

2010



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

FALL

**Chapter 4**  
Environmental Petitions



Office of the Auditor General of Canada

*The Fall 2010 Report of the Commissioner of the Environment and Sustainable Development comprises The Commissioner's Perspective, Main Points—Chapters 1 to 3, an appendix, and four chapters. The main table of contents for the Report is found at the end of this publication.*

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Chapter

# 4

Environmental Petitions



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## Introduction

### The environmental petitions process

**4.1** The environmental petitions process was created in 1995, through an amendment to the *Auditor General Act*. It is a formal, yet simple, way for Canadians to obtain responses from federal ministers to their questions, concerns, and requests on environmental issues that are within the federal government's mandate. Twenty-seven departments and agencies are currently subject to the process.

**4.2** Any Canadian resident can submit an environmental petition, acting alone or acting on behalf of an organization, business, or municipality. Since the first petition was submitted in late 1996, more than 350 petitions have been submitted. Topics have varied widely, from the impact of a development on a local stream to the right of all Canadians to a healthy environment. Petitioners have used the petitions process to ask for information, investigations, specific actions, and policy changes.

**4.3** The responsible federal ministers must provide a written reply to a petition within 120 calendar days. Ministers are required to notify the petitioner before the end of this period if they do not expect to be able to meet the timeline. This is clearly spelled out in the Act, which requires that ministers respond to each petition. While this means that ministers must answer the petitioner's questions in a timely manner, it does not mean that ministers or departments are required to take action on the issues raised. However, the Act does not restrict departments from taking action.

**4.4** Information on the process and the role of the Commissioner of the Environment and Sustainable Development, who administers the process on behalf of the Auditor General of Canada, is summarized in Exhibit 4.1.

**4.5** In early 2009, the Office released **Getting Answers—A Guide to the Environmental Petitions Process**, to describe the process in more detail. The guide includes

- what kinds of requests that can be made,
- how to write and submit an environmental petition,
- what the role of the Commissioner is, and
- what petitioners can expect from departments and agencies.

**Getting Answers—A Guide to the Environmental Petitions Process** is available on the Office of the Auditor General website ([www.oag-bvg.gc.ca](http://www.oag-bvg.gc.ca)).

**Focus of the report**

**4.6** The purpose of this annual report is to report to Parliament and Canadians on the number, nature, and status of petitions and responses received between 1 July 2009 and 30 June 2010, as is required by section 23 of the *Auditor General Act*. The report also highlights good practices and opportunities for improvement.

**4.7** More details on our work can be found in **About the Chapter**.

**Exhibit 4.1** The environmental petitions process and the role of the Commissioner of the Environment and Sustainable Development

Environmental petitions process			
<b>Starting a petition</b>	A Canadian resident submits a written petition to the Auditor General of Canada.		
<b>Reviewing a petition</b>	The Commissioner reviews the petition to determine if it meets the requirements of the <i>Auditor General Act</i> .		
	<p><b>If the petition meets the requirements of the <i>Auditor General Act</i></b>, the Commissioner will</p> <ul style="list-style-type: none"> <li>determine the federal departments and agencies responsible for the issues addressed in the petition;</li> <li>send the petition to the responsible ministers; and</li> <li>send a letter to the petitioner, listing the ministers to whom the petition was sent.</li> </ul>	<p><b>If the petition does not meet the requirements of the <i>Auditor General Act</i></b>, the petitioner will be informed in writing.</p> <p><b>If the petition is incomplete or unclear</b>, the petitioner will be asked to re-submit it.</p>	
<b>Responding to a petition</b>	<p>Once a minister receives a petition, he or she must</p> <ul style="list-style-type: none"> <li>send a letter, <b>within 15 days</b>, to the petitioner and the Commissioner acknowledging receipt of the petition; and</li> <li>consider the petition and send a reply to the petitioner and Commissioner <b>within 120 days</b>.</li> </ul>		
Ongoing petitions activities			
<b>Monitoring</b>	<b>Reporting</b>	<b>Posting on the Internet</b>	<b>Auditing</b>
The Commissioner monitors acknowledgement letters and responses from ministers.	The Commissioner reports to the House of Commons on the petitions and responses received.	The Commissioner posts petitions, responses, and summary information on the Internet, in both official languages.	The Office of the Auditor General considers issues raised in petitions when planning future audits.

Source: Adapted from the *Auditor General Act* and Getting Answers: A Guide to the Environmental Petitions Process



## Petitions and Responses

### Petitions received

**4.8** During this year's reporting period (1 July 2009 to 30 June 2010), we received 18 petitions, compared with 28 last year and 56 the year before. As we reported last year, the record number in the 2007–08 reporting year was unusual, because over half of the petitions were grouped around a few specific topics, such as fluoride in drinking water and exposure to electromagnetic radiation. The total for the 2008–09 reporting year also included multiple petitions related to electromagnetic radiation issues, but that was not the case this year.

**4.9** When we speak with members of the public, we are frequently told that most Canadians, who may wish to raise environmental concerns with the federal government, are unaware of the process. We made a similar observation in our October 2007 retrospective and annual report chapter. We believe that it is important to continue to raise awareness of this important tool, which gives Canadians an opportunity to discuss environmental issues with their federal government. We will continue to examine a range of cost-effective tools to broaden public awareness of the process, including using social media and other outreach efforts.

**4.10** Petitions were submitted by petitioners residing in six provinces (Exhibit 4.2), with half of the petitions originating in Ontario (nine petitions). Residents of Quebec submitted four petitions, and Nova Scotia residents submitted two.

