

# Fall 2015

# Reports of the Commissioner of the Environment and Sustainable Development

REPORT 4

**Environmental Petitions Annual Report** 





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

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 $\ \, {\mathbb G}$  Her Majesty the Queen in Right of Canada, as represented by the Auditor General of Canada, 2015.

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Production of our Fall 2015 reports was completed before the government announced changes to names of some departments. Petitions presented in this report were received and processed throughout the year and departmental names are presented as originally submitted.

### Introduction

## **Highlights**

The highlights of this annual report include the following:

- 4.1 **Issues raised by petitioners.** The report summarizes the issues raised by Canadians in the 15 environmental petitions that were received between 1 July 2014 and 30 June 2015 and were forwarded to federal departments and agencies for response. Key issues included the transport of hazardous substances and environmental and human health.
- 4.2 **Departmental performance.** This year, departments and agencies provided 97 percent of petition responses within the 120-day statutory deadline. Overall, the responses were complete and relevant.
- 4.3 **Relevance to other work of the Commissioner.** The report also highlights recent petitions and responses related to the transport of hazardous substances, climate change, and environmental and human health—issues that have been covered in greater detail in recent reports of the Commissioner of the Environment and Sustainable Development.

## Focus of the annual report

- 4.4 The purpose of this annual report is to inform Parliament and Canadians about the number, nature, and status of petitions and responses received between 1 July 2014 and 30 June 2015, as required by section 23 of the *Auditor General Act*.
- 4.5 The environmental petitions process remains a unique way for Canadian residents to bring their concerns and questions about environmental issues to the attention of the federal ministers responsible and to obtain responses from them. The Commissioner of the Environment and Sustainable Development administers the environmental petitions process on behalf of the Auditor General. In addition to monitoring and reporting, the Commissioner posts summaries of the environmental petitions received and responses given on the Office of the Auditor General of Canada's website, and carries out outreach activities. Our website provides more information about the environmental petitions process (see Getting Answers—A Guide to the Environmental Petitions Process), along with further details about the roles and responsibilities of the Commissioner and federal government departments.
- 4.6 More details are provided in **About the Annual Report and the Petitions Process** at the end of this report (see pages 12–14).

# **Petitions and Responses**

#### Petitions received

- 4.7 The Office received 15 environmental petitions between 1 July 2014 and 30 June 2015, compared with 16 the previous reporting year and 12 the year before.
- 4.8 This year, seven petitions originated in Ontario, three came from British Columbia, two from Quebec, one from Alberta, one from Nova Scotia, and one from Newfoundland and Labrador (Exhibit 4.1).
- 4.9 The Minister of the Environment received the highest number of petitions, followed by the Minister of Fisheries and Oceans Canada and the Minister of Transport Canada (Exhibit 4.2).
- 4.10 The Appendix presents summaries of the petitions received this year. With the consent of the petitioners, the Office posts summaries of these petitions in the Petitions Catalogue. The complete petitions are available upon request. The Petitions Catalogue is a record of all petitions received since 1995 and includes the ministerial responses to the petitions. The catalogue is available on the Office of the Auditor General's website.
- 4.11 As required under section 22 of the *Auditor General Act*, all petitions received this year were forwarded within 15 days to the federal minister or ministers responsible for the issues raised in the petitions. Of the 15 petitions received this year, 11 were forwarded to more than one minister.
- 4.12 The Commissioner continues to use a number of outreach approaches, including social media, to inform Canadians about the process. A video on the environmental petitions process is available on the OAG YouTube channel. In addition, you can follow us on Twitter at @OAG\_BVG.

Exhibit 4.1 Petitions came from six provinces (1 July 2014 to 30 June 2015)



#### **Petition**

#### **British Columbia**

- 370 Risks of releasing coal and coal dust into the environment during transport
- 380 Critical infrastructure and atmospheric security impacts of climate change
- 381 Concerns over Canadian Coast Guard response to English Bay oil spill in Vancouver

#### Alberta

372 Federal responsibilities toward cancer prevention from risks associated with environmental carcinogens

#### Ontario

- 368 Use of published emissions factors by facilities in National Pollutant Release Inventory
- 369 Harmonizing Canadian transboundary waste regulations with international agreements
- 371 Environmental risks of hazardous goods transported by rail
- 374 Federal actions on climate change adaptation in Canada's North

#### Ontario (continued)

- 376 Climate change adaptation for national parks
- 378 Safety Code 6 and protection from electromagnetic radiation generated by a cell tower antenna
- 379 Implementation of a federal compliance strategy for transboundary waste regulations

#### Quebec

- 375 Status of contaminated site near Canadian Forces
  Base Valcartier
- 377 Interpretation and application of Canada's Corporate Social Responsibility Strategy

#### **Nova Scotia**

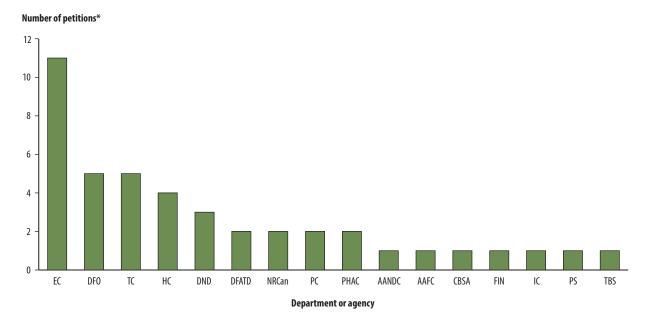
367 Federal management of Western Atlantic bluefin tuna

#### **Newfoundland and Labrador**

373 Environmental concerns over oil leaking from a sunken cargo ship in Notre Dame Bay, Newfoundland

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

Exhibit 4.2 Federal departments and agencies that received petitions this year (1 July 2014 to 30 June 2015)



#### Legend

EC: Environment Canada
DFO: Fisheries and Oceans Canada
TC: Transport Canada
HC: Health Canada
DND: National Defence
DFATD: Foreign Affairs, Trade and Development Canada
NRCan: Natural Resources Canada
PC: Parks Canada

PHAC: Public Health Agency of Canada
AANDC: Aboriginal Affairs and Northern Development Canada
AAFC: Agriculture and Agri-Food Canada
CBSA: Canada Border Services Agency
FIN: Department of Finance Canada
IC: Industry Canada
PS: Public Safety Canada
TBS: Treasury Board of Canada Secretariat

#### Over half of the petitions focused on national issues

#### **Analysis**

4.13 The scope of issues raised in environmental petitions varies from year to year. Seven of the petitions received this year pertained to national environmental issues, whereas four petitions had a local or regional emphasis. Four others covered both regional and national issues (Exhibit 4.3). Our summaries of each petition are provided in the Appendix.

