

2011



Report of the
**Commissioner of the
Environment and
Sustainable Development**

DECEMBER

Chapter 6
Environmental Petitions



Office of the Auditor General of Canada

The December 2011 Report of the Commissioner of the Environment and Sustainable Development comprises The Commissioner's Perspective, Main Points—Chapters 1 to 5, an appendix, and six chapters. The main table of contents for the Report is found at the end of this publication.

The Report is available on our website at www.oag-bvg.gc.ca.

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Chapter

6

Environmental Petitions

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Introduction

Highlights

6.1 This annual report highlights some of the issues raised by Canadians in environmental petitions in the past year, including shale gas exploration and the labelling of products containing genetically modified organisms. In addition, the report summarizes ministers' performance in responding to petitions. We are pleased to note that Environment Canada, Health Canada, and Fisheries and Oceans Canada continued to have a 100 percent on-time response rate. However, we report that three departments addressed in one petition misinterpreted how economic aspects of environmental issues are an important part of sustainable development. We also report that six ministers of departments addressed in one petition did not provide a substantive response to what, in our view, represents an appropriate question in the petitions process. We believe that this approach to responding to petition questions does not acknowledge the objective of the petitions process, namely, to provide Canadians with an avenue to receive information pertaining to questions about environmental matters in the context of sustainable development.

The environmental petitions process

6.2 The environmental petitions process was created in 1995 through an amendment to the *Auditor General Act*. The process 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. The Commissioner of the Environment and Sustainable Development administers the process on behalf of the Auditor General. The Commissioner also prepares an annual report on petitions and responses, covering the 12-month period from 1 July to 30 June of the following year.

6.3 Any Canadian resident may submit an environmental petition, acting alone or on behalf of an organization, business, or municipality. Since the launch of the process in 1995, the Office has received more than 380 petitions. 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.

6.4 The Office forwards a petition to the federal ministers responsible for the issues raised. The ministers must reply in writing to the petition within 120 calendar days. They 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 specified in the *Auditor General Act*, which states that ministers must respond to each petition. While ministers must answer a petitioner's questions in a timely manner, this 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. Exhibit 6.1 outlines the petitions process.

Exhibit 6.1 The environmental petitions process and the role of the Commissioner of the Environment and Sustainable Development

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

Getting Answers—A Guide to the Environmental Petitions Process

The guide is available on the Office of the Auditor General website (www.oag-bvg.gc.ca).

6.5 To assist petitioners, the Office has produced **Getting Answers—A Guide to the Environmental Petitions Process**.

The guide describes the process in more detail and includes information on

- what kinds of requests 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.

Focus of the annual report

6.6 The purpose of this annual report is to inform Parliament and Canadians about the number, nature, and status of petitions and responses received between 1 July 2010 and 30 June 2011, as required by section 23 of the *Auditor General Act*. The report also highlights good practices and opportunities for improving the petitions process.

6.7 More details on our work are in **About the Annual Report** at the end of this chapter.

Petitions and Responses

Petitions received

6.8 During this year's reporting period (1 July 2010 to 30 June 2011), the Office of the Auditor General of Canada received 25 environmental petitions, compared with 18 last year and 28 the year before. The Appendix presents an overview of petitions activity during our reporting period, including petition summaries. After tabling the petitions in Parliament and with the consent of the petitioners, the Office posts the petitions and responses in the petitions catalogue on our website.

6.9 Members of the public frequently tell us that many Canadians wishing to submit environment-related questions to the federal government are unaware of the process for doing so. We made a similar observation in our October 2007 retrospective and annual report chapter. It is important to continue informing potential users about the petitions process as envisaged by Parliament. We will therefore continue to explore ways to broaden public awareness of the process, including the use of **social media** and other outreach efforts.

Using social media to explain environmental petitions

A video on the environmental petitions process is available on the OAG YouTube channel (<http://www.youtube.com/user/OAGBVG>). In addition, you can follow us on Twitter at [CESD_CEDD](#).

Individuals and past petitioners submitted more than half the petitions

6.10 Petitioners residing in five provinces submitted petitions this year (Exhibit 6.2). More than 80 percent of the petitions originated in Quebec (11 petitions) and Ontario (10 petitions). Residents of Manitoba, British Columbia, and New Brunswick also submitted petitions.

6.11 Individuals submitted 13 (half) of this year's 25 petitions. The remaining petitions came from various groups, including community associations and environmental organizations. Past petitioners submitted 14 petitions, a little more than half of this year's total; 8 of the 14 were **follow-up petitions**.

Follow-up petition—A petition submitted after receiving the response to an initial petition. It can be submitted immediately to ask additional questions or to seek clarification, or in the future to determine the status of the issue and progress made by departments and agencies against any commitments made.

The issues most commonly raised by petitioners concerned environmental assessment, compliance and enforcement, health, and toxic substances

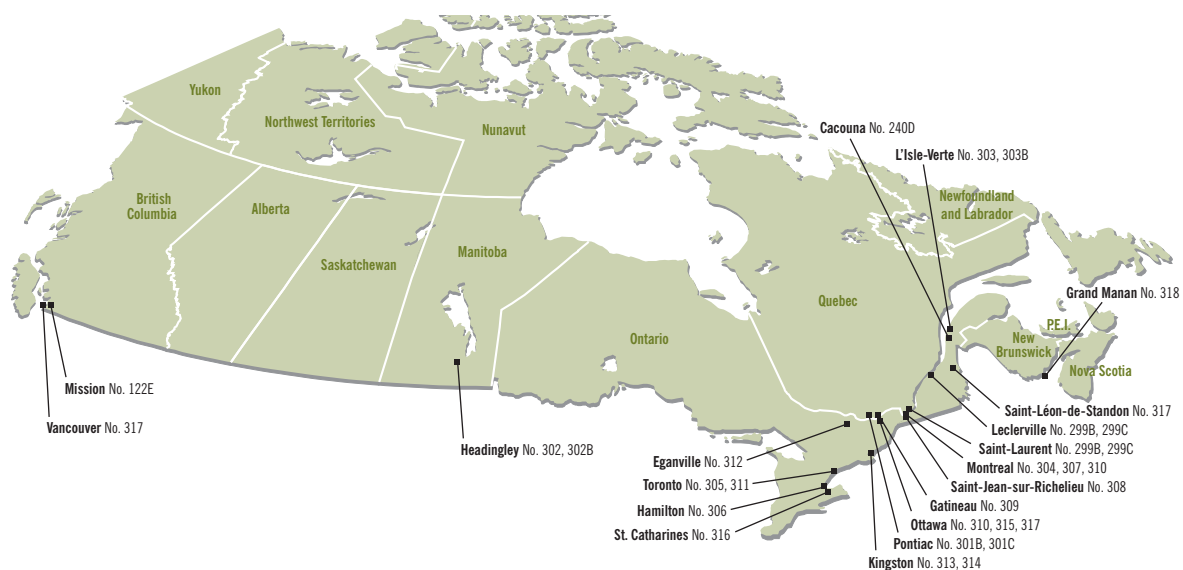
6.12 This year's petitions dealt with 19 different topics, a continuation of the diversity of past years. Topics included regulating Canadian mining operations abroad (Petition 304), labelling for genetically modified organisms (Petition 305), use of **endocrine disrupting chemicals** in cosmetics (Petition 310), construction of a security fence at a Canadian Forces base (Petition 313), and use of toxic chemicals to control sea lice (Petition 318).

