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Watchdog Dismisses Mining Association Environmental Report as “Spin” — Calls for Tougher Regulation and Enforcement

A 1999 Environmental Progress Report from the Mining Association of Canada has been dismissed as “spin” in a critique distributed by MiningWatch Canada.

A reading of the report shows that six of the ten toxic substances followed have in fact increased since 1996: arsenic, cadmium, chromium, cobalt, hydrogen sulphide and zinc. The MAC report hides this fact by making comparisons with a base line arbitrarily set in 1988.

Only 17 companies participated out of 30 MAC members and hundreds of mining companies in Canada. None of the data has been independently verified.

“It is clear from this report that we cannot trust the industry to monitor itself. Results only come from regulation and enforcement,” said Joan Kuyek, National Co-ordinator for MiningWatch Canada. A KPMG study in 1996 clearly showed that 90% of companies make environmental improvements because of regulation, but only 15-20% make do so voluntarily.

“We might believe the Environmental Progress Report meant something if MAC and its members stopped their corrosive lobbying to reduce money that goes to compliance and enforcement of regulations.”

“If they want us to believe them, they have to stop trying to gut the Fisheries Act,” says Kuyek. Section 36 of the Fisheries Act declares that it is illegal to “place deleterious substances in waters frequented by fish.”

However, for the past 26 years, the mining industry has had an exemption to this Act called the Metal Mining Liquid Effluent Regulations, or MMLER. This regulation is their licence to pollute: it sets limits for how much of certain toxins can be placed in water and under what conditions. For the past seven years, government has been working with industry and environmentalists to update the MMLER.

The mining industry has done everything it can to block progress. They have tried to tie limits to technology they already have, instead of to health impacts. They have opposed changes that would include more sensitive water creatures in testing. They have fought to keep the limits high. They have prevented a monitoring system that would lead to prosecuting offenders. They lobby to dump tailings and mine wastes in oceans and lakes.

In 26 years, there has never been a charge laid under the MMLER, although the industry itself admits that 25% of companies are currently breaking the law.

“Canadians are not fools”, says Kuyek, “We want to see action, not words.”

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Critique of the Mining Association of Canada Environmental Progress Report, 1999

MiningWatch Canada, January 26, 2000

The Mining Association of Canada report makes it clear that the industry feels it has to respond to growing concerns of Canadians about environment and impacts of mining. However, the report does nothing to reassure us about the effectiveness of voluntary emission reductions.

The data in the MAC Report is based on the ARET (Accelerated Reduction/ Emission of Toxic Substances) program that was launched by government and industry in 1994. This program created a voluntary program for emission reduction. Companies are responsible for collecting and reporting their own data. There is no external verification.ⁱ

Environmental groups that had been involved in the ARET program planning withdrew early on, stating that voluntary programs were not going to make substantive lasting changes. They have been proven right.

Baseline Data Suspect

The ARET monitoring program allowed industry to choose any year after 1987 as a baseline for their data, and recommended that they use the National Pollutant Release Inventory (NPRI) guidelines for monitoring emissions. The NPRI guidelines were initiated in 1993.

The Mining Association of Canada chose 1988 as their baseline year because they wanted "to get credit for work that had gone on before ARET"ⁱⁱ. However, in 1988, any data collected would not have been based on NPRI guidelines, since they did not exist. There was no verification of data collection or methodology. Consequently, the baseline data is highly suspect and so is any comparison between baseline and subsequent years.

Only seventeen companies participate in the program

The data in the report is further questionable in that very few companies are part of this program – 17 in all, out of a total of over 94 larger companiesⁱⁱⁱ and over 675 junior companies^{iv} in Canada. There is no information about companies that do not voluntarily join the program.

The data is categorized by company, and – in the background documents- by mine. Only eight substances are monitored and reported, and some compounds of these substances are not on the list.^v There is no independent monitoring of data supplied by companies.

Six out of the ten dangerous emissions in the study are increasing

Contrary to the message in the MAC report, in recent years, emissions of some of the most dangerous toxins have – in fact- been increasing. A cursory review of the year to year increases or decreases of emissions in the report and on the MAC website reveals a disturbing picture.^{vi} Total emissions (from the 17 reporting companies) of Arsenic, Cadmium, Chromium, Cobalt, Hydrogen Sulphide and Zinc, all increased from 1996 to 1998.

Arsenic – percentage increases over previous year in 1996: +55%, in 1997 +7%, 1998 +5%.
Cadmium – from a low of 25.5 tonnes per year in 1995, the increase was +27% in 1996, +3% in 1997, and then -16% in 1998 to rest at 38.9 tonnes per year
Chromium emissions increased steadily from a base of 3.63 tonnes per year in 1988 to 5.86 tonnes in 1998
Cobalt emissions increased from 2.14 tonnes per year in 1993 to 2.97 tonnes in 1998
Hydrogen sulphide emissions went up 29% in 1997 and 5% in 1998
Zinc emissions were 536 tonnes in 1995 and 539 tonnes in 1998.

