

Chapter

2

Environmental Petitions

- Retrospective
- Annual Report

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Environmental Petitions

Main Points

What we studied

Environmental petitions are letters sent by Canadians to the Auditor General as a way to present their environmental questions and concerns to specific ministers of the federal government. Ministers are required to respond in writing within 120 days. The petitions process was established in 1995 by Parliament when it amended the *Auditor General Act* to create the position of the Commissioner of the Environment and Sustainable Development in the Office of the Auditor General. Since then, the Commissioner has managed the petitions process on behalf of the Auditor General and has reported on it annually to Parliament, as the Act requires. This chapter contains a retrospective study on petitions and the petitions process since 1995. It also includes this year's annual report on petitions.

Canadians have been submitting petitions and ministers have been responding to them for 11 years. Our retrospective study looked at past experience to identify opportunities for enhancing the petitions process. The chapter describes the nature of environmental petitions and the extent to which some of them may have influenced the federal management of environmental issues in Canada. Information for this study has been obtained from surveys of petitioners and of departments responding to petitions. We also conducted interviews with department officials and representatives from other organizations that administer similar processes, and we reviewed the status of issues raised in petitions that we have highlighted in past chapters on petitions.

Why it's important

Environmental petitions are a simple, unique feature of our parliamentary democracy. Submitting a petition is a way for Canadians to bring their environmental concerns to the attention of federal departments that are subject to the process. Monitoring and reporting on petitions and petition responses, as well as publishing those documents on our website, contributes to transparency in federal environmental management. Auditing progress on commitments made by departments and ministers in petition responses promotes federal accountability in environmental management.

What we found

- The issues raised most frequently in petitions since 1995 include biodiversity, human and environmental health, and environmental assessment. Petitions have been submitted from every province and territory and, although non-governmental organizations account for many, most petitions continue to come from individual Canadians. Environment Canada and Fisheries and Oceans Canada are the federal departments that receive the most petitions. Departments have usually responded within the required 120-day period.
- According to our surveys, both petitioners and department officials who responded believe that petitions have had an impact on the way the federal government manages certain environmental matters. Although we cannot directly attribute government action on an issue to the submission of a related petition, our study indicated that many petitions have contributed to effecting change.
- Petitioners believe the petitions process is a valuable tool. Seventy-two percent of the petitioners who responded to the survey told us that they were either satisfied or somewhat satisfied with the petitions process because it gave them a forum to voice their concerns and assured them of a formal response. Furthermore, ninety-two percent said they would consider submitting another petition. Almost half of the petitioners responding indicated that the process had an impact or somewhat of an impact on the management of environmental and sustainable development issues. However, fifty-three percent of petitioners surveyed indicated that the responses they received from departments were not what they had expected.
- Seventy-nine percent of those responding to our survey from federal departments believe the petitions process has had an impact or somewhat of an impact on the federal management of environmental and sustainable development issues. However, they identified important challenges. For example, the most frequently petitioned departments said the requirement to respond to petitions has increased their workload.
- Our retrospective identified opportunities to enhance the petitions process and confirmed the importance of continuing some of our present auditing and reporting activities. Based on the results of this retrospective, we intend to enhance the awareness of the petitions process among Canadians, provide better guidance to petitioners and departments involved in the process, and encourage clear and complete responses to petitions. We also plan to continue to highlight selected petitions in our annual reports, consider issues raised in petitions and their responses in planning our audit work, and audit responses to selected petitions.

Introduction

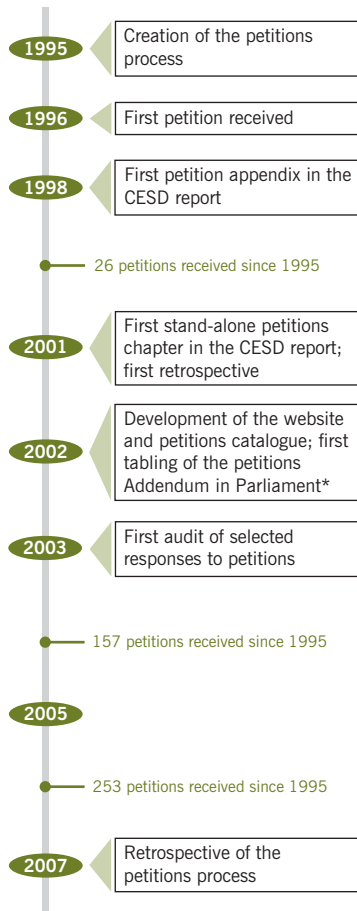
2.1 The environmental petitions process is a simple method for Canadians to bring their environmental questions and concerns to the attention of the federal government. The process was created by amendment to the *Auditor General Act* in 1995. It allows any Canadian resident to submit an environmental petition to the Auditor General of Canada for forwarding to the responsible federal minister or ministers. The petitioner may act alone or on behalf of an organization, business, or municipality. The Commissioner of the Environment and Sustainable Development (CESD) administers the process on behalf of the Auditor General (Exhibit 2.1).

Exhibit 2.1 The environmental petitions process and the role of the Commissioner of the Environment and Sustainable Development

The environmental petitions process was established under the *Auditor General Act* in 1995. It provides a way for Canadians to take action on environmental issues that they care about. The federal government is the focus of the petitions process.

The Commissioner of the Environment and Sustainable Development oversees the petitions process on behalf of the Auditor General.

Starting a petition	A Canadian resident submits a written petition to the Auditor General of Canada.		
Reviewing a petition	The Commissioner's team reviews the petition to determine if it meets the requirements of the <i>Auditor General Act</i> .		
	<p>If the petition is accepted, the team will</p> <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; and send a letter to the petitioner, listing the ministers to whom the petition was sent. 	<p>If the petition cannot be accepted, the petitioner will be informed in writing.</p> <p>If the petition is incomplete or unclear, the petitioner will be asked to amend and re-submit it.</p>	
Responding to a petition	<p>Once a minister receives a petition, he or she must</p> <ul style="list-style-type: none"> send a letter, within 15 days, to the petitioner and the Commissioner acknowledging receipt of the petition; and consider the petition and send a reply to the petitioner and Commissioner within 120 days. 		
Ongoing petitions activities			
Monitoring	Reporting	Posting on the Web	Auditing
The Commissioner monitors acknowledgement letters and replies from ministers.	The environmental petitions chapter allows the Commissioner to report to the House of Commons on the number of petitions received, their subject matter and status, and departmental compliance with statutory timelines.	The Commissioner posts petitions, replies, and summary information on the Web (www.oag-bvg.gc.ca/domino/petitions.nsf/english).	Petition responses are examined as part of audits on environmental and sustainable development issues.

Exhibit 2.2 Milestones in the environmental petitions process

* Petitions are tabled in Parliament in an addendum before they are published on the OAG website.

Online petitions catalogue

To view environmental petitions and responses since 1995 to the present, visit the petitions catalogue on the website of the Office of the Auditor General (www.oag-bvg.gc.ca/domino/petitions.nsf/english).

2.2 A petition must be in written form, it must address an environmental matter in the context of sustainable development, and the subject must be the responsibility of a federal department or agency subject to the petitions process. Issues raised in petitions vary widely; examples have included species at risk, human health, environmental contamination, and climate change. Federal ministers must respond to petitions in writing within 120 days of receipt.

2.3 The first petition was submitted in October 1996. From then to 30 June 2007, Canadians submitted over 250 petitions and received over 450 responses from federal ministers.

2.4 Over the years, petitions have become increasingly sophisticated and ministers' responses have become correspondingly more complex. At the same time, the administration of the petitions process has evolved (Exhibit 2.2). In 2002, the Office of the Auditor General began posting petitions and responses on its website in a petitions catalogue. In 2003, we began to audit selected petition responses to determine whether ministers were acting on commitments to petitioners. The changes have helped increase transparency and accountability in matters affecting the environment and sustainable development.

Focus of the chapter

2.5 For 11 years, Canadians have submitted petitions and departments have responded to them. This chapter is a retrospective that studies past experience to identify opportunities for enhancing the petitions process. The chapter describes the nature of environmental petitions and the extent to which some of them may have influenced the federal management of environmental issues in Canada. We collected information for this retrospective by surveying petitioners and departments that respond to petitions. We also conducted interviews with department officials and other organizations that administer similar processes and conducted a review of the status of issues raised in specific petitions. In fulfillment of statutory obligations contained in the *Auditor General Act*, the chapter contains an annual report to Parliament on the nature and status of petitions.

2.6 More details on our objectives, scope, and approach are in **About the Chapter** at the end of this chapter.

Retrospective

Origin and mandate of the petitions process

A petitions team was established by the Commissioner of the Environment and Sustainable Development

The team advises petitioners on how to submit petitions, helps departments with their responses, posts petitions and responses on the Office website in the petitions catalogue, reviews responses to petitions, audits selected petition responses, and prepares an annual report on the petitions process for submission to Parliament.

2.7 In 1994, the House of Commons Standing Committee on the Environment and Sustainable Development proposed the creation of the position of Commissioner of the Environment and Sustainable Development. To help take into account the views of Canadians, the Standing Committee suggested that the Commissioner could receive letters and other inquiries from members of the public, and refer to them when determining which policies or program initiatives to examine. In 1995, Parliament amended the *Auditor General Act* to establish the position of Commissioner of the Environment and Sustainable Development within the Office of the Auditor General of Canada. The amendments also created the environmental petitions process. The Commissioner administers the process on behalf of the Auditor General of Canada.

2.8 The petitions process is intended to ensure that Canadians receive timely responses to their environmental questions and concerns from the responsible federal ministers. Sections 22 and 23 of the *Auditor General Act* set requirements for the scope, procedures, monitoring, and timing of petitions. For example, federal departments subject to the process must respond to petitions within 120 days, and the Commissioner monitors petitions and reports on them to Parliament annually. The Act is less specific on other aspects of the process, such as what constitutes a petition or the level of effort required by departments in preparing their responses. These provisions allow for diversity and variety, but can also lead to dissatisfaction: departments sometimes must respond to unclear questions, and petitioners sometimes receive responses that do not meet their expectations. It is important to note that ministers are not obligated to act on requests made by petitioners; they are simply required to respond to petitions.

2.9 Many of the petitioners responding to our survey said that they would like the Auditor General and the Commissioner to take a more active and prescriptive role in responses to petitions. For example, a number of petitioners noted that they expected the Office of the Auditor General to compel action by federal departments on environmental problems. Such a role would in fact be beyond the authority granted by the *Auditor General Act*. The Commissioner provides guidance on preparing and responding to petitions, but does not determine the content of petitions or compel a particular response or action by a department.

Issues of concern in petitions

2.10 The petitions received since the establishment of the process in 1995 demonstrate that Canadians are concerned about a wide range of environmental issues at local, regional, national, and international levels. Since 1999, biological diversity has been the leading concern, with petitioners posing questions about land development, species at risk, ecological integrity, and biotechnology. Other major concerns include the impact of site contamination and the need for environmental assessment of physical projects such as mining roads and marine terminal expansions (Exhibit 2.3).

Exhibit 2.3 Issues raised in petitions (1995 to 2007)

Issues	Number of references to issues in petitions
Biological diversity	115
Human health/environmental health	104
Environmental assessment	90
Water	84
Transport	63
Fisheries	51
International cooperation	50
Toxic substances	47
Compliance and enforcement	41
Natural resources	39
Waste management	34
Air quality	31
Aboriginal affairs	28
Governance	23
Science and technology	23
Climate change	19
Agriculture	18
Pesticides	12
Federal-provincial relations	10
Other	7

Note: A petition may address multiple issues.

Examples of petitions submitted on the top three issues

Biological diversity

Petitions 154A and 154B, 2005–06—Motorized vessels regulation in the Columbia Wetlands, British Columbia

The petitioner raised concerns about the impact of motorized vessels on the ecological integrity of the Columbia Wetlands. Environment Canada replied that it is looking at regulatory options to protect flora and fauna by restricting the operation of motorized vessels in navigable waters within the area. The Department noted that it was working in consultation with Transport Canada on new regulations and expected these to be in place by spring 2007. In September 2007, Transport Canada advised us that it had completed initial consultations with all stakeholder groups and that a scientific report is being finalized. Once complete, a decision will be made on next steps.

Human and environmental health

Petition 87, 2003—Pesticide labelling and advertising

The petitioner stated that pesticide manufacturers and lawn care companies were contravening the federal *Pest Control Products Act* by making claims that certain pesticides were “green” or offered environmental benefits. The Minister of Health responded that the Pest Management Regulatory Agency would review the information supplied by the petitioner and take action as required. Health Canada investigated the concerns and found five contraventions of the Act. The companies involved were ordered to take corrective action.

Environmental assessment

Petitions 122A-D, 2004–07—Housing development near Mission, B.C.

