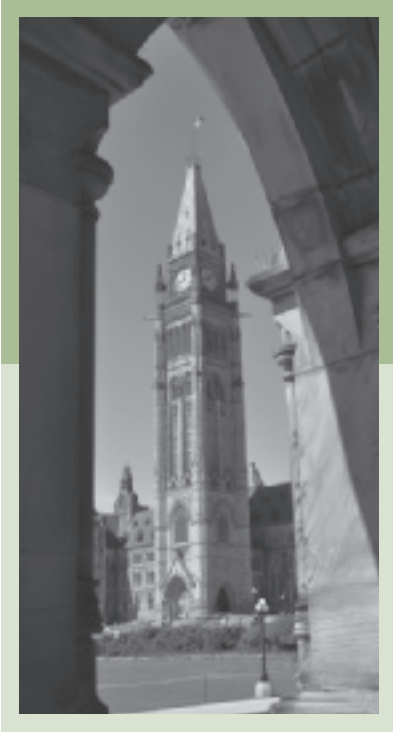


Fall 2014



Report of the Commissioner of the Environment and Sustainable Development

CHAPTER 6

Environmental Petitions Annual Report



Office of the Auditor General of Canada

OAG

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

Ce document est également publié en français.

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CHAPTER 6

Environmental Petitions Annual Report

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Introduction

Highlights

6.1 The highlights of this annual report include the following:

- **Issues raised by petitioners.** The report summarizes issues raised in the 16 environmental petitions that were received between 1 July 2013 and 30 June 2014. Key concerns raised by petitioners included the management of fisheries, and threats to environmental and human health posed by toxic substances.
- **Departmental performance.** This year, departments provided 86 percent of responses to petitions within the 120-day statutory deadline. The responses were complete and relevant.
- **Relevance to other work of the Commissioner.** The report also highlights recent petitions and responses related to fisheries, human and environmental health, and toxic substances—issues that are covered in greater detail in previous reports of the Commissioner of the Environment and Sustainable Development.

Focus of the annual report

6.2 The Commissioner of the Environment and Sustainable Development administers the environmental petitions process on behalf of the Auditor General. In addition to a monitoring and reporting role, the Commissioner posts petitions and responses on the Office of the Auditor General of Canada's website and carries out outreach activities. Further details about the environmental petitions process and the roles and responsibilities of the Commissioner and federal government departments can be found on our website (www.oag-bvg.gc.ca). The purpose of this annual report is to inform Parliament and Canadians about the number, subject-matter, and status of petitions and responses received, as required by section 23 of the *Auditor General Act*. The report covers the period between 1 July 2013 and 30 June 2014.

6.3 More details are provided in **About the Annual Report and the Petitions Process** at the end of this chapter.

Petitions and Responses

Petitions received

Petitions catalogue—The petitions catalogue contains petitions received under Section 22 of the *Auditor General Act*, and the ministerial responses to those petitions. It is available on the Office of the Auditor General website (www.oag-bvg.gc.ca).

Social media—A video on the environmental petitions process is available on the OAG YouTube channel (www.youtube.com/user/OAGBVG). In addition, you can follow us on Twitter at [CESD_CEDD](https://twitter.com/CESD_CEDD).

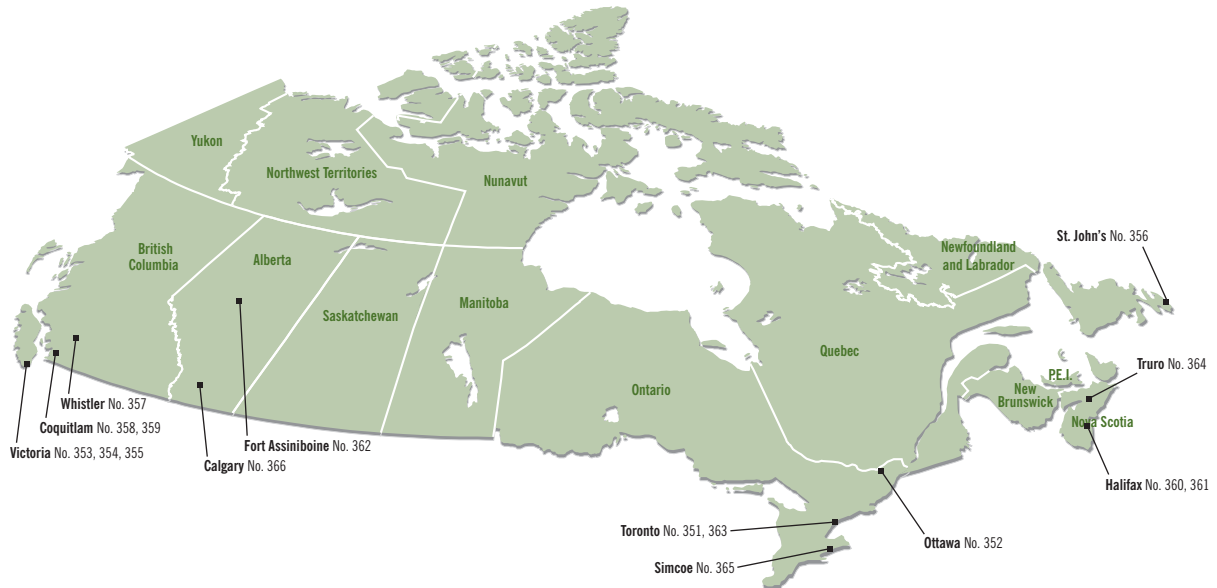
6.4 The Office received 16 environmental petitions between 1 July 2013 and 30 June 2014, compared with 12 the previous reporting year and 23 the year before. The Appendix presents summaries of the petitions received this year. After presenting the petitions to Parliament and with the consent of the petitioners, the Office posts the full text of petitions in the **petitions catalogue** on the Office of the Auditor General website.

6.5 The Office's petitions team continues to use a number of outreach approaches, including **social media**, to inform Canadians about the process.

6.6 This year, six petitions, about a third, originated in British Columbia, four were from Ontario, three from Nova Scotia, two from Alberta, and one from Newfoundland and Labrador (Exhibit 6.1).

