

Independent Process Observer



**Sudbury
Soils
Study** | **Étude
des sols
sudburois**
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Quarterly Report

REPORT # 17

Fall 2006 (July-September)

By Franco Mariotti

Four years and nine months ago, I assumed my role as the Independent Process Observer for the Sudbury Soils Study (SSS).

Recently, the Sudbury Soils Study reached a milestone. On September 20th and 21st the Independent Expert Review Panel (IERP) met in Sudbury. During those two days they analyzed the science behind the SARA Group's procedures, methods and findings for the Human Health Risk Assessment. The importance of these meetings cannot be overstated! Through face-to-face questioning of the SARA Group scientists, the Independent Expert Review Panel members would either support or disprove the science behind the study. Their independent review of the science behind the study carries a lot of weight and in the end will **add** or **diminish** credibility to the Sudbury Soils Study.

Independent Process Observer reports are divided into two sections. The first section, Past Issues and Recommendations, is intended to be an update on matters discussed in my previous report (#16). The second section, Current Issues and Recommendations, deals with any new issues that have arisen since my last report.

PAST ISSUES and RECOMMENDATIONS

There are no issues or recommendations to discuss from my last report.

CURRENT ISSUES and RECOMMENDATIONS

BACKGROUND: The Independent Expert Review Panel's visit to Sudbury was a significant milestone in the Sudbury Soils Study and in fact, their presence and participation in the Sudbury Soils Study process should not be underestimated.

The process observer for the Sudbury Soils Study is independent of any organization or group involved in the study. He is impartial and his role is to advise on matters related to the study's Human Health Risk Assessment and Ecological Risk Assessment processes, both of which are managed by the study's Technical Committee with input from the Public Advisory Committee. As the observer, Franco Mariotti is required to report to the public on the study process four times each year.

The significance is that this is an international team of scientists, experts in their field of Human Health Risk Assessment, who are independently reviewing the science of the Human Health Risk Assessment, one of two key aspects of the Sudbury Soils Study. The other key aspect is the Ecological Risk Assessment (ERA) which is to be released in June 2007. It will undergo a similar review with scientists in that field.

The mission of the Independent Expert Review Panel is to explore the validity of the scientific methods used in the Human Health Risk Assessment and to make suggestions, if any, for improvements.

The TERA Group from Cincinnati, Ohio was the group chosen by the Technical Committee to act as the broker to search and retain scientists with appropriate backgrounds and abilities to review the Human Health Risk Assessment. They chose these scientists, experts in their field, to assess the scientific process and methods used by the SARA Group to carry out the Human Health Risk Assessment.

On Tuesday, September 19th, the Public Advisory Committee held its open meeting followed at 7:30 p.m. by a meeting chaired by the TERA Group. The TERA Group introduced Sudburians to the distinguished panel of scientists (the Independent Expert Review Panel) who *independently* reviewed the integrity of the science behind the Sudbury Soils Study. In addition to introducing members of the panel, the purpose of the evening was to outline the agenda for the next two days. Members of the Independent Expert Review Panel did not, and were not, allowed to talk about their Sudbury Soils Study findings at this initial introductory meeting. They would be discussed at the sessions that followed over the next two days. The primary reason for not discussing or releasing any information is that the findings, to date, are preliminary.

There were between 60 and 70 people in the audience, many of whom were connected to members of the Technical Committee. They included four persons who were members of the Public Advisory Committee and myself as Independent Process Observer. Only five or six people represented concerned citizens. It was surprising that there were not more members of the public in attendance, even though the meeting was widely advertised.

On September 20th and 21st the Independent Expert Review Panel sat in session with the scientists of the SARA Group who carried out the Human Health Risk Assessment. The atmosphere was akin to that of an extended PhD thesis defense. As mentioned earlier, the overall purpose of the two days was for the Independent Expert Review Panel scientists, who were totally independent of this study, to *peer* review the science behind the Human Health Risk Assessment.

The two days were broken up into sessions that reflected the different aspects of the Human Health Risk Assessment draft report. The proceedings were chaired by Dr. Michael Dourson, an Independent Expert Review Panelist, who was in total control of the proceedings. The other Independent Expert Review Panelists present were scientific experts in the field of toxicology. They were able to ask and query scientists from the SARA Group. Each session was introduced by a SARA Group team member who presented a short synopsis on one aspect of the study. This was followed by the Independent Expert Review Panelist who questioned and commented on very technical aspects of the report. Examples of topics covered include analytical methods, risk assessment, statistical methodology and how samples were collected.

A wide range of questions were asked including why or why not certain procedures were carried out, how they were analyzed and how they arrived at specific results, etc. During the two days the Independent Expert Review Panel covered every major aspect of the Human Health Risk Assessment. The entire process was well chaired, articulate, very civil and very in-depth.