The petitioner raised concerns that a housing development in British Columbia could cause ecological damage to waterways, wildlife habitat, and salmon spawning grounds. The petitioner asked for a statutory review or environmental assessment under the *Canadian Environmental Assessment Act*, and called for the protection of several species living in the area under the *Species at Risk Act*. The ministers of Environment, Fisheries and Oceans, and Transport explained that an environmental assessment would be triggered if the developer submitted a plan involving potential damage to habitat. A federal environmental screening assessment of the project has been initiated.

2.11 Although non-governmental organizations account for many petitions, most continue to come from small groups or individual Canadians who are concerned about the environment. Residents or groups in every province and territory have submitted petitions (Exhibit 2.4).

Examples of petitions from small groups or individual Canadians

Petitions 140A-C, 2005–06—Remediation proposals for the Sydney Tar Ponds, Cape Breton Island, Nova Scotia

The petitioner asked that a joint federal-provincial panel conduct an environmental assessment of the proposed remediation project for the Sydney Tar Ponds. The Minister of the Environment responded that a joint review panel was the most appropriate level of assessment for the remediation project. On the basis of the findings of the joint review panel, the Government of Canada and the Province of Nova Scotia announced that the remediation project will include containment and capping of contaminated soils, followed by site development and long-term monitoring and maintenance. In January 2007, the federal government announced that it will contribute \$280 million and the province \$120 million to the eight-year project, for a total of \$400 million.

Petition 60A, 2002—Insurance coverage required under the *Nuclear Liability Act*

The petitioner claimed that the amount of insurance coverage required under the *Nuclear Liability Act* is insufficient. In 2003, the Minister of Natural Resources responded, “It is time to bring forward revisions to the *Nuclear Liability Act* to update it and bring it up to international standards.” In 2005, we conducted an audit of the petition response; Natural Resources Canada agreed to submit policy proposals to the Minister by the end of 2005, with the aim of bringing forward revisions to the Act. In June 2007, the Minister of Natural Resources introduced in Parliament Bill C-63, “An Act respecting civil liability and compensation in case of a nuclear incident.” One of the objectives of the proposed legislation is to bring insurance requirements for nuclear operators up to international standards. Our next petitions chapter will report on a follow-up audit conducted on this matter.

Exhibit 2.4 Petitions received by province and territory (1995 to 2007)

Province/Territory	Number of petitions received
Ontario	104
British Columbia	58
Quebec	29
Alberta	22
Manitoba	8
Nova Scotia	7
Saskatchewan	6
New Brunswick	5
Prince Edward Island	4
Yukon	4
Northwest Territories	3
Newfoundland and Labrador	2
Nunavut	1

Responses to petitions

Departments and agencies required to respond to environmental petitions are listed on the website of the Office of the Auditor General. These are organizations included in Schedule I of the *Financial Administration Act* and the Schedule to the *Auditor General Act*, as well as those directed to respond by the Governor in Council under section 24(3) of the *Auditor General Act*.

2.12 The *Auditor General Act* currently requires ministers of 28 federal departments and agencies to respond to petitions. Since the process was introduced, the Office has forwarded petitions to all but four of these organizations (Exhibit 2.5). The departments that have received the most petitions are Environment Canada (169), Fisheries and Oceans Canada (118), Health Canada (67), Transport Canada (62), and Natural Resources Canada (54). Not all federal departments and agencies are required to respond to petitions. Nevertheless, several agencies not required by statute to respond do so voluntarily so that environmental concerns falling within their mandates may be addressed. Examples are the Canadian Environmental Assessment Agency and the Canadian Food Inspection Agency.

Response times

2.13 We first reported on the extent to which departments meet their mandatory 120-day deadline for responding to petitions in the 2001 report of the Commissioner of the Environment and Sustainable Development. For this retrospective, we have examined response statistics for the last six years (Exhibit 2.5). Our review found that timeliness has improved over that period. The *Auditor General Act* permits extensions to the deadline when it is not possible to reply within 120 days. A response is not considered late if the minister advises the petitioner ahead of the due date that an extension is needed. As a courtesy to the petitioner, we advise the department to specify the additional time required if possible.

2.14 Of the five most-petitioned departments, on average Environment Canada, Transport Canada, and Natural Resources Canada responded on time to over 90 percent of petitions directed to them since 2001. Health Canada and Fisheries and Oceans Canada have been less successful at responding within the required 120-day period. Fisheries and Oceans Canada has improved the timeliness of its responses since 2001, but it still has one of the highest proportions of late responses of any department, replying late to 25 percent of petitions. Fisheries and Oceans Canada explains that issues raised in petitions are often complex and require significant coordination between sectors and regions, as well as legal review.

2.15 For all departments, since 2004 we found that the lateness of responses ranged from 1 to 203 days. Although this has improved over time, the average number of days late was 20. Among the difficulties identified by departments that may slow responses were

- lengthy administrative approval processes,

- delays or difficulties in identifying the appropriate experts to draft responses,
- legal review in some cases, and
- challenges in coordinating joint responses.

Exhibit 2.5 Petitions received and timeliness of responses

Department or agency subject to the petitions process	Number of petitions received since 1995	Number of late responses since 2001
Environment Canada	169	13
Fisheries and Oceans Canada	118	24
Health Canada	67	9
Transport Canada	62	3
Natural Resources Canada	54	2
Agriculture and Agri-Food Canada	33	3
Foreign Affairs and International Trade Canada*	28	6
Indian and Northern Affairs Canada	28	6
Industry Canada	27	2
Parks Canada Agency	25	2
Finance Canada	17	2
Justice Canada	16	0
Public Works and Government Services Canada	11	0
National Defence	8	1
Treasury Board of Canada Secretariat	8	0
Canadian International Development Agency	7	2
Canadian Heritage	6	0
Canada Revenue Agency**	5	1
Western Economic Diversification Canada	5	1
Human Resources and Social Development Canada	4	0
Atlantic Canada Opportunities Agency	3	1
Canada Border Services Agency	3	0
Public Safety Canada	3	0
Canada Economic Development for Quebec Regions	1	0
Public Health Agency of Canada	0	0
Canada Public Service Agency	0	0
Citizenship and Immigration Canada	0	0
Veterans Affairs Canada	0	0

*Reflects petitions received by the Minister of Foreign Affairs and the Minister of International Trade.

**Includes petitions received from 1996 to 2003 under the title of Canada Customs and Revenue Agency.

Environmental petitions are diverse

Petitions vary considerably in their length, the effort put into preparing them, and their scope. Some petitions are extremely complex, involve considerable scientific or policy research, and ask dozens of questions. Others are as short as a single paragraph and present a single request to one department.

Complexity of the response process

2.16 When a department receives a petition, it embarks on a series of steps intended to enable it to issue a comprehensive response within the mandatory timelines. Most departments have a primary petitions contact who receives the petition and coordinates the preparation of the response. On reviewing the petition, the department sends an acknowledgement letter to the petitioner. The primary petitions contact typically identifies relevant programs and policies and appropriate subject matter experts in the department. If the petition involves more than one department, the contact usually undertakes interdepartmental consultations. The response is researched, drafted, reviewed, and submitted to the Minister for approval and signature, and is then sent to the petitioner with a copy to our office. Some responses may also need to be reviewed by legal and communications advisers. Some departments have developed internal guidance to help manage petitions (see paragraph 2.31).

2.17 Many environmental issues are cross-cutting in nature. Often a petition deals with matters that fall under the responsibility of more than one minister, and requires a response from more than one department or agency. In such a case, each organization may separately prepare a response dealing with questions related to its own area of responsibility. Alternatively, the organizations may together prepare a joint response coordinated by one of them. Joint department responses are common. Coordination may present some challenges, but in our view, this approach helps ensure that all questions are covered in a consistent fashion.

Some questions and concerns not addressed

2.18 Many of the petitioners responding to our survey reported that responses to their petitions provided valuable information. However, 53 percent said that the response did not address their concerns in the way they had expected. Several of them found that responses provided vague statements of support or summaries of existing policy initiatives instead of specific answers to questions. For example, Petition 58 asked five questions about plans to phase out subsidies for non-renewable energy, in accordance with commitments made by the Government of Canada at the 2002 World Summit on Sustainable Development in Johannesburg, South Africa. In our view, the joint response answered only one of the questions completely. Rather than addressing the petitioner's concerns, the response mainly summarized policies already in place.

2.19 The Office's petitions team conducts reviews to determine whether responses are clear and complete. If they are not and fail to answer the petitioners' questions, we discuss the matter with the responding department and may mention it in our annual report to Parliament. For example, in 2006 we noted that the Minister of Finance's response to Petition 158 did not deal with several of the petitioners' questions concerning subsidies to the oil and gas industry and federal efforts to counter climate change. The Department provided follow-up communication noting the limitations that make it difficult for the Minister to comment on possible future changes in tax policy outside the budget process. Similarly, in 2005 we noted that the Minister of Fisheries and Oceans did not address some questions posed in Petition 127 concerning the protection of fish habitat in British Columbia. In this case, Fisheries and Oceans Canada agreed to review its response and provide additional information to the petitioner.

2.20 For this retrospective, we analyzed petition responses since 2004. We found that responses have become less complete over this period. In 2004, some 24 percent of petition responses did not answer the questions posed, or answered only partially; by 2006, this figure was 41 percent. In paragraphs 2.44 and 2.45, we discuss ways in which petitioners, departments, and the Office can encourage more complete responses to petitions.

Impact of the petitions process

2.21 Recent polls confirm that Canadians regard the environment as one of the most important issues facing Canada. Many of their concerns and questions are reflected in environmental petitions. To describe the extent to which the environmental petitions process has had an impact on the federal management of environmental issues in Canada, we conducted surveys and interviews with petitioners and department officials, we reviewed petitions and their responses, and we conducted research into the current status of issues raised in selected petitions over the years. We also reviewed six other public participation processes in Canada and abroad to identify opportunities from which we could learn.

2.22 Among our survey respondents, 79 percent of department officials and 47 percent of petitioners stated that they believe environmental petitions have an impact or somewhat of an impact on the federal management of environmental and sustainable development issues in Canada.

What petitioners told us

2.23 Our survey of petitioners found that Canadians submit environmental petitions for three main reasons:

- to generate action,
- to solve an environmental problem, or
- to obtain a formal response from a minister.

2.24 We cannot say with certainty that the action taken to address an issue was the direct outcome of a petition. Nevertheless, some petitions appear to have been factors in generating results.

Examples of petitions and results

Petition intended to generate action

Petition 98, 2003—Tax deductibility of environmental fines

The petitioner was concerned about a 1999 decision by the Supreme Court of Canada, allowing companies to deduct environmental fines and penalties from their income for tax purposes. The petitioner noted that the matter had attracted media attention and requested that the Minister of Finance amend the *Income Tax Act* to explicitly prohibit these deductions. The Minister of Finance replied that the 2004 federal budget proposed amending the Act to eliminate the tax deduction for environmental fines and penalties imposed after 22 March 2004. Section 67.6 of the Act was added to eliminate the tax deduction.

Petition intended to solve an environmental problem

Petition 78, 2003—Cleanup of the Tracadie military training area, New Brunswick

An initial cleanup of the site was conducted by the Department of National Defence between 1997 and 2001. The petitioner expressed concerns about the possibility of unexploded ordnance in the area. National Defence commissioned an independent residual risk audit of the area between April and November 2006 in response to concerns raised by the provincial government. In 2007, the petitioner, a member of Parliament, reported on his parliamentary website that further federal funding would be released to conduct additional clearance work at the Tracadie site. He attributed this result in part to the petitions process.

Petition intended to obtain a formal response from a minister

Petition 38B, 2003—Genetically engineered fish and biotechnology

The petitioner requested a formal response regarding federal government policy on genetically engineered fish. Several other petitions were submitted on biotechnology in the following years (petitions 84, 85, 88, 94, and 152). Departments worked together to clarify some aspects of the government's position on biotechnology issues and develop comprehensive joint responses. The petitioner told us that the responses provided important information. In the petitioner's view, petitions compel departments to talk to each other about environmental issues—a significant benefit of the petitions process. Our next petitions chapter will report on a follow-up audit on genetically engineered fish.

Quotes from petitioners about the petitions process

"I think they are a very helpful way to provide information to government, raise public awareness and generally increase momentum on an issue."

"It is an important avenue for citizens to voice their concerns."

Petitioners survey—additional results

83 percent of petitioners had used other means to contact the federal government about their issue of concern before submitting a petition.

33 percent of petitioners heard about the petitions process by word of mouth.

78 percent of petitioners found the process easy to use.

48 percent of petitioners stated that departments provided valuable information.

Quotes from petitioners about petition responses

"Departments merely gave non-responses. . . . Departments ignored facts, concerns, contradictions, and information."

"A very useful tool, but limited by the willingness of the authorities questioned to respond."