6.7 As required, all petitions received this year (16) were forwarded to the federal minister or ministers responsible for the issues being raised in the petition. In nine cases, the petition was forwarded to more than one minister. In total, 34 responses are required from federal ministers. The Minister of Fisheries and Oceans received the highest number of petitions, followed by the Minister of the Environment, and the Minister of Health (Exhibit 6.2).

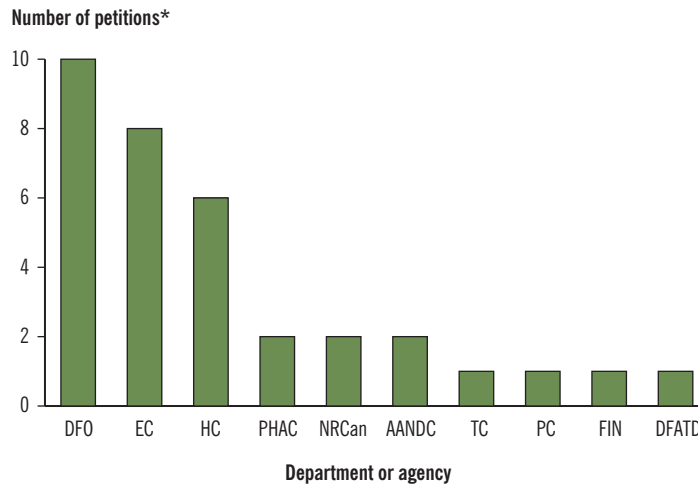
Exhibit 6.1 Petitions came from five provinces (1 July 2013 to 30 June 2014)



Petition	
<p>British Columbia</p> <p>353 Federal government action to deal with recommendations and commitments made in the Cohen Commission report into the decline of Fraser River salmon</p> <p>354 Progress in implementing integrated management of Canada's oceans</p> <p>355 Federal government action to deal with recommendations and commitments made in the Cohen Commission report into the decline of Fraser River salmon</p> <p>357 Federal government response to the 2012 Cohen Commission report into the decline of Fraser River salmon and concerns about the potential impact to fish habitat protection under the amended <i>Fisheries Act</i></p> <p>358 Federal government response to the 2012 Cohen Commission report into the decline of Fraser River salmon and concerns about funding for salmon stock monitoring and assessment</p> <p>359 Fisheries and Oceans Canada's response to the Wild Salmon Policy and salmon farming recommendations of the 2012 Cohen Commission report</p> <p>Alberta</p> <p>362 Federal role and action in response to the Obed Mountain Mine coal slurry spill into the Athabasca River watershed</p> <p>366 Monitoring of human health in the oil sands region of Alberta</p>	<p>Ontario</p> <p>351 Review of the <i>Persistence and Bioaccumulation Regulations</i> under the <i>Canadian Environmental Protection Act, 1999</i></p> <p>352 Risk assessment for the production of genetically engineered salmon eggs</p> <p>363 Federal government review of European Union decisions to ban substances for health and environmental reasons, in accordance with section 75(3) of the <i>Canadian Environmental Protection Act, 1999</i></p> <p>365 Scientific evidence supporting the statements made in Health Canada's Fact Sheet on Safety Code 6, which recommends limits for safe exposure to radio frequency electromagnetic radiation</p> <p>Nova Scotia</p> <p>360 Interpreting and applying the 2012 changes to the habitat-protection provisions of the <i>Fisheries Act</i></p> <p>361 Potential consequences of a perceived relaxation of the habitat-protection provisions of the <i>Fisheries Act</i></p> <p>364 Testing and approval process for pesticides used on food and food crops</p> <p>Newfoundland and Labrador</p> <p>356 Cost-benefit analysis of offshore oil and gas development in Newfoundland and Labrador</p>

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

Exhibit 6.2 Federal departments and agencies that received petitions this year (1 July 2013 to 30 June 2014)



Legend

DFO: Fisheries and Oceans Canada	AANDC: Aboriginal Affairs and Northern Development Canada
EC: Environment Canada	TC: Transport Canada
HC: Health Canada	PC: Parks Canada
PHAC: Public Health Agency of Canada	FIN: Department of Finance Canada
NRCan: Natural Resources Canada	DFATD: Foreign Affairs, Trade and Development Canada

* Note that the same petition may be sent to more than one department or agency.

Over half of the petitions were local or regional in scope

6.8 This year’s petitions addressed local, regional, and national issues. Nine petitions had a local or regional focus; that is, they focused on activities and events that took place in a particular region of the country. Six of the petitions concerned national environmental issues, and one petition pertained to both regional and national issues (Exhibit 6.3). Summaries of each petition are provided in the Appendix.

Organizations submitted over half of the petitions

6.9 Nine of the sixteen petitions received this year were from organizations. The remaining seven petitions came from individuals. One third of the petitioners used the process in the past. For example, Ecojustice has raised environmental concerns in several petitions (Exhibit 6.4).

Exhibit 6.3 Petitions covered both local and national issues (1 July 2013 to 30 June 2014)

Petition number and topic	
Local or regional	
352	Risk assessment on genetically engineered salmon eggs
353	Cohen Commission
355	Cohen Commission
356	Cost-benefit analysis of offshore oil and gas development in Newfoundland and Labrador
357	Cohen Commission
358	Cohen Commission
359	Cohen Commission
362	Action on Obed Mountain Mine spill
366	Monitoring human health in the Alberta oil sands region
National	
351	Review of the <i>Persistence and Bioaccumulation Regulations</i> under the <i>Canadian Environmental Protection Act, 1999</i>
360	Fish habitat protection and the <i>Fisheries Act</i>
361	Fish habitat protection and the <i>Fisheries Act</i>
363	Review under the <i>Canadian Environmental Protection Act, 1999</i> of substances banned by the European Union
364	Testing and approval process for pesticides used on food and food crops
365	Limits for safe exposure to electromagnetic radiation
Both	
354	Progress on integrated management of Canada's oceans

Exhibit 6.4 Ecojustice has used petitions to raise concerns about environmental issues


Ecojustice is a national non-profit organization that provides legal services to charities and individuals, advocating for more effective environmental legislation and more stringent enforcement and compliance. In addition to

these activities, Ecojustice conducts investigations, prepares reports, and is involved in outreach and public awareness campaigns.

