

2004



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

**Chapter 6**  
Environmental Petitions



Office of the Auditor General of Canada

*The 2004 Report of the Commissioner of the Environment and Sustainable Development comprises six chapters, and The Commissioner's Perspective—2004. 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  
Fax: (613) 954-0696  
E-mail: [distribution@oag-bvg.gc.ca](mailto:distribution@oag-bvg.gc.ca)

*Ce document est également disponible en français.*

© Minister of Public Works and Government Services Canada 2004  
Cat. No. FA1-2/2004-6E  
ISBN 0-662-37991-8



Chapter

6

Environmental Petitions

*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>	1
<b>Introduction</b>	3
<b>Annual report on petitions (19 July 2003 to 30 June 2004)</b>	5
Use of the petitions process	5
The range of issues is expanding	5
<b>Departmental responses to petitions</b>	7
Monitoring of petition responses	7
Some petitioners do not know the outcome of their petition	7
<b>Highlights of selected petitions and responses</b>	10
Five petitions focussed on government policy and action on biotechnology	10
Acid rock drainage continues at the Tulsequah Chief mine in northern British Columbia	11
Concerns expressed about chronic wasting disease on game farms	11
<b>Audit of Claims Made in Petition Responses</b>	12
<b>Audits of Petition Response Commitments</b>	14
<b>Military dumpsites off Canada’s Atlantic coast</b>	14
<b>Genetically engineered fish</b>	20
<b>The Transit Pass Pilot Project</b>	27
<b>Conclusion</b>	30
<b>About the Audits</b>	32
<b>Appendix</b>	
Petitions activity (19 July 2003 to 30 June 2004)	33





# Environmental Petitions

---

## Main Points

**6.1** In most cases, departments have responded to complaints raised in petitions about alleged violations of federal environmental laws by promising to launch investigations. However, petitioners are seldom informed of the outcome of these actions and the end result of their petition.

**6.2** The audits we conducted of strategic environmental assessment and the management of salmon, which are discussed in chapters 4 and 5 of this report, provided an opportunity to verify departmental claims in selected petition responses. We found that in these cases, some departments portrayed a more positive situation in their petition response than was warranted.

**6.3** Our audits of commitments from past petition responses concerning historic military dumpsites off Canada's Atlantic Coast and a pilot project to encourage federal public servants to use urban transit found that progress had been made in translating commitments into concrete action. However, our audit of a commitment stated in a petition response by Fisheries and Oceans Canada revealed that the Department had made limited progress toward developing regulations on genetically engineered fish.

### Background and other observations

**6.4** This is our annual report to Parliament on the environmental petitions process as required by the *Auditor General Act*. The Commissioner of the Environment and Sustainable Development co-ordinates the petitions process on behalf of the Auditor General.

**6.5** Our Office received a total of 40 petitions this year (compared with 38 last year). They came from most parts of the country, with the majority from individuals and local groups and some from national organizations. The petitions covered issues such as trawler dragging on the ocean floor, biotechnology, and pesticide advertising. New issues included the quality of drinking water and other environmental problems on an Aboriginal reserve, environmental fines under the federal tax system, and a hazardous waste incinerator project. The full text of petitions and responses can be found in the 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)).

**The departments have responded.** Fisheries and Oceans Canada and Transport Canada have accepted our recommendations. Their responses, which follow the recommendations in the chapter, indicate the actions they intend to take and when these will be completed.





## Introduction



Dead trumpeter swan at Judson Lake, B.C.  
Source: Kevin Sinclair

**6.6** During the past five years, British Columbia resident Kevin Sinclair and his family have witnessed the deaths of over 1,000 migratory trumpeter swans in or near the lake that borders their property. Judson Lake, which straddles the Canada–United States border, has been a popular site for hunters. The petitioner says that the lake is contaminated with lead shot as a result. In an effort to get the lake cleaned up, Kevin Sinclair submitted an environmental petition to our Office (Petition No. 99).

**6.7** We forwarded the petition to the Canadian Wildlife Service of Environment Canada. In its response, the Department stated that it was not convinced that Judson Lake is the source of the lead shot that is killing swans found in the area. However, the Department stated that it is working with many partners in Canada and the United States to, among other things, determine the primary source(s) of the problem.

**6.8** This is just one example of an environmental petition submitted by a Canadian through the environmental petitions process. Any Canadian resident, whether an individual, an organization, a business, or a municipality, has the right to submit an environmental petition to the Auditor General of Canada. Petitions must address environmental issues involving the federal government. Exhibit 6.1 provides more information on the petitions process and the role of the Commissioner, who oversees the petitions process on behalf of the Auditor General.

**6.9** This chapter has the following three parts:

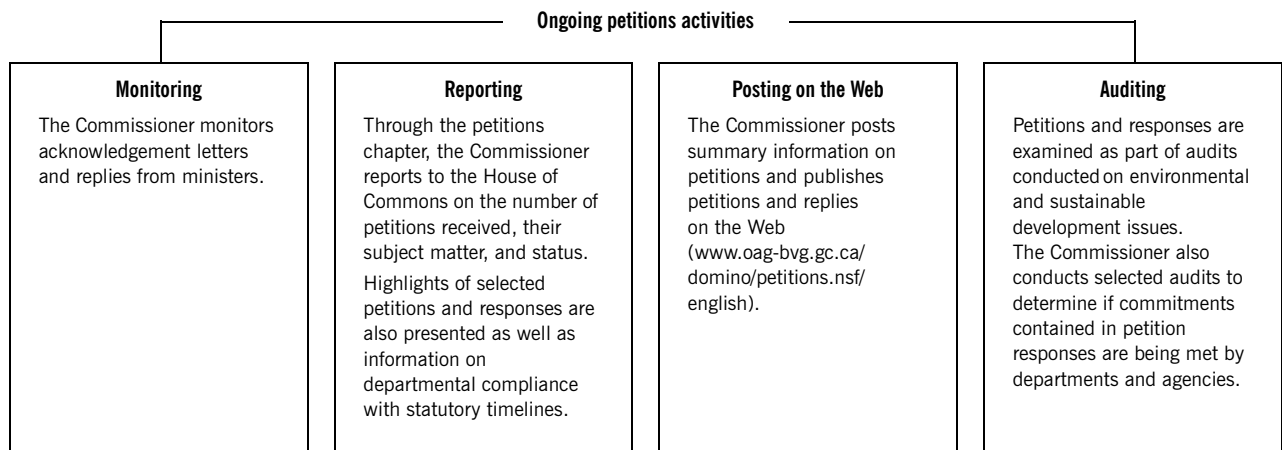
- our annual report to Parliament on new petitions received between July 2003 and June 2004, which also highlights some important issues that arose from petition responses;
- our findings from audits that verified the claims made in two petition responses; and
- our findings from audits of action taken by federal departments to fulfill commitments made in responses to petitions. The petitions concerned military dumpsites off Canada’s Atlantic coast (Petition No. 50A), genetically engineered fish (Petition No. 38A), and a pilot project to encourage greater use of urban transit by federal public servants (Petition No. 29).

**Exhibit 6.1 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>Getting things started</b>	The process is triggered 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 that is the responsibility of a federal department or agency subject to the petitions process (see page 7).	
	If the petition is accepted by the Commissioner’s staff, they determine which federal departments and agencies are responsible for the issue addressed in the petition and send it to the responsible minister.	If the petition is not accepted, the petitioner will be contacted.  If the petition is incomplete or the requests or other information are 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 of receipt; and</li> <li>• consider the petition, formulate a substantive reply, and send it to the petitioner and Commissioner within 120 days of receipt.</li> </ul>	



## Annual report on petitions (19 July 2003 to 30 June 2004)

### Use of the petitions process

**6.10** We received 40 petitions this year (compared with 38 last year). The petitions came from most parts of the country (Exhibit 6.2), with the exception of the territories. Most continue to come from individual Canadians as well as small local or regional organizations and grass-roots coalitions. Some were submitted by national organizations, such as the Canadian Wildlife Federation. For the first time, we received a petition from a private sector company. The petition (Petition No. 93) concerns a micro-organism, Bacta-Pur®, and the application of New Substances Notification Regulations under the *Canadian Environmental Protection Act, 1999*.

**6.11** An overview of petitions activity during our reporting period (19 July 2003 to 30 June 2004) is in the Appendix. It covers new petitions received since July 2003 as well as earlier petitions where a ministerial response was pending.

**6.12** Petitions and responses are included 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)). Some federal organizations are also posting their responses on their Web sites.

### The range of issues is expanding

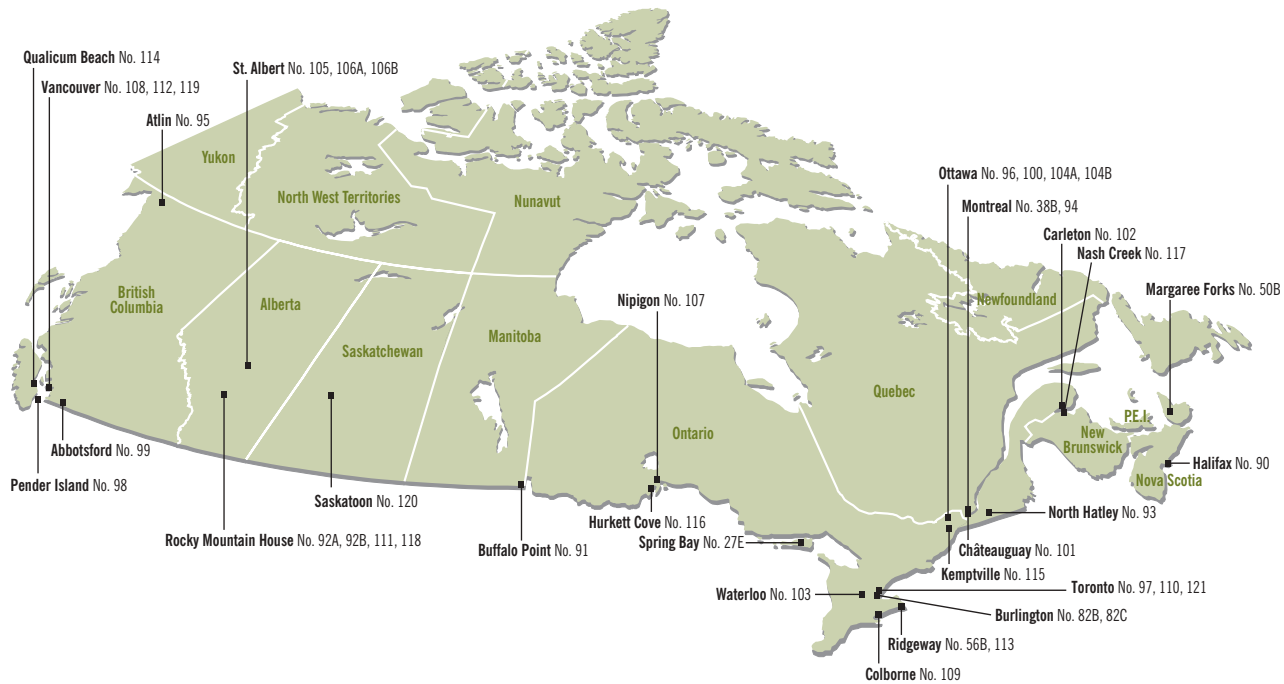
**6.13** New types of issues involving the federal government are being raised in petitions. Examples include the following:

- hazardous waste incineration—specifically a project in New Brunswick and possible impacts on the Baie des Chaleurs, Quebec’s Gaspé region, and areas south of the Canada–United States border (Petitions No. 102 and 107);
- environmental problems on an Aboriginal reserve located in Manitoba (Petition No. 91); and
- the federal tax system—specifically, the writing off of environmental fines and other penalties as a business expense under the *Income Tax Act* (Petition No. 98).

**6.14** Issues concerning the marine environment and marine biodiversity figure more prominently in petitions received during the past year. One example is a petition from the Georgia Strait Alliance and the United Fisherman and Allied Workers Union-Canadian Auto Workers Union. Their petition calls on the federal government to put in place a regulation to prevent municipalities from discharging untreated or partially treated sewage into the ocean (Petition No. 112).

**6.15** Over the past year, we have heard from petitioners looking for progress reports, updates, or additional information on issues they covered in their previous petitions. In one case, Algonquin Eco Watch submitted a follow-up petition (Petition No. 27E) when a department failed to provide a report it had promised in response to an earlier petition.

**Exhibit 6.2** Petitions come from many parts of the country (19 July 2003 to 30 June 2004)



Petition No.	Subject
27E	Follow-up petition concerning the decommissioning of a mainline through Algonquin Park
38B	Follow-up petition on genetically engineered fish
50B	Follow-up petition concerning military dumpsites off the Atlantic coast
56B	Follow-up petition on invasive aquatic species in the Great Lakes
82B	Federal environmental assessment for pipeline relocation for the Red Hill Creek Valley expressway project
82C	Aboriginal burial grounds and the Red Hill Creek Valley expressway project
90	Fishing practices and effects on sensitive fish habitat on the ocean floor
91	Environmental problems at the Buffalo Point Reserve in Manitoba
92A	Follow-up actions arising from the federal environmental assessment of the Oldman River Dam project
92B	Government response to panel recommendations concerning federal environmental assessment and approval of the Oldman River Dam project
93	New Substances Notification Regulations under the <i>Canadian Environmental Protection Act, 1999</i>
94	Biotechnology and "Pharming Crops"
95	Acid drainage and re-opening of metal mine in northern British Columbia
96	Environmental and health impacts of game farming in Canada
97	Toxicity of the arsenic-based pesticide Monosodium Methane Arsenate (MSMA)
98	The tax deductibility of environmental fines
99	Dying trumpeter swans in Judson Lake
100	Residential development near the Leitrim wetlands
101	Proposal to build a natural gas generating station at Suroit, Québec
102	Proposed hazardous waste incinerator in Belledune, New Brunswick
103	Development of the coal bed methane industry in Canada

Petition No.	Subject
104A	Proposal to construct a sewage pipeline
104B	Follow-up petition concerning a sewage pipeline in Ottawa, Ontario
105	Federal environmental assessment of a proposed regional road through the Big Lake wetland in St. Albert, Alberta
106A	Proposed regional road in St. Albert, Alberta
106B	Follow-up petition concerning the proposed regional road in St. Albert, Alberta
107	Environmental impact assessment of boat launch project in Hurkett Cove, Ontario
108	Human, social and environmental impacts of genetic engineering
109	Environmental and health impacts of a closed landfill in Cramahe, Ontario
110	The Great Lakes Action Plan
111	Dams on navigable waters in Canada
112	Controlling persistent organic pollutants in municipal wastewater discharges
113	Environmental assessment of the expansion of the Peace Bridge connecting Fort Erie, Ontario and Buffalo, New York
114	Environmental assessment for a proposed road in Qualicum Beach, British Columbia
115	The grey whale, a species at risk
116	Construction of a boat ramp in Hurkett Cove, Ontario
117	Hazardous waste incinerator in Belledune, New Brunswick
118	The environmental impacts of man-made dams
119	Potential adverse impacts of proposed sablefish aquaculture on the wild sablefish stocks and fishery
120	Decommissioning of the Cluff Lake mine in Saskatchewan
121	The <i>Species at Risk Act</i>

## Departmental responses to petitions

### Departments and agencies subject to the environmental petitions process

Agriculture and Agri-Food Canada  
 Atlantic Canada Opportunities Agency  
 Canada Border Services Agency  
 Canada Revenue Agency  
 Canada Economic Development Agency for Quebec Regions  
 Canadian Firearms Centre  
 Canadian Heritage, Department of  
 Canadian International Development Agency  
 Citizenship and Immigration Canada  
 Environment Canada  
 Finance Canada, Department of  
 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  
 Justice Canada, Department of  
 National Defence  
 Natural Resources Canada  
 Parks Canada Agency  
 Public Service Human Resources Management Agency of Canada  
 Public Works and Government Services Canada  
 Transport Canada  
 Treasury Board of Canada, Secretariat  
 Veterans Affairs Canada  
 Western Economic Diversification Canada

## Monitoring of petition responses

**6.16** 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 considered response that clearly addresses the questions and other requests made in petitions?

