No, no they're just two different testing. One that's referred to in the annual report is a general testing of the ambient air. The other one is a specific testing of the emissions of the plant.

MR. CHAIRMAN: The Honourable Membr for Inkster.

MR. GREEN: Mr. Speaker, I'm glad that the Minister made that distinction, because there is no exemption by the regulation that these people don't come under the Clean Environment Act. The exemption is that no person shall have to make a proposal with respect to the lead manufacturing, or whatever the terms that you read in the regulation. The reason being that those particular standards are going to be dealt with nationally. Because hog ranches have been exempted from this section doesn't mean that the Clean Environment Act doesn't apply to hog ranches. And there are numerous regulations where we have exempted certain things from the Clean Environment Act. The process of the Clean Environment Act was that we have a whole general field and we have a whole bunch of specifics. And we were going to try to pass regulations specifically setting standards, in which case they would be removed from 14(1). And there were several regulations passed. That doesn't take them out of the Act. It means that the standards are no longer set by The Clean Environment Commission, they are set by regulation. And I presume that what you have done is had the Federal regulation apply to emissions from these plants. That, Mr. Chairman, in my opinion in no way removes any responsibility for the workplace lead, because that's not an emission from a plant, that's in the plant. The conditions under which people are working, and lead entering their lungs from the workplace, which was something that we were arguing out between the Department of Labour, the Workmen's Compensation Board and our department, and never had it resolved when I had left the government at the insistence of the voters of the Province of Manitoba.

So that part I don't accept, that there is an exemption of the Minister to be responsible, nor is there an exemption for testing, generally, with regard to air contaminants, which you have indicated that you still do. We used to have people testing the air at the corner of Portage and Main for dust particles or things of that nature. You are still testing what comes out of the Inco stack and out of the Hudson's Bay stack and there will be lead as one of the contaminants, and you will have records of that. And if an industry is emitting lead beyond a certain level in the emissions I believe it is still a prosecution under the Clean Environment Act. You will have to have a regulation for the amount of the emission.

And I therefore, Mr. Speaker, don't want the Minister to be of the impression — I think it's wrong — that lead no longer is a contaminant which is dealt with by the Clean Environment Act. It is; your regulation says it is. A proposal doesn't have to be made under 14(1), but it is still dealt with by the Clean Environment Act.

MR. SPEAKER: The Honourable Minister.

MR. RANSOM: Well, I'm not exactly sure of my wording, Mr. Chairman, but it seems to me that there is some misunderstanding on what was said. We got into the discussion on the basis of who

was doing monitoring, and I believe I said we don't have the responsibility for monitoring these plants to which he referred. And I think that is a correct statement, that simply the Federal regulations are the standard under our Act, and if there was a prosecution to be entered, it could be done under these Federal regulations. In addition, I should clarify one thing, that the Clean Environment Act does not apply to the workplace.

MR. GREEN: Yes, Mr. Chairman, I think I made that clear in my remarks, that is was being talked out between the Department of Labour, Workmen's Compensation Board and our department how these things were to be dealt with in the workplace, I'm not arguing.

I think that there was an impression left, not by design or otherwise, that the Clean Environment Act that lead is exempt from the Clean Environment Act. No. I think that that is wrong; I don't wish to pursue that there is any intent to mislead. I think what has been done is under 14(1) they don't have to make an application to the Clean Environment Commission by our regulation.

MR. CHAIRMAN: The Honourable Member for Logan.

MR. JENKINS: Mr. Chairman, through you to the Speaker, since the Minister now tells us that he is receiving reports from the monitoring stations, the Federal monitoring stations in Manitoba, would the Minister consider the advisability of making a quarterly report on the state of lead-in-air or any air pollutants that these monitoring stations are doing, and doing on behalf of the Province of Manitoba and on behalf of the people of Canada. And then when we do get to the estimates, we would have some background material upon which to base some of the criticisms that we are levelling at the Department at this time? I'm not saying that the Minister's not doing his job, we're trying to do our job here as members of the Opposition, but we're not getting the information that we're asking for, and that is the unfortunate thing. We've discovered this afternoon, first of all we were under the impression that it was the monitoring stations, and according to the annual report which my honourable colleague, the Member for Churchill, has stated, it is very ambiguous. You read this and you get the impression that the monitoring is done by Manitoba. We now find out from the Minister that the monitoring, through an agreement, and I quite agree with what the former Minister said. I think that regulations should be in place, and that they should be standard throughout this country, not just only in Clean Environment, but in many factors of legislation in this country.

But I would like the Minister to take that under consideration, that a quarterly report should be made on the status of the pollution in air, in the environment in the Province of Manitoba, and I think it would be something that would be useful to not only the members of this House, but to members of the society in the Province of Manitoba in general.

MR. SPEAKER: The Honourable Minister.

MR. RANSOM: Mr. Chairman, that happens to be a concept that we are pursuing at the moment in terms of some kind of reporting on environmental quality. I think it's a very valid one. And we've had some, obviously some misunderstanding on who is responsible for what, but I must suggest to the Honourable Members that despite their right and privilege to be here and question, that if any of the Honourable Members opposite had come to me and asked for specific information — none of this information has been asked for through my office to my knowledge — I would make every effort to get that information for you and probably avoid what may be some unnecessary misunderstandings.

MR. CHAIRMAN: The Honourable Member for Churchill.

MR. COWAN: Thank you, Mr. Chairperson. In the short time that's left . . . the Minister mentioned earlier that the provincial laboratory is presently congested and for that reason testing is being turned away from the laboratory. Can the Minister inform us as to when the laboratory will be moving into new facilities and where those facilities are?

MR. CHAIRMAN: The hour is now 4:30, and in accordance with Rule 19(2), I am interrupting the proceedings for Private Members' Hour. The Honourable Government House Leader.

MR. JORGENSON: Mr. Chairman, I believe that there is general agreement that we'd not proceed with Private Members' Hour this afternoon. So if you will carry out the normal procedure of just simply leaving the Chair and calling in the Speaker, we can adjourn.

MR. CHAIRMAN: Committee rise. Call in the Speaker.

The Chairman reported upon the Committee's deliberations to Mr. Speaker and requested leave to sit again.

IN SESSION

MR. DEPUTY SPEAKER: The Honourable Member for Radisson.

MR. KOVNATS: Mr. Speaker, I beg to move, seconded by the Honourable Member for Portage, that report of Committee be received.

MOTION presented and carried.

MR. DEPUTY SPEAKER: The Honourable House Leader.

MR. JORGENSEN: Mr. Speaker, I move, seconded by the Member for Logan, that the House do now adjourn.

MOTION presented and carried and the House was accordingly adjourned until 2:30 Monday afternoon.