<sup>\*</sup>Note that the same petition may be sent to more than one department or agency.

# Exhibit 4.3 Petitions covered local, regional, and national issues (1 July 2014 to 30 June 2015)

#### Petition number and title

#### Local or regional

- 367—Federal management of Western Atlantic bluefin tuna
- 373—Environmental concerns over oil leaking from a sunken cargo ship in Notre Dame Bay, Newfoundland
- 375—Status of contaminated site near Canadian Forces Base Valcartier
- 381—Concerns over Canadian Coast Guard response to English Bay oil spill in Vancouver

#### **National**

- 368—Use of published emissions factors by facilities in National Pollutant Release Inventory
- 371—Environmental risks of hazardous goods transported by rail
- 372—Federal responsibilities toward cancer prevention from risks associated with environmental carcinogens
- 374—Federal actions on climate change adaptation in Canada's North
- 376—Climate change adaptation for national parks
- 377—Interpretation and application of Canada's Corporate Social Responsibility Strategy
- 380—Critical infrastructure and atmospheric security—impacts of climate change

#### Both regional and national

- 369—Harmonizing Canadian transboundary waste regulations with international agreements
- 370—Risks of releasing coal and coal dust into the environment during transport
- 378—Safety Code 6 and protection from electromagnetic radiation generated by a cell tower antenna
- 379—Implementation of a federal compliance strategy for transboundary waste regulations

#### Individuals submitted over half of the petitions

#### **Analysis**

4.14 Eight of the 15 petitions received this year were from individuals. The remaining seven were submitted by groups, including national environmental organizations. Five of the individuals who submitted petitions, and four organizations, were new to the process.

4.15 Seven petitioners, including two groups, had sought information from federal sources before submitting their environmental petitions to the Commissioner. For example, petition 372 indicates that the petition was submitted after the petitioner had waited three years without a response to questions about cancer prevention and environmental carcinogens. Through the environmental petitions process, this petitioner received a response to those questions within 120 days.

# Key issues were the transport of hazardous substances and environmental and human health

#### **Analysis**

- 4.16 This year, five petitions raised concerns about the transport of dangerous substances. Petitions 369 and 379 raised concerns about transporting hazardous waste across borders. Petition 370 raised concerns about coal handling and transport. Petition 371 raised concerns about transporting hazardous goods by rail, and petition 381 focused on oil spills from ships. Transport was also a factor in petition 373 on oil leaks from a sunken cargo ship. Two of the petitions focused on the risks of rail transport. Petition 370 asked a range of questions about the toxic effects of coal on aquatic life. Petition 371 raised concerns about the safety of transporting crude oil by rail, and what impact that has on the health and quality of life of neighbouring communities. Summaries of these petitions are provided in the Appendix.
- 4.17 Petitioners frequently raise concerns about human and environmental health and toxic substances. This year, petition 372 asked questions about what role the federal government plays in preventing cancer as a result of the risks of environmental carcinogens. Petition 373 requested information on the federal government's plans to prevent damage to an environmentally sensitive area from a sunken ship leaking oil off the coast of Newfoundland. You can search the entire catalogue of petitions by issue on the Office of the Auditor General website.
- 4.18 Three petitions focused specifically on climate change: 374, 376, and 380. Petitions 374 and 376 focused on concerns over what measures are being taken in Canada's North and in national parks to adapt to the effects of climate change. Petition 380 asked the federal government how climate change is addressed in its National Strategy for Critical Infrastructure. Climate change has been discussed in several previous reports of the Commissioner, including
  - the 2014 Fall Report, Chapter 1—Mitigating Climate Change;
  - the 2013 Fall Report, Chapter 7—Ecological Integrity in National Parks; and
  - the 2010 Fall Report, Chapter 3—Adapting to Climate Impacts.

The Canadian Environmental Protection Act, 1999 (and its associated regulations) was the most frequently cited legislation in the environmental petitions this year. Other key Acts cited were the Fisheries Act, the Railway Safety Act, and the Species at Risk Act. Exhibit 4.4 provides a complete list of the legislation and international agreements mentioned in the petitions from the 2014-2015 reporting period.

Exhibit 4.4 Legislation mentioned in petitions for the reporting period 2014–2015

Legislation mentioned in petition	Petition number and title
Canadian Environmental Protection Act, 1999	368—Use of published emissions factors by facilities in National Pollutant Release Inventory
	369—Harmonizing Canadian transboundary waste regulations with international agreements
	379—Implementation of a federal compliance strategy for transboundary waste regulations
Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations	369—Harmonizing Canadian transboundary waste regulations with international agreements
(under the Canadian Environmental Protection Act, 1999)	379—Implementation of a federal compliance strategy for transboundary waste regulations
Fisheries Act	367—Federal management of Western Atlantic bluefin tuna
	370—Risks of releasing coal and coal dust into the environment during transport
Railway Safety Act	370—Risks of releasing coal and coal dust into the environment during transport
	371—Environmental risks of hazardous goods transported by rail
Species at Risk Act	367—Federal management of Western Atlantic bluefin tuna
	376—Climate change adaptation for national parks
Canada National Parks Act	376—Climate change adaptation for national parks
Transportation of Dangerous Goods Act (and related Bill C-31)	371—Environmental risks of hazardous goods transported by rail
Transportation of Dangerous Goods Regulations	370—Risks of releasing coal and coal dust into
(under the Transportation of Dangerous Goods Act)	the environment during transport
Access to Information Act	369—Harmonizing Canadian transboundary waste regulations with international agreements
Canada Occupational Health and Safety Regulations— Safety Code 6	378—Safety Code 6 and protection from electromagnetic radiation generated by a cell tower antenna

