



Report #8 Spring 2004

The Sudbury Soils Study (SSS) is fully underway now that the Human Health Risk Assessment (HHRA) and the Ecological Risk Assessment (ERA) studies have begun.

The role of the Public Advisory Committee (PAC) and its relationship to the Technical Committee (TC), as well to the public-at-large, is growing. Communication of the TC's decisions, along with their implications to the Sudbury public, continues to evolve. This report deals largely with these issues.

ISSUES and RECOMMENDATIONS

1) Technical Committee's Response to Concern of Possible Conflict of Interest for Scientific Advisors

ISSUE: At the May and June meetings of the Public Advisory Committee, two members of the public revisited the issue of Dr. Ron Brecher acting as Scientific Advisor to the SSS. They continue to believe that he is in a conflict of interest because of a previous involvement as an expert witness for Inco's Port Colborne Soils Study.

COMMENT: This issue has been raised before. In the two previous Process Observer Reports, I stated that in my opinion Dr. Brecher was "in a position of perceived bias. However, it is very difficult to find a consultant in the Human Health Risk Assessment business that has not worked for large mining companies. Thus in this particular situation, I recommended that the Technical Committee seek new Scientific Advisors or establish measures that would eliminate a perception of bias." The TC did indeed implement new measures to prevent bias from occurring. They are:

1. Scientific Advisors (SA) have been instructed not to discuss their study comments with Inco or Falconbridge or any other TC member individually. If questions arise that need resolution, the advisors' point of contact will be Dr. Stephen Monet of the City of Greater Sudbury, who will bring the issue to the Working Group (WG) of the TC or to the TC for resolution.
2. Any discussions that need to take place between the advisors and companies are to be restricted to an administrative nature, i.e. invoices for payment.

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.

3. Written comments from the SA's are to be e-mailed to all WG members simultaneously (members of the WG include the City of Greater Sudbury (CGS), the Ministry of the Environment (MOE), the Sudbury & District Health Unit (SDHU), Inco Ltd., and Falconbridge Ltd.). No agency or company will receive comments in advance.
4. SA's are to advise the TC in written form of all work being conducted on other projects for any TC agency or company.

Furthermore, at the June 22nd PAC meeting, the TC reiterated these points and stated that the Scientific Advisors' role is not one of decision-making. Rather their role is to advise the TC on scientific matters pertaining to the methodology of the HHRA and/or the ERA.

In my opinion these measures are sufficient to eliminate any perceived biases. There are however, two problems that continue to exist. First, the whole issue of perceived bias by a scientific advisor was exacerbated because the TC, once having found a solution to this issue, did not communicate its solution to the public or to the two persons who initiated the concern. Further, I suspect that the issue of conflict of interest, from the point of view of the persons raising it, was never addressed appropriately.

Secondly, to date the second Scientific Advisor, Dr. Stella Swanson, a specialist in ecological risk assessment, has not met with the TC or the PAC. Although the TC promised this would happen, I understand that there is a legitimate reason why she has not been presented. However, it is now one year since her appointment and we still do not know when we can expect to meet her.

RECOMMENDATION:

- i) The TC needs to respond directly by mail or e-mail to those individuals attending TC or PAC meetings who have asked questions about issues pertaining to the SSS.
- ii) The TC should notify the PAC when Dr. Stella Swanson will be available to meet with them.

2) The Role of Health Canada and Their Absence at TC Meetings

ISSUE: Health Canada has had a representative on the TC as a full member since the inception of the SSS. It is important that they are present to oversee any decisions relating to health issues that impact First Nations' people and their lands. The Whitefish Lake First Nation and the Wahnapiitae First Nation are part of this process and both have representation on the PAC as well.

COMMENT: At the beginning of the study it was not very clear exactly what position Health Canada had on the TC. Were they there as observers to simply advise the TC on health matters pertaining to First Nations' people or were they there as full members taking part in all consensus discussions/decisions? My understanding is that the TC regards Health Canada as a full member, meaning that they are a part of the decision-making process.

Attendance at TC meetings by the Health Canada representative has not been consistent. There have been times when their representative has not attended TC meetings and has failed to notify the Facilitator of his intentions. This kind of irresponsibility is not acceptable.

RECOMMENDATION:

- i) Health Canada needs to make a clear commitment regarding their role on the TC and their participation in the SSS. As well, the TC needs to make a clear statement regarding the role of Health Canada on the SSS.
- ii) Health Canada, at the very least, has a responsibility to notify the TC Recorder as to whether or not their representative will be attending meetings.

3) Determination of PAC Membership

ISSUE: Revised Terms of Reference for the Public Advisory Committee.

