

2003



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

The Commissioner's Perspective—2003

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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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Commissioner of the Environment and Sustainable Development of Canada
Commissaire à l'environnement et au développement durable du Canada

Office of the Auditor General of Canada • Bureau du vérificateur général du Canada

To the Honourable the Speaker of the House of Commons:

On behalf of the Auditor General of Canada, I have the honour to transmit herewith my Report to the House of Commons for the year 2003, to be laid before the House in accordance with the provisions of section 23(3) of the *Auditor General Act*.

A handwritten signature in black ink that reads 'Johanne Gélinas'.

Johanne Gélinas
Commissioner of the Environment
and Sustainable Development

OTTAWA, 7 October 2003

To the reader:

I welcome your comments and suggestions on this Report and other issues related to the environment and sustainable development. I can be reached at the following:

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Foreword



Report of the Commissioner of the Environment and Sustainable Development—2003

Foreword

As Commissioner of the Environment and Sustainable Development, I am pleased to present the 2003 Report for tabling in the House of Commons.

This Foreword is followed by The Commissioner's Perspective—2003, and the Main Points from each chapter. The Report contains four chapters:

- 1 Managing the Safety and Accessibility of Pesticides
- 2 Road Transportation in Urban Areas: Accountability for Reducing Greenhouse Gases
- 3 Sustainable Development Strategies: Case Studies
- 4 Environmental Petitions



**The Commissioner's
Perspective—2003**

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The Commissioner's Perspective—2003

The Gap Between Commitments and Actions

Main Points

1. Each year, I highlight significant issues based on my environmental audit work over the past year. This year, I focussed on pesticides management, road transportation in urban areas, case studies on federal sustainable development strategies, and the petitions process.
2. This Report deals with the gap between federal environmental commitments and actions. The most pressing issues I identified relate to how the federal government manages the safety and accessibility of pesticides. Specifically, I have found that the federal government
 - has made slow progress on re-evaluating older, widely used pesticides against today's higher health and environmental standards. All of the re-evaluated pesticides have either been removed from the market or had restrictions placed on their use. Pesticides slated for re-evaluation remain on the market and it is likely that some of them do not meet today's standards;
 - needs to strengthen its evaluation process for new pesticides—for example, it has sometimes skipped steps in its process and has overused temporary registrations;
 - is not consistently meeting deadlines to ensure that new, possibly safer products are available to users, despite significant improvements in the rigour and timeliness of the submission process; and
 - has incomplete information on user compliance, pesticide use, and the impacts of pesticides on human health and the environment.
3. Other issues related to the federal government's commitments involve Canada's Kyoto target. After a great deal of deliberation, the federal government ratified Kyoto—a major international environmental agreement. I chose to examine how selected urban road transportation programs would contribute toward Canada's Kyoto target. I found that the federal government is taking steps intended to help meet its Kyoto commitments; however, for various reasons it is currently unable to report on the contribution its measures are making.
4. The federal government has made a clear commitment to move Canada on a path to sustainability through its sustainable development strategies. These strategies are the responsibility of 25 major federal departments; they involve economic, social, and environmental issues. This year I took a targeted look at four departments and found mixed results. I note that Industry Canada has made a substantial effort to move forward on

eco-efficiency and environmental technology. However, in all the cases I examined, more could be done to improve the measuring and reporting of the impacts of actions taken. Environment Canada and Human Resources Development Canada need to substantially increase their efforts to fulfil the commitments that we examine in this Report.

5. The petitions process is a growing success story. Canadians increasingly use this process to engage the federal government in issues that affect them at the local level. In some cases, Canadians are getting both commitments and actions that lead to concrete results. This year, I have begun to follow up on some commitments made in response to petitions, and I found mixed results. I will continue to follow up on petition commitments made by departments.



Johanne Gélinas
Commissioner of the Environment
and Sustainable Development

Keeping a watch on the environment

6. This is my third report as Commissioner of the Environment and Sustainable Development. I am the environmental arm of the Office of the Auditor General and provide objective information to help Parliament keep watch on whether the federal government is meeting its commitments to protect the environment and promote sustainable development.

7. My mandate is to alert Parliament to significant environmental and sustainable development issues by providing timely and relevant information on the findings of my work. I observe how the federal government has carried out its policies and programs and, where appropriate, I recommend improvements. I am pleased that parliamentarians and the public show a growing awareness of my work.

8. My staff and I

- conduct studies and value-for-money audits;
- monitor and report on federal sustainable development strategies; and
- oversee the petitions process.

9. This year I have chosen to look at whether the federal government has met selected environmental and sustainable development commitments. My review found a gap between the commitments made and the results achieved. This gap contributes to the environmental deficit that I reported on last year: I said that the federal government was not investing enough of its human and financial resources; its legislative, regulatory, and economic powers; or its political leadership to fulfil its sustainable development commitments.

Auditing for results

10. We conduct value-for-money audits that look at whether programs are working as intended and achieving the expected results. We investigate specific issues and report to Parliament our findings, conclusions, and recommendations. This year's audits are reported in Chapter 1, Managing the Safety and Accessibility of Pesticides, and Chapter 2, Road Transportation in Urban Areas: Accountability for Reducing Greenhouse Gases.

Strategies for a sustainable tomorrow

11. In addition to the value-for-money audits, we monitor and report on the progress that departments and agencies have achieved in implementing the commitments in their sustainable development strategies. The strategies are important tools that represent the objectives and action plans of departments and agencies for furthering sustainable development. Departments are required to update their strategies at least every three years; their second round of strategies was tabled in Parliament in February 2001.

12. A document that I released in March of this year, *Making a Difference*, sets out my expectations for the third round of sustainable development strategies, which federal departments and agencies are expected to finalize in

December 2003. (This document is available at www.oag-bvg.gc.ca/domino/cesd_cedd.nsf/html/03sds.html.)

