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Reports of the Commissioner of the Environment and Sustainable Development

REPORT 5

Environmental Petitions Annual Report



Office of the
Auditor General
of Canada

Bureau du
vérificateur général
du Canada

OAG

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

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Table of Contents

Introduction	1
Environmental petitions process	1
Highlights	1
Focus of the annual report	2
Petitions and Responses	2
Petitions received	2
Petitions focused on national and regional issues	4
Both individuals and organizations submitted petitions	5
Key issues were environmental assessment, ecological integrity, and pesticide safety	6
The main themes were transparency and clarification of legislation	9
Responses due in this reporting period	9
Not all departments responded on time	10
The Minister of the Environment and Climate Change responded most often	10
Responses were complete and provided clarifications	11
Conclusion	12
About the Annual Report and the Petitions Process	13
Appendix	
Petitions activity (1 July 2015 to 30 June 2016)	16

Introduction

Environmental petitions process

5.1 The environmental petitions process is 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. It offers an opportunity for Canadians to open a dialogue with their government. The Commissioner of the Environment and Sustainable Development administers the environmental petitions process on behalf of the Auditor General of Canada. The Commissioner posts summaries of the environmental petitions received and responses given on the Office of the Auditor General of Canada's website.

5.2 More details about the environmental petitions process are provided in **About the Annual Report and the Petitions Process** at the end of this report. The Office's website also provides more information about the 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 and agencies.

5.3 With the consent of petitioners, summaries are posted on the Office's website in the Petitions Catalogue. Complete petitions are available upon request. The catalogue includes summaries of all petitions received since 1996 and the ministerial responses to the petitions. The entire catalogue can be searched by federal institution, by issue, or by petition number.

5.4 The Commissioner uses a number of outreach approaches, including social media, to inform Canadians about the environmental petitions process. A video on the process is available on the Office's YouTube channel. In addition, you can follow us on Twitter at @OAG_BVG.

Highlights

The highlights of this annual report include the following:

5.5 **Issues raised by petitioners.** The report summarizes the issues raised by Canadians in the 13 environmental petitions that were received between 1 July 2015 and 30 June 2016 and were forwarded to federal departments and agencies for response. Key issues included environmental assessment (the process and public consultation), ecological integrity, and risks to human health and to the environment from pesticides.

5.6 **Departmental performance.** This reporting year, departments and agencies provided responses to 16 petitions, and 89 percent of petition responses were provided within the 120-day statutory deadline.

Focus of the annual report

5.7 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 2015 and 30 June 2016, as required by section 23 of the *Auditor General Act*.

5.8 More details are provided in **About the Annual Report and the Petitions Process** at the end of this report (see pages 13–15).

Petitions and Responses

Petitions received

5.9 The Office received 13 environmental petitions between 1 July 2015 and 30 June 2016, compared with 15 the previous reporting year and 16 the year before.

5.10 This year, petitions originated from four provinces: British Columbia, Alberta, Ontario, and Nova Scotia (Exhibit 5.1). Two petitions were jointly submitted by organizations from two provinces: petition 390 (British Columbia and Alberta) and petition 392 (Ontario and British Columbia).

5.11 Twelve petitions were new submissions and one was a **follow-up petition**.

5.12 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. A petition may require the attention of more than one minister. Of the 13 petitions received this year, 7 were forwarded to more than one minister.

5.13 The Minister of the Environment and Climate Change received the most petitions (seven), followed by the ministers of Health and Transport, who each received four petitions (Exhibit 5.2).

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

Exhibit 5.1 Petitions came from four provinces (1 July 2015 to 30 June 2016)

