

2005



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

**Chapter 8**  
**Environmental Petitions**

- Annual Report on Petitions
- Insurance for Nuclear Operators
- Guidelines for Listing Species at Risk
- Impacts of Hog Farming



Office of the Auditor General of Canada

*The 2005 Report of the Commissioner of the Environment and Sustainable Development comprises eight chapters, and The Commissioner's Perspective—2005 and Main Points. The main table of contents is found at the end of this publication.*

This report is available on our Web site at [www.oag-bvg.gc.ca](http://www.oag-bvg.gc.ca).

For copies of this 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 (toll-free)  
Fax: (613) 943-5485  
E-mail: [distribution@oag-bvg.gc.ca](mailto:distribution@oag-bvg.gc.ca)

*Ce document est également publié en français.*

© Minister of Public Works and Government Services Canada 2005  
Cat. No. FA1-2/2005-8E  
ISBN 0-662-41319-9



Chapter

# 8

## **Environmental Petitions**

- Annual Report on Petitions
- Insurance for Nuclear Operators
- Guidelines for Listing Species at Risk
- Impacts of Hog Farming

*The audit work reported in this chapter was conducted in accordance with the legislative mandate, policies, and practices of the Office of the Auditor General of Canada. These policies and practices embrace the standards recommended by the Canadian Institute of Chartered Accountants.*

# Table of Contents

<b>Main Points</b>	<b>1</b>
<b>Introduction</b>	<b>3</b>
Focus of the chapter	4
<b>Annual report on petitions received</b>	<b>5</b>
Using the petitions process	5
Maintaining the integrity of the process	5
<b>Audits of petition responses</b>	<b>9</b>
<b>Insurance for nuclear operators</b>	<b>10</b>
Accident insurance requirements at nuclear facilities are not in keeping with international standards	10
<b>Guidelines for listing species at risk</b>	<b>12</b>
Environment Canada expects guidelines to be in place in 2006	12
<b>Impacts of hog farming</b>	<b>15</b>
Environment Canada cannot yet demonstrate that its compliance promotion and enforcement efforts at hog farms are effective	17
Agriculture and Agri-Food Canada's strategic approach to reducing the environmental impacts of hog farming is not clear	20
Agriculture and Agri-Food Canada is not effectively communicating or monitoring its beneficial management practices	23
<b>Conclusion</b>	<b>27</b>
<b>About the Chapter</b>	<b>29</b>
<b>Appendices</b>	
A. Petitions activity (1 July 2004 to 30 June 2005)	31
B. List of recommendations	44





# Environmental Petitions

---

## Main Points

### What we examined

This is the annual report of the Commissioner of the Environment and Sustainable Development to Parliament on the environmental petitions process as required by the *Auditor General Act*. It reports on new petitions received between 1 July 2004 and 30 June 2005.

We audited selected responses to previous environmental petitions to determine whether action had been taken by Natural Resources Canada to update the *Nuclear Liability Act*, by Environment Canada to establish guidelines for designating a species at risk, and by Agriculture and Agri-Food Canada and Environment Canada to reduce the environmental impacts of hog farming.

### Why it's important

The environmental petitions process allows Canadians to formally present their concerns about environmental issues to federal ministers and obtain a response. The process allows both citizens and organizations to ask that ministers investigate environmental problems, explain federal policy, or examine the enforcement of environmental legislation.

Petitions have resulted in commitments by ministers and action by departments on environmental issues. For the petitions process to work effectively for Canadians, petitioners need to clearly present the issues and questions that concern them and make sure their facts are correct. Departments must respond to petitions within 120 days and ensure that the responses clearly address all issues raised in the petitions.

Monitoring and auditing petition responses allows us to further examine issues that Canadians have raised and that may not have otherwise been brought to our attention. Through these audits, we assess whether federal ministers are meeting commitments to act on issues raised in petitions.

### What we found

- **Report on petitions process.** Statements and commitments made by federal ministers address important issues raised by Canadians through the petitions process. However, in those responses we audited this year, we found that progress on addressing the issues has been slow.

- **Insurance for nuclear operators.** In his response to two petitions, the Minister of Natural Resources committed to updating the *Nuclear Liability Act* to increase the mandatory amount of insurance carried by operators of nuclear facilities to compensate those who may suffer injury or damage in the event of an accident. However, the Act has not yet been revised. As a result, insurance coverage in Canada remains at a level established almost 30 years ago and is considerably lower than the coverage in other major industrialized nations.
- **Guidelines for listing species at risk.** The *Species at Risk Act* was introduced in 2002 to protect and recover species at risk. In response to a petition, the Minister of the Environment committed to establishing guidelines for deciding which species to protect by designating them at risk. Environment Canada has indicated that these guidelines will not be in place until 2006. In the meantime, decisions are being made without the benefit of guidelines intended to make the government's decision-making process more consistent and transparent.
- **Impacts of hog farming.** As a result of two petitions, we audited actions by Agriculture and Agri-Food Canada and Environment Canada to reduce the environmental impacts of hog farming. We found that the departments do not know if their programs and activities are reducing those impacts. For example, Environment Canada cannot yet demonstrate that its efforts have increased compliance with the pollution prevention provisions of the *Fisheries Act*. Agriculture and Agri-Food Canada has yet to clarify its strategic approach to address the environmental impacts of hog farming. Although the Department has made progress in measuring the impacts of agriculture on the environment, it is not effectively communicating or monitoring the implementation of its beneficial management practices for hog farming.

**The departments have responded.** Agriculture and Agri-Food Canada, Environment Canada, and Natural Resources Canada have accepted our recommendations. Their responses, which follow the recommendations in the chapter, indicate the actions departments will take and when they will be undertaken.



## Introduction



Spilled substance from a foreign shipping container on day of incident

Source: Tom Edwards

**8.1** In his environmental petition, Ontario resident Tom Edwards claims that he has been unable to work since 18 May 2001. On that day, while working in a shipping department of a private company, he cut the packing tape securing a pallet that had arrived from Hong Kong. According to Mr. Edwards, he was covered by Dinex, a toxic pesticide not registered for use in Canada, and it affected his health. He stated that the container holding the pallet was not properly marked. This incident prompted Mr. Edwards to submit a petition to our Office (petition 126A) to examine whether chemicals not registered for use in Canada were shipped in a container that was not properly marked. We forwarded his petition to Transport Canada and Health Canada.

**8.2** In its response, Transport Canada stated, among other things, that if a container is fumigated with dangerous goods, entryways through which a person can enter a container must be marked with a fumigation sign. The Department informed Mr. Edwards that to conduct an investigation into the issue, it would need positive identification of the powder in question. The Minister of Health acknowledged the seriousness of the incident and informed the petitioner that the Workplace Safety and Insurance Board or the Office of the Worker Adviser in Ontario may have additional information and advice.

**8.3** On 4 March 2005, Mr. Edwards submitted a follow-up petition (petition 126B) with a laboratory report indicating that the chemical that he was exposed to was Dinex. In this petition, Mr. Edwards further questioned the procedures in place to prevent a similar incident from occurring and requested other actions from departments. We forwarded his petition to the Canada Border Services Agency, Health Canada, Human Resources and Skills Development Canada, and Transport Canada. Their responses will be available on our Web site once we receive them ([www.oag-bvg.gc.ca/domino/petitions.nsf/english](http://www.oag-bvg.gc.ca/domino/petitions.nsf/english)).

**8.4** This is just one example of an issue raised in an environmental petition. Any Canadian resident, organization, business, or municipality can submit an environmental petition to the Auditor General of Canada and receive a response from the responsible federal minister(s). Petitions must address environmental issues involving the federal government. Exhibit 8.1 provides more information on the petitions process and the role of the Commissioner of the Environment and Sustainable Development.

**Focus of the chapter**

**8.5** The purpose of this chapter is to report to Parliament and Canadians on the use of the petitions process and on our monitoring of petitions received between 1 July 2004 and 30 June 2005. We also report on findings from three audits that we conducted based on selected petition responses.

**Exhibit 8.1 The environmental petitions process and the role of the Commissioner of the Environment and Sustainable Development**

The environmental petitions process was established under the *Auditor General Act* in 1995. It provides a way for Canadians to personally take action on environmental issues that they care about. The federal government is the focus of the petitions process.

The Commissioner of the Environment and Sustainable Development oversees the petitions process on behalf of the Auditor General.

<b>Starting a petition</b>	The process starts when a resident of Canada submits a petition in writing to the Auditor General of Canada. The process is open to individuals, organizations, municipalities, or corporations.	
<b>Processing a petition</b>	The Commissioner’s petitions team reviews incoming petitions to determine if they meet the requirements set out in the <i>Auditor General Act</i> . A petition must be submitted by a Canadian resident and deal with an environmental issue in the context of sustainable development that is the responsibility of a federal department or agency subject to the petitions process.	
	If the petition meets the requirements of the legislation, the petitions team determines which federal departments and agencies are responsible for the issue(s) in the petition and sends it to the responsible minister(s).	If the petition is not accepted, the petitioner will be contacted. If the petition is incomplete or unclear, the petitioner will be asked to re-submit it.
<b>Responding to a petition</b>	Upon receipt of a petition, a minister is required to do the following: <ul style="list-style-type: none"> <li>• send out an acknowledgement letter to the petitioner and the Commissioner within 15 days, and</li> <li>• provide a substantive reply to the petitioner and Commissioner within 120 days of receipt.</li> </ul>	

<b>Ongoing petitions activities</b>			
<b>Monitoring</b>	<b>Reporting</b>	<b>Posting on the Web</b>	<b>Auditing</b>
The Commissioner monitors acknowledgement letters and replies from ministers.	The environmental petitions chapter allows the Commissioner to report to the House of Commons on the number of petitions received, their subject matter and status, and information on departmental compliance with statutory timelines.	The Commissioner posts petitions, replies, and summary information on the Web ( <a href="http://www.oag-bvg.gc.ca/domino/petitions.nsf/english">www.oag-bvg.gc.ca/domino/petitions.nsf/english</a> ).	Petition responses are examined as part of audits on environmental and sustainable development issues.

## Annual report on petitions received

### Thirty-one departments and agencies are subject to the environmental petitions process

Agriculture and Agri-Food Canada  
 Atlantic Canada Opportunities Agency  
 Canada Border Services Agency  
 Canada Economic Development for Quebec Regions  
 Canada Firearms Centre  
 Canada Revenue Agency  
 Canadian Heritage  
 Canadian International Development Agency  
 Citizenship and Immigration Canada  
 Department of Finance Canada  
 Department of Justice Canada  
 Environment Canada  
 Fisheries and Oceans Canada  
 Foreign Affairs Canada  
 Health Canada  
 Human Resources and Skills Development Canada  
 Indian and Northern Affairs Canada  
 Industry Canada  
 International Trade Canada  
 National Defence  
 Natural Resources Canada  
 Parks Canada Agency  
 Public Health Agency of Canada  
 Public Safety and Emergency Preparedness Canada  
 Public Service Human Resources Management Agency of Canada  
 Public Works and Government Services Canada  
 Social Development Canada  
 Transport Canada  
 Treasury Board of Canada Secretariat  
 Veterans Affairs Canada  
 Western Economic Diversification Canada

### Using the petitions process

**8.6** We received 37 petitions this year. The petitions came from most parts of the country (Exhibit 8.2), and this is the first year that we received a petition from Nunavut (petition 131). This petitioner claims that Indian and Northern Affairs Canada has not established a general environmental monitoring program in Nunavut, as required under the terms of the Nunavut Land Claims Agreement. Most petitions continue to come from individual Canadians, as well as small local or regional organizations and grass-roots coalitions. We noted an increase in petitions dealing with Aboriginal issues over the last two years.

**8.7** An overview of petitions activity during our reporting period (1 July 2004 to 30 June 2005) is in Appendix A. It includes summaries of all new petitions received since July 2004. Petitions and responses are posted in our Petitions Catalogue on our Web site ([www.oag-bvg.gc.ca/domino/petitions.nsf/english](http://www.oag-bvg.gc.ca/domino/petitions.nsf/english)) after they are tabled in Parliament.

### Maintaining the integrity of the process

**8.8** It is the Commissioner's responsibility to monitor petition responses from departments and agencies. To do so, we consider the following questions:

- Are departments responding to petitioners on time?
- Are departments providing a substantive response that clearly addresses the questions and other requests made in petitions?