Ecojustice has raised concerns in several environmental petitions, including a petition on the *Migratory Birds Convention Act, 1994* and one on the potential environmental risks related to the increase in oil tankers in British Columbia. In 2013–14, Ecojustice submitted three petitions: two are related to toxic substances and the *Canadian Environmental Protection Act, 1999* (petitions 351 and 363), and one is on the Obed Mountain Mine spill (Petition 362). The petitions process is one of the tools used by Ecojustice to call attention to issues that concern Canadians.

6.10 The Watershed Watch Salmon Society, the SOS (Save our Salmon) Marine Conservation Foundation, and the Sea to Sky Fisheries Roundtable are non-governmental organizations that submitted environmental petitions this year, conveying their concerns about the government's response to the recommendations made by the Cohen Commission (Exhibit 6.5).

6.11 The petitions process provides a way for these and other organizations and individuals to get answers from federal ministers to environmental questions that concern them. It is important to note that any resident of Canada may submit a petition.

Exhibit 6.5 The Cohen Commission investigated the decline in salmon stocks in the Fraser River



In November 2009, Justice Bruce Cohen was appointed to lead the Commission of Inquiry into the Decline of Sockeye Salmon in the Fraser River. The aim of the federal inquiry was to investigate and provide independent findings on the cause of the decline. It studied environmental changes, diseases, aquaculture, and other factors affecting the ability of sockeye salmon to reach spawning grounds and the ocean. The Commission was asked to assess the current state of salmon stocks and projections for their future sustainability. The report, which was tabled on 31 October 2012, included 75 recommendations, mainly to Fisheries and Oceans Canada, proposing changes to the Department's programs, plans, and

policies for improving the management of sockeye salmon stocks.

The full report is available from the catalogue of the Government of Canada Publications website (<http://publications.gc.ca/site/eng/ourCatalogue.html>).

The most common issues were fisheries management and risks to environmental and human health

6.12 This year, the most common concerns were related to fisheries management and the potential effects of toxic substances on environmental and human health. Only one petition, on offshore oil and gas development in Newfoundland and Labrador, did not fall into one of the above categories. To help web users with their searches, the petitions catalogue on the Office of the Auditor General website can be searched by issue.

6.13 Our analysis of legislation referenced in environmental petitions shows that the *Fisheries Act* and the *Canadian Environmental Protection Act, 1999*, and their associated regulations, were the two pieces of

legislation cited most frequently in the environmental petitions received this year (Exhibit 6.6).

6.14 Fisheries management. The challenges facing the sustainability of Canada's fisheries and oceans have motivated some Canadians to express their concerns using the petitions process. Of the 16 petitions received in the 2013 to 2014 reporting period, eight concerned the management and sustainability of fisheries. Five of these petitions raised questions about the government's response to the Cohen Commission (Exhibit 6.5).

Exhibit 6.6 Legislation mentioned in petitions for the reporting period 2013–2014

Legislation mentioned in petition	Petition number and topic
<i>Fisheries Act</i>	357 Cohen Commission
	358 Cohen Commission
	360 Fish habitat protection and the <i>Fisheries Act</i>
	361 Fish habitat protection and the <i>Fisheries Act</i>
	362 Action on Obed Mountain Mine spill
Omnibus Bill C-38 (in relation to the <i>Fisheries Act</i>)	357 Cohen Commission
	360 Fish habitat protection and the <i>Fisheries Act</i>
	361 Fish habitat protection and the <i>Fisheries Act</i>
Omnibus Bill C-45 (in relation to the <i>Fisheries Act</i>)	361 Fish habitat protection and the <i>Fisheries Act</i>
<i>Canadian Environmental Protection Act, 1999</i>	351 Review of the <i>Persistence and Bioaccumulation Regulations</i> under the <i>Canadian Environmental Protection Act, 1999</i>
	352 Risk assessment on genetically engineered salmon eggs
	363 Review under the <i>Canadian Environmental Protection Act, 1999</i> of substances banned by the European Union
	366 Monitoring human health in the Alberta oil sands region
<i>Canadian Environmental Protection Act, 1999—Persistence and Bioaccumulation Regulations</i>	351 Review of the <i>Persistence and Bioaccumulation Regulations</i> under the <i>Canadian Environmental Protection Act, 1999</i>
<i>Canadian Environmental Protection Act, 1999—New Substances Notification Regulations (Organisms)</i>	352 Risk assessment on genetically engineered salmon eggs
<i>Access to Information Act</i>	352 Risk assessment on genetically engineered salmon eggs
<i>Oceans Act</i>	354 Progress on integrated management of Canada's oceans
<i>Species at Risk Act</i>	361 Fish habitat protection and the <i>Fisheries Act</i>
<i>Mackenzie Valley Resource Management Act</i>	362 Action on Obed Mountain Mine spill
<i>Canada Consumer Product Safety Act</i>	363 Review under the <i>Canadian Environmental Protection Act, 1999</i> of substances banned by the European Union
<i>Canadian Human Rights Act</i>	365 Limits for safe exposure to electromagnetic radiation

6.15 Petitions 353, 355, 357, 358, and 359 asked similar questions about the government’s response to the recommendations made in the Cohen Commission report, its compliance with the timelines that were set for certain actions, and the funding allocated to fulfilling the recommendations (see Appendix for petition summaries). The Watershed Watch Salmon Society was an active petitioner on this topic (Exhibit 6.7). Petition 358, submitted jointly by this society and SOS (Save our Salmon) Marine Conservation Foundation, included questions about the funding provisions made for each Commission recommendation. Specific questions were asked about funding for monitoring and assessing stocks of sockeye salmon populations.

6.16 The most recent fisheries-related petitions (petitions 360 and 361) raised concerns about the changes to the *Fisheries Act* under Bill C-38. Petition 354 asked questions about the government’s progress in integrating sustainable development principles into the management of the Pacific North Coast Integrated Management Area. This area (Exhibit 6.8) is one of the five national Large Ocean Management Areas identified in Canada’s Oceans Action Plan (2005).

6.17 Past petitions and audits. Canada’s fisheries has been a recurring topic in environmental petitions (Exhibit 6.9). A 2009 petition questioned the management of salmon and other fisheries on the West Coast. Other past petitions have questioned the conservation and recovery of wild Atlantic salmon and the environmental impacts of salmon aquaculture in New Brunswick and Nova Scotia. Infectious salmon anemia was a subject of concern for a 2012 petition.