2.25 When asked about their level of satisfaction with the petitions process, 72 percent of the petitioners responding to the survey said that they were either satisfied or somewhat satisfied. Further, 92 percent said that they would consider submitting another petition. Petitioners value environmental petitions because they provide a forum for voicing concerns, assure them of a formal response, and help generate action. Petitions raise awareness of particular issues by bringing them to the attention of federal departments, ministers, and the Canadian public, thereby increasing transparency and accountability.

2.26 Our survey found that petitioners expected departments to respond by making formal commitments, by attempting to deal with their requests and questions, and by demonstrating concern about the issues they had raised. Many petitioners in the survey were satisfied with the process but not all received the responses they had expected. Most of these petitioners stated that some responses did not include commitments to action or showed a lack of concern. Forty-seven percent believed that their petition had an impact or somewhat of an impact on the government's management of environmental and sustainable development issues.

2.27 As noted in paragraph 2.8, ministers are not obligated to act on requests made by petitioners but are simply required to respond to petitions. Accordingly, not every petition has an outcome that satisfies the petitioner. For example, in 2003 a petitioner in Saskatchewan requested that the Parks Canada Agency stop its aerial pesticide spraying program in Prince Albert National Park (Petition 68). The Minister responded that an environmental assessment had found no significant human health or environmental impacts, and that the aerial spraying program would therefore continue.

2.28 The way petitioners viewed the impact of environmental petitions appeared to correspond with their knowledge of government and their experience with the petitions process. Frequent petitioners, such as non-governmental organizations, were more likely to believe that their petition had an impact than were petitioners new to the process. The differing views most likely reflect differences in petitioners' understanding of the possibilities and limitations of the process. For example, dissatisfied first-time petitioners often reported that the sole expected result of their petition had been some type of action. Frequent petitioners had a wider spectrum of expected results, including raising awareness on important issues, creating a factual record of concerns, or simply questioning and challenging the government. Apparently, petitioners saw the process as successful or

unsuccessful depending on their awareness of its limitations and the ends for which they sought to use it.

What federal departments told us

Quotes from department officials on the petitions process

“The petitions chapter and the online catalogue help to provide a snapshot of what issues are important to Canadians, which in turn can assist the government in improving existing [policy] or setting new policy direction. This information can also be helpful when reviewing existing programs or providing advice to ministers.”

“It brings issues to the forefront that otherwise might not come to light and raises awareness.”

2.29 Seventy-nine percent of respondents from federal departments said that they believe the petitions process has had an impact or somewhat of an impact on the federal management of environmental and sustainable development issues. For instance, we were told that Petition 29 had been a factor in the decision to implement a transit pass pilot project in the National Capital Region, and that petitions provided an opportunity for considering interdepartmental positions on emerging matters, such as genetically modified food and biotechnology. Respondents from various departments told us that petitions highlight issues of public concern and point out potential gaps in policies and program delivery.

2.30 Department officials who responded to the survey or were interviewed also identified some challenges in responding to petitions and offered some suggestions:

- **Lack of coordination.** Because of the cross-cutting nature of environmental petitions, more than one minister is often asked to respond. Officials told us that interdepartmental teleconferences and meetings are organized as needed, but there is no formal coordination mechanism for petitions that require responses from multiple departments. Some department officials suggested that a coordinating body be established to better manage responses overall.
- **Questions that cannot be answered.** Some petitions raised questions about matters on which the government had not yet adopted a final position. Some questions were worded too broadly or vaguely to allow a clear response. Ministers were limited in the response they could make to issues before the courts. Department officials suggested that the Office of the Auditor General could provide better guidance to petitioners on how to structure their questions and could inform petitioners about the limitations of the process.
- **Extra workload.** Departments have a statutory duty to respond to petitions, but they lack dedicated resources for dealing with the unforeseen workload involved in preparing responses. This is a particular concern for the departments that receive the most petitions. Environment Canada and Fisheries and Oceans Canada have received up to 30 petitions in some years.

2.31 Departments have developed guidance to manage petitions.

Department officials sometimes meet to discuss petitions and department roles and responsibilities for responses. Officials told us that they also often share their draft responses with each other to ensure that all issues are covered in a consistent fashion. Several of the most petitioned departments provide guidance to their staff on ways to effectively manage petitions:

- Transport Canada has identified department roles and responsibilities for dealing with petitions.
- Fisheries and Oceans Canada has formulated guiding principles, developed a procedure, and created a structure with points of contact to respond to petitions.
- Environment Canada has a protocol on coordination of multi-department petitions. It provides internal guidelines on matters such as official language requirements and how to adequately answer questions.

What other organizations told us

2.32 We identified a variety of public participation processes dealing with environmental matters, and selected six organizations in Canada and abroad with a public participation process similar to the environmental petitions process for review.

- The **New Zealand Parliamentary Commissioner for the Environment** receives and may investigate public complaints about environmental concerns.
- The **Yukon Department of Environment** receives petitions that request amendment or revocation of existing regulations and receives requests for investigations into alleged harm to the environment.
- The **Environmental Commissioner of Ontario** reviews and reports on the Ontario government's compliance with the provincial *Environmental Bill of Rights*. The commissioner monitors applications for investigation into alleged violations of environmental laws and applications for review of existing environmental policies, acts, and regulations or the establishment of new ones.
- The **Australian Capital Territory Commissioner for the Environment** investigates complaints about the management of the environment in the Capital Territory Region.

- The **Commission for Environmental Cooperation of North America** considers and may investigate citizen submissions about failures to effectively enforce environmental legislation in Canada, the United States, and Mexico. The Commission was created under the North American Agreement on Environmental Cooperation, which complements the North American Free Trade Agreement.
- The **British Columbia Forest Practices Board** investigates complaints about forest and range practices in the province of British Columbia.

2.33 We conducted interviews, reviewed documentation, and used written questionnaires to learn about these organizations. We reviewed the roles and activities of each, along with the role of the Office of the Auditor General of Canada (Exhibit 2.6). The results of our review suggest to us that public participation processes offer important benefits:

- They enable the public to voice concerns and highlight emerging issues.
- They foster environmental awareness and protection.
- They promote transparency and accountability.
- They keep governments and organizations aware of citizens' concerns.

2.34 Our review highlighted two strengths of the Office's environmental petitions process, the combination of which make it unique: the ability to audit both environmental issues and department responses to petitions, and timelines fixed by statute for ministerial responses and completing the process. Auditing responses allows us to determine whether ministers and departments are doing what they said they would do. Statutory timelines require responses to be issued without undue delay.

2.35 We also found several possible areas for improvement in the management of the environmental petitions process. First, we can do more to make Canadians aware of the process. Second, better guidance for petitioners, including suggestions on format and length of petitions, should lead to clearer petitions and better responses. Further, more systematic follow-up with petitioners could promote ongoing improvement in the process.

Exhibit 2.6 Organizations with public participation mechanisms for environmental matters

	Federal		Provincial and Territorial			Regional	International	Issue-based
	The Office of the Auditor General of Canada	New Zealand Parliamentary Commissioner for the Environment	Yukon Department of Environment	Environmental Commissioner of Ontario	Australian Capital Territory Commissioner for the Environment	Commission for Environmental Cooperation of North America	British Columbia Forest Practices Board	
	Petitions process	Complaint process	Request for investigation	Application for investigation	Application for review	Complaint process	Submission on enforcement matters	Complaint process
Features of the process								
Specifies size or format of submissions		●	●	●	●		●	●
Guidance recommends using other remedies first		●				●	●	●
Legislated timelines for completion of the process	●		●	●				
Powers and practices of the organization within the process								
Issues public reports	●	●		●	●	●	●	●
Audit function	●							
Investigative function		●	●	●	●	●	●	●
Makes recommendations as a result of review, investigation, or audit	●	●		●	●	●		●
Incorporates public submissions into systemic audits and investigations	●	●		●	●			●
Requests systematic feedback from applicants								●
Conducts public education outreach				●	●	●	●	●

What our review of petitions told us

2.36 In each year's report to Parliament, the chapter on environmental petitions highlights some of the petitions submitted and responses received. For this retrospective, we reviewed the current status of selected issues in the 40 petitions highlighted in chapters since 2001, which was the first year we published a stand-alone petitions chapter. It is not always possible to attribute change directly to a petition or any other single factor. Nevertheless, our review found that federal departments had taken some type of action on issues raised in 35 of 40 petitions reviewed. We have not attempted to quantify the impact of actions undertaken on all petitions. Our study indicated that actions related to petitions are diverse: they range from providing detailed explanations in petition responses to creating new regulations or revising government policies.

Examples of petitions highlighted by the Office

A petition that aimed to influence government policy

Petition 158, 2005—Subsidies to the oil and gas industry

The petitioners claimed that preferential tax treatment for the oil and gas industry was inconsistent with Canada's actions to reduce greenhouse gas emissions. In his response to the petition, the Minister of Finance agreed to consider additional opportunities for using the tax system to advance environmental goals. In 2006 and 2007, the House of Commons Standing Committee on Natural Resources held hearings and published a report questioning the need for preferential tax treatment for oil sands development. In its March 2007 budget, the government announced a phase-out of the preferential tax treatment, starting in 2011.

A petition that aimed to influence a government regulation

Petition 25, 2000—Regulating toxic substances and protecting drinking water

The petitioner raised concerns about lack of proper government regulation of trichloroethylene (TCE), a toxic substance contaminating the drinking water supply in Beckwith Township, Ontario. The ministers of Health and Environment committed to take action on the issue. In July 2003, Environment Canada introduced a new regulation to better limit TCE in the environment. In July 2005, Health Canada revised the drinking water guidelines related to TCE.

A petition that aimed to foster a new environmental program

Petition 29, 2001—Encouraging greater use of urban transit by federal public servants

The petitioners expressed concern about the government's decision to limit the availability of its transit pass program in the National Capital Region. The program offers reduced rates when employees purchase a transit pass through payroll deductions. The petitioners suggested that making the program more widely accessible would increase the use of public transportation and yield significant environmental benefits. The responding ministers (Environment, Transport, and Treasury Board of Canada Secretariat) noted that the government has programs to promote the use of public transit and expressed willingness to develop more such programs. The government implemented a pilot project encouraging the use of public transit, and subsequently expanded it to all federal departments and agencies in the National Capital Region.

Petition response audits

2.37 In 2003, the Office of the Auditor General began to audit selected responses, examining the commitments made by ministers to petitioners. The purpose is to determine whether ministers are acting as they said they would in their responses to petitions. To date, the Office has conducted 11 petition response audits and reported on them in petitions chapters (Exhibit 2.7). In all cases, we found that departments have taken some type of action on the issues. Issues raised in petitions have also been taken into account in other Office audit work. In our next petitions chapter, to be tabled in February 2008, we plan to report on follow-up audits conducted on four issues: species at risk, military dumpsites, genetically engineered fish, and insurance for nuclear operators.

Exhibit 2.7 Petition response audits conducted by the Commissioner of the Environment and Sustainable Development

Year	Issue	Petition No.
2006	The Government's Purchase of Green Power	55
2005	Insurance for Nuclear Operators	60A, 60B
	Guidelines for Listing Species at Risk	61
	Impacts of Hog Farming	37, 46
2004	Military Dumpsites Off Canada's Atlantic Coast	50A
	Genetically Engineered Fish	38A
	The Transit Pass Pilot Project	29
2003	Strengthening Protection Against a Toxic Substance	25
	Ensuring Compliance at a Manitoba Pulp and Paper Mill	19
	Ensuring Public Access Under the <i>Canadian Environmental Assessment Act</i>	28
	Enhancing Access to Environmental Studies Funded by the Canadian International Development Agency	41B

Opportunities for enhancing the petitions process

2.38 For this retrospective, we used the findings of surveys, interviews, and research, as well as examples to describe the impact of petitions on the federal management of issues related to the environment and sustainable development since 1995. During our work with petitioners, department officials, and other organizations administering similar mechanisms, we identified opportunities for enhancing the environmental petitions process. These include ensuring awareness of the process, providing better guidance for petitioners and departments, and encouraging more complete responses.

Enhancing awareness of the petitions process

2.39 In our view, a process designed to help citizens voice their concerns is most useful if the public is aware of it. From surveys of petitioners (including members of Parliament) and interviews, we found that the petitions process is not well known. Petitioners learned about it mostly by word of mouth, personal research, or reading reports of the Commissioner of the Environment and Sustainable Development. Some petitioners and several current and former members of Parliament responding to the survey suggested that the process should be more accessible and familiar to Canadians.

2.40 Changes being considered for the website of the Office of the Auditor General are intended to make it easier for Canadians to find information about petitions. The Office also distributes fact sheets to members of Parliament, with information that they can pass on to their constituents who have environmental concerns or questions for the federal government. We plan to include references to the petitions process in speeches and articles published by the Office. We also aim to make information about the petitions process more publicly available.

