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Tuesday, April 28, 2015

SUMMARY #1

Rio Tinto Alcan Environmental Appeal Board Hearings

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

Yesterday marked the first of 10-days of Rio Tinto Alcan (RTA) Environmental Appeal Board (EAB) hearings in Victoria, BC. A further ten days of hearings are scheduled to begin in Kitimat on June 1.

Counsel for one the appellants, Kitimat resident Lis Stannus, is Chris Tollefson from the University of Victoria's Environmental Law Centre. In his opening remarks, he said that this case is not about pitting jobs against the environment or people being opposed to the Kitimat Modernization Project. This case is about the need for an adequate venue to critically and comprehensively review available science related to sulphur dioxide emissions.

“The Ministry of Environment (MOE) has failed in its duty to independently assess this project. While the Ministry should be protecting the public interest, it seems to be more committed to meeting RTA’s needs, and this reveals a systemic problem,” Tollefson stated.

Later in the day, Richard Overstall, the Smithers lawyer representing the other appellant, Emily Toews of Kitimat, referred in opening to something known as a “smoke easement” held by RTA. These easements, signed by every homeowner in Kitimat when they acquired their property, forbids them from suing RTA for any damages caused by harm from smoke, dust, or gases from the smelter. The appellants will argue that this infringes on the rights of residents personally and their property, and also means that MOE needs to be extraordinarily careful with decisions that could impact Kitimat residents given their restricted legal ability to protect themselves.

April 27 Witness:

- Dr. Douw Steyn, Professor, UBC Department of Earth, Ocean and Atmospheric Sciences

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