Exhibit 6.7 The Watershed Watch Salmon Society raised concerns about the sustainable management of wild salmon



The Watershed Watch Salmon Society (WWSS) is a British Columbia–based registered charity that advocates the sustainable management of British Columbia’s wild salmon. The Watershed Watch Salmon Society relies on scientific expertise, key partnerships, and outreach programs to highlight issues affecting wild salmon viability and to prompt action to resolve these issues.

This organization used the petition process twice in 2013–2014 to gain insight into the response of Fisheries and Oceans Canada to the Cohen Commission’s recommendations. In 2005, the WWSS had submitted a petition about Fisheries and Oceans Canada’s stance on sea lice and aquaculture.

Exhibit 6.8 The Pacific North Coast Integrated Management Area in British Columbia



Source: Living Oceans Society

Exhibit 6.9 Many petitions received in recent years have raised questions about fisheries

Date received	Number and title of the petition
26 November 2012	343 Surveillance activities under the National Aquatic Animal Health Program and the potential health and trade impacts if infectious salmon anemia is detected in Canadian salmon
22 September 2011	323 Environmental assessment of finfish (salmon) aquaculture in Nova Scotia
15 June 2011	318 Use of toxic chemicals to control sea lice at salmon aquaculture sites in New Brunswick
3 June 2010	300 The environmental impact of salmon aquaculture in Passamaquoddy Bay, New Brunswick
7 December 2009	292 The management of salmon and other fisheries on the West Coast of Canada
25 August 2009	290 Federal government progress related to the conservation and recovery of wild Atlantic salmon in eastern Canada

6.18 The Commissioner of the Environment and Sustainable Development has also addressed the issue of the sustainability of fisheries in several performance audits. In the 2009 Spring Report, Chapter 1—Protecting Fish Habitat, the Commissioner audited Fisheries and Oceans Canada and Environment Canada about their responsibilities for protecting fish habitat and pollution prevention under the *Fisheries Act*. A study on the sustainable management of fisheries was undertaken and reported in the 2011 December Report, Chapter 4—A Study of Managing Fisheries for Sustainability. This study was followed by the 2012 Fall Report, Chapter 3—Marine Protected Areas.

6.19 Human and environmental health and toxic substances. Petitions 351, 352, 362, 363, and 364 inquired about toxic or potentially toxic substances in Canada (see Appendix for petition summaries). Three of these petitions raised questions about the government’s ongoing oversight and review of substances that are in use in Canada. These three petitions dealt with

- review of the *Persistence and Bioaccumulation Regulations* under the *Canadian Environmental Protection Act, 1999* (Petition 351),
- review under the *Canadian Environmental Protection Act, 1999* of substances banned by the European Union (Petition 363), and
- cancer risks of pesticides on food and food crops (Petition 364).

6.20 Petition 364 is related to the potential cancer risks posed by the cumulative effects of chemicals and pesticides on human health. The petition, submitted by an organization called Getting to Know Cancer, raised concerns about pesticides that Health Canada’s Pest Management Regulatory Agency approved for use in Canada (Exhibit 6.10).

6.21 Petition 352 on genetically engineered salmon eggs is included in this section because new genetically modified organisms need to be assessed for their potential toxicity under the *New Substances Notification Regulations (Organisms)*, pursuant to the *Canadian Environmental Protection Act, 1999*. This petition raised the potential environmental and health risks related to the production of genetically engineered salmon eggs in Prince Edward Island.

6.22 Two other petitions referred directly to potential impacts on human health: Petition 365, on the safety of radio frequency electromagnetic radiation, and Petition 366, on the monitoring of human health in the oil sands region of Alberta.

Exhibit 6.10 The Getting to Know Cancer organization focuses on the relationship between cancer and chemicals in the environment



Getting to Know Cancer is a non-profit organization dedicated to exploring the relationship between chemical agents in the environment and cancer. Based in Nova Scotia, this organization works with scientists, physicians, other non-governmental organizations, and health agencies to promote research and stewardship practices.

Getting to Know Cancer used the environmental petitions process this year (Petition 364) to question the government about cancer risks posed by the combined effects of pesticides. This organization was concerned about the possibility that the combined effects of chemicals in the food supply may contribute to the incidence of cancer. Of particular concern was the ongoing use in Canada of the fungicide called chlorothalonil, which contains hexachlorobenzene, a substance that is prohibited globally under the Stockholm Convention.

6.23 Past petitions and audits. The issue of toxic substances is also one that has been frequently raised by petitioners over the last few years (Exhibit 6.11). In the Fall 2009 report, the Commissioner of the Environment and Sustainable Development published Chapter 2—Risks of Toxic Substances, and Chapter 3—National Pollutant Release Inventory.

The most prevalent theme this year was the use of science in decision making

6.24 The most prevalent theme in the petitions received this year was the use of science in decision making. For instance, Petition 364 on potential cancer risks raised questions about how the cumulative effects of known carcinogens have been factored into government decision making. Petition 357 on the Cohen Commission raised questions about recent changes to the habitat protection provisions of the *Fisheries Act* and how they will enhance protection of habitat and wild fish. The petitioner asked for the scientific evidence that protections will be enhanced with these changes.

6.25 Another underlying theme in petitions this year was the **precautionary principle**. One example is Petition 352, on the approval of the production of genetically engineered salmon eggs in Canada. The petition indicated that genetically modified fish have the potential to cause serious damage to ecosystems if they escape. The petitioner asked how Environment Canada is applying a “precautionary approach” to manage risks posed by genetically engineered salmon eggs.

Precautionary principle—The precautionary principle denotes a duty to prevent harm, when it is within our power to do so, *even when all the evidence is not in*. This principle has been codified in the preamble of the *Canadian Environmental Protection Act, 1999* and in several international treaties to which Canada is a signatory. The precautionary principle states that “where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.”