Exhibit 4.4 Legislation mentioned in petitions for the reporting period 2014–2015 (continued)

Legislation mentioned in petition	Petition number and title
International agreements	
Agreement between the Government of Canada and the Government of the United States of America Concerning the Transboundary Movement of Hazardous Waste: The Canada– USA Agreement (1986)	369—Harmonizing Canadian transboundary waste regulations with international agreements  379—Implementation of a federal compliance strategy for transboundary waste regulations
Agreement between the Government of Canada and the Government of the United States of America Concerning the Transboundary Movement of Hazardous Waste: The Canada– USA Agreement Amending Document (1992)	369—Harmonizing Canadian transboundary waste regulations with international agreements 379—Implementation of a federal compliance strategy for transboundary waste regulations
Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (1989)	369—Harmonizing Canadian transboundary waste regulations with international agreements 379—Implementation of a federal compliance strategy for transboundary waste regulations
OECD Decision of Council on the Control of Transfrontier Movements of Wastes Destined for Recovery Operations (1992)	369—Harmonizing Canadian transboundary waste regulations with international agreements  379—Implementation of a federal compliance strategy for transboundary waste regulations
United Nations Fish Stocks Agreement (1995)	367—Federal management of Western Atlantic bluefin tuna

#### The main themes were government commitment and transparency

#### **Analysis**

- 4.20 The most prevalent theme in this year's petitions was the government's commitment to implementing its policies. For example, petition 367 asked the federal government to clarify whether it will carry out measures to protect the Western Atlantic bluefin tuna, pending the decision to list it as endangered under the *Species at Risk Act*; and petition 371 asked if the government will ensure rail safety before allowing the transport of crude oil by rail.
- 4.21 Petitions also raised concerns about how Canada was interpreting and applying its Corporate Social Responsibility Strategy ("Doing Business the Canadian Way: A Strategy to Advance Corporate Social Responsibility in Canada's Extractive Sector Abroad") to Canadian mining activities abroad (petition 377) and how it was enforcing the fish habitat pollution prevention provisions under the *Fisheries Act* (petition 370).
- 4.22 Another underlying theme in this year's petitions was transparency. Transparency is the open and timely disclosure of information about decisions, policies, and practices. This year, 8 of the 15 petitions received asked for information to improve transparency on subjects such as oil spill response practices in the marine environment (petitions 373 and 381).

Some of these subjects have also been included in previous reports of the Commissioner, such as the 2010 Fall Report, Chapter 1—Oil Spills from Ships, which reported on the preparedness and response activities of key federal organizations, including the Canadian Coast Guard.

## Responses due in this reporting period

4.23 This year, departments provided 97 percent of petition responses within the 120-day statutory deadline. This represents an improvement over the last two years. All but one of the responses (from Fisheries and Oceans Canada) to environmental petitions were provided on time (Exhibit 4.5). Overall, the responses were complete and relevant.

Exhibit 4.5 Only one department response was late (2014–2015)

Department	Number of responses due	Number of late responses	Percentage on time (%)	Notification of delay*
Aboriginal Affairs and Northern Development Canada	1	0	100	_
Environment Canada	12	0	100	_
Fisheries and Oceans Canada	9	1	89	No
Health Canada	7	0	100	_
Parks Canada	1	0	100	_
Public Health Agency of Canada	3	0	100	_
Transport Canada	3	0	100	_
Total	36	1	97	

<sup>\*</sup>A response is not considered late if the petitioner is notified of an expected delay before the due date.

4.24 The *Auditor General Act* requires ministers responsible to reply in writing to each petition within 120 calendar days after they receive the petition. As a result, some of the responses covered in this report were for petitions received at the end of the previous reporting period.

4.25 This accounts for the difference between the number of petitions submitted this year (15) and the number of petitions for which responses were due this year (17, which includes 7 petitions received this year

and 10 petitions received last year). Responses for the 8 petitions received toward the end of this reporting period will be covered in next year's report.

4.26 The 17 petitions that departments responded to this year contained 153 questions in total. The number of questions per petition ranged from 1 to 20 and some of these had multiple related questions. Overall, this is a significant increase from the previous year, when 8 petitions contained a total of 64 questions; however, the average number of questions per petition (9 this reporting period compared with 8 the previous year) is consistent with previous years.

#### The Minister of the Environment responded most often

#### Analysis

- 4.27 The Minister of the Environment provided responses to 12 petitions during the reporting period, whereas the Minister of Fisheries and Oceans Canada responded to 9 petitions.
- 4.28 At times, departments cooperate to combine their responses to petitions. For example, this year, Environment Canada and Health Canada responded jointly through the Minister of the Environment to petition 363, the Minister of Health responded on behalf of Health Canada and the Public Health Agency of Canada to petitions 362 and 366. Similarly, the Minister of Fisheries and Oceans Canada responded to petition 373 on behalf of the ministers of the Environment and of Transport Canada.

#### Most responses were on time

#### **Analysis**

- 4.29 Responses from all ministers were on time for this reporting year, with one exception. This year's on-time response rate (97 percent) was an improvement over last year's rate (86 percent) and the previous year's rate (86 percent).
- 4.30 Although departments and agencies have a statutory obligation to respond within 120 days, a response is not considered late if the minister responsible sends a written notification of delay within that period. Because the Minister of Fisheries and Oceans Canada provided a response to petition 360 13 days after the 120-day statutory deadline had passed and did not send a notification of delay, the response was considered late.

