

2002



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

Chapter 6
Exercising Your Right to Know:
The Environmental Petitions Process



Office of the Auditor General of Canada

The 2002 Report of the Commissioner of the Environment and Sustainable Development comprises 6 chapters and The Commissioner's Perspective—2002. The main table of contents is found at the end of this publication.

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Chapter

6

**Exercising Your Right to Know:
The Environmental Petitions Process**

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.

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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Exercising Your Right to Know: The Environmental Petitions Process

Main Points

6.1 The Commissioner of the Environment and Sustainable Development is convinced that the environmental petitions process offers great promise. In response to recent petitions, government organizations have changed or clarified their policies, undertaken site inspections, and even launched a new project. As the guardian of the process, the Commissioner is committed to ensuring that the opportunities afforded by the process are realized.

6.2 While a number of petitions received to date are from established national or international environmental groups, most continue to come from individual Canadians, local volunteer lobby groups, regional and provincial organizations, and parliamentarians.

6.3 Protecting fish and fish habitat remains a significant concern for Canadians. Fisheries and Oceans Canada continues to be one of the most petitioned departments.

6.4 Of the 13 responses required from Fisheries and Oceans Canada during the past year, only two responses were within the time limit stipulated under the *Auditor General Act*.

6.5 Environmental petitions and the responses provided by federal ministers are now part of the public record. For full details on environmental petitions and their responses, you can access our petitions catalogue on our Web site at www.oag-bvg.gc.ca/environment.

Background and other observations

6.6 Canadians have a right to know whether the government is taking environmental and sustainable development issues seriously. The environmental petitions process, under the *Auditor General Act*, provides parliamentarians and Canadians with a unique vehicle for pursuing environmental concerns that involve the federal government. The issue may be something that affects all Canadians, such as biotechnology, or it could be something happening in a local community. With a petition, which can be a simple letter, it is possible to raise questions and concerns and to get answers and action from federal departments and agencies.

6.7 Through the petitions process, federal departments and agencies may be asked to explain federal policy, investigate an environmental infraction, or examine their enforcement of federal environmental legislation.

6.8 The Commissioner of the Environment and Sustainable Development, Johanne G  linas, is committed to making the petitions process work for

Canadians. Charged with overseeing petitions on behalf of the Auditor General, the Commissioner is responsible for petitions from the beginning of the process right through to the end. She receives petitions and ensures that they are forwarded to the appropriate federal ministers. She monitors the responses and is required to report annually on petitions to the House of Commons.

6.9 It is evident that many departments and agencies are putting a lot of time and effort into their responses. Responses that do not adequately address the petitioners' requests may be sent back to federal ministers. In the coming year, the Commissioner intends to scrutinize responses more closely and selectively follow up on petition commitments made by departments and agencies.

6.10 The process is gaining momentum. In the past year (16 July 2001 to 15 July 2002), we received 28 petitions, considerably more than in previous years and close to one half of the total of all petitions received to date (60 in total).



Johanne Gélinas
Commissioner of the Environment
and Sustainable Development

Introduction

6.11 For over a decade, Myles Kehoe, a resident of Cape Breton, has been gathering evidence about the dumping of mustard gas and other chemical warfare agents in the Atlantic Ocean by the Canadian military following World War II. While he has often wondered whether these dump sites have been affecting the health of fish and other marine species, he became alarmed when he heard that proposed oil and gas exploration might be taking place off the coast of Nova Scotia and Newfoundland in areas where these sites are located. This prospect prompted him to submit an environmental petition to the Commissioner. In his petition, Kehoe requested that the location of these dump sites be confirmed and a moratorium be placed on future exploration immediately. The Commissioner asked National Defence and five other federal departments to respond to his petition requests.

6.12 In some other petitions received by the Commissioner, petitioners have posed questions about the Canadian International Development Agency's involvement in a hydro dam proposal for Belize, Central America and asked for an accounting of federal funds spent to engage First Nations in activities to address and adapt to climate change.

6.13 The environmental petitions process provides parliamentarians and Canadians with a unique vehicle for pursuing their environmental concerns. A petition could address something happening in a local community or on the other side of the world. It could also cover an issue that affects all Canadians, such as biotechnology. The key factor, and a prerequisite for using the process, is whether the federal government is involved.

6.14 The Commissioner of the Environment and Sustainable Development is the guardian of the process and is committed to making it work for parliamentarians and all Canadians.

The Environmental Petitions Process Under the *Auditor General Act*

A positive force for Canadians

"Canadians have a fundamental right to know what their government is doing to protect the environment and promote sustainable development. Petitions can provide them with this information."

Commissioner Johanne Gélinas

Petitions offer unique opportunities

6.15 Environmental petitions empower Canadians. They allow them to pose questions; they open doors and inspire dialogue between concerned citizens and the federal government on environmental issues.

6.16 The Commissioner of the Environment and Sustainable Development is convinced that the environmental petitions process offers great promise. By launching an environmental petition, Canadians bring facts and issues to the attention of departments and agencies, parliamentarians, and the Commissioner.

6.17 The process also provides a platform for departments and agencies to explain their environmental and sustainable development policies to

Canadians. Depending on the issue, a petition may provide the impetus for several government organizations to work together on a specific concern. It may also lead to a clarification of or change in policy. Recent petitions have produced these and other results (paragraph 6.43).

“I am very excited by the potential of petitions to make a difference. My job is to be the federal environmental watchdog. By using the process, Canadians too can play a watchdog role over the federal government.”

Commissioner Johanne Gélinas

6.18 There are various ways to get information from the federal government, but the petitions process is unique. While documents can be obtained through the federal *Access to Information Act*, the petitions process is a way to get specific answers to questions. In addition, federal ministers must reply to petitions and do so within 120 days. In this way, an environmental petition offers advantages beyond a regular letter or e-mail to a federal minister or departmental official (see “The basics of the environmental petitions process” on page 5).

Petitions provide important information to our Office

6.19 Petitions, and the responses they generate, provide a valuable resource when staff of the Auditor General and the Commissioner of the Environment and Sustainable Development plan and conduct audits. Petitions can have an impact on how auditors look at an issue. Many recent and upcoming audits are addressing issues that have been raised in petitions.

Making the petitions process more effective

6.20 Over the past two years, we have been striving to make the petitions process a more effective instrument for addressing Canadians’ concerns about the environment. Following are some of the ways in which the Commissioner is working to make the most of this process.

Monitoring ministers’ responses is a priority

6.21 Environmental petitions provide a way for Canadians to bring new information to light, make recommendations, or probe for an explanation of federal policy. Individuals and organizations that use this process have a right to expect federal departments and ministers to treat their petitions seriously. The Commissioner has similar expectations.

6.22 In her role as Commissioner, Ms. Gélinas is responsible for petitions from the beginning of the process right through to the end. She receives petitions and ensures that they are forwarded to the appropriate federal ministers. They must respond to petitions on behalf of departments and agencies within 120 days. The Commissioner monitors the progress of replies to ensure that ministers are complying with this obligation.

6.23 The Commissioner also examines replies carefully to determine whether ministers have provided considered responses that address petitioners’ concerns and requests. Replies that do not adequately address the petitioners’ requests may be sent back to federal ministers. In the coming year, the Commissioner intends to scrutinize replies more closely and selectively follow up on commitments made by departments and agencies in their departmental responses.

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 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. Appendix A 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).