**6.17** We are pleased to report that departments are generally meeting the 120-day deadline for responding to petitions. However, there are some exceptions (Exhibit 6.3). Indian and Northern Affairs Canada was late responding to three of four petitions. As of August 2004, two of these were over 180 days late. The Department has informed us that it is taking steps to improve its compliance with the legislated time frame.

**6.18** As part of our monitoring of departmental responses to petitions, we review the responses 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 questions and/or were vague and conveyed little meaningful information.

### Some petitioners do not know the outcome of their petition

**6.19** Some petitioners are continuing to use the petitions process as a way to draw attention to alleged violations of federal environmental laws. These laws involve pesticides, fish habitat, and pollution. In these cases, petitioners asked the responsible departments to investigate their complaints.

**6.20** One example is a petition submitted by Earth Action, an organization based in Charlottetown, Prince Edward Island. Earth Action maintained that several companies were contravening advertising rules set out under federal pesticide legislation and asked Health Canada to investigate (Petition No. 87). In its response, the Department announced that its Pest Management Regulatory Agency had initiated investigations of five different companies.

**6.21** An official with Health Canada informed Earth Action that the investigations had determined that the federal *Pest Control Products Act* and Regulations had been contravened in all cases. The companies in question were ordered to initiate corrective action, and the Department told the petitioner that it intended to monitor action taken by the companies.

**6.22** In this case, Health Canada followed up with Earth Action to let it know that the concerns it had raised in its petition were addressed. However, this is the exception. While departments are continuing to state their intention to investigate the allegations raised in a petition, we noted that some did not provide petitioners with timelines for concluding their investigation; nor did they provide a departmental contact for follow-up. As a result, some petitioners do not know the final actions undertaken by departments on their petition. In such cases where follow-up action has been promised, petitioners sometimes approach our Office or submit a follow-up petition looking for answers. Departments need to do a better job of closing the loop with petitioners.

**Exhibit 6.3** Are departments and agencies meeting their deadlines? (covers responses received 19 July 2003 to 30 June 2004)

Petition	AAFC	CCRA	CIDA	CH	DFAIT	DND	EC	F&O	Fin	HCan	IC	IT*	INAC	NRCan	Parks	TC	WD
27D								●									
38B					●		●	●		●							
56B							●	●								○	
60B														●			
67			○														
71															●		
72							●									●	
73								●								●	
74					●		●	●								●	
75							○	●							○		
76														●			
77					●												
78						●											
79							●			●							
80						●											
81							●	●								●	
82A								●									
82B							●	●									
82C				●									○				
83							●			●							
84	●						●				○						
85	●		●		●		●			●	●						
86							●								●		
87										●							
88	●				●		●		●	●	●			●	●		●
89							●	●									
90								●									
91							●	●		●			●				
92A								●									
92B	●						●	●		●			○	●		●	
93							●										

**Exhibit 6.3** Are departments and agencies meeting their deadlines? (covers responses received 19 July 2003 to 30 June 2004) (continued)

Petition	AAFC	CCRA	CIDA	CH	DFAIT	DND	EC	F&O	Fin	HCan	IC	IT*	INAC	NRCan	Parks	TC	WD
94	●	○	○		●		●		●	●	●						
95					○		●	●					○			●	
96	○				●		●			○							
97										●							
98							●		○					●		●	
99							●	●									
100							●	○		○				●		●	
101							●										
102							●					○					
<b>Total Petitions</b>	<b>6</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>8</b>	<b>2</b>	<b>25</b>	<b>17</b>	<b>3</b>	<b>12</b>	<b>4</b>	<b>1</b>	<b>4</b>	<b>6</b>	<b>4</b>	<b>9</b>	<b>1</b>
<b>Percentage responded on time</b>	<b>83%</b>	<b>0%</b>	<b>33%</b>	<b>100%</b>	<b>88%</b>	<b>100%</b>	<b>96%</b>	<b>94%</b>	<b>67%</b>	<b>83%</b>	<b>75%</b>	<b>0%</b>	<b>25%</b>	<b>100%</b>	<b>75%</b>	<b>89%</b>	<b>100%</b>

- Responded on time
- Late

Agriculture and Agri-Food Canada (AAFC), Canada Customs and Revenue Agency (CCRA), Canadian International Development Agency (CIDA), Department of Canadian Heritage (CH), Department of Foreign Affairs and International Trade (DFAIT), National Defence (DND), Environment Canada (EC), Fisheries and Oceans Canada (F&O), Department of Finance Canada (Fin), Health Canada (HCan), Industry Canada (IC), International Trade Canada (IT)\*, Indian and Northern Affairs Canada (INAC), Natural Resources Canada (NRCan), Parks Canada Agency (Parks), Transport Canada (TC), Western Economic Diversification Canada (WD)

\* Newly created department resulting from the December 2003 reorganization.

## Highlights of selected petitions and responses

**6.23** In this section, we draw attention to some of the petitions and responses we have received during the past year. They highlight issues dealing with biotechnology, the legacy of environmental problems from an abandoned mine, and the transmission of disease from game ranches.

### Five petitions focussed on government policy and action on biotechnology

**6.24** In 2003–04, Greenpeace submitted five petitions on biotechnology to our Office (Petitions No. 38B, 84, 85, 88, and 94). The petition responses prepared by departments and agencies are substantial documents that reflect the detailed petition questions and requests posed by Greenpeace. We have highlighted selected departments' responses.

**6.25 Information on the economic, financial, and trade impacts of cultivating genetically modified crops is limited.** Greenpeace asked the federal government for information on the impact of what the organization regards as international consumer rejection of products that contain or are made from genetically engineered organisms in Canadian farming and agricultural sectors. In their joint response, federal departments stated that information on this issue is limited and that it is difficult to isolate the possible effects of biotechnology on farm economics and international trade. The departments did state that there were impacts on Canadian canola producers arising from restricted access to certain world markets; however, they also stated that Canadian producers were generally able to offset them by redirecting their shipments to other markets (Petitions No. 85 and 88).

**6.26 Aid to developing countries is not tied to accepting genetically modified products.** Greenpeace received assurance from the Canadian International Development Agency that Canadian food aid (or other humanitarian aid, including medical assistance) is not contingent upon a country's acceptance of genetically engineered commodities. The Agency also stated that it is providing funds for promoting organic and agro-ecological farming practices and for protecting and preserving biodiversity (Petition No. 85).

**6.27 The federal government clarified its labelling requirements for the international trade of genetically engineered agricultural products.** As part of the government's response to Petition No. 85, departments provided a copy of an agreement on genetically engineered organisms, signed by Canada, Mexico, and the United States in October 2003. The agreement applies to all shipments of agricultural products destined for food, feed, or for processing. Under the agreement, exporters are exempt from documentation requirements if an exporter and importer have defined the shipment as not containing genetically engineered organisms. This means that the parties can exempt shipments from these requirements if they contain no more than five percent genetically engineered organisms.



### Acid rock drainage continues at the Tulsequah Chief mine in northern British Columbia

In the 2002 Report of the Commissioner of the Environment and Sustainable Development, Chapter 3—Abandoned Mines in the North, we noted that some abandoned mines in the North present a serious threat to human health and the environment and there could be significant environmental damage if nothing is done.

**Acid rock drainage**—The result of a reaction of sulphur-containing minerals exposed to air and water, producing toxic run-off that can potentially cause damage to ecosystems downstream. Acid rock drainage is associated mainly with the mining of coal, copper, and other base and precious metals.

**6.28** In September 2003, the Society for Atlin's Sustainable Economic Initiatives sent a petition to our Office (Petition No. 95). The petition focussed on toxic runoff from the Tulsequah Chief mine in northwestern British Columbia and the impact on the health of salmon and other aquatic species in waterways around the mine.

**6.29** According to the petitioner, the mine opened in 1951 and closed six years later. The property was later purchased by Redfern Resources Ltd. Redfern wants to re-open the mine; however, the proposal is subject to a federal environmental assessment. Fisheries and Oceans Canada is the lead federal department for this assessment. In its response to the petitioners, the Department indicated that it cannot complete the environmental assessment until Redfern addresses concerns raised by several federal departments and others. Since the petition response, we were informed that the environmental assessment has started again.

**6.30** Environment Canada is responsible for the pollution provisions of the *Fisheries Act* and responded to the petitioner's questions about **acid rock drainage** at the mine site. The Department confirmed that it has issued warning letters and an inspector's direction requiring the company to deal with the problem. An inspection done in October 2003 confirmed that none of the measures taken by the company had significantly reduced the acutely lethal toxicity of the acid rock discharge. The Department stated that it would determine the next steps in accordance with its compliance and enforcement policy for pollution prevention under the *Fisheries Act*.

### Concerns expressed about chronic wasting disease on game farms

**6.31** In October 2003, the Canadian Wildlife Federation submitted a petition to our Office (Petition No. 96) about game farming in Canada. One of the petitioner's concerns was about chronic wasting disease on game farms and transmission of this disease to wild populations of deer and other cervids (an animal in the deer family such as deer, elk, moose, and caribou). Chronic wasting disease is a similar disease to bovine spongiform encephalopathy (BSE). According to the petitioner, game farming of elk and deer began in Canada in the mid-1980s and is permitted in all provinces except Newfoundland and Labrador and the territory of Nunavut.

**6.32** Our Office forwarded this petition to Agriculture and Agri-Food Canada, Environment Canada, Foreign Affairs and International Trade Canada (now two departments: Foreign Affairs Canada and International Trade Canada) and Health Canada. In its response, Health Canada indicated that it had recently completed two reviews on chronic wasting disease. The first one, published in January 2003, was a compilation of Canadian information on this disease. The second review, published in March 2003, concluded that there is no compelling evidence that this disease can result in human illness. Nevertheless, at the end of its response, Health Canada did note two incidents that suggest that chronic wasting disease has the potential to be a human pathogen.

**6.33** Environment Canada has recognized that, although the source of chronic wasting disease is not known, the disease appears to be increasing in prevalence in wild cervids in Western Canada. The Department has been working through a federal/provincial/territorial committee to develop the National Wildlife Disease Strategy, which covers chronic wasting disease and other wildlife diseases. The Department reported that the strategy, which will be implemented across all jurisdictions, will minimize the negative impacts of emerging wildlife diseases on the health of humans, livestock, and wildlife.

## Audit of Claims Made in Petition Responses

**6.34** For the first time, we verified the claims made in departmental responses to two petitions. This work was done during our audits of strategic environmental assessment by the federal government (see Chapter 4 of this report) and the management of salmon (Chapter 5). The following highlights our audit findings.

**6.35 Deficient petition responses on strategic environmental assessment.** Since 1990, strategic environmental assessment has been in place through a federal Cabinet directive. Under that directive, departments and agencies are required to consider environmental implications and effects when they are developing federal plans, programs, and policies. A doctoral student, Rachel McCormick, petitioned 10 federal departments through our process in 2003 (Petition No. 64). She asked departments to describe how they were integrating strategic environmental assessment into their planning and whether it was making a difference.

**6.36** In our audit of strategic environmental assessments, generally we found that information in the petition responses we examined agreed with our related audit evidence. However, information in some responses was at odds with our audit work.

- Fisheries and Oceans Canada stated in its petition response that the Department “determines whether environmental considerations are likely to arise from implementing the proposed policy, plan, or program by conducting a preliminary scan. The scan enables the analyst to identify the potential for direct or indirect outcomes associated with implementing the proposal. If the scan determines that there are no potential outcomes, there is no further analysis required.” The Department did not provide evidence that preliminary scans and screening with regard to the Cabinet directive were being done.
- Health Canada indicated that strategic environmental assessment considerations are holistically integrated into its development of new proposals. However, the Department has limited processes in place that can ensure compliance with the directive.
- Finance Canada indicated that it had launched an “enhanced strategic environmental assessment process” in May 2003. Yet, the Department could not show that before then it had any process in place. The

Department stated that two informal strategic environmental assessments were conducted prior to May 2003, but it was unable to provide evidence that these assessments had been undertaken.

**6.37 Despite Fisheries and Oceans Canada's response, questions remain about dramatic decline of wild salmon in the Broughton Archipelago.**

A suspected outbreak of sea lice (a marine parasite) in wild pink salmon in the Broughton Archipelago off the British Columbia coast in 2001 prompted the Musgamagw Tsawataineuk Tribal Council to submit a petition to our Office in 2002. The petition suggested that the sea lice came from the numerous salmon farms in the area and questioned how Fisheries and Oceans Canada dealt with the problem in the spring of 2001.

**6.38** In its response to the petition, the Department stated that it had assessed the presence of sea lice as part of its annual survey of juvenile salmon. It reported that the salmon sampled were in generally good health, with low levels of infestation by sea lice. Based on that survey, there was no evidence of an epidemic or of a mass mortality of juvenile salmon.

**6.39** As part of the Office's follow-up audit on wild salmon (see Chapter 5), we examined the Department's action in the wake of the suspected outbreak of sea lice in the Broughton Archipelago in 2001. We found that it had not done sufficient research to explore the potential impacts of aquaculture and sea lice prior to the alleged outbreak. The Department's report cited in the petition response was based on very limited research and was not peer-reviewed. Beyond the annual survey mentioned earlier, the Department did no further work in 2002 to examine the situation.