Providing better guidance for petitioners and departments

2.41 The *Auditor General Act* does not prescribe the format of a petition, leaving such aspects as layout, structure, or length up to the petitioner. This flexibility is both a strength and a weakness: it allows Canadians to raise very diverse issues, but it may result in petitions that are not clearly structured and are difficult to respond to. We intend to provide better guidance to both petitioners and departments.

2.42 A new petitions guide planned for the Office's website will include features that give better direction to petitioners:

- a standardized petition template, with guidelines on layout and structure;
- suggestions for limiting the number of attachments;
- a warning to avoid defamatory allegations; and
- a note that departments are unlikely to be able to provide responses on matters before the courts.

2.43 Improved guidance for departments may include suggesting that they provide timelines for commitments that they make, respond more clearly to questions or issues raised, and explain in detail any factor limiting their ability to address an issue. For example, a department may not be able to answer a question because it falls under provincial

responsibility or concerns a matter under litigation. During our surveys and interviews with department officials, the suggestion emerged for more formal interdepartmental meetings or a coordinating body to assist with petitions requiring joint responses.

Encouraging more complete responses

2.44 We found that most petitioners are satisfied or somewhat satisfied with the petitions process, but they are sometimes disappointed and frustrated by the responses they receive. To help advance the management of environmental and sustainable development issues, petitions need to be effective and responses need to be meaningful. There are things that petitioners, departments, and the Office can do to encourage clearer and more complete responses. For example, it is important for petitioners to express their requests and concerns as specifically as possible. Department officials indicated that they need better guidance and information on the petitions process to ensure optimal responses.

2.45 The Office plans to continue auditing selected petition responses; this will include assessing whether departments have met their commitments to petitioners. We will also continue reviewing all petition responses, and plan to follow up with departments if responses are incomplete or ambiguous.

The importance of auditing and reporting activities

2.46 Our retrospective has shown the importance of the Office's existing auditing and reporting activities, including the following:

- **Highlighting petitions in annual reports.** We found that action has been taken on most petitions highlighted in our environmental petitions chapters. Of the 40 petitions highlighted since 2001, some type of action has been taken on 35.
- **Using petitions in our audit work.** The online petitions catalogue now contains a substantial number of petitions, and these can help to identify matters of concern to Canadians. The Office is using this information to promote more systematic identification of issues for audit. For example, audit teams across the Office look at petitions when they are doing long-range audit planning or defining issues that they want to examine under a particular audit topic. We will continue using petitions and their responses in our audit work.
- **Conducting audits of petition responses.** The petition response audits undertaken since 2003 indicate that departments have acted on many of the commitments they have made in their

petition responses. The audits promote greater accountability by the government about the way it manages environmental and sustainable development issues.

Conclusion

2.47 Environmental petitions are a simple, unique feature of our parliamentary democracy. Petitions have increased in frequency and sophistication since the process was established in 1995. Over 250 petitions and their corresponding responses from ministers are now posted in our online petitions catalogue. It is not always possible to attribute how the government manages an environmental matter directly to a petition or any other single factor. Nevertheless, this retrospective shows that environmental petitions and the petitions process have contributed to effecting change in the federal government management of certain environmental matters. This view is shared by many petitioners and department officials involved in preparing responses.

2.48 Petitioners value the petitions process, since it provides a forum for voicing their concerns and assures them of a formal response. However, over half of petitioners surveyed said that they did not receive the response they had expected. Petitioners had expected responses to include formal commitments, attempts to deal with their requests and questions, and demonstrations of concern about the issues raised. In fact, ministers are not obligated to act on requests made by petitioners, and therefore, not every petition has an outcome that satisfies the petitioner. Department officials responding to petitions said they believe that the petitions process has had an impact or somewhat of an impact on the federal management of environmental and sustainable development issues. But the departments that receive the most petitions noted that responding to petitions added to staff workload.

2.49 Through our work on this retrospective, we identified opportunities for enhancing the petitions process and confirmed the importance of continuing our present auditing and reporting activities. The retrospective shows that environmental petitions can contribute to effecting change. It also shows that the petitions process contributes to public engagement, transparency, and government accountability in environmental matters of concern to Canadians.

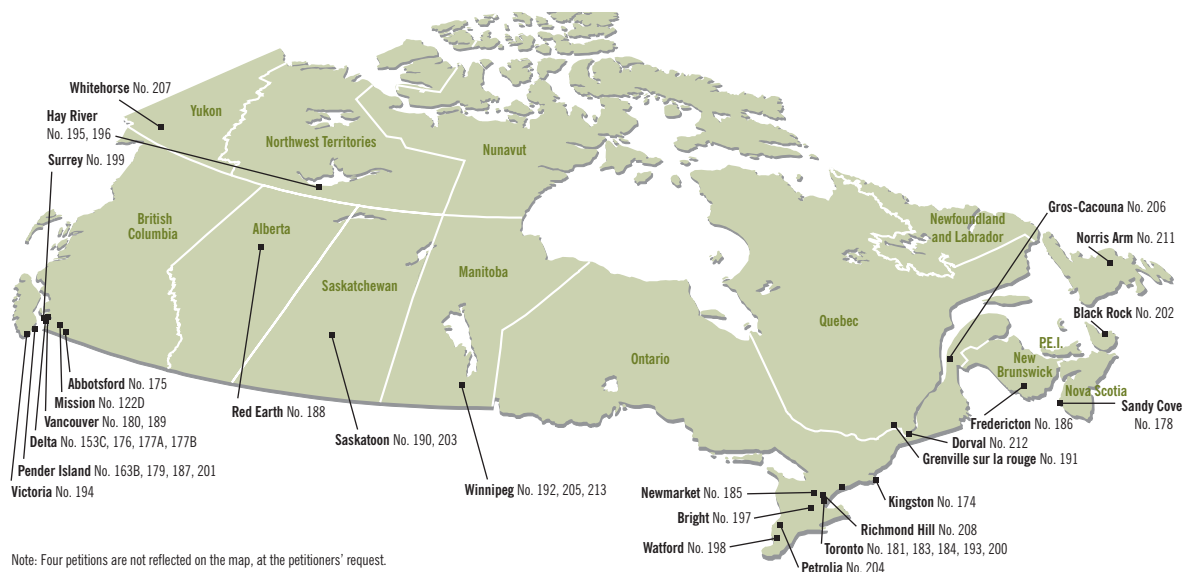
Annual Report on Petitions Received (1 July 2006 to 30 June 2007)

2.50 An overview of petitions activity during our reporting period is in Appendix A. This year, the Commissioner of the Environment and Sustainable Development within the Office of the Auditor General received 45 petitions—a substantial increase from the previous year. The majority of the petitions came from Ontario and British Columbia (Exhibit 2.8). Although many petitions submitted were from organizations, most continue to come from individual Canadians.

2.51 The top issues raised in petitions this year had to do with human and environmental health, environmental assessment, water, and compliance and enforcement. Petitions covered a wide variety of subjects. Emerging issues included concerns about the effects of exposure to electromagnetic radiation (petitions 197, 208, 211), and concerns about drinking water and food safety (180, 187, 189, 190, 198, 203). A number of petitions contained concerns about mining activities (178, 188, 196, 202, 207). Issues related to the federal regulation of chemicals and toxic substances continued to feature in petitions (175, 181, 182, 183, 187, 198, 204). There was an increase in petitions on issues relevant to the territories and the northern areas of some provinces:

- the impact of resource development in northern Alberta on First Nations (Petition 188);
- storage of fuel and hazardous waste on the Hay River, Northwest Territories (Petition 195);
- proposed redevelopment of Pine Point mine, Northwest Territories (Petition 196);
- environmental and health concerns at the Fort Reliance federal weather station, Northwest Territories (Petition 199); and
- federal enforcement of environmental laws in the Northwest Territories (Petition 207).

Exhibit 2.8 Petitions come from many parts of the country (1 July 2006 to 30 June 2007)



Petition No.	Subject
100B	Adaptive Environmental Management Plan relating to an Ontario wetland
122D	Follow-up petition on the Silvermere housing development in Mission, B.C.
153C	Follow-up petition on the port development at Roberts Bank in the Fraser River estuary, B.C.
163B	Follow-up petition on the right to clean air, clean water, and a healthy environment
174	Cellular telephone towers and the <i>Canadian Environmental Assessment Act</i>
175	Eliminating lead shot and fishing weights under the authority of the <i>Canadian Environmental Protection Act, 1999</i>
176	Port development at Roberts Bank in the Fraser River estuary, B.C.
177A	Federal environmental assessment of the Boundary Bay Airport expansion in B.C.
177B	Follow-up petition regarding a federal environmental assessment of the Boundary Bay Airport expansion in B.C.
178	Environmental concerns with a quarry development in Digby Neck, Nova Scotia
179	Canada's policies on chrysotile asbestos exports
180	An international comparison of Canada's action on pesticide regulation
181	Toxic substances management in Canada
182	Anthropogenic substances and the Toxic Substances Management Policy
183	Assessing mercury health risks and federal mercury management
184	Determining dangerous atmospheric carbon dioxide concentration
185	Environmental impacts of a waste water servicing project
186	Options to the practice of burning of flax straw on the Canadian prairies
187	Regulations concerning lead and arsenic in fruit juices and bottled water
188	The impact of resource development in Northern Alberta on First Nations

Petition No.	Subject
189	Protecting Canadian drinking water
190	Environmental contamination of ecosystems from antibiotic use in livestock production
191	Highway 50 development through wetlands in western Quebec
192	Environmental performance and environmental impacts of the Agricultural Policy Framework
193	Revisions to the <i>Nuclear Liability Act</i>
194	Harbour pollution and sewage treatment in Victoria, B.C.
195	Storage of fuel and hazardous waste on the Hay River, Northwest Territories
196	Proposed redevelopment of Pine Point mine, Northwest Territories
197	Exposure to electromagnetic radiation
198	Chemical residues on imported fruit, vegetables, and milk
199	Environmental and health concerns at the weather station in Fort Reliance, Northwest Territories
200	Promotion of sustainable forests through competition policy reform
201	Environmental health research in Canada
202	Environmental damage and remediation at former federal mine sites
203	Hormones used in livestock production
204	Regulation of flame-retardant chemicals
205	Environmental, social, and economic impacts of biofuel production in Canada
206	Scrap-metal storage activities in Gros-Cacouna, Quebec
207	Federal enforcement of environmental laws in the Northwest Territories
208	Impacts of cellular phone towers and antennas
209	Impacts of road construction at an Ontario lake
210	Landfill expansion in a small community in B.C.
211	Effects of hydro power lines on human health in Newfoundland
212	Airport expansion in Dorval, Quebec
213	Environmental assessment of the Wuskwatim hydro project in Manitoba

2.52 Following are some examples of petitions and responses received during the year.

Asbestos exports	
Petition 179, October 2006—Canada’s policies on chrysotile asbestos exports	
Issue	The petition raised questions about the practice of exporting Canadian chrysotile asbestos to developing countries. The petitioner noted that there are known health risks associated with asbestos, and that its use has been banned in Europe and Australia. The petitioner claimed that Canada is one of the world’s largest exporters of chrysotile asbestos, with over 90 percent of the exports going to developing countries. The petitioner asked about the health effects of chrysotile asbestos, Canada’s export policy, international trade practices, and federal asbestos-related expenditures.
Response	The ministers responded that low levels of exposure pose little risk and that Canada follows a “controlled use” approach to strictly limit exposure. It promotes controlled use by contributing annually to the Chrysotile Institute, a not-for-profit organization. The industry has agreed not to export to foreign companies that do not use chrysotile in a controlled way. At the October 2006 meeting of the Conference of the Parties to the Rotterdam Convention, Canada was one of nine countries that opposed adding chrysotile asbestos to a global trade watch list. A decision was deferred until the fourth meeting of the Conference of the Parties in 2008.
Toxic substances in food products	
Petition 187, December 2006—Regulations concerning lead and arsenic in fruit juices and bottled water	
Issue	The petitioner claimed that current food and drug regulations in Canada permit lead to be present in fruit juices and bottled water at a level 20 times higher than that permitted in drinking water. The same regulations appeared to allow arsenic to be present in bottled water and fruit juices at a level 10 times higher than the maximum permitted in Canadian guidelines for drinking water or the US standard for arsenic in bottled water. The petitioner asked for an amendment to the regulations.
Response	The ministers of Agriculture and Agri-Food Canada and Health Canada responded that, according to studies and surveys conducted by Health Canada, the levels of arsenic in bottled water and fruit juices sold in Canada fall within the limits permitted by the <i>Guidelines for Canadian Drinking Water Quality</i> . However, the response notes that Health Canada will soon set new limits in line with recently adopted international guidelines for lead in food. The departments expect that amendments to the regulations for bottled water will be proposed later this year.