I am launching the on-line petitions catalogue because the issues covered in petitions, and the replies that are provided by federal ministers and departments, are relevant to many Canadians and should be seen by everyone, not just my office and the petitioners.”
Commissioner Johanne Gélinas

The year in review (16 July 2001 to 15 July 2002)

“I can see from the wide range of issues being brought to my attention that Canadians are increasingly well-informed about environmental issues and they are asking tough questions.”
Commissioner Johanne Gélinas

Making petitions and responses accessible on the Web

6.24 Making petitions and ministers’ responses a part of the public record is a key priority of the Commissioner. We encourage you to consult our new on-line petitions catalogue. This is an electronic listing that forms part of the “environmental petitions corner” on the Office’s Web site (www.oag-bvg.gc.ca/environment). The catalogue contains, verbatim, the petitions and their responses, subject to consent of the petitioners. They are a valuable source of information, and by making them public we hope to encourage government accountability. A full list of petitions received since the start of the process (December 1995) is also provided in Appendix B of this chapter.

6.25 A paper version of the full catalogue is being published to accompany copies of the Report tabled in the House of Commons. Given that the petitions and replies are available on our Web site, paper copies will be available only on request. The Commissioner is adopting this approach for reasons of environmental conservation and economy.

6.26 Last year we reported that the number of environmental petitions received since the start of the process had been limited. We are pleased to report that the number of petitions increased dramatically during the past year and the issues being addressed continue to cover a broad range of environmental concerns. Following is a review of petitions received from 16 July 2001 to 15 July 2002 (petitions No. 33A to No. 54).

The petitions process is gaining momentum

6.27 In the past year, the Commissioner received 28 petitions. This represents close to one half of the total of all petitions received to date (60 in total). More federal departments are now being asked to respond to petitions, further evidence that the petitions process is gaining momentum and a higher profile among Canadians. In the past year, departments and agencies such as the Canadian International Development Agency (CIDA), the Department of Finance Canada, National Defence, the Canada Customs and Revenue Agency, the Department of Justice Canada, and Western Economic Diversification Canada were called upon to respond to petitions for the first time.

6.28 The issues being addressed in petitions are diverse. They range from local issues such as a golf course development that threatens a neighbourhood park or destruction of fish habitat from timber harvesting, to a global problem such as climate change.

6.29 The wide range of issues in petitions demonstrates the significant role played by the federal government in safeguarding the environment and promoting sustainable development across the country. The scope of the issues also illustrates the extent to which the federal government exerts an influence on the environment and sustainable development at all levels—local, regional, national, and international.



Questionable forestry practices around small feeder streams in British Columbia are the subject matter of petition No. 49.

Source: Ian McAllister, Raincoast

Protecting fish and fish habitat remains a significant concern for Canadians

6.30 Protecting fish and fish habitat was the most dominant concern of petitioners during the first five and a half years of the petitions process. This year, the trend continues. Close to one half of the petitions touch on this concern or related issues. Therefore, it is not surprising that Fisheries and Oceans Canada continues to be one of the most petitioned federal departments.

6.31 Issues addressed in petitions forwarded to Fisheries and Oceans Canada included the following:

- loss of fish habitat—in some cases resulting from timber harvesting, residential development, work on highways, and intensive livestock operations;
- marine dump sites in the Atlantic Ocean resulting from the disposal of chemical weapons by the Canadian military after World War II;
- fish farms, including negative effects on wild fish stocks; and
- genetically engineered fish and the risks they pose.

Other concerns raised in petitions

6.32 Other significant issues that were the subject of more than one environmental petition during our reporting period included the following:

- biotechnology—specifically risks posed by genetically modified corn, soya, and fish, and federal regulatory programs and policies on these genetically modified organisms;
- deteriorating water quality (several petitions related to large hog operations);
- delivering on Canada's international commitments to address climate change and protect biological diversity;
- environmental assessment;
- air quality (in particular, emissions resulting from proposed electricity generating stations);
- safeguarding of important wetlands and watersheds;
- protected areas—protecting the ecological integrity of historic waterways, provincial parks, and urban protected spaces; and
- enforcement of federal laws and regulations.

Other issues touched upon include sustainable energy and ecologically friendly housing, citizen participation, information and reporting on federal funding for infrastructure development and renewal, shared jurisdiction for the environment, and the scientific capacity of the federal government. We provide more information on the kinds of issues addressed in recent petitions in the following section.

Who is using the environmental petitions process?

6.33 In the past year, the Commissioner has heard from a number of high-profile, established organizations on a variety of issues. They include the following:

- the Assembly of First Nations—on climate change and environmental stewardship;
- Greenpeace Canada—on genetically engineered fish, soya, and corn;
- Probe International—on CIDA's involvement in a proposed hydro dam in Belize, Central America that could threaten valuable habitat for endangered species.

6.34 However, our statistics show the petitions process is not dominated by established national, political, or environmental organizations. In fact, many petitions have come from small, grass-roots coalitions and volunteer groups, including the following:

- the Coalition of Concerned Citizens of Huron–Kinloss based in Kincardine, Ontario, which is witnessing the effects of huge hog operations on water quality and fish habitat in Lake Huron and surrounding watersheds; and
- SOS Leamy, a coalition of 31 groups in Ottawa–Gatineau opposing the encroachment of a golf course into a public park managed by the National Capital Commission.

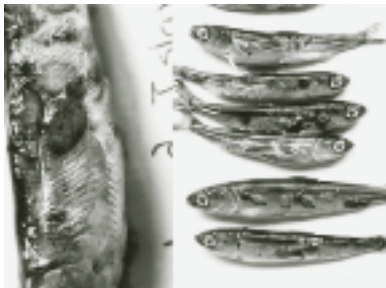
A number of regional and provincially-based groups are also using the petitions process. These include the following:

- Mouvement Au Courant in Montreal, which is concerned about protecting fish habitat from the effects of timber harvesting in the province of Quebec; and
- the Citizens Environment Alliance of southwestern Ontario and southeast Michigan, which is opposing a 580-megawatt natural gas electricity-generating plant slated for the Windsor side of the Detroit River.

6.35 At the same time, a growing number of individuals from cities, towns, villages, and rural areas across Canada, including members of Parliament, are coming forward to ask incisive questions on a broad range of issues:

- Bob Mills, Member of Parliament for Red Deer posed questions to the Minister of the Environment about air emissions that could result from a proposal to establish a power-generating plant in Washington State, close to the Canada–U.S. border.
- David Elderton of Burnaby, British Columbia is concerned about the fact that the moratorium on new fish farm licences is no longer in effect in British Columbia.
- Peter Weygang who lives on Pigeon Lake, part of the historic Trent–Severn Waterway in Ontario, wants to know why the Parks Canada Agency is allowing a boat launch to be constructed on the waterway in an area regarded as sensitive fish habitat.

How the federal government is responding



Wild salmon smolts with sea lice caught in the Broughton Archipelago, British Columbia in late spring, 2001 (petition No. 54).

Source: Alexandra Morton

The response time is key to the effectiveness of the petitions process

6.36 Federal departments and agencies must respond to petitions and do so within 120 days. This turn-around time of 120 days is a legal requirement set out in section 22 of the *Auditor General Act*. It is also one of the cornerstones of the petitions process. If this time limit is not met, the integrity of the entire process suffers. The Commissioner monitors this deadline very closely and follows up with departments if problems emerge.

6.37 **Fisheries and Oceans Canada is late more often than not.** Fisheries and Oceans Canada failed to meet the deadline most of the time. Of the 13 responses required from the Department during the past year (16 July 2001 to 15 July 2002), only two of the responses were within the time limit stipulated under the *Auditor General Act*. Six responses were late by more than 25 days, including one that exceeded the time limit by over 75 days.

6.38 If it is not possible to meet the 120-day deadline, the *Auditor General Act* stipulates that a minister must notify the petitioner and the Commissioner before the deadline has passed. The Minister of Fisheries and Oceans has never provided such a notification, another breach of the provisions of the *Auditor General Act*.

