

2009



Report of the
**Commissioner of the
Environment and
Sustainable Development**
to the House of Commons

FALL

The Commissioner's Perspective
Main Points—Chapters 1 to 4
Appendix



Office of the Auditor General of Canada

The Fall 2009 Report of the Commissioner of the Environment and Sustainable Development comprises The Commissioner's Perspective—2009, Main Points—Chapters 1 to 4, an Appendix, and four chapters. The main table of contents for the Report is found at the end of this publication.

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

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Commissioner of the Environment and Sustainable Development of Canada
Commissaire à l'environnement et au développement durable du Canada

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

To the Honourable Speaker of the House of Commons:

On behalf of the Auditor General of Canada, I have the honour to transmit herewith this 2009 Fall Report to the House of Commons, which is to be laid before the House in accordance with the provisions of subsection 7(3) and 23(5) of the *Auditor General Act*.

A handwritten signature in black ink, appearing to read 'Scott Vaughan'.

Scott Vaughan
Commissioner of the Environment
and Sustainable Development

OTTAWA, 3 November 2009

To the reader:

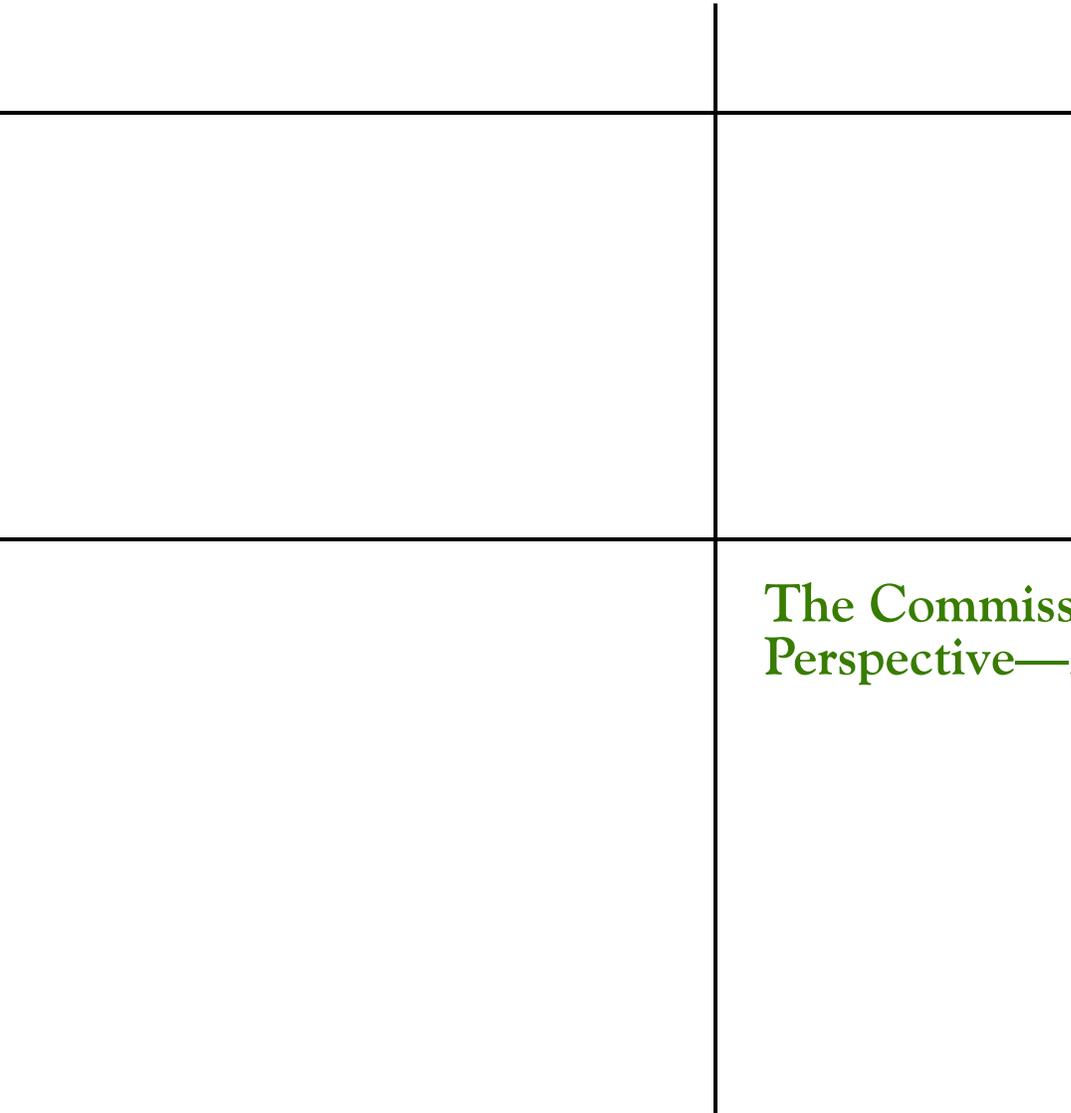
I welcome your comments and suggestions on this Report and other issues related to the environment and sustainable development. I can be reached at the following address:

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**The Commissioner's
Perspective—2009**

The Commissioner's Perspective—2009



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Scott Vaughan
Commissioner of the Environment
and Sustainable Development

Introduction

Among the broad range of issues examined in our reports to Parliament during the past year, I would like to focus on one important issue that comes up repeatedly—the importance of ensuring the quality of information used to design, implement, and monitor environmental management programs that can deliver measurable benefits to environmental quality.