**4.11** An overview of petitions activity during our reporting period, including petition summaries, is in the Appendix. With the consent of the petitioners, and only after they have been tabled in Parliament, petitions and responses are posted in our petitions catalogue, on the Office of the Auditor General website.

### **A substantial proportion of petitions were submitted by individuals and past petitioners**

**4.12** Twelve (two thirds) of the eighteen petitions submitted this year were submitted by individuals, rather than by organizations; this proportion is similar to that of previous years. The remaining six petitions were submitted by small groups and environmental organizations. Past petitioners submitted nine petitions, half of this year's total; three of the nine were follow-up petitions.

**Exhibit 4.2** Petitions came from six provinces (1 July 2009 to 30 June 2010)



Petition No.	Subject
221E	Follow-up petition on health and environmental concerns regarding the fluoridation of drinking water
240C	Follow-up petition on environmental concerns regarding the Cacouna marsh
269B	Follow-up petition on environmental concerns related to proposed expansion of the Marmot Basin ski area in Jasper National Park, Alberta
287	Potential environmental and public health impact of a federally funded municipal sewage project in L'Isle-Verte, Quebec
288	Concerns about actions taken against a doctor for statements made about cancer rates in Fort Chipewyan, Alberta
289	Health Canada's adherence to the precautionary principle
290	Federal government progress related to the conservation and recovery of wild Atlantic salmon in eastern Canada
291	The Government of Canada's vision and measures for reducing atmospheric carbon emissions
292	The management of salmon and other fisheries on the west coast of Canada

Petition No.	Subject
293	Implementation status of the marine protected areas aspects of the federal government's Health of the Oceans initiatives
294	The health impact of chemicals and pollutants that are released into the environment
295	The potential health and environmental impact of pesticides on apples and other food crops
296	The potential health and environmental impact of using sewage sludge on agricultural land
297	Federal government's management of the impact of pesticides and toxic chemicals on the health of Canadians
298	A proposed hybrid wind/hydro-power development in Cape Breton, Nova Scotia
299	The regulation and approval of fluoridation products added to drinking water
300	The environmental impact of salmon aquaculture in Passamaquoddy Bay, New Brunswick
301	Alleged misinterpretation of exclusion list conditions under the <i>Canadian Environmental Assessment Act</i> related to the construction of a communications tower in Pontiac, Quebec

Source: Petitions submitted to the Auditor General of Canada

**The issues most commonly raised by petitioners related to health, toxic substances, fisheries, and water**

**4.13** There continues to be a diversity of topics. A small number of the petitions received this year dealt with the same topics; we received four petitions about Canada's fisheries.

**4.14** The following three petitions raised issues related to specific fisheries:

- Petition 290 asked Fisheries and Oceans Canada to explain its progress in managing salmon conservation and recovery in Eastern Canada.
- Petition 292 called for Fisheries and Oceans Canada to carry out targeted scientific investigations to evaluate the status of fish populations on the West Coast of Canada.
- Petition 300 asked Fisheries and Oceans Canada and other departments about the environmental impact of intensive salmon aquaculture in New Brunswick on fish habitat and fisheries. In addition, due to proximity of the aquaculture to the United States, the petition raised potential international treaty implications.

**4.15** Petition 293 (the fourth petition about fisheries) raised broader ocean management issues. The federal government was asked about the implementation of its Health of the Oceans initiatives (announced in 2007) that related to marine protected areas. This petition also asked about the status of integrated management plans for a number of oceans regions, including fisheries management plans.

**4.16** Two other petitions, one new and one follow-up, were about the health and environmental impact of fluoridation products being added to drinking water. Petition 299 asked Health Canada how it ensures that fluoridation products that are added to drinking water comply with federal food and drug standards, and Petition 221E is a follow-up petition on the health and environmental impact of adding fluoride to drinking water.

**4.17** When petitions are received, we analyze them to identify the broad issue categories that apply to them. These categories are included in our petitions catalogue to help users with their searches.

**4.18** This year, the most frequently raised issue continues to be the impact of environmental issues on health, followed by issues related to toxic substances, fisheries, and water. Because environmental issues tend to be interrelated and can have an impact on a number of areas, more than one issue category is normally identified for each petition. Some petitions focus on the potential impact of environmental issues on health, for example, fluoride in drinking water. Others identify the impact on health as a consequence of another environmental issue, for example, toxic substances that may exist in sewage sludge (biosolids) applied to agriculture fields (Petition 296).

**4.19** Among petitions that deal with different topics and issues, there are some common themes. The Office's audit work is informed not only by specific petition topics but also by these kinds of common themes. One such theme—the adequacy and objectivity of the science used in policy-making and standard-setting—was again apparent in a number of this year's petitions, for example, in petitions about climate change policy, the health impact of pollutants, and in the fluoridation of drinking water.

**4.20** Other themes this year included gaps and overlaps in the way federal and provincial jurisdictions deal with environmental issues, and transparency and openness related to access to important information, studies, and reports.

#### **There was a fairly even split between local and national issues**

**4.21** This year, petitions were fairly evenly split between those that focused on local, regional, or case-specific issues and those that dealt with national or broad-based issues. Petitions may also contain a mix of local and national issues. For example:

- Petition 301 asked the federal government specific questions about the exemption from environmental assessment for the proposed construction of a communications tower in Pontiac, Quebec. While locally focused, the petition also raised broader questions about the interpretation of federal environmental assessment legislation.
- Petition 300 asked about the impact of intensive salmon aquaculture in Passamaquoddy Bay, New Brunswick. This region is situated in close proximity to the United States, and the petition raises questions related to international treaties as well as local concerns.