Endocrine disrupting chemicals—External agents that interfere with the production, release, transport, metabolism, binding, action, or elimination of the natural hormones in the body responsible for the maintenance of internal equilibrium and the regulation of developmental processes.

6.13 New topics raised in more than one petition this year included the potential environmental impact of hydro projects on First Nations lands and waterways in Manitoba (petitions 302 and 302B), and concerns about an alleged discharge of sewage sludge into the St. Lawrence River near the municipality of L'Isle-Verte, Quebec (petitions 303 and 303B).

6.14 There were also follow-up petitions on topics raised in the previous year. We received two more petitions concerning the regulation and approval of fluoridation products added to drinking water (petitions 299B and 299C), as well as two additional petitions on the alleged misinterpretation of exclusion list conditions under the *Canadian Environmental Assessment Act*, related to the construction of a communications tower in Pontiac, Quebec (petitions 301B and 301C).

6.15 Three of this year's petitions focused on shale gas exploration and extraction in Quebec. This is an emerging environmental issue, not only in Canada but globally as well. Extraction requires the injection of potentially toxic chemicals under high pressure into shale formations containing natural gas—a process known as hydraulic

Exhibit 6.2 Petitions came from five provinces (1 July 2010 to 30 June 2011)

Petition No.	Topic
122E	Follow-up petition on a housing development near Mission, British Columbia
240D	Follow-up petition on environmental concerns regarding the Cacouna marsh
299B	Follow-up petition on the regulation and approval of fluoridation products added to drinking water
299C	Follow-up petition on the regulation and approval of fluoridation products added to drinking water
301B	Follow-up petition on the 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
301C	Follow-up petition on the 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
302	Potential environmental impact of hydro projects on First Nations lands and waterways in Manitoba
302B	Follow-up petition on the potential environmental impact of hydro projects on First Nations lands and waterways in Manitoba
303	Alleged discharge of sewage sludge into the St. Lawrence River near the municipality of L'Isle-Verte, Quebec
303B	Follow-up petition on an alleged discharge of sewage sludge into the St. Lawrence River near the municipality of L'Isle-Verte, Quebec
304	Federal regulation of Canadian mining companies operating in Canada and abroad
305	Accountability for labelling of genetically modified organisms

Petition No.	Topic
306	Regulation of biosolid-based fertilizers under the <i>Fertilizers Act</i>
307	The federal government's role in regulating shale gas exploration in Quebec
308	Federal government responsibilities for shale gas extraction in Quebec
309	Construction of a hotel in a wetland area near the Ottawa International Airport
310	Health and environmental impact of endocrine disrupting chemicals used in cosmetics
311	Abandonment of the <i>Migratory Birds Convention Act</i> incidental take regulatory initiative
312	Federal funding for road construction in a designated flood plain in Ottawa, Ontario
313	Concerns about the environmental assessment for the construction of a security fence at Canadian Forces Base Kingston in Ontario
314	Concerns about the adequacy of environmental assessment for the construction of a sports dome on National Defence property in Kingston, Ontario
315	Environmental assessment of a project on federal wetlands located in the Greenbelt near the Ottawa International Airport
316	Environmental risks related to asphalt waste allegedly dumped in Wainfleet, Ontario
317	National Pollutant Release Inventory reporting of chemicals used for shale gas and in-situ mining
318	Use of toxic chemicals to control sea lice at salmon aquaculture sites in New Brunswick

Source: Petitions submitted to the Auditor General of Canada. Summaries appear in the Appendix.

fracturing, or fracking. The individuals who submitted petitions 307 and 308 recognized that the federal and provincial governments share responsibility for environmental protection. The petitioners asked the federal government to explain its environmental protection role, as well as how its responsibilities could be applied in this area and how shared responsibility is managed. Shale gas was also referred to in Petition 317, which deals in part with disclosing in the National Pollutant Release Inventory the fracking chemicals used in shale gas extraction. We also received two petitions about the environmental assessment of a hotel and convention centre being built on federal lands near the Ottawa Airport (petitions 309 and 315).

6.16 When petitions are received, we review them to identify the issues (categories) that apply to them. To help web users with their searches, our online catalogue lists petitions by number, responding federal institution, and issue.

6.17 Based on our review, the issues identified most frequently in petitions this year were the following:

- Environmental assessment was the most common issue. Most of the petitions dealing with this issue related to assessments of specific projects, such as road construction in a designated flood plain (Petition 312) or a sports dome being built on federal land (Petition 314).
- Compliance and enforcement was another issue frequently raised in petitions. Petition 311 questioned whether Environment Canada's abandonment of a regulatory initiative for migratory birds complies with a decision under the **North American Agreement on Environmental Cooperation**, while petitions 303 and 303B asked whether the alleged discharge of sewage sludge into the St. Lawrence River complies with the *Fisheries Act* and other federal legislation.
- Health and toxic substances were other issues commonly raised in petitions.

North American Agreement on Environmental Cooperation—An environmental agreement signed by Canada, Mexico, and the United States as a side-treaty to the North American Free Trade Agreement (NAFTA). This environmental agreement came into force in 1994. It creates a framework to better conserve, protect, and enhance the North American environment through cooperation and effective enforcement of environmental laws.

Because environmental issues tend to be interrelated and can affect a number of areas, we normally identify more than one issue category for each petition. For example, in the petitions about fluoride in drinking water (Petitions 299B and 299C), the focus is the potential impact of environmental issues on health, but they also deal with issues related to water and toxic substances. The petition about labelling of genetically modified organisms connects health impacts with another environmental issue, such as agriculture (Petition 305).