Informed decision-making is at the heart of sound policy-making. The environmental programs of the federal government need science-based environmental information that is timely, robust, and accessible in ways that both identify patterns of environmental degradation and help programs concentrate on the most urgent environmental problems.

Relevant environmental information

Good-quality information about the environment is critical for Parliament to know if federal programs are working to control pollution, protect species and their habitats, safeguard freshwater resources, and reduce greenhouse gas emissions. Similarly, data on the most pressing environmental problems helps departments design and implement programs intended to promote compliance with laws and regulations, foster partnerships, and provide for regulatory enforcement.

The scope of science-based environmental information is as broad and complex as ecosystems themselves. For instance, the Intergovernmental Panel on Climate Change acknowledges the enormous complexity of the planet's carbon cycle. Climate change has potential impacts such as increased frequency and severity of tropical storms, hurricanes, and other weather events. In addition, climate change can have other, unforeseen impacts on, for example, the pattern of ocean currents, precipitation, insect pests, infectious diseases, and annual ice flows.

Environmental monitoring and data-gathering systems present the federal government with two key challenges: first, ensuring that the many stand-alone environmental monitoring systems currently in use accurately track trends in environmental quality; and second, determining if these systems can and should work in tandem to provide a composite or cumulative picture of the major challenges to environmental protection. The most recent Science Plan of

Environment Canada (2007) includes as a strategic priority developing an integrated environmental monitoring and prediction capability. However, it is unclear whether different monitoring systems—from the National Air Pollution Surveillance network to the Water Survey of Canada—are being linked through a strategic roadmap.

Over the past year, we have examined a variety of individual environmental monitoring and science-based programs. Many are working as intended. One example is Canada's Greenhouse Gas Inventory. We concluded that it conforms to technical guidelines of the Intergovernmental Panel on Climate Change and provides the government with a reasonable snapshot of annual greenhouse gas emissions—for example, in spring 2009, the Inventory reported that annual emissions had increased to 747 megatons. In turn, this information allows the federal government to track its performance against various climate-related targets. In May 2009, the government estimated that Canada's greenhouse gas emissions are likely to be more than 30 percent above its Kyoto Protocol commitments.

We have reported on other science-based environmental information systems during the past year. The Air Quality Health Index (AQHI) developed by Environment Canada and Health Canada provides real-time air-quality monitoring data associated with exposure to certain air pollutants. The Index is among the first of its kind in the world, and it demonstrates the practical value of federal leadership in applied environmental research.

In our 2009 Spring Report, we commended Health Canada for its work in reviewing and updating the Guidelines for Canadian Drinking Water Quality in order to take into account recent scientific evidence regarding allowable levels of microbiological, chemical, and radiological contaminants that could be found in Canada's drinking water. The review of the Guidelines continues to draw upon scientific research from within Health Canada and from universities, research centres, the World Health Organization, the US Environmental Protection Agency, and others.

Another important initiative is the federal government's national bio-monitoring program, which involves testing 5,500 people for traces of chemicals. This initiative will help inform the federal government about chemical exposure levels Canadians face. When the initiative is completed, the empirical evidence collected should help to show whether federal control systems are focused on the major sources of exposure to chemicals.

Unfortunately, other systems are incomplete, out-of-date, or non-existent. For example, we noted in 2001 and again this year in our Spring Report chapter on fish habitat protection that the government does not know which fish habitat is the most ecologically significant, and where the biggest threats to habitat are created by development projects or industrial water pollution. Without adequate information, it is impossible to know if the policy objective of “no net loss” of habitat is being met, or if the system of compensating for the destruction of one habitat by creating “equivalent” habitat is scientifically sound.

The fragility of fish populations was underscored by the recent collapse of the Fraser River salmon run in British Columbia. The Fraser River was historically among the richest salmon spawning grounds on the planet. Although the specific cause of this recent significant reduction had not been identified at the time of writing, scientists have long recognized that habitat destruction or degradation significantly impact fish populations. In our Spring Report chapter on fish habitat protection we noted that the improper construction of a causeway to access one gravel removal site resulted in the loss of up to 2.25 million pink salmon in 2006.

This year, we also examined Environment Canada's National Pollutant Release Inventory, which helps track emissions of 347 different chemical and waste substances, self-reported by roughly 8,500 facilities across Canada. Facilities required to report range from large factories to hospitals to landfills.

The Inventory has the potential to be a useful tool for informing the public and government about changing levels of pollutants released into the environment. In 2006, for example, when the Inventory showed a sudden spike in the release of acrylonitrile—a substance declared toxic under the *Canadian Environmental Protection Act*—Environment Canada responded rapidly by identifying the emission source and concluding an agreement with its provincial counterparts to put in place an emission-reduction plan that appears to be working.

