

2009



Report of the
**Commissioner of the
Environment and
Sustainable Development**
to the House of Commons

FALL

Chapter 4
Environmental Petitions



Office of the Auditor General of Canada

The Fall 2009 Report of the Commissioner of the Environment and Sustainable Development comprises The Commissioner's Perspective—2009, Main Points—Chapters 1 to 4, an Appendix, and four chapters. The main table of contents for the Report is found at the end of this publication.

The Report is available on our website at www.oag-bvg.gc.ca.

For copies of the Report or other Office of the Auditor General publications, contact

Office of the Auditor General of Canada
240 Sparks Street, Stop 10-1
Ottawa, Ontario
K1A 0G6

Telephone: 613-952-0213, ext. 5000, or 1-888-761-5953
Fax: 613-943-5485
Hearing impaired only TTY: 613-954-8042
Email: distribution@oag-bvg.gc.ca

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Chapter

4

Environmental Petitions

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Environmental Petitions

Main Points

What we examined

Established in 1995 as a result of amendments to the *Auditor General Act*, the environmental petitions process provides Canadians with a formal means to bring their concerns about environmental issues to the attention of federal ministers and departments and to obtain a response to their concerns. Ministers are required to respond in writing within 120 days.

On behalf of the Auditor General of Canada, the Commissioner of the Environment and Sustainable Development manages the environmental petitions process and monitors responses of federal ministers. As required by the Act, the Commissioner reports annually on the quantity, nature, and status of petitions received and on the timeliness of departmental responses. This chapter contains the annual report on petitions and responses received between 1 July 2008 and 30 June 2009.

Why it's important

Environmental petitions are a feature of our parliamentary democracy. Submitting a petition is a simple way for Canadians to bring their environmental concerns to the attention of federal departments and agencies that are subject to the process. Monitoring and reporting on petitions and petition responses, as well as publishing those documents on our website, contributes to transparency in federal environmental management. The Office of the Auditor General also helps to promote federal accountability for environmental management by considering the issues raised in petitions and the responses they generate when it plans and conducts audits.

What we found

- Canadians submitted 28 petitions this year. This represents about half the number submitted last year. However, the diversity of topics covered was similar to last year. The issues most commonly raised were health, biodiversity, fish habitat, and environmental assessment. Petitions continue to range from those that focus on local issues to those that discuss national concerns.
- The number of on-time responses continued to decline. Only 77 percent of responses were provided within the required 120 days,

compared with 86 percent last year and 95 percent the year before. Two departments—Industry Canada and Environment Canada—accounted for about 70 percent of the late responses. Despite the fact that Health Canada was responsible for the largest number of responses this year, all of its responses were on time.

- Recent audit work in our Office has benefited from knowledge gained through petitions and responses. These include Chapter 1 of this report, Applying the *Canadian Environmental Assessment Act*, and Chapter 1 of our Spring 2009 report, Protecting Fish Habitat.

Introduction

The environmental petitions process

4.1 The environmental petitions process was created in 1995, through an amendment to the *Auditor General Act*. It is a formal, yet simple, way for Canadians to obtain responses from federal ministers to their questions, concerns, and requests on environmental issues that are within the federal government's mandate. Twenty-eight departments and agencies are currently subject to the process.

4.2 Any Canadian resident can submit an environmental petition, acting alone or acting on behalf of an organization, business, or municipality. Since the first petition was submitted in late 1996, over 330 petitions have been submitted. Topics have varied widely and have included those as specific as the impact of a development on a local stream and those as broad as the right of Canadians to a healthy environment. Through the process, petitioners have asked for information, for investigations, for specific actions, and for changes in policy.

4.3 The responsible federal ministers must provide a written reply to a petition within 120 calendar days. Ministers are required to notify the petitioner before the end of this period if they do not expect to be able to meet the timeline. These requirements are clearly spelled out in the *Auditor General Act*. The Act does not require ministers or departments to take action on the issues raised.

4.4 Information on the process and the role of the Commissioner of the Environment and Sustainable Development, who administers the process on behalf of the Auditor General of Canada, is summarized in Exhibit 4.1.

4.5 Our publication, **Getting Answers—A Guide to the Environmental Petitions Process**, further describes the petitions process and includes

- the kinds of requests that can be made,
- steps to follow when writing and submitting an environmental petition,
- the role of the Commissioner, and
- what petitioners can expect from departments and agencies.

Getting Answers—A Guide to the Environmental Petitions Process is available on the Office of the Auditor General website (www.oag-bvg.gc.ca).

Exhibit 4.1 The environmental petitions process and the role of the Commissioner of the Environment and Sustainable Development

Starting a petition	A Canadian resident submits a written petition to the Auditor General of Canada.	
Reviewing a petition	The Commissioner’s team reviews the petition to determine if it meets the requirements of the <i>Auditor General Act</i> .	
	<p>If the petition is accepted, the team will</p> <ul style="list-style-type: none"> • determine the federal departments and agencies responsible for the issues addressed in the petition; • send it to the responsible ministers; and • send a letter to the petitioner, listing the ministers to whom the petition was sent. 	<p>If the petition is not accepted, the petitioner will be informed in writing.</p> <p>If the petition is incomplete or unclear, the petitioner will be asked to re-submit it.</p>
Responding to a petition	<p>Once a minister receives a petition, he or she must</p> <ul style="list-style-type: none"> • send a letter, within 15 days, to the petitioner and the Commissioner acknowledging receipt of the petition, and • consider the petition and send a reply to the petitioner and Commissioner within 120 days. 	

Ongoing petitions activities			
Monitoring	Reporting	Posting on the Web	Auditing
The Commissioner monitors acknowledgement letters and responses from ministers.	The Commissioner reports to the House of Commons on the petitions and responses received.	The Commissioner posts petitions, responses, and summary information on the Web.	The Office of the Auditor General considers issues raised in petitions when planning future audits.

Focus of the chapter

4.6 Section 23 of the *Auditor General Act* requires the Commissioner of the Environment and Sustainable Development to monitor petition responses from ministers and to report annually to the House of Commons on the number of petitions received, their nature, and their status.

4.7 The purpose of this chapter is to report to Parliament and Canadians on the petitions and responses received between 1 July 2008 and 30 June 2009 and to highlight good practices and opportunities for improvement.

4.8 More details on our objective, scope, and approach are in **About the Chapter** at the end of this chapter.

Petitions and Responses

Petitions received

4.9 During this year's reporting period (1 July 2008 to 30 June 2009) we received 28 petitions—a 50 percent decrease from last year and a break in the recent trend of annual increases. However, last year was unusual, because over half of the petitions were grouped around a few specific topics, such as fluoride in drinking water and exposure to electromagnetic radiation. This was not the case this year.

4.10 Petitions were submitted by petitioners residing in five provinces and one territory (Exhibit 4.2), with about half of the petitions originating in Ontario (thirteen petitions). Residents of British Columbia submitted seven petitions and Quebec residents submitted five.

