

Environmental Defence Canada - SEM-10-002 (Alberta Tailings Ponds)

Questions:

	Yes	No	I don't know
Did the Citizen Submission procedure seem to be useful?			still open
Were you satisfied with the CEC's handling of your petition?	before filing	after file	
Did the CEC's resolution of your petition seem technically and legally appropriate?			ongoing
Did the CEC's resolution seem just?			ongoing
Did the CEC's response time seem appropriate?			
How much time did the procedure take (in months)?			16 months so far
How much money did you or your organization invest in preparing and following up your petition (in C\$, Mx pesos, US\$)?			\$2,000
Did the Citizen Submission procedure seem to be useful?			

1. When and how did you learn about the citizen submission process?

Mr. Price learned about the process through his work with the Sierra Legal Defence Fund.

2. How difficult was it to gather information on how to use the SEM process? What institutions, organizations, resources, or establishments did you consult, if any, to learn about the SEM process and how to use it?

It was relatively easy to learn about the process through the guidelines on the web.

3. Did you know about the "Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the [NAAEC]" (the "Guidelines") published in the CEC booklet "Bringing the Facts to Light"? If so, did you consult them? How helpful was it? Was there any information not included in the Guidelines that might have helped you in preparing your submission?

Yes the guidelines were helpful. It would be beneficial for the CEC to be clearer up front about the information that was required rather than asking for it later and delaying the process. For example, the CEC asked for copies of full reports referenced in submissions which were subsequently provided. Had the submitter known this was a requirement at the outset, the full materials would have been submitted thereby expediting the process.

4. Did you contact the CEC Secretariat prior to preparing a submission, and if so, for what reason (i.e. information gathering, questions about procedure, etc)? Was the response of the Secretariat, if any, helpful? Why or why not?

Yes the submitter met with CEC staff prior to preparing their submission and found the staff to be helpful.

5. Why did you choose the SEM process for addressing the matters you raised in your submission?

The SEM process was chosen as there was no other recourse. Attempts were made to dialogue with government representatives to no avail. Legal recourse was not feasible due to limited resources and the way prosecutions are handled under the Fisheries Act.

6. What outcome did you expect from the SEM process at the time of your submission? Sanctions? Recommendations? Conclusions?

The outcome expected was a factual record which would shine a brighter light on the environmental problem and the inadequate response by government.

7. Did the processing of your submission in any way affect or impact the situation you were addressing, and if so, how? Was this impact consistent with your hopes and expectations?

The filing of the submission resulted in significant media coverage which achieved the goal of shining a brighter light on the problem.

8. Has the outcome of the SEM process with respect to your submission helped you to understand the relevant environmental law(s) and the government's decisions with respect to enforcing those laws? If so, in what way?

N/A - Process is still ongoing

9. Did you pursue any domestic legal options regarding the matters raised in your submission? If not, why not? If so, why did you also file a submission?

No - due to limited resources and the heavy legal burden associated with pursuing legal action

10. If the government Party filed a response to your submission, was the response helpful in understanding the Party's positions and decisions with regard to the matters you raised, and if not, why? Did the response provide information that you were seeking?

No response yet from the Party

11. Did you have any contact with the government Party regarding the matters raised in your submission during or after conclusion of the SEM process, and if so, was this contact helpful? If not, would such contact have been helpful?

There was considerable correspondence with the government prior to the submission and it was subsequently included in the submission.

12. How long did it take for your submission to be processed? Include the time from the point that you submitted the petition to the factual record or other final decision. Do you believe that this is a reasonable amount of time for processing of submissions? If not, what recommendations would you make for improving the timeliness of the process?

It took 5 months for an initial response and it has been a further 11 months of waiting for the next step in the process (total of 16 months).

The submitter recommends the inclusion of timelines - eg - timeline of 30 days for CEC to ask for more information and a timeline of 6 months for CEC to make a recommendation to Council.

13. What action have you undertaken with regard to the matters raised in your submission after the conclusion of the SEM process? Do you expect or wish that the CEC continued to be involved following the conclusion of the process, and if so, how?

Not Applicable

14. How costly was it for you to use the citizen submission process? Were the costs in line with the benefits you received from the process?

\$2,000.00 - Exposure in the media with the filing of the submission made the filing worth the expense.

15. What kind of assistance, if any, did you receive in preparing your submission? If you did not receive assistance, what kind of assistance do you wish you had received, if any?

There was a positive meeting with CEC staff prior to preparing the submission.

16. Approximately how much time went into the preparation of your submission?

It took about 2 weeks to prepare the submission as the organization was already tracking the issue and was quite familiar with the topic.

17. Overall, was the citizen submission process a useful forum to raise the matters you highlighted in your submission? Why or why not?

Yes, initially it was helpful with the media exposure. We will see how it unfolds as the process is still ongoing.

18. Bearing in mind your experience with the article 14 and 15 process, do you think this mechanism needs to be revised and amended?

The establishment of structured timelines would be useful.

With regard to the bigger picture, should Council have an opportunity to vote on whether to proceed with action when the factual record confirms there is an environmental problem and the government has not complied with its environmental legislation.

Having sanctions such as Chapter 11 would make the process more robust. "The private sector got Chapter 11 and we got the CEC."

19. Do you have any other comment or recommendations regarding the citizen submission process.

While there were no other recommendations regarding the process, there was a personal observation that a correlation seems to exist between the controversial nature of an issue and the length of time it takes to process a submission.