



INDEPENDENT PROCESS OBSERVER'S REPORT

NO. 1 (SUMMER 2002)

SUDBURY SOILS REVIEW

Prepared by Franco Mariotti

This is the first quarterly report made by the Process Observer. The Observer is a completely independent reviewer who will regular comment on the progress and decisions made by the Technical Committee that directs the Study to Review Soils in the Sudbury Environment.

Background to the Sudbury Soils Review

August 1st, 2001 was the first meeting of the Sudbury Soils Public Liaison Committee. Initial membership was the Sudbury & District Health Unit, Ministry of the Environment and Energy, City of Greater Sudbury, INCO, and Falconbridge Limited.

The group was created to review ecological and human health risks that might arise from elevated levels of metal in local soils, a situation identified in a September 2001 Ministry report on soil and vegetation in the Sudbury area. The report summarized data collected since 1971 (1), and identified the need for further investigation and assessment.

The Ministry documented levels of four contaminants (nickel, cobalt, copper, and arsenic) that exceeded their Guideline for Use at Contaminated Sites. However, both the Ministry and local Medical Officer of Health agreed that 'there is no expected immediate risk to human health'.

To better define the situation, the Ministry initiated a massive sampling program throughout the summer and fall of 2001, with additional specimens being taken in residential areas, public parks and beaches, schools, and day care areas. These data are being analyzed.

The Ministry also required INCO and Falconbridge Limited to conduct human health and ecological risk assessments to determine if there are any risks to people and/or the environment. A Human Health Risk Assessment (HHRA) will evaluate whether health-based exposure limits are being exceeded and if there are any locations that require further action (including soil remediation) to reduce exposure to identified metals.

The Public Liaison Committee met frequently in late 2001 and was asked to provide technical guidance for the HHRA as well as the Ecological Risk Assessment (ERA), and create a forum for community input. They decided these functions should be separate and in January 2002, two distinct committees were formed.

The Technical Committee provides technical guidance for the Human Health Risk Assessment and the Ecological Risk Assessment. Membership on this committee has expanded to include representation from Health Canada First Nations and Inuit Health Branch. Terms of Reference are described in Appendix B.

The Public Advisory Committee advises the Technical Committee on its work from a community perspective. Terms of Reference are described in Appendix C.

(1)Metals in Soil and Vegetation in the Sudbury Area (Survey 2000 and Additional Historic Data) Ministry of the Environment and Energy, 2001.

Development of the Public Advisory Committee

The Liaison Committee quickly realized that only a true public committee would ensure full representation from the community. They decided to become a Technical Committee, and then solicit the public to form a Public Advisory Committee (PAC). Created in January 2002, the PAC provides the Technical Committee with input on their decisions. There are nine citizen members, including two First Nations representatives, all selected through response to an advertisement placed in the local newspaper.

In other, related matters, the Technical Committee has established a timetable to complete the study by 2004. They have created a neutral/non-voting Facilitator position to chair their meetings and ensure that all objectives are met through full participation. Finally, a process has been agreed to obtain a qualified consulting company to complete the risk assessments.

The Role of the Independent Process Observer

In January, 2002, the Technical Committee also created the Independent Process Observer, a non-voting position independent of any committee. The Observer is Franco Mariotti, who will report to the public on the assessment process, and reflect the interests of the public and the environment. Duties are described in Appendix A.

The Process Observer is impartial and advises on matters related to the Human Health Risk Assessment and the Ecological Risk Assessment, as managed by the Technical Committee with input from the Public Advisory Committee. Following is his first quarterly report.

Comments from Mr. Frank Mariotti (Process Observer)

As Observer, I am always able to take the position of a key stakeholder - the general public and the environment. The two are, in my mind, inseparable. A healthy environment determines the health of the people and everything else that lives there.

With this framework, my comments are unbiased by members of either the Technical Committee or the Public Advisory Committee, and I wish to share some with you now.

