

ENVIRONMENT

Court ruling forces mining pollution to be revealed

Environment Canada exemption plugged in major victory for green organizations

BY MARTIN MITTELSTAEDT
ENVIRONMENT REPORTER

Mining companies have long had a loophole in federal environmental right-to-know law that no other industry enjoys. Environment Canada has exempted them from having to track the full extent of the pollution their operations cause.

But a Federal Court ruling issued on Thursday will force Environment Canada to collect from the industry and divulge to the public the amount of toxic compounds in tailings and waste rocks found around every mine in the country.

It is a major victory for environmental organizations that have been pressing Ottawa for more than 16 years to have this information disclosed.

Environmentalists believe that when Ottawa releases the information, it will show that mining waste is the single largest source of industrial pollution in the country. The material is often laced with such hazardous compounds as arsenic and mercury, and if the rocks contain sulphur, is capable of creating sulphuric acid.

"The amount of pollution reporting by these mines is just going to be astronomical," predicted Justin Duncan, lawyer with Ecojustice, a public interest legal group that brought the case against the government on behalf of Great Lakes United and Mining Watch Canada, two environmental organizations.

U.S. mines have had to reveal this information for the past decade, and while they account for less than 1 per cent of industrial facilities, the sector is the source of nearly a quarter of all pollution in the United States, Mr. Duncan said.

Environmentalists say the lack of reporting from the mining sector has skewed federal pollution data and made the industry look cleaner than it actually is.

The ruling requires Environment Canada to make public

mining pollution for annual periods starting with information from 2006.

Environment Canada said in a statement that it "will carefully examine the court's decision to determine what steps will be taken next."

Under federal rules, all major companies must publicly disclose to Environment Canada the amount of harmful substances their activity releases into the environment each year.

This information is then made available on a data base known as the National Pollutant Release Inventory. Data posted on NPRI is easy for the public to see because it can be accessed over the Internet.



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The mining industry doesn't object in principle to revealing its pollution information, but doesn't believe the NPRI is the proper place for the disclosure, said Maggie Papoulias, spokesperson for the Mining Association of Canada. She said the trade group is reviewing the ruling.

According to information provided in the court case, Environment Canada exempted the industry from disclosure requirements because it viewed waste mining material as held in storage and potentially available for further mineral extraction. In this view, the wastes weren't technically released into the environment.

Currently, tailings, the material left over when ore is ground up, are usually dumped in specially constructed ponds, and waste rock is piled around mine sites.