13. I strongly believe that these strategies should drive federal actions and policies and produce concrete, measurable results. Parliament requires that federal departments and agencies prepare sustainable development strategies to help ensure that their actions today consider the needs of future generations—a concept reaffirmed by Canada at the 2002 World Summit on Sustainable Development in Johannesburg.

14. In last year's Report I recommended that, in preparation for the third round of sustainable development strategies, the Privy Council Office lead a renewal of the government's commitment to sustainable development; that it develop a clear and long-term image of sustainability for Canada; and that it provide guidance and direction to departments. The Privy Council Office in turn assigned this responsibility to a committee of deputy ministers and indicated that a federal-level sustainable development strategy was being developed. No timeline has been set to finalize this federal-level strategy. I am advised, however, that the deputy ministers are in accord with my expectations; they have provided departments with additional direction, including an outline for a guiding vision, government-wide priorities, and provisions for performance measurement and accountability.

15. This year I have taken a more targeted approach to monitoring and reporting on sustainable development strategies by examining specific commitments and the results achieved (see Chapter 3). I expect to continue this approach in the future.

Canadians can be their own environmental watchdogs

16. Parliament established the petitions process so citizens could raise questions and concerns about environmental and sustainable development matters that involve the federal government. The petitions process allows Canadians to receive timely answers from federal ministers. These petitions are not the traditional kind with thousands of signatures; they can be as simple as a letter from a Canadian citizen. The petitions process is a powerful tool that gives every Canadian the opportunity to be an environmental watchdog.

17. The number of petitions submitted annually has grown substantially in recent years. More important, Canadians are getting action on their concerns and are making a difference. As a result of recent petitions, federal departments and agencies have changed or clarified their policies and practices, undertaken site inspections, and launched new environmental projects.

18. As the guardian of the petitions process, I am committed to ensuring that the opportunities it affords are realized. In past responses to Canadians who have submitted petitions, departments have made a number of commitments. I am encouraged to see that for the most part they are taking their commitments seriously. (A catalogue of petitions and the responses received from ministers is available at www.oag-bvg.gc.ca/domino/petitions.nsf/english.)

How my work makes a difference

19. My powers are those of persuasion and disclosure. Once my Report has been tabled in the House of Commons, it is public information. Parliamentary committees can question federal ministers and government officials about my findings and about how they will implement my recommendations. I also monitor departmental progress on my recommendations and I conduct selected follow-up audits of important environmental and sustainable development matters. In this way, the very presence of the Commissioner's Office and my reporting of significant environmental issues contribute toward sustainable development by motivating departments to live up to their commitments.

My priorities

20. My choices of subjects to audit reflect areas that I want to help change for the better and that I consider significant enough to warrant bringing them to Parliament's attention. I select audit subjects from

- discussions with parliamentarians;
- an extensive list of environmental and sustainable development issues that I compiled soon after being appointed Commissioner, and then analyzed for their level of risk and whether they fell within my mandate;
- the environmental concerns expressed by Canadians through the petitions process; and
- issues raised in my meetings with Canadians across the country.

I also consult at least once each year with a panel of expert advisors who include representatives from industry and from environmental organizations; academics; and former senior government officials. The panel provides guidance for my work.

21. Over the coming years, I plan to conduct audits in the following areas:

- international aspects of sustainable development including international environmental agreements, official development assistance, and strategic environmental assessments;
- protection of our vital resources such as water and air;
- biodiversity and the ecological integrity of national parks;
- protection of our natural resources such as forests, minerals, and oil and gas; and
- progress achieved by the federal government in the five years following the Johannesburg World Summit on Sustainable Development.

22. I will continue to report annually on federal sustainable development strategies and on the results of the petitions process, including what federal departments have done to fulfil the commitments made in their responses to petitions.

23. Since fall 2001, on behalf of the Auditor General of Canada I have chaired the International Organization of Supreme Audit Institutions

(INTOSAI) Working Group on Environmental Auditing. The goal of the Working Group is to improve and promote environmental and sustainable development audit tools for use by auditors general around the world. Environmental and sustainable development issues are global, and I am excited by the powerful role legislative auditors can play in assisting legislative bodies to hold their governments to account for environmental performance.

24. The Working Group on Environmental Auditing is currently developing training materials for courses it plans on environmental auditing. It is exchanging information and preparing environmental guidance papers. (More information can be found at www.environmental-auditing.org.) Currently, I am working with many of those audit offices to develop a strategy for a collective evaluation of our respective governments' efforts to act on the Plan of Implementation developed at the Johannesburg World Summit.

25. **International commitments.** In addition to national commitments, the federal government has made many international environmental and sustainable development commitments, including those at Rio de Janeiro, Kyoto, and Johannesburg. A key outcome of the Johannesburg World Summit was the Plan of Implementation, which I feel is of utmost importance to protecting our planet and building a better world.

26. The commitments made in the Johannesburg Plan of Implementation are important for Canadians and all citizens of our planet. They include commitments related to water, oceans, forests, poverty reduction, waste, and the use of chemicals, to name but a few.

27. Last year, in response to the World Summit, I called for the federal government to produce its own concrete action plan addressing what it needs to do to meet its international commitments. Close to a year has passed since the conclusion of the World Summit, and the government has yet to develop such an action plan. The creation of a plan had begun in earnest under the leadership of the Earth Summit 2002 Canadian Secretariat (the body that coordinated Canada's preparations for the Johannesburg Summit). A draft short list of priority commitments from the Johannesburg Plan of Implementation was developed together with departmental assignments. But the Secretariat was dissolved on March 31, 2003 and the plan remains incomplete. A committee of deputy ministers has since assumed responsibility for overseeing the development of commitments Canada made at the Johannesburg World Summit. The deputy ministers expect to consider a proposal in their fall meeting. I look forward to seeing this plan and its implementation.