**8.9 Most departments are responding on time.** Departments are generally meeting the requirements of the *Auditor General Act* and responding to petitions within the mandatory timeline of 120 days (Exhibit 8.3). However, there are some exceptions, including Health Canada, which was late in responding to three out of seven petitions this year. Last year we reported that Indian and Northern Affairs Canada was not meeting the deadlines. The Department has since responded to all outstanding petitions from last year and set in place an internal protocol for ensuring timely responses to petitions. We are pleased to note that this year, Indian and Northern Affairs Canada has responded to all petitions on time.

**Exhibit 8.2** Petitions come from many parts of the country (1 July 2004 to 30 June 2005)



Petition No.	Subject
82D	Follow-up petition on the Red Hill Valley Expressway in Hamilton, Ontario
90B	Follow-up petition on fishing practices and sensitive fish habitat in the ocean
99B	Follow-up petition on trumpeter swans in Judson Lake, British Columbia
105B	Follow-up petition on federal environmental assessment for a regional road project in St. Albert, Alberta
109B	Follow-up petition concerning a closed landfill in Cramahe, Ontario
118B	Follow-up petition on the environmental impacts of man-made dams
122A	Housing development near Mission, British Columbia
122B	Follow-up petition on a housing development near Mission, British Columbia
123	Resort development near Invermere, British Columbia
124	Enforcement of the <i>Fisheries Act</i> in the Province of Quebec
125	Federal regulation of genetically modified organisms
126A	Fumigants and other pesticides in shipping containers
126B	Follow-up petition on fumigants and other pesticides in shipping containers
127	Protection of fish habitat in riparian and streamside areas in British Columbia
128	Clean-up of chemical contamination in Elmira, Ontario
129	Federal re-evaluation of pesticide 2,4-D
130	Incentives to implement Canada's commitments under the Kyoto Protocol
131	Environmental monitoring in Nunavut
132	Ontario Mid-Canada Line radar site remediation

Petition No.	Subject
133	Cumulative environmental effects of resource development in British Columbia
134	Sustainable management of the Pacific herring fishery
135	Large-scale gravel removals from the Lower Fraser River in British Columbia
136	Environmental assessments and permitting man-made dams
137	Strategic environmental assessment and the Red River Floodway
138	Strategic environmental assessment of a causeway in Rustico Harbour, P.E.I.
139	Managing government contractors for sustainable service delivery
140	Cleaning up the Sydney Tar Ponds and Coke Ovens
141	Approval and registration process for pesticides
142	Biodiversity and species at risk
143	Long-range plans for ski areas in Canada's Rocky Mountain parks
144	<i>Pest Control Products Act</i> Regulations
145	Business Park development in Surrey, British Columbia
146	Firearms contaminants in federal training facilities
147	Evaluating the tax system to advance environmental goals
148	Protecting wild salmon from disease at fish farms
149	Decision not to list Cultus and Sakinaw Lake sockeye salmon under the <i>Species at Risk Act</i>
150	Rapid transit project serving the Vancouver International Airport

**Exhibit 8.3 Did departments and agencies respond on time?**  
(responses due between 1 July 2004 and 30 June 2005)

Department/Agency	Number of petitions	Percentage on time
Agriculture and Agri-Food Canada	3	100
Atlantic Canada Opportunities Agency	1	0
Department of Finance Canada	1	0
Department of Justice Canada	2	100
Environment Canada	25	96
Foreign Affairs Canada	2	0
Fisheries and Oceans Canada	30	83
Health Canada	7	57
Industry Canada	1	100
International Trade Canada	1	100
Indian and Northern Affairs Canada	5	100
National Defence	2	100
Natural Resources Canada	4	75
Parks Canada Agency	2	50
Public Works and Government Services Canada	3	100
Transport Canada	9	89
Western Economic Diversification Canada	3	100

**8.10 Departments need to address petitioners' requests.** Departments can ensure the efficiency and effectiveness of the petitions process by providing substantive responses that clearly address all matters raised by the petitioners. As part of our monitoring role, we review responses to petitions to see if they address the petitioners' concerns and requests in a manner that is clear, comprehensive, and understandable. Most departments met these minimum requirements; however, in a few cases departments' responses did not address petitioners' requests, or they were vague and conveyed little meaningful information. This year a number of petitioners have contacted our Office, concerned that issues raised in their petitions have not been sufficiently addressed by departments.

**8.11** For example, in our assessment of Fisheries and Oceans Canada's response to a petition on the protection of fish habitat in British Columbia (petition 127), submitted by West Coast Environmental Law, we noted that the Department's response did not explicitly

address all questions posed by the petitioner. As a result of follow-up discussions with our Office and the petitioner, the Department agreed to review its response and provide additional information, where appropriate, to the petitioner.

**8.12** Where more than one department has provided a separate response to a petition, it is not always evident that all questions have been addressed. When departments choose to respond separately, it would be helpful if they consulted with each other to ensure that all issues and questions have been addressed appropriately.

**8.13** The response of Agriculture and Agri-Food Canada, Environment Canada, and Health Canada to petition 125, which dealt with the regulation of genetically modified plants, is a good example of a clear and succinct joint response. In the response, the departments repeated the questions or issues from the petition and addressed each of them in turn. The departments clearly stated where further action is being taken and also where they would be taking no further action.

**8.14** Some departments are providing a point of contact in their responses. This can help petitioners follow up, if required, in a more timely manner, and may avoid the need for another petition on the same subject. Fisheries and Oceans Canada informed us that it has put in place a procedure to follow up with petitioners when it promises action in its response.

**8.15** **Petitioners' requests for action or information need to be clear.** We commonly receive petitions in which the request or issue that the petitioner is trying to convey is not clear. In these cases, it is difficult for departments to determine what the petitioners would like to know or what results they are looking for. Petitioners can obtain the best results if their requests are clear, and if they provide relevant background and ensure that the facts in their petition are accurate.

**8.16** Our Office reviews petitions prior to forwarding them to departments in order to ensure that they meet legislative requirements and that they are clear and understandable. However, if a petition meets the basic requirements of our Act, but it is neither clear nor understandable and the petitioner does not wish to clarify the contents, we forward the petition as is. Departments have indicated to us that dealing with petitions that are not clear is frustrating. We have noted that unclear petitions have resulted in responses that were vague, and petitioners have subsequently submitted follow-up petitions. The need for a follow-up petition can often be avoided if the original petition request is clear.

**8.17** This year we noted that, in their responses, departments have corrected information in petitions. It is the petitioner's responsibility to check the facts prior to submitting a petition to our Office.

**8.18** The petitions process is a valuable tool for Canadians to draw attention to particular areas of concern and be entitled to a response from the relevant federal ministers and departments. In order for this process to be efficient and effective, both departments and petitioners need to do their share to maintain the integrity of the process.

## Audits of petition responses

**8.19** In their responses over the years, federal ministers have made statements or commitments to act on the environmental concerns raised by petitioners. Reporting on the status of selected commitments is part of our monitoring role. This year, we followed up on findings from our 2003 audit of a commitment made by Health Canada to update the Guidelines for Canadian Drinking Water Quality for trichloroethylene (TCE) (see 2003 Report, Chapter 4—Environmental Petitions). The findings from this follow-up are included in this year's report, Chapter 4, Safety of Drinking Water: Federal Responsibilities (paragraph 4.24).

**8.20** We also conducted the following three audits based on selected petition responses:

- First, we examined whether Natural Resources Canada took action to revise the insurance requirements of the *Nuclear Liability Act* (petitions 60A and 60B).
- Second, we examined whether Environment Canada put in place guidelines to accept or reject recommendations to protect species at risk (petition 61).
- Third, we examined whether Environment Canada's enforcement and compliance promotion activities have reduced the impacts of hog farming on the environment and whether Agriculture and Agri-Food Canada knows if mitigation technologies and beneficial management practices that it supports are being adopted by farmers. This audit stemmed from departmental commitments and statements made in response to concerns raised in petitions 37 and 46.

**8.21** For more information on the objectives, criteria, scope, and approach of our audits, see **About the Chapter**.

## Insurance for nuclear operators

### Did you know?

The percentage of Canada's electricity needs that nuclear reactors provided in 2004:  
**16 percent**



Gentilly-2 Nuclear Generating Station

Source: Hydro Québec

### Accident insurance requirements at nuclear facilities are not in keeping with international standards

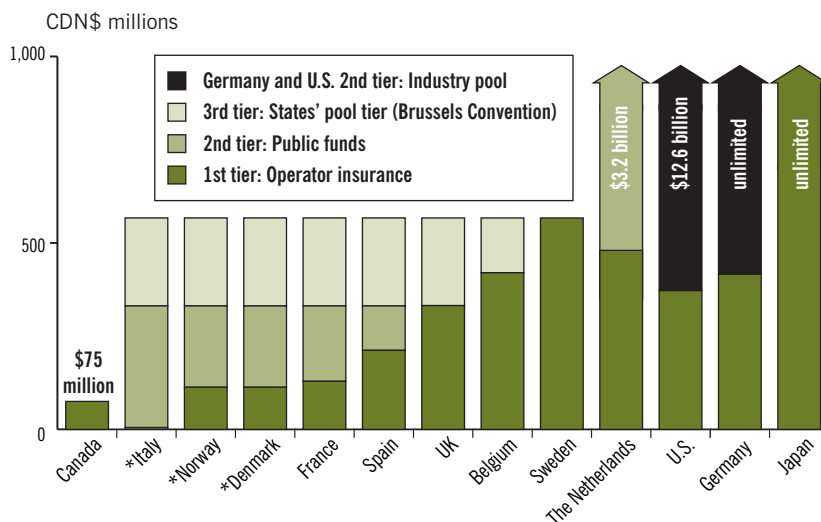
**8.22** The *Nuclear Liability Act* came into force in 1976. The purpose of the Act is to ensure that funds are available to provide compensation to people who may have been injured or suffered damage as a result of an accident at a nuclear facility. Natural Resources Canada is responsible for federal policy relating to liability for nuclear damages and for the *Nuclear Liability Act* in particular.

**8.23** The *Nuclear Liability Act* holds the nuclear operator responsible for assuming liability for any accidents, even in the event that they may have been caused by a third party. However, the Act limits an operator's liability to a maximum of \$75 million. To put the liability limit into perspective: If, for example, there was an accident at a nuclear facility located in an urban area that affected one million people and an evacuation was required, each person would receive only \$75 in compensation from the operator's insurance. If the amount of damage resulting from an accident exceeded \$75 million, it is understood that the federal government and ultimately the taxpayer would be responsible for the balance.

**8.24** In 2002 and 2003, Mr. Siegfried Kleinau submitted environmental petitions 60A and 60B to our Office. In his petitions, Mr. Kleinau stated, among other things, that the amount of insurance coverage required under the *Nuclear Liability Act* is insufficient. In his response of March 2003, the Minister of Natural Resources stated that "it is time to bring forward revisions to the *Nuclear Liability Act* to update it and bring it up to international standards." The objective of our audit was to provide an update on the Minister's commitment to revise the Act.

**8.25** Insurance requirements in Canada have not changed or been adjusted for inflation since the Act came into force almost 30 years ago. If the Act required the liability coverage to be adjusted for current inflation rates, in 2005 Canadian nuclear operators would be required to carry \$260 million of insurance. Canada's nuclear liability limits are lower than 12 other major industrialized nations with nuclear facilities (Exhibit 8.4). These countries have some combination of operator insurance, public funds, and/or industry pool that substantially exceeds what is required of Canadian operators.



**Exhibit 8.4** Canada's nuclear liability limit is lower than 12 other nations with nuclear facilities

\*These countries operate research reactors only.

Source: Adapted from Natural Resources Canada

**8.26** In June 2001, the Senate Committee on Energy, the Environment and Natural Resources recommended that the government take immediate action to amend the *Nuclear Liability Act* and maintain the mandatory insurance coverage at a minimum of \$600 million in order to be in line with international conventions. Natural Resources Canada did not formally respond to this recommendation.

**8.27** Since 1976, when the Act came into force, a number of proposals from parliamentarians, including private members' bills and Senate recommendations, have been brought forward to improve the Act. According to departmental officials, the delay in revising this legislation is due to lengthy consultations, staff turnover, other federal priorities, and a lawsuit challenging the legality of the legislation.

**8.28** The *Nuclear Liability Act* is almost 30 years old, and Canadian nuclear liability requirements are not in keeping with international standards. Although Natural Resources Canada has recognized that revisions to the Act are necessary, officials at the Department were unable to provide a timeline for when the Act would be revised.

