

Getting Answers

A GUIDE TO THE ENVIRONMENTAL PETITIONS PROCESS



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

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Getting Answers—A Guide to the Environmental Petitions Process

What is the environmental petitions process?

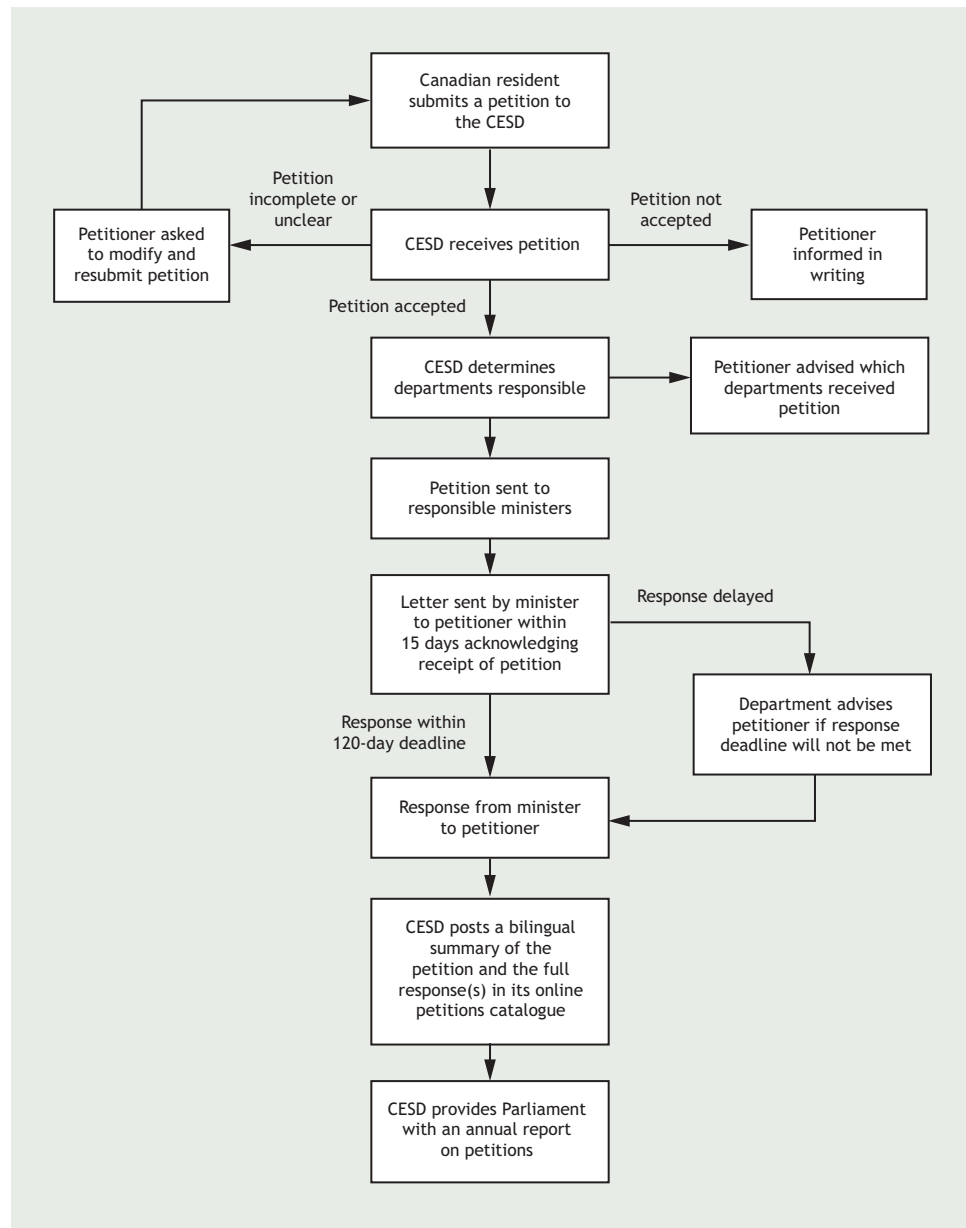
The environmental petitions process was created as a result of a 1995 amendment to the *Auditor General Act*. It is a way for Canadians to bring their concerns about environmental and sustainable development issues to the attention of the federal government and obtain a formal response. Unlike other public petitions, environmental petitions do not need to contain multiple signatures. It can be a simple letter.