Pesticide regulation in Canada compared with other countries

Petition 180, November 2006—An international comparison of Canada's action on pesticide regulation

Issue	The petitioner asked why Canada allows commercially available pesticide products to contain at least 60 active ingredients that have been banned or withdrawn in other Organization for Economic Cooperation and Development (OECD) countries. The petitioner also asked why Canada sets Maximum Residue Limits for pesticides in various food products that are weaker than those in other OECD countries, and why it allows a Goods and Services Tax exemption for the purchase of pesticides for commercial agricultural use.
Response	The ministers responded that a special review must be initiated if all uses of an active ingredient are prohibited in an OECD country for health or environmental reasons. The response noted that Health Canada is reviewing why certain active ingredients listed in the petition have been banned in other OECD countries, and the Department will determine the need for any immediate regulatory action. The ministers also stated that the government will soon make available the results of Health Canada's investigation and provide a more detailed response to the petitioner's request for special reviews. The government has since completed its investigation of the 60 active ingredients, and the detailed response to the petitioners' request for special reviews is available at the Pest Management Regulatory Agency website (http://www.pmra-arla.gc.ca).

Port development in the Fraser River estuary, B.C.

Petition 176, September 2006—Port Development at Roberts Bank in the Fraser River estuary, B.C.

Issue	The petitioner questioned the public comment process surrounding the proposal to expand the container facility at the Roberts Bank port in the Fraser River estuary of British Columbia, particularly the little time allowed for assessing the federal government's Comprehensive Study Report. The petitioner claimed that the rationale for port development is flawed and that the responsible departments have not complied with the <i>Canadian Environmental Assessment Act</i> . For example, the petitioner claimed that the proponent did not carry out a proper cumulative effects assessment that included prior as well as current developments.
Response	The Minister of the Environment responded that he was satisfied with the way the public comment process had been handled. He stated that the proper cumulative effects assessment had been conducted using the information available. The response noted that departments had met the requirements of the <i>Canadian Environmental Assessment Act</i> and that the project was unlikely to cause significant adverse environmental effects, provided the proponent took all the mitigation measures specified in the Comprehensive Study Report.

2.53 Most departments responded within the mandatory 120-day time frame (Exhibit 2.9), but four responded late and extensions were requested in three cases.

Exhibit 2.9 Timeliness of responses due between 1 July 2006 and 30 June 2007

Department/Agency	Number of responses due	Percentage on time	Extension requested*
Agriculture and Agri-Food Canada	8	100%	0
Atlantic Canada Opportunities Agency	1	100%	0
Canada Border Services Agency	1	100%	0
Canada Economic Development for Quebec Regions	1	100%	0
Canadian Heritage	1	100%	0
Canadian International Development Agency	1	100%	0
Environment Canada	33	94%	2
Finance Canada	4	100%	0
Foreign Affairs and International Trade Canada**	5	100%	0
Fisheries and Oceans Canada	10	80%	1
Health Canada	14	100%	0
Human Resources and Social Development Canada	2	100%	0
Indian and Northern Affairs Canada	2	50%	0
Industry Canada	7	86%	0
Justice Canada	7	100%	0
Natural Resources Canada	13	100%	0
Parks Canada Agency	1	100%	0
Public Safety Canada	2	100%	0
Public Works and Government Services Canada	3	100%	0
Transport Canada	11	100%	0
Treasury Board of Canada Secretariat	1	100%	0

*A petition is not considered to be late if an extension to the 120-day timeline is requested before the due date.

**Reflects the responses due by the Minister of Foreign Affairs and the Minister of International Trade.

About the Chapter

Objectives

This chapter contains a retrospective study on the petitions process and the annual report on environmental petitions.

The objective of the retrospective study is to describe the nature and extent to which petitions have had an impact on the federal management of various environmental and sustainable development issues in Canada. This chapter looks at past experience to identify opportunities for enhancing the petitions process.

The objective of the annual report on petitions is to inform Parliament and Canadians about the use of the petitions process. In accordance with the provisions of the *Auditor General Act*, it describes the number, nature, and status of petitions received, and the timeliness of responses from ministers. This annual report covers the period from 1 July 2006 to 30 June 2007.

Scope and approach

The retrospective study reviews petitions and responses dating back to 1995, and consolidates a wide range of information collected through surveys and interviews. To describe the extent to which petitions have had an impact on the federal management of environmental and sustainable development issues, we undertook the following work:

- **Survey of petitioners.** We sent a survey to 174 petitioners and received 93 responses. The survey asked for petitioners' views on the environmental petitions process as a whole, and on the impact that the process has had on the federal management of environmental and sustainable development issues in Canada.
- **Survey of departments.** We sent a survey to the 29 departments required to respond to petitions at the time and received 38 replies from individuals in 21 departments. The survey asked department officials involved with the petitions process for their views on the administration of the process and the impact that the process has had on the federal management of environmental and sustainable development issues in Canada.
- **Interviews with departments that receive the most petitions.** We interviewed officials at the departments of Environment, Health, Fisheries and Oceans, Transport, and Natural Resources. The aim was to learn about the impact of the petitions process on departments and discuss opportunities for improvement.
- **Review of other organizations with similar processes.** We contacted officials of other organizations with similar processes (see paragraph 2.32). We asked for their views on the environmental petitions process, and sought to learn about their own public participation processes and what lessons these might offer for the petitions process.

The retrospective survey of petitioners and departments was undertaken with the required rigour and in consultation with the Office's subject matter expert on quantitative surveys. The survey provides a high level of assurance of the respondents' opinions on the petitions process. The methodology for this work is consistent with the study policies outlined in Section 7 of the Office's Performance Audit Manual.

The annual report on petitions summarizes monitoring of the petitions process by the Commissioner of the Environment and Sustainable Development within the Office of the Auditor General of Canada. In accordance with sections 22 and 23 of the *Auditor General Act*, we report on the number, type, and status of petitions received within the year (1 July 2006 to 30 June 2007) and the timeliness of responses. Appendix A provides summaries of all the petitions received during this reporting period.

Survey methodology: Survey of petitioners

A survey designed to assess the quality of the environmental petitions process was sent to petitioners submitting a petition between August 2001 and June 2006. The Office sent a total of 174 survey questionnaires, 1 for each petition submitted. A small number of petitioners (30) had submitted multiple petitions; they were sent 1 survey questionnaire for each petition.

Of the 174 survey questionnaires sent, 93 were returned—an overall response rate of 53 percent. Since the response rate was above 50 percent, the results were considered of sufficient quality for reporting, provided that an analysis of potential non-response bias was conducted. We conducted such an analysis, looking for important differences between respondents and non-respondents that might affect the validity of the results. We separately examined three factors: the type of petitioner, the quality of the response to the petition, and the date the petition was submitted.

Type of petitioner. We examined petitioners on the basis of two characteristics: whether the petitioner was an individual or an organized group, and whether or not the petition was prepared professionally. This gave us four groups of petitioners: Individual-amateur, Individual-professional, Group-amateur, and Group-professional. We then cross-tabulated the type of petitioner with whether or not the petitioner had responded to the survey. This demonstrated that the distribution of respondents is not significantly different from the distribution of non-respondents.

Quality of petition response. We conducted a similar analysis to examine the quality of the responses to petitions. The Office reviewed responses and rated how well each addressed the petitioner's issues or questions. We cross-tabulated response quality and whether or not the petitioner had participated in the survey. This again demonstrated that the distribution of respondents is not significantly different from that of non-respondents.

Date petition was submitted. We divided petitions into three equal categories: those submitted earliest, those submitted in the middle of the survey period, and those submitted most recently. A cross-tabulation demonstrated that petitioners responsible for the earliest petitions were less likely to respond. This result is not unexpected since petitioners from 2001, 2002, and 2003 were more likely to have changed address than petitioners from later years. As a result, the survey findings are slightly more representative of recent petitioners than earlier petitioners.

The overall results of the non-response bias analysis were very encouraging: survey respondents and non-respondents appear to be very similar with respect to petitioner characteristics and the quality of the petition response they received. As an additional precaution we adjusted confidence intervals using an informal sampling efficiency factor. We multiplied sampling errors by 2 and calculated confidence intervals for various levels of responses. Both unadjusted and adjusted confidence intervals are displayed in the

following table. For the purposes of interpretation, in the case of any result reported in the range of 0 percent to 10 percent or 90 percent to 100 percent, the adjusted confidence interval is ± 7.0 percent. This means that the results are accurate within ± 7.0 percent 18 times out of 20.

Unadjusted and adjusted confidence intervals (N = 174, n = 93, Confidence level = 90%)		
Reported result	Unadjusted confidence interval	Adjusted confidence interval
50%	$\pm 5.8\%$	$\pm 11.7\%$
40% or 60%	$\pm 5.7\%$	$\pm 11.4\%$
30% or 70%	$\pm 5.3\%$	$\pm 10.7\%$
20% or 80%	$\pm 4.7\%$	$\pm 9.3\%$
10% or 90%	$\pm 3.5\%$	$\pm 7.0\%$

Appendix B contains the survey instrument.

Survey methodology: Survey of departments

For the survey of federal departments, the team sent survey questionnaires to primary petitions contacts of the 29 departments that were subject to the petitions process under the *Auditor General Act* at that time. The team asked for the questionnaire to be distributed to individuals who had experience with the petitions process. A total of 38 completed questionnaires were returned by individuals from 21 different departments. This resulted in an overall response rate of 72 percent for departments. Given the nature of the sampling frame for this survey, it is not possible to calculate an individual response rate. Assuming a 50 percent response rate, at an individual level the sampling error would be ± 9.5 percent, 18 times out of 20. Data was collected from 8 January to 8 March 2007.

Work completed

Work for this chapter was substantially completed on 30 June 2007.

Petitions team

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For information, please contact Communications at 613-995-3708 or 1-888-761-5953 (toll-free).

Appendix A Petitions activity (1 July 2006 to 30 June 2007)

This appendix includes all petitions (follow-up and new issues) received during the activity period noted above. To access the full text of petitions and replies from December 1995 to 30 June 2007, go to the petitions catalogue on our website (www.oag-bvg.gc.ca/domino/petitions.nsf/english). If necessary, paper copies of the catalogue can be obtained on request.

Petition No. 100B: Adaptive Environmental Management Plan relating to an Ontario wetland

Date submitted: 15 June 2007

Petitioner(s): A Canadian resident

Summary: The petitioner alleges that, although a development project was deemed unlikely to cause significant adverse environmental effects during the environmental assessment process, insufficient site monitoring required as part of the Adaptive Environmental Management Plan resulted in a number of *Fisheries Act* violations. The petitioner requests documents verifying compliance with the Act and expresses concern that the situation reflects a general failure of the government to adequately monitor Adaptive Environmental Management Plans for projects affecting fish habitat. (The full petition and responses will not be published, at the petitioner's request.)

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

Federal departments/agencies responsible for reply: Environment Canada and Fisheries and Oceans Canada

Status: Reply (replies) pending

Petition No. 122D: Follow-up petition on the Silvermere housing development in Mission, B.C.

Date submitted: 29 March 2007

Petitioner(s): A Canadian resident

Summary: This follow-up petition concerns a housing development project near Mission, B.C., and potential ecological impacts to Silvermere Lake, the Stave River system, and the wildlife and salmon-spawning habitat in this area. The project is currently undergoing an environmental assessment under the *Canadian Environmental Assessment Act*. The petitioner requests that the project be bumped up and considered by a panel review under the Act and asks for the opportunity to provide input into this process. The petitioner also requests measures be taken by petitioned departments to ensure the protection of several species living in the area under the *Species at Risk Act*.

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

Federal departments/agencies responsible for reply: Environment Canada and Fisheries and Oceans Canada

Status: Completed

Petition No. 153C: Follow-up petition on the port development at Roberts Bank in the Fraser River estuary, B.C.

Date submitted: 18 September 2006

Petitioner(s): Boundary Bay Conservation Committee

Summary: In this follow-up petition, the petitioner claims that the rationale supporting the port development at Roberts Bank is incorrect, and that the comprehensive study is flawed to the extent that it does not meet the requirements of the *Canadian Environmental Assessment Act*. The petitioner also claims that the development of the management plan is premature as scientific studies and an assessment of cumulative effects have not yet been carried out.

Issues: Biological diversity, environmental assessment, fisheries, human health/environmental health, and transport

Federal departments/agencies responsible for reply: Environment Canada and Fisheries and Oceans Canada

Status: Completed

Petition No. 163B: Follow-up petition on the right to clean air, clean water, and a healthy environment

Date submitted: 12 December 2006

Petitioner(s): David R. Boyd

Summary: The petitioner is asking for further clarification and specific answers to his original questions on whether the Government of Canada recognizes that Canadians have a right to clean water, clear air, and a healthy environment. In his previous petition, the petitioner contended that, due to widespread environmental pollution, the right of Canadians to clean water, clean air, and a healthy environment is being violated. The petitioner had also asked the government to confirm these rights and to make them explicit in the *Canadian Charter of Rights and Freedoms*.