6.18 Among petitions that deal with different topics and issues, there are often common themes. The most common theme this year was due process, with petitioners expressing concern about the way the federal government applied its policies and procedures. This concern was raised particularly in petitions that dealt primarily with environmental assessment; the petitioners asked questions about the extent of public consultation, the interpretation of assessment criteria, and the full consideration of all potential issues.

6.19 For example, Petition 302 asked about how the federal government consulted with First Nations when carrying out its environmental assessment responsibilities related to hydroelectric projects in Manitoba. The two follow-up petitions to Petition 301 asked about how Industry Canada interprets the criteria for the surface area of a project when determining whether a communications tower is exempt from environmental assessment. Petitions 313 and 314 asked National Defence whether its assessments of two projects in Kingston, Ontario, considered all potential issues, including environmental, cultural, and historical issues.

6.20 Since the federal and provincial governments share responsibility for the environment, a number of petitions focused on the gaps and overlaps between the two levels of government. This theme was particularly prominent in two of the petitions dealing with shale gas exploration and development in Quebec. The petitions asked the federal government to explain its role and responsibilities for environmental protection. Other petitions asked about the extent of federal responsibility for particular issues, such as an alleged discharge of sewage sludge into the St. Lawrence River near L'Isle-Verte, Quebec (Petition 303) or an alleged dumping of waste asphalt in Wainfleet, Ontario (Petition 316).

The majority of petitions dealt with local or regional issues

6.21 This year, the majority of petitions (15) focused on local, regional, or case-specific issues, such as the environmental assessment of a housing development near Mission, British Columbia (Petition 122E), the alleged dumping of asphalt waste in Wainfleet, Ontario (Petition 316), and the control of sea lice at salmon aquaculture sites in New Brunswick (Petition 318). Eight petitions dealt with largely national or broad issues, such as the use of endocrine disrupting chemicals in cosmetics (Petition 310) or the regulation of biosolid-based fertilizers (Petition 306). Two follow-up petitions (301B and 301C) contained a mix of local and

national issues. They used the example of a local case to raise broader questions about the federal government's interpretation of exclusion list conditions under federal environmental assessment legislation.

The petitions guide is designed to help petitioners produce concise petitions

6.22 We continue to encourage petitioners to submit concise petitions because we believe that 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. Consequently, in our petitions guide (*Getting Answers—A Guide to the Environmental Petitions Process*), we suggest a maximum of 5,000 words and no more than 20 questions or requests. We also state that the Office reserves the right to not publish petitions exceeding those limits on its website. Petitions received this year met these guidelines, containing on average 2,500 words and 11 questions.

Responses received

6.23 The *Auditor General Act* requires responsible ministers to consider each petition and reply in writing within 120 calendar days after a petition is received. As a result, some of the responses covered in this report were for petitions received in the previous reporting period. This accounts for the difference in the number of petitions submitted (25) and the number of petitions for which responses were due this year (19, which includes 3 petitions from the previous year). Responses for the 9 petitions received toward the end of this reporting period will appear in next year's report.

6.24 Also, since most petitions were directed to more than one responsible minister, 13 departments and agencies provided a total of 62 responses to the 19 petitions for which responses were due this year. Environment Canada typically ranks first in the number of petitions received; this year it responded to 16 of the 19 petitions. Health Canada ranked second, responding to 11 petitions.

The percentage of on-time responses remained stable

6.25 This year, 92 percent of responses were on time. This is comparable to last year's on-time response rate of 93 percent and significantly higher than the previous year's rate of 77 percent.

6.26 We are pleased to note that 10 departments provided all of their responses on time this year, including the 3 departments responsible for the largest number of responses—Environment Canada (16), Health Canada (11), and Fisheries and Oceans Canada (9). This is the second straight year that 100 percent of responses from Environment

Canada were on time, and the third year for both Health Canada and Fisheries and Oceans Canada.

6.27 This year, three departments responded late to at least one petition. They included Industry Canada, which responded late to the three petitions for which it was responsible (Exhibit 6.3).

6.28 Responses received after the 120-day deadline were 19 days late on average. The performance declined from last year's 9-day average, largely because Industry Canada was late an average of 29 days for the three petitions it was responsible for this year. As of 30 June 2011, National Defence was 6 days late in responding to Petition 313. It replied in early September.

6.29 Although departments and agencies have a statutory obligation to respond within 120 days, the response is not considered to be late if the responsible minister sends a written notification of delay within this period. No notifications of delay were sent this year.

Exhibit 6.3 Three departments responded late to at least one petition

Department	Number of responses due	Number of late responses	Percentage on time (%)	Notifications of delay*
Aboriginal Affairs and Northern Development Canada (formerly Indian and Northern Affairs Canada)	2	1	50	0
Agriculture and Agri-Food Canada	4	0	100	0
Canadian Heritage	1	0	100	0
Environment Canada	16	0	100	0
Fisheries and Oceans Canada	9	0	100	0
Foreign Affairs and International Trade Canada	3	0	100	0
Health Canada	11	0	100	0
Industry Canada	3	3	0	0
Justice Canada, Department of	4	0	100	0
National Defence	1	1	0	0
Natural Resources Canada	4	0	100	0
Public Works and Government Services Canada	1	0	100	0
Transport Canada	3	0	100	0
Totals	62	5	92	0

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

Most responses were complete and relevant

6.30 The 19 petitions that departments responded to this year contained about 230 questions. Questions and responses varied considerably in length and level of detail. Exhibit 6.4 provides examples of types of questions and responses.

6.31 As part of its monitoring role, the petitions team routinely reviews each petition response, including determining the potential relevance to planned audits. We have two primary considerations in our reviews:

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

6.32 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 consider whether its response includes a clear explanation of the reason for the disagreement. This is the type of observation we may raise with departments when we meet periodically to discuss the petitions process.

6.33 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 of petitioners.

6.34 As in past years, this year 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 300 and 310.

- **Response to Petition 300.** In this petition received in 2009–10, the petitioner asked the federal government about the potential impact of salmon aquaculture on fish habitats and fisheries, as well as other species. During the current year, Fisheries and Oceans Canada provided a detailed response, including statistics drawn from numerous federal and provincial studies and programs. The Department also supplied a list of research studies related to sea lice treatment.
- **Response to Petition 310.** The petitioner asked the federal government about the potential human and environmental health impacts of endocrine disrupting chemicals used in cosmetics. In its response, Health Canada provided detailed and understandable information on its work in this area, including its risk assessment processes and its categorization of endocrine disrupting chemicals.