Exhibit 6.11 Many petitions received in recent years have raised questions about toxic substances

Date received	Number and title of the petition
17 July 2012	340 Federal research on hormone disrupting substances as required under the <i>Canadian Environmental Protection Act, 1999</i>
25 October 2011	325 Use of the Cosmetic Ingredient Hotlist to manage potentially toxic and carcinogenic substances in cosmetics
14 October 2011	324 Concerns about the re-evaluation of the pesticide dimethoate
29 August 2011	322 Regulatory requirements for developmental toxicity testing of new and existing chemicals
26 July 2011	320 The pesticide evaluation process under the <i>Pest Control Products Act</i>
15 June 2011	318 Use of toxic chemicals to control sea lice at salmon aquaculture sites in New Brunswick
26 January 2011	310 Health and environmental impact of endocrine disrupting chemicals used in cosmetics
30 November 2011	And follow-up: 310B Follow-up on the health and environmental impact of endocrine disrupting substances in cosmetics
2 February 2010	297 Federal government’s management of the impact of pesticides and toxic chemicals on the health of Canadians
19 May 2010	299 The regulation and approval of fluoridation products added to drinking water
23 November 2010	And follow-ups: 299B Follow-up petition on the regulation and approval of fluoridation products added to drinking water
20 December 2010	299C Follow-up petition on the regulation and approval of fluoridation products added to drinking water
20 January 2010	295 The potential health and environmental impact of pesticides on apples and other food crops
20 January 2010	294 The health impact of chemicals and pollutants that are released into the environment
24 June 2009	284 Control of toxic substances in tobacco products
22 June 2009	283 Concerns about the regulation of the herbicide atrazine and its potential impact on amphibian populations
7 April 2009	274 Request for federal action to protect Canadians from vapour intrusion of CEPA Schedule 1 toxic substances into residences

Responses due in this reporting period

6.26 The *Auditor General Act* requires responsible ministers to reply in writing to each petition within 120 calendar days after it is received. As a result, some of the responses covered in this report were for petitions received at the end of the previous reporting period. This accounts for the difference between the number of petitions submitted this year (16) and the number of petitions for which responses were due this year (8, which includes 6 petitions received this year and 2 petitions received last year—petitions 349 and 350). Responses for the 10 petitions received toward the end of this reporting period will be covered in next year’s report.

6.27 Most of the 8 petitions for which responses were due this year were directed to more than one responsible minister. As a result, nine departments provided a total of 21 responses.

Environment Canada and Fisheries and Oceans Canada were called upon the most often to respond to petitions this year, with each responding to 5 of the 8 petitions. Natural Resources Canada responded to 4 petitions and Health Canada responded to 2.

Not all departments responded on time

6.28 Departments provided 86 percent of petition responses this year within the 120-day period prescribed by the *Auditor General Act*. This is the same response rate as that recorded the previous year. Although departments and agencies have a statutory obligation to respond within 120 days, a response is not considered late if the responsible minister sends a written notification of delay within that period. This year, three departments did not provide written notification that their responses would be delayed. These responses are therefore considered late (Exhibit 6.12).

Exhibit 6.12 Three departments responded late (2013–2014)

Department	Number of responses due	Number of late responses	Percentage on time (%)	Notification of delay*
Aboriginal Affairs and Northern Development Canada	1	0	100	
Agriculture and Agri-Food Canada	1	0	100	
Environment Canada	5	0	100	
Finance Canada, Department of	1	0	100	yes
Fisheries and Oceans Canada	5	0	100	
Foreign Affairs, Trade and Development Canada	1	1	0	
Health Canada	2	1	50	
Natural Resources Canada	4	1	75	
Transport Canada	1	0	100	
Total	21	3	86	

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

Responses were complete and relevant

6.29 As part of its monitoring role, the Office routinely reviews each petition response for the following:

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

We found that the responses due this year were complete and relevant.

6.30 The eight petitions that departments responded to this year contained 64 questions. The questions and responses varied considerably in length and level of detail. Some responses were concise while others provided more details on the government's approaches and policies.

6.31 For example, in its response to Petition 351, related to regulations under the *Canadian Environmental Protection Act, 1999*, Environment Canada offered a clear and concise response. The petitioners asked if the Department had decided whether to make revisions to the *Persistence and Bioaccumulation Regulations*. The petitioners' question followed up on the Department's response to a petition in 2008. In that response, the Department stated that it was considering revisions to these regulations. In this year's petition, the petitioners wanted to know if a review had been undertaken, and its outcome. In response, Environment Canada stated that "A specific review of the Regulations has not been undertaken nor is one planned."

6.32 Petition 349 (see petitions catalogue) provides more detailed explanations regarding how the precautionary principle is considered in relation to a number of Canada's international environmental commitments. For instance, in response to question 5 (Section A) in this petition, Health Canada provided a detailed answer related to bovine growth hormone use. Another example is question 1 in Petition 354 on what progress has been made implementing integrated management of Canada's oceans. In its answer, Fisheries and Oceans Canada explained how sustainable development is integrated in decision making among the full range of marine users and uses.

Conclusion

6.33 The environmental petitions process remains a unique way for Canadian residents to bring their concerns and questions about environmental issues to the attention of responsible federal ministers and to obtain responses from them. Through this process, they can also request information and ask for commitments to action.

6.34 The Office of the Auditor General of Canada received 16 petitions this year, compared with 12 last year and 23 the year before. There continues to be a wide range of important environmental topics and questions raised in the petitions submitted.

6.35 Departments provided 86 percent of petition responses this year within the 120-day statutory deadline. This represents the same percentage as last year.

About the Annual Report and the Petitions Process

Objective

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

Scope and approach

The annual report on environmental petitions summarizes the monitoring of the petitions process by the Commissioner of the Environment and Sustainable Development within the Office of the Auditor General of Canada.

Period covered by the report

This annual report on environmental petitions covers the period from 1 July 2013 to 30 June 2014. The Appendix includes summaries of the petitions received during the reporting period. The work for this report was completed on 15 July 2014.

The environmental petitions process

The environmental petitions process was created in 1995 through an amendment to the *Auditor General Act*. The process is a formal yet simple way for Canadians to obtain responses from federal ministers to their questions, concerns, and requests related to environmental issues that are within the federal government's mandate. There were 26 departments and agencies subject to the process during the period covered by this report. Under the Act, the Commissioner of the Environment and Sustainable Development administers the process on behalf of the Auditor General, and is required to present to Parliament an annual report on petitions and their status.

