

CCOB FILES MINISTERIAL APPEAL WITH ONTARIO MINISTER OF ENVIRONMENT AND CLIMATE CHANGE

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For Immediate Release

Paris, Ontario, July, 2017 --

The Concerned Citizens of Brant ("CCOB") have filed a Ministerial Appeal to the Minister Glen Murray of the Ministry of Environment and Climate Change, seeking to overturn the Environmental Review Tribunal's April 2017 decision to confirm the MOECC's approval conditions for the construction and operation of sewage works for aggregate washing operations on the Paris Pit site.

The Paris Pit site licence was issued in 1974 with no environmental assessment. 75% of the 640acre site is in the Well Head Protections Areas (WHPAs) of the Paris Town wells. The site has been farmed for corn and soya beans with the use of atrazine and other agrochemicals. Despite requests by Brant County Council and CCOB, the Ministry of Natural Resources refused to revoke the 1974 licence.

In 2012 the industry returned to announce that operations would soon start on this dormant site. Because of the potential high risk of aquifer contamination, CCOB worked tirelessly as applications were made for the Permits to Take Water (PTTW) and the Environmental Compliance Approval (ECA). Acknowledging the limitations of the data presented during these processes, Brant County Council also passed resolutions in March 2015 requesting the MOECC not to grant the PTTW and ECA until more rigorous evidence was presented that ensured the health and safety of the community. Despite these attempts, permits were granted in November 2015. Brant County Council along with CCOB then appealed to the Environmental Review Tribunal seeking refusal of the Permit to take Water and the Environmental Compliance Approval for waste treatment. The ERT granted leave to appeal on certain conditions of the PTTW and ECA. In April 2016 CCOB with Brant County Council moved forward with the Appeal with jointly appointed expert witnesses.

Shockingly, on October 25th 2016, Brant County Council informed CCOB that it had been meeting privately with CRH, the aggregate company, since July and had reached a settlement. The County's settlement was made before our joint expert witnesses had submitted their evidence.

CCOB continued alone with the Hearing that started on December 9, 2016.

Community concerns regarding the release of atrazine residues by the washing and waste treatment processes were supported by Dr. Ken Howard, renowned contaminant hydrogeologist and key Expert Witness from the Walkerton Inquiry. Dr. Howard made the following statement at the MOECC Stakeholder Meeting in Feb. 2015 before the Permits to Take Water and Environmental Compliance Approvals were granted:

"Limited studies were conducted with inadequate data. ...Given the history of the site, this is no run-of-the-mill sand and gravel quarry, and shouldn't be treated as one. It's essential that the key concerns are appropriately addressed BEFORE the operation is allowed to proceed. This is not an unreasonable expectation."

In this Ministerial appeal, CCOB argues that the recent ERT decision failed to consider the risks that Dr. Howard and Dr. Forkert, Medical Toxicologist included in their Witness Statements and their recommendations for precautionary measures.

Dr. Forkert gave evidence that atrazine is an endocrine disruptor for which there is public concern about its health risks including developmental impacts such as sexual maturation, reproductive defects, breast cancer, prostate cancer and reduced sperm quality. Health risks that can occur from exposure at extremely low doses.

In view of this current evidence, of which the Tribunal was aware, it is worrying that Health Canada's guideline on atrazine, issued in 1993, provides assurance that their guideline of 5 µg /litre is "... considered adequate protection for the bottle-fed infant" was accepted by the ERT as a sufficient safeguard for the Paris water supply.

Do the standards from 1993 still apply given research conducted since? **"Should parents be giving atrazine-contaminated water to babies, especially when non-monotonic and developmental effects are established? Should pregnant women be drinking atrazine-contaminated water and potentially risking *in utero* exposure? We say: "NO".**

Dr. Howard detailed the inadequacies of the site studies for the presence of atrazine carried out to date and the serious future risks to the aquifer from settling pond sediment use in pit rehabilitation at one metre above the water table.

The spreading of settling pond sediment, together with spreading of manure and farm sludge throughout the site, has been included by Dufferin Aggregates as an approved activity in its Contingency and Pollution Prevention Plan. This too will be at one metre above the water table in the Well Head Protection Areas for the Paris wells.

Mr. David Malcolm, CCOB's engineering witness and the only witness at the Hearing qualified by the Province of Ontario for Site Risk Assessment, provided alternative ECA Conditions which included a New Science Risk Assessment under current legislation.

In the many years prior to and until the last witness at the Hearing, the industry had claimed that only one of the four test wells had tested positive for atrazine in 2012 and 2013, which evidence had been used in the Pesticide Study and permit applications. In the last days of the Hearing the CRH witness produced an erratum which revealed that in fact all test wells had returned positive results for atrazine at lower detection limits, but this had gone unnoticed previously. The timing of this revelation after all CCOB witnesses had completed their evidence further erodes the trust that community should have in this regulatory process that both MOECC and the industry claims ensures their health and safety.

In March this year, subsequent to the Hearing but before the ERT's decision for the Paris Pit Appeal, the growing toxicological evidence, as referred to by Dr. Forkert, was acknowledged by Health Canada's Pest Management Regulatory Agency (PMRA) when they announced that it was instituting a special review of atrazine as it had become aware of additional information relating to long term impacts including potential human health (drinking water) and environmental risk.

We support PMRA's decision and believe that the ERT decision should have considered this more up-to-date decision rather than the limitations of the evidence quoted by CRH which was from the PMRA 2007 review which had been mainly based on literature from 1964 to 1993.

Long term German Government funded field studies showing atrazine persistence in soil and groundwater for more than 20 years were dismissed by the ERT as " laboratory studies".

Further, more questions are being asked about the additive and cumulative risks along the Grand River Watershed with many aggregate operations along the Galt-Paris moraine as too the use of other agrochemicals such as glyphosate which the World Health Organization's IARC has determined to be carcinogenic. Recent legislation in California has required it to be labelled as such.

Recent media coverage about atrazine found in Toronto and Montreal water supplies show that concerns we have here in Paris (ON) are shared elsewhere. Environmental Defence is leading a petition to ban atrazine, as it has been in the EU since 2004, for the same reasons as put forward by CCOB. Ironically, CRH who opposed CCOB during the ERT Hearing is one of Environmental Defence's corporate sponsors.

CCOB's legal team made strong Closing Statements at the end of the ERT Hearing in Feb. 2017 by summarizing the growing evidence of health and environmental risks since 1974 and a reminder:

"It is 2017".

The ERT Appeal Chair's final statements and gratitude to CCOB for bringing this complex case in a well-considered and well-referenced manner, gave us hope.

We're still in shock that the Tribunal dismissed the strong current scientific evidence presented by our independent Expert Witnesses in support of the recommendation for a New Science Risk Assessment and greater community oversight.

We were reminded by the latest report by the International Commission for the Great Lakes that emphasized the fragility of the Grand River Watershed. We expected that the New Science Risk Assessment would more rigorously address the many unknowns and risks including with climate change that will further impact water quantity and quality given the vulnerability of this particular aggregate extraction site.

Nestle's Water Bottling operations are upstream and raise more questions about how and what will be monitored and what structures and processes will be in place to ensure roles for independent scientific experts and community members.

We have been reminded by some of our community members of **the federal and provincial governments' commitments to evidence-based decisions. A commitment which is also stated in the Minister's Mandate Letter. We are all grateful for these assurances.**

We ask Minister Murray to revise the Tribunal's decision and grant the New Science Risk Assessment and ensure greater community oversight to protect our health and the environment.