The Department also indicated which chemicals are being used in cosmetics according to its Cosmetic Notification System.

6.35 In responding this year to Petition 301 (Alleged misinterpretation of exclusion list conditions under the *Canadian Environmental Assessment Act*, related to the construction of a communications tower in Pontiac, Quebec), which was received in 2009–10, Environment Canada did not answer two of the petitioner’s questions. We notified the Department of the omission and the Minister subsequently provided the missing answers.

6.36 As in previous years, Fisheries and Oceans Canada, in the majority of its responses, continued to provide petitioners with the names and telephone 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.

Ministers did not provide substantive responses to some questions posed by petitioners

6.37 Although we found that most responses were complete and relevant, we noted that the responsible federal ministers did not provide substantive responses to petitioners’ questions in two petitions—Petition 302 (Potential environmental impact of hydro projects on First Nations lands and waterways in Manitoba) and Petition 308 (Federal government responsibilities for shale gas extraction in Quebec).

6.38 Petition 302, economic aspects of environmental issues. In this petition, received in August 2010, the petitioner expressed concerns about the potential environmental impact of hydro projects on First Nations lands and waterways in Manitoba. In addition, the petitioner asked federal departments to “advise as to the economic losses that Canada agrees were sustained by all Affiliated First Nations as a result of the described impacts and operations by proposed projects and MB [Manitoba] Hydro.”

6.39 In their responses dated January 2011, the Minister of Indian and Northern Affairs, the Minister of the Environment, and the Minister of Transport all replied, “The discussion of the existence or quantification of alleged economic losses in relation to environmental issues is not properly within the scope of an environmental petition under the *Auditor General Act*.” We do not agree with this interpretation.

Exhibit 6.4 Petitioners' questions and the answers they receive vary considerably in length and level of detail

Question	Response
<p>Petition 300*, Question 11. Will DFO [Fisheries and Oceans Canada] or any responsible agency state the number and potential value of lobsters known to have been lost in Passamaquoddy because of chemicals used at salmon cages?</p>	<p>Fisheries and Oceans Canada's response. The only confirmed loss of lobsters was in December 2009. A lobster harvester reported that of 14 crates of lobster stored in the harbour near Fairhaven, Deer Island, 725 pounds of the lobster were dead when hauled out of the water. It has been confirmed that an illegal chemical known as Cypermethrin was deposited in the marine environment and traces of Cypermethrin [were] found in lobsters from [the] Deer Island area. Environment Canada has launched an investigation into this event as Cypermethrin is not authorized for use in Canada in the marine environment. The source of the illegal chemicals is still being investigated.</p>
<p>Petition 122E, Question 3. Did DFO authorize clearing of the peninsula to 15 metres from Silvermere Lake or did Genstar clear the riparian area without a 35(2) authorization from DFO? If no authorization was given, why have charges not been laid under the <i>Fisheries Act</i> and reparations not required for the loss of this habitat?</p>	<p>Fisheries and Oceans Canada's response. DFO did not authorize the clearing of the peninsula to 15 metres from Silvermere Lake. The decision to lay charges is a discretionary one. A number of factors are considered. In this particular case, DFO decided not to lay charges. DFO expects any required reparations to be addressed through the development planning process.</p>
<p>Petition 305, Question 2. How is Health Canada, Agriculture and Agri-Food Canada, Environment Canada, or any other responsible department monitoring the use of the current voluntary standards?</p>	<p>Agriculture and Agri-Food Canada's response. Health Canada is responsible for setting food labelling policies with respect to health and safety matters, for example, nutritional content and special dietary needs. This applies to all foods, including foods that have been derived through genetic engineering. The CFIA [Canadian Food Inspection Agency] is responsible for the development of non-health and safety food labelling regulations and policies and for the enforcement of both the health and safety and non-health and safety requirements.</p> <p>Food label and advertising claims pertaining to the use or non-use of genetic engineering are permissible in Canada, provided such claims are truthful; not misleading; not deceptive; not likely to create an erroneous impression of a food's character, value, composition, merit or safety; and in compliance with all other regulatory requirements.</p> <p>The CGSB [Canadian General Standards Board] standard entitled Voluntary Labelling and Advertising of Foods that Are and Are Not Products of Genetic Engineering is used by the CFIA to help companies comply with the laws that prevent false and misleading representations about the method-of-production claims on their foods.</p> <p>Provided that the requirements outlined in the above two paragraphs are met, it is up to individual businesses to decide whether they wish to make claims through the use of the voluntary standard; the Government of Canada does not play a role in tracking these decisions.</p> <p>Compliance monitoring is conducted to verify that activities regulated by the CFIA are carried out in accordance with the provisions of those acts and regulations administered and enforced by the CFIA. Compliance monitoring will take into account any risks to health and safety and the protection of consumers and market access. Compliance monitoring methods include inspection visits, audits and other verification measures; reporting of information in accordance with requirements under the acts and regulations, including the requirement to keep records, such as Hazard Analysis Critical Control Point and other quality assurance programs; sampling, testing, laboratory analysis and examination of documents; and inspection of products regulated by the CFIA. Delivery of these services is conducted by close to 7,000 employees working across Canada.</p>

Exhibit 6.4 Petitioners' questions and the answers they receive vary considerably in length and level of detail (continued)

Question	Response
<p>Petition 301B, Question 11. Does the Canadian Environmental Assessment Agency maintain a database that includes antenna system projects that have been excluded from environmental assessment under the <i>Canadian Environmental Assessment Act</i>?</p>	<p>Environment Canada's response. The Canadian Environmental Assessment Agency does not maintain a database of projects that have been excluded from environmental assessment under the <i>Canadian Environmental Assessment Act</i>. The Act clearly sets out the responsibilities of both federal authorities and the Agency with respect to the conduct of environmental assessments as well as the maintenance of records. Neither is required to maintain a database of excluded projects.</p>
<p>Petition 310, Question 2. How does Health Canada interpret and enforce the general prohibition in section 16(a) of the <i>Food and Drugs Act</i> with respect to endocrine disrupting chemicals? In assessing the potential of a substance to cause injury, does Health Canada consider long-term aggregate and cumulative exposures, and transgenerational effects? Please supply any relevant policy or guidelines.</p>	<p>Health Canada's response. Under section 16 of the <i>Food and Drugs Act</i>, no person shall sell any cosmetic that contains any substance that may cause injury to the health of the user when the cosmetic is used according to the directions on the label, and under normal use. If any ingredients are found to present a risk to consumers, especially vulnerable populations such as children, Health Canada will act quickly to prohibit or restrict the use of these ingredients.</p> <p>Endocrine disruption is but one potential mechanism of toxicity, and all toxic effects are considered in the assessment of risk. Health Canada takes a risk-based approach with regard to regulating cosmetics. This approach involves the review of scientific literature, including information on acute, short-term, sub-chronic, and chronic exposures and subsequent determinations based on weight of evidence. Route and duration of exposure, consideration of vulnerable populations (e.g. children), validation of key scientific studies, and their applicability to human health effects (including those resulting from changes in endocrine function) are weighed when making a risk determination. Health Canada routinely takes into account long-term exposures in its risk assessments, based on the availability of study data. Aggregate/cumulative exposures and transgenerational effects are also investigated, although these factors typically depend on the availability of very specific study data.</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).