**6.40** While the number of pink salmon returning to the Broughton Archipelago has fluctuated over the years, there was a dramatic decline in 2002, when an estimated 147,000 returned to the area (compared with 3.6 million in 2000). In 2003, Fisheries and Oceans Canada and the Province of British Columbia responded with action plans, which included monitoring sea lice in the Broughton Archipelago. In May 2004, the Department released results from the 2003 study and specific plans for 2004 that would begin to address the main research gaps identified from the analysis of 2003 data. As we report in Chapter 5, the Department has still not provided clear answers about the potential effect of sea lice on wild salmon stocks and its relation to salmon aquaculture.

## Audits of Petition Response Commitments

**6.41** In their responses over the years, federal ministers have made commitments to act on the environmental concerns raised by petitioners. To determine whether departments have taken meaningful action, we have audited selected commitments.

**6.42** This year we audited commitments in response to three petitions. They were selected on the basis of several criteria. Our audits focussed on the measures taken by departments to carry out commitments made in their petition responses. We expected that each department would have

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

For more information, see About the Audit at the end of the chapter.

## Military dumpsites off Canada's Atlantic coast

### An unwanted legacy



National Defence staff in Cornwall preparing barrels of mustard gas for shipment to Halifax in 1946.

Source: National Archives of Canada

**6.43** Over the past century, especially as a result of the two world wars, there have been an estimated 2,800 shipwrecks (some containing munitions) off Canada's Atlantic coast. In addition, at the end of World War II, Canada and other countries disposed of conventional munitions, such as bombs and shells, and chemical/biological warfare agents, such as mustard gas, by dumping them at sea. This was considered an acceptable practice at that time. Ocean disposal of warfare agents and munitions has been prohibited by Canadian law since 1975.

**6.44** Unexploded munitions and chemical/biological warfare agents in the marine environment may present a potential risk to human safety and environmental health if disturbed by activities such as dredging, bottom-trawling fishing, shipping, or gas and oil exploration. Conventional munitions have washed ashore on the Atlantic coast. Even if undisturbed, dumped munitions and containers holding chemical warfare agents can be expected to corrode and leak. These sites may pose risks that need to be better understood.

**6.45** In 1984, Transport Canada raised the issue of off-shore disposal of mustard gas and unexploded munitions with the Department of National Defence. However, after considering the issue, National Defence did not

consider action necessary at that time. It stated, “There is no evidence of a major problem in Canadian waters.” The Department recently acknowledged that this issue may have potential human health and environmental concerns due to the increased use of the marine environment.

### Petition expressed concern about offshore activities on military dumpsites

On 19 February 1946, a barge containing 10,200 drums of mustard gas was scuttled off Sable Island, Nova Scotia in about 3,000 metres of water.

**6.46** In a petition submitted in March 2002, Myles Kehoe posed a number of questions about the presence of chemical warfare agents and munitions in military dumpsites off Canada’s east coast (Petition No. 50A). He expressed concerns about the extent to which such sites had been identified and the potential risks assessed, and whether known sites were adequately marked on charts. Among other things, he requested a moratorium on all gas and oil exploration in the near-shore and offshore areas off Canada’s Atlantic coast and that all dumpsites be declared exclusion zones for commercial ground fishing.

**6.47** The petition was forwarded to six departments:

- National Defence has assumed the role of lead department as these sites tend to be military-oriented.
- Fisheries and Oceans Canada has the mandate to protect fish and the marine environment. Its Canadian Hydrographic Service is responsible for nautical charting.
- Natural Resources Canada has major responsibilities for offshore oil and gas activities. It also provides technical advice, for example, on underwater mapping.
- Environment Canada has technical expertise in identifying and assessing the environmental risks associated with disposal at sea and contaminated sites.
- The Department of Foreign Affairs and International Trade (now two departments: Foreign Affairs Canada and International Trade Canada) is responsible for dealing with the international obligations and activities related to these sites.
- Health Canada has the mandate to protect human health.

### Departmental commitments for action

**6.48** In its response to Petition No. 50A, National Defence committed to carrying out projects that would continue to identify conventional munitions and begin to identify military dumpsites. It also committed to assessing the risk to human health and the environment and to setting priorities for subsequent cleanup or other appropriate action. Natural Resources Canada and Environment Canada committed to providing technical and scientific expertise to the project. Fisheries and Oceans Canada, through the Canadian Hydrographic Service, committed to charting military dumpsites, based on information provided to it by National Defence.

### Focus of the audit

**6.49** We concentrated on the actions of National Defence, Fisheries and Oceans Canada, Natural Resources Canada, and Environment Canada. We excluded Health Canada and the Department of Foreign Affairs and International Trade as they had less involvement in implementing these commitments.

**6.50** The objective of the audit was to assess the extent to which these four departments implemented certain commitments made in their responses to Petition No. 50A. Overall, their commitments fell into the following categories:

- identifying and assessing the risks of underwater military dumpsites containing chemical/biological warfare agents and conventional munitions;
- communicating known information about sites and risks to relevant stakeholders; and
- preparing a contingency plan in the event of an ecological disaster.

### Observations

#### The Warfare Agent Disposal Working Group

This Working Group was established in 2002 to provide guidance to the Warfare Agent Disposal project. It is composed of scientific, policy, and technical experts. Aside from National Defence, it includes representatives from Foreign Affairs Canada, Environment Canada, Fisheries and Oceans Canada, Health Canada, and Natural Resources Canada. It is also a forum for sharing information among departments.



An unexploded ordnance off Canada's East coast.  
Source: National Defence

#### Departments are identifying and assessing risks

**6.51** National Defence has initiated two major projects that are intended to fulfill its commitments to identify sites and assess their risks. These are:

- the Warfare Agent Disposal project, which deals with marine and land-based sites that contain chemical and biological agents, including mustard gas; and
- the Underwater Unexploded Ordnance (UXO) project, which deals with underwater sites that contain conventional munitions, including mines and shells.

Exhibit 6.4 provides a timeline of activities related to historic underwater military dumpsites.

**6.52** The Warfare Agent Disposal project is scheduled for completion in 2008. The main focus of the Warfare Agent Disposal project is to identify marine and land-based sites containing chemical and biological warfare agents and to assess their risks. The project includes a review of scientific literature and historical research to locate possible sites.

**6.53** Work on the project began early in 2002. A formal review of scientific literature and the development of risk assessment models began in 2004. It is too early to predict whether the project will be completed by 2008 as scheduled.

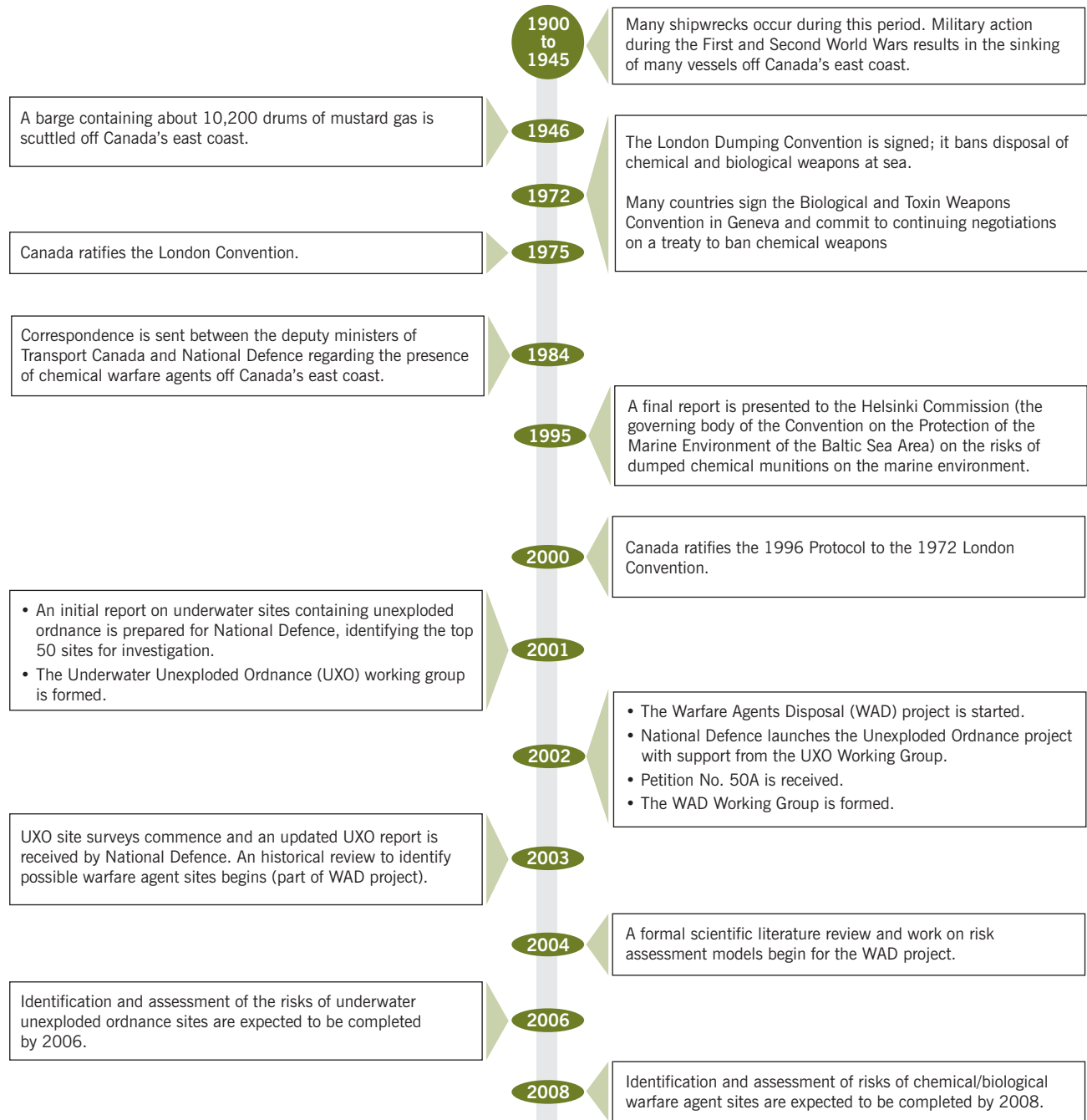
**6.54** About \$14.4 million has been committed for this project. This amount does not cover any site cleanup or remediation that may be required. National Defence has indicated that it will seek funding if these sites require further action. Departmental officials have indicated that the potential cost of deep ocean surveys (over 1,000 metres) may be over \$1 million per site.

**6.55** High-risk sites requiring surveys are currently being identified as part of the project. To date, two underwater sites that may contain warfare agents

have been found. The first is south of Sable Island, and the second is south of the Grand Banks. Five land-based sites that possibly contain warfare agents have also been identified.

**6.56 The Underwater Unexploded Ordnance project is scheduled for completion in 2006.** The Underwater Unexploded Ordnance project was

**Exhibit 6.4** Timeline of activities related to underwater military dumpsites



initiated in mid-2002 to investigate marine sites that may contain conventional munitions and to set priorities for work on them. Prior to the launch of this project, National Defence had already started to identify underwater unexploded ordnance wrecks and sites.

**6.57** The Department compiled a list of 509 suspected and known underwater sites. Of these, 48 were considered high-priority, while the remaining 461 were considered to be of relatively little risk. The Department assessed the risk of these sites based on proximity and accessibility to the public, the type and quantity of the munitions they contain, and the risk to the environment. No further investigation or cleanup is planned for these 461 low-risk sites at this time, but the Department stated that this may change if new information arises.

**6.58** By 31 March 2004, the Department had done an initial survey of 25 of the 48 high-risk sites. Departmental officials indicated that their goal is to assess about 10 sites a year, depending on the availability of equipment and on weather conditions.

**6.59** The total funding for the Underwater Unexploded Ordnance project is about \$1.1 million. As with the Warfare Agent Disposal project, the budget does not include funds for cleanup or other remediation.

#### Departments are communicating and sharing information

**6.60** The departments have committed to communicating and sharing information about underwater military dumpsites to stakeholders, including the public, media, fishers, and petroleum industry workers. Providing information on underwater military dumpsites is an ongoing activity.

**6.61** National Defence has developed communication plans for both projects. It has also published a pamphlet entitled *Dealing with the Legacy of Warfare Agent Disposal* and has posted project information on the Internet at [www.wadproject.forces.gc.ca](http://www.wadproject.forces.gc.ca). A pamphlet entitled *Understanding the Underwater UXO Survey Project* has also been published. In addition, National Defence provided information to the Canada–Nova Scotia Offshore Petroleum Board for offshore oil and gas exploration projects. It issued public notices on the cleanup of particular sites, such as the HMS *Raleigh*, a British cruiser sunk in 1922 off the coast of Labrador.

**6.62** The Canadian Hydrographic Service (CHS) of Fisheries and Oceans Canada committed to marking dumpsites on navigation charts. It has already charted about 20 sites containing conventional munitions. National Defence provided information to the CHS on the two underwater military dumpsites containing warfare agents. The Canadian Coast Guard issued a Notice to Shipping about these two sites in February 2004.

#### Contingency plan—departments are taking steps to meet their commitments

**6.63** There are a number of unknowns regarding the hazards that these underwater sites may pose. Departments recognized the need for a plan to deal with potential incidents and committed to doing so in their responses to Petition No. 50A.

Fisheries and Oceans Canada informed us that based on its review of international research, the risk of mustard gas to fisheries resources in deep cold water is low, and therefore no further science activity on its part is necessary at this time. The Department has committed to continuing to assess the need for further activity through its support of the Warfare Agent Disposal project.

In our April 2003 Report, Chapter 7—Environmental Stewardship of Military Training and Test Areas, we noted that contamination related to land-based munitions had become an increasingly prominent issue. We recommended that National Defence identify land sites potentially contaminated by energetic materials (including unexploded ordnance) and develop an action plan for mitigation that includes priorities, timetables, and budgets. The Department stated that more work must be done to understand the nature and composition of this potential contaminant.



**6.64** National Defence has documented procedures to deal with the discovery of munitions. Other federal departments have emergency preparedness programs in place to address, for instance, oil spills and gas emergencies. However, none specifically addresses chemical and biological warfare agents.

**6.65** In April 2004, members of the Warfare Agent Disposal Working Group began to discuss the need for an overall government-wide contingency plan. The group indicated that such a plan would identify critical components to consider, including hazards of munitions and warfare agents, marine incidents and spills, public safety responses, and likely exposure scenarios. The plan would also identify the key organizations and their roles.