However, Environment Canada does not have adequate systems and practices to verify that all facilities required to report their emissions are doing so and that the information they report is accurate. This factor reduces the Inventory's usefulness. In addition, the Department does not give users enough information on the limitations of the data to understand what the data can reliably be used for.

Since the environmental agenda first took shape, it has been recognized that government environmental information systems—from specific pollution monitoring systems to data that tracks

compliance and enforcement actions—should be made available to the public. Making such information publicly available enables groups of concerned citizens, working alone or in non-governmental groups as diverse as those under the Canadian Environmental Network or the network of Riverkeepers, to play an indispensable public service in helping to protect Canada's environment.

Environmental stewardship has never depended on government action alone. The public—through committed individuals, research organizations, non-governmental organizations, and First Nations—has always been at the forefront of the green agenda. One of the reasons why the Air Quality Health Index carries so much promise is because its design benefited from meaningful participation by non-governmental organizations. The National Pollutant Release Inventory was originally launched in response to the public demand for such information.

Cumulative environmental impact

While national attention is seized by high-profile cases like the collapse of the salmon run in the Fraser River, of deep concern is the cumulative impact of hundreds of environmental pressures that often go unnoticed and that build up over time. Tracking acute problems such as sudden environmental accidents may be relatively simpler than monitoring and understanding the multiple, accumulated effects of longer-term, lower-level, or lower-dose chronic environmental degradation that, over time, is undermining the viability of more than half of the Earth's ecosystems.

According to the Millennium Ecosystem Assessment—an international science-based diagnosis of the planet's major ecosystems that was published in 2005—during the past half-century, “humans have changed [major] ecosystems more rapidly and extensively than in any comparable period of time in human history.” Approximately 60 percent of all ecosystem services—benefits of resources and processes supplied by natural ecosystems—are being degraded or used unsustainably, including fresh water, fisheries, and air and water purification.

Our 2009 Fall Report examines how the federal government has applied the *Canadian Environmental Assessment Act* over the past 14 years. We found that the government does not know whether environmental assessments conducted under the Act are of good quality. Nor has it tracked how effective environmental assessments are at identifying and mitigating environmental problems before they occur. The government has no systematic approach to monitoring whether mitigating measures required in environmental assessment

reports have been implemented to reduce pollution or protect habitats and species threatened by development projects.

Over 100 federal departments and agencies are required to comply with the Act. Each has the discretion to decide on the scope of environmental assessments, which in turn determines what type of assessment will be performed. Each department can limit the scope to those aspects that fall within its mandate and under the jurisdiction of the federal government. The result is a process-heavy system in which costly assessments may examine and report separately on only part of a project.

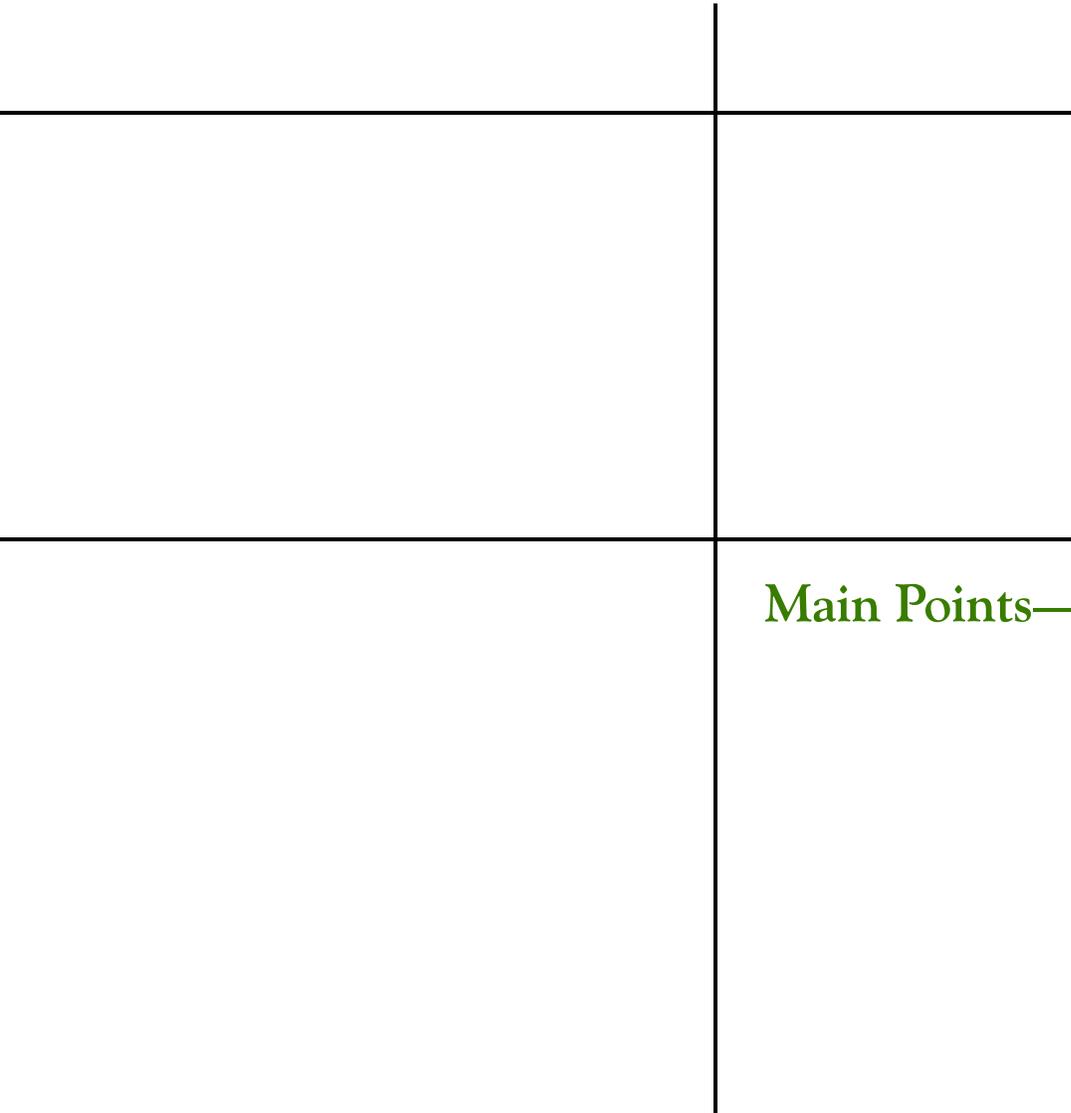
As part of the environmental assessment process, cumulative environmental impacts of projects are to be considered. This step remains a challenge for the government, as the needed information on past and future projects in a given locale is limited. It becomes an important concern in cases such as the oil sands development in Alberta, where multiple projects are undertaken in close proximity, and in cases where past development may have already compromised ecological integrity.