#### Responses were complete and relevant

#### **Analysis**

- 4.31 As part of its monitoring role, the Office routinely reviews each petition response for the following:
  - Completeness: Has every question been addressed?
  - **Relevance:** Are the responses relevant to the questions?
- 4.32 Based on the above definitions, we found that this year's responses were complete and relevant. However, the Commissioner does not assess whether responses to each question raised by petitioners are either comprehensive or exhaustive.
- 4.33 Some petition responses went into considerable detail. For example, Transport Canada provided a detailed response to petition 371 about the effects of recent budget cuts and the repeal of specific sections and subsections of the *Railway Safety Act* and the *Transportation of Dangerous Goods Act*.
- 4.34 In other cases, departments provided publicly available references to support their responses to petitions.

## **Conclusion**

- 4.35 The environmental petitions process continues to provide Canadians with an opportunity to directly request information and answers from federal ministers and ask for commitments to action.
- 4.36 The petitions submitted continue to raise a wide range of important environmental topics and questions.

# **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

The annual report on environmental petitions covers the period from 1 July 2014 to 30 June 2015. The Appendix includes summaries of the petitions received during the reporting period.

#### 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 an annual report on petitions and responses to Parliament, covering the 12-month period from 1 July of the previous year to 30 June.

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 444 petitions. Topics have varied widely, from the federal response to the alleged contamination of specific marine environments to commitments to broader issues such as climate change adaptation. Petitioners have used the petitions process to ask for information, investigations, specific actions, and policy changes.

When the Office receives a petition, it forwards the petition 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> .			
	If the petition meets the requirements of the Auditor General Act, the Commissioner will  departments and agencies are responsible for the issues addressed in the petition;  send it to the ministers responsible; and  send a letter to the petitioner, listing the ministers to whom the			
Responding to a petition	petition was sent.  Once a minister receives a petition, he or she must			
	send a letter, within 15 days, to the petitioner and the Commissioner acknowledging receipt of the petition; and			
	<ul> <li>consider the petition and send a reply to the petitioner and the Commissioner within 120 days.</li> </ul>			

Ongoing petition 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 summary information of each petition, and the responses, 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 per petition; however, petitions exceeding those limits are acceptable and will be sent to departments and agencies for response. Because petitions remain the property of petitioners, they are free to publish their petitions and the government's 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**

Principal: Andrew Ferguson
Director: Marie-Claude Lasalle

Erika Boch Geneviève Nadeau Mary-Lynne Weightman

# **Appendix** Petitions activity (1 July 2014 to 30 June 2015)

This appendix includes summaries of the petitions received during the activity period noted above. To access these summaries and the related responses, or any summary or response since 1995, see the Petitions Catalogue on our website. The full text of the petitions can be obtained on request.

#### Petition 367: Federal management of Western Atlantic bluefin tuna

Date Received: 14 July 2014

**Petitioner:** Ecology Action Centre

**Summary:** The petition outlines the status of Western Atlantic bluefin tuna and raises concerns about the various measures in place for its protection. The petition indicates that the Atlantic Canadian fishery uses low-impact gear and is closely monitored; however, it asserts that the Western Atlantic bluefin population is still severely depleted after decades of overfishing. According to the petition, the population of this stock was severely depleted back in 1970 but it has continued to decline and now stands at 36 percent of 1970 levels.

The petition points out that in 2011, the Committee on the Status of Endangered Wildlife in Canada assessed the status of Western Atlantic bluefin tuna and concluded that it should be considered "endangered." The petition notes that the government conducted public consultations on the consequences of listing bluefin tuna as endangered in the autumn of 2012 and asks when a final decision on whether or not to list the species under the federal *Species at Risk Act* can be expected. The petition asserts that if the government decides not to list the species, it should provide its rationale.

The petition also states that there is a sizable backlog in the assessments required by the Act and asks whether a decision on listing bluefin tuna will be prioritized as part of the ongoing process to address the backlog. Furthermore, the petition asks what steps are being put in place by Fisheries and Oceans Canada (DFO) to ensure that the status of the bluefin tuna will not deteriorate further while the listing process is under way.

The petition also discusses the total allowable catch (TAC) for Western Atlantic bluefin tuna. It states that the International Commission for the Conservation of Atlantic Tunas (ICCAT) will likely recommend no increase in the Canadian quota for 2015. The petition notes that the federal government discussed the possibility of approving a scientific research quota in 2013 and 2014 and that this research quota would be in addition to the existing quota assigned by ICCAT. The petition raises the concern that any increase in the catch would adversely affect the Western Atlantic bluefin tuna population, citing Canada's commitment to conservation and the precautionary approach under the *United Nations Fish Stocks Agreement*.

The petition also questions the basis for assigning a quota for research given that DFO has not finalized its new "Use of Fish" policy (Fish Allocation for Financing Purposes Policy). The petition asks when this policy will be completed and made public and requests a list of approved "fish for science" projects.

**Issues:** Fisheries, governance, international cooperation, science and technology

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

#### Petition 368: Use of published emissions factors by facilities in National Pollutant Release Inventory

Date Received: 22 July 2014

Petitioner: Ecojustice

**Summary:** The petition concerns the accuracy of air emissions data published in Environment Canada's National Pollutant Release Inventory (NPRI). The petition asserts that releases of toxic volatile organic compounds (VOCs) may be under-reported because Canadian facilities are permitted to estimate a key component of their emissions using emission factors despite mounting evidence that these factors are unreliable. The petition focuses on fugitive emissions—pollutants released into the environment from leaks in equipment, pipelines, seals, valves, etc.—rather than the usual sources such as chimneys, stacks, and vents. According to the petition, fugitive emissions are a major component of emissions from the petrochemical industry that may be inaccurately reported.