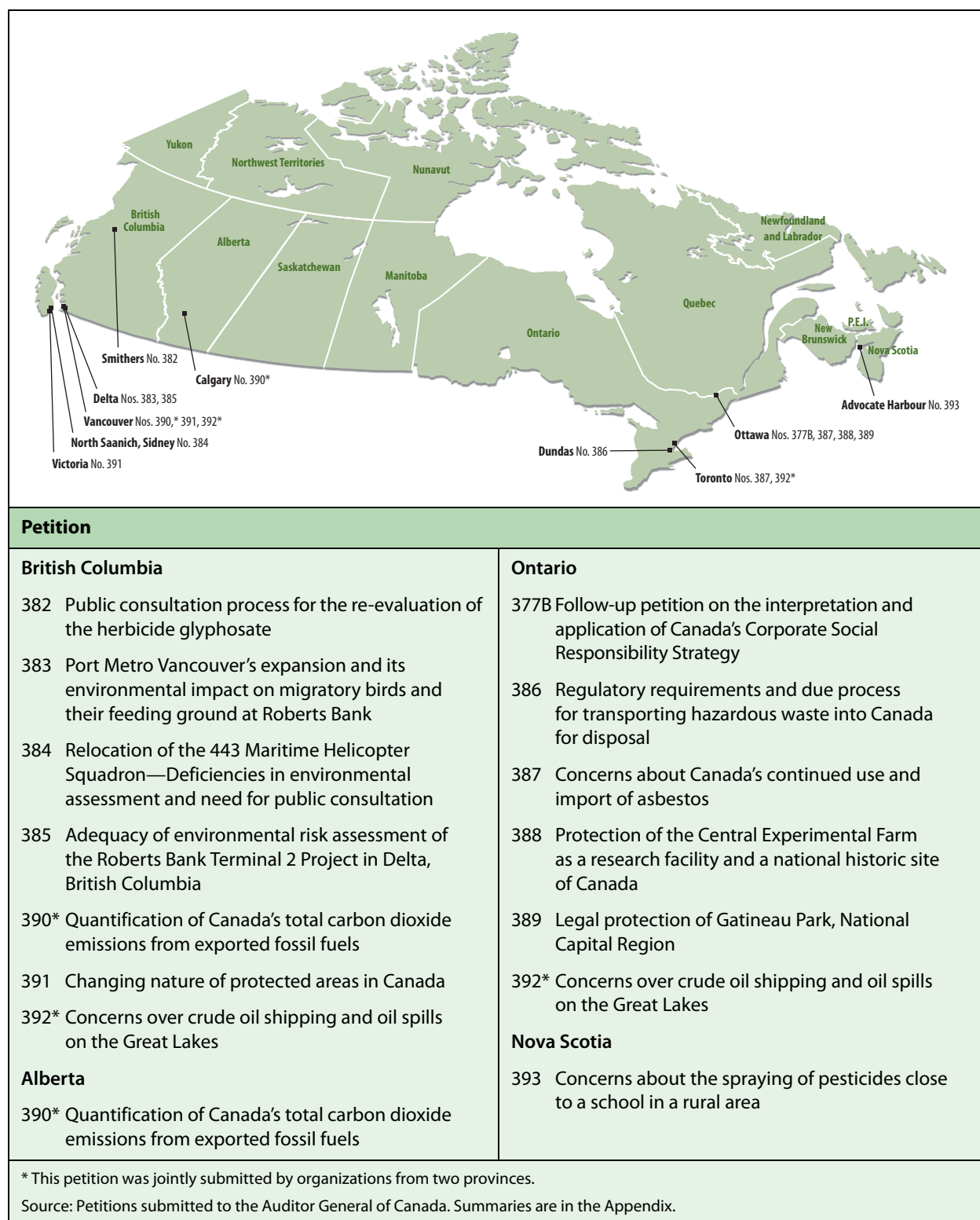
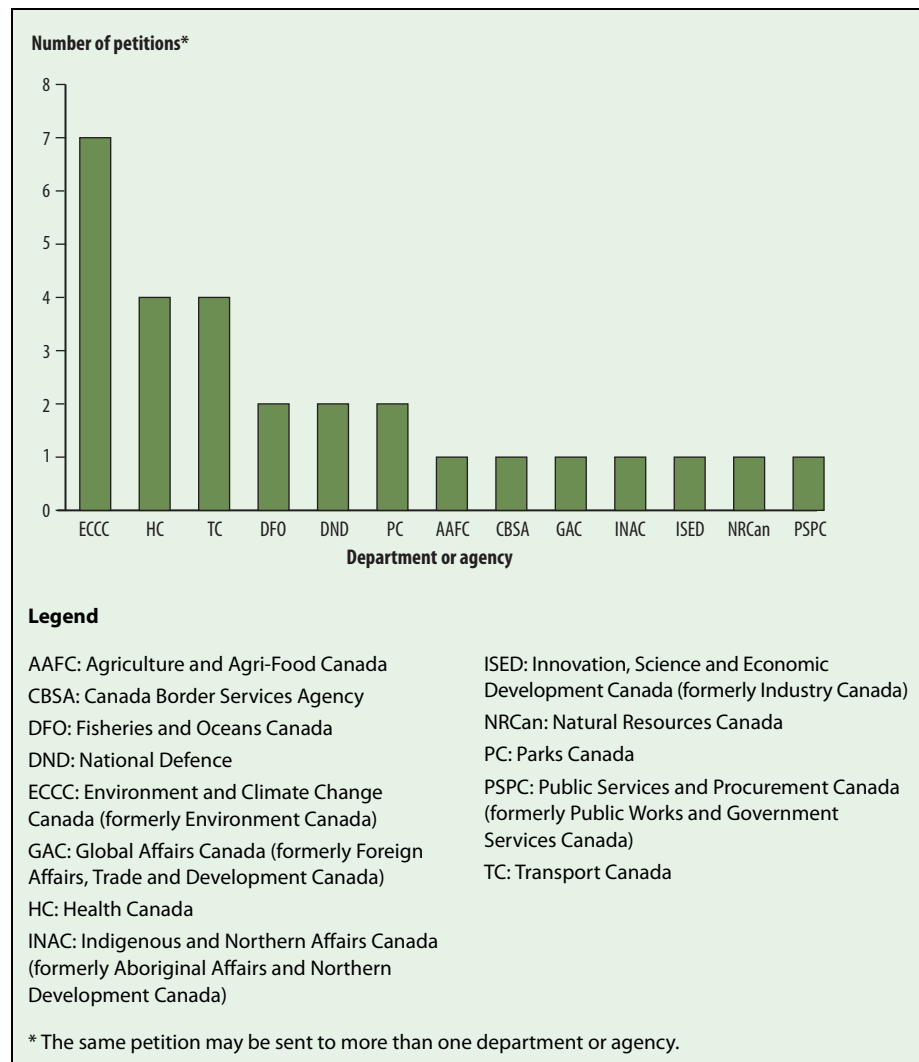


Exhibit 5.2 Thirteen federal departments and agencies received petitions (1 July 2015 to 30 June 2016)



Petitions focused on national and regional issues

5.14 Five of the petitions received this year pertained to national environmental issues, whereas five petitions had a local or regional emphasis. The three other petitions drew attention to a specific local issue, but also raised broader questions about policy or program implementation at the national level (Exhibit 5.3). A summary of each petition is provided in the Appendix.

5.15 **Going beyond Canadian borders.** This year, the petitions showed that issues were often interconnected and their scale could extend beyond Canada. The issues raised presented ramifications beyond national borders—the movement of waste between countries (petition 386) or products containing asbestos (petition 387), the expansion of a port (petitions 383 and 385), the export of fossil fuels (petition 390),

the spilling of oil (petition 392), and the monitoring of Canadian companies' mining activities abroad (petition 377B). At the same time, local issues continued to be brought to the attention of federal ministers; for example, petition 393 on the spraying of pesticides close to a school in Nova Scotia.