On behalf of the Auditor General of Canada, the Commissioner of the Environment and Sustainable Development manages the environmental petitions process and monitors responses of federal ministers. Once a petition is received and accepted, it is forwarded to the appropriate minister(s). Federal ministers respond to petitions on behalf of departments and agencies.

The Commissioner reports annually to Parliament, and each report contains a chapter on environmental petitions. These chapters report on the number, nature, and status of petitions received and on the departmental compliance with statutory timelines in the previous year.

The Commissioner's team, or another audit team in the Office of the Auditor General, may consider the issues raised in petitions, and the responses they generate, when planning and conducting audits.

The petitions process



What are petitions about?

Petitions can explore environmental and sustainable development issues from a number of different angles. For example, petitioners can ask departments/agencies to

- investigate whether a federal law or regulation is being broken;
- take action on matters pertaining to the federal management of the environment or sustainable development, such as undertaking more public consultation;
- explain a federal policy or federal involvement on a particular issue;
- review and improve an environmental law, regulation, or policy;

- respond to improvements the petitioner suggests;
- explain action that has been taken to carry out public commitments;
- provide information on efforts to reduce the environmental impact of their operations and practices; or
- explain how international environmental commitments are being met.

See the Petitions Catalogue for examples.

Note that other ways to raise environmental concerns are listed at the end of this document.

Who can submit a petition?

- Any Canadian resident—either an individual or an organization—can submit an environmental petition.
- Petitioners must include their name, address, and signature. A petition cannot be submitted anonymously.
- For groups such as organizations or associations, the petition must be signed by a representative.

What other criteria must be satisfied?

For a petition to be eligible, it must also

- pertain to an environmental matter related to sustainable development, and
- concern an issue that falls under the mandate of one or more of the federal departments or agencies subject to the petitions process (see list below).

Who responds to petitions?

The following departments/agencies are required to answer all petitions addressed to them. Departments/agencies not listed here may respond voluntarily.

- Aboriginal Affairs and Northern Development Canada
- Agriculture and Agri-Food Canada
- Atlantic Canada Opportunities Agency
- Canada Border Services Agency
- Canada Economic Development for Quebec Regions
- Canada Revenue Agency
- Canadian Heritage
- Citizenship and Immigration Canada
- Department of Justice Canada
- Employment and Social Development Canada
- Environment Canada
- Department of Finance Canada

- Fisheries and Oceans Canada
- Foreign Affairs, Trade and Development Canada
- Health Canada
- Industry Canada
- National Defence
- Natural Resources Canada
- Parks Canada Agency
- Public Health Agency of Canada
- Public Safety Canada
- Public Works and Government Services Canada
- Transport Canada
- Treasury Board of Canada Secretariat
- Veterans Affairs Canada
- Western Economic Diversification Canada

What is sustainable development?

The following definition of sustainable development, from the *Auditor General Act*, is used to determine whether a petition meets the requirements of the environmental petitions process.

Sustainable development means development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs.

Sustainable development is a continually evolving concept based on the integration of social, economic, and environmental concerns, and which may be achieved by, among other things,

- the integration of the environment and the economy,
- protecting the health of Canadians,
- protecting ecosystems,
- meeting international obligations,
- promoting equity,
- an integrated approach to planning and making decisions that takes into account the environmental and natural resource costs of different economic options and the economic costs of different environmental and natural resource options,
- preventing pollution, and
- respect for nature and the needs of future generations.

What to Expect when you File a Petition

Who does what?

The Commissioner of the Environment and Sustainable Development (CESD) coordinates the petitions process on behalf of the Office of the Auditor General of Canada (OAG).

