

2003



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

Chapter 4
Environmental Petitions

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The 2003 Report of the Commissioner of the Environment and Sustainable Development comprises four chapters and The Commissioner’s Perspective—2003. The main table of contents is found at the end of this publication.

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Chapter

4

Environmental Petitions

This chapter on petitions serves to fulfil the requirements set out pursuant to section 23 of the Auditor General Act. It describes the issues being addressed in environmental petitions received during the past year and highlights how federal ministers are responding to petitioners' questions and concerns. It also describes the steps being taken by the Commissioner to maximize the effectiveness of the process, including auditing petition responses.

All of the audit work in this chapter was conducted in accordance with the standards for assurance engagements set by the Canadian Institute of Chartered Accountants. While the Office adopts these standards as the minimum requirement for our audits, we also draw upon the standards and practices of other disciplines.

If you have comments or questions about the environmental petitions process or want to submit a petition, please contact us at the following:

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Message from the Commissioner



Johanne Gélinas
Commissioner of the Environment
and Sustainable Development

When I took up the post of Commissioner of the Environment and Sustainable Development three years ago, I considered the environmental petitions process under the *Auditor General Act* one of the most valuable parts of my mandate. I was surprised that so many Canadians were unaware of a direct tool available to them to seek answers from the government about “an environmental matter in the context of sustainable development.” I saw an opportunity to improve public awareness of the process and to promote its use as the effective accountability tool Parliament designed it to be.

I see the petitions process as a tool for individual Canadians to personally require accountability from their government. People from across the country often write and ask me to investigate or audit an environmental incident or issue that has come to their attention. Everyone has an important story to tell. Nevertheless, I do not have the resources to tackle every issue. That is why I encourage Canadians to pursue their concerns, large or small, on their own behalf by exercising their right to submit petitions. They can be confident that through the petitions process, they will receive authoritative and timely responses to their concerns directly from federal ministers and departments.

My first two Reports to Parliament, in 2001 and 2002, promoted the petitions process by providing information and demonstrating that the process was effective at getting answers for Canadians. I am pleased that the use of the process is increasing. And departments are giving petition responses their attention and efforts.

In their responses over the years, federal ministers have made commitments to act on the environmental concerns raised by petitioners. But who is taking the next step—following up to determine whether these promises have generated real action by departments?

As the guardian of the environmental petitions process on behalf of the Auditor General, I am convinced that it is vitally important to take this task on. We will know if this process really generates positive benefits for the environment only if we check to see whether departments have followed through on their commitments. In this chapter we report on our first audits of commitments made in petition responses.

Besides reporting whether departments lived up to commitments, these audits can raise broader questions for parliamentarians to consider.

Although trichloroethylene (TCE) was declared toxic and probably carcinogenic to humans a decade ago, Environment Canada has only recently finalized control measures for this substance. I highlighted this long delay in

my 2002 Report (Chapter 1, Toxic Substances Revisited, Exhibit 1.5). The Department began to develop regulations in 1997. In its February 2001 response to Petition No. 25, Environment Canada committed to completing the draft regulations and set a target of mid-2001. While it did succeed in introducing draft regulations, it was in December 2002, after a further 16-month delay. The final regulations came into force on 24 July 2003.

The Canadian Drinking Water Quality guideline for TCE was established in 1987. It was flagged for review in 1993. However, it was not until May 2000 that Health Canada recommended that the reassessment for TCE begin as soon as possible. This review did begin in earnest in the spring of 2002 and it is now complete (as promised by Health Canada in its petition response, Petition No. 25). The result is that Health Canada is recommending that the TCE guideline be made more stringent. The Department must now work with the provinces and territories to make any final changes to the guideline. I encourage Health Canada to work as quickly as possible to see that this is realized.

While I appreciate the complexity of putting in place new regulations and guidelines, I am troubled that actions to protect human health and the environment take so long.

The Canadian International Development Agency (CIDA), in response to Petition No. 41B, decided to enhance public access to environmental assessments it funds by, for example, ensuring that these assessments are made available on the Internet. The commitment was limited to environmental studies for hydro dam projects—only one of various types of infrastructure projects in which CIDA is involved. What is the rationale for applying this commitment to only one type of project? Does CIDA intend to enhance public access to environmental studies for other types of projects? CIDA was unable to respond to such questions to my satisfaction.

I remain committed to the environmental petitions process and to seeing it develop further as an important accountability tool for Canadians.

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Environmental Petitions

Main Points

4.1 Our audits of actions taken by departments on commitments made in four responses to petitions found inconsistent results. On the one hand, we found that some challenging commitments were fulfilled by departments. On the other hand, what might be seen as relatively simple policy and procedural changes were poorly implemented.

4.2 Specifically, in the four audits we found the following:

- Environment Canada met its commitment to develop a regulation for the toxic substance trichloroethylene, albeit later than its target date, and 10 years after the substance was declared toxic. Health Canada has met its commitment to review the Canadian Drinking Water Quality Guideline for trichloroethylene and is recommending a tightening of the guideline.
- Environment Canada has substantially met its commitment to assure itself that a pulp mill in Manitoba is in compliance with regulatory discharge limits and environmental effects monitoring requirements.
- Fisheries and Oceans Canada has not met its commitment: it has failed to take the first steps crucial to implementing a new policy to notify project proponents about public access requirements under the *Canadian Environmental Assessment Act*.
- The Canadian International Development Agency has not met its commitment: it has not fully implemented a new requirement designed to enhance public access to and public participation in environmental studies it funds for proposed hydro dam projects outside of Canada.

Fisheries and Oceans Canada and the Canadian International Development Agency have responded. Both departments have accepted our recommendations to implement their petition commitments. Their responses, which follow the recommendations in the chapter, indicate the actions they intend to take and when these will be complete.

4.3 We have seen a number of positive developments in environmental petitions in the past year:

- The number of petitions continues to grow (up from 28 last year to 38 this year).
- The variety and range of issues being addressed by Canadians using the petitions process has expanded to include topics such as endangered species, wind energy projects, contaminated harbours, strategic environmental assessment, nuclear liability, and military training areas.

- New types of petitioners are using the process: members of provincial legislatures and elementary and university students.
- Petitioners are using the process again to follow up on the responses they have received.
- Late responses by Fisheries and Oceans Canada and Environment Canada are no longer an issue.
- Parliamentary interest in the petitions process has increased.

4.4 This year, all but a few petition replies clearly responded to petitioners' concerns and requests.

4.5 Ministers and departments are taking advantage of the opportunities presented by the petitions process. They have used their petition responses as a platform to clarify federal policies and positions and to explain their role and involvement in an issue. In some cases, they have pledged to take action in response to petitions and have announced new policies or requirements. They have also initiated a research study and launched investigations.

Background and other observations

4.6 The environmental petitions process was established under the *Auditor General Act* in 1995. The Commissioner co-ordinates the petitions process on behalf of the Auditor General. Through the environmental petitions process, Parliament has provided Canadians with a tool to ask questions about and to receive authoritative answers to environmental concerns that involve the federal government.

4.7 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).

Introduction

What do the following environmental issues have in common?

- Sea lice on wild salmon on the West coast
- Coal tar contamination in Hamilton Harbour
- Mustard gas dumped off the East coast
- Wind energy in Prince Edward Island
- Disruption of fish habitat along the Trent-Severn Waterway
- Lake drainage for hydro generation
- Spraying of pesticides in a national park in Saskatchewan
- Implementation of strategic environmental assessments for new federal policies and programs

Answer: they are all the subject of petitions filed under the provisions of the *Auditor General Act*.

4.8 Under the *Auditor General Act*, any Canadian resident, whether an interested individual, organization, a business, a municipality, or other body, has the right to submit an environmental petition to the Auditor General of Canada. Petitions need only concern an environmental issue; they can be put into the broader context of sustainable development. The issue must be the responsibility of at least one of the 25 federal departments and agencies listed in the Act (Exhibit 4.1). The Commissioner of the Environment and Sustainable Development co-ordinates the petitions process on the Auditor General's behalf. The Commissioner forwards petitions to the appropriate departments and agencies. Petitioners are entitled to a substantive reply to their petitions within 120 days from the appropriate federal ministers. The basics of the petitions process are described in Exhibit 4.2.

Exhibit 4.1 Federal departments and agencies subject to the environmental petitions process

The petitions process applies to 25 federal departments and agencies:

Agriculture and Agri-Food Canada
 Atlantic Canada Opportunities Agency
 Canada Customs and Revenue Agency (formerly Revenue Canada)
 Canada Economic Development Agency for Quebec Regions
 Canadian Heritage, Department of
 Canadian International Development Agency
 Citizenship and Immigration Canada
 Environment Canada
 Finance Canada, Department of
 Fisheries and Oceans Canada
 Foreign Affairs and International Trade, Department of
 Health Canada
 Human Resources Development Canada
 Indian and Northern Affairs Canada
 Industry Canada
 Justice Canada, Department of
 National Defence
 Natural Resources Canada
 Parks Canada Agency
 Public Works and Government Services Canada
 Solicitor General Canada
 Transport Canada
 Treasury Board of Canada, Secretariat
 Veterans Affairs Canada
 Western Economic Diversification Canada

Exhibit 4.2 The basics of the environmental petitions process

In December 1995 the *Auditor General Act* was changed. The changes established the position of the Commissioner of the Environment and Sustainable Development and created the environmental petitions process. If you are concerned about an environmental matter involving the federal government, the petitions process may work for you.

Who can use the process?

Whether you are an individual, an organization, a municipality, or a corporation residing in Canada, the environmental petitions process is there for you to use.

What does a petition look like?

Your petition can be a simple letter that outlines your concerns and requests. Or you may wish to submit a more substantial document that provides detailed background information on the issue that you are raising in your petition.

Who signs a petition?

Multiple signatures are not necessary. You alone can sign the petition, or others can sign as well. The choice is yours.

Can a petition deal with any issue?

There are two major requirements:

- Your petition must address an environmental issue. Your concern can relate to the broader concept of sustainable development.
- At least one of the 25 federal departments and agencies that are involved in the petitions process must be responsible for addressing the issue or concern. Exhibit 4.1 provides a list of these departments and agencies.

Where is a petition sent?

You send your petition directly to the Auditor General of Canada. The Commissioner is responsible for handling petitions on the Auditor General's behalf.

What happens after a petition is submitted?

The Commissioner does not respond directly to environmental petitions. Ministers and their departments do. Under the process, the Commissioner's staff review your petition. If they determine that it meets the requirements set out in the *Auditor General Act*, the Commissioner forwards your petition to the federal departments and agencies that are responsible for the issue being addressed in your petition. The appropriate federal ministers receive and respond to petitions on behalf of the departments and agencies. A minister receiving a petition is required to reply within 120 days.

What kinds of questions can be asked in a petition?

As a petitioner, you can approach environmental issues and concerns from different angles. For example, if you think a federal law is being broken or is not being enforced, you can ask federal departments to investigate. Here are some other possibilities:

- If you are not clear about a federal policy pertaining to an environmental issue, you can ask for clarification.
- You can ask government departments or agencies to review existing environmental laws, regulations, or policies; you can recommend improvements and get a response to your suggestions.
- If you want to know how a particular department is involved in an issue, you can ask for details.
- When a federal minister has made a commitment on an environmental issue, you can ask that minister what steps have been taken to fulfil the commitment.
- Perhaps you want to know what a particular department is doing to "green" its operations. If so, you can ask that department to provide you with an update.

Any questions?

Our telephone number, e-mail address, and mailing address are provided at the beginning of this chapter. Feel free to contact us. You can also consult our Web site (www.oag-bvg.gc.ca/environment).

4.9 This year we audited selected commitments made in past petition responses. Such audits will be presented regularly in the petitions chapter of our annual reports to Parliament.

4.10 We examined all 60 petitions from previous years, and selected four of them for audit (one petition, No. 25, involved two departments). Among the criteria we used in our selection were the significance of the commitment, the risk to the environment, and the timeframe given for action on the commitment.

4.11 Details of the four audits follow, and then our general conclusions about the audited commitments.

4.12 Following the audits is our annual report to Parliament on the petitions process. It reports on the petitions received between July 2002 and July 2003 and the responses produced by departments during that period; and it highlights important issues raised in petition responses.