Observers were allowed to sit in throughout the two days. As with the Public Advisory Committee meeting held the day before, these were people involved in the study and connected to Technical Committee members, three Public Advisory Committee members and myself as Independent Process Observer. No other members of the public were allowed to observe. Members in the audience were allowed to ask questions in a very controlled manner. They raised questions by writing them on cue cards which were passed to an administrative assistant who then passed them on to the chair. This controlled approach was very effective; it allowed for external input without slowing down the entire process.

The Independent Expert Review Panel has not commented publicly yet as to their findings. The detailed Independent Expert Review Panel Report and the Human Health Risk Assessment are scheduled to be released to the public in February, 2007. There is justification for not releasing specific details at this time. First, it will take time for the Independent Expert Review Panel scientists to write their detailed report. Secondly, members of the SARA Group scientists have the right to digest and consider the Independent Expert Review Panel recommendations and respond appropriately prior to release of the report to the public.

In a press release dated September 22, 2006, the Independent Expert Review Panel members did agree on some general findings:

- The panel found this to be a very comprehensive assessment. They were especially pleased to see the extent of sampling done in the community.
- The assessment appropriately considered all sensitive groups of the population and the possible ways that people in Sudbury might be exposed.
- The panel found the overall approach to be appropriate and provided specific technical recommendations for revisions to improve the scientific soundness of the results. The panel also made suggestions to improve the clarity of the report.

1. ISSUE: Should the Independent Expert Review Panel two day meeting have been open to the public?

COMMENT: I will state immediately that I am of mixed feelings about this issue and will try to articulate the reasons for and against public attendance as clearly as possible.

Reasons why the public should *not* have been there:

- Much of the conversation was **very** technical in nature. Non-specialists could have misconstrued the meaning or intent of the dialogue. Thus someone could have come away from such a session with a different perspective than that which was intended.

- The Human Health Risk Assessment report was a draft report. An audience observer could have come away with a premature finding that may be different from the final report due to further scientific analysis, as recommended by the Independent Expert Review Panel.
- Having a large number of people in the audience, including the media may have intimidated or stifled open dialogue.

Reasons why the public *should* have been there:

- The public presence would have reinforced the claim that the Sudbury Soils Study is an open, fair and transparent process.
- Although the conversations between the Independent Expert Review Panel scientists and the SARA Group were very technical, the public would have seen for themselves that members of the Independent Expert Review Panel were not swayed or influenced by any Technical Committee member.

With regard to the issue of openness and transparency, it should be stated that three Public Advisory Committee members and myself, as the Independent Process Observer, were present throughout the two day sessions. We were very aware of the fact that we were representing the public and would closely observe any suggestions of bias or undue influence that may have been interjected into the dialogue or analysis of the Human Health Risk Assessment Report.

I have no recommendation to make on this issue. I have given it much thought and I still harbour mixed feelings on the issue of public attendance at these meetings. My final observation is that the Independent Expert Review Panel accomplished what was expected, that being an honest, scientifically independent peer reviewed process of the Human Health Risk Assessment of the Sudbury Soils Study. The Independent Expert Review Panel scientists acted without bias with the SARA Group scientists and members of the Technical Committee did not influence the outcome.

2. ISSUE: Should the Independent Expert Review Panel Members' Backgrounds be posted on the Sudbury Soils Study Website?

RECOMMENDATION: Placing the resumes of the Independent Expert Review Panel scientists on the Sudbury Soils Study website would provide the public with the opportunity to better know who the scientists are and where their expertise lies.

3. ISSUE: Concern raised by Public Advisory Committee member regarding Xstrata Nickel's Commitment to the Sudbury Soils Study.

COMMENT: The Falconbridge/Xstrata Nickel representative on the Technical Committee, Marc Butler, assured the Public Advisory Committee that there is no reason to believe that Falconbridge's new owner, Xstrata Nickel, has altered its commitment to the Sudbury Soils Study. Public Advisory Committee members want a formal statement from Xstrata Nickel management confirming their commitment.

I support the Public Advisory Committee's request. It would be reassuring to the Sudbury community to know that Xstrata Nickel will honour Falconbridge's commitment to the Sudbury Soils Study.

RECOMMENDATION: Xstrata Nickel senior management should formally and publicly state their continued commitment to the Sudbury Soils Study.

Please look at the calendar of events below.

FUTURE MEETING SCHEDULES

Technical Committee Meetings for 2006

Provincial Building, Boardrooms C and D

November 9, 2006

December 14, 2006

Technical Committee meetings in 2007 will be regularly scheduled for the second Thursday of each month.

Public Advisory Committee Meetings for 2006

(Location of meetings to be determined)

November 21, 2006

PAC meetings in 2007 will be regularly scheduled for the third Tuesday of every other month.

If you have any questions regarding the SSS please contact our toll free number:

1 (866) 315-0228 or e-mail: questions@sudburysoilsstudy.com, or visit www.sudburysoilstudy.com