6.39 **How are other federal departments and agencies doing?** Until recently, Environment Canada was meeting the deadline on a regular basis. However, problems have cropped up during the past year. In the last six months it missed the deadline four times. In the case of most other departments and agencies, late responses were the exception rather than the rule (Exhibit 6.1).

6.40 Fisheries Oceans Canada, Environment Canada, and Agriculture and Agri-Food Canada have indicated that they are taking steps to improve their compliance with the statutory time limits.

Assuring Canadians that the federal government is addressing their concerns

6.41 As we noted earlier, Canadians who use the petitions process are within their right to expect their petitions to be treated seriously. Federal departments and ministers bound by the process have a responsibility to the Auditor General, the Commissioner, and all Canadians to provide considered replies to petitions—replies that respond directly to the questions and concerns raised in petitions in language that is clear and comprehensible.

6.42 It is evident that many departments and agencies are putting a lot of time and effort into their responses and this is worth noting. Nevertheless, responses that do not adequately address petitioners' requests may be sent back to federal ministers. An example is a petition launched by Algonquin Eco Watch, the Federation of Ontario Naturalists, and the Wildlands League on the decommissioning of the Canadian National main railway line through Algonquin Provincial Park in Ontario (petition No. 27). Following a review of the response provided by the Minister of Transport to this petition, the Commissioner asked the Minister to revisit his response because it did not clearly answer the petitioners' specific questions.

Exhibit 6.1 Assessment of timeliness of departmental responses to petitions, 16 July 2001 to 15 July 2002

Petition No.	AAFC	ACOA	CCRA	CIDA	DCH	DFAIT	EC	F&O	Fin	HCan	INAC	IC	Justice	NRCan	Parks	TC	TBS	WD
27A							●	○								●		
27B																●		
27C							●											
28							●	○										
29							●									●		
30					●		●	○						●	●	●		
31					●		●	○						●	●	●		
32							○				○							
33A							●											
33B							○											
33C							○											
34A	●		●			●	●			●								
34B	●		●			●	●			●								
35						●	●	○							●	●		
36						○												
37						○		○										
38		●	●		●	●	●	○		●		●		●	●	●		
39	○					○	○											
40						○	○		●					●		●		
41				●														○
42								○										
43	○																	
44	●					●				●			●			●		
45																		
46	●						○											
47								○										
Total petitions	6	1	3	1	3	4	16	13	1	5	1	1	1	4	4	7	1	1
Percentage responded on time	67	100	100	100	100	100	62	15	100	80	100	100	100	100	100	100	100	0

● Responded on time
 ○ Responded late

Agriculture and Agri-Food Canada (AAFC), Atlantic Canada Opportunities Agency (ACOA), Canada Customs and Revenue Agency (CCRA), Department of Canadian Heritage (DCH), Department of Canadian International Development Agency (CIDA), Environment Canada (EC), Department of Finance Canada (Fin), Fisheries and Oceans Canada (F&O), Department of Foreign Affairs and International Trade (DFAIT), Health Canada (HCan), Indian and Northern Affairs Canada (INAC), Industry Canada (IC), Department of Justice Canada (Jus), Natural Resources Canada (NRCan), Parks Canada Agency (Parks), Transport Canada (TC), Treasury Board Secretariat of Canada (TBS), Western Economic Diversification Canada (WD)

“From my perspective, one of the key benefits of the petitions process is that it provides a way to get the federal government to articulate and clarify its policies on the environment and sustainable development. This is one benefit that cannot be emphasized too strongly.”
Commissioner Johanne G  linas



Example of salmon farm open net pens in marine coastal British Columbia.



The Macal River, Belize, near the location of proposed hydroelectric dam (petition No. 41A).

Source: Gr  inne Ryder (Probe International)

Departmental responses provide insights into key areas of federal policy

6.43 Petitioners often use the petitions process to obtain clarification of federal policies and positions. Our Office regards this as an important benefit flowing from the petitions process because departments are asked to “lay their cards on the table.” Several examples follow:

- **The federal government clarified its position on the rearing of genetically engineered (GE) fish.** In a recent petition, Greenpeace Canada wanted confirmation of Canada’s position on the rearing of genetically engineered fish (petition No. 38). Greenpeace is opposed to the environmental release of GE organisms, including GE fish, and their commercialization for food. It argues that the risks associated with rearing GE fish in open net pens in oceans, lakes, and rivers are too high. Accidental releases of GE fish from open net pens could lead to potentially devastating effects because GE fish (engineered to grow faster and bigger) would compete, interact, and possibly breed with their wild counterparts. In its petition, Greenpeace pointed out that a moratorium on the rearing of GE fish in aquatic net pens was called for in the Royal Society of Canada’s Expert Panel Report on the Future of Food Biotechnology. According to the organization, a federal government representative during meetings of the parties to the North Atlantic Salmon Conservation Organization (NASCO) stated: “There is absolutely no probability at all that we will be considering the use of transgenics in sea pens in the foreseeable future.” Greenpeace wanted confirmation that this is indeed Canada’s position on this issue. The joint departmental reply to this petition request (prepared by Fisheries and Oceans Canada [DFO], Environment Canada, Health Canada, and six other federal departments) contains the following statement: “DFO supports the NASCO policy statement that the use of transgenic salmon is to be confined to secure, self-contained, land-based facilities.”
- **Getting information on CIDA-funded environmental assessments.** In another case, Probe International sought information from the Canadian International Development Agency about its involvement in an environmental assessment that was conducted for a proposed hydroelectric dam project in Belize (petition No. 41A). One of the questions asked in the petition was whether the Agency would post information about all CIDA-funded environmental assessments on a CIDA public registry. CIDA’s reply was categorical: Unless a project is covered under federal environmental assessment legislation (*Canadian Environmental Assessment Act*) and therefore subject to the registry requirements stipulated in that legislation, the only available way to obtain information on CIDA-funded environmental impact assessments is through a request under the *Access to Information Act*.
- **Health Canada explained its position on the toxicity of MMT.** Concern about poor air quality in southwestern Ontario during the spring of 2001 prompted a number of Canadians to launch a petition (petition No. 32). The focus of the petition was the gasoline additive MMT (methylcyclopentadienyl manganese tricarbonyl). The petitioners



Poor air quality and the potential risks associated with the gasoline additive MMT were the subject matter of petition No. 32.

asked Health Canada to describe what steps it had taken to re-examine the use of MMT since the release of the Department's 1994 risk assessment that reviewed the scientific literature on the direct health effects of manganese and MMT. The petitioners also suggested that Health Canada continues to "support the use of MMT in Canadian gasoline." In his reply on behalf of Health Canada, the Minister of Health described the steps that the Department has taken to re-examine this product since 1994. Some of these steps include the following:

- Health Canada is maintaining a watching-brief on MMT, following the science that has been published on the health effects of manganese and exposure to manganese through diet or inhalation, including studies prepared by Canadian researchers.
- Health Canada plans to update the 1994 risk assessment. As part of that update, the Department plans to contract a review of the toxicokinetics of manganese and results of an epidemiology study of manganese neurotoxicity.
- Health Canada has developed a protocol for the study of personal exposure to manganese and other metals in a city with industrial emissions, and it is seeking funding for such a study. Although the Department concluded in its 1994 risk assessment that manganese levels in air in most urban centres did not pose a threat to the health of Canadians, cities with manganese-emitting industries can have levels above the reference concentration.

The Minister of Health also stated that it was important to correct the statement in the petition that "Health Canada continues to support the use of MMT in Canadian gasoline." According to the Minister, the Department's 1994 risk assessment concluded that "airborne manganese resulting from the combustion of MMT in gasoline-powered vehicles is not entering the Canadian environment in quantities or under conditions that may constitute a health risk." Based on the 1994 risk assessment, the Minister stated that Health Canada has no objection to the use of MMT in gasoline.