Audits of Petition Response Commitments

Strengthening Protection Against a Toxic Substance

Probably carcinogenic to humans—a substance is deemed to be “probably carcinogenic to humans” when sufficient evidence that it causes cancer is obtained from studies using animals but not from studies with humans. A carcinogen is a chemical or other agent that causes cancer.

Trichloroethylene (TCE) is a toxic substance under CEPA, 1999 used as a degreasing solvent, in dry cleaning, and as an ingredient in adhesives. It can be found in household products such as paint removers, typewriter correction fluids, adhesives, spot removers, and rug cleaning fluids. TCE has been classified as “probably carcinogenic to humans” and may constitute a danger to human life or health in Canada.



Abandoned landfill site in Beckwith Township, Ontario. The source of the TCE contamination.

Petition requested federal actions

4.13 Residents of Beckwith Township, a small rural community near Ottawa, discovered in March 2000 that many of their wells were contaminated with trichloroethylene (TCE). A decade ago, this substance was declared under the *Canadian Environmental Protection Act (CEPA)* to be toxic to the environment and to human health and is considered **probably carcinogenic to humans**.

4.14 This toxic substance was detected in the water supply of over 240 homes in the Beckwith area. TCE can enter groundwater supplies in different ways, including the mishandling of waste (including spills), inappropriate disposal by consumers, and seepage from landfill sites and contaminated soils. In the case of Beckwith, the source was an abandoned landfill site in the area.

4.15 In October 2000, our Office received an environmental petition (Petition No. 25) from the Sierra Legal Defence Fund, on behalf of the Beckwith Water Contamination Committee. The federal concerns and requests raised in the petition were addressed to the ministers of the Environment and of Health. The petitioners were concerned that seven years after TCE was declared as toxic under the *Canadian Environmental Protection Act*, no regulatory steps had been taken to control its release into the environment. They were also concerned that the Canadian Drinking Water Quality Guideline for TCE is set at 0.05 mg per litre of water, whereas the United States Environmental Protection Agency set its standard at 0.005 mg per litre of water. While the petitioners noted that several actions had already been taken, they requested that the Minister of the Environment take action to regulate trichloroethylene under the Act. They also requested that the Minister of Health ensure that the Canadian TCE guideline is as strict as, or stricter, than the U.S. standard.

Environment Canada and Health Canada play a role in the management of toxic substances

4.16 Environment Canada has the lead responsibility for managing and regulating toxic substances under the *Canadian Environmental Protection Act*. Health Canada is a member of the Federal-Provincial-Territorial Committee on Drinking Water, which develops the Canadian Drinking Water Quality Guidelines that include the guideline for TCE. Health Canada serves as the technical secretariat for this committee. As the federal partner, Health Canada performs research, conducts reviews, and provides technical advice to the Committee. The information it provides forms the basis for co-operative work with the provinces and territories to establish the Canadian Drinking Water Quality Guidelines or to reassess them.

4.17 The ministers of Environment and Health responded jointly to the petition in February 2001.

4.18 **Response from Environment Canada.** In its response to the petition, Environment Canada made a significant commitment with an expected timeline for implementing the actions. The response stated:

Environment Canada will move as expeditiously as possible to bring into force a regulation for TCE under [the *Canadian Environmental Protection Act*]... a proposed regulation is expected to be ready for publication in Part I of the *Canada Gazette* by mid-2001.

Did you know?

The total number of substances covered by the Canadian Drinking Water Quality Guidelines: **164**

4.19 **Response from Health Canada.** Health Canada stated that it was reviewing the TCE guideline and that it had given higher priority to reassessing the TCE guideline. The Minister provided the following assurance to the petitioners:

Health Canada will expedite its review of the adequacy of the current Canadian Drinking Water Quality Guideline for TCE and work through the existing [federal-provincial-territorial] mechanism to encourage the earliest possible implementation of any forthcoming recommendations relating to the revision of the TCE guideline.

Focus of the audit

4.20 In examining whether Environment Canada and Health Canada have fulfilled the ministers' commitments to the petitioners, we asked the following questions:

- Did Environment Canada meet its mid-2001 target for publishing the proposed regulations in Part 1 of the *Canada Gazette*?
- Did Environment Canada fulfil its commitments to the petitioner to establish regulations for controlling the release of TCE into the environment?
- Did Health Canada review the TCE guideline in the Canadian Drinking Water Quality Guidelines and recommend revisions?
- If so, did Health Canada work through the Federal-Provincial-Territorial Committee on Drinking Water so that the recommendations would be implemented as early as possible?

Observations

Environment Canada has published TCE regulations

4.21 Environment Canada published its proposed Solvent Degreasing Regulations (which include the toxic substances trichloroethylene and tetrachloroethylene) on 7 December 2002 in Part 1 of the *Canada Gazette*. This was about 16 months later than its commitment had specified. The purpose of the proposed regulations was to reduce the release of trichloroethylene into the environment from facilities and industries that use solvent degreasing. The final regulations came into force on 24 July 2003.

4.22 Environment Canada’s failure to publish the proposed regulations within the timeframe specified in the petition response is particularly significant. Given that TCE was declared toxic in 1993, and that the Department began to develop the regulations in 1997, these delays are difficult to justify (Exhibit 4.3).

Regulation was a challenge from the start

4.23 Environment Canada began to develop the regulations in 1997 following a consultative process with stakeholders. The stakeholders recommended that Environment Canada bring in a market-based “cap-and-trade” system that would put a three-year freeze on the amount of TCE used. After that, users would reduce the amount of the chemical used by 65 percent (Exhibit 4.4). The Minister accepted the stakeholders’ recommendations and announced that Environment Canada would proceed.

4.24 The concept of a market-based cap-and-trade mechanism for trichloroethylene created significant challenges for the Department. One challenge involved translating the concept into a regulatory instrument that would work and that could be enforced. Another challenge was the need for an extremely accurate profile of TCE users if Environment Canada was to be able to apply and enforce this regulation. According to the Department, it was a major undertaking to establish which facilities were using TCE, what they were using it for, and how much they were using.

Environment Canada faced delays in the final stages

4.25 The Minister of the Environment made a commitment to the petitioners in February 2001 to have the proposed regulations published in Part 1 of the *Canada Gazette* by mid-2001, an interval of about five months. According to Environment Canada, this was a “best-case scenario” that assumed the Department understood how large the task would be and nevertheless thought it could meet the target date.

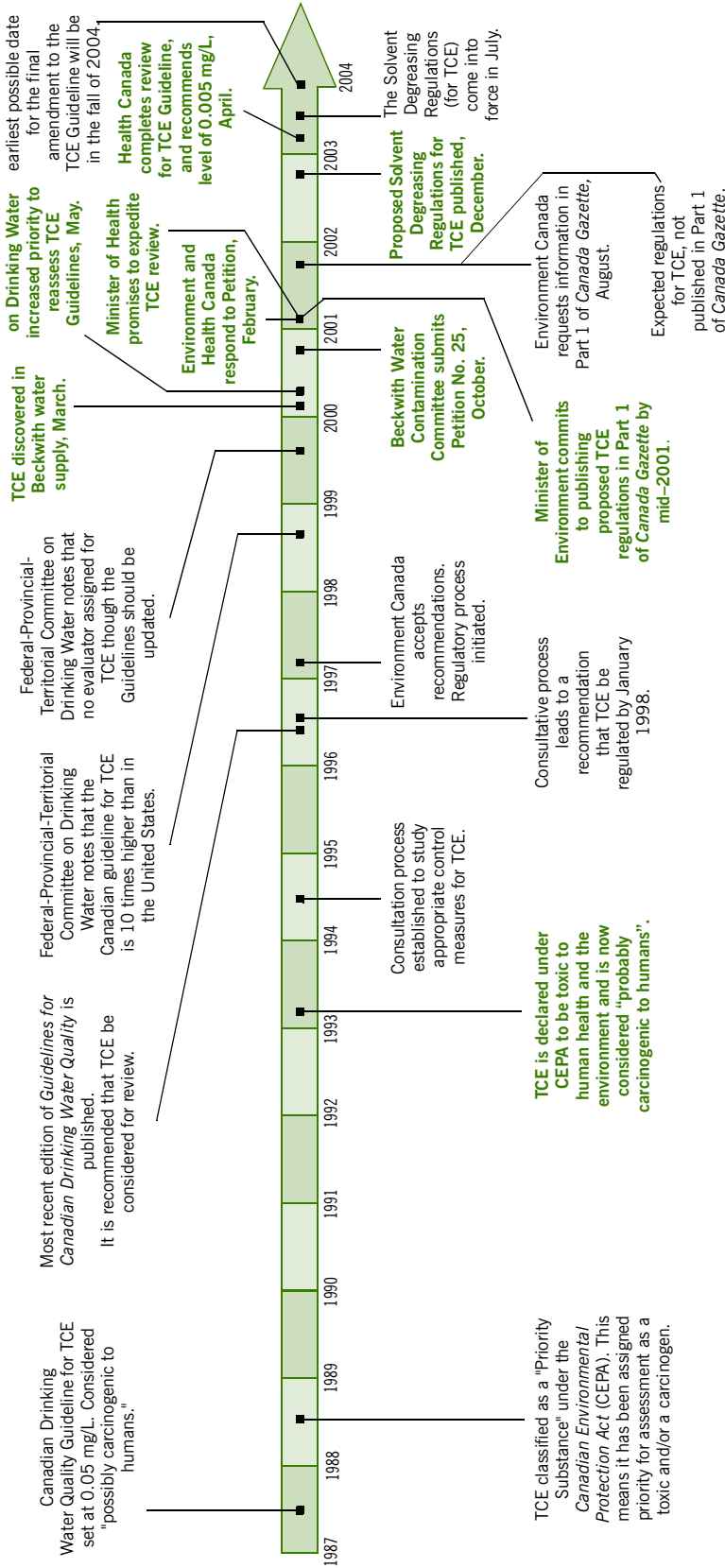
4.26 Following the commitment made by Environment Canada in February 2001, the Department met challenges that resulted in significant delays. Publication of the proposed regulations was delayed from mid-2001 to December 2002. The main cause of the delay was the Department’s discovery, after the response to the petition, that the information it had about the industries that used TCE was incomplete and unreliable. At the time of the response, Environment Canada was nearing the completion of a technical draft of the proposed regulations. However, while it had compiled a list of over 2,400 industries that use TCE, it had not determined how many were using it for degreasing operations, and how much they were using. In August 2001, Environment Canada decided to issue a request in Part 1 of the *Canada Gazette* for industry information about the use of TCE.

4.27 We found that Environment Canada was overly optimistic in expecting to publish the proposed regulations within five months. Given the amount of work needed to complete the Department’s information and prepare the regulations for publication, a target date of five months was unrealistic.

Previous reports of the Commissioner of the Environment and Sustainable Development have highlighted the delays associated with the federal control of TCE and other toxic substances. For details see the Commissioner’s 1999 Report, Chapter 4, and the 2002 Report, Chapter 1.

Exhibit 4.3 Canada's actions to protect Canadians from trichloroethylene (TCE), a toxic substance

Evolution of Drinking Water Quality Guideline for TCE



Evolution of control measures for TCE

4.28 A full ten years after trichloroethylene was declared toxic under the *Canadian Environmental Protection Act*, the final regulations were put in place on 24 July 2003. The Department noted that the use of TCE in degreasing had declined in Canada between 1995 and 2000. It attributes this reduction in part to its work with stakeholders and the resulting awareness in the marketplace that regulations were being developed.

Exhibit 4.4 “Cap-and-trade” mechanism

Cap-and-trade refers to a market-based control mechanism designed to limit the use, discharge, or emission of a given substance or substances. It is often chosen as a regulatory control option to achieve an overall reduction of a substance while allowing for flexibility across various industries. The following are the key features of a cap-and-trade mechanism:

- A cap refers to a limit on the total amount of specific substance that can be either released or used. This will be set initially at a baseline level and subsequently reduced in phases.
- An allowance is an authorized fixed amount that can be used or released by an individual company.
- Trade is built into this system to allow flexibility in meeting targets. Companies can choose how to reduce the “use or release” of a substance. Companies that can reduce their use or release to below their allowance can then trade or sell the unused portion on a market to those that require amounts greater than their allowance.