**Exhibit 5.3 Petitions covered regional and national issues
(1 July 2015 to 30 June 2016)**

Petition number and title
Local or regional
383—Port Metro Vancouver's expansion and its environmental impact on migratory birds and their feeding ground at Roberts Bank
384—Relocation of the 443 Maritime Helicopter Squadron—Deficiencies in environmental assessment and need for public consultation
385—Adequacy of environmental risk assessment of the Roberts Bank Terminal 2 Project in Delta, British Columbia
388—Protection of the Central Experimental Farm as a research facility and a national historic site of Canada
389—Legal protection of Gatineau Park, National Capital Region
National
377B—Follow-up petition on the interpretation and application of Canada's Corporate Social Responsibility Strategy
382—Public consultation process for re-evaluation of the herbicide glyphosate
387—Concerns about Canada's continued use and import of asbestos
390—Quantification of Canada's total carbon dioxide emissions from exported fossil fuels
391—Changing nature of protected areas in Canada
Both regional and national
386—Regulatory requirements and due process for transporting hazardous waste into Canada for disposal
392—Concerns over crude oil shipping and oil spills on the Great Lakes
393—Concerns about the spraying of pesticides close to a school in a rural area

Both individuals and organizations submitted petitions

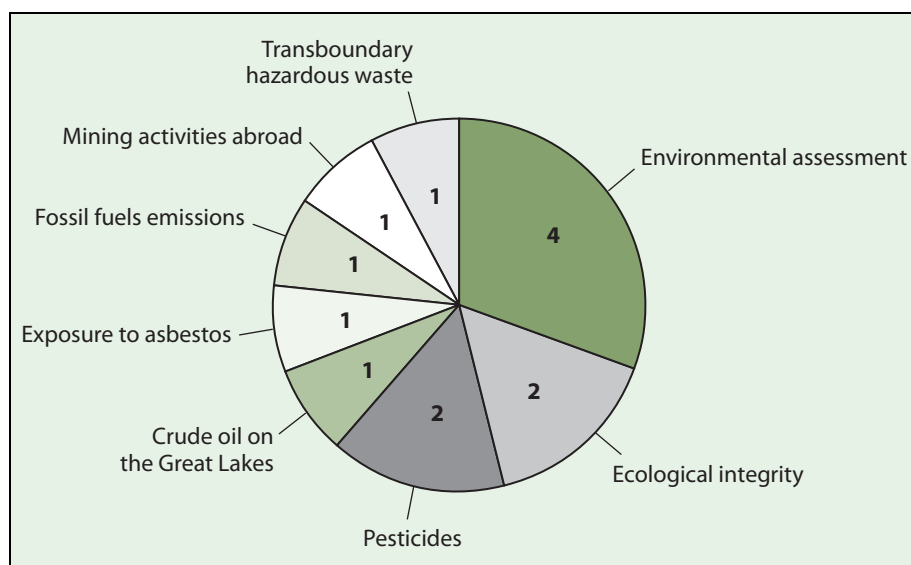
5.16 The petitions received this reporting year were submitted almost equally by individuals and organizations. Of the 13 petitions, 7 were from individuals, while the remaining 6 petitions were submitted by groups, including national environmental organizations. About half (7) of the submissions were by new petitioners.

Key issues were environmental assessment, ecological integrity, and pesticide safety

5.17 Petitions received this year touched on a number of issues, concerns, and questions (Exhibit 5.4). The three key issues were

- environmental assessment (the process and public consultation),
- ecological integrity, and
- risks to human health and to the environment from pesticides.

Exhibit 5.4 Petitions raised issues in eight categories
(1 July 2015 to 30 June 2016)



5.18 **Environmental assessment.** This year, four petitions raised concerns about the environmental assessment process, including concerns about the public consultation process and the scope of the environmental assessment. For example, petition 388 raised concerns about the Central Experimental Farm in Ottawa and the transfer of part of the property to the National Capital Commission for the possible construction of a hospital. The petition asked why an environmental assessment and public consultation were not carried out prior to the transfer. The area is a designated national historic site of Canada and an important federal research centre for agriculture.

5.19 **Ecological integrity.** Petitioners also raised concerns about matters associated with biological diversity. Among the issues brought forward by petitioners, concerns were raised relating to the management of national parks. For example, petition 391 expressed concerns that Parks Canada was too underfunded to manage all of its **ecological integrity** functions at its parks.

Ecological integrity—A protected area has ecological integrity when its natural components (plants, animals, and other organisms) and processes (such as growth and reproduction) are intact.

5.20 **Pesticides.** Two petitions focused specifically on pesticides, highlighting the impact on human health and the environment. Petition 382 raised concerns about the re-evaluation process for the pesticide glyphosate and the public consultation process. Petition 393 raised concerns about the effect of agricultural pesticides on human health, and more specifically on children.

5.21 **Other issues.** Petition 386 raised concerns about federal requirements for the disposal in Canada of transboundary hazardous waste. Petition 387 raised concerns about the effects and risks of asbestos exposure and about the rates of death from mesothelioma cancer. Petition 392 raised questions about the transportation of crude oil and about the associated risks (for example, the impact on freshwater ecosystems) in the Great Lakes and the St. Lawrence River.

5.22 The Commissioner of the Environment and Sustainable Development often draws from the issues addressed in the petitions to plan future audits. Some of the petition topics brought forward this year had also been highlighted in past years and have been covered or included in previous reports of the Commissioner: for example, the 2015 Fall Reports, Report 1—Pesticide Safety, and the 2014 Fall Report, Chapter 4—Implementation of the *Canadian Environmental Assessment Act, 2012*. The 2013 Fall Report included a report relating to ecological integrity: Chapter 7—Ecological Integrity in National Parks.

5.23 The petitions often referred to a number of federal responsibilities, such as federal legislation and international agreements (Exhibit 5.5).