**8.29 Recommendation.** Natural Resources Canada should begin preparatory work on revisions to the *Nuclear Liability Act* and submit policy proposals to the Minister by the end of 2005, in order to advance the commitment to bring forward revisions to the Act.

**Natural Resources Canada's response.** Natural Resources Canada agrees with the recommendation. The Department is undertaking significant policy work to ensure that the revisions required to the *Nuclear Liability Act* are addressed. The Department commits to completing its work on developing policy proposals for revisions to the Act by the end of 2005. The timeframe for bringing forward any revisions will be established by the government once the policy work is completed.

### Guidelines for listing species at risk

#### Environment Canada expects guidelines to be in place in 2006

**8.30** The *Species at Risk Act* was passed in December 2002, with most of the Act's provisions coming into force in June 2003. The purpose of the Act is to protect and recover species considered to be at risk that are found on federal lands or under federal jurisdiction and to protect their critical habitat.

**8.31** Once certain species are put on the List of Wildlife Species at Risk, it is an offence to kill, harm, harass, or capture that species. The Act enables the federal government to protect species that are not being effectively protected by other jurisdictions. As of January 2005, there were 306 species designated at risk. Listed species are protected with a number of tools, including recovery strategies, action plans, and emergency orders. The *Species at Risk Act* is one part of a larger three-part federal strategy to protect species at risk. The Accord for the Protection of Species at Risk and the Habitat Stewardship Program for Species at Risk also form part of the strategy.

**8.32** The *Species at Risk Act* calls on an expert scientific body—the **Committee on the Status of Endangered Wildlife in Canada (COSEWIC)**—to inform Environment Canada on the biological status of species in Canada. The committee's assessments do not consider the social or economic implications of listing species. The status is determined based on the best available scientific knowledge, community knowledge, and Aboriginal traditional knowledge.

**8.33** Environment Canada is the lead federal department for administering the *Species at Risk Act*, and one of its responsibilities is to post information on the public registry ([www.sararegistry.gc.ca](http://www.sararegistry.gc.ca)). If the species in question falls within its areas of expertise, Environment Canada must consult with Fisheries and Oceans Canada and the Parks Canada Agency before advising the **Governor in Council** which species to list as being at risk (Exhibit 8.5). The Act encourages the consideration of the socio-economic needs of Canadians while providing for the ecological needs of vulnerable species.

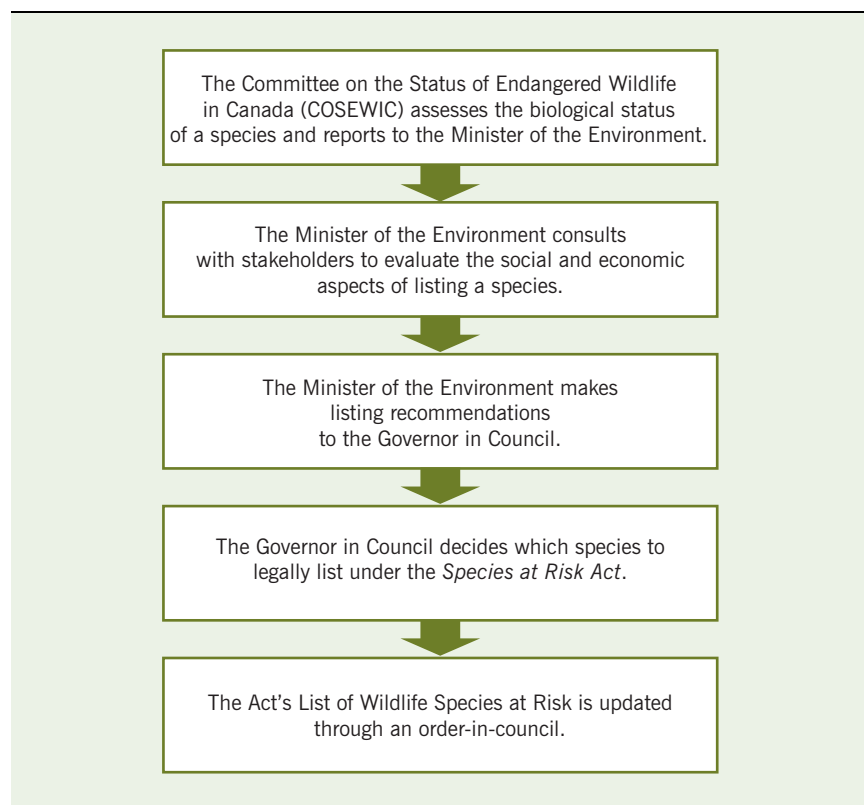
**Committee on the Status of Endangered Wildlife in Canada (COSEWIC)**—The committee assesses the status of wildlife species in Canada that may be at risk of extinction. It is currently made up of 30 members from the provinces and territories, federal agencies, Aboriginal groups, and other organizations.

**Governor in Council**—A reference to the Governor General, acting with the advice and consent of Privy Council, who may, on the recommendation of the Minister of the Environment, amend the List of Wildlife Species at Risk by adding, reclassifying, or removing a species.

**8.34** In November 2002, Ms. Heather Mills and Ms. Dorrie Wiwcharuk sent a petition to our Office requesting information about the criteria used to determine which species would be placed on the List of Wildlife Species at Risk. In his response, the Minister of the Environment stated that the federal government was developing guidelines for dealing with those rare cases where he would not follow a COSEWIC recommendation to list a species as being at risk under the Act; however, he did not provide a timeframe for finalizing the new guidelines.

**8.35** Since fall 2003, Environment Canada, with input from the Parks Canada Agency, Fisheries and Oceans Canada, and other stakeholders, has been drafting guidelines for listing species that COSEWIC has deemed to be at risk. The guidelines are intended to be

**Exhibit 8.5 Process to list a species at risk**





The Burrowing Owl is a species at risk.

Source: ©Christian Artuso

a set of decision-making criteria that ministers should consider when recommending to the Governor in Council inclusion of a species on the List of Wildlife Species at Risk. These guidelines are intended to provide greater transparency to Canadians and consistency when advising on whether a species should be listed following a COSEWIC recommendation.

**8.36** In November 2004, Environment Canada presented a draft copy of the guidelines to the Species at Risk Advisory Committee for review and comment. The Department told us that getting consensus from the various stakeholders will be quite difficult. It indicated that these guidelines will be finalized in 2006.

**8.37** In the absence of these guidelines, the first set of listing decisions under the *Species at Risk Act* was made in October 2004. Out of the 79 species recommended for listing by COSEWIC, the Minister of the Environment recommended that COSEWIC further assess one species of fish. The Minister also recommended that Cultus Lake and Sakinaw Lake sockeye salmon not be added to the List of Wildlife Species at Risk because of unacceptably high social and economic costs and difficulty in differentiating members of these two populations from the larger population of sockeye salmon species.

**8.38** As a result, the Minister of the Environment recommended to the Governor in Council that 76 of the 79 species identified by COSEWIC be added to the List of Wildlife Species at Risk. In January 2005, the Governor in Council listed 73 of the species recommended by the Minister but did not list the polar bear, the northwestern population of the grizzly bear, and the western population of the wolverine because additional consultation was required.

**8.39** In May 2005, the Minister of the Environment recommended that 43 additional species be added to the List of Wildlife Species at Risk. One species, the plains bison, was not recommended for listing because of potential economic implications. At the time of our audit, the Governor in Council had not yet made a final decision on whether or not to list these species.

**8.40** In 2006, Environment Canada plans to have final guidelines in place for dealing with cases where the Minister would not follow a COSEWIC recommendation to add a species to the List of Wildlife Species at Risk. In the meantime, listing decisions are being made. However, until these guidelines are in place, Environment Canada cannot ensure that decisions being made to list or not to list a species at risk are transparent or consistent.

## Impacts of hog farming

### Increased growth in the hog industry

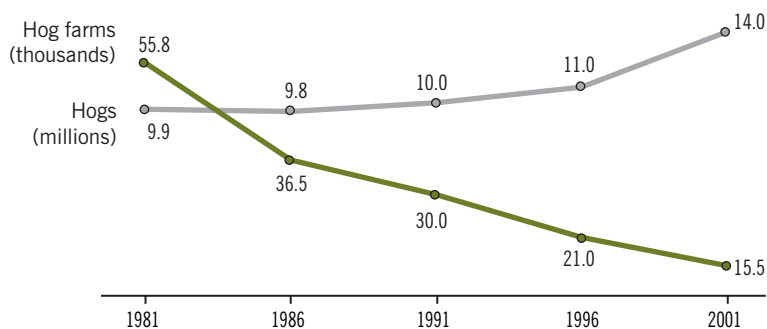
In 1995, the federal government eliminated the Crow Rate, a transportation subsidy that helped farmers transport their grain to the nearest port. This forced many farmers in the prairie provinces to look for new ways to use their grain; many now use it as feed for hogs. This is one of the factors that has led to the growth of the hog industry in recent years.

### 8.41 Hog farming is an important agricultural activity in Canada.

In 2004, Canadian farmers received \$4.3 billion from the sale of hogs, according to Statistics Canada. This represents about 12 percent of total farm sales in Canada for that year. Agriculture and Agri-Food Canada reports that in 2004, Canada was the fifth largest producer and the third largest exporter of pork in the world. Canada exports over half the pork it produces, mainly to the United States and Japan, according to Statistics Canada.

8.42 Based on hog inventories prepared by Statistics Canada in 2005, the hog industry has expanded by almost 50 percent since 1981. The production of hogs is shifting from “farm to factory”—there has been a reduction in farms producing hogs and an increase in hogs on farms (Exhibit 8.6). In 1991, the average hog farm had 345 animals; in 2001, the number had increased to around 900. Some hog farms in Canada have reported as many as 10,000 hogs.

**Exhibit 8.6** The number of hogs has increased, while the number of hog farms has decreased



Source: Adapted from Statistics Canada

8.43 **Quebec, Ontario, and Manitoba lead Canada in hog production.** In 2001, over half of all hogs in Canada were produced in Quebec and Ontario. Between 1991 and 2001, the number of hogs produced in Manitoba increased by 97 percent (Exhibit 8.7).

8.44 According to Agriculture and Agri-Food Canada, a hog produces an average of about one tonne of manure per year. Hog manure contains nutrients that are valuable for crop production and that enhance soil properties when properly applied. However, some hog farms do not have enough land on which to spread the manure produced by their hogs or are located away from areas where field crops

are produced. If manure is not properly stored or disposed of, it can contaminate the water, soil, and air. Potential impacts include the following:

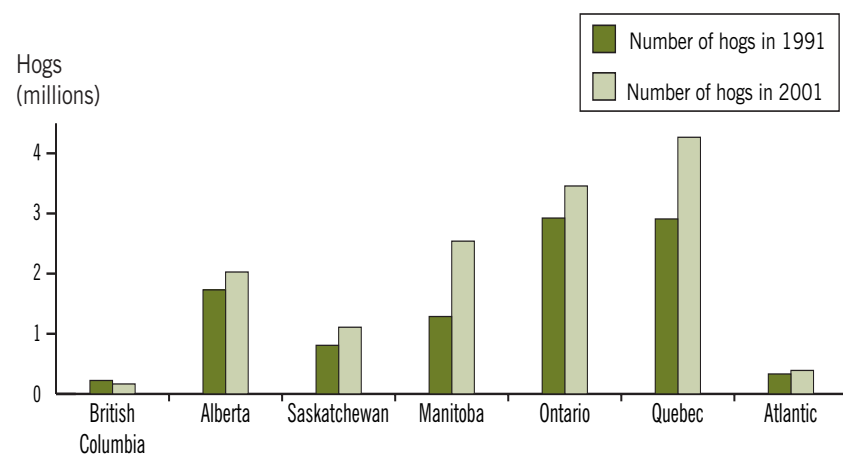
- Contamination of water bodies by bacteria, such as E. coli, giardia, and others, can make water unfit for human use.
- Excess nutrients, including nitrogen and phosphorus in water bodies, can result in algae growth, **eutrophication**, and fish kills.
- High concentrations of nutrients and heavy metals building up in the soils can be toxic to crops.
- Odours can result from manure storage facilities and field application.

**Eutrophication**—A process that occurs when too many nutrients (nitrogen and phosphorus) enter a water body. These nutrients increase the growth of algae and other species that deplete the available oxygen in water, which can kill fish and other aquatic life.

As the concentration of intensive hog operations increases, so does the potential for negative impacts to human health and the environment.