Any Canadian resident may submit an environmental petition, acting alone or on behalf of an organization, business, or municipality. Since the launch of the process in 1995, the Office has received 425 petitions. Topics have varied widely, from the impact of a development on a local stream to the right of all Canadians to a healthy environment. Petitioners have used the petitions process to ask for information, investigations, specific actions, and policy changes.

When a petition is received by the Office, the petition is forwarded to the federal ministers responsible for the issues raised. The ministers must reply in writing to the petition within 120 calendar days. Ministers are required to notify the petitioner before the end of this period if they do not expect to be able to meet the timeline. These requirements are clearly specified in the *Auditor General Act*, which states that ministers must respond to each petition. While ministers must answer a petitioner's questions in a timely manner, they have discretion with respect to taking action on the issues raised. The following table outlines the petitions process.

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

Environmental petitions process		
Starting a petition	A Canadian resident submits a written petition to the Auditor General of Canada.	
Reviewing a petition	The Commissioner reviews the petition to determine whether it meets the requirements of the <i>Auditor General Act</i> .	
	<table border="1"> <tr> <td> <p>If the petition meets the requirements of the <i>Auditor General Act</i>, the Commissioner 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. </td> <td> <p>If the petition does not meet the requirements of the <i>Auditor General Act</i>, the petitioner will be informed in writing.</p> <p>If the petition is incomplete or unclear, the petitioner will be asked to resubmit it.</p> </td> </tr> </table>	<p>If the petition meets the requirements of the <i>Auditor General Act</i>, the Commissioner 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.
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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 the Commissioner within 120 days. 	

Ongoing petitions activities				
Monitoring	Reporting	Posting on the Internet	Auditing	Outreach
The Commissioner monitors acknowledgement letters and responses from ministers.	The Commissioner reports to Parliament on the petitions and responses received.	The Commissioner posts petitions, responses, and summary information on the Internet, in both official languages.	The Office of the Auditor General considers issues raised in petitions when planning future audits.	The Commissioner carries out a variety of outreach activities to inform Canadians about the petitions process.

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

To assist petitioners, the Office has produced Getting Answers—A Guide to the Environmental Petitions Process. The guide, available on the Office of the Auditor General website (www.oag-bvg.gc.ca), describes the process in more detail and includes information on

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

We also suggest a maximum of 5,000 words and no more than 20 questions or requests. While petitions exceeding those limits are acceptable and will be sent to departments and agencies for response, the Office reserves the right not to publish petitions exceeding those limits on its website. Because petitions remain the property of petitioners, they are free to publish their petitions and the government responses in any manner they see fit. However, we recommend that they wait until the petition has been formally accepted and sent to the departments and agencies for response.

Petitions team

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Appendix Petitions activity (1 July 2013 to 30 June 2014)

This appendix includes a summary of the petitions received during the activity period noted above. To access the full text of petitions and responses from the creation of the environmental petitions process in 1995 to 30 June 2014, go to the petitions catalogue on our website. If necessary, paper copies of the catalogue can be obtained on request.

Petition 351: Review of the *Persistence and Bioaccumulation Regulations under the Canadian Environmental Protection Act, 1999*

Date Received: 8 July 2013

Petitioner(s): Ecojustice and Canadian Environmental Law Association

Summary: The petitioners are concerned that the criteria used to assess bioaccumulation of toxic substances exclude the assessment of bioaccumulation in terrestrial species. They note that the federal government stated, in its response to Petition 262, that it was considering a review of the regulations. They are asking the government for an update on this review. The petitioners also believe that the current bioaccumulation thresholds are higher than those in other jurisdictions, such as in Europe and the United States. The petitioners are asking the federal government to adopt lower thresholds.

Issue(s): Human/environmental health, toxic substances

Federal Departments Responsible for Reply: Environment Canada, Health Canada

Status: Completed

Petition 352: Risk assessment for the production of genetically engineered salmon eggs

Date Received: 19 September 2013

Petitioner(s): Canadian Biotechnology Action Network

Summary: The petitioner is concerned with the potential environmental and health risks related to the production of genetically engineered salmon eggs in Prince Edward Island. The petitioner is asking the federal government about its responsibilities under the *New Substance Notification Regulations (Organisms)*, which falls under the *Canadian Environmental Protection Act, 1999*, specifically as they relate to risk assessments that have been or may be completed on this subject.

Issue(s): Fisheries, human/environmental health, science and technology, toxic substances

Federal Departments Responsible for Reply: Environment Canada, Fisheries and Oceans Canada

Status: Replies received but not yet posted

Petition 353: Federal government action to deal with recommendations and commitments made in the Cohen Commission report into the decline of Fraser River salmon

Date Received: 12 November 2013

Petitioner(s): Dennis Reid

Summary: The petitioner is concerned about the lack of response from Fisheries and Oceans Canada to recommendations made by the Cohen Commission. The Commission studied the decline in sockeye salmon in the Fraser River in British Columbia and issued its final report in October 2012. The petitioner asks Fisheries and Oceans Canada to describe its actions and results in response to the 75 recommendations presented by the Commission.

Issue(s): Fisheries, governance

Federal Department Responsible for Reply: Fisheries and Oceans Canada

Status: Completed

Petition 354: Progress in implementing integrated management of Canada's oceans

Date Received: 25 November 2013

Petitioner(s): BC Commercial Fishing Caucus

Summary: The petitioner is concerned with the federal government's progress in implementing integrated management of Canada's oceans, in particular the management of the Pacific North Coast Integrated Management Area. The petitioner asks what the government is doing to integrate oceans management in the areas of fishing, shipping, ocean protection, and natural resource development. The petitioner also requests information about the government's consultations with regional stakeholders, its cooperation with other jurisdictions, and the resources it has allocated to oceans management.

Issue(s): Aboriginal affairs, federal provincial relations, fisheries, governance, natural resources

Federal Departments Responsible for Reply: Aboriginal Affairs and Northern Development Canada, Fisheries and Oceans Canada, Foreign Affairs and International Trade, Natural Resources Canada, Transport Canada

Status: Replies received but not yet posted

Petition 355: Federal government action to deal with recommendations and commitments made in the Cohen Commission report into the decline of Fraser River salmon

Date Received: 7 January 2014

Petitioner(s): Sandra Slobodian

Summary: The petitioner is concerned about Fisheries and Oceans Canada's lack of response to recommendations made by the Cohen Commission. The Commission, which cost \$26 million, studied the decline in Sockeye salmon in the Fraser River in British Columbia and issued its final report in October 2012. The petitioner is asking Fisheries and Oceans Canada to outline its actions and results in response to the 75 recommendations presented by the Commission.