* Petition 300 was received in 2009–10, but the response was due in 2010–11.

6.40 The Act specifies that petitions must be about “an environmental matter in the context of sustainable development.” Section 21.1 of the Act explicitly links environmental and economic issues, describing sustainable development as “a continually evolving concept based on the integration of social, economic and environmental concerns.” Further, the *Federal Sustainable Development Act* describes the basic principle of sustainable development as “an ecologically efficient use of natural, social and economic resources” and the integration of “environmental, economic and social factors in the making of all decisions by government.”

6.41 Moreover, the revised Cabinet Directive on Strategic Environmental Assessments, released in 2010, states that the government is committed to the goal of sustainable development, and that decision makers at all levels must be able to take economic, social, and environmental considerations into account in order to make informed decisions in support of sustainable development.

Consequently, environmental issues in the context of sustainable development are not limited to biophysical concerns. In our view, the petitioner's question fell within the scope of an environmental petition under the Act, and responsible ministers were therefore required to consider the question and provide a reply that responds to the question.

6.42 In our view, departments have three options for responding to petitioners' questions:

- They can provide the information requested, if available.
- They can explain that the requested information is not available.
- They can provide a rationale or explanation for why available information may not be provided.

6.43 We communicated our views to the departments concerned. In subsequent communications with the Office, the three departments explained that subsequent events related to the issue in this petition, including the receipt of a follow-up petition in June 2011, would preclude them from providing a substantive response to the petitioner. However, at the time of preparing this report, the departments had not yet conveyed their explanation to the petitioner with respect to the question in the original petition.

6.44 **Petition 308, federal roles and responsibilities for environmental protection.** The petitioner asked the federal government to explain its environmental protection mandate regarding shale gas extraction in Quebec. In particular, the first question of this petition asked:

What are the federal government's areas of jurisdiction, and which federal statutes take precedence over provincial environmental protection laws that would allow the Canadian government to intervene in shale gas exploration and development in Quebec? In the event of shared jurisdiction, how would it be shared between the federal and provincial governments?

6.45 The ministers responsible for Agriculture and Agri-Food Canada, Fisheries and Oceans Canada, Natural Resources Canada, and Health Canada replied that because of the nature of the question, the Minister of Justice would answer. While the Minister of the Environment responded to part of another question, he did not specifically reply to this question. On behalf of all the petitioned departments, the Minister of Justice responded, "This question

constitutes a request for legal advice. The Minister of Justice cannot provide legal advice to citizens.”

6.46 In our view, the petitioner simply wished to know the federal government’s role in protecting the environment and human health in relation to shale gas exploration and extraction activities. The petitioner also wished to know how the federal and provincial government manage areas of shared jurisdiction.

6.47 The petitioned departments are responsible for the implementation of laws, regulations, and programs that could be relevant to the shale gas issue, including the *Canadian Environmental Assessment Act*, the *Fisheries Act*, and the *Canadian Environmental Protection Act, 1999* (CEPA 1999). In our view, a substantive response to the petitioner’s question was warranted—one that would provide a description of federal jurisdiction for environmental protection in areas potentially affected by shale gas exploration. Such a response would not, in our view, constitute legal interpretation or advice.

6.48 At the same time as this petition, we received another petition on the same topic: Petition 307, the federal government’s role in regulating shale gas exploration in Quebec. The same departments responded with detailed descriptions of federal responsibilities related to environmental protection in the context of shale gas exploration. For example, Fisheries and Oceans Canada described its responsibilities under the *Fisheries Act*, specifically those related to the harmful alteration, disruption, or destruction of fish habitat. Health Canada explained that the *Canadian Environmental Protection Act, 1999* is one of the federal acts that it can use to help protect the health of Canadians, and that the Act sets out the Department’s responsibilities for the assessment of chemical substances. Environment Canada also described its responsibilities under CEPA 1999 as well as its pollution prevention responsibilities under the *Fisheries Act*.

6.49 We communicated our views to the departments concerned; their officials stated that the departments stood by their responses. While their responses to Petition 308 comply with the requirements of the Act, we believe that the petitioned departments have not provided a substantive response to what, in our view, represents an appropriate question in the petitions process. We believe that this approach to responding to petition questions does not acknowledge the objective of the petitions process: namely, to provide Canadians with an avenue to receive information pertaining to questions about environmental matters in the context of sustainable development.

Recent audit work has made use of petitions and responses

6.50 The Office's audit work is shaped by specific petition topics, the broader environmental issues, and common themes. Recent audit work in our Office has benefited from knowledge gained through petitions and responses. For example, in the October 2011 Report of the Commissioner of the Environment and Sustainable Development, Chapter 2, Assessing Cumulative Environmental Effects of Oil Sands Projects, we took into account the government's response to Petition 263, which asked for the status of joint panel recommendations to the federal government. Those recommendations included items such as the inclusion of conditions of approval requiring project proponents to provide additional monitoring and reports.

Conclusion

6.51 The environmental petitions process remains a unique way for Canadians to present their concerns to federal ministers. Through the process, they can also request information and, in some cases, ask for commitments to action.

6.52 The Office of the Auditor General of Canada received 25 petitions this year, compared with 18 last year and 28 the year before. There continues to be a diversity of topics and issues in the petitions received.

6.53 Of the responses this year, 92 percent were on time. This is comparable to last year's 93 percent and significantly higher than the figure for the preceding year (77 percent). The two departments that responded to the most petitions, Environment Canada and Health Canada, both responded on time in 100 percent of the cases.