Exhibit 5.5 Petitions mentioned legislation and international agreements
(1 July 2015 to 30 June 2016)

Legislation mentioned in petition	Petition number and title
<i>Canada National Parks Act</i>	389—Legal protection of Gatineau Park, National Capital Region 391—Changing nature of protected areas in Canada
<i>Canadian Environmental Protection Act, 1999</i>	386—Regulatory requirements and due process for transporting hazardous waste into Canada for disposal 387—Concerns about Canada's continued use and import of asbestos
<i>Access to Information Act</i>	386—Regulatory requirements and due process for transporting hazardous waste into Canada for disposal
<i>Canada Consumer Product Safety Act</i>	387—Concerns about Canada's continued use and import of asbestos
<i>Canada Marine Act</i>	392—Concerns over crude oil shipping and oil spills on the Great Lakes
<i>Canada Shipping Act, 2001</i>	392—Concerns over crude oil shipping and oil spills on the Great Lakes

Exhibit 5.5 Petitions mentioned legislation and international agreements
(1 July 2015 to 30 June 2016) (continued)

Legislation mentioned in petition	Petition number and title
<i>Canadian Environmental Assessment Act</i> (1992)	384—Relocation of the 443 Maritime Helicopter Squadron—Deficiencies in environmental assessment and need for public consultation
<i>Constitution Act, 1982</i>	386—Regulatory requirements and due process for transporting hazardous waste into Canada for disposal
<i>Income Tax Act</i>	391—Changing nature of protected areas in Canada
<i>Parliament of Canada Act</i>	386—Regulatory requirements and due process for transporting hazardous waste into Canada for disposal
<i>Pest Control Products Act</i>	393—Concerns about the spraying of pesticides close to a school in a rural area
<i>Pilotage Act</i>	392—Concerns over crude oil shipping and oil spills on the Great Lakes
International agreements mentioned in petition	Petition number and title
Asbestos Convention (1986)	387—Concerns about Canada's continued use and import of asbestos
Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (1989)	386—Regulatory requirements and due process for transporting hazardous waste into Canada for disposal
Canada–United States Agreement Concerning the Transboundary Movement of Hazardous Waste (1986)	386—Regulatory requirements and due process for transporting hazardous waste into Canada for disposal
Convention on Wetlands of International Importance—Ramsar Convention (1971)	392—Concerns over crude oil shipping and oil spills on the Great Lakes
Organisation for Economic Co-operation and Development Decision of the Council Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations (1992)	386—Regulatory requirements and due process for transporting hazardous waste into Canada for disposal
Paris Agreement (2015)	390—Quantification of Canada's total carbon dioxide emissions from exported fossil fuels
Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998)	387—Concerns about Canada's continued use and import of asbestos

The main themes were transparency and clarification of legislation

5.24 Among petitions that deal with various topics and issues, there are often common themes. The most common themes of this year's petitions related to transparency and clarification of legislation.

5.25 **Transparency.** Transparency is the open and timely disclosure of information about decisions, policies, and practices. This year, 10 of 13 petitions received asked for information to improve transparency on diverse matters. For example, petition 390 questioned the total amount of domestic carbon dioxide (CO₂) emissions being disclosed. The petition also asked whether the Government of Canada had accounting, inventory, or other assessment of the CO₂ arising from the combustion of fossil fuels exported from Canada. Petition 382, relating to the re-evaluation decision of the herbicide glyphosate, asserted that it was difficult for the public to participate in the consultation, because of the format of the comment form of Health Canada's Pest Management Regulatory Agency and because of unclear instructions.

5.26 **Clarification of legislation.** The majority (10 of 13) of the petitions we received also asked for clarification of how various legislation was applied. For example, petition 392 referenced the *Canada Shipping Act, 2001* and its relevant regulations, requesting information on oil-handling facilities and oil-pollution emergency plans and procedures. Petition 384, pertaining to the relocation of the 443 Maritime Helicopter Squadron in the vicinity of Victoria International Airport, asked whether the noise generated by the helicopters was factored into the environmental assessment conducted under the *Canadian Environmental Assessment Act* (1992).

Responses due in this reporting period

5.27 The *Auditor General Act* requires ministers to reply to each petition within 120 calendar days after it is received. The reporting period covered in this annual report extends from 1 July 2015 to 30 June 2016. 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 (13) and the number of petitions for which responses were due this year (16). These 16 petitions include 8 petitions received during the last year (petitions 374 to 381) and 8 received this year (petitions 382 to 389). Responses for the 5 petitions received toward the end of this reporting period will be covered in next year's report.

Not all departments responded on time

5.28 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. One department, Fisheries and Oceans Canada, provided a notification that its response would be delayed and is therefore not considered late.

5.29 Some of the responses from Environment and Climate Change Canada, Parks Canada, Health Canada, National Defence, and Public Services and Procurement Canada were late (Exhibit 5.6). Altogether, the on-time response rate for this year was 89 percent (40 of 45 responses were on time), which is lower than last year's rate of 97 percent.

5.30 The 16 petitions that departments and agencies responded to this year contained 125 questions in total. The number of questions per petition ranged from 1 to 21, some with many associated questions. Overall, this is consistent with the previous year, where 17 petitions contained a total of 153 questions.

The Minister of the Environment and Climate Change responded most often

5.31 Most of the 16 petitions for which responses were due were directed to more than one minister, resulting in 17 federal organizations providing a total of 45 responses (Exhibit 5.6). The Minister of Environment and Climate Change was called upon most often, responding to 9 petitions, whereas the Minister of Health responded to 5 petitions and the ministers of National Defence and Transport each responded to 4 petitions.

5.32 At times, departments and agencies cooperated to combine their responses to petitions. For example, Environment and Climate Change Canada and Parks Canada responded jointly through the Minister of Environment and Climate Change to petitions 374 and 376. As well, the Minister of Transport responded to petition 385 with input from Environment and Climate Change Canada.