**8.45** Canadian scientists are still unsure of the effects that manure from hog farms has on water quality and human health. In May 2002, Quebec responded to the growth of the hog farming industry and citizens’ concerns by putting in place a moratorium on the expansion of existing hog farms and on the development of new hog farm operations. Research is currently under way at Lake Huron and Lake Winnipeg to find out whether the eutrophication and bacterial contamination observed are related to the proximity of intensive agricultural activities.

**Exhibit 8.7** Number of hogs by province



Source: Statistics Canada

**8.46 Governing hog farms is a shared responsibility.** Both federal and provincial governments have regulations and initiatives that deal with agricultural activities and the environment. Federal efforts by Agriculture and Agri-Food Canada and Environment Canada focus on research and development to reduce the environmental impacts from agriculture in general, and on compliance with and enforcement of the pollution prevention provisions of the *Fisheries Act*. Provincial involvement includes, but is not limited to, issuing permits, licensing, enforcing laws and regulations on hog operations, specifying separation distances to wells, and placing restrictions on manure spreading. Local governments regulate building permits and zoning provisions.

**8.47** Since 2002, the Commissioner of the Environment and Sustainable Development has received three environmental petitions from Canadians concerned about the potential impacts of hog farming on the environment and on their communities (petitions 37, 39, and 46). Based on statements made in petition responses 37 and 46, we audited Environment Canada and Agriculture and Agri-Food Canada's actions to reduce the impacts of hog farming on the environment.

**Environment Canada cannot yet demonstrate that its compliance promotion and enforcement efforts at hog farms are effective**



Hog barn

Source: Prairie Swine Centre

**8.48** The *Fisheries Act* prohibits the direct or indirect deposit of deleterious substances into water frequented by fish. It is the primary federal statutory instrument for enforcement activities related to hog farming. Environment Canada administers and enforces the pollution prevention provisions of the *Fisheries Act*. For the last three years, Environment Canada has identified the enforcement of these provisions as a priority. In its 1999 Business Case, Environment Canada noted that agriculture posed a risk to the environment and established it as a priority for enforcement under the *Fisheries Act*. The Department further stated that enforcement activities for this sector would focus on large feed lots.

**8.49** Given the growth of the industry, the potential for environmental impacts, Environment Canada's enforcement priorities regarding the *Fisheries Act*, and the Minister's responses to petitions 37 and 46, we looked at Environment Canada's enforcement activities at hog farms. Our audit determined that it is typically the provinces that receive and deal with complaints about hog farming. Alberta, Ontario, and Saskatchewan have agreements with the federal government to co-operatively administer the pollution prevention provisions of the *Fisheries Act*. Provinces can also use their own environmental legislation to enforce activities at hog farms. For example, the Province

of Ontario received 62 complaints related to hog farming from April 2004 to February 2005, for such issues as manure spills, nuisance odours, and improper spreading practices. The Province convicted three hog farmers for discharging manure into the environment.

**8.50** Environment Canada's enforcement activities at hog farms are mostly reactive. The Department initiates investigations of *Fisheries Act* violations only if it has received a complaint. According to Environment Canada's enforcement database, out of the approximate 7,600 *Fisheries Act* complaints the Department received from across the country between 2000 and 2004, about 37 complaints involved hog farming. Department officials told us that all complaints were investigated, and Environment Canada had prosecuted one hog farm for violating the *Fisheries Act*.

**8.51 Compliance promotion is a priority for Environment Canada.** Although Environment Canada's role in enforcement for hog farms is limited, the Department plays an important role in promoting compliance with the pollution prevention provisions of the *Fisheries Act*. In 2003, Environment Canada created a new Compliance Assurance Branch. The goals of the branch are to improve the planning of **compliance promotion** and enforcement efforts and the effectiveness of analysis and reporting of compliance activities. This branch is tasked with determining priorities and fostering links between enforcement and compliance promotion. The Department promotes compliance by preparing and distributing guidelines and policies, consulting with industry associations and working groups, and preparing and presenting educational and training materials.

**Compliance promotion**—Efforts by the government, including educational programs and technical assistance, to encourage voluntary compliance with legislation.

**8.52** In its 2002 response to petition 37, Environment Canada stated that it will likely work on further compliance promotion and enforcement in the Lake Huron watershed, due to the large concentration of intensive livestock operations. It further committed to gathering data on watersheds with the greatest agricultural impacts. In our view, this will help the Department better direct some of its resources toward issues of highest priority.

**8.53** The Department met its commitment in the context of the Ontario region. It has undertaken further compliance promotion and enforcement activities in the Lake Huron area. However, we found that the Department does not gather data on a national basis in order to direct resources toward issues of highest priority.

**8.54 Environment Canada's compliance promotion activities yield mixed results.** Environment Canada informed us that compliance



promotion can be more efficient than enforcement. However, the Department has seen mixed results in its efforts to increase farmers' compliance with the pollution prevention provisions of the *Fisheries Act*. In 2004, the Ontario region of the Department conducted a study at a watershed and found that its compliance promotion activities did not result in any significant new action or improved practices by farmers.

**8.55** Environment Canada is working to evaluate and improve the effectiveness of its compliance promotion activities. The Department is developing indicators that will help determine if its actions are having an impact. For example, a pilot study on cattle access to water, conducted in a watershed in the Ontario region, indicated that compliance promotion and enforcement activities increased compliance by 20 percent in the study area. In addition, the Department is in the preliminary stages of developing a database to track and monitor its compliance promotion activities, as it currently does for its enforcement activities. However, the Department could not provide a timeline for when the database or the indicators will be in place.

**8.56 Environment Canada does not track what it spends to enforce the pollution prevention provisions of the *Fisheries Act*.** In 1998, the House of Commons Standing Committee on Environment and Sustainable Development recommended that Environment Canada keep comprehensive records on enforcement budgets and expenditures. The Department agreed to do so and has listed enforcement of *Fisheries Act* provisions as a priority for the last three years. We were therefore surprised to learn that the Department does not code its enforcement activities by Act or regulation and was not able to tell us how much it spends to enforce the pollution prevention provisions of the *Fisheries Act*. As of 2005, the Department had received \$46 million in new funding to improve its compliance and enforcement program for legislation for which it is responsible, including the *Fisheries Act*. In our view, monitoring results and tracking what it spends to enforce the pollution prevention provisions would enable the Department to better direct its resources.

**8.57 Environment Canada does not have a complete picture of who it regulates.** Environment Canada is in the third year of a 10-year plan to collect information on those who should be regulated under the pollution prevention provisions of the *Fisheries Act* and the *Canadian Environmental Protection Act, 1999*. At this stage, the Department does not yet have all the information required to ensure that its enforcement and compliance promotion activities are being directed toward those who are at greatest risk of breaking the environmental laws that it is mandated to enforce.

**8.58 Recommendation.** In order to ensure that its compliance promotion and enforcement efforts related to hog farming are effective, Environment Canada should

- identify the regulated community,
- gather data on a national basis to direct or prioritize resources,
- monitor the impacts of its efforts, and
- keep comprehensive records on budgets and expenditures.

**Environment Canada's response.** Environment Canada agrees with the recommendation. It should be noted, however, that these recommended activities, although directed to hog farming, are relevant to all environmental issues where the Department has compliance promotion and enforcement responsibilities. The Department uses priority-setting mechanisms for both compliance promotion and enforcement activities under the *Fisheries Act* and the *Canadian Environmental Protection Act, 1999*. These mechanisms allow for the consideration and prioritization of all issues, including hog farming.

Identification of all hog farms in Canada will be done in fiscal year 2006–07, in collaboration with Agriculture and Agri-Food Canada and provinces. This will help Environment Canada identify watersheds with the greatest agricultural impacts across Canada, and compliance promotion and enforcement efforts regarding hog farming issues will be more easily directed to issues of highest priority. This priority-setting exercise would need to consider the ongoing efforts by provinces and others to reduce the environmental impacts of hog farming operations. For example, many provinces have recently developed nutrient management regulations, which are also supported by various voluntary measures under the Agricultural Policy Framework.

To improve monitoring of the impacts of its efforts, Environment Canada will continue to track its compliance promotion and enforcement activities. The Department will also continue to pilot a database that could be used nationally.

**Agriculture and Agri-Food Canada's strategic approach to reducing the environmental impacts of hog farming is not clear**

**8.59** In 1998, the hog industry asked Agriculture and Agri-Food Canada to re-examine its role and work with industry and the provinces to develop a more comprehensive and co-ordinated approach to the environmental issues faced by the hog industry. The Department and the hog industry conducted a review of the

environmental challenges and together recommended that a strategic approach was needed to determine priorities in research, technology development, and dissemination.

**8.60** Also in 1998, Agriculture and Agri-Food Canada announced it would spend \$2 million to develop a hog environmental management strategy. The purpose of the strategy was to develop a national approach to finding effective and affordable solutions to the environmental challenges of the hog industry by 2001. During our audit, the Department informed us that its efforts focussed on research, technology development, and communications, but that a hog environmental management strategy had not been developed.

**8.61** In our 2001 Report (see Chapter 1—A Legacy Worth Protecting: Charting a Sustainable Course in the Great Lakes and St. Lawrence River Basin), we observed that a strategic approach to deal with the environmental impacts of hog farming was more important than ever. Our audit concluded that it was not clear if the initiatives of Agriculture and Agri-Food Canada would produce the strategic, well-co-ordinated effort that was needed to assist farmers.

**Agricultural Policy Framework**—Approved in 2001, the framework is designed to help the Canadian agricultural industry maximize new opportunities by safeguarding and enhancing the food safety and quality system through science and environmentally sound practices. The five elements of the framework are food safety and quality, environment, science and innovation, renewal, and business risk management.

**8.62** In 2001, the **Agricultural Policy Framework** moved the Department from a sector-based approach to an issue-based approach. The environmental component of the framework focusses on reaching goals in the areas of air, water, soil, and biodiversity. Programs dealing with the environmental impacts of hog farming, including those developed under the framework, are listed on page 22, Hog farming programs and initiatives. Department officials told us that the responsibility for developing a strategic and comprehensive vision for the hog sector, as requested by industry, is now deferred to the Pork Value Chain Roundtable. The Roundtable's Strategy for Canada's Pork Industry, dated May 2005, identifies environmental issues as a major concern and notes that action here could improve the sustainability of the pork sector. However, we found that only one of the 57 specific actions identified by the Roundtable addresses environmental matters.

**8.63** Based on previous audit observations and on commitments from Agriculture and Agri-Food Canada dating back to 1998, we expected that the Department would have developed a hog environmental management strategy. In our view, it is still not clear if the Department has a comprehensive, strategic approach to help farmers reduce the environmental impacts of hog farming and work toward a sustainable hog industry.

**Agri-Environmental Indicators**

In response to the need for information and to assess the impacts of agricultural policies on the environment, Agriculture and Agri-Food Canada is developing a set of science-based indicators. The indicator for the risk of water contamination by nitrogen states that between 1981 and 2001, overall nitrate concentrations in water bodies in Canada increased by 24 percent.

**8.64 Agriculture and Agri-Food Canada leads programs to reduce the environmental impacts of hog farming.** Agriculture and Agri-Food Canada has made progress in gathering baseline data and has led many programs and initiatives to address the environmental issues arising from hog production in Canada. In 2002, the Department partnered with Statistics Canada to conduct a Farm Environmental Management Survey. About 16,000 farms, including hog farms, were surveyed to collect baseline information. A follow-up survey is planned for 2007. This information will be used by the Department to measure the impacts of agriculture on the environment through the National Agri-Environmental Health Analysis and Reporting Program (NAHARP).

#### Hog farming programs and initiatives—Agriculture and Agri-Food Canada

**Hog Environmental Management**

**Strategy.** Develop a national strategy for finding effective and affordable solutions to the environmental challenges confronting the industry. (1998–2001)

**Livestock Environmental Initiative.**

Promote technologies and beneficial management practices, communicate the results to livestock producers, and develop a national environmental certification system for the hog industry. (2000–05)

**Environmental Management Systems for Hog Operations (CSA 2771).**

Develop a national environmental management system for the hog industry through the Canadian Standards Association. (2000–04)

**National Agri-Environmental Health Analysis and Reporting Program.**

Update and improve the current suite of 14 agri-environmental indicators and develop 12 new indicators to address existing gaps. Develop and improve tools and analytical capacity to integrate environmental indicators with economic information to better inform policy development and evaluation. (2003–ongoing)

**Farm Environmental Management**

**Survey.** Determine the range of farming

practices in Canada. About 16,000 farms, including hog farms, were surveyed to collect baseline information. A joint survey was completed by Statistics Canada and Agriculture and Agri-Food Canada in 2002; a follow-up survey is planned for 2007.

