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SUMMARY #6

Rio Tinto Alcan Environmental Appeal Board (EAB) Hearings

VICTORIA – 3rd Floor | 747 Fort Street, Victoria BC | V8W 9V1

Yesterday’s hearings continued in Victoria with the Director’s witness, Frazer McKenzie. Mr. McKenzie, a provincial civil servant, was first seconded to Rio Tinto Alcan (RTA) in 2007—a position he filled from his Ministry of Environment office in Smithers.

Over the course of over six years, Mr. McKenzie helped to liaise between the MÖE and RTA on various environmental permits leading up to the company’s modernization of its Kitimat aluminum smelter.. One of his first assignments was to help draft a Memorandum of Understanding (MOU) between RTA and the province. This MOU essentially stated that increased sulphur dioxide emissions from RTA’s new smelter would be regulated to fit within the company’s financing schedule. The thresholds used in the MOU were from the province’s 1979 pollution control objectives. These objectives are out of date and far less stringent than the US Environmental Protection Agency or European and World Health Organization standards. According to Richard Overstall, counsel for the appellant, Emily Toews, “What BC attempted to do was freeze in place lenient, and out-of-date air pollution guidelines for the Kitimat Modernization Project.”

The secondment of a provincial government regulator to an industrial player demonstrates industry’s close ties with the province. Long before the permit was amended, RTA was assured that they would be allowed to increase its sulphur dioxide emissions. Since RTA received the permit, the province has implemented interim air quality standards for the rest of the province that are similar to US Environmental Protection Agency standards.

May 13 Witness:

- Frazer McKenzie, Senior Environmental Protection Officer, Ministry of Environment

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