The continuing gap between environmental commitments and actions

28. The federal government has stated that it is managing its fiscal deficit to avoid leaving a burden of debt for future generations. The work of the Commissioner of the Environment and Sustainable Development over the years points to another type of deficit—an environmental and sustainable development deficit. As my observations continue to indicate, a deficit in performance is partly caused by a gap between the commitments the federal government has made and the results it has achieved.

29. Federal commitments—including those in sustainable development strategies, policies, legislation, international agreements, regulations, and guidelines—deal with issues that fundamentally affect our way of life and therefore need active management. Previous reports of the Auditor General and the Commissioner of the Environment and Sustainable Development have noted environmental damage, health impacts, and billions of dollars in costs to Canadians due to inadequate or absence of action on protecting fish stocks, reducing greenhouse gas emissions, poor air and water quality, protection of biodiversity, and the management of toxic substances. Over the coming years I will continue to monitor whether results-based action plans and dedicated resources are being used to reduce the gap between commitments, actions and results.

30. In its 2003 Budget, the federal government made one of its largest commitments to the environment and sustainable development in years—\$3 billion over the next five years. Many key areas where the government proposes to spend this money—climate change, air and water quality, contaminated sites on federal lands, management of toxic substances, and species at risk—are subjects that my predecessor and I have audited in the last few years. The government has also set aside funds for the Johannesburg Plan of Implementation and for national parks.

31. This year's Report examines several issues that all highlight to varying degrees the gap between commitments and action. The pesticides chapter raises serious questions about the federal government's failure to keep commitments it made to ensure that pesticides are safe, while allowing for access to them where required. The chapter on urban road transportation puts the government on notice that it will need to significantly improve the way it measures the effects of its programs in order to demonstrate that it is meeting Canada's Kyoto target. The sustainable development chapter looks at federal commitments that impact our communities, employment opportunities, and industries.

32. This Report, the seventh annual Report of the Commissioner, demonstrates the evolution of our audit approaches to sustainable development. I have followed up on ministerial responses to environmental petitions to determine whether commitments made have been translated into commitments met. And I have taken a more focussed look at selected departments' sustainable development commitments to provide a more in-depth picture of the progress being made.

Managing the safety and accessibility of pesticides

33. Chapter 1 examines the extent to which the federal government is effectively managing key aspects of pesticide use in Canada. Pesticide use affects virtually all Canadians. By December 2002, there were 5,622 pest control products registered for use in Canada. Pesticides are used to produce and preserve the food we eat. They are included in paints to stop fungal growth, and are used to control pests—in managing the spread of the West Nile virus, for example. The nature of pesticides makes them a concern. They are designed to be toxic to pests and they are released into the environment deliberately. It is important that Parliament know how the federal government is managing the risks that pesticide use presents, and this is why we have chosen to examine aspects of pesticides management for the fourth time in 15 years.

34. The Pest Management Regulatory Agency of Health Canada is responsible for protecting human health and the environment by minimizing the risks associated with pest control products, while allowing for access to pest management tools. I am troubled that the federal government has been very slow to meet the commitments it has set for itself to manage pesticides and the associated health and environmental risks.

35. Timely evaluations of new pesticides could result in potentially safer products on the market. Despite significant improvements in the rigour and timeliness of the submission process, the Agency does not consistently meet its targets for timely evaluation of new pesticides. Many new pesticides have been granted temporary registration pending the submission of additional studies. Of the new pesticide registrations in 2001–02, 58 percent were temporary. Given that the risks to health and the environment have not been fully evaluated, I am concerned about the frequent and repeated use of temporary registrations.

36. Health and environmental standards relating to pesticide use have risen, but the progress made in re-evaluating older, widely used pesticides has been very slow. All of the pesticides that the government has fully re-evaluated so far have been removed from the market or have had greater restrictions placed on their use because some uses posed significant health and environmental risks. Other re-evaluations (of selected pesticides used on lawn and turf, for example) are behind schedule. Pesticides slated for re-evaluation remain on the market, and it is likely that some of them do not meet today's standards.

37. Despite its commitment to ensure that pest control products are used legally and according to label instructions, the Agency has only limited and unreliable information about the extent to which users are complying with label instructions. A lack of compliance could have environmental impacts and create unnecessary health risks for those exposed to these products.

38. In 1994, the federal government committed to setting up a database on pesticide use. My predecessor and I criticized the government in 1999 and 2002 for not acting on this commitment, and it still has not done so. In the

absence of up-to-date information, the government relies on a variety of incomplete and dated information. As I reported in 2002, Canada remains one of the few member countries of the Organization for Economic Co-operation and Development that lack a database on pesticide use or sales. Information about the amounts of pesticides being used is needed to make good decisions about risks to health, safety, and the environment.

39. Based on my observations, the federal government is not managing pesticides effectively. There are weaknesses in many areas that raise serious questions about the overall management of the health and environmental risks associated with pesticides. The government is not meeting its responsibility to ensure that all pesticides in use meet current standards. Urgent corrective action is needed.

Road transportation in urban areas: accountability for reducing greenhouse gases

40. Chapter 2 examined whether there were appropriate accountability frameworks in place for selected federal programs associated with road transportation in urban areas. Looking forward, these frameworks are crucial for the federal government to be able to report on its progress toward meeting its Kyoto commitment.

41. In December 1997, Canada and 160 other countries negotiated the Kyoto Protocol to the United Nations Framework Convention on Climate Change. Five years later, Canada ratified the Kyoto Protocol. The Protocol commits Canada to reducing its greenhouse gas emissions over the period 2008 to 2012 to 6 percent below 1990 levels—Canada's Kyoto target.