Parliament is scheduled to review the *Canadian Environmental Assessment Act* in 2010. Our audits point to a number of issues that need to be addressed, from scoping projects and determining their cumulative environmental impact to ensuring compliance with the Act's requirement for public consultation.

Conclusion

During the past year, we have reported to Parliament on the mixed results of the federal government's management of environmental programs: some programs are working well, others less well. However, the government cannot answer whether, taken together, federal programs are contributing to the protection of Canada's major ecosystems from the kind of degradation reported globally through the Millennium Ecosystem Report. Instead, we continue to examine piecemeal monitoring and other data systems that are not connected strategically.

In her report, the Auditor General notes that the lack of a strategic roadmap for many federal programs complicates their effective implementation, and lack of data hinders the evaluation of program effectiveness. Environmental programs are no exception. Until data programs are woven together to meaningfully track major changes over time in the quality of Canada's environment, we are left examining stand-alone or piecemeal approaches to protecting the environment.



Main Points—Chapters 1 to 4



Applying the Canadian Environmental Assessment Act

Chapter 1 Main Points

What we examined

Environmental assessment is a process used to predict and mitigate the adverse environmental effects of a project before it is carried out. Under the *Canadian Environmental Assessment Act*, projects that must undergo environmental assessment include the construction, operation, modification, demolition, or abandonment of a physical work, or other physical activities specified by regulation. The Act applies to projects for which a federal department or agency (referred to as a responsible authority) has decision-making authority, whether as project proponent, regulator, land manager, or funding source.

The federal organization is then responsible for conducting an environmental assessment, from defining the scope of the project, consulting with the public where deemed appropriate, carrying out the environmental assessment, determining the significance of the environmental effects, and ensuring their mitigation. There are effectively three types of environmental assessment—screenings, comprehensive studies, and review panels. In total, some 6,000 federal environmental assessments are carried out annually by more than 100 federal organizations that must apply the Act.

We examined whether federal organizations are complying with the environmental assessment process established by the Act. We reviewed a sample of screenings that were undertaken between 2003 and 2008 and comprehensive studies and panel reviews conducted between 1995 and 2008.

The Canadian Environmental Assessment Agency is responsible for administering the Act and maintaining a public Registry Internet site of environmental assessments. Its role is to serve as a centre of expertise intended to provide leadership and coordination of the federal process. Along with responsible authorities, it ensures that environmental assessments are timely and predictable, and assists parties in building consensus and resolving disputes. We examined whether the Agency is fulfilling these responsibilities.

Audit work for this chapter was substantially completed on 23 June 2009. It covered the period between 1995 and 2008.

Why it's important

Environmental assessments are important to protect environmental quality; for example, to prevent pollution and conserve habitat and biodiversity. The *Canadian Environmental Assessment Act* requires the consideration of environmental factors in federal planning and decision making. Identifying the potential environmental effects of a project before it proceeds is critical to anticipating, preventing, and reducing environmental damages.