Exhibit 5.6 Five federal organizations responded late (1 July 2015 to 30 June 2016)

Department or agency	Number of responses due*	Number of late responses	Notification of delay**
Agriculture and Agri-Food Canada	2	0	–
Canada Border Services Agency	2	0	–
Environment and Climate Change Canada	9	1 (19 days)	No
Fisheries and Oceans Canada	3	0	Yes
Department of Finance Canada	1	0	–

Exhibit 5.6 Five federal organizations responded late (1 July 2015 to 30 June 2016) (continued)

Department or agency	Number of responses due*	Number of late responses	Notification of delay**
Global Affairs Canada	2	0	–
Health Canada	5	1 (44 days)	No
Indigenous and Northern Affairs Canada	2	0	–
Innovation, Science and Economic Development Canada	2	0	–
National Defence	4	1 (2 days)	No
Natural Resources Canada	2	0	–
Parks Canada	3	1 (19 days)	No
Public Health Agency of Canada	1	0	–
Public Safety Canada	1	0	–
Public Services and Procurement Canada	1	1 (2 days)	No
Transport Canada	4	0	–
Treasury Board of Canada Secretariat	1	0	–
Total	45	5	–
* Note that one petition may be sent to more than one department or agency, resulting in a number of responses for the same petition.			
** A response is not considered late if the petitioner is notified of an expected delay before the due date.			

Responses were complete and provided clarifications

5.33 In the 16 petitions that departments and agencies responded to this year, questions and responses varied considerably in length and level of detail. As part of our monitoring, we reviewed responses in terms of completeness: that is, in terms of whether every question in the petition had been addressed. We also drew the following observations from the responses.

5.34 **Clarifications and details.** Responses often provided clarifications of issues raised in the petitions. For example, the response to petition 381 provided details and informed of the imminent reopening of the Kitsilano Canadian Coast Guard base. Some petition responses also went into considerable detail. For example, responses to petition 374 provided a wealth of information that clarified the actions of the federal government in the North for climate change adaptation.

5.35 **A detailed narrative.** Responses to petitions also provided a detailed narrative across departments and agencies to explain how they acted on environmental issues. For example, in response to petition 380, the following five federal organizations provided details to help petitioners understand how weather events and disturbances related to the National Strategy for Critical Infrastructure: Innovation, Science and Economic Development Canada (formerly Industry Canada), National Defence, Natural Resources Canada, Public Safety Canada, and Transport Canada.

5.36 **Issues under the purview of several departments.** Responses to petitions 374, 377, 379, 380, 383, and 386 to 388 showed that issues often fell under the purview of more than one department or agency. This illustrated the many dimensions of managing environmental issues.

5.37 **Communicating initiatives.** The response to petition 388 on the protection of the Central Experimental Farm, for example, announced that work was initiated to establish a new Chief Science Officer, who will ensure that science is fully available to the public and considered when the government makes decisions.

5.38 **Generating follow-up questions.** Some petition responses may generate further questions and inquiries. For example, petition 377B was a follow-up to petition 377. The earlier petition highlighted environmental concerns about foreign operations of Canadian mining companies. Petition 377B raised additional questions about whether the assessment and monitoring of companies by Global Affairs Canada's Office of the Extractive Sector Corporate Social Responsibility Counsellor and by Canada's National Contact Point adhered to corporate social responsibility best practices.

Conclusion

5.39 The environmental petitions process is a unique way for Canadians to bring their concerns forward and ask questions on environmental issues. The process was an opportunity to directly request information and answers from federal ministers and ask for commitments to action. Petitions continued to raise a wide range of topics, issues, and questions.

5.40 Between 1 July 2015 and 30 June 2016, the Office of the Auditor General of Canada received 13 petitions, compared with 15 the previous reporting year and 16 the year before. Departments and agencies responded to 89 percent of petitions within the 120-day statutory deadline, with five organizations responding late.

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 2015 to 30 June 2016. 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 460 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> .	
	<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 which federal 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 petition was sent. 	<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>
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 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 of Canada 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's 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 an average of 2,000 words and about 10 questions or requests per petition; however, petitions exceeding these 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: Kimberley Leach
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Carolle Mathieu
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Mary-Lynne Weightman

Appendix Petitions activity (1 July 2015 to 30 June 2016)

This appendix includes a summary of the petitions received during the activity period noted above. To access these summaries and the related responses, or any summary or response since 1996, see the Petitions Catalogue on our website. The full text of the petitions can be obtained on request.

Petition 377B: Follow-up petition on the interpretation and application of Canada's Corporate Social Responsibility Strategy

Date received: 17 March 2016

Petitioner: Above Ground

Summary: This petition is a follow-up to petition 377. The earlier petition identified Canada as a leading country in the global extractive sector and highlighted environmental concerns about foreign operations of Canadian mining companies. The follow-up petition considers the responses to petition 377 and raises new questions about Canada's enhanced Corporate Social Responsibility Strategy to strengthen Canada's extractive sector abroad. The petition asks about non-compliance with corporate social responsibility best practices, widely recognized guidance related to corporate social responsibility, and enhanced economic diplomacy.

The petition refers to the Government of Canada's two dialogue facilitation processes, which help to resolve differences between communities and companies in Canada's extractive sector abroad. These processes are those of the Office of the Extractive Sector Corporate Social Responsibility Counsellor and Canada's National Contact Point. The petition asks whether the assessments of companies carried out through either of these two processes adhere to corporate social responsibility best practices. The petition expresses concerns about the monitoring activities undertaken under each process.

The petition emphasizes and seeks clarification on non-compliance with corporate social responsibility best practices. The petition refers to the "economic diplomacy" approach and requests information on enhanced economic diplomacy offered by the government to companies engaged in either of Canada's two dialogue facilitation processes.