The petition asserts that the use of emission factors rather than actual measurements to measure fugitive emissions increases the potential for inaccurate emissions reporting. The petition notes that published emission factors are the most commonly used method for estimating fugitive VOC emissions in the oil and gas sector. The petition states that researchers and environmental groups in Canada and the United States have expressed doubts about the accuracy of published emission factors for several years. The petition cites a 2006 report prepared for Environment Canada and two provincial environment ministries that underscored three major risks of using emission factor estimates: undetected production inefficiencies, adverse effects on air quality, and critical inaccuracies in database information.

According to the petition, Environment Canada continues to direct NPRI reporting facilities to a US Environmental Protection Agency (EPA) document entitled *Compilation of Air Pollutant Emission Factors*, despite the fact that the EPA has officially acknowledged that it needs to investigate whether its published emission factors are accurate.

The petition concludes by emphasizing the need to ensure that the NPRI presents fair and accurate information. The petition asserts that this is a duty placed on the government under the *Canadian Environmental Protection Act*, 1999. According to the petition, the continued use of published emission factors creates a risk that the NPRI is not living up to its intended purpose and that it might be providing a false indicator—at least about toxic VOC emissions.

The petition asks whether the Minister of the Environment is aware of concerns raised about using published emission factors to estimate and report toxic VOC emissions, including recent actions taken by the EPA. It also asks whether the Minister will amend the NPRI guidelines by prohibiting the use of published emission factors until their accuracy can be improved. Alternatively, the petition asks if the Minister will review and amend the NPRI reporting requirements to include a condition that direct measurement techniques be used to verify that emission factors are reasonably accurate. Finally, the petition requests an explanation of any research or actions that have been taken or will be taken to address this issue including relevant timelines for these activities.

**Issues:** Air quality, governance, human/environmental health, science and technology, toxic substances

Federal department responsible for reply: Environment Canada

#### Petition 369: Harmonizing Canadian transboundary waste regulations with international agreements

Date Received: 27 November 2014

Petitioner: Anthony Bratschitsch

**Summary:** This petition concerns the transboundary movement and disposal of waste, and regulatory compliance and enforcement. In 2009, Petition 282 addressed the same issues and asserted that there was inconsistency between Canadian and US timelines for submission of completed waste manifest documents to government authorities, which put Canadian exporters "out of compliance" with Canadian law. That petition suggested that this matter could be rectified by amending Canadian regulations to align Canadian timelines with those required in the United States.

The Minister of the Environment had declined to respond to the questions raised in Petition 282, indicating that the matters in question were then before the courts. Answers to the questions were later obtained through an Access to Information and Privacy (ATIP) request. This new petition follows up on Environment Canada's drafted answers to the first three questions and poses some additional questions.

In the response obtained through the ATIP request, Environment Canada reviewed the requirements of international agreements and domestic requirements in Canada and the United States. The Department indicated that regulations under the *Canadian Environmental Protection Act, 1999* (CEPA 1999) required Canadian exporters to submit a copy of the completed waste manifest to the Department within three working days of delivery to the receiving facility. Environment Canada stated that the three-day requirement was consistent with Canada's obligations under international agreements (the Canada–USA Agreement and the Basel Convention) and was reasonable. It also noted that the US rule (30-day requirement for submission of completed US manifests) applied to American receiving facilities.

Environment Canada drew a distinction between Canadian reporting requirements for completed waste manifests and requirements regarding confirmation of final disposal. With regard to confirmation of final disposal, the Department indicated that an amendment to the regulations under CEPA 1999 was not required, as Canadian exporters were already required to submit written confirmation of final disposal or recycling to Environment Canada within a 30-day period. The Department indicated that it had not prescribed a form to be used for confirmation of final disposal because it anticipated that companies would transmit this information electronically in the near future.

This new petition asks whether the Canada–USA Agreement is the "highest level governing agreement" between the two countries on this subject, and whether the regulations under CEPA 1999 were put in place to address Canada's obligations under the bilateral agreement. In addition, the petition questions the influence of the Basel Convention, given that the United States has not ratified it, and it asks whether Canada's waste manifest document must conform to standards of the Organisation for Economic Co-operation and Development. It asks whether the Department still plans to establish a system to allow Canadian exporters to submit confirmation of final disposal electronically, and if so, when such a system will be established.

**Issues:** Compliance and enforcement, international cooperation, toxic substances, transport, waste management

Federal department responsible for reply: Environment Canada

#### Petition 370: Risks of releasing coal and coal dust into the environment during transport

Date Received: 27 January 2015

**Petitioner:** Voters Taking Action on Climate Change (VTACC)

**Summary:** This petition expresses concern over the environmental impacts of increased shipments of coal by rail over fish-bearing streams and increased coal handling near marine waters, particularly in British Columbia (BC). The petition follows up on previous inquiries made to federal ministers of the Environment, Fisheries and Oceans, and Transport on this topic.

According to the petition, BC ports in Metro Vancouver and Prince Rupert receive rail shipments of metallurgical coal from BC, and thermal coal from British Columbia, Alberta, and the United States. The existing and approved coal export capacity in the province has nearly doubled in the past four years, to approximately 84 million tonnes per year. The petition asserts that with the increase in the handling and transport of coal along the BC coast and the corresponding increase in rail and marine transport, the likelihood of coal and coal dust being released into the environment, both from routine operations and larger-scale accidents, is increasing. The petition cites two recent accidents in the Vancouver area. In one of the accidents coal spilled into the marine environment from a barge, and in another a train derailed spilling coal into a fish-bearing stream. The petition provides additional examples of the release of coal and coal dust into the environment during routine operations.

In this context, the petition asserts that the environmental risks associated with coal are complex and difficult to predict because the different types of coal vary greatly in their makeup. However, the petition notes that coal includes a mixture of compounds, many of which are known to be toxic. Some known toxic effects of coal and coal dust, including their effects on fish, are provided in the petition, along with knowledge gaps about these effects in the marine environment.

