

# Independent Process Observer



**Sudbury  
Soils  
Study** | **Étude  
des sols  
sudburois**  
metals • health • environment  
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## Quarterly Report

### REPORT #15

Spring 2006 (January- March)

By Franco Mariotti

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

The Technical Committee of the Sudbury Soils Study continues to be primarily occupied with reviewing draft documents and focusing on their scientific content. As a result, this report, like the previous Independent Process Observer Reports, is shorter than usual.

One of the issues that continues to concern members of the Technical Committee is the lack of comments from Health Canada on any decisions made by the Technical Committee or on any of the scientific methodology of the study or on any of the draft documents. I will address this issue further in this report.

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 (#14). The second section, *Current Issues and Recommendations*, deals with any new issues that have arisen since my last report.

### **PAST ISSUES and RECOMMENDATIONS**

**1. ISSUE:** The public was not notified that the location of the December 8<sup>th</sup> Technical Committee meeting was changed one week before it was scheduled.

**RECOMMENDATION:** I highly recommended the use of the Sudbury Soils Study website for notification of any last minute changes.

**RESULT:** Veronica Boyd, a new contact person from the SARA Group (the scientific consultants for the Sudbury Soils Study), will be working with the website group to update the Sudbury Soils Study website on a frequent basis.

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.

**2. ISSUE:** There are two vacant positions on the Public Advisory Committee. Should they be filled at this stage of the study?

**RECOMMENDATION:** I think the Public Advisory Committee can carry on business as usual with the existing 10 members. At this late stage in the study, valuable time would have to be spent covering familiar issues to bring new members to the level of understanding shared by existing Public Advisory Committee members. Worse yet, if time isn't spent educating new members, it may lead to suggestions being directed to the Technical Committee on issues already resolved.

Ultimately the decision to accept new Public Advisory Committee members lies with the existing members of that committee.

**RESULT:** The Public Advisory Committee will not be looking for new members to fill the two vacant positions.

**3. ISSUE:** After the Sudbury Soils Study is over, where will the scientific data be housed and how will the information be accessed by the public?

**RECOMMENDATION:** In my last report, I urged the Technical Committee to revisit this issue and find a solution that will ensure this information is available to the public and future scientific research.

**RESULT:** The Technical Committee is still exploring a final repository for the data. However, it is certain that at the end of the study, the complete Human Health Risk Assessment and the Ecological Risk Assessment reports will be available to the public at all libraries in the City of Greater Sudbury.

With respect to the thousands of soil samples data which can be very valuable to future studies, discussions are ongoing as to where they will be housed and how they can be accessed by other scientists.

## **CURRENT ISSUES and RECOMMENDATIONS**

### ***IMPORTANT NOTE:***

I stated earlier that much of the Technical Committee members' time is being spent on reviewing draft reports, primarily the Human Health Risk Assessment studies as written by the SARA Group. It should be noted that during the writing of a report, if any analysis demonstrates a danger to public health, the SARA Group will **immediately** notify the Sudbury & District Health Unit or Ministry of the Environment as appropriate. In other words, if there is any evidence of an immediate public health threat, the SARA Group will not wait to finish writing the report; they will notify the Medical Officer of Health immediately and the Sudbury & District Health Unit will, in turn, respond.

**1. ISSUE:** The following question was raised by a Public Advisory Committee member and is quite appropriate as the Sudbury Soils Study approaches its completion: "When the Human Health Risk Assessment and the Ecological Risk Assessment final reports are complete and the public still have questions to ask, who do they turn to?"

**COMMENT:** The SARA Group, whose spokesperson is Dr. Chris Wren, has been contracted to deliver these final reports. It is unclear as to what SARA's position will be after the reports are released to the public. The SARA Group will definitely be available to answer and clarify anything in their reports; however, their contractual role does not include anything dealing with remediation plans, should they be required. There have been some discussions at Technical Committee meetings as to SARA's role post study; to date no clear answer has been forthcoming.