Health Canada recommended strengthening TCE guideline

4.29 Health Canada is a federal representative on the Federal-Provincial-Territorial Committee on Drinking Water and has the role of technical secretariat. The Canadian Drinking Water Quality Guidelines are used by the provinces and territories to establish their own enforceable regulations, as well as objectives, or guidelines. Health Canada’s role on the Committee is to carry out scientific risk assessments to support the development of new guidelines and to provide the information needed to evaluate current guidelines.

4.30 The 1987 guideline for TCE was based only on the risk from consuming trichloroethylene (Exhibit 4.3). It did not take into account the risks from inhaling it. When the chemical was declared a toxic substance under the *Canadian Environmental Protection Act* in 1993, its rating as a cancer-causing substance was raised from “possibly carcinogenic to humans” to “probably carcinogenic to humans”. There was also more evidence of the potential risks from inhaling TCE while bathing or showering. The reclassification of TCE under the Act put it on the list of guidelines that the Federal-Provincial-Territorial Committee on Drinking Water had to review. With the release of the sixth edition of the *Guidelines for Canadian Drinking Water Quality* (1996), Health Canada stated that the TCE guideline was being considered for revision because of new evidence. However, it was not until May 2000 that the Federal-Provincial-Territorial Committee on Drinking Water gave a higher priority to reassessing the TCE guideline.

4.31 In February 2001, the Minister of Health made a commitment to the petitioners to expedite the review of the Canadian Drinking Water Quality Guideline for TCE. While the Department did some preliminary work, it knew that the U.S. Environmental Protection Agency-Science Advisory Board was reviewing the health risk assessment of TCE. It decided to wait for the results before re-examining Canada's TCE guideline. In spring 2002, eight months after the Department received the U.S. document, Health Canada initiated its full reassessment of TCE. The reassessment was completed in April 2003.

Actions taken following some delays

4.32 Although 26 months had passed from the date of the commitment to review the TCE guideline until the review was completed, we found that Health Canada met the commitment to the petitioners. Health Canada cites three reasons for the delay that occurred between the commitment and its completion of the review.

- Health Canada received the United States Environmental Protection Agency data eight months later than expected. There was a further delay of eight months before an evaluator was available to do the review. It was completed by April 2003.
- Over the same period, Health Canada dealt with other issues that took priority, including the aftermath of the tragedy in Walkerton, Ontario. The Department stated that the review of the TCE guideline was occasionally delayed when the staff members assigned to the job were reassigned to other urgent issues.
- Health Canada used a new approach to review the TCE guideline. It said that the complexity of the approach added more time to the review process. Health Canada has stated that once this approach is established, the Department will apply it to review other substances similar to TCE. By mid-July 2003, the science on which the new approach was based had undergone the required external peer review. Health Canada will now need the approval of the Federal-Provincial-Territorial Committee on Drinking Water to proceed with a four-month national consultation process. The results of the consultations will be taken into account before the TCE guideline is formally amended. Final approval rests with the parent committee of the Federal-Provincial-Territorial Committee on Drinking Water, which is the Federal-Provincial-Territorial Committee on Environmental and Occupational Health.

4.33 As a result of its own review, completed in April 2003, Health Canada concluded that a TCE guideline stricter than the current level of 0.05 mg per litre was required. It recommended a new standard based on the collected evidence and available technologies. The recommended level—0.005 mg per litre—would be equivalent to the current U.S. standard, although the basis for the Canadian determination differed significantly from that of the U.S. Environmental Protection Agency.

Did you know?

The last amendment to the Canadian Drinking Water Quality Guidelines was Cyanobacterial Toxin-Microcystin-LR (toxins produced by blue-green algae). Discussions began in 1994 on a Canadian guideline for this substance. The final stages of the approval of the guideline were completed in 2002.

4.34 At the April 2003 semi-annual meeting of the Federal-Provincial-Territorial Committee on Drinking Water, Health Canada was not ready to present its recommendation for revising the Canadian Drinking Water Quality Guideline for TCE. The Department told us that since the external peer review was completed only in mid-July 2003, Health Canada will seek the Committee's approval to proceed with national public consultations by the next semi-annual meeting in October 2003. The Department told us, however, that a document would likely not be ready for these consultations until either January or February 2004. This means that the earliest possible amendment of the TCE guideline would be in the fall 2004.

Conclusion

4.35 Both Environment Canada and Health Canada met their petition commitments. Environment Canada published its proposed Solvent Degreasing Regulations (for trichloroethylene and tetrachloroethylene) in December 2002, although this did not meet the target dates stated in the petition response. The final regulations were brought into force on 24 July 2003, fulfilling the commitment to the petitioners.

4.36 After some delays, Health Canada had reviewed the Canadian Drinking Water Quality Guidelines for TCE by April 2003 and was currently preparing to work with the Federal-Provincial-Territorial Committee on Drinking Water on a process to amend the TCE guideline. As the quality of drinking water is primarily a provincial responsibility, we found that Health Canada has substantially fulfilled the commitment made in the petition response. However, it will take at least until fall 2004 to complete the amendments to the TCE guideline. The Department still has a role during this period in ensuring that the updated TCE guideline is approved by the Federal-Provincial-Territorial Committee on Drinking Water and published for use by all provinces and territories.

Ensuring Compliance at a Manitoba Pulp and Paper Mill

Petition raises concerns about enforcement of federal regulations



Outfall pipe leading to the Winnipeg River at the Pine Falls Pulp and Paper Mill, Manitoba.

4.37 The Pine Falls mill (now known as the Pine Falls Operations and owned by the Tembec Paper Group since 1998), has operated for over 70 years beside the Winnipeg River north east of Winnipeg, Manitoba. The mill produces newsprint for domestic and international markets. It became subject to federal environmental regulations in 1992, when an updated version of the Pulp and Paper Effluent Regulations under the *Fisheries Act* came into effect. The previous set of regulations, dating back to 1971, had not applied to older mills like the one in Pine Falls.

4.38 The 1992 Regulations established tighter pollution controls on effluents being discharged into Canadian waters from pulp and paper mills: they obliged mills to monitor their discharges frequently and report the results to federal authorities. The Environmental Effects Monitoring Program is an innovative feature of the regulations. Mills are required to submit a plan for monitoring how their discharges are affecting fish and the aquatic environment around the mill, and they must report the results of their monitoring within a set timeframe.

4.39 Effluent from the Pine Falls mill discharges into the Winnipeg River. The river is the source of drinking water for the Sagkeeng First Nation; it also supports a recreational fishery.

4.40 Petition No. 19 was submitted in November 1998 by a Manitoba resident, Alice Chambers, who alleged that:

- Environment Canada had ignored numerous spills and discharges that were above the regulated limits, and thus it had not ensured that the mill's effluent was not polluting the Winnipeg River.
- It had not charged the mill for failing to comply with the requirements of the Environmental Effects Monitoring Program.

4.41 Environment Canada is responsible for administering and enforcing the *Fisheries Act* provisions for preventing pollution. Its officials in the Winnipeg Regional Office are responsible for enforcing compliance with the regulations; a co-ordinator in the Edmonton regional office manages the Environmental Effects Monitoring Program.

4.42 Fisheries and Oceans Canada and Environment Canada jointly developed a Compliance and Enforcement Policy (finalized in 2001) to guide departmental officials in administering and enforcing the Pulp and Paper Effluent Regulations. Enforcement activities include inspections to monitor or verify compliance, investigations of alleged violations, warnings, directions by inspectors to alleged violators, ministerial orders, and ultimately, injunctions and prosecutions.

Minister committed to ensuring compliance with regulations

4.43 In April 1999, the Minister of the Environment responded to the petitioner's concerns about the Pine Falls mill. She affirmed that Environment Canada's overarching goal is to ensure compliance with all of its regulations, including the limits on effluent discharges and the monitoring of environmental effects under the Pulp and Paper Effluent Regulations.

Focus of the audit

4.44 The overall objective of our audit was to determine whether, since responding in April 1999 to the petition, Environment Canada had taken action to ensure that the mill was in compliance with the regulations. We asked whether the Department had

- conducted regular inspections and taken other action to determine whether the mill had complied with the discharge limits;
- determined whether the documents for the Environment Effects Monitoring Program submitted by the mill were adequate; and
- taken active steps to enforce the discharge limits if the mill had not complied with the regulations.

4.45 We interviewed Environment Canada staff responsible for compliance and enforcement for the mill in Pine Falls. We reviewed compliance and enforcement records on the mill and reviewed monitoring data and other related documents that the mill had submitted to the Department.

4.46 A full examination of the Environment Canada's compliance and enforcement program was beyond the scope of this audit.

Observations

Strict effluent limits set out in the 1992 regulations

4.47 Under the 1992 regulations, Canadian pulp and paper mills are prohibited from discharging effluent that is acutely lethal to fish. Mills are, however, permitted to discharge certain other "deleterious substances" within allowable levels (total suspended solids (TSS) and biological oxygen demand (BOD)). If discharging effluent, a mill must adhere to a number of conditions. Among other things, a mill operator must:

- install, maintain, and calibrate monitoring equipment and keep records;
- monitor treated effluent and submit test results to federal officials monthly; and
- report test results that exceed the discharge limits.

Prior to the 1998 petition, the mill was authorized to exceed the discharge limits

4.48 As an older mill, the Pine Falls paper mill was able to apply for and obtain temporary authorizations from Environment Canada to exceed the stipulated discharge limits by a specific amount until 31 December 1995. Nevertheless, it did violate these higher limits on some occasions. In most of those cases, Environment Canada chose to work with the mill co-operatively rather than taking punitive enforcement action. By the end of December 1995, the mill had installed a new system for secondary treatment

of effluent. Environment Canada records indicated that in 1996 the new treatment system was performing effectively with reported discharges regularly within the limits allowed.

The mill's monitoring data showed that subsequently, limits were occasionally exceeded

4.49 The mill regularly submitted monthly reports about its daily, weekly, and monthly results of effluent monitoring to Environment Canada whose enforcement staff reviewed them.

4.50 Since the response to the petition in April 1999, the mill's monitoring program revealed only a few violations. The first was in July 2001. In this case, the mill's effluent failed to meet the test for acute lethality—that is, more than 50 percent of rainbow trout subjected to the effluent were killed. The regulations require the mill to re-test, and it did. Environment Canada inspectors monitored the situation and, following remedial action by the mill, concluded that there had been no further violations. We note that the mill's effluent also failed the acute lethality test in May 2003 and failed a re-test in June 2003. Environment Canada was still investigating the matter at the end of our audit.

4.51 In 2001, the mill switched from a chemical pulping process that used acid and sulphur to turn wood chips into pulp. Its new process involves thermo-mechanical pulping that uses steam and mechanical energy. The mill operators believe that this change has resulted in significant improvements in the quality of effluent discharged by the mill.

Annual inspections not consistent

4.52 As a general rule, Environment Canada inspects the mill once a year and takes its own effluent samples. It has the samples analyzed at its laboratory in Edmonton to verify the mill's monitoring results and ensure that the mill is meeting the regulatory requirements.

4.53 We identified areas for improvement in Environment Canada's inspections of this mill. We observed that the mill was not inspected in 1999, the year the Minister responded to the petition. Documentation to confirm that the mill was inspected in 2000 was limited to a single effluent sample. There were documented inspections in 2001, 2002, and 2003. Therefore, there was a three-year gap between full and documented inspections in 1998 and 2001.

4.54 Because it inspects the mill only once a year, it is important for the Department to ensure that each inspection reviews all compliance requirements. We found that inspections of this mill could have been more thorough, consistent, and comprehensive had they used a checklist of the requirements to ensure that all were reviewed. In fact, we found that Environment Canada's inspectors had not checked all of the compliance requirements outlined in the regulations.

Environmental Effects Monitoring Program in place after a slow start

4.55 The Environmental Effects Monitoring Program helps determine whether the pollution limits set in the regulations adequately protect fish, fish habitat, and the use of the fisheries resources that live in the waters in the vicinity of a mill. Mills must submit monitoring plans, studies, and reports every few years for review by a technical panel and by the Department. The first cycle of studies under this program was due on 1 April 1996, and the second cycle in 2000.

4.56 Before the petition was submitted in 1998, the mill had missed several deadlines to submit its studies. Further in 1996 and 1997, Environment Canada had informed the mill that the cycle one studies it had submitted had problems with the quality of information and the data. The Department warned that enforcement action was a possibility.