COMMENT: The Terms of Reference for the PAC are currently on the SSS website. These are being revised to reflect issues that were not addressed when they were first formulated. For example, members of the PAC sit on the committee for a two-year term. At the end of their term, members can terminate their seat or reapply for another term. Currently the Terms of Reference have no provisions to accommodate this issue.

Members of the PAC are currently rewriting their Terms of Reference and they are expected to be complete by September.

RECOMMENDATION:

- i) I strongly believe that the PAC should be as independent a body as possible from the TC and this idea could be reflected in the revised Terms of Reference.
- ii) The PAC should, as much as possible in all cases, mirror ideas and opinions from a cross-section of the Sudbury community.
- iii) As soon as the new Terms of Reference are approved, they should be posted on the SSS website.

4) Protocol for Public Participation at Public Sessions of TC and PAC Meetings

ISSUE: At the last PAC meeting on the 22nd of June, confusion prevailed regarding the protocol for members of the public who wish to speak at a PAC or TC meeting.

COMMENT: The protocol has been established for some time and needs to be communicated to the public-at-large.

RECOMMENDATION:

- i) The protocol for public involvement at PAC and TC meetings needs to be placed on the SSS website as soon as possible. It is important that it be easily viewed and read. Please see Appendix A for protocol of the PAC and Appendix B for protocol of the TC.

5) Rotation of Location of Public Advisory Meetings

ISSUE: The Public Advisory Committee has always held their meetings at Cambrian College. The location and facilities are excellent; however, the location may have precluded some members of the public from attending because it is not centrally located in the city. For example, people from the west side of Sudbury have to travel quite some distance in order to attend.

COMMENT: Members of the PAC have initiated the rotation of PAC meetings. In future they will be held in each ward of the City of Greater Sudbury on a rotational schedule. I compliment the PAC for making their meetings even more accessible for Sudburians.

RESULT: There are two PAC meetings scheduled for the remainder of this year - September 21st and November 18th. Please visit the SSS website for meeting locations.

6) Public's Comfort Level at PAC and TC Meetings

ISSUE: At their meetings, the PAC and TC have established times for a Public Forum so that members of the public may ask questions or make statements. It is important that the public feel welcome and comfortable.

COMMENT: Past chair of the PAC, Ivan Filion, and the current chair, John Hogenbirk, have done a good job making members of the public feel comfortable presenting their statements. Furthermore, Dick DeStefano, the Facilitator of the TC, has also exemplified openness with members of the public at TC meetings. I compliment these individuals on their skills and encourage them to continue doing their utmost to welcome the public and their comments.

RECOMMENDATION:

- i) The chair of the PAC must ensure that the agenda for PAC meetings and any relevant material for that meeting are readily available and accessible as soon as members of the public enter the meeting place. (Since the public only attends the first hour (9:30 – 10:30 a.m.) of the TC meeting, there is no need to provide agendas).
- ii) I recommend that a complete PAC and TC membership list be included with each agenda.

7) Lack of Public Comment at Last Two TC Meetings

ISSUE: At the last two TC meetings it was surprising to note that there were no public comments during the Public Forum segment of the meeting. However, public input continues at the Public Forum portion of the PAC meeting.

COMMENT: Perhaps because TC meetings are held during working hours, fewer members of the public are able to attend. It is important to the process that members of the public are encouraged to have their concerns stated or questions asked directly to TC members. Although the notion may seem intimidating to someone who normally does not speak in front of a committee, I can assure you that thus far all such experiences have taken place in a comfortable and non-intimidating environment at TC meetings.

RECOMMENDATION:

- i) The TC should continue to encourage public involvement as much as possible at the Public Forum of their meetings. This should be done through the SSS Newsletter "*UPDATE*", through the SSS website and in as many media articles as possible.

8) PAC Membership Reaches Full Complement

ISSUE: Until June of this year the PAC had two vacancies on their committee.

COMMENT: In May a joint group of the TC and PAC acted quickly to fill those vacancies. My compliments to both committees for their quick action.

RESULT: The two new members are Kim Edgington and Irma Chiesa.

PROPOSED PROJECT TIMETABLE AUGUST TO DECEMBER, 2004	
Monthly Technical Committee Meetings	August, September, October, November, December
Monthly Progress Reports	August, September, October, November, December
Bi-monthly Public Advisory Committee (PAC) Meetings	September, November
Monthly Communications Sub-Committee Meetings	August, September, October, November, December
Ecological Risk Assessment 2004 field program	July-September
Telephone Poll	September
Food Consumption Survey	September
Drinking Water Survey	August-September
Publication and Distribution of <i>Update</i> newsletter	October
Air Monitoring Survey	October 2003-October 2004
Public Open House	November
Meetings with Interested Individuals and Groups	As required
Communication of Findings to the Public through Newspapers, Website and Mailings	As required

Contact Information

For any comments or questions regarding this report, the Sudbury Soils Study, the Technical Committee or the Public Advisory Committee, please contact us at: 1 (866) 315-0228 or through our web site at www.sudburysoilsstudy.com.