42. To help in this effort, the federal government issued its Action Plan 2000 on Climate Change (October 2000) and its Climate Change Plan for Canada (November 2002). It expects that these two plans together will take Canada about three quarters of the way toward its Kyoto target. The Climate Change Plan outlines a number of current and potential actions that could help Canada address the remaining gap.

43. The federal government expects every government, region, sector, and Canadian to do their share to meet Canada's Kyoto target. It has also indicated that the transportation sector will be expected to assume its share of responsibility for meeting the target. To date, the government has chosen to address greenhouse gas emissions in the transportation sector using a limited number of policy instruments. It has relied on voluntary measures and spending programs focussed mainly on research and development, demonstration, and public education and awareness.

44. The transportation sector is the single largest source of Canada's greenhouse gas emissions, accounting for 26 percent of total emissions in 2001. More than 70 percent of emissions in that sector are generated by road transportation. From 1990 to 2001, greenhouse gas emissions by the transportation sector rose by 22 percent, and emissions by the road transportation sector alone rose by 25 percent. Two thirds of these emissions occur in urban areas, where the majority of Canadians live.

45. Action Plan 2000 and the Climate Change Plan for Canada identify nine actions related to the transportation sector (described in Chapter 2 of this Report, Appendix A) that either build on existing federal government measures or are new measures. All of these actions are expected to be delivered through some form of partnership between the federal government and other levels of government or other stakeholders, or both. The federal government estimates that these actions will account for about 12 percent of the total anticipated reductions in Canada's greenhouse gas emissions.

46. We examined one of the nine actions—the Canadian Transportation Fuel Cell Alliance program, for which Natural Resources Canada is the lead department. (We did not audit the eight other actions because at the time of our examination, they were in the early stages of implementation or did not have a strong focus on urban road transportation.) For the transportation sector as well as other sectors of the Canadian economy, hydrogen and fuel cells potentially have many significant benefits—economic, environmental, and social. However, these benefits depend on both the primary source of fuel and the technology used to produce the hydrogen. Significant challenges remain, including the need to develop both an infrastructure and uniform industry codes and standards.

47. The federal government has invested or committed over \$100 million to hydrogen fuel cells without any national strategy to ensure that Canadians would get the maximum benefits for the investment. In my view, the federal government needs to decide what role it will play in addressing the hydrogen and fuel cell challenges and, if appropriate, what long-term commitments are necessary.

48. Given Transport Canada's overall mandate in the transportation sector, we also examined its Moving On Sustainable Transportation program and its Intelligent Transportation Systems initiative. Both were intended to have an impact on road transportation in urban areas and to lead to reductions in Canada's greenhouse gas emissions.

49. All three programs have shortcomings that may prevent them from achieving their long-term expected results. If these shortcomings are not corrected, it will be difficult for the federal government to know the contribution these programs are making to their stated outcomes, which include reducing Canada's greenhouse gas emissions.

50. In June 2003, the federal government tabled in Parliament its first comprehensive report on the Government of Canada's investment in climate change from 1997 to 2002. My predecessor had recommended in his 1998 Report (Chapter 3, Responding to Climate Change—Time to Rethink Canada's Implementation Strategy, paragraph 3.162) that the federal government produce such a report. In its June 2003 report, the government recognizes that achievements are presented mainly as outputs and activities. It also indicates that efforts will be made to state the extent to which these outputs and activities contribute toward meeting Canada's climate change commitments. In my view, such information will be crucial to assist Parliament in its oversight of Canada's response to climate change.

51. The ultimate objective of the United Nations Framework Convention on Climate Change is to stabilize greenhouse gas concentrations in the atmosphere at a level where human actions would not significantly interfere with the climate system. The Intergovernmental Panel on Climate Change has stated that this would require greenhouse gas emissions to be cut by more than half by the end of the 21st century. The Kyoto Protocol is a first step toward that objective.

Sustainable development strategies

52. Chapter 3 reports on selected sustainable development objectives set by Infrastructure Canada, Industry Canada, Human Resources Development Canada, and Environment Canada. Case studies in the chapter show that sustainable development involves important economic, social, and environmental issues that affect Canadians.

53. I continue to notice varying degrees of progress and effort directed toward sustainable development strategy objectives. In my view, stronger central direction and leadership would accelerate Canada's progress in this area.

54. The government committed to improving the environment by targeting at least 47 percent of the \$2 billion Infrastructure Canada Program to projects that improve the quality of the environment. The government could not provide evidence to demonstrate how all the projects deemed to be "green" have environmental benefits; as a result, the program is at risk of not being able to meet its stated environmental goal. I believe that when it accounts for and reports on the overall environmental benefits and performance of the Program, Infrastructure Canada needs to demonstrate clearly the environmental benefits associated with the projects it categorizes as green.

55. Industry Canada made commitments to get companies to reduce pollution and use natural resources more wisely in producing goods and providing services to consumers. It has undertaken a significant amount of work and devoted resources to fulfilling this commitment. However, it needs to improve how it measures and reports on the impact its actions are having on Canadian industry.

56. Human Resources Development Canada (HRDC) committed to explore, investigate, and assess issues such as the potential impact of the Kyoto Protocol on Canadian jobs and green employment. I have noted that the public has received conflicting messages about how Kyoto will affect our economy, and I am disappointed at the slow pace of HRDC's progress on its commitment. The decision to ratify Kyoto was a major decision. By not fulfilling its commitment in a timely way, HRDC missed an opportunity to inform Canadians about important employment issues surrounding Kyoto. Without basic information, HRDC will be unable to make the necessary adjustments in its employment and training programs—programs designed to serve Canadians and give them the tools to do their best in today's and tomorrow's economy.