Conducting environmental assessment early in the planning and proposal stages of a project is important so that the analysis can be of practical use to decision makers and mitigation measures can be incorporated into the project plans. Failure to predict and mitigate adverse environmental effects before carrying out a project can lead to significant environmental degradation and increased economic costs.

Effective, timely, and meaningful public consultation can help ensure that public concerns and values are considered during the environmental assessment process.

What we found

- For the comprehensive studies and review panels we examined, responsible authorities have complied with the Act. However, it is not clear that screenings—the most common type of assessment—are meeting all of the Act's requirements. In half the files we reviewed, the rationale or analysis was too weak to demonstrate how environmental effects of projects had been considered, their significance assessed, and decisions reached. The assessment of cumulative effects remains a challenge for all types of environmental assessment.
- For projects where there is more than one responsible authority, disputes about project scope may cause serious delays in the environmental assessment process, with related consequences for project implementation. The Canadian Environmental Assessment Agency has worked with parties in trying to resolve such disputes, with limited results. The Agency does not have the authority to impose a resolution.
- The Agency does not know whether responsible authorities are conducting good-quality environmental assessments and whether assessments are contributing to the protection the environment, as intended. It has not fully established and undertaken a quality assurance program as required by amendments to the Act in 2003.
- The Agency has established and maintained the Canadian Environmental Assessment Registry Internet site. Related project files are maintained as required for most environmental assessments.

The Agency has responded. The Agency agrees with all of our recommendations. Its detailed responses follow the recommendations throughout the chapter.



Risks of Toxic Substances

Chapter 2 Main Points

What we examined

Canadians use many types of chemical substances every day that play an important role in modern society. When released into the air, water, or land, however, some of these substances can threaten human health and ecosystems.

The federal government plays an important role in managing chemicals that pose a risk to the environment and human health. The primary tool for doing this is the *Canadian Environmental Protection Act, 1999* (CEPA 1999). Among other things, CEPA 1999 deals with determining whether existing and new substances are harmful to human health or the environment and managing the risks of those determined to be toxic. The Minister of the Environment and the Minister of Health jointly administer the task of assessing and managing the risks associated with toxic substances.

As of September 2008, there were 85 substances listed as toxic under CEPA 1999. We selected seven of these and examined how Environment Canada and Health Canada have managed the risks they pose to the environment and human health and the measures taken by both departments to control, reduce, and prevent these risks.

The toxic substances we selected (and examples of their uses and sources of emissions) are lead (batteries), mercury (thermometers), bis(2-ethylhexyl)phthalate or DEHP (plastic toys, medical devices), chlorobiphenyls or PCBs (older electrical transformers), dioxins and furans (incineration), dichloromethane (paint removal), and polybrominated diphenyl ethers or PBDEs (electronic equipment).

Audit work for this chapter was substantially completed on 30 June 2009.

Why it's important

The seven selected substances represent a range of risks to the environment and the health of Canadians. Health impacts vary by substance and may include learning disabilities, cancer, respiratory illness, and damage to internal organs. The impacts on fetuses and young children are particularly significant, even at low levels of exposure. Some of these substances may not be obvious to those that

come in contact with them. They may be persistent and can be carried by air and water over long distances, causing damage to the health of humans, wildlife, and ecosystems far from where they are produced and used. It is important that the risks associated with their production and release be assessed and managed to minimize their harmful effects.

What we found

- Environment Canada and Health Canada have implemented a number of control measures to manage the risks posed by lead and mercury and have also developed strategies for managing risks related to consumer products that may contain these substances. However, there is no consolidated risk management strategy for either substance that indicates the federal government's objectives and priorities for managing the risks. Clearly outlining its objectives and priorities for these substances would help strengthen transparency and accountability.
- Environment Canada and Health Canada are assessing the performance of a number of the control measures that have been implemented for the toxic substances we examined, and they are taking steps to keep their knowledge of risks up-to-date. However, the departments lack a systematic process for periodically assessing progress made in managing the risks. Periodic assessments would allow department officials and other stakeholders to know how well the risks are being managed, whether actions are sufficient or need to be modified, and whether progress is reasonable and timely.
- While labelling of chemical products in the workplace is required to indicate the hazards of chronic use (such as cancer risks and reproductive toxicity), no similar requirement exists for certain consumer products where multiple or long-term use may pose chronic hazards. Product labels warn consumers of acute hazards such as poisoning and contain instructions on how to safely use the product. However, there is no requirement that labels inform consumers of chronic hazards that may result from multiple or long-term use of the product.
- New biomonitoring initiatives are under way that address a significant gap we identified in our 2002 audit covering toxic substances. These initiatives are part of a broader, more comprehensive approach by Environment Canada and Health Canada to monitoring toxic substances in both humans and the environment. Sustained support for these types of initiatives is important in order to identify progress being made over time in reducing levels of toxic substances.

The departments have responded. The departments agree with all of our recommendations. Their detailed responses follow the recommendations throughout the chapter.



National Pollutant Release Inventory

Chapter 3 Main Points

What we examined

The National Pollutant Release Inventory (NPRI) is a national, legislated, publicly accessible inventory that provides Canadians with information about the releases and transfers of key pollutants in their communities. Created in 1992, it is maintained by Environment Canada under the authority of the *Canadian Environmental Protection Act, 1999* (CEPA 1999). It is the only inventory of its kind in Canada.