The petition requests information on steps taken by the federal government to monitor and control the release of coal and coal dust into the environment; to evaluate physical and chemical impacts when coal is released into the environment; and to enforce the *Fisheries Act* when coal is released into water frequented by fish. The petition also asks for an explanation of statements made in previous correspondence by federal ministers that "coal is generally not considered deleterious" and for the information used to make this determination. It asks the ministers to clarify why the federal government does not regulate the transportation of coal products or classify coal as a dangerous good under the *Transportation of Dangerous Goods Regulations*. The petition requests information on the risks and impacts posed by coal entering fish-bearing waters. The petition also asks if the federal government has reviewed external studies or consulted experts regarding the environmental impacts of coal spills.

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

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

#### Petition 371: Environmental risks of hazardous goods transported by rail

Date Received: 29 January 2015

Petitioner: Safe Rail Communities

**Summary:** The petition raises concerns about the increasing transport of crude oil and other hazardous goods by rail through Canadian communities in light of the July 2013 Lac Mégantic derailment disaster. The petition asserts that the increased noise, vibrations, and diesel engine exhaust fumes from idling railcars is affecting the quality of life of people living near rail lines.

According to the petition, industry statistics project that the number of railcars carrying crude oil and other hazardous goods will continue to increase significantly and that the railcars being used for this purpose have been deemed unsafe by the Transportation Safety Board for the past 20 years.

This petition asks what the federal government is doing to study and mitigate environmental and human health impacts, including air quality in communities along rail lines. Among other things, the petition asks about studies that have been commissioned and/or completed to examine environmental impacts arising from the July 2013 Lac Mégantic derailment disaster and to quantify the true costs, both financially and environmental, of a catastrophic derailment in a densely populated area.

The petition raises questions about proposed new standards for tank cars and insurance coverage for railway companies transporting hazardous materials by rail. The petition is also seeking to clarify whether railways have enough insurance to cover costs in the event of a worst-case scenario derailment, and what the government liability is in that kind of situation.

According to the petition, Transport Canada's rail safety budget has been cut by more than 20 percent over the last five years. The petition asks Transport Canada to provide details of budget cuts to programs and staffing for the department's oversight of rail safety as well as any supporting analysis by the government to determine what resources are required to ensure rail safety in light of the increased rail transport of crude oil.

**Issues:** Air quality, compliance and enforcement, human/environmental health, toxic substances, transport

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

Status: Completed

# Petition 372: Federal responsibilities toward cancer prevention from risks associated with environmental carcinogens

Date Received: 6 February 2015

Petitioner: Carl Hunt

**Summary:** The petition concerns the presence of carcinogens in the industrial and natural environments and the risks they pose to human health. The petition questions what the federal

government is doing to reduce the risk of exposure to carcinogens in order to prevent cancers including osteosarcoma.

More specifically, the petition asks what actions the federal government is taking to stop the production of chemical carcinogens, prevent further contamination, and remove these substances from the environment. It also questions the actions that the government is taking to educate the general public about the risks of exposure to natural sources of carcinogens such as radon, and to reduce and monitor the use of X-rays and other medical procedures that the petition asserts may pose long-term and cumulative risks. In addition, the petition asks what Canada is doing to track the environmental exposure of cancer victims, especially children, to carcinogens and to record their medical history.

The petition also questions how the government is evaluating the cumulative exposures and synergistic impacts of various carcinogens or potentially harmful chemicals. The petition urges the federal government to provide or require funding for research and enforceable regulations to prevent the risk of cancer.

The petition requests a list of potential and confirmed human carcinogens. While the petition notes that the Canadian Council of Ministers of the Environment has compiled a list for its National Classification System for Contaminated Sites (2008), the petition asserts that this list contains only 31 potential and 12 confirmed human carcinogens, while US government sources list hundreds more.

With regard to oversight of industry, the petition asks if the federal government will require industry to demonstrate the long-term safety of their products through independent research and compulsory reporting of research findings. The petition seeks clarification about the government's actions to protect children from exposure to manufactured chemicals or natural conditions that may pose a cancer risk. Finally, it asks if potential carcinogens will be taken off the market until their safety is proven.

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

Federal departments responsible for reply: Environment Canada, Health Canada, Public Health Agency of Canada

Status: Completed

#### Petition 373: Environmental concerns over oil leaking from a sunken cargo ship in Notre Dame Bay, **Newfoundland**

**Date Received:** 12 February 2015

**Petitioner:** Manolis L Citizens Response Committee (MLCRC)

Summary: The petition raises concerns about the environmental response of the Canadian Coast Guard, Fisheries and Oceans Canada, and Environment Canada and federal measures planned to mitigate the damage and clean up oil leaking from the shipwreck of the Manolis L, which sank in Notre Dame Bay near Change Island, Newfoundland, in January 1985.

When it sank, the cargo carrier was left on the ocean floor with the bulk of its 462 tonnes of fuel and 60 tonnes of diesel oil contained in metal storage tanks. Over the 30 years since the sinking of the

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vessel, the storage tanks have deteriorated and since an extreme storm in March 2013, there have been multiple fuel leaks from the wreckage. The petition notes that the oil leak has affected seals and seabirds, the shoreline, and wharves. According to the petition, the Canadian Coast Guard has monitored the wreckage since 2013 and has, on several occasions, attempted to contain the leaks. The petition indicates that these remediation efforts have not been successful and that oil continues to be released into the sea. According to the petition, the potential for an environmental disaster is increased by the harsh and unpredictable weather during winter months in this ecologically sensitive area. The petition emphasizes that there is a significant concern that a large spill of this oil could potentially destroy the fisheries and tourism in the region.