Other benefits flowing from environmental petitions

6.44 Some environmental petitions have led to specific action by federal departments and agencies, including prompt changes in policy and/or procedure or investigations into the issue being raised. These are encouraging responses. They indicate the desire of some departments and agencies to resolve problems that are brought to their attention as well as the potential effectiveness of the environmental petitions process. The following examples illustrate how departments and agencies responded positively to petitions:

- **Petition prompts meeting between Parks Canada Agency and petitioner to discuss concerns about Elk Island National Park.** Parks Canada Agency responded quickly to the concerns raised in a petition from the Alberta Wilderness Association (AWA). Within days of receiving the petition, the AWA met with Park officials. The discussions resolved the petitioner's concerns.



Elk Island National Park, Alberta

Source: Parks Canada, Elk Island National Park of Canada



Access to certain environmental assessment reports is the subject of petition No. 28.



Part of the decommissioned Canadian National main railway line through Algonquin Provincial Park, Ontario (petitions No. 27A, No. 27B, and No. 27C).

Source: Algonquin Eco Watch



Federal public servants launched a petition aimed at increasing usage of public transit by federal government employees (petition No. 29).

Source: OC Transpo (Dan Duclos)

- Fisheries and Oceans Canada deals with concerns about restricted access to environmental assessment reports.** A petition on a proposed 1,200-acre mussel farm in Nova Scotia prompted Fisheries and Oceans Canada to re-evaluate the way that it treats environmental impact reports (petition No. 28). In his petition, Dr. William Fitzgerald alleged that the proponent of the mussel farm was attempting to limit the public's right to access the environmental assessment report prepared for the project. According to him, the company "went to the extreme of copyrighting the assessment, limiting its availability and even monitoring those who accessed the document." In his response to this petition, the Minister of Fisheries and Oceans confirmed that Fisheries and Oceans Canada had not been able to provide the environmental impact report to all parties who requested it. He informed the petitioner that "DFO 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."
- Petition on railway decommissioning leads to a site visit by federal environmental officials.** A petition launched by Algonquin Eco Watch and two other organizations prompted a site visit by officials from Environment Canada and Fisheries and Oceans Canada who examined environmental problems arising from decommissioning of the Canadian National main railway line through Algonquin Provincial Park (petition No. 27A and related petitions No. 27B and No. 27C).
- Buying transit passes through payroll deduction is now an option for some federal public servants in the National Capital Region.** Environment Canada, Transport Canada, and the Treasury Board Secretariat were asked to respond to a petition launched by several federal public servants from the National Capital Region (petition No. 29). The petitioners wanted the federal government to take advantage of an offer by local transit authorities that would allow riders to purchase yearly transit passes through payroll deduction. According to the petitioners, this kind of program would provide substantial savings for riders and could generate significant environmental benefits due to increased use of public transit and thus less road congestion and lower levels of greenhouse gas emissions. The petitioners claimed that the federal government, specifically the Treasury Board, had refused to implement this program for federal public servants.

The petition prompted a meeting of representatives from all three of the responding departments to discuss the petition request. The three departments were working closely together to develop a pilot program for transit in the National Capital Region and expected to make an announcement about the launch of the program in February 2002.

The formal announcement about the one-year pilot project was made in June 2002. Effective November 2002, employees of the three departments as well as those of Natural Resources Canada will be able to

purchase an annual discounted transit pass through monthly payroll deduction.

If the program is successful, it may be made available to other federal departments in the National Capital Region and across Canada, where the option exists.

Conclusion

6.45 Parliamentarians and all Canadians have a right to know whether the government is taking environmental and sustainable development issues seriously. The environmental petitions process under the *Auditor General Act* provides them with a forum to hold the federal government accountable. With a simple letter, Canadians can raise questions and concerns, and get answers and action from the federal government.

6.46 Awareness and use of the process are growing. Recent petitions show the benefits that can result from using the environmental petitions process. For example, government organizations have changed or clarified their policies, undertaken site inspections, and launched a new project.

6.47 The Commissioner of the Environment and Sustainable Development is convinced that the petitions process offers great promise and intends to make sure it realizes that potential.

Appendix A 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

Appendix B Petitions listing (December 1995 to 15 July 2002)

To access the full text of petitions and replies from December 1995 to 15 July 2002, 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. 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: Reply pending

Petition No. 53: Ecological integrity in Elk Island National Park, Alberta

Date submitted: 23 May 2002

Petitioner(s): Alberta Wilderness Association

Summary: The Alberta Wilderness Association (AWA) expressed concern about the draft management plan and vegetation implementation plan developed by Parks Canada for Elk Island National Park in Alberta. The petition prompted a meeting between the AWA and Park officials that led to a resolution of a number of issues. The AWA withdrew its petition shortly after.

Issues: Biological diversity (protected areas)

Federal departments/agencies replying: Parks Canada Agency

Status: Withdrawn

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: Replies pending

Petition No. 51: 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: Replies pending

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: Replies pending

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: Replies pending

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: Replies pending

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: Reply pending

Petition No. 46: Environmental impacts of intensive livestock operations, southern Manitoba

Date submitted: 31 January 2002

Petitioner(s): Two Canadian residents

Summary: The petitioners raised concerns about the encroachment of intensive hog operations in southern Manitoba and impacts on groundwater quality. They requested information on federal regulatory controls to protect groundwater quality and protect the environment. They also asked that an environmental assessment be conducted for their region.

Issues: Agriculture (manure management) (intensive livestock operations), environmental assessment, and water issues (groundwater)

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

Status: Completed

Petition No. 45: Preserving the Canada Southern Railway in southern Ontario

Date submitted: 24 January 2002

Petitioner(s): Rail Ways to the Future Committee (a working committee of Transport 2000 Ontario Inc.)

Summary: The petitioner expressed concern about the possible abandonment and decommissioning of the largely dormant Canada Southern Railway in southern Ontario (see also petition No. 2). The Committee also presented concerns and posed questions on the future of rail in Canada generally. Among the petition requests, the petitioner asked the Minister of Transport to initiate a Rail Renewal Task Force.

Issues: Transportation (sustainable transportation) (railways)

Federal departments/agencies replying: Transport Canada

Status: Completed

Petition No. 44: Post-approval monitoring of genetically modified organisms (GMOs)

Date submitted: 18 January 2002

Petitioner(s): Greenpeace Canada

Summary: The petitioner posed a series of questions about Canada's regulatory regime for GMOs, in particular the federal government's monitoring of GMOs following their approval. Specific questions were posed on Monsanto's Round-Up Ready™ soybean.

Issues: Biotechnology (GMOs) (regulations and policies) (enforcement and compliance)

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

Status: Completed

Petition No. 43: The environmental sustainability of federal infrastructure funding

Date submitted: 12 December 2001

Petitioner(s): Canadian resident

Summary: The petitioner questioned the environmental sustainability of various federally funded infrastructure programs and expressed concern about the quality of federal reporting for these programs. The petitioner requested information on infrastructure programs and projects sponsored through Western Economic Diversification Canada, the Prairie Farm Rehabilitation Administration of Agriculture and Agri-Food Canada, and the Treasury Board Secretariat (TBS). (Note: Responsibility for infrastructure was transferred from the TBS shortly before the petition was submitted; therefore, a reply was not required from this federal organization.)

Issues: Other (infrastructure) (information and reporting)

Federal departments/agencies replying: Western Economic Diversification Canada and Agriculture and Agri-Food Canada

Status: Completed

Petition No. 42: Hull Casino golf course development, Quebec

Date submitted: 7 December 2001

Petitioner(s): Coalition pour la sauvegarde du parc du lac Leamy

Summary: The petitioner represents a coalition of 31 organizations in the Ottawa–Gatineau area. The Coalition is concerned about the proposed development of the Hull Casino golf course in Lake Leamy Park and its attendant environmental impacts—for example, on fish habitat, wildlife, and the public. The coalition requested that the project be the subject of a panel review under the *Canadian Environmental Assessment Act*. The petition was accompanied by about 14,000 signatures.