Issues: Air quality, human health/environmental health, international cooperation, and water

Federal departments/agencies responsible for reply: Environment Canada, Foreign Affairs and International Trade Canada, Health Canada, and Department of Justice Canada

Status: Completed

Petition No. 174: Cellular telephone towers and the *Canadian Environmental Assessment Act*

Date submitted: 8 August 2006

Petitioner(s): Bryon McConnell

Summary: This petition raises concerns about the proposed cell phone towers to be installed near the Thousand Islands Parkway near Lansdowne, Ontario. The petitioner is concerned that birds of prey, including some species at risk (for example, Bald Eagles), may be affected by the proposed project. The petitioner wants to know if a federal environmental assessment is required and if there are any other requirements under the *Species at Risk Act* for this project.

Issues: Environmental assessment and science and technology

Federal departments/agencies responsible for reply: Environment Canada and Industry Canada

Status: Completed

Petition No. 175: Eliminating lead shot and fishing weights under the authority of the *Canadian Environmental Protection Act, 1999***Date submitted:** 5 September 2006**Petitioner(s):** Kevin Sinclair

Summary: The aim of this petition is to request a national prohibition on the import, manufacture, and sale of lead hunting shot and lead fishing weights. According to the petitioner, the best legal instrument for doing this is the *Canadian Environmental Protection Act, 1999*. The petitioner is asking the Minister of the Environment to explain what is being done to develop regulations to this effect, as was proposed by the former Minister in 2004. If the Minister has no plans to go forward with regulations to eliminate these lead products, the petitioner would like to be informed of the reasons behind this decision. Note that this petition is related to petitions 99A and 99B, which concerned the cleanup of lead hunting shot at Judson Lake in southwestern B.C.

Issues: Human health/environmental health and toxic substances**Federal departments/agencies responsible for reply:** Environment Canada and Health Canada**Status:** Completed

Petition No. 176: Port development at Roberts Bank in the Fraser River estuary, B.C.**Date submitted:** 5 September 2006**Petitioner(s):** Roger Emsley

Summary: This petition claims that the rationale supporting port development at Roberts Bank is flawed, and that the responsible departments have not adhered to the *Canadian Environmental Assessment Act*. The petitioner also claims that the proponent did not carry out a proper cumulative-effects assessment to include prior port developments, as well as the planned Terminal 2 or South Fraser Perimeter Road projects.

Issues: Air quality, biological diversity, environmental assessment, fisheries, governance, human health/environmental health, international cooperation, and water**Federal departments/agencies responsible for reply:** Environment Canada and Fisheries and Oceans Canada**Status:** Completed

Petition No. 177A: Federal environmental assessment of the Boundary Bay Airport expansion in B.C.**Date submitted:** 18 September 2006**Petitioner(s):** Boundary Bay Conservation Committee

Summary: This petition raises concerns about the Boundary Bay Airport expansion project that will allow jet airplanes and helicopters to begin using the Airport. The petitioners allege that the Fraser River estuary ecosystem is the most significant Important Bird Area in Canada (a site that is vital to the long-term conservation of the world's birds) and that the expansion project will have negative impacts on the wildlife. The petitioners also allege that the raptors management area, a protected natural habitat for birds such as hawks, falcons, vultures, and owls, will be affected. The petitioners question Transport Canada's and Environment Canada's responsibilities under the *Migratory Birds Convention Act* and want to know if an environmental assessment should be conducted before the airport expansion program begins.

Issues: Biological diversity, environmental assessment, and transport**Federal departments/agencies responsible for reply:** Environment Canada and Transport Canada**Status:** Completed

Petition No. 177B: Follow-up petition regarding a federal environmental assessment of the Boundary Bay Airport expansion in B.C.

Date submitted: 23 October 2006

Petitioner(s): Boundary Bay Conservation Committee

Summary: This is a follow-up petition to no. 177A regarding the expansion plans for the Boundary Bay Airport in B.C. The petitioner states that the area around the airport is designated as a significant Important Bird Area and is concerned about the effects that larger and faster planes would have on the bird population. The petitioner questions why an environmental assessment was not conducted and asks the departments to explain their responsibility and accountability in this matter.

Issues: Environmental assessment, governance, human health/environmental health, transport, and other

Federal departments/agencies responsible for reply: Environment Canada and Transport Canada

Status: Completed

Petition No. 178: Environmental concerns about a quarry development in Digby Neck, Nova Scotia

Date submitted: 20 October 2006

Petitioner(s): A Canadian resident

Summary: The petitioner asks the responsible departments how they determined that the proposed quarry development in Digby Neck, Nova Scotia, would not have impacts on certain species at risk and on the air and water quality for residents. The petitioner also raises concerns about the impartiality of the reports tabled by the proponent in support of the development and alleges that the reports were prepared by either current or recently retired employees of the federal government.

Issues: Air quality, compliance and enforcement, environmental assessment, human health/environmental health, and other

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

Status: Completed

Petition No. 179: Canada's policies on chrysotile asbestos exports

Date submitted: 30 October 2006

Petitioner(s): David R. Boyd

Summary: This petition raises questions about the practice of exporting Canadian chrysotile asbestos to developing countries. Most uses of asbestos have been banned in Canada, and all uses of all types of asbestos have been banned in Europe and Australia. The petition claims, however, that Canada is one of the world's largest exporters of chrysotile asbestos, and over 90 percent of these exports are sent to developing countries, such as India and the Philippines. The questions posed include ones related to the health effects of chrysotile asbestos, Canada's export policy, international trade practices, and federal asbestos-related expenditures.

Issues: Air quality, human health/environmental health, international cooperation, natural resources, and toxic substances

Federal departments/agencies responsible for reply: Canada Economic Development Agency for Quebec Regions, Environment Canada, Foreign Affairs and International Trade Canada, Health Canada, Human Resources and Social Development Canada, Natural Resources Canada, and Public Works and Government Services Canada

Status: Completed

Petition No. 180: An international comparison of Canada's action on pesticide regulation

Date submitted: 16 November 2006

Petitioner(s): David Suzuki Foundation

Summary: This petition concerns Canada's action to protect citizens from the health risks posed by pesticides. The petitioner seeks information on pesticide regulations, policies, and standards. More specifically, the petitioner is concerned that Canada still allows the use of at least 60 active ingredients, used in commercially available pesticides products, that have been banned or withdrawn in other Organisation for Economic Cooperation and Development (OECD) nations due to health and environmental concerns. The petitioner is also concerned that the Maximum Residue Limits (MRL) for pesticides on various food products in Canada are weaker than those in other OECD countries. The petitioner also poses questions regarding the GST exemption for agricultural pesticides.

Issues: Agriculture, governance, human health/environmental health, pesticides, and toxic substances

Federal departments/agencies responsible for reply: Agriculture and Agri-Food Canada, Department of Finance Canada, and Health Canada

Status: Completed

Petition No. 181: Toxic substances management in Canada

Date submitted: 13 December 2006

Petitioner(s): Ivey Foundation

Summary: This petition seeks information on the extent to which the Toxic Substances Management Policy has been implemented since its creation in 1995. The petition requests information on other relevant policies used in toxic substances management, particularly related to the phase-out of toxic substances. The petitioner also asks which toxic substances have been virtually eliminated, what programs were responsible, and what barriers might have impeded the process. The petitioner requests examples where decisions on toxic substances management have been based on the approaches of pollution prevention and/or the precautionary approach.

Issues: Human health/environmental health, natural resources, and toxic substances

Federal departments/agencies responsible for reply: Environment Canada and Health Canada

Status: Completed

Petition No. 182: Anthropogenic substances and the Toxic Substances Management Policy

Date submitted: 13 December 2006

Petitioner(s): A Canadian organization

Summary: This petition seeks details concerning the management of toxic substances under the Toxic Substances Management Policy. It asks for scientific documentation that describes the rationale for having "predominantly anthropogenic" as a criterion for toxic substances management. It also requests a list of naturally occurring toxic substances scheduled for reduction, and asks whether an assessment of mercury has been done. In addition, the petitioner would like to see specific examples of management plans from industries that generate or use substances that have been identified for virtual elimination to demonstrate that the substance will not be released into the environment. (The full petition and responses will not be published, at the petitioner's request.)

Issues: Human health/environmental health, natural resources, toxic substances, and waste management

Federal departments/agencies responsible for reply: Environment Canada, Health Canada, and Natural Resources Canada

Status: Completed

Petition No. 183: Assessing mercury health risks and federal mercury management

Date submitted: 15 December 2006

Petitioner(s): Pollution Probe

Summary: This petitioner would like to know if the government has undertaken any recent studies on the risks of mercury to human health and the environment. The petition asks if specific decisions have been made regarding health risks in vulnerable human and/or wildlife populations due to mercury exposure. It also requests a copy of Canada's plan for "full life-cycle management" of mercury, as described in the federal Toxic Substances Management Policy, and asks how the *Canadian Environmental Protection Act* is used to reduce mercury in Canada.

Issues: Human health/environmental health, natural resources, toxic substances, and waste management

Federal departments/agencies responsible for reply: Environment Canada, Health Canada, and Natural Resources Canada

Status: Completed

Petition No. 184: Determining dangerous atmospheric carbon dioxide concentration

Date submitted: 13 December 2006

Petitioner(s): Danny Harvey

Summary: The objective of the 1992 United Nations Framework Convention on Climate Change is to achieve stabilization of greenhouse gas (GHG) concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. As carbon dioxide is the most significant of the GHG concentrations, the petitioner is asking the Government of Canada to indicate what atmospheric carbon-dioxide concentration it considers to constitute dangerous anthropogenic interference with the climate system. The petitioner would also like to know what methods and assumptions have been used to determine what the dangerous concentrations are.

Issues: Air quality, climate change, environmental assessment, human health/environmental health, and international cooperation

Federal departments/agencies responsible for reply: Environment Canada, Foreign Affairs and International Trade Canada, Industry Canada, and Natural Resources Canada

Status: Completed

Petition No. 185: Environmental impacts of a waste water servicing project

Date submitted: 15 December 2006

Petitioner(s): York-Simcoe Naturalists

Summary: This petition concerns the Holland Landing–Queensville Sideroad waste water servicing project, which involves the installation of a trunk sewer line along the edge of a conservation area in Ontario. According to the petitioners, the project proposes the harmful alteration and destruction of fish and migratory bird habitat

in an important wetland. The petitioners believe that this proposal should require a permit under the *Fisheries Act* and should trigger an environmental assessment under the *Canadian Environmental Assessment Act*.

Issues: Biological diversity, environmental assessment, and water

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

Status: Completed

Petition No. 186: Options to the practice of burning of flax straw on the Canadian prairies

Date submitted: 13 December 2006

Petitioner(s): Gerald Comeau

Summary: This petition raises the issue of the burning of flax straw in Canada. The petitioner alleges that, since the 1950s, the practice has been to dispose of the straw byproduct by burning it, which leads to pollution and other adverse environmental effects. He also notes that there may be other important uses for flax and flax seed, other than for nutritional use and the use of its oil. For example, he points to an untapped potential for the transformation of flax straw into energy from flax-straw biomass.

Issues: Agriculture, air quality, and climate change

Federal departments/agencies responsible for reply: Agriculture and Agri-Food Canada, Environment Canada, Industry Canada, and Natural Resources Canada

Status: Reply (replies) pending

Petition No. 187: Regulations concerning lead and arsenic in fruit juices and bottled water

Date submitted: 27 December 2006

Petitioner(s): David R. Boyd

Summary: This petition alleges that current food and drug regulations in Canada permit lead in fruit juices and bottled water at a level 20 times higher than permitted in drinking water. These same regulations appear to allow 10 times more arsenic in bottled water and fruit juices than the Guidelines for Canadian Drinking Water or the American standard for arsenic in bottled water. The petitioner asks for an amendment to these regulations.

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

Federal departments/agencies responsible for reply: Agriculture and Agri-Food Canada and Health Canada

Status: Reply (replies) received but not yet posted

Petition No. 188: The impact of resource development in Northern Alberta on First Nations

Date submitted: 28 December 2006

Petitioner(s): Treaty 8 First Nations of Alberta

Summary: The Treaty 8 First Nations of Alberta are concerned that resource development in Northern Alberta, especially heavy oil and tar sands development, is proceeding at an unsustainable pace that threatens the environment that First Nations people rely on as part of their constitutionally protected treaty rights. The petitioners request a regional assessment of the effects of this development involving all jurisdictions.