The petition asks the federal government for details of the clean-up costs so far, along with any reports of remediation and mitigation measures done since 2013. The petition notes that the Ship Source Oil Pollution Fund can no longer be used to cover clean-up costs and requests an explanation for this decision. It also requests information on the current emergency response plans in the event of a large spill during months when access to the site is difficult due to ice conditions. Finally, information is requested from Fisheries and Oceans Canada and the Canadian Coast Guard on any operations planned, including estimated costs and the time frame, to permanently remove the oil from the ship.

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

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

Status: Replies received but not yet posted

#### Petition 374: Federal actions on climate change adaptation in Canada's North

Date Received: 23 March 2015

Petitioner: Ryan Holt

**Summary:** The petition raises questions about the environmental, economic, and social impacts of climate change in Canada's North. The petition asks multiple federal ministers about what actions are under way to help the region adapt to the effects of climate change. It requests information on steps taken by federal ministers to support the adaptation to changes in Arctic sea ice.

#### Questions encompass

- federal initiatives such as climate modelling to aid species risk assessments and conservation efforts,
- · sovereignty concerns arising from receding sea ice and increased access to the North, and
- responsibilities toward Inuit communities affected by declining sea ice.

The petition asks what measures are being taken to protect the food security of northern communities affected by declining sea ice. Specifically, it requests information on the current help provided to communities whose traditional fishing and hunting practices are affected by climate change.

The petition asserts that the economic and political implications of declining sea ice will be increased competition for natural resources in the Arctic, as well as changes to shipping lanes. It also asserts that Canada's relationships with other Arctic nations may be affected.

The petition highlights the vulnerability of plants and animal species in northern ecosystems, particularly marine species that rely on sea ice, and asks for information on the environmental impacts of climate change.

**Issues:** Aboriginal affairs, biological diversity, climate change, international cooperation, natural resources

**Federal departments responsible for reply:** Aboriginal Affairs and Northern Development Canada; Environment Canada; Fisheries and Oceans Canada; Foreign Affairs, Trade and Development Canada; Health Canada; National Defence; Natural Resources Canada; Parks Canada; Transport Canada

Status: Replies received but not yet posted

#### Petition 375: Status of contaminated site near Canadian Forces Base Valcartier

Date Received: 7 April 2015

Petitioner: A Canadian resident

Summary: Will not be posted.

Federal departments responsible for reply: National Defence, Treasury Board of Canada Secretariat

Status: Replies received

#### Petition 376: Climate change adaptation for national parks

Date Received: 27 April 2015

Petitioner: Jennifer Froebel

**Summary:** The petition asks what the federal government is doing to protect ecosystems within national parks from the effects of climate change. The petition explains how climate change is a key stressor for ecosystems and species at risk. The petition also explains that as ecological conditions shift in response to climate change, the ecology of the area protected by a national park program is affected. The petition asserts that the resulting changes to the habitat could increase the risk of extinction for endangered species now protected by national parks.

The petition highlights the commitment made by the Minister of the Environment in the Federal Sustainable Development Strategy to "improve the condition of at least one ecological integrity indicator in 20 national parks by 2015." The petition also requests an update on the progress toward reaching this target.

The petition asks how Parks Canada factors climate change into its commitments. The petition indicates that climate change is altering ecological conditions (for example, the melting of glaciers in Banff National Park). Consequently, the petition asks how Parks Canada can continue to deliver on its mandate to maintain national parks so that they remain unimpaired for future generations.

The petition asks for information on how climate change is reflected in the *Canada National Parks Act* and what the federal government is doing to monitor and manage the impacts. The petition raises

concerns about the lack of information for the public and requests details on management efforts and action plans, including resources budgeted, for current and planned parks. The petition also asks if the government can change park boundaries to protect ecosystems and if it gives special consideration to parks in alpine and northern areas, since these regions are more sensitive to the effects of climate change.

Issues: Biological diversity, climate change, governance, human/environmental health

Federal departments responsible for reply: Environment Canada, Parks Canada

Status: Completed

#### Petition 377: Interpretation and application of Canada's Corporate Social Responsibility Strategy

Date Received: 28 May 2015

**Petitioner:** Above Ground

**Summary:** The petition highlights environmental concerns related to the foreign operations of Canadian mining companies. It presents two examples of Canadian-owned mining operations linked to environmental damage in foreign countries: an operation in Guyana that, in 1995, ruptured a mine tailings dam and damaged the country's main waterway, and an operation in Chile that, in 2013, was fined for not complying with the country's environmental requirements. According to the petition, the same operation in Chile was charged again in 2015 with further environmental infractions.

The petition states that Canada is a leading country in the global extractive sector, with more than 800 Canadian mining companies active in more than 100 countries around the world. The petition also states that in 2012, the value of Canadian mining assets overseas was \$144.2 billion, accounting for close to 65 percent of total Canadian mining assets.

The petition cites federal government responsibilities outlined in the Corporate Social Responsibility (CSR) Strategy of Foreign Affairs, Trade and Development Canada (DFATD). According to the petition, the 2009 strategy aimed to improve "the competitive advantage of Canadian extractive sector companies operating abroad by enhancing their ability to manage social and environmental risks." Revised in 2014, the strategy is now known as "Doing Business the Canadian Way: A Strategy to Advance Corporate Social Responsibility in Canada's Extractive Sector Abroad." It focuses on providing guidance on CSR, networks and partnerships, and facilitating dialogue toward dispute resolution.

Questions in this petition focus on understanding what constitutes CSR best practices, widely recognized CSR-related guidance, and enhanced economic diplomacy. It also asks how the Office of the Extractive Sector CSR Counsellor will know whether a company is compliant, who is responsible for determining if a company fails to embody CSR best practices, and under what circumstances the government would withdraw economic support. The petition requests clarification of how the government determines compliance or non-compliance and what steps are taken in the event of non-compliance. The petition also seeks clarification of the link between the provision of government support and corporate performance, as outlined in the CSR Strategy. The petition asserts that the strategy does not clearly demonstrate how closely a company must align with CSR values to receive support from the government. The petition also seeks clarification of the roles and responsibilities of

Export Development Canada (EDC) as they relate to CSR oversight and evaluations. EDC is Canada's federal export credit agency and is part of the DFATD portfolio.