The CESD

- assesses petitions;
- forwards eligible petitions to relevant departments;
- reviews responses from ministers;
- posts summaries of petitions received, and the responses provided, in its online catalogue;
- provides Parliament with a report of petitions each year;
- considers issues raised in petitions when scoping future audits.

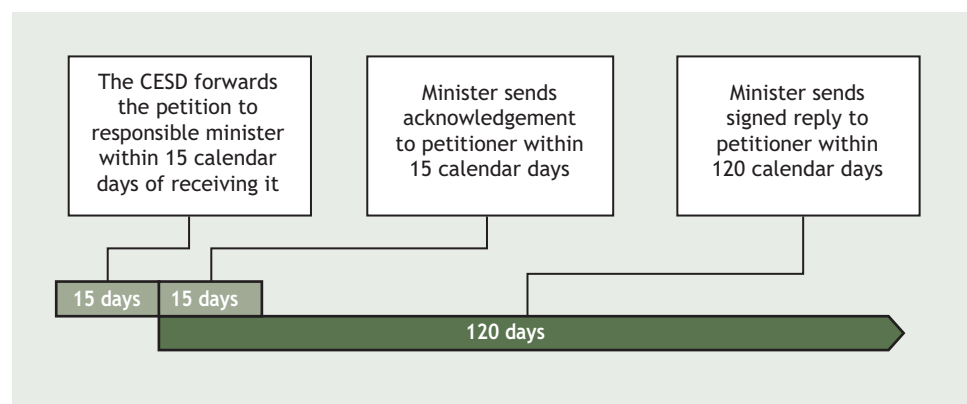
Note: The OAG cannot take direct action to address issues raised in petitions.

Ministers and departments

- acknowledge receipt of petitions,
- respond to petitions within 120 days,
- copy the CESD on correspondence with the petitioner.

Note: While the Act requires ministers to answer a petitioner's questions in a timely manner, they have discretion with respect to taking action on the issues raised.

Timelines



Delays

If a minister is unable to respond to a petition within the 120-day deadline, the department must notify the petitioner. The notification is signed by the minister and, when possible, indicates the date by which the department intends to respond.

Information not provided in responses

When a petitioner's questions involve one of the following situations, the department may be unable to provide a fully informative response.

- **Litigation**—matters that are before the courts, or soon will be, or which are under investigation.
 - **Cabinet confidences**—records or any related information that describe the decision and policy-making process of ministers or Cabinet.
 - **Legal opinions**—the Department of Justice Canada cannot share legal opinions it has prepared, or provide legal opinions to Canadians.
 - **Issues beyond federal jurisdiction**—issues that are primarily provincial, municipal, or otherwise not subject to the petitions process.
 - **Personal opinions**—personal opinions on the benefit of existing or proposed legislation, policy, programs, plans, and initiatives.
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OAG use of petitions

The full text of petitions received by the Office of the Auditor General of Canada from October 1996 to June 2014 is available in the Petitions Catalogue, along with ministerial responses, in both official languages.

As of 30 June 2014, the Office of the Auditor General moved to publishing a bilingual summary of petitions received. Ministerial responses will continue to be published in both languages. Petitions in full are provided upon request, in the language they were received by the OAG.

Before Submitting a Petition

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- Consult the Petitions Catalogue.
 - Ensure your issue falls within the scope of the federal government's responsibilities.
 - Review the petitions template and checklist.
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Consulting the petitions catalogue

Visit the OAG website

- Petitions Catalogue, or
 - Search by “petition” and your keyword(s) of choice.
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Federal responsibilities

Petitioners are advised to identify the federal department(s) they think should respond to their petition, and to use wording that will help the CESD identify any additional responsible organizations. Examples of such wording include

- Departments X and Y and any other responsible departments,
- the federal government, or
- responsible departments and agencies.

To ensure the issue you are raising falls within the scope of federal responsibilities, visit each department's website to review their mandates and the legislation for which they are responsible.

Petitions template and checklist

While petitioners are not required to use the template, it is useful for formatting a petition.

The checklist helps petitioners ensure that their petition is complete and meets eligibility criteria.