**Environmental Farm Plans.** Encourage producers to develop farm plans, implement beneficial management practices, and continuously evaluate their environmental performance.

Producers with approved environmental farm plans are eligible to receive financial assistance under the National Farm Stewardship Program to implement beneficial management practices. (2003–08)

**National Farm Stewardship Program.**

Provide producer groups or community organizations with financial assistance for projects involving beneficial management practices. Only producers who have completed an approved environmental farm plan will be eligible for funding. (2003–08)

**Information Gaps in Water Quality and**

**Nutrients.** Conduct research to accelerate the development of beneficial management practices to minimize adverse impacts of agriculture on water quality. (2003–08)

**National Agri-Environmental Standards**

**Initiative.** Develop national agri-environmental performance standards for the agriculture sector. (2003–08)

**Environmental Technology Assessment for Agriculture.**

Assess innovative environmental technologies for agricultural production and share information on environmental technologies. (2004)

**National Land and Water Information Service (NLWIS).**

Provide land and water information and decision support services that encourage improved decision making through access to technical skills and spatial information. NLWIS will put expertise and knowledge together with tools and information in order to support environmentally responsible land management decisions. (2004–08)

**Environmental Health National Science**

**Program.** Conduct research to develop knowledge and technologies to minimize the impact of agricultural production on the environment. (Part of Agriculture and Agri-Food Canada's ongoing core science activities)

**8.65** Agriculture and Agri-Food Canada has started to monitor the environmental impacts of agriculture through NAHARP and the Farm Environmental Management Survey Program. We expected that the Department would also monitor the results of its programs in order to better direct its resources. However, it does not always do so, and therefore the Department does not know if its programs are achieving their expected results.

**8.66** For example, in 2000, Agriculture and Agri-Food Canada announced \$2.3 million for the Livestock Environment Initiative to assist industry in addressing environmental concerns. The initiative wrapped up with a symposium that shared research findings. However, the Department did not follow up to verify whether the objectives of the program were met, including development of pilot projects or the transfer of technology.

**8.67** Further, Agriculture and Agri-Food Canada announced it would spend \$300,000 to develop a standard to promote responsible environmental management of hog operations in Canada. The standard was published in March 2004 by the Canadian Standards Association. However, during our audit the Department could not provide plans to monitor or assess the implementation of this standard to determine if it has had an impact at the farm level. Department officials advised us that a proposal to test the implementation of the standard on a pilot basis was approved in principle on 16 May 2005.

#### **Agriculture and Agri-Food Canada is not effectively communicating or monitoring its beneficial management practices**

**Beneficial management practice**—A farm production or management practice that contributes to reducing environmental risks or realizing environmental benefits from agriculture.

**8.68** Agriculture and Agri-Food Canada and Environment Canada also develop and fund mitigation technologies and **beneficial management practices** for hog farming. Although we examined research activities conducted at Environment Canada's National Water Research Institute, our audit focussed mainly on the programs developed at Agriculture and Agri-Food Canada because they are designed to produce results at the farm level. Exhibit 8.8 provides an example of a beneficial management practice developed by Agriculture and Agri-Food Canada.

**8.69** Environment Canada conducts research related to hog farming primarily through its National Water Research Institute. Research activities to date have focussed on the impacts of manure on water quality and are undertaken with a variety of stakeholders, including Agriculture and Agri-Food Canada. Environment Canada works to identify important emerging issues, including investigating the cause of

the beach closures at Lake Huron. However, scientists indicated that there are still gaps in knowledge about the impact of hog farming on the environment and that beneficial management practices in this area need more work.

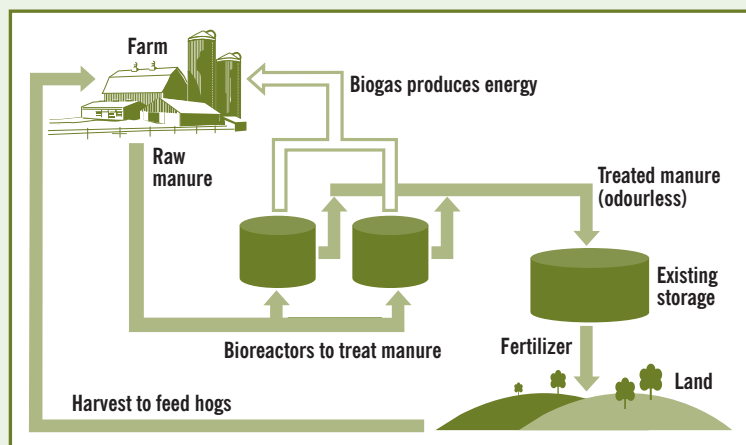
**8.70 Progress is slow.** Agriculture and Agri-Food Canada is working to deliver beneficial management practices to hog farmers through its Environmental Farm Plan Program and its National Farm Stewardship Program. The Department informed us that it can take up to 10 years to develop and implement such practices at the farm level. It provided a list of 10 categories of beneficial management practices for hog farming that have been developed with stakeholders. The implementation of the National Farm Stewardship Program, which provides funding to farmers for implementing beneficial management

**Exhibit 8.8** An example of a beneficial management practice developed by Agriculture and Agri-Food Canada to treat hog manure

Agriculture and Agri-Food Canada has developed treatment technology for hog manure that claims to

- produce high-quality fertilizer,
- reduce odour problems,
- eliminate pathogens,
- generate heat and electricity, and
- reduce greenhouse gas emissions from manure.

The technology is being demonstrated at several hog farms through Bio-Terre Systems Ltd.



For more information, see <http://www.qc.ec.gc.ca>



Elstow Research Farm  
Source: Prairie Swine Centre

#### A need to improve knowledge of beneficial management practices

In 2004, Statistics Canada noted “a real need for education and awareness of beneficial [management] practices” for manure management. It found that almost 40 percent of livestock farmers indicated that they were unfamiliar with beneficial management practices for manure management.

practices, hinges on the voluntary completion of environmental farm plans by farmers. The Department projects that about 66,530 environmental farm plans will be developed or updated by 2008. Currently, about 25 percent of this total have been reviewed and accepted under the Agricultural Policy Framework, and those that were completed prior to the framework are under review for approval. Information provided by the Department notes that delays in the development of environmental farm plans can lead to delays in other programs, including the National Farm Stewardship Program.

**8.71 Beneficial management practices are not effectively communicated.** In 1999, Agriculture and Agri-Food Canada funded a research project to look into fostering a sustainable hog industry. The report recommended that beneficial management practices be incorporated into a database to promote their implementation by hog farmers. Accordingly, we expected that the Department’s beneficial management practices would by now be made available on a database that farmers and others could readily access. This database could also assist Environment Canada with its compliance promotion efforts. However, we found that no central database of this nature is available. Recent surveys of farm practices found that many farmers are still not using beneficial management practices.

**8.72** A recent Statistics Canada study indicates a wide variation among regions in knowledge and implementation of beneficial management practices to deal with hog manure. For example, in 2001, 95 percent of livestock farmers in Quebec were familiar with beneficial management practices for manure management, compared with 45 percent in Saskatchewan and 63 percent in Manitoba. Department officials told us that outside the prairie provinces, programming related to federal beneficial management practices is delivered by provincial governments and by third-party industry groups. On the prairies, these federal programs are delivered by Agriculture and Agri-Food Canada. The Department identified the need for a national approach to communication in this area and is currently developing consistent information for all provinces and regions. However, the Department currently cannot demonstrate that beneficial management practices and mitigation technologies are communicated consistently across the country or made readily available to farmers who need them.

**8.73** Agriculture and Agri-Food Canada does not know if the beneficial management practices it supports are cost-effective. The Department’s 1999 research report concluded that it was necessary to be able to demonstrate results and feasibility for new technologies for

manure management and treatment to ensure the widespread acceptance of these technologies by hog producers. During our audit, the Department was unable to provide information on what it would actually cost a farmer to implement beneficial management practices. Without important cost information, hog farmers are unlikely to implement innovative practices that could reduce the impacts of hog farming on the environment.

**8.74** Agriculture and Agri-Food Canada does not monitor the uptake of its beneficial management practices. The Department has made progress in gathering baseline data on environmental issues related to hog farming through its Farm Environmental Management Survey and NAHARP. However, the Department does not currently monitor the implementation of these practices by farmers and cannot report on a national basis on the effectiveness of the practices it supports. Tracking which practices work well and where they work well on a national basis would ensure that the Department is allocating its resources effectively.

**8.75 Recommendation.** Agriculture and Agri-Food Canada should clarify its approach to addressing the environmental impacts of hog farming and clearly communicate the approach to all stakeholders, in order to encourage a sustainable hog industry. The Department should also effectively communicate its beneficial management practices and monitor their implementation.

**Agriculture and Agri-Food Canada's response.** Agriculture and Agri-Food Canada accepts the recommendations of the Office of the Auditor General. The Department is developing a communications plan to address the Environment Element of the Agricultural Policy Framework. This includes communications to producers about environmental stewardship, farm planning, and beneficial management practices that relate to hog and other kinds of farming activities. To clarify the approach and communicate it to all its stakeholders, the Department will improve the Framework's Environment Element on its Web site. The site will provide national and provincial information, as well as appropriate links to program delivery agents. The link to *ManureNet*, a national Web site, will be made more prominent. This site is dedicated to manure management issues in Canada and provides information including research projects, acts, regulations, guidelines, fact sheets, and new technologies. The timeline for completing this project is March 2006. The Department also commits to improving the communication of its environmental strategy through the next Sustainable Development Strategy.



To communicate beneficial management practices, the Department will work to improve the availability of information for producers on relevant programs under the Agricultural Policy Framework. Direct communications with producers on beneficial management practices will also continue on a regional basis through provincial Environmental Farm Planning programs, and by provincial delivery agents of the National Farm Stewardship Program (NFSP). The timeline for completing this project is March 2006. To monitor the implementation of beneficial management practices, the Department will continue to collect information on implementation of these practices through delivery agents of the NFSP. Information will be stored in a national database. This information will also be used to support program refinements to foster increased implementation of the practices by all producers by March 2008. Through agri-environmental indicators, the Department will also continue to assess the broad impact of adopting beneficial management practices on the environment. Agri-environmental indicators are reported on a five-year basis, with the next report due in 2005.

## Conclusion

**8.76** Petitions have resulted in departments taking action on environmental issues. In order for the petitions process to be an effective tool, the integrity of the process must be maintained by both petitioners and departments. Petitioners can do this by clearly presenting their issues and questions and making certain that their facts are correct. Departments are responsible for responding in a timely manner and ensuring that all issues raised in petitions are clearly addressed.

**8.77** As part of our monitoring role, we audited selected commitments made by Natural Resources Canada and Environment Canada in response to petitions. We found the following:

- Natural Resources Canada has yet to revise the *Nuclear Liability Act*. The Act is almost 30 years old and the current insurance requirements are significantly lower than those imposed in 12 other major industrial countries with nuclear facilities.
- Environment Canada expects to have guidelines in place in 2006 to assist the government when deciding to accept or reject a science-based decision by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC). These guidelines

are intended to provide greater consistency and transparency in decisions on whether to designate a species at risk.

**8.78** In our audit on the impacts of hog farming, we found that Environment Canada and Agriculture and Agri-Food Canada do not know if their programs and activities are reducing the impacts of hog farming on the environment. Specifically, we found the following:

- Environment Canada met its commitment in its petition response for the Ontario region. However, the Department does not currently monitor or track its compliance promotion activities and cannot yet demonstrate that its efforts related to hog farming have resulted in an increase in farmers' compliance with the pollution prevention provisions of the *Fisheries Act*.
- Agriculture and Agri-Food Canada has yet to clarify its strategic approach to addressing the environmental impacts of hog farming and clearly communicate the approach to all stakeholders, in order to encourage a sustainable hog industry. The Department has made progress in measuring the impacts of agriculture on the environment in general and has developed beneficial management practices and mitigation technologies to deal with the impacts of hog farming. However, it cannot demonstrate that these practices are communicated consistently and made readily available to farmers.

## About the Chapter

### Objectives

**Annual report on petitions.** The objective of this chapter is to inform Parliament and Canadians on the use of the petitions process and our monitoring of commitments and statements made in response to specific petitions.

**Audits of petition responses.** The objective of our audits of petitions 60A, 60B, and 61 was to provide an update on

- Natural Resources Canada’s commitment to “bring forward revisions to the *Nuclear Liability Act* to update it and bring it up to international standards,” and
- Environment Canada’s commitment to “develop guidelines [for legally listing species under the *Species at Risk Act*].”