**RECOMMENDATION:** The Technical Committee should continue to discuss this very important issue. An answer should be made available by the fall of 2006.

**2. ISSUE:** The Technical Committee is concerned about the lack of comments to date by Health Canada on any Technical Committee decisions or on the draft of the Human Health Risk Assessment.

**COMMENT:** Health Canada has never commented on the Human Health Risk Assessment draft report nor has it ever commented on any decision made by the Technical Committee. All other Technical Committee members - Ministry of the Environment, Sudbury & District Health Unit, City of Greater Sudbury, INCO Ltd. and Falconbridge Ltd. - have abided by the strict schedule set to review and make comments.

The total absence of comments by Health Canada on any part of the Sudbury Soils Study has been disconcerting to say the least. Members of the Technical Committee have expressed concern that Health Canada may unexpectedly respond long after deadlines have passed or at worst, comment at the end of the study. Months ago the Technical Committee sent a letter to Health Canada officials requesting a clarification on Health Canada's role in the Sudbury Soils Study. To date no response has been received by the Technical Committee.

On several occasions at Technical Committee meetings, the Health Canada representative has defended his position saying that his role is to make comments on issues related to the Sudbury Soils Study and to pass any decisions and reports on to Health Canada officials. To that end he has assured the Technical Committee that reports and all appropriate documents are being passed on to Health Canada officials and to his credit, he has freely stated his suggestions on issues at Technical Committee meetings.

From an observer point of view, it is perplexing that Health Canada's position on the Sudbury Soils Study is still being raised after having been discussed so many times. In my opinion, this is a weak point in the Sudbury Soils Study.

**RECOMMENDATION:** The Technical Committee and Health Canada should be quite clear as to Health Canada's position and stance on the Sudbury Soils Study when the Human Health Risk Assessment and Ecological Risk Assessment reports are released to the public.

**3. ISSUE:** Small delays continue to occur in the Human Health Risk Assessment and Ecological Risk Assessment reports.

**COMMENT:** Last fall I criticized the Ministry of the Environment for a one month delay with their comments on the Human Health Risk Assessment draft report. I did so in part because all other Technical Committee members had expressed their concern that this was causing a very serious delay in the process. However, at the January Technical Committee meeting, the SARA Group representative admitted that they were now behind by another month in providing both the Human Health Risk Assessment and the Ecological Risk Assessment draft reports. Surprisingly Technical Committee members did not have the same serious response as they had earlier to the delay by the Ministry of the Environment.

Either members of the Technical Committee were in a more forgiving mood this time or they are becoming more understanding as to the causes of short delays. It should be noted that after the first review of the Human Health Risk Assessment draft, the SARA Group had to respond to 650 comments from Technical Committee members and the scientific advisor. Some of these comments required lengthy study and responses. Personally I do not believe that any delays to date are intentional but rather are caused primarily because of the additional time required to ensure that the scientific process will stand up to scientific scrutiny.

The other significant test of the Human Health Risk Assessment will happen in the summer of 2006 when the International Peer Review Team will study the report. It is obvious to me that Technical Committee members are under much pressure to stay within a reasonable timeline for the release of the final Human Health Risk Assessment Report. My sense is that they are making an honest attempt.

Please note the calendar of events below.

### **FUTURE MEETING SCHEDULES**

#### **Technical Committee Meetings for 2006 - Provincial Tower, Boardroom C and D**

May 11  
June 8  
July 13  
August 10  
September 14  
October 12  
November 9  
December 14

#### **Public Advisory Committee Meetings for 2006 - Location to be announced**

May 16  
July 11  
September 12  
November 14

If you have any questions regarding the Sudbury Soils Study, please contact our toll free number – 1-866-315-0228 or e-mail: [questions@sudburysoilsstudy.com](mailto:questions@sudburysoilsstudy.com)

## SUDBURY SOILS STUDY REPORT SCHEDULE

The schedule below is regarded by the TC as tentative since a variety of factors may delay reports. At this point no one can anticipate the response of the International Peer Review Team (TERA) which may or may not delay the final report.

