



869 Fraser Street
Prince Rupert, B.C.
V8J 1R1

February 2nd, 2016

Honourable Catherine McKenna
Minister of the Environment and Climate Change
ec.ministre-minister.ec@canada.ca
Environment and Climate Change Canada
200 Sacré-Coeur Boulevard
Gatineau QC K1A 0H3
Telephone: 819-938-3813
Fax: 819-938-9431

Re: Notice of Objection, pursuant to section 134 of the Canadian Environmental Protection Act, of the renewal of disposal at sea permit No. 4543-2-03597, amended

Dear Minister McKenna,

We object to the renewal of this permit on various bases including:

- 1) Serious **human health concerns** relating to dioxins and furans with anticipated impacts on local seafood consumers including local First Nations arising from the dredging and loading aspects of the operation described in the impugned Permit;
- 2) There is an issue of **interpretation** of the Permit.
- 3) **Lack of Transparency** and failure to comply with statutory requirements

Human Health Concerns

The impugned Permit relates to dredging and disposal at sea operations in the Prince Rupert Harbour area in the vicinity of historic locations of pulp mills that left a legacy of dioxins and furans (amongst other things) in the seabed. The major substantive

objection to the renewal of this Permit is that it will result in the re-suspension of dioxins and furans into the marine (and surrounding) environment during the dredging and loading of the (most contaminated) top 40 cm of sediment. The only evidence submitted suggests that this would have apparently significant human health impacts, particularly for First Nations who consume significant amounts of seafood from the relevant area. There has been **no human health risk assessment** of this aspect of the operation despite expert testimony that there should be one and no contrary evidence and no apparent informed input from Health Canada (although as you will note from the attached letters, we have never had a clear response regarding the extent of Health Canada's involvement or lack thereof).

I attach our letters of September 21st and December 21st to clarify the issues and fully explain the relevant background and concerns. A brief background for context is as follows.

There were problems with the initial Environmental Assessment around the inadequacy of the dioxin and furan sampling and failure to assess the risk to the local human seafood from the dredge. We were specifically granted approval to address these issues in the permitting phase in order to respond to the deficiencies in the original Environmental Assessment. We have been working to see these problems addressed in the permitting phase but one glaringly important aspect of the dredge, the re-suspension of dioxins and furans during dredging and loading has never been assessed.

Please refer to the attached December 21st 2015 letter to appreciate the dangerous implications if this permit is renewed as amended without first doing a human health risk assessment of the dredging and loading parts of the operation.

You will also be interested to note that Environment Canada was asked by the proponent to amend this permit rather than simply renew it. The amendments were refused on the basis that disposal of the top 40 cm of dredge material could not be permitted without a human health assessment. Environment Canada nevertheless seems to be advising the proponent that the Permit allows that same top 40 cm (of most contaminated materials) to be dredged (re-suspending dioxins and furans and releasing them into the food chain). You will find no assessments of any of this in the Proponent's materials. The only expert analysis was carried out by those objecting. There is therefore **no evidence** on which to base a decision that the dredge could proceed without impacting human health. In fact, on our reading of the permit, there never was any authorization to dredge the top 40cm and still is no such authorization. There is an interpretation issue with the permit.

Interpretation Issue

The Impugned permit appears to authorize ONLY dredging of materials under the top 40 cm of the seabed. EC has been asked to clarify why the proponent is apparently being

advised that the permit extends to the top 40 (most contaminated) cm when no assessment has ever been done of the impacts of resuspension of dioxins and furans. EC has now conceded that disposal of this same material would require a human health assessment yet the renewal of the permit was issued without ANY human health assessment of the exposure to dioxins and furans arising from the dredging operation not to mention without observing procedural and statutory requirements for renewal or amendment.

Lack of Transparency

THERE HAS NEVER BEEN AN APPLICATION FOR AN AMENDMENT OR RENEWAL PUBLISHED ON THE ENVIRONMENTAL REGISTRY AS REQUIRED BY STATUTE AND REQUESTS FOR ANY APPLICATIONS HAVE REPEATEDLY BEEN IGNORED AND REFUSED. ANY RENEWAL IS THEREFORE INVALID. THE PRESCRIBED FORM FOR A RENEWAL REQUIRES PUBLICATION AND REQUIRES CONSIDERATION OF ANY ADDITIONAL CONCERNS THAT HAVE ARISEN SINCE THE TIME OF THE ORIGINAL PERMIT. NONE OF THIS HAS BEEN COMPLIED WITH.

As recently as February 2, 2016 (the same day the permit renewal was first published on the Environmental Registry) we again asked for a copy of the application and were yet again advised by Tiffany Paul of EC that only a letter had been received (which we interpret as an **admission that there was never even a proper application in the prescribed form – Schedule 2 in the Regulation** see following link to Prescribed Form in Regulations - <http://www.canlii.org/en/ca/laws/regu/sor-2014-177/latest/sor-2014-177.html>) and that her manager would not authorize the release of that document (despite previous requests including a Access to Information Request that is now beyond the statutory time for the government response).

As set out in the attached letter of December 21 (under Heading #6), Environment Canada has been asked for this information (as well as other important information) over a period of months going back to at least September of 2014. This is an egregious breach of the requirements of the Act designed to facilitate public participation and a full canvassing of environmental and public health risks arising from proposed projects. You will also see that many other pieces of information in addition to a copy of the application were sought. We were promised a written response to our letters. We do not have the promised (by EC) written response to either of these letters. We also do not have a copy of the permit amendment and renewal applications.

To further illustrate the issues with lack of access, we also attach a copy of our request under Freedom of Information legislation for information that ought to have been

available. As you will see for the most recent response, statutory requirements for time of response have not been complied with.

We look forward to confirmation that a board of review will be established pursuant to section 333 of the Canadian Environmental Protection Act. You may anticipate further submissions however the lack of transparency and fact that the Renewal was not posted until this afternoon caused us to conclude that notification must be provided as soon as possible.

Sincerely,
Luanne Roth
North Coast Energy Campaigner
T. Buck Suzuki Environmental Foundation
250 627 4201
rothL@citytel.net