### **The petitions guide is designed to help petitioners produce concise petitions**

**4.22** As they did last year, department representatives told us they face challenges in determining petitioners' concerns when the background information and questions are long and unfocused. Petition length does not necessarily correlate with the importance of the issue, the knowledge of the petitioners, or the length or detail of the response. Clarity and factual accuracy are more important than length.

**4.23** We continue to encourage petitioners to submit concise petitions. In our petitions guide (*Getting Answers—A Guide to the Environmental Petitions Process*), we suggest a maximum of 5,000 words and a maximum of 20 questions or requests. We also state that, if those limits are exceeded, the Office reserves the right to not publish petitions on its website. All petitions received this year met these guidelines, averaging 2,000 words and 10 questions.

### **Responses received**

**4.24** This year, responses were due on a total of 30 petitions. Since departments have 120 days to respond after a petition is received, some of the responses covered in this report were for petitions received in the previous reporting period. This is why there is the difference in the number of submitted petitions (18) and the number of petitions for which responses were due (30). Responses for petitions received toward the end of this reporting period will be included in next year's report.

**4.25** Also, since most petitions were directed to more than one department or agency, a total of 84 responses were provided by 16 departments and agencies. Environment Canada typically receives the most petitions; this year it responded to 23 of the 30 petitions. Health Canada received the second most petitions; it responded to 16 petitions.

### **The percentage of on-time responses improved significantly**

**4.26** There has been a significant improvement in the number of on-time responses this year, after two years of decline. This year, 93 percent of responses were provided on time, compared with 77 percent last year and 86 percent the year before.

**4.27** Despite the fact that Environment Canada and Health Canada were responsible for the largest number of responses (23 and 16 respectively), all of their responses were on time. Fisheries and Oceans Canada and Agriculture and Agri-Food Canada were responsible for nine and six responses, respectively, and they also delivered all of their responses on time.

**4.28** This year, five departments responded late to at least one petition, including the Treasury Board of Canada Secretariat, which responded late to the two petitions that it was responsible for (Exhibit 4.3).

**4.29** On average, late responses were submitted 9 days after the 120-day deadline—a significant improvement from last year’s 35-day average. The number of days late ranged from 1 to 20. While Public Works and Government Services Canada was late responding to the only petition it was responsible for this year, it missed the deadline by only one day.

**4.30** Departments and agencies have a legislative obligation to respond within the 120-day period. However, if the responsible minister sends a written notification, within this period, that the response will be delayed, the response is not deemed late. This year, one notification was sent (related to petition 281).

**Exhibit 4.3** Five departments responded late to at least one petition

Department or Agency	Number of responses due	Number of late responses	Percentage on time (%)	Notifications of delay*
Agriculture and Agri-Food Canada	6	0	100	0
Canada Economic Development for Quebec Regions	1	0	100	0
Environment Canada	23	0	100	0
Finance Canada	3	1	67	0
Fisheries and Oceans Canada	9	0	100	1
Foreign Affairs and International Trade Canada	3	0	100	0
Health Canada	16	0	100	0
Indian and Northern Affairs Canada	3	0	100	0
Industry Canada	1	0	100	0
Justice Canada, Department of	2	0	100	0
Natural Resources Canada	3	1	67	0
Parks Canada	3	0	100	0
Public Health Agency of Canada	4	0	100	0
Public Works and Government Services Canada	1	1	0	0
Transport Canada	4	1	75	0
Treasury Board of Canada Secretariat	2	2	0	0
<b>Totals</b>	<b>84</b>	<b>6</b>	<b>93</b>	<b>1</b>

\*Note: A response is not considered to be late if the petitioner is notified of an expected delay before the due date.

### Responses were generally complete and relevant

**4.31** This year, petitioners asked almost 200 questions using the petitions process. These questions, and the answers they receive, vary considerably in length and level of detail. The examples of questions and responses in Exhibit 4.4 illustrate the kinds of exchanges that result from the petitions process.

**Exhibit 4.4** Petitioners' questions and the answers they receive vary considerably in length and level of detail

Question	Response
<p><b>Petition 279, Question 1.</b> Do PWGSC [Public Works and Government Services Canada] and other relevant government departments have policies in place to limit the use of lighting in federal government offices to specific office hours or other periods when offices are actually in use? If so, what are these policies? How are these policies administered, managed, and monitored?</p>	<p><b>Public Works and Government Services Canada's response.</b> Public Works and Government Services Canada (PWGSC) uses design standards, operating guidelines and best practices to optimize the use of lighting in federal government offices by limiting the use of lighting as much as possible. These standards, guidelines, [and] practices govern the use of lighting in Crown-owned office facilities and are designed to take into account the diverse tenants and the varied operations these tenants conduct within Crown-owned facilities across Canada. Further, they are based on legal and other responsibilities that the Crown must discharge.</p> <p>PWGSC provides accommodation to federal departments and agencies, many of which have specific operational requirements beyond the standard hours of operation. For example, certain departments have secure facilities, data centres, and buildings with multiple shifts that require extended lighting hours. Some departments provide services to taxpayers in six Canadian time zones, while others have a requirement to communicate with staff abroad. Therefore, the lighting hours in each building are based on the operational requirement of the client department.</p> <p>In addition, minimum lighting levels are specified by the Canada Labour Code Part II and the National Building Code, supported by the National Fire Code. These codes dictate that emergency/egress lighting be provided in all buildings in Canada, both for security and in the event that the building must be vacated in an emergency. To meet this requirement, PWGSC has been directed by Human Resources and Skills Development Canada to provide continuous lighting with lower light level requirements, connected to emergency lighting circuits. For this reason, some lights are always left on in Crown-owned buildings.</p> <p>PWGSC is continuously adopting industry best practices in reducing energy consumed by lighting, for example,</p> <ul style="list-style-type: none"> <li>• using motion detector-triggered lighting in boardrooms, common areas, and in low traffic areas;</li> <li>• harvesting perimeter daylight that allows for perimeter office lighting to be turned off when natural daylight provides sufficient lighting;</li> <li>• reducing light levels by retro-fitting fluorescent lighting and controls;</li> <li>• piloting personalized lighting controls in individual work spaces; and</li> <li>• upgrading lighting controls to enable occupants to turn on lighting when they enter office spaces each morning, to replace lighting controls that are activated automatically.</li> </ul> <p>PWGSC continues to monitor and introduce ongoing advances in new lighting technology as it becomes commercially available. Moreover any newly constructed office buildings must meet the energy efficient lighting standards set by the Institute</p> <p style="text-align: right;">(Continued on next page)</p>