Industrial, institutional, and commercial facilities that meet certain reporting thresholds and criteria are required to report annually to Environment Canada on their releases and transfers of pollutants. Facilities may choose from a variety of methods to estimate and report their releases. They are not required to use the same method every year. Environment Canada makes the information it receives from facilities available to the public through the NPRI, which can be accessed and searched through an online database. In 2007, over 8,500 facilities reported on their releases, disposals, and transfers for recycling of the 347 specific substances or substance groups listed under the NPRI.

We examined what Environment Canada does to manage the quality of the data contained and published in the NPRI. Data quality is a function of its fitness for use, that is, the data's relevancy to its intended purpose and its users. It is also based on the interrelationship between six dimensions of quality—accuracy, completeness, understandability, reliability, timeliness and accessibility. Audit work for this chapter was substantially completed on 12 June 2009.

Why it's important

Pollution tracking and environmental monitoring are critical activities, given the potential for serious and irreversible damage to human health and the environment from pollution. The NPRI is an information tool maintained by the federal government for public use to help identify and monitor sources of pollution in Canada. The Inventory covers a wide variety of pollutants that are released and transferred in Canada each year such as lead, mercury, and benzene—which are listed as toxic under CEPA 1999. It is used by individuals, organizations, and governments for many different purposes, such as

tracking progress in reducing pollutant releases, informing policy and regulatory decisions, researching environmental issues, evaluating and reporting on facility or sector performance, and providing the general public with information about pollutants in their communities.

What we found

- While Environment Canada has carried out some activities to ensure that the data in the NPRI is relevant to the information's intended purposes and users, it does not have a consistent approach to determining the information needs of users, which is important for identifying trends in user needs and progress in meeting them.
- Environment Canada is working to improve NPRI data quality and makes the data accessible to users in a variety of ways on a timely basis. However, it does not have adequate systems and practices overall to ensure that data in the NPRI is fit for its intended uses. The Department is unable to assess the accuracy and completeness of the data, nor does it adequately state the limitations of the data so that users understand its nature and are aware of what the data can be used for and where caution needs to be applied. This has a critical impact on the reliability of comparisons and trend analysis.

The Department has responded. The Department agrees with our recommendations. Its detailed responses follow each recommendation throughout the chapter.



Environmental Petitions

Chapter 4 Main Points

What we examined

Established in 1995 as a result of amendments to the *Auditor General Act*, the environmental petitions process provides Canadians with a formal means to bring their concerns about environmental issues to the attention of federal ministers and departments and to obtain a response to their concerns. Ministers are required to respond in writing within 120 days.

On behalf of the Auditor General of Canada, the Commissioner of the Environment and Sustainable Development manages the environmental petitions process and monitors responses of federal ministers. As required by the Act, the Commissioner reports annually on the quantity, nature, and status of petitions received and on the timeliness of departmental responses. This chapter contains the annual report on petitions and responses received between 1 July 2008 and 30 June 2009.