4.57 After more than a year of dialogue, Environment Canada officials and mill representatives met and agreed that the major deficiencies identified in the first cycle would be addressed in the second cycle of studies. Environment Canada received the cycle two studies from the mill by April 2000, and was satisfied that it had met the monitoring requirements.

4.58 Under the monitoring program, the mill is also required to submit toxicological data to Environment Canada, which is incorporated into a national effluent database. Although the mill did the necessary sampling and arranged for testing, it did not always submit the test results to Environment Canada on time. The Department issued a warning in 2003 after the mill failed to submit its 2002 summer data within the allowed time.

Conclusion

4.59 We have concluded that the Minister's commitment to ensure that the regulations have been complied with has been substantially met in the case of the Pine Falls mill.

4.60 Environment Canada has continued to monitor the mill's compliance. The Department's compliance and enforcement activities and documentation, supported by data from the mill, shows that the mill is generally complying with the pollution limits set out in the Pulp and Paper Effluent Regulations under the *Fisheries Act*.

4.61 Environment Canada and the mill at Pine Falls have addressed the mill's early non-compliance with the requirements of the Environmental Effects Monitoring Program. Nevertheless, since the petition and response, the mill has been late submitting toxicological data required under the monitoring program.

4.62 The Department needs to ensure that it has a consistent and comprehensive approach in place, for example, by using checklists to guide inspections to facilitate a thorough review of the compliance requirements under the regulations. We note that Environment Canada has now started to use a checklist during its mill inspections.

Ensuring Public Access Under the *Canadian Environmental Assessment Act*

Petition challenged restrictions on access to an important environmental assessment report

4.63 One of the guiding principles in the *Canadian Environmental Assessment Act* is giving the public an opportunity to participate in the environmental assessment process. To realize this goal, the Act provides for public access to information on projects undergoing an assessment.

4.64 These principles were put to the test in 2001 after Bounty Bay Shellfish Inc. announced plans to expand its mussel farm in St. Ann's Harbour, Cape Breton. If completed as planned the mussel farm would reportedly be one of the largest aquaculture operations in North America.

4.65 This proposal was subject to an environmental assessment by federal fisheries officials. The proposal also sparked some debate when copyright and other restrictions were placed on an important environmental impact report that the company submitted to Fisheries and Oceans Canada to support the assessment.

4.66 In May, 2001, Dr. William Fitzgerald submitted an environmental petition to our Office (Petition No. 28) after he and other residents in the area could not obtain a copy of the report.

4.67 The mussel farm proposal needed approval under section 5 of the *Navigable Waters Protection Act*. This requirement, in turn, triggered the application of the *Canadian Environmental Assessment Act*. As the responsible authority, Fisheries and Oceans Canada had to assess the environmental effects associated with the project before deciding whether to issue the necessary federal approval to Bounty Bay.

4.68 Habitat assessors across the six regions of the Habitat Management Program of Fisheries and Oceans Canada co-ordinate and conduct these assessments, sometimes with the help of other federal departments.

4.69 The *Canadian Environmental Assessment Act* requires that the responsible federal authorities place on a public registry such documents as reports from project proponents and all other records related to an environmental assessment. The Act requires that the authorities make these documents available to the public upon request.

The Minister committed to ensuring public access to environmental assessment records

4.70 The Minister of Fisheries and Oceans responded to the petition at the end of October 2001. He directly addressed the petitioner's concerns about restricted access to the Bounty Bay report and indicated that the Department had taken steps to prevent similar problems from recurring in the future:

[The Department] has re-evaluated its procedure for dealing with such documents by notifying proponents that documents

needed to conduct an environmental assessment will not be accepted by the Department if they cannot be shared with interested parties.

4.71 The Department confirmed that this new notification policy applies in all cases where it acts as a responsible authority, anywhere in Canada.

4.72 The commitment was reaffirmed in April 2002 when the Minister indicated in a letter to two Cape Breton residents that “actions have been taken within [the Department] to ensure that the copyright issue does not occur in the future.”

Focus of the audit

4.73 We wanted to determine whether Fisheries and Oceans Canada had put its new notification policy into effect. This notification to proponents would help to ensure that documents collected under the federal environmental assessment process would be available to all interested parties, including members of the public.

4.74 In examining whether the Department has fulfilled its commitment, we asked the following questions.

- Did Fisheries and Oceans Canada ensure that adequate steps were taken to implement the policy to notify proponents about the requirements of the Act for public access and the public registry?
- Did the Department track results to assess whether it had fulfilled its commitment?

4.75 We expected that proponents would be formally notified when the Department determined that an environmental assessment was required for a project.

4.76 The Minister’s October 2001 response to the petition suggests that the Department was already making changes to respond to the issues that came to light in the Bounty Bay project. Given that one and a half years had elapsed between the Minister’s response and this audit, we expected that the new policy would have been fully implemented and the results tracked.

Observations

Fisheries and Oceans Canada developed a notification package

4.77 When we started our audit, officials with Fisheries and Oceans Canada immediately directed our attention to a special notification package that the Department had developed in the summer of 2001. We were told that this package could be used when the *Canadian Environmental Assessment Act* is triggered. It would serve as the notification to proponents that the Minister had promised when responding to the petition.

4.78 This notification package, referred to as the proactive package or public registry package, includes a letter to project proponents. It also includes information about the requirement that the federal government provide for public participation in the federal environmental assessment

process, specifically, that it establish a public registry of records related to an environmental assessment, ensure convenient public access to the public registry, and release documents on the environmental assessment to the public.

To date, use of the notification package is discretionary

4.79 One and a half years since the launch of the proactive package, its status is unclear. Fish habitat assessors across the country have been asked to try out the package, but they are not required to use it. Regional directors have not yet approved the package; it is not required as a matter of official department policy.

4.80 Furthermore, our review of internal documents suggested that departmental headquarters was promoting the package primarily for high profile projects—those that “could garner much public interest and will likely lead to public registry requests”—not for all projects undergoing an environmental assessment.

The Department did not ensure that proponents were notified

4.81 Since the proactive package has not received official approval, we decided to determine whether the Department notifies project proponents about the requirements to provide for a public registry and public access. If the Department was notifying project proponents, we wanted to review the process they used.

4.82 We requested samples of recent notification letters sent to proponents from each of the six regions of the Department’s Habitat Management Program. These are letters sent to proponents announcing that their proposed project is subject to an environmental assessment under the *Canadian Environmental Assessment Act*. Where necessary, we also interviewed regional staff.

4.83 Based on our review, we found the following:

- The Maritimes Region was using the proactive notification package fairly consistently. It was the only region to do so.
- Two other regions were also providing sufficient notification about public access and the public registry, and they were doing it on a consistent basis. These regions—Gulf and Quebec—were notifying proponents through various means, including notification letters.
- In the Central and Arctic Region, notification via a letter was done in some cases and not in others; when it was done, the message being communicated was not sufficiently clear.
- In the two remaining regions—Pacific and Newfoundland—formal notification about public access and the registry was not done at all.

The Department did not complete essential steps to implement its commitment

4.84 We found little evidence that the commitment to notify proponents has been integrated into departmental policies and procedures:

- A departmental procedures guide—originally an internal document and now available to the public and proponents via the Department’s Web site—does not include any information on the new notification policy promised by the Minister. A sample notification letter, which we were advised is outdated, is provided with the guide. It contains only a brief reference to the requirement that all documents from the proponents that support the environmental assessment must be made available to the public, as part of the federal environmental assessment process.
- Another template notification letter available to assessors through the departmental internal habitat tracking system also contains only a brief reference to the public access requirements under the *Canadian Environmental Assessment Act*.

Key departmental staff were not aware of the commitment until our audit

4.85 Key staff based in headquarters and three of the six regions told us that they first became aware of the commitment when they were notified through various means in February 2003 that we intended to conduct an audit.

4.86 We found no evidence that the commitment or any implementation plan was systematically communicated to departmental staff.

4.87 As a result, the Department was not taking the next steps; it was not actively monitoring whether proponents were being notified in the various regions. Nor was it tracking the results of any such notification.

Regions institute new notification protocols as a result of our audit

4.88 During the course of our audit, the Pacific Region and the Central and Arctic Region sent out new directives to ensure consistent notification of proponents in the future. Departmental officials told us that our audit was one of the factors behind the decision to take that action.

Conclusion

4.89 We have concluded that Fisheries and Oceans Canada has not fully, or substantially, implemented its new notification policy as promised in the petition response. The Department has failed to take several of the important first steps crucial to fulfilling the Minister’s commitment.

- The notification changes stated in the response to the petition have not been formally integrated into the Department’s policies and procedures.
- The commitment, as stated in the petition response, and the Department’s plan to implement it were not systematically communicated to departmental staff.
- Only three of six regions were consistently notifying proponents about the requirements for public access to all environmental assessment records and their listing on the public registry. In two regions, no notification was sent at all.

- New notification procedures were put in place in certain regions, partly as a result of our audit.

4.90 Recommendation. Fisheries and Oceans Canada should begin to implement the commitment made in its response to Petition No. 28 to ensure public access to environmental assessment records. It should develop an action plan for implementation that includes obtaining formal approval of the notification policy and communicating the policy to staff. It should track results to ensure that the commitment is implemented consistently across the country.

Fisheries and Oceans Canada's response. Recommendation accepted. Project proponents will be advised that information in documents they submit should be able to be made available through the public registry established pursuant to the *Canadian Environmental Assessment Act* (CEAA). Information related to the provisions of the *Access to Information Act* and the *Privacy Act* will be included in the notification.

A policy directive will be issued requiring all staff to use a CEAA notification letter to all proponents when the Department is the lead responsible authority. This notification will include information about the CEAA requirements for public access to environmental assessment documents that proponents submit to the Department. A protocol will also be implemented requiring staff to record this action in the Department's Habitat Referral Tracking System. These actions are to be completed by November 2003.

Enhancing Access to Environmental Studies Funded by the Canadian International Development Agency

Petition requested details about CIDA's funding of a study on proposed dam in Belize

4.91 In June 2002 Probe International, a Toronto-based organization, requested information (Petition No. 41B) about CIDA's financial contribution to environmental studies of a proposed hydro dam project in Belize, Central America. The organization also requested that the Minister clarify the Agency's requirements for environmental assessments of projects outside Canada, particularly hydro dams. Probe International asked that environmental assessment documents be made available to the public.

4.92 When the Agency funded environmental studies related to hydro dam projects that were outside Canada and that were not subject to the *Canadian Environmental Assessment Act*, it provided access to these studies through the *Access to Information Act*. This was the situation when Petition No. 41B was submitted.

4.93 The Agency is the lead federal government organization responsible for Canadian international co-operation; it plans and implements most of Canada's international development co-operation program. Part of the Agency's mandate is to support sustainable development in developing countries in order to reduce poverty and contribute to a more secure, equitable, and prosperous world. The Agency helps fund environmental assessments of infrastructure projects outside Canada to support the generation of social, economic, and environmental information. The Agency says that by providing this information, the host country is in a better position to make informed decisions on proposed projects.

The Minister committed to making CIDA-funded environmental studies available on the Internet

4.94 In October 2002, the Agency made the following commitment in its reply to Petition No. 41B when asked what its policy was on funding studies related to hydro dams:

For new proposals submitted to the Agency for the funding of studies related to hydro dams, the Agency requires that... the [funded] company makes initial and full environmental assessments, and social impact studies, available on the Internet prior to public consultations.

Officials maintain that this commitment currently applies only to hydro dam projects and the related environmental studies. (For other information on CIDA's response, see paragraph 4.136.)



Aerial view of Macal River, Belize, site of proposed hydro dam.

Photo: Gráinne Ryder (Probe International)

Focus of the audit

4.95 We set out to determine whether CIDA requires that companies submitting new proposals for the funding of studies related to hydro dams make their initial and full environmental assessments and social impact studies available on the Internet before public consultations.

4.96 In examining whether the Agency has implemented its commitment, we asked the following questions:

- Has CIDA put measures in place requiring that before public consultations on new proposals for hydro dams, companies who receive funding from CIDA post their initial and full environmental assessments and social impact studies on the Internet?
- Has CIDA made changes to its practices that are necessary to implementing the commitment, including making its scope and application clear and explicit to its staff?

Observations

The Agency's commitment followed an internal review of its contributions to proposed hydro dam projects

4.97 When Petition No. 41B was submitted in June 2002, an internal group was already reviewing the Agency's contributions to the funding of dam projects and related environmental studies.