57. Many federal departments are involved in delivering programs at the local level. Environment Canada committed to getting those departments to work together. One Environment Canada target was to complete a federal framework that would spell out what the government is trying to achieve and how to get departments to work together to make communities more sustainable. This framework has the potential to be a roadmap to how the federal government makes our communities better places to live. Work on this framework has been delayed, and there is no firm deadline set for its completion.

Environmental petitions

58. Petitions (see Chapter 4) cover a wide range of local, regional, national, and international concerns and have been received from all over the country. Many continue to come from individuals and local groups concerned about local environmental issues that affect them and their communities.

59. 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 lands and harbours (including former military training sites), the environment and trade, the effects of genetically engineered crops on soil, radioactive waste, invasive species, nuclear liability, and the transboundary movement of hazardous waste.

60. This year, I have begun to follow up on some of those commitments and have audited four commitments made by departments in response to previous petitions. Departmental action on fulfilling commitments was mixed. However, in all cases examined, petitioners succeeded in getting some level of action from the federal government on issues that concern them.

61. **The federal government declared trichloroethylene a toxic substance a decade ago, but federal actions were only recently completed.** Although trichloroethylene (TCE) was declared a decade ago to be toxic and probably carcinogenic to humans, Environment Canada 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 these regulations in 1997. In its February 2001 response to Petition No. 25, Environment Canada committed to completing the draft regulations and it set a target of mid-2001. While it did succeed in introducing draft regulations, it did so in December 2002 after a further 16-month delay. The final regulations came into force on 24 July 2003.

62. 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. The review finally began in earnest in the spring of 2002 and it is now complete (as promised by Health Canada in its response to Petition No. 25). As a result of the review, Health Canada is recommending that the TCE guideline be 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 complete this as quickly as possible.

63. 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.

64. The Canadian International Development Agency has committed to enhance public access to environmental assessments, but only for certain types of projects. In response to Petition No. 41B, the Agency decided to enhance public access to the environmental assessments it funds for hydro dam projects—only one of various types of infrastructure projects in which CIDA is involved. In what I consider a good suggestion, an internal task force in CIDA recommended that the Agency enhance such access to environmental studies for other types of projects as well.

Conclusion

65. Making commitments to the environment and sustainable development is important; however, meeting them is even more important. As a matter of credibility, Canadians expect the federal government to meet its commitments. The environmental deficit that I referred to in last year's Report will continue to grow unless the government reduces the gap between its commitments and its actions. To reduce the deficit, the federal government must not only live up to its commitments but also be able to measure and report what its actions are achieving. Failure to address commitments will pass an increasing burden to future generations.

66. Our audit work this year has found that the federal government needs to

- actively work to meet commitments it has made to ensure that pesticides are safe, while allowing for access to them where required;
- be able to report the impact its road transportation activities will have toward meeting Canada's Kyoto target; and
- be clear about the results that its sustainable development strategies are achieving.

67. I strongly encourage Canadians to continue to be their own environmental watchdog, to get involved and use the petitions process to help make a difference. I look forward to the continuing success of the petitions process.

68. Good intentions. When Canadians invest for tomorrow, they set goals for what they want to achieve and they receive regular statements on the progress of their investments. Should they not expect the same of their government as it invests their money in the environment and sustainable development? I continue to encourage the government to produce such statements so that Parliament and Canadians will be able to know what progress the government is making toward eliminating the environmental deficit.

Appendix Auditor General Act—Excerpts

An Act respecting the Office of the Auditor General of Canada and sustainable development monitoring and reporting

INTERPRETATION

Definitions	2. In this Act,
"appropriate Minister"	"appropriate Minister" has the meaning assigned by section 2 of the <i>Financial Administration Act</i> ;
"category I department"	"category I department" means <ol style="list-style-type: none"> (a) any department named in Schedule I to the <i>Financial Administration Act</i>, (b) any department in respect of which a direction has been made under subsection 24(3), and (c) any department, set out in the schedule;
"Commissioner"	"Commissioner" means the Commissioner of the Environment and Sustainable Development appointed under subsection 15.1(1);
"sustainable development"	"sustainable development" means development that meets the needs of the present without compromising the ability of future generations to meet their own needs;
"sustainable development strategy"	"sustainable development strategy", with respect to a category I department, means the department's objectives, and plans of action, to further sustainable development.

DUTIES

Examination	5. The Auditor General is the auditor of the accounts of Canada, including those relating to the Consolidated Revenue Fund and as such shall make such examinations and inquiries as he considers necessary to enable him to report as required by this Act.
Idem	6. The Auditor General shall examine the several financial statements required by section 64 of the <i>Financial Administration Act</i> to be included in the Public Accounts, and any other statement that the President of the Treasury Board or the Minister of Finance may present for audit and shall express his opinion as to whether they present fairly information in accordance with stated accounting policies of the federal government and on a basis consistent with that of the preceding year together with any reservations he may have.
Annual and additional reports to the House of Commons	7. (1) The Auditor General shall report annually to the House of Commons and may make, in addition to any special report made under subsection 8(1) or 19(2) and the Commissioner's report under subsection 23(2), not more than three additional reports in any year to the House of Commons <ol style="list-style-type: none"> (a) on the work of his office; and, (b) on whether, in carrying on the work of his office, he received all the information and explanations he required.