The petitioners also ask various federal departments specific questions about the ongoing resource development in this territory.

Issues: Aboriginal affairs, environmental assessment, fisheries, human health/environmental health, natural resources, and water

Federal departments/agencies responsible for reply: Environment Canada, Fisheries and Oceans Canada, Indian and Northern Affairs Canada, Department of Justice Canada, Natural Resources Canada, and the Parks Canada Agency

Status: Reply (replies) pending

Petition No. 189: Protecting Canadian drinking water

Date submitted: 28 December 2006

Petitioner(s): David Suzuki Foundation

Summary: The petitioner notes that, according to international comparisons, Canadian guidelines for protecting and ensuring drinking water quality are among the weakest in the industrialized world. The petitioner asks if Canada will establish enforceable water quality standards and if Canada will commit to standards that would ensure effective protection from microbiological organisms. The petitioner also asks for specific improvements to the Guidelines for Canadian Drinking Water Quality and other drinking water policies. Finally, the petition asks that the government address specific knowledge gaps and funding issues to ensure the effective protection of Canada's drinking water.

Issues: Human health/environmental health, natural resources, toxic substances, and water

Federal departments/agencies responsible for reply: Agriculture and Agri-Food Canada, Environment Canada, Department of Finance Canada, Health Canada, Industry Canada, and Transport Canada

Status: Completed

Petition No. 190: Environmental contamination of ecosystems from antibiotic use in livestock production

Date submitted: 2 January 2007

Petitioner(s): Beyond Factory Farming Coalition

Summary: The petitioner raises concerns about the potential impact of antibiotic use in livestock production on human health and the environment. The petitioner asks for information on the status of federal regulations that prevent antibiotic-resistant bacteria (for example, *C. difficile*) from entering the environment and posing potential pollution hazards. The petitioner also requests details on data resulting from monitoring and surveillance activities and on federal resources that are currently allocated to this area.

Issues: Agriculture, compliance and enforcement, human health/environmental health, science and technology, and other

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

Status: Reply (replies) received but not yet posted

Petition No. 191: Highway 50 development through wetlands in western Quebec

Date submitted: 3 January 2007

Petitioner(s): William Gordon Fraser

Summary: The petitioner alleges that the Highway 50 extension in western Quebec is being partially funded by the federal government and that it is being built through a wetland. The petitioner asks if the responsible departments have conducted a recent survey of the wildlife and fish in the wetland and identified any species at risk. The petitioner also asks if the departments have considered altering the highway extension to ensure that a residual wetland habitat is maintained.

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

Federal departments/agencies responsible for reply: Environment Canada and Fisheries and Oceans Canada

Status: Completed

Petition No. 192: Environmental performance and environmental impacts of the Agricultural Policy Framework

Date submitted: 4 January 2007

Petitioner(s): Beyond Factory Farming Coalition

Summary: This petition is about the Agricultural Policy Framework (APF), a five-year bilateral agreement between federal and provincial governments aimed at making Canada a world leader in food safety, innovation, and environmentally responsible agricultural production. The petitioner is concerned about the potential environmental impacts associated with the programs funded under the APF and wants to know what environmental assessments have been done to evaluate these potential impacts. The petitioner is also asking for a definition of agricultural environmental sustainability and is seeking information about the current status of environmental targets and indicators agreed to by the federal government and signatory provinces. The petitioner notes that without baseline data, benchmarks, or program delivery assessment, it would be difficult to conduct meaningful consultation with Canadians that would lead into the next generation of agriculture policy.

Issues: Agriculture, environmental assessment, federal-provincial relations, governance, and human health/environmental health

Federal departments/agencies responsible for reply: Agriculture and Agri-Food Canada and Environment Canada

Status: Reply (replies) pending

Petition No. 193: Revisions to the *Nuclear Liability Act*

Date submitted: 24 January 2007

Petitioner(s): Greenpeace Canada

Summary: This petition alleges that the delay in the tabling of amendments to the *Nuclear Liability Act* are industry-driven and an attempt to avoid public scrutiny of accident risk at Canada's nuclear stations. The petitioner is also concerned about the alleged lack of federal evaluation of environmental and human health consequences of a Chernobyl-scale incident and the possible terrorist threat to nuclear stations. The petitioner is seeking the federal government's timeline and process for consulting and revising the *Nuclear Liability Act*, and challenges the federal government's position that Chernobyl-scale incidents are of such low probability that they deserve to be excluded from the review of the *Nuclear Liability Act* and federal environmental

assessments. The petitioner also requests that the federal government include the impacts of terrorist attacks at Canadian nuclear stations in environmental assessments. (See related petitions 60A and 60B in the online petitions catalogue.)

Issues: Environmental assessment, governance, human health/environmental health, natural resources, and science and technology

Federal departments/agencies responsible for reply: Environment Canada, Department of Finance Canada, Natural Resources Canada, and Transport Canada

Status: Reply (replies) pending

Petition No. 194: Harbour pollution and sewage treatment in Victoria, B.C.

Date submitted: 7 March 2007

Petitioner(s): John Newcomb

Summary: The petitioner believes that the proposed construction of additional sewage treatment facilities in Victoria and Esquimalt, B.C., which would have federal funding support, may not be necessary. The petitioner is concerned that a Transport Canada study on the topic of sediment transport may not have been used in making the decision about the sewage treatment project. The petition alleges that pollution in Juan de Fuca Strait may have come not only from the two outfalls in the area, but from years of solid waste dumping, the dumping of dredged sediment into harbours, pollution escaping from sunken ships, storm drains, ships' hull scaling, and possibly the transport of heavy metal-laden sediments.

Issues: Human health/environmental health and waste management

Federal departments/agencies responsible for reply: Environment Canada, Fisheries and Oceans Canada, National Defence, and Transport Canada

Status: Reply (replies) pending

Petition No. 195: Storage of fuel and hazardous waste on the Hay River, Northwest Territories

Date submitted: 26 March 2007

Petitioner(s): Greg Mcmeekin

Summary: This petition raises concerns about the storage of fuel and hazardous waste on the Hay River in the Northwest Territories. According to the petitioner, several barges storing fuel and possibly toxic wastes are sitting in the Hay River harbour and on the shore of the Hay River, some for several years. The petitioner is worried that these barges do not meet standards for offshore storage facilities and that there are no safety measures in place to prevent a possible spill from contaminating frozen waters. The petitioner requests that the responsible federal departments investigate the barges sitting on and near the Hay River and take action to address his concerns about the offshore fuel storage.

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

Federal departments/agencies responsible for reply: Environment Canada, Indian and Northern Affairs Canada, Natural Resources Canada, and Transport Canada

Status: Reply (replies) pending

Petition No. 196: Proposed redevelopment of Pine Point mine, Northwest Territories

Date submitted: 3 April 2007

Petitioner(s): Greg Mcmeekin

Summary: This petition concerns a proposal to revive the Pine Point zinc-lead mine located near the south shore of Great Slave Lake in the Northwest Territories. The petitioner is worried about the potential contamination of the area from the mining activities, including Great Slave Lake. The petitioner wants to know if the company will have to provide a deposit to cover the cleanup cost before it starts mining. The petitioner asks the responsible departments to review the environmental effects that this project will have on the Northwest Territories, including water, fish, fish habitat, Aboriginal rights, and infrastructure.

Issues: Environmental assessment, human health/environmental health, natural resources, water, and other

Federal departments/agencies responsible for reply: Environment Canada, Fisheries and Oceans Canada, Indian and Northern Affairs Canada, and Natural Resources Canada

Status: Reply (replies) pending

Petition No. 197: Exposure to electromagnetic radiation

Date submitted: 3 April 2007

Petitioner(s): Martin Weatherall

Summary: The petitioner is concerned about the alleged harmful effects of electromagnetic radiation and ground current electricity to himself and to the Canadian population at large. He feels that Canadians are not being sufficiently warned about and protected from these environmental problems. Electro-hypersensitivity is a condition well researched in Sweden, recognized by the World Health Organization, and suffered by many people in countries where exposure to electromagnetic radiation is high. In addition, the petitioner claims that scientific research shows that electromagnetic radiation is causing sickness, cancer, and death to people exposed to it. The petitioner would like the responsible authorities to answer a number of questions regarding the safety of antennas and transmission facilities and their effects on the health of Canadians and their environment.

Issues: Agriculture, compliance and enforcement, federal-provincial relations, human health/environmental health, and science and technology

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

Status: Reply (replies) pending

Petition No. 198: Chemical residues on imported fruit, vegetables, and milk

Date submitted: 19 April 2007

Petitioner(s): Ralph Ferguson

Summary: The petition alleges that the government is allowing imported fruit, vegetables, and milk to enter Canada with residues of chemicals that are banned in Canada. These banned chemicals are either known or suspected carcinogens. The petitioner asks the responsible departments to effectively test food products from any nation using chemicals that are banned in Canada, and, where such chemicals are identified, prohibit import of the products.

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

Federal departments/agencies responsible for reply: Agriculture and Agri-Food Canada, Canada Border Services Agency, Foreign Affairs and International Trade Canada, and Health Canada

Status: Reply (replies) pending

Petition No. 199: Environmental and health concerns at the weather station in Fort Reliance, Northwest Territories

Date submitted: 25 April 2007

Petitioner(s): Ralph Daniel Killoran

Summary: This petitioner seeks information on the contamination and closure of the federal weather station in Fort Reliance, Northwest Territories. The petition requests information on the potential for radioactive contamination of the environment, the recovery effort made on the debris of the Cosmos 954 satellite, and the question of whether past personnel were exposed to toxic substances such as uranium 235. It seeks responses from responsible ministers regarding assessment reports on potential human exposure to toxic substances, government policies on radioactive debris and human exposure to contaminated sites, and the potential to investigate whether or not policies have been enforced.

Issues: Compliance and enforcement, human health/environmental health, toxic substances, and waste management

Federal departments/agencies responsible for reply: Environment Canada, Health Canada, Department of Justice Canada, National Defence, Natural Resources Canada, Transport Canada, and the Treasury Board of Canada Secretariat

Status: Reply (replies) pending

Petition No. 200: Promotion of sustainable forests through competition policy reform

Date submitted: 3 May 2007

Petitioner(s): Sierra Legal Defence Fund

Summary: The petition raises concerns about the impacts of corporate consolidation in the forest industry on the sustainability of resource-dependent communities, particularly Aboriginal communities, and on the sustainable management of forests in general. In particular, the petitioner is concerned about a lack of systematic consideration of the environment and sustainable development during the approval process for corporate mergers. The petition requests the review and amendment of laws, regulations, policies, and guidelines governing corporate mergers to ensure compliance with existing environmental commitments and Aboriginal treaty responsibilities.

Issues: Aboriginal affairs, compliance and enforcement, governance, and natural resources

Federal departments/agencies responsible for reply: Environment Canada, Indian and Northern Affairs Canada, Industry Canada, and Natural Resources Canada

Status: Reply (replies) pending

Petition No. 201: Environmental health research in Canada

Date submitted: 4 May 2007

Petitioner(s): David R. Boyd

Summary: This petition concerns the state of comprehensive environmental health research and policy in Canada. It requests information on federal funding for environmental health research, the existence of a national environmental health strategy, national “environmental burden of disease” statistics (such as the number of Canadians who become ill or die annually as a result of exposure to various environmental hazards), and the extent to which geographically concentrated “toxic hotspots” have been identified in Canada.

Issues: Air quality, human health/environmental health, pesticides, and toxic substances

Federal departments/agencies responsible for reply: Environment Canada and Health Canada

Status: Reply (replies) pending

Petition No. 202: Environmental damage and remediation at former federal mine sites

Date submitted: 8 May 2007

Petitioner(s): Citizens Against Strip Mining in Cape Breton

Summary: The petition concerns contamination of the Prince Mine site in Nova Scotia, formerly owned by a federal Crown corporation. The petitioner raises a variety of questions about federal funding and responsibility for remediation. The petitioner also expresses concern about negative environmental consequences arising from plans by a private company to strip-mine the Prince Mine site and inquires about subjecting the project to federal environmental assessment.

Issues: Environmental assessment, natural resources, water, and other

Federal departments/agencies responsible for reply: Environment Canada, Fisheries and Oceans Canada, Natural Resources Canada, and Public Works and Government Services Canada

Status: Reply (replies) pending

Petition No. 203: Hormones used in livestock production

Date submitted: 29 May 2007

Petitioner(s): Beyond Factory Farming Coalition

Summary: The petition raises concerns about the potential impact of hormone use in livestock production on human health and the environment. The petitioner asks for more details on hormone use, relevant federal legislation, research, and surveillance. The petitioner also requests information on the health implications, including links to cancer and childhood development, and on the impacts on wildlife.