6.54 We found that most responses were complete and relevant. Nevertheless, we noted some cases in which the responsible federal ministers did not provide substantive answers to petitioners' questions. High-quality responses are key to achieving the objective of the environmental petitions process, which is to allow Canadians to receive information pertaining to questions about an environmental matter in the context of sustainable development. Petitioners have a role to play by submitting petitions that are clear, concise, and well researched. For their part, departments and agencies have a responsibility to provide complete and relevant responses.

6.55 We will continue to work to promote high-quality petition responses. We will also continue to consider information from petitions and responses when we plan for audits and studies. These actions, among others, are designed to help petitions play their part in influencing the federal government's management of environmental issues.

About the Annual Report

Objective

The objective of this annual report is to inform Parliament and Canadians about the use of the environmental petitions process. In accordance with section 23 of the *Auditor General Act*, the report describes the number, nature, and status of petitions received, and the timeliness of responses from ministers.

Scope and approach

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 annual report

This annual report on environmental petitions covers the period from 1 July 2010 to 30 June 2011. The Appendix includes summaries of the petitions received during the reporting period. The work for this report was substantially completed on 15 July 2011.

Petitions team

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Appendix Petitions activity (1 July 2010 to 30 June 2011)

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 the creation of the environmental petitions process in 1995 to 30 June 2011, go to the petitions catalogue on our website. If necessary, paper copies of the catalogue can be obtained on request.

Petition 122E: Follow-up petition on a housing development near Mission, British Columbia

Date received: 25 August 2010

Petitioner: A Canadian resident

Summary: The petitioner is concerned about the potential impact of a housing development project on the Silvermere Lake and lower Stave River ecosystems near Mission, British Columbia. The petitioner is concerned that an environmental assessment of this project, pursuant to the *Canadian Environmental Assessment Act*, was terminated before it was completed. The petitioner asks Fisheries and Oceans Canada to explain both its reasons for terminating the assessment and its plans for enforcing the *Fisheries Act*. In addition, the petitioner asks Environment Canada about what it is doing to protect species at risk in these ecosystems.

Issues: Biological diversity, compliance and enforcement, environmental assessment, and fisheries

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

Status: Completed

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

Date received: 3 March 2011

Petitioner: Gérard Michaud

Summary: In this follow-up petition, the petitioner raises additional concerns related to activities in the Port of Gros-Cacouna, Quebec, particularly with respect to sediment from dredging operations. In addition to questions about environmental assessment of the potential long-term impact of these activities, the petitioner asks about the potential health impact of heavy metals in sediments on plants used as a food source.

Issues: Environmental assessment, fisheries, human and environmental health, and toxic substances

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

Status: Replies received but not yet posted

Petition No. 299B: Follow-up petition on the regulation and approval of fluoridation products added to drinking water

Date received: 23 November 2010

Petitioners: Gilles Parent and Pierre Jean Morin

Summary: In this follow-up petition, the petitioners seek further information about fluoridation products being added to drinking water. Referring to Health Canada's assertion, in its response to their first petition, that fluoridation products are mineral nutrients, the petitioners ask the Department to explain how it ensures that these products conform with federal food and drug standards.

Issues: Compliance and enforcement, human and environmental health, toxic substances, and water

Federal department responsible for reply: Health Canada

Status: Completed

Petition No. 299C: Follow-up petition on the regulation and approval of fluoridation products added to drinking water

Date received: 20 December 2010

Petitioners: Gilles Parent and Pierre Jean Morin

Summary: In this follow-up petition, the petitioners refer to a Supreme Court decision that they claim describes fluoridation products as medication, and they ask Health Canada to reconcile this with its claim that fluoridation products are mineral nutrients. The petitioners ask the Department of Justice Canada whether the fluoridation of drinking water respects the *Canadian Charter of Rights and Freedoms*. They also ask Environment Canada and Health Canada to describe the studies done and actions taken to assess the impact of fluoridation on aquatic ecosystems.

Issues: Compliance and enforcement, human and environmental health, toxic substances, and water

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

Status: Completed

Petition 301B: Follow-up petition on the 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: 31 December 2010

Petitioner: James Riordan

Summary: Following up on departmental responses to his previous petition, the petitioner asks Industry Canada to explain the criteria it used to exclude both the withdrawn project and its replacement from environmental assessment. He asks Environment Canada for information about the tracking of similar types of projects that have also been excluded from environmental assessment. He also asks Health Canada for its views on a recent study of the health effects of radiation exposure from telecommunications towers.

Issues: Environmental assessment, and human and environmental health

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

Status: Completed

Petition No. 301C: Follow-up petition on the 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 2011

Petitioner: James Riordan

Summary: Following up on departmental responses to his previous petitions, the petitioner asks Industry Canada and Environment Canada to explain the rationale behind their interpretation of “footprint” under the *Canadian Environmental Assessment Act’s Exclusion List Regulations*. The petitioner is concerned that Industry

Canada excludes antenna projects from environmental assessment by calculating the project's footprint by individual element rather than as the sum of the constituent elements or as the total land area needed for the structure. The petitioner also asks Environment Canada to reconsider its position on tracking projects excluded from an environmental assessment.

Issues: Environmental assessment, and science and technology

Federal departments responsible for reply: Environment Canada, Industry Canada

Status: Replies received but not yet posted

Petition No. 302: Potential environmental impact of hydro projects on First Nations lands and waterways in Manitoba

Date received: 30 August 2010

Petitioner: Southern Chiefs' Organization Inc.

Summary: The petitioner is concerned about the potential environmental impact of hydro projects on First Nations lands and waterways in Manitoba. The petitioner claims that these projects were approved without adequate consultation with First Nations and were not in compliance with federal processes for environmental assessments. The petitioner asks the federal government about assessments that have been carried out and requests that federal departments investigate the environmental impact of these hydro projects.

Issues: Aboriginal affairs, compliance and enforcement, environmental assessment, and fisheries

Federal departments responsible for reply: Environment Canada, Fisheries and Oceans Canada, Health Canada, Aboriginal Affairs and Northern Development Canada, Natural Resources Canada, Transport Canada

Status: Replies received but not yet posted

Petition No. 302B : Follow-up petition on the potential environmental impact of hydro projects on First Nations lands and waterways in Manitoba

Date received: 8 June 2011

Petitioner: Southern Chiefs' Organization Inc.