**Exhibit 4.4** Petitioners' questions and the answers they receive vary considerably in length and level of detail (continued)

Question	Response
	<p>of Electrical and Electronics Engineers and be LEED [Leadership in Energy and Environmental Design] Gold Certified. PWGSC is continually looking for new opportunities for energy savings, including from building lighting, and exploits emerging technologies that will reduce off-hour lighting requirements to a minimum whenever feasible.</p> <p>PWGSC energy experts have reviewed the electrical demand curve for the Department of National Defence Headquarters, presented as figure two in your letter to the Commissioner of the Environment and Sustainable Development. Their review of the past ten months has determined that the lighting control system is functioning properly. The review also concluded that there have been instances when the lighting hours were extended for operational requirements.</p>
<p><b>Petition 285, Question 5.</b> Challenging administrative decisions is an expensive, technically demanding and time consuming proposition. Will the Department of Justice [Canada] provide legal assistance such as intervener funding in circumstances of environmental NGO's [non-governmental organizations] launching judicial reviews of administrative decisions when they are acting in the public interest?</p>	<p><b>Department of Justice Canada's response.</b> There is no federal government program to provide legal assistance to non-governmental organizations for initiating court challenges to administrative decisions of the Government.</p>
<p><b>Petition 291, Question 1.</b> Does the Canadian government, including relevant government ministries, recognize current science that measures atmospheric carbon emissions to be approximately 400 parts per million, states that 350 parts per million is the safe upper limit for emissions, and urges the global community to reduce carbon emissions to 350 parts per million without delay? If the science is recognized, what measures is the Canadian government, including relevant government ministries, taking to ensure that carbon emissions fall to the safe upper limit? If the science is not recognized, upon which data is the Canadian government, including relevant government ministries, basing its decisions and actions?</p>	<p><b>Environment Canada's response.</b> Emissions of carbon dioxide (from fossil fuel combustion, for example) are usually reported in units of grams or tonnes per unit time (e.g. gigatonnes of carbon dioxide per year). Atmospheric concentrations of carbon dioxide are measured in parts per million (ppm). Environment Canada can confirm that current atmospheric carbon dioxide concentrations are below 400 ppm.</p> <p>On November 23, 2009, the World Meteorological Organization reported that the globally averaged atmospheric carbon dioxide concentration for 2008 was 385.2 ppm, an increase of 2 ppm from 2007. The scientific community has not defined a single value for atmospheric carbon dioxide concentrations that is considered "safe," as this type of determination requires judgement based on societal values. The scientific community continues to investigate and report on the implications for society and the environment of different levels of atmospheric greenhouse gas concentrations and related climate change.</p>
<p><b>Petition 296, Question 9.</b> Does the federal government support, in principle, that consumers have a right to adequate, fair and truthful information about food products so that they can make informed decisions about their purchases? If so, does the federal government have plans to label foods that result from the use of treated sewage waste?</p>	<p><b>Health Canada's response.</b> Agricultural use of biosolids is managed at the provincial level. Health Canada is not directly involved in, and does not have authority over, the approval of biosolids for agricultural use. Based on the information currently available and reviewed by Health Canada scientists, there would be no health-driven rationale to support labelling of foods/crops that have been grown using biosolids derived from treated sewage waste.</p>

The full text of the petitions and responses can be found in the petitions catalogue on the Office's website ([www.oag-bvg.gc.ca](http://www.oag-bvg.gc.ca)).



**4.32** As part of its monitoring role, the petitions team routinely reviews each petition response, including determining the potential relevance to planned audits. Our primary considerations when we review petition responses are as follows:

- **Completeness.** Is every question addressed?
- **Relevance.** Are the responses relevant to the questions?

**4.33** We also look for clarity in responses. For example, if the responding department disagrees with information or views that are central to the petition, we look at whether its response includes a clear explanation of the basis for the disagreement. This is the type of observation we may raise with departments, when we meet periodically to discuss the petitions process.

**4.34** Petition responses reflect the government's policy and program objectives and the responding departments' implementation and management of these objectives, which may not align with the views and positions of petitioners. Since we do not judge the quality of a response based on the departments' positions, our perspective on the adequacy of responses may differ from that of petitioners.