- Idem** (2) Each report of the Auditor General under subsection (1) shall call attention to any thing that he considers to be of significance and of a nature that should be brought to the attention of the House of Commons, including any cases in which he has observed that
- (a) accounts have not been faithfully and properly maintained or public money has not been fully accounted for or paid, where so required by law, into the Consolidated Revenue Fund;
 - (b) essential records have not been maintained or the rules and procedures applied have been insufficient to safeguard and control public property, to secure an effective check on the assessment, collection and proper allocation of the revenue and to ensure that expenditures have been made only as authorized;
 - (c) money has been expended other than for purposes for which it was appropriated by Parliament;
 - (d) money has been expended without due regard to economy or efficiency;
 - (e) satisfactory procedures have not been established to measure and report the effectiveness of programs, where such procedures could appropriately and reasonably be implemented; or
 - (f) money has been expended without due regard to the environmental effects of those expenditures in the context of sustainable development.

STAFF OF THE AUDITOR GENERAL

Appointment of Commissioner **15.1** (1) The Auditor General shall, in accordance with the *Public Service Employment Act*, appoint a senior officer to be called the Commissioner of the Environment and Sustainable Development who shall report directly to the Auditor General.

Commissioner's duties (2) The Commissioner shall assist the Auditor General in performing the duties of the Auditor General set out in this Act that relate to the environment and sustainable development.

SUSTAINABLE DEVELOPMENT

Purpose **21.1** The purpose of the Commissioner is to provide sustainable development monitoring and reporting on the progress of category I departments towards sustainable development, which is a continually evolving concept based on the integration of social, economic and environmental concerns, and which may be achieved by, among other things,

- (a) the integration of the environment and the economy;
- (b) protecting the health of Canadians;
- (c) protecting ecosystems;
- (d) meeting international obligations;

- (e) promoting equity;
- (f) an integrated approach to planning and making decisions that takes into account the environmental and natural resource costs of different economic options and the economic costs of different environmental and natural resource options;
- (g) preventing pollution; and
- (h) respect for nature and the needs of future generations.

Petitions received 22. (1) Where the Auditor General receives a petition in writing from a resident of Canada about an environmental matter in the context of sustainable development that is the responsibility of a category I department, the Auditor General shall make a record of the petition and forward the petition within fifteen days after the day on which it is received to the appropriate Minister for the department.

Acknowledgement to be sent (2) Within fifteen days after the day on which the Minister receives the petition from the Auditor General, the Minister shall send to the person who made the petition an acknowledgement of receipt of the petition and shall send a copy of the acknowledgement to the Auditor General.

Minister to respond (3) The Minister shall consider the petition and send to the person who made it a reply that responds to it, and shall send a copy of the reply to the Auditor General, within

- (a) one hundred and twenty days after the day on which the Minister receives the petition from the Auditor General; or
- (b) any longer time, where the Minister personally, within those one hundred and twenty days, notifies the person who made the petition that it is not possible to reply within those one hundred and twenty days and sends a copy of that notification to the Auditor General.

Multiple petitioners (4) Where the petition is from more than one person, it is sufficient for the Minister to send the acknowledgement and reply, and the notification, if any, to one or more of the petitioners rather than to all of them.

Duty to monitor 23. (1) The Commissioner shall make any examinations and inquiries that the Commissioner considers necessary in order to monitor

- (a) the extent to which category I departments have met the objectives, and implemented the plans, set out in their sustainable development strategies laid before the House of Commons under section 24; and
- (b) the replies by Ministers required by subsection 22(3).

Commissioner's report (2) The Commissioner shall, on behalf of the Auditor General, report annually to the House of Commons concerning anything that the Commissioner considers should be brought to the attention of that House in relation to environmental and other aspects of sustainable development, including

- (a) the extent to which category I departments have met the objectives, and implemented the plans, set out in their sustainable development strategies laid before that House under section 24;

(b) the number of petitions recorded as required by subsection 22(1), the subject-matter of the petitions and their status; and

(c) the exercising of the authority of the Governor in Council under any of subsections 24(3) to (5).

Submission and tabling of report

(3) The report required by subsection (2) shall be submitted to the Speaker of the House of Commons and shall be laid before that House by the Speaker on any of the next fifteen days on which that House is sitting after the Speaker receives it.

Strategies to be tabled

24. (1) The appropriate Minister for each category I department shall cause the department to prepare a sustainable development strategy for the department and shall cause the strategy to be laid before the House of Commons

(a) within two years after this subsection comes into force; or

(b) in the case of a department that becomes a category I department on a day after this subsection comes into force, before the earlier of the second anniversary of that day and a day fixed by the Governor in Council pursuant to subsection (4).

Updated strategies to be tabled

(2) The appropriate Minister for the category I department shall cause the department's sustainable development strategy to be updated at least every three years and shall cause each updated strategy to be laid before the House of Commons on any of the next fifteen days on which that House is sitting after the strategy is updated.

Governor in Council direction

(3) The Governor in Council may, on that recommendation of the appropriate Minister for a department not named in Schedule I to the *Financial Administration Act*, direct that the requirements of subsections (1) and (2) apply in respect of the department.

Date fixed by Governor in Council

(4) On the recommendation of the appropriate Minister for a department that becomes a category I department after this subsection comes into force, the Governor in Council may, for the purpose of subsection (1), fix the day before which the sustainable development strategy of the department shall be laid before the House of Commons.

Regulations

(5) The Governor in Council may, on the recommendation of the Minister of the Environment, make regulations prescribing the form in which sustainable development strategies are to be prepared and the information required to be contained in them.



Main Points

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Managing the Safety and Accessibility of Pesticides

Chapter 1 Main Points

1.1 Despite substantial improvements in some areas over the last eight years, the federal government is not adequately ensuring that many pesticides used in Canada meet current standards for protecting health and the quality of the environment. The range of weaknesses we identified raises serious questions about the overall management of the health and environmental risks associated with pesticides.