Issues: Compliance and enforcement, governance, human/environmental health, natural resources

Federal department responsible for reply: Foreign Affairs, Trade and Development Canada

Status: Completed

#### Petition 378: Safety Code 6 and protection from electromagnetic radiation generated by a cell tower antenna

Date Received: 1 June 2015

**Petitioner:** Frank Woodcock

**Summary:** The petition raises concerns about a potential health issue for people who work close to a cell tower antenna in Simcoe, Ontario. The petition references Safety Code 6, Health Canada's radiofrequency exposure guidelines, as the key document used by the federal government to address such concerns. These guidelines provide recommended limits for safe human exposure to radio frequency electromagnetic radiation. The petition asks how Safety Code 6 protects Canadians exposed to electromagnetic radiation generated by a cell tower antenna.

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

Federal department responsible for reply: Health Canada

Status: Completed

#### Petition 379: Implementation of a federal compliance strategy for transboundary waste regulations

Date Received: 4 June 2015

**Petitioner:** Anthony Bratschitsch

**Summary:** This petition focuses on the mandates of the federal entities responsible for overseeing the transboundary movement of hazardous waste and recyclable materials between Canada and the United States. Environment Canada (EC) is responsible for administering the regulations, while the Canada Border Services Agency (CBSA) assists by ensuring that the proper documents accompany each shipment crossing the border.

The petition notes that the regulations concerning the export and import of hazardous waste were replaced in 2005 by the current *Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations*. The petition asserts that, in addition to replacing the regulations, EC was planning to introduce smart card technology and a modernized online tracking system, but has not implemented either change. The petition requests an update on the status and planned availability of these changes. The petition also asks for details on EC and CBSA roles and responsibilities under the memorandum of understanding between the two entities as well as on related CBSA activities since 2005. In particular, the petition asks if any issues were encountered during the implementation

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phase of the new regulations, particularly as the older manifest documents were converted to the current movement documents, and if exporters were potentially affected.

The petition also asks questions about sections of EC's 2005 Compliance Strategy for the *Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations*. In particular, the petition seeks clarification of EC's compliance promotion activities to inform partners and stakeholders of the changes that came into effect with the current regulations.

**Issues:** Compliance and enforcement, governance, international cooperation, transport, waste management

Federal departments responsible for reply: Canada Border Services Agency, Environment Canada

Status: Replies pending

#### Petition 380: Critical infrastructure and atmospheric security—impacts of climate change

Date Received: 9 June 2015

Petitioner: West Coast Environmental Law

**Summary:** The petition highlights the concern that the National Strategy for Critical Infrastructure does not consider "atmospheric disruption," or climate change, as a risk that may undermine the security of Canada.

The petition explains that, according to the national strategy, critical infrastructure refers to "processes, systems, facilities, technologies, networks, assets and services essential to the health, safety, security or economic well-being of Canadians and the effective functioning of government."

The petition lists the 10 critical infrastructure sectors identified in the national strategy: energy and utilities; finance; food; transportation; government; information and communication technology; health; water; safety; and manufacturing. The petition asks why the atmosphere was not included and whether it was considered in a draft. The petition notes that the associated Action Plan for Critical Infrastructure and a 2003 federal report on infrastructure protection identify climate change as a factor that may have an impact on critical infrastructure. The petition also notes that the national strategy acknowledges increases in the rate and severity of natural disasters.

The petition asserts that this increase is a direct result of human interference with the global atmosphere. The petition also asserts that disruption of the atmosphere poses significant risks for future generations and is already resulting in loss of life, adverse economic impacts, and significant harm to public confidence.

The petition asks if, and in what ways, the federal government understands the atmosphere to be critical infrastructure, inquiring if the health of the atmosphere disrupted by greenhouse gas emissions represents a threat. Since the government has identified climate change as a factor that may have an impact on critical infrastructure, the petition asks for the government to address why it has omitted the atmosphere from its national strategy.

Issues: Air quality, climate change, federal-provincial relations, human/environmental health

**Federal departments responsible for reply:** Agriculture and Agri-Food Canada, Environment Canada, Department of Finance Canada, Industry Canada, National Defence, Natural Resources Canada, Public Health Agency of Canada, Public Safety Canada, Transport Canada

Status: Replies pending

#### Petition 381: Concerns over Canadian Coast Guard response to English Bay oil spill in Vancouver

**Date Received:** 12 June 2015 **Petitioner:** Sara Kalis Gilbert

**Summary:** On 8 April 2015, bunker oil leaked from a bulk carrier ship anchored in English Bay in Vancouver, British Columbia. The petition requests information from the Canadian Coast Guard (CCG) about its actions in response to this oil spill. The petition references public concerns about the adequacy and timeliness of the federal government response to the spill. In particular, the petition cites the closure of CCG Station Kitsilano (also referred to as the Kitsilano Coast Guard Station or Kitsilano Base) as a critical concern related to the CCG's ability to respond to emergencies in English Bay. The petition asserts that closures of CCG bases and communications stations have affected the CCG's ability to provide a timely and adequate response to oil spills from ships.

The petition cites two additional concerns that may have affected the CCG's ability to respond to this spill: the qualifications and training of CCG staff, and the impact of restructuring the Marine Communications and Traffic Services (MCTS) system. The petition asserts that information provided by the CCG to date may be inaccurate and asks for clarification and explanations.

The petition asks for documentation explaining the rationale for closing the CCG Station Kitsilano as well as the MCTS centres in Vancouver and Tofino, British Columbia. The petition also asks for documentation on the training programs in the Western Region and information on how qualified CCG Station Kitsilano staff were to respond to oil spills prior to the station's closure.

Issues: Governance, human/environmental health, toxic substances, transport, water

Federal department responsible for reply: Fisheries and Oceans Canada

Status: Reply pending