Issues: Agriculture, human health/environmental health, science and technology, waste management, and water

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

Status: Reply (replies) pending

Petition No. 204: Regulation of flame-retardant chemicals

Date submitted: 7 June 2007

Petitioner(s): Mary-Pat Gleeson

Summary: The petitioner asks a number of questions related to the regulation of Polybrominated Diphenyl Ether (PBDE) flame-retardant chemicals, widely used in the manufacture of consumer goods in Canada. She expresses concern about the high concentrations of PBDE chemicals accumulating in the bodies of North Americans, and she notes that many other jurisdictions have entirely banned these chemicals due to fears of bioaccumulation and health impacts on human beings and other species. The petitioner requests that the Government of Canada enact a similar comprehensive ban by adding PBDE chemicals to the Virtual Elimination List of the *Canadian Environmental Protection Act, 1999*.

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

Federal departments/agencies responsible for reply: Environment Canada and Health Canada

Status: Reply (replies) pending

Petition No. 205: Environmental, social, and economic impacts of biofuel production in Canada

Date submitted: 1 June 2007

Petitioner(s): Beyond Factory Farming Coalition

Summary: The petition raises concerns about federal policies, programs, and expenditures on biofuels, including ethanol and biodiesel. The petitioner is particularly concerned about federal expenditure on biofuel as a means of reducing greenhouse gas emissions, given the assertion that increased biofuel use will have a negligible impact on overall emissions. The petitioner also raises questions about the extent to which the use of agricultural land for biofuel production will jeopardize Canada's agricultural sector and food security.

Issues: Agriculture, climate change, natural resources, science and technology, and transport

Federal departments/agencies responsible for reply: Agriculture and Agri-Food Canada, Environment Canada, Health Canada, Industry Canada, Natural Resources Canada, Transport Canada, and the Treasury Board of Canada Secretariat

Status: Reply (replies) pending

Petition No. 206: Scrap-metal storage activities in Gros-Cacouna, Quebec

Date submitted: 4 June 2007

Petitioner(s): Gérard Michaud

Summary: This petition concerns scrap-metal storage activities in the port of Gros-Cacouna on the St. Lawrence River in Quebec. The petitioner is concerned that scrap-metal storage in the Gros-Cacouna port might affect the water quality of the St. Lawrence River, the integrity of the marine ecosystems, and the species at risk in the surrounding area. He requests several actions from the responsible ministers, including an investigation of compliance with laws and regulations and analysis of the water leaching from the site.

Issues: Biological diversity, compliance and enforcement, human health/environmental health, waste management, and water

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

Status: Reply (replies) pending

Petition No. 207: Federal enforcement of environmental laws in the Northwest Territories

Date submitted: 14 June 2007

Petitioner(s): R. Neil Hartling

Summary: The petition alleges that the federal government is not effectively enforcing existing environmental regulations relating to a mine site in an environmentally sensitive and geologically active area in the Northwest Territories. It also alleges that the mine operator has been allowed to proceed with development of the mine on a piecemeal basis, thereby bypassing environmental assessment rules. The petitioner has a variety of questions regarding the lease of the site, consultations with First Nations, environmental assessments that have been undertaken, licences and permits issued, and the government's enforcement of regulations to protect the South Nahanni Watershed.

Issues: Aboriginal affairs, compliance and enforcement, environmental assessment, human health/environmental health, and water

Federal departments/agencies responsible for reply: Environment Canada, Fisheries and Oceans Canada, Indian and Northern Affairs Canada, Department of Justice Canada, Natural Resources Canada, and the Parks Canada Agency

Status: Reply (replies) pending

Petition No. 208: Impacts of cellular phone towers and antennas

Date submitted: 14 June 2007

Petitioner(s): Andrea Carolina López

Summary: This petition concerns the possible health and environmental impacts of radio frequency radiation from cellular phone towers and antennas. The petitioner is concerned that cellular radiation emitted from phone towers and antennas represents a risk to the health of Canadians and particularly the health of more vulnerable people such as children and seniors. The petitioner asks several questions related to the approval process for cellular phone towers and antennas and the possible health and environmental effects related to their use.

Issues: Human health/environmental health and science and technology

Federal departments/agencies responsible for reply: Environment Canada, Health Canada, and Industry Canada

Status: Reply (replies) pending

Petition No. 209: Impacts of road construction at an Ontario lake

Date submitted: 15 June 2007

Petitioner(s): A Canadian resident

Summary: This petition alleges that work related to road construction, which was conducted by an Ontario township, is contributing to the deposit of sediment in a lake. The petitioner is concerned that this increased siltation is having a negative impact on fish habitat, in contravention of the *Fisheries Act*. The petitioner requests an investigation of the alleged contravention and due enforcement of the Act. (The full petition and responses will not be published, at the petitioner's request.)

Issues: Compliance and enforcement, fisheries, and water

Federal departments/agencies responsible for reply: Environment Canada and Fisheries and Oceans Canada

Status: Reply (replies) pending

Petition No. 210: Landfill expansion in a small community in B.C.

Date submitted: 19 June 2007

Petitioner(s): A Canadian resident

Summary: This petition raises concerns about potential contamination of groundwater, drinking water, and fish habitat by a landfill site in a small community in B.C.. A recent reactivation and expansion of a previously capped landfill to include the deposit of large quantities of flyash from a nearby mill has raised concerns of dioxin and furan contamination. The petitioner is concerned about the health risk for nearby residents and requests environmental testing be conducted. (The full petition and responses will not be published, at the petitioner's request.)

Issues: Fisheries, human health/environmental health, toxic substances, waste management, and water

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

Status: Reply (replies) pending

Petition No. 211: Effects of hydro power lines on human health in Newfoundland

Date submitted: 8 June 2007

Petitioner(s): Gerry Higgins

Summary: The petitioner is concerned about the effects of hydro power lines in many Newfoundland communities. He alleges there have been higher-than-usual rates of various diseases and conditions, including cancer, which are tied to the proximity of these towns to the hydro lines. The petitioner would like to know which government departments have a responsibility to safeguard the public from dangers caused by power lines and transformers and whether research or investigations have been conducted by these departments to establish whether transformers and power lines are causing ill health.

Issues: Human health/environmental health and science and technology

Federal departments/agencies responsible for reply: Environment Canada and Health Canada

Status: Reply (replies) pending

Petition No. 212: Airport expansion in Dorval, Quebec

Date submitted: 29 June 2007

Petitioner(s): The Green Coalition

Summary: This petition concerns the expansion of an airport onto land presently used as a golf course in Dorval, Quebec. The petitioner questions the need to expand the airport and raises a number of concerns about the public consultation and environmental review conducted for the project. The petitioner requests a halt to construction activities until a full environmental assessment and public consultation are conducted.

Issues: Environmental assessment, fisheries, and human health/environmental health

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

Status: Reply (replies) pending

Petition No. 213: Environmental assessment of the Wuskwatim hydro project in Manitoba**Date submitted:** 29 June 2007**Petitioner(s):** Trapline 18

Summary: The Wuskwatim generation and transmission project involves the damming of the Burntwood River in north-central Manitoba in order to build a 200-megawatt hydroelectric generating station. The petitioner is concerned that the federal environmental assessment and comprehensive study report contain a number of flaws. The petitioner is also concerned about the potentially negative environmental and cultural impacts of the project, particularly for resource-dependent Aboriginal communities. The petitioner asks a number of questions about perceived omissions in the environmental assessment and requests an independent review of the assessment and the project.

Issues: Aboriginal affairs, climate change, environmental assessment, fisheries, natural resources, transport, and water

Federal departments/agencies responsible for reply: Environment Canada, Fisheries and Oceans Canada, Indian and Northern Affairs Canada, Natural Resources Canada, and Transport Canada

Status: Reply (replies) pending

Appendix B Survey instrument: Retrospective survey of petitioners

Questionnaire

The following questions address your experience using the petitions process to prepare and submit petitions.

1. How did you first hear about the petitions process?
 - Office of the Auditor General of Canada website
 - Report of the Commissioner of the Environment and Sustainable Development
 - Employee of the Office of the Auditor General of Canada
 - Parliamentarian
 - Employee of the federal government
 - Presentation, conference, or academic studies
 - Personal research on specific issues
 - Word of mouth
 - Other (please specify)

2. In what capacity did you use the petitions process? (please check all that apply)
 - Member of the public
 - Environmental non-government organization
 - Other non-government organization
 - Private industry or business
 - Legal community
 - Member of Parliament
 - Federal government
 - Provincial or municipal government
 - Academic
 - Student
 - Other (please specify)

3. Please rank your top three reasons for using the petitions process—1 being the most important and 3 the least important.
 - Raise public awareness
 - Try to generate action
 - Get information on a specific issue
 - Solve an environmental problem
 - Get a formal department response
 - Test the petitions process
 - Other (please specify)

- 4a. Before you submitted your petition, had you approached the federal government about your concerns?
 - Yes—go to question 4b
 - No—go directly to question 5a

- 4b. How did you approach the federal government, and what were the results of your efforts?
- 5a. When you prepared and submitted your petition, did you find the petitions process easy to use?
- Yes—go directly to question 6
 - Somewhat—go to question 5b
 - No—go to question 5b
- 5b. What were the main difficulties you experienced when you prepared and submitted your petition?
- 6a. Did you seek guidance when you prepared and submitted your petition?
- Yes—go to question 6b
 - No—go directly to question 7a
- 6b. How did you get the guidance you needed to write or submit your petition? (please check all that apply)
- By searching the Office of the Auditor General of Canada website
 - By contacting the Office of the Auditor General of Canada
 - Other (please specify)
- 6c. Was the guidance helpful?
- Very helpful
 - Somewhat helpful
 - Not helpful
- 6d. How can we improve the guidance we provide?
- 7a. On the Petitions Web page of the Office of the Auditor General of Canada website, there are guidance tools and a petitions catalogue, which lists all petitions and responses received by the Commissioner of the Environment and Sustainable Development. Have you ever visited the Office of the Auditor General website?
- Yes—go to question 7b
 - No—go directly to question 10
- 7b. Are you aware of the Petitions Web page on the Office of the Auditor General website?
- Yes—go to question 7c
 - No—go directly to question 8a
- 7c. Have you ever used the Petitions Web page?
- Yes—go to question 7d
 - No—go directly to question 8a
- 7d. Did you find the Petitions Web page useful?
- Very useful
 - Somewhat useful
 - Not useful

- 8a. Are you aware of the petitions catalogue on the Office of the Auditor General website?
- Yes—go to question 8b
 - No—go directly to question 9
- 8b. Have you ever used the petitions catalogue?
- Yes—go to question 8c
 - No—go directly to question 9
- 8c. Did you find the petitions catalogue useful?
- Very useful
 - Somewhat useful
 - Not useful
- 8d. What did you use the petitions catalogue for? (please check all that apply)
- To help prepare my petition
 - To see if a department had already addressed my environmental or sustainable development issue
 - To research environmental issues
 - To research specific topics
 - General interest
 - Other (please specify)
9. How could we improve the Petitions Web page and the petitions catalogue?

The following questions address your experience with the results of participating in the petitions process.

10. When considering the response to your petition, which of the following factors were most important to you? Please rank your top three factors—1 being the most important and 3 the least important.
- Timeliness of the response (Did the department respond within the 120-day limit?)
 - Thoroughness of the response
 - Length of the response
 - Level of concern exhibited by the department(s)
 - Formal commitments made to address the problems outlined in your petition
 - Whether the requests outlined in your petition were met
 - Creation of a concrete, public record of a minister's response to your concerns
 - Other (please specify)
11. What did you expect from the petitions process?
- 12a. Did the department(s) address your concerns in the way you expected?
- Yes—go directly to question 13a
 - Partly—go to question 12b
 - No—go to question 12b
- 12b. What did you think the response(s) lacked? (please specify)

- 13a. Did the department(s) provide information that you found valuable?
- Yes
 - No
- Please elaborate:
- 13b. Did the department(s) make specific commitments to address your concerns?
- Yes—go to question 14
 - No—go directly to question 15
- Please elaborate:
14. Do you know whether the departments acted on the commitments they made to address your concerns?
- Yes
 - No
 - The commitments have not yet been met
 - There is a promise to fulfill the commitments in the future
15. What is the current status of the issue(s) raised in your petition?
16. Do you believe that your petition had an impact on the environment and/or sustainable development?
- Yes
 - Somewhat
 - No
- Please elaborate:
- 17a. Are you satisfied with the petitions process?
- Yes
 - Somewhat
 - No
- 17b. Do you have any suggestions for improving the petitions process to help Canadians resolve their environmental concerns?
18. Would you submit another petition or encourage others to submit a petition?
- Yes
 - No
 - Maybe
- Please elaborate:
19. May we contact you to discuss your responses?
- Yes
 - No
20. Other comments or suggestions about the petitions process

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to the House of Commons—October 2007**

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