Issue(s): Fisheries, governance

Federal Department Responsible for Reply: Fisheries and Oceans Canada

Status: Reply received but not yet posted

Petition 356: Cost-benefit analysis of offshore oil and gas development in Newfoundland and Labrador

Date Received: 23 January 2014

Petitioner(s): Peter Armitage

Summary: The petitioner is concerned about greenhouse gas (GHG) emissions resulting from offshore oil and gas development in Newfoundland and Labrador. The petitioner asks the federal government if it has carried out a cost-benefit analysis of the overall offshore oil and gas development in this area, including an analysis of fiscal revenues and costs. In addition, the petitioner asks about the related total GHG emissions, calculated on the basis of a life-cycle assessment.

Issue(s): Climate change, federal–provincial relations, natural resources

Federal Departments Responsible for Reply: Environment Canada, Finance Canada, Natural Resources Canada

Status: Replies pending

Petition 357: Federal government response to the 2012 Cohen Commission report into the decline of Fraser River salmon and concerns about the potential impact to fish habitat protection under the amended *Fisheries Act*

Date Received: 21 February 2014

Petitioner(s): Sea to Sky Fisheries Roundtable

Summary: The petitioner is concerned about the lack of response from Fisheries and Oceans Canada to the recommendations made by the Cohen Commission. The Commission, which issued its report in October 2012, studied the decline of Sockeye salmon in the Fraser River in British Columbia and developed recommendations for improving its future sustainability. The petitioner asks Fisheries and Oceans Canada to describe the actions it took in response to the recommendations presented by the Commission. The petitioner is also concerned about the potential impact to fish habitat protection as a result of recent changes to the *Fisheries Act* and reported cuts to department staff. The petitioner asks how the Department will continue to monitor and protect fish habitat.

Issue(s): Fisheries, Governance

Federal Department Responsible for Reply: Fisheries and Oceans Canada

Status: Reply received but not yet posted

Petition 358: Federal government response to the 2012 Cohen Commission report into the decline of Fraser River salmon and concerns about funding for salmon stock monitoring and assessment

Date Received: 25 February 2014

Petitioner(s): Watershed Watch Salmon Society & SOS Marine Conservation Foundation

Summary: The petitioners are concerned about the lack of federal government response to the recommendations made by the Cohen Commission. The Commission, which issued its report in October 2012, studied the decline of Sockeye salmon in the Fraser River in British Columbia and developed recommendations for improving the future sustainability of Sockeye salmon. The petitioners ask Fisheries and Oceans Canada to describe its analyses, action, and related funding in response to the Commission's recommendations, including those related to salmon stock monitoring and assessment. They also ask whether Fisheries and Oceans Canada supports the Commission's recommendation to report on progress against its recommendations and to describe

what action the Department has taken in this regard. In addition, the petitioners ask about the cost for federal organizations to participate in the hearing process and whether this cost is included in the \$26 million reported cost of the Commission.

Issue(s): Federal–provincial relations, fisheries, governance

Federal Departments Responsible for Reply: Environment Canada, Fisheries and Oceans Canada

Status: Replies received but not yet posted

Petition 359: Fisheries and Oceans Canada’s response to the Wild Salmon Policy and salmon farming recommendations of the 2012 Cohen Commission report

Date Received: 25 February 2014

Petitioner(s): Watershed Watch Salmon Society & SOS Marine Conservation Foundation

Summary: The petitioners are concerned about the lack of Fisheries and Oceans Canada’s response to the recommendations made by the Cohen Commission, in particular those related to the Wild Salmon Policy and the impact of salmon farming on wild salmon stock. The Commission, which issued its report in October 2012, studied the decline of Sockeye salmon in the Fraser River in British Columbia and developed recommendations for improving the future sustainability of Sockeye salmon. The petitioners ask Fisheries and Oceans Canada to describe its plans, analyses, funding, and action taken in implementing the Wild Salmon Policy since the Commission issued its final report. The petitioners also ask the Department if it has provided non-government scientific researchers with the recommended timely access to salmon health data, and if it has taken action to deal with the potential conflict between its fish conservation role and its promotion of salmon farming.

Issue(s): Biological diversity, fisheries, governance

Federal Department Responsible for Reply: Fisheries and Oceans Canada

Status: Reply received but not yet posted

Petition 360: Interpreting and applying the 2012 changes to the habitat-protection provisions of the *Fisheries Act*

Date Received: 11 March 2014

Petitioner(s): Dr. Jeffrey Hutchings

Summary: The petitioner is concerned about changes made to the habitat-protection provisions of the *Fisheries Act* that were passed by Parliament in 2012—in particular, how Fisheries and Oceans Canada is interpreting and applying the amended provisions. The petitioner asks the Department questions about its process, such as who decides which fish will be part of a commercial, recreational, or Aboriginal fishery, and how the Department carries out inspections and enforcement to ensure compliance with the amended provisions. The petitioner also asks whether the Department continues to use letters of advice for smaller projects.

Issue(s): Biological diversity, compliance and enforcement, fisheries, governance

Federal Departments Responsible for Reply: Environment Canada, Fisheries and Oceans Canada

Status: Replies pending

Petition 361: Potential consequences of a perceived relaxation of the habitat-protection provisions of the *Fisheries Act*

Date Received: 11 March 2014

Petitioner(s): Dr. Jeffrey Hutchings

Summary: The petition recaps changes to the habitat-protection provisions of the *Fisheries Act*, which were passed by Parliament in June 2012, and raises concerns about the potential negative consequences of these changes. It also summarizes the regulations introduced by Fisheries and Oceans Canada in April 2013. Further, the petition raises concerns about how Fisheries and Oceans Canada will interpret “serious harm” to fish and “permanent” alteration or destruction of fish habitat, and calls into question the Department’s ability to implement its ecosystem approach to the sustainable management of aquatic resources under the revised legislation. The petition includes questions for Fisheries and Oceans Canada about its scientific input into the changes to the habitat protection provisions of the *Fisheries Act*, about how these changes will be interpreted and applied, and about the impact of the changes on aquatic species at risk.