A substantial proportion of petitions were submitted by individuals and past petitioners

4.11 Of the 28 petitions submitted this year, 20 were submitted by individuals rather than by organizations, which is a slightly higher proportion than in the past. Six of the remaining petitions were submitted by environmental organizations, another came from an Internet-based newsletter, and another came from a hazardous waste management company.

4.12 Eleven of this year's petitions—about 40 percent of the total—were submitted by past petitioners; this suggests that they continue to see value in the process.

The range of topics covered by petitions was similar to last year

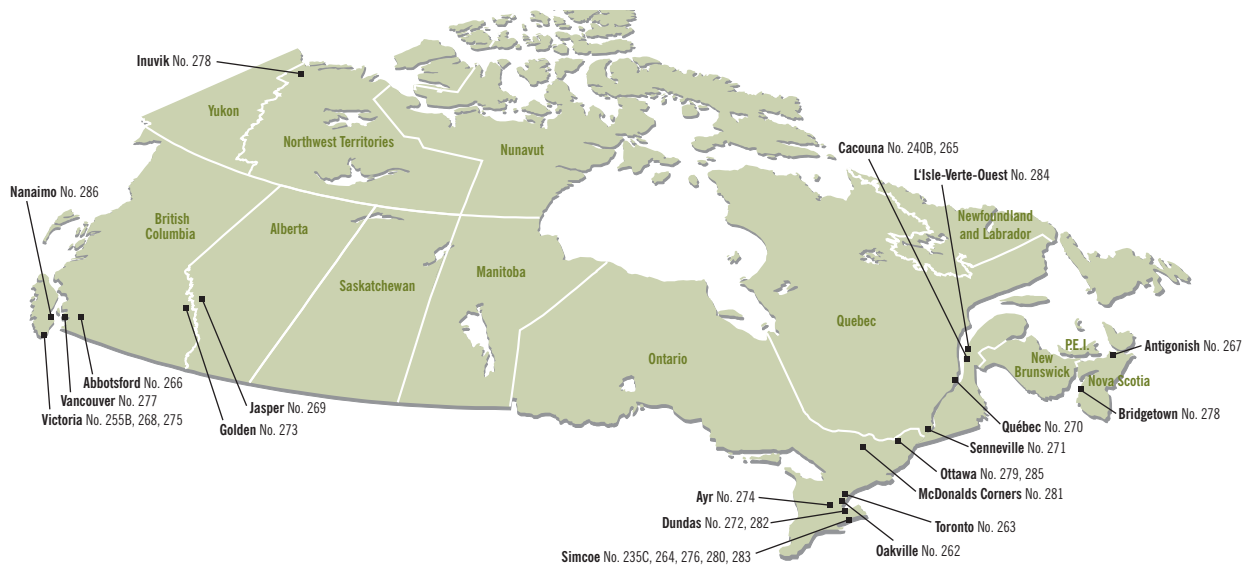
4.13 Although fewer petitions were received this year, the number of topics covered was similar to last year. This is because only a small number of petitions addressed the same topics.

4.14 One topic that was covered last year (in eleven petitions) and in more than one petition this year was electromagnetic radiation. This year, three petitions dealt with this topic:

- One petition (255-B) was a follow-up to a petition submitted last year and focused on one neighbourhood's exposure to electromagnetic radiation from a grouping of telecommunications towers.
- Another petition (264) was about how environmental information is verified in the application process for cellular tower installations.

- A third petition (235-C) was a follow-up to a petition submitted last year and continued to pursue concerns about the appropriateness of the federal standard that specifies exposure limits for electromagnetic radiation.

Exhibit 4.2 Petitions came from five provinces and one territory (1 July 2008 to 30 June 2009)



Petition No.	Subject	Petition No.	Subject
235C	Follow-up petition on the health risks posed by electromagnetic radiation	274	Request for federal action to protect Canadians from vapour intrusion of CEPA Schedule 1 toxic substances into residences
240B	Follow-up petition on environmental concerns regarding the Cacouna marsh	275	Progress toward meeting drinking water quality standards on Indian reserves
255B	Potential impact on human health of electromagnetic radiation emanating from telecommunication towers on Triangle Mountain, British Columbia	276	The use of manure that allegedly contains livestock antibiotics and its impact on human health and the environment
262	Bioaccumulation assessment criteria related to the regulation of fire-retardant chemicals	277	Impact on marine life and habitat from garbage compactor truck leachate draining into sewers and waterways
263	Status of recommendations in joint panel reviews of oil sands	278	Concerns about the Mackenzie Gas Project Joint Review Panel's funding and contractual arrangements
264	Environmental information in the "application for licence" to install a cellular tower in Simcoe, Ontario	279	Policies and actions regarding after-hours lighting of federal government office buildings
265	Hunting safety in the Cacouna marsh	280	Concerns about Canada's export of chrysotile asbestos and the delayed release of a report about its potential health impacts
266	Gravel removal in the lower Fraser River, British Columbia	281	Federal role in ensuring the Government of Ontario's protection of fish habitat and water quality affected by mining exploration
267	Impact of siltation on fish and fish habitat in Pomquet, Nova Scotia	282	Concerns about harmonization and enforcement of Canadian Environmental Protection Act (CEPA 1999) regulations governing transboundary movement of hazardous wastes
268	Request to withdraw the registration of neurotoxic pesticides in Canada	283	Concerns about the regulation of the herbicide atrazine and its potential impact on amphibian population
269	Environmental concerns related to proposed expansion of the Marmot Basin ski area in Jasper National Park, Alberta	284	Control of toxic substances in tobacco products
270	Publication practices related to reports on the health impacts of climate change	285	Request for the federal government to waive court costs for environmental non-governmental organizations that are acting in the public interest
271	Health and safety studies related to the lights used in barcode readers	286	Concerns about the potential environmental impacts of the Nanaimo airport expansion on Vancouver Island, British Columbia
272	Incident reporting related to a fire at a pesticide manufacturer		
273	Creating buffer zones around national parks to protect Rocky Mountain wolf populations		

4.15 Two other topics were each the focus of two petitions this year:

- Petitions 270 and 280 related to Health Canada’s publication practices for environmental reports. Petition 270 raised concerns about the Internet accessibility of a major report on the impact of climate change on health, and petition 280 raised concerns about the delayed release of a report on the impact of chrysotile asbestos on health.
- Petitions 269 and 273 related to biodiversity conservation in Rocky Mountain National Parks. Petition 269 raised concerns about proposed expansion of the Marmot Basin ski area in Jasper National Park. Petition 273 requested that buffer zones be created around Rocky Mountain national parks to protect the parks’ wolf populations.

The issues most commonly raised by petitioners were health, biodiversity, fish habitat, and environmental assessment

4.16 This year, the broad issues most commonly raised in petitions included the following: health, biodiversity, fish habitat, and environmental assessment. Most of the petitions dealing with environmental assessment alleged that there were problems with or inadequacies in the federal environmental assessment process itself. However, petition 263 was a request for information on the implementation of recommendations made by environmental assessment review panels for oil sands development projects. A number of petitions also raised questions about the enforcement of or compliance with environmental regulations.