Issues: Environmental assessment, biological diversity (protected areas) (wildlife) (wetlands), and water issues (watershed protection)

Federal departments/agencies replying: Fisheries and Oceans Canada

Status: Reply pending

Petition No. 41B: Belizean hydro dam project and the Canadian International Development Agency

Date submitted: 11 June 2002

Petitioner(s): Probe International

Summary: In this petition, which is a follow-up to petition No. 41A, Probe International sought further information about the Canadian International Development Agency's (CIDA) involvement in a proposed hydro dam project in Belize, Central America. The organization also sought clarification on CIDA's policies related to environmental assessments for foreign projects, particularly hydro dams. The organization submitted 12 detailed questions.

Issues: Environmental assessment and international/bilateral issues (international development assistance)

Federal departments/agencies replying: Canadian International Development Agency

Status: Reply pending

Petition No. 41A: Belizean hydro dam project and the Canadian International Development Agency

Date submitted: 6 December 2001

Petitioner(s): Probe International

Summary: The petitioner questioned the Canadian International Development Agency's (CIDA) involvement in an environmental assessment that was conducted for a proposed hydroelectric dam project in Belize, Central America. According to Probe International, construction of the dam would lead to potentially irreversible impacts on the biological diversity of the region and to the flooding of several archaeologically significant Mayan ruins.

Issues: Environmental assessment, international/bilateral issues, and biological diversity (wildlife) (habitat)

Federal departments/agencies replying: Canadian International Development Agency

Status: Completed

Petition No. 40: Reducing emissions of greenhouse gases

Date submitted: 26 November 2001

Petitioner(s): Maya Bevan

Summary: The petitioner is interested in taking steps, on a personal level, to reduce greenhouse gas emissions. She asked the federal government to describe what federal initiatives or programs (including tax breaks) are available to assist homeowners to build environmentally friendly homes (for example, a house constructed from hay bales) and use green power sources.

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

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

Status: Completed

Petition No. 39: Environmental impacts of intensive hog operations, New Brunswick

Date submitted: 22 November 2001

Petitioner(s): Le Comité de la santé publique et de l'environnement du Madawaska (Le Co-Sa-Pue)

Summary: The focus of this petition is the development of intensive hog operations in New Brunswick. The petitioner expressed concern about impacts on water quality and fish habitat in local waterways and potential economic losses in the region from reduced recreation, tourism, and sport fishing.

Issues: Agriculture (manure management) (intensive livestock operations), fisheries (habitat), and water issues (aquatic ecosystems) (water quality)

Federal departments/agencies replying: Fisheries and Oceans Canada, Environment Canada, and Agriculture and Agri-Food Canada

Status: Completed

Petition No. 38: Genetically engineered fish

Date submitted: 22 November 2001

Petitioner(s): Greenpeace Canada

Summary: The petitioner requested information about federal government policy concerning the rearing of genetically engineered (GE) fish. Greenpeace maintains that all GE fish should be raised in secure, land-based facilities as the risks associated with rearing GE fish in open net pens in oceans and lakes are too high. Greenpeace posed eight very detailed questions in the petition.

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

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

Status: Completed

Petition No. 37: Large intensive livestock operations in the Lake Huron region—Watershed impacts

Date submitted: 18 February 2002

Petitioner(s): Coalition of Concerned Citizens of Huron–Kinloss

Summary: Members of the Coalition are concerned about intensive agricultural operations, particularly hog operations and water quality impacts in the Lake Huron region. They requested information from Environment Canada and Fisheries and Oceans Canada on the steps both departments are taking to strengthen environmental safeguards and controls to protect the health of humans and the environment in the areas around these livestock operations.

Issues: Agriculture (manure management) (intensive agricultural operations), water issues (water quality), and fisheries (habitat)

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

Status: Completed

Petition No. 36: Transboundary air pollution and obligations under the Canada–U.S. Air Quality Accord

Date submitted: 20 August 2001

Petitioner(s): Bob Mills, Member of Parliament

Summary: The petitioner raised concerns about the proposed construction of a large power generating station in Washington State and cross-border pollution arising from the station. The petitioner further inquired into whether Canada is fulfilling its obligations under the Canada-U.S. Air Quality Accord in relation to this proposed project.

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

Federal departments/agencies replying: Environment Canada

Status: Completed

Petition No. 35: Request for an environmental assessment for the Black-Farewell wetland complex, Ontario

Date submitted: 13 September 2001

Petitioner(s): Friends of the Farewell

Summary: This is a follow-up to petition No. 17. The organization's main concern is the protection of the Black-Farewell wetland complex/watershed, east of Toronto. The petitioner alleged that proposed infrastructure and highway projects within the region (such as the extension of Highway 407) would lead to adverse impacts on the wetland and surrounding watershed. The organization requested that full-scale environmental assessments and justifications be done for these projects in order to protect the wetland.

Issues: Environmental assessment, fisheries (habitat) (conservation), water issues (aquatic ecosystems) (groundwater) (watershed protection) (water quality), biological diversity (conservation) (habitat) (wetlands), transportation (sustainable transportation), and other (infrastructure)

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

Status: Completed

Petition No. 34B: Genetically modified organisms—Follow-up petition on Canada’s response to the Starlink™ corn controversy

Date submitted: 18 January 2002

Petitioner(s): Greenpeace Canada

Summary: In this petition, which is a follow-up to petition No. 34A, the petitioner posed further questions related to Starlink™ corn.

Issues: Biotechnology (GMOs) (enforcement), international/bilateral issues (trade)

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

Status: Completed

Petition No. 34A: Genetically modified organisms—Canada’s response to the Starlink™ corn controversy

Date submitted: 23 July 2001

Petitioner(s): Greenpeace Canada

Summary: The petition addresses concerns about a transgenic (GMO) corn with the trade name of Starlink™. This corn is not approved for use as a food or as animal feed in Canada. In the United States, it is approved for animal feed but not as a food. Greenpeace alleged that some Starlink™ corn made its way into the food supply in the United States and ultimately into Canada. The organization posed a number of questions in the petition. Some are directly related to Canada’s actions in the wake of the Starlink™ controversy. Others are more general and relate to Canada’s actions to protect our agricultural exports and prevent farmers from planting seeds contaminated with corn like Starlink™.

Issues: Biotechnology (GMOs) (enforcement) and international/bilateral issues (trade)

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

Status: Completed

Petition No. 33C: Environmental assessment—Forestry in Quebec

Date submitted: 27 November 2001

Petitioner(s): Mouvement Au Courant

Summary: This is a follow-up to petition No. 33A (see also petition No. 33B). In petition No. 33C, Mouvement Au Courant pointed to information provided in Fisheries and Oceans Canada’s February 2001 report on protection of fish habitat and pollution prevention. The report indicates that 717 projects related to forestry in British Columbia were examined during the reporting period. In Quebec, only one project was examined. The petitioner asked the Minister to explain this discrepancy.

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

Federal departments/agencies replying: Fisheries and Oceans Canada

Status: Completed

Petition No. 33B: Protecting fish habitat in Quebec and other provinces

Date submitted: 20 November 2001

Petitioner(s): Mouvement Au Courant

Summary: This is a follow-up to petition No. 33A. In his reply to that petition, the Minister of Fisheries and Oceans provided information about new resources allocated for fish habitat protection. The petitioner challenged the statements made in the reply and asked the Minister to confirm staffing numbers for habitat protection in every province. The petitioner also presented comparative statistics reflecting the number of projects that are assessed under the *Canadian Environmental Assessment Act* (CEAA) on a province-by-province basis. The organization asked the Minister to explain why Quebec accounts for only 4.6 percent of all projects assessed nationally.

