

Independent Process Observer



**Sudbury
Soils
Study** | **Étude
des sols
sudburois**
metals • health • environment
métaux • santé • environnement

Quarterly Report

REPORT #18

Winter 2006 (October–December)

By Franco Mariotti

Five years ago, I assumed my role as the Independent Process Observer for the Sudbury Soils Study.

The release of the results of the Human Health Risk Assessment to the public is imminent, hopefully sometime in February or at the latest, in early March. Public presentations will follow.

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 (#17). 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:** Posting of the Independent Expert Review Panel members' backgrounds on the Sudbury Soils Study website.

RECOMMENDATION: The resumes of the Independent Expert Review Panel scientists should be placed on the Sudbury Soils Study website so that the public will know who they are and be aware of their areas of expertise.

RESULT: This was not done.

COMMENT: I urge the Technical Committee to post the backgrounds of the Independent Expert Review Panel scientists on the Sudbury Soils Study website. This action would help to inform the public as to who these individuals were/are and would add to the transparency of the study.

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: Concern raised by Public Advisory Committee members regarding Xstrata Nickel's commitment to the Sudbury Soils Study.

COMMENT: Marc Butler, the Xstrata Nickel representative on the Technical Committee, assured the Public Advisory Committee that there is no reason to believe that Falconbridge's new owner, Xstrata Nickel, has altered its commitment to the Sudbury Soils Study. Public Advisory Committee members wanted a formal statement from Xstrata Nickel's management and I supported this request. It would be reassuring for the Sudbury community to know that the mining companies will honour their commitment to the Sudbury Soils Study

RECOMMENDATION: Xstrata Nickel senior management should formally and publicly affirm their continued commitment to the Sudbury Soils Study.

RESULT: This has been done. Both Xstrata Nickel and CVRD INCO have formally reaffirmed, by letter, their continued commitment to the Sudbury Soils Study.

3. ISSUE: Where is the Sudbury Soils Study data going to be housed? Early in the Sudbury Soils Study, Technical Committee members made a commitment that all of the data from the Sudbury Soils Study would belong to the public. This issue has been raised in the past but as yet is not resolved.

RECOMMENDATION: An announcement identifying the location of the Sudbury Soils Study data at the public open houses being held to report the results of the Human Health Risk Assessment and the Ecological Risk Assessment would be advantageous to the public and to future scientific researchers.

CURRENT ISSUES and RECOMMENDATIONS

The Sudbury Soils Study is approaching the culmination of five years of research and cooperation among private industry and public sector organizations. At the end of this study, probably in six to eight months time, I will be making a final all-inclusive report that will contain my concluding remarks regarding the past five years. Thus, in this current quarterly report, I want to establish the groundwork for the final report since it will be a much lengthier document. With that in mind, this quarterly report will deal with two key issues;

1) My role as the Independent Process Observer

and

2) Solicitation of input from you, the reader, about topics (within my terms of reference) that you want me to discuss in the final report.

BACKGROUND:

In the fall of 2001, I submitted my application for the position of Independent Process Observer to the Interim Committee of the Sudbury Soils Study. Late in the fall I was appointed to be the Independent Process Observer and officially began attending meetings in January, 2002. Terms of reference for an Independent Process Observer were drafted and are included later in this document.

1) My Role as Independent Process Observer

What is an Independent Process Observer?

The following description of my role is listed in every quarterly report:

“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.”

Is my role as Process Observer connected to Science North?

Many may know me as a Staff Scientist working at Science North. That position is separate from my role as the Independent Process Observer. It is important to understand that any comments I make in my role as the Independent Process Observer for the Sudbury Soils Study should not in any way be connected with Science North.

What does it mean to comment on process?

In my role as the Independent Process Observer, I ensure that the Sudbury Soils Study is conducted in a manner that is fair, open and transparent to the public. I try to achieve this by personally attending all Technical Committee meetings, Public Advisory Committee meetings, Open Houses and a few Working Group meetings. My presence at these meetings allows me to determine if the process is striving for and achieving fairness, openness and transparency. Over the years I have attended 10 of 11 Technical Committee meetings per year and have rarely missed a Public Advisory Committee meeting.

What is the perspective upon which I base my observations?

The perspective that I base my observations upon is concern for both the environment and the public. When I judge the process of this Study, I continually ask myself the following questions:

- Is the public justly served by the way the Sudbury Soils Study is being undertaken?
- Are the decision makers of this study (the members of the Technical Committee) behaving fairly and ensuring that the process remains transparent and open to the public?
- Are any Technical Committee members experiencing 'arm twisting' or undue influence by other members of the Technical Committee?
- Are any decisions being made that are detrimental to the natural environment either by withholding information or by presenting information that is misleading?

The answers to these questions guide and influence my observations.

Has my familiarity with members of the Technical Committee biased my judgment?

I have been with the Sudbury Soils Study for five years and now know the members of the Technical Committee rather well. Does this place me in a position of bias and am I truly an Independent Process Observer?

There is no question that I now know, in varying degrees, members of the Technical Committee. I want to stress that I am very conscious of my role and the significance of my neutral position as the Independent Process Observer. I constantly remind myself of the importance of that facet of the position. I do not believe that I have been unduly influenced through my familiarity with Technical Committee members. I do not socialize with any members of the Technical Committee or any members of the SARA Group (the scientists doing the research for the Human Health Risk Assessment and the Ecological Risk Assessment). I have stated from my first day in this position that I would not hesitate to go to the media if I thought this process was unfair in any way.

As a Biologist, will I be commenting on any of the scientific results of this study?