4.98 In early summer 2002, the internal group completed a two-page report. Among the key findings were that the Agency needed to

- reduce perceived bias in environmental studies by requiring funded companies to make their environmental assessments public, and
- require funded companies to hold public consultations earlier in the study process to develop a comprehensive list of environmental and social impacts.

The report stated that “earlier and regular public availability of environmental assessments would contribute to the Agency's transparency and avoid the appearance of secrecy or reactivity.”

4.99 The report recommended that the Agency

- require funded companies to conduct a preliminary assessment of potential positive and negative developmental impacts and to hold public consultations on the preliminary assessment;
- produce a document for use by companies that would specify the information and procedures required of dam projects;
- require funded companies to make initial and full environmental assessments and social impact studies available on the Internet before the start of public consultations; and
- post abstracts of and links to these studies on CIDA's own Web site.



On the Macal River, Belize.
Photo: Gráinne Ryder (Probe International)

4.100 The internal group's report concentrated on hydro dams but stated that "its findings are relevant for all large infrastructure projects." Nevertheless, the Agency decided to apply its new set of requirements to environmental studies related only to hydro dams.

4.101 The requirements became effective as of July 2002, after the Agency's President had reviewed and approved the report.

The Agency's commitment is not entirely clear

4.102 Under the commitment outlined in the response to Petition No. 41B, a company receiving funding from CIDA for environmental studies related to hydro dam projects must post its reports on the Internet. Where this information is to be posted on the Internet is not spelled out as CIDA did not specify any particular Web site. This leaves people wondering where to access this information: Would it be posted on the Agency's Web site, on the company's Web site, or elsewhere?

4.103 In addition, companies are also required to make these studies available before public consultations. However, CIDA officials say that public consultations in host countries are not always certain. Nevertheless, the Agency indicated that it will require companies to post their reports on the Internet whether or not public consultations are held. This is not set out clearly in CIDA's commitment.

The Agency's new requirements are not fully known or implemented

4.104 No official documents were circulated in the Agency to announce the new requirements emerging from the internal review and to explain how they would affect operations. Officials told us that they had communicated the requirements to program managers orally and by e-mail. Although program managers are responsible for reviewing project proposals and preparing contribution agreements for approved projects, the Agency did not provide them with comprehensive documentation informing them when the new requirements became effective, when, and how companies needed to be informed and by whom.

4.105 The e-mail sent to program managers on 8 July 2002 that communicated the new requirements mentioned the need for a number of actions, including the following:

- a redrafting of the report as a guideline for staff; and
- a formal version of the guidelines for the Agency's Web site and other uses.

As of June 2003, the Agency had taken no action to prepare these items.

4.106 We tested the level of knowledge of several program managers about the new requirements. We included both those managers who have and do not have recent involvement in hydro dam project proposals. Although the program managers were aware that the new requirements existed, only one was aware of the specific details.

4.107 To date, no document that provides information about the Agency's commitment and the procedural requirements for hydro dam projects has been developed for use by companies, as recommended by the internal review group. The Agency intends to proceed without such a document until it has processed several new proposals related to hydro dam projects. The Agency indicated that at a later date, it would decide whether or not such a document is necessary.

Inconsistent approach to the notification of companies

4.108 There is no consistent approach to notifying companies about CIDA's new requirements. In one case, CIDA included the new requirements in the contribution agreement with a company that had submitted a proposal related to studies for a hydro dam project in the Dominican Republic. The company was notified of the new set of requirements by e-mail in July 2002, when the Agency began to implement them. The company agreed to the requirements, and the contribution agreement was adjusted to reflect them.

4.109 In contrast, a new proposal for an environmental study of a hydro dam project in India was submitted to the Agency on 15 November 2002. As of June 2003, the company that submitted the proposal had not been officially notified in writing of the Agency's new requirements. However, company officials indicated that the Agency had made them aware of the new requirements through discussions.

Conclusion

4.110 In its response to Petition No. 41B, submitted by Probe International, the Minister for International Co-operation made a commitment to enhance access to environmental assessments funded by CIDA for infrastructure projects that involved hydro dams. We found that the Agency's commitment is not fully implemented yet.

4.111 Recommendation. The Canadian International Development Agency should develop and circulate an official document clearly explaining its new set of requirements for enhancing public access to the environmental studies it funds. The document should be provided to both the Agency's program managers and companies that submit environmental study proposals related to hydro dam projects. Further, the Agency should promote and ensure compliance with the requirements.

CIDA's response. The Agency is pleased that the audit found that the sole Agreement subject to its new requirement that companies make dam-related environmental assessments available on the Internet, prior to public consultations, reflected this requirement. The Agency will formalize its current process of informing staff and partners on its requirements to make dam-related environmental assessments available on the Internet prior to public consultations. It will also institute a monitoring process to ensure compliance with the requirements. These actions will be completed by the second quarter of 2004–2005.

Conclusion

4.112 Our four audits found mixed results. In the four cases, departments have addressed all the commitments to some degree and have substantially implemented some challenging commitments. At the same time, however, relatively simple policy and procedural changes have been implemented poorly, with delays in some cases and inadequate communication of new requirements or procedures to departmental staff and project proponents.

4.113 Specifically, in the four audits we found the following:

- Environment Canada met its commitment to develop a regulation for the toxic substance trichloroethylene, albeit later than its target, and ten years after it was declared a toxic substance. The Department of Health has met its commitment to review the Canadian Drinking Water Quality Guideline for trichloroethylene and is recommending tightening of the guideline.
- Environment Canada has substantially met its commitment to assure itself that a pulp mill in Manitoba is in compliance with regulatory discharge limits and environmental effects monitoring requirements.
- Fisheries and Oceans Canada has not met its commitment: it has failed to take the first steps crucial to implementing a new policy to notify project proponents about public access requirements under the *Canadian Environmental Assessment Act*.
- The Canadian International Development Agency has not met its commitment: it has not fully implemented a new requirement designed to enhance public access and public participation in environmental studies it funds for proposed hydro dam projects outside of Canada.

4.114 Implementing a petition commitment requires a number of steps. A department needs to

- clearly identify the commitment and what it means for the department,
- plan its implementation,
- carry out the planned implementation,
- communicate any changes as required, and
- determine that the commitment has been met.

In two cases that involved increasing public access to environmental information and studies, these steps were not evident, as the lack of results show.

About the Audits

Objective

The overall objective of the four audits was to review commitments made by ministers in their formal responses to selected petitions and determine whether and how well the commitments had been implemented.

Criteria

We expected that departments would have fully acted on commitments made to petitioners.

From this criterion, we developed specific questions to be examined in each audit as described in each section under “Focus of the audit.”

Scope and approach

In determining which petition responses we would audit, we reviewed all petitions and responses received by 15 July 2002 (the last date for inclusion of a petition in last year’s Report). We selected the four petitions for audit using the following criteria:

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

We conducted interviews and field work to determine whether and how well the commitments were being met. We collected data and evidence of the implementation of the commitment, along with appropriate documentation. Some quantitative information in this chapter is based on data that the respective departments provided directly to us or under legislation requiring self-reporting. We have considered and evaluated these data carefully but, unless otherwise indicated, they should be treated as unaudited.

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Annual Report on Petitions (From 16 July 2002 to 18 July 2003)

Development of the petitions process

4.115 Use of the petitions process continues to grow. Since our last Report to Parliament in October 2002, 38 new petitions have been received (compared to 28 last year and 6 the year before). This increase suggests that the petitions process continues to gain momentum (Exhibit 4.5). We are also seeing new types of petitioners this year. These include a member of a provincial legislature and elementary and university students.

4.116 Petitions cover a wide range of local, regional, national, and international concerns. Petitions are received from all over the country (Exhibit 4.6). Many continue to come from individuals and local groups concerned about local environmental issues that affect them and their communities.

4.117 New issues have emerged in this year's petitions. The list of environmental issues covered by petitions expanded this year to include endangered species, contaminated federal land and harbours (including former military training sites), environment and trade, the effects of genetically-engineered crops on soil, radioactive waste, invasive species, nuclear liability, and the transboundary movement of hazardous waste. One petition (No. 64) deals with an issue that goes to the heart of “greening” the federal government. It asks how several federal departments are applying a Cabinet directive requiring that environmental factors be taken into account in decisions on new federal policies, plans, and programs.

4.118 The ecological integrity of the Great Lakes is beginning to figure more prominently in recent petitions, as are wetland protection, wildlife, and energy and energy technologies.

Exhibit 4.5 Petitions received by year, 1996-2003

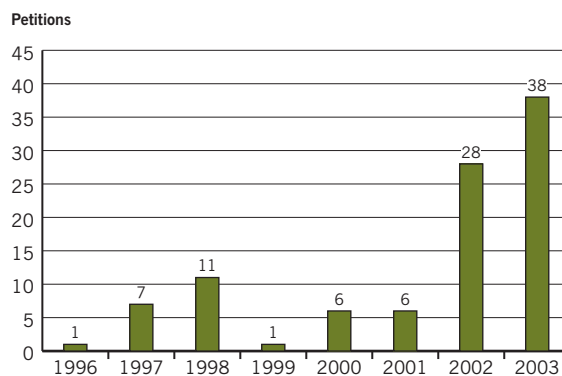


Exhibit 4.6 Petitions received by location of the petitioner (16 July 2002 to 18 July 2003)



Petition No.	Subject
27D	Destruction of fish habitat from railway decommissioning in Algonquin Provincial Park, Ontario
51B	Protection of fish habitat from proposed boat launch on the Trent-Severn Waterway
55	Air pollution and air quality
56	Invasive species in the Great Lakes
57	Coal tar contamination in Hamilton Harbour
58	Non-renewable energy subsidies
59	Proposed redevelopment of Oshawa Marina
60A	Nuclear liabilities
60B	Nuclear liabilities
61	<i>Species at Risk Act</i>
62	Toxic waste disposal
63	Ratification of Kyoto Protocol
64	Strategic environmental assessments
65	Federal funding of fuel cell research
66	Car assembly plants and the Kyoto Protocol
67	Implementation of Rio principles for Indigenous people
68	Aerial pesticide spraying in a national park
69	Wind turbine complex on Malpeque peninsula
70	Protection of water levels in Rocky Island Lake

Petition No.	Subject
71	Access road to Mackenzie King Estate in Gatineau Park, National Capital Region
72	Protection of environmentally sensitive federal land
73	Environmental assessment of a highway extension through Gatineau Park, National Capital Region
74	Ecological integrity of the Great Lakes
75	Boat mooring development in wetlands along the Trent-Severn Waterway
76	Low-level radioactive waste in Port Hope, Ontario
77	The relationship between economic growth, trade, and environmental protection
78	Clean-up of contaminated military training area in Tracadie, New Brunswick
79	Air quality, cancer rates, and the health in the residents of the Windsor area
80	Clean-up of contaminated military training area in Tracadie, New Brunswick
81	Environmental assessment for the proposed fixed link to the Toronto City Centre Airport, Toronto Islands
82	Environmental impacts of an expressway in Hamilton
83	Health and environmental impacts of poor air quality
84	Genetically engineered crops and soil health
85	Biosafety, World Trade Organisation, and genetically modified organisms
86	Expansion of commercial operations in Jasper National Park
87	Advertising and pesticide regulations
88	The development of genetically modified wheat
89	Potential lead contamination and fish habitat

4.119 More departments are receiving petitions. As the range of topics addressed in petitions widens, departments that received few petitions in the past are now receiving more. One department was petitioned this year for the first time (Public Works and Government Services Canada).

4.120 We are seeing more repeat petitioners. Some petitioners have submitted several petitions that address different issues. Others who have received responses from federal departments have submitted follow-up petitions to probe the same issues further—essentially establishing an ongoing dialogue with federal ministers and departments. For example, Algonquin Eco Watch has joined with three other organizations to submit four successive petitions (Nos. 27A to 27D).

4.121 Parliamentary awareness of the petitions process is increasing. Parliamentary committees have referred to and inquired about petitions and petition responses. We received two petitions from members of Parliament this year. Petition No. 78, from New Brunswick M.P. Yvon Godin, raised questions about the clean-up of a former military training range in Tracadie, New Brunswick. Petition No. 79 from Joe Comartin, M.P., asks Health Canada and Environment Canada to investigate air quality problems in Windsor, Ontario, and possible links between pollution and cancer rates in that area. A Quebec M.P., H el ene Scherrer, featured an article on the petitions process in her newsletter to constituents.