Issues: Environmental assessment, fisheries (habitat) (enforcement), and renewable and non-renewable resources (forestry)

Federal departments/agencies replying: Fisheries and Oceans Canada

Status: Completed

Petition No. 33A: Enforcement of the *Fisheries Act* in Quebec

Date submitted: 26 July 2001

Petitioner(s): Mouvement Au Courant

Summary: The petitioner suggested that Fisheries and Oceans Canada is not enforcing the federal *Fisheries Act* in Quebec, especially in relation to forestry and logging activities in the province (see related petitions No. 33B and No. 33C).

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

Federal departments/agencies replying: Fisheries and Oceans Canada

Status: Completed

Petition No. 32: Fuel additive MMT

Date submitted: 3 July 2001

Petitioner(s): Several Canadian residents

Summary: The petitioners requested information from Health Canada on the gasoline additive MMT (methylcyclopentadienyl manganese tricarbonyl). The petitioners expressed concern about poor air quality in southwestern Ontario during the last half of June 2001 and suggested a link with MMT. They asked Health Canada to explain what steps the Department had taken to re-examine the use of the gasoline additive.

Issues: Human health/environmental health and air issues (air quality)

Federal departments/agencies replying: Environment Canada and Health Canada

Status: Completed

Petition No. 31: Highway extension through Gatineau Park, National Capital Region

Date submitted: 14 June 2001

Petitioner(s): Conseil régional de l'environnement et du développement durable de l'Outaouais (CREDDO)

Summary: The proposed construction of a highway in Gatineau (formerly Hull), Quebec is the subject addressed in this petition. The petitioner alleged that the highway will extend approximately 1.4 kilometres into Gatineau Park, a federal park that is managed by the National Capital Commission, a federal Crown corporation. The petitioner posed questions to five federal departments; many of these questions related to the application of the *Canadian Environmental Assessment Act*.

Issues: Environmental assessment and biological diversity (protected areas)

Federal departments/agencies replying: Department of Canadian Heritage, Environment Canada, Fisheries and Oceans Canada, Natural Resources Canada, Parks Canada Agency, and Transport Canada

Status: Completed

Petition No. 30: Hull Casino golf course development in an urban conservation park

Date submitted: 14 June 2001

Petitioner(s): Conseil régional de l'environnement et du développement durable de l'Outaouais (CREDDO)

Summary: This petition concerns a proposal to locate an 18-hole golf course in an urban conservation park in Hull, Quebec (now Gatineau, Quebec). Leamy Lake Park encompasses a small lake and is adjacent to the Gatineau River. According to the petitioner, part of park property is owned by a federal Crown corporation, the National Capital Commission. The project was undergoing an environmental assessment under the *Canadian Environmental Assessment Act*.

Issues: Environmental assessment, fisheries (habitat), and biological diversity (protected areas) (wildlife) (habitat) (wetlands)

Federal departments/agencies replying: Department of Canadian Heritage, Environment Canada, Fisheries and Oceans Canada, Natural Resources Canada, and Parks Canada Agency

Status: Completed

Petition No. 29: Encouraging greater use of urban transit by federal public servants

Date submitted: 12 June 2001

Petitioner(s): Arun Thangaraj and numerous Canadian residents

Summary: The petitioners are residents of the National Capital Region and are employees of the Public Service of Canada. According to the petitioners, the Treasury Board had refused to take advantage of an offer made by local transit authorities that would extend substantial savings to riders if they purchased yearly transit passes through payroll deduction. The petitioners suggested that by making this program available to federal public servants, significant environmental benefits would be realized through increased use of public transportation and a reduced number of vehicles on congested roads and highways.

Issues: Transportation (sustainable transportation)

Federal departments/agencies replying: Environment Canada, Treasury Board Secretariat, and Transport Canada

Status: Completed

Petition No. 28: Environmental assessment for a proposed mussel farm

Date submitted: 29 May 2001

Petitioner(s): William Fitzgerald

Summary: The petitioner opposes a proposal to locate a 1,200 acre mussel farm in St. Ann's Bay, Cape Breton, Nova Scotia on two grounds—the federal environmental assessment process and lack of credible supporting scientific evidence. The petitioner alleged that the impact assessment was done by a private company contracted by the proponent of the project and that public access to the report was limited in a number of ways. He also suggested that the impact assessment purporting to support this project was based on a computer model that was flawed in several respects.

Issues: Environmental assessment, fisheries (aquaculture) and water issues (water quality)

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

Status: Completed

Petition No. 27C: Railway decommissioning in Algonquin Provincial Park, Ontario

Date submitted: 18 February 2002

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

Summary: This petition relates to petition No. 27A. The petitioners questioned the response to that petition provided by the Minister of the Environment. They also asked what, if any, enforcement action Environment Canada was taking under the pollution provisions of the *Fisheries Act* (see also petition No. 27B).

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

Federal departments/agencies replying: Environment Canada

Status: Completed

Petition No. 27B: Railway decommissioning in Algonquin Provincial Park, Ontario

Date submitted: 13 February 2002

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

Summary: This is a follow-up to petition No. 27A. The petitioners inferred from the response of the Minister of Transport to this previous petition that there was no federal protocol to ensure that railway lines are decommissioned in an environmentally responsible manner. The petitioners requested that a protocol be established (see related petition No. 27C).

Issues: Transportation (railways)

Federal departments/agencies replying: Transport Canada

Status: Completed

Petition No. 27A: Railway decommissioning in Algonquin Provincial Park, Ontario

Date submitted: 28 May 2001

Petitioner(s): Algonquin Eco Watch, Federation of Ontario Naturalists, and the Wildlands League

Summary: The petitioners alleged that the decommissioning of the Canadian National (CN) main railway line through Algonquin Provincial Park, Ontario, was not carried out in an environmentally responsible or timely manner. Many of the problems identified in the petition stem from the construction of a right-of-way to facilitate the removal of tracks and ties. Bulldozing caused ballast from the roadbed to spill into nearby creeks and lakes, thereby damaging fish habitat and posing a danger to birds and mammals in the park. The petitioners directed specific questions to three federal departments. These questions dealt with fish habitat, water quality, wildlife protection, and whether there is a specific federal protocol for railway decommissioning in Canada (see related petitions No. 27B and No. 27C).

Issues: Transportation (railways), fisheries (habitat), water issues (water quality), and biological diversity (wildlife) (protected areas)

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

Status: Completed

Petition No. 26: Protecting migratory birds

Date submitted: 24 October 2000

Petitioner(s): Animal Alliance of Canada, Ontario Field Ornithologists, and a Canadian resident (on behalf of Friends of the Spit)

Summary: The petition concerns a decision by the Canadian Wildlife Service (CWS) to authorize the destruction of several migratory bird nests on the Leslie Street spit on Toronto's waterfront. According to the petitioners, on 1 June 1998, a bulldozer graded lands that hosted a substantial colony of common tern nests, thus destroying several active nests. Terns are migratory birds and are protected in Canada under the *Migratory Birds Convention Act*. The purpose of the petition was to require the CWS to examine how the destruction that occurred on 1 June 1998 was "purported" to be authorized and how improvements can be made in the administration of the permits process so that problems like these do not reoccur.

Issues: Biological diversity (wildlife) (habitat)

Federal departments/agencies replying: Environment Canada

Status: Completed

Petition No. 25: Regulating toxic substances and protecting drinking water

Date submitted: 12 October 2000

Petitioner(s): Beckwith Water Contamination Committee

Summary: The petition questions the federal government's failure to regulate the toxic substance trichloroethylene (TCE) and requests a review of the Canadian Drinking Water Guideline for this substance in light of new scientific evidence. TCE and its degradation products have contaminated the water supply of over 200 homes in Beckwith Township, a small Ontario community near Ottawa.