Why it's important

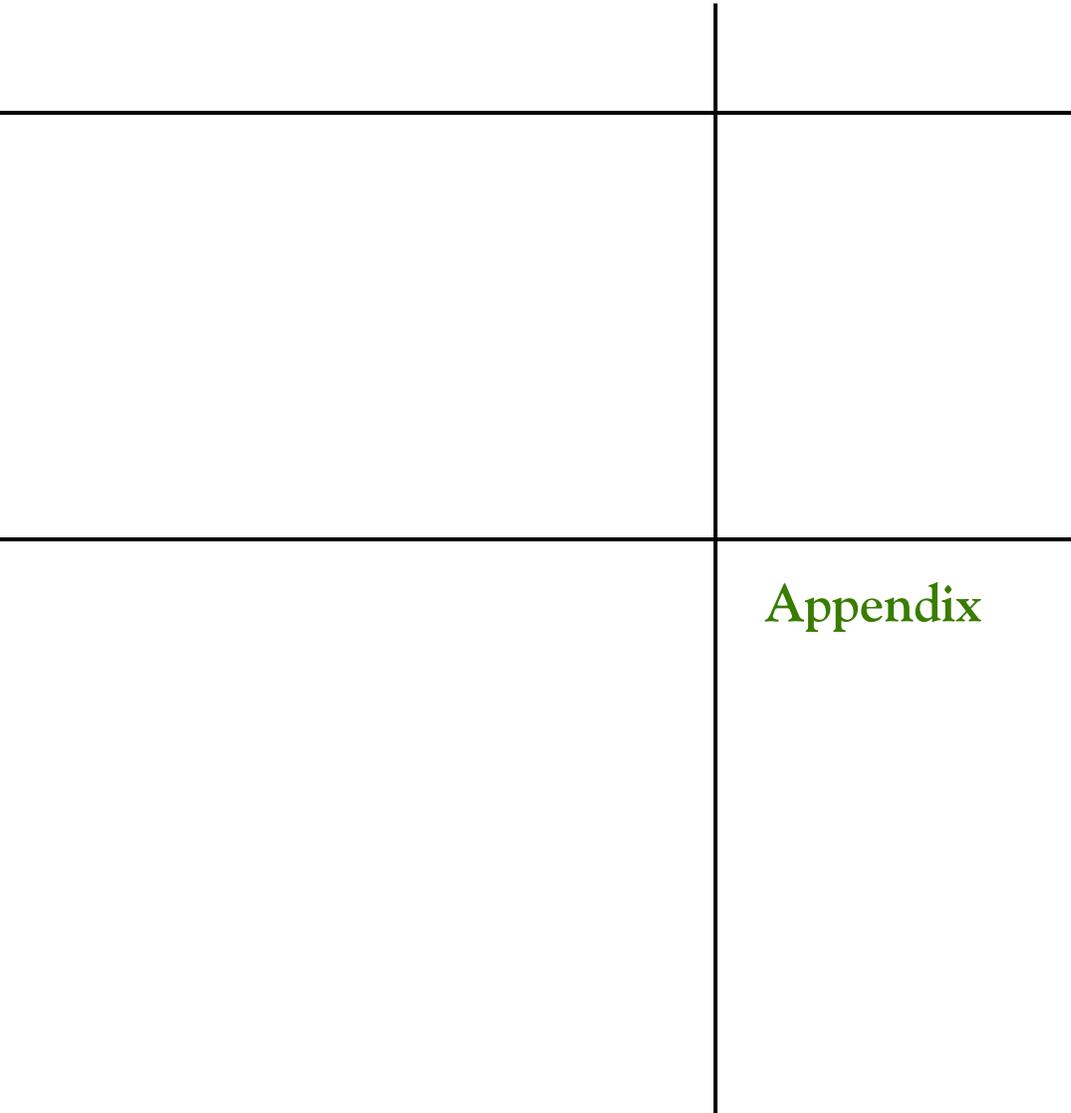
Environmental petitions are a feature of our parliamentary democracy. Submitting a petition is a simple way for Canadians to bring their environmental concerns to the attention of federal departments and agencies that are subject to the process. Monitoring and reporting on petitions and petition responses, as well as publishing those documents on our website, contributes to transparency in federal environmental management. The Office of the Auditor General also helps to promote federal accountability for environmental management by considering the issues raised in petitions and the responses they generate when it plans and conducts audits.

What we found

- Canadians submitted 28 petitions this year. This represents about half the number submitted last year. However, the diversity of topics covered was similar to last year. The issues most commonly raised were health, biodiversity, fish habitat, and environmental assessment. Petitions continue to range from those that focus on local issues to those that discuss national concerns.
- The number of on-time responses continued to decline. Only 77 percent of responses were provided within the required 120 days,

compared with 86 percent last year and 95 percent the year before. Two departments—Industry Canada and Environment Canada—accounted for about 70 percent of the late responses. Despite the fact that Health Canada was responsible for the largest number of responses this year, all of its responses were on time.

- Recent audit work in our Office has benefited from knowledge gained through petitions and responses. These include Chapter 1 of this report, Applying the *Canadian Environmental Assessment Act*, and Chapter 1 of our Spring 2009 report, Protecting Fish Habitat.



Appendix

Appendix *Auditor General Act*—Excerpts

An Act respecting the Office of the Auditor General of Canada and sustainable development monitoring and reporting

INTERPRETATION

Definitions	2. In this Act,
“appropriate Minister”	“appropriate Minister” has the meaning assigned by section 2 of the <i>Financial Administration Act</i> ;
	...
“category I department”	“category I department” means <ol style="list-style-type: none"> (a) any department named in Schedule I to the <i>Financial Administration Act</i>, (b) any department in respect of which a direction has been made under subsection 11(3) of the <i>Federal Sustainable Development Act</i>; and (c) any agency set out in the schedule to the <i>Federal Sustainable Development Act</i>.
“Commissioner”	“Commissioner” means the Commissioner of the Environment and Sustainable Development appointed under subsection 15.1(1);
	...
“sustainable development”	“sustainable development” means development that meets the needs of the present without compromising the ability of future generations to meet their own needs;

POWERS AND DUTIES

Examination	5. The Auditor General is the auditor of the accounts of Canada, including those relating to the Consolidated Revenue Fund and as such shall make such examinations and inquiries as he considers necessary to enable him to report as required by this Act.
Annual and additional reports to the House of Commons	7. (1) The Auditor General shall report annually to the House of Commons and may make, in addition to any special report made under subsection 8(1) or 19(2) and the Commissioner’s report under subsection 23(2), not more than three additional reports in any year to the House of Commons <ol style="list-style-type: none"> (a) on the work of his office; and, (b) on whether, in carrying on the work of his office, he received all the information and explanations he required.