4.17 Even among petitions that deal with different topics and issues, common themes sometimes emerge. One such theme—the adequacy and objectivity of the science used in policy-making and standard-setting—was again apparent in a number of this year’s petitions. The Office’s audit work is informed not only by specific petition topics but also by these kinds of common concerns.

There was a fairly even split between local and national issues

4.18 This year, petitions were fairly evenly split between those that focused on local, regional, or case-specific issues and those that dealt with national or broad-based issues. For example:

- Petition 272 had a local focus. It raised concerns about an alleged failure to follow federal requirements and report a pesticide

release that contaminated an environmentally significant local waterway.

- Petition 274 dealt with the risk of volatile organic compounds percolating into buildings from contaminated groundwater or soil. Although the petition included some information that related to the petitioner's own community, the questions asked and requests made in the petition focus on broader public policy.

4.19 Petitions may also contain more of a mix of local and broad-based dimensions. For example:

- Petition 282 asked about the broad-based issue of an alleged mismatch in Canadian versus US reporting requirements for transboundary hazardous waste movement. It also asked about specific investigations related to regulatory compliance at a waste-handling company.
- Petition 285 asked that court costs be waived in the specific case of a judicial review of an environmental assessment of a dam refurbishment and, more generally, that environmental organizations acting in the public interest not be required to pay court costs.

Concise petitions can be as effective as long ones

4.20 Department representatives have noted challenges in determining petitioners' concerns when the background information and questions are long and unfocused. Petition length does not necessarily correlate with the importance of the issue, the knowledge of the petitioners, or the length or detail of the response. Clarity and factual accuracy are more important characteristics than length.

4.21 In the new guide that we posted on our website in December 2008 (*Getting Answers—A Guide to the Environmental Petitions Process*) and in direct discussion with petitioners, we encourage concise petitions. We suggest a maximum of 5,000 words and a maximum of 20 questions or requests. All but one of the eighteen petitions received between the posting of the Guide and the end of the reporting period met these guidelines. We exercised our discretion and did not publish the petition that exceeded our length guideline on our website.

4.22 In addition, petitioners are asked to properly cite the references they use in their petitions. This gives readers, including department officials, better context and makes the documents easier to find.

Responses received

4.23 This year, responses were due on a total of 39 petitions. Since departments have 120 days to respond after a petition is received, some of the responses covered in this report were for petitions received in the previous reporting period. This is why there is the difference in the number of submitted petitions (28) and the number of petitions for which responses were due (39). Responses for petitions received toward the end of this reporting period will be part of next year's report.

4.24 Also, since most petitions were directed to more than one department or agency, a total of 96 responses were provided by 16 departments and agencies. Due to the nature of the issues being raised this year, Health Canada was responsible for 27 of the 96 responses. Environment Canada typically receives the most petitions, but this year it needed to respond to only 23 petitions, which is about half as many as last year.

The percentage of on-time responses is continuing to decline

4.25 We are concerned about the continuing decline in the number of on-time responses, especially given that fewer responses were due this year. Only 77 percent of responses were on time this year, compared with 86 percent last year and 95 percent the year before. Six departments responded late to at least one petition (Exhibit 4.3). Two of these departments—Industry Canada (eight of its nine responses were late) and Environment Canada (eight of its twenty-three responses were late)—accounted for about 70 percent of the late responses.

4.26 Despite the fact that Health Canada was responsible for the largest number of responses, 100 percent of its responses were on time. Fisheries and Oceans Canada and the Public Health Agency of Canada, which were responsible for eleven and seven responses respectively, also delivered all of their responses on time.

4.27 On average, late responses were submitted 35 days after the 120-day deadline, a significant decline in performance from the 12-day average last year. The number of days late ranged from 4 to 84 days. In addition to having one of the highest percentages of late responses (89 percent), Industry Canada also had the highest average number of days late for its responses (50 days).

4.28 Departments and agencies have a legislative obligation to respond within the 120-day period, unless the responsible minister notifies the petitioner in writing within this period that the response

will be delayed. If notification is sent, the response is not deemed late. This year, five notifications were sent; the notifications related to petitions 249 and 262.

While most responses were complete and relevant, some did not meet our basic quality considerations

4.29 This year, as in other years, petitioners have raised hundreds of questions through the petitions process. Exhibit 4.4 includes examples of questions and responses that illustrate the kinds of exchanges that result from the petitions process. While the responses in this selection are similar in length, in reality, petitioners' questions and the answers they receive vary considerably in length and level of detail.

Exhibit 4.3 Six departments responded late to at least one petition

Department/Agency	Number of responses due	Number of late responses	Percentage on time (%)	Notifications of delay*
Agriculture and Agri-Food Canada	1	0	100	0
Canadian Heritage	1	0	100	0
Environment Canada	23	8	65	2
Finance Canada, Department of	1	0	100	0
Fisheries and Oceans Canada	11	0	100	1
Foreign Affairs and International Trade Canada	3	2	33	1
Health Canada	27	0	100	1
Industry Canada	9	8	11	0
Justice Canada, Department of	2	0	100	0
Natural Resources Canada	3	1	67	0
Parks Canada	1	0	100	0
Public Health Agency of Canada	7	0	100	0
Public Safety Canada	1	1	0	0
Public Works and Government Services Canada	3	0	100	0
Transport Canada	2	2	0	0
Treasury Board of Canada Secretariat	1	0	100	0
Total	96	22	77	5

*Note: A response is not considered to be late if the petitioner is notified of an expected delay before the due date.

4.30 The petitions team routinely reviews each petition response for quality and for potential relevance to future audits. Responses reflect the current views and positions of responding departments, which may not align with those of petitioners. Since we do not judge the quality of a response based on the departments' positions, our perspective on the adequacy of responses may differ from that of petitioners.

4.31 When we review petition responses, our primary quality considerations are as follows:

- **Completeness.** Is every question addressed?
- **Relevance.** Are the responses relevant to the questions?

We are also concerned about clarity. For example, if the responding department disagrees with views or information that are central to the petition, we look at whether its response includes a clear explanation of the basis for the disagreement.

4.32 This year, as in past years, we found that the majority of responses were complete and relevant. Moreover, some petition responses included considerable depth and detail.

4.33 One such example is the joint response to petition 249 by Foreign Affairs and International Trade Canada, Environment Canada, and Fisheries and Oceans Canada. The petition posed questions about the government's efforts to deliver on the terms of a bilateral agreement to reduce environmental risks to Canadian waters associated with the operation of North Dakota's Devils Lake outlet. The response included

- background information,
- a clear statement on the Government of Canada's position, and
- considerable information about the technical work undertaken to prevent the spread of aquatic nuisance species.

4.34 Although the petitioners did not believe that the achieved safeguards described in the response were adequate, they appreciated the thoroughness of the response, which contributed to their understanding of initiatives undertaken.

4.35 This year, during our review of responses, we also noted some specific good practices. For example, in its response to petition 248, Fisheries and Oceans Canada identified a contact person with whom the petitioner could follow up.