Issues: Human health/environmental health (toxic substances) and water issues (drinking water) (groundwater)

Federal departments/agencies replying: Environment Canada and Health Canada

Status: Completed

Petition No. 24: Ensuring sustainable timber harvesting in the Yukon

Date submitted: 8 August 2000

Petitioner(s): Yukon Conservation Society and Southeast Yukon Proper Land Use Society

Summary: The petitioners expressed concern about a proposal put forward by Indian and Northern Affairs Canada that would allocate a significant amount of commercial timber resources of the southeast Yukon through timber harvest agreements (THAs). The southeast Yukon region represents one of the last largely untouched boreal forests in Canada. According to the petitioners, the proposed allocation of long-term forestry tenures through THAs is being done in the absence of regional forest land-use planning and is contrary to the goals outlined in the Department's sustainable development strategy. Several actions are proposed to ensure sustainable forestry development in the Yukon.

Issues: Northern issues, renewable and non-renewable resources (forestry), and environmental assessment

Federal departments/agencies replying: Indian and Northern Affairs Canada

Status: Completed

Petition No. 23: Federal laws, regulations, and policies on genetically modified organisms (GMOs)

Date submitted: 9 May 2000

Petitioner(s): Canadian Institute for Environmental Law and Policy (CIELAP), Council of Canadians, Dr. Bert Christie, and Dr. E. Ann Clark

Summary: The petition is a critique of federal laws, regulations, and policies concerning GMOs. It argues that the federal approach toward GMOs is not consistent with the principles of sustainable development. The petitioners asked the federal government to review its laws, regulations, and policies on a number of fronts and to adopt a series of suggested measures aimed at protecting the health, safety, and environment of Canadians from GMOs.

Issues: Biotechnology (GMOs) (regulations and policies) (enforcement)

Federal departments/agencies replying: Agriculture and Agri-Food Canada, Environment Canada, Fisheries and Oceans Canada, Health Canada, Industry Canada, and Natural Resources Canada

Status: Completed

Petition No. 22: Moving toward sustainable transportation

Date submitted: 18 April 2000

Petitioner: The Society for Conservation Biology, Kingston Chapter

Summary: The Society expressed concern about transportation policy in Canada. Members were particularly alarmed by the accelerating rate at which highways and urban sprawl are paving over natural habitats. They strongly believe the government must take a more active role in promoting and supporting environmentally sound modes of transportation before further environmental, health, and economic damage occurs. The Society outlined six recommendations for federal action in the petition.

Issues: transportation (sustainable transportation) and biological diversity (habitat)

Federal departments/agencies responsible for reply: Transport Canada

Status: Completed

Petition No. 21: Sustainable development in Jasper National Park

Date submitted: 10 January 2000

Petitioner(s): Canadian resident

Summary: The petitioner suggested that the Parks Canada Agency had not developed information on the three dimensions of sustainable development (economic, environmental, and social). The petitioner alleged that the Banff-Bow Valley Study, the Jasper Management Plan, and the Jasper Community Plan lacked social and economic data. The petitioner also alleged that the National Parks Revenue Policy, which states that science is to be funded only from appropriations, is ignored within Jasper National Park.

Issues: Biological diversity (protected areas)

Federal departments/agencies replying: Parks Canada Agency

Status: Completed

Petition No. 20: Use of pesticides on ginseng farms in British Columbia

Date submitted: 25 August 1999

Petitioner(s): Nelson Riis, Member of Parliament, on behalf of residents from the Kamloops region of British Columbia

Summary: The petitioner raised concerns about the use of pesticides, herbicides, and fertilizers on ginseng farms throughout central British Columbia and how these chemicals might be affecting the land, local river systems, and the health of farm workers.

Issues: Human health/environmental health (pesticides)

Federal departments/agencies replying: Health Canada

Status: Completed

Petition No. 19: Enforcement of federal environmental regulations—Pulp mill discharges

Date submitted: 30 November 1998

Petitioner(s): Canadian resident

Summary: The petitioner expressed concerns about discharges from the Pine Falls paper mill in Pine Falls, Manitoba. The petitioner requested an investigation of the mill's discharges and chemical spills, and raised questions about unsustainable forest practices and unauthorized construction of bridges to serve logging roads.

Issues: Environmental assessment, water issues (navigable waters) (water quality) (enforcement), and other (Aboriginal concerns)

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

Status: Completed

Petition No. 18: Timber harvesting in the Yukon

Date submitted: 1 September 1998

Petitioner(s): Richard and Brenda Oziewicz

Summary: The petitioners expressed concern over Indian and Northern Affairs Canada's decision to recommend an allowable timber cut of up to 89,000 cubic metres for the next 400 years in the Nisutlin Management Area. Historically, the cut has been 2,000 cubic metres annually.

Issues: Renewable and non-renewable resources (forestry) and northern issues

Federal departments/agencies replying: Indian and Northern Affairs Canada

Status: Completed

Petition No. 17: Protecting a valuable watershed and wetlands in the Greater Toronto Area

Date submitted: 27 July 1998

Petitioner(s): Friends of the Farewell

Summary: The petitioner raised concerns about the effects of development in and around Courtice, Ontario on the Farewell and Black Creek watershed. The organization requested that an environmental assessment be done to identify problems before additional development occurs; this would ensure the protection and rehabilitation of the fishery and fish habitat and the overall integrity of the watershed and the Second Marsh near Oshawa, Ontario (see related petition No. 35).

Issues: Environmental assessment, fisheries (habitat), water issues (water quality) (watershed protection), and biological diversity (wetlands)

Federal departments/agencies replying: Fisheries and Oceans Canada

Status: Completed

Petition No. 16: Federal environmental assessment—Lake Simcoe, Ontario

Date submitted: 22 July 1998

Petitioner(s): Lakewatch Society—Lake Simcoe

Summary: The petitioner was highly critical of the environmental assessment done for the redevelopment of Jackson's Point Harbour in Lake Simcoe (see related petition No. 13).

Issues: Environmental assessment, fisheries (habitat), water issues (water quality), and other (heritage conservation)

Federal departments/agencies replying: Fisheries and Oceans Canada

Status: Completed

Petition No. 15: Construction of a dam on the Englishman River, Vancouver Island

Date submitted: 22 July 1998

Petitioner(s): Society for the Preservation of the Englishman River Estuary

Summary: The petitioner alleged that appropriate federal environmental approvals or permits had not been granted prior to the construction of a dam on the Englishman River; nor were downstream effects from the dam studied appropriately.

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

Federal departments/agencies replying: Fisheries and Oceans Canada

Status: Completed

Petition No. 14: Coho conservation plan

Date submitted: 15 July 1998

Petitioner(s): West Coast Sustainability Association

Summary: The petitioner criticized Fisheries and Oceans Canada's 1998 coho conservation plan. In particular, the Association alleged that departmental officials made decisions contradictory to the Department's sustainable development and scientific findings.

Issues: Fisheries (conservation)

Federal departments/agencies replying: Fisheries and Oceans Canada

Status: Completed

Petition No. 13: Federal environmental assessment—Lake Simcoe, Ontario

Date submitted: 29 June 1998

Petitioner(s): Canadian resident

Summary: The environmental assessment process for the redevelopment of Jackson's Point Harbour, Lake Simcoe is the subject of this petition. The petitioner alleged that the environmental assessment done for the project failed to take into account significant environmental impacts and that required mitigation measures were not properly implemented. Furthermore, the petitioner alleged that no attention was paid to an historic marine railway near the construction site.