4.122 Petitions and responses are available on the Web. The Appendix to this chapter presents an overview of petitions received during our reporting period (16 July 2002 to 18 July 2003) and the petitions to which a response was pending when we released our Report last year. Subject to the petitioners' consent, petitions and responses are published in our petitions catalogue on our Web site (www.oag-bvg.gc.ca/domino/petitions.nsf/english). A paper version of the petitions catalogue, containing petitions and responses received during our reporting period, is published to accompany copies of this Report tabled in Parliament. Given that the petitions and responses are on the Web site, paper copies will be available only upon request.

Departmental responses to petitions

4.123 Our monitoring of petition responses. As part of the Commissioner's responsibility to monitor petition responses from departments and agencies, we consider the following questions:

- Are they responding to petitions on time (within 120 days of receipt)?
- Are they providing a substantive response that clearly addresses the questions in the petitions?

4.124 More responses have met the 120-day deadline. Departments have responded positively to our previous concerns that petition responses were sometimes delayed beyond the 120-day deadline stipulated in the *Auditor General Act*. Exhibit 4.7 shows the performance of departments and agencies during the past year. We note the dramatic improvement in Fisheries and Oceans Canada's compliance with the statutory deadlines. This department and Environment Canada have established systems to monitor and track their responses internally.

Exhibit 4.7 Assessment of timeliness of departmental responses to petitions, 16 July 2002 to 18 July 2003

Petition No.	AAFC	CCRA	CIDA	DFAIT	DND	EC	F&O	Fin	HCan	IC	INAC	Justice	NRCan	Parks	PWGSC	TC	TBS
41B			●														
48						○	●										
49						●	○										
50				○	●	●	○		●				●				
51A							●							●			
51B							●							●			
52						●					●		●				
53														Withdrawn			
54							○										
55						●		●	●	●			●			●	
56						●	●									●	
57						●	●	●								●	
58						●		●		●			●				
59						●										●	
60													●				●
61						●										●	
62		●				●										●	
63						●							●				
64	●		●			●	●	●	○	●			●		●	●	
65						●		●		●			○				
66						●							●				
67			*			●	●		●	●		●	●	●			
68						●			○			●	●	●			
69						●							●				
70							●										
Total petitions	1	1	3	2	1	18	12	5	5	5	2	2	12	4	1	6	1
Percentage responded on time	100%	100%	100%	50%	100%	95%	75%	100%	60%	100%	100%	100%	92%	100%	100%	100%	100%

● Responded on time
 ○ Responded late
 * Action ongoing

Agriculture and Agri-Food Canada (AAFC), Canada Customs and Revenue Agency (CCRA), Canadian International Development Agency (CIDA), Department of Canadian Heritage (DCH), Department of Foreign Affairs and International Trade (DFAIT), Department of National Defence (DND), Environment Canada (EC), Fisheries and Oceans Canada (F&O), Department of Finance Canada (Fin), Health Canada (HCan), Industry Canada (IC), Indian and Northern Affairs Canada (INAC), Department of Justice Canada (Justice), Natural Resources Canada (NRCan), Parks Canada Agency (Parks), Public Works and Government Services Canada (PWGSC), Transport Canada (TC), Treasury Board Secretariat of Canada (TBS)

4.125 All but a few petition replies clearly responded to petitioners' questions. As we noted earlier, we monitor petition replies to assess whether or not they clearly respond to petitioners' concerns and requests. If required, we discuss petition responses with departments. We may ask them to provide a supplementary response if necessary. This year, such follow-up was required in only a small number of cases.

4.126 Ministers and departments are taking advantage of the opportunities presented by the petitions process. Ministers and departments have used petition responses for a number of purposes—for example, as a platform to clarify federal policies and positions and to explain their role and involvement in an issue. Petitions have prompted departments to initiate a research study, to launch an investigation, and become more engaged in a project. Departments have been prompted to hold interdepartmental meetings on a petitioned subject. Some have pledged to take action in response to petitions and have announced new policies or requirements. This is a result of the petitions process that can be valuable to all Canadians.

4.127 Departments and agencies have worked together on petitions that address complex policy issues. Often responsibility for an environmental issue raised in a petition is shared among several departments or agencies. In those cases, we ask more than one department or agency to respond to a petition, and the petitioner may therefore receive several responses. However, departments have sometimes chosen to work together to produce a single, joint response to a petition. This year, departments provided joint responses to petitions dealing with renewable energy (No. 58), fuel cell technologies (No. 65), and air pollution (No. 55, highlighted in the next section). All three petitioners were seeking clarification of federal policies or positions. We think joint responses can be a source of useful information for petitioners and all Canadians. They often present a co-ordinated and comprehensive statement of the federal position on complex issues.

Highlights of selected petitions and responses

Historic marine dumpsites of chemical and biological agents

4.128 Our 2002 Report mentioned a petition from Myles Kehoe, a resident of Cape Breton, concerning the dumping of mustard gas and other chemical warfare agents in the Atlantic Ocean by the Canadian military following World War II. The petitioner was worried about the impacts of these sites on the marine ecosystem, the safety of fishermen, and human health, especially in light of a growing interest in oil and gas exploration offshore. We asked National Defence and five other departments to respond to the petition (No. 50).

4.129 National Defence is the department with the lead responsibility for these sites. In his reply on behalf of the Department, the Minister of National Defence confirmed the existence and location of at least one historical mustard gas site and several old munitions disposal sites in Canadian waters.

Departments working with National Defence in the Interdepartmental Working Group on marine dumpsites:

- Environment Canada
- Fisheries and Oceans Canada
- Health Canada
- Natural Resources Canada
- Department of Foreign Affairs and International Trade

4.130 The Minister also stated that National Defence had initiated a project that includes the following activities:

- All historical ocean disposal sites of chemical and biological warfare agents and munitions will be identified, surveyed, and assessed for risk to human health and the environment.
- Scientific research on the disposal of these warfare agents and munitions in the marine environment will be reviewed and compiled.
- Sites will then be prioritized, based on the risk assessments, for the development and implementation of site-specific action plans. Remediation or cleanup, as well as other mitigation measures, will be considered as options in the action plans.

An Interdepartmental Working Group has been established to provide technical and scientific support to the project.

4.131 Since responding to the petition, National Defence has confirmed that it has committed \$10.5 million to the project over the next five years. This petition (including responses), along with the others highlighted in this section, can be found in full on our petitions catalogue on our Web site: www.oag-bvg.gc.ca/environment.

Siting of a wind energy complex in Prince Edward Island

4.132 Wind power and other renewable energy sources are becoming more and more important in Canada, especially in light of the Kyoto Protocol. Jack Wilderom, who lives in Prince Edward Island, supports the concept of wind energy, but was concerned about a project that would locate a large wind power complex on the province's Malpeque Peninsula because of the site's importance to native, breeding, and migratory birds and its proximity to significant wetlands. In Petition No. 69, he challenged the project proponent's conclusion that the power complex would have only minimal impacts on bird populations. He requested a federal environmental assessment of the potential effects on birds and critical wetlands. We asked Environment Canada and Natural Resources Canada to respond to this petition.

4.133 In his response on behalf of Environment Canada, the Minister of the Environment said that in general he supports renewable energy technologies such as wind power, but he recognizes the importance of environmental assessment in avoiding or minimizing any adverse environmental effects that may be associated with a particular project.

4.134 The response indicated that Environment Canada is working with the Province of Prince Edward Island, which is conducting its own environmental assessment of the project. The Province has directed the proponent to study the effects of the proposed wind turbines on bird populations, especially migratory birds.

Enhanced public access to Canada-funded environmental assessments for hydro dam projects outside of Canada

4.135 In June 2002, Probe International asked the Canadian International Development Agency to specify its policy on funding environmental studies for proposed hydroelectric dam projects (Petition No. 41B). In an earlier petition (Petition No. 41A), the organization had expressed concern about limited public access to studies funded by CIDA for a proposed hydro dam in Belize. In responding to that petition, the Agency had stated that the information could be obtained only through a request under the *Access to Information Act*.

4.136 CIDA's response to the second petition indicates a change in direction. For new proposals submitted for funding of environmental studies related to hydro dams, CIDA now requires that a company performing the studies

- make initial and full environmental assessments and social impact studies available on the Internet prior to public consultations;
- identify in detail, at the project proposal stage, substantial developmental benefits of each dam;
- conduct, as the first deliverable, preliminary assessment of the potential positive and negative developmental impacts and hold public consultations on its preliminary assessment. This should include information on affected parks and protected areas; endangered species affected; resettlement; and results of public consultation.

These requirements also represent criteria that CIDA would use to reject funding proposals.

4.137 We conducted an audit of CIDA's implementation of one of these new requirements—the requirement to make initial and full environmental assessments and social impact studies available on the Internet prior to public consultations. The results of our audit are presented starting at paragraph 4.91.

Alleged sea lice infestation of wild salmon off the Pacific coast

4.138 In the Broughton Archipelago off the coast of British Columbia in 2001, a suspected outbreak of sea lice (a marine parasite) in wild pink salmon prompted the Living Oceans Society to submit a petition (No. 54) on behalf of the Musgamagw Tsawataineuk Tribal Council. The petition suggested that the sea lice originated in the Archipelago's numerous salmon farms. It questioned how Fisheries and Oceans Canada had dealt with the problem in the spring of 2001.

4.139 In his reply to the petition on behalf of Fisheries and Oceans Canada, the Minister stated that the Department assessed the presence of sea lice as part of its annual survey to assess the abundance of juvenile salmon in the coastal waters of British Columbia:

The Departmental assessment found that the juvenile salmon sampled were in generally good health with low levels of sea lice infestation. There was no evidence of an epidemic nor was there evidence of a mass mortality of juvenile salmon.

4.140 The role of Fisheries and Oceans Canada and impacts of the aquaculture industry on wild salmon stocks are the subject of an audit that will be reported in the Auditor General's 2004 Report to Parliament.

Poor air quality and infringement of human rights

4.141 Air quality was the subject of a petition (No. 55) submitted by the Sierra Legal Defence Fund on behalf of Greenpeace Canada and the Toronto Environment Alliance. The petitioners argued that Canada has a legal obligation under international human rights law to do its utmost to provide for clean air to protect the lives and health of Canadians. They criticized the efforts of the federal government to address this problem, suggesting that it was violating these core human rights through its failure to adequately regulate air pollution and provide for legally binding air quality standards in Canada. The petitioners called for a review of Canada's policies, laws, and regulations on air pollution and air quality. They also made several suggestions to improve air quality. Six departments (Environment, Health, Transport, Finance, Industry, and Natural Resources) responded jointly to the petition. These departments did not directly address the issue of human rights protection. They emphasized the federal government's commitment to addressing air pollution. The response set out an extensive explanation of the federal agenda for clean air.

Contamination of Canadian harbours



Hamilton Harbour, Ontario, Petition No. 57.

Photo: Sierra Legal Defence Fund

4.142 Petitioners have asked whether the federal government is responsible for historical environmental problems that surface in harbours and what kind of oversight the government exercises in cases where problems of environmental contamination emerge. This is the case with two petitions, one involving Hamilton Harbour and the other, the Port Oshawa Marina (Petition No. 57 and No. 59 respectively). One is under the control of a federal port authority, the Hamilton Port Authority, the other under the one remaining federal harbour commission, namely the Oshawa Harbour Commission. Transport Canada's reply to Petition No. 59 on the marina at Oshawa suggests that the Department exercises very little oversight or control over harbour commissions, when environmental problems emerge. According to the Department, the harbour commission operates in accordance with the *Harbour Commissions Act* and is responsible for ensuring that it complies with all applicable environmental laws. The Transport Canada response also confirms that the lands and harbour "for which the Harbour Commission (Oshawa) has responsibility are not part of the Federal Contaminated Sites and Solid Waste Landfills Inventory."

Pesticides in national parks

4.143 The Parks Canada Agency has a mandate to protect the ecological integrity of Canada's national parks. The Saskatchewan Environmental Society asked in Petition No. 68 whether the Agency was contravening the *Canada National Parks Act* and its guiding principles and policies for national parks when it proposed to conduct an aerial pesticide spray program for spruce budworm in Prince Albert National Park.

