

Independent Process Observer



**Sudbury
Soils
Study** | **Étude
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Quarterly Report

REPORT #11

Spring 2005 (January – April)

By Franco Mariotti

Three years and four months ago, I assumed my role as the Independent Process Observer for the Sudbury Soils Study (SSS). Recently, the SSS passed another milestone with the hiring of the TERA Group, the team that will select and administer the International Expert Review Panel (IERP). This signifies one of the more important and final steps in the Sudbury Soils Study process. The scientific research and documentation is currently being completed and the first draft report will be presented to the Technical Committee (TC) later this summer. After TC members have commented on that draft, the IERP will have an opportunity to comment as well. At this point, the soonest the public will be able to view the completed document is early in 2006. This timeline is dependent on the final recommendations made by the IERP.

This eleventh report is divided into two sections. The first section, “Past Issues and Recommendations,” is intended to be an update on matters previously discussed. The second section, Current Issues and Recommendations,” deals with any new issues that have arisen since Report #10. Unlike past IPO reports that cover the previous three months, this report will cover four months from January through to April 2005.

PAST ISSUES and RECOMMENDATIONS

1. ISSUE: Clarification of the role of Health Canada’s representative on the Technical Committee.

RESULT: At the January and February TC meetings, discussions occurred regarding Health Canada’s participation as a full member of the TC. These discussions were prompted due to the Health Canada representative’s absence at several TC meetings, thus resulting in a need to clarify their status on the TC. At their March meeting, TC members reiterated their acceptance of Health Canada’s role as that put forth in the original Terms of Reference which designate Health Canada as an “active partner”. This means that Health Canada has a full say in the decisions made by the TC. Since Health Canada’s representative was not present at the March meeting, an e-mail was sent to him asking if Health Canada “wanted anything different” specified in the Terms of Reference. Health Canada acknowledged receipt of the e-mail and indicated they had no changes to submit at that time.

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.

COMMENT: My concern with this issue is simple and direct. If indeed Health Canada accepts their role as an equal partner on the TC, then as representative of Native health issues, they should make every effort to attend TC meetings.

2. ISSUE: Posting of the TC minutes on the SSS website as requested by the Public Advisory Committee (PAC) and myself as the Independent Process Observer.

RESULT: The TC has recommended that a “succinct summary” of the minutes be created and posted on the website rather than the actual minutes. This summary would serve two purposes. First, it would create a chronological summary of key decisions made by the TC and secondly, it would replace the minutes distributed to the PAC and meeting observers. This approach will be tried on a trial basis to determine its success, beginning with the March TC meeting.

COMMENT: I agree with this recommendation. The final decisions that arise from these meetings are important and should be made public soon after they are made.

3. ISSUE: Utilization of the Public Advisory Committee by the TC as the SSS nears completion. This issue arose due to concerns expressed by PAC members as to whether the TC was utilizing the PAC to the full extent of its mandate.

RESULT: The PAC has made a formal request to the TC asking for a joint meeting of the two groups to discuss this issue. A date for the meeting has yet to be announced.

CURRENT ISSUES and RECOMMENDATIONS

1. ISSUE: Public attendance every other month at PAC meetings.

COMMENT: Since the fall of 2004, the Public Advisory Committee has met every month with public attendance every other month. At the PAC meeting in April, a member of the public expressed concern that the PAC was meeting in secret. This individual further suggested that the PAC had nothing to hide and that all proceedings should remain open and transparent.

Members of the PAC responded by agreeing that indeed they have nothing to hide. They went on to explain that they utilize time at these alternate meetings to deal with administrative issues that may be construed as a waste of time in a public setting.

RESULT: I support the PAC on this issue. Furthermore these closed sessions are the only opportunity for members of the PAC to share and discuss their thoughts with their peers.

2. ISSUE: The TERA Group visit to Sudbury - who are they and why did they come to Sudbury?

COMMENT: The TERA Group (Toxicology Excellence in Risk Assessment) is the scientific group hired to select and administer the International Expert Review Panel (IERP). Essentially they have been hired as a kind of broker to select a team of international experts that will independently review the final scientific documents of the SSS. The TERA Group is a non-profit, charitable organization whose members have a wide range of expertise in toxicology and risk assessment. Although INCO and Falconbridge pay the fees of the TERA Group just as they do for the rest of the SSS, there is a strict protocol established regarding communication with TERA. The administrative ground rules are:

- No direct communication with INCO or Falconbridge on any technical or scientific issues;
- Any direct communications with these two companies is restricted to contractual/financial issues;
- All other communications occur through a TC member representing the Ontario Ministry of the Environment, Brian McMahon, with all e-mails copied to the rest of the Working Group members.

Four members of the TERA Group came to Sudbury to learn for themselves how the SSS was set up. They also wanted to meet directly with members of the TC, the PAC, myself as Process Observer and the public at a Public Advisory Committee meeting.

RESULT: The TERA Group made a positive impression during their two days in Sudbury. Their non-profit status, excellent scientific backgrounds and arm's length approach to the TC appears to be appropriate for the formation of the IERP. An explanation of how the TERA Group operates will be posted on the SSS website, and provided in the upcoming edition of the *Update* newsletter.

3. ISSUE: There have been no presentations and/or comments made by a member of the public at TC meetings for over a year. What more could the TC do to encourage public presentations at TC meetings?

COMMENT: In the past, PAC members and I have expressed concern that the open session of TC meetings (held at 9:30 a.m. at every meeting) is restrictive to working people since most would have to take time off work in order to attend. In response, the TC has stated that they are flexible in accommodating anyone who would like to make a presentation at a more convenient time. Although this response is well-meaning, as of yet the TC has not advertised their willingness to accommodate individuals wishing to make a presentation.

RECOMMENDATION: The TC should advertise their willingness to accommodate members of the public wishing to make a presentation at a TC meeting. This should be done on the SSS website and in the *Update* newsletter as soon as possible.

4. ISSUE: PAC's commitment to have at least one PAC meeting in every ward in the City of Greater Sudbury.

COMMENT: The PAC has had several ward meetings and will continue to host ward meetings until this commitment is met. They will then look for a central location in the city to host all remaining meetings. Public attendance at PAC meetings has not been overwhelming. The best attendance has been at meetings held at the Koski Centre at Cambrian College, in part, I suspect, because this is where they met for the first two years. Such a location, however, is not central for either members of the public or PAC members.

RECOMMENDATION: The PAC and TC should choose a familiar and central downtown location for future PAC meetings. The space should accommodate a large number of people and provide excellent acoustics. They should, however, remain flexible about changing meeting location should the need arise.

5. ISSUE: More frequent updating of the SSS website.

COMMENT: The SSS website is an important communication mechanism that informs and updates Sudburians on what is happening with the SSS.

RECOMMENDATION: The announcement of future PAC and TC meetings should be placed on the site immediately following each meeting. As well, the summary of TC decisions and discussions should be on the website within two weeks of deliberations.

FUTURE MEETING SCHEDULES

Following is the 2005 schedule for future **TC** meetings to be held in the Provincial Tower at Tom Davies Square in boardrooms C and D:

June 9	July 14	August 11	September 8
October 13	November 10	December 8	

The 2005 schedule for future **PAC** meetings is listed below. Locations will be announced in the media prior to each meeting.

June 21	July 19	September 20	November 15
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If you have any questions regarding the SSS please contact our toll free number – (866) 315-0228 OR e-mail questions@sudburysoilsstudy.com.