Summary: In this follow-up petition, the petitioner asks federal departments to provide specific details about their consultations with First Nations on the potential impact of Manitoba hydro projects on First Nations lands and waterways. The petitioner also asks the departments to provide a commitment to, and an action plan for, carrying out future consultations with First Nations.

Issues: Aboriginal affairs and environmental assessment

Federal departments responsible for reply: Environment Canada, Fisheries and Oceans Canada, Health Canada, Aboriginal Affairs and Northern Development Canada, Natural Resources Canada, Transport Canada

Status: Replies received but not yet posted

Petition No. 303: Alleged discharge of sewage sludge into the St. Lawrence River near the municipality of L'Isle-Verte, Quebec

Date received: 14 September 2010

Petitioner: Gaston Hervieux

Summary: The petitioner is concerned about the potential environmental impact of the alleged discharge of sewage sludge into the St. Lawrence River, from the sewage aeration lagoons of the municipality of l'Isle-Verte, Quebec. The petitioner asks the federal government about its role and responsibilities in this area, and asks what measures it will take to ensure that its provincial and municipal counterparts respect federal environmental regulations.

Issues: Compliance and enforcement, federal-provincial relations, waste management, and water

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

Status: Completed

Petition No. 303B: Follow-up petition on an alleged discharge of sewage sludge into the St. Lawrence River near the municipality of L'Isle-Verte, Quebec

Date received: 23 March 2011

Petitioner: Gaston Hervieux

Summary: In this follow-up petition, the petitioner seeks further explanation from Environment Canada on a number of its responses to the original petition. In particular, the petitioner asks Environment Canada to describe the investigation and enforcement action it has taken in response to the alleged discharge of sewage sludge into the St. Lawrence River.

Issues: Compliance and enforcement, waste management, and water

Federal department responsible for reply: Environment Canada

Status: Reply received but not yet posted

Petition No. 304: Federal regulation of Canadian mining companies operating in Canada and abroad

Date received: 16 September 2010

Petitioner: Isabelle Sawyer

Summary: The petitioner is concerned that federal mining laws and regulations may not apply to Canadian mining companies operating abroad. The petitioner asks the federal government to explain what laws and regulations govern mining in Canada and whether they also apply to Canadian mining operations outside the country. The petitioner also inquires about the potential legal and financial consequences for mining companies that infringe on federal mining laws and regulations.

Issues: Compliance and enforcement, and natural resources

Federal departments responsible for reply: Environment Canada, Fisheries and Oceans Canada, Foreign Affairs and International Trade Canada, Aboriginal Affairs and Northern Development Canada, Natural Resources Canada, Transport Canada

Status: Completed

Petition 305: Accountability for labelling of genetically modified organisms

Date received: 16 September 2010

Petitioners: Canadian Institute for Environmental Law and Policy, and The Canadian Council of Churches

Summary: The petitioners are concerned that the federal government is not monitoring the use or evaluating the effectiveness of its voluntary labelling standard for genetically modified organisms. The petitioners ask the federal government about its plans to monitor and evaluate the effectiveness of the standard. They also ask whether the federal government has assessed and considered the labelling practices in other jurisdictions. In addition, the petitioners ask the government to describe circumstances under which it would implement mandatory labelling of genetically modified organisms, because they are concerned that such organisms may have an impact on the environment and on human health.

Issues: Agriculture, environmental assessment, and human and environmental health

Federal departments responsible for reply: Agriculture and Agri-Food Canada, Environment Canada, Health Canada, Public Works and Government Services Canada

Status: Completed

Petition No. 306: Regulation of biosolid-based fertilizers under the *Fertilizers Act*

Date received: 31 December 2010

Petitioner: John Mitchell

Summary: The petitioner alleges that the definition of “sell” in the *Fertilizers Act* was amended in 1957 to include the word “distribute.” He also alleges that Agriculture and Agri-Food Canada does not accept this definition and does not regulate fertilizers that are distributed freely, such as sewage sludge or biosolids. The petitioner is concerned that biosolid-based fertilizers have been allowed into the food chain and that they may affect human and environmental health.

Issues: Agriculture, compliance and enforcement, human and environmental health, and toxic substances

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

Status: Completed

Petition 307: The federal government’s role in regulating shale gas exploration in Quebec

Date received: 30 December 2010

Petitioner: Simon-Philippe Breton

Summary: The petitioner is concerned about the potential impact on environmental and human health of shale gas exploration in the St. Lawrence Valley in Quebec. The petitioner asks federal departments to describe what steps, policies, and actions the government could take to protect soil and water quality, riparian flora and fauna (found on the banks of rivers or other bodies of water), agriculture, and human health.

Issues: Environmental assessment, federal-provincial relations, human and environmental health, natural resources, and water

Federal departments responsible for reply: Agriculture and Agri-Food Canada, Environment Canada, Fisheries and Oceans Canada, Health Canada, Natural Resources Canada

Status: Completed

Petition No. 308: Federal government responsibilities for shale gas extraction in Quebec

Date received: 30 December 2010

Petitioner: Joël Bédard

Summary: The petitioner is concerned about the potential environmental and human health impacts of shale gas extraction in the St. Lawrence Valley in Quebec. The petitioner asks the federal government to explain its mandate in this area, including legislation and policies, and how the federal and provincial governments manage shared responsibilities. In addition, the petitioner raises concerns about Quebec laws related to shale gas extraction that the petitioner claims may violate the *Canadian Charter of Rights and Freedoms*.

Issues: Agriculture, federal-provincial relations, human and environmental health, natural resources, and toxic substances

Federal departments responsible for reply: Agriculture and Agri-Food Canada, Environment Canada, Fisheries and Oceans Canada, Health Canada, Justice Canada, Natural Resources Canada

Status: Completed

Petition No. 309: Construction of a hotel in a wetland area near the Ottawa International Airport

Date received: 7 January 2011

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

Summary: The petitioner is concerned about tree cutting that took place for the construction of a convention centre and a hotel in a wetland area belonging to Transport Canada and leased to the Ottawa International Airport. The petitioner asks whether the federal government should wait for the publication of a report by the Province of Ontario regarding the assessment of these wetlands before beginning construction. Furthermore, the petitioner asks the federal government whether this construction project contravenes environmental and sustainable development legislation, such as the *Species at Risk Act*.