**4.35** This year, as in past years, we found that the majority of responses were complete and relevant. Moreover, some petition responses included considerable depth and detail, for example, the responses to petitions 279, 292, and 293.

- **Response to Petition 279.** The petitioner asked about the federal government's policies and actions regarding after-hours lighting of federal office buildings. In its response, Public Works and Government Services Canada explained why lights may remain on after normal hours and described many of its initiatives for greening building operations. As described in paragraph 4.45, this petition elicited media interest.
- **Response to Petition 292.** The petitioner asked the federal government about the management of salmon and other fisheries on the West Coast of Canada. In its 24-page response, Fisheries and Oceans Canada provided a relatively detailed description of its policies and actions regarding the West Coast fisheries. It also provided a reasonably clear explanation of provincial jurisdiction and its overlap with federal mandates in the areas of watershed and fisheries management.
- **Response to Petition 293.** The petitioner asked the federal government to describe the implementation status of its Health of

the Oceans initiatives. The petition was concisely written and included five questions that were directed to a number of departments, including Fisheries and Oceans Canada, Environment Canada, and Parks Canada. Fisheries and Oceans Canada provided a joint response to the petition for the three entities. The response included detailed information, such as financial data and implementation timelines. The other two departments, Transport Canada and Indian and Northern Affairs Canada, replied that they did not have primary responsibility for the specific questions in the petition and stated that the other departments would be better able to respond.

**4.36** While departmental responses provided some depth and detail, petitioners stated, in their response to the petitions feedback survey (paragraphs 4.38 to 4.43), that they were dissatisfied with departmental responses. This dissatisfaction usually related to what they saw as a lack of action or commitment by the departments to deal with the issues that had been raised.

**4.37** We found that Fisheries and Oceans Canada continued to provide petitioners with the names and phone numbers of departmental contacts in case the petitioners require additional information. This good practice demonstrates openness and transparency. We encourage other departments and agencies to adopt a similar approach. For example, we noted that Environment Canada also provided a contact name in its response to Petition 294; however, this did not appear to be a standard practice.

#### **Feedback survey reveals petitioners' views about the quality of responses**

**4.38** In 2009, we implemented a feedback survey to determine petitioner views on departmental responses to petitions and on the petitions process itself. When we prepared this report, we had received 25 feedback survey responses (a response rate of one third). The responses can provide useful information, helping to identify strengths and areas of improvement for the petitions process.

**4.39** Two thirds of the respondents indicated that they had previously contacted the federal government about the issue before they submitted their petition. In almost all of these cases, the petitioners were not satisfied with the outcome, and in a majority of those cases, this was their main motivation for using the petitions process.

**4.40** Petitioners submit environmental petitions for different reasons. According to the feedback survey, the reason petitioners gave most

frequently for submitting petitions is to request action from the federal government (three quarters of all respondents). Other important reasons given were to obtain specific information and formal commitments, to get government to act more quickly, and to raise awareness of an environmental issue within the government as well as with the public. In our discussions with petitioners, we remind them that the process only requires departments to respond to the questions and requests in petitions; it does not require them to take action to deal with the issue.

**4.41** With regard to the feedback survey question on satisfaction with the government's response to their petition, 20 of the 24 petitioners who responded indicated that they were dissatisfied. In addition, petitioners consistently rated the specific aspects of the government's response, such as taking action or making specific commitments, as poor. Several petitioners expressed their disappointment that, in their view, the petitions process does not include a mechanism to ensure that departments take action on issues or provide responses that meet petitioner expectations.

**4.42** As a result, just over half of the petitioners who responded rated their experience with the petitions process as unsatisfactory. Nevertheless, the majority of them indicated that they would consider submitting another environmental petition.

**4.43** The feedback survey also showed that petitioners were most likely to seek guidance on the structure and format of a petition and the kinds of questions and requests that can be made, as well as information about how the petitions process works. When they prepared their petitions, most petitioners sought guidance on the process from the Office's petitions team and made use of the petitions guide.

#### **Petitions can have an impact on issues**

**4.44** Previous petitions chapters contained examples of actions that were prompted or accelerated by petitions; but, in most cases, there is no clear, direct cause-and-effect relationship between petitions and specific actions. However, petitions can contribute to the momentum of an issue by

- raising awareness of the issue and about public concerns related to the issue,
- prompting interdepartmental exchanges,
- creating a clearer public record of the government's views and position on the issue,

- prompting further action by the petitioner, and
- informing audit planning within the Office of the Auditor General.

**4.45** Petitions often raise issues that are of broad public concern or that are emerging into public awareness. Some petitions of the past year have been covered in the news, including an online report that the Canadian Broadcasting Corporation (CBC) did in March 2010. The report included a discussion of lighting practices in federal office buildings (an issue that was raised in Petition 279, see paragraph 4.35). It specifically mentioned the petition, focusing on the issues it raised, and included interviews with the petitioner and the federal departments involved. In addition, an article printed in the Halifax Chronicle Herald, in January 2010, discussed the use of sewage sludge (biosolids) on farmland, the subject of Petition 296. The petitioner was interviewed for the article.

## Conclusion

**4.46** The petitions process remains a unique way for Canadians to present their environmental concerns to federal ministers. They can also use the process to obtain information and, in some cases, commitments to action.

**4.47** We received 18 petitions this year that covered a diversity of topics. There was a significant improvement in on-time responses this year, after two years of decline. This year, 93 percent of responses were provided on time, compared with 77 percent last year and 86 percent the year before. The two departments that responded to the most petitions, Environment Canada and Health Canada, both provided 100 percent of their responses on time this year.