APPENDIX A

Public Sessions at the Sudbury Soils Study Public Advisory Committee Meetings June 22, 2004

As per the PAC Terms of Reference (dated May 17, 2004)

“2.4 In addition, the PAC will provide opportunities for members of the public to express their concerns or to ask questions about any aspect of the Sudbury Soils Study, such as questions related to scientific or technical matters or to process or procedural issues.”

Protocol

The public is invited to make submissions or presentations or to ask questions at meetings of the Sudbury Soils Study Public Advisory Committee (PAC). These public sessions will comprise of two components:

- (1) formal submissions or presentations;
- (2) Questions and concerns.

Formal presentations will take place between 6:30 and 7:00 p.m. at each PAC meeting and will be facilitated by the PAC Chair. Questions and concerns can be raised by the audience toward the end of the meeting.

(1) **Formal submissions:** Members of the public wishing to make formal presentations at PAC meetings are asked to provide **two week's notice**. Presenters should contact the SARA Group through the web site at www.sudburysoilsstudy.com or the toll-free number at 1-866-315-0228 or email at questions@sudburysoilsstudy.com.

The SARA Group will contact the PAC Chair who, in consultation with the TC Facilitator, will decide which committee should hear the issue. An outline of the presentation and any specific question to be asked of the TC, PAC or SARA Group is to be provided two weeks in advance. This will ensure that the question/answer sessions are productive and informative. Questions submitted after the deadline will be tabled with the PAC or TC for follow-up. Every effort will be made to ensure that outstanding questions are investigated and a response or status report is provided at the next PAC meeting.

To ensure that the PAC and TC are not in possession of confidential information, presenters wishing to provide written materials will need to sign a waiver declaring that the information is publicly available or provide signatures documenting the owner's permission to distribute the information.

(2) **Questions and Concerns:** Members of the public are invited to ask questions or to pose their concerns to the PAC, TC or SARA Group. These questions and concerns will be recorded as part of the minutes of the PAC meeting and a response or status report will be provided no later than the next meeting.

The following text shall be read to the public at the start of each Open Session:

“These open sessions provide an opportunity for formal presentations to the Public Advisory Committee or for the public to express their concerns or to ask questions about any aspect of the Sudbury Soils Study.

The open session has two parts:

- (1) *Formal Presentations – 6:30 – 7:00 p.m.*
- (2) *Questions and Concerns – toward the end of the meeting*

Please note that members of the PAC, the TC or the SARA Group may not be able to respond immediately to your questions or concerns. However, effort will be made to ensure that outstanding questions are followed up and a response or status report is provided by the next PAC meeting.

Presenters wishing to distribute written materials will need to sign a waiver declaring that the information is publicly available or provide signatures to document the owner’s permission to distribute the information.

Presenters are asked to direct their questions or comments to the PAC Chair and to respect the time limits.”

APPENDIX B

Public Sessions at Technical Committee Meetings March 2, 2004

Protocol

The public is invited to make submissions/presentations or ask questions to the Sudbury Soils Technical Committee (TC) at their monthly meetings held the second Thursday of each month at Tom Davies Square, Room C11. These sessions are designed to ensure that the public has an opportunity to share their points of view/concerns regarding the study and to ensure that all TC members are made aware of these issues first hand.

Public sessions will take place between 9:30 and 10:30 a.m. at each monthly TC meeting and will be facilitated by Dick DeStefano. The public may make presentations to the committee and TC members are not obligated to respond; however, they may ask questions or raise points of clarification as required.

If the public wants to ask specific questions of the SARA Group or TC members, questions are to be provided two weeks in advance of the next meeting. This will ensure that the question/answer sessions are productive and informative. Questions submitted after the deadline will be tabled with the TC for follow-up. Every effort will be made to ensure that outstanding questions are investigated and answered.

The public requesting to speak at the TC will be asked to contact the SARA Group through the website at www.sudburysoilsstudy.com or the toll-free number at 1-866-315-0228 or e-mail to questions@sudburysoilsstudy.com. The SARA Group will contact the PAC Chair, who in consultation with the TC Facilitator, will decide which committee should hear the issue.

The SARA Group will advise the Working Group (WG) of the specific questions that have been submitted (if any) and will contact the requestor to confirm time and place of the next meeting.

To ensure that the TC is not in possession of confidential information, presenters wishing to provide written materials will need to sign a waiver declaring that the information is publicly available or provide signatures to document the owner's permission to distribute the information.