Exhibit 4.4 Examples of petitioner questions with responses received this year

Question	Response
<p>Petition 243, Question 6. The evidence for harm from fluoridation chemicals are doses currently used in Canada (0.5mg/L -1mg/L) is reviewed in the National Research Council 2006 Report. Why does the Chief Dental Office for Health Canada travel across the country spending taxpayers money promoting and supporting this unregulated water additive and CEPA-designated toxic substance to municipalities, stating that there is no evidence of harm? Is this his mandate under Health Canada?</p>	<p>Health Canada's response. Among the roles of the Chief Dental Officer, one is to present Health Canada's position on water fluoridation, which is based on internal scientific reviews of original relevant scientific studies that are published in internationally recognized peer-reviewed journals, as well as to promote effective, preventive public health measures such as water fluoridation.</p> <p>An expert panel was formed to provide Health Canada with advice and recommendations on the current state of relevant science with respect to the fluoridation of water. The report from the panel reinforces Health Canada's position that water fluoridation is important from a public health perspective and that our position on water fluoridation is sound. The report's recommendations are based on the latest science. In undertaking the study, Health Canada consulted with a number of experts including scientists from the Universities of British Columbia, Toronto, Iowa; scientists from many areas of Health Canada; and also received input from the Canadian Dental Association, the US Environmental Protection Agency and public health experts from Canada and the US.</p> <p>Health Canada endorses the fluoridation of drinking water to prevent tooth decay, but does not make the decision on whether or not to fluoridate drinking water. Provincial and territorial governments are primarily responsible for the safety of drinking water. In collaboration with their municipalities, they decide whether or not to fluoridate and the amount of fluoride to be added.</p>
<p>Petition 251, Question 2. Please provide a plan of action to secure the national resource of fresh water in this situation [where a province allows for the trade of bulk volumes of water to foreign nations].</p>	<p>Joint response from Environment Canada, Foreign Affairs and International Trade Canada, Natural Resources Canada. The federal government is confident that the 2001 amendments to the <i>International Boundary Waters Treaty Act</i> provides a high level of protection to Canada's water resources within our defined responsibilities. In response to concerns expressed by Canadians, the provinces and territories have also adopted statutes, regulations or policies that prohibit bulk water removal for the purposes of export from provincial and territorial waters. This coordinated inter-jurisdictional approach protects Canada's water resources while fulfilling our international trade obligations. The Government of Canada is committed to further working with our provincial and territorial partners to ensure that there are continued clear and effective provincial prohibitions on bulk water removals or exports.</p> <p>Furthermore, Ontario, Quebec, and the eight Great Lakes states are parties to the Great Lakes St-Lawrence River Basin Sustainable Water Resources Agreement which outlines the principles for management of the Great Lakes. The agreement includes a ban on bulk water diversions out of the basin with rare exceptions agreed to by all parties. The Agreement complements Canadian federal protections that prohibit the bulk removal of water from the Canadian portion of the Great Lakes basin for any reason.</p>

Exhibit 4.4 Examples of petitioner questions with responses received this year (Continued)

Question	Response
<p>Petition 265, Question 4. What percentage of the Canadian Wildlife Service's budget derives from hunting licences revenue?</p>	<p>Environment Canada's response. Revenues from the sale of migratory game bird hunting permits are not used to finance the Canadian Wildlife Service. Revenues from the sale of the hunting stamps (\$8.50) required to validate migratory game bird hunting permits are directed to Wildlife Habitat Canada; this organization uses these funds to finance various environmental projects, particularly habitat protection projects. Revenues from the sale of permits (\$8.50) are allocated to permit and stamp printing, management of the sales network (which involves Canada Post), and overall management of permit issuance activities.</p>
<p>Petition 266, Question 3. Why did DFO authorize gravel removal from Spring Bar in 2008 when both the hydraulic engineering report and the fluvial geomorphic report specifically recommend against removal at this site due to lack of hydraulic benefits and a lack of benefits to erosion, and because this is a zone of intense natural gravel losses, respectively?</p>	<p>Fisheries and Oceans Canada's response. The Province of BC is the authority responsible for approving flood mitigation activities, such as gravel removal. The proposal to remove gravel from Spring Bar was brought forward to DFO as part of the Province of BC's strategic flood mitigation strategy. Through an environmental assessment and the DFO Authorization process, appropriate mitigation measures were identified and implemented to minimize potential impacts on fish and fish habitat.</p>
<p>Petition 270. <i>Note: The following three questions relate to lack of online availability of a report on health impacts of climate change:</i></p> <p>Question 1. Is this method of publication consistent with the federal government's internal policies on publishing?</p> <p>Question 4. How does this report dissemination method improve the protection of the health of Canadians as opposed to dissemination via the Internet?</p> <p>Question 7. Does Health Canada intend to modify the method of publication used for this report?</p>	<p>Health Canada's response to the three questions. The Government of Canada's Communications Policy for public documents is to provide information in a format that is accessible for all users. Due to the size of the <i>Human Health in a Changing Climate</i> report and the difficulty that some Canadians could experience in accessing the document on the Internet (and in keeping with the Government of Canada's policy to make information accessible to all users), it was determined the best method of distribution would be to make the report available as a paper copy or on CD.</p> <p>When the report was released, the Government also made the report available (for a limited time) as a PDF upon request. In general, a PDF only format of the document does not meet the Government's policy of providing information on websites that is accessible to all users, as not all Canadians may have access to software that allows PDF documents to be downloaded and read. However, due to high demand from the Canadian public, the Government made an exception to its guidelines.</p> <p>Canadians can order a hard copy, a CD version, or a complete PDF version of the report by contacting Health Canada publications at the following: [contact information provided]</p>
<p>Petition 255-B, Question 2. How many [telecommunication tower] sites in Canada have more than two transmitters on them?</p>	<p>Industry Canada's response. Publicly available licence information is available on Industry Canada's Spectrum Direct website at https://sd.ic.gc.ca. This website is updated daily to provide the most current information. One of the features of the website is a geographic search feature that permits search radii that can encompass all of Canada.</p> <p>You may be able to obtain the answer to the question being asked via this database by defining what you consider to be a site, using the available data elements.</p>

The full text of the petitions and responses can be found in the petitions catalogue on the Office's website (www.oag-bvg.gc.ca).

4.36 However, we identified some responses that did not meet our basic quality considerations. We follow up with departments when answers are missing or when petitioners express concerns similar to those that we find during our review. For example, this year we raised concerns about unanswered questions in several departmental responses, including the following:

- Fisheries and Oceans Canada’s response to petition 248,
- Health Canada’s responses to petitions 245 and 270, and
- Industry Canada’s response to petitions 255 and 255-B.

4.37 Based on the petitioner feedback that we received during the year, we also followed up with Health Canada about its responses to petitions 221-B and 221-C and with Environment Canada about its previous year’s response to petition 228.

4.38 In most of these cases, departments were willing to consider ways to deal with the deficiencies, including informal follow-up with the petitioner and formal addenda to petition responses. However, we believe that the best approach to dealing with missing answers to questions or inaccurate information is to have a formal addendum signed by the Minister and to post it, along with the original response, on our website. This approach was taken by Fisheries and Oceans Canada, for petition 248, and by Environment Canada, for petition 228. Industry Canada has also indicated to us that it intends to use this approach to deal with the missing answers in petitions 255 and 255-B.