**4.48** The quality of responses is the key to realizing the value of the environmental petitions process. While petitioners have a role to play—that is, submitting petitions that are clear, concise, and well researched—departments have a responsibility to provide complete and relevant responses.

**4.49** We will continue to work to promote good-quality petition responses. We will also continue to consider information from petitions and responses when we do our planning for audits and studies. These actions, among others, are designed to help petitions play their part in influencing federal management of environmental issues.

## About the Chapter

### Objective

The objective of this chapter is to inform Parliament and Canadians about the use of the petitions process. In accordance with sections 22 and 23 of the *Auditor General Act*, the chapter describes the number, nature, and status of petitions received, and the timeliness of responses from ministers. The annual report on environmental petitions summarizes the monitoring of the petitions process by the Commissioner of the Environment and Sustainable Development within the Office of the Auditor General of Canada.

### Period covered by the chapter

The annual report on environmental petitions covers the period from 1 July 2009 to 30 June 2010. The Appendix includes summaries of the petitions received during this reporting period. The work for this chapter was substantially completed on 15 July 2010.

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Erin Windatt

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## Appendix Petitions activity (1 July 2009 to 30 June 2010)

This appendix includes a summary of the petitions (follow-up and new issues) received during the activity period noted above. To access the full text of petitions and responses from December 1995 to 30 June 2010, go to the petitions catalogue on our website. If necessary, paper copies of the catalogue can be obtained on request.

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### **Petition No. 221E: Follow-up petition on health and environmental concerns regarding the fluoridation of drinking water**

**Date received:** 25 November 2009

**Petitioner:** Carole Clinch

**Summary:** In this follow-up petition, the petitioner is concerned about the suitability of Health Canada's review of studies in support of its "weight of evidence" assessment regarding artificial water fluoridation. The petitioner is also concerned about claims without citation in the Canadian Drinking Water Secretariat's recent review on water fluoridation, and questions the impartiality of the review panel. In addition, the petitioner requests that Health Canada formally correct an error in a previous petition response.

**Issues:** Human and environmental health, toxic substances, and water

**Federal departments responsible for reply:** Health Canada, Public Health Agency Canada

**Status:** Replies received but not yet posted

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### **Petition No. 240C: Follow-up petition on environmental concerns regarding the Cacouna marsh**

**Date received:** 21 September 2009

**Petitioner:** Gérard Michaud

**Summary:** In this follow-up petition, the petitioner raises additional concerns related to activities in the Port of Gros-Cacouna, Quebec, and their impact on the conservation and protection of the nearby Cacouna marsh. The petitioner asks questions related to issues raised in his previous petitions and poses several others about future steps for environmental assessment and management of port activities, within the context of the basic principle of sustainable development as described in the federal government's *Federal Sustainable Development Act*. The petitioner also requests remedial action on some sediments exposed by dredging work.

**Issues:** Biological diversity, compliance and enforcement, environmental assessment, transport, and other

**Federal departments responsible for reply:** Environment Canada, Fisheries and Oceans Canada, Transport Canada

**Status:** Replies received but not yet posted

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### **Petition No. 269B: Follow-up petition on environmental concerns related to the proposed expansion of the Marmot Basin Ski Area in Jasper National Park, Alberta**

**Date received:** 26 August 2009

**Petitioners:** Jasper Environmental Association, Bow Valley Naturalists, and UTSB Research

**Summary:** In this follow-up petition, the petitioners expand on their assertion that removing already protected land from the Marmot Basin Ski Area leasehold to allow for the possibility of further development in the area does not constitute a substantial environmental gain. They are concerned that the proposed developments, as

well as potential summer use of the Marmot Basin, could adversely affect the land in question and the wilderness around it, including the three species-at-risk that are present in the area. In addition to questions related to these concerns, the petitioners once again ask the Minister of Environment to respond to two letters about the ski area that were signed by numerous conservation groups and that were sent to the previous Minister.

**Issues:** Biological diversity, environmental assessment, and other

**Federal departments responsible for reply:** Environment Canada, Parks Canada

**Status:** Replies received but not yet posted

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### **Petition No. 287: Potential environmental and public health impact of a federally funded municipal sewage project in L'Isle-Verte, Quebec**

**Date received:** 3 July 2009

**Petitioner:** Gaston Hervieux

**Summary:** The petitioner is concerned about the potential environmental and public health impact of a municipal sewage project in L'Isle-Verte, Quebec. He asks the federal government about measures identified in the environmental assessment, measures that are required by the federal funding program to mitigate the environmental impact in and around the Baie de L'Isle-Verte. He also questions several federal departments about the certification processes for the use of potentially contaminated sewage sludge on agricultural land.

**Issues:** Environmental assessment, fisheries, human and environmental health, waste management, and water

**Federal departments responsible for reply:** Agriculture and Agri-Food Canada, Canada Economic Development for Quebec Regions, Environment Canada, Fisheries and Oceans Canada, Foreign Affairs and International Trade Canada, Health Canada, Industry Canada

**Status:** Completed

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### **Petition No. 288: Concerns about actions taken against a doctor for statements made about cancer rates in Fort Chipewyan, Alberta**

**Date received:** 23 July 2009

**Petitioner:** Frank Woodcock

**Summary:** The petitioner alleges that Health Canada took disciplinary actions against a doctor for publicly raising concerns about cancer rates in Fort Chipewyan, Alberta, a community that is located downstream from oil sand extraction operations. The petitioner seeks information on the rationale for complaints filed against the doctor. The petitioner also asks questions about specific environmental contaminants at Fort Chipewyan and how conditions are being improved.

