

Independent Process Observer



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

REPORT #22

(May to October 2008)

By Franco Mariotti

This Process Observer Report covers the period from May to October, 2008 and focuses specifically on the public release of the Human Health Risk Assessment (HHRA) and its subsequent outcome.

BACKGROUND:

The public release of the HHRA occurred through three public forums held on May 13th at Science North, May 14th at the Italian Club in Copper Cliff and May 15th at the Recreation and Wellness Centre in Falconbridge. The public forums began each day at 3:00 p.m. and ran until 8:00 p.m. During each open house two presentations were made to members of the public in attendance, one at 3:30 p.m. and the other at 7:00 p.m. After each presentation members of the public were given the opportunity to comment and ask questions.

The results were presented by Dr. Chris Wren from the SARA Group, the scientists hired to do the Sudbury Soils Study (SSS). Following this presentation, the Sudbury & District Health Unit and the Ministry of the Environment responded, clearly indicating their support of the study results. Vale Inco's Fred Standford and Xstrata Nickel's Mike Romaniuk then explained what actions their companies were taking in response to the HHRA results.

Three documents were made available at the open houses; the complete HHRA Technical Report which is over 1,000 pages in length, a 50-page summary of the HHRA Technical Report written at a level easily understood by non-scientists and a two-pager which provides a quick snapshot of the results.

On the morning of May 13th, prior to the three public forums, the SARA Group hosted a special meeting specifically for city councilors, informing them of the HHRA results.

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 initial comment period was scheduled for 60 days from the date of release; however, public requests for an extension grew in number. Primarily two reasons were given; the first was that there was voluminous information to digest and so it required more than 60 days to respond appropriately. The second reason was that the French HHRA Summary Report was not ready at the time of its English counterpart. It became available in late July. Francophone groups justly requested a further extension so that they too could respond appropriately. In the end the Technical Committee extended the deadline for all public responses to November 1st, 2008, allowing a total of six months for the public to absorb and respond to the information.

COMMENTS:

Overall, the public presentations were well conducted and presented. The format used at the three locations and the time frame for the open houses (from 3:00 p.m. to 8:00 p.m.) provided opportunity and accessibility for most members of the public to see and hear for themselves the long awaited results of the HHRA. The presentations were clear, using non-technical language that did not diminish the significance of the results while allowing most members of the public to understand them. In general most questions asked by the public during the question period were well answered. The one shortcoming was the response to why the SARA Group chose a lead standard of 400 ppm, twice that of the provincial guidelines of 200 ppm. In my opinion, the initial answer provided was unclear and challenged participants' ability to comprehend the response.

It should be noted that both Vale INCO and Xstrata Nickel talked briefly about mitigation measures that would take place as a result of the HHRA results. These were not a part of the Sudbury Soils Study and were done through each company's own initiatives.

To my surprise public attendance was higher in the afternoons than in the evenings at all three locations. However, overall attendance and public response to the three open houses were, in my opinion, less than I had anticipated. After spending six years trying to determine whether it is safe to live and raise a family in Sudbury, findings should have been widely anticipated. Again, in my opinion, the public turnout did not reflect that, rather, public turnout and response was anticlimactic.

A 50-page summary of Volume II: Human Health Risk Assessment Report was also released and written specifically for the general public. Its intent was to present the relevant information of the HHRA results in a manner that was detailed and yet understandable by most people. A shorter two-page summary was also presented. Both these pieces were crucial in delivering key and relevant information that most people could understand. Overall these summaries were well written and understandable. It is unfortunate that the French version of this summary was not ready until late July. It should be noted that both language versions will be made available at the time of the release of the Ecological Risk Assessment results.

In the weeks following the HHRA release, there were numerous newspaper articles, editorials and letters from people the Sudbury Soils Study had heard from before and many questions were asked by members of the public through the newspapers. The answers from the Sudbury Soils Study group came weeks later and in some cases there were no responses at all. One of the reasons for this lack of response by the Communications Subcommittee of the Sudbury Soils Study was that they did not want to fuel an ongoing discussion through the media. While this may have occurred, it is my opinion that doing so would have provided the public with appropriate answers and opinions rather than a single view point. In other words I think members of the SSS should have responded prudently after each issue came to the public forefront. This is not simply a matter of hindsight on my part; I did recommend this at Communication Subcommittee meetings. I raise this issue because I believe it furthers the cause of transparency.

On October 22, 2008 a press conference was held at Tom Davies Square in Sudbury by a coalition of groups calling itself the Community Committee on the Sudbury Soils Study. The coalition is made up of four organizations; the Mine Mill Local 598 CAW, the Steelworkers Local 6500, Northwatch and the Centre de santé communautaire de Sudbury (CSCS). A report written by the national organization Environmental Defense and commissioned by the two unions was released to the press and the public at the press conference. For a complete copy of the Sudbury Human Health Risk Assessment by Environmental Defense please visit: www.toxicnation.ca. The report did not dispute the scientific results of the HHRA but rather questioned the interpretation of some of the results. As Process Observer my role is to focus on the process of the Sudbury Soils Study and not on the science of the report, therefore, I will not comment on the findings.

The Community Committee on the Sudbury Soils Study urged Sudburians who are interested and may be concerned about the HHRA results to contact them. The group also recommended that members of the public submit their comments regarding the HHRA results by the November 1st deadline. I welcome the creation of the Community Committee on the Sudbury Soils Study. The public response to the HHRA release was surprisingly low and as stated earlier, anticlimactic. It is difficult to assess whether people were apathetic, tired of hearing about the Sudbury Soils Study and simply did not care any more or perhaps the majority of Sudburians genuinely accepted these results. The creation of the Community Committee on the Sudbury Soils Study group is the only public attempt to gather people who may have concerns about the HHRA results. If this is a vehicle to attract more people to react to the HHRA report then I see it as a positive step.

One final comment needs to be made. During the introduction of the press conference on October 22nd, the union representative alleged that the two mining companies dominated the Sudbury Soils Study process. This is an accusation that has been bandied about in the press by the unions on several occasions and I do not agree with it. In my experience, having attended Technical Committee meetings and others, I have never witnessed any domination by the mining companies over other TC members or the decisions being made. What really distinguishes the Sudbury Soils Study from

other human health risk assessments is the balanced membership of the decision-making body, in this case the Technical Committee, and their approach to attain consensus for all decisions. Furthermore, the existence of a watchdog, a process observer, assures that the process is not being railroaded by any one member.

ISSUES AND RECOMMENDATIONS:

1. **ISSUE:** The Ecological Risk Assessment results, which are to be released after the Human Health Risk Assessment comment period, may further influence the response to the HHRA. Can the public comment on the HHRA results even though the comment period is over?

RECOMMENDATION: The Technical Committee should accept further comments on the HHRA results since the ERA results may influence recommendations made by said results.

2. **ISSUE:** There is a disagreement on the interpretation of the results by the Community Committee on the Sudbury Soils Study and the HHRA results, especially in the realm of eating community grown vegetables.

RECOMMENDATION: Key members of the Community Committee on the Sudbury Soils Study should meet with key members of the Technical Committee to discuss the results and their interpretation.

FUTURE REPORTS:

The Ecological Risk Assessment will be released to the public by the end of this year, 2008. This commitment was made by all the members of the Technical Committee.

I will be releasing my final Independent Process Observer Report in January/February 2009. It will focus primarily on two matters; the Ecological Risk Assessment and its release to the public and my recommendations for future risk assessments.

The next TC meeting is to be held on November 13, 2004 and the next PAC meeting is to be held on November 25, 2008.