- Representation on the Technical Committee: The Technical Committee appears to be sufficient in number so as to be effective at making decisions while allowing a thorough discussion of any issue prior to moving forward.
- Open and Transparent Process: From the start, the Technical Committee has made it a policy that the process of establishing committees, developing a study Request for Proposal, and conducting the study will be an open and transparent process for all concerned.
- Safeguards have been put in place:
 - A Public Advisory Committee has been formed that provides input to the Technical Committee on decisions made or about to be taken.
 - An Independent Process Observer has been appointed. (This permits me to comment independently of the Technical Committee.)
 - A series of public 'open houses' have been planned (dates not yet determined) to keep everyone informed about the studies and eventually, their outcomes. (N.B. A series of public sessions were held in September, 2001, with the first on September 11th. However, the events of that day overshadowed all else.)
 - The Independent Process Observer is required to issue quarterly reports on the status of the assessments, and comment on decisions made by the Technical Committee and the Public Advisory Committee.

- **Professional Development:** A Technical Committee workshop was held on March 11, 2002, with an observer from the PAC and myself in attendance. It was excellent, and helped committee members focus on what will be determined by the study as well as what the public should expect to see at the conclusion.
- **Peer-Review of Documents:** The Committees recognize that all documents should be peer-reviewed to ensure scientific integrity, and I highly recommend a Peer Review Committee be quickly established. Unfortunately, the consultant Request for Proposal (RFP) and hiring of a qualified firm might be completed before a 'peer group' can comment. However, the Technical Committee has assured me the terms of reference for the consultant will be flexible enough to accommodate changes of this nature.
- **Request for Proposal:** The Technical Committee will use its RFP to obtain a consultant in a completely open, fair, and public process. This is considered more important than a possible slight delay in the study timetable. The RFP will be posted on a public system, such as MERX, which is where most public contracts/proposals are distributed for tender.
- **Public Advisory Committee Candidates:** Initially, the advisory committee was informed they would have quarterly meetings. But, the reality is that monthly meetings are needed for regular discussion if the PAC is to work closely with the Technical Committee. Two PAC members resigned because they could not meet this requirement. The Technical Committee must quickly find replacements and continue to clarify expectations from PAC members.
- **The Study Timetable:** If the Technical Committee is too cautious on how to proceed, it may slow down the entire process. For example, some decisions and the development of the consultant RFP have taken longer than expected. However, the Technical Committee has demonstrated a genuine concern that the process be done correctly. As one member said, *Alt is imperative that this study be done right and done right the first time!*@

Project Timetable

2002

Public Advisory Committee Appointed
 Consultant Request for Proposal Completed
 Proposals Received and Selection of Qualified Company
 Periodic Interim Reports

2003

Final Report Completed
 Peer Review of Final Report
 Revised Report Completed

2004

Final Report Released to Public
 Public Consultation

Decisions Required in the Next Few Months

- Selection of qualified consulting firm to carry out the Human Health Risk Assessment and the Ecological Risk Assessment.
- Establishment of a Peer Review Group.
- Start of the Human Health Risk Assessment and Ecological Risk Assessment studies.

Members of the Technical Committee

Inco Limited

Glen Watson, Environmental Biologist
Dr. Bruce Conard, Vice-President, Environmental & Health Sciences
Dr. R.W. (Bob) Francis, Medical Director

Ministry of the Environment & Energy

Brian McMahon, Sudbury Soils and SO₂ Assessment Program
Dale Henry, Manager, Standards Development Branch
Mary Ellen Starodub, Senior Advisor, Standards Development Branch, Human Toxicology and Air Standards Section

Sudbury & District Health Unit

Ido Vettoretti, Community Environmental Health Specialist
Dr. Penny Sutcliffe, Medical Officer of Health

Falconbridge Limited

Marc Butler, Environmental Coordinator
Dr. Gord Hall, Director of Occupational Health and Hygiene
Denis Kemp, Director, Environmental Development

City of Greater Sudbury

Bill Lautenbach, Director, Planning Services

Health Canada First Nations & Inuit Health Branch

Charles Loftus, Environmental Health Officer

Chair, Public Advisory Committee

Ivan Fillion, (non-voting), Vice-President, Cambrian College

Technical Committee Facilitator

Dick DeStefano (non-voting)

Independent Process Observer

Franco Mariotti (non-voting)

Administrative Support

Julie Sabourin (non-voting)

Members of the Public Advisory Committee

Ivan Fillion (Chair)
John Hogenbirk (Vice-Chair)
Norris Artuso
Joe Cimino
Gary Hrystak
Larry McGregor
Rubina Nebenionquit
Steve Reitzel
Franco Mariotti (Independent Process Observer - non-voting)
Julie Sabourin (Administrative Support - non-voting)