1.2 The Pest Management Regulatory Agency, a branch of Health Canada, has developed a sound framework for evaluating pesticides, but key elements of the evaluation process need to be strengthened. For example, the Agency needs to use up-to-date evaluation methods; ensure that it has adequate information to complete the evaluations; carefully test its assumptions, especially about user behaviours; and consistently apply its procedures and policies. In particular, we are concerned about the heavy and repeated use of temporary and emergency registrations.

1.3 Health and environmental standards relating to pesticide use have risen, but the progress made in re-evaluating older, widely used pesticides against them has been very slow. All pesticides re-evaluated to date were found to pose significant health or environmental risks, at least for some uses. They were either removed from the market or had greater restrictions placed on their use. It is likely that some pesticides on the market that have not yet been re-evaluated will also fail to meet today's standards.

1.4 If users do not comply with the *Pest Control Products Act* or follow the instructions on pesticide labels, they may risk their health. They may also increase the risk to their families, other people, or the environment. The Agency does not know to what extent pesticide users are complying with the Act and associated regulations. Nor does it know how effective its user compliance programs have been. As a result, it cannot demonstrate that it is meeting its commitments to ensure compliance with the Act.

1.5 Health Canada has done only limited research on the health effects of pesticides despite the federal government's stated priority in this area. Other departments involved in pesticide management are making new efforts to co-ordinate their research and their programs to monitor pesticides, but their efforts need a sharper focus on supporting regulatory decisions.

1.6 Efforts to monitor the health and environmental impacts of pesticides are hampered by a lack of information about their use and adverse effects, by an incomplete set of national guidelines for water quality monitoring, and by a lack of suitable methods to measure pesticides.

1.7 The Pest Management Regulatory Agency is not meeting its targets for evaluating new pesticides. As a result, it is not providing timely access to new, possibly safer, products—a key concern for farmers. However, new measures are being implemented to increase the availability of pesticides for crops grown on small areas of land.

Background and other observations

1.8 The Pest Management Regulatory Agency was created in 1995 as a branch of Health Canada. It has the primary responsibility for regulating pesticides. Other Health Canada branches and other federal departments and agencies, including Agriculture and Agri-Food Canada, the Canadian Food Inspection Agency, Environment Canada, Fisheries and Oceans Canada, and Natural Resources Canada also play important roles in managing pesticides. The federal government shares the responsibility for managing pesticides with provincial, territorial, and in some cases, municipal governments.

1.9 The Pest Management Regulatory Agency faces significant internal challenges. It did not receive the funding it originally expected when it was created and funding has been pieced together from various sources. Funding over the longer term now appears to be more secure. Human resources management will continue to be difficult, as the Agency must now manage and train large numbers of new employees hired to implement the new *Pest Control Products Act*.

1.10 The House of Commons Standing Committee on Agriculture and Agri-Food recommended that we examine the management practices, controls, and reporting systems of the Agency. Parts of this chapter address the Committee's main concerns.

1.11 Prior to this audit, the Office of the Auditor General had examined aspects of federal pesticide management three times over the last fifteen years. In 2002 we reported the results of a follow-up of our 1999 audit of the management of toxic substances.

1.12 In December 2002, the new *Pest Control Products Act* received royal assent. New regulations under the Act and new funding will provide opportunities for the federal government to significantly improve how it manages pesticides. This chapter provides a snapshot of pesticide management against which Parliament can measure the government's progress in this area.

The departments have responded. The departments have generally agreed with our recommendations. Their responses, including the actions they are taking or intend to take to address the recommendations, are set out in the chapter.



Road Transportation in Urban Areas: Accountability for Reducing Greenhouse Gases

Chapter 2 Main Points

2.1 As part of the Kyoto Protocol, the federal government agreed to reduce Canada's greenhouse gas emissions to six percent below 1990 levels over the period 2008 to 2012. The transportation sector is the single largest source of Canada's greenhouse gas emissions, accounting for 26 percent of total emissions in 2001. Government initiatives to reduce greenhouse gas emissions in the transportation sector are expected to account for about 12 percent of the reduction in Canada's total emissions.

2.2 For the most part, the federal government's actions in the transportation sector to address greenhouse gas emissions through partnership agreements are in the early stages of implementation. Therefore, now is an ideal time to ensure that the accountability provisions for these actions are sound and that improvements can be made where necessary.

2.3 We examined the accountability frameworks in place for three existing federal programs that include expected results for reducing greenhouse gas emissions in the transportation sector. These programs are Transport Canada's Moving On Sustainable Transportation (MOST) program and its Intelligent Transportation Systems (ITS) initiative, and Natural Resources Canada's Canadian Transportation Fuel Cell Alliance (CTFCA) program.

2.4 In general, reasonable accountability frameworks are in place for the programs examined. However, all three programs have shortcomings that may prevent them from achieving their long-term, expected results for reducing emissions. We also found that the ITS projects we examined did not have provisions for reporting on environmental impacts. In addition, a report on the roll-up of project outcomes into overall program results has not been prepared for the MOST program, although a framework for doing so has been developed for phase 2 of the program.

2.5 These concerns, if not corrected, will make it difficult for the federal government to assess the contribution these programs are making to their stated outcomes, including reducing Canada's greenhouse gas emissions.

2.6 All of the federal government's actions under Action Plan 2000 and the Climate Change Plan for Canada to reduce greenhouse gas emissions in the transportation sector involve partnering with other levels of government or other stakeholders. Therefore, it is critical that the federal government develop partnership agreements with a strong accountability framework, and that all partners, including the federal government, be held to account for achieving their stated performance expectations.

Background and other observations

2.7 Over 70 percent of Canada's greenhouse gas emissions from transportation are generated by road transportation, with the majority occurring in urban areas where most Canadians live. Greenhouse gas emissions from road transportation rose by more than 25 percent from 1990 to 2001.

