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June 4, 2015

## **SUMMARY #9**

### **Rio Tinto Alcan Environmental Appeal Board (EAB) Hearings**

**KITIMAT – Kitimat Rod and Gun Association, 86 Haisla Blvd. | Kitimat BC | V8C 2B7**

Ian Sharpe, who issued the permit amendment as a Director under the BC Environmental Management Act, was under cross-examination on June 2, 3 and the morning of June 4. The witness on the stand for the remainder of June 4 was David Marmorek, a consultant who co-authored Rio Tinto Alcan's (RTA) Sulphur Dioxide Technical Assessment Report (STAR) and Environmental Effects Monitoring program.

Mr. Sharpe gave evidence about the human health effects from an increase in SO<sub>2</sub> emissions. While there is a clear causal link between sulphur dioxide and asthma attacks for existing sufferers the scientific literature finds only a "suggestive" causal link between SO<sub>2</sub> and the onset of asthma. There is a similar uncertain connection between asthma and premature mortality. RTA deems this uncertainty justification to not include asthma onset in the scope of its study. In cross-examination, Ian Sharpe stated that the Kitimat airshed provides a unique opportunity to gain a better understanding of which emissions cause asthma.

Evidence in the hearing revealed that the Northern Health Authority (NHA) and the BC Centre for Disease Control (BCCDC) found limitations in the STAR and were concerned that it did not use current air quality standards. Instead of incorporating available interim BC air quality standards, Mr. Sharpe opted not to use a standard, reasoning that new BC and federal standards would be issued in the coming years. The NHA and BCCDC recommended that RTA and the Ministry of Environment (MOE) take a proactive approach to dealing with SO<sub>2</sub> by using the best available technology, such as scrubbers.

The appellants questioned Mr. Sharpe about RTA's past instances of non-compliance with emission standards. In 2007, RTA anticipated that air emissions from its existing smelter would go into non-compliance because of poor quality petroleum coke supply - which is consumed as electrical anodes in the smelting process. Despite this knowledge, neither RTA nor the MOE issued a warning to residents of Kitimat. Further, there was no regulatory sanction to this non-compliance from MOE.

During the public consultation phase of the permit amendment, RTA hosted public meetings in Terrace and Kitimat. These meetings resulted in six local non-governmental organizations writing to the Minister of Environment questioning the validity of information provided at the meeting and asking for clarity of Frazer Mackenzie's role as an MOE employee seconded to RTA. The six groups requested a 60-day extension of the public consultation period and asked that additional meetings be held to provide balanced information on the human health effects of increased SO<sub>2</sub> emissions. Mr. Sharpe told the hearing that he did not see any need to deal with these requests.

Mr. Sharpe testified that RTA told him it could take seven years to install scrubbers to clean SO<sub>2</sub> from the smelter emissions. Mr. Sharpe believes installation could be done more quickly. A factor in the timeline for the installation of seawater scrubbers is that they could trigger a federal permitting.

Additionally, counsel for the appellants raised questions about how the election may have factored into the timing of the permit amendment decision. MOE Executive advised Mr. Sharpe to not make the decision during the election.

June 2-4 Witnesses:

- Ian Sharpe, a Director with the BC Ministry of Environment
- David Marmorek, aquatic ecologist with ESSA consultants

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