**Issues:** Governance, human and environmental health, toxic substances, and water

**Federal departments responsible for reply:** Environment Canada, Fisheries and Oceans Canada, Health Canada, Indian and Northern Affairs Canada

**Status:** Completed

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**Petition No. 289: Health Canada's adherence to the precautionary principle**

**Date received:** 23 July 2009

**Petitioner:** Frank Woodcock

**Summary:** The petitioner alleges that Health Canada is not adhering to the precautionary principle. Claiming that Health Canada does not ban toxins and carcinogens until the United States or the European Union take action, the petitioner cites the recent ban on phthalates as an example. The petitioner also asks that Health Canada ban triclosan.

**Issues:** Governance, human and environmental health, and toxic substances

**Federal department responsible for reply:** Health Canada

**Status:** Completed

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**Petition No. 290: Federal government progress related to the conservation and recovery of wild Atlantic salmon in eastern Canada**

**Date received:** 25 August 2009

**Petitioner:** Atlantic Salmon Federation

**Summary:** The petitioner is concerned about the decline of wild Atlantic salmon in Eastern Canada. The petitioner asks about Fisheries and Oceans Canada's progress in managing salmon conservation and recovery in the following areas: fisheries management, habitat protection and restoration, and protection from the impact of aquaculture. The petitioner also asks about progress made against past recommendations of the Commissioner of the Environment and Sustainable Development.

**Issues:** Federal-provincial relations, fisheries, and governance

**Federal department responsible for reply:** Fisheries and Oceans Canada

**Status:** Completed

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**Petition No. 291: The Government of Canada's vision and measures for reducing atmospheric carbon emissions**

**Date received:** 3 November 2009

**Petitioner:** Andrew Urlocker

**Summary:** The petitioner is concerned about atmospheric carbon emissions that he alleges are higher than the safe upper limit suggested by current science. The petitioner raises questions about the Government of Canada's vision and measures to reduce carbon emissions and how these will frame Canadian discussions during the December 2009 Copenhagen climate change negotiations. The petitioner also asks the government what citizen engagement practices will be used for future policy development.

**Issues:** Climate change, governance, international cooperation, and science and technology

**Federal departments responsible for reply:** Department of Finance Canada, Environment Canada, Foreign Affairs and International Trade Canada, Natural Resources Canada

**Status:** Completed

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**Petition No. 292: The management of salmon and other fisheries on the West Coast of Canada**

**Date received:** 7 December 2009

**Petitioner:** Edward J. Beatty

**Summary:** The petitioner is concerned about the federal government's management of salmon and other fisheries on the West Coast of Canada. The petitioner believes that Fisheries and Oceans Canada needs to carry out targeted scientific investigations to evaluate the status of fish populations on the West Coast. He also asks the federal government about various practices that he claims have a detrimental effect on salmon and other fish species, such as the issuance of fish farm licences and the use of various netting practices.

**Issues:** Compliance and enforcement, federal-provincial relations, and fisheries

**Federal department responsible for reply:** Fisheries and Oceans Canada

**Status:** Reply received but not yet posted

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**Petition No. 293: Implementation status of the marine protected areas aspects of the federal government's health of the Oceans initiatives**

**Date received:** 8 January 2010

**Petitioner:** World Wildlife Fund

**Summary:** As part of its 2007 Budget, the Government of Canada committed funding to a series of initiatives to protect fragile marine environments, counter pollution, and strengthen preventive measures. The petitioner asks the responsible federal departments and agencies for information regarding the current status of the implementation of initiatives that deal with the establishment, management, and monitoring of marine protected areas. The petitioner also asks about the status of integrated management plans for a number of ocean regions.

**Issues:** Biological diversity, federal provincial relations, fisheries, and water

**Federal departments responsible for reply:** Environment Canada, Fisheries and Oceans Canada, Indian and Northern Affairs Canada, Parks Canada, Transport Canada

**Status:** Replies received but not yet posted

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**Petition No. 294: The health impact of chemicals and pollutants that are released into the environment**

**Date received:** 20 January 2010

**Petitioner:** Frank Woodcock

**Summary:** The petitioner alleges that many chemicals and pollutants released into the environment are being detected in human umbilical cord blood. He cites a study that provided a list of these chemicals and the consequences each has on the human body. The petitioner asks the federal government what is being done to track chemicals and pollutants released into the environment, as well as those found in humans, and to assess their impact on health. He also asks whether the government has carried out related cost analysis of this impact.

**Issues:** Human and environmental health, pesticides, and toxic substances

**Federal departments responsible for reply:** Environment Canada, Health Canada

**Status:** Replies received but not yet posted

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**Petition No. 295: The potential health and environmental impact of pesticides on apples and other food crops**

**Date received:** 20 January 2010

**Petitioner:** Frank Woodcock

**Summary:** The petitioner alleges that the nutritional value of fruits and vegetables has declined since the Second World War, requiring a larger quantity to obtain the same value. He is concerned about the amount of pesticides used on an equivalent “nutritional kilo” of apples and other food crops today and its potential impact on the environment and on health. He also asks the federal government about the environmental cost of transporting fruit and vegetables and whether Canada’s Food Guide reflects the potential effects of pesticides on listed foods.

