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SUMMARY #7

Rio Tinto Alcan Environmental Appeal Board (EAB) Hearings

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

Environmental Appeal Board hearings continued with Frazer Mackenzie, a civil servant with the Government of British Columbia, who was seconded to Rio Tinto Alcan (RTA) in 2007. Documents previously disclosed to all parties by the Ministry of Environment (MOE) included a set of notebooks that Mr. Mackenzie used while liaising between MOE and RTA. These notebooks brought a number of key points to light at the conclusion of this week's hearings in Victoria.

Firstly, the SO₂ technical report conducted by RTA did not include people-based health studies. It was only later, in 2013 and 2014, that RTA began to consult the Northern Health Authority and the BC Centre for Disease Control on the potential impacts of SO₂ emissions. Notebook evidence showed that these agencies advocated strongly for the health of the people in Northwest BC, pointing out that the absence of health effects monitoring meant that all the risk of an increase in SO₂ would be borne by the public.

Further evidence from the notebooks revealed that RTA was propagating misinformation at their public consultation meetings as to the environmental effects of seawater SO₂ scrubbing. They informed the public that this process would have negative environmental impacts in the Douglas Channel. Before the permit was granted, MOE commissioned a report conducted by RTA's smelter engineering consultant, who concluded that seawater SO₂ scrubbing was benign.

Lastly, when RTA was issued permits for the demolition of their old smelter, there was significant non-compliance with hazardous waste in the soil and with emissions of fluoride, particulate matter and poly-aromatic hydrocarbons from the old smelter. It was quite clear from the notebooks that MOE preferred to negotiate around permits rather than enforce them. Counsel for appellant Emily Toews, Richard Overstall, noted one particularly candid sentence in the notebook where an RTA manager said how great it is dealing with MOE in BC because other jurisdictions give them a hard time on enforcement matters.

May 14-15 Witness:

- Frazer McKenzie, Senior Environmental Protection Officer, Ministry of Environment
- Mark Chernaik, Staff Scientist with the Environmental Law Alliance

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