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

Federal department responsible for reply: Global Affairs Canada

Status: Completed

Petition 382: Public consultation process for the re-evaluation of the herbicide glyphosate

Date received: 14 July 2015

Petitioner: Josette Weir

Summary: This petition describes attempts to participate in the public consultation about a re-evaluation decision of the herbicide glyphosate. The re-evaluation was conducted by Health Canada's Pest Management Regulatory Agency. The petition asserts that it was difficult for the public to participate in the consultation, because of the restrictive format of the Agency's comment form and

because of unclear instructions. The petition states that the public could not get help from the Agency during the consultation period, because the Agency did not provide contact information online. The petition asks the Agency to address these concerns.

The petition also questions the value of the public consultation, since it happened after the Agency had concluded that products containing glyphosate do not present unacceptable risks. The petition asks the Agency to explain why it sought public comments after it had completed the evaluation. The petition also asks the Agency to explain the evidence supporting the conclusion, and how the public's input could have affected the conclusion, especially if the input contradicted it. Finally, the petition asks whether the Agency has evaluated the public consultation process and, if so, whether findings are available to the public.

Issues: Human/environmental health, pesticides, toxic substances

Federal department responsible for reply: Health Canada

Status: Completed

Petition 383: Port Metro Vancouver's expansion and its environmental impact on migratory birds and their feeding ground at Roberts Bank

Date received: 7 August 2015

Petitioner: Roger Emsley

Summary: The petition raises concerns about past and future port development at Roberts Bank in Delta, British Columbia, as proposed in the Roberts Bank Terminal 2 Project. The petition asserts that Roberts Bank is an ecologically important area that contains a unique biofilm feeding ground essential to a migratory bird known as the western sandpiper (*Calidris mauri*). According to the petition, this information was omitted from the environmental impact statement issued for the project. The petition states that both Environment Canada and Fisheries and Oceans Canada have advised against further development in this area, and asks why they have failed to enforce previous recommendations. The petition also asks if Transport Canada will require Port Metro Vancouver to assess all alternatives and to identify a full list of species located at Roberts Bank.

Issues: Biological diversity, environmental assessment, transport, water

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

Status: Completed

Petition 384: Relocation of the 443 Maritime Helicopter Squadron—Deficiencies in environmental assessment and need for public consultation

Date received: 26 August 2015

Petitioners: Benjamin H. Casson, Chief Tanya Jimmy, John Kafka, Chief Rebecca Harris

Summary: The petition explains that the 443 Maritime Helicopter Squadron is a Canadian Armed Forces helicopter unit based on Victoria International Airport land. The unit currently flies a fleet of six Sea King helicopters and performs maritime operations day and night. The petition notes that since nine new Sikorsky CH-148 Cyclone helicopters are scheduled to replace and increase the fleet, National Defence moved its base of operations to a new hangar facility constructed on an adjacent airport property.

The petition asks whether the environmental assessment of this construction project, done as a Screening Assessment under the *Canadian Environmental Assessment Act* (1992), included the anticipated noise of helicopter operations at the facility. The petition states that a 2010 Supreme Court decision listed operational noise as a factor to include in the scope of a project's environmental assessment. The petition therefore asks National Defence to clarify why it decided to exclude helicopter flights from the scope. The petition states that there are indications that Cyclone helicopters may be noisier than the current Sea King helicopters. It also states that many residents have been complaining for years about the noise related to low-flying Sea King helicopters.

According to the petition, the Screening Assessment concluded that facility operations were not likely to cause significant adverse environmental effects. However, the petition notes that the Screening Assessment process did not include consultations with the public or input from federal or provincial entities other than National Defence and the Victoria Airport Authority. The petition asks National Defence to explain its policy or regulatory rationale for deciding not to consult with the public and asks whether it will consult with interested parties affected by noise in the future.

The petition also requests information on the obligations that National Defence has under its lease agreement with the Victoria Airport Authority, including how it complies with environmental noise bylaws. The petition states that the Screening Assessment identified such compliance as a mitigation measure. The petition also asks whether National Defence intends to commit to a "good neighbour" policy to reduce helicopter noise in surrounding residential areas, as well as to address related public concerns.

Issues: Aboriginal affairs, environmental assessment, human/environmental health, transport

Federal department responsible for reply: National Defence

Status: Completed

Petition 385: Adequacy of environmental risk assessment of the Roberts Bank Terminal 2 Project in Delta, British Columbia

Date received: 1 September 2015

Petitioner: Roger Emsley

Summary: The petition explains that the Roberts Bank Terminal 2 Project is a proposal by Port Metro Vancouver to construct a new container terminal at Roberts Bank in Delta, British Columbia. Roberts Bank is part of the Fraser River estuary and an important part of the Pacific flyway migratory bird corridor. The petition highlights environmental concerns over potential impacts to migratory birds and their stopover habitat in the estuary. In particular, the petition highlights the impacts to the biofilm layer of the mud flats, which is the main food source for the entire population of western sandpipers.

The petition notes that although Port Metro Vancouver is the proponent of the project, the Minister of Transport is responsible for port authorities in Canada, including Port Metro Vancouver. The petition therefore asks for the Minister's assurance that the Department has assessed the ecological risks to the estuary habitat and migratory birds. The petition also asks why the Minister decided to proceed with the construction and location of the proposed terminal, in light of the international significance of this ecosystem.

The petition requests whether the Minister has considered Environment Canada's concerns about further development on Roberts Bank. The petition also requests the Minister of Transport to confirm that an environmental assessment has taken these risks into account and that the Department has addressed the risk of future damage and degradation to ecosystems as a result of the project.