**Issues:** Agriculture, human and environmental health, pesticides, and toxic substances

**Federal departments responsible for reply:** Agriculture and Agri-Food Canada, Environment Canada, Health Canada

**Status:** Replies received but not yet posted

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**Petition No. 296: The potential health and environmental impact of using sewage sludge on agricultural land**

**Date received:** 1 February 2010

**Petitioner:** Biosolids and Wastewater Caucus, Nova Scotia Environmental Network

**Summary:** The petitioner alleges that sewage sludge (biosolids) may contain substances that could have a negative impact on humans and the environment when such sludge is used as fertilizer on agricultural land. The petitioner is concerned about these substances leaching into adjacent natural water bodies, and asks the federal government how it is protecting rural environments and residents from potential harmful impact. In addition, the petitioner asks what the government’s plans are for labelling foods treated with sewage waste, and whether biosolids are reported as part of the National Pollution Release Inventory.

**Issues:** Agriculture, federal-provincial relations, human and environmental health, toxic substances, and water

**Federal departments responsible for reply:** Agriculture and Agri-Food Canada, Environment Canada, Health Canada

**Status:** Replies received but not yet posted

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**Petition No. 297: Federal government’s management of the impact of pesticides and toxic chemicals on the health of Canadians**

**Date received:** 2 February 2010

**Petitioner:** Frank Woodcock

**Summary:** The petitioner is concerned that Health Canada is not taking a precautionary approach to protecting the health of Canadians given the many pesticides and toxic chemicals that he alleges are found in the environment and in our food. The petitioner asks Health Canada and other federal departments for information about the amount of pesticides and toxic chemicals in the environment and their impact on the health of Canadians.

**Issues:** Agriculture, air quality, governance, human and environmental health, pesticides, and toxic substances

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**Federal departments responsible for reply:** Agriculture and Agri-Food Canada, Environment Canada, Health Canada

**Status:** Replies received but not yet posted

### **Petition No. 298: A proposed hybrid wind/hydro-power development in Cape Breton, Nova Scotia**

**Date received:** 10 February 2010

**Petitioners:** Save the Grand River Watershed Association, and Mark Macneill

**Summary:** The petitioners are concerned about the potential adverse impact of a proposed hybrid wind/hydro-power project in the Lake Uist area of Cape Breton, Nova Scotia on fish and wildlife habitat, drinking water, recreation, and navigation. The project proposes to use wind turbines to pump water to an elevated reservoir and release it to power hydro turbines. The petitioners request information on federal legal and administrative requirements and actions regarding this project.

**Issues:** Compliance and enforcement, environmental assessment, federal-provincial relations, fisheries, and transport

**Federal departments responsible for reply:** Environment Canada, Fisheries and Oceans Canada, Transport Canada

**Status:** Replies received but not yet posted

### **Petition No. 299: The regulation and approval of fluoridation products added to drinking water**

**Date received:** 19 May 2010

**Petitioners:** Pierre Jean Morin and Gilles Parent

**Summary:** The petitioners are concerned about the addition to drinking water of fluoridation products that they claim are not regulated or approved as drugs or natural products under federal law. They ask Health Canada to explain how it ensures that these products conform with federal food and drug standards. They also ask the Department to explain what the petitioners believe are contradictory statements about fluoridation products added to drinking water. In addition, they ask Health Canada and Justice Canada to provide examples of other anthropic chemicals with claimed health benefits that have been added to drinking water without regulatory approval or informed consent.

**Issues:** Compliance and enforcement, human and environmental health, and water

**Federal departments responsible for reply:** Health Canada, Department of Justice Canada

**Status:** Replies pending

### **Petition No. 300: The environmental impact of salmon aquaculture in Passamaquoddy Bay, New Brunswick**

**Date received:** 3 June 2010

**Petitioner:** Joseph Gough

**Summary:** The petitioner is concerned about the environmental impact of intensive salmon aquaculture in the Passamaquoddy region of New Brunswick. The petitioner asks the federal government about the potential impact that this aquaculture may have on fish habitats and fisheries, as well as on other species. He also raises concerns about cross-border transmission of diseases and invasive species and about possible non-compliance with the Boundary Waters Treaty between Canada and the United States. In addition, he asks how the

aquaculture affects pollution levels as well as economic, environmental, and aesthetic values, and whether Fisheries and Oceans Canada is respecting the precautionary principle.

**Issues:** Biological diversity, compliance and enforcement, fisheries, human and environmental health, and international cooperation

**Federal departments responsible for reply:** Environment Canada, Fisheries and Oceans Canada, Foreign Affairs and International Trade Canada

**Status:** Replies pending

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**Petition No. 301: Alleged misinterpretation of exclusion list conditions under the *Canadian Environmental Assessment Act* related to the construction of a communications tower in Pontiac, Quebec**

**Date received:** 30 June 2010

**Petitioner:** James Riordan

**Summary:** The petitioner is concerned about the construction of a communications tower in Pontiac, Quebec. The petitioner claims the tower has been excluded from an environmental assessment due to a misinterpretation of exclusion list conditions under the *Canadian Environmental Assessment Act*. The petitioner notes the proximity of the site to a nature reserve and its potential impact on migratory birds and on the stability of the soil. He asks the federal departments whether they will reconsider the exclusion decision. The petitioner asks the Minister of the Environment to clarify the exclusion list conditions under the Act. He also raises concerns about the potential health impacts caused by exposure to electromagnetic radiation.

**Issues:** Biological diversity, compliance and enforcement, environmental assessment, and human and environmental health

**Federal departments responsible for reply:** Environment Canada, Health Canada, Industry Canada

**Status:** Replies pending

# Report of the Commissioner of the Environment and Sustainable Development to the House of Commons—Fall 2010

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