The objective of our audit of the impacts of hog farming was to determine whether

- Environment Canada’s compliance promotion and enforcement activities are making a difference with respect to the impacts of hog farming on water quality, and
- Agriculture and Agri-Food Canada and Environment Canada know if mitigation technologies and best management practices that they developed are being adopted by farmers.

This objective stems from commitments made by departments in response to petitions 37 and 46.

- “We [Environment Canada] are also gathering data on watersheds with the greatest agricultural impacts so that we can better direct some of our resources toward issues of the highest priority. Because of the large concentration of intensive livestock operations in the Lake Huron watershed, it is likely that we will be working on further compliance promotion and enforcement there.”
- “My department [Environment Canada] also works with Agriculture and Agri-Food Canada to address hog manure impacts...We are also developing mitigation technologies and best management practices that can be adopted by farmers.”

### Criteria

It is expected that in order to implement the commitments in a response to a petition, the entity would have

- clearly identified the commitment and what it means for the entity;
- planned its implementation;
- carried out the planned implementation, including communicating any changes as required; and
- determined that the commitment had been met and, where appropriate, evaluated the degree to which it addressed the overall issues raised in the petition.

**Scope and approach**

To determine which petition responses to audit, we reviewed all petitions and responses received before 1 July 2004. We selected petition responses for audit using the following criteria:

- materiality/significance of the issue,
- risk that Canadians were not getting value for money and risk to the environment,
- sensitivity of the issue,
- federal mandate,
- availability of evidence/objectivity of information about the issue and the commitment made,
- auditability, and
- timeliness.

We conducted interviews and field work to determine whether and how well the commitments were being met. We collected data and evidence of implementation of the commitments, along with appropriate documentation. Some quantitative information in this chapter is based on data drawn from various federal and other sources indicated in the text. We are satisfied with the reasonableness of the data, given its use in our chapter. However, the data has not been audited, unless otherwise indicated in the chapter.

**Audit team**

Principal: John Affleck

Directors: Steven Morgan, Kimberley Leach

Christine Allen

Elizabeth Andersen

Elissa Cohen

Vivien Lo

Josée Petitclerc

Lyndsay Vidito

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

## Appendix A Petitions activity (1 July 2004 to 30 June 2005)

This appendix includes follow-up petitions and new petitions received during the activity period noted above.

To access the full text of petitions and replies from December 1995 to 30 June 2005, go to our Petitions Catalogue on our Web site ([www.oag-bvg.gc.ca/domino/petitions.nsf/english](http://www.oag-bvg.gc.ca/domino/petitions.nsf/english)). If necessary, paper copies of the catalogue can be obtained on request.

### Follow-up petitions

#### Petition No. 126B: Follow-up petition on fumigants and other pesticides in shipping containers

**Date submitted:** 8 March 2005

**Petitioner(s):** Tom Edwards

**Summary:** In petition 126A, the petitioner alleged that he was exposed to a potentially toxic pesticide while handling an overseas shipping pallet in his workplace. In its response, Transport Canada stated that it could not take any action unless the chemical was positively identified. In this follow-up petition, the petitioner provides documentation of the workplace incident and a positive laboratory identification of the chemical.

The petitioner asks additional questions about the government's measures to control the use of banned and toxic pesticides on shipments entering Canada and about protecting the safety of border services workers. The petitioner also asks the federal government to provide him with worker assistance and compensation. See related petition No. 126A.

**Issues:** Human health/environmental health (toxic substances) (pesticides), international/bilateral issues (transboundary concerns) (trade), and transportation (shipping)

**Federal departments/agencies replying:** Transport Canada, Health Canada, Human Resources and Skills Development Canada, and Canada Border Services Agency

**Status:** Replies pending

#### Petition No. 122B: Follow-up petition on a housing development near Mission, British Columbia

**Date submitted:** 4 January 2005

**Petitioner(s):** A Canadian resident

**Summary:** In this follow-up petition about the proposed Silvermere housing development near Mission, British Columbia, the petitioner is concerned that a proposal to reduce lake water levels and to construct a road will result in damage the Silvermere Lake/Stave River ecosystem and affect spawning salmon. The petitioner believes that the proposal should require a *Fisheries Act* permit and asks that a statutory review or federal environmental assessment be conducted on the development proposal. See related petition No. 122A.

**Issues:** Biological diversity (endangered species) (habitat) (watershed protection) and fisheries (habitat) (conservation)

**Federal departments/agencies replying:** Fisheries and Oceans Canada

**Status:** Completed

**Petition No. 118B: Follow-up petition on the environmental impacts of man-made dams**

**Date submitted:** 3 February 2005

**Petitioner(s):** The Friends of the Oldman River

**Summary:** In this follow-up to petition 118A, the petitioner is concerned about the impacts of man-made dams on fish and fish habitat across Canada. The petitioner provides a list of dams and asks Fisheries and Oceans Canada to indicate which dams are on water bodies that support fisheries and/or fish habitat. The petitioner also asks the Department to indicate which of the listed dams have had a *Fisheries Act* authorization and which ones currently have *Fisheries Act* authorizations. See related petition No. 118A.

**Issues:** Fisheries (habitat) (conservation) and water issues (aquatic ecosystems) (navigable waters)

**Federal departments/agencies replying:** Fisheries and Oceans Canada

**Status:** Completed

---

**Petition No. 109B: Follow-up petition concerning a closed landfill in Cramahe, Ontario**

**Date submitted:** 13 October 2004

**Petitioner(s):** Bruce Melnichuk

**Summary:** In this follow-up petition regarding a closed landfill in Cramahe, Ontario, the petitioner thanks Environment Canada for its actions in response to petition 109A and requests additional investigation of the site. The petitioner alleges that the landfill is discharging contaminants into nearby Cold Creek in contravention of the *Fisheries Act*. See related petition No. 109A.

**Issues:** Fisheries (enforcement), human health/environmental health, and water issues (groundwater) (water quality)

**Federal departments/agencies replying:** Environment Canada

**Status:** Completed

---

**Petition No. 105B: Follow-up petition on federal environmental assessment for a regional road project in St. Albert, Alberta**

**Date submitted:** 22 September 2004

**Petitioner(s):** Elke Blodgett

**Summary:** This petitioner raises concerns about the Screening Environmental Assessment Report prepared by Fisheries and Oceans Canada in August 2004. The petitioner alleges that construction of the road will promote ground and surface water contamination from landfill leachate and will affect wildlife, wetlands, vegetation, and fish habitat. Concerns about the quality and timeliness of the public registry are also raised. The petitioner requests that all federal permits and authorizations be withheld until outstanding issues have been resolved. See related petition No. 105A.

**Issues:** Biological diversity (habitat) (wetlands), fisheries (habitat), environmental assessment, other (infrastructure), and water issues (navigable waters) (water quality) (enforcement)

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

**Status:** Completed

---

### **Petition No. 99B: Follow-up petition on trumpeter swans in Judson Lake, British Columbia**

**Date submitted:** 24 August 2004

**Petitioner(s):** Kevin Sinclair

**Summary:** In this follow-up petition on dying trumpeter swans in Judson Lake, the petitioner requests that the Canadian Wildlife Service of Environment Canada sample Judson Lake water, soil, and plant roots; analyze them for lead toxicity; and assess the risk of lead contamination to the health of humans and wildlife. The petitioner also asks that the Canadian Wildlife Service work with other stakeholders to remediate Judson Lake. See related petition No. 99A.

**Issues:** Biological diversity (conservation) (habitat) (wildlife) (wetlands), water issues (aquatic ecosystems), human health/environmental health (toxic substances), and international/bilateral issues (transboundary concerns)

**Federal departments/agencies replying:** Environment Canada

**Status:** Completed

### **Petition No. 90B: Follow-up petition on fishing practices and sensitive fish habitat in the ocean**

**Date submitted:** 18 January 2005

**Petitioner(s):** Ecology Action Centre, Fisheries Recovery Action Committee, and Living Oceans Society (represented by the Sierra Legal Defence Fund)

**Summary:** This is a follow-up petition about the sustainability of the Canadian groundfish fishery. The petitioners direct a series of questions to the Minister of Fisheries and Oceans and allege that the use of bottom trawling and the associated equipment is harming fish habitat in the marine environment. The petitioners are concerned that continued use of this practice will undermine intentions to rejuvenate fish stocks through reduction of fishing and other efforts to rebuild fish stocks. See related petition No. 90A.

**Issues:** Fisheries (habitat) (conservation) and water issues (marine environment—oceans)

**Federal departments/agencies replying:** Fisheries and Oceans Canada

**Status:** Completed

### **Petition No. 82D: Follow-up petition on the Red Hill Valley Expressway in Hamilton, Ontario**

**Date submitted:** 14 December 2004

**Petitioner(s):** Bob Hicks, Glen Atwell, and Wilamina McGrimmond

**Summary:** In this follow-up petition on the Red Hill Valley Expressway in Hamilton, Ontario, the petitioners allege that the habitat of several sensitive turtle species will be endangered by the development. The petitioners request that the Red Hill Valley Expressway development be reviewed to ensure the protection of the turtles and their habitat under the *Species at Risk Act* and that the government consult with Aboriginal people on the matter of turtle habitat protection under the Act. See related petitions 82A, B, and C.

**Issues:** Biological diversity (conservation) (endangered species) (habitat) and other (Aboriginal concerns)

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

**Status:** Completed

## New petitions

### **Petition No. 150: Rapid transit project serving the Vancouver International Airport**

**Date Submitted:** 14 June 2005

**Petitioner(s):** A Canadian resident

**Summary:** The petitioner asks why financial commitments to the Richmond Airport Vancouver rapid transit project were made before an environmental assessment was completed. The petitioner also questions why the federal government is relying on the British Columbia Environmental Review Process to assess the environmental impacts of this large and complex project.

**Issues:** Environmental assessment and transportation

**Federal departments/agencies replying:** Environment Canada and Transport Canada

**Status:** Replies pending

---

### **Petition No. 149: Decision not to list Cultus and Sakinaw Lake sockeye salmon under the *Species at Risk Act***

**Date Submitted:** 10 June 2005

**Petitioner(s):** Sierra Club of Canada, B.C. Chapter

**Summary:** The petitioner claims that the Minister of the Environment's decision not to accept the recommendation of the Committee on the Status of Endangered Species in Canada, and include Cultus and Sakinaw Lake sockeye salmon on the List of Wildlife Species at Risk under the *Species at Risk Act*, was based on flawed analyses. The petitioner asks whether the Minister of Fisheries and Oceans and the Minister of the Environment knew about the shortcomings in these analyses. The petitioner, having provided the ministers with critiques of the analyses in November 2004, seeks clarification on why action was not taken to reassess the decision.

**Issues:** Biodiversity (conservation) (endangered species) and fisheries (conservation)

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

**Status:** Replies pending

---

### **Petition No. 148: Protecting wild salmon from disease at fish farms**

**Date Submitted:** 9 June 2005

**Petitioner(s):** Georgia Strait Alliance, United Fishermen and Allied Workers Union (UFAWU-CAW), and the David Suzuki Foundation (represented by Sierra Legal Defence Fund)

**Summary:** According to the petitioners, farmed fish may transfer bacterial and viral diseases to wild indigenous fish stocks, threatening their health. Concerns are raised by the petitioners that the federal government is not adequately responding to the risk of disease transfer through research, monitoring, surveillance, enforcement, and reporting. The petitioners suggest ways that Fisheries and Oceans Canada can improve its understanding and management of disease transfer, including monitoring the levels of disease in wild fish populations and establishing a list of reportable fish diseases for Canada.

**Issues:** Fisheries (aquaculture) (habitat) (enforcement) and other (information and reporting)

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

**Status:** Replies pending

---



### **Petition No. 147: Evaluating the tax system to advance environmental goals**

**Date Submitted:** 7 June 2005

**Petitioner(s):** Charles Caccia

**Summary:** The petitioner points to the 2005 federal budget, in which the Minister of Finance made a commitment to “look for other ways to use the tax system to advance environmental goals,” and tabled an associated framework for evaluating environmental tax proposals. The petitioner wants the federal government to set a target date for completing its evaluation of the current tax system, so that the government can use the system to advance environmental goals in the next federal budget.