- Idem** (2) Each report of the Auditor General under subsection (1) shall call attention to anything that he considers to be of significance and of a nature that should be brought to the attention of the House of Commons, including any cases in which he has observed that
- (a) accounts have not been faithfully and properly maintained or public money has not been fully accounted for or paid, where so required by law, into the Consolidated Revenue Fund;
 - (b) essential records have not been maintained or the rules and procedures applied have been insufficient to safeguard and control public property, to secure an effective check on the assessment, collection and proper allocation of the revenue and to ensure that expenditures have been made only as authorized;
 - (c) money has been expended other than for purposes for which it was appropriated by Parliament;
 - (d) money has been expended without due regard to economy or efficiency;
 - (e) satisfactory procedures have not been established to measure and report the effectiveness of programs, where such procedures could appropriately and reasonably be implemented; or
 - (f) money has been expended without due regard to the environmental effects of those expenditures in the context of sustainable development.

STAFF OF THE AUDITOR GENERAL

- Appointment of Commissioner** 15.1 (1) The Auditor General shall, in accordance with the *Public Service Employment Act*, appoint a senior officer to be called the Commissioner of the Environment and Sustainable Development who shall report directly to the Auditor General.
- Commissioner's duties** (2) The Commissioner shall assist the Auditor General in performing the duties of the Auditor General set out in this Act that relate to the environment and sustainable development.

SUSTAINABLE DEVELOPMENT

- Purpose** 21.1 In addition to carrying out the functions referred to in subsections 23(3) and (4), the purpose of the Commissioner is to provide sustainable development monitoring and reporting on the progress of category I departments towards sustainable development, which is a continually evolving concept based on the integration of social, economic and environmental concerns, and which may be achieved by, among other things,
- (a) the integration of the environment and the economy;
 - (b) protecting the health of Canadians;
 - (c) protecting ecosystems;
 - (d) meeting international obligations;

- (e) promoting equity;
- (f) an integrated approach to planning and making decisions that takes into account the environmental and natural resource costs of different economic options and the economic costs of different environmental and natural resource options;
- (g) preventing pollution; and
- (h) respect for nature and the needs of future generations.
- Petitions received** 22. (1) Where the Auditor General receives a petition in writing from a resident of Canada about an environmental matter in the context of sustainable development that is the responsibility of a category I department, the Auditor General shall make a record of the petition and forward the petition within fifteen days after the day on which it is received to the appropriate Minister for the department.
- Acknowledgement to be sent** (2) Within fifteen days after the day on which the Minister receives the petition from the Auditor General, the Minister shall send to the person who made the petition an acknowledgement of receipt of the petition and shall send a copy of the acknowledgement to the Auditor General.
- Minister to respond** (3) The Minister shall consider the petition and send to the person who made it a reply that responds to it, and shall send a copy of the reply to the Auditor General, within
- (a) one hundred and twenty days after the day on which the Minister receives the petition from the Auditor General; or
- (b) any longer time, where the Minister personally, within those one hundred and twenty days, notifies the person who made the petition that it is not possible to reply within those one hundred and twenty days and sends a copy of that notification to the Auditor General.
- Multiple petitioners** (4) Where the petition is from more than one person, it is sufficient for the Minister to send the acknowledgement and reply, and the notification, if any, to one or more of the petitioners rather than to all of them.
- Duty to monitor** 23. (1) The Commissioner shall make any examinations and inquiries that the Commissioner considers necessary in order to monitor
- (a) the extent to which category I departments have contributed to meeting the targets set out in the Federal Sustainable Development Strategy and have met the objectives, and implemented the plans, set out in their own sustainable development strategies laid before the House of Commons under section 11 of the *Federal Sustainable Development Act*; and
- (b) the replies by Ministers required by subsection 22(3).

- Commissioner's report** (2) The Commissioner shall, on behalf of the Auditor General, report annually to the House of Commons concerning anything that the Commissioner considers should be brought to the attention of that House in relation to environmental and other aspects of sustainable development, including
- (a) the extent to which category I departments have contributed to meeting the targets set out in the Federal Sustainable Development Strategy and have met the objectives, and implemented the plans, set out in their own sustainable development strategies laid before that House under section 11 of the *Federal Sustainable Development Act*;
 - (b) the number of petitions recorded as required by subsection 22(1), the subject-matter of the petitions and their status; and
 - (c) the exercising of the authority of the Governor in Council under subsections 11(3) and (4) of the *Federal Sustainable Development Act*.
- Duty to examine** (3) The Commissioner shall examine the report required under subsection 7(2) of the *Federal Sustainable Development Act* in order to assess the fairness of the information contained in the report with respect to the progress of the federal government in implementing the Federal Sustainable Development Strategy and meeting its targets.
- Duty to report** (4) The Commissioner shall include in the report referred to in subsection (2) the results of any assessment conducted under subsection (3) since the last report was laid before the House of Commons under subsection (5).
- Submission and tabling of report** (5) The report required by subsection (2) shall be submitted to the Speaker of the House of Commons and shall be laid before that House by the Speaker on any of the next 15 days on which that House is sitting after the Speaker receives it.

Report of the Commissioner of the Environment and Sustainable Development to the House of Commons—Fall 2009

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