4.144 In its response, Parks Canada stated that the proposal to spray went through a thorough third-party environmental assessment and was approved only after that assessment found no significant, unmitigable, adverse impacts on human health or the environment. The Minister indicated that Parks Canada was adhering to the *Canada National Parks Act* and its guiding principles; the site proposed for pesticide spraying is a townsite (zoned as Park Services Zone 5), where it is not uncommon for natural processes to be altered.

Draining of a lake for hydro generation

4.145 When the man-made Rocky Island Lake near Sault Ste. Marie, Ontario, was effectively drained for hydro generation in the summer of 2002, Ontario M.P.P. Tony Martin requested that Fisheries and Oceans Canada investigate a possible contravention of the federal *Fisheries Act* (Petition No. 70). The Department's response confirmed that it had launched an investigation of the matter. Mr. Martin also forwarded two applications to the Environmental Commissioner of Ontario under the Environmental Bill of Rights seeking answers from Ontario ministries.

4.146 Protection of fish and fish habitat continue to figure in many of the environmental petitions received by this Office.



Assessing the environmental impacts of new federal policies, plans, and programs

4.147 Since 1990, the Strategic Environmental Assessment (SEA) process (revised in 1999) has been in place through a federal Cabinet directive to include environmental considerations in developing federal programs and policies. A doctoral student, Rachel McCormick, petitioned 10 federal departments for details about how the process had been implemented (Petition No. 64). She also asked departments to describe how strategic environmental assessment had made a difference in the long run to federal policies and programs. This petition and the responses demonstrate that petitions provide a window into the federal government that otherwise might not be available.

4.148 One question in the petition was directed to the Department of Finance. It concerned the federal Budget and the rationale used to exclude the Budget from the SEA process, despite the fact that in the petitioner's view it met the criteria.

4.149 The Minister of Finance provided the following response to the question:

“The federal Budget is a compendium of funding decisions on policies and programs...In all instances, as part of the policy approval process, SEAs should be conducted by sponsoring departments on their own initiatives...For these reasons, an SEA on the federal Budget would be duplicative.”

4.150 How federal departments have put the strategic environmental assessment process into practice is the subject of an audit by the Commissioner, to be presented in the 2004 Report.

International obligations to increase Aboriginal involvement in resource management

4.151 International environmental conventions and agreements from the time of the 1992 Rio Declaration on the Environment and Sustainable Development to the action plans from the Johannesburg Summit of 2002 have committed Canada to advancing Aboriginal participation in resource management and capitalizing on traditional ecological knowledge. A petitioner from British Columbia asked the Government of Canada to outline how it will meet its specific commitments in these areas (Petition No. 67). We asked 10 departments and agencies to respond to this petition.

4.152 In their individual responses, the departments and agencies responding seized the opportunity to outline programs, policies, and legislation within their organizations. They highlighted those that specifically related to the participation of Aboriginal Canadians in the management of the environment and the incorporation of traditional ecological knowledge into decision making. One of the petitioner's questions referred to Principle 23 of the Rio Declaration, which relates to the protection of the environment for people under oppression, domination, and occupation. The ministers answered unanimously that this principle did not apply in the Canadian context.

Environment Canada study of the environmental effects of smelter slag

4.153 Environment Canada is currently wrapping up a research study on the environmental effects of smelter slag. This research project came about largely as a result of petitions submitted to us by Algonquin Eco Watch, the Wildlands League, and the Federation of Ontario Naturalists (later joined by the Sierra Club, Eastern Canada chapter).

4.154 These petitions, which started in 2001 with Petition No. 27A, concerned the decommissioning of the Canadian National rail line running through Algonquin Provincial Park in Ontario. Among other issues, the petitioners suggested that migratory birds and other wildlife were at risk



Railway bed through Algonquin Provincial Park, Ontario, Petition No. 27A-D.

Photo: Algonquin Eco Watch

because of heavy metals in the smelter slag that had been used on the abandoned rail bed. In its response to the petition, Environment Canada said that it had studied smelter slag but thought the slag in Algonquin Provincial Park would probably have a negligible effect on migratory birds, mainly because it was considered inaccessible to them. Environment Canada officials visited the site of the slag in November 2001 to verify that conclusion.

4.155 In 2002 when the petitioners pursued the matter in a further petition (No. 27C), the Minister of the Environment replied:

The site visit by Environment Canada has led to a re-evaluation of the risks posed to grit-consuming birds. There is scientific uncertainty about the impact of slag particles on migratory birds in this setting.

That re-evaluation led to a research study funded by Environment Canada in the autumn of 2002, which is still under way.

Conclusion

4.156 This year we have seen positive developments in the use of the petitions process, the breadth of environmental issues raised by petitioners, and the level of effort departments are devoting to developing timely, comprehensive responses. Looking ahead, petitions continue to arrive almost weekly. A number of interesting responses are due fairly soon to petitions received near the end of the reporting period. Interested readers can monitor our Web site to see these responses as they are posted.

4.157 We expect that the petitions process will continue to serve Canadians and that departments will continue to respond to petitions effectively.

Appendix Petitions activity (16 July 2002 to 18 July 2003)

To access the full text of petitions and replies from December 1995 to 18 July 2003, go to our Petitions Catalogue on our Web site (www.oag-bvg.gc.ca/environment—see Environmental Petitions). If necessary, paper copies of the catalogue can be obtained on request.

Petition No. 27D: Destruction of fish habitat from railway decommissioning in Algonquin Provincial Park, Ontario

Date submitted: 19 March 2003

Petitioner(s): Algonquin Eco Watch, Wildlands League, Federation of Ontario Naturalists, and the Sierra Club, Eastern Canada Chapter

Summary: This is a follow-up petition on the alleged destruction of fish habitat arising from the decommissioning of the Canadian National (CN) main railway line through Algonquin Provincial Park. According to the petitioners, the construction of a right-of-way to facilitate the removal of tracks and ties during decommissioning caused ballast (smelter slag) to spill into nearby creeks and lakes. Fisheries and Oceans Canada visited the site as a result of the initial petition (petition No. 27A); however, the Department concluded that there had been no harmful alteration, disruption, or destruction of fish habitat as a result of the decommissioning work. In this further petition, the petitioners suggested that the Department should conduct a complete survey along the entire CN right-of-way (about 130 kilometers in length) prior to making a final determination about effects on fish habitat (Other related petitions include No. 27B and No. 27C).

Issues: Fisheries (habitat), biological diversity (wildlife) (watershed protection), water issues (water quality), and transportation (railways)

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: Replies pending

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, Finance Canada, Foreign Affairs and International Trade Canada, Health Canada, Industry Canada, Natural Resources Canada, Parks Canada Agency, and Western Economic Diversification Canada

Status: Replies pending

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: Reply pending

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 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: Replies pending

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 labeling, 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, Foreign Affairs and International Trade, Canadian International Development Agency, and Health Canada

Status: Replies pending

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), biological diversity, biotechnology (GMOs) (regulation and policy), human health/environmental health, and international/bilateral issues (international environmental agreements)

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

Status: Replies pending

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. 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: Replies pending

Petition No. 82: 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, fisheries (habitat)

Federal departments/agencies replying: Fisheries and Oceans Canada

Status: Reply pending

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: Replies pending

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: Department of National Defence

Status: Reply pending

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: Replies pending

Petition No. 78: Clean-up 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 clean-up 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: Department of National Defence

Status: Reply pending

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: Reply pending

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: Reply pending

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: Replies pending

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: Replies pending

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: Replies pending

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: Replies pending

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: Reply pending

Petition No. 70: Draining of Rocky Island Lake in northern Ontario

Date submitted: 17 February 2003

Petitioner(s): Tony Martin, Member of Provincial Parliament, Sault Ste. Marie

Summary: This petition concerns the draining of Rocky Island Lake near Sault Ste. Marie, Ontario. Rocky Island Lake is a man-made reservoir created to generate hydroelectric power. The petitioner alleged that the level of the lake was drawn down substantially in the summer of 2002 in order to meet rising demands for power. He also claims that the draining of the lake led to the destruction of fish, fish habitat, and wildlife habitat, and that it inhibited boat navigation, hindered local businesses, and prevented local residents from enjoying the lake as usual. The petitioner asked Fisheries and Oceans Canada to investigate a possible contravention of the federal *Fisheries Act*. This is the first petition submitted by a provincial Member of Parliament.

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

Federal departments/agencies replying: Fisheries and Oceans Canada

Status: Completed

Petition No. 69: Wind energy project in Prince Edward Island

Date submitted: 6 February 2003

Petitioner(s): Jack Wilderom

Summary: The petitioner raised concerns about the siting of a wind energy complex in Prince Edward Island (P.E.I.). The proposal involves the placement of 40 or more large wind turbines in the Malpeque Peninsula in P.E.I. According to the petitioner, this area is blessed with significant populations of native, breeding and migratory bird species and is a major staging area for Canada geese and migratory ducks on the Atlantic flyway. It is also adjacent to a wetland of international importance under the Convention on Wetlands (Ramsar Convention). The petitioner challenges the proposal's conclusion that the project would involve only minimal impacts on birds in the area. He requested a federal environmental assessment to study the potential effects of the wind energy project on bird species and critical wetlands.

Issues: Biological diversity (endangered species) (protected areas) (wetlands) (wildlife), environmental assessment, and renewable and non-renewable resources (energy)

Federal departments/agencies replying: Environment Canada and Natural Resources Canada

Status: Completed

Petition No. 68: Pesticide spray program in Prince Albert National Park

Date submitted: 3 February 2003

Petitioner(s): Saskatchewan Environmental Society

Summary: This petition concerns a proposal by the Parks Canada Agency to conduct an aerial pesticide spraying program in the town site of Waskesiu Lake in Prince Albert National Park. The Saskatchewan Environmental Society is opposed to this proposal. It believes that the spraying program to control spruce budworm would pose significant risks to the environment and human health and would contravene the *Canada National Parks Act* and Parks Canada's Guiding Principles and Operational Policies. The petition contains a series of requests and recommendations.

Issues: Human health/environmental health (pesticides), biological diversity (endangered species) (habitat) (protected areas)

Federal departments/agencies replying: Parks Canada Agency, Department of Justice Canada, Health Canada, Environment Canada, and Natural Resources Canada

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

*Action on-going

Petition No. 66: Car-assembly plants and the Kyoto Protocol

Date submitted: 20 January 2003

Petitioner(s): Kevin Davis

Summary: The petitioner asserts that car-assembly plants are to be exempt from the federal emission regulations under the Kyoto Protocol and wants to know why.

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

Federal departments/agencies replying: Environment Canada, Natural Resources Canada

Status: Completed

Petition No. 65: Federal government funding of hydrogen fuel cell research to combat climate change

Date submitted: 20 January 2003

Petitioner(s): Numerous Canadian residents

Summary: This petition follows the ratification of the Kyoto Protocol and is concerned about the federal government's research funding for hydrogen fuel cells and environmentally friendly vehicles. The petitioner expressed concern about greenhouse gases and pollution emissions from conventional internal combustion engines. The petitioner suggested that the government should promote sustainable development by increasing funding to develop and produce hydrogen fuel cell vehicles through research grants and tax incentives.

Issues: Air issues (air quality) (climate change), international/bilateral issues (international environmental agreements) (climate change), and renewable and non-renewable resources (energy conservation)

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

Status: Completed

Petition No. 64: Strategic environmental assessment of federal policies, plans and programs

Date submitted: 7 January 2003

Petitioner(s): Rachel McCormick

Summary: This petition concerns the 1999 Cabinet directive on the environmental assessment of federal policy, plan and program proposals. The petitioner suggests that the directive is a tool for helping federal departments move towards a vision of sustainable development, but questions whether this directive has in fact changed any federal policies, plans and programs. The petition addresses many issues including the following: how the directive has changed federal plans, policies and programs; how departmental resources for conducting strategic environmental assessments are allocated; how individuals conducting the assessments are trained; how implementation of the assessments are internally monitored or audited; and how exemptions of specific policies, plans and resources are determined.