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

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

Status: Replies received but not yet posted

Petition No. 310: Health and environmental impact of endocrine disrupting chemicals used in cosmetics

Date received: 26 January 2011

Petitioners: Suzuki Foundation and Réseau des femmes en environnement

Summary: The petitioners allege that endocrine disrupting chemicals are used in cosmetic products in Canada. They are concerned about the consequences this may have on the health of humans and on the environment. The petitioners ask Health Canada how it interprets and enforces the *Food and Drugs Act* and the *Cosmetics Regulations* with respect to these substances. They also ask Environment Canada how it monitors the release of endocrine disrupting chemicals into the environment.

Issues: Human and environmental health, and toxic substances

Federal departments responsible for reply: Environment Canada, Health Canada

Status: Replies received but not yet posted

Petition No. 311: Abandonment of the *Migratory Birds Convention Act* incidental take regulatory initiative

Date received: 3 February 2011

Petitioner: Ecojustice Canada

Summary: The petitioner is concerned that Environment Canada is abandoning a regulatory initiative that would have regulated the destruction of migratory birds or their nests and replacing it with a Best Management Practices regime. The petitioner asks Environment Canada to explain how it will enforce the *Migratory Birds Convention Act, 1994* with respect to logging and other industrial activities, and to provide information about its proposed Best Management Practices regime. The petitioner believes that Canada continues to be in violation of a North American Agreement on Environmental Cooperation decision and asks Foreign Affairs and International Trade Canada to explain its position.

Issues: Biological diversity, compliance and enforcement, and international cooperation

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

Status: Replies received but not yet posted

Petition No. 312: Federal funding for road construction in a designated flood plain in Ottawa, Ontario

Date received: 8 February 2011

Petitioner: Ted Cooper

Summary: The petitioner alleges that the Terry Fox Drive extension in Ottawa, Ontario, is being constructed in a flood plain designated under the Canada–Ontario Flood Damage Reduction Program. He asks Environment Canada how issues related to construction of a road in a designated flood plain were considered in the environmental assessment of the project.

Issues: Environmental assessment and federal-provincial relations

Federal department responsible for reply: Environment Canada

Status: Reply received but not yet posted

Petition No. 313: Concerns about the environmental assessment for the construction of a security fence at Canadian Forces Base Kingston in Ontario

Date received: 11 February 2011

Petitioners: Residents of Ravensview Subdivision, Kingston, Ontario

Summary: The petitioners are concerned that the environmental assessment for the construction of a security fence at Canadian Forces Base Kingston was carried out without adequate public consultation. They also allege that the assessment report contains factual errors in a number of areas, including wildlife, aquatic habitat, and cultural heritage. The petitioners ask National Defence and other relevant departments to explain their actions and to provide information in support of statements and commitments made in the environmental assessment.

Issue: Environmental assessment

Federal departments responsible for reply: Canadian Heritage, Environment Canada, Fisheries and Oceans Canada, National Defence

Status: Replies received but not yet posted

Petition No. 314: Concerns about the adequacy of environmental assessment for the construction of a sports dome on National Defence property in Kingston, Ontario

Date received: 2 June 2011

Petitioner: Save Kingston's Heritage Gateway

Summary: The petitioner is concerned about the potential impact of a sports dome that National Defence proposes to build on its property in Kingston, Ontario. The petitioner claims that the environmental assessment was not properly carried out and alleges that the assessment did not consider or propose mitigation measures for some significant adverse impacts. These include noise and light pollution, possible soil contamination, and the potential impact on the cultural and heritage character of the area. The petitioner is also concerned about the absence of consultation with the public and other federal authorities in the environmental assessment process for this project.

Issue: Environmental assessment

Federal departments responsible for reply: Canadian Heritage, Environment Canada, National Defence, Parks Canada

Status: Replies received but not yet posted

Petition No. 315: Environmental assessment of a project on federal wetlands located in the Greenbelt near the Ottawa International Airport

Date received: 8 June 2011

Petitioner: Lucia Alloggia

Summary: The petitioner raises concerns about the environmental assessment process for a development project on federal wetlands located in the Greenbelt near the Ottawa International Airport. The petitioner asks the federal government how it considered the potential environmental impact of the project on fish habitat, endangered species, and wetlands.

Issues: Biological diversity, compliance and enforcement, environmental assessment, and fisheries

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

Status: Replies received but not yet posted

Petition No. 316: Environmental risks related to asphalt waste allegedly dumped in Wainfleet, Ontario

Date received: 7 June 2011

Petitioners: Alexander and Olivera Davidoff

Summary: The petitioners are concerned about the environmental impact of contaminants from asphalt allegedly dumped on private property in Wainfleet, Ontario, and potentially leaching into the surrounding aquatic ecosystems through groundwater and runoff. The petitioners claim that this could have an impact on fish and fish habitat, as well as local fisheries, and asks how federal departments have assessed the potential risks. The petitioners also ask how the federal government can expedite the cleanup of the site.

Issues: Compliance and enforcement, fisheries, toxic substances, waste management, and water

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

Status: Replies received but not yet posted

Petition No. 317: National Pollutant Release Inventory reporting of chemicals used for shale gas and in-situ mining

Date received: 22 June 2011

Petitioners: Environmental Defence, Association québécoise de lutte contre la pollution atmosphérique (AQLPA), and West Coast Environmental Law Association

Summary: The petitioners are concerned that the chemicals used in shale gas extraction and in-situ mining are not being reported to the National Pollutant Release Inventory (NPRI). The petitioners claim that some of the chemicals used in these extraction processes can affect human health and are listed as Group 1 substances for reporting to the NPRI. The petitioners are concerned that current NPRI reporting requirements exclude oil and gas exploration and drilling activities, and they ask Environment Canada how it tracks and reports on the substances used in these extraction processes.

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

Federal department responsible for reply: Environment Canada

Status: Replies received but not yet posted

Petition No. 318: Use of toxic chemicals to control sea lice at salmon aquaculture sites in New Brunswick

Date received: 15 June 2011

Petitioner: Grand Manan Fishermen's Association Inc.

Summary: The petitioner is concerned about the use of various chemicals to control sea lice at salmon aquaculture farms in southwestern New Brunswick since 2009. The petitioner asks whether the chemicals used to treat sea lice infestations at the aquaculture sites are considered deleterious substances under the *Fisheries Act* and whether their release into the water could be considered a destruction of fish habitat. The petitioner also asks about the process for registering pesticides for emergency use and the proposed regulations regarding fish pathogens and pest treatments.

Issues: Compliance and enforcement, fisheries, pesticides, toxic substances, and water

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

Status: Replies received but not yet posted

Report of the Commissioner of the Environment and Sustainable Development—December 2011

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