In the last two years, improvements were only noticeable in Cyanide, Copper, Lead and Nickel emissions. It is in the reporting of cyanide that the omission of smaller mining companies is particularly disturbing. The MAC data is heavily skewed by Battle Mountain and Homestake's dramatic cyanide emission reduction programs and omits cyanide-leach projects owned by companies not in the 17, which are much more risky.

Copper, which went down 18% in 1997 and but up 1% in 1998.
Lead, which showed steady reductions -23% in 1997 and -11% in 1998
Nickel, which went up 4% in 1997 and down -5% in 1998.
Cyanide, 1996-103 tonnes down to 26 tonnes in 1998

We need regulation, not voluntary programs.

It is not just the omissions and distortion of data that make us distrustful, it is the industry's behaviour on the ground. We might believe the Environmental Progress Report meant something if MAC and its members stopped their corrosive lobbying to reduce the money that goes to compliance and enforcement of regulations.

A 1996 KPMG study of corporate boards showed that the prime motive for implementing environmental improvements were: compliance with regulations 90%, board liability 70%, voluntary programs 15-20%. We note that only 13 out of 30 MAC members had even submitted Action Plans to their Voluntary Challenge Registry by the end of the year.

“A review of 19 different regulatory groups found that those industrial sectors which relied solely on self-monitoring or voluntary compliance had a compliance rating of 60% vs the 94% average compliance rating for those industries which were subject to federal regulations.”^{vii}

Industry lobby to gut the power of the Fisheries Act to protect water.

Section 36 of the Fisheries Act declares that it is illegal to “place deleterious substances in waters frequented by fish.” Sounds powerful enough.

However, for the past 26 years, the mining industry has had an exemption to this Act called the Metal Mining Liquid Effluent Regulations, or MMLER. This regulation is their licence to pollute: it sets limits for how much of certain toxins can be placed in water and under what conditions. For the past seven years, government has been working with industry and environmentalists to update the MMLER. The mining industry has done everything it can to block progress. They have tried to tie limits to technology they already have, instead of to health impacts. They have opposed changes that would include more sensitive water creatures in testing. They have fought to keep the limits high. They have prevented a monitoring system that would lead to prosecuting offenders.^{viii} They lobby to dump tailings and mine wastes in oceans and lakes.^{ix}

In 26 years, there has never been a charge laid under the MMLER, although the industry itself admits that 25% of companies are currently breaking the law^x. If they want us to believe them, they have to stop trying to gut the Fisheries Act.

Stop undermining the Protected Areas Strategy.

In 1995 in the *Whitehorse Mining Initiative*, MAC agreed to support protected wilderness areas across the country that would be safe from industry. Now they are silent as Canadian United Minerals demands the right to explore in the new Tombstone Park in the Yukon, and in Ontario, they are pushing for the right to prospect anywhere and for “floating park boundaries” which would be moved if minerals were discovered in the park.

Take responsibility for the disasters caused by Canadian companies overseas

The stories in the report about Inmet, Placer Dome, Boliden and Cambior fail to mention the tailings disasters they are dealing with in other countries, at the Ok Tedi Mine, Marinduque and Porgera, Los Frailes and Omai River.^{xi} Surely, Canada’s environmental record has to include an assessment of the damage our companies cause in other countries. MAC and its members are active lobbyists against transparency about support to Canadian companies overseas at the Export Development Corporation; against extending environmental assessment to Canadian overseas operations, for trade liberalization and structural adjustment policies which damage the economies of poor countries. They help write pro-industry mining laws and regulations in these countries.

Stop lobbying to dump tailings in oceans and lakes

The Homestake story in the report does not tell us that MAC and its members are battling to change Canadian law, so they can dump tailings in Eskay Lake in B.C., or that the Mining Association is active in lobbying to get permission for Canadian companies to mine wastes in the world’s oceans, or that Canada – at their request – has not signed the Law of the Sea.

Canadians are not fools. We want more than “spin” when it comes to reporting on environmental progress. We want and need regulation, monitoring and enforcement. We want to see actions not words.

For more information, contact:

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Endnotes:

ⁱ ARET web-site and conversation with ARET employee Jody Rosenberger, January 26/00

ⁱⁱ Justyna Laurie-Lean to CBC reporter, January 26/00

ⁱⁱⁱ those companies spending more than \$4 million on exploration, data from Brewer, Keith and Lemieux, Andre, *Canada’s Global Position in Mining*, May 7-9, 1997

^{iv} From *Canadian Mining Facts*

^v see Robert Moran, *Cyanide Uncertainties*, Mineral Policy Centre, 1988

^{vi} all data is from the MAC web-site background data for the Environmental Progress Report 1999.

^{vii} Krahn, Peter, *Regional Program Report 98-02*, March 9, 1998, Environment Canada

^{viii} Canadian Environmental Network, *Comments of Issues Proposals Tabled by Environment Canada 01/99*

^{ix} report on 6th annual BC meeting on ARD

^x CEN op. Cit.

^{xi} These disasters are well-documented by a number of sources. See our web-site for details.