4.39 In our review of petition responses over the past year, we noted that missing answers were often associated with the practice of providing a single response for a group of questions. We accept that there are times when, in responding to petitions, it makes sense to group related questions. However, responding departments that take this approach need to pay particular attention to ensure that they answer all questions in the group.

Petitioners expressed frustration with the quality of responses

4.40 We recently implemented a feedback survey to determine petitioner views on departmental responses to petitions and on the petitions process itself. When this report was being prepared, we had not yet received enough responses to support a full statistical analysis. However, in 10 of 13 responses received to date, petitioners indicated that departments’ explanations of why they disagreed with information or analysis contained in the petition were poor.

4.41 Through both unsolicited feedback and the survey, petitioners told us they were frustrated when they felt that responses did not mirror the depth of information in the petition. For example, some petitioners who had directed scientific or technical questions to Health Canada were dissatisfied with the level of detail provided in the answers.

4.42 When petitioners call or write to us with concerns about the quality of petition responses, we may recommend that they send the relevant minister(s) a letter (with a copy to us) describing their concerns. Petitioners also have the option of submitting a follow-up petition to obtain additional detail or to ask for information on other aspects of the issue.

Impact and relevance of petitions

4.43 Petitioners believe the government should act on their concerns. Previous petitions chapters contain examples of actions that were prompted or accelerated by petitions; but, in most cases, there is no clear, direct cause-and-effect relationship between petitions and specific actions. However, petitions can contribute to the momentum on an issue by

- raising awareness about the issue and about public concerns related to the issue;
- prompting interdepartmental exchanges on the issue;
- creating a clearer public record of the government's views and position on the issue;
- informing further action on the issue by the petitioner; and
- informing audit planning.

4.44 Petitions often raise issues that are of broad public concern or that are emerging into public awareness. Some petitions of the past year have been covered in both the national and local news, including

- concerns about health implications of electromagnetic radiation from cell phones and telecommunications towers (the subject of petitions 235-C and 255-B); and
- the environmental impact of oil sands development (the subject of petition 263).

4.45 Moreover, specific petitions from the past year have been mentioned in the news, including

- petition 272, which focused on a discharge of pesticides into an ecologically significant waterway following a fire at a pesticide plant; and
- petition 278, which was related to the increased cost and time frame of an environmental review of the Mackenzie Valley gas pipeline project.

4.46 Recent audit work in our Office has also benefited from knowledge gained through petitions and responses. For example:

- Our chapter on Protecting Fish Habitat (Chapter 1 of the 2009 Spring Report of the Commissioner of the Environment and Sustainable Development) was informed by numerous petitions and responses from previous years, including petition 227 about letters of advice and operational statements and petition 135 about gravel removal from the Lower Fraser River in British Columbia. Petition 135 was also the subject of a case study in the chapter and received media attention following tabling.
- Our chapter on Applying the *Canadian Environmental Assessment Act* (Chapter 1 of this Commissioner's report) was also informed by petitions—including the response to petition 263, which asked the federal government questions about the status of recommendations from joint panel reviews of oil sands projects.

Opportunities for improvement

4.47 Over the past year, we began to implement a strategy that was developed, in part, to respond to opportunities identified during our retrospective analysis of the petitions process, which we reported on in the October 2007 Report of the Commissioner of the Environment and Sustainable Development, Chapter 2, Environmental Petitions: Retrospective and Annual Report.

4.48 Our strategy includes the following objectives to enhance the effectiveness, integrity, and efficiency of the petitions process:

- Provide better guidance and increase awareness of the petitions process.
- Encourage clearer and more complete responses.
- Encourage the consideration of issues raised in petitions and responses during audit planning.

The Office has taken steps to support better understanding of the petitions process

4.49 In December 2008, we published *Getting Answers—A Guide to the Environmental Petitions Process*. This publication, which is described in the Introduction, is a key element in our efforts to help potential petitioners understand the process and to prepare effective petitions. We used the launch of the guide as an opportunity to raise awareness about the petitions process; we also made a number of public presentations on the process throughout the year.

4.50 We have also worked with departments and agencies to

- deal with their questions about the process;
- hear views on how we can best play our role; and
- encourage clear, complete, and relevant responses.

4.51 The Treasury Board of Canada Secretariat coordinates an interdepartmental working group on petitions. This is a valuable forum for petitioned departments to share information and ideas about the process. We have offered our support for this initiative, used the forum to present information about our role and perspectives, and provided input for a question-and-answer fact sheet that the Secretariat prepared.

4.52 We sometimes receive questions from departments asking how a particular petition relates to environmental issues, which is the legislated focus of petitions. Each case is assessed individually. However, any activities, changes to infrastructure, or releases to the environment (chemical, physical, biological, or radiological releases) that may adversely affect the environment, including humans, are considered to be environmental issues. According to the *Canadian Environmental Protection Act, 1999*, “environment” includes

- air, land, and water;
- all layers of the atmosphere;
- all organic and inorganic matter;
- all living organisms; and
- interacting natural systems.

4.53 According to the *Auditor General Act*, petitions must be about “an environmental matter in the context of sustainable development.” As we note in our guide, the reference to sustainable development reinforces the link between environmental considerations and social and economic matters. Accordingly, petitions may cover a wide range

of subjects, including the effects on human health and the economy from releases to the environment or other forms of environmental degradation. It is part of the role of the Office of the Auditor General to ensure that accepted petitions reflect the focus on environmental issues, as required under the *Auditor General Act*. Ongoing discussions between the Office and departments assist the Office in this role.

Efforts to promote clear and complete responses are ongoing

4.54 In recent months, we have taken steps to further systematize our criteria and approach for reviewing responses as well as our relationships with departments. We have also implemented a feedback survey to find out what petitioners think of the quality of departmental responses. This work will be further reflected in next year's annual report.

4.55 *Access to Information Act process (ATIP)*. Our interactions with departments and petitioners this year revealed uncertainties about the difference between the petitions process and the government's *Access to Information Act* process (ATIP). The petitions process can be used to ask for views, positions, and supporting documents, and to request that action be taken on issues. ATIP is intended as a means to obtain existing documents.

4.56 The government's Communication Policy states that institutions must ensure that "information requests or inquiries from the public are responded to promptly without undue recourse to the *Access to Information Act*." It makes sense, therefore, for departments and agencies to provide documents with the petition response if doing so can answer questions or fulfill requests more completely.

Petitions and responses are being used to inform audit planning

4.57 The petitions process is one of the ways our Office stays abreast of environmental issues that are of concern to Canadians. The petitions team has begun to provide more in-depth input to other teams in the Office to help maximize the value of petitions as a source of information for audit planning.

Conclusion

4.58 The petitions process remains a unique way for Canadians to raise their environmental concerns to federal ministers. They can also use the process to obtain information and, in some cases, commitments to action.