Issues: Biological diversity, environmental assessment, governance, science and technology, transport

Federal department responsible for reply: Transport Canada

Status: Completed

Petition 386: Regulatory requirements and due process for transporting hazardous waste into Canada for disposal

Date received: 14 September 2015

Petitioner: Anthony Bratschitsch

Summary: The petition raises questions about the federal requirements and regulatory due process for importing hazardous material into Canada for disposal, following the import of toxic waste at a facility near Sarnia, Ontario, from the Wheatfield landfill, a US site associated with the Love Canal in Niagara Falls, New York. The petition asks for clarification of the processes for the federal assessment and approval of applications to import hazardous waste, and asks about the decisions made regarding the disposal method used for the waste (that is, thermal desorption instead of incineration). The petition also requests a description of the chemical nature of the toxic waste from the Wheatfield site, a list of toxic substances contained in the waste, and information about the amount of waste imported into Ontario. In addition, the petition expresses concerns that residents potentially exposed to this waste, and the various levels of government involved, were not fully informed of the receipt of

this shipment. The petition asks about the federal oversight of hazardous waste shipments to ensure accurate reporting, and whether there has been any monitoring of potential health or environmental impacts to the area near Sarnia since the receipt of the toxic waste from the Wheatfield site.

Issues: Compliance and enforcement, federal provincial relations, toxic substances, transport, waste management

Federal departments and agency responsible for reply: Canada Border Services Agency, Environment and Climate Change Canada, Health Canada, Indigenous and Northern Affairs Canada

Status: Completed

Petition 387: Concerns about Canada's continued use and import of asbestos

Date received: 17 December 2015

Petitioners: Canadian Environmental Law Association and Canadian Association of University Teachers

Summary: The petition asserts that Canada's "controlled use" approach regarding asbestos does not adequately prevent harm to human health. The petition states that Canada's approach is out of line with current practices and notes inconsistencies in the scope of regulatory measures across provinces and territories. The petition also seeks to clarify Canada's position on its continued use of asbestos despite a growing body of evidence demonstrating harm due to exposure to asbestos.

The petition states that Canada's current approach does not coincide with the precautionary principle, given that mesothelioma and other diseases resulting from asbestos exposure would constitute irreversible damages for hundreds of Canadians every year. The petition asks whether the government has applied the precautionary principle in developing regulatory and non-regulatory measures regarding consumer products that contain asbestos. It requests an outline of regulatory and non-regulatory measures undertaken in Canada for all types of asbestos, including chrysotile asbestos, under the *Canadian Environmental Protection Act, 1999*, the *Canada Consumer Product Safety Act*, and other legislation.

Finally, the petition asks whether the government is considering modifications to current regulations in light of recent international changes. Such modifications would include a prohibition of asbestos from all consumer products, including children's toys.

Issues: Human/environmental health, toxic substances

Federal departments responsible for reply: Environment and Climate Change Canada, Health Canada, Public Services and Procurement Canada

Status: Completed

Petition 388: Protection of the Central Experimental Farm as a research facility and a national historic site of Canada

Date received: 28 January 2016

Petitioner: Coalition to Protect the Central Experimental Farm National Historic Site of Canada

Summary: The petition asks for information about the transfer of 60 acres of the Central Experimental Farm in Ottawa from the control of Agriculture and Agri-Food Canada to the National Capital Commission. It also addresses concerns about the negotiations to lease that land to the Ottawa Hospital Corporation for a 99-year period.

The Central Experimental Farm is a national historic site where various environmental scientific experiments are conducted. For instance, the Farm conducts experiments on the impact of climate change on agriculture, and studies crop yields and soil biodiversity. The petition asserts that the proposed severance of some of the most significant acreage will have negative impacts on the Farm in its role as both research facility and national historic site.

The petition asks, among other things, why the transfer has not been subjected to an environmental assessment, what other sites were considered, and why no public hearings have been held on the transfer. The petition also asks to make available to the general public the basis of the decisions that led to the transfer.

Issues: Agriculture, environmental assessment, governance, science and technology

Federal departments and agency responsible for reply: Agriculture and Agri-Food Canada; Environment and Climate Change Canada; Innovation, Science and Economic Development Canada; Parks Canada

Status: Completed

Petition 389: Legal protection of Gatineau Park, National Capital Region

Date received: 5 February 2016

Petitioner: Ottawa Valley Chapter of the Canadian Parks and Wilderness Society

Summary: The petition requests the legal protection of Gatineau Park. The petition asserts that the park has no legislated protection and that it does not have the same protection that Canadian national parks have under the *Canada National Parks Act*.

The petition states that the boundaries of the park need to be accurately defined in federal legislation. It also demands the establishment of a legislative framework and policies appropriate to a nationally important protected area. The petition points out that without legal protection, the biodiversity of the park and its different rare and endangered species will continue to be at risk.

The petition asks when legislation will be introduced to assure the protection of Gatineau Park's ecosystems.

Issues: Biological diversity, governance

Federal department responsible for reply: Environment and Climate Change Canada

Status: Completed

Petition 390: Quantification of Canada's total carbon dioxide emissions from exported fossil fuels

Date received: 19 February 2016

Petitioners: Voters Taking Action on Climate Change and Ecojustice

Summary: The petition inquires about Canada's exported fossil fuels from 2012 to 2015 and the aggregate amount of carbon dioxide (CO₂) emissions from the combustion of these fossil fuels.

The petition states that Canada's total domestic CO₂ emissions exceeded 565 megatonnes in 2013, but this number allegedly does not present the full picture of Canada's contribution to the global rise of atmospheric CO₂. The petition points out that Canada exports a large quantity of fossil fuels every year, and that while these exported fossil fuels are not directly burned inside the country, they represent a massive outflow of planet-warming carbon.

In addition, the petition states that, with the recent Paris Agreement, Canada pledged to reduce its greenhouse gas emissions by 30 percent below 2005 levels by 2030. The Paris Agreement recognizes the need for parties to conserve and enhance sinks and reservoirs of greenhouse gases. According to the petition, Canada's obligation to preserve greenhouse gas reservoirs must consider the greenhouse gases stored in the country's vast reservoirs of coal, oil, and natural gas.

