

MOHAWK COUNCIL OF KAHNAWÀ:KE

# Report on Community Participant Feedback in the Second Reading

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Draft Amendments to the 2000 Sanitary  
Conditions Law – Second Reading on  
November 2, 2011

Kentenhkó:wa/November 2011



The Second Reading is part of the Community Decision Making Process that was conducted by the Legislative Coordinating Commission (LCC) for the draft amendments of the 2000 Sanitary Conditions Law on November 2, 2011. The LCC identified the responsibility of the Ohontsa'shòn:'a Ronterihwatsterishta/ Lands Unit to report on related feedback and make recommendations on the feedback received.

## 1. Introduction

The Second Reading of the draft amendments to the Sanitary Conditions Law was conducted by the Legislative Coordinating Commission (LCC) on 2 Kentenhkó:wa/November 2011 at the Moose Lodge in the community.

The role of the Lands Unit Research & Policy Analyst /Developer was to present description for the draft amendments and present the feedback gathered from the 30-day community review process (September 19 – October 18, 2011) that preceded the Second Reading. The Environment Protection Coordinator presented an implementation plan, areas impacted by the implementation of the Law, and the operational and financial impact assessment. It was determined that an implementation budget is required. The draft amendments reflected in draft 12 of the Sanitary Conditions Law are within the scope and mandate received by the Lands Unit from Chief and Council on February 21, 2011.

<p>The scope for amendment of the 2000 Sanitary Conditions Law is to update relevant definitions, provide authority to the MCK to adopt regulations and give permits under the Law for any operation that will increase the potential for environmental contamination and risk to public health and safety, provide additional penalties for offences under this Law and to identify expanded authorities for inspectors.</p>
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## 2. Data Analysis

The feedback data extracted from the minutes provided by LCC and recommendations by the Research & Policy Analyst/Developer of the Lands Unit are presented in Table 1.

Section 13 (Scrap Prohibited) and section 14 (Signs) were brought up at both the first and second readings. It is noted that the community member bringing up Section 13 and 14 did not participate in the May 2011 first reading that explained the scope of the amendments. The amendment scope provided to the Lands Unit determined the extent to which amendments would be drafted that did not include sections 13 and 14 in the current law. The community member agreed when asked if this explanation addressed his question.

Also asked by a community member was for a business type listing associated with the new definition for *activity* to be written. No other community members commented or questioned the clarity of the definition. The definition is clear in that the definition relates to “*the production of any goods or services that seems likely to result in an emission, deposit, issuance or discharge of contaminants into the environment or change in the quality of the environment*”. A list would not clarify this in any measurable way. The community member was likely seeking certainty by having such a listing of targeted activities but this certainty is not desirable because it would be at the expense of the needed flexibility in the law.

Most of the feedback and discussion from community members who participated, involved part of the existing Sanitary Conditions Law out of scope of our mandate and or related to the actual Community Decision Making Process for Type II laws.

It was observed that there were no objections voiced by community members to the rationale for the amendments which is to avoid environmental contamination through unregulated demolition waste recycling business and to reduce or eliminate any risk to public health and safety. Also observed was that the implementation plan received no questions or objections by participants. The feedback received during this second reading can be interpreted as an indicator that the draft amendments appear to be acceptable and generally satisfactory. Community participation appears to have reached its saturation point in that feedback in the second round was close to being non-observable.

**Table 1: Feedback on the Draft Amendments to the Sanitary Conditions Law (SCL) at the Second Reading – November 2, 2011**

<b>SCL Section that Feedback Relates</b>	<b>Feedback from LCC minutes in brief</b>	<b>Recommendation</b>
Section 1. Definitions	Statement on the definition for Activity. A community member asks to have a list of business types to make it clear who this will affect. The definition is too broad – can add in more types of industries in the future.	Addition of lists will restrict the application of this Law in a broad sense (to business that can be in the future) and will make it necessary to amend the Law on a regular basis in order to keep any lists up-to-date. Recommend no change to the definition of activity.
Section 13. Scrap Prohibited	A community member gives the example of existing businesses that have scrap cars for example and how this will affect their business. This should be changed.	Recommend no change to Section 13.
Section 14. Signs	A question of who enforces the law.	Recommend no change to Section 14.
Section 16. Operating Permits	A question on will there be a charge (\$) for permits?	Recommend no change to Section 16.
Section 18. Authority of Inspectors	A community member is not clear if an inspector can enter his home at 3:00 AM.	Recommend no change to Section 18.
Section 21. Penalties	Logistical question related to location for imprisonment and application of remediation orders.	Recommend no change to Section 21.

### 3. Recommendations

Recommendations from the Research & Policy Analyst/Developer of the Lands Unit are to:

1. Accept the recommendations in Table 1;
2. Approve amendments to the Sanitary Conditions Law in draft 12;
3. Proceed to a third reading combined with the enactment third phase of the Community Decision Making Process;
4. Accept placement of the amended Sanitary Conditions Law in the Legislative Calendar for a comprehensive review, addressing the remaining feedback not related to the original mandate when a letter of request is received.

**4. Concluding Remarks**

The majority of community feedback came from the first round of community feedback opportunities that was responded to with new and or modified draft amendments that produced version 12 of the draft amendments to the Sanitary Conditions Law. It was stated at the Second Reading that the Lands Unit’s primary purpose for this amendment was to be able to write regulations for demolition waste recycling operations in the community.

The Type II process of the Community Decision Making Process (CDMP) not only provided opportunity to engage with the community, but provided some opportunity to engage with the Legislative Coordinating Commission members. The technical team of the Lands Unit was able to engage with Chief and Council and Legal Services. Frequent interactions between groups exercised the CDMP for Type II legislation, identified areas to consider modifying/determining process and demonstrated that the process can produce regulatory legislation that facilitates decision-making for Chief and Council. The CDMP has given the Lands Unit method to reach its goal to amend the law in order to write regulations.