Issues: Environmental assessment

Federal departments/agencies replying: Agriculture and Agri-Food Canada, Canadian International Development Agency, Environment Canada, Department of Finance Canada, Fisheries and Oceans Canada, Health Canada, Industry Canada, Natural Resources Canada, Public Works and Government Services Canada, and Transport Canada

Status: Completed

Petition No. 63: Ratification of the Kyoto Protocol

Date submitted: 7 January 2003

Petitioner(s): Eric Kennedy and numerous other students

Summary: This petition concerns the Canadian government's international commitments on climate change and the ratification of the Kyoto Protocol. The petitioners suggest that ratification of the Protocol is a significant first step in addressing climate change and that it is an excellent example of Canada's solidarity with the international community. The petitioners commend the government's decision to ratify the accord, however, they suggest that more measures need to be taken to slow climate change.

Issues: Air issues (climate change), and international-bilateral issues (international environmental agreements) (climate change)

Federal departments/agencies replying: Environment Canada, Natural Resources Canada

Status: Completed

Petition No. 62: Toxic waste transportation and disposal in Quebec

Date submitted: 19 December 2002

Petitioner(s): A Canadian resident

Summary: This petition pertains to the production and transport of hazardous waste, including hazardous waste imported into the province of Quebec from the United States. The petitioner requested information about how the federal government regulates and monitors the transport of hazardous waste, as well information about waste treatment site locations, procedures, and transportation routes used in Quebec.

Issues: Human health/environmental health (hazardous waste), international/bilateral issues (international environmental agreements) (transboundary concerns), and transportation

Federal departments/agencies replying: Environment Canada, Transport Canada, and the Canada Customs and Revenue Agency

Status: Completed

Petition No. 61: *Species at Risk Act*

Date submitted: 3 December 2002

Petitioner(s): Heather Mills and Dorrie Wiwcharuk

Summary: This petition concerns the new *Species at Risk Act*. The petitioners requested information about the criteria used to generate the list of wildlife species at risk, the protection of critical habitat, and how the Act will help to sustain biological diversity.

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

Federal departments/agencies replying: Environment 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: Reply pending

Petition No. 60A: Ontario Power Generation's Western Waste Management Facility

Date submitted: 19 November 2002

Petitioner(s): Siegfried (Ziggy) Kleinau

Summary: This petition concerns Ontario Power Generation Inc.'s (OPG) Western Waste Management Facility. The facility, which is located near Tiverton, Ontario on the shores of Lake Huron, is to be used for processing and storing radioactive waste. The petition was prompted by the Canadian Nuclear Safety Commission's decision to designate the facility a "nuclear installation" site under the *Nuclear Liability Act*. As part of its decision, the Commission set the insurance coverage the OPG should maintain for the facility (in accordance with the limits prescribed in the Act). The petitioner suggests that the risks associated with the site are extremely high and that the prescribed insurance levels are inadequate, given the threat the facility poses to the environment and the health of Canadians. The petitioner requested that the Act be amended and that mandatory operator-held insurance coverage be increased substantially.

Issues: Renewable and non-renewable resources (nuclear energy), and water issues (Great Lakes)

Federal departments/agencies replying: Natural Resources Canada and the Treasury Board of Canada, Secretariat

Status: Completed

Petition No. 59: Proposed redevelopment of the Oshawa Marina

Date submitted: 5 November 2002

Petitioner(s): Lake Ontario Waterkeeper

Summary: This petition concerns the Oshawa Harbour Commission's (OHC) proposal to redevelop the Oshawa Marina. The petitioner alleges that the proposal involves infilling a former waste disposal site located on the Marina's property. The petitioner suggested that the site contains hazardous waste that is leaking into the Oshawa Harbour and, subsequently, into Lake Ontario. The petitioner is also concerned about potential violations of the *Fisheries Act* and has requested information about federal regulatory controls and environmental assessment requirements for redeveloping the site.

Issues: Fisheries (habitat) (enforcement), human health/environmental health (hazardous waste) (contaminated sites), transportation, and water issues (aquatic ecosystems) (enforcement) (Great Lakes) (navigable waters) (water quality)

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

Status: Completed

Petition No. 58: Renewable energy production and conventional energy subsidies

Date submitted: 21 October 2002

Petitioner(s): One Sky – The Canadian Institute of Sustainable Living

Summary: The petitioner is concerned that federal government subsidies within the energy sector discourage research into new renewable energy sources and, therefore, inhibit sustainable development. The petitioner suggested that the federal government should remove government subsidies for fossil fuels and nuclear energy to strengthen Canada's renewable energy sector. The petitioner also requested information about current federal initiatives that develop and promote new renewable energy sources. This petition follows the 2002 World Summit on Sustainable Development, held in Johannesburg, South Africa.

Issues: Renewable and non-renewable resources (energy), transportation, and other (economic instruments)

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

Status: Completed

Petition No. 57: Coal tar contamination near Randle Reef, Hamilton Harbour

Date submitted: 16 October 2002

Petitioner(s): Mark Sproule-Jones and Lynda Lukasik (represented by the Sierra Legal Defence Fund)

Summary: This petition concerns the presence of contaminated sediment near Randle Reef in the Hamilton Harbour. The petitioners allege that the sediment bed is contaminated with coal tar containing polycyclic aromatic hydrocarbons (PAHs), which are persistent, carcinogenic, bioaccumulative toxins. The petitioners are requesting that federal government departments do the following: provide funding to clean up the contaminated sediment; take action to prevent the disturbance or dispersion of the contaminated sediment; investigate, under the *Fisheries Act*, shipping activity within the Hamilton Harbour that is contributing to dispersing the contaminated sediment; and explain the proposal for infilling the contaminated area near Randle Reef.

Issues: Environmental assessment, fisheries (habitat), human health/environmental health (toxic substances), transportation (shipping), and water issues (aquatic ecosystems) (enforcement) (Great Lakes) (water quality)

Federal departments/agencies replying: Fisheries and Oceans Canada, Environment Canada, Department of Finance Canada, and Transport Canada

Status: Completed

Petition No. 56: Invasive aquatic species in the Great Lakes

Date submitted: 30 September 2002

Petitioner(s): John E. F. Misener and numerous Canadian residents

Summary: This petition addresses the environmental consequences and economic costs associated with invasive aquatic species, such as zebra mussels, entering the Great Lakes Basin. The petitioners suggest that ship ballast tanks are key points of entry for non-native species. They recommend that Canada could reduce the influx of many of these invasive species by adopting procedures to clean and inspect ballast tanks in Canadian and overseas ports, and by strictly controlling the movement of ships within the Basin.

Issues: Biological diversity (invasive species), transportation (shipping), and water issues (aquatic ecosystems) (enforcement) (navigable waters) (water quality)

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

Status: Completed

Petition No. 55: Regulation of air pollution in Canada

Date submitted: 22 August 2002

Petitioner(s): Greenpeace Canada and the Toronto Environmental Alliance (TEA) (represented by the Sierra Legal Defence Fund)

Summary: This petition concerns federal control of air pollution and the creation of legally binding air quality standards. The petitioners allege that the federal government has failed to provide adequate regulations to control air pollution and is therefore violating basic human rights related to life, health and security of person. The petition contains many suggestions for improving air quality in Canada, including the following: establishing binding national ambient air quality standards; using the *Canadian Environmental Protection Act* to designate more air pollutants as toxic substances; adopting stricter vehicle emission standards; immediately reducing the sulphur content in gasoline; and increasing funding for public transportation planning.

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

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

Status: Completed

Petition No. 54: Sea lice infestation of wild salmon smolts, British Columbia—Federal management of salmon aquaculture

Date submitted: 27 May 2002

Petitioner(s): Musgamagw Tsawataineuk Tribal Council

Summary: The petitioner raised concerns about the overall management of the salmon aquaculture industry in British Columbia in the wake of an alleged outbreak of sea lice in wild salmon smolts in the Broughton Archipelago (in the Queen Charlotte Sound) in 2001. The Tribal Council asserts that there is evidence to suggest that the sea lice originated from fish farms in the area.

Issues: Fisheries (aquaculture) (habitat)

Federal departments/agencies replying: Fisheries and Oceans Canada

Status: Completed

Petition No. 52: First Nations participation in climate change strategies

Date submitted: 6 May 2002

Petitioner(s): Assembly of First Nations

Summary: The petition concerns the engagement of First Nations and the Assembly of First Nations (AFN) in federal climate change activities and the Indian and Northern Affairs Canada Environmental Stewardship Strategy for Reserve Lands. The AFN specifically requested information pertaining to funds that had been earmarked to engage First Nations in the development of federal strategies to address climate change, including an Aboriginal climate change strategy.

Issues: Air issues (climate change), international/bilateral issues, and other (Aboriginal concerns)

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

Status: Completed

Petition No. 51B: Proposed boat launch on the Trent–Severn Waterway, Ontario—Follow-up petition on protecting fish habitat

Date submitted: 9 December 2002

Petitioner(s): Peter Weygang

Summary: This is a follow-up to petition No. 51A concerning the proposed construction of a boat launch on the Trent–Severn Waterway in Ontario. The petition raises concerns about the possible destruction of sensitive fish habitat along the Waterway, the timing of ecological habitat evaluations, and the protection of stream bank vegetation. It also explores the protection of fish habitat, given the agreement between Parks Canada and Fisheries and Oceans Canada.

Issues: Fisheries (habitat), biological diversity (habitat), water issues (aquatic ecosystems) (water quality), and other (interdepartmental arrangements)

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

Status: Completed

Petition No. 51A: Proposed boat launch for the Trent–Severn Waterway, Ontario

Date submitted: 30 April 2002

Petitioner(s): Peter Weygang

Summary: The petition concerns the proposed construction of a public boat launch ramp on Pigeon Lake, which forms a part of the Trent–Severn Waterway. The petitioner asserted that notwithstanding Parks Canada's original position to prohibit development at the location in question (sensitive fish habitat), the Agency issued a permit authorizing the construction of a boat launch in February 2002.

Issues: Fisheries (habitat), biological diversity (wildlife), and water issues (water quality)

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

Status: Completed

Petition No. 50: Military dumpsites off Canada's Atlantic coast

Date submitted: 2 April 2002

Petitioner(s): Myles Kehoe

Summary: The petitioner raised concerns about the proposed oil and gas exploration projects off Canada's Atlantic coast. Through his own research, the petitioner has documented the presence of numerous chemical weapons dumpsites and military dumpsites of unexploded ordnances off the coast of Nova Scotia and Newfoundland. The petitioner expressed concern about the potential impacts that oil and gas exploration might have on these sites.

Issues: Water issues (marine environment/oceans), other (military/defence), and renewable and non-renewable resources (energy)

Federal departments/agencies replying: Department of Foreign Affairs and International Trade, Department of National Defence, Environment Canada, Fisheries and Oceans Canada, Health Canada, and Natural Resources Canada

Status: Completed

Petition No. 49: Protecting fish habitat—Forestry practices in British Columbia

Date submitted: 26 March 2002

Petitioner(s): Natural Resources Defence Council Environmental Education Society (NRDC)

Summary: The petitioner is concerned about logging practices in British Columbia relative to fish habitat. The NRDC alleges that government authorities are not enforcing the provisions of the *Fisheries Act* and policies on buffer zones around small and feeder streams.

Issues: Fisheries (habitat) (enforcement) and renewable and non-renewable resources (forestry)

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

Status: Completed

Petition No. 48: Environmental impacts of proposed power generating station

Date submitted: 12 March 2002

Petitioner(s): Citizens Environment Alliance of southwestern Ontario and southeast Michigan

Summary: This petition concerns a proposal to locate a 580-megawatt natural gas electricity generating station on the Canadian side of the Detroit River in Windsor, Ontario. Among other things, the Alliance is concerned about air emissions and discharges of large quantities of heated cooling water into the river.

Issues: Fisheries (habitat), air issues (air quality), environmental assessment, international/bilateral issues (international environmental agreements), renewable and non-renewable resources (energy), and water issues (aquatic ecosystems) (navigable waters) (water quality)

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

Status: Completed

Petition No. 47: Lifting of the moratorium on new fish farming licences, British Columbia

Date submitted: 27 February 2002

Petitioner(s): David Elderton

Summary: The petitioner expressed concern about the lifting of the moratorium on new fish farming licences in British Columbia. He cited a recent inquiry into salmon farming in B.C. and requested that Fisheries and Oceans Canada take steps to ensure that the provincial decision to lift the moratorium will not lead to further environmental problems.

Issues: Fisheries (aquaculture)

Federal departments/agencies replying: Fisheries and Oceans Canada

Status: Completed

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