Writing and Submitting a Petition

Template

Environmental Petitions Template

Contact information:

Provide your full name and mailing address. If possible, provide your phone number and email address so we can contact you if we have questions about your petition.

Name(s) of petitioner(s): _____

Address of petitioner(s): _____

Telephone number(s): _____

Email address: _____

Name of the group (if applicable):

If you are acting on behalf of a group (for example, organization or association), please give its name.

I hereby submit this petition to the Auditor General of Canada under section 22 of the *Auditor General Act*.

Signature of petitioner: _____

Date: _____

Title of petition:

Provide a title that describes the subject of the petition.

Background information:

Provide relevant background information, preferably in chronological order, on the subject of the petition. The petition must address an environmental matter that is the responsibility of a federal department or agency subject to the petitions process. Ensure that all references to background information are correct.

Petition questions and/or requests:

Number your questions and requests and, where possible, address them to specific departments and agencies, using wording that allows for additional identification of responsible departments and agencies. Keep your questions and requests clear and to the point to ensure that responding departments and agencies are able to address your concerns in their responses. Please refer to the Questions and requests section for suggestions when developing your questions and requests.

- 1.
- 2.
- 3.

Background information

Background information is helpful to set the context of the issues or requests raised in the petitions. See petitions nos. 325—Use of the Cosmetic Ingredient Hotlist to manage potentially toxic and carcinogenic substances in cosmetics, and 342—Potential gaps in the federal regulation of antibiotics in food-producing animals, for examples of petitions with well-written background summaries.

Questions and requests

Specific, direct and clear questions and requests are more likely to result in informative answers. For best results

1. Consider the most important goals that you want to achieve and craft your questions accordingly.
2. Avoid making requests that the government is unable or unlikely to consider (See examples of well-worded questions below).
3. Anticipate possible responses and incorporate any potential follow-up questions.
4. Make sure your questions clearly relate to the information provided in the petition and that you have summarized important background information.
5. Number your questions.
6. Ask that the lead department responsible for each question or request be identified when questions require a joint response.
7. Propose possible solutions to the issues you raise and seek a response to your ideas.

Wording too broad	More specific wording
Why doesn't the government care about air pollution?	What are the current Canada-wide standards related to smog? Are all smog precursors covered by these standards? What actions are being taken by the federal government to help meet the standards?
Could you please review and amend all federal policies related to toxic substances?	Does the federal government intend to add toxic substance "X" to the virtual elimination list of the <i>Canadian Environmental Protection Act</i> ? If not, why not?
Has department "X" conducted activities or carried out studies to confirm the health benefits of the "Y" process?	Has department "X" or any other responsible department conducted activities or carried out studies to confirm the health benefits of the "Y" process? If yes, could you please list and explain those activities and provide us with a copy of the key reports or studies? If no, could you please explain why not and how the health benefits of the "Y" process are confirmed otherwise?

Petition length	On average, petitions are 2,000 words. For practical reasons, it is recommended that petitions be limited to 10 questions or requests.
Images, exhibits and attachments	<p>Attachments are forwarded to the responsible departments and agencies along with the petition.</p> <p>Colour images and exhibits should be limited to a maximum of three per petition.</p>
Style	<ul style="list-style-type: none">• Abbreviations should be written out when they first appear in the petition.• Number questions or requests to facilitate responses.
Privacy concerns	<p>All information submitted with and within petitions is subject to the <i>Access to Information Act</i>. This means that the Office of the Auditor General may be required to provide even confidential information submitted with a petition if it receives an information request.</p> <p>Limit the number of references to private individuals in a petition. In accordance with the <i>Privacy Act</i>, the OAG will remove names and identifying information from petitions before providing copies to requesters. However, overuse of references to private individuals results in multiple deletions, which can make the petition difficult to read.</p>
Libel or defamation	Petitioners are solely responsible and liable for statements made: use respectful and temperate language.
Checklist	<p>Use this checklist to review your petition. Pay special attention to the first two points as they may affect the eligibility of your petition.</p>

- ☐ You have provided your name, address, and contact information, including email address and telephone number(s).
- ☐ Your petition raises an environmental issue for which one or more of the federal departments subject to the petitions process are responsible.
- ☐ Your petition contains no more than 10 questions or requests.
- ☐ You have included clear and relevant background information.
- ☐ You have numbered your questions and requests, and they are worded clearly and concisely.