**Issues:** Other (economic instruments) (information and reporting)

**Federal departments/agencies replying:** Department of Finance Canada

**Status:** Reply pending

### **Petition No. 146: Firearms contaminants in federal training facilities**

**Date Submitted:** 9 June 2005

**Petitioner(s):** A Canadian organization

**Summary:** The petitioner alleges that the federal government is not complying with standards governing airborne lead oxide and toxic waste disposal at its indoor firing ranges. According to the petitioner, pollution from these ranges is affecting the health of individuals using them and contributing to the contamination of local air, water, and soils.

**Issues:** Air issues (air quality), human health/environmental health (toxic substances) (hazardous waste) (contaminated sites), and transportation (dangerous goods)

**Federal departments/agencies replying:** Environment Canada, Human Resources and Skills Development Canada, National Defence, Public Works and Government Services Canada, Transport Canada, and Public Safety and Emergency Preparedness Canada

**Status:** Replies pending

### **Petition No. 145: Business Park development in Surrey, British Columbia**

**Date Submitted:** 3 June 2005

**Petitioner(s):** Fraser Valley Conservation Coalition

**Summary:** The petitioner is concerned about environmental impacts that may arise from the development of the Campbell Heights Business Park. The site for the Business Park is Stokes Pit—an environmentally sensitive area in Surrey, B.C. According to the petitioner, significant damage to wildlife species and habitats has occurred since the development project began in 2003. The petitioner asks that a comprehensive environmental assessment and a community consultation be completed before the project proceeds.

**Issues:** Biological diversity (conservation) (habitat) (wetlands) (wildlife), fisheries (habitat) (conservation), and water issues (aquatic ecosystems) (water quality)

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

**Status:** Replies pending

**Petition No. 144: Pest Control Products Act Regulations**

**Date submitted:** 1 June 2005

**Petitioner(s):** Charles Caccia

**Summary:** According to the petitioner, there have been delays in putting regulations under the new *Pest Control Products Act* (proclaimed in 2002) in force. The new Act invokes the adoption of the precautionary principle, and when in place, the regulations would offer greater protection of public health and ecological sustainability.

**Issues:** Human health/environmental health (pesticides)

**Federal departments/agencies replying:** Health Canada

**Status:** Reply pending

---

**Petition No. 143: Long-range plans for ski areas in Canada's Rocky Mountain parks**

**Date submitted:** 9 May 2005

**Petitioner(s):** Under the Sleeping Buffalo Research

**Summary:** The petitioner believes that the ecosystem in Canada's Rocky Mountain parks is at risk from commercial activities. The petitioner seeks the government's assistance in securing ecological integrity objectives while contributing to the long-term sustainability of each ski area. Specifically, the petitioner notes that clear direction on comprehensive study reviews and the environmental assessment process is required.

**Issues:** Biological diversity (protected areas) and environmental assessment

**Federal departments/agencies replying:** Environment Canada and Parks Canada Agency

**Status:** Replies pending

---

**Petition No. 142: Biodiversity and species at risk**

**Date submitted:** 28 April 2005

**Petitioner(s):** Heathyr Francis

**Summary:** This petition deals with biodiversity, species at risk, and the programs created to prevent losses in these areas. The petitioner is concerned about the co-ordination of environmental monitoring programs, the varying levels of government involved, and the varying amounts of commitment of each group. In addition, the petitioner suggests that programs such as FrogWatch could be addressed in schools across Canada to promote awareness of biodiversity and species at risk.

**Issues:** Biological diversity (protected areas) (endangered species) (conservation)

**Federal departments/agencies replying:** Environment Canada

**Status:** Reply pending

### **Petition No. 141: Approval and registration process for pesticides**

**Date submitted:** 18 April 2005

**Petitioner(s):** Allan S. Taylor

**Summary:** The petitioner is concerned about the registration and approval process for pesticides undertaken by the Pest Management Regulatory Agency within Health Canada. Specifically, the petitioner questions the assessment and approval of 2,4-D and Mecoprop.

**Issues:** Human health/environmental health (pesticides)

**Federal departments/agencies replying:** Health Canada

**Status:** Reply pending

### **Petition No. 140: Cleaning up the Sydney Tar Ponds and Coke Ovens**

**Date submitted:** 13 April 2005

**Petitioner(s):** Mary-Ruth MacLellan and several Canadian residents

**Summary:** The petitioners are informing the federal government of their concerns about specific aspects of the proposed approach to cleaning up the Sydney Tar Ponds and Coke Ovens site. They ask the responsible ministers to apply the most stringent environmental standards and methods throughout the cleanup and that a panel review environmental assessment be undertaken to assess the cleanup proposal. The petitioners also ask for ministerial oversight of the project to ensure tight financial management and that the ministers place residents' health as the first priority in the cleanup.

**Issues:** Air issues (air quality), environmental assessment, and human health/environmental health (toxic substances) (hazardous waste) (contaminated sites)

**Federal departments/agencies replying:** Environment Canada, Health Canada, Public Works and Government Services Canada, and Transport Canada

**Status:** Completed

### **Petition No. 139: Managing government contractors for sustainable service delivery**

**Date submitted:** 29 March 2005

**Petitioner(s):** UNITE HERE

**Summary:** The petitioners allege that a contractor providing uniforms and other services to the Canadian Food Inspection Agency (CFIA) has misrepresented environmental charges on its invoices and overcharged the government. The petitioners believe that the company's facilities have been contaminating water sources and allege that the invoiced "environmental charges" have not been used to manage the company's environmental impacts. The petitioners ask Agriculture and Agri-Food Canada and the CFIA to review the company's invoices and environmental record to ensure that the government has not been overcharged and that the environmental charges have not been misrepresented.

**Issues:** Human health/environmental health (toxic substances), water issues (drinking water) (water quality), and other

**Federal departments/agencies replying:** Environment Canada, Agriculture and Agri-Food Canada, Public Works and Government Services Canada, and Treasury Board of Canada Secretariat

**Status:** Replies pending

**Petition No. 138: Strategic environmental assessment of a causeway in Rustico Harbour, P.E.I.****Date submitted:** 17 March 2005**Petitioner(s):** Rustico Harbour Authority

**Summary:** The petitioners are concerned about the environmental and economic impacts from a causeway that connects Robinson's Island to Prince Edward Island National Park in Rustico Harbour, P.E.I. The petitioners allege that the strategic environmental assessment that Parks Canada Agency and Fisheries and Oceans Canada are currently conducting on the remediation proposal for the causeway will not address the environmental concerns that the petitioners have brought forward. The petitioners ask that the assessment be halted and that another environmental process under the *Canadian Environmental Assessment Act* be initiated to deal specifically and exclusively with the installation of a breakwater on the eastern entrance to Rustico Bay.

**Issues:** Biological diversity (habitat) (protected areas), environmental assessment, fisheries (aquaculture) (habitat) (conservation), other (infrastructure), and water issues (marine environment—oceans)

**Federal departments/agencies replying:** Parks Canada Agency and Fisheries and Oceans Canada

**Status:** Completed

---

**Petition No. 137: Strategic environmental assessment and the Red River Floodway****Date submitted:** 7 March 2005**Petitioner(s):** North Ritchot Action Committee

**Summary:** In petition 137, the petitioner asks the Minister of the Environment to provide details on the strategic environmental assessment of the Program of Operation for the Red River Floodway. The petitioner also asks the Minister to explain the removal of obligations on the Province of Manitoba to submit future program changes to the federal government for approval.

**Issues:** Environmental assessment, other (infrastructure) (federal-provincial co-operation), and water issues (watershed protection) (flood management)

**Federal departments/agencies replying:** Environment Canada

**Status:** Completed

---

**Petition No. 136: Environmental assessments and permitting man-made dams****Date submitted:** 21 February 2005**Petitioner(s):** The Friends of the Oldman River

**Summary:** In petition 136, the petitioner provides a list of selected man-made dams and asks Fisheries and Oceans Canada to indicate which dams underwent a full environmental assessment prior to a "Letter of Advice" being issued. The petitioner also asks if the Department plans to conduct environmental assessments for those dams where environmental assessments were not completed prior to a "Letter of Advice" being issued. This petitioner has submitted two other petitions (118A and B) about the impacts of man-made dams on fish and fish habitat across Canada and the status of *Fisheries Act* authorizations on selected dams.

**Issues:** Fisheries (habitat) (conservation), water issues (aquatic ecosystems) (navigable waters), and environmental assessment

**Federal departments/agencies replying:** Fisheries and Oceans Canada

**Status:** Completed

---

### Petition No. 135: Large-scale gravel removals from the Lower Fraser River in British Columbia

**Date submitted:** 8 December 2004

**Petitioner(s):** Mark Angelo, Vicky Husband, David Suzuki, Ron McLeod, and Daniel Pauly (represented by the Sierra Legal Defence Fund)

**Summary:** This petition concerns large-scale removals of gravel from the lower Fraser River in British Columbia. The petitioners allege that proposed large-scale removals of gravel will disrupt the river ecosystem and negatively affect fish and fish habitat. The petitioners also question whether the proposed removals will achieve the intended flood control measures for downstream communities. The petitioners are particularly concerned about a stretch of the Fraser River known as the “Gravel Reach” and about the associated impacts on the Fraser River White Sturgeon population. The petitioners ask for *Fisheries Act* authorizations to be reviewed and reconsidered.

**Issues:** Biological diversity (endangered species) (conservation) (habitat), fisheries (habitat) (conservation), and water issues (navigable waters)

**Federal departments/agencies replying:** Fisheries and Oceans Canada and Transport Canada

**Status:** Completed

### Petition No. 134: Sustainable management of the Pacific herring fishery

**Date submitted:** 8 December 2004

**Petitioner(s):** Heiltsuk Tribal Council

**Summary:** This petition is about the sustainable management of the Pacific herring fishery and First Nations’ involvement with the management of and access to the resource. The petitioners allege that the conservation of the herring resource and the protection of their Aboriginal rights to harvest herring have been compromised. The petitioners ask federal departments a series of questions regarding the sustainable management of the herring fishery and the engagement of the Heiltsuk in the management of the resource.

**Issues:** Fisheries (conservation) and other (Aboriginal concerns)

**Federal departments/agencies replying:** Indian and Northern Affairs Canada, Fisheries and Oceans Canada, and Department of Justice Canada

**Status:** Completed

### Petition No. 133: Cumulative environmental effects of resource development in British Columbia

**Date submitted:** 19 November 2004

**Petitioner(s):** West Moberly First Nations

**Summary:** The petitioners are concerned about the cumulative effects of resource development (forestry, oil and gas, mining) on treaty rights, fish and wildlife, species at risk, and ecological integrity in northeast British Columbia. The petitioners request that the federal government conduct a regional environmental assessment under the *Canadian Environmental Assessment Act* with a scope that extends beyond project and site-specific assessments.

**Issues:** Biological diversity (endangered species), environmental assessment, fisheries (conservation), other (Aboriginal concerns), and renewable and non-renewable resources (energy) (forestry) (mining)

**Federal departments/agencies replying:** Indian and Northern Affairs Canada, Environment Canada, and Fisheries and Oceans Canada

**Status:** Completed

**Petition No. 132: Ontario Mid-Canada Line radar site remediation**

**Date submitted:** 15 November 2004

**Petitioner(s):** Mushkegowuk Council

**Summary:** The petitioners allege that toxic substances (for example, heavy metals, DDT, asbestos, PCBs, and petroleum hydrocarbon contaminants) are being released from abandoned Mid-Canada Line radar sites to surrounding soils, groundwater, animals, and foods, and are having an impact on the ecosystem and human health. The petitioners request that the federal government participate in remediating and restoring the sites.

**Issues:** Northern issues and other (information and reporting) (Aboriginal concerns) (environmental monitoring)

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

**Status:** Completed

---

**Petition No. 131: Environmental monitoring in Nunavut**

**Date submitted:** 17 September 2004

**Petitioner(s):** Nunavut Tunngavik Incorporated

**Summary:** The petitioner asserts that Indian and Northern Affairs Canada has not established a general monitoring program in Nunavut, as required under the terms of Nunavut Land Claims Agreement. This monitoring would encompass the collection and analysis of information on the long-term state and health of the ecosystem and socio-economic conditions in the territory. The petitioner suggests that this monitoring program is central to the sustainable development of Nunavut.