4.59 While the number of petitions submitted by Canadians decreased this year, the range of topics was similar to last year. The percentage of on-time responses made by departments and agencies is continuing to decline—77 percent of responses were on time this year, compared with 86 percent last year.

4.60 The quality of responses is the key to realizing the value of the environmental petitions process. While petitioners have a role to play, that is, submitting petitions that are clear, concise, and well researched; departments have a responsibility to provide complete and relevant responses.

4.61 We will continue to work to promote responses that consistently meet basic quality criteria. We will also continue to take information from petitions and responses into account in our audit planning. These actions, among others, are designed to help petitions play their part in influencing federal management of environmental issues.

About the Chapter

Objective

The objective of this chapter is to inform Parliament and Canadians about the use of the petitions process. In accordance with sections 22 and 23 of the *Auditor General Act*, the chapter describes the number, nature, and status of petitions received, and the timeliness of responses from ministers.

Scope and approach

The annual report on petitions summarizes monitoring of the petitions process by the Commissioner of the Environment and Sustainable Development within the Office of the Auditor General of Canada. It covers the period from 1 July 2008 to 30 June 2009. The Appendix provides summaries of the petitions received during this reporting period.

Work completed

The work for this chapter was substantially completed on 15 July 2009.

Audit team

Principals: Andrew Ferguson and Paul Morse

Director: David Willey

Rebecca Aird

Hélène Charest

Lyane Maisonneuve

Josée Perrier

Erin Windatt

For information, please contact Communications at 613-995-3708 or 1-888-761-5953 (toll-free).

Appendix Petitions activity (1 July 2008 to 30 June 2009)

This appendix includes a summary of the petitions (follow-up and new issues) received during the activity period noted above. To access the full text of petitions and responses from December 1995 to 30 June 2009, go to the petitions catalogue on our website. If necessary, paper copies of the catalogue can be obtained on request.

Petition No. 262: Bioaccumulation assessment criteria related to the regulation of fire-retardant chemicals

Date received: 16 July 2008

Petitioner: Mary Lou McDonald

Summary: The petitioner is concerned that the assessment criteria in the Persistence and Bioaccumulation Regulations do not adequately measure the bioaccumulation effects of certain fire-retardant chemicals, such as decabromodiphenyl ether (decaBDE). The petitioner asks the federal government to modify the regulations to test exposure through water, food, and air. The petitioner also requests that the federal government recommend a ban on decaBDE under the *Canadian Environmental Protection Act*, since the petitioner alleges that it has already been demonstrated that decaBDE is persistent, toxic, and bioaccumulative.

Issues: Human health/environmental health, and toxic substances

Federal departments/agencies replying: Environment Canada, Health Canada

Status: Completed

Petition No. 255B: Potential impact on human health of electromagnetic radiation emanating from telecommunication towers on Triangle Mountain, British Columbia

Date received: 21 July 2008

Petitioners: Dennis E. Noble and Sharon L. Noble

Summary: The petitioners allege that residents in the Triangle Mountain area of Colwood, British Columbia are being exposed to a high level of electromagnetic radiation emanating from telecommunication towers on the mountain. The petitioners request that the towers be moved to a non-residential site. They also raise questions about the monitoring of the field strength of the transmitter.

Issues: Compliance and enforcement, governance, human health/environmental health, science and technology, and other

Federal departments/agencies replying: Health Canada, Industry Canada

Status: Completed

Petition No. 263: Status of recommendations in joint panel reviews of oil sands

Date received: 6 August 2008

Petitioner: Environmental Defence Canada

Summary: The petitioner seeks information from federal departments and agencies on the status of their follow-up action on recommendations in several joint panel reviews of oil sands.

Issues: Compliance and enforcement, and environmental assessment

Federal departments/agencies replying: Environment Canada, Fisheries and Oceans Canada, Health Canada, Natural Resources Canada, Transport Canada

Status: Completed

Petition No. 264: Environmental information in the “application for licence” to install a cellular tower in Simcoe, Ontario

Date received: 19 August 2008

Petitioners: Frank Woodcock and Geoffrey Saldanha

Summary: The petitioners question how Industry Canada verified the accuracy of environmental information in the “application for licence” to install a cellular tower in Simcoe, Ontario. They are concerned that the processes for application, attestation, and construction are self-regulated by the applicant.

Issues: Compliance and enforcement, human health/environmental health, and science and technology

Federal departments/agencies replying: Industry Canada

Status: Completed

Petition No. 240B: Follow-up petition on environmental concerns regarding the Cacouna Marsh

Date received: 28 August 2008

Petitioner: Gérard Michaud

Summary: The petitioner is following up on the responses received from Transport Canada and Environment Canada to petition number 240. This follow-up seeks clarification regarding the current classification of the marsh and a definition for the phrase “conflicts of use.”

Issues: Biological diversity, environmental assessment, other, and water

Federal departments/agencies replying: Environment Canada, Transport Canada

Status: Completed

Petition No. 265: Hunting safety in the Cacouna Marsh

Date received: 2 September 2008

Petitioner: Gérard Michaud

Summary: The petitioner would like hunting activities in the Cacouna Marsh to be more closely monitored. Among other things, the petitioner would also like the Government of Canada to prohibit hunting near bird watching areas, and by certain ponds and pedestrian areas to ensure pedestrian safety. The petitioner would also like no-hunting signs to be more visible.

Issues: Compliance and enforcement, and human health/environmental health

Federal departments/agencies replying: Environment Canada

Status: Completed

Petition No. 266: Gravel removal in the lower Fraser River, British Columbia

Date received: 2 October 2008

Petitioner: Dr. Marvin L. Rosenau

Summary: The petitioner alleges that large-scale gravel removal near Seabird Island in the lower Fraser River has damaged fish habitat, with little or no increase in flood protection. The petitioner asks Fisheries and Oceans Canada several questions, including why its approval of this project ignores commitments made in response to a 2004 petition. The petitioner suggests that the project may contravene the intent of the *Fisheries Act* as well as requirements of the *Canadian Environmental Assessment Act*.

Issues: Aboriginal affairs, biological diversity, environmental assessment, fisheries, and natural resources

Federal departments/agencies replying: Fisheries and Oceans Canada

Status: Completed

Petition No. 267: Impact of siltation on fish and fish habitat in Pomquet, Nova Scotia

Date received: 8 October 2008

Petitioner: Robert P. Bancroft

Summary: The petitioner alleges that clear-cutting operations on a woodlot near a brook in Pomquet, Nova Scotia is contributing to increased siltation. The petitioner is concerned that this siltation is having a negative impact on fish and fish habitat, in contravention of the *Fisheries Act*. The petitioner asks questions about the investigations that Fisheries and Oceans Canada did in 2007.

Issues: Compliance and enforcement, environmental assessment, fisheries, and water

Federal departments/agencies replying: Fisheries and Oceans Canada

Status: Completed

Petition No. 268: Request to withdraw the registration of neurotoxic pesticides in Canada

Date received: 28 October 2008

Petitioner: Ann V. Kuczerpa

Summary: The petitioner is concerned about the possible neurological health effects of pesticides and requests that the federal government withdraw the registration of neurotoxic pesticides. The petitioner cites many scientific studies that, according to the petitioner, show neurotoxic pesticides to be harmful.