2.8 In Canada, the federal, provincial, and municipal governments share the responsibility for transportation. Although urban transportation is not a federal responsibility, it has an impact on several areas of federal interest, such as health, the economy, and the environment.

2.9 The increasing demands for transportation are leading to trends that are not sustainable. Reducing emissions from transportation represents both a major challenge and an important opportunity. Many of the actions that could be adopted in transportation may generate multiple benefits that go beyond reducing greenhouse gas emissions. These benefits include cleaner air, improved health, more efficient transportation systems, and reduced congestion—all of which make our cities healthier and more sustainable.

2.10 Individual Canadians generate about half of their greenhouse gas emissions from personal road transportation, and the government expects every Canadian to reduce his or her emissions by 20 percent. Programs focussed on promoting education and awareness to change people's transportation behaviour are an integral part of the federal government's strategy to reduce greenhouse gas emissions.

2.11 Tools such as intelligent transportation systems and new technologies being developed are an important part of the solution. Although the technology of fuel cells using hydrogen is promising, the estimated net reduction in greenhouse gas emissions represents a very small portion of the transportation sector's projected emissions through to 2020.

2.12 It is important that Transport Canada's 2003–2005 sustainable development strategy reflect the vision contained in its strategic document *Straight Ahead—A Vision for Transportation in Canada* so that there is a clear and consistent picture of the results that the Department and the federal government, as a whole, want to achieve in the area of sustainable transportation.

Transport Canada has responded. Transport Canada has generally accepted our recommendations. Its responses indicate what it is doing, or plans to do, to address them.



Sustainable Development Strategies: Case Studies

Chapter 3 Main Points

3.1 The federal government has made many commitments on the environment and sustainable development. Making these commitments is one thing but achieving and measuring results is another. In this report, we looked at four federal departments to see if they were making progress on commitments they made to Parliament in their 2001 sustainable development strategies. These strategies are important tools that represent the objectives and action plans of departments and agencies for furthering sustainable development.

3.2 Our first case study looks at “green” funding as part of Infrastructure Canada’s \$2 billion Infrastructure Canada Program. The government intended that at least 47 percent of its funding to this Program would be directed to infrastructure that will improve the environment. Tangible environmental benefits are expected to be achieved before the Program ends. We found that many of the green projects related to potable water that are funded by the program do not have clearly defined environmental benefits. As a result, accounting for these projects as green overstates the portion of funding allocated to improving the quality of the environment. We also found that the expected or actual environmental benefits of the Program have yet to be reported to Parliament.

3.3 Two commitments made by Industry Canada that deal with eco-efficiency and environmental technologies form the second case study. These commitments are about how companies produce goods and services in a sustainable manner and how consumers use them; they are about producing less pollution and using natural resources more wisely. Industry Canada is meeting its commitments, producing a variety of information products, and providing investments to support projects in these areas. It has put in place a system to track the status of its commitments and reports on progress to senior management on a regular basis. The Department needs to improve how it measures and reports on the impact its actions are having on making Canadian industries more sustainable.

3.4 The third case study is on Human Resources Development Canada (HRDC). The Department made commitments related to the impact the Kyoto Protocol to the United-Nations Framework Convention on Climate Change will have on Canadian jobs, green employment, and the skills and knowledge required to make Canada a more sustainable society. HRDC has made limited progress on its commitments and has not put in place an effective performance measurement framework to track its own progress. This

indicates to us that the Department attaches low priority to the objective. Delays prevent Canadians from getting answers to important questions regarding sustainable development and employment issues. Lack of progress also means the Department is not identifying opportunities for changing or adjusting its existing policies and programs to further sustainable development.

3.5 Environment Canada's commitment to improve the integration of federal government programs at the community level is the fourth and final case study. A key target in this regard is the development and implementation of a federal framework that would set out the federal government's vision and strategy for making communities more sustainable. The Department will not meet this commitment by the end of its target completion date of 2003 and has not set a new deadline. Without this framework, it will not be clear where the federal government is heading in terms of helping Canadian communities become more sustainable. The Department is not managing its objective in an effective manner. Improved reporting is needed so Parliament and Canadians can know whether communities are, in fact, benefiting from better integrated programs.

Background and other observations

3.6 These case studies reveal how departments are addressing environment and sustainable development issues and the progress they are making. This includes how they are setting objectives and performance expectations, the rate at which they are implementing commitments, and how they are measuring and reporting on performance.

3.7 The case studies illustrate that sustainable development is not just about the environment, but involves important social and economic issues as well. The case studies also show that sustainable development is not just the responsibility of Environment Canada but involves all federal departments including those with social and economic mandates.

3.8 In 1995, Parliament passed amendments to the *Auditor General Act*, creating a legal requirement that the ministers and heads of 25 government departments and agencies prepare sustainable development strategies and update them at least every three years. An additional four federal organizations have voluntarily produced sustainable development strategies. The first strategies were released in December 1997, followed by a second round in February 2001.

3.9 Amendments to the *Auditor General Act* also created the position of Commissioner of the Environment and Sustainable Development. The Commissioner monitors and reports on the progress of departments and agencies toward sustainable development. The Commissioner also reports on how well federal departments and agencies are meeting the objectives and implementing the plans set out in their sustainable development strategies.

3.10 Because our observations deal with selected objectives they should not be applied to other related issues or used as a basis for drawing conclusions about overall progress toward sustainable development by the federal

government as a whole. They should also not be used to draw conclusions about matters not examined.

The departments have responded. Infrastructure Canada, Industry Canada, and Environment Canada have accepted our recommendations. Human Resources Development Canada generally agrees with our recommendation. The responses of each department, which follow the recommendations in the chapter, indicate what they plan to do.



Environmental Petitions

Chapter 4 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).

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