**Issues:** Northern issues and other (information and reporting) (Aboriginal concerns) (environmental monitoring)

**Federal departments/agencies replying:** Indian and Northern Affairs Canada

**Status:** Completed

---

**Petition No. 130: Incentives to implement Canada's commitments under the Kyoto Protocol**

**Date submitted:** 24 September 2004

**Petitioner(s):** Mark Gaudreault and several Canadian residents

**Summary:** The petitioners are requesting that the federal government support the implementation of the Kyoto Protocol and take action to reduce greenhouse gas emissions by introducing a GST rebate to purchasers of hybrid vehicles and small electric motors and by requiring auto manufacturers to produce a minimum number of low-emission vehicles each year.

**Issues:** Air issues (climate change), international/bilateral issues (international environmental agreements), other (economic instruments), renewable and non-renewable resources (energy conservation), and transportation

**Federal departments/agencies replying:** Environment Canada, Natural Resources Canada, and Department of Finance Canada

**Status:** Completed

---

### Petition No. 129: Federal re-evaluation of pesticide 2,4-D

**Date submitted:** 17 September 2004

**Petitioner(s):** Dr. Kazimiera J. Cottam

**Summary:** This petition concerns Health Canada's Pest Management Regulatory Agency (PMRA) and its re-evaluation of the herbicide 2,4-D. The petitioner alleges that the Agency relies only on industry data to make its regulatory decisions and does not consider peer-reviewed scientific information. The petitioner maintains that the sporadic contamination of 2,4-D with cancer-causing chlorinated dioxins is not reported in industry data. The petitioner requests that the PMRA take into account independent, peer-reviewed scientific literature in its re-evaluation of 2,4-D, and in the evaluation of all pesticides. Finally, the petitioner requests that the PMRA maintain a statistical record of cancer incidence in Canada correlated to pesticide use.

**Issues:** Human health/environmental health (toxic substances) (pesticides)

**Federal departments/agencies replying:** Health Canada

**Status:** Completed

### Petition No. 128: Cleanup of chemical contamination in Elmira, Ontario

**Date submitted:** 9 September 2004

**Petitioner(s):** Henry Regier

**Summary:** The petitioner is seeking federal government involvement in remediation and "sustainable re-development" in the community of Elmira in southern Ontario. According to the petitioner, hazardous wastes from munitions development for World Wars I and II and the American war in Vietnam have been buried in Elmira, and, together with a legacy of other heavy industry in the area and a poorly functioning landfill site and sewage treatment plant, the wastes have contributed to contamination of the community's air, water, and soils.

**Issues:** Fisheries (habitat), human health/environmental health (toxic substances) (hazardous waste) (contaminated sites), international/bilateral issues (international environmental agreements) (transboundary concerns), other (federal-provincial co-operation) (military-defence), and water issues (water quality) (Great Lakes)

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

**Status:** Completed

### Petition No. 127: Protection of fish habitat in riparian and streamside areas in British Columbia

**Date submitted:** 7 September 2004

**Petitioner(s):** West Coast Environmental Law

**Summary:** This petition concerns Fisheries and Oceans Canada's protection of fish habitat in streams in British Columbia communities. The petitioner alleges that by relying on provincial regulatory mechanisms to satisfy compliance with the *Fisheries Act*, the Department may be unable to prevent the harmful alteration, disruption, or destruction of fish habitat. The petitioner is not convinced that the province's new Riparian Areas Regulation will sufficiently protect fish habitat in streams. The petitioner requests that Fisheries and Oceans Canada work with the province to improve the regulation prior to its introduction in early 2005, to ensure that it will be effective and enforceable.

**Issues:** Fisheries (habitat) (conservation) (enforcement) and other (federal-provincial co-operation)

**Federal departments/agencies replying:** Fisheries and Oceans Canada

**Status:** Completed

**Petition No. 126A: Fumigants and other pesticides in shipping containers**

**Date submitted:** 25 August 2004

**Petitioner(s):** Tom Edwards

**Summary:** This petition concerns the report of a workplace incident involving a shipping pallet from overseas. The petitioner alleges that he was exposed to a toxic and banned pesticide when he opened the shipping pallet. There were no warnings or labels on the pallet. The petitioner asks the federal government to investigate the alleged use of a banned and toxic pesticide in the shipments that he handled and to implement measures to protect workers from inadvertent exposure to potentially toxic pesticides in shipping containers.

**Issues:** Human health/environmental health (pesticides) and transportation (shipping)

**Federal departments/agencies replying:** Health Canada and Transport Canada

**Status:** Completed

---

**Petition No. 125: Federal regulation of genetically modified organisms**

**Date submitted:** 16 August 2004

**Petitioner(s):** Jenn Robus

**Summary:** This petition concerns the assessment and regulation of genetically modified organisms (GMOs) in Canada. The petitioner is primarily concerned about the regulation of plant biotechnology and asks specific questions about the following: how departments determine whether or not a plant with novel traits is safe; the regulations and policies governing farm borders and farmers' rights in areas where genetically modified crops are produced; departments' review and enforcement of policies on GMOs; and departments' approaches to addressing public concerns about GMOs.

**Issues:** Biotechnology (GMOs) (regulation and policy) (enforcement)

**Federal departments/agencies replying:** Health Canada, Environment Canada, and Agriculture and Agri-Food Canada

**Status:** Completed

---

**Petition No. 124: Enforcement of the *Fisheries Act* in the Province of Quebec**

**Date submitted:** 11 August 2004

**Petitioner(s):** A Canadian resident

**Summary:** The petitioner alleges that the enforcement of federal fish habitat protection laws (primarily Section 35 of the *Fisheries Act*) is under-resourced in Quebec and that fish habitat is not being adequately protected there. The petitioner believes that a number of projects involving water-flow modifications have received provincial approval without due consideration to federal *Fisheries Act* requirements. The petitioner requests that Fisheries and Oceans Canada strengthen its enforcement activities in Quebec in order to protect fish habitat in that jurisdiction.

**Issues:** Fisheries (habitat) (enforcement)

**Federal departments/agencies replying:** Fisheries and Oceans Canada

**Status:** Completed

---



---

**Petition No. 123: Resort development near Invermere, British Columbia**

**Date submitted:** 26 July 2004

**Petitioner(s):** Jumbo Creek Conservation Society

**Summary:** This petition concerns the possible environmental effects from the development of a four-season resort in the Jumbo Valley near Invermere, British Columbia. The petitioners are concerned that water quality, aquatic habitat, fisheries resources, wildlife populations, and the water supply to the Columbia River and adjacent wetlands will be negatively affected if the project goes forward as proposed. The petitioners also question whether Indian and Northern Affairs Canada should be involved, given that the project site is located within an area of interest for treaty negotiations.

**Issues:** Biological diversity (endangered species) (habitat) (wetlands) (wildlife) (watershed protection), environmental assessment, fisheries (habitat) (conservation), international/bilateral issues (international environmental agreements) (transboundary concerns), other (Aboriginal concerns), and water issues (watershed protection)

**Federal departments/agencies replying:** Environment Canada, Fisheries and Oceans Canada, Indian and Northern Affairs Canada, Foreign Affairs Canada, and Transport Canada

**Status:** Completed

---

**Petition No. 122A: Housing development near Mission, British Columbia**

**Date submitted:** 22 July 2004

**Petitioner(s):** A Canadian resident

**Summary:** This petition concerns a proposed housing development near Mission, British Columbia. The petitioner believes that the development will damage the Silvermere/Stave River ecosystem and affect spawning salmon. The area is home to a number of listed endangered species that fledge and forage nearby. The petitioner asks that a statutory review or federal environmental assessment of the development proposal be conducted.

**Issues:** Biological diversity (endangered species) (habitat) (wetlands) (wildlife) (watershed protection) and fisheries (habitat) (conservation) (enforcement)

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

**Status:** Completed

## Appendix B List of recommendations

The following is a list of recommendations found in Chapter 8. The number in front of the recommendation indicates the paragraph where it appears in the chapter. The numbers in parentheses indicate the paragraphs where the topic is discussed.

Recommendation	Department's response
<b>Insurance for nuclear operators</b>	
<p><b>8.29</b> Natural Resources Canada should begin preparatory work on revisions to the <i>Nuclear Liability Act</i> and submit policy proposals to the Minister by the end of 2005, in order to advance the commitment to bring forward revisions to the Act. (8.22–8.28)</p>	<p>Natural Resources Canada agrees with the recommendation. The Department is undertaking significant policy work to ensure that the revisions required to the <i>Nuclear Liability Act</i> are addressed. The Department commits to completing its work on developing policy proposals for revisions to the Act by the end of 2005. The timeframe for bringing forward any revisions will be established by the government once the policy work is completed.</p>
<b>Impacts of hog farming</b>	
<p><b>8.58</b> In order to ensure that its compliance promotion and enforcement efforts related to hog farming are effective, Environment Canada should</p> <ul style="list-style-type: none"> <li>• identify the regulated community,</li> <li>• gather data on a national basis to direct or prioritize resources,</li> <li>• monitor the impacts of its efforts, and</li> <li>• keep comprehensive records on budgets and expenditures. (8.48–8.57)</li> </ul>	<p>Environment Canada agrees with the recommendation. It should be noted, however, that these recommended activities, although directed to hog farming, are relevant to all environmental issues where the Department has compliance promotion and enforcement responsibilities. The Department uses priority-setting mechanisms for both compliance promotion and enforcement activities under the <i>Fisheries Act</i> and the <i>Canadian Environmental Protection Act, 1999</i>. These mechanisms allow for the consideration and prioritization of all issues, including hog farming.</p> <p>Identification of all hog farms in Canada will be done in fiscal year 2006–07, in collaboration with Agriculture and Agri-Food Canada and provinces. This will help Environment Canada identify watersheds with the greatest agricultural impacts across Canada, and compliance promotion and enforcement efforts regarding hog farming issues will be more easily directed to issues of highest priority. This priority-setting exercise would need to consider the ongoing efforts by provinces and others to reduce the environmental impacts of hog farming operations. For example, many provinces have recently developed nutrient management regulations, which are also supported by various voluntary measures under the Agricultural Policy Framework.</p>

Recommendation	Department's response
<p><b>8.75</b> Agriculture and Agri-Food Canada should clarify its approach to addressing the environmental impacts of hog farming and clearly communicate the approach to all stakeholders, in order to encourage a sustainable hog industry. The Department should also effectively communicate its beneficial management practices and monitor their implementation. (8.59–8.74)</p>	<p>To improve monitoring of the impacts of its efforts, Environment Canada will continue to track its compliance promotion and enforcement activities. The Department will also continue to pilot a database that could be used nationally.</p> <p>Agriculture and Agri-Food Canada accepts the recommendations of the Office of the Auditor General. The Department is developing a communications plan to address the Environment Element of the Agricultural Policy Framework. This includes communications to producers about environmental stewardship, farm planning, and beneficial management practices that relate to hog and other kinds of farming activities. To clarify the approach and communicate it to all its stakeholders, the Department will improve the Framework's Environment Element on its Web site. The site will provide national and provincial information, as well as appropriate links to program delivery agents. The link to <i>ManureNet</i>, a national Web site, will be made more prominent. This site is dedicated to manure management issues in Canada and provides information including research projects, acts, regulations, guidelines, fact sheets, and new technologies. The timeline for completing this project is March 2006. The Department also commits to improving the communication of its environmental strategy through the next Sustainable Development Strategy.</p> <p>To communicate beneficial management practices, the Department will work to improve the availability of information for producers on relevant programs under the Agricultural Policy Framework. Direct communications with producers on beneficial management practices will also continue on a regional basis through provincial Environmental Farm Planning programs, and by provincial delivery agents of the National Farm Stewardship Program (NFSP). The timeline for completing this project is March 2006. To monitor the implementation of beneficial management practices, the Department will continue to collect information on implementation of these practices through delivery agents of the NFSP. Information will be stored in a national database. This information will also be used to support program refinements to foster increased implementation of the practices by all producers by March 2008. Through agri-environmental indicators, the Department will also continue to assess the broad impact of adopting beneficial management practices on the environment. Agri-environmental indicators are reported on a five-year basis, with the next report due in 2005.</p>



# Report of the Commissioner of the Environment and Sustainable Development to the House of Commons—2005

## Main Table of Contents

The Commissioner's Perspective—2005

- Chapter 1** Fisheries and Oceans Canada—Canada's Oceans Management Strategy
- Chapter 2** Ecological Integrity in Canada's National Parks
- Chapter 3** Canadian Biodiversity Strategy: A Follow-Up Audit
- Chapter 4** Safety of Drinking Water: Federal Responsibilities
- Chapter 5** Drinking Water in First Nations Communities
- Chapter 6** Green Procurement
- Chapter 7** Sustainable Development Strategies
- Chapter 8** Environmental Petitions