Issues: Compliance and enforcement, human health/environmental health, pesticides, and toxic substances

Federal departments/agencies replying: Agriculture and Agri-Food Canada, Environment Canada, Health Canada, Department of Justice Canada

Status: Completed

Petition No. 269: Environmental concerns related to proposed expansion of the Marmot Basin Ski Area in Jasper National Park, Alberta

Date received: 28 November 2008

Petitioners: Jasper Environmental Association, UTSB Research and Bow Valley Naturalists,

Summary: The petitioners are concerned about the potential environmental impact that the proposed expansion of the Marmot Basin Ski Area in Jasper National Park could have on an adjacent wilderness area. They ask that Parks Canada revisit its decision to approve the Marmot Basin Site Guidelines for Development and Use and raise questions related to the environmental studies underlying this decision, such as those related to species at risk in this area.

Issues: Biological diversity, compliance and enforcement, and environmental assessment

Federal departments/agencies replying: Environment Canada, Parks Canada Agency

Status: Completed

Petition No 270: Publication practices related to reports on the health impacts of climate change

Date received: 19 January 2009

Petitioner: Pierre Gosselin

Summary: The petitioner is concerned that Health Canada's study entitled *Human Health in a Changing Climate: A Canadian Assessment of Vulnerabilities and Adaptive Capacity* is not directly available on the Department's website. The petitioner believes that this is an important report on the health of Canadians and asks Health Canada whether this decision complies with federal government publication policies.

Issues: Climate change, compliance and enforcement, human health/environmental health, and other

Federal departments/agencies replying: Health Canada

Status: Completed

Petition No. 271: Health and safety studies related to the lights used in barcode readers

Date received: 28 January 2009

Petitioner: A Canadian resident

Summary: The petitioner asks the government to provide information on health and safety studies related to the lights used in barcode readers.

Issues: Human health/environmental health and science and technology

Federal departments/agencies replying: Health Canada

Status: Completed

Additional Information: The full petition and responses will not be published at the petitioner's request.

Petition No. 235C: Follow-up petition on the health risks posed by electromagnetic radiation

Date received: 11 February 2009

Petitioner: Frank Woodcock

Summary: In this follow-up petition, the petitioner asks Health Canada further questions on the studies cited as “weight of evidence” in response to a previous petition. The petitioner continues to raise concerns about alleged industry influence on electromagnetic radiation research. He also expresses continuing concern about Safety Code 6, the guidelines prepared by Health Canada governing electromagnetic radiation, and asks Health Canada about potential health effects of cellular phones, in addition to those related to thermal heating of tissue.

Issues: Human health/environmental health, and other

Federal departments/agencies replying: Health Canada

Status: Completed

Additional Information: The full petition and responses will not be published at the discretion of the OAG.

Petition No. 272: Incident reporting related to a fire at a pesticide manufacturer

Date received: 5 March 2009

Petitioner: Kris Robinson

Summary: The petitioner is concerned about the adequacy of incident reporting related to a fire at a pesticide manufacturer in Dundas, Ontario. The petitioner claims that douse water contaminated with Malathion, Carbaryl and Diazinon entered Spencer Creek and Cootes Paradise Marsh, a Provincially Significant Class 1 Wetland, resulting in significant loss of living organisms. The petitioner asks the responsible departments to ensure that the appropriate registrants of these pesticides file an incident report as required by law. The petitioner also asks Health Canada to examine the continued registration of these pesticides.

Issues: Compliance and enforcement, fisheries, human health/environmental health, pesticides, and water

Federal departments/agencies replying: Environment Canada, Health Canada

Status: Completed

Petition No. 273: Creating buffer zones around national parks to protect Rocky Mountain wolf populations

Date received: 3 April 2009

Petitioner: Northern Lights Wildlife Wolf Centre

Summary: The petitioners are concerned about the federal government’s policies and regulations regarding the protection of wolves living in and around national parks in the Central Rocky Mountains. They are asking the federal government to work with provincial governments to create 200-kilometre buffer zones around each national park with land use restrictions that aim to protect wolf populations and to reduce mortality rates. They allege that existing designated wilderness areas are too small to maintain a healthy wolf population and to effectively conserve biodiversity.

Issues: Biological diversity, and federal provincial relations

Federal departments/agencies replying: Environment Canada, Parks Canada

Status: Completed

Petition No. 274: Request for federal action to protect Canadians from vapour intrusion of CEPA Schedule 1 toxic substances into residences

Date received: 7 April 2009

Petitioner: Deborah Vitez

Summary: The petitioner is concerned that residential communities are inadequately protected from the risks of vapour intrusion of volatile organic compounds (VOCs), some of which are Schedule 1 toxic substances as described by the *Canadian Environmental Protection Act, 1999* (CEPA). These vapours can percolate into structures and buildings from contaminated groundwater or soil. The petitioner focuses on the alleged health impacts related to a specific case of elevated trichloroethylene (TCE) levels in a residential area in Cambridge, Ontario. The petitioner asks the federal government about the currency of its standards, management, and scientific research for vapour intrusion of TCE and VOCs, and its impact on human health. The petitioner also requests federal action to initiate an online registry of contaminated sites, and to develop uniform indoor air quality standards and remedial guidance across Canada.

Issues: Air Quality, federal provincial relations, human health/environmental health, other, and toxic substances

Federal departments/agencies replying: Environment Canada, Health Canada, Public Health Agency of Canada

Status: Completed

Petition No. 275: Progress toward meeting drinking water quality standards on Indian reserves

Date received: 7 April 2009

Petitioner: Harry Swain

Summary: The petitioner is seeking information on the federal government's progress toward meeting drinking water quality and sewage treatment standards on Indian reserves.

Issues: Aboriginal affairs, compliance and enforcement, federal provincial relations, human health/environmental health, and water

Federal departments/agencies replying: Environment Canada, Health Canada, Indian and Northern Affairs Canada

Status: Reply (replies) pending

Petition No. 276: The use of manure that allegedly contains livestock antibiotics and its impact on human health and the environment

Date received: 23 April 2009

Petitioner: Frank Woodcock

Summary: The petitioner is concerned about the potential health impact of ingesting food crops that accumulate antibiotics from soils spread with livestock manure. The petitioner asks the federal government if it is aware of this situation and what it is doing to protect Canadians from involuntarily ingesting antibiotics from food crops, such as vegetables, that are grown with livestock manure.

Issues: Agriculture, human health/environmental health, and science and technology

Federal departments/agencies replying: Agriculture and Agri-Food Canada, Health Canada, Public Health Agency of Canada

Status: Reply (replies) pending

Petition No. 277: Impact on marine life and habitat from garbage compactor truck leachate draining into sewers and waterways

Date received: 15 May 2009

Petitioner: Bharbara Gudmundson

Summary: The petitioner is concerned about the potential impact on marine life and habitat resulting from garbage compactor truck leachate draining into sewers and waterways. The petitioner asks the federal government if it recognizes garbage leachate as a deleterious substance and, if so, what it is doing to deal with this issue.