No. Although I am a Biologist and Staff Scientist by profession, my role in this Study is very clear, specifically to comment on the processes, not on the science. Also I am not a toxicologist or a risk assessor and attempting to comment on any of the scientific results would be out of my field and therefore irresponsible on my part.

2) Your Input!

I welcome suggestions from members of the public for comments in my final report.

Do you have any specific questions that you wish me to answer? I welcome your suggestions. If you do have any additional questions to which you would like me to respond in my summation, please direct them to me via the website.

Below are a series of questions, which is by no means complete, that I will be answering in my capacity as the Independent Process Observer. They are:

- Was the Sudbury Soils Study fair, open and transparent to the public?
- Was information regarding the dates and locations of meetings and open houses communicated properly?
- Was the public able to attend and view both Technical Committee and Public Advisory Committee meetings?
- Was information released through the life of the Study in a timely manner?
- Were the results of the Human Health Risk Assessment and the Ecological Risk Assessment properly delivered and presented to the public?
- Did the public have a fair opportunity to respond to the Sudbury Soils Study results?
- Was there any observed undue influence from any Technical Committee member onto another?
- Did the process of the Sudbury Soils Study achieve its objective?
- Did the mining companies sway decisions being made?
- Was the public heard?
- Were delays in the Study justified?
- Did the Technical Committee meet its Terms of Reference?
- Did the Public Advisory Committee meet its Terms of Reference?
- Did I, as Independent Process Observer, meet my Terms of Reference?
- What procedural aspects of this Study could be improved upon in a future soils study?

FUTURE MEETING SCHEDULES

Technical Committee Meetings for 2007

Date	Location
February 8	Tom Davies Square, Room C11
March 8	Tom Davies Square, Room C11
April 12	Provincial Tower C & D
May 10	Tom Davies Square, Room C11
June 14	Provincial Tower C & D
July 12	Provincial Tower C & D
August 9	Venue to be determined
September 13	Venue to be determined
October 11	Venue to be determined
November 8	Venue to be determined
December 13	Venue to be determined

Public Advisory Committee Meetings for 2007

Date	Location
March 20	Tom Davies Square, Room C10 <i>(Note: Date and location may change. Refer to the SSS website or local newspapers for current information closer to the date.)</i>
May 15	Tom Davies Square, Room C10

- Tentative date for the public release of the Human Health Risk Assessment is scheduled for the spring of 2007.
- Tentative date for the public release of the Ecological Risk Assessment is scheduled for the fall of 2007.

Watch for notification of the specific dates of these events in the local newspapers and on the Sudbury Soils Study website.

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

Sudbury Soils Study

Independent Process Observer

Roles and Responsibilities

O: February 11, 2002

R: January 13, 2005

Background

The Ministry of the Environment (MOE) summary report on metals in soil and vegetation in the Sudbury area identified that further soil investigations and assessments were necessary. As a result the MOE, Inco Ltd. and Falconbridge Ltd. have cooperatively undertaken a sampling program for the Sudbury area that will refine the existing database. In addition, this database will be used as part of the information necessary to conduct a Human Health Risk Assessment (HHRA), and an Ecological Risk Assessment (ERA). The MOE, along with Inco and Falconbridge, established a Technical Committee (TC) and a Public Advisory Committee (PAC). The TC has been established to provide technical guidance in carrying out the HHRA/ERA and any associated studies. The TC will also review and consider input from the PAC. The purpose of the PAC is to advise by providing comment and input to the TC on decisions relating to activities assessing the health and environmental impacts of metals in the Sudbury environment. The PAC will also act to communicate to the residents of the City of Greater Sudbury on progress as well as issues and concerns that they identify.

In order that the interests of the Sudbury community are served throughout the development of the HHRA/ERA, the stakeholders wish to retain an Independent Process Observer (IPO). The purpose of the IPO is to oversee and report on the process used to conduct the HHRA and ERA to ensure that it is transparent to the community and that communication with the public is timely and effective.

The Independent Process Observer will:

- Act as an impartial observer and recorder of the process.
- Be independent of any bureaucracy.
- Maintain the right to review information and files such as minutes of meetings, terms of reference, proposals, draft reports, and final reports pertaining to the HHRA/ERA process.
- Act as an observer and where necessary as a facilitator to ensure that proper practice is followed with the Technical Committee (TC) and Public Advisory Committee (PAC).
- Receive comments/input/complaints from the public on matters relating to process and respond appropriately.

- Point out and suggest remedies for inconsistencies in procedures in consultation with committee members.
- Recommend process improvements to the Technical Committee and Public Advisory Committee to ensure effective and timely completion of work assignments, investigations, studies, and reporting.
- Suggest opportunities to improve the process for a more effective outcome for all parties.
- Prepare a quarterly written report on the overall progress and direction of the work of the committees for dissemination to the public.
- Encourage teamwork through consultation and communication.

Terms of Agreement

An honorarium (\$10K per year) will be provided by Inco Limited, Falconbridge Limited, the Ministry of the Environment, the Sudbury & District Health Unit, the City of Greater Sudbury and Health Canada to the Independent Process Observer that will be administered through a third party. It is expected that the incumbent will continue the role of the Independent Process Observer throughout the length of the project upon mutual agreement of performance functions.

Costs incurred by the Independent Process Observer in the fulfilment of the above mentioned tasks will be budgeted for and provided by Inco Limited, Falconbridge Limited, and the Ministry of the Environment, the Sudbury & District Health Unit, the City of Greater Sudbury and Health Canada.