- ☐ Information and references to reports, studies, and websites are accurate and correctly cited.
- ☐ You have limited your references to names of individuals or organizations.
- ☐ You have included no more than three (3) images or exhibits.
- ☐ You have ensured that the petition does not contain any libellous or defamatory language.
- ☐ You have not submitted any personal or private documents.

Sending your petition

Please identify your document as a petition and send your completed and signed petition to one of the following:

Mail	Office of the Auditor General of Canada Commissioner of the Environment and Sustainable Development Attention: Petitions 240 Sparks Street Ottawa, ON K1A 0G6
Email	petitions@oag-bvg.gc.ca
Fax	(613) 957-0474

Follow-up petition

Once you have received a response to your petition, you may submit a follow-up petition immediately, to address subsequent questions, or at a later date, to inquire about the status of the issue(s) you had raised and the progress made by departments and agencies.

Still have questions?

Contact us via the email address above or by telephone at 1-888-761-5953 (TTY: 613-954-8042).

Other Ways to Raise Environmental Concerns

In some circumstances, an environmental or sustainable development issue does not fall under the mandate of a federal department or agency subject to the environmental petitions process. When this is the case, petitioners may wish to use other avenues to raise matters of environmental concern with elected officials or obtain information. Here are some examples:

Federal

- ***The Canadian Environmental Protection Act*** allows residents of Canada who are over 18 years to ask the Minister of the Environment to investigate an offence that is alleged to have occurred under the Act. The Environmental Registry highlights all public consultations that are currently in progress under the Act, and provides the public with information to direct comments.
- ***Access to Information Act***. Canadian citizens, permanent residents, or any person or corporation present in Canada have a general right of access to government information. Please consult the Treasury Board of Canada Secretariat for more information.

Provincial/ territorial

- ***Alberta's Environmental Protection and Enhancement Act*** allows any two adults ordinarily resident in Alberta to ask for an investigation into an alleged offence.
- ***Manitoba's Environment Act*** established the Manitoba Clean Environment Commission that encourages and facilitates public involvement in environmental matters and offers advice and recommendations to the Minister with respect to environmental issues, project approvals, and licenses.
- ***New Brunswick's Clean Environment Act*** allows an environmental council to receive submissions from any person concerning any matter coming under the Act and, with the approval of the Minister, to study, investigate, and report on the matter.
- ***Newfoundland and Labrador's Environmental Protection Act*** requires the Minister to investigate a concern related to the enforcement of this Act once two or more requests have been received to investigate the same matter.

- ***Northwest Territories' Environmental Rights Act*** allows any two Northwest Territories adult residents who think that a contaminant has been or will be released into the environment to apply to the Minister for an investigation.
- ***Nova Scotia's Environment Act*** allows any person to ask the Department of Environment and Labour to investigate an alleged offence. It also makes available, upon request, records contained in an environmental registry.
- ***Ontario's Environmental Bill of Rights*** requires that certain ministries keep the public up to date about environmental acts, regulations, and policies they are drafting. It also allows any two Ontario residents to ask the government to investigate an alleged violation.
- ***Quebec's Environment Quality Act*** provides that any person, group, or municipality can ask for a public hearing in connection with a project after an environmental impact assessment statement is provided for a proposed project.
- ***Saskatchewan's Environmental Management and Protection Act*** allows any adult resident of Saskatchewan who is of the opinion that an offence has been committed under the Act to ask the Minister to investigate.
- ***Yukon's Environment Act*** gives any two residents of the Yukon the ability to request that the Minister investigate any activity that they believe is impairing or is likely to impair the environment.

Parliamentary

- Your member of Parliament (MP).
- Petitions to the House of Commons. These petitions are signed by Canadian residents and addressed to the House of Commons by an MP.
- The parliamentary committee responsible for your issue.

For more information, visit www.parl.gc.ca