Issues: Compliance and enforcement, fisheries, human health/environmental health, toxic substances, and water

Federal departments/agencies replying: Environment Canada

Status: Reply (replies) pending

Petition No. 278: Concerns about the Mackenzie Gas Project Joint Review Panel's funding and contractual arrangements

Date received: 5 June 2009

Petitioner: PermaFrost Media

Summary: The petitioners are concerned that the original budget and timeline for the Mackenzie Gas Project Joint Review Panel have been substantially exceeded. The Panel was set up in 2004 to review and report on the potential impacts of the Mackenzie Gas Project on the environment and lives of the people in the Mackenzie River Valley region of the Northwest Territories. The Project proposes to develop natural gas fields and deliver the natural gas to markets via a transportation pipeline. The petitioners are seeking answers to questions about the Panel's funding and contractual arrangements.

Issue: Environmental assessment

Federal departments/agencies replying: Environment Canada, Department of Finance Canada, Treasury Board of Canada Secretariat

Status: Reply (replies) pending

Petition No. 279: Policies and actions regarding after-hours lighting of federal government office buildings

Date received: 8 June 2009

Petitioner: Marc-André Roy

Summary: The petitioner is concerned about the wasted energy and greenhouse gas emissions related to the lighting of federal office buildings after general business work hours. He asks the federal government what policies and actions it has in place for the efficient use of lighting in its buildings, and about the potential cost this has on taxpayers and the environment.

Issues: Climate change and other

Federal departments/agencies replying: Environment Canada, Natural Resources Canada, Public Works and Government Services Canada, Treasury Board of Canada Secretariat

Status: Reply (replies) pending

Petition No. 280: Concerns about Canada's export of chrysotile asbestos and the delayed release of a report about its potential health impacts

Date received: 10 June 2009

Petitioner: Frank Woodcock

Summary: The petitioner asks why Health Canada delayed release of a report by a panel of international experts that he claims shows a relationship between chrysotile asbestos and lung cancer. The petitioner also questions why the federal government allows asbestos to be sold to other countries.

Issues: Human health/environmental health, international cooperation, toxic substances

Federal departments/agencies replying: Environment Canada, Foreign Affairs and International Trade Canada, Health Canada, Natural Resources Canada

Status: Reply (replies) pending

Petition No. 281: Federal role in ensuring the Government of Ontario's protection of fish habitat and water quality affected by mining exploration

Date received: 11 June 2009

Petitioners: John Kittle and Sheila King

Summary: The petitioners are concerned about the potential impacts on fish habitat, water quality, and human health related to mining exploration activities in Ontario, particularly in the Mississippi River watershed of Eastern Ontario. They ask Fisheries and Oceans Canada and Environment Canada to investigate whether the Government of Ontario is meeting its obligations to protect fish habitat and water quality under federal legislation as laid out in the 2007 Inter-Jurisdictional Compliance Protocol for Fish Habitat and Associated Water Quality.

Issues: Compliance and enforcement, federal provincial relations, governance, human health/environmental health, toxic substances, and water

Federal departments/agencies replying: Environment Canada, Fisheries and Oceans Canada

Status: Reply (replies) pending

Petition No. 282: Concerns about harmonization and enforcement of *Canadian Environmental Protection Act (CEPA 1999)* regulations governing transboundary movement of hazardous wastes

Date received: 15 June 2009

Petitioner: RPR Environmental Inc.

Summary: The petitioner raises general concerns about the regulation of transboundary hazardous waste disposal, and specific concerns related to compliance investigations at a particular facility. The petitioner asks Environment Canada to modify the Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations to correct an alleged inconsistency in reporting requirements between Canada and the United States, which the petitioner claims creates compliance issues for Canadian businesses.

Issues: Compliance and enforcement, international cooperation, toxic substances, transport, and waste management

Federal departments/agencies replying: Environment Canada

Status: Reply (replies) pending

Petition No. 283: Concerns about the regulation of the herbicide atrazine and its potential impact on amphibian populations

Date received: 22 June 2009

Petitioner: Frank Woodcock

Summary: The petitioner is concerned about Canada's regulation of the herbicide atrazine in light of a scientific study that, the petitioner claims, shows adverse effects on amphibian populations. The petitioner seeks information about the federal government's plans and activities to monitor and research the adverse effects of atrazine on amphibians. The petitioner asks how regulatory decisions are made, given that the objective of Health Canada's Pest Management Regulatory Agency is to prevent unacceptable risks to human health and the environment from the use of pesticides. The petitioner also asks if the Agency has made information publicly available on atrazine's adverse effects on the environment.

Issues: Biological diversity, human health/environmental health, international cooperation, and pesticides

Federal departments/agencies replying: Environment Canada, Health Canada

Status: Reply (replies) pending

Petition No. 284: Control of toxic substances in tobacco products

Date received: 24 June 2009

Petitioner: Gaston Hervieux

Summary: The petitioner questions the federal government about the control of toxic substances in tobacco products. He wonders about the steps taken to reduce the impacts on human health.

Issues: Human health/environmental health and toxic substances

Federal departments/agencies replying: Agriculture and Agri-Food Canada, Department of Finance Canada, Department of Justice Canada, Environment Canada, Health Canada, Public Health Agency of Canada

Status: Reply (replies) pending

Petition No. 285: Request for the federal government to waive court costs for environmental non-governmental organizations that are acting in the public interest

Date received: 25 June 2009

Petitioner: Les Amis de la Rivière Kipawa

Summary: The petitioner has incurred court costs related to its filing in the Federal Court of Canada, and subsequently the Federal Court of Appeal, for a judicial review of the environmental assessment of a dam refurbishment on the Kipawa River at Laniel, Quebec. The petitioner claims that it was acting in the public interest. It asks that the Department of Justice waive the court costs not only in this case but also in future situations where environmental non-governmental organizations are acting in the public interest.

Issues: Environmental assessment, governance, other, and water

Federal departments/agencies replying: Department of Justice Canada

Status: Reply (replies) pending

Petition No. 286: Concerns about the potential environmental impacts of the Nanaimo airport expansion on Vancouver Island, British Columbia

Date received: 30 June 2009

Petitioner: Mid-Island Sustainability & Stewardship Initiative

Summary: The petitioner raises questions about alleged failings in the consultation and environmental assessment processes related to the expansion of the Nanaimo airport on Vancouver Island, British Columbia. The petitioner asks the federal government about what studies were done concerning the potential impact of the airport's development on the environment. The petitioner also asks that an environmental assessment be carried out so that both the short- and long-term impacts of this project are fully understood and addressed.

Issues: Environmental assessment, fisheries, human health/environmental health, transport, and water

Federal departments/agencies replying: Environment Canada, Fisheries and Oceans Canada, Health Canada, Transport Canada

Status: Reply (replies) pending

Report of the Commissioner of the Environment and Sustainable Development—Fall 2009

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