Issue(s): Biological diversity, fisheries, governance

Federal Department Responsible for Reply: Fisheries and Oceans Canada

Status: Reply received but not yet posted

Petition 362: Federal role and action in response to the Obed Mountain Mine coal slurry spill into the Athabasca River watershed

Date Received: 24 March 2014

Petitioner(s): Keepers of the Athabasca Watershed Society and Ecojustice

Summary: The petition raises concerns about the federal government’s role and actions in response to the October 2013 Obed Mountain Mine coal slurry spill into the Athabasca River watershed. The petition summarizes the events surrounding the spill, and includes information about the toxic substances that may have been contained in the slurry, such as polycyclic aromatic hydrocarbons, arsenic, cadmium, lead, and mercury. According to the petition, about 670 million litres of slurry were released into the environment; the spill had an impact on fish habitat in nearby streams; and the plume may have travelled far downstream and had a potential impact on municipal drinking water. The petitioners ask the government about its approvals and inspections prior to the spill, as well as its response to the spill, including investigations, future monitoring, and habitat remediation.

Issue(s): Aboriginal affairs, compliance and enforcement, human/environmental health, toxic substances, water

Federal Departments and Agencies Responsible for Reply: Aboriginal Affairs and Northern Development Canada, Environment Canada, Fisheries and Oceans Canada, Health Canada, Public Health Agency of Canada, Parks Canada

Status: Replies received but not yet posted

Petition 363: Federal government review of European Union decisions to ban substances for health and environmental reasons, in accordance with section 75(3) of the *Canadian Environmental Protection Act, 1999***Date Received:** 16 April 2014**Petitioner(s):** Ecojustice and Canadian Environmental Law Association

Summary: The petitioners ask the federal government how it has carried out its responsibilities under section 75(3) of the *Canadian Environmental Protection Act, 1999* (CEPA 1999) related to its review of other jurisdictions' decisions to ban substances for health and environmental reasons. The petition notes that Environment Canada and Health Canada have entered into a memorandum of understanding with a European Union agency regarding scientific collaboration and information exchange on chemical substances. The petition states that the European Union banned 22 substances due to environmental or health concerns, of which six are not considered toxic under CEPA 1999. In addition, the petition notes that the European Union has also placed restrictions on the manufacture and use of an additional 63 substances. The petitioners ask Environment Canada and Health Canada when they expect to review the European Union decisions and determine whether the six banned substances, and the restricted substances, are toxic or capable of becoming toxic. The petitioners also seek a better understanding of the government's procedures in carrying out its responsibilities under section 75(3) of CEPA 1999.

Issue(s): Human/environmental health, international cooperation, toxic substances**Federal Departments Responsible for Reply:** Environment Canada, Health Canada**Status:** Replies received but not yet posted

Petition 364: Testing and approval process for pesticides used on food and food crops**Date Received:** 20 May 2014**Petitioner(s):** Getting To Know Cancer

Summary: In 2011 and 2013, the petitioner provided comments to Health Canada's Pest Management Regulatory Agency (PMRA) regarding the use of a fungicide called chlorothalonil. In particular, the petitioner was concerned that the PMRA's evaluation failed to adequately consider the combined effects of biologically disruptive pesticides that the petitioner believes may be contributing to cancer in humans. According to the petition, the results of the public consultation were not publicized. The petition focuses on the PMRA's testing and approval process for potentially carcinogenic chemicals to be used as pesticides on food and food crops. Specifically, the petitioner asks the PMRA to provide information on chemicals that are known to be potentially carcinogenic and to state which foods can be expected to contain these chemicals. The petitioner also asks the PMRA to identify the mechanisms of carcinogenicity of these chemicals, the extent to which it has considered the cumulative effects these chemicals may have on common mechanisms of carcinogenicity, and the ways in which vulnerable populations are being protected from exposure to these chemicals. In addition, the petitioner asks why chlorothalonil can be registered and approved for use on foods and food crops, given that it contains hexachlorobenzene—a persistent, bio-accumulative, toxic substance that has been banned globally under the Stockholm Convention on Persistent Organic Pollutants.

Issue(s): Agriculture, human/environmental health, pesticides, toxic substances**Federal Department Responsible for Reply:** Health Canada**Status:** Reply pending

Petition 365: Scientific evidence supporting the statements made in Health Canada's Fact Sheet on Safety Code 6, which recommends limits for safe exposure to radio frequency electromagnetic radiation

Date Received: 13 June 2014

Petitioner(s): Frank Woodcock

Summary: The petition states that in February 2014, Health Canada published a fact sheet on Safety Code 6, Health Canada's guidelines recommending limits for safe human exposure to radio frequency (RF) electromagnetic radiation. In the fact sheet, Health Canada responds to a number of myths about Safety Code 6 and RF electromagnetic radiation. The petitioner notes that an organization has questioned a number of statements in the fact sheet and that it has raised concerns about the depth and breadth of scientific review carried out by Health Canada on this subject. The petitioner asks Health Canada to provide scientific evidence that refutes the concerns raised by that organization.

Issue(s): Environmental assessment, human/environmental health, science and technology, and other

Federal Department Responsible for Reply: Health Canada

Status: Reply pending

Petition: 366: Monitoring of human health in the oil sands region of Alberta

Date Received: 10 June 2014

Petitioner(s): David Dougherty

Summary: This petition asserts that there is currently a lack of analysis of healthcare data on cancer rates in the oil sands region of Alberta. The petition references research findings on increased incidences of cancer in Fort Chipewyan, Alberta, and questions why further studies on environmental exposure to human health have not been conducted in the oil sands region when data for such analyses exist. The petition references the "Joint Canada-Alberta Implementation Plan for Oil Sands Monitoring" and requests information on cancer incidence rates for all types of cancers in this region for the period between 1968 and 2013. The petition also requests information on how cancer incidence rates in the oil sands region compare to incidence rates in the rest of Alberta and the rest of Canada.

Issue(s): Human/environmental health, natural resources, toxic substances, and other

Federal Departments and Agency Responsible for Reply: Environment Canada, Health Canada, Public Health Agency of Canada

Status: Replies pending