Issues: Environmental assessment, fisheries (habitat), water issues (water quality), and other (heritage conservation)

Federal departments/agencies replying: Fisheries and Oceans Canada

Status: Completed

Petition No. 12: Petitcodiac River, New Brunswick

Date submitted: 8 June 1998

Petitioner(s): Lake Petitcodiac Preservation Association

Summary: The petitioner requested an investigation of environmental issues in the Petitcodiac River Valley of New Brunswick resulting from actions of Environment Canada and Fisheries and Oceans Canada. The Association alleged that the federal ministers responsible for these departments had acted improperly in obtaining provincial agreement for the trial opening of the Petitcodiac River Gates. The petitioner requested a full-scale, independent environmental assessment of the proposed trial gate opening.

Issues: Environmental assessment and other (federal/provincial co-operation)

Federal departments/agencies replying: Fisheries and Oceans Canada

Status: Completed

Petition No. 11: Crown obligations to First Nations

Date submitted: 4 May 1998

Petitioner(s): Athabasca Chipewyan First Nation

Summary: The petitioner alleged that the construction and operation of the WAC Bennett Dam by B.C. Hydro has permanently destroyed the environment of Indian Reserve 201 (in particular the habitat base for wildlife on the Reserve) and therefore negatively affected a major source of economic opportunity for the First Nation. The matter has been the subject of a long-standing claim by the First Nation against the federal Crown.

Issues: Other (Aboriginal concerns)

Federal departments/agencies replying: Indian and Northern Affairs Canada

Status: Completed

Petition No. 10: Federal/provincial harmonization accord

Date submitted: 22 January 1998

Petitioner(s): Canadian Environmental Law Association (CELA)

Summary: The petitioner urged the federal government, particularly the Minister of the Environment, not to sign the proposed Canada-Wide Accord on Environmental Harmonization. CELA stated that the Accord would be inconsistent with the federal government's commitment to sustainable development. It would weaken existing federal environmental roles and responsibilities and limit Canada's ability to negotiate and comply with international environmental agreements.

Issues: Other (federal/provincial co-operation)

Federal departments/agencies replying: Environment Canada

Status: Completed

Petition No. 9: Multilateral Agreement on Investment

Date submitted: 14 January 1998

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

Summary: The now defunct Multilateral Agreement on Investment (MIA) is the subject of this petition. The petitioner was particularly concerned about the security afforded environmental, public health, and social equity protection under the agreement. Although environmental and health protection are mentioned in the agreement preamble, these subjects were not explicitly included in the agreement text. CAPE requested that the federal government clarify the terms of reference and the objectives of the MAI.

Issues: International/bilateral issues (international environmental agreements) (trade)

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

Status: Completed

Petition No. 8: Protecting Canadians from the effects of ozone depletion

Date submitted: 6 October 1997

Petitioner(s): Friends of the Earth

Summary: The petitioner sought information on the government's efforts to protect the health and livelihood of Canadians from the effects of ozone depletion. At the time of the petition, Friends of the Earth was carrying out an assessment of Canada's programs for meeting its international commitments under the Montreal Protocol on Ozone-Depleting Substances. The organization directed its questions to five departments. It requested specific information on budgeted commitments for research on the health and environmental impacts of increased UV radiation and for protection measures. It also asked for information on departmental spending trends during the previous five years.

Issues: Air issues (ozone depletion), human health/environmental health, and international/bilateral issues (ozone depletion)

Federal departments/agencies replying: Agriculture and Agri-Food Canada, Environment Canada, Fisheries and Oceans Canada, Health Canada, and Natural Resources Canada

Status: Completed

Petition No. 7: Divesting of salmon hatcheries in Nova Scotia

Date submitted: 4 July 1997

Petitioner(s): Queens County Fish and Game Association

Summary: The Nova Scotia organization mounting this petition addressed a series of questions to the Minister of Fisheries on the Atlantic Salmon Hatchery Divestiture Initiative. The Association argued that the divestiture policy, if implemented for hatcheries in Nova Scotia, would have disastrous consequences for Atlantic salmon stock conservation and restoration programs.

Issues: Fisheries (conservation) (other)

Federal departments/agencies replying: Fisheries and Oceans Canada

Status: Completed

Petition No. 6: Canadian Mining Regulations

Date submitted: 15 April 1997

Petitioner(s): Canadian Arctic Resources Committee

Summary: The petition presents a critique of the current federal system for disposing of Crown mineral rights in the Northwest Territories (NWT) through the Canadian Mining Regulations. According to the petitioner, the regulations establish an open-access or free-entry mining regime. Therefore, all Crown lands in the NWT are open for mineral operations unless they are specifically withdrawn. The petitioner suggested that the current approach is inconsistent with sustainable development as defined in the *Auditor General Act*.

Issues: Renewable and non-renewable resources (mining) and other (federal land) (Aboriginal concerns)

Federal departments/agencies replying: Indian and Northern Affairs Canada

Status: Completed

Petition No. 5: Sour gas leaks and emissions in Alberta

Date submitted: 9 April 1997

Petitioner(s): Canadian resident

Summary: The petition raised concerns about the health effects of sour gas leaks and emissions in northwest Alberta. The petitioner was unable to resolve the problem by dealing with the responsible parties or the Alberta government and asked the federal government to get involved.

Issues: Air issues (air quality)

Federal departments/agencies replying: Natural Resources Canada

Status: Completed

Petition No. 4: Hydro connection through Yoho National Park

Date submitted: 1 April 1997

Petitioner(s): Graeme Pole

Summary: The proposed construction of an overhead power transmission line through part of Yoho National Park prompted this petition. The federal agency involved is Parks Canada (when the petition was submitted, the agency was still part of the Department of Canadian Heritage). The petitioner contended that Parks Canada violated its own operational policy, the Yoho National Park Management Plan, and federal park regulations. He was particularly critical of the environmental assessment conducted for the project.

Issues: Environment assessment and biological diversity (protected areas)

Federal departments/agencies replying: Department of Canadian Heritage

Status: Completed

Petition No. 3: Sustainable transportation and infrastructure

Date submitted: 10 March 1997

Petitioner(s): Transport 2000 Ontario Inc.

Summary: Road construction and upgrading done under the auspices of the Canada Infrastructure Works Program is the subject of this petition. The petitioner requested an examination of this program. Such an examination should consider, among other things, the environmental and sustainable development consequences of increasing the number and size of roads in Canada. The petitioner encouraged a halt to federal money for any aspect of road construction.

Issues: Other (infrastructure) and transportation

Federal departments/agencies replying: Treasury Board Secretariat

Status: Completed

Petition No. 2: Sustainable transportation

Date submitted: 6 March 1997

Petitioner(s): Rail Ways to the Future Committee (a working committee of Transport 2000 Ontario Inc.)

Summary: The petitioner requested an examination of the state of transportation in Canada. The Committee urged a modal shift to rail from road and air for as much freight and passenger traffic as possible. It also endorsed the development of Transportation Master Plans with explicit sustainability criteria.

Issues: Transportation (railways) (sustainable transportation)

Federal departments/agencies replying: Transport Canada

Status: Completed

Petition No. 1: Environmental assessment for a golf course development

Date submitted: 2 October 1996

Petitioner(s): The Ecoforestry School in the Maritimes

Summary: A golf course development in Oakhill, Nova Scotia is the subject of this petition. The Ecoforestry School was highly critical of the federal environmental assessment screening report on the project. It alleged that there were discrepancies between the information contained in the screening report and its own observations of the property. The federal government was contributing funds toward the golf course development under the Canada/Nova Scotia Infrastructure Program.

Issues: Fisheries (habitat), environmental assessment, and other (infrastructure)

Federal departments/agencies replying: Atlantic Canada Opportunities Agency

Status: Completed

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