The petition indicates that there is no official government inventory of CO₂ emissions from Canada's exported fossil fuels, and it requests a quantification of the carbon footprint of these fossil fuels. It asks whether the Government of Canada has any accounting, inventory, or other assessment of the CO₂ emissions from their combustion. It also asks, among other things, what the aggregate amounts were for exported fossil fuels (coal, oil, natural gas, and natural gas liquids) from 2012 to 2015 and how these fossil fuels were transported out of the country (by rail, pipeline, or ocean vessel).

Issues: Climate change, governance, natural resources

Federal departments responsible for reply: Environment and Climate Change Canada, Natural Resources Canada, Transport Canada

Status: Replies received but not yet posted

Petition 391: Changing nature of protected areas in Canada

Date received: 23 February 2016

Petitioners: Jessica Dempsey and Philip Dearden

Summary: The petition asserts that nature conservation in Canada is changing, particularly in the national parks system. The petition raises concerns about the underfunding, the loss of capacity, and the changing of priorities within Parks Canada, resulting in a decline in environmental protection in national parks.

The petition expresses concerns that Parks Canada is underfunded to manage the ecological integrity functions at its parks. The petition asks about the amount that Parks Canada has spent on different programs, such as the Heritage Places Establishment, and on elements such as ecological integrity monitoring and resource management, from 2005 to 2015.

The petition references the 2000 Panel on the Ecological Integrity of Canada's National Parks, which concluded that Parks Canada lacked the capacity for maintaining ecological integrity. The petition asks how many scientists were employed and how many employees were terminated at national parks, at both regional and national offices, from 2000 to 2015.

The *Canada National Parks Act* stipulates that ecological integrity is the main priority for park management. The petition raises concerns about how Parks Canada has changed its priorities and become more focused on the visitor experience than on the ecological integrity of Canada's national parks.

The petition also discusses the accountability and governance framework of Parks Canada since it became an agency in 1998.

Finally, the petition states that there is an increasing emphasis on private land conservation. Programs such as the Ecological Gifts Program (managed by Environment and Climate Change Canada) and the Natural Areas Conservation Program have allowed private land trust organizations to acquire ecologically sensitive lands. The petition questions the purpose of the Natural Areas Conservation Program and asks about the impact of the Ecological Gifts Program, its participants, and the cost to taxpayers.

Issues: Biological diversity, governance, human/environmental health

Federal department and agency responsible for reply: Environment and Climate Change Canada, Parks Canada

Status: Completed

Petition 392: Concerns over crude oil shipping and oil spills on the Great Lakes

Date received: 24 February 2016

Petitioners: The Council of Canadians and Ecojustice

Summary: The Great Lakes–St. Lawrence River Basin is one of the greatest freshwater ecosystems on earth. People rely on it for their livelihoods, recreation, and drinking water. This petition states that the Basin is threatened by growing economic pressures to transport Alberta's crude oil through the Basin to Great Lakes refineries in the United States, to Canada, and beyond. A spill of crude oil would be particularly harmful because the oil, which is heavier than water, would sink to the lake bottom and be difficult to remove. The petition asserts that the capacity of US and Canadian agencies to manage a major spill on the Great Lakes has been repeatedly called into question.

The petition also states that the companies began shipping crude oil in 2014 and seeking permits for new oil terminals around the Basin in recent years. The petition asserts that the reduction in oil prices has halted some shipping plans, but that these plans could restart when shipping becomes economically viable again. The petition seeks to establish a thorough understanding of oil spills in the Great Lakes–St. Lawrence River Basin, and the regulatory gaps, to shed light on the next steps the federal government must take to protect the Basin from oil shipments.

In addition, the petition expresses concerns over the pollutants discharged, or likely to be discharged, by the vessels or oil-handling facilities. The petition asks information about the number of oil tankers operating annually in the Great Lakes, and the number of oil spills occurring there. The petition also

demands information on the oil-handling inspections for the vessels and oil-handling facilities on the Great Lakes. The petition references the *Canada Shipping Act, 2001* and its relevant regulations, under which the petition requests information related to the oil-handling facilities and the plans and procedures for oil pollution emergencies.

The petition concludes by asking questions regarding the application of the legislation, namely whether there are any penalties for violating specific regulations, practices, and procedures under the *Canada Shipping Act, 2001* and the *Canada Marine Act*.

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

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

Status: Replies received but not yet posted

Petition 393: Concerns about the spraying of pesticides close to a school in a rural area

Date received: 31 March 2016

Petitioner: Werner Ostermann

Summary: This petition expresses concerns about the spraying of pesticides on the agricultural field adjacent to an Advocate Harbour school in Nova Scotia. The school is at the bottom of a slope made of coarse gravel and sand. The petition emphasizes the potential health risk to children of spraying pesticides on the agricultural field, where wild blueberries grow.

The petition states that the school's water source is a well. The petition points out that the well's water was tested and showed the presence of hexazinone, a pesticide banned in the European Union. The petition seeks clarification on the use of hexazinone on coarse gravel and sand, as the pesticide's label mentions that the pesticide should not be used on this kind of soil. As only one pesticide was tested, the petition indicates that other pesticides might be present.

Referencing the Toxic Substances Management Policy, the petition questions the acceptable level of Track 1 substances being used on the agricultural field adjacent to the school. The petition expresses concerns about the cumulative effects of pesticides on children's health, questioning whether the children in rural areas are given the same level of protection from pesticides as children attending schools in urban areas.

Finally, the petition suggests implementing around the school a zone free of agricultural pesticides to ensure that the children can learn and play in a safe, healthy environment.

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

Federal department responsible for reply: Health Canada

Status: Completed