## Genetically engineered fish

### Introduction

**Genetically engineered organism**—An organism whose genes have been altered in a way that does not happen in nature.

Source: Fisheries and Oceans Canada

**6.66** Research on genetically engineered (GE) aquatic organisms, such as GE fish, started in the early 1980s and has increased rapidly around the world in the past few years. GE fish are being developed with biotechnology to use in medical applications, to detect pollution, and as aquarium pets. They are also being developed for the aquaculture industry—for example, to grow faster and tolerate cold temperatures.

**6.67** At present, no GE fish are being farmed commercially in Canada but research is being done toward that end. For example, in Prince Edward Island, a U.S.-based company is conducting research on GE salmon. That company has submitted an application to U.S. regulators for commercialization of faster-growing salmon, and Canadian regulators believe that a similar application could be made in Canada.

**6.68** Scientists, regulators, and the public are concerned about the potential ecological impacts if GE fish accidentally escape into natural ecosystems. For example, faster growing GE fish could out-compete wild fish for food and territory. Scientists are just beginning to understand the effects of GE fish on the natural environment.

### Fisheries and Oceans Canada made a commitment to act

**6.69** Greenpeace Canada submitted a petition on GE fish in November 2001 (Petition No. 38A). The organization was seeking information on the regulation of GE fish and a confirmation of the federal government's policy on the rearing of them in Canada.

**6.70** Fisheries and Oceans Canada and several other federal departments provided a joint response to this petition in April 2002. Fisheries and Oceans Canada was asked to respond because the Department's mandate is to manage and protect fish and fish habitat. We selected three commitments in the Department's petition response to audit:

- Fisheries and Oceans Canada is developing regulations under the *Fisheries Act* for aquatic organisms with novel traits, including genetically engineered fish.
- Fisheries and Oceans Canada will continue to conduct research studies to strengthen risk assessment protocols in support of regulatory requirements and enhance understanding of the potential impacts of aquatic organisms with novel traits.
- Fisheries and Oceans Canada supports the North Atlantic Salmon Conservation Organization (NASCO) in its efforts to ensure that aquatic organisms with novel traits, in this case salmon, cannot have an impact on wild fish stocks by, among other actions, ensuring that the use of transgenic salmon is confined to secure, self-contained, land-based facilities.

**Transgenic organism**—a type of genetically engineered organism that has had genes from the same or another organism added to it. For example, genes from a cold-tolerant fish can be put into Atlantic salmon so the salmon are able to endure cold temperatures.

The North Atlantic Salmon Conservation Organization (NASCO) was established in 1983 under the Convention for the Conservation of Salmon in the North Atlantic Ocean, with a mandate to promote the conservation, restoration, enhancement, and rational management of salmon stocks in the North Atlantic Ocean through international co-operation. Canada is a party to the Convention, with Fisheries and Oceans Canada as the lead federal department.

### Focus of the audit

**6.71** Based on the commitments above, we set out to verify whether Fisheries and Oceans Canada was making progress in developing the regulations and conducting research to strengthen risk assessment in support of the regulations. We also looked at whether the Department was ensuring adherence to the NASCO guidelines on the rearing of GE salmon.

### Observations and Recommendations

In the U.S., a genetically engineered fish that glows in the dark (GloFish™) is being sold as an aquarium pet. In January 2004, GloFish™ were imported into Canada in violation of federal regulations. Environment Canada took enforcement action and some of these fish were seized and destroyed. The company that developed GloFish™ in the U.S. is now in the process of legally notifying Canadian regulators of its intention to sell GloFish™ in Canada.

### Fisheries and Oceans Canada has committed to developing regulations on GE fish

**6.72** GE fish are currently regulated under the *Canadian Environmental Protection Act, 1999 (CEPA, 1999)*. Environment Canada administers CEPA, 1999 and its associated regulations. These, along with the acts and regulations listed in CEPA schedules, cover all new substances intended for sale, manufacture, or import in Canada. New substances include everything from new commercial chemicals to living organisms that are products of biotechnology, such as GE plants, micro-organisms, animals, and fish (see CEPA, 1999, this page).

**6.73** While CEPA, 1999 and its associated regulations address the basic need for regulating all new substances, the federal government has recognized that it needs a specific regulation for GE fish and other novel aquatic organisms. Two of the core principles underlying Canada's approach to the regulation of the products of biotechnology are the following:

- Departments are responsible for regulating biotechnology products that fall within their area of expertise.
- The regulatory system is to build on existing legislation and institutions.

**6.74** Fisheries and Oceans Canada's commitment to develop regulations on GE fish and other aquatic organisms with novel traits is in line with these principles. The Department has the expertise to deal with fish and other aquatic organisms and is therefore seen by the government as best placed to manage a regulatory system geared specifically to meeting the complex challenges associated with GE fish.

#### *Canadian Environmental Protection Act, 1999 (CEPA, 1999)*

New substances, including animate products of biotechnology, are regulated under CEPA, 1999. No person may manufacture or import a new substance unless they provide the Minister of the Environment with information enabling the Minister to evaluate the potential effects of the substance on human health and the environment.

CEPA, 1999 recognizes that other federal acts and regulations can require a similar notification and assessment. The Governor in Council has exclusive authority to determine whether other acts and regulations meet the CEPA, 1999 criteria. If so, the new substances regulated under those Acts and regulations are exempt from CEPA, 1999.

Aquatic organisms with novel traits such as GE fish are considered animate products of biotechnology and are regulated under CEPA, 1999. When regulations pursuant to the *Fisheries Act* have been determined by the Governor in Council to meet the CEPA, 1999 criteria, Fisheries and Oceans will then have the responsibility for regulating and assessing these new organisms.

**6.75 All timelines for completing the regulations were missed.**

Fisheries and Oceans Canada first signalled its intention to develop regulations on GE fish in 1992. Since then, the Department has stated repeatedly that it is in the process of developing the regulations (see Timelines set by Fisheries and Oceans Canada for completing regulations on GE fish, this page). Completion dates for the regulations have been set several times but not met. For example, a parliamentary committee reported in 1996 that the regulations were being drafted. Completion dates of 1998–99, 2001, and 2002 have also not been met.

**6.76** The Department developed a first draft of the regulations in 1997, but it was never finalized. Another version was developed in 2001 with the intention of listing it in CEPA, 1999. However, the regulations did not meet the listing criteria and were not finished.

**6.77 Fisheries and Oceans Canada has yet to determine when the regulations will be completed.** The Department has not revised the draft regulations since 2001. While research is being conducted to solidify the science base required for the regulations, the Department is only now laying the groundwork for other action needed to develop the regulations. This includes defining a clear vision of what the Department wants the regulations

#### Timelines set by Fisheries and Oceans Canada for completing regulations on GE fish

**November 1996**—The House of Commons Standing Committee on the Environment and Sustainable Development Report on Biotechnology states that Fisheries and Oceans Canada's regulations are being drafted.

**April 1997**—An internal Fisheries and Oceans Canada memo states that the Department is committed to having the regulations in place that year.

**1998-1999**—Industry Canada's BRAVO Web site (as of 17 May 2004) states that GE fish regulations are expected to come into effect during 1998–99.

**May 2000**—In its response to Petition No. 23, Fisheries and Oceans Canada states that it is developing regulations.

**Late 2000/early 2001**—Senior management at Fisheries and Oceans Canada commits to Environment Canada that the regulations will be in force in the fall of 2002.

**November 2001**—A senior management briefing note states that the Minister of Fisheries and Oceans committed to developing the regulations by the fall of 2002.

**April 2002**—In its response to Petition No. 38A, Fisheries and Oceans Canada states that it is developing regulations.

**August 2002**—The Canadian Biotechnology Advisory Committee, set up to provide expert advice to the federal government on biotechnology matters, reports that Fisheries and Oceans Canada is currently developing regulations.

**April 2003**—In an internal audit document, Fisheries and Oceans states that the target date for the regulations is 2005.

**January 2004**—In its response to Petition No. 38B, Fisheries and Oceans Canada states that it is developing the regulations.

**June 2004**—Fisheries and Oceans Canada states that it cannot give a timeline for completing the regulations.

to achieve. Others measures the Department needs to complete are the following:

- Establish a sound policy base for the regulations.
- Determine if any changes to the *Fisheries Act* are required.
- Develop an implementation plan that includes a cost estimate and a clear definition of roles and responsibilities.
- Determine the full scope and components of the regulations, including the extent to which they will regulate research.
- Consult with the provinces and other stakeholders.
- Allocate a departmental budget for operational needs.

**6.78** In 1992, Fisheries and Oceans Canada began to develop a policy on the research and rearing of GE fish. While it has never been finalized, the Department stated that portions of the policy will form the basis for some aspects of the regulations, particularly risk assessment.

**6.79** Until the regulations are completed and listed under CEPA, 1999, Environment Canada retains overall responsibility for GE fish and other aquatic organisms with novel traits. In the interim, Environment Canada, Health Canada, and Fisheries and Oceans Canada signed an agreement in May 2004. Under this agreement, Fisheries and Oceans Canada will provide advice and conduct risk assessments on behalf of Environment Canada. Fisheries and Oceans Canada also committed to developing a work plan and completing the regulations expeditiously.

**6.80 Recommendation.** Fisheries and Oceans Canada should determine whether or not it will develop regulations on genetically engineered (GE) fish. If it decides to proceed with regulations, it should identify a clear timeline for completing the regulations, establish a work plan, and report publicly on its progress.

**Fisheries and Oceans Canada's response.** The Department accepts the recommendation. Fisheries and Oceans Canada continues to respond to developments emerging in the field of GE fish. The *Canadian Environmental Protection Act, 1999* (CEPA) currently regulates the import or manufacture of these species. Under a Memorandum of Understanding signed between Environment Canada, Health Canada, and Fisheries and Oceans Canada in May 2004, Fisheries and Oceans Canada has committed to administering the *New Substances Notification Regulations* under CEPA for aquatic organisms with novel traits. Along with our continued efforts to develop the scientific and risk assessment knowledge base for GE fish, the Department will regulate aquatic organisms with novel traits using existing CEPA authorities.

The Department has begun the development of internal processes for notification and risk assessment and will publish these processes on its Web site by the end of 2005.

The Department will review regulatory options, decide on a regulatory strategy, and develop appropriate timelines for regulatory action—by the end of 2005.

The Department will revise and finalize its policy on transgenic aquatic organisms by the end of 2005, incorporating regulatory requirements and current scientific assessment frameworks.

### Research to support the regulations is underway

**6.81** Fisheries and Oceans Canada is meeting its commitment to conduct research. The Department has a research laboratory in Vancouver where scientists have been producing faster-growing GE fish since the early 1990s to understand some of the environmental and indirect human health risks associated with them. Research at the laboratory has continued unabated over the last decade in order to determine the risks of GE fish and conduct risk assessments. Scientists say that funding for staff positions, which had been uneven over the years, is now fairly stable.

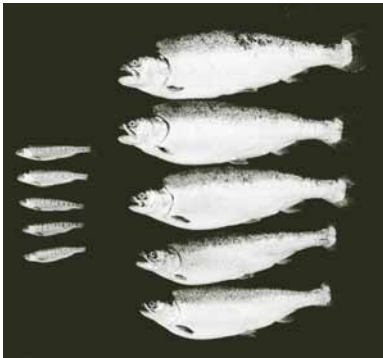
**6.82** Fisheries and Oceans Canada has assessed its research needs and determined that it has limited knowledge of how a GE aquatic organism would interact in the natural environment. To date, research has been limited to the laboratory. Among other activities, scientists have identified the need to construct a contained artificial stream to study the way GE fish and wild fish interact in a more natural setting. The Department has stated that the kind of research needed to study the impact of GE fish on the natural environment would take more resources than presently allocated. The Department is working with Environment Canada and other federal departments to launch a research network to study the effects of novel organisms on the environment. Senior management at Fisheries and Oceans Canada has identified this research network as a priority.

**6.83** The Department has also been working with other researchers in Canada and abroad. In March 2004, it held a meeting of scientific experts from several countries to discuss information gaps and areas of uncertainty related to GE fish. The Department informed us that this meeting helped to establish the state of science on examining the risks of GE fish, including the need for containment.

### Ensuring secure, land-based containment of genetically engineered salmon

**6.84** Given scientific uncertainty about the risks of GE salmon, Canada and other parties to the North Atlantic Salmon Conservation Organization (NASCO) agreed to guidelines on Transgenic Salmon in 1997. These guidelines direct member parties to take all possible action to contain transgenic salmon in secure, land-based facilities.

**6.85** There are currently no GE fish being farmed commercially in Canada. However, in addition to Fisheries and Oceans Canada researchers, scientists with private companies, medical institutions, and universities are conducting research on GE fish or other aquatic organisms in Canada. At the time of our audit, eight facilities were involved in this kind of research. Three of them, aside from Fisheries and Oceans Canada's laboratory, are working with GE salmon. As a result, our audit examined the Department's action to ensure that these facilities are rearing GE salmon in secure, land-based facilities in keeping with the NASCO guidelines.



Transgenic (right) and non-transgenic (left) coho salmon at one year of age.

Source: Fisheries and Oceans Canada

**6.86** Fisheries and Oceans Canada has inspected the three GE salmon research facilities that it is aware of and is satisfied that the salmon are adequately contained. Existing regulations under the *Fisheries Act* require researchers to obtain a permit to transfer fish into their laboratories. Quarantine measures are required and the Department has stated that these satisfy the containment requirements under NASCO. Environment Canada has also inspected these research facilities, including Fisheries and Oceans Canada's research facility in Vancouver.

**6.87 Fisheries and Oceans Canada needs to be aware of GE fish research being undertaken here.** The Department has stated that it does not systematically monitor GE fish research in Canada. Nevertheless, it claims that it is aware of all research on GE fish being conducted in Canada.

**6.88** Fisheries and Oceans Canada says that it depends on informal contacts within the research community to keep abreast of research developments for GE fish. The Department states that it keeps track of GE fish research activity because of requirements under its regulations that researchers obtain permits from the Department prior to all transfer or release of fish. However it says that it relies on researchers to be aware of regulatory requirements to obtain a permit for the transfer or release of fish. We noted that information about the Department's permit requirements is not posted on its Web site or otherwise systematically communicated to the public.

**6.89** There are no specific provisions under Fisheries and Oceans Canada's regulations that require researchers to inform the Department that they are working with GE fish in their laboratory. In addition, research and development on GE fish and other aquatic organisms with novel traits is exempt from notification requirements under CEPA, 1999 and its associated regulations as long as there is no release of the organisms into the environment. Environment Canada has recognized that amendments may be needed to CEPA to include notification on research and development of genetically engineered organisms in order to be able to monitor research activities.

**6.90 Fisheries and Oceans Canada is not effectively communicating the need for containment.** The Department informed us that it communicated the need for containment to the research community during a series of consultations on its draft policy during the 1990s. We noted that it has not conducted any recent consultations.

**6.91** The Department stated that it uses the draft policy on research and rearing of GE fish to inform the research community about the need for containment. However, none of this information is available on Fisheries and Oceans Canada's Web site. In addition, the policy sends mixed messages to researchers. For example, it contains references to situations where the rearing of GE fish in open net pens might be allowed and does not clearly state that all GE fish must be contained in secure, land-based facilities.

**6.92 Recommendation.** To minimize the risk of GE fish being released into the environment, Fisheries and Oceans Canada, in consultation with Environment Canada, should ensure that requirements for containment of GE fish are clearly communicated to researchers. It should also address the gaps in notification of research activity involving GE fish and other aquatic organisms in Canada.

**Fisheries and Oceans Canada's response.** The Department accepts the recommendation. Fisheries and Oceans Canada, in consultation with Environment Canada, will develop a comprehensive list of facilities undertaking research with GE fish by the end of 2004. This list will be used to update researchers on regulatory requirements and for consultations as we develop our policy on transgenic aquatic organisms.

The Department will update its Web site by the end of 2005 to ensure that access to relevant information for researchers involved with transgenic aquatic organisms is more user-friendly.

The exemption for notification of research activities involving transgenic organisms will be addressed as part of the upcoming review of the *Canadian Environmental Protection Act 1999*, being led by Environment Canada with Fisheries and Oceans Canada's involvement. In addition, the Department will include consideration of notification issues in the development of policy and regulatory options for transgenic aquatic organisms.

The Department is appraised of issues related to notification of research and will continue to include these issues for consideration while developing policy and regulatory tools on an ongoing basis.



## The Transit Pass Pilot Project

### Getting on board with local initiatives



Increased use of urban transit can lower road congestion and levels of greenhouse gas emissions.

**6.93** Payroll deduction transit pass programs are available in some urban centres across Canada. In return for a commitment to purchase a transit pass for a minimum length of time, customers receive a discount as well as a convenient means to pay for the pass. This type of transit pass program was launched in 2000 in the National Capital Region (NCR) by OC Transpo and the Société de Transport de l'Outaouais (STO). In January 2004, local transit authorities reported to us that over 65 companies and 6,800 people were participating in payroll deduction transit pass programs in the NCR.

**6.94** The Treasury Board Secretariat was first approached by OC Transpo in 1999 to see if the federal government would participate in a payroll deduction transit pass program for federal employees (the ECOPASS Program). The government refused because it did not want to grant access to its payroll system for items other than work-related benefits or the government's United Way charity campaign.

**6.95** The Government of Canada is one of the country's largest employers, with over 360,000 employees. Transport Canada recognizes that travel choices made by its employees can have an impact on climate change and greenhouse gas emissions. In leading by example, the government can also have an impact on public awareness about reducing greenhouse gas emissions.

**6.96** After the government's refusal to sign on to a payroll deduction program, Arun Thangaraj joined with 75 other Canadians and sent a petition to our Office in June 2001. The petition asked the government to reconsider its decision. According to the petitioners, this kind of program would provide substantial savings for riders, increase the use of urban transit, and generate significant benefits such as reduced traffic congestion and lower levels of greenhouse gas emissions.

**6.97** Our Office forwarded the petition to Environment Canada, Transport Canada, and the Treasury Board Secretariat, which have specific responsibilities related to this matter, as follows:

- Environment Canada is responsible for preserving and enhancing the quality of the natural environment, including air, and shares the lead responsibility for climate change with Natural Resources Canada.
- Transport Canada works to ensure safe, efficient, and environmentally friendly transportation.
- The Treasury Board Secretariat manages the government's financial, personnel, and administrative responsibilities.

**6.98** In their October 2001 responses to the petition, the three departments committed to a pilot project to assess the effectiveness of a payroll deduction program to increase the number of federal employees using urban transit. The

government saw this project as a way to address greenhouse gas and other air emissions that are a result of government business and employee commuting.

### Focus of the audit

**6.99** We set out to determine whether Environment Canada, Transport Canada, and the Treasury Board Secretariat had fulfilled their commitment to implement the pilot project and assess its effectiveness in increasing the number of federal employees using urban transit.

## Observations

### A trial project

**6.100** The government met its commitment to develop a pilot project. In June 2002, it announced a year-long Transit Pass Pilot Project starting in November 2002. Under the project, federal employees in the National Capital Region who work for Environment Canada, Natural Resources Canada, Transport Canada, and the Treasury Board Secretariat could purchase an annual transit pass at a reduced rate through monthly payroll deductions.

**6.101** The main objective of the pilot project was to increase the number of public servants using urban transit. Other objectives were to

- demonstrate the Government of Canada's leadership on climate change through concrete visible action,
- reduce greenhouse gas and other air emissions, and
- increase awareness about climate change and air issues among employees in the four participating federal departments.



Poster promoting the Transit Pass Pilot Project.

Source: Transport Canada

Promoting sustainable choices and green commuting is consistent with the 2004 sustainable development strategies of nine federal departments.

### Initiatives to change people's transportation behaviour

Initiatives that focus on changing people's transportation behaviour, in conjunction with technological solutions, are an integral part of the federal government's strategy to reduce greenhouse gas emissions and achieve sustainable transportation. Such initiatives involve building demand for sustainable transportation choices, making sustainable forms of transportation more attractive to Canadians, and reducing the adverse impacts of vehicle use (see the Commissioner's 2003 Report, Chapter 2, Road Transportation in Urban Areas: Accountability for Reducing Greenhouse Gases).

Transport Canada has developed a Commuter Options Guide that lists a number of initiatives that employers can take to encourage increased transit use by employees. One of these involves having employers inform transit planners where their employees live and work so that transit authorities can decide how to make best use of their vehicles. Another involves providing subsidies for employees' transit fares.

In a bid to increase ridership, the City of Winnipeg's transit authority sells passes to employers at a 10 percent rebate. Most companies then sell the passes to their employees at a 30 percent discount. Sales of monthly passes and total transit usage have reportedly increased as a result of this initiative.

The Belgian federal government embarked on an aggressive plan to reduce traffic gridlock by offering free rail transit to civil servants and state employees to their workplace, beginning 1 March 2004. Subject to certain conditions, this plan will be extended to private sector employees, beginning 1 January 2005.

### The Federal House in Order initiative

The Federal House in Order initiative is the Government of Canada's plan for reducing greenhouse gas emissions within its own operations. The Transit Pass Pilot Project is part of this initiative.

The Government of Canada is calling on all Canadians to reduce the amount of greenhouse gases they produce in one year by 20 percent or about one tonne. Environment Canada, Natural Resources Canada, Transport Canada, and the Treasury Board Secretariat estimated that each new transit user reduced the number of kilometres they drove in one year by about 6,500. On average, each new rider met Canada's One Tonne Challenge.

**6.102** The pilot project was organized and managed by a working group of staff from the four departments and Public Works and Government Services Canada (PWGSC). The four departments signed separate service agreements with the local transit authorities. Prior to launching the project, the PWGSC payroll system had to be modified. Departments actively communicated with eligible employees, and the working group took steps to monitor employee uptake.

### Important steps taken to measure results

**6.103** Two surveys were taken to provide the federal government with information on whether the objectives were met and whether the program should be extended. According to departmental officials, about 8,800 people were eligible to participate in the project. Transit authorities indicated that about 880 or 10 percent of all eligible employees could be expected to sign on to the project. A total of 915 employees chose to participate; 54 of them were new users of urban transit.

**6.104** These results are consistent with a study by the Canadian Urban Transit Association, which found that, on their own, payroll deduction programs do not always attract significant numbers of new transit riders in the short term. A key impact of these programs is rider retention. When asked under what circumstances they would consider using urban transit more frequently, the majority of employees eligible to participate in the pilot project indicated that they would do so if transit service was faster, more frequent, or more reliable.

**6.105** We noted that federal ministers supported the launch of the pilot project. The project was promoted through e-mails, posters, and press releases. Staff felt that their employer was showing leadership.

**6.106** Federal employees indicated that they became more aware of air and climate change issues as a result of the project. Employees who participated in the project appreciated the opportunity to purchase a transit pass through payroll deduction. They cited convenience and the modest discount as reasons for their support of the project.

### Administrative costs not fully assessed

**6.107** Instituting the pilot project through the federal payroll system had an administration cost. Federal pay personnel became actively involved in issuing transit passes, reconciling numbers of staff enrolled each month with payments to the transit companies, and keeping track of employees who were cancelling their passes. The total cost to set up and administer the project was estimated at 405 person-days and an additional \$225,000, much of which were one-time costs. These included costs to reprogram and modify its payroll system, promote the project, and evaluate the results. Departmental officials stated that the project represented good value for money.

**6.108** In fall 2003, the government decided to expand the payroll deduction program to all federal departments and agencies in the National Capital Region. A project office has been established at Transport Canada to

The Canadian Urban Transit Association's (CUTA) goal is to enhance the public transit industry in Canada. Its members include urban transit systems; federal, provincial, and municipal government agencies; businesses involved in the sale or manufacture of transit equipment and services; consultants; and affiliates.

co-ordinate this roll-out. The government has also asked the Canadian Urban Transit Association to consult with its member transit systems and evaluate their readiness to move ahead with a national program for federal employees.

**6.109** As the transit pass program is rolled out in the National Capital Region, the government will be assuming additional administrative duties on behalf of the transit authorities. The associated costs may not be significant, but they remain uncertain because the administrative costs were not estimated prior to this decision. In order to ensure that the government uses the most cost-effective tools available to accomplish its environmental objectives, any decision to expand the program further should be based on a clear assessment of costs and benefits.

**6.110 Recommendation.** Transport Canada, which will administer the project office for the payroll deduction program, should evaluate the costs relative to the benefits achieved before further expanding the program.

**Transport Canada's response.** The Department accepts the recommendation. Transport Canada, as the project lead for the transit pass program will continue to ensure that the cost benefits of the program are reviewed prior to full implementation.

As part of the pilot project evaluation, Transport Canada and the working group evaluated the costs and benefits of the project. The decision to move forward and expand the pilot project to the National Capital Region was based on a careful review of the costs with Public Works and Government Services Canada.

Once the transit pass program is implemented in the National Capital Region, Transport Canada will undertake a full cost-benefit analysis by fall 2005 before expanding such a program across Canada.

## Conclusion

**6.111** The environmental petitions process was established in 1995 as a tool for Canadians to get timely and substantive answers on environmental and sustainable development issues. Departments have a duty to maintain the integrity of the process.

**6.112** We were generally pleased that most departments are responding in a timely and substantive manner to petitioners. However, petitioners are seldom informed of the outcome of actions promised and the end result of their petition. Departments need to do a better job of closing the loop with petitioners.

**6.113** Through two audits (chapters 4 and 5), we verified facts contained in previous petition responses. Our audits found that some departments portrayed a more positive situation than was warranted. Departments should provide reliable information in their responses to petitions.

**6.114** In their petition responses over the years, federal ministers have made commitments to act on the environmental concerns raised by petitioners. To determine whether these commitments have generated effective action by departments, we audited commitments in three petition responses. Our audits of commitments from past petition responses indicate the following:

- **Petition No. 50A.** Departments are taking action to implement their commitments concerning historic military dumpsites off Canada's Atlantic coast. Given the relatively short period since the start of the Underwater Unexploded Ordnance and Warfare Agent Disposal projects, it is too early to determine whether the departments will meet the timelines they have set. They have indicated that they are on target to complete their work on the projects by 2006 and 2008 respectively. Departments are taking steps to fulfill their commitments to communicate with stakeholders. However, departments have only just begun to take action on their commitment to develop a contingency plan.
- **Petition No. 38A.** Fisheries and Oceans Canada is meeting its commitment to conduct research to strengthen the risk assessment protocols, but there are still gaps in knowledge. The Department recognized the need for regulations in the early 1990s. However, 12 years have elapsed since it began work on the regulations and it has made little, if any, progress on them since the 2002 petition response. Fisheries and Oceans Canada has ensured that the facilities conducting research on GE salmon in Canada, of which it is aware, have been inspected and that the salmon are securely contained. However, the Department does not systematically monitor research on GE fish in Canada and is not effectively communicating containment and regulatory requirements to researchers.
- **Petition No. 29.** The federal government met its commitment to implement a transit pass pilot project. It measured the impact of the project and found there was a modest increase in ridership. The government needs to ensure that it is using the most cost-effective tools to accomplish its objectives as further expansion of the transit pass program is considered.

## About the Audits

### Objective

As part of audits conducted of strategic environmental assessment and the management of salmon (see chapters 4 and 5 of this report), claims made in petition responses were verified.

The objective of our three audits of commitments made in past petition responses (military dumpsites off Canada's Atlantic coast, genetically engineered fish, and encouraging greater use of urban transit by federal public servants) was to determine whether departments had implemented commitments made in their responses to selected petitions.

### Criteria

It is expected that in order to implement a petition commitment, 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 by 18 July 2003. We selected the three petitions for audit using the following criteria:

- materiality/significance of the issue;
- risk that Canadians were not getting value for money and potential 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.

The audit work focussed solely on the commitments contained in petition responses. 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 their use in our chapter. However, the data have not been audited, unless otherwise indicated in the chapter.

### Audit team

Principal: Neil Maxwell

Directors: Steven Morgan, Jim McKenzie

Christine Allen

Elissa Cohen

Peter MacInnis

Adrienne Scott

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

## Appendix Petitions activity (19 July 2003 to 30 June 2004)

To access the full text of petitions and replies from December 1995 to 30 June 2004, 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. 27E: Follow-up petition concerning the decommissioning of a mainline through Algonquin Park

Date submitted: 3 March 2004

**Petitioner(s):** Algonquin Eco Watch

**Summary:** This is the fifth petition concerning the decommissioning of an abandoned mainline through Algonquin Park. A number of letters have been sent by a legal representative of the petitioner to the Department of Fisheries and Oceans. The letters request information about the aerial survey of the abandoned mainline that was undertaken and the fisheries habitat training given to CN staff. As a result of the departmental response to the three letters, the petitioner is requesting a meeting with provincial and federal officials to discuss the concerns surrounding this issue. See related petitions 27A, B, C, and D.

**Issues:** Biological diversity (habitat) (wildlife) (watershed protection), fisheries (habitat) (enforcement), transportation (railways), and water issues (aquatic ecosystems)

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

**Status:** Replies pending

---

#### Petition No. 38B: Follow-up petition on genetically engineered fish

Date submitted: 8 September 2003

**Petitioner(s):** Greenpeace Canada

**Summary:** This is a follow-up to petition No. 38A that dealt with federal government policy concerning the rearing of genetically engineered (GE) fish. Greenpeace maintains that all GE fish should be raised in secure, land-based facilities as the risks associated with the rearing of GE fish in open net pens in oceans and lakes are too high. In this petition, Greenpeace requests an update on progress made with respect to federal action on GE fish, including the development of a regulation for GE fish under the federal *Fisheries Act*.

**Issues:** Biotechnology (GMOs) (regulation and policy) and fisheries (aquaculture)

**Federal departments/agencies replying:** Environment Canada, Health Canada, Fisheries and Oceans Canada, and Department of Foreign Affairs and International Trade

**Status:** Completed

---

#### Petition No. 50B: Follow-up petition concerning military dumpsites off the Atlantic coast

Date submitted: 16 February 2004

**Petitioner(s):** Myles Kehoe

**Summary:** This follow-up petition concerns historic military dumpsites off Canada's East Coast. As with the first petition on this issue, the petitioner is concerned about the possible effects of petroleum resource exploration and bottom trawling

activities in areas known or suspected of containing these sites. The petitioner poses a number of questions to the federal government, such as the destruction to the benthic environment, the health risk to fishermen and crews, and the possibility of a monumental environmental disaster from oil and gas exploration. See related petition No. 50A.

**Issues:** Biological diversity (habitat), human health/environmental health (toxic substances), water issues (aquatic ecosystems) (marine environment/oceans), international/bilateral issues, fisheries (habitat), and renewable and non-renewable resources (energy)

**Federal departments/agencies replying:** Environment Canada, Natural Resources Canada, Fisheries and Oceans Canada, Department of Justice Canada, National Defence, Health Canada, Atlantic Canada Opportunities Agency, and Foreign Affairs Canada

**Status:** Replies pending

---

### **Petition No. 56B: Follow-up petition on aquatic invasive species in the Great Lakes**

**Date submitted:** 15 January 2004

**Petitioner(s):** John E.F. Misener

**Summary:** In this follow-up petition, the petitioner makes further recommendations to the federal government on ways to reduce the entry of invasive species into the Great Lakes from shipping. He suggests that the precautionary principle should be used and ship ballast water should be treated as a pollutant. He also requests a progress report on actions taken by the federal government since his first petition. See related petition No. 56A.

**Issues:** Biological diversity (invasive species), transportation (shipping), and water issues (aquatic ecosystems) (Great Lakes) (water quality)

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

**Status:** Completed

---

### **Petition No. 60B: Insurance coverage and possible amendment of the *Nuclear Liability Act***

**Date submitted:** 18 July 2003

**Petitioner:** Siegfried (Ziggy) Kleinau (represented by the Canadian Environmental Law Association)

**Summary:** This petition is a follow-up to petition No. 60A. The petitioner is seeking more detailed information on federal plans to amend the *Nuclear Liability Act*, especially those provisions in the legislation related to insurance coverage. The petitioner seeks an increase in mandatory insurance coverage in line with international standards.

**Issues:** International/bilateral issues (international environmental agreements) and renewable and non-renewable resources (nuclear energy)

**Federal departments/agencies replying:** Natural Resources Canada

**Status:** Completed

---

### **Petition No. 82B: Federal environmental assessment for pipeline relocation for the Red Hill Creek Valley expressway project in Hamilton, Ontario**

**Date submitted:** 4 September 2003

**Petitioner(s):** Bob Hicks

**Summary:** This petition concerns the City of Hamilton's proposed Red Hill Creek Valley expressway project and the federal environmental assessment required to assess effects associated with the relocation of a natural gas pipeline. See related petitions 82A and 82C.

---



**Issues:** Environmental assessment

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

**Status:** Completed

### **Petition No. 82C: Aboriginal burial grounds and the Red Hill Creek Valley expressway project**

**Date submitted:** 7 October 2004

**Petitioner(s):** Bob Hicks

**Summary:** This petition concerns federal responsibilities related to protection of Aboriginal burial grounds that may be affected by the proposed expressway project through the Red Hill Creek Valley in Hamilton, Ontario. See related petitions 82A and 82B.

**Issues:** Other (Aboriginal concerns) (heritage conservation)

**Federal departments/agencies replying:** Department of Canadian Heritage and Indian and Northern Affairs Canada

**Status:** Replies pending

### **Petition No. 92B: Follow-up actions arising from the federal environmental assessment and approval of the Oldman River Dam project**

**Date submitted:** 26 September 2003

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

**Summary:** This petition concerns the 1992 report of the Environmental Assessment Panel on the Oldman River Dam project. It addresses actions that have been taken by the federal government as a result of the government's response to the Panel's 23 recommendations.

**Issues:** Environmental assessment, human health/environmental health, fisheries (habitat), water issues (water quality) (aquatic ecosystems) (navigable waters) (watershed protection), other (Aboriginal concerns), and renewable and non-renewable resources

**Federal departments/agencies replying:** Agriculture and Agri-Food Canada, Environment Canada, Fisheries and Oceans Canada, Health Canada, Indian and Northern Affairs Canada, Natural Resources Canada, and Transport Canada

**Status:** Replies pending

### **Petition No. 104B: Follow-up petition concerning the construction of a sewage pipeline in the City of Ottawa**

**Date submitted:** 23 June 2004

**Petitioner(s):** Bruce Webster

**Summary:** This is a follow-up petition concerning the construction of a sewage pipeline in the City of Ottawa. The petitioner believes that the sewage pipeline will eventually impede the normal flow of the river and alter the natural habitat of certain species of fish. Also, the petitioner is concerned that the *Navigable Waters Protection Act* has been violated because the pipeline is a hazard to boats, anchors, and other marine objects. Questions are directed to Transport Canada and Fisheries and Oceans Canada. See related petition No. 104A.

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

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

**Status:** Replies pending

---

## Petition No. 106B: Follow-up petition concerning the regional road project in St. Albert, Alberta

**Date submitted:** 20 May 2004

**Petitioner(s):** Dave Burkhart

**Summary:** In this follow-up petition, the petitioner raises concerns about the degree of public access to information related to the environmental assessment of the St. Albert West Regional Road project. Furthermore, the petitioner suggests that significant bridge design changes have been proposed that make the proponent's environmental impact assessment (EIA) invalid. According to the petitioner, the proponent should be required to re-submit its EIA to ensure that all relevant issues are addressed. See related petition No. 106A.

**Issues:** Biological diversity (habitat) (protected areas) (wetlands) (wildlife), environmental assessment, fisheries (habitat), human health/environmental health (contaminated sites), other (infrastructure), and water issues (drinking water) (groundwater) (water quality)

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

**Status:** Replies pending

---

## New petitions

---

### Petition No. 121: The *Species at Risk Act*

**Date submitted:** 30 June 2004

**Petitioner(s):** Environmental Defence Fund

**Summary:** This petition concerns the *Species at Risk Act* (SARA). The petitioner believes there are deficiencies in the Act that will hinder its effectiveness in preventing species decline. The petitioner also questions the reasons for the delayed implementation of certain parts of SARA.

**Issues:** Biological diversity (conservation) (endangered species) (habitat) (wildlife)

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

**Status:** Replies pending

---

### Petition No. 120: Decommissioning of the Cluff Lake uranium mine in Saskatchewan

**Date submitted:** 25 June 2004

**Petitioner(s):** W.R. Adamson

**Summary:** This petition concerns the environmental assessment of a proposal to decommission the Cluff Lake uranium mining facility in northwestern Saskatchewan. The petitioner poses a number of questions about the environmental assessment report, the lack of a panel review, and mitigation measures related to contaminated lake sediment and water.

**Issues:** Biological diversity (habitat) (wildlife), human health/environmental health (radioactive waste), renewable and non-renewable resources (mining), and water issues (aquatic ecosystems) (water quality) (watershed protection)

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

**Status:** Reply pending

---

---

## Petition No. 119: Potential adverse impacts of proposed sablefish aquaculture on the wild sablefish stocks and fishery

**Date submitted:** 25 June 2004

**Petitioner(s):** Canadian Sablefish Association

**Summary:** According to the petitioner, the future of the sablefish stocks and fishery could be jeopardized by the development of sablefish aquaculture without a comprehensive environmental assessment of the potential impacts upon wild sablefish and their habitat. The petitioner poses a number of questions to Fisheries and Oceans Canada about the precautionary approach, a species-specific environmental assessment, and research undertaken on sablefish aquaculture.

**Issues:** Environmental assessment and fisheries (aquaculture)

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

**Status:** Reply pending

---

## Petition No. 118: The environmental impacts of man-made dams

**Date submitted:** 21 June 2004

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

**Summary:** This petition concerns the environmental impacts of man-made dams. The petitioner indicates that the federal government has constitutional responsibilities for navigable waters and for fisheries habitat. As such, the petitioner requests that Transport Canada provide a list of man-made dams with approvals under the *Navigable Waters Protection Act*. The petitioner also requests that Fisheries and Oceans Canada provide a list of the man-made dams on water bodies supporting fish habitat.

**Issues:** Fisheries (habitat) and water issues (watershed protection) (navigable waters)

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

**Status:** Replies pending

---

## Petition No. 117: Hazardous waste incinerator in Belledune, New Brunswick

**Date submitted:** 15 June 2004

**Petitioner(s):** Jean La Pointe

**Summary:** This petition concerns a hazardous waste incinerator proposed for Belledune, New Brunswick. The petitioner asked the federal government to impose a moratorium on the operation of the incinerator pending the outcome of a federal panel review of the incinerator proposal.

**Issues:** Air issues (air quality), environmental assessment, human health/environmental health (toxic substances), and international/bilateral issues (transboundary concerns)

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

**Status:** Replies pending

---

## Petition No. 116: Construction of a boat ramp in Hurkett Cove on Lake Superior

**Date submitted:** 7 June 2004

**Petitioner(s):** Two Canadian residents

**Summary:** The petitioners are concerned about the environmental impacts of a boat launch project in Hurkett Cove on Lake Superior. According to the petitioners, the area is rich in native history, and the proposed boat launch is contrary to environmental conservation and protection.

**Issues:** Biological diversity (conservation) (habitat) (wetlands) (wildlife) (watershed protection)

**Federal departments/agencies replying:** Fisheries and Oceans Canada and Public Works and Government Services Canada

**Status:** Replies pending

---

### **Petition No. 115: The grey whale, a species at risk**

**Date submitted:** 30 April 2004

**Petitioner(s):** Thomas Hossie

**Summary:** The petitioner is concerned about the future of the grey whale. The Atlantic population is extirpated, and the Eastern and Western Pacific populations are endangered. The petitioner asks the federal government for statistics on grey whale populations. The petitioner is also interested in knowing what the government is doing to protect the whales from environmental change, habitat loss, toxic substances, harmful ship strikes, and entanglement in fishing gear.

**Issues:** Biological diversity (endangered species) (habitat) (wildlife) (conservation), water issues (marine environment/oceans), and transportation (shipping)

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

**Status:** Replies pending

---

### **Petition No. 114: Environmental impact assessment for a proposed road in Qualicum Beach, British Columbia**

**Date submitted:** 11 May 2004

**Petitioner(s):** Qualicum Beach Environment Committee

**Summary:** The petitioner expresses concerns about the environmental impact assessment undertaken for the Laburnum/Rupert Ring Road project in Qualicum Beach, British Columbia. The petitioner's main concern is that an identified Sensitive Ecosystem Inventory (SEI) site will be destroyed by the proposed road. The petitioner believes the initial environmental impact assessment neglected to take the SEI into account.

**Issues:** Biological diversity (habitat) (wetlands), environmental assessment, and other (infrastructure)

**Federal departments/agencies replying:** Environment Canada and Western Economic Diversification Canada

**Status:** Replies pending

---

### **Petition No. 113: Environmental impact assessment of the expansion of the Peace Bridge connecting Fort Erie, Ontario and Buffalo, New York**

**Date submitted:** 10 June 2004

**Petitioner(s):** Richard Berry

**Summary:** This petition concerns the environmental assessment for the proposed expansion at the Peace Bridge in Fort Erie, Ontario. According to the petitioner, there should be a panel review of the proposal that takes into account the

effects of expanding both the bridge and the plaza. Another issue the petitioner raises is the effect that the expansion will have on archeological Aboriginal sites.

**Issues:** Air issues (air quality) (ozone depletion) (transboundary concerns), environmental assessment, international/bilateral issues (transboundary concerns), and other (Aboriginal concerns) (infrastructure)

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

**Status:** Replies pending

## Petition No. 112: Municipal wastewater discharges and pollution of the marine environment

**Date submitted:** 27 April 2004

**Petitioner(s):** Georgia Strait Alliance & United Fisherman and Allied Workers Union—Canadian Auto Workers (represented by the Sierra Legal Defence Fund)

**Summary:** This petition concerns pollution of the marine environment. The petitioners contend that the federal government is failing to effectively control harmful discharges of municipal wastewater into the ocean. They allege that some of these discharges, due to inadequate treatment, may contain persistent organic pollutants such as PCBs. The petitioners ask the federal government to take steps to address this problem.

**Issues:** Biological diversity (habitat) (endangered species), environmental health/human health (toxic substances), fisheries (habitat), international/bilateral issues (transboundary concerns), and water issues (marine environment/oceans) (water quality) (enforcement)

**Federal departments/agencies replying:** Environment Canada, Fisheries and Oceans Canada, and Western Economic Diversification Canada

**Status:** Replies pending

## Petition No. 111: Dams on navigable waters in Canada

**Date submitted:** 13 April 2004

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

**Summary:** The petitioner seeks clarification on the number of dams present on navigable waters in Canada. The petitioner also wants to know how many of these dams are on bodies of water that support fish habitat.

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

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

**Status:** Withdrawn

## Petition No. 110: The Great Lakes Action Plan

**Date submitted:** 13 April 2004

**Petitioner(s):** Nina Weiss

**Summary:** The petitioner is concerned that government departments will not fulfill the objectives that were laid out in the Great Lakes Action Plan. She requests information on the specific policies, plans, and programs that have been implemented by each department in response to the Plan.

**Issues:** Biological diversity (invasive species) and water issues (aquatic ecosystems) (Great Lakes)

**Federal departments/agencies replying:** Agriculture and Agri-Food Canada, Environment Canada, Fisheries and Oceans Canada, Health Canada, Natural Resources Canada, Parks Canada Agency, Public Works and Government Services Canada, and Transport Canada

**Status:** Replies pending

---

### **Petition No. 109: Environmental and health impacts of a closed landfill in Cramahe, Ontario**

**Date submitted:** 17 May 2004

**Petitioner(s):** Bruce Melnichuk

**Summary:** The petitioner alleges that a closed landfill in Cramahe, Ontario is discharging contaminants into nearby Cold Creek in contravention of the *Fisheries Act*. The creek feeds into the Trent River, which is a tributary to Lake Ontario.

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

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

**Status:** Reply pending

---

### **Petition No. 108: Human, social, and environmental impacts of genetic engineering**

**Date submitted:** 7 April 2004

**Petitioner(s):** Anna Kirkpatrick

**Summary:** The petitioner raises concerns about the human, social, and environmental impact of genetic engineering. According to the petitioner, genetic engineering is a relatively new and untested technology that poses a serious threat to sustainable development in Canada. The petitioner poses questions about the production and licensing of genetically engineered (GE) crops, and the impact of GE crops on human health, biodiversity, and sustainable farming.

**Issues:** Agriculture (sustainable agriculture) and biotechnology (GMOs) (regulation and policy)

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

**Status:** Replies pending

---

### **Petition No. 107: Environmental impact assessment of a boat launch project in Hurkett Cove, Ontario**

**Date submitted:** 22 April 2004

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

**Summary:** The petitioner is concerned about the environmental impacts of a proposed boat launch in Hurkett Cove on Lake Superior. According to the petitioner, the boat launch ramp would be built within a wetland. The petitioner has concerns about endangered and rare species, fish habitat, native values, and archaeological sites.

**Issues:** Biological diversity (conservation) (endangered species) (habitat) (wetlands), environmental assessment, and fisheries (habitat)

**Federal departments/agencies replying:** Fisheries and Oceans Canada and Public Works and Government Services Canada

**Status:** Replies pending

---

---

## Petition No. 106A: Proposed regional road in St. Albert, Alberta

**Date submitted:** 21 April 2004

**Petitioner(s):** Dave Burkhart

**Summary:** The petitioner believes that the St. Albert West Regional Road project will threaten Big Lake. The petitioner feels this project will also contaminate the regional water supply because there are two aquifers directly below the proposed road. In order to build the proposed road, landfill sites and sewage lagoons would also have to be crossed.

**Issues:** Environmental assessment, human health/environmental health, biological diversity (habitat) (wildlife) (wetlands), fisheries (habitat), other (infrastructure), and water issues (groundwater) (water quality)

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

**Status:** Replies pending

---

## Petition No. 105: Environmental assessment of a regional road project through the wetland of Big Lake in St. Albert, Alberta

**Date submitted:** 10 March 2004

**Petitioner(s):** Elke Blodgett

**Summary:** The proposed construction of a regional road through the Big Lake wetland in St. Albert, Alberta is the subject of this petition. The petitioner is concerned that relevant documentation about the effects of the road is not being included in the Public Registry managed by Fisheries and Oceans Canada for the federal environmental assessment of the proposed project. According to the petitioner, the excluded documents and reports are crucial for Fisheries and Oceans Canada to make an informed decision on the environmental assessment. The petitioner would also like to know why the high level of public concern about the project has not resulted in a panel review.

**Issues:** Biological diversity (habitat) (wetlands), fisheries (habitat), environmental assessment, and other (infrastructure)

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

**Status:** Reply pending

---

## Petition No. 104A: Proposal to construct a sewage pipeline in the City of Ottawa

**Date submitted:** 20 February 2004

**Petitioner(s):** Bruce Webster

**Summary:** This petition concerns the proposed construction of a sewage pipeline, beginning in Munster Hamlet and terminating in the village of Richmond in the City of Ottawa. The petitioner is concerned that the pipeline will contaminate 1,200 household wells by the injection of raw sewage into an adjoining aquifer. Also, the proposed pipeline will cross the Jock River and Richmond Fen, potentially disrupting the natural habitat. As the Jock River is a navigable waterway, the petitioner is requesting that an environmental assessment be completed before the construction begins.

**Issues:** Environmental assessment, fisheries (habitat), and water issues (navigable waters) (groundwater) (water quality)

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

**Status:** Completed

---

---

### **Petition No. 103: Development of the coal bed methane industry in Canada**

**Date submitted:** 20 February 2004

**Petitioner(s):** Eric Kennedy

**Summary:** This petition concerns the potential development of the coal bed methane industry in the Maritimes and Western Canada. The petitioner presents a number of environmental problems that could potentially result from the growth of this industry, including the contamination of wells, habitat loss from refining methods, and construction of roads to the extraction sites. The petitioner is requesting that the federal government write guidelines and regulations for the industrial development of coal bed methane to ensure nation-wide environmental standards.

**Issues:** Water issues (groundwater), renewable and non-renewable resources (energy), and biological diversity (habitat)

**Federal departments/agencies replying:** Western Economic Diversification Canada, Environment Canada, and Natural Resources Canada

**Status:** Completed

---

### **Petition No. 102: Proposed hazardous waste incinerator in Belledune, New Brunswick**

**Date submitted:** 6 February 2004

**Petitioner(s):** Simon Deslauriers

**Summary:** This petition concerns the proposal by Bennett Environmental Inc. to locate a hazardous waste incinerator in Belledune, New Brunswick. The petition addresses the federal government's involvement with respect to such a proposal in light of possible inter-provincial environmental impacts arising from emissions from the proposed facility, international environmental and trade obligations, and federal regulations governing importation and transportation of hazardous waste to the facility.

**Issues:** Air issues (air quality), human health/environmental health (hazardous waste), international/bilateral issues (transboundary concerns), and transportation

**Federal departments/agencies replying:** International Trade Canada and Environment Canada

**Status:** Replies pending

---

### **Petition No. 101: Proposal to build a natural gas generating station at Suroit, Quebec**

**Date submitted:** 28 January 2004

**Petitioner(s):** Héritage Saint-Bernard

**Summary:** This petition from the organization Héritage Saint-Bernard concerns the proposed Suroit natural-gas power-generating station in Beauharnois near Montreal. The proponent of the proposed project is Hydro-Québec. Questions directed to Environment Canada seek to clarify the Department's position with regard to such a project in the context of its responsibilities related to the Kyoto Protocol and its Sustainable Development Strategy.

**Issues:** Air issues (climate change) and international/bilateral issues (international environmental agreements)

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

**Status:** Completed

---



---

## Petition No. 100: Proposal to develop stormwater infrastructure for a residential development near the Leitrim wetlands

**Date submitted:** 22 January 2004

**Petitioner(s):** The Friends of Leitrim Wetlands

**Summary:** The petitioner is concerned that the development of stormwater infrastructure for a new residential area in the village of Leitrim in the City of Ottawa will require a major realignment of Findlay Creek and disrupt part of the provincially significant Leitrim wetland. There is a landfill on federally owned land in close proximity to the wetland. The petitioner alleges that there is a hydro geological connection between the landfill and the wetland that could result in leachate contaminating the wetland and the drinking water in the new residential area. A federal environmental assessment was completed; however, Fisheries and Oceans Canada determined that the project would not result in any significant environmental effects. The petitioner challenges many of the actions taken by federal departments in past years, particularly their roles in the environmental assessment.

**Issues:** Biological diversity (wetlands) (habitat) (watershed protection) (wildlife), environmental assessment, fisheries (habitat), human health/environmental health (toxic substances), and water issues (aquatic ecosystems) (drinking water) (water quality)

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

**Status:** Completed

---

## Petition No. 99: Dying trumpeter swans in Judson Lake, British Columbia

**Date submitted:** 15 January 2004

**Petitioner(s):** Kevin Sinclair

**Summary:** Judson Lake straddles the border between British Columbia and Washington State and is the subject of this petition. The petitioner alleges that lead shot resulting from years of hunting in and around the lake has contaminated the lake, which is a favourite roosting spot for trumpeter swans. Due to an increase in water usage and natural infilling, water levels in the lake are decreasing. The petitioner believes that this places the migrating swans at greater risk because they are closer to the lead shot at the bottom of the lake. Hundreds of swans are found dead in or near the lake each year. The petitioner wants to remove the lead shot from the lake and poses a series of questions about this proposal to Environment Canada and Fisheries and Oceans Canada.

**Issues:** Biological diversity (habitat) (wildlife) (conservation), fisheries (habitat), and human health/environmental health (toxic substances)

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

**Status:** Completed

---

## Petition No. 98: The tax deductibility of environmental fines

**Date submitted:** 17 December 2003

**Petitioner(s):** David R. Boyd

**Summary:** This petition concerns a 1999 decision by the Supreme Court of Canada that affects the tax deductibility of environmental fines and penalties. As a result of this ruling by the court, businesses operating in Canada can deduct fines and penalties levied for violating environmental and other laws from their business income for tax purposes. The petitioner suggests that the deduction of environmental fines will result in corporations regarding them as a mere cost of doing business. The petitioner is requesting that the Minister of Finance amend the *Income Tax Act* to explicitly prohibit

this deduction. Ministers that are responsible for enforcing environmental legislation are also asked to provide their views on this matter.

**Issues:** Other

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

**Status:** Completed

---

### **Petition No. 97: Toxicity of the arsenic-based pesticide Monosodium Methane Arsenate (MSMA)**

**Date submitted:** 5 November 2003

**Petitioner(s):** Canadian Association of Physicians for the Environment (CAPE)

**Summary:** In this petition, the Canadian Association of Physicians for the Environment (CAPE) expresses concern about the arsenic-based pesticide MSMA, which is used by the forestry industry to control bark beetle. The petitioner asserts that there are new scientific findings on the toxicity of arsenic that need to be considered by the Pest Management Regulatory Agency of Health Canada. Several questions are posed in this petition about MSMA, including questions on re-registration, environmental effects, and human exposure.

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

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

**Status:** Completed

---

### **Petition No. 96: Environmental and health impacts of game farming in Canada**

**Date submitted:** 31 October 2003

**Petitioner(s):** Canadian Wildlife Federation

**Summary:** This petition concerns commercial game farming in Canada. The Canadian Wildlife Federation contends that game farms pose a threat to wild populations of deer, conventional livestock, the environment, and human health. The Federation is very concerned about the spread of disease, in particular, chronic wasting disease (CWD), from game farms to wildlife and people. The petitioner asserts that governments at both the provincial and federal levels are failing to address the impacts of game farming. Federal policy on exports of cervid parts to Asian markets is also explored in this petition.

**Issues:** Agriculture (sustainable agriculture), biological diversity (wildlife), and human health/environmental health

**Federal departments/agencies replying:** Agriculture and Agri-Food Canada, Department of Foreign Affairs and International Trade, Environment Canada, and Health Canada

**Status:** Completed

---

### **Petition No. 95: Acid drainage and re-opening of metal mine in northern British Columbia**

**Date submitted:** 29 September 2003

**Petitioner(s):** Society for Atlin's Sustainable Economic Initiatives (SASEI)

**Summary:** This petition concerns the Tulsequah Chief mine site in northern British Columbia. The mine operated from 1951 to 1957. New owners wish to re-open the mine. Several issues are addressed in this petition. Some concern historical pollution problems, such as acid mine drainage and water pollution from the mine site and enforcement of the pollution prevention provisions of the *Fisheries Act* by Environment Canada. Other issues arise from the proposal to re-open the mine and the federal environmental assessment of the project. They include protection of fish habitat,

transboundary waters (and other issues with an international or transboundary connection), endangered species, transportation of dangerous goods, and fiduciary obligations to First Nations.

**Issues:** Biological diversity (conservation) (endangered species), environmental assessment, fisheries (enforcement) (habitat), human health/environmental health (contaminated sites), international/bilateral issues (transboundary concerns) (international environmental agreements), water issues (aquatic ecosystems) (enforcement) (water quality), other (Aboriginal concerns), transportation (dangerous goods), and renewable and non-renewable resources (mining)

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

**Status:** Completed

### Petition No. 94: Biotechnology and “Pharming Crops”

**Date submitted:** 8 September 2003

**Petitioner(s):** Greenpeace Canada

**Summary:** This petition, as with other petitions submitted by Greenpeace Canada, deals with biotechnology. In this instance, the petition concerns genetically engineered (GE) crops designed for pharmaceutical applications and/or industrial production (“pharming crops”). It also contains questions that deal with GE animals and/or other living organisms.

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

**Federal departments/agencies replying:** Agriculture and Agri-Food Canada, Environment Canada, Canadian International Development Agency, Canada Customs and Revenue Agency, Department of Finance Canada, Health Canada, Department of Foreign Affairs and International Trade, and Industry Canada

**Status:** Completed

### Petition No. 93: New Substances Notification Regulations under the *Canadian Environmental Protection Act, 1999*

**Date submitted:** 4 September 2003

**Petitioner(s):** IET–Aquaresearch Limited

**Summary:** This petition concerns a micro-organism Bacta-Pur® and the New Substances Notification Regulations under the *Canadian Environmental Protection Act, 1999*. Questions in the petition largely concern federal mechanisms that allow for registration of new products in Canada for uses that are not food-related.

**Issues:** Other

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

**Status:** Completed

### Petition No. 92A: Follow-up actions arising from the federal environmental assessment of the Oldman River Dam project

**Date submitted:** 27 August 2003

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

**Summary:** This petition addresses two core issues. The first concerns the recent recommendations made by the Oldman River Dam Environmental Advisory Committee related to the authorization issued by Fisheries and Oceans Canada for the

Oldman River Dam project. The second issue relates to the Department's annual report to Parliament on the administration and enforcement of the provisions of the *Fisheries Act* for habitat protection and pollution prevention.

**Issues:** Environmental assessment, fisheries (habitat), and other (information and reporting)

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

**Status:** Completed

---

### **Petition No. 91: Environmental problems at the Buffalo Point Reserve in Manitoba**

**Date submitted:** 28 July 2003

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

**Summary:** This petition concerns the Buffalo Point Indian Reserve in Manitoba. Several issues are outlined in the petition. These include dumping of raw sewage, pesticide run-off, poor quality of drinking water, protection of fish and navigational safety, and transboundary waters. The reserve is located on the Lake of the Woods, close to the Canada–United States border.

**Issues:** Human health/environmental health (hazardous waste), fisheries (habitat), water issues (drinking water) (water quality) (navigable waters), international/bilateral issues (transboundary concerns), and other (Aboriginal concerns)

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

**Status:** Completed

---

### **Petition No. 90: Fishing practices and effects on sensitive fish habitat in the ocean**

**Date submitted:** 25 July 2003

**Petitioner(s):** Ecology Action Centre

**Summary:** This petition concerns commercial fishing practices authorized by Fisheries and Oceans Canada. The petitioner alleges that the Department is allowing destructive fishing practices off the Atlantic coast that are destroying vital ocean habitat. According to the petitioner, this is contrary to the Department's mandate to protect fish habitat. The issue is the practice of dragger fishing. The Ecology Action Centre says that there is widespread scientific evidence that this type of trawling has severe negative impacts on the ocean floor by destroying sensitive bottom habitat such as coral beds.

**Issues:** Fisheries (habitat) (conservation)

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

**Status:** Completed

---

### **Petition No. 89: Possible lead contamination in properties slated for redevelopment**

**Date submitted:** 14 July 2003

**Petitioner(s):** Faye Morgan and several Canadian residents

**Summary:** This petition concerns suspected lead contamination in two properties located close to the Rideau and Ottawa rivers in Ottawa, Ontario. The petitioners want federal departments to intervene and require the property owners to conduct soil testing prior to any re-redevelopment of the properties.

**Issues:** Environmental assessment, fisheries (habitat), human health/environmental health (toxic substances), and water issues (water quality)

---

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

**Status:** Completed

## Petition No. 88: Genetically-engineered wheat and the future of Canadian agriculture

**Date submitted:** 18 July 2003

**Petitioner(s):** Greenpeace Canada

**Summary:** According to the petitioner, the federal government received a submission for approval of a variety of genetically engineered (GE) wheat in 2002. The petitioner is opposed to the environmental release of GE wheat. According to the petitioner, the introduction of GE wheat into fields, food, and wheat markets raises agronomic, health, economic, ethical, and social concerns. The petition seeks to clarify the federal government's policy and position on GE wheat and determine what action the government has taken, or will take, to prevent negative environmental impacts from GE wheat.

**Issues:** Agriculture (sustainable agriculture), biotechnology (GMOs) (regulation and policy), and international/bilateral issues (international environmental agreements)

**Federal departments/agencies replying:** Agriculture and Agri-Food Canada, Environment Canada, Department of Finance Canada, Department of Foreign Affairs and International Trade, Health Canada, Industry Canada, Natural Resources Canada, Parks Canada Agency, and Western Economic Diversification Canada

**Status:** Completed

## Petition No. 87: Advertising and labelling of pesticides

**Date submitted:** 16 July 2003

**Petitioner(s):** Earth Action

**Summary:** This petition concerns pesticide labelling and advertising. The petitioner alleges that certain pesticide manufacturers and lawn care companies are contravening the federal *Pest Control Products Act* by making claims that certain pesticides are "green" or offer environmental benefits. The petitioner asks Health Canada to investigate and indicate what it is doing to enforce federal pesticide legislation.

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

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

**Status:** Completed

## Petition No. 86: Commercial tourist operation in Jasper National Park

**Date submitted:** 16 July 2003

**Petitioner:** Jasper Environmental Association

**Summary:** This petition concerns a commercial tourist operation on Maligne Lake in Jasper National Park. The petitioner contends that the tourist operation's activities are going to expand under new, proposed arrangements between Parks Canada Agency and the operation owners. These include, among other things, longer hours of operation and a doubling of the capacity of tour boats on Maligne Lake.

**Issues:** Environmental assessment and biological diversity (conservation) (endangered species) (habitat) (protected areas)

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

**Status:** Completed

---

## Petition No. 85: Genetically engineered crops and products – trade and other international concerns

**Date submitted:** 17 July 2003

**Petitioner:** Greenpeace Canada

**Summary:** This petition covers a variety of issues pertinent to federal policies and positions with respect to genetically engineered (GE) crops and products. They include the following: Canada's position on the European Union's mandatory labelling and traceability program for GE crops and products, new international guidelines on food labelling, development assistance and GE crops, proposed bilateral arrangements for trade of Canadian agricultural products, and international markets for Canadian agricultural exports.

**Issues:** Agriculture (sustainable agriculture), biotechnology (GMOs) (regulation and policy) (enforcement), and international/bilateral issues (international environmental agreements) (international development assistance)

**Federal departments/agencies replying:** Agriculture and Agri-Food Canada, Environment Canada, Industry Canada, Department of Foreign Affairs and International Trade, Canadian International Development Agency, and Health Canada

**Status:** Completed

---

## Petition No. 84: Effects of genetically engineered crops on soil health

**Date submitted:** 10 July 2003

**Petitioner:** Greenpeace Canada

**Summary:** According to the petitioner, little attention has been paid to the effects of genetically engineered (GE) crops on soil and soil health. The petitioner suggests that the federal government should invoke the precautionary principle and eliminate GE crops given the scientific uncertainty surrounding their effects on soil health. The petitioner also requests that the federal government undertake a series of independent, peer-reviewed studies on this issue.

**Issues:** Agriculture (sustainable agriculture), biotechnology (GMOs) (regulation and policy), human health/environmental health, biological diversity, and international/bilateral issues (international environmental agreements)

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

**Status:** Completed

---

## Petition No. 83: Air pollution at the Canada–U.S. border

**Date submitted:** 10 July 2003

**Petitioner:** Leo Petrilli

**Summary:** This petition concerns the volume of truck traffic crossing the Canada–U.S. border at Windsor–Detroit. The petitioner alleges that air quality in Windsor has suffered due to a dramatic increase in trucks crossing the border since the adoption of the North American Free Trade Agreement. The petitioner wants to know what the federal government is doing to protect Canadians from exposure to environmental contaminants and to enforce pollution laws. The petitioner also wants the government to pay for an air quality study at the border.

**Issues:** Air issues (air quality) (transboundary concerns), and human health/environmental health, international/bilateral issues (trade), and transportation

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

**Status:** Completed

---

---

## Petition No. 82A: Red Hill Creek expressway project, Hamilton, Ontario

**Date submitted:** 11 July 2003

**Petitioner(s):** Bob Hicks

**Summary:** This petition concerns the City of Hamilton's Red Hill Creek expressway project and federal environmental approvals required for the expressway project.

**Issues:** Biological diversity (watershed protection), environmental assessment, and fisheries (habitat)

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

**Status:** Completed

---

## Petition No. 81: Fixed link bridge to the Toronto City Centre Airport, Toronto Islands

**Date submitted:** 14 July 2003

**Petitioner:** Lake Ontario Waterkeeper

**Summary:** This petition concerns the federal environmental assessment for the proposed fixed link bridge to the Toronto City Centre Airport. An environmental assessment was carried out for a similar proposal in the late 1990s, but the bridge was never constructed. Some changes have taken place in the meantime, including the construction of the Spadina Quay wetland.

**Issues:** Biological diversity (wetlands) (wildlife), environmental assessment, other (infrastructure), and water issues

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

**Status:** Completed

---

## Petition No. 80: Clean-up of the Tracadie military training area in New Brunswick

**Date submitted:** 7 July 2003

**Petitioner(s):** Luc Perron, Donald Savoie, and Florent Richardson

**Summary:** This petition concerns clean-up of the Tracadie military training area and raises the same issues as petition No. 78. The petitioners are concerned that the presence of chemical and metallic contaminants represents a danger for the environment and water quality. The petition contains requests and recommendations about decontamination of the site and asks the government whether it will take additional steps to eliminate all forms of contamination at the former training area.

**Issues:** Human health/environmental health (contaminated sites) and other (military/defence)

**Federal departments/agencies replying:** National Defence

**Status:** Completed

---

## Petition No. 79: Air quality and health concerns in Windsor, Ontario

**Date submitted:** 26 June 2003

**Petitioner:** Joe Comartin, Member of Parliament, Windsor-St. Clair

**Summary:** A community health study undertaken in Windsor, Ontario is the focus of this petition. The results of this study suggest that cancer rates in Windsor are higher than in other parts of the country. Poor air quality is identified as a possible cause of this problem and other health problems found in the area. The petitioner asks federal departments to

investigate the study findings and clarify whether, and to what extent, the government is taking action to address the concerns outlined in the study.

**Issues:** Air issues (air quality) (transboundary concerns) and human health/environmental health

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

**Status:** Completed

---

### **Petition No. 78: Cleanup of the Tracadie military training area in New Brunswick**

**Date submitted:** 28 May 2003

**Petitioner(s):** Yvon Godin, Member of Parliament, Acadie-Bathurst

**Summary:** This petition concerns cleanup of the Tracadie military training area in New Brunswick, which was used by National Defence between 1942 and 1994. The petitioner suggests that the federal government should do a full decontamination of the training area. According to the petitioner, the work that has been done on the site was not done properly.

**Issues:** Human health/environmental health (contaminated sites) and other (military/defence)

**Federal departments/agencies replying:** National Defence

**Status:** Completed

---

### **Petition No. 77: The relationship between international trade and the environment**

**Date submitted:** 5 May 2003

**Petitioner(s):** Yuill Herbert

**Summary:** This petition examines the relationship between international trade and the environment. The petitioner argued that increased international trade leads to increased greenhouse gas emissions because of trade's heavy dependence on transportation. The petitioner asked the Department of Foreign Affairs and International Trade to explain how it reconciles trade promotion with the need to protect the environment.

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

**Federal departments/agencies replying:** Department of Foreign Affairs and International Trade

**Status:** Completed

---



---

## Petition No. 76: Low-level radioactive waste in Port Hope, Ontario

**Date submitted:** 15 April 2003

**Petitioner(s):** Lake Ontario Waterkeeper

**Summary:** This petition concerns the federal environmental assessment of the Port Hope project for the remediation and management of low-level radioactive wastes located in various sites in the town of Port Hope and the former Hope Township. Natural Resources Canada is the federal responsible authority for the environmental assessment of the project.

**Issues:** Environmental assessment and human health/environmental health (radioactive waste)

**Federal departments/agencies replying:** Natural Resources Canada

**Status:** Completed

---

## Petition No. 75: Boat mooring development in wetlands along the Trent-Severn Waterway

**Date submitted:** 28 March 2003

**Petitioner(s):** South Mariposa Lakefront Ratepayers Association

**Summary:** The petition concerns a plan to establish boat mooring for 66 boats in a wetland located in Lake Scugog on the Trent-Severn Waterway. According to the petitioner, the mooring facilities cannot be constructed without harming or disrupting fish habitat or wildlife such as migratory birds. The Association addressed several questions to the Parks Canada Agency as steward of the Waterway and administrator of regulations governing historic canals.

**Issues:** Biological diversity (habitat) (wetlands), environmental assessment, fisheries (habitat), and water issues (aquatic ecosystems) (navigable waters)

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

**Status:** Completed

---

## Petition No. 74: Ecological integrity of the Great Lakes

**Date submitted:** 4 April 2003

**Petitioner(s):** The Georgian Bay Association

**Summary:** This petition addresses several issues that are important to the ecological integrity of the Great Lakes: the withdrawal of fresh water from Lake Huron and Georgian Bay at the outflow into the St. Clair River near Sarnia; the introduction of invasive species by ships entering the Great Lakes Basin; the Great Lakes Navigation System Review; and, the future of the Welland Canal.

**Issues:** Biological diversity (invasive species) (watershed protection), environmental assessment, international/bilateral issues (international environmental agreements) (transboundary concerns) (climate change), transportation (shipping), and water issues (aquatic ecosystems) (watershed protection) (Great Lakes)

**Federal departments/agencies replying:** Environment Canada, Transport Canada, Fisheries and Oceans Canada, and the Department of Foreign Affairs and International Trade

**Status:** Completed

---

---

### **Petition No. 73: Environmental assessment of highway extension through Gatineau Park, National Capital Region**

**Date submitted:** 20 March 2003

**Petitioner(s):** Association des Résidents et Résidentes du Quartier Wright

**Summary:** This petition pertains to the federal environmental assessment of the proposed extension of the McConnell-Laramée highway through Gatineau Park. The Association is concerned about public participation and the scope of the environmental assessment.

**Issues:** Environmental assessment, biological diversity (conservation) (habitat) (protected areas), and fisheries (habitat)

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

**Status:** Completed

---

### **Petition No. 72: Preserving wetlands in the greater Montreal area**

**Date submitted:** 19 March 2003

**Petitioner(s):** Comité Zip Ville-Marie

**Summary:** This petition concerns the potential sale of federal property located beside the St. Jacques River in the Greater Montreal area. According to the petitioner, a large portion of the land along the river was declared surplus by Transport Canada and may be sold soon. The Comité is concerned that the land will be sold without consideration for the long-term protection of wetlands on the property or the federal Policy on Wetland Conservation.

**Issues:** Biological diversity (conservation) (endangered species) (wetlands), water issues (aquatic ecosystems), and other (federal land)

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

**Status:** Completed

---

### **Petition No. 71: Access road to the MacKenzie King estate in Gatineau Park, National Capital Region**

**Date submitted:** 19 March 2003

**Petitioner(s):** Citizens Concerned about Gatineau Park

**Summary:** This petition concerns a proposal by the National Capital Commission (NCC) to construct a new access road to the Mackenzie King estate in Gatineau Park in the National Capital Region. The coalition critiqued the environmental assessment conducted by the NCC and posed questions about environmental standards and processes applied by the Parks Canada Agency for similar proposed projects within a national park setting.

**Issues:** Environmental assessment, biological diversity (conservation) (habitat) (protected areas), and other (federal land) (infrastructure)

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

**Status:** Completed

---

---

## Petition No. 67: Implementation of Rio Declaration principles for indigenous people

**Date submitted:** 31 January 2003

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

**Summary:** This petition concerns sustainable development and indigenous people and their communities. It follows from Canada's participation in the 2002 World Summit on Sustainable Development in Johannesburg, South Africa. At that meeting, Canada reaffirmed its commitment to implementing the principles outlined in the Rio Declaration on the Environment and Sustainable Development and the actions of Agenda 21. These include recognizing indigenous values, traditional knowledge, and resource management practices and enabling participation by indigenous people in sustainable development. The petitioner asks the federal government to outline how it will meet its commitments in these areas. Ten departments and agencies were asked to respond to this petition.

**Issues:** International/bilateral issues (international environmental agreements) and other (Aboriginal concerns)

**Federal departments/agencies replying:** Environment Canada, Canadian International Development Agency, Fisheries and Oceans Canada, Health Canada, Indian and Northern Affairs Canada, Industry Canada, Department of Justice Canada, Department of Foreign Affairs and International Trade, Natural Resources Canada, and Parks Canada Agency

**Status:** Completed



# Report of the Commissioner of the Environment and Sustainable Development to the House of Commons—2004

## Main Table of Contents

The Commissioner's Perspective—2004

**Chapter 1** International Environmental Agreements

**Chapter 2** Canadian International Development Agency—Development Assistance and the Environment

**Chapter 3** Sustainable Development Strategies: Using the Tax System and Managing Office Solid Waste

**Chapter 4** Assessing the Environmental Impact of Policies, Plans, and Programs

**Chapter 5** Fisheries and Oceans Canada—Salmon Stocks, Habitat